

A
2

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

Chandra Deo Singh

O.A./T.A./R.A./C.C.P./No.

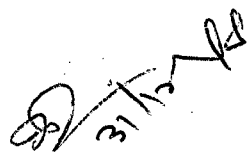
1155/87
19


vs

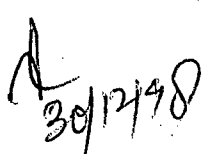
C.O.1

PART - I

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| 2. | Order Sheet | :- 2 to 4 |
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| 4. | Judgement | :- 5 to 9 |
| 5. | S.L.P. | :- NIL |

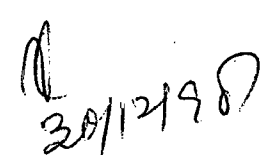

Dy. Registrar


Supervising Officer


Dealing Clerk


Note :- If any original document is on record - Details.

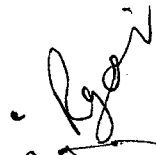
- 1 - Index sheets A1 to A2 NIL
- 2 - H.C. order sheet A3 -
- 3 - CAT order sheets A4 to A6
- 4 - Judgement order dt 28-1-92. A7 to A11
- 5 - writ petition/Annexure A12 to A38
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- 8 - Power A113 to A115
- 9 - Notices/~~C.A. 193~~ A116 to A117


Dealing Clerk

File B/C destroyed
on 9-5-12.

V.K. Mishra


21-3-12


S.O.

ANNEXURE -A

CAT

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

INDEX SHEET

T.A. NO. 1155/87

W.P. 2428/83

CAUSE TITLE T.A. 1155 of 1987

NAME OF THE PARTIES

Chandra Deo Singh

Applicant

Versus

Union of India & Others

Respondent

Part A, B & C

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1-	Order - Stays	A1 - A4
2-	Judgment Dt. 28.01.92	A5 - A9
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		C. 214 - C. 221

Chandra Deo Singh

25/02/92

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

2420

of 1983

vs.

Dated of
which
case is
adjourned

Date

Note of progress of proceedings and routine orders

1

2

3

5-5-83

Hon. U.S.J.

Hon. K.N. Gopal, J.

Admit.

Notice has been taken by
the Standing Counsel for ---
--- weeks thereafter

for

for

SR

TA no. 1135 of 1987
C.D. Singh vs. UOS

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

9-11-89 Hon. Mr. D. K. Agrawal - JM
Hon. Mr. K. Obayya - AM

This case has been received on transfer. Notices were issued to the parties by the office at Allahabad. None present for the parties let notice be issued again to the parties. List this case for orders on 01/2/90.

OK
This was no 24 received a transfer from Lucknow to Allahabad. On the date of transfer the case was admitted CA/R not filed. Transf. notices issued by Allahabad office but neither any reply nor any undertaking was received by Allahabad. Submitted for order.

AM JM

1/2/90

Hon. Justice K. Prath, VC
Hon. K. J. Ramani, AM
Sd/- B. C. Sengupta for the applicant.
No one is present for the opposite parties. List for ex parte hearing on 26/3/90.

OR
a
on Notice issued No 24d been S.F.

26-3-90 No sitting Adj. to 8-10-90. Reply filed & CM Am. No 193/90(L).
h
26/3/90

Dinesh

8-10-90 No sitting Adj. to 6-11-90

17-12-90 No sitting Adj. to 20-2-91.

2-4-91 No sitting Adj. to 9-5-91.

ORDER SHEET

A/S

A4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

(4)

1155 No. OF 1982 J

e D. Singh Vs. b-o-i

Sl.No.	Date	Office Report	Orders
		<u>28.11-91</u>	No Singp off n 28.1.92 a

Recd Copy for of no 1 to 3

Chandra

4.5.83 AS

for Union Chandra
AS

One record AS —
Two adhesive AS —
Total 100/-

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

In time up to

Papers filed. Copy of ~~it~~

~~will also be filed~~

Copy - Bero

Dept of Mandamus

Submis
4.5.83

Har. U.C. Sonabhai
Har. V.M. Kojast.

Admit

Notice has been taken by
the standing counsel for M.E.
Railways on behalf of opposite
party who may file counter
claim within two weeks after
within two weeks after.

5-5-83

15

15/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - ALLAHABAD
BENCH LUCKNOW

(5)

Transfer Application No. 1155 of 1987.

Shri C.D. Singh..... Applicant.

Versus

Union of India and others..... Opp. Parties.

Hon'ble Mr. Justice U.C. Srivastava -(V.C.)

Hon'ble Mr. A.B. Gorthi -(Member -A).

(By Hon'ble Mr. Justice U.C. Srivastava -V.C.)

The applicant ~~who~~ is said to be a Casual Labour who has not been regularised and continuous^{was} to be in service Railway Administrative Department as skilled Casual labour. In this transferred case it is prayed that a mandamus be issued to opposite parties to decide the applicant's representations seeking consideration of his case for 25% reserved quota for departmental candidates and pass the necessary orders for regularisation of the applicant against said quota.

The applicant's grievance is that by reason of fulfilling the academic qualifications, ^{he} is entitled to have his claim^k be considered for regularisation against 25% vacancies reserved^{for} departmental candidate^{and} ~~in~~ non consideration of his case, is clearly arbitrary and capricious; that he had a preferential right for being considered for regularisation against the said quota in comparison to Satya Narain Sharma, who has been regularised ~~by~~ in violation of the provisions of article 14 and 16 of the Constitution of India, and further he has fulfilled the requisite qualifications, non-inclusion of his name in the list of candidates sent to the Railway Board in response to its' communication dated 8.12.82 is wholly arbitrary and capricious and results in denial to the applicant of

Contd. 2

6

his legal right. The applicant entered as work Mistry on daily wages at the ^{rate} of Rs. 13/- per day as sanctioned by the office of the Chief Engineer construction. From the facts as stated by the respondent, it appears that the applicant worked as Casual Mistry between 25.7.74 to 15.6.75 as Casual Work Mistri and from 16.6.75 to 15.8.75 as Casual skilled labour and in between the period 16.8.75 to 29.11.75 he was not in the employment. Between 30.11.75 to 25.7.84 he worked as Casual ~~sk~~ skilled labour and from 26.7.84 to the date worked as Casual ~~sk~~ highly skilled/ Temporary Status ^{except} work Mistri. Thus/for a brief period of three months the applicant continuous^{ed} to remain in service from the month of July 1974 upto this date.

Grievance of the applicant is that one Satya Narain Sharma in accordance with the respondent no longer in service was appointed as Casual work Mistri at the rate of Rs.13/- per day and posted to work under the Asstt. Engineer BG/Gonda ~~sk~~ (W) vide office order dated 24.5.75, his services were terminated on 15.11.1977 and he remained out of service till November, 1980, when the petitioner was still continue^d in service yet the Railway Board vide his letter dated 19.9.79 which was in response to same letter of General Manager Gorakhpur for the absorption of one Sri Indra Deo Pandey who had indicted Casual Labour from both open line as well as on the projects who are working in skilled categories which ^{are} eligible for a regularisation against 25% vacancies reserved for departmental promotion. The Board directed that suitable action for

regularisation of service of the said Sri Indra Deo Pandey may be taken. Thereafter a circular was issued by the Chief Engineer dated 18.4.80 directing all the Executive Engineers that the Casual Labour from both open line as well as on the projects who are working in skilled categories are eligible for regularisation against 25% vacancies reserved for departmental promotion provided only candidates working in the same recruitment unit. The applicant claims to have been working since continuously in a particular unit, but he was not being regularised against 25% vacancies ~~xx~~ and reserved for the departmental candidates/ Satya Narain Sharma who was out of service for a such long period was taken back and it was directed he may be sent for six month's training as work Mistri. After passing Training course an order was passed that he may be appointed on the posts of work Mistri order dated 19.12.81. The grievance of the applicant is even though Establishment ~~Rule~~ Manual para 2512 ^{providing} vide ~~vide~~ for promotion for direct recruitment of 50% quota in the skilled category should be filled-up to the extent of 25% from un-skilled with educational qualification, yet the applicant was not being appointed or was regularised against this 25% quota to fulfill the requisite qualification and holding a diploma. According to the respondent

According to the respondent the applicant worked as Casual skilled labour on daily rated as per his request alongwith 10 otherx Casual work Mistri After expiry of the work and also due to curtailment of budget allotment for Gonda Unit all the Casual work Mistri were discharged. Thereafter applicant offered himself x for the engagement in the category of Casual skilled labour which was considered and he

(8)

was engaged in this manner. The applicant was given temporary status in view of the Supreme Court decision in Indra Pal Yadava's case, he has been working from before the year 1981 as Casual labour. They have refuted the claim of the applicant for compression of S.N.Sharma's case on the grounds that S.N.Sharma was appointed against the direct recruitment quota purely an adhoc basis subject to the approval of the Railway Recruitment Board and not against 25% vacancies reserved for departmental employees. But it has not been stated anywhere why the other person who have also been working from before, and his services were terminated and later taken back are not considered against it's direct appointment.

It has been pointed out by the applicants that the continuation of S.N.Sharma was against the ~~continuity of the~~ Railway Board instructions particularly vide letter dated 21.7.1984 which provides that by way of preparation and display seniority list of the particular categories of Casual Labour employed therein including those who on completion of four months continuous service, become eligible for some of the benefits admissible to temporary railway servants. The special benefit was given to S.N.Sharma even no order. On behalf of the Railway Board, a letter dated 27.2.1978 was made in which it was instructed that Project Engineer will be eligible for retrenchment. The applicant's case is that his case was recommended for regularisation number of times, but the same was not done even though sixty were regularised in 1985 and 16 in 1989 and persons even junior to the applicant were selected as per seniority list which was published in the year 1985. The applicant have ^Lstrongly refuted the averments which has been made in

Contd.....5.

A/11
A/9
a

the counter-affidavit that since 1990 no selection for the said 25% quota has been made. According to ^{him} them examination has taken place twice, but it's fate is not known to him. The facts stated above indicates ^{but for} but for a gap of few months, the applicant is continuously working with the Railway Administration from the year 1974 and he fulfilled all the requisite qualifications and i.e. why he on his request he was taken back and was allowed to do his job. 17 long years are enough for regularisation a person in the Railway service. The regularisation rather has become a rule of law and non regularisation is to be ^{an exception} ~~a claim~~. It is difficult now one person who was in service of the Railway Administration more than three years, it may be in different project was taken him back in service, others should not have been discriminated which has been done in this case.

If selection has not taken place from 1980 it is ~~for~~ the Railway Administration which is at fault and a duty ^{is} ~~was~~ cast upon them to make selection which is expected that the same will be done regularly. It appears that as and when they regularise any one may be senior or junior and ^a fix principle is ^{the} followed. ~~If fix principle is followed then it is followed in breach and~~ Accordingly we direct that the respondent shall consider the case of the applicant for regularisation within a period of three months making a selection and further in case any person who became casual labour in the trade like the applicant has been regularised, They shall necessarily regularise the applicant with due date. Let the entire process be completed within three months as mentioned above. No order as to the costs.


Member (A)


Vice Chairman

Group A 14123

A10

3697

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

--
Writ Petition No. 2420 of 1983

Chandra Deo Singh

--Petitioner

versus

Union of India and others

--Opp-parties

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no.

Annex. page
no.

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3. Order dated 22.7.1974

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4. Certificate dated 26.5.1982

2 13

5. Office order dated 24.5.1977

3 14

6. Letter dated 29.9.1979

4 15

7. Letter dated 18.4.1980

5 16-17

8. Order dated 19.12.1981

6 18-20

9. Letter dated 11.2.1982

7 21

10. Letter dated 17.5.1982

8 22-23

11. Representation dated 17.2.1983

9 24-25

Nakalatnama

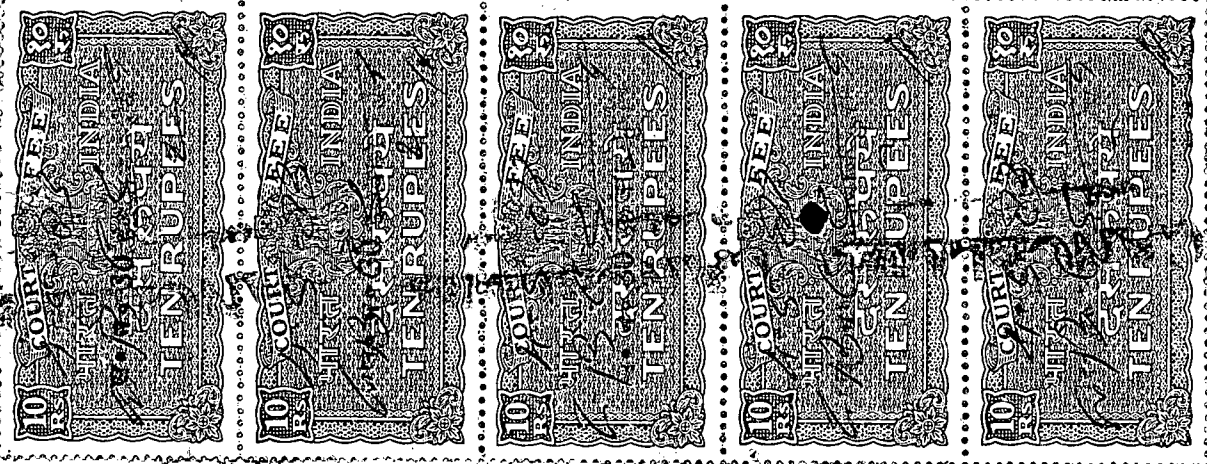
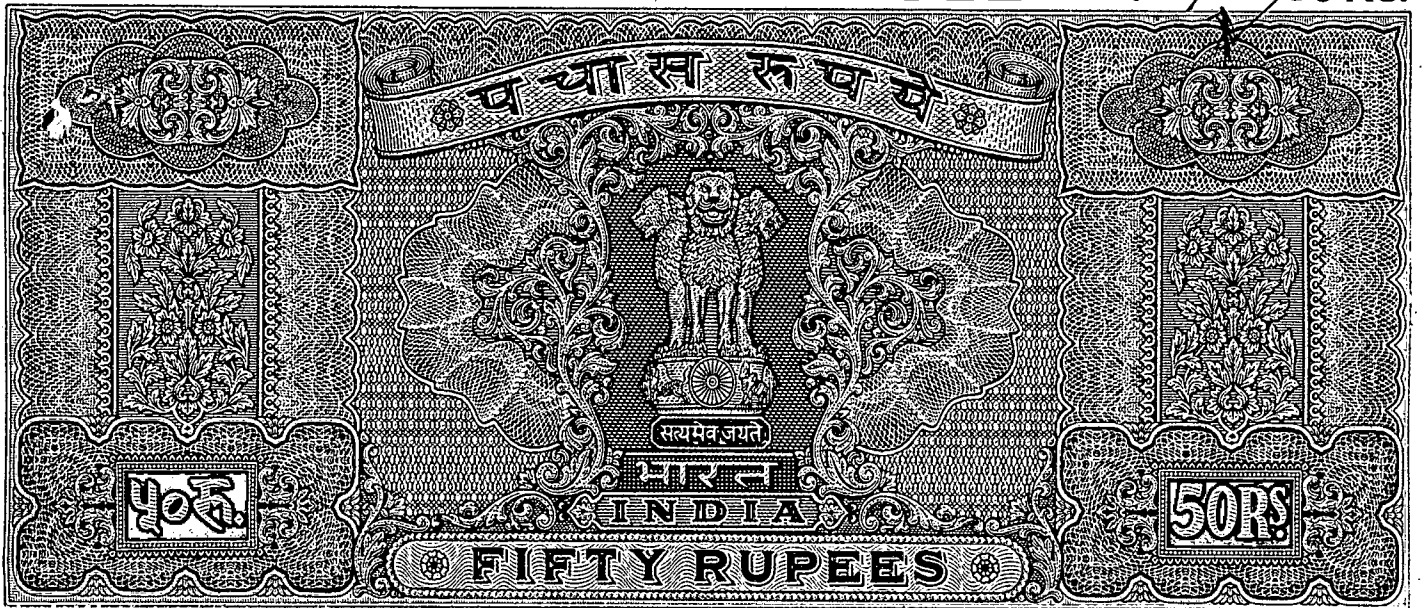
← 26

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✓
Nakalatnama
Signature
P.D.V.

INDIA COURT FEE

AV ¹³/₁

50 Rs.



con. d. 100/-
50/-
100/-

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Honble High Court of Madras at Madras

Mekran Boneh Mekran

No 24283

Chandra Dio Singh - Petitioner

vs

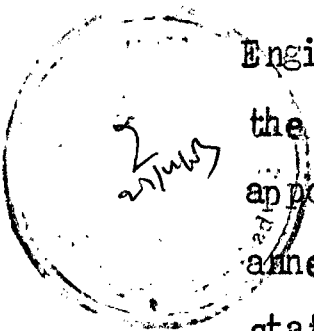
Union of Indio fathers - Opp. Parties

(R. B. C. Sonona)
Havocle

skilled Khalasi under the direct subordination of the Inspector of Works(Construction), Yard, Gonda.

