

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

T.A.No-1125/87

CAUSE TITLE. W.P.No 788/83 OF .....

NAME OF THE PARTIES Plata bawad ....., Applicant

Versus

C.O.T. 205

Respondent

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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*  
Chetan Dated 12/12/11. without Batta

Counter Signed.....

*Loged 14/12/2011*

Section Officer/In charge

Signature of the  
Dealing Assistant

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow  
Opp. Residency, Gandhi Bhawan, Lucknow  
\*\*\*\*\*

X

INDEX SHEET

CAUSE TITLE T.A. 1125 of 1987

W.P. No 780 / 1303

NAME OF THE PARTIES

Mata Prasad Applicant

Versus

Union of India & Others Respondent

Part A, B & C

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Annexure -B

CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow  
Opp. Residency, Gandhi Bhawan, Lucknow  
\*\*\*\*\*

APPLICATION No. T.A. 1125/07 of 1907

TRANSFER APPLICATION No. \_\_\_\_\_ of 19

OLD WRIT PETITION No.: 780/ of 1903

CERTIFICATE

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

Dated :

COUNTER SIGNED :

Signature of the  
dealing Assistant

Section Officer/Court Officer

17/11/2011  
W.D.E.

\*\*\*\*\*

1128/017/12

A. T.

7 2/2

No. 6675 - Ady. to 9.4.90  
Applicant is present.

5

9/4/90

Hon. P.S. Habib Mohammed, A.M.  
Hon. J. P. Sharma, J.M.

82  
RA  
No. 6675  
S.P.O.

Put up for tomorrow

J.M.

A.M.

Sd.

10-4-90

Hon. P.S. Habib Mohammed A.M.  
Hon. J. P. Sharma, J.M.

Arguments heard.

Orders reserved. Put up  
for orders on 12/4/90.

J.M.

A.M.

A. (1)

12/4/90  
S. P. O.  
S. P. O.  
S. P. O.  
S. P. O.

P. O.

12/4/90  
S. P. O.  
S. P. O.

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.  <u>Hon. K. J. Raman, A.M.</u></p> <p>No one is present for the applicant. The paisskar, Sri S. R. S. Chautala, Office Superintendent, DRM's Office, N.E. 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 Post to both the parties fixed date for the day. As a matter of expediency, notices be issued to the applicant as well as his counsel and list for appearance and orders on 1.1.90.</p> <p>DR</p> <p>A.M.</p>	<p>OR</p> <p>This case has been heard on 29.8.89. from CAT, Allahabad.</p> <p>Case is admitted CA/QA not filed Date over, was fixed from CAT, Allahabad. SC is attached Submitted to the court 1/1/90</p> <p>OR Notice registered 8 29/12/89</p>
1/1/90.	<p>Hon. Justice K. Nath, V.C.  <u>Hon. K. Obayya, A.M.</u></p> <p>Vakalatnama of Sri A. N. Verma on behalf of opposite parties 1&amp;2 has been filed. Appellant, Mehta Prasad is present in person. Notices were sent by registered post to opposite parties 3&amp;4 but none of them is present. It is presumed served. The opposite parties' Counsel 1&amp;2 files counter whose copy has been given to the applicant. Rejoinders may be filed within three weeks and the case be listed for final hearing on 7/2/90.</p> <p>DR</p> <p>A.M.</p>	<p>OR</p> <p>Notices were issued on 20.12.89.</p> <p>No undelivered left copies have been taken care.</p> <p>Submitted to the court 2/1/90</p>

Group

1163

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. 700 OF 1983

✓ Mata

Nam Prasad

.....

...Petitioner

Versus

Union of India and others

...Opp. Parties

I\_N\_D\_E\_X

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Lucknow : Dated

February 8<sup>th</sup> 1983

10

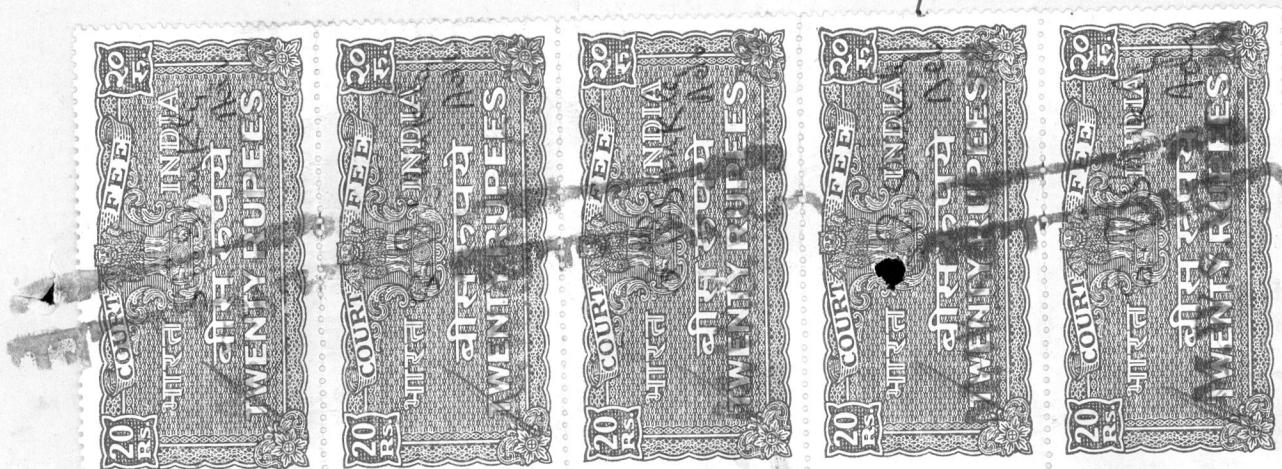
Represented by ( S. P. Shukla )  
Advocate

Consel for the petitioner

## IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. 708 OF 1983



5 sep - 81  
c  
042

Mata Prasad S/O Ram Nath R/O Village

Newada h/o Kunurukha, P.O. Kheria-

Kheria-Majhagawan District Gonda

.....Petitioner

Versus

1. Union of India through General Manager

N.E.Railway, New Delhi.

2. Divisional Mechanical Engineer, (C &amp; W)

N.E.Railway, Lucknow.

3. Shri Ajit Singh, Chief Train Examiner,

N.E.Railway, Gonda.

4. Sri S.M.Lal, Head T.X.R., N.E.R. Gonda.

....Opp. Parties.

To

*11/10/14*  
The Hon'ble Chief Justice & his companion  
Judges of the aforesaid Hon'ble Court.

