

Central Administrative Tribunal
Lucknow Bench

Cause Title TA 1555/87 of 1993 (w/ 081/84)

Name of the Parties: J. P. Singh Applicant

V e r s u s

U. O. J. Respondents.

Part A. P.C.

Sl. No.

Description of documents

Page

1.

Check List

2.

Order Sheet.

H1 - H2

3.

Judgment dt. 26/6/92

A3 - A4

4.

Petition Copy

A5 - A76

5.

Annexure

6.

Power

7.

Counter Affidavit.

8.

Rejoinder Affidavit.

High court order sheet - A142 - A143

Suppl. Affidavit - A77 to 82

High Court Notice - A-83 to 86

Power - A 85

~~B. file B77 - B141~~

~~C. file C144 - C149~~

R/C

(A2)

T. A. 1555/87

9.9.91

D. R.

Applicant is

present in person.

Sri S. Verma counsel

for the Respondent

appears. This case

is ripe for final

hearing. Hence, this

case is listed before

the Hon. Bench on

20/11/91.

✓

20.11.91

No Siling adjn 20.11.92

✓

20.1.92

No Siling adjn 16.3.92

✓

16.3.92

No Siling adjn 7.4.92

✓

7.4.92

No Siling adjn 26.6.92

✓

or
EA, AA have been
exchanged
S.H.
24/6/92

(A3)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW

T.A. No. 1555/87

W.P. No. 881/84

J.P. Singh

...

Applicant

Vs.

Union of India, & Others

...

Respondents.

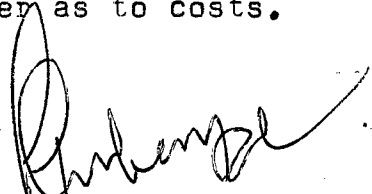
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.


(By Hon. Mr. Justice U.C. Srivastava, V.C.)

In this transfer application the applicant prayed that the notice of termination dated 4.2.84 be quashed and memorandum be issued to the respondents ^{to} ~~who~~ treat the applicant ^{as} ~~is~~ continuing on the post of a Teacher of Railway Primary School, Hardoi. As the applicant's father ^{was} ~~retired~~ ^{at} the age of 58 years the applicant was ^{given} ~~given~~ stop gap and temporary arrangement was made by posting one Shri S.K. Srivastava thereafter the applicant in his place but in the meantime a decision was taken that the age of superannuation ^{is} ~~is~~ fixed to ⁶⁰ ~~60~~ years ^{with the result} that the applicant's father came back to service and that is why the termination notice was issued as the applicant has no right to get the said post whatsoever. Under the interim order passed by the Court the applicant was continued to remain in service. A ^{supplementary} ~~supplementary~~ Affidavit has been filed by the applicant in which it has been stated that the applicant has been found fit and he will be regularised again as and when his turn comes. In this view this application ^{prayer is made to} ~~although~~ ^{which} ~~issued~~ beyond his prayer was originally made but in ^{view} ~~view~~ this application the applicant who had not right to the post now getting reveal

(AM)

^{and the Stakeholder of learned Court in Paul}
post now getting revealed that the ~~XXXXXXXXXX~~ application
~~as~~ has filed has become infructuous. It is accordingly
dismissed as such in view of the subsequent developments.
No order as to costs.


Member (A)


Vice Chairman

Lucknow
Dated 26.6.92

CIVIL

SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 881-84

Name of parties Jai Praloksh Singh - V. Union of India

Date of institution 17-2-84

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1	ind. with affidavit and Annex	17	-	102 00			
	2	Power	1	-	5 00			
	3	CMA 2054 (w) 884	2	-	5 00			
	4	Power	2	-	10 00			
	5	CMA 4538 (w) 884 with CA	16	-	7 00			
	6	CMA 6775 (w) 884 with RA	11	-	7 00			
	7	CMA 7381 (w) 884	10	-	7 00			
	8	CMA 3173 (w) 884	5	-	7 00			

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

Date.....

Munsarim

Clerk

1517

A6

Group A 14 CPJ

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

Writ Petition No. 8021 of 1984

JaiPrakash Singh

-Petitioner

vs.

Union of India and others

-Opp-parties

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5.	Representation dated 29.1.1984	3	16
6.	Notice of termination dated 4.2.1984	4	17
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2409

V. M. P.

Jai Prakash Singh

B. C. Saksena

(B. C. Saksena)
Advocate



50/- 10/2
m. 17.289

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

Petition under Article 226 of the Constitu-
tion of India

Writ Petition No. 8081 of 1984

Jai Prakash Singh, aged about 34 years, son of
Sri Gopal Singh, ~~xx~~ at present working as
Assistant Teacher, Northern Railway Primary
School, Hardoi

Petitioner

versus

1. The Union of India through the General Manager,
Baroda House, New Delhi
2. The Divisional Personnel Officer, Northern
Railway, Moradabad
3. The Assistant Engineer, Northern Railway
Hardoi

Opp-parties

This humble petition on behalf of the

petitioner above-named most respectfully sheweth:-

1. That by an order issued by opposite-party no.2 and contained in his letter no. 3-E/O-IV/ (Schools) EMC-3 -A/IV dated 20.7.1983 the petitioner was appointed as substitute assistant teachers in grade Rs. 330-560 purely as a temporary and adhoc measure subject to his passing the prescribed medical examination C-2 in the Railway Primary School vice one Sri Gopalji Assistant teacher who was on sick list from 10.7.1983 . A true copy of the said order dated 20.7.1983 is being annexed as Annexure no.1 to this petition, with a view to place on record the terms and conditions ~~for~~ his initial appointment.

2. That the petitioner was less than 40 years of age which is the maximum age prescribed for appointment as teacher in the Railway Primary School. His academic qualifications are B.Sc. Ag. (Hons), B.Ed which is much more than the academic qualification prescribed for appointment as Assistant Teacher viz., High School trained.

3. That the petitioner was subjected to medical examination and he qualified the medical examination in category C-2 and started teaching work as substitute teacher in the Railway Primary School with effect from 1.8.1983 and has been

For Prakash Singh
17/11/83

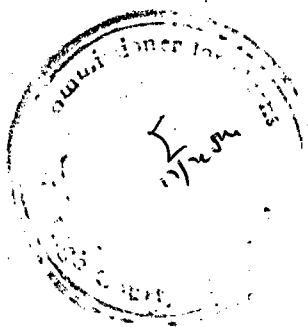
continuously working.

4. That the said Sri Gopalji in whose leave vacancy the petitioner was appointed as Substitute Assistant Teacher joined his duty on 30.1.1984 and retired from railway service on 31.1.1984 on attaining the age of superannuation. Opposite-party no.3 by a memo. dated 31.1.1984 passed an order indicating that the petitioner has been allowed to work as substitute after the retirement of Sri Gopalji till the permanent arrangement is made by opposite-party no.2. A true copy of the said memo. dated 31.1.1984 is being annexed as Annexure no.2 to this petition.

5. That the petitioner earlier on 29.1.1984 had submitted a representation to opposite-party no.2 indicating that since Sri Gopalji is going to retire from service on 31.1.1984, he may be continued. The said representation was forwarded by opposite-party no.3 to opposite-party no.2 for favourable consideration. Opposite-party no.3 indicated in his forwarding note that the petitioner has been satisfactorily carrying out the duties of Assistant Teacher during the last five months. A true copy of the said representation dated 29.1.1984 is being annexed as Annexure no.3 to this petition.

6. That the petitioner to his utter surprise on

Jai Prakash Singh



or about 5.2.1984 was served with a copy of order no. 3-E/O-IV (Schools)/ EMC-3(A)/5 dated 4.2.1984 issued by opposite-party no.2. Copy of the order as served on the petitioner is being annexed as Annexure no.4 to this petition.

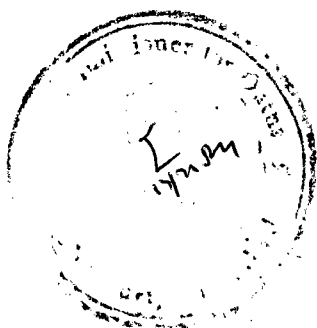
7. That a perusal of the said order would show that it does not assign any reason for terminating the petitioners services and has directed that his services shall be terminated with effect from 19.2.1984 on the expiry of 14 days from the date of the issue of the said notice.

8. That in the Railway Primary School there is no teacher or Headmaster but the petitioner as a substitute teacher was teaching and running the said school and dealing with administration thereof as was Sri Gopalji, his predecessor-in office.

9. That the term "substitutes" has been defined in paragraph 2315 of Chapter XXXII of the Indian Railway Establishment Manual which reads as under:-

"Substitutes" are persons engaged in Indian railway establishments on regular scales of pay and allowances applicable to posts against which they are employed. These posts may fall vacant on account of a railway servant being on leave or due to non-availability of permanent or temporary

Jai-Prakash Singh



railway servants and which cannot be kept vacant."

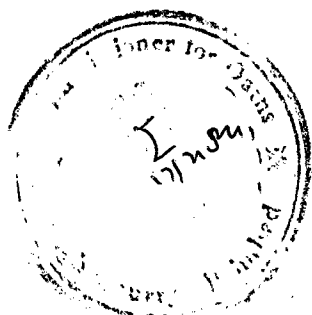
10. That the definition of temporary servant is contained in paragraph 2301 of Section A Chapter XXIII of the said Manual which reads as under:-

"A temporary railway servant means a railway servant without a lien on a permanent post on a railway or in other administration or office under the Railway Board. The term does not include casual labour, a ~~contract~~ contract or part-time employee or an apprentice."

11. That paragraph 2318 of the said Manual inter alia provides that substitute should be afforded all the rights and privileges as may be admissible to temporary railway servant from time to time on completion of six months continuous service. Substitute School teachers may, however, be afforded temporary status if they have put in continuous service of three months and their service should be treated continuous for all purposes except seniority on their eventual absorption against regular posts after selection.

12. That the Railway Board by means of letter no. E(NG) II/82 /38/8 dated 12.3.1983 addressed to General Managers of all Indian Railways and others has indicated that in case of teachers on completion

Jai Prakash Singh



of three months service temporary status may be granted to them. The said letter reads as under:-

"Sub:- Substitutes- Grant of temporary status

Ref:- This office's letter of even number dated 6.1.1983

The following may pleased be added at the end of the second para of the letter referred to above:-

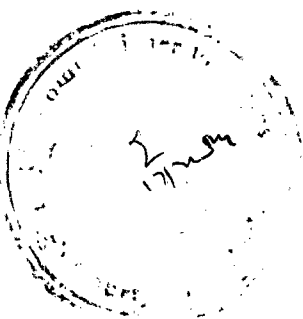
"and in the case of Teachers, on completion of three months service."

13. That railway is an industry and the petitioner as a substitute teacher is a workman within the meaning of the said term as defined in section 2(s) of the Industrial Disputes Act and as such the provisions of the Industrial Disputes Act in the matter of notice and wages clearly apply while exercising power rule ~~rule~~ 149 in terminating the services of a railway servant. Rule 149 sub-clause (6) of the Indian Railway Establishment Code Volume I reads as under:-

" 6. Notwithstanding anything contained in clauses (1), (2) and 4 of this rule if a railway servant or apprentice is one to whom the provisions of the Industrial Disputes Act, 1947 apply, he shall be entitled to notice or wages in lieu thereof in accordance with the provisions of that Act."

14. That the relevant provisions of the

Jai Prakash Singh



Industrial Disputes Act relating to period of notice and wages are provided in section 25-F of the Industrial Disputes Act . It is stated that the petitioner has not been paid any compensation at the time of retrenchment.

15. That notice in the prescribed manner has also not been served on the appropriate Government before passing the impugned order of termination of the petitioners services.

16. That to the best of the petitioners knowledge and belief no permanent arrangement has been made nor has selection been made to fill up the vacancy caused due to the retirement of Sri Gopalji. The sanction for the said post still subsists.

17. That opposite-party no.2 has also not considered the representation submitted by the petitioner and the endorsement made by opposite-party no.3 thereon indicating that the petitioner has been satisfactorily carrying out the duties of an Assistant Teacher during the last five months.

18. That the impugned order has not been given effect to till date and neither any person has been authorised by the office of opposite-party no.2 to join as teacher in the Railway Primary School, Hardoi but orders with regard to the

Jai Prakash Singh

2
17/11/20

7/14
XXXX, \$5 \$

-8-

same, it is apprehended, will be passed any day hereafter.

19. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this petition and sets forth the following, amongst others,

GROUND:

(a) Because by reasons of the provisions of sub-clause (6) of rule 149 of the Indian Railway Establishment Code Vol. I, since the petitioner is a person who is governed by the Industrial Disputes Act. being workman it was incumbent as a condition precedent to comply with the provisions of section 25-F of the Industrial Disputes Act and in so far as there has been non-compliance of the same, the impugned notice of termination is wholly illegal and void.

(b) Because inasmuch as no retrenchment compensation has been paid to the petitioner and neither any reasons for retrenchment have been indicated in the notice. the same must be held to be in violation of the provisions of Section 25-F and therefore void.

(c) That the said notice is further void by



Jai Prakash Singh

Jai Prakash Singh

reason of the fact that no notice in the prescribed manner had been served on the appropriate Government as mandatorily enjoined by sub-clause (c) of section 25-F of the Industrial Disputes Act.

(d) Because by reason of the circumstance that the petitioner has completed more than three months continuous service, he was entitled to be treated as a temporary railway servant and accordingly to be given one months notice for purposes of termination of his service and inasmuch as the same has not been done, it must be held that the petitioner's services have not been validly and legally terminated.

(e) Because without prejudice and in the alternative even if it could be shown and held that the petitioner was entitled only to 14 days notice, the impugned order in so far as it does not afford the petitioner the said requisite period of notice is also void.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased:-

(i) to issue a writ of certiorari or a writ, or of direction in the nature of certiorari to quash the notice of termination dated 4.2.1984 passed by opposite-party no.2 and contained in

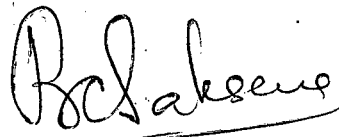
Jai Prakash Singh

Annexure no.4.

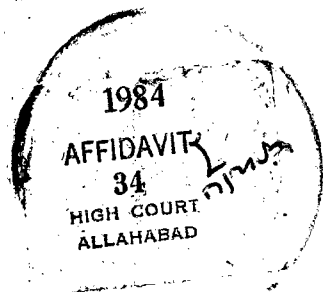
(ii) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding the opposite-parties to treat the petitioner as continuing in service on the post of Teacher, Railway Primary School, Hardoi.

