

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CA 213/87

CAUSE TITLE ..... OF .....

NAME OF THE PARTIES ..... D.C. Mishra ..... Applicant

Versus

..... C.O.F. 2018 ..... Respondent

Part A.

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16		
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18		

CERTIFICATE

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

Dated 22-9-11

Counter Signed.....

Section Officer/In charge

Signature of the  
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow  
Opp. Residency, Gandhi Bhawan, Lucknow  
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INDEX SHEETCAUSE TITLE C.A. 213 of 1987NAME OF THE PARTIES D.S. Misra

Applicant

Versus

Union of India

Respondent

Part A, B & C

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19-11-91

23/3

# CENTRAL ADMINISTRATIVE TRIBUNAL

## ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

A1

Registration No. 217 of 1987

APPLICANT (s) Dinesh Chandra Mishra

RESPONDENT(s) U.O.I. through General Manager N. Rly. New Delhi.

+ 3 others

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent?	Yes
2. (a) Is the application in the prescribed form?	Yes except for reasons that facts of case are given separately on 8/6 to 8/13
(b) Is the application in paper book form?	Yes
(c) Have six complete sets of the application been filed?	Yes, 6 sets filed.
3. (a) Is the appeal in time?	Yes
(b) If not, by how many days it is beyond time?	-
(c) Has sufficient case for not making the application in time, been filed?	-
4. Has the document of authorisation/Vakalat-nama been filed?	Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	Yes

AV

A  
u

ORDER SHEET  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD

.....NO.....213.....OF 1987  
.....VS.....

Sl. No. of Order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	23-3-87	Hon. D.S. Misra-AM Hon. G.S. Sharma-JM	
		In this case the applicant has impleaded a private school as party. We are not satisfied that this is <del>not</del> permissible. The case will be allowed time upto <del>24/4/87</del> 23.4.87 1800 to satisfy us on this point. AM JM	BR Case was -moved to 23 hearing at Salem admission Ans 24
	23-4-87	No sitting. Put up on 15/5/87 for admission AM JM	BR

A7

आदेश की क्रम संख्या  
और तारीख  
Serial Number of  
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो  
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन  
करने की तारीख  
How complied with and  
date of compliance

27-10-87

Hon. S. Zabeer Hasan, V.C.  
Hon. A. John, A.M.

Sh. V.D. Shukla for the  
applicant. None has appeared  
on behalf of the respondents.

Office is directed to  
send a copy of the petition  
to D.R.M., Lucknow, respondent  
no. 3, who can file a counter  
affidavit by 1.12.87. Rejoinder  
affidavit, if any, may be filed  
by 15.12.87 before the Dy  
Registrar (J.) who will thereafter  
fix the date for hearing.

V.C.

A.M.

1/12/87

Registrar

In compliance with Hon'ble  
bench's order dt. 27/10/87, no reply filed  
so far. Put up on 15/12/87.

Registrar

# ORDER SHEET

A 8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

2/6

ALLAHABAD

NO. OA 213/87 OF 198

VS.

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	15/12/87	<p><u>DR</u> In compliance with Hon'ble bench's order dt. 27/7/87 no reply filed so far. None present for the parties. List this case for hearing before court on 7/3/88.</p>	
	7/3/88	<p>Hon. A. Jay John Am. Hon. G. S. Sharma - JM</p> <p>Shri R. R. Srinivasa DR (J) files counter affidavit - today with an endorsement that copy has been served while the petitioner's counsel denies to have received the copy. The respondent's counsel is directed to send a copy of the counter affidavit to Shri V. D. Shikha, counsel for the applicant within a week by post. Refrainer, if any may thereafter be filed within one week. Put up on 7/4/88 for final hearing.</p>	

2/4

2/4

2/4

27-4-88

Hon. S. Zahoor Hasan V.C. (J)  
Hon. A. Johri A.M.

A10

No one appeared for the parties.  
The case is adjourned to 27-5-88.  
Inform the Counsel for both the parties.

3  
A.M.

V.C. (J)

27-5-88. Hon. Ajay Johri, Am  
Hon. G.S. Sharma, JM

Sri V. D. Shukla for the applicant  
and Sri S. S. D. Varma for the respondents  
are present. Sri Varma prays for and  
is granted time to study the case.  
Case is adjourned to being on 20.7.1988.

2  
Am

2  
JM

27.5.88  
Am

20.7.88

Hon. Ajay Johri, Am.

Sri V. D. Shukla for applicant.  
~~Sri R. R. Singh for respondents.~~

On the request of the  
learned counsel for ~~both~~  
the applicant ~~both~~ the case is  
adjourned to 23-8-88  
for final hearing.

Am

2  
Am.

23.8.88 fixed for Hearing

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCULAR BENCH AT LUDHIANA.

\*\*\*\*\*

O.A./T.A. No. 213 1987

A. C. Mirra

Applicant(s)

Versus

U O A

Respondent(s)

Sr. No.	Date	Orders
23-1-89.		<p>Hon. D.S. Mishra, Am. Hon. G.S. Sharma, Jm.</p> <p>Shri V.D. Shukla for the applicant and Shri S.S.D. Verma for the respondents are present. Shri Shukla requests for further supply of the copy of Counter. The same may be given to him by the learned counsel for the respondents. Rejoinders, if any, may be filed within two weeks thereafter. List this case on 23-2-89.</p> <p style="text-align: center;">Jm. Am.</p>
16/2/89		<p><u>GR</u></p> <p>Two week time was allowed to file rejoinder but the same is still pending submitted.</p>
23/2/89		<p>Hon. D.S. Mishra, Am. Hon. G.S. Sharma, Jm.</p> <p>On the request of both the learned counsel for the parties, the case is adjourned to 30/3/89 for final hearing.</p> <p style="text-align: center;">Jm. Am.</p>



91-11-90

Hon. Mr. Justice K. Math. VC  
 Hon. Mr. M. M. Singh, AM.

M.P. No. 680/90 is an application  
 for placing on record the legible  
 copy of T.C. Annamure - L-  
 Allowed. On the adjournment -  
 application of Mr. D. Islergava  
 list for final hearing on  
 23-1-91

M. M. L  
 AM.

VC

23.1.91

No sitting Adj to 19.3.91.

19.3.91

No sitting Adj to 20.5.91.

Amch 13/6/91  
 11/6/91

A16 A/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
CIRCUIT BENCH LUCKNOW

\*\*\*\*\*

REGISTRATION OA NO. 213/1987

D.C. Mishra ... .. Applicant

Versus

Union of India & Others ... .. Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.  
Hon'ble Mr. A. B. Gorthi, Member (A)

(By Hon'ble Mr. Justice U.C.S., V.C.)

The applicant's mother Smt. Yogmaya was a lady <sup>person</sup> ~~women~~ in Divisional Railway Manager Office Northern Railway, Lucknow. She died on 12.7.1984 i.e. one month after the death of her elder son. From the record it appears that her husband ~~was~~ <sup>is</sup> also ~~the~~ <sup>an</sup> retired Railway employee ~~also died one year after his death~~ <sup>who</sup> Smt. Yogmaya left behind the applicant <sup>the</sup> other surviving son and two married daughters. Although in the counter affidavit it has been stated that she left behind three married daughters but written statement apparently is incorrect and is third one is the daughter-in-law i.e. widow of her elder son. The applicant applied for appointment on compenssionate ground. The relationship etc. has not been denied but in the counter affidavit at page 3 for defeating the appointment on compenssionate ground, ~~has been taken~~ <sup>is</sup>. It has been stated that in the T.C. his date of birth has been given but ~~the~~ <sup>an</sup> another T.C. from an unrecognised school which was not got verified by the Welfare Inspector who

verified the earlier T.C. the father's name differs. The applicant has denied filing the same and is stated that it may be <sup>be</sup> mischievous of his sister-in-law. Anyhow even if there was some <sup>discrepancy</sup> sympathetic there was no ground for defeating his claim or right for appointing him on compassionate ground he is the only son and <sup>he</sup> only the person who was claimant for such a post. The <sup>rejection</sup> ~~declaration~~ of the applicant on such a ground is really very <sup>unjustified</sup> ~~jealous~~ and uncalled for. Accordingly we allow the application and direct the respondents to appoint the applicant <sup>& he</sup> for a suitable job in place of his deceased mother within the period of 3 months. No order as to costs.

  
MEMBER(A)

  
VICE-CHAIRMAN

Dated: May 20, 1991

(LUCKNOW)

(ss)

... ..

May be put up on 23/3/87  
Noted for 23/3/87  
18/4/87

(A)

A18

In the Central Administrative Tribunal, Allahabad Bench  
Allahabad.

Reg. No. 213 of 1987

C.O. No.

Add. Secy. to the Bench

By Post

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India and others.

.. Opposite party

Details of Index - item No. 12 of Form 1 (applicant)

Annexure No. 30

<u>S.No.</u>	<u>Details of documents enclosed.</u>	<u>Annexure No.</u>	<u>Pages From</u>
--------------	---------------------------------------	---------------------	-------------------

- |    |  |   |    |
|----|--|---|----|
| 1. | Crossed Indian Postal Order No. DD 554096 dated 16.2.87 for Rs. 50/- from Chowk Post Office Lucknow Payable at Allahabad. (Central Post Office). |   | 1  |
| 2. | Application dated 21.2.87.   |   | 6  |
| 3. | Facts of the case (Details of item 6 of the application).  | 1 |    |
| 4. | Details of remedies exhausted (Item No. 9 of application)  | 2 | 14 |
| 5. | Death Certificate of Smt. Yog Maya-applicant's mother.   | 3 | 17 |
| 6. | Transfer certificate of the applicant from Chandra Shiksha Niketan School, Lucknow.  | 4 | 18 |
| 7. | Result Card of the applicant from 'Chandra Shiksha Niketan, Lucknow'   | 5 | 19 |
| 8. | Legal heir certificate dated 15-1-1985 from the District Magistrate, Lucknow.  | 6 | 20 |

9. Copy of D.O. letter No. 1257/ C/7-25/10/2006/2/558 dated 11-3-86 from Smt. D. S. Sharma SRO (R2) to SRI D. S. Sharma DDO/1206

<u>S.No.</u>	<u>Details of documents enclosed</u>	<u>Annexure No.</u>	<u>From</u>	
			<u>From</u>	<u>To</u>
10.	Representation dated 9-8-84 by applicant to the General Manager, New Delhi.	8	22	23
11.	Representation dated 10-9-84 by the applicant to G.M., N. Rly., New Delhi.	9	24	-
12.	Representation dated 19-10-84 by the applicant to G.M., N. Rly., New Delhi.	10	25	26
13.	Representation dated 8-11-84 by the applicant to G.M., N. Rly., New Delhi.	11	27	28
14.	Representation dated 29-3-86 by the applicant to G.M., N.Rly., New Delhi.	12	29	30
15.	Representation dated 10-1-85 by the applicant to Divl. Rly., Manager, N.Rly., Lucknow.	13	31	32
16.	Representation dated 25-3-86 by the applicant to Divl. Rly., Manager, N.Rly., Lucknow.	14	33	34
17.	Representation dated 9-1-85 by Sri S.B. Misra, applicant's father, to Divl. Rly., Manager, N.Rly., Lucknow.	15	35	36
18.	Representation dated 2-4-85 by Sri S.B. Misra, applicant's father to Divl. Rly., Manager, N.Rly., Lucknow.	16	37	38
19.	Representation dated 10-8-85 by Sri S.B. Misra, applicant's father to Divl. Rly., Manager, N.Rly., Lucknow.	17	39	40
20.	Representation dated 18-9-85 by Sri S.B. Misra, applicant's father to Divl. Rly., Manager, N.Rly., Lucknow.	18	41	-
21.	Representation dated 18-11-85 by Sri S.B. Misra, applicant's father to Divl. Rly., Manager, N.Rly., Lucknow.	19	42	43
22.	Representation dated 6-2-85 by Sri S.B. Misra, applicant's father to Divl. Rly., Manager, N.Rly., Lucknow. New Delhi	20	44	45

L General

6/6/86

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(C)

- 3 -

<u>S. No.</u>	<u>Details of documents enclosed.</u>	<u>Annexure No.</u>	<u>Pages</u>	
			<u>From</u>	<u>To</u>
23.	Representation dated 27-3-85 by Sri S.B. Misra, applicant's father, to Genl. Manager, N. Rly., New Delhi.	21	46	47
24.	Representation dated 14-6-85 by Sri S.B. Misra, applicant's father to Genl. Manager, N. Rly., New Delhi.	22	48	49
25.	Representation dated 6-9-85 by Sri S.B. Misra, applicant's father to Genl. Rly., Manager, N. Rly., New Delhi.	23	50	-
26.	Representation dated 11-2-86 by Sri S.B. Misra, applicant's father to Genl. Manager, N. Rly., New Delhi.	24	51	52
27.	Legal notice dated 30-4-86 by applicant.	25	53	58
28.	of A.D./Legal notice to Union of India, New Delhi.	26	59	-
29.	A.D. of legal notice to Genl. Manager, N. Rly., New Delhi.	27	60	-
30.	A.D. of legal notice to D.R.M. N. Rly., Lucknow.	28	61	-
31.	Letter No. E/WB/A.C.G/2580 dated 10-9-86 from D.R.M. N. Rly., Lucknow to the applicant.	29	62	-
32.	Details of Index.	30	A	C
33.	List of enclosure	(Same as in index).		
34.	Vakalatnama	31.	63	-

Lucknow, Dated:

21-2-1987. *Sh*  
2.3.1987.

*Dinesh Chandra Misra*  
Signature of applicant.

*18/10/87*  
21/2/87.

A21 ①

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

(From No. 1)

C.O. No.

Application under Section 19 of the Administrative  
Tribunal Act, 1985.

For use in Tribunal's Office

Date of filing

<sup>or</sup>  
Date of receipt by post

Registration No.

Signature  
Registrar

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant

And

1. The Union of India,  
Through the General Manager,  
Northern Railway,  
Head Quarters Office, Baroda House, New Delhi.
2. The General Manager,  
Northern Railway,  
Head Quarters Office, Baroda House, New Delhi.
3. The Divisional Railway Manager,  
Northern Railway,  
Divisional Railway Manager's Office,  
Hazratganj, Lucknow.
4. The ~~Principal~~ Head Mistress,  
Chandra Shiksha Niketan School,  
Subhash Marg, Dugavan, Lucknow.

Respondents.

2/6/87.

*[Signature]*

Details of Application.

1. Particulars of applicant :

- (i) Name of applicant - Sri Dinesh Chandra Misra
- (ii) Name of the father - Sri S.B. Misra
- (iii) Designation and office in which employed. - -
- (iv) Office address - -
- (v) Address for service of all notices - Resident of Ram Bhawan,  
C/O Sri G.S. Nigam,  
Thakurganj, Lucknow.

2. Particulars of the respondent:

- (i) Name and or designation of the respondent - (1) The Union of India,  
Through the General  
Manager, Northern  
Railway, Hd. Qrs.  
Office, Baroda House  
New Delhi.
- (ii) Office address of the respondents. -
- (iii) Address for service of all notices. - (2) The General Manager,  
Northern Railway,  
Head Quarters Office,  
Baroda House, New Delhi.
- (3) The Divisional Railway  
Manager, Northern Rail  
Divisional Railway  
Manager's Office,  
Hazratganj, Lucknow.
- (4) The Head Mistress,  
Chandra Shiksha Niketa  
School,  
Subhash Marg, Dugawan,  
Lucknow. ✓ 22/6/87

3. Particulars of the order against which application is made.

The application is against the following orders:-

- (i) Order no. - E/WB/A.C.G./2580
- (ii) Date - 10-9-1986.
- (iii) Passed by - For Divisional Railway Manager  
Lucknow.



A23

3

~~(1838)~~

(iv) Subject in brief

4. Jurisdiction of the Tribunal

- Appointment of Sri Dinesh Chandra Misra, son of late Smt. Yog Maya on compassionate grounds .

