

PART I

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

Ram Kumar - v - UOI

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 406-----1986

PART -I

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Judgement :- 22 to 27 (6 Page)
28.6.91 84/89 MP
20.3.89
5. S.L.P. :- X

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Nil

Dealing Clerk

File B/C destroyed on 09-5-12

30/12

V.K. Mishra

Recheck
on 21-2-12
m

5055

Central Administrative Tribunal
Lucknow Bench

INDEX SHEET

Cause Title 406 of 1986 (C)

Name of the Parties Ram Kumar Applicant

Versus

Union of India Respondents.

Part A.E.C.

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one extra copy of petition

20/8

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 406 of 1986

AI

APPLICANT (s) Ram Kumar

RESPONDENT(s) Union of India through General Manager

Northern Railway Bawda House New Delhi + 4 others

Particulars to be examined

Endorsement as to result of Examination

- | | |
|---|--------------------|
| 1. Is the appeal competent ? | Yes |
| 2. (a) Is the application in the prescribed form ? | Yes |
| (b) Is the application in paper book form ? | Yes |
| (c) Have six complete sets of the application been filed ? | Yes, 10 sets filed |
| 3. (a) Is the appeal in time ? | Yes |
| (b) If not, by how many days it is beyond time ? | — |
| (c) Has sufficient case for not making the application in time, been filed ? | — |
| 4. Has the document of authorisation/Vakalat-nama been filed ? | Yes |
| 5. Is the application accompanied by B. D./Postal-Order for Rs. 50/- | Yes |
| 6. Has the certified copy/copies of the order (s) against which the application is made been filed ? | Yes |
| 7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | Yes |
| (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? | Yes |

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. 406 of 1986.

VS.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
0-8-86	<p>Hon. S. Zaheer Hasan, V.C. Hon. Ajay Johri Member (A)</p> <p>The case is adjourned to 29-8-86 for admission due to illness of counsel for the applicant Mr. Surya Kant.</p> <p>V.C. Member (A)</p> <p>OR</p> <p>The case was adjourned to 29.8.86 for admission on the request of counsel for applicant submitted for admission.</p> <p>26/8/86</p> <p>26/8/86</p>	

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. 406 of 1986

VS

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
22-10-86	<p>62</p> <p>Case was adjourned to 24.10.86 for admission on the request of counsel for applicant submitted for admission</p>	
24-10-86	<p>Hon S. Zaher Hasan. VC</p> <p>Hon Ajay John. AM.</p> <p>Put upon 6-11-86 as prayed by the petitioner because his counsel has gone under some operation.</p> <p>✓ VC</p> <p>✓ AM.</p>	
6-11-86	<p>Hon. D.S. Mishra - AM.</p> <p>Hon. G.S. Sharma - JM.</p> <p>The applicant's counsel is stated to be ill. Adjourn to 12-11-86. Reply may be filed by that date by the respondent.</p>	

Members (A)

Members (J)

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

NO

406

OF

1986

VS

NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	16.12.07	No stay Adjourn to 12.1.07 as requested by the Lc of the applicant. Brc	OR Case is ready for hearing and is submitted for hearing as directed by Court. af 21
	12/1/87	Hon. D.S. Misra - AM. Hon. G.S. Sharma - JM. on the application of applicant's counsel, the case is adjourned to 25/3/87 for hearing. AM. JM.	OR Submitted for and 21/3
	25.3.07	Hon. D.S. Misra AM Hon. G.S. Sharma JM. on request of appellants counsel, the case is adjourned to 14.4.07. He also files an application. AM. JM.	OR Case was adj. - case to 14.4.07 for hearing by coe. Submitted for hearing. af 9/4

आदेश पत्रक
ORDER SHEET

(AL)

अपील
निर्देश आवेदन रजिस्टर में सं०

6A-406/86

No. in Reference Application
Appeal Register

अपील अतिकरण
Appellate Tribunal

अपीलार्थी

आवेदक

Appellant
Applicant

अपीलार्थी

आवेदक द्वारा

बनाम

प्रत्यर्थी

Appellant
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

आदेश की क्रम संख्या
और तारीख
Serial number of
order and date

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

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

10/8/87

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

As requested by Mr. Suresh Kant, counsel for the applicants, case nos- 407/87, 452/86, 456/86 and 458/86 be listed together on 16/10/87 for hearing. We have heard the learned counsel for the appellants moved in OA-406/86 for summoning of certain records. It will not be expedient for us to re-examine the Answer Books of the applicants or any other candidates appearing in the test. We, however, direct the respondents to produce before us the marked sheet and Seniority list for candidates called for test on the next date of hearing.

Am.

Jm.

Copy
dt. 10-87
for R...

Order sheet

12

8/2/88

(ATB)

Hon. D. S. Mishra - AM
Hon. A. S. Sharma - JM

on the request
of both the parties, the
case is adjourned to
22/4/88 for hearing

by
Am. JM.

8/2

22-4-88

No sitting Ads to 9-8-88.

OR

An application for transferring this OA
No. 406/86 to Lucknow Circuit Bench
has been moved by the applicant but four more
cases are also attached with this case and
no application has been moved by the applicant
of those cases to transfer the cases to Lucknow Bench

for pathi
4/8/88

9-8-88

Hon A Jay Sahni - AM
Hon A-S Sharma - JM

No one appears for the
Applicant, Shri Lalji Sinha
for Respondents is present.
The case is adjourned
to 22-9-88 for Orders.

JM.

Am

287 The
order to
case
No. 2
38
i.c.
is
OA No.
58/ Sub. Hcd.
for pathi
8/2/88

2 Hon. V.C. has
signed the order dt.
2-12-87. for pathi
9/2/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

O.A./T.A. No. 406 1986

(48)

Applicant(s)

Versus

Respondent(s)

No.	Date	Orders
25.X.88		<p>On application of Applicant Ram Kumar Das has been transferred from Hd CAT to E.B. LKO.</p> <p>Today applicant presented before Ld Counsel in Surya Kant. Compliance of Order dt 10.8.87.</p> <p>Still wanting list this case for hearing before Honble Bench on 28.X.88 as prayed by Ld Lal Ji Surha Advocate.</p> <p>Connected cases 407/87, 452/86, 456/86 & 458/86 be also listed with this case before Honble Bench. Application of Lal Ji Surha is also on file.</p>

25/11/88

Hon' Mr. Justice K. Nath, V.C.

Hon' Mr. K.J. Raman, A.M.

(A9)

27/6/89

The affidavit in support of the application for setting aside the judgment dated 28/3/89 speaks of summoning of certain documents and of the departure of the applicant's counsel suddenly as his mother-in-law died. The judgment shows that the records were produced before us at the time of hearing. The affidavit does not indicate the date on which the learned counsel's mother-in-law died, and whether he had leave for Gorakhpur of necessity. In the case of Rām Kumar, it is also stated that his younger brother's wife suddenly became serious and so, he had to rush to hospital. A certificate of the hospital concerned is requisite.

A supplementary affidavit may be filed to furnish the relevant material indicated above and the case be listed for orders on 13/7/89. This order governs all the connected applications.

KJC
A.M.

KJC
V.C.

(sns)

13.7.89

Hon. D.K. Agrawal - gm

OR
No supplementary
affidavit has been
filed so far.
Submitted
for orders.
14/7

Sri Mushir Ahmad brief holder of Sri Surya Kant appears and informs that Sri ~~Sur~~ Surya Kant is ill for the last 2 days. Sri Surya Kant has conveyed that if possible the case be listed on 31.7.89.

The record ~~appears~~ bears out that a supplementary affidavit was to be filed by the counsel for the applicant as ordered on 27.6.89 in support of the restoration application. Neither the supplementary affidavit

P.T.C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

Rest. 84/88

9m
CA 406/86

410

REGISTRATION No. _____ of 198 .

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	<p>Has been filed nor any grounds disclosed as to why the learned Counsel for the applicant was not able to file the same. Thus it shows that none is serious to prayer^{press} the application for restoration. However, adjourned to 31-7-88 as prayed for orders. No further adjournment shall in any event to be granted on that date.</p> <p style="text-align: right;">Def Member (I)</p> <p>Hon. Justice K. Nath, V.C</p> <p>The learned counsel for the applicant files supplementary affidavit dt. 21.7.88. In view of the order dated 27.6.88. for hearing before the appropriate Bench on 20.8.88.</p> <p style="text-align: right;">V.C</p>	<p>OR</p> <p>No Supplemental affidavit has been submitted till 27/7/88</p> <p>OR</p> <p>Case is submitted for hearing</p>

31.7.01

(411)

19

23.11.90

case not reached adjourn to 3.1.91 for hearing.

3.1.91

No sitting Adj to 21.2.91.

Q ^W BOC.

21.2.91 -

No sitting Adj to 3.4.91.

3/4/91

Hon. Mr. A.B. WORTH, Am.
Hon. Mr. S.N. Prasad, Jm.

This matter pertains to getting aside/recalling of an order that was passed by the Bench of this Tribunal with the Hon. Vice Chairman and one of its Members. It is therefore necessary that this case be listed before a Bench of which the Hon. V.C. is a member. Put up for orders on 5/4/91.

Jm:

Am.

5.4.91

case not reached. adjourned to 2.5.91 for hearing.

5.5.91

No sitting Adj to 27.6.91

Q Doe

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

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(A12)

OA No. 406 OF 1986

Ram kr Vs. V.O.L

Sl.No.	Date	Office Report	Orders
	12/10/91	<p>GA NO 406/86 was decided on 20-6-91 by the Bench of Hon. Justice K. Nath & Hon. Mr. K. Ojays, AM, The OA was connected with other 5 Cases (OA No. 407/86, 452/86, 456/86, 458/86 & 457/86) But the Judgement in OA No 406/86 does not make any mention of other five connected Cases due to which it has become difficult to link those five cases with the decided case & treat them to be decided unless there is any mention in the decided original application.</p> <p>Submitted before the Hon'ble Vice Chairman for final perusal & necessary orders.</p> <p align="right">h 12/10/91</p>	
	29.8.91	<p>These 4 cases be selected for final Hearing</p> <p align="right">h 16/8/91</p>	
	29.8.91	No sitting adjourn to 3.12.91	
	15/12/91	No sitting adjourn to 6.1.92	
	6/1/92	No sitting adjourn to 25.3.92	

22

(113)

Central Administrative Tribunal, Allahabad
Circuit Bench at Lucknow.

