

Central Administrative Tribunal  
Lucknow Bench

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

Name of the Parties: J. P. Singh Applicant  
versus Respondents  
U.O.d.

Sl. No.	Description of documents	Page
1.	Check List	
2.	Order Sheet	H1 - H2
3.	Judgement dt. 26/6/92	A3 - A4
4.	High Court Petition Copy	A5 - A76
5.	Annexure	
6.	Power	
7.	Counter Affidavit	
8.	Rejoinder Affidavit	
	High Court order sheet	A142 - A143
	Subpl. Affidavit	A 77 to 82
	B File	
	High Court Notice	A - 83 to 84
	Power	A 85

B File 374 - P, 141

C File C 94 - C 149

R/C

(P)

T.A. 1555/87

9.9.91  
D.R.

Applicant is

present in peron.

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 adj'd to 20.1.92  
S

20.1.92 No Siling adj'd to 16.3.92  
d

16.3.92 No Siling of D.R. adj'd  
7.4.92  
d

~~Ex. R.A. have been  
exchanged  
S.G.  
20/6/92~~

7.4.92 No Siling of D.R. adj'd to  
26.6.92  
d

(AB)

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.

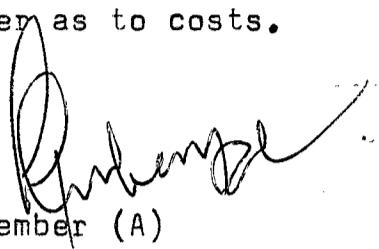
Hon. Mr. Justice U.C. Srivastava, V.C.

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 who treat the applicant ~~is~~ continuing on the post of a Teacher of Railway Primary School, Hardoi. As the applicant's father ~~retired~~ <sup>was at</sup> 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 is fixed to 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~~ <sup>which</sup> ~~was~~ <sup>was</sup> beyond his prayer was originally made but in ~~view~~ this application the applicant who had no right to the post now getting relief

~~and the State court cleaned court 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.

  
Member (A)

  
Vice Chairman

Lucknow  
Dated 26.6.92

CIVIL

SIDE  
CRIMINAL

## GENERAL INDEX

(P)

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case ..... 601 ..... 8.81 - 88

Name of parties ..... Jai Prakash Singh - v. Union of India

Date of institution ..... 17-2-89 ..... 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
1		1- ms. with affidavt 17. And Answer		-	10/- 00			
2		Power	1	-	5/- 00			
3		Cmt 2056 (u) 884	2		5/- 00			
4		Power	2	-	10/- 00			
5		Cmt 4538 (u) 884 with CA	16	-	7/- 00			
6		Cmt 6725 (u) 884 with RA	11	-	7/- 00			
7		Cmt 7381 (u) 884	10	-	7/- 00			
8		Cmt 3173 (u) 885	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

AB

Group A 14 (P)

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

Writ Petition No. 801 of 1984

JaiPrakash Singh

-Petitioner

vs.

Union of India and others

-Opp-parties

Index

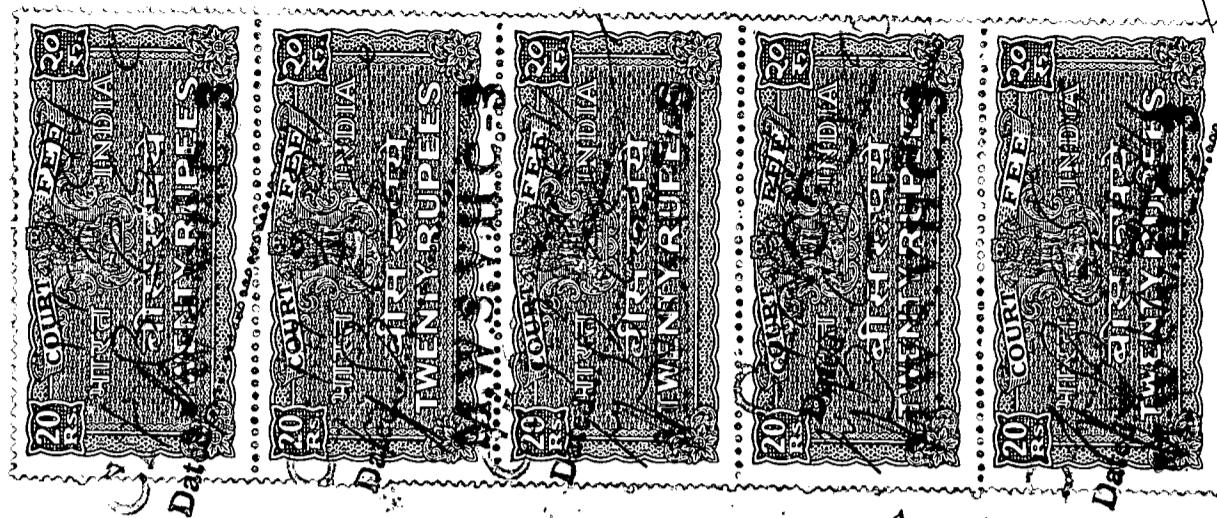
Sl. no.	Description of paper	Annex. no.	page no.
---------	----------------------	------------	----------

1.	Writ Petition		1-10
2.	Affidavit		11-12
3.	Order dated 20.7.1983	1	13, 14
4.	Memo. dated 31.1.1984	2	15
5.	Representation dated 29.1.1984	3	16
6.	Notice of termination dated 4.2.1984	4	17
7.	Vakalatnama		18

2909

JaiPrakash Singh

B.C. Saksena(B.C. Saksena)  
Advocate



SCF-107  
m-289

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

---

Petition under Article 226 of the Constitution of India

Writ Petition No. 881 of 1984

Jai Prakash Singh, aged about 34 years, son of Sri Gopal Singh, ~~is~~ 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/0-IV/ (Schools) EMO-3 -A/IV dated 20.7.1983 the petitioner was appointed as substitute assistant teacher 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

Prakash

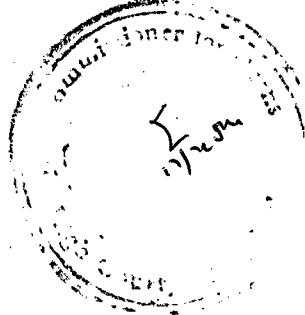
continuously working.

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 Prekesh Singh



or about 5.2.1984 was served with a copy of order no. 3-E/0-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 XXII 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

DH

railway servants and which cannot be kept vacant."

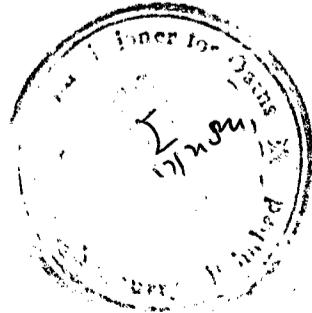
10. That the definition of temporary servant is contained in paragraph 2301 of Section A Chapter AXIII of the said Manual which reads as under:-

"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

Dr. 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

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

*For Prakash Singh*

*7/7/2014*

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.

Therefore, 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

*For Arvank 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. Saksena  
(B.C. Saksena)  
Advocate

Counsel for the petitioner

Jai-Prakash Singh

1984  
AFFIDAVIT  
34  
HIGH COURT  
ALLAHABAD

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

--  
Affidavit

in

Petition under Article 226 of the Constitution 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

Jai Prakash Singh  
Deponent

17.2.1984

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

Sri Brahma Singh  
Deponent

I identify the deponent who has signed in my presence

(R.K. Srivastava) *R.K. Srivastava*  
Clark to Sri B.C. Saksena, Advocate

Solemnly affirmed before me on 17-2-84  
at 8.15 a.m/p.m by Sri Brahma Singh  
the deponent who is identified by Sri *R.K. Srivastava*  
clerk to Sri *B.C. Saksena*  
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.

