

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA No. 1121/82  
CAUSE TITLE w.p. No. 714/83 OF .....

NAME OF THE PARTIES Mohd Farid Applicant

Versus

O O I 2nd Respondent

Part A.

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CERTIFICATE

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

*This file received from record room without protest*

Checked on Dated 03-11-11.....

Counter Signed.....

*Rajeev Kumar*  
14/11/2011

Section Officer/In charge

*M*  
Signature of the  
Dealing Assistant

Annexure - A  
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL; ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
\*\*\*\*\*

1/2

INDEX - SHEET

CAUSE TITLE \_\_\_\_\_ OF 1901

Name of the Parties Mohd. Farid

Versus

U.O.I (N.E.R.)

Part A, B and C

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C <sub>1</sub>	C.M. Applications and o/c of Notices	

11/18/83

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.  
CIRCUIT BENCH, LUCKNOW

\*\*\*\*\*

Case No. \_\_\_\_\_ 198 .

Transfer Application No. 1121/87 .

Writ Petition No. 714/83 .

CERTIFICATE

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

\_\_\_\_\_

Countersigned \_\_\_\_\_

Signature of the  
Dealing Assistant.

*Signature*  
5/6/91

Section Office/Court Officer.

.....

Amit/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

O.A./T.A. No. 1121 1987

Mohd ~~Farid~~ Farid Applicant (s)


Versus

Union of India & ors N.E. Ry. Respondent (s)

Sr. No.	DATE	Orders
	29.08	Office report <p>W.P. NO 714/03 has been received in this Tribunal on transfer from Hon'ble High Court Lko.</p> <p><u>W.P. is not admitted.</u></p> <p>Stay has already been granted and impugned order dt 25.1.03 shall remain stayed.</p> <p><u>Counter affidavit has already filed in this case.</u></p> <p>W.P. against the reversion order dt 25.1.03.</p> <p>Notice issued to the petitioner and Notices of O.P's has been given to Sri P. Mathur Adv. who files his vakalatnama on behalf of Union of India.</p> <p>W.P. is pending for admission. Submitted for orders.</p> <p>Mo undelivered regd regd cover has been return back.</p>

Decn'  
21/9/00

Submitted for orders

Sr. No.	Date	Orders
0900	26/10/88	<p>Applicant is present &amp; moved an application for transfer to Circuit Bench Ludhiana. Transfer the case to Ludhiana fixing 26/10/88</p>
101000	Office report	<p>Notices issued for 26/10/88 to C.B. Lko.</p>
26/10/88	New 10/10/88	<p>Recd on transfer to C.B. Lko. Applicant present. Reply not Met. The 22-12-88 A reply. Issued notice to respondent</p>
		
		26/10/88

as

OR Notice issued through Counsel. by Regd. Post

Prsb  
2/12

AZ  
P/d

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUGANO.

\*\*\*\*

O.A./T.A. No. 1121 1987 (T)

Mohd. Farid Applicant(s)

Versus  
U.O.L Respondent(s)

Sr. No.      Date      Orders

22/12      No sitting. Adjourned to 27-1-89

27/1/89      No sitting. Adjourned to 24-2-89 for reply 27/1/89

24-2-89      D.R.  
counsel for respondent present.  
Rejoinder can be filed by  
30-3-89.  
D.R.

30.3.89      No one is present on behalf of  
applicant. For it for 28/4/89  
for filing R.A.

Maharajgi  
for OR  
OR  
No rejoinder  
has so far been  
filed by the applicant  
Submitted for  
orders.

14.12.90  
Applicant failed on 27/1/89  
to file rejoinder. Applicant  
to file rejoinder by  
15/1/89

Hon. D.S. Misra, A.M.  
Hon. D.K. Karwal, J.M.

is present

None ~~for~~ the parties. In this case Counter affidavit on behalf of respondents 1 to 3 has already been filed. The applicant was required to file rejoinder affidavit, which has not been complied with. Let rejoinder, if any be may filed within three weeks hereof as a last opportunity.

List # for final hearing on 27th July, '89.

J.M.

A.M.

28.4.89  
brc/

27/7

No Siding Adj. to 11.10.09

h  
27/7

OB In spite of last opportunity given to respondents to file rejoinder they have failed to file the same case is submitted for hearing

h  
26/7

11.X.09

No Siding Adj. to 9.11.09  
Both Parties are present

h  
11/11

No rejoinder filed. Submitted for hearing

h  
5/11

OR No rejoinder filed. Submitted for hearing

h  
01/11/90

Hon' Mr. D.K. Agrawal, J.M.  
Hon' Mr. K. Obayya, A.M.

9/11/89

Shri Prashant Mathur counsel for the respondents filed <sup>Supplementary</sup> counter affidavit. Keep it on record. List this case on 9-1-90 for hearing.

A.M.

J.M.

(sns)

9-1-90 No Siding Adj. to 9.3.90

h  
9/11

OB No RA filed S.P.H.

9.3.90 No Siding Adj. to 27.4.90

h  
29/3

1/2/87 (1)

A3

30.4.90

Case not reached adjourn to  
20/5/90

Proc

1/5

20.7.90

No sitting Adj. to 2/8/90 ✓  
20/7.

21.9.90

No sitting Adj. to 8.11.90

Q

8/11.90

Hon. Mr. M. N. Peralkar AM  
Hon. Mr. D. K. Agrawal JM

OR  
No RA filed on  
per court's order  
20.4.89.

Due to resolution of Bar  
Association case is Adj. to  
14.12.90

S. P. H.  
L 13/12 7/11/90

6/2/91

Hon. Mr. Justice K. Datta, VC  
Hon. Mr. K. O'Byrne, JMS

Q  
D.O.C.

14.12.90  
D.R

By means of Supplementary Comits  
dt. 11/1/89 filed on 9/11/89 the  
respondents claimed that the writ  
Petition has become infructuous.  
It does not appear that a copy of  
this Supplementary Comits has  
been delivered to the applicant  
or to his counsel. Sri Bhargava  
undertakes to deliver a copy to  
the applicant's counsel within  
three days who may file a  
Supplementary rejoinder within  
two weeks thereafter and the  
case may be listed for final  
disposal on 6/3/91.

Applicant failed  
to filing rejoinder  
Applicant to file  
rejoinder by 15.1.91

Am

VC

15.1.91 Both the  
Counsel are present  
Applicant side  
failed to file rejoinder  
Respondent wants  
to press the applica-  
tion dated 9.11.89  
which is still pending  
Put up before the  
Honble Bench on  
31/1/91 for disposal

(Alu)

1121/0713

6/3/91

Hon. Mr. Justice K. Wadhwa, VC.  
Hon. Mr. A.B. Kosti, Am.

Case called. No one is present on behalf of the applicant. S.M. Ajim Bhanpura says that the applicant's counsel S.M. O.P. Srivastava has refused to accept the copy of the Compts on the ground that he is no longer holding the brief. S.M. Bhanpura says that the applicant has been transferred from Lucknow to Kanpur. The respondents will have the copy of the Compts affidavit served on the applicant. <sup>at his present address & inform him of the next date</sup> and the case may be listed for orders on 3/4/91 when it <sup>may</sup> be disposed of finally.

Am.

VC.

2 app written dated 9.11.89

31.1.91  
There is no Bench today.

Put upon 6.2.91  
7 for disposal  
2 ten application dated 9.11.89, before the Honble Bench

OR  
Neither RA  
Nor Supplement RA filed  
S.P.H.

4/3/91

15/4/91

AG

A/-

CIVIL SIDE  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. No. 714-83  
Name of parties..... Mtd. Fand. v. Union of Andhra  
Date of institution..... 8-2-83 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 Amoyan and affidavit	26	-	102	00		
	2-	Power	1-	-	5	00		
	3-	Comd 1474 (W) of 83	2	-	5	00		
	4-	Power	1-	-	5	00		
	5-	Comd 8153 (W) of 83	5-	-	7	00		
	6-	Comd 5284 (W) of 84 with CA	16-	-	7	00		
	7-	ordn sheet	1-	-	-	-		
	8-	Book 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 order have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....

Munsarim  
Clerk

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOWWRIT PETITION NO. 714 OF 1983. A6

Mohd. Farid ... .. petitioner

VERSUS

Union of India &amp; Others ..... Opp. Parties.

I N D E X

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(O.P. SRIVASTAVA)

ADVOCATE

COUNSEL FOR PETITIONER.

LUCKNOW DATED:  
FEB-7  
JANUARY , 1983.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

7/4  
A/7  
WRIT PETITION NO. OF 1983



Sej 28/10/83  
8/4/2

Mohd. Farid, aged about 40 years,  
son of Mohd. Sami, resident of  
Qr. No. 457, Sadar Bazar, Butcher<sup>er</sup>  
Mohal, Lucknow at present working  
as Basic Painter under IOW/BNZ- .. PETITIONER.

VERSUS

1. Union of India through its  
General Manager, North Eastern  
Railway, Gorakhpur.
2. Divisional Railway Manager (P)  
N.E. Railway, Office of the  
Divisional Railway Manager,  
Ashok Marg, Lucknow
3. Divisional Engineer, North  
Eastern Railway, Office of the  
Divisional Railway Manager,  
Ashok Marg, Lucknow. .. OPP. PARTIES.

