

PART I
CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Ram Kumar - v. U.O.T.

FORM OF INDEX

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

PART - I

1.	Index Papers	:- 1 to 2
2.	Order Sheet	:- 3 to 21
3.	Any other orders	28-6-89 to 28-3-90 (2 Page)
	判决书	20-3-89 to 22-10-27 (6 Page)
5.	S.L.P.	:- X

22/12/88
D.Y. Registrar

22/12/88
Supervising Officer

22/12/88
Dealing Clerk

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

Nil

Dealing Clerk

File B/C destroyed on 09-5-12

30/12

Report
S.G.S

V.K. Mishra

*Rechecked
on 21-2-12
pm*

122-93
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.

S. No.	Description of documents	Page
1.	Check list	A1 - A2
2.	Order Sheet	A3 - A12
3.	Judgment dt- 20-2-89	A13 - A18
4.	Judgment in cm. application	A19 - A22
5.	Application for summoning the record	A23 - A26
6.	Petition	A27 - A42
7.	Interim Measures	A43 - A50
8.	Power	A51
9.	Counter Affidavit	A52 - A59
10.	Reaffidavit of affidavit	A60 - A62
11.	Supplementary affidavit	A68 - A70
12.	cm. application 84/89 (C)	A71 - A75

Part-B - B1 - B53

Part-C - C1 - C8

one extra copy of Petition

20/8

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 406 of 1986

AV

APPLICANT (s) Ram Kumar

RESPONDENT(s) Union of India through General Manager

Northern Railway, Bassda House, New Delhi + 4 other

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 cause for not making the application in time, been filed ?	—
4. Has the document of authorisation/Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	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	Hon. S. Zahoor Hasan, V.C. Hon. Ajay John Member(A)	
	<p>The case is adjourned to 29-8-86 for admission due to illness of counsel for the applicant Mr. Surya Kant.</p> <p>29 Member(A)</p> <p>OR</p> <p>26/8/86</p> <p>The case was adjourned to 29.8.86 for admission on the request of counsel for applicant</p> <p>Submitted for admission</p> <p>26/8/86</p>	

6
AU

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><i>OR</i></p> <p>Case was adjourned to 26-10-86 for admission on the request of counsel for applicant Submitted for admission</p>	
26-10-86	<p>Mon S. Zahoor Hasan - V.C Hon. Jayant John, A.M.</p> <p>Put upon 6-11-86 as prayed by the petitioner because his counsel has gone under some operation.</p> <p style="text-align: center;">✓ V.C.</p> <p style="text-align: center;">✓ A.M.</p>	
6-11-86	<p>Mon D.S. Misra - A.M. Hon. G.S. Sharma - J.M.</p> <p>The applicant's counsel is stated to be ill. Adjourned to 12-11-86. Reply may be filed by that date by the respondent.</p>	
	<p style="text-align: center;">{</p> <p>Mehtab (A)</p>	<p>Mehtab (J)</p>

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

NO.....

406

OF 1986

AS

VS.....

NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	16.12.87	No. 606 Adjourned to 12.1.88 as requested by the Lc of the applicant- by B.R.	OR Case is ready for hearing and is submitted for hearing as directed by Court. 2/1 8/1
	12/1/87	Hon. D.S. Misra - AM. Hon. G.S. Sharma - JM	OR Subm. the S for and 2/13
	25/3/87	On the application of applicant's counsel the case is adjourned to 25/3/87 for hearing. by AM. JM.	OR Case was adj. -area. to 16.4.87 for hearing by court submitted for hearing by 9/4.

आदेश पत्रक
ORDER SHEET

अपील
निर्देश आवेदन रजिस्टर में सं०
No. in Reference Application
Appeal Register

SA - 406/86

अपील अनिकरण
Appellate Tribunal

अपीलार्थी

आवेदक

Appellant
Applicantअपीलार्थी द्वारा
आवेदकAppellant
Applicantप्रत्यक्षी द्वारा
Respondent

वनाम

प्रत्यक्षी

Vs.

Respondent

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

10/8/87

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessaryपालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of complianceHon. D. S. Misra - AM
Hon. A. S. Sharma - JM

As requested by Mr. Sanjiv Kant, counsel for the appellants, 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 appellants or any other candidates appearing in the list. We, however, direct the respondents to produce before us the marked and Scrutiny list of candidates called for list on the next date of hearing.

