

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ..... 810 ..... OF ..... 86 .....

NAME OF THE PARTIES ..... A. K. Chatterjee ..... Applicant

Versus

..... NOT CH ..... Respondent

Part A.

Sl.No.	Description of documents	Page
1		
2	Final order 3.3.92	A7 A11
3	Order sheet	A.1-6
4	Civil Judge petition	1-4
5	Police petition	A.12
6	Counter	A13-A17
7	R A	A18-A24
8	Memo	A-25
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

*File B/c. Decided act / destroyed*

Dated .....

Counter Signed.....

*[Signature]*

*[Signature]*  
Signature of the  
Dealing Assistant

Section Officer/In charge

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

FORM OF INDEX

~~O.A./T.A./B.A./C.C.P./~~ No. 810 / 1986

A-1C Chatterjee vs RS No. 953/85  
C.C. 4 vs

PART - I

1.	Index Papers	:-	1402
2.	Order Sheet	:-	34020
3.	Any other orders	:-	---
4.	Judgement	:-	214025
5.	S.L.P.	:-	---

DY. Registrar

Supervising Officer

Dealing Clerk

Note :- If any original document is on record - Details.

nil

Dealing Clerk

V.K. Mishra

Central Administrative Tribunal  
Lucknow Bench

Cause Title TA 810/86 of 1993

Name of the Parties

A.K. Chatterjee

Applicant

V e r s u s

Union of India

Respondents.

Part A . P.C

AL A

Sl. No.

Description of documents

Page

1.

Check List

2.

Order Sheet

3.

Judgement. dt-3.3-92

4.

Petition Copy

5.

Annexure

6.

Power

7.

Counter Affidavit.

8.

Rejoinder Affidavit.

Miscoppression No. 128/89 - A12

C.A

B.R. file

Rem

AL A6

A2 111

Recd of Civil Judge Lucknow.

Complete file.

A13 A17

A18-A24

A25

B - File B 26 B 38

C - File

2

Very

408.00

2 ✓

72

2 ✓

25

2 ✓

9✓.

9'2.0

9.20

8-5-22

2 ✓

3.

1-50

15

3

100

2/11/88-

10

2✓

65

52

22/11/84

$$510 = 50$$

12

2-7-82

00440

1. 1942-1943 1943-1944 1944-1945 1945-1946 1946-1947 1947-1948 1948-1949 1949-1950 1950-1951 1951-1952 1952-1953 1953-1954 1954-1955 1955-1956 1956-1957 1957-1958 1958-1959 1959-1960 1960-1961 1961-1962 1962-1963 1963-1964 1964-1965 1965-1966 1966-1967 1967-1968 1968-1969 1969-1970 1970-1971 1971-1972 1972-1973 1973-1974 1974-1975 1975-1976 1976-1977 1977-1978 1978-1979 1979-1980 1980-1981 1981-1982 1982-1983 1983-1984 1984-1985 1985-1986 1986-1987 1987-1988 1988-1989 1989-1990 1990-1991 1991-1992 1992-1993 1993-1994 1994-1995 1995-1996 1996-1997 1997-1998 1998-1999 1999-2000 2000-2001 2001-2002 2002-2003 2003-2004 2004-2005 2005-2006 2006-2007 2007-2008 2008-2009 2009-2010 2010-2011 2011-2012 2012-2013 2013-2014 2014-2015 2015-2016 2016-2017 2017-2018 2018-2019 2019-2020 2020-2021 2021-2022 2022-2023 2023-2024 2024-2025 2025-2026 2026-2027 2027-2028 2028-2029 2029-2030 2030-2031 2031-2032 2032-2033 2033-2034 2034-2035 2035-2036 2036-2037 2037-2038 2038-2039 2039-2040 2040-2041 2041-2042 2042-2043 2043-2044 2044-2045 2045-2046 2046-2047 2047-2048 2048-2049 2049-2050 2050-2051 2051-2052 2052-2053 2053-2054 2054-2055 2055-2056 2056-2057 2057-2058 2058-2059 2059-2060 2060-2061 2061-2062 2062-2063 2063-2064 2064-2065 2065-2066 2066-2067 2067-2068 2068-2069 2069-2070 2070-2071 2071-2072 2072-2073 2073-2074 2074-2075 2075-2076 2076-2077 2077-2078 2078-2079 2079-2080 2080-2081 2081-2082 2082-2083 2083-2084 2084-2085 2085-2086 2086-2087 2087-2088 2088-2089 2089-2090 2090-2091 2091-2092 2092-2093 2093-2094 2094-2095 2095-2096 2096-2097 2097-2098 2098-2099 2099-2100 2100-2101 2101-2102 2102-2103 2103-2104 2104-2105 2105-2106 2106-2107 2107-2108 2108-2109 2109-2110 2110-2111 2111-2112 2112-2113 2113-2114 2114-2115 2115-2116 2116-2117 2117-2118 2118-2119 2119-2120 2120-2121 2121-2122 2122-2123 2123-2124 2124-2125 2125-2126 2126-2127 2127-2128 2128-2129 2129-2130 2130-2131 2131-2132 2132-2133 2133-2134 2134-2135 2135-2136 2136-2137 2137-2138 2138-2139 2139-2140 2140-2141 2141-2142 2142-2143 2143-2144 2144-2145 2145-2146 2146-2147 2147-2148 2148-2149 2149-2150 2150-2151 2151-2152 2152-2153 2153-2154 2154-2155 2155-2156 2156-2157 2157-2158 2158-2159 2159-2160 2160-2161 2161-2162 2162-2163 2163-2164 2164-2165 2165-2166 2166-2167 2167-2168 2168-2169 2169-2170 2170-2171 2171-2172 2172-2173 2173-2174 2174-2175 2175-2176 2176-2177 2177-2178 2178-2179 2179-2180 2180-2181 2181-2182 2182-2183 2183-2184 2184-2185 2185-2186 2186-2187 2187-2188 2188-2189 2189-2190 2190-2191 2191-2192 2192-2193 2193-2194 2194-2195 2195-2196 2196-2197 2197-2198 2198-2199 2199-2200 2200-2201 2201-2202 2202-2203 2203-2204 2204-2205 2205-2206 2206-2207 2207-2208 2208-2209 2209-2210 2210-2211 2211-2212 2212-2213 2213-2214 2214-2

9  
29/4/85

154/85

(3) 207

...

...

...

...

1/10/85

21.8.85

...

Put up - 5.9.85 for  
hearing the counsel on  
Munseam report and for orders.

...

5.9.85

...

None for the plff is present  
to make one's submissions  
regarding Munseam report.  
As such the Munseam report  
is held to be correct and valid.  
Virtually the plff wants to enforce

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

मक घाद  
संख्या  
मामला

सन् 19

ई०

बनाम

भाग

आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपालन में किये गये प्रतिवेदन की संख्या तथा दिनांक का निर्देश
2	3	4	5
	<p><u>16.10.85</u></p> <p>The file put up today there is an appn C-11 for recall of the order dt. 5.9.85</p> <p>Heard the counsel. The order dt. 5.9.85 was passed at the back of the counsel since he did not turn up at the time of hearing. It is recalled in the interest of justice.</p> <p>By 2.11.88 for hearing on obj. against Munsam report</p> <p>2/11/88 C-12 application by plaintiff for time to move amendment application</p> <p>order</p>		

Heard. Let amendment appn.

$$24 \frac{2}{3}$$

REPORT OF THE

31/1/86

order.

Let the case be sent to  
the office of the C. D. T.  
immediately so that it may  
be transmitted to Central Administrative  
Tribunal as the suit relates  
to service matters of the Union.

~~McNeil~~  
31/1/86

Mem No. 154/85

(9)

LT 2/4

(Section 4, Act 148)

RS no 453 of 1987

Page 10

86

क्रमांक या दिनांक	वकील, कानूनी सलाहकार व अधिकारी (अनुसार लागू)	निवेदन प्राप्त झालेला आहे व त्याचा यात कोणता अर्थ आहे याबत विचार करा	कार्यालय ये प्रतियोगिता वी निवेदन ये प्रतियोगिता जी तयार, त्या विषयक या निवेदन
2	3	4	5
<p>7/12/87</p> <p>X</p> <p>Vitchally</p> <p>7/17/87</p> <p>X</p>	<p>Case Called out</p> <p>Present counsel for applicant</p> <p>Mulla has submitted his report</p> <p><u>order</u></p> <p>Seen Mulla's report. Court fee paid is sufficient.</p> <p>Registered as a regular suit and thereafter transfer it to the Central Administrative Tribunal Allahabad. through Dist Judge Lucknow</p> <p>Ad.</p> <p>10/3 Send this file to the Central Tribunal Allahabad. Plaintiff to take steps at once.</p> <p>20/3 I am informed that a branch of central Tribunal is working in Lucknow. Hence send it to central Tribunal Lucknow.</p>		

Ad.

Q110 (C16 (T))

(10)

22.8.88 Dr J.

Counsel for respondents  
proys for time and is allowed  
time by 20.9.88 for filing reply.  
He may do so by 21.8.88.

Am  
22/8

Dr J.

20.9.88

Applicant Dr. AK  
Choteyee in 88-2  
sponsored. Despite time  
Respondent not filed  
Reply today.  
Fix 27.X.88  
to filing Reply

Dr

20/9/88

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUGNO.

\*\*\*\*

O.A./T.A. No. 810 1986 (L)

Applicant(s)

Versus

Respondent(s)

Sr. No.	Date	Orders
	27/10/88	Applicant's presence Reply not filed today. Fix 24.11.88. if reply Dehane 27/10/88
	24-11-88	DR 71 Counsel for Respondent is present. Despite sufficient time given to Respondent Reply has not been filed. List this case for hearing / orders & before court on 24-1-89.
	24.1.89	Hon. D.S. Mishra, AM Hon. G.S. Sharma, JM Sri M. Dubey learned Counsel for the applicant and Sri S.S.D. Varma, learned Counsel for the respondents are present. Learned Counsel for the respondents requests for some more time to file reply and we allow him to do so by 24.2.89 when the case be listed for pronouncement of orders. JM Am

24.1.89

WVZ

9/3/89.

Hon. Justice Kamleshwar Nath, V.C.  
Hon. Ajay Dalmi, Jm.

On the request of the learned  
Counsel for the applicant the  
case be listed on 10-3-89  
as part heard case. Sri A.  
Bhangara makes appearance on behalf of OP no 1.

Am.

V.C.

10/3

10/3/89.

Hon. Justice Kamleshwar Nath, V.C.  
Hon. Ajay Dalmi, Jm.