5. Limitation

- The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of Tribunal.

6. Facts of the case

- The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

7. Reliefs sought

- Kindly see the facts as given in Annexure no. 1.

- In view of the facts mentioned in para 6 above (Annexure no. 1) the applicant prays for the following reliefs :-

(1) That it be declared that the impugned order No. WB/A.C. 2580 dated 10-9-86 is illegal unconstitutional, arbitrary, perverse, inoperative and ineffective and is liable to be set aside on the <sup>above</sup> detail in paras 14, 15 and 21 of Annexure no. 1 to the application.

(2) That the opposite parties no. 2 and 3 be directed to appoint the applicant on compassionate grounds as a Class IV employee in my category he may be found fit by the competent authority on the grounds as detailed in paras 1 to 13, 16 to 17 and 22 of Annexure no. 1 to the application and also on grounds of equity.

(3) ~~That~~ That the Divisional Railway Manager, (opposite party no. 3) be directed to attend the Hon'ble Court with the copy of Transfer Certificate bearing date of birth and other particulars of the applicant on a date fixed for the purpose and

*Subs*

(11) The Head Mistress (opposite party no. 4) of the school 'Chandra Shiksha Niketan, Lucknow' be also directed to attend the Hon'ble Court with the original records from which T.C. and result card of the applicant were prepared and issued to the applicant to verify its genuineness by the Hon'ble Court on the grounds detailed in paras 18, 19 and 20 of Annexure no. 1 to the application. *22/6/87*

(4) Any other relief be allowed which the Hon'ble Court deems fit and proper.

8. Interim order, if -  
prayed for

Pending final decision on the application the Applicant Nil seeks issue of the following interim orders.

9. Details of the -  
remedies exhausted.

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc. (Kindly peruse details of the remedies in Annexure no. 2).

10. Matter not pending -  
with any other  
court etc.

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. Particulars of Bank -  
Draft/Postal Order  
in respect of the  
application fee.

1. Name of the Bank on  
which drawn

2. Demand Draft No.  
Or

1. Name of the issuing  
Post Office.

Chauk, Lucknow.

2. Number of Indian  
Postal order(s)

DD 554096

*Chauk*

3. Date of issue of Postal order(s) - 16.2.87
4. Post Office at which Payable. - Central Post-office, Allahabad
12. Details of index - Kindly see Annexure no. 30
- An index in duplicate containing the details of the documents to be relied upon is enclosed.
13. List of enclosures - Kindly see details of index, annexure no. 30.

In verification

I, Dinesh Chandra Misra, son of Shri S.B. Misra, aged 23 years, working as residence of Ram Bhawan C/O Sri G.S. Nigam, Thakurganj, Lucknow do hereby verify that the contents of from 1 to 13 are true to my personal knowledge and belief and I have not suppressed any material facts.

Place - Lucknow

Date : 21-2-1987.

Dinesh chandra Misra  
Signature of applicant

To

The Registrar,  
The Central Administrative Tribunal,  
Allahabad Bench,  
Allahabad.

18/2/87

A26  
A/20

In the Central Administrative Tribunal, Allahabad Bench  
Allahabad.

C.T. No.

Between

Dinesh Chandra Misra

.. Applicant

and

The Union of India & others.

.. Opposite parties

Annexure no. 1.

Facts of the case as required under para 6 of  
the application.

1. That the applicant's mother late Smt. Yog Maya Misra who was employed as a Lady Peon in the ~~Principal~~ Divisional Railway Manager's Office, Northern Railway, Hazratganj, Lucknow and who was due her retirement under age limit on 3-9-1996 unfortunately died while in service on 12-7-1984 (copy of death certificate enclosed as Annexure no. 3) leaving behind her the applicant, the only surviving son, his father Sri S.B. Misra, a retired clerk of the Divisional Railway Manager's office, Northern Railway, Hazratganj, Lucknow and two married daughters.

2. That the applicant's elder brother named Sri Satish Chandra Misra, who was a young and promising graduate died on 7-6-1984 and his premature death so adversely told upon the mind and health of his mother Smt. Yog Maya, that she could not bear the shock and she also died on 12-7-1984 shortly after within a period of about one month.

(Signature)

3. That the applicant was fully dependent upon her mother and neither in her life-time nor at present he has any source of income of his own.

4. That the applicant is a young man of 23 years age. He passed his Class VI examination from 'Chandra Shiksha Niketan' Subhash Marg, Dugawan, Lucknow, and his date of birth according to Transfer Certificate from the same school is 12-8-1963. He has acquired sufficient knowledge in English as well as Hindi and he is a young man of sound physique. He is the only blood-relation of the deceased Smt. Yog Maya and son of Shri S.B. Misra, father.

5. That the applicant fulfils all the requisite conditions for appointment as Class IV employee in the railway department in any category.

6. That the applicant finding himself quite fit for appointment on compassionate grounds as Class IV employee in any category in the Railway Department submitted applications as detailed in paras 1, 2 and 5 of Annexure no. 2.

7. That the applicant's father Shri S.B. Misra also sent applications as detailed in para 3 of Annexure no. 2 to the Divisional Railway Manager, Northern Railway, Lucknow and the General Manager, Northern Railway, Head Quarters Office, Bareda House, New Delhi for appointment of the applicant on

*Shri*

compassionate grounds.

8. That despite several applications detailed in paras 1, 2, 3 and 5 of Annexure no. 2 neither the Divisional Railway Manager, Northern Railway, Lucknow nor the General Manager, Northern Railway, Head Quarters Office, Baroda House, New Delhi sent any reply of the aforesaid petitions of the applicant and those of his father in favour or against him as detailed in para 4 of Annexure no. 2.

9. That despite long concerted strenuous efforts when no reply was received from any corner by the applicant he had no <sup>other</sup> alternative but to issue a legal notice dated 30-4-1986 under registered A.D. Cover to the opposite parties no. 1 to 3 which were served upon them vide A.Ds filed herewith alongwith a copy of the said notice (Annexure no. 25) but no reply was given to them to the applicant.

10. That only sons or unmarried daughters of deceased railway employees are eligible for appointment on compassionate grounds provided they fulfil the requisite conditions for appointment and provided that their surviving widow-mother or widower father as the case may be, give their consent for such appointment. Applications detailed in para 3 of Annexure no. 2 are sufficient proofs of the consent of the applicant's father.

11. That both the Divisional Railway Manager

*Slub*

Northern Railway, Lucknow as well as the General Manager Northern Railway, New Delhi are quite competent to appoint the applicant as Class IV employee in any category on compassionate grounds.

12. That it is not the solitary case for appointment on compassionate grounds, sons and unmarried daughters of the deceased railway employees have invariably been appointed in the past on compassionate grounds by the competent authorities almost in all the identical cases barring a few who either did not fulfil the requisite conditions of employment or were not found fit by the competent authorities.

13. That the applicant fulfils all the requisite conditions for ~~any~~ appointment as Class IV employee in any category whatsoever, and he is also <sup>fully</sup> prepared to appear for any suitability test for fitness by the competent authority or any other authority who may be deputed by him for the purpose.

14. That only the General Manager and the Divl. Railway Managers are competent to make appointment of Class IV staff in any category on compassionate grounds and any authority of lower rank is neither competent to make appointment of such staff nor competent to reject applications of sons /unmarried daughters of deceased railway employees for such appointments. It is only the competent authorities who can reject such applications.

*Sharma*

- 5 -

15. That to the utter disappointment of the applicant the authority subordinate in rank to the Divisional Railway Manager signed and issued the impugned order dated 10-9-1986 against the applicant, Annexure no. 29, rejecting his application without issuing speaking orders, without giving reasons thereof, illegally, arbitrarily and unconstitutionally. His orders are quite perverse, without application of mind, ineffective, inoperative and without proper authority. They are violative of Articles 14 and 16 of the Constitution of India and are liable to be set aside. His orders have caused great prejudice to the applicant as he met with discrimination at the hands of opposite parties no. 1 to 3 and he has also been deprived of the principles of natural justice. Instead of eliminating distress to the family of the applicant, he has caused great mental agony to the applicant and his father.

16. That the applicant learnt from the office of the Divisional Railway Manager, Northern Railway, Lucknow, opposite party no. 3, that one Smt. Usha Misra, widow of late Sri Satish Chandra Misra, applicant's only elder brother, was also trying for her own appointment in the railway on compassionate grounds and was opposing tooth and nail the genuine appointment of the applicant in her self-interest although she is not eligible under the service rules for her appointment as claimed by her.

17. That in this connection the applicant has to invite the kind attention of the Hon'ble Court to the

Shri



D.O. letter no. 145<sup>SS</sup>/C/7-85/L0/1069/MP/55/B dated 11 th March, 1986 ( copy enclosed as Annexure no. 7, from Shri A.P.Sharma, S.P.O. (R), General ~~Manager's~~ Manager's Head Quarters Office, Baroda House, New Delhi to Sri Aslam Mohammad, Senior Divisional Personnel Officer, Lucknow which is self-explanatory and clearly lays down as under :-

According to the extant orders of Railway Board only blood-relations of the deceased railway employees are eligible for appointment on compassionate grounds. Thus in the case of Smt. Yog Maya only Shri Dinesh Chandra Misra, son of Sri S.B. Misra, Yog Maya Misra is eligible. Smt. Usha Misra w/o the first son of late Smt. Yog Maya being not blood relation of Smt. Yog Maya is not eligible for appointment on compassionate grounds."

18. That in the same D.O. letter dated 11-3-1986 aforesaid in para 17 above the same officer Sri Sharma further states that if the certificate issued by the school ' Chandra Shiksha Niketan, Lucknow' cannot be verified as stated in Sri Aslam's D.O. letter no. 5/WE/ACG/2580 dated 27-1-1986 ( which is in the custody of D.R.M., No. Rly., Lucknow), then he is not eligible for appointment on compassionate grounds even in Class IV Service.

19. That the applicant has submitted a true copy of Transfer Certificate (Annexure no. 4) bearing the

*Sharma*

his date of birth and educational qualification and other particulars from 'Chandra Shiksha Niketan, Lucknow' and an attested photostat copy of result card (Annexure no. 5) for passing class VI examination, to the Divisional Railway Manager, Northern Railway, Lucknow along with other documents. The original records are available with the school Head Mistress of that school and there should have been the least difficulty in verifying the contents of the Transfer Certificate by the applicant with the original records available with the school authorities who are always prepared to show the same to the Welfare Inspector or any other authority whosoever goes to them for the purpose. But none has actually approached the school authorities for verification of the Transfer Certificate with the original records in their school as has been informed by them to the applicant. The applicant has also filed an attested photostat copy of letter no. 5701/31 R.G. +2 dated 15-1-35 showing names of legal heirs of the deceased Smt. Yog Maya Misra as Annexure no. 6. The aforesaid letter was obtained from the District Magistrate, Lucknow

20. That in order to solve the problem, the Hon'ble Court is earnestly requested to direct the Head Mistress opposite party no. 4 of the school 'Chandra Shiksha Niketan, Lucknow' to attend the court with original records (Transfer Certificate, result card of class VI on a date fixed for hearing for the purpose and the Divisional Manager, Northern Railway, Lucknow, opposite party no. 3, be also directed to attend the Hon'ble Court the same date along with the Transfer Certificate and result card of class VI filed by the applicant to him

18/02/22/1987

18/02/22/1987

- 8 -

for verification by the Hon'ble Court himself.

21. That the cause of action accrued to the applicant against the opposite parties no. 1 to 3 when the impugned orders dated 20-9-86, Annexure no. 29 were issued against the applicant refusing to pay any heed to his genuine requests without examining the facts and circumstances of the case without issuing speaking orders and giving reasons thereof in the right perspective.

22. That the opposite parties no. 1 to 3 also did not consider that the applicant is a very poor person with no source of income of his own. His father is a retired employee of very meagre income, he generally remains sick and it is very difficult to pull on without an employment in the present hard days.

Lucknow, dated  
21-2-1987.

Dinesh Chandra Mishra  
Signature of applicant

Dated: 21-2-87.

18/2/87

8A

The Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Case No. of 1986.

Between -

Dinesh Chandra Misra

.. Applicant

And

Union of India & others

.. Opposite parties.

Annexure No. 2.

(Details of para 9 of the application.)

1. That the applicant submitted copies of applications dated 9-8-84, 10-9-84, 19-10-84, 8-11-84 and 29-3-1986 (Annexures no. 8 to 12 respectively) to the General Manager, Northern Railway, Head Quarters Office Naroda House, New Delhi, along with Death Certificate dated 25-7-84 of his late mother Smt. Yog Maya (Annexure no. 3) and a copy of result card for passing Class VI examination (Annexure no. 5) in support of his application for his appointment as Class IV employee in any category he was found fit by the competent authorities.

2. That the applicant also submitted applications dated 10-1-85 and 25-3-86 (Annexures no. 13 and 14) to the Divisional Railway Manager, Northern Railway, Lucknow and also sent Death Certificate dated 25-7-84 from Charbagh and Alambagh Notified Area, Lucknow in support of his late mother Smt. Yog Maya (Annexure no. 3), a true copy of Transfer Certificate (Annexure no. 4) bearing his date of birth, a copy of result card of passing Class VI examination from school 'Chandra Shiksha Niketan, Subhash Marg, Dugawan, Lucknow (Annexure no. 5), a copy of letter no. 5701/3/RS/2

Shukla

dated 15-1-1985 (Annexure no. 6) from District Magistrate Lucknow showing the names of the legal heirs of the deceased Smt. Yog Maya for his appointment as Class VI employee on compassionate grounds in any category he was found fit by the competent authorities.

3. That the applicant's father Sri S.B. Misra also sent applications dated 9-1-85, 6-2-85, 2-4-85, 16-4-85, 11-6-85, 10-8-85, 26-8-85, 28-8-85, 18-9-85, 15-10-85, and 18-11-85 respectively to the Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow and out of them the applicant is filing copies of applications dated 9-1-85, 2-4-85, 10-8-85, 18-9-85 and 18-11-85 at present (Annexures no. 15 to 19 respectively) and applications dated 6-2-85, 11-3-85, 27-3-85, 16-4-85, 16-5-85, 14-6-85, 6-8-85, 6-9-85, 3-10-85, 30-10-85, 2-12-85, 11-2-86 and 28-2-86 to the General Manager, Northern Railway, Head Quarters Office, Baroda House, New Delhi on behalf of his son, the applicant Sri Dinesh Chandra Misra for his appointment in the railway department on compassionate grounds as Class IV employee in any category. Out of them the applicant is filing copies of applications dated 6-2-85, 27-3-85, 14-6-85, 6-9-85 and 11-2-86 at present (Annexures no. 20 to 24 respectively).

4. That despite several applications and reminders thereof as detailed in paras 1 to 3 above neither the Divisional Railway Manager, Northern Railway, Lucknow nor the General Manager, Northern Railway, Head Quarters Office, Baroda House, New Delhi, sent any reply to the petitions and representations in favour or against the applicant, except on 10-9-86 (annexure No. 29).

*Shule*

5. That the applicant having exhausted all the departmental remedies had no other alternative but to serve a registered legal notice dated 30-4-86 (Annexure no. 25) upon the opposite parties no. 1 to 3 which were served upon them vide A.Ds filed as Annexures no. 26, 27 and 28.

6. That it was only on 10-9-86 that a copy of letter no. E/WE/A.C.G./2580 dated 10-9-86 (Annexure no. 2) from the Divisional Railway Manager's Office, Northern Railway, Lucknow was received by the applicant which has created cause of action to the applicant against the opposite parties no. 1 to 3 and he has filed this application before the Hon'ble Court for redressal of his grievances.

Lucknow,

Dated : 21 -2-1987.  
2. 3.1987

Dinesh chandra Mishra  
Signature of applicant

Date: 21.2.87.