*Sri Brahma Singh*

SATISH CHANDRA	
SRIVASTAVA	
OATH COURT NO. 132	
High Court of U.P.	
Lucknow - 226001	
No.	34104
Date	17-2-84

A9 13

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

Pr. Petition No. of 1984  
Jai Prakash Singh..... Petitioner  
versus  
Union of India and others, ..... parties

Annexure No.1

Northern Railway

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

No.3-F/OTW/1 Schools) P.W.O-3(A)-IV dated 20.7.83.  
Shri Jai Prakash Singh s/o Shri Gopal Singh who  
is B.A. Sc B.Ed., is appointed as substitute Asst.  
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 Gopal Ji  
Asst. Teacher, who is on sick list from 10/7/83. He  
will be discharged from the engagement of  
substitute teacher on resumption of Shri Gopal  
Ji, Asst. 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  
not 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 & 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



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

2. QM/RFI.
3. Shri Jai Prakash Singh s/o Shri Birel Singh  
or. No. E-11-A., Rly., Colony Hardoi. He should report  
himself to ARW/ARI for his Medical Examination and  
further orders.
4. Asstt. Teacher, Rly. Primary school, Hardoi.
5. AS( Pay Bill) PWD Office/M.
6. Sr. IAD/Moradabad.

.....  
True copy



Jai Prakash Singh

R21 15

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

Writ Petition No. 10 of 1984

Jai Prakash Singh..... Petitioner  
versus

Union of India and another..... Respondent  
Annexure no. 2

----- No. 44/83/2000/Ex/24

No. E/2 dt. 31.1.84

Northern Railway

To

DRG /MR

Sub:- sickness and resumption of duty of Shri Gopal  
Ji Asst Teacher Rly. Primary school, Hardei.

In continuation to this office letter of  
even No. 36.7.11.83 ADG/PLD has issued duty  
certificate in favour of the above named employee  
vide fit Memo No. 360761 of 29.1.84. Shri Gopal Ji  
has joined his duties on 30.1.84 and has also been  
relieved from Rly. Service on date (31.1.84) vide  
your XARW.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.

DA/one

sd/- Illegible  
(seal)  
Illegible

True copy

sd/- Illegible  
31.1.84



22

16

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

Writ Petition No. of 1984  
Jai Prakash Singh..... Petitioner  
versus

Union of India and another's.....op. parties

Annexure No.3

To,

Divisional Railway Manager,  
Northern Railway,  
Mora Dabba.

Sir,

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

With in a respectful and humble submission I have to  
state that I am serving as substitute Teacher since  
01.8.83 in the Railways Primary School, Hardoi vice  
Shri Gopal Ji Asstt. Teacher who is on long sickness  
vide your letter No. 3-F/83-IV (School) Pmt-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, request 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.

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

Yours faithfully,  
Sd/- Illegible  
( Jai Prakash Singh )  
Substitute Teacher  
Railway Primary School  
Hardoi.  
Dated. 29.1.84

Sd/- Illegible  
29.1.84  
( seal )  
Illegible.

True copy

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. .... .... .... Respondenties

Annexure No.4

Genl.99-1sic

Northern Railway

Divl. Rly. Manager's Office

Moradabad.

No. 3-E.O.-IV (Schools) /EMC-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 AEN/Hardoi or any other person subsequently authorised by this office.

Sd/- Illegible  
Divl. Personnel Officer,  
Moradabad.

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

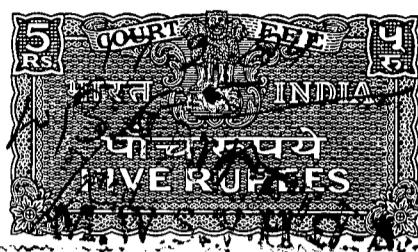
2. s.i.c.

True copy

AM 10

मानव संकलित विधि प्रतिवाद संसद का अदालत श्रीमान अफ अल्लाहबाद न्यूर्मा बेंच-को  
महोदय

वादी (मुद्दे) का वकालतनामा  
प्रतिवादी (मुदालेह)



Jai Prakash Singh

वादी (मुद्दे)

बनाम  
Union of India & others

प्रतिवादी (मुदालेह)

ATP नं० मुकदमा सन् १९४७ पेशी की ता० १९ ई०  
ऊपर लिखे मुकदमा में अपनी ओर से श्री

G.B.C. Saligra Advocates एडवोकेट महोदय  
वकील

अदालत  
नाम नं० मुकदमा नं० फैसला

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और  
लिखे देता हूँ इस मुकदमा 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 स्पष्ट वसूल करें या सुलहनामा या इकबाल  
दावा तथा अपील व निशारानी हमारी ओर से हमारे या अपने  
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें  
या कोई स्पष्ट जमा करें या हमारी या विपक्ष (फरीकसानी) वा  
दाखिल किया स्पष्ट अपने या हमारे हस्ताक्षर-युवत (दस्तखती)  
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की  
गई वह कार्यवाही हमको सर्वथा रवीकार है और होगी मैं  
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी  
अपने पैरोकार को भेजता रहूगा अगर मुकदमा अदम पैरवी  
में एक तरफा मेरे खिलाफ पैसला हो जाता है उसकी जिन्मे-  
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा  
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted  
By Saligra  
इस्ताक्षर Jai Prakash Singh

साक्षी (गवाह) ..... साक्षी (गवाह) .....

दिनांक ..... महीना

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

Writ Petition No. of 1984

Jai P. Krish Singh - Petitioner

vs.

Unit of India and others - Opp.-parties

Index

1. Description of paper Annex. page  
no.

1. Writ Petition	
2. affidavit	
3. Order dated 20.7.1983.	1
4. Writ. dated 31.1.1984	2
5. Judgment, dated 29.1.1984	3
6. Notice of Appeal dated 4.2.1984	4

(B. C. Jaiswal)  
Advocate

HC

In the Allahabad High Court of Judicature at Allahabad,  
(Uttar Pradesh), Lucknow (U.P.), Lucknow

Petition under Article 223 of the Constitution  
of India

Petition No. of 1334

Jai Prakash Singh, aged about 34 years, son of  
Shri Kishan Singh, was at innocent working as  
assistant teacher, Northern Railway Primary  
School, Hardoi

Petitioner

versus

1. The Union of India through the General Manager,  
Northern Railway, New Delhi
2. The Divisional Manager Officer, Northern  
Railway, Gorakhpur
3. The Head Master, Northern Railway  
School, Hardoi

Opponencies

This humble petition on behalf of the

pet it i gger 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) SMC-3 -4/IV dated 20.7.1983 the petitioner was appointed as substitute assistant teacher 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 <sup>of</sup> 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

continuously working.

4. That the said Sri Gopalji in whose leave vacancy the petitioner as appointed as Substitute Assistant Teacher joined his duty on 30.1.1984 and retired from Railay 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/0-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 Railay 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 Vopalji, his predecessor-in office.

9. That the term "substitutes" has been defined in paragraph 2315 of Chapter XXII 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 2 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 ~~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. S(NG) II/32/38/8 dated 12.3.1983 addressed to General Managers of all Indian Railways and others has indicated that income 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,

REASONS:

(a) Because by reasons of the provisions of sub-clause (6) of rule 149 of the Indian Railway Establishment rules Vol. I, since the petitioner is a person who is governed by the Industrial Disputes Act being a 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.