2. That the petitioner was initially appointed as a work mistry on daily wages at the rate of Rs. 13/- per day as sanctioned by the office of the Chief Engineer Construction, N.E.Railway, Gorakhpur. on 25.7.1974 and continued till 31.8.1974 under the Inspector of Works/Construction, Jarwal Road,. Thereafter the petitioner was posted with effect from 1.9.1974 till 15.6.1975 under the Inspector of Works, Construction, Gonda . Thereafter the petitioner with effect from 16.6.1975 was posted to work under the Inspector of Works, Construction, Jarwal Road where he worked till 15.8.1975. With effect from 30.11.1975 the petitioner was posted under Inspector of Works, Construction, Gonda where he continued till 31.5.1981 and with effect from 1.6.1981 till date the petitioner is working under Inspector of Works, Construction, Gonda Yard. A true copy of the order dated 22.7.1974 issued by the Deputy Chief Engineer, Construction West, N.E.Railway Gorakhpur addressed to the Executive Engineer, Construction(I), N.E.Railway, Gonda requiring the latter to issue office order for the petitioners appointment on the post of Work Mistry is being annexed as Annexure no.1 to this petition . It is stated that a formal order of appointment of the petitioner was issued by the Executive Engineer but since a copy has not been furnished to the petitioner, he is unable to file the same. A true copy of a certificate of the petitioners service

Chandra Desai



in the N.E.Railway as issued by the Inspector of Works, Construction ,B.G. , N.E.Railway, Gonda dated 26.5.1982 is being annexed as Annexure no.2 to this petition.

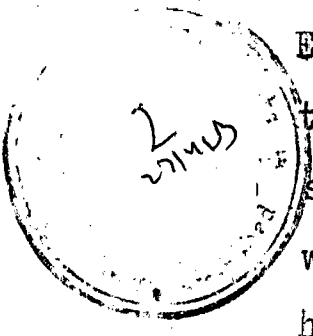
3. That one Sri Satya Narain Sharma, son of Sri Mahabir Prasad, was appointed as casual Work Mistry at Rs. 13/- per day and posted to work under the Assistant Engineer /BG/, Gonda (West) by means of office order no. W/247/MG/E-3/Pt .V/504 dated 24.5.1975. A true copy of the said office order is being annexed as Annexure no.3 to this petition.

It is stated that the said Sri Satya Narain Sharma was appointed very much subsequent to the petitioners appointment as Work Mistry in the same Unit and is junior to the petitioner.

4. That the services of the said Sri Satya Narain Sharma were terminated and he was discharged with effect from 15.9.1977 and he remained out of service up till November, 1980 while the petitioner, as shown above, has throughout continued and is still continuing.

5. That the Railway Board by means of its letter no. E(Rep)/II/79/ AEII-180 dated 29.9.1979 addressed to the General Manager, N.E.Railway Gorakhpur on the subject of absorption of one Sri Inder Deo Pandey who was working as Permanent Mistry under the PWI, Basti had indicated that casual labour from both open line as well as on the projects who are working in skilled categories are eligible for regularisation against

Chandra Deo Singh

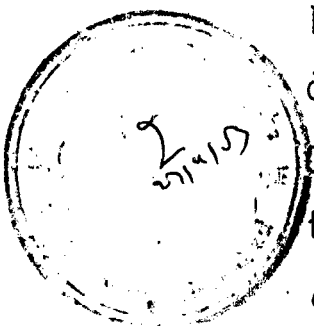


25 per cent vacancies reserved for departmental promotion . The Board it appears had directed that suitable action for regularisation of service of the said Sri Inder Deo Pandey be taken. A true copy of the said letter of the Board dated 29.9.1979 is being annexed as Annexure no. 6 to this petition .

On a consideration of the direction contained in the said letter of the Railway Board dated 29.9.1979, the General Manager, N.E. Railway appears to have ^{made} a recommendation on the executive file at no. 20F in the file bearing no. GE/Con/GKP's case no. E/247/5/BG(W.M.), Loose which reads as under:-

"I also find that the name of Shri I.D. Pandey has been sent to DRM/ LJN for considering absorption in terms of para 2512-RII. It is not correct to send only one name for such consideration. As a matter of fact, the names of all the work mistries of construction organisation who ~~would~~ be eligible for this purpose should be sent to the DRMs for considering absorption."

Chacku Deo Sph



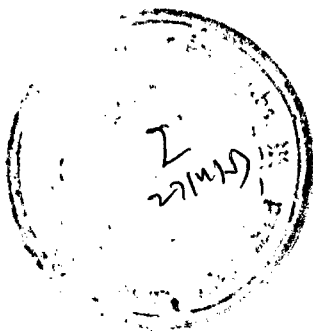
6. That the Chief Engineer, Construction, accordingly by means of circular letter no. E/237/0/BG/Absorption dated 18.4.1980 addressed to all Executive Engineers, Construction of the N.E. Railway, inter alia, directed that the casual labour from both open line as well as on the projects who are working in skilled categories are eligible for regularisation against 25 per cent vacancies reserved for departmental promotions provided only candidates working in the same recruitment unit,

i.e. a Division are considered together. The said letter after making reference to the General Managers note dated 16.4.1980 referred to in the preceding paragraph requested the addressees to send the names, service particulars and educational qualifications of all casual staff working under them, viz., skilled categories and highly skilled categories to Divisional Railway Managers concerned for considering their absorption on the regular basis by the open line in terms of para 2512^{-II} of the Indian Railway Establishment Manual. A true copy of the said letter dated 18.4.1980 is being annexed as Annexure no. 5 to this petition.

7. That as shown above the petitioner has been working ~~only~~ in the skilled category and was eligible for his service being regularised against 25 per cent vacancies reserved for departmental candidates. The petitioners case for regularisation has not been considered and no orders for regularisation of his service in terms of rule 2512 of the Indian Railway Establishment Manual have been passed till date..

8. That it appears that in respect of the case of the said Sri Satya Narain Sharma reference to whom has been made in the earlier part of the writ petition. was taken up for regularisation of his service on the basis of the guidelines laid down by the Railway Board in its letter dated 29.9.1979 annexure 4 and the Ministry of Railways appears to have issued a D.O. letter no. E(NG)/II/80/CL/N.E.R./17 dated 1.10.1980 requiring the N.E. Railway authorities to send the said

Chandra Singh



Sri Satya Narain Sharma for six months training course of work mistry.

9. That it further appears that in terms of the said D.O. dated 1.10.1980 the General Manager (P), N.E. Railway, Gorakhpur by his letter no. E/227/5/8/1 Pt.(V) dated 10.12.1981 indicated that the said Sri Satya Narain Sharma has passed the training course and directed that Sri Satya Narain Sharma be appointed on the post of Work Mistry scale Rs. 380-560 against a vacant post under the Inspector of Works, N.E.Railway, Gonda. In terms of the General Manager(P)'s aforesaid letter the Divisional Railway Manager (P), N.E.Railway, Lucknow issued an office order dated 19.12.1981. A true copy of the said order is being annexed as Annexure no. 6 to this petition.

10. That the provisions of para 2512 of the Indian Railway Establishment Manual Second Edition published on 1.4.1968 are based on Railway Boards letters dated 30.1.1961. 16.1.1963 and 26.4.1963. In the same context the Railway Board has issued another letter dated 24.2.1977 and has therein directed that the direct recruitment quota of 50 per cent in the skilled category should be filled up to the extent of 25 per cent from serving semi-skilled and unskilled with educational qualifications as laid down in the Apprentices Act and should be given appropriate training before they are absorbed in the skilled cadre.

Chandra Bhooshan



11. That aggrieved by the non-consideration of his case for regularisation against 25 per cent vacancies reserved for departmental candidates even after such regularisation of service of Satya Narain Sharma, the petitioner preferred several representations to the opposite-parties but to no avail. Opposite-party no.3 under whom the petitioner was working, however, has also repeatedly been in communication with opposite-party no.2 and has been pressing for a decision being taken on the petitioners representation for regularisation. Two of such letters sent by opposite-party no.3 to opposite-party no.2 dated 11.2.1982 and 17.5.1982 are being annexed as Annexure no.7 and 8 to this petition.

12. That the said representations have evoked no response till date. The Railway Board by letter no. E/Re/p/II/82AE 11-511 dated 8.12.1982 directed that a list of candidates who are working as casual work mistries/skilled be sent for purposes of taking a decision for their regularisation against 25 per cent vacancies reserved for departmental candidates. The petitioners name was not included in the said list and the petitioner on gaining knowledge about the same made a representation to the S.P.O., B.G., Construction, N.E. Railway Gorakhpur on 17.2.1983 indicating the said fact and requesting that his name be shown in the said list. A true copy of the said representation

Chandru Desh



is being annexed as Annexure no. 9 to this petition.

13. That the said representation has also evoked no response with the result that the petitioners case for regularisation is not being considered despite his fulfilling the requisite conditions of eligibility for such regularisation.

14. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this petition and sets forth the following, amongst others,

GROUNDS:

(a) Because the petitioner by reason of his fulfilling the academic qualifications is clearly entitled to have his case considered for regularisation against 25 per cent vacancies reserved for departmental candidates and non-consideration of the petitioners case is clearly arbitrary and capricious.

(b) Because the petitioner had a preferential right for being considered for regularisation against the said quota in comparison to Satya Narain Sharma. Regularisation of the said Satya Narain Sharma having been made without considering the petitioners case for such regularisation is clearly violative of the provisions of Articles 14 and 16 of the Constitution.

(c) Because in view of the fact that the petitioner fulfills the requisite qualifications, non-inclusion of his name in the list of candidates sent to the Railway Board in response to its communication dated 8.12.1982 is wholly arbitrary and capricious and results in denial to the petitioner of his legal right to have his case considered for regularisation against the said quota.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased :-

(i) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding the opposite-parties to decide the petitioners representations seeking consideration of his case for regularisation against the 25 per cent reserved quota for departmental candidates within such time as this Hon'ble Court may consider just and proper and to pass necessary orders for regularisation of the petitioner against the said quota.

(ii) to issue such other writ, direction or order, including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow
27.4.1983

B.C. Saksena
(B.C. Saksena)
Advocate
Counsel for the petitioner

Chudha Doo Sh

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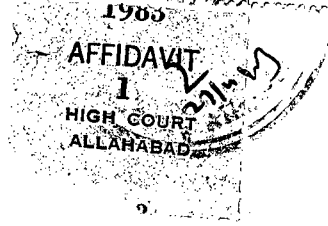
In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow

Writ Petition No. of 1983

Chandra Deo Singh -Petitioner

versus

The Union of India and others -Opp-parites



AFFIDAVIT

I, Chandra Deo Singh, aged about 33 years, son of Sri Ram Naresh Singh, resident of Mujauli, P.O. Chandraon, district Gorakhpur, do hereby solemnly take oath and affirm as under:-

1. That I am the petitioner in the above-noted writ petition and am fully acquainted with the facts of the case.
2. That contents of paras 1 to 13 of the accompanying petition are true to my own knowledge.
3. That annexures nos. 1 to 9 have been compared and are certified to be true copies.

Chandra Deo Singh



Dated Lucknow

27.4.1983

Chandra Deo Singh
Deponent

I, the deponent named above do hereby verify that contents of paras 1 to 3

are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Charan Doshi
Deponent

Dated Lucknow
27.4.1983

I identify the deponent who has signed in my presence.
R. K. Saksena
(Clerk to Sri B.C. Saksena, Advocate)

Solemnly affirmed before me on 27-4-83
at 1.30 a.m/p.m by *Charan Doshi*
the deponent who is identified by Sri *R.K. Saksena*
clerk to Sri *B.C. Saksena*
Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

Saksena
27/4/83



SATISH CHANDRA	
SPEAKER	
OATH	
High Court	
Lucknow	
No.	402/21/83
	382
	27-4-83

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

--
Writ Petition No. of 1980
Chandra Deo Singh --Petitioner
vs.
Union of India and others --Opp-parties
--

Annexure no.1

North Eastern Railway
(Survey and Construction Branch)

M.P. Bhudhiraja
Dy. CE/Con/West

Office of the Chief Engineer,
Construction, Gorakhpur

D.O. no. W/Con

Dated 22.7.1974

My dear Chkravarty,

Sub:- Work Mistries

Shri Chandra Deo Singh, a Diploma Holder in Electrical Engineering, has requested for appointment as Work Mistry. He is being directed to you for appointment as Work Mistry on daily wages at the rate of Rs.13/- per day as sanctioned by this office. He may be appointed when he reports in your office and utilised against existing vacancies of Work Mistries / AIOWs.

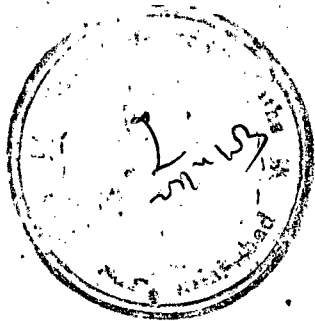
Yours sincerely,
Sd/-
(M.P. Budhiraja)

Shri A.K. Chakravarty,
XEN/Con/I,
N.E. Railway, Gonda

Shri C.P.

Issue O.O. for his appointment as done in a similar case earlier.

Sd. A.K. Chakravarty
25/7



Chandra Deo Singh

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

Writ Petition No. of 1982
C.D. Singh --Petitioner
vs.
Union of India and others, --Opp-parties

Annexure no.2

N.E.Railway

This is to certify that Sri C.D.Singh son of
Sri R.N. Singh has been working in construction
organisation since 25.7.1974 as casual work mistry
and still doing the job of work Mistry with honesty
and sincerity. He is Diploma Holder in Electrical
Engineering.

I wish him every success in his life. His
service particulars are as under:-

25.7.1974 to 31.8.1974 under IWO/Con/IJN } as C.D.
1.9.1974 to 15.6.1975 under IOW/Con/GD } work Mistry
16.6.1975 to 15.8.1975 under IOW/Con/JLD } at Rs.13/-
30.11.1975 to 31.5.1982 under IOW/Con/GD/W } per day as
skilled labour

1.6.1981 to till continuing under
IOW/Con/GD M as skilled labour at
Rs. 18.85 per day .

Sd. Illegible
Inspector of Works,
Construction BG. N.E.Rly.,
Gonda

Chandm Doo s/h



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

--
Writ Petition No. of 1982
Chandra Deo Singh --Petitioner
versus
Union of India and others --Opp-parties
--

Annexure no.3

Office Order

Shri Satya Narain Sharma son of Shri Mahabir Prasad is hereby appointed casual work mistry at Rs.13/- per day and posted to work under AEN/BG/GD (West) with immediate effect.

Sd.

XEN/Con/Gonda

No. W/247/MG/E-3/Pt.V/804 dated 24.5.1975

Copy to Chief Engineer/Con./Gorakhpur in reference to P.A. to CE/Con/GKP's D.O. letter no. nil.

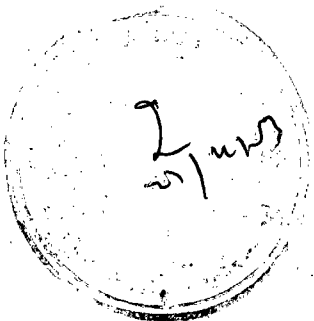
2. Dy. FA and CAO/Con/GKP

3. Shri Satya Narain Sharma son of Shri Mahabir Prasad

4. Bill section of this office

5. AEN/BG/GD/West

Chandra Deo Singh



A26 A/27

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

--
Writ Petition No. of 1982
C.D. Singh --Petitioner
vs.
Union of India and others --Opp-parties

Annexure no. 6

Copy of Railway Boards letter no. E(Rep)/II/AEII-180
dated 29.9.1979 addressed to the General Manager, N.E.
Railway, Gorakhpur

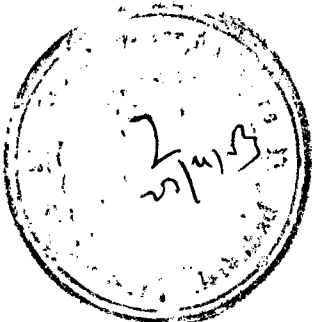
Subject:- Absorption of Shri Inder#. Dev Pandey, Permanent
Way Mistry under PWI/ Basti.

Reference your letter no. E/227/5/May/IX dated
31.5.1979 on the subject noted above, the Board has
observed that casual labour from both on the open line
as well as on the project who are working in skilled
categories are eligible for regularisation against
25 per cent vacancies reserved for departmental
promotion in case the letter are not available, provided
only candidates working the same recruitment unit, viz.,
a division are considered together.

Chandra Das Sh

The Board desire that necessary action may be
taken accordingly in this case. A suitable reply may
also be sent to the representationist explaining position
and further action taken in the matter.

Please acknowledge receipt of the letter.



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

--

Writ Petition No.

of 1982

Chandra Deo Singh

--Petitioner

vs.

