

Group A (b)

7375

IN THE HON'BLE HIGH COURT OF JUDICATURE, SITTING  
AT LUCKNOW  
Writ petition no. of 1981

4953

A-11

15

11995

Brij Lal ... .. Petitioner  
versus  
Union Of India and others .. Opp. Parties.

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Lucknow:

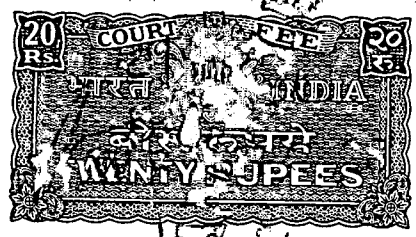
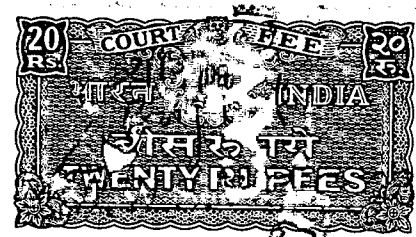
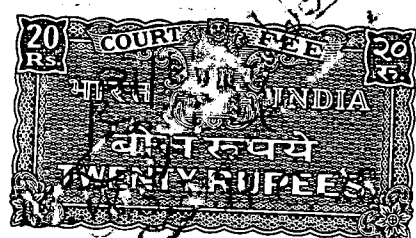
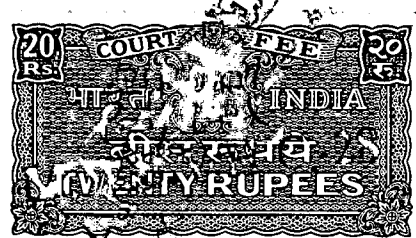
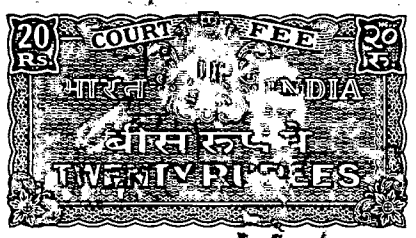
Dated: 21.9.81

113814/1  
(I. B. SINGH)  
Advocate

A-12

IN THE HON'BLE COURT OF JUDICATURE SITTING AT  
LUCKNOW.

Writ Petition No. 4953 1981.



Brij Lal son of Sri Lakhai, Resident of Village Pachparwa, Post Furdhan, Distt. Kheri, ex-fireman  Mailman  Shed.

Petitioner.

Vs.

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Lucknow Division, Lucknow.
3. Sr. Divisional Mechanical Engineer, N.E. Railway, Lucknow Division, Lucknow.

Opp. Parties.

To,

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

The humble petition of the above named applicant most respectfully shoeth as under :-

- 1) That the petitioner was appointed as fitter Khalasi by the opposite No. 3 on 21/1/65 and after due promotion was working as Fire-Man-II in the year 1978 when he met with the ill-fate of the order of dismissal from his service under Rule 14(2) of the

Cont'd....2/-

5427/100-20  
2/10/81



ESKAL

A-13

§ 2 :

Discipline & Appeal Rule 1964-68 ( here and after called as D.A.R. ) on 12/12/78 by the opposite party No.2 who was then designated as Divisional Superintendent. The said order of the dismissal from the service of the petitioner is annexed as Annexure No. 3 of this petition.

2) That the petitioner was a permanent on his post and at the time of his dismissal his Pay-scale was Rs. 200-250 and was posted as Fireman-II in Mailani Shed.

3) That no charges, on which the penalty was imposed, were disclosed nor the petitioner was given address of the materials to which any such charges were based and the evidence in the support thereof, nor he was given opportunity to defend himself.

4) That the petitioner acted in a disciplined manner and has performed his duties conscientiously and devotedly and never any occasion arose for his superiors to have any comment about his duties work and behaviour.

5) That the petitioner never participated in any General Strike and has never been arrested or detained and on the contrary, there are so many railway workers and their leaders who participated in the General Strike and were arrested and detained, have been taken back in their respective jobs.

D.S. Pandey  
21-9-2013

A 14

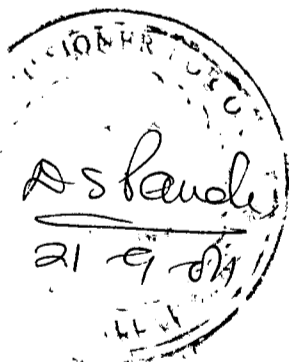
6) That there has been no F.I.R. or report or complained by any member of the staff for any illegal act, against the petitioner.

7) That before the impugned order contained in Annexure No. (1), the petitioner was never suspended, charge-sheet or no show-cause in any case, has been issued against him.

8) That there were no charges against petitioner and if there were any, these are not in the within the knowledge of the petitioner nor he was given any opportunity to meet any such charge.

9) That the petitioner preferred a review to the opposite party No. 1 on 21.1.79 and then also appeal to opposite party No. 2 & 3 through proper channel and reminders dated 2.4.80, 7.12.80 & 7.3.81 which was ultimately dismissed on 29.6.81/16.7.81 by the General Manager, M.E. Railway which the petitioner received on 7.8.81. The photocopy of the said order dated 29.6.81/16.7.81 is being filed herewith as Annexure No.2 of this petition. The letter of which was conveyed to the petitioner was signed by some officer for Divisional Railway Manager (Personnel), Lucknow.

10) That there were no circumstance before Shri R.M. Bhasker, Divisional Superintendent, Lucknow (Divisional Railway Engineer) to invite special procedure for the removal of the petitioner from the service.



25/12/81

A-15

11) That General Manager, N.E. Railway has considered the case of the petitioner illegally, arbitrary and dismissed his appeal without applying his mind. Further, no opportunity was given to the petitioner by the General Manager for his personal hearing.

12) That the impugned order has been passed mechanically on cyclostyle paper only after filling the blanks in the name of the petitioner.

13) That the similar W.P. No. 1452/76, Juggal Dev and others Vs. Union of India and others, W.P. No. 1454/76, Keshav Prasad and another Vs. Union of India and others, W.P. No. 3438/76, Ram Shanker Vs. Union of India and others, W.P. No. 218/77, D.C. Tewari and others Vs. Union of India and others, W.P. No. 1155/78, Shiv Narain Lal and others Vs. Union of India and others on the similar facts, have been decided by this Hon'ble Court. The certified copy of <sup>The Order on</sup> W.P. No. 1158/78 is being filed as Annexure-3 of this petition.

14) That petitioner is entitled to enjoy the facilities of Railway Quarter, free passess, F.T.O's, and other facilities like educational facilities, medical facilities for his family which he was enjoying.

15) That the petitioner has no other alternative or speedy for efficacious remedy but to invoke the jurisdiction of this Hon'ble High Court on the following amongst other G R O U N D S :-

- i) because the impugned orders contained in Annexure 1 & 2 are bad in law and without jurisdiction.

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Handwritten signature: D.S. Paul  
 Date: 21.9.84  
 Circular stamp: DISTRICT JUDGE, ...

510107

- ii) because the orders regarding satisfaction are mechanical and the authority has not applied his mind to the facts and these circumstances are liable to be struck down.
- iii) because the principle of natural justice has been violated in as much as that no right of personal hearing has been granted to the petitioner even on the quantum of sentence.
- iv) because the impugned orders are vitiated by illegal, arbitrary, malafide, biased, vindictive mentality and bad exercises of jurisdiction.
- v) because the impugned orders are vague indefinite, false and without any basis.
- vi) because there was no no circumstance warranting the exercise of power under Rule 14(2) of the said rules.
- vii) because dismissal of appeal is unspeaking and has been passed without applying the mind.
- viii) because the impugned orders are ultravires, illegal, void, invalid, contrary to the provisions of Article 311(ii) of the Constitution of India and Rules 9 to 13 of the said rules.
- ix) because the impugned orders in fact and in effect purports to take away the constitutional rights and the constitutional safe guard of the petitioner.

D. S. Prasad  
21.9.04

x) because the opposite parties have arbitrarily picked and chooses the petitioner for victimisation and have thereby arbitrarily, malafide irrationally and unjustly discriminated against him and denied him the equality of opportunity in matters relating to employment under the stage.

P R A Y E R

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

1. To issue writ, order or directive in the nature of Certiorari quashing the impugned orders contained in Annexure 1 & 2.
2. To pass such order and further writ or directives as this Hon'ble Court may deem fit and proper in the circumstances of the case.
3. To award costs throughout to the petitioner.

D. S. Singh  
21-9-81

I. B. Singh  
( I. B. SINGH )  
ADVOCATE

LUCKNOW :  
Dated : Sept. 21, 1981

COUNSEL FOR THE PETITIONER.

REVISION

A-18

IN THE HON'BLE COURT OF JUDICATURE SITTING AT  
LUCKNOW.

Writ Petition No.

1981.

Brij Lal son of Sri Lakhai  
and others

.....Petitioner.

Vs.

Union of India and others

.....Opp. Parties.

ANNEXURE -I

N.E. Railway

Notice of imposition of Penalty

No. LD/55/Assault

Dated 12.12.78.

To,

Name - Sri Brij Lal

Father's  
Name - Lekhai

Designation - Fireman-II Formerly Mailani Shed

Department - Mechanical

T.No. XX - Date of appointment 21-1-1965.

Station - Mailani - Scale of Pay Rs. 200-250

I, the undersigned being the authority empowered to dismiss or remove you from service as disciplinary authority, am fully satisfied that for the reason which have been recorded in writing, it is not reasonably practicable to hold an enquiry in the manner provided under the rules and exercise of Power vested in me as Disciplinary authority under Rule 14(ii) of the Discipline and Appeal Rules - 1968 read with proviso (g) to Article 311(2) of Indian Constitution and considering the circumstances of your case I have decided to dismiss you from service from the post of Fireman-II in the Scale of

Cont'd.....

*D. S. Pandey*  
21-9-81

*21-9-81*

Rs. 200-250 with effect from 12.12.78 (Forenoon).

A-U

2. Under Rule 18 of the Railway Servant's (D&A) Rules, 1968 an appeal against these order lies to Chief of Suptt. N.E. Railway, Gorakhpur provided :-
- (i) the appeal is submitted through proper channel within 45 days from the date of you receive orders :- and
  - (ii) the appeal does not contain improper or disrespectfull language.

Please acknowledge receipt this letter.

Signature - L.M. Bhasker  
Divisional Supt.  
N.E.R., Lucknow  
Designation of the Disciplinary Authority.

21/9/81

21-9-81

~~21/9/81~~

In the Honorable High Court of Judicature  
at Lucknow  
7/1981

A-20

Brij Lal  
Versus  
Union of India  
and others

Petitioner  
Opp Petitioner

ANNEXURE - 2

पूर्वास्ता तले

क्रमांक 11/210/सब0बा0सब0र/80

कार्यालय  
श्री श्री प्रबन्ध (बा0)  
लखनऊ दिनांक 29-6-81  
16/7/81

विषय में श्री गुरुदास पुत्र लक्ष्मी  
भूतपूर्व फायमैन II  
द्वारा लोको फायमैन  
पूर्वास्ता तले में शिकायत

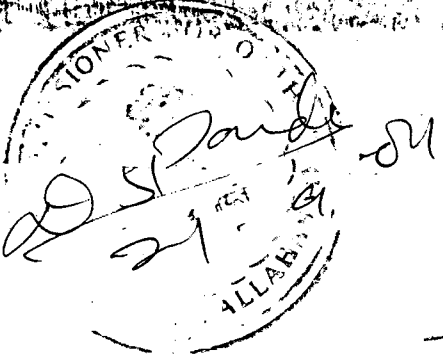
विषय - डिस्मिसल

भारी प्रबन्ध का गोशपुर में आयकी कार्य पार लागू डिस्मिसल  
संबन्धी मामले पर पुनः विचार किया।

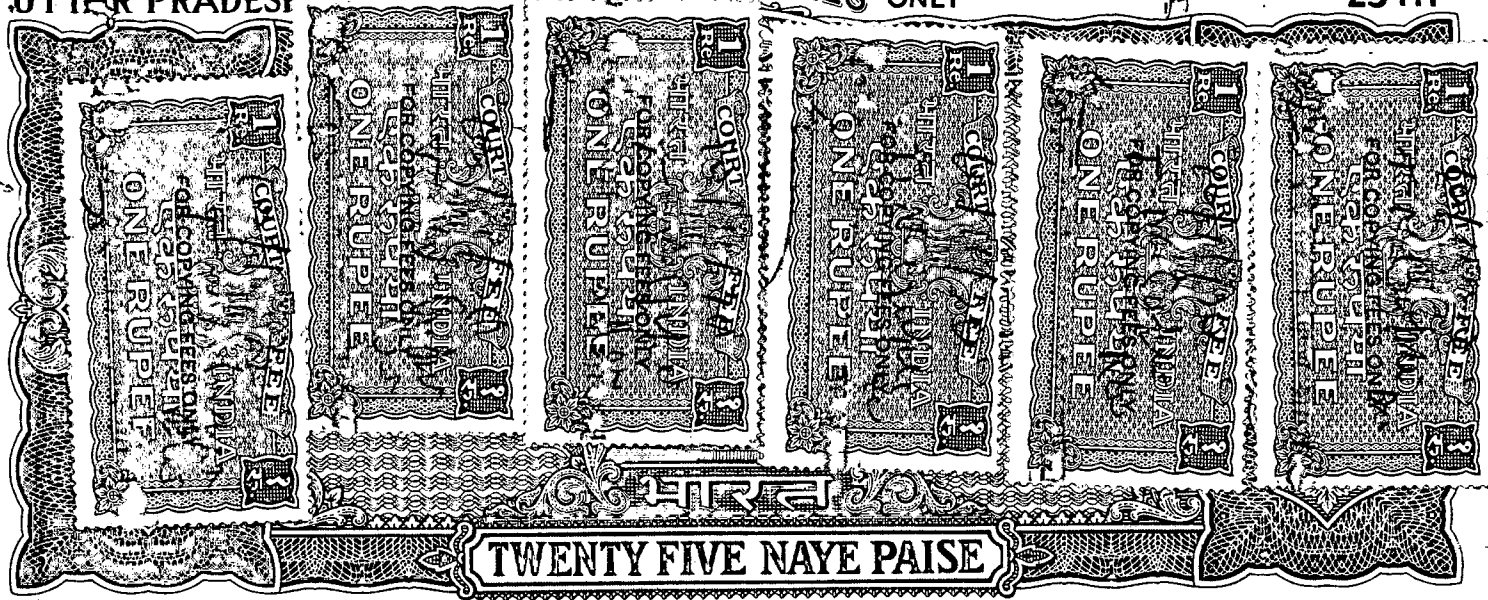
उन्होंने व्यक्तिगत रूप से आयकी गति सुनने के लिए वॉरंट का  
द्वारे के कारण आवश्यकता नहीं समझी  
10 ईड के साथ उन्होंने पारित कार्य के फेर पकड़ करने में हस्तक्षेप  
करते हुए वाइच दिया है कि आयकी दिया गया है डिस्मिसल लागू होगा।

9/2/29

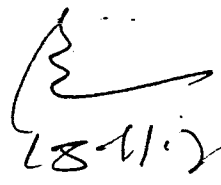
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लखनऊ

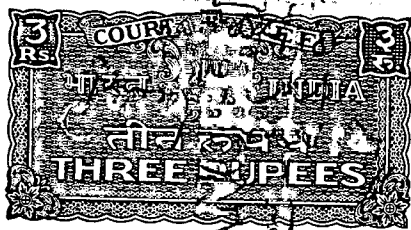


बृजलाल

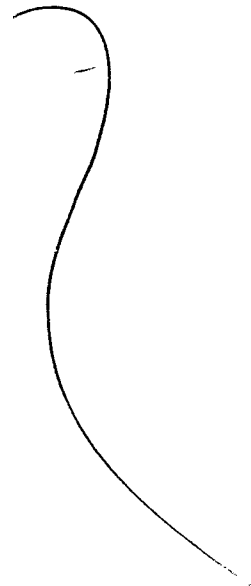
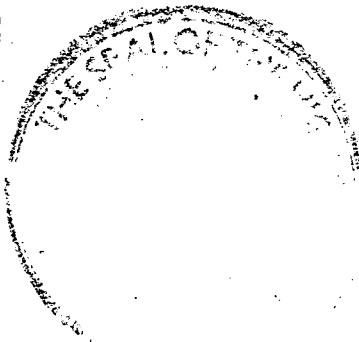


केवल नक़ल की फीस के लिए

Date on which application is made for copy accompanied by the requisite stamps. आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की तारीख	Date of posting notice on notice board. नोटिस बोर्ड पर नक़ल तैयार होने की सूचना की तारीख	Date of delivery of copy. नक़ल वापिस दिए जाने की तारीख	Signature of official delivering copy. नक़ल वापिस देने वाले अधिकारी का हस्ताक्षर
13.11.28	16.11.28	18.11.28	 18.11.28



1523h  
 22/11



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION No. 1155 of 1978

Shro Narain Lal & others .....Petitioners.

Versus

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

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

LUCKNOW DATED: 26-10-1978

Hon'ble U.C. Srivastava J.  
Hon'ble K.N. Goyal, J.

(Delivered by Hon'ble K.N. Goyal, J)

The petitioners are railway servants who have been dismissed without being afforded an opportunity of showing cause against their proposed dismissal. The orders purport to have been made under Rule 14(ii) of the Discipline and Appeal Rules, 1968, read with proviso(h) of Article 311 (2) of the Indian Constitution.

The only ground on which it has been held by the Senior Divisional Mechanical Engineer that it was not practicable to hold an enquiry is that the witnesses who would be produced against the petitioners were under fear and danger to their persons and as such they would not be in a position to depose freely. It is well settled that this is not a ground which can be validly treated ~~that this is not a~~ to be ground on which authority can arrive at a conclusion that it is not reasonably practicable to hold an inquiry. Learned counsel for the opposite parties does not contest this legal position.

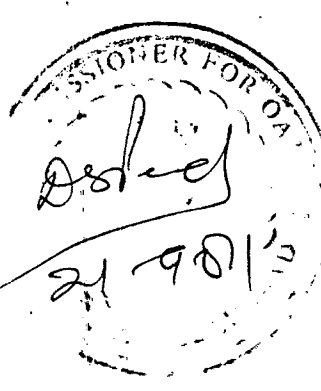
The writ petition is accordingly allowed and the orders Annexures 1,2 and 3 to the writ petition are hereby quashed. There will be no order as to costs.

Sd/- U.C. Srivastava.

Sd/- K.N. Goyal.

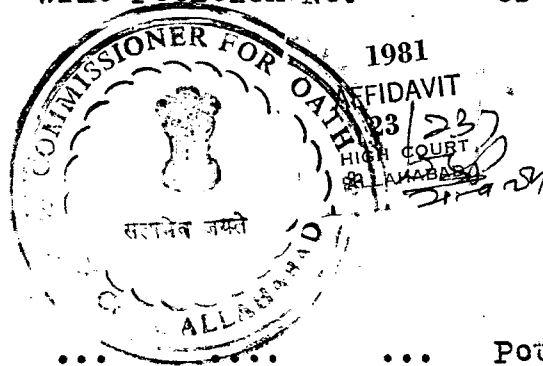
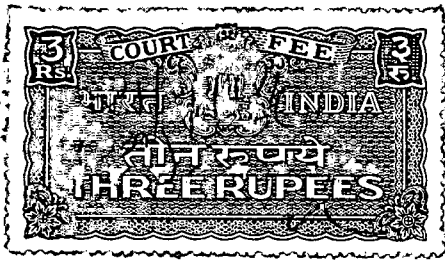
26-10-1978

*(Handwritten signature)*  
26/10/78



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IN THE HON'BLE HIGH COURT OF JUDICATURE, SITTING AT LUCKNOW  
Writ Petition No. of 1981



Brij Lal ... .. Petitioner  
Vorsus  
union of India, and others ... Opp. Parties

AFFIDAVIT

I, Brij Lal aged about 36 years son Sri Lakhai resident of Village Pachperwa, Post Mardhan, district Kheri, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner of the abovenoted petition as such is fully conversant with the facts deposed herein under:-

2. That the contents of para 1 to 15 of the writ petition are true to the own knowledge of the deponent.

3. That nothing material has been concealed by the deponent So help him God.

Lucknow:

*(Signature)*  
(Deponent)

Dated: 21-9-81

Verification

I the abovenamed deponent do hereby verify that the contents of para 1 to 3 of the this petition are true to his own knowledge, and nothing material has been concealed by him. So, help him God.

Signed and verified on this 21 day of Sep. 29 1981 in the Court Compound.

Lucknow:

*(Signature)*  
(Deponent)

Dated: 21-9-81

I identify the deponent who has signed before me. Solemnly affirm before me on this day of Sep. 1981 at 11 a.m./p.m. by Sri Brij Lal who has been identified by Sri I.B. SINGH, Advocate High Court Lucknow. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read over and explained by me.

*Dal Shobhan Pandey*  
Advocate  
Lucknow

23/28  
21-9-81

*(Signature)*

Hon'ble High Court of Judicature  
Allahabad

व अदालत श्रीमान

वादी (मुद्दई)

प्रतिवादी (मुद्दाअलेह)

का वकालतनामा

C.P. No. 1921



1925  
2/29

Brij Lal

वादी (मुद्दई) B/11

Union of India  
and others

वनाम

प्रतिवादी (मुद्दाअलेह)

C.P. No. 1921

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

I. B. Sanyal Adv.

एडवोकेट

I. B. Sanyal Adv.

महोदय  
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

accepted  
I. B. Sanyal Adv.

हस्ताक्षर I. B. Sanyal Adv.

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 21

महीना 9

१६ ई०

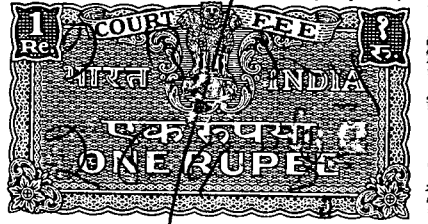
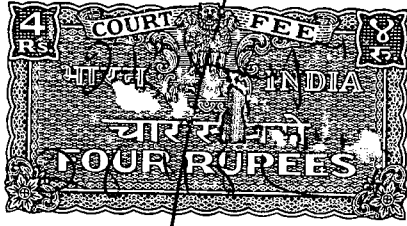
अदालत  
नं० मुकद्दमा  
नाम फरीकसानी

A-27  
5/1

CM No 4299/5/81

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

Writ Petition No. 4953 of 1981.



Brijlal son of Lakhai,  
Resident of Village-  
Packparwa, Post-Furdhan,  
Distt. Kheri, Ex-fireman II,  
Mailani-Shed, Mailani, Kheri,

..... Petitioner.

Versus

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical Engineer, N.E. Railway, Lucknow Division, Lucknow. .... Opp. Parties

APPLICATION FOR INTERIM RELIEF

I, the above named petitioner applicant begs to state as under :-

That for the facts and reasons stated in the accompanying affidavit it is most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the opposite parties to pay the salary of the petitioner during pendency of the writ petition or any other relief which this Hon'ble Court may think proper.

I.B. Singh  
(I.B. Singh)  
Advocate

Counsel for the applicant.

Lucknow:  
Dated : Apr. 26, 1981

20F = 185/3

29/4/81

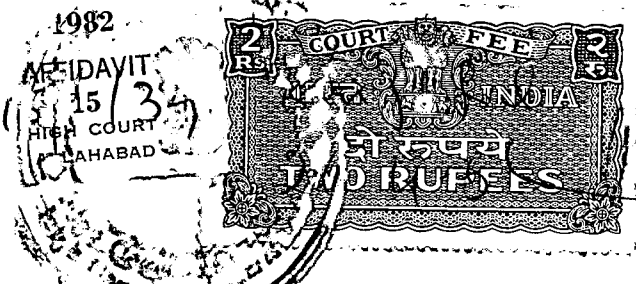
5225

B/e

A29 5/2

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

Writ Petition No. 4953 of 1981.



Brij Lal I

Petitioner.

Versus

Union of India & others

Opp. Parties.

A F F I D A V I T

I, Brij Lal, aged about 36 years son of Shri Lakhai, Resident of village - Pachparwa, Post - Furdhan Distt. Kheri, do hereby solemnly affirmed and state on oath as under :-

1. That the deponent is the petitioner of the petition and is fully conversant with the facts deposes herein under :-

2. That the deponent became victim of illegal dismissal from his service on 12.12.1978 by the orders of opposite Party No.2.

3. That the deponent is not getting his salary and is not employed anywhere and has got no source of income as such the whole family of the deponent is on the verge of starvation.

4. That the deponent was dismissed under Rule 14 of Discipline and Appeal Rules 1964-68 which has been challenged in several writ petitions and the writ petitions have been allowed.

5. That the opp. parties are doing their best to oust the deponent from his quarters No. 195-1 Loco Colony mainani, Kheri which is allotted in his name.

Cont'd.....

Handwritten signature and date 20/4/82

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A 29  
5/3

6. That in writ petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

7. That the petitioner has not paid the salary, he will suffer irrecoverable loss.

*de signa*

Lucknow: *h*  
Dated : *h* Apr. 26, 1982.

Petitioner.

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of paras 1 to *h* of this affidavit are true to my personal knowledge.

No part of it is false and nothing material has been concealed, so help me god.

*de signa*

Petitioner.

Lucknow: *h*  
Dated : *h* Apr. 26, 1982.

I identify the petitioner who has signed before me.

*I B Singh*  
(I.B. Singh)  
Advocate

Solemnly affirmed before me on *26.4.82* at *9.30* A.M./P.M. by Sri *Brij Lal* the deponent who is identified by Sri *D. B. Singh* Adcocate, High Court, sitting at Lucknow.

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

*V. N. SINGH*  
(V. N. SINGH)

Cath Commisioner,  
High Court Allahabad,  
Lucknow Bench.  
No *115/15/329*  
Date *26/4/82*



A-30

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

Writ Petition No. 4953 of 1981.

Bench copy

Brij Lal son of Lakhai,  
Resident of Village-  
Pachparwa, Post-Furdhan,  
Distt. Kheri, Ex-fireman II,  
Mailani-Shed, Mailani, Kheri.

..... Petitioner

Versus

1. Union of India through General  
Manager, N.E. Railway, Gorakhpur
2. Divisional Railway Manager, N.E.  
Railway, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical  
Engineer, N.E. Railway, Lucknow  
Division, Lucknow.

.....Opp. Parties

APPLICATION FOR INTERIM RELIEF

I, the above named petitioner applicant begs  
to state as under :-

That for the facts and reasons stated in the  
accompanying affidavit it is most respectfully prayed  
that this Hon'ble Court may kindly be pleased to direct  
the opposite parties to pay the salary of the petitioner  
during pendency of the writ petition or anyother relief  
which this Hon'ble Court may think p-roper.

*I.B. Singh*  
(I.B. Singh)  
Advocate

Counsel for the applicant.

Lucknow:  
Dated : *ppr. 26*, 1982

IN THE HON'BLE HIGH COURT OF JUDICATURE SITTING AT  
LUCINOH.

Writ Petition B.4953 of 1981.

Drig La 1

-----

Petitioner.

Verus

Union of India & others

-----

Opp. Parties.

APPENDIX

I, Drig Lal, aged about 36 years son of Sri  
Kishori, Resident of village - Bichparva, Post - Bardhan  
Distt. Kheri, do hereby solemnly affirmed and state on  
oath as under :-

1. That the deponent is the petitioner of the petition  
and is fully conversant with the facts deposed herein  
under :-

2. That the deponent became victim of illegal dismi-  
ssal from his service on 12.12.1978 by the orders of opp-  
osite Party B.2.

3. That the deponent is not getting his salary and  
is not employed anywhere and has got no source of income  
as such the whole family of the deponent is on the verge  
of starvation.

4. That the deponent was dismissed under Rule 14(2)  
of Discipline and Appeal Rules 1963-68 which has been chal-  
lenged in several writ petitions and the writ petitions  
have been allowed.

5. That the opp. parties are doing their best  
to evict the deponent from his quarters  
no. 195-F Loco Colony Mariani, Kheri which  
allotted in his name.

A32

6. That in writ petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

7. That the petitioner has not paid the salary, he will suffer irrecoverable loss.

Lucknow:

Petitioner.

Dated 26/04/1981.

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my personal knowledge.

No part of it is false and nothing material has been concealed, to help me get.

Petitioner.

Lucknow:

Dated 26/04/1981.

I identify the petitioner who has signed before

me.

(I.B. Singh)  
Advocate

Solemnly affirmed before me on .....

at ..... A.M./P.M. by Sr  
the deponent who is identified by

Sr

Advocate, High Court, sitting at Lucknow.

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

A-33/6

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

Misc. Application No. 3769 (w) of 1983.  
In Re  
Writ Petition No. 4953 of 1981.

PC 26



142 155/2  
24/3/83

6817

Brij Lal, son of Kakhai, Resident of Village Pachparwa, Post-Furdha, Distt. Kheiri, Ex-fireman-II, Mailani-Shed, Mailani, Kheiri.

..... Petitioner.

Versus

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical Engineer, N.E. Railway, Lucknow Division, Lucknow.

..... Opp. Parties.

SECOND APPLICATION FOR INTERIM RELIEF :

The above named petitioner- applicant most humbly begs to state as under :-

1. That for the facts and reasons disclosed in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to stay the operation of order dated 12.12.1988 and dated 7.8.1981, passed by the Opposite parties No. 3 & 2 respectively, contained in Annexure No. 1 & 2 to the Writ Petition. In alternative the opposite parties may be directed to pay the salary of the petitioner during the pendency of the Writ Petition, or anyother relief which this Hon'ble Court may think proper, may be granted in favour of the petitioner.

*[Handwritten signature]*

Lucknow :  
Dated : March , 1983

*[Handwritten signature]*  
Counsel for the Applicant

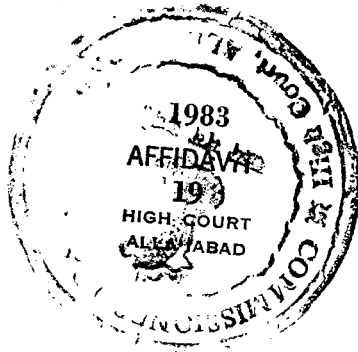
A-34 6/2

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

Misc. Appl. No. of 1983.