18/11/87

THE CENTRAL ADMINISTRATIVE SRE UNAL  
 \*ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other...Opposito  
 Parties.

Annexure No. 3.

CHARBAGH & ALAMBAGH  
 NOTIFIED AREA  
 Lucknow

Book No. 1

No. 31

DEATH CERTIFICATE.

Certified that Late Smt. Yog Maya  
 aged about 45 years do/00 of Smt. Shyam Bahadur Misra  
 caste Hindu died of Cardio Resp. Failure  
 on 12.7.84 at 12.20 PM in Mohalla Indoor Rly Hospital  
 ward CR Lucknow within Charbagh  
 and Alambagh Notified Area Limits, Lucknow.

Date 25.7.84

*(Signature)*  
 Charbagh & Alambagh  
 Notified, Lucknow

*True copy  
 Attached*

*(Signature)*  
 V. D. SHUKLA

ADVOCATE,  
 84/15, Kailash Nagar, Lucknow.

In the central Administrative Tribunal, Allahabad Bench, Allahabad  
Annexure No. 4  
Between  
Dinesh chandra misra  
and Union India & others  
Annexure No. 4

SCHOLAR'S REGISTER & TRANSFER CERTIFICATE  
छात्र लेखा पत्रक परिवर्ति-पत्र

Name of the scholar with caste if Hindu, otherwise religion छात्र का नाम, जाति तथा धर्म	Name, occupation and address of parent or guardian छात्रक वपवा पावा पिता या माय, पति तथा पता	Date of birth of the scholar छात्र की जन्म तिथि	The last institution which the scholar attended, before joining this institution अन्तिम पढावा स्थान, जियने पढा हो
विनेश चन्द्र मिश्रा (हिन्दू) ब्राह्मण	श्री लक्ष्मी जी मिश्रा 268 दुर्गा बा, लखनऊ	१०-८-६३	X

Class कक्षा	Date of admission प्रवेश तिथि	Date of Promotion कक्षा उन्नति की तिथि	Date of removal हटाव तिथि	Cause of removal e.g. non-payment of dues, removal of family, expelled etc. होवने का कारण	Year वर्ष	Conduct, work and result चरित्र, कार्य एवं परिणाम	Principal's Signature प्रधानाचार्य का हस्ताक्षर
I							
II							
III							
IV							
V	८-८-६६, १०-८-६६				१६-६६-६६	उत्तम, उत्तीर्ण	
VI	८-८-६६ १४-८-६८			आयुष्य VI उत्तीर्ण	१६-६६-६८	उत्तम, उत्तीर्ण	
VII							
VIII				विद्यार्थी हटाव			
IX							
X							
XI							
XII							

I certify that the above Scholar's Register has been posted up to date of Scholar's leaving as required by the Department Order  
मैं प्रमाणित करता हूँ कि उपरोक्त छात्र लेखा पत्रक विद्यालय के छात्र के छोड़ने के तारीख तक अपडेट किया गया है, जैसा कि विभाग के आदेश द्वारा आवश्यक है।  
Scholar's name - If the boy has been shown in the list of the scholars to be mentioned in the list of work.  
छात्र का नाम - यदि लड़का छात्रों की सूची में सूचीबद्ध है, तो उसे सूची में सूचीबद्ध किया जाना चाहिए।

True copy  
Attested  
V. D. SHUKLA



THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Mishra.....Applicant.

And

The Union of India and others.....Opposite Parties.

Annexure No. 5.

संख्या: १०००/१९८०/१०००									
विषय: शिक्षा									
क्र.सं.	विषय	परीक्षा	पाठ्यक्रम	समय	वर्ग	समय	वर्ग	समय	वर्ग
Uo		परीक्षा	पाठ्यक्रम	समय	वर्ग	समय	वर्ग	समय	वर्ग
१	हिन्दी	२२	१००	३६	१५०	१५	१५	१५	१५
२	अंग्रेजी	२९	१००	५७	१५०	८६	८६	८६	८६
३	गणित	३१	१००	६०	१५०	११	११	११	११
४	इतिहास	२०	१००	३९	१५०	५९	५९	५९	५९
५	साहित्य	३५	१००	३५	१५०	६९	६९	६९	६९
६	भूगोल	१७	१००	६०	१५०	११	११	११	११
७	विज्ञान	९	६०	२८	७५	११	११	११	११
८	संस्कृत	१२	६०	६०	७५	११	११	११	११
९	अन्य	१७	१००	३५	१५०	६९	६९	६९	६९
१०	कुल	१९२	१००	३७३	१००	३७३	१००	३७३	१००

True copy attested

18/1/80

7. 1. 1980

**\*IN THE CENTRAL ADMINISTRATIVE TRIBUNAL\***  
**\*ALLAHABAD BENCH, Allahabad.**

Between

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other.....Opposito  
Parties.

Annexure No. 6.

कार्यालय विभागाधीन, सचनऊ

सिविल 5701 13/11/1980-2

दिनांक: जनवरी 15, 1985

-: प्रमाण-पत्र :-

सदस्यसदर, सचनऊ की रिपोर्ट दिनांक 1.1.85 के आधार पर  
 प्रमाणित किया जाता है कि प्रीमती योगमाया बस्ती प्रमाण पत्राह  
 निवासिनी 194ए, रेलवे पोस्टोफीस, बाण्डेरा ता. ता. ता. सचनऊ का  
 स्वयंवास दिनांक 12.7.85 को हो गया था। प्रमाणित के निम्नलिखित  
 उत्तराधिकारी हैं :-

1. श्री प्रमाण पत्राह का प्रमाण 61 वर्ष की प्रमाणित
2. श्री दिनेश चन्द्र मिश्रा .. .. 21 वर्ष की प्रमाणित
3. प्रीमती आशा रानी .. .. 29 वर्ष की प्रमाणित पुत्री सु
4. प्रीमती कमली प्रमोदी .. .. 27 वर्ष .. ..

उपरोक्त के प्रतिरिक्त अन्य कोई उत्तराधिकारी नहीं है।  
 यह प्रमाण-पत्र मात्र पाँच हजार रुपये तक है।



श्री विभागाधीन,  
सचनऊ।

True Copy  
Attested

*V. D. SHUKLA*  
**V. D. SHUKLA**

B.A., LL.B., D.P.A.,  
 ADVOCATE,

14/1, K. N. S. Nagar, Allahabad,  
 U.P.

## \*IN THE CENTRAL ADMINISTRATIVE TRIBUNAL\*

\*ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Misra.....Applicant.

AndThe Union of India and other.....Opposito  
Parties.Annexure No. 7.NORTHERN RAILWAYA.P. SHARMA  
S.P.O. (P)HEADQUARTERS OFFICE  
BARODA HOUSE  
NEW DELHI

D.O.No. 245 E/c/7-85/Lo/1069/W/SSB

Date: 11<sup>th</sup> March, 86.

My Dear Sir,

Sub: Rep. from Shri S.D. Misra, husband of late Smt.  
Yogmaya, P.O. Dir's Office, Lucknow regarding  
appointment of his son on compassionate grounds.

Ref: Your D.O. letter No. E/WB/ACG/2380 dated 27.1.86.

.....

According to the extant orders of Railway Board, only the blood relations of the deceased railway employees are eligible for appointment on compassionate grounds. Thus, in the case of Smt. Yogmaya, only Shri Dinesh Chandra Misra, S/o Shri S.B. Misra, Yogmaya Misra is eligible. Smt. Usha Misra w/o the first son of late Smt. Yogmaya, being not a blood relation of Smt. Yogmaya is not eligible for appointment on compassionate grounds. It is, therefore, requested that the issue may be settled on the division itself with the approval of DM. Moreover, if the certificate issued by Chandra Sankar Misra, Lucknow can not be verified as stated in your D.O. letter No. E/WB/ACG/2380 dated 27.1.86, then he is also not eligible for appointment on compassionate grounds even in class IV service.

It is requested that the case may kindly be processed urgently and this office advised so that the case may be finalized.

True copy  
attached

Yours sincerely,

(A.P. SHARMA)

FBI GENERAL MANAGER(P)

Sh. Aslam Mahmud,  
Sr.D.P.O.,  
Lucknow.

V. D. SHUKLA

M. A. S. P. A.  
A. S. P. A.  
S. P. A. (P)  
S. P. A. (P)

A 42 (2)

15/10

In the Central Administrative Tribunal, Allahabad Bench  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opposite party

Annexure No. 8.

To

The General Manager,  
N. Railway,  
Baroda House,  
New Delhi.

Sub: Appointment on compassionate grounds in a  
death case while in service.

Sir,

Respectfully I beg to approach your honour with  
folded hands that my mother Late Smt. Yog Maya who was  
employed as Lady Peon in the D.R.M. Office, N.Rly.,  
Lucknow expired on 12-7-84 in the Railway Hospital and  
information of which I have already given to <sup>DRM</sup> DPM/LKO for  
final settlement dues and my appointment etc.

My late mother Smt. Yog Maya had two sons but  
unfortunately my elder brother expired on 7-6-84 and mother  
on 12-7-84. I am now the only son of my late mother Smt.  
Yog Maya. My father is a pensioner who is simply getting  
Rs. 384/- P.M. including pension relief which are not  
sufficient even for himself alone in these hard days. My  
father has got no property of any kind and even a house  
where he can go and put the luggage and other domestic  
articles. We <sup>were</sup> ~~are~~ living in Railway Qr. no. 134/A Pande  
ka Talab, Lucknow which was allotted to my late mother

*Shubh*

Smt. Yog Maya.

My mother was appointed by Late Shri Lal Bahadur Shastri, Ex-Prime Minister of India.

I, therefore, request your honour to very kindly arrange to consider my case sympathetically in detail and issue orders to D.R.Mo., No. Rly., Lucknow to appoint me on a suitable post in Class IV Staff and allot me the Rly. Quarter of my deceased mother as I have got no house of my own anywhere.

Yours faithfully

sd/-

DA/ One copy.

Dated : 9-8-84.

(Dinesh Chandra Misra)  
S/O Late Smt. Yogmaya (deceased)  
Rly. Quarter no. 134/A Pandit  
Talab,  
Lucknow.

True Copy

Attested.

[illegible]

In the Central Administrative Tribunal, Allahabad Bench  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opposite party

Annexure No. 9.

To

The General Manager,  
N. Railway,  
Baroda House,  
New Delhi.

Subject: Appointment of son on compassionate  
ground in a death case.

Ref: My application dt. 9-8-84.

Sir,

I beg to say that my mother Late Smt. Yog Maya was employed as Lady Peon in D.R.M. Office, N. Rly., Lucknow expired on 12-7-84 and I had submitted an application to your honour on 9-8-84 for appointment on a post in Class IV staff but no intimation in this regard has been received from your office so far.

I, therefore, request you to kindly arrange to issue orders to D.R.M./LKO to appoint me in Class I on compassionate grounds at an early date.

A copy of my mother's death certificate is attached herewith.

Yours faithfully

True Copy  
Attested.

Dated: 10-9-84.  
DA/One Copy.

Sd/-

(Dinesh Chandra)

S/O Late Smt. Yog Maya

Rly. Qr. No. 2 134/A,  
Fande ka Talab, Lucknow.

18/9/84

18/9/84

In the Central Administrative Tribunal, Allahabad Bench  
Allahabad,

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opposite parties.

Annexure No. 10.

Registered with A.D.

II Reminder.

To

The General Manager (P),  
No. Rly,  
Baroda House, New Delhi.

Subject: Appointment of son on compassionate  
ground in a death case during the  
service.

Sir,

Kindly refer to my previous application dt. 9-8-84  
and dt. 10-9-84 under the registered cover with due  
acknowledgment regarding my appointment in Class IV  
staff on compassionate ground. As my mother late Smt.  
Yog Maya who was working as Lady Peon in D.R.M. Office,  
Maxx No. Rly-LKO expired on 12-7-84.

I am extremely sorry to say that more than the  
period of 3 months passed since my mother's death but  
neither the payment of my Late mother's final settlement  
dues have been paid to my father nor I have been  
appointed so far. My father is a poor pensioner getting  
pension as Rs. 404/- P.M. including relief with which  
it is not possible to support anybody in these hard days.  
My father has got even no house to live in anywhere.

*18/10/84*

He has also got no other kind of income except pension.

I, therefore, request your honour to kindly arrange to issue orders to D.R.M., N.Rly., LKO to appoint me on a suitable post in Class IV staff and pay the dues of my Late mother to my father. In this connection 3 applications have already been sent to D.R.M., N.Rly./LKO but nothing has been done so far by that office.

You are earnestly requested to send your Inspector from Hd.Qrs Office to enquire into the matter and get me appointed as early as possible.

Yours faithfully

Sd/-

**Dt: 19-10-84.**

Dinesh Chandra Misra  
Rly. Qr. no. 134/A,  
Pande ka Talab,  
Lucknow.

TRUE COPY

Attested.

V. D. SHETLA



In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opposite parties.

Annexure No. II

Registered with A.D.

To

The General Manager,  
N. Rly.,  
Baroda House,  
New Delhi.

Reg: Appointment of son on compassionate  
ground in a death case while in service.

Sir,

I beg to invite your kind attention towards my registered applications with due acknowledgments dt. 9-8-84, dt. 10-9-84 and dt. 19-10-84 for appointment in Class IV staff on compassionate ground being my beloved mother expired on 12-7-84. She was working as Lady Peon in D.R.M. Office, N.Rly., Lucknow. A copy of her death certificate is again sent herewith to you for your merciful perusal and favourable consideration.

Further I beg to state say that in the death case immediate and sympathetic action is always taken by the administration to appoint the son of a deceased employee while the death occurred in service. But in my case no information in response to my above quoted applications for appointment has been received by the

*Shukla*

- 2 -

A/W

poor undersigned individual either by your office or  
D.R.M., N.Rly, Lucknow.

My poor old father suffering from several  
diseases is quite helpless to support me in these  
hard days as he is getting a very small amount of  
pension as Rs. ~~405~~ 404/-P.M. including relief.

I, therefore, request your honour to kindly  
consider my case sympathetically and arrange to appoint  
me in Class IV staff on compassionate ground at a  
very early date in order to save me from starvations.

Yours faithfully,

Sd/-

Dt.: 8-11-84.

DA/ One copy of D.C.

Dinssh Chandra Misra  
Rly. Qr. No. 134/A  
Pande ka Talab,  
Lucknow.

True copy

Attested.

*Shukla*  
V. D. SHUKLA

M.A., B.A., LL.B.,  
Advocate,  
Bhadrachal, Aghboulganj,  
LUCKNOW.

In the Central Administrative Tribunal, Lucknow Bench,  
Lucknow

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opp. Parties.

Annexure no. 12.

To

The General Manager,  
N. Rly.,  
Baroda House,  
New Delhi.

Subject : Appointment on Compassionate grounds.

Sir,

1. I have come to know through DRM Office, Lucknow, that some instructions have been issued by your office on the above subject and I beg to reply as under :-

2. I am the only surviving son of my mother late Smt. Yog Maya, Ex. Lady Peon DRM's Office, Lucknow/on 12-7-84 while in service. I am the only blood relation of my deceased mother for appointment on the compassionate grounds.

3. I am a young man about 22 years of age and my date of birth is 12-8-63 and I have read upto Class VI standard. I acquired sufficient knowledge in English & Hindi both. I am capable of undertaking any work which may be entrusted to me.

4. My deceased <sup>brother</sup> mother was under the impression that Chandra Shiksha Niketan School was recognised by U.P. Govt. so he got me admitted in that school and I passed class VI. T.C. in original of Class VI has already been

1/2/84

submitted to DRM's office/LKO and a copy of the result card is also submitted herewith for your kind perusal and satisfaction. Chandra Shiksha Niketan School is still running at Lucknow but it is a <sup>private</sup> ~~public~~ school. If the Head Mistress of that school is not giving any answer in writing it is not my fault but action is to be taken against that school.

