

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

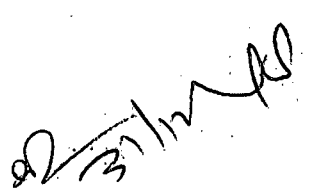
O.P. Singh
vs-

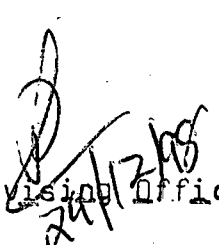
~~O.A./T.A./R.A./C.C.P.~~ No. 1540 1987 in WP 1540/87


VOI & as -

PART - I

1.	Index Papers	:-	01	to	03
2.	Order Sheet	:-	04	to	10
3.	Any other orders	:-	NIL		
4.	Judgement	:-	11		
5.	S.L.P.	:-	NIL		


Dy. Registrar


Supervising Officer


Dealing Clerk

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


Dealing Clerk

- 1 -

Annexure - A
CAT- 82
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE T.A. 1540/84 OF 190

Name of the Parties Om Prakash Singh

Versus

Union of India & Ors.

Part A, B and C

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B1	Vakalatnama (Power)	1
B2	Application	2
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ललित प्रजापति

15/5/89.

Enmr 134769/04
In The Hon'ble High Court Of Judicature At Allahabad

Bench At Lucknow.

832
11/4/04
540
Wit Petition No of 1984.

Omprakash Singh ~~and others~~ son of..shri. Badri Singh R/o
village Kusmi, P.O. and P.O. Kakori, Distt Lucknow.

2. Kripa Shankar pabel son of Raj/Pat R/o House no
281/ 196 Mawaiya, Lucknow city Lucknow.

..... Petitioners.

Vs

1. Addl Chief Mechanical Engineer Northern Railway
Loco Motive Work Shop Charbagh, Lucknow.

2. Chief Machanical Engineer Northern Railway Loco Motive
Work Shop Charbagh, Lucknow.

3. General Manager Northern Railway, Barauda House
New Delhi.

4. Production Engineer, Loco Motive Work Shop Northern
Railway Charbagh, Lucknow.

..... Opposite parties.

APPLICATION FOR INTERIM RELIEF

The humble petitioners respectfully submit as under:

For the facts, reasons and circumstances

set forth in the writ petition supported by the affidavit

it is most humbly prayed that this Hon'ble court $\frac{1}{2}$ /-

.....2

Group 'A' (14)(c) ①

In The Hon'ble High Court Of Judicature At Allahabad
Bench At Lucknow.

Writ Petition No... 540 of 1984.

1. Omprakash Singh son of Badri Singh R/o Village Kusni, P.O. and P.S. Kakori, District Lucknow.
2. Kripa Shankar Patel son of Raj Pat R/o House No. 281/196 Mawaiya, Lucknow city Lucknow.

..... Petitioners.

Versus.

1. Addl. Chief Mechanical Engineer Northern Railway Loco Motive Work Shop Charbagh, Lucknow.
2. Chief Machanical Engineer Northern Railway Loco Motive Work Shop Charbagh, Lucknow.
3. General Manager Northern Railway, Barauda House New Delhi.
4. Production Engineer, Loco Motive Work Shop Northern Railway Charbagh, Lucknow.

.....Opposite parties.

Writ Petition Under Article 226 of the Constitution
Of India .

To,

The Hon'ble Chief Justice and his

.....2/-

8-
A1/2

ORDER SHEET

ENCLIC/ENCLIC

OFFICE REPORT

An Application has been filed in this
Tribunal for transferring the case No. 1540/87 (T)
of to the Circuit Bench Lucknow.

If approved, 27th April 1988 may
kindly be fixed for hearing at Circuit Bench
Lucknow. In this regard the notices may be sent
to the parties counsel.

JSN

Put up on 27th April at
Lucknow Circuit Bench Hall

27.4.88 D.R.(J)

JSN
D.R.(J)

None is present for the parties.
Inform the parties fixing 27.5.88.

Notices issued to the
applicants and Sri G.P. Agarwal
fixing 27.5.88.

JSN
D.R.(J)

JSN
29/4/88

27.5.88

D.R.(J)

As the cases of Sri G.P. Agarwal
are adjourned list this case
on 22-7-88. Inform the applicant.

JSN
D.R.(J)

Notices issued

JSN
27/5

20.3.89

— 10 —
Hon is present. Fia on 28/4/89 for filing R.A.

Mahandya
30/3/89

for DR

BR

On perusing the record of the case, it appears that the reply has been filed by the respondents without serving a copy to the other party in the office. acc D.A. J, has directed to issue a copy of the same to the counsel for applicant fixing 24.10.88 for filing rejoinder on 26.10.88.

Due to some inadvertence, even the copy of the reply has not been sent to the rejoinder applicant's counsel as yet.

No rejoinder has so far been filed by the applicant. Submit for orders

Red
27/7

24.4.89

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

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

11 -

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench at Lucknow

Registration T.A No. 1540 of 1987

(W.P. 540 of 1984)

Om Prakash Singh Applicant.

Versus


Union of India & others. Respondents.


Hon.D.S Misra, A.M.

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

for the poster.

None is present. This Writ Petition was received on transfer from the High Court of Judicature at Allahabad/Lucknow Bench, Lucknow under the provisions of section-29 of Administrative Tribunals Act, 1985. The petitioners ^{had} claimed that they be permitted to appear in the test ~~for post to be held~~ to fill the post of Hammer man through advertisement dated 17.12.'83. It appears that the petitioners have ^{is} lost interest in pursuing the matter. The application ^{is} dismissed without any order as to costs.


