

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH  
Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/Alld/Transfer/29447

Dated the

4/11/90

Vejay Singh.

APPLICANT'S

VERSUS

Union of Jachin

RESPONDENT'S

① To Vejay Singh S/o Dwarika Prasad Singh r/o  
Imilekhpurwa P.O. Sarara P.S. Madayar.  
Distt. Lko.

② Banga Bure Yadav S/o B.N. Yadav r/o Sakham  
W.O. Indaura Bagh P.O. Bureika Talab.  
Distt. Lko.

Whereas the marginally noted cases has been transferred  
by Hogh Court Lko under the provision of the Administrative  
Tribunal Act XIII of 1935 and registered in this Tribunal as above.

Writ Petition No. 6243/93

of the Court of

Hogh Court Lko

19.1.90

The Tribunal has fixed date of  
19.1.90 1990. The hearing

arising out of order dated

passed by

in

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

The matter will be heard and decided in your absence  
given under my hand seal of the Tribunal this 4/11/90  
day of November 1990.

dinesh/

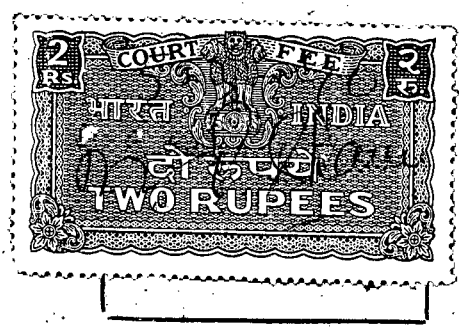
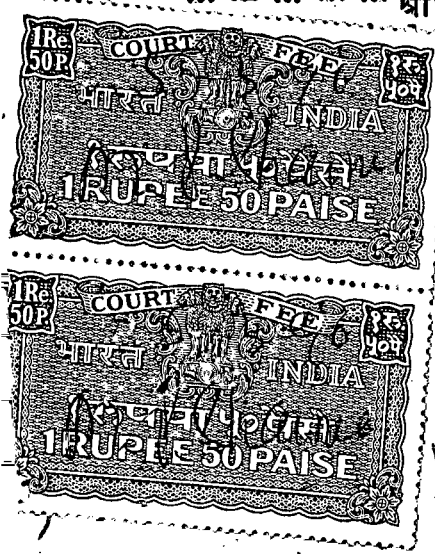
DEPUTY REGISTRAR

③ Surya Bure S/o Shri Harebal r/o Village  
Imilekhpurwa P.O. Sarara P.O. P.S.  
Madayar. Lucknow

④ Shri, R. Martin Adv. Hogh Court Lko

ब अदालत श्रीमान Before the Central Administrative Tribunal  
[वादी अपीलान्त] Circuit Bench Lucknow महोदय  
श्री V. V. Singh, Chandra Prasad Yadav, Sumit Prasad  
and Praveen Lal का वकालतनामा

222  
A  
123



वादी (अपीलान्त)

Vijai Singh and others  
बनाम

प्रतिवादी (रेस्पाडेंट)

Union of India and others

नं० मुकद्दमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर श्री M. P. Sharma Advocate  
2 Nagar Bagh, Behind Odessa Cinema, Court Road Lucknow  
वकील  
महोदय  
एडवोकेट

नाम अदालत	मुकद्दमा नं०	नाम फरीकन	बनाम
...	...	...	...

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

सुरेश चंद्र

सुरेश चंद्र

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन १६ १० ई०

स्वीकृत

Accepted  
M. P. Sharma

IN THE CENTRAL ADMINISTRATIVE  
COURT BENCH  
Chandigarh, Punjab, India

No. CAT/111/1990 Dated 12/12/1990

APPLICANT'S

VERSUS

RESPONDENT'S

To

Whereas the marginally rates has been transferred by 1990 under the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal

Writ Petition No. 6 of 1990. The Tribunal has fixed date of 1990. of the Court of 1990 1990. The

arising out of order dated 1990 If no appearance is made on behalf 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 day of 1990 1990.

dinesh/

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL *C 225*

CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow *A 125*

\*\*\*\*\*

No.OA/TA/

*5141-5144*

dated the *21.9.90*

**T.A.NO. 1212/87(T)**

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 BOMBAYARODA HOUSE NEW DELHI
3. DEPUTY CONTROLLER OF STORES N.RLY. ALAMBAGH LUCKNOW.
4. THE ASSISTANT CONTROLLER OF STORES N.RLY. 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.

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

*J. M. C. 20/9/90*  
DEPUTY REGISTRAR

\*\*\*\*\*

Encl: COPY OF AMENDED COPY PETITION

*dated 30-8-90*

*Lowt's order*

C.228  
A  
126

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

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

VIJAY SINGH

....  
Versus

UNION OF INDIA & OTHERS ....

Applicant.

RESPONDENTS.

30.8.1990

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

Hon'ble Mr.K.Obayya, 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~~<sup>ed</sup>  
~~one~~ 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.

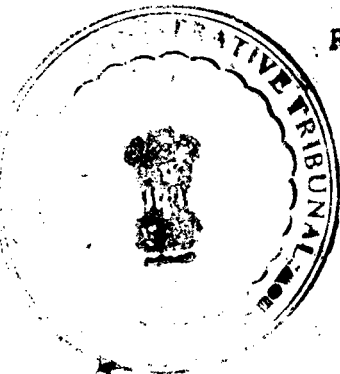
Sd/  
A.M.

Sd/  
JAM.

// TRUE COPY //

*11/10/90*  
Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

SD/



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/Adm/Jud/ 5013-15. dated the 03.9.90

T.A No. 1212/27 (T)  
(W.P. No. 6243/83)  
Registration No. \_\_\_\_\_ of 1990

Vijai Singh & others APPLICANT

VERSUS

Union of India RESPONDENT

- ① Union of India, Ministry of Railway through The Secretary  
Railway Board, New Delhi.
- ② The General Manager, Northern Railway Board House  
New Delhi,
- ③ Deputy Controller of Stores N. D. Alam Bagh  
Lucknow.
- ④ The Assistant Controller of Stores N. D. Vyas Nagar,  
Lucknow.

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.

DEPUTY REGISTRAR

End - Copy of ~~the~~ Petition with court's  
order dated 30.8.90

Copy of Court's order d/30.8.90

128

CNB

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 <sup>Vs.</sup> — Respondents.

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

It is respectfully stated on behalf  
of Respondents:-

1. That on 7<sup>th</sup> 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 7<sup>th</sup> line at  
page 2 of the judgement that instead  
of work 'quashed' the word 'sustained'  
be incorporated.

Lucknow

Dated 30/4/93

Anil Srivastava  
(ANIL SRIVASTAVA  
ADV.)

Counsel for Respondents

Allowed  
Necessary corrections  
are made. CNB  
30/4/93  
v.c.

A  
129

806

② C219

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

TRANSFERRED APPLICATION No. 1212/87

(WRIT PETITION NO. 6243 of 1983)

Vijay Singh and others Applicants

versus

Union of India & others Respondents

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

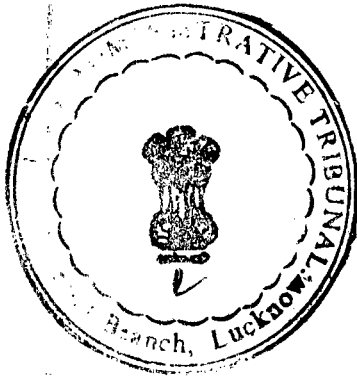
HON. MR. V.K. SETH, ADMN. MEMBER.

(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





130

C220

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 made clear that the applicant will be <sup>not</sup> 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/-  
A.M.

