

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA 1122/87

CAUSE TITLE. W.B. No. 715/83. OF

NAME OF THE PARTIES. Jas Singh, Applicant

Versus

V.P.I. Govt -

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
Bastar.*

Dated 05.12.1991.

Counter Signed.....

Rajesh
Section Officer/In charge

.....
Signature of the
Dealing Assistant.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALIAHABADINDEX-SHEETCause Title TA 1122/87 (1) of 198 .Name of the Parties Shri Jai Singh

Versus

Divisional Medical OfficerN F RPart 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 take and that the case is fit for consignment to the record room (Decided).

Dated : _____

Countersigned _____

*D
25-11-91*

Signature of the
Dealing Assistant.

Section Officer/Court Officer.

CIVIL ————— SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... 60 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.	1- und. with affidavt 11- and Nomination	1-	-	102-00			
	2.	Power	1-	-	5-00			
	3.	Supplementary affidavt	2-	-	2-00			
	4.	Cmsh. 1475 (W) of 83	1-	-	5-00			
	5.	Power	1-	-	5-00			
	6.	Cmsh. 9058 (W) of 83 with CA	1-	-	2-00			
	7.	order & seal	2-	-	-			
	8.	Power copy	1-	-	-			

I have this

day of

198

examined

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

Date.....

Munsarim

Clerk

TA 1122107 (T)

WP 715-01

:: 2 ::

A

B

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

4.12.89

Hon. Justice K. Nath, V.C.
Hon. K. T. Raman, A.M.

OR

Case has been
recd. on 20.12.89

Case is not
admitted

Stay is granted
Counter has
been filed.

Date was taken
from CAT, Addl. 6
is attached

Submitted for
order

11/12/89

No one is present for
the applicant. The pleader, Sri
S.R.S. Chauhan, 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 were issued to the applicant
as well as his counsel and list
for appearance and orders on 1.1.90.

OR

OR

A.M.

V.C.

OR

Notice issued
on 20.12.89

No undelivered
copy has been
return back
submitted for order

22

4.12.90

Hon. Justice K. Nath, V.C.

Hon. K. Obayya, A.M.

The applicant, Sri Singh
is present in person. Vakalatnama
of Sri A.N. Verma has been
filed on behalf of opposite parties.
The case is ready. List for
final hearing on 7/2/90.

OR

OR

V.C.

OR

R.A not filed
S.P.H

OR

No gallery. Ady to 22.3.90
Applicant is present

213

Dinesh

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

22-3-90

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

Case not reached adj. to
227890 for hearing.

A. H.

Dee

J. M.

22-8-90 - No sittip Adi to 26/11/90

26.11.90 case not reached. Resolved to
21.1.91

21.1.91 - No setting any to 10.4.91

W BSC

No sitting adj to 3-2-51 ①

9

83

RA has not filed

Q S H

240

3.7.91 Hon Mr Justice V.C. Shrivastava - VC
Dear Mr A.B. Goraih AM

Put up tomorrow for hearing

21

Received &
registered by CJA UC
M. 9 days on
22/7/99

Recd copy of
Triglyceride
earlier
18/2/81 CEx
Dermatology
11/2/81 CEx

Group A 3 (A)

898.

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

(Lucknow Bench)

Jai Singh

.. Petitioner

Vs.

Divisional Medical Officer and ors .. Opp. Parties

2763

Case
No.

Writ Petition No. of 1983

List- Index

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

R. D. G.

Lucknow.

Counsel for the Petitioner

31/1/83



in the non ~~the~~ 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.

5682 B 100
Writ Petition under Article 226 of the
Constitution of India.

The petitioner most respectfully begs
to submit as under :-

514712

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~~ ^{two} pages of the book of Record of Service as Casual Labour. The said ~~three~~ ^{two} 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

A/C

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 ~~ok~~ 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 ~~Annexure~~ ^{letter} ~~dated~~ ^{dated} Shri Ram Deo is junior to the petitioner and he is also not regular incumbant like the petitioner. Thus all orders passed by



JUDGEMENT

(3)

the opposite party No. 1 contained in ~~xxxxxxxxxx~~ appointment 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 although 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 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 vacancies of Hospital Attendants which are being retained by 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 ~~xx~~ he is



18-1-83

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.