OB
A copy
Dt. 10-8-87
Recd. & read
for Res
S. S.

Bh

Atm.

Am.

order sheet

12

8/2/88

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

(AS)

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

AM

JM

SP

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 have also attached with this case and
 no application has been moved by the applicants
 of those cases to transfer the cases to Lucknow Bench

fr. 4/8/88

9-8-88

Hon A. Say Jahan - AM
 Hon A.S. Sharma - JM

Hon. V.C. has
 agreed the order dt.
 2-12-87. *fr. 4/8/88*
 9/12/88

No one appears for the
 Applicant, Shri Kailash Singh
 for Respondents is present.
 The Case is adjourned
 to 22-9-88 for Orders.

JM

SP
AM

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

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

(AD)

Applicant(s)

Versus

Respondent(s)

No.	Date	Orders
	25.X.88	<p>On application of Applicant Ram Kumar Lee has been transferred from Std CAT to E.B. LKO.</p> <p>Today applicant presented certificate of cause in Sureja Ram L. Complaint of Std dt 10.88)</p> <p>still wanting list this case for hearing before Hukle Bawali on 28.X.88 as per by Lai Ji Sinha Advocate Connected case 407/8 452/86 456/86 & 458/86 Lee also listed with this case before Hukle Bawali. Application of Lai Ji Sinha is also on file</p>

Deb
25/10/88

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

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

(AC)

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 Ram 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.

DR
A.M.

DR
V.C.

(sns)

13.7.89 : Hon' D.K. Agrawal - gm

DR
No supplementary
affidavit has been
filed so far.
Submittal
ago ordered.

Sri Mushtir Ahmad, brief holder
of Sri Suryakant, appears and informs
that Sri Suryakant is ill for the
last 2 days. Sri Suryakant 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

REGISTRATION NO. _____ of 198.

On 406/86

410

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

...REG
number
of order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and date
of compliance

Has been filed nor any grounds
disclosed as to why the learned
counsel for the applicant was not
able to file the same. This it
shows that none is serious to
~~press~~ pray for 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.

Def
Member (I)

Hon. Justice K. Nath, N.C.

31.7.01
The learned counsel for the applicant
files supplementary affidavit dt. 21.7.88.
in view of the order dated 27.6.88. set
for hearing before the appropriate Bench
on 20.8.88.

Dr
Vic

OR
No supplementary affidavit has
so far submitted

OR
Case is
submitted for hearing

(All)

19

23.11.90 Case not reached adjourned to 3.1.91 for hearing.

3.1.91 No sitting Adi to 21.2.91.

(W) B.O.C.

21.2.91

No sitting Adi to 3.4.91.

3/4/91

(D)

Hon. Mr. P. B. Worth, Am.

Hon. Mr. S. N. Prasad, I.M.

This matter pertains to setting 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

✓

J.M.

✓

Am.

✓

5.4.91

case not reached adjourned to 2.5.91 for hearing.

5.5.91

No sitting Adi to 27.6.91

✓

(W) B.O.C.

ORDER SHEET

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

21

A12

ON NO.

406

OF 1986

Ram Kr

Vs.

V.O.L

Sl. No.	Date	Office Report	Orders
	12/8/91	<p>GA NO 406/86 was decided on 20-6-91 by the Bench of Hon. Justice K. Nali & Hn. Mr. K. Odayya, AM, Th. GA was connected with other 5 Cases (Case No. 407/86, 452/86, 456/86, 458/86 & 457/86) But the Judgement in CA 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 adrs.</p> <p>12/8/91</p>	
	29/8/91	<p>Marked for 29/8/91 There 4 Cases be sustained for Final Hearing</p> <p>16/8/91</p>	
	29/8/91	<p>Marked No Sitting adjourned 3-12-91</p>	
	15/12/91	<p>No Sitting adjourned 6-1-92</p>	
	6/1/92	<p>No sitting adj. to 25-3-92</p>	

22
4/3

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.