*Because*  
(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 paper 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 Sopalji. 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 called in 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 military 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 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 the 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.

Attd Lucknow

Deponent

17.2.1934

I identify the deponent who has signed in my presence

(L.R. Srivastava)  
Clerk to Sri S.C. Jaiswal, advocate  
Solely affirmed before me on  
at C.A.P.A.Y.  
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. 994

Jai Prakash Singh..... Petitioner  
v/s

Union of India and another..... Respondent  
Annexure no. 2  
—  
—  
—

30.E/2 A.31.1.84

Northern Railway

To  
Mr. M.

Sir:- I enclose and remit one copy of my letter  
to Assistant Teacher Aly. Primary school, Hardoi.

In continuation to this office letter of  
even "6.7.83 A.M. 1983" you have issued my  
certificate in favour of the above named person  
v/s file no. "A.7070" of 29.1.84. Mr. and Mrs.  
has joined in duties on 30.1.84 and has also been  
retired from Aly. Service on date (31.1.84) v/s  
your "Ex/70.843/R-2/ps/schools dt.30.1.84" Shri Jai  
Prakash Singh is further allowed to work as  
substitute after the retirement of Shri Tom. 15  
as all the permanent open rooms is made free your  
order.

Yours

W/- Illerble  
(smll)  
Illerble

true copy

W/- Illerble  
31.1.84

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

File No. of 1984  
Jai Prakash Singh..... Plaintiff  
versus

Union of India and others..... Com. Petition

Annexure No.1

Northern Millery

Civil. Personnel Officer,  
N.Mill. Koratala.

No. 307/0-77/1 Schools 702-3(1)-77 dated 20.7.83.  
Shri Jai Prakash Singh, a/o Shri Jamil Singh who  
is P.A. M.C.P.A., is appointed as a substitute Asst.  
Teacher on pay Rs.330/- in grade Rs.330-560 purely  
as temporary and ad hoc on sure subject to his  
passing the prescribed model examination in C-2  
in Millery primary school/NI vice Shri Jamil Singh  
Asst. Teacher, who is on sick list from 10/7/83. He  
will be discharged from the engagement of  
substitute teacher on resumption of Shri Jamil Singh  
Asst. Teacher (A.M) 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 regularization of his  
appointment as substitute regular vacancies. He will  
get pay Rs.330/- p.m. from the date he starts working  
independently in the school. His movements may be  
subjected to this office.

Civil Personnel Officer,  
N.Mill. Koratala.

Copy for information & information to:-  
1.AIV/RJ Shri Jai Prakash Singh may be not  
necessarily examined by the competent Ed. Authority  
before passing him to work as sub. Teacher. He

original 1st School Certificate and other  
testimonies etc. may be in order to adjudicate a 19-1914, if  
of age which is below 40 yrs. for teachers.

2. 7/7/14.

3. Mr. Jas. Krishan Singh 8/o Mr. Govt. Inst.  
or. No. 1-11-1. Jly., Colony Haridville should report  
himself to 1st M.R. for his medical examination and  
further orders.

4. Subt. Teacher, Mly. Primary school 1st M.R.

5. All (Tamil) 1st M.R. to get on/it.

6. Sr. Engg/Corps etc.

.....  
true copy

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

File Number No. of 1984

Shri Prakash Singh..... .... ..... Petitioner

versus

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

Case No. 304

Adv. No. 1984

Northern Railway

Div. of General Manager's Office

Koratala.

No. 3-56-IV (School) / 1984-7(A) / R. No. 644 dated 4/2/1984

Shri Jai Prakash Singh,  
Sub-Teacher, railway Primary School  
Koratala.

Subject: Retirement of Sub-Teacher Service.

Your services of Sub-Teacher, in railway Primary school/ward 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 Koratala or any other person subsequently authorised by this office.

SAC/116/116  
Div. Personnel Officer,  
Koratala.

Copy to AEM/Koratala to please ensure compliance which  
should be reported to this office.  
P. S. C.

.....

True copy

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

Application for Interim relief

V.L. Application No. (B) of 1984

Part Petition No. of 1984

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

Petitioner  
Applicant

versus

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

Opp-Party

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

That on the basis of the facts stated and

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

- (i) to pass an interim order staying the operation of the order dated 6.2.1954 passed by opposite party and not embodied in order no.6 to the first petition.
- (ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

Vizag, Andhra

17.2.1.54

(B.G. Baskaran)

Advocate

Counsel for the applicant

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE Rev. App. 910 OF 1992

M.O.A 1555 187 J.P. Singh.....Applicant

Versus

Union of India.....Respondent

Part A.

Sl.No.	Description of documents	Page
1	Judgment Date 19-11-92	A 1
2	Petition	A-2-10
3	Power	A-11
4	Annexure	A12-14
5	Affidavit	A 15-16
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

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 01.01.2011

Counter Signed.....

*for a/c 1555 187*

Section Officer/In charge

*[Signature]*  
Signature of the  
Dealing Assistant

2

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(U)

...  
C.M.Appn.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 388 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  
HON'BLE MR.JUSTICE U.C.SRIVASTAVA W.C. AND  
HON'BLE 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

Jai-Prakash Singh modify by ~~the~~ reviewing the judgement observations

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

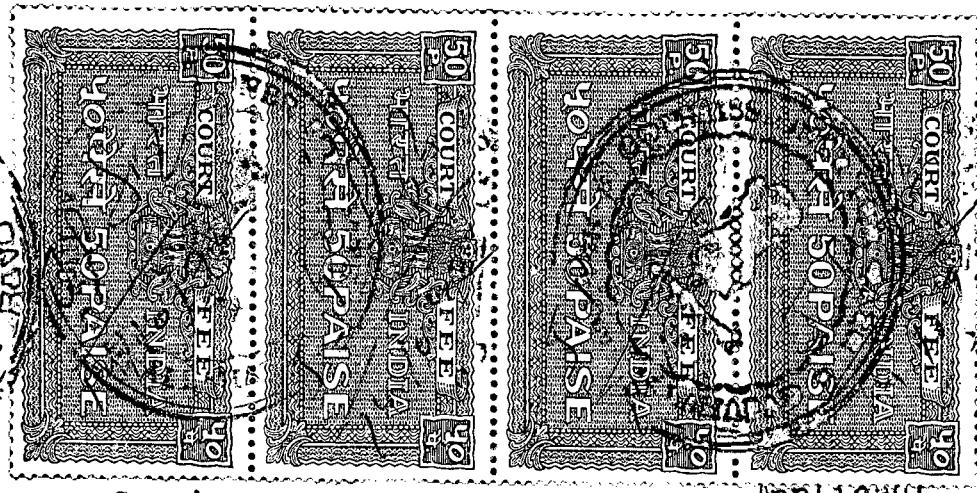
Lucknow Dated  
October/4, 1992.

*[Signature]*  
(K.P.Singh)  
Advocate  
Counsel for the Applicant.

Jai Prakash (M)

4  
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

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

-2-

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 ~~and~~ 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." (i.e. Supplementary affidavit).

Jai - Prakash Singh

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 ~~exempt~~ 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.

5. That in the subsequent changed circumstances,

Jai Prakash Singh

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 ~~similar~~ similar relief as mentioned in the writ petition gives very wide residuaries <sup>power</sup> 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

Jav. Prabank 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.

*[Signature]*  
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.