Union of India and others

--Opp-parties

-- An. nos

N.E. Railway

Office of the
Chief Engineer/Construction

No.E/237/O/BG/Absorption Gorakhpur, dated 18.4.1980

All Executive Engineers/Construction

The Board, while considering a representation, have observed vide their letter no.E(Rep)/II/79/AE-11-180 dated 29.9.1979 (copy enclosed) that casual labour from both on the open line as well as on the projects who are working in skilled categories are eligible for regularisation against 25 per cent vacancies reserved for departmental promotion in case the letters are not available, provided only candidates working in the same recruitment unit, i.e. A division are considered together. The particular case was forwarded by the GM(P) to DRM/LJN for necessary action. However, GM while reviewing some other cases has observed that it was not correct to send only one name for such consideration and the names of all the works mistry on the construction organisation who may be eligible for this purpose should be sent to DRMs for considering absorption on the regular basis in terms of the provisions of para 2511 (II) of I.R.E.M.

Chandra Deo Singh



2. You are, therefore, requested to send names,

-2-

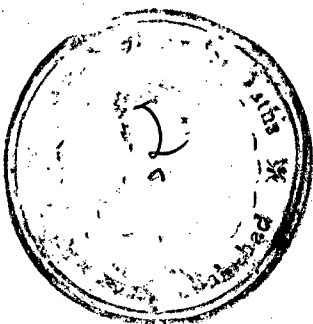
particulars and educational qualifications of all casual staff working under you. Skilled categories and highly skilled categories to the DRMs concerned for considering their absorption on the regular basis by the open line in terms of para 2512-II of IREM.

Sd.

(Mohan Lal
For Chief Engineer/Con.



Chopra Dew Sh



A28

18/3/80

इन दि आनरेबल हाईकोर्ट आफ जूडिकेचर एट इला लवाय
लखनऊ बेंच लखनऊ

रिट पिटीशन नं जाफ 1983
चन्द्र देव सिंह ----- पिटीशनर
बनाम

यूनियन आफ इण्डिया तथा अन्य-----अपीपिट पाटि

एनकर नं 6

कार्यालय आदेश

महा प्रबन्धक(का) गोरखपुर के (का0)/आदेश /सं0

ई/227/5/8/1 पी0 टी0 (पंच) दिनांक 10-12-81 के निर्देशानुसार

श्री सत्यनारायन शर्मा जो 8: महीने के कार्य मिस्ट्री के प्रशिक्षण

की परीक्षा देकर बोर्ड के पत्रांक (एसओ0/11/80/एन0/आर-7

दिनांक 1-10-80 के अनुसार उत्तीर्ण कर ली। ये इन्हे कार्य

मिस्ट्री वेतन मान 380-560 में सभा 380 वेतन प्रारम्भ रखा अन्य

देय भत्ता सोल्ट गोण्डा में का0/नि0/गोण्डा के अधीन एक अरक्त

स्थान पद पर नियुक्त किया जाता है।

श्री सत्यनारायन शर्मा रेलवे के अस्थाई तृतीय श्रेणी के

कर्मचारी के नियम के अन्तर्गत शासित होंगे और इन्हे 380(मान ताँ

जस्सी) का वेतन उस दिन से दिया जायेगा जिस दिन से वास्तव में

उपरोक्त कार्य मिस्ट्री का पद ग्रहण करेंगे।

श्री सत्यनारायन शर्मा का कार्य मिस्ट्री पद पर नियुक्त

वित्पुल तदर्थ स से इस शर्त पर है कि इनको नियुक्ति आद में रेल



Chandra Dev Sh

सेवा आयोग से अनुमोदित हो जाय । इन्हे रेल सेवा आयोग में प्रार्थना पत्र महाप्रबन्धक (का०) गोरखपुर के माध्यम से जब कभी रिक्तियों का रेल सेवा आयोग में से विज्ञापन द्वारा चयन द्वारा देना होगा । यदि श्री सत्यनारायन शर्मा असफल रहे तो उन्हें रेल सेवा में जाने रहने का कोई अधिकार प्राप्त नहीं होगा ।

श्री सत्यनारायन शर्मा की जन्म तिथि 15-2-55 और ये सहायक मंडल चिकित्सा अधिकारी गोरखपुर के प्रमाण सं० 622/12/11/80 द्वारा का पन की प्रणाली में डाक्टरी परीक्षा उत्तीर्ण है । इनका गोप्य नियुक्ति प्रवरमंडल इन्जीनियर के अनुमोदन पर की जाती है । श्री सत्यनारायन शर्मा इस कार्यालय में दिनांक 14-12-81 को रिपोर्ट किया कृते मंडल रेल प्रबन्धक (का०) लखनऊ सं० 11/227/डब्लूएम० /इंजी०/ दिनांक 19-12-81

प्रतिलिपि आवश्यक कार्यवाही हेतु प्रेषित ।

- 1- महाप्रबन्धक (का०) गोरखपुर को का० आदेश सं० 5/227/5/8/1 /भाग II (पंच) दिनांक 10-12-81 के संदर्भ में ।
- 2- मंडलीय /लखनऊ ।
- 3- सहायक इन्जीनियर/(I)/(II) गोप्य /
- 4- का० नि०/गोप्य ।
- 5- प्रधान लिपिक /बिल फिल्टर पी० और इन्फोर्मेन्ट



Chandra Desh

6- श्री सत्यनारायन शर्मा कार्यालय में दृष्टा जाय
सहायक जे० गोण्डा को उद्घोषित हेतु तुरन्त रिपोर्ट करे ।
यह जापको व्यक्तिगत निवेदारी होगा कि आप रेल सेवा
आयोग द्वारा जब कार्यमिस्त्री के पदों पर विज्ञापन हो तो
आप रेल सेवा आयोग फार्म पर इस पद के लिए ।

कृपया मंजूर रेल प्रबन्धक

(का०) लखनऊ ।

सत्य प्रतिलिपि



Chandra Desh

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

--

Writ Petition No. of 1983

Chandra Deo Singh

-Petitioner

versus

Union of India and others

-Opp-parties

Annexure no. 7

N.E. Railway

No. E/247/BG/3/ Pt. Dated 11.2.1982

From

The XEN/Con.,
Gonda,

To

The DRM(P),
Lucknow Jn.

Sub: Representation of services as Work Mistry
(Diploma Holder) against 25% vacancies reserved
for departmental promotion in terms of Railway
Boards letter no. E(Rep)II/79/AE-11-180 dated
22.9.1979 addressed to GM/ N.E. Railway, GKP.



Chandra Deo Singh

The original representation of Shri C.D. Singh,
skilled casual labour is sent herewith for due
consideration please. The copies of Railway Boards
letter no. E(NG) III/78/RCI/9 dated 29.7.1980 and
CE/Con/GKP's no. E/237/C/BG/Absorption dated
18.4.1980 are also enclosed for ready reference.

DA/ One application in 2 pages
copy of Railway Boards letter dated 29.9.1979 and
dated 29.7.1980
Copy to & of CE/Con/GKP's letter dated 18.4.1980

Executive Engineer /Con.
N.E. Railway, Gonda

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

--
Writ Petition No. of 1983

C.D. Singh

-Petitioner

versus

Union of India and others

-Opp-parties

Annexure no. 8

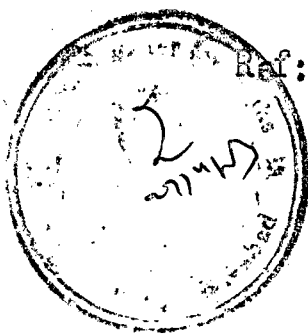
No. W/247/BG/E-3/Pt.XI

Office of the
XEN (Con), Gonda
Dated 17.5.1982

The Divil. Railway Manager (P)
N.E. Railway,
Lucknow Junction.

Sub:- Regularisation of services as Work Mistry
(Diploma Holder) against 25% vacancies reserved
for departmental promotion intems of Railway
Boards letter no. E(Rep) II/79/AE-11-180 dated
22.9.1979 addressed to GM/ N.E. Railway,
Gorakhpur.

Ref: This office letter of even no. 3017 dated
11/17-2-1982



--
Please refer this office letter quoted
above vide which an original representation of
Shri C.D. Singh, skilled casual labour was sent
to you for dus consideration in connection with
above subject. About three months have passed
but nothing has been heard from you so far.

As the employee is chasing constantly,

chandra Singh

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-2-

please do needful as early as possible. A true copy of representation submitted by Shri C.D. Singh is also attached for ready reference.

DA/As above

XEN(Con.)/Gonda

Chandru Singh



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A2

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

--

Writ Petition No. of 1983

C.D. Singh

Petitioner

versus

Union of India and others

Opp-parties

Annexure no. 9

The S.P.O.,/BG/Construction,
N.E.Railway, Gorakhpur

Subject: Inclusion of my name in the list of W/M for
regularisation of services as work Mistry

Ref: Railway Boards letter no. E/Rep/II/82/AB 11-
511 dated 8.12.1982

Respected Sir,

I have the honour and beg to draw your kind attention
towards the following few lines which needs your
intervention into the matter and judicious orders
please:-



1. That I was appointed as Casual Work Mistry at Rs.13/-
per day vide dy. C.E. & Con/GKP (West)'s D.O. letter no.
W/ Confdl. dated 22.7.1974 . Since the date of my
appointment i.e. 22.7.1974 I am working up till now
under IOW/Con/Gonda (Yard) under the kind control
of EXN (Con)/Gonda. The certificate/attested
copy is attached herewith for your ready reference.

2. It is come into my knowledge through some reliable
sources that the names of Sarvshri I.D.Pandey and K.M.
Pandey casual work mistries have been sent to the

Chandru Desh Sh

A26 37

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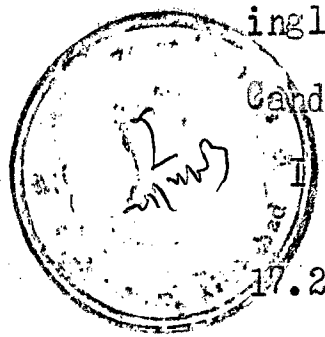
-2-

Railway Board for approval of the above regularisation of their posts ignoring my name inspite of repeated representations to C.P.O., S.P.O. and all other HODs.

Both s/Sri I.D.Pandey and K.M. Pandey casual work mistries are most junior to me.

3. It is not out of place to mention that Railway Board has desired a list of such candidates who are working as casual work mistries/skilled for regularisation of their services vide their letter quoted under reference but my name has not yet been included in the said list, for which reasons best known to the administration/ dealing clerk.

Therefore, I earnestly urge upon your kind good self to consider my case sympathetically and arrange to include my name in the said list, so that the regularisation of my services as work mistry may be accorded saction accordingly, being a Diploma Holder of three years Elect. Engg. Candidate.



I shall be very thankful to you for this act of kindness.

Yours faithfully,

17.2.1983

(Chandra Deo Singh)

Chandra Deo Singh

Copy forwarded in advance to the SPO/Recruitment/N.E. Railway, Gorakhpur for information and favourable action please. This is in connection with my representation dated

Yours faithfully,

A38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT

LUCKNOW

I N D E X

IN

Registration No. ^{7A}1155 of 1987 (T)

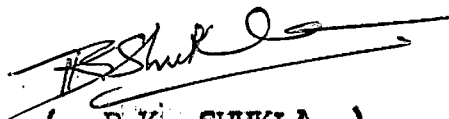
Chandra Deo Singh Applicant

Versus

Union of India and others Respondants

Sl. No.	Description of papers	Page No.
1	Written statement	1 to 6
2	<u>Annexure-1</u> : Photo copy of Muster sheet dated 25.7.74 of C.D.Singh	7
3	<u>Annexure-2</u> : Photo copy of representation of Shri C.D.Singh.	8
4	<u>Annexure-3</u> : Photostat true copy of Office Order of Shri S.N.Sharma, ad-hoc Work Mistry dated 19.12.81.	9

Filed today
26/3/90


(B.K. SHUKLA)
COUNSEL FOR RESPONDANT

A39

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT

LUCKNOW

R E P L Y

On behalf of the Respondants

IN

Registration No. 1155 of 1987(T)

Chandra Deo SinghApplicant

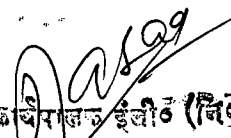
Versus

Union of India and othersRespondants.

I Sirtaj Prasad aged about 51 years Son of Shri Sukhai Ram presently posted as Executive Engineer (Construction), North Eastern Railway, Gorakhpur most respectfully sheweth as under:-

- 1 . That I am respondent No. 3 in fore mentioned case and have been duly authorised on behalf of respondents to file the instant reply. I have carefully perused the records relating to the instant case and am thus fully acquainted with the facts of the case deposed below:
- 2 . That I have read the contents of the petition under reply alongwith the Annexures filed by the applicant and have understood the contents thereof.
- 3 . That before giving the parawise reply to the facts of the case the answering respondents crave leave to this Hon'ble Tribunal to State certain relevant facts which are necessary and essential in appreciating the controversy involved in the present petitions. They are as under:-

(A) That in the North Eastern Railway there is a


सिर्ताज प्रसाद (नि०)
१०३०१०, गोरखपुर
Executive Engineer/Con
P. 1 Gorak - 17

contd....2

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: 2 :

seperate Organisation terms as Broad Gauge Conversion Organisation. The head of the said Organisation is the Chief Engineer/Survey and Construction and works under the control of the General Manager, North Eastern Railway. However, the Chief Engineer/Survey & Construction has no independant power to appoint any person on regular cadre except in case of Casual Labour and that too with the prior approval and sanction of General Manager.

(B) That Casual Labour engaged in work charged establishments of certain departments who got promoted to Semi Skilled, Skilled and Highly Skilled categories due to non availability of departmental candidates and continue to work as casual employees for a long period, may be absorbed in regular vacancies in Skilled grades provided they have passed the requisite test to the extent of 25% of the vacancies reserved for departmental promotion from the Unskilled and Semi Skilled categories.

(C) That the Railway Board has formulated a policy regarding regularisation of casual labours working on the Open Line as well as on Project. The casual labours who are working in skilled categories on Open Line as well as on the Project are eligible for regularisation against 25% vacancies reserved for departmental promotion in case departmental candidates are not available.

4 That the contents of para 1 of the petition are not admitted. The petitioner was engaged as casual Work Mistry on daily rated basis in the Project under Broad Gauge


Executive Engineer/Con
N. E. K. Gorak

contd.....3

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Construction Organisation. A photo copy of the petitioner's Muster Sheet is attached herewith and marked as Annexure-~~ent.~~ R-1.

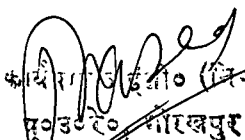
5. That the contents of para 2 of the petition are not admitted as alleged. The correct service particulars of the petitioner are as under and any allegation to the contrary are not admitted and are ~~desired.~~

The service particulars are as under :-

- | | | | |
|-----|---------------------|---|---|
| (1) | 25.7.74 to 15.6.75 | - | Casual Work Mistry |
| (2) | 16.6.75 to 15.8.75 | - | as casual skilled labour. |
| (3) | 16.8.75 to 29.11.75 | - | Not in employment |
| (4) | 30.11.75 to 25.7.84 | - | casual skilled labour |
| (5) | 26.7.84 to date | - | casual Highly skilled/
Temp. status work mistry. |

It is further submitted that the Annexure No.2 filed by the petitioner is not authenticative and issued by the competent authority. The petitioner had not worked since 16.6.75 to 31.5.81 as casual work mistry, but worked as casual skilled labour on daily rated as per his request. Shri C.D.Singh alongwith 10 other casual work mistry were engaged in July 74 under the Unit of Executive Engineer/ Construction, N.E. Railway, Gonda. After the expiry of work and also due to curtailment of budget allotment for Gonda Unit all the casual work mistries were discharged. Thereafter Shri C.D.Singh the petitioner offered himself for the engagement in the category of casual skilled labour which was considered and he was engaged as Skilled labour with effect from 16.6.75. The petitioner was out of employment since 16.8.75 to 29.11.75. The petitioner was re-engaged

contd.....4


 Executive Engineer/Con
 N. E. J. Gorak

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: 4 :

as casual skilled labour under the unit of Executive Engineer, Construction, N.E. Railway, Gonda with effect from 30.11.75 to 25.7.84. The petitioner had given a representation for enhancement of his wages while he was working as casual skilled labour to his controlling Officer. A photostate copy of his representation is annexed here with and marked as Annexure-~~2~~2.

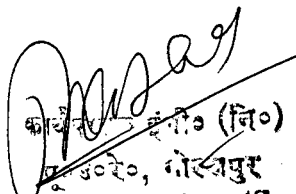
It is further submitted that petitioner is working as Highly skilled labour / casual work mistry in the unit of Executive Engineer/Construction, N.E. Railway, Gonda. He has been given Temporary Status as per direction given by the Hon'ble Supreme Court in the case of Indrapal Yadav and others V/s Union of India, and his seniority is maintained in Lucknow Construction Division in his category.

6 . That the contents of para 3 of the petition are not admitted as stated. It is submitted that Shri Satya Narain Sharma was engaged in the Separate Unit of Inspector hence question of compairing seniority does not arise.

7 . That the contents of para 4 of the petition are not admitted as alleged. It is submitted that Shri S.N. Sharma was discharged from the service with effect from 15.9.77. He never turned up for engagement nor engaged in B.G. Construction Organisation.

