

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

TA 1508/87 Vol. No 201/84

CAUSE TITLE OF

NAME OF THE PARTIES.....

.....Applicant

Versus

.....Respondent

Part A,B & C

Sl. No.	Description of documents	Page
1	Index sheets	A1 to A3
2	order sheets	A4 to A8
3	Orderment order dt 25-4-89	A9 to
4	Copy of petition/annexure	A10 to A41
5	Power	A42
6	Received dt 24-14/89 Application	A43 to A49
7		
8		
9		
10		
11		
12		
13		

CERTIFICATE

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

Wade & act

Dated... 3/5/12...

Counter Signed.....

P/c destroyed on 9-5-12

Section Officer / In charge

Signature of the
Dealing Assistant

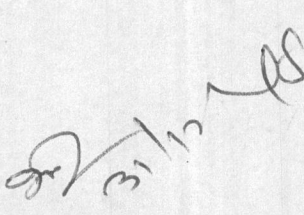
CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

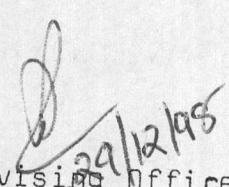
FORM OF INDEX

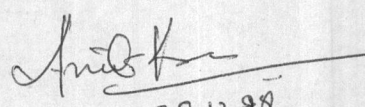
O.A./T.A./R.A./C.C.P./ No. 1508 ----- 1987

Shagwan Deen & Ors.
PART - I

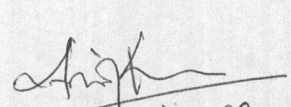
1. Index Papers :- 1 to 3.
2. Order Sheet :- 4 to 8.
3. Any other orders :- Pl. 471/84 (Disposed) (9)
4. Judgement :- (10) Judgement dt. 25-4-1989 of SAT. K.
5. S.L.P. :-


Dy. Registrar


Supervising Officer


20-12-98
Dealing Clerk

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


20-12-98
Dealing Clerk

V.K. Mishra

①

Annexure - A

CAT- 82.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

A/

INDEX - SHEET

CAUSE TITLE T.A. 1508/87 OF 190

One of the Parties Bhagwan Deen & others

Versus

Union of India & ors

Part A, B and C.

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
A.	General Index	1
A ₁	Order Sheet	3
A ₂	Judgement dt 25-4-89 (Dismissed)	1
A ₃	Application for the Respondent.	2
B.	Vakalatnama (Power)	1
B ₁	Misc. Application for Transfer	1
B ₂	Noties	9
File A.	High Court Original Record (W.P. No. 201-84)	
File B.	High Court Bench Copy	

हालान्त प्रलापति

15/5/89

CIVIL SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case *W.P. No. 201-84*
Name of parties *B. Roywan Deen vs. Union of India*
Date of institution *12-1-84* 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 Domes and affidavits	32	-	1202.00			
	2	Power	1	-	5.00			
	3	Contd. 471/67 1984 July	1	-	5.00			
	4	order sheet	1	-	-			
	5	Buck Copy	1	-	-			

this _____ day of _____ 198 , _____ examined
I compared the entries on this sheet with the papers on the record. I have made all necessary certify that the paper correspond with the general index, that they bear Court-fee stamps value of Rs. _____ that all orders have been carried out, and that the record is complete to the date of the certificate,

Munsarlm
Clerk

10. Dafedar Singh aged about 28 years, son of Makarant Singh, resident of Village Salrahi P.O. Lalpur, District Bahraich.
11. Ghan Shyam [✓]aged about 27 years son of Mathura resident of Village Samunahe P.O. Visesarganj, District Bahraich.
12. Ganga Prasad aged about 24 years son of Thakur Prasad, resident of village Raotara P.O. Visesarganj District Bahraich.

... Petitioners

VERSUS

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Assistant Engineer, N.E. Railway Bahraich, district Bahraich.

... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF
CONSTITUTION OF INDIA.

To

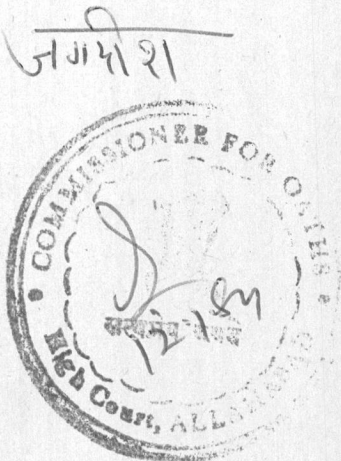
The Hon'ble Chief Justice and his other companion Judges of the aforesaid Court.

.....

The humble petitioners named above most respectfully showeth as under.

1. That through the present Writ Petition the petitioners are challenging the validity of the notices of termination terminating the services of the petitioners with effect from 16.1.1984 by way

... 2



(4)

32

Mark 23
10-28-73

Adj. Note
on behalf of opposite
party to be taken
by the United States.

In the meantime
the opinion of the
national body (American
and 1-12) shall
remain stayed. It
will, however, be open
to opposite party
to take any
disciplinary action
against the petitioners.

G. H.
12-1-74
4

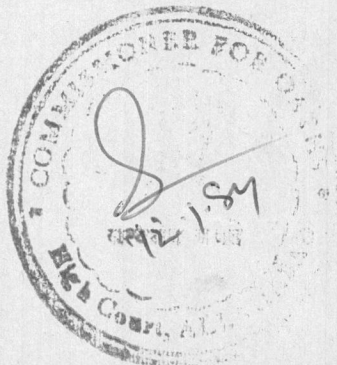
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

WRIT PETITION NO. OF 1984

201

1. Bhagwan Deen aged about 32 years
son of Ayodhaya, resident of
Village Paturkhee P.O. Sheodaha
District Bahraich.
2. Bachoo Lal aged about 24 years,
son of Millan, resident of Munderwa
P.O. Vishwasarganj, Dist. Bahraich.
3. Dularey aged about 30 years, son of
Ram Lakhan, resident of Village & P.O.
Chilwaria, Distt. Bahraich.
4. Imtiaz Ali aged about 26 years, son
of Sahban Ali, resident of Village
Godaura, P.O. Satparia, District
Bahraich.
5. Sattar Ali aged about 23 years, son
of Asharaf Ali, resident of Village
Moharana, P.O. Chilwaria District
Bahraich.
6. Ram Sukh aged about 28 years, son of
Ram Saray, resident of Village Rewali
P.O. Sarsa District Bahraich.
7. Jagdish aged about 29 years, son of
Bachoo Lal, resident of village and
P.O. Chilwaria Distt. Bahraich
8. Prem Nath aged about 26 years, son
of Ram Adhar, resident of village
Gurdutt purwa P.O. Lalpur district
Bahraich.
9. Sunder Lal aged about 29 years, son
of Pussa resident of village Koluha
P.O. Chilwaria, Dist. Bahraich.

जगदीश



(5)

Recd Copy for 12-1-84

Chandra

12-1-84

at 11 AM

in Unsub Chandra

MEMO.

Two impressed Rs-1000/-
Twenty Adhesive Rs-200/-

Total Rs-1200/-

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

In time up to

Papers filed. Copy of F. C.
Should also be filed.

Wgts - Bench. Inx

Impugned orders 1 to 12

Dt-13-12-83

Dist. Banarich

Indra
12-1-84
So.
Rm
12-1-84

(6)

CAT/J/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

.....

Q.A./T.A. No. 1500 1987

Bhagwan Deen Das. Applicant(s)

Versus

Union of India Respondent(s)

Sr. No.	DATE	Orders
---------	------	--------

9.8.88 Office report

W.P. No 201/84 has been received
on transfer from Hon'ble High
Court, Lko.

W.P. is admitted on 12.1.84 and

stay continued.

CA and RA not filed.

Notice on behalf of opposite
parties has been taken by
Sr. Anil. Sthallker and files
his vakalatnama.

Notice of applicant has
been issued by regd post.

Non served regd cover
has been return back.

Submitted for orders

JSR
21/8/88

12.10.88 W.P. No one appears for the
applicant. Send fresh notice
again to the applicant as well as
to the counsel, fixing 24.9.89

Proceedings

Notice send to the applicants JSR

and his counsel fixing 24.9.89 as respondent

JSR
24/8/88

A/2

(7)

TA 1500/07 (7)

Sr. No.	Date	Orders
---------	------	--------

29.9.00

Lr

office to report by 17.11.00
whether notices issued have been
returned or not.

Lr

17.11.00

DL

Order dt- 29.9.00 has
not been completed with my
office. But up on 21.12.00
with complete report regarding
the service of notices

Lr
DR

25/1/05

DR

No reply filed. Reply can be
filed by 24.2.89.