5. According to the extant order of the Rly. Board for appointment on compassionate grounds in class IV service there is no limit of specific educational qualification. Date of Birth :- if the candidate is not able to produce the confirmatory documentary evidence or any other authenticative proof to the satisfaction of the appointing authority. He should be asked to produce an affidavit in support of his declaration of age. If your honour requires so I am prepared to submit the same from the court of Law in support of my age.

6. I am fulfilling all the conditions for appointment on the compassionate grounds in class IV service.

I, therefore, request your honour to kindly examine the case in the right perspective and arrange to issue the clear instructions to DRM/LKO, to appoint me on the compassionate grounds in class IV service immediately as the case is outstanding since 21-7-84.

Yours faithfully,

Sd-

Dinesh Chandra Misra  
(Dinesh Chandra Misra)  
C/O Shri A.P. Tiwari  
Q. No. ED-1  
Secretariat Colony,  
Moti Jheel, Lucknow.

Dated 29-3-86

DA/ One

True Copy

Attested.

*18/3/86*  
V. D. S. *SECRETARY*

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opp. Parties.

Annexure no. 13.

To

The Divl. Rly. , Manager,  
N. Rly,  
Lucknow.

Reg: Appointment on compassionate ground owing  
to my mother's death while in service.

Ref: My application dt. 26-7-1984.

Sir,

Respectfully I beg to say that my mother named  
Late Smt. Yog Maya who was employed as Lady peon in D.R.M.  
Office/LKO expired on 12-7-84 and I am now her only son.  
My father, Shri S.B. Misra has submitted a number of  
applications to your honour for my appointment on compa-  
ssionate ground in Class IV staff but I have not yet been  
appointed, though a period of 6 months passed since my  
mother's death.

My <sup>pre</sup> old father aged 61 years is a patient of heart  
trouble and he is quite helpless to support me with the  
amount of his pension in these hard days.

I am a young man of active habits possessing a  
sound health to discharge my duties well. I can read and  
write Hindi well.

I, therefore request your greatness to kindly

*W. S.*

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(32)

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- 2 -

take pity upon my poor and sourceless condition and  
arrange to appoint me in Class IV staff on compassionate  
ground at the earliest possible date.

Yours faithfully,

Sd —

Dinesh Chandra Misra  
S/O S.B. Misra  
Rly. Qr. No. 134/A  
Pande ka Talab,  
Lucknow.

Dt. 10-1-85.

True Copy

Attested.

*18/1/85*

V. D. SHUKLA

Assistant Secretary,  
Bihar Sahitya Akademi,  
Lucknow.

A/UT

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra .. Applicant

And

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

Annexure no. 14.

To

The Divl. Railway Manager,  
N. Railway,  
Lucknow.

Sir,

Reg: Appointment on compassionate grounds.

With due deference I beg to submit as under :-

1. That I am the only surviving son of my late mother Smt. Yog Mata, an ex-employee of yours, who died while in service on 12-7-84.
  2. That I was fully dependent on her and neither in the life time nor at present, I <sup>have</sup> ~~have~~ any source of income to meet with expenses in the hard days of dearth.
  3. That I am young man of about 22 years of age, my date of birth being 12-8-63, and I have read upto 6 standard. ~~EX~~ I acquired sufficient knowledge in English and Hindi and I am capable of undertaking any work which may be entrusted to me.
  4. That although I have submitted the T.C. of Class VI in original to your office from the school 'Chandra Shiksha Niketan' in support of my date of birth. But if your honour finds any difficulty in verifying the date
- (Signature)*

- 2 -

of birth, I am prepared to submit an affidavit from the Court of Law in support of my date of birth (Copy of ruling attached).

5. I am fulfilling all the conditions for my appointment on compassionate ground.

6. I, therefore, requesting your honour to kindly examine my case in the right perspective and appoint me on any suitable post in Class IV service on compassionate grounds under your kind control. I shall be highly obliged for this act of your kindness.

Dated :

Yours faithfully,

March 25, 1986.

Sd/- Dinesh Chandra Misra  
(Dinesh Chandra Misra)  
C/O - Sangam Lal  
Near Maruti Tailor,  
Lachmanganj, Talkatora Road,  
Lucknow.

True Copy

Attested.

(Sd/-)  
V. D. S. KLA,

ADVOCATE,  
Lachmanganj, Lucknow.



A 55

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In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opp. Parties.

Annexure No. 25 15.

III Reminder.

To

The Divl. Rly. Manager,  
N. Rly.,  
Lucknow.

Reg: Appointment of my son named Dinesh Chandra  
Misra on compassionate ground in Class IV.

Sir,

Respectfully I beg to say that I have already submitted 4 applications to you out of them 2 under registered covers with A.D. regarding appointment of my son named Dinesh Chandra Misra on compassionate ground. But my son has not so far been appointed and a period of more about 6 months elapsed since my wife's death on 12-7-1984. My late wife Smt. Yog Maya was employed as Lady peon in Legal Cell of your office.

At my repeated requests Shri S.D. Sharma had not filled my settlement forms even keeping them for a long time with him. Then I approached to D.P.O. and requested him A.S. Settlement to give me a bunch of forms and hand over the same to him duly filled. So I did the same thing immediately. It was the duty of Welfare Inspector to get the Sett. forms filled and not the duty of D.P.O.

Shri S.D. Misra Sharma kept my application for

*W.D.*

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(36)

4/9

- 2 -

appointment of my son with him for a very long period and he did not submit his report for months together. On enquiry in the Welfare Section it has come to light that the file regarding appointment is lost and no further action can be taken in this matter now.

In the death case it is the order that the quarter may be allotted to the son of the deceased on his appointment in Railway.

I am paying the penal rent of the quarter and also losing the interest on the gratuity being it withheld by Settlement section. So I am put to a great loss due to this extreme favour of Mr. Sharma.

Now the file regarding appointment is said to be lost and there is nothing to deal with by Welfare section. The case on the present issue seems as closed in the absence of that file for ever.

I, therefore, request your honour to kindly ask the dealing clerk to trace the concerned file and arrange to get my son appointed at a very early date so that I may not put to the above stated losses. This is the death case and may please be expedited and dealt with commiserably.

Thanking you for the same please.

Yours faithfully

Dated : 9-1-85.

Sd- S.B. Misra  
H/O Late Smt. Yog Maya  
ex. Lady peon  
Qr. No. 134/A  
Pande ka Talab, LKO.

True Copy  
Attested.

*Shukla*  
V. D. SHUKLA  
M.A., LL.B.  
Advocate

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

and

The Union of India & others.

.. Opp. Parties.

Annexure no. 16.

To

The Divl. Rly. Manager,  
N.Rly,  
Lucknow.

Subject : Appointment of my son named Dinesh  
Chandra Misra on compassionate ground  
in a death case of his mother while  
in service.

Sir,

I beg to say with deepest grief and a very heavy heart that I have sent 11 applications to your office regarding appointment of my son named Dinesh Chandra Misra on compassionate ground due to death of my wife late Smt. Yog Maya who was a Lady peon in your office and reply to which is still awaited from your honour.

Further I beg to say that my case is very simple and utmost genuine and fully and completely covers the existing rules of Govt. of India that the service on compassionate ground is given to widow /widower's son and unmarried daughter of the deceased employee with the consent of widow or widower as the case may be. This is to compensate the children of the deceased employee on compassionate ground. No other relative or anybody else entitled to service. But I do not understand the cause of delay by your office in appointing my son on the

*Shukla*

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(38)

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- 2 -

compassionate ground due to death of my wife Late Smt. Yog Maya, ex-lady peon in your office. Her death occurred on 12-7-84 and her date of retirement was on 3-9-96 A.N.

It was a job of a week or at the most a month to give service to my above named son being a local case but a period of more than 8 months elapsed bu my son has not s far been appointed in Railway.

I, therefore, request your honour to have a kind personal look into my case and arrange to appoint my son named Dinesh Chandra Misra in class IV staff on compassionate ground without any further delay as the case has already been inordinately delayed.

Yours faithfully,

Sd - S. B. Misra  
H/O Late Yog Maya,  
Gr. No. 134/A  
Pande ka Talab,  
Lucknow.

Dated : 2-4-85

True Copy

Attested.

*(Sluke)*  
**V. D. SHUKLA**  
M. A. S. P. A.,  
A. S. T. E.,  
agoo0lg-nj,  
LUCKNOW.

A-59 (3)

In the Central Administrative Tribunal, Allahabad Bench  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant

And

The Union of India and others.

.. Opp. Parties.

Annexure No. 17.

Confidential

15th Reminder.

To

The Divl. Rly. Manager,  
N.Rly,  
Lucknow.

Re: Appointment of my son named Dinesh Chandra Misra on compassionate ground in the death case of his mother while in service and payment of encashment of leave passed in F/O my wife Late Smt. Yog Maya, Lady peon-A.B.No. 41 ES/4 dt. 23-4-85 and C.O.7 no. 0300727 dt. 26-4-85.

Sir,

Kindly refer to my 15 previous applications regarding appointment of my son named Dinesh Chandra Misra on compassionate ground and also my last registered application dt. 11-6-85 together with a copy of legal heir certificate issued from the office of District Magistrate, Lucknow in which the full detail of my family members are given but reply to which is still awaited from your office. It is a matter of deep sorrow that my wife Late Smt. Yog Maya died on 12-7-84 and since then I have been writing to your office on the subject cited to above but my son has not been appointed so far nor the payment of the above mentioned dues made to me as yet.

I, therefore request your honour to very kindly

*Shukla*

arrange to appoint my above named son as early as possible and also make the payment of my above dues to eliminate the distress of the deceased family going under the narrow circumstances at present.

Yours faithfully,

Sd- S.B. Misra

Dated : 10-8-85.

H/O Late Smt. Yog Maya  
Qr. No. 134/A  
Pande ka Talab  
Lucknow.

True copy

Attested.

*Shukla*  
V. D. SHUKLA  
Advocate,  
Baqoolganj,  
LUCKNOW.

A61 (41)

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opp. Parties.

Annexure no. 18.

To

The Divl. Rly. Manager,  
N.Rly.,  
Lucknow.

Subject: Appointment of my son named Dinesh  
Chandra Misra on compassionate ground  
in the death case of his mother while  
in service.

Sir,

I beg to invite your kind attention towards my  
16 previous applications sent to your office on the above  
subject. I am too much grieved and extremely sorry to say  
that I have been continuously submitting applications to  
your office since 12-7-84 for appointment of my son on  
the compassionate ground but my son has not yet been  
appointed neither any reply in reference to those my  
16 previous applications has been received by me from  
your office so far.

This inordinate delay of such long time in the  
local case of appointment on compassionate ground is ough  
to be thought over by the authorities concerned and  
serious action to be taken to expedite the pending case  
case since 12th July 1984.

My wife late Smt. Yog Maya who was employed in  
your office as Lady peon expired on 12-7-84 and the case  
is pending in your office since that time without any  
suitable action.

An early and favourable reply in this case from  
your honour is most earnestly requested please.

Yours faithfully

Sd - S.B. Misra

Dated : 18-9-85

True Copy  
Attested

V. D. SHUKLA

H/O Late Smt. Yog Maya,  
Gr.No. 134/A Pande ka Talab  
Lucknow.

ADVOCATE,

81/11, ... ..

A 62 (42)

In the Central Administrative Tribunal, Allahabad Bench  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant

and

The Union of India & others.

.. Opp. Parties.

Annexure No. 19.

To

The Divl. Rly. Manager,  
N.Rly,  
Lucknow.

Subject: Appointment of my son named Dinesh  
Chandra Misra on compassionate ground  
in the death case of his mother while  
in service, D.R.M. Office/LKO.

Sir,

With deepest sorrow and much grieved heart I beg  
to say that I have <sup>been</sup> repeatedly and continuously request-  
ing your honour for the last one year and 4 months ~~reg~~  
regarding appointment of my son on compassionate  
ground. But I much dolefully say that he has not yet  
been appointed neither any reply on the subject in  
reference to my 19 applications has been received by me  
from your honour. In this connection kindly refer to  
Shri H. Jitendra Prasad, Member of Parliament letter  
No. CEJ/997 dt. 2-7-85 and my registered applications  
dt. 18-9-85 and 15-10-85 sent to you by me.

The appointment of my ~~son~~ should have been done  
within a <sup>month</sup> week from the date of my wife's death under  
the usual course being a local case of proper Lucknow.  
The death of my wife Late Smt. Yog Maya working in your  
office occurred on 12-7-84. It is presumed that no  
proper action has been taken by them. The position

*[Signature]*



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of the is the same as it was in the beginning.

Under the existing rules for appointment on compassionate ground all over the deppts. of Govt. of India irrespective of State and Central Govt., if an employee dies in service leaving behind his/her son, u/m daughter, widow/widower etc as the case may be, should be appointed immediately with the consent of survivor widow or widower and very short and quick steps should be taken to eliminate the grievances of the deceased employee's family members, but it has not been done in my case inspite of so much correspondence with your office when there is the implicit rules on the present issue. I have also not received the following payment of my deceased wife Late Smt. Yog Maya of your office.

1. Bonus amounting to Rs. 603.45 for the year 1983-84
2. Amount of encashment of leave for Rs. 2175/-
3. Pay for the period from 1-7-84 to 12-7-84.

I, therefore, request your honour to very kindly have a personal look into my case and arrange to appoint my son immediately as the case has already been much delayed and also please arrange for the payment of the above mentioned dues at a very early date.

An early and favourable reply in this case is most earnestly requested please.

Yours faithfully,

Dated : 18-11-85

Sd- S.B. Misra  
H/O Late Smt. Yog Maya  
Qr. No. 134/A  
Pandey ka Talab  
Lucknow.

True Copy

Attested

V. D. SHARMA

Atty. Gen.  
84/ ...  
LUCKNOW.

1864

(44)

X/B

In the Central Administrative Tribunal , Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant

And

The Union of India & others.

.. Opp. Parties.

Annexure no. 20.

3 rd Registered reminder.

To

The General Manager,  
N.Rly.,  
Baroda House,  
New Delhi.

Reg: Appointment of my son named Dinesh Chandra  
Misra on compassionate ground in a death case  
of his mother while in service.

Sir,

Kindly refer to my previous applications dt. 9-3-84  
and ~~202~~ 19-10-84 sent under the registered covers  
addressed to Shri R.P. Singh, General Manager for appoint-  
ment of my son named Dinesh Chandra Misra in Class IV  
staff on compassionate ground.

I beg to approach your goodself to say that my  
wife named Late Smt. Yog Maya who was employed as Lady  
in peon in D.R.M. Office, N.Rly., LKO expired on 12-7-84.  
She had to serve more than 12 years further in Railway.  
Her service has all along been quite satisfactory. I  
Have submitted a number of applications to your office  
as well as to D.R.M., N.Rly., LKO for the appointment of  
my above son. It was a task of a week or at the most  
a month to get employment in Railway but instead of  
7 months duration he has not yet been appointed neither  
any reply in this regard received by me even after the  
best efforts. I have also made the personal approaches

18/8

with local authorities but all in vain.

My wife name Late Smt. Yog Maya was appointed as Lady peon in D.R.M. Office, N.Rly., LKO by the special favour of late Shri Lal Bahadur Shastri, Hon'ble Prime Minister of India when he had come to see me in the serious condition on bed along with my brother-in-law.

Under the existing rules all over India irrespective of Central and State Govt. offices and even in the Local Bodies offices and also in private companies if anybody's father or mother employed in any of the Govy. offices and who dies during the service period with faithful services his or her son will be appointed immediately on the compassionate ground. I am extremely sorry to say that under such clear rules nothing has been done as yet in favour of my son by the Rly. administration and he is still out of employment.

I, therefore, request your honour to kindly consider my poor and pitiable case and arrange to issue order to D.R.M., N.Rly., Lucknow to appoint my son Dinesh Chandra Misra on compassionate ground without any further delay.

