

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA No. 1125/87

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

NAME OF THE PARTIES Mata Prasad Applicant

Versus

U.O.I. Sec. Respondent

Part A.

| Sl.No. | Description of documents | Page |
|--------|--------------------------------|------------|
| 1 | Index sheet | A1 A2 |
| 2 | Order sheet | A3 |
| 3 | Writ Petition / Annexure | A4 to A28 |
| 4 | Affidavit | A29 to A30 |
| 5 | Power | A31 |
| 6 | Application for Interim Relief | A32 |
| 7 | High Court Notices | A33 to A34 |
| 8 | Application dt. 10/2/83 | A35 to A36 |
| 9 | Valuation | A37 |
| 10 | Inspection Appli. | A38 |
| 11 | High Court order sheet | A39 |
| 12 | Adjudgment order dt. 12-4-90 | A40 to A43 |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 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
Checked Dated 12.12.11. without Batta

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

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

INDEX SHEETCAUSE TITLE T.A. 1125 of 1987W.P. No 780 / 1983

NAME OF THE PARTIES _____

Mats prasad Applicant

Versus

Union of India & others RespondentPart A, B & C

| Sl. No. | Description of documents | PAGE |
|---------|--------------------------------|---------------------------|
| | <u>A-file</u> | <u>A-1, 2</u> |
| 1- | Order sheet | <u>A-3 to A-9, 34, 35</u> |
| 2- | Writ Petition | <u>A-10 to A-15</u> |
| 3- | Counter affidavit | <u>A-16 to A-18</u> |
| 4- | Reproducers | <u>A-19 to 21</u> |
| 5- | Misc Paper | <u>A-22 to A-27</u> |
| 6- | Annexure | <u>A-28 to 29</u> |
| 7- | Affidavit | <u>A-30, 36, 37</u> |
| 8- | Power | <u>A-31</u> |
| 9- | Application for interim Relief | <u>A-32 to A-33</u> |
| 10- | Application | <u>A-38</u> |
| 11- | Order sheet | <u>A-39 to A-42</u> |
| 12- | Judgement | <u>B-43 to B-49</u> |
| | <u>B-file</u> | <u>B-50 to B-55</u> |
| 13- | Writ petition | <u>B-56-57</u> |
| 14- | Annexure | <u>B-58</u> |
| 15- | Affidavit | <u>B-59 to 64</u> |
| 16- | Interim Relief | <u>B-65 to B-67</u> |
| 17- | Counter affidavit | <u>C-68 to C-73</u> |
| 17- | Reproducer affidavit | |
| | <u>C file</u> | <u>C-74 to C-78</u> |
| 18- | Writ petition | <u>C-79 to</u> |
| 19- | Annexure | <u>C-79 to C-81</u> |
| 20- | Misc | <u>C-82 to 83</u> |
| 21- | Power | |

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.: 7807 of 1903

CERTIFICATE

Certified that no further action is required to 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

1125/107/12

A-1

7 $\frac{2}{9}$

No salary - Acl to 9.4.90
Applicant is present.

4

9/4/90

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

SB
RA
Notified
S.F.O.

Put up for decision

J.M.

A.M.

Sd.

12-4-90

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

Arguments heard.
Orders reserved. Put up
for decision 12/4/90.

J.M.

A.M.

A. ①
12-4-90
Notified
S.F.O.
G.P. Party
March
19.4.90
as
Appointed
by
Ludlow.

| 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. Nalk, v.c. Hon. K. J. Raman, A.M.</p> <p>No one is present for the applicant. The paisakar, Sri S.R.S. Chaudhary, 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 for the day. As a matter of extra precaution notices be reissued to the applicant as well as his counsel and list for appearance and orders on 1.1.90.</p> <p><i>KJR</i> A.M.</p> <p><i>VR</i> V.C.</p> | <p>OR</p> <p>This case has been recd. on 29.04. from CAT, Allah.</p> <p>Case is admitted CA/QA, not filed. Date was, was fixed from CAT, Allah. etc is attached.</p> <p>Submitted for code by</p> <p>on recte co. jussif 29/12/89</p> <p>OR</p> <p>Notices were issued on 20.12.89.</p> <p>No undelivered left over has been returned.</p> <p>Submitted for order</p> <p>by 29/12/89</p> |
| 1/1/90. | <p>Hon. Justice K. Nalk, v.c. Hon. K. Obayya, A.M.</p> <p>Vakalatnama of Sri A.N. Verma on behalf of opposite parties 1 & 2 has been filed. Applicant, Mata Prasad is present in person. Notices were sent by registered post to opposite parties 3 & 4 but none of them is present. It is presumed served. the opposite parties' Counsel 1 & 2 files counter-claims 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><i>Am</i></p> <p><i>VC</i></p> | <p>OR</p> <p>Notices were issued on 20.12.89.</p> <p>No undelivered left over has been returned.</p> <p>Submitted for order</p> <p>by 29/12/89</p> |