Registration O.A. No.406 of 1986

Ram Kumar Applicant

Versus

Union of India & Others Opposite Parties

Connected with

Registration O.A. No.407 of 1986

Bhagwati Shanker Applicant

Versus

Union of India & Others Opposite Parties

Connected with

Registration O.A. No.452 of 1986

Shitla Prasad Applicant

Versus

Union of India & Others Opposite Parties

Connected with

Registration O.A. No.456 of 1986

Devi Bux Singh Applicant

Versus

Union of India & Others Opposite Parties

Connected with

Registration O.A. No.457 of 1986

Navmi Lal Kanavjia Applicant

Versus

Union of India & Others Opposite Parties

Connected with

Registration O.A. No.458 of 1986

Bechan Lal Applicant

Versus

Union of India & Others Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

Hon. Ajay Johri, A.M.

(By Hon. Justice Kamleshwar Nath, VC)

These six applications under Section 19 of the Administrative Tribunals Act, 1985 involved ^a common questions of law and facts and therefore are decided by a single judgement.

2. The applicants Ram Kumar, Shitla Prasad, Navmi Lal Kanavjia, Bechan Lal, Bhagwati Shanker and Devi Bux Singh are class IV employees and appeared for a selection examination to the post of Ticket Collector in the grade Rs. 260 - 400, a class III post. They were not successful and therefore they challenged the Selection Examination by means of these applications and sought for a direction to quash the entire selection result contained in Annexure-3 to the application. They also sought a declaration that they are duly selected candidates.

3. There are two main grounds on which the relief is sought : Firstly, on the procedure laid down by the Railway Board the applicants must have obtained more than 60% marks and therefore could not be declared failed. The Committee entrusted for the Selection was not properly constituted because it did not have any Officer from the Personnel Branch.

2

24

(A/S)

4. Affidavit , Counter Affidavit and Rejoinder have been exchanged. At the time of hearing, the learned counsel for the applicant, Shri Surya Kant did not make appearance. The case was taken up twice before lunch and now we have taken it up for delivery of the judgement after ^{lunch} interval. We have gone through the case and have heard Shri Lalji Sinha, learned counsel for the opposite parties.

5. The case of the opposite parties is that the evaluation of the Answer Books and other tests had been done in accordance with the prescribed procedure and in fact none of the applicants secured even the qualifying marks either in the written/Viva Voce ^{or} ~~and~~ in the aggregate. The points regarding qualifying marks have been raised only in the application of Ram Kumar and not in any other application. It is ~~the~~ admitted case of the parties that the minimum qualifying marks are ~~being~~ ^{are} two sets. The first set consists of written and viva voce (called "professional ability") test in which the minimum qualifying marks are 30/50 with ~~the~~ relaxation to 25/50 in the case of the Scheduled Caste/Scheduled Tribe candidates. In addition there was personality, seniority and service record test ~~and in that~~ ^{coupled with} written and viva voce tests, the minimum qualifying marks in the aggregate were 60/100 with the relaxation to 55/100 ^{for} ~~upon~~ the Scheduled Caste/Scheduled Tribe candidates.

6. The applicants Ram Kumar, Shitla Prasad, Bhagwati Shanker and Devi Bux Singh, who are candidates of general category secured respectively 28, 15, 25 and 26

22

out of 50 in respect of written and viva voce test and also 58, 45, 53 and 56 in the aggregate. Navmi Lal Kanavjia and Bechan Lal who belong to Scheduled Caste category secured 24 and 23 marks respectively in the written and viva voce tests as also 54 marks each in the aggregate. There can be absolutely no doubt that the marks secured by all the applicants are below the minimum qualifying marks both in the written/viva voce and in the aggregate. There is nothing to show that the procedure laid down by the Railway Board, so far as these tests are concerned, ^{was} ~~were~~ not followed.


7. In respect of the constitution of the Selection Board, it is admitted that it had to be ^{of} not less than three persons. There is no controversy about the participation of the Divisional Mechanical Engineer and Divisional Commercial Superintendent as two out of the three men. The controversy is confined to the third man. According to the applicant, the third Member was not an officer of the Personnel Department. According to the opposite parties the third member was the Executive Assistant to the Divisional Railway Manager nominated by him vide order dated 16.12.85 to function as a Personnel Officer. The record has been produced before us which contains the order dated 16.12.85 of the Divisional Railway Manager in which Shri S. Dharman executive assistant to the Divisional Railway Manager, has been required to function as Personnel Officer.

Q

9. The learned counsel for the Opposite Parties has also relied upon the case of Om Prakash Shukla Vs. Akhilesh Kumar Shukla 1986 (Supp) S.C.C. 285 para 24 to show that when a candidate appeared for an examination without protest he may not be entitled to get a relief in the particular facts of the case. There is also an earlier decision of the Supreme Court in the case of G.Sharna Vs. University of Lucknow 1976 SC 2425 to show that if a candidate does not object to and participate^{he} in an interview, ^u is stopped from challenging the recommendation of the Selection Board.

10. On ^{a consideration} ~~the circumstances~~ ^{all} of the matters, we are of the opinion, that there is no merit in these applications and they are dismissed. There ^{shall be} ~~are~~ no orders as to costs.


Member (A)


Vice Chairman

Dated the 20th March, 1989.

RKM

28

(A19)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

C.M. Application No. 84 of 1989

In

O.A. No. 406 of 86

Ram Kumar

Applicant

versus

Union of India and others

Respondents.

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K. Obayya, A.M.

(Hon. Mr. Justice K. Nath, V.C.)

We have heard Shri K.P. Srivastava for the applicant in support of Civil Misc. Application No. 84/89 whereby a decision of this Tribunal in O.A. 406 of 86 rendered on 20th May/1989 of this Tribunal is sought to be set aside on the basis that the said decision was ex parte, in consequence of applicant's lawyer's inability to be present for reasons stated in the accompanying affidavit.

2. The learned counsel for the applicant refers to section 22(3) (h) of the Administrative Tribunals Act, 1985 and contends that the judgment dated 20.3.89 amounts to dismissal for default and therefore, is liable to be set aside and the case restored because there were sufficient reasons for the inability of the learned counsel for the applicant to appear when O.A.

was called for hearing.

3. We, however, find that the decision dated 20.3.89 is not a dismissal in default but is a decision on the merits of the case. The judgment sets out in para 4 that counter affidavit and rejoinder had been exchanged; that the applicant's counsel did not make appearance; that the case had been called a coupled of times before lunch and again after lunch for judgment and that the Bench had gone through the case ~~of~~ and heard Shri Lalji Sinha, learned counsel for the respondents. Paras 5 to 9 of the judgment consider the merits of the case as appearing in the applicant's Original Application and ultimately held that there was no merit in the application and therefore, they were dismissed, ~~but~~ There can be no doubt, therefore, that the judgment was not a decision in default of the applicant but was on merits.

4. A decision on merits in the event of default of the applicant is permissible under Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987. Sub-rule (1) clearly says that in such an event "the Tribunal may in its discretion either dismiss the application for default or hear and decide it on merits". There can be no doubt therefore, that the Bench was competent to and did hear and dispose of the case on merits.

h

5. Sub rule 2 of Rule 15 ~~which~~ provides for an order to set aside the dismissal of application for default of appearance of the applicant. The proviso thereto, however, says that "where the case was disposed of on merits, the decision shall not be re-opened except by way of review." It is clear therefore, that the only remedy available to the applicant was to make application for Review. The present application, is therefore, not maintainable. The application is dismissed. It will, however, be open to the applicants to file a review application subject to the question of limitation and other procedural rights which the respondents may have.

A.M:

Lucknow Dt. 28.6.91

28/6/91

Shakeel

25.3.92

No Siding of D. B. adj to
1.5.92

1.5.92

Hon. Mr. Justice U.C. Srivastava V.C.
Hon. Mr. A.M. Sarkar A.M.

Adjourn to 22.5.92

Ja. Ja. Ja.

A.M.

V.C.

22.5.92.

Hon'ble Mr. Justice U.C. Srivastava-V.C.
Hon'ble Mr. K. Obayya - A.M.

C.A. No. 406 of 1986 was decided alongwith five connected cases by one judgment dated 28.6.91. Thereafter applicant moved an application for recalling the order on the ground that the decision was ex parte and the lawyer was not present. The Tribunal after taking into consideration of the case dismissed the said application on 28.6.91

22.5.92.

Hon'ble Mr. Justice U.C. Srivastava. V.C.
Hon'ble Mr. K. Obayya - A.M.

C.A. No. 406/86 was decided along with five connected cases on 28.6.1991 by (1) Hon. Mr. Justice K. Nath, V.C. and (2) Hon. Mr. K. Obayya-A.M. It has been reported that there is no reference to other five cases in this judgment. As a matter of fact paragraph no. 10 in which it has been stated ^{under consideration} that all the matters we are of the opinion that there is no merit in the application and is dismissed. Thus all the cases were dismissed and this objection that no reference to other cases is not valid and the office report is accordingly not correct. The case is consigned.

(DPS)

A.M.

V.C.

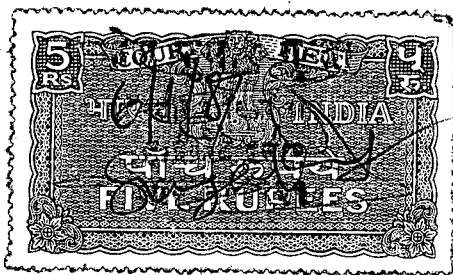
3

145

Hon. S. Zahoor Hasan, VC
Hon. Ajay John, members

Issue notice to the
respondents to show cause
as to why this application
be not admitted, fixing
1-10-1986 for

29-8-86 VC. ~~31~~
Pembach
bl



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

* * * * *

REGISTRATION CASE NO. 406 of 1986

(DISTRICT LUCKNOW)

APPLICATION FOR SUMMONING THE RECORD

Ram KumarApplicant

v e r s u s

The Union of India and others Respondents

*Recd CM
2.1.87*

The humble Applicant submits that for the facts and reasons stated in the accompanying affidavit, it is therefore prayed that before the final disposal of the case the Answer Books of all the persons who have been selected in the test as well as the mark-sheet chart of the written test and the viva also along with the seniority prepared and used in the test and selection may be summoned and oblige.



