

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

TA: 12/12/87

No. CAT/Alld/Transfer/2/aihtr 17

Dated the

6/11/90

Rejay Singh.

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

① Rejay Singh. S/o Dwarika Prasad. Singh 2/10
To Om Prakash P. C. S. S. Madayav
D.B.H. L.R.

② Granga Buzde Yadav S/o B.N. Yadav 2/10 Sathgara
P.O. Gindaura Bagh P.O. Bazarika Talab
D.B.H.

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

Writ Petition No.

6243/83

The Tribunal has fixed date of

19/11/90 1990. The hearing

arising out of order dated 19/11/90 If no appearance is made on your
passed by High Court L.R. behalf by your some one duly authorised
in High Court L.R. 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 19/11/90
day of November 1990.

dinesh/

81
DEPUTY REGISTRAR

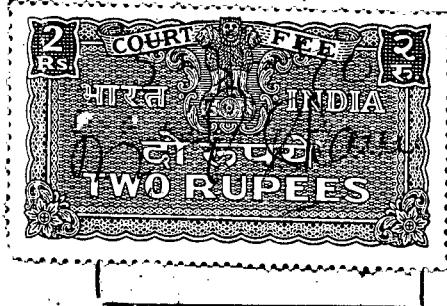
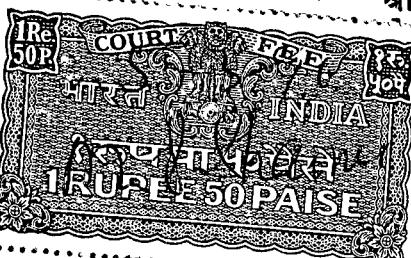
③ Surya Buzde S/o Shri Harepal 2/10 village
Gomti Lekhapurwa P.O Sarawara P.O P.S.
Madayav Lucknow

④ Shri R. Narain Adv. High Court L.R.

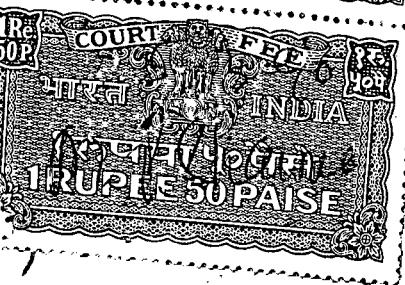
ब अदालत श्रीमान्

[वादी अपीलान्ट]

Before the Central Administrative Tribunal
Circuit Bench, Lucknow - महोदय 22/2
श्री विजय राय लला का वकालतनामा 123



वादी (अपीलान्ट)



Vijay Singh and others

बनाम

प्रतिवादी (रेस्पोन्डेन्ट)

Union of India and others

नं० मुकदमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर श्री

Mr. P. Sharma, Advocate

2 Nazar Bagh, Behind Cinema, Court Road, Lucknow - वकील

महोदय

एडवोकेट

बनाम
नं० मुकदमा नं० फरीकन
नाम सुनील कुमार

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करे और तसदीक करें मुकदमा उठावें या कोई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगा, मैं यह स्वीकार करता हूं कि मैं हर पेशी पर स्वयं वा किसी अपने परोक्तार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे लिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए वह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

सुनील कुमार

११२ ब्लॉक
विजय नगर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

५

महीना

३

सन १६ अगस्त १०

स्वीकृत

Accepted
गवाह

IN THE CENTRAL ADMINISTRATIVE
COURT BENCH
Gurhbir Singh, Esq., Residency, Lucknow
No. C.A.T./A.J.L./P.C. dated 12.12.1990

C 223
XIV

12.12.1990
Dated 12.12.1990

APPLICANT'S

VERSUS

RESPONDENT'S

To

Whereas the marginally registered case has been tried by Writ Petition No. 6170 under the revision of the Administrative Tribunal Act XIII of 1975 and registered in this Tribunal

Writ Petition No. 6170 of the Court of

of 1990, of the Court of High Court

arising out of order dated

passed by

in

1990. The

If no appearance is made on behalf of the respondent by your some one d

to Act and plead on your

The matter will be heard and decided in your absence given under my hand seal of the Tribunal this 12/12/1990 day of December 1990.

dinesh/


DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. OA/TA/ 5191-5194 dated the 21.9.90
T.A. NO. 1212/87(2)

Registration no. ----- of 1990

VIJAI SINGH & OTHERS

APPLICANT

VERSES

UNION OF INDIA & OTHERS

RESPONDENT

TO

1. UNION OF INDIA MINISTRY OF RAILWAY THROUGH THE SECRETARY RAILWAY BOARD NEW DELHI.
2. THE GENERAL MANAGER NORTHERN RAILWAY BARODA HOUSE NEW DELHI
3. DEPUTY CONTROLLER OF STORES N.RLY. ALAMBAGH LUCKNOW.
4. THE ASSISTANT CONTROLLER OF STORES N.RLY. VYAS NAGAR • VARANASI

c/c
R

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed ----- 31 day of 10 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleaser, or by some on duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 20 day of 9 1990.

116/9144
DEPUTY REGISTRAR

Enclosed COPY OF AMENDED COPY PETITION, Court is ordered
dated 30-8-90

C 226

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

A
126

T.A.NO. 1212 of 1987
(W.P.NO.6243 of 1983)

VIJAY SINGH

....

Applicant.

UNION OF INDIA & OTHERS

versus

RESPONDENTS.

30.8.1990

Hon'ble Mr. D.K. Agrawal, J.M.

Hon'ble Mr. K. Ogayya, A.M.

Misc. application NO.212/90(L) is taken-up.

Heard Sri H.P. Sharma counsel for the applicant. Amendment is allowed. Let the amendment be incorporated within the ~~same~~ ^{ed} one week hereof and supply copy of amendment petition within the same time for service of notice on the respondents. Issue notice to the respondents to file C.A. within 8 weeks R.A. may be filed within two weeks Listed before Dy. Registrar on 31.10.90 for completion of pleadings.

Sd/

A.M.

Sd/

JAM.

11 TRUE COPY 11

11/10/1990
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench
Lucknow

SD/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL C227
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. C.A.T./M.I.D./JUD/ 5013-15.

dated the

03.9.90.

T.A. No. 1212/87 (T)

(w.P. No. 6243/83)

Registration No. _____ of 1990

OKC

Vijai Singh & others

APPLICANT

VERSUS

Union of India

RESPONDENT

- ① The Minister of India in Ministry of Railways, through the Secretary, Railway Board, New Delhi.
- ② The General Manager, Northern Railway, Board House, New Delhi.
- ③ Deputy Controller of Stores N.Hy. Alambagh Lucknow.
- ④ The Assistant Controller of Stores N.Hy. Vyas Nagar, Varanasi.

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 31 day of 10 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleaser or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

3.

Given under my hand and the seal of the Tribunal this day of 9 1990.

116/3/9/90
DEPUTY REGISTRAR

End. Copy of the Petition with curts
dated 03.9.90.

Copy of Coms order d/30.8.90

9

A/28
C/18

In The Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow

TA No 1212/87

(WP No 6243/83)

Vijay Singh & others

— Applicant

Union of India & others ^{Vs.}

— Respondents.

Application for correction of minor typographical mistake at page 2, 7th line of the judgement dt 22-4-93

It is respectfully stated on behalf of Respondents:-

1. That on 7th line at page 2 of the judgement dated 22-4-93 passed in the above noted case instead of work "sustained" the word "quashed" has wrongly been typed.

PRAYER.

Wherefore, it is most respectfully submitted that this Hon'ble Tribunal would very graciously be pleased to correct the minor typographical mistake crept in on 7th line at page 2 of the judgement that instead of work "quashed" the word "sustained" be incorporated.

Allow
necessary costs
are made out
of the cause
be made out
30/4/93
R.M.

Anil Srivastava
(ANIL SRIVASTAVA
ADV.

Lucknow

Dated 30/4/93

Counsel for Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

TRANSFERRED APPLICATION No. 1212/87

(WRIT PETITIONNO. 6243 of 1983)

versus

Union of India & others Respondents

HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.

HON. MR. V.K. SETH, ADMN. MEMBER.

(HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.)

Applicants were engaged as 21.1.79 under the Assistant Controller of Stores under the Northern Railway and the applicants worked upto 31.1.1980. Admittedly, the applicants were given the work of Khalasis w.e.f. 11.3.1980 to 10.4.1980 and thereafter from 14.10.1980 to 31.12.1980. They worked as Khalasis at Varanasi till 10.4.1980 and they were transferred to Lucknow and worked there from 14.10.1980 to 31.12.1980 and again from 13.1.1981 to 13.3.1981 and after 13.3.1981 the applicants were not engaged.

2. According to the respondents, on the basis of the confidential report of Inspector of Stores the applicants were discharged from service because the applicants had submitted false casual labour card.

3. Thus the applicants' service were terminated on the ground that they were in possession of false card and without holding any enquiry. The applicants had attained the temporary status and they were entitled to protection of Article 311 of the Constitution of India and their services could not have been



terminated in this manner. The termination order stands quashed and the applicants will be reinstated. The respondents are directed to hold enquiry in the matter associating the applicant with the same and in case it is found that the cards submitted by the applicants were forged, the termination order will be quashed. It is not made clear that the applicant will be entitled to any salary even for a single day because the applicants were also responsible.

4. Application stands disposed of as above with no order as to costs.

SD *AM* *bd*
VICE CHAIRMAN

LUCKNOW DATED : 22.4.93

Shakeel/



Certified Copy

Behandis

charge

Judicial Section

C. A. T.

LUCKNOW.

29/4/93

In The Central Administrative Tribunal
Circuit Bench, Lucknow -

T. A. No 1212 of 1987(T).

Vijay Singh - - - - - Applicant

18

Union of India - - - - - Respondents

Application For Adjournment

The counsel for the Respondents begs to state as under:-

- ① That notices of the above case were received by the respondents in the month of Oct 1990.
- ② That since the matter is quite old and pertains to the year 1974 etc. and the answering respondents are searching the relevant records for the purpose of preparing Counter Reply.
- ③ That as soon as the records are made available, the counter Reply will be prepared and filed.
- ④ That Power of Attorney will be filed on the next date.

on the next day.
Wherefore it is most respectfully
prayed that 2 months further time may
be granted for filing counter Reply.

act \rightarrow
27 | 2191

✓ cow ~~she~~ ducknow
✓ 5/11 28/011

Sur Seivastava
(ANIL SRIVASTAVA)
ADV

27.2.91

D.R.

Applicant's side

is present. O.P.

is absent today.

Respondent did

not file counter

till today. He is

ordered to

file it, by 29.3.91

R

1.4.91

D.R.

This case has been

taken up today.

Because 29.3.91

was holiday.

None appeared for

the both sides.

Respondent to file

counter by 23.4.91

Sufficient opportunity

has been granted.

This is last opportunity.

R

23.5.91

D.R.

Both the parties are absent
today. Counter has not been
filed so far. O.P. to file
counter by 24/5/91.

R

23/4/91 Applicant's side
is present. Respondent
is not present. Put up
on 23/5/91 to file
counter. R

105
Court

T.A. 1212/87 AS
AB

29.6.92
D.R.

Department's side is

present today. Applicant
is ordered to file Rejoinder

by 14/8/93.

14.8.92

D.R.

Dr. M. P. Sharma is present
for applicant. None present
for applicant. None present
for applicant. Applicant is
ordered to file RA by
25.10.92.

21-11-92

D.R.

Place to day due to
Holiday on 25-10-92.
None is present. Respondent
to file Counter by 19-1-93.

19-1-93
D.R.

Both the parties are
absent. Respondent is directed
to file Counter by 19-2-93.

GP.C.

15/11/93

not megan for want of

Ans (D) not filing for want of
18/11/93

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW

ORDER SHEET NO:

TA 1212/87

O.A./T.A No

OFFICE REPORT

* DATE /

ORDER

19/2/93

D.R.

Sr. Mif. Sharma is present, R.A
has not been filed till
today. sufficient to file it
by 21/4/93, List from 21/4/93.
For F.H.

RP 20th
submitter
reflecting

24/3/93

No filing of P.M. off
on 22.4.93

note

R. Sharma (Pre 3/3/93)

MR

SPN

DR

21/4/93

MANISH

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

TRANSFERRED APPLICATION No. 1212/87

(WRIT PETITIONNO. 6243 of 1983)

versus

Union of India & others Respondents

HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.

HON. MR. V.K. SETH, ADMN. MEMBER.

(HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.)

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4. Application stands disposed of as above with no order as to costs.

ADMN. MEMBER

VICE CHAIRMAN

LUCKNOW DATED : 22.4.93

Shakeel/

22.11.91

D.R.

Both the parties

are present.

Applicant to file

Rejoinder by

17/12/92. List on

17/1/93.

17.1.92

D.R.

Counsel for applicant

is present. Rejoinder
to be filed by applicant
on 12/3/92.

12.3.92

D.R.

Both the parties are

present. Applicant to

file Rejoinder by

27/4/92.

27.4.92

D.R.

Both the parties are absent.

Applicant to file rejoinder

by 29/6/92.

19-4-90

Lawyers on strike

OR

Case is adjourned to 30/8/90

File for the application

Received C.R. 24/9/90

for amendment

Case is not committed

B.O.C.

S.F.C.

L

20/9

1994

Notice not issued
to respondents
on 17-9-90

30. 4. 90 Hon'ble D.K. Agrawal J.Y.
u K. Obayya A.M.

Notice application No. 212/904 is
taken up. Heard by M.P. Chamber Council
for the applicant. Amendment is allowed.
Let the amendment be incorporated within
one week hereof and supply copy of amended
petition within the same time for service
of notice on the respondents. Notice
to the respondents to file C.R. within 8
weeks. RA may be filed with C.R. within 8
weeks before D.P. Registrar. in 2 weeks.
For completion of hearings on 31.10.90

Notices issued

21-9-90

Notice of O.P. No. 4 Ld,
been return back

SP

6.11.90

D.R.

This case has been
taken up today, because
31.10.90 was declared
holiday due to distin-
guishes. O.P. has not
filed counter.

Due to resolution
of Bar Association
case is adjourned
to 3.12.90

28 (A.M.)

(J.G.)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

TA 1212187(7)

DATED: -----

Case Title WP 6243/83 19

Name of Parties.

Vijay Singh ApplicantU.O.T versus Respondents.

PART - A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
1-	Check List	
2-	Order Sheet	<u>A358</u> <u>A-A1</u> - <u>A3</u>
3-	Final Judgement	<u>22-4-93</u> <u>A4</u> <u>A5</u>
4-	Petition Copy	<u>A6</u> <u>A21</u>
5-	Annexure	<u>A22</u> <u>A33</u>
6-	Power	<u>A34</u>
7-	Counter Affidavit <u>M.P 339/93</u>	<u>A36</u> <u>A64</u> <u>A65</u>
8-	Rejoinder Affidavit <u>Misc. paper</u>	<u>A66</u> <u>A99</u> <u>A102</u>

PART - B

B103 - B197The above documents are ready for record and are certified to be correct.
For Consignment to Record Room.

Part - C

C198- C225Certified that no further action is required. The case is fit
for consignment to record room.Section OfficerCourt OfficerInchargeH. S. 18/1/94Signature of Deal:
Assistant.P. Narayan
20/01/94

the early action in my above matter may kindly be taken and the authorities may kindly be directed to give me duty and also regularise my services deeming me continued as Khalis.

It is further requested that action taken and orders passed in this connection may also kindly be intimated to me early as possible.

Hoping early action this time.

yours faithfully

Sd/- Vijay Singh
resident of Imiliharpurwa
Post sareurs P.S.Medi-
yav, Lucknow.

Lucknow.

Dated 20.12.81.

TRUE COPY.



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

LUCKNOW BENCH LUCKNOW.