(iii) to issue such other writ, direction or order, including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow
17.2.1984


(B.C. Saxena)
Advocate
Counsel for the petitioner

Jai - Prakash Singh



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

--
Affidavit

in

Petition under Article 226 of the Constitu-
tion of India

--

Writ Petition No.

of 1984

Jai Prakash Singh

-Petitioner

versus

Union of India and others

-Opp-parties

I, Jai Prakash Singh, aged about 34 years, son
of Sri Gopal Singh at present working as
Assistant Teacher, Northern Railway Primary School,
Hardoi, do hereby solemnly take oath and affirm
as under:-

1. That I am the petitioner in the above-noted writ
petition and am fully acquainted with the facts of
the case.

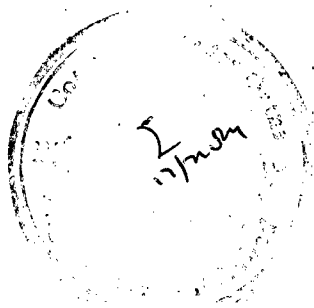
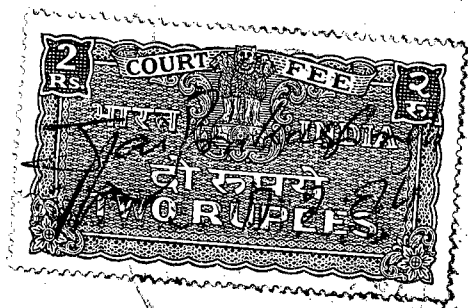
2. That contents of paras 1 to 18 accompanying
petition are true to my own knowledge.

3. That Annexures 1 to 3 have been compared and
are certified to be true copies.

Dated Lucknow

17.2.1984

Jai Prakash Singh
Deponent



I, the deponent named above, do hereby
verify that contents of paras 1 to 3 of
this affidavit are true to my own knowledge.
No part of it is false and nothing material
has been concealed; so help me God.

Dated Lucknow

17.2.1984

Jai Prakash Singh
Deponent

I identify the deponent who has signed in my presence

(R.K. Srivastava) *R.K. Srivastava*
Clerk to Sri B.C. Saxena, Advocate

Solemnly affirmed before me on 17.2.84
at 8.15 a.m./p.m. by *Jai Prakash Singh*

the deponent who is identified by Sri *R.K. Srivastava*
clerk to Sri *B.C. Saxena*

Advocate, High Court, Allahabad. I have satisfied
myself by examining the deponent that he understands
the contents of the affidavit which has been read
out and explained by me.

Satish Chandra Srivastava
17/2/84



Jai Prakash Singh

SATISH CHANDRA SRIVASTAVA	
OATH COMMISSIONER	17/2/84
High Court	Allahabad
Lucknow	
No.	34/84
Date	17/2/84

119 13

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

Writ Petition No. of 1984
Jai Prakash Singh.....Petitioner
versus
Union of India and another.....op. parties

Annexure No.1

Northern Railway

Divl.Rly.Manager's Office,
N.Rly. Moradabad.

No.3-F/0-77/' Schools) PWC-3(A)-IV dated 20.7.83.
Shri Jai Prakash Singh s/o Shri Goral Singh who
is B.A. Sic B.Ed., is appointed as substitute Asstt.
Teacher on pay Rs.330/- in grade Rs.330-560 purely
as temporary and adhoc measure subject to his
passing the prescribed medical Examination in C-2
in Railway primary school/ARI vice Shri Goral Ji
Asstt. Teacher, who is on sick list from 10/7/83. He
will be discharged from the engagement of
substitute teacher on resumption of Shri Goral
Ji, Asstt. Teacher/ARI or even earlier without any
notice and this engagement as substitute Teacher
shall not confer upon him any right to claim for
engagement in future or regularisation of his
appointment as such against regular vacancies. He will
get pay Rs.330/- p.m. from the date he starts working
independently in the school. His movements may be
advised to this office.

Divl. Personnel Officer,
N.Rly. Moradabad.

Copy for information & n/action to:-

1. AHN/ARI Shri Jai Prakash Singh may be got
medically examined by the competent Med. Authority
before putting him to work as sub. Teacher. His



14
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-2-

original High School Certificate and other
testimonial etc. may be in order to adjudge eligibility,
of age which is below 40 yrs. for teachers :

2. AM/BRJ.

3. Shri Jai Prakash Singh s/o Shri Birel Singh
or. No. E-11-A., Rly., Colony Hardoi. He should report
himself to AM/BRJ for his Medical Examination and
further orders.

4. Asstt. Teacher, Rly. Primary school Hardoi.

5. AS(Pay Bill) BRJ'S Office/MP.

6. Sr. DAD/Moradabad.

.....
True copy



Jai Prakash Singh

421 15

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

Writ Petition No. of 1984

Jai Prakash Singh.....Petitioner
versus

Union of India and another.....Respondents
Annexure no.2
~~No. 41/2100/1984~~

No.E/2 dt.31.1.84

Northern Railway

To
DE /MR

Sub:- Sickness and Resumption of duty of Shri Gopal
Ji Asst Teacher Rly. Primary school, Hardoi.

In continuation to this office letter of
even No. dt.7.11.83 AND /MR has issued duty
certificate in favour of the above named employee
vide file Memo No. 360761 of 29.1.84. Shri Gopal Ji
has joined his duties on 30.1.84 and has also been
retired from Rly..Service on date (31.1.84) vide
your XLR No. 843/E RF/as/schools dt.30.1.84 Shri Jai
Prakash Singh is further allowed to work as
substitute after the retirement of Shri Gopal Ji
still the permanent arrangement is made from your
end.

Jai. Prakash Singh

DA/one

sd/- Illerible
(seal)
Illerible

sd/- Illerible
31.1.84

True copy



A22

16

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

Writ Petition No. of 1984

Jai Prakash Singh.....Petitioner
versus

Union of India and another.....Opp. parties

Annexure No.3

To,

Divisional Railway Manager,
Northern Railway,
Moradabad.

Sir,

Sub: Working as substitute Teacher in the
Railway Primary school, HarDOI.

With in a respect and humble submission I hereto
state that I am serving as substitute Teacher since
01.8.83 in the Railway Primary School, HarDOI vice
Shri Gopal Ji Asstt. Teacher who is on long sickness
vide your letter No.3-F/OO-IV (School) PMU-3(A)-IV
dt.20.7.83.

That Sir, Shri Gopal Ji is going to be retire from
Railway service as on 31.1.1984.

I therefore, requested your honour to very kindly
continue me as substitute teacher after his retirement
also for that I shall be ever grateful to you.

Thanking you.

Yours faithfully,

Sd/- Illegible

(Jai Prakash Singh)

Substitute Teacher

Railway Primary School

HarDOI.

Dated. 29.1.84

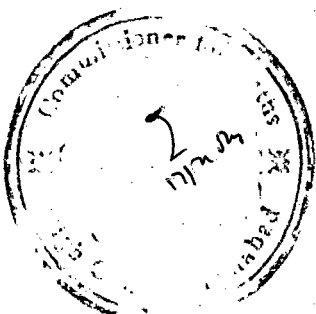
Forwarded to IRM/MA
for formal
consideration. Sri
Jai Prakash Singh has
been satisfactorily
carrying out the
duties of assistant teacher
during last 5 months.

Sd/- Illegible
29.1.84

(seal)

Illegible.

True copy



Jai Prakash Singh

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

Writ Petition No. of 1984

Jai Prakash Singh.....Petitioner
versus

Union of India and others...opponents

Annexure No.4

Genl.99-1sic

Northern Railway

Divl. Rly. Manager's Office

Moradabad.

No.3-E/O -IV(Schools) /EMU-3(A)/N.Dated 4 /2/1984

Shri Jai Prakash Singh.

Sub. Teacher, Railway Primary School
HarDOI.

Sub: Termination of Railway Service.

Your services of Substitute Teacher, in Railway Primary school/HarDOI being no longer required, shall be terminated on expiry of 14 days from the date of issue of this notice viz. 19/2/1984.

You should handover complete charge of the school to AEM/HarDOI or any other person subsequently authorised by this office.

Sd/- Illegible
Divl. Personnel Officer,
Moradabad.

Copy to AEM/HRI to please ensure compliance which should be reported to this office.

2. sic.

True copy

Jai Prakash Singh

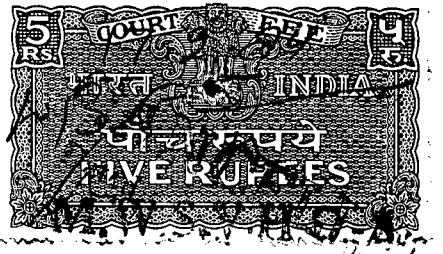
17/2/84

APM 18

Honble Honblt High Court of Judicature
ब अदालत श्रीमान At Allahabad Bench-40 महोदय

वादी (मुद्दे) का वकीलतनामा
प्रतिवादी (मुद्दालेह)

106-51
17-284



Jai Prakash Singh

वादी (मुद्दे)

Union of India & others बनाम

प्रतिवादी (मुद्दालेह)

ATP नं० मुकद्दमा सन् १६८४ पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

A. B. C. Saigona Advocate 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 इकबाल 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 (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - 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 पैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted
B. C. Saigona

हस्ताक्षर Jai Prakash Singh

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

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

Joint Petition No. of 1984
Jai Prakash Singh -Petitioner
vs.
Union of India and others -Opp-parties

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(B. C. Jaisena)
Advocate

7C

In the People's High Court of Judicature at all India,
(Lucknow Bench), Lucknow

Petitioner under Article 223 of the Constitu-
tion of India

with Petition No. of 1934

Jai Prakash Singh, aged about 34 years, son of
Jai Prakash Singh, now at present residing as
Assistant Teacher, Northern Railway Primary
School, Barabai

Petitioner

versus

1. The Union of India through the General Manager,
Barabai Branch, Barabai
2. The Divisional Personnel Officer, Northern
Railway, Lucknow
3. The Assistant Engineer, Northern Railway
Barabai

Opponent

This humble petition on behalf of the

petitioner above-named most respectfully sheweth:-

1. That by an order issued by opposite-party no.2 and contained in his letter no. 3-2/0-IV/ (Schools) EMC-3 -4/IV dated 20.7.1983 the petitioner was appointed as substitute assistant teachers in grade Rs. 330-560 purely as a temporary and adhoc measure subject to his passing the prescribed medical examination C-2 in the Railway Primary School vice one Sri Gopalji Assistant teacher who was on sick list from 10.7.1983 . a true copy of the said order dated 20.7.1983 is being annexed as annexure no.1 to this petition. with a view to place on record the terms and conditions ^{of} his initial appointment.

2. That the petitioner was less than 40 years of age which is the maximum age prescribed for appointment as teacher in the Railway Primary School. His academic qualifications are B.Sc. Ag. (Hons), B.Ed which is much more than the academic qualification prescribed for appointment as Assistant Teacher viz., High School trained.

3. That the petitioner was subjected to medical examination and he qualified the medical examination in category C-2 and started teaching work as substitute teacher in the Railway Primary School with effect from 1.8.1983 and has been

continuously working.

4. That the said Sri Gopalji in whose leave vacancy the petitioner was appointed as substitute assistant teacher joined his duty on 30.1.1984 and retired from railway service on 31.1.1984 on attaining the age of superannuation. Opposite-party no.3 by a memo. dated 31.1.1984 passed an order indicating that the petitioner has been allowed to work as substitute after the retirement of Sri Gopalji till the permanent arrangement is made by opposite-party no.2. A true copy of the said memo. dated 31.1.1984 is being annexed as annexure no.2 to this petition.

5. That the petitioner earlier on 29.1.1984 had submitted a representation to opposite-party no.2 indicating that since Sri Gopalji is going to retire from service on 31.1.1984, he may be continued. The said representation was forwarded by opposite-party no.3 to opposite-party no.2 for favourable consideration. Opposite-party no.3 indicated in his forwarding note that the petitioner has been satisfactorily carrying out the duties of Assistant Teacher during the last five months. A true copy of the said representation dated 29.1.1984 is being annexed as annexure no.3 to this petition.

6. That the petitioner to his utter surprise on

or about 5.2.1984 as served with a copy of order no. 3-E/O-IV (Schools)/ SMC-3(4)/5 dated 4.2.1984 issued by opposite-party no.2. Copy of the order as served on the petitioner is being annexed as annexure no.1 to this petition.

7. That a perusal of the said order would show that it does not assign any reason for terminating the petitioner's services and has directed that his services shall be terminated with effect from 19.2.1984 on the expiry of 14 days from the date of the issue of the said notice.

8. That in the Rail ay Primary School there is no teacher or Headmaster but the petitioner as a substitute teacher has been teaching and running the said school and dealing with administration thereof as Sri Wopalji, his predecessor-in office.

9. That the term "substitutes" has been defined in paragraph 2315 of Chapter XXIII of the Indian Railway Establishment Manual which reads as under:-

"Substitutes" are persons engaged in Indian railway establishments on regular scales of pay and allowances applicable to posts against which they are employed. These posts may fall vacant on account of a railway servant being on leave or due to non-availability of permanent or temporary

railway servants and which cannot be kept vacant."

- 10. That the definition of temporary servant is contained in paragraph 2301 of Section A Chapter III of the said Manual which reads as under:-

"A temporary railway servant means a railway servant without a lien on a permanent post on a railway or in other administration or office under the Railway Board. The term does not include casual labour, a casual contract or part-time employee or an apprentice."

- 11. That paragraph 2318 of the said Manual inter alia provides that substitute should be afforded all the rights and privileges as may be admissible to temporary railway servant from time to time on completion of six months continuous service. Substitute School teachers may, however, be afforded temporary status if they have put in continuous service of three months and their service should be treated continuous for all purposes except seniority on their eventual absorption against regular posts after selection.
- 12. That the Railway Board by means of letter no. E(NG) II/32 /38/8 dated 12.3.1983 addressed to General Managers of all Indian Railways and others has indicated that increase of teachers on completion

same, it is apprehended, will be passed any day hereafter.

19. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this petition and sets forth the following, amongst others,

FINDINGS:

(a) Because by reasons of the provisions of sub-clause (6) of rule 149 of the Indian Railway Establishment Code Vol. I, since the petitioner is a person who is governed by the Industrial Disputes Act being workman it was incumbent as a condition precedent to comply with the provisions of section 25-F of the Industrial Disputes Act and in so far as there has been non-compliance of the same, the impugned notice of termination is wholly illegal and void.

(b) Because inasmuch as no retrenchment compensation has been paid to the petitioner and neither any reasons for retrenchment have been indicated in the notice. the same must be held to be in violation of the provisions of Section 25-F and therefore void.

Became
(c) ~~that~~ the said notice is further void by

of three months service temporary status may be granted to them. The said letter reads as under:-

"Sub:- Substitutes- Grant of temporary status

Ref:- This office's letter of even number dated 6.1.1983

The following may please be added at the end of the second para of the letter referred to above:-

"and in the case of teachers, on completion of three months service."

→ 13. That railway is an industry and the petitioner as a substitute teacher is a workman within the meaning of the said term as defined in section 2(s) of the Industrial Disputes Act and as such the provisions of the Industrial Disputes Act in the matter of notice and wages clearly apply while exercising power under rule 149 in terminating the services of a railway servant. Rule 149 sub-clause (6) of the Indian Railway Establishment Code Volume I reads as under:-

" 6. Notwithstanding anything contained in clauses (1), (2) and 4 of this rule if a railway servant or apprentice is one to whom the provisions of the Industrial Disputes Act, 1947 apply, he shall be entitled to notice or wages in lieu thereof in accordance with the provisions of that Act."

→ 14. That the relevant provisions of the

Industrial Disputes Act relating to period of notice and wages are provided in section 25-F of the Industrial Disputes Act. It is stated that the petitioner has not been paid any compensation at the time of retrenchment.

15. That notice in the prescribed manner has also not been served on the appropriate Government before passing the impugned order of termination of the petitioner's services.

16. That to the best of the petitioner's knowledge and belief no permanent arrangement has been made nor has selection been made to fill up the vacancy caused due to the retirement of Sri Gopalji. The sanction for the said post still subsists.