Lr
D.R.

24-2-89

D.R.

No Reply Filed. Reply can
be filed by 23/3/89

Lr
D.R.

29.3.89

DR

The counsel for the respondent
is present. He ^{wants to file} has filed an application
for dismissing the case as the order
for termination has been withdrawn.
The case may be listed before court
for orders on 24-4-89.

K. datta

Maharajli

as

(8)

A/3

A/x

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LACHO.

TA 1508 of 87 B

O.A./T.A. No. _____ 198

Applicant(s)
Versus

Respondent(s)

Sr. No.	Date	Orders
---------	------	--------

29/3/89	<u>DR</u>	The counsel for the respondent is present. He wants to file an application. He may file the same on 24/4/89.
---------	-----------	--

maharudra
29/4/89

OR

Counsel for respondents has not filed any application so far as intended on previous date. No Counter has so far been filed. Submitted for orders

26.4.89

Hon'ble D. S. Mishra, AM
Hon'ble D. K. Agrawal, JM

Sr. Amit Sholkar, counsel for respondents has filed an application requesting that the application be dismissed as infructuous.

As
2/4

(8)

A1/3

A/X

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LACHO.

TA 1508 of 87 13

O.A./T.A. No. _____ 198

Applicant(s)
Versus

Respondent(s)

Sr. No.	Date	Orders
---------	------	--------

29/3/89	<u>DR</u>	The counsel for the respondent is present. He wants to file an application. He may file the same on 24/4/89.
---------	-----------	--

maharandya
29/4/89

OR

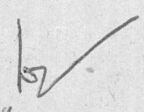
Counsel for respondents has not filed any application so far as intended on previous date. No Counter has so far been filed for order.

26.4.89

Hon'ble D. S. Mishra, AM
Hon'ble D. K. Agrawal, JM

Sr. Anit Sholkar, counsel for respondents has filed an application requesting that the application be dismissed as infructuous.
Order Reserved.

Am
24/4


A.M.

J.M.

Am
28/4

①

②

Received copy of the order dated 28/4/89
for Sr. Anit Sholkar
mes 28/4/89
11/5/89

3

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

C.M. AN. NO. 421 (W) OF 1984.

IN RE: 201

WRIT PETITION NO. 201 OF 1984



Bhagwan Deen and others Petitioners-
Applicants.

Versus

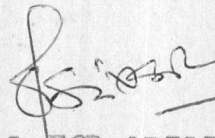
Union of India & others Opp. Parties.

STAY APPLICATION

The abovenamed Petitioners-applicants most respectfully state as under:

That for the facts and circumstances disclosed in the accompanying Writ Petition and Affidavit it is most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the operation of the impugned notices of termination dated 13.12.1983 contained in Annexures-1 to 12 of this Writ Petition and direct the Opposite parties to treat the petitioner in continuous employment during pendency of the instant Writ petition, or to pass any other appropriate order or direction which this Hon'ble Court deems just and proper in the circumstances of the case. For this act of kindness the applicants shall ever pray.

LUCKNOW DATED
JAN. 12. 1984.


COUNSEL FOR APPLICANTS.

Read copy

PL 8

12-84 88

How to 80.

How 80 85

For address see
our order of date,
passed on the
basis of the
petition.

See to

12-84
8

RESERVEDCENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW
CIRCUIT BENCH

Registration T.A No. 1508 of 1987.

Bhagwan Deen & others Petitioners.

Versus.

Union of India & others... Respondents.

Hon. D.S. Misra, A.M.

Hon. D.K. Agarwal, J.M.

(By Hon. D.K. Agarwal)

This Writ Petition filed in the High Court of Judicature at Allahabad, Lucknow Bench has been received for decision under the provisions of section 29 of Administrative Tribunals Act. The prayer in the Writ Petition was for quashing the impugned notice of termination, Annexures 1 to 12, dated 13.12.1983.

2. The petitioner did not appear. The counsel for the respondent only appeared and made an application to the effect that the impugned order of termination dated 13.12.1983 has already been withdrawn and therefore the Writ Petition be dismissed as infructuous. The communication by the Railway Administration to the learned counsel for the respondent has been annexed alongwith the application which is also to the effect that the termination order had been withdrawn and services of the petitioner restored.

3. In the above circumstances this Writ Petition is dismissed as infructuous with ^{no} ~~any~~ order as to costs.

D.K. Agarwal

Member(J)

S. Kumar

Member(A)

Dated: 25th / April, 1989.
brc/

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

WRIT PETITION NO. 201 OF- 1984.

Bhagwan Deen and others Petitioners

Versus

Union of India & Others Opp. Parties.

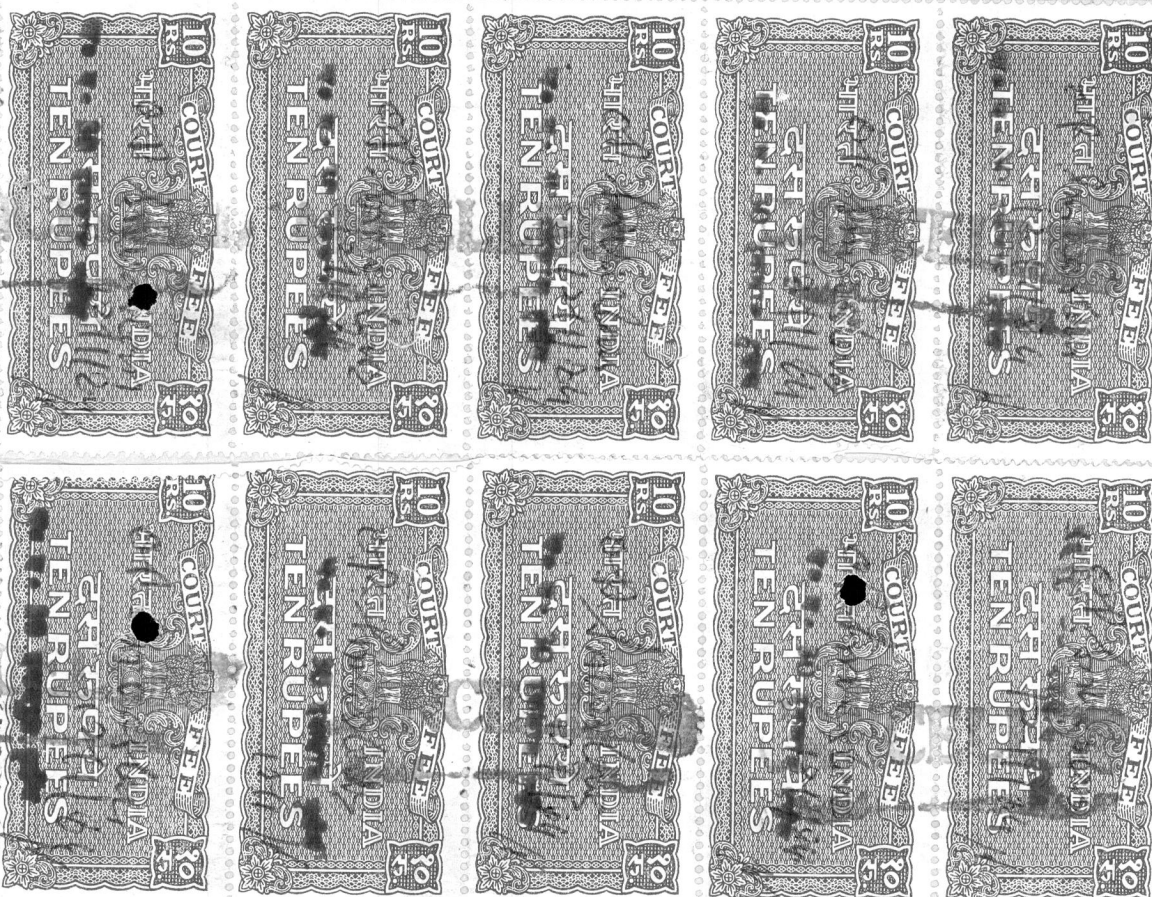
I N D E X

<u>Sl. NO.</u>	<u>DESCRIPTION OF PAPERS</u>	<u>PAGE NO.</u>
1.	Writ petition	1 - 12
2.	Annexure - 1) Impugned order/ to) Notices of Annexure -12) termination dated 13.12.1983.	13 - 24
3.	Annexure - 13 Lies of Service Record of the petitioners	- 25
4.	Annexure - 14 Railway Board's letter no.PC/72/R -T-62/3(1) dated 12.7.1973.	26 - 28
5.	Affidavit	29 - 30
6.	Vakalatnama (Power)	- 31

(O.P. SRIVASTAVA)
ADVOCATE
COUNSEL FOR THE PETITIONERS.