In Re

Writ Petition No. 4953 of 1981.



Brij Lal ..... Petitioner

Versus

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

A F F I D A V I T

I, Brij Lal, aged about 37 years, son of Shri Lakhai, Resident of Village - Pachparwa, Post Furdhan, District Kheiri, do hereby solemnly affirmed and state on oath as under :-

1. That the deponent is the petitioner of the petition and is fully conversant with the facts deposes herein under :-

2. That the deponent became victim of illegal dismissal from his service on 12.12.1978 by the orders of opposite party No. 2.

3. That the deponent is not getting his salary and is not employed anywhere and has got no source of income as such the whole family of the deponent is on the verge of starvation.

.....2.....



Handwritten signature or initials at the bottom left corner.

A-35 63

4. That the deponent was dismissed under Rule 14(2) of Discipline and Appeal Rules Rules 1964-68 which has been challenged in several Writ petitions ~~and the~~ and the Writ Petitions have been allowed.

5. That the petitioner is in possession over the quarter No. 195-F, in the Loco Colony, Mailani, District ~~Bheiri~~ which is allotted to the petitioner, the opposite parties are trying their level best to oust the petitioner from the said colony.



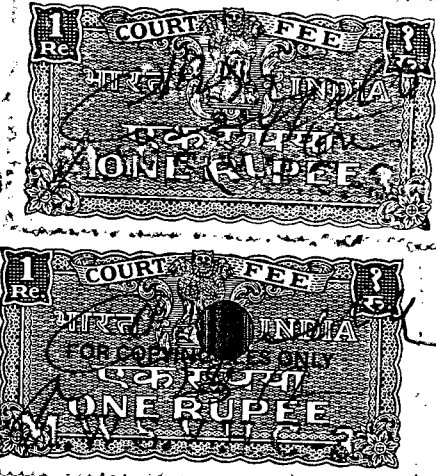
6. 8 That in Writ Petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

7. That similar Writ Petitions, filed by the Railway Servants in Supreme Court, ~~against~~ against the similar orders, the petitioners have been allowed to draw their salary which were lastly

21/11/80

*urgent*  
*21/10/03*  
*25/10/04*

A-37



**APPLICATION FOR INSPECTION**

To,  
 The Deputy Registrar,  
 High Court of Judicature at Allahabad,  
 Lucknow Bench, Lucknow.

Please allow inspection of the paper passed below. The application is urgent/ordinary. The applicant is not a party to the case.

Full Description of case	Whether case pending or decided	Full particulars papers of which Inspection is required	Name of person who will inspect record	If applicant is not a party reason for inspection.	Office report and order
<i>Prakash vs Union of India</i> <i>W.P. No 4953/01</i> <i>Justice - Khosla</i>	<i>Pending</i>	<i>Inspection of Paper Book</i>	<i>I.B. Singh Adv.</i>		<i>Please Vindhy</i>  Office Report <i>Sub</i> <i>Allowed</i> Order for Inspection  <i>B2b</i> Deputy Registrar  <i>25/10/04</i> Date 25/10/04  <i>I.B. Singh Adv.</i>

Date *25/10/04*

Signature of applicant or his Advocate

Inspection commenced at *1.25 PM* on *25/10/04*

Inspection concluded at *1.43 PM*

Inspection fee paid by the applicant

Additional fee if any

*Inspected*  
*25/10/04*  
*[Signature]*

7/1

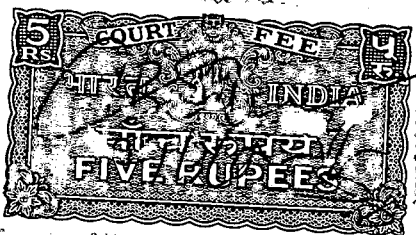
A-30

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

Civil Cr. Misc. Application No. 3081 (W) of '84

in re

Writ Petition No 4953 of 1981



19-11-84  
27/12/84

Brij Lal, son of Lakhai, Resident of Village Pachperwa, Post Phardhan, District Kheiri, ex-Fireman-II, Mailani Shed, Mailani, District Kheiri.

.....

Petitioner-Applicant.

Versus

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Manager, N.E. Railway, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical Engineer, N.E. Railway, Lucknow Division, Lucknow.

.....

Opposite Parties.

APPLICATION FOR INTERIM RELIEF

The above named petitioner-applicant most respectfully begs to state as under :-

1. That for the facts and reasons disclosed in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to stay the operation of the order dated 12.12.1978 and

.....2.....

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A-39

7/2

: 2 :

dated 7.8.1981, passed by the opposite parties No. 5 & 2 respectively, contained in Annexure No. 1 and 2 to the Writ Petition. It is further prayed that in alternative the opposite parties may be directed to pay the salary of the petitioner, during the pendency of the Writ Petition or may be pleased the grant any other relief which this Hon'ble Court may deemed fit and proper in the circumstances.

Lucknow :

Dated : March 27, 1984.

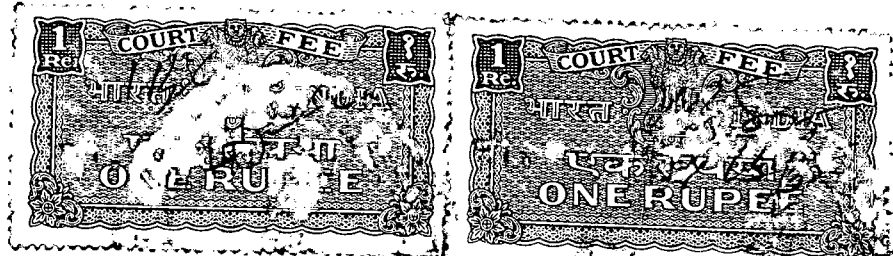
*I.B. Singh*  
( I.B. Singh ) Adv.  
Counsel for the Applicant.

A-40

23

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

Orig. Misc. Application No. (W) of 198



1984

AFFIDAVIT  
HIGH COURT  
ALLAHABAD

Brij Lal ..... Petitioner-Applicant.

Versus

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

A F F I D A V I T

I, Brij Lal, aged about 38 years, son of Shri Lakhai, Resident of Village Pachperwa, Post Phardham, District Kheiri, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner in the above mentioned Writ Petition and is fully conversant with the facts of the case, deposed herein under :-

2. That the deponent became victim of illegal order of dismissal from his services of Fire-Man II

20/11/84

*[Handwritten signature and circular stamp]*

A-41

7/4

: 2 :

on 12.12.1978 by the orders of the opposite party No. 2. The ~~stay~~ order was passed without giving any opportunity to the deponent.

2. That the deponent is out of job and is not getting his salary and is not employed anywhere, having no source of income as such the whole family of the deponent is on the verge of starvation.

3. That the deponent was dismissed under order 14(2) of the Discipline and Appeal Rules which has been challenged in several petitions and most of the Writ Petitions have already been allowed. A certified copy of the judgement and order of this Hon'ble Court has already been filed alongwith the Writ Petition.

4. That in the Writ Petition No. 4882 of 1981 and in the Writ Petition No. 5874 of 1981 in which the petitioners services of those petitions were dismissed on the similar grounds, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary to the petitioners in those petitions, and stay orders have been granted accordingly. A true copy of the stay passed in Writ Petition No. 5874 of 1981 is being filed as ANNEXURE NO. 1 to this affidavit.

5. That several Writ Petitions pending in same Court the same question is involved which is involved in this petition and in those petitions too. Hon'ble Supreme Court has directed the employers to pay the salaries to the employees although the cases are still pending in the Hon'ble Supreme Court.

deponent

*[Handwritten signature]*  
27/3/81

A-42

7/5

: 3 :

6. That the first application was rejected by the Hon'ble Mr. Justice U.C. Srivastava and said application was dismissed in non-appearance and this is the third stay application in this Hon'ble Court.

7. That the Writ Petitions itself was listed for hearing on 1.12.1983 and the Hon'ble Court was pleased to direct the office to repeat the case for hearing but till today the Writ Petition has not been listed for hearing.

8. That it will be in the interest of justice that this Hon'ble Court may be pleased to stay the operation of the order of dismissal of the deponent till the pendency of the Writ Petition.

Lucknow :

( DEPONENT )

Dated : March 27, 1984.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 7 of this affidavit, are true to my own knowledge and the contents of paragraph 8 are believed by me to be true.

Signed and verified this 27th day of March, 1984, in the Courts Compound, Lucknow.

Lucknow :

Dated : March 27, 1984.

( DEPONENT )

I identify the deponent who has signed before me.

Solemnly affirmed before me on 27-3-84 at 10.30 A.M./P.M. by Shri. I.B. Singh, Advocate, High Court, sitting at Lucknow. ( I.B. SINGH ) ADV.

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

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371351  
27-3-84

A-43

2/6

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

Civil Misc. Application No. of 1984.

Brij Lal ..... Petitioner-Applicant  
Versus  
Union of India and others ..... Opp. Parties.

ANNEXURE NO. 1

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

C.M.An. No. 8460(W)-82 in re: Writ Petition No. 5874 of 1981

Ramesh Lal. .... Petitioner.

Vs.

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

Application for Interim Relief.

Lucknow dated : 24.2.1983.

Hon. U.C.Srivastava, J.

It appears that three other persons have been dismissed alongwith the petitioner and three of them have filed writ petition at Allahabad and the said matter is pending before the Supreme Court, which has directed for payment of salary to the said three petitioners. The grievance of the petitioner is that his case is identical to the cases of those three petitioners and he may be paid his salary. Learned counsel for the Railway administration again prays for time today. There is no justification to grant time again, If other petitioners are getting their salaries, there is no reason why the petitioner of this case should not get his salary. The opposite parties are directed to pay salary to the petitioner from March 1983. However, it will be open to the Railway Administration to move application for modification of this order as and when an affidavit is filed pointing out the difference between these cases.

Sd. U.C. Srivastava.  
24.2.1983.

22/3/83

*[Handwritten signature]*  
27/3/83

A-111

In the Hon'ble Central Administrative Tribunal  
Circuit Bench, Lucknow

M.P. No. 426/90 (2)

Misc. Application No. of 1990

in re:

T.A. No. 850 of 1987 (T)

(Writ Petition no. 4258 of 1981)

Brij Lal ..... Applicant

Versus

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

Application for condonation of delay

The respondents most respectfully submit as under :

1. That due to unavoidable and unforeseen reasons and also because of inadvertence, the counter affidavit in the writ petition could not be filed.
2. That the respondents have a good case in their defence and if they are not permitted to file the counter affidavit they would suffer irreparable loss.
3. That the delay is liable to be condoned.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be pleased to condone the delay and permit the respondents to file the counter affidavit which may be brought as part of the record in the interest of justice.

(S.N. Verma)

Advocate

Counsel for the respondents.

Lucknow 28. 6. 1990

A  
Filed today  
S.N.V.  
12/7/90

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C. A. Aggarwal

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

.....

T.A. no. 850 of 87(I)  
Writ Petition no. 4953 of 1981

Brij Lal ..... Petitioner.

Versus

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

Written statement on behalf of opposite parties.

I, Keshava Deo, working as Sr. Divisional Mechanical Engineer in the office of Divisional Railway Manager, Northern Eastern Railway, Lucknow, do hereby state as under:

1. That the deponent has read the petition filed by the petitioner and has understood the contents thereof. He has been authorised to file and verify the written statement on behalf of the respondents.

2. That the averments of para---graph 1 of the writ petition are not admitted and are denied. It is submitted that the petitioner was appointed as Fitter Khalasi by Asstt. Mechanical Engineer, not by senior

हकीमियर (लोको)  
लखनऊ

.....

Divisional Mechanical Engineer as stated by the petitioner vide copy of AME's office order no. 201 as well as no. E/227/2/M/Pt. III dated 20.1.1965.

3. That the contents of paragraph no. 2 of the writ petition are not admitted. The petitioner was not a permanent fireman II as alleged by him. He was officiating as Fireman II in the scale Rs. 210-270 and not in the scale of Rs. 200-250 .

4. That in reply to the contents of paragraph no. 3 of the writ petition, it is stated that it was not practicable to hold any enquiry. There was apprehension of threat to the life and property of the witnesses who might have deposed against the petitioner.

5. That the contents of paragraph no, 4 of the writ petition are not admitted. The petitioner had assaulted Sri M.C.Sinha, Senior Divisional Mechanical Engineer, North Eastern Railway, Lucknow on duty on 17.10.72 in the office of the Loco Foreman Mailani and thereby committed serious misconduct of the highest order. He also used abusive and unparliamentary language against the aforesaid officer with dire consequences.

6. That in reply to the contents of paragraph no. 5 of the writ petition, it is stated that reference of General strikes and arrest are irrelevant for the purposes of the present writ petition. It is ~~ix~~ respectfully submitted that the petitioner had

शुभर मण्डल यांत्रिक इंजीनियर (लोको)  
पूर्वोत्तर रेलवे, लखनऊ

assulted to a senior officer as has been stated above.


7. That the contents of the paragraph 6 of the writ petition are not admitted. It is stated that the FIR was lodged with G.R.P. Lakhimpur Kheri on 17.10.78 that is on the very date of incidence. A criminal case was filed by GRP in the court of Chief Judicial Magistrate, Lakhimpur Kheri.

8. That the contents of paragraph No. 7 of the writ petition do not call for any reply.

9. That in reply to the paragraph No. 8 of the writ petition, it is stated that the position has already been explained in the preceding paragraphs of this reply.

10. That in reply to the contents of paragraphs No. 9 of the writ petition it is submitted that appeal preferred by the petitioner was considered and decided by the General Manager, N.E. Railway, Gorakhpur which was communicated to the petitioner by the Divisional Railway Manager, N.E. Rly., Lucknow vide order dated 20.6. 1981/ 16.7. 89 (A/2 to WP).

11. That in reply to the contents of paragraph No. 10 of the writ petition it is stated that prior to disciplinary authority regarding its satisfaction for holding the enquiry and proceeding under Rule 14 (11) (DAR) a confidential fact finding enquiry was gone into to which the petitioner was called to attend the enquiry but the petitioner did not turn up. The Divisional Superintendent, N.E. Railway, Lucknow after going through the report of the enquiry officer and considering the facts of the case recorded his satisfaction that in the circumstances it was not reasonable and practicable to hold the enquiry in the manner provided under DAR/ 1968. A copy of reasons recorded by the Disciplinary Authority is filed herewith as Annexure C-I to this reply.

  
प्रवर मण्डल यांत्रिक इंजीनियर (लोको)  
पूर्वोत्तर रेलवे, लखनऊ

A-401

12. That the allegations of paragraph no. 11 of the writ petition are denied. The appeal was considered by the General Manager who had rejected the same.

13. That the paragraph no. 12 of the writ petition are denied.

14. That the paragraph no. 13 of the writ petition needs no reply.

15. That in reply to the paragraph 14 of the writ petition, it is stated that the petitioner has since been dismissed from service, he is not entitled to the benefits as claimed in the paragraph under reply. He is occupying the Railway quarter at Mainlani unauthorisedly so that he is liable to vacate and pay the rent under rule.

16. That in reply to the contents of paragraph no. 15 of the writ petition, the deponent is advised to state that grounds set out in this para of the petition are not tenable in law, the writ petition has no merits and the same is liable to be dismissed.

Keshava Deo

Indiaw, dated,  
8.6.1990

पुनः नाम-संज्ञक  
पूर्वोत्तर रेलवे, लखनऊ

I, the above-named deponent do hereby verify that the contents of paras are true to my own knowledge, those of paras are true to my knowledge based on record, which I believe to be true, and those of paras are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Keshava Deo

Indiaw, dated,  
8.6.1990.

पुनः मण्डल यांत्रिक इंजीनियर (लोको)  
पूर्वोत्तर रेलवे, लखनऊ

पुनः मण्डल यांत्रिक इंजीनियर (लोको)  
पूर्वोत्तर रेलवे, लखनऊ

A-UG

Annexure No 11

I have carefully gone through the Fact Finding Enquiry Report of Shri R.C.Bhandari, Sr.D.E.N./LJN nominated by me under my no.LD/SS/Assault dated 29.11.78 which is from page 1 to 8 of this file and accept the same. I am satisfied

(1) That Sri Brij Lal, Fireman (II) (formerly of Mailani Shed spared for transfer to Gonda Shed) assaulted Shri M.C.Sinha, Sr.Divl.Mechl.Engineer,LJN on duty on 17.10.78 in the office of LOCO FOREMAN, Mailani and thereby committed serious misconduct of the highest order;

(ii) That the said Sri Brij Lal used abusive and unparliamentary language against Sri M.C.Sinha, Sr.DME/LJN on duty on 17.10.78 in the office of Loco Foreman,Mailani and thereby committed gross insubordination and serious misconduct;

(iii) That the said Sri Brij Lal threatened Sri M.C. Sinha, Sr.DME/LJN on duty with dire consequences on 17.10.78 in the office of Loco Foreman, Mailani and thereby committed serious misconduct.

2. I am also satisfied that there is a reasonable apprehension, beyond doubt, of the threat to the life and property of the witnesses who might depose against the aforesaid Shri Brij Lal in the event of an enquiry and further that there is also an apprehension, beyond reasonable doubt, of the obstruction in the smooth conduct of Railway work in the Mailani shed area and an apprehension of breach of peace in the event of any disciplinary enquiry being initiated against the said Sri Brij Lal.

3. I, L.M.Bhasker, undersigned disciplinary authority in this case, am therefore fully satisfied that it is not reasonably practicable to hold any further enquiry in the manner provided under DAR and after considering all the facts, circumstances and evidence of this case consider it fit to dismiss the aforesaid Sri Brij Lal, Fireman II, formerly Mailani Shed spared for transfer to Gonda Shed, from service under rule 14(ii) of DAR, 1968 of the N.E.Railway read with proviso(b) of the Article 311(2) of Indian Constitution.

*L.M. Bhasker*  
(L.M.Bhasker) 12. XII. 78  
Divisional Superintendent  
N.E.Rly., Lucknow

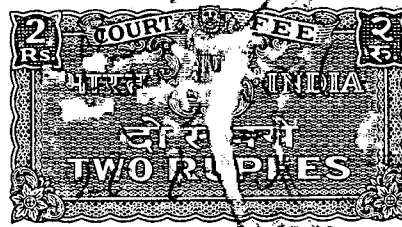
(DISCIPLINARY AUTHORITY)

*[Signature]*  
प्रवर मण्डल यांत्रिक इंजीनियर (लोको)  
पूर्वोत्तर रेलवे, लखनऊ

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

T.A. NO. 850 OF 1987 (T)  
WRIT PETITION NO. 4953 OF 1981

A-50



Brij Lal ..... Petitioner  
Versus  
Union of India ..... Opp. Parties.  
and others

REJOINDER AFFIDAVIT TO THE WRITTEN STATEMENT  
OF OPPOSITE PARTIES

12/11/81

I, Brij Lal aged about 48 years, son of Shri Lakhai, resident of Pachperwa, Post - Fardhan, District - Kheri, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner in the aforesaid Writ Petition which has been transferred to this Hon'ble Tribunal. The deponent has been explained the contents of the Written Statement in a shape of affidavit filed by Keshav Dev, the Senior Mechanical Engineer and after being fully conversant with the facts, gives replies to those as under :-



Contd.....2/

25/11/81

2. That the contents of paragraph 1 of the written statement need no reply.
3. That ~~in reply to~~ the contents of paragraph 2 of the written statement are denied and the contents of paragraph 1 of the writ petition are reiterated. The deponent was appointed by the Senior Divisional Mechanical Engineer and the opposite parties may produce the relevant records before this Hon'ble Court.
4. That the contents of paragraph 3 of the written statement are denied and the contents of paragraph 2 of the writ petition are reiterated. The deponent was appointed as permanent Fire-man-II and he was not officiating as Fire Man-II as alleged in para under reply.
5. That the contents of paragraphs 4 & 5 of the written statement are denied. There was no existing circumstance to show that it was ~~not~~ practicable to hold any enquiry for the allegations made against the deponent. It is also relevant to mention that a F.I.R. was lodged by one Mahesh Chandra Sinha against the deponent for which the deponent was tried by Chief Judicial Magistrate, Lakhimpur Kheri vide case No. 369 of 1979 in which the witnesses appeared. After considering the evidence on record, the Court recorded its finding that the allegations made against the deponent were false, incorrect and he was falsely implicated in the case, as such the deponent was acquitted. A photocopy of the judgement passed by C.J.M., Kheri dated 4.8.1982 is being filed herewith as ANNEXURE NO. R-1 to this affidavit.
6. That the contents of paragraph 6 of the written statement are denied and the contents of paragraph 5 of the writ petition are reiterated. The story of assault to a Senior Officer is totally false and as stated above, the Court has already recorded its finding that the deponent was falsely implicated in that case.

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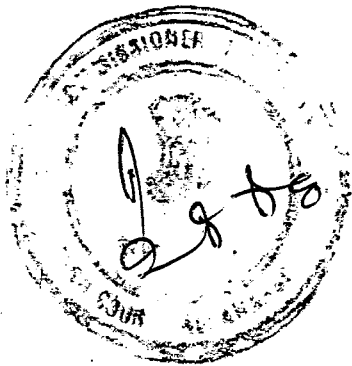
7. That in reply to the contents of paragraph 7 of the written statement, it is stated that in the case registered against the deponent, the Court has already recorded its finding that the deponent was falsely implicated in that case, as such that instance cannot be taken into consideration against the deponent.

8. That the contents of paragraph 8 of the written statement need no reply.

9. That the contents of paragraph 9 of the written statement are denied and the contents of paragraph 8 of the writ petition are reiterated.

10. That in reply to the contents of paragraph 10 of the written statement, it is stated that the order passed in the appeal is totally an un-speaking order and that does not show that the authority concerned has applied its mind.

11. That the contents of paragraph 11 of the written statement is absolutely incorrect, wrong and false. It is denied that the deponent was called in any enquiry said to be confidential fact finding enquiry and the deponent did not turn up in that. As a matter of fact, the deponent has no knowledge about any said enquiry and the deponent believes that no such enquiry took place but now the opposite parties are trying to make out a case against the deponent. The Divisional Superintendent has also not applied his mind and the copies served upon the deponent does not disclose ~~any reason~~ <sup>counter</sup> ~~reason~~ for not holding the enquiry. For the first time in the <sup>counter</sup> ~~reason~~ affidavit, the so-called reason has been annexed as Annexure No.C-1 with the written statement. The Annexure No.1 filed with the written statement was not the only paper which was served upon the deponent. However, the deponent states that the reasons disclosed in Annexure No.C-1 is itself unreasonable and unsatisfactory in proceeding under Rule 14(ii) of DAR 1968. As a matter of fact, the Court directed at the time of admission of the writ petition to produce the said reasons but the opposite parties filed before the Court to produce. It appears that now a forged document has been prepared and has filed as Annexure



ESTIMICA

A-53

12. That the contents of paragraphs 12 & 13 of the written statement, as stated, are denied and the contents of paragraphs 11 & 12 of the writ petition are reiterated. The appeal has wrongly been dismissed. No reason has been assigned for the dismissal of the appeal, as such it is illegal.

13. That the contents of paragraph 14 of the written statement need no reply.

14. That the contents of paragraph 15 of the written statement are denied as absolutely incorrect, wrong and false. The order of dismissal is liable to be set aside and the deponent is entitled for all the consequential benefits, as if the dismissal order did never exist.

15. That the contents of paragraph 16 of the written statement are denied as absolutely incorrect, wrong and false. The Writ Petition is liable to be allowed with cost in favour of the deponent.

Lucknow : ✓  
Dated : 20 Aug. 1990

*[Signature]*  
[ DEPONENT ]

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 15 of this affidavit are true to my own knowledge: Nothing is false and no material has been concealed by the deponent, so help me God.

Signed and verified this \_\_\_\_\_ day of August 1990 in the High Court's Compound, Lucknow.

Lucknow : ✓  
Dated 20 Aug. 1990.

*[Signature]*  
[ DEPONENT ]

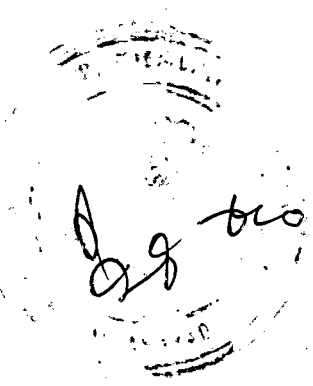
I identify the deponent who has signed before me.

*[Signature]*  
[ Ishtiyaq Ahmad ] Clerk to  
Shri I.B. Singh, Advocate

Solemnly affirmed before me  
on the 20th at 10:25 P.M.  
by Shri Brij Lal,  
the deponent, who is identified by  
Mr. Ishtiyaq Ahmad, Clerk to  
Shri I.B. Singh, Advocate,  
High Court, sitting at Lucknow.

*[Signature]*  
O. D. ANJUM  
OATH COMMISSIONER  
High Court Lucknow  
No. \_\_\_\_\_  
Date \_\_\_\_\_

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



BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

T.A. No. 850 of 1987 (T)  
Writ Petition No. 4953 of 1981

PSU

Brij Lal

.....

Petitioner

Versus

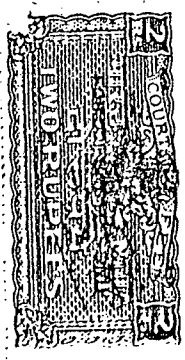
Union of India  
and others

.....

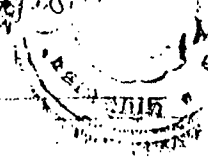
Opp. Parties.

ANNEXURE NO. R-1

प्रति श्री श्री ३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८



१. श्री ३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८



12/12/81

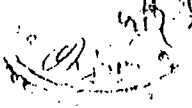
16/1/82

श्री ३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८

PS

श्री ३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८  
३६९-७९ नं. ३५३/५०६/५०६ आर. ३. ३०. ७८

16/1/82



परिचाय लेना आगे जाते करीब 1 वजे दिन आरिपुत्रे दुर्गलाने  
 को जाले जोरके केलाले से <sup>जाते</sup> आरिपुत्रे लोको का (बागान्तरित कालिका)  
 गया है करे में आया करे वारी ले कहने लगा कि क्या वह  
 उलका (बागान्तरा) रद का पायेगा कयनी नही वारी ने आरिपुत्रे  
 ले बताया कि तुक लोकरत डो लदोन श्री-पूर्वक निजा किमी  
 जायेगा पोर आरिपुत्रे दुर्ग निरुध-चादनी था करे कोच  
 से आका वारी को जालिस वनरी दुका जाले लगा करे कहा  
 कि करे को (बागान्तरा) रद नही कहेगे तो तुम जाली के  
 उसा हूंगा यह कह करे आरिपुत्रे ने वारी का काले बंधे हाँप  
 से पकड़ लिया आरिपुत्रे हाँप को ले लिए हने के प्रथम  
 पर मन्त्री लोको को करे आरि श्री गोरुड हाँप लोको उलपेहा  
 बीच के कद पडे हों उलके किमी प्रकार वारी को वचाना/  
 आरिपुत्रे ने यह भी कहा कि यदि (बागान्तरा) रद का पाये  
 तो वारी परिचाय-पुगतने के लिए तैयार रहे, और तब  
 आरिपुत्रे मालिमां नकरा रहा/ धरना (बन) प् (मोगा-मन्त्र)  
 श्री कारन आंगुलिपिक भी मन्त्र (भा) आरिपुत्रे के उपरोक्त  
 आचरण से सरकारी कार्य में बाधा पड़ी और वारी ने  
 लिखित रिपोर्ट प्रदर्श क। उक्त धरना की दिना निकले आधा  
 दिनांक 19-10-78 को 3-45 वजे दिन चिक प्रकर-दस्ता  
 रिपोर्ट प्रदर्श कर आण के देडी श्री गयी उक्त धरना का  
 तनी-का जी० श्री० ने भी किमा गभा जालिसी नरव प्रदर्श  
 क० है। उक्त आचरण की निरन्तरण एकर उलके एकर  
 ११०० उक्त वजे के दिना उक्त धरना करने का

वडा लीला



Handwritten notes and scribbles on the right side of the page, including the word 'धरना' (Dharna) and some illegible marks.

