

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *T.A. NO. 1162/87*
W.P. NO. 2974/83 OF

NAME OF THE PARTIES *S.L. Bharti* Applicant

Versus

U.O.F. Secy. Respondent

Part A.

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CERTIFICATE

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

This file received from record room without open (Basta)

checked by Dated *18-11-11*

Counter Signed.....

Geet
14/12/11
Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

Annexure - A

CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE 1162/87 (D) OF 198

Name of the Parties

S. L. Bhatti

Versus

Union of India

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
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	Appex. M.P. 429/80 (D)	

Whimish
7-6-91

Annexure- (B)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD /
CIRCUIT BENCH, LUCKNOW

Application No. _____ 190 .

Transfer Application No. _____

Old Writ Petition No. _____

CERTIFICATE

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

Dated: _____

Countersigned _____

Signature of the
Dealing Assistant. (B)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD /
CIRCUIT BENCH, LUCKNOW

Section Officer/Court Officer. (B)

Application No. _____ 190 .

Transfer Application No. _____

Old Writ Petition No. _____

CERTIFICATE

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

Dated: _____

Countersigned _____

Amit/

Signature of the
Dealing Assistant. (B)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD /
CIRCUIT BENCH, LUCKNOW

Section Officer/Court Officer. (B)

Application No. _____

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w-p

No.

2974

of 1983.

vs.

8/3

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
26-5-83	Hon U.C.S., Hon K.N.G., list in the ordinary course. sd U.C.S. sd K.N.G. 26-5-83 C.M. An No. 6505 @ 83	
27-5-83	Hon T.S. Misra, J Hon D.N. Jha, J on 26th May, 1983 a Bench of this Court The Division Bench of Hon U.C.S., & Hon K.N.G., J. today, for orders. sd T.S. Misra sd D.N. Jha 27-5-83 C.M. An No 6505 @ 83	
27-5-83	Hon T.S. Misra, J Hon D.N. Jha, J Put up along with the w-p sd T.S. Misra sd D.N. Jha 27-5-83	

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
27-5-83	<p>Hon U.C.S.T</p> <p>Hon R.N.G., 7</p> <p>It seems that the petition was withdrawn</p> <p>list in July 1983.</p> <p>Sd U.C.S.</p> <p>Sd R.N.G.</p> <p>27-5-83</p> <p>CM- An N 06505 @ 83</p>	
27-5-83	<p>Hon U.C.S.T</p> <p>Hon R.N.G., 7</p> <p>list along with the w.p.</p> <p>Sd U.C.S.</p> <p>Sd R.N.G.</p> <p>27-5-83</p>	
14.6.83	<p>fixed with</p> <p>cmr 6500 (w.p.) for</p> <p>over 6500 (w.p.) for</p> <p>cmr 6935 (w.p.) for</p> <p>Hon S.Z.H.T</p> <p>Put up with the record on 27.6.83</p> <p>Sd. Hon S.Z.H.T</p> <p>14.6.83</p>	July 83

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

2974

of 1983

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
27.6.83	cont with C.A. 6805 (w/83), 6935 (w/83) for in the absence of Sub. up. to be made	
	27.6.83	
28.6.83	Hon. K. H. Goyal J list after vacations	
	28.6.83	
12/7	22.7.83 fixed with cont 6805 (w/83), 6935 (w/83) for	July 1983
22.7.83	Hon. U.C.S.J. Hon. K.H.G.J.	By C.A. B...
	fixed with cont 6805 (w/83), 6935 (w/83) for	
28.7.83	cont 6805 (w/83), 6935 (w/83) for in D.H.S.J. in U.C.S.J.	By C.A. B...

list along with the record
on 5.8.83

in the D.H.S.J.
in the U.C.S.J.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

3

(A)

No. 2974 of 1973

vs. _____

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
5.8.83	Work with Cum. 6505, 6935-8 815-7 pres. Hon. Jha J. Hon. K.S.V.J.	
	Look in this next week.	
		Pro 578
11.8.83	11-8-83 fixed with cum 6505 (815-7) & 8157/12/83 for review	Bye come back
	Jha Jha J. Jha K.S.V.J.	
18.8.83	Hon. U.C.S.J. Hon. K.N.K.G.	
	9 more issues to be made by 15.9.83 to slow down returnable in 15 months	
	Sept 1983	

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	4
20-12-83	<p>2-2-84 fix for attendance and for filing C.A. in W.P.</p> <p>Notice issued to O.P. No. 5 through R.P.</p> <p style="text-align: right;">Subd. 20.12.83</p> <p>Service report in W.D. No. 2974 of 1983 and Cos A No 680 STCOB and 6935 of 1983 in compliance to Court Order placed 18/12/83 Respondants.</p> <p>Registered for notice sent to O.P. No. 5 which has not been received back unserved so far. Subscribed.</p> <p style="text-align: right;">22/3/84</p>		
23-3-84	<p>Addt. Registrar</p> <p>Seen Service report dated 22/3/84. Service on O.P. no. 5 is deemed sufficient under Chapter VIII Rule 12 of the Rules of Court. office to proceed.</p> <p style="text-align: right;">Addt. Registrar</p>		
	<p>28-3-84 fix for W.D. 15 cos 680 STCOB, 6935 W.D. 3, 8157 W.D. 3 for return</p> <p style="text-align: right;">Bural</p>		

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198

25.

42/4

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
28.3.84	Fixed with court 6505-83 6935-83 and 8157-83 Hon. D.N. Jha Hon. S.S. A. G.	F.O.
	26.4.84 F.O.	perul
	F.O.	perul

FA :: 1162 / 1011

WP 2874 / 08

8/5

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

5/12/08
5/12/08

Hon. Justice K. Nath, V.C.
Hon. K. J. Raman, Am.

This case has been received from Allahabad Bench from where notices have been issued to the learned Counsel for both the parties by registered post on 10-9-08. None of the Counsel is present. Notices may be issued afresh to the applicant and opposite parties as well as to their Counsel and list for orders on 2/1/90.

Am. V.C.

Hon' Mr Justice Kamleshwar Nath, V.C.
Hon' Mr K. Obayya, A.M.

2/1/90

None is present for the applicant despite issue of notice by registered post. It is presumed that the same has been served. Shri Arjun Bhargava takes notice on behalf of Opposite parties 1 to 4. The case will proceed ex-parte against the O.P. No. 5. List this case for admission on 1-2-90.

Dinesh

A.M.
(sns)

V.C.

admission

OR
This case has been recd. on 20.8.08.
Case is not admitted.
CA/RA notice ...
is attached & submitted for adm.

OR
admission
9/12/08

OR
Notices were issued on 20.12.08.
No undelivered copy cover has been returned.
Submitted to adm.
11/1/90

Submitted to adm.
2/1/11

1164/02 (7)

1.2.90; Hon. Justice K. Nalk, V.C.
Hon. K. J. Raman, A.M.

No one is present on behalf
of the applicant. A vakalatnama of
A. N. Verma has been filed on behalf
of the respondents.

The petition is admitted.
Counter affidavit may be filed
within four weeks. Replies, if any, may be filed within two weeks
hereafter.
Lit. for further orders on

2.4.90.

OK
A.M.

R
V.C.

by

OK

No CA filed
S.P.O.

2.4.90 Hon. K. Nalk, V.C.
Hon. K. J. Raman, A.M.

A request is made on behalf
of opposite parties for further 2 weeks
time to file counter affidavit.
Counter may be filed within 2
weeks; rejoinder, if any within
one week thereafter. List for
final hearing on 22/6/90. If
counter is not filed by the
date fixed, the case may be
disposed of ex-parte.

