

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE *T.A. No. 1593/87*
W.D. No. 4948/84 OFNAME OF THE PARTIES *S.R. Singh*

Applicant

Versus

O.C.E. 803

Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	<i>Index Sheet</i> <i>11 to 13</i>	
2	<i>Order sheet in order dt. 04-1-91</i> <i>A4 to A12</i>	
3	<i>Constitution</i> <i>A13 to A34</i>	
4	<i>Power</i> <i>A35</i>	
5	<i>Constitution</i> <i>A37</i>	
6	<i>New Application</i> <i>A38</i>	
7	<i>Cor. No 235/90</i> <i>A39 to A46</i>	
8	<i>Power</i> <i>A47</i>	
9	<i>any paper</i> <i>A48 to A53</i>	
10		
11		
12		
13		

CERTIFICATE

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

Checked on Dated. *03-12-12*

Counter Signed.....

R. Singh

Section Officer / In charge

m
Signature of the
Dealing Assistant

(3)

A
1

(4)

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. 4948-84

Name of parties

Shankar Bux Spt. vs Union of Andhra

Date of institution

12-10-84

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	Ad. with Amma And Affidavit	23	-	102-00			
	2	Power	1	-	5-00			
	3	Cmd 10763/84 B84	1	-	5-00			
	4	Power	1	-	5-00			
	5	Cmd 5680/84 B85 with CA	11	-	7-00			
	6	ack sent	1	-	-			
	7	Back Ctg	1	-	-			

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

①

Annexure - A

CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE _____ OF 1991

Name of the Parties Shri S. B. Singh

Versus

U. O. I (N. E. Rly.)

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
- 1	Ordersheet	1 to 3
2	Index	4 to 5
3	Petition	6 to 17
4	Final order dt. 4.4.91	7/A
5	Annexure	18 to 26
6	Affidavit	27 to 28
7	Vakalatnama	29
8	Stay Application	30
9	Vakalatnama on behalf of D.P.	31
10	C.M. Application No. 5680	32 to 33
11	Counter Affidavit	34 to 44
B - 1	Petition	1 to 12
2	Annexure	13 to 21
3	Affidavit	22 to 23
4	Stay Application	24
C - 1	Adjournment applications	

CENTRAL ADMINISTRATIVE TRIBUNAL, DELHIHABAD,
CIRCUIT BENCH, LUCKNOW

on No. _____ 198 .

Transfer Application No. 1593/87.

Writ Petition No. 4948/84

CERTIFICATE

Certified that no further action is required to taken
that the case is fit for consignment to the record room.

Countersigned _____

Signature of the
Dealing Assistant.

shv
5/6/91

Section Office/Court Officer.

.....

Amit/

A
5

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

~~D.A./T.A./R.A./C.C.P./~~ No. 1593 19 87
S.B. Singh - vs - V.O.I. & Co. W.P. 4948/87
PART - I

- | | | |
|----|------------------|--|
| 1. | Index Papers | :- 01 - to 04 . |
| 2. | Order Sheet | :- 05 to 12 . |
| 3. | Any other orders | :- (13 to 14) n.p. 10, 763 (w) 84 (Disposed off).
(15 to 17) n.p. 5690 (w) 85 (Disposed off). |
| 4. | Judgement | :- Judgement dt. 04-4-91 of C.A.T. Lucknow.
(Page - 10) |
| 5. | S.L.P. | :- X |

DY. Registrar

Supervising Officer

Dealing Clerk

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

Dealing Clerk

1/A

(18)

4/4/91

Mem. Mr. B. B. Gesti, Am.
Mem. Mr. S. D. Prasad, Jm.

A
12

The learned counsel
for the respondents, once
again submits before us
that the applicant has been
granted the necessary
relief and that the
application has become
infructuous. The applicant's
counsel states that the
orders may be passed by
us on the averments made
by the learned counsel
for the respondents.
Accordingly, we dismiss
the application as having become
infructuous.