Mohd. Farid

WRIT PETITION UNDER ARTICLE 226 OF  
CONSTITUTION OF INDIA

To

The Hon'ble Chief Justice and his  
other companion Judges of the  
aforesaid Court.



The humble petitioner named above most respectfully showeth as under:-

1. THAT the petitioner was initially appointed as C.L. Painter in the year 1964 and from 29.3.1966 the petitioner was given authorised skilled scale of Rs. 110-180. Later on in the year 1966 the petitioner appeared in the trade test for being absorbed against the permanent post in Vlass IV category for which he was declared successful vide DEM/LJN's letter No. E/227/1/R/LKO/S/66-46-367 and his name appeared at serial No.35 in the panel of selected candidates.

2. THAT although the petitioner was declared successful against Class IV unskilled post but yet his services were being utilised as a painter and later on he was allowed to appear in the trade test for the post of painter in the skilled category in the scale of Rs. 110-180 which was held on 21.9.1967 and 22.9.67 in which he was duly selected and declared successful and was entitled to be absorbed against the post of painter. A penal of the selected candidates against the post of painter was prepared in which the petitioner was at serial No. 1.

*Mohd. Faisal*



....

(5)

Mr. C.M.O.

Non-Res.

Notice of this petition  
was served upon  
Mr. Umesh Chandra  
on 8th February 1903.

He prays for time  
to obtain instructions.

list on 10th February  
1903.

Agreed  
8-2-03

3/4/91

Non-Mr. A.B. Gosthi, Am.

Non-Mr. S.M. Prasad, Am.

Sri Arjun Bhargava for  
the respondents submits that  
the applicant is no longer  
keen to press the  
application. He has filed  
before us a document  
purporting to be signed by  
the applicant himself  
stating that he does not  
want to pursue the case.

In the circumstances, the  
application is dismissed  
having become infructuous.

J.M.

A.M.



3. THAT although the petitioner was declared as a successful candidate for the post of Painter in the skilled category, but as the regular vacancy was not available the petitioner could not be absorbed immediately against the post of Painter. However, he was allowed to work against the short term vacancy of Painter which was caused due to leave sanctioned to Sri Ahmad Painter working under IOW/BNZ which continued for 38 days and on having resumed the duties by Sri Ahmad painter the petitioner was sent back to his post.

4. THAT while the petitioner was performing his duties as C.L. painter in the year 1974 a regular vacancy of Basic Painter in the semi-skilled in the scale of Rs.210-270 came into existence. As the petitioner was selected candidate against the post of Painter in the skilled category and waiting for being absorbed against the post of painter he was considered suitable to be engaged against the aforesaid post of Basic Painter as a substitute in the skilled category, in the scale of Rs. 210-270 at Rs. 210/- plus usual admissible allowances under Rules and was posted under IOW/BNZ. A true copy of the aforesaid order engaging the

*Mohd. Farid*



(A/9)

ANNEXURE-1

petitioner on the post of Basic painter is being filed herewith as Annexure-1 to this Writ petition.

5. THAT since the appointment of the petitioner on the post of Basic painter he is regularly and continuously performing his duties to the entire satisfaction of his superiors, as a result of which the petitioner has never been communicated any adverse entry and his service record all through has been unblemished. It would not be out of place to mention here that the petitioner's work was found excellent and admired by his superiors as a result of which the petitioner in the year 1979 was awarded a certificate for preparation of map, printing and writing on walls in C.B. and as well as in the year 1980 the petitioner was also awarded a certificate for his excellent work in Hindi writing. Recently in the month of January 1983 the petitioner has also been awarded a certificate for his excellent work in the Control Room of Divisional Railway Manager's Office. True copies of the are aforesaid certificates ~~is~~ being filed herewith and 3 as Annexure-2/3 to this Writ Petition.

*Mohd. Farid*

ANNEXURES-2  
AND 3



6. THAT while the petitioner was performing his duties with great skilled and devotion he was surprised to know that he has been reverted from

(A/10)

from the post of Basic Painter to the post of Khalasi for no rhyme or reason and one Sri Ayodhaya who is working as a Khalasi under IOW Lakhimpur and who is very much junior to the petitioner has been promoted against the post of Basic Painter vide order dated 25.1.1983 passed by the Opposite Party No. 2. A true copy of the aforesaid impugned order reverting the petitioner from the post of Basic Painter to the post of Khalasi is being filed herewith as

ANNexure-4

Annexure-4 to this W rit Petition.

7. THAT a perusal of the aforesaid order of reversion dated 25.1.1983 reveals that the petitioner is being reverted for no reason as neither he was found unsuitable nor he is junior to any person or the person who is going to be promoted against the post of Basic Painter nor the post on which the petitioner is working is going to be abolished and as such the order of reversion is discriminatory as well as bad in the eye of law.

*Mohd. Farid*

8. THAT the petitioner appeared in the trade test of Painter and stood first in the year 1967 and he is the senior most in the panel of his category. As such he is only the deserving candidate to be promoted against any regular post caused in future or in preference to any



(A/u)

other candidate. But the Opposite Parties are not considering the suitability and position of the petitioner in the list and are very arbitrarily reverting him to the post of Khalasi. It is note worthy that the post of regular painter in the skilled category is vacant due to the death of Sri Veer Bahadur and the Opposite Parties are not cinsidering the petitioner's case against that post and are bent upon to revert the petitioner from the post of Basic Painter to the post of Khalasi after a spell of about 9 years which is arbitrary, discriminatory and violative of the principles of natural justice and more particularly when his ~~was~~ work all through out has been admired by his superiors and he had been awarded several certificates for excellent work.

9. THAT it has been provided in letter No. E(ss)19ii pt. VI (c) dated 6.2.1963 referred in letter No. E/232/7 dated 23.6.1964 that if an employee is not confirmed in higher grade for want of permanent vacsncy, he cannot be reverted after he has completed 18 months of officiating period on the charge of unsatisfactory working except after following the D.A.R. procedure, the procedure being same for a confirmed employee

*Wond. Fand*



A/12

ANNEXURE-5

or an officiating employee. A true copy of the  
aforesaid letter dated 23.6.1964 is being filed  
herewith as Annexure-5 to this Writ petition.

10. THAT the petitioner was promoted on the  
post of Basic painter on the basis of his meri-  
torious work and seniority against a regular  
permanent post in the year 1974 and now he cannot  
be reverted after about 9 years without any  
rhyme or reason, particul-arily when his work  
is found satisfactory and he has been awarded  
serveral times the certificates for his meritorious  
and excellent performance and he has also comple-  
ted more than 18 months of continuous service  
in terms of Railway Board's letter dated 23.6.64,  
Annexure-5. As such the order of reversion of  
the petitioner is illegal, cryptic, violative of  
Railway Board's letter dated 23.6.1964 (Annexure-5)  
and is liable to be quashed by this Hon'ble  
Court.

11. THAT the petitioner cannot be reverted  
by a cryptic and non-speaking order of reversion  
without following the D.A.R. procedure after  
expiry of 18 months' continuously officiating  
post. Moreover since no prior <sup>personal</sup> sanction has  
been obtained from the General Manager, hence  
the order of his reversion is wholly illegal,

*Wohd. Fand*



A/13

invalid and untenable in the eye of law.

12. THAT the petitioner is the senior most trade tested person and he is being reverted to a non-skilled post, whereas the persons who are very much juniors to the petitioner have been retained on their posts and are being promoted against the regular existing vacancies of Basic Posts. As a matter of fact the petitioner should be promoted against the regular vacancy of Painter which is now vacant due to the death of Veer Bahadur. Hence the reversion of the petitioner with an non-speaking and cryptic order is wholly illegal and violative of the provisions of the fundamental laws, principles of natural justice as well as it is violative of the provisions of the Part III of the Constitution of India.

13. THAT the petitioner is liable to be confirmed against the post after expiry of continuous 2 years' service as provided in the aforesaid letter dated 23.6.1964, Annexure-5 and in any case he cannot be reverted without following the procedure as given therein. It is well settled principle which has been laid down in Railway Board's letter dated 23.6.1964, Annexure-5 that the opposite parties should send the report regarding the working after every

Mohd. Farid



A/14

three months and if on a perusal of his working he is found unsuitable within 18 months he should not be allowed to be continued against the post and if a person is allowed to continue even after 18 months then he cannot be reverted

back without following the provided procedure.

Similar W.P. Nos. 3591 of 1982 ; 3592 of 1982 & 3839 of 1982 has already been admitted and stay order has also been granted by this Hon'ble Court.

14. THAT the petitioner is still continuing on the post of Basic Painter under IOW/BNZ and as such it is highly expedient in the interest of justice that the operation of the impugned order of reversion (Annexure-5) so far as petitioner is concerned may be stayed during pendency of the present Writ petition, otherwise it will cause irreparable loss to the petitioner.

15. THAT the petitioner having no other expeditious and efficacious alternative remedy except to file this Writ petition challenging the validity of the impugned order of reversion dated 25.1.1983 contained in Annexure-4 passed in colourable exercise of powers violating all provisions of law inter alia amongst the following:-

- i) Because the petitioner is trade tested skilled senior most Painter and he is entitled to be promoted against the permanent vacancy in preference to all the persons in his category who are much

*Hand. Faud*



*[Handwritten signature]*

three months and if on a personal or working  
he is found unsuitable within 18 months he  
should not be allowed to be appointed against  
the post and if a person is allowed to continue  
even after 18 months then he cannot be reversed  
back without following the revolved procedure.