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

* * * * *

REGISTRATION CASE NO. 406 of 1986

(DISTRICT LUCKNOW)

APPLICATION FOR SUMMONING THE RECORD

Ram KumarApplicant

v e r s u s

The Union of India and others Respondents

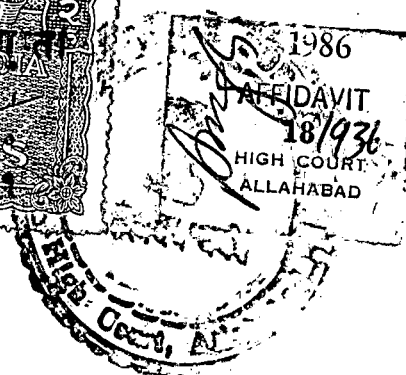
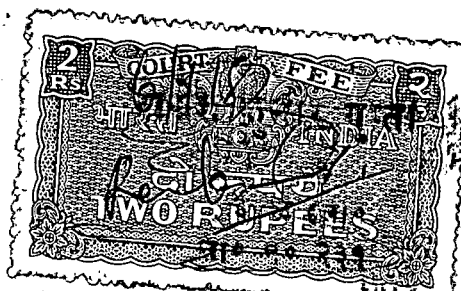
*Recd by
File
1.1.87*

The humble Applicant submits that for the facts and reasons stated in the accompanying affidavit, it is therefore prayed that before the final disposal of the case the Answer Books of all the persons who have been selected in the test as well as the mark-sheet chart of the written test and the viva also along with the seniority prepared and used in the test and selection may be summoned and oblige.

(SURYA KANT)

Advocate
counsel for the Applicant

DATED: 6.1.1987



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH AT ALLAHABAD.

* * * * *

Registration Case No. 406 of 1986

(DISTRICT LUCKNOW)

Ram KumarApplicant

v e r s u s

The Union of India and othersRespondents

Affidavit in Support of the
Application for summoning the
Record.

Affidavit of Ram Kumar, aged about 46 years
son of late Sri Bachan Prasad, resident
of C/O Sri B. Shankar Quarter No. 3-B,
Railway Station, Alamnagar, Lucknow.

(DEPONENT)

The deponent abovenamed do hereby solemnly
affirm and state on oath as under :-

1- That the deponent is the applicant in the
abovenoted case and as such he is fully conversant
with the facts of the case deposed to below:

2- That in the written test the deponent has
secured much more marks in comparasion the persons wh

(125)

-2-

have been selected not only this the answer books of the persons selected have been tempered afterwards and this fact can only be verified from summoning the original answer books of the deponent as well as of all the persons who have been declared successful in the written test.

3- That the seniority list have not been prepared properly for the purposes of selection/promotion on the post of Ticket Collector and the authorities have manipulated the seniority list according to their own choice and as such the seniority list which have been used in the selection is liable to be summoned.

4- That the matter can be scrutinized properly in case the mark-sheet of all the persons who have qualified in the written test as well as the mark-sheet of the viva is summoned.

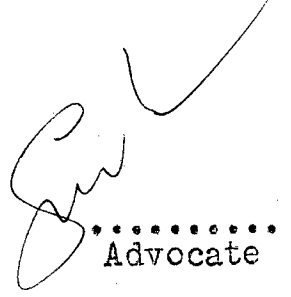
I, Ram Kumar the deponent abovenamed do hereby verify that the contents of paragraph nos. 1 to 4 of this affidavit are true to my personal knowledge, which all I believe to be true, that no part of it is false and nothing material has been concealed. So help me God.

.....
DEPONENT

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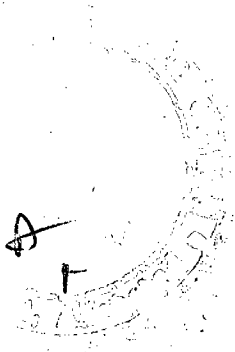
-3-

I, Surya Kant, Advocate, High Court, Allahabad declare that the person making this affidavit and alleging himself to be Sri Ram Kumar is known to me personally.

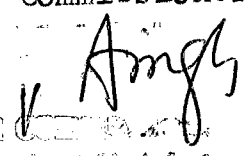

.....
Advocate

Solemnly affirmed before me on this 6th day of Jan. 1987 at 9.40 AM by the deponent, who is identified as above.

I have satisfied myself by examining the deponent that he understand the contents of this affidavit, which have been read over and explained to him.

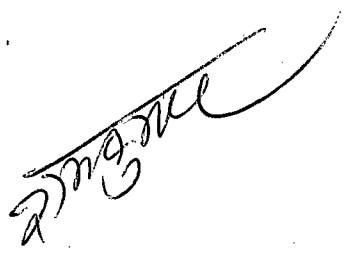


Oath Commissioner



18/1/87

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: ALIHAHAD.

Registration No. of 1986.

Ram Kumar

Applicant.

Versus

Union of India & others

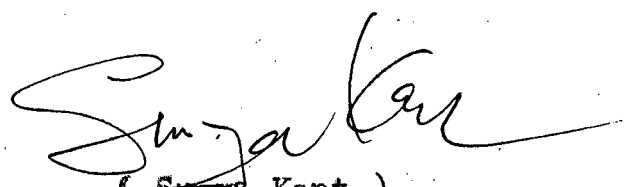
Respondents.

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3.	Annexure No. 1 Copy of the Proforma of the application for appointment.	18 to
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Lucknow:

Dated 13.8.1986.


(Surya Kant)
Advocate
10, Shiv Puri,
Lucknow.

Counsel for the Applicant.

- (B) Divisional railway Manager, N.Rly Hazratganj, Lucknow.
- (C) Sri Hanuman Prasad, major, son of Sri Ram Gulam C/o Chief Goods Clerk, Charbagh Station, N. Rly., Lucknow.
- (D) P.N. Dubey, major, son of Sri S.Dubey C/o S.S. Charbagh, N.Rly., Lucknow.
- (E) Budhram, major, son of Galbal C/o Foods Supervisor, N.Rly, Charbagh, Lucknow.

(ii) Office address of the Respondents:-

- (A) Union of India through General Manager, N.Rly, Baroda House, N.Delhi.
- (B) Divisional Railway Manager, N.Rly. Hazratganj, Lucknow.
- (C) Sri Hanuman Prasad, major, son of Sri Ram Gulam, c/o Chief Goods Clerk, Charbagh Station N.Rly, Lucknow.
- (D) Sri P.N. Dubey, major, son of Sri S.Dubey, c/o S.S.Charbagh, N.Rly., Lucknow.
- (E) Sri Budhram, major, son of Sri Galbal c/o Goods Supervisor, N.Rly., Charbagh, Lucknow.

3. Particulars of the order against which application is made:

The application is against the following as under:-

- (i) Order No. 220-26/8-T.C./84
- (ii) Date June 30, 1986.
- (iii) Passed by Divisional Hazratganj, Lucknow.

(iv) Subject in Griet.

The applicant was appointed on 10.4.1964 as porter in grade 196-232 (R.S.) and was promoted on 1.7.78 as Coach Attendant in Grade 200-250 Now 210-270(R.S.) and appeared in the selection for the appointment on the post of T.C. but he was declared failed due to non compliance of the rules framed by the Railway Board and the applicant also challenged the validity of the constitution of the selection Board.

4. Jurisdiction of the Tribunal: Allahabad.

The applicant declares, that the subject matter of the order against which he wants reversal is within the jurisdiction of the tribunal.

5. Limitation:-

The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act 1985.

6. Facts of the case:

The facts of the case are given below:-

(i) That the applicant was appointed as a Porter with the respondent No. 1 and 2 in grade 196-232 (R.S.) and he always worked upto the full satisfaction of the Superior, in as much as that no complaint of any kind was ever made against the applicant.

(ii) That the officers of the applicant were

Ram Kumar

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very much pleased with hard and honest working of the applicant and as such they promoted the applicant as Coach Attendent on 1.7.78 in grade 210-270(R.S.).

(iii) That on 15.10.1984, the respondent No. 2 invited the application on the Prescribed form for the promotion by selection on the post of T.C. in grade 260-400 (R.S.) amongst the Class IV staff of the commercial and operating in the Lucknow Division, who have completed 3 years continuous service on 31.8.1984. A photostate copy of the same is filed herewith as Annexure No. I to this application.

(iv) That the applicant applied for the same and on 20.1.1985 in the written test, he was declared passed and a Photostat copy of the result of the written test is filed herewith as Annexure No. 2 to this application.

(v) That on 23.4.1986, the applicant appeared before the Interview Board and on 30th June, 1986 he was declared on successful. A photo state copy of the said declaration of the result is filed herewith as Annexure No. 3 to this application.

(vi) That the respondent No. 2, (1)(D) is Sri P.N. Dubey, the name of his father is Sri S. Dubey, but in Annexure No. 3 the name of his father is mentioned as R.C. Dubey, and the respondents 2(1)(D) and 2(1)(E) are much Junior to the applicant, they are working as Porter and at the relevant time they were working as porter, but in Annexure No. 2

Ram Kumar

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they have wrongly been shown as Coach Attendent vide Serial No. 25 and 26.

(vii) That the respondent No. 2(1)(C) is a high ~~xxxxx~~ caste Hindu but vide Annexure No. 3 at Serial No.1 under the head S.C. Candidates his name is mentioned.

(viii) That the Railway Board is a Suprim Body of the Railways, having the rule making power, which is having the force of law, and vide Railway Board's No. E(NG)1-72 PMI/100 of 7/10.12.1973 SNER 8266/N.R. 6014/SES/74, the Rly. Board have made the law for the constitution of the selection Board and the relevant portion of the same is reproduced as under:-

(1) Selection posts are posts, grades or classes to which promotions are made by a positive Act of selection, such selection will be made with the help selection Board consisting of not less than three officers, one of whom should be a personal officer (One of the members of the Board should be an officer from a department other than that for which the selection is held) For selection post of Rs. 550-750 (R.S.) and alone the selection Board will consist of officers of Junior Administrative rank. For all other selection posts, the selection Board will consist of officers not lower in rank than Senior scale. In either case the selection Board may include a personal officer in the next lower rank who shall nevertheless be an equal member of the selection Board.