Jm.

Am.

Dr. K. K. Ball
18/4/91

15

5/1

32

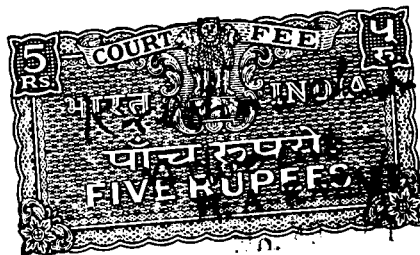
A/10

IN THE HIGH COURT JUDICATURE AT ALLAHABAD,
Lucknow Bench, Lucknow.

C.M.Application No. 5680 (W) of 1985.

In Re.

Writ Petition No. 4948 of 1984.



6252

Shanker Bux Singh

Petitioner.

Versus.

Union of India and others.

Opp. Parties.

APPLICATION FOR DISMISSAL OF WRIT PETITION
AS INFRUCTUOUS.

That the petitioner has filed the above said Writ Petition against the order of termination dated 13.9.84 contained in Annexure 1 to the Writ petition. The impugned termination order has already been withdrawn by the opposite parties. Thus the impugned order of termination of the petition does not exist at present.

That it will be in the interest of justice that the above Writ Petition may be dismissed as

...2...

(16)

Rem d copy

Revised
3/5/88
clerk to J.P. -

Sri vast are

Advocates

3.5.81-

Hon. WMS J

Hon. Kalg J.

Wise with record before
vacations

h 4th
MS-MS
a

3

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

12

A/9

TA No. 1593 OF 1987/7

Vs.

Sl.No.	Date	Office Report	Orders
		<p>OK</p> <p>MP 235/90/15 filed by the 4c for the applicant ^{petitioner} duly served a ltr applicant</p> <p>S. FO</p> <p>L</p> <p>2/4/1</p>	<p>10-1-91 No Sitt-1 Adj to 15.2.91</p> <p>15.2.91 No Sitt-1 Adj to 4.4.91</p>

TA 1593/07/13
:: 2 ::

(10)

6

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

13/12/64

No sitting. Adj to 20.2.50.
This case has been received on transfer.

Notices were issued to the counsels by the Office at Allahabad. Both the parties are present.

Let notices be issued again to the parties as directed by Honble Mr. D.K. Agarwal.

BR
Case has been recd. from CA7, dtd. on 28.0.04
Case is not admitted.
Stay is granted.
CA filed
No RA filed
Case is submitted for admission.

20/2/90

Hon K. Obayya, Am.
Hon J P Sharma, Am.

13/11

On the request of the learned counsel for the applicant the case is adjourned to 28-2-90. Sri Anil Srivastava for the respondents is also present.

Jm

Am

19/11
S. For admission
26/11

26.2.90

Hon Justice K. Nali. LC
Hon Mr. J. K. Ramani AM

Appointment. appl. cert. received for S. O. P. Srivastava Counsel for the applicant. The case is adjourned to 12.4.90 for admission.

OR
CM 235/90 (6) filed by MC for the applicant's delay served a the applicant SFO

10.1.91

No sitting Adj to 15.2.91.

Dinesh

24

15.2.91 - No sitting Adj to 4.4.91.

15931276

(2)

Hon Mr P. S Habib Mohammed Ali
Hon Mr T P Shariqi J 14

On the ~~by~~ Adjournment application
of the application case is adjourned to
29/6/90 for order

5. n_1

152

PM

27680

no sitting adj. to 24/9/90

24.9.90

Nothing Ali Jo 13.12.90

 $2\frac{5}{6}$

3/2.90

Hon Mr Justice K Iddick,
 Hon Mr K. G. Ganga, AM
 Sri Anil Srivastava

appears respondents in a
refers to the application dated
26.7.88 enclosing in order
dated 16.10.84 where Sir
the applicant is impugned
reomination or less dated 13.9.84
which has been withdrawn. Consequently
the court is that the petition should
become infructuous. Learned counsel
for the applicant says that he is not
aware of the order dated 18.10.84
and wants time to obtain instructions.
The case may be listed for
orders on 10.1.91 when the case
may be disposed of finally.