A early and favourable reply from your office in this case is earnestly requested.

A copy of my wife Late Smt. Yog Maya's death certificate is again sent herewith.

Yours faithfully

Dated : 6-2-85

DA/One copy

Sd- S.B. Misra  
H/O Late Smt. Yog Maya  
Gr. No. 134/A,  
Pandey ka Talab  
Lucknow (U.P.)

True Copy  
Attested.

*Shukla*  
V. D. SHUKLA

ADVOCATE,  
Lucknow.

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(46)  
A/60

- X -

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant

And

The Union of India & others.

.. Opp. Parties.

Annexure No. 21.

The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

Sir,

Sub: Appointment of my son named Dinesh Chandra  
Misra on compassionate ground in a death case  
of his mother while in service.

I beg to approach your honour to say with the  
deepest sorrow and a very <sup>heavy</sup> heart that I have sent 12 applica-  
tions to your office out of them 6 applications dated  
9-8-84, 10-9-84, 19-10-84, 8-11-84, 6-2-1985 and last  
dated 11-3-85 to Sh. R.P. Singh, General Manager under  
the registered covers with A.D. for appointment of my son  
named Dinesh Chandra Misra on compassionate ground and  
reply to which is still awaited from your office as well  
as from D.R.M./N.Rly/Lucknow.

Further I beg to say that my case is very simple  
and genuine and fully covers the existing rules of Govern-  
ment of India that the service on compassionate ground is  
given to widow/widower, son and unmarried daughter of the  
deceased employee with the consent of the widow or widower  
as the case may be. This is to compensate the children  
of the deceased employee. I do not understand the cause  
of delay by DRM/Lucknow in appointing my son on the

5

- 2 -

compassionate ground due to death of my wife late Smt. Yog Maya ex-lady peon in DRN/Lucknow. Her death occurred on 12-7-84 and her date of retirement was 3-9-1996 A.N.

I am extremely sorry to say that it was a task of a week or at the most a month to give employment to my above named son being a local case but a period of more than 8 months elapsed but my son has not so far been appointed.

I am sending herewith a copy of DRN/LK's letter No. 720E/Pen/G3 dated 26/30-11-84 decided in consultation with Sr. DAO/LKO which is self-explanatory that Shri Dinesh Chandra Misra is my son from my wife late Smt. Yog Maya who is the real claimant and is entitled to service on compassionate ground. The other candidate is Smt. Usha Misra who is the wife of my eldest son expired on 7-6-84, she had run away and living separately from my eldest deceased son since 28-2-77 has also applied now for service on compassionate ground which is not permissible under the rules.

I, therefore, request your honour to very kindly have a sympathetic look into my case and arrange to issue solid instructions to DRN/LKO N.Rly/Lucknow to appoint my son Dinesh Chandra Misra on compassionate ground without any further delay as the case has already been inordinately delayed.

DA/One  
Dt. March 27/3/1985

Yours faithfully,  
Sd/-

(S.B. Misra)

Husband of Late Smt. Yog Maya  
N.Rly. Qr. No. 134-A, Pande ka Talab  
Lucknow.

True Copy  
Attested.

*Shukla*  
V. D. SHUKLA

M. A., B. K., D.P.A.,

ADVOCATE,

19/34, P. O. Maqboolganj,

A60

(48)

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62

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opp. Parties.

Annexure No. 22.

1

Registered.

To

The General Manager,  
N.Rly, Baroda House, New Delhi.

Reg: Appointment of my son named Dinesh Chandra  
Misra on compassionate ground in a death case  
of his mother while in service.

Sir,

I beg to invite your kind attention with deep  
sorrow towards my 15 previous applications to your office  
and out of them 9 applications under the registered covers  
with A.D. to Hon'ble R.P. Singh, General Manager, N.Rly.,  
Baroda House, New Delhi by name. It is regretted that  
reply to which is still awaited from your office.

I am sending herewith a copy of Legal heir certifi-  
cate issued by the District Magistrate/Lucknow in which  
it is clearly mentioned that Dinesh Chandra Misra is the  
son of the deceased employee named Late Smt. Yog Maya who  
was working as Lady peon in D.R.M. Office, N.Rly., Lucknow  
and expired on 12-7-84.

In this connection I have also sent a number of  
applications to D.R.M/LKO to appoint my son in class IV  
staff but he has not so far been appointed though a  
period of near about one year is going to pass. The case  
is still pending with D.R.M. Office/LKO without any  
specific cause.

A69

(49)

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- 2 -

I, therefore, request your goodness to very kindly peruse the attached copy of the Legal heir certificate issue by DM/LKO showing the full detail of the family members of the deceased employee Late Smt. H Yog Maya and arrange to issue instructions to DRN/LKO to appoint my son named Dinesh Chandra Misra without any further delay.

Yours faithfully

Dated: 14-6-85  
DA/One copy.

Sd-S.B. Misra  
H/O Late Smt. Yog Maya  
Rly Qe. No. 134/A  
Pande ka Talab  
Lucknow (U.P.)

True Copy

Attested.

*Shukla*  
V. D. SHUKLA  
ADVOCATE,  
87, Baghoolganj,  
LUCKNOW.

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant.

And

The Union of India & others.

.. Opp. Parties.

Annexure No. 23.  
Registered. 18th Reminder.

To

The General Manager,  
Northern Railway,  
Baroda House,  
New Delhi.

Subject: Appointment of my son named Dinesh Chandra Misra on compassionate ground in the death case of his mother while in service.

Sir,

I beg to say with deep and extreme sorrow that I have submitted 18 applications to your honour for appointment of my above named son on compassionate ground with the fullest hope that some justifications will be offered by your radiating focus of your authority but my son has not so far been appointed neither any reply on the subject has been received by me as yet from your office. My wife late Smt. Yog Maya was employed as Lady peon in D.R.M. Office, N. Railway, Lucknow and expired on 12-7-84. A period of one year and two months elapsed since the case is under reference without any progress. This inordinate delay in the case of appointment on compassionate ground is liable to be taken from the staff at fault.

I, therefore, request your honour to very kindly have a sympathetic look in my case and arrange to issue forcible instructions to D.R.M., N.Rly., Lucknow to appoint my son named Dinesh Chandra Misra on a suitable post without any further delay.

An early and favourable reply from your honour is most earnestly requested please.

Dated : 6-9-85.

Yours faithfully

Sd-S. B. Misra,

Husband of late Smt. Yog Maya

True Copy

Attested

*Shukla*  
V. D. SHUKLA

M. A., LL. B., D.P.A.,  
ADVOCATE,  
Bagbooganj,  
LUCKNOW.



In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

Between

Dinesh Chandra Misra

.. Applicant

And

The Union of India & others.

.. Opp. Parties.

Annexure No. 24.

Registered with A.D.

To

The General Manager,  
N. Rly.,  
Baroda House,  
New Delhi.

Re: Appointment of my son named Dinesh Chandra  
Misra on compassionate ground in the death  
case of his mother while in service, D.R.M.  
N.Rly Office, Lucknow.

Sir,

Your kind attention is invited towards my applications dt. 12-10-84, 8-11-84, 6-2-85, 11-3-85, 23-3-85, 16-4-85, 14-5-85, 14-6-85, 24-6-85, 6-8-85, 6-9-85, 3-10-85, 30-10-85, 2-12-85 and 2-1-86 sent to your office under the registered covers with A.D. but my above named son has not so far been appointed on the compassionate ground neither any reply to this effect received by me from your office inspite of having so much correspondence on the subject.

The death of my wife named late Smt. Yog Maya was occurred on 12-7-84 and the case for appointment of my son on the compassionate ground is under correspondence with your office since that time. It is not understood what difficulties are arising in the way of my sons's appointment. I have got only one son now for whom I have already

given my consent.

There are orders on the clear understanding if an employee dies in service his/her son, unmarried daughters, widow /widower as the case may be should be appointed immediately to eliminate the distress of that family with the consent of the survivor widow or widower. A copy of death certificate and the detail of family/<sup>members</sup> ~~members~~ given by the District Magistrate have been thrice sent to your office.

I, therefore, request your honour to very kindly have a sympathetic look into this long outstanding case and arrange to issue instructions to D.R.M., N.Rly/LKO to appoint my above named son immediately.

Yours faithfully

Dated : 11-2-86

Sd- S.B. Misra  
H/O Late Smt. Yog Maya  
Gr. No. 134/A, Pande ka Talab,  
Lucknow (U.P.)

True Copy

Attested 18/2/86

A73

(53)  
A/67

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other.....Opposite  
Parties.

Annexure No. 25.

(Under Section 20, C.P.C.)

ON BEHALF OF :-

Sri Dinesh Chandra Misra, aged about 45 years, son  
of Sri S. B. Misra, resident of the house, C/o  
Sri D. S. Misra, Bahadurganj, Lucknow.

Through :

Sri V. S. Shukla,  
Advocate,  
84/383, Bahadurganj,  
Lucknow.

TO

1. The Union of India,  
Through the General Manager,  
Northern Railway,  
HQA's quarters office,  
Bara House,  
New Delhi.
2. The General Manager,  
Northern Railway,  
HQA's quarters office,  
Bara House,  
New Delhi.
3. The Divisional Railway Manager,  
Northern Railway,  
Divisional Railway Manager's office,  
Bahadurganj, Lucknow.

FOR INFO,

Under the instructions given by me on behalf of  
the above mentioned client Sri Dinesh Chandra Misra,  
I give you this notice under Section 20, C.P.C. to  
inform you as under :-

1. That my client's mother Late Smt. Yeg Maya was  
employed as a Lady Peon in the Divisional Railway  
Manager's office, Northern Railway, Bahadurganj, Lucknow  
and she was due for retirement prior to 1st April 1955  
but she was unfortunately died while in service on 27-3-55  
leaving behind her my above said client, the only  
survivor and, the other Sri S. B. Misra, a retired  
clerk of the Divisional Railway Manager's office,

Between

Dinosh Chandra Misra.....Applicant.

And

The Union of India and other.....Opposito  
Parties.

Annexure No. \_\_\_\_\_

- 2 -

Northam Hallway, Lucknow, India and not in  
married quarters.

So That my client's elder brother died in  
English Quarter Lucknow who was a young and promising  
graduate died on 7-3-1934 and his premature death was  
entirely due upon the ill health of his mother  
Smt. Yog Dasi, that she could not bear the shock and on  
the 11th on 12-7-1934 shortly after, within a period  
of about one month.

So That my client was fully dependent upon his  
mother and nothing in her life was not as present  
to his any source of income of his own.

So That my client is a young man of 23 years of  
age. He passed his Class VI examination from English  
School, Lucknow, Subhash Marg, Lucknow, and  
his date of birth according to transfer certificate  
from the same school is 12-8-1910. He has acquired  
sufficient knowledge in English as well as Hindi and is  
a young man of sound physique. He is the only brother  
relation of the deceased Smt. Yog Dasi and son of  
Shri S. D. Misra, Father.

So That he fulfils all the requisite conditions  
for appointment as class IV employee in the railway  
department in any category.

So That my client applied himself with all the  
requirements as class IV employee in any category in the railway department  
submitting applications dated 1-3-34, 10-3-34, 10-10-34  
and 8-11-34 along with birth certificate of his late

A75

(55)  
A/69

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
\*ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other..... pposito  
Parties.

Annexure No. \_\_\_\_\_

Further, a copy of P.O. bearing No. 100 of 1935 and  
also a copy of the result-card of posting of 1935  
submitted to the General Manager, Northern Railway,  
Allahabad Office, Bada Bazar, New Delhi in  
support of his claim for the rank of his mother, in  
view of her educational qualifications. These  
documents are still in the custody of the Provincial  
Railway Manager, Northern Railway, Lucknow. He also  
sent an application dated 10-1-35 to the  
Provincial Railway Manager, Northern Railway, Lucknow  
for his appointment as Class IV employee in any  
category.

7. That my client's father Sri S.H. Misra, also  
also sent applications dated 7-11-34, 1-1-35,  
10-12-34, 10-1-35, 6-2-35, 2-4-35, 16-4-35, 11-5-35,  
23-8-35, 18-9-35,  
20-3-35, 25-5-35, 14/6/35, 16-10-35 and 18-11-35  
to the Provincial Railway Manager, Northern  
Railway, Lucknow, and 6-2-35, 11-2-35,  
27-3-35, 16-4-35, 16-5-35, 14/6/35, 6-7-35, 3-10-35,  
10-10-35, 2-12-35 and 2-1-36 to the General Manager,  
Northern Railway, Allahabad Office, Bada Bazar,  
New Delhi on behalf of my client for his appointment  
in the railway department on compassionate grounds  
in class IV category.

8. That the applicant's applications as detailed in  
paragraphs 6 and 7 above neither the Provincial  
Railway Manager, Northern Railway, Lucknow,  
Lucknow nor the General Manager, Northern Railway,  
Allahabad Office, Bada Bazar, New Delhi sent  
any reply of the applicant's petitions in affirmative or

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, Allahabad.

Before

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other.....Opposite  
Parties.

Annexure No. \_\_\_\_\_

4

That to my class in 1940

Do that only one of members of the  
General railway employees are eligible for appointment  
and as compensation for services they should be  
eligible, conditions for appointment are provided  
that their surviving dependents or  
relatives, as the case may be, give their  
consent for such appointments. Application submitted  
in para 7 above are sufficient to prove of the consent  
of my class's father.

Do that both the Northern Railway employees,  
Northern Railway, Eastern Railway, and Western Railway,  
Litchi Branch, Howrah and other employees  
appointed by class as class IV employees in any  
category.

Do that this is not the railway case for  
appointment as compensation grounds, and and also  
members of the General railway employees have  
frequently been appointed in the past as compensation  
grounds by the competent authorities and in all  
the cases mentioned and the others are not eligible  
the general conditions of employment as were not  
fixed by the competent authorities.

Do that my class submit all the necessary  
conditions for appointment as class IV employees in  
any category whatsoever, and so is fully prepared to  
appear for my test for the position by the competent  
authority or any other authority who may be required

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other.....Opposite  
Parties.

Annexure No. \_\_\_\_\_.

5

by him for the purpose

1. That the action of the Divisional Railway Manager, Northern Railway, Meerut, Lucknow, that the General Manager, Northern Railway, Meerut, Office, Meerut House, Meerut, has caused great prejudice to my client. He has not with the discrimination at the hands of these authorities. Their action is unconstitutional, violative of the principles of natural justice, arbitrary, perverse and without application of mind. Instead of affording redress to the family of my client, they have caused great mental agony to my client.

2. That the cause of action against my client against the Divisional Railway Manager, Northern Railway, Lucknow and the General Manager, Northern Railway, Meerut Office, Meerut House, Meerut, was on 9-3-34, 10-9-34, 19-10-34, 8-11-34, 10-1-35, 7-11-34, 4-12-34, 18-12-34, 0-1-35, 6-2-35, 2-3-35, 11-3-35, 10-3-35, 23-3-35, 28-3-35, 0-4-35, 15-10-35, 18-11-35, 6-2-35, 11-3-35, 27-3-35, 13-4-35, 14-5-35, 14-6-35, 6-8-35, 6-9-35, 3-10-35, 20-10-35, 2-12-35 and 2-1-36 and therefore that the General Manager, Northern Railway, Meerut Office, Meerut House, Meerut, and the Divisional Railway Manager, Northern Railway, Meerut, have caused great prejudice to my client's family and he has not with the discrimination at the hands of these authorities. Their action is unconstitutional, violative of the principles of natural justice, arbitrary, perverse and without application of mind. Instead of affording redress to the family of my client, they have caused great mental agony to my client.

\*IN THE CENTRAL ADMINISTRATIVE TRIBUNAL\*  
\*ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other.....Opposite Parties.

Annexure No. \_\_\_\_\_

6

the benefit of this valuable right of appointment for no fault of his own and that too without considering any reasons. Non-response from the concerned authorities tantamounts to denial of opportunity to my client.