Member (J)


Member (A)

Dated: 28th April, 1989.

brc/

Group 'A' 14 (c)

979

In The Hon'ble High Court Of Judicature At Allahabad

Bench At Lucknow.

Writ Petition No 540 of 1984.

Omprakash Singh and others..... Petitioners.

Vs.

Addl. Chief Mechanical Engineer Northern Railway, Loco
Motive Work Shop Charbagh, Lucknow and others.

..... Opposite parties.

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Lucknow. 1.2.84

P. N. Singh
(K. K. Singh) Advocate
Advocate.

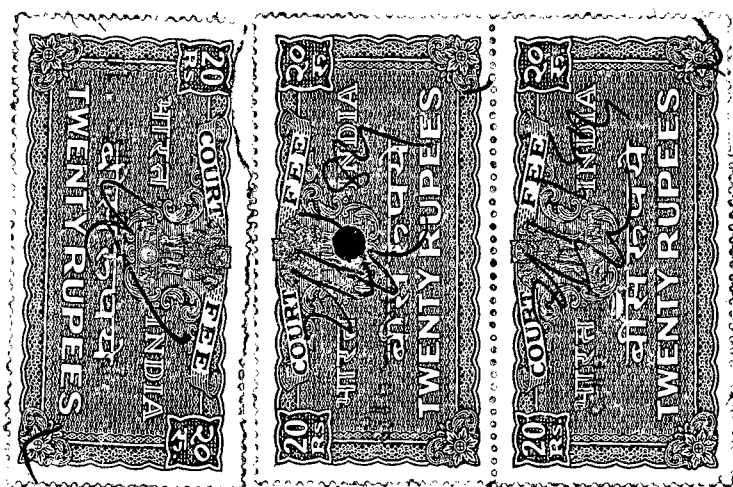
may very kindly be pleased to direct the opposite parties
not to declare the result of the ~~prx~~ selection and the
opposite parties may also directed not to release the
~~fixx~~ select list preapered by them till further orders
of this Hon'ble court and also the authorities (opposite parties)
be directed to allow the petitioner to appear in the
supplementary practical test for the ends of justice

Lucknow. 1/2/84

R. N. Gupta
Counsel for the petitioners

2/

In the High Court of Judicature at Allahabad
Circuit Bench Lucknow



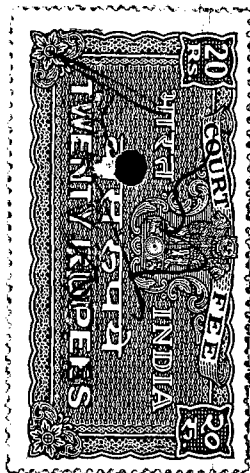
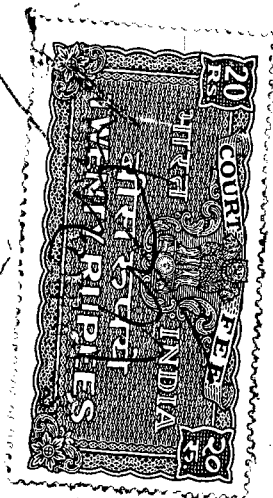
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A
11/2/14

Om Prakash Singh & Co. ———— Khanna

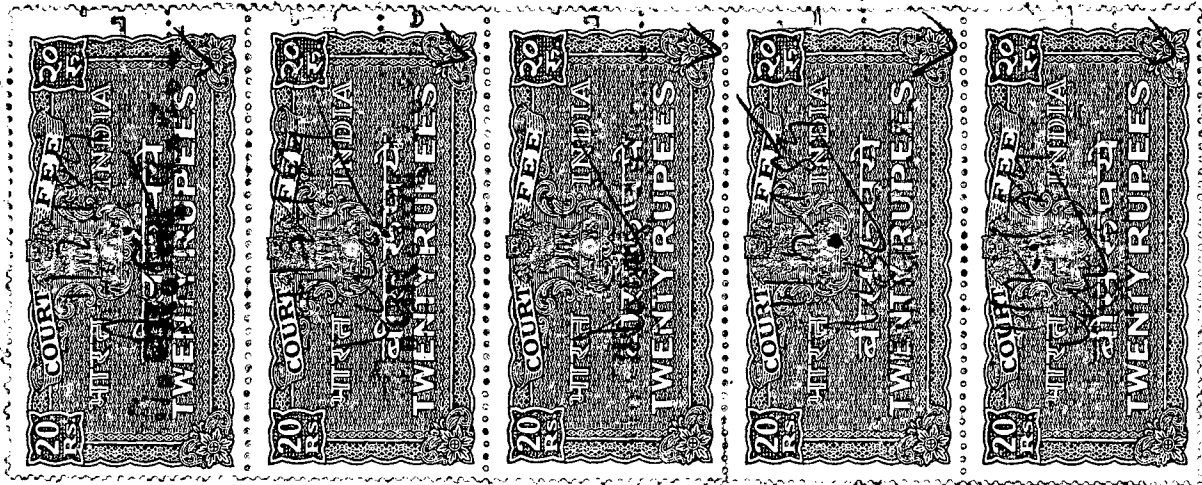
vs

Addl Chief Mechanical

Engines & Others ———— Opposite
pc. 15



In the High Court of Judicature at ^{2/}
Allahabad Lucknow Bench
Lucknow



St cf = 100%
1.289

Omr Prakash Singh Petitioner
and others
VS

Addl Chief Mechanical
Engineer & others — Opposite
parties.