OR MP 235 pgs. filed
by the HC for the
reports for 4. merick
SFO

SFO

11/1

Q

11c-

(X)

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
	1		
	Stand out - as projected by L. O.P. Sivarama		
	Mon K		
	5-11-84		
12-11-84	Wait with CM An 10763 (W) SU F.O.		
	Hon K N G S		
	Hon B K S		
	List - Correctly with the name of Sri Krishna Chandha as respondent, counsel.		
	Mon K		
	12-11-84		
16-11-84	Hon. K. N. G. S.		
	Hon. B. K. S.		
22-11-84	Fixed with CM An 10763-84 F.O.		
	Hon. S. S. A. J.		
	Hon. B. K. S.		
28-11-84	Wait with CM 10763-84 F.O.		

list again showing

8

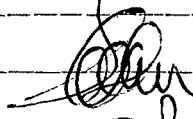
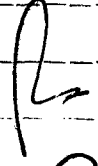

6/12/85

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1454 of 198 4

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	The name of Dr. Umesh Chandra as Counsel for the opposite parties.	
	 Rs. 20-11-85	
		
		
2-5-85	C.M.A. 5680(W)-85 for dismissal Hon D.N. Jha J. Hon. KN Roy J. dist with record before vacation Sd. D.N. Jha Sd. KN Roy 2-5-85	
16-5-85	Filed with C.M.A. 10763(W)84 and 5680(W)-85 for order NOL D.N. Jha J. NOL KN Roy J. So D.N. Jha 16/5/85	To Bench Sgtt

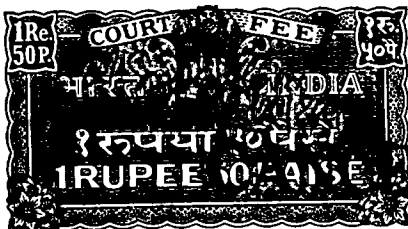
(30) 3

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

(13)
C.M. AN. No. 10176 (w) OF 1984

In re,

WRIT PETITION NO. 4948 OF 1984



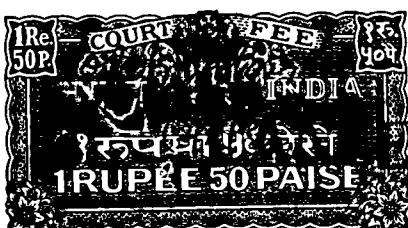
ELLED.

Bankar Bux Singh

....

Petitioner-
Applicant

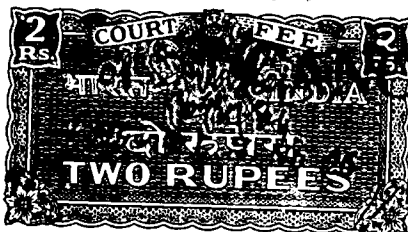
Versus



ELLED.

Union of India and another .. Opp. Parties.

STAY APPLICATION



ELLED.

The above named petitioner-applicant

most respectfully begs to state as under:-

For the facts, reasons and circumstances explained in the accompanying Writ petition it is most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the operation of the impugned notice of termination dated 13.9.1984 contained in Annexure-1 to this Writ Petition and further direct the Opposite parties to take work from the petition and pay the salary during pendency of the case and also pass such other order or direction which is found just and proper in the circumstances of the case.

For this act of kindness the petitioner-applicant shall ever pray.

LUCKNOW DATED.
OCTOBER 12, 1984.

COUNSEL FOR APPLICANT.

[Signature]

3 2 182
12/10/84

12


had ✓

Chand
12/10/84

Hon. K. N. Goyal. J.