The learned Counsel for the parties are  
present. This case has been proceeding exparte.  
Sri Ajay Bhangara for the respondent's requests  
for three weeks time to file reply which  
in the interest of justice is allowed. A  
copy of the reply may be delivered to the  
applicant's counsel by 31-3-89 and  
the case be listed for final hearing  
on 10-4-89 during which time the  
applicant may file rejoinders if he  
so likes.

Am.

V.C.

10/3

6B

In compliance of court's order  
dt 10.3.89, neither reply nor  
rejoinder has been filed so far  
in the office.

fnish

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

CM No 128/89 W  
REGISTRATION No. 9 of 198

T.A. No 810/86 (T)

APPELLANT  
APPLICANT

A. Khattrye

VERSUS

DEFENDANT  
RESPONDENT

U.O. 2 of 89

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
22/9/89	<p>Hon'ble D.K. Agrawal, J.M.</p> <p>Shri M. Dubey Counsel for the applicant and Shri Arjun Bhargava, Counsel for the respondents are present and heard.</p> <p>The amendment application No. 128/89 W was taken up. It is difficult to make out from the reading of the application as to where the amendment is proposed to be inserted. The Counsel for the applicant, when pointed out the same, requested for time to put another application for amendment. Let another application be made which shall also be numbered as C.M. A No. 128/89 W (to avoid confusion). The Counsel for the respondents, <del>may</del> if he so likes, may file objection thereto within one week's time. <del>to</del> Counsel for the</p>	

Contd. - 2 -

17.6.1990

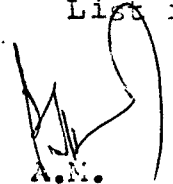
Hon. Mr. J.K. Agrawal, J.M.  
Hon. Mr. P.S. Habib Mohammad, A.M.

18

(P) T.A No 810/86 (T)

Shri. M. Dubey, for the applicant and Shri. A. Bhargav, for the opposite parties are present. Misc. Appl. 28/90 take up. This is a regular suit instituted in 1985 and on transfer to the Tribunal, registered as P.A. 810/86. It is for about a year now that the case is pending only for want of disposal of application for amendment. Still, the application for amendment filed by the plaintiff/applicant is not in order. It is most unfortunate that we <sup>are</sup> face with such fruitless litigation. We were inclined to impose heavy cost on plaintiff/applicant. However, on compassionate ground we are not imposing <sup>the same</sup> that. Let, the correct application for amendment be moved within 3 days, hereof, failing which the plaintiff will forfeit the right to file the amendment. As and when amendment application is moved, the order ~~and~~ should be served <sup>on</sup> to the counsel of the opposite parties to file objection within 3 days of ~~filing~~ of the service of the application.

List it for orders on 10.7.1990.

  
A.M.

Dec  
J.M.

cm 260/90/6  
filed today  
L  
2/14

10.7.90

No sitting Adj. to 7-9-90



7.9.90

No sitting Adj to ~~30/10/90~~ 30/10/90



30.10.90

Due to Holiday Adj to 21.12.90

21.12.90 -

No sitting Adj to ~~13.1.91~~ 30.1.91

19.1 -

No sitting Adj to 25.2.91.

1 -

No sitting Adj to 25.4.91. &

19.1

Case was ready for adj on 28.4.91 &




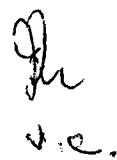
(20) (Hc) 810/86 (A)

2.8.91-

Hon. Mr. Justice K. Math - V.C.  
MO. Mr. K. Dayga - B.M.

On the request of applicant  
case is adjourned to 14.10.91 for  
hearing.


  
B.M.

  
V.C.

14.10.91

No S.iling adp to 3.12.91


3.12.91


  
No S.iling adp to 16.1.92

16.1.92

No S.iling of D.B adp to 6.2.92

6.2.92

No S.iling adp to 3.3.92  


or  
No reply  
filed of the  
comendmit of pbl  
Cation SDH  
  
26.2.92

(21) MX

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

...

Registration T.A. 810 of 1986

( R.S. No. 453 of 1985 )

A.K. Chatterjee ... .. Plaintiff-  
Applicant.

Versus

Union of India and another ... .. Respondents.

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

Hon'ble Mr. A.B. Gorthi, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, VC )

The applicant who has retired from service in the year 1980 was permanent Grade-B Driver in the Northern Railway, Lucknow. As per case of the applicant, he was promoted to Grade-A Driver in the year 1958 but he was maliciously demoted as C-Grade Driver by order dated 3.4.1958. Against the said demotion/ reversion order, the applicant filed a Civil Suit in the court of Civil Judge, which matter went up to the High Court. The High Court vide its judgment and order dated 5.2.1974 has set aside the demotion order of the applicant declaring it to be null and void and the applicant was deemed to be continuing as Driver-B Grade and the suit for arrears of difference of pay from 3.4.1958 to the date of suit was also decreed and it was remanded to the court of Civil Judge for determining the quantum of arrears. The quantum of arrears as determined on 1.4.1978 against which an appeal was filed and the matter was finally decided by the court of Additional District Judge,

Contd ..2p/-

on 27.4.1982 but as the applicant could not get the entire consequential benefits, the applicant was left to file again another suit in the court of Civil Judge, Lucknow praying that a decree for mandatory injunction be granted against the respondents directing them to pass orders promoting the applicant as Driver Grade-A from 1.4.1959 to 31.12.1977 and Driver Special Grade from 1.3.1978 to the date of retirement with all consequences, rights and privileges. During the pendency of the appeal (referred to above) the applicant was promoted to Driver- B Grade in the year 1969. The applicant's grudge is that in case he had not been ~~shown~~ <sup>he</sup> wrongfully, ~~he would not have been demoted/~~ reverted, <sup>he</sup> He would have been promoted to Driver-A Grade w.e.f. 1.4.1959. As the rights of the applicant for getting arrears and other benefits are denied, the applicant after giving notice, filed a suit again on 25.4.1985 which was later on amended. The respondents have resisted the claim of the applicant and have pleaded that the instant suit was barred by time. The applicant was not entitled for any claim being Grade -A Driver. It is also submitted that since the channel of promotion for Special Grade Driver is from Grade- A Driver and the applicant having not been selected for the post of Grade-A Driver, he is not entitled to claim any alleged difference of pay between Grade-A Driver and Special Grade Driver, and promotion from B Grade Driver to A Grade Driver is based on selection and it is a selection post as has been admitted by the applicant itself. The applicant, in his plaint, has stated that it is a selection post and the selection is made on the basis of seniority subject to rejection of unfit. According to the <sup>respondent</sup> ~~applicant~~ <sup>as</sup> the case of the applicant was

decided by the High Court on 5.2.1974, the suit is barred by time and the applicant is not entitled for any relief as claimed. The applicant has stated that the matter remain<sup>ed</sup> pending till 27.4.1982 when it <sup>2</sup> was finally adjudicated by the court of IVth Additional District Judge, Lucknow as referred to above and the execution proceedings in respect of which are still pending, as such, the suit was not barred by time.

2. Coming to the first plea as to whether the applicant's suit is barred by time, We are of the opinion <sup>2</sup> that so far as the monetary part is concerned, the matter was decided in the year 1982 and the applicant has filed a suit within 3 years and it could be said that the money which was belonging to the applicant was in <sup>1</sup> trust with the respondents, and they not having paid <sup>1</sup> the same to the applicant, the suit was very well maintainable within a period of 3 years.

3. So far as the promotional post is concerned, undoubtedly, the applicant is claiming it from before and his case was that when the juniors were promoted, he should have been given promotion till the date. As the matter was still pending and the applicant has been continuously agitating for his rights and claim, it can not be said that the suit was barred by time, and accordingly this plea is rejected. There is no denial of the fact that the post was a selection post but the selection was being made on the basis of seniority subject to rejection being unfit and it is not the case of the respondents that the applicant was rejected because of being unfit. A duty was cast<sup>d</sup> upon the

44

Mo

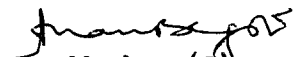
(24)

- 4 -

respondents to give promotion to the applicant from the date he was entitled to. The applicant was earlier passed over as he was demoted/reverted and the said demotion order/ reversion order was ultimately found to be null and void and that is why the same was set aside, and it was directed that the applicant will be deemed to be continuing in service as usual, in case, this order which was ultimately effect to be illegal and void would not have been there. The applicant like others has also <sup>should have</sup> been promoted w.e.f. from the due date <sup>in</sup> which the year 1959 when his first junior was promoted. In case, the applicant would have been promoted ~~with~~ from that date, in the normal course, the applicant would have been considered or would have been promoted to the post of Driver Special Grade in the year 1978 i.e. prior to his retirement. It is <sup>a</sup> settled principle of law that no one is to suffer because of the lapses, delay or error on the part of the Government and as has been observed in the case of State of Maharashtra Vs. Jagannath Achyut Karandikar, A.I.R. 1989, SC page 1133. The same position is also involved in the present <sup>case</sup>, therefore, the applicant is not to suffer for the error which was committed by the respondents by not promoting him earlier and making him to wait because of that illegal reversion order. As the applicant has now retired from service and further he has not worked, on the promotional post, he can not claim salary for the said period on the principle of 'No Work and No Pay' though he was not responsible for the same but he is entitled to relief of the promotional post at least notionally.

les

4.11 Accordingly, the respondents are directed to promote the applicant notionally w.e.f. the date his first junior was promoted in the year 1959 on the same criteria by considering his case to the post of Driver Special Grade w.e.f. due date in the year 1978. Let this be done with a period of 3 months from the date of receipt of communication of this order. Although, the applicant will not be paid salary and wages for these promotional posts of Driver Grade-A and Driver Grade-B but will be entitled to pensionary and other benefits on that score. The application is disposed of with the above observations. Parties to bear their own costs.

  
Member (A)

  
Vice-Chairman

Dated: 3.3.1992

(n.u.)

In the Court of the Chief Scribe, Chhatrapati  
 Regent no. 45 of 1885  
 A.K. Chhatrapati, Rs. Union of India and the  
 Court fee stamp Rs. 500/-



1005  
 1005

In the Court of Civil Judge, Mohanlal Ganj, Lucknow.

R. S. No. 453 of 1985.

24/3/85

A.K. Chatterjee, aged about 63 years,  
son of Charu Mohan Chatterjee,  
resident of ~~122A, Rose Road, Alambagh,~~  
Lucknow. ~~62, C. Bose Road, Bagh Mahal~~ Plaintiff.