- 3 -

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 ^{lunch} judgement after 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 ~~and~~ ^{or} 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~~ ⁱⁿ two sets. The first set consists of written and viva voce (called "professional ability") test in which the minimum qualifying marks are 30/60 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 ~~coupled with~~ ^{and in that} 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

- 4 -

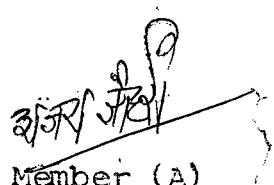
out of 50 in respect of written and viva voce test and also 58, 45, 53 and 56 in the aggregate. Navmi Lal Kanavjia and Bechan Lal who belong to Scheduled Caste category secured 24 and 23 marks respectively in the written and viva voce tests as also 54 marks each in the aggregate. There can be absolutely 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, ^{were} ~~were~~ not followed.

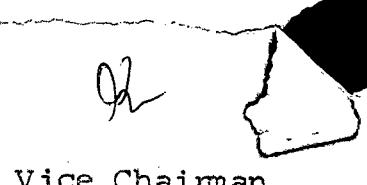
7. In respect of the constitution of the Selection Board, it is admitted that it had to be ^{of} not less than three persons. There is no controversy about the participation of the Divisional Mechanical Engineer and Divisional Commercial Superintendent as two out of the three men. The controversy is 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.

- 6 -

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.Sharma Vs. University of Lucknow 1976 SC 2425 to show that if a candidate does not object to and participates in an interview, ^{he} is stopped from challenging the recommendation of the Selection Board.

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


Member (A)


Vice Chairman

Dated the 20th March, 1989.

RKM

23
A/C

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 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 couple of times before lunch and again after lunch for judgment and that the Bench had gone through the case ~~as~~ 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.

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

Shakeel

G.C.

28/6/91

25.3.92

No. Sitting of D.P.S. adj to
1.5.92

2

1.8.92

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

Adjourn to 22.5.92

The hearing

A.M.

V.C.

22.5.92.Hon'ble Mr. Justice U.C. Srivastava - V.C.
Hon'ble Mr. K. Obayya - A.M.22.5.92.Hon'ble Mr. Justice U.C. Srivastava. V.C.
Hon'ble Mr. K. Obayya - A.M.

(DPS)

O.A. No. 406/86 was decided along with five connected cases on 28.6.1986 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 that in the application 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.

A.M.

V.C.

3

145/

Hon. S. Zakeer Hasen, KC
Hon. Ajay John, (rembdt)

Issue notice to the
respondents to show cause
as to why this application
be not admitted, frsp

1-10-1986 ~~frsp~~

21 31

29.8.86 V.C. (rembdt)

fr

32
P23



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

* * * * *

REGISTRATION CASE NO. 406 of 1986

(DISTRICT LUCKNOW)

APPLICATION FOR SUMMONING THE RECORD

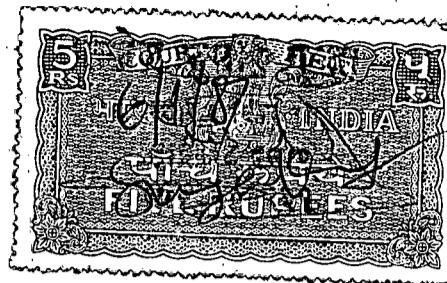
Ram Kumar Applicant

versus

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 themark-sheet chart of the written test and the viva also alongwith the seniority prepared and used in the test and selection may be summoned and oblige.

32
P23



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

* * * * *

REGISTRATION CASE NO. 406 of 1986

(DISTRICT LUCKNOW)

APPLICATION FOR SUMMONING THE RECORD

Ram Kumar Applicant

versus

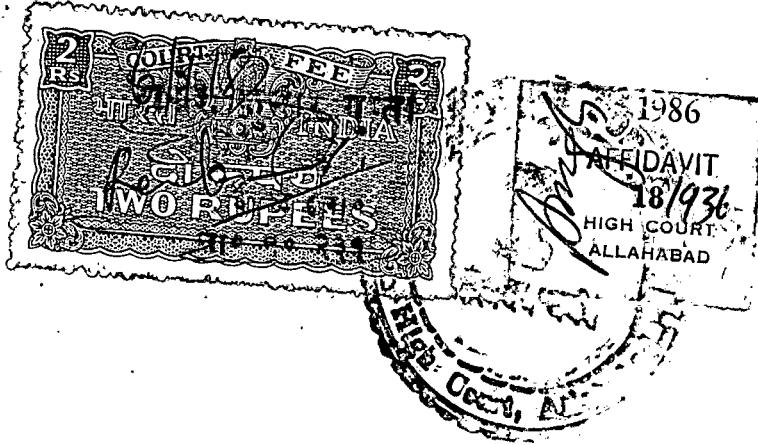
The Union of India and others Respondents

*Recd CM
6.1.87*

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 alongwith 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 ADDITION
BENCH AT ALLAHABAD.