Writ Petition No. of 1983.

Vijay Singh & others.

... Petitioners.

versus.

State of U.P. & others.

... Opp. parties.

ANNEXURE NO. 3.

To,

The Chairman,
N.E. & Silvay Board,
New Delhi..

Sub:- Find remainder to representation dt. 17.4.81.

Sir,

I have to invite your kind attention towards
my above representation and remainder dated 20.12.81
against the termination of services and have to inform
that no information in this regard has been informed
received by me so far.

A/18
118. C214

It is therefore requested that action taken in my above case may kindly be informed to me at an early date, in case no action has been taken so far, kindly taken early action by ~~making~~ ~~exxtra~~ issuing instructions to the authorities to give give me work immediately and also regularise my services in the same manner in which the services of similarly situated other ~~phalisis~~ ~~have~~ and junior to the petitioners have been regularised.

Kindly, your personal attention is requested.

Thanking you.

yours faithfully,

Sd/- Virend Singh.
Phalisi, R.E.Railway,
r/o Imilnagar Post Saran-
ra P.O. Madiyev, Lucknow.

Lucknow. dated

9.7.1982.

.....

TRUE COPY.

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

LOCKHORI MARCH LOCKHORI.

Writ Petition No. of 1983.

Vijay Singh & others... ... Petitioner.

Versus.

N.E.Railway Board & others. ... Opp. Parties.

ALLAHABAD NO. 4.

To,

The Chairman,
N.E.Railway Board,
New Delhi.

Subject: I would like to draw your kind attention towards
17.4.1981.

Sir, I have to invite your kind attention towards
my above representation and two reminders dated
20.12.1981 and 9.7.1982 in connection connection of
termination of my services. I am

Yours truly,

In this connection I have to say that
that more than two years have been passed but no
information about your decision in the above has
not been informed to me.

It is therefore requested that the
decision taken by your honour in the above matter
may kindly be intimated to me early, and if not
taken so far, the same kindly be taken immediately
and intimated to me.

I shall remain grateful for the same.

Yours faithfully,

Sd/- Vijay Singh
Chaliasi,

M.E. Vilay, r/o Failliapurw
Post sareera r.o. Madiyav,
LUCKNOW.

Dated 18.2.1983.

.....

TRUE COPY.

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

Writ Petition No. 1283.

Writ Petition No. of 1283.

Vijey Singh & others. ... Petitioners.

Versus.

R.L. Silway Board & others. ... Opp. parties.

AFFIDAVIT in support of writ petition.

I, Vijey Singh aged about 23 years son of
Sri Swarup Prasad Singh resident of Janliharpur
P.O. Serure P.S. Radiyav, District Lucknow do hereby
solemnly affirm and state on oath as under.

1. That the deponent is one of the petitioners in
the above noted writ petition and is fully conver-
sant with the facts deposed here under.
2. That the contents of paragraphs 1 to 19 of the
accompanying writ petition are true to my own
knowledge.

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

Chapter XLI, Rules 2, 9 and 15

Nature and number of case

W.P. No. 6243-85

Name of parties

Vijai Singh vs. N.E.R. Board.

Date of institution

3-11-83.

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
						Rs.	P.	
1		W.P. with Answer and affidat.	21	—	102.00			
2		Power	1	—	5.00			
3		Order Sheet	1	—				
4		Book Copy	1	—				

I have this day of 19⁷, examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court Fee Stamps of the aggregate value of Rs. _____, that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date _____

Munsarim
Clerk

Court-A-14 (K)

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

LUCKNOW BENCH LUCKNOW.

%

Writ Petition No. 6243 of 1983.

(16)

Vijay Singh & others. ... Petitioners.

versus.

10600

N.E.Railway Board & another. ... Opp. Parties.

I N D E X.

<u>Sl. No.</u>	<u>Description of Documents.</u>	<u>Page No.</u>
----------------	----------------------------------	-----------------

1. Memo of Writ Petition. 1-9.
2. Annexure No. 1. Copy of the representation dated 17.4.1981. 10-13.
3. Annexure No. 2. Copy of the reminder dated 20.12.1981. 14-15.
4. Annexure No. 3. Copy of the IIInd reminder dated 9.7.1982. 16-17

Cont.....2

Roger Nair
23/11/82
Shyam

5. Annexure No. 4. Copy of the IIIrd remitter dated 18.2.1983 to the representation of the petitioner. 18-19.

6. Affidavit in support of writ petition of the petitioner. 20-21.

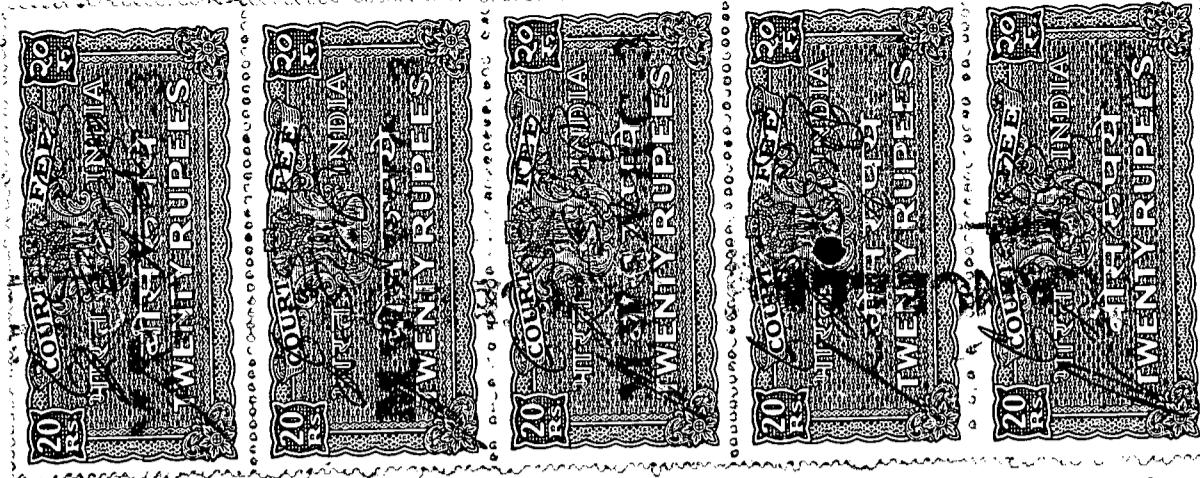
7. Vakalatnama of the Petitioner. 22

Lucknow.

Dated 4.5.1983.

Rajiv Narain
25/11/83 *Laloo Singh*
Laloo Singh *Adv.*

(Laloo Singh)
Advocate.
Counsel for the Petitioners.



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

LUCKNOW BENCH LUCKNOW.

6243
Writ Petition No. of 1983.

Writ Petition Under Article 226 of
the Constitution of India.

1. Vijay Singh aged about 23 years son of Sri Dwarika Prasad Singh resident of Imilihapurwa P.O. Saraura P.S. Madiyava District Lucknow.
2. Ganga Bux Yadav aged about 25 years son of Sri Baij Nath Yadav resident of Sahhamau P.O. Indaura Bagh P.S. Buxi Ka Talab District Lucknow.
3. Surya Bux aged about 23 years son of Sri Haripal resident of village Imilihapurwa P.S. Saraura P.S. Madiyava, Lucknow.

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- (i) Union of India, Ministry of Railway,
through the Secretary, Railway Board,
New Delhi.
- (ii) The General Manager,
Northern Railway, Baroda House,
New Delhi.
- (iii) Deputy Controller of Stores,
Northern Railway, Alambagh, Lucknow.
- (iv) The Assistant Controller of Stores,
Northern Railway, Vyas Nagar. ~~Varanasi~~

~~VERSUS~~

All

4. Piarey Lal aged about 23 years son of Shri
Raghunandan resident of Village Bhurpurwa post Saraura
District Lucknow.

PETITIONERS.

1. Union of India, through Chairman, Railways, New Delhi.

2. N.E. Railway Board, New Delhi, through its Chairman.

3. Railway Service Commission Board, Allahabad.

4. Railway Service Commission Board, Allahabad, Opp. Partners.

5. The Controller of Staff N.E. Railways, The humble petitioners named above beg to state as under:-

6. Deputy Controller of Staff N.E. Railways, Alambagh, Lucknow.

7. Railways, Alambagh, Lucknow.

1. That all the petitioners were recruited as Khalashies in the staff of the ~~Khixha~~ Northern Railway.

2. That the 1st posting of the petitioners was done in varanasi with effect from 21.1.1979 where they worked upto 31st Junuary 1980.

3. That the petitioners after 31.1.1980 were not given work upto 1st February 1980.

4. That the petitioners were given work as Khalashies with effect from 11.3.1980 to 10.4.1980 and thereafter from 14.10.1980 to 31.12.1980.

AB

9(a). That the applicants had served & duly engaged by the authority mentioned hereinunder as Khalasis/ Casual Labourers.

No.	Name of Post	Appointed by:	Worked From	Worked To	Worked under.	Total days.
1.	Casual Labourers/ Khalasi.	Asstt. Cont- roller of Stores, N.R.Vyas Nagar.	21.10.89	31.1.80	Asstt. Contro- ller of Stores, N.R.Vyas Nagar.	103
2.	- do -	- do -	11.3.80	14.4.80	- do -	35
3.	- do -	- do -	14-10.80	31-12.80		79
4.	- do -		13.1.81	13.3.81		60

9(b). That as the applicants have a temporary status and had right to hold the posts till juniors retained on the posts and the applicants' posts were not abolished, therefore non-engagement of the applicants from 14.3.1981 by the opposite parties No.3 and 4 on their posts amounts to illegal retrenchment, hence the same could not be done, unless a notice of retrenchment in writing would have been served and compensation was paid to them on 14.3.1981.

9(c). That the opposite parties No.3 and 4 had neither served any retrenchment notice on 14.3.1981 nor paid any compensation under Section 25-F of the Central Industrial Dispute Act to the applicants. Therefore the alleged non-engagement of applicants on 15.3.1981 amounts to illegal retrenchments and the same are illegal and void.

9(d). That no opportunity was given to the applicants on 14.3.1981 or onwards before deleting the name of the applicant on 14.3.1981 from the Muster Roll hence the alleged retrenchment orally ordered by opposite parties No.3 and 4 on 14.3.1981 was void, illegal and against the provisions of law.

9(e). That on 15.3.1981 a number of new/outsiders Casual Labourers and juniors to the applicants have

5. That all the petitioners had worked as Khalasies at Varanasi till 10.4.1980 after which they were transferred to Lucknow where they joined on 14-10-1980 and worked upto 31.12.1980.
6. That the petitioners were again given work with effect from 13.1.1981 to 13.3.1981. *at Lucknow*
7. That after 13.3.1981 the petitioners were not called upon to work as Khalasies inspite of the fact that posts of Khalashies ~~is-e-~~ are still in existence and many persons juniors to the petitioners, recruited in the year of 1982 are being given regular work.
8. That non only this but several posts of Khalashies are still vacant.
9. That the computation of the total period of the petitioners service could go to show that they have worked for more than 365 days and as such are entitled to be treated as Regular Khalashies.

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10. That being aggrieved by this discriminatory attitude of the opposite parties, the petitioners preferred their appeal to the opposite party No. 1 forwarding a copy of it to the opposite party No. 2 clearly indicating that their grievance is to be cured as early as possible.

A true copy of this memo of appeal is annexed here-with as Annexure No. 1.

11. That the perusal of the memo of appeal would go to show that the petitioners have given the chronological details of their grievances clearly stating that order of the opposite parties is arbitrary and discriminatory.

12. That the opposite parties have not given any reply to the appeal of the petitioner inspite of the fact that they have sent 3 reminders. The truecopies of these reminders are annexed here-with as Annexure No. 2,3, & 4.

13. That the petitioners sent their last reminder on 18.2.1983.

14. That the following persons are juniors to the



X

petitioners recruited in the year of 1982 and are being given work regularly:-

1. Sri Scarendra

2. Sri Kasei

3.

15. That the doctrine of retrenchment of 'First come and last go' is applicable in the cases of the petitioners but the opposite parties have not followed the same but the services of the only chosen persons have been regularised without considering the candidature of the petitioners.

16. That the opposite parties are not keeping in view the relevant provisions of the Railway Establishment Code, Railway Establishment, Manual and the Industrial Dispute Act, which clearly show as to how the petitioners had right to hold their posts.

17. That not providing the work to the petitioners amounts to termination them from the services which for which the reasons have not been disclosed.

18. That for the purpose of Industrial Disputes Act the word " termination " is also included in the 'retrenchment' which is also clear from the definition of 'retrenchment' given in Section 2 of Industrial Disputes Act.

19. That the perusal of Section 25 (G) of the Industrial Disputes Act would go to show that the compensation is to be given to the retrenched employees which has also not been done in the cases of the petitioners as they have not been given any compensations etc.

20. That the petitioners have no other alternative or efficacious remedy except by way of filing the present writ petition.

जित दास द्वारा

21. That the petitioners therefore file the present writ petition on the following amongst



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amongst other grounds:-

G R O U N D S.

- i). Because not providing the work to the petitioners amounts to verbal termination without disclosing any reason contravening the provision of section 25 (F) of the Industrial Disputes Act.
- ii). Because retaining persons juniors to the petitioners as Khalashies is discriminatory, arbitrary and is in gross violation of provisions of Articles 14 and 16 of the Constitution of India of Section 25 (F) of the Industrial Disputes, Railway Establishment Code and Railway Establishment Manual.
- iii). Because non payment of retrenchment compensation to the petitioners also violates Section 25 (G) of the Industrial Disputes Act.
- iv). Because the petitioners have worked

Cont.....

for more than one year and as such are entitled to regularisation which has not been done in their cases.

v). Because the petitioners have a clear right to hold the post of Khalashies and their verbal terminations are visiting them with the ~~xxx~~ evil consequences.

WHEREFORE, the petitioners prays for the following remedies:-

(a). By way of a writ or order in the nature of Mandamus, the opposite parties may kindly be commanded to treat the petitioners as regular " Khalashies " forthwith and pay their salaries as and when due,

by declaring that non-engagement of the applicants w.e.f. 14.3.1981 and onwards by opposite parties No.3 and 4 amounts to retrenchment and the same is illegal, void and discriminatory with a direction to opposite parties to reinstate the applicants and pay full back wages to the applicants with 24% interest with effect from 14.3.1981 to the date of reinstatement.

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(c). Such other writs, directions or orders as this Hon'ble Court deem just and proper.

(d). Cost of the writ petition may also kindly be allowed to the petitioners against the opposite parties.

Lucknow.

Dated 4.5.1983.

Rajiv Narin
25/1/83
Allo Singh

(Laloo Singh)

Advocate,

Counsel for the Petitioners.

.....

Note: There is no defect in this writ petition.

Rajiv Narin
Allo Singh

(Laloo Singh)

Advocate,

Counsel for the Petitioners.

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

LUCKNOW BENCH LUCKNOW.

Writ Petition No. of 1983.

Vijay Singh and others. ... Petitioners.

versus,

N.E.Railway Board and another. ... Opp. Parties.

ANNEXURE NO. 1.

To,

The Chairman,
N.E.Railway Board, NEW
New Delhi.

Sir,

The applicant begs to state as under for
your sympathetic consideration and favourable orders:-

21/2/1984

1. That the applicant was recruited as Khalasi
in Northern Railway in 1979.

✓✓

2. That the petitioner first of all was posted in Varanasi with effect from 21.1.1979 where he work satisfactorily and no complaint was found in his work and conduct.

3. That he there worked upto 31st January 1980. There after he was not given work upto 1st February 1980.

4. That the ~~petitioner~~ applicant was given work with effect from 11.3.1980 to 10.4.1980 and thereafter from 14.10.1980 to 31.12.1980.