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Northern Railway, Lucknow. Div. .... Defendants.  
*Hazratganj Lucknow -*

Suit for Mandatory Injunction

The plaintiff states as under:-

1. That the plaintiff was permanent A-Grade Driver, Northern Railway, Lucknow under the defendant no. 2. In 1958 the plaintiff was due to be promoted to A-Grade Driver but he was maliciously demoted as C-Grade Driver by order dated 3.4.1958 passed by the Divisional Superintendent, Northern Railway, Lucknow and the office of Divisional Superintendent has now been redesignated as Divisional Railway Manager, Northern Railway, Lucknow.





2. That the plaintiff questioned the validity of the order dated 3.4.58 and filed a regular suit which was registered as R. S. No. of 115 of 1959 of the Court of Civil Judge, Mohanlal Ganj, Lucknow. This suit was ultimately decreed in favour of the plaintiff in Civil Appeal No. 502 of 1965 by the Appellate Civil Court, Lucknow Bench, Lucknow on 1.6.74. The order dated 3.4.58 relating to the

*For Copy of  
Plaint  
25/2/87*

Contd. p.

After the word is checked, <sup>2</sup> before as the following be inserted.

2<sup>nd</sup> page 2, last line 2<sup>nd</sup> line -  
 "from 1.4, 59 to 31.12.77

[illegible]

5. As to Plaintiff's claim for the next higher post is to Special Grade Driver. Plaintiff could have obtained this post normally in March, 1978. The plaintiff is entitled to the difference of pay between Special Grade Driver and Grade-A from 1.3.78 to the date of his retirement. The defendants are wrongfully and maliciously denying the right of plaintiff to receive arrears of difference of pay between Grade-A and Grade-A Driver from 1.4.78 to 31.12.77 and arrears of difference of pay between Grade-A and Grade-A Driver from 1.3.78 to the date of his retirement. The action of the defendants is, wrong, illegal, malicious and discriminatory. The defendants are under an obligation to pay to the plaintiff the difference of pay between Grade-A and Grade-A Driver. The plaintiff served notice of his claim on 1.4.78 and on 1.4.78 under Section 21.0. under which it was held on 27.5.78 but the defendants did not comply with the notice. Now, the only remedy left for the plaintiff is to approach the court for an injunction to stop the defendants from doing the same thing again.

U.S. ...  
...  
...  
...  
...  
...  
...  
... at Hagerling, Lincoln.

Amir Kuma (Laf.)



21/3/77

:: 4 ::

7. The value of the property for the purpose of court fee is Rs. 10,000/- and the court fee of Rs. 800/- is paid.

8. The plaintiff prays that:-

(A) That the defendant be directed to pay to the plaintiff the sum of Rs. 10,000/- with interest at the rate of 12% per annum from the date of the judgment till the date of payment. 31.12.77 Rs. 10,000/-

(B) That the defendant be directed to pay the plaintiff the sum of Rs. 800/- as court fee.

(C) That the defendant be directed to pay the plaintiff the sum of Rs. 10,000/- with interest at the rate of 12% per annum from the date of the judgment till the date of payment.

*For and on behalf of Plaintiff*

Dated: 25/12/77

At: 25/12/77

*M. Dutt*

Verdict

The court has found in favour of the plaintiff and has directed the defendant to pay to the plaintiff the sum of Rs. 10,000/- with interest at the rate of 12% per annum from the date of the judgment till the date of payment.

The court has also directed the defendant to pay the plaintiff the sum of Rs. 800/- as court fee.

Dated: 25/12/77

At: 25/12/77

*For and on behalf of Plaintiff*

*M. Dutt*

In the Court of Civil Judge  
~~Magistrate~~, Lucknow

Rs no of 1985.

A. K. Chatterji - - - Plaintiff  
Vs.

Union of India and another. Defendants

REGISTERED-ADDRESS-  
O.F - PLAINTIFF

A. K. CHATTERJI

S/O LATE SHRI CHARU MOHAN

CHATTERJI

6, G. C. BOSE ROAD

R/O ~~VIA A ROSE ROAD~~

BHGH MANNU

~~BAHGH~~ BAHGH.

LUCKNOW.

Anand Kumar Chatterji

Counsel for Plaintiff.

## वादी/प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

[ आदेश १३ नियम ]

न्यायालय Civil Judge, District Court, Meerut

वाद संख्या Re सन १९८५ ई०

A. K. Chatterji

वादी

बनाम

Union of India &amp; another

प्रतिवादी

वाद पत्र के साथ

वादी/प्रतिवादी की ओर से

पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची की

ने आज सन १९

के

दिवस को पेश किया

१	२	३			टीप्पणी
क्रम सं०	दस्तावेज का अभिवर्णन और उसकी तारीख	कागज किया हुआ			
		यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उसपर डाला गया	यदि नामंजूर हुआ तो पक्षकार को लौटाये जाने की तारीख एवं पक्षकार या उसके अभिवक्ता के हस्ताक्षर जिसको कागज लौटाया गया	यदि वाद निश्चय के पश्चात कागज अभिलेख में रह जाये और अध्याय ३ नियम २४ के अधीन लिफाफे में बन्द किया तो लिफाफे में बन्द जाने की तारीख	
1)	Copy of notice dated 25.5.83				<div>न्यायालय के नाम वाद संख्या पक्षकारों के नाम</div>
2)	Two Po. receipts no 1339 and 1340 dated 27.5.83				
3)	Acknowledgment received from Union of India				

Amrinder Kumar Chahal

Anand Kumar Chatterji

मूल्य एक प्रति १ पैसे

सूची पेश करने वाले पक्षकार के हस्ताक्षर

Notice

22-9-

From: Shri A.K. Chatterji aged about 61 years S/O late Shri Chandra Mohan Chatterji resident of 122-A Rose Road Alambagh, Lucknow

Through: Shri M. Dubey, Advocate, 4th lane, Nawiya Ganesh, Lucknow.

To,

1. The Union of India  
Through-General Manager  
Northern Railway Baroda House  
New Delhi. Railway
2. The Divisional Manager  
Northern Railway  
Lucknow.

Under instructions of my client  
Mr. Chatterji, above named, I have  
still as under -

① Under instruction of my client Shri A.K. Chatterji was a Driver 'B' grade, N. Railway, Lucknow in substantive capacity was illegally and arbitrarily demoted to 'C' grade by an order of 3.4.1958 passed by Divisional Supt, N. Railway Lucknow.

2. That my client, Shri A.K. Chatterji agitated the matter in the civil courts and High Court and the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow allowed my client's appeal with costs in second appeal no 502 of 1965 judgment and order dt 5.2.1974 passed by the Hon'ble Justice Jagmohan Lal and declared that the impugned order dt 3.4.1958 passed by the Divisional Supt is invalid and that in spite of that order my client continued in service as Driver 'B' Grade.

3. That the Hon'ble High Court of Judicature at Allahabad Lucknow Bench, Lucknow by its judgment dt 5.2.1974 had directed the case to go back to the trial court to determine to what amount, if any my client was entitled as arrears of his emoluments for the period between the date of the impugned order and the filing of the suit. In consequence of this direction, the civil Judge Mohanlal Ganj Lucknow adjudicated the matter, A.S. No 115 of 1960 and ordered that the plaintiff (my client) is entitled to Rs 9186.59 from the defendant towards the arrears of pay and allowances etc in view of the orders of Hon'ble High Court. This was upheld by the IV Addl District Judge Lucknow even in appeal (INROA No 381 of 1978) filed by the Union of India against the judgment and decree dt 2.2.1978 passed by the Civil Judge Mohanlal Ganj. The order dt 2.2.1978 passed by the IV Addl District Judge Lucknow has become final.

4. That the order dt 3.4.1958 was held invalid and annulled and was a charge to all emoluments and allowances of my client by order dated 5.2.1974 (High Court). My client is, therefore, also entitled to get difference of emoluments and allowances due and drawn between the period of 27.11.1960 to the filing of the suit to 1st June 1969 when he was again promoted to B Grade Driver.

5. That my client is entitled to have been promoted to special grade driver from April 1959 when other incumbents junior to him were promoted. Further in the same chain of promotion he is entitled to have been promoted as special grade driver in March 1978 and accordingly to the benefits of all allowances, allowances and mileage to 'A' grade driver from April 1959 and special grade driver from March 1978.

6. That my client has written several letters to the authorities a number of times for allowing him the arrears of ~~time for allowing~~ emoluments and allowances including D.T.A. and mileage as 'A' grade driver from April 1959 and March 1978 respectively. The matter has been deterred malafide and maliciously with bias and prejudices harboured by them.

7. That my client claims the following relief:

1. That he should be deemed to have acted as special grade driver from April 1959 and special grade driver from March 1978 and the difference of emoluments and allowances due to him.

11 1/2

allowances as due and drawn be paid to him.

That 12% P.A. interest be also paid on the deferred wages.

Notice is, therefore, served upon you under section 80 of U.P.C. and you are required to settle the claim of my client and pay him the dues within two months of its receipt failing which my client shall be compelled to file a declaratory civil suit against the Union Govt in a competent court of law for permanent injunction for declaring my ~~claiming~~ client to have acted as A grade Driver from April 1959 and spl grade Driver from March 1978 to be entitled to all attached benefits as due from time to time as pay, allowances, J.T.A. and mileage etc and in that case you shall be responsible for all costs and expenses incurred by my client.

Dated Lucknow

25.5.1985

*30/5/85*  
*done* *ok* *copy*  
( M. Dubey )  
Advocate

In the Court of the Chief Judge of the  
High Court of Madras.

A.K. Chatterjee ———— Plaintiff

vs.  
Union of India & Ors.  
————— Defendant  
Reg. Suit No. of 1985

218

In the Court of the Chief Justice  
~~of the High Court~~ of Madras  
Reg. No. 12 of 1985

A.K. Chatterjee — Plaintiff  
vs.  
Union of India & Ors — Defendant

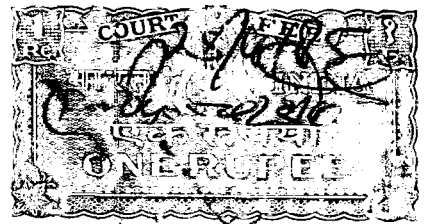
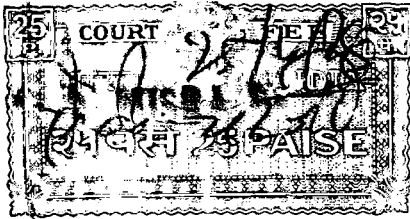
For the Plaintiff

दा अदालत श्रीमान  
[ वादी ] अपीलान्त

In the Court of the Chief Justice  
G. K. Reddy

का वकालतनामा

प्रतिवादी (रिस्पॉण्डेंट)



नं० मुकद्दमा

Union of India

बनाम  
सन

पेशी का तारीख

प्रतिवादी (रिस्पॉण्डेंट)  
१६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

B. Solomon Advocate

वकील

and M. Deeky Advocate

महोदय

H. S. Sankar Mohd. Shole and R. K. Yadav

एवम के

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 जबाबा देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या या सुलहनामा व इकबाल दाबा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी ( करीकसानी ) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त ( दस्तखती ) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गयी वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा 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 फंसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया ताकि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर Anand Kumar Chetty

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 25/6

महीना 16/6 सन १९८५ ई०

स्वीकृत

B. Solomon

R. K. Yadav

A. K. Chatterjee, aged about 63 years,  
son of Charu Mohan Chatterjee,  
resident of 122 A, Rose Road, Alambagh,  
Lucknow. *C. G. C. Zone Road, Bazar, Main* Plaintiff.