2

other Hon'ble companion Judges of aforesaid Court.

The petitioners most humbly submit
as under:

1. That an advertisement was released under the signature of the opposite party no 1 inviting the application from sons/ wards/near relations of the Railway staff of the Loco Work Shop Charbagh Lucknow for filling up the posts of skilled/ Hammer Man so as to form a panel of 50 persons inscale of Rs 260-400/. The true copy of the aforesaid advertisement no. 35 E/ Panel/ H/Man dated 17.12.83 released under signature of the opposite party no 1 signed and dated 16.2.83 is being filed herewith as ANNEXURE No.1 to this writ petition.
2. That the prescribed age for the applicants mentioned the said advertesment is between 18 to 25 years on 1.2.83, which was realxable by up to 5 years for the candidates belonging to the seduled caste and seduled Tribe candidates.
3. That according to the advertisement contained in the ANNEXURE NO I of this writ petition the vacancies for filling up the post of skilled/~~the~~ Hammer Man has to be made from sons/ wards/ and near relations of the Railway staff. The applications were required to reach the office of the opposite party no 1 latest by 5.3.83.

.....3/-

3-7/8/83
12/2/83

4. That in pursuance of the advertisement contained in the ANNEXURE NO 1 to this writ petition the petitioners accordingly submitted their application complete in all respect within the prescribed period along with their testimonials etc. in the office of the opposite party no.1.

5. That it may also be noted at this stage that the petitioners have submitted their application forms in the office of the opposite party no 1 categorically stating therein that the petitioner no2 is the son of Rajpat working in Loco Work Shop and the petitioner no 1 is brother -in-law of Ram Asray Yadav who is also working in the Loco Work Shop and thus both the petitioners were liable for the candidature.

6. That it is pertinent to note that the advertisement contained in the ANNEXURE NO1 was not published in any news paper and it was only pasted on the notice Board of the office of the opposite party no 1 and other office of Superintendents of various shops in the Loco work shop N.R. Chargaah, Lucknow.

7. That after scrutinizing the application submitted in the office of the opposite party no 1 the applications of the petitioners were found complete in all respect and as such the petitioners were called upon to take the partical test.



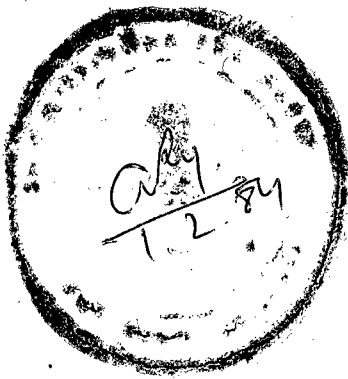
आम प्रकाश सिंह
महाराष्ट्र सरकार

The true photo state copy^a of the call letters dated 4.1.84 asking the petitioners to appear in the practical^a test addressed to the petitioner No 1 and 2 are filed herewith as ANNEXURE NO II AND III respectively.

8. That the petitioner no 1 was called upon to take his practical^a test on 21.1.84 at the office of the opposite party no 1 while the petitioner no 2 was asked to appear in the practical^a test on 18.1.84.

9. That it is pertinent to note that the call letters asking to the petitioners to take the practical test were not issued direct to the petitioners but the aforesaid call letter were handed over to the railway employees through whom the petitioners have submitted theirs applications. The father of the petitioner no 2 received the call letter only on 17.1.84 at about 12 Noon while the petitioner no 1 received the information on 20.1.84 that he has to appear in the practical^a test on 21.1.84.

10. That the petitioner no 2 was in Delhi at the time when call letter was being received by his father. The father of the petitioner no 2 how ever rushed to Delhi and could bring the petitioner back Lucknow only in the night of 18.1.84. The petitioner no 2 appeared in the office of the opp.



अभिजात
महाराज

party no 1 on January 19 , 1984 at about 10.30 A.M. The petitioner and his father approached the opposite party no.4 who was conducting the practical test on 19.1.84 for allowing the petitioner no 2 to appear in the practical test. The opposite party no 4 asked the petitioner no 2 to move an application for giving an opportunity to him to appear in supplementary practical test. The petitioner no 2 moved the application for supplementary test and the opposite party no 4 directed him to appear in the supplementary test to be held on 30.1.1984 at 10. A.M. sharp.

11. That the petitioner no 1 reached the office at about 11.30 A.M. on 21.1.84 to appear in the practical test before the opposite party no 4, but the petitioner was astonished to know that by that time his number was over and that he will not be allowed to appear in the practical test do day. The petitioner no 1 along with his relation Ram Asray- an employe of the Loco Shop approached the opposite party no 1 who advised the petitioner no.1 to approached the opposite party no 4 to have a date and time for supplementary practical test from the opposite party no 4. The petitioner no 1 and his relation Ram Asrey approached the opposite party no 4 who advised the petitioner no 1 to move an application

.....6/-



उत्तम सरकार
०२/०१/२०८४

6

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for permission to appear in the practical test. The petitioner no 1 moved an application for permission to give him an opportunity to appear in the supplementary test. The opposite party no 4 asked the petitioner no 1 to appear in the supplementary test on 30.1.84 at 10. A.M. sharp.

12. That it may be noted at this stage that in the call letters for appearing in the practical test there was no mention about the time and place where the practical test was to be held. In absence of the specification about the time and particular place where the practical test has to be held, the petitioner could not present themselves at the time when the opposite party is said to have given the practical test to the candidates.