14. THAT the petitioner is still continuing on  
the post of Basic Painter under 10/1/1983 and as  
such it is highly expedient in the interest of  
justice that the operation of the impugned  
order of reversion (Annexure-2) so far as  
petitioner is concerned may be stayed during  
pendency of the present writ petition, otherwise  
it will cause irreparable loss to the petitioner.

15. THAT the petitioner having no other  
expedient and alternative remedy  
except to file this writ petition challenging the  
validity of the impugned order of reversion dated  
25.1.1983 contained in Annexure-4 passed in col-

able exercise of power, violating all provisions  
of law hereinafter mentioned the following:-

- (1) because the petitioner is a senior  
skilled senior worker and he is  
entitled to be promoted against the senior-  
most vacancy in preference to all the  
persons in his category who are such

A/15

juniors to the petitioner.

A/16

ii) Because the petitioner was promoted on the post of Basic Painter on the basis of his meritorious working in the year 1974 as no regular vacancy in the skilled grade of painter was available. As such he cannot be reverted to the unskilled post of Khalasi after a spell of about 9 years.

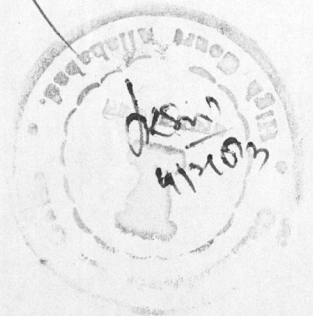
Such is highly expedient in the interest of justice that the operation of the impugned order of reversion (Annexure-3) so far as the senior most trade tested skilled painter is concerned may be stayed during pendency of the present writ petition, otherwise it will cause irreparable loss to the petitioner, unless a post of unskilled or semi-skilled

category is not totally abolished or is filled by more senior person or the petitioner is found unsuitable for the said post.

iv) Because the Opposite Parties cannot revert the petitioner to an unskilled post and promote a very very junior person to the post of a Basic Painter without any rhyme or reason or without following the procedure provided in the D.A.R.

....

*Handwritten signature*



v) Because there is neither abolition of the post of Basic Painter on which the petitioner is working nor ~~there~~ has been found unsuitable for the post. Hence he cannot be verted after a long time of 9 years, particularly when his work is found very meritorious and excellent.

vi) Because the impugned order of reversion is non-speaking and cryptic. It does not disclose the reasons of reversion of the petitioner.

vii,) Because the Opposite parties have not applied their mind before issuing the impugned order of reveraion which is also against the provisions of principles of natural justice as well as violative of Railway Board's letter dated 26.6.1964 and also violative of the provisions contained in Chapter III of the Constitu-tion of India.



*[Handwritten signature]*

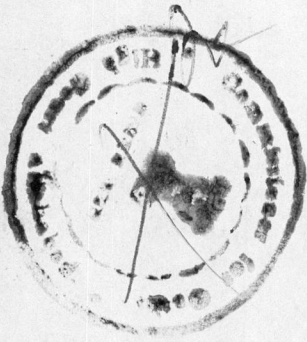
viii) Because the petitioner have automatically accrued the lien on the post of Basic Painter due to lapse of time and he cannot be reverted in such a fashion.

P R A Y E R

1/18

WHEREFORE it is most respectfully prayed that this Hon'ble Court may graciously be pleased:


- a) to issue a writ, order of direction in the nature of certiorari quashing the impugned order of reversion contained in Annexure-4 dated 25.1.1983 so far as petitioner is concerned.
- b) to issue a writ, command, order or direction in the nature of mandamus directing and commanding the Opposite Parties not to implement the impugned order of reversion dated 25.1.1983 contained in Annexure-4 and allow the petitioner to continue on the post of Basic Painter.
- c) to issue a writ, command, order or direction in the nature of mandamus directing and commanding the Opposite parties to consider the petitioner <sup>as</sup> on the post ~~Basic~~ <sup>of</sup> Painter for which the petitioner has already passed a trade test in the year 1967 and stood First. The said post has fallen vacant due to the death of Veer Bahadur.



*Rohd. Farid*

....

- d) to issue any other other writ or order <sup>K/19</sup>  
or direction or command which is found  
just and proper in the circumstances of the  
case.
- e) to allow the petition with cost.

  
(O.P. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR THE PETITIONER.

LUCKNOW DATED:  
FEB 7, 1983.  
~~JANUARY~~

Hand. Fand

14 (A/19)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

WRIT PETITION NO. OF 1983

Mohd. Farid ... .. petitioner

Versus

Union of India & Others .... Opp. Parties.

ANNEXURE - 1

OFFICE ORDER

Sri Mohd. Farid, son of Mohd. Sami who is trade tested C.L. Painter for promotion as Painter in scale Rs. 110-180, his trade test was held on 21.9.67 and 27.9.67 and who is also a selected hand for appointment in Class IV. Un-skilled category (70.85) vide DEN/LJN's No. E/22 227/1/E/LKO/S/66 dated 6.3.67 and his panel no. was 35. Sri Mohd Farid has also officiated as painter in scale of Rs.110-180 against regular cader post vide DEN/LJN's No. I/283/1/E LKO Dt. 22/23.6.68 against short term vacancy of 38 days caused due to leave granted to Shri Ahmad Panter under IOW/BNZ. He has also all along been working as C.L. Painter in A.S. Scale 110-180 since 9.3.66 regularly upto 15.7.74 against

Sri Mohd. Farid is now hereby engaged as substitute Basic Painter in scale of Rs. 210-270 at



*Mohd. Farid*

Rs.210/- plus other usual allowances admissible under Rules and posted under IOW/BNZ. His engagement as substitute Basic painter is purely local and tentative arrangement made in the interest of Railway work. As this is purely ~~local~~ tentative arrangement, he shall not confer any right and claim of his seniority and permanent retention as such in service.

This has the approval of Senior Divisional Engineer, Lucknow vide his No. WE/233/ Eng/CL IV dated 16.7.1974

Sd/- A.K. Pramanik  
Divisional Engineer (I)  
Lucknow, JN.

No.	E/ IV	Dt.	15.7.74
xx	xx	xx	xx

Sd/- Illegible  
Divisional Engineer(I)  
Lucknow JN.

TRUE COPY

*Hand. Fand*



16  
A/21

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

WRIT PETITION NO.                      OF 1983

Mohd. Farid        .....        .....        ... petitioner

Versus

The Union of India & Others        ...        Opp. Parties

ANNEXURE-2

MEMORANDUM

In terms of powers vested in him vide  
para 8.03 of the "SOPEST" the SR.D.M&E/LJN  
has been pleased to sanction Cash Award of Rupees  
Fifty Rs. 50/- only to Sri Mohd. Farid, Basic  
Painter under IOW/BNZ for his quick and preparation  
of Map painting writing on walls in CB Shed  
during visit of Accident Committee in last month.

Sd/-

(Ramesh Kumar)  
SR.D.M.E./LJN.

No. M/275/1/Award/79 dt. 11.79

Copy to :- DAO/LJN for arranging payment pl.

Copy to :- DRM(Engg) for issued by this office  
order in favour of employee.

Copy to :- IOW/BNZ for information pl.

Sd/- Illegible

Divil. Rly. Manager (M)  
LUCKNOW.

TRUE COPY

Mohd. Farid



17

A/22

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

WRIT PETITION NO. \_\_\_\_\_ OF 1983.

K.M.  
1/12

Mohd. Farid ..... .. petitioner

VERSUS

Union of India & Others .. .. Opp. Parties.

ANNEXURE - 3

Mohd. Farid



# पुस्तकालय रेलवे

लखनऊ मण्डल



राजभाषा प्रशस्ति-पत्र

श्री.....मोहम्मद फरीद.....पद.....पेन्टर.....

