

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA 1122/87*
W.D. No. 715/83 OF

NAME OF THE PARTIES *Jai Singh* Applicant

Versus

V.P. & Co. Respondent

Part A.

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18		

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
Barter
Dated *05-12-11*

Counter Signed.....

Rejeet
14/12/11
Section Officer/In charge

m
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALIAHABAD

INDEX-SHEET

Cause Title TA. 1122/87 (1) of 198 .

Name of the Parties Shri Jai Singh

Versus

Divisional Medical Officer

N E R

Part A, B & C

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Annexure -B

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Application No. _____ of 198 .

Transfer Application No. _____ of 198 .

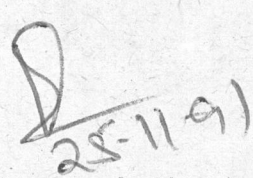
Old Writ Petition No. _____ of 198 .

C E R T I F I C A T E

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

Dated : _____

Countersigned _____


Signature of the
Dealing Assistant.

Section Officer/Court Officer.

CIVIL
CRIMINAL

SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... *Lo P. 715-83*
Name of parties..... *Jai Singh vs. Divisional medical officer*
Date of institution..... *1-2-83* 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	<i>ind. into Affidavit and Warrant</i>	<i>11-</i>	<i>-</i>	<i>102-00</i>			
	2	<i>Power</i>	<i>1-</i>	<i>-</i>	<i>5-00</i>			
	3	<i>Supplementary Affidavit</i>	<i>2-</i>	<i>-</i>	<i>2-00</i>			
	4	<i>Comm. 1475 (w) 883</i>	<i>1-</i>	<i>-</i>	<i>5-00</i>			
	5	<i>Power</i>	<i>1-</i>	<i>-</i>	<i>5-00</i>			
	6	<i>Comm. 9058 (w) 883 with CA</i>	<i>1-</i>	<i>-</i>	<i>2-00</i>			
	7	<i>order sheet</i>	<i>2-</i>	<i>-</i>	<i>-</i>			
	8	<i>Back copy</i>	<i>1-</i>	<i>-</i>	<i>-</i>			

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

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
4.12.89	<p>Hon. Justice K. Nath, V.C. Hon. K. J. Raman, A.M.</p> <p>No one is present for the applicant. The paisakar, Sri S.R.S. Chandra, Office Superintendent D.R.M's Office, N.B. Railway, is present on behalf of the respondents. The case was transferred from Allahabad which had issued notices by Registered post to both the parties fixing for the day. As a matter of extra precaution notices be issued to the applicant as well as his counsel and list for appearance and orders on 1.1.90.</p> <p><i>[Signature]</i> A.M.</p> <p><i>[Signature]</i> V.C.</p>	<p>OR</p> <p>Case has been recd. on 20.12.89</p> <p>Case is not admitted</p> <p>Stay is granted</p> <p>Counter has been filed.</p> <p>Date was fixed for CAT, A.M. is attached</p> <p>Submitted for</p> <p><i>[Signature]</i> 11/1/90</p> <p>or</p> <p><i>[Signature]</i> 29/12/89</p> <p>OR</p> <p>Notices were issued on 28.12.89</p> <p>No undelivered repd. cover has been return back</p> <p>Submitted for order.</p> <p><i>[Signature]</i> 29</p>
1/1/90	<p>Hon. Justice K. Nath, V.C. Hon. K. Dhargya, A.M.</p> <p>The applicant Jai Singh is present in person. Vakalatnama of Sri A.M. Verma has been filed on behalf of opposite parties.</p> <p>The case is ready list for final hearing on 7/2/90.</p> <p><i>[Signature]</i> A.M.</p> <p><i>[Signature]</i> V.C.</p>	<p>OR</p> <p>R.A not filed</p> <p>S.P.H</p> <p><i>[Signature]</i> 2/1/3</p>

T.A NO - 1122/87 (T).

AM

(S)

22-3-90.

Hon' Mr. D.K. Agarwal J.M.
Hon' Mr. K. Obayya A.M.

Case not reached adj. to
22-8-90 for hearing.

AM

Del

J.M.

22-8-90 — No sitting Adj to 26/11/90

26.11.90 case not reached adjourn to
21.1.91

21.1.91 — No sitting Adj to 10.4.91

(2)

BOC

10.4.91 No sitting Adj to 3.5.91

83

RA has not filed
& P H

h
217

3.7.91 Hon Mr Justice U.C. Siva Kumar - VC
Hon Mr A.B. Gorthi AM

Put up tomorrow for hearing

AM

Received &
Registered by VC
M. 91425 AM
22/7/91

Read copy of
for general
19/7/91
22/7/91
M. 91425
L. 217

Group A-13(4)

898

1/2

In the Hon'ble High Court of Judicature At Allahabad,

(Lucknow Bench)

7/5-03

1/5

Jai Singh

Vs.

.. Petitioner

Divisional Medical Officer and ors .. Opp. Parties

Writ Petition No. of 1983

List- Index

1. Writ Petition from page 1 to 5
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6. Annexure (4) page 11
7. Registered Address. pag 12
8. Powerpage 13

[Signature]

Counsel for the Petitioner

Lucknow.

31/1/83

2763

Writ
Order

3
1/2



In the Hon ble High Court of Judicature At Allahabad,

(Lucknow Bench)

Writ Petition No.

715 of 1983

Jai Singh adult son of Shri Ram Sahai r/o Hospital
Attendant, Divisional Hospital, Badshahnagar, N.E.R.
Lucknow. Petitioner.

Vs.

1. Divisional Medical Officer, Divisional Hospital
Badshahnagar Hospital, N.E.R. Lucknow.
2. Union of India, through the General Manager,
Gorakhpur. -- -- Opp. Parties.