निरीक्षण किया गया है। 14 अं. प्र. 10 का समाप्त  
विषय सम्बन्धी गणना अन्तर्गत प्रस्तावों के पत्र सम्बन्धी अन्तर्गत  
सही कार्य आदि आदि के विषय सम्बन्धी आदि-प्रस्तावों  
के अन्तर्गत किया।

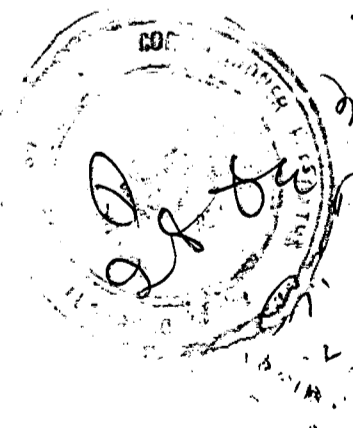
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16.1/11/78

पृ. 56 नं. 1 का अन्तर्गत अन्तर्गत, पृ. 56 नं. 2

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11.1.0

अन्तर्गत

1. गिरने का किता करीब 11:30 बजे दिन लोको को लॉक के दृष्टि (आप  
 उक्त आदि के कारणों और कर्मचारियों के रिप्रेजेंटेशन (अनंत लगा  
 करीब 1 बजे दिन आदिपुत्र सुजिवांक जिम्मा लेना देना गैरों के लिए  
 टोपिका या आप उक्त वारी ले कदाकि को आनेका रद्द भारत  
 ता वारी ने आदिपुत्र से कदा कि लोकीत लखे दे री के  
 लघुपुत्र उक्तके उक्तके मिया मिया आदिपुत्र (एल गिरनेके  
 पादवी या उक्त लिए गारा टोप वारी को गांली-गलौंग  
 के लगे कि नौ टोप ले काल पकड का मोने के लिए  
 आदिना टोप उक्तके उक्तके पी० 58 यू० 4 जो गेन्द्रा सिधे ने  
 वारी को बचाया, उक्तके कदत्री आदिपुत्र नोवक गालियां डी  
 124. उक्तके यह कदा (दा कि फीरे उक्तके स्थानगत (सा रद्द  
 गदी किता गमा ने उक्तके परिणाम युक्तके के लिए कद्रीका  
 है उक्तके रद्दना होगा उक्तके प्रका आदिपुत्र ने सरकारों काय के  
 वाधा उक्तके को। पी० 58 यू० 1 उक्तके यक्त सिधे ने कदा  
 कि उक्तके नर केन उक्तके धरना की लोकीत रिपोर्ट उक्तके रद्दना  
 रको. बोला का लोकीत जो प्रदर्शनी का है। उक्तके गेन्द्रा ने  
 जिधे के उक्तके रात को कदा कि आदिपुत्र सुजिवांक को एक  
 लोका धरना के पदलो ले गदी जमत के धरना स्थल पर  
 आदिपुत्र उक्तके ही कता या उक्तके (सम उक्तके दाय में वारी  
 दायिका गदी या उक्तके गेन्द्रा ने उक्तके वक्त ले उक्तके किता  
 उक्तके उक्तके प्रका का वारी धरना गदी हुई उक्तके उक्तके वारी  
 उक्तके आदिपुत्र के है जिधे का (सा उक्तके आदिपुत्र को 9/1  
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11-57

शुद्ध माल के कंसा दिया।

A 50

पी० 500-5- एच० सी० पुरान निहारी हुआ तथा पी० 500/7  
विपरीत 20-आवर (मि०) फॉर्मि प्रका के गीनाशन है जिन्दा में उठना।  
सुपिक प्रथम सूचना रिपोर्ट प्रदर्श क 2 नमल जो-सी० प्रदर्श क 3 तथा  
7 नमल जो-सी० प्रदर्श क 6 सिद्ध किया है।

पी० 500/6 सी० एच० वेग / 500/7 एच० वेग परना की  
विपरीत आधिकारी है जिन्दा में नहा कि उह परना की विपरीत  
जैने किया धरकाह फल का- निरीक्षण किया गीनाशन का- धारा  
161 ड० प्रक० का नमन लिन नमना नमरी धरना फल प्रदर्श  
क 4 नमल उह धरना (नही पाया) आधिकारी के विरुद्ध दिनांक  
25-12-78 को जैने आधिकारी प्रदर्श क 5-0 पायालय के प्रेषित/किया  
जिन्दा में उह गीनाशन के उगा (कला) उह नम से उका किया कि उह  
प्रका की कोड धरना नही हुई उह उह के डाली की गयी  
सारा कायदा ही गला है।

161/214/03

वसनात पी० 500/1 नमना-चन्द्र गीना पी० 500/2  
रमेश चन्द्र गीनात, पी० 500/3 के अवि-चन्द्र गरी तथा पी०  
500/4 जो-सी० निरं जो-सी० धरना के प्रत्यक्ष दर्शा गीनाशन है  
सुपिक विर विर विर प्रथम सूचना रिपोर्ट प्रदर्श का चिक प्रथम  
सूचना रिपोर्ट प्रदर्श क 2 तथा नमनात पी० 500/6 एच० एच० वेग  
500/7 एच० एच० वेग विपरीत आधिकारी उह नम के अंतर्क है कि  
वसनात दिनांक 17-10-78 को नमना / नजे दिन कंठानी लोको 63  
के कोरमन के उह के अतिरिक्त प्रत्यक्ष करने वाली जो कि  
उह लोक लेक है को जेन वद सरकारी धरना प्रका  
गिनाशन की तथा उह नम काला पकड का हाथ को माल  
/ पी०

Handwritten signature and scribbles.

04520103

प्रमाण विना) जहाँ तक उस धरणा की कोटि का प्रश्न  
 है उक्त भी कहे बिना ही आभियोग पक्ष के आभियुक्त  
 के सिद्ध सिद्ध किया है जहाँ के उपरोक्त प्रत्यक्ष दशो गिनाए  
 जी० सं० १ केशव चन्द्र जी० सं० २ (केशव चन्द्र श्री कालव,  
 जी० सं० ३ केशव चन्द्र नन्दी तथा जी० सं० ५ गोविन्द शर्मा  
 ने उक्त तथ्य को कारिसर-टेरिनी कहा कि चूँकि आभियुक्त  
 का एकाग्रता कलनी को संदेहें जाँडा के लिए बरिध  
 गाया था उक्त आभियुक्त (एकाग्रता रद भाग चारदा था उक्त लिए  
 उक्त उक्त प्रमाण को धरणा की)

आभियुक्त की ओर से उक्त एवम्ब में यह  
 ही को गयी कि वह निर्दोष है तथा बंजिग के कारण उक्त  
 शकिके के को दिया गया है) आभियुक्त के विज्ञान-आधिकारिक  
 प्रमाण उक्त उक्त भी बंदल किया कि धरणा होने के  
 बाद बहुत अधिक देरी के आभियुक्त के सिद्ध नारी जी० सं० १  
 केशव चन्द्र शर्मा ने कोना या रिपोर्ट दर्ज काला-उक्त देरी के  
 रिपोर्ट दर्ज कोन के एवम्ब में आभियोग पक्ष ने कोउ भी  
 स्वयं कोना देर नहीं किया काला उक्त काला या आभियुक्त  
 कोन उक्त सिद्ध कोन का अधिकारी है) उक्त उक्त में आभियुक्त  
 के विज्ञान आधिकारिक कोन उक्त कोन नारी उक्त-आभियुक्त एवम्ब में  
 एवम्ब के निरूप 1981 देरी कोन नारी उक्त उक्त

उक्त 47 की ओर दिलाया गये बिना ही आभियुक्त के  
 विज्ञान आधिकारिक कोन की गयी उक्त प्रमाण भी उक्त उक्त  
 उक्त उक्त कोन है उक्त उक्त (कोन नारी नारी-  
 could-)

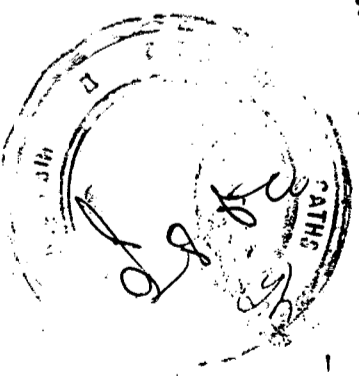
ESTD 1981

1. पत्रि रिपोर्टों के प्रथम सफ ले लागू होता है क्योंकि पिछले प्रथम  
 प्रथम रिपोर्ट प्रथम क्रम के आलोचना से विहित होता है कि  
 17-10-78 को दिनांक के 1 नजे धरी धरणा एथल ल  
 धीरे की डरी सुनिश्चित है। अतः है अनेक विधायकताओं के दिनांक  
 19-10-78 को 3-45 बजे दिन उक्त धरणा की रिपोर्ट कोन में डरी  
 काडि। उक्त अधिक डरी कोन रिपोर्ट डरी कोन की काडि की  
 दिनांकनिए इधनएथ आभिमोजन दकनत कोन देन मी नदी  
 की गयी है। अतः उक्त पत्रि रिपोर्ट के के अतः निष्कर्ष यह है कि  
 है कि वास्तव में वारी ने प्रथम प्रथम रिपोर्ट धरणा डरी के  
 वदुत अधिक डरी लड-तया सिवाइ कशवाए नलेन के नद  
 डरी काडि को प्रथम प्रथम रिपोर्ट अनेक काडि रिपोर्ट  
 कोन को लो वरी है।

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21/2/73

आभियुक्त के दिनांक कथिबकी ने उक्त उक्त  
 आभियुक्त की जो (3) शब्दों के वदुत विधा कि आभिमोजन दकनत  
 प्रथम डरी आभियुक्त सुनिश्चित को वदुत ले जानते वदुत  
 नदी में इधनएथ उक्त डरी-आभियुक्त के लकन-दिनांक नदी  
 निरर्थक है जो तक कि उक्त सुनिश्चित काडि लडी सिवाइ  
 ले नदी काडि गया है। अतः उक्त डरी का लकन भी आभियुक्त को  
 सिवाइ काडि। के विवाह ले आभियुक्त के दिनांक कथिबकी डरी  
 की गयी। उक्त प्रथम की वदुत के भी वदुत कथिबकी वदुत है कि  
 उक्त डरी प्रथम रिपोर्ट आभियुक्त उक्त आभियुक्त काडि  
 वदुत भी उक्त लकन वदुत काडि-2 पृ भी लागू डरी  
 है जोन की आभियुक्त सुनिश्चित काडि काडि-3 डरी



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P/C



अब उसे प्रकटन के बाद भी वह जाया जा सकता है।  
 यह परिस्थिति भी उक्त तथ्य की ओर संकेत करती है कि  
 वास्तव में अविश्वसनीय निवेदन हैं। मैं निश्चय से अविश्वसनीय के विचार  
 अधिकांश द्वारा की गयी उक्त प्रमाणों व दंडन में बहुत अधिक वजन  
 व दंड है क्योंकि प्रमाणों द्वारा गवाहों की संख्या में दोषी मनु  
 शिंहार की संख्या 2 रोजा-चन्द्र श्रीवास्तव की संख्या 3 केसरी-चन्द्र  
 गन्धी की संख्या 4 जागेरु-दीन ने अपने अपने जिल्हों उक्त चर  
 को खोजा कि उक्त उक्त अविश्वसनीय केसरी केसरी पट्टियां  
 की उक्त उक्त उक्त उक्त उक्त उक्त उक्त उक्त उक्त उक्त उक्त  
 दंडों की ओर उक्त उक्त उक्त उक्त उक्त उक्त उक्त उक्त उक्त उक्त  
 वे यह है कि जब अविश्वसनीय धरम के लिए वादी उक्त  
 उक्त प्रमाणों द्वारा गवाहों के उक्त उक्त उक्त उक्त उक्त उक्त  
 पट्टियां की वे कौनसी उक्त उक्त ने अविश्वसनीय को वही  
 धरम-धरम की पकड़ लिया है। उसे पकड़ना मानेया  
 दंडित किया गया। यदि ऐसा नहीं किया गया तो यह परिस्थिति  
 वास्तव में उक्त तथ्य की ओर संकेत करती है कि अविश्वसनीय  
 निवेदन है।

अतः तथ्यों एवं परिस्थितियों के अवलोकन के  
 बाद मैं उक्त निष्कर्ष पर पहुँचा हूँ कि अविश्वसनीय निवेदन हैं  
 और उक्त उक्त निवेदन का अस्वीकार है।

आदेश

अविश्वसनीय दंडितान को उक्त उक्त उक्त उक्त उक्त

की किया जाते हैं, यह जमानत पर है उक्त उक्त उक्त उक्त  
 P.T.O

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 21/2/13

FOR G.I.S  
 28/2/13

28/2/13



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NS/CCS  
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**वकालतनामा**

In the Central Administrative Tribunal  
Circuit Bench Lucknow.  
TA No. 390 of 87 (T)  
Brig Lal

वादी  
प्रतिवादी

दावेदार  
अपीलार्थी

प्रतिवादी  
वादी

बनाम

Union of India and others

अर्जीदार  
प्रत्यार्थी

AN Verma, Rly. Advocate,  
Lucknow

भारत के राष्ट्रपति इसके द्वारा श्री

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और भागे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रफ्या वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण त्रिनिधिस्त्र करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादो/प्रत्यासी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न एसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल एसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

AN Verma, Railway Advocate,  
Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपतिके लिए और उनकी ओर से इस विलेख को आज तारीख.....को सम्यक् रूप से निष्पादित किया जाता है।

तारीख ..... 19 .....

NER-84850400-3000

Accepted  
Advocate

Sr. Dir. Personnel Officer  
NER, Lucknow.  
for Union of India  
(Co. Pro 1)

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

.....

INDEX SHEET

Cause Title 74-NST of 1987 (T)  
to P. No. LAS 3/81

Name of the parties \_\_\_\_\_

Applicant.

Versus

Union of Judicials.

Respondents.

Part A.E.C.

Sl No.	Description of documents	Page.
	<u>A file</u>	
(1)	Cover sheet	A-1 to A-6
(2)	Receipt	A-7 to A-9
(3)	Writ Petition	A-10 to A-17
(4)	Amendment	A-18 to A-24
(5)	Affidavit	A-24
(6)	Response	A-26
(7)	Applications	A-27 to A-33
(8)	Affidavit	A-34 to A-49
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(10)	Writ Petition	B-1 to B-7
(11)	Amendment	B-8 to B-11
(12)	Affidavit	B-12 to B-13
(13)	Response of applicant to the District Statement	B-14 to B-18
(14)	Response of applicant to the District Statement	B-20 to B-28
	<u>C file</u>	
(15)	Response of applicant to the District Statement	C-1 to C-10
(16)	Response of applicant to the District Statement	C-11 to C-14

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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

1953 of 198 1

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
1-10-21	<p>Hon. J. S. Misra J. Hon. S. Zaker Husain J. Notice has been accepted on behalf of the opposite parties 1, 2 and 3. The opp. parties are directed to produce complete order contained in Annexure 1 on 15th Oct. 1921 left on that date.</p> <p>Sd. J. S. M. Sd. S. Z. H. 1-10-21</p>	
15-10-21	<p>Writ proceedings</p> <p>de-108 v J. de-82 no</p> <p>J. S. M.</p>	<p>For B 15/10/21</p>
21-10-21	<p>Hon. Gopi Nath J. Hon. S. Z. Husain J.</p> <p>J. S. M.</p>	

A-4

# ORDER SHEET

8/12

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
W.P. No. 4953 of 1984

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	CM. An. No. 3831 (W) of 84 For <u>Interim Relief</u>	
27-3-84	Mem R.C. DS, 7 Put up along with the record next week.	
	sd. R.C. DS 27-3-84	
5-4-84	G. U. Dy. J. J. J. J. Cor. 3831 (W) of 84 Copy of Horseman's J	
	23.4.84. See Judgment Cor 3831 (W) of 84 B. J. C.	
24.4.84	Fixed writ with cor. in CM An 3831 (W) of 84 for Hon. K. N. G. J. Hon. K. N. M. J.	

BC

2/13  
6 parties  
examined

Booj Lal

vs. UOI

Serial number of order and date

Brief Order, Mentioning Reference if necessary

How complied with and date of compliance

21.3.1990

Hon. Mr. D.K. Agrawal, J.M.,  
Hon. Mr. K. Obayya, A.M.

Shri. I. B. Singh, for the petitioner and Shri. S. Verma, for the respondents are present. This is writ petition filed in year. 1981. No counter affidavit has been filed, so far. We presume that Railway Administration is not interested in filing counter affidavit.

List it for hearing / ex-parte hearing on 23.7.1990.

Mean while, the respondent, if they so desire, may file counter affidavit within 4 weeks, hereof. In case, counter affidavit is ~~has been~~ filed, the rejoinder affidavit, if any, be filed within 2 weeks, thereafter. The original records in any event must be produced by the respondent on the date of hearing fixed above, failing which an adverse <sup>inference</sup> effect will be drawn against them.

A.M.

J.M.

sd.

23-7-90:

Hon'ble Mr. Justice K. Nath, VC,  
Hon'ble Mr. K.Obayya, AM

Sri Anil Srivastava, Advocate, informs that Sri AN Verma, Advocate, would be appearing in this case and has sought for adjournment for the reason that he is ~~away~~ Listed for final hearing on 28-8-1990.

(A.M.)

(V.C.)

ES

Dinesh

OR

This W/P no 4953/8 received on transfer from Lucknow High Court in May 89, along with other W/Ps.

In the date of transfer the case was admitted. CA/R not filed.

Transfer notices issued by Add office (ofc not received from Add) but neither any reply nor any undelivered cover received back.

Submitted  
3/11/89

OR  
note of Justice  
21/2/90

OR  
Notices were issued on 21/2/90. No answerd reqd. cover has been return back.

S.F.O.  
2013

In utmost claudia receipts notice on behalf of O.P. but no verification has been filed on 11.2.90 in H-12 court S.P.

CA filed  
L-10

CA filed with An. for condonation of delay duly served a ch. applicant

No RA filed  
S.P.H.

(8)

T 850/87, J

A-6

9.11.91

Honbl. Mr. D.K. Agrawal Jm  
Honbl. Mr. K. Obayya AM

On the request of both parties Counsel case is adjourned to 25-4-91 for hearing

2

AM

Jm

CA/RA have been  
disputed  
S. PM

24/9

25.4.1991

Hon. Mr. D.K. Agrawal, J.M.

Hon. Mr. K. Obayya, A.M.

Sri K.K. Singh brief holder of Sri I.B. Singh for the applicant. Sri Sanjiv Kumar, brief holder of Sri D.N. Verma for the respondents. The case is adjourned to 19.8.1991 for hearing.

AM

Jm

(n.u.)

19.8.91

No sitting adj to 23.9.91  
J

23.9.91

No sitting adj to 14.11.91  
J

14.11.91

No sitting adj to 13.12.91  
J

A-7

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

...

T.A. No. 850 of 1987

(W.P. No. 4953 of 1981 )

Brij Lal ... .. Applicant.

Versus

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

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

Hon'ble Mr. A.B. Gorthi, Member (A)

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

The applicant was appointed as Fitter Khalasi on 21.1.1965 and was gradually promoted to the post of Fireman-II. In the year 1978, he was dismissed from service under Rule 14(2) of the Discipline & Appeal Rules, 1968 vide order dated 12.12.1978. According to the applicant, no enquiry took place and the reasons of the said order was not disclosed and he was abruptly faced <sup>w/c</sup> the such 1 dismissal order, even though, he never participated in any strike or arrested or detained. Those who were arrested or detained were let off and no action against them was taken. Against his dismissal order, the applicant filed a review application before the General Manager, N.E. Railway, and appeal before the Divisional Railway Manager and Senior Divisional Mechanical Engineer which 1 were dismissed.

2. The applicant has challenged the order on the ground that it has been passed in the Mechanical manner which is in violation of the ~~rules~~ <sup>of</sup> principles of natural justice 1 and without giving any opportunity to the applicant and without holding any enquiry by a non-speaking order.

3. The respondents have defended their action by stating that the applicant had assaulted one Sri M.C. Sinha, Senior Divisional Mechanical Engineer, N.E. Railway on 17.10.1978 in the office of the Loco Foreman Mailani and thereby committed serious misconduct of the highest order. An F.I.R. was lodged with G.R.P. Lakhimpur Kheri on 17.10.1978 against the applicant. It is stated that prior to disciplinary authority recording its satisfaction for holding the enquiry and proceeding under rule 14(ii) of the (D & R) a confidential fact finding enquiry was gone into to which the applicant was called to attend the enquiry but the applicant did not turn up, and after going through the report of the enquiry officer, and considering the facts of the case, the disciplinary authority recorded its satisfaction that it was not practicable before the enquiry in the manner provided to the rules.

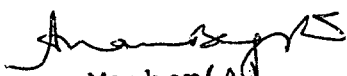
4. The averments made by the respondents are wholly insufficient to bring the action within the ambit of rule 14(II) of the (D & R) Rules. The <sup>no</sup> ~~show~~ called reasons are no reasons and can not be said to be <sup>germane</sup> ~~genuine~~ to the matter in issue. In the charge of beating official, enquiry is quite possible and it can always be held and accordingly, the <sup>- from with</sup> ~~dispense having been~~ towards the enquiry was an arbitrary action and can not be justified.

5. Accordingly, the application deserves to be allowed and the dismissal order <sup>dated</sup> 12.12.1978 and the <sup>order</sup> are quashed. The applicant shall be deemed to be continued in service and is entitled to all consequential benefits. The period from the date of dismissal to <sup>this period</sup>, will be dealt with by the respondents.

A-9

- 3 -

accordance with law. However, it will <sup>be</sup> open for the respondents to take disciplinary proceedings against the applicant as per rules. The application is disposed of with the above observations. Parties to bear their own costs.

  
Member (A)

  
Vice-Chairman

Dated: 13.12.1991  
(n.u.)

CIVIL

SIDE

GENERAL INDEX

A 10

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... *Case No. 4953-01*

Name of parties..... *Brijdal B. Union of India*

Date of institution..... *1-10-81*

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
A-1	1	General Index	1		Rs. P.			
A-2	2	<del>Order sheet</del>	1					
A-3	3	cert. fee certificate	10	6	103			
B-4	4	Process	1	1	5			
B-5	5	<del>Emd.</del> Emd. 4299(W)-82 for 8/84	3		5.00			
B-6	6	Emd. 3769(W)	4		7.00			
B-7	7	Emd. 3831(W) of 84	6		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.....

Munsarjm  
Clerk

*[Signature]*

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *T.A. NO 1579/87*  
*W.P. No 3046/84* OF .....

NAME OF THE PARTIES ... *Kanher, Prasad* ..... Applicant

Versus

..... *U.O. F. 808* ..... Respondent

Part A.

Sl.No.	Description of documents	Page
1	<i>Index sheet</i>	<i>A1 to A2</i>
2	<i>order sheet</i>	<i>A3 to A5</i>
3	<i>Judgment dt 06-1-93</i>	<i>A6 to A10</i>
4	<i>Writ Petition</i>	<i>A11 to A32</i>
5	<i>affidavit</i>	<i>A33 to A34</i>
6	<i>Power</i>	<i>A35</i>
7	<i>Stay application 6458</i>	<i>A36</i>
8	<i>Power</i>	<i>A37</i>
9	<i>Application stay 830 / Power affidavit</i>	<i>A38 to 63</i>
10	<i>Cor. A. No 8300 / Affidavit</i>	<i>A64 to A72</i>
11	<i>Power</i>	<i>A73</i>
12	<i>Rejoinder affidavit</i>	<i>A74 to A83</i>
13	<i>Appl for vacating</i>	<i>A88 to A122</i>
14	<i>order sheet. H. C.</i>	<i>A123 to A126</i>
15	<i>Copy Papers / with notice / Power</i>	<i>A127 to A131</i>
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)

*This file received from record room*

*Checked on* Dated *12/09/11* without postal

Counter Signed.....

*[Signature]*  
15/9/11

Section Officer In charge

*[Signature]*

Signature of the  
Dealing Assistant

Central Administrative Tribunal  
Lucknow Bench

X

INDEX SHEET

Cause Title TA 1579/87 of 1993

Name of the Parties K. P. Singh and others Applicant  
versus  
U.O.I. Respondents.

Part A. E. C.

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②	Judgement	A 7 to A 11
③	Petition	A 12 to A 23
④	Annexure	A 24 to A 36
⑤	vakalatnama	A 37
⑥	M.P., vakalatnama, CA/RA	A 38 to A 89

B. File

Petition, CA/RA  
and M.P.

B 90 to B 172

C. File

office copy of notices

20

(A<sub>1</sub>)

22.2.91  
D.R.

1/3

Both the parties  
are absent today.  
Counter has not  
been filed. Respon-  
dent to file it,

by 7/4/91.

AKS  
22/2/91  
SO.

24.4.91  
D.R.

This case has been  
taken up today.  
Because 7.4.91 was  
holiday. Respondent  
is present. Applicant  
to file copy of the  
petition to the  
Respondent's counsel  
by 25.7.91. There after  
Respondent will  
file counter.

25.7.91  
D.R.

Respondent's side is  
present. Applicant is  
absent and he did not  
file copy of petition to the  
O.P. Applicant to file this  
by 1/10/91.

579/0711

A3

109.90

Hon'ble Justice K. Nath, U.C.  
M. M. Singh A.M.

A. 14

Request for adjournment on behalf of the applicant's Council is made. Orders were passed on the last date that the applicant shall furnish copy of the petition to Sri B. S. Shukla for some of the respondents. Sri Shukla says that he has not received the same. The applicant is again directed to furnish copy of the petition to Sri Shukla within two weeks which respondents shall file CA. within four weeks thereafter. The case is listed for further orders on 22.10.90.

M. M. Singh  
(A.M.)

(U.C.)

22.10.90

No sitting A.M. to 22.11.90 OR

No CA filed on behalf of O.P. No. 1 to 3 S.F.O.

22.11.90 Hon. Mr. Justice K. Nath, U.C.  
Hon. Mr. M. M. Singh, A.M.

It is not clear whether the copy of the petition has been delivered by the applicant's Council to respondents' Council in compliance of orders dated 12.9.90.

Wait for further orders on 13.12.90. In the meantime - the applicant must comply with the orders of 12.9.90 within 10 days and the respondents may file counter within 2 weeks thereafter.

OR NACH files S.F.O. before DR (1st)

M. M. Singh  
A.M.

(U.C.)

21-11-92

1/5

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

High Court noticed that the Railway Administration did not file any counter-affidavit. There appears to be no justification for granting time. Anyhow, there is no question of giving any copy of writ-petition which was given to the Railway Counsel before the High Court. Even then they want to file counter-affidavit for which they are not entitled to any time. They may do so within two weeks. Even if counter affidavit is filed, the case shall proceed. List this case on 6-1-93 for hearing. The case shall not be adjourned on any ground.

C.P.  
S.F.H.  
11/11/93

(ug)

A.M.

V-C

A7  
A/B

CENTRAL ADMINISTRATIVE TRIBUNAL ,LUCKNOW BENCH,LUCKNOW.

T.A.No.1579 of 1987

Kashav Prasad Singh & others .....Applicants.

Versus

Union of India & others .....Respondents.

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

Hon'ble Mr.K.Obayya,A.M.

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

The case was adjourned on the request of the learned counsel for the Railway Administration to file reply but no reply has been filed .The learned counsel for the respondents states that he is opposing the application relying on the material on record.

2. The applicants, who were working as Conductors since 1978 on the basis of their options. Vide writ petition before the High Court, they have challenged the reversion order on the ground that the same is based on an incompetent order of cancellation of the panel by the authority which had no jurisdiction to do so and the same is also against the provisions of Rule 218 of the Railway Manual. According to them, they have been selected and posted to the higher post and they not be reverted without giving any notice or opportunity of being heard and pick and choose policy has been adopted by the respondents in ~~excess~~ ~~passing~~ the reversion order and they have acted in an arbitrary manner inasmuch as the persons of grade 425-640 of the panel formed after 1.1.84 have been included in the panel of 700-900 inspite of clear directions and instructions by the Railway Administration.

3. Some of the private persons i.e. respondents nos. 4 to 7 also moved an application for their impleadment and filed their counter affidavit to which a rejoinder affidavit has been filed. Although their application as such for impleadment has not been allowed but as the

W

affidavits have been exchanged, they are being considered. According to these respondents, they are senior to the applicants in length of service inasmuch as they were appointed prior to the applicants. The respondent no.4 was appointed as Ticket Collector on 24.10.46, respondent no.5 on 20.2.47, respondent no.6 on 21.6.49 and the respondent no.7 on 3.12.48 whereas the applicant no.1 was appointed as Ticket Collector on 28.11.82 and applicant no.2 on 19.3.58 and applicant no.3 on 10.1.85. The applicants were promoted in the next higher grade of 330-560 after these respondents and as such they became junior to them in promotion grade. In the promotion grade of 330-560, the respondents were promoted prior to the promotion of the applicants. These respondents were working as Train Ticket Examiners in the grade of 330-560 and they also gave option for one post out of the three posts which are Conductor, Senior Train Examiner and Head Ticket Collectors' posts. The applicants gave their options for the post of Conductor whereas the respondents gave their options for the post of Senior Ticket Examiners. The post of Conductor was declared as non-selection post while the posts of Senior Ticket Examiner and Head Ticket Collector were declared to be selection posts and again a up-gradation took place in 1978 in the Checking Branch w.e.f. 1.1.79. On the basis of this upgradation, them, 23 posts were upgraded out of three posts were given to Conductor, 16 to Senior Ticket Examiners and four to Head Ticket Collector. The applicants no.2 and 3 were promoted on the post of Conductor temporarily on 19.1.79 on the basis of option given by them while the applicant no.1 was promoted on adhoc basis w.e.f. 30.8.80 and the respondents were promoted as Senior Ticket Examiners. After coming into effect the restructuring notification w.e.f. 1.1.84, restructuring of posts took place and the selection for the post of Senior Ticket Examiner in the grade of 425-640 was held on 25.10.79 but the r

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(A9)

AA

of the same was not declared. Another selection took place on 15.6.83 and 20.10.83, the result of which was declared on 9.2.84 in which the respondents were declared successful and were given benefits of pay and seniority. A combined seniority list was, therefore, drawn up for further promotion on the basis of selection for the post of Inspector of Tickets in the grade of 700-900. In the said list, the respondents were shown senior to the applicants. The length of service being criteria for the post of Inspector of Tickets, the respondents also appeared in the selection but their names were not included and were included subsequently because of the representation filed by them on 8.6.84 and the applicants, who were junior to the respondents although their names were included in the list earlier, were depanelled and reverted to their substantive post in the grade of 425-640. Again on the basis of notice dated 12.4.84, the benefits were given to the respondents of restructuring of posts w.e.f. 1.1.84. As a result of yet another letter for upgrading, the respondents were temporarily put to officiate in the grade of 550-750 and were posted out of station and in the seniority list they were again placed above the applicants.

