

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLE TA No. 1105/1987 of 19
High Court Allahabad/Lucknow Bench Vol No 10/82

Name of the parties Dinesh Chandra Mishra

.....Applicant.

Versus.

Union of India and othersRespondents

Part A

Description of documents

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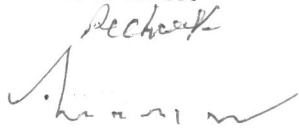
CERTIFICATE

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

Date : 27-07-11

Countersigned


Section officer/Court officer.


Signature of the
Dealing Assistant.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE 1105 OF 1987 (7)

NAME OF THE PARTIES.....

D. C. Mishra.....Applicant

Versus

Union of India.....Respondent

Part A, B & C

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CERTIFICATE

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

Dated 29/4/11

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

J.A. 1105/07

(AI)

NO. OF 190

VS.

Sl. No. of Order	Date of order	ORDERS WITH SIGNATURE	Office Notice as to action (if any) taken on order
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Office Report

An application has been filed in this Tribunal for transferring the case No. 1105/07 (T)

of to the Circuit Bench, Lucknow.

If approved, 26th May 1908 may kindly be fixed for hearing at Circuit Bench, Lucknow. In this regard the notices may be sent to the parties counsel.

AKSN
5/5/08

List this case before D.R.J's Court for orders on 26th May 1908 at Circuit Bench Hko

24.5.88

DR (T)

DRJ

Applicant present in person. S.N. Verma present for respondent. He is allowed to file reply by 22-7-88.

DR (T)

22.7.08

Due to sick demise of Sr. Bhatt, Adv. adjourned to 23.0.08

Rejoinder

No. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes to action (if any) taken on order
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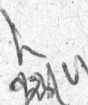
23.11.11

D.R.

For Respondt. Sn S. Varma, Adv
is present. ~~None~~ Neither
applicant ~~nor~~ any counsel
on behalf ^{of} applicant present. Sn
Varma counsel for Respondt.
Undertakes to get the
Reply served on applicant
Hence reply is allowed to
be ~~the~~ kept on record.
Fix 21-9-11 For R.A.



D.R.



21.9.11

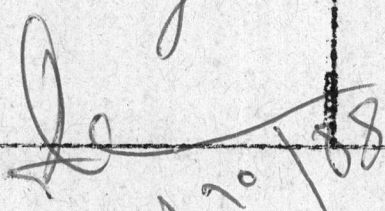
D.R.

Both the counsel is
present. As prayed by
counsel for applicant,
rejoinder can be filed by
24.10.11

D.R.

24.10.88

Law called
Out. 2d counsel
are sent for
parties. Rejoinder
filed by L. V. Shanka
Advocate.
Tues 22.12.88
Hearing



24/10/88

1105/07 (4)

10.7.89

Hon. D.K. Agrawal - Jm.

(A2)

No sitting of Division
Bench - Fixed 25.9.89 for
hearing.

D
J.M.

or Case is submitted
for hearing.

h
r/s

25/9/89

Hon. Justice K. Nath, VC.
Hon. K. Obayya, Jm.

The applicant's learned Counsel
files a supplementary affidavit
with copy of a ltr dated 29-7-85,
Annexure - SI. The language of
the last paragraph of this Annexure
is not clear. The learned Counsel
for the applicant is not in a
position to produce the original.
Smt. Sidhartha Verma, the
learned Counsel for the opposite
parties will produce the correct
copy of the said ltr and the
case be listed for final
hearing on 27-9-89.

Ans.

VC

100
27/9/89

Hon. Justice K. Nath, VC.
Hon. K. Obayya, Jm.

The learned Counsel for the opposite
parties files a cyclostyled copy of the
circular in question. Arguments
concluded. Disposal reserved.

Ans.

VC

100

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUDHIANA

O.A./T.A. No. 1105 198 7(T)

DC. Misra. Applicant(s)

Versus

U.O.I. Respondent(s)

Sr. No.	Date	Orders
	22/12/88	No sitting, Adjourned to 23/12/89 for Hearing P.M. 22/12
	22/2/89	Hon. D.S. Misra, A.M. Hon. G.S. Sharma, J.M. On the request of the learned counsel for the respondents, the case is adjourned to 27/4/89 for final hearing. J.M. P.M. Case was adjourned for hearing on 27.4.89. Submitted for hearing. 26/4
	27/4/89	Hon' Mr. D.S. Misra, A.M. Hon' Mr. D.K. Agrawal, J.M. On the request of the parties the case is adjourned to <u>10-7-1989</u> . J.M. A.M. (sns)

Received
Sd/-
3/11/89

OR
case is submitted
for hearing.
27/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

(A3)

O.A.NO.

198 .

T.A.NO.

DATE OF DECISION _____

Minesh Chandra Misra PETITIONER

Sri V. Shankar Advocate for the
Petitioner(s)

VERSUS

Union of India & others RESPONDENT

Sri L. Rama Advocate for the
Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Math, J.C.

The Hon'ble Mr. K. Obayya, Jm.

1. Whether Reporters of local papers may be allowed to see the Judgement ? yes
2. To be referred to the Reporter or not ? no
3. Whether their Lordships wish to see the fair copy of the Judgement ? no
4. Whether to be circulated to other Benches ? no

Dinesh/

(Ah)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
Circuit Bench at Lucknow
Registration T.A. No.1105 of 1987

(Writ Petition No.10 of 1982 of the)
(High Court of Judicature at Allahabad,)
(Lucknow Bench)

Dinesh Chandra Misra Applicant

Versus

Union of India & Others Opposite Parties.

Hon. Justice K.Nath, V.C.

Hon. K. Obayya, A.M.

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

The writ petition described above has been received by transfer under Section 29 of the Administrative Tribunals Act XIII of 1985 for disposal by this Bench. The prayer is to quash a suitability test examination held on 20.7.82 and an order of reversion of the applicant passed on 23.12.82, Annexure-9 in consequence of the test from the post of Head Ticket Collector to the post of Ticket Collector.

2. In para 4 of the application and corresponding para 4 of the Counter Affidavit, it is admitted by both the parties that the applicant, while working as a Ticket Collector in a substantive capacity, was promoted on ad hoc basis with effect from 1.1.80 to the post of Head Ticket Collector. Similarly, it is admitted in para 8 of the affidavit of both the parties that an order dated 24.11.80 was passed by the D.P.O. promoting the applicant on ad hoc basis with immediate effect, alongwith some other persons, to the post of Head Ticket Collector against an upgraded existing vacancy.

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3. However in course of time the applicant, alongwith others, was called upon to appear at a test for regular selection to the post of Head Ticket Collector. The applicant appeared at the test on 20th July, 1982 under protest. He was declared unsuccessful hence by the impugned order dated 23.12.82, Annexure-9 he was reverted to the post of Ticket Collector.

4. The applicant's case is that according to the decision of the Railway Board contained in Annexure-5 and a scheme for upgradation of various selection posts with instructions contained in Annexure-1, it was not permissible to hold a written test for regularization of promotions on upgraded posts. The test, therefore, was without jurisdiction and the order of applicant's reversion was illegal. It is further contended that, according to those instructions, the applicant was entitled to be regularised on the basis of his having completed more than 18 months of service of Head Ticket Collector since after 1.1.1980.

5. According to the opposite parties, however, the benefit of automatic regularization after 18 months of service did not apply to cases of employees working on ad hoc basis on selection posts. It is said that the applicable orders are contained in Annexure-C1 dated 15.1.66 and not Annexure-5 dated 3.3.72.

6. We have heard the learned counsel for both the parties and have gone through the materials on record. According to Annexure-C1 dated 15.1.66, persons who were officiating for more than 18 months could be reverted for unsatisfactory work only after following the procedure prescribed

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(A2)

for taking disciplinary action. The circular went on to say that that protection was available only to those persons who had been empanelled (in selection posts) or who had passed the suitability test (in non selection posts). Admittedly, the applicant had not been empanelled and therefore he could not get benefit of Annexure-C1. Annexure-5 dated 3.3.72 mentions that cases of staff promoted on regular basis should be reviewed after one year of continuous officiation with a view to determine their suitability for retention in the grade. It was further directed that the review of decision ought to be taken during the first eighteen months of officiating service and that on that procedure being followed there would be no question of denying confirmation on completion of two years of officiating service in clear permanent vacancy for reason of unfitness for confirmation. On the face of it, this decision applies to persons who are promoted on regular basis. Admittedly, the applicant was promoted not on regular basis but on adhoc basis. Annexure-5 therefore could not bring any benefit to him.

7. However, Annexure-1 is a later letter of the Railway Board conveying its decision in respect of upgradation of various selection posts. The letter would show that a decision had been taken for upgradation of various selection posts with effect from 1.1.79 and for expeditious implementation thereof, had directed that written test be dispensed with for filling up the upgraded posts. It is noticeable that while the letter went on to say that selection test would continue to be

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held in respect of regular posts, it was decided in unmistakable terms to dispense with the written test for filling up the upgraded posts with the specific object of avoiding delay in implementation of the upgradation scheme. The decision went on to say that it would not be cited as a precedent, signifying that that was a one time relaxation. The closing paragraph of Annexure-1 re-emphasized to make special efforts to fill up the upgraded posts on 'top priority basis'.

8. As already mentioned, it is the admitted case of both the parties in para 8 of their affidavits that the applicant had been given ad hoc promotion in the upgraded post of Head Ticket Collector on 1.1.80. By the time when the impugned reversion order dated 23.12.82 was passed he had already put in more than two years and 11 months of service. It was not expected, therefore, in the light of Annexure-1, that the applicant should have been required to appear at a written test for filling up the post held by him.