13. That in case of the petitioner no 1 he could not appear at 10. A.M. to appear in the practical test because of the fact that his grand father Budhi Lal received grievous injuries in an accident on 21.1.84 and the petitioner no 2 could not appear on 18.1.84 because of the fact that he was at Delhi and the call letter issued to him was received by his father only on 17.1.84 at about 12. Noon.

14. That the petitioner under the oral orders of the opposite party no 4 presented themselves before him on 30.1.84 at 10. A.M. sharp for supplementary

.....7/-



2
31/12/84
22/12/84

7

test. The opposite party no4 when he was requested to give supplementary test to the petitioners, turned down the request of the petitioners and refused to allow them to appear in the supplementary practical test.

15. That on the refusal of the opposite party no 4 in allowing the petitioners an opportunity to appear in the supplementary practical test, the petitioners approached the opposite party no 1 for according a permission to the petitioners to appear in the supplementary practical test, he too, refused to accord permission to the petitioner to appear in the supplementary practical test.

16. That it may be stated at this stage that some of the candidates who failed to take their practical test on the specific dates have been allowed an opportunity to appear in the supplementary practical test. One Denesh has also been allowed an opportunity to appear in the supplementary practical test. The said Denesh had failed to appear in the practical test on the scheduled date of his test.

17. That in view of the fact that several other person including Dinesh have been allowed to appear in the practical test the petitioners are also entitled for an opportunity to appear in the



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०५/१२/०८

.....8/-

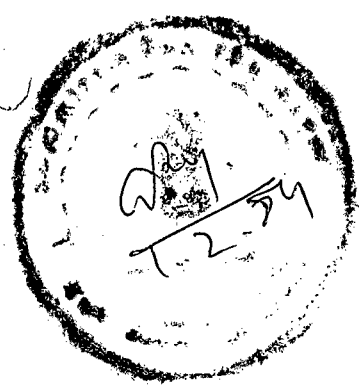
supplementary practical test . It is discriminatory and arbitrary against the petitioners to refuse them an opportunity to appear in the supplementary practical test while authorities have allowed several other candidates including Dinesh to appear in the supplementary practical test.

18. That the opposite party no 1 and 4 want to have their own men in filling the vacancies for as such they have turned down the requests of the petitioners for permission to appear in the supplementary practical test without assigning any reasons what so ever for it.

19. That the authorities are now intently to issue interview letters to the candidates and to appear a select list for filling up the vacancies. The select list is expected to be released soon.

20. That it is submitted that in case the petitioners are allowed the opportunity of supplementary practical test no harm shall be caused in the process of the selection of the candidates for filling up the vacancies.

21. That the refusal of the authorities in allowing the petitioner an opportunity to appear in the supplementary practical test is discriminatory, arbitrary, unjust, improper, illegal and against the principle of natural justice. The petitioners being



22/12/54
T-2-54

aggrived by the inaction of the opposite party no 1 and 4 have got no other efficacious remedy except to file the writ petition before this Hon'ble court amongst others on the following grounds.



G R O U N D S

- I. Because the petitioners are being discriminated by the opposite parties in not allowing them to appear in the supplementary practical test.
- II. Because the several other candidates including one Dinesh who had failed to take their practical test on their due dates have been allowed supplementary practical test by the opposite parties.
- III. Because the call letters asking the petitioner to appear in the practical test defective and illegal. The said call letters (ANNEXURE NO 2 abd 3) do not disclose about the time and place of the practical test to be held.
- IV. Because in absence of the specification about the time and place of the practical test no candidate possibl reach at the time when the so called practical test has been held by the authorities.
- V. Because the refusal of the authorities to the petitioner for an opportunity to appear in the practical test is against the principle of natural justice and it is also illegal.

R. N. Gupta

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31/12/2015
अ. 41 रि. अ. 2007

10.

VI. Because in any case if the petitioners are allowed an opportunity to appear in the supplementary practical test, it shall have no effect in any manner the preparation of the select list by the authorities.

P R A Y E R

Wherefore it is respectfully prayed that this Hon'ble court may very kindly be pleased :

1. to issue a writ in the nature of mandamus directing the opposite party no 1 and 4 to allow the petitioners an opportunity to appear in the supplementary practical test.
2. any other writ or direction be issued or order be passed in favour of the petitioners with this Hon'ble court things proper and just in the circumstances of the case.
3. that cost of the petition ~~be~~ awarded to the petitioner

Lucknow.

R. N. Singh
(K. K. Singh)

Advocate

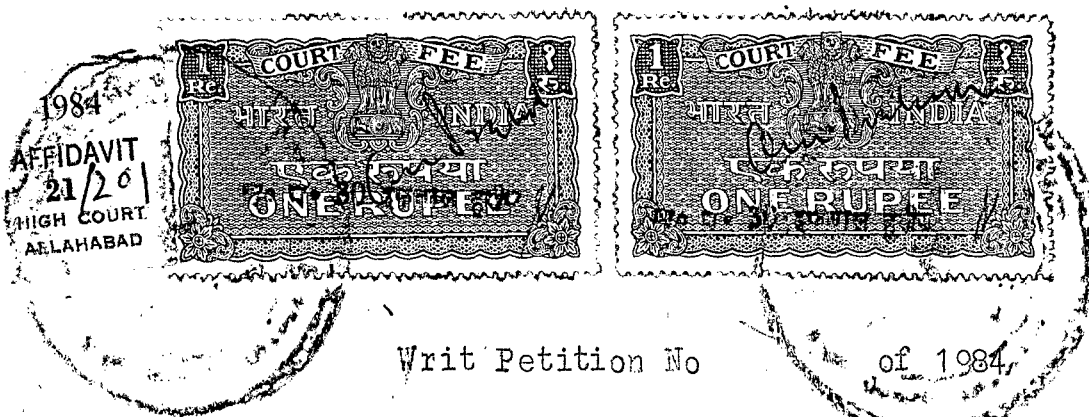
Dated:

Counsel for the petitioners.