LUCKNOW DATED
JANUARY 12, 1984.

500Rs.



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

Ant Petitioner to

of 1984.

Bhagwan Deen Sothras

Petitioners

Union of India & others

vs

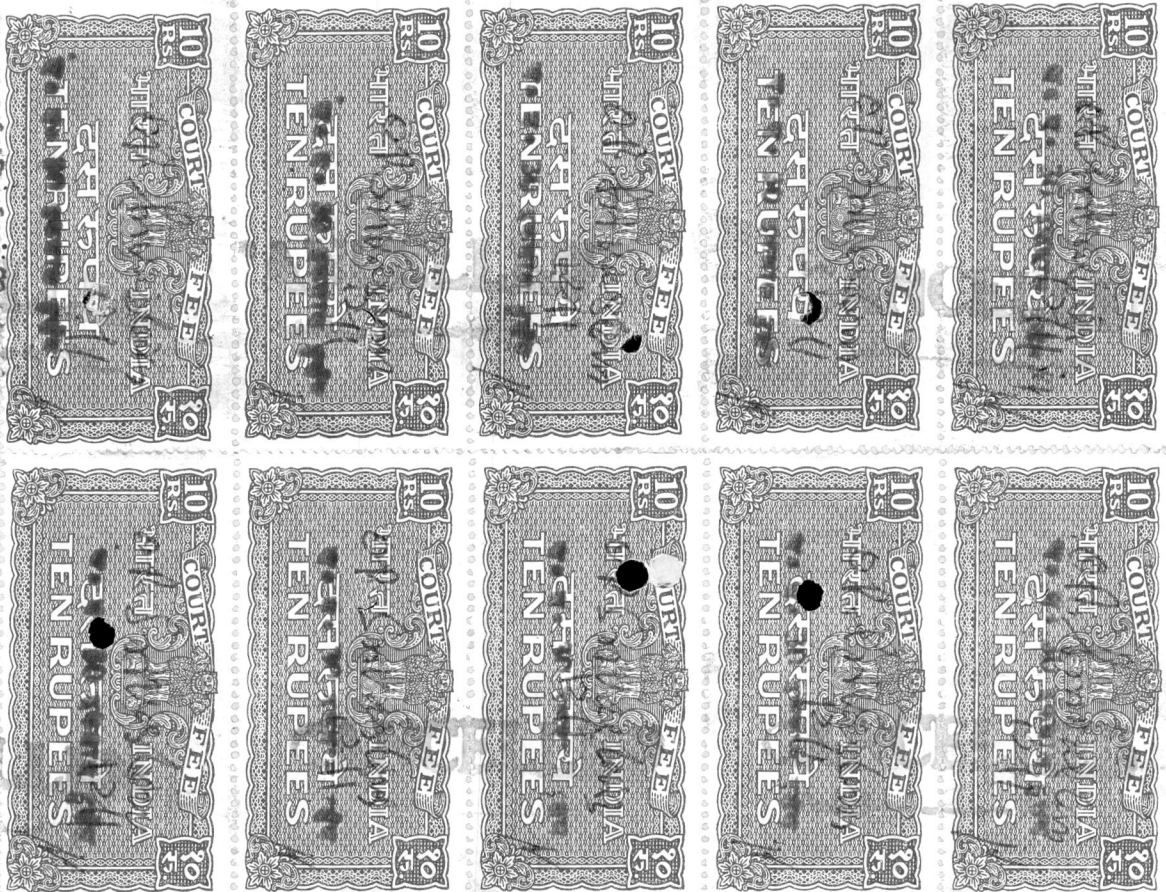
opp. Parties

Lucknow Dated

12-1-1984

[Signature]
Hon

Stamp = 500/-
10-EP = 100/-
Rs. 600/-
Ran
12-1-84



12mp = 500/-
10cf = 100/-
Rs 600/-

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

Writ Petition No
12-1-84 Bhagwan Deen. & others

of 1984.
Petitioners

Union of India & others

Opp. Parties

Lucknow dated
12/1/84.

[Signature]
for

K/a

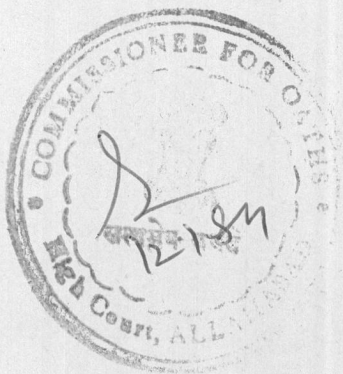
of punishment straight way, not only violating all the rules and regulation pertaining to Disciplinary and Appeal Rules but also violating the principles of natural justice. True copies of the notices of termination issued to the petitioner are being filed herewith as Annexures-1 to 12 to this Writ Petition.

ANNEXURES- 1
TO 12

2. That the petitioners were initially appointed as general casual labourers in Lucknow Division of North Eastern Railway in its Engineering Branch and are working under the Opposite Party No. 2 right from July 1982 uninterruptly and regularly with utmost dedication and devotion to the entire satisfaction of the superiors. The Opposite Party No. 2 is directly working under the administrative control of Divisional Railway Manager, Engineering Lucknow. A copy of the record of Service of the petitioners in tabular form is being filed herewith as Annexure-13 to this Writ Petition.

ANNEXURE -13

3. That the petitioners were also issued a card known as 'Record of Service as Casual Labour' containing various information inter alia the date of initial appointment, nature of job at each occasion. Since no appointment letter is issued at the occasion of the engagement hence it is the only cognizable

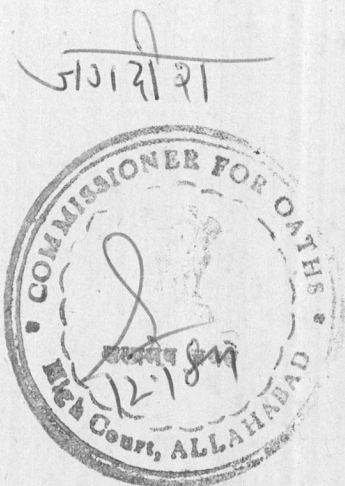


document regarding the services of the petitioners. Instructions printed ~~say~~ inside the card also specifically says that it is the only evidence with regard to the service and no other document is cognizable in this regard.

4. That since the petitioners were appointed as a general labours in open line maintenance work and not into any project work as a work charged labour for completing a specific work in a specific time, hence after completion of 120 days uninterrupted continuous service they acquired the status of a temporary employee in view of the Railway Board's circular no.PC/72/R-T-69/3(1) dated 12.7.1973. and as a sequel of which the petitioners are enjoying the revised scale of pay (Rs. 196-232). A true copy of the aforesaid circular dated 12.7.1973 is being filed herewith as Annexure-14 to this Writ petition.

ANNEXURE -14

5. That the petitioners have not only completed 120 days of continuous service required for attaining the status of temporary employee but have also rendered more than 240 days of continuous service under the provision of Industrial Dispute Act 1947. Therefore apart from being applicable the provision of Indian Railways Establishment Code (hereinafter referred to as Code I) and Chapter XXIII of the Indian



Railway Establishment Manual along with Railway Servants (Discipline and Appeal) Rules 1968 hereinafter referred to as Rules of 1968), the provision of Industrial Dispute Act 1947 were also become applicable.

6. That a perusal [✓] of the cyclostyled impugned notice of termination contained in Annexures-1 to 12 to this Writ Petition obviously reveal that it is not a termination simplicitor as it gives one month's notice under the provision of Rule 149 of Code I read with Section 25-F(a) of the INDUSTRIAL [✓] Dispute Act 1947, but as a matter of fact the impugned notices have been issued as a measure of penalty by way of punishment because the reason for issuance of the impugned notice have been shown ~~on~~ [✓] as "leaving work at the breach site between majara Tikoniya without permission".

7. The the similar cyclostyled notices of termination have been issued to all the petitioners mechanically without application of [✓] mind. The impugned notices do not indicate specifically as when the petitioners left the work at the site without permission as alleged.



8. That the petitioners have never been given any show cause notice or the chargesheet asking explanation of the alleged charge of absence from duty without permission. Indeed the Opposite party No. 2 has illegally issued these impugned notices of termination without observing the provision of Rules 1968 pertaining to the enquiry and punishment and thus violated the provision of Article 311(2) of the Constitution of India and the principles of natural justice by not affording any opportunity to the petitioners to meet the allegation/charges levelled against them.

9. That the petitioners have never absented themselves from the site without permission and the action of the Opposite Party No. 2 is a victimisation and exploitation of the labour. It contains a definite motive to expell the petitioners from the employment by hook or crook.