582 B 100h
2/11/11
Writ Petition under Article 226 of the
Constitution of India.

The petitioner most respectfully begs
to submit as under :-

1. That the petitioner had been working as casual
labourer w.e.f 26-5-72 to 16-6-78 with broken
periods as will be clear from the relevant ^{two} ~~three~~
pages of the book of Record of Service as Casual
Labour. The said ^{two} ~~three~~ pages are the photostat
copies of the ~~original~~ original which is Annexure (1)
to this writ petition.
2. That the petitioner began to work as regular
incumbant w.e.f. 17-6-78 having ~~been~~ ^{been}
appointed as Mali and attached to Divisional
Hospital, Badshahnagar, N.E.R. Lucknow.
3. That while posted as Mali in the said hospital

the petitioner began to perform the work of Hospital attendant as substitute. The work of the petitioner as substitute Hospital Attendant was appreciable and as there occurred regular vacancies of Hospital Attendants so that the petitioner offered himself as a candidate for the same and in selection the petitioner was found fit to be appointed as H.A. and was therefore approved to be appointed temporarily in clear vacancy of Hospital Attendant in Divisional Hospital, Badshahnagar, N.E.R. Lucknow. The true copy of such approval made by the opposite party No. 1 is Annexure (2) to this writ petition.

4. That as a matter of fact the opposite party No. 1 was competent to appoint the petitioner as there was clear vacancy of Hospital Attendant and as such there was no necessity of seeking sanction for the appointment of the petitioner and others.

5. That on making the approval the opposite party No. 1 got the sanction ~~on~~ for making the appointments

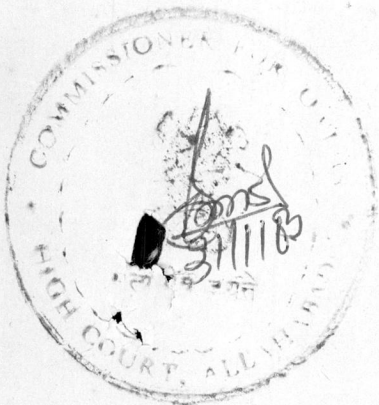
on the clear vacancies of Hospital Attendants and so the opposite party No. 1 appointed the petitioner as Hospital Attendant in place of Shri Suresh

Chand Benjumin who was sanctioned one year's leave by the opposite party No. 1. Shri Benjumin is still on leave and has not come back. Besides the other person appointed as Hospital Attendant

namely Shri Ram Deo is still working as Hospital

Attendant by virtue of the orders contained in ^{letter} ~~appointment~~ ~~annexure~~.

Shri Ram Deo is junior to the petitioner and he is also not regular incumbent like the petitioner. Thus all orders passed by



अप्रीति

the opposite party No. 1 contained in ~~Annexure (2)~~ ^{appointment, kx}
~~letter~~ have been given effect to and implemented. The

true copy of the said appointment letter is
 Annexure (3) to this writ petition.

6. That the opposite party No. 1 is the appointing and punishing authority of the petitioner.
7. That after the appointment of the petitioner as Hospital Attendant the work and conduct of the petitioner has althrough been quite satisfactory and every superior and officer was satisfied with the petitioner so that there was not a single warning or complaint against the petitioner of any kind.
8. That the petitioner completed about 6 months on the post of Hospital Attendant to the entire satisfaction of his superior but the opposite party No. 1 by his letter dated 18-1-83, without any fault of the petitioner ~~reverted~~ ^{reverted} him to the post of Mali and appointed a substitute Sri Suresh Chand Shukla as Hospital Attendant in place of the petitioner when the petitioner is senior to Sri Suresh Chand Shukla and the petitioner has been appointed against a clear vacancy whereas Sri Suresh Chand Shukla is a casual labour and has not been appointed on a regular post. Besides there are four ^{clear} vacancies of Hospital Attendants which are being retained by ~~for~~ ^{four} casual labours namely Sarvsri Ajit, Shamim, Ajai and Ram Deo. The petitioner is senior to all these persons. Shri Ram Deo was appointed along with the petitioner and his service, unlike the petitioner were ~~xxxxxx~~ liable to be terminated at any time has been retained, when ~~he~~ ^{he} is

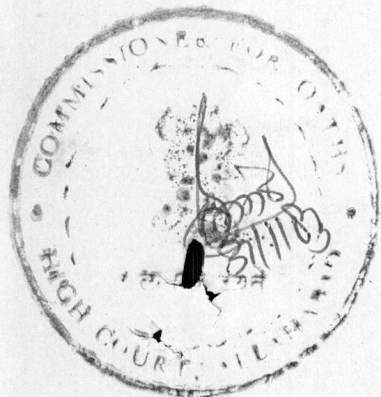


3/11/83

junior to the petitioner and was appointed by the same order Annexure (3). The petitioner is being discriminated as ^{against} ~~against~~ his juniors and casual labours. The post of Mali is of different cadre from Hospital Attendant. The two circulars of the Railway Board letters No. E/232/7 dated 23-6-64 and No. E/210/0/Com dated 31-1-1966 are being infringed and violated. The original reversion order is Annexure (4) to this writ petition. The petitioner has not given the charge to the substitute Shri Satish Chand Shukla and as such has actually been not reverted to the post of Mali from his post of Hospital Attendant.

9. That being aggrieved by the order of reversion to a different cadre Mali from the post of Hospital Attendant, the petitioner files this writ petition inter alia on the following grounds :-

- (i) Because the reversion of the petitioner from the post of Hospital Attendant to the post of Mali, which is a different ~~cadre~~ ^{cadre} is wholly illegal and against the Railway Establishment Code and circulars issued from time to time which have the force of law.
- (ii) Because the reversion order is discriminatory is as much as juniors and casual labours have been retained whereas the petitioner being appointed on clear vacancies after being found fit and having been worked for six months has been ordered to be reverted.
- (iii) Because the reversion order is violative of Article 16 of the Constitution of India.
- (iv) Because under the terms of the appointment the persons who could be reverted or discharged were shown at serial No. 3 and 4 of Annexure (3).



31/1/66

(v) Because the petitioner has worked on the post of Hospital Attendant for about 6 months so that under Rules and circulars issued by the Railway Board the petitioner cannot be reverted to a different cadre.

WVEX

Wherefore the petitioner prays as under :-

- (i) that a writ order or direction in the nature of certiorari may be issued quashing the reversion order of the petitioner contained in Annexure (4) of this writ petition.
- (ii) that a writ or direction in the nature of mandamus may be issued commanding the opposite party No. 1 and 2 not to revert the petitioner from the post of Hospital Attendant to the post of Mali.
- (iii) Cost of this writ petition may also be awarded to the petitioner and against the opposite parties.