OK
A.M.

R
V.C.

OK As directed by the
Court's order dt. 2.4.90.
No reply filed
Submitted for J. Park
hearing.
16/5/90

22/5/90

Hon. Mr. B.C. Mathur, V.C.,
 Hon. Mr. D.K. Agrawal, J.M.

No one for the applicant.

We find that on 2/4/90 order were passed for ex-parte hearing. The respondents were given time to file counter affidavit, meanwhile, if they so desire. They have not availed the opportunity.

List id for exparte hearing on,

7/8/90

He
 J.M.

Barrett
 V.C.

7-8-90

No sitting Adj. to
 19/9/90 Adj.

MP 429/90 filed today
 for withdrawal.
 Submitted for order

h
 14/7/90
 h
 2/9/90
 h
 19/11/90

19.9.90

No sitting Adj to 26.9.90

26.9.90

Due to sad demise of Hon'ble
 Chief Justice of India Mr.
 S.S. Mukherjee the case is
 adjourned to 5.10.90

5.10.90

No sitting Adj to 21.11.90

21-11-90

from Mr Justice K. Nall, VC.
Hon Mr. M. M. Singh. AM.

MP 429/90

TA 462/87(T)

M-P 429/90

This is a petitioners prayer for
withdrawal of the petition. The
petition is therefore disposed
of as withdrawn.

M. M. Singh

AM.



Ve



Group A 14 (B)

(7/1)

4439

(1) PC V 1983

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

Writ Petition No. 2974 of 1983.

(District Sultanpur)

Sunehri Lal Bharti

.....

Petitioner

Versus

Union of India & 3 others

Opp. parties.

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2. Affidavit Pages 11 - 12
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8. Annexure 6 - Appointment/posting of petitioner in Clerk grade estt. on return from leave. Page 19
9. Annexure 7 - Letter of petitioner to the authorities concerned regarding willingness to work only on Technical line on the basis of initial appointment as a GANGMAN (on technical line) not in clerical categre. 20-21
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Sunehri Lal Bharti

Lucknow, dated:

May 23, 1983.

Presented by
Advocate counsel
for Petitioner.

INDIA COURT FEE

18/12

30RS.



Wahle dgh
 In the court of judge, Sakur
 Ch. Akhbar
 Lucknow Benet
 Lucknow

Sanchari Lal - . Behlani
 ✓

Unani g. dhar - . off. 12/5

Pto

123/3

12mp = 30/-
4 ef. = 279/-
Rs-100/-

Ran
24-5-83

X/11

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

Writ Petition No. 2974 of 1983.

(District Sultanpur)

Sunehri Lal Bharti, aged about 50 years,
S/o Lal Singh, Permanent Way Mistry working
under Permanent Way Inspector, Construction,
Sultanpur at Proposal No.81 Harpalganj,
District Sultanpur.

.....Petitioner

Versus

1. Union of India, through General Manager,
Northern Railways, Baroda House, New Delhi,
2. Chief Engineer Construction, Kashmiri Gate,
Delhi -6,
3. Senior Civil Engineer Construction -I,
Northern Railways, Divisional Railway
Manager's Office, Allahabad,

4. Assistant Engineer Construction,
FAIZABAD,

5. *Shri Muley am seigh son g n Khan &*
Record Keeper H. P. W. M. Mistry
Permanent way Inspector N. R. Sulein Pw 7
.....Opp. parties.

WRIT PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA.

To,

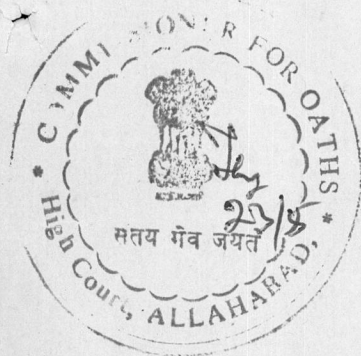
Their Lordships of the Hon'ble Chief Justice and
his companion Judges of the Allahabad High Court,
Lucknow Bench, Lucknow.

Sir,

Sunehri Lal Bharti

The humble petitioner named above very respectfully
begs to submit as under:-

1. That the petitioner passed his High School Examination



(5)

one Impressed Rs. 30/-
Four Adhesive Rs. 70/-
Total Rs. 100/-

Correct but final Court fee report
made on receipt of lower
me up to
is filed. Cont. of P. 2.

Benches
Last Imp. on 23-5-83
at Jaipur.

Subscribed
24-5-83
S
27/5

Hon. U.C. Sinha, J.
Hon. K.N. Goyal, J.

List in the
ordinary course.

W

26-5-83

Honible T.S. Misa, J.
Honible D.N. Tha, J.

On 26th May, 1983
a Bench of this Court had
ordered that this petition
be listed in ordinary
course. It is quite surprising
that the petition instead
of being sent to the office
was returned to the
learned counsel who has
presented it just now
before us. Learned counsel
says that on his request
the petition was returned to
him. We do not know the
exact facts. Hence we deem
it fit and proper that this
petition should be placed before
the Bench of Honible U.C. Sinha, J.
and Honible K.N. Goyal, J. today
for orders.

At the

27-5-83

MHS/

3

A/2

2.

in the year 1950 and thereafter he entered in the service of opposite party No.1 in Northern Railway Department. Initially he was appointed on temporary basis and thereafter he was appointed in the permanent capacity as 'Gangnan' with effect from 15-12-59 in the scale of Rs.70-85 under Permanent Way Inspector, Tundala/Etah. The petitioner continued in service and his conduct was quite satisfactory.

2. That in the year 1969, the petitioner was promoted to the post of 'Material Checking Clerk' in the authorised scale of Rs.105-135. Here it may be stated that the petitioner being initially a 'technician' and his promotion to the post of 'Material Checking Clerk' was only a 'stop gap arrangement', and in the year 1972 he was again reverted back to his original post of 'Gangnan' and transferred to Construction Organisation under Senior Civil Engineer Construction, Allahabad.

3. That in the year 1973, the petitioner was again promoted as 'Material Checking Clerk' in the authorised scale of Rs.105-135 and was working in that capacity.

4. That in the year 1978, the opposite party No.2 issued a Notification calling upon the names of certain persons to be considered for elevation to to the post of 'Permanent Way Mistry' and consequent upon the said letter of Opposite party No.2,



Sunehar Lal Bharti

Hon. V.C.S., J.

Hon. K.N.G., J.

It seems that the petition
was withdrawn by the learned
counsel from the Bench Secretary
without any order of the Court.
List in July, 1983.

Ad

h l
27.5.1983

Hon. U.C.S. J.

Hon. K.N.G. J.

Issue notice to the
opposite party no. 5 to
show cause why
the writ petition

be not admitted returnable
in the month of Sept. 1983.

h l
10.8.83
h

Hon. Justice K. Nall, V.C.
Hon. K.J. Ramani, A.M.

Admit.

For orders see our
order of date passed on the
order sheet.

h l
A.M.

h

V.C.

1.2.90
h

3.

Opposite party No.3 issued a letter to all the Assistant Engineers on 18.2.78 quoting below the letter of Opposite party No.2. A true copy of the letter is attached herewith as Annexure '1' to this writ petition.

5.