17. That opposite-party no.2 has also not considered the representation submitted by the petitioner and the endorsement made by opposite-party no.3 thereon indicating that the petitioner has been satisfactorily carrying out the duties of an Assistant Teacher during the last five months.

18. That the impugned order has not been given effect to till date and neither any person has been authorised by the office of opposite-party no.2 to join as teacher in the Railway Primary School, Hardoi but orders with regard to the

reason of the fact that no notice in the prescribed manner had been served on the appropriate Government as mandatorily enjoined by sub-clause (c) of section 25-1 of the Industrial Disputes Act.

(d) because by reason of the circumstance that the petitioner has completed more than three months continuous service, he is entitled to be treated as a temporary railway servant and accordingly to be given one month's notice for purposes of termination of his service and inasmuch as the same has not been done, it must be held that the petitioner's services have not been validly and legally terminated.

(e) because without prejudice and in the alternative even if it could be shown and held that the petitioner is entitled only to 14 days notice, the impugned order in so far as it does not afford the petitioner the said requisite period of notice is also void.

Therefore, it is respectfully prayed that this Hon'ble Court be pleased:-

(i) to issue a writ of certiorari or a writ, order or direction in the nature of certiorari to quash the notice of termination dated 4.2.1964 passed by opposite-party no.2 and contained in

I, the deponent named above, do hereby
verify that contents of paras 1 to 3 of
this affidavit are true to my own knowledge.
No part of it is false and nothing material
has been concealed; so help me God.

Dated Lucknow

Deponent

17.2.1934

I identify the deponent who has signed in my presence

(L.R. Srivastava)

Clerk to Sri B.C. Saxena, advocate

Solemnly affirmed before me on

at a.m/p.m by

the deponent who is identified by Sri

clerk to Sri

Advocate, High Court, Allahabad. I have satisfied

myself by examining the deponent that he understands

the contents of the affidavit which has been read

out and explained by me.

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

Writ Petition No. of 1994

Jai Prakash Singh..... Petitioner
versus

Union of India and another..... Respondent
Annexure no. 2
~~10/11/1994~~

No. E/2 dt. 31.1.84

Northern Railway

To

MD/MD

Sub:- Sickness and Resumption of duty of Shri Gopal
JI Asst Teacher Hly. Primary school, Haridol.

In continuation to this office letter of
even No. 10.7.11.83 MD/MD has issued duty
certificate in favour of the above named employee
vide file No. 10.70701 of 29.1.84. Shri Gopal JI
has joined his duties on 30.1.84 and has also been
retired from Hly. Service on date (31.1.84) vide
your No. 10.843/E-2/MD/schools dt. 30.1.84 Shri Jai
Prakash Singh is further allowed to work as
substitute after the retirement of Shri Gopal JI
till the permanent arrangement is made from your
end.

MD/MD

MD/- Illegible
(sm)
Illegible

True copy

MD/- Illegible
31.1.84

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

File No. of 1984

Shri Prakash Singh..... Petitioner
versus

Union of India and others..... Respondents

Annexure No.1

Northern Railway

Divl. P. & A. Officer,
Northern Railway,

No. 3-7/O-77/Schools D-2-3(a)-77 dated 20.7.83.
Shri. Jai Prakash Singh, s/o Shri Jai Singh who
is P. & A. Officer, is appointed as substitute Asst.
Teacher on pay Rs. 330/- in grade Rs. 330-560 purely
on temporary and adhoc basis subject to his
passing the prescribed medical examination in C-2
in railway primary school/RI vice Shri Jai Singh
Asst. Teacher, who is on sick leave from 10/7/83. He
will be discharged from the engagement of
substitute teacher on resumption of Shri Jai Singh
Asst. Teacher, or even earlier without any
notice and this engagement as substitute teacher
shall not confer upon him any right to claim for
employment in future or regularization of his
appointment as such against regular vacancies. He will
get pay Rs. 330/- p.m. from the date he starts working
independently in the school. His movements may be
advised to this office.

Divl. Personnel Officer,
Northern Railway.

Copy for information & action to:-

1. AMN/RI Shri Jai Prakash Singh may be not

medically examined by the competent Med. Authority
before permitting him to work as sub-teacher. His

original 1st School Certificate and other testimonials etc. may be in order to advise accordingly, of age which is below 40 yrs. for teachers.

2. W/P.

3. Shri Jai Prakash Singh s/o Shri Govind Singh or. No. E-11-1, P. S. Colony Haroli. He should report himself to me/for his medical Examination and further orders.

4. Asst. Teacher, P. S. Primary school Haroli.

5. A. K. (Tamil) s/o Mr. S. S. S. S.

6. Mr. S. S. S. S.

.....
true copy

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

Writ Petition No. of 1984

Jai Prakash Singh..... Petitioner

versus

Union of India and others... Opp. parties

Annexure No. 4

Ann' 99-1st

Northern Railway

Divl. Personnel Office

Allahabad.

U.O. 3-I/3-IV (Schools) /ANN-7(A)/7. Dated 4 /2/1984

Shri Jai Prakash Singh,

Sub. Teacher, Railway Primary School
Allahabad.

Subject: Termination of Railway Service.

Your services of Substitute Teacher, in Railway Primary School /Allahabad being no longer required, shall be terminated on expiry of 14 days from the date of issue of this notice viz. 19/2/1984.

You should handover complete charge of the school to AEN /Allahabad or any other person subsequently authorised by this office.

Sd/- Illegible
Divl. Personnel Officer,
Allahabad.

Copy to AEN/Allahabad to please ensure compliance which should be reported to this office.

P. et c.

.....

True copy

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

Application for interim relief

C.M. Application No. (*) of 1984

Inter Petition No. of 1984

Jai Prakash Singh, aged about 34 years, son of
Sri Gopal Singh at present working as
Assistant Teacher, Northern Railway Primary School
Hardoi.

Petitioner-
Applicant

versus

1. The Union of India through the General Manager
Barda House, New Delhi
2. The Divisional Personnel Officer, Northern
Railway, Moradabad.
3. The Assistant Engineer, Northern Railway,
Hardoi

Opp-party

This application on behalf of the applicant
above-named most respectfully sheweth:-

That on the basis of the facts stated and

grounds raised in the accompanying petition and the
applicant prays that this Hon'ble Court be pleased:-

(i) to pass an ad interim order staying the operation
of the order dated 4.2.1984 passed by opposite-
party no.2 and contained in annexure no.4 to the
said petition.

(ii) to pass such other order as is the circumstance
of the case this Hon'ble Court may deem just and
proper.

Witness my hand

17.2.1984

(S.D. Bakshi)
Advocate

Counsel for the Applicant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE Rev. app. 910 OF 1992

M.O.A 1555/87
NAME OF THE PARTIES J.P. Singh Applicant

Versus

Union of India Respondent

Part A.

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CERTIFICATE

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

Dated 01/09/2011

Counter Signed.....

[Signature]
Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing

15-10-92

Date of Receipt by Post

Deputy Registrar(J)

.....
C.M.Appln.No. 910 of 1992
In re;

T.A.No. 1555 of 1987
Writ Petition No. 881 of 1984
U/S. 22(3)(F) of Act 133 13/85
read with section 151 C.P.C.

J.P.Singh

...

...

Applicant

Versus

Union of India and others.

...

...Opp. Parties

APPLICATION FOR MODIFICATION BY REVIEWING
THE JUDGEMENT DATED 26.6.92 (" PASSED BY
HONBLE MR.JUSTICE U.C.SRIVASTAVA W.C. AND
HONBLE Mr.K.OBAYYA A.M.

1. That true facts have been stated in
the accompanying affidavit.

PRAYER


It is therefore respectfully prayed that
the Hon'ble Court might be pleased to correct
the error apparent on the face of record and

modify by ~~xxx~~ reviewing the judgement observations

Jai-Prakash Singh

effecting adversely to applicants regularisation in service and to pass any other suitable order in the circumstances of the case.

Lucknow Dated
October/4, 1992.


(K.P. Singh)
Advocate
Counsel for the Applicant.

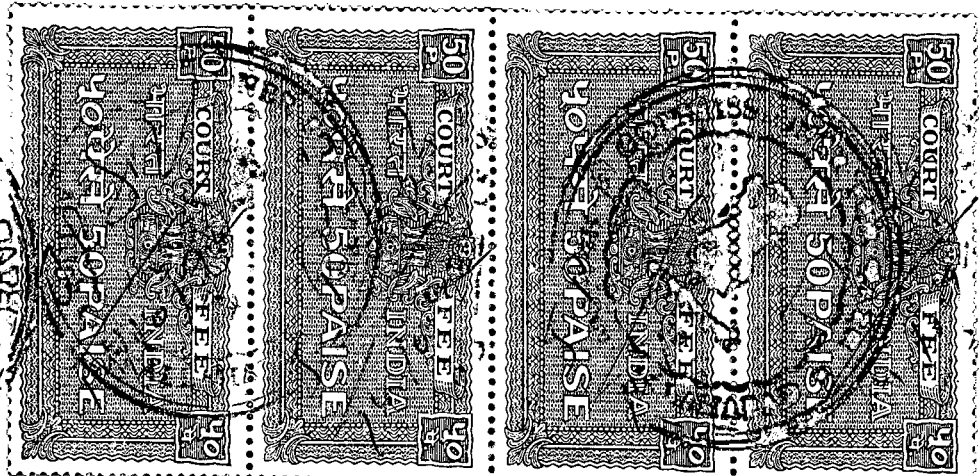
Jai Prakash (ing)

4

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW

....

T.A. No. 1556 of 1987
Writ Petition No. 881 of 84



J.P. Singh

...

...

Applicant

Versus

Union of India and others.

...

Opp. Parties

AFFIDAVIT

I, Jai Prakash Singh aged about 43 years, son of Sri Gopal Jee, r/o E-11A Railway Colony Hardoi, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is factually being treated as regularised in service. This fact has been mentioned in para 5,6,8,9 of Supplementary affidavit, a reference of which has been made in the judgement. No counter affidavit was filed. The said paras of supplementary affidavit are again being quoted below.



Jai-Prakash Singh

5. "That as there was no short-fall in SC/ST quota in Mooradabad Division as such there was no occasion for keeping the regularisation of deponent pending. As a matter of fact deponent is being treated as a Regular employee in as much as in Pay sheets he is not treated as Substitute, he is being paid with the same scale of pay, allowances, purka and facilities including ~~an~~ entire compulsory deductions like P.F. Insurance etc. quite alike to Regular employees. Deponent has been provided with official quarter, passes and other facilities."

6. "That deponent is being shown against regular strength in all the charts and official progress reports sent from time to time to high officials of Railways. In service book of deponent he is not described as substitute. Even the pay slips he is not treated as substitute."



7. "That the deponent is being assigned additional duties as are assigned only to Regular employees for which he is being paid with extra allowances."

True photo copies of letter dated 25.10.89 and 17.5.90 evidencing assignment of such extra duties are attached herewith as Annexure "C" and "D" to this affidavit. (ie supplementary affidavit).

Jai - Prakash Singh

8. "That deponent is continuously performing

duties of Teachers Primary School since 1.8.83 without break of even a single day."

2. That in the writ petition relief (ii) and (iii) is as under:

(ii) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding the opposite parties to treat the petitioner as ~~extra~~ continuing in service on the post of Teacher, Railway Primary School, Hardoi.

(iii) to issue such other writ, direction or order including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

3. That a copy of judgement dated 26.6.1992 is Annexure No.1.



4. That in the concluding part of the judgement starting from *** "A supplementary affidavit" an ~~rex~~ impression has been created by the observation (1) that he would be regularised (2) applicant has no right to the post (3) statement of counsel instant application has become infructuous (4) it is accordingly dismissed as such.

Jai. prakash Singh

5. That in the subsequent changed circumstances,

the deponents screening and finding fit has been acted upon by opposite party and they are estopped from stating otherwise and they [✓]right to post accrued to him. This relief or any other ~~su~~ similar relief as mentioned in the writ petition gives very wide residuary ^{✓ Power ✓} ~~power~~ to mould relief in the new developments in the case.

[✓]10. That the deponent did not authorise his counsel Sri A.K.Dixit to make a statement that the application has become infructuous. Rather he has instructed, as clear from the above mentioned paras of supplementary affidavit that he has factually become regularised in service.



[✓]11. That it is desirable in the interest of justice that error apparent on the face of

Contd..5

Jai Prakash Singh

record be suitably corrected in order to save
the service of deponent.

Lucknow Dated

October 14, 1992.

Jai Prakash Singh
Deponent.

VERIFICATION



I, the deponent named above, do hereby
verify that the contents of paragraphs 1 to 7
of this affidavit are true to my own knowledge, those
of paras are believed to be true by me on
the basis of legal advice. No part of it is false and
nothing material has been concealed. So help me God.

Lucknow Dated
October 14, 1992.

Jai Prakash Singh
Deponent.

I identify the deponent, who has
signed before me.

Advocate.

Solemnly affirmed before me on 14/10/92
at 9.05 a.m./p.m. by Sri Jai Prakash Singh
the deponent, who is identified by Sri K.P. Singh
Advocate, High Court, at Allahabad Lucknow Bench,
Lucknow.

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

A.N. KHANAM
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow

No. 02/1533
Date 14/10/92

Ax1

THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCOIT BENCH
LUCKNOW

T.A. No. 1555/87

W.P. No. 881/84

J.P. Singh

...

Applicant

Vs.

Union of India, & Others

...

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

In this transfer application the applicant prayed that the notice of termination dated 4.2.84 be quashed and memorandum be issued to the respondents ^{to} ~~who~~ treat the applicant ^{as} ~~is~~ continuing on the post of, a Teacher of Railway Primary School, Hardoi. As the applicant's father ^{was} ~~retired~~ ^{at} the age of 58 years the applicant was given a stop gap and temporary arrangement ^{was} made by posting one Shri S.K. Srivastava thereafter the applicant in his place but in the meantime a decision was taken that the age of superannuation ^{was} ~~is~~ fixed to ^{be} ~~55~~ years with the result that the applicant's father came back to service and that is why the termination notice was issued as the applicant has no right to get the said post whatsoever. Under the interim order passed by the Court the applicant was continued to remain in service. ✓ A supplementary Affidavit has been filed by the applicant in which it has been stated that the applicant has been found fit and he will be regularised again as and when his turn comes. In this view this application ^{prayer made in} ~~although~~ ^{which} issued beyond his prayer ^{was} ~~was~~ originally made but in ^{view} ~~view~~ this application the applicant who had no right to the post now getting regular.





^{and the statement of learned Counsel is instead}
post now getting revealed that the ~~department~~ application
as has filed has become infructuous. It is accordingly
dismissed as such in view of the subsequent developments.
No order as to costs.

Sch
Member (A)

Sch
Vice Chairman

Lucknow
Dated 26.6.92

Certified Copy

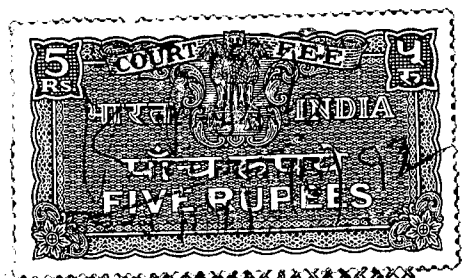
Sch
Incharge

Judicial Section
C. A. T.
LUCKNOW.