10. That even if assuming that the petitioners absented themselves from duty even then absence from duty is a misconduct and for that the Opposite Party NO. 2 was not at liberty to terminate the services of the petitioners illegally resorting to provision of section 25-F (a)

जगदीश

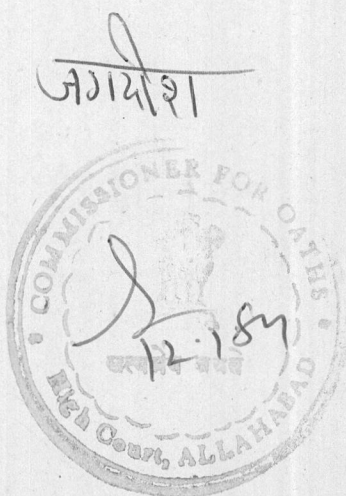


✓

as apparently he has issued notices of termination.

11. That in case assuming that the impugned notices of termination have been issued under the provisions of 25-F and 25-G of the Industrial Act 1957 then also the provision of the valid retrenchment has not been followed as neither any seniority list was prepared nor the Opposite Party No. 2 is a competent authority to issue notices under the Industrial Dispute Act 1947 as he is not the Employer for effecting the valid retrenchment. A number of juniors are still working while the petitioners have been issued the illegal notices of termination from their services. Some of the names of the juniors who are still working and who have not been issued the notices of ^{2 termination/2} retrenchment are given below:-

1. Ganga Ram, son of Asharfi
2. Surje, son of Ayodhaya
3. Chinta Ram, son of Paten Din
4. Jagdeo, son of Bhagwati
5. America son of Bhagwati
6. Dharam Raj
7. Raja Ram
8. Raksha Ram
9. Dashrath son of Faiku Lal.
10. Khunnu Lal son of Mathura
11. Alakh Ram



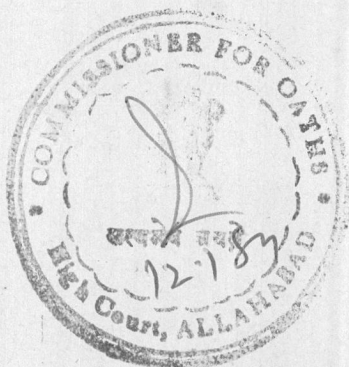
1/8

12. Satya Prakash, son of Raghav
13. Samokhan, son of Bhagwati Prasad
14. Jokhu
15. Sumiran
16. Siya Ram
17. Mewa Lal
18. Chet Ram
19. Prahlad
20. Raghubar
21. Sital
22. Ghanshyam
23. MUNna
24. Cheddi
25. Putti Lal
26. Ram Manohar
27. Raja Ram
28. Raj Kumar
29. Shiv Narain.

12. That the petitioners have been discriminated and the Opposite Parties have adopted 'pick and chose' policy while issuing the impugned notices of termination which were totally unwarranted and illegal.

13. That once the petitioners have completed 120 days of their continuous service they became entitled to get a status of temporary railway servant as provided under Chapter XXIII of the Indian Railway Establishment Manual. But simultaneously as they have also completed

जगदीश



more than 240 days of their continuous employment the stipulated provisions relating to the retrenchment such as 25-F of Industrial Dispute Act 1947 Rule 76 and 77 of the Industrial Disputes (Central) Rules 1957 are to be followed and the Opposite Parties was not competent to resort to any other provisions except as given under Rule 149(6) of the Code I.

14. That the petitioners are the poor Class IVth employees and their services will come to an end after 16.1.1984 by way of illegally issued impugned notices of termination by an incompetent authority who is totally lacking jurisdiction to issue such notices of termination of services of the petitioners. It is expedient in the interest of justice that this Hon'ble Court may interfere into the matter and stay the operation of the impugned illegal notices of termination during pendency of the instant Writ Petition. In case the operation of the impugned notices of termination has not been stayed the petitioners shall be thrown out of employment illegally and they will suffer great irreparable loss along with their families as they are having no other means of their livelihood.

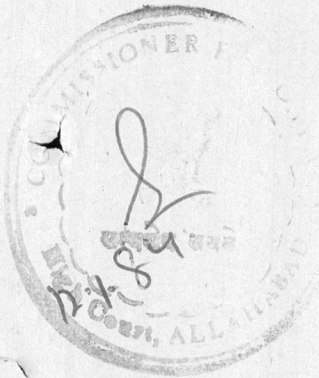


15. That being aggrieved from the illegal action of the Opposite Parties in issuing the illegal notices of termination ousting the petitioners from the employment which is unwarranted and in violation of not only the provisions of the various Rules and Regulations but also in violation of the principles of natural justice, the petitioners having no other equally effective efficacious alternative remedy challenging the validity of the impugned notices of termination inter alia amongst the following:

G R O U N D S

- i) Because the impugned notices of termination have been issued as a measure of penalty by way of punishment without affording any opportunity to the petitioners.
- ii) Because the Opposite Party No. 2 has no jurisdiction to issue the impugned notices of termination as he is not the employer as required under the provisions of Industrial Disputes Act 1947.
- iii) Because the provisions of retrenchment are totally wanting and absenting as

5/11/91



8/8/91

neither any categorywise seniority list was prepared nor there is any legitimate ^{reason} ~~action~~ for effecting the retrenchment.

iv) Because ~~absente~~ from duty is a misconduct and the ^{punishment} ~~misconduct~~ cannot be affected by issuing such illegal notices of termination and the proper course which should be taken was the disciplinary action and enquiry as required under Rules 1968.

v) Because no opportunity of showing cause whatsoever has ever been given to the petitioners and straight way action of termination from services is illegal and unwarranted as well as it amounts to removal of the petitioners from service.

vi) Because the Opposite Party NO. 2 is not at liberty to act as per his own whims ignoring all the Rules and Regulations. On the one hand by issuing the impugned notices he wanted to show that the termination is simplicitor while on the other hand he gives reason of issuance of such impugned notices as 'left out site' without permission.

- vii) Because the petitioners have acquired the status of a temporary Railway Servant as they have completed 120 days of their continuous employment and are getting the revised pay scale as also mentioned in the impugned notices. As such they can only terminate the services under the provisions of Rule 149(6) of the Code I.
- viii) Because the impugned notices of termination does not specifically say the period of absence and it has very vaguely been referred that the petitioners has left work at the breach site without permission.
- ix) Because the issuance of the impugned notices of termination is totally unwarranted and arbitrary as there is was no occasion to issue these notices of termination mostly in the circumstances when ~~as~~ neither the work load was going to be reduced nor the posts were abolished not the establishment was going to be closed.
- x) Because the issuance of the impugned notices of termination is victimisation of the petitioners and this action amounts to exploitation of the labours.

12/12

P R A Y E R

WHEREFORE it is most respectfully prayed
that this Hon'ble Court may graciously be
pleased:

- a) to issue a writ, order or direction in
the nature of certiorari quashing the
impugned notices of termination Annexures-
1 to 12 dated 13.12.1983. ~~contained in~~
- b) to issue a writ, order or direction in
the nature of mandamus directing and
commanding the Opposite parties to
treat the petitioners in continuous
employment with full benefits.
- c) to issue any other suitable orders which
this Hon'ble Court deems just and proper
in the circumstances of the case.
- d) to ~~issue~~ award the cost of the petition.



(O.P. SRIVASTAVA)
ADVOCATE

COUNSEL FOR THE PETITIONER.

LUCKNOW DATED
JANUARY 12, 1984.

13
A/24

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 1

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Bhagwan Deen
S/o Sri Agodhga
C/o P.W.I/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 13.12.
1983 (A/N) after expiry of one month from 13.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

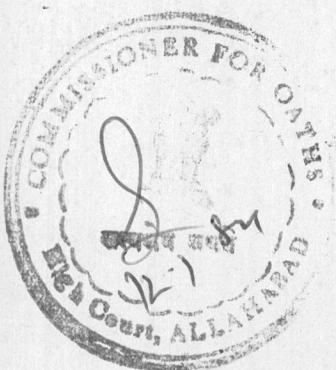
Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

5/11/84



14

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

WRIT PETITION NO. OF 1984

Bhagwan Doen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 2

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Bachoolal
S/o Sri Millan
C/O PWI/R/NNP

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 15.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

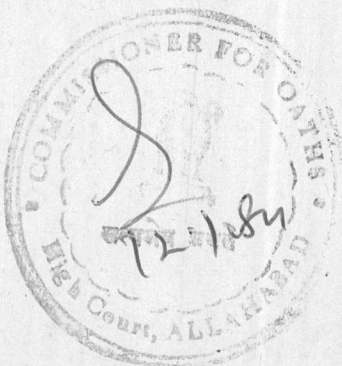
Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY



5/12/83

15

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. parties.