8 . That contents of para 5 are not admitted as stated. The petitioner was not working as casual work mistry but was working as casual skilled labour so he was not entitled to get the benefit of the letter quoted in the instant para. The ratio of Railway Board's instructions as well as General Manager's observations are not applicable to the petitioner.

contd.....5


कार्यवाही (नि०)
गोरखपुर
Executive Engineer/Con
N T Gorak - 18

A43

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9. That the contents of para 6 of the petition are not disputed.

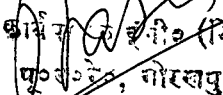
10. That the contents of para 7 of the petition are not admitted as alleged. It is submitted that no selection to fill up 25% vacancies of Work Mistry from departmental employees has been held since 1980 and such the question of considering the petitioner to appear in the selection of Work Mistry against 25% departmental quota does not arise.

11. That the contents of para 8 of the petition are not admitted. It is submitted that Shri Satya Narain Sharma was appointed on the post of Work Mistry against direct recruitment quota purely on ad-hoc basis subject to approval of Railway Recruitment Board not against 25% vacancies reserved for departmental employees. A photo state true copy of the Office Order regarding appointment of Shri S.N.Sharma is attached herewith and marked as Annexure-~~8A3~~^B. As such petitioner case can not be compared with the case of Shri S.N.Sharma, and any allegations to the contrary are not admitted and are denied.

12. That the contents of para 9 of the petition are not admitted as stated. It is stated that Shri S.N.Sharma was appointed as Ad-hoc Trainee Work Mistry by General Manager(P) N.E.Railway, Gorakhpur against direct recruitment quota. After completion of his training he was appointed as Work Mistry purely on ad-hoc basis subject to approval of Railway Recruitment Board.

13. That the contents of para 10 of the petition are not disputed subject to availability of the regular vacancies.

contd.....6


Executive Engineer/Con
N E R. Gorakhpur

14. That the contents of para 11 of the petition are not admitted. It is submitted that Shri S.N. Sharma was appointed purely on ad-hoc basis against direct recruitment quota. The petitioner was informed through his Controlling Officer that no selection was made to fill up 25% vacancies of Work Mistry in Lucknow division since 1980 from departmental employees.

15. That the contents of para 12 of the petition are not admitted. It is submitted that the petitioner was not working as casual Work Mistry hence his name was not considered for regularisation against 25% vacancies reserved for departmental employees.

16. That the contents of para 13 of the petition are not admitted. It is submitted that the petitioner was not eligible to get the benefit of regularisation against 25% vacancies reserved for departmental candidate.

17. That the contents of para 14 of the petition are wrong hence vehemently denied. The petitioner has no cause of action to file the petition. The grounds taken in the petition are false, fabricated and fabulous hence not sustainable in eye of law. As such the petition deserves to be dismissed throughout.

Masay
for Respondants.

Verification

I Sirtaj Prasad, Executive Engineer/Construction, North Eastern Railway, Gorakhpur do hereby verify that the contents of para 1 & 2 are true to my personal knowledge and there of para 3 to 17 are based on knowledge derived from perusal of records relating to the instant case kept in the official custody of the answering Respondants. Nothing has been cancelled and nothing stated therein are false.

Masay
कोशिका, गोरखपुर
Executive Engineer/Construction
N. E. Rly. Gorakhpur

Verified on 23rd
day of March 90.

Masay
(Sirtaj Prasad)
Executive Engineer/Construction
North Eastern Railway/Gorakhpur

To;

The Executive Engineer / Const. /
N.E. Railway
Gonda.

A46

Through : - Asslt. Engineer / Con / Tikunia.

Sir,

With due respect and humble
Submission. I beg to state the following few lines for
your kind consideration please.

- 1:- That I have been appointed since 30-11-75 as a
skilled casual at the rate of Rs 7.50 per day under
IOW/CON/BG/BST.
- 2:- That I have been transferred and posted under
a IOW/CON/Tikunia in the same capacity and
rate of pay vide IOW/CON/BG/BST office order
No. E/311 dt. 24-1-76.
- 3:- That I have completed my six month continuous
service since 30-11-75 (the date of appointment
till now).

4.

It is therefore requested that
kindly sanction the enhanced rate i.e. Rs. 13.30
per day with effect from 30-5-76 as admissible
for which I shall remain highly obliged in
this act for your kindness.

No. W/247/MG/4-51152/953 dt. 4.6.76

Yours faithfully.

Forwarded to P.W. and Gonda
for necessary action please.

[Signature]
4/6/76
A46/11/11

Chandra Deo Singh
(CHANDRA DEO SINGH).

Skilled CL.

Under -

IOW/CON/Tikunia.

dt. 25-5-76

म. न. र. इंजी. (नि.)
गुठरो, गोरखपुर
Executive Engineer/Con
E. I. Gorakhpur

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R
7/6

कार्यालय आदेश।

=====

महाप्रबंधक(का) गोरखपुर के का० आदेश सं० ई/227/5/8/1 भाग-1।(पांच)

दिनांक 10-12-81 के निर्देशानुसार श्री सत्य नारायण शर्मा क. महीने के कार्य भित्री के प्ररिक्षण की परीक्षा रेलवे बोर्ड के पत्रांक ई(एसजी) 11/80/स्न ई आर-7 दिनांक 1-10-80 के अनुसार उत्तीर्ण कराली है इन्हें कार्य भित्री वेतनमान 380-560 में र० 380/- वेतन प्रतिमाह तथा अन्य देय भत्तों सहित गोष्ठा में का० नि०/गोष्ठा के अधीन एक रिक्त स्थान पर नियुक्त किया जाता है।

श्री सत्य नारायण शर्मा रेलवे के अस्थाई तृतीय श्रेणी के कर्मचारी के नियम के अंतर्गत शासित होंगे और इन्हें 380/- (तीन सौ अस्सी) का वेतन उस दिन से दिया जायेगा जिस दिन से वास्तव में दसूटी कार्य भित्री का पद ग्रहण करेंगे।

श्री सत्य नारायण शर्मा का कार्य भित्री पद पर नियुक्ति बिल्कुल तदर्थ रय से इस शर्त पर है कि इनकी नियुक्ति बाद में रेल सेवा आयोग से अनुमोदन हो जाये। इन्हें रेल सेवा आयोग में प्रार्थना महाप्रबंधक(का०) गोरखपुर के माध्यम से जब कभी रिक्तियों का रेल सेवा आयोग से विज्ञापन द्वारा चयन होगा देना होगा। यदि श्री सत्य नारायण असफल रहे तो इन्हें रेल सेवा में बने रहने का कोई अधिकार प्राप्त न होगा।

श्री सत्य नारायण शर्मा की जन्मतिथि 15-2-53 है और यह सहाय मण्डल चिकित्साधिकारी गोरखपुर के प्रमाण पत्र संख्या 622 दिनांक 12/26-11-80 द्वारा बी-न की श्रेणी में डाक्टरी परीक्षा उत्तीर्ण हैं इनकी गोष्ठा नियुक्ति प्रवर मण्डल इंजीनियर के अनुमोदन पर की जाती है। श्री सत्य नारायण शर्मा इस कार्यालय में दिनांक 14-12-81 को रिपोर्ट किया।

कृते मण्डल रेल प्रबंधक(का०),
लखनऊ।

सं० ई/11/227/डब्ल्यू.एम./ईजी./लखनऊ दिनांक 19-12-81

प्रतिलिपि आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- महाप्रबंधक(का) गोरखपुर को का० आ० संख्या ई/227/5/8/1/भाग-1।(पांच) दिनांक 10-12-81 के संदर्भ में।

True copy
Attested
Executive Engineer/Con
N. E. 1. Gorakhpur

क्रम 1

A48

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
~~Limit~~ Circuit Bench, Lucknow

--

Registration no. 1155 of 1987(T)

Chandra Deo Singh

---Applicant

versus

Union of India and others

--Opp-parties

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filed today
9/5/91

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B.C. Saksena
(B.C. Saksena) Ad
Advocate

ASO

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--
Rejoinder-Affidavit in reply to the
counter-affidavit.
--

Registration No . 1155 of 1987(T)

Chandra Deo Singh --Applicant

versus

Union of India and others --Respondents
--



I, Chandra Deo Singh aged about 41

years , son of Sri Ram Naresh Singh, resident of
Mujauli, P .O. Chandraon, district Gorakhpur, do
hereby solemnly take oath and affirm as under:-

1. That the deponent is the applicant in the
above-noted petition and is fully acquainted
with the facts of the case. He has perused the
counter-affidavit filed on behalf of opposite-
parties and has understood the contents thereof.

2. That the contents of para 1 do not call

Chandra Deo Singh

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for any reply.

3. That the contents of para 2 do not call for any reply.

4. That the contents of paras ~~2a~~ to 3-C do not call for any reply.

5. That in reply to the contents of paras 4 and 5 it is stated that the petitioner was appointed as Casual Work Mistry on daily wages, i.e., Rs. 13/- per day under the proper approval of the Deputy Chief Engineer, (Construction), N.E. Railway Gorakhpur vide Office Order No. W/Con. dated 22.7.1974 against a post of Work Mistry sanctioned by the Chief Engineer, Construction, Gorakhpur. A photostat copy of ^{said} this letter is being annexed as Annexure no. R-1 to this affidavit. In this letter there is a clear instruction of the Chief Engineer, Construction, N.E. Railway that the applicant may be utilized against vacancies of Work Mistry or A.I.O.W.



Chandra Singh

The petitioner was appointed as Casual Work Mistry by the Executive Engineer, Construction Gonda vide his office order no. W/247/MG/E-3/Pt. III dated 25.7.1974 against an existing

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vacancy sanctioned vide C.E., Construction, Gorakhpur's Memorandum no. E/59/13/BG dated 18.3.1974. A photostat copy of the said letter dated 25.7.1974 is being annexed as Annexure no. R-2 to this affidavit. After a week, i.e. from 31.7.1974 the applicant was directed to work under the I.O.W., Construction, Jarwal Road vide Executive Engineer, Construction, Gonda letter no. W/247/BG/E-3 Part III dated 31.7.1974 for the supervision of Construction of Bridge no. 32 between Jarwal Road- Sarju Station. A ~~xxxx~~ ~~xxx~~ photostat copy of the said letter dated 31.7.1974 is being annexed as Annexure no. R-3 to this affidavit. After the completion of this work, where he had been up to 5.9.1974 as per order of the Assistant Engineer, Construction, Gonda the applicant was directed to supervise a special work of Bridge no. 11 between Kathola and Maijapur stations under Inspector of works, Construction, Gonda, West as per spare Memo. no. E/Const./I/O/I.O.W./Const/Jarwar Road dated 5.9.1974 a true copy of which is being annexed as Annexure no. R-4 to this affidavit. The petitioner worked under the Inspector of Works, Construction, Gonda West till 15.6.1975 and his



Chandra Deo Singh

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affidavit. Thus it is very ^{clear} ~~clear~~ that the applicant had been on the job of Casual Work Mistry till 15.8.1975 on the reduced wages, i.e., Rs.7/- per day . The Muster Sheets of both the wage periods i.e, 16.6.1975 to 15.7.1975 and 16.7.1975 to 15.8.1975 may be called from the respondents for a perusal of this Hon'ble Tribunal for verification of the assertions made hereinabove. From 16.8.1975 the services of the applicant were again illegally terminated by the Inspector of Works, Construction, Jarwal Road and a certificate was issued by the Executive Engineer, Construction Gonda to the applicant ^{that} his services have been terminated due to "expiry of sanction".



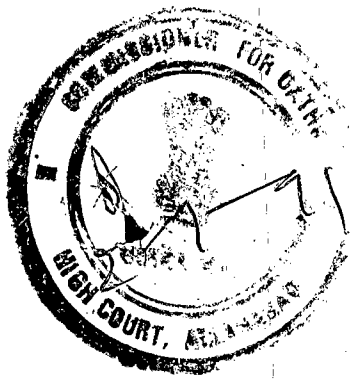
It is incorrect and wrong that ^{ten} ~~xxxx~~ Casual Work Mistryes were engaged along with the applicant in July 1974. Actually five were appointed under Executive Engineer, Construction, Gonda as intimated by the Executive Engineer, Construction, Gonda to Chief Engineer, Construction, Gorakhpur under his letter no. W/247/MG./E-3/Part III dated 1.8.1974 a ^{photostat} ~~xxxx~~/copy of which is being annexed as Annexure no.A-6 to this affidavit. Out of five Work Mistries four had left the job themselves or were engaged somewhere else . The applicant

Chamcha Singh

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only continued under the Executive Engineer, Construction, Gonda on the rate of Casual Work Mistry. The petitioner ^{was} re-engaged on 30.11.1975 under the Executive Engineer, Construction, Gonda by the said Executive Engineer against skilled category but he was required to supervise the works. It is stated that the petitioner ~~was~~ thus actually discharged the work of casual Work Mistry in the month of February, i.e., 10.2.1976. The applicant ^{directed} ~~dicted~~ to supervise the special work of P.R.C. Girder Bridge No. Ghaghra Baraj between Bichhiya- and Tikuniya railway stations newly constructed vide Assistant Engineer, Construction, Tikuniya letter no. W/247/MG/E-3/Part II/530 dated 10.2.1976 a ^{photostat} ~~true~~ copy of which is being annexed as Annexure no. R-7 to this affidavit.

After completion of 180 days continuous service in the skilled category from 30.11.1975 to 25.5.1976 the applicant ^{applied} for enhancing the rate i.e. 1/30th of the scale rate of the skilled category (Rs. 260-400). The Executive Engineer Construction by his Memorandum no. W/247/E-6/1416 dated ~~w~~ 28.6.1976/12.7.1976 granted his prayer. ^{photostat} A ~~true~~ copy of the said Memo. dated 28.6.1976/12.7.1976 is being annexed as Annexure no. R-8 to



Chander Sheo Singh

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this affidavit. In fact the skilled category involves the job of supervision of Civil Engineering works. The applicant remained on the supervisory job after his re-engagement on 30.11.1975. In support of the said assertion the following documents are being annexed:

(a) A photostat copy of the certificate granted by the Inspector of Works, Construction N.E.Railway, Bichhiya dated 17.7.1978 is being annexed as Annexure no. R-9 to this affidavit.

(b) A photostat copy of the ^{statement}/submitted by the Inspector of Work, Construction Gonda, West vide his letter no. E/P/6 dated 22.3.1980 is being annexed as Annexure no. R-10 to this affidavit.

(c) A photostat copy of the certificate granted by the Executive Engineer, Construction, N-E.Railway Gonda dated 23.10.1982 is being annexed as Annexure no. R-11 to this rejoinder-

(d) A photostat copy of letter no. W/247/BG/CL/10 dated 9.10.1986 is being annexed as Annexure no. R-12 to this rejoinder. This letter was issued by the Executive Engineer, Construction Gorakhpur. By this letter the applicant



Chandra Shee Singh

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pay was also drawn under I.O.W, Construction, Gonda, West up to 15.6.1975.

On the competition of Bridge no. 11 in the month of May 1975 the applicant was directed to supervise the works of Bridge no. 33 newly constructed between Jarwal Road and Sargu railway stations on verbal orders of Assistant Engineer, Construction, Gonda to work under I.O.W. Construction, Jarwal Road without any office order. In the month of May, 1975 the applicant was working under IOW, Construction, Jarwal Road as would be evident from the Muster sheet of the month, i.e., (16th May, 1975 to 15.6.1974 wage period.)

On 15.6.1975 the services of the applicant were terminated by I.O.W., Construction, Jarwal Road and it was written on Muster sheet also wage period (16.5.1975 - 15.6.1975) "The sanction expired". From 16.6.1975 the I.O.W., Construction, Jarwal Road posted the applicant on reduced rate (i.e. Rs. 7/- per day) sanctioned for casual Work Mistry which was sanctioned by the Executive Engineer, Construction Gonda E.L.R. No. W/247/29/3/DW/W/SDAm dated 16.6.1975 a ²photostat ~~true~~ copy of which is being annexed as Annexure no. R-5 to this



Chandra Bho Singh

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was granted temporary status having put in continuous service . The temporary status has been granted with retrospective effect from 1.1.1981.

6. That in reply to the contents of para 6 and 7 it is stated that the assertions made to the contrary to the relevant paragraphs of the petition are denied and the said assertions are hereinagain reiterated. It is stated that the Railway Board's letter dated 11.9.1986 had mentioned in para 5.1 that "The men with longest service shall have priority over those who have come and joined lateron". In other words, the principle of last come first go as provided in section 25-G- of the Industrial Disputes Act was required to be followed. ~~It is stated that~~

A photostat copy of the said letter dated 11.9.1986 is beingannexed as Annexure no. R-13 this rejoinder-affidavit. It is stated that Sri S.N.Sharma was appointed as casual Work Mistry on daily wages under units of Executive Engineer ,Construction, Gonda on 24.5.1975under the control of IOW, Construction, Gonda West. The said Sri Sharma was appointed after the petitioner and is junior to him. By an order



Chandra Singh

dated 15.6.1975 the wages of the petitioner were reduced and the services of the petitioner were also terminated illegally. Sri Sharma was allowed to continue as casual work Mistry till 15.9.1977. The action is quite contrary to the Railway Boards instructions contained in various Railway Boards letters, e.g. ⁽¹⁾Letter no. E(LL) 71/AT/ID dated 22.1.1974 a photostat copy of which is being annexed as Annexure no. ~~14~~ R-14 to this affidavit.