Sd/-  
VICE CHAIRMAN

LUCKNOW DATED : 22.4.93

Shakeel/

**Certified Copy**

Behandis

in charge

Judicial Section

C. A. T.

LUCKNOW.

29/4/93

In The Central Administrative Tribunal.  
Circuit Bench, Lucknow

C211

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

Vijay Singh - - - - - Applicant  
Vs.  
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.

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

Anil Srivastava  
(ANIL SRIVASTAVA)  
ADV

only that  
papers to be  
allowed to  
file the  
CA.  
S. S. S.

25/1/91

recd to  
27/2/91

25/1/91  
25/1/91  
25/1/91

27.2.91

D.R.

Applicant's side

is present. O.P.

is absent today.

Respondent did

not file counter

till today. He

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 side.

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 24/7/91.

R

23/4/91 Applicant's side

is present. Respondent

is not present. Put up

on 23/5-1-91 to file

counter. R

T.A. 1212/87 <sup>1/5</sup> H3

29.6.92  
D.R.

department's side is  
present today. Applicant  
is ordered to file Reply  
by 14/8/92.

14.8.92

D.R.

Sr. M.P. Sharma is 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

OR  
S.F.O.  
15/1/93

OR  
not Magister Jorbanoy  
plus G.D. not filed  
18/2/93

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.

Sec. M.P. Sharma is present, R.A

has not been filed till

today. Applicant to file it

by 2/4/93. List from 2/4/93

for F.H.

CR

RA with file  
submitted  
appearing

3/3/93

24/93

No filing of D.M. etc  
on 22-4-93

13/2

not

CR

RA with file  
submitted  
appearing

ALL

SEN

2

2/4/93

AG (2)

X

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

TRANSFERRED APPLICATION No. 1212/87

(WRIT PETITION NO. 6243 of 1983)

Vijay Singh and others Applicants

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.)

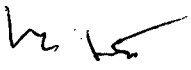
Applicants were engaged as 21.1.79 under the Assistant Controller of Stores under the Northern Railway and the applicants worked upto 31.1.1980. Admittedly, the applicants were given the work of Khalasis w.e.f. 11.3.1980 to 10.4.1980 and thereafter from 14.10.1980 to 31.12.1980. They worked as Khalasis 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.

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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 <sup>not</sup> found that the cards submitted by the applicants were forged, the termination order will be quashed. It is made clear that the applicant will be <sup>not</sup> entitled to any salary even for a single day because the continuing i- applicants were also responsible.

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  
Reply by

17/11/92. list on  
17/11/92.

17.1.92

D.R.

counsel for applicant  
is present. Reply  
to be filed by applicant  
on 12/3/92.

12.3.92

D.R.

Both the parties are  
present. Applicant to  
file Reply by  
27/4/92.

27.4.92

D.R.

Both the parties are absent.  
Applicant to file reply  
by 29/6/92.



19-4-90

Lawyers on strike

Case is adjourned to 30/8/90

OR

Lt for the applicant  
has filed CM 24/9/90  
for amendment.  
Case is not admissible  
S.F.C.

B.C.

20/10 17/14

Notice not issued  
to the court  
on 17.10.90

30.8.90 Hon'ble S.K. Agrawal J.M.  
K. Chatterjee A.M.

Misc. application No. 212/904 is  
taken up. Heard Sri M.P. Sharma Counsel  
for the applicant. Amendment is allowed.  
Let the amendment be incorporated within  
one week hence. And supply copy of amended  
petition within the same time. For service  
of notice on the respondents. Issue notice  
to the respondents to file CA within 2  
weeks. RA may be filed within two weeks  
listed before Dy. Registrar on 31.10.90  
for completion of pleadings.

Notices issued  
21-9-90

(A.M.)

(S.K.)

Notice of op No 4 has  
been return back  
S.A.

6.11.90

D.R.

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

Due to resolution  
of Bar Association  
case is adjourned  
to 3.12.90

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

TA/212/87(T)

DATED: -----

Case Title WP 6243/83 19

Name of Parties.

Vijay Singh Applicant

U.O.P versus Respondents.

PART -A

Sl.No.	Description of Documents	Page
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>A36</u> <u>M.P 339/93</u>	<u>A84</u> <u>A65</u>
8-	Rejoinder Affidavit <u>A66</u> <u>Misc. Paper.</u> <u>A68</u>	<u>A99</u> <u>A102</u>

PART -B

B183 - B197

Part -C

C198 - C225

Certified that no further action is required. The case is fit for consignment to record room.

Section Officer

Court Officer

Incharge

Signature of Dealt Assistant.

P. Narayan  
28/1/94

P. Narayan  
28/01/94

A/116 C212

the early action in my above matter may kindly  
be taken and the authorities may kindly be  
directed to give me duty and also regularize  
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

Ed/- Vijay Singh  
resident of Imilhapurwa  
Post gareura 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.

... Opponents.

ANNEXURE NO. 3.

To,

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

Sub: - Und 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 received by me so far.

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 ~~issuing~~ issuing instructions to the authorities to give me work immediately and also regularise my services in the same manner in which the services of similarly situated other ~~analisis~~ ~~have~~ and junior to the petitioners have been regularised.

Kindly, your personal attention is requested.

Thanking you.

yours faithfully,

Sd/- Vijet Singh.

Analisi, R.E. Railway,  
r/o Malinapurwa Post Sarau-  
ra P.S. Gadiyev, Lucknow.

Lucknow. Dated  
9.7.1982.

.....

TRUE COPY.

A  
119

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. In

En-cls-3

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/<sup>representation</sup> 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

Chalisi,

P.O. Milway, r/o Mallinapurwa

Post Gareura P.O. Madiyav,

Lucknow.

Lucknow.

Dated 18.2.1983.

.....

TRUE COPY.

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

ORIGINAL PETITION.

Writ Petition No.                      of 1983.

Vijay Singh & others.                      Petitioners.

Versus.

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

AFFIDAVIT IN SUPPORT OF WRIT PETITION.

I, Vijay Singh aged about 23 years son of Sri Dwarika Prasad Singh resident of Bahiliharwa P.O. Saraura P.S. Bahiyav, 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 conversant 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.



16

A/9

GENERAL INDEX

CIVIL  
SIDE  
CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. No. 6243-83

Name of parties Vijai Singh vs. M.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 Docket and app. lat.	21-	—	102.00.			
	2-	Power	1-	—	5.00.			
	3-	Arch Steel	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

Group-A-14 (K)

3760 A7

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

LUCKNOW BENCH LUCKNOW.

K/10

Writ Petition No. of 1983.

6243

16

Vijay Singh & others. ... Petitioners.

Versus.

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

13600

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.	<u>Annexure No. 1.</u> Copy of the representation dated 17.4.1981.	10-13.
3.	<u>Annexure No. 2.</u> Copy of the reminder dated 20.12.1981.	14-15.
4.	<u>Annexure No. 3.</u> Copy of the IInd reminder dated 9.7.1982.	16-17

Cont.....2

Prasen Nandi  
23/11/83  
[Signature]

5. Annexure No. 4. copy of the IIIrd re- 18-19.  
minder dated 18.2.1983 to the represent-  
ation of the petitioner.
6. Affidavit in support of writ petition 20-21.  
of the petitioner.
7. Vakalatnama of the Petitioner. 22