514/213

Lucknow
31/1/83

Pradeep Kumar
Counsel for the Petitioner

(Sd/- ILVA S.)
Advocate

In the Hon'ble High Court of Judicature At Allahabad, *11*

CF 23873

know Bench)

y. Form No. 385

(P)

RECEIPT FOR PAYMENT TO GOVERNMENT

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

Receipt No. 143173

Date 31-1-83

Place Allahabad

Department and office -----

Received from Jai Singh

Sum of Rupees 2/- CRs Two only

Account of -----

Stamp and Registration Fee

Signature of Government Servant granting the receipt.

Shier or Accountant.

Designation -----



1983

AFFIDAVIT

petitioner

HIGH COURT
ALLAHABAD

and one ... Opp. Parties

I T

aged about 25 years son of
Lagar Divisional Hospital

Lucknow do hereby solemnly affirm as under :-

1. That the deponent is the petitioner in this writ petition and is well acquainted with the facts deposed to herein the writ petition.
2. That the contents of paras 1 to 8 ^d ~~are~~ of the writ petition are true to my own knowledge.
3. That Annexure 1 to 3 are true copies of the originals and have been compared from them whereas Annexure 4 is original order of reversion of the petitioner.

जय सिंह
Deponent

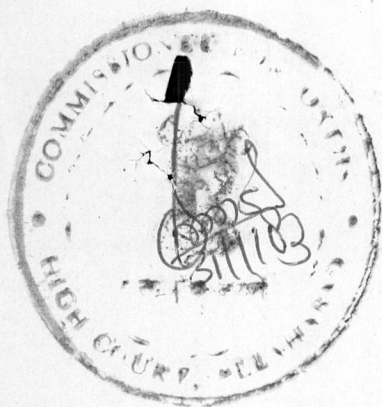
I, the above named deponent do hereby verify that the contents of para 1 to 3 of this affidavit are true to my own knowledge, and no part of it is false and nothing material has been concealed, so help me God.

जय सिंह
Deponent

Solemnly affirm before me on 31/1/83
at 12.15 a.m./p.m.

by the deponent श्री जय सिंह
who has been identified by श्री H. Rahman Advocate
of High Court of Allahabad, Lucknow Bench.

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



I know the deponent
who has signed
before me
H. Rahman

31/1/83

नमिस्तिक श्रमिक के रूप में सेवा-द्वारा

Record of Service As Casual Labour

प्रारम्भिक नियुक्ति की तिथि
Date of initial employment

नियुक्ति की अवधि Period of employment	कार्यभार की प्रकृति Nature of Assignment	प्रत्यक्षक के हस्ताक्षर प्रमाण एवं तिथि सहित Signature and designation of the supervisor with date.
नियुक्ति की तिथि From	नियुक्ति की तिथि To	
6.5.72	31.5.72	Casual Labour
3.6.72	22.7.72	Sub. Masalchi
6.9.72	2.11.72	" "
23.3.73	8.6.73	" "
6.3.74	22.3.74	Sub. N.A.
23.4.74	6.6.74	" "
12.1.74	28.6.74	" "
8.8.74	14.8.74	" "
13.5.75	25.6.75	Sub. Masalchi
18.7.75	18.7.75	Sub. Masalchi

Handwritten signature
Date 21/11/75

Oath Commissioner
High Court, Allahabad

Lucknow Bench

No. 7/269

Date 21/11/75

नमिस्तिक श्रमिक के रूप में सेवा-द्वारा

Record of Service As Casual Labour

प्रारम्भिक नियुक्ति की तिथि
Date of initial employment

नियुक्ति की अवधि Period of employment	कार्यभार की प्रकृति Nature of Assignment	प्रत्यक्षक के हस्ताक्षर प्रमाण एवं तिथि सहित Signature and designation of the supervisor with date.
नियुक्ति की तिथि From	नियुक्ति की तिथि To	
13.7.75	29.7.75	Sub. N.A.
7.8.75	30.9.75	Sub. N.A.
5.4.76	24.4.76	Sub. N.A.
5.5.76	31.7.76	Sub. N.A.
2.1.77	4.2.77	Sub. N.A.
14.4.77	26.5.77	Sub. Masalchi
31.5.77	31.7.77	Casual Labour
21/11/77	15/6/78	Sub. Masalchi
26/4/78	15/6/78	Sub. Masalchi
16/7/78	16/7/78	Sub. Masalchi

Handwritten signature
Date 21/11/75

Handwritten signature

(8) P
12

In the Hon'ble High Court of Judicature At Allahabad,

(Lucknow Bench) 13

Jai Singh Petitioner

Vs.

Divisional Medical Officer and ors ... Opp. Parties

ANNEXURE (2)

N.E. Railway

No. EH/227/1

dated 19-11-81

MS/LJN

To. DRM(P)/LJN

Sub :- Regular appointment of substitute working in
the Divisional Hospital, Badshahnagar, Lucknow.

X

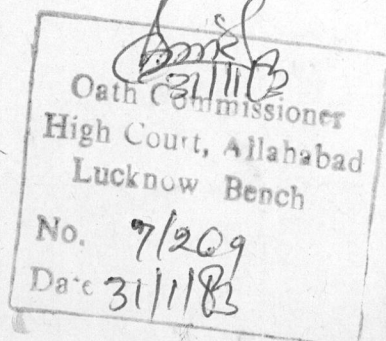
33883
42244

The following staff working as the substitute
who. after the screening result, have been physically
examined and declared fit, are approved to be appointed
temporarily in the ~~Divisional~~ Divisional Hospital,
Badshahnagar, Lucknow, in clear vacancies as noted
against each.

1. Shri Gya Prasad, as H.A. in E F.W. Section under
ADM (O) BNZ.
2. Sh. Jai Singh, as H.A. in BNZ hospital, under
National BNZ.
3. Sh. Prem Dass, as safaiwala, in BNZ Hospital,
under National BNZ.

Necessary appointment letters may be issued
at an early date please.

Sd Illegible 19/11
Divisional Medical Officer
LJN.