31/12/2012
9
21/12/2012

In The Hon'ble High Court Of Judicature At Allahabad

Bench At Lucknow.



Writ Petition No

of 1984

Omprakash Singh and others..... Petitioners

Vs

Addl Chief Machanical Engineer Northern Railway Loco .

Motive Work Shop, Charbagh, Lucknow and others.

..... Opposite parties.

A F F I D A V I T E

I, Omprakash Singh aged about 22 years son of Badri Singh
R/o Village Kusmi, P.O. and P.S. Kakori District
Lucknow do hereby solemnly affirm and state on oath
as under:

1. That the deponent named above is the
petitioner in the above noted writ petition and as such
he is fully conversant with the facts of the case.
2. That the contents of paras 1 to 17[✓]
of the writ petition are true to my knowledge and
paras 18 to 21[✓] are belived to be true to my
knowledge. Signed on this day of January 1984
in the High Court Compound Lucknow. So help me God.

Lucknow.

[Signature]
Deponent.

Dated: 1.2.84

VERIFICATION

I, Omprakash Singh , the deponent named above.



do hereby verify that the contents of para 1 to 2
of this affidavit are true to my own knowledge.
No part of it is false and thatt nothing material
has been concealed. So help me God.

Lucknow.

अ. क. कान्त सिंह
Deponent.

Dated. 1/2/84

I identify the deponent who has signed
this affidavit before me.

Lucknow.

Kaula Kant Singh
Advocate.

Dated. 1/2/84

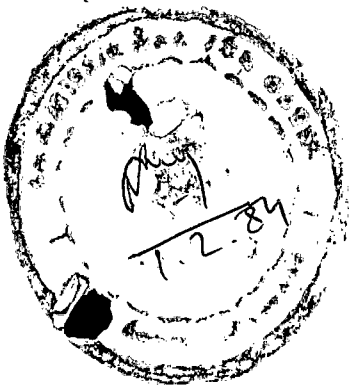
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

Solemnly affirmed before me at 10.00 A.M./P.M.
by O.P. Singh , the deponent who is identified by
Sri Kaula Kant Singh, Advocate, High Court Lucknow.
I have satisfied my self be examining the deponent
that he understands the contents of this affidavit
which have been read and explained by me.

Anty-Bey

OFFICE OF THE
JUDGE, DISTRICT COURT
LUCKNOW

21/201-
1-2-84



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

Om Prakash Singh and others....., Petitioners.

Vs.

Addl. Chief Mechanical Engineer & others... Opp. Parties

ANNEXURE NO I

Northern Railway Locomotive Workshop Chazbagh,
Lucknow.

No. 35 E/Panel/H $\frac{1}{2}$ Man

Dated 17.12.83

All Concerned

Sub: Filing up the post of Skilled Hammerman in
Scale, Rs. 260-400/

Application are invited from sons/wards/
near relations of the staff of these shop for
filling up the post of skilled/ Hammerman to from
a panel of 50 in scale Rs. 260-400/, who are coarse
completed act apprentices/[^]ETI passed candidates.

Age: The candidates should be between
the age of the 18 to 25 on 1.2.83 the upper a/c
limit is relaxable by up to five years for Sc & St
candidates.

.....2/-

आम प्रकाश सिंह

Serving employees who are course completed Act Apprentees or ITI qualified and are not more than 25 years will also be considered for absorption as skilled H/Man.

Period of Training and stepend:

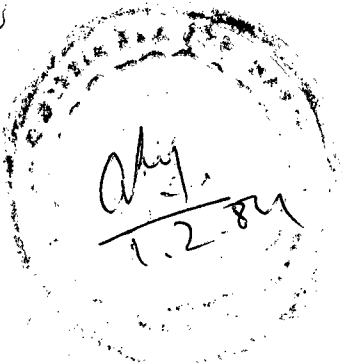
For Act Apprentice Training in Railway Workshop. - No training required They be directly posted as skilled H/Man is scale Rs 260-400.

For ~~ITI~~ & AEA Trained in Northern Railway establishment. - The will be required to under so six months orientation Training to make them suitable for specific requirement of Railway, they will be given stepend at Rs 200/ during course of Training 20% posts are reserved for SC/ & 5% for ST.

Reservation:

Candidates shall be required to appear in trade tests interview. These selected for appointment will be required to pass prescribed medical examination and will have to execute an agreement for apprenticeship. After successful completing of training they will be absorbed as skilled H/Man on avail attributee of vacancies.

.....3/-



30/05/2016

All shop superintendents are requested ~~Entertained~~ ~~tents train~~ application for the staff working and then in connection with the above and sonward (under course letter) the application for this office along with testimonials/ certificates regarding dated of birth educational certificates. Technical qualifi
Sc/St cational/certificates in case candidates. Being to Sc& St community. Applications should reached this office latest 5.3.83. The applications shall not be entertained after this date.

The application must be properly filled in on prescribed proforma and accompanied with the attested copy of certificates, otherwise these could be rejected.

Signed

For Addl. Chief Mach-
nical Engineer, Northern
Railway Loco Shop,
Charbagh, Lucknow

Dated 16.2.83.