ब अदालत धीमान The Central Administrative Tribunal
Circuit Bench Lucknow महोदय

[वादी अपीलान्ट]
प्रतिवादी [रैस्पाडेन्ट]

वकालतनामा



(वादी अपीलान्ट)

J. P. Singh

बनाम

(प्रतिवादी रैस्पाडेन्ट)

Union of India others. सन् 1992 पेशी की ता० १६ ई०
Review. मुकद्दमा

K. P. Singh Advocate

ऊपर लिखे मुकद्दमा में अपनी ओर से थी

व. श्री. Ajai K. Singh Advocate, Allahabad वकील
Bar Association High Court Lucknow महोदय एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिमरी जारी करावें और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (करीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या बच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होया मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नही होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

Accepted
K.P.S.

हस्ताक्षर Jai Prakash Singh

साक्षी (गवाह) (गवाह)

दिनांक सन् १६ ई०

स्वीकृत

Accepted
for applicant

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH LUCKNOW

.....

T.A.No.1555 of 1987
Writ Petition No.881 of 84

J.P.Singh ... Applicant
Versus
Union of India and others. ... Opp.Parties

ANNEXURE NO.1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT
BENCH LUCKNOW

.....

T.A.No.1555 of 1987
W.P.No.881 of 84

J.P.Singh ... Applicant
Versus
Union of India and others. ... Opp.Parties

HONBLE: MR.JUSTICE U.C.SRIVASTAVA, V.C.

HONBLE: MR. K.OBAYYA, A.M.

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

In this transfer application the applicant prayed that the notice of termination dated 4.2.84 be quashed and memorandum be issued to the respondents to treat the applicant as continuing on the post of a Teacher of Railway Primary School, HarDOI. As the applicants



Jai Prakash Singh

-2-

father was retired at the age of 58 years the applicant was given a stop gap and temporary arrangement was made by posting one Shri S.K.Srivastava thereafter the applicant in his place but in the meantime a decision was taken that the age of superannuation was fixed to be 60 years with the result that the applicant's father came back to service and that is why the termination notice was issued as the applicant has no right to get the said post whatsoever. Under the interim order passed by the Court the applicant was continued to remain in service. A supplementary affidavit has been filed by the applicant in which it has been stated that the applicant has been found fit and he will be regularised again as and when his turn comes. In this view this application although prayer be made is beyond his prayer which was originally made but in view of this application the applicant who had no right to the post and the statement of learned counsel the ~~instance~~ instant application has filed has become infructuous. It is accordingly dismissed as such in view of subsequent developments. No order as to costs.



Sd/-

Member (A)

Sd/-

Vice Chairman

Lucknow Dated 26.6.92.

Jai-Babbarh Singh

TRUE COPY

14
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

C.M.An.No. 911.. of 1992

In re;

T.A.No.1555 of 1987

Writ Petition No.881 of 1984

J.P.Singh ... Applicant

Versus

Union of India and others. ... Opp. Parties


FOR APPLICATION FOR CONDONATION OF

DELAY IN FILING THE REVIEW PETITION

For the facts and reasons stated in the accompanying affidavit, the delay in filing the review application be condoned.

Lucknow Dated

October 14, 1992.


(K.P.Singh)
Advocate

Counsel for the Applicant.



Jai Prakash Singh

15
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

.....

T.A.No.1555 of 1987
Writ Petition No.881/84

J.P.Singh Applicant
Versus
Union of India and others. ... Opp.Parties

AFFIDAVIT

I, J.P.Singh aged about 43 years, son of Sri Gopal Jee, r/o E-11A Railway Colony Hardoi, the deponent do hereby solemnly affirm and state on oath as under:-

1. That the deponent is himself applicant in the abovesoted case and as such he is fully conversant with the facts of the case deposed hereinafter.

2. That in the above case the judgement was rendered on 26.8.1992.

Jai. Babarsh Singh

10/10/92

3. That neither the deponent had any intimation about the said date nor he was present on 26.6.92 nor he was informed ~~on~~ by his counsel about the decision and he had no knowledge about it. Two days prior to swearing of affidavit, the deponent came to his counsel Sri Dixit who informed him about the judgement and handed over the certified copy of the same. Hence a few days delay.

Lucknow Dated
October/4, 1992.

Jai Prakash Singh
Deponent.

VERIFICATION

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

Lucknow Dated
October/4, 1992.

Jai Prakash Singh
Deponent.

I identify the deponent, who has signed before me.


Advocate

Solely affirmed before me on
at a.m./p.m. by Sri J.P. Singh
the deponent, who is identified by Sri K.P. Singh
Advocate, High Court, at Allahabad Lucknow Bench,
Lucknow.

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

1653
A27

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १६ ई०

Writ Petition No. से ८८१ सन १६८४ ई० में

..... श्री प्रकाश सिंह प्राथी

प्रति

..... Union of India and others प्रत्याधी

..... The Assistant Engineer, Northern Railway

Hardoi.

प्रत्याधी

700

1653

Stamps affixed except in colored letters of not more than weight prescribed in the Post and Guide on which no acknowledgment

Received a V. P. registered* addressed

The Asst. Eng.

Hardoi

* Write here 'letter' 'par' Sig. of Receiving Officer with the word 'insured'

To be filled in only when the article is to be insured to be crossed out by means of

Insured for Rs. (in figures) (in words)

Insurance fee Rs. P.

प्रायालय में उपर्युक्त मुकदमें के सम्बन्ध में

वेचित्ते प्रार्थना-पत्र

क आप दिनांक ११ माह ५ सन १६८५

तलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर उसके बाद नियमानुसार विज्ञप्ति किशो और

तांक पर या उससे पहले स्वयं अथवा किसी ओर से कार्य करने के लिए कानूनन अधिकृत की सुनवाई और निर्णय आपको अनुपस्थित

से आज दिनांक २५ माह २ सन १६८५

को जारी किया गया।

Dr. B. C. Das

के एडवोकेट



तिथि

डिप्टी रजिस्टार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले न्यायिक के हस्ताक्षर

A28

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १६ ई०

..... Brit. Station No. सन १६ ई० में

..... प्रार्थी

प्रति

..... Union of India and others प्रत्याधी

..... The Assistant Secretary, Frontier Railway

.....

प्रत्याधी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

..... के नाम दिहिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ११ माह ५ सन १६ ई० को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २४ माह २ सन १६ ई० को जारी किया गया।

..... के एडवोकेट

तिथि

हिण्टी रजिस्ट्रार

इलाहाबाद/लखनऊ



इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त मिल गया।

सलवान प्राप्त करने वाले न्यायिक के हस्ताक्षर

1655
A29

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १६ १०

Writ Petition No. २२१ सन १६ ८४ ई० में

Jai Prakash Singh प्राथी

Union of India and others प्रति
प्रत्याधी

The Divisional Personnel Officer, Northern
Railway, Moradabad.

प्रत्याधी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

..... के नाम वैलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १४ माह ५ सन १६ ८४ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २३ माह २ सन १६ ८४ को जारी किया गया।

S. B. C. Sanyal
के एडवोकेट

तिथि

२३

हिण्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १९ ई०

Writ Petition No. सन १९ ई० में

Jai Prakash Singh प्राथी

प्रति

Union of India and others प्रत्याथी

The Divisional Personnel Officer, Northern
Railway, Meerut.

प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम वैलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ११ माह ५ सन १९४५ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २५ माह २ सन १९४५ को जारी किया गया।

..... के एडवोकेट

तिथि

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवान प्राप्त करने वाले क्लर्क के हस्ताक्षर

1654

131

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या..... सन १९ ८०

.....writ petition.....sto 881..... सन १९ 84 ई० में

.....Jari Prakash Singh.....

प्राथी

प्रति

.....Union of India and others.....

प्रत्याथी

The Union of India through the General

Manager, Baroda House, New Delhi.

प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

.....के नाम दैलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 11 माह 4 सन १९८५ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थित में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 25 माह 2 सन १९८५ को जारी किया गया।

Sm. B. C. Bhusene के एडवोकेट

तिथि

डिप्टी रजिस्टार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्त तलवाना मिल गया।

तलवान प्राप्त करने वाले क्लर्क के हस्ताक्षर

हाईकोर्ट हाबाद लखनऊ बेंच, लखनऊ

अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफ) प्रार्थना-पत्र संख्या..... सन १६ ई०

.....सं०..... सन १६ ई० में
Writ Petition 84.

.....Jai Prash Singh..... प्रार्थी

प्रति

.....Union, India and others..... प्रत्याधी

.....The Union of India through the General

.....Manager, Baroda House, New Delhi.

..... प्रत्याधी

चूंकि ऊ लिखे प्रार्थी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

.....के नाम वैलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 11 माह 4 सन १६८५ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विहृति किसी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 25 माह 2 सन १६८५ को जारी किया गया।

.....के एडवोकेट



तिथि

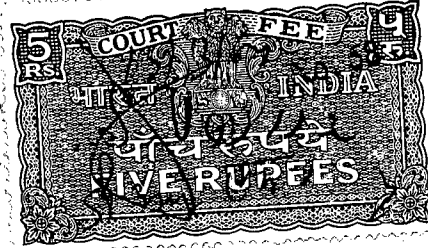
.....

हिफ्ती रजिस्ट्रार

.....लखनऊ

सूचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवान प्राप्त करने वाले चर्क के हस्ताक्षर



445

SPECIAL POWER OF ATTORNEY.

WRIT PETITION No. 881 OF 1984

In the Court of High Court of Judicature at Allahabad, Lucknow Bench,

~~CM AN No 2054 (W) of 1984 WP No 881 of 84~~ Lucknow

~~Jai Prakash Singh~~

Plaintiff
Appellant
Petitioner

Versus

Union of India &
others.

Defendant
Respondent
Opp. Party.

KNOW ALL MEN by these/present that I/We O. P. Vohra

Divl. Rly. Manager, Northern Railway, Moradabad do hereby appoint and authorise SarvaShri Siddhartha Verma, RA-Lko to appear plead and act for me/us jointly or severally in the above noted case and to take such steps and proceedings as may be necessary for the prosecution or defence of the said matter, as the case may be and for the purpose to make sign, verify and present all necessary plaints, petitions, Written statement and other documents to compromise the suit, admit the claims and to lodge and deposit money in court and to receive payment from the/court of money deposited and to file and withdraw documents from the court and General to act in the premises and in all proceedings arising thereout whether by way of execution, appeal or otherwise or in any manner connected therewith as affectually to all intents and purposes as I/We could act if personally present. I/We hereby agree to rectify and confirm whatever shall be lawfully done by virtue of these presents.

IN WITNESS where of I/We hereinto set my/our hand this day of 9-3-1984.

ACCEPTED

Siddhartha Verma

(SIDDHARTHA VERMA)

ADVOCATE

O. P. Vohra
Divisional Railway Manager,
Northern Rly.
Moradabad.

+ Union of India

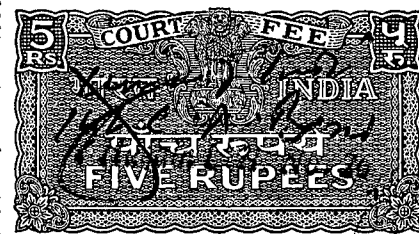
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N.R.

587

VAKALATNAMA

N.P. no. 881 of 1984



Before The Hon'ble The High Court of Judicature Allahabad at Lucknow
In the Court of

Jai Prakash Singh

Plaintiff
Defendant

Claimant
Appellant
Petitioner

Union of India

Defendant
Plaintiff

Versus

Respondent

The President of India do hereby appoint and authorise Shri. C. A. BASIR, 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 Counsel, 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 whereby 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 adjusted 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. Basir 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 2nd day of April 1984

Dated 1984

N.R.—149/1—June, 1981—75,00 F.

Designation of the Executive Officer

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A39

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

C.M. Application No. 4530/84 of 1984

Union of India & others .. Applicants

In re:

Writ Petition No. 881 of 1984

Jai Prakash Singh .. Petitioner

Versus

Union of India & others .. Opp. parties.



5415 10/4/84
Application for vacation
of stay order dt. 20.2.84

The above named applicants most respectfully submit as under:

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②

That for the facts and reasons disclosed in the accompanying counter affidavit it is most respectfully prayed that this Hon'ble Court may graciously be pleased to vacate the stay order granted in this case.

C. A. Basir
(C.A. Basir),
Advocate
Counsel for the applicants.

Lucknow:

Dated: April 18, 1984

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11.4.84

A96 52

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

Writ Petition No.881 of 1984

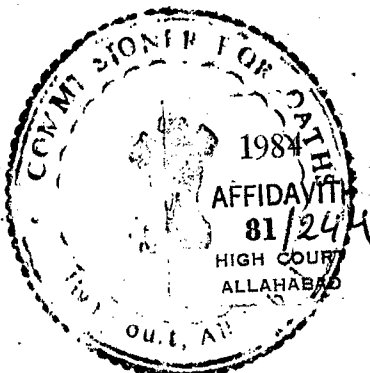
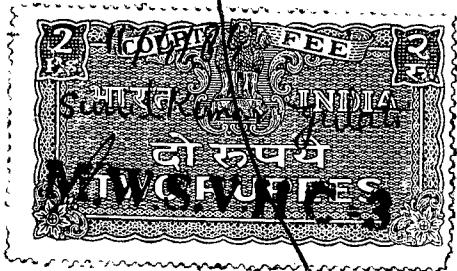
Jai Prakash Singh ..

Petitioner

Versus

Union of India & others ..

Opp. parties.



Counter affidavit on behalf
of opposite parties.

I, Sunil Kumar Gulati aged about 26 ⁸⁴
years son of Sh. Roshan Lal Gulati working as Assistant
Engineer, Northern Railway, Hardoi Station do
hereby solemnly affirm and state on oath as under:

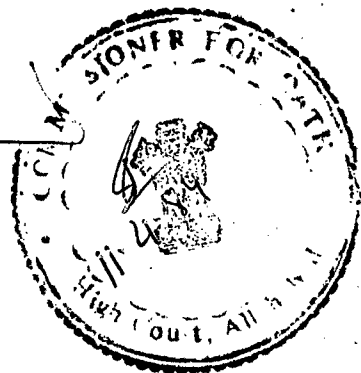
2. That the deponent is the opposite party
No.3 in this petition.

3. That the deponent has read the writ petition
and understood its contents and has been authorised
by the opposite parties to file this counter affid-
avit.

Preliminary Objections.

4. That the above noted writ petition is not
maintainable for the following reasons:-

(a) That the discharge of the petitioner



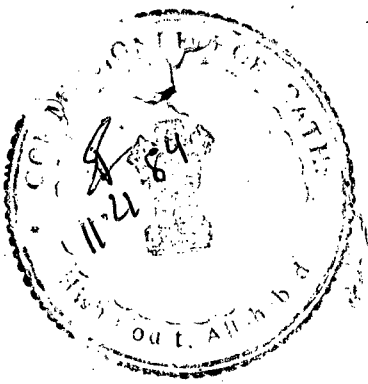
Sklulati

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from service has been done in terms of contract of service after proper notice. The order being simple order of discharge without any stigma in terms of contract and the same being not ~~panel~~, there being no violation of principles of natural justice hence Article 311 of the Constitution of India is not attracted.

(b) That the petitioner being school teacher does not come within the definition of workmen.

by (c) That as the petitioner claims to be governed by Industrial Disputes Act, he had alternative remedy available and the same not having been availed of by the petitioner, this petition is not maintainable.