True Copy Attested

[Signature]
Ari

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

रिट पेटिशन नं०

आफ १६८३

जयसिंह

- - - -

पेटिशनर

बनाम

डिविजनल मेडिकल आफिसर एण्ड अदर्स ----- अपोजिट पार्टी

रनेकजर नं० (3)

पूर्वोत्तर रेलवे

कार्यालय आदेश

- १- श्री सतीश चन्द वैजामिन एच०ए० बादशाहनगर को उनके प्रार्थना पत्र पर एक वर्ष का अवकाश (एल०ए०पी० एल०एच०पी० तथा एल०डब्लू०पी०) दिनांक १-७-८२ से स्वीकृत किया जाता है। इस अवकाश में ये स्वास्थ्य निरीक्षक के प्रशिक्षण प्राप्त करने हेतु जयपुर (राजस्थान) जायेंगे और प्रशिक्षण पूर्ण होने पर अपने कार्य पर वापस आ जायेंगे।
- २- श्री जयसिंह एच०ए० बादशाहनगर को जो वर्तमान समय में माली के पद पर कार्य सम्पन्न कर रहे हैं श्री सतीश चन्द्र वैजामिन के स्थान पर एच०ए० का कार्य करेंगे।
- ३- श्री सतीश चन्द्र शुक्ला आकस्मिक ^{अभिक} (एच०ए०) स्वा० केन्द्र रेशबाग को और उसकी के क्रमानुसार माली के रिक्त पद पर मंडल चिकित्सालय बादशाहनगर में अस्थायी तौर पर एच० माली के रूप में नियुक्त किया जाता है।
- ४- श्री राम देव पुत्र श्री अशफ़ी लाल को स्वास्थ्य केन्द्र बस्ती से कार्यमुक्त होकर पुनः नियुक्ति हेतु प्रार्थना पत्र दिया है जो क्रम संख्या ३ के स्थान पर स्वास्थ्य अभिक (एच०ए०) के रूप में स्वास्थ्य केन्द्र रेशबाग में नियुक्त किया जाता है।



जयसिंह

क्रम संख्या ३ तथा ४ पर अंकित व्यक्तियों की नियुक्तियां पूर्णरूपेण स्थानीय तथा अस्थायी है। वे आफिसर से नियुक्ति का दावा नहीं कर सकते हैं। इनकी सेवा ~~तत्काल~~ कभी भी बिना सूचना समाप्त की जा सकती है।

ह0

मंडल चिकित्सा अधिकारी
लखनऊ।

संख्या ईच। २२७। १। ६४६

दिनांक ३०-६-८२

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :

- १- मंडल रे० प्रबंधक (का) लखनऊ को दो प्रतियों में लेखा तथा बिल के लिए
- २- मंड० ले० आ० लखनऊ
- ३- मु० चि० आ० रेशबाग
- ४- मैट्रन बादशाहनगर
- ५- कर्मचारीगण उपरोक्त

ह० अस्पष्ट

३०।६

मंडल चिकित्सा अधिकारी
लखनऊ।

जय/२१६

Attached
True copy.
Rohit Singh
Dir



[Signature]
Oath Commissioner
High Court, Allahabad
Lucknow Bench
No. 7/269
Date 31/1/82

(117.)
In the Hon'ble High Court of Judicature at
Allahabad

write petition No

(Lucknow Bench)
of 1983

Jai Singh

vs

Petitioner

Devisional Medical Officer others — o/p. P. B. B. B.

ANNEXURE NO (4)

पूर्वोक्त रजि
कार्यालय आदेश

को ज्ञात है, माता, जिन्हें इस कार्यालय के आदेश सुनवाई/227/1/649 दि० 30-6-82 के द्वारा स्व० र० के पद पर तैनात किया गया था, को जब म० र० प्र० (का)/ लखनऊ के कार्यालय आदेश सुनवाई/11/माता/82 दि० 30-12-82 के आधार पर उन्हें उनके मूल पद (माता) में वापस किया जाता है।

2) को ज्ञात है कर्तृ युक्ता जिन्हें इस कार्यालय के आदेश सुनवाई/227/1/249 दि० 30-6-82 माता के पद पर लगाया गया था, को जब म० र० प्र० (का) उन्नीस को द्वारा स्व० र० र० के पद पर लगाया जाता है।

निदेशित अधिकारी
लखनऊ

दि० 22/1/2095

लखनऊ, दि० 18-1-83

प्रतिलिपि सूचना एवं आवश्यक कार्यवाही हेतु :-

- 1- म० र० प्र० (का)/लखनऊ को उनके कार्यालय के आदेश सुनवाई/11/माता/82 दि० 30-12-82 के अवलोकन में।
- 2- सुनिधि/लखनऊ।
- 3- म० र० प्र० (का)/लखनऊ।
- 4- को ज्ञात है कर्तृ युक्ता को ज्ञात है कर्तृ युक्ता द्वारा म० र० प्र० (का)/लखनऊ।
- 5- व्यक्तिगत निदेश हेतु।

प्र 10000

निदेशित अधिकारी
लखनऊ



Oath Commissioner
High Court, Allahabad
Lucknow Bench
No. 7/209
Date 31/1/83

VAKALATNAMA

Before

In the Court of

Central Administrative Tribunal Circuit Bench/Lucknow.

TA No. 1122 of 1987 (T)

Jai Singh - Applicant

Versus

Union of India and Others - Respondents

I/We Dr. C. D. Saxena, Civil Medical Officer/Badshah-nagar/A. B. K. J. Lucknow.

do hereby appoint and authorise Shri. A. N. Verma

Railway Advocate, Lucknow 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. A. N. Verma

Railway Advocate, Lucknow.

in pursuance of this authority.

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

day of 1987.

Accepted
A. N. Verma30/11/87
बिफिसा अधिकारी
(Dr. C. D. Saxena)
पुणेकर रेखवे

Opp. No. 1.

12/16

NS/CCS
64

VAKALATNAMA

19

Before
in the Court of

Central Administrative Tribunal Circuit Bench/Lucknow

TA no 1122 of 1987

Plaintiff
Defendant

Jai Singh

Claimant
Appellant

Versus

Defendant
Plaintiff

Union of India & others

Petitioner
Respondent

The President of India do hereby appoint and authorise Shri...

A. N. Verma Railway
Advocate/Lucknow

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceeding on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceeding against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate or Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agree to ratify all acts done by the aforesaid Shri...

A. N. Verma Railway
Advocate/Lucknow

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the day of 198 .

Dated 198

NER-84850400-8000-4 7 84

Joseph

C K K Sharma
Designation of the Executive Officer,
Sr. Divl. Personnel Officer
MERCY Lucknow.

for union of India

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

Writ Petition No. of 1983.

Jai Singh adult son of Shri Ram Sahai r/o Hospital
Attendant, Divisional Hospital, Badshahnagar-r, N.E.R.
Lucknow. Petitioner.