कार्यालय कार्य निरीक्षक, बादशाहनगर ने सरकारी कामकाज में हिन्दी के प्रयोग की प्रगति में उल्लेखनीय योगदान किया है। इनका प्रयास सराहनीय और अन्य सहकर्मियों के लिए प्रेरणादायक रहा है।

रत. रमा. आबुकर  
मण्डल रेलवे प्रबन्धक  
लखनऊ

लखनऊ  
दिनांक.....6.8.1980



Hand. Fand

इन दि आनरेबुल हाई कोर्ट आफ जूडीकेवर रेट इलाहाबाद,  
लखनऊ बेंच, लखनऊ

४/७

रिट पिटीशन नम्बर -

आफ 1983

मोहम्मद फ़रीद - -

....., पिटीशनर

बनाम

यूनियन आफ इण्डिया आदि - -

..... अपा०- पार्टीज

अनैज्जर नम्बर-4

पूर्वोत्तर रेलवे

कार्यालय- आदेश

निम्नलिखित पदांन्नति एवं तैनाती आदेश प्रशासनिक आधार पर तुरन्त प्रभावी होंगे:-

1- श्री हीरा लाल § आ० जा० § पेन्टर खतासी अधीन का०नि. /सीतापुर का बेसिक पेन्टर की व्यवसाय परीक्षा उत्तीर्ण में की गई, का०नि०/ सीतापुर में बेसिक पेन्टर वेतनमान § 260- 400 § <sup>स्किल्ड</sup> का एक पद § पर स्किल्ड के लिये वहीं पर का० नि०/ सीतापुर के अधीन का०नि/ मैतानी के एक रिक्त पद <sup>पर</sup> के स्थान पर तैनात किया जाता है। पेन्टर रिक्त के पद की व्यवसाय परीक्षा सम्पन्न होने पर का० नि०/ मैतानी के अधीन पेन्टर का पद भरा जायेगा।

2- श्री अयोध्या खतासी का अधीन का० नि०/ लखीमपुर में बेसिक-पेन्टर की व्यवसाय परीक्षा उत्तीर्ण है उन्हें बर्तमान में वहीं लखीमपुर बेसिक पेन्टर वेतनमान § 260-400 § रिक्त एक पद § के पद पर का० नि/ बादशाह नगर के पद के स्थान पर लखीमपुर में ही तैनात किया जाता है।

3- श्री मोहम्मद फ़रीद तदर्थ बेसिक पेन्टर को तुरन्त से <sup>पदांन्नति</sup> करके वही का० नि/ बादशाह नगर के अधीन. <sup>ATS</sup> जावा खतासी के पद पर जो महादेव के स्थान पर तैनात किया जाता है।

Mohd. Farid



2.

K/6

4- श्री महादेव गैंगमैन को अभी हाल में रे० प० नि/ बादशाह-नगर से का० नि/ के अधीन आ० जा० खतासी के पद पर स्थानान्तरित होकर आये थे, अब उन्हें पुनः इनके पूर्व पद गैंगमैन अधीन रे० प० नि/ बादशाहनगर के अधीन तैनात किये जाने का आदेश किया जाता है।

5- श्री प्यारे आड जाप खतासी अधीन रे० प० नि०/ बिसवां श्री राम गोपाल आ० जा० खतासी अधीन कार्य निरीक्षक गोण्डा तथा राम दौर गैंगमैन अधीन रे० प० नि/ गोण्डा अपने अपने वर्तमान पद पर कार्य करते रहेंगे।

उपरोक्त प्र म ई १११ के आदेश से जारी किया जाता है। इस सम्बन्ध में स० इन्जीनियर. को आदेश करेंगे।

ह०/-

म० रे० प्र० १ का० १,

लखनऊ।

स० ई०/ ११/ २५१/ पेन्टर / इन्जी० दिनांक २५.१.८३

प्रतिलिपि आवश्यक कार्यवाही हेतु प्रेषित :-

१- म. से० धि/ लखनऊ २. का० नि/ बादशाह नगर, सीतापुर लखीमपुर, गोण्डा।

३- रे० प० नि० बादशाह नगर गोण्डा।

४- स० इन्जी/ लखनऊ सीतापुर, मैतानी. गोण्डा १।१ १।१।१ सम्बन्धित कर्मचारी।

ह०-

म० रे० प्र० १ का० १

लखनऊ।

सत्य- प्रतिलिपि।

Zohd. Fand



20 (A/26)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

WRIT PETITION NO. OF 1983

12/21

Mohd. Farid ..... petitioner

VERSUS

Union of India & Others ..... Opp. Parties.

ANNEXURE - 5

North Eastern Railway,  
Office of General Manager,  
(Personnel Branch),  
Gorakhpur.

No. E/232/7

Dated 23.6.1964.

All Officers a per list 'B'.

Subject:- Reversion of employees officiating in higher grades.

Under this office letter No. E(ss)19ii pt. VI (c) dated 6.2.1963 a copy of Boards confidential letter No. E(D&A) 61 RG-6-36 dated 30.11.1961 was sent to all officers. As per Boards direction efforts are to be made to confirm staff officiating in higher grades in clear vacancies, if they are found suitable, after trial over a reasonable period not exceeding 18 months. It is, however, observed that, in practice, no proper system is being followed in this respect with the result that staff continue to officiate in higher grade for long periods and in several cases staff who have officiated for a number of years have been

*Mohd. Farid*



reverted on account of inefficient working.

Such reversions are contrary to the extent orders.

2. With a view to ensure that a proper assessment of the working of staff officiating in higher grades is made and action to revert such employees as are found to be unsatisfactory in work in the higher grade, is taken in time, the following procedure is being introduced for strict compliance by all concerned.

3. Whenever an employee is put to officiate in a higher post, which may be a selection post or a non-selection post, his immediate superior should send an assessment report as soon as the employee has completed six months of officiating period. If this report is unsatisfactory a similar further report should be sent three months after i.e. at the end of nine months officiating period and again 3 months later i.e. at the end of 12 months officiating period. If the final report is satisfactory further reports need not be sent unless the employee deteriorates in the subsequent months.

4. These assessment reports should be sent to the authority who has been ordered the promotion. In the case of first and/or second report being unsatisfactory the employee should be warned that

170hd. Fand



the report on his working has been unsatisfactory and unless he makes a substantial improvement, he will be liable to be reverted.

5. If the third report, at the end of 12 months period is also unsatisfactory, he should be promptly reverted and if he is to be given a further chance even after the third unsatisfactory report, the personal sanction of a senior scale officer in the case of Class III employees should be obtained. Even after such sanction has been obtained and the opportunity given to the employee is of no avail, he must be promptly reverted before completing 18 months of officiating period. Orders for reversion in such cases should not be passed by an authority lower than the authority who had ordered the promotion. When an employee is reverted for inefficient working from a selection post, his name will be automatically deleted from the panel. For repromotion he will have to appear before a Selection Board afresh where an employee is reverted for inefficiency from a non-selection post his case should be reviewed at intervals of six months and if he is considered fit for promotion, he should be re-promoted against the next vacancy.

6. If it is proposed to revert an employee who



has completed more than 18 months of officiating period other than 18 months by following the DAR procedure, the personal sanction of a Head of Department must be obtained in the case of Class IV employees and G.M's personal sanction must be obtained in the case of Class III staff.

7. Since no officiating individual whose working is unsatisfactory could have been allowed to continue beyond 18 months except under very special circumstances, confirmation must be made after two years of officiating period has been completed subject to permanent post being available for the purpose. In the case of staff with satisfactory reports, confirmation against available vacancies can be ordered after one year. If it is proposed to defer the confirmation of an individual after 2 years, General Manager's prior sanction should be obtained.

8. If an employee is not confirmed in higher grade for want of permanent vacancy, he cannot be reverted after he has completed 18 months of officiating period on the charge of unsatisfactory working except after following the D.A.R. procedure, the procedure being same for a confirmed employee or an officiating employee.

9. The assessment reports referred to above should be marked 'confidential' and a proper record kept of these communications. The

*Hand. Faid*



Also

Establishment Section should watch the case of each employee and initiate action when the employee completes six months of officiating period by putting a note to executive officer for the purpose.

A/M

10. The above procedure should also be followed in the case of Class III employees promoted to officiate in Class II. In their case, the assessment report should be sent to the Head of Department and where an officer has been reported on adversely the papers should be put up to the G.M. personally for his information and orders.

Please acknowledge receipt.

Sd/- Illegible  
For General Manager.

TRUE COPY

*Mahd. Farid*



25- (A/31)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

Try. Form No. 385

CF 24095

(P)

RECEIPT FOR PAYMENT TO GOVERNMENT

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

High Court of Judicature at Lucknow Bench

Receipt No. 082199

Date 1.2.03

Place

Department and office

Received from  
the sum of Rupees

~~O.P. Singh~~  
Mohd. Farid  
2/- (Rs two only)

on account of

*[Signature]*

Signature of Government Servant granting the receipt

Cashier or Accountant.

Designation

Registration Fee

tioner

Parties.



A F F I D A V I T

I, Mohd. Farid, aged about 40 years, son of Mohd. Sami, resident of Quarter No. 457, Sadar bazar, Butcher Mohal, Lucknow at present working as Basic Painter under IOW/BNZ, do hereby solemnly affirm and state on oath as under:-

1. THAT the deponent is the petitioner in the above noted Writ petition and as such he is fully conversant with the facts of the case.
2. THAT the contents of paras 1 to 15 of the accompanying Writ Petition are true to my own knowledge, except the legal averments which are believed to be true on the basis of legal advice.

Mohd. Farid

A/32

3. That the Annexures to the Writ petition are the true copies of the originals.

Mohd. Fandi

LUCKNOW DATED:  
JAN. 4, 1983.

DEPONENT.

1/24

VERIFICATION

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

Mohd. Fandi

LUCKNOW DATED:  
JAN. 4, 1983.

DEPONENT.

I identify the deponent who

has signed before me.

[Signature]  
ADVOCATE.

Solemnly affirmed before me on at 9 AM/PM by the deponent Mohd Fandi who has been identified by Sri O.P. Srivastava, advocate, Allahabad high Court, Lucknow Bench, Lucknow.

