

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA No. 1107/82 of 19
W.B. NO 69/82

Name of the parties Chhotey Lal
Applicant.

Versus.

Union of India and others Respondents

PART A

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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 :

Countersigned

Section officer/Court officer.

Signature of the
Dealing Assistant.

GENERAL INDEX

CIVIL
SIDE
CRIMINAL

Chapter XLI, Rules 2, 9 and 15

Nature and number of case

W.P. No. 69-82

Name of parties

Union of India vs. Chhotey Lal

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 Annexes and affidavits	35-	-	102.00			
	2-	Power	1-	-	5.00			
	3-	Cmt. in 2 cols 882	1-	-	5.00			
	4-	Order sheet	1-	-	-			

I have this _____ day of _____ 197 , 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.

Date _____

Munsarim
Clerk

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. 1107

1997... (T) in WP No 69/82

Chhotey Lal Son

..... Applicant.

Versus

U.O. Son

..... Respondents.

- | | | | |
|----|------------------|---|--------|
| 1. | Index Papers | : | 01 |
| 2. | Order Sheet | : | 2 to 7 |
| 3. | Any other orders | " | NIL |
| 4. | Judgment | " | 07 |
| 5. | S.L.P. | " | NIL |

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

A/3

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE T.A NO 1107/87 of 199

Name of the parties

Union of India

Applicant.

Versus.

Shri Chhotey Lal

Respondents.

Part A.B.C.

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3-	writ-petition of High Court with power and Stay Application	A5 - A50

B. file

Not Bench Copy.

C. file

one Copy of The Petition for opposite Party

4- Misc Papers. C51 - C60

Chhotey Lal

27/3/92

ANNEXURE - B

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

Application No. _____ of 19

Transfer Application No _____ of 19

Old Writ Petition No. _____ of 19

C E R T I F I C A T E
6 - - - - -

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

Date :

Countersigned

Signature of the
Dealing Assistant.

Section Officer/ Court Officer.

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- 2 -

Au

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No. 69

of 1983

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
3-1-83	Jan v CS, 7 Put up tomorrow. SD V.C.S. 3-1-83	
4-1-83	Jan v CS, 7 Give notice to opp party re: list it for admission in the next week of Feb 1983. SD V.C.S. 4-1-83 MAN No 142 4-1-83	
3-1-83	Jan v CS, 7 Put up along with the w.p. SD V.C.S. 3-1-83	
4-1-83	Jan v CS, 7 Give notice on the meaning proceed with the trial of the case SD V.C.S. 4-1-83	

- 5 -

A1

4

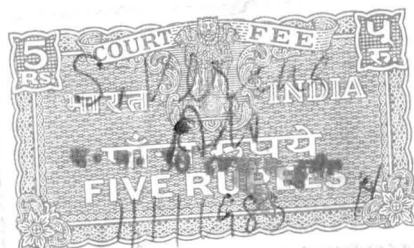
Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
	<u>P.R. Report</u> Learned Counsel for the petitioners has not taken steps for service of adj. No 1 in U.S. by B.L.	
		Submitted by B.L. 6-6-83

Aul 3

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

Civil Misc.An.No. 142 (W) of 1982.

In re:
Writ Petition No. 69 of 1982.



Union of India and others.

-----Petitioners

Versus

Sri Chhotey Lal and others.

-----Opp-parties.

Application for Stay

This application on behalf of the opposite parties most respectfully sheweth:-

That for the facts, reasons and circumstances stated in the accompanying writ petition and affidavit, it is most respectfully prayed that in the interest of justice this Hon'ble may be pleased to stay the operation of the order of the II Additional District Judge, Faizabad, contained in Annexures 1 and 2 of the writ petition.

Lucknow, dated,
1.1.1983.

Siddharth Verma
(Siddharth Verma)
Advocate.

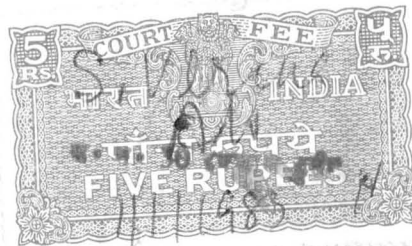
Counsel for the petitioners./*

Aul 3

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Civil Misc.An.No. 142 (W) of 1982.

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Union of India and others.

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Lucknow, dated,
1.1.1983.

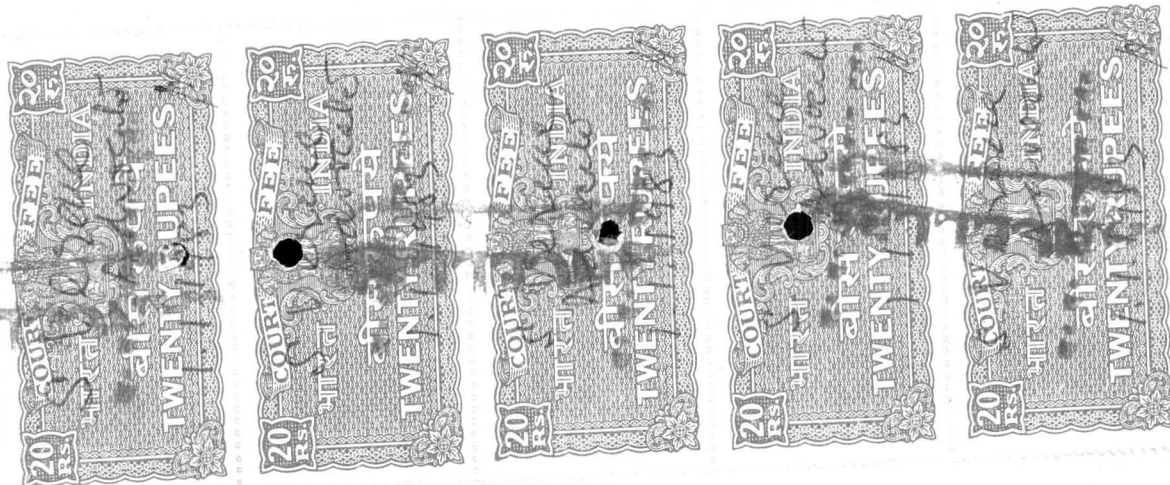
Siddharth Verna
(Siddharth Verna)
Advocate.

Counsel for the petitioners./*

X/6
A7

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

Writ Petition No. 69 of 1982.



5822/100P2
2/1/83

15-03 213mk

3-1-83
3-1-83



1. Union of India through General
Manager, Northern Railway

Head Quarters' Office, Baroda
House, New Delhi.

2. The Divisional Railway Manager,
Northern Railway, Hazratganj,
Lucknow.

3. Assistant Engineer, Northern
Railway, Faizabad.

4. Permanent Way Inspector,
(Maintenance) Northern
Railway, Faizabad.

-----Petitioners

Versus

1. Sri Chhotey Lal, aged about 43 years
son of Sri Jokhu Ram, resident of
Anandeeh Pargana Bhadohi Tehsil
Gyanpur District Banaras, at present
Welder under Permanent Way Inspector
(Maintenance), Northern Railway, Faizabad
Pargana Haveli Avadh Tehsil & Distt. Faizabad.

Sherma

203

TA 1107/07 (7)

:: 2 ::

A3

A7

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

1-12-49

No sitting Adj. to 5-3-90

This case has been received on transfer.
Notice were issued to the counsels by the Office
at Allahabad. None is present for the parties

Let notice be issued again to the parties as
directed by Hon'ble Mr. D.K. Agarwal, J.M.

11/2/1

or
Notice issued

19/2/90

OR Case read a
20.0.90
Case is not
admitted.

CA/RA not filed

Notices were
issued on 19-2-90

Notice of OP

No 1 has been
returning back with

incomplete
address "

S.F.A

11/4

Hon. J.P. Sharma, J.M.

None is present. Case is
adjourned to 16.4.90 for admission.

J.M.

16/4/90

Hon. Mr. D.K. Agarwal, J.M.

Hon. Mr. P.S. Habib Mohammed, A.M.

Shri S. Verma, appears for
the petitioner. No one appears for
the respondents. Let, registered, notice
be sent to the respondent no-1, to
file counter, if any, within 6 weeks of
rejoinder, if any, within 2 weeks thereafter.
List it for hearing on 6/9/90

notice given
on
17/4/90

Dinesh

A.M.

J.M.