Vs.

1. Divisional Medical Officer, Divisional Hospital,
Badshahnagar Hospital, N.E.R. Lucknow.
2. Union of India, through the General Manager,
Gorakhpur.. .. . Opp. Parties.

WRIT PETITION UNDER ARTICLE 226
of the CONSTITUTION OF INDIA.

The petitioner most respectfully begs to
submit as under :-

1. That the petitioner had been working as casual
labourer w.e.f. 26-5-72 to 16-6-78 with broken
periods as will be clear from the relevant three
pages of the book of Record of Service as Casual
Labour. The said three pages are the photostat
copies of the original which is Annexure (1) to
this writ petition.
2. That the petitioner began to work as regular
incumbant w.e.f. 17-6-78 having been appointed
as mali and attached to Divisional Hospital,
Badshahnagar, N.E.R. Lucknow.
3. That while posted as mali in the said hospital

(v) Because the petitioner has worked on the post of Hospital Attendant for about 6 months so that under Rules and circulars issued by the Railway Board the petitioner cannot be reverted to a different cadre.

WHERE

Wherefore the petitioner prays as under :-

- (i) that a writ order or direction in the nature of certiorari may be issued quashing the reversion order of the petitioner contained in Annexure (1) of this writ petition.
- (ii) that a writ or direction in the nature of mandamus may be issued commanding the opposite party No. 1 and 2 not to revert the petitioner from the post of Hospital Attendant to the post of Mali.
- (iii) Cost of this writ petition may also be awarded to the petitioner and against the opposite parties.

Lucknow

Counsel for the Petitioner

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

(Lucknow Bench)

8/24

Writ Petition No. of 1953

Jai Singh Petitioner

Vs.

Divisional Medical Officer and ors .. Opp. Parties

A F F I D A V I T

I, Jai Singh aged about 25 years son of
Ran Sahai Singh r/o Badsahnagar Divisional Hospital
Lucknow do hereby solemnly affirm as under :-

1. That the deponent is the petitioner in this writ
petition and is well acquainted with the facts
deposed to herein the writ petition.
2. That the contents of paras 1 to 3 of the writ
petition are true to my own knowledge.
3. That annexure 1 to 3 are true copies of the originals
and have been compared from them whereas Annexure 4
is original order of reversion of the petitioner.

Deponent

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

Deponent

Solemnly affirm before me
at a.m./p.m.

by the deponent
who has been identified by Shri H. Rahman Advocate
of High Court of Allahabad, Lucknow Bench.
I have satisfied myself by examining the deponent
that he understands the contents of this affidavit
and explained to him by

In the High Court of Judicature at Allahabad
sitting at Lucknow.

Writ Petition No. 1983.

Jai Singh

→ Petitioner

1. Divisional Medical Officer

2. Union of India — Opp. party

Received duplicate
of the writ petition
& stay application.

Lucknow

Date: 31.1.83.

Harjinder Singh

Counsel for the
Opp. party.

1/2 The Honble Judge Court of Judicature at
Allahabad (Lucknow Bench)

In re

7/5-83

Re: Union

Union of India

vs

App. Parties

Filed by MD. ILIAS ADVOCATE

Writ Petition No 21983

Filed on 31-1-83

Pending day-to-day
since then

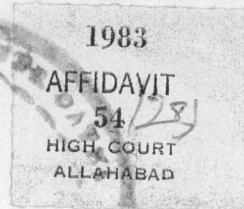
Received 3 copies of supplementary
affidavit on behalf of various Radical
officers, N.E.R. & Union of India, opposite
parties nos 1 & 2.

Subscribed

12/83

Umesh Chandra

Counsel for
Union of India
N.E. Railway
& General Manager N.E.R.
Lucknow



3/29

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

Jai Singh

..

..

petitioner

Vs.

Divisional Medical Officer N.E.R. Lucknow
and another .. Opp. Parties

WRIT PETITION NO of 1983

4/23

Supplementary Affidavit of the Petitioner

I, Jai Singh aged about 25 years son of Sri Ram Sahai r/o Badsahnagar Divisional Hospital, N.E.R. Lucknow do hereby solemnly affirm as under :-

1. That the work, conduct and performance of the deponent vis-a-vis his juniors Sarv Sri Ram Deo, Satish Chand Shukla, Ajit, Ajai and Shamim had never been inferior but had been superior and above board. These persons had at no point of time been superior in work, conduct and performance to the petitioner.

Jai Singh
Deponent

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

Jai Singh
Deponent

Solemnly affirm before me *J. G. B.*
at *10.25* a.m/p.m.
by the deponent *Jai Singh*
who has been identified by H. Rahaman, Advocate
High Court of Allahabad, Lucknow Bench.

H. Rahaman
24/23

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

M. K.
JUDGE COMMISSIONER
High Court, (Lucknow Bench)
24/23

2.2.83



4/20 3/2

In the Hon'ble High Court of Judicature At Allahabad,
(Lucknow Bench)

Jai Singh Petitioner

Vs.

Divisional Medical Officer N.E.R Lucknow
and another .. . Opp Parties

Writ Petition No. of 1983

Supplementary Affidavit of the Petitioner

~~XXXXXXXXXXXX~~

I, Jai Singh aged about 25 years son of
Shri Ram Sahai r/o Badshahnagar Divisional Hospital,
N.E.R. Lucknow do hereby solemnly affirm as under :-

1. That the work, conduct and performance of the
deponent ~~was~~ vis-a-vis his juniors Sarvsi Ram Deo
Satish Chand Shukla, Ajit, Ajai and Shamin had
never been inferior but had been superior and
above board. These persons had at no point of time
been superior in that work, conduct and performance
to the petitioner.

4/20/83
Depoent

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

4/20/83
Depoent

Solemnly affirm before me
at a.m/p.m

by the deponent
who has been identified by H. Rahman Advocate,
High Court Lucknow Bench.

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



1288

8
17.08.83

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H

In the Hon'ble High Court of Judicature At Allahabad,

1475
(Lucknow Bench)

Writ Petition No. *7/5* of 1983

Jai Singh adult son of Shri Ram Sahai r/o Hospital
Attendant, Divisional Hospital, Badshahnagar, N.E.R.
Lucknow. Petitioner

Vs.