* * * * *

Registration Case No. 406 of 1986

(DISTRICT LUCKNOW)

Ram KumarApplicant

versus

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. E 3-B,
Railway Station, Alamanagar, 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 comparison the persons wh

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 successfull 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

126

-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.

Surya Kant
Advocate

Solemnly affirmed before me on this 6th day of Jan, 1987 at 9.45 A.M. 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

Amrit Singh

18/1936

6.1.87

27/1/87

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: ALIAHABAD.

Registration No. of 1986.

Ram Kumar

Applicant.

Versus

Union of India & others

Respondents.

INDEX

Sl.No.	Particulars	Pages
1.	Application 1	1 to 16
2.	List of Documents	17
3.	Annexure No. 1 Copy of the Proforma of the application for appointment.	18 to
4.	Annexure No. 2. Result of the written Test	19 to 20
5.	Annexure No. 3, result of the selection.	21 to
6.	Annexure No.4, copy of the representation.	22 to
7.	Annexure No. 5, copy of the representation.	23 to
8.	Vakalatnama	24 to

Lucknow:

Dated 13.8.1986.


(Surya Kant)
A d v o c a t e
10, Shiv Puri,
L u c k n o w .

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-E6/8-T.C./84
(ii) Date June 30, 1986.
(iii) Passed by Divisional
Hazratganj, U.P.

Ram,

(iv) Subject in Griev.

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

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very much pleased with hard and honest working of the applicant and as such they promoted the applicant as Coach Attendant 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 staffs 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. 1 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 Attendant vide Serial No. 25 and 26.

(vii) That the respondent No. 2(1)(C) is a high ~~xxxx~~ 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

423

6.

(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 group 'C' selections should normally be equal to three times the number of existing and anticipated vacancies. Normally, staff in the grade ~~is~~ 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 ~~is~~ 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.

Ram Keresar *[Signature]*

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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

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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.

(1A) 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 minimum 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 as concerned the applicant is high school which the minimum qualification

Ranking

10.

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 in the 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 Kumar -----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/B/14314/3 of 29.12.1976). 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 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. $(15-2) \div 8 = 1.60$ Proportionate distribution.	Northern Rly $(15-5) \div 8 = 1.25$ 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

Ram Kumar
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~~6~~
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~~9~~

(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 ~~kkk~~ 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 ~~kkk~~ 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 ~~kkk~~ 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 *[Signature]*

Here

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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) Because 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' 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 ~~prexxexx~~ representations made by applicant, no order have been communicated, though the same have been rejected.

Ram Kumar ~~2~~ ~~3~~ ~~4~~ ~~5~~ ~~6~~

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H.C.

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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 2 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 Alannagar, Lucknow, do hereby verify that the contents from 1 to 13 are true to my personal

Ram Kumar

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
ALIAHABAD.

List of documents Attached.

1:- Annexure No 1:- Resaroma

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:- Order

8:- Podal order.

Ram Kumar Challa
(Ram Kumar)
Challan

Ram Kumar
Attested.

Subramaniam
13.8.26

Ansawar

185

संख्या: 220 क्र. 6/8 दीप्ती/वा.

स्टेट बृहदीप्ती/बृहदीप्ती एवं लालाप्रसादी ।

ताजाप्रसादी लालाप्रसादी के उत्तरात्मक रूप स्टेट बृहदीप्ती

स्टेट बृहदीप्ती/एवं लालाप्रसादी, लालाप्रसादी, वाजिया ।

विषय अप्रसादी लालाप्रसादी लालाप्रसादी । लालाप्रसादी/लालाप्रसादी लालाप्रसादी । लालाप्रसादी/लालाप्रसादी लालाप्रसादी ।

विषय यः— टिकट संग्रहक (वेतन मात्र 200-400) के पद हेतु आवेदन पत्र ।

टिकट संग्रहक वेतनमात्र रु 200-400 के विषय स्थानों को ग्रामों के लिये वाजिया एवं परिवासक विषय के वातावरणात्मक विषय के लिये कर्मवाचिकीयों तथा प्राचीनों एवं ग्रामकियों लिये जाते हैं । इन सार्वी क्रमों द्वारा तीव्र समाजीय विभिन्नता विभिन्नता में विकास हो । ४.४.