*11/10/14*  
Circular stamp: COURT FEE STAMPS  
8-2-83  
High Court of Allahabad

The humble petitioner most respectfully submits

as under :-

1. That the petitioner is an unemployed young man of about 20 years of age with onerous family

Receive delicate copy  
for off. no 142.  
for Shri Comsh Chandra  
Chowdhury  
8.2.83

To be stored on  
9.2.83  
8.2.83

MEMO

Impressed  
2 w Adhesive MINT

Total

Correct but final Court-fee will be made on receipt of lower Court record.

In time up to

Papers filed. Copy of P. should also be filed

Office - Bench

Writs or mandamus  
order passed at Gauhati & Nukhbar  
affecting petitioners at Gauhati

Autmly  
8.2.83

8/2/83

responsibilities.

2. That as a sequel to the policy decision taken by the Railway administration, the opp.party no.2 by his order dated 20.4.82 appointed a large number of Ex-casual labours against the various vacancies of Khalasis, for hot-weather season 1982. A photostate copy of the said order is Annexure-1 to this humble petition.

3. That the petitioner, who had also worked as a casual labour in the past in N.E.Railway, was also appointed as such by the opp.party No.2 by Annexure-1 and the name of the petitioner appears at Srl. No.23 ( at page No.2) of the order. Besides, Annexure-1 37 persons were appointed by order dated 27.3.82 <sup>as</sup> ~~37 persons~~ and thereafter 57 persons were appointed by order dated 1.5.82. It may be submitted that as the petitioner had worked for about 200 days as Khalasi in casual labour in N.E.Railway, Jarwal Road, from time to time he was given the appointment as per Annexure No.1.

4. That the appointments of casual labours <sup>as</sup> sought to be given through Annexure-1 are quite different from the Normal Adhoc appointment, in as much as although the order on its face says that the appointments are to be made for hot-weather season 1982 and are to remain till the sanction continues, but the post of Khalasi, which is

✓/HOTEL



(12)

Hon. S. C. Maittoo S  
Hon S. S. Ahmad S

Admit.

Notice on behalf of  
opposite parties 1 and 2 has  
been accepted by learned  
Chief Standing Counsel.

Some notice to  
opposite parties 3 and 4.

of 10.2.83

285:

S. S. Ahmad

A/S  
%

offered through these appointments is neither seasonal nor is apt to continue for a shortwhile.

In fact as in the past the casual labour so appointed are regularised in the course of time without any further ado. In any case the termination of the hands so appointed through Annexure-1 is to be made on the basis of seniority as contemplated in the order itself.

5. That all the persons appointed as Khalasis through Annexure-1 are still working without any break and their services are likely to be regularised as Khalasis like others in the past. It may further be submitted that although the casual labourers (Khalasis) so appointed were given fixed amounts, but by an order passed by Railway administration, the casual labourers are now given regular scale. In any case, in view of the decision of this Hon'ble Court in Om Prakash Lal Vs. Union of India ( 1980 LLJ 28) the persons appointed by Annexure-1, having worked for more than 6 months continuously have acquired the status of temporary employees and are now entitled to the benefit of para 1401 of Railway Establishment Manual and 149 of Railway Establishment Code.

6. That on getting the information about the issue of the orders dated 20.4.82 (Annexure-1), the



(1) 16  
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petitioner alongwith his father Ram Nath (who is also a Railway Employee working as Carriage fitter in Gonda ) went to the office of the opp. party No.3 alongwith the necessary certificate and papers in support of his past experience etc. and prayed him to allow the petitioner to join his duties in compliance of the Annexure-1. The opp. Parties No. 3 and 4 who were present in the office of the opp. party no. 3 demanded a bribe of Rs. 1000/- ( Rs. 500/-for each) . As the petitioner could not pay the amount of illegal gratification demanded by opp. parties 3 and 4, they kept on avoiding the petitioner to be allowed to join his duties to avail of his appointment by Annexure-1. It may be submitted that the petitioner's mother was very seriously ill and his financial condition got worsened due to prolonged treatment. Ultimately she died on 25.5.82. Under the circumstances, the petitioner could not have been able to pay that fat amount of illegal gratification even if he wanted to.

7. That obsessed from the attitude of the opp. parties 3 and 4, the petitioner ran from pillar to post to get the justice- but of no avail. Ultimately the petitioners father wrote a complaint to opp. party no. 2 on 7.10.82 ( a copy whereof was sent to Hon'ble Railway Minister,



J. H. T. T.

the General Manager N.E.R., D.R.M. Vigilance Inspector etc.) A true copy of the said letter is Annexure-2 to this petition. But the opp. parties 3 and 4 are very influential persons and as such, while they have managed to get the complaint suppressed, they have also succeeded keeping the petitioner deprived of the fruits of Annexure-1.

8. That as a result of the petitioners inability to pay off the illegal gratification to opp. parties 3 and 4, he has been deprived of the job offered by opp. party no.2 by Annexure-1, although, the petitioner has worked for more than 200 days as casual labour in the past, although quite a number of persons mentioned in the same list i.e. Annexure-1, who have worked for only 5,10 days have been allowed to join and have been working as Khalasi for more than 6 months now; without any break. The petitioner is, otherwise, fit and entitled in every respect to join on the post of casual labour offered by Annexure-1. The petitioner has all the papers ready with him and is ready to deposit the same with the Railway officers as and when allowed to do so. It may be submitted that the work and conduct of the petitioner as casual labour has been quite satisfactory in the past and in any case, better than those who have been given the jobs in terms of Annexure-1.

JTHNAR



A.D  
X/2

9. That the petitioner respectfully submits that opp. parties 3 and 4 can not refuse to allow the petitioner to join his duties as casual labour (Khalasi) in terms of Annexure-1 issued by opp. party no. 2, on extraneous consideration like non-payment of illegal gratification to them as the petitioner is otherwise fully fit in all respects to work as Khalasi.

10. That aggrieved from the aforesaid illegal deprivation of the petitioner to join as casual labour (khalasi) in terms of Annexure-1 at the hands of opp. parties 3 and 4 and having no alternative and efficacious remedy this humble petition is being preferred on the following amongst other .

214-414



#### GROUNDS

1. Because, the petitioner is fully qualified and fit to be appointed as casual labour in N.E.R. and having been validly so appointed by Annexure-1 he is entitled to be allowed to join his duties and work as casual labour.

2. Because, the petitioner is being illegally deprived of availing of the employment afforded to him by Annexure-1 for the sheer reason that he could not pay illegal gratification to opp. parties 3 and 4.

S.B.Sunna

A 9  
A 10

3. Because the petitioner having worked for more days than other persons mentioned in Annexure-1 as casual labour in the past and being quite fit in other respect, the deprivation of the petitioner from joining his duties as casual labour in the teeth of the fact that the persons who had worked only for 5 to 10 days as casual labour in the past, violates Articles 14 and 16 of the Constitution of India, particularly when the appointment in question fairly ensures a regular appointment.