(2) Railway Boards letter no. E/NG/II/77/CL/46 dated 27.2.1978 addressed to all General Managers, All Indian Railways in which it was very clearly instructed that " on projects, however, the Executive Engineer will be the unit for retrenchment " a true copy of which is being annexed as Annexure no. R-15 to this affidavit. A comparison of the seniority of the applicant and Sri S.N.Sharma separately Inspectorwise does not hold good as the post of Work Mistry (supervisory staff) is a technical post and the appointment to this category cannot be made by the officer below the rank of Executive Engineer. Since the appointment of the said Sharma and the petitioner had been made by the competent authority, the units of Executive Engineer,



Chandra Bho Singh

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Construction Gonda would be the only relevant unit for retrenchment.

7. That the contents of para 8 as stated are denied and in reply the assertions made in para 5 of the petition are reiterated. It is further stated that a perusal of Annexure 4 to the petition would show that the said letter is applicable to the applicants case in the facts and circumstances stated in the petition and this rejoinder-affidavit.



8. That the contents of para 9 do not call for any reply.

9. That the contents of para 10 as stated are misleading and therefore denied and in reply the assertions made in para 7 of the petition are reiterated. It is further stated that the applicants name for regularisation was not included despite the fact that he was eligible and working in the skilled category.

10. That the contents of para 11 as stated are denied and in reply the contents of para 8 of the petition are reiterated. Further, it is

Chandra Singh

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stated that Shri S.N. Sharma was regularised as it appears in compliance of the Railway Boards instructions as there is no other provision under which he could be regularised. The plea of direct recruitment without any essential facts implies the favour of higher order.. It is stated that Sri S.N. Sharma who was initially appointed as casual Work Mistry and further his services were terminated , his appointment afresh on regular basis came to the surprise of the applicant and this amounts to total discrimination.

11. That para 12 speak of nothing but the mala fide intention of the opposite-parties; hence denied and in reply assertions made in para 9 of the petition are reiterated. It is further stated that Sri S.N. Sharma is no way stood in a better position than the applicant; hence his regularisation in no way could be made over and above the applicant.

12. That the contents of para 13 speak of the deliberate delay on the part of opposite-parties and the plea opens a door for all the complications resulting in the gross

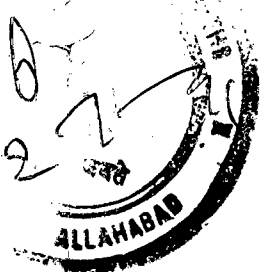
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violation of rules and justice and, are, therefore, denied and in reply the contents of para 10 of the petition are reiterated.

13. That the contents of para 14 as stated are denied and in reply the assertions made in para 11 of the petition are reiterated. It is further stated that Sri S-N. Sharma was a candidate for selection against 25% quota for Work Mistry in the scale of Rs. 380-560 In Lucknow Division dated 19.10.1989 which is again ~~not~~ not permissible and open to a person working ~~as~~ Work Mistry .

14. That the contents of para 15 as stated are denied and in reply the assertions made in para 12 of the petition are reiterated. It is further stated that the applicant since 30.11.1975 to 25.7.1984 has been working in the skilled grade, the certificate of which is annexed to the writ petition. The applicants case was many times recommended for regularisation but inspite of such recommendation he was deprived of the same from time to time. It is pertinent to state that 50 clerks were regularised in 1985



Chandha Bho Singh

Organisation . A photostat copy of the said letter dated 4.9.1985 is being annexed as Annexure no. R-18 to this affidavit. It is further stated that the Chief Engineer, Construction, Gorakhpur by his letter bearing no. E 227/7/BG (CL III Part II/2 dated 17.1.1989 regularised the services of several other casual class III of the various categories in the B.G. Construction Organisation. The petitioners name again does not find place in the same for reasons best known to the opposite-parties. A photostat copy of the said letter dated 17.1.1989 is being annexed as Annexure no. R-19 to this affidavit.

19. That a ~~com~~parative chart of 11 persons including the applicant who were appointed in the Construction Organisation in the various units under the control of the Chief Engineer, Construction, Gorakhpur is being annexed as Annexure no. R-20 to this affidavit.

A perusal of the said chart would show that persons ~~xxxx~~ engaged even subsequent to the petitioners appointment in the lower category of semi-killed have been regularised on the post of

Chandra Shekhar Singh

and 16 were regularised in 1989 and the persons even junior to the applicant were selected as per the seniority list published in 1985 vide letter no. W/247/BG/E-II dated 12.7.1985.

15. That the contents of para 16 as stated are denied and in reply the assertions made in para 13 of the petition are reiterated. . It is submitted that in the facts and circumstances stated above the applicant is entitled to the regularisation at least from the date on which persons junior to him were promoted and he is also entitled to the consequential benefits.

16. That the allegation made in para 17 is denied, and the assertions made in para 14 of the petition are reiterated.

17. That it is further relevant to state that during the pendency of the writ petition the railway authorities were required to submit details of all persons working as casual Class III employess, skilled, highly skilled or Work Mistry or other Class III posts for regularisation of their services. A letter to that effect was issued by the Executive Engineer, Construction,

Chandra Leo Singh

Gorakhpur on 14.3.1985 which bears no. ~~BK~~W/247/
BG/E- and a photostat copy of which is being
annexed as Annexure no. R-16 to this affidavit.

The CIOW, Construction, DSL, Gonda under whom
the applicant at the relevant time was working
submitted the petitioners particulars for purposes
of his regularisation/✓ on 16.3.1985
but no action on the same
appears to have been taken. A photostat copy of
the said statement is being annexed as

Annexure no. R-17 to this affidavit. It is
casual ✓

further stated that a list of 128½ Class III
employees was sent but the petitioners name was
not included in the said list resulting in the
applicant's case not being considered for regulari-
sation.

18. That the Chief Engineer, Construction, Gorakh-
pur by his letter dated & 4.9.1985 issued a
list of ~~casual~~ casual Class III employees
working in the B.G. Construction Organisation whose
services had been regularised but the applicants
name does not find place in the said list.

The petitioners candidature should have been
considered since he was admittedly working as
casual Class III worked ✓ in the B.G. Construction

27-7-85
Chandra Shee Singh

Organisation . A photostat copy of the said letter dated 4.9.1985 is being annexed as Annexure no. R-18 to this affidavit. It is further stated that the Chief Engineer, Construction, Gorakhpur by his letter bearing no. E 227/7/BG (CL III Part II/2 dated 17.1.1989 regularised the services of several other casual class III of the various categories in the B.G. Construction Organisation. The petitioners name again does not find place in the same for reasons best known to the opposite-parties. A photostat copy of the said letter dated 17.1.1989 is being annexed as Annexure no. R-19 to this affidavit.

19. That a ~~comparative~~ [✓] chart of 11 persons including the applicant who were appointed in the Construction Organisation in the various units under the control of the Chief Engineer, Construction, Gorakhpur is being annexed as Annexure no. R-20 to this affidavit.

A perusal of the said chart would show that persons ~~xxxx~~ engaged even subsequent to the petitioners appointment in the lower category of semi-killed have been regularised on the post of

Chandra Bho Singh

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-16-

Work Mistry and the petitioner for want of necessary information being sent to the relevant authorities has not been regularised.

The applicant, therefore, craves indulgence of this Hon'ble Tribunal to kindly update the reliefs prayed for in the petition and direct the opposite-parties to regularise the services of the applicant from his due date when the services of his immediate junior had been regularised and to give the applicant consequential benefits in the matter of seniority, promotion and payment of arrears of salary etc. which accrue due accordingly.



Lucknow Dated

~~10.12.10~~ 27-7/11

Chandou Deo Singh
Deponent

I, the deponent named above, do hereby verify that the contents of paras 1 to 19 are true to my own knowledge.

No part of it is false and nothing material has been concealed; so help me God.

Lucknow Dated

~~10.12.10~~ 27-7/11

Chandou Deo Singh
Deponent

I identify the deponent who has signed in my presence.

R.K. Srivastava
(R.K. Srivastava)
Clerk to Sri B.C. Saxena, Advocate

A66

17

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--

Registration no. 1155 of 1987(T)

Chandra Deo Singh

--Applicant

versus

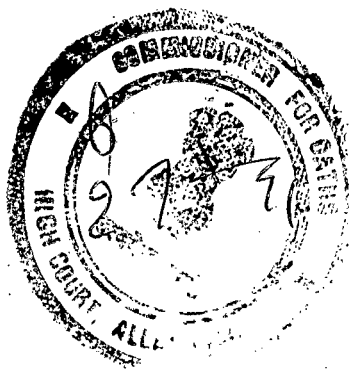
Union of India and others

--Respondents

--

Annexure no. R-1

Chandra Deo Singh



A67

18

NORTH EASTERN RAILWAY
(Survey & Construction Branch)

M.P. Budhiraja
Dy. CE/Con./West

OFFICE OF CHIEF ENGINEER/CON.

D.O.No.W/Con./

Cuttack : Dated 22 - 7 - 54.

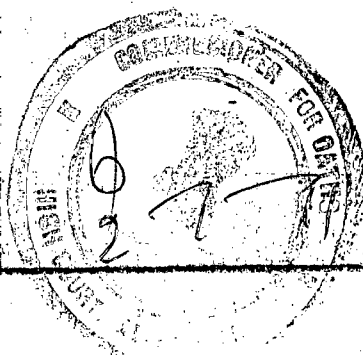
My dear Chakraborty,

Reg: Work Mistries.

Shri Chandra Deo Singh, a Diploma Holder in Electrical Engineering, has requested for appointment as Work Mistry. He is being directed to you for appointment as Work Mistry on daily wages at the rate of Rs.13/- per day as sanctioned by this office. He may be appointed when he reports in your office and utilised against existing vacancies of Work Mistries/AIOWs.

Yours sincerely,

(M.P. Budhiraja)



Chandra Deo Singh.

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

Registration No. 1155 of 1987(T)

Chandra Deo Singh

--Applicant

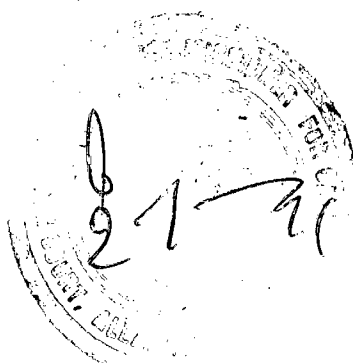
versus

Union of India and others

--Respondents

Annexure no. R-2

Chandra Deo Singh.

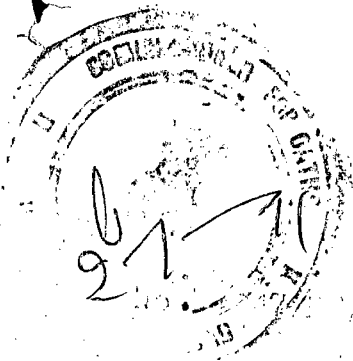


②

②

00103 0001

1. The first step is to identify the problem or goal. This involves understanding the current situation and what needs to be achieved.



9/10/1917

7-9/Pt.III

[illegible]

1. Cotton/linen
2. 100% Cotton/linen
3. 100% Cotton/linen
4. 100% Cotton/linen

Chandra Deo Sgh. 2 2/5

A70

21

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

--

Registration No. 1155 of 1987(T)

Chandra Deo Singh

--Applicant

versus

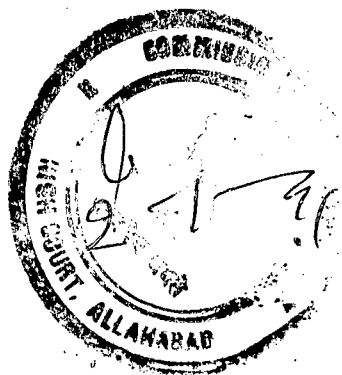
Union of India and others

--Respondents

--

Annexure no. R-3

Chandra Deo Singh.



NORTH EASTERN RAILWAY.

OFFICE ORDER.

Shri Chandra Deo Singh S/o Shri Ram
Harish Singh casual work-mistry is posted
to work under IOW/Gen/EG/JLD with immediate
effect with his H.Q. at Jarwal Road.

YEN (COPI)/GZRA.

No. /247/EC/E-2/1111, 13/5/1973.

Copy forwarded for information to:-

1. Dy. P. & CAO/COV/General.
2. Shri Raj Kishore, IOW/COV/EG/JLD.
3. Staff concerned.

YEN (COPI)/GZRA.

11/5/73

97

Chandra Deo Singh

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--

Registration No. 1155 of 1987 (T)

Chandra Deo Singh

--Applicant

versus

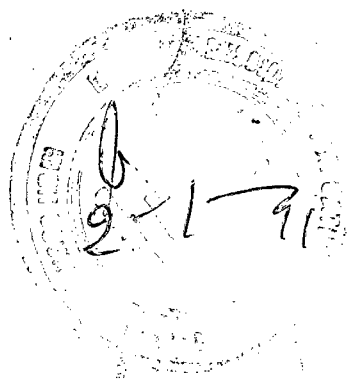
Union of India and others

--Respondents

--

Annexure no. R-2 x6 R-4

Chandra Deo Singh



No E/100/1

To

Sec/Con/26/48(10)

Sub: Office Memo

As per verbal order of AEN/Con/GO(10) at 11/9/74 Shri Chandra Deo Singh Casual work might be performed in the forenoon of date to be notified under your order.

Sec/Con/26/48(10)

C/O to AEN/Con/GO(10) for information please

✓ (2) Staff Concerned

Raj Bisha

Sec/Con/26/48(10)

27-91

Chandra Deo Singh

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--

Registration No. 1155 of 1987(T)

--

Chandra Deo Singh

--Applicant

versus

Union of India and others

--Respondents

--

Annexure no. R-5

Chandra Deo Singh



A76

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD
CIRCUIT BENCH LUCKNOW

--

Registration No. 1155 of 1987(T)

--

Chnadra Deo Singh

--Applicant

versus

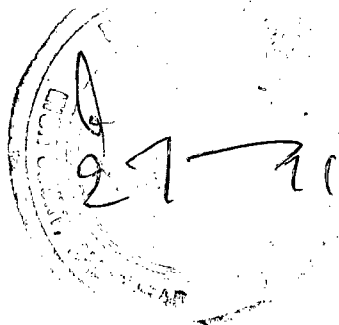
Union of India and others

--Opp-parties

--

Annexure no. R-6

Chandra Deo Singh



A77

28

NORTH EASTERN RAILWAY.

A.K. CHAKRAVORTY
XEN (CON) I / GONDAOffice of the
Executive Engineer/Con/ I
Gonda
dated: 1.8.1974.

D.O. No. W/247/MO/E-3/Pt. III

My dear Jain, 4

Sub: Appointment of work-mistries,
tracers and typist on casual
labour Rate.Ref: Dy. CE/Con/West/CE's confidential
D.O. letter No. BG/SS/E-1 dt. 25.7.74.As desired by Dy. CE/Con/W the name of work-mistries
appointed at Casual labour rate in this unit are given
below:-

1. Shri Kiran Parkash Tewari S/o Shri Shad Kishore Tewari.
2. Shri Kamlesh Kumar S/o Sri Shree Prasad.
3. Shri S.K. Chatterjee S/o W.C. Chatterjee.
4. Shri Mukti Nath Pandey S/o S.D. Pandey.
5. Shri Chandra Das Singh S/o Shri Ram Nareish Singh.

Yours sincerely,

Shri G.B.K. Jain,
PA to Chief Engineer/Con.,
N.E. Railway,
Gorakhpur.

A.K. CHAKRAVORTY

Chandra Das Singh.

A-18

29

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--

Registration No. 1155 of 1987(T)

--

Chandra Deo Singh

--Applicant

versus

Union of India and others

--Opp-parties

--

Annexure no. R-7

Chandra Deo Singh.



NEELY

(7)

Office of ASST. Engineer (Cons.)

Varanasi

Dated: 10.2.76.

(13)

OFFICE ORDER.

(8)

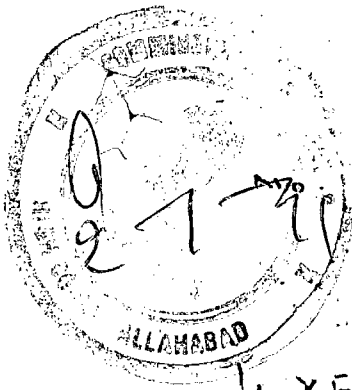
The following persons are deputed to supervision work of P.W.D. junction bridge No.7 Ghoga Bazar. Their head quarters will be at Ton from 1.2.76.

- ① Shri R.K. Goh.
- ② Shri C. S. Singh.
- ③ Shri V. K. Kumar.
- ④ Shri A. G. Singh.
- ⑤ Shri S. M. Khan.

For information to submit E.L.R. & get it sanctioned.

ASST. ENGINEER (CONS.)
VARANASI

W/207/MC/11-E/14 II/220 dt. 10.2.76.