Hon. B. Kumar. J.

For orders see
our order of date
passed in the
main petition.

Baner 

12-10-84

e

5

M

Recd CPM

Chand

12-10-84 AS
in Chakrad
AS

MEMO

Impressed
Fine And give Rs 100/-

at the Court for report

Ind. copy of F.O.

Should also be filed.

Last impugned Annexure /
= 13-9-83

District, Bahraich
12.10.84

Hon. K. M. Goyal, J.
Hon. B. Kumar, J.

Learned Counsel
for N. E. Railway states
that similar petitions
has been dismissed

earlier in a
batch namely
W.P. No. 1799 of
1982 and
connected with
Petition (Putter Lal
vs. Union of India)
by this court
on 10-3-83 and
the matter was
taken up to the
supreme court - where again
have been heard and
whose judgment
has been reserved.
In the meantime if
any other project will
be available the
petitioner will be
considered.

Latter the learned
counsel for the petitioner
pressed the petition
on the ground of compe-
tency of the Assistant
Engineer who passed
the impugned order. on
this point the learned
counsel for the Railway
shall obtain instructions.
Dtd on 23rd Oct. 1984.

12-10-84

(4)

8248

(5)

GROUP NO. A-14(2)

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

WRIT PETITION NO. 11949 OF 1984

A/13

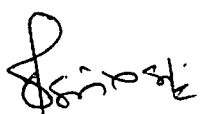
Shanker Bux Singh Petitioner

Versus

Union of India & another ... Opp. Parties.

I N D E X

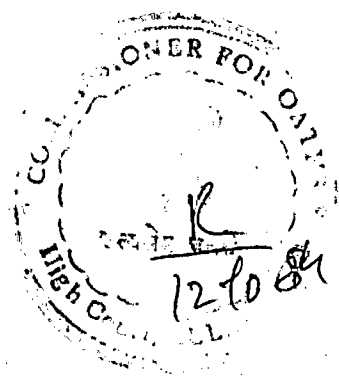
SD NO.	PARTICULARS OF PAPERS	PAGE NO.
1.	WRIT PETITION	1 - 12
2.	<u>ANNEXURE - 1</u> Notice of termination dated 13.9.1984.	13 - 14
3.	<u>ANNEXURE - 2</u> Rly. Board's Circular dated 1.6.1984.	15 - 18
4.	<u>ANNEXURE - 3</u> Clarification letter dated 25.6.1984.	19 - 21
5.	AFFIDAVIT	22 - 23
6.	POWER (VAKALATNAMA)	- 24


(O.P. SRIVASTAVA)
ADVOCATE
COUNSEL FOR PETITIONER.

LUCKNOW DATED:
OCTOBER 12, 1984.

Disputes Act 1947 and Industrial Disputes (Central) Rules 1957 besides the other relevant laws and Railway Board Circular.

6. That a perusal of the impugned notice of termination contained in Annexure-1 to this petition reveals that the same has been issued by the Assistant Engineer Deposit Work, North Eastern Railway Nanpara. Under the provisions of Rule 2(g) (ii) (c) of the Industrial Disputes (Central) Rules 1957 (herein after referred ^{to R} as Rule 1957) the District Officer, In-charge of the Divisional Personal officer or the personal officer shall be 'Employer' in respect of casual labour employed in a zonal Railway or any other Railway Establishment independent of Zonal Railway. The Railway Board vide letter No. E (LL)/71 AT/IB/1-7 dated 10.1.1972 has also issued the similar direction. In the instant case since the Assistant Engineer is not the employer under the provisions referred above, as such he is not competent to affect retrenchment and therefore the impugned notice of termination is illegal without jurisdiction, and void abinitio.



12/10/84

7. That the termination of services of the petitioner is retrenchment and the provisions for affecting retrenchment are totally absent and wanting.