*[Signature]*  
A.N. KHANAM  
OATH COMMISSIONER  
High Court Allahabad  
Lucknow Bench Lucknow  
No. .... 021533  
Date 14/10/92

132  
CIN  
Ax1

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 who treat the applicant as continuing on the post of a Teacher of Railway Primary School, Hardoi. As the applicant's father ~~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 is fixed to 60 years 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 made~~ <sup>which</sup> issued beyond his prayer was originally made but in ~~fact~~ this application the applicant who had no right to the post now getting relief.



our statement referred to in the post now getting revealed that the application as has filed has become infructuous. It is accordingly dismissed as such in view of the subsequent developments.  
No order as to costs.

Sd/-

Member (A)

Sd/-

Vice Chairman

Lucknow  
Dated 26.6.92

**Certified Copy**

*Date 26-6-92*  
Incharge  
Judicial Section  
C. A. T.  
LUCKNOW.

11

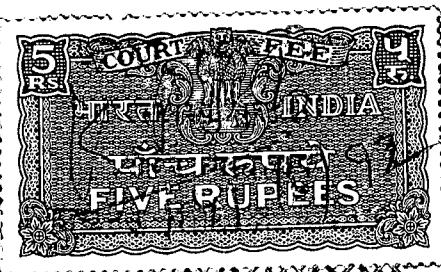
The Central Administrative Tribunal  
वहोदय  
Circuit Bench Lucknow

[वादी अपीलान्ट]

श्री

प्रतिवादी [रेस्पाडेन्ट]

बकालतनामा



(वादी अपीलान्ट)

J. P. Singh

वनाम

(प्रतिवादी रेस्पाडेन्ट)

Review. M. मुकदमा Union of India Petition. सन् 1992 पेशी की ता० १६ ई०

अपर लिखे मुकदमा में अपनी ओर से श्री K. P. Singh Advocate

व. Sri Ajai K. Singh Advocate, Allahabad  
Bar Association Hugh Court L. L. C. बकील  
महोदय

को अपना बकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में बकील महोदय स्वयं अथवा अन्य बकील द्वारा जो कुछ पेरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या सौदाव या हमारी ओर से डिगरी जारी करावें और रूपया बमूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकदमा उठावे या कोई रूपया जमा करें या हारी विष्क्षी (हरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या बंच नियुक्त करे—बकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होया मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पेरोकार को भेजता रहूँगा अगर मुकदमा अदम पेरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे बकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और सभी पर काम आवे।

ताम अदालत  
मुकदमा नं० १०  
ताम फरीदन

Accepted  
K. P. Singh

हस्ताक्षर

Jai Prakash Singh

वाक्षी (गवाह)

(गवाह)

दिनांक

महोना सन् १६ ई०

स्वीकृत

Accepted

M. Singh

Adv. 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

~~Annexure~~ Versus

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

HON'BLE: MR. JUSTICE U.C. SRIVASTAVA, V.C.

HON'BLE: 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

Sai. Prakash Singh of Railway Primary School, Hardoi. As the applicant's



-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-Bakash Singh

*hj*  
TRUE COPY

14

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BENCH LUCKNOW

C.M.An.No. 711 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

THE 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.

*W.S.*  
(K.P.Singh)  
Advocate  
Counsel for the Applicant.

*Singh*

*Jai Prakash*

*Jai Prakash*

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.IIA Railway Colony Hardoi, the deponent do hereby solemnly affirm and state on oath as under:-

1. That the deponent is himself applicant in the abovenoted 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 26.6.1992.

Jai Prakash Singh

1000 1992  
as

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 14, 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 14, 1992.

Jai Prakash Singh  
Deponent.

I identify the deponent, who has signed before me.

Advocate

Solemnly 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  
R27

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

प्रकौणक ( मुतफरिक ) प्रार्थना पत्र संख्या ..... सन १६ ई०

Writ Petition No. .... to 801 सन १६८४ ई० मे

..... उम्हारी Prakash Singh ..... प्रार्थी

प्रति

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

..... The Assistant Engineer, Northern Railway

Hardoi.

प्रत्याधी

700

1653

Stamps affixed except in red letters of not more than weight prescribed in the Postage Guide on which no acknowledgement is given.

Received a V. P. registered\* ..... addressed to

The Post - Box

Hay Court

Sig. of Receiving Officer with the word "insured" -

To be filled in only when the article is to be insured for Rs. (in figures) ..... (in words)

Insurance fee Rs. ..... P. ....

को जारी किया गया।

S. B. C. Balasai

के एडवोकेट



तिथि

डिप्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

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

मिशन पात्र करने वाले एक के हस्ताक्षर

# हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

( अध्याय १२, नियम १ और ७ )

120

दीवानी विभाग

प्रकौणांक ( मुतफरिंक ) प्रार्थना - पत्र सख्ता ..... सन १६ ई०

Unit. Katilion No. १०८१ सन १६४ ई० में

प्रार्थी प्रति

Unit. of India's Attorney General प्रत्याधी

भौतिक संस्कृत विभाग, लखनऊ

16.6.19

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम ..... वे हिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ११ माह ५ सन १६४६ 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 कियी और दिन होंगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २५ माह २ सन १६४६ को जारी किया गया।

के एडवोकेट

तिथि

हिन्दी रजिस्ट्रार

इलाहाबाद/लखनऊ

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

तलवान प्राप्त करने वाले कार्ट के हस्ताक्षर

165  
R 29  
हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

प्रकोणांक ( मुतफरिक ) प्रार्थना - पत्र संख्या ..... सन १६ ई०

Writ Petition No. २१ सन १६ ८४० में

Jai Prakash Singh प्रार्थी

प्रति

Union of India and others प्रत्याधी

The Divisional Personnel Officer, Northern

Railway, Moradabad.

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में  
के नाम ..... विद्ये प्रार्थना-पत्र

दिया है, अतः आपको आतेश दिया जाता है कि आप दिनांक १५ माह सन १६८४  
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 कियी और  
दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २५ माह सन १६८५  
को जारी किया गया।

 के राजवकेट

तिथि



हिन्दी रजिस्ट्रार

इलाहाबाद/लखनऊ

# हाईकोर्ट इलाहाबाद लखनऊ बैन्च, लखनऊ

( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

प्रक्रीणांक ( मुत्तफरिक ) प्रार्थना - पत्र संख्या ..... सन १६ ई०

..... Writ Petition No. .... १० ..... १६/..... सन १६ ई० में

..... Jail Writ Petition No. .... प्रार्थी

प्रति

..... Union of India and Others ..... प्रत्याधी

The Administrative Personnel Officer, Northern

Railway, Moreabazar.

प्रत्याधी

धूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

..... के नाम ..... वेतिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १ माह 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 कियी और दिन होगी।

दिदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी राजवकेट या ऐसे व्यक्ति द्वारा, जो आपको और से कार्य करने के लिए कानून अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपको अनुपस्थित में हो जायेगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २५ माह १६/८५ को जारी किया गया।

..... के राजवकेट

तिथि

हिन्दी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५५ की नियमावली के कानून ३७ नियम २, के अधीन प्राप्त तत्त्वाना मिल गया।

तत्त्वाना प्राप्त करने वाले कलक्क के हस्ताक्षर

# हाईकोर्ट इलाहाबाद लखनऊ बैन्च, लखनऊ

( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

प्रकौणक ( मुतफर्रिक ) प्रार्थना - पत्र संख्या ..... सन १६ ई०

..... write petition ..... to ..... ८८/ ..... सन १६ ८४ ई० में

..... Jai Prakash Singh ..... प्रार्थी

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

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

Manager, Baroda House, New Delhi.