Group

1163

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. 700 OF 1983

2780
✓ Mata

~~Ram~~ Prasad

.....

...Petitioner

Versus

Union of India and others

...Opp. Parties

I N D E X

| <u>Sl No.</u> | <u>Particulars</u> | <u>No. of page</u> |
|-------------------|--|--------------------|
| 1. | Writ Petition | 1 to 7 |
| 2. | Annexure-1 | 8 to 10 |
| 3. | Annexure-2 | 12 to 13 |
| 4. | Affidavit to support of writ petition | 14 to 15 |
| 5. | Application for stay | 15 |
| 6. | Vakalatnama (Power) | 17 |

.....
Lucknow : Dated

February 8th 1983

10

Represented by

S. P. Shukla)
Advocate

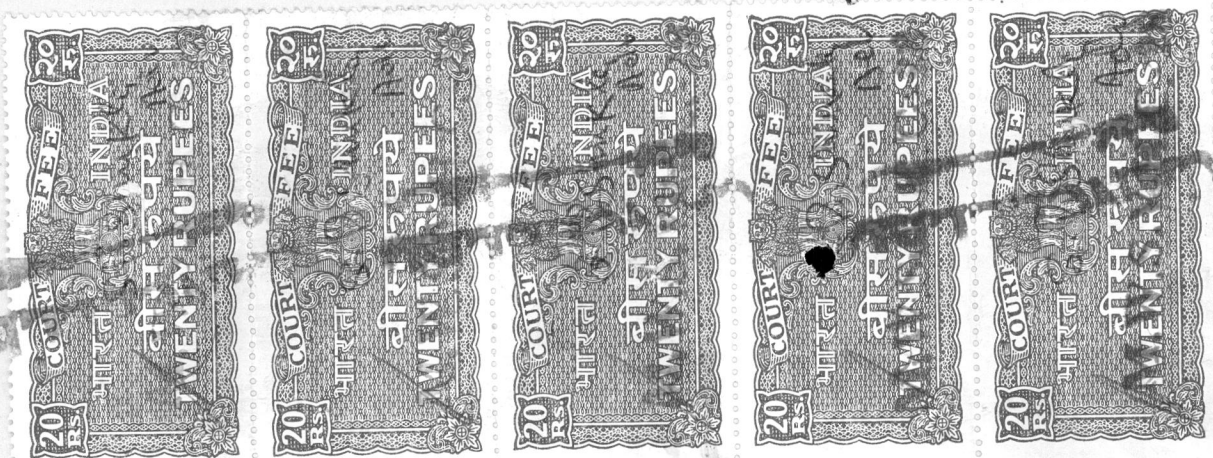
Consel for the petitioner

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO.

788 OF 1983

50/- 2/10/83
2/10/83

Mata Prasad S/O Ram Nath R/O Village

Newada h/o Kumurukha, 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 & 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

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

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will be made on receipt of lower

Court record.

In time up to

Papers filed. Copy of P

Should also be filed

File - Bench

corrected mandamus

order passed at 900 ~~to~~ ⁱⁿ ~~the~~ ^{the} ~~case~~ ^{case}

affecting persons at 900

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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 ~~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 ^usaught 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

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(12)

Hon. S. C. Mathur 5
Hon S. C. Ahmad. 5

Admit.

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

Issue notice to
opposite parties 3 and 4.