1. Divisional Medical Officer, Divisional Hospital,
Badshahnagar, N.E.R. Lucknow.
2. Union of India, through the General Manager, N.E.R
Gorakhpur. Opp. Parties.

Application for stay of operation of
Order contained in annexure (4)

The Petitioner most humbly and respectfully
begs to submit as under :-

1. That the petitioner has been ordered to be reverted
from his post of Hospital Attendant to the post of
Mali which is a different cadre and on the H.A. post
the petitioner having duly appointed in clear and
regular side and vacancy is being reverted when
his juniors are retained on that post.
2. That the petitioner has not been actually relieved
from the post of Hospital Attendant and has not
taken charge of Mali after giving the charge of
Hospital Attendant.

Wherefore it is respectfully prayed that the operation
of the order contained in annexure (4) may kindly be
stayed.

Lucknow.

31/1/83

Faizul Hasan
Counsel for the Petitioner

John S. C. Mathews
John S. S. Ahmed

list along with
the writ petition.

L.

1-2-83

John S. C. Mathews
John S. S. Ahmed

list along with
the writ petition.

John S.
2-2-83

in sent
Mn S. S. S.

Put up along
with the writ petition.

(10) John S.

7-2-83

John S. C. Mathews
John S. S. Ahmed

For orders see
our orders of date on
the petition.

of 8-2-83

PLG

John S.

In the Hon'ble High Court of Judicature At Allahabad,
(Lucknow Bench)

Writ Petition No. of 1982

Jai Singh adult son of Sri Ram Sahai r/o Hospital
attendant , Divisional Hospital, Badshahnagar, M.E.R.
Lucknow. Petitioner

Vs.

1. Divisional Medical Officer, Divisional Hospital,
Badshahnagar, M.E.R. Lucknow.
2. Union of India, through the General Manager, M.E.R.
Gorakhpur. Opp. Parties.

Application for stay of operation of
Order contained in Annexure (a)

The Petitioner most humbly and respectfully
begs to submit as under :-

1. That the petitioner has been ordered to be reverted
from his post of Hospital Attendant to the post of
Mali which is a different cadre and on the H.A. post
the petitioner having duly appointed in clear and
regular side and vacancy is being reverted when
his juniors are retained on that post.
2. That the petitioner has not been actually relieved
from the post of Hospital Attendant and has not
taken charge of Mali after giving the charge of
Hospital attendant.

Therefore it is respectfully prayed that the operation
of the order contained in Annexure (a) may kindly be
stayed.

Lucknow.

Counsel for the Petitioner

VAKALATNAMA

Before
In the

Honble High Court of Judicature at Allahabad
court of Lucknow Bench Lucknow.

Writ petition No. 713 of 1983

Jai Singh

Petitioner

VERSUS

Union of India and others

O.P.s.

I/We A. Rane Rao, Divl. Rly Manager N.E.R. Lucknow

who is ex. officer. authorized to act for and on behalf of

Union of India and P.R. D.S. ... M. S. ... Adv. Badshah

Basir...

act. apply

ion/Case/Appwal/

ion of India.

Hospital. Badshahnagar

esses of the court,

self/ourselves for
officer. Divl Hospital

idental to such

cuting for Union of

l officer Divl. Hospital
one by the

.Advocate. Lucknow

Try. Form No. 385

RECEIPT FOR PAYMENT TO GOVERNMENT

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

143796

High Court of Allahabad

Place Allahabad (Lucknow Bench) Date

Department and office

Received from

the sum of Rupees

on account of

Signature of Government Servant
granting the receipt.

Cashier or Accountant.

Designation

IN WITNESS WHEREOF these presents are duly executed

by me/us

this

23rd day of March 1983

Divl. Rly. Manager
N. E. R., Lucknow

Medical Supdt.
N. E. R., Badshahnagar

Accepted.
C.A. Basir
Advocate
23/3

CANCELLED



82
6
1

13372

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

8/3

C.M. Application No. 9058 of 1983

In re:

Writ Petition No. 715 of 1983

Jai Singh

..

Petitioner

Versus

~~Union of India~~

Divisional Medical Officer & other ..

opp. parties.
Applicants.

Application for vacation of stay order

The applicants/opposite parties most respectfully
beg to submit as under:

That for the facts and reasons disclosed in
the accompanying counter affidavit it is most respectfully
prayed that this Hon'ble Court may be pleased to vacate
the interim order granted in the above mentioned writ
petition.

Lucknow:

Dated: August 18 1983

C. A. Basir

(C.A. Basir), Adv.
Counsel

For the applicant/o.ps.

6/2/83

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

Writ Petition No.715 of 1983

Jai Singh

Petitioner

Versus

Divisional Medical Officer & other ..

Opp. parties.

1983
AFFIDAVIT
3
HIGH COURT
ALLAHABAD

Counter affidavit on behalf
of Opposite parties.



I, DARSHAN SINGH

aged about 55

is son of Sri BHAGAT SINGH

working as BSST Personnel Officer in the office
of Divisional Railway Manager, North Eastern Railway,
Ashok Marg, Lucknow do hereby solemnly affirm and state
on oath as under:

1. That the deponent is working as as Assistant Per-
sonnel Officer in the Office of the Divisional Railway
Manager, North Eastern Railway, Ashok Marg, Lucknow
and as such he is fully conversant with the facts of
the case.
2. That the deponent has read the contents of
the writ petition and has understood the same.
3. That in reply to para 1 of the petition it
is stated that the petitioner had worked as casual
labour waterman. The Divisional Medical Officer,
Badshahnagar, Lucknow issued a letter No.H/22771/672

dated 15.6.1978 asking Matron, North Eastern Railway Hospital, Badshahnagar, Lucknow to post the petitioner as substitute Mali temporarily and the petitioner was, accordingly, after being trained for the job of Mali and posted as substitute Mali temporarily. The petitioner was neither selected nor approved for posting as Mali on regular basis. It is further stated that as the annexure-1 of the writ petition does not reveal the name of the petitioner, the same is not admitted.

4. That in reply to para 2 of the petition it is stated that the petitioner continued as substitute Mali in the scale of Rs.196-232 in Badshahnagar Hospital, Lucknow. The petitioner was not screened and approved for regular appointment as Mali. The statements contrary to it are denied.