4. Because the deprivation of the petitioner to join his duties as casual labour is illegal and arbitrary being based on malafides.

#### PRAYER

Wherefore it is most respectfully prayed that this Hon'ble court may be pleased to issue a writ order or direction in the nature of manadamus commanding the opp. parties particularly opp. parties no. 3 and 4 to give effect to the appointment order in favour of the petitioner as casual labour as contained in Annexure-1 to the petition and allow him to join and perform the duties of a casual labour in terms of the appointment order. Such other writ order or direction, as is deemed fit and proper under the circumstances of the case may also kindly be issued and this writ petition may kindly be allowed with costs.

Dated : Lucknow :

1983

*S. P. Shukla*  
( S. P. Shukla )  
Advocate

Counsel for the petitioner

P.S. Certified that there is no defect in this petition, as far as I know.

*S. P. Shukla*

A-11  
8/2

4. That with regard to the contents of para 3 of the petition it is stated that an order as contained in annexure-1 to the writ petition was issued for engagement of the petitioner as casual labour at Gonda Depot subject to verification of his previous working certificate from Inspector of Works (I.O.W.) Jarwal Road and P.W.I. Gonda from 16.3.1980 to 15.9.1980 and from 16.3.1981 to 15.4.1981 as had been indicated in his original application dated Jan., 1982. In the writ petition it is stated that he had worked for 200 days at Jarwal Road which is contrary to his statement submitted at the time of his engagement in his application.

5. That in reply to the contents of para 4 of the writ petition it is stated that the order for petitioner's engagement was for hot weather season and they were likely to be discharged after expiry of sanction. There is also a policy decision to engage the casual labours who had worked in this depot for other sanction as per their seniority position.

6. That in reply to the contents of para 5 of the writ petition it is stated that the casual labours as engaged are working against different sanctions and are regularised to work as per their seniority. Regular scale has been given as per seniority after completing the prescribed period of service.

7. That in reply to the contents of para 6 of the petition it is stated that the allegations have

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no basis as the order for engagement was issued with certain instructions to allow the duty to the candidates after verification of their last working certificate and before verification of their last working certificate the question of allowing them duty was not in order and as such the petitioner was told to wait till previous working was verified. Regarding the family circumstances as averred no remarks can be offered as they are not known to the deponent. The allegations regarding demand of bribe by opposite parties No.3 and 4 are not correct hence denied.

8. That in reply to the contents of para 7 of the writ petition it is stated that on receiving the complaint as alleged in this para, the Chief Train Examiner, Gonda was asked to furnish his remarks on the subject vide this office letter No.M/Misc./1 dated 16.11.1982. Accordingly CTXR, Gonda sent his remarks vide his letter No.P/C&W/Casual Labour/1 dated 24.12.1982 stating therein that the working certificate produced by Sri Mata Prasad son of Sri Ram Nath was sent to I.O.W. Jerwal Road for verification. All the original certificates produced by the petitioner were taken away by Sri Uma Niwas Singh, Chief Vigilence Inspector, Railway Board for investigation and the same has not been returned back to the railway administration as such the order of engagement could not be implemented. The verification made from I.O.W. Jerwal Road revealed that the petitioner did not work in his unit at any time. \*

9. • That in reply to the contents of para 8 of the



petition it is stated that the details have already been given in reply to para 6 of the writ petition. It is further stated that the orders for engagement was subject to the verification of the period served by the petitioner as casual labour. It does not depend upon their working days i.e. less or more as declared by the petitioners themselves or by producing working certificate but on the verification from the superiors or controlling authority about correctness of the working certificate. The verification from I.O.W. Jerwal Road revealed that petitioner did not work in his unit.

10. That in reply to the contents of para 9 of the writ petition it is stated that the position has already been explained in preceding paragraphs of the counter affidavit.

11. That in reply to the contents of para 10 of the petition it is stated that the petitioner could not be given duty for want of verification of last working certificate which was not then received after due verification from the P.W.I. Gonda. Grounds alleged in the petition are not tenable in law as such denied. It is further, submitted that on verification it transpired that no such casual labour Mata Prasad son of Sri Ram Nath was ever employed under I.O.W. Jerwal Road during the said period. In the circumstances the statement about the working under I.O.W. Jerwal Road not having been established and the petitioner had furnished incorrect and false information, he is not entitled to be engaged as casual labour for the hot weather season.

MO



It is also submitted that the conduct of the petitioner in rushing to the court without making any representation to the higher authorities in writing and waiting for the reply thereto as well as the fact that the materials on which the engagement was being sought by the petitioner as furnished by him in his application at the time of applying for engagement, having been found incorrect on verification by the I.O.W. Jerwal Road does not entitle him to be engaged as casual labour and the writ petition is not maintainable and deserves dismissal on merits.

Lucknow:

Deponent

Dated: Jan. 31 1985

Verification

I, the above named deponent do hereby verify that the contents of paras 1 are true to my personal knowledge, those of paras 2 to 10 are based on records hence are believed by me to be true and those of para 11 are partly based on record and partly on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

Depone nt

Dated: Jan. 31 1985

I declare that I am satisfied by the perusal of the records, papers and other details of the case narrated to me by the person

alleging himself to be Sri  
Sheo Murti is that person.

C. A. Basir  
Advocate.

Solemnly affirmed before me on 31/1/85  
at 9 a.m./p.m. by the deponent  
who is identified by Sri C.A.Basir,  
Advocate, High Court, Lucknow Bench,  
Lucknow.

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

Rai. S. D.

OATH COMMISSIONER

High Court, Allahabad,

80 (Lucknow Bench)

No. ....

Date.....

31/1/85

A/16  
A/2

In the Central Administrative Tribunal, Allahabad,  
Circuit Bench, Lucknow.

T.A.No. 1125 of 1987 (T)



Mata Prasad.

-----Applicant(s)

Versus

Union of India and others.

-----Respondents

REJOINDER AFFIDAVIT.

I, Mata Prasad, aged about 25 years, son of Sri Ram Nath, resident of Village Newada h/o Kumurukha, P.O. Kheria- Kheria Majhagawan, Distt. Gonda, do hereby solemnly affirm and state on oath as under :-

*Pls T do 1  
L 1/4/40*

1. That ~~Applicant~~ the deponent is applicant himself in the above noted case, as such he is well conversant with the facts of the case stated to hereinafter.
2. That the contents of para 2 of the counter affidavit are denied.
3. That the contents of para 3 of the counter affidavit are not admitted hence denied. The averment of para 2 of the writ petition is reiterated to be correct.

*Writ Petition*

A-17

4. That the contents of para 4 of the counter affidavit are not correct hence denied. The averments of para 3 of the writ petition ~~is~~ are reiterated to be correct.

5. That the contents of para 5 of the counter affidavit are not admitted hence denied. The averments of para 4 of the writ petition are reiterated to be correct.