Segal

Of 10.2.83

RS:

A-5
x/b

offered through these appointments is neither seasonal nor is ^{it} 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} ~~barely~~ 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 Mannual 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

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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,

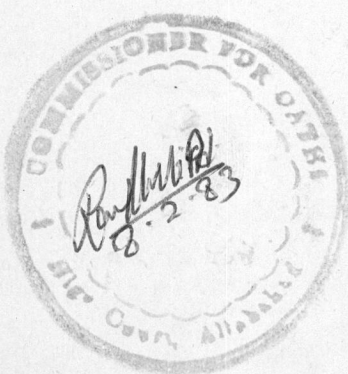
रामनाथ



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 other those who have been given the jobs in terms of Annexure-1.

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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 .



214-114

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.P. S. Mune

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 mandamus 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

Counsel for the petitioner

(S. P. Shukla)
Advocate

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 avered 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 CTRX, 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 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. 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

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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 preceeding 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.



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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. 31st 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:

Deponent

Dated: Jan. 31st 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

A-15
A/16

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: *[Signature]*

OATH COMMISSIONER
High Court, Allahbad,
80 (Lucknow Bench)

No

Date

31/1/85

A-16
4/7

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 :-

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.

मता प्रसाद

P.T. 10/4/90

A-17

4/8

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.

A-18

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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

मोता प्रसाद
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.

मोता प्रसाद

Deponent.

I identify the deponent who
has signed before me. ■

G. D. S. Mule
Advocate.

Office of the,
Divl. Mgr. Manager (H)/LJN
Dt: 24 April '82.

No. M/M.sc./1/CL

To,

H.T.X.R.
CD, GKP, MIN, LJN, CPA
H.T.X.R.
JEA & STP.

Ann-1

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

Ref:- 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 certificate 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.

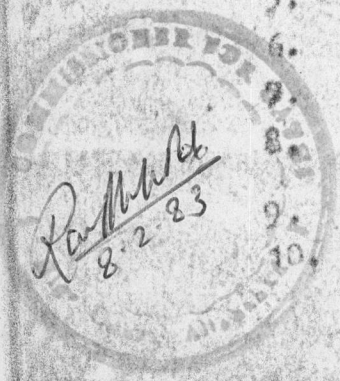
After engagement you will immediately confirm that necessary check has been made in respect of engagement of candidates & date of engagement will also be intimated this office.

The candidate will have to sign a declaration 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 GTXR/GKP:-

| S.No. | Name | Father's Name |
|-------|------------------------------|------------------------|
| 1. | Shri Sekandar | Raj Mohd. |
| 2. | " Devarandan | Pearey II |
| 3. | " Dashrath Yadav | Sita Ram |
| 4. | " Shyam Bihari Mishra | Radhey Shyam Mishra. |
| 5. | " Kailash | Birbel |
| 6. | " Ram Narain | Gangeshwar |
| 7. | " Bali Ram | Jagdeo |
| 8. | " Dinesh Kumar Singh Vastava | Phool Chand Srivastava |
| 9. | " Jugul Kishore | Bedri Pd. |
| 10. | " Ram Narain | Ram Sunder Yadav |

...12



8-20 (9)
8/2

- | | | |
|-----|---------------------------|------------------|
| 11. | Shri Mahboob Ali | - |
| 12. | " Ramraj Yadav | 4 |
| 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 |
| 19. | " Shyam Bihari | Nankoo |
| x20. | " Ramnivas Verma | Ramta Pd. |
| x21. | " Ramnivas Pandey | Munna Ram Pandey (For NNP) |
| 22. | 2. Keshyap Narain Tewari | Gopi Nath Tewari (For NNP) |
| x23. | " Mata Pd. | Ram Nath |
| 24. | " Murari Lal Tirpathi | Banwari Lal Tirpathi |
| 25. | " Daya Nand Misra | Bajrang Bali. |

Candidates for engagement under CTXR/LIN

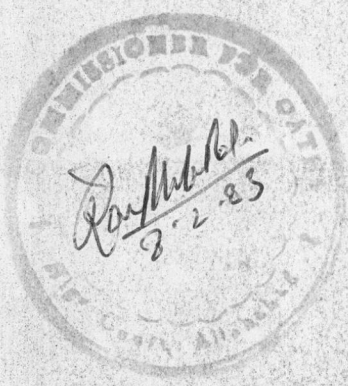
- | | | |
|-----|----------------|---|
| 26. | " Jag Narain | - |
| 27. | " Ram Surat | - |
| 28. | " Moharram Ali | - |