Ram Kumar

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- (2) The member of selection Board will be nominated by the competent authority.
- (3) That the Authority empowered to constitute a selection Board shall direct to the Board to assemble and make recommendations. It shall also nominate the officer who shall act as the Chairman of the Board.
- (4) The number of candidates for groupe 'C' selections should normally be equal to three times the number of existing and anticipated vacancies. Normally, staff in the grade ~~x~~ immediately the ~~xx~~ selection grade should only be considered. If the requisite number can not be found in that grade it would be permissible to go down to the second grade below but in no case should any candidate in a grade lower than the second grade be considered.
- (5) In initial selection grade posts, it is desirable that written test should be held and a Viva Voce test shall be held in every case, when the date for written and/or Viva Voce test is fixed, the candidates will be advised of such date well in advance and in this advice the nature of such test will also be indicated.
- (6) On the date of Viva voce test the names of the candidates placed according to their seniority will be put up.

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- (7) The Selection Board will examine the service record and confidential reports of the staff. Selection will be made primarily on the basis of overall merit. Factors to be taken into account by the selection Board and their relative weight are follows:-

Maximum Marks

- | | |
|--|----|
| (a) Professional ability | 50 |
| (b) Personality, address, leadership and academic/technical qualification. | 20 |
| (c) Record of service | 15 |
| (d) Seniority | 15 |

Qualifying marks:-

Candidates must obtain 30 marks in professional ability and 60% marks on the aggregate for being eligible to be placed on the panel.

- (8) Professional ability will be judged by holding written and/or oral tests. For general posts, i.e. those outside the normal channel of promotion, for which candidates are called from different categories, the selection test is on open competitive test.
- (9) The names of selected candidates should be arranged in order of seniority but those securing a total of 80% marks or more will be classed as outstanding and will be placed at the top of the list, in the order of their seniority. Those categorised as outstanding should not however be allowed to supersede more than 50% the number of their seniors in the

Ram Kumar

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field of eligibility. The balance of the requirements of the panel will be met by placing the names on the panel of the requisite number of senior men who have secured the minimum qualifying marks fixed for the purpose. This would be irrespective of the fact that persons junior to them have obtained more marks but have not obtained 80% or more or have obtained 80% or more marks but have not got the benefit of being outstanding for their ineligibility to supersede more than 50% of their seniors.

- (10) The number of persons to be placed on a panel should be equal to the existing and anticipated vacancies (likely to arise due to normal wastage during the currency of the Panel), The list of selected candidates will be put up to the competent authority for approval where the competent authority does not accept the recommendations of a selection Board, the case should be referred to the General Manager who may constitute a fresh selection Board at a higher level or issue such orders as he considers appropriate. As soon as the panel is approved it becomes final and this will be notified to all concerned.

- (11) That the Railway Board vide R.B.'s Nos. E(C) I-76 P.M. 1/142 of 25.7.79 and 17.10.1979 Sl.No. N.R. 7443 and letter of same number dated 27/30.10.79 Sl. No.E.R. 232/99, have framed the law for placing the person according to the seniority etc. and the same is reproduced as under:-

(2) Position of outstanding persons in selections:

Those categorised as 'outstanding' in selections

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should not be allowed to supersede more than 50 percent of the number of their seniors in the field of eligibility. This rule takes effect for all selections which may be under process on 25.7.79 or would be held thereafter.

For example if for forming a panel of $4,4 \times 3 = 12$ persons have been called. A, B, C, D, E, F, G, H, I, J, K, & L are the persons arranged in seniority. Say, B, D, & K have been categorised as outstanding and A, E, F, H, I & L have been found fit but not outstanding. Others did not get qualifying marks. In that case, panel of 4 will be formed by and given position one after the other as. A, B, D & E (B cannot go up as he is entitled to gain only half a place. K is also categorised as outstanding and as his seniors are 10 in number he can gain half of 10 i.e. 5. As E is 6th above K, the latter cannot go above E and not being included in the panel.

Ref: R.B.'s Nos. E(G)I-76 PMI/142 of 25.7.79 and 17.10.79 Sl.No. NR 7443 & letter of same number dated 27/30.10.79 Sl. No. ER 232/99.

- (X) That the omission passing marks in the written test is 35, so the applicant must have secured 35 marks out of 50 minimum 20 marks is allotted for leadership, personality address and academic Technical qualification, so in case all the 20 marks is divided into four heads then each shall be allotted 5 marks and so for the qualification and technical knowledge is concerned the applicant is high school which the minimum qualification

Ram Kumar
~~Signature~~
~~Signature~~

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Prescribed was to read and write English and Hindi and became of the job of Coach attendant the applicant is performing all the duties which can be performed by the T.C. So he must have obtained 5 marks out of 29 marks in case in the other hands he has been allotted Zero Marks. For the record of service the maximum marks of 15 is allotted and in view of the fact that the applicant is having a clean record hence he must have got atleast 10 marks out of 15 though he is entitled for 15 marks. The 15 marks is allotted to the persons who are Senior and in Annexure No. 3 only two persons i.e. H.C. Mathur and Hanuman Prasad are Senior to the applicant so the applicant must have secured atleast 13 marks out of this 15 marks, so in total out of 100 marks, the applicant must be second atleast 63 marks and the minimum passing marks in the selection is 60% only hence the respondent No. 1 and 2 have committed manifest error of law in not selecting the applicant.

(XI) That even if a Junior to the applicant have seemed the marks in comparision to the applicant even than in view of the above quoted marks the respondent No. 1 and 2 ought to have placed the applicant inthe select list and in not doing so they have committed manefest error of law.

(XII) That under the head of seniority, the Railway Board have found the law which is reproduced as under:-

"Allotment of marks under the heading "Seniority"

Ram Kariar ~~a~~ ~~b~~ ~~c~~ ~~d~~ ~~e~~ ~~f~~ ~~g~~ ~~h~~ ~~i~~ ~~j~~ ~~k~~ ~~l~~ ~~m~~ ~~n~~ ~~o~~ ~~p~~ ~~q~~ ~~r~~ ~~s~~ ~~t~~ ~~u~~ ~~v~~ ~~w~~ ~~x~~ ~~y~~ ~~z~~ ---11/

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is to be confined to those who qualify in the written test where such test is held. (R.B.'s No. E(NG) 169PMI 26 of 17.8.1970, S.No. ER 7537/SE No. P/P/14314/3 of 22.12.1976). In all the Railways the seniormost man is allotted 15 marks but orders re: the marks to be allotted to the juniormost vary. For instance, in E.Rly. The procedure is to allot 2 marks to the juniormost (Ref. Sl.No. 7309) whereas in N.Rly where the number of candidates is 10 or less, the juniormost is allotted 5 marks and where the number is more than 10, the juniormost is given 3 marks (Ref: Sl.No. 4839). The marks in between the highest and the lowest will be distributed proportionately among the remaining candidates, in N.Rly, however, fraction of marks arrived at will be rounded off to one mark if the fraction is 5 or more; the fraction below 5 being ignored. The marks will be distributed as under:

Say, the number of candidates is 9. The juniormost being allotted 2 marks (in E.Rly.) and 5 marks (in N.Rly) the remaining marks will be divided by 8 for distribution amongst the candidates, as under:-

Candidates	Easterb Rly. (15-2)+8=1.60 Proportionate distribution.	Northern Rly (15-5)+8=1.25 Proportionate distribution.	Rounding off
1.	15	15	15
2.	13.38	13.75	14
3.	11.76	12.50	13
4.	10.14	11.25	11
5.	8.52	10	10
6.	6.90	8.75	9
7.	5.28	7.50	8
8.	3.66	6.25	6
9.	2	5	5

--- 12/

Ram Kumar
[Signature]

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12.

(i) Confidential reports and the Service Records of the candidates will be collected well in advance and after obtaining the orders re: constitution of the Selection Board all the papers will be passed on ~~the~~ to the Personnel Officer nominated as a member of the Selection Board for fixing the Schedule of Selection in consultation with the members of the Board.

(j) Awarding of marks:- All the members of the selection Board should independently assess the candidates under figgrtrny headings of Professional ability, Record of service etc. and record the marks allotted to each individual and the same should be signed and handed over to the personal officer, who will be responsible to compile the result on the basis of marking given by the member of the Board. This evaluation chart prepared by the Personal officer should thereafter be signed by ~~the~~ all the member of the selection Board.....

Ref:-R.B's No.E(NG) 1-79/PMI 320 of 20/23.12.79
SI No. N.R.7476/ER-7/80.

(XIII) That in the selection Board the non of the officer of the personal Branch was ~~not~~ forming the part of the same. The applicant is reproducing the names of the members of the selection Board, which are as under:-

- (a) Smt. Ashma Singh-Divisional Commercial Supdt.(N.R.
- (b) Sri Karnail Singh-Divisional Mechanical Engg.Power
- (c) Sri A Arya, Executive Assistant to the respondent No.2, hence none of the members of the selection board was from personal branch. The applicant also made two representations but no reply and the applicant has come to know, that they have been rejected, though the

Ram Kumar

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order have not been communicated, to the applicant by the respondent No. 1 and 2, and the applicant prefers this application on the ground inter-alia:

G R O U N D S

- (A) Because the applicant is senior to all except the H.C. Mathur and Hanuman Prasad.
- (B) Because in view of the procedure laid down by the Railway Board, the applicant must have obtained more than 60% marks and he has wrongly been failed.
- (C) Because the respondent No. 2(1)(C) is not a Schedule Caste candidate, hence his selection under the Quota of Schedule Caste is void and illegal.
- (D) zBecause in absence of any officer, from the Personal Branch the entire selection has become null and void.
- (E) Because the respondent 2(1)(D), and 2(1)(C) have not completed three years'x service as per Annexure No.1 hence their selection has become illegal and void.
- (F) Because instead of declaring the applicant failed, the respondent No.1 and 2 ought to have pass the applicant.
- (G) Because on the ~~xxxxxx~~ representations made by applicant, no order have been communicated, though the same have been rejected.

Ram Kumar

7. Reliefs sought:-

In view of the facts mentioned above in para 6, the applicant prays for the following reliefs:-

- (i) to issue a suitable orders, direction or command declaring the applicant passed in the selection of Ticket Collector(T.C.).
- (ii) to issue a suitable order direction or command quashing the entire selection vide Annexure No.3 to this application as the same is void and illegal.
- (iii) to direct the respondent No. 1 and 2 to produce all the papers of the selection and constitution of the selection Board, before this Hon'ble Tribunal-
- (iv) costs of the application may be awarded to the applicant and against the respondents.

8. Interim order is prayed for:

Pending final decision on the application, the applicant seeks the issue of the following interim order:

- (i) Respondents No. 1 and 2 may be directed to produce all the papers of the selection and the constitution of the selection committee, and not to destroy them during the pendency of this application.
- (ii) To stay the implementation of the result contained in Annexure No. 3 to this application.