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

Santosh Kumar Srivastava

Santosh Kr. Srivastava  
OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench.  
No. 27/205/03  
Date 4/2/03



(A/34) 3

K/S

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

C.M. AN. NO. 714 (W) OF 1983

IN RE: 714

WRIT PETITION NO. 714 OF 83



125/2  
8/2/03

Mohd. Farid, aged about 40 years,  
son of Mohd. Sami, resident of  
Qr. No. 457, Sadar Bazar, Butcher  
Mohal, Lucknow at present working  
as Basic Painter under IOW/BNZ. .. APPLICANT-  
PETITIONER.

VERSUS

1. Union of India through its  
General Manager, North  
Eastern Railway, Gorakhpur.
2. Divisional Railway Manager (P)  
N.E. Railey, Office of the  
Divisional Railway Manager,  
Ashok Marg, Lucknow.
3. Divisional Engineer, North  
Eastern Railway, Office of  
the Divisional Railway Manager  
Ashok Marg, Lucknow .. OPP. PARTIES

STAY APPLICATION

The abovenamed applicant-petitioner most  
respectfully begs to submit as under:-

THAT for the facts, reasons and circum-  
stances detailed in the accompanying Writ petition

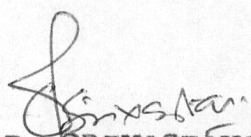
.....

*[Handwritten signature]*

A/35  
3/2

it is most respectfully prayed that the <sup>A/36</sup>  
operation of the impugned order of reversion  
dated 25.1.1983 contained in Annexure-4 be  
stayed during pendency of the Writ petition  
to  
or pass any other suitable order which this  
Hon'ble Court deems just and proper in the  
circumstances of the case.

WHEREFORE it is most respectfully prayed  
that the operation of the impugned order dated  
25.1.1983 contained in Annexure-4 be stayed  
during pendency of the Writ petition or to pass  
any other suitable order which this Hon'ble Court  
deems just and proper in the circumstances of the  
case.

  
(O.P. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR PETITIONER.

LUCKNOW DATED: <sup>Feb</sup>  
~~JANUARY~~ 7, 1983.

A/37/5

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

C.Misc. Application No. 8153(AD) (W) of 1983

In re:

Writ petition No. 714 of 1983

12399



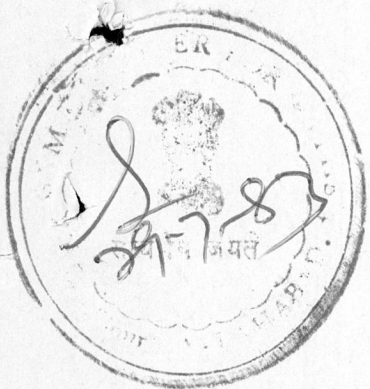
Mohd. Farid ..... Applicant-petitioner

Versus

Union of India through its  
General Manager, N.E. Railway,  
Gorakhpur and others ..... Opp. Parties.

014/39/8/83

APPLICATION FOR CLARIFICATION/MODIFICATION  
OF THE INTERIM ORDER DATED 8.2.1983 PASSED  
BY HON'BLE DIVISION BENCH CONSISTING OF  
HON'BLR MR. JUSTICE S.C. MATHUR & HON'BLE  
MR. JUSTICE S.S. AHMAD.



The humble Applicant-petitioner <sup>✓</sup> named

above most respectfully begs to submit as under:-

Mohd. Farid

1. That the Applicant-petitioner has filed the above noted Writ Petition challenging the validity of the illegal order of reversion reverting him from the post of Basic Painter to the Post of Khalasi (Un-skilled category) illegally and arbitrarily while the Applicant-petitioner had already passed the trade test for the post of Painter in the skilled category in the scale of

...

(A/38)

5/12

1/38

Rs.110-180 in the year 1967 and as the post of Painter was not available he was asked to work as a Basic Painter on which post he is still continuing.

2. That this Hon'ble Court has been pleased to pass the following interim order in favour of the Petitioner-Applicant:

"List alongwith the Writ Petition. Meanwhile the operation of the impugned order dated 25.1.1983 shall remain stayed.

Sd/- S.C. Mathur

Sd/- S.S. Ahmad  
8.2.1983"

3. That the Applicant-Petitioner is continuing as such in view of this Hon'ble Court's order. Now the scale of Basic Painter has been revised from Rs. 210-290 (old scale) to Rs. 260-400 (Revised Scale). As the revised scale has been enforced from the back date i.e. 1st January, 1978 all the colleagues of the applicant-petitioner have been paid the arrears of the salary as per the revised scale. But the Applicant-petitioner has neither been paid the arrears of the salary as per the revised scale nor he is being paid his salary as per revised scale and is being paid the salary as per old scale on the flimsy ground that this Hon'ble Court has not directed to pay the salary to the Applicant-Petitioner as per revised scale.



Mohd. Fandi

A/39

3

1/39

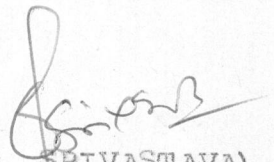
P R A Y E R

WHEREFORE it is most respectfully prayed that this Hon'ble Court may graciously be pleased to clarify/modify its interim order dated 8.2.1983 directing the Opposite Parties to pay to the Applicant-Petitioner the salary in the revised scale of pay i.e. Rs. 260-400 and also to pay the arrears from the date of its enforcement as it has already been paid to all the colleagues<sup>a</sup> of the petitioner.

For this act of kindness the Applicant-petitioner shall ever pray.



LUCKNOW DATED:  
JULY 29, 1983.

  
(O.P. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR THE APPLICANT-  
PETITIONER.

Wahid Faiz

A/uo

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
SITTING AT LUCKNOW

A/uo

WRIT PETITION NO. 714 OF 1983



Mohd. Farid ... .. Petitioner

Versus

Union of India & Others ... .. Opp. Parties.

A F F I D A V I T

I, Mohd Farid, aged about 40 years, son of Mohd. Sami, resident of Qr. No. 457, Sadar Bazar, Butcher Mohal, Lucknow at present working as Basic Painter under IOW/BNJ, do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the above noted Writ Petitioner and as such he is fully conversant with the facts of the case.
2. That the contents of paras 1 to 3 of the accompanying Civil Misc. Application are true to my knowledge.

*Mohd. Farid*

LUCKNOW: DATED,  
JULY 29, 1983.

DEPONENT.



A/41

5 ✓  
A/41

VERIFICATION

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

*Mohd. Farid*

LUCKNOW: DATED  
JULY 29, 1983.

DEPONENT

I identify the deponent who has signed before me.

*[Signature]*  
ADVOCATE.



Solemnly affirmed before me on 29-7-83<sup>2</sup> at 9:10 AM by the deponent *Mohd. Farid*<sup>2</sup> who has been identified by Sri O.P. Srivastava, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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

*[Signature]*  
Sd/- HAKEEMA KHATOON  
COURT CLERK  
High Court, Allahabad,  
Lucknow, Bench  
No. 293/326/83  
Date 29-7-83

(Aluz) 6  
A/42

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

C.M. Application No. 59246 of 1984

Union of India & others .. Applicants

In Re:

Writ Petition No. 714 of 1983

Mohd. Farid .. petitioner

Versus

Union of India & others .. Opp. parties.

6386



Application for condonation of delay

12/19/84  
C.A. Basir

The applicants above named most respectfully  
beg to submit as under:-

That in the above noted case some delay took place in filing the counter affidavit as enquiries had to be made from different places and verification of record had also to be done. Therefore, there was unavoidable delay in filing the counter affidavit.

It is, therefore, prayed that the delay may kindly be condoned and the counter affidavit may be taken on record.

Lucknow:  
Dated: ~~Apr 1984~~ 1984  
12 May 84

( C.A. Basir ),  
Advocate  
Counsel for the applicants.

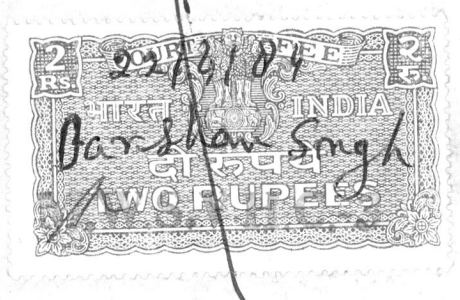
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In the Hon'ble High Court of Judicature at Allahabad.  
Lucknow Bench, Lucknow.

Writ Petition No.714 of 1983

Mohd. Farid .. Petitioner  
Versus  
Union of India & others.. Opp. parties.



Counter Affidavit on behalf of  
Opposite parties No.1 to 3

I, Darshan Singh aged about 56 years son of Sardar Bhagat Singh working as Assistant Personnel Officer, North Eastern Railway, Lucknow do hereby solemnly affirm and state on oath as under:

2. That the deponent is working as Assistant Personnel Officer in the office of Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow and as such he is fully conversant with the facts and circumstances of the case.

3. That the deponent has read the contents of the writ petition and has understood the same.

4. That the petitioner rushed to the Hon'ble Court without making any representation or appeal against the alleged order of reversion and thus



*Darshan Singh*

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the petitioner having failed to avail alternative remedy provided under rules, the petition is pre-mature and not maintainable.