8. That under section 25-F(a) of the Industrial Disputes Act it has been provided that the Employer will give one month's notice in writing indicating the reasons for retrenchment. In the instant case the Employer has not issued any such notice and whatever notice which has been issued by an incompetent Authority is invalid in the eye of law and is containing false and untenable reasons. Actually the work of ~~existing~~ Canal Bridge between Nanpara and Babaganj is still in progress.

9. That the petitioner has not been paid any compensation as required to be paid to him under the provisions of Section 25F(b) of Industrial ~~Disputes~~ ^R Disputes Act 1947. The impugned notice of termination does not indicate anything regarding the payment of compensation.

10. That no notice in prescribed manner has been served on the appropriate Government



श्री १२/८/८७

categorywise as stipulated under Rule 77 of the Industrial Tribunal (Central) Rules 1957. No copy of any such seniority list has ever been pasted on the Notice Board or at any conspicuous place.

15. That the reason of retrenchment has been shown as completion of work. No notice as contemplated in Rule 76 of the Rules 1957 has been served on the competent authority.

16. That the impugned notice of termination has been passed in grave transgression of all the relevant provisions of law by an incompetent authority which rendered the impugned notice of termination null and void.

17. That the Railway Board has recently issued letter ameliorating the condition of service of casual labours. Now all the casual labours even if they have been engaged on a project work would be entitled for the salary at the rate of minimum scale rate of pay plus dearness allowance after completion of 180 days of continuous service. The petitioner is also getting the same pay scale. It has wrongly been mentioned



श्री. अ. ए. ए. ए.

in the impugned notice of termination that the petitioner is being paid 1/30 of the scale rate. A true copy of the latest Railway Board's Circular dated 1.6.1984 and its clarification letter dated 25.6.84

ANNEXURES-2 & 3

are being filed herewith as Annexures-2 and 3 to this Writ Petition.

18. That a perusal of the Annexures-2 & 3 to this Writ Petition palpably reveals that the casual labours who are engaged ^{even} on project are also entitled to acquire the status of a temporary Railway Servant. Since the petitioner has also completed more than 3 years of continuous service on 1.1.1984, therefore he becomes entitled for the benefits admissible to a temporary Railway Servant ^{after} ~~with~~ expiry of 120 days as contemplated in Rly Board's ~~order from 1.1.1984~~. *Letter No P.C. 172/R-T-6913 (1) dated 12.7.1973.*

19. That it has further been provided in para 5.2 of Annexure-2 that the casual labours on project who have completed 180 days of continuous employment would continue to be entitled to the benefits now admissible to them (so long as they fulfil the condition in this regard) till they become due for the benefits mentioned in the preceding paragraph.

FOR OFFICIAL USE
12-10-87
134 Court
CLAN

21/11/87

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

Writ Petition No. _____ of 1984

Shankar Bux Singh Petitioner

Versus

Union of India and another .. Opp. Parties.

ANNEXURE - 1

North Eastern Railway

Office of the Asstt. Engineer
/DW Nanpara.

No. W/ASN/MWE st t/182-83 Dated 13.9.84.

To

Shri ~~Ram~~ Sanker Bux Singh,
S/o Shri Sant Ram Singh,
Khalasi under I.O.W./DW/NNP.

Sub . Notice for termination of service of
casual labour in R.S. of pay (1/30th).

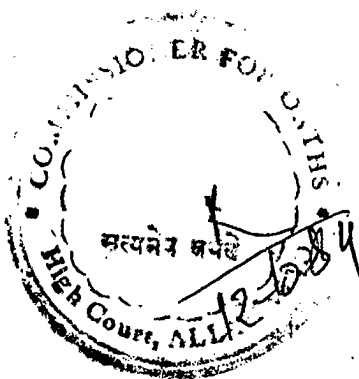
Please take notice that your services
will not be required by the Railway Adminis-
tration W.E. from 15.10.84 (A/N) after expiry
of one month from 16.9.1984.