9. Details of the Remedy Exhausted:

In view of the facts that the Railway Board's

Ram Kumar

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directions have been violated and the representation contained in Annexures No. 4 and 5 have been rejected though the orders have not been communicated, the applicant is having no other alternative remedy.

10. Matter not pending with any other court:

The applicant further declare, that the matter regarding which this application has been made is not pending before any court of law or any other authority, or any other Bench or Tribunal.

11. Particulars of the Bank Draft/Postal order in respect of the application fee:

Postal order no DD 823475
dt 14/8/86

12. Details of Index:- An Index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of the Enclosures:

- (i) Annexure No. 1 Proforma issued by the respondents No. 1 and 2;
- (ii) Annexure No. 2, result of the written test;
- (iii) Annexure No. 3, impugned order of selection;
- (iv) Representation (Annexure No. 4)
- (v) Annexure No. 5, representation.
- (vi) Vakalatnama
- (vii) Index.
- (viii) Postal order.

IN VERIFICATION

I, Ram Kumar, son of late Sri Bachhan Prasad, aged about 39 years, working as Coach Attendant at Charbagh, N.R., Lucknow, resident of c/o Sri B. Shanker, Quarter No. T-3-B Railway Station Alamnagar, Lucknow, do hereby verify that the contents from 1 to 13 are true to my personal

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Ram Kumar

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knowledge and belief, and that I have not suppressed any material facts.

Lucknow:

Dated: 13.8.1986.

Ram Kumar
Applicant.

To,

The Registrar,
Central Administrative Tribunal,
Principal Bench, New Delhi,
Additional Bench at
ALTAHABAD.

List of documents Attached.

- 1:- Annexure No 1:- Preference
- 2:- Annexure No 2:- Result of the written test.
- 3:- Annexure No 3:- Result of the selection.
- 4:- Annexure No 4:- Representation made by the applicant.
- 5:- Annexure No 5:- Representation made by the applicant.
- 6:- Vakalatnama.
- 7:- Index
- 8:- Postal order.

Sukumar
13.5.26

Ram Kumar Chakraborty
(Ran Kumar)
(Applicant)

Ram Kumar
Attended.

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संख्या: 220ई 6/8 पी०सी०/८४

संख्या: 220ई 6/8 पी०सी०/८४

18

स्टेशन अधीक्षक/लघुमंडल एवं वाणिज्य

लघुमंडल अधीक्षक के समक्ष प्रेषित करने हेतु

समाप्त दिनांक/प. सी. नं. दिनांक प्रमाण, वाणिज्य

वर्ष २०८० ग्रेगोरियन कैलेंडर में

२०८० ई० २०८० ई० २०८० ई०

विषय:- टिकट संग्राहक (वेतन मात 260-400) के पद हेतु आवेदन पत्र ।

.....

टिकट संग्राहक वेतनमात २० 260-400 के रिक्त स्थानों को भरने के लिये वाणिज्य एवं परिवहन विभाग के अंतर्गत विभिन्न वर्गों के कर्मचारियों से प्रार्थना पत्र आमंत्रित किये जा रहे हैं । इस पत्रों केवल केवल तीन सप्ताह वाणिज्य या परिवहन विभाग में दिनांक 31.8.84.

को अवसरतः पूर्ण कर लेना है ।

प्रार्थना पत्र सहायक प्रमुख पर ही भेजें ।

प्रार्थना पत्र

टिकट संग्राहक २० 260-400 के पद हेतु प्रार्थना पत्र :-

1. कर्मचारी का नाम (बड़े अक्षरों में)
2. पिता का नाम
3. वर्तमान पद
4. स्टेशन
5. पद पत्र
6. वेतन एवं वेतन क्रम:-
7. पद विवरण
8. नियुक्ति तिथि
9. स्थायी करण की तिथि
10. स्थायीकरण पत्र
11. स्थायीकरण वेतन एवं वेतन क्रम
12. वैधित्य योग्यता
13. क्या अनुसूचित जाति या वर्गवासी के सदस्य हैं या नहीं तो पूर्ण विवरण दें ।

क्रम: 2-

Ram Kumar

Attended line copy
Smt

13 Decr 1985

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No. 220 DE 608/10/341-c. II.

Reg: Selection (written test) for the post of
Ticket Collector from amongst class-IV staff.

In the written test held for the post of Ticket
Collector grade Rs. 260-400 (RS) on 20.1.1985, the following
candidates have qualified :-

SN	Name	Father's name	SC/ST	Present design. & Stn.
1	Radhey Shyam	Panna Lal	SC	S/Wala Birapatti
2	Awdhesh Kr. Singh	P. M. Singh	--	" Vishwanathganj
3	Jagdish Pd.	Ram Jiawan	SC	" Majhlepur
4	Rajendra Kumar	Sukh Ram	SC	" Prayag
5	Rameshwar Pd.	Vishwanath Pd.	SC	" Vyas nagar
6	Kailash Chand Kanojia	KL Kanojia	SC	Porter Lucknow
7	Subart Mukerjee	CD Mukerji	--	P/Porter "
8	Pradeep Kumar	Ram Pd.	SC	" "
9	K. K. Gupta	MP Gupta	--	G/Porter "
10	Awdhesh Kumar	Hari Lal	SC	R/Porter "
11	Shyam Lal	Baboo Lal	SC	B/Porter "
12	Ashok Kumar	Basant Lal	SC	C/Porter "
13	Om Prakash Tewari	Ram Kumar Tewari	--	C/Porter "
14	Sabir Ali	Rahmat Ali	--	R/Porter "
15	Omras Lakra	R. Lakra	ST	P/Porter "
16	Krishna Jee Srivastava	Bhagwati Pd.	--	W/man Khetasara
17	Joseph Minz	J. Minz	ST	Lampman Lucknow
18	Ram Gopal	Gurdayal	SC	M/Man Bhadohi
19	Phool Chand	Bhagwati	--	Lampman Shahganj
20	Laloo Singh	Lalta Pd.	--	M/man Lucknow
21	Pyarey Lal	Bavchan Ram	SC	Lampman Jaunpur
22	Singhasan Pandey	SN Pandey	--	Lampman Varanasi centr
23	Ram Chandra	Baboo Lal	SC	M/man Lucknow
24	Avinash Singh	Sudama Singh	--	Lampman Ayodhya
25	Prakash Narain Dubey	S. Dubey	--	C. A. Lucknow
26	Budhran	Galbal	SC	" "
27	Ramjee Ram	D. Ram	SC	" Varanasi
28	Agharfi Lal	Daohu	SC	" Lucknow
29	Angan Lal	Tej Ram	SC	" "
30	Banwari Lal	Ram Charan	SC	" "
31	Bhawani Pd.	Ram Asrey	ST	LR Porter "
32	Chhotay Lal	N. Ram	SC	C. A. "
33	Chunni Lal	Malakey	SC	" "
34	Devi Bux Singh	K. B. Singh	--	" "
35	Jai Ram	Singh	SC	" "
36	Mewa Lal	K. Ram	SC	" "
37	Nageshwar Pd.	Nankoo	SC	" "
38	Naumilal Kanojia	KR Kanojia	SC	" "
39	Ramjee Lal	Dwarika Pd.	--	" "
40	Radhey Shyam	Jai Chand	SC	" "
41	Ram Nath	Gurdeen	--	" "
42	Ram Kumar	B. Prasad	--	" "
43	Ram Dikarey	T. Ram	SC	" "
44	Ram Kewal	--	SC	" "
45	Shitla Pd.	Ram Asrey	--	" "

2/-

Ram Kumar

Attended for copy
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contd.....

101- Hargen Ram	S.C. Ram	SC	Porter	Lobby MGS
102- Bandi Lal	Badlo Pd.	SC	Walter	Varanasi
103- Raja Ram	Ganga Din	--	Porter	Kashi
104- Ram Ujager	Mahabir Pd.	SC	"	Barabanki
105- Kishori Ram	Sarjoo	SC	"	Lobby MGS
106- Ram Dular	G. Pd.	SC	"	AND Nagar
107- Mulli Lal	Ram Gulam	SC	"	AND Nagar
108- Ram Dhani	Shiv Nath	SC	"	Varanasi
109- Shyam Sunder	Baboo Ram	--	LR Porter	Faizabad
110- Kanta Pd.	S. Ram	SC	Porter	Varanasi
111- Panna Lal	Ram Kishore	--	"	"
112- Balbir Singh Chandel	Prithvi Singh	--	"	"
113- Kali Dass	Raja Ram	SC	"	"
114- Sudhir Basumata	SP Basumata	ST	"	"
115- Siya Ram	Argun Ram	SC	"	"
116- Dhani Shankar	JN Singh	--	"	"
117- Gannu Ram	Teju	--	"	Faizabad
118- Promod Kumar	Kalka Pd.	SC	C/Porter	Lucknow
119- A.K. Rajput	Saty Narain	--	RG Porter	"
120- S.P. Singh	R.M. Singh	--	LR Porter	"
121- B.B. Lal	G.C. Kishran	--	EO Porter	"
122- S.C. Shukla	S. Shukla	--	LR Porter	"
123- R.K. Pandey	B.B. Pandey	--	LR Porter	"
124- Balbir Rana	B.B. Rana	--	SS Porter	"
125- Ashok Kumar	Baboo Lal	SC	RG Porter	"
126- Raja Ram	Gharu Pd.	SC	LR Porter	"
127- D.K. Tripathi	B.D. Tripathi	RMK	Porter	Lucknow
128- P.C. Pandey	J.N. Pandey	--	LR Porter	"
129- Bholanath Oraon	H. Oraon	ST	Porter	Lobby MGS
130- Hanuman Pd.	Kallu Ram	SC	"	Lobby MGS
131- A.R.S. Yadav	R.S. Yadav	--	"	Lobby MGS
132- Ramjeet Ram	Shankar Ram	SC	"	Varanasi
133- Hanuman Pd.	Ram Ghulam	--	Marksman	Goods Shed
134- Ram Singh	Balram	--	Porter	Malhaur
135- Mani Ram	Hansh Raj	--	Gateman	Malipur

The Viva voce has been fixed for the above candidates at Lucknow on 14/15th January, 1986 in the chamber of D.C.S. commencing at 10.30 hrs.

असलम महमूद

(ASLAM MAHMUD)

Sr Divisional Personnel Officer,
Lucknow.