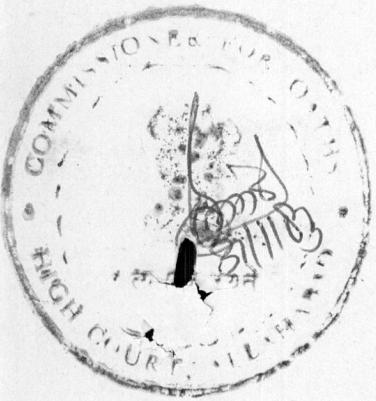
9. That being aggrieved by the order of reversion to a different cadre Mali from the post of Hospital Attendant, the petitioner files this writ petition inter alia on the following grounds :-

(i) Because the reversion of the petitioner from the post of Hospital Attendant to the post of Mali, which is a different ~~other~~ 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 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).



24/2/67

(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.

W.W.X

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.

14/12/82

Lucknow

31/1/82

M. ILYAS
Counsel for the Petitioner

*(M. ILYAS)
Advocate*

In the Hon'ble High Court of Judicature At Allahabad, (6) X

CF 23873

know Bench)

(P)

y. Form No. 385

RECEIPT FOR PAYMENT TO GOVERNMENT

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

High Court of Judicature
Allahabad, dated 31/1/83
Receipt No. 143173

Date 31/1/83

ace

Department and office

Received from Jai Singh
Amount of Rupees 2/- (RS Two only)

Account of IT
Stamps and Registration Fees

Heon

Signature of Government Servant
granting the receipt.

Shier or Accountant.

Designation

1983
1983
AFFIDAVIT
HIGH COURT
ALLAHABAD

and ors ... Opp. Parties

I T

Lucknowdo hereby solemnly affirm as under :-

1. That the deponent is the petitioner in this writ petition and is well acquainted with the facts facts deposed to herein the writ petition.
2. That the contents of paras 1 to 8 ~~xxx~~ 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 on 31/1/83
at 12.15 a.m./p.m.

by the deponent Shri Jai Singh

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
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

नियमित अधिक के रूप में सेवा-कर्ता
Record of Service As Casual Labour
प्रारम्भिक नियुक्ति की तिथि
Date of initial employment.....

नियमित अधिक के रूप में सेवा-कर्ता
Record of Service As Casual Labour
प्रारम्भिक नियुक्ति की तिथि
Date of initial employment.....

नियुक्ति के अधिकार के रूप में सेवा-वर्ता Record of Service As Casual Labour			
प्रारम्भिक नियुक्ति की तिथि Date of initial employment			
नियुक्ति की शर्त Period of employment	कार्यभार की विस्तृति Nature of Assignment	प्रबोधक के हस्ताक्षर पदनाम एवं तिथि सहित Signature and designation of the supervisor with date.	नियुक्ति की शर्त Period of employment
नियुक्ति की शर्त Period of employment	कार्यभार की विस्तृति Nature of Assignment	प्रबोधक के हस्ताक्षर पदनाम एवं तिथि सहित Signature and designation of the supervisor with date.	नियुक्ति की शर्त Period of employment
नियुक्ति की शर्त Period of employment	कार्यभार की विस्तृति Nature of Assignment	प्रबोधक के हस्ताक्षर पदनाम एवं तिथि सहित Signature and designation of the supervisor with date.	नियुक्ति की शर्त Period of employment
6.5.72	31.5.72 Casual Labour	6.5.72	31.5.72
6.6.72	22.7.72 Sub. Masalchi	6.6.72	22.7.72
6.9.72	2.11.72 " H. A.	6.9.72	2.11.72
23.3.73	8.6.73	23.3.73	8.6.73
6.3.74	22.3.74 Sub. N. A.	6.3.74	22.3.74
7.3.74	6.6.74 " Sub. N. A.	7.3.74	6.6.74
12.1.74	20.6.74 " S. R. Halli	12.1.74	20.6.74
8.8.74	14.8.74 " S. R. Halli	8.8.74	14.8.74
10.5.75	31.6.75 Sub. Charkida S. R. Halli	10.5.75	31.6.75 Sub. Charkida S. R. Halli
12.5.75	18.9.75 " Masalchi S. R. Halli	12.5.75	18.9.75 " Masalchi S. R. Halli

Oath Commissioner
High Court, Allahabad

No. 7/269
Date 21/11/89

(B)

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

(Lucknow Bench)

Jai Singh Petitioner

Vs.