The reason for termination of your
service is the completion of canal Bridge
between NNP-BBJ at Rs. 2/13-3/3.

Please acknowledge receipt.

Sd/- Illegible
Asstt. Engineer/DW
N.E. Railway, Nanpara.
Assistant Engineer (Deposit Works)
N.E. Railway
Nanpara.

contd...2



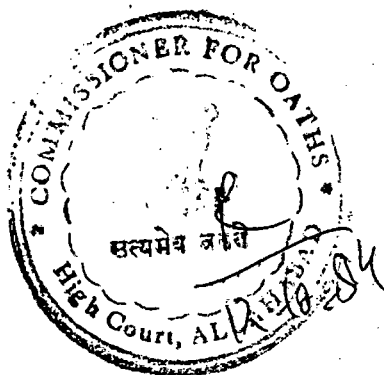
27/10/84

representations in the PNM and JCM/DC meetings and otherwise that the benefits admissible to casual labour on the open line should be extended to casual^{labour} employed on railway projects too.

4. The Ministry of Railways have^{reviewed} ~~reconsidered~~ the matter in depth in the light of the afore-said representations and demands of the recognized Federation. In doing so they have had necessarily to keep in view the financial and other constraints under which the Indian Railways have to operate.

5.1 As a result of such deliberations, the Ministry of Railways have now decided in principle that Casual Labour employed on projects (also known as "Project Casual Labour") may be treated as temporary on completion of 360 days of continuous employment. The Ministry have decided further as under:-

(a) These orders will cover (b) Casual Labour on projects ~~who~~ who are in service as on 1.1.84; and (c) Casual Labour on projects who, though not in service on 1.1.84, had been in service on Railways earlier and had already completed the above prescribed period (360 days) of continuous employment or will complete the said prescribed



20/12/84

period of continuous employment on re-engagement in future. (A detailed letter regarding this group follows). (d) the decision should be implemented in phases according to the schedule given below.-

Length of service (i.e. continuous employment)	Date from which may be treated as temp.	Date by which decision should be implemented
i) Those who have completed five years of service as on 1.1.84	1.1.1984	31.12.84
ii) Those who have completed three years but less than five years of service as on 1.1.84	1.1.1985	31.12.1985
iii) Those who have completed 360 days but less than three years of service on 1.1.84	1.1.1986	31.12.1986
iv) Those who complete 360 days after 1.1.1984.	1.1.1987 or the date on which 360 days are completed whichever is later.	31. 3.1987.

5.2 The Ministry would like to clarify here that casual labour on projects who have completed 180 days of continuous employment would continue to be entitled to the benefits now admissible to them (so long as they fulfil the conditions in this regard) till they become due for the benefits mentioned in the preceding sub-paragraph.

5.3 This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

6. Early steps may be taken in implement this decision of the Ministry of Railways by the target dates given above.

TRUE COPY

Annexure-3 Contd.

2. It may be observed from the provisions of para 5.1 ibid that the benefit of being treated as temporary will be admissible also to project casual labour who, though not in service as casual labour on Rlys. on 1.1.1984, had been in the employ of the Rlys. prior to 1.1.84 and have been re-engaged after that date (1.1.1984). The date from which the benefit will be admissible to them will be the same in the case of project labour in service on the Rlys. on 1.1.1984.

3. The position in this regard would be clear from the hypothetical illustrations given below.-

(i) 'A' was engaged as project labourer on the Rlys. prior to 31.12.83. His services were terminated say on 31.8.83 on completion of work. On availability of fresh work he was re-engaged as project casual labour on 1.3.84, and continue to work as such. Thus 'A' was not in the employ of the Railway on 1.1.84. At the time of his discharge on 31.8.83, he had been in 'Continuous employment' for say two years. The case of 'A' will fall under sub item (iii) in para 5.1(b) of the letter dated 1.6.1984. Thus 'A' will be treated as temporary from 1.1.86.