23. That my client is a very poor person with no source of income of his own. His father is a retired employee of very meagre income and it is very difficult to pull on without any employment in the present hard times.

I accordingly give you this notice requiring you to re-examine the whole case of my client in the right perspective in the light of para 1 to 20 above and after examining his case to kindly pass necessary orders for his appointment on compassionate grounds as a class IV employee in any category he may be found fit by the concerned authority willing that my client will be painfully compelled to seek his means of livelihood from the courts at your earliest convenience.

Yours faithfully,

*[Signature]*  
True Copy  
Attested  
*[Signature]*

V. D. SHUKLA

ADVOCATE,  
C-10, ANANDAPUR, ALAHAHABAD



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 \*ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other.....Opposito  
 Parties.

Annexure No. 26.

शक्ति संपत्ति (संग्रह) ACKNOWLEDGMENT	
Received at	Registered Letter/Postcard/Postage/Parcel
प्राप्त की जा रही है	10 the Union of India
Addressed to (name)	Through General Manager
प्राप्त करने वाले का नाम	Northern Railway
Addressed for Purpose	Headquarters office
प्राप्त करने के लिए	Baron House
Date of delivery	Near Delhi
Date of receipt	
Date of the matter not received	
For Insurance only	प्राप्त करने के लिए

True copy  
 attested

V. D. SHUKLA

By Secy, Secy to the Secy to the Secy,  
 LUCKNOW.

A80

(66)

A  
73

\*IN THE CENTRAL ADMINISTRATIVE SREBUNAL\*

\*ALLAHABAD BENCH, Allahabad.

Between

Dinesh Chandra Misra.....Applicant.

AndThe Union of India and other.....Opposito  
Parties.Annexure No. 27Annexure No. 27

प्राप्ति स्वीकृति (पक्षीय) ACKNOWLEDGMENT

\*Received by Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम  
Addressed to (name)To Mr. General Manager  
North India Railway  
Headquarters Office

भारत का मूल्य (रुपयों में)

Insured in Rupees

प्रदत्त की तारीख/Date of delivery.....193.

पेनाच्यूर की जित दिया जाए।

Penalty for the matter not required.

फिर भी इसका प्रमाण के लिए

For the purpose of evidence only

पाने वाले के हस्ताक्षर/Signature of addressee

True copy  
Bhaskar

18/1/39

V. D. SHUKLA

M. A. S. P. S.,  
ADDITIONAL S.P.O.,  
C. O. S. P. S. Maghooj, LUCKNOW.

AB1

(61)

A/34

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ALLAHABAD BENCH, Allahabad.**

Between

Dinesh Chandra Misra.....Applicant.

And

The Union of India and other.....Opposito  
Parties.

Annexure No. 28.

**प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT**

प्राप्त की गयी / पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

\*Received a Registered /Letter/Postcard/Packet/Parcel  
Insured

किसी को प्राप्त

Addressed to (नाम)

हस्ताक्षर के लिए (रसीद के लिए)  
Insured for Rupees

दिनांक पर प्रेषित } .....197

प्राप्त करने के लिए कितना भुगतान किया गया

प्राप्त करने के लिए भुगतान

To The Divisional Railway Manager  
Northern Railway  
Hazratganj  
Lucknow (up)

प्राप्त करने के हस्ताक्षर /Signature of addressee

\*Score out the matter not required.

†For insured articles only.

*True copy*  
*attested*

*Shukla*

**V. D. SHUKLA**

ADVOCATE,  
22, 3rd Floor, Mayapuri, New Delhi.

In the Central Administrative Tribunal, Allahabad Branch, Allahabad  
 Between  
 Dinesh Chandra Misra — and Union of India and others

Annexure No. 29

पोस्ट 19-ए/पत्र 99 डाटा  
 G.L. 19-A/Geol. 99 Small

उत्तर रेलवे NORTHERN RAILWAY

फा सं है/5000वी/ए.पी.जी./2580 मंडल आ.पी.जी.

श्री दिनेश चन्द्र मिश्रा आत्मजा श्री मती. योडा माया दिनांक 10-9-86

काया - एन.पी.मिश्रा

रेलवे क्लाइमेट 134/A

पॉन्ड का तालाब

एन.पी.मिश्रा

वि:- श्री दिनेश चन्द्र मिश्रा आत्मजा श्री मती  
 योडा माया का कायकाम्या कायाल पर निमित्त

उपरोक्त संदर्भ में आप को सूचित किया  
 जाता है कि कायकाम्या कायाल पर आपकी  
 निमित्त का कायकाम्या में किया करना  
 सम्भव नहीं प्रतीत होता है।

True copy - sd -

29/9

जानिक अधिकारी

उत्तर रेलवे, लखनऊ

Perceval Officer  
 Northern Railway, Lucknow

आपके मंडल रेल क्लाइमेट  
 लखनऊ

Shukla  
 Counsel for the applicant

In the Central Administrative Tribunal, Allahabad Bench,  
Allahabad.

अपागत श्रीमान्

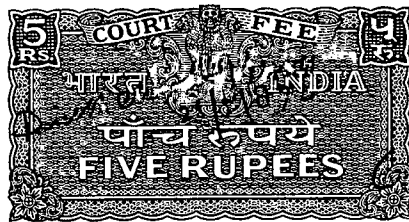
महोदय

[वादी] अपीलान्त

Dinesh Chandra Misra

वकीलतनामा

प्रतिवादी [रिस्पॉण्डेंट]



वादी (अपीलान्त)

(applicant) Dinesh Chandra Misra बनाम Union of India & others प्रतिवादी (रिस्पॉण्डेंट) O.P.s.

नं० मुकद्दमा - सन् 1987. पेशी की ता० १९८७ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री V. D. Shukla

84/383, Katra Maghwalgany, Lucknow.

वकील-

महोदय  
एडवोकेट

जो अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेंरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें वा सुलहनामा व इकबाल बावा 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 (फरीफसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तुस्थिती) रसीद 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 हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अबम पेंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकीलतनामा लिख दिया प्रमाण रहे और समय पर कस आवे।

Dinesh Chandra Misra ✓  
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

21

महीना

५

सन् १९८७. ई०

स्पीकुस

Acceptance  
18/8/87  
21/2/87  
Advocate

A04

*gib*  
*7/21/88*

I. THE GENERAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH  
ALLAHABAD-

*R*  
*27*

JOINT AFFIDAVIT

On Behalf of Respondent No. 1

In

Registration No. 213 of 1987

Between

Dinesh Chandra Misra .. .. Petitioner.

Vs.

Union of India and  
others.. .. Respondents.

I, the deponent above named do hereby solemnly  
affirm and state on oath as under:

1. That the deponent is respondent No. 1 in the  
above noted case and as such he is acquainted with the  
facts of the case deposed to below:
2. That I have gone through the contents of petition  
filed by Dinesh Chandra Misra and have understood the contents  
and give below para-wise reply:
3. That the contents of paragraph No. 1 of the petition  
are not admitted as stated. It is wrong to say that Dinesh  
Chandra was the only survivor of Smt. Yogmaya. The date of birth  
of Smt. Yogmaya is 24.3.1938 and she was due to attain the age  
of superannuation on 31.3.1996. She died of a natural death

*copy served*  
*Q228*

*-11*  
*228*

- 2 -

on 12.7.1984 while in service leaving behind the following dependents.

- |   |                                   |         |
|---|-----------------------------------|---------|
| i) Sri Shyam Bahadur Misra<br>aged about 60 1/2 years.  | Husband Retd. Railway<br>Servant. | A<br>48 |
| ii) Shri Satish Chandra Misra,<br>Aged about 27 years.  | son died on 7.6.1984              |         |
| iii) Shri Dinesh Chandra Misra,<br>aged about 21 years. | son                               |         |
| iv) Smt. Asha Rani, aged about<br>30 years.             | Married daughter.                 |         |
| v) Kamlesh Kumari, aged about<br>28 years.              | -do-                              |         |
| vi) Usha Misra aged about<br>26 years.                  | -do-                              |         |

4. That the contents of paragraph Nos. 2 and 3 need no reply.

5. That the contents of paragraph No. 4 are not admitted as stated. It is worthwhile to mention that Shri Dinesh Chandra Misra son of Shri S.B. Misra passed class VI from Chandra Siksha Niketan Subhash Nagar, Dugawan, Lucknow in the year 1978 and the transfer certificate issued by the school shows his date of birth, as written in the record, as 12.8.1963. The aforesaid transfer certificate was issued on 8.1.1982. In another Scholars register and Transfer Certificate issued on 31.8.1984 by Head Master Hindu Bal Vidyalaya Shri Dinesh Chandra Misra son of Shri Shyam Bahari Misra, 274, Dugawan, Lucknow has been shown admitted in this Institution on 9.7.1973 in Class II and removed from there on 30.8.1984 after passing class II on 20.5.1974. In this T.C. the date of birth of Shri Dinesh Chandra Misra is recorded as 12.8.67 and under the reading "last Institution attended" private is indicated. Father's name in both the T.Cs. differs. Different T.Cs. and different date of birth indicates, submitted by the applicant.

AM  
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1086

6. That in reply to paragraph No. 5 of the petition it is submitted that according to extent orders of Railway Board only the blood relations of the deceased Railway employees are eligible for appointment on compassionate grounds. Although Shri Dinesh Chandra Misra S/o Shri S.B. Misra, Yogmaya, is eligible, but since the TC issued by Chandra Siksha Niketan, Lucknow has not been verified and is forged one, the petitioner is not eligible for appointment on compassionate grounds.
7. That in reply to paragraph No. 6 of the petition it is submitted that the applicant has not been considered for appointment on compassionate grounds to government service by the competent authority.
8. That in reply to contents of paragraphs No. 7 & 8 it is submitted that the case of the applicant was considered by the competent authority and was finally rejected. The applicant was informed about the position of the case through office letter dated 10.9.1986.
9. That the contents of paragraph 9 of the petition are wrong, hence denied. The case of applicant's was finally decided in September, 1986 and he was duly informed through office letter No. E/WB/ACG/2580 dated 10.9.1986 about the rejection of his case for appointment on compassionate grounds by the competent authority.
10. That in reply to contents of paragraphs No. 11, 12 and 13, it is submitted that the applicant failed to produce proper certificates in proof of age and educational qualifications and the papers submitted by him were not found verified and found forged, as such his case for appointment on compassionate grounds had been rejected by the competent authority.

1086  
23/9



11. That the contents of paragraphs No. 14 and 15 are not admitted and the same will be replied suitably at the time of final hearing.

12. That in reply to contents of paragraph No. 16 of the petition it is submitted that Smt. Usha Misra widow of pre-deceased son of Late Jog Maya has represented for her appointment to class IV post on compassionate ground and payment of PF and Group Insurance amount etc. of settlement of dues of her mother-in-law. As she was not a blood relation of Late Smt. Yognaya, she was not found eligible for appointment on compassionate grounds. Any how the payment of PF and group insurance has been made as under:

PF Dues: Payment made in equal shares to Smt. Usha Misra widow of pre-deceased son and Shri Shyam Bahadur Misra husband of the deceased viz Rs. 507.50P each on 18.1.85.

Group Insurance: Payment made in equal shares as stated above i.e. Rs. 5115.50 to each under the rules.

13. That in reply to contents of paragraph No. 17 and 18 of the writ petition, it is stated that on receipt of Shri A.P. Sharma SPO (CR) Headquarters Office, Baroda House, New Delhi's D.O. letter No. 145-E/C/7-85/LC/1069/MP/SSB dated March '86 and in the face of report of Sr. Welfare Inspector at Annexure 'A' one more attempt was made to contact the School authorities of Chandra Siksha Niketan, Lucknow for re-verification of TC for which the Senior Welfare Inspector was again deputed, whose report alongwith the references of Serial Numbers quoted therein is attached at Annexure 'B'.

Reports of Senior Welfare Inspector indicates that from the very beginning forgery has been adopted before entering into the government job. Hence he was not considered fit for appointment to government service.

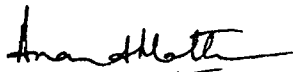
-109  
23/8

14. That in reply to contents of paragraph No. 19 of the petition it is submitted that in the School TC of passing Class II in the year 1973-74 issued on 31.8.1984 by the Principal Hindu Bal Vidyalaya, Lucknow, the date of birth of Shri Dinesh Chandra Misra is shown as 12.8.67. In that T.C. his father's name is mentioned as Shri Shyam Behari Misra resident of 274, Dugawan, Lucknow. It is also indicated therein that the Scholar had not attended any last Institution and studied privately. In another TC of passing Class VI in the year 1977-78 issued on 8.1.82 by the Head Mistress Chandra Siksha Niketan, Lucknow, the date of birth of Shri Dinesh Chandra Misra is shown as 12.8.63 and Father's name indicates as Shri S.B. Misra, 274 Dugawan, Lucknow.

That in order to verify the genuineness of scholar register and transfer certificate dated 8.1.1982, a letter was sent to the Head Mistress, Chandra Shiksha Niketan, Lucknow through this office letter No.E/WB/ACG/84-7-20 dated 19.12.84 requesting her to give full co-operation to the Welfare Inspector of this office in verifying the said TC but she failed to co-operate and no record to prove the genuineness of scholar register and transfer certificate dated 8.1.82 were shown to him. The welfare Inspector was again deputed, but the School Authorities did not show the relevant record to him. The District Basic Education Officer, Lucknow to whom a reference was made in this connection and intimated through his letter No. Adhi-I/Ma/4061/85-86 dated 8.9.85 that the School Chandra Siksha Niketan Dugawan, Lucknow is not recognized. Hence in the circumstances, the TC issued by the Principal ~~does not~~ cannot be valid and it is forged one.

AM  
22/5

I, ~~Amund~~ <sup>Amund</sup> Mathur son of  
aged about 28 yrs working as A. P. O. in the  
office, do hereby verify that the contents of paras Nos. 1, 2  
are true to my personal knowledge and paras 3 to 13  
believed to be true, <sup>perusal of record in</sup> on legal advice and that I have not  
suppressed any material fact.

  
Signature of the applicant.

Date: 23/9/87

Place:

Signature verified  
DRSif  
Advocate

Ann A

A90

83

Reg:- Verification of T.C. and its genuineness,  
produced by Shri Dinesh Chandra Misra S/O  
Shri S.B. Misra.

....

On death of Smt. Yog Maya ex Deon of DRM's Office, LKO Shri S.B. Misra applied for appointment of Shri Dinesh Chandra Misra stating him as the son of his wife Smt. Yog Maya along with the application of Shri Dinesh Chandra Misra and produced the original T.C. from Chandra Shiksha Niketan, Dugawan, Lucknow.

In his application Shri Dinesh Chandra has stated that he is the only son and has not mentioned regarding his father. On receipt of another certificate from Shri Dinesh Chandra Misra's sister-in-law of Smt. Usha Misra W/o Satish Chandra Mishra both brothers of Shri Dinesh Chandra Misra, the genuineness of T.C. was to be verified. For this job I contacted Head Mistress and the Manager of Chandra Shiksha Niketan on 9.8. & 14.8.84. But no co-operation was given by the school authorities. Consequently a letter was written.

I visited the said school on 12.11.84 and on 23.11.84. Every time the lady deon of school came to the doors and told me that the Head Mistress is out. Any how on 19.12.84, I without knocking the door entered the school suddenly I could see the Head Mistress was ~~there~~ there. The Head Mistress did not agree to receive the letter nor she was prepared to show any document of her school. She asked me to come on 27.12.84 when the Manager of the school would be available at Lucknow and also to send the letter by post.

On 27.12.84 I again visited the school but it was closed.

From the perusal of the T.C. produced by Shri S.B. Misra Shyam Bihari Misra ex. Sr. Clerk of DRM's Office, Lucknow and another produced by Smt. Usha Misra the widow of the elder son of the deceased Smt. Yog Maya, the date of birth of Shri Dinesh Chandra Misra differs from each other father's name is Shri S.B. Misra where as it is Shri Shyam Bihari Misra. The home address is the same in both the T.C.s.