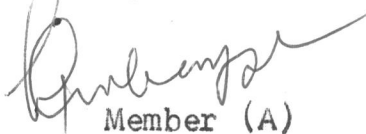
9. If there was any doubt in this regard, it appears to have been dispelled by a circular dated 29.7.85, Annexure-S1 setting out that, among others, Head Ticket Collectors who had worked on ad hoc basis between 1979 and 31.12.83 pending finalization of selection/suitability test may be regularised from the date of their completing 18 months ad hoc service against regular posts for the purpose of their seniority for promotion to the next higher grade.

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10. On a consideration of these decisions of the Railway Board and the facts of the present case, there is no manner of doubt that the applicant could not be called upon to appear at a written test for the purposes of regularization to the upgraded post of Head Ticket Collector and that since he had already completed 18 months of ad hoc service on that post prior to the holding of the examination, he ought to have been regularised without being called to appear at the test. The order of reversion dated 23.12.82 contained in Annexure-9 therefore must be quashed.

11. The application is allowed and the order dated 23.12.82, Annexure-9 of the reversion of the applicant is quashed. The opposite parties are directed to regularise ~~forthwith~~ the services of the applicant as Head Ticket Collector in accordance with law. They shall also grant to him such consequential benefits as may be admissible to the applicant. Opposite parties will comply with this directions within three months from the date of receipt of the copy of this order. Parties shall bear their costs.


Member (A)


Vice Chairman

Dated the 24 October, 1989.

RKM

CIVIL
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. No- 10-82

Name of Parties

D.K. Mesre vs. Union Bank

Date of Institution

3-1-83

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court Fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1	W.P. with Annex and affidavit	32	-	102.00			
	2	Power	1	-	5.00			
	3	Order 17 (W-83) for stay	4	-	7.00			
	4	Supplementary affidavit	2	-	2.00			
	5	Power	1	-	5.00			
	6	Order Sheet	3	-	-			
	7	Bank Copy	1	-	-			

I have this _____ day of _____ 198, examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear court-fee stamps of the aggregate value of Rs. _____, that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Munsarim

Clerk

Date _____

Group A3 (F)

(28)

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

(A10)

Writ Petition No. 10 of 1982.

Pinesh Chandra Misra

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

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4.	Annexure No. 3 - Copy of letter dated 16-6-1980	.. 15-16
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Lucknow, dated :

3-1-1983.

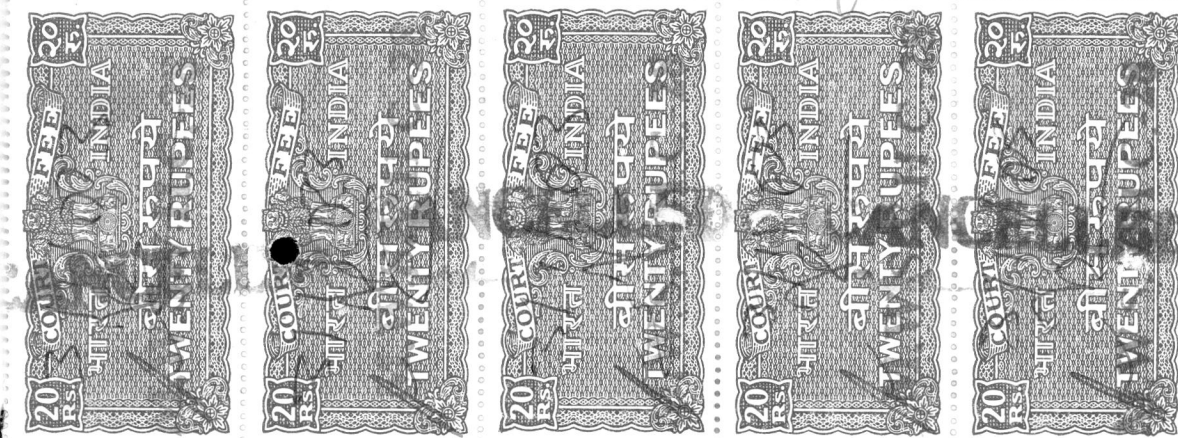
Shankar
(VINAY SHANKAR) Adv.
Advocate,

Counsel for the petitioner.

AIP

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. 10 of 1983.



Pinesh Chandra Misra, aged about
42 years, son of Sri Laxmi Narain
Misra, Head Ticket Collector,
Northern Railway, Charbagh, Lucknow,
resident of 14, Harbhi Marg, Chowk,
Lucknow.

582 1001
2/11

... Petitioner.

Versus

1. Union of India through the
General Manager, Northern
Railway, Baroda House, New
Delhi.
- ✓ 2. Divisional Railway Manager,
Northern Railway, Hazratganj,
Lucknow.
- ✓ 3. Divisional Personnel Officer,
Divisional Railway Manager's
Office, Northern Railway,
Hazratganj, Lucknow.

... Opposite parties.



P. Misra

A12

- 2 -

Writ Petition under Article 226 of the
Constitution of India.

The humble petition on behalf of the petitioner above-named most respectfully sheweth :-

1. That the petitioner was appointed as a Ticket Collector on 24-1-1964 in the Lucknow Division of the Northern Railway and was posted at Lucknow.
2. That the petitioner was ~~prom~~² promoted to the higher post of Travelling Ticket Examiner in the year 1978.
3. That while working as Travelling Ticket Examiner, the petitioner had given his option for promotion to the post of Head Ticket Collector.
4. That due to the satisfactory work and conduct of the petitioner, he was promoted to the upgraded post of Head Ticket Collector in an officiating capacity in scale Rs. 425 - 640 (R.S.) with effect from 1-1-1980 on the basis of his option.
5. That the Railway Administration vide its letter No. 561 E/255-98 Genl/(PC) Pt. 1 dated 25-4-1979 has given clear instructions regarding selection for filling up upgraded posts confined to one category of staff that there will be no written test. A true copy of the said letter is annexed herewith as annexure no.1 to this writ petition.



Annexure

A13

- 3 -

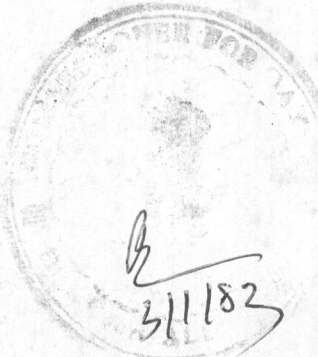
6. That while the petitioner was working as officiating Head Ticket Collector, he along with others was called for selection (viva-voce) for the post of Head Ticket Collector in grade Rs. 425 -640 (R.S) vide letter no. 181-E/6/6-III dated 2-3-1980 but the selection was postponed. A true copy of the said letter is filed herewith as Annexure no. 2 to the writ petition.

7. That again on 16-6-1980 the petitioner along with others was called for selection (viva -Voce) for the post of Head Ticket Collector but again the selection was postponed by the Railway Administration. A true copy of the said letter is filed herewith as Annexure no. 3 to the writ petition.

8. That the petitioner along with others was promoted on ad-hoc basis to the post of Head Ticket Collector in a clear vacancy against upgraded vacancy with immediate effect vide senior divisional Personnel Officer's order dated 24-11-1980. A true copy of the said order is filed herewith as Annexure no. 4.

9. That thus it is clear that the petitioner is working on the post of Head Ticket Collector since 1-1-1980 till today continuously to the entire satisfaction of his superiors and during this period there was no complaint about his work and conduct.

10. That the Railway Administration has laid down rules for confirmation of staff officiating in higher



Amisra

A14

- 4 -

grades vide Railway Board's letter No. E 9 H Cj 01/65 CN-5/31 dated 5-2-1972. It has been mentioned in the said letter that if any staff has completed 18 months' continuous officiating service in higher grade, then he will be deemed to be confirmed on the said post. A true copy of the said letter is filed herewith as Annexure no. 5.

11. That as the petitioner was promoted as Head Ticket Collector w.e.f 24-11-1980 then as per rules contained in Annexure no. 5 referred to above, he attained a permanent status as Head Ticket Collector in grade Rs. 425 - 640 (Rs) and he will also become confirmed on the said post after completion of 18 months continuous working on the said post. 2

12. That while the petitioner was working as Head Ticket Collector, a notice no. 757-E/8 Hd.T.C. dated 2-7-1982 was issued by the Divisional Railway Manager, Northern Railway, Lucknow, opposite party no. 2, calling the petitioner along with 36 others candidates for a written test for the post of Head Ticket Collector fixing the date of examination on 20-7-1982 for filling up 20 posts of Head Ticket Collectors.

13. That the petitioner immediately after knowing about the said written test, approached the authorities to know as to why he had been called for written test as he ^{was} ~~is~~ already promoted to the said



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post in the year 1980, but no satisfactory reply was received and he was compelled to appear in the written test failing which he will be reverted to a lower post.

14. That after being disappointed from all the corners, the petitioner submitted a representation to the opposite party no. 2 on 6-7-1982 stating therein that as per Railway Board's letter No. 561 B/255-98 Gen(PC) ² dated 25-4-1979, written test is uncalled for and only viva-voce test is needed for selection as Head Ticket Collector. It was also submitted in the representation that as the petitioner had been threatened with reversion and having no other alternative but to appear in the written test under protest and that before the declaration of the result of the test decision be taken on his representation. A true copy of the said representation is filed herewith as Annexure no. 6.

15. That as no reply to the afore said representation was received by the petitioner up to 18-7-1982 the again he submitted another representation to opposite party no. 2 on 19-7-1982 but that too was not taken into consideration by the opposite party no. 2. A true copy of the said representation is filed herewith as Annexure no. 7.