5. That in reply to para 1 of the petition ~~it~~ only this much is admitted that the petitioner was engaged w.e.f. 1.8.1983 as substitute teacher in Railway Primary School, Hardoi on a pay of Rs.330/- on purely temporary and adhoc basis vice Sri Gopalji petitioner's father who was sick, to avoid dislocation of studies of students. The stipulation in the order of appointment clearly state that petitioner will be discharged from employment of substitute teacher on resumption of Sri Gopalji, Assistant Teacher, Hardoi or even earlier without any notice and that this engagement as substitute teacher will not confer upon the petitioner any right to claim for engagement in future ~~in future~~ or regularisation of his appointment as such against regular vacancies. (Annex 1)

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6. That paras 2 & 3 of the petition do not call for any remarks.

7. That in reply to para 4 of the petition it is stated that on resumption of duty by Sri Gopalji on 30.1.1984 the services of the petitioner stood terminated. The petitioner was allowed to work thereafter as substitute teacher on the same terms and conditions till permanent arrangements are made. Permanent arrangements were made by posting Sri Pradeep Kumar Srivastava as Assistant Teacher, Hardoi vice Sri Gopalji retired on the after-noon of 31.1.84. Accordingly the services of the petitioner were terminated w.e.f. 19.2.1984 ^{as per} when Sri Pradeep Kumar ^{on 17.2.84} Srivastava reported for duty, vide Annexures A-1 & A-2 to this counter affidavit.

Annexure A-1/A-2



8. That in reply to para 5 of the petition it is stated that the petitioner made representation requesting to be allowed to continue as substitute teacher after retirement of Sri Gopalji, which was agreed till permanent arrangements are made vice Sri Gopalji. It may be stated here that all permanent appointments of teachers of Railway Schools are made by Railway Service Commission ~~only~~ ^{or General Manager in special cases}.

9. That in reply to para 6 of the petition it is stated that a notice of discharge was issued for termination of petitioner's services on availability of a regular employee. This was in terms of contract with the petitioner as per stipulation contained

Stipulation

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therein(Annexure-1 to the petition).

10. That in reply to para 7 of the petition it is stated that the order of termination was perfectly in order and there was no need to assign reasons as a regular hand was duly posted on transfer to Hardoi and the petitioner's engagement was purely adhoc and temporary as stated in para 1 of this petition.

11. That para 8 of the petition is not denied.

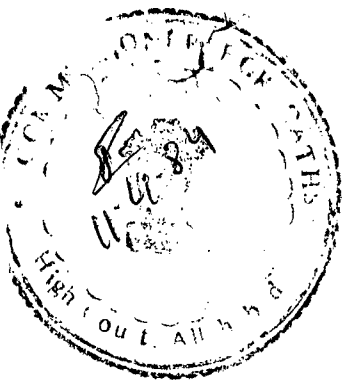
12. That in reply to para 9 of the petition it is stated that paragraph 2315 relates to Chapter XXIII and not Chapter XXXII of Indian Railway Establishment Manual.

13. That para 10 of the petition does not call for any reply.

14. That in reply to paras 11 & 12 of the petition it is stated that the petitioner was being given all benefits as admissible under rules to substitutes from time to time. The engagement of the petitioner was on adhoc & temporary basis as clearly stipulated in the order of engagement. The petitioner is not a selected hand.

15. That in reply to paras 13, 14 & 15 of the petition it is stated that the petitioner's discharge from the service was in terms of his initial Temporary & Adhoc engagement providing for termination of his service on resumption of duty by Sri Gopalji vice

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whom he was engaged. Thus the discharge of service being in terms of agreement after proper notice.

That the petitioner does not come within the definition of Workmen in terms of Industrial Disputes Act. If he basés his case as a Workmen under Industrial Disputes Act then the proper forum is not Hon'ble High Court under article 226 of the Constitution of India as he has rushed to Hon'ble High Court without availing the alternative remedy available.

16. That in reply to para 16 of the petition it is stated that permanent arrangements have been made to fill up the vacancy caused due to retirement of Shri Gopalji vide office order No.939/E/3-III School EMC-3 dated 13/2/1984 issued by DPO, Moradabad (Vide Annexure A-2).

17. That Sri Pradeep Kumar Srivastava reported for duty at HarDOI on 17.2.1984 but despite notice and knowledge about the arrival of his relief, he rushed to Hon'ble High Court and moved this petition and obtained stay order on averments made which are false and suppressing material facts which were in his knowledge viz. arrival of his relief and as such the petition merits dismissal on this account.

18. That in reply to para 17 of the petition it is stated that a representation from the petitioner requesting therein for allowing him to continue as substitute teacher was received but as stated in preceding paragraphs regularisation is not possible



Substant

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in such cases as selections are made by Railway Service Commission ^{& General Manager} for teachers and decision has been taken by Railway Administration that all substitute teachers are to be replaced by empanelled teachers (Vide Annexure A-3).

19. That in reply to para 18 of the petition it is stated that the averments made in this para are false and amount to suppression of truth as fully explained in preceding paras of this counter affidavit (Vide Annexure A-1/A-2).

20. It was totally on false ground that the petitioner succeeded in getting stay order dated 17.2.1984 by suppressing material facts from the Hon'ble High Court. The petitioner thus is continuing on the basis of stay order without any legal right.

21. That for reasons stated above the petition is liable to be dismissed with costs.

Lucknow:

Sk. M. Latif
Deponent

Dated: April 11, 1984

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 3 are true to my personal knowledge, those of paras 5 to 19 are based on records hence believed to be true by me and those of paras 4, 20 and 21 are based on legal advice. No part of it is false and nothing material has been

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concealed in it so help me, God.

Lucknow:

Dated: April 11, 1984

Shankar
Deponent

I declare that I am satisfied by the perusal of the papers, records and details of the case narrated to me by the person alleging himself to be Sri _____ is that person.

C. A. Basir
Advocate.

Solemnly affirmed before me on 11-4-84⁹
at 7⁰ a.m./p.m. by the deponent
who is identified by Sri C.A. Basir,
Advocate, High Court, Lucknow Bench, Lucknow.
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained to him by me.

Ravi Srivastava
OATH COMMISSIONER
High Court, Allahbad,
(Lucknow Bench)

No. 81/244
Date _____

11-4-84



इन दि आनरेबुल हाईकोर्ट आफ जुडीकेचर एट इलाहाबाद

॥ लखानऊ वेन्च ॥ लखानऊ

रिट पिटीशन नं०-----आफ 1984

जय प्रकाश सिंह -----पिटीशनर

बनाम

यूनिऑन आफ इन्डिया तथा अन्य -----अपोजिट पार्टीज

अमेक्जर नं०---^Aअर---1

उत्तर रेलवे

सेवा में,

श्रीमान सहायक अभियन्ता,

उ०रे० हरदोई ।

दिनांक 17-2-84

महोदय,

निवेदन है कि मण्डल के रेल प्रबन्धक कार्यालय के पत्रांक
संख्या 939-ई/3-111/॥ स्कूल ॥ ई०एम०सी०-3 दिनांक 13-2-1984
के द्वारा मै उ०रे० ग्रा० स्कूल हरदोई को दि० 17-2-1984 को
ज्वाइन करने हेतु आमंत्रित किया है ।

भावदीय

प्रदीप कुमार श्रीवास्तव

स० अध्यापक

सत्य प्रतिलिपि

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इन दि आनरेबुल हाईकोर्ट आफ जुडीकेवर एट इलाहाबाद

॥ लखानऊ वेन्च ॥ लखानऊ

रिट पिटीशन नं०-----आफ 1984

जय प्रकाश सिंह -----पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा
~~स्टेट आफ यू०पी०~~ अन्य -----अपोजिट पार्टीज

अनेक्जर नं०-^Aअर-2

=====

उत्तर रेलवे

=====

सेवा में,

माननीय मण्डल रेल प्रबन्धक

अफिस= उ०रे० मुरादाबाद

=====

विषय:- आपके आदेश दिनांक 13-2-84 के सम्बन्ध में

=====

महोदय,

आपके कार्यालय के पत्र सं० 939/ई०/3-111 स्कूल ई०एम०सी०-3

दिनांक 13-2-84 की ओर आपका ध्यान आकर्षित करना चाहूंगा

जिसमें मुझे दिनांक 18-2-84 तक उ०रे० प्र० स्कूल हरदोई का चार्ज लेने

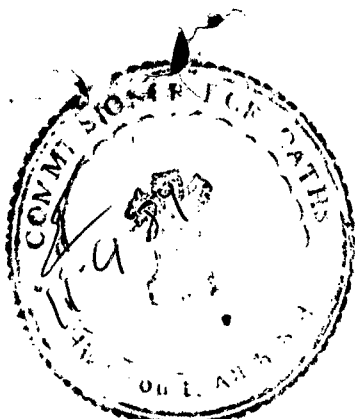
को आदेशित किया गया था। जिसके आधार पर मैंने 17-2-84

को ही हरदोई के सहायक अभियन्ता श्री सुनील कुमार गुलाटी जी से

सम्पर्क स्थापित किया उन्होंने भी एवजी अध्यापक श्री जय प्रकाश जी

को चार्ज देने के लिये आदेशित किया है। अतः प्रतिलिपि संलग्न है।

क०प०उ०-2



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इस सन्दर्भ में छोट के साथ निवेदन करना पड़ रहा है कि उक्त एवजी अध्यापक श्री जय प्रकाश जी ने आज दिनांक 21-2-84 तक चार्ज न देकर महोदय के एवं माननीय स० अभियन्ता के आदेशों की स्पष्ट अवहेलना की है ।

ऐसी स्थिति में आपसे सानुरोधा है कि निवेदन है कि प्रार्थी को आप उचित निर्देश देने की कृपा करें कि वह हरदोई के सहायक अभियन्ता महोदय को अपनी उपस्थिति देता रहे अथवा अपने पूर्व पद सहायक अध्यापक उ० रे० प्रा० स्कूल छाज का कार्यभार देखे । वहाँ का चार्ज मेरे पास है ।

आशा है कि आप मेरे इस प्रार्थना पर विचार कर मुझे अतिशीघ्र आदेश देने की कृपा करेंगे ।

प्रार्थी

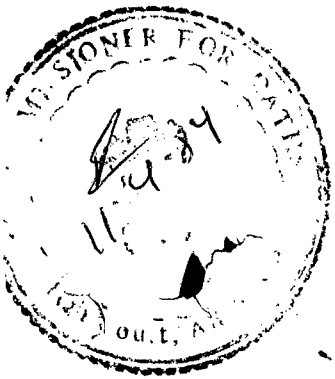
प्रदीप कुमार श्रीवास्तव

स० अध्यापक

दिनांक 21-2-84

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सत्य प्रतिलिपि



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इन दि आनरेबुल हाईकोर्ट आफ जुडीकेचर एट इलाहाबाद

॥ लखानऊ वेन्चलखानऊ ॥

रिट पिटीशन नं०-----आफ 1984

जय प्रकाश सिंह -----पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य -----अपोजिट पार्टिज

अनेवजर नं०--^Aर-3--

939-ई/3-111॥ स्कूल॥ ई0एम0सी0-3

दिनांक 13-2-84

मण्डल रेल प्रबन्धक कार्यालय

उ०रे० मुरादाबाद

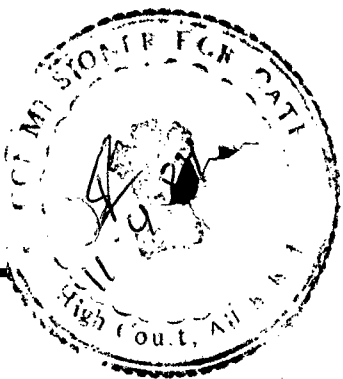
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निम्नलिखित आदेश तत्काल प्रभावी होने के लिये पारित किये जाते हैं :-

श्री प्रदीप कुमार श्रीवास्तव सहायक अध्यापक /रेलवे

प्राइमरी स्कूल छाज्रा का स्थानान्तरण उनकी अपनी प्रार्थना पर छाज्रा से हरदोई किया जाता है जहाँ श्री गोपाल जी स० अध्यापक 31-1-84 को सेवानिवृत्त हो गये हैं। श्री श्रीवास्तव हरदोई में कार्यरत एवजी अध्यापक श्री जय प्रकाश सिंह जिन्होंने कि सेवा समाप्ति नोटिस जारी किया जा चुका है से दिनांक 18-2-84 को हरदोई पहुँचकर उनसे चार्ज ले और उसी दिन उन्हें हर हाल में कार्यमुक्त करा दें तथा तत्सम्बन्धी सूचना तुरन्त इस कार्यालय को दें।

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श्री प्रदीप कुमार श्रीवास्तव को पास तथा ज्वाइनिंग
टाइम इत्यादि देय नहीं है ।

ह0 अपठनीय

कृते मण्डल कार्यालय अधिकारी
उ०रेलवे मुरादाबाद

प्रतिलिपि सूचनार्थ तथा आवश्यक कार्यवाही हेतु ।

- 1- वरिष्ठ लेखाधिकारी/मुरादाबाद ।
- 2- अधीक्षक वेतन शाला ।
- 3- श्री प्रदीप कुमार श्रीवास्तव/सहायक अध्यापक/रेलवे प्राइमरी
स्कूल हरदोई ।
- 4- ग्रेड मैनेजर ।
- 5- श्री जय प्रकाश सिंह एवजी सहायक अध्यापक/रेलवे प्राइमरी
स्कूल हरदोई ।
- 6- सहायक अभियन्ता / उ०रे० हरदोई ।
- 7- श्री प्रदीप कुमार श्रीवास्तव की निजी फाइल ॥

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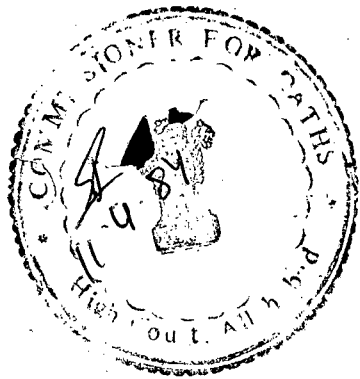
In the Humble High Court ^{And} dedicated At
Allahabad Lucknow Bench Lucknow

5/14

* - Jai Prakash Singh Petitioner

✓
Union & India & Others Opp parties

Anx A-4



Sk Gulati

A-4

99 Aug 15

Ann - A-2

939-3/3-11/ (स्वत्स) 30एम0वी0-3
दिनांक : 13/2/1984

महल रेल प्रबन्धक कार्यालय
3020, मुरादाबाद

निम्नलिखित आदेश तत्काल प्रभावी होने के लिये पारित किये जाते हैं।

श्री प्रदीप कुमार श्रीवास्तव सहायक अध्यापक/रेलवे प्राइमरी स्कूल/मुर्दाबाद का स्थापनाकरण उक्त की अपनी सेवा पर हुआ है हरदोई किया जाता है जहाँ श्री मोपास की स० अध्यापक 31-1-84 की सेवाविपत्ति हो गये है। श्री श्रीवास्तव हरदोई में कार्यरत एवजी अध्यापक श्री जयप्रकाश सिंह विष्ट कि सेवा समाप्ति होटिस जारी किया जा चुका है से दिनांक 18-2-84 को हरदोई पहुँचकर उक्तसे धारा में आर उक्त दिव उक्त हर हात में कार्यभार करा दें तथा तत्सम्बन्धी प्रत्येक तुरन्त इस कार्यालय को दें।

श्री प्रदीप कुमार श्रीवास्तव को पास तथा आखिरी टाऊन हस्ताक्षर देव गयी है।

कृते महल रेल प्रबन्धक कार्यालय
3020, मुरादाबाद

प्रतिष्ठितः सुचित्र तथा आवश्यक कार्यवाही हेतु।

- 1- वारणसी तैनाथिमारी/मुर्दाबाद।
- 2- अधीन के चेतन सभा।
- 3- श्री प्रदीप कुमार श्रीवास्तव/सहायक अध्यापक रेलवे प्राइमरी स्कूल/मुर्दा।
- 4- प्रिन्सिपल/मुर्दा।
- 5- श्री जयप्रकाश सिंह, एवजी सहायक अध्यापक/रेलवे प्राइमरी स्कूल हरदोई।
- 6- सहायक अध्यापक/3020, हरदोई।
- 7- श्री प्रदीप कुमार श्रीवास्तव की विजी फाइल।

11/4/84

sigalati

Sh. J. P. Singh
K. L. Singh
7/2

A50
5/16

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

Writ Petition No.881 of 1984

Jai Prakash Singh .. Petitioner

Versus

Union of India & others ... Opp.parties.