Copy for information and necessary action to :-

SS/LKO, SS/BSB, SS/FD, SS/PEH, SS/RBL, SLN, JNU, JNKK, BBK, AY
SMs Kundaharnamganj, Bandhuakalan, AMG, Lakshmanpur, Chaikhandi
Jalalgani, Mondh, Dilkusha cabin, Raomau, Jagesharganj, GJJ
Safedabad, Lobby MGS, Kashi, Acharya Narendrao Nagar, Goods Shed/
Lucknow, Malhaur, Malipur Birapatti, Vishwanathganj, Majhlepur,
Prayag, Vyasnagar, Khetasarai, Bhadohi, Shahganj, Badshahpur, Raghur
It should be ensured that the above staff are spared for Singh.
attending the Viva Voce at Lucknow in the chamber of DCS on
14/15-1-86.

APD(I)/ APD(II)/ APD(G)/ APD(Spl).
Supdt./E.6.

[Handwritten signature]

[Handwritten signature]

NORTHERN RAILWAY

No.220-E6/8-TC/84

Divl. office,
Lucknow.

June 30, 1986.

Reg: Selection (written test followed by viva-voce) for the post of Ticket Collector from amongst class IV staff.

In the written test held for the post of Ticket Collector, grade Rs.260-400, held on 20.1.85 followed by viva-voce test held on 23.4.86 to 25.4.86 the following candidates have been placed on panel of Ticket Collector grade Rs.260-430 from amongst class IV staff :-

General candidates

- | | |
|---|-------------|
| 1. Sri H.C.Mathur s/o Sri B.B.L.Mathur | HQ/LKO |
| 2. Sri Ashok Kumar s/o Sri Ayodhya Prasad | HQ/LKO |
| 3. Sri Murari Pandey s/o Sri N.Pandey | HQ/Dilkusha |
| 4. Sri Om Prakash Tewari s/o Sri R.K.Tewari | HQ/LKO |
| 5. Sri K.C.Kanojia s/o Sri K.L.Kanojia | HQ/LKO |
| 6. Sri Sabir Ali s/o Sri Rahmat Ali | HQ/LKO |
| 7. Sri Ashok Kumar s/o Sri Basant Lal | HQ/LKO |
| 8. Sri Om Prakash Singh s/o Sri B.Singh | HQ/PKX |
| 9. Sri Ramesh Prasad s/o Sri Mathura Pd. | HQ/LKO |
| 10. Sri P.N.Dubey s/o Sri R.C.Dubey | HQ/LKO |
| 11. Sri A.K.Mishra s/o Sri Kaushal Misra | HQ/LKO |
| 12. Sri D.K.Tripathi s/o Sri B.D.Tripathi | HQ/LKO |
| 13. Sri Balbir Rana s/o Sri J.B.Rana | HQ/LKO |

S.C.Candidates

- | | |
|---|--------|
| 1. Sri Hanuman Prasad s/o Sri Ram Gulam | HQ/LKO |
| 2. Sri Budhram s/o Sri Galbal | HQ/LKO |
| 3. Sri Shyam Lal s/o Sri Baboo Lal | HQ/LKO |

S.T.Candidates

- | | |
|---|--------|
| 1. Sri Fagoo Basera s/o Sri Laxman Basera | HQ/PEH |
|---|--------|

EA/Divl.Rly.Manager,
Lucknow.

Copy for information and necessary action to :-

1. DPO/LKO
2. APO(II) LKO
3. Station Supdt., Lucknow, Pratapgarh, Varanasi
4. Station Master, Dilkusha & Pakhrauli.

.....
Pran Kumar
Atul
Sw
huc

Aug

22

Annexure No 4

To The Divl. Rly. Manager
Northern Railway
Lucknow

Subj: Selection of TC from class I staff.

Sir,

We are under signed staff was called for
interview on 20.1.06 and after passing / late we have been
called for interview on 23/24.06

The result was declared on 30.6.06. Just one
name was ignored, though we are senior to others
who have been taken as TC.

According to NR 3709, 6610 & 2728
clearly says about the modes & percentage.

Any Board with no & N.R. SNO. 7003 clearly
says that no personal view is a matter in selection
but in our case the selection board was made
by these officers, consisting DCS, FA & DCM & DME (F)

As such the Board (selection) is itself wrong
& so the selection should be held as null & void.

It is requested we should call again & do
the job accordingly to the rule.

Yours faithfully

For Section
Divl. Rly. Manager,
N.R. Lucknow

Ram Kumar

(3) Joint CA/Lia

(4) Joint CA/Lia

(5) Joint CA/Lia

(1) Joint CA/Lia

(2) Joint CA/Lia

Attended by C.P.J
Suzuki

The Divl. Railway Manager,
Northern Railway,
Lucknow.

ASO

23

Answer No 5

Sub:- Selection of C's against promotee quota.

Sir,

We the undersigned C/As are requested as under :-

We have appeared in the selection of C against promotee quota. After qualifying the written test we have been called for interview.

Our service records, were quite clean & some of us has been awarded rewards etc.

We are fully qualified for the above post, but we do not understand why our names have not been declared in the pass list.

We, therefore, request your honour to kindly add our names in the approved panel.

Dated: 8.8.36.

Yours faithfully,

1. ~~अमरजीव शर्मा~~
2. Ram Kumar CA Secy
3. Beehan Lal. CA/MA
4. अश्वरूप लाल. CA/LK
5. अमरजीव CA/LKO
6. एन. एल. शर्मा CA Secy
- 7.
- 8.
- 9.
- 10.
- 11.

Selection
Received
D. Kumar
8.8.36

Ram Kumar

Shahid
me
J. K.

Before the Central Administrative Tribunal at Allahabad. 24

ब अदालत श्रीमान

महोदय

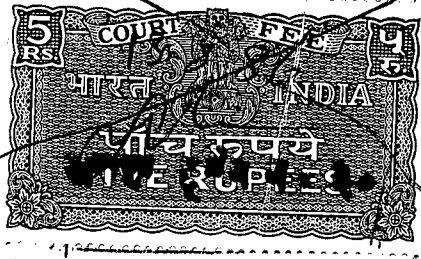
[वादी] अपीलान्त

श्री

का

वकालतनामा 15

प्रतिवादी [रेस्पाडेंट]



वादी (अपीलान्त)

Ram Kumar

नं० मुकद्दमा Union of India & others बनाम प्रतिवादी (रेस्पाडेंट)
सन् पेशीकी तारीख
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री S. S. Kant Advocate
10. Shivpuri, Lko, Ramesh Mohan Advocate
वकील महोदय
एडवोकेट

नाम अदालत	बनाम
मुकद्दमा नं०	
नाम फरीकन	

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या या पुलहनामा व इकबाल दावा 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 (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेंवें या पंख नियुक्त करें — वकील महोदय द्वारा की गयी वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया ताकि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर Ram Kumar

साक्षी (गवाह) साक्षी (गवाह)
दिनांक 13 महीना 8 सन 1986 ई०

स्वीकृत

Ramesh Mohan

AS2

In the Central Administrative Tribunal: Additional
Bench: Allahabad.

.....

Reply on behalf of the Respondents

In

Registration No. 406 of 1986

Ram Kumar Petitioner

Versus

The Union of India,

and others Respondents.

Affidavit/Reply of Sri K.M.Motwani,
aged about 57 years, Son of late
Sri Mangha Ram, ~~Resident~~ Assistant
Personnel Officer, Northern Railway
Lucknow.

.....

Deponent.

I, the deponent abovenamed, do hereby solemnly
affirm and state on oath as under :-

1. That I am the Assistant
Personnel Officer, Northern Railway, Lucknow

[Signature]
Asst. Personnel Officer
N. Rly. Lucknow.

(157)

:: 2 ::

and am fully acquainted with the facts deposed to hereinafter.

2. That the contents of the petition filed by the petitioner has been read over and fully understood by the deponent.

3. That the facts stated in paragraph no. 1 to 4 of the said petition need no reply.

4. That in reply to the contents of paragraph no. 5 of the said petition, it is submitted that after the declaration of result on 30.6.1986 the petitioner alongwith four others preferred the representations to Divisional Railway Manager and during the pendency of the said representations and without obtaining a final reply ^{by} to the competent authority on representations and also before the expiration of six months period as prescribed by the act and rules framed thereunder. The petitioner filed the present application before this Hon'ble Tribunal on 13.8.1986, thus his petition is infructuous and not maintainable on this ground alone.

[Signature]
N. R. Roy
5. Officer
knows

That the facts stated in

ASU

::: 3 :::

paragraph no. 6(i) and (ii) of the said petition need not be disputed for the purposes of the present case.

6. That the facts stated in paragraph no. 6(iii), (iv) and (v) of the said petition are admitted.

7. That in reply to the contents of paragraph 6 (vi) and (vii) of the said petition it is stated that the errors as pointed out in the para under reply was nothing but it was an error inadvertantly committed in issuing the order which stood rectified by the notice bearing No.220E 6/8-TC/89 dated 2/1/86 issued by the competent authority well before the institution of this case before this Hon'ble Tribunal. The petitioner despite sufficient knowledge of the said office notice deliberately left to mention that fact in his petition.

8. That in reply to the contents of paragraph no. 6(viii) of the said petition they are denied. The selection held for the post of Ticket Collector is strictly in accordance with the rules framed. The post of Ticket Collector are

Asstt. Personnel Officer
N. Rly. Lucknow

filed in by two sources (a) 662/3 % posts are

55

:: 4 ::

filled in by Direct recruitment quota (b) rest posts are filled in by holding a selection of eligible class IV categories. A combined seniority list of such class IV staff eligible for selection is drawn for the purpose of holding selection and accordingly, they are called for the written test. Thus the contention of the petitioner which he has mentioned in his application by quoting the relevant procedure of calling the candidates are not applicable in such selection. Any number of candidates in class IV of different categories if they apply for being selected as Ticket Collector, if found eligible can be called for selection. The selected candidates are arrayed in the panel of Ticket Collector in strict order of their class IV seniority. Thus the contention of the ~~an~~ petitioner as made in the para under reply are not tenable. The petitioner by quoting the non-applicable position of ^{the} selection rules has tried to mislead this Hon'ble court in arriving at a decision. The selection was held in strict compliance of relevant rules applicable for such selection for the post of Ticket Collector and there is no violation of any rule to vitiate the selection proceedings.

9.