को अवधारत लालाप्रसादी लालाप्रसादी ।

प्राचीनों एवं संस्कृत लालाप्रसादी पर ली शैरेखी ।

प्राचीनों पर

टिकट संग्रहक रु 200-400 के पद हेतु प्राचीनों पर ।

१. कर्माचारी लालाप्रसादी
(वातावरणों में)

२. चिराचारी लालाप्रसादी

३. वर्तमानी लालाप्रसादी

४. संस्कृती लालाप्रसादी

५. लालाप्रसादी

कुमुदी लालाप्रसादी एवं वेतन क्रमः—

६. लालाप्रसादी

७. लालाप्रसादी

८. लालाप्रसादी लालाप्रसादी

९. लालाप्रसादी लालाप्रसादी

१०. लालाप्रसादी लालाप्रसादी

११. लालाप्रसादी लालाप्रसादी लालाप्रसादी के
संस्थय हैं याल हाँ तो दूर्घ विवरण हैं ।

दस्तावेज़:

Ram Kumar

Stated true today
Sury

Divisional Office

Lucknow.

13 Decr 1985

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Aero

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.	S/ Shri - Radhey Shyam	S/ Shri - Panna Lal	SC	S/ Wala Birapatti
2.	Awdhesh Kr. Singh	P. N. Singh	--	" Vishwanathganj
3.	Jagdish Pd.	Ram Jiawan	SC	" Majhlepur
4.	Rajendra Kumar	Sukh Ram	SC	" Prayag
5.	Rameshwar Pd.	Vishwanath Pd.	SC	" Vyasnagar
6.	Kailash Chand Kanojia	KL Kanojia	SC	Porter Lucknow
7.	Subart Mukerjee	CD Mukerjee	--	P/Porter "
8.	Pradeep Kumar	Ram Pd.	SC	" "
9.	K. K. Gupta	WP 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.	Obmas Lakra	R. Lakra	ST	P/Porter "
16.	Krishna Jee Srivastava	Bhagwati Pd.	--	W/mam Khetasareal
17.	Joseph Minz	J. Minz	ST	Lampman Lucknow
18.	Ram Gopal	Gurdoyal	SC	M/Man Bhadohi
19.	Phool Chand	Bhagwati	--	Lampman Shahganj
20.	Laloo Singh	Lalta Pd.	--	M/mam Lucknow
21.	Fayrey Lal	Bavchan Ram	SC	Lampman Jaunpur
22.	Singhasan Pandey	SN Pandey	--	M/mam Varanasi centt
23.	Ram Chandra	Baboo Lal	SC	Lampman Lucknow
24.	Avinash Singh	Sudama Singh	--	Lampman Ayodhya
25.	Prakash Narain Dubey	S. Dubey	--	C. A. Lucknow
26.	Budhram	Galbal	SC	" "
27.	Ranjee Ram	D. Ram	SC	" Varanasi
28.	Asharfi Lal	Daohi	SC	" Lucknow
29.	Angan Lal	Tej Ram	SC	" "
30.	Banwari Lal	Ram Charan	SC	" "
31.	Bhawani Pd.	Ram Asrey	ST	LR. Porter "
32.	Chhotey Lal	R. Ram	SC	C. A. "
33.	Chinni Lal	Malakey	SC	" "
34.	Devi Bix Singh	K. B. Singh	--	" "
35.	Jai Ram	Sinai	SC	" "
36.	Mewa Lal	K. Ram	SC	" "
37.	Nageshwar Pd.	Nankoo	SC	" "
38.	Naumilal Kanojia	KR Kanojia	SC	" "
39.	Ranjee Lal	Dwarika Pd.	--	" "
40.	Radhey Shyam	Jai Chand	SC	" "
41.	Ram Nath	Gurodean	--	" "
42.	Ram Kumar	B. Prasad	SC	" "
43.	Ram Dukarey	T. Ram	SC	" "
44.	Ram Kewal	Ram Asrey	SC	" "
45.	Shitla Pd.	"	--	" "

31 दिसंबर 1985

2/-

Final Result

After checked
S. C.