Annexure A-1

5. That the impugned order of reversion now stands modified in as much as vide Divisional Railway Manager(P)/LJN's office order No.E/II/205/5/Engg./Upgrading/Class IV dated 7.2.1983( Annexure A-1 to this counter affidavit) as the petitioner had been promoted to the post of Semi Skilled in the scale of Rs.210-290 giving retrospective effect from 1.8.78 consequent upon sanction of 70 posts of Semi Skilled in grade of Rs.210-290 and his pay has been fixed at Rs.230/- and the payment of arrear is also being arranged and as such the petition~~er~~ has become infructuous and merits dismissal.

6. That the contents of para 1 of the petition are admitted only to this extent that the petitioner was appointed as Casual Labour Painter on daily wages under IOW/ASH on 8.5.1964 and on completion of 6 months continuous service the petitioner was granted time scale of Rs.110-180 w.e.f. 29.3.66 and continued upto 15.7.74. The petitioner while working as Casual Labour Painter was screened for Class IV unskilled category vide DEN/LJN's No.E/227/1/E/Lko/5/6/66 and his name was at Sl.No.35 for regular appointment in Class IV unskilled category.

7. That the contents of para 2 of the writ



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petition are admitted only to this extent that the petitioner was selected for regular appointment in Class IV category vide E/227/1/E/Lko/5/6/66 dated 6.3.67 and his name was at Sl.No.35. Rest of the contents of para under reply are denied. It is submitted that a trade test for the post of Painter was conducted in the year 1967 but the result of the same was not approved by the Chairman Trade Test Committee and result not declared and hence the question of entitlement for appointment as Painter on a regular cadre post did not arise. No test was held in 1977 and no panel was issued showing the name of the petitioner at Sl.No.1 as alleged by the petitioner.

8. That the contents of para 3 of the petition as stated are denied. It is submitted that the petitioner was engaged as substitute Painter in Scale Rs.110-180 purely on tentative and local arrangement against 38 days leave vacancy vide DEN/LJN's order No.E/285/1/E/Lko dated 23.5.68 in which it was clearly mentioned that the petitioner had no right of seniority and permanent retention to the post of Painter. It is however, denied that the petitioner was declared successful for appointment as Painter in skilled on regular basis.

9. That the contents of para 4 of the petition are admitted only to this extent that the petitioner was engaged as substitute Basic/Painter in the scale of 210-270 on local and tentative arrangement



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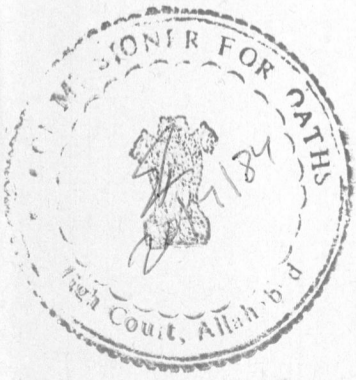
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without conferring right of seniority and permanent retention to the post of Basic Painter vide office order E/9-VI dated 15.7.74( Annexure-1 to the writ petition). The petitioner was not selected for appointment on regular basis for the post of Painter. He was selected for appointment on regular basis in Class IV post in lower scale.

10. That the contents of para 5 of the petition are to this extent admitted that the petitioner was appointed as substitute Basic Painter 210-270 (subsequently revised to 210-290) on tentative and local arrangement without conferring seniority and right for permanent retention. He continued upon the post of Basic Painter upto 25.1.1983 when a regular Trade Tested hand was promoted to the post of Basic Painter and the petitioner was reverted to his substantive post of Khalasi for which he was screened vide DEN/LJN's No.E/227/1/LK0/S/6/66 dated 6.3.67. Consequent upon 70 posts of Semi Skilled(Basic) having been sanctioned with retrospective effect from 1.8.78, the petitioner has been again promoted as Basic Painter(Semi Skilled post) in scale 210-290 with effect from 1.8.78 and payment of arrear is being arranged under DRM(P)LJN's Office Order No.E/II/205/5/Engg/Upgrading Class IV dated 7.2.1983. As such the Office order No.E/II/281/ Painter/Engg.dated 25.1.1983 (Annexure-4 to the writ petition) reverting the petitioner as Khalasi stands modified. The grant of award and certificate of merits to the petitioner have no relevance for

Dr. Singh



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determination of the writ petition.

11. That the contents of para 6 of the petition only this much are admitted that the petitioner was reverted from the post of Basic Painter, a semi skilled post in scale of Rs.210-290 to the post of Khalasi on 25.1.1983 to accomodate the senior Trade Tested hand for the post. Sri Ayodhya Pd. is senior to the petitioner. Now 70 posts of semi skilled posts in scale of Rs.210-290 have been sanctioned with retrospective effect from 1.8.78 and the petitioner has been promoted to semi skilled post in scale of Rs.210-290 with retrospective effect from 1.8.78 vide DRM(P)/LJN's office order No.E/II/205/5/Engg./Upgrading Class IV dated 7.2.83 and the order of reversion of the petitioner contained in Annexure-4 to the writ petition stands modified.

12. That the contents of para 7 of the petition are denied. It is stated that the petitioner was reverted as two persons S/Sri Hira and Ayodhya Pd. seniors to him who were Trade Tested and passed the same were to be promoted in semi skilled post. Now the position has changed and 70 posts of semi-skilled in grade 210-290 have been sanctioned with retrospective effect from 1.8.78 and as such the petitioner whose <sup>turn</sup> term comes in the seniority was again promoted as semi skilled in scale of Rs. 210-290 w.e.f. 1.8.78 and pay fixed accordingly. The payment of arrear on this account of promotion with retrospective effect is also being arranged.



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A relevant extract of the office <sup>order ✓</sup> (No.E/II/205/Engg. Upgrading/Class IV dated 7.2.83 is annexed with Annexure A-1 this counter affidavit and is marked as Annexure A-1.

13. That the contents of para 8 of the petition as written are denied. It is stated that a Trade Test in the year 1967 for appointment against regular cadre post of Painter direct from Casual Labour was arranged and the result of that Test was not approved by the Chairman Trade Test Committee. The post fallen vacant on account of death of Sri Bir Bahadur at Mailani is reserved post for Scheduled Casts candidates and for that post the Trade Test is being arranged from amongst Schedule Caste candidates for filling up this reserved post. The petitioner was not eligible to be considered against reserved posts. It is further submitted that consequent upon sanction of 70 posts of semi skilled in grade Rs. 210-290, the petitioner has also been promoted on 7.2.83 as semi skilled in scale Rs.210-290 giving effect from 1.8.78( Annexure A-1 to the counter affidavit).

14. That the contents of para 9 of the petition are admitted only to this extent that the circular referred to in para under reply applies to the permanent staff only. The petitioner was only a substitute B/Painter in semi skilled grade 210-290 working under local and tentative arrangement and hence he was governed by the rules applicable to casual labours/substitutes and the question of



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confirmation of the petitioner did not arise. Now on sanction of 70 posts the services of the petitioner have been regularised in semi skilled 210-290 w.e.f. 1.8.78 vide DRM(P)S Office Order No.E/II/205/5/Engg./Upgrading/Class IV dated 7.2.83 as such the confirmation of the petitioner will be considered with other eligible staff in grade 210-290, on his turn of seniority.

15. That the contents of para 10 of the petition as written are denied. It is stated that the petitioner was not posted on regular basis to the post of Basic Painter but he was engaged as substitute Basic Painter vide DEN Office order No.E/9-VI dated 15.7.74 on local and tentative arrangement. There were two senior persons S/Sri Hira Lal and Ayodhya Pd. who had passed Trade test were to be promoted and as such the petitioner was reverted. The petitioner was awarded certificate for his good working in 1980, his reversion was not on account of his working. On receipt of sanction of 70 posts of semi skilled posts in scale Rs.210-290 the petitioner was promoted on 7.2.1983 on semi-skilled post Rs. 210-290 w.e.f. 1.8.78 on which the petitioner is still working and the orders of reversion of the petitioner dated 25.1.1983 as such stands modified.



16. That the contents of para 11 of the petition are denied. It is stated that the petitioner was reverted to the post of Khalasi from 25.1.1983 as no post was available for the petitioner and also

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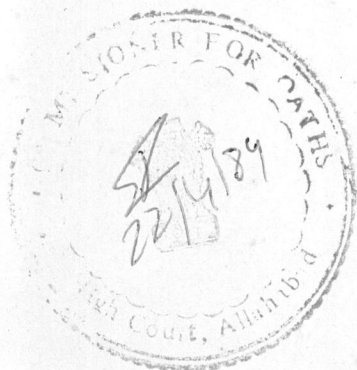
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that two senior persons S/Sri Hira Lal and Ayodhya Pd. than petitioner were declared passed and were to be promoted. Now consequent upon sanction of 70 posts of semi skilled in scale 210-290 with retrospective effect from 1.8.78, the petitioner has again been promoted with effect from 1.8.78 and the pay of the petitioner had also been fixed and arrear of pay on account of this is also being arranged for payment. The order of reversion contained in Annexure 4 to the writ petition was in order and valid and did not require the approval of General Manager as alleged. The promotion of the petitioner to the post of Basic Painter was on local and tentative arrangement without conferring right of seniority and retention upon the post.

17. That the contents of para 12 of the petition are denied being incorrect in view of submissions in the earlier paragraphs.