Versus

1. Union of India through General Manager,  
Northern Railway, Baroda House,  
New Delhi.
2. Divisional Railway Manager,  
Northern Railway, Lucknow. *Due to* Defendants.  
*Hazratpur Lucknow*

Suit for Mandatory Injunction

the plaintiff states as under:-

1. That the plaintiff was permanent B-Grade Driver, Northern Railway, Lucknow under the defendant no. 2. In 1958 the plaintiff was due to be promoted to A-Grade Driver but he was maliciously demoted as C-Grade Driver by order dated 3.4.1958 passed by the Divisional Superintendent, Northern Railway, Lucknow and the office of Divisional Superintendent has now been redesignated as Divisional Railway Manager, Northern Railway, Lucknow.

2. That the plaintiff questioned the validity of the order dated 3.4.58 and filed a regular suit which was registered as R. S. No. of 115 of 1960 of the Court of Civil Judge, Mahanaganj, Lucknow. This suit was ultimately decreed in Second Civil Appeal No. 502 of 1965 by the Hon'ble High Court, Lucknow Bench, Lucknow on 6.2.74. The order dated 3.4.58 demoting the

plaintiff from Driver A-Grade to Driver C-Grade was declared null and void and the plaintiff was deemed to be continuing as Driver A-Grade and the suit for arrears of difference of pay from 3.4.58 to the date of suit was also decreed and the suit was remanded to this Court for the purpose of determining the quantum of arrears.

3. That this Hon'ble Court by judgment and decree dated 1-8-78 determined the amount of arrears the plaintiff was entitled to as Rs. 9186.59 Paise with costs. The judgment and decree dated 1.4.78 passed by this court was confirmed in R.C.A. No. 381 of 1978 decided by IVth Additional District Judge on 27.4.82 but the entire benefit accruing to the plaintiff from the judgment and decree of ~~this~~ court has yet not been granted and the matter is pending in <sup>✓ of Civil Judge Mahabubnagar Lucknow.</sup> ~~this~~ court on the execution side vide Ex. Case No. 27 of 1983 fixed for 3.5.85.

4. That the defendants realise the weakness of their defence and during the pendency of the 3rd appeal no. 502 of 65 in the Hon'ble High Court, Lucknow Bench, Lucknow promoted the plaintiff again to Driver A-Grade in 1969. If the plaintiff had not been demoted on 3-4-58 from Driver A-Grade to Driver C-Grade he would have been promoted to Driver A-Grade w.e.f. 1.4.59. The promotion to Driver A-Grade was purely on the basis of seniority subject to rejection of unsuitable candidates. Among the Drivers B-Grade posted as Lucknow Division in 1958 the plaintiff was the senior-most Driver B-Grade. His right of becoming Driver A-Grade by promotion was denied as he was maliciously demoted on 3-4-58 as Driver C-Grade. In consequence of the demotion of plaintiff his juniors were promoted to Driver A-Grade w.e.f.

plaintiff was wrongfully denied this post of Driver A-Grade and he is now entitled to a difference of pay between Driver A-Grade and Driver B-Grade as he has already retired from service in 1980 <sup>by 31st May.</sup>

5. That from Driver Grade-A the next higher post is to Special Grade Driver. The plaintiff could have obtained this post normally in March, 1978. The plaintiff is entitled to the difference of pay between Special Grade Driver and Grade-A from 1.3.78 to the date of his retirement. The defendants are wrongfully and maliciously denying the right of plaintiff to receive arrears of difference of pay between Grade-A and Grade-B Driver from 1.4.59 to 28.2.1978 and arrears and difference of pay between Special Grade and A-Grade Driver from 1.3.78 to the date of retirement. The action of the defendant is wrong, illegal, malicious and discriminatory. The defendants are under an obligation to pay to the plaintiff the difference of arrears of pay as detailed herein. The plaintiff served a notice dated 25.5.83 on the defendants under Section 80 C.P.C. under registered post on 27.5.83 but the defendants did not comply with the said notice. Hence, the necessity of this suit for mandatory injunction commanding the defendants to pay the arrears of pay to plaintiff.

6. That the cause of action accrued to the plaintiff against the defendants on 27.4.82 when the H.C. No. 115 of 1960 was finally decided in H.C. No. 381 of 1978 on 27.4.82 and on 27.5.83 when the notice under section 80 C.P.C was served and continues on each day thereafter within the competent jurisdiction of this court. *at Hagnalgy Lincenow*

7. That the valuation of suit for the purpose of court fees is Rs. 80,000/- on which a maximum court fees of Rs. 500/- is paid.

8. That the plaintiff prays as under:-

(A) That a decree for mandatory injunction be granted against the defendants <sup>directing</sup> ~~commanding~~ them to ~~pay to~~ <sup>to pass order promoting</sup> the plaintiff allowance and arrears of ~~difference of pay between Driver Grade A and Driver Grade B~~ <sup>and</sup> from 1.4.59 to 28.2.1978 ~~and between Driver Special Grade and Grade A~~ from 1.3.78 to the date of retirement, <sup>with all consequences, rights and privileges</sup>

*from 1.4.59 to 28.2.1978  
and between Driver Special Grade and Grade A  
from 1.3.78 to the date of retirement, with all  
consequences, rights and privileges*

(B) Costs of the suit be awarded to plaintiff.

(C) Any other relief deemed just and proper in the circumstance of the case be also awarded to the plaintiff.

Lucknow :

Dated : 25-4-1985.

Plaintiff.

### Verification

I, the plaintiff named above do hereby verify that the contents of paras 1 to 7 of the plaint are true to my own knowledge and the contents of paras 8 to 9 of the plaint are believed by me to be true.

Signed and verified this the 25<sup>th</sup> day of April, 1985, in the Courts Compound at Lucknow.

Lucknow :

Dated : 25-4-1985.

Plaintiff.

In the Court of the District Judge, Madras

F.F.

## समन वासते करारवाद उमूर तनकीह तलब

नं० मुकद्दमा १९८५ (आर्डर ५, कायदा १९५५)  
वअदालत के जज के आदेश पर  
To the Divisional Railway - बनारस  
Manager, Northern Railway, साकिन  
Lucknow  
हस्ताक्षर - P. S. Chakravarty  
Union of India & others  
वअदालत के जज के आदेश पर  
To the Divisional Railway - बनारस  
Manager, Northern Railway, साकिन  
Lucknow  
हस्ताक्षर - P. S. Chakravarty  
Union of India & others

हस्ताक्षर - P. S. Chakravarty ने आपके नाम से एक नालिख बाबत  
के दायर की है लिहाजा आपको हुकम होता है कि आप बलारीख माह  
बबकल १० बजे दिन के अमलनन या मारफन वकील के जो मुकद्दमा न हालन से बाकई बाकिफकार  
किया गया हो और कुल अहम उमूरान मुनालिक का जनाब दे सके या जिसके साथ और कोई सहज  
हो कि जो जबाब ऐसे सवालन का दे सके हाजिर हो और जबाब देही दावा को करे और आपको  
आजिम है कि उसी रोज जुमला दस्तावेज पेश करे जिन पर आप अग्राहद अपनी जबाब जही के  
इसदलाल करना चाहते हो वयान तहरीरी दिनक  
को दाखिल करे।

आपको इतला दी जाती है कि अगर बरोज मजकूर आप हाजिर न होने तो मुकद्दमा बगैर  
हाजिरी आपके मसमूम और कंमला होगा।

मेरे हस्ताक्षर और मोहर मादालत से आज बलारीख माह सन १९८८ ई० को  
जाही किया गया।

## इसला

(१) अगर आपको यह अदेश है कि आपके गवाह अपनी मर्जी से हाजिर न होने तो आप  
अदालत हाजा से समन मारद जारी करा सकते हैं कि जो गवाह हाजिर न हो वह जबरन  
हाजिर कराया जाय और जिस दस्तावेज को किसी गवाह से पेश करने का आप इस्तेमाल रखते  
हैं वह उस जमाने कराई जाय वगैर कि आप खर्चा जरूरी अदालत में दाखिल करके इस अमकरी  
दरखवात गुजराते।

(२) अगर आप मनावा मुकद्दमा को तसलीम करते हैं तो आपको आजिम है कि कपया मय खर्चा  
नालिख अदालत में दाखिल करे हाकि कारवाई इजराय दिवरी को जो आपकी जात व माल या  
दीनों पर के पड़े।

In the Court of the District Judge, Madras

F.F.