Candidates for engagement under CTXR/CPA

- | | | |
|-----|--------------------|------------|
| 29. | " Ram Kumar Bajpai | - |
| 30. | " Mal Kishore | - |
| 31. | " Bansi Lal | Nankoo Ram |

Candidates for engagement under CTXR/LIN

- | | | |
|-----|---------------------------|-------------------------------------|
| 32. | " Nizamiuddin | Ibrahim |
| 33. | " Mesri Lal Yadav | Chhedilal 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 Narash (in place of item No 25) |



A-22 (8)

IN THE HONBLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. OF 1983

A/27

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, G.P.A
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, Casual labour card etc. to ascertain the candidates being ex-casual labours, It will be your personel responsibility engage only ex-casual labour as no fresh candidate can be taken.



114/14

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 CTR/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. | " Ram Narain | Gangadhar |
| 7. | " Bali Ram | Jagdeo |
| 8. | " Dinesh Kumar Sriva- stava | Phool Chand Srivastava |
| 9. | " Jugul Kishore | Badri Pd. |
| 10. | " Ram Narain | Ram Sunder Yadav |
| 11. | " Mahboom Ali | - |
| 12. | " Ramraj Yadav | 3/4 |
| 13. | " Lal Bahadur | - |
| 14. | " Ramesh Kumar Sriva- stava | B.P.Srivastava. |
| 15. | " Lal Chand | Kaloot |

Candidates for engagement under CTR/GD

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



7/2/14

| <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 CTR/LJN

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

Candidates for engagement under CTR/CPA

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

Candidates for engagement under CTR/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.

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



1/2/14

A-25 (11)
K/20

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



इन दि आनरेबल हाई कोर्ट आफ जुडीकेचर एट इलाहाबाद

लखानउ बेन्च लखानउ

रिट पिटीशन नं०

आफ 1983

माता प्रसाद

----- पिटीशनर

बनाम

यूनियन आफ इन्डिया द्वारा जनरल
मैनेजर एन०ई०रेलवे, नई दिल्ली आदि

----- अगोजिट पार्टीज

अनेकजर-2

श्रीमान डी० एम०ई० महोदय सी० एण्ड डब्लू,
लखानउ ।

सेवामें,

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 साल बाकी है ।

2- यह है कि प्रार्थी का लड़का लगभग 200 दिन कार्य रेलपथा निरीक्षक जसवल रोड के अधीन खालासी के पद पर कार्य किया है ।

3- यह है कि प्रार्थी ने कई बार डी०एम०ई० साहब से कहा कि साहब हमारा लड़का भाती कर दीजिये और हमको रिटायर मेन्ट कर दो इस पर डी०एम०ई० साहब ने कहा कि प्रार्थीना पत्र दे दो मैं कैजुअल के पद पर भाती कर दूंगा ।

4- यह है कि प्रार्थी श्रीमान् डी०एम०ई० साहब को वे कार्यालय में प्रार्थीनापत्र दिया और कैजुअल 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 कार्यालय में आदेश आया । जब मालूम हुआ तो प्रार्थी कागजात लेकर कार्यालय में हाजिर हुआ । गाड़ी परीक्षक श्री एस०एम० लाल तथा मुख्य गाड़ी परीक्षक श्री अजीत सिंह ने कहा कि आपके लड़का का

सामनाय



आदेश आया है । हमारा भी हक 500/- 500/- समया दे दो । हम कार्य पर लगा देंगा पैसा न मिलने पर टाल मटोल करते रहे । तथा अभी तक कार्य पर नहीं लगाये । और न कागजात वापस किये । प्रार्थी डी०एम० ई साहब से दो बार मिला और डी०एम०ई० साहब ने मुख्य गाड़ी परीक्षक श्री अजीत सिंह को आदेश दिया कि आप प्रार्थी के लड़का को कार्य पर लगा दो । प्रार्थी की औरत बीमारी के कारण पैसा न दे सका । तथा प्रार्थी की औरत मर भी गयी ।

अतः श्रीमान् जी से अनुरोध है कि प्रार्थी 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 7/10/82

प्रार्थी

राम नाथ। कैरिज फिटर।
गोण्डा

सत्य प्रतिलिपि



रामनाथ

A-28 (14)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. OF 1983

A/29



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.