5. That thereafter the applicant was transferred from Varanasi to Lucknow where he joined on 14.10.1980 and worked upto 31.12.1980..

6. That the applicant was again given work with effect from 13.1.1981 to 13.3.1981.

7. That the applicant has not been called upon on work after 13.3.1981 without any reason. The work and conduct of the petitioner always remained excellent and nothing adverse was ever communicated to him

8. That the persons junior to the applicant are regularly being work and they have also been regularised in regular service but the case of applicant has not been considered for regularisation as the authorities are adopting the method of pick and choose without following the relevant rules etc.
9. That there are so many post of Khalasies vacant and new recruitment are also being done but the case of applicant is not being considered.
10. That the petitioner is a workman on ~~xxxxxxxx~~ whom Industrial-B- the provisions of Industrial Disputes Act are also applicable but the authorities have also not acted according to the provisions of said Act.
11. That many junior persons are working in the department but ~~xxxx~~ their services not been put to end while the services of the applicant have been put to end though he is senior to the other persons working on the post of Khalashies.
12. That the principle of first come last go is

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is applicable in the case of the applicant but the same has not been followed instead the authorities ~~xxx~~ have adopted the principle of pick and choose.

13. That the present denial of work to the applicant amounts to verbal dismissal without providing him any opportunity which has been done without following the statutory provisions applicable in the case of the petitioner.

14. That the petitioner has no hope from the local authorities for justice.

It is therefore most respectfully prayed that the your honour may graciously be pleased to summon all the relevant records from the Lucknow Office and after perusal of the same, may direct the ~~xxx~~ local authorities to give me regular work and also regularise my appointment as early as possible.

yours faithfully,

Sd/- Vijay Singh.

(Vijay Singh)

R/o Imilihapurwa Post Saraura
P.S.Madiyav, Lucknow.


Vijay Singh

Dated 17.4.1981.

Copy forwarded to, Railway Service
Commissioner Board, Allahabad for necessary action.

Ans
Dg

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

Writ Petition No. of 1983.

Vijay Singh & others. ... Petitioners.

Versus.

N.E.Railway & another. ... Opp. Parties.

ANNEXURE NO. 2.

To,

The Chairman,
N.E.Railway Board,
New Delhi.

SUB: Reminder to my representation dated 17.4.81.

Sir,

I have the honour to invite your kind attention towards my representation dated 17.4.1981 in connection of termination of services. ~~by x~~

It is requested in this connection that

Cont.....



~~STK 9214KA~~

the early action in my above matter may kindly be taken and the authorities may kindly be directed to give me duty and also regularise my services deeming me continued as Khalisy.

It is further requested that action taken and orders passed in this connection may also kindly be intimated to me early as possible.

Hoping early action this time.

Yours faithfully

Sd/- Vijay Singh
resident of Imilibapurwa
Post Saraura P.S. Madi-
yav, Lucknow.

Dated 20.12.81.

.....
TRUE COPY.

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

LUCKNOW BENCH LUCKNOW.

Writ Petition No. of 1983.

Vijai Singh & others. ... Petitioners.

Versus.

State of U.P. & others. ... Opp. Parties.

ANNEXURE NO. 3.

To,

The Chairman,
N.E.Railway Board,
New Delhi..

Sub:- 1Ind Reminder to representation dt. 17.4.81.

Sir,

I have to invite your kind attention towards my above representation and reminder dated 20.12.81 against the termination of services and have to inform that no information in this regard has been informed received by me so far.

STRAZIKA

✓✓

It is therefore requested that action taken in my above case may kindly be informed to me at an early date, In case no action has been taken so far, kindly taken early action by ~~xxxxxxxx~~ issuing instructions to the authorities to give give me work immediately and also regularise my services in the same manner in which the services of similarly situated other Khalisis ~~have~~ and junior to the petitioners have been regularised. Kindly, your personal attention is requested.

Thanking you,

yours faithfully,

Sd/- Vijai Singh,
Khalasi, N.E.Railwy,
r/o Imilihapurwa Post Sarau-
ra P.S. Madiyav, Lucknow.

Lucknow. Dated
9.7.1982.

TRUE COPY.

21/7/1982

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

LUCKNOW BENCH LUCKNOW.

Writ Petition No.

of 1983.

vijay Singh & others...

... Petitioner.

Versus.

N.E.Railway Board & others.

... Opp. Parties.

ANNEXURE NO. 4.

To,

The Chairman,
N.E.Railway Board,
New Delhi.

Subject: Third Reminder to the representation dated
17.4.1981.

Sir, I have to invite your kind attention towards my above representation and two reminders dated 20.12.1981 and 9.7.1982 in connection connection of termination of my services. HM

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In this connection I have to say that
that more than two years have been passed but no
representation information about your decision in the above/has
not been informed to me.

It is therefore requested that the
decision taken by your honour in the above matter
may kindly be intimated to me early, and if not
taken so far, the same kindly be taken immediately
and intimated to me.

I shall remain grateful for the same.

yours faithfully,

Sd/- Vijay Singh
Khalisi,

N.E.Railway, r/o Imilihapurwa
Post Saraura P.S.Madiyav,
Lucknow.

Lucknow.

Dated 18.2.1983.

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TRUE COPY.

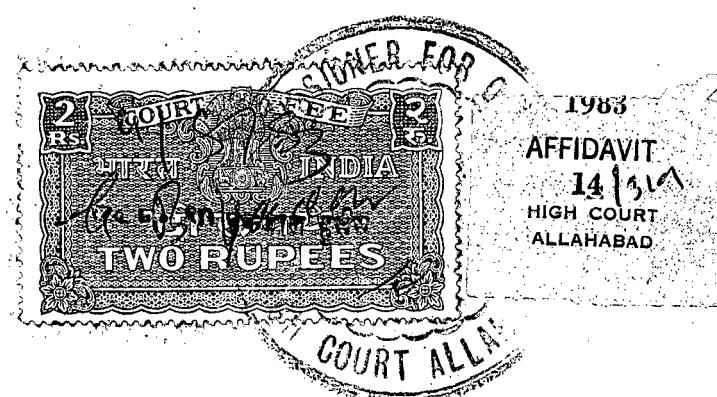
11/9/2014



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

LUCKNOW BENCH LUCKNOW.

Writ Petition No. of 1983.



vijay Singh & others. ... Petitioners.

Versus.

N.E.Railway Board & others. ... Opp. Parties.

AFFIDAVIT IN SUPPORT OF WRIT PETITION.

Ganga Bux Yadav
 I, ~~vijay Singh~~ aged about 25 years son of
 Sri ~~Deewana~~ Bajirao Yadav resident of ~~Deewana~~ Sardana
 P.O. ~~Deewana~~ Bajirao P.S. ~~Deewana~~ District Lucknow do hereby
 solemnly affirm and state on oath as under.

1. That the deponent is one of the petitioners in the above noted writ petition and is fully conver-
sant with the facts deposed here under.
2. That the contents of paragraphs 1 to 19 of the accompanying writ petition are true to my own
knowledge.



07/02/2014

3. That the Annexures No. 1 to 4 annexed with the writ petition are true copies of their originals which have been compared by the deponent.

9/2/1983

Lucknow.

DEPONENT.

Dated 4.5.1983.

VERIFICATION.

I, the above named deponent do hereby verify that the contents, of paragraphs 1 to 3 of this affidavit are true to my own knowledge. Nothing material has been concealed and no part of it is false. So help me God.

9/2/1983
DEPONENT.

I, identify the deponent who has signed before me.

Gulab Chand Singh
Advocate.

Solemnly affirmed before me on 4-5-83

at 10.05 a.m./p.m. by Vijay Singh the deponent who has been identified by Sri Gulab Chand the clerk of Sri Laloo Singh, Advocate, High Court Lucknow Bench, Lucknow.

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



STATE COMMISSIONER
High Court, Allahabad.

Lucknow 4-5-83

4-5-83

ब अदालत श्रीमान

High Court

134

Lucknow

महोदय

(वादी) अपीलान्ट
प्रतिवादी (रेस्पान्डेन्ट)

वकालतनामा



Vijay Singh Adv
वादी (अपीलान्ट)

बनाम
W-E Railway & Or
प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा

सन् १९८३ पेशी की तारीख १६ ई०

ऊपर मुकद्दमा में अपनी ओर से श्री Pratima Devi Adv
Sri Rajiv Narain Adv एडवोकेट वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है और लिखे देता है कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करे या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहानामा वा इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें वा मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी विषयकी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त कर वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर कासु आवे।

जागाबदेश मायव रुपवनकु फॉर्मोल
हस्ताक्षर

साक्षी गवाह

साक्षी (गवाह)

दिनांक ३ महीना ५ सन् १९८३ ई०

Rajiv Narain Adv

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

10.P. No. 6243 of 1983

AB 135

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
23/1/83	Mem K.W.G.7	
	Mem S.S.A.7	
	List in the ordinary course -	
	Court fee	
	Sect. K.W.G.	
	Sect. S.S.A.	
	23/1/83	

A36

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Civil Misc. Petition No. 723 of 1991 (L) 1/96

In Re:

Registration (O.A.) No. 1212 of 1987.

Sri Vijai Singh Applicant.

Versus

Union of India & others Respondents.

APPLICATION FOR CONDONATION OF
DELAY IN FILING COUNTER REPLY.

That delay in filing counter reply is not intentional or deliberate but due to administrative and bonafide reasons, which deserves to be condoned.

P R A Y E R

Wherefore, it is most respectfully prayed that in the interest of justice, delay in filing counter reply may kindly be condoned and counter reply may be taken on record.

Lucknow.

Dated : 22-11-91

Filed today

SJS

22/11/91

Anil Srivastava
(ANIL SRIVASTAVA)
Advocate
Counsel for Respondents.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

T.A. NO. 1212 of 1987.

Vijai Singh & Others Petitioners.

Versus

Union of India & others Opp. Parties.

COUNTER REPLY

I, Jagdish Narain aged about, years working as ~~Asstt. Inspector~~ in the office of the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow, do hereby solemnly affirm and state as under :-

1. That the , officer, above named, is working in the office of Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow and as such fully conversant with the facts and circumstances of the case and also he has been authorised to answer on behalf of opposite parties.

2. That the contents of para 1 of the writ petition

बहावक कामिक अधिकारी (भंडार)

उत्तर रेलवे आलमबाग

बखनऊ।

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are denied. It is submitted that petitioners were appointed as casual labour on 21.11.79 at Vyasnagar vide order No. 92-5/Vyn/11/79 dt. 21.11.79. A photostat copy of order dt. 21.11.79 is being enclosed herewith as Annexure C-1.

3. That the contents of para 2 of the writ petition are incorrect and as such denied. It is submitted that petitioners worked under Assistant Controller Stores Vyasnagar upto 31 Jan., 1990, vide order No. 92-5/Vyn/C.L/19/80 dt. 30.1.80. A copy of which is being enclosed herewith as Annexure C-2. They joined on 21.11.79.

4. That the contents of para 3 of the writ petition are admitted.

5. That the contents of para 4 of the writ petition are admitted to the extent that petitioners were engaged as casual labour instead of Khalasi w.e.f. 11.3.80 to 10.4.80. A photo copy of order is enclosed herewith as Annexure C-3. And they were discharged by a letter, a copy of which is being filed as Annexure C-4 hereto. Thereafter, applicants worked as Casual labour on daily wages from 14.10.80 to 13.12.80 under Deputy Controller of Stores, Northern Railway Alambagh, Lucknow ~~Thexphate~~ which was extended upto 31.12.80. The photo copies of both the orders are being enclosed herewith as Annexure Nos C-5 and C-6.

उत्तर रेलवे आलमबाग

लखनऊ।

6. That the contents of paras 5 and 6 of the

सहायक कार्यिक अधिकारी (भंडार) Annexure Nos C-5 and C-6.

: 3 :

writ petition are not admitted, as stated. It is further submitted that applicants were given again appointed as casual labour w.e.f. 14.1.81 vide order No. E/32 dt. 27.1.1981, a copy of which is being filed as Annexure No. C-7 and discharged them under punishment vide office order No. E/106 dated 13.3.81.

7. That the contents of para 7 of the writ petition are incorrect and as such denied. It is relevant to point out here that applicants were appointed as casual labour w.e.f. 21.11.79 under Assistant Controller of Stores, Northern Railway Vyasnagar under an agreement that only the persons who have served the railway earlier will only be considered for employment vide notice No. 92-5/Vyn/LL/79, dt. 16.11.79 and 17.11.89. The photostat copies of both the notices are being enclosed herewith as Annexure Nos C-8 and C-9. It is further stated that petitioners were appointed as casual labour on the basis of casual labour cards issued to them by Inspectors of works, Charbagh, Lucknow on 5.1.80. It is further submitted that labour welfare Inspector, Stores, Northern Railway, Alambagh, Lucknow has been instructed vide letter No. 92-5/VYN/1980 dt. 5.1.80 from the Assistant Controller Store, Northern Railway Vyasnagar to verify the casual labour cards. A photo stat copy of which is being enclosed herewith as

सहायक कामिक अधिकारी (भड़ा) Annexure No. C-10. It was found that name of the petitioners

रुत्तर रेलवे आलमबाग

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were as serial Nos. 15, 16, 21 and 17 respectively. The photocopies of each casual labour card has been enclosed herewith as Annexure No. C-11, C-12, C-13 and C-14 to present reply. It is stated that on verification of casual labour cards at Inspector of works, Charbagh on 7.3.81 by the Labour Welfare Inspector, Stores. The Inspector of works, Charbagh vide his letter No. 13/E/Charbagh dt. 7.3.81 intimated/clarified that petitioners have ~~been~~ not worked under him as mentioned in casual labour card. A photo copy of this letter has been enclosed as Annexure No. C-15.

It is further stated that on the basis of confidential report of Labour Welfare Inspector, Stores, vide his letter No. 310-E/Misc/Confidential/Welfare dated 9/12.3.81 to the O.S (Establishment, Alambagh, Lucknow). A photo copy of which is annexed herewith as Annexure No. C-16. Petitioners were discharged from services with effect from 13.3.81 false and forged casual labour card, by Deputy Controller Stores vide letter No. E/106 dated 13.3.81. A photo copy of to this effect has been enclosed herewith as Annexure No. C-17.

8. That the reply to para 8 of the writ petition it is stated that since applicants' forged casual labour card have been confirmed thereafter question of further engagement of petitioners does not arise.

7-10-81

सहायक कामिक अधिकारी (भंडार)

उत्तर रेलवे आलमबाग

द्वितीय

9. That in reply to para 9 of the writ petition it is submitted that petitioners never worked for such a period as alleged.-

9(A) That in reply to para 9(a) of the writ petition it is submitted that petitioner No. 1 worked from 21.11.79 and not from 21.10.89 as alleged by the petitioner.

Also petitioner No. 2 worked from 11.3.80 to 10.4.80 and not 14.4.80 as alleged by the petition No. 2.

Regarding petitioners No. 3 & 4, it is submitted that they were appointed by Deputy Controller of stores and not by Assistant Controller of stores Northern Railway, Viyas Nagar as alleged by petitioners No. 3 & 4.

9(B) That in reply to para 9(b) of the writ petition it is submitted that petitioners were never granted temporary status and rest of the contents are false and as such denied. Also averments made

is para 7 of the present reply are reiterated.

9(c) That the contents of para 9(c) of the writ petition are wrong and as such denied. It further submitted that petitioners have been served Discharge notice, filed herewith as Annexure No. C-4 to present reply, clearly indicating that petitioners have been discharged from 13.3.81.

9(d) That the contents of para 9(d) of the writ petition are wrong and as such denied.

9(e) That in reply to para 9(e) of the writ petition it is submitted that petitioners were not engaged due to forged certificate submitted by the petitioners.