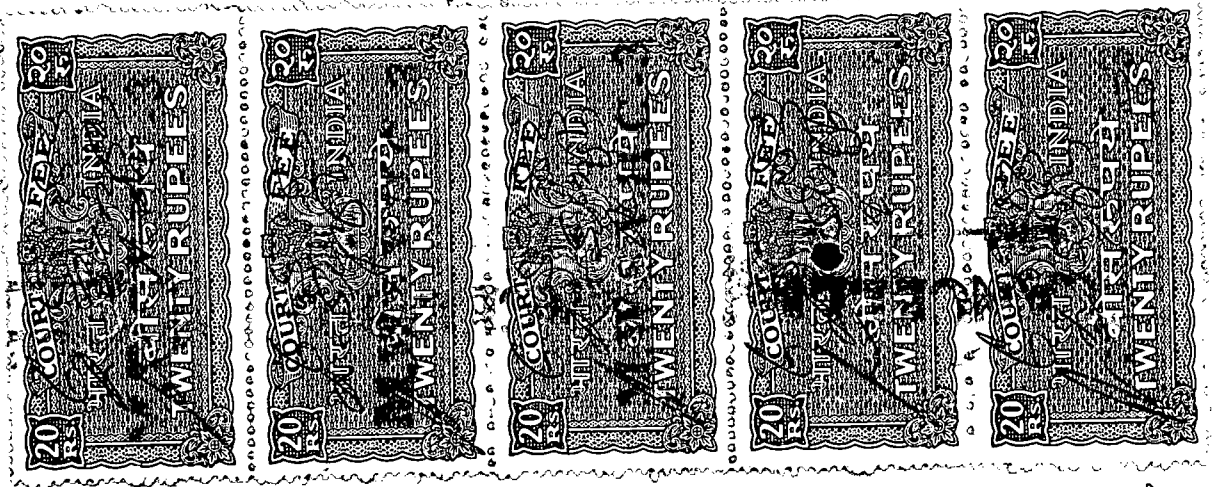
Lucknow.

Dated 4.5.1983.

Rajiv Narain  
25-11-83

( Lalloo Singh )  
Advocate.

Counsel for the Petitioners.



5822-1008  
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12

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

LUCKNOW BENCH LUCKNOW.

Writ Petition No. 6213 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. Mediyava 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. Mediyav, Lucknow.

4-5-83  
45-20

XXXXXX  
XXXXXX  
XXXXXX

A10

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

A  
13

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

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

(iv) The Assistant Controllere of Stores,  
Northern Railway, Vyas Nagar. ~~with~~ Varanasi

-----Opp-parties

VERSUS.

4. Piarey Lal aged about 23 years son of Shri

Reghunandan resident of Village Bhurpurwa post Saraura  
District Lucknow.

*VERSUS*  
1. Union of India, through Chairman, Railways ~~Board~~ <sup>PETITIONERS</sup>  
2. ~~N.E. Railway Board~~ <sup>N.E. Railway Board</sup>, New Delhi, through its Chairman  
3. Railway Service Commission Board, Allahabad, <sup>Opp. Parties</sup>  
4. Deputy Controller of Stores N.E. Railways, Alambagh, Lucknow  
The humble petitioners named above  
beg to state as under:-

1. That all the petitioners were recruited as Khalashies in the staff of the ~~xxxxx~~ 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 Khalashies with effect from 11.3.1980 to 10.4.1980 and thereafter from 14.10.1980 to 31.12.1980.

A13

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

A/16

No.	Name of Post	Appointed by:	Worked		Worked under.	Total days.
			From	To		
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
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

914

A/x

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/outside Casual Labourers and juniors to the applicants have



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5. That all the petitioners had worked as Khalasies at Varanasi till 10.4.1980 after which they were transferred to Lucknowr where they joined on 14-10-1980 and worked upto 31.12.11980.

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 existance 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.

निम्न आदेशानुसार

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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 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 inspite of the fact that they have sent 3 reminders. The true copies of these reminders are annexed here-with as Annexure No. 2, 3, & 4.

गौरी अश्विनी

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 Suresh

2.

2.

Sri Kasein

3.

4.

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.

गणेशकेश यादव



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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.

गंगा बकश यादव

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

amongst other grounds:-

u-5-15

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 Mannual.
- 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 e worked

सिद्धि दादा 24/2/20

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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.

5/2/81

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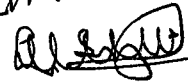
(c). Such other writs, directions or orders as this Hon'ble Court deem just and proper.

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

Lucknow.

Dated 4.5.1983.

Pravin Nair  
25-11-83



( Lalloo Singh )

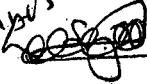
Advocate,

Counsel for the Petitioners.

.....

Note: There is no defect in this writ petition.

Pravin Nair  
25-11-83



( Lalloo Singh )

Advocate,

Counsel for the Petitioners.

.....

ॐ नमो भगवते वासुदेवाय

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8/5

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,

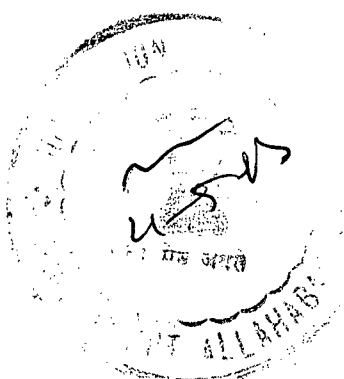
The Chairman,  
N.E. Railway Board, ~~NEW~~  
New Delhi.

Sir,

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

विजय वक्त्रायादा

1. That the pe 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 the 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 Lucknowr 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 laways remained excellent and nothing adverse was ever communicated to him

Cont.....

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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 ect.
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 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 ~~their~~ 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

Cont.....

गंगा अक्षयिका

Ans

is applicable in the case of the applicant but the same has not been followed instead the authorities ~~xxxx~~ 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 ~~xxxx~~ 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.

Lucknow.

Dated 17.4.1981.

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

....



श्री अशोक

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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 xxxxxx~~

It is requested in this connection that

Cont.....



सिद्ध गारायिका

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 Imilihapurwa  
Post Seraura P.S. Madi-  
Yav, Lucknow.

Lucknow.

Dated 20.12.81.

.....

TRUE COPY.

ॐ नमो भगवते वासुदेवाय



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:- IInd 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.

उत्तराखण्ड

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 ~~xxxxx~~ 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 Khalasis 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. Railway,  
r/o Imilhapurwa Post Sarau-  
ra P.S. Madiyav, Lucknow.

Lucknow. Dated  
9.7.1982.

.....

TRUE COPY.

गंगाबकशमिदर

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8/12/83

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.

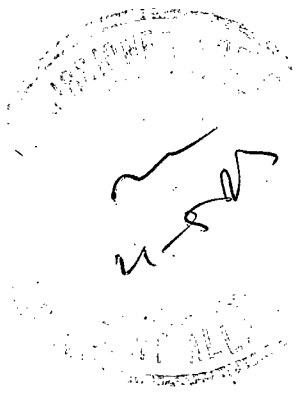
To, .

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. In

In this-connection





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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 gratefull for he same.

Yours faithfully,

Sd/- Vijay Singh  
Khalisi,

N.E.Railway, r/o Imilihapurwa.

Post Saraura P.S.Madiyav,  
Lucknow.

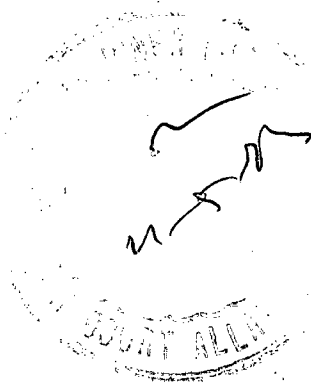
Lucknow.

Dated 18.2.1983.

.....

TRUE COPY.