4. The applicants disputed some of the facts stated by the respondents and have pointed out that the applicants no.2 and 3 were declared suitable for the post of Conductor on the basis of seniority-cum-suitability test which took place in the year 1978 and were promoted though on various dates but were confirmed on the said post on 25.11.79 and 1.12.79 respectively. The applicant no.1 was confirmed on 12.12.80 although the letter dated 9.2.84 no reference was made of giving seniority to the respondents w.e.f. 1.1.79 but they were promoted on adhoc basis on the post of Senior Ticket Examiner. Respondent Tara Prasad was not even regularised and the so called seniority list on which

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A/a

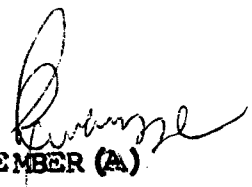
reliance has been placed, is not in fact a seniority list but only a call letter. The respondents' names were not included in the panel of grade 700-900 as they were working in the grade of 425-640 on adhoc basis on 1.1.84 and respondent Tara Prasad was working in the grade 330-560 and the applicants were confirmed in the grade of 425-640 and they were considered for the post of Senior Conductor in the grade of 700-900 and were empanelled and promoted on the said post from 26.5.84 and in this view of the matter, the applicants claimed and that they were senior to the respondents/as per panel dated 26.5.84, they were promoted as Senior Conductors in the higher scale while the respondents were not promoted in the said grade. These facts make it abundantly clear that the applicants were senior and under the provisions of Railway Manual, they were empanelled and promoted and the panel could not have been cancelled without giving opportunity of hearing and that was not done. If the representation of the respondents was allowed, obviously the same could have been allowed after giving opportunity of hearing to the applicants. Accordingly, this application is allowed to the extent that the reversion order will be deemed to be non-est. However, it will be open for the respondents to consider this question after giving opportunity to the applicants also as to whether their empanellment should be cancelled or should be deemed to have been cancelled on the date it was so-cancelled. It will be only after hearing them and after reconsidering the seniority position in accordance with the rules and a fresh list of seniority be prepared and in case the applicants were entitled for promotion and they have been wrongly reverted, they will be allowed notional promotion with effect from the date they were entitled for promotion.

ca

(411)

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/ 10

to actual promotion immediately thereafter. Let a decision in this behalf be taken within a period of three months from the date of communication of this order. No order as to costs.



MEMBER (A)



VICE CHAIRMAN.

DATED: JANUARY 6, 1993.

(ug)

CIVIL  
 CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. No. 3046-84

Name of parties

Keshav Pr Singh & Union of India

Date of institution

27-6-84

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs.	P.		
	1	Ind. with Anna and affidavit	23	-	302.00			
	2	Power	1	-	5.00			
	3	Cmdr 645869 284	2	-	15.00			
	4	Power	1	-	5.00			
	5	Cmdr 830169 284 with CA	26	-	7.00			
	6	Cmdr 830069 284	9	-	7.00			
	7	Power	1	-	5.00			
	8	Rejoinder affidavit	14	-	2.00			
	9	Adv. Sent	4	-	-			

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

Group A I

(A) 13  
4924

In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench Lucknow.  
Writ Petition No. 304 of 1984.

Keshav Prasad Singh & others. .. Petitioners.

Versus

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

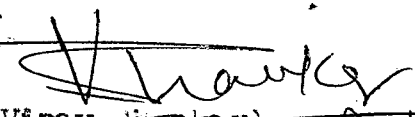
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7.	Annexure no. 6	16
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11.	Annexure no. 10	20 - 21.
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13.	Power.	24.
14.	Stay application	25-26.

7983

Lucknow, dated :

22-6-1984.

  
(Vinay Kumar)  
Advocate,

Counsel for the petitioners.

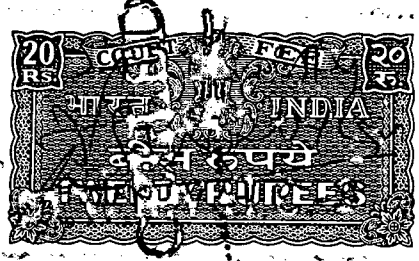
114

1



High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

Petition No. 3046 of 1984.



12/01/84  
24/6

Handwritten notes in vertical script, possibly detailing names and addresses of petitioners.

1. Keshav Prasad Singh, aged about 55 years, son of Sri Racha Mohan Singh, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of 39-B, Mishbagh, Lucknow.

2. Kewal Krishna Sachdeva, aged about 51 years, son of Sri G.M. Sachdeva, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of 46-Tilak Nagar, Lucknow.

3. Shyam Narain Srivastava, aged about 52 years, son of Sri R.B. Srivastava, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of II-116/G, Church Road, Lucknow.

4. ~~Syed Javed Akbar~~ ~~11/15~~  
5. ~~Ravi...~~ ~~...~~  
Petitioners.  
Versus

1. Union of India, through the General Manager, Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

3. Divisional Personnel Officer, Northern Railway, Hazratganj, Lucknow.

4. Syed Javed Akbar 11/15  
5. Ravi...  
Opp. P.A. ...



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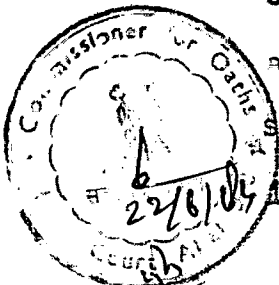
(A/c)

A/12

Writ Petition under Article 226 of the  
Constitution of India.

The humble petitioners most respectfully beg to submit as under :-

1. That the petitioners are working as Conductors since 1978 on the basis of their options.
2. That the petitioners were confirmed as Conductors in grade Rs. 425-640 (RS) in the employ of opposite parties no. 1 to 3 w.s.f, the years 1979 and 1980 respectively and are at present posted at Charbagh, Lucknow. A photostat copy of the letter of confirmation is annexed herewith as Annexure No. 1 to this writ petition.
3. That according to the present A.V.C. of Ticket Checking ~~Examination~~ Cadre the post of Conductors are non-selection and the post of Head Ticket Collector and Senior Ticket Examiners all of grade Rs. 425-640 (RS) are selection posts.
4. That the posts of Conductors, Head Ticket Collectors, Senior Ticket Examiners in grade Rs. 425-640 are being filled up after obtaining options from the staff in grade Rs. 330-560, and option once exercised is final to decide the future promotion of the optees.
5. That a selection for the post of Head Ticket Collector was held <sup>20mpared</sup> on 23-12-1982 and for the post of



*Amr*

A16

Senior Ticket Examiner on 15-6-1983 and 22-6-83 respectively and a panel of selected candidates of Senior Ticket Examiners was declared on 9-2-1984 and postings were made on 3-3-1984. Photostat copies of the same are enclosed as Annexures No. 2 and 3 respectively to this writ petition.

6. That due to re-structuring of the Ticket Checking Cadre posts in grade right from Rs. 330-560 to Rs. 700-900 have been created w.e.f. 1-1-1984 as a result of up-gradation of all the Ticket Checking Staff cadre.

7. That the General Manager (P), Northern Railway, New Delhi under his letter No. 752-E/545-I(EIC) dated 28-3-84 issued orders laying the guide-lines for selection to grade Rs. 700-900 on the basis of inter-se seniority of the employees working and empanelled in one grade lower to scale Rs. 700-900 and if requisite suitable staff is not available then persons in grade Rs. 425-640 (i.e., two grades lower to scale Rs. 700-900) be considered for selection with the condition that their names appear in the list of selected candidates for the grade Rs. 425-640 provided that the panel in which their names appear has been operated before 1-1-1984. The aforesaid letter further lays down that all the panels framed after 1-1-1984 would lapse and such candidates will not be eligible for being selected in scale Rs. 700-900 for the post of senior Conductors, Chief Inspector of Tickets. A copy of the aforesaid letter dated 38-3-1984 is annexed herewith as Annexure No. 4 to this writ petition.



Annexure

(17)

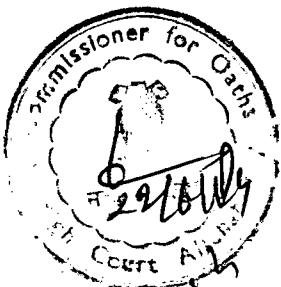
4/5

8. That inspite of the instructions as mentioned in the preceding paragraph, opposite party no. 2 on 12-4-1984 vide his letter No. 181/E/6/8-IV dated 12-4-1984 issued an inter-se seniority list of Head Ticket Collectors, Conductors and Senior Ticket Examiners in grade Rs. 425-640 including therein staff of the panel dated 9-3-84 and placed some of the staff senior to the petitioners, which should not have been done as instructions contained in Annexure no. 4 referred to above.

9. That opposite party no. 2 fixed 26-4-84 and 28-4-84 as the dates for selection to scale Rs. 700-900 and the petitioners along with others were called for viva-voce test before the selection committee.

10. That the petitioners along with others appeared before the selection committee on the above dates and a list of successful candidates was issued under letter no. 181-E/6/8-IV dated 26-5-84 in which the petitioners' names were shown at serial numbers 16 to 18 respectively and posting orders were also issued thereunder. The petitioners were promoted as Senior Conductors in scale Rs. 700-900. A photostat copy of the said orders are annexed as Annexures No. 5 and 6 to this writ petition.

11. That in pursuance of the above promotion orders the petitioners joined at their promoted posts on 26-5-1984 and started working at their new posts.



*Handwritten signature*

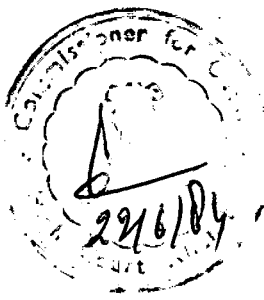
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4/10

A photostat copy of the joining report dated 26-5-84 is annexed herewith as Annexure No. 7 to this writ petition.

12. That the petitioners were working at their new posts quite satisfactorily but all of a sudden, for reasons best known to the opposite parties, opposite party no. 2 under his letter No. 181-E/6-8/TC IV dated 8-6-84 issued order that the panel formed earlier on 26-5-1984 on the basis of selection held on 26-4-1984 ~~and~~ 28-4-1984 is cancelled and in its place a revised panel was issued in which the petitioners names did not appear as selected candidates and in their places 4 persons junior to the petitioners and who were disqualified from being selected under General Manager (P)'s order dated 28-3-84 (Annexure No. 4 to the writ petition) and who were also declared unsuccessful in the selection held on 26-4-1984 ~~and~~ 28-4-1984. A photostat copy of the letter dated 8-6-1984 is annexed herewith as Annexure no. 8 to this writ petition.

13. That when the petitioners no. 1 and 2 and petitioner no. 3 fell sick from 11-6-1984 and 14-6-84 respectively (they are still on sick list), they were informed by their colleagues that their reversion orders from the post of Senior Conductors (scale Rs. 700-900) to the post of Conductors (scale Rs. 425-640) have been passed by opposite party no. 3 vide letter dated 8-6-1984 and 4 persons who were declared unsuccessful in the selection held on 26-4-1984 and 28-4-1984 have been promoted as Senior ~~Conductors~~ STEs.



Handwritten signature or initials.

A19

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17

A photostat copy of the reversion order dated 8-6-84 is annexed herewith as Annexure No. 9 to this writ petition.

14. That it is very surprising that once results of the results of selected candidates was declared on the basis of selection and others were declared unsuccessful, how can they be declared successful subsequently.

15. That the panel of the petitioners was approved by the Additional Divl. Railway Manager and the same was cancelled by him also, but he was not competent to do so as per Rule 218 of Chapter II of the Railway Manual which provides that the removal of a railway servant's name from the panel would require specific approval of the authority next above that which initially approved the panel.

16. That the orders of reversion of the petitioners have been passed in an arbitrary manner with malicious intention to harass the petitioners and as such ~~ix ix~~ liable to be set aside.

17. That it is also not known to the petitioners as to on what basis their names have been deleted from the panel and being duly selected candidates, why have they been reverted and persons who were not qualified as a result of their non-selection, have been promoted.



*Amulya*

18. That the said reversion order of the petitioners

is wholly illegal and mala fide as the same has been issued by the opposite party no. 3 without any reason and the same has been issued as a measure of punishment.

19. That the reversion order is bad in law as no opportunity or notice was ever given to the petitioners and as such opposite parties have acted against the provisions of Article 311 of the Constitution of India.

20. That the opposite parties have acted in a very arbitrary manner in reverting the petitioners and in framing a second panel by including persons in grade Rs. 425-640 from a panel which was framed after 1-1-1984 against the clear instructions issued by the Railway Administration and as such the same is unsustainable in the eye of law.

21. That against the orders of reversion, the petitioners preferred a representation to opposite party no. 2 on 14-6-1984 challenging the competency and validity of cancellation of their names from the panel as well as reversion order, but till date nothing has been heard in reply from the opposite party no. 2 and the same is lying undisposed with him. A copy of the representation dated 14-6-84 is annexed herewith as Annexure no. 10 to this writ petition.

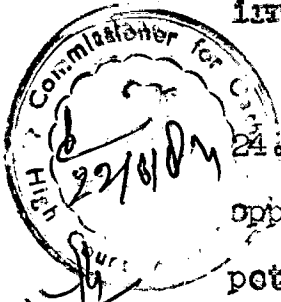
22. That the order of reversion has been passed only on 'pick and choose policy' by opposite party no. 3. *at his own liking*



*Komph*

19/11

23. That the petitioners are on medical leave and are still holding the post of Senior Conductors and if the operation of the impugned reversion order dated 8-6-1984 is not stayed, they will suffer irreparable loss and injury.



*S*  
*M*

24. That being disappointed by the silence of the opposite party no. 2 on their representation, the petitioners are thus left with no other alternative except to invoke the extraordinary jurisdiction of this Hon'ble Court to challenge their illegal reversion by way of a writ petition ~~xxx~~ on the following amongst other grounds :-

GROUND S :

- A) Because the impugned reversion order is illegal as the same is based on an incompetent order of cancellation of the panel passed by the authority having no jurisdiction and power to do so.
- B) Because the cancellation of the panel by the same authority who has approved it is against the provisions of Rule 218 of the Railway Manual.
- C) Because once the petitioners have been declared selected and posted to the higher post, they cannot be reverted without giving any proper notice or opportunity of being heard, but nothing was done by the opposite parties and thus the impugned order of reversion is against the principles of natural justice and fair-play.

~~K. K. K.~~  
~~...~~

(A22)

4/20

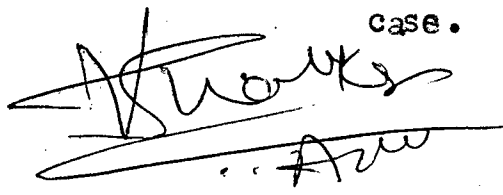
D) Because the reversion order is passed by way of punishment without affording any opportunity to the petitioners to defend their case which is in utter violation of Article 311 of the Constitution of India.

E) Because the opposite parties have acted in a very arbitrary manner in excluding the persons of grade Rs. 425-640 of the panel formed after 1-1-84 in the panel of Rs. 700-900 inspite of clear directions and instructions of the Railway Administration.

F) Because the opposite parties have acted on 'pick and choose' policy of their own liking by discriminating the petitioners and thus the impugned order of reversion has been issued in utter violation of Articles 14 and 16 of the Constitution of India.

G) Because the impugned order of reversion of the petitioners is totally based on non-consideration of the instructions, rules and regulations of Railway Administration by the opposite parties and as such the same is illegal, unjust and also bad in law.

H) Because the opposite parties have committed illegality with malafide intention in declaring the results <sup>twice</sup> of one selection which cannot be done in any case.



PRAYER.

Wherefore it is most respectfully prayed that this Hon'ble Court may be pleased to :-

- 1) issue, a writ, order or direction in the


A 23

8/27

nature of certiorari to quash the impugned panel and order of reversion dated 8-6-1984 contained in Annexures no. 8 and 9 respectively so far as they relate to the petitioners and panel dated 26-5-84 as contained in Annexure no. 6 be maintained,

- ii) issue a writ, order or direction in the nature of mandamus directing the opposite parties no. 1 to 3 to allow the petitioners to work at their present post of Senior Conductors in grade Rs. 700-900 as per panel dated 26-5-1984,
- iii) to issue such other writ, order or direction as may be deemed fit and proper in the circumstances of the case, and
- iv) to award cost of the writ petition to the petitioners.

Lucknow, dated :  
22-6-1984.

  
(Vinay Shankar)  
Advocate,

Counsel for the petitioners.

(11)

A24

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,  
 1983 Position No. of 1984.  
 K.P. Singh & ors Vs. Union of India & ors.

Annexure No. 1.

Northern Railway

No. 842-E. 5/8/81

Divisional Office  
 LKO 30-6-81

A/22

Notice

The undernoted staff are confirmed as conductors in grade (Gr. 425-540) (PS) from the date noted against each.

1) Sri B.L. Verma	Cond/LKO	23-11-70
2) " G.P. Mahavanesh	"	21-5-77
3) " K.L. Tandon	"	16-2-79
4) " G.S. Sharma	"	1-7-79
5) " C.R. Sachdeva	"	11-1-79
6) " I.A. Sachdeva	"	25-11-79
7) " S.J. Srivastava	"	1-12-79
8) " R.A. Srivastava	"	13-4-80

Sd/- K.L. Tehta  
 for Divl. Dy Manager  
 Lucknow

for information and necessary action to:

1. Secy/LKO, 2. Divl. DT/LKO,
3. Divl. Secy URM & URD/LKO



Northern Railway

No. 842-E. 5/8/81

Divisional Office  
 LKO 21-12-81

The undernoted staff are confirmed in grade 550-750 (Gr. 425-640) from the date noted against each:

1) Sri B.L. Verma	OT/LKO	550-750	29-9-81
2) " R.Am Lochan	"	550-750	9-2-82
3) " P.N. Gupta	Cond	425-540	1-2-79
4) " S.N. Sharma	"	"	10-7-79
5) " H.S. Sharma	"	"	25-10-80
6) " . . . . .	"	"	12-12-80
7) " K.P. Singh	"	"	12-1-81
8) " Purnanasi	"	"	1-12-81
9) " Ram Lakha	"	"	19-12-81

*Handwritten signature*

For the approval of DPO/LKO.

Sd/-  
 for DPO

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,  
Civil Petition No. 181 of 1984.  
K.P. Singh & Mrs Vs. Union of India & others.

Page No. 10 of 19  
Annexure no. 2.

SECT 198/NORTHERN RAILWAY

4/27

No. 181.0/6-8-111.

Div. Secy,  
Lucknow dt. 9.1.84.

TO THE SECT 198  
DCT LKO  
DCT JH  
DCT DLB.

Re:- Selection for the post of STS in GR.423-550(AS)

- |                     |           |         |
|---------------------|-----------|---------|
| 1. S.T. Alan        | Offg. STS | BSB     |
| 2. Nanjant Singh    | "         | FU      |
| 3. Q. Arifullah     | "         | LKO     |
| 4. Tara pd.         | TRR       | LKO     |
| 5. V.V. Singh       | "         | BSB     |
| 6. Mohan Misra      | STS       | "       |
| 7. D.P. Sharma      | Offg. TRR | BSB     |
| 8. Gopal Mishra     | TRR       | LKO     |
| 9. H.P. Singh       | Offg. STS | BSB     |
| 10. Indor Kumar     | TRR       | DLB     |
| 11. P.S. Srivastava | TRR       | BSB JH  |
| 12. G.P. Sadi       | Offg. TRR | BSB     |
| 13. D.C. Kar        | "         | BSB     |
| 14. J.K. Gulati     | "         | BSB     |
| 15. Pradeep Kumar   | "         | "       |
| 16. Anil Kumar      | "         | "       |
| 17. Ishwar Lal      | TRR       | DLB JH. |

18. P.S. Anandhi Offg. TRR LKO.

This is a provisional panel.

sd. Secy  
9.1.84

*Chandra*



Annexure No. 3.

N.RLY

No. 181/E/6-8 III

Dt. 3-3-84

As a result of the selection held for post of STE  
Grd. 425-640 (RS) on 15-6-83 and 22-6-83, the following  
candidates who have been placed on the panel are promoted  
as STE Grd. 425-640 (RS) and posted at the stations showing  
against each.

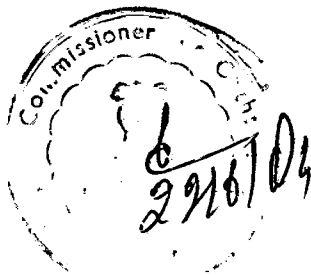
1.	Sri S.I. Alam	Offtg on Ad-hoc STE/BSB	STE	BSB
2.	" Nanjeet Singh	STE/FD	STE	FD
3.	" Q. Anisullah	STE/LKO	STE	LKO
4.	" Tara Prasad	"	"	"
5.	" K.N. Singh	STE/BSB	"	BSB
6.	" Balram Misra	"	"	"
7.	" D. F. Saxena	"	"	"
8.	" Gopal Kishore	" LKO	"	LKO
9.	" R.S. Sinha	" BSB - Pali	"	BSB
10.	" T.N. Awasthi	" LKO	"	LKO
11.	" O.P. Basi	" BSB	"	BSB
12.	" D.C. Kar	"	"	"
13.	" J.N. Gulathi	"	"	"
14.	" Brinda Ram	"	"	"
15.	" Kanchan Ram	"	"	"

This has approval of Sr. DCS/DPO/LKO

N.B. The services of item No.1 to 15 except 4-5-8 who are  
now already working in ad-hoc arrangement are regularized  
in grade 425-640(RS)

Copy to: SS/BSB, SS/LKO, SS/FD, Sr. DAO/LKO  
AS/Pay Bill

Sd/-  
DPO/LKO  
3/3/84



In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,  
Civil Petition No. of 1984.

M.P. Singh & Ors Vs. Union of India & Ors.

NORTHERN RAILWAY

Annexure no. 4.

NO 752-E/345-I(ETC)

HEADQUARTERS OFFICE  
BARODA HOUSE  
NEW DELHI.  
20th March 1984

A/S

The Divisional Railway Manager,  
Northern Railway,  
Delhi, Allahabad, Moradabad, Lucknow.  
Jodhpur, Bikaner & Firazepore.

Sub:- Restructuring of Commercial Cadre.

In connection with the implementation of restructuring in the Commercial Cadre for which orders have been received under Board's letter No. PCIII/80/SPG/19 dated 20.12.1983, the following instructions are issued as per the directives/decisions of CCS:-

(i) - All posts in the Commercial Category for which restructuring have been received under Board's letter No. PCIII/90/UPG/19 dated 20.12.1983, except the category of Enquiry-cum-Reservation clerks are decentralised upto and including Grade Rs.700-900(RS).

(ii)- While implementing restructuring, where promotional course is a pre-requisite condition, staff may be promoted to higher grade, pending passing the prescribed promotional course. However, such staff so promoted should be warned that they will have to pass the prescribed promotional course in their first attempt or otherwise they will be reverted. The divisions should, therefore, contact the zonal training School, Chandausi, to have the classes started on a programme-basis so that the staff promoted as such are sent for training at the earliest.

(iii)- In regard to the panels that have been announced after 1.1.1984/ not been announced/partially operated/ still under process of finalisation, the following instructions are issued:-

(i) - In the case of selections held prior to 1.1.1984 but panels not announced, these panels should not be issued.

(ii)- Panel formed prior to 1.1.1984 and remained unoperated on 1.1.1984, will stand lapse.

(iii)- Panels formed prior to 1.1.1984 but partly operated, the unoperated portion of the panel will stand lapsed.

(iv)- In view of mass upgradation with a tight schedule date, it is considered necessary to expedite the selections. Hence written test where necessary is dispensed with. However, other conditions like Ex formula etc. will remain operative. This is excepted only for this upgradation.

6  
29/6/84

sd/- G. Sankaranarayanan  
for General Manager (E)/N.R.

Janak

Copy to:  
CCS, Addl. CCS/  
Dy. CFC/J, SPC/PC  
FIC & sub-section, Baroda House, New Delhi.

(15)

A28

Northern Railway.

Annexure No. 5.

No. 181-E/6-8-IV.

Divisional Office,  
Lucknow Dt. 26/5/84.NOTICE.

As a result of selection of Inspector of Tickets  
Gr. Rs. 700-900 (RS) held from 26.4.84 to 29.4.84 the following  
Candidates are selected and placed on the panel:-

- |                               |                     |
|-------------------------------|---------------------|
| 1. Sri Sheo Baran Pd. S/C.    | SIT/LKO.            |
| 2. Sri Babadin Chaudhary S/C. | SIT/LKO.            |
| 3. " D. R. Singh.             | SIT/BSB.            |
| 4. " S. P. Srivastava.        | Hd. TC/PD.          |
| 5. " J. a. Khar.              | SIT/BSB.            |
| 6. " G. P. Mahavinesh. S/C.   | Conductor/LKO.      |
| 7. " D. S. Rajwat.            | STE/Hd. qr. Office. |
| 8. " T. N. Srivastava.        | SIT/BSB.            |
| 9. " S. K. Gupta.             | SIT/LKO.            |
| 10. " K. L. Tandan.           | Conductor/KEB.      |
| 11. " U. R. Tiwari.           | Hd. TC/KE L.        |
| 12. " Altaf Hussain.          | SIT/FL.             |
| 13. " P. N. Singh, L.         | SIT/LKO.            |
| 14. " Rajpati Ram. S/C.       | SIT/BSB.            |
| 15. " H. N. Mishra.           | SIT/PBH.            |
| 16. " K. P. Singh.            | Conductor/LKO.      |
| 17. " K. K. Sachdeva.         | -do-                |
| 18. " S. N. Srivastava.       | -do-                |
| 19. " H. S. Sharma.           |                     |

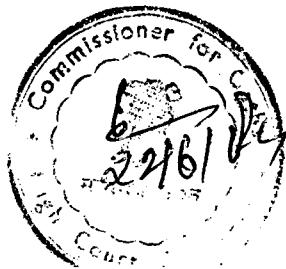
This is a provisional panel.

*10/12/26/5*  
Divisional Personnel Officer,  
N. Rly. Lucknow.

Copy to:-

- 1) SS/LKO, FN, PBH, BSB.
- 2) SS/Kashi.
- 3) S.C.O.(G), Hd. qrs. Office, N. Rly. Baroda House, New Delhi.
- 4) Sr. D. A. O./Lucknow.
- 5) A. E. (Paybill)/Lucknow.

KP/



No. 1811/6-8/TC. IV

Divisional Office  
Lucknow Dt. 26/5/84

NOTICE

As a result of upgrading w.e.f. 1-1-84 the staff who have been selected in grade Rs 700-900 (RS) provisionally are temporary promoted and posted as under :-

Sl. No.	Name	Desig. & Stn.	Promoted as	Grade	Remarks
	S/Sri				
1	Sheo Baran Pd. S/C	SIT/LKO	Sr. SIT/LKO	700-900	
2	Baba Din Chaudhary S/C	SIT/LKO	-do-	-do-	
3	D.P. Singh	SIT/BSB	Sr. SIT/BSB	-do-	
4	S.P. Srivastava	Hd. TC/FD	Sr. Hd. TC/FD	-do-	
5	J. A. Khan	SIT/BSB	Sr. SIT/BSB	-do-	
6	G.P. Mahavinesh	Conductor/BSB	Sr. Cond./LKO	-do-	
7	T.N. Srivastava	SIT/BSB	Sr. SIT/BSB	-do-	
8	S.K. Gupta	SIT/LKO	Sr. SIT/LKO	-do-	
9	K.L. Tandon	Conductor/LKO	Sr. Cond./LKO	-do-	
10	U.R. Tiwari	Hd. TC/KEI	Sr. Hd. TC/KEI	-do-	
11	Altap Husain	SIT/FD	Sr. SIT/FD	-do-	
12	P.N. Singh (I)	SIT/LKO	Sr. SIT/LKO	-do-	
13	Rajpati Ram S/C	SIT/BSB	Sr. SIT/BSB	-do-	
14	H.N. Misra	STE/PBH	Sr. STE/PBH	-do-	
15	K.P. Singh	Conductor/LKO	Sr. Cond./LKO	-do-	
16	K.K. Sachdeva	-do-	-do-	-do-	
17	S.N. Srivastava	-do-	-do-	-do-	
18	H.S. Sharma	-do-	-do-	-do-	Promoted on ad-hoc basis

The staff who were promoted as D.C.I.T. grade Rs 700-900 vide this office notice of even No. dated 26-4-84 are re-designated as under :-

1. Sri M.P. Srivastava, DCIT/LKO
2. Sri B.L. Varma, Sr. CIT/LKO (STN)
3. Sri Ram Lochan S/C Sr. CIT/LKO (Roster)
4. Sri Ram Lal, Sr. CIT/LKO (Hl. Qr.)
5. Sri Jamuna Pd. Sr. CIT/LKO (Raids)
6. Sri M. Kujur (ST), Sr. CIT(Stn.)/BSB

This has approval of ADRM(OP)/LKO

Sd/- Illegible  
26/5

for Divl. Personnel Officer,  
Lucknow

1. SS, LKO/FD/PBH/BSB
2. SS Kashi.
3. Sr. DAO/LKO
4. A.S./Pay Bill.

\*\*\*\*



*Handwritten signature/initials*

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

Writ Petition No. of 1984.

Keshav Prd. Singh & others.

.. Petitioner.

Vs.

Union of India & others.

.. Opp. Parties.

गौं दीं पारो दीं  
दिनांक: 27.5.84

सं. डी०सी०आई०टी० इं०/१/८४

Annexure No. 7.

मंडल रेलवे प्रबन्धक,  
उत्तर रेलवे,  
लखनऊ।

आपके आदेश सं. 181-E/6-8/TC-IV, दि०  
26.5.84 के अनुसार निम्नांकित स्टाफ के नामों  
के सामने ज्यूरि-रॉस्टर एवं मस्टर-रोल में आवश्यक  
पेटिप्परी अंकित कर दी गई है कि दि० 26.5.84 से  
उपरोक्त आदेश का कार्यान्वयन कर दिया गया है :-

1. श्री शिव बरन प्रसाद - S.I.T./LKO Sr. S.I.T./LKO 700-900
2. " बाबा दीन चौधरी, SIT/LKO - Sr. S.I.T./LKO -do-
3. " जी० पी० महावेश, Cond./LKO - Sr. Cond./LKO -do-
4. " एस० के० गुप्ता, S.I.T./LKO - Sr. S.I.T./LKO -do-
5. " के० रत्न टंडन, Cond/LKO - Sr. Cond/LKO -do-
6. " पी० एन० सिंह I, S.I.T./LKO - Sr. SIT/LKO -do-
7. " के० पी० सिंह, Cond./LKO - Sr. Cond/LKO -do-
8. " के० के० सचदेव -do- -do- -do-
9. " एस० एन० श्रीवास्तव -do- -do- -do-
10. " एस० एस० शर्मा -do- -do- -do-

प्रस्तुत है।



29/6/84  
पंजाब मुख्य डिप्ट निरीक्षक,  
उत्तर रेलवे, लखनऊ

*Handwritten signature*

(18) (A34)  
In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,  
P. No. of 1984.  
K.P. Singh & ors Vs. Union of India and ors.  
Northern Railway.