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 ~~an~~ 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



A-29 (15)

accompanying writ petition are true to my own knowledge.

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

Dated : Lucknow

8.2.1983

रामनाथ

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 nothin material has been concealed, so help me God.

Dated : Lucknow :

8.2.1983

रामनाथ

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.

रामनाथ
High Court, Lucknow Bench

50/208

8.2.83



याचिका का वकालतनामा



माता प्रसाद

याचिकाकार

विरुद्ध

यूनि यून प्रोफ इंडिया व अन्य प्रतिपक्षी गण

याचिका नं०

सन् 1983

उपर लिखे मुकदमा में अपनी ओर से

श्री एस० पी० शाकल, एडवोकेट, एल 1/91,

अलीगंज योजना; लखनऊ, महोदय को अपना वकील नियुक्त करके प्रतिज्ञा ॥इंकरार॥ करता 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 दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी ॥परीकसानी॥ का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त ॥दस्तखती॥ रसीद से लेवें या पं० 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 ।

S.B. Sharma
॥एस०पी०शाकल॥
एडवोकेट

हस्ताक्षर माता प्रसाद

साक्षी

दिनांक

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. OF 1983

Mata

~~Shri~~ Prasad

.....

...Petitioner

Versus

Union of India and others

...Opp. Parties

I_N_D_E_X

| <u>Sl. No.</u> | <u>Particulars</u> | <u>No. of page</u> |
|----------------|---------------------------------------|--------------------|
| 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-68

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO.

OF 1983

Kata Prasad S/O Ram Nath R/O Village

Newada h/o Kamrukhya, 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 & 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

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

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 photostatic 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} ~~37 persons~~ and thereafter 57 persons were appointed by order dated 1.3.82. 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 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

offered through these appointments is neither seasonal nor is apt to continue for a short while. 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 11J 28) the persons appointed by Annexure-1, ^{having} 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

- C-73
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 mandamus 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)
Advocate

Counsel for the petitioner

इन दि आनरेबल हाई कोर्ट ऑफ बुकींग्स एंड क्लॉकवाट

महानुब वेम्ब महानुब

रिट विहीन नं०

आफ 1983

माता पुताद

-----विहीन

काम

मुनिमन आफ डनिष्वा द्वारा कसरत

मेजर एम०ई०रेलवे, नई दिल्ली आदि

-----आवेदित पार्टीज

अवेदित-2

श्रीमान डी० एम०ई० महोदय ती० एम्ह डम्पू,

महानुब ।

तेजामें,

मिलेदन हे कि मुाणी निम्नलिखित मिलेदन करता हे :-

- 1- यह हे कि मुाणी केरिज फिलर के पद पर ती० एम्ह डम्पू मोरजा के अधीन कार्य कर रहा हे और मुाणी का रिटायरमेन्ट होने में षेड ताल बाकी हे ।
- 2- यह हे कि मुाणी का लहुका लगभग 200 दिन कार्य रोकवा निरीक्षक जेका रोड के अधीन आताती के पद पर कार्य किया हे ।
- 3- यह हे कि मुाणी ने कई बार डी०एम०ई०ताहब से कहा कि ताहब हमारा लहुका भातीं कर दीजिये और हमको रिटायर मेन्ट कर दो इस पर डी०एम०ई० ताहब ने कहा कि मुाणी पत्र दे दो मैं डेकुल के पद पर भातीं कर दूंगा ।
- 4- यह हे कि मुाणी श्रीमान डी०एम०ई० ताहब को से कार्यालय में मुाणीनाचन दिया और डेकुल लेबर के पद पर मुाणी का लहुका भातीं को मथा लप्ता कार्य करने के लिये आदेश हो गया ।
- 5- यह कि मुाणी के लहुका का आदेश कार्य करने के लिये श्रीमान मुख्त माड़ी परीक्षक मोरजा के कार्यालय में आदेश आया । जब मामूम हुआ तो मुाणी कामजात लेकर कार्यालय में हाजिर हुआ । माड़ी परीक्षक श्री एत०एम० लाल तप्ता मुख्त माड़ी परीक्षक श्री अजीत सिंह ने कहा कि आपके लहुका का

A-31 (16)

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. 708 of 1983



Mata Prasad

.....
in re :

..... Applicant

Mata Prasad

.....