Divisional Medical Officer and ors ... Opp. Parties

A N N E X U R E (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 88888
44444

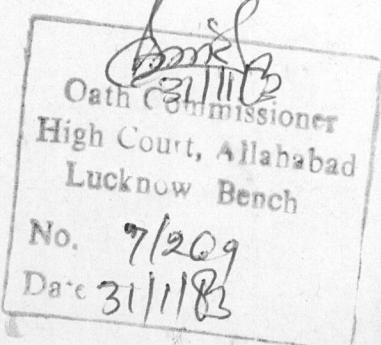
The following staff working as the substitute
who, after the screening result, have been physically
examined and declared fit, are approved to be appointed
temporarily in the ~~Divisional~~ Divisional Hospital,
Badshahnagar, Lucknow, in clear vacancies as noted
against each.



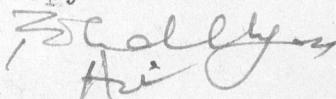
1. Shri Gaya Prasad, as H.A. in H.F.W. Section under
ADM (O) BNZ.
2. Sh. Jai Singh, as H.A. in BNZ hospital, under
National BNZ.
3. Sh. Prem lass, as safaiwala, in BNZ Hospital,
under National BNZ.

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

Sd Illegible 19/11
Divisional Medical Officer
LJN.



True Copy Attested


Hari

इन दि आनरेबुल हाई कोर्ट आफ जुडिकैवर ऐट इलाहाबाद
लखनऊ बैन्च, लखनऊ

रिट पेटिशन नं

आफ १६८३

जयसिंह

— — —

पेटिशनर

बनाम

डिविजनल मेडिकल आफिसर एण्ड अर्दस ————— अपौजिट पार्टी

स्नेक्जर नं (३)

पूर्वोत्तर रेलवे

कायर्लिय आदेश

१- श्री सतीश चन्द्र वेंजामिन एच०स० बादशाहनगर को उनके प्रार्थना पत्र पर एक वर्ष का अवकाश (एल०ए०पी० एल०एच०पी० तथा एल०डब्ल०पी०) दिनांक १७-२ से स्वीकृत किया जाता है। इस अवकाश में ये स्वास्थ्य निरीक्षक के प्रशिदाण प्राप्त करने हेतु जयपुर (राजस्थान) जायेगे और प्रशिदाण पूर्ण होने पर अपने कार्य पर वापस आ जायेगे।

२- श्री जयसिंह एच०स० बादशाहनगर के जो वर्तमान समय में माली के पद पर कार्य सम्पन्न कर रहे हैं श्री सतीश चन्द्र वेंजामिन के स्थान पर एच०स० का कार्य करेंगे।

३- श्री सतीश चन्द्र शुक्ला आकस्मिक स्वास्थ्य (एच०स०) स्वाठा केन्द्र ईशबाग को और उसकी के क्रमानुसार माली के रिक्त पद पर मंडल चिकित्सालय बादशाहनगर में अस्थायी तौर पर एवं जी माली के रूप में नियुक्त किया जाता है।

४- श्री राम देव पुत्र श्री अशफी लाल को स्वास्थ्य केन्द्र बस्ती से कार्यमुक्त होकर पुनः नियुक्ति हेतु प्रार्थना पत्र दिया है जो क्रम संख्या ३ के स्थान पर स्वास्थ्य अधिक (एच०स०) के रूप में स्वास्थ्य केन्द्र ईशबाग में नियुक्त किया जाता है।

क्रम संख्या ३ तथा ४ पर अंकित व्यक्तियों की नियुक्तियाँ पूर्णपैणा स्थानीय तथा अस्थायी हैं। वे आफीसर से नियुक्ति का दावा नहीं कर सकते हैं। हनकी सेवा तहसील कभी भी बिना सूचना समाप्त की जा सकती है।