Copies forwarded to:-

- 1. XEN/Cons/600
- 2. DY. ENGR. C.A. D. G. S. } for information.
- 3. TON/CON/TON

See
MD
E

ASST. ENGINEER (CONS.)
VARANASI

Chandra Dev. Gh.

A-80

3/

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

Registration no. 1155 of 1987(T)

Chandra Deo Singh

--Applicant

versus

Union of India and others

--Opp-parties

Annexure no. R-8



Chandra Deo Singh

A81

32

(6)

281

RECEIVED

Sanction is hereby accorded for the payment of 1/30th of the scale of pay i.e. Rs. 13.30 per day to Shri C.D. Singh, Skilled Casual Labour working under AEN/Con/TQM who has completed 6 months continuous service from 30.11.75 to 31.5.76. The rate of Rs. 13.30 per day is payable to him w.e.f. from 1.6.76. In view of terms of Hq. Board's letter No. PC/72/817/69-3 dated 12.6.76.

EXECUTIVE ENGINEER (CON) / COO

No. W/247/E-4/416

28.5.76
12.7.76

Copy forwarded for information to



- 1- The Dy. FA & CAO/Con/USP.
- 2- The AEN/Con/TQM in reference to his No. W/247/AG/E-4/PE-II/153 dt. 4.6.75.
- 3- IOW/Con/TQM in duplicate.
- 4- Bill Clerk in office.

[Signature]
EXECUTIVE ENGINEER (CON) / COO

Ash/206

Pay drawn in revised scale
from 16/7/76 to 15/8/76

Chandra Deo gh.

Rev.
14/7

This is to certify that Shri C.D. Singh
Shri R.N. Singh has been working in
Organisation since 25.7.74 as casual work
Mistry and still doing the job of work
with honesty and sincerity. He is Diplo
Holder in Electrical Engineering.

I wish him every success in his life.

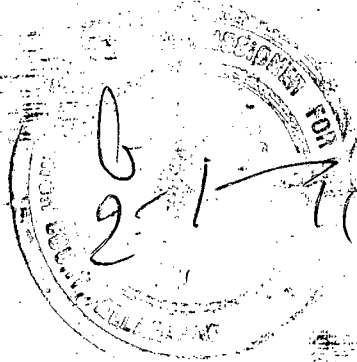
His service particulars are as under:-

25.7.74 to 31.3.74 Under ICW/Con/JLD. as
1.9.74 to 15.6.75 Under ICW/Con/GD. (W/L)
16.6.75 to 15.8.75 Under ICW/Con/JLD.
30.11.75 to still continuing under ICW/Con/BIC
as skilled Cl. Khalasi @ 13.00 per
day.

Inspector of Works/Constn.,

N.E. Railway/Bidhi

जॉइन्ट रेलवे विभाग



Chandro Singh

882

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--

Registration No. 1155 of 1987(T)

--

Chandra Deo Singh

--Applicant

versus

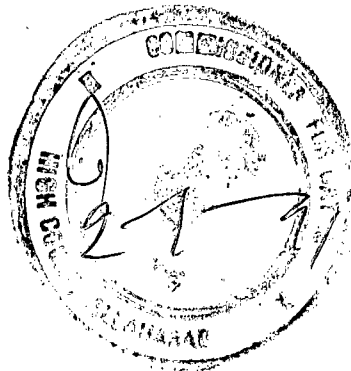
Union of India and others

--Opp-parties

--

Annexure no. R-9

Chandra Deo Singh



A84

35

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--

Registration No. 1155 of 1987(T)

--

Chandra Deo Singh

--Applicant

versus

Union of India and others

--Opp-parties

--

Annexure no. R-10

Chandra Deo Singh.



A 85

Post-Examination Closing Service for Candidates of 151 Period

Sr. No.	Name of Candidate	Father's Name	Qualification	Date of Birth	Date of Engage-ment	Total days of service	Remarks
1.	Mr. Chandra Deo Singh	Mr. Ram Narain Singh	Higher Years Diploma in Elec-trical Engg.	13.1.49	25-7-1939 to 25-7-1949	25-7-74 to 15-6-75 i.e. in P.W.D. & C.E.M.S.D.	Applicant kept in skill and work in cases mainly killed. He is very poor and hard working man. He is in the job of carrying

No. E/M/16

Dt. 22/3/80

1674
24/3

So Be.

XEROX 24/3



कार्य निमित्त/निर्माण
प्रतिष्ठान, नोटा/परिसर

Chandra Deo Singh

In the Central Administrative Tribunal
Additional Bench at Allahabad,
Circuit Bench, Lucknow

Registration No. 1155 of 1987(T)

Chandra Deo Singh

--Applicant

versus

Union of India and others

-Opp-parties

Annexure no. R-11

Chandra Deo Singh



North Eastern Railway

This is to certify that Shri Chandra Deo Singh son of Shri R.N. Singh has been working in Construction Organization since 25.7.74 as Casual Work Mistry and still doing the job of Work Mistry with honesty and sincerity. He is a Diploma Holder in Electrical Engineering.

I wish him every success in his life. His service particulars are as under:-

25.7.74 to 31.8.74 under IOW/Con/JLD	} As Casual Work Mistry @ Rs.13/- per day. as skilled labour
1.9.74 to 15.6.75 under IOW/Con/Gonda	
16.6.75 to 15.8.75 under IOW/Con/JLD	
30.11.75 to 31.5.81 under IOW/Con/Gonda	-- As skilled Labour

He is still continuing in service since 1.6.81 under IOW/Con./Gonda (Yard) as skilled Labour @ Rs.18.85 Per Day.

Place : Gonda.

Dated : 10/1982.

(J. P. SAXENA)
Executive Engineer/Con.,
N.E. Railway, Gonda.



Chandra Deo Singh

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--

Registration No. 1155 of 1987(T)

--

Chandra Deo Singh

--Applicant

versus

Union of India and others

--Opp-parties

--

Annexure no. R-12

Chandra Deo Singh.



Indul

(12)

OFFICE ORDER

Construction

The under noted Project casual labour of LJM Division, who have completed five years continuous service on 1.1.1961, are being granted temporary status w.e.f. 1.1.1961 in terms of Railway Board's letter No.E(MG)/II/34/CL/81 dated 11.9.36.

Sl. No.	Name & Father's name	Design.	Remarks
1	2	3	4
1	S/Shri	W/Mistry	
1	Chandra Deo Singh S/O Ram Naresh Singh	B/Smith	
2	Bhagirathi S/O Ram Jatan	Chaser	
3	Syed Azhar Imam S/O Syed Ahmad Husain	Chaser	
4	Surendra Kumar S/O Gunjeshwari Pd.	II/Man	
5	Gulab Chand Tewari S/O Ram Rekha Tewari	Keyman	
6	Janki Pd. Misra S/O Moti Lal Misra	-do-	
7	Shree Pujan S/O Kashi	-do-	
8	Raja Ram S/O Paras	-do-	
9	Ram Das S/O Goli	-do-	
10	Hanuman Shukla S/O Ram Bhajan Shukla	-do-	
11	Sabir Ali S/O Mohd. Jalil	-do-	
12	Ram Tej S/O Ram Suchi	-do-	
13	Ram Niwas Chaudhary S/O Sursar Chaudhary	-do-	
14	Suraj Pal S/O Rampat	-do-	
15	Komal S/O Chauthi	-do-	
16	Rabhani S/O Mohabbat Husain	-do-	
17	Narsingh S/O Paras Singh	Khalasi	
18	Phool Deo S/O Munna Yadav	-do-	
19	Surya Nath S/O Sita Ram Yadav	-do-	
20	Tafiq S/O Jumrati	-do-	
21	Ram Deo S/O Phera	-do-	
22	Shree Ram S/O Chamandi	-do-	
23	Ganesh S/O Bansraj	-do-	
24	Narsingh S/O Bhola Singh	-do-	
25	Chauthi S/O Barsati	-do-	
26	Brij Lal S/O Bahadur	-do-	
27	Chauthi S/O Karia	-do-	
28	Durbal S/O Tameshar	-do-	
29	Ram Chander S/O Babu Ram	-do-	
30	Ram Awadh S/O Sahabdeen	-do-	
31	Banwari S/O Mansraj	-do-	
32	Santoo S/O Chandra Bali	-do-	
33	Garjoon S/O Baran	-do-	
34	Ram Sumer S/O Udai Raj	-do-	
35	Jaglal S/O Mali	-do-	
36	Balikaran S/O Dasdeo	-do-	
37	Dharamraj S/O Sarjoo	-do-	
38	Sukhran S/O Paltoo	-do-	
39	Komal S/O Sukhdeo	-do-	
40	Radhey Shyam S/O B.S. Verma	-do-	
41	Narendra Bahadur S/O Shree Dutt Yadav	-do-	
42	Ram Bhari S/O Ram Bali	-do-	
43	Uttam S/O Lakhon Mahto	-do-	
44	Kejar S/O Dhanraj	-do-	
45	Kapildoo S/O Brij Bihari	-do-	
46	Ram Awadh S/O Bhagwati	-do-	
47	Mostakim S/O Mohd. Qurban	-do-	
48	Bhola Pd. Shah S/O Maksudan Shah	-do-	
49	Frag Dutt S/O Shyam Narain	-do-	
50	Pilak Ram S/O Nagai	-do-	

contd..2.

Chandra Deo S/O

1	2	3
		Khalasi
51.	Sabir Ali S/O Jakir Ali.	-do-
52.	Jhinkoo Pd. S/O Bahadur	-do-
53.	Shanker S/O Dayal	-do-
54.	Subba Yadav S/O Supher Yadav	-do-
55.	Haribans Chaubey S/O Ramdhan Chaubey	-do-
56.	Mata Pd. S/O Ram Gulam	-do-
57.	Dalsingar S/O Bhikhari	-do-
58.	Dashrath S/O Sukdeo	-do-
59.	Kripa Shanker S/O Jhingur Lal	-do-
60.	Ram Chander S/O Jout	-do-
61.	Bhagwan Din S/O Badloo Pd.	-do-
62.	Ram Lautan S/O Ram Samujh	-do-
63.	Ram Pd. S/O Misri	-do-
64.	Ram Charittar S/O Balikaran	-do-
65.	Sheo Kumar S/O Ram Sumiran	-do-
66.	Ram Samujh S/O Parbho Yadav	-do-
67.	Suraj Bahadur S/O Chandra Bahadur	-do-
68.	Haribans S/O Muneri Lal	-do-
69.	Jai Narain S/O Mahadeo	-do-
70.	Ram Bachan S/O Surya Bali	-do-
71.	Budhiram Yadav S/O Daya Ram	-do-
72.	Ram Milan S/O Shyam Lal	-do-
73.	Rajender S/O Natey	-do-
74.	Manasa Ram S/O Sheo Pd.	-do-
75.	Abdul Gaffar Alam S/O Shtrat	-do-
76.	Yar Mohd. S/O Fatch Mohd.	-do-
77.	Ram Ujagir S/O Ram Nath	-do-
78.	Ram Khelawan S/O Ram Lautan	-do-
79.	Prem Narain S/O Rajender Pd.	-do-
80.	Sonai S/O Chotkoo	-do-
81.	Mangray S/O Ram Gulam	-do-
82.	Ram Din S/O Timmal	-do-
83.	Bhodar Singh S/O Lal Bahadur Singh	-do-
84.	M.N. Yadav S/O R.A. Yadav	-do-
85.	Kalpna S/O Sohan Lal	-do-
86.	Ram Raj S/O Brij Bhusan	-do-
87.	Meera Lal S/O Suraj Lal	-do-
88.	Bichcha Pd. S/O Ram Khobar	-do-
89.	Sawal Pd. S/O Lakhpal Lal	-do-
90.	Gita Ram Joshi S/O Jiwa Nand Joshi	-do-
91.	Biswanath S/O Sheo Ratan	-do-
92.	Babadin S/O Ram Khelawan	-do-
93.	Kailash S/O Rajbansi	-do-
94.	Vishwa Nath S/O Samai Din	-do-
95.	Md. Islam Ansari S/O Hussaini Ansari	-do-
96.	Bagwati S/O Sukai	-do-
97.	Kira S/O Bhagoloo	-do-
98.	Laxman Misra S/O Ram Charan Misra	-do-
99.	Sher Bahadur S/O Shri Ram	-do-
100.	Mohd. Usuf S/O Noor Mohd.	-do-
101.	Bimal Kumar Singh S/O Sambho Dutt	-do-
102.	Sita Ram S/O Jag Pd.	-do-
103.	Chandra Prakash S/O Hanuman Pd.	-do-
104.	Ram Milan S/O Baur	-do-
105.	Nagendra Pd. S/O Babu Ram	-do-

contd....3.

Chandha Desai

AEV

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1	2	3	4
106.	Phool Chand S/o Sheo Bhagwan	-do-	-do-
107.	Ram Chandar Yadav S/o Bhadra Yadav	-do-	-do-
108.	Nankoo S/o Ori	-do-	-do-
109.	Ram Tej S/o Raj Ram	-do-	-do-
110.	Jamil S/o Hasnoo	-do-	-do-
111.	Ram Deo S/o Ram Hit	-do-	-do-
112.	Suraj Pd. Misra S/o Shyam Sunder Misra	-do-	-do-
113.	Ram Tulas S/o Buhai	-do-	-do-
114.	Balram S/o Hathay	-do-	-do-
115.	Ali Ahmad S/o Bahadur	-do-	-do-
116.	Sheo Prasad S/o Ganga Ram	-do-	-do-
117.	Kashaw Ram S/o Shewa Ram	-do-	-do-
118.	Shree Ram S/o Ram Bharokey	-do-	-do-
119.	Ram Laut S/o Awadhoo	-do-	-do-
120.	Ram Chandar S/o Sukh Deo	-do-	-do-
121.	Hohi Lal S/o Choda	-do-	-do-
122.	Smt. Purnima Devi W/o P.M. Yadav	-do-	-do-
123.	Amrika S/o Nibar	-do-	-do-

One hundred
twenty three only.

[Signature]
19-10-16
No. 000

[Signature]
Executive Engineer/Constn.
N. E. Railway
Gorakhpur

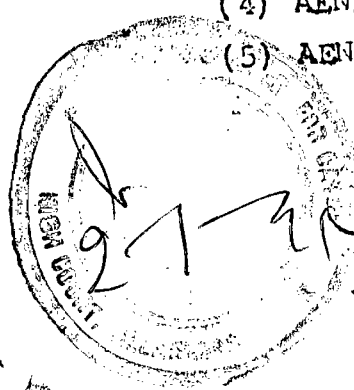
No. W/247/NG/CL/10/

Gorakhpur, Dated 09.10.1906

Copy to the:-

- (1) C.E./Constn./Gorakhpur
- (2) EA & CAO/Constn./Gorakhpur
- (3) Dy.C.E./Constn./Lucknow Jn.
- (4) AEN/Con/T/Gorakhpur
- (5) AEN/Con/Gonda.

for information.



[Signature]
XEN/Constn./Gorakhpur

Chandra Deo Gh.

Agg

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In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

Registration No. 1155 of 1987(T)

Chandra Deo Singh

--Applicant

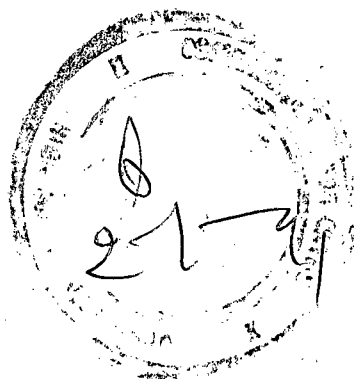
versus

Union of India and others

--Opp-parties

Annexure no. R-13

Chandra Deo Singh.



(13)

ion of the revised scales.