That a perusal of the said letter would indicate that the petitioner was entitled to be considered for such elevation and, accordingly, his name was sent. Thereafter a test was held at Allahabad, and the petitioner was called upon for the test, ^{He and then medically examined & He} and found suitable, and then he was elevated to the post of 'Permanent Way Mistry', vide Orders dated 28-12-78/1-1-79 issued by the Opposite party No.2. A true copy of the said letter is attached herewith as Annexure '2'.

6. That

Consequent upon the letter of Opposite party No.2, ^{the official of the} a further letter was issued by Opposite party No.3, placing the petitioner in the scale of Rs.380-560 admissible to 'Permanent Way Mistry' and posting the petitioner in place of ^{the} Sri Kaka Ram, who was sent for training. ^{the true} A copy ^{of the} true of the said letter dated 16.1.79 is attached herewith as Annexure '3' to this petition.

7.

That consequent upon the said letter, the petitioner joined and worked at Head quarter Akbarpur. Three months thereafter Kaka Ram came back from his training and he was posted at the said place Akbarpur and the petitioner's Headquarter was shifted to Bani at Proposal No.44, vide Orders



Sanjivani Lal Bhandari

87/6

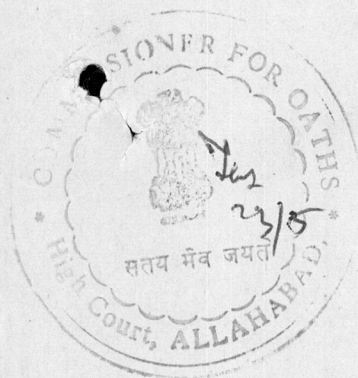
8/14

4.

dated 27-2-79 by Opposite party No.4. A true copy of the said order is attached herewith as Annexure '4' to this petition. Some time thereafter the petitioner on the same post and scale was shifted to Sarai Harkhoo, vide Proposal No.83, and thereafter he was shifted to different proposals i.e. 26, 31, 82 etc. and worked on the places posted and drawn the scale of Rs.380-560.

8. That in December, 1982, the petitioner was working at Sultanpur at Proposal No.81 Harpalganj and then he was asked by Opposite party No.3 to go on leave who forced the petitioner to obtain leave and assured him that he may remain on leave for certain period for which he will not be put to any loss because he would be drawing his full salary in the scale of Rs.380-560.

9. That it came to know that Opposite party No.2 for certain reasons wanted to promote one Mulayam Singh, Record Keeper to officiate to the post of Permanent Way Mistry and for this reason the petitioner was asked to obtain leave. It also came to know that Mulayam Singh is a man of approaches and his certain relations are in the Office of General Manager, Northern Railways, and one of them is on superior post there. A true copy of the order promoting Sri Mulayam Singh is attached herewith as Annexure '5'.



Gurchari Lal Bhatti

5.

10. That the promotion and appointment of Sri Mulkayam Singh as Permanent Way Mistry is absolutely illegal, uncalled for because he is much junior to hundred of persons what to say of petitioner as the petitioner was initially ~~initially~~ appointed in 1959 and Mulayam Singh was appointed in 1973. But the petitioner himself being put to no loss as assured by Opposite party No.3 did not care for the same and obtained the leave and is still running on leave drawing his ~~his~~ salary in the scale of Rs.380-560. The petitioner has received the pay up to the month of April, 1983 in the said scale. In the intervening period the petitioner met Opposite party No. 3 for a number of times and asked him that he may be posted because it is not desirable to remain on leave unnecessarily and Opposite party No.2 kept on promising that he is posting him (the petitioner) suitably.

11. That to the utter surprise of the petitioner, he saw a notice on the Notice Board of the Office of Opposite party No.4 ^{the meeting the petitioner to this scale 260-400} which he copied there and a true copy of the same is being attached herewith as Annexure '6' to this petition.

12. That the petitioner is advised to state that the order contained in Annexure '6' reverting back the petitioner from his post of Permanent Way Mistry to the post of clerk is absolutely illegal i.e. a reduction in rank because the petitioner was drawing the scale of Rs.380-560 and this post



Shrihari Lal Bhandari

8/10

8/10

6.

of clerk as indicated in Annexure 6 is the scale of Rs.260-400. Moreover, the petitioner being a man of 'technical lines' from his initial service, in no circumstance he could be brought to the establishment.

13. That the petitioner having been appointed in 1979 at the post of Permanent Way Mistry in the scale of Rs.380-560 and working there since 1979 onwards though the promotion was temporary held a status of that very post and junior to petitioners promoted to Permanent Way Mistry in the very year 1979 namely R.P. Misra and others, could in no circumstance the petitioner, be reverted to the post of clerk.

14. That after 1978 again elevations were made to the post of Permanent Way Mistry and those persons are also working as Permanent Way Mistry, who are all juniors to the petitioners and they all being retained in services, the petitioner alone could not be singled out.

15. That in case there was no vacancy Sri Mulayam Singh in no circumstance could be elevated and his elevation to the post of Permanent Way Mistry is absolutely arbitrary and a colourful exercise of the power.

16. That no notice was ever issued to the petitioner for his aforesaid reversion.



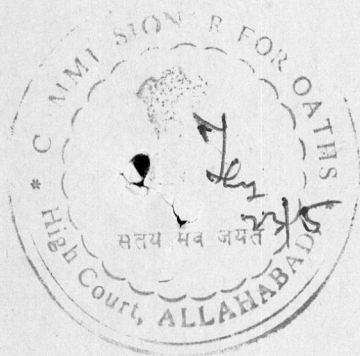
Surendra Lal Bhatnagar

33/9

X

7.

17. That the order contained in Annexures '5' and '6' is an order of reduction in rank and the petitioner being appointed as Permanent Way Mistry by Opposite party No.2, Opposite Party No.3 could in no circumstance pass the order reducing the rank of the petitioner and the said order is absolutely without jurisdiction, void, inoperative and illegal. A reference in the order contained in Annexure '6' (Authority)- CE (C) DLI's letter No.939-E/3 VI/Const. of 17.3.83 would not cure the defect because the malafide and lack of jurisdiction is established by Annexure '5' itself which has been passed by Opposite party No.3 ^{as} and in this very letter he writes posting of Sri Sunehri Lal as clerk establishment will follow shortly.



18. That the petitioner being ^{an obedient} ~~a competent~~ servant did place trust on the words of Opposite Party No.3 and did not raise his finger against the said endorsement in the order contained in Annexure '5' and Opposite party No.3 did not ^{give} effect to that very order. He allowed me to draw pay in the scale of Rs.360-580. For this reason also the petitioner did not apprehend any loss by the said order. But now the entire drama is clear and it appears that Opposite party No.3 has any-how obtained some letter from Opposite party No.2 as well which also

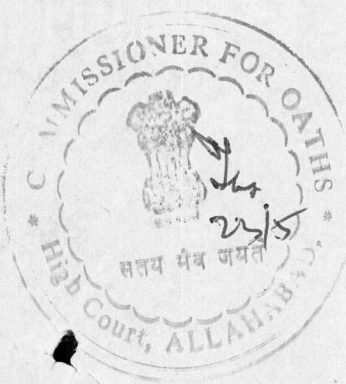
Sunehri Lal Bharti

173/10

 $\frac{7}{18}$

19. That after elevation to the post of Permanent Way Mistryan option was called for from the ~~same~~ ^{said} employee, never to claim non-technical post and the petitioner submitted his said offer in the year 1979. A true copy of the said ~~offer~~ ^{offer} is attached herewith as Annexure '7'. Here it may be said that a number of persons ~~xxxxxx~~ ^{even} being elevated to the post of Permanent Way Mistry have not submitted their offers, and there are vacancies of about 25 Permanent Way Mistry which are still to be filled under the control of Opposite party No.2 at Suratgarh and in such circumstances even if for any reason Sri Mulayam Singh was appointed to the post of the Permanent Way Mistry, the petitioner could not be reverted back in the clerical ~~category~~ ^{cadre} in any circumstance. A copy of letter D.10/1402 ^{directly} ~~is~~ ^{is} attached herewith as annexure-07.