6. That the contents of para 6 of the counter affidavit are denied. The contents of para 5 of the writ petition are reiterated to be correct.

7. That the contents of para 7 of the counter affidavit are denied. The contents of para 6 of the writ petition are reiterated to be correct.

8. That the contents of para 8 of the counter affidavit are not correct hence denied. The averments of para 7 of the writ petition are reiterated to be correct.

9. That the contents of para 9 of the counter affidavit are denied. The petitioner is fit and entitled ~~in~~ every respect to join the post of Casual Labour. The petitioner has worked for more than 200 days as Casual Labour (Khalasi). The work and conduct of the petitioner as Casual Labour (Khalasi) has been quite satisfactory. Rest of the averments of para 8 of the writ petition are reiterated to be correct.

10. That the contents of para 10 of the counter affidavit need no reply. The averments of para 9 of the writ petition are reiterated to be correct.

*11/11/1977*

11. That the contents of para 11 of the counter affidavit are not admitted hence denied. The averments of para 10 of the writ petition are reiterated to be correct.

12. That on the basis of above paragraphs, this writ petition deserves to be allowed with costs.

Lucknow, dated,  
10.4.90

मार्च 1990  
Deponent.

Verification.

I, the deponent above named do hereby verify that the contents of paras 1 to 12 of this affidavit are true to my own knowledge and no part of it is false.

Signed and verified this 10th day of April, 1990  
at Lucknow.

मार्च 1990

Deponent.

I identify the deponent who  
has signed before me. \*

Y. Q. S. Mulla

Advocate.

No. M/M 50./1/CL

Office of the  
Div. Mgr. Manager (H)/LJN

Dt: 29/4/1982.

19  
K/20

To,

T.X.R.  
GD, GKP, MN, LHN, CPA

H.T.X.R.  
JEA & STE.

Ann-1

Sub:- Engagement of Casual Labours for hot  
weather season 1982.

Reft:- DRM(P)/LJN's memorandum No. E/111/59/  
8(CL)Dt. 7.4.82.

The under noted ex-casual labours are to be  
engaged against the sanction referred to above. They had  
earlier worked in Mechanical or in other than Mechanical  
deptt. as per their application submitted in this office.  
Before engagement you should check their original certific.  
Casual labour card etc. to ascertain the candidates being  
ex-casual labours. It will be your personal responsibility  
engage only ex-casual labour as no fresh candidate can be  
taken.

After engagement you will immediately conf  
that necessary check has been made in respect of engagement  
of candidates & date of engagement will also be intimated  
this office.

The candidate will have to sign a declarat  
before he is engaged. The proforma of the declaration is  
attached herewith. This should be kept carefully in your  
record. On expiry of the sanction they should immediately  
be discharged. While discharging the casual labour after  
expiry of any specific sanction the junior most should be  
discharged first.

Candidates for engagement under CTXR/GKP:-

S.No.	Name	Father's Name
1.	Shri Sekandar	Raj Mohd.
2.	" Deonandan	Pearay II
3.	" Dashrath Yadav	Sita Ram
4.	" Shyam Bihari Misra	Radhey Shyam Misra
5.	" Kailash	Birbal
6.	Ram Narain	Ungashik
7.	" Bali Ram	Jagdeo
8.	" Dinesh Kumar Singh Yastava	Phool Chand Srivastava
9.	" Jugul Kishore	Bedri Pd.
10.	" Ram Narain	Ram Sunder Yadav



(5) 8/21

11.	Shri Mahbood Ali	-	
12.	" Ramraj Yadav	-	
13.	" Lal Bahadur	-	
14.	" Ramesh Kumar Srivastava	B.P. Srivastava	
15.	" Chand Kaloot		
<u>Candidates for engagement under CTXR/GD</u>			
16.	" Rang Nath Tewari	Sukh Haran Nath	
17.	" Raghumandan	Ram Padarath	
18.	" Sodhan Kumar Pathak	G.N. Pathak	
19.	" Shyam Bihari	Nankoo	
20.	" Ramnivas Verma	Ramta Pd.	
21.	" Ramnivas Pandey	Munna Ram Pandey (For NNP)	
22.	" Keshyap Narain Tewari	Gopi Nath Tewari (For NNP)	
23.	" Mata Pd.	Ram Nath	
24.	" Murari Lal Tirpathi	Banwari Lal Tripathi	
25.	" Daya Nand Misra	Bajrang Balli.	
<u>Candidates for engagement under CTXR/LIN</u>			
26.	" Jag Narain	-	
27.	" Ram Surat	-	
28.	" Moharram Ali	-	
<u>Candidates for engagement under CTXR/CPA</u>			
29.	" Ram Kumar Bajpai	-	
30.	" Ramal Kishore	-	
31.	" Banshi Lal	Nankoo Ram	
<u>Candidates for engagement under CTXR/LIN</u>			
32.	" Nizamiuddin	Ibrahim	
33.	" Nasri Lal Yadav	Ghedi Lal Yadav	
34.	" Mohd. Saleem	Mohd. Ishaq	
35.	" Jai Prakash Sharma	Ram Bechain Ram	
36.	" Newal Kishore Pd. Yadav	Ram Nagina Pd. Yadav	
37.	" Rani Kishore	Ram Naresh (in place of item No 5)	



A 22 (8)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. OF 1983

A 23

Mata Prasad

....

....Petitioner

Versus

Union of India through General  
Manager N.E.Railway, New Delhi  
and others

....

...Opp.PARTIES

ANNEXURE NO. 1

No. M/Misc./1/CL

Office of the  
Divl. Rly. Manager (M)/LJN

Dt. : 20th April' 82

To ,

C.T.X.R.  
GD, GKP, MLN, LJN, GPA  
H.T.X.R.  
J.E.A. & STP

Sub :- Engagement of Casual Labours for hot weather  
season 1982.

Ref :- DRM(P)/LJN's memorandum No. E/iii/59/8(CL)Dt.  
7.4.82

  
The under noted ex. casual labours are to be engaged  
against the sanction referred to above. They had earlier  
worked in Mechanical or in other than Mechanical deptt. as  
per their application submitted in this office. Before  
engagement you should check their original certificate,

112/4  
Casual labour card etc. to ascertain the candidates being  
ex-casual labours, It will be your personnel responsibility  
engage only ex-casual labour as no fresh candidate can be  
taken.

A-23  
X/24

After engagement you will immediately conf that necessary check has been made in respect of engagement of candidates and date of engagement will also be intimated this office.

The candidate will have to sign a declarat before he is engaged. The proforma of the declaration is attached herewith. This should be kept carefully in your record. On expiry of the sanction they should immediately be discharged. While discharging the casual labours after expiry of any specific sanction the junior most should be discharged first.