A-5
Annexure No. A-75

NORTHERN RAILWAY

HEADQUARTERS OFFICE
BARODA HOUSE: NEW DELHI

No.220-E/1208-XIII EVI Dated 2.1984

The Divl.Railway Manager,
Northern Railway,
Moradabad.

Sub: Regularisation of Km.Savita Verma
Substitute Asstt.Teacher/BE.

Ref: Your office D.O.No.3-E/0-IV(School)-
EMC-3(A) dated 31.1.1984.
.....

As per Board's decision, all the substitute teachers are to be replaced by empanelled candidates. It is therefore requested that all the vacancies of Asstt.teacher Grade Rs.330-560(RS) may be filled up, by the candidates who have been directed for posting on Moradabad Division. The teachers of your division may be informed that there are no instructions from the Board in regard to the extension of retirement age of teachers from 58 to 60 years.

Sd/- Illegible
25/2/84
For General Manager(P).



Regulati

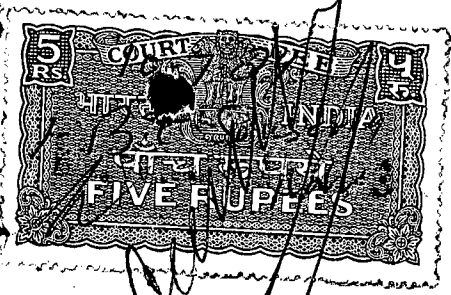
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SR
23.3.84

8/c.
16.7.84

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



Application for condonation of delay in
filing rejoinder-affidavit

C.M. Application No. 6775 (w) of 1984

Writ Petition No. 881 of 1984

Jai Prakash Singh

--Petitioner
applicant

versus

Union of India and others

--Opp-parties

This application on behalf of the applicant
above-named most respectfully sheweth:-

1. That a copy of the counter-affidavit along with
an application for condonation of delay was served
on the applicant-petitioners counsel who on its
receipt informed the applicant about the same and
the necessity to file a rejoinder-affidavit.
2. That to meet the allegations contained in the
counter-affidavit it was necessary to procure
some information which has taken some time;
hence the rejoinder-affidavit could not be filed in
time.

QIP
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17-8-84

QIP

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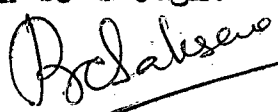
AS2

6/2

3. That the delay in filing the rejoinder-affidavit has not occasioned any adjournment of the hearing of the petition.

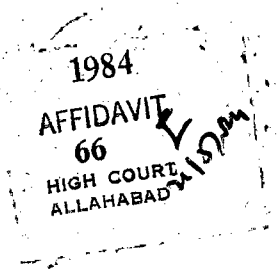
Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to condone the delay in filing the rejoinder-affidavit and direct that the same which accompanies this application be brought on record.

Dated Lucknow
18.5.1984

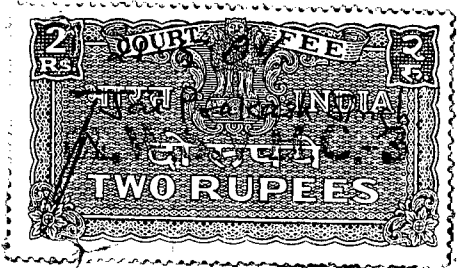

(B.C. Saxena)
Advocate
Counsel for the applicant

ASB

6/3



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



Rejoinder-affidavit in reply to the counter-affidavit of opposite-parties

Writ Petition No.881 of 1984

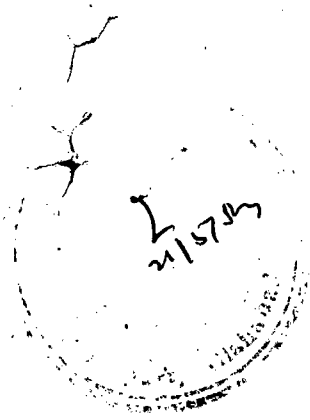
Jai Prakash Singh

--Petitioner

versus

Union of India and others

--Opp-parties



Jai-Prakash Singh

I, Jai Prakash Singh, aged about 34 years, son of Sri Gopal Singh at present working as Assistant Teacher, Northern Railway Primary School, Hardoi, do hereby solemnly take oath and affirm as under:-

1. That I am the petitioner in the above-noted writ petition and am fully acquainted with the facts of the case. I have perused the counter-affidavit filed on behalf of the opposite-parties and have understood the contents of the same.

2. That the contents of paras 1 to 3 do not call

for any reply.

3. That pleas alleged by way of preliminary objection in para 4 of the counter-affidavit are legally untenable and are based on incorrect assumption of facts . They are, therefore, denied.

4. That the contents of para 5 in so far as they are contrary to the assertions made in para 1 of the petition and are not borne out from Annexure 1 to the writ petition are denied and the said assertions are hereinagain reiterated. It is further stated that the terms and conditions of the appointment order which militate against the relevant provisions in the Indian Railway Establishment Manual, the Industrial Disputes Act etc. cannot naturally prevail. On the basis of the pleadings of the opposite-parties also it would be evident that no selection had been made through the Railway Service Commission to fill up the resultant vacancy caused due to the retirement of the petitioners father, Sri Gopalji. . The petitioner having worked satisfactorily was also entitled and eligible to have been considered for regular appointment but since no regular appointment has been made , obviously the petitioners case for regular appointment also has not been considered and an order for termination of the petitioners services has been passed in order to accommodate Sri Pradip Kumar Srivastava who was sought to be posted on his own request and posted against the post held by the petitioner. To



Jee. Prakash S. S.

ASS 5

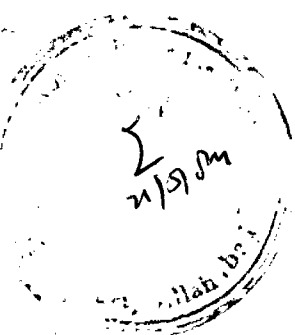
-3-

the best of the petitioners knowledge and belief the said SriPrakip Kumar Srivastava was appointed on compassionate ground in the vacancy caused due to his father proceeding on leave. The said Sri Pradip Kumar Srivastava to the best of the petitioners knowledge and belief has not been selected through the Railway Service Commission. It is further stated that the said Sri Pradip Kumar Srivastava is continuing as a substitute teacher at the Railway Primary School at Khurja.

5. That the contents of para 6 do not call for any reply since the assertions made in paras 2 and 3 of the writ petition have not been controverted.

6. That the contents of para 7 in so far as they are not contrary to the assertions made in para 4 of the writ petition call for no reply. A bare perusal of Annexures A1 and A2 to the counter-affidavit would show that Sri Pradip Kumar Srivastava, who was working in the Railway Primary School, Khurja sought his transfer to Hardoi and with a view to accommodate him, the so-called order dated 13.2.1984 had been passed. The petitioner has not been communicated or served with a copy of the said order at any time.

The allegation that permanent arrangement had been made by posting Sri Pradip Kumar Srivastava is in the circumstances wholly baseless. It is stated that the said Sri Pradeip Kumar Srivastava is continuing as a teacher in the Railway Primary



Jai Prakash S

School, Khurja.

7. That the contents of para 8 in so far as they admit the assertions made in para 5 of the writ petition call for no reply. It is stated that no permanent ~~arrangement~~ appointment of a teacher in the vacancy caused due to the retirement of the petitioners father had been made by the Railway Service Commission or even by the General Manager. Permanent arrangement is only made through screening of the substitute teachers who had put in the requisite period of service so as to be treated as a temporary railway servant. The petitioner had put in the requisite period of service and was being given all the benefits and privileges admissible to temporary railway servants and was also eligible and entitled to have been considered while making a regular arrangement.

8. That in reply to the contents of para 9 it is stated that a bare perusal of Annexure A-3 would show that one Sri Pradip Kumar Srivastava had made a request for being transferred to Hardoi and to accommodate him in colourable and mala fide exercise of power the notice for termination of the petitioners services had been issued. It is wholly baseless and wrong to allege that the petitioners services were terminated on availability of a regular employee. The said Sri Pradip Kumar Srivastava was already working at the Railway Primary School, Khurja and was posted there. It is not that a fresh

21/5/24
Jed. Pradip Kumar Sulu

selection by the Railway Service Commission had been made and a regular candidate thus became available to be posted. It is, therefore, wholly wrong to allege that the order for the permination of the petitioners services was in terms of the stipulation contained in Annexure 1 to the writ petition.

9. That the plea in para 10 is legally untenable and is, therefore, denied and the assertions made in para 7 of the petition are hereinagain reiterated. The allegation that a regular hand was duly posted and was transferred to Hardoi is wholly baseless.

10. That the contents of paras 11, 12 and 13 do not call for any reply.

11. That in reply to the contents of para 14, the assertions made in paras 11 and 12 of the writ petition are hereinagain reiterated . It is stated that the petitioner admittedly had put in more than five months of service as a substitute school teacher and under the relevant provisions a substitute school teacher after putting ⁱⁿ continuous period of three months is entitled to all the benefits and privileges . That being so, the petitioner had acquired the status of a temporary railway servant. His services have been sought to be terminated illegally for extraneous reasons which had nothing to do with his work, conduct and performance as a substitute teacher in colourable exercise of power to accommodate another teacher who was

I/10/94

Jee. Prakash S.

working at Khurja . The order for the termination of the petitioner's services has been passed in a mala fide ~~unlawful~~ manner.

12. That the contents of para 15 do not in any manner controvert the specific assertions made in paras 13 to 15 of the writ petition. Nevertheless, the said assertions are herein again reiterated. The order for the termination of the petitioner's service for the reasons detailed in the writ petition and also in this rejoinder-affidavit ~~is~~ is clearly illegal , a colourable exercise of power and resorted to for ulterior purposes. The plea in the last part of para 15 is legally untenable and is, therefore, denied. It is reiterated that the petitioner was a workman as defined in the Industrial Disputes Act and inasmuch as there has been breach of the provisions of rule 149(6) of the Indian Railway Establishment Code, Vol.1 which in its turn requires compliance with the relevant provisions of the Industrial Disputes Act and the writ petition before this Hon'ble Court is clearly maintainable.

2/1/54

13. That the plea in para 16 is legally untenable and is factually incorrect and is, therefore, denied. No permanent arrangement has been made in its proper sense.

14. That with regard to the contents of para 17 it is stated that there is no basis for the allegation made in para 17 of the counter-affidavit. The petitioner has not been served at any time with

Jee Prakash Sd/-

the so-called order dated 13.2.1984 transferring and posting Sri Pradip Kumar Srivastava as a substitute teacher against the post held by the petitioner at Hardoi. Since a notice of termination had already been given on 4.2.1984, the petitioner was well within his rights to move this Hon'ble Court before the expiry of 14 days period indicated therein. The allegation that the petitioner had filed the writ petition having notice and knowledge about the arrival of his relief is fanciful and has no basis and truth. The petitioner has placed the terms and conditions of his appointment and relevant provisions of law which, according to him, govern his status and there is no basis to allege that the petitioner suppressed material facts. The insinuation is wholly uncalled for.

15. That in reply to the contents of para 18 it is stated that a perusal of Annexure A -5 would show that the decision of the Railway Board applies to such teachers of the Moradabad Division of the Northern Railway who had attained the age of 58 years and perhaps under the erroneous assumption that there are instructions of the Railway Board for extension of the retirement age of a teacher from 58 years to 60 ~~years~~ years, in that regard the Divisional Railway Manager, Moradabad appears to have sent a D.O. dated 31.1.1984. It is further stated that no empanelled candidate is available and in any event the said Sri Pradip Kumar Srivastava who was sought to be posted by way of transfer on his own request against the post held

Jai Prakash Singh

by the petitioner is not an empanelled candidate. He had already been given appointment and was working and ~~is~~ still continues to work at the Railway Primary School, Khurja.

16. That the contents of para 19 are wholly baseless and are denied and the assertions made in para 18 of the writ petition are herein again reiterated.

17. That the allegation in para 20 is wholly baseless. As indicated above, there is no suppression of any fact, much less, material fact. The petitioner has been granted an interim order by this Hon'ble Court on its being satisfied that there has been an unwarranted infringement of the petitioners legal right.

18. That the plea in para 21 is, to say the ~~least~~ least, highly presumptuous and is denied.

Dated Lucknow

21
18.5.1984

Jai - Prakash Singh
Deponent

I, the deponent named above,

do hereby verify that the

contents of paras 1 to 18

of this affidavit are true

to my own knowledge. No

Part of it is false and nothing material
has been concealed; so help me God.

Jai Prakash Singh
Deponent

Dated Lucknow

21
18.5.1984

I identify the deponent who has signed in my presence.

R.K. Srivastava
(R.K. Srivastava)
Clerk to Sri B.C. Saxena, Advocate

Solemnly affirmed before me on 21-5-84
at 10 a.m./p.m. by *Jai Prakash Singh*
the deponent who is identified by Sri *R.K. Srivastava*
clerk to Sri *B.C. Saxena*.

Advocate, High Court, Allahabad. I have satisfied
myself by examining the deponent that he understands
the contents of the affidavit which has been read out
and explained by me.

S. Chandra
21/5/84

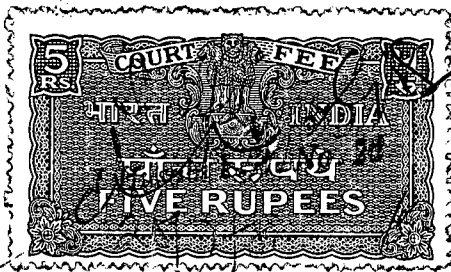
SATISH CHANDRA
SOLICITOR
O. of the Court
Allahabad;
N. 266/66/84
Date 21-5-84

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

Civil Misc. Application No. 7381 (W) of 1984.

In re :

Writ Petition No. 881 of 1984



Sri Jai Prakash Singh

... Petitioner

Versus

Union of India and others

... Opposite parties/
Applicants

APPLICATION ON BEHALF OF OPPOSITE PARTIES FOR VACATION
OF STAY ORDER

This application on behalf of opposite parties most respectfully sheweth :-

That for the facts, reasons and circumstances stated in the accompanying affidavit and the counter affidavit, which is already on record, it is most respectfully prayed that in the interest of justice, this Hon'ble Court may be pleased to vacate its stay order dated 17.2.1984.