दीनचन्द 21/10/84

(ii) 'B' was engaged as project casual labour prior to 31.12.83. His services were terminated on 30.6.83 due to completion of work or for want of other productive work. At that time, he had to his credit 'Continuous employment' of three years and three months. If 'B' is re-engaged as project casual labour on availability of fresh work, say on, 1st April/84 and continuous to work as such, his case will fall under sub.item(ii) of para 5.1(b) *ibid*. Thus, he will be entitled to be treated as temporary from 1st Jan./85.

(iii) 'C' was working as project casual labour prior to 31.12.83. He was discharged say, on 30.11.83 after putting in 300 days of 'Continuous employment'. If he is re-engaged as project casual labour say from 1.6.84 and puts in 'Continuous service' thereafter, he will be entitled to be treated as temporary from 1.1.87, as his case will come under sub.item (iv) of para 5.1(b) of the letter of 1.6.84.

4. It is reiterated for purpose of applicability of the provisions of the letter of 1.6.84 the employment as Casual labour should be 'Continuous employment' as defined in the order on the subject issued from time to time.

5. The Ministry of Rly. trust that the position is clear to the Rly. Administrations etc. and that there will be no difficulty in implementing the orders contained in their letter of 1.6.84.

Hindi version will follow.

Sd/- (H.R. BHAGAT.)
DY. DIRECTOR ESTT. (A).
FLY. BOARD.

TRUE COPY



2/10/84 04/27/84

no notice is required for their retrenchment to as their services automatically stand terminated if the work is completed or sanction of the post expires.

6. That of the contents of para 5 of the Writ Petition, the permissions of rules stated by the petitioner are admitted but the Case of the petitioner is not covered under the rules stated and he is not entitled to the benefits claimed there-uder.

7. That in reply to the contents of para 6 of the Writ petition it is stated that the Assistant Engineer was the incharge of the unit in which the petitioner was working and ^{was} ~~has~~ employer of the casual labours employed in his unit in view of the provisions of rule 2G(II) (c) of the Industrial Dispute (Central) Act 1967. Thus the impugned order was passed by the competent authority.

8. That in reply to the contents of para 7 of the Writ Petition it is stated that the impugned termination order was passed by the Comptent ^{on} authority in completion of the bridge work in



Joyanti Kunsai Sinha

(41) 10 44

-8- and page 3 to 19 are based on records believed to be true.


true to my own knowledge, and no part of it is false and nothing material fact has been concealed. So help me God.

Jyanti Kumar Sinha
DEPONENT.

Lucknow Dated:

~~March~~ May 1985.
AT 85

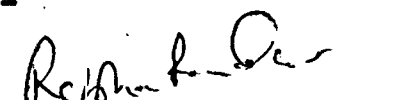
I identify that the deponent who has signed before me.


Advocate.

Solemnly affirmed before me on 1.5.85 at 11.15 A.M./P.M. by Shri SheoMurti the deponent who is identified by Shri Krishna Choudhary Advocate, High Court, Lucknow.

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




NOTARY COMMISSIONER
High Court, Lucknow Bench
LUCKNOW
Date 84/283
1.5.85

241

In the Central Administrative Tribunal : Additional
Bench : Allahabad

.....

Annexure-1

In

Application on behalf of the Respondents

In

Registration Case No. 1593 of 1987 (T)

Shanker Bux Singh Petitioner

Versus

Union of India and others Respondents

- - - - -

No.N/AEN/MW/Estt/1/82-83 office of the
AEN/DW/Nahpara

Dt. 16.10.84

- 1- Sri Mangal Ram S/o Sri Khed Ram
2. Shanker Bux Singh S/o Shri Sant Ram Singh
3. Ram Bharosey S/o Bhagwati
4. Shesh Ram Son of Sri Fakery
5. Hari Ram S/o Sri Ram Jau
6. Ram Bharan S/o Shri Dularey
7. Ram Pukar Rai S/o Shri Ram Saran Rai.
8. Dukhi S/o Shri Ram Prasad

Khallas under IOW/DW/NEP.