## समन वासते करारवाद उमूर तनकीह तलब

नं० मुकद्दमा १९८५ (आर्डर ५, कायदा १९५५)  
वअदालत के जज के आदेश पर  
To the Divisional Railway - बनारस  
Manager, Northern Railway, साकिन  
Lucknow  
हस्ताक्षर - P. S. Chakravarty  
Union of India & others  
वअदालत के जज के आदेश पर  
To the Divisional Railway - बनारस  
Manager, Northern Railway, साकिन  
Lucknow  
हस्ताक्षर - P. S. Chakravarty  
Union of India & others

हस्ताक्षर - P. S. Chakravarty ने आपके नाम से एक नालिख बाबत  
के दायर की है लिहाजा आपको हुकम होता है कि आप बलारीख माह  
बबकल १० बजे दिन के अमलनन या मारफन वकील के जो मुकद्दमा न हालन से बाकई बाकिफकार  
किया गया हो और कुल अहम उमूरान मुनालिक का जनाब दे सके या जिसके साथ और कोई सहज  
हो कि जो जबाब ऐसे सवालन का दे सके हाजिर हो और जबाब देही दावा को करे और आपको  
आजिम है कि उसी रोज जुमला दस्तावेज पेश करे जिन पर आप अग्राहद अपनी जबाब जही के  
इसदलाल करना चाहते हो वयान तहरीरी दिनक  
को दाखिल करे।

आपको इतला दी जाती है कि अगर बरोज मजकूर आप हाजिर न होने तो मुकद्दमा बगैर  
हाजिरी आपके मसमूम और कंमला होगा।

## इसला

मेरे हस्ताक्षर और मोहर मादालत से आज नाख माह सन १९८८ ई० को  
जाही किया गया।

(१) अगर आपको यह अदेश है कि आपके गवाह अपनी मर्जी से हाजिर न होने तो आप  
अदालत हाजा से समन व मारद जारी करा सकते हैं कि जो गवाह हाजिर न हो वह जबरन  
हाजिर कराया जाय और जिस दस्तावेज को किसी गवाह से पेश करने का आप इस्तेमाल रखते  
हैं वह उस जमाने कराई जाय वगैर कि आप खर्चा जरूरी अदालत में दाखिल करके इस अमकरी  
दरखवात गुजराते।

(२) अगर आप मनावा मुकद्दमा को तसलीम करते हैं तो आपको आजिम है कि कपया मय खर्चा  
नालिख अदालत में दाखिल करे हाकि कारवाई इजराय दिवरी को जो आपकी जात व माल या  
दीनों पर के पड़े।

馬

नं० मुकद्दमा - जिला - सेशन  
 वज्रदालत Civil Judge Meerut मोकना - At Chakrari  
 मुद्दा

क दायर का है लिहाजा अ पको हुकूम होता है कि आप बतवारीख माह सन १९८८ ई०  
 ववमस्त १० बजे दिन के असलतन या मारफन वकील के जो मुकद्दमा के हालत से वाकई बाकि प्रकार

इसतलाल करना चाहते हो क्या नहारी दिनार्क को दाखिल करे ।

मेरे हस्ताक्षर और मोहर आदालत से आज बगारोख माह सन १९८ ई० को

इति

(२) अगर आप मुन्डई को तसलीम करने हैं तो ३, पको लाजिम है कि खया मय खर्चा

नालिग अदालत में दाखिल करें। नाकि कारवाई हुआय डिग्री की जो आपको जाल व माल या दोनों पर करने पड़ें।

九

व अदालत  
The United Nations  
विश्व शांति परिषद  
न १ मुंबई ४०० ०००

के द्वारा ही है निरुद्धा आरको हृत्प मोना है कि ज्ञान गतिव पा' सन १९८८ ई

इन्दीयाल करना चाहते हैं क्या न करना चाहते हैं ? को दाखिल कर ।  
 क्या है इन्दीया की जानी है कि अगर बोज मकनू प्राय होजिर न होगे तो मकनमा बगौर

होता है या वह न भवता है, यह निर्णय है।

5423

आपनी शिक्षा लया ।

१४. अगर आपकी पढ़ाई अच्छी है कि आपके गणित अपनी मर्जी से कठिनाई न हो तो आप

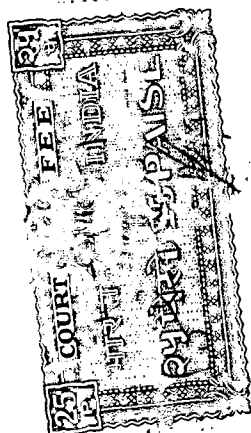
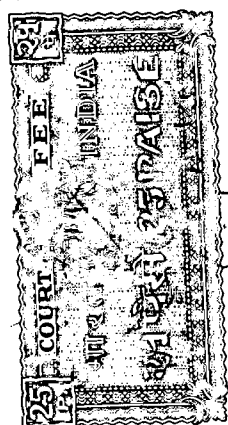
(२) अगर आप मनालवा मंडई को नसलीम बनाने हैं तो आपको लाजिम है कि रुपया मय खर्चा

नामिश भद्रालाल में दक्षिण पूर्व नाकि कारवाही इजरायल हिंदी की जो आपकी जान व माल या दो पंचकाला पड़े ।

In the Court of District Judge, Luck now  
3/98

A.K. Chatterjee Plaintiff  
Union of India Defendant  
Dependence Suit

In the above named case, it is  
submitted as under,



(1) That S.G.S was filed for Munsuram's report. The file was not put up in the early part of the day. At about 2.30 PM, when the counsel appeared in court, he was informed that the order has already been passed.

(2) That on contacting the office, it was revealed that in his absence of the counsel, Munsuram's report had been accepted and order passed accordingly.

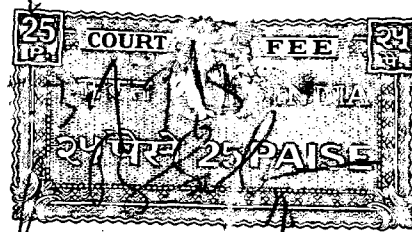
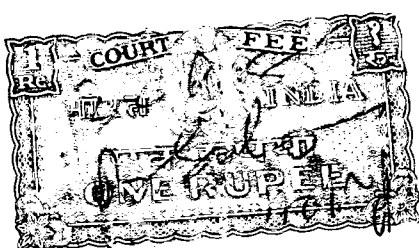
(3) That the hearing for the plaintiff was held up in the session trial on 24/3 of 1948 in the Court of the District Judge. The plaintiff was present in court when the order was passed. The plaintiff was not in the place.

It is submitted that the plaintiff was not present in court when the order was passed. The plaintiff was not in the place.

Lucknow  
9-9-48

*[Signature]*  
Counsel for Plaintiff

3-1-50  
uo  
4-9-48



A.K.Chatterji

.. Plaintiff.

Versus

Union of India & another

.. Defendant

Defective Suit FF 16-10-85

In the above noted case it is submitted as under ; -

1. That 5.9.85 was fixed for Munsarim report and the file was put up in early part of the day. At about 2.30Pm, when the counsel reached the court, he was informed that the orders had already been passed.
2. That on contacting the office, it was revealed that in absence of the counsel, Munsarim's report had been accepted and the orders passed accordingly.
3. That the counsel for the plaintiff was held up in the session trial no 343 of 1984 in the court of VIII Additional Sessions Judge and so he could not reach this Hon'ble court in time.
4. That hearing , which was essential before accepting the Munsarim's report could not take place in the circumstances stated above .
5. That the plaintiff moved an application on 9.9.85 praying that the order dated 5.9.85 be recalled and the matter be reheard afresh. No order has yet been passed on this application. This is necessary in the interest of justice .

It is , therefore , most respectfully prayed that

the order dated 5.9.85 be recalled and the matter be  
heard afresh.

Lucknow

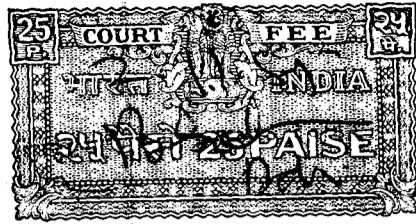
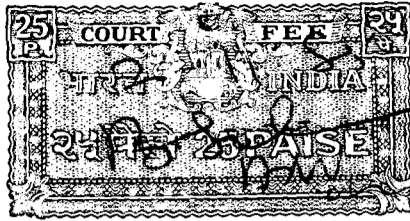
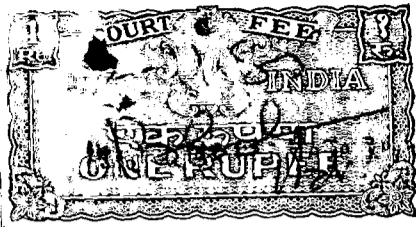
30.9.85

*B. Solomon*  
(B. Solomon) *BW*

Advocate

Counsel For Plaintiff

In the court of Civil Judge Lucknow C-12



321.50

M  
2/11/85

A. K. Chatterji

VS

Union of India

Plaintiff

Defendant

Ex. 2/11/85

In the above noted case, the  
prayer is proposed to be amended  
as under;

"That a decree for mandatory  
injunction be granted against the defendants  
directing them to <sup>pass</sup> orders promoting the  
plaintiff as A grade driver from 1-4-85  
to 28.2.1978 and special grade <sup>Driver</sup> from  
1.3.78 to the date of retirement with  
all consequential relief and  
privileges".

The plaintiff be given  
time to move the amendment  
accordingly.

Lucknow  
2-11-85-

B. Solomon  
Counsel For Plaintiff  
Adv

Mica  
154 of 1985

A.K.Chatterji

.. Plaintiff .

Versus

Union Of India

.. Defendant

F.F. 22.11.85

Application for amendment under Order 6 rule 17

C.P.C.

The humble applicant states as under ; -

1. That in para 8, the relief be amended as under ;
  - a) The word 'Commanding' be substituted by the word 'directing'
  - b) The words 'to pay to' be deleted and words "to pass orders promoting" be substituted and after "plaintiff" 'as' be added;
  - c) The words "allowances and arrears of difference of pay between" be deleted and after the words Driver 'A' Grade, the words " and Driver Grade B " be deleted and after the date 28.2.78 the words " and between" be deleted and the word " and" be ~~deleted and the word " and" be~~ added in its place; and after the words Driver special Grade, the words " and Grade A' be deleted; and
  - d) After deleting full stop the following be added " with all consequences, rights and privileges".
- 2) That the amendment in the plaint is necessary as indicated in the proceeding paragraph which does

6 = 157

22/11/85

Anand Kumar Chatterji

not change the nature of the case .

It is , therefore , most respectfully prayed  
that the amendment as indicated in para 1 above  
be permitted to be made in the plaint.

Lucknow

Dated 22.11.85

*A. K. Chatterji*

Plaintiff

*B. Solomon*

I the plaintiff above named do hereby verify that  
the contents of para 1 above are true to my knowledge  
and those of para 2 are believed to be true.

Signed and verified this 22<sup>nd</sup> day of November  
1985 with in the court's compound at Lucknow.

Lucknow

Dated 22.11.85

*A. K. Chatterji*

Plaintiff

2. The question whether the court fee paid in the case is sufficient or not was to be decided by the trial Court. The suit was not registered before its transfer to the Tribunal and as such, it could not be transferred under Section 29 of the Administrative Tribunals Act. The case has, therefore, to go back to the trial Court for deciding the question of court fee. In case the court fee paid is found to be sufficient, he may retransfer the case after getting it registered in the relevant register. In case the court fee paid is found to be insufficient, he may allow the plaintiff adequate opportunity to pay the additional court fee and thereafter as and when the case is registered, it may be transferred to the Tribunal. As we have no jurisdiction to hear the case in the present form, we are not inclined to consider the amendment application.

3. Let the record of the case be returned to the trial Court for deciding the question of court fee. The parties shall appear there on 27.5.1987.