The applications submitted by Smt. Usha Misra stated that Shri Shyam Bahadur Misra is not the father of Shri Dinesh Chandra Misra who has applied for appointment.

In his own settlement papers Shri Shyam Bahadur Misra Sr. Clerk of W.B. Section who retired from service on 31.3.82 gave his same home address as given in both the T.C.s (Vidya Dugawan, Lucknow) while Smt. Yog Maya was living in Rly. Qr. No. 154/A Pandey Ka Talab, Lucknow for last so many years.

Shri S.B. Misra is not prepared to disclose the address of his father-in-law of his first wife Shri Ram Bahadur Misra who died in 1950 as well as the address of Shri Ram Bahadur Misra the son from Smt. Ram Bahadur.

Contd...2/0

~~A~~  
~~84~~

<p>उपरोक्त नाम के व्यक्ति का नाम, पेशा, व्यवसाय, धर्म आदि</p> <p>Names of Scholar with caste if Hindu otherwise religion</p>	<p>उपरोक्त नाम के व्यक्ति का नाम, पेशा, व्यवसाय, धर्म आदि</p> <p>Name, occupation &amp; address of Parent or Guardian</p>	<p>उपरोक्त नाम के व्यक्ति का जन्म तिथि</p> <p>Date of birth of the Scholar</p>	<p>उपरोक्त नाम के व्यक्ति का पढ़ाई का स्थान</p> <p>Last Institution attended</p>
<p>दिनेश चन्द्र मिश्र</p> <p>हिंदू (ब्राह्मण)</p>	<p>श्री श्याम बिहारी मिश्र</p> <p>274, दुर्गावा लावनडा</p>	<p>12.8.1967</p>	<p>प्राइवेट</p>

पल विधि (ज्यों थे) बाहर बागवत उन्नीस श्री आसठ

उत्पा Class	प्रवेश तिथि Date of admission	उत्तीर्ण तिथि Date of Promotion	निराकरण तिथि Date of removal	निराकरण का कारण जैसे देय शुल्क का न देना, परिवार का स्थान परिवर्तन आदि Cause of removal	वर्ष Year	व्यवहार तथा कार्य Conduct & work
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दूसरी 'ए'						
तीसरी 'ए'						
चौथी 'ए'						
पाँचवीं 'ए'						
छठी 'ए'						
सातवीं 'ए'						
आठवीं 'ए'						
नौवीं 'ए'						
दसवीं 'ए'						
ग्यारहवीं 'ए'						
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13. ಈ ಉಪನಿಷತ್‌ಗಳಲ್ಲಿ ದೇವತಾಪೂಜೆಯ ಬಗ್ಗೆಯೂ 'ದೇವತಾಪೂಜೆ'ಯ ಬಗ್ಗೆಯೂ

ॐ नमो भगवते वासुदेवाय ।

A  
B

-: प्रमाण-पत्र :-

तहसीलदार, लखनऊ की रिपोर्ट दिनांक 1.1.85 के आधार पर प्रमाणित किया जाता है कि श्रीमती योगमाया पत्नी श्याम बहादुर निवासिनी 134ए, रेलवे कालोनी, पाण्डे का तालाब शेषवाग, लखनऊ का स्वर्गवास दिनांक 12.7.84 को हो गया था। मृतिका के निम्नलिखित उत्तराधिकारी हैं :-

- |    |                          |      |         |    |     |                    |
|----|--------------------------|------|---------|----|-----|--------------------|
| 1. | श्री श्याम बहादुर मिश्रा | भापु | लगभग 61 | की | पति | मृतिका             |
| 2. | श्री दिनेश चन्द्र मिश्रा | ..   | ..      | 21 | की  | पुत्र मृतिका       |
| 3. | श्रीमती आशाराणी          | ..   | ..      | 29 | की  | विवाहित पुत्री मृ० |
| 4. | श्रीमती कमला कुमारी      | ..   | ..      | 27 | की  | .. ..              |

उपरोक्त के अतिरिक्त अन्य कोई उत्तराधिकारी नहीं है। यह प्रमाण-पत्र मात्र पाँच हजार रुपये तक वैध है।



पूते जिलाधिकारी,  
लखनऊ ।

१६२.

जिला केन्द्र शिक्षा अधिकारी  
(भारत)

आदि

विशेषतः राजस्थान में राजा  
जयसिंह राजवंश (1540-1570)

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[illegible]

Ank B

A93

K/60

I visited Chandra Siksha  
School, Lucknow on the following dates to  
verify the records maintained by this office.

15.4.85 - School remain closed.  
18.7.85 - -do-  
20.7.85 - -do-

On 12.7.85 when I again visited no School Teacher  
was available in the School. Shri K.B. Mishra who is the  
Manager of the School and runs his clinic in the School  
Building was contacted and asked to show the required  
documents but he failed to do so and simply acknowledged.  
The Head Mistress was not present on that date also.

Further I visited the school on 25.7.85 and the  
document called for were shown to me as follows:-

- (1) The Manager stated that the School was registered  
but not recognised. Neither he showed the registration  
No. and nor confirmed the fact in writing on  
my demand.
- (2) He showed the scholar register wherein the date of  
birth was recorded on 12.8.63 as shown in the T.C.  
filed. The admission form from which scholar  
register is prepared was also seen. There was over-  
writing on the date of birth and no initial of the  
guardian/father (Shri S.B. Mishra) was recorded therein.  
The admission application form, the name of father of  
Shri Dinesh Chandra was written as S.B. Mishra. The same  
home address viz 274, Laganan Lucknow. Thus the correct-  
ness of name as pointed out and still could not be  
certained.

The attendance register and result card pertaining to  
period Shri Dinesh Chandra read in his School, also could not  
be shown by him stating that it were too old records and not  
available.

Efforts were made to check the admission application  
form submitted in Hindu Bal Vidyalaya where Shri Dinesh  
Chandra read upto II Class and his father's name has been  
recorded there as Gyan Bilari Mishra but the Head Mistress  
of that School returned the form stating that she has  
difficulty in searching such old record.

Apart from the above fact it is pointed out that  
Chandra Siksha Niketan School is neither recognised as  
Primary nor Junior High School and such schools are not  
authorised to issue Transfer Certificate. The T.C. issued  
to Shri Dinesh Chandra Mishra is of VI Class passed i.e. a  
Jr. High School standard.

In view of the above the T.C. submitted by the  
applicant does not appear to be a valid one. This has been  
confirmed by V.K. Singh, District Officer, Lucknow.

Sd/-  
( H. B. Mishra )  
11.9.85.

A94

87

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

Dinesh Chandra Misra

..Applicant.

Versus

The Union of India & others.

.. Opp.Parties.

Registration No. 213/1987

F.F. 9-5-1989.

Rejoinder on behalf of the applicant against  
the counter-affidavit dated Nil of the  
opposite parties,

The applicant most respectfully begs to submit :-

1. That the contents of para 1 of the counter-reply need no comments.
2. That the contents of para 2 of the counter affidavit need no remarks.
3. That the contents of para 3 of the counter reply so far as they are inconsistent with those of para 1 of the application are denied. It may be, however, added that Sri S.B. Misra, applicant's father also died on 15.7.87. Smt. Usha Misra is not the married daughter of late Smt. Yog Maya but she is the daughter-in-law of the deceased and she is not keeping good relation with the applicant and is residing separately with the

*18/8/89*

*Filed today*

*h  
25/7*

*Received Copy  
for S.S. Verma  
Adv.  
for tender of Smt. Usha  
S.S. op*



8/6

some where else. The two married ~~applicant. They are residing with~~ daughters Smt. Asha Rani and Kamlesh Kumari are also not residing with the applicant. They are residing with their husbands somewhere else. The applicant is the only son left as an orphan with no source of income of his own or from any other source. He is passing his days in distress.

4. That the contents of para 4 need no comments.

5. That the contents of para 5 of the counter so far as they are inconsistent with para 4 of the application are denied and those of para 4 of the application are re-iterated. It is noteworthy to mention that the respondent no. 3 himself admits in para 2 of Annexure No. B to his counter-affidavit that the Welfare Inspector concerned verified the date of birth and educational qualification of the applicant from the original <sup>School</sup> register of Chandra Shiksha Niketan, Lucknow on 25-7-1985, whereas the contents of T.C. alleged to be from Hindu Bal Vidyalaya, Lucknow were never got verified by the said Welfare Inspector as is self-explanatory from the same report dated 19-8-1985 in para 8 thereof. The respondent no. 3 appears to have not applied his mind to the true facts of the case. In face of a verified Transfer Certificate from Chandra Shiksha Niketan the unverified T.C. from Hindu Bal Vidyalaya, alleged to be ~~from~~ there is quite meaningless and cannot be compared and relied upon.

6. That the contents of para 6 so far as they are inconsistent with those of para 5 of the petition are wrong and denied. When the contents of annexure no. 4

18/12/85

of the petition of the applicant tally with those of the original Scholar Register checked by the Welfare Inspector as per report dated 19-8-1985 recorded in para 2 of the Annexure-B to the counter then it is quite wrong and baseless to allege that T.C. from Chandra Shiksha Niketan, Lucknow has not been verified and is a forged one and petitioner is not eligible for appointment on compassionate ground.

7. That the contents of para 7 are not in conformity with the contents of para 6 of the petition, hence they are quite wrong and denied.

8. That the contents of para 8 of the counter-affidavit being not in conformity with those of para 7 of the petition of the applicant are denied. As regards contents of para 8 of the counter it is admitted that the petitioner was informed by a letter dated 10-9-1986 rejecting his claim at a very distant date.

9. That the contents of para 9 of the counter are quite wrong and denied. The applicant sent a legal notice dated 30-4-1986 to the respondents and his claim was rejected as late as 10-9-1986 after <sup>service</sup> issue of the legal notice to them.

10. That the contents of para 10 of the counter, so far as they are inconsistent with those of paras 11, 12 and 13 of the petition of the applicant are quite wrong, incorrect and emphatically denied in view of the replies detailed in paras 5 and 6 and 13 of this rejoinder.

*18/8/86*

11. That the contents of paras 14 and 15 of the petition are re-iterated and those of para 11 so far as they are inconsistent with the paras 14 and 15 of the petition are denied.

12. That the contents of para 12 need no comments.

13. (1) That the contents of para 13 of the counter-reply so far as they are inconsistent with those of paras 17 and 18 of the petition are denied.

(ii) The eligibility of the applicant for his appointment in Class IV service stands already decided by Sri A.P. Sharma's D.O. letter dated 11-3-1986 (annexure no. 7 of the petition) referred to and admitted in first part of para para 13 of the counter.

(iii) As regards 2nd part of this para of the counter-reply the contents of annexure no. 4 of the petition were checked by the Welfare Inspector with the original Scholar Register of the 'Chandra Shiksha Niketan' and found exactly the same as produced by the petitioner as is admitted by him in his report in para (2) of Annexure No. B of the counter. The contents of annexure no. 4 of the petition with regard to date of birth and other particulars get thus verified. To compare the contents of this annexure no. 4 of the petition with any other T.C. alleged to be from 'Hindu Bal Vidyalaya', which the applicant has never produced to the respondent no. 3 and which is absolutely wrong and denied by him, is an unverified T.C. and appears to be the mischief of Smt. Usha Misra, applicant's Bhabhi who is deadly against the applicant and is wholly interested in her own

18/11/86

appointment and has been trying tooth and nail to applicant's case rejected by poisoning the ears of the officials of respondent no. 3.

iv) Leaving this aside the applicant has filed annexure no. 6 in this Hon'ble Tribunal and it was also produced before the respondent no. 3. This certificate is a certificate from the District Magistrate, Lucknow and is based on the report dated 1-1-1985 of his Tehsildar. According to this certificate dated 15-1-1985 the age of the applicant is shown as 21 years. If we calculate the age of the applicant according to the date of birth as recorded in Scholar Register of Chandra Shiksha Niketan, Lucknow in annexure no. 4 of the petition the age comes to  $[1-1-1985 \text{ (date of report of Tehsildar)} - 12-8-63 \text{ (date of birth of the petitioner as per T.C. of school)} = 21 \text{ years } 4 \text{ months and } 19 \text{ days}]$  21 years. The age of the petitioner being 21 years 1-1-1985 is fully verified and confirmed by this annexure no. 6 of the petition and it being a certificate from the District Magistrate, Lucknow is the most authentic record of the date of birth of the applicant and can not be challenged by any authority in any office. It fully establishes the fact that applicant's date of birth is 12-8-63.

v) In the absence of any established act of tampering, manipulation, distortion, disfiguring or forgery against the petitioner by the respondent no. 3 it cannot be said that the applicant has in anyway committed an act of forgery and to reject

*W. S. Singh*

A79

A/2

his genuine case on this wrong and baseless allegation is quite wrong, incorrect and causes great prejudice to him. The contents of T. C. produced by the petitioner (annexure no. 4) are fully verified with the original Scholar Register of the Chandra Shiksha Niketan and they can not be compared with an unverified contents of T.C. alleged to be from Hindu Bal Vidyalaya.

14. (i) That the contents of para 14~~max~~ of the counter-reply and those of the report dated 18-9-85 (Annexure no. B of the counter) being contradictory are quite wrong and denied. The contents of para 19 of the petition are re-iterated.

ii) That the School 'Chandra Shiksha Niketan' is a registered one as per para (1) of the report (Annexure B to the counter) and in face of the certificate dated 15-1-1985 from District Magistrate Lucknow showing the applicant's age as 21 years on 1-1-1985. No further proof remains wanting and it is fully confirmed.

(iii) In view of the detailed reply in paras 5, 6 and 13 of the rejoinder no further comments appear necessary.

/ Lucknow, dated :  
4.5.89

Dinesh Chandra Misra  
Applicant.

Verification.

I, D.C. Misra, the applicant do hereby verify that the contents of paras 1 to 14 with its sub-para are true as partly to my own knowledge and partly on the basis of legal advice. I have not concealed any material.

/ Signed and verified this 4<sup>th</sup> day of April, 1989 at Lucknow.

Lucknow, dated :  
/ 4.5.1989.

Dinesh Chandra Misra  
Applicant.

In the Central Administrative Tribunal, Allahabad.

Lucknow Circuit Bench, Lucknow.

C.M. An No 33/9069

Dinesh Chandra Misra. ... .. Applicant.  
The Union of India & Others ... Vs. ... Respondents.

Registration No. 213/1987.

F.F. 19.1.90.

The applicant most respectfully begs to submit:-

- (1). That the applicant submitted a true copy the Transfer Certificate (annexure no.4) bearing his date of birth, educational qualification and other particulars from School. 'Chandra Siksha Niketan' Lucknow duly signed by the School authority with the seal of the said school affixed thereon as mentioned in para 19 of his application dated 21.2.87 which is on record of this Hon'ble Tribunal.
- (2) That the said copy of the Transfer Certificate as mentioned in para 1 above is in the custody of the Divisional Railway Manager, Northern Railway, Lucknow, the Respondent No. 3.
- (3) That in the interest of justice it is absolutely necessary to file the said copy of the 'Transfer Certificate' in the Hon'ble Tribunal as the copy as appears as annexure No. 4 at page 18 does not distinctly bear the seal and signature of the authority of the said school although the same distinctly appears in the 'Transfer Certificate' filed in the office of the Divisional Railway Manager, Northern Railway, Lucknow, the respondent no. 3.

It is, therefore, prayed that the Hon'ble Tribunal be graciously pleased to direct the Divisional Railway Manager, Northern Railway, Lucknow the respondent no. 3 through his counsel to file the requisite Transfer Certificate in the Hon'ble Tribunal. Lucknow.