Such other orders which are deemed fit and proper in the circumstances of this case may also be passed by this Hon'ble Court.

Lucknow,
Dated :

25.7.84

Siddharth
(Siddharth Verma)

Advocate,
Counsel for the opposite parties/
Applicants.

2

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

Writ Petition No. 881 of 1984.



Sri Jai Prakash Singh

----- Petitioner

Versus

Union of India and others

----- Opposite parties.

AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES IN SUPPORT
OF APPLICATION FOR VACATION OF STAY ORDER.

I, R.B.Saxena, aged about 51 years, son of
Sri Bankey Lal Saxena, resident of Rly Bungalow Hardoi
do hereby state and affirm on oath as under :-

1. That the deponent is presently working as
Assistant Engineer, Northern Railway, Hardoi under
Divisional Railway Manager, Northern Railway, Moradabad
and is himself an opposite party No. 3 in the above
mentioned writ petition and is well conversant with the
facts deposed hereunder.

2. That this Hon'ble Court vide its order dated-
17.2.84 was pleased to stay the operation of the
impugned order given in Annexure No. 4 of the writ
petition.

3. That the counter affidavit on behalf of the
opposite parties alongwith an application for vacation



[Signature]
13/7/84

of stay order has already been filed in this Hon'ble Court but no order on the said application has been passed so far.

4. That the petitioner was appointed as Substitute Teacher in place of his father Sri Gopal ji who had retired from service on attaining the age of superannuation. This appointment was purely ad hoc and temporary as his letter of appointment goes to show.

5. That the Railway Board, vide their letter No. E(P & A) I 83/RT/20 dated 9.5.1984, a true copy of which is being annexed herewith as ANNEXURE NO. 'A' has enhanced the age of retirement from 58 years to 60 years with effect from 2.9.1983 (i.e. with retrospective effect) and in accordance thereof, all the teachers, who retired from service on or after 30.9.1983, are to be called back on duty and the services of the persons who were appointed in their places, are to be terminated. Incidentally, the services of the petitioner also falls in this category.

6. That in view of the submissions already made in the foregoing paragraph 5 above, the services of petitioner, who was appointed purely on ad hoc and temporary basis on the retirement of his father are to be terminated in compliance of the Railway Board's order reproduced in A-nnexure No. 'A' to this Affidavit and his father, Sri Gopal ji is to be called back on duty. There are no surplus vacancies

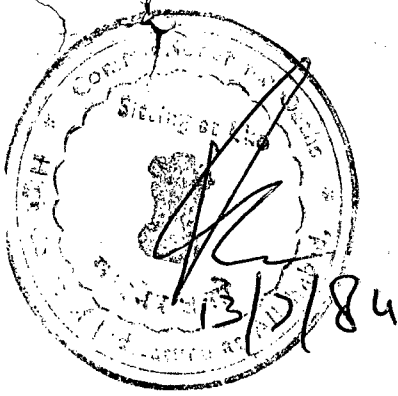
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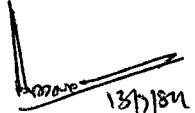
on which the petitioner can be accomodated.

7. That the Railway Administration is handicapped in implementing the orders of the Railway Board, reproduced in Annexure No. 'A' to this affidavit in view of the fact that the earlier order of termination issued by the authorities had already been stayed by this Hon'ble Court, and eventhough, the Railway Board's letter dated 9.5.1984, gives a fresh ground for termination of services of the petitioner, it is very likely to be misinterpreted.

8. That in view of the submissions made in the foregoing paragraphs and in the counter affidavit already on record it is most respectfully submitted that in the interest of justice, this Hon'ble Court may be pleased to vacate it stay order dated 17.2.84. Such other orders which are deemed fit and proper in the circumstances of the case may also be passed.



Lucknow, dated 13.7.84


Deponent

Verification

I, the deponent above named do hereby verify that the contents of paragraph 1 of this

5
866

affidavit is true to my personal knowledge and those of paragraphs 2 to 6 are based on records available to the deponent and the same are believed to be true. The contents of paragraph 7 & 8 are based on legal advice and are believed to be true and the contents of paragraph 8 are believed to be true. That no part of it is false and nothing material has been concealed. So help me God.

[Signature]
13/7/84

Lucknow, dated. 13.7.84

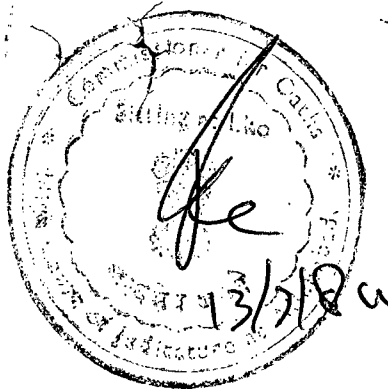
Deponent

I identify the deponent who
has signed before me.

[Signature]
CS. VERMA
Advocate.

Solemnly affirmed before me on 13.7.84
at ^{11.00} A.M. by *Sri R.B. Saxena*
the deponent who is identified by
Shri Siddharth Verma
~~Clerk to Shri~~
Advocate High Court Allahabad.

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



R. M. Bhatt
High Court, Allahabad
Lucknow Bench
No. *1/395*
Date *13.7.84*

6

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

McA

Writ Petition No. 1105 of 1984.

Sri Jai Prakash Singh

-----Petitioner

Versus

Union of India and others

-----Opp. parties.

Annexure No. 'A'

उत्तर रेलवे

मण्डल रेल प्रबन्धक कार्यालय, मुरादाबाद ।

पत्रसंख्या 843 ई/एमसी0-ई0एम0सी0-3 दिनांक जून 7, 1984

प्रधानाचार्य, देलवे हायर सेकेन्डरी स्कूल, बरेली ।

प्रधान अध्यापिका, रेलवे मिक्सड प्राइमरी स्कूल, मुराबाद ।

सहायक अध्यापक, रेलवे प्राइमरी स्कूल, उत्तर रेलवे, देहरादून,

हर थला कालोनी, साउथ कालोनी, मुरादाबाद, लोको-मुरादाबाद,

चन्दौसी, खुर्जा द्वारा शेड मैन/खुर्जा, प्रवर/प्रिन्सिपल/निरीक्षक बरेली,

लक्सर, स्टेशन कालोनी, लोको कालोनी, नजीबाबाद ।

प्रवर हित निरीक्षक/मुरादाबाद, अधीक्षक पे शीट, प्रधान लिपिक

ईएम सी ।

विषय:- Enhancement of the age of retirement of Railway school Teachers and allied categories of staff to 60 yrs. 0

सन्दर्भ - महाप्रबन्धक का गश्ती पत्र संख्या 220-ई/ 1208-1/-ई:छ: दिनांक 14-5-84 क्रम संख्या 8508 ।

महा प्रबन्धक कार्मिक के उपरोक्त पत्र की प्रतिलिपि अपने समस्त अनुलग्नों सहित सूचनार्थ प्रेषित की जा रही है ।

हस्ताक्षर अपठनीय
कृते मण्डल रेल प्रबन्धक,
उत्तर रेलवे, मुरादाबाद ।
ह0 7/6

xxx

Copy of G.M.(P) /IDLS letter no. 220-E/1208-XV/Evi dated 14-5-84.

.....

Sub:- As above.

A copy of Railway Board's letter no. E(P&A)I-83/RT/20 dated 9-5-1984 is sent herewith for guidance and immediate necessary action in the matter.

Hindi version will follow.

DA/AS above.

.....

Copy of Railway Board's letter no. E(P&A)I-83/RT/20 dated 9.5.84(1984) addressed to the General Managers, All Indian Railways CLW, DLW & IOF and Director General, RDSO, LKO.

Sub:- Above.

1. In exercise of the powers conferred by article 309 of the Constitution conferred by proviso to of the provisions contained in partial modification President is pleased in Rule 2046(FR 56) (a)-III, the

be decide that :-

(i) Principals, Vice Principals, School Teachers, Laboratory Assistants and Librarians working in Railway Schools and Colleges shall retire from service on the afternoon of the last day of the month in which they attain the age of 60 years. In case the birthday falls on the first day of any month the retirement will take effect on the last day of previous month.



11/11/83

(ii) These orders will be effective from 2.9.1983 and will accordingly be applicable to the Railway School and College staff in the above mentioned categories who have retired/are due to retire on or after 30th September, 1983.

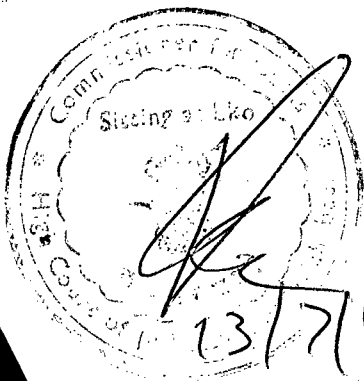
2. Accordingly, teachers and other categories of staff referred to above, shall be recalled to report for duty immediately, if they have already retired on or after 2.9.83, till the date of issue of these orders. This be subject to the following conditions:-

(i) The intervening period between the date of retirement and the date of issue of these orders shall be treated as leave due/dies non, which will however, not be treated as a break in service,

(ii) In all cases of staff in these categories being recalled to duty, the arrears of pay and allowances admissible and due, if any, to the persons shall be reduced by the emoluments earned by them during their employment, if any elsewhere during the intervening period. Where, however, in such employment elsewhere, the emoluments earned exceed the arrears payable, no arrears would be admissible.

(iii) The staff who are recalled to duty in terms of these orders should be asked to deposit the amount of ~~the~~ Special Contribution to P.F./Employee's own contribution to P.F., Government contribution to P.F., Death-cum-Retirement Gratuity and/ or the

balance of the amount of pension left after

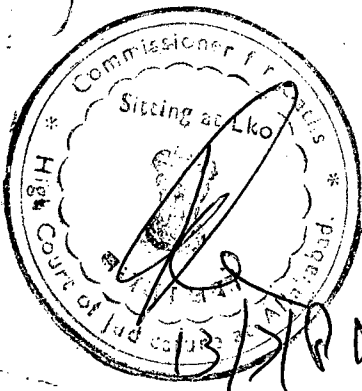


13/7/84

adjustments against the arrears of pay and allowance as the case may be, already paid to them, if any, with one month from the date of their reporting back for duty.

(iv) If such amount is not deposited within the prescribed date, it should be treated as a loan/advance granted to them interest at the appropriate rate, which is chargeable on other loans/advances granted to railway servants, should be recovered from their salary till they attain the age of 60 years, when the amount again becomes due to be paid to them. It may, however be ensured that when the employee is finally settled, the amounts already received are correctly adjusted.

(v) When the staff report for duty their leave accounts, including leave on Half Average Pay, will be re-opened and revived. The LMHP and LAP, if any, as per balance at credit available on the date of retirement will be treated as the Opening balance for the rest of their service.



(vi) In regard to encashment of leave which may have been permitted sue metc as a terminal benefit in the case of staff who are being recalled to duty, the encashment amount will be subject to the same treatment as in the case of S.C. to P.F. etc, as outlined in the preceding sub-para(iii) and

13/7/84

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A71

(iv). Where the encashed leave is fully or proportionately repaid, within the stipulated date, the leave account of the employee should be re credited with the full/proportionate number of days, as the case may be, for which encashment was allowed.

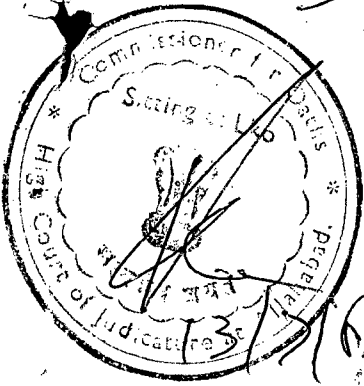
3. The above orders issue with the concurrence of the Finance Directorate of the Ministry of Railways.

4. Necessary code-corrections will be issued in due course.

5. Kindly acknowledge receipt of this communication. This may also be given wide-publicity through the normal channels.

.....

True copy



R. M. B.
High Court, Allahabad
Lucknow Bench
No. 1/395
Date 13.7.84

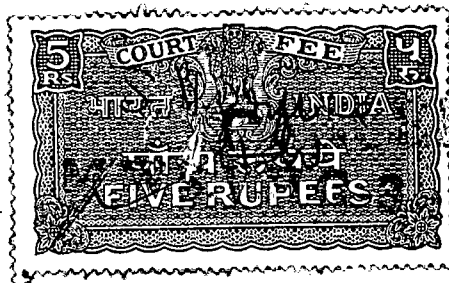
A72 8/1

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

Civil Misc. Application No. 3133 of 1985.

In re :

Writ Petition No.881 of 1984.



LED.

12/132
A
12/13101

Sri Jai Prakash Singh

... Petitioner

Versus

Union of India and others

... Opposite parties/
Applicants.

IIIrd APPLICATION ON BEHALF OF OPPOSITE PARTIES FOR
VACATION OF STAY ORDER DATED 17.2.1984.

This application on behalf of opposite parties/
applicants most respectfully sheweth :-

That for the facts, reasons and circumstances
stated in the counter affidavit, affidavit dated
13.7.1984, and the affidavit accompanying this
application, it is most respectfully prayed that in
the interest of justice, this Hon'ble Court may kindly
be pleased to vacate its stay order dated 17.2.1984.

Such other orders which are deemed fit and pro-
per in the circumstances of the case may also be
passed by this Hon'ble Court.

Lucknow,
Dated : 28.2.1985.

Siddharth
(Siddharth Verma)
Advocate,
Counsel for the opposite parties
/Applicants.

3133

CI/A

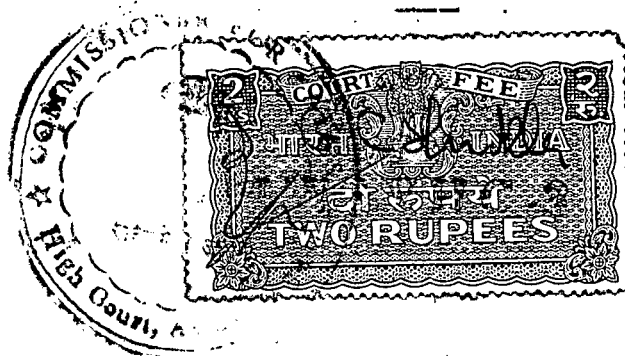
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173 8/12

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

Writ Petition No.881 of 1984.



1985
AFFIDAVIT
32
HIGH COURT
ALLAHABAD

Sri Jai Prakash Singh

... Petitioner

Versus

Union of India and others

...Opp. parties/
Applicants.

AFFIDAVIT IN SUPPORT OF THE IIIrd APPLICATION FOR
VACATION OF STAY ORDER DATED 17.2.1984.

I, G.C.Shukla, aged about 46 years, son of
Sri Ram Nath Shukla, presently working as the
Assistant Personnel Office in the Office of the
Divisional Railway Manager, Northern Railway,
Moradabad, do hereby affirm and state on oath as
under :-

1. That the deponent is presently working as the
Assistant Personnel Officer in the Office of Divisional
Railway Manager, Northern Railway, Moradabad and is
is well conversant with the facts deposed hereunder.

2. That on 17.2.1984, this Hon'ble Court was
pleased to stay the operation of the impugned order
of termination of services of the petitioner contained
in the Annexure No.4 of the writ petition.