Sd/-

MEMBER (A)

Sd/-

MEMBER (J)

Dated 23.4.1987

(VINOD KUMAR)

Central Administrative Tribunal  
Add.

R  
1978

1319 12/1/86  
Re

Central Administrative Tribunal, Allah.

Registration T.A.No. 810 of 1986

(Misc. Case no.154 of 1985)

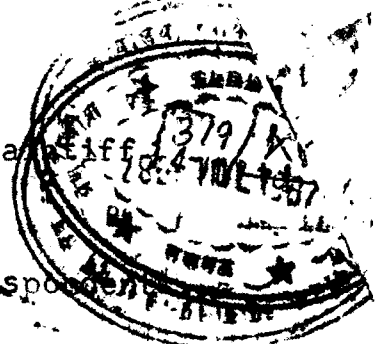
A.K. Chatterjee .....

Vs.

Union of India and  
another .....

Plaintiff

Respondent



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

(By Hon. G.S. Sharma, JM)

This case has been received by transfer under Section 29 of the Administrative Tribunals Act XIII of 1985 from the Court of Civil Judge, Lucknow. At the time of hearing, it appeared that the plaintiff had filed this original suit for mandatory injunction to command the defendants to pay him the arrears of pay and allowances for certain period. The Munsórim of the Court had reported that the relief which the plaintiff has sought is of the nature of recovery of money but he has paid the court fee for mandatory injunction. The Civil Judge had to decide the question of the sufficiency of the court fee on the report of the Munsórim but he transferred the case to this Tribunal on 31.1.1986 before deciding that point. The learned counsel for the plaintiff has contended before us that the court fee paid by the plaintiff is sufficient. He has also sought an amendment in the plaint. The learned counsel for the defendants could not appear at the time the case was heard.

Central Administrative Tribunal, Allahabad.

Registration T.A.No. 310 of 1936

(Misc. Case no.154 of 1935)

A.K. Chatterjee	.....	Plaintiff
	Vs.	
Union of India and another	.....	Respondents.

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

(By Hon. G.S. Sharma, JM)

This case has been received by transfer under Section 29 of the Administrative Tribunals Act XIII of 1935 from the Court of Civil Judge, Lucknow. At the time of hearing, It appeared that the plaintiff had filed this original suit for mandatory injunction to command the defendants to pay him the arrears of pay and allowances for certain period. The Munсорin of the Court had reported that the relief which the plaintiff has sought is of the nature of recovery of money but he has paid the court fee for mandatory injunction. The Civil Judge had to decide the question of the sufficiency of the court fee on the report of the Munсорin but he transferred the case to this Tribunal on 31.1.1936 before deciding that point. The learned counsel for the plaintiff has contended before us that the court fee paid by the plaintiff is sufficient. He has also sought an amendment in the plaint. The learned counsel for the defendants could not appear at the time the case was heard.

The question whether the court fee paid in the case is sufficient or not was to be decided by the trial Court. The suit was not registered before its transfer to the Tribunal and as such, it could not be transferred under Section 29 of the Administrative Tribunals Act. The case has, therefore, to go back to the trial Court for deciding the question of court fee. In case the court fee paid is found to be sufficient, he may retransfer the case after getting it registered in the relevant register. In case the court fee paid is found to be insufficient, he may allow the plaintiff adequate opportunity to pay the additional court fee and thereafter as and when the case is registered, it may be transferred to the Tribunal. As we have no jurisdiction to hear the case in the present form, we are not inclined to consider the amendment application.

3. Let the record of the case be returned to the trial Court for deciding the question of court fee. The parties shall appear there on 27.5.1987.

Sd/-

MEMBER (A)

Sd/-

MEMBER (J)

Dated 23.4.1987

*CTC*  
*V. Chandra*  
(VINOD CHANDRA)

Section Officer  
Central Administrative Tribunal  
Additional Bench, Allahabad.

I beg to bring to your kind notice that my above mentioned Case was remanded to Lucknow from Allahabad for the decision of Court Fee and Registration of the Case.

The Court Fee was duly decided by your Lordship on the 7th December, 1987 and you have ordered to Register the above mentioned Case ~~and sent it back to the Allahabad Central Tribunal~~ but I regret to say that the same has not yet been sent to ~~ATD~~

I, therefore, pray to your honour to kindly look into the matter and order for early despatch of the remanded case to ~~the Allahabad Central Administrative Tribunal~~ <sup>Lucknow</sup> ~~the Allahabad Central Administrative Tribunal~~ <sup>Lucknow (Gandhi Place)</sup> within my life time as I have already retired eight years back. A Circuit Bench has been provided at Gandhi Bazaar Lucknow

~~14/3/88~~

7/4/88

A. K. Chatterji  
6, G. C. Road, Rajmahal, Lucknow  
Plaintiff.

In the Court of Civil Judge Lucknow.

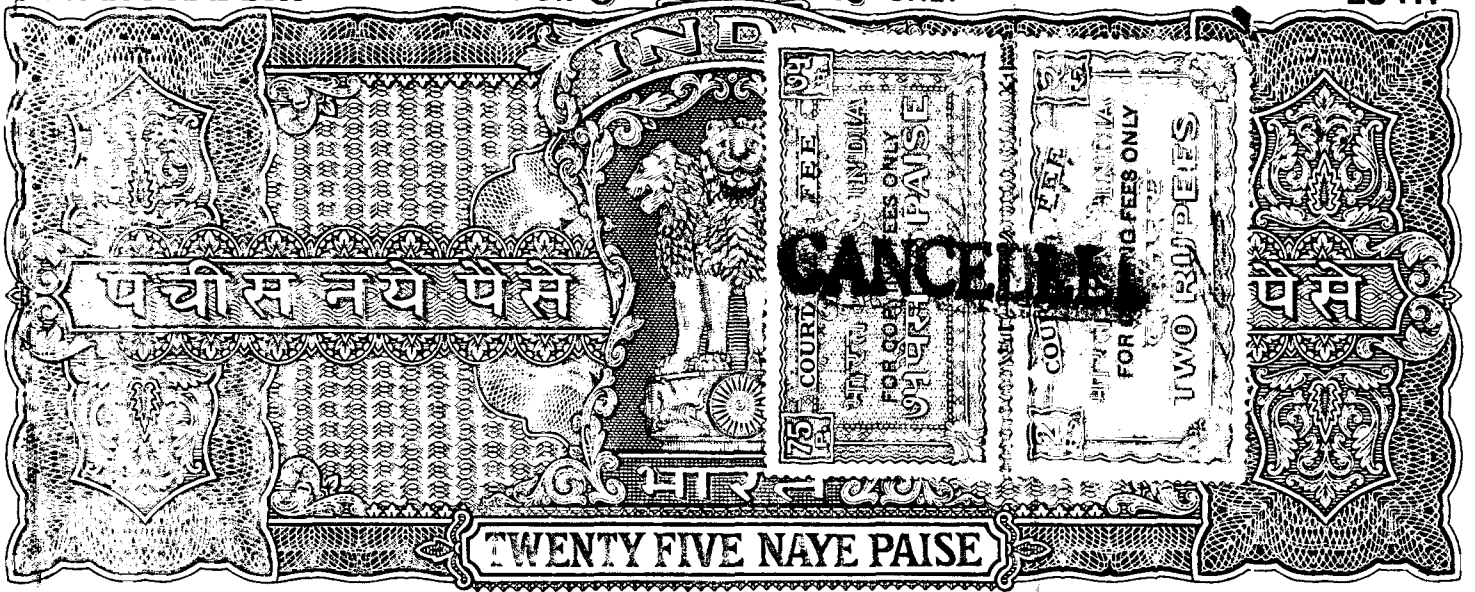
A. K. Chatterji . . . . . Plaintiff

VS.

Union of India (Rlys.) . . . . . Defendant

Ref:- Case No. 810 of Central Tribunal Attached  
(Mis. 154 of 1985 of Lucknow. A. K. Chatterji  
VS. Union of India (Railways).

Sir,



## केवल नकल की फीस के लिए

Date on which application is made for copy accompanied by the requisite stamps.	Date of posting notice on notice board.	Date of delivery of copy.	Signature of official delivering copy.
आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की तारीख	नोटिस बोर्ड पर नकल तैयार होने की सूचना की तारीख	नकल वापिस दिए जाने की तारीख	नकल वापिस देने वाले अधिकारी का हस्ताक्षर
14/2.1974	4.4.1974 Rong	4.4.74	

UNITED STATES DISTRICT COURT OF DISTRICT OF COLUMBIA  
UNITED STATES OF AMERICA, Plaintiff,  
vs.  
JOHN EDGAR HOOVER, Defendant.

\*\*\*\*\*

Case No. 502-65.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.

Plaintiff's Motion for Summary Judgment.







... 11/14, 1956 (Ex. 12). The ... already ... in ... serial no. ...

It is shown by the defendant that ... 1955. ... 194. ... 195. ...

... 520/- ...



● ● ● ● ●

[illegible]

The following information was obtained from the records of the  
Department of Social Services, New York City, regarding the  
adoption of children by persons who are not citizens or  
permanent residents of the United States:

(a) The Department does not have any information concerning  
any person who has been adopted by a foreign citizen or  
resident.



...  
In these circumstances, it was held by the court that the  
were not entitled to a refund of the amount paid by them.  
11. In my opinion, this decision is a gross miscarriage of  
justice and the court has acted against the interests of  
the affected persons who have given up their property and  
why their selection and appointment should not be a nullity in  
view of the irregularities pointed out by the court in its judgment.

As a result of the above, the finding of the court  
reversal of the plaintiff's appointment is hereby  
and indefensible. The court is accordingly set aside and  
judgment and the decree made by the court is  
It is declared that the irregularities pointed out by the court  
the Divisional Officer are in fact invalid and the court  
order the plaintiff to take service of the court and  
his appointment on the basis of the court's judgment.  
The court shall now go back to the original appointment and  
amount, if any, is the plaintiff's responsibility and the court  
conclusion of the court is that the court's judgment is  
and the finding of the court.

TRUE COPY

Superintendent

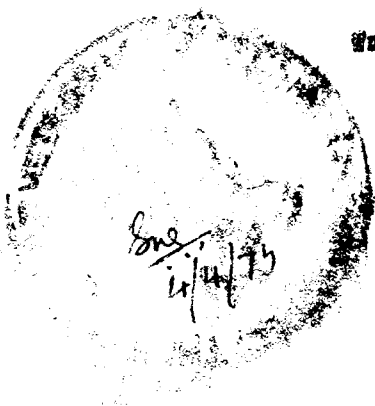
Translation & Copying Department

High Court, Lucknow

Lucknow Bench

LUCKNOW

Ex-10-1  
2.3.1974  
19/5/74



Administrative

In the Central/Tribunal Allahabad at Lucknow. (113)

Registration No. 810 of 1986

A.A.Chatterji

Plaintiff

Versus

Union of India and another

Defendants.