1041 सं० ई (एन जी) 11/84/सीएल/41

दिनांक 11.9.86

विषय : परियोजना नैमित्तिक श्रमिक-रोजगार की शर्तें ।

यह पत्र उपर्युक्त विषय पर रेल मंत्रालय, अब रेल विभाग के 1.6.84 तथा 25.6.84 के पत्रों के संदर्भ में है ।

2. परियोजना नैमित्तिक श्रमिकों को अस्थायी मानने के लिए रेल मंत्रालय के 25.6.84 के पत्र के साथ पत्र 1.6.84 के समसंख्यक पत्र के पैरा 5.1 उल्लिखित योजना को हमलावा यादब एवं अन्य चनाय भारत मंडल एवं अन्य की रिट याचिका सं० 147, 320-69, 454, 4335-4434/83 के हद में सर्वोच्च न्यायालय के समक्ष प्रस्तुत किया गया था । सर्वोच्च न्यायालय ने 18.4.85 के निर्णय में निम्न आशोधनों के अन्वयेन इस योजना का अनुमोदन किया है जिसकी प्रति संलग्न है ।

3. सर्वोच्च न्यायालय के उक्त निर्णय में दिये गये निर्देशों तथा उनके 11.8.86 के आदेशों (प्रतिविधि संलग्न) को पट्टेभार रखते हुए 1.6.84 के पूर्वोक्त पत्र के पैरा 5.1 को निम्न प्रकार प्रतिस्थापित किया जाये, इसके अन्य प्रावधान अपरिवर्तित रहे जायें :

5.1 ऐसे विचार विमर्श के परिणामस्वरूप रेल मंत्रालय ने निम्नान्त रूप में अब यह विनिश्चय किया है कि परियोजनाओं पर नियोजित नैमित्तिक श्रमिकों को (परियोजना नैमित्तिक श्रमिक के रूप में भी जाने जाने वाले) 360 दिन के निरन्तर रोजगार पूरा होने पर अस्थायी (अस्थायी स्तर) समझा जायें ।

मंत्रालय ने आगे यह विनिश्चय किया है :-

(क) ये आदेश इन पर लागू होंगे :

(I) परियोजनाओं के वे नैमित्तिक श्रमिक जो 1.1.1981 को सेवा में थे; तथा

(II) परियोजनाओं के वे नैमित्तिक श्रमिक जो यद्यपि 1.1.81 को तो सेवा में नहीं थे परन्तु इससे पहले रेलवे में सेवा में थे तथा निरन्तर रोजगार की ऊपर निर्धारित अवधि (360 दिन) पहले ही पूरी करली थी अथवा अब कर चुके हैं या 1.1.1981 के बाद पुनः काम पर लगाए जाने से निरन्तर रोजगार की उक्त निर्धारित अवधि पूरी कर लेंगे ।

You are the embodiment of God, fill yourselves with the thought of almightiness your majesty and your glory.

—Sai Baba

Chandra Sec S/h,

- द्वारा इस सूची की प्रत्येक वर्ष 30 सितम्बर से पहले वर्ष में कम से कम एक बार अवश्य समीक्षा की जाये। इस प्रकार नामित अधिकारी ऐसा हो, जो इस प्रकार के काम को गुचाह रूप से सम्हाल सके।
8. इसे रेल विभाग के वित्त निदेशालय की सहमति से जारी किया जा रहा है।
9. कृपया पावती दें।

संलग्न: यथोपरि

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITIONS NOS. 147, 320-694, 54,
4335-4434/83-etc. etc.

Inder Pal Yadav & Ors. etc.

Versus

Union of India & Ors. etc.,

Petitioners

Respondents.

JUDGMENT

Desai. J.

Articles 41 and 42 of constitution notwithstanding, there are certain grey areas where the rule of hire and fire, a legacy of *Laissez-faire*, even in Government employment still rules the roost. Casual labour employed on projects also known as 'Project casual labour' is one such segment of employment where one may serve for years and remain a daily rated worker without a weekly off, without any security of service, without the protection of equal pay for equal work. In short at the sweet will and mercy of the local starpps. Even the formidable railwaymen's unions least cared for these helpless and helpless workmen. Suddenly a torrent of writ petition and petitions for special leave awakened this Court to the plight of these workmen. In quick succession, 48 writ petitions and 32 petitions for special leave flooded this Court. In each writ petition/S.L.P., the grievance was that even though the workmen styled as 'project casual labour' had put in continuous service for years on end to writ ranging from 1974 till 1983, yet their services were terminated with impunity under the specious plea that the project on which they were employed has been wound up on its completion and their services were no more needed. No one is unaware of the fact that Railway Ministry has a perspective plan spreading over years decades and projects are waiting in queue for execution and yet these workmen were shunted out (to use a cliché from the Railway vocabulary) without any chance of being re-employed. Some of them rushed to the court and obtained interim relief. Some were not so fortunate. At one stage some of these petitions were set down for final hearing and the judgement was reserved. When some other similar matters came up, Mr. K.G. Bhagat, the then learned Additional Solicitor General, requested the court not to render the judgment because he would take up the matter with the Railway Ministry to find a just and humane solution affecting the livelihood of these unfortunate workmen. As the future of lakhs of workmen going under the label of casual project labour was likely to be affected, we repeatedly adjourned these matters to enable the Railway Ministry to work out a scientific scheme.

तर्क केवल बुद्धि का विषय है। हृदय की सिद्धि तक बुद्धि नहीं पहुंच सकती। जिसे बुद्धि माने मगर हृदय न माने वह त्याज्य है।
— गांधी जी

Chandra Bugh

AMS

409

नवम्बर १९८६]

रेल पथ

[२५]

Railway Ministry framed a Scheme and circulated the same amongst others to all the General Managers of Indian Railways including production units as per its circular No. E (NG) II/84/CL/41 dt. June 1, 1984. In the Scheme it was stated that all the General Managers were directed to implement the decision of the Railway Ministry by the target dates. It was further stated that a detailed letter regarding group 5,1 (ii) would follow. Such a letter was issued on June 25, 1984. Thereafter, these matters were set out for examining the fairness and justness of the Scheme and whether the court would be in a position to dispose of these petitions in view of the Scheme. That is how these matters came up before us.

The relevant portions of the Scheme read as under :-

"5.1 As a result of such deliberations, the Ministry of Railways have now decided in principle that casual labour employed on projects (also known as project casual labour) may be treated as temporary on completion of 360 days of continuous employment. The Ministry have decided further as under :-

(a) These orders will cover :

- (i) Casual labour on projects who are in service as on 1.1.84; and
- (ii) Casual labour on projects who though not in service on 1.1.84, had been in service on Railways earlier and had already completed the above prescribed (360) days of continuous employment or will complete the said prescribed period of continuous employment on re-engagement in future. (A detailed letter regarding this group follows).

(b) The decision should be implemented in phases according to the schedule given below :-

Length of Service (i.e. continuous employment)	Date from which may be treated as temporary.	Date by which decision should be implemented
(i) Those who have completed five years of service as on 1.1.84.	1.1.1984	31.12.1984
(ii) Those who have completed three years but less than five years of service as on 1.1.1984.	1.1.1985	31.12.1985
(iii) Those who have completed 360 days but less than three years of service on 1.1.1984.	1.1.1986	31.12.1986
(iv) Those who completed 360 days after 1.1.1984.	1.1.1987 or the date on which 360 days are completed whichever is later.	31.3.1987

Faith in ourselves and faith in God. This is the secret of greatness. For God is love.

—Sai Baba

Chandha Deo S.C.

नवम्बर १९८६]

रेल पथ

[२७]

over those who have joined later on. In other words, the principle of last come first go or reverse it first come last go as enunciated in Sec. 25 G of the Industrial Disputes Act, 1947 has been accepted. We direct accordingly.

All these writ petitions and special leave petitions shall stand disposed of consistent with the scheme as modified by this judgment and the directions herein given.

The scheme as would stand modified by the directions herein given forms part of this judgment.

Learned counsel Shri Anis Suhrawardy has put in the maximum labour in making a very useful compilation. He must have spent days and months. The compilation helped us the most in dealing with the writ petitions and the special leave petitions and in ascertaining the proper principle. Such a compilation ought to have been prepared by the Railway Administration. Therefore, we direct the Union of India to pay Rs 5,000/- as and by way of costs to Shri Anis Suhrawardy, Advocate, Supreme Court.

New Delhi.

April 18, 1985.

Sd/- (D. A. Desai)

Sd/- (Ranganath Misra)

Chandra Deo Gt.



A97

51

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

Registration No. 1155 of 1987(T)

Chandra Deo Singh

--Applicant

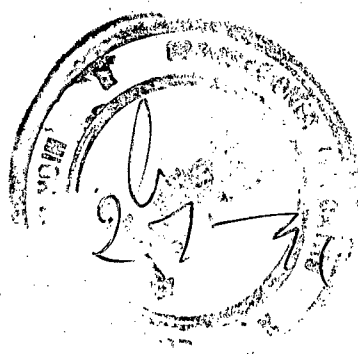
versus

Union of India and others

--Opp-parties

Annexure no. R-14

Chandra Deo Singh



(19)

(18)

ANNEXURE- I

Copy of Railway Board's letter No.E(LL)71/AT/ID/1-7 dated 22.1.74 addressed to the General Managers, All Indian Railways, CLW, DLW and ICF. The General Manager, Metropolitan Transport Project(R) Calcutta. The Chief Administrative Officer(R), Metropolitan Transport Project (Railways), Bombay/Madras/Delhi and copy to others.

Sub;- Application of the provisions of the Industrial Dispute Act, 1947, Maintenance of seniority list of workmen before retrenchment.

Reference is invited to Board's letter No.E(LL)71AT/ID/1-7 dated 10.1.1972. In response to Board's letter of even number dated 19.6.1975 views had been expressed by the Railway Administrations on the issue as to whether seniority list of casual labour should be maintained for the division as a whole or according to each unit of recruitment.

2. The matter has been further considered. The Board are advised that the establishment of the Senior Subordinate staff is to be treated as the industrial establishment in relation to casual labour as the unit of the recruitment of casual labour on the Indian Railways is the establishment of the Senior Subordinate staff namely, Inspector of Works, Permanent Way Inspector, Station Master, Traffic Inspector, Loco Foreman etc. and casual labour are not also ordinarily transferable from one place to another.

3. Accordingly, the Board desire that necessary steps should be taken to ensure that every such local establishment of the senior subordinate staff should be required to prepare and display seniority lists of the particular categories of casual labour employed therein, including those who on completion of four months continuous service, become eligible for some of the benefits admissible to temporary railway servants. Whenever the necessity of effecting retrenchment of any casual labour arises in any such local establishment, the seniority list so maintained in such of Section 25G of the Industrial Disputes Act and the Rules 76 and 77 of the Industrial Disputes (Central) Rules 1957.

4. Please acknowledge receipt of this letter.

Sd/-A.K.Saha
Asstt. Director Estt. (LL)

—Chandra Deo Gh.

2-1-74

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

Registration No. 1155 of 1987(T)

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Chandra Deo Singh

Applicant

versus

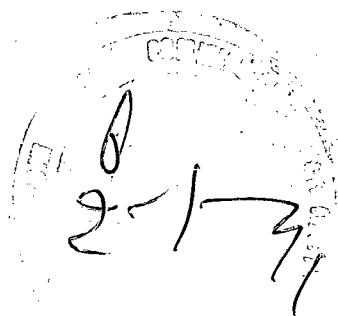
Union of India and others

--Opp-parties

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Annexure no. R-15

Chandra Deo Singh



A/00
54

74

GOVERNMENT OF INDIA
Ministry of Railway
(Railway Board)

22
(15)

No.E(NG)II/77/CL/46

New Delhi, dated 27.2.1978

The General Managers,
All Indian Railways,
CLW, DLW and ~~ICF~~ ICF.

The Director General,
R.D.S.O., Lucknow.

Sub:- Decasualisation of Casual labour.

In continuation of the instructions contained in Railway Board's letter No.E(NG)II/74/CL/27 dated 20.6.1974, the Ministry of Railways have decided that the following further steps be taken to effect decasualisation:-

1. In addition to the locations mentioned in the above quoted letter, cadre review should be made in the establishments of the inspectors in the Civil Engineering, Signal and Bridge Maintenance so that regular posts are created where casual labour sanctions have existed for three years or more.
A committee of Additional Heads of Departments including Addl.Chief Personnel Officer, Addl. F.A.& the Addl.Head of the concerned Department should be in charge of this cadre review.
2. There should be ban on intake of fresh casual labour on open line by the Inspectors except in emergencies like, accidents, floods, breaches, etc. As far as possible, casual labour whose work is coming to an end in one unit should be diverted against requirements of new ELR sanctions in adjacent units. Where a situation arises where none of the serving casual labour are willing to go for a new job for which ELR is sanctioned, fresh requirement should then be only on the personal orders of the Divisional Superintendent.
The present arrangement of Inspector-wise seniority will, however, continue. Thus casual labour diverted from one unit to another will rank as junior most in the new unit for purposes of seniority and retrenchment.
3. On Projects, however, the XEN will be the unit for retrenchment which would reduce to a great extent the hardship now being experienced in Inspector-Wise retrenchment.

Sd/-

(K.N.Kapoor)

Deputy Director, Establishment
Railway Board.

Ask/8.3

Chandsa Deo Gh.

A-101

55

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

--

Registration no. 1155 of 1987 (T)

Chandra Deo Singh

--Applicant

versus

Union of India and others

--Opp-parties

Annexure no. R-16

Chandra Deo Singh



In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

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Registration No. 1155 of 1987(T)

--

Chandra Deo Singh

--Applicant

versus

Union of India and others

---Opp-parties

--

ANNEXURE NO. R-17

Chandra Deo Singh



Chandra Sekh

~~7-17-73~~

16.3.57

कर्मचारी का अधिकार
राष्ट्रपति द्वारा प्रदानित
(52) का अधिकार

2

A/05

59

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

Registration no. 1155 of 1987(T)

--

Chandra Deo Singh

--Applicant

versus

Union of India and others

--Opp-parties

--

Annexure no. R-18

Chandra Deo Singh



A/106

60

(10)

(40)

NORTH EASTERN RAILWAY

OFFICE OF THE
CHIEF ENGINEER IN CHARGE
GORAKHPUR.

No.E/227/7/BG/Class III/Pt. II/1

Dated: 04.9.1985

Dy.C.E./Con/LJN.
 XEN/Con/BSB, BJU, KGG, GKP.
 XEN/Con/Plg./Design/Track/GKP/XEN/Survey/GKP.
 XEN/Con/CBP, XEN/Con/Bridge/GKP
 Dy.C.E.E./Con, Dy.CME/Con, Dy.CPS/Con/Dy.CCS(S)/Dy.CB/Con/GKP
 C.S.T.E./Con/GKP, D.S.T.E./Con/GKP, BJU, LJN
 F.A.&C.A.O./Con/GKP.

Sub:- Regularisation of services of Casual Class III
 workers in B.G./Construction Organisation.

1. In response to this office letter of even No. dated 15.7.85 as a result of paper screening held in the forenoons of 22nd to 25th July '85 for finding out eligibility of the candidates who were found eligible in all respects, were subjected to viva-voce test by the nominated Committee (including Member-Secretary, Railway Recruitment Board, Gorakhpur) in the afternoon of 22nd to 25th July '85 and they have been found suitable by the Committee. The result has been approved by the Competent Authority on 03.9.1985. Their services are, therefore, regularised against the posts indicated below w.e.f. 03.9.85 i.e. the date of approval of the result by the competent authority, subject to their fitness in the appropriate medical category and character verification:-

Sr.No.	Name	Father's Name	Unit of posting
1	2	3	4

WRK MSTRY (280-560).

1. Kamlesh Kashyap Ram Lagan XEN/Con/CBP at GKP.

GLEEKs (260-400)

1. Pateshwary Pd. Pandey Anirudh Pd. Pandey Dy.CE/Con/LJN.
 2. Krishna Kant Pandey Bankey Bihari Pandey -do-
 3. Arvind Kumar Verma Anant Kumar Verma XEN/Con/BSB.
 4. Rajendra Kumar Sriv. Adya Pd. Srivastava XEN/Con/GKP.
 5. Sheo Narain Yadav Bhawa Nath Yadav XEN/Con/BJU.
 6. Ram Chandra Dwivedi Raja Ram Dy.CE/Con/LJN.
 7. Tara Chand Jaiswal Misri Lal Jaiswal DSTE/Con/BG/GKP.
 8. Awadesh Kumar Pd. Hari Shanker Pd. XEN/Con/CBP at GKP.
 9. Kuldeep Chand Sriv. Ashwani Kr. Sriv. XEN/Con/BSB.
 10. Dharmendra Nath Pandey Ram Jiyawan Pandey Dy.CB/Con/GKP.
 11. Pamesh Chaturvedi Ram Laxman Chaturvedi XEN/Con/BSB.
 12. Ganga Prasad Devi Charan XEN/Con/KGG.
 13. Ashok Kumar Sinha Jagdish Narain Sinha DSTE/Con/BG/BJU.
 14. Rishikesh Verma Daneshwar Pd. Verma XEN/Con/GKP.
 15. Amar Nath Singh Tribeni Xerox Singh Xerox DSTE/Con/LJN.
 16. Yogendra Singh Ramrup Singh Dy.CE/Con/LJN.