Candidates for engagement under CTXR/GKP :-

<u>S.No.</u>	<u>Name</u>	<u>Father's Name</u>
1.	Shri Sekandar	Raj Mohd.
2.	" Deonandan	Pearey II
3.	" Dashrath Yadav	Sita Ram
4.	" Shyam Bihari Misra	Radhey Shyam Mishra.
5.	" Kailash	Birbal
6.	" Ran Narain	Gangadhar
7.	" Bali Ram	Jagdeo
8.	" Dinesh Kumar Srivastava	Phool Chand Srivastava
9.	" Jugul Kishore	Badri Pd.
10.	" Ram Narain	Ram Sunder Yadav
11.	" Mahboom Ali	-
12.	" Ramraj Yadav	-
13.	" Lal Bahadur	-
14.	" Ramesh Kumar Srivastava	B.P. Srivastava.
15.	" Lal Chand	Kaloot

Candidates for engagement under CTXR/GD

16.	" Rang Nath Tewari	Sukh Haran Nath
17.	" Raghunandan	Ram Padarath
18.	" Sodhan Kumar Pathak	G.N. Pathak

✓/21-11/4



<u>S.No.</u>	<u>Name</u>	<u>Father's Name</u>
19.	Shri Shyam Bihari	Nankoo
20.	" Ramniwas Verma	Kamta Pd.
21.	" Ramniwas Pandey	Munna Ram Pandey( For NNP)
22.	" Keshyap Narain Tewari	Gopi Nath Tewari(For NNP)
23.	" Mata Pd.	Ram Nath
24.	" Murari Lal Tripathi	Banwari Lal Tripathi
25.	" Daya Nand Misra	Bajrang Bali.

Candidates for engagement under CTXR/LJN

26.	" Jag Narain	-
27.	" Ram Surat	-
28.	" Moherram Ali	-

Candidates for engagement under CTXR/CPA

29.	" Ram Kumar Bajpai	-
30.	" mal Kishore	-
31.	" Banshi Lal	Nankoo Ram

Candidates for engagement under CTXR/MLN

32.	" Nizamiuddin	Ibrahim
33.	" Mesri Lal Yadav	Chhedi lal Yadav
34.	" Mohd. Saleem	Mohd. Ishaq
35.	" Jai Prakash Sharma	Ram Bechan Ram
36.	" Newal Kishore Pd. Yadav	Ram Nagina Pd. Yadav
37.	" Raj Kishore	Ram Naresh (in place of item No.25)
38.	" Dilsher	Jumman
39.	" Jhuri	Ram Nihore
40.	" Mohd. Tahir	Mohd. Sahid Khan

( Forty Names only )

The declaration is only required in respect of the candidates who have not worked previously in their depot.

Sd/- Illegible  
DA/Proforma of declaration Divisional Mech. Engineer (C & W)  
N.E.Rly. Lucknow

A. 9

11  
1/2

N.B. If any candidate does not report within 7 days after receipt of this order, a report should be made to this office to take further necessary ~~xx~~ action.

Declaration

I, hereby declare that I had worked as Casual Labour (1) Under \_\_\_\_\_ from \_\_\_\_\_ to (ii) Under \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_. If at any subsequent period it is proved that the particulars furnished by me are incorrect, the administration is at liberty to discharge me without any notice and take any action including criminal proceedings as deemed fit.

Witnesses of Signature

of LTI (from two servicing employees)

Signature

or

L . T. I.

Name :

Father's name

Address :

1. \_\_\_\_\_

2. \_\_\_\_\_



TRUE COPY

R-26 (12)

इन दि आनरेबुल हाई कोर्ट आफ जुडी केचर एट इलाहाबाद

लखानऊ बैन्च लखानऊ

रिट पिटीशन नं०

आफ 1983

माता प्रसाद

----- पिटीशनर

बनाम

यूनियन आफ इन्डिया द्वारा जनरल  
मैनेजर स्न०इ०रेलवे, नई दिल्ली आदि

----- अमोजिट प्रार्थीज

अनेकजर-2

श्रीमान डी० एम०इ० महोदय सी० एण्ड डब्लू,  
लखानऊ ।  
तेवामें,

निवेदन है कि प्रार्थी निम्नलिखित निवेदन करता है :-

1- यह है कि प्रार्थी कैरिज फिटर के पद पर सी० एण्ड डब्लू० गोण्डा  
के अधीन कार्य कर रहा है और प्रार्थी का रिटायरमेन्ट होने में डेढ़ ताल  
बाकी है ।

2- यह है कि प्रार्थी का लड़का लगभग 200 दिन कार्य रेलव्हायर निरीक्षक  
जखल रोड के अधीन खालाती के पद पर कार्य किया है ।

3- यह है कि प्रार्थी ने कई बार डी० एम०इ० साहब से कहा कि ताहब  
हमारा लड़का भाती कर दीजिये और हमको रिटायर मेन्द कर दो इस पर  
डी० एम०इ० साहब ने कहा कि प्रार्थीना पत्र दे दो मैं कैज़ुअल के पद पर भाती  
कर दूँगा ।

4- यह है कि प्रार्थी श्रीमान् डी० एम०इ० साहब को वे कायांलिय में  
प्रार्थीना पत्र दिया और कैज़ुअल लेबर के पद पर प्रार्थी का लड़का भाती हो  
गया तथा कार्य करने के लिये आदेश हो गया ।

5- यह कि प्रार्थी के लड़का का आदेश कार्य करने के लिये श्रीमान् मुख्य  
गाड़ी परीक्षक गोण्डा के कायांलिय में आदेश आया । जब मालूम हुआ तो  
प्रार्थी का गजात लेकर कायांलिय में हाजिर हुआ । गाड़ी परीक्षक श्री एस० एम०  
लाल तथा मुख्य गाड़ी परीक्षक श्री अजीत सिंह ने कहा कि आपके लड़का का

मुम्भाय



A 21

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-2-

आदेश आया है। हमारा भी हक 500/- 500/- सम्या दे दो। हम कार्य पर लगा द्वृगा पैसा न मिलने पर टाल मठोल करते रहे। तथा अमी तक कार्य पर नहीं लगाये। और न कागजात वापस किये। प्राधारी डी०स्म०३८ साहब ते दो बार मिला और डी०स्म०३८० साहब ने मुख्य गाड़ी परीक्षक श्री अजीत तिंह को आदेश दिया कि आप प्राधारी के लड़का को कार्य पर लगा दो। प्राधारी की औरत बीमारी के कारण पैसा न दे सका। तथा प्राधारी की औरत मर भी गयी।

अतः श्रीमान् जी से अनुरोध है कि प्राधारी के लड़का को कार्य पर लगाने का आदेश दिया जाय तथा कागजात दाखिल शुदा वापस करने का आदेश प्रदान करने की कृपा की जाय।

दि० ७/१०/८२

प्राधारी

राम नाथ। कैरिज फिटर।  
गोण्डा

सत्य प्रतिलिपि

रामनाथ



रामनाथ

12 (14)

X

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. OF 1983

19



Mata Prasad

...