WRITTEN STATEMENT ON BEHALF OF THE DEFENDANTS

Para 1: That in reply to the contents of paragraph 1 of the plaint, only this much is not denied that the plaintiff was demoted from B-Grade Driver to C-Grade Driver vide orders dated 3.4.'58 passed by the defendant no.2. Rest is denied.

Para 2: That the contents of paragraph 2 of the plaint are not denied.

Para 3: That in reply to the contents of paragraph 3 of the plaint, only this much is not denied that in the regular suit No. 115 of 1960 (remanded by the Hon'ble High Court for determination of the quantum of the arrears of pay), the Hon'ble Court of Civil Judge Mohanlalganj At Lucknow passed a decree for Rs. 9,186/59 vide judgement and decree dated 1.4.'78 and the same was confirmed by the appellate Court in RCA No. 381 of 1978 decided by IV Additional District Judge Lucknow vide judgement dated 27.4.'82. It is also not denied that the entire amount to the plaintiff was later on paid to the plaintiff by the administration. It is however submitted that the question of pendency of the execution application cannot be raised in the present suit.

Para 4: That in reply to the contents of paragraph 4 of the plaint, only this much is not denied that the plaintiff was put back to the post of B-Grade

... 2

for  
31.3.82  
उत्तर दिवस नमस्ते

Driver. It is also not denied that the plaintiff was retired on 31.5.1980. Rest of the contents are denied, as stated. It is submitted that the promotion from B-Grade Driver to A-Grade Driver is based on selection and the said fact that it is a selection post is admitted by the plaintiff in the para under reply. It is submitted that having not been selected for the post of Grade-A Driver, the plaintiff is not entitled to any alleged claim on the basis of difference of pay between Driver A -Grade and Driver B-Grade.

Para 5: That the contents of Paragraph 5 of the plaint are denied. It is submitted that the plaintiff was not selected for promotion from Grade-B to Grade-A Driver and as such he is not entitled to any claim for the alleged difference of pay for Grade-A Driver. It is also submitted that since the channel of promotion for Special Grade Driver is from Grade-A driver and the plaintiff having not been selected for the post of Grade-A Driver, he is not entitled to claim any alleged difference of pay between Grade -A Driver and Special Grade Driver. Thus there was no occasion to file any suit for recovery.

Para 6: That the contents of paragraph 6 of the plaint are not denied. No cause of action for the suit arose to the plaintiff to institute the present suit.

*Dr. S. S. S. S.*  
Sd/-  
Sd/-  
Sd/-

Para 7: That the contents of paragraph 7 of the plaint so far as it concerns the valuation of the suit at Rs. 80,000-00 needs no reply, as it is open to the plaintiff to value the suit at any value he likes. However the court fees paid is insufficient. In fact the court fees payable on the suit <sup>to be paid on</sup> was/avalorem basis, which comes to Rs. against which it appears that only Rs. 500/- has been paid.

Para 8: That the contents of paragraph 8 of the plaint are denied. The plaintiff is not entitled to any relief and the suit is liable to be dismissed with costs to the defendants.

ADDITIONAL PLEAS

9. That R.S.No. 115 of 1980 was instituted to challenge the demotion order as well as for recovery of arrears of salary, D.A. and other allowances. The suit was decreed on 5.2.'74 by the Hon'ble High Court in Second Appeal No. 502 of 1965 and the demotion order was set aside and for the purposes of calculating the arrears of pay etc. the suit was remanded to the trial court for adjudication and passing a decree for the amount that was found due against the defendants. As such the limitation, if any started from 5.2.1974 for the alleged claim in the present suit. The present suit was instituted on 25.4.1985 which is clearly barred under the provisions of Limitation Act. It also submitted that in paragraph 4 of the plaint, the plaintiff has averred that he was promoted to Driver Grade 'B' in 1969, so the period of limitation for the present dispute ought to begin from 1969 and not <sup>even</sup> 5.2.1974 as stated above. The trial court ought to have dismissed the suit under the provisions of Limitation Act in limine, without even registering the same as a regular suit.

Alk

- 4 -

10. That the suit is barred under the provisions of Order 2 Rule 2 C.P.C. In fact the earlier Suit No. 115 of 1960 was instituted to challenge the demotion order as well as for recovery of the arrears of pay etc. If at all the present claim existed and the plaintiff had a desire to claim the same, he ought to have included the same in the earlier suit, which was also amended to include subsequent events. Having not done so, the alleged claim cannot be permitted to be claimed in the present suit.

11. That the promotion to Grade -A Driver is made through selection, which is also admitted by the plaintiff in the present suit. Having not been put to selection, the plaintiff's alleged claim either for the Grade-A Driver or Special Grade Driver is not maintainable.

12. That a bare perusal of the plaint, specially the relief para, it is abundantly clear that the present suit is for the recovery of Rs. 80,000/-, but the court fees payable has been put at the maximum of Rs.500/-. It is submitted that the suit being instituted for recovery ought to have carried advalorem duty and not the reduced court fee as of injunction. The munsarim also made a report to the effect that the relief which the plaintiff has claimed is of the nature of recovery of money but he has paid the court fee for mandatory injunction. The said case was registered as a Misc. Case by the trial Court. After the Central Tribunal Act came into force, the suit proceedings were transferred to the Tribunal. This hon'ble Tribunal after perusing the record was pleased <sup>to pass</sup> an order dated 23.4.'87 directing the trial court to satisfy itself whether the court fees paid is sufficient in view of the report of the munsarim and only after

117

satisfying itself of the sufficiency of the court fees payable and paid on the <sup>the suit being transferred to Tribunal</sup> plaint, It is submitted that the trial court has mechanically got the plaint registered as a suit after payment of Rs. 500/- only and re-transferred the same to this Tribunal, but without recording a finding as to the sufficiency ~~xxxxxxx~~ of the court fees or disposing of the report submitted by the Munsarim of the trail court. In view of the matter involved, this Hon'ble Tribunal may be pleased to either decide the question of sufficiency of the court fees payable on the suit plaint or in the alternative send back the same to the trail court for deciding the same after giving the opportunity to the defendants on the sufficiency of the court fees and then register the suit only if it comes to the conclusion that the court fees has been paid in accordance to law.

On the facts and circumstances stated above the suit is liable to be dismissed with costs and special costs.

Lucknow

Dated: 31.3.1989

*[Signature]*  
Defendants  
COURT

VERIFICATION

I, *L. M. Swarantam* Asst. Dir. Office

In Northern Railway, D.R.M.'s Office, do hereby verify that the contents of paragraph 1,2, unbracketed para 3, 4,5,11 are based on information derived from record, which is believed to be true and those of paras, unbracketed para 3,6 to 10 and 12 are based on legal advice and information received from the counsel which is believed to be true. Signed and verified this 31<sup>st</sup> day of March 89 at the D.R.M.'s Office Lucknow.

*[Signature]*  
COURT

*[Signature]*

Misc. Appln. No. 1201 of 1999 (L)  
In re  
CA No. 270 of 1988

ALV

A. A. Chattopadhyay

Applicant

Versus

Union of India and others

Respondents

APPLICATION FOR AMENDMENT

The humble applicant respectfully submits :

1. That certain AMENDMENTS are essential in the interest of justice and for proper adjudication of the case.
2. That the proposed amendments do not constitute any change in the nature of the claim.
3. That it is necessary to amend the plaint application as under :
  - a. In para 1 in the last but two lines after the words A Grade and before and the following be inserted ;

from 1.4.50 to 1.1.70 when he was placed in A grade
  - b. In para 1 in the last but one line after the words B Grade and before as the following be inserted ;

From 1.1.50 to 31.12.77
  - c. In para 5, line 9, the date 28.2.70 be substituted by 31.12.77
  - d. In para 8 (A) the date 28.2.70 be substituted by 31.12.77.

It is, therefore most respectfully prayed that the proposed amendments detailed in para 3 a, b, c and d, be allowed to be made in the plaint/application.

Enclosed, Dated.  
April 30, 1999.

Anand Kumar Chetty  
Applicant.

M. Dubey  
Adv

Bring on record  
1/03/5

A. M. Chatterji

Versus

Union of India and others

DEPONENT'S AFFIDAVIT

I, A. M. Chatterji, aged about 67 years, residing at Road, Bakh Mannoo, Lucknow, do hereby state on oath

1. That the deponent is the applicant in the above case and is fully conversant with the facts deposed to in this affidavit. The deponent has read the contents of written statement filed by the respondents, understood its contents and is replying to the same.
2. That the contents of para 1 respondent to the contents of para 1 of the plaint/application are denied and the contents of para 1 of the plaint/application are re-iterated.
3. That the contents of para 2 need no reply.
4. That the contents of para 3 as stated are denied. The deponent's suit was decreed by the High Court with cost and the quantum of arrears decreed by the trial court was disputed by the respondents in appeal W.P. No. 307 of 1978 which was decided in favour of the deponent, but the entire amount including costs accruing to the deponent was not paid and the deponent had to file execution proceeding which is still pending before the Civil Judge, Mohanlalganj, Lucknow in Execution case No. 27 of 1982. It is wrong to say that the entire amount of decree was paid to the deponent.
5. That in reply to the contents of para 4, it is stated that the deponent was maliciously demoted from B grade to C grade Driver against which he had to agitate up to High Court and the order of demotion was declared as null and void by the Hon'ble High Court, Lucknow by order dated 6.2.74 and the case was remanded back to the trial court for determination of amount to which the deponent was entitled consequent upon the setting aside the order of demotion. This case was finally settled in appeal preferred by the respondents by the Addl. District Judge, IV, Lucknow by his order dated 27.4.82. The

Pl. being on  
Record.  
16/5/85

MacCarthy

respondents had meanwhile promoted the deponent to B grade in 1958 but did not consider his claim for promotion to A grade on the basis of his seniority. The deponent was entitled for his promotion to A grade w.e.f. 1.4.59, had he not been demoted to C grade on 3.4.58. By the fault of the administration, the deponent was denied his promotion to A grade w.e.f. 1.4.59 when officials junior to him were promoted and his case was not considered at all as he was maliciously and illegally made junior to several officials by demoting him to C grade in 1958. The deponent was subsequently promoted to A grade from ~~10.12.77~~ <sup>1.1.78</sup> and there was wrongfully denied this post of Driver grade A from 1.4.59 to 31.12.77 and is entitled to enhanced pay of A grade driver from 1.4.59 to 31.12.77 and the arrears of pay and allowances accruing thereof. The deponent retired as A grade driver on 31.5.80 (AN) and a true copy of the service certificate dated 13.6.80 issued to him is annexure R-1. The rest of the contents of para under reply are denied. The deponent was considered and promoted to A grade driver late from 1.1.78 due to administrative error, instead of from 1.4.59 and therefore, he is entitled to the promotion to A grade driver from 1.4.59 with consequential benefits of pay and allowances as admissible from time to time. The deponent was further entitled to be promoted as Driver A grade Special w.e.f. 1.3.78 on the basis of his seniority and satisfactory record of service, but his case was never considered, he was denied of his due promotion to Driver A grade special w.e.f. 1.3.78, while his juniors were promoted. The averments made by the respondents that the deponent having been not selected for the post of grade A driver, is not entitled to claim to any difference of pay between grade A driver and special grade driver is wrong, baseless and malicious. The deponent was wrongfully demoted to C grade driver from B grade, his seniority was affected and he was maliciously and illegally deprived of his due promotion as driver grade A from 1.4.59 and Special grade driver w.e.f. ~~XXXX~~ 1.3.78 and consequently the deponent had to file the instant case before the Civil Judge, Lucknow, which has been transferred to this Hon'ble Tribunal on its establishment.