TRUE COPY.



In the Court of Judicature at Allahabad
Lucknow Bench Lucknow

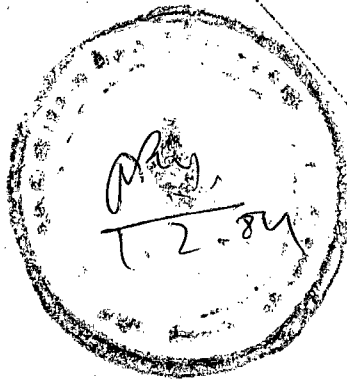
Om Prakash Singh ————— Petitioner

vs.

Addl. Chief Mechanical Engineer
and others —————

Respondents

ANNEXURE NO 2.



14.

1907. 100.

SECRET

प्रास्ताविक.

कम-संज्ञा - २५/१०/१९८४ ई. सं. ३३

10/10/1983

श्री ओम प्रकाश सिंह

पृष्ठ नं०.....

द्वारा श्री. आर. ए. ए. गायक १९-१६

अवधि - द्वादश मास हेतु वयस

दिनांक :- इस कार्यालय के समक्षितक मध्याह्नक दिनांक :- 17.2.33.

उपरोक्त सब हेतु दिए गए हैं। वेदों, पत्रों के संदर्भ में आप को सूचित किया जाता है कि आप इस कार्यालय में दिनांक- 14.1.84 को व्यवहारिक परीक्षा प्रार्थितक टेस्ट। हेतु उपस्थित होंगे।

व्यवहारिक परीक्षा में वस्त्र छोटे पर ही आया है वास्तव्यार में हुताश्रम
आयेगा । व्यवहारिक परीक्षा में सम्मिलित छोटे के समय आया करके साथ अपनी दोस्त-
ता। वार्षिक एवं तृतीकी। तथा आरु सम्मन्धी प्रमाण-पत्र प्रक रूप में प्रयत्न लायें ।
इस जाति तथा जन्मजाति अर्थात् प्रमाण आदि प्रमाण-पत्र भी लायें । साथ में अपनी
वकीलतम सातवीं आकार में स्वयं हस्ताक्षरित छोटे की किसी सातवर्षित अधिकारी
द्वारा प्रमाणित करा कर लायें इसके अनुसार में आया जो किसी की वस्त्र में व्यवहारिक
परीक्षा में सम्मिलित नहीं किया जायेगा ।

2. व्यवहारिक परीक्षा हेतु छात्र को लम्बक में एक से अधिक दिवस कामा पड़ सकता है।

3. आपको इस परीक्षा हेतु इस कक्षालय तक आने तथा वापसी और लखनऊ में ठहरने सम्बन्धी सभी प्रकार के व्यय स्वयं वहन करना होगा। रेलवे द्वारा किसी भी वश में कोई भी व्यय देय नहीं होगा।

यदि आप किसी सरकारी अफिस में सरकारी कार्यालय/सूचना में कार्यरत हैं, तो किसी विदेशी से आपकी प्रशिक्षण-पत्र (NO OBJECTION CERTIFICATE) को प्राप्त करने में आवश्यक साधन।

इस पीढ़ी की जिम्मेदार जिम्मेदार परिवर्तन की प्रार्थना किसी की नहीं
में मान्य नहीं होती ।

अपने साथ अपना कलम पेनसिल भी लाये ।

इस कार्यालय की समस्तियत प्रस्ताव दिनांक-17.2.83 में उल्लिखित सभी मामलों पर निवेदन की
-य रहेंगी।

JEAT/13.10.83

कृते अपर मुख्य यात्रिक एविवर्तनात्।
उ.रे., लीटो, पारनाय, गणेश.

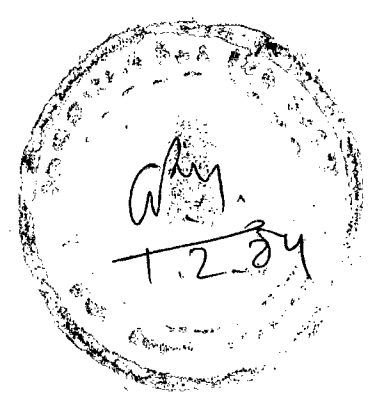
डॉ० प्रकाश सिंह

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

Om Prakash Singh — Petitioner
and others vs

Addl. Chief Mechanical
Engineer others — Oppositi
parties.

ANNEXURE NO 3



आम प्रकाश सिंह

उत्तर देते,

रेव. इंज. कारनाल,

वारणा, तबक.

सम-संख्या-सत/35/पेनल/हेमर मेम

दिनांक- 10.10.83

04.1.84

श्री..... कृष्ण शर्मा

श्री..... राजपति

श्री.....

विषय- हेमर मेम पर देत पत्र ।

संदर्भ- इस कार्यालय के समसंख्यक सूचना पत्र दिनांक- 17.2.83.