Annexure no. 8.

No. 181.E/6-8/TC IV.

Divl. Office,  
Lucknow dt. 8.6.84.

Notice.

The provisional panel of Inspector of Tickets grade 700-900(RS) as announced vide this office notice No. 181.E/6-8/TC IV dated 26.5.84 is hereby cancelled and the revised prov. panel is as under:-

G/Shri

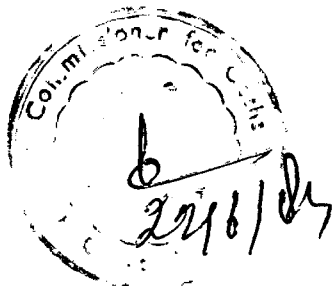
1. Shri Balan Pd. (SC)	SIT LKO
2. Babadin choudhary	"
3. D. B. Singh	SIT BSB
4. S. P. Srivastava	Hd. TC FD
5. J. A. Khan	SIT BSB
6. G. P. Mahavanesh (SC)	Conductor LKO
7. D. S. Rajwat	SIT Hd. Qrs. Office NDLS
8. T. N. Srivastava	SIT BSB
9. S. K. Gupta	SIT LKO
10. K. L. Tandon	Conductor LKO
11. U. R. Tewari	Hd. TC KEI
12. Altaf Hussain	SIT FD.
13. P. N. Singh	SIT LKO
14. Rajpati Ram (SC)	SIT BSB
15. H. N. Misra	SIT PBH

This has the approval of ADRM(OP).

*10/11/84*  
Divl. Personnel Officer,  
Lucknow.

Copy to:-

1. SS LKO FD PBH BSB.
2. SS KEI
3. SCO(G) Hd. Qrs. Office, N.Rly., Baroda House, New Delhi
4. Sr. DAO LKO
5. A. S. Pay Bill Lucknow.



*Sharma*

No. 131E/6-8/TC.IV.

Divl. Office,  
Lucknow dt. 8.6.84.

Notice.

In continuation of this office Notice of even number dated 26.5.84 the following candidates who have been de-panelled from grade 700-900(RS) (Inspr. of Tickets), are hereby reverted to their substantive posts in grade 425-640(RS) :-

S/ Shri

- |                      |               |
|----------------------|---------------|
| ✓ 1. K.P. Singh      | Conductor LKO |
| ✓ 2. K.K. Sachdeva   | Conductor LKO |
| ✓ 3. S.N. Srivastava | Conductor LKO |
| 4. H.S. Sharma       | Conductor LKO |

The undernoted STEs in grade 425-640(RS) are hereby temporarily promoted on adhoc basis in grade 700-900(RS) as (Inspector of tickets) and posted as under :-

S/ Shri

1. S.I. Alam
2. Ranjit Singh
3. Qazi Anisullah
4. Tara Pd.

STE BSB  
STE FD  
Sr. STE LKO  
STE LKO

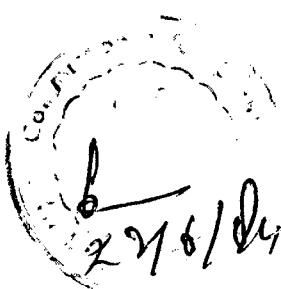
Promoted as Grade  
Sr. STE BSB 700-900  
" FD "  
" LKO "  
" LKO "

This has the approval of ADRM(OP) LKO.

*10015 876154*  
Divl. Personnel Officer,  
Lucknow.

Copy to:-

1. SS LKO FD PEH BSB.
2. SS KEI
3. Sr. DAO LKO
4. AS Pay Bill LKO.



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

Writ Petition No. of 1984.

K/51

Keshav Prasad Singh & others. .. Petitioners  
Versus  
Union of India and others. .. Opp. Parties.

Appendix no. 10.

To

The Divisional Rly. Manager,  
Northern Railway, Lucknow.

Sir,

Re : Reversion in 425-640 (RS) from grade 700-900 (RS).

Reference : Your letter no. 181/2/6-8-IV  
dated 26-5-84.

With due respect we beg to state as under :-

1. That we were working as Conductor from the year 1978 in grade of Rs. 425-640.
2. That due to restructuring of the cadre we were promoted in grade of Rs. 700-900 vide your letter no. 181/2/6-8-IV dated 26-5-1984.
3. That we have been reverted to Gr. Rs. 425-640 without any proper notice and few persons have been assigned seniority above us and they have been promoted to Gr. 700-900 (RS).
4. That we want to draw your kind attention towards General Manager's letter of even no. dated 28-3-84 in which in para 3 it has clearly been mentioned that the panel formed after Jan. 84 will not be given any cognizance, in respect of restructuring.
5. That the following two points clearly show that

6  
22/6/84

Amulya

- 2 -

A/32

injustice has been done to us while revising our seniority:-

i) any notice was not given before revising our seniority as we know that there is an agreement with both the recognised unions that seniority will only be revised after giving proper notices to affected employees which has not been done in our case.

ii) G.M's order on the subject are very clear and have been ignored, while deciding our fate .

We, therefore, request you to kindly consider our case sympathetically so that we may get justice from your end.

Yours faithfully,

1. (K.P. Singh), Conductor,  
Dated : 14th June, 1984. Lucknow.

2. (K.K. Sachdeva), Conductor,  
Lucknow.

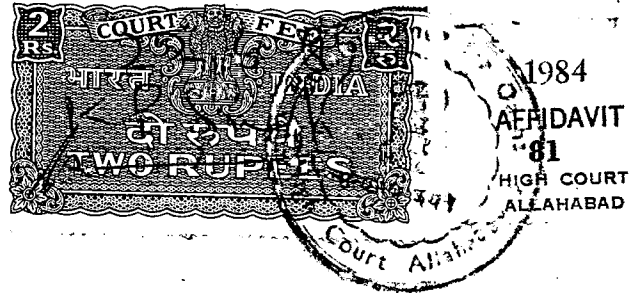
3. (S.N. Srivastava), Conductor,  
Lucknow.

Annex 1b

6  
22/6/84

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

Writ Petition No. / of 1984.



Keshav Prasad Singh and others. .. Petitioners.

Versus

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

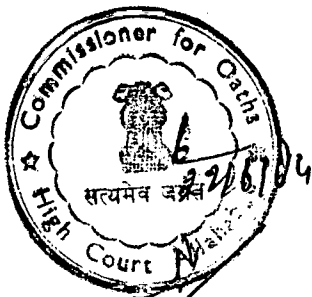
Affidavit.

I, Keshav Prasad Singh, aged about 55 years, son of Sri Radha Mohan Singh, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of 39-B, Aishbagh, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is himself petitioner no. 1 and partner of petitioners no. 2 and 3 in the above noted writ petition and as such he is fully conversant with the facts of the case.

2. That contents of paras 1 to 24 \_\_\_\_\_ of the accompanying writ petition are true to my own knowledge and the contents of paras \_\_\_\_\_ are believed by me to be true on the basis of legal advice.

3. That annexure no. 10 to the writ petition has been compared with its original and it is certified



A/34

that it is a true copy of its original while Annexures no. 1 to 9 are photostat copies.

Lucknow, dated :  
22-6-1984.

*[Signature]*  
Deponent.

Verification.

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

Lucknow, dated:  
22-6-1984.

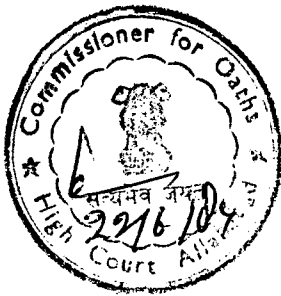
*[Signature]*  
Deponent.

I identify the deponent who has signed before me.

*[Signature]*  
Advocate. -- *[Signature]*

Solemnly affirmed before me on 22-6-1984 at 8-70 a.m./p.m. by Sri Keshav Prasad Singh, the deponent, who is identified by Sri Vinay Shanker Advocate, High Court, Lucknow.

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



*[Signature]*  
AYODHYA PRASAD  
OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench

No... 81 of 22-6-84  
Date... 22-6-1984

य अदालत श्रीमान Hon'ble High Court Lucknow Bench महोदय

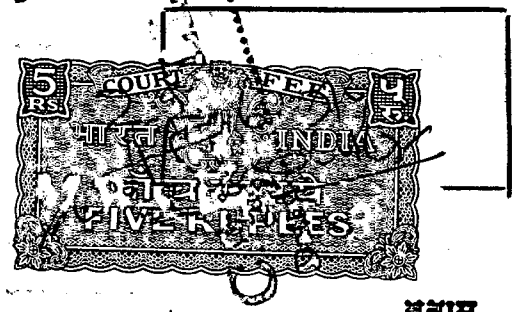
लखनऊ

घादी अपीलान्त Petitioners

वकालतनामा

प्रतिवादी-रेस्पान्डेंट  
K.P. Singh & others

VS Union of India.



14/2/51  
22/1/84

घादी (मुद्दई)

धनाम

WP No of 1984 प्रतिवादी (मुद्दाअलेह)

न० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री विनय शंकर श्रीवास्तव एडवोकेट

टी-४१/बी, हैदर कैनल कालोनी, चारबाग, लखनऊ महोदय

नाम कर्तापत्र
न० मुकद्दमा
नाम प्रतिवादी

जो अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करवा हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई फागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया पासूल करें या सुलहनामा व इकबाल दाघा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें वा मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) जा दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (बस्तखत) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सवंधा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अग्रिम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

स्वीकार किया

Accepted

हस्ताक्षर श्री श्रीवास्तव  
 साक्षी (गवाह) ① केशव प्रताप शर्मा  
② [Signature]  
③ Shyam Narain Srivastava  
 साक्षी (गवाह)

दिनांक 22 महीना 2 सन् १९८५

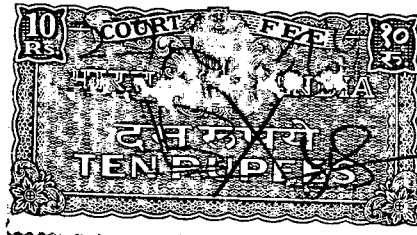
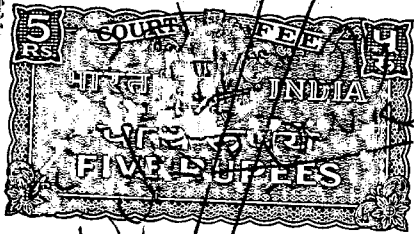
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In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

C.M. Application No. 6450 of 1984.

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Handwritten notes: 15/12/84, 27/6/84

1. Kashav Prasad Singh, aged about 55 years, son of Sri Radha Mohan Singh, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of 39-B, Aishbagh, Lucknow.
2. Kewal Krishna Sachdeva, aged about 51 years, son of Sri G.M. Sachdeva, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of 46-Tilak Nagar, Lucknow.
3. Shyam Narain Srivastava, aged about 52 years, son of Sri R.B. Srivastava, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of II-116/G, Church Road, Lucknow.

.. Applicants.

In re: 3046

Writ Petition No. of 1984.

Kashav Prasad Singh & others. .. Petitioners.

Versus

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

Application for Stay.

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The above named applicants most respectfully beg

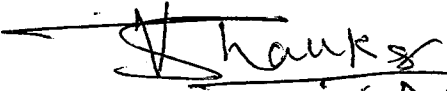
to submit as under :-

That on the basis of the facts and circumstances stated in the accompanying writ petition duly supported

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by an affidavit, this Hon'ble Court may kindly be pleased to pass an interim order staying the operation of the reversion order dated 8-6-1984 contained in annexure no. IX to the writ petition so far it relates to the applicants till the disposal of the writ petition, and to pass such other order or direction as the Hon'ble Court deems fit and proper in the circumstances of the case.

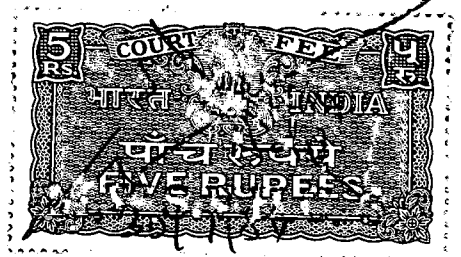
Lucknow, dated :  
22-6-1984.

  
(Vinay Shankar) A-11  
Advocate,

Counsel for the applicants.

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No. Re

VAKALATNAMA

Before  
In the Court of

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

Writ Petition No. 3046 of 1984

Sri K. P. Singh and others

Plaintiff  
Defendant

Claimant  
Appellant  
Petitioner

Versus

Union of India and others

Defendant  
Plaintiff

Respondent  
Opp. Parties

The President of India do hereby appoint and authorise Shri. Siddharth Verma, Advocate  
C-16, K. Road, Mahanagar, Extension, Lucknow-226006.....

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

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The President hereby agrees to ratify all acts done by the aforesaid Shri. Siddharth Verma, Advocate.....

in pursuance of this authority.

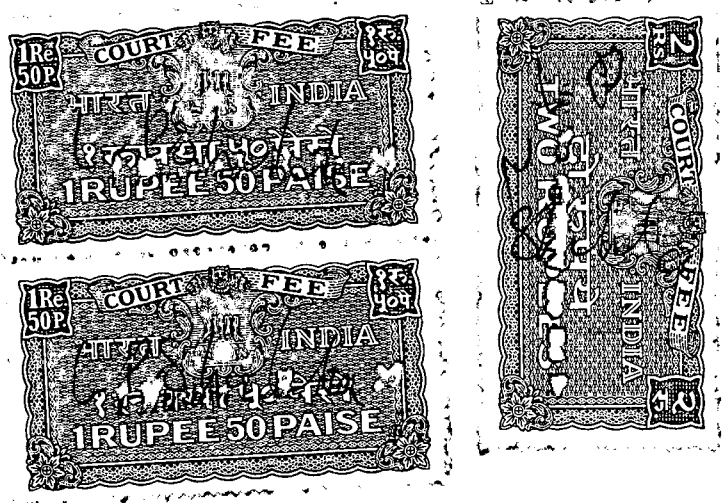
IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 27-7-1984 19

Accepted  
Siddharth Verma

Dated 27-7-1984

(Siddharth Verma) .....  
Advocate Designation of the Executive Officer

AUG



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

12002

C.M. Application No 301 (W) of 1984

Syed Izhar Alam & others ..... Applicants

Versus

Sri Keshav Prasad Singh & others ..... Opp. Parties

In Re.

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

Application for vacating the stay order.

The applicants most respectfully beg to submit  
as under :-

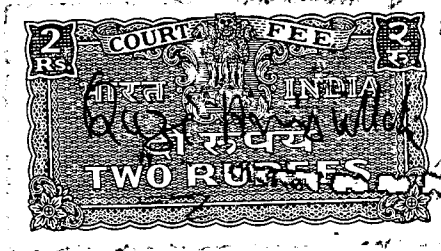
That for the facts and circumstances stated  
in the accompanying counter affidavit it is most  
respectfully prayed that the stay order dated 27.6.1984  
is liable to be vacated.

Dated Lucknow:  
August 6, 1984.

*L.P. Shukla*  
(L.P. Shukla)  
Advocate,  
Counsel for the applicants.

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May 1984  
AFFIDAVIT  
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HIGH COURT  
ALLAHABAD  
6-8-84

8/39

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

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

Counter affidavit on behalf of  
opposite parties 4, 5, 6 & 7.  
.....

I, Qazi Anis Ullah, aged about 57 years, 177  
Bheri Mandi, Molviganj, Lucknow, do hereby solemnly  
affirm and state on oath as under :-

1. That the deponent alongwith Syed Izhar Alam,  
Ranjeet Singh and Tara Prasad has sought impleatiment  
in the above writ petition as they are the necessary  
parties. The deponent has been authorised by the  
aforesaid persons to file this affidavit. The  
deponent has read over and understood the contents of  
the writ petition and is fully conversant with the  
facts deposed to herein.

2. That the deponent along with Syed Izhar Alam,  
Ranjeet Singh and Tara Prasad were appointed prior to



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the petitioners and hence they are senior to the petitioners in length of service. Syed Izhar Alam was appointed as Ticket Collector on 24.10.1946, Ranjeet Singh was appointed as Ticket Collector on 20.2.1947, Qazi Anis Ullah (deponent) was appointed as Ticket Collector on 21.6.1949 and Tara Prasad was appointed as Ticket Collector on 3.12.1948 whereas petitioner no.1 was appointed as Ticket Collector on 28.11.1982, petitioner no.2 on 19.3.1958 and petitioner no.3 on 10.1.1955.

3. That the petitioners were promoted in the next higher grade of Rs.330-560 (RS) after M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah (deponent) and Tara Prasad. Hence the petitioners are again junior in the promotion grade also. In the promotion grade of Rs.330-560 Syed Izhar Alam was promoted on 31.12.1959, Ranjeet Singh on 3.7.1961, Qazi Anis Ullah on 4.11.1962 and Tara Prasad on 5.11.1962.

4. That the petitioners as well as M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad while working as Train Ticket Examiners in the grade of Rs.330-560 (RS) were required to give option for promotion in the grade of Rs.425-640 (RS) for the following posts in the said grade :-

- (i) Conductor
- (ii) Senior Ticket Examiner
- (iii) Head Ticket Collector

5. That the petitioners accordingly gave their



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option for the post of conductor whereas M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad gave their option for the post of Senior Ticket Examiner.

6. That the post of Conductor in the grade of Rs.425-640(RS) was declared as non selection post which means that whenever any vacancy in the post of Conductor was to be filled the staff opting for the post of Conductor will be promoted on the basis of seniority whereas the posts of Senior Ticket Examiner and Head Ticket Collector were declared to be selection posts and as such the staff opting for the said posts shall get their promotion in the said grade after passing the selection test.

7. That in the year 1978 a upgrading of the posts in the Checking Branch was made with effect from 1.1.1979. On the basis of this upgrading the Senior Divisional Personnel Officer, Northern Railway, Lucknow, by his letter dated 30.8.1980 worked out and found out 23 posts to be upgraded in the grade of Rs.425-640 (RS). The said 23 posts according to categorywise strength were described as under :-

- (i) 3 posts of Conductors
- (ii) 16 posts for Senior Ticket Examiners
- (iii) 4 posts for Head Ticket Collectors

A true copy of the DPO's letter dated 30.8.1980 regarding upgrading of posts is filed as Annexure No.D-1 to this affidavit.



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8. That according to the aforesaid upgrading of posts the petitioners were promoted on the posts of Conductors on the basis of the option given by them. Similarly M/S Syed Izhar Alam, Ranjeet Singh and Qazi Anis Ullah (deponent) were promoted as Senior Ticket Examiners. It may be mentioned that the petitioner nos. 2 and 3 were promoted as Conductors temporarily against existing vacancies by letter dated 19.1.1979 and petitioner No.1 was promoted on adhoc basis w.e.f. 30.8.1980.

9. That the Railway Board by its letter dated 20.12.1983 made a re-structuring of the posts and accordingly the posts of Checking Branch in the grade of Rs.425-640 were revised from 15.4% to 29% w.e.f. 1.1.1984. According to this letter all the three categories, that is, Conductors, Senior Ticket Examiners and Head Ticket Collectors were entitled to the benefit of re-structuring of posts w.e.f. 1.1.1984. A true copy of the Railway Board's letter dated 20.12.1983 is filed as Annexure No.D-2 to this affidavit.

10. That the selection for the posts of Senior Ticket Examiners in the grade of Rs.425-640 (AS) in which M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad appeared was held on 25.10.1979 but for certain administrative reasons the results were held up. This selection test was held to give benefit for the post of Senior Ticket Examiners in the grade of Rs.425-640 on the basis of the previous upgrading of posts by letter dated 30.8.1980 (Annexure D-1) w.e.f.



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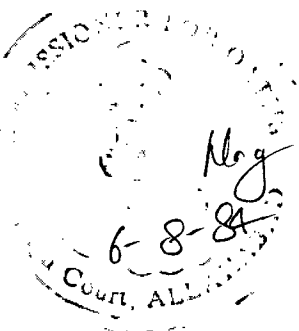
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1.1.1979.

11. That on the basis of the representations/appeals filed by the persons affected by the non declaration of the results for selection of Senior Ticket Examiners they were required to appear in another selection test on 15.6.1983 and 20.10.1983. The result of this selection was declared on 9.2.1984. In the said selection M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad were declared successful and were accordingly given full benefits of pay and seniority w.e.f. 1.1.1979 on the basis of the Railway Board's letter dated 30.8.1980 (Annexure D-1) The letter dated 9.2.1984 declaring the selection result for the posts of Senior Ticket Examiners is filed as Annexure No.2 and the postings on the basis thereof is filed as Annexure No.3 to the writ petition.

12. That on the basis of the result of the selection for the posts of Senior Ticket Examiners and the facts and circumstances indicated above, a combined seniority list was drawn up and announced by notice dated 12.4.1984 for further promotion on the basis of selection for the post of Inspector of Tickets in the grade of Rs.700-900. According to the said notice M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad found place at sl. nos. 17 to 20 respectively and have been shown senior to the petitioners who are placed at sl. nos. 29, 30 and 32 respectively. A true copy of the notice dated 12.4.1984 showing the combined seniority list for the purpose of



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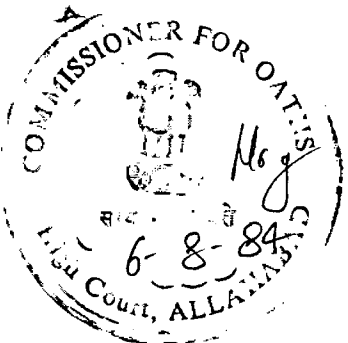
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selection for promotion in the grade Rs.700-900 is filed as Annexure No.D-3 to this affidavit.

13. That in accordance with the directive from the General Manager (Personnel) dated 23.3.1984 the fixation of seniority of Head Ticket Examiners, Senior Ticket Collectors and Conductors in the grade of Rs.425-640(RS) for promotion as Chief Inspector Ticket is to be done on the basis of the length of service in the grade of Rs.330-560(RS) keeping their inter-se seniority in grade of Rs.425-640(RS) in their respective categories intact. A true copy of the letter dated 23.3.1984 from the General Manager (Personnel) is filed as Annexure No.D-4 to this affidavit.

14. That opposite parties appeared in the selection test as Senior Ticket Inspectors on the basis of the notice dated 12.4.1984 but when their names were not included in the selected list they made a representation which was allowed and the panel dated 26.5.1984 was cancelled and a fresh panel was declared on 8.6.1984 showing the names of the opposite parties (as SIEs) in the said panel filed as Annexure No.8 to the writ petition and the petitioners, who were juniors, were depanelled and referred to their substantive post in the grade of Rs.425-640 by notice dated 8.6.1984 filed as annexure no.9 to the writ petition.



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15. That on the basis of the aforesaid notice dated 12.4.1984 the opposite parties were given benefit of restructuring of posts w.e.f. 1.1.1984 on the basis

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of Railway Board's letter dated 20.12.1983. This notice further indicates that the said opposite parties were given benefit of selection and empanelment on 9.2.1984 with effect from 1.1.1979 and thus placed senior to the petitioners.

16. That by letter dated 16/23.7.1984 of the Divisional Railway Manager, Lucknow, the staff in the grade of Rs.425-640(RS) as a result of upgrading w.e.f. 1.1.1984 has been temporarily put to officiate in the grade of Rs.550-750(RS) and posted on the same station. The said notice in order of seniority indicates the opposite parties Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad at sl.nos. 1 to 4 whereas the petitioners are placed at sl.nos. 12,13 and 14 respectively. A true copy of the notice dated 16/23.7.1984 is filed as Annexure No.D-5 to this affidavit.

PARAWISE REPLY TO THE WRIT PETITION

17. That paragraphs 1 and 2 of the writ petition as stated are denied. The petitioner nos. 2 and 3 were promoted on temporary basis as Conductors in the grade of Rs.425-640(RS) by notice dated 19.1.1979 and petitioner no.1 on temporary adhoc basis on 30.8.1980 and petitioner nos. 2 and 3 were confirmed in the said grade w.e.f. 25.11.1979 and 1.12.1979 respectively and petitioner no.1 was confirmed on 1.1.1981.



Qazi Anis Ullah

18. That in reply to paragraphs 3 to 6 of the writ petition averments made in the aforesaid paragraphs of this affidavit are re-iterated and contrary averments

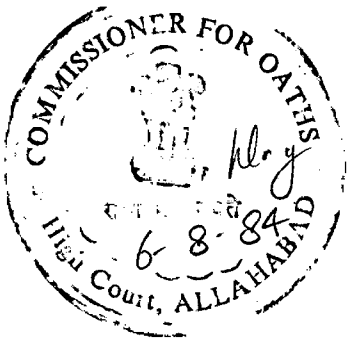
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made in paragraphs under reply are denied.

19. That in reply to para 7 of the writ petition it is stated that the direction contained in the letter of the General Manager dated 28.3.1984 relates to lapsing of panels framed after 1.1.1984 prospectively and does not operate retrospectively and as such it is not applicable in the case of the opposite parties who as STEs were eligible for selection to the post of Chief Inspector of Tickets in the grade of Rs.700-900. In this context averments made in the aforesaid paragraphs of this affidavit are re-iterated and contrary averments made in para under reply are denied.

20. That para 8 of the writ petition is denied. In the light of the facts and circumstances stated in the aforesaid paragraphs of this affidavit the notice dated 12.4.1984 fixing the inter-se seniority was correctly drawn in accordance with the letter of the General Manager (Personnel) dated 23.3.1984. The opposite parties being senior to the petitioners in service were correctly placed higher in the said seniority list. The petitioners having failed to challenge the said seniority list are not estopped from challenging it in this writ petition. It is further denied as alleged that the said list was contrary to the instructions contained in the letter dated 28.3.1984 filed as annexure no.4 to the writ petition. The panel dated 9.2.1984 in respect of Senior Ticket Examiners was operative w.e.f. 1.1.1979 and as such it did not come within the purview of the said letter dated 28.3.1984 regarding lapsing of panels framed after 1.1.1984. In



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any case the petitioners were also given benefit of promotions in the grade of Rs.425-640 w.e.f. 1.1.1979 with retrospective effect and the same benefit cannot be denied to the answering opposite parties.

21. That in reply to para 9 of the writ petition it is stated that the answering opposite parties were also called for selection by notice dated 12.4.1984 in which they were shown senior to the petitioners as already stated in the aforesaid paragraphs of this affidavit.

22. That paragraphs 10 and 11 of the writ petition as stated are denied. The names of the answering opposite parties were wrongly excluded from the panel of successful candidates. The petitioners being junior to the answering opposite parties in service were not entitled to be brought on the panel for promotion to the next higher scale of Rs.700-900.

23. That para 12 of the writ petition as stated is denied. It is denied as alleged that the answering opposite parties, whose names were placed in the revised panel, were junior to the petitioners or that they were not selected for the posts in question. It is further denied as alleged that they were disqualified from being selected under General Manager's order dated 28.3.1984. It is also denied as alleged that the answering opposite parties were unsuccessful in the selection held on 26.4.1984 to 28.4.1984. The correct facts are that the answering opposite parties having

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ALLAHABAD

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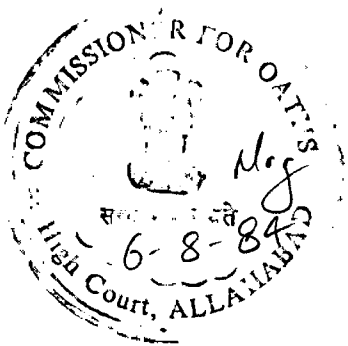
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been given benefit of promotion as STEs w.e.f. 1.1.1979 were entitled to be placed on the panel for promotion in the grade of Rs.700-900 on the basis of their seniority and length of service than the petitioners who were junior. The answering opposite parties have <sup>not</sup> been deliberately impleaded in the above writ petition although they are necessary parties and as such the writ petition is liable to be dismissed on account of laches. The deponent is further advised to state that the empanelment of the answering opposite parties and the cancellation of the panel illegally drawn up are in accordance with the rules.

24. That para 13 of the writ petition as stated is denied. The petitioners have deliberately refrained from attending their duties and for the purpose of filing the above writ petition. The petitioners are thus guilty of concealment and mis-representation and as such are not entitled to any relief claimed in the above writ petition.

25. That para 14 of the writ petition as stated is denied and the averments made in the aforesaid paragraphs of this affidavit are re-iterated. The cancellation of the panel and empanelment of the answering opposite parties are valid in the facts and circumstances of the case. It is denied as alleged that the answering opposite parties were declared unsuccessful. The names of the staff securing qualifying marks in a selection are arranged in order of seniority and the vacancies occurring are filled in accordance with the list. The panel is drawn on the basis of seniority



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subject to exclusion of those who do not secure qualifying marks in the selection. A person, although securing qualifying marks, may not find place on the panel on the basis of inter-se seniority of the successful candidates.

26. That para 15 of the writ petition is denied. It is denied as alleged that the cancellation was done without the approval of the competent authority. It is re-iterated that the corrected panel in the present case had the approval of the competent authority in accordance with the Railway Establishment Manual.

27. That para 16 of the writ petition as stated is denied. The order is legal and within rules. It is denied as alleged that the order amounts to reversion. It is merely a corrective measure.

28. That para 17 of the writ petition as stated is denied. In view of the averments made in the preceding paragraphs of this affidavit it is denied that the answering opposite parties were not qualified or that they were not selected for promotion.

29. That para 18 of the writ petition is denied. It is denied as alleged that the corrected panel incorporating the answering opposite parties has been drawn as a measure of punishment.