1107102 4

No setting Ads to 30/x/90

Due to Stelzer, Adorno to 11.12.90

Can not exceed Apr. 30. 1911

No answer yet
 given can be re-
 covered
 No reply files
 S. P. H.
 5/12

No setting Aq. to 27.3

No. 5, 1/2, 1/4, 1/8, 1/16, 1/32, 1/64, 1/128, 1/256, 1/512, 1/1024, 1/2048, 1/4096, 1/8192, 1/16384, 1/32768, 1/65536, 1/131072, 1/262144, 1/524288, 1/1048576, 1/2097152, 1/4194304, 1/8388608, 1/16777216, 1/33554432, 1/67108864, 1/134217728, 1/268435456, 1/536870912, 1/1073741824, 1/2147483648, 1/4294967296, 1/8589934592, 1/17179869184, 1/34359738368, 1/68719476736, 1/137438953472, 1/274877906944, 1/549755813888, 1/1099511627776, 1/2199023255552, 1/4398046511104, 1/8796093022208, 1/17592186044416, 1/35184372088832, 1/70368744177664, 1/140737488355328, 1/281474976710656, 1/562949953421312, 1/1125899906842624, 1/2251799813685248, 1/4503599627370496, 1/9007199254740992, 1/18014398509481984, 1/36028797018963968, 1/72057594037927936, 1/144115188075855872, 1/288230376151711744, 1/576460752303423488, 1/1152921504606846976, 1/2305843009213693952, 1/4611686018427387904, 1/9223372036854775808, 1/18446744073709551616, 1/36893488147419103232, 1/73786976294838206464, 1/147573952589676412928, 1/295147905179352825856, 1/590295810358705651712, 1/1180591620717411303424, 1/2361183241434822606848, 1/4722366482869645213696, 1/9444732965739290427392, 1/18889465931478580854784, 1/37778931862957161709568, 1/75557863725914323419136, 1/151115727451828646838272, 1/302231454903657293676544, 1/604462909807314587353088, 1/1208925819614629174706176, 1/2417851639229258349412352, 1/4835703278458516698824704, 1/9671406556917033397649408, 1/19342813113834066795298816, 1/38685626227668133590597632, 1/77371252455336267181195264, 1/154742504910672534362390528, 1/309485009821345068724781056, 1/618970019642690137449562112, 1/1237940039285380274899124224, 1/2475880078570760549798248448, 1/4951760157141521099596496896, 1/9903520314283042199192993792, 1/19807040628566084398385987584, 1/39614081257132168796771975168, 1/79228162514264337593543950336, 1/158456325028528675187087900672, 1/316912650057057350374175801344, 1/633825300114114700748351602688, 1/1267650600228229401496703205376, 1/2535301200456458802993406410752, 1/5070602400912917605986812821504, 1/10141204801825835211973625643008, 1/20282409603651670423947251286016, 1/40564819207303340847894502572032, 1/81129638414606681695789005144064, 1/162259276829213363391578010288128, 1/324518553658426726783156020576256, 1/649037107316853453566312041152512, 1/1298074214633706907132624082305024, 1/2596148429267413814265248164610048, 1/5192296858534827628530496329220096, 1/10384593717069655257060992658440192, 1/20769187434139310514121985316880384, 1/41538374868278621028243970633760768, 1/83076749736557242056487941267521536, 1/166153499473114484112975882535043072, 1/332306998946228968225951765070086144, 1/664613997892457936451903530140172288, 1/1329227995784915872903807060280344576, 1/2658455991569831745807614120560689152, 1/5316911983139663491615228241121378304, 1/10633823966279326983230456482242756608, 1/21267647932558653966460912964485513216, 1/42535295865117307932921825928971026432, 1/85070591730234615865843651857942052864, 1/170141183460469231731687303715884105728, 1/340282366920938463463374607431768211456, 1/680564733841876926926749214863536422912, 1/1361129467683753853853498429727072845824, 1/2722258935367507707706996859454145691648, 1/5444517870735015415413993718908291383296, 1/10889035741470030830827987437816582766592, 1/21778071482940061661655974875633165533184, 1/43556142965880123323311949751266331066368, 1/87112285931760246646623899502532662132736, 1/174224571863520493293247799005065324265472, 1/348449143727040986586495598010130648530944, 1/696898287454081973172991196020261297061888, 1/1393796574908163946345982392040522594123776, 1/2787593149816327892691964784081045188247552, 1/5575186299632655785383929568162090376495104, 1/11150372599265311570767859136324180752990208, 1/22300745198530623141535718272648361505980416, 1/44601490397061246283071436545296723011960832, 1/89202980794122492566142873090593446023921664, 1/178405961588244985132285746181186892047843328, 1/356811923176489970264571492362373784095686656, 1/713623846352979940529142984724747568191373312, 1/1427247692705959881058285969449495136382746624, 1/28

No 5114, Adf to 6.8.9,
J

No sitting order 19.9.91

How Mrs. Justice U.C. S. H. and L. V. C.
How Mr. A. B. G. and A. M.

no reply filed

learned counsel for the
applicant says that the applicant's
application has become
infructuous. The application
is accordingly dismissed
as infructuous.

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sm

~~Recd Volume~~
26/2/92

✓
✓c

Group 14 (K)

A/8 (5)

Ab

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

Writ Petition No. 69 of 1982.

Union of India and others.

-----Petitioners

Versus

Sri Chhotey Lal and others.

-----Opp-parties.

I N D E X

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5.	" No.4	20 -
6.	" No.5	21 - 22
7.	" No.6	23
8.	Affidavit	24 - 25
9.	Power	26.
10.	Stay Application	27

Lucknow, dated,
17.12.82

Sherma
(Siddharth Verma)
Advocate.

Counsel for the petitioners./*

7/17

2. II Additional District Judge, Faizabad.

3. Munsif Sadar, Faizabad.

-----Opposite parties.

Writ Petition under Articles 226 & 227
of the Constitution of India.

To,

Hon'ble The Chief Justice and his companion
Judges of this Hon'ble Court.

The petitioners above named most respect-
fully submit as under:-

1. That this writ petition is directed against
judgment and decree passed by the learned
II Additional District Judge, Faizabad in
Misc. Civil Appeal No.116 of 1982 arising
out of the order of learned Munsif Sadar,
Faizabad dated 10.9.1982 passed on the
application for temporary injunction under
Order XXXIX Rule 2 of the Code of Civil
Procedure, 1908, in Civil Suit No.234 of 1982
filed by opposite party No.1 against petitioners
before this Hon'ble Court.

A certified copy of the judgment and decree
passed by learned II Additional District
Judge, Faizabad, in Misc.Civil Appeal No.116
of 1982 is being annexed herewith as
Annexures No.1 & 2 respectively and a certified
copy of the order of learned Munsif Sadar,
Faizabad, passed in Suit No.234 of 1982,



Shervu

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is being annexed herewith as Annexure No.3 to this writ petition.

2. That the facts of the case in brief are that the opposite party No.1 was appointed as 'Gang man' on 16.2.1962 under petitioner no.4 and subsequently he was confirmed on the said post. The opposite party no.1, thereafter, was appointed as Grinder, a post which is not permanent, on the basis of seniority which was wrongly accorded to him after successfully qualifying in the requisite training with effect from 15.5.1981.
3. That the opposite party no.1 was sent to obtain training for 'Welder's' job to Ghaziabad and he successfully completed the said training.
4. That one Sri Raghunath, who was working as "Welder" was transferred, and the opposite party no.1, Sri Chhotey Lal was asked to work as 'Welder' with effect from 15.12.1981 on ad-hoc basis. A true copy of the office order No.5/E/Welder/81 dated 17.12.81 appointing opposite party as Welder is being annexed with this writ petition as Annexure No.4.



Sherma

From the perusal of the said letter No.5/E/Welder/81 dated 17.12.81 passed by petitioner no.3, it would be clear that the appointment of opposite party no.1 as Welder was

A
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A10

-4-

purely on temporary basis and would not confer any right to him to claim for permanency on the said post. It is note worthy that the opposite party had not passed any trade test for the said post and the permenent and substantive post of opposite party no.1 was that of Gang man.

5. That on 21.8.82, Sri Munni Lal, son of Sri Pheroo, who was the senior most gang-man was trade tested and was found suitable for the post of Welder. The opposite party no.1 was also trade tested on that day and was found suitable for the post of Ginder. A true copy of the letter of Assistant Engineer, Northern Railway, Faizabad addressed to the Divisional Personnel Officer, Northern Railway, Lucknow informing him about the result of said trade test No.28/E/82 dated 21.8.1982 is being annexed with this writ petition as Annexure No.5.