उपरोक्त पद हेतु दिए गए आवेदन पत्र के संदर्भ में आप को सूचित किया जाता है कि आप इस कार्यालय में दिनांक- 18.1.84 को व्यवहारिक परीक्षा (प्रैक्टिकल टेस्ट) हेतु उपस्थित हों।

व्यवहारिक परीक्षा में सफल होने पर ही आप के साक्षात्कार हेतु बुलाया जायेगा। व्यवहारिक परीक्षा में सम्मिलित होने के समय आप अपने साथ अपनी दैनिक-ता, शैक्षिक एवं तकनीकी तथा आयु सम्बन्धी प्रमाण-पत्र मूल रूप में अवश्य लायें। अन्न, जाति तथा जनजाति अभ्याधी अपना जाति प्रमाण-पत्र भी लायें। साथ में अपनी बर्तमान पासपोर्ट आकार में स्वयं हस्ताक्षरित फोटो भी किसी राजपत्रित अधिकारी द्वारा प्रमाणित करा कर लायें इसके अभाव में आप को किसी भी दशा में व्यवहारिक परीक्षा में सम्मिलित नहीं किया जायेगा।

2. व्यवहारिक परीक्षा हेतु आय को लखनऊ में एक से अधिक दिवस रुकना पड़ सकता है।

3. आपको इस परीक्षा हेतु इस कार्यालय तक आने तथा वापसी और लखनऊ में ठहरने सम्बन्धी सभी प्रकार के व्यय स्वयं वहन करना होगा। रेलवे द्वारा किसी भी दशा में कोई भी व्यय देय नहीं होगा।

यदि आप किसी सरकारी अथवा अर्द्ध सरकारी कार्यालय/संस्था में कार्यरत हैं तो नियोजता से अनापति प्रमाण-पत्र (NO OBJECTION CERTIFICATE) अपने साथ अवश्य लायें।

इस परीक्षा की निश्चित तिथि स्थान परिवर्तन की प्रार्थना किसी भी दशा में मान्य नहीं होगी।

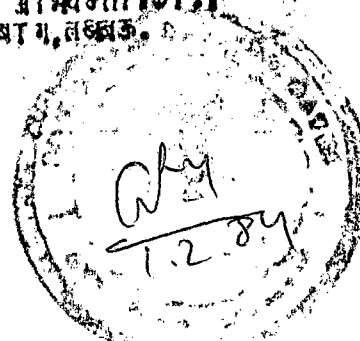
अपने साथ अपना कतम पेन्सिल भी लायें।

इस कार्यालय की समसंख्यक सूचना दिनांक-17.2.83 में उल्लिखित सभी बातें अपरिवर्तनीय रहेंगी।

मुद्रा/13.10.83

कृते अपर मुख्य यांत्रिक अभियंता (T.I.)
उ.रे., लोको, वारणा, तबक.

कृष्ण शर्मा पटेल



माननीय उच्च न्यायालय इलाहाबाद पीठिका लखनऊ

याचिका संख्या

आकृ 1984

ओम प्रकाश सिंह

....याचिका कार

बनाम

अतिरिक्त मुख्य यात्रिक
अभियन्ता

.....विपक्षीयता

अनेकर नं० 4

सेवा मे,

श्रीमान् अति०मु०पा०अभियन्ता

उ०रे०रेल इंजन कारखाना वारबागलखनऊ ।

महोदय,

विनम्र निवेदन यह है कि प्रार्थी ओमप्रकाश सिंह पुत्र बद्री सिंह निवासी कुसुमी थाना -काकोरी जिला लखनऊ आपके अधीनस्थ कार्यरत श्री राम आसरे यादव आई०एस० 16 इन्स्पेक्शन शाख का रिश्ते मे साला है । जिसके कि महोदय जी के अधीनस्थ "हैमरमैन" रोल नं० 144 की व्यावहारिक परीक्षा मे सम्मिलित होना था ।

यह कि प्रार्थी को प्राप्त सूचना पत्र के अनुसार 21.1.84 को व्यावहारिक परीक्षा होनी थी दिनांक 21.1.84 को ही प्रार्थी के बाबा श्री बूढ़ी लाल की अचानक दुर्घटना से काफी वोट आ गयी थी । प्रार्थी के पहुंचने तक परीक्षा लेने वाले अधिकारी सभी प्रशिक्षार्थियों की परीक्षा ले चुके थे।



ओम प्रकाश सिंह

(21)

2/23

• 2 •

प्रार्थी ने अधिकारी महोदय से कहा कि मेरा नम्बर निकल चुका है और उपरोक्त दुर्घटना के विषय में बताया तो अधिकारी महोदय ने कहा कि आज समय हो गया है इसलिए प्रार्थना पत्र दे दीजिए तुम्हारी परीक्षा अगले दिन कर ली जायेगी ।

अतः आपसे विन्म निवेदन है कि उपरोक्त तथ्यों को ध्यान में रखते हुए प्रार्थी की परीक्षा का समय निश्चित कर परीक्षा में सम्मिलित होने की आज्ञा प्रदान करने की कृपा करें ।

महान कृपा होगी ।

प्रार्थी

हस्ताक्षर ओमप्रकाश सिंह

21.1.1984

व.स.
९



Om Prakash Singh

GOVERNMENT OF INDIA
MINISTRY OF EDUCATION
NEW DELHI

21/1.1.84

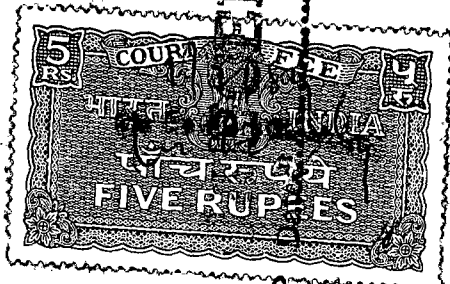
ओम प्रकाश सिंह

ब अदालत श्रीमान

In the Honble High Court of
Judicature at Allahabad
Lucknow Bench

वादी (मुद्दे)
प्रतिवादी (मुद्देअलेह)

का वकालतनामा Lucknow



14-57
1-289

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1

Om Prakash Singh वादी (मुद्दे)
बनाम

Addl Chief Mechanical Officer प्रतिवादी (मुद्देअलेह)

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

Shri R.N. Gupta Advocate, K.K. Singh, Advocate
Lucknow एडवोकेट महोदय वकील

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

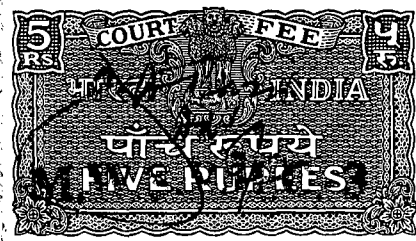
को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकवाल दावा तथा अपील व निगरानी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

Accepted
R.N. Gupta
Om

हस्ताक्षर 9/2/14
ओम सुभाष सिंह

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना



N.R.