16. That as per Railway Board's letter dated 5-11-1976, it is laid down that for selection



Amisra

A/16

- 6 -

to the higher post, the number of candidates called for should be equal to 3 times the number of ~~exams~~ existing and anticipated vacancies. But in the instant case this procedure has not been followed and against 20 vacancies only ~~30~~ candidates were called out of which only 27 appeared in the written test. Thus, the said written test is in utter violation of the said letter. A photostat copy of the said letter is filed herewith as Annexure no. 8.

17. That calling the petitioner in the aforesaid written test is a clear violation of rules contained in Annexure no. 5 as after completion of 18 months' of continuous working on the post of Head Ticket Collector, the petitioner not have been called to appear in the written test.

18. That after not receiving any decision on his representations the petitioner, considering the threat of reversion from the post of Head Ticket Collector on which he is working, appeared in the written test on 20-7-1982 under protest.

19. That it is noteworthy to mention here that the petitioner was called twice for interview only for promotion to the post of Head Ticket Collector as per Railway Board's letter but this time the opposite parties no. 2 and 3 ignored the procedure without any reason.

20. That ultimately the petitioner appeared in the written test but for reasons best known to the administration, he was not called for interview ~~again~~



to undersigned

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which was held on 3-11-1982.

21. That the petitioner has proceeded on medical leave w.e.f 26-12-1982 morning due to his sickness and while he was on leave on 30-12-1982 one of his friend brought an unofficial copy of reversion order dated 23-12-1982 issued by the Divisional Personnel Officer, Northern Railway, Lucknow, opposite party no. 3, in which the petitioner has been reverted from his present post of Head Ticket Collector to the lower post of Travelling Ticket Examiner. The petitioner has got it typed and is filing here with a copy thereof as annexure no. 9 to the writ petition.

22.22. That by looking the impugned order it is evident that the petitioner has been reverted only on the basis of the said written test treating him as unsuitable candidate without complying and considering the instructions and guide-lines of Railway Administration contained in Annexure s no. 5 and 8.

23. That the impugned order of reversion of the petitioner is totally illegal because the same is based on written test which was held in violation of Railway Board's order dated 13-9-1974.

24. That the petitioner is on medical leave till now and neither he has been served with the reversion order to the lower post nor the person who has been promoted in his place has joined and the petitioner is still holding the charge of the post of Head Ticket Collector.



Amra

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25. ^{if} That/the operation of the impugned order dated 23-12-1982 is not stayed the petitioner will suffer an irreparable loss and injury.


26. That the petitioner is thus left with no other alternative except to invoke the extraordinary jurisdiction of this Hon'ble Court to challenge his illegal reversion by way of writ petition on the following amongst other grounds :-

GROUND S :

A) Because the impugned order of reversion is illegal as the petitioner has completed more than 2 years' continuous service on the post of Head Ticket Collector and as per Railway Board's circular dated 5-2-1972 the petitioner has acquired the status of a confirmed employee on the said post and thus without any reason he cannot be reverted, but by reverting the petitioner the Railway Administration has acted against the spirit of the said circular.

B) Because the opposite parties have committed manifest error of law in holding the written test for the post of Head Ticket Collector on which the petitioner is working, by ignoring the guide-lines of circular dated 3-9-1976 in which procedure for selection to higher post has been laid down.

C) Because the written test held by the administration is in utter violation of the Railway Board's instructions contained in Annexure no. 8 to the writ petition which provides that for selection to higher

Amisra



Shankar
Adw

A19

- 9 -

post the number of candidates should be 3 times to the number of ~~xxxxxxx~~ existing and anticipated vacancies but in the instant case this procedure has not been followed and as such the entire written test becomes illegal.

as per Railway Board's circular
D) Because ~~the reversion of the petitioner~~ contained in Annexure no. 5 to the writ petition, the petitioner became confirmed on the post of Head Ticket Collector after completion of more than 2 years' continuous service against a clear vacancy and as such he cannot be reverted by treating him as unsuitable for the aforesaid post.

E) Because the Railway Administration has committed illegality and also has acted against the principles of natural justice by reverting the petitioner without deciding his representations contained in Annexures no. 6 and 7 to the writ petition.

F) Because the impugned reversion order is unsustainable and perverse as the same has been passed without complying with the rules and regulations and instructions issued by the Railway Administration.

G) Because the Railway Board has laid down procedure for filling of upgraded post only on the basis of viva voce test but the Railway Administration has failed to comply with the said instructions and wrongly and arbitrarily held the written test for filling up the higher post of Head Ticket

Shankar
Adw

A20

Collector.

P R A Y E R .

wherefore it is respectfully prayed that this Hon'ble Court may be pleased to :-

- 1) issue a writ, order or direction in the nature of certiorari to quash the impugned order of reversion dated 23-12-1982 contained in Annexure no. 9 so far as it relates to the petitioner after summoning its original from the opposite parties,
- (ii) issue a writ, direction or order in the nature of mandamus directing the opposite parties no. 2 and 3 to allow the petitioner to work at his present post of Head Ticket Collector,
- (iii) issue a writ, direction or order in the nature of *Certiorari* declaring the written test held on 20-7-82 as null and void,
- (iv) to issue such other writ or direction as may be deemed fit and proper in the circumstances of the case, and
- v) to award cost of the writ petition to the petitioner.

Lucknow, dated :

3-1-1983.

Vinay Shankar
(Vinay Shankar) Adv.
Advocate,
Counsel for the petitioner.

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(A21)

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra .. Petitioner.
Versus
Union of India and others. .. Opposite parties

Annexure no. 1.

Northern Railway,
Head Quarters Office,
Baroda House,
New Delhi.

A. Johri,
Chief Personnel Officer.

D.O. No. 561 E/255-98 Genl(PC) Pt.I

My dear Kishore,

Sub: Filling up of upgraded posts as a
result of directives recently received
from the Railway Board.

.....

With a view to ensure that Railway Board's
instructions recently received for upgradation of
various selection posts with effect from 1-1-79 and
thereafter, are expeditiously implemented, it has
been decided that :-

1. Written test is to be dispensed with only in
the case of selections for filling up upgraded posts
alongwith existing regular vacancies if any for which
selections are confined to one category of staff.

This decision is with the specific object of avoiding
delay in the implementation of ^{upgradation} ~~upgradation~~ scheme and
not to be cited as a precedent. This should be made
clear to all concerned.

2. In the case of selections where staff from



A22

-/2 -

different categories are eligible, a written test will, however, have to be held.

3. In the case of selections held in connection with the upgradation scheme, the ban on holding a selection within six months of the previous selection will not apply and also the candidates who failed in earlier selection will be eligible for the selection now proposed.

4. Selections to fill up only regular posts now as well as in future will however continue to be held as per normal rules.

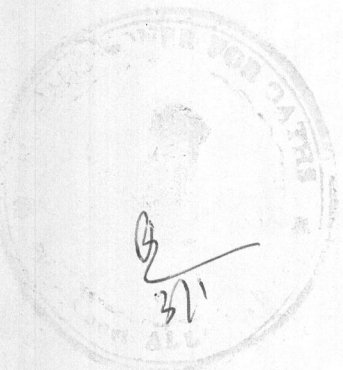
I would again emphasise that special efforts should be made to fill up the upgraded posts on top priority basis and monthly progress report sent to this office without delay for further transmission to the Railway Board.

Yours sincerely,

Sd/-

Shri Ajit Kishore,
IY.C.M.E., N.Rly.,
Alambagh, Lucknow.

(A. Johri)



to Amisre.

13- A23

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra .. Petitioner.
Versus
Union of India and others. .. Opp. Parties.

Annexure no. 2.
Northern Railway.

No. 181-E/6/E-III Divisional office,
Lucknow D/- 2-4-80.

The Station Supdt., LKO and Varanasi
Station Master Faizabad
C.I.T./LKO, Hd. T.C. LKO
Sr. DCS/LKO, Relief Clerk, LKO.

Reg: selection for the post of Hd. T.C. in
grade 425-640 (R.S.)

Please direct the unemoted staff to this
office at 10.00 hrs. on 8-4-80 to appear for
selection (viva voce) for the post of Hd. T.C. in
grade Rs. 425 - 640 (R.S.) positively.

- | | |
|------------------------------------|--------------|
| 1. Sri H.L. Pandey | - T.T.E. LKO |
| 2. " U.R. Tewari | " BSB |
| 3. " Kewal Krishna | " FD |
| 4. " B.B. Mukerji | " BSB |
| 5. " K.N. Singh | " BSB |
| 6. " R.S. Ahluwalia | " " |
| 7. " Mohd. Alim Khan | " LKO |
| 8. " M.R. Kovid | " FD (S.C.) |
| 9. Smt. Gushila Devi
Srivastava | |
| 10. Sri A.P. Singh | " BSB |
| 11. " R.P. Singh | " LKO |



D. Misra

(A24)

-14-

12. Sri D.C. Misra - Hd. T.C., LKO
13. " Abdul Baqui T.T.E. BSB
14. " S.P. Srivastava " FD
15. " S.K. Tripathi " FD

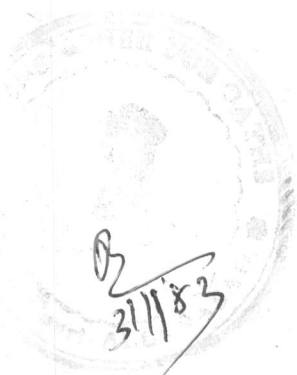
(A.K. Kanojia)

for DRM/LKO

Copy to :-

H.A. Confidential Section. He will please to
show the R's to the above staff to selection
Board on 4. 1980.

to Misra



A25

-15-

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra .. Petitioner.