The accordance with the result of the said trade test on 21.8.1982, an Office Order No.5/E/82 by petitioner no.3 was issued on 21.8.1982 by which Sri Munni Lal son of Sri Pheroo was promoted as Electric Arc Welder and opposite party no.1 was reverted to the post of Grinder with immediate effect. A true copy of this letter is being annexed herewith as Annexure No.6 to this writ petition.

Sherma

2/8/82

6. That aggrieved by his reversion from the

post of welder to the post of grinder, the opposite party No.1 filed a Civil suit for permanent injunction, bearing Civil Suit No. 234 of 1982 in the court of learned Munsif Sadar, Faizabad, opposite party No.3. In the said suit the opposite party No. 1 also moved an application for temporary injunction alongwith his affidavit.

7. That on the application for temporary injunction of the opposite party No.1, learned Munsif Sadar, Faizabad, opposite party No. 3 passed orders on 10.9.1982 which is given in Annexure No. 3 to this writ petition thereby rejecting the said application of opposite party No. 1. However, the Civil Suit No. 234 of 1982 is still pending in the court of Munsif Sadar, Faizabad.

8. That aggrieved by the order of Munsif Sadar, Faizabad, the opposite party No. 1 preferred Misc. Civil Appeal No. 116 of 1982 before learned II Additional District Judge, Faizabad, the opposite party No.2.

9. That learned II Additional District Judge, Faizabad, the opposite party No.2 decided Misc. Civil Appeal No. 116 of 1982 on 12.10.1982 in favour of the opposite party No. 1 whereby directing the petitioners before this Hon'ble Court not to revert the opposite party No.1 from the post of Welder till the disposal of



Sherua

Civil Suit No. 234 of 1982. A copy of the said judgement and decree of learned II Additional District Judge, is being annexed as Annexure No. 1 & 2 of this writ petition.

10. That the appointment of opposite party No. 1 on the post of Welder being adhoc and temporary, gives him no right on the said post, and the order reverting opposite party No. 1 to the post of Grinder was legal and in conformity ^{writ} of the rules.

11. That once Sri Munni Lal son of Sri Pheroo has been declared selected on the basis of his correct seniority position and he had been promoted as Welder with immediate effect i.e. with effect from 21.8.1982 no temporary/interim injunction could be granted restraining the petitioners from reverting the opposite party No. 1 from the post of Welder to Grinder, nor the opposite party No. 1 can have any claim on the post of Welder as his substantive appointment is only on the post of Gang man.

12. That under the provisions of Code of Civil Procedure (Amendment) Act, 1976 (104 of 1976), the provisions of Order XXXIX Rule 2 have been amended so that no temporary injunction shall be granted to stay the operation of an order for transfer, suspension, reduction in rank, compulsory retirement, dismissal removal or otherwise termination of service of, or taking



Sherma

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charge from any employee of the Government.

The learned II Additional District Judge, Faizabad, opposite party No.2 acted illegally and without jurisdiction in decreeing the Misc. Civil Appeal No.116 of 1982 thereby restraining the petitioner before this Hon'ble Court from reverting the opposite party No.1 from the post of Welder to that of Grinder, holding illegally that such ammended provisions under Code of Civil Procedure (Amendment) Act, 1976 would not apply to the Central and/or Railway employees.

13. That eventhough, the order of learned II Additional District Judge, Faizabad, is illegal and without any jurisdiction, the petitioners, in compliance of the said order dated 12.10.1982 have been paying the salary of the opposite party No.1 for the post of Welder and the petitioners are suffering severe injustice and irreperable loss.

14. That feeling aggrieved and having no other alternative and efficacious remedy available, the petitioners have come before this Hon'ble Court under Articles 226 & 227 of the Constitution of India on one amongst following :-

G R O U N D S

i) Because the opposite party no.1 being on the substantive post of Gang man, can have no claim on the post of Grinder and also on Welder.



Sharma

ii) Because the appointment of opposite party no.1 on the post of Welder being only ad-hoc and temporary, his reversion to the next lower post of Grinder was perfectly legal and in conformity of the rules.

iii) Because under the provisions of the Civil Procedure Code (Amendment) Act, 1976, (Act 104 of 1976), it is clearly laid down that no temporary injunction shall be granted in the cases of reduction in rank/order of reversion, and the learned II Additional District Judge, Faizabad, opposite party no.2 acted illegally and without jurisdiction by restraining the petitioner from reverting the opposite party no.1 from the post of Welder to that of Grinder even-though the order of reversion of opposite party no.1, as given in Annexure no.6 had come into force with effect from 21.8.1982.

iv) Because granting of temporary injunction by the learned II Additional District Judge, Faizabad, opposite party no.2 is also illegal and without jurisdiction on the ground that the provisions of Civil Procedure Code (Amendment) Act, 1976, as applicable to Order XXXIX Rule 2 would be applicable to Central and/or Railway employee, apart from being applicable to the State Government employees.

v) Because the balance of convenience lies in favour of petitioners.

Shera

vi) Because the operation of the orders of learned II Additional District Judge, Faizabad, as given in Annexures 1 & 2 has resulted in severe injustice and irreparable loss to the petitioners and if they are allowed to continue, the petitioners will further suffer irreparable loss and injustice.

P R A Y E R

Wherefore, it is most respectfully prayed that in the interest of justice, this Hon'ble Court may be pleased to give following reliefs to the petitioners:-

- a) To issue writ, direction or order in the nature of Certiorari quashing the orders of the learned II Additional District Judge, Faizabad, contained in Annexures No.1 & 2.
- b) To award cost of this writ petition to the petitioners.
- c) To issue any other order which this Hon'ble Court deems fit and proper considering the circumstances of this case.

Lucknow, dated,
17.12.82

Siddharth
(Siddharth Verma)
Advocate.

Counsel for the petitioners./*

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

Writ Pet.No. of 1932.

Union of India & others.

-----Petitioners

Versus

Sri Chhotey Lal & others.

-----Opp-parties.

Annexure No. 1



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A/18
A22 13

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

Writ Petition No. of 1982.

Union of India and others ---Petitioners

Versus

Sri Chhotey Lal and others ---Opp.Parties.

Annexure No. 1

In the Court of II Addl. Judge, Faizabad.

Civil Appeal No. 116 of 1982.

Copy - order 12.10.82

Chhotey Lal Vs Union of India.

In the Court of II Addl. Judge Faizabad.

Present- Sri A.S. Tripathi H.J.S.

Misc. Civil Appeal No. 116 of 1982.

Chhotey Lal

---Appellant

Versus

Union of India and anothers

---Respondents.

JUDGMENT

This Appeal is filed against the judgment and order dated 10.9.82 passed by Sri Rajmani Chauhan Munsif Sadar Faizabad. Whereby the application for temporary Injunction was rejected.

The plaintiff had filed civil suit No. 234



A23 A 18 14

of 1982 against the defendant-respondents for injunction restraining them from reverting the plaintiff from the post of electric welder.

The plaintiff applied for temporary injunction which was rejected.

It was alleged by the plaintiff that he was appointed as gangman in the northern Railway Since 6.12.82. Later on he was sent for training to Merut on the post of grinder. There after he was promoted on the post of grinder on 15.5.81. Later on he was sent for training for electric welder to Ghajiyabad and he was declared successful on 17.12.82. He was promoted to the post of welder and was working on that post satisfactorily. Since then he was also directed to appear for the examination of welder on 16.7.82. The plaintiff appeared in that examination and was declared successful. Later on the defendant threatened on 8.2.82 that the plaintiff would be reverted from the post of welder to the post of grinder. Then the suit was filed.

The defendant alleged that the promotion of the plaintiff to the post of welder was temporary and he was not entitled to that post. In his place one Munni Lal was. Later on promoted and the plaintiff was reverted.

After hearing the learned counsel for the parties and perusing the record find that the plaintiff was duly promoted to the post of welder on the transfer of one Raghu Nath. The plaintiff was satisfactorily working on the post of



[Handwritten signature]

welder after his promotion. Suddenly when the plaintiff was successful in all the examination and was entitled to hold the post of welder he was threatened to be reverted and one Munni Lal was to be promoted out of the way. In such a case when the plaintiff was already duly promoted to the post of welder he was entitled to hold the post till. He was found unsuitable for the same, nothing has been brought to the notice of the Court as to law Munni Lal was found suitable. And was to be promoted on the post of welder in. Preference to the plaintiff who was already promoted and holding that post therefore this type of reversion of the plaintiff is not justified under the law as the plaintiff was already entitled for that post, in this way the plaintiff has a *prima facie* case for injunction.