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

..... के नाम ..... वैहाये प्रार्थना-पत्र

दिया है, अतः आपको आंतर्जातिक जाता है कि आप दिनांक १ माह ५ सन १६ ८५ को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर दिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञाप्ति कियी और दिन होगी।

दिदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी राज्यकान्त्रिक 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 जायेगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २ माह २ सन १६ ८५ को जारी किया गया।

S. B. C. Bawali<sup>के राज्यकान्त्रिक</sup>

तिथि

हिम्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६५१ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवान प्राप्त करने वाले अल्के के हस्ताक्षर

A32

# हाईकोर्ट हाबाद लखनऊ बेन्च, लखनऊ

अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकोणांक (मुत्तप) प्रार्थना-पत्र संख्या ..... सन १६ ई०

..... रु० ३० ..... सन १६ ई० मे ८४

..... जगत प्रस्तुति Singh ..... प्रार्थी  
प्रति

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

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

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

प्रत्याधी

चूंकि उक्त लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम ..... वेत्तिये प्रार्थना-पत्र

दिया है, अतः आपको आवेदन दिया जाता है कि आप दिनांक ११ माह ५ सन १६८४ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया गया। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन दियी गी।

दिदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट य से व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानून अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपको अनुपस्थित में हो जायेगे।

मेरे हसाक्षर और न्यायालय की मोहर से आज दिनांक २५ माह २ सन १६८४ को जारी किया गया।

के एडवोकेट

तिथि

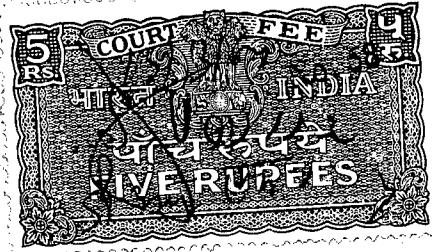
१६८४

हाईट्री रजिस्ट्रार

१६८४

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

तलवाना प्राप्त करने वाले उक्त के हस्ताक्षर



433

SPECIAL POWER OF ATTORNEY.

WRIT PETITION No. 881 OF 1984

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

~~CMAN No. 254 (W) of 1984~~ W.P. No. 881 of 84 Lucknow.

- - - - - Jai Prakash Singh - - - - -

Plaintiff  
Appellant  
Petitioner

Versus

Ministry of India &  
others.

Defendant  
Respondent  
Opp. Party.

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

Div. Rly. Manager, Northern Railway, Moradabad do hereby appoint and authorise SarvaShri Siddharth Verma, RA-1/6 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.

O P Verma  
of 2.

Divisional Railway Manager,  
Northern Rly.  
No. Moradabad.

+ Ministry of India

ACCEPTED

S. Verma  
(SIDDHARTH VERMA)

ADVOCATE

SL  
11.4.84

N.R.G.

587

## VAKALATNAMA

W. 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

Common of India & others

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 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.

in pursuance of this authority.

In witness of this authority,

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 3rd day of April 19

Received  
in behalf  
of the basis  
C. A. Davis  
Dow

Dated 198

### **Designation of the Executive Officer**

N.R.-149/1-June, 1981-75.00 F.

59  
11-189

Mr. G. H. French, U.S.A.,  
U.S. Geological Survey.

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

C.M. Application No. 1330/1 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:

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

SL  
11.4.84

P.S. 52

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

Writ Petition No. 881 of 1984

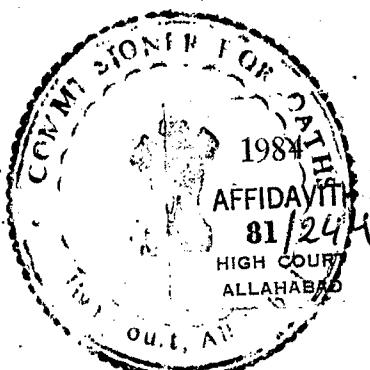
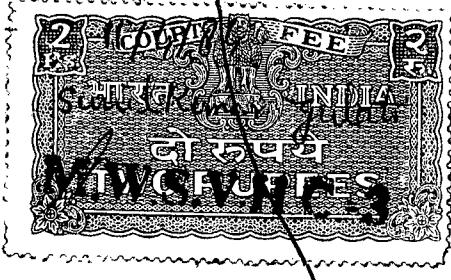
Jai Prakash Singh ..

Petitioner

Versus

Union of India & others ..

Opp. parties.



Counter affidavit on behalf  
of opposite parties.

Sir I, Sunil Kumar Gulati aged about 26 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 affidavit.

Preliminary Objections.

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

*S Gulati*  
(a) That the discharge of the petitioner

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 ~~penal~~, 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.

(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 stipulations 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 ~~xxxxxx~~ or regularisation of his appointment as such against regular vacancies. ( Annex 1 )

*Shankar*

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 when Sri Pradeep Kumar 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

*by*

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

*Submlat*

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

.. 5

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 bases 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

*S. K. Srivastava*

(AII) 5/7

in such cases as selections are made by Railway & General Manager ~~by~~ Service Commission 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:

Skimlat  
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

concealed in it so help me God.

Lucknow:

Dated: April 11, 1984

*S. Basir*  
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 *S. Basir* is that person.

*C. A. Basir*  
Advocate.

*Commissioner of Oaths*  
Solemnly affirmed before me on 11/4/84  
at 7 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 जुडीकेवर एट इलाहाबाद  
गुलछानज वेन्चुगुलछानज

रिट पिटीशान नं०-----आफ 1984

जय प्रकाश सिंह -----पिटीशानर

बनाम

यूनियन आफ इन्डिया त्रा अन्य -----अपोजिं पार्टीज

अमेवजर नं०---भारत---।

उत्तर रेलवे

सेवा में

श्रीमान सहायक अभियन्ता

उ०रे० हरदोई ।

दिनांक 17-2-84

महोदय

निवेदन है कि मण्डल के रेल प्रबन्धाक कार्यालय के पत्रांक  
संख्या ९३९-ई/३-१११/गुरुकूलसू ई०एम०सी०-३ दिनांक १३-२-१९८४  
के दबारा मै उ०रे० प्रा०कूल हरदोई को दि० १७-२-१९८४ को  
ज्वाइन करने हेतु आमंत्रण गया हूँ ।

भावदीय

प्रदीप कुमार श्रीवास्तव

स० अध्यापक

सत्य प्रतिलिपि

844  
5/10  
इन दि आनरेबुल हाईकोर्ट आफ जुडीकेवर एट इलाहाबाद

लुलुखान्जु वेन्चुलुखान्जु

रिट पिटीशन नं0-----आफ 1984

ज्य प्रकाश सिंह -----पिटीशन

बनाम

यन्नियन आफ इन्डिया टैट  
लैट-अम्भ-यूटीटी अन्य -----अपोजिट पाटर्ज

अनेकजर नं0-अस्ट-2

=====

उत्तर रेलवे

=====

सेवा में

माननीय मण्डल रेल प्रबन्धाक

अम्भ-उ0रे0 मुरादाबाद

=====

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

=====

महोदय

आपके कार्यालय के पत्र सं0 939/ई0/3-110 स्कूल/ई0एम0सी0-3

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

जिसमें मुझे दिनांक 18-2-84 तक उ0रे0प्रा0स्कूल हरदोई का चार्ज लेने

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

को ही हरदोई के सहायक अभियन्ता श्री सुनील कुमारगुलाटी जी से

सम्पर्क स्थापित किया उन्होंने मैं एवजी अध्यापक श्री ज्य प्रकाश जी को चार्ज देने के लिये आदेशित किया है । अत प्रतिलिपि संलग्न है ।