18. That the contents of para 13 of the petition are denied except writ petitions mentioned therein which is matter of record. It is stated that the promotion of the petitioner in semi skilled grade Rs.210-290 has now been regularised with retrospective effect from 1.8.78 on sanction of 70 posts of semi-skilled (210-290) the orders of reversion of the petition to the post of Khalasi contained in Annexure-4 to the petition stands modified. The confirmation of the petitioner on the post of semi skilled posts in scale Rs.210-290 will be considered and confirmation will be made in due course on his turn of



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seniority.

19. That in reply to para 14 of the petition it is stated that since the petitioner has been promoted to the post of semi skilled in scale Rs.210-290 on 7.2.1983 giving retrospective effect from 1.8.78 on sanction of 70 posts vide order dated 7.2.1983(Annexure A-1 to this counter affidavit) and the reversion order of the petitioner dated 25.1.1983 stands modified, the question of grant of/and or continuing the stay order dated 8.2.1983 does not arise.

20. That in reply to the contents of para 15 of the petition it is stated that as submitted in preceding paragraphs and in the preliminary objections viz.the petitioner having rushed to court without preferring any appeal/representation against the order of reversion which meanwhile stands modified, the petition has become infructuous and the petition is liable to be dismissed.

Lucknow:

*Harshan Singh*  
Deponent

Dated: April 22 1984

Verification

I, the above named deponent, do hereby verify that the contents of paras 1 to 3 are true to my personal knowledge, those of paras 6 to 20 are based on records hence believed to be true by



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me, and those of paras 4 & 5 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Darshan Singh  
Deponent

Lucknow:

Dated: April 22<sup>✓</sup> 1984

I declare that I am satisfied by the perusal of the records, papers and details of the case narrated to me by the person alleging himself to be Sri Darshan Singh is that person.

C. A. Basir  
Advocate.

Solemnly affirmed before me on 22/4/84<sup>✓</sup> at 10 a.m./p.m.<sup>✓</sup> by the deponent who is identified by Sri C.A. Basir, Advocate High Court, Lucknow Bench, 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.



Ravi Swadawa  
OATH COMMISSIONER  
High Court, Allahbad,  
(Lucknow Bench)

No. 91/244  
Date 22/4/84

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इन दि आनरेबुल हाईकोर्ट आफ जूडीकेवर एट इ लाहाबाद

लखानऊ वेचलखानऊ

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रिट पिटीशन नं०-714 आफ 1983

मोहम्मद फरीद -----पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य -----अपोजिट पार्टीज

अनेक्जर नं०-----  
=====

पूर्वत रेलवे  
=====

कार्यालय आदेश  
=====

महा प्रबन्धाक का० गोरखापुर के पत्र सं० ई/230/1 भाग-1  
का० दिनांक 7-12-82 एवं मंडल रेलवे प्रबन्धाक का० लखानऊ के  
ज्ञापन सं०ई/TTT/59 रिक्लासीफिकेशन दिनांक 13-1-83 के अनुसार  
हेमरमैन बेसिक फ्लम्बर वेसिक पेन्टर बेसिक मेसन, बेसिक बेल्टर,  
पम्प चालक 210-290 तथा आर्टीजन खालासी 196-232 से  
क्रमशः 260-400 तथा 210-290 दिनांक 1-8-78 से रिक्लासी-  
फाइड घोषित किये जाने पर निम्नलिखित/210-290 के अर्द्धकाल  
यों को 260-400 तथा अक्षान 196-232 के कर्मचारियों को  
अर्द्धकाल 210-290 का लाभ दिनांक 1-8-78 से दिये जाने का  
आदेश दिया जाता है ।



Ally

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क्र०सं० कर्मचारी का नाम पद का तैनाती का 1-8-78 रिक्स्तासी  
 नाम स्थान कोवर्तमान फाइड पद  
 ग्रेड में वतन पर 260-400  
 दर में 1-8-78 को  
 वेतन निधारण  
 दिनांक वेतनमान  
 रिमाव

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1-	2	3	4	5	6	7	8
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सर्व श्री बाबू लाल 234/ 1-8-78 260/-  
 210-290

58-मो०फरीद पुत्र पेछा० का०नि०बादशाहनगर 226/1-8-78-  
 समी 230-यह

81- चिन्ता पुत्र हंसा अ०ज०छा० का०नि०लछापीमपुर 220/1-8-78 "

क्र०सं०54 श्री छुटकर  
 के स्थान पर  
 जो दि०28-2-83  
 को सेवा निवृत्त हो  
 जायेंगे ।

=====

स्यह रिक्स्तासीपिक्शन को पदोन्नति में 1-8-78 को प्रोफार्मापिक्शन  
 किया गया है और इस पदोन्नति में 1-8-78 से 31-2-80 तक कोई  
 बकाया भूगतान नहीं दिया जायेगा । 1-4-80 से 31-12-80 तक  
 तक की अवधि का बकाया भूगतान एक मूत स्में निम्न प्रकार से  
 देय होगा ।

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- 1- पद जो अकृशाल 190-232 से अर्द्धकृशाल 210-290 के रिक्लासीफाइड हुये है उनपर पदोन्नति पाये कर्मचारियों को 1-4-80 से 31-12-81 तक की अवधि में 10/-दस रुपया प्रतिमाह की दर से जिसकी अधिकातम सीमा 200/- दो सौ रुपया देय है ।
- 2- पद जो अर्द्ध कृशाल 210-290 से कृशाल 260-400 रिक्लासीफाइड हुये हैं उन पदों पर पदोन्नति की परिधि का 1-4-80 से 31-12-81 तक की अवधि में 20/-बीस रुपया प्रतिमाह की दर से जिसका अधिकातम 400/-चपर सौ रुपया होगा देय होगा ।

इस प्रकार प्रोफार्माफिकेशन 1-8-78 से होगा और 1-1-1982 से वास्तविक वेतन दर से भुगतान देय है ।

यह प्रमर्ह १११ के अनुमोदन से जारी किया जाता है ।

ह0 अपठनी

कृते मण्डल रेल प्रबन्धाकर्ता काठगोलखानज

संख्या ई/2/205/इजी0अपयडिंग/चतुर्था श्रेणी दिनांक 7-2-83

प्रतिलिपि आवश्यक कार्यवाही एवं सूचनार्था प्रेषित :-

- 1- मलेटि/लखानज ११२१ महाप्रबन्धाकर्ता काठगोलखानज गोरखपुर
- 3- सं0इजी0लखानज विशेष लखानज सीतापुर मैलानी

Delany

कृप0उ00---4



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बहराइच गोण्डा १ ॥ गोण्डा २ ॥ पश्चिम गोरखापुर १

4- रेणुगोण्डा/काठमाडौं बाट नगर ऐशाबाच कानपुर

अन्वरगंज मल्हौर बिसवां सीतापुर लखीमपुर मैलाली बस्ती अमकापुर

बरवलरोड गोण्डा बलरामपुर कलियाकलां नानपारा बहराइच पूर्व

गोरखापुर पश्चिम गोरखापुर आनन्दनगर बढनी तिकुनियां जरवा ।

5- सम्बन्धित कर्मचारियों ५५ पीकेसफीटर इन्फ्रिमेन्ट

बिल ।

हो अपठनी

कृते मण्डल रेल प्रबन्धक ५ काठमाडौं

लखानु

*Handwritten signature*

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सत्य प्रतिलिपि

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1/57

7/1

(A/57)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

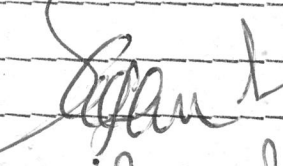
w.P. No. 714

of 1983

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
8-2-83	<p>Mem SCM, )            Mem SSA, )</p> <p>Notice of this petition was served            list on 18th Feb 1983.</p> <p>Sd SCM            Sd SSA            8-2-83</p> <p>C.M. Am No 1474 1983</p>	
8-2-83	<p>Mem SCM, )            Mem SSA, )</p> <p>List along with the w.P. -            order dated 25-1-83 shall remain            stayed.</p> <p>Sd SCM,            Sd SSA            8-2-83</p>	
10/2/83	<p>10-2-83 fixed            with court 14-2-83            for order</p> <p>House CM            H.C. 8307</p>	<p>Bench            Poy comm</p>

Adjourned at the request

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
	made on behalf of the Union Club.	
	 18-2-83	
21/2/83 2/3/83	Fixed with em No 1474/83 for adm Hoy Semr Hoy. SA	
	fixed with em 1474/83 for order	For B...
29/7/83	em 153/83 for clarific re order non D.P.T.T non V.S.T last with record on 9.1.83. SA non D.P.T.T SA non V.S.T	
	9.1.83 fixed with em 1474/83 for adm for order.	By Court
	em on behalf of 153 filed	

fixed in em 153/83 for adm  
for order  
non Semr  
non V.S.T

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit ALLAHABAD BENCH, ALLAHABAD Lucknow.

Post Bag No. 013

23A, Thornhill Road, Allahabad-211 001

Gandhi Bhawan \*\*\*\*\* Lucknow.

No. CAT/Alld/Jud/33/5000501 Dated the 13/X

Registration T.A.No. 1121 of 1987 (T)

Mohd. Farid

Applicant's

Versus

Union of India & others

Respondent's

To ① Mohd. Farid, R/o 457, Sadar Bazar Butcher Mohal Lucknow.