The reversion of the plaintiff would certainly amount to irreparable loss and balance of convenience is also in favour of the plaintiff.

The learned counsel for the respondent pointed out that such type of temporary injunction was barred under the provisions of U.P. Civil laws amendment made in order 39 rule 2 of the C.P.C. The said amendment is only to the reference of A reversion of the employee of state government. The word government appearing in the said amendment is in relation to the State Government and the said amendment does not apply in cases of the employee.



of the central government. In this way the alleged amendment is not a bar for injunction on this hard case.

Order

The appeal is allowed. The order under appeal is set aside. The defendants are hereby restrained from reverting the plaintiff from the post of Welder till the disposal of the suit. The costs of this appeal shall ~~vide~~ aside the ultimate result of the suit.

Sd/-

12.10.82

A.S.Tripathi,
II Addl. Distt. Judge
Faizabad.

Judgment signed dated and pronanced
in open court.

(A.S.Tripathi)
II Addl.District Judge,Faizabad



True-copy.

इन् दि आनरेबुल हाई कोर्ट आफ जस्टिकेवर एट इलाहाबाद,

लखनऊ बेन्च लखनऊ

रिट पिटीशन नं०

आफ 1982,

यूनियन आफ इण्डिया एण्ड अदर्स

---पिटीशनर

बनाम

श्री छोटे लाल एण्ड अदर्स

---अपोजीट पार्टीज

अनेक्जर नं० 2

आदेश के विरुद्ध अपील में डिगरी

॥ आर्डर 41 नियम 36 आर्डर 46 नियम 1 ॥

दीवानी न्यायालय जिला द्वितीय अपर जिला न्यायाधीश महोदय,
फैजाबाद,

अपील संख्या- एम0सी0ए0 नं०- 116/82

प्रस्तुत होने का दिनांक 17 मास 9 सन् 1982

छोटे लाल उम्र लगभग 43 वर्ष पुत्र जोधूराम, निवासी गाँव आनन्दीह
परगना भदोही, तहसील ग्यानपुर, जिला बनारस, मौजूदा ट्रेडर
अन्डर पी0डब्लू0आई0मेन्टीनेन्स॥ उत्तर रेलवे फैजाबाद, परगना
हवेली, अवध तहसील व जिला फैजाबाद ।

---अपीलकर्ता

बनाम

1. यूनियन आफ इण्डिया द्वारा जनरल मैनेजर उत्तर रेलवे
बड़ौदा हाउस, नई दिल्ली ।
2. डिवाजनल मैनेजर नार्दन रेलवे हजरतगंज, लखनऊ ।
3. सहायक अभियन्ता उत्तर रेलवे फैजाबाद ।
4. पी0डब्लू 0आई0मेन्टीनेन्स॥ उत्तर रेलवे फैजाबाद ।

---प्रतिवादीगण



अपील का निर्धारित मूल्य

सन् 1982 के 9 के 10 दिवस को दिनांकित डिगरी संख्या के विरुद्ध ।

अपील करने के कारण

सन् 1982 व 10 मास के 12 दिवस को न्यायालय द्वितीय

अपर जिला न्यायाधीश फैजाबाद ए0एस0त्रिपाठी के समक्ष

वकील अपीलकर्ता:- श्री प्रताप नारायण श्रीवास्तव, एडवोकेट,

तथा श्री चन्द्र रस्तोगी, एडवोकेट,

वकील प्रतिवादी की उपस्थिति में इस अपील की सुनवाई के पश्चात

यह डिगरी और आदेश हुआ कि अधीनस्थ विभाग को सन् 1982

के 9 के 10 दिवस को दिनांकित डिगरी ।

The appeal is allowed. The order under appeal is set aside. The defendants are hereby restrained term reverting the plaintiff from the post of Welder till the disposal of the suit. The costs of this appeal shall aside the ultimate result of the suit.



और यह आदेश हुआ कि इस न्यायालय के सम्बन्ध में जिसका की भार उनके ऊपर पड़ा देवे ।

अधीनस्थ विभाग के सर्वे के सम्बन्ध में जिसका कि भार उनके ऊपर पड़ा देवे ।

ह0/-

द्वितीय अति० जिला एवं सत्र न्यायाधीश
फैजाबाद

13-10-82

इस अपील में लाये गये खर्चों का स्मरण लेख ।

अपीलकर्ता की ओर से 8-00 प्रतिवादी की ओर से
अधीनस्थ विभाग में- अधीनस्थ विभाग में-
इस न्यायालय में- इस न्यायालय में-

ह0/- अपठनीय

न्यायालय के मुन्सरिम के हस्ताक्षर
13/10/82

अपीलकर्ता के वकील के हस्ताक्षर प्रतिवादी के वकील के हस्ताक्षर

सत्य प्रतिलिपि



25/10/82

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

Writ Pet.No. of 1982.

Union of India & others.

-----Petitioners

Versus

Sri Chhotey Lal & others.

-----Opp-parties.

Annexure No. 3



26-2

Am 3 -18-

A34

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22

शब्द लगभग-500

5

14/9/82

श्री ~~विश्व~~ ~~राम~~ ~~दास~~ ~~दास~~
श्री ~~विश्व~~ ~~राम~~ ~~दास~~ ~~दास~~

+ माया लय मुनिनाथ शर्मा पु अल्लो 1

उपस्थित:- श्री राजशर्मा चौधरी उ० पु० अ०

मूल नाथ शर्मा 234/82

पुनर्विचार:- नन्दा माधव शर्मा 10/9/82

देखे लागा

वनाम

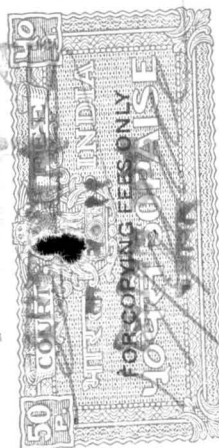
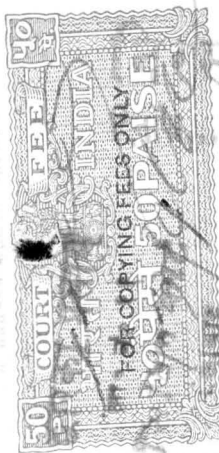
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क्रमांक 5
दिनांक 14/9/82
पाठन हो।

प्रधान प्रतिलिपिक
श्रीलंका जज
पटनाबाद

14/9/82	20-900	21-900	21/9/82
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न्यायालय मुन्सिफ सदर, फैजाबाद।

उपस्थित: श्री राजभाणि चौहान, उ०प० न्या० से०

मूलाद सं० 234/82

जोटे लाल ----- वादी

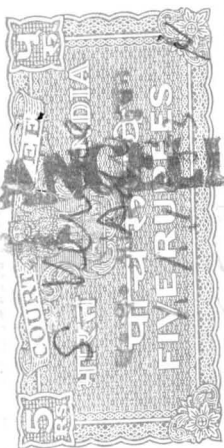
बनाम

यूनिक आफ इण्डिया ----- प्रतिवादीगण

आदेश

प्राधाना-पत्र 5ग2

6ग2



वादी द्वारा प्रतिवादीगण के विरुद्ध इस आशय हेतु अस्थायी
आदेश प्राधाना-पत्र कि प्रतिवादीगण को वाद निस्तारण तक मना
किया जाय कि वे वादी को विधुत वेल्डार पद से ग्राउन्डर के पद पर
अवनत न करें।

12ग2 :-

14ग2

प्रतिवादीगण द्वारा शपथ-पत्र सहित आपत्ति।

प्राधाना-पत्र 5ग2 का उद्भाव एक वाद के फल-स्वरूप हुआ जो
वादी द्वारा प्रतिवादीगण के विरुद्ध अस्थायी आदेश हेतु प्रस्तुत
किया गया, जिसके कुछ सारवात्म्य तथ्य इस प्रकार हैं:-

स्वीकृत झ से वादी प्रतिवादी सं०। के रेलवे विभाग में दिनांक
06-12-62 को मैग्मेन के पद पर नियुक्त हुआ। स्वीकृत झ से वह
ग्राउन्डर पद के ट्रेनिंग हेतु भेरा गया तथा वहां से वापस आने के
बाद दिनांक 15-5-81 ई० को मैग्मेन के पद से ग्राउन्डर पद पर प्रोन्नत
हुआ।