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20

contd.....

101.	Hargen Ram	S. C. Ram	SC	Porter	Lobby MGS
102.	Bandi Lal	Badlo Pd.	SC	Waiter	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.	Mutli 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.	Siva Ram	Argun Ram	SC	"	"
116.	Dhani Shanker	JN Singh	--	"	"
117.	Gannu Ram	Teju	--	"	Faizabad
118.	Promod Kumar	Kalka Pd.	SC	C/Porter	Lucknow
119.	A. K. Rajput	Daya Narain	--	RG Porter	"
120.	S. P. Singh	R. M. Singh	--	LR Porter	"
121.	B. B. Lal	G. G. Kishran	--	EO Porter	"
122.	S. C. Shukla	L. 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	Rxx	Porter	Lucknow
128.	P. C. Pandey	J. N. Pandey	--	LR Porter	"
129.	Bholanath Uraon	R. Orason	ST	Porter	Lobby MGS
130.	Hamuman Pd.	Kaljoo Ram	SC	"	Lobby MGS
131.	A. R. S. Yadav	R. S. Yadav	--	"	Lobby MGS
132.	Ramjant Ram	Shankar Ram	SC	"	Varanasi
133.	Hanuman Pd.	Ram Ghulam	--	Marksman	Goods Shed
134.	Ram Singh	Balram	--	Porter	Malhaur
135.	Mani Ram	Bansh 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.

ASLAM MAHMUD

(ASLAM MAHMUD)
Sr Divisional Personnel Officer,
Lucknow.

Copy for information and necessary action to :-

SS/LKO, SS/BSB, SS/FD, SS/PB, SS/REL, SLN, JNU, JNUK, BBK, AY
SMS Kundaharnamganj, Bandhuakalan, AMG, Lakshmanpur, Chaukhandi
Jalalganj, Mondh, Dilkusha cabin, Rupnagar, Jageshwaranjan, CGJ
Safedabad, Lobby MGS, Kashi, Acharya Narendradeo Nagar, Goods Shed/
Lucknow, Malhaur, Malipur Birapatti, Vishwanathganj, Majhlepur,
Prayag, Vyasnagar, Khetasrai, 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.

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

Rankbook

Rehket Singh

Ans
3

21

NORTHERN RAILWAY

No. 220-B6/8-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.I.Candidates

1. Sri Fagoo Basera s/o Sri Lakhn Basera	HQ/PEH
--	--------

Ans
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 & Pakhrayli.

Ans
Ranbir
Rakesh
Sury

212

22

Anne M. Y.

To the Dist. Rep. Manager
of Northern Railway
by Edens

Subj. Selection of TC from class to staff

We were under engaged staff was called for
arrived on 20.1.86 and after passing which we have been
called for delivery on 23/4/86

The result was declared on 30.6.06. But one name was ignored, though we are all senior to others who have been taken to T.S.

According to Mr. 3709, 6610 2328
clearly says about the number & percentage
of a

My Board letter No. 2 N.Y. 886, 7003 clearly
says that one person and three is a majority in selection
but in our case the selection board was made
by three others, consisting Dec. 8, 1914.

As such the Board (selection) is itself wrong
So the selection should be held as well as
It is suggested we should call again & do
the job accordingly to be done.

8. Se. 10
1875
Div. 11. Frances
N. H. Luckenbach

Ram Kumar

(3) ~~edit next OA/Liu~~

(3) ~~2016/01/01~~ ~~2016/01/01~~
(4) ~~2016/01/01~~ ~~2016/01/01~~ ~~2016/01/01~~
(5) ~~2016/01/01~~ ~~2016/01/01~~ ~~2016/01/01~~

(4) 2016/07/18 16:00/11/2016 ② Octahedrite (6/6) All

Stated in e.g. J
B. K. Kellogg
Surgeon

(ASO) (23)

The Divl. Railway Manager,
Northern Railway,
Lucknow.

Answer to Mos

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

Sir,

We the undersigned C/A's are requested as
under :-

We have appeared in the selection of C's
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: 3.36.