20. That the petitioner has come to know through a reliable source that now opposite parties No.3 and 4 are determined to give effect to the order contained in Annexures '5' and '6' and are going to reduce his rank and as such the same being clearly in violation of law and against the principle of natural justice, imposing an uncalled for penalty on the petitioner and there being no alternative remedy the petitioner is



Surendra Lal Bhargava

27/11

A/9

9.

forced to knock the doors of justice of this Hon'ble Court among others on the following grounds:-

Grounds:

- (A) That the order contained in Annexures '5' and '6' being an order of reduction in rank could in no circumstance be passed by Opposite party No.3 because he is not the appointing authority.
- (B) That the Order of reversion passed by Opposite Party No.3 is without jurisdiction being passed by an authority having no power to do so.
- (C) That juniors to petitioners, being retained, of the same selection as well as of subsequent selection, the reduction of the petitioner is bad in law.
- (D) That the reversion of the petitioner without any notice is against the principle of natural justice.
- (E) That the reversion of the petitioner is violative of Articles 14 and 16 of the Constitution of India, because there is no rationalⁿ on what basis the petitioner has been singled out.
- (F) That to satisfy any superior or any-one else the promotion of Sri Mulayam Singh to the post of Permanent Way Mistry in place of the petitioner, could in no circumstance ruin the character of the petitioner.

27/11

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10.

- (G) That the order contained in Annexures '5' and '6' are violative and arbitrary of Article 311 (2) of the Constitution of India.

Wherefore, the petitioner prays that this Hon'ble Court may kindly be pleased enough to issue:-

- (a) a writ of certioari or any other writ direction or order quashing the portion of the orders contained in Annexures '5' and '6' dated 28-12-82 and 3-5-83 inasmuch as it effects the petitioner reducing him in rank and grade from Rs.380-560 to Rs.260-400;
- (b) To award costs of this petition to the petitioner;
- (c) To grant such further relief as in the circumstances of the case this Hon'ble Court finds just and proper in the interest of justice equity and good conscientious.

Lucknow, dated:
May 23, 1983.

(MUSHTAQ AHMAD SIDDIQI)
Advocate,
Counsel for the Petitioner.

11

(11/1)

8/27

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
Lucknow Bench, Lucknow.

Affidavit

In

Support of Writ Petition No. _____ of 1983,

(District Sultanpur)

Sunehri Lal Bharti

.....

Petitioner

Versus

Union of India & 3 others

.....

Opp. parties.

I, Sunehri Lal Bharti, aged about 50 years, son of Lal Singh, Permanent Way Mistry working under Permanent Way Inspector, Construction, Sultanpur, at Proposal No.81 Harpalganj, District Sultanpur, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is petitioner in the above noted writ petition and is fully conversant with the facts deposed to hereunder.
2. That the contents of paras 1 to 11 and 16 of the accompanying writ petition are true to my own knowledge and those of paras 12 to 15 and 17 to 20 are believed by me to be true on the basis of the legal advice tendered to me.
3. That Annexures 1 to 7 are true copies of their respective originals which have been duly compared and verified by me.

Deponent,

Sunehri Lal Bharti

Sunehri Lal Bharti.

Lucknow, dated:

May 23, 1983.

Cont./2.



Verification:-

I, the above named deponent Sunehri Lal Bharti, do hereby verify that the contents of paras 1 ^{de} 15 3 _____ of this affidavit are true to my own knowledge and those of paras _____

_____ are believed by me to be true on the basis of legal advice tendered to me.

No part of it is false and nothing material has been concealed or written untrue, so help me God.

Sunehri Lal Bharti

Lucknow, dated:
May 23, 1983.

Deponent.

I identify the deponent who has signed before me.

M.A. Siddiqui
Advocate.

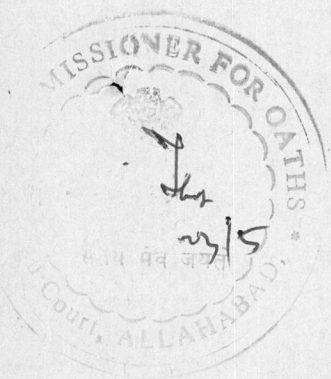
Solemnly affirmed before me
on 23rd day of May, 1983
at 5.30 ~~am~~/p.m. by Sunehri Lal Bharti,
the deponent who is identified by Sri M.A. Siddiqui
Advocate,

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

K. C. Saxena

K. C. SAXENA
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench,

No. 231/49
Date 23.5.83



13

8/1

8/27

ANNEXURE '1'

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

Writ Petition No. _____ of 1983.

(District Sultanpur)

Sunehri Lal Bharti Petitioner

Versus

Union of India & 3 others; Opp. parties

OFFICE OF THE SENIOR CIVIL ENGINEER (CIN) N.RLY, DRM/OFFICE,
ALLAHABAD.
No.16-E/III/SEN(C)/AID Dated 18.2.78.

The Asstt. Engineer (Const.) I & II & III N. Rly.,
Allahabad & Faizabad.

Sub:- Adhoc Promotion for the post of P.W.M.
Grade Rs.380-560 (RS) on constructions
Department.

.....
A copy of C.E. (Const.) K. Gate, (Delhi's) letter
No.939-E/3/IV/E. dated 2/1978 is forwarded herewith for
furnishing the names of such Keyman/Mates and also
regular gangnan who are Matriculate on the enclosed
Proforma also obtained willingness of M.C.C.S/Store.
Issuer who have put in more than 5 years service. But
are working out of P.Way Cadre on promotion may please
be sent to this office by the 25th instt.

This may please be treated as most urgent.

Sd/-

Senior Civil Engineer/Const.
N.Rly, Allahabad.

.....
Sub:- As above.

1) It has been decided to fill up some Posts of
P.W.M. grade Rs.380-560(RS) on this organisation from
Regular Key-Man/Mate and also Matriculate gangnen with
3 years of service.

II) The particular of Keyman/Mate and also regular

Cont./2.



Sunehri Lal Bharti

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2.

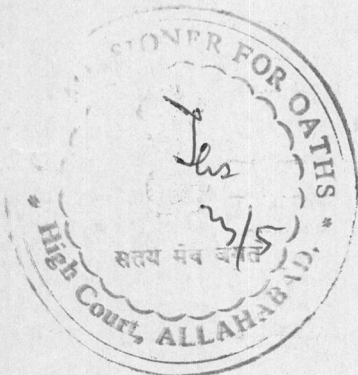
Gangman may please be sent in the proforma enclosed, -ar with a Certificate/against each whether they are doing Regul/ P.Way work, and are considered suitable for promotion as P.W.M. on adhoc basis.