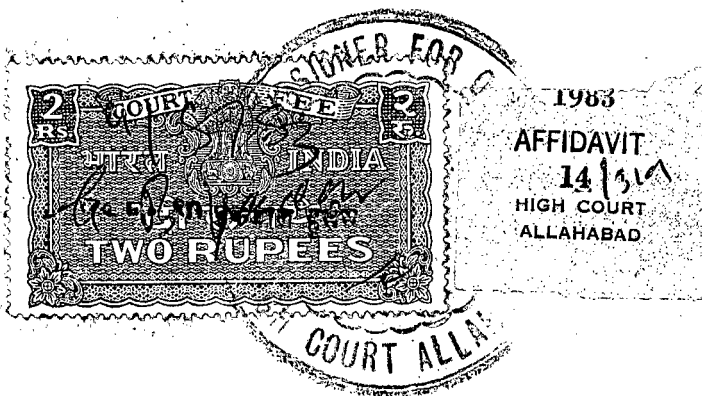
गंगाबकश सादर



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A/25

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABD.  
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 ~~Baig Nath Yadav~~ resident of ~~Tamara~~ ~~Sekhar~~  
~~Indira Bagh Baxi Hse-Talab~~  
P.O. ~~Bazarg~~ P.S. ~~Mediya~~, 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 conversant 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.



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Vg

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.

गिरा बक्श सादर

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.

गिरा बक्श सादर  
DEPONENT.

I, identify the deponent who has signed before me.

*Gulab Chand*  
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.

*Narain*

JATH COMMISSIONER  
High Court, Allahabad.

Lucknow 12/5/83

4-5-83



व अदालत श्रीमान *High Court Lucknow* महोदय

#34

(वादी) अपीलान्त श्री.....का वकालतनामा  
प्रतिवादी (रेस्पान्डेन्ट)



1925  
9/6/25

*Vijay Singh & Co*  
वादी (अपीलान्त)

बनाम  
*N-E Railway & Co*  
प्रतिवादी (रेस्पान्डेन्ट)

नाम अदालत	मं० मुकद्दमा	फरीकन	बनाम
.....	.....	.....	.....

नं० मुकद्दमा सन् १६ ८३ 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 हूं और लिखे देता हूं कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेंरवी व जबाबदेही व प्रश्नोत्तर करे या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया 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 रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया 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 काम आवे।

Accepted

*Pratima Devi Adv.*  
*Sri Rajiv Narain Adv.*

*जगज्जेश मायव*  
हस्ताक्षर.....

साक्षी गवाह ..... साक्षी (गवाह) .....

दिनांक..... ३ ..... महीना..... ५ ..... सन् १६८३ ई०

*Rajiv Narain Adv.*

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10-P. No. 6243 of 1983

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
2311-83	Men K.W.G., Men S.S.A., <u>list in the ordinary</u> <u>course -</u> <u>court fee.</u>  Sd/- K.W.G. Sd/- S.S.A. 2311-83  <div style="text-align: right;">R B</div>	

A36

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Civil Misc. Petition No. 723 of 1991 (L)

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

*Anil Srivastava*  
(ANIL SRIVASTAVA)  
Advocate  
Counsel for Respondents.

*Filed today*

*Signature*

*22/11/91*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

T.A. NO. 1212 of 1987.

Vijai Singh & Others ..... Petitioner.S.

Versus

Union of India & others .... Opp. Parties.

COUNTER REPLY

I, Jagdish Narain aged about, years working as *Asst Personnel Officer* 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, <sup>is</sup> 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

सहायक कामिक अधिकारी (भंडार)

उत्तर रेलवे आलमबाग

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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. The ~~exp~~ which was extended upto 31.12.80. The photo copies of both the orders are being enclosed herewith as

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

उत्तर रेलवे आलमबाग  
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6. That the contents of paras 5 and 6 of the



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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 photostatecopies 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

7-10-81

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

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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 ~~known~~ 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

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

7-10-81

सहायक कामिक अधिकारी (भंडार)

उत्तर रेलवे आवनबाग

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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

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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.

7-10-91  
सहायक कानून अधिकारी (भंडार)

Dated: 7/10/91

उत्तर रेलवे शालमबाग

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# 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.

Lucknow.

7-10-91  
सहायक कानून अधिकारी (भंडार)

उत्तर रेलवे शालमबाग

लखनऊ

Dated : 7/10/91

Ans

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Ann No. C1

4. 1. 1979  
Vyasa Nagar.

No. 22-2/79/11/79  
Intd. - 21.11.79

### OFFICE ORDER

The following persons are appointed as Casual labourers at Stores Depot, Vyasa Nagar 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 0.50 H.P. per day. This is as per Dy. CAG/AMV/LKO letter No. 203-2/CL dt. 6.9.79 for 15 casual labourers and again letter No. 203-2/CL dt. 18.11.79 for 15 casual labourers:-

Sl.	Name.	Father's name.	Date.
1.	Sri Musal Lal	Sri Manraj	1/CL
2.	Sri Sahdev Chand	Sri Habib Chand.	2/CL
3.	Sri Pyare Lal	Sri Fakir	3/CL
4.	Sri Ram Gopal	Sri Rajmbar Prasad.	4/CL
5.	Sri Mahendra Kumar Singh.	Sri Sri Ram	5/CL
6.	Sri Ram Prasad Yadav.	Sri Chotay Lal Yadav.	6/CL
7.	Sri Vinod Kumar	Sri Rajendra Prasad.	7/CL
8.	Sri Chandra Ram	Sri Ram Chai Ram	8/CL
9.	Sri Laxmi Kant Tewari	Sri Ram Laxmi Tewari.	9/CL
10.	Sri Kapil Das Choudhary	Sri Ram Lagan.	10/CL
11.	Sri Ram Bahadur	Sri Ganga Prasad	11/CL
12.	Sri Shajida	Sri Hawab Mohi. Hussain.	12/CL
13.	Sri Sumi Nath Yadav.	Sri Narayan Yadav.	13/CL
14.	Sri Ram Sharan	Sri Ganga Prasad.	14/CL
15.	Sri Vijay Singh	Sri Laxmi Pd. Singh	15/CL
16.	Sri Ram Phal Prasad.	Sri Parman Ram	16/CL
17.	Sri Ganga Das	Sri Dalj Nath	17/CL
18.	Sri Pyare Lal	Sri Laxman Singh.	18/CL
19.	Sri Ram Krishna Singh	Sri Hardeo Singh	19/CL
20.	Sri Om Prakash Singh	Sri Chandra Prasad Singh	20/CL
21.	Sri Mil Kumar	Sri Shree Shankar Ram	21/CL
22.	Sri Hari Shankar Pd.	Sri Rang Lal	22/CL
23.	Sri Thakur Prasad.	Sri Ram Das	23/CL
24.	Sri Jaganathan.	Sri Parman Ram	24/CL
25.	Sri Surya Das	Sri Harpal.	25/CL

Asstt. Controller of Stores,  
Vyasa Nagar.

Copy to:-

- 1- The Dy. CAG/Alambagh, Lucknow.
- 2- The Dy. CAG(U)/AMV/Lucknow.
- 3- The DGP/Alambagh.
- 4- The DGP/Vyasa Nagar.
- 5- Retiree Board, Vyasa Nagar.

Asstt. Controller of Stores,  
Vyasa Nagar.