...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

S. P. Sharma
Advocate

Counsel for the petitioner

1983

(12)

Hon. S.C. Maitra, J.
Hon. S.S. Ahmad, J.

The opposite parties may file counter affidavit within three weeks and the petitioners may thereafter file rejoinder affidavit within one week.

List thereafter for orders before an Hon. Single Judge.

E. M. L.

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R. S.

In the Hon^{ble} High Court of Judicature At Allahabad Lko A-138

व अदालत श्रीमान

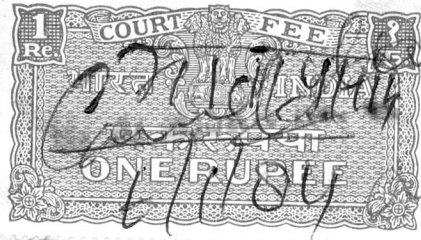
महोदय

वादी

(मुद्दे)

Writ Petition No 788/83 Bench Lko

प्रतिवादी



वकालतनामा

Distt - Gonda

On Behalf of the Petitioner

Mata Basant

वादी (मुद्दे)

Union of India

बनाम

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

H. Sargya Kumari

एडवोकेट

महोदय

Anasth Advocate वकील

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

समनाम

हस्ताक्षर.....

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक.....महीना

6 / 8 / 1984



APPLICATION FOR INSPECTION

2/56

Urgent

A-37

6/11/04

1/3

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 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 |
|---|---------------------------------|---|--|--|---|
| Wait Petition No 788/03 Mata Prasad vs. Union of India Petitioner Respondent | Pending | Full Records of the Case | SK Anantha Acharya for Petitioner | Self use. | Office Report Order for Inspection Deputy Registrar Date |

Date

6/11/04

Signature of applicant or his Advocate

SK Anantha Acharya
6/11/04

Inspection commenced at

on

19

Inspection concluded at

Inspection fee paid by the applicant

Additional fee if any

Name of person who made inspection has not been made.
13/11/04

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17-30

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 off- parties 1 and 2 | |
| | Issue notice to off- parties 3 and 4. | |
| | sd SCM sd SSA. 10-2-83 | |
| | C.M. No 1626 @ 83 | |
| 10-2-83 | Mem SCM, 7 Mem SSA, 7 | |
| | The off- parties 1 and 2 | |
| | List them after for orders before an Hon Single judge | |
| | sd SCM sd SSA. 10-2-83 | |
| | 18-4-83 | |
| | Fixed for 1st attendance and for filing C.A in W.P. | |
| | N. 1 to O.P. | |
| | No. 3 and 4 by R.P. | |

SP

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7-3-83

17/12/83

A-387

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

A/10

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 ^{under} 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 statment 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 machanical or division other than machnical 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

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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 circumstances 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 ^{of the petitioner} was subject to the verification of ^{his} 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 ^{to} by respondents 3&4. As regards the verification, subject ^{to} which the

A-41

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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,

✓ ~~it~~ 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.

After perusal of the documents ^{and arguments} 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 respondents 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 ^{were} taken away by the Chief Vigilance ^{by}

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A-42 4/47

Inspector. Therefore, the case of the applicant must be scrutinized ^{Ld} ^{by} after 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 Annexure-1. ^{but no one given present available vacancies} An objective scrutiny must be held and after verification of the details, the engagement, in terms of the orders already issued vide Annexure-1, ^{subject to above directions} may be given to the applicant. The respondents are directed accordingly. The orders should be implemented within a period of two months ^{or from} the date of receipt of this order. ~~There will be no~~ order as to costs.

J. J. J.

JUDL. MEMBER.

P. J. J.
12/4/1990
ADM. MEMBER.

Dated the 12 April, 1990.