6. That in reply to the contents of para 5 of the written statement, it is stated that the deponent's services were all along satisfactory and he was maliciously and irregularly demoted from B grade to C grade driver by order dated 3.4.58 which was subsequently declared as void by the High Court, Lucknow by its order dated ~~8.4.88~~ ~~which was~~ 6.2.74. In consequence of the High Court order dated 6.2.74, aforesaid, the deponent was entitled to be promoted ~~to A grade driver from 1.1.78 only and as such the deponent is entitled to a difference~~ to A grade Driver w.e.f. 1.4.58 on which date his juniors were promoted to A grade. The respondents promoted the deponent to A grade driver from 1.1.78 only and as such the deponent is entitled to a difference of pay of A grade driver and B grade driver from 1.4.58 to 31.12.77. The deponent was entitled to be promoted to A grade Special driver w.e.f. 1.3.78 according to his seniority but his case was ignored and he was not promoted to the said grade prejudicially and maliciously while officials junior to him were promoted to special A grade driver w.e.f. 1.3.78. It is wrong to say that the deponent having not been selected for the post of grade A driver, he is not entitled to claim any difference of pay between grade A driver and Special grade driver. The deponent was promoted to A grade, though belated, and his claim for special grade driver subsists. The rest of the contents of para under reply are denied and the contents of para 5 of the plaint are re-asserted.

7. That in reply to the contents of para 6, it is stated that the respondents have not denied the contents of para 6 of the plaint. In view of that it is wrong to say that no cause of action for the suit arose to the deponent to institute the present suit. The deponent served the respondents with statutory notice under section 80 CPC and on their failure to take any action or give any reply, the cause of action did accrue to the deponent, to institute the present proceeding.

8. That the contents of para 7 are denied as stated. The case is for mandatory injunction, for which maximum court fee of Rs.500 was paid. The suit was admitted and the question of court fee was finally settled by the Civil Judge, Lucknow before admitting the suit, and sending it to the Tribunal at Allahabad for the second time. The objection made in the reply is wrong and unavailing for.

9. That the contents of para 8 are denied. The deponent is

*McL. G.*

A21

entitled to the relief sought for by him and his claim is liable to be decreed with cost.

10. That in reply to the contents of para 9, it is stated that the deponent challenged his demotion from B grade driver to C grade driver with consequential relief and the order of demotion was subsequently declared as void by the order of the High Court, Lucknow dated 5.2.74. The case was remanded back to the trial court for adjudicating the amount which after being decreed was not paid by the respondents and they filed an appeal against the order of the trial court. The amount was finally decided by the Additional District Judge, IV, Lucknow by order dated 27.4.82. The respondents did not file any appeal against this order, which became final and yet the respondents did not pay the decretal amount in terms of the orders of the courts including High Court and the deponent had to file execution proceeding which is still pending in the court of Civil Judge Mohanlal Ganj under Ex. case no. 27 of 1983 and a substantial amount is still due. The respondents did not restore the seniority of the deponent and maliciously and prejudicially did not promote him to the higher grades of A grade driver and special grade driver from 1.4.59 and 1.3.78 respectively when his juniors were promoted to his prejudice. The deponent was promoted to A grade driver w.e.f. 1.1.78 only and was put to loss. Denial of promotion on due dates has also subjected him to the recurring loss of pension besides gratuity and other retiral benefits after his retirement w.e.f. 31.5.80 (AN). The deponent served the respondents with notice dated 25.5.83 but neither his grievance were met nor he was given any reply. The valid cause of action accrued to the deponent on 27.4.82 when the proceedings initiated by him against the respondents was finally decided, again on 25.7.82 when his grievances were not settled after the expiry of the statutory notice under section 80 C.P.C. and this institution of present suit on 25.11.85 was well within time and not affected by the time limit. It is wrong to say that the trial court ought to have dismissed the suit under the provisions of Limitation Act in limine, without even registering the same as a regular suit. The

A22

suit filed by the deponent was admitted by the Civil Judge Lucknow after thorough examination and his decision cannot be challenged now. The rest of the contents of the para under reply are denied.

11. The contents of para 10 are denied. The demotion order having been set aside, it was for the respondents to give all consequential benefits to the deponent but they were prejudiced and in no way prepared to extend the full benefits to him. The matter remained under litigation till 27.1.72 when the matter was finally adjudicated by the Additional District Judge IV, Lucknow, but even then the benefits accruing to the deponent were not given and the deponent had to institute execution proceedings and serve the respondents with notice dated 25.7.72 under section 80 CPC after contacting and writing to them a number of times. The respondents cannot be permitted to take advantage of their own omissions and commissions.

12. That in reply to the contents of para 11 it is stated that his claim for promotion to A grade driver was ignored prior to 1.1.72 maliciously and even on cancellation of the demotion order by the High Court, his case was not considered for promotion from 1.4.59 from which date his junior was promoted. The respondents are under obligation to place the seniority list of B grade drivers and the records regarding selection and promotion to grade A driver from 1.4.59 onwards till 1.1.72 when the deponent was actually promoted. The respondents cannot take advantage of their own omissions and commissions for not considering the deponent from due date viz. 1.4.59. The deponent is entitled to his promotion to grade from 1.4.59 and special grade from 1.3.72 with consequential benefits during service and also after his retirement in the shape of higher gratuity, leave encashment and pension etc.

13. That in reply to the contents of para 12, it is stated that the suit filed before the Civil Judge, Lucknow was for permanent injunction and the amended prayer was for grant of a decree of mandatory injunction against the defendants directing them to pass orders promoting the deponent as driver A grade and special grade with all consequential rights and privileges and the maximum court fee of Rs 500 required for an injunction suit was

H. K. Singh

paid and accepted by the Civil Judge before registering the suit. The court fee paid is adequate and cannot be questioned. The objection raised by the respondent is wrong, malicious and with intention to delay the case.

14. That on facts and circumstances of the case, the claim of the deponent who has been assisting since 1980 when the suit was initially filed for the benefits due to him is liable to be decreed with cost and special costs.

Lucknow, Date:  
April 30, 1989.

*Anand Kumar Chatterjee*  
Deponent

#### VERIFICATION

I, the above named deponent, do hereby state that the contents of paras 1 to 7 and 8 to 12 are true to his knowledge and believe and those of paras 7, 13 and 14 are believed to be true on legal advice nothing material has been concealed.

So help me God.

Verified and signed this 30th day of April 1989.

Lucknow, Date:  
April 30, 1989.

*Anand Kumar Chatterjee*  
Deponent.

I identify the deponent who has signed before me.

*[Signature]*  
Advocate

724

Anneane R-1

36

जी.सी.-9/एस.आर.सी./आर. 1620 जनरल 60 ए.  
G.C.-9/S.R.C./R. 1620 Genl. 60A.

सेवा प्रमाण-पत्र/SERVICE CERTIFICATE

1	जागीरता कार्यालय/Issuing Office	Lingayat, Hse.
2	जारी करने की तारीख/Date of issue	1.3.56 1956
3	नाम/Father's Name	Shri. Anand Kumar Chatterjee
4	पता	Beegun, Hse.
5	दिनांक/Date of birth (in words)	Twenty-six day of May 1922
6	चिह्न/Identification marks	Left hand eye line (C. 5-1722)
7	सेवा करने वाले विभाग/Department in which employed	Mechanical
8	सेवा करने की अवधि/Period of service	From 25.5.1941 to 31.5.1956
9	छूट का दिनांक/Date of Appointment when leaving service	31.5.1956
10	छूट का दर/Rate of pay on leaving service	Rs 700 p.m.
11	छूट का कारण/Reason for leaving service	Retired on superannuation
12	समय/Time keeping	
13	हस्ताक्षर प्रत्यक्ष व्यक्ति का निशान nature or thumb impression	Anand Kumar Chatterjee

हस्ताक्षर/Signature.....  
पदनाम/Designation.....  
मुख्य अधिकारी/Chief Officer  
मुख्य अधिकारी/Chief Officer

Witnessed  
True copy  
11/11/56

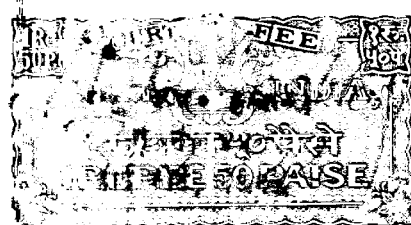
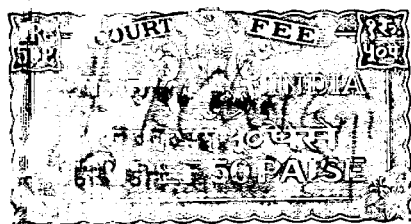
ब अदालत श्रीमान

[ बादी अपोलान्ट ]

महोदय

श्री A. K. Chatterji

वकालतनामा



(बादी अपोलान्ट)

A. K. Chatterji

बनाम

Union of India (प्रतिवादी रेस्पॉडेन्ट)

नं. मुकद्दमा 810 सन् 1986 पेशी की ता. 3. 2. 1987 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

S. P. Chatterji, Advocate  
20, Khushid Bagh, Lucknow

वकील

व

महोदय

एडवोकेट

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 कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि 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 प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर M. K. Chatterji

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

3

महोना

2

सन् 1987 ई०

स्वीकृत

S. P. Chatterji, Advocate

3 2 92