वादी का अभिकथन है कि वह वेल्डार के प्रशिक्षण हेतु गाजिया
बाद भेजा गया जहां पर वह सफल घोषित हुआ तथा प्रतिवादी द्वारा
दिनांक 17-12-81 ई० को ग्राउन्डर के पद से वेल्डार के पद वेतन कुंम 260-
400 पर प्रोन्नत हुआ तब से वह प्रतिवादीगण के सन्तुष्टि पर
वेल्डार के पद पर कार्यरत चला आ रहा है। वादी का अभिकथन



137

है कि पुतिवादी संघ अपने पत्र दिनांक 13-7-82 के द्वारा उसे निर्देश दिया कि वह वैल्डार की परीक्षा में दिनांक 16-7-82 को सम्मिलित हो। तदनुसार वह पुतिवादी संघ के निर्देशों का पालन किया, वह परीक्षा के बाद सफल घोषित किया गया। वादी के अनुसार पुतिवादी अपने दुर्भाग्यपूर्ण आशय से पुनः दिनांक 2-8-82 के लिए वैल्डार को आवेदन किया तथा उसे वैल्डार के पद से ग्राण्डर के पद पर अवनीत करने की धमकी दी। अतः वादी [वह] पुतिवादीगण के विरुद्ध यह वाद विरस्था की अपादेश हेतु पुस्तुत

किया तथा वाद सम्पन्न तक अस्था की अपादेश हेतु पूर्ण ना-पत्र 5ग2 पुस्तुत किया।

पुतिवादीगण की अवस्थिति है कि श्री छोटे लाल एक अन्य वैल्डार श्री रघुनाथ के स्थानान्तरण पर उसी स्थान पर क्वैसिफ अस्था की वैल्डार प्रोन्नति हुआ। इस प्रकार वादी को वैल्डार के पद पर कोई हावा नहीं है। असिस्टेंट इन्जीनियर उत्तर रेलवे फैजाबाद ने अपादेश दिनांक 21-8-82 के अनुसार श्री मुन्नी लाल विरिष्ठतम गैम-मैन विधुत वैल्डार के पद पर, जिस पर छोटे लाल कार्यरत थे, प्रोन्नति हुआ तथा श्री छोटे लाल ग्राण्डर के पद पर अवनीत किये गये। पुतिवादी के अनुसार वास्तव में वादी ग्राण्डर के पद का अधिकारी है, न कि वैल्डार के पद का।

मैं पदाधिकारों के विज्ञान अधिवक्ताओं का तर्क सुना तथा अभिलेख पर्यटन-मात्र साक्ष्य का आलोचन किया। 18-8-82 को श्री

वादी के विज्ञान अधिवक्ता ने मात्र एक ही तर्क पुस्तुत किया, कि श्री मुन्नी लाल विरिष्ठता की सूची में जिस क्रम में होते हुए भी प्रोन्नति किया गया, जब कि वादी विरिष्ठ होते हुए भी अवनीत किया गया।

वास्तव में वादी वैल्डार के पद का अधिकारी है तथा वह वैल्डार के पद से अवनीत होने का पात्र नहीं है।

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मैं विद्वान अधिवक्ता के तर्कों से सहमत नहीं हूँ । वादी द्वारा प्रस्तुत कागज संख्या 16 ग जिसके द्वारा वादी वेल्हार के पद पर चिह्न निपुक्त हुआ, को देखाने से पुकट होता है कि वादी मात्र अस्थायी तौर पर वेल्हार के पद पर प्रोन्नति किया गया है । इस पत्र में यह भी लिखा हुआ है कि श्री जोटेलाल को इस पद पर कोई स्थायित्व या दावा का अधिकार नहीं रहेगा । इससे पुकट होता है कि श्री जोटेलाल मात्र अस्थायी रूप से वेल्हार के पद पर प्रोन्नति हुआ, जिसे वेल्हार पद पर बने रहने का कोई अधिकार नहीं है ।

इस प्रकार अस्थायी ब्यादेरा हेतु वादी को प्रथम दृष्टया कोई आधार नहीं है तथा वादी का प्रार्थना-पत्र अस्वीकृत होने योग्य है ।

परिणामतः प्रार्थना-पत्र 5ग2 अस्वीकृत किया जाता है ।

निस्तारण 12ग2 का इसी-तरह ।

दिनांक 10-9-82 ई 0

Dr. Ram Narayan
10/9/82
राजमणि चौहान,
मुन्सिफ सदर, पै जबाद ।

प्रतीक्षित रती- by Court

विद्वान रती- Jamaru

गान्ध रती- सत्य प्रतिलिपि

प्रधान प्रतिलिपि
न्यायद्वारा न्यायालय
20/9/82

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इन् दि आनरेबुल हाई कोर्ट आफ जजिक्चेर एट इलाहाबाद,

लखनऊ बेन्च लखनऊ,

रिट पिटीशन नं०

आफ 1982

यूनियन आफ इण्डिया एण्ड अदर्स

--पिटीशनर

बनाम

श्री छोटे लाल एण्ड अदर्स

--अपोपाटीज

अनेक्जर नं० 3

न या या ल य मुन्सिफ स द र, फै जा बा द ।

उपस्थित: श्री राजमणि चौहान, उ०प्र० न्या० से०

मूलवाद सं० 234/82

छोटे लाल

-- वादी

बनाम

यूनियन आफ इण्डिया

--प्रतिवादीगण

आदेश

प्रार्थना-पत्र 5ग₂
6ग₂



वादी द्वारा प्रतिवादीगण के विरुद्ध इस आशय हेतु अस्थायी
व्यादेश प्रार्थना-पत्र की प्रतिवादीगण को वाद निस्तारण तक मना
किया जाय कि वे वादी को विद्युत वेल्डर पद से ग्राण्डर के पद
पर अवनत न करें ।

12ग₂ :-
14ग₂

प्रतिवादीगण द्वारा शपथ-पत्र सहित आपत्ति ।

प्रार्थना-पत्र 5ग₂ का उद्भव एक वाद के फलस्वरूप हुआ जो

वादी द्वारा प्रतिवादीगण के विरुद्ध चिरस्थायी व्यादेश हेतु प्रस्तुत किया गया, जिसके कुछ सारवांन तथ्य इस प्रकार हैं :-

स्वीकृत स से वादी प्रतिवादी सं० १ के रेलवे विभाग में दिनांक 6-12-82 को गैंगमैन के पद पर नियुक्त हुआ । स्वीकृत स से वह ग्राइन्डर पद के ट्रेनिंग हेतु भेरा गया तथा वहाँ से वापस आने के बाद दिनांक 15-5-81 को गैंगमैन के पद से ग्राइन्डर पद पर प्रोन्नीत हुआ ।

वादी का अभिकथन है कि वह वेल्डर के प्रशिक्षण हेतु गाजियाबाद भेजा गया जहाँ पर वह सफल घोषित हुआ तथा प्रतिवादी द्वारा दिनांक 17-12-81 ई० को ग्राइन्डर के पद से वेल्डर के पद वेतन क्रम 260-400 पर प्रोन्नीत हुआ तब से वह प्रतिवादीगण के सन्तुष्टि पर वेल्डर के पद पर कार्यरत चला आ रहा है । वादी का अभिकथन है कि प्रतिवादी सं० 3 अपने पत्र दिनांक 13-7-82 के द्वारा उसे निर्देश दिया कि वह वेल्डर की परीक्षा में दिनांक 16-7-82 को सम्मिलित हो । तदनुसार वह प्रतिवादी सं० 3 के निर्देशों का पालन किया, वह परीक्षा के बाद सफल घोषित किया गया । वादी के अनुसार प्रतिवादी अपने दुर्भावनापूर्ण आशय से पुनः दिनांक 2-8-82 के लिए आहूत किये तथा उसे वेल्डर के पद से ग्राइन्डर के पद पर अवनीत करने की धमकी दिये । अतः वादी यह प्रतिवादीगण के विरुद्ध यह वाद चिरस्थायी व्यादेश हेतु यह वाद प्रस्तुत किया तथा वाद लम्बन तक अस्थायी व्यादेश हेतु प्रार्थना-पत्र 5ग₂ प्रस्तुत किया ।