10. That the contents of para 10 of the writ petition are denied. It is further submitted that no appeal as alleged by the petitioners, have been received to the office of answering respondent.

7-10-81

सहायक कामिल अधिकारी (भंडार)

उत्तर रेजिस्ट्रे आवानबाग

लखनऊ।

11. That the contents of para 11 of the writ petition are denied and para 10 of present reply is reiterated.

.. 7 ::

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12. That the contents of paras 12 & 13 of the writ petition are denied, as answering respondents never received such reminders.

13. That the content of para 14 of the writ petition are wrong and as such denied. Also petitioners were not engaged due to their forged casual labour card as aver in para 7 of the present reply.

14. That the contents of para 15 of the writ petition are denied as petitioners case is different and they have been discharged due to their forged casual labour card.

15. That the contents of paras 16 & 17 of the writ petition are wrong and as such denied. It is further submitted petitioners were discharged from the services due to their casual labour cards were found forged. Also averments made in para 7 of the present reply are reiterated.

16. That in reply to the contents of paras 18 & 19

7-10-81

1/8

of the writ petition it is submitted that petitioners were discharged from the service after the confidential report of Labour Welfare Officer Inspector and verification of casual labour card. Anything contrary to it is denied.

17. That in reply to para 20 & 21 of the writ petition it is stated that grounds taken are false, misconceived illegal, inconsistent and irrelevant. Also grounds taken are not applicable to instant case of petitioners. Therefore, present petition is liable to be dismissed against the petitioners and in favour of the answering respondents. with cost.

Lucknow.

Dated: 7/10/91

7-10-91

सहायक कामिनी अधिकारी (भडार)

उत्तर रेतवे आमदार

लखनऊ।

VERIFICATION

I, the official abovenamed do hereby verify that the content of para 1 of this reply are true to my personal knowledge and those of paras 2 to 17 of this reply are believed by me to be true on the basis of records and legal advice.

7-10-91

Lucknow.

Dated : 7/10/91

सहायक कामिनी अधिकारी (भडार)

उत्तर रेतवे आमदार

लखनऊ।

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A/49

Page No. 1

S. No. 102, 103, 104,
Vijaynagar.

Date:- 01-11-79

NOTICE ORDER

The following persons are appointed as Casual labourers at Stores Depot, Vijaynagar with effect from the forenoon of 21.11.79 for the period of two months. They will be paid at the local market rate of Rs 6.50 P.M. per day. This is as per Ly. C/3/ANV/140 Letter No. 303-E/CL dt. 6.9.79 for 19 casual labour and again letter No. 303-E/CL dt. 18.11.79 for 18 casual labour.

Sl.

20.

Name.

Father's name.

I. No.

1.	Sri Huzai Lal	Sri Huzai	1/CL
2.	Sri Sabuji Chand	Sri Sabuji Chand	2/CL
3.	Sri Purni Lal	Sri Purni	3/CL
4.	Sri Ram Gopal	Sri Ram Gopal	4/CL
5.	Sri Kishan Lal Kumar Singh	Sri Kishan Lal	5/CL
6.	Sri Ram Prasad Yadav	Sri Ram Prasad	6/CL
7.	Sri Vinod Kumar	Sri Vinod Kumar	7/CL
8.	Sri Chandra Ram	Sri Chandra Ram	8/CL
9.	Sri Laxmi Singh Tewari	Sri Laxmi Singh Tewari	9/CL
10.	Sri Kapil Singh Chaudhary	Sri Kapil Singh Chaudhary	10/CL
11.	Sri Ram Sabadur	Sri Ram Sabadur	11/CL
12.	Sri Shahjehan	Sri Shahjehan	12/CL
13.	Sri Suresh Nath Yadav	Sri Suresh Nath	13/CL
14.	Sri Ram Sharaday	Sri Ram Sharaday	14/CL
15.	Sri Vijay Singh	Sri Vijay Singh	15/CL
16.	Sri Ram Phal Prasad	Sri Ram Phal Prasad	16/CL
17.	Sri Durga Das	Sri Durga Das	17/CL
18.	Sri Purni Lal	Sri Purni Lal	18/CL
19.	Sri Ram Kishan Singh	Sri Ram Kishan Singh	19/CL
20.	Sri Om Prakash Singh	Sri Om Prakash Singh	20/CL
21.	Sri Ali Kumar	Sri Ali Kumar	21/CL
22.	Sri Harj Shuker P.D.	Sri Harj Shuker P.D.	22/CL
23.	Sri Thakur Prasad	Sri Thakur Prasad	23/CL
24.	Sri Jassar Singh	Sri Jassar Singh	24/CL
25.	Sri Surendra Das	Sri Surendra Das	25/CL

Asstt. Controller of Stores,
Vijaynagar.

Copy to:-

- 1- The Ly. C/3/Alambagh, Lucknow.
- 2- The Ly. C/3/U/AN7/Lucknow.
- 3- The DGP/Huq/Alambagh.
- 4- The LIP/Vijaynagar.
- 5- Notice Board, Vijaynagar.

Asstt. Controller of Stores,
Vijaynagar.

Attestd

ल. १०४
उद्योग कामिक अधिकारी (भंडार)
उद्योग रेलवे आलमबाग
बदला।

Attestd

Asstt. Controller of Stores
Genl. Stores Depot, N.R.M.
Alambagh, Lucknow

F.W.

A/C

1/2

Am 62

NORTHERN RAILWAY

ACOS office
MysnagarNo:- 92-5/NR/CL/19/80
Dated: 30-1-80

OFFICE ORDER

The following Casual Labourers of stores depot, Mysnagar are hereby discharged with effect from 31-1-80 (A.N.) due to expiry of the sanction.

S/no.	Name	Father's Name	T. No.
1.	Shri. Munni Lal	Sri. Murray	1/CL
2.	Saeed Ahmad	" Habib Ahmad	2/CL
3.	Pyare Lal	" Fakir	3/CL
4.	Ram Gopal	Rajnubai Baisad	4/CL
5.	Mathew Kumar Singh	Sh. Ram	5/CL
6.	Ram Prasad Yadava	Chotey Lal Yadava	6/CL
7.	Vinod Kumar	Rajendra Baisad	7/CL
8.	Chukka Ram	Ram Dhari Ram	8/CL
9.	Laxmi Kant Tewari	Ram Lochan Tewari	9/CL
10.	Kapil Deo Choudhary	" Ram Langar	10/CL
11.	Ram Bahadur	Yanga Baisad	11/CL
12.	Shajade	Nawab Mohd Hussain	12/CL
13.	Swami Nath Yadava	Narayan Yadav	13/CL
14.	Ram Bhayosay	Ganga Baisad	14/CL
15.	Vijay Singh	Dwarka Lal Singh	15/CL
16.	Ram Pital Baisad	Suraj Singh Ram	16/CL
17.	Gangaji Bux	Brij Nath	17/CL
18.	Pyarelal	Raghunandan	18/CL
19.	Ram Kishan Singh	Hardeo Singh	19/CL
20.	Anil Kumar	" S. Ram	20/CL
21.	H. Shanker Baisad	Ram Lal	21/CL
22.	Thakur Baisad	Ram Baisad	22/CL
23.	Jayaram	Ram Baisad	23/CL
24.	Surja Baisad	Bishesh Ram	24/CL
25.	Kanti Nath	Jaspal	25/CL
		Jitkhu Ram	26/CL

85

Asstt. Paymaster

Copy to: 1. D/Co/ Rly/ Mysore

2. D/Co (w) / Mysore

3. DSKP / Mysore

A. Notice board - Mysore

~~Accepted~~

Asstt. Paymaster

Attested

Asstt. Controller of Stores
 Genl. Stores Depot, N. Rly.
 Alambagh, Lucknow.

27/10/1910
 2110

27/10/1910
 सहायक कामिक अधिकारी (भंडार)

उच्चर रेलवे आवाग

मुख्यमन्त्री

1/15
1. M. Roy, Diesel Depo
2. O. Mughalsarai
3. VARANASI (U.P.)

copy to:

1. The Dy. Enq. (U.P.) 2/11/20
2. The Dy. Cos/AMV/1/20
3. The DSKF/VRV/N.
4. Native Record.

1/15
1. M. Roy, Diesel Depo
2. O. Mughalsarai
3. VARANASI (U.P.)

Arrested

Asstt. Controller of stores
Genl. Store Report
Alambagh, Lucknow.

Arrested

धरायक कामिक लालकरो (भडार)
उच्चर रजव आलमबाग

लखनऊ

From No 64

Accy. 1940

N.Rly. Vyasnagar

No. 925/VSN/11/CL

Dtd. 5/4/1940

OFFICER ORDER

The following Casual labours are hereby discharged with effect from 10/4/1940 (after noon) due to expiry of the duration.

1) Name - Father's name - 1. H. M. M. & Sons
 1) Sri Munnilal - Sri Nan Raj - 1/c.

2) n. Shahid Ahmed - 2) Habib Ahmad - 2/c.

3) n. Pajre Lal - 2) Raghuber - 3/c.

4) n. Ram Gopal - 2) Raghuber - 4/c.

5) n. M. K. Singh - 2) Sh. Ram - 5/c.

6) n. Ram Bahadur Yadav - 2) Chakr. Lal - 6/c.

7) n. Vinod Kumar - 2) Rajendra Lal - 7/c.

8) n. Chakor Ram - 2) Ram Dham Ram - 8/c.

9) n. Laxmi Kant - 2) Ram Lockett East - 9/c.

10) n. Ram Bahadur Yadav - 2) Gangi Lal Yadav - 10/c.

11) n. Shakir Jade - 2) Mihol. Naseeb H. Patel - 12/c.

12) n. Kapil Chandra Chandra - 2) Ram Lagan - 10/c.

13) n. Savmi Nath - 2) Narain Yadav - 13/c.

14) n. Ram Bharosayya - 2) Gangi Basad - 14/c.

15) n. Viray Singh - 2) Dwarika Prasad - 15/c.

16) n. Ram Phal Prasad - 2) Pamaroo Ram - 16/c.

P. R. O.

प्रति रुपये
Nominal Rupay

Name -

Father's name

संस्कृत नं.

17) <u>Shambhu</u> - <u>Brij Nath</u>	17/ee.
18) <u>Shyam Lal</u> - <u>Ramchandran</u>	18/ee.
19) <u>Kishun Singh</u> - <u>Harder Singh</u>	19/ee.
20) <u>Amrit Kumar</u> - <u>S. S. Khan</u>	20/ee.
21) <u>Hari Shanker</u> - <u>Ramgopal</u> & wife	21/ee.
22) <u>Thakur Prasad</u> - <u>Ram Bux</u>	22/ee.
23) <u>Shivaram Pol</u> - <u>Parashram</u>	23/ee.
24) <u>Surjeet</u> - <u>M. S. Patel</u>	24/ee.
25) <u>Rashinath</u> - <u>Tekhnam</u>	25/ee.

Copy to - 1. Dy. Com. in AMV Lucknow.
2. Dy. Com. PAMV Lucknow.
3. Depot NRY, Vyas Nagar.
4. Police Board.

प्राधान्यक कार्यालय अधिकारी (महाराजा)

उच्चर देशवै आलमनगर

लखनऊ

Asstt. Controller of Stores
Genl. Stores Depot. N. Rly.
Alambagh, Lucknow.

प्रति रुपये

AS2

Northern Railway.

Dated: 28 -10-80.

Order No. E/413

following persons are appointed as Casual Labour on Rs.6-50 per day from the date noted against each and posted in Sales Section :-

Sl. No.	Names.	Father's Name.	T. No.	Date of appointment.
1.	Shri Bachan Dubey	S/Shri	S/11	14.10.80.
2.	Shri Baghuraj Singh	Harbhajan Dubey	S/18	13.10.80.
3.	" Sajwan Lal	Lachchman	S/23	-do-
4.	" Pratap	Jagrop	S/27	-do-
5.	" Ram Kishore	Rehari	S/28	-do-
6.	" Jai Kumar	Sarjoo Pd.	S/29	-do-
7.	" Ram Kresh	Sunder Das	S/33	-do-
8.	" Heri Prasad	Ram Chander	S/34	-do-
9.	" Rafiq Ahmad	Munna Lal	S/35	-do-
10.	" Gaurav Chaudhary	Ashiq Ali	S/38	-do-
11.	" Yashwant Lal	Shri Ram	S/42	-do-
12.	" Brij Mohan	Hira Lal	S/46	-do-
13.	" Siya Ram	Mundrika Singh	S/48	-do-
14.	" Raees Ahmad	Authey	S/49	-do-
15.	" Ravinder Nath	Gulsher Khan	S/50	-do-
16.	" Vikram Sharma	Jms Pd.	S/51	-do-
17.	" Umesh Kumar	Paras Nath Sharma	S/52	-do-
18.	Alok Kumar	Ram Saroop	S/53	-do-
19.	" Santosh Kumar	Atul Kumar	S/54	-do-
20.	" Kunj Behari	Madho	S/55	-do-
21.	" Abhai Kumar Sarkar	Ram Lal	S/56	-do-
22.	" Surya Pal	Gopeshwar Sarkar	S/58	-do-
23.	" Munni Lal	Mihni Lal	S/59	-do-
24.	" Shahid Ahmad	Mauroj	S/60	-do-
25.	" Ram Gopal	Hubib Ahmad	S/61	-do-
26.	" Kapil Deo	Raghubar Pd.	S/62	-do-
27.	" Sami Nath	Ram Lagan	S/63	-do-
28.	" Ram Kharosey	Merai	S/64	-do-
29.	" Vijai Singh	Ganga Pd.	S/65	-do-
30.	" Gaurav Bux	Dherka Pal Singh	S/66	-do-
31.	" Pyare Lal	Baij Nath	S/67	-do-
32.	" Hari Shankar Pd.	Raghutandan	S/68	-do-
33.	" Thekur Pd.	Palu Lal	S/69	-do-
34.	" Jai Kishan Pd.	Ram Bux	S/70	-do-
35.	" Surya Bux	Parasu Ram	S/71	14.10.80
36.	" Hanuman Pd.	Har Pd.	S/72	21.10.80
37.	" Ram Maloo Pd.	Jang Bahadur	S/73	

264/E
 Asstt. Personnel Officer (Stores)
 Alambagh, Lucknow.

Asstt. Controller of Stores
 Genl. Stores Depot. N. Rly.
 Alambagh, Lucknow.

रेखे आलमबाग
 उल्लंघन का Copy to the following :-

1. Dy.C.A.O. (W) Amv. LKO.
 2. P.S.K./Sales.

मह अधिकारी (मंडार)

ASB

8/9

Ann. No. 09

Mr. / NORTHERN RAILWAY

A.T.C.O.S. Office

N.Railway

Vyasnagar

Notice no. 92-S/VYN/EL/79

Dated 17-11-79.

NOTICE

In continuation to this office notice of even no. dated 16-11-79 the applicants are required to attend Stores Depot, Vyasnagar on 20th NOV'79 at 9-00 AM along with their certificates in support of their age, qualification & service in Railway Deptt etc.

Only the persons who have served the Railway earlier will only be considered for employment

9/5) Attested

25/10/81

SD
Asstt. Controller of Stores
Northern Railway
Vyasnagar

Copy to DSK / Diesel Depot / MGS. He is requested to place this notice on his NOTICE BOARD & to inform all employees working under him.

Asstt. Controller of Stores
Nl. Stores Depot, N. Rly
Alambagh, Lucknow

SD
Asstt. Controller of Stores
Northern Railway
Vyasnagar

6

RECORD OF SERVICE AS
CASUAL LABOUR.