ANNEXURE - 3

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Dularey
S/O Sri Ram Lakhan
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

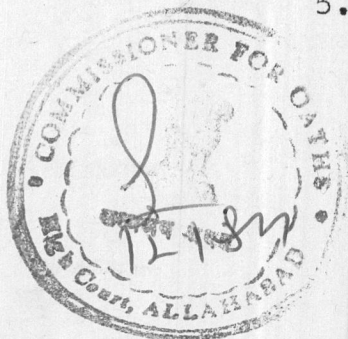
The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
~~ex~~ for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.



Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

5/12/83

16
A/27

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

WRIT PETITION NO. OF 1984

Bhagwan Doen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 4

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Intaj ali
S/o Sri Subhan ali
C/O PWI/R/NNP

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 13.12.
1983 (A/N) after expiry of one month from 13.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Copy to:-

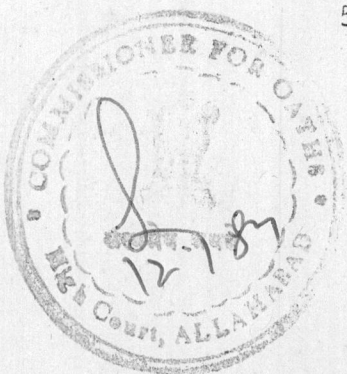
Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
~~ex~~ for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

5/12/81



17

8/8

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others Petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 5

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Sattan ali
S/o Ashraf ali
C/o PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.o.f. 15.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

Topy to:-

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
~~for~~ for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

जगदीश



18

A/29

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Partics.

ANNEXURE - 6

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Ram Sukh
S/o Sri Ram Aray
C/O PWI/R/NNP

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 15.12.
1983 (A/N) after expiry of one month from 15.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

Topy to:-

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

5/12/83



19
A/30

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 7

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Jagdish
S/o Sri Bachoudal
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 15.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

Topy to:-

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy

for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

जगदीश



20

A/3

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 1

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Prem Nath
S/o Sri Ram adhar
C/o PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

Topy to:-

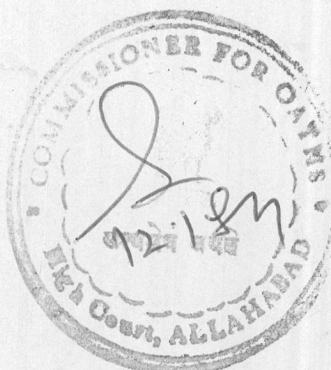
1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP

5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

जगदीश



91

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD ^{12/3}
SITTING AT LUCKNOW

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 9

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Sunder Lal
S/O Sri Rusa
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

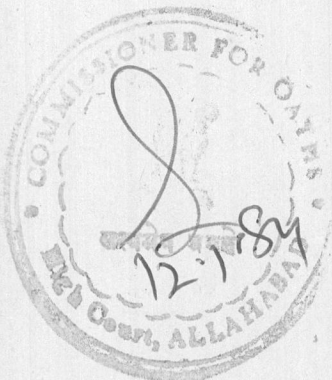
Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

12/12/83



22

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

WRIT PETITION NO. _____ OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 10

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Dafedar Singh
S/o Sri Makaram Singh
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 13.12.
1983 (A/N) after expiry of one month from 13.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

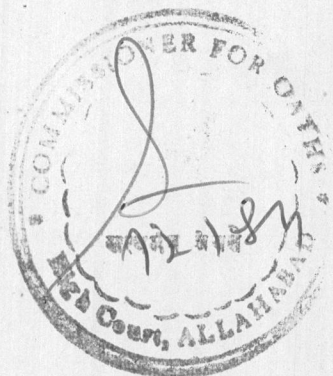
Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

जादीश



23

18/34

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Partics.

ANNEXURE - 11

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Ghanshyam
S/o Mathura
C/o PWL/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

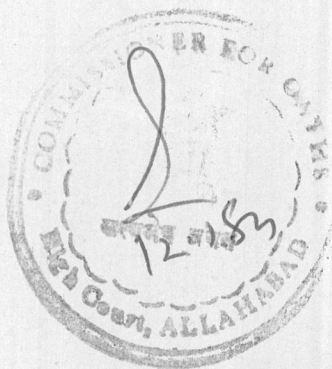
The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

Topy to:-

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWL/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.



Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

12/12/83

24

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

WRIT PETITION NO. _____ OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 12

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Banga Pd.
S/O Sri Thakur Pd.
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 15.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

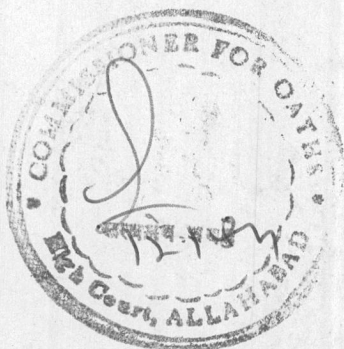
Please acknowledge receipt.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

Topy to:-

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy

for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceding months as per ID Act
1947.



Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

13/12/83

25
K/30

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

WRIT PETITION OF 1984.

Bhagwan Deen and others Petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 13

RECORD OF SERVICE

SL. NO.	NAME	Date of initial appointment	At present continuous-ly working from	No. of days were done (in days) Approx.
1.	Bhagwan Deen	16.10.72	16.7.1982	3,300
2.	Bachoo Lal	16.10.76	16.7.1982	2,000
3.	Dularey	1.1.73	16.6.81	3,000
4.	Intiaz Ali	14.11.77	16.7.82	1,500
5.	Sattar Ali	4.8.78	16.7.82	1,000
6.	Ram Sukh	16.8.78	16.7.82	1,000
7.	Jagdish	17.5.73	16.7.81	4,000
8.	Prem Nath	16.6.75	16.7.82	1,000
9.	Sunder Lal	17.5.73	16.7.1981	3,500
10.	Dafedar Sang	1978	16.7.82	1,000
11.	Ghanshyam	16.17.X.75	25.5.82	3,000
12.	Ganga pd.	1978	16.7.82	1,000

जगदीश



26

25

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

WRIT PETITION NO. OF 1984.

Bhagwan Deen and others Petitioners
Versus
Union of India & Others Opp. Parties.

ANNEXURE - 14

NORTH EASTERN RAILWAYS

Sl.No.2907 Office of the General Manager
S.A. NO.2882 (P) GORAKHPUR
NO. F/57/1(iv) Dated 4.8.1972.

All Heads of Department
All Dvl. Supdts.
All personnel OFFICERS
All Extra Divisions.
North Eastern Railways.

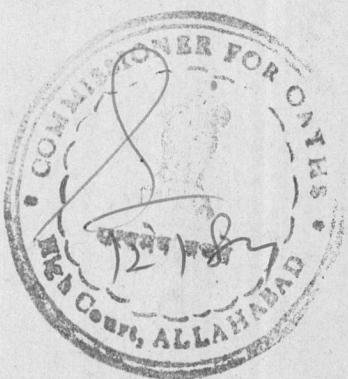
Subject : EMPLOYMENT OF CASUAL LABOURERS
IN RAILWAYS.

A copy of Railways Board's letter NO.PC/72/R-
T-62/3(1) DATED ^{12.7.73} ~~12.7.72~~ IS SENT HERE WITH for
information and guidance.

sd/-

For General Manager (P).

Copy of Railways Board's letter No.PC/72/RL/
T-69/3(1) dated 12.7.1973 addressed to the
General Manager All Indian Railways and others.



Subject: EMPLOYMENT OF CASUAL LABOURS
IN RAILWAYS.

....

The Railways Labour Tribunal I-1965 which was appointed by Government under permanent negotiation Machinery deal in with demands in regard to which could not be reached between the Railway Board and the Organised Labour has inter alia made the following recommendation in respect of issues relating to Casual Labour.

- 2 26(4) (A) - The period of maximum service for earning temporary status should be at four months instead of six.
- 4.26(4) (ii) - If casual labour is engaged on work which automatically expire on 31st March, the continuity of his service shall not be regarded as broken if sanction for that work is given subsequently and same casual labour is employed to finish the work provided further that no casual labour shall be prevented from working as such jobs, as to deprive him of earning the status of Temporary Railway Worker".

2. The Government have accepted the above recommendation of the Tribunal and accordingly it has been decided by the Railway Board that Casual LABOUR other than those employees in Projects should be treated as Temporary after the expiry of four months continuous employment instead of six months as at present laid down in Board's letter NO. B(N.p) 60CL13 dated 23.6.1982 as amended from time to time and incorporated under para 2501(b) (i) and B(iii) of the Chapter XXV of the Indian Railways Establishment Manual.