30. That para 19 of the writ petition is denied. The cancellation or modification of the provisional panel



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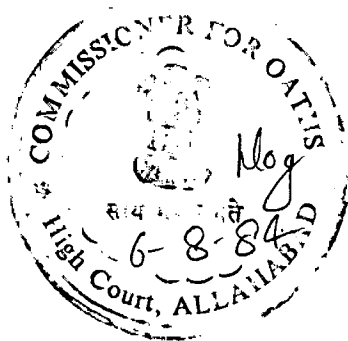
as in the instant case, is within the competence of the Railway Authorities as specified in rule 216 of the Indian Railways Establishment Manual. It was a corrective measure to restore the restore the rightful place to the answering opposite parties which was denied to them. The claim of the petitioners to hold a place in the panel as a right is denied. It is further denied that there is any violation of natural justice or Article 311 of the Constitution.

31. That para 20 of the writ petition is denied in view of the facts and circumstances stated in the preceding paragraphs of this affidavit.

32. That in reply to para 21 of the writ petition the deponent is advised to state that the representation was misconceived inasmuch as no right accrued to the petitioners by their erroneous empanelment in a provisional panel.

33. That para 22 of the writ petition is denied. It is denied that the cancellation of the panel amounts to reversion on pick and choose policy.

34. That para 23 of the writ petition is denied. It is denied as alleged that the petitioners are still holding the posts of senior conductors. It is also denied that the petitioners will suffer any loss or injury in the facts and circumstances already stated above.



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35. That para 24 of the writ petition is denied. No cause of action accrued to the petitioners and the writ petition is misconceived and not maintainable on the grounds stated therein. The writ petition is liable to be dismissed with costs.

36. That the petitioners in the above writ petition have obtained a stay order dated 27.6.1984 during the summer vacations without impleading the answering opposite parties who are necessary parties in the above writ petition. The stay order has also been obtained by mis-representation and suppression of material facts. Thus the petitioners are guilty of laches and as such the stay order is liable to be vacated. The impugned order dated 8.6.1984 (Annexure No.9 to the writ petition) has already been implemented in respect of the petitioners and as such the stay order dated 27.6.1984 has become infructuous.

Dated Lucknow:  
August 6, 1984.

*Gopi Anand*  
Deponent.

Verification

I, the above-named deponent, do verify that the contents of paragraphs "1 to 31 and 33 to 36" of this affidavit are true to my own knowledge and those of paragraphs - 32 \_\_\_\_\_ of this affidavit are believed to be true by the deponent. No part of it is false and nothing material



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has been concealed. So help me God.

Dated Lucknow:

*Qazi Anis Ullah*  
Deponent.

August 6, 1984.

I identify the above-named deponent who has signed before me.

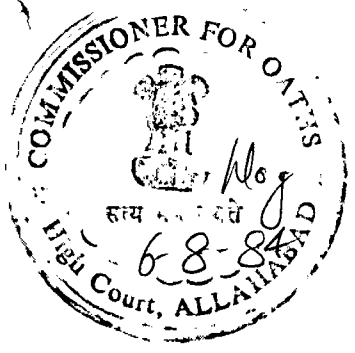
*Vaishampatnam*  
Advocate.

Solemnly affirmed before me on 6-8-1984  
at 9.15 ~~a.m.~~/p.m. by Sri Qazi Anis Ullah  
the deponent who is identified by  
Sri L. P. Shukla

~~Qazi Anis Ullah~~

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.



*Kuldeepak Nao*  
KULDEEPAK NAU  
OATH COMMISSIONER  
High Court Allahabad  
Lucknow, Bench  
No 9/400  
Date 6-8-84

(Ass)

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

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

Annexure No.D-1

Northern Railway

No.181E6/8-II

Divl. Office,  
Lucknow dt. 30.8.80

Notice.

Due to revised % in the different categories of Ticket Checking Branch the following posts have been upgraded in scale Rs.425-640(RS).

- |    |                                       |   |   |
|----|---------------------------------------|---|---|
| 1) | Conductors in grade<br>Rs.425-640(RS) | - 3 at LKO  | in lieu of TTEs<br>in scale<br>Rs.330-560(RS) |
| 2) | STEs in grade<br>Rs.425-640(RS)       | - 7 at LKO )<br>- 7 at BSB )<br>- 2 at FD )         | -do-  |
|    |                                       | <u>16</u>   |   |
|    | Hd.TCs in grade<br>Rs.425-640(RS)     | 1 at FD )<br>1 at SLN )<br>1 at PRG )<br>1 at KEI ) | in lieu of TCs<br>in scale<br>Rs.260-400(RS)  |
|    |                                       | <u>4</u>  |   |



As a result of the above the undernoted promotion orders in scale Rs.425-640(RS) are hereby issued on Adhoc basis to have immediate effect:-

Sl. No.	Name	Present Desig.& station of working.	Promoted in scale Rs. 425-640(RS) as & posted at.	Remarks
	S/Shri			
1.	K.P. Singh	TTE/FD	Conductor/LKO	Against upgraded post
2.	H.S.Sharma	TTE Hd.Qrs	-do-	-do-
3.	K.K.Mukherjee	-do-	-do-	-do-
4.	R.L.Khunkhun	TTE/LKO	STE/LKO	-do-
5.	G.N.Nigam	-do-	-do-	-do-
6.	S.Dubey	-do-	-do-	-do-
7.	Ranjeet Singh	TTE/FD	STE/FI	d-o-
8.	Q.Anisullah	TTE/LKO	STE/LKO	-do-

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S/Shri				
9.	R.S.Sinha	TTE/BSB	STE/FD	Against upgraded post
10.	T.N.Awasthi	TTE/LKO	STE/LKO	-do-
11.	Roop Lal Mehta	TTE/Hd. Gr. Squad NDLS	-do-	-do-
12.	Inder Kumar	-do-	-do-	-do-
13.	P.M.Srivastava	TTE/BSB	-do-	Against vacancy
14.	O.P.Dassi	-do-	-do-	-do-
15.	Bachha Tewari	-do-	-do-	-do-
16.	Brinda Ram	SIT/BSB	STE/BSB	Against upgraded post His promotion as STE is hereby regularised.
17.	Kanchan Ram	TTE/BSB	STE/BSB	Upgraded post.
18.	Pachkauri Ram	TTE/BSB	STE/BSB	-do-
19.	S.B.Singh	-do-	-do-	-do-
20.	S Ishar Alam	Hd.TC/BSB	STE/BSB	-do- as his 1st option is that of STE.
21.	Smt.S.K.Devi	TTE/BSB	STE/BSB	Against upgraded post
22.	Sh.Balram Misra	-do-	-do-	-do-
23.	Kewal Krishan	TTE/FD	Hd.TC/FD	Against upgraded post
24.	H.L. Pandey	TTE/LKO	Hd.TC/SLN	-do-
25.	T.N.Srivastava	Hd.TC/PEH	Hd.TC/PRG	-do- at his own request and will not be eligible for free transfer pass, J/leave or transfer allowance.
26.	U.R.Tewari	TTE/BSB	Hd.TC/KEI	Against upgraded post.
27.	B.B.Mukerjee	TTE/BSB	Hd.TC/BSB	Against vacancy
28.	K.N.Singh	-do-	-do-	-do- of Sh.S.I.Alam.
29.	M.R.Covid	TTE/FD(SC)	Hd.TC/SHG	Against the vacancy
30.	Prem Dass(K.P.)	TTE/FD(SC)	Hd.TC/LKO	Against the vacancy of Sh.J.P.Shukla.
31.	Mathias Kujur	TTE/LKO(ST)	Hd.TC/PEH	Against the vacancy of Sh.T.N.Srivastava transferred.

This has the approval of Sr.DPO/LKO.

- Note:
1. Since the promotions of 'STEs & Hd.TCs' are against upgradation of \$ basis, they will have to do the same duties as at present i.e. STEs will have to man the sleeper coaches and Hd.TCs will have to do the duties of TCs if necessary.
  - ii. The promotion orders of item Nos.2,3,11 & 12 are subject to their being free from SPE/Vig/DAR cases, if any.

They will only be eligible for promotion in grade Rs.425-640(RS) when they will join Lucknow division.

L.P.C. and other service particulars be sent direct, to senior subordinates concerned advising this office.

Sd/ R.K. Yog  
30/8/80

Sr.Divl. Personnel Officer,  
Lucknow.



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Copy for information and necessary action to :-

1. Station Supdt. Lucknow & Varanasi.
2. Station Masters, FD, SLN, PAG, KEI, PBH, SHQ
3. Divl. CIT LKO
4. CIT (Stn.) LFO, CIT/FD & CIT/Varanasi
5. Sr. DAO/LKO
6. AS/Pay Bill Lucknow
7. G.M.(P) & ACO(T) Hd.Qrs.Office, Bardda House, New Delhi.

TRUE COPY

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

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

Annexure No.D-2

Govt. of India  
(Bharat Sarkar)  
Ministry of Railway (Rail Mantralaya)  
(Railway Board)

No.PC III/80/UPG/19 New Delhi, dated 20.12.1983.

The Genl.Managers,  
All India Rlys.  
C.L.W., D.L.W., and I.C.F.

Sub:- Cadre review and restricting of non-gazetted cadres.

Arising out of a demand made by the staff side in Departmental Council (Rlys) of the J.C.M., the Ministry of Rlys. have decided that the following Group 'C' categories should be restructured as indicated in the enclosed annexure.

- 1.i. Controllers (Traffic Deptt.)
- 2.ii. Comml. Clerk/Weigh Bridge Clerk.
- iii. Tkt. Checking staff.
- iv. Eng--cum-Reserve-clerk
- v. Train clerks.
- vi. Staff of date Processing Centre
- vii. Traffic/Movement Inspectors.

2. For the purpose of restructuring, the cadre strength as on 1.1.84 will be taken into account and will include Rest Givo- and Leave Reserve Posts.

3. Staff selected and posted against the additional high grade posts as a result of restructuring will have their pay fixed under rule 2018-B(FR-22c) III w.e.f. 1.

4.1. The existing classification of the posts covered by these restructuring orders, as "Selection" and "No Selection" as the case may be, remains unchanged. However for the purpose of implementation of these orders if individual Rly. servant becomes due for promotion to one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing s

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will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written test and/viva voce test. Naturally this procedure, the categorisation as "outstanding" will not exist.

4.2. In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis the benefit of the modified procedure of selections as aforesaid will be applicable only to the first such promotion (if that post happen to be a "Selection" post the second and subsequent promotion, if any, will be based only on the normal rules relating to filling in of "Selection" or "Non-Selection" posts (as the case may be).

4.3. The relaxation in selection procedure as aforesaid will in any case be applicable only to the vacancies existing as on 31.12.1983 and the vacancies existing on 1.1.1984 due to cadre restructuring in terms of these orders.

5. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

6. The selection grade posts created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 30.4.84.

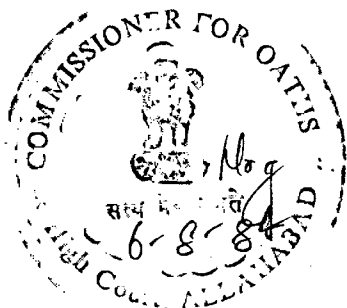
7. In all the categories covered by this letter even though posts in higher scales of pay have been introduced as a result of restructuring, the basic function, duties and responsibilities, attached to these posts at present will continue to which may be added such other duties and responsibilities as considered appropriate.

8. While implementing these orders specific instructions given in the foot-note under each category in the enclosed annexure, should be strictly and carefully adhered to.

9. The Board desires that restructuring and posting of staff after due process of selection should be completed within a period of three months from the date of issue of these instructions positively and compliance reported to the Board.

10. The Rlys. will carefully assess requirements of funds on account of this restructuring for 1983-84 and 1984-85 by Telegraphic advices to Adnl. Director Finance (B) Rly. Board.

11. Hindi version will follow.



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12. Kindly acknowledge receipt.

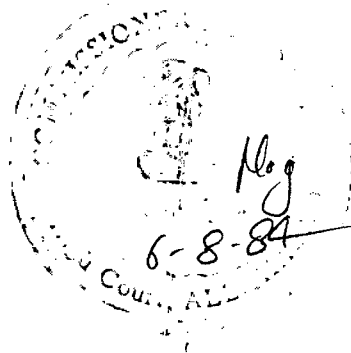
Sd/- K. Venteran  
Jt. Director Estt.(P& )  
Rly. Board.

Statement indicating restructuring of certain group 'C' cadre (Annexure to Board letter No.PCIII/80/UPC/19 dt. 20.12.83.

Sr.No.	Existing Grade Tkt.Check.Staff	Existing %	Revised %	Remark
1.	i) 260-400	29.2%	20%	
	ii) 330-560	53.9%	37%	
	iii) 425-640	15.4%	29%	X
	iv) 550-750	1 %	9%	
	v) 700-900	0.5%	5%	

Note:- The cadre of train conductors in scale Rs.425-640 is to be combined with the checking staff in the corresponding scale only for the limited purposes of determining higher grade posts in scale Rs. 550-750 and Rs.700-900 after which the category of train conductors will continue to exist as a separate category as at present.

*Gay Anisalleh*  
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A/59

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

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

Annexure No.D-3

Northern Railway

Divisional Office  
Lucknow.

No.181E/6-8-IV  
dated 12.4.1984

The Station /Supdt. LKO BSB FD PBH.  
D.C.I.T./Lucknow.  
C.I.T./LKO & BSB.  
Comml. Controller in Office/LKO.  
ACO(T)/Baroda House, N. Railway/NDLS.  
Station Masters/PRG KEI SHG SLN REL ON AY.

Sub:- Selection for the post of  
Inspector Ticket Grade  
Rs. 700-900.

It has been decided to hold selection (Viva voce) for the post of Inspector of Tickets Gr.700-900 at 10.00 hours on 26.4.84 to 28.4.84. The staff given below are called to appear in the above selection in batches on dates shown against them. The said selection will be oral one subjecting the staff viva voce test. It will be personal responsibility of Senior Subordinates viz. SS's/SM's/DCIT/CIT's to bring this programme of the selections to the notice of concerned staff.



S.No.	Name	Design/Stn.	Selection date	Remarks
1.	S/Shri T.N.Srivastava	Hd.TC/PRG	26.4.84	
2.	" Sheo Baran Pd.SC	SIT/LKO	-do-	
3.	" Babadin Chowdhry SC	-do-	-do-	
4.	" D.B.Singh	SIT/BSB	-do-	
5.	" S.P.Srivastava	Hd.TC/FD	-do-	
6.	" B.P.Srivastava	SIT/FD	-do-	} subject to final decision
7.	" J.A.Khan	SIT/BSB	-do-	
8.	" G.P.Mahabinesh SC	Conductor/LKO	-do-	} in case of seniority.
9.	" D.S.Rajwat	SIT/BSB	-do-	
10.	" T.N.Srivastava	SIT/LKO	-do-	
11.	" S.K. Gupta	Conductor/LKO	-do-	
12.	" K.L.Tandon	Hd.TC/KEI	-do-	
13.	" U.R.Tiwari	SIT/FD	-do-	
14.	" Altaf Hussain	SIT/LKO	-do-	
	" P.N.Singh-I		-do-	

*Q.ay. Anis telch*

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A/b

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

Writ Petition No.3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

Annexure No.D-4

NORTHERN RAILWAY

Head Quarters Office,  
Baroda House,  
New Delhi.

No.561-E/92-V(ETC) Dated 23.3.1984

The Divisional Railway Managers,  
Northern Railway,  
DLI FZR ALD LKO MB BKN AND JU.

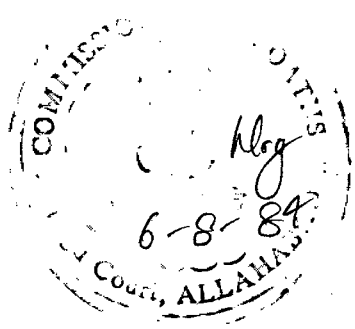
Sub: Fixation of seniority of Hd.TTEs, Hd.TCRs  
and conductors grade Rs.425-640(RS) for  
promotion as CIT grade Rs.550-750(RS).

As per existing channel of promotion to the post  
of conductors, Hd.TCRs and Hd.TTE grade Rs. 425-640(RS),  
options from the staff working as TTE grade 330-560(RS)  
are called for promotion against one of the three  
categories. The post of Conductor grade 425-640(RS) is  
non selection post while the post of Hd.TTE and Hd.TCRs  
grade Rs.425-640(RS) are, selection posts.

The question of preparing the seniority of the  
above mentioned three categories for the purpose of their  
further promotion as CIT grade 550-750(RS) has been  
considered and CCS has decided in consultation with both  
the recognised Unions that the seniority of the staff  
in three categories in grade 425-640(RS) at the time  
of their promotion as CIT in grade 550-750(RS) be  
prepared on the basis of their length of service in  
grade 330-560(RS) keeping their interse seniority in  
grade Rs.425-640 (RS) intact.

/ in their respective categories.

Sd/-  
(Ajit Singh)  
for General Manager (P)



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*Qazi Amir Ullah*

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

Writ Petition No. of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

Annexure No.D-5

Northern railway

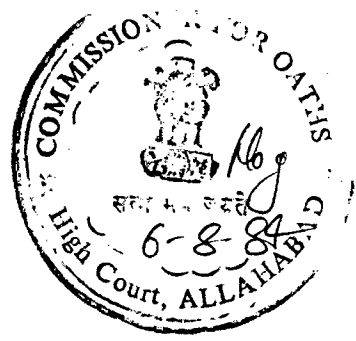
No.757-E/6-8/CIT

Divisional Office  
Lucknow.  
Dated 16/7/84  
23

NOTICE

(1) As a result of upgrading w.e.f. 1.1.84, the following staff in grade Rs.425-640(AS) are temporarily put to officiate in gr. Rs. 550-750(AS) and posted on the same station.

Sl. No.	Name	Posted at.	Remarks
	S/Shri		
1.	Sh.S.I.Alam	STE/BSB	
2.	Ranjeet Singh	STE/FD	
3.	Q. Anisullah	STE/LKO	
4.	Tara Pd.	STE/LKO	
5.	K.N.Singh	STE/BSB	
6.	D.P.Saxena	STE/BSB	
7.	Gopal Kishore	STE/LKO	
8.	T.N.Awasthi	STE/LKO	
9.	Inder Kumar	STE/HQ/NDLS	
10.	D.C.Kar	STE/BSB	
11.	J.N.Gulati	STE/BSB	
12.	K.P.Singh	Conductor/LKO	
13.	K.K.Sachdeva	-do-	
14.	S.N.Srivastava	-do-	
15.	H.S.Sharma	-do-	
16.	K.K. Mukherjee	-do-	
17.	J.P.Bharduaj	Hd.TC/PI/BSB	He will work as Hd.TC amenities at BSB and also look after the job of PI till further orders
18.	R.S.Ahuliwalia	Hd.TC/BSB	
19.	Puran Lal	Hd.TC/LKO	
20.	R.N.Srivastava	Conductor/LKO	
21.	P.N.Gupta	-do-	
22.	Brinda Ram (SC)	STE/BSB	
23.	Kanchan Ram (SC)	STE/BSB	
24.	M.R.Kovid (SC)	Hd.TC/FD	



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- 25. S.N.Sharma Conductor/LKO
- 26. Y.B.Misra Conductor/LKO
- 27. R.P.Singh Hd.TC/SHG
- 28. R.P.Singh Hd.TC/SLN
- 29. R.K.Singh Hd.TC/RBL
- 30. Puran Mashi Pd. (SC) Conductor/LKO
- 31. Ram Lakhan (SC) -do-
- 32. M.H.Anwar Hd.TC/ON
- 33. J.P.N.Upadhiya Hd.TC/BSB
- 34. Arun Sapru Hd.TC/AY
- 35. Jaswant mai Conductor/LKO
- 36. Mohd. Moin Hd.TC/FD

(2) The following staff in grade Rs.330-560 (RS) are temporarily put to officiate in Gr. Rs.550-750(RS).

<u>Sl. No.</u>	<u>Name</u>	<u>Posted at</u>	<u>Remarks</u>
	S/Shri		
1.	B.B. Mukerjee	TTE/BSB	(1) Item No.2 & 5 have not opted any where. They are put to work as STE.
2.	Kanhaiya Lal	TTE/LKO	
3.	N.K.Sharma	-do-	(2) Item No.3 & 4 i.e. Sh.N.K.Sharma and Sohan Lal will be utilised as conductor as per their option.
4.	Sohan Lal	-do-	
5.	M.C.Tewari	-do-	
6.	S.R.Misra	STE/LKO	(3) Rest TTE's will be utilised as STE as per their option.
7.	R.S.Sharma	-do-	
8.	A.K.Awasthi	-do-	
9.	Chhail Behari (SC)	STE/BSB	
10.	Ghanshyam Dass (SC)	STE/LKO	
11.	RamSaran (SC)	STE/BSB	
12.	I.D.Shah (ST)	-do-	
13.	Ram Parvesh (ST)	-do-	

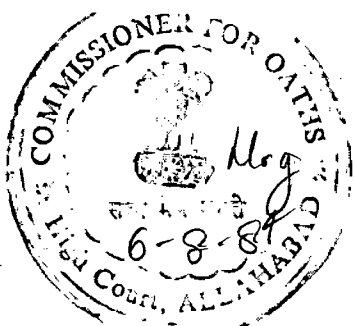
(3) The undernoted TTE's are temporarily put to officiate as STE in Gr. Rs.550-750 (RS) on adhoc basis and posted on the same station.

- 1. Shri D.P. Dubey STE/FD
- 2. Shri B.M. Saxena STE/LKO

This has the approval of Sr.DCS and Sr.DPO. Advise movements.

Sd/- Illegible  
for Divl. Personnel Officer  
Northern Railway : Lucknow.

Copy to :- SS/LKO, FD, BSB, PBH, AY, BEK, PRG, JNU, RBL, SRG, ON  
SM/BOY, JNH.  
The CIT/LKO  
The CIT/BSB  
AS(Pay-Bill)  
Sr.DAO/LKO.



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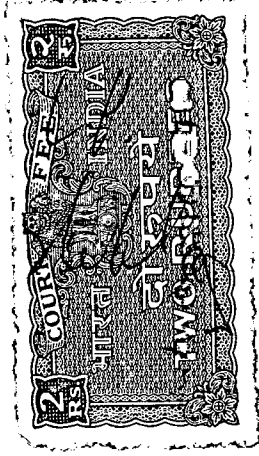
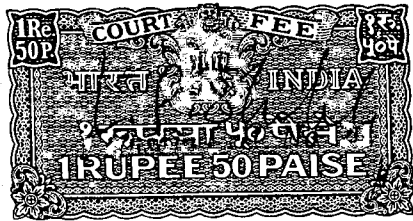
Kuldeepak NAG  
OATH COMMISSIONER  
High Court Allahabad  
Lucknow, Bench

Days Aus Ulleh

No 9/40  
Date 6-8-84

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

C.M. Application No. B300 (W) of 1984

1. Syed Izhar Alam, aged about 54 years, son of late Syed Kabir Alam, resident of C11/7 Kali Mahel, Varanasi.
2. Ranjeet Singh, aged about 56 years, son of Shri Deota Prasad Singh, resident of Aloupur, post office Jhangir Ganj, Faizabad.
3. Qazi Anis Ullah, aged about 57 years, 177 Bheri Mandi, Molviganj, Lucknow.
4. Tara Prasad, aged 56 years, son of late Shri Bhagwan Prasad, resident of 244/15 Yahiyaganj Road, Rakabganj, Lucknow.

..... Applicants

In Re.

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

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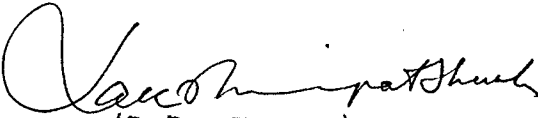
Application for impleadment.

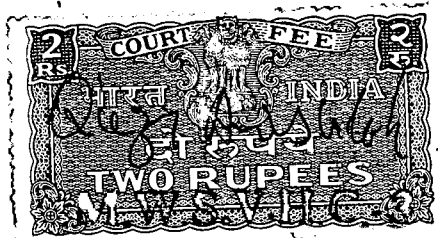
The applicants above-named most respectfully beg to submit as under :-

That for the facts and circumstances stated in the accompanying affidavit the applicants are the necessary and proper parties in the above writ petition.

WHEREFORE it is most respectfully prayed that the applicants M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad may be ordered to be impleaded as opposite parties 4 to 7 respectively in the above writ petition.

Dated Lucknow:  
August 6 , 1984.

  
(L.P. Shukla)  
Advocate,  
Counsel for the applicants.



1984  
AFFIDAVIT  
No. 8/400  
HIGH COURT  
ALLAHABAD  
6-8-84

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A/26

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

Affidavit

In

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

Syed Izhar Alam & others ..... Applicants

In Re.

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

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

A F F I D A V I T

I, Qazi Anis Ullah, aged about 57 years, 177 Bheri Mandi, Molviganj, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent alongwith Syed Izhar Alam, Ranjeet Singh and Tara Prasad has sought impleadment in the above writ petition as they are the necessary parties. The deponent has been authorised by the aforesaid persons to file this affidavit. The deponent has read over and understood the contents of the writ petition and is fully conversant with the facts deposed to herein.

2. That the deponent along with Syed Izhar Alam, Ranjeet Singh and Tara Prasad were appointed prior to



Qazi Anis Ullah

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the petitioners and hence they are senior to the petitioners in length of service. Syed Izhar Alam was appointed as Ticket Collector on 24.10.1946, Ranjeet Singh was appointed as Ticket Collector on 20.2.1947, Qazi Anis Ullah (deponent) was appointed as Ticket Collector on 21.6.1949 and Tara Prasad was appointed as Ticket Collector on 3.12.1949 whereas petitioner no.1 was appointed as Ticket Collector on 28.12.1952, petitioner no.2 on 19.3.1958 and petitioner no.3 on 10.1.1955.

3. That the petitioners were promoted in the next higher grade of Rs.330-560 (RS) after M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah (deponent) and Tara Prasad. Hence the petitioners are again junior in the promotion grade also. In the promotion grade of Rs.330-560 Syed Izhar Alam was promoted on 31.12.1959, Ranjeet Singh on 3.7.1961, Qazi Anis Ullah on 4.11.1962 and Tara Prasad on 5.11.1962.

4. That the petitioners as well as M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad while working as Train Ticket Examiners in the grade of Rs.330-560 (RS) were required to give option for promotion in the grade of Rs.425-640(RS) for the following posts in the said grade:-

- (i) Conductor
- (ii) Senior Ticket Examiner
- (iii) Head Ticket Collector

5. That the petitioners accordingly gave the



Qazi Anis Ullah

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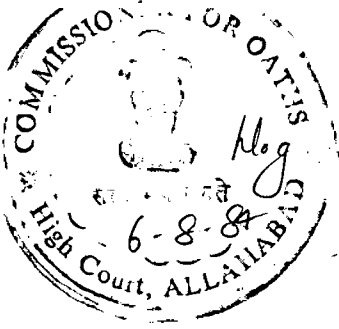
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option for the post of conductor whereas M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad gave their option for the post of Senior Ticket Examiner.

6. That the post of Conductor in the grade of Rs.425-640(RS) was declared as non selection post which means that whenever any vacancy in the post of Conductor was to be filled the staff opting for the post of Conductor will be promoted on the basis of seniority whereas the posts of Senior Ticket Examiner and Head Ticket Collector were declared to be selection posts and as such the staff opting for the said posts shall get their promotion in the said grade after passing the selection test.

7. That in the year 1978 a upgrading of the posts in the Checking Branch was made with effect from 1.1.1979. On the basis of this upgrading the Senior Divisional Personnel Officer, Northern Railway, Lucknow, by his letter dated 30.8.1980 worked out and found out 23 posts to be upgraded in the grade of Rs.425-640 (RS). The said 23 posts according to categorywise strength were described as under :-

- (i) 3 posts of Conductors
- (ii) 16 posts for Senior Ticket Examiners
- (iii) 4 posts for Head Ticket Collectors



Qazi Anis Ullah

8. That according to the aforesaid upgrading of posts the petitioners were promoted on the posts of Conductors on the basis of the option given by them. Similarly M/S Syed Izhar Alam, Ranjeet Singh and Qazi Anis Ullah

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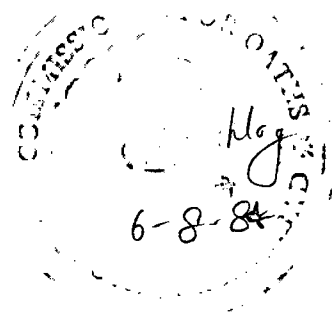
Anis Ullah (deponent) were promoted as Senior Ticket Examiners. It may be mentioned that the petitioner nos. 2 and 3 were promoted as Conductors temporarily against existing vacancies by letter dated 19.1.1979 and petitioner no.1 was promoted on adhoc basis w.e.f. 30.8.1980.

9. That the Railway Board by its letter dated 20.12.1983 made a re-structuring of the posts and accordingly the posts of Checking Branch in the grade of Rs.425-640 were revised from 15.4% to 29% w.e.f. 1.1.1984. According to this letter all the three categories, that is, Conductors, Senior Ticket Examiners and Head Ticket Collectors were entitled to the benefit of re-structuring of posts w.e.f. 1.1.1984.

10. That the selection for the posts of Senior Ticket Examiners in the grade of Rs.425-640(RS) in which M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad appeared was held on 25.10.1979 but for certain administrative reasons the results were held up. This selection test was held to give benefit for the post of Senior Ticket Examiners in the grade of Rs.425-640 on the basis of the previous upgrading of posts by letter dated 30.8.1980 w.e.f. 1.1.1979 .

*Qazi Anis Ullah*

11. That on the basis of the representations/appeals filed by the persons affected by the non declaration of the results for selection of Senior Ticket Examiners they were required to appear in another selection test on 15.6.1983 and 20.10.1983. The result of this selection was declared on 9.2.1984. In the said



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selection M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad were declared successful and were accordingly given full benefits of pay and seniority w.e.f. 1.1.1979 on the basis of the railway Board's letter dated 30.8.1980.