RECORD OF SERVICE AS
CASUAL LABOUR

RECORD OF SERVICE
CASUAL LABOUR

1. Name in full (in Block Letters) **GANGA BUXT**
2. Father's Name. **Sri BORI NOOR**
3. Date of Birth. **10.7.1958**
4. Age at initial **20** Years. **6** Months. **2** Weeks
casual employment.
5. Personal marks of **(i) Beard on Pt. for**
(ii) " " " Pt. on nose
6. Nature of job on
initial employment. **Challan**

111245 - 64 - 1,30,000

RECORD OF SERVICE AS
CASUAL LABOUR.

RECORD OF SERVICE AS
CASUAL LABOUR

RECORD OF SURVICK
CASUAL LABOUR.

Armed.

Signature & designation of a subordinate in charge of a M.C.P.O.A.

J.B.V. - 111245-64-1,30,000 F

Annexure - C-14

10

9/15

RECORD OF SERVICE AS
CASUAL LABOUR

RECORD OF SERVICE
CASUAL LABOUR

RECORD OF SERVICE
CASUAL LABOUR

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**Signature & design
subordinate**

A.P.W. Modinagar.—1969—17/732—1,00,000 C.

Signature de *des*
subordinate

महायक कागमक आवायकारो (महाय)
उत्तर देशमें ज्ञाले मवान
जित्यन्ता।

Asstt. Controller of Stores
Genl. Stores Dep'tt. N. R. M.

Digitized by srujanika@gmail.com

155

मी.एल. 19/G.L. 19
वरनल 99 छोटा/Genl. 99-Small.

उत्तर रेलवे/NORTHERN RAILWAY

Copy

No. 13/E/CB

Office of I. O. W/CB
LKO dt. 7-3-81.

The D.C.O.S.

Amritpur

Sub-Verification of
Service of Casual
labourers

Ref. - Your letter No. 310-E/
Welfare/RT II dt. 3/12/80.

Ref. above, the under-noted
staff has not worked under me:-

- (1) Sh. Kapil WCO S/o Ram Lagan
- (2) " Ram Bahadur S/o Ganga Prasad
- (3) " Vijai Singh S/o Dwarka Rd.
- (4) " Ganga Bux S/o Baij Nath Singh
- (5) " Pyare Lal S/o Raghunandan
- (6) " Surya Bux S/o Hari Pal

Inspector of Works, CB
N.Rly, Lucknow

Attested

25/10/81

Attested

उत्तर कानिक अधिकारी (भांडार)

उत्तर रेलवे द्वारा बाग

बहुदारा

Asstt. Controller of Stores

Genl. Stores Depot, N. Rly

Alambagh, Lucknow.

उत्तर रेलवे/NORTHERN RAILWAY

Dy. Controller of Stkrs' Office, Almora. Lucknow
Confidential

No. 310-E/Misc/Confidential/Welfare at. 09-3-81

The Office Supdt.,

EST, Amritpur, LKO.

12-3-81

Sub. Verification of Service
of casual labourers

I contacted the office of I.O.W./N.R.C.B.-LKO. ~~on 07-3-81~~ and have obtained a letter No. 13-E/CB off. 07-3-81 (copy enclosed), in accordance with which the following persons have not worked as casual labourers under the I.O.W., C.B.-N.R.A. LKO.

S.N. Name Father's Name

1. Shri Kapil Rao Sh. Ram Lagan

2. " Ram Bahadur " Ganga Prasad

3. " Vijai Singh " Dwarika Prasad Singh

4. " Ganga Bire " Baij Nath

5. " Pyare Lal " Raghu Nath

6. " Swami Bire " Hari Pal

The Service certificate, submitted by them showing them to have worked under the I.O.W./C.B.-LKO, are, therefore, false and they have thus committed (contd. on reverse)

Northern Railway

Office order No. E/ 166

Dated: 13-3-31.

The following casual labour working in Sale section are discharged w.e.f 15.3.81 A.M.

1. Sh. Kapil Deo	S/0	Sh. Ram Lagan Pat. No. S/62.
2. Sh. Vijai Singh	"	Sh. Dwarka Pal Singh S/65.
3. Sh. Ganga Bux	"	Sh. Baij Nath S/66.
4. Sh. Pyare Lal	"	Sh. Pyare Lal S/71. S/67.
5. Sh. Pyare Lal / Bux	"	Sh. Raghunandan
5. Surya Bux	"	Sh. Hari Pal S/71.
6. Sh. Ram Bahadur	"	Sh. Ganga Prasad S/83.

Asstt. Personnel Officer (Stores)
Alambagh, Lucknow.

Copy to the following :- for information & N/ action.

1. Dy. CAO(W) / AMV.
2. DSK / Sale
3. P.K / AMV.
4. Parties concerned.

Asstt. Personnel Officer, (Stores),
Alambagh, Lucknow.

13/3/81

Asstt. Controller of Stores
Genl. Stores Deptt. N.R.Y.
Alambagh, Lucknow.

13/3/81

महायक कार्यालय अधिकारी (भडार)

चतुर रेलवे आलमबाग

लखनऊ

29/3
A68
BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD : (LUCKNOW BENCH) :

M.P. 339 LUCKNOW / 73 &
Re-Application in Registration no. 123 of 1991 (1993)
No. 1212 of 1987
T.A.No. 1212 of 1987

INRE :

Writ Petition no. 6348 of 1983.

Vijai Singh and others

Applicants

Versus

Union of India and others

Respondents.

APPLICATION FOR CONDONATION OF DELAY IN FILING

REJOINDER.

The Applicants most respectfully begs to submit as
under :—

That due to some unavoidable circumstances,
reason beyond control of the applicants and for
want of certain documents from the department,
Rejoinder (Re-application) to the Counter reply
could not be filed within time allowed by the Hon'ble
Tribunal. The delay in filing the Rejoinder
(Re-application) is not deliberate. The Rejoinder
application is being filed herewith.

WHEREFORE : it is most respectfully prayed
that this Hon'ble Tribunal may kindly be pleased
to condone the delay in filing Rejoinder (Re-application)
and same may be taken on record in the interest of
justice.

Lucknow

Dated: 31.3.1993.

S.P. SINHA
ADVOCATE

COUNSEL FOR THE APPLICANTS

A66

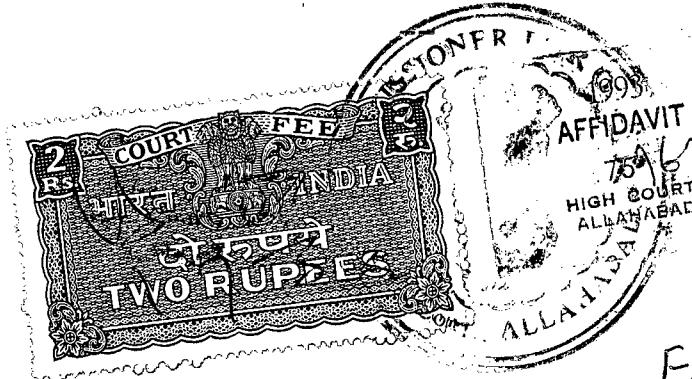
Before the Hon'ble Central Administrative Tribunal,
Allahabad, Lucknow Bench, Lucknow.

Re-application in Registration No.123 of 1991 (1).

✓ T.A. NO. 1212 of 1993

In:

Writ Petition No. 6343 of 1993.



F.F. 2.4.93

Vijai Singh and others.

-----Petitioners

Versus

Union of India and others.

-----Respondents

Rejoinder to the Counter Reply filed
on behalf of the opposite parties.

I, Vijai Singh, aged about 34 years, son
of Sri Dwarika Prasad Singh, resident of Village
Amritpurwa, Post Saraura, Talsil Basti, Lucknow
do hereby state on oath as under :-

1. That the applicant is one of the applicant
and is well acquainted with the facts of the
aforesaid case and also authorised by other
applicants to file Rejoinder Affidavit on their
behalf.

2. That the deponent has perused the contents
of the counter affidavit and understand the same,
he is furnishing reply as under.

P. A. Singh

3. That in reply to para 1 to 17 of the counter reply, it is submitted that Paras 1 to 6 of the counter reply need no comments, as the period of appointment has been disclosed by the department as under :-

Date		No. of days.
From	To	
21.11.79	31.1.1980	72 days
11.3.80	10.4.80	31 days
14.10.80	31.12.80	79 days
10.1.81	13.3.81	59 days
		<hr/>
Total:		241 days
		<hr/>

(a) It is most respectfully submitted that vide Railway Board Circular No. E(NG)11-77/CL/46 and E(NG)11-80/CL/25 dated 21.10.80 dated 8.6.1981, the applicants have completed more than 120 days continuous service say 241 days, therefore the status of the applicants was temporary Railway servant and they are also entitled to all benefits. Consequent upon attaining the status of temporary Railway Servant, in case they are required to be terminated or retrenched on the ground of allegation for fraud and deceitful means to obtain employment, then it was obligatory and mandatory to proceed against the applicants under Discipline & Appeal Rules, 1968 and also a written notice of termination but no such action have been taken against the applicants, but in a very arbitrary manner and solely on the allegations that :-



"Petitioners were discharged from service with effect from 13.3.1981 false and forged Casual Labour card by ~~The~~ Deputy Controller of Stores vide letter No.E/106 dated 13.3.1981."

The averment shows that the discharge order contained as Annexure No.C-17 annexed with counter affidavit, was not served upon the applicants. They were orally prohibited not to attend their duties although all the applicants were willing to work on their post and requested to allow to continue to the applicants in service particularly to the officer where the applicants were posted.

(i) That the alleged letter dated 7.3.1981 and 9.3.1981/12.3.1981 contained in Annexure No,C-15, C-16 are incorrect as the bonafide documents of working days from Annexures No.1 to 14 of the counter affidavit produced by the respondents are genuine documents and not the forged one. It is further submitted that the report contained at Annexures No.C-15, C-16 are not correct and even more these Annexures show that the discharge order passed vide Annexure No.C-17 is based on the basis of the allegations mentioned in Annexures No.C-16 as under :-

"Therefore false and they have thus committed a fraud with the Administration. Action as necessary may please be taken against them" (~~Applicants~~)."



Parulic

This is the ground only for which the applicants were dismissed from service.

No opportunity against the allegation with regard to the false card and fraud as alleged in Annexures No.C-15, C-16 and as levelled in paragraphs 7, 8, 13, 14 have been given to the applicant.

Therefore, the alleged dismiss order is against the principles of natural justice and adversely effect the livelihood of the applicants.

4 - That the applicants when attracted the attention of the Railway Administration with regard to illegality of their action of discharge then the department has replied that as the applicants' case is subjudice thus no action is to be taken. Photostat copy of the reply dated 26.2.1992 is enclosed and is marked as Annexure R-1.

5 - That relevant Railway Board Circular No. E(NG) 11-77/CL/46 dated 8.6.1981 and R-3 is also enclosed as Annexure No.R-2, in view to the support of the applicants' case. The Railway Board communicated vide letter No.E(NG) 60 CL-13 dated 13.5.1965 as under a Casual Labours are not governed by DAR 1968 but when such Casual Labour attain temporary status these rules will become applicable to them. Similar the case with substitute.

Lucknow, dated,
17.2.1993



Deponent

1934/48

Verification.

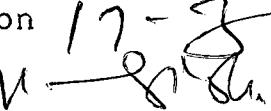
I, the applicant named above do hereby verify that the contents of paras 1 to 3 are true to my own knowledge and those of paras 4 and 5 are believed by me to be true on legal advice and no part of it is false and nothing material has been concealed so help me God.

Signed and verified this 17th day of January, 1993 at Lucknow.


21-21-896
1993
Deponent

I identify the applicant who has signed before me.


Advocate.

Solemnly affirmed before me on 17-8-93
at 11-35 a.m./p.m. by 
the deponent who is identified by
Sri 

Advocate High Court at Allahabad.

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


W. D. AHUJANI
OATH COMMISSIONER

High Court, Lucknow, Lucknow
No. 73163
Date: 17-8-93

Annexure No. R-1

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उत्तर लेख

पार्श्विय उप शांडार नियंत्रक ३०८० आलमबाग, लरवनऊ

तरिक्या: २६४ ई/आर.

दिनांक: 26-2-1992

- 1- श्री विष्णु लिंग, पुत्र श्री दारिका प्रताद
ग्राम इमलिहापुरवा, जिला लरवनऊ
- 2- श्री गंगा बरव्वा पुत्र श्री वैष्णव नाथ
ग्राम तादामऊ, जिला लरवनऊ
- 3- श्री प्यारे लाल पुत्र श्री रमेशन्दन
ग्राम शॉल्पुरवा, जिला लरवनऊ ।
- 4- हृषी बरव्वा पुत्र श्री दरी पाल
ग्राम इमलिहापुरवा, जिला लरवनऊ ।

विषय: - नियमित रिक्षियों के विस्थित रखाती लेजुअल लेबर के पद
पर नियुक्ति प्रदान किया जाना स्व. ती.पी.ती. लेजुअल प्रदान
करते हुए बकार का शुग्रान किया जाना

तन्दर्भ: - आपका पत्र दिनांक ४/९/९१, ४/११/९१ स्वम् १४/१०/९१,
२०/१/९२ —

उपरोक्त के तन्दर्भ में यह अवगत कराया जाता है कि आपका
मामला केन्द्रीय प्रशासनिक अधिकरण लरवनऊ वैष्णव लरवनऊ में
विचाराधीन है, ऐसी स्थिति में हुत पार्श्विय द्वारा छोड़ श्री
वार्षवाही किया जाना आवश्यित नहीं है ।

ले २६.२.९२
कूपे उप शांडार नियंत्रक,
३०८० आलमबाग-लरवनऊ ।



राजकुमार

26-2-92

Dr. Cost R. C.

336

Ann-exposure M.R.2

उत्तर रेतवे

प्रधान फार्मालिय
बडोदा हाउस
बयी दिल्ली ।

दिनांक. 30-6.81.

संख्या:- 220ई/190-11(ई-4).

समस्त मंडल रेतवे प्रबन्धक, एवं मध्येतर अधिकारी, उ.रे.,

वित्त मुलाहकार एवं मुख्य लेखा अधिकारी) बडोदा हाउस
मुख्य लेखा परीक्षक,) बयी दिल्ली ।

प्राप्त कार्मिक अधिकारी(प्र०फ०)

महाप्रबन्धक के सहायक सचिव ।

इस संख्या... 7850.

विषय:- नेपिटितक श्रमिक ।

रेत मंत्रालय के पत्रजंक. ई(एब जी) 11-77/सी एत/46 दिनांक. 8.6.81.

की प्रतिलिपि सूचना मार्ग दर्शक एवं आवश्यक कार्रवाई हेतु प्रेषित फी जा रही है ।

25.6.81
Derlichawla

(लघ्नी चंद्रद)

कृते महाप्रबन्धक(का०)

1. महा सचिव, ३०२०, मजदूर यूनियन, १६६/२ रेतवे बंगला पचकुइंया रोड, बयी दिल्ली ।
2. महा सचिव, बार्डग रेतवे, मेन स. यूनियन, १२ घैम सफ्टेड रोड, बयी दिल्ली(२०.पति०)।

सहगत-22.6.81.

COMMISSIONER FOR
LABOUR

7-8-83

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GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. E(NG)II-77/CL/46 NEW DELHI Date: 8.5.81
Copy of Railway Board's letter No. E(NG)ii-77/CL/46 dated 8.6.81
addressed to the General Managers, All Indian Railways, Production
and General Managers,
All Indian Railways,
Production Units etc. as per standard mailing List.