3. It has also been decided that if a Casual labour is engaged on works which automatically expire on 31st March, there should be no break in



28

his service provided that sanction for that work is given subsequently and the same casual is employed to finish the work. It should also be ensured that no casual labourer is prevented from working on a job so as to deprive him of earning the status of temporary Railway Servants.

4. Necessary correction slip to Chapter XXV of the Indian Railway Establishment Manual in accordance with the decisions contained in para 2 shall follow.

Dated Lucknow

No. WC/DES 27th September, 193

Copy to AEN/X&N/LJN. Sts.G.O./BEK and C/PK C/GK for information and necessary action.

Copy to all Way Works subs. for information and necessary action.

DIVISIONAL SUPDT. (ENGG.)

LJN.

TRUE COPY.

12/1/34



29

80

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

WRIT PETITION NO. _____ OF 1984.



1984
AFFIDAVIT
92
HIGH COURT
ALLAHABAD

Bhagwan Deen and others Petitioners

Versus

Union of India and others Opposite Parties.

A F F I D A V I T

I, Jagdish, aged about 29 years son of
Bachho Lal, Village and post Chilwaria, district
Bahraich, do hereby solemnly affirm and state
as under:

1. That the deponent is the petitioner no. 7
and pairokar for other petitioners in the above
noted Writ petition and is fully conversant
with the facts of the case.

2. That the contents of paras 1 to 15 of
this Affidavit are true to my personal knowledge,
except the legal averments which are believed
to be true on the basis of legal advice.

...



3. That the Annexures to the accompanying Writ Petition are true copies of the respective originals, except the Annexure-13 which the list of Service Record of the petitioners.

LUCKNOW DATED
JANUARY 12, 1984.

जगदीश
DEPONENT.

VERIFICATION

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

LUCKNOW DATED
JANUARY 12, 1984.

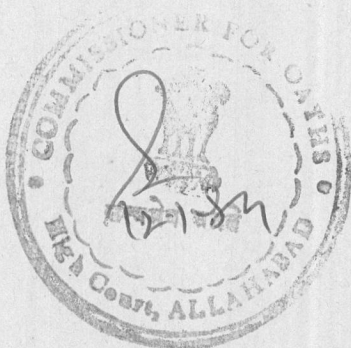
जगदीश
DEPONENT.

I identify the deponent who has signed before me.

df
ADVOCATE.

Solemnly affirmed before me on 12.1.84 at 8.45 AM by the deponent who has been identified by Sri Osm Prakash Srivastava, Advocate, Allahabad HIGH Court, Lucknow Bench, Lucknow.

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



High Court, Allahabad
Lucknow Bench
No. 52/208/84
Date 12.1.84

1272 Honble High Court of Allahabad
Lucknow Bench

ब अदालत श्रीमान

महोदय

वादी ^{dehri} (मुद्दे)
प्रतिवादी (मुद्दाअलेह)

का वकालतनामा

win. dehn. No

2/1
of 1984



10/25
12/1/84

Bhagwan dhar Sars
बनाम

वादी (मुद्दे)

Union of India Sars

प्रतिवादी (मुद्दाअलेह)

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

O.P. Sarsar

एडवोकेट

महोदय

वकील

नाम अदालत

नं० मुकद्दमा

नाम करीब

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

हस्ताक्षर ^{भगवान दी} ^{देहरी}

साक्षी (गवाह) साक्षी (गवाह) ^{जि. ३. १. १. १.}

दिनांक महीना

Signature of Dularay

A2

• • • • •

REGISTRATION CASE NO. 1508 OF 1987 (T)

◆ ◆ ◆

Union of India and others Respondents

1. That ~~in view of the facts stated in the accompany-~~
~~ing affidavit/reply~~, it is not necessary to file a
detailed counter affidavit, to the present writ petition.
The impugned order of termination dated 13.12.1983
having been withdrawn the present petition has become
infructuous and is liable to be dismissed as such.

It is, therefore, most respectfully prayed that the present writ petition may be dismissed as having become infructuous.

Amit S Thalekar
Counsel for the Respondents.

Dated: 28.3.89

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

WRIT PETITION NO. OF- 1984.

Bhagwan Deen and others Petitioners

Versus

Union of India & Others Opp. Parties.

I N D E X

<u>Sl. NO.</u>	<u>DESCRIPTION OF PAPERS</u>	<u>PAGE NO.</u>
1.	Writ petition	1 - 12
2.	Annexure - 1) Impugned order/ to) Notices of Annexure - 12) termination dated 13.12.1983.	13 - 24
3.	Annexure - 13 List of Service Record of the petitioners	- 25
4.	Annexure - 14 Railway Board's letter to PC/72/R -T-62/3(1) dated 12.7.1973.	26 - 28
5.	Affidavit	29 - 30
6.	Vakalatnama (power)	- 31

LUCKNOW DATED
JANUARY 12, 1984.

(O.P. SRIVASTAVA)
ADVOCATE
COUNSEL FOR THE PETITIONERS,

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

WRIT PETITION NO. _____ OF 1984

1. Bhagwan Deen aged about 32 years
son of Ayodhaya, resident of
Village Paturkhee P.O. Sheodaha
District Bahraich.
2. Bachoo Lal aged about 24 years,
son of Millan, resident of Munderwa
P.O. Vishwasarganj, Dist. Bahraich.
3. Dularey aged about 30 years, son of
Ram Lakhan, resident of Village & P.O.
Chilwaria, Distt. Bahraich.
4. Intiaz Ali aged about 26 years, son
of Sahban Ali, resident of Village
Golaurs, P.O. Satparia, District
Bahraich.
5. Sattar Ali aged about 23 years, son
of Asharaf Ali, resident of Village
Moharana, P.O. Chilwaria District
Bahraich.
6. Ram Sukh aged about 28 years, son of
Ram Saray, resident of Village Rewali
P.O. Sarsa District Bahraich.
7. Jagdish aged about 29 years, son of
Bachoo Lal, resident of Village
P.O. Chilwaria Distt. Bahraich
8. Prasad

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

WRIT PETITION NO. _____ OF 1984

1. Bhagwan Deen aged about 32 years
son of Ayodhya, resident of
Village Paturkhee P.O. Sheodaha
District Bahraich.
2. Bachoo Lal aged about 24 years,
son of Millan, resident of Munderwa
P.O. Vishwasarganj, Dist. Bahraich.
3. Dularey aged about 30 years, son of
Ram Lakhan, resident of Village & P.O.
Chilwaria, Distt. Bahraich.
4. Intiaz Ali aged about 26 years, son
of Sahban Ali, resident of Village
Godaure, P.O. Satparia, District
Bahraich.
5. Sattar Ali aged about 23 years, son
of Asharaf Ali, resident of Village
Moharana, P.O. Chilwaria District
Bahraich.
6. Ram Sukh aged about 28 years, son of
Ram Saray, resident of Village Rewali
P.O. Sarsa District Bahraich.
7. Jagdish aged about 29 years, son of
Bachoo Lal, resident of village and
P.O. Chilwaria Distt. Bahraich
8. Prem Nath aged about 26 years, son
of Ram Adhar, resident of village
Gurdutt purwa P.O. Lalpur district
Bahraich.
9. Sunder Lal aged about 29 years, son
of pussa resident of village Koluha
P.O. Chilwaria, Dist. Bahraich.

10. Dafedar Singh aged about 28 years, son of Makarant Singh, resident of Village Salrahi P.O. Lalpur, District Bahraich.
11. Ghan Shyam aged about 27 years son of Mathura resident of Village Samunaha P.O. Visesarganj, District Bahraich.
12. Ganga Prasad aged about 24 years son of Bhakur Prasad, resident of village Raotara P.O. Visesarganj District Bahraich.

... Petitioners

VERSUS

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Assistant Engineer, N.E. Railway Bahraich, district Bahraich.

... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF
CONSTITUTION OF INDIA.

To

The Hon'ble Chief Justice and his
other companion Judges of the
aforesaid Court.

.....

The humble petitioners named above most
respectfully sheweth as under.

1. That through the present Writ Petition the petitioners are challenging the validity of the notices of termination terminating the services of the petitioners with effect from 16.1.1984 by way

of punishment straight way, not only violating all the rules and regulation pertaining to Disciplinary and Appeal Rules but also violating the principles of natural justice. True copies of the notices of termination issued to the petitioner are being filed herewith as Annexures-1 to 12 to this Writ Petition.