② Sri P. Mathur, Govt. Advocate 2/B Muis Road CAT, Allahabad -

Whereas the marginally noted cases has been Transferred by High Court - Lko. under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 714 of 1983.

of the Court at High Court - Lko. of arising out of order dated passed by in

The Tribunal has fixed date of 26/10. 1988. For the hearing of the matter. If no, appearance is made on your behalf by you or some one duly authorised by Act

on your behalf, the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal this day of 1988.

for DEPUTY REGISTRAR (J) 10/10.

dinesh/

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT ALLAHABAD  
CIRCUIT BENCH, GANDHI BHAVAN  
LUCKNOW  
\*\*\*

*[Handwritten signature]*

*11/9*

No. CAT/CB/LKO/ 543

Dated the 2/11

Registration T.A.No. 1121 of 1987 (T)

Mohd. Farid Applicant's

Versus

U.O. 2 Respondent's

To  
*Sm. Prashant Mathur, Advocate,  
2/13 Mun Road,  
Allahabad.  
Through C.A.T. Allahabad.*

Whereas the marginally noted cases has been transferred by High Court, Lko under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 714/03  
of 1987 of the \_\_\_\_\_  
Court at High Court  
of Lko arising out  
order dated \_\_\_\_\_ passed by \_\_\_\_\_  
in \_\_\_\_\_

The Tribunal has fixed  
Date of 22/11 1987 for reply  
The hearing of the matter.  
If no appearance is made  
on your behalf by your some one  
duly authorised to Act and

on your behalf the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal  
this 2 day of 11 1987.

dinesh/

For Deputy Registrar (J)  
Central Administrative Tribunal  
*[Circular stamp]*

07  
FC

Registered

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

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\*\*\*\*\*  
No. CAT/Alld/Jud/3197 | Dated the 4/9

T.A. No. 1121 of 1907 (T)

Mohd. Farid

APPLICANT'S

Versus

Union of India & others

RESPONDENT'S.

Mohd. Farid, S/o Mohd. Sami, R/O Cr. No. 457,  
Sadar Bazar Butcher, Lucknow.

Whereas the marginally noted cases has been  
Transferred by \_\_\_\_\_ under the provision of  
the Administrative Tribunal Act (No. 131 of 1985) and  
registered in this Tribunal as above.

Writ Petition No. \_\_\_\_\_  
of 190 . of the \_\_\_\_\_  
court at \_\_\_\_\_  
of \_\_\_\_\_  
arising out of order dated \_\_\_\_\_  
passed by \_\_\_\_\_  
in \_\_\_\_\_

The Tribunal has filed  
DATE OF 2/9 1988.  
The hearing of the matter.  
If no appearance is  
made on your behalf by  
your some one duly autho.  
rised to Act and \_\_\_\_\_

on your behalf the matter will be heard and decided  
in your absence.

Given under my hand and seal of the Tribunal  
this \_\_\_\_\_ day of 2/9 1988.

*[Signature]*  
(Deputy Registrar) (J)

1 to 3 (op)  
Received  
27/12/88

1) Union of India through its  
General Manager N.E. Railway  
Gorakhpur.

2) Divisional Railway Manager (P) N.E. Railway  
office at the Divisional Railway Manager,  
Ashok Marg Lucknow.

3) Divisional Engineer, N.E. Railway office at the  
Divisional Railway Manager, Ashok Marg  
Lucknow.

In the Honble High Court of Madhya Pradesh  
Lucknow Bench

ब अदालत श्रीमान महोदय

वादी Mohd Fand का वकालतनामा  
प्रतिवादी (मुहाअलेह) (मुहाअलेह)



W.P. No. 1983

Mohd Fand बनाम वादी (मुद्दी)

Union of India vs  
नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०  
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री  
O.P. Srivastava Advocate एडवोकेट  
महोदय वकील

नाम अदालत  
नं० मुकद्दमा  
नाम फरीकैन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व 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 या 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 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 हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकारको भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा में खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Mohd. Fand  
हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

Handwritten signature and scribbles on the left side of the page.

VAKALATNAMA

342 (A/36) 1/62 4

Before IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.  
LUCKNOW BENCH: LUCKNOW.  
In the court of

WRIT PETITION No. 714 of 1983

Mohd. Farid..... Petitioner

VERSUS

Union of India & others ..... Opp. parties.

62

Divisional Railway Manager,  
~~Senior Divisional Personnel Officer~~

~~Mr. A. Ram...~~  
North Eastern Railway, Lucknow who is ex-officio authorised  
to act ~~on~~ behalf of Union of India, ~~M.S. Dhotar~~ (DRM/P)  
Senior Divisional Personnel Officer, North Eastern Railway,  
Lucknow and ~~S.C. Gupta~~ Senior Divisional Engineer

do hereby appoint and authorise Shri C.A. Basir,  
Railway Advocate Lucknow ..... to appear, act, apply

and prosecute the above described Suit/Application/Case/Appwal/  
Writ/ Civil Revision on ~~my~~ behalf of Union of India,  
Senior Divisional Personnel Officer and Divisional Engineer.

to file and take back documents, to accept processes of the court,  
to deposit moneys and generally to represent ~~myself~~ for and  
on behalf of Union of India, Senior Divisional Personnel  
officer and Divisional Engineer.

In the above proceeding and to do all things incidental to such  
appearing, acting, applying, pleading and prosecuting for and on behalf  
of Union of India, Senior Divisional Personnel Officer and  
myself/ourselves. Divisional Engineer.

We hereby agree to ratify all acts done by the  
aforesaid Shri C.A. Basir Rly. Advocate Lucknow.  
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed  
by ~~me~~/us this  
day of February 1983.

Divisional Railway Manager,  
North Eastern Railway, Lucknow.

Senior Divisional Personnel Officer,  
North Eastern Railway, Lucknow.

Divisional Engineer, (I)  
North Eastern Railway, Lucknow.

Accepted.  
(C.A. Basir)  
Advocate  
2/7/83



**वकालतनामा**

In The Central Administrative Tribunal के समक्ष

Circuit Bench, Lucknow

TA No. 112 of 87 CT

के न्यायालय में

वादी Mohd. Fareed  
प्रतिवादी

दावेदार  
अपीलार्थी

प्रतिवादी Union of Indis and Oth  
वादी

अर्जीदार  
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

Arjun Bhargava  
Rly Advocate, Lucknow

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण तिनित्व करने और भारत संघ के लिए इस प्रकार उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यासी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिप्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

Arjun Bhargava  
Rly Advocate, Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपतिके लिए और उनकी और से इस विलेख को आज तारीख .....को सम्यक् रूप से निष्पादित किया जाता है।

तारीख ..... 19

NER-84850400-8000-47 84

*Accepted*  
*[Signature]*

*[Signature]*  
(*KK Sharma*)  
निष्पादन करने वाले अधिकारी का पदनाम  
Sr. Dir. Personnel Officer  
M Rly  
Lucknow

*For Union of Indis*

(S.261)

A/64

NS/CCS

64

# VAKALATNAMA

Before  
In the Court of

In The Central Administrative Tribunal  
Circuit Bench, Lucknow

TA No. 826 of 1987 (D)

R K Tandon

App.

Versus

Union of India & others. — Resp.

I/We. K.P. Singh, Dtl. Rly. Manager, NERly, Lucknow

V.K. Tiwari, Sr. Dtl. Commr. Supdt, NERly, Lu

do hereby appoint and authorise Shri. Arjun Bhargava

Lucknow

Railway Advocate. to appear, act, apply and prosecute the above described Writ/Civil Revision/Case/Suit/Application/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri. Arjun Bhargava

Railway Advocate, Lucknow.

in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this.....

day of..... 198..

(V.K. Tiwari)

प्रवर मंडल वाणिज्य अधीक्षक  
पूर्वोत्तर रेलवे, लखनऊ

(O.P. W 3)

(K.P. Singh) 26/4

Divisional Railway Manager  
Lucknow

Divisional Railway Manager  
N.E. Railway-Lucknow

Accepted

Am

A/S

Notice filed on  
24/10/2000  
on 01/11/00  
Jen 2007

**वकालतनामा**

केन्द्रीय उद्यानिक अधिकरण

के समक्ष

इलाहाबाद केच

के न्यायालय में

रिट पेटिशन नं० 714/83 उच्च न्यायालय इलाहाबाद एम्प्लॉयमेंट केच लखनऊ

वादी  
प्रतिवादी

श्री मोहम्मद फरीद

दावेदार  
अपीलार्थी

बनाम

तिवादी  
वादी

भारत संघ एवं अन्य

अर्जादार  
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

उद्यान माधुर रेल अधिकार

इलाहाबाद

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बात करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्याप्ती/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/बावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/ काउन्सेल एसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और एसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

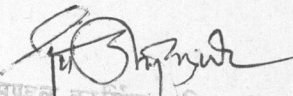
उद्यान माधुर रेल अधिकार

इलाहाबाद

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख .....को सम्यक् रूप से निष्पादित किया जाता है।

तारीख ..... 19

  
भारत अधिलेख कार्यालय, न्यायाधीश  
निष्पादन करने वाले अधिकारी का  
पदनाम