A/32 Am 29

-3-

रेलवे फैजाबाद के आदेश दिनांक 21-8-82 के अनुसार श्री मुन्नी लाल वरिष्ठतम गैंगमैन विद्युत वेल्डर के पद पर, जिस पर छोटे लाल कार्यरत थे, प्रोन्नति हुआ तथा श्री छोटे लाल ग्राइन्डर के पद पर अवनीत किये गये। प्रतिवादी के अनुसार वास्तव में वादी ग्राइन्डर के पद का अधिकारी है, न कि वेल्डर के पद का।

मैं पक्षकारों के विद्वान अधिवक्ताओं का तर्क सुना तथा अभिलेख परवर्त-मपन साक्ष्य का अवलोकन किया।

वादी के विद्वान अधिवक्ता ने मात्र एक ही तर्क प्रस्तुत किया, कि श्री मुन्नी लाल वरिष्ठता की सूची में अति कनिष्ठ होते हुए भी प्रोन्नति किया गया, जब कि वादी वरिष्ठ होते हुए भी अवनीत किया गया। वास्तव में वादी वेल्डर के पद का अधिकारी है तथा वह वेल्डर के पद से अवनीत होने का पात्र नहीं है।

मैं विद्वान अधिवक्ता के तर्कों से सहमत नहीं हूँ। वादी द्वारा प्रस्तुत कागज संख्या 16 ग जिसके द्वारा वादी वेल्डर के पद पर नियुक्त हुआ, को देखने से प्रकट होता है कि वादी मात्र अस्थायी तौर पर वेल्डर के पद पर प्रोन्नति किया गया है। इस पत्र में यह भी लिखा हुआ है कि श्री छोटे लाल को इस पद पर कोई स्थायित्व या दावा का अधिकार नहीं रहेगा। इससे प्रकट होता है कि श्री छोटे लाल मात्र अस्थायी रूप से वेल्डर के पद पर प्रोन्नति हुआ, जिसे वेल्डर पद पर बने रहने का कोई अधिकार नहीं है।

इस प्रकार अस्थायी व्यादेश हेतु वादी को प्रथम दृष्टया कोई आधार नहीं है तथा वादी का प्रार्थना-पत्र अस्वीकृत होने योग्य है।

परिणामतः प्रार्थना-पत्र 5 ग₂ अस्वीकृत किया जाता है। निस्तारण 12 ग₂ का इसी-तरह।

ह0/-

दिनांक: 10-9-82

सत्य प्रतिलिपि

॥ राजमणि चौहान ॥
मुन्सिफ सदर फैजाबाद।



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

Writ Petition No. _____ of 1982.

Union of India and others ---Petitioners
Versus
Sri Chhotey Lal and others ---Opp. Parties

Annexure No. 4

Office of Asstt. Engineer,
N. Rly, Faizabad,

No. 5/E/Welder/81
dt. 17.12.81

The Permanent Way Inspector,
N. Rly, Faizabad.

Sub:- Office order.

Ref:- Your letter No. 3/5/Welding dated 15.12.81.

Sri Chhotey Lal S/o Jokhu Ram, Temp. Grinder
is hereby promoted as Welder and posted at Khalispur
since Sri Chhotey Lal is only qualified as Welder
in this Sub-division and applied for training.
Hence his Posting as Welder is hereby accorded
temporary basis and does not entitle for any claim
for permanency in this post.

Sd/- Illegible

Asstt. Engineer.
Northern Railway
Faizabad.

TRUE COPY



Handwritten signature or mark.

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

Writ Petition No. of 1982.

Union of India and others _____Petitioners

Versus

Sri Chhotey Lal and others --Opp. Parties.

Annexure No.5

Northern Railway.

Office of the Asstt. Engineer,
N.Rly, Faizabad.

No. 28/E/82
dt. 21.8.1982.

The Divnl. Personnel Officer,
N.Rly, Lucknow.

Reg: Trade Test for the Post of Electric Arc
Welder, and Grinder.

1. Shri Munni Lal S/o Pheroo the senior most gangman applied for the post of Electric Arc Welder, working as Grinder was Trade Tested and found suitable for the Post of Electric Arc Welder.

2. Shri Chhotey Lal S/o Jokhoo Ram, the next senior Gangman till now working as Welder was Trade Tested and found suitable for the Post of Grinder.

Since the work of welding of crossings is of urgent nature, the above staff are being Posted as mentioned or else the Welding work will come to stand still.



The following documents are sent herewith for your perusal and early approval.

1. The Trade Test Result sheet in duplicate.
2. Appendix 'A'. The record of Trade Tests showing service particulars of the employee appeared for the Trade Test together with the marks obtained by them in duplicate.

DA 6

Sd/-

(R.S.Jaitly)
Assistant Engineer,
N.Rly Faizabad.

Copy to D.S.E.II/Lucknow for information please.
Copy to A.D.R.M.(O&P)/Lucknow for information please.

Sd/-

(R.S.Jaitly)
Assistant Engineer,
N.Rly, Faizabad.

TRUE COPY



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

Writ Petition No. of 1982.

Union of India and others. -----Petitioners

Versus

Sri Chhotey Lal and others. -----Opp-parties.

Annexure No.6

Northern Railway.

No.5/E/82.

The P.W.N.
Railway Faizabad.

Dt. 21.8.1982.

Sub: Office Order.

1. Sri Munni Lal s/o Pheroo ~~the~~ being ^{the Senior} most Gang-man working grinder, is hereby promoted and posted to work as Electric Arc welder with immediate effect in grade Rs.260-400 (RS).
2. Sri Chhotey Lal s/o Jokku Ram next service-man, till now working as welder, is hereby reverted and posted to work as Grinder with immediate effect in grade Rs.210-270 (RS).

These Staff will continue in future subject to the approval of trade-test conducted on date from trade testing committee.

Sd. Illegible.

Asstt.Engineer.
N.Rly. Faizabad.

Copy to : File No.28/E/82.



OATH COMMISSIONER
High Court, (Lucknow Bench,
LUCKNOW

92/402
17/12/82

[Handwritten signature]

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



Affidavit

In re:

Writ Petition under Articles 226 & 227 of
the Constitution of India.

Union of India and others.

-----Petitioners

Versus

Sri Chhotey Lal and others.

-----Opp-parties.

I, Kailash Nath Verma, aged about 54 years,
son of late Sri Shambhu Nath Verma, resident
of Bunglow No.L-12, Civil Lines, Faizabad, do
hereby solemnly affirm and state on oath as under:-

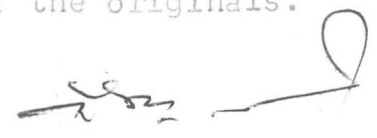
1. That the deponent is petitioner no.4 and is
well conversant with the facts of this writ
petition.
2. That the contents of paragraphs no.1, 6 to 11
and 13 of the writ petition are true to my
personal knowledge and those of paragraphs 2 to 5
are true to the personal knowledge of the
deponent being derived from the record and
those of paragraph 12 of the writ petition are
based on legal advise rendered by the counsel



2/22

3. That the deponent has compared the Annexures 4 to 6 of the writ petition with the originals and they are true copies of the originals.

Lucknow, dated,
17.12.1982


Deponent.

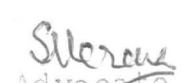
Verification

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

Lucknow, dated,
17.12.82


Deponent.

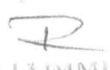
I identify the deponent who has signed before me.


Advocate.



Solemnly affirmed before me on 17.12.82 at 3:50 A.M./P.M. by the deponent Kaler Nath Verma who is identified by Sri ~~Siddharth~~ Verma, Advocate High Court at Lucknow.

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


OATH COMMISSIONER
High Court, (Lucknow Bench,
LUCKNOW

No. 97/420
Date 17/12/82

13/10/82

गुजरगंगा

A7

In The Court of II Addl. Judge
Faizalbad
Civil Appeal No - 116 of 1982

Copy - order 12-10-82

Chhotay Lal vs - Union of India.



In the Court of II Addl. Judge Faizalbad

Present - Sri A.S. Tripathi H.G.S.
Misc. Civil Appeal No 116 of 1982

Chhotay Lal ———— Appellant

versus

Union of India And
others

Respondents

Judgment -

This Appeal is filed against the judgment
And order dated 10.9.82 passed by Sri
Rajmani Chauhan Munsif Sadar Faizalbad
whereby the Application for temporary
injunction was rejected.