ह०

मंडल चिकित्सा अधिकारी
लखनऊ।

संख्या ईचा २२७। १। ६४६

दिनांक ३०-६-४२

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :

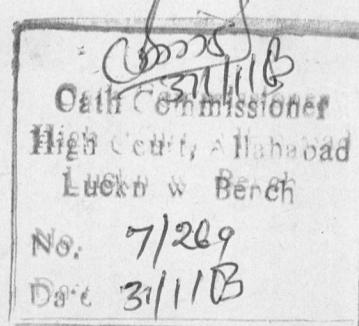
- १- मंडल रेंड्रे प्रबंधक (का) लखनऊ को दो प्रतियों में लेखा तथा बिल के लिए
- २- मंडल लेंड्रे लखनऊ
- ३- मुंजिं शेरबाग
- ४- मैदून बादशाहनगर
- ५- कर्मचारीगण उपरोक्त

ह० अस्पष्ट

३०। ६

मंडल चिकित्सा अधिकारी
लखनऊ।

*Alredy
True copy.
Recd by
A. S. D.*



(11).
In the Hon'ble High Court of Judicature at
Allahabad

write petition no

of 1983

Jaisingh

Petitioner

Devisional Medical Officer Lucknow — objector

ANNEXURE NO (4)

पूर्वोत्तर देवी
कार्यालय बादेश

मी अब लिख, बाली, किंतु इस कार्यालय के बादेश नं०१८८/२२७/१/६४९ द्वा०
३०-६-८२ के द्वारा स्व०८० के पद पर लिया गया था, को जब नं०१०४०(बा०)/
कार्यालय के कार्यालय बादेश नं०११/पाली/८२ द्वा० ३०-१२-८२ के बाधार पर उन्हें उनके
कूल पद (नामी) में बापस लिया गया है ।

2) मी चतुर्थ कर्त्र शुक्ला किंतु इस कार्यालय के बादेश नं०१८८/२२७/१/६४९ द्वा०
३०-६-८२ बाली के पद पर लिया गया था, को जब नं०११ उपरोक्त का द्वारा ०८
स्व०८० स्व०८० के पद पर लिया गया गया है ।

विवरण बधायक
लिखने

नं०१८८/२२७/१/२०९५

प्रतिलिपि सूचना सहै बाक्सक बार्फदारी देतु :-

- 1- नं०१०४०(बा०)/कार्यालय को उनके कार्यालय बादेश नं०१८८/११/पाली/८२ द्वा०
३०-१२-८२ के द्वारा है ।
- 2- शुक्ला/बाली ।
- 3- नामी/बाली/नामी ।
- 4- नाम लिह सहै कर्त्र शुक्ला द्वारा नेटवा/बाली/नामी ।
- 5- व्यक्तिक नियित देतु ।

प्र १०८४
विवरण बधायक
लिखने



<i>31/11/83</i>	<i>31/11/83</i>
HIGH COURT, ALLAHABAD	
Oath Commissioner High Court, Allahabad Lucknow Bench No. १०८४ ७/२६४ Date 31/11/83	

VAKALATNAMA

Before
In the Court of

central Administrative Tribunal circuit Bench/Lucknow.

TA No. 1122 of 1987 (T)

Taj Singh Applicant. 88

Versus

..... Union of India and Others - Respondents
 I/We Dr. C. D. Saxena, Civil Medical Officer, Badshah-
 nagar/N.B.Rly./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 198..

Joseph S. P.

..... 20/1/87
 (Dr. C. D. Saxena विकास अधिकारी
 निवार रेखा
 (Dr. C. D. Saxena विकास अधिकारी
 निवार रेखा)

..... Dr. N. I.

VAKALATNAMA

Before Central Administrative Tribunal Circuit Bench/ Lucknow
in the Court of TA No 1122 of 1987

Plaintiff Tai Singh — — — Claimant
Defendant — — — Appellant
Versus
Defendant Union of India & others — Petitioner
Plaintiff — Respondent

The President of India do hereby appoint and authorise Shri... A. N. Verma Railway
Advocate/Advocate/Secretary 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
Advocate/Advocate/Secretary 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

C K Dutt
Designation of the Executive Officer,
Sr. Div. Personnel Officer
M B R C 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, N.E.R. Lucknow. Petitioner.