SUB: CASUAL LABOUR

Various instructions have been issued from time to time regulating the service conditions of ~~casual~~ labour. It was found necessary to consolidate the various instructions issued by Board from time to time. The engagement of Casual Labour on the Railways, their absorption in regular Class IV posts and the entitlement and privileges admissible to them will be regulated as under:-

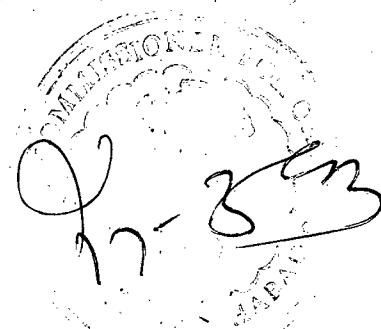
A. Definition of Casual Labour:

A) Casual labour refers to labour whose employment is seasonal, intermittent, sporadic or extends over short periods. Labour of this kind is normally recruited from the nearest available source. They are not ordinarily liable to transfer and the conditions applicable to permanent and temporary staff do not apply to casual labour.

b) The casual labour on Railways should be employed only in the following types of cases:-

i) Staff paid from contingencies except those retained for more than four months continuously; Such of those persons who continue to do the same work for which they were engaged or other work of the same type for more than 120 days without a break will be treated as temporary after the expiry of the 120 days continuous employment. Casual Labour on projects who have put in 180 days continuous service on the same type of work are entitled for 1/30th of the minimum of the appropriate revised scale plus Dearness Allowance. Before giving regular scale of pay or 1/30th of the minimum of the scale plus Dearness Allowance on completion of 120 days or 180 days continuous service as the case may be a preliminary verification in regard to age and completion of requisite number of days of continuous service should be done by Assistant Officer.

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ii) Labour on projects irrespective of duration except those transferred from other temporary or permanent employment. As far as possible casual labourers required for new projects must be taken from amongst those casual labourers, who have worked on the open line/Project in the past in preference to outsiders.

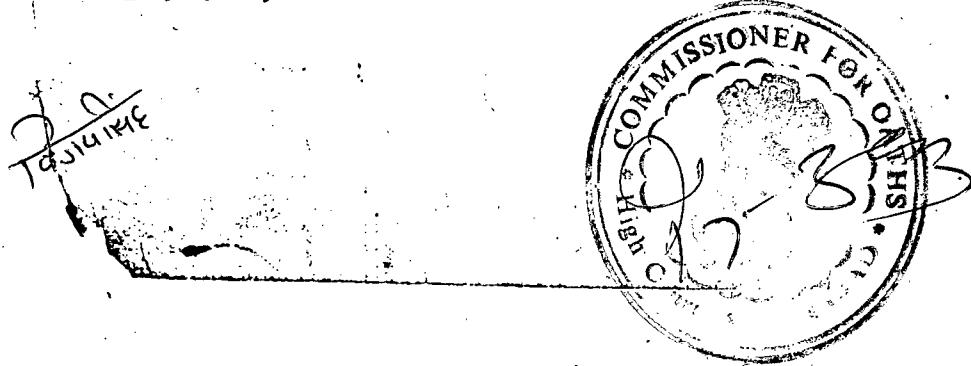
iii) Seasonal labour sanctioned for specific works of less than 180 days duration. If such labour is shifted from one work to another of the same type (e.g. relaying) and the total continuous period of such work at any time is more than 180 days duration, they should be treated as temporary after the expiry of 120 days continuous employment.

Note (1): The project should be taken as construction of new lines, major bridges, restoration of dismantled lines and other major important open line works like doubling, widening of tunnels etc., which are completed within a definite time limit. The General Manager/Head of Depts., concerned, in consultation with the FA & C&O, will decide whether a particular open line work is a "Project" or not. If the "through Track Renewals" include replacement of lighter Section of Rails by a heavier Section or increasing density of sleepers or provision of additional depth of ballast etc., these should be treated as works leading to an improvement in the carrying capacity of the Railway and as such irrespective of any financial limit they should be treated as 'Project'. 'Casual renewals' or other "Through Renewals" which do not lead to any improvement in the carrying capacity of a Railway will, however, not fall within the definition of a 'Project'.

Note (2) : Once any individual acquires temporary status, after fulfilling the conditions indicated in (i) or (iii) above, he retains that status so long as he is in continuous employment on the railways. In other words, even if, he is transferred by the administration to work of a different nature, he does not lose the temporary status.

Note (3) : Labour employed against regular vacancies whether permanent or temporary shall not be employed on casual labour terms. Casual labour should not be employed for work on construction of wagons and similar other work of a regular nature. Works of a regular nature cover workshops, locomotives, train lighting establishments, carriage and wagon depots, yards and stations but exclude labour employed for loading and unloading. As regards civil engineering, signal and bridge maintenance, casual labour will not be employed except for seasonal, fluctuating works, casual renewals and occasional renewals.

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d) For specialised labour such as Earth-moving Plant drivers, mechanics, divers, rivotters, dollymen, beaters, bridge serangs, bridge Khalasis etc. for whom local market rates are not available and it is not possible to recruit them at the daily rate derived from the minimum of the appropriate Authorised/Revised Scale of Pay plus dearness allowance, special rates may be sanctioned by the General Managers in consultation with the FA & CAOs.

i) Powers to fix wages with reference to the daily rate derived from the minimum of the appropriate authorised/revised scale plus dearness allowance, in cases where the local market rate is not available, shall be exercised by the Head of Department concerned in consultation with the FA & CAO.

ii) In special cases, where justified, the General Managers/Chief Administrative Officers may fix in consultation with FA & CAO a rate upto 33.1/3% in excess of that prescribed in the Minimum Wages Act or the rate prescribed by the local authority. Cases where the increase in the rates over 33.1/3% is considered necessary, should be referred to the Railway Board for decision with full justification therefor.

Note : In order that the rates fixed by the local authorities from time to time are not lost sight of, a review should be undertaken every year after ascertaining the rates from the local authorities or the State Government concerned.

H. Passes and P.T.Os:

- i) Casual labour are not entitled to passes and privilege ticket orders.
- ii) Passes to casual labour are admissible on recruitment and discharge in cases where such labour are not available at the site of the work and have to be recruited from places far away from the site of work in the interests of the Administration.
- iii) Casual labour who attain temporary status will be eligible for passes and PTOs as admissible to temporary railway servants. They will also be allowed to count their continuous service from the date of attaining temporary status for the purpose of post-retirement passes.

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Note (4): The term 'same type of work' should not be too rigidly interpreted so as to cause undue suffering to casual labour by way of break in service because of a slight change in the type of work in the same unit. The term 'same type of work' should be implemented in spirit as well as in letter and no casual labour should suffer in this matter by rigid interpretation of the term. The various types of works to be considered as same type of work may be grouped as under :

- (a) Track renewals and linking:- Ballasting, resleepering, relaying etc.
- (b) Masonry and concrete work:- Work on buildings, bridges, quarters, platforms etc.
- (c) Steel work :- Erection of bridge girders, sheds, shelters, etc.
- (d) Earth work :- Foundation, banks, platforms, etc.
- (e) Fitting, smithy, carpentry and such other artisan work and helpers.
- (f) All work, performed by the unskilled casual labour working under the same I.O.W., P.W.I. and Bridge Inspector etc. should be treated as the same type of work.
- (g) Casual labour should not be employed/retained in Service beyond the age of 58 years.

Note (5) : On the open line, the trolleymen should not be casual labour. In railway printing press, casual labour should not be engaged.

Note (6) : Staff employed in unskilled categories for examining the wagons for water-tight repairs during the monsoon season should be treated as casual labour.

2. There is no ban on employment of casual labour required for execution and implementation of the expansion and modernisation projects of the Railways. Should it become necessary to engage fresh casual labour, discharged casual labour, who have not been re-employed will be re-engaged against future requirement in the order of priority on the basis of their total period of service prior to their discharge. The intake of fresh casual labour should be resorted to only after obtaining prior personal approval of the General Manager, this authorisation not being delegated to a lower level.

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Passing

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3. In the applications for employment as casual labour, essential data with name, father's name, age, educational & technical qualifications, experience and area in which employment is sought should be mentioned. The application should be sent to the Personnel Officer of the Division for enlisting these candidates for employment. The personnel officer in charge will send these applications to the Inspectors of Engineering, Signalling and Electrical Department of the open line as well as construction work in the area where employment is sought. The particulars of the applications sent by the Personnel Officer will be entered in a register called 'Waiting Register'. This will be separate from the 'Seniority Register' of casual labour already in employment being maintained. Departments other than Civil, Signalling and Electrical, for their requirement of casual labour should take candidates from these three departments who have received applications from DPO, especially from those having longest list of candidates.

4. Information regarding the number of men required and the day on which they should present themselves will be given through a notice on the Notice Board. This day will be the first day of the wage period; those who come on the day of recruitment will be re-employed against fresh needs. If none is available on the day senior most from the waiting list who turns up and is readily available will be employed.

5. As far as possible, casual labour should be engaged only upto the age of 28 years; except for SC/ST candidates where higher age is prescribed in rules. The percentage of reservation for SC/ST laid down for Class IV categories should be followed for engagement of casual labour except in the case of those who are required for emergencies like flood relief work, accident, restoration and relief etc.

6. In order to provide documentary proof of service a casual labour should be given a card to be retained by himself. A person wanting to be appointed as a casual labour should be asked to supply to the administration one pass-port size copy of his photograph duly attested by the competent authority should be pasted on his service card. Casual labour should be asked to deposit Re.1/- towards the cost of service-book. The following particulars should be indicated by the concerned supervisory official in the Service Card:

1. Name of the Employee (In Block letters)
2. Father's Name (in block letters)
3. Date of birth.
4. Age of initial casual employment, year, month.
5. Personal mark/s of identification.
6. Date of engagement.
7. Date of termination.
8. Nature of job in each occasion.
9. Signature of the Supervisor.
10. Name in full (in capital letter) & designation of the Supervisor.

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The service cards should be in the form of a booklet like a Passport Book of the size 4" to 6". It should have stiff card board binding. On page 1 on the left side detailed instructions should be printed for the guidance of casual labourers. These instructions should be in bilingual form both in English and Hindi. In addition, Railways may add a local language of the area subject to convenience. The service book should be machine numbered and account of service book maintained in Divisional Offices.

6.1 Loss of the card should be reported to the nearest police station and a copy of FIR lodged with the police should be given to the Railway authorities on the basis of which a duplicate card may be issued on a charge of Rs.2/- . The issuing authority should satisfy himself that the duplicate is being issued to the same person to whom the original was issued and failure on his part on this score would be punishable under D & A Rules.

B. Entitlements and privileges admissible to Casual Labour

Casual labour are not eligible for entitlements and privileges other than those statutorily admissible under the various Acts, such as, Minimum Wage Act, Workmen's Compensation Act, etc. or those specifically sanctioned by the Railway Board from time to time.

C. Breaks in Service:

The following cases of absence will not be considered as breaks in service for the purpose of determining 120 days continuous employment:-

- a) The period of absence of a workman who is under medical treatment in connection with injuries sustained on duty covered by provisions under the Workmen's Compensation Act.
- b) Authorised absence not exceeding 20 days including 3 days unauthorised absence for personal reasons. Absence of half a day should be reckoned as half a day only. In the case of female casual labour a period of absence of 4 weeks (in addition to 20 days authorised absence) may be allowed for maternity purposes.
- c) On completion of works or for non-availability of further productive work when casual labour on daily wages or in regular scale of pay or 1/30th of the minimum of the scale plus Dearness Allowance is discontinued and employed later when work is available such gaps in service will not count as breaks in service for the purpose of reckoning of continuous service of 120 days or 180 days as the case may be.

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(d) Non performance of work on days of rest given under the Hours of Employment Regulations or under the Minimum Wages (Central) Rules, 1950 and on days on which the establishment employing the labour remains closed does not constitute a break nor will it be counted against the limit of twenty days referred to in (b) above. The term "authorised absence" for this purpose covers permission granted by the supervisory official in charge to be away from work for the period specified.

D. Notice of Termination of service:

Except where notice is necessary under any statutory obligation no notice is required for termination of service of the casual labour. Their services will be deemed to have been terminated. Their services will be deemed to have been terminated when they absent themselves or on the close of the day.

Casual labour should not be deliberately discharged with a view to causing an artificial break in their service. Where casual labour have to be terminated due to non-availability of work for them the unit for their retrenchment will be that of an Inspector. Casual labour diverted from one unit to another will rank junior most in the new unit. On projects, the Executive Engineer will be the unit for retrenchment.

E. Entitlements and Privileges admissible to Casual Labour who are treated as temporary after the completion of 120 days continuous service:

a) Casual labour given temporary status are eligible for all the entitlements and privileges admissible to temporary railway servants as laid down in Chapter XXXIII of the Indian Railways Establishment Manual. The entitlements and privileges admissible to such labour also include the benefits of the Discipline and Appeal Rules. Their service, prior to the date of completion of 120 days continuous service will not, however, count for any purposes like reckoning of retirement benefits, seniority etc. Such casual labour will also be allowed to carry forward the leave at their credit to the new post on absorption in regular service.

b) Such casual labour who acquire temporary status, will not, however, be brought on to the permanent establishment unless they are selected through regular Selection Board for Class IV posts. They will have a prior claim over others to permanent recruitment and they will be considered for regular employment without

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having to go through employment exchanges. Such of them who join as Casual Labour before attaining the age of 23 years should be allowed relaxation of the maximum age limit prescribed for Class IV posts to the extent of their total service which may be either continuous or in broken periods.

(c) It is not necessary to create temporary posts to accommodate such Casual Labour who acquire temporary status for the conferment of attendant benefits like regular scale of pay, increment etc. Half of the service rendered in temporary status after 1-1-1961 by such persons before regular absorption against a regular temporary/permanent post, will qualify for pensionary benefits, subject to the conditions prescribed in this Ministry's letter No. E(NG) II/78/ UI/12 dated 14-10-1980. Daily rated casual labour or labour employed on projects would not, however, be brought under the purview of the above orders.

(d) Casual Labour who have acquired temporary status and have put in three years continuous service should be treated at par with temporary railway servants and granted Festival Advance/Flood Advance on the same conditions as are applicable to temporary railway servants for grant of such advances provided they furnish two sureties from permanent railway employees.

(e) Casual labour engaged on works, other than projects, who attain temporary status on completion of 120 days continuous service on the same type of work, should be treated as temporary employees for the purpose of hospital leave in terms of Rule 75(1)- RI.

(F) Appointment of Casual Labour in regular vacancies.

(i) No outsider should be appointed to Class IV posts which become available upto 31-12-1982 and all such posts should be filled only from amongst casual labour and substitutes. Exceptions may, however, be made for appointment of outsiders, on compassionate grounds or of sportsmen or of artists or where under specific orders of the Board such recruitment as in the case of filling Class IV vacancies in workshops is permitted.

N O T E: On the NF Railway, vacancies in Class IV should be filled to the extent of 50% vacancies from amongst casual labour and the rest through the Employment Exchange.

Part added
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(ii) Casual labour employed on projects should, as a rule, be appointed against Class I posts that may be required for operation and maintenance of new assets created viz. new lines, conversions, doubling major yard remodelling, etc. i.e. the posts should be filled exclusively from casual labour who had worked at the project stage. An exception can be made only if there are open line casual labour in the area covered by the local recruitment units of the Inspector who have worked for longer periods than the casual labour on construction projects.

(iii) The casual labour should be screened for employment by Screening Committees and not by Selection Boards; against vacancies to be worked out after providing for anticipated surpluses. Such Screening Committees should include an officer belonging to SC or ST.

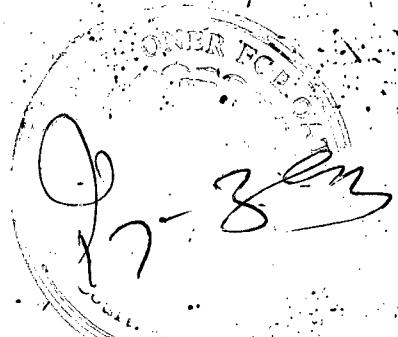
(iv) For the purpose of screening and empanelment of Casual labour a Division should be treated as the Unit for all departments.