Versus

Union of India and others. .. Opp. Parties.

Annexure no. 3.

Northern Railway

No. 181 E 6/8-III

Divl. Office
Lucknow, the June 80.

The Station Supdt., Lucknow/Varanasi

The Station Supdt., Barabanki/Faizabad/Jaunpur/
Rai Bareilly/Unnao.

The Relief Clerk, Lucknow.

Reg: Selection for the post of Hd. T. C.
in grade Rs. 425-640 (RS)

Please direct the unemoted staff to this
office at 10/- Hrs on 16-6-80 to appear for the
selection (Viva voce test) for the post of Hd. T. C.
in grade Rs. 425 - 640 (RS) positively.

- | | | |
|-----|---------------------|---------------|
| 1. | Sri B.D. Tripathi | - Hd. T/C-LKO |
| 2. | " B.D. Tewari | - do- |
| 3. | " S.C. Gedian | " |
| 4. | " G.P. Srivastava | " |
| 5. | " Mohd. Moin | " -FD |
| 6. | " R.K. Verma | " -JNU |
| 7. | " R.K. Tewari | " - BSB |
| 8. | " R.K. Singh | " - TBL |
| 9. | " Har Charan | " - ON |
| 10. | " Adya Pd. Singh | T. T.E./BSB |
| 11. | " Abdul Baque | - do- |
| 12. | " <u>D.C. Misra</u> | <u>" /LKO</u> |
| 13. | " K.P. Singh | " /LKO |



to Misra.

16- A26

14.	Srimati Sushila devi Srivastava	- TTE/LKO
15.	Sri S.K. Tripathi	" /FD
16.	" U.R. Tewari	" /BSB
17.	" Mohd. Alim Khan	" /LKO
18.	" H.L. Pande	" "
19.	" E.B. Mukerjee	" /BSB
20.	" Kewal Krishna	" /FD
21.	" K.N. Singh	" /BSB
22.	" R.S. Ahluwalia	" /BSB
23.	" A.P. Singh	" "
24.	" J.P. Bhardwaj	Hd. T.C./BSB
25.	" S.P. Srivastava	TTE/FD
27.	" Sunder Lal	Hd. T.C./BBK) S/C
	" M.R. Kovid	T.T.E./FD) candidates.

Sd/-

(A.K. Kanojia)

for Divl. Rly. Manager
Lucknow.

Copy to :-

1. HCA/Confidential Section. He will please arrange to show the C/Rs of the above named staff to the selection board on 16-6-82.



to be used

-17- A27

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ petition No. of 1982.

Dinesh Chandra Misra .. Petitioner.
Versus
Union of India and others. .. Opp. Parties.

Annexure No. 4.

Northern Railway.

No. 181 E6/8-III

Divl. Office,
Lucknow the 24th Nov. 1980

Notice.

The refusal of the under noted T.T.Es in scale Rs. 330 - 560 (R/S) to go on promotion as Hd. TCs in Rs. scale/425 - 640(RS) is accepted for a period of one year from the date noted against each. During this period juniors thus promoted will rank senior to them.

Sl.No.	Name	Designa- tion	Date from which refusal accepted.
--------	------	------------------	--------------------------------------

1.	Sri Kewal Krishna	TTE/FD	29-9-1980
2.	" K.N. Singh	" /BSB	5-9-1980
3.	" H.L. Pande	" /LKO	23-9-1980

The following promotion orders are hereby
issued to have immediate effect on ad-hoc basis.

Sl.No.	Name	Present Designa- tion & Station	Promoted and posted as Hd. T.C. at grade Rs.425-640(RS)	Remark.
1.	Sri R.S. Ahluwalia	TTE/BSB	Hd. TC/BSB	Against vacancy
2.	" Md. Alim Khan "	/LKO	" "	-do-
3.	" A.P. Singh "	/BSB	" /SHG	-do-

- | | | | | |
|----|---------------------|------------|--------------------|-----------------------------|
| 4. | Sri M.R. Kovid | TTE/FD | Hd. TONight/
FD | Against
vacancy |
| 5. | " R.P. Singh | " /LKO | " /PBH | Vice Sri
M.Kahur,
Tr. |
| 6. | " <u>D.C. Misra</u> | Hd. TC/LKO | " /SLN | Against
vacancy |
| 7. | " Mathews Kajur | " /PBH | " /BSB | - do - |

This has the approval of Sr. IPO/LKO.

Item 7 will not be eligible for free transfer passes, joining leave or transfer allowance.

D.P.C. and other service particulars be sent direct to S.Ms concerned advising this office.

Sd/-

for Divl. Personnel Officer
Lucknow

Copy for information and n/a to :-

1. The S tn. Supdt., LKO/BSB
2. The S.Ms PBH, SLN, FD and SHG
3. The Sr. D.A.O./LKO
4. The A.S. (Pay Bill) Lucknow.



In the Hon'ble High Court of Judicature at Allahabad;
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Pinesh Chandra Misra

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

Annexure no. 5.

Northern Railway.

Head Quarters Office,
Baroda House,
New Delhi.

No. 83LE/25-IV(EIV)
dated 3-3-1972.

All divisional Superintendents and
Extra divisional Officers, Northern Railway.

R.F.A. & C.A.O.(C), Chief Auditor,
Baroda House, New Delhi.

Copy to S.P.O.(H.Q.) Serial No. 5586

Subject : Confirmation of staff officiating
in higher grades.

A copy of Railway Board's letter No. E(NG)I-CN-5/
31 dated 5-2-72 is forwarded for information and nece-
ssary action. The Board's letter dated 12-8-71 referred
to therein was circulated vide this office letter
no. 83LE/25/IV(EIV) dated 20-9-71 (SL No. 5433)
D~~at~~ as above

Sd/- Rajesh Bahadur
for General Manager (P)

Secretary,

Copy to General Manager, URMU, 106-I, Rly Bungalow,
Punchkula Road, New Delhi.

2. The Genl. Secretary, NRMU, 115-E Babar Road,
New Delhi.
3. Shri Ganeshi Lal Sharma, Asstt. Genl. Secy, URMU,
Rly. Qr. No. T/35-A, South Colony, Moradabad.
4. Shri J.P. Chaube, President, URMU, Building 25
26, Naka Hindola, Arya Nagar, Lucknow.



P. Misra

A30

Copy of Rly. Board's letter no. E9NGOI-65CN5/31
dt. 5-2-72 from Sri Dwarka Dass, Asstt. Director
(Establishment), Rly. Board to the General Managers,
All Indian Railways & others.

subject : Confirmation of staff officiating
in higher grades.

In continuation of the instructions contained in
letter of even no. dated 12-8-71 the Board desires
that the cases of staff who have been promoted on
regular basis should be reviewed after completion of
one year's continuous officiating service, even if a
permanent vacancy does not exist, with a view to
determining their suitability for retention in the
grade. The review should be completed early and a
decision to continue the employee in the officiating
post or revert him taken, and implemented, within a
period of 18 months of officiating service. Having
followed this procedure, there should be no question
of denying the benefits of confirmation to an employee
on completion of 02 years officiating service in a clear
permanent vacancy for the reason that he is not fit
for confirmation.



to unders.

- 2 -

was called for only viva voce test on 8-4-80 and 16-4-80 as per letter No. 181-6/6/6-111 dated 2-4-80 and June 80. Since my request are not being considered and I am being threatened reversion, I have no other alternative but to sit in the above written test and decision may kindly be given by your goodself in my case before declaring the result of the written test so that my name may be eliminated from the written test where I should not have been called.

Hoping to very early action advising me.

Yours faithfully,

Sd/-

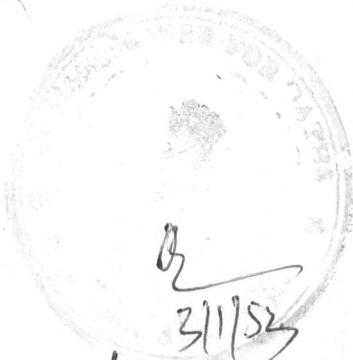
Dated : 6-7-82.

D.C. Misra
Hd. T.C. Lucknow.

Forwarded to D.R.M. LKO pl.

Sd/-

C.I.T./Stn/LKO.



Misra.

23- A3W

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ petition No. of 1983.

Dinesh Chandra Misra

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

Annexure No. 7.

To

The Divisional Railway Manager,
N. Rly, Lucknow.

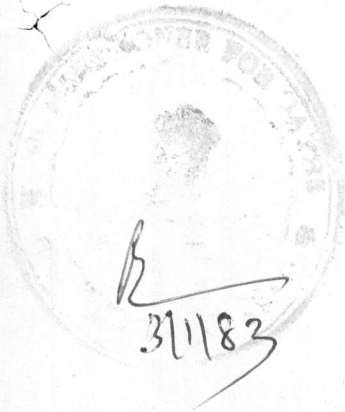
Ref: Written test for the post of Hd. T.C.
Rs. 425-640 fixed for 20-7-82.

Sir,

In continuation of my application dated 6-7-82
I beg to submit that no decision has been taken on
my that application and so I again submit for finali-
sation of my claim before result is announced.

That I joined as Hd. T.C. SLN in grade
Rs. 425-640 on promotion w.e.f 28-11-80 against an
upgraded post to entire satisfaction of all my
superiors. As such I have worked as Hd. T.C. for over
18 months and as such attained permanent status as
Hd. T.C. so I should not be called in the above
written test. That calling me in the above written
test is uncalled for as only viva voce test is needed
before promotion as Hd. T.C. in terms of HQ letter
no. 5618/255-98 Gen(PC) dated 25-4-79.