12. That on the basis of the result of the selection for the posts of Senior Ticket Examiners and the facts and circumstances indicated above, a combined seniority list was drawn up and announced by notice dated 12.4.1984 for further promotion on the basis of selection for the post of Inspector of Tickets in the grade of Rs.700-900. According to the said notice M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad found place at sl.nos. 17 to 20 respectively and have been shown senior to the petitioners who are placed at sl.nos. 29, 30 and 32 respectively. a

13. That in accordance with the directive from the General Manager (Personnel) dated 23.3.1984 the fixation of seniority of Head Ticket Examiners, Senior Ticket Collectors and Conductors in the grade of Rs.425-640(RS) for promotion as Chief Inspector Ticket is to be done on the basis of the length of service in the grade of Rs.330-560 (RS) keeping their inter-seniority in grade of Rs.425-640 (RS) in their respective categories intact.

14. That opposite parties appeared in the selection test as Senior Ticket Inspectors on the basis of

Qazi Anis Ullah

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notice dated 12.4.1984 but when their names were not included in the selected list they made a representation which was allowed and the panel dated 26.5.1984 was cancelled and a fresh panel was declared on 8.6.1984 showing the names of the opposite parties (as STEs) in the said panel filed as Annexure No.8 to the writ petition and the petitioners, who were juniors, were depanelled and reverted to their substantive post in the grade of Rs.425-640 by notice dated 8.6.1984 filed as annexure no.9 to the writ petition.

15. That on the basis of the aforesaid notice dated 12.4.1984 the opposite parties were given benefit of restructuring of posts w.e.f. 1.1.1984 on the basis of Railway Board's letter dated 20.12.1983. This notice further indicates that the said opposite parties were given benefit of selection and empanelment on 9.2.1984 with effect from 1.1.1979 and thus placed senior to the petitioners.

16. That by letter dated 16/23.7.1984 of the Divisional Railway Manager, Lucknow, the staff in the grade of Rs.425-640 (RS) as a result of upgrading w.e.f. 1.1.1984 has been temporarily put to officiate in the grade of Rs.550-750 (RS) and posted on the same station. The said notice in order of seniority indicates the opposite parties Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad at sl. nos. 1 to 4 whereas the petitioners are placed at sl.nos. 12, 13 and 14 respectively.

*Days' back letter*



(A 74)

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17. That the petitioners in the above writ petition have obtained a stay order dated 27.6.1984 during the summer vacations without impleading the applicants who are the necessary and proper parties in the above writ petition. The stay order has also been obtained by mis-representation and suppression of material facts.

18. That the applicants will be directly affected by any decision in the above writ petition and as such they are necessary and proper parties and entitled to be impleaded.

*Dayi Anis Ullah*  
Deponent.

Dated Lucknow:  
August 6, 1984.

Verification

I, the above-named deponent, do verify that the contents of paragraphs <sup>u</sup> 1 to 18 of this affidavit are true to my own knowledge and those of paragraphs <sup>u</sup> of this affidavit are believed to be true by the deponent. No part of it is false and nothing material has been concealed. So help me God.

*Dayi Anis Ullah*  
Deponent.

Dated Lucknow:  
August 6, 1984.

I identify the above-named deponent who has signed before me.

*Yashwantrao*  
Advocate.

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(A 75)

न्यायालय In the Hon'ble High Court of Judicature at Allahabad sitting at Lucknow.

वादी Power of D.P. No. 4, 5, 6, & 7 का

वकालतनामा

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Keshav Prasad Singh & others

बनाम

Union of India & others

प्रतिवादी



W.P. नं० 3045

सन् 1984 पेशी की ता०

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उपर लिखे मुकद्दमा में अपनी ओर से सर्वश्री L. P. Shukla & Advocate

K.D. NAG, Advocate, C-700, Mahara... मुहोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा इकबाल दावा तथा अपील व निगरानी हमारी ओर से दाखिल करें या तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारा विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपनी या हमारी हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

अभिधीन

Ranjit Singh Tora (signed) हस्ताक्षर

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Lubh... Shukla Advocate

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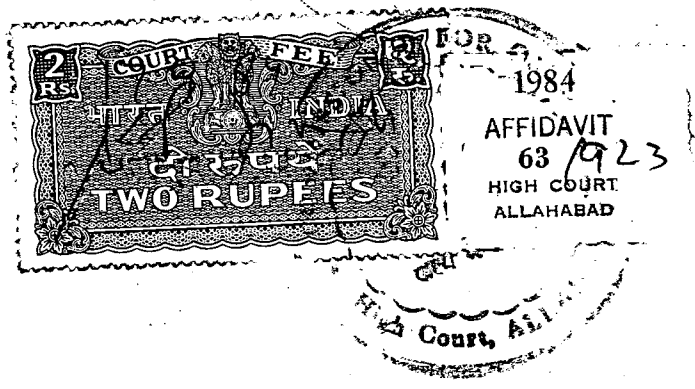
In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

Writ Petition No. 3046 of 1984.

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Hon'ble D.N. Jha, J.  
Keep on record.

10-9-84



MHS/-

Keshav Prasad Singh  
and others. .... Petitioners.

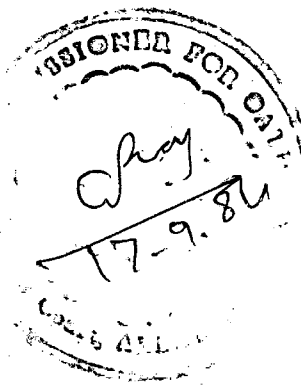
Versus

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

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT  
OF OPPOSITE PARTY NO. 4 to 7.

*[Handwritten signature]*

I, Keshav Prasad Singh, aged about 55 years, son of Shri Radha Mohan Singh, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of 30-B, Aishbagh, Lucknow do hereby solemnly affirm and state on oath as under :-



1. That the deponent is the Petitioner No. 1 in the above writ petition and is doing pairvi for the petitioners no. 2 and 3. The deponent has read over and understood the contents of the Counter Affidavit and is fully conversant with the facts of the case deposed to herein.

2. That the contents of paras 1 to 7 of the Counter Affidavit under reply are not disputed with certain modifications about the appointment dates of

*[Handwritten signature]*

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the petitioners. The deponent was appointed on 28.11.1952 and petitioner no. 2 and 3 were appointed on 19.3.1953 and 10.1.1955 respectively.

3. That the contents of para 8 of the Counter Affidavit under reply are wrong hence denied. It is submitted that the petitioners no. 2 and 3 were declared suitable for the post of Conductors in grade Rs. 425\_640 (RS) on the basis of seniority\_cum\_suitability test which was held in the month of September, 1978 and subsequently were promoted as Conductors w.e.f. 25.11.1978 and 1.9.1978 and were made confirmed on the said posts w.e.f. 25.11.1979 and 1.12.1979 respectively and the deponent / Petitioner No. 1 was promoted on 30.8.1980 and confirmed as Conductor in grade Rs. 425\_640 (RS) w.e.f. 12.12.1980 which is evident from Annexure No. 1 to the Writ Petition itself. It is further stated that opposite parties were promoted as S.T.Es. on ad\_hoc basis on 30.8.1980 which clearly shows that they are too juniors to the Petitioners and they were even not confirmed on the

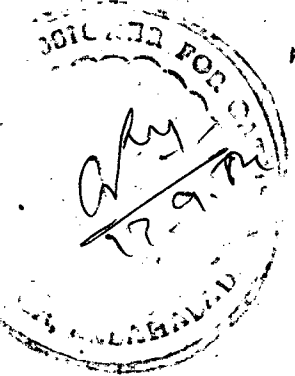
said posts. It is further submitted that date of increments of the petitioners No. 2 & 3 falls in the month of September and November every year as per their promotions dates in grade of Rs. 425-640 and the same is still continuing which can be verified from the service record which is with the P.W. Administration.

4. That the contents of para 9 of the Counter Affidavit under reply are not disputed.

5. That the contents of para 10 of the Counter Affidavit under reply are denied as the deponent has no knowledge about the alleged examination.

6. That as regards the contents of para 11 of the Counter Affidavit under reply, they are not admitted.

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It is further submitted that in letter dated 9.2.1984 it is nowhere mentioned that the opposite parties have been given their seniority from 1.1.1979 and it is also clear from that letter they were promoted on ad-hoc basis to the post of Senior Ticket Examiners in grade of ~~Rs.425-640~~ Rs.425-640 (RS). It is further submitted that opposite party no. 4, Sri Tara Prasad, was working as Travelling Ticket Examiner in grade Rs. 330-560 (RS) and even not regularised vide Annexure No. 3 of the Writ Petition. It is very surprising to note that from where the opposite parties have got their seniority from 1.1.1979 when nothing has been mentioned in the letter aforesaid which is Annexure No. 2 to the Writ Petition. itself.

7. That the contents of para 12 of the Counter Affidavit under reply are wrong, hence denied. It is submitted that it is wrong to say that on 12.4.1984 seniority list was issued but the true fact is that the same was simply a call letter for the candidates to appear for the selection for the post of Chief Inspector of Tickets and Senior Conductors in grade Rs.700-900(RS) It is not disputed that the names of the petitioners were mentioned below to the opposite parties due to administrative error and against that the petitioners appeared in the selection under protest. A photo copy of the said Protest letter and representation is filed herewith as Annexure No. B-I.

Stamp: *SECRETARY TO THE GOVERNMENT OF INDIA*  
*17.9.84*

8. That the contents of para 13 of the Counter Affidavit under reply are not admitted. It is further submitted that the alleged letter dated 23.3.84 is not at all relevant in the instant case of the petitioners;

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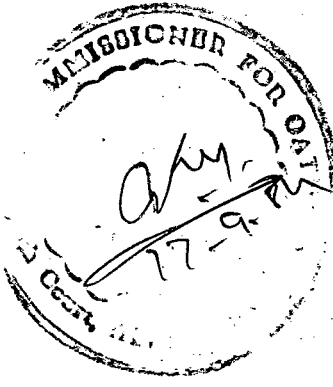
the said letter relates only to the promotion for the posts in grade Rs. 550-750 (RS).

9. That the contents of para 14 of the Counter affidavit under reply are not admitted. It is further stated that the opposite parties were not included in the panel of grade of Rs. 700-900 (RS) as they were working in grade of Rs. 425-640 (RS) on ad-hoc basis

OR from 1.1.1984 and opposite party no. 4 Sri Tara Prasad was working in grade Rs. 330-560 (RS), to which he was lower grade three times, and as per General Manager's letter dated 28.3.1984 (Annexure 4 to the writ petition) The were not entitled for promotion to grade Rs.700-900 (RS) and as the petitioners were confirmed hands in Grade Rs.425-640 (RS) since long they were considered for the post of Senior Conductors in grade Rs. 700-900 (RS) and were empanelled and promoted on the said post from 26.5.1984.

10. That the contents of para 15 of the Counter affidavit under reply are not admitted and the contents of paras 5 and 6 above are re-affirmed. The opposite parties were never given their seniority from 1.1.1979.

11. That the contents of para 16 of the Counter Affidavit under reply are not admitted as the said list of employees in grade Rs. 550-750 (RS) is totally illegal and prejudicial as the same has been issued after the filing of the Writ Petition and is in violation of Stay Order of this Hon'ble Court. As per panel of grade 700-900 (RS) dated 26.5.84 in which the petitioner were declared promoted as senior Conductors in grade Rs. 700-900 (RS) and the Opposite Parties were not promoted



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✓ which clearly indicates that the petitioners are senior to the opposite parties in grade Rs. 425-640 (RS) and Rs. 700-900 (RS) as they were confirmed as Conductor prior to the opposite parties.

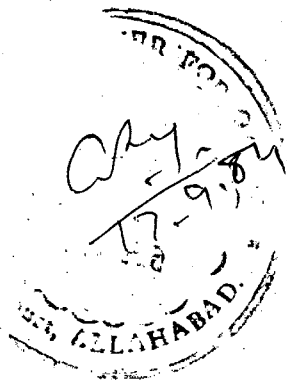
12. That as regards the contents of paragraph 17 of the Counter Affidavit under reply, the contents of paras 1 and 2 of the Writ Petition are reaffirmed.

It is further stated that petitioners no. 2 and 3 were promoted in the year 1978 and subsequently petitioner no. 1 was placed above in seniority list of the Conductors on his representation vide office order no. 757-E-6/8-Conductors dated 3.4.1984 which is itself evident from the Annexure No. D-3 filed with the Counter Affidavit. A true copy of the said ~~order~~ <sup>& photo copy of seniority list</sup> is enclosed herewith as Annexure No. R-II, <sup>III</sup> and nobody has ever objected the same.

13. That as regards the contents of para 18 of Counter Affidavit under reply the contents of paras 3 to 6 of the writ petition are reaffirmed and contrary averments made in para under reply are denied.

14. That as regards the contents of para 19 of Counter Affidavit under reply, the contents of para 7 of the writ petition are reaffirmed and the contrary averments made in para under reply are denied.

It is further submitted that letter of General Manager dated 28.3.1984 contained in Annexure No. 4 of the Writ Petition is totally applicable in a instant case and as per the said instruction the opposite parties are not entitled for promotion ~~in~~ in grade Rs. 700-900 (RS).



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15. That as regards the contents of para 20 and 21 of the Counter Affidavit under reply, the contents of para 7 of this rejoinder affidavit are reaffirmed and contrary averments made in para under reply are denied.

It is further submitted that the said selection letter for the post of Conductors by the Railway Authorities dated 28.3.1984 is wholly against the clear instructions of the General Manager as per Annexure No. 4 to the Writ Petition. It is further stated that the aforesaid list was only a call letter for the candidates so question of its challenge never arise but the petitioners made a representation against the said notice which is Annexure No. R-I and the Opposite parties are not senior ~~and~~ in anyway to the Petitioners.

16. That as regards the contents of para 22 of Counter Affidavit under reply, the contents of para 10 and 11 of the Writ Petition are reaffirmed and contrary averments made in para under reply are denied. The Opposite parties were rightly not included in the panel dated 26.5.1984 of successful candidates for the grade of Rs. 700 - 900 as they were not found suitable and they ~~were not found suitable~~ were unsuccessful candidates and were never selected for said post.

17. That as regards the contents of paras 23 and 24 of Counter Affidavit under reply, the contents of paras 12 and 13 of Writ Petition are reaffirmed and contrary averments made in para under reply are denied.

It is further submitted that the petitioners are too senior than the Opposite parties and they are duly selected and promoted by the Railway ~~Authorities~~ Administration and the opposite parties were declared

ASSIGNOR FOR  
17-9-84  
THE COURT

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disqualified in the selection due to which their is the panel of the selected candidates for the post of 700-900 and as per General Manager's instructions contained in Annexure No. 4 to Writ Petition, they were not even eligible for consideration of promotion for the post of grade 700-900.

It is further submitted that from where the opposite parties have got their promotion in Grade Rs. 425-640 w.e.f. 1.1.1979. It is further submitted that the opposite parties are not included in the revised panel dated 8.6.1984 contained in Annexure No. 8 to the Writ Petition which clearly shows that they were again~~x~~ declared unsuccessful and unsuitable candidates.

18. That as regards the contents of para 25 of Counter Affidavit under reply, the contents of para 14 of Writ Petition are reaffirmed and contrary averments made in para under reply are denied. The cancellation of the earlier panel of the Petitioners and as subsequently deletion of their names in the subsequent panel is totally illegal and incompetent.

19. That as regards the contents of paras 26, 27 and 28 of the Counter Affidavit under reply, the contents of paras 15, 16 and 17 of the Writ Petition are reaffirmed and contrary averments made in para are denied.

It is wrong to say that cancellation of the panel of the petitioner was a corrective measure of the Railway Administration but the same has been done to harm and harrass the Petitioners by reverting them being a subsequent candidates and promoting the Opposite parties who were declared unsuccessful. I

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It is further submitted that by ~~cancelation~~ cancelling the panel of the petitioners the Railway Administration has acted against the Rule 2027 A of the Indian Railway Establishment Code.

20. That as regards the contents of para 29 of Counter Affidavit under reply, the contents of para 19 of the Writ Petition are reaffirmed.

It is further submitted that the opposite parties have not been included ~~that~~ in the revised panel even then they have been promoted which clearly indicates the malafide intention and act of the Railway Administration.

21. That as regards the contents of para 30 of Counter Affidavit under reply, the contents of para 19 of the Writ Petition are reaffirmed and contrary averments made in para under reply are denied. The opposite parties have acted arbitrarily and also against the provisions of Rule 314 of the Indian Railway Establishment Manual which provides that the Railway Servant ~~born~~ borne on an earlier panel shall be senior to those selected later and as per this rule the petitioners were impanelled and confirmed prior to opposite parties as conductors in Grade 425-640 and thus they are senior to them in every respect but the Railway Administration without considering this fact has reverted the Petitioners without complying the provisions of <sup>Rule</sup> 2027 A of the Railway <sup>code</sup> ~~Code~~ and also has not given any opportunity to the petitioners before reverting them and thus they have violated the Railway Rules as well as the provisions of Article 311 of Constitution of India and the principles of natural justice.

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22. That ~~the~~ as regards the contents of paras 31 and 32 and 33 of the Counter Affidavit under reply the contents of paras 20, 21 and 22 of the Writ Petition are reaffirmed and the contrary averments made in para under reply are denied.

23. That as regards contents of paras 34 and 35, 36 of Counter Affidavit under reply, the contents of paras 23. 24 of the Writ Petition are reaffirmed and contrary averments made in para under reply are denied.

It is further stated that the petitioners are still holding the post of senior conductors on the basis of stay order granted by this Hon'ble Court dated 27.6.1984 and the opposite parties have been reverted to their substantial post of 425\_640. The petitioners have been illegally and malafidely are reverted by the opposite party no. 3 inspite of their duly selected for the post of Senior Conductor and thus they have been degraded in status as well as subjected to financial losses which can not be done by opposite party no 1 to 3 <sup>a</sup> without complying the Rules and ~~any~~ Regulations of the Railway Code but they have reverted the Petitioners vide Annexure No. 9 to the Writ Petition which is illegal and is not sustainable in the eye of law and deserves to be quashed and the Writ Petition is liable to be allowed.



Lucknow,  
Dated: 17.9.84

*Asmgh*  
Deponent.

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VERIFICATION

I, the deponent above named do hereby verify that the contents of paragraphs from 1 to 23 are true to my own knowledge, that the contents of paragraphs \_\_\_\_\_ of the affidavit are believed by me to be true on the ~~basis~~ basis of legal advice, and those of paragraphs \_\_\_\_\_ are true to on the basis of the records. No part of it is false and nothing material has been concealed by me. So help me God.

Lucknow.

Dated:- 17-9-84

Deponent.

I identify the deponent who has signed before me.

Advocate. ~~Adv.~~

Solemnly affirmed before me on 17/9 day of September 1984 at about 10.30 p.m./a.m. by Shri Keshav Prasad Singh the deponent, who is identified by Shri Vinay Shanker 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 over and explained by me.

Oath Commissioner.

(Sm. ...)  
High ... R ...  
ench)

No. 83/923  
Date 17-9-84

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

A/84

Writ Petition No. 30 46 of 1984

Keshav Prasad Singh and others. --- Petitioner.

Versus

Union of India and others. --- Cpp. Parties.

ANNEXURE NO. R - I

To,

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

Sub.: Selection for the post of CIT grade 700-900  
Ref.: Your office letter No. 181.E/6-8-IV dt.12.4.84  
.....

Sir,

We the undersigned very humbly and respectfully beg to inform that the inter-se-seniority of grade 525-640 (CDR Hd. TC STEs) published vide letter No. under ref. is defective and violative of the railway rules from which several representation have already been presented to your goodself.

In a result of the , the ADRM has agreed to and has sent a note No. 181-E/5/6-8/IV dated 23.4.8 to the CM(P) N. Rly., New Delhi as well as your kindself has also been pleased to withheld the result of the same selection till 15.5.84 after the discussion of with the delegation of Ticket Checking staff on 25.4.84.

We the undersigned appeared before the selection Board under the PROTEST and it should please be registered accordingly.  
Thanking you,

Dated 26.4.1984

yours faithfully,

S.No.	<del>S.No.</del>	Name	Desig Hd. Qr.	Si
1.		K.P. Singh, Conductor, Lucknow		Sd.
2.		Prem Dass K.P. Hd. T.C. Lucknow.		Sd.
3.		H.S. Sharma, Capt. Conductor,		Sd.
4.		Y.S. Misra, Conductor, Lucknow		Sd.
5.		Puran Lal, HTC / Lucknow.		Sd.
6.		S.K.L. Trivedi, Hd. TC / Lucknow		Sd.
7.		K.K. Sachdeva,		Sd.
8.		Shyam Narain Srivastava, Conductor/Lk		Sd.
9.		Mohd. Moin , Hd. TC @ Faizabad,		Sd.
10.		Puran Masi, Conductor, / Lucknow		Sd.
11.		R.A. Srivastava, Conductor, /Lucknow		Sd.
12.		R.S. Ahalwalia, Hd. TC/ Baneras		Sd.

AMISS...  
FOR...  
17

*Chand*

:: True copy ::

A 88

13

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

Writ Petition No. 3046 of 1984.

K.P. Singh & others.

.. Petitioners.

Versus

Union of India & others.

.. Opp. Parties.

ANNEXURE NO. R-III.

X  
20

Northern Railway.

No. 85526/8-Conductors.

Divl. Office,  
Lucknow.

The Station Supdt. Lucknow.

The Divl. CIT Lucknow.

The Divl. Secretary NEMU Charbagh, Near Guard Railway, Lucknow.

The Divl. Secretary, UEMU, Near Parcel Office, Lucknow.

Sub:- Provisional seniority list of conductors  
scale Rs. 425-640(RS).

The provisional seniority list of Conductors scale  
Rs. 425-640(RS) is sent herewith for information please. It  
should be given wide publicity so as to enable the staff to submit  
representation, if any, within one month from the date of issue  
of this letter.

Representation if any, received should immediately be  
forwarded to this office. In case no representation is received  
in this office by the target date, it will be assumed that the  
seniority list is correct and treated as final.

Any error or omission noticed in respect of service particulars  
of the staff should be brought to the notice of this office at once.

*K. K. Mehta*

(K. K. Mehta),  
for Divl. Personnel Officer,  
Lucknow.

DA/As above.

*Prasanna*  
5/5/82

J.4/5

*Prasanna*

*Prasanna*  
17-9-82

B99 ←

A/1/88

... ..

... .. 02-1936  
... ..  
... ..

... ..  
... .. 3216 of 1936  
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11

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

Writ Petition No. 30 46 of 1984

Keshav Prasad Singh and others. --- Petitioner.

Versus

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

ANNEXURE NO. R - I

To,

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

Sub.: Selection for the post of CIT grade 700-900  
Ref.: Your office letter No. 181.E/6-8-IV dt.12.4.84

.....

Sir,

We the undersigned very humbly and respectfully beg to inform that the inter-se-seniority of grade 525-640 (CDR Hd. TC STEs) published vide letter No. under ref. is defective and violative of the railway rules from which several representation have already been presented to your goodself.

In a result of the , the ADRM has agreed to and has sent a note No. 181.E/5/6-8/IV dated 23.4.84 to the CM(P) N. Rly., New Delhi as well as your kindself has also been pleased to withheld the result of the same selection till 15.5.84 after the discussion of with the delegation of Ticket Checking staff on 25.4.84.

We the undersigned appeared before the selection Board under the PROTEST and it should please be registered accordingly.

Thanking you,

Dated 26.4.1984

yours faithfully,

- | S.No. | Sr.No. | Name                          | Desig Hd. Qr.  | Sig. |
|-------|--------|-------------------------------|----------------|------|
| 1.    |        | K.P. Singh, Conductor,        | Lucknow        | Sd.  |
| 2.    |        | Prem Dass K.P. Hd. T.C.       | Lucknow.       | Sd.  |
| 3.    |        | H.S. Sharma, Capt. Conductor, |                | Sd.  |
| 4.    |        | Y.S. Misra, Conductor,        | Lucknow        | Sd.  |
| 5.    |        | Puran Lal, HTC /              | Lucknow.       | Sd.  |
| 6.    |        | S.K.L. Trivedi, Hd. TC /      | Lucknow        | Sd.  |
| 7.    |        | K.K. Sachdeva,                |                | Sd.  |
| 8.    |        | Shyam Narain Srivastava,      | Conductor/Lko. | Sd.  |
| 9.    |        | Mohd. Moin , Hd. TC           | Ø Faizabad,    | Sd.  |
| 10.   |        | Puran Masi, Conductor, /      | Lucknow        | Sd.  |
| 11.   |        | R.A. Srivastava, Conductor, / | Lucknow        | Sd.  |
| 12.   |        | R.S. Ahalwalia, Hd. TC /      | Baneras        | Sd.  |

*Chand*

:: True copy ::



(A 87)  
12  
A/B

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

Writ Petition No. 3046 of 1984.

Keshav Prasad Singh and others. --- Petitioners.

Versus

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

ANNEXURE NO. R-II

No. 757 E-6/81-Conductor

Divl. Officer

Lucknow Dt. 3.4.84

Notice

Shri K. P. Singh, Conductor, Lucknow grade  
425-640 (IS) has been assigned seniority below item No. 3  
Shri K.L. Tondon and above item No. 6 Shri K.K. Sachdeva  
in the seniority list issued vide this office letter  
No. 853-E-6/8-Conductor dated 5.5.82.

This may be brought to the notice of the Staff  
Concerned, representation if any received showed imme-  
diately be forwarded to this office.

For Sr. Divl. Panel Officer,  
Lucknow.

Copy to 1. SS/ Lko.

2. DCIT/ Lko.

3. Sri K.P. Singh, Conductor/ Lucknow  
for information.

ASSIGNED

17-9-84

Kompl

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1. The Government has been advised that the following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on or about August 1, 1954:

On or about August 1, 1954, the following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on or about August 1, 1954:

On or about August 1, 1954, the following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on or about August 1, 1954:

On or about August 1, 1954, the following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on or about August 1, 1954:

On or about August 1, 1954, the following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on or about August 1, 1954:

1. The Government has been advised that the following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on or about August 1, 1954:

2. The Government has been advised that the following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on or about August 1, 1954:

3. The Government has been advised that the following information was obtained from the files of the Department of the Interior, Bureau of Land Management, on or about August 1, 1954:

1892

1/90

the appellants and since they are senior to the respondents in length of service. Srd Inar Man was appointed as Ticket Collector on 26.00.1935, Srd Singh was appointed as Ticket Collector on 20.2.1937, Srd Singh (deceased) was appointed as Ticket Collector on 21.6.1949 and Srd Singh was appointed as Ticket Collector on 9.12.1949 whereas petitioner no.1 was appointed as Ticket Collector on 20.11.1952, petitioner no.2 on 19.2.1953 and petitioner no.3 on 10.1.1955.

2. That the appellants were promoted in the grade higher than the respondents (i) Srd Singh Man on 26.00.1935, Srd Singh (deceased) on 20.2.1937, Srd Singh (deceased) on 21.6.1949 and Srd Singh on 9.12.1949 whereas petitioner no.1 was promoted in the grade of 1.0000-1000 Srd Inar Man was promoted on 20.12.1952, Srd Singh on 19.2.1953, Srd Singh on 10.11.1952 and Srd Singh on 5.11.1952.

3. That the appellants as well as Srd Inar Man, Srd Singh, Srd Singh (deceased) and Srd Singh were working as Train Ticket Inspectors in the grade of 1.0000-1000 (A) were regarded to give up their promotion in the grade of 1.0000-1000 (A) for the following posts in the same grade :-

- (1) Ticket Clerk
- (2) Ticket Collector
- (3) Ticket Collector

4. That the appellants accordingly gave their



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8. That resolution 3, the aftermath regarding of  
part 1 of the 1960 case was granted on the basis of  
the order on the basis of the order given by the  
Honourable Mr. Justice Goff, subject to the order and the  
order (deceased) was granted to Senior Officer  
Honourable Mr. Justice Goff that the resolution  
nos. 2 and 3 was granted to the order as temporarily  
of the order including the order by 1.1.1979  
and the order no. 1 was granted on order basis no. 8.  
20.0.1980.

9. That the railway order by the order dated  
20.12.1983 was a continuation of the order and  
respectively the order of the order in the order  
of 1983-84 was revised from 15.00 to 25.00 no. 8.  
1.1.1986. According to this order all the three  
orders, the order, the order, Senior Officer Honorary  
of the order and the order were entitled to the benefit  
of the order of the order no. 8. 1.1.1984. A copy  
of the order dated 20.12.1983 is  
attached as Annexure 10.1.84 to this order no. 8.

10. That as the collection for the order of Senior  
Officer Honorary in the order of 1983-84 (1.1.84) in which  
the order, the order, the order, and the order  
of the order were approved on 25.10.1979 but for  
certain administrative reasons the results were held  
up. The collection was held to give benefit for  
the order of Senior Officer Honorary in the order of  
1983-84 on the basis of the previous approval of  
order by order dated 20.0.1980 (Annexure 10.1) no. 8.

B 95  
A/93

08.1973.

16. That on the basis of the subsequent events/upto to  
 dated 15.12.1972 as reflected by the non declaration  
 of the... to the... of... or... as there  
 they... in... on 12.6.1973 and 20.1.73. As a result of this...  
 on 9.2.1973. In the said selection  
 /... and... and...  
 and... and... and...  
 and... of... and...  
 on the basis of the...  
 and 30.6.1973 (...). The letter  
 of 2.9.1973... the selection result for the  
 position... is... as...  
 and... on the basis of...  
 on the first selection.

17. ... on the basis of the results of the selection  
 ... and the  
 ... a combined  
 ... by notice  
 of 12.6.1973 for further... on the basis  
 of... in  
 ... according to the said notice  
 ... and...  
 ... 17 to 20  
 ... to the...  
 ... 25, 26 and 27...  
 ...  
 ...

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... in the ... to ...

13. ... the ... from the ... dated 23.9.1923 ... the ... of ... in the ... of ... dated ...

14. ... the ... in the ... dated 12.6.1923 ... the ... dated 26.9.1923 ... dated 6.6.1923 ...