(v) After working out vacancies for recruitment in this unit, all casual labour who have put in a minimum of 120 days continuous service whether on the open line in the Division or on adjacent construction projects, should be listed for screening, the seniority being fixed by reckoning their previous spells of employment on the basis of such cumulative aggregate service. Casual labour who have not been re-engaged will also be considered for empanelment/screening based on the length of their employment prior to the date of discharge if such discharged casual labour who had completed 120 days continuous service, and had been discharged due to the completion of work and has not been offered further engagement, approach the administration at the time of screening.

(vi) Casual labour who have not put in 120 days continuous service but who have over 120 days of service in broken periods may also be screened if in the seniority list of casual labour maintained in the unit, their juniors become eligible and come up for screening.

NOTE: Since casual labour in hot weather establishment such as watermen, punkah pullers etc. are generally engaged for short durations during summer for period not exceeding 120 days, the question of granting temporary status should not normally arise. For regular absorption, they may be screened alongwith others based on the total length of their service as casual labour.

Contd.



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1914/48

(33)

vii) As long as it is established that a casual labour has been enrolled within the age limit, relaxation at the time of actual absorption should be automatic and guided by this factor. In old cases where the age limit was not observed, relaxation of age should be considered sympathetically. The DRMs may exercise such powers to grant relaxation in age limit.

viii) Casual labour engaged in workcharged establishments of certain Departments who get 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, shall straightaway 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. These orders also apply to the causal labour who are recruited directly in the skilled categories in workcharged establishments after qualifying in the trade test.

ix) a) When casual labour who have put in six years service whether continuous or in broken period, are included in a panel for appointment to Class IV posts and are sent for medical examination for first appointment to regular service, the standard of medical examination should not be the one that is required for first appointment but should be relaxed standard as prescribed for re-examination during service.

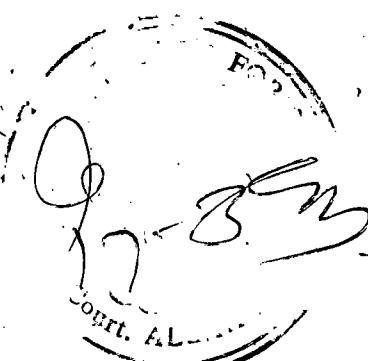
b) Such of the casual labour as are found, on medical examination, unfit for the particular category for which they are sent for medical examination despite the relaxed standard prescribed for re-examination may be considered for alternative category requiring a lower medical classification subject to their suitability for the alternative category being adjudged by the screening Committee, to the extent it is possible to arrange absorption against alternative posts requiring lower medical classification.

G. Wages

a) Except in the case of emergencies like breakers or accidents etc. where wages can be paid at a higher rate depending on the availability of labour and other circumstances, the casual labour employed on railways falls in either of the following categories, namely :

I Labour governed by the Minimum Wages Act (Central) e.g.,
ii) those who are employed on road constructions or any building operations; or

ii)....10



ii) those who are employed in stone-breaking or stone-crushing.

II. Labour not governed by the Minimum Wages Act.

b) Labour governed by the Minimum Wages Act (Central should be remunerated on -

i) a daily rate ascertained from the local authority or the State Government concerned where necessary, or

ii) if such rates are not available, at 1/30th of the minimum of the scale of pay plus DA, applicable to corresponding categories of railway staff; and

iii) if either of the rate of wages arrived at in the manner indicated in (i) and (ii) above happens to be lower than the minimum wages fixed under the Minimum Wages Act, then the rates fixed by the appropriate authority under the Act.

c) Labour not governed by the Minimum Wages Act is to be remunerated on daily rates to be ascertained from the local authorities or the State Governments concerned.

Note : i) Where there are Municipalities and they have fixed local rates, the rates ascertained from them should be adopted.

ii) Where there are Municipalities, but they have not fixed the rates, the rates fixed by local authorities (District Magistrates, District Collector, Dy. Commissioner or the State Government).

iii) If there are no Municipalities at places where casual labour are employed, the procedure as indicated in (ii) above should be adopted.

iv) Where two different rates are operative one fixed by the Municipality and the other fixed by the local Civil Authorities, the higher of the two rates should be adopted.

If such rates are not available they are to be remunerated at 1/30th of the minimum of the scale of pay plus DA applicable to corresponding categories of railway staff.

d).....11/-

17-3-3

I. Holidays for casual labour:

Casual labour who have attained temporary status will be eligible for 9 holidays including 3 National Holidays and where it is not possible to allow staff to avail of the holidays, they will be eligible for compensation in lieu thereof as in the case of National Holidays.

J. Free Medical Treatment and Free Diet:

Casual labour may be given free diet and free medical treatment in railway hospitals/dispensaries in connection with injuries sustained in accident cases. In other cases, they are not ordinarily entitled to medical facilities applicable to railway servants, but when they are employed at sites not within easy reach of non-railway medical facilities or when the non-railway medical facilities are grossly inadequate and it becomes necessary in the interests of the administration to guard against the risk of spread of seasonal disease in an epidemic form particularly in the case of large projects, casual labour (but not their families) may be given medical facilities and concessions in railway hospitals and dispensaries both as outpatients, and as in-patients (as well as at residence in special circumstances when the patient is confined to bed). Preventive treatment as for malaria or control of other diseases in epidemic form may also be given free of cost.

Sd/-
(Dwarka Dass)
Jt. Director Establishment (N)
Railway Board.

No: E(NG) II 7/CL/46

Dated: 1-6-81.

Copy together with 25 copies to:-

1. The General Secretary, AIR, 1 State Entry Road, New Delhi.
2. The General Secretary, IFR, 3 Chimesford Road, New Delhi.

Da: As above.

Sd/-
for Secretary, Railway Board.

...

J. B. G.
J. B. G.

P.S.No. 7677.

No. 220-E/190-XI(EIV). dated 22.10.1980.

Sub :— Casual Labour.

A copy of of Railway Board's letter No.E(NG) II-80/CL/25 dated 21.10.80 is forwarded for information and immediate implementation of Board's instructions.

Copy of Railway Board's letter No.E(NG)II-80/CL/25 dated 21.10.1980.

Sub :— Casual Labour.

The problems of Casual labour have been engaging the attention of Ministry of Railways (Railway Board) and instructions have been issued from time to time to improve their service conditions. In order to ameliorate them a lot further, following instructions should be implemented immediately in view of the session of any instructions to the contrary :

- (i) Instructions already exist that Casual Labour on completion of 120 days continuous service on Open Line should be given regular scale of pay. Similarly, Casual Labour employed on projects should be remunerated @ 1/30th of the minimum of the scale plus Dearness Allowance on completion of continuous service of 180 days as daily wages. These orders should be scrupulously observed and no deliberate break should be caused in the service of casual labour when work for their continued service is available.
- (ii) Unauthorised absence upto 3 days and authorised absence upto 20 days will not constitute a break in the employment of casual labour.
- (iii) On completion of works or for non-availability of further productive work when casual labour on daily wages or in regular scale of pay or 1/30th of the minimum of scale plus Dearness Allowance is discontinued and employed later when work is available, such gaps in the service will not count as breaks for the purpose of reckoning of continuous service of 120 days or 180 days as the case may be.
- (iv) Before giving regular scale of pay or 1/30th of the minimum scale plus Dearness Allowance on completion of 120 days or 180 days continuous service of the case may be, a preliminary verification in regard to age and completion of requisite number of days of continuous service will be done by the Asstt : Officer.
- (v) If any person having worked as a Casual labour in the past and presently out of employment due to break in his service because of non-availability of work approaches and appropriate Railway authority, his record should be checked and at the opportunity of next recruitment for a casual labour work, he should naturally be given preference over juniors.

2. Special steps should be taken to ensure that the work of making preliminary verification and giving of regular scale of pay or 1/30th of minimum scale plus Dearness Allowance wherever admissible is taken up in hand forthwith on top priority and completed within a period of 3 months.

ABT

In the Hon'ble Central Administrative Tribunal,
Allahabad, Circuit Bench at Lucknow.

C.M. Application No. 242 of 1990. (L)

Shre --

TAND. 12/2 of 1987

W.P. No. 6243 of 1983

XX

Application for amendment

*Noted for
19/4/90*

*f. T.
S.W.
12/4/90*

1. Vijai Singh, aged about 23 years, son of Sri Dwarika Prasad Singh, resident of Imliha Purwa, P.O. Saraura, P.S. Madiyav, Distt. Lucknow.
2. Ganga Bux Yadav, aged about 25 years, son of Sri Baij Nath Yadav, resident of Sahhamau, P.O. Indaura Bagh, P.S. Baxika Talab, District Lucknow.
3. Surya Bux, aged about 23 years, son of Sri Hari Pal, resident of village Imliha Purwa, P.S. Saraura, P.S. Madiyar, Lucknow.
4. Piarey Lal, aged about 23 years, son of Sri Raghunandan, resident of village Bhur Purwa, Post Saraura, Distt. Lucknow.

-----Petitioners

Versus

1. N.E. Railway Board, New Delhi.
2. Railway Service Commission Board, Allahabad.

-----Opp-parties

Application for Amendment.

The humble applicants named above most respectfully submit as under :-

1. That on 9.4.1990, the applicants have taken advise from Sri M.P.Sharma, Advocate for preparation of the aforesaid case who advised that the aforesaid case has not been properly drafted. He further advise to ammend the application as under and the said advice is said hence this application is being filed :-

(a) That in the caption of opposite parties the following may kindly be allowed to be deleted :-

(i) N.E.Railway Board, New Delhi.

(ii) Railway Service Commission Board, Allahaba-

And in place thereof the following may kindly be allowed to be added :-

(b)(i). Union of India, Ministry of Railway, through the Secretary, Railway Board, New Delhi.

(ii). The General Manager,
Northern Railway, Baroda House,
New Delhi.

And after opposite party no.2, the following may kindly be allowed to be impleaded :-

(iii) Deputy Controller of Stores,
Northern Railway, Alambagh, Lucknow.

(iv) The Assistant Controller of Stores,
Northern Railway, Vyas Nagar.

(B) That after paragraph 9, the following may kindly be allowed to be added :-

9(a). That the applicants had served duly engaged by the authority mentioned hereinunder as Khallasi/Casual labourers.

S.No.	Name of Post	Appointed by	Worked From	Worked To	Worked under.	Total Days.
1.	Casual Labourers/ Khallasi.	Asstt. Cont- roller of Stores, N.R. Vyas Nagar.	21.10.79	31.1.80	Asstt. Contro- ller of Stores, N.R. Vyas Nagar.	103
2.	- do -	- do -	11.3.80	14.4.80	- do -	35
3.	- do -	Deputy Controller of stores N.R. Alambagh	14.10.80	31.12.80	Deputy Controller of stores N.R. Alambagh	79
4.	- do -	- do -	13.1.81	13.3.81	- do -	60

9(b). That as the applicants have a temporary status and had right to hold the posts till juniors retained on the posts and the applicants' posts were not abolished, therefore non-engagement of the applicants from 14.3.1981 by the opposite parties no.3 and 4 on their posts amounts to illegal retrenchment, hence the same could not be done, unless a notice of retrenchment in writing would have been served and compensation was paid to them on 14.3.1981.

9(c). That the opposite parties no.3 and 4 had ~~not~~ neither served any retrenchment notice on 14.3.1981 nor paid any compensation under Section 25-F of the Central Industrial Dispute Act to the applicants. Therefore the alleged non-engagement of applicants on 15.3.1981 amounts to illegal retrenchments and the same are illegal and void.

9(d). That no opportunity was given to the applicants on 14.3.1981 or onwards before deleting the name of the applicant on 14.3.1981 from the Muster Roll hence the alleged retrenchment orally ordered by opposite parties no.3 and 4 on 14.3.1981 was void, illegal and against the provisions of law.

9(e). That on 15.3.1981 a number of new/outsiders Casual labourers and juniors to the applicants have been engaged as per the name from Muster Rolls prepared by opposite parties no.3 and 4 hence the alleged deletion of Muster Roll was also discriminatory.

(C) That in relief Para No. I in the last line after the word "due", the following may kindly be allowed to be added :-

"by declaring that non-engagement of the applicants w.e.f. 14.3.1981 and onwards by

opposite parties no.3 and 4 amounts to retrenchment and the same is illegal, void and discriminatory with a direction to opposite parties to reinstate the applicants and pay full back wages to the applicants with 24% interest with effect from 14.3.1981 to the date of re-instatement."

- Prayer -

Wherefore, it is prayed that the aforesaid amendment may kindly be allowed.

Lucknow, dated,
4.1990

W.D. He.
Advocate.
Counsel for the applicants.

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

Writ Petition No. 6343 of 1983. X/2

In the Central Administrative Tribunal, Lucknow
(Circuit Bench)

T.A. Case No. 1212 of 1987

1. Vijay Singh, aged about 23 years,
son of Sri Dwarika Prasad Singh,
resident of Imiliha Purwa, P.O.
Saraura, P.S. Madiyava, Distt. Lucknow.
2. Ganga Bux Yadav, aged about 25 years,
son of Sri Baij Nath Yadav, resident
of Sahhamau, P.O. Indaura Bagh, P.S.
Bakshi-ka-Talab, District Lucknow.
3. Surya Bux, aged about 23 years, son of
Sri Haripal, resident of village
Imiliha Purwa, P.S. Saraura, P.S.
Madiyava, Distt. Lucknow.
4. Piarey Lal, aged about 23 years,
son of Sri Raghunandan, resident of
village Bhurpurwa, Post Saraura,
District Lucknow.

-----Petitioners

Versus

(1) 1. N.E. Railway Board, New Delhi.
2. Railway Service Commission Board, Allahabad.

(2) (i). Union of India, Ministry of Railway,
through the Secretary, Railway Board,
New Delhi.
(ii). The General Manager,
Northern Railway, Baroda House,
New Delhi.

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(iii). Deputy Controller of Stores,
Northern Railway, Alambagh, Lucknow.

(iv). The Assistant Controller of Stores,
Northern Railway, Vyas Nagar. *Dy. C. I. B.*
Varanasi
-----Opp-parties

Writ Petition under Article 226 of
the Constitution of India.

--
The humble petitioners named above beg
to state as under :-

1. That all the petitioners were recruited
as Khalasis in the staff of the Northern
Railway.
2. That the 1st posting of the petitioners
was done in Varanasi with effect from 21.1.1979
where they worked upto 31st January, 1980.
3. That the petitioners after 31.1.1980 were
not given work upto 1st February, 1980.
4. That the petitioners were given work as
Khalasis with effect from 11.3.1980 to 10.4.1980
and thereafter from 14.10.1980 to 31.12.1980.
5. That all the petitioners had worked as
Khalasis at Varanasi till 10.4.1980 after which

they were transferred to Lucknow where they joined on 14.10.1980 and worked upto 31.12.1980.

6. That the petitioners were again given work with effect from 13.1.1981 to 13.3.1981.

7. That after 13.3.1981 the petitioners were not called upon to work as Khalasis inspite of the fact that posts of Khalasis are still in existence and many persons juniors to the petitioners recruited in the year of 1982 are being given regular work.

8. That non only this but several posts of Khalasis are still vacant.

9. That the computation of the total period of the petitioners service could go to show that they have worked for more than 365 days and as such are entitled to be treated as Regular Khalasis.

9(a). That the applicants had served duly engaged by the authority mentioned hereinunder as Khalasis/ Casual labourers.