That the facts alleged in paragraph no. 6(x) of the said petition are

admitted as alleged. The allegations made

[Signature]
Asstt. Personnel Officer
N. Rly. Lucknow.

AS6

:: 5 ::

by the petitioner are based on assumptions and presumptions. The selection committee consisted of Divisional Mechanical Engineer, Divisional Commercial Superintendent and Executive Assistant to Divisional Railway Manager and the selection was just and fair and according to the rules. The relevant documents will be produced if this Hon'ble Tribunal is pleased to direct.

10. That in reply to the contents of the paragraph no. 6(xi) of the said petition, it is stated that since the petitioner failed to qualify in the selection, he cannot claim preference over his juniors who qualified in the selection on merits.

11. That in reply to the contents of paragraph no. 6(xii) of the said petition, it is stated that the selection committee awarded marks according to merit and merit alone and according to rules.

12. That in reply to the contents of the paragraph no. 6(xi) of the said petition, it is stated that since at the relevant

time there was no post of Divisional Personnel
Asst. Personnel Officer
N. Rly. Lucknow.

AS7

:: 6 ::

Officer, the competent authority by its order dated 10.4.1986 nominated Sri P.L.Arya EA/Divisional Railway Manager to function as Personnel Officer for the said selection. It is relevant to point out here that Executive Assistant to Divisional Railway Manager ^{represented the} ~~is from~~ Personnel Branch.

A true copy of the said order dated 10.4.86 is being filed herewith and marked as Annexure 'I' to this reply.

It is also relevant to point out here that the petitioner at no stage during the selection proceeding raised such objections as pointed out in the para under reply. Since the petitioner was declared unsuccessful in the said selection, he has come with such false pleas to get the selection proceedings quashed. Since the petitioner did not raise such objections at the relevant time, when the course of action according to him had accrued when Mr.P.L.Arya joined the selection Board, he has no cause of action to challenge the same.

In view of the above facts and circumstances as stated, the petitioner is not entitled to get any relief which he has claimed in his petition and

the petition is liable to be rejected.

[Signature]
Asstt. Personnel Officer
N. Rly. Lucknow.

ASS

:: 7 ::

VERIFICATION:

I, K.M.Motwani, aged about 57 years,
Son of ~~late~~ Sri Mangha Ram, Assistant Personnel
Officer, Northern Railway, Lucknow do hereby verify
that the contents of paragraphs 1 to 12 of this
reply are true to my personal knowledge and belief,
that I have not suppressed any material facts.

Place: Allahabad

Date : 5.11.1986

.....
Asstt. Personnel Officer.
N. A. J. know.

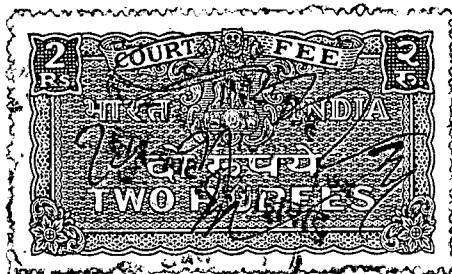
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✓ Regis NO 406 of 1906
Ran Kumar. S. U. D.

~~S. F. M.~~ A. H. M. 21

~~January 97~~
1874. E. H. B. M.

~~200~~
~~10/1/04~~



460

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH AT ALLAHABAD.

* * * * *

REJOINDER AFFIDAVIT

IN

Registration Case No. 406 of 1986

DISTRICT LUCKNOW

Ram KumarApplicant

v e r s u s

The Union of India and othersRespondents

Rejoinder Affidavit of Ram
Kumar, aged about 46 years, son
of late Sri Bachan Prasad,
resident of C/O Sri B. Shankar,
Quarter No. T3-B, Railway
Station, Alamnagar, Lucknow.

(DEPONENT)

The deponent abovenamed do hereby solemnly
affirm and state on oath as under :-

1- That the deponent is the applicant in the
abovenoted case and as such he is fully conversant
with the facts of the case deposed to below:

2- That the counter-affidavit have been read
over and explained by the deponent and he is fully



Ram Kumar

(A61)

-2-

understood the contents of the same and my reply of the counter-affidavit are as follows :

3- That paragraph 2 of the counter-affidavit, it is disputed that Sri K.M. Motwani has understood the contents of the application filed by the deponent.

4- That paragraph 3 of the counter-affidavit needs no reply. And from paragraph 4 of the counter-affidavit only this much is not disputed that the deponent along with others filed the representations as contained in Annexures '4 and 5' to the application. Rest contents of this para are specifically denied. The two representations have been rejected on 11.8.1986 and the following orders have been passed ^{on} ~~xx~~ annexure-4 to the application :-

"seen, no force, both the representation are rejected."

Sd./- E.A./Div. Rly. Manager
Lucknow.

The above order have not been communicated yet to the deponent so it is specifically denied that during the pendency of the representations contained in Annexures Nos. '4 and 5' the deponent filed any application before this Hon'ble Tribunal. Not only this in para 6 XIII the deponent has specifically stated that his two representation have been rejected and while submitting the reply

Ram Kumar

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-3-

in counter-affidavit in relevent para, the said statement of fact have not been denied by the respondents, hence the deponent has been advised to state that in view of A.I.R. 1962 Alld 408(D.B.) the contents of para 6 XIII of the application stands uncontroverted and it amounts that the same is deemed to have been admitted by the respondents and the deponent retreats the contents of paragraph 5 of his application as correct.

5- That the contents of paragraph 5 of the counter-affidavit needs no reply.

6- That the contents of paragraph 6 of the said counter-affidavit needs no reply.

7- That the contents of paragraph 7 of the counter-affidavit are specifically denied and the deponent retreats the contents of paragraph 6(VI) and 6(VII) of his application as correct. No such order as alleged in this para have ever been issued on 2.1.1986 as stated in this para. A perusal of Annexure No.3 to the application shall indicate that this Annexure itself have been issued on 30.6.1986 but in the counter it has been alleged that the modification have been issued on 2.1.1986 is not possible at all. A perusal of counter-affidavit of the application No. 407 of 1986 "Bhagwati Prasad Versus Union of India and others" shall indicate that it also contains same alleged modification



Ram Prasad

AC3

-4-

which is bearing the same letter number of the Annexure No.3 to the application but is of dated 3.7.1986 and appears to have been issued by the E.A. to the D.R.M. Lucknow. The said E.A. to D.R.M. was the member of the selection committee so being the member of the selection committee Sri Arya the E.A. to D.R.M. submitted the list of selected candidates and he himself have issued the modification letter is against the law. The pannal once recommended by the selection Board cannot be modified by the D.R.M. even without the approval of the M.G.M. to N.R. so the alleged modification have no ~~force~~ in the eye of law moreover no alleged connected list has been filed yet before the Hon'ble Tribunal and after modification which person have been placed at which serial have/been disclosed by the opposite parties. The alleged modification is not having any force in the eye of law, as the deponent has been advised to state .



8- That the contents of paragraph 8 of the counter-affidavit are specifically denied and the deponent retreats the contents of para 6(VIII) of his application as correct. In counter-affidavit it has not been disputed that in case the rule referred in paragraph 6(VIII) are not applicable than which of the rules are applicable. No seniority list have been filed by the opposite parties up till now.

Ram Kumar

A64

-5-

The opposite parties ought to have file the entire record of the selection before this Hon'ble Tribunal. Moreover the deponent is making an application for summoning all the records of the selection. The deponent has got the definite information that inspite of the highest mark secured by him and the others also the deponent has not been selected and the persons who have secured lesser marks in the written test as well as in the interview have been selected. Not only this the selection was held in not compliance of the relevant rules.

9- That the contents of paragraph 9 of the counter-affidavit are specifically denied, ^{except} the members of the selection Board. And the deponent reiterates the contents of paragraph 6(X) of his application as correct.



10- That the contents of paragraph 10 of the counter-affidavit are specifically denied and the deponent reiterates the contents of paragraph 6(XI) of his application as correct. How the selection have been made is clear from the undisputed fact that in Annexure No.2 at serial no 25 and 26 the porters who are juniors to the coach attendance have been shown as coach attendance and their relative seniority as coach attendance have been considered by the selection board, while they were not entitled for the same, so it is false to state that the selection has been made in accordance with law.

Ram Prasad

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-6-

11- That the contents of paragraph 11 of the counter-affidavit are specifically denied and the deponent retretes the contents of paragraph 6(XII) of his application as correct.

12- That the contents of paragraph 12 of the counter-affidavit are specifically denied and the deponent retretes the contents of paragraph 6(XIII) of his application as correct. At relevent time once senior Divisional Personnel Officer as well as Sri B.K. Sinha Assistant Personnel Officer-I, and Sri Ram Swaroop Assistant Personnel Officer(Gen.) and Sri K.M. Motwani, Assistant Personnel Officer-II were working , so in case there was no Personnel Officer as alleged by the opposite parties in the counter-affidavit any one out of above four persons could have been asked to form the selection Board. The deponent has been advised to state that the term Personnel Officer includes senior personnel Officer and Assistant Personnel Officer not only this the rule provides that in case of non ability of personnel Officer the Board should have the lower Officer of the said personnel branch. It is specifically denied that Sri Arya who is simply Engineering Assistant to the Divisional Railway Manager is from the personnel branch and the deponent has been advised to state that before issuing the Annexure-1 to the counter-affidavit, it has not been described that the permission of the general Manager N in Railway was ever ~~sought~~ sought.

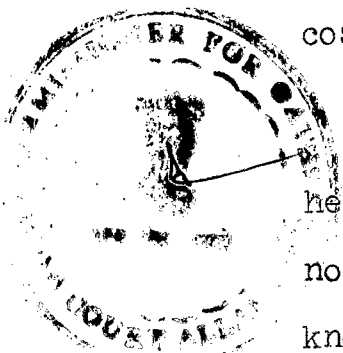
Ram Swaroop

Agg

-7-

13- That the deponent has been advised to state that the counter-affidavit of the opposite parties are no counter-affidavit in the eye of law, because of the reason that in the verification clause the same has been verified from personal knowledge and belief and it is not described that which part of the counter-affidavit is based on the personal knowledge and which part is based on the belief, so the entire counter-affidavit is no affidavit in the eye of law in view of the settled law declared by the Hon'ble Supreme Court as contained in A.I.R. 1952 (Supreme Court) Page 317 and A.I.R. 1967 (S.C.) page 319.