Attested

*[Signature]*

बहायक कामिक अधिकारी (पंढार)  
उत्तर रेलवे आलम्बाग  
बलनका

Attested

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

*[Signature]*

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NORTHERN RAILWAY

ACOS office  
Vyasnagar

No: - 92-5/VYN/CL/19/80

Dated 30-1-80

OFFICE ORDER

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

S/no.	Name	Father name	T. No
1.	Shri. Munnilal	Sri. Manray	1/CL
2.	" Saeed Ahmad	" Habib Ahmad	2/CL
3.	" Pyare Lal	" Fakir.	3/CL
4.	" Ram gopal	" Rajkumar Prasad.	4/CL
5.	" Mahendra Kumar Singh	" Sri. Ram	5/CL
6.	" Ram Prasad Yadava	" Chotalal Yadava	6/CL
7.	" Vinod Kumar	" Rajendra Prasad.	7/CL
8.	" Chhaku Ram	" Ram Dhari Ram	8/CL
9.	" Laxmi Kant Tewari	" Ram Lochan Tewari	9/CL
10.	" Kapil Das Choudhary	" Ram Lagan.	10/CL
11.	" Ram Bahadur	" Janga Prasad.	11/CL
12.	" Shajade	" Nawab Mohd Husain.	12/CL
13.	" Swami Nath Yadav	" Narayan Yadav	13/CL
14.	" Ram Bhargava	" Janga Prasad.	14/CL
15.	" Vijay Singh	" Dwarika Pd. Singh	15/CL
16.	" Ram Pral Prasad	" Prasad Ram	16/CL
17.	" Janga Bux	" Brij Nath	17/CL
18.	" Pyarelal	" Raghunandan	18/CL
19.	" Rakesh Singh	" Hardeo Singh	19/CL
20.	" Anil Kumar	" S. S. Ram.	20/CL
21.	" H. Shanker Prasad	" Rang Lal.	21/CL
22.	" Thakur Prasad	" Ram Bux.	22/CL
23.	" Jaganmohan	" Bishu Ram	23/CL
24.	" Surja Bux	" Janki	24/CL
25.	" Kashi Nath	" Janki Ram	25/CL

PT. 0.



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5/1/57  
ACOS/nyasnagar.

- Copy to:
1. Dy COS/Amr/Kho.
  2. Dy COS (W)/Amr/Kho.
  3. DSKP /nyasnagar.
  4. Notice Board, nyasnagar.

*[Signature]*  
ACOS/nyasnagar.

Attested

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

*[Signature]*  
15/1/57

*[Signature]*  
27/10/57  
सहायक कामिक अधिकारी (भंडार)  
उत्तर रेलवे आलमबाग  
*[Stamp]*

241  
H. Ry., Diesel Depot,  
P.O. Mughalsarai,  
VARANASI (U.P.)

copy to:

1. The Dy. C.A.O. (LW) AMV/LKO
2. The Dy. C.O.S. AMV/LKO
3. The DSK/VVN
4. Notice Board.

~~H. Ry., Diesel Depot,  
P.O. Mughalsarai,  
VARANASI (U.P.)~~

Attested

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

Attested

सहायक कामिक अधिकारी (भंडार)  
उत्तर रेलवे आलमबाग  
सुखरका

1/5

From No. 14

Recd. 5/11/80

N.Rty. Vyasnagar

No. 92-S/VYN/11/CL

Dtd. 5/11/80

OFFICE ORDER

The following casual labourers are hereby  
discharge with effect from 10/4/80 (after noon)  
due to expiry of the sanction.

<u>Name</u>	<u>Father's name</u>	<u>T. No.</u>
1) Sri Munnilal	Sri Man Raj	1/CL
2) n Shahid Ahmad	Habib Ahmad	2/CL
3) n Raju Lal	Rajubhai	3/CL
4) n Ram Gopal	Raghubar	4/CL
5) n M. K. Singh	Shri Ram	5/CL
6) n Ram Bakul Yadav	Chatur Lal	6/CL
7) n Vinod Kumar	Rajendra Lal	7/CL
8) n Chakor Ram	Ram Dhan Ram	8/CL
9) n Laxmi Kant	Ram Lakshmi Prasad	9/CL
10) n Ram Bakul Yadav	Gang Pot Yadav	10/CL
11) n Shakti Jale	Mihol Narain H. Prasad	12/CL
12) n Kapil Chandra Chaudhry	Ram Lagan	10/CL
13) n Swami Nath	Narain Yadav	13/CL
14) n Ram Bhairav Singh	Gang Prasad	14/CL
15) n Vijay Singh	Dwarika Prasad	15/CL
16) n Ram Phal Prasad	Pamarsu Ram	16/CL

P. D. O.

रेलवे  
Koromoya Railway

Name -

Father's name

Sl. No.

- |                      |   |               |       |
|----------------------|---|---------------|-------|
| 17) Gangabux         | - | Bri Bai Nath  | 17/CL |
| 18) Ruyredal         | - | Rajendra Nath | 18/CL |
| 19) Kishun Lal       | - | Hardeo Singh  | 19/CL |
| 20) Anil Kumar       | - | S. S. Ram     | 20/CL |
| 21) Hari Shanker Lal | - | Ranj Lal      | 21/CL |
| 22) Thakur Prasad    | - | Ram Bux       | 22/CL |
| 23) Jnanardan Lal    | - | Parsuram      | 23/CL |
| 24) Surja Bux        | - | Harpal        | 24/CL |
| 25) Rashi Nath       | - | Tekchand      | 25/CL |

Copy to -  
 1 Dy. C.A. (W) AMV Lucknow.  
 2 Dy. Cos. AMV Lucknow.  
 3 Dy. Cos. Vyas nagar.  
 4 Notice Board.

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

आह्वयक कार्यालय (मंडार)  
 उत्तर रेलवे आलम्बाग  
 लखनऊ

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Northern Railway.

Dated: 28 -10-80.

Order No. E/413

.....

The 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. Pachan Dubey	S/Shri	S/11	14.10.80.
2.	Shri. Raghuraj Singh	Harbhajan Dubey	S/18	13.10.80.
3.	" Sajwan Lal	Lachhman	S/23	-do-
4.	" Pratap	Jagrop	S/27	-do-
5.	" Ram Kishore	Behari	S/28	-do-
6.	" Jai Kumar	Sarjoo Pd.	S/29	-do-
7.	" Ram Nareesh	Sunder Das	S/33	-do-
8.	" Hari Prasad	Ram Chander	S/34	-do-
9.	" Rafiq Ahmad	Munna Lal	S/35	-do-
10.	" Ganesh Chaud	Ashiq Ali	S/38	-do-
11.	" Yashwant Lal	Shri Ram	S/42	-do-
12.	" Brij Mohan	Hira Lal	S/46	-do-
13.	" Siya Ram	Mudrika Singh	S/48	-do-
14.	" Raees Ahmad	Mahey	S/49	-do-
15.	" Ravinder Nath	Gulsher Khan	S/50	-do-
16.	" Vikram Sharma	Uma Pd.	S/51	-do-
17.	" Unesh 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.	" Munad Lal	Mini Lal	S/59	-do-
24.	" Shahid Ahmad	Munraj	S/60	-do-
25.	" Ram Gopal	Habib Ahmad	S/61	-do-
26.	" Kapil Deo	Raghubar Pd.	S/62	-do-
27.	" Sami Nath	Ram Lagan	S/63	-do-
28.	" Ram Narosey	Karain	S/64	-do-
29.	" Vijai Singh	Ganga Pd.	S/65	-do-
30.	" Ganga Bux	Dwarka Pal Singh	S/66	-do-
31.	" Pyare Lal	Baij Nath	S/67	-do-
32.	" Hari Shankar Pd.	Raghuwaman	S/68	-do-
33.	" Thekur Pd.	Paag Lal	S/69	-do-
34.	" Jaganadan Pd.	Ram Bux	S/70	-do-
35.	" Surya Bux	Parasu Ram	S/71	14.10.80
36.	" Harman Pd.	Har Pd.	S/72	21.10.80
37.	" Ram Maheshwar	Jang Bahadur	S/73	
		Mathura Pd.		

Asstt. Personnel Officer (Sto)  
Alambagh, Lucknow.

Asstt. Controller of Stores

Genl. Stores Depot. N. Rly.

Alambagh, Lucknow.

1. Dy.C.A.O. (W) AMV. LKO.  
S.K./Sales.

रेवेने बालनबाग

कॉपी to the following :-

मक अधिकारी (मक)

25/10/80

Ann. No. Cg

NORTHERN RAILWAY

A.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 9-00hrs alongwith 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

sd/  
Asstt. Controller of Stores  
Northern Railway  
Vyasnagar.