ANNEXURES- 1
TO 12

2. That the petitioners were initially appointed as general casual labourers in Lucknow Division of North Eastern Railway in its Engineering Branch and are working under the Opposite Party No. 2 right from July 1982 uninterruptly and regularly with utmost dedication and devotion to the entire satisfaction of the superiors. The Opposite Party No. 2 is directly working under the administrative control of Divisional Railway Manager, Engineering Lucknow. A copy of the record of Service of the petitioners in tabular form is being filed herewith as Annexure-13 to this Writ Petition.

ANNEXURE -13

3. That the petitioners were also issued a card known as 'Record of Service as Casual Labour' containing various information inter alia the date of initial appointment, nature of job at each occasion. Since no appointment letter is issued at the occasion of the appointment hence

document regarding the services of the petitioners instructions printed say inside the card also specifically says that it is the only evidence with regard to the service and no other document is cognizable in this regard.

4. That since the petitioners were appointed as a general labours in open line maintenance work and not into any project work as a work charged labour for completing a specific work in a specific time, hence after completion of 120 days uninterrupted continuous service they acquired the status of a temporary employee in view of the Railway Board's circular no.PC/72/R-T-69/3(1) dated 12.7.1973.and as a sequel of which the petitioners are enjoying the revised scale of pay (Rs. 196-232). A true copy of the aforesaid circular dated 12.7.1973 is being filed herewith as Annexure-14 to this Writ petition.

ANNEXURE-14

5. That the petitioners have not only completed 120 days of continuous service required for attaining the status of temporary employee but have also rendered more than 240 days of continuous service under the provision of Industrial Dispute Act 1947. Therefore apart from being applicable the provision of Indian Railways Establishment Code (hereinafter referred

to as Code-II and Chapter XXIV of the Rail-

to as Code I) and Chapter XXIII of the Indian Railway Establishment Manual along with Railway Servants (Discipline and Appeal) Rules 1960 hereinafter referred to as Rules of 1960), the provision of Industrial Dispute Act 1947 were also become applicable.

6. That a perusal of the cyclostyled impugned notice of termination contained in Annexures-1 to 12 to this Writ Petition obviously reveal that it is not a termination simpliciter as it gives one month's notice under the provision of Rule 149 of Code I read with Section 25-F(a) of the INDUSTRIAL Dispute Act 1947, but as a matter of fact the impugned notices have been issued as a measure of penalty by way of punishment because the reason for issuance of the impugned notice have been shown as "leaving work at the breach site between Majara Tikoniya without permission".

7. The the similar cyclostyled notices of termination have been issued to all the petitioners mechanically without application of mind. The impugned notices do not indicate specifically as when the petitioners left the work at the site without permission as alleged.

8. That the petitioners have never been given any show cause notice or the chargesheet asking explanation of the alleged charge of absence from duty without permission. Indeed the Opposite party No. 3 has illegally issued these impugned notices of termination without observing the provision of Rules 1963 pertaining to the enquiry and punishment and thus violated the provision of Article 311(2) of the Constitution of India and the principles of natural justice by not affording any opportunity to the petitioners to meet the allegation/charges levelled against them.

9. That the petitioners have never absented themselves from the site without permission and the action of the Opposite party No. 2 is a victimisation and exploitation of the labour. It contains a definite motive to expell the petitioners from the employment by hook or crook.

10. That even if assuming that the petitioners absented themselves from duty even then absence from duty is a misconduct and for that the Opposite Party NO. 2 was not at liberty to terminate the services of the petitioners illegally resorting to provision of section 25-F (a)

as apparently he has issued notices of termination.

11. That in case assuming that the impugned notices of termination have been issued under the provisions of 25-F and 25-G of the Industrial Act 1957 then also the provision of the valid retrenchment has not been followed as neither any seniority list was prepared nor the Opposite Party No. 2 is a competent authority to issue notices under the Industrial Dispute Act 1947 as he is not the Employer for effecting the valid retrenchment. A number of juniors are still working while the petitioners have been issued the illegal notices of termination from their services. Some of the names of the juniors who are still working and who have not been issued the notices of retrenchment are given below:-

1. Ganga Ram, son of Asharfi
2. Surje, son of Ayodhaya
3. Chinta Ram, son of Paten Din
4. Jagdeo, son of Bhagwati
5. America son of Bhagwati
6. Dharam Raj
7. Raja Ram
8. Raksha Ram
9. Dashrath son of Faiku Lal.
10. Khunnu Lal son of Mathura
11. Alakh Ram

12. Satya Prakash, son of Raghav
13. Samokhan, son of Bhagwati Prasad
14. Jokhu
15. Sumiran
16. Siya Ram
17. Mewa Lal
18. Chet Ram
19. Prahlad
20. Raghubar
21. Sital
22. Ghanshyam
23. Munna
24. Cheddi
25. Putti Lal
26. Ram Menohar
27. Raja Ram
28. Raj Kumar
29. Shiv Narain.

12. That the petitioners have been discriminated and the Opposite Parties have adopted 'pick and chose' policy while issuing the impugned notices of termination which were totally unwarranted and illegal.

13. That once the petitioners have completed 120 days of their continuous service they became entitled to get a status of temporary railway servant as provided under Chapter XXIII of the Indian Railway Establishment Manual. But simultaneously as they have also completed

more than 240 days of their continuous employment the stipulated provisions relating to the retrenchment such as 25-F of Industrial Dispute Act 1947 Rule 76 and 77 of the Industrial Disputes (Central) Rules 1957 are to be followed and the Opposite Parties was not competent to resort to any other provisions except as given under Rule 149(6) of the Code I.

14. That the petitioners are the poor Class IVth employees and their services will come to an end after 16.1.1984 by way of illegally issued impugned notices of termination by an incompetent authority who is totally lacking jurisdiction to issue such notices of termination of services of the petitioners. It is expedient in the interest of justice that this Hon'ble Court may interfere into the matter and stay the operation of the impugned illegal notices of termination during pendency of the instant Writ Petition. In case the operation of the impugned notices of termination has not been stayed the petitioners shall be thrown out of employment illegally and they will suffer great irreparable loss along with their families as they are having no other means of their livelihood.

15. That being aggrieved from the illegal action of the Opposite Parties in issuing the illegal notices of termination ousting the petitioners from the employment which is unwarranted and in violation of not only the provisions of the various Rules and Regulations but also in violation of the principles of natural justice, the petitioners having no other equally effective efficacious alternative remedy challenging the validity of the impugned notices of termination inter alia amongst the following:

G R O U N D S

- i) Because the impugned notices of termination have been issued as a measure of penalty by way of punishment without affording any opportunity to the petitioners.
- ii) Because the Opposite Party No. 2 has no jurisdiction to issue the impugned notices of termination as he is not the employer as required under the provisions of Industrial Disputes Act 1947.
- iii) Because the provisions of retrenchment are totally wanting and absenting as

neither any categorywise seniority list was prepared nor there is any legitimate action for effecting the retrenchment.

iv) Because absence from duty is a misconduct and the misconduct cannot be affected by issuing such illegal notices of termination and the proper course which should be taken was the disciplinary action and enquiry as required under Rules 1968.

v) Because no opportunity of showing cause whatsoever has ever been given to the petitioners and straight way action of termination from services is illegal and unwarranted as well as it amounts to removal of the petitioners from service.

vi) Because the Opposite party No. 2 is not at liberty to act as per his own whims ignoring all the Rules and Regulations. On the one hand by issuing the impugned notices he wanted to show that the termination is simpliciter while on the other hand he gives reason of issuance of such impugned notices as 'left out without permission.

- vii) Because the petitioners have acquired the status of a temporary Railway Servant as they have completed 120 days of their continuous employment and are getting the revised pay scale as also mentioned in the impugned notices. As such they can only terminate the services under the provisions of Rule 149(6) of the Code I.
- viii) Because the impugned notices of termination does not specifically say the period of absence and it has very vaguely been referred that the petitioners has left work at the breach site without permission.
- ix) Because the issuance of the impugned notices of termination is totally unwarranted and arbitrary as there is was no occasion to issue these notices of termination mostly in the circumstances when ~~ew~~ neither the work load was going to be reduced nor the posts were abolished not the establishment was going to be closed.
- x) Because the issuance of the impugned notices of termination is victimisation of the petitioners and this action amounts to exploitation of the labours.

P R A Y E R

WHEREFORE it is most respectfully prayed that this Hon'ble Court may graciously be pleased:

- a) to issue a writ, order or direction in the nature of certiorari quashing the impugned notices of termination Annexures- 1 to 12 dated 13.12.1983. contained in
- b) to issue a writ, order or direction in the nature of mandamus directing and commanding the Opposite parties to treat the petitioners in continuous employment with full benefits.
- c) to issue any other suitable orders which this Hon'ble Court deems just and proper in the circumstances of the case.
- d) to issue award the cost of the petition.