14- That the selection has been made in a most irregular manner and without jurisdiction manner and the entire selection is liable to be quashed with costs.



Ram Kumar
DEPONENT

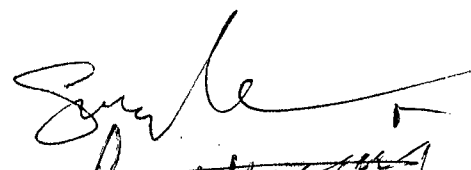
I, Ram Kumar the deponent abovenamed do hereby VERIFY THAT THE contents of paragraph nos. 1 to 13 of this affidavit are true to my personal knowledge and those of paragraph no. 14 of this affidavit is belief by me true on the basis of legal advice, no part of it is false and nothing material has been concealed. So help me God.

Ram Kumar
.....
DEPONENT

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-8-

I, Surya Kant, Advocate, High Court, Allahabad declare that the person making this affidavit and alleging himself to be Sri Ram Kumar is known to me personally.


.....
Advocate

Solemnly affirmed before me on this 20th day of November, 1986 at 9:00 AM by the deponent, who is identified as above.

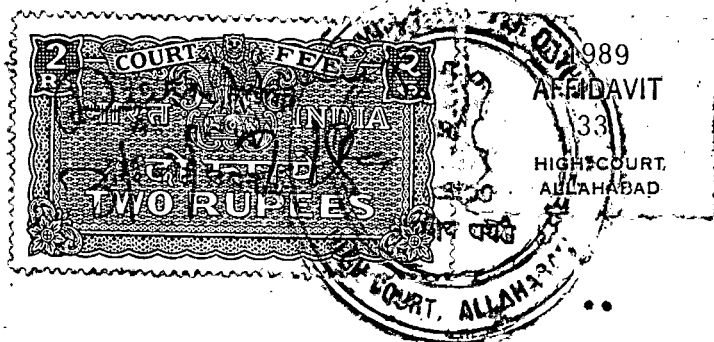
I have satisfied myself by examining the deponent that he understand the contents of this affidavit, which have been read over and explained to him.


OATH COMMISSIONER
High Court Allahabad
No 62/83
Date 20/11/86

Oath Commissioner

(163)

Before the Central Administration Tribunal Allahabad
Circuit Bench at Lucknow.



Ram Kumar

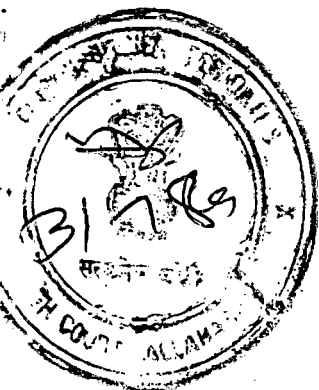
Vs.

Union of India.

SUPPLEMENTARY AFFIDAVIT

I, Ram Kumar, aged about 48 years son of Late Sri Bachan Pd. C/o Sri B. Shankar, Quarter No. T3 B Rly. Station Alam Nagar Lucknow do hereby solemnly affirm & state on oath as under:-

- 1- That the deponent is the applicant in the above noted case & as such he is fully conversant with the facts of the case.
- 2- That on 20.3.1989 the wife of the younger brother of the deponent i.e. ~~the~~ Shreh Lata was in the Govt. Hospital at Unnao and a photo copy of the Certificate to this effect is annexed herewith as Annexure No. S1 to this affidavit.
- 3- That the above case along with other connected cases were conducted by Sri Surya Kant Advocate alone.
- 4- That in the night of 18/19th March 1989, the mother of the wife of the said Counsel i.e. mother in law of the said Surya Kant Advocate at Gorakhpur ^{expired.} hence the said Advocate left the city on 19th March 1989, in the



Ram Kumar

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morning itself and was not in a position to give the instruction to any one for ^{conducting} ~~conducting~~ the case on 20.3.89.

Lucknow:

Dt. 31-7-89

Ram Kumar
DEPONENT

Verification

I the above named deponent do hereby verify that the contents of para 1 to 3 my personal knowledge and those of para 4 are true on the information derived from the Surya Kant Advocate.



Ram Kumar
DEPONENT

Signed and verified on this day of 1989 in the Court compound.

Ram Kumar
Deht

S. idar the deht makes me
be the sure

Surya Kant
Advocate.

solemnly affirmed before me on 31-7-89 at 9:35 A.M./P.M. by the deponent Shri. Ram Kumar who is identified by S. Ram + M. Advocate High Court, Allahabad. I have satisfied by examining the deponent that he understands the contents of this affidavit which have been read out and explained to him.

M. D. Kumar

16 AUG 1989
OATH COMMISSIONER
High Court Lucknow Bench Lucknow
No. 33/89
Date 31-7-89

(471)

Application under section 22(3)(h) of the Administrative
Tribunal Act, 1985.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH:LUCKNOW.

Date of filing

20/4/89

Registration No.

406/86

Signature

Registrar



CM Appr No. 84/89 CC
Ja
SD 406/86

Ram Kumar, aged about 48 years, son of late Sri Bachan Prasad, C/o Sri B.Shanker, Quarter No.T3-B Railway Station Alamnagar, Lucknow.

....Petitioner.

Versus

- filed today.*
- List before court on 03-05-1989*
- 20/4/89*
- 1- Union of India, through General Manager, Baroda House, New Delhi.
 - 2- Divisional Railway Manager, N-Railway Hazratganj Lucknow.
 - 3- Sri Hanuman Prasad, major son of Sri Ram Ghulam C/o Cheep Goods Clerk, Charbagh Railway Station N.Railway Lucknow.
 - 4- P.N. Dubey, major, s/o Sri S.Dubey c/o S.S.Charbagh N.Railway, Lucknow.
 - 5- Sri Budh Ram, major, s/o Sri Gaibal c/o Foods Supervisor, N.Railway, Charbagh, Lucknow.

....Opp.Parties.

Inre:

Registration O.A. No. 406 of 1986

Ram Kumar.....VersusUnion of India and others

Decided Ex-parte on 20.3.1989

by Hon'ble Mr. Justice Kamleshwhar

Nath V.C. and Hon'ble Ajai Jauhari

A.M.

....2/

Ram Kumar

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2-

The humble applicant submits that for the facts and reasons stated in the accompanying affidavit it is therefore prayed that the exparte order deciding the registration O.A. No. 406 of 1986 "Ram Kumar..Vs...Union of India and others" on 20.3.1989, exparte, may be recalled and set-aside and the petition may be disposed of on its merits after affording the opportunity of being heard to the applicant.

In verification

I, Ram Kumar, aged about 48 years, ~~xxx~~ ~~of~~ working as Coach Attended Charbagh, N.R. Railway, r/o Alamnagar Station, do hereby verify that the contents of this application are true to my personal knowledge, and belief, and that I have not suppressed any material of fact.

Lucknow:

Dated: 7.4.1989.

Ram Kumar
(Ram Kumar)
Applicant.

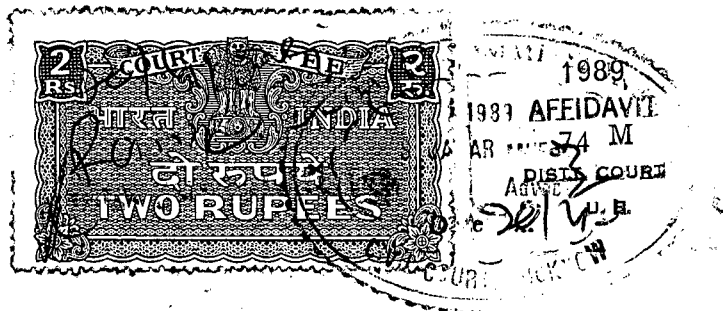
To,

The Registrar,
Central Administrative Tribunal
Principal Bench, New Delhi
Addl. Bench at Allahabad
Circuit Bench, at Lucknow.

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A73

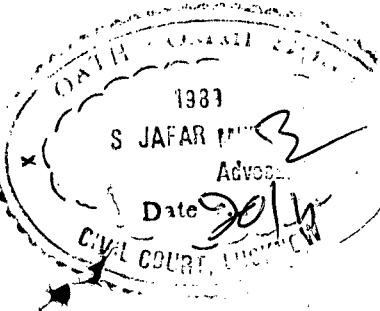
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH: LUCKNOW.



Ram Kumar Petitioner.
Versus
Union of India and others..... Opp.Parties.

AFFIDAVIT IN SUPPORT OF APPLICATION UNDER SECTION
22(3)(h) OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985.

I, Ram Kumar, aged about 48 years, son of late
Sri Bachan Prasad, C/o Sri B. Shanker, Quarter No.T3-B
Railway Station Alamnagar, Lucknow, the deponent do hereby
solemnly affirm and state on oath as under:-



- 1- That the ~~app~~ deponent is the applicant in the above
notee case and is fully conversant with the facts
of the case.
- 2- That on 20.3.1989, the abovenoted case was listed
for final hearing as well as for filing ~~the~~ documents
in terms of the order passed in 1987.
- 3- That on 20.3.1989 the wife of the younger brother
of the deponent suddenly became serious so the
deponent rushed to the Hospital and so far the
counsel of the deponent is concerned his mother-in-law
expired in Gorakhpur, so he too left the city on
19th of March, 1989 and as such none was there when

Ram Kumar

the case was called out, and was decided exparte.

- 4- That the documents required have not been filed by the Union of India and others, and the important decision as well as the rules and the guide lines framed by the Railway Board have also not been pressed due to absence of any one from the side of the deponent.
- 5- That the entire carrier of the deponent is blocked and as ²subh it is highly desirable in the ends of justice that the abovenoted case registration No.OA 406 of 1986 "Ram Kumar..Vs...Union of India and ors." may be decided on its merits after affording the opportunity of being heard to the deponent and after setting aside the ex-parte order dated 20.3.89.

- 6- That in case the deponent is not allowed to be heard

solemnly affirmed before me in office on 7.4.89 at 11:00 AM by Shri. Ram Kumar who is identified by Shri. S. Jafar Adv. clerk to Shri. S. Jafar Adv.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained by me.

Dated: 7.4.1989.

Ram Kumar
Deponent.

S. Jafar Adv.
Commissioner of Affidavits
Civil Courts, Lucknow

Verification

I, the abovenamed deponent do hereby verify that the contents of paras ³ 1 to 5 of this affidavit are true to my personal knowledge, and those of paras ² 6 of the same are believed to be true.

Contd....3/