This is also corroborated that I along with others
was called for only viva voce test on 8-4-80 and
16-6-80 as per letter no. 181-6/6/111 dated 2-4-80



Dinesh Chandra Misra

24-

A35

- 2 -

and June 80.

since my request are not being considered and I am being threatened reversion, I have no other alternative but to sit in the above written test and decision may kindly be given by your good-self in my case before declaring the result of the written test so that my name may be eliminated from the written test where I should not have been called.

Hoping to very early action advising me.

Yours faithfully

sd/-

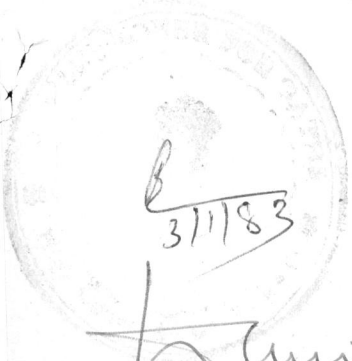
Dated : 17-7-82.

D.C. Misra
Hd. T.C. Lucknow.

Forwarded pl.

sd/-

C.I.T./Stn/LKO



D.C. Misra

-25-

A36

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Pine sh Chandra Misra .. Petitioner.

Versus

Union of India and others. .. Opposite parties

Annexure No. 8.



K. Misra

-26- A37

Northern Railway
Divisional Supdt.'s Office,
Lucknow. Dated: 10-11-76.

No: 811-E/63-2-Pt. III (E-3-1)

All Concerned on Lucknow Division.

P.S.NO:6618

Re:- Selection Procedure.

A copy of G.O.(P)N.Railway Baroda House, New Delhi letter No: B31-E/63-2-X(EIV) dated 13.9.76 P.S.No.6618 together with a copy of its enclosure is sent herewith for information guidance and necessary action.

for Divisional Personnel Officer,
Lucknow.

Copy of the letter as referred to above.

Sub:- As above.

A copy of Railway Board's letter No.E(NG)I-76PMI/168 dated: 3.9.76 is reproduced below for information and guidance.

The contents of the concluding two paras should be carefully noted to ensure that necessary action as suggested therein is taken accordingly.

Copy of letter No.E(NG)I-76-PMI/168 dated 3.9.76 from Dwarka Dass, Dy. Director, Establishment, Railway Board, New Delhi to General Managers, All Indian Railways and other, copy to Director General, RDSO Lucknow and others.

Sub:- Selection Procedure.

In terms of para 216(d) of Chapter II, Section 'B' of the Indian Railway Establishment Manual, the existing procedure is that for selection to non-gazetted categories the field of eligibility is 4 times the number of existing and anticipated vacancies plus 25% thereof for unforeseen vacancies. If the requisite number cannot be obtained from the grade immediately below the selection grade, the Administration is authorised to call staff in lower grades up to the third lower grade.

The above procedure has been carefully reviewed and the Ministry of Railways have decided that henceforth the number of candidates to be called for Class III selections need normally be only three times the number to be empanelled. They have also decided that normally only staff in the grade immediately below the selection grade should be considered; if the requisite number cannot be found in that grade, it would be permissible to go down to the second grade below but in no case should any candidates in a grade lower than the second grade

Contd. 2/-

: - 2 - :

below be considered. If the number of candidates thus available is short of 3 times the number to be empanelled, a reference should be made to the Board. The number of SC/ST candidates to be considered for selection should be determined on the same lines in relation to the number of posts reserved for such candidates. The number called would therefore be normally 3 times the number of reserved posts, subject to the condition that consideration does not extend to staff beyond two grades below the grade for which the selection is held.

The Ministry of Railways have also decided that selection panels should cater for unforeseen vacancies. In other words, the number of candidates considered should normally be equal to 3 times the number of existing and anticipated vacancies.

Finally, not more than one supplementary selection should be held; once the system of giving advance notice (as referred to below) is introduced, the incidence of absenteeism and therefore the need for supplementary selections would come down.

The above procedure may be followed with immediate effect. Necessary corrections in the Indian Railway Establishment Manual will be included in the new edition which is being compiled.

The Ministry of Railways have also decided that in future the programme of selections to be held in a year should be notified in advance around July of the preceding year. The programme for 1977 should be notified within the next two months. To avoid difficulties in sparing running staff, selections for such categories should be programmed during the slack season.

It is observed that Class III selections are not being held at regular intervals. The Ministry of Railways desire that all such selections should be held annually, at least from 1979 onwards. In the meantime, the periodicity should be at least one selection every two years.

2. Hindi version will follow.

GB/22.20

L. Curran

28

(H30)

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra .. Petitioner.
Versus
Union of India and others. .. Opposite parties.

Annexure No. 9.

NORTHERN RAILWAY.

No. 757 E 6/8-Hd. T.C. Divisional office,
Lucknow: Dt. 23 Dec., 1982.

Notice.

The following changes are hereby ordered to have immediate effect :-

The under noted staff offtg. on ad-hoc basis as Hd. T.Cs Gr. 425-640 (R.S.) are reverted to their substantive post of T.T.C. scale Rs. 330-560 (R.S) and posted at Lucknow.

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>	<u>Station</u>	<u>Posting on reversion at</u>
1.	V.S. Misra	Offtg. Hd. T.C.	PBH)
2.	Smt. Sushila Devi	-do-	LKO)
3.	Sunder Lal	-do-	BBK)
4.	<u>D.C. Misra</u>	-do-	LKO)

II. The under noted staff who has been selected for the post of Hd. T.C. scale Rs. 425-640 (R.S.) are temporarily appointed to officiate as Hd. T.C. and posted at the station noted against each :



H. Misra

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>	<u>Station posted at</u>	<u>Posted at</u>	<u>Remark</u>
1.	U.R. Tewari	Offtg. Hd. T.C.	KEI	KEI	-
2.	Mohd. Moin	-do-	FD	FD	-
3.	R.S. Ahluwalia	-do-	BSB	BSB	-
4.	Puran Lal	T.T.E.	LKO	LKO	Against an existing vacancy.
5.	M.R. Korid	Offtg. Hd. T.C.	FD	FD	
6.	S.K.L. Triwadi	T.T.E.	LKO	LKO	Against an existing vacancy.
7.	A.P. Singh	Offtg. Hd. T.C.	SHG	SHG	
8.	R.P. Singh	T.T.E.	LKO	LKO	Vice Smt. Sushila Devi reverted as T.T.E.
9.	R.N. Dubey	T.T.E.	LKO	LKO	Vice D.C. Misra reverted as T.T.E.
10.	R.K. Singh	Offtg. Hd. T.C.	RBL	RBL	
11.	M.H. Anwar	T.T.E.	LKO	ON	Vice B.D. Tewari Retired.
12.	M. Kajor (S.T.)	-	BSB	BSB	-
13.	S.K. Tripathi	T.T.E.	FD	Exx BBK	Vice Sri Sunder Lal reverted as T.T.E.
14.	Prem Dass S/C	Offtg. Hd. T.C.	LKO	LKO	-
15.	J.N. Upadhyia	T.T.E.	FD	BSB	Against existing vacancy
16.	Arun Sapru	T.T.E.	FD	PBH	Vice Shri V.S. Misra reverted as T.T.E.

N.B. S/Shri M.H. Anwar and x J.P.N. Upadhyia, T.T.E.s



to misra.

have been transferred at their own request.
They are not entitled for transfer allowance
transfer Pass and joining leave etc.,
This has the approval of D.P.ORS LKO
Advise movements.

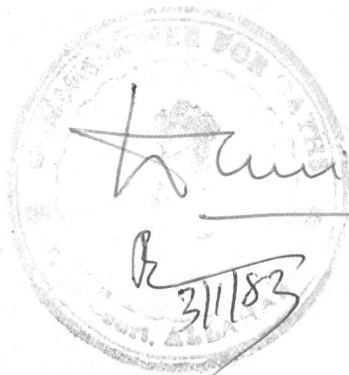
(K.K.Mehta)

for Divl. Personnel Officer,
Lucknow.

Copy to :-

1. Station Supdt., LKO, BSB, PBH & FD
2. The Station Masters, BBK, KEI, SHG, ON and RBL.
3. The Sr. D.A.O./Lucknow.
4. The Supdt/Pay Bill section.
5. The A.S/Commercial section.
6. The Divisional CIT/LKO

for information and necessary action.



In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.



Pinesh Chandra Misra .. Petitioner.
Versus
Union of India and others. .. Opposite parties.

Affidavit.

I, Pinesh Chandra Misra, aged about 42 years, son of Sri Laxmi Narain Misra, Head Ticket Collector, Northern Railway, Charbagh, Lucknow, resident of 14, Harbati Marg, Chowk, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is himself the petitioner in the above noted writ petition and as such he is fully conversant with the facts of the case.

2. That contents of paras 1 to 26 of the accompanying writ petition are true to my own knowledge and the contents of paras are believed by me to be true on the basis of legal advice.

3. That Annexures no. 1, 2, 3, 4, 5, 6, 7 and 9 to the writ petition have been compared with their



Pinesh Chandra Misra

originals and it is certified that they are true copies of their respective originals while Annexure no. 8 is the photostat copy.

Lucknow, dated :

3-1-1983.

2

Amendra
Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :

3-1-1983.

2

Amendra
Deponent.

I identify the deponent who has signed before me.

Shauke
Advocate.

Solemnly affirmed before me on 3-1-83

at 10 a.m./p.m. by Sri Pinesh Chandra Misra, the deponent, who is identified by Sri V.S. Srivastava Advocate, High Court, Lucknow.

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

P. S. Yadav

OATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench

No. 986/31

Date 1-3-83



3/

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

C.M. Application No. 1769 of 1983.