The plaintiff had filed civil suit No
234 of 1982 against the defendant —
respondents for injunction restraining
them from ~~reversing~~ reversing the
plaintiff ~~from~~ from the post of elect-
ric welder. The plaintiff applied
for temporary injunction which was
rejected.

It was alleged by the ~~plaintiff~~
plaintiff that he was appointed
as gang ^{man} in the northern railway
since 6-12-62. Later on he was

14/11/82



Try. Form No. 385

(P)

RECEIPT FOR PAYMENT TO GOVERNMENT B

(Form No. I, Chapter III, Paragraph 26, Financial Handbook, Volume V, Part I)

Receipt No. 13/10/82
Date 13/10/82
Place Chechni
Department and office Chechni
Received from Shree Chandra Prasad
the sum of Rupees 132/-
on account of Copy
Signature of Government Servant [Signature]
granting the receipt.
Cashier or Accountant. [Signature]
Designation 13/10/82

1-2-00 R

क्रमांक 23.
दिनांक 13-10-82
वाचन हो।

प्रधान प्रतिलिपि
मि. जज
बेनावड

13.10.82

30.10.82

30.10.82

30.10.82

Sent for training to merit on the post of grinder. There after he was promoted on the post of grinder on 15.5.81. later on he was sent for training for electric welder to ghajiyad and he was declared successful on 17.12.82. He was promoted to the post of welder and was working on that post satisfactorily. Since then he was also directed to appear for the examination of welder on 16.9.82. The plaintiff appeared in that examination and was declared successful. later on the defendant threatened on 8.2.82 that the plaintiff should be removed from the post.

7/2 (3)

- 12 -

117

Post of welder to the post of grinder.
Then the suit was filed.

The defendant alleged that the promotion of the plaintiff to the post of welder was temporary and he was not entitled to that post. In this case one munnial was later on promoted and the plaintiff was reverted.

After hearing the learned counsel for the parties and perusing the record find that the plaintiff was duly promoted to the post of welder.

The transfer of one ~~Ray~~ Raghunath. The plaintiff was satisfactorily working on the post of welder after his promotion. Suddenly when the plaintiff was successful in all the examination and was entitled to hold the post of welder he was threatened to be reverted and one munnial was to be promoted out of the way. In such a case when the plaintiff was already duly promoted to the post of welder he was entitled to hold the post till he was found unsuitable.



①
for the same, nothing has been brought
to the notice of the court as to how munim
lal was found suitable and was to be
promoted on the post of welder in
preference to the plaintiff who was already
promoted and holding that post therefore
this type of reversion of the plaintiff
is not justified under the law as the
plaintiff was already entitled for
that post in this way the plaintiff
has a prima facie case for injunction.
The reversion of the plaintiff ~~we~~ would
certainly amount to irreparable loss
And balance of convenience is also
in favour of the plaintiff.

The learned counsel for the respondent
pointed out that such type of temporary
injunction was barred under the pro-
visions of U.P. civil laws amendment
made in order 39 rule 2 of the C.P.C.
The said amendment is only to the
reference of A reversion of the employee
at state government. The local government
appearing in the said amendment is in
relation to the state government and
the said amendment does not apply
in cases of the employee of the

of the central government. In this way the alleged amendment is not a bar for injunction on this hard case.

Order.
The appeal is allowed. The order under appeal is set aside. The defendants are hereby restrained from reverting the plaintiff from the best of his skill till the disposal of the suit. The costs of this appeal shall abide the ultimate result of the suit.



12.10.82 A. S. Tripathi
II Addl. Distt. Judge
Jalpaiguri

Judgment signed dated And pronounced in open court.



12.10.82 (A. S. Tripathi)
II Addl. District Judge
Jalpaiguri

Copied by _____
Comptroller - Uttam
Checked by _____

[Handwritten signature]

प्रतिलिपि
प्रधान प्रतिलिपि
उपनिवार न्यायालय
कोलकाता
30/11/82

13/10/82

A27

आदेश के विरुद्ध अपील में डिगरी
(आदेश 89 निम्न 36 आदेश 96 निम्न 2)

दीवानी-मामाकाद किताब दिदीय अपर किताब मामादीय मदीय
केगावाट

अपील संख्या - M.C.A No + 116/82

पुस्तक होनकारिक 17 मास 9 सन 1982

उद्देश्य के अनुसार पुस्तक 17 वर्ष 10 महीने 18 दिवस निवासी गांव आन-दीह
पशुना भदो ही तहसील गजपुर किताब बनारस कोश्वर केवट
आदेश 100500 आदेश (मेरी ने-स) उद्देश्य के अनुसार पुस्तक
केगावाट केगावाट केगावाट



बिनाम

अपीलकर्ता

विमान आकाश विमान 17 वर्ष 10 महीने 18 दिवस उद्देश्य के अनुसार पुस्तक
आदेश 100500 आदेश (मेरी ने-स) उद्देश्य के अनुसार पुस्तक

- 1. दिदीय अपर किताब दिदीय अपर किताब दिदीय अपर किताब
- 2. उद्देश्य के अनुसार पुस्तक 17 वर्ष 10 महीने 18 दिवस
- 3. उद्देश्य के अनुसार पुस्तक 17 वर्ष 10 महीने 18 दिवस
- 4. उद्देश्य के अनुसार पुस्तक 17 वर्ष 10 महीने 18 दिवस

पुस्तक दिदीय



अपीलकर्ता निर्धारित शुल्क

1982 के 10 दिवस को निर्धारित डिगरी

सिद्धा के विरुद्ध

अपीलकर्ता के काष्ठ

सन 1982 के 10 मास 12 दिवस को

मामाकाद दिदीय अपर किताब मामादीय मदीय केगावाट

100500 सिद्धा केसमका

अपीलकर्ता के काष्ठ - श्री पताय नाशान जीवाय 17 वर्ष 10 महीने 18 दिवस

928
12/11/82

Try. Form No. 385 (P)
RECEIPT FOR PAYMENT TO GOVERNMENT
 (Form No. I, Chapter III, Paragraph 26, Financial Handbook, Volume V, Part I)



Receipt No. 13110/82
 Place Jaipur Date 13/10/82
 Department and office Company
 Received from Shree Hand
 the sum of Rupees Two one 00
 on account of Company
 Signature of Government Servant granting the receipt. [Signature]
 Designation 13/10
 Cashier or Accountant.

क्रमांक 23
 दिनांक 13-10-82
 पात्रन हो।
 प्रधान प्रतिलिपि
 जिला जज
 फेजाबाद

13/10/82	30-10-82	30-10-82	39+10
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श्री चन्द्र शर्मा जी एडवोकेट वकील प्रतिवादी
 की अपीलवाले में इस अपीलकी पुनर्विचार परचाल
 यह डिग्री और आदेश हुआ कि
 आदेशानुसार निम्नानुसार 1982 के 10 दिवस के निर्धारित
 डिग्री The appeal is allowed, the order under
 Appeal is set aside. The defendants are hereby
 restrained from reverting the plaintiff from
 the post of welder till the disposal of
 the suit, the costs of this appeal shall
 aside the ultimate result of the suit,
 और यह आदेश हुआ कि
 इस मामला का फैसला करने में निम्नानुसार
 और उनके उपरपट्टा देवे।
 आदेशानुसार निम्नानुसार के अनुसार निम्नानुसार

५५१ (३) -16-
कि और उनके उपर पड़ा देवे ।

मार्च १९

हिंदी अति० विभाग एवं सत-भाषावीर
जैजाबाद

13/10/82

इस अपील के कारणों को जय जय का २०१ के
अपील नं० की ओर से ४ = ०० प्रतिवादी की ओर से —
अपील नं० विभाग में — अपील नं० विभाग में —
इस नाम का भी — इस नाम का भी



क. ४ भाषा
नामांक के मु-स रिज के दस्तावेज
13/10/82

अपील नं० की ओर से दस्तावेज प्रतिवादी की ओर से दस्तावेज

नामांक - Open
मिशन - Uttam
मैदान - ७

सत्य गतिजिपि

प्रधान निवृत्तिपिक
व्यवहार न्यायालय
जैजाबाद

30/10/82



५५१

8/44

1925/11/18



A48

व अदालत श्रीमान् Hon'ble High Court of Judicature at Allahabad, District Bench, Lucknow
वादी अपीलान्त श्री

प्रतिवादी रेस्पान्डेन्ट

Union of India and others

वादी अपीलान्त

Chhotay Lal and others

प्रतिवादी रेस्पान्डेन्ट

सं० मुकदमा सं० 19- पेरा की तारीख 19- ई०
ऊपर मुकदमा में अपनी ओर से श्री- Siddharth Verma