कृपाओरो-2

इस सन्दर्भ में छोद के साथ निवेदन करना पड़ रहा है कि  
उक्त एवजी अध्यापक श्री ज्य प्रकाश जी ने आज दिनांक 21-2-84  
तक चार्ज न देकर महोदय के एवं माननीय स०अधिकारी के आदेशों  
की स्पष्ट अवहेलना की है ।

ऐसी स्थिति में आपसे सानुरोध है कि निवेदन है कि  
प्राथमिक को आप छवित निर्देश देने की कृपा करें कि वह हरदोई  
के सहायक अधिकारी महोदय को अपनी उपस्थिति देता रहे अवाका  
अपने पूर्व पद सहायक अध्यापक उ०र०० प्रा०स्कूल छाजी का कार्यालय  
दें। वहाँ का चार्ज मेरे पास है ।

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

प्राथमिक

प्रदीप कुमार श्रीवाल्तव

स०अध्यापक

दिनांक 21-2-84

=====

सत्य प्रतिलिपि



*Shivnath*

इन दि आनेरेबुल हाईकोर्ट आफ जुडीकेवर एट इलाहाबाद

बूलछान्ज देन्वूलछान्ज

रिट पिटीशान नं०-----आफ 1984

जय प्रकाश सिंह -----पिटीशानर

बनाम

यूनियन आफ इन्डिया तथा अन्य -----अपोजिट पार्ट्स

अनेकजर नं०--आर-३

९३९-ई/३-१११६ रकूल ई०एम०सी०-३

दिनांक १३-२-८४

मण्डल रेल प्रबन्धाक कार्यालय

उ०रो मुरादाबाद

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

श्री प्रदीप कुमार श्रीवास्तव सहायक अध्यापक /रेलवे प्राइमरी स्कूल छार्जा का नान्तरण उनकी अपनी प्रार्थना पर छार्जा से बरदोई किया जाता है जहाँ श्री गोपाल जी स० अध्यापक ३१-१-८४ को सेवानिवृत्त हो गये हैं। श्री श्रीवास्तव हरदोई में कार्यरत एवजी अध्यापक श्री जय प्रकाश सिंह जिन्हें कि सेवा समाप्त नोटिस जारी किया जा चुका है से दिनांक १८-२-८४ को हरदोई पैस्क्विकर उनसे चार्जा लें और उसी दिन उन्हें हर हाल में कार्यमुक्त करा दें तथा तत्सम्बन्धी सूचना तुरन्त इस कार्यालय को दें।

१०५०७०-----२

श्री प्रदीप कुमार श्रीवात्त्व को पास तथा ज्वाइनिंग  
द्वाइम इत्यादि देय नहीं है ।

६० अप० ठनीय

कृते मण्डल कार्यालय अधिकारी  
उ०रेलवे मुरादाबाद

प्रतिलिपि सूचनार्थ तथा आवश्यक कार्यवाही हेतु ।

- 1- वरिष्ठ लेछाधिकारी/मुरादाबाद ।
- 2- अधीक्षक वेतन शाला ।
- 3- श्री प्रदीप कुमार श्रीवात्त्व/सहायक अध्यापक/रेलवे प्राइमरी  
स्कूल हरदोई ।
- 4- ग्रेड मैन छांजा ।
- 5- श्री जय प्रकाश सिंह एवजी सहायक अध्यापक/रेलवे प्राइमरी  
स्कूल हरदोई ।
- 6- सहायक अभियंता / उ०रेठ हरदोई ।
- 7- श्री प्रदीप कुमार श्रीवात्त्व की निजी फाइल ।

=====

*Shankar*

In the ~~Himachal~~ High Court ~~Judicature~~ At  
Almora ~~Almora~~ Lucknow Bench Lucknow

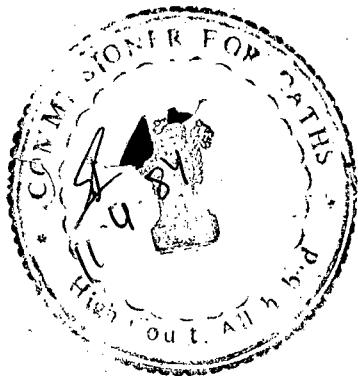
5/11

- Jai Prakash Singh - - - - - Petitioner

✓

Union & Indian & Others - - - Opp parties

Anx A-4



Sk galati

## Anx - A-4

9395/3-111 (स्कूल) ३०८००१०३  
दिनांक: १३/२/१९८४मण्डल रेत प्रबन्धक कार्यालय  
३०८०, मुरादाबाद

लिखित अदेश तत्त्वाल प्रभावी होने के लिये पारित किये जाते हैं।

श्री प्रदीप कुमार श्रीवास्तव सदायक उपायक/रेतपै ग्रामरी स्कूल/मुरादाबाद उन्नामन्तरप उन्होंने अपनी दूसरी पर शुरू की हरदोह किया जाता है, जहाँ वही भोपाल दी स० उपायक ३१-८४ की सेवाबिवृता हो भये हैं। श्री श्रीवास्तव हरदोह में जारीरत एवं अपनी उपायक द्वारा जप्तकात्म सिंह विक्ष किं सेवा समाप्ति बोटिव जरी किया जा चुका है कि दिनांक १८-२-८४ को हरदोह पहुंचकर डब्बे धारे ले जाएं उल्ली खिल ढहे हर हार मालयमुक्त बना दें तथा तस्वीरें शूद्यता तुरन्त डब्बे कार्यालय को दें।

श्री प्रदीप कुमार श्रीवास्तव को पास तथा आदिग टाइग डत्यालि देव जी की है।

को मण्डल रेत प्रबन्धक कार्यालय  
३०८०, मुरादाबाद।

मुद्रितिः शूद्यता तथा अपनीक कार्यवाही हेतु।

- 1- वरिष्ठ लेखाधिकारी/मुख्याधिकारी
- 2- भलीक क वैतव शास्त्री
- 3- श्री प्रदीप कुमार श्रीवास्तव/सदायक उपायक रेतपै ग्रामरी स्कूल/मुरादाबाद।
- 4- खड़मेल/मुरादाबाद।
- 5- श्री जप्तकात्म सिंह, एवं उपायक उपायक/रेतपै ग्रामरी स्कूल हरदोह।
- 6- सदायक उपियता/ठ०८०, हरदोह।
- 7- श्री प्रदीप कुमार श्रीवास्तव की लिखी घडत।

11/4/84

Signature

RCD 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-5

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.

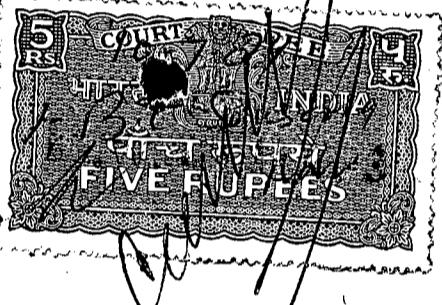
Ref: Your office D.O.No.3-E/0-IV(School)-  
EMC-3(A) dated 31.1.1984.

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).



*AS1*  
6  
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 showeth:-

*11/10/84*  
*11-4-84*  
*17/7/84*  
*17/7/84*

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.

AS2

6/2

-2-

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

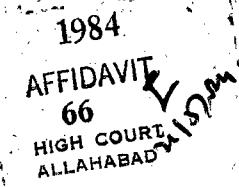
Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to condone the delay in filing the rejoinder-affidavit and direct that the same which accompanies this application be brought on record.