1 = 5/4
Ru
23/12/83

Dinesh Chandra Misra, son of
Sri Laxmi Narain Misra, Head
Ticket Collector, Northern Rail-
way, Charbagh, Lucknow, resident
of 14, Harbaji Marg, Chowk, Lucknow.

.. Applicant.

In re :
Writ Petition No. 10 of 1983.

Dinesh Chandra Misra

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

Application for stay.

The above named applicant most respectfully
begs to submit as under :-

That on the basis of the facts and circumstances
stated and grounds raised in the accompanying
writ petition and affidavit, the applicant prays that
this Hon'ble Court may be pleased to :-

- 1) to pass an interim order staying the
operation of reversion order dated
23-12-1982 contained in Annexure no. 9

Sharma
A.M.

(8)

Hon. S.C. Mathur, J
Hon. S. S. Ahmad, J

Put up along with
the writ petition.

Dt 3.1.83
RZ

[Signature]

Hon. S. N. Jha, J
Hon. S. K. Dasgupta, J

Issue notice.

In the meantime,
operation of the impugned order
contained in Annexure 9 to the
writ petition ^{is stayed} and if Sri R. L. Dube
has not taken over then the
petitioner shall not be relieved
from the posts.

Hf: gnd
5.4.1983

[Signature]

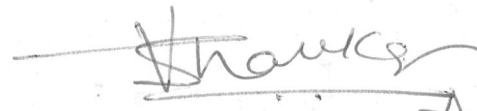
to the writ petition so far as it relates
to the petitioner till the disposal of the
writ petition,

(H4W)

- ii) to pass such order or direction as the
Hon'ble Court deems fit in the circum-
stances of the case.

Lucknow, dated:

3 -1-1983.


(Vinay Shankar)
Advocate,

COUNSEL FOR THE APPLICANT.

Try. Form No. 385

RECEIPT FOR PAY

(Form No. 1, Chapter
Handbook)

Place-----

Department and office-----

Received from-----

the sum of Rupees-----

on account of-----

Casher or Accountant.

High Court of Judicature at Allahabad

Lucknow Bench Lucknow.

Petition No. 10 of 1983

1982

AFFIDAVIT

98

HIGH COURT
ALLAHABAD

Dinesh Chandra Misra

...Petitioner

Versus.

Union of India & others.

... Opp. Parties.

A F F I D A V I T

I, Dinesh Chandra Misra aged about 42 years
son of Shri Laxami Narain Misra, Head Ticket Collector
Northern Railway, Charbagh, Lucknow, Resident of
14 Hardoi Marg, P.S. Chowk, Lucknow, do hereby solemnly
affirm as under:-

1. That the deponent himself is petitioner in the
above noted Writ petition and as such he is fully
conversant with the facts of the case.

2. That as per this Hon'ble Court's order dated 3.1.1983 the deponent has served notices alongwith duplicates of the Writ Petition upon the opposite parties No. 2 and 3 on 4.1.1983. Receipts of the same are being filed herewith for perusal of the Hon'ble Court.

Lucknow,

Dated:

9.1.1983

K. Misra
Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge and no part its false so help me God.

Lucknow,

Dated:

9.1.1983

K. Misra
Deponent.

I identify the above named deponent who has signed before me.

Vinai Shanker
(VINAI SHANKER) Adv

Advocate

(XXXXXXXXXX)

Solemnly affirmed before me on 9.1.83 at 9.40 a.m./p.m. by Sri Dinesh Chandra Misra the deponent who is identified by Shri Vinai Shanker Advocate High court Lucknow.

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

G. Shanker
Oath Co.
High Court
Lucknow

No.

398180

4

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

Writ petition No. 10 of 1983.

5/244



1983
AFFIDAVIT
5
HIGH COURT,
ALLAHABAD

Dinesh Chandra Misra

.. Petitioner.

Versus

Shri D. N. Jha, J.
Shri S. K. Chatterjee, P.

Union of India and others.

.. Opposite parties

Place on record.

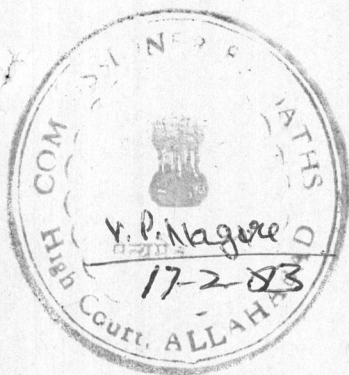
Supplementary Affidavit.

5.4.1983
Sd/-

5/244

I, Dinesh Chandra Misra, aged about 42 years, son of Laxmi Narain Misra, resident of 14, Hardoi Marg, Police Station Chowk, district Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is himself petitioner in the above noted writ petition and as such he is fully conversant with the facts and circumstances of the case.
2. That the written test was once held on 20-7-82 in which the deponent appeared and on 1-8-1982 it was held for the second time in which some other candidates were also called but the paper which was given on 20-7-1982 was again given on 1-8-1982, which is illegal and on this score alone, the written test cannot be said to be fair and thus the whole written test conducted by the adminis-



Handwritten signature

4/2
(Aid)

tration is null and void and on the basis of such unfair written test the deponent can not be declared disqualified or unsuccessful. It is further submitted that to ascertain the true facts this Hon'ble Court may call for both the papers from opposite parties no. 2 and 3 as they are in their possession.



Lucknow, dated :
17-2-1983.

[Signature]
deponent.

Verification.

I, the above named deponent, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :
17-2-1983.

[Signature]
deponent.

I identify the deponent who has signed before me.

[Signature]
(Vinay Shankar) Advocate.

Solemnly affirmed before me on 17-2-83 at 12:30 a.m/p.m. by Sri Pinesh Chandra Misra, the deponent, who is identified by Sri Vinay Shankar, Advocate, High Court, Lucknow.

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

Vidya Pd. Nagre
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench.
No 5/244
Date 17/2/83

Aug

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

T.A. No. 1105/87(T)

Dinesh Chandra Misra Petitioner.

Versus

Union of India & Others Opp. Parties.

SUPPLEMENTARY AFFIDAVIT

I, Dinesh Chandra Misra aged about 49 years son of Sri Laxmi Narayan Misra, Head Ticket Collector, Northern Railway, Charbagh, Lucknow, resident of 14, Hardoi Road, Chowk, Lucknow, the deponent, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is himself the petitioner in the above noted case, and as such is fully conversant with the facts of the case.

2. That a Circular dated 25.6.1985 was issued by the Railway Administration regarding impletion of cadre, restructuring ticket checking staff providing therein that the staff working on ad-hoc basis during the year 1979 - 1984 in the absence of finalisation of selection may be regularised after they have completed 18 months services against a regular vacancy

1950

/ 2 /

from the date of their completing 18 months for the purposes of their seniority for promotion to the next higher grade. This circular was not available at the time of filing of this petition with the deponent and the same is available with the deponent, which is filed herewith as Annexure No. S-1 to this supplementary affidavit.

3. That the said circular is very relevant material for the just and proper decision of the case, and as such its filing in the case is necessary and the same is being filed with this supplementary affidavit.

Lucknow:Dated:

DEPONENT.

April ,1989.

Verification

I, the abovenamed deponent do hereby verify that the contents of paragraphs 1 to 3 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

DEPONENT.

I identify the deponent who has signed before me, I know him personally.

(Vinay Shanker)
Advocate.

Solemnly affirmed before me on
at a.m./p.m. by Sri Dinesh Chandra Misra, the deponent,
who is identified by Sri Vinay Shanker, Advocate, High Court.

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

ASL

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,
LUCKNOW.

T.A. No. 1105/87(T)

Dinesh Chandra Misra Petitioner.

Versus

Union of India and Others Opp. Parties.

ANNEXURE NO. S-1

A52

A copy of G.M.(P) Northern Railway, New Delhi letter No.522-E/Loane dated 29-7.85, is reproduced below for your information and giving wide publicity amongst the staff concerned:-

(V.P.Sharma)
Divl. Secretary

Copy of G.M.(P) NDLS letter be quoted above:-

Sub:-Implementation of Cadre-restructuring in the Ticket Checking Staff.

Ref:-This Office circular letter of even number dated 25/6/85 addressed to DRM/ALD and copy to all other DRMs

In this office circular letter under reference, it was decided that all those STED grade Rs.425-640 who had worked on adhoc basis during 1979 to 1984 in the absence of finalisation of selection may be regularised, after they had completed 18 months service against regular vacancies from the date of their completing 18 months.

Against the decision issued in this office circular letter under reference, the General Secretary/IRMU has been advised that there had been similar cases in the categories of Hd.TC Rs and Conductors Grade Rs.425-640 as well where either selections had not been completed in the case of Hd.TCRs grade Rs.425-640 or suitability through viva-voce test in the case of Conductors Grade Rs.425-640 for sufficient long time with the result that the staff of these categories have continued to work against regular vacancies on adhoc basis.

The matter has again been examined and it has been decided that the staff of all above mentioned three categories viz Hd.TCRs, STEDs and Conductors grade Rs.425-640 who work on adhoc basis against regular vacancies during the period 1979 to 31-12-83 (pending finalisation of the selection/suitability test through viva-voce) may be regularised from the date of their completing 18 months adhoc service against regular posts for the purpose of their seniority for promotion to the next higher grade.

Sharma

W.P. Sharma

Sd/(BHAGWAN DASS)
for General Manager.

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

Civil Misc. Appln. No. of 1988.

In re:

T.A.No.1105 of 1987 (T).

-- (A53)

Dinesh Chandra Misra.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties/
Applicants.