- 2 -

(40)

17. Kailash Pati Pathak	Vidya Nath Pathak	XEN/Con/BG/KGG.
18. Narain Misra	Badri Narain Misra	-do-
19. Narendra Bahadur	Gopi Krishan	XEN/Con/GKP.
20. Sheo Nath Pd. Gupta	Salik Ram	-do-
21. Raj Kumar Mehra	P.N. Mehra	XEN/Con/BSB.
22. Lal Mani Tewari	Shri Nath Tewari	XEN/Con/GKP.
23. Umesh Chaudhary(SC)	Bihari Lal	XEN/Con/KGG.
24. Santosh Kr Chaudhary	Prafull Chaudhary	DS TE/Con/LJN.
25. Ramesh Kr Sharma	Satya Narain Sharma	XEN/Con/GKP.
26. Brij Kishore Sahai	Jadunath Sahai	XEN/Con/BJU.
27. Gurpal Dutta	J.K. Dutta	-do-
28. Sureshwar Pd. Singh	Jadubansi Singh	-do-
29. Surendra Mani Tripathi	Jawala Prasad	-do-
30. Jai Ram Singh	Radhika Singh	-do-
31. Ramesh Pd. Jaiswal	Harihar Nath Pd.	XEN/Con/BSB.
32. Pradeep Chand Verma	Chandra Narain Lal	-do-
33. Ram Narain Chaudhary	Ganga Pd. Chaudhary	DS TE/Con/BJU.
34. Bhawtosh Dutta	Digendra Kr. Dutta	-do-
35. Satish Chandra Sriv.	Shyam Bahadur Lal	XEN/Con/GKP.
36. Ram Yatan Pd. (SC)	Ram Subhag	-do-
37. Dina Nath Pd	Swarath Pd.	XEN/Con/BSB.
38. Pramod Narain Sriv.	Daya Shanker Lal	XEN/Con/GKP.
39. Jamil Ahmad	Mohd. Raffiq	-do-
40. Surendra Singh	Ram Adhar Singh	-do-
41. Pramod Kumar Sriv.	Awani Kumar Sriv.	XEN/Con/KGG.
42. Dinesh Chand Sriv.	Awani Kumar Sriv.	XEN/Con/BSB.
43. Brij Bhusan Pd. Verma	Ram Narain Pd.	XEN/Con/KGG.
44. Ram Kumar Singh	Makhunu Singh	-do-
45. Raj Lal Pd. Yadav	Nathuni Rai	XEN/Con/BSB.
46. Bhanu Lal	Ram Das	Dy. CE/Con/LJN.
47. Shushil Kumar Sriv.	Harish Chandra Lal	XEN/Con/KGG.
48. Kulbir Singh Chadha	Jeet Singh Chadha	XEN/Con/BSB.
49. Parmeshwar Lal Sriv.	Kanhaiya Lal Sriv.	Dy. CE/Con/GKP.
50. Krishna Gopal Singh	Bishwanath Singh	XEN/Con/KGG.

(The names in each category are arranged in order of their merit posting obtained in the viva-voce test).

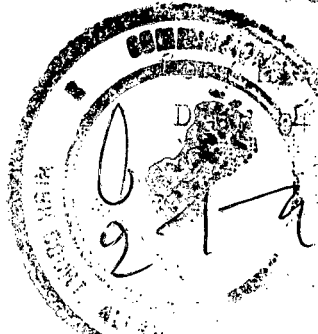
2. The above mentioned candidates may be medically examined in appropriate prescribed medical category for the particular post in which their services have been regularised. Their character verification may also please be done as for directly recruited candidates.

3. Individual loose cases in respect of each candidate are also sent herewith for opening individual service records.

No. E/227/7/BG(Class III)Pt. II / 1

Copy to:-

1. G.M.(P)/N.E.Fly./GKP.
2. F&C A/N.E.Rly/GKP.
3. Director of Audit/N.E.FLY/GKP.
4. F&C A/Con/N.E.RLY/GKP.
5. Audit Officer/Con/GKP.
6. SPO/HQ/N.E.Rly/GKP with request to fix the lien of the above mentioned staff in Open line.
7. SPO/AP/N.E.FLY/GKP in reference to his letter No. E/227/20/2/Class III BG(V) dated 23.3.85.
8. Staff concerned.
9. Branch Secretaries, NEE MU & PRKS /BG/Con/Branch.



Sd/-

Chief Engineer/Const.

Date: 04.09.1985.

Sd/-

for Chief Engineer/Con.

A108

62

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

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Registration No. 1155 of 1987(T)

Chandra Deo Singh

--Applicantx

versus

Union of India and others

--Opp-parties

Annexure no. R-19

Chandra Deo Singh



A 109

63

NORTH EASTERN RAILWAY

(19)

No. E/227/7/EG(CL-III)Pt. II/2

OFFICE OF THE
CHIEF ENGINEER(CON),
GORAKHPUR.
Dated 1.1.1989

CSE(Con)GKP
Dy. CE/Con/BSB, MFP, SPJ & IZN
Dy. CE/Con/410-I & II
Dy. CME/Con/GKP, Dy. CEE/Con/GKP,
XEN/Con/GKP, XEN/Con/Br/GKP,
XEN/Survey/GKP, XEN/Con/BJU,
XEN/Con/KGG, XEN/Con/Mau,
XEN/Con/RMU & PA to CE/Con
AEN/Con/KPV,
DSTE/Con/BJU-I & II.

Subj: Regularisation of services of casual
class-III workers in BG Construction
Organisation.

1. As a result of paper screening held on 19.12.88 in response to this office letter of even no. dated 24.11.1988 for finding out eligibility of the candidates for regularisation of their services in the particular posts, following 30 candidates who were found eligible in all respects were subjected to viva-voce test by the nominated Committee (comprising of Member-Secretary, Railway Recruitment Board, Gorakhpur, Senior Personnel Officer (Construction) Gorakhpur, P.A. to C.E. (Construction) Gorakhpur & Senior Account Officer (T) Gorakhpur) on 19.12.1988, and were found suitable by the Committee. The result has been approved by C.F.O./N.E. Railway on 20.1.1989. Their services are, therefore, regularised against the posts indicated as below v.e.f. 20.1.1989 i.e. the date of approval of the result by the competent authority, subject to their fitness in the appropriate medical category and character verification. The names, in each category are arranged in order of their merit position obtained in the viva-voce test.

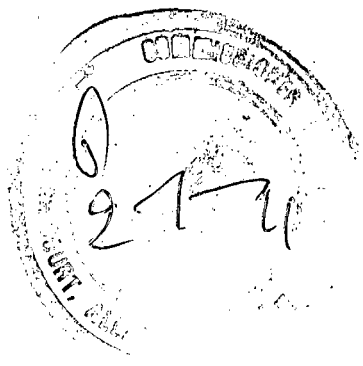
2. The above mentioned candidates may be medically examined in appropriate prescribed medical category (or the particular post in which their services have been regularised. Their character verification may also please be done as for directly recruited candidates.

Individual loose cases in respect of each candidate are also sent herewith for opening individual service record.

For Chief Engineer(Con)

- Copy to:-
1. S.M.(P) N.E. Railway, Gorakhpur.
 2. FASCAO, N.E. Railway, Gorakhpur.
 3. Director of Audit, N.E. Railway, Gorakhpur.
 4. FASCAO(Con) N.E. Railway, Gorakhpur.
 5. Audit Officer(Con) N.E. Railway, Gorakhpur.

Chandra prasad



A110

65

(3)

(NB: Item No.13 Shri Ravi L. Khanna:-

Subject to production of an affidavit in regard to correctness of the name of his father i.e. whether Raghunath Prasad as in High School Certificate or Raghunath as per Railway record).

CLENKS (260-400/950-1500)

Sl.No	Name	Father's name	Unit of posting
1	2	3	4
	S/Shri	S/Shri	
1.	S. Michael	Michael Augustinus	DSTR/Con/DG/RJD-I
2.	Narendranath Jha	Devendra Nath Jha	DSTR/Con/BG/RJD-II.
3.	Shri Kant Pandey	P.N. Pandey	Dy.CE/Con/MFP.
4.	Narendra Lal Das	Sukhdeo Lal Das	Dy.CE/Con/MFP.
5.	Adwitiya Pd.Karna	Sukhdeo Lal	Dy.CE/Con/MFP.
6.	Sushil Kumar Singh	R.B. Singh	Dy.CE/Con/MFP.
7.	Mam Narain Jha	Jagdish Jha	Dy.CE/Con/MFP.
8.	Dinesh Chandra	Bans Bahadur Lal	XEN/Con/GKP.
9.	Nagendra Nath	Suresh Mani Pandey	Dy.CE/Con/MFP.
10.	Abhai Kumar Srivastava	H. H. Pd. Srivastava	Dy.CE/Con/BSB.
11.	Siddh Nath Srivastava	Jagdish Pd. Srivastava	Dy.CE/Con/BSB.
12.	Ravindra Prasad	Raghupati Misra	XEN/Con/GKP.

Twelve names only.

(NB: Item No.9 Shri Nagendra Nath:-

Subject to production of an affidavit in regard to name of the candidate i.e. Nagendra Nath S/O Suresh Mani Pandey as in High School Certificate or Nagendra Nath Pandey S/O Suresh Mani Pandey as per Railway records & subject to verification of date of birth also.

(NB: Item No. 12 Shri Ravindra Prasad:-

Subject to production of an affidavit in regard to correct name of his father as well as candidate's name i.e. Ravindra Prasad S/O Raghupati Misra as in High School Certificate or Ravindra Nath Bhatta S/O Raghupati as per railway records).

For Chief Engineer(Con)

Chandra Dew Sh



A111

66

In the Central Administrative Tribunal,
Additional Bench at Allahabad,
Circuit Bench, Lucknow

Registration No. 1155 of 1987(T)

Chandra Deo Singh

---Applicants

versus

Union of India and others

---Opp-parties

Annexure no. R-20

Chandra Deo Singh.



126
In the Honble High Court of Judicature
ब अदालत श्रीमान *Alhabad* महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दाजलेह)

का

वका



Chandra Joo Singh

वादी (मुद्दे)

बनाम

Union of India & others

प्रतिवादी (मुद्दाजलेह)

नं० मुकद्दमा सन् १९८३ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Dr B. C. Saxena Advocate

एडवोकेट

महोदय

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 लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इक्बाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा रबीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा 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।

Accepted
Dr. Saxena

Chandra Joo Singh
हस्ताक्षर

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना

28/11/92
PM

Central Administrative Tribunal Additional

ब अदालत श्रीमान्

Bench At Allahabad Lucknow Bench

महोदय

Lucknow, C-218

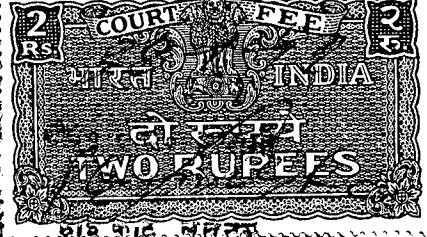
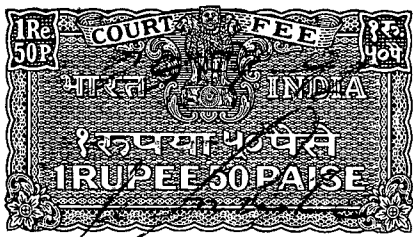
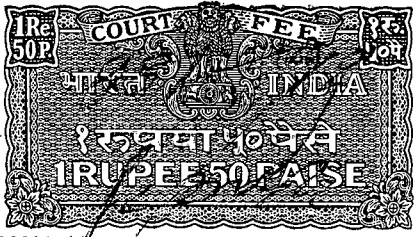
वादी अपीलान्त

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वकालतनामा

प्रतिवादी रेस्पान्डेन्ट



Chandro Deo Singh.

(वादी मुद्दी)

VS

Union of India & others

बनाम

प्रतिवाद मुद्दाअलेह

नं० मुकद्दमा 1155 सन् १६८७ (T) पेशी की ता०

१० ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री पी० के० श्रीवास्तव, एडवोकेट

एम० एस०-१५१, सेक्टर-डी, अलीगंज विस्तार, लखनऊ महोदय

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

हस्ताक्षर

चन्द्र देव सिंह

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

वकालतनामा

In the Central Administrative Tribunal

Current bench at Lucknow

Reg. No. 1155 of 1987 (T)

वादी
प्रतिवादी

Chandra Deo Singh

प्रतिवादी
वादी

Union of India and others.

दावेदार
अपीलाधीअर्जीदार
प्रत्यार्थीभारत के राष्ट्रपति इसके द्वारा श्री Sh. B. K. Shukla Railway Advocate
Lucknow

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

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री Sh. B. K. Shukla Railway Advocate
Lucknow

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

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

तारीख 19

NER-84850400-8000-4784

निष्पादन करने वाले अधिकारी का पदनाम
Dy. Chief Engineer / Construction
N. E. Railway,
Gorakhpur.

23-A Thornhill Road, Aillanabad-211-001

No. CAT/Alld/Jud/

17. No. 1155 of 1987

Dated the 3

Chandra Das Singh

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

To 1. Shri S.C. Saxena, Advocate, Lucknow High Court, Lucknow.
2. " Omprakash Chandra, Advocate, Lucknow High Court, Lucknow.

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

Writ Petition No. 2428
of 198 3
of the Court of Lucknow High
Court arising out of order
dated _____
passed by _____ in

The Tribunal has fixed date of 11.11.80 1980. The hearing of the matter at Gandhinagar Lucknow, (Opp. Chhokra Bagrak) appearance is made on your behalf by your some one duly authorised to Act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
 _____ day of _____ 1989.

dinesh

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

No. CAT/LKO/Jud/CB/2447

Gandhi Bhawan, Opp. Rose Garden
Lucknow -

Dated the : 13/12/89

T.A.No. of 1989 (T)

APPLICANT'S

Versus

RESPONDENT'S

To

Whereas the marginally noted cases has been transferred by
Under the provision of the Administrative
Tribunal Act 13 of 1945 and registered in this Tribunal as above.

Writ Petition No. 11/12

of 198
of the Court of

arising out

of Order dated

passed by

The Tribunal has fixed date of
1989. The hearing
of the matter.

If no appearance is made
on your behalf by your some
one duly authorised to Act
and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of 11 1989.

dinesh/

DEPUTY REGISTRAR

C 214

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT

LUCKNOW

C.M. Application No. 193 of 1990 (L) ✓

^{T.A.}
Registration No. 1155 of 1987(T)

Chandra Deo Singh Applicant

Versus

Union of India and others Respondants.

The humble petition on behalf of the
respondants most respectfully sheweth as under:-

- 1 . That Shri Umesh Chandra earlier Counsel of the
respondant could not reach to the Hon'ble Tribunal due
to certain personal problem and unable to attend the
instant case. The earlier Counsel wrote a letter to the
respondant to withdraw the instant case from him and
engage some other Counsel. During the course of corres-
pondance the case was listed before this Hon'ble Tribunal
and in such circumstances no body could appear. So
resulting thereof this Hon'ble Tribunal passed order
for ex-parte proceeding on 1.2.90.
- 2 . That now the respondents have engaged Shri
B.K. Shukla, Advocate to appear on behalf of the
respondant in above mentioned case. It is further stated
that in future no such happening shall be repeated.

contd.....2

Filed today
26/3/90

C 215

: 2 :

It is therefore, kindly prayed that this Hon'ble Tribunal may be pleased to recall order dated 1.2.90 and be further pleased to allow the respondent to file his Counter reply in the above noted case.

Prasad
for Respondants 23/3

Verification

I Sirtaj Prasad, Executive Engineer/Construction, North Eastern Railway, Gorakhpur do hereby verify that the contents of para 1 & 2 of the application are true to my personal knowledge and information derived from perusal of records relating to the instant case kept in the official custody of the answering Respondant. Nothing material has been cancelled and nothing stated therein are false.

Prasad 23/3
(Sirtaj Prasad)
Executive Engineer/Construction.
North Eastern Railway/Gorakhpur

Verified on _____
day of March, 1990.

प्रमुख अभियंता (नि.)
गोरखपुर, उत्तरप्रदेश
Executive Engineer/Con
N. E. Ry. Gorakhpur

Filed by. *BS*
26/3/90
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT

LUCKNOW
C.M. Application No 193 of 1990 (L)
Registration No. ^{7A} 1155 of 1987 (T)

Chandra Deo Singh Applicant

Versus

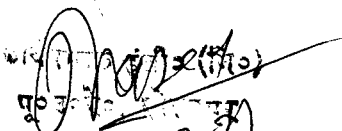
Union of India and others Respondants.

The humble petition on behalf of the
respondants most respectfully sheweth as under:-

1 . That Shri Umesh Chandra earlier Counsel of the
respondant could not reach to the Hon'ble Tribunal due
to certain personal problem and unable to attend the
instant case. The earlier Counsel wrote a letter to the
respondant to withdraw the instant case from him and
engage some other Counsel. During the course of corres-
pondance the case was listed before this Hon'ble Tribunal
and in such circumstances no body could appear. So
resulting thereof this Hon'ble Tribunal passed order
for ex-parte proceeding on 1.2.90.

2 . That now the respondants have engaged Shri
B.K. Shukla , Advocate to appear on behalf of the
respondant in above mentioned case. It is further stated
that in future no such happening shall be repeated.

contd.....2


Executive Engineer
C. I. D. (General)

It is therefore, kindly prayed that this Hon'ble Tribunal may be pleased to recall order dated 1.2.90 and be further pleased to allow the respondent to file his Counter reply in the above noted case.

Prasad
for Respondents

Verification

I Sirtaj Prasad, Executive Engineer/Construction, North Eastern Railway, Gorakhpur do hereby verify that the contents of para 1 & 2 of the application are true to my personal knowledge and information derived from perusal of records relating to the instant case kept in the official custody of the answering Respondent. Nothing material has been cancelled and nothing stated therein are false.

Prasad
(Sirtaj Prasad)
Executive Engineer/Construction,
North Eastern Railway/Gorakhpur

Verified on _____
day of March, 1990.

सिर्ताज प्रसाद (नि.)
गोरखपुर, गोरखपुर
Executive Engineer/Con
N. E. R., Gorakhpur

Filed by
H.S. Shukla
26/3/90
Advocate