S.No.	Name of Post	Appointed by	Worked From	Worked To	under.	Total days.
1.	Casual Labourers/ Khalasi.	Asstt. Cont- roller of Stores, N.R.Vyas Nagar.	21-10-79	31.1.80	Asstt. Contro- ller of Stores, N.R.Vyas Nagar.	103

S.No.	Name of Post	Appointed by.	Worked From	Worked To under.	Total days.
2.	Casual Labourers/ Khalasi.	Asstt. Cont- roller of Stores, N.R.Vyas Nagar.	11.3.80	14.4.80 Asstt. Contro- ller of Stores, N.R.Vyas Nagar.	35
3.	- do -	- do -	14.10.80	31.12.80	79
4.	- do -		13.1.81	13.3.81	60

9(b). That as the applicants have a temporary status and had right to hold the posts till juniors retained on the posts and the applicants' posts were not abolished, therefore non-engagement of the applicants from 14.3.1981 by the opposite parties no.3 and 4 on their posts amounts to illegal retrenchment, hence the same could not be done, unless a notice of retrenchment in writing would have been served and compensation was paid to them on 14.3.1981.

9(c). That the opposite parties no.3 and 4 had neither served any retrenchment notice on 14.3.1981 nor paid any compensation under Section 25-F of the Central Industrial Dispute Act to the applicants. Therefore the alleged non-engagement of applicants on 15.3.1981 amounts to illegal retrenchments and the same are illegal and void.

applicants on 14.3.1981 or onwards before deleting the name of the applicant on 14.3.1981 from the Muster Roll hence the alleged retrenchment orally ordered by opposite parties No.3 and 4 on 14.3.1981 was void, illegal and against the provisions of law.

9(e). That on 15.3.1981 a number of new/outsiders Casual Labourers and juniors to the applicants have been engaged as per the name from Muster Rolls prepared by opposite parties No.3 and 4 hence the alleged deletion of Muster Roll was also discriminatory.

10. That being aggrieved by this discriminatory attitude of the opposite parties, the petitioners preferred their appeal to the opposite party No.1 forwarding a copy of it to the opposite party No.2 clearly indicating that their grievance is be cured as early as possible. A true copy of this memo of appeal is annexed herewith as Annexure No.1.

11. That the perusal of the memo of appeal would go to show that the petitioners have given the chronological details of their grievances clearly stating that order of the opposite parties is arbitrary and discriminatory.

12. That the opposite parties have not given any reply to the appeal of the petitioner

X
X

inspite of the fact that they have sent 3 reminders. The true copies of these reminders are annexed herewith as Annexures No. 2, 3 & 4.

13. That the petitioners sent their last reminder on 18.2.1983.
14. That the following persons are juniors to the petitioners recruited in the year of 1982 and are being given work regularly :-
 1. Sri Surendra.
 2. Sri Kasim.
 - 3.
15. That the doctrine of retrenchment of 'First come and last go' is applicable in the cases of the petitioners but the opposite parties have not followed the same but the services of the only choosen persons have been regularised without considering the candidature of the petitioners.
16. That the opposite parties are not keeping in view the relevant provisions of the Railway Establishment Code, Railway Establishment, Manual and the Industrial Dispute Act, which clearly show as to how the petitioners had right to hold their posts.
17. That not providing the work to the petitioners

amounts to termination them from the services for which the reasons have not been disclosed.

18. That for the purpose of Industrial Dispute Act the word "termination" is also included in the 'retrenchment' which is also clear from the definition of 'retrenchment' given in Section 2 of Industrial Disputes Act.

19. That the perusal of Section 25(G) of the Industrial Disputes Act would go to show that the compensation is to be given to the retrenched employees which has also not been done in the cases of the petitioners as they have not been given any compensation etc.

20. That the petitioners have no other alternative or efficacious remedy except by way of filing the present writ petition.

21. That the petitioners therefore file the present writ petition on the following amongst other,

- G r o u n d s -

- i) Because not providing the work to the petitioners amounts to verbal termination without disclosing any reason contravening the provision of Section 25(F) of the Industrial Disputes Act.

- ii) Because retaining persons juniors to the petitioners as Khalasis is discriminatory, arbitrary and is in gross violation of provisions of Articles 14 and 16 of the Constitution of India of Section 25(F) of the Industrial Disputes, Railway Establishment Code and Railway Establishment Manual.
- iii) Because non-payment of retrenchment compensation to the petitioners also violates Section 25(C) of the Industrial Disputes Act.
- iv) Because the petitioners have worked for more than one year and as such are entitled to regularisation which has not been done in their cases.
- v) Because the petitioners have a clear right to hold the post of Khalasis and their verbal terminations are visiting them with the evil consequences.

Wherefore, the petitioners pray for the following remedies :-

- (a) By way of a writ or order in the nature of Mandamus, the opposite parties may kindly be commanded to treat the petitioners as regular "Khalasis" forthwith and pay their salaries as and when due

by declaring that non-engagement of the ~~✓~~ applicants w.e.f. 14.3.1981 and onwards by opposite parties No.3 and 4 amounts to retrenchment and the same is illegal, void and discriminatory with a direction to opposite parties to reinstate the applicants and pay full back wages to the applicants with 24% interest with effect from 14.3.1981 to the date of re-instatement.

- (b) By way of a writ or order in the nature of Mandamus, the opposite party No.1, be commanded to dispose off the appeal of the petitioners expeditiously, exhaustively and not merely treating it to be an empty formality.
- (c) Such other writs, directions or orders as this Hon'ble Court deem just and proper.
- (d) Cost of the writ petition may also kindly be allowed to the petitioners against the opposite parties.

Lucknow, dated,
3.5.1983
30/8/90

M.O.
Advocate.
Counsel for the petitioners.

Note: There is no defect in this writ petition.

He Q
Advocate.
Counsel for the petitioners.

3. Because the alleged order of retrenchment is punitive, illegal and against the principle of natural justice and the same is liable to be quashed.

c. That in the relief clause in the last line after the work Re-instatement the following may kindly be allowed to be added :-

by quashing the order contained in

Annexure No. C-17 to the Counter-affidavit.

AC
Dated Lucknow,

the 19 April, 1993.

Vijai Singh

APPLICANT :

Verification

I, Vijai Singh, the Applicant do hereby verify that the contents of paras 1 to 3 16A of this Application of Amendment are true to my personal knowledge and those of paras 3-16B are believed by me to be correct on the basis of records. Legal advice.

Signed and verified at this 19/4 day of April, 1993 at Lucknow.

Vijai Singh
APPLICANT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211 001

104
O/C
C 190
T.A. No. 1212 of 1987

No.CAT/Alld/Jud 40541 dated the 24.5.

40596

Vijay Singh

APPLICANT(S)

VERSUS

Union of India

RESPONDENT(S)

TO

- 1- Shri Rajiv Ngrain, Advocate, Lucknow High Court Lucknow.
- 2- Chief Standing Counsel(C.G.) Lucknow High Court Lucknow.

Whereas the marginally noted cases has been transferred by
H.C. LKO Under the provision of the
Administrative Tribunal Act XIII of 1985 and registered in this Tribunal
as above.

Writ Petition No. 6243
of 1983
of the Lucknow High Court, Lucknow

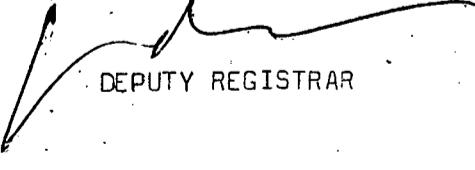
The Tribunal has fixed date of
7-12-1989 1989. The
hearing of the matter at Gandhi
Bhawan, Opp. Residency, Lucknow.
If no appearance is made on your
behalf by your name one duly authorised to
act and plead on your behalf

the matter will be heard and decided in your absence.

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

25th

dinesh/


DEPUTY REGISTRAR

P/S

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

541
Recd
T.S. 10.90

No. C.A.T./111d/Jud/ 5144 dated the 21.9.90.

T.A. No. 1212/87 (T)
(C.W.P. No. 6243/83)

Registration No. _____ of 1990

Court Official
S. S.

Vijai Singh S/o

APPLICANT

VERSUS

Union of India / others RESPONDENT

③ Deputy Controller of Stores, N.O. Rly.
To Alambagh, Lucknow.

④ The Assistant Controller of Stores
N.O. Rly. Vyas Nagar.

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 31 day of 10 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself your pleaser or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this
3 day of 9 1990.

11C 3/9/90
DEPUTY REGISTRAR

Encl:- Copy of Petition with
Works order dated 30.8.90.
And Amended Petition copy.

X
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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

T.A.NO. 1212 of 1987
(W.P.NO.6243 of 1983)

VIJAY SINGH	Applicant.
	Versus	
UNION OF INDIA & OTHERS	RESPONDENTS.

30.8.1990

Hon'ble Mr. D.K. Agrawal, J.M.
Hon'ble Mr. K.O. Gayya, A.M.

Misc. application NO.212/90(L) is taken-up.
Heard Sri H.P. Sharma counsel for the applicant. Amendment is allowed. Let the amendment be incorporated within ~~the~~ ^{ed} one week hereof and supply copy of amendment ~~pet~~ petition within the same time for service of notice on the respondents. Issue notice to the respondents to file C.A. within 8 weeks R.A. may be filed within two weeks Listed before Dy. Registrar on 31.10.90 for completion of pleadings.

Sd/
A.M.

Sd/
JAM.

// TRUE COPY //

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench.

SD/

Lucknow

Amended Copy

~~AMENDED COPY~~

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

TA 1212/1976

Writ Petition No. 6343 of 1982.

8/7
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In the Central Administrative Tribunal
Circuit Bench - Lucknow

1. Vijay Singh, aged about 23 years,
son of Sri Gaurika Prasad Singh,
resident of Bauliha Purwa, P.C.
Sarsuna, P.S. Kadiyava, Distt. Lucknow.
2. Ganga Bux Yadav, aged about 23 years,
son of Sri Balji Nath Yadav, resident
of Sambamau, P.W. Indaura Bagh, P.S.
Bakht-ka-Talab, District Lucknow.
3. Surya Bux, aged about 23 years, son of
Sri Haripal, resident of village
Bauliha Purwa, P.S. Sarsuna, P.S.
Kadiyava, Distt. Lucknow.
4. Pirojey Lal, aged about 23 years,
son of Sri Keghunandan, resident of
village Bhurpurwa, Post Sarsuna,
District Lucknow.

-----Petitioners

Versus

Amended Copy

~~AKTARUL QURAYSHI~~

In the Honourable High Court of Judicature at Allahabad
Lucknow Bench, Lucknow,
TA 1212/67 M A/X
Civil Petition No. 6343 of 1982.

In the Central Administrative Tribunal
Circuit Bench - Lucknow

1. Vijay Singh, aged about 23 years,
son of Sri Dwarika Prasad Singh,
resident of Milliha Purwa, P.C.
Gaura, P.S.-Adiyava, Distt. Lucknow.
2. Ganga Bux Yadav, aged about 23 years,
son of Sri Balji Nath Yadav, resident
of Sonamau, P.S. Indaura Deog, P.C.
Bokhi-ka-Talab, District Lucknow.
3. Surya Bux, aged about 23 years, son of
Sri Haripal, resident of village
Milliha Purwa, P.S.-Gaura, P.C.
Adiyava, Distt. Lucknow.
4. Piarey Lal, aged about 23 years,
son of Sri Kogunandan, resident of
village Bhurpurwa, Post Gaura,
District Lucknow.

-----Petitioners

versus

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they were transferred to Lucknow where they joined on 14.10.1960 and worked upto 31.12.1960.

6. That the petitioners were again given work with effect from 13.1.1931 to 12.3.1931.

7. That after 12.3.1991 the petitioners were not called upon to work on Maslina despite of the fact that posts of Maslina are still in existence and many persons juniors to the petitioners recruited in the year of 1992 are being given regular work.

9. I find now only this but several posts of
salicose are still vacant.

9. That the computation of the total period of the postlitterary service could go to show that they have worked for less than 265 days and as such are entitled to be treated as regular *Diakonia*.

2008: AÑO DE LA DECLARACIÓN DE DERECHOS HUMANOS

18. 10. 20. 1986. *Leptostomum* sp. (L.) (L.)

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inspite of the fact that they have sent 3 reminders. The true copies of these reminders are annexed herewith as Annexures No. 2, 3 & 4.

13. That the petitioners sent their last reminder on 18.2.1983.

14. That the following persons are juniors to the petitioners recruited in the year of 1982 and are being given work regularly :-

1. Sri Surendra.
2. Sri Kezin.
- 3.

15. That the doctrine of retrenchment of 'First come and last go' is applicable in the cases of the petitioners but the opposite parties have not followed the case but the services of the only chosen persons have been regularised without considering the candidature of the petitioners.

16. That the opposite parties are not keeping in view the relevant provisions of the Railway Establishment Code, Railway Establishment, Manual and the Industrial Dispute Act, which clearly show as to how the petitioners had right to hold their posts.

17. That not providing the work to the petitioners

amounts to termination them from the services for which the reasons have not been disclosed.

18. That for the purpose of Industrial Dispute Act the word "termination" is also included in the 'retrenchment' which is also clear from the definition of 'retrenchment' given in Section 2 of Industrial Disputes Act.

19. That the purview of Section 25(G) of the Industrial Disputes Act would go to show that the compensation is to be given to the retrenched employees which has also not been done in the cases of the petitioners as they have not been given any compensation etc.

20. That the petitioners have no other alternative or efficacious remedy except by way of filing the present writ petition.

21. That the petitioners therefore file the present writ petition on the following amongst other,

- G r o u n d s -

- 1) Because not providing the work to the petitioners amounts to verbal termination without disclosing any reason contravening the provision of section 25(F) of the Industrial Disputes Act.

- ii) Because retaining persons Juniors to the petitioners as Khaleesia is discriminatory, arbitrary and is in gross violation of provisions of Articles 14 and 16 of the Constitution of India of Section 25(F) of the Industrial Disputes, Railway Establishment Code and Railway Establishment Manual.
- iii) Because non-payment of retrenchment compensation to the petitioners also violates Section 25(C) of the Industrial Disputes Act.
- iv) Because the petitioners have worked for more than one year and as such are entitled to regularization which has not been done in their cases.
- v) Because the petitioners have a clear right to hold the post of Khaleesia and their verbal terminations are visiting them with the evil consequences.

Therefore, the petitioners pray for the following remedies :-

- (a) By way of a writ or order in the nature of Mandamus, the opposite parties may kindly be commanded to treat the petitioners as regular "Khaleesia" forthwith and pay their salaries as and when due

[Signature]

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by declaring that non-engagement of the applicant on & f. 14.3.1991 and onwards by opposite parties No. 3 and 4 amounts to retrenchment and the same is illegal, void and discriminatory with a direction to opposite parties to reinstate the applicant and pay full back wages to the applicant with 24% interest with effect from 14.3.1991 to the date of co-instatement.

- (b) By way of a writ or order in the nature of Mandamus, the opposite party No.1, be commanded to dispose off the appeal of the petitioners expeditiously, exhaustively and not merely treating it to be an empty formality.
- (c) Such other writs, directions or orders as this Hon'ble Court deem just and proper.
- (d) Cost of the writ petition may also kindly be allowed to the petitioners against the opposite parties.

Lucknow dated,

3.8.1993

30.8.1990

Advocate,
Counsel for the petitioners.

Note: There is no defect in this writ petition.

Advocate,
Counsel for the petitioners.

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

LUCKNOW BENCH LUCKNOW.

writ petition no. of 1983.

Vijay Singh & others. ... Petitioners.

Versus.

K.E.Railway & another. ... Off. Parties.

ANNEXURE NO. 2.

To,

The Chairman,
R.E.Railway Board,
New Delhi.

SUB: Reminder to my representation dated 17.4.81.

Sir,

I have the honour to invite your kind attention towards my representation dated 17.4.1981 in connection of termination of services.

It is requested in this connection that

cont.....