--

Application on behalf of opposite parties
for vacation of stay order.

pet
le
23/8/88
This application on behalf of opposite parties/
applicants above named most respectfully states
that :-

For the facts, reasons and circumstances
stated in the accompanying counter ^{reply} affidavit,
it is most respectfully prayed that in the
interest of justice, this Hon'ble Tribunal may
be pleased to vacate the stay order, staying the
reversion of the petitioner.

Lucknow, dated,
23.8.88

Siddharth Verma
(Siddharth Verma)
Advocate.
Counsel for opposite parties/
applicants.

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

T.A.No.1105 of 1987 (T).

--

AS4

Dinesh Chandra Misra.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties/
Applicants.

--

Counter Reply on behalf of
opposite parties no.1 to 3.

I, Ram Swarsep

aged about 46

years, son of Sri _____

presently working as Assistant Personnel Officer
in the Office of Divisional Railway Manager, Northern
Railway, Lucknow, do hereby state as under :-

1. That I am presently working as Assistant
Personnel Officer in the Office of Divisional
Railway Manager, Northern Railway, Lucknow, and
is authorised to file this counter reply on
behalf of the opposite parties. I have read and
understood the contents of the above mentioned
writ petition and am well conversant with the
facts stated hereunder.

2. That the contents of paragraph 1 of the
writ petition are admitted.



Since the petitioner
appears in person and he
is not present today, copy
of this reply could not be
served on him. I undertake
to serve him out of Court or
through registered post.

Slesing
23/8/88
(Siddharth
Verma)
Advocate

ASS

3. That the contents of paragraph 2 of the writ petition are admitted that the petitioner was promoted to the post of Travelling Ticket Examiner in Scale Rs.330-560 (Revised Scale, hereinafter referred as R.S.) with effect from 30.6.1978.

4. That the contents of paragraph 3 of the writ petition are admitted.

5. That the contents of paragraph 4 of the writ petition are admitted only to the extent that by virtue of having opted for the post of Head Ticket Collector, the petitioner was promoted as Head Ticket Collector at Lucknow in ad hoc arrangement pending selection with effect from 1.1.1980.

6. That the contents of paragraphs 5, 6 and 7 of the writ petition are admitted.

7. That the contents of paragraph 8 of the writ petition are admitted.

8. That the contents of paragraph 9 of the writ petition are admitted only to the extent that the petitioner had been working as Head Ticket Collector in ad hoc arrangement with effect from 1.1.1980.

9. That the contents of paragraph 10 of the writ petition are denied. No such meaning to the said



A56

Railway Board's letter as given in Annexure no.5 of the writ petition can be given. In fact, the 18 month's rule was introduced by the Railway Board vide their letter No.E (D & A) BC 6-30 dated 30.11.1961, and in the subsequent letter of the Railway Board No. E (D & A) 65 BG 6-24 dated 15.1.1966 it was clarified that the said 18 month's rule is not applicable to the employees who are working on selection posts on ad hoc and/or stop gap basis pending selection. A true copy of the Railway Board's letter dated 15.1.1966 is being annexed herewith as Annexure No.C-I to this counter ^{reply} ~~affidavit~~. The Annexure No.5 of the writ petition is entirely in different context and thus not applicable in the case of the petitioner.

10. That the contents of paragraph 11 of the writ petition are denied. It is most respectfully submitted that in view of Annexure No.C-I of this counter affidavit, the petitioner having worked on ad hoc arrangement pending selection will not give him any right for confirmation against a selection post.

11. That the contents of paragraph 12 of the writ petition are admitted to the extent that 38 candidates, including the petitioner, were called to appear in the written test fixed for 20.7.1982 to fill up the 18 posts of Head Ticket Collector.

12. That the contents of paragraphs 13, 14 and 15 of the writ petition are denied.

ASB

13. That the contents of paragraph 16 of the writ petition, as stated, are denied. It is most respectfully submitted that only those Travelling Ticket Examiners, who opt for the post of Head Ticket Collector are eligible to appear in the selection for the said post and accordingly 38 Travelling Ticket Examiners, who had opted for the post of Head Ticket Collector, were called to appear in the written test, which is a part of the selection, which was held on 20.7.1982.

14. That the contents of paragraph 17 of the writ petition are denied.

15. That the contents of paragraph 18 of the writ petition are admitted only to the extent that the petitioner, Sri Dinesh Chandra Misra appeared in the written test held on 20.7.1982.

16. That the contents of paragraph 19 of the writ petition are denied.

17. That in reply to the contents of paragraph 20 of the writ petition it is most respectfully submitted that the petitioner, alongwith other candidates appeared in the written test, but since he failed in the written test, he was not called for the interview which was held on 3.11.1982.

18. That the contents of paragraph 21 of the writ



AS8

petition are admitted only to the extent that the petitioner reported sick on 26.12.1982, the rest of the contents of this paragraph are denied.

19. That the contents of paragraph 22 of the writ petition are denied. It is most respectfully submitted that the only reason for petitioner's reversion to his substantive post of Travelling Ticket Examiner is that he failed in the written test.

20. That the contents of paragraphs 23 and 24 of the writ petition are denied.

21. That the contents of paragraph 25 of the writ petition are misconceived and hence denied. The petitioner was not selected for the selection post of Head Ticket Collector and hence ineligible to hold the said post, which has necessitated his x reversion to his substantive post of Travelling Ticket Examiner and there is no question of any irreparable loss or injury which the petitioner would be subjected.

22. That in reply to the contents of paragraph 26 of the writ petition, it is most respectfully submitted that in view of submissions already made in the foregoing paragraphs of this affidavit, the grounds enumerated from (A) to (g) are untenable in the eye of law and the petitioner is not entitled



1759

for any of the reliefs (i) to (v) claimed by him and the writ petition is liable to be dismissed with cost. In view of the facts mentioned above, the stay order is liable to be vacated in the interest of justice.

Lucknow, dated,
22.8.88

(Asstt. Personnel Officer)
Northern Railway
Lucknow.

Verification.

I, the above named do hereby verify that the contents of paragraph 1 of this affidavit are true to my personal knowledge and those of paragraphs 2 to 21 are based on the record available and the same are believed to be true, the contents of paragraph 22 of this counter reply are based on the legal advice and are believed to be true and no part of it is false and nothing material has been concealed, ~~as may be seen.~~

Signed and verified this 22nd day of August 1988 at Lucknow.

Assistant Personnel Officer
N.Rly. Lucknow.

I identify the deponent who has signed before me.

(Siddharth Verma)
Advocate.

(A60)

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

T.A.No.1105 of 1987 (T).

--

Sri Dinesh Chandra Misra. -----Petitioner

Versus

Union of India and others. -----Opp-parties/
Applicants.

--

Annexure No.C-I

Government of India.
Ministry of Railways
(Rail Board)

No.E (D & A) 65 BG 6-24

New Delhi:Dt.15.1.66

The General Managers,

All India Railways, CML, DLW and ICF.

The General Manager & Chief Engineer
Railway Electrification, Calcutta.

The Director General, B.D. & S.O. Alambagh, Lucknow.
(With 5 spares).

The Chairman,
Railway Service Commission,
Allahabad/Bombay/Calcutta/Madras.

The Chief Administrative Officer & Chief Engineer
D.B.K.Railway Projects, Waltair.

The Principal, Railway Staff College, Baroda
(In triplicate).

The Principal, Indian Railway School of Advanced
Permanent Bay Engineering, Poona.

The Principal, Indian Railways School of Signal
Engineering & Telecommunications, Secunderabad.

The Dy.Director Steel (General) 1/1 Acharya Jagdish
Chandra Bose Road, Calcutta-15.

The Secretary, Railway Bates Tribunal, Madras.

The Railway Liason Officer, New Delhi.

The General Secretary, I.B.C.A., New Delhi.

--

Sub: Reversion on grounds of general
unsuitability of staff officiating in
a higher grade or post.

--

Reference Board's letter of even number
dated 9.6.1965 wherein it has, inter alia been
stated that in future any person who is permitted

61

-2-

to officiate beyond 18 months cannot be reverted for unsatisfactory work without following the procedure prescribed in the Discipline & Appeal Rules. A question has been raised whether this safe-guard applies to persons who are officiating on promotion as a stop-gap measure and not after empanelment (in the case of selection posts) and after passing suitability test in case of non-selection posts. It is clarified that the safe-guard applies to only those employees who have acquired a prescriptive right to the officiating posts by virtue of their empanelment or having been declared suitable by the Competent Authorities. It does not apply to those officiating on promotion as stop-gap measure and also to those cases where an employee, duly selected, has to be reverted after a lapse of 18 months because of cancellation of selection Board proceedings or due to a change in the panel position consequent to rectification of its takes in seniority etc.

(This disposed of Dy.CPO, S.E.Railways
D.O.No.B/R/CON/IIPt.V dated 30.9.1965).

Sd. P.B.Jain.
Deputy Director Establishment
Railway Board.

Copy to E(PB)-II P (BP) III, Cash I, E(O) I,
E(RG), E(CP), Sec.(E) Sec.(defence) with 7 spares
and Secretary's Branch of Board's Office.

--
True-copy.

Before the Central Administrative Tribunal,
Circuit Bench, Lucknow.

T.A. No. 1105 of 1987 (T)

(A62)



Dinesh Chandra Misra

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

Rejoinder-Affidavit on behalf of the petitioner.

I, Dinesh Chandra Misra, aged about 48 years, son of Sri Laxmi Narain Misra, Head Ticket Collector, Northern Railway, Charbagh, Lucknow, resident of No. 14-Hardoi Road, Chowk, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is himself the petitioner in the above case and as such he is fully conversant with the facts of the case.
2. That the contents of paras 1 to 4 of the counter affidavit under reply are not disputed.
3. That the contents of para 5 of the counter affidavit under reply as alleged are denied. It is further submitted that the deponent was promoted as Head Ticket Collector in officiating capacity as



D. Misra.

- 2 -

per his option

(P63)

4. That the contents of paras 6,7 and 8 of the counter affidavit under reply need no comments and the contents of paras 5 to 9 of the writ petition are re-iterated.