Yours faithfully,

1. ~~RAJENDRA SINGH~~
2. Rau Kumar CA/Secy
3. Bechand Lal - CA/Secy
4. Afsharji Lal - CA/Secy
5. ~~AMIT BHAGAT CA/LKO~~
6. ~~AFSHARJI ET CA/Secy~~
7.
8.
9.
10.
11.

Ram Kumar

Mohd
Iqbal
Iqbal

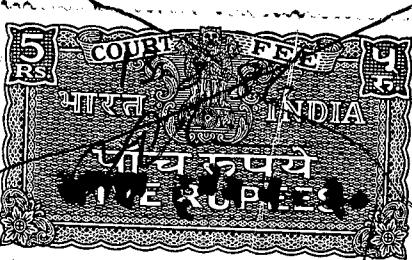
24

Before the Central Administrative Tribunal at Allahabad
ब अदालत श्रीमान..... महोदय
[वादी] अपीलान्ट

..... श्री का वकालतनामा

(65)

प्रतिवादी [रेस्पाइंट]



वादी (अपीलान्ट)

Ram Kumar

बनाम
Union of India & Others
नं० मुकदमा सन् १९८६ पश्चीकी तारीख
ऊपर लिखे मुकदमा में अपनी ओर से श्री...Surya Kant Advocate
10. Shivpuri, LK, Radhey Mohan Advocate
वकील
महोदय
एडवोकेट

नाम अदालत	बनाम
मुकदमा नं०	फरीकन्त
नाम	नाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दालिल करें या लौटावें या हमारी ओर से डिगरी 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 मुकदमा उठावे या कोई रुपया जमा करें या हमारी (फरीकसानी) 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 हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा 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

अभियुक्त साक्षी (गवाह)

दिनांक

स्वीकृत

Radhey Mohan

साक्षी (गवाह)

महीना ८ सन् १९८६

13

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

*Deponent
Personnel Officer
N. Rly. Lucknow.*

(A52)

:: 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 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.

*2. 50 offices
Smt. N. R. I. 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 inadvertently 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 filled in by two sources (a) 662/3 % posts are

*Asstt. Personnel Officer
N. Rly. Lucknow*

(65)
K

::: 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 ~~ap~~ 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

Ans. to Pet. No. 6(x)
Adm'tt. Personnel Office
N. Rly. Lucknow.

ASG

:: 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.

(ASX)

:: 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 ~~hails from~~ ^{represented the} 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.

ASB

:: 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

Deputy
Asstt. Personnel Officer
Dependent Lucknow
N.R.

To be
submitted before
final status

PP23

(X5)

✓ Regis NO 406 of 1906 Annexure 1
Ran Kumar. S. C. O. D

CCW

* S. A. to S.P.M. communicated
as member. So now the new
composition of the post is
shown ahead of the name in
place of Mr. Bhattacharya.

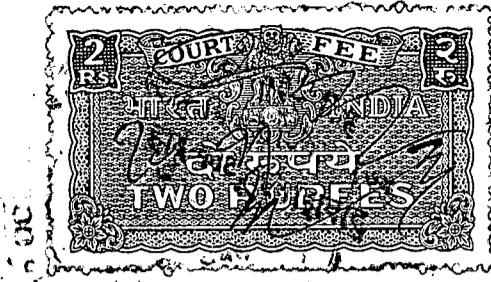
S.P.M. Approved

Shrik

04/06

✓
10/11/06

✓
10/11/06



ACO

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH AT ALLAHABAD.

* * * * *

REJOINDER AFFIDAVIT

IN

Registration Case No. 406 of 1986

DISTRICT LUCKNOW

Ram Kumar Applicant

v e r s u s

The Union of India and others Respondents

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

-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

462

-3-

in counter-affidavit in relevant 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 Kumar

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 force 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 not 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

-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, /the members of the selection Board. And the deponent retires 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 retires the contents of paragraph 6(IXD) 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 Bhai

-6-

11- That the contents of paragraph 11 of the counter-affidavit are specifically denied and the deponent retertes 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 retertes 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 ~~ext~~ Railway was ever ~~next~~ sought.