III) There are some regular gangman who are Matriculate and have put in more than 5 years service. But are working out of P.Way Cadre on promotion as M.C.C's Store Issuer etc. The particular of these staff who are willing to be considered for the post of P.W.M. May also please be sent separately in proforma enclosed. These employees M.C.C's/ Store Issuer etc. If they fulfill the required Qualification will be called for suitability test in this office. Ex in cadre to Judge, whether although being out of P.Way Cadre has not effected, their efficiency and Capability for doing the work of P.Way Mistry.. They may also be informed that this suitability test is being held for short terms adhoc Promotion as P.W.M's will not confer upon them any right to claim seniority over their seniors, or Exemption from suitability test/selection for the post of P.W.M. on their parent divisions. They may also be advised that if they are found suitable for the post of P.W.M. they may be promoted as P.W.M. on purely adhoc basis which will not confer upon them any right to claim further promotion as P.W.M. if and when they are spared for their parent Divisions, -they will be reverted to their substantive Post of Gangman/Keyman/Mate before being spared.

IV) The names of staff as asked for in Para's 2 & 3 above may please be sent by 20.2.1978, failing which it will be assumed that you have no such staff willing for promotion as P.W.M.

Please treat it as MOST URGENT.

Devesh Chel Bhandari





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

Lucknow Bench, Lucknow.

Writ Petition No. _____ of 1983 (Sultanpur district)

Sunehri Lal Bharti Vs:.... Petitioner
Union of India & 3 others Opp. parties .
Northern Railway.

Headquarters Office,
Kashmere Gate,
Delhi-6.

NOTICE

The following Promotion & Transfers orders are hereby made with the approval of ACE/C-II:-

- 1) Shri Balbir Singh offg. Clark grade Rs.260-400(R/S) working under SEN/C/SSB is promoted to Offg. on adhoc basis as P.W.M. grade Rs.38-560(R/S) and retained in the same office against his urgent demand.
- 2) Shri Harbans Singh, MCC grade Rs.225-308(R/S) working under SEN/C/BTI is promoted to offg. on adhoc basis as P.W.M. grade Rs.380-560(R/S) and transferred under SEN/C/SSB against his urgent demand.
- 3) Shri Sunehri Lal Bharti, MCC grade Rs.225-308(R/S) working under SEN/C/AID is promoted to offg. on adhoc basis as P.W.M. grade Rs.380-560(R/S) and retained in the same office against the urgent demand of SEN/C-II/AID.
- 3) Shri Lala Ram MCC grade Rs.225-308(R/S) working under PWI/C/LKO under the control of SEN/C/CNB is promoted to offg. on adhoc basis as PWM grade Rs.380-550(R/S) and transferred under SEN/C/II/AID against his pending demand.

The aforesaid promotions as PWM. will however, be subject to the suitability being adjudged by the respective SENS/Const. before actually posting and promoting them. They are also warned that they will not confer any right to claim seniority/promotion over his seniors in future.

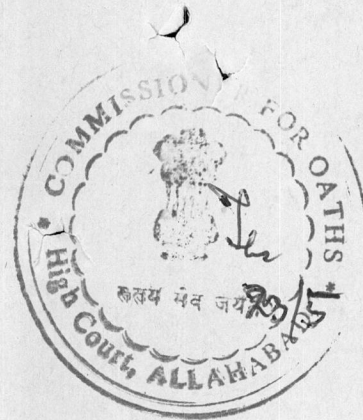
Sd/- Illegible,
for Chief Engineer/Const.

No. 939-E/3-VI /Const.

Dated 28.12.78/1-1-79

Copy forwarded for information and necessary action to:-

1. SEN/C/55B, BTI, AID & Kanpur.
2. DPO/Northern Railway, Bikaner.
3. DPO/N.Rly./FZR.
4. DPO/N.Rly./AID.
5. SPO/Const. in reference to his letter No.961-E/2/1/URMU/C/45 dated 25.11.78 for item No.45 of the agenda of PNM meeting submitted by URMU.
6. F.A. & CAO/Const. K.Gate, Delhi.



Sunehri Lal Bharti

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

....

Writ Petition No. of 1983.

A/16

Sunehri Lal BhartiPetitioner

Versus

Union of India
and others Opposite-
Parties.

Annexure No.3.

NOTICE

E-1/Const/FD

Dated 19-01-79.

Sri Sunehar Lal M.C. in Grade 260- 400 (RS) working
Under this Office is relieved on date 19-01-79 to
report for duty on P.W.M. in ^{For grade 260} ~~Grade~~ 380- 560 under
PW 1/ Const/ Faizabad in terms of SEN/C/ALD's Notice
No. 16-E/IV / SEN/C/ACD dated 16-1-79.

Sd/-

Karya Nirishak Nirmarn (Second)
Uttar Railway Faizabad.

Copy to :-

- (1) AEN/Const. N.Rly. FD for informations
- (2) PWI/C/FD For information and N.A.
- (3) SEN /C/N.Rly ALD in reference to his letter
No.16-E/II-SEWC/ACD dated 16.1.79
- (4) Sri Sunehari Lal M.C.M. Office.

Sunehar Lal Bharti

Sd/- Illegible

Karya Nirishak Nirman (Second)
Uttar Railway Faizabad.

....

True copy.



ANNEXURE '4'.

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

Writ Petition No. _____ of 1983.

(District Sultanpur)

Sunehri Lal Bharti Petitioner

Versus

Union of India & 3 others Opp. parties.

OFFICE OF THE ASSTT. ENGINEER (C) FAIZABAD.

NOTICE.

The Head Quarter of Shri SUNEHRI LAL 8/9
PWM grade Rs.380-560 (RS) Akbarpur is shifted to Bani
at Proposal No.44 temporarily with effect from 1st March,
79.

Sd/-Illegible,
Asstt.Engineer/Const.,
N.Rly., FAIZABAD.

No.E-1/C/FD/78
Dt. 27.2.79

Copy forwarded for information and necessary action to:-

- 1) SEN (C) 11-AID.
- 2) SAO (RE) AID.
- 3) PWI (C) FD.
- 4) Shri Sunehri Lal, through PWI (C)FD.

Again Hd. Quarter shifted from VAI to FD with
effect from 23/7/79 vide AEN/C/FD/79
B/1/C/FD/79 dt. 5/2/79.

Sunehri Lal Bharti



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ANNEXURE '5'.

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

Writ Petition No. _____ of 1983.

(District Sultanpur)

Sunehri Lal Bharti ^{Sen} Petitioner

Versus

Union of India & 3 others Opp. parties.

NOTICE.

On Return from leave Sri Mulaim Singh Record Keeper Grade 225-308 (RS) may (be) appointed to officiate as P.Way Mistry at Rs. 392/- P.M. Grade 380-560 (RS) vice Sri Sunehari Lal Offg. PWM (C).

Posting of Sri Sunehari Lal as clerk Estt will follow shortly.

Sd./-

Sr. Civil Engineer (Const.) I
N.Rly. Allahabad.

Dated 28.12.82

No. 16-E/IX/SEN/C¹/ALD.

Sunehari Lal Bharti



Je
ANNEXURE '6)

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

Je
Writ Petition No. _____ of 1983.

(District Sultanpur)

Sunehri Lal Bharti Petitioner

Versus

Union of India & 3 others Opp. parties.

NOTICE

Je

Shree Sunehari Lal ~~is~~ on return from leave on,
or about, 15.4.83 holding lien in establishment section is
posted as clerk grade 260-400/RS in establishment
Section of this office.

Authority - CE (C) DLI'S letter No.939-E/3VI/Const.
of 17.3.83.