Signature

3. That subsequently, the counter affidavit, alongwith an application for vacation of the stay order of this Hon'ble Court dated 17.2.1984 was moved on behalf of the opposite parties.

4. That thereafter, another application for vacation of the aforementioned stay order of this Hon'ble Court was moved which was supported by an affidavit on behalf of the opposite parties. This affidavit was dated 13.7.1984.

5. That due to unknown reasons, the aforementioned two applications for vacation of stay order of this Hon'ble Court were not listed for orders even for once, which has necessiated the present IIIrd application for vacation of of stay orders of this Hon'ble Court.

6. That the p titioner was engaged as Substitute Teacher with effect from 1.8.1983 in Railway Primary School, Hardoi on pay of Rs.330/- per month on purely temporary and ad hoc basis vice Sri Gopalji, who was petitioner's father and was on sick leave in order to avoid dislocation of studies of the students. The stipulation in the order of appointment clearly stated that the petitioner will be discharged from employment of Substitute Teacher on resumption of Sri Gopalji, or even earlier without any notice and that this engagement will not confer upon the petitioner any right to claim for engagement in future or regularisation of appointment as such against regular vacancies.

7. That on resumption of Sri Gopalji, the

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petitioner stood terminated on 30.1.1984, but was allowed to continue on the same terms and conditions till permanent arrangements were made, as Sri Gopalji was to retire from service on attaining the age of superannuation (which was 58 years at that time) on 31.1.1984. The permanent arrangement was made by posting Sri Pradeep Kumar Srivastava ~~xx~~ vice Sri Gopalji, who reported for duty on 17.2.1984, and accordingly, the services of the petitioner were terminated from 19.2.1984.

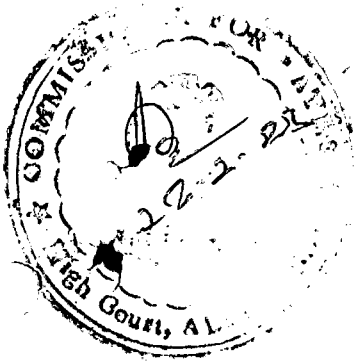
8. That thereafter, the Railway Board, vide their letter No.E(P&A) I 83/RT/20 dated 9.5.1984, circulated under the letter of the General Manager(P), Northern Railway, New Delhi No.220-E/1208-XV/Evi dated 14.5.1984, enhanced the age of superannuation from 58 years to 60 years with effect from 2.9.1983. It was also stipulated that those teacher who had retired on or after 2.9.1983, were to be recalled on duty. (A copy of the aforementioned Railway Board's letter is reproduced in Annexure No.'A' to the affidavit dated 13.7.84) . In accordance thereof, Sri Gopalji, who had retired on 31.1.1984 had to be called back on duty.

9. That the opposite parties are scrupulously complying with the stay order of this Hon'ble Court, but they are facing considerable difficulty and financial burden as there is a surplus of 2 teachers in place of the post held by the petitioner by

virtue of the stay order of this Hon'ble Court, who are temporarily working against other posts till vacation of stay order.

10. That the deponent has been advised to state that the petitioner has no case and the present writ

High



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petition is liable to be dismissed with cost and as such the petitioner has no claim on the post in question and therefore, it would be expedient in the interest of justice to vacate the stay order.

Lucknow,
Dated : 28.2.25

Lukh
Deponent.

Verification

I, the deponent above named do hereby verify that the contents of paragraph 1 of this affidavit are true to my personal knowledge and those of paragraphs 2 to 9 are based on the knowledge derived from record and the same are believed to be true and the contents of paragraph 10 of this affidavit are based on the legal advice and the same is believed to be true. That no part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow,
Dated 28.2.25

Lukh
Deponent.

I identify the deponent who has signed before me.

Siddharth Verma
(Siddharth Verma)
Advocate.

Madan Mohan
(MADAN MOHAN)
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 32/183
28.2.25

Solemnly affirmed before me on 28.2.25
at 10.50 A.M./P.M. by *Shri G.C. Sharma*
the deponent who is identified by
Shri G.D. Sharma
Clerk to *Shri*

Advocate High Court Allahabad.

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

78
B226

he is being paid with the same scale of pay, allowances, perks and facilities including ^{entire} compulsory ~~entire~~ deductions like P F, Insurance etc. quite alike to Regular employees. Deponent has been provided with official quarter, passes and other facilities.

6- That deponent is being shown against regular strength in all the charts and official progress reports sent from time to time to high officials of Railways. In service book of deponent he is not described as Substitute. Even the pay slips he is not treated as substitute.

7- That still 5 posts of Primary School Teachers are ~~laying~~ laying vacant in Mooradabad Division of Northern Railway eg. Laksar, Najibabad, Sitapur Dehradun and Bareilly.

8- That deponent is being assigned additional duties as are assigned only to Regular employees for which he is being paid with extra allowances.

True photocopies of letter Dt. 25.10.89 and 17.5.90 evidencing assignment of such extra duties are attached herewith as Annexure "C" and "D" to this affidavit.

9- That deponent is continuously performing duties of Teachers Primary School since 1.8.83 without break of even a single day.

Jai Prakesh Singh
Deponent

Lucknow ✓
26 Sept. 1992
Date

Jai Prakesh Singh

VERIFICATION

I, deponent named above do hereby verify that contents of Para 1 to 9 are true to my personal knowledge and no part of it is false and nothing material has been cancelled. So help me God.

Jai Prakesh Singh
Deponent

Jai Prakesh Singh

M-26/6/92




I know and identify the deponent who has signed on this affidavit before me


A K Dixit
Advocate

26th June

Solemnly affirmed before me on this day of ~~Sept~~ 1999 at 11.35 a.m./p.m. by the deponent Sri Jai Prakesh Singh who is identifies by Sri A K Dixit advocate , High Court Lucknow Bench . I have satisfied my self by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.

OATH COMMISSIONER


A.N. KHANAM
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow
No.....1357
Date.....26/6/99



In the Central Administrative Tribunal
 Lucknow

80

B138

Jai Prakash Singh - - - Applicant

vs.

Union of India & others - - - Respondents

App No (A-)

उत्तर प्रदेश
NORTHERN RAILWAY

No. 2201/1203 XXI / 11

Dt 23-9-88

1st & 2nd
Part of Memo.
Hrs. 11.11

Certified that Sh. Jai Prakash Singh
has attended this office on 23/9/88
in connection with Supplementary
Memorandum for their regularization
as Permanent Teachers (G. B. 1200-2400/11)



K. L. Singh
Asst. Secy
23/9/88
1st & 2nd
Part of Memo.
Hrs. 11.11

Jai-Prakash Singh

In the Central Administrative Tribunal
 Lucknow

Jai Prakash Singh - - - - - Applicant

vs.
Union of India & others - - - Respondents.

App No (A-)

Headquarters Office
Baroda House,
New Delhi.

No. 220E/1208-XXI (WVI).

Dated 19/11/89.

The Divl. Railway Manager,
Northern Railway,
ALD, BKN, DLI, FZR, JU, LKO, MB & UMB.

Sub:- Screening for regularisation of services of Substitute
Teacher/PTI/Drawing teacher grade Rs. 1200-2040 (RPS)
working in the Division.

...

As a result of screening test of 14 substitute Teachers/PTI/drawing
teachers grade Rs. 1200-2040 (RPS) held on 29.8.88 and 23.9.88, the
services of 11 substitute teachers/PTI grade Rs. 1200-2040 (RPS)
have been regularised under this office letter of even number dated
20.12.88. The services of the following 3 substitute teachers/
drawing teacher grade Rs. 1200-2040 (RPS) cannot be regularised at
present against roster points 59, 44, 54 reserved for SC-59 point/
ST-44 & 54 points.

1. Smt. Junita Paul Asstt. Teacher grade Rs. 1200-2040 (RPS)
ATP School Sitapur City Moradabad Division.
2. Sh. Jay Prakash Singh Asstt. Teacher grade Rs. 1200-2040 (RPS)
ATP School Baroda-Moradabad Division.
3. Smt. Santosh Saxena Drawing Teacher grade Rs. 1200-2040 (RPS)
Middle School PE.

The above mentioned shortfalls against Roster Points reserved
for SC/ST have been sent to the following Divisions that
same may be taken into account while placing indents on the
Railway Recruitment Board by the Division mentioned against each:

Aligarh Division.
Bikaner Divn.
MB Divn.

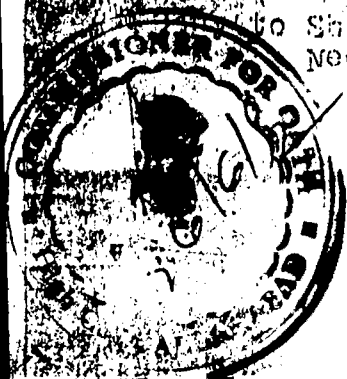
Short fall.	
SC.	ST
one	-
-	one
-	One

Therefore requested that the above shortfall which was sent under
this office letter No. 220E/1208-XIV/EVI, may be filled by the Divn.
mentioned against reserved quota and only after that the above
mentioned substitutes may be regularised against general points
when their turn comes.

Since the cadre of teachers have been decentralised. As such the
action is to be taken by the Divisions themselves on the above
basis under advice to this office.

for General Manager (P).

To Smt. P.M. Sharma Genl. Secretary, UDMI 166/2 Panchsukian Road,
New Delhi.



In the Central Administrative Tribunal
dukkh now

Jai Prakash Singh - - - Applicant

vs.
Union of India & Ors - - - Respondents

Ann No (A-)

NORTHERN RAILWAY

HEADQUARTERS OFFICE,
BARODA HOUSE, N. DEPT.

NO. : BSG/9-6/122A.

Dated : 25/10/89.

Shri/Smt./Mr. Jai Prakash Singh
Teacher, N Ry Primary School
Hardoi

SUB : - National Literacy Mission - Simple Literacy
test for learners on 30/11/89.

REF : - This office letter No. BSG/9-6/122A,
dated 11/10/89.

As you are aware, learners attending literacy classes in the second phase of the Adult Literacy Programme are to be given a simple test on conclusion of the course on 30/11/89. You have been nominated as Examination Incharge in respect of Adult Literacy Centres located at Hardoi mentioned in Annexure 'B'. Details of the Centres functioning on this Railway are given in Annexure 'A'.

The examination at all the centres will be held on 30/11/89 simultaneously at 10.00 hrs. So Question cum Answer Booklets are sent herewith for the purpose. The duration of the test will be THREE (3) hrs. The Question-cum-Answer Booklets will be collected by you after the test is over and evaluated within two days, after which they be immediately sent to the undersigned for issue of certificates to those learners who qualify the test.

It may please be noted that no honorarium is payable for any work connected with the Written Test and evaluation of the answer booklets.

2nd 24th 25th
(R.K. SHARMA)
for General Manager (P).



KL,

.....

Jai Prakash Singh

IN the Central Administrative Tribunal
 Lucknow

Jai Prakash Singh - - - - Applicant
Vs.
Union of India & Ors - - - Respondents.
App No (A-)

उत्तर रेलवे

NORTHERN RAILWAY

Northern Railway Bharat Scouts and Guides
Moradabad.

No. NRBSG/7/MB/90

Dt. 17.5.90

The Divisional Engineer
Northern Railway
Hardoi.

Sub: Adult literacy centres at HRI

Please refer to your letter No. W-32
dated 10.5.90. The names of the instructors
deputed for the adult literacy centres at
HRI are given below for your kind information

1. Shri Jai Prakash Singh for centre
run in the N.R. Primary School HRI
2. Km. Poonam for the centre being run
in the re-creation club HRI.

Please keep this office informed from
time to time regarding proper functioning
of the above centres. You may send Shri
Jai Prakash Singh to Headquarters office/ NDIS
to collect necessary books etc. for the
above centres, if not already received.

Copy to :

Miss A Bakshi, State Secretary,
NR Bharat Scouts and Guides, Baroda
House, New Delhi for information.



Jai Prakash Singh

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned	
1	2	3	
	<p>for 10/11/85</p> <p><u>for 11/11/85</u></p> <p>This case stands at today on the illness of Mr. Ashwini Trivedi.</p> <p><u>Mr. Jain</u></p> <p>20.2.84</p> <p><u>Ro</u></p> <p><u>Be</u></p>		
18.4.84	<p>On 18.4.84 30/4/84</p> <p>Heard - RA D. O. Sharma.</p> <p>Participated with the record.</p> <p>Set aside</p> <p>18.4.84</p>		
26.4.84	<p>Service Report</p> <p>OP 122. Represented by Sri Siddharth Verma.</p> <p>OP 3 Not received since 25.2.84.</p>		<p>Advocate/c</p> <p>township</p>
12.7.84	<p>Ad Regr</p> <p>Seen above report. O/s 1 and 2 are now represented by New Counsel and service on OP 3 is deemed sufficient under Ch. VIII rule 12 of Rules of Court. Order to proceed.</p>	<p>Submitted</p> <p>28/6</p>	<p>rule 12</p>

for 20.2.84 from -

en. 453A/84 2054/84. OP 3

13.7.84

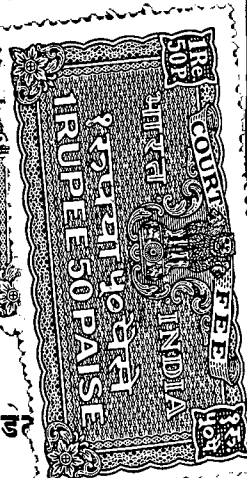
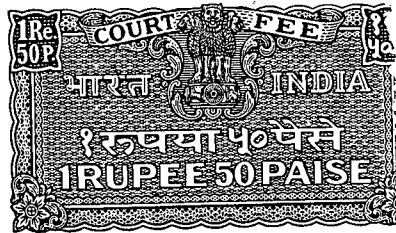
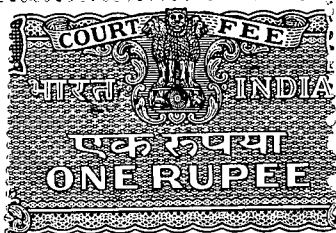
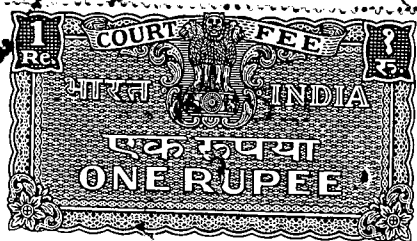
ब अदालत श्रीमान

Central Administrative Tribunal
Lucknow

महोदय

[वादी] अपीलान्त

Jai Prakash Singh



Jai Prakash Singh Vs Union of India & Ors

बनाम

प्रतिवादी (रेस्पान्डेंट)

T.A. No. 1557 of 87

नं० मुकदमा

सन्

पेशी को ता०

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ऊपर लिखे मुकदमा से अपनी ओर से श्री ... ABHAYA ... KUMAR ... DIXIT ...

... Admitted, ... 509/28. Ka. ... Hyderabad ...

LUCKNOW

वकील
महोदय
एडवोकेट

नाम	...
अदालत	...
मुकदमा	...
फरीक	...

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

Accepted.

15/7/91

साक्षी (गवाह)

हस्ताक्षर

Jai Prakash Singh

साक्षी (गवाह)

दिनांक

महीना

सन् १६

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स्वीकृत