5. That in reply to para 3 of the petition it is stated that the facts as averred by the petitioner in this para are not admitted. It is stated that there being vacancy, the Divisional Medical Officer posted the petitioner as Hospital Attendant purely on temporary basis as contained in the orders annexure 2 & 3 to the writ petition. The orders of posting contained in Annexure-2 to the writ petition being not in order, and by a Competent Authority, the same was modified as contained in DRM(P)/LJN's office order No.E/11/PC/82 dated 31.12.1982 a copy of which is annexed with this counter affidavit as Annexure A-1. The petitioner was accordingly posted back as Mali from the post of Hospital Attendant.

Annexure A-1

W 20

A 25

6- That the contents of para 4 of the petition are not admitted being incorrect and misconceived.

7. That in reply to the contents of para 5 of the petition it is stated that the averments made are not admitted. The orders contained in Annexure-2 to the writ petition issued by the Divisional Medical Officer, Badshahnagar, Lucknow were beyond his powers and jurisdiction and as such was modified by the Competent Authority as contained in Annexure A-1 to the counter affidavit. The petitioner cannot derive any benefit of an incorrect order of the authority who was not competent to issue the order. The pay scales of Hospital Attendant and Mali are the same. The allegation that any junior is holding the post of Hospital Attendant does not arise. The two categories are separate and have separate avenue of promotion.

8. That with regard to the contents of para 6 of the petition it is stated that the Divisional Medical Officer, Badshahnagar, Lucknow is though a Senior Scale Officer and competent to make appointment of Class IV staff yet he is not empowered to change the category of any staff. The Divisional Railway Manager is the competent authority for change of category of staff. Averments made in this para contrary to it are denied.

3/12

5 20

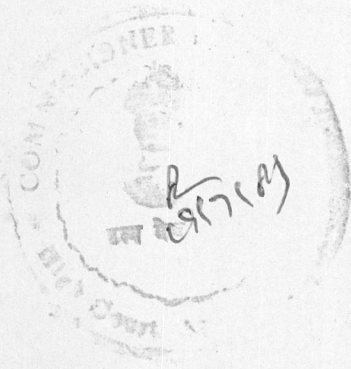
11/30

9. That in reply to the contents of para 7 of the petition it is admitted that there was no complaint about the work of the petitioner. It is, however, further stated that the petitioner was not posted back to the post of Mali from the post of Hospital Attendant for the reasons of his conduct or bad work but for the reasons that his posting as Hospital Attendant was incorrectly made by an authority who had no competence and jurisdiction.

10. That in reply to the contents of para 8 of the petition it is stated that the petitioner's case is not of reversion. It is a case of change of category from Hospital Attendant to Mali. The scale and medical category of both the categories viz. Mali and Hospital Attendant are the same. The two separate categories with different avenue of promotions, the question of any junior to the petitioner working as Hospital Attendant does not arise. The statements contrary to it are denied.

11. That in reply to the contents of para 9 of the petition it is stated that the petitioner had an alternative remedy by way of representation to Divisional Railway Manager, Lucknow which he has not resorted to. The petitioner having failed to avail of the same, the writ petition is not maintainable.

12. That the grounds taken by the petitioner are not maintainable and petitioner is not entitled to the



stare

reliefs prayed for. The petition is liable to be dismissed.

Lucknow:

Deponent

Dated: July 19, 1983

Verification

I, the above named deponent, do hereby verify that the contents of paras 1 & 2 of this counter affidavit are true to my personal knowledge, contents of paras 3 to 11 are based on records and are believed to be true by me and those contents of para 12 are based on legal advice. No part of it is false and nothing material has been concealed in it, so help me God.

Lucknow:

Deponent

Dated: July 18, 1983

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. Basri
Advocate.

Solemnly affirmed before me by the deponent above named on 19-7-83 at 10 a.m./p.m. who is identified by Sri C.A. Basri, Advocate, High Court, Lucknow Bench, Lucknow.

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

8181 Rehman
C.A. COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 329/3
Date 19/7/83

7/20

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

Writ Petition No. 715 of 1983.

Jai Singh

..

Petitioner

Versus

Div. Medical Officer & other ..

Opp. parties.

Annexure A-1

पूर्वोत्तर रेलवे

=====

कार्यालय आदेश

=====

श्री जै० सिंह, सबस्टीच्यूट पानीवाला, बादशाहनगर, जिन्हे माली 196-232 के पद पर मंचिधी के पत्रोंक एच/227/1/672 दिनांक 12/15-6-76 द्वारा नियुक्त किया गया था तथा बिना सक्षम अधिकारी के पूर्व अनुमति के मंचि० अधिकारी/बादशाहनगर के आदेश सं० एच०/227/1/649 दिनांक 30-6-82 द्वारा अस्थाई तौर से चिकित्सा सेवक 1 एच० ए० के पद पर तैनात कर दिया गया था उन्हें उनके मूल पद माली के पद पर वापस किया जाता है। यह तत्काल प्रभावी होगा।

इस पर मंचिधी का अनुमोदन प्राप्त है।

कृते मंडल रेल प्रबन्धक का० 1/लखानऊ

सं० ई/11/पी० सी०/82 दिनांक: 30-125 1982

प्रतिलिपि सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1॥ मलेधिया/लखानऊ
- 2॥ चिकित्सा अधीक्षक/लखानऊ, मैटन/बादशाहनगर।
- 3॥ प्रधान लिपिक/फोल्डर, बिल, पास अनुभाग को।
- 4॥ सम्बन्धित कर्मचारी।
- 5॥ वैक्तिक मिसिल हेतु।

कृते मंडल रेल प्रबन्धक का० 1/लखानऊ।



3/12

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

C.M. Application No. 9058^(u) of 1983 ^{1/39}

In re:

Writ Petition No. 715 of 1983

Jai Singh

..

Petitioner

Versus

~~Union of India~~

Divisional Medical Officer & other ..

opp. parties.
Applicants.

Application for vacation of stay order

The applicants/opposite parties most respectfully
beg to submit as under:

That for the facts and reasons disclosed in
the accompanying counter affidavit it is most respectfully
prayed that this Hon'ble Court may be pleased to vacate
the interim order granted in the above mentioned writ
petition.

Lucknow:

Dated: August 18 1983

C. A. Basir
(C. A. Basir), Adv.
Counsel
For the applicant/o.ps.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

715

of 1983

vs.