Sd/-
Sr. Civil Engineer/Const.-I,
N.Rly. Allahabad

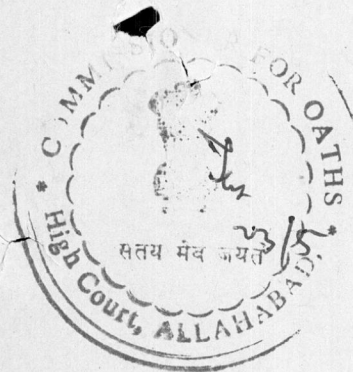
No.16-E/IX/Const/ALD.

Dt/- 4/1983
3/5/83.

Copy forwarded for information
and necessary action to :-

1. The CE (C) K.Gate Delhi , 2. SAO/C/N.Rly, Allahabad,
3. The AEN /C/N.Rly, Faizabad, 4. Bill clerk in office,
5. Sri Sunehari Lal through AEN/C/N.Rly., Faizabad.

Sunehari Lal Bharti



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A/5/83

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ANNEXURE '7'.

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

Writ Petition No. _____ of 1983.

(District Sultanpur)

Sunehri LalBharti Petitioner

Versus

Union of India & 3 others Opp.parties.

To

(1) The Chief Engineer (Construction),
Northern Railway,
Kashmere Gate,
DELHI -6.

(2) The Senior Civil Engineer Constn.) -I,
Northern Railway,
Allahabad.

Sir,

Sub: Willingness to work only in Technical line:
.....

Respectfully I beg to state that I was initially appointed as a 'GANGMAN' on 15-12-59 under PWI/Etah (AEN/AJN Sub-Division) (Panel position No. 18 of the DS/ALD declared on 18-12-62). I was subsequently promoted as M.C. in Grade Rs. 105-135(AS) on ad-hoc basis under PWI/Hathras on 15-4-69.

During August 1972, I was transferred to the Construction Organisation as Gangman. I was, however, promoted as MC under SEN (C)/ALD, later on.

Due to acute shortage of PWM in Construction Organisation the C.E. (Constn.)/Delhi asked for an option from willing Clerical staff, ~~who~~ who had worked as a Gangman and thus having experience of P.Way side, for promotion as a P.W. Mistry. I opted for the same and a suitability test was taken and I passed the same and was declared suitable for the post of PWM. I have been working as PWM, since 19-1-1979, to date, under Construction Organisation.

Cont./2/.



Sunehri Lal Bharti

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2.

Since I have been initially appointed as Gangman (which is a Technical post) and afterwards I have been working as PWM since 19-1-79 to date, which is also a technical post and I have also passed the suitability test for the same, I offer and give my willingness to work only on technical line, which may kindly be accepted. I will never claim for non-technical post (clerical post) if I may be continued in present post please.

I would, therefore, request you to kindly consider my case sympathetically.

Thanking you,

Yours faithfully,

Sd/-

(SUNEHARI LAL BHARTI)

P.W.M. (C)

under SEN (C)-I/NR/ALD.

Dated:- 17-3 -79

Sunehari Lal Bharti



22
23

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

.....
Writ Petition No. of 1983.

Sunehri Lal BhartiPetitioner

Versus

Union of India
and othersOpposite-
Parties.

Annexure No.8.

Sub:- Filling the post of PWM grade Rs.380-560(RS)
on N. Railway.

.....
A copy of GM(P) NDLS letter No: 220-E/1826(b)
dated 18.12.82 is sent herewith please obtain options from
the willing staff in the categories of Mates/ Key Man
Gangman and sent the same to this office. The complete
service particulars of the willing staff should also be
sent for taking further action in the matter.

Sd/-
D.P.O./LKO

Copy of letter as referred to above.

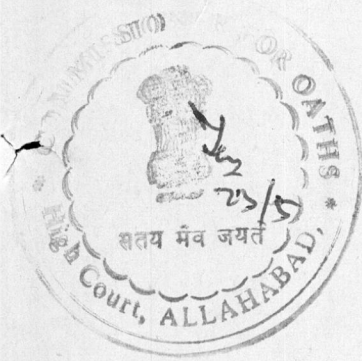
Rly. Board vide their letter No.E(NG)III/77RCI/30
dt. 16.1.81 copy circulated to all AEN's vide this office
letter of even no. dt. 17-3-1981 have issued instructions
that are Keyman and Gangmates should first be considered
for promotions as PWM and only if sufficient number of
suitable persons are not available out of the Keyman and
gangmates. Theselections may be restored to G/Man
according to seniority with out restricting the selection to
matriculate gangman.

It was now the decided in consultation with both the
recognised Unions that option should be obtained from the
willing staff in categories of Gangmate Keyman Gangman and
the selection of PWM should be confirmed to the willing
staff only. The option of each and every staff whether
willing or other wise of PWMs for the selection of PWM.

While circulating the list of eligible staff to be
called for selection it may be indicated in the letter that
the senior person have been ignored as they did not give
willingness to appear in the selection of PWM's.

The above procedure of obtaining willings from the
staff and calling only candidates were expedite the process
of selection of PWM. Division should ensure now that all
vacancies of PWM are filled expeditiously as possible.

.....
True Copy.



1cf=5/-
Rev
24-5-83



न्यायालय श्रीमान् In the Court of Hon ble High Court of Judicature at
Allahabad Lucknow Bench Lucknow

Sunehrial Bharti

वादी अपोलान्ट / प्रार्थी / अभियुक्त

विरुद्ध

Union of India and others

प्रतिवादी/रिस्पान्डेन्ट/विपक्षी/अभियुक्त

व्यवहार विवरण W. R. N.

०/1983

उपर्युक्त व्यवहार में मैं/हम

Sri Sunehrial Bharti

Mushtaqi Ahmed Siddiqui Advocate

प्रतिज्ञ
एडवोकेट

न्यायालय
नं० मुकदमा
नाम फरीकन

को व्यवहार की कार्यवाही, उत्तर, प्रति-उत्तर के निमित्त प्रारम्भिक न्यायालय से अन्तिम न्यायालय अपील तक बअदाय मेहनताना नियुक्त करके अधिकार देता हूँ/देते हैं कि एडवोकेट / वकील महोदय मुझे/हम प्रतिज्ञ के पक्ष से जो कुछ कार्यवाही, प्रश्न या उत्तर लिखित अथवा मौखिक करें या कोई प्रमाण-पत्र, नीति-पत्र तथा दस्तावेज इत्यादि प्रस्तुत या प्रविष्ट करें या वापस लें या प्रतिलिपि पत्र लें या रुपया या चेक प्राप्त करें या मेरे/हमारे हस्ताक्षर की हुई सन्धि-पत्र प्रस्तुत करें या प्रमाणित करें बिक्री-कर कार्यालय से 'सी' फार्म प्राप्त करें। अन्य एडवोकेट या वकील को कार्यवाही तथा विवादार्थ स्वयं नियुक्त करें या प्रार्थना-पत्र देवें वा निगरानी या क्रास आब्जेक्शन या तजवीज सानी या वाज-दायर या इजराय डिग्री अपने हस्ताक्षर दायर करें वह सब मुझ/हम प्रतिज्ञ के लिये हुए के सामान होगा वह सब मुझको/हमको स्वीकार होगा उसका दायित्व प्रतिज्ञ के ऊपर होगा।

तिथि

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चिह्न या हस्ताक्षर

साक्षी

साक्षी

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एडवोकेट प्लोडर

11/12/83

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

14/6/83

.... 6935

C.M. Application No. (W) of 1983
In re:
Writ Petition No. 2974 of 1983.