25/10/91

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. Ry/  
Alambagh, Lucknow

sd/  
Asstt. Controller of Stores  
Northern Railway  
Vyasnagar.

ASB 1/1

RECORD OF SERVICE AS  
CASUAL LABOUR

RECORD OF SERVICE AS  
CASUAL LABOUR

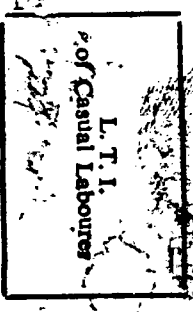
RECORD OF SERVICE AS  
CASUAL LABOUR

1. Name in full (in Block Letters) **NIJAI SINGH**
2. Father's Name **Sri Divanika Prasad Singh S. No.**
3. Date of Birth **28.8.1959**
4. Age at initial casual employment **18 Years 5 Months 1 day 5**
5. Personal marks of identification  
(i) **burn marks on forehead**  
(ii) **Weld on left hand**
6. Nature of job on initial employment **cleaner**

Verified.

*[Signature]*  
Inspector of M.O. &  
L. T. I.  
LUCENOR

Signature & designation of  
subordinate in charge.



J.B.P.W.—17/445/66—1,00,000.

1	Period of employment		4	5
	From	To		
1	24/8/77	14/9/77	cleaner	done
2	18/9/77	18/10/77	cleaner	done
3	21/10/77	21/11/77	cleaner	done
4	24/11/77	24/12/77	cleaner	done
5	27/12/77	27/1/78	cleaner	done
6	30/1/78	30/2/78	cleaner	done
7	3/2/78	3/3/78	cleaner	done
8	6/3/78	6/4/78	cleaner	done

*[Signature]*  
Inspector of M.O. &  
L. T. I.  
LUCENOR

हैदराबाद कोटिक अफसर (कॉस्टर)  
उत्तर तबदे अफसर  
बलनको

S. No.	Period of employment		4	5
	From	To		
1	24/8/77	14/9/77	cleaner	done
2	18/9/77	18/10/77	cleaner	done
3	21/10/77	21/11/77	cleaner	done
4	24/11/77	24/12/77	cleaner	done
5	27/12/77	27/1/78	cleaner	done
6	30/1/78	30/2/78	cleaner	done
7	3/2/78	3/3/78	cleaner	done
8	6/3/78	6/4/78	cleaner	done

Asst. Controller of Stores  
Gent. Store T. Spot. N. R. R. V.

Alum. of L. T. I. of  
LUCENOR





Annexure C-13

Page 1/2

RECORD OF SERVICE AS  
CASUAL LABOUR.

RECORD OF SERVICE AS  
CASUAL LABOUR

RECORD OF SERVICE AS  
CASUAL LABOUR.

1. Name in full (in Block Letters) SURYA BUX
2. Father's Name. Sri Heiripal
3. Date of Birth. 20-7-1960
4. Age at initial casual employment. 18 Years. 2 Months.
5. Personal marks of identification.  
(i) Borel more left thigh  
(ii) Borel mark Rt. thigh
6. Nature of job on initial employment. Chaulasi

Verified.

Signature & designation of the  
subordinate in charge



I.B.P.W.—11/1245—64—1,20,000 P.

S. No.	Period of employment		Nature of assignment	Signature and designation of the Supervisor with date
	From	To		
1	8.9.78	5.11.78	Chaulasi	Chaulasi
2	9.11.78	3.1.79	Chaulasi	Chaulasi
3	6.1.79	3.3.79	Chaulasi	Chaulasi
4	5.3.79	6.5.79	Chaulasi	Chaulasi

S. No.	Period of employment		Nature of assignment
	From	To	
1	11.1.79	11.1.79	Chaulasi

# RECORD OF SERVICE CASUAL LABOUR

~~9/7~~

1. Name in full (in Block Letters) **George Laid**

2. Father's Name. *Sh. Rajkumardas*

3. 'Date of Birth. 25-7-1960

4. Age at initial casual employment. 18 Years. 1 Months. 0 Days

Personal marks of identification.

- (i) Birdwards left thigh
- (ii) *Cat. in R. wing*

6. Nature of job on initial employment.

Verified.

Signature de descripteur



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

S. No.	Period of employment	Nature of assignment	Signature and designation of the Supervisor with date.	S. No.	Period of employment	Nature of assignment
	From	To			From	To
1	3.9.78	5.11.78	for	1		
2	9.11.78	3.1.79	for	2		
3	6.1.79	3.3.79	for	3		
4	5.3.79	6.5.79	for	4		

257/2010  
 सहायक बॉयस् अफेयर्स (महाराष्ट्र)  
 उत्तर रेवेन्यू अफेयर्स  
 बलगाछी

Asstt. Controller of Stores  
 Genl. Stores Deptt. N. Riv.  
 Ahmednagar, Lucknow

Annexure C 15

AGV

8/4

जी.एल. 19/G.L. 19  
जनरल 99 छोटा/Genl. 99-Small.

उत्तर रेलवे/NORTHERN RAILWAY

Copy

216

No 13/E/CB

Office of I.O. W/CB

Lko dt, 7-3-81.

The D.C.O.S.

Amr, Lko

Sub-Verification of  
Service of casual  
labourers

Ref. - Your letter No. 310-E/  
Welfare/Pt II dt. 31/12/80.

Ref. above, The Under-noted  
Staff has not worked under me:-

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

Inspected by  
Inspector of Works, CB  
N.Rly, Lucknow.

Attested

L. S. 25/10/81

Attested

सहायक कार्मिक अधिकारी (मंडार)

उत्तर रेलवे साबनवाग

बलनडा

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

उत्तर रेलवे/NORTHERN RAILWAY

Dy. Controller of stores' office, Alambagh. Lucknow  
Confidential

No. 318-E/Misc/confdl/Welfare

dt. 09-3-81

The office Supdt.,  
 EST, AMV. Depot, LKO.

12-3-81

Sub. Verification of Service  
 of casual khallan

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

S. No.	Name	Father's Name
1.	Shri Kapil Rao	Sh. Ram Lagan
2.	" Ram Bahadur	" Ganga Prasad
3.	" Vijai Singh	" Dwarika Prasad Singh
4.	" Ganga Bux	" Baij Nath
5.	" Pyake Lal	" Raghunandan
6.	" Surya Bux	" Hari Pal

The Service certificates submitted  
 by them showing them to have worked  
 under the I.O.W./CB-LKO, are, therefore,  
 false and they have thus committed

(Contd. on reverse)

Northern Railway

Office order No.E/106

Dated: 13-3-81.

The following casual labour working in Sale section are discharged w.e.f 13.3.81 A.M.

1. Sh. Kapil Deo	S/O	Sh. Ram, Lagan Tlt.	No. S/62.
2. Sh. Vijai Singh	"	Sh. Dwarika Pal Singh	S/65.
3. Sh. Ganga Bux	"	Sh. Baij Nath	S/66.
4. Sh. Pyare Lal	"	Sh. <del>xxxxxx</del>	S/71.
5. Sh. <del>xxxxxx</del>	"	Sh. Raghumandan	S/67.
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. T.K./AMV.
4. Parties concerned.

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

Asstt. Controller

सहायक कर्मिक अधिकारी (महानगर)  
उत्तर रेलवे आलमबाग

बलनका

Asstt. Controller of Stores  
Genl. Stores Dept. N. Ry.  
Alambagh, Lucknow.