(O.P. SRIVASTAVA)
ADVOCATE

COUNSEL FOR THE PETITIONER.

LUCKNOW DATED
JANUARY 12, 1984.

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 1

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri _____

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 15.12.
1983 (A/N) after expiry of one month from 13.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others Petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 2

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Bachchal
S/o Sri Millan
C/o PWI/R/NNP

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f.15.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Copy to:+

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Partics.

ANNEXURE - 3

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Dularay
S/o Ram Lakhan
C/O PWI/R/NNP

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 15.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 1

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To

Sri Intaj Ali
S/o Sri Subhmanjari
S/o PWI/R/NNP

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
~~ex~~ for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Partics.

ANNEXURE - 5

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri

Sd/- Asstt. Engineer
Bahraich
13.12.83

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 15.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TON without
permission.

Please acknowledge receipt.

Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP-

5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 6

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Ram Sukh

Sd/- Ram Sukh
Sd/- PWI/R/NNP

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

Copy to:-

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
~~ex~~ for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 7

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Jagdish
S/o Sri Bachoudal
C/o PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Doen & Others Petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 9

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Sunder Lal
S/o Sri Rusa
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - A

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Bhem Nath
S/o Sri Ram adhar
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TON without
permission.

Please acknowledge receipt.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

Topy to:-

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP

5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Partics.

ANNEXURE - 10

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Datinder Singh
Sd/- M. K. Singh
Sd/- P. W. R. / NNP

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Copy to:+

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE - 11

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Ghanshgaur
S/o Sri Mathura
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f.15.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Copy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION NO. OF 1984

Bhagwan Deen & Others petitioners

Versus

Union of India & Others Opp. Parties.

ANNEXURE -

12

NORTH EASTERN RAILWAY

No.E/227/1/BRK

Office of Asstt. Engineer
Bahraich, Dated 13.12.83.

To Sri Ganga Pd
Sri Shakti Pd
C/O PWI/R/NNP.

Sub:- Notice for termination of service of casual
labours in casual labour rate/R.S. of pay.

PLEASE take notices that your services will not be
required by the Railway Administration w.e.f. 16.12.
1983 (A/N) after expiry of one month from 18.1.1984.

The reason for termination of your services for
leaving work at the breach site bet. MJPB-TQN without
permission.

Please acknowledge receipt.

Topy to:-

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

1. DRM/Engg./LJN
2. DRM/P/LJN
3. Sr.DAO/LJN
4. IEC/C/GKP
5. PWI/R/NNP for information alongwith one spare copy
for notice board. He should draw the termination
compensation i.e. half month pay for each 240 days
completed in 12 preceeding months as per ID Act
1947.

Sd/- Banwari Ram
Asstt. Engineer/Bahraich.

TRUE COPY

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

WRIT PETITION OF 1984.

Bhagwan Deen and others Petitioners
Versus
Union of India & Others Opp. Parties.

ANNEXURE - 13

RECORD OF SERVICE

SL. NO.	NAME	Date of initial appointment	At present continuously working from	No. of days work done (in days) Approx.
1.	Bhagwan Deen	16.10.72	16.7.1982	3,300
2.	Bashoo Lal	16.10.76	16.7.1982	2,000
3.	Dularey	1.1.73	16.6.81	3,000
4.	Intiaz Ali	14.11.77	16.7.82	1,500
5.	Sattar Ali	4.8.78	16.7.82	1,000
6.	Ram Sukh	16.8.78	16.7.82	1,000
7.	Jagdish	17.5.73	16.7.81	4,000
8.	Prem Nath	16.6.75	16.7.82	1,000
9.	Sunder Lal	17.5.73	16.7.1981	3,500
10.	Dafedar Sang	1978	16.7.82	1,000
11.	Chanshyam	16.17.X.75	25.5.82	3,000
12.	Ganga pd.	1978	16.7.82	1,000

The Railways Labour Tribunal I-1965 which was appointed by Government under permanent negotiation Machinery deal in with demands in regard to which could not be reached between the Railway Board and the Organised Labour has inter alia made the following recommendation in respect of issues relating to Casual Labour.

2 26(4) (A) - The period of maximum service for daring temporary status should be at four months instead of six.

4.26(4) (ii) - If casual labour is engaged on work which automatically expire on 31st March, the continuity of his service shall not be regarded as broken if sanction for that work is given subsequently and same casual labour is employed to finish the work provided further that no casual labour shall be prevented from working as such jobs, as to deprive him of earning the status of Temporary Railway Worker".

2. The Government have accepted the above recommendation of the Tribunal and accordingly it has been decided by the Railway Board that Casual LABOUR other than those employees in Projects should be treated as Temporary after the expiry of four months continuous employment instead of six months as at present laid down in Board's letter NO. B(M.p) 60CL13 dated 23.6.1962 as amended from time to time and incorporated under para 2501(b) (i) and B(111) of the Chapter XXV of the Indian Railways Establishment Manual.

3. It has also been decided that if a Casual labour is engaged on works which automatically expire on 31st March, there should be no break

from which a job is to be done

of temporary railway

4. Necessary correction also to Chapter XXV

of the Indian Railway Establishment Manual in

accordance with the decisions contained in para

2 shall follow.

Dated Lucknow

No. C/252 27th September, 193

Copy to GEN/XXV/LN, Secy. G.O./LNK and

Copy C/OK for information and necessary action.

Copy to all way works subs. for information

and necessary action.

DIVISIONAL SUPD. (ENOC.)

LNK.

TRUE COPY.

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

WRIT PETITION NO. _____ OF 1984.

Bhagwan Deen and others Petitioners

Versus

Union of India and others Opposite Parties.

AFFIDAVIT

I, Jagdish, aged about 29 years son of
Bachho Lal, Village and post Chilwaria, district
Bahraich, do hereby solemnly affirm and state
as under:

1. That the deponent is the petitioner no. 7
and paisakar for other petitioners in the above
noted writ petition and is fully conversant
with the facts of the case.
2. That the contents of paras 1 to 15 of
this Affidavit are true to my personal knowledge,
except the legal averments which are believed
to be true on the basis of legal advice.

...

3. That the Annexures to the accompanying Writ Petition are true copies of the respective originals, except the Annexure-13 which the list of Service Record of the petitioners.

LUCKNOW DATED
JANUARY 12, 1984.

DEPONENT.

VERIFICATION

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

LUCKNOW DATED
JANUARY 12, 1984.

DEPONENT.

I identify the deponent who
has signed before me.

ADVOCATE.

Solemnly affirmed before me on
at AM/PM by the deponent who
has been identified by Sri O m
Prakash -rivastava, Advocate,
Allahabad HIGH Court, Lucknow
Bench, Lucknow.

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

HON'BLE HIGH COURT OF JUDICATURE AT AMLAHABAD
SITTING AT LUCKNOW

C.M. AN. NO. (10) OF 1984.

IN RE:

WRIT PETITION NO. OF 1984

Bhagwan Deen and others Petitioners-
Applicants.

Versus

Union of India & others Opp. Parties.

STAY APPLICATION

The abovenamed petitioners-applicants most respectfully state as under:

That for the facts and circumstances disclosed in the accompanying Writ Petition and Affidavit it is most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the operation of the impugned notices of termination dated 13.12.1983 contained in Annexures-1 to 12 of this Writ Petition and direct the Opposite parties to treat the petitioner in continuous employment during pendency of the instant writ petition, or to pass any other appropriate order or direction which this Hon'ble Court deems just and proper in the circumstances of the case. For this act of kindness the applicants shall ever pray.

LUCKNOW DATED
JAN. 1984.

COUNSEL FOR APPLICANTS.

IN THE CENTRAL ADMINISTRATION TRIBUNAL, ADDL. BENCH AT
ALLAHABAD

.....

APPLICATION

IN

REGISTRATION CASE NO. 1508 OF 1987 (T)

Bhagwan Deen

..

...

Applicant

Versus

Union of India and others Respondents

The humble petition of the abovenamed respondents
Most Respectfully Showeth as under :-

1. That in view of the facts stated in the accompanying ~~affidavit~~ ~~reply~~, it is not necessary to file a detailed counter affidavit, to the present writ petition.
The impugned order of termination dated 13.12.1983 having been withdrawn the present petition has become infructuous and is liable to be dismissed as such.

P R A Y E R

It is, therefore, most respectfully prayed that the present writ petition may be dismissed as having become infructuous.

Counsel for the Respondents.

Dated: 28.3.89.