14/6/83

Sunehri Lal Bharti Petitioner

Versus

Union of India and 4 others Opposite-
Parties.

10805
July 1983

The above named petitioner begs to submit
as under:-

1. That for the facts and circumstances stated
in the accompanying affidavit it is respectfully
prayed that giving effect to the order passed by
opposite party no. 3 contained in Annexure No. 6
dated 3-5-1983 in the meantime may kindly be stayed.

Lucknow dated:
June 14, 1983.

(M.A. Siddiqui)
Advocate
Counsel for Petitioner.

4/2

(AT/2)

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

8/25

Affidavit
in

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



In re:

Writ Petition No. of 1983.

Sunahri Lal Bharti Petitioner

Versus

Union of India and 4 others Opposite-
Parties.



Affidavit.

I, Sunehri Lal Bharti aged about 50 years,
son of Lal Singh, Permanent Way Mistry working
under Permanent Way Inspector Construction
Sultanpur at Proposal No. 81 Harpalganj District

Sunehari Lal Bharti

Sultanpur, the deponent do hereby solemnly affirm
and state on oath as under :-

That the deponent is the petitioner in the

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1. That the deponent is the petitioner in the above noted petition and is fully conversant with the facts of the case.
2. That the above noted petition was filed on 26-5-1983 and in the absence of the counsel for petitioner it was ordered to be listed in normal course.
3. That later on ^{the} counsel for petitioner Sri M.A. Siddiqui requested the Hon'ble Bench consisting of their Lordships of Hon'ble Mr. Justice U.C. Srivastava and Hon'ble Mr. Justice K.N. Goyal who were kind enough not to sign ~~the~~ that order and later on heard the counsel for the petitioner.
4. That their lordship of Hon'ble Judges after hearing on admission agreed with counsel for petitioner that grave injustice is being done with the petitioner but they opined that Sri Mulayam Singh who was promoted vice ^{the} petitioner ought to have been impleaded ^{the} and thereafter they were kind enough to direct the counsel of the petitioner to implead Mulayam Singh forthwith



Simchari Lal Bharti

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in the court room .

5. That the counsel of the petitioner took the petition and added Mulayam Singh as Opposite-Party No. 5, by this time it was almost 3.30 p.m. and the court room was jump packed and a number of counsels standing and requesting for their cases; ~~and~~ ^{the} in such a position the petition could not be put up again before the Hon'ble Judges and it ^{was} remained in the hands of petitioner's counsel and the Bench Secretary told that this may be submitted tomorrow.

6. That next day on 27-5-1983 fresh petitions ^{the} were to be taken in court no. 1 and as such the Bench Secretary in Court No. 5 as-~~k~~ed the counsel for the petitioner to submit it in Court No. 1.

7. That the counsel of the petitioner submitted the petition in court No. 1 before their Lordship of Hon'ble Mr. Justice T.S. Misra and Hon'ble Mr. Justice D.N. Jha whose lordships took a note of the above anomaly but appreciating the urgency of the situation ordered the same to be put up in Court No. 5 before their lordships

Sunehar Lal Bharti



87/3

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of Hon'ble Mr. Justice U.C. Srivastava and Hon'ble Mr. Justice K.N. Goyal; the petition in question ~~order~~ reached in Court No. 5 after much delay at about 3.00p.m. the very ~~moment~~ when the counsel of the petitioner was in Court No. 3 it has been ordered to be listed in the month of July.

8. That opposite party no. 3 who had ~~had~~ assured the petitioner to post him as Permanent Way Mistry while promoting Mulayam Singh and on whose advice the deponent was running on leave is now harrasing the petitioner and determined to give effect to his subsequent order dated 3-5-1983 contained in Annexure No. 6.



9. That the orders contained in Annexures Nos. 5 and 6 are absolutely illegal and void orders because appointing authority of the deponent is Chief Engineer and the order reducing in rank is also in violation of Article 311 of the Constitution.

Sunehar Lal Bhatti

10. That in the above circumstances the deponent is now forced the knock ~~of~~ ^{the door} justice of this Hon'ble Court in this vacation period ~~paying~~

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praying for the relief in the meantime.

Lucknow dated:
June 14, 1983.

Sunehri Lal Bharti
Deponent.

Verification

I, the above named deponent do hereby that the contents of paragraphs ~~1 to 8~~ ^{the} of this affidavit are true to my own knowledge, those of paragraphs ^{1.5.7} ~~and 9 to 10~~ ^{are based upon a certificate} are believed by me to be true. No part of it is false and nothing material has been concealed so help me God.

Lucknow dated:
June 14, 1983.

Sunehri Lal Bharti
Deponent.

I declare that I am satisfied by a perusal of the document, Papers and details of the case narrated to me that the person making this affidavit and alleging himself to be ~~Sunehri Lal~~ ^{the} Bharti ^{the} is that person.

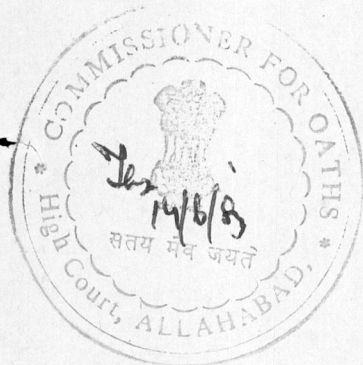
M.S.S.
Advocate.

Solemnly affirmed before me on this 14th day of June 1983 at 9.30 a.m./p.m. by Sri Sunehri Lal Bharti the deponent who is identified by Sri M.A. Siddiqui, Advocate High Court of Judicature at Allahabad, Sitting at Lucknow.

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

K. C. SAXENA
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench,

No. 231/53
Date 14.6.83



87
7

In the Hon'ble High Court of Judicature at --
Sitting at Lucknow.

....

C.M. application No. (W) of 1983
In re;
Writ Petition No. 2979 of 1983.

4/2/83

Sunehri Lal Bharti Petitioner

Versus

Union of India and 4 others. Opposite-
Parties.

The above named petitioner begs to submit
as under:-

1. That for the facts and circumstances stated
in the accompanying affidavit it is respectfully
prayed that giving effect to the order passed by
opposite party no. 3 contained in Annexure No. 6
dated 3-5-1983 in the meantime may kindly be stayed.

Lucknow dated;
June 14, 1983.

(M.A. Siddiqui)
Advocate
Counsel for Petitioner.

(F/2)

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

....

A/3

Affidavit
in
C.M. Application No. (W) of 1983

In re:
Writ Petition No. of 1983.

Sunehri Lal Bharti Petitioner

Versus

Union of India and 4 others Opposite-
Parties.

affidavit.

I, Sunehri Lal Bharti aged about 50 years,
son of Lal Singh, Permanent Way Mistry working
under Permanent Way Inspector Construction
Sultanpur at Proposal No. 81 Harpalganj District
Sultanpur, the deponent do hereby solemnly affirm
and state on oath as under :-

1. That the deponent is the petitioner in the above noted petition and is fully conversant with the facts of the case.
2. That the above noted petition was filed on 26-5-1983 and in the absence of the counsel for petitioner it was ordered to be listed in normal course.
3. That later on counsel for petitioner Sri M.A. Siddiqui requested the Hon'ble Bench consisting of their Lordships of Hon'ble Mr. Justice U.C. Srivastava and Hon'ble Mr. Justice K.N. Goyal who were kind enough not to sign that order and later on heard the counsel for the petitioner.
4. That their lordship of Hon'ble Judges after hearing on admission agreed with counsel for petitioner that grave injustice is being done with the petitioner but they opined that Sri Mulayam Singh who was promoted vice petitioner ought to have been impleaded and thereafter they were kind enough to direct the counsel of the petitioner to implead Mulayam Singh forthwith

17/9

in the court room .