Vs.

1. Divisional Medical Officer, Divisional Hospital, Badshahagar 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, Badshahagar, 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.

W.W.L

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 (i) 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.

*TC
PDL*

Lucknow

Counsel for the Petitioner

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

(Lucknow Bench)

1/4

Writ Petition No. 07 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 Ram Bahadur Singh r/o Balashnagar Divisional Hospital Lucknow do hereby solemnly affirm as under :-

1. That the defendant is the petitioner in this writ petition and is well acquainted with the fact facts deposed to herein the writ petition.
2. That the contents of para 1 to 8 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 reversal 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 Sri H. Rahman Advocate
of High Court of Allahabad, Lucknow Bench.

I have satisfied myself by examining the deponent
and 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 21983-
A.S.

Tai Singh

→ Petition

1. Criminal Medical Officer ^{vs.}

2. Union of India — opp. party

Received duplicate —

of the writ petition

& stay application.

Lucknow

Date: 31.1.83.

Yogesh Chandra

Counsel for the
opp. party.

In the Hon'ble High Court of Judicature at
Albazar (Lakhaw Beach)

7/5-83

For Sayl

Rehbar

Union of India

Filed by M.D. ILYAS ADVOCATE
Writ Petition no 21983

Rep. Farhan

Filed on 31-1-83
Pending ~~day~~ day
since then

Received 3 copies of Supplementary
affidavit on behalf of some Radical
party, N.E. & Union of India, other
parties no 1 & 2.

Rehbar

12/83

Umesh Chandra

consul for
Union of India
N.E. & Bihar
Gurdaspur
Larkana
S.R.



1983
AFFIDAVIT
54/28
HIGH COURT
ALLAHABAD

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

I, Jai Singh aged about 25 years son of Sri Ram Sahai r/o Padshah Nagar 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 Sarvsri Ram Deo, Satish Chandra 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.

STY/1212
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.

STY/1212
Deponent

Solemnly affirm before me S. J. B.
at 10.25 a.m/p.m. *16/11/1983*
by the deponent *Jai Singh* who has been identified by H.R.Ahaman, Advocate
High Court of Allahabad, Lucknow Bench. *Rehman* 11/12/83

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.

Mr.
SACR COMMISSIONER
High Court, (Lucknow Bench)
SU/STY/1212

2. Jai Singh

123

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

~~XXXXXX~~

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 ~~xxxx~~ vis-a-vis his juniors Sarvsri 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.

✓14/12
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.

✓14/12
Deponent

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.



1-87

8
1/103

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

Enr 1983 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, 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
bigs 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

Deeleya
Counsel for the Petitioner

Mr. Seng
HmSS

Put up stamp
with the writ petition.

⑩

Sohm I

7-2-83

Hon. S.C. Maitland
HmSS Ahmed I

For orders see
our orders of date on
the petition.

DP 8283

PLS

Sohm I

Hon. S.C. Maitland I
Hon. S.S. Ahmed I
list along with
the writ petition.

I.

1-2-83

Hon. S.C. Maitland I

Hon. S.S. Ahmed I

list along with
the writ petition.

Sohm I
2-2-83

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

Writ Petition No. of 1962

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

vs.

1. Divisional Medical Officer, Divisional Hospital,
Badshahganj, 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
begg to submit as under :-

1. That the petitioner has been ordered to be reverted
from his post of Hospital Attendant to the post of
Nalli which is a different cadre and on the N.I. 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 nalli after giving the charge of
Hospital Attendant.

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

Lucknow.

Counsel for the petitioner

5

A/1

VAKALATNAMA

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

Writ Petition No. 713 of 1983

~~Jai Singh~~

Petitions

VERSUS

~~Union of India and others~~ O.P.

I/Writ Petition No. 713 of 1983 by Manager N.E.R, Lucknow

who ex. off. authorized to act for and on behalf of
Union of India and P.R. Des. . . M. S. . . A.K.R. Badshah
Bazir. . .

for R. No. 713
Gaitor Hospital of Lucknow
(P)

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 Lucknow Receipt No. . .