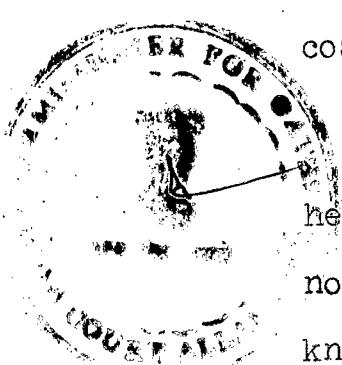
Ram Dinesh

Abd

-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 caluse the same has been verified from personal knowledge and belief and it is not discribed 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 ina most irregular manner and without jurisdiction manner and the entire selection is liable to be quashed with costs.

 Ram Kumar
DEPONENT

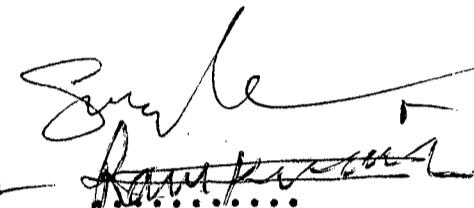
I, Ram Kumar the deponent abovenamed do hereby VERIFY THAT THE contents of paragraph nos.1 to 13 of this affidavit are true to my personal knowledge and those of paragraph no.14 of this affidavit is belief by me true on the basis of legal advise, no part of it is false and nothing material has been concealed.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


Ram Kumar
DEPONENT

462

-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.


Surya Kant
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. 62/86
Date 20/11/86

oath commissioner

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. ~~Mr.~~ Sneh 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 ^{expired} of the said Surya Kant Advocate at Gorakhpur hence the said Advocate left the city on 19th March 1989, in the

P&G

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 ~~px~~ those of para 4 are true on the information derived
from the Surya Kant Advocate.



Ram Kumar
DEPONENT

Signed and verified on this 31 day of
in the Court compound.

Ram Kumar
Dept.

I identify the defendant as
Surya Kant Advocate.

Surya Kant
Advocate.

affidavit before me on 31-7-89
in Q.35A M.P. M. by the deponent
Shri... *Ram Kumar*

who is identified by Surya Kant
Advocate High Court, Allahabad

I have satisfied by examining
the deponent that he is deponent
the contents of this affidavit which
have been read out and explained
to him.

M. D. Ali

M. D. Ali

OATH COMMISSIONER

High Court Lucknow Bench Lucknow

No. 33/89

Dated 31-7-89

31-7-89

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 App No. 84/89/4

DA No. 6/86



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

....Petitioner.

filed today

Versus

List before

cont on
03-05-1989

- 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 Gopal 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 Kamleshwar
Nath V.C. and Hon'ble Ajai Jauhari

A.M.

....2/

Ram Kumar

APZ

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, ~~now~~ ~~of~~ working as Coach Attended Charbagh, N.R. Railway, r/o Alampur 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.

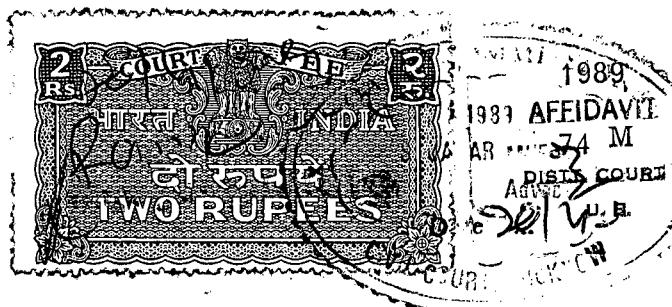
Ram Kumar
(Ram Kumar)
Applicant.

To,

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

(AP3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
CIRCUIT BENCH: LUCKNOW.



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

APPENDAVIT 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 Alaminagar, Lucknow, the deponent do hereby solemnly affirm and state on oath as under:-

1- That the ~~app~~ deponent is the applicant in the above note 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

APM

the case was called out, and was decided ex parte.

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 such 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 than he shall suffer irreparable loss and injury.

solemnly affirmed before me in office on the 7th day of April 1989 by Shri Ram Kumar, son of Shri S. J. A. Khan, Advocate, Dehradun, who is identified by Shri S. J. A. Khan, Advocate, Dehradun, clerk to Shri S. J. A. Khan, Advocate, Dehradun. 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. J. A. Khan
Commissioner of Affidavit
...only Civil Courts, Lucknow
Date: 7.4.1989

Verification

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