Lucknow  
Dt. 16/1/90

*V.D. Shukla*  
( V.D. Shukla ) Advocate  
Counsel for the applicant

$\frac{A}{g_u}$ 

## ALLAHABAD

..... NO ..... 13 ..... OF 1997  
..... VS .....

[illegible]

Central Administrative Tribunal

Circuit Bench Delhi

OA 213/87

ब अदालत श्रीमान

वादी

प्रतिवादी मुद्दालय का बकालत नामा

D. C. Mura

वादी मुद्दालय

प्रतिवादी मुद्दालय

बनाम Union of India

नू० मुकदमा

सन 19 पेसी की तारीख

19

ई०

उपर लिखे मुकदमे में अपनी ओर से श्री

ARJUN BHARGAVA एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ। लिख देता हूँ। इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो पैरवी व जवाब देही व प्रश्न करें अन्य कोई कागज दाखिल करें या लीटों में हमारी ओर से हिडिकरी जारी करावें और स्मया वसूल का या सुलझनामा इकबाल दावा अपील व निगरानी हमारी ओर से हम या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई भी ज करें या हमारी या विपक्ष परीकसानी का दाखिल किया स्मया अपने या हमारे हस्ताक्षर युक्त दस्तखत रजिस्ट्रार से लेवेगा एवं नियुक्ति करे वकील महोदय द्वारा क गई यह कार्यवाही हमको सर्वथा स्वीकार है और होगी से भी यह कहता हूँ कि हर पेसी स्वयं या किसी अन्य पैरवीकार को धनता रहेगा अगर मुकदमा अदम पैरवी एक तरफा घेरे खिलाफ फैसला हो जाता है तो उसकी जम्मेदारी मेरी वकील पर होगी।

साक्षी गवाह

दिनांक

महोदय

हस्ताक्षर

साक्षी गवाह

नाम अदालत

नू० मुकदमा

नाम वकील

Accepted

Signature



C100  
K/90

In the Central Administrative Tribunal, Allahabad.

Lucknow Circuit Bench, Lucknow.

C.M. An. No 33/90(5)

Dinesh Chandra Misra. ... .. Applicant.  
The Union of India & Others ... Vs. ... Respondents

Registration No. 213/1987.

F.F. 19.1.90.

The applicant most respectfully begs to submit:-

- (1). That the applicant submitted a true copy the Transfer Certificate (annexure no.4) bearing his date of birth, educational qualification and other particulars from School. 'Chandra Siksha Niketan' Lucknow duly signed by the School authority with the seal of the said school affixed thereon as mentioned in para 19 of his application dated 21.2.87 which is on record of this Hon'ble Tribunal.
- (2) That the said copy of the Transfer Certificate as mentioned in para 1 above is in the custody of the Divisional Railway Manager, Northern Railway, Lucknow, the Respondent No. 3.
- (3) That in the interest of justice it is absolutely necessary to file the said copy of the 'Transfer Certificate' in the Hon'ble Tribunal as the copy, as appears as annexure No. 4 at page 18, does not distinctly bear the seal and signature of the authority of the said school although the same distinctly appears in the 'Transfer Certificate' filed in the office of the Divisional Railway Manager, Northern Railway, Lucknow, the respondent no. 3.

It is, therefore, prayed that the Hon'ble Tribunal be graciously pleased to direct the Divisional Railway Manager, Northern Railway, Lucknow the respondent no. 3 through his counsel to file the requisite Transfer Certificate in the Hon'ble Tribunal. Lucknow.

Dt. Lucknow  
16/1/90

Shukla  
( V.D. Shukla ) Advocate  
Counsel for the applicant

f-7  
16/1/90

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Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, GANDHI BHAWAN  
LUCKNOW

\*\*\*

No. CAT/CB/LKO/

Dated : 2/12

Registration No. 213 of 1987

D. C. Mishra

Applicant

Versus

U. O. A.

Respondent's

To

S. S. D. Varma

High Court

Lucknow

Please take notice that the applicant above named has presented an application ~~a copy whereof is enclosed herewith~~ which has been registered in this Tribunal and the Tribunal has fixed 23 day of 1 1989 for The Honble Tribunal has directed the respondents to supply a copy of counter affidavit to the applicant within one month.

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

Given under my hand and the seal of the Tribunal this 2 day of 12 1988.

dinesh/

For DEPUTY REGISTRAR

C 190  
A  
98

In the court of Administrative Tribunal, Allahabad Bench,  
Allahabad.

Registration No. 213/27.

Between

Dinoo Chandra, Mera

.. Applicant

and

1. The Union of India,

Through the General Manager,

Northern Railway, Head Quarters Office,

Boroda House, New Delhi.

2. The General Manager,

Northern Railway,

Head Quarters Office, Boroda House,

New Delhi.

3. The Divisional Railway Manager,

Northern Railway,

Divisional Railway Manager's Office,

Haridwar, Lucknow.

... Respondents.

Application for amendment of application

Dated 2-3-1927.

The applicant most respectfully begs to submit :-

1. That the applicant has inadvertently included  
Dinoo  
'The Doo/Dinoo, Chandra Shiksha Niketan School,  
Subhad Kote, Dugaura, Lucknow,' as respondent no. 3 in the  
aforesaid application but she is neither necessary nor  
proper party to the case. She has not been served as  
yet.

2. That it is expedient to delete her from the case  
of the respondents and amend the application accordingly.

*W. S. S.*

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K/99

2. That the deletion of respondent no. 4 will necessitate the following consequential amendments :-

- A) That the respondent no. 4 appearing in the title of the application be allowed to be deleted and the word 'respondents' be allowed to be <sup>written</sup> ~~by the applicant~~ below the respondent no. 2.
- B) That sub-para (4) appearing before para 8 (123 <sup>at page 2</sup>) of the application be allowed to be deleted.
- C) That figures (1) in the beginning of sub-para (3) appearing before para 7 at page 3 of the application be allowed to be deleted.
- D) That sub-para (11) to para (3) appearing before para 7 at page 4 of the application be allowed to be deleted.
- E) That para 23 of the memo no. 2 to the application, appearing at para 7 - 8 be allowed to be deleted.

Wherefore it is prayed that the respondent no. may be permitted to be deleted and the above noted consequential amendments may be allowed to be incorporated in the application.

Lucknow, Dated :  
25-5-1937.

Sd -  
Signature of applicant.  
Dated : 25-5-1937.

Verification

I, Birendra Chandra Mishra, the applicant, do hereby verify that the contents of paras 1 to 4 of the above application are true to my own knowledge.  
Signed and verified this 25<sup>th</sup> day of May, 1937 at Lucknow.

Lucknow, Dated :  
25-5-1937.

TC.  
18/11/37  
25/5/37  
Sd -  
Applicant

C192  
8/160

In the court of Administrative Tribunal, Allahabad Bench,  
Allahabad.

Registration No. 213/87.

Between

Dinesh Chandra Misra

.. Applicant

and

1. The Union of India,

Through the General Manager,

Northern Railway, Head Quarters Office,

Baroda House, New Delhi.

2. The General Manager,

Northern Railway,

Head Quarters Office, Baroda House,

New Delhi.

3. The Divisional Railway Manager,

Northern Railway,

Divisional Railway Manager's office,

Hazratganj, Lucknow.

... Respondents.

SO Judicial

Shri Siddiqui

List this appn  
alongwith previous papers  
before court for orders  
on 22/6/87 as requested  
by learned counsel, and  
already fixed by Hon'ble court.

Application for amendment of application

dated 2-3-1987.

The applicant most respectfully begs to submit :-

DR (J)

26/5/87

1. That the applicant has inadvertently impleaded  
Mistress

'The Head/Mistress, Chandra Shiksha Niketan School,

Subhash Marg, Dugawan, Lucknow,' as respondent no. 4 in the

aforesaid application but she is neither necessary nor  
proper party to the case. She has not been served as  
yet.

2. That it is expedient to delete her from the array  
of the respondents and amend the application accordingly

Shri

Noted for 22/6/87  
26/6/87

18/6/87  
26/5/87

C193

A/  
101

- 2 -

3. That the deletion of respondent no. 4 will necessitate the following consequential amendments :-

- A) That the respondent no. 4 appearing in the title of the application be allowed to be deleted and the word 'respondents' be <sup>written</sup> allowed to be ~~deleted~~ below the respondent no. 3.
- B) That sub-para (4) appearing before para 2 (iii) <sup>at page 2</sup> of the application be allowed to be deleted.
- C) That figures (i) in the beginning of sub-para (3) appearing before para 7 at page 3 of the application be allowed to be deleted.
- D) That ~~a~~ sub-para (ii) to para (3) appearing before para 7 at page 4 of the application be allowed to be deleted.
- E) That para 20 of the Annexure no. 1 to the application, appearing at page 7 - 8 be allowed to be deleted.

Wherefore it is prayed that the respondent no. 4 may be permitted to be deleted and the above noted consequential amendments may be allowed to be incorporated in the application.

Lucknow, dated :  
25-5-1987.

*Dinesh Chandra Misra*  
Signature of applicant.  
Dated : 25-5-1987.

Verification.

I, Dinesh Chandra Misra, the applicant, do hereby verify that the contents of paras 1 to 4<sup>3</sup> of the above application are true to my own knowledge.

Signed and verified this 25<sup>th</sup> day of May, 1987 at Lucknow.

Lucknow, dated :  
25-5-1987.

*Dinesh Chandra Misra*  
Applicant.

८१५५ १०/१२

व अदालत श्रीमान् Central Adm Tribunal  
 निवादी (मुद्रई) P. L. Chaudhary  
 प्रतिवादी (मुद्रदालेह) का वकालतनामा Registration No 213/1987  
 दिनांक १२/१२/८७ नाम मालव देव वादी (मुद्रदई)

वै० मुकदमा सन १९ पेची टी ता० प्रतिवादी (मुद्रदालेह)  
 ऊपर लिखे मुकदमा में अपनी ओर से १९ ई०  
 श्री

श्री राजीव रंजन शर्मा एडवोकेट महोदय  
 वकील

को अपना वकील नियुक्त करके प्रतिष्ठा (इकरार) करता हूँ। मैं लिखें देता हूँ। इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ भी व जवाब देही व स्वीकृति करेगा अन्य कोई कागज दाखिल करें या लौटा देय हमारी ओर से डिग्री जारी करावें और रुपया वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीककरे या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विपक्षी (परीकषाणी) का दखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवेगा पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह करता हूँ। कि मैं हर पेची स्वयं या किसी अपने पराकार को भोजता रहूंगा अगर मुकदमा अदम परवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यहवकालतनामा लिखदिया कि प्रमाण रहें और समय पर काम आवें।

साथी (गवाह) .....  
 दिनांक ..... महीना

हस्ताक्षर आनंद कुमार १६/१२/८७  
 साथी (गवाह) .....  
 नाम अदालत .....  
 नं० मुकदमा .....  
 नाम परीकष .....  
 ....

157 C195

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH,

8/09

23-A Thornhill Road, Allahabad-211001

*[Illegible stamp]*

No. CAT / ALLD/

Dated :

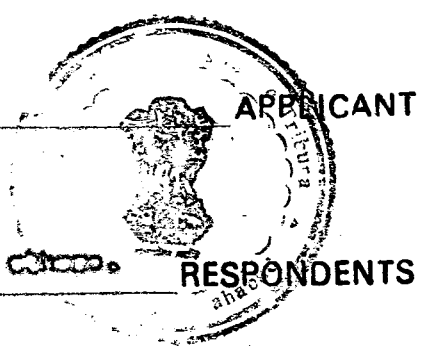
In re

Registration No. 253 of 1987 of 198

*[Illegible text]*

Versus

*[Illegible text]*



To,

1. *[Illegible text]*
2. *[Illegible text]*
3. *[Illegible text]*

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 27.07.00 day of.....198.... for *[Illegible text]*

If no appearance is made on your behalf by yourself, your pleader or by someone 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 27.07.00 day of.....198...

*[Illegible signature]*  
*[Illegible text]*

*[Illegible text]*  
27.07.00 *[Illegible text]*

V.G. (5) M/o. V.G. (A)

*[Handwritten mark]*

*[Handwritten mark]*

*[Handwritten mark]*



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

REGISTRATION NO. 213/1987

Dinesh Chandra Misra ... Applicant

Versus

The Union of India and others ... Respondents.

F.B. <sup>27</sup>~~27~~.4.1988

The applicant most respectfully begs to submit :

- (1) That the applicant filed an application dated 2.3.87 in the Hon'ble Tribunal regarding his appointment on compassionate ground in the Northern Railway at Lucknow.
- (2) That he is an orphan, both his mother and father died and his elder brother also died. There is none to support him. He is out of employment and he has been facing lot of trouble due to financial stringency.
- (3) That the counsel for the respondent is deriving the advantage of the abuse of process of law is quite evident from the proceedings of the on order sheets.
- (4) That the above case is fixed for 27.4.88 for hearing before the Court No. 2 of the Hon'ble Tribunal.
- (5) That fortunately very recently from 21.3.88 a circuit Bench has started functioning at Luck

Sr. Majumdar  
12/4

18/4

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- (6) That both the applicant and his counsel belong to Lucknow and not only they have to go to Allahabad for each hearing, facing lot of trouble in the journey from Lucknow to Allahabad and back but also they have to incur extra railway fare and other legal expenses which become unavoidable.
- (7) That the transfer of this case from the Allahabad Tribunal to Lucknow circuit Bench will remove all our trouble.

It is, therefore, very respectfully prayed that the above case may kindly be transferred from the Central Administrative Tribunal Allahabad Bench Allahabad to the Central Administrative Tribunal Lucknow Circuit Bench, Lucknow and the case may kindly be fixed for 28.4.88 for hearing when the next sittings of the Bench is scheduled to be held. If it is not possible to fix 28.4.88 for the hearing at Lucknow, it may kindly be transferred here and any other date be fixed for hearing as is convenient to the Hon'ble Tribunal.

ALLAHABAD:

DATED 12<sup>th</sup> April, 1988

*Shukla*  
(V.D. SHUKLA )  
Advocate

Counsel for the Applicant

107

C198

Before the Central Depts. Tribunal

व अदालत श्रीमान

~~कांस्टेबल~~ महोदय

वादी अपीलान्ट श्री

प्रतिवादी रेस्पान्डेन्ट

Ref. No 213/1987

का वकालतनामा

पिटर चतु नाम

वादी अपीलान्ट

106

महोदय

प्रतिवादी रेस्पान्डेन्ट

मुकदमा सं०

S.S.D. Vams

ऊपर मुकदमा में अपनी और से श्री

प्ली डेव

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके इकरार करता हूँ और लिखो देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाबदेही व प्रश्नोत्तर करे या कोई कागज दाखिल करें या लोटों या हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा या इच्छाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जहा करें या हमारी विपक्षी प्रीक्सांनी का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त दस्तखाती रसीद से लेवें या पंच नियुक्त करें ----- वकील महोदय द्वारा की गई वह सब कार्यवाही हमको स्वयं स्वीकार है और होगी इस लिये यह वकालतनामा लिखा दिया कि प्रमाण रहे और समय पर काम आवें ।

हस्ताक्षर

Divisional Railway Manager  
Northern Railway  
LUCKNOW

साक्षी गवाह

साक्षी गवाह

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नाम अदालत  
सं० मुकदमा  
नाम परीकें

बनाम

Registration No 213/1987.

Dinesh Chandra Mishra - - - - - Applicant  
vs. - - - - - Respondents  
The Union of India & others - - - - -  
F.P. 20/7/1988.

8/107

The Counsel for the applicant most respectfully begs to submit :-

- ① That due an urgent unavoidable personal domestic requirement he feels his inability to attend the Tribunal on 20/7/88 fixed for hearing.

wherefore, it is very respectfully prayed that the hearing of the case may kindly be adjourned to some other date.

Lucknow  
21-20/7/88

18/8/88  
20/7/88.  
Applicant's Counsel.