17/9

5. That the counsel of the petitioner took the petition and added Mulayam Singh as Opposite-Party No. 5 by this time it was almost 3.30 p.m. and the court room was jump packed and a number of counsels standing and requesting for their cases madaxham in such a position the petition could not be put up again before the Hon'ble Judges and if remain in the hands of petitioner's counsel and the Bench Secretary told that this may be submitted tomorrow.

6. That next day on 27-5-1983 fresh petitions were to be taken in court no. 5 and as such the Bench Secretary in Court No. 5 asked the counsel for the petitioner to submit it in Court No. 1.

7. That the counsel of the petitioner submitted the petition in court No. 1 before their Lordship of Hon'ble Mr. Justice T.S. Nisara and Hon'ble Mr. Justice D.N. Jha whose lordships took a note of the above anomaly but appreciating the urgency of the situation ordered the same to be put up in Court No. 5 before their lordships

of Hon'ble Mr. Justice U.P. Srivastava and Hon'ble Mr. Justice K.N. Goyal, the petition in question was reached in Court No. 5 after much delay at about 3.00p.m. the very moment when the counsel of the petitioner was in Court No. 5 it has been ordered to be listed in the month of July.

8. That opposite party no. 3 who have assured the petitioner to post him as Permanent Way Mistry while promoting Mulayam Singh and on whose advice the deponent was running on leave is now harrasing the petitioner and determined to give effect to his subsequent order dated 3-6-1983 contained in Annexure No. 6.

9. That the order contained in Annexures Nos. 5 and 6 are absolutely illegal and void orders because appointing authority of the deponent is Chief Engineer and the order reducing in rank is also in violation of Article 311 of the Constitution.

10. That in the above circumstances the deponent is now forced the knock of justice of this Hon'ble Court in this vacation period paying

praying for the relief in the meantime.

Lucknow dated;

Deponent.

June 14, 1983.

Verification

I, the above named deponent do hereby that the contents of paragraphs 1 to of this affidavit are true to my own knowledge, those of paragraphs are believed by me to be true. No part of it is false and nothing material has been concealed so help me God.

Lucknow dated;

Deponent.

June 14, 1983.

I declare that I am satisfied by a perusal of the document, Papers and details of the case narrated to me that the person making this affidavit and alleging himself to be Sunehri Lal ^{Bharti} is that person.

Advocate.

Solemnly affirmed before me on this 14th day of June 1983 at a.m./p.m. by Sri Sunehri Lal Bharti the deponent who is identified by Sri M.A. Siddiqui, Advocate High Court of Judicature at Allahabad, Sitting at Lucknow.

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

(C-1)
3
In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

.... 650560
C.M. Application No. (W) of 1983.
for stay.



In re: 2974
Writ Petition No. of 1983.

Sunehri Lal BhartiPetitioner

Versus

Union of India
and othersOpposite-
Parties.

Application for Stay.

The above named petitioner begs to submit
as under :-

1. That for the facts and circumstances stated in the accompanying writ petition supported by an affidavit it is very respectfully prayed that operation and order contained in Annexure Nos. 5 and 6 dated 28-12-1982 in as much as it affects the petitioner and 3-5-1983 may kindly be stay-ed.

Lucknow dated:

May 24, 1983.

M.A. Siddiqui
Advocate
Counsel for Petitioner.

Honible T.S. Misra, J.
Honible D.N. Jha, J.

Put-up alongwith
the writ petition.

the Dr

MHS/

27-5-83

Hon. U.C.S., J.

Hon. K.N.G., J.

List alongwith the
writ petition.

the Dr

27.5.1983

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No: 8/57 (w) of 1983

In re:

W.P.No. 2974 of 1983.



Sunhari Lal Bharti

---Applicant(Petitioner)

V/s.

Union of India & others

---Opp-Parties

.....

Application for Interim Relief
.....

Sir,

The applicant(petitioner) named above
most respectfully sheweth as under :-

That for the facts and reasons stated in the
accompanying writ-petition which is duly supported
by an affidavit , it is respectfully prayed that
this Hon'ble Court may be pleased, to pass the order
to stay the operation of the impugned order contained
in Annexure-6 dated 3/5/83, to-day.

Lucknow dated,
28/
29th July, 1983.

Advocate,

Counsel for the Applicant
(Petitioner)

5/2

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

C.M.Appn.No.

(w) of 1983

In re:

W.P.No. 2974 of 1983.



1983
AFFIDAVIT
61
HIGH COURT
ALLAHABAD

Sunhari Lal Bharti

---Applicant(Petitioner)

V/s.

Union of India & others

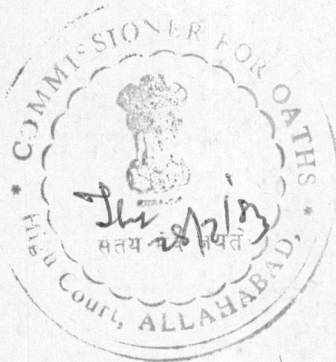
--- Opp-Parties

A f f i d a v i t

in re:- Application for Interim Relief

I, Sunhari Lal Bharti, aged about 50 years,
son of Sri Lal Singh, permanent way Mistry, working
under Permanent Way Inspector, Construction, Sultanpur
at Proposal Number-81 - Harpalganj, Distt:Sultanpur,
do hereby solemnly affirm and state on oath as under:-

1. That the deponent is himself 'Petitioner' in
the above noted writ petition and as such is fully
conversant with the facts of the case.
2. That above quoted writ-petition was filed
on 26/5/83, and due to a little technical defect
and, thereafter, paucity of time, ^{The said writ-petition} this could not be
taken on that day and again on 27/5/83 also this
could not be taken and it was ordered to be listed
in the month of July, 1983.
3. That in the meantime the deponent being harassed



Sunhari Lal Bharti.

by the opp-parties, the deponent moved another application on 14/6/83, which was ordered to be listed on 27/6/83 before the Hon'ble Vacation Judge. *28*

4. That on 27/6/83 again due to paucity of time before the Hon'ble Vacation Judge, the matter could not be taken and he was kind enough to order the matter to be listed after vacation. Thereafter, the case was listed on 22/7/83 and due to again paucity of time before Your Lordship, the matter could not be taken and it is now ^{again} being not listed ^{and} that the deponent is facing great hardship due to impugned order which is absolutely unjust, and in the circumstances, it is most expedient ^{the} the matter ^{be} take to-day and pass the order after hearing the petitioner's (deponent's) counsel.

Lucknow dated,
28/29.7.83.

Sunehari Lal Bharti
Deponent.

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 4 of this affidavit are true to my own knowledge, that no part of it is false and that nothing material has been concealed, so help me God.

Lko. dated,
28/29.7.83.

Sunehari Lal Bharti
Deponent.

I identify the deponent who has signed before me.

M. S. R.
Advocate.

It Solemnly affirmed before me on 28.7.83 at 5.30 am/pm by Sri Sunhari Lal Bharti, the deponent, who is identified by Sri Mushtaq Ahmad, Advocate, High Court, Allahabad/Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.

K. C. Saxena
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench,
22/1/61.