.....Petitioner

Versus

Union of India through General  
Manager N.E. Railway, New Delhi  
and others

...

.....Opp. Parties

AFFIDAVIT

In support of writ petition under article 226 of the  
constitution of India.

*रामनाथ*

I, Ram Nath aged about 59 years son of  
Resident of Village Newada H/O Kunurukha, Post  
office Kheria-Majhagawan district Gonda do hereby  
solemnly affirm and state ~~on~~ oath as under :-

1. That the deponent is the father of the petitioner  
and thus thoroughly conversant with the facts  
stated herein after.
2. That the contents of Paragraphs 1 to 9 of the



accompanying writ petition are true to my own knowledge.

3. That Annexure Nos 1 and 2 are the ~~certified~~  
copies and they have been compared with their  
respective originals.

Dated : Lucknow

8.2.1983

*J. Nath*

Deponent

Verification

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

Dated : Lucknow:

8.2.1983

*J. Nath*

Deponent

I identify the deponent who has signed before me.

*S. P. Shukla*  
Advocate

Solemnly affirm before me on 8.2.83  
at 11.30 a.m./p.m. by the deponent *Ram Nath*.  
who is identified by Sri *S. P. Shukla* Adv.  
Advocate High Court, Lucknow.

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

*Ram Nath P. 8.2.83*  
High Court, Lucknow Bench  
50/208  
8.2.83

मातृत्व ३८८-पाटालप, लालगढ़ चौथ, लालगढ़

(17)

का वकालतनामा



मातृप्रसाद

याकाकार

विश्व

युनिसन ग्राह इंडिया व्यवस्था प्रतिपक्ष गण

प्राचिका न०

सन् १९८३

उपर लिखे मुकदमा में अपनी ओर से

श्री एस० पी० शुक्ल, एडवॉकेट, एल १११,  
अलीगौर योजना, लखनऊ, महोदय को अपना वकील नियुक्त करके  
प्रतिज्ञा देकर आरकरता हूँ और लिखे देता हूँ इस मुकदमा में वकील  
महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही  
व प्रश्नोत्तर करें या अन्य कोई कागज बांधिल करें या लौटावें या  
हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या  
सुलहनामा यां इकबाल दावा तथा अपील व निगरानी हमारी  
ओर से हमारे या अपने हस्ताक्षर से दांधिल करें और तसदीक करें  
या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी  
फैसलानी का दांधिल किया रूपया अपने या हमारे हस्ताक्षर-  
युक्त दस्तखती रसीद से लेवें या पंव नियुक्त करें - वकील महोदय  
द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी  
इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय  
पर काम आवे ।

स्वीकार है ।  
६.८.८८  
एस०पी० शुक्ल  
एडवॉकेट

हस्ताक्षर मातृप्रसाद  
साक्षी -----  
दिनांक -----

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

WIT PETITION NO. OP 1983

Mehta

→ Prasad

.....

...Petitioner

Versus

Union of India and others

...Opp. Parties

L.J.D.R.J.

Sl. No.	Particulars	No. of page
1.	Writ Petition	.....
2.	Annexure-1	.....
3.	Annexure-2	.....
4.	Affidavit to support of writ petition	.....
5.	Application for stay	.....
6.	Vakalatnama (Power)	.....

Lucknow : Dated  
1983

Represented by ( S. P. Shukla )  
Advocate

Counsel for the petitioner

C-48

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WIT PETITION NO. OF 1983

Kata Prasad S/O Ram Nath R/O Village

Newada h/o Kamruddha, P.O. Kheria-

Kheria-Majugawan District Gonda

.....Petitioner

Vergus

1. Union of India through General Manager  
N.E.Railway, New Delhi.

2. Divisional Mechanical Engineer, ( C & V )  
N.E.Railway, Lucknow.

3. Shri Ajit Singh, Chief Train Examiner,  
N.E.Railway, Gonda.

4. Sri S.M.Lal, Head Z.Z.C., N.E.R.Gonda.

....Opp.Particles.

20

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

The humble petitioner most respectfully submits  
as under :-

1. That the petitioner is an unemployed young man  
of about 20 years of age with onerous family

C-69

C-2

responsibility.

2. That as a sequel to the policy decision taken by the Railway administration, the opp.party no.2 by his order dated 20.4.82 appointed a large number of Ex-casual labourers against the various vacancies of Khasasi, for hot-weather season 1982. A photostate copy of the said order is Annexure-1 to this humble petition.

3. That the petitioner, who had also worked as a casual labour in the past in N.E.Railway, was also appointed as such by the opp.party No.2 by Annexure-1 and the name of the petitioner appears at Srl. No.23 ( at page No.2) of the order. Besides, Annexure-1 57 persons were appointed by order dated 27.3.82 ~~57 persons~~ and thereafter 57 persons were appointed by order dated 1.5.82. It may be submitted that as the petitioner had worked for about 200 days as Khasasi in casual labour in N.E.Railway, Jaywali Road, from time to time he was given the appointment as per Annexure No.1.

4. That the appointments of casual labour sought to be given through Annexure-1 are quite different from the Normal Adhoc appointment, in as much as although the order on its face says that the appointments are to be made for hot-weather season 1982 and are to remain till the sanction continues, but the post of Khasasi, which is

offered through these appointments is neither seasonal nor is apt to continue for a shortwhile. In fact as in the past the casual labour so appointed are regularised in the course of time without any further ado. In any case the termination of the hands so appointed through Annexure-1 is to be made on the basis of seniority as contemplated in the order itself.

5. That all the persons appointed as Khalasis through Annexure-1 are still working without any break and their services are likely to be regularised as Khalasis like others in the past. It may further be submitted that although the casual labourers (Khalasis) so appointed were given fixed amounts, but by an order passed by Railway administration, the casual labourers are now given regular scale. In any case, in view of the decision of this Hon'ble Court in Om Prakash Lal Vs. Union of India ( 1980 I.J. 26) the persons appointed by Annexure-1, <sup>having</sup> having worked for more than 6 months continuously have acquired the status of temporary employees and are now entitled to the benefit of para 1401 of Railway Establishment Manual and 149 of Railway Establishment Code.

6. That on getting the information about the issue of the orders dated 20.4.82 (Annexure-1), the

3. Because the petitioner having worked for more days than other persons mentioned in Annexure-1 as casual labour in the past and being quite fit in other respect, the deprivation of the petitioner from joining his duties as casual labour in the teeth of the fact that the persons who had worked only for 5 to 10 days as casual labour in the past, violates Articles 14 and 16 of the Constitution of India, particularly when the appointment in question fairly ensures a regular appointment.