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

M.P. 339 LUCKNOW  
Re-application in Registration no. 123 of 1991 (1  
No. 11993  
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 beg 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*  
( S.P. SINHA )  
ADVOCATE

COUNSEL FOR THE APPLICANTS

A66

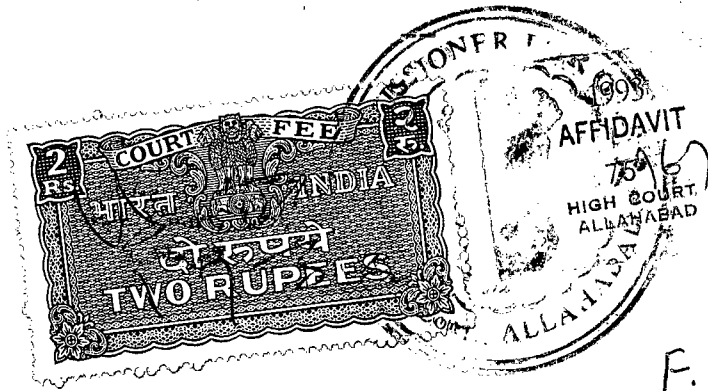
Before the Hon'ble Central Administrative Tribunal,  
Allahabad, Lucknow Bench, Lucknow.

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

7.A.No.1212 of 1907

In:

Writ Petition No. 6343 of 1903



F.F. 2.4.93

Vijai Singh and others.

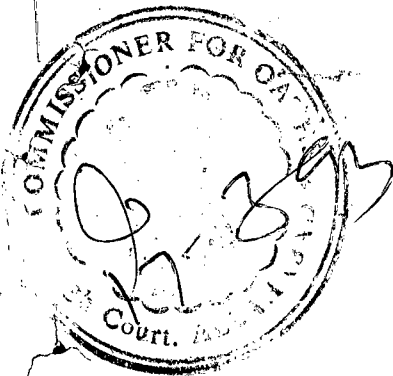
-----Petitioners

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  
Amliha Purwa, Post Saraura, Tahsil Buxi, District 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.

19/6/93

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
		-----
Total:		241 days
		-----

(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 dectetfull 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 :-





AGB

A/10

"Petitioners were discharged from service with effect from 13.3.1981 false and forged Casual Labour <sup>by</sup> card by <sup>The</sup> 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~~)."



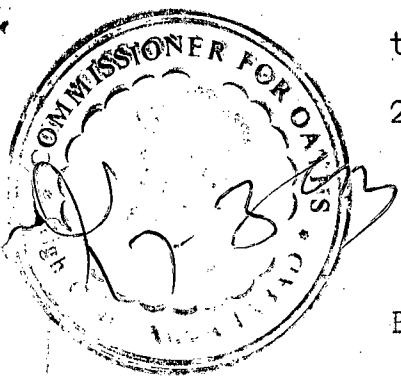
19/11/81

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 <sup>and E(NG) 11-80/CL/25 dated 21.10.80</sup> <sub>and R-3</sub> 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,  
47.3.1993



Deponent

P. N.  
19514114E

A70  
A/2

Verification.

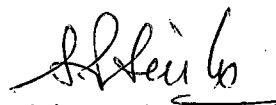
I, the applicant named above do hereby  
verify that the contents of paras 1 to 3  
are true to my own knowledge and those of paras  
4 and 5 are believed by me to be true on  
legal advice and no part of it is false and nothing  
material has been concealed so help me God.

Signed and verified this 17<sup>th</sup> day of January,  
1993 at Lucknow.

21-2-93  


1954148  
Deponent

I identify the applicant who  
has signed before me.

  
Advocate.

Solemnly affirmed before me on 17-3-93  
at 11-35 a.m./p.m. by V-818  
the deponent who is identified by  
Sri S-R-Singh  
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.

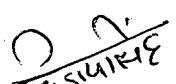
  
N. D. AHUJANI  
OATH COMMISSIONER

High Court, Lucknow Bench, Lucknow

No. 75167

Date. 17-3-93



  
TASIMIR

उत्तर रेलवे

कार्यालय उप मंडार नियंत्रक उ०रे० आलमबाग, लखनऊ

संख्या: 264 ई/आर.

दिनांक: 26-2-1992

- 1- श्री विजय सिंह, पुत्र श्री दारिका पुताद  
ग्राम इमलिहापुरवा, जिला, लखनऊ
- 2- श्री गंगा बरवा पुत्र श्री बैज नाथ  
ग्राम तादामऊ, जिला लखनऊ
- 3- श्री प्यारे लाल पुत्र श्री रघुनन्दन  
ग्राम मोंदपुरवा, जिला लखनऊ ।
- 4- तूर्य बरवा पुत्र श्री हरी पाल  
ग्राम इमलिहापुरवा, जिला लखनऊ ।

विषय:- नियमित रिक्तियों के विरुद्ध रक्ताती / केजुअल लेखर के पद पर नियुक्ति प्रदान किया जाना स्वम्. ती. पी. ती. स्केल प्रदान करते हुए बकाए का भुगतान किया जाना

सन्दर्भ:- आपका पत्र दिनांक 4/9/91, 4/11/91 स्वम् 14/10/91, 20/1/92

उपरोक्त के सन्दर्भ में यह अवगत कराया जाता है कि आपका मामला केन्द्रीय प्रशासनिक अधिकरण तराफि बैच, लखनऊ में विचाराधीन है, ऐसी स्थिति में हस्त कार्यालय द्वारा कोई भी कार्यवाही किया जाना अपेक्षित नहीं है।

कुले उप मंडार नियंत्रक,  
उ०रे० आलमबाग-लखनऊ ।



राजकुमार

26-2-92

P. D.  
विजयासह

Dr. 10/1/81

336

Annexure M.R-2

उत्तर रेलवे

प्रधान कार्यालय  
बडौदा हाउस  
नयी दिल्ली ।

दिनांक 30-6-81.

संख्या:- 220ई/190-X11(ई-4).

समस्त मंडल रेलवे प्रबन्धक, एवं मंडलेतर अधिकारी, उ.रे.,

वित्त सलाहकार एवं मुख्य लेखा अधिकारी

मुख्य लेखा परीक्षक,

प्रमुख कार्मिक अधिकारी (प्र०का०)

महाप्रबन्धक के सहायक सचिव ।

बडौदा हाउस

नयी दिल्ली ।

क्रम संख्या... 7850

विषय:- नैमित्तिक श्रमिक ।

.....

रेल मंत्रालय के पत्रांक.ई(एन जी)।।-77/सी एत/46 दिनांक. 8.6.81.  
की प्रतिलिपि सूचना मार्ग दर्शन एवं आवश्यक कार्रवाई हेतु प्रेषित की जा रही है ।

21 Deynichan 25.6.81  
(लक्ष्मी चंद)

कृते महाप्रबन्धक (का०)

1. महा सचिव, उ०रे०. मजदूर युनियन, 166/2 रेलवे बंगला पचकुइया रोड, नयी दिल्ली ।
2. महा सचिव, नार्दन रेलवे, मेड स युनियन: 12 चेम् सफेड रोड, नयी दिल्ली (20-पति०) ।

सहगत-22.6.81.

प्रमाणित

COMMISSIONER FOR RAILWAYS

17-8-81

(335) A73

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

No.E(NG)II-77/CL/4G NEW DELHI. Dated: 8.6.81  
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 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 continuous service should be done by Assistant Officer.

.....2.

Taslim  
17-8-81

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 Depots., concerned, in consultation with the FA & CAO, 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 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, locosheds, 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.

**\*\*PG\*\***  
22.6.81.



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d) For specialised labour such as Earth-moving Plant drivers, mechanics, divers, rivotters, dollymen, heaters, 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.

e)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 trollymen 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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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.