15. ... the ... in the ... dated 12.6.1923 ... dated 1.9.1923 ...

(B97)  
A/05

of the ... 20.11.1970. It is noted  
that ...  
... 20.11.1970 ...  
... 20.11.1970 ...

16. ... 16/12.7.1966 of the Divi-  
...  
... 16/12.7.1966 ...  
... 16/12.7.1966 ...  
... 16/12.7.1966 ...  
... 16/12.7.1966 ...  
... 16/12.7.1966 ...  
... 16/12.7.1966 ...

17. ...

17. ... 1 and 2 of the ...  
...  
... 19.1.1970 ...  
... 20.1.1970 ...  
... 20.1.1970 ...  
... 20.1.1970 ...

18. ... 3 to 6 of the ...  
...  
... 1.1.1971 ...

... to be ... by ...

11. That in ... 7 of the ... position ... the ... contained in the ... of the ... dated 20.3.1933 ... 1.1.1935 ... and ... as such it is not ... the opposite ... the ... eligible for ... of ... in the grade of ... In ... the ... and ... under ...

20. That ... of the ... position ... the ... and ... in the ... part ... the ... dated 20.3.1933 ... with the ... of the ... dated 20.3.1933. The ... in ... in the ... having failed to challenge the ... can not ... in this ... It is ... that the ... was contrary to the ... in the ... dated 20.3.1933 ... to the ... dated 1.1.1935 ... and as such it did not ... of the ... dated 20.3.1933 ... of ... dated 1.1.1935.

1944  
A/97

any case the petitioners were also given benefit of  
preference in the grade of 10625-060 u.c.s. 1.1.1979  
with retrospective effect and the same benefit cannot  
be denied to the answering opposite parties.

20. That in reply to para 9 of the writ petition it  
is denied that the answering opposite parties were  
also called for selection by notice dated 12.6.1956  
in which they were shown senior to the petitioners  
as already stated in the aforesaid paragraphs of this  
decreet.

22. That paragraphs 10 and 11 of the writ petition  
as stated are denied. The names of the answering  
opposite parties were wrongly excluded from the panel  
of successful candidates. The petitioners being junior  
to the answering opposite parties in service were not  
entitled to be brought on the panel for promotion to  
the next higher scale of 10700-900.

23. That para 12 of the writ petition as stated  
is denied. It is denied as alleged that the answering  
opposite parties, whose names were placed in the  
senior panel, were junior to the petitioners or that  
they were not selected for the posts in question. It  
is further denied as alleged that they were disqualified  
from being selected under General Manager's order dated  
25.7.1954. It is also denied as alleged that the  
answering opposite parties were not successful in the  
selection held on 25.6.1956 to 28.6.1956. The correct  
facts are that the answering opposite parties having



B101  
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/ 29

subject to evaluation of these and do not secure qualification in the selection. A person, although one may get first place on the panel on the basis of inter-se seniority of the successful candidate.

26. This para 15 of the writ petition is denied. It is denied as alleged that the cancellation was done without the approval of the competent authority. It is reiterated that the cancelled and in the present case had the approval of the competent authority in accordance with the Railway Establishment Manual.

27. This para 16 of the writ petition as stated is denied. The order is legal and within rules. It is denied as alleged that the order amounts to revocation. It is merely a corrective measure.

28. This para 17 of the writ petition as stated is denied. In view of the averments made in the preceding paragraphs of this affidavit it is denied that the answering opposite parties were not qualified or that they were not selected for promotion.

29. This para 18 of the writ petition is denied. It is denied as alleged that the cancelled panel incorporating the answering opposite parties has been drawn as a measure of punishment.

30. This para 19 of the writ petition is denied. The cancellation or revocation of the provisional list

B102

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is in the instant case, is within the competence of the railway authorities as specified in Rule 210 of the Indian Railway Establishment Manual. It was a customary practice to prefer the request for the right of place to the railway authorities which was denied to them. The claim of the petitioners to hold a place in the panel as a right is denied. It is further denied that there is any violation of natural justice or Article 311 of the Constitution.

30. That para 20 of the writ petition is denied in view of the facts and circumstances stated in the preceding paragraphs of this affidavit.

31. That in reply to para 21 of the writ petition the deponent is advised to state that the representation was acknowledged inasmuch as no right accrued to the petitioners by their erroneous appointment in a provident fund panel.

32. That para 22 of the writ petition is denied. It is denied that the cancellation of the panel amounts to revulsion on pick and choose policy.

33. That para 23 of the writ petition is denied. It is denied as alleged that the petitioners are still holding the posts of senior conductors. It is also denied that the petitioners will suffer any loss or injury in the facts and circumstances already stated above.

25. The writ of 26 of the writ petition is denied. No order of costs accord to the petitioner and the writ petition is dismissed and not maintainable on the grounds stated therein. The writ petition is liable to be dismissed with costs.

26. That the petitioners in the above writ petition have obtained a stay order dated 27.6.1934 during the pendency of the writ petition without imploring the answering or other parties the due necessary parties in the above writ petition. The stay order has also been obtained by misrepresentation and suppression of material facts. Thus the petitioners are guilty of laches and as such the stay order is liable to be vacated. The impugned order dated 6.6.1934 (number 10.9 to the writ petition) has already been implemented in respect of the petitioners and as such the stay order dated 27.6.1934 has become infructuous.

Dated 27.6.1934

Signature

August 1934

Verification

I, the above-said deponent, do verify that the contents of paragraphs of this affidavit are true to my own knowledge and those of persons of this affidavit are believed to be true by the deponent. No part of it is false and nothing material

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has been cancelled. To help me find.

Dated this day

Dependent.

August, 1933.

I identify the above-named dependent  
who is signed before me.

Advocate.

Solely affirmed before me on

at [City] [State] by [Name] and [Name]

the dependent who is identified by

[Name]

Next to [Name]

Advocate, High Court, [State].

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



10. ...	...	...	Against upgraded post
11. ...	...	...	...
12. ...	...	...	...
13. ...	...	...	Against vacancy
14. ...	...	...	...
15. ...	...	...	Against upgraded post
16. ...	...	...	the promotion on S.I. is hereby regularized.
17. ...	...	...	Upgraded post.
18. ...	...	...	...
19. ...	...	...	...
20. ...	...	...	at his option to that of S.I.
21. ...	...	...	Against upgraded post
22. ...	...	...	...
23. ...	...	...	Against upgraded post
24. ...	...	...	...
25. ...	...	...	at his own request and will not be eligible for free transfer post, J/leave or transfer allowances.
26. ...	...	...	Against upgraded post.
27. ...	...	...	Against vacancy
28. ...	...	...	...
29. ...	...	...	Against the vacancy
30. ...	...	...	Against the vacancy of Sh. J. P. Shukla.
31. ...	...	...	Against the vacancy of Sh. J. P. Shukla transferred.

This has the approval of Sr. D.O./M.C.

- Notes
1. Since the promotions of 'Ting & Hd. TCo' are against upgradation of S. Basis, they will have to do the extra duties up to present time. S.Ts will have to run the sleeper coaches and Hd. TCo will have to do the duties of TCo if necessary.
  2. The promotion orders of items Nos. 2, 3, 11 & 12 are subject to their being free from J/Vac/PL cases if any.

They will only be eligible for promotion in post No. 25-640 (F) when they will join u/c division

For. & other service particulars to sent later to other authorities concerned advising that

CA/ d. No. 208  
26/10/60  
Sr. Divl. Personnel Officer  
Lucknow

13108  
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Ministry of Railway (Railway Board)

Notification No. 3045 of 1936

Subject: Appointment of officers .....  
Under the provisions of the Railway Act, 1925

Section No. 1-2

Govt. of India  
(Public Works)  
Ministry of Railway (Railway Board)

No. R 121/CO/10/39 New Delhi, dated 23.12.1936.

The Secy to Govt.,  
Railway Board,  
Colaba, Bombay, and Secy.

Subject: Appointment and restructuring of non-graded cadres.

Following out of a demand made by the staff side in Departmental Council (D.C.) of the R.C.S., the Ministry of Rly. have decided that the following Group 'C' cadre officers shall be restructured as indicated in the enclosed schedule.

- i. J. Santalapan (Asst. Secy. Dept.)
- ii. Asst. Secy. / Asst. Secy. Clerk.
- iii. Secy. (Gen. Inv.) Clerk.
- iv. Asst. Secy. (Gen. Inv.) Clerk.
- v. Asst. Secy. Clerk.
- vi. Staff of Gen. Inv. Department.
- vii. Asst. Secy. / Asst. Secy. Clerk.

2. For the purpose of restructuring, the cadre strength as on 1.1.37 will be taken into account and will include non-graded and leave reserve posts.

3. Staff selected and posted against the additional high grade posts as a result of restructuring will have credit pay fixed under No. 1210-1(222)1936 D.O. 1.1.37.

4. The existing classification of the posts covered by Group 'C' staff side, viz., as "Selection" and "Non-Selection" as the case may be, remains unchanged. However, for the purpose of restructuring of cadre officers of any individual S. no. vacant position due for promotion to only one grade above the grade of the post held by him, or upwards, on a regular basis, and such higher grade post is available as a "Selection" post, the existing selection



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12. Monthly acknowledgment receipts.

(S/- L. Venturan  
Jr. Director Gen. (ID)  
Ay. Lard.

13. Review, finalizing and restructuring of certain group 'C' cases (Refer to Board letter No. 13111/CO/018/19 dt. 28.12.20).

No. of	Working Grade Int. Check. Staff	within 3	months 3	months
1.	a) 200-400	29.25	205	
	11) 300-500	13.95	375	
	111) 425-600	15.85	275	2
	117) 550-750	1	95	
	v) 700-900	0.55	55	

Note:- The cases of grade conductors in grade No. 425-600 is to be combined with the checking staff in the corresponding grade only for the limited purpose of determining higher grade posts in grade No. 550-750 and 700-900 after which the category of grade conductors will continue to exist as a separate category as at present.

TRUE COPY.

13114

1/69

20.6.68  
No. 1066 of 1968

Director General (Police) .....  
Director  
Union of India .....  
Off. Secy

Subject: No. 1066

Advertisement  
No. 1066 of 1968  
Date: 20.6.68

Advertisement  
No. 1066 of 1968

The Director General (Police) is directed to issue the following advertisement for the post of Inspector Ticket Grade No. 730-900.

Subject: Selection for the post of Inspector Ticket Grade No. 730-900.

It has been decided to hold selection (Viva voce) for the post of Inspector of Ticket Grade No. 730-900 at 10.00 hours on 20.6.68 to 22.6.68. The staff given below are called to appear in the above selection in batches on dates shown in first column. The said selection will be oral and comprising the staff viva voce test. It will be personal responsibility of senior Subordinate via. 1000/1000/1000 to bring this programme of the selection to the notice of concerned staff.

No.	Name	Designation	Selection Date	Remarks
1.	Mr. A. K. Singh	1000/1000	20.6.68	
2.	Mr. B. K. Singh	1000/1000	-do-	
3.	Mr. C. K. Singh	1000/1000	-do-	
4.	Mr. D. K. Singh	1000/1000	-do-	
5.	Mr. E. K. Singh	1000/1000	-do-	subject to
6.	Mr. F. K. Singh	1000/1000	-do-	final decision
7.	Mr. G. K. Singh	1000/1000	-do-	in case of
8.	Mr. H. K. Singh	1000/1000	-do-	unavailability.
9.	Mr. I. K. Singh	1000/1000	-do-	
10.	Mr. J. K. Singh	1000/1000	-do-	
11.	Mr. K. K. Singh	1000/1000	-do-	
12.	Mr. L. K. Singh	1000/1000	-do-	
13.	Mr. M. K. Singh	1000/1000	-do-	
14.	Mr. N. K. Singh	1000/1000	-do-	

13.	✓/2321	...	...	2.00.00
14.	o	...	...	-do-
17.	o	...	...	-do-
18.	o	...	...	-do-
19.	o	...	...	-do-
20.	o	...	...	-do-
21.	o	...	...	-do-
22.	o	...	...	27.00.00
23.	o	...	...	-do-
24.	o	...	...	-do-
25.	o	...	...	-do-
26.	o	...	...	-do-
27.	o	...	...	-do-
28.	o	...	...	-do-
29.	o	...	...	-do-
30.	o	...	...	-do-
31.	o	...	...	-do-
32.	o	...	...	-do-
33.	o	...	...	-do-
34.	o	...	...	-do-
35.	o	...	...	-do-
36.	o	...	...	-do-
37.	o	...	...	-do-
38.	o	...	...	-do-
39.	o	...	...	-do-
40.	o	...	...	-do-
41.	o	...	...	-do-
42.	o	...	...	-do-
43.	o	...	...	-do-
44.	o	...	...	-do-
45.	o	...	...	-do-
46.	o	...	...	-do-
47.	o	...	...	-do-
48.	o	...	...	-do-
49.	o	...	...	-do-
50.	o	...	...	-do-
51.	o	...	...	-do-
52.	o	...	...	-do-
53.	o	...	...	-do-
54.	o	...	...	-do-

1 Provisional  
subject  
to the deci-  
sion of  
in service

10/- 11/11/10  
12/6/11

For Divisional Railway Manager,  
Northern Railway, Lucknow.

1. The following is a list of the names of the candidates for the position of...

1/18

Provision No. 3040 of 1936

Under Head Staff Officers ..... Positioners

Verdict

Under Head Staff Officers ..... Opp. Parties

Announcement

Announcement

Headquarters Office,  
Rangoon,  
Burma.

No. 954-7/52-V (1936)

Dated 23.3.1936

The Divisional Survey Managers,  
Rangoon District.

MR. A. M. LIAO, MR. H. M. LIAO AND MR. J. M. LIAO.

Sub: Fixation of seniority of Mr. A. M. LIAO, Mr. H. M. LIAO and Mr. J. M. LIAO in grade G-425-640 (A) for promotion to grade G-550-750 (A).

In your selection channel of promotion to the post of contract Mr. A. M. LIAO, Mr. H. M. LIAO and Mr. J. M. LIAO, opening after the staff holding an equivalent grade G-330-550 (A) are called for promotion against one of the three vacancies. The post of contract grade G-425-640 (A) is non-selection post while the post of Mr. A. M. LIAO and Mr. H. M. LIAO (grade G-425-640 (A)) are selection posts.

The question of preparing the seniority of the above mentioned three categories for the purpose of their further promotion as G-550-750 (A) has been considered and the Board has decided in consultation with both the members holding that the seniority of the staff in the above categories in grade G-425-640 (A) at the time of their promotion as G-550-750 (A) to be prepared on the basis of their length of service in grade G-330-550 (A) holding their interim seniority in grade G-425-640 (A) intact.

✓ In their respective categories.

20/-  
(Ajit Singh)  
for General Manager (P)

ANNEX

STATIONER'S UNION OF INDIA

A  
112

No. 1983

Union of Stationers of India ..... 1st Division  
 Stationers  
 Union of Stationers of India ..... 2nd Division  
 Stationers

NOTICE

100737-160/83

Divisional Office  
 Secy.  
 Date 16/7/83  
 23

NOTICE

(1) In pursuance of the provisions of the following staff to posts No. 552-560 (1) and posted on the same station.

No.	Name	Posted to	Remarks
1.	Mr. S. S. Iyer	100737-160/83	
2.	Mr. S. S. Iyer	100737-160/83	
3.	Mr. S. S. Iyer	100737-160/83	
4.	Mr. S. S. Iyer	100737-160/83	
5.	Mr. S. S. Iyer	100737-160/83	
6.	Mr. S. S. Iyer	100737-160/83	
7.	Mr. S. S. Iyer	100737-160/83	
8.	Mr. S. S. Iyer	100737-160/83	
9.	Mr. S. S. Iyer	100737-160/83	
10.	Mr. S. S. Iyer	100737-160/83	
11.	Mr. S. S. Iyer	100737-160/83	
12.	Mr. S. S. Iyer	100737-160/83	
13.	Mr. S. S. Iyer	100737-160/83	
14.	Mr. S. S. Iyer	100737-160/83	
15.	Mr. S. S. Iyer	100737-160/83	
16.	Mr. S. S. Iyer	100737-160/83	
17.	Mr. S. S. Iyer	100737-160/83	
18.	Mr. S. S. Iyer	100737-160/83	
19.	Mr. S. S. Iyer	100737-160/83	
20.	Mr. S. S. Iyer	100737-160/83	
21.	Mr. S. S. Iyer	100737-160/83	
22.	Mr. S. S. Iyer	100737-160/83	
23.	Mr. S. S. Iyer	100737-160/83	
24.	Mr. S. S. Iyer	100737-160/83	

No will work as 100737-160/83  
 duties at 100737-160/83  
 also look after the  
 job of 100737-160/83  
 further orders

X/13

- 25. Co. of ... Conductor/...
- 26. Co. of ... Conductor/...
- 27. Co. of ... Co. of ...
- 28. Co. of ... Co. of ...
- 29. Co. of ... Co. of ...
- 30. Co. of ... Co. of ...
- 31. Co. of ... Co. of ...
- 32. Co. of ... Co. of ...
- 33. Co. of ... Co. of ...
- 34. Co. of ... Co. of ...
- 35. Co. of ... Co. of ...
- 36. Co. of ... Co. of ...
- 37. Co. of ... Co. of ...
- 38. Co. of ... Co. of ...
- 39. Co. of ... Co. of ...

(2) The following cases in (a) and (b) are temporarily put to rest in Co. No. 550-750 (a).

No.	Name	Rank	Remarks
1.	...	...	(1) Item No. 2 & 9 have not opted anywhere. They are put to rest to ...
2.	...	...	
3.	...	...	
4.	...	...	
5.	...	...	
6.	...	...	
7.	...	...	
8.	...	...	
9.	...	...	
10.	...	...	
11.	...	...	(2) Item No. 3 & 4 are ...
12.	...	...	
13.	...	...	
14.	...	...	(3) Item No. 10 will be utilized as ...
15.	...	...	
16.	...	...	
17.	...	...	
18.	...	...	

(3) The undersigned ... are temporarily put to rest on ... basis and posted on ...

- 1. ...
- 2. ...

This has the approval of ... and ... (signed)

d/- Illegible  
for Div. Personnel Officer  
Northern Railway : Lucknow.

cc :- ...

...

A  
114

Application No. ( ) of 1964

1. Late ... .. son of ... .. resident of ... ..
2. ... .. son of ... .. resident of ... ..
3. ... .. 177 ... ..
4. ... .. son of late ... .. resident of ... ..

..... Applicants

In ...

Application No. 3046 of 1964

..... Petitioners

.....

..... Opp. Parties

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15

Application for Appointment.

The applicants above-named most respectfully beg to submit as under :-

That for the facts and circumstances stated in the accompanying affidavits the applicants are the necessary and proper parties in the above writ petition.

It is most respectfully prayed that the applicants 1/2 Syed Iqbal Khan, Munshi Singh, and Amir Bitch and 3/4 named may be ordered to be added as opposite parties 6 to 7 respectively in the above writ petition.

Dated this 1st day of  
August, 1936.

(L. S. Gulla)  
Advocate,  
Counsel for the applicants.











notice dated 22.6.1953 but when their names were not included in the selected list they were a separate list which was enclosed in the letter dated 22.5.1953 was cancelled and a fresh panel was declared on 8.6.1953 during the course of the selection process (as per A) in the said panel filed on 11.7.1953 and to the wide selection of the candidates, who were seniors, were cancelled and reverted to their substantive posts in the grade of 6622-610 by notice dated 3.6.1953 filed in connection with the wide selection.

15. That on the basis of the electronic notice dated 22.6.1953 the opposite parties were given benefit of seniority of posts Nos. 9.1.1953 on the basis of a letter dated 22.12.1953. This notice further provided that the said opposite parties were given benefit of selection and appointment on 9.2.1953 with effect from 1.1.1953 and thus placed senior to the other candidates.

16. That by letter dated 16/23.7.1953 of the Director of Army - Mysore, Mysore, the staff in the grade of 6622-610 (A) on a par with upgrading No. 8. 1.1.1953 has been compulsorily put to competition in the grade of 6622-750 (A) and posted on the same station. The said notice in order of seniority indicates the candidates by 2 higher than, higher than, and into which they were placed at cl. nos. 1 to 5 whereas the candidates are placed at classes 12, 13 and 14 respectively.

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122

17. That the witnesses in the above test petition have obtained a copy of the dated 27.6.1936 during the course of their evidence without supplying the original and also the necessary and proper parties in the above test petition. The copy obtained has also been obtained by disclosure of the same by the deponent of the above test petition.

18. That the witnesses will be directly affected by any decision in the above test petition and as such they are a party to the above test petition and entitled to be heard.

Interlocutory:

Exhibits:

August, 1936.

Declaration

I, the undersigned deponent, do hereby declare that the contents of paragraphs 1 to 18

of this petition are true to my best knowledge and belief of facts.

of this matter was and believed to be true by the deponent at the time the same were made and no fraud was intended.

Interlocutory:

Exhibits:

August, 1936.

I hereby declare that the above is true to my best knowledge and belief.

Advocate

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

3046

of 198

4

a / 1

vs.

Date	Note of progress of proceedings and rout in eorders	Dated of which case is adjourned
1	2	3
27.6.04	Hon. K. Nath, J.	
	<p>Heard learned Counsel. Admit. issue notice.</p>	
	<p>Sd/- K. Nath 27.6.04</p>	
do	C.M. No. 6450 (2) / 04 for stay	
	<p>Hon. K. Nath, J. issue notice and list in the week commencing on 30th July 1904. Till then the operation of the impugned order Annexure 9 shall remain stay.</p>	
	<p>if possible today.</p>	
	<p>Sd/- K. Nath 27.6.04</p>	
	<p>3.8.04 filed</p>	
	<p>Cor n 6450 d 04</p>	<p>Copy of Sd/- Gunt O 1/2</p>

1/25

Copy of  
Sd/-  
Gunt  
O 1/2

**ORDER SHEET**  
**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

No. \_\_\_\_\_ of 198

vs.

9/2/1984

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	29.8.84 CMA 645/84	cf A (6) Ts
14-8-84	<p><u>Serbia Report.</u>            OP. Nos 1 to 3:- Power has been filed            by Sr. Siddharth Verma, Adv.            May office proceed?            Year            SO.            14/8</p>	
13.8.84	<p>C.M. Appl. No 8300 (w) 84            Hon' D. N. Jha J            Hon' K. N. Goyal J            List with the record            in the next week.            Sol. D. N. Jha            Sd. K. N. Goyal            13.8.84</p>	
13.8.84	<p>C.M. Appl. No 8301 (w) 84            Hon' D. N. Jha J            Hon' K. N. Goyal J            List with the record in            the next week            Sol. D. N. Jha            Sd. K. N. Goyal            13.8.84</p>	

# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 108 3446 of 1984

9  
3

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
18/9/84	<p>Fixed on C.M. App                      one 8350 (cc) &amp; 8301 (cc) &amp;  <u>Hon'ble D.N. Jha, J.</u>                      Put-up tomorrow.                      MHS/-                      10-9-84</p>	
	<p style="text-align: center;">Hon. D.N. Jha, J.</p> <p>In this case at the time of filing of the writ petition opposite parties 4 to 7, who were to be promoted on adhoc basis, as appears from Annexure 9, had not been arrayed as opposite parties. It was only the Union of India through the General Manager, Northern Railway, Baroda House, New Delhi; the Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow and the Divisional Personnel Officer, Northern Railway, Hazratganj, Lucknow, <del>etc</del> alone had been impleaded as respondents. This Court while admitting the petition by an order dated 27.6.1984 directed notices</p>	

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# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. \_\_\_\_\_ of 198

25.

9/4

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126

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	<p>to move the court to safeguard its own order. In the instant case unfortunately on behalf of the department no application for vacation of stay order was moved inspite of the fact that operation of its order had been stayed by this Court. One can only read between the lines and it is not necessary for the Court to pass strictures. However, after hearing the learned counsel for the petitioners and opposite parties 4 to 7 I am of the view that although the court had been pleased to pass an interim order feeling that rights of the petitioners were being adversely affected and it required a thorough scrutiny before they should be directed to revert to their post in the grade of Rs. 425-640. I am of the view that like the rights of the petitioners the rights of opposite parties 4 to 7 also deserve to be protected. If the department had placed the facts squarely before the court it might have been possible to adjudge as to which of the parties was being adversely affected but in the absence of any record of the department it can only be observed that the court is duty bound to protect</p>	

Vinay Shamkar  
Advocate

164, Aminabad Road,  
Ganesh Ganj,  
LUCKNOW.

Phones [ Off. : 43941  
[ Resi. : 32038

Date.....11-4-92...

S.N. 27  
Before The Central Administrative  
Tribunal, Lucknow

Case No 1579/87(T) &  
(w.P.No. 1367/85)

Sr. No 27

Sir

Due to my wife's illness who is a heart patient, I am unable to conduct the above case today for the claimant, before this Honble Tribunal.

Wherefore it is most respectfully prayed that my above case may kindly be adjourned for some other date.

Shamkar

Advocate

Counsel for claimant

In the Hon'ble Central Administrative Tribunal

ब अदालत श्री मान ..... Circuit Bench, Lucknow.....

वादी मुद्दाई  
प्रतिवादी मुद्दालय का वकालतनामा

K. P. Singh

बनाम

Union of India & others

वादी मुद्दाई  
प्रतिवादी मुद्दालय

नं० मुकद्दमा TANC सन 1987 पेशी की तारिख 19 87  
उपर लिखे मुकद्दमा में अपनी ओर से श्री

Brijesh Kumar Shukla  
Rly Advocate, Lucknow  
वकील

एडवोकेट  
महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं। लिखें देता हूं। इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिक्ली जारी करावें और स्पया वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठाये या कोर्ट में जमा करें या हमारी या विपक्ष फरीकसानी का दाखिल किया स्पया अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं। कि मैं हर पेशी स्वयं या किसी अपने कैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी गवाह ..... हस्ताक्षर .....  
दिनांक ..... महीना .....  
साक्षी गवाह .....  
नाम अदालत ..... LUCKNOW  
नं० मुकद्दमा TANC ..... 4/1987  
नाम फरीकन .....

Accepted  
Brijesh Shukla  
Rly Advocate

323

12/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/ 1098 date the .....

T.A.No. .... of 1990 (T) 22.3.90

1579/87

K. P. Singh ..... Applicants.

versus.

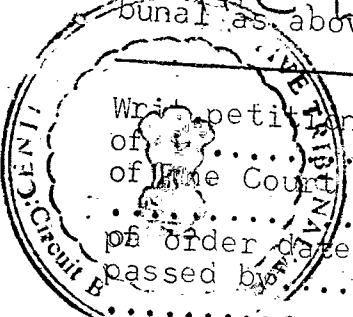
Union of India ..... Respondents.

To

③ Qazi Anis Ullah, 171 Bheri  
Mandi Maluigang Lucknow

Just  
Shiv

Whereas the marginally noted cases has been transferred by ..... under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.



Writ petition No. ....  
of the Court of 3046/84  
arising out of  
of order dated H.C. Lko  
passed by .....

The Tribunal has fixed date of 11/4/90.....1990. The hearing of the matter. If no appearance is made on your behalf by our some or duly authorised to Act and P on your behalf.

The matter will be heard and decided in your absence. Given under my hand seal of the Tribunal this ..... day of ..... 1990.

22

3

*[Signature]*  
DEPUTY REGISTRAR

Bhartiya

①

Tara Braasat S/o Late Bhagau  
Braasat Resident 244/15 Yr  
Road Pakel gang Lko



333

130

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/ 34095 date the 22.3.90

T.A.No. 1579/87.....of 1990 (T)

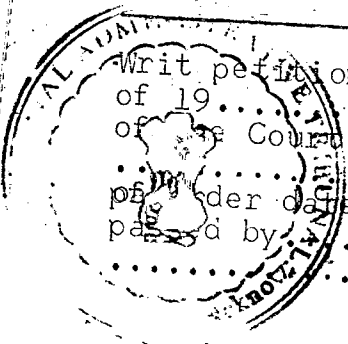
K.P. Singh.....Applicants.

Varsus.

Union of India.....Respondents.

To (i) Syed Ishaq Alam, s/o Late Syed Kabir Alam Resident C/117 Kali Mahel Varansi  
(ii) Ranjeet Singh s/o Deota Prasad Singh Resident Alampur, Po. Jhangir gang Faizabad

Whereas the marginally noted cases has been transferred by H.C. Lko.....under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.



Writ petition No. 3046/89... of 19... of the Court of H.C. Lko... arising out of... order dated... passed by... in...

The Tribunal has fixed date of... 11-4-90... 1990. The hearing of the matter... if no appearance is made on your behalf by our some one duly authorised to Act and Plead on your behalf.

The matter will be heard and decided in your absence. Given under my hand seal of the Tribunal this 22 day of 3... 1990.

*[Signature]*  
DEPUTY REGISTRAR

Bhartiya

(iii) Quzi Anis ullah 177 Bheri Mandi Malvi gang Lucknow

(iv) Tara Prasad s/o Late Sen Bhogwan Prasad Resident 244/15 yahiya gang Road Rakab gang Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
23-A Thornhill Road, Allahabad-211 001

o/c

T.O.No. 1579 of 1987

No. CAT/Alld/Jud

dated the

Noshav D. Singh

APPLICANT(S)

VERSUS

Union of India

RESPONDENT(S)

41035 f.  
41322

TO

- 1- Shri Vinay Shanker, Advocate, Lucknow High Court  
Lucknow.
- 2- Chief Standing Counsel (C.S.) Lucknow High Court  
Lucknow.

Whereas the marginally noted cases has been transferred by  
H.C. UD Under the provision of the  
Administrative Tribunal Act XIII of 1985 and registered in this Tribunal  
as above.

Writ Petition No. 3046  
of 1989  
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of  
12-12-1989 1989. The  
hearing of the matter at Gandhi  
Bhawan, Opp. Residency, Lucknow.

If no appearance is made on your  
behalf by your name one, duly authorised to  
act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this 25th  
day of August 1989.

dinesh/

DEPUTY REGISTRAR