372
VAKALATNAMA

W. P. no 540/84

Before
In the Court of

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

Om Parkash Singh

Plaintiff
Defendant

3/2
Claimant
Appellant
Petitioner

Adml Chief Mechanical Engineer (W) Locomotive works, Lucknow & others.
Versus
N. Rly, Charbela.
Respondent

The President of India do hereby appoint and authorise Shri... C. A. Bashis, Rly. Advocate

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri... C. A. Bashis, Rly. Advocate
Advocate
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the.....19..

Dated 2/3 1984.

N.R.P./P. Bashis Delhi 35-2,064/17-05-1983-6,000 F.

4/2/84
Designation of the Executive Officer
Dy. General Manager (G)
N. Rly. Hd. Qrs. Office
Baroda House,
New Delhi.

Accepted on
behalf of
M. C. Ashw
Adv.

M
4-2-84

(AS)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH
LUCKNOW.

Reg. No. 1540 of 1987 T.

Om Prakash Singh and another vs. U.O.I. & others

Counter on behalf of the respondents is as
under :-

- 1- That the contents of paragraphs 1,2,3,4,5,7,8 of the petition need no comment.
- 2- That para 6 of the petition is denied. The question of advertisement in Newspaper for recruitment of Hammer man does not arise. In this case it was decided to invite applications from sons/ward/near relatives of the employees of these workshop only.
- 3- That para 9 of the petition as it stands is not admitted. The true fact is that call letters were issued to the candidates through whom they have applied.
- 4- That paras 10 and 11 of the petition are denied. The petitioners did not appear on the scheduled date of practical trade test and they were never assured for any supplementary test as alleged by them, as per records of the respondents. It was also mentioned in the Call letter that the request for postponement of test would not be allowed in any case.
- 5- That para 12 of the petition is denied. It may be noted from the opening para of the call letter wherein they were asked to attend the office of the A.C.M.E.(W) on the appointed date for practical test.

कार्मिक अधिकारी
प्रभाग, लखनऊ
Joint Officer
C. B., Lka

A 222

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-2-

6- That para 13 of the petition is denied. There is nothing on the record which can prove that his grand father was seriously injured in case of petitioner no.1 and also for the petitioner no.2 this is not the liability of the administration to arrange the call letter of the candidate. The Rly. employee through whom they had applied, was informed for practical test. The date of practical test cannot be altered as it was a schedule programme and so many candidate had to be appeared.


7- That para 14 of the petition is denied. They have never called for any supplementary practical test.

8- That para 15 is denied. The statement of petitioner no.2 is self contradictory as he had mentioned in para 10 that he was allowed by O.P.No.4 to appear in supplementary test on 30.1.84 at 10 a.m. having given an application while in the para he himself has mentioned that after rejecting the request by O.P.No.4 he approached to the O.P.No.1, who has also not considered his request. As such his allegation as made in para 14 is not relevant.

9- That para 16 is denied. The call letter could not be served to Sri Dinesh Kumar in time as such he was considered for supplementary test by the competent authority.

10- That para 17 of the petition is admitted to the extent that Sri Dinesh Kumar has been allowed to appear in supplementary as the ground as mentioned in para 16.

11- That para 18 is denied. Since they have not turned up on the schedule date for practical test after having received call letter, there was no ground to consider him for supplementary test.


सहायक कार्मिक अधिकारी
उ० र० चारवाग, लखनऊ
Asstt. Personnel Officer
N Rly C. B., Lko.



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-3-

12- That para 19 is denied. As per stay order granted by the Hon'ble High Court two vacancies are kept reserved and rest have been filled in.

13- That para 20 need no comments.

14- That para 21 is denied.

15- That the grounds as given in paras 1 to 6 have got no legal force as well as on facts, hence the petitioner is not entitled to the reliefs claimed.

16- That in any case the relief if granted it means there will be no end to a test because every man will set up a false case and will try to get himself to be tested, hence the petition should be rejected.

17- That in order to form a penal of 50 Hammer man, applications were invited from son/wards and near relative of the employee of these shops and response to that 148 applications were considered for practical test which was schedule on 18.1.84 to 21.1.84 and 40 candidates were called each day. On the date fixed for practical test the two candidate Om Prakash Singh and Kripa Shanker Patel and some other were found absent whereas while issuing the call letter for medical test it was clearly mentioned in that no exemption or request for postponement of examination will be allowed to any body in any case.

18- That the petition be dismissed.

सहायक कारि. अधिकारी
उ० रे० चारखम, जयपुर

Att. Personnel Officer
Rly. C. B., Lko.

On I, Babu Ram Tewari, APO(W)
do hereby verify that the contents of paras 1 to 18
of this counter are true to record. Verified on
this 23rd day of Aug 1988. *at Jammu*