Dated Lucknow

18.5.1984

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

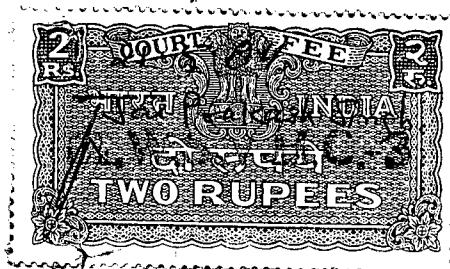
*B.C. Saksena*



AS

b/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

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:-

*Jai-Prakash Singh*

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 anorder for termination of the petitioners services has been passed inorder 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

*Jai-Prakash S. S.*



the best of the petitioners knowledge and belief the said Sri Prakip 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 Singh

## 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 & 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

Jed. Prebisch Smt

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 termination 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 a 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

*See back of page*

working at Khurja . The order for the termination of the petitioners services has been passed in a mala fide ~~manner~~ 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 hereinagain reiterated. The order for the termination of the petitioners 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.

13. That the plea in para 16 is legally untenable and isfactually 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

*Govindakrishna*

*15/5/*

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 petitioner's legal right.

18. That the plea in para 21 is, to say the 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

10.5.1984

I identify the deponent who has signed in my presence.

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

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

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

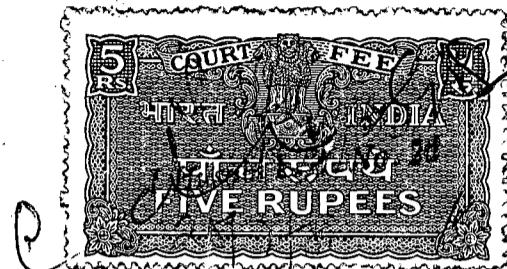
SATISH CHANDRA	
S. Chandra	
O.	INR
100	500
1000	5000
10000	50000
100000	500000
N. 266/66/m	
Date 21-5-84	

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 :

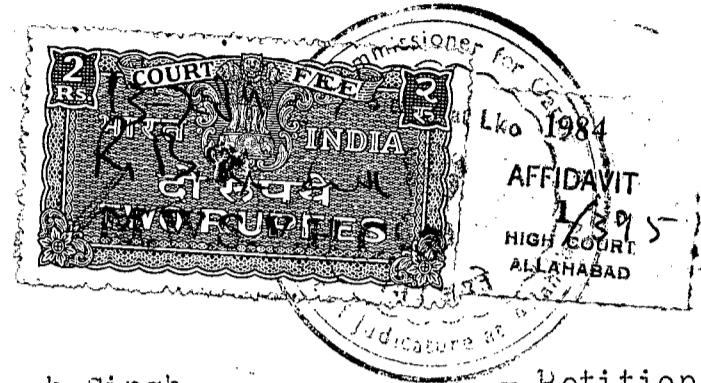
25.7.84

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

✓

In the Hon'ble High Court of Judicature at Allahaba  
Lucknow Bench, Lucknow. AB3

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

13/3/84

3  
13/1/84

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.

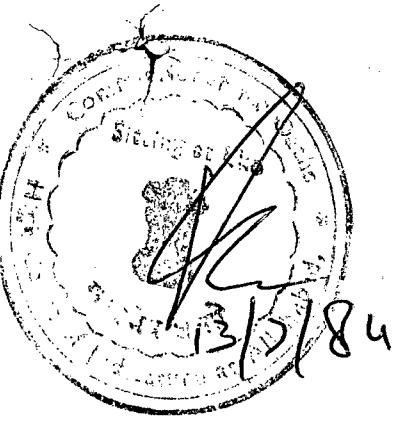
6. That in view of the submissions already made in the foregoing paragraph 5 above, the services of petitioner, who was appointed purely on ad hoc and temporary basis on the retirement of his father are to be terminated in compliance of the Railway Board's order reproduced in Annexure No.'A' to this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

13/1/84

on which the petitioner can be accommodated.

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 even though, 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 its 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.

  
13/5/84  
Lucknow, dated 13.5.84

  
13/5/84  
Deponent

Verification

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

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~~ <sup>8</sup> are based on legal advise 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.

Lucknow, dated. 13, 7, 84

Deponent

I identify the deponent who has signed before me.

C.S. 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. Verma  
Fitter of Office, Allahabad  
No. 1 Lucknow Ben. 1395  
Date 13.7.84

In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow. 6  
KcX

Writ Petition No. 1305 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 ईएमसी०-०८०८०सी०-३ दिनांक जून 7, 1984

प्रधानाचार्य, देलवे हायर सेकेन्डरी स्कूल, बरेली।

प्रधान अध्यापिका, रेलवे मिक्षड प्राइमरी स्कूल, मुराबाद। दा

सहायक अध्यापक, रेलवे प्राइमरी स्कूल, उत्तर रेलवे, देहरादून,  
हर थला कालोनी, साउथ कालोनी मुरादाबाद, लोको-मुरादाबाद, चन्दौसी,

लक्सरू स्टेशन कालोनी, लोको कालोनी, नजीबाबाद।

प्रवर हित निरीक्षक/मुरादाबाद, अधीक्षक शीट, प्रधान लिपिक  
११८८ 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 का मिक्षड के उपरोक्त पत्र की पुतिलिपि अपने समस्त  
अनुलग्नों सहित सूचनार्थ प्रेषित की जा रही है।

हस्ताक्षर अपठनीय  
कृते मण्डल रेल प्रबन्धक,  
उत्तर रेलवे, मुरादाबाद।

१०८/७/६

\*\*\*

१०८/७/६

P68

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 & ICF and Director General, RDSO, LKO.

Sub:- Above.

1. In exercise of the powers conf  
artticle 309 of the Constitution conferred by  
proviso to of the provisions contai action and  
in partial modification President is pleased  
in Rule 2046(FR 56) (a)-RII, 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.



13/7/84  
13/7/84

(1)  
Pba

(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 ~~Rs~~ 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

13/8/84

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 LMAP 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

1/184

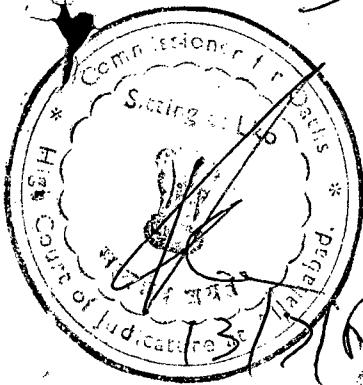
(iv). Where the encashed leave is fully or proportionately repaid, within the stipulated date, the leave account of the employee should be re credited with the full/proportionate number of days, as the case may be, for which encashment was allowed.

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 13/1/84

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

Civil Misc. Application No. 3132 of 1985.

In re :

Writ Petition No. 881 of 1984.



Sri Jai Prakash Singh

... Petitioner

Versus

Union of India and others

... Opposite parties/  
Applicants.

III<sup>rd</sup> APPLICATION ON BEHALF OF OPPOSITE PARTIES FOR  
VACATION OF STAY ORDER DATED 17.2.1984.

313  
This application on behalf of opposite parties/  
applicants most respectfully sheweth :-

31A  
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.

SR  
23.2.84  
SP  
11.4.84  
Lucknow,  
Dated : 28.2.1985.

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

APR 8/17

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 Officer 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 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.

*Jai Prakash Singh*

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 necessitated the present IIIrd application for vacation of stay orders of this Hon'ble Court.

6. That the petitioner 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

*Trish*

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 ~~as~~ 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 thereto, 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

*Final*

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*  
Deponent.

Lucknow,  
Dated : 25/2/25  
or 26/2/25

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*  
Deponent.