5. That the contents of para 9 of the counter affidavit are wrong, hence denied. It is further submitted that the deponent was promoted to the post of Head Ticket Collector against upgraded vacancy on ad-hoc basis which is itself clear from Annexure No. 4 to the writ petition. The alleged letter of Railway Board dated 15-1-1966 filed as Annexure no. C-1 of the counter affidavit by the opposite parties is entirely different from the Railway Board's letter dated 5-2-1972 filed by the deponent with his writ petition as Annexure no. 5 and thus the letter dated 15-1-1966 filed by the opposite parties is not applicable at all in the instant case. It is needless to mention that the circular dated 15-1-1966 is automatically superseded by circular dated 5-2-1972.

6. That the contents of para 10 of the counter affidavit under reply are denied and the contents of para 11 of the writ petition are re-iterated. It is further submitted that as per Railway Board's circular dated 5-2-1972 the deponent attained a permanent status as Head Ticket Collector and also became confirmed on the said post after completion of 18 months' continuous working on the promoted post.

7. That the contents of para 11 of the counter affidavit under reply are admitted except the number



L. C. Misra

pbw

of posts and the number of candidates.

8. That the contents of para 12 ~~of~~ of the counter affidavit under reply need no comments and the contents of paras 13, 14 and 15 of the writ petition are re-iterated.

9. That the contents of para 13 of the counter affidavit under reply are denied and the contents of para 16 of the writ petition are re-iterated.

10. That the contents of paras 14 and 15 of the counter affidavit under reply need no comments and the contents of paras 17 and 18 of the writ petition are re-iterated.

11. That the contents of para 16 of the counter affidavit under reply need no comments and the contents of para 19 of the writ petition are reiterated.

12. That the contents of para 17 of the counter affidavit under reply are denied. It is further submitted that once the petitioner became confirmed on the post of Head Ticket Collector after completion of 18 months' continuous working on the said post as per Railway Board's circular dated 5-2-1972, there was no occasion for the opposite parties to call the deponent for the written test and to declare him unsuccessful.

13. That the contents of para 18 of the counter affidavit need no comments and the contents of



Ambera

A65

para 21 of the writ petition are re-iterated.

14. That the contents of para 19 of the counter affidavit under reply are denied. It is further submitted that the opposite parties have violated the guide-lines and instructions of Railway Board laid down in their letter dated 5-2-1972 and 5-11-1976 contained in Annexures no. 5 and 8 respectively to the writ petition.

15. That the contents of para 20 of the counter affidavit under reply needs no comments and the contents of paras 23 and 24 of the writ petition are re-iterated.

16. That the contents of para 21 of the counter affidavit under reply are wrong, hence denied. The deponent's reversion order dated 23-12-1982 contained in Annexure no. 9 to the writ petition is totally illegal, unjust, arbitrary and has been passed by the opposite party no. 3 in violation of instructions and guide-lines contained in Railway Board's letter dated 5-2-1972 and thus is liable to be quashed in the interest of justice.

17. That the contents of para 22 of the counter affidavit under reply are wrong, hence denied and the contents of para 26 of the writ petition and the grounds thereunder are re-iterated. It is further submitted that as the impugned reversion order dated 23-12-1982 contained in Annexure No. 9 to the writ petition is in violation of Annexure Nos. 5 and 8 of writ petition and the action of the opposite parties



for annexure


(A66)

party no. 2 and 3 is based totally on misinterpretation of the circulars in question and thus the impugned reversion order of the deponent is unsustainable in the eye of law and thus is liable to be quashed and the writ petition deserves to be allowed with cost.

18. That it will not be out of place to mention here that as per General Manager (P), Northern Railway, New Delhi letter no. 522-E/15(Loose) dated 29-7-1985, the deponent has attained a permanent status and became confirmed on the post of Head Ticket Collector after completion of 18 months continuous service on the said post. A photo copy of the said letter dated 29-7-85 is enclosed as Annexure no. R-1 to this affidavit.

Lucknow, dated :

24-9-1988


Deponent.


Verification

I, the above named deponent, do hereby verify that the contents of paras 1 to 16 of this affidavit are true to my own knowledge and the contents of paras 17 & 18 are believed by me to be true on the basis of legal advice.

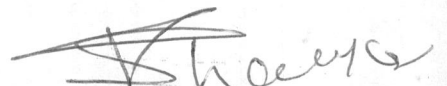
Signed and verified this the 24th day of September, 1988 at Lucknow.

Lucknow, dated :

24-9-1988


Deponent.

I identify the deponent who has signed before me.


Advocate.

Salento aff. and before
 on 24/11/88 at 9.10 am by Diwan Chandra
 misra Depant who is identified by his signature
 from the Arrest Sheet

I have satisfied myself by examining
 the Depant who has understood the contents
 of the Arrest Sheet.

[Signature]

High Court, Allahabad
 Lucknow Bench.

78799/88
 24/11/88



ANNEXURE RJ

DELHI DIVISION

Date

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Sub Branch Secretariat/NRMU
Delhi Division

A copy of G.M(P), Northern Railway, New Delhi letter No 522-E/15(LIC) Loose dated 29-7-85, is reproduced below for your information and giving wide publicity amongst the staff concerned:-

(V.P. Sharma)
Divl. Secretary

Copy of G.M(P), NDLS letter as quoted above:-

Sub:- Implementation of Cadre-restructuring in the Ticket Checking Staff.

Ref:- This office circular letter of even number dated 25/6/85 addressed to DRM/ALD and copy to all other DRMs

In this office circular letter under reference, it was decided that all those STEs grade Rs425-640 who had worked on adhoc basis during 1979 to 1984 in the absence of finalisation of selection may be regularised after they had completed 18 months service against regular vacancies from the date of their completing 18 months.

Against the decision issued in this office circular letter under reference, the General Secretary/NRMU represented that there had been similar cases in the categories of Hd.TCRs and Conductors Grade Rs425-640 as well where either selections had not been completed in the case of Hd.TCRs grade Rs425-640 or suitability through viva-voce test in the case of Conductors Grade Rs425-640 for sufficient long time with the result that the staff of these categories also continued to work against regular vacancies on adhoc basis.

The matter has again been examined and it has been decided that the staff of all above mentioned three categories viz; Hd.TCRs, STEs and Conductors grade Rs425-640 who work on adhoc basis against regular vacancies during the period 1979 to 31-12-83 pending finalisation of the selection/suitability test through viva-voce may be regularised from the date of their completing 18 months adhoc service against regular posts for the purpose of their seniority for promotion to the next higher grade.

Sd/ (BHAGWAN DASS)
For General Manager



Signature

ब अदालत श्रीमान

Hon'ble High Court of Judicature
Lucknow Bench, महोदय
लखनऊ

वादी अपीलान्त

Petitioner का

वकालतनामा

प्रतिवादी रेस्पान्डेन्ट

Written Petition No

483



15/5/11
2/11

Dinesh Chandra Misra

वादी (मुद्दई)

बनाम

Union of India & Ors

प्रतिवादी (मुद्दाअलेह)

न० मुकद्दमा

सन् १६

पेशी की ता०

१६

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री विनय शंकर श्रीवास्तव एडवोकेट

टी-४१/बी, हैदर कैनाल कालोनी, चारबाग, लखनऊ

महोदय

Dinesh Chandra Misra

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

स्वीकार किया

Advocate

हस्ताक्षर

Dinesh Chandra Misra

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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In the Honble High Court of Judicature at Allahabad
व अदालत श्रीमती- (Ducknow Bench) Lucknow
[वादी] अपीलांत श्री

प्रतिवादी [रेस्पण्डेंट]

Dinesh Chandra Misra [वादी] श्रीमती [पेलुमर]
[वादी]

Union of India & others प्रतिवादी [रेस्पण्डेंट] opp. Parties

सं० मुकदमा 10 वर्ष 1983 पेट्री की नं० 19 ई०
अनर मुकदमा में अपनी ओर से श्री- Siddharth Verma, Advocate

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करने [कोर्ट] कोर्ट
हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई
कागज दाखिल करें या लौटावें या हमारी ओर से डिमरी जारी करावें
और अपना वसूल करें या सुनहवाता या इकवात दावा तथा अपील व
बिगरानी हमारी और से हमारे या अपने हस्ताक्षर से दाखिल करें और
तसदीक करें या मुकदमा उठावें या कोई अपील जमा करें या हमारी
विपरीत [फरीवादी] का दाखिल किया हुआ अपील अपने या हमारे
हस्ताक्षर मुकदमा [इस्तंबती] रसीद से लेवें का पंच नियुक्त करें-----
वकील महोदय द्वारा की गई वह सब कार्यवाही हमको अवगत स्वीकार
है और हमनी इसलिये यह वकालतनामा लिख दिया कि पता रहे और
समय पर काम आवें ।

[Signature] Union of India through the
X Divisional Railway Manager, Northern Railway, LUCKNOW.
[Signature] Divisional Railway Manager, Northern Railway, LUCKNOW.

[Signature] प्रतिवादी
दिनांक-----महीना-----सं० 19-----ई०

दिनांक/20.7

ACCEPTED
[Signature]

[Signature]
Divisional Personnel Officer
Northern Railway Lucknow

(SIDDHARTH VERMA)
ADVOCATE

SB
7/4/83

19/7/83
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