A/30
4/10

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
1-2-83	<p>Mem SCM, 7</p> <p>Mem SSA, 7</p> <p>The learned Counsel for the petitioner</p> <p>Put up to-morrow.</p> <p>sd SCM.</p> <p>sd SSA</p> <p>1-2-83</p>	
2-2-83	<p>Mem SCM, 7</p> <p>Mem SSA, 7</p> <p>Sri Umesh Chandra who appear for the opp. parties is out of the town. Put up to-morrow.</p> <p>sd SCM</p> <p>sd SSA</p> <p>2-2-83</p>	
3-2-83	<p>Mem SCM, 7</p> <p>Mem SSA, 7</p> <p>Put up on 7-2-1983.</p> <p>sd -</p> <p>3-2-83</p>	
7-2-83	<p>Mem SCM, 7</p> <p>Mem SSA, 7</p> <p>Put up to-morrow.</p> <p>sd SCM</p> <p>sd SSA</p>	

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
8-283	<p>Mem SCM, 7</p> <p>Mem SSA, 7</p> <p>—</p> <p>list in the week commencing 21st Feb 1983 — — —</p> <p>— — — — —</p> <p>annexure 4 shall remain stayed</p> <p>SD SCM</p> <p>SD SSA</p> <p>8-283</p> <p>CMA No 1475 083</p>	
1-283	<p>Mem SCM, 7</p> <p>Mem SSA, 7</p> <p>—</p> <p>list along with the w.p.</p> <p>SD SCM</p> <p>SD SSA</p> <p>1-283</p>	
2-283	<p>Mem SCM, 7</p> <p>Mem SSA, 7</p> <p>—</p> <p>list along with the w.p.</p> <p>SD SCM</p> <p>SD SSA</p> <p>2-283</p>	
7-283	<p>Mem SCM, 7</p> <p>Mem SSA, 7</p> <p>—</p> <p>put up along with the w.p.</p> <p>SD SCM</p> <p>SD SSA</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

715

of 1983

vs.

Dated of
which
case is
adjourned

Date

Note of progress of proceedings and routine orders

1

2

3

8-2-83

Hon SCM, ?

Hon SSA, ?

For orders, see our order of
date on the w.p.

sd SCM

sd SSA

8-2-83

Hon

supplementary affidavit of
The petitioner

2-2-83

Hon SCM, ?

Hon SSA, ?

Place on record

sd SCM

sd SSA

2-2-83

23-2-83

15-2-83

23-2-83 fixed with
C.M.A. 1475 with for
order

Hon SCM

Hon SSA

Bench

By court
this week

1-3-83

Ind A only

H. SCM, to request

H. SSA, to do

So
15/3/83

A/3
43

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration T.A. No. 1122 of 1987

(W.P. No. 715 of 1983)

Jai Singh Applicant

Versus

Union of India & Others.... Respondents

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

Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)


The applicant entered in the service of North Eastern Railway in the year 1972^{as Casual Labour} and since then he has been working as such with breaks and started to work as regular incumbent w.e.f. 17.6.78 having been appointed as Mali and attached to Divisional Hospital, Badshahnagar, NER Lucknow. He began to perform the work of Hospital attendant as substitute. According to the applicant, his work was appreciated and when vacancy arose vide order dated 19.11.81, the applicant who was recognised as substitute in the same hospital after screening and medically examined was temporarily appointed as Hospital Attendant in a clear vacancy alongwith two other persons who were also appointed though on different capacity. The appointment order was issued by the Divisional Medical Officer. The applicant was appointed in place of Shri Suresh Chand Benjumin who was sanctioned one year's leave by the respondent No.1 Shri Benjumin is still on leave and has not come back. Besides, ^{an-}other persons^y appointed as Hospital Attendant namely Shri Ram Deo who is still working as Hospital Attendant by virtue of the orders contained in the appointment letter.


W

Shri Ram Deo is junior to the applicant and is not regular incumbent like the petitioner. The respondent No.1 is the appointing and punishing authority of the applicant. His work has been satisfactory and every superior officer was satisfied with his work. The Divisional Medical Officer, respondent No.1 reverted the applicant without any fault of his to the post of Mali and appointed a substitute Shri Suresh Chand Shukla as Hospital Attendant in place of him whereas the applicant is senior to Suresh Chand Shukla and the applicant has been appointed against a clear vacancy while the Suresh Chand Shukla was a Casual Labour and he had not been appointed on a regular post. Besides there are found clear vacancies of the Hospital Attendant which are being retained by S/Shri Ajit, Shmim, Ajai and Ram Deo. The applicant is senior to all these persons. Shri Ram Deo was appointed alongwith him and his services unlike the applicant were liable to be terminated at any time but he has been retained when he is junior to him.

2. In the Counter Affidavit, it has been stated that the order passed by the Divisional Medical Officer was not in order as he was not competent authority and that is why the same was modified vide order dated 31.12.82 reverting the applicant to the post of Mali and his appointment was made without approval. The position ~~is~~ thus is that the junior person is given the higher post while the applicant being the senior has been reverted to the post of Mali. No legal or factual position has been placed regarding the continuance of service of Shri Ram Deo. The applicant who has been in service since long and from all points of view he is

senior to Suresh Chand Shukla and he has also attained the temporary status and has been appointed against a clear vacancy. The reversion order of the applicant is arbitrary and violative of Article 14 of the Constitution of India and is not supported by any law. It was the internal matter of the authority and the applicant was allowed to continue and he got the salary for the same which could not have been given. If there would have been any objection by the superior officer the applicant should not have been paid the salary. Accordingly, the application is allowed and dated 18.1.83 the reversion order/ of the applicant is quashed and the applicant will continue to hold the said post unless he is ^Lnot reverted in accordance with law.


Member (A)


Vice Chairman

Dated the 5 July, 1991.

RKM

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

No. CAT/Alld/Jud/40305 to 706 Dated the : 14/9

T.A. No. 1122 of 1987

Jai Singh

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

To

- 1- Shri Mohd. Ilyas, Advocate, Lucknow High Court Lucknow.
- 2- Shri Umesh Chandra, Advocate, Lucknow High Court Lucknow.

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

Writ Petition No. 715
of 198 3
of the Court of H.C.LKO
arising out of order
dated
passed by in

The Tribunal has fixed date
of 4-12-1989 1989. The
hearing of the matter. at C.A.T. Lucknow

If no appearance is made
on your behalf by your 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

24th day of August 1989.

dinesh/

DEPUTY REGISTRAR