Lucknow,  
Dated 25/2/25

I identify the deponent who has signed before me.

*Siddharth Verma*  
( Siddharth Verma )  
Advocate.

*J. M. Mohan*  
MADAN MOHAN  
OATH COMMISSIONER

High Court, Allahabad

Lucknow Bench

No..... 321/83

Date.....

25/2/25

Solemnly affirmed before me on 25/2/25  
at 10.30 A.M./P.M. by *Shri G.C. Shevra*  
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.

78  
B33

he is being paid with the same scale of pay, allowances, purks 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 ~~xxix~~ laying vacant in Mooradabad Division of Northern Railway eg. Laksar, Najibabad, Sitapur Dehradoon 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 Prakash Singh  
Deponent

Lucknow  
26 Sept. 1992  
Date

Jai Prakash 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 Prakash Singh  
Deponent

M-26/G/92

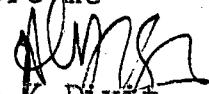
Jai Prakash Singh



79  
B/34

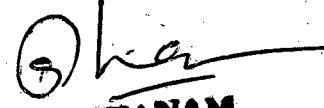
-3-

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~~  
1992 at 11.35 a.m./p.m. by the deponent Sri Jai Prakash  
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. .... 135  
Date 26/6/92



IN the Central Administrative Tribunal  
deeknow

80

BP38

Jai Prakash Singh - - - - - Applicant

vs.  
Union of India other - - - Respondents

Adv NO (A- )

उत्तर प्रदेश  
NORTHERN RAILWAY

No. 2201/1203, XII 1/1

Dt 23-9-88

1st C. Office  
Patna House,  
Howrah

Ca/ find that Sh. Jai Prakash Singh  
has attended this office on 23/9/88  
in connection with a Supplementary  
Petition for their regularization  
as Permanent Trackers on 12/10/1988.

Recd  
A.S.E.I.  
23/9/88  
H.C.D. 1203  
W.R. 15/10/88

Jai Prakash Singh



IN the Central Administrative Tribunal  
dehradun

Jai Prakash Singh - - - - - Applicant

vs.  
Union of India other - - - - - Respondents

Case No (A- )

NON-PARTY CASE NO. 1

Headquarters Office  
Baroda House,  
New Delhi.

No. 220E/1208-XXI (N.W.T.).

Dated 19/10/1989.

The Div'l. 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. Sunita 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 Kardoi-Moradabad Division.
3. Smt. Santosh Jaiswal Drawing Teacher grade Rs. 1200-2040 (RPS) Middle School P.G.

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

Allahabad Division,  
Bikaner Divn.  
Mysore Divn.

short fall.	
SC	ST
One	One
One	One
One	One

It is therefore requested that the above shortfall which was sent under office letter No. 220E/1208-KIV/EVJ, may be filled by the Divn. concerned against reserved quota and only after that the above mentioned substitutes may be regularised against general points held 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 points under advice to this office.

*Arif Ali*  
for General Manager (P).

To Shri P.M. Sharma Genl. Secretary, URMU 166/2 Panjabkuan Road, New Delhi.



IN the Central Administrative Tribunal  
docket no.

(B1)

B140

Jai Prakash Singh - - - - - Applicant

Union of India other - - - - - Respondent,  
Ans No (A- )

NORTHERN RAILWAY

HEADQUARTERS OFFICE,  
BARODA HOUSE, N. DELHI.

Dated : 25/10/89.

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

Shri / Smt. / Kmt. Jai Parkash Singh  
Teacher, N.R.R.Y. Primary School  
Hardei

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 Hardei 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 - 24-10-1989  
( R.K. SHARMA )  
for General Manager (P).

KL.



.....

Jai Prakash Singh

IN the Central Administrative Tribunal  
lucknow

82

BHU

Jai Prakash Singh - - - - - Applicant  
V.S.  
Union of India other - - - Respondents.  
Adv No (A- )

उत्तर रेलवे  
NORTHERN RAILWAY

Northern Railway Bharat Scouts and Guides  
Moradabad.

No. NRBSC/7/MB/90      Dt. 17.5.90

The Divisional Engineer  
Northern Railway  
Haldwani.

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/ NDLS to collect necessary books etc. for the above centres, if not already received.

17/5/90

Copy to :

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



Jai Prakash Singh

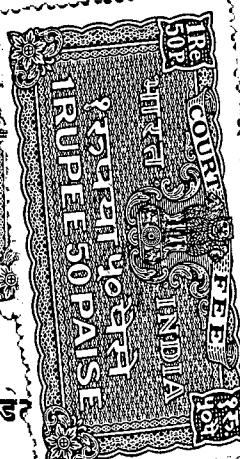
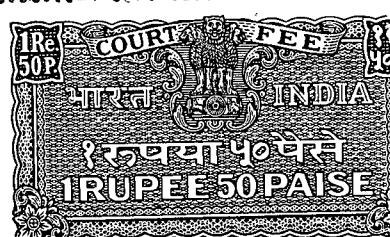
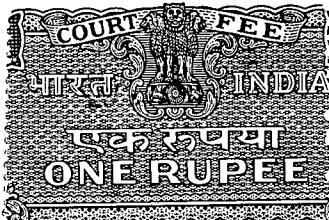
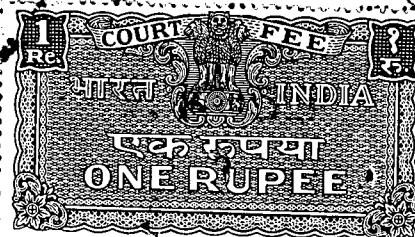
Date	Note of progress of proceedings and routine orders	Date of which ease is adjourned
1	2	3
	<p>for hearing for S.E.A.T</p>	
	<p>This case stands at today on a- other slip of Mr. Atul Mehta Trivedi</p>	
	<p>Other cases 20.2.84</p>	
	<p>4 R.O. R.</p>	
18.4.84	<p>Memorandum regarding Hon. R. A. Deshmukh.</p>	
26.4.84.	<p>Pct represents the record. <u>Set R.E.D.T</u> 18.4.84</p>	
13.7.84.	<p>Service Report of 112. Represented by Sri Siddharth Verma. Advocate of 3 not received since 25.2.84. to witness</p>	
13.7.84	<p>Ad Regr ..</p>	Submitted
	<p>Seen above report. Ods 1 and 2 are now represented by New Counsel and Service on Ods 3 is deemed sufficient under Ch. VII rule 12 of R.R. of Court. Office to proceed.</p>	26/6/84
PSUP-A. P. I Uchh Nyayalaya!	13-4-83-173-1983-50,000 (E)	
<p>28-7-84 by on 453A/84 2054/84. Ch. 8</p>		13.7.84

ब अदालत श्रीमान

Central Adm. Court Lucknow महोदय 85

[वादी] अपीलान्ट

Devi Prakash Singh



Devi Prakash Singh vs Union of India & others

बनाम प्रतिवादी (रेस्पान्डेट)

T.A. No. 1557 of 87

नं० मुकदमा

सन्

पेशी को ता०

१६

ई०

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

... ... ... Advocate, ... २०१/२२५, ... Lucknow

वकील

महोदय

एडवोकेट

LUCKNOW

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 हपया वसूल करें या मुलहनामा व इकबालदावा तथा अपील निगरानी हमारी ओर सें हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई पूछा जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ हपया 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 हीर नहीं होगी इसीलिए वह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

Accepted.

15/7/91

साक्षी (गवाह)

हस्ताक्षर

Devi Prakash Singh

दिनांक ... महीना ... सन् १६ ई०

स्वीकृत