4. Because the deprivation of the petitioner to join his duties as casual labour is illegal and arbitrary being based on malafides.

#### PREMIS

Wherefore it is most respectfully prayed that this Hon'ble court may be pleased to issue a writ order or direction in the nature of mandamus commanding the opp. parties particularly opp. parties no. 3 and 4 give effect to the appointment order in favour of the petitioner as casual labour as contained in Annexure-1 to the petition and allow him to join and perform the duties of a casual labour in terms of the appointment order. Such other writ order or direction, as is deemed fit and proper under the circumstances of the case may also kindly be issued and this writ petition may kindly be allowed with costs.

Dated : Lucknow :  
1983

( S. P. Shukla )  
Advocate  
Counsel for the petitioner

मन दि आगरेकू लाई लौटी आए जुहीकोहर एह जाहाजाद

ପାନ୍ତ ପ୍ରକାଶନକୁ

प्रिय प्रिटीगान नं०

375 1903

एटट इंडिया

— १८८ —

卷之三

पूर्विक जाक इनिष्टियूट द्वारा अपराध  
सेवा समाजिकरण, नई टिली आदि

— श्री राम चरितम्

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ਸੀਮਾਨ ਛੀਠ ਪਾਲਿੰਦ ਸਹੀਟਥ ਤੀਠ ਸਾਡ ਹਥੁ

NOTES

卷之三

निषेद्ध है कि इसी निष्पत्तिका निषेद्ध करता है :-

१- यह है कि द्राघी फेरिय फिटर के बदल वर ती० स्पैट इन्वै० योग्यता  
के आरीन कार्य कर रहा है और द्राघी का रिटायरमेंट होने में डेटा साल  
बाबी है ।

२- यह है फ्रांसीसी द्वारा नद्दी का नाम 200 लिं लार्ड रेलवे नियंत्रित  
जलका दोष के उपचार एवं संतुलन के पद पर वार्षिक बिंदा है।

३ यह है कि ड्राफ्टर्स ने कई बार डीएसपीआर से बहा कि ताहत द्वारा लड़ा भरती एवं दीविये और उन्हें रिटायर मेन्ट कर दो बत वर डीएसपीई ताहत ने बहा कि ड्राफ्टर्स एवं हैं दो में फ़िक्रिया के पट वर भरती एवं दुनिया ।

५० यह है जि द्राटार्फ श्रीमान् डीव्यूडॉल ताटा हो ये वार्षिक वै द्रामनियन दिया और केवल तेबर के पट पर द्राटार्फ का नाम भाती हो गया ताटा वार्ष बतने के लिये आदेश हो गया ।

५- यह कि द्रावीरों के नहका का जादेश जार्य भरने के लिये श्रीमान् शुभ याद्वी परीक्षा नामका के जायजिय में जादेश आया । यह शास्त्र द्वाजा तो द्रावीरों जागतिका लेखर जायजिय में हाजिर द्वाजा । याद्वी परीक्षा भी एक०६८० वर्ष का द्वाजा द्वाज याद्वी परीक्षा की अवीत लिंग ने लाल कि जापके नहका का

A 31  
1628 3/188

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 1628 (W) of 1983

in re

Writ Petition No. 788 of 1983



Mata Prasad

..... Applicant

Mata Prasad

in re :

....

... Petitioner

Versus

Union of India and others

.... Opp. Parties

APPLICATION FOR INTRIM RELIEF

The applicant respectfully submits as under :-

1. That the necessary facts and circumstances have been given in the writ petition filed in this Hon'ble Court on date.
2. That as would evident from the submissions contained in the writ petition, the deprivation of the petitioner from being allowed to join as casual labour under Chief Train Examiner Gonda is grossly illegal and arbitrary.

PRAYER

Wherefore it is respectfully prayed that this Hon'ble Court may be pleased to direct the Opposite Party No. 3 and 4 to allow the petitioner to join his duties on the post of and perform his duties as casual labour in the mean time, pending the final disposal of the writ petition.

An ad-intrim relief to the same effect may also kindly be granted.

Dated : Lucknow

1983

*S. B. Shrivastava*  
Advocate

Counsel for the petitioner

(12)

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

The opposite parties, 1 and 2  
may file counter affidavit  
within three weeks and  
the petitioner may thereafter  
file rejoinder affidavit  
within one week.

List thereafter for  
orders before an Hon. Single  
Judge.

GLM

28/10/283

RDG

600

In the Hon'ble High Court of  
Judicature At Allahabad <sup>13</sup> A.D.  
ब अदालत श्रीमान महोदय

## ब अदालत श्रामान्

## महादय

वार्द्ध

(महार्दि)

## प्रतिवादः

83 Bon

## त्रिकालतनामा

On Behalf of  
the Petitioners

कालतनाना  
Dish - Gond

A/3 G

1

the Petitioner Mata Basad  
123 Phagun S. ब्रह्माम

## प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०  
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

P. Sugumaran एडवोकेट  
महोदय  
Anasth Advocate अस्ट्यूल

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ दैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी और से डिगरी जारी करावें और स्पष्ट वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी और से हमारे या उपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई स्पष्ट जमा करें या हमारी या दिए (फरीवसानी) का दाखिल किया स्पष्ट उपने या हमारे हस्ताक्षर दृष्टि (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - दवील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा सर्विवार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पंशी स्वयं या विसी अपने पैरोकार को भेजता रहूगा अगर मुकद्दमा अदम पैरवी मैं एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिन्में दारी मेरी वकील पर न होगी । इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

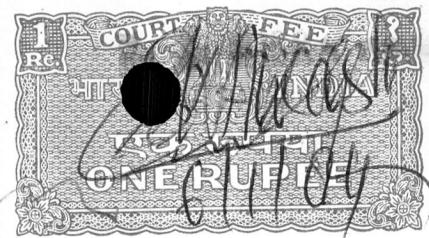
• ग्रन्थालय

हस्ताक्षर.....प्रा.ला.पृष्ठा ६

সাক্ষী (গুৱাহাটী)..... সাক্ষী (গুৱাহাটী).....

दिनांक ..... / ..... महीना

.....महीना / ८८/१९८६



## APPLICATION FOR INSPECTION

To,  
The Deputy Registrar,  
High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

Please allow inspection of the paper passed below. The application is urgent/ordinary. The applicant is not a party to the case.