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता 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 कायम दाखिल करें या लौटावें या हमारी ओर से डिमरी जारी करावें और खया वसूल करें या मुकदमा या इकवात दावा तथा अपील व निगरानी हमारी और से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई खया जमा करें या हमारी विपरीत फरीजावाही का दाखिल किया हुआ खया अपने या हमारे हस्ताक्षर मुकदमा दस्तखती रसीद से लेवें का पंच नियुक्त करें-----
वकील महोदय द्वारा की गई वह सब कार्यवाही हमको खया स्वीकार है और होनी इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवें ।

Divisional Railway Manager, Northern Railway, LUCKNOW.
FOR AND BEHALF OF UNION OF INDIA

Divisional Railway Manager, Northern Railway, LUCKNOW.
वादी गवाह
सं० 19- ई०

दिनांक/20.7

ACCEPTED

Morung
(SIDDHARTH VERMA)
ADVOCATE

16.10.82
Asst. Commr
N.W.P. Faizabad

16.10.82
P. N. Singh,
Faizabad

बअदालत श्रीमान

In the Central administrative Tribunal
Circuit Bench Lucknow

महोदय

TA No 1107 of 1989 (T)

वाटी (मदई)

मुद्



वकालतनामा

Chotey Lal

Union of India

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुदद्मा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री L. Shukla Advocate

वकील

C-700 Mohanagar, Lucknow

एडवोकेट महोदय

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

नाम अदालत

नं० मुकद्दमा

नाम फरीकन

हस्ताक्षर ६९ २ लाल

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

ई०

A/
46 257

Central Administrative Tribunal

Circuit Bench Lucknow

T.A.NO. 1107 of 87 (T)

Union Of India Applicant
Vs
Chhotey Lal and others Respondents.

19.9.91

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

Hon. Mr. A.B. Gerthi, A.M.

Learned counsel for the applicant says ^{that} the application has become ^{infructuous} infructuous. The application is accordingly DISMISSED as infructuous.

Sd/
A.M.

Sd/
V.C.

// True copy *pp*

Section Officer

Central Administrative Tribunal
Circuit Bench
LUCKNOW

checked
24/10

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफर्रिक) प्रार्थना सं० 142 सन १९८३ ई०

..... सं० 69 सन १९८३ ई० में

Union of India and others

प्रार्थी

प्रति

Sri Chhotey Lal and others

प्रत्यार्थी

Sri Chhotey Lal
Welder under Permanent Way Inspector
(Maintenance), Northern Railway
Faizabad, Mangra, Haveli Avadh
Tehsil and District Faizabad,
FAIZABAD

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में *Slay of*
operation of order of II Addl Dist. Judge Faizabad
लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक माह सन १९ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानून अकित हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह
सन १९ को जारी किया गया।

..... ने एडवोकेट

तिथि.....

डि टो रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय २७ निदम २ के आधीन प्राप्त तलबाना
मिल गया।

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

8/50

c55

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफर्रिक) प्रार्थना सं० 142 सन १९८३ ई०

W.P. सं० 69 सन १९८३ ई० में

Union of India and others — प्रार्थी

प्रति

Sri Chhoday Lal and others — प्रत्यार्थी

Sri Chhoday Lal
Welder under Permanent Way Inspector
(Maintenance), Northern Railway,
Faizabad, Pargana Haveli Awadh
Tehsil and Distt Faizabad,
FAIZABAD प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में ^{slay of}
operation of order of II Addl Distt Judge, Faizabad
लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि आप
दिनांक माह सन १९ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानून अद्वित हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आरम्भ की अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह
सन १९ को जारी किया गया।

..... एडवोकेट

तिथि.....

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना
मिल गया।

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

51 C 56 91C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/ 4289 date the 17/4/90

T.A.No. 1107/87 (T) of 1990 (T)

Union of India Applicants.

Varsus.

Chhotey Lal and others Respondents.

To

Whereas the marginally noted cases has been transferred by HC LKO under the provision of the Administrative Tribunal Act 13 of 1935 and registered in this Tribunal as above.

Writ petition No. 69/82
of 1982
of the Court of HC LKO
arising out of
an order dated
passed by
in

The Tribunal has fixed date of 6.9.90. The hearing of the matter. if no appearance is made on your behalf by our some one duly authorised to Act and Plead on your behalf.

The matter will be heard and decided in your absence. Given under my hand seal of the Tribunal this 4th day of 17/4/1990.

DEPUTY REGISTRAR

Bhartiya

① Shri Chhotey Lal s/o Joku Ram, R10
vill - Anandesh, Pargana - Bhadohi,
Tehsil - Gayanpur, Dist - Banaras
Varansi

103
28/2/90
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

*** 7A 1107/87

No. CAT/Alld/Transfer/ 3428 Dated the 19/2/90

munim of Gander
Chhotay Lal APPLICANT'S

Chhotay Lal
munim of Gander VERSUS
RESPONDENT'S

① Shri Chhotay Lal 870 Jakhua Ram N/o Ananduloh
To Pargana Bhadoke Tehsil Gyanpur
Distt Banaras

② If Additional Distt Judge Faizabad

③ Munsif Sadar Faizabad

Whereas the marginally noted cases has been transferred
by HCK under the provision of the Administrative
Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition No. 69/82 The Tribunal has fixed date of
of 1990. of the Court of 5.3.90 1990. The hearing
HCK of the matter.

arising out of order dated If no appearance is made on your
passed by behalf by your some one duly authorised
to Act and plead on your behalf.
in

The matter will be heard and decided in your absence.
given under my hand seal of the Tribunal this 29
day of 1 1990.

dinesh/

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211 001

No. CAT/Alld/Jud/

60442743

Dated the :

10/15

APPLICANT'S

T.A. No. 1107 of 1987

VERSUS

Union of India

RESPONDENT'S

To

Chhotey Lal others

- 1- Shri Siddhartha Verma, Advocate, Lucknow High Court Lucknow.
- 2- Chief Standing Counsel(C.G.) Lucknow High Court Lucknow.

Whereas the marginally noted cases has been transferred by _____ Under ~~Section~~ the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above.

H.C.LKO

Writ Petition No. _____ of 198 .

of the Court of _____ arising out of order _____

dated _____ passed by _____

H.C.LKO

The Tribunal has fixed date of _____ 1987. The hearing of the matter.

If no appearance is made on your behalf by your some one duly authorised to ~~act~~ and T.LKO plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this _____ day of _____ 1989.

dinesh/

24th

August

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

*** 7A 1107/87
No. CAT/Alld/Transfer/3420 to 3430 Dated the 19/2/90

Chhotay Lal APPLICANT'S

VERSUS
Chhotay Lal RESPONDENT'S
munim of Jindia

- ① Shri Chhotay Lal. S/o Jekh Ram Mo. Amarduh
To Pargana Bhedeki. Tilsel Gyn. in puc
Distt. Bannaras.
- ② Additional Distt. Judge. Faizabad
- ③ Munsef Sadar. Faizabad

Whereas the marginally noted cases has been transferred
by HC/KC under the provision of the Administrative
Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition No. 69/82 The Tribunal has fixed date of
of 1990. of the Court of 5.3.90 1990. The hearing
HC/KC of the matter.

arising out of order dated _____ If no appearance is made on your
_____ passed by _____ behalf by your some one duly authorised
_____ to Act and plead on your behalf.
in _____

The matter will be heard and decided in your absence.
given under my hand seal of the Tribunal this 29
day of 1 1990.

dinesh/

DL
DEPUTY REGISTRAR

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

Writ Petition No. 69 of 1983.

AS

Union of India and others
versus.

— Petitioners.

Sri Chhotey Lal and others

— Opp-parties.

In view of the orders of Hon'ble Court dated 4.1.1983 in the above noted case I am filing herewith process fee worth Rs 4-50 alongwith notices and duplicate of above noted writ Petition for the opposite party No. 1, which may kindly be taken on record.

Lucknow

Dated 11.1.1983

Sherma

(Siddharth Verma)
Esq. Advocate
Counsel for the
Petitioners



Page

3428

Shri Chhote Lal.

8/6 Tolke Ram

8/10 Anandulu Pongana,

3/10/10

Tolke - Gyanpur

8/10 - Naramani

in complete address
Rd. 500

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