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

this

by me/us

23rd day of March 1983

Alam

Div. Rly. Manager -
N.E.R, Lucknow

D.W.Q.
Medical Supdt.
N.E.R, Badshahnagar

Received
C. A. Basu
Advocate
23/3



13372
In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

C.M. Application No. 9058 ^(a) 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.

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

Writ Petition No.715 of 1983

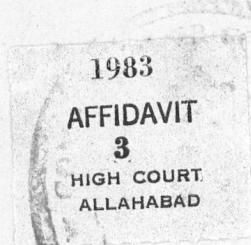
Jai Singh ..

Petitioner

Versus

Divisional Medical Officer & other ..

Opp. parties.



Counter affidavit on behalf
of Opposite parties.



I, DARSHAN SINGH
alias RHAGAT SINGH aged about 55
ars son of Sri RHAGAT SINGH
working as Asstt 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/2271/672

3
X
24

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.

3
24

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.

... 4

3/25

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

6 237

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 19, 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. Basil
Advocate.

Solemnly affirmed before me by the deponent above named on 19-7-83 at 12.30 a.m./p.m. who is identified by Sri C.A. Basil, 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.

81/87 Rehman
(M. K. Rehman)
CATH. COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 379/3
Date 19/7/83

237

237

8/20A

१०८

In the Hon'ble High Court of Judicature of 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 जैसिंह, सबस्टीच्यूट पानीवाला, बादशाहनगर, जिन्हे
माली।।। 196-232।। के पद पर मंचिधी के पत्रोंक स्य/227/।।।/672
दिनांक ।।। 12/।।। 15-6-76 व्यारा नियुक्त किया गया था तथा बिना
सहाय अधिकारी के पूर्व अनुमति के मंचिधी/बादशाहनगर
के आदेश संस्य/227/।।।/649 दिनांक 30-6-82 व्यारा अस्थाई तौर
ते चिकित्सा सेवक।।। स्य/0।।। 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 प्रबन्धाकाका।।।/लखानऊ

सं।।। ई/।।।/पी०सी०/82 दिनांक: 30-।।। 125 1982

प्रतिलिपि सूचनार्थ सर्व आवश्यक कार्यवाही हेतु प्रेषित:-

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

कृते मंडल रेल प्रबन्धाकाका।।।/लखानऊ।।।



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

C.M. Application No. 9058^(C) of 1983

139

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 10 1983

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

7/1 A/30

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 715 of 1983

vs.

A/10

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

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
8-2-83	Recd SCM, 7 Recd SSA, 7	
	list in the week commencing 21st Feb 1983	
	annexure 4 shall remain stayed	
	sd SCM sd SSA	
	8-2-83	
	CMA No 1475 83	
1-2-83	Recd SCM, 7 Recd SSA, 7	
	list along with the w.p.	
	sd SCM sd SSA	
	1-2-83	
2-2-83	Recd SCM, 7 Recd SSA, 7	
	list along with the w.p.	
	sd SCM sd SSA	
	2-2-83	
7-2-83	Recd SCM, 7 Recd SSA, 7	
	put up along with the w.p.	
	sd SCM sd SSA	

8/12

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 715 of 1983

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
8-2-83	Hons SCM, 7 Hons SSA, 7	
	For orders, see our order of date on the W.P.	
	Sd SCM Sd SSA 8-2-83	
	Hons supplementary affidavit of The petitioner	
2-2-83	Hons SCM, 7 Hons SSA, 7	
	Place on record	
	Sd SCM Sd SSA 2-2-83	
23/2/83 15-2-83	23-2-83 fixed with C.M. 21475/1983 for <u>Benel</u> orders	By court this week
	Hons C.M. Hons SSA.	
1-3-83	2nd Friday	
	H. SCM, 1 request H. SSA, 1 recd	
	Sd H. SCM 13/2/83	

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A 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/ 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 Benjamin who was sanctioned one year's leave by the respondent No. 1. Shri Benjamin is still on leave and has not come back. Besides, ^{one} other persons 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.

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 not reverted in accordance with law.

transcript

Member (A)

W

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 766 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
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.

If no appearance is made
on your behalf by your some
one duly authorised to Act and
plead on your behalf
at C.A.T. Lucknow

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of 24th August 1989.

dinesh/

DEPUTY REGISTRAR