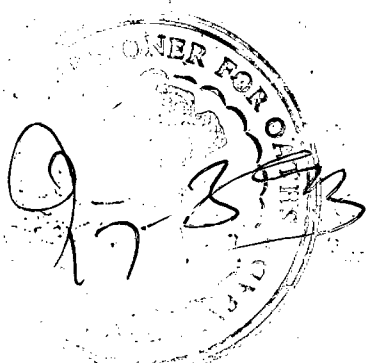
5. As far as possible, casual labour should be engaged only upto the age of 28 years; except for SC/ST candidates where higher age is prescribed in rules. The percentage of reservation for SC/ST laid down for Class IV categories should be followed for engagement of casual labour except in the case of 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 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 the Ministry's letter No. E(NC) 1178/01/12 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) Absorption 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.

NOTE: On the NF Railway, vacancies in Class IV should be filled to the extent of 20% vacancies from amongst casual labour and the rest through the Employment Exchange.

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(see page)  
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(ii) Casual labour employed on projects should, as a rule, be appointed against Class I<sup>V</sup> 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, punkhpullers 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 along with others based on the total length of their service as casual labour.

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vii) As along 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 DIMs 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 casual 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 breaches 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

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- 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.

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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/-

(Dwarkanath Dass)

Jt. Director Establishment (N)  
Railway Board.

No: E(NG) II 7761/46

Dated: -6-81.

Copy together with 25 sp. to:-

1. The General Secretary, I.E.T., State Entry Road, New Delhi.
2. The General Secretary, I.E.T., 3 Chinsford Road, New Delhi.

DA: As above.

Sd/-

for Secretary, Railway Board.

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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 lot further, following instructions should be implemented immediately in the absence 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.

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

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

In re --

TAND. 12/2 of 1987

W.P. NO. 6243 of 1983

Application for amendment

- Noted for  
19/4/90
- F. T.  
SSW  
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  
Imiliha 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

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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, <sup>A/89</sup>  
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		Worked Total under. Days.
			From	To	
1.	Casual Labourers/ Khallasi.	Asstt. Controller of Stores, N.R. Vyas Nagar.	21.10.79	31.1.80	Asstt. Controller 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 ~~8/00~~ 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/outside 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


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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."

- P r a y e r -

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

Lucknow, dated,  
.4.1990

  
Advocate.  
Counsel for the applicants.

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

Writ Petition No. 6343 of 1983. <sup>A/21</sup>

*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. ~~N. E. Railway Board, New Delhi.~~
2. ~~Railway Service Commission Board, Allahabad.~~
- (X)(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. Dull-  
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

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

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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		Worked under.	Total days.
			From	To		
1.	Casual Labourers/ Khalasi.	Asstt. Controller of Stores, N.R.Vyas Nagar.	21-10-79	31.1.80	Asstt. Controller of Stores, N.R.Vyas Nagar.	103

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S.No.	Name of Post	Appointed by.	Worked		Worked To under.	Total days.
			From	To		
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/outsideers 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

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~~ 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.

A/98

- 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

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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

20/5/90

  
Advocate.

Counsel for the petitioners.

Note: There is no defect in this writ petition.

  
Advocate.

Counsel for the petitioners.



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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.

le9  
Dated Lucknow, the 19 April, 1993.

P. D.  
1951414E  
APPLICANT :

Verification

I, Vijai Singh, the Applicant do hereby verify that the contents of paras 1 to 16 A of this Application of Amendment are true to my personal knowledge and those of paras 3-16 B 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.

P. D.  
1951414E  
APPLICANT.

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

T.A.No. 1212 of 1987

No. CAT/A11d/Jud 40542 dated the 29/5/89

Vijay Singh

APPLICANT(S)

VERSUS

Union of India

RESPONDENT(S)

TO

- 1- Shri Rajiv Narain, 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 25th  
day of August 1989.

dinesh/

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

C199

No. CNT/Adm/Jud/ 5144 dated the 21.9.90.  
T.A. No. 1212/87 (T)  
(W.P. No. 6243/83)  
Registration No. \_\_\_\_\_ of 1990

Vijai Singh Sothars APPLICANT

VERSUS

Union of India RESPONDENT

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

(4) The Assistant Controller of Stores  
N.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.

DEPUTY REGISTRAR

Encl = Copy of Petition with  
Court's order dated 30.8.90.  
And Amended Petition copy.

A/106  
C200

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CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

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

VIJAY SINGH

....  
Versus

UNION OF INDIA & OTHERS ....

Applicant.

RESPONDENTS.

30.8.1990

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

Hon'ble Mr.K.Obayya, 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~~<sup>ed</sup>  
~~one~~ 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.

// TRUE COPY //



SD/

*[Signature]*  
Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench.  
Lucknow

*Amended Copy*

~~AMENDED COPY.~~ *201*

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

TA 1212/1973 *A/107*

Writ Petition No. 6343 of 1982.

*In the Central Administrative Tribunal  
Civil Bench - Lucknow*

1. Vijay Singh, aged about 23 years,  
son of Sri Dwarika Prasad Singh,  
resident of Imliha Purwa, P.O.  
Saraura, P.S. Madiyava, Distt. Lucknow.
2. Ganga Bux Yadav, aged about 25 years,  
son of Sri Balj Nath Yadav, resident  
of Sahasau, 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  
Imliha Purwa, P.S. Saraura, P.S.  
Madiyava, Distt. Lucknow.
4. Pierey Lal, aged about 23 years,  
son of Sri Raghunandan, resident of  
village Bhurpurwa, Post Saraura,  
District Lucknow.

-----Petitioners

Versus

*Amended Copy*

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

TA 1212/1973

Writ Petition No. 6343 of 1982.

*In the Central Administrative Tribunal  
Allahabad Bench - Lucknow*

1. Vijay Singh, aged about 23 years,  
son of Sri Dwarika Prasad Singh,  
resident of Imliha Purwa, P.O.  
Saraura, P.S. Badiyava, Distt. Lucknow.
2. Ganga Bux Yadav, aged about 23 years,  
son of Sri Balj Nath Yadav, resident  
of Sehnamau, P.O. Indaura Legh, P.S.  
Bakshi-ke-Taleb, District Lucknow.
3. Surya Bux, aged about 23 years, son of  
Sri Haripal, resident of village  
Imliha Purwa, P.O. Saraura, P.S.  
Badiyava, Distt. Lucknow.
4. Harey Lal, aged about 23 years,  
son of Sri Meghnandan, resident of  
village Bhurpurwa, Post Saraura,  
District Lucknow.

-----Petitioners

Versus

14/10/9

C283

-2-

they were transferred to Lucknow where they joined on 14.12.1929 and worked upto 31.12.1930.

6. That the petitioners were again given work with effect from 13.1.1931 to 13.3.1931.

7. That after 13.3.1931 the petitioners were not called upon to work as Mahalsis in spite of the fact that posts of Mahalsis are still in existence and many persons juniors to the petitioners recruited in the year of 1932 are being given regular work.

8. That not only this but several posts of Mahalsis 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 Mahalsis.

10. That the petitioners are entitled to be treated as regular Mahalsis.

11. That the petitioners are entitled to be treated as regular Mahalsis.

12. That the petitioners are entitled to be treated as regular Mahalsis.

21.10.29

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C206

-7-6-

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 13.2.1983.

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 Kasia.
- 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



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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 -

- 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.

*[Signature]*

C208

- ii) Because retaining persons juniors to the petitioners as Khaleasis 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 Khaleasis 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 "Khaleasis" forthwith and pay their salaries as and when due

*[Signature]*

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by declaring that non-engagement of the applicants w.e.f. 14.3.1981 and onwards by opposite parties No. 2 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,  
2.5.1983  
30. 8. 1990

Advocate,  
Counsel for the petitioners.

Note: There is no defect in this writ petition.

Advocate,  
Counsel for the petitioners.



*11/5 C211*

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

HONORABLE JUDGE 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 xxxxxx~~

It is requested in this connection that

Cont.....