Full Description of Case	Whether case pending or decided	Full particulars of papers of which inspection is required	Name of person who will inspect record	If applicant is not a party reason for inspection.	Office report and order
Matrimonial Case between ERGUS and Nitin	Pending	Full Records of the Case	SK Shastri A.O.Y. for Petitioner	Self Case	Deputy Registrar Order for Inspection 6/1/84

Date

6/1/84

Signature of applicant or his Advocate

Inspection commenced at

on

19

Inspection concluded at

Name turned up  
Inspection has not been  
made

Inspection fee paid by the applicant

Additional fee if any

6/2  
12/1/84

5  
18/3

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
W.P. No. 788 of 1983

vs.

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3	
10-2-83	Mem SCM, 7 Mem SSA, 7		
	Admit, notice on behalf of opp. parties 1 and 2		
	Issue notice to opp. parties 3 and 4	sd SCM sd SSA 10-2-83	
	CMAN NO 1628 01/83		
10-2-83	Mem SCM, 7 Mem SSA, 7		
	The opp. parties 1 and 2		
	list there after for orders before am Hm Single judge	sd SCM sd SSA 10-2-83	
	Fixed for 1 <sup>W</sup> attendance and for filing C.A in W.P.	1 <sup>W</sup> 1/1/83	
	N. 1 to O.P.		
	No. 3 and 4 by R.P.		

SP  
112 MB

7-3-83

BB



A-39

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

T.A. 1125/87

(Writ Petition No. 788/83)

Mata Prasad

...Petitioner.

versus

Union of India & others

...Respondents.

Hon. P.S. Habeeb Mohammad, Adm. Member.

Hon. J.P. Sharma, Judicial Member.

(Hon. P.S. Habeeb Mohammad, A.M.)

Writ Petition No. 788/83 filed by Mata Prasad, who was a casual labour working <sup>under</sup> in the jurisdiction of the North Eastern Railway, Gonda against the vacancy of Khalasi, in the High Court of Judicature at Allahabad, stood transferred to the Central Administrative Tribunal under section 29 of the Administrative Tribunals Act, 1985 and has been re-numbered as T.A. No. 1125/87. The statement made in the petition is that he had worked for a period of 200 days as a casual labour in the Railways. The railway authorities had issued an order about engagement of casual labour for the hot weather season of 1982 vide letter No. M/Misc./1/CL dated April 20, 1982 (Annexure-1) in which he was serial No. 23. He was not given any engagement. There was a stipulation in the letter that the candidate would have to sign a declaration before he was engaged but the application given by the petitioner has stated before the railway authorities that he had earlier worked in the mechanical or division other than mechanical for earlier periods. The prayer of the petitioner is that an order or direction may be issued to the opposite parties Nos. 3 & 4 to give

A - NO  
B

effect to the appointment order in favour of the petitioner as casual labour as per orders contained in Annexure- 1 to the petition and allow him to join and perform the duties of casual labour in terms of the appointment order. There is also a prayer for the issue of the other order or direction as are deemed fit and proper under the circumstance of the case.

2. As per the details mentioned in the petition, the petitioner had given to the office of the opposite party No. 3 the necessary certificates and papers in support of his experience and had requested him to allow him to join his duties in compliance with the orders contained in Annexure- 1. There is an allegation in the petition that the opposite parties 3 and 4 Shri. Ajit Singh, Chief Trains Examiner, N.E. Railway, Gonda and Shri. Lal, Head TXR, N.E. Railway, Gonda demanded a bribe from him but the petitioner not being in position to oblige, the respondents 3 and 4 did not give the order of engagement whereas a number of persons mentioned in the Annexure- 1 who had worked for much shorter period than the petitioner, were getting the order or engagement.

3. The respondents, on the other hand have taken the stand that casual labour were engaged for the hot weather season, 1982; they were engaged on terms and conditions as embodied in Annexure- 1 but the engagement <sup>of the petition</sup> was subject to the verification of previous working under the jurisdiction of the Inspector of works, Jarwal Road and P.W.I Gonda for the period from 16.3.80 to 15.9.80 and from 16.3.81 to 15.4.81 as indicated in the original Application before the Railway Authorities dated January, 1982. The respondents point out that there is a discrepancy between the total period he claims to have worked for, as per his application before the authorities, and the period of 200 days at Jarwal Road as mentioned by him in the Writ Petition. The allegation of the demand of bribe by the opposite parties 3 and 4 are denied in the counter affidavit filed by respondents No. 1 and 2 and no separate counter affidavits have been filed <sup>p</sup> by respondents 3&4. As regards the verification, subject <sup>to</sup> which the

A-41  
P.W.

engagement of the petitioner was to be done it stated as follows:

"All the original certificates produced by the petitioner were taken away by Shri Uma Niwas Singh, Chief Vigilance Inspector, Railway Board for investigation and the same has not been returned back to the railway administration as such the order of engagement could not be implemented. The verification made from I.O.W. Jarwas Road revealed that the petitioner did not work in his unit at any time."

The case of the petitioner, that he had worked for 200 days,

✓ is contested, to this extent by the respondents.

4. During the arguments of the case the learned counsel for the applicant emphasized the point that the applicant had worked for more than 200 days as casual labour and that his work was satisfactory. The learned counsel for the respondent argued the case on the lines indicated in the counter affidavit.

*and arguments*

After perusal of the documents the averments on behalf of the parties, we find that in the absence of the work card or other documents we are not in a position to arrive at a finding on the number of days the petitioner had worked as casual labour. However, we took note of the statements made in the petition to the effect that the petitioner had all the papers ready with him and was prepared to deposit the same with the railway offices as and when allowed to do so. We also noted that the original certificates produced by the petitioner for the purpose of verification before the railway authorities in terms of Annexure-1 were taken away by the Chief Vigilance Inspector of the Railway Board and the same had not been returned to the respondent by the Vigilance organisation. Obviously, the statements made by the respondents in the counter affidavit that the verification made by the IOW Jarwal Road that the petitioner did not work in his unit at any time must have been on the basis of information which is unrelated to the original certificates which was taken away by the Chief Vigilance

(P.W.)

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A/17

Inspector. Therefore, the case of the applicant must be scrutinized, <sup>1st</sup> ~~by~~ <sup>After</sup> the respondents with reference to the documents, either by getting them back from the railway Vigilance Inspector or with reference to the documents which are in the possession of the petitioner. The respondents must determine the period of working of the petitioner as casual labour and thereafter take a decision about his engagement as casual labour in terms of the orders issued vide <sup>but in the given present available vacancies</sup> Annexure-1. An objective scrutiny must be held and after verification of the details, the engagement, in terms of <sup>subject to above directions</sup> the orders already issued vide Annexure-1, may be given to the applicant. The respondents are directed accordingly. The orders should be implemented within a period of two months <sup>or</sup> ~~from~~ the date of receipt of this order. There will be no order as to costs.

JUDL. MEMBER.

PJH 12/4/1990  
ADM. MEMBER

Dated the 12 April, 1990.