A/3

In the Central Administrative Tribunal : Additional
C.M. Am. No. 235/90 (2),
Bench : Allahabad

.....

Application on behalf of the Respondents

In

Registration Case No. 1593 of 1987 (T)

Shanker Bux Singh Petitioner

Versus

The Union of India & others Respondents

1. That the above writ petition was filed in the Lucknow Bench of the Allahabad High Court by the petitioner challenging an order dated 13.9.84 terminating his services.

2. That after coming into force of the Administrative Tribunals Act, 1985, the above writ petition was transferred to this Hon'ble Tribunal under Section 29 of the Administrative Tribunals Act XIII of 1985.

3. That a detailed counter affidavit has already been filed in the present case on behalf of the Respondents in the Hon'ble High Court, Lucknow Bench on 8.5.85 before a Bench consisting of Hon'ble Mr. Justice D.N. Jha and Hon'ble Mr. Justice K.N. Goy.

f. I

syd
10/4/90

:: 2 ::

4. That however, it is submitted that the order of termination dated 18.9.84 has been withdrawn vide office order No.W/AMN/MW/Estt/1/82-83 dated 16.10.84 passed by the Assistant Engineer, North Eastern Railway, Nampara. A copy of the order dated 16.10.84 is being filed herewith and marked as Annexure-1 to this application.

5. That in view of the facts stated above, the present writ petition has become infructuous and is liable to be dismissed.

P r a y e r

It is, therefore, most respectfully prayed the order of termination having been withdrawn, the present petition may be dismissed as having become infructuous.

Dated: 26.7.89.

Amit Sthalekar
(Amit Sthalekar)
Advocate

Counsel for the Respondents

A/
46

:: 2 ::

Sub: Notice for termination of service of casual
labour is Rs.of pay (1/30)/Estt/1/82-83 Dated
13.9.1984.

Notice issued for termination of service
is hereby withdrawn.

sd/- Assistant Engineer
N.E.Railway
Nagpur.

Attested True copy

Pratik S Thalekar
(Counsel for Respondents)

NS/CCS

VAKALATNAMA

Before
in the Court of

Central Administrative Tribunal Bench Lucknow
TA No 1593/87 (C)

Plaintiff
Defendant

Shanker Bux Singh

Claimant
Appellant

Versus

Defendant
Plaintiff

Union of India

Petitioner
Respondent

The President of India do hereby appoint and authorise Shri.

Anil Srinivasa
Railway Advocate Lucknow

.....to appear, act, apply, plead in and prosecute the above described suit/appeal/proceeding 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/proceeding 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 or Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agree to ratify all acts done by the aforesaid Shri.

Anil Srinivasa
Rly Advocate Lucknow

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of

India this theday of.....198 .

Dated

Accepted
Anil Srinivasa
Adv

NER-84850400-8000-4 7 84

Smt. Usha
20/8
(S. M. N. Selam)
Designation of the Executive Officer,

प्रका नण्डल कामिक अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211 001

o/c

No. 1593 of 1987

No. CAT/Alld/Jud

dated the

Shanker Lux Singh

APPLICANT(S) 41086 +

VERSUS

41332

Union of India

RESPONDENT(S)

TO

- 1- Shri O.P. Srivastava, Advocate, Lucknow High Court
Lucknow.
- 2- Shri Krishna Chandra, Advocate, Lucknow High Court
Lucknow.

Whereas the marginally noted cases has been transferred by
H.C. LKO Under the provision of the
Administrative Tribunal Act XIII of 1985 and registered in this Tribunal
as above.

Writ Petition No. 1048
of 198 4
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of
13-11-1989 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

X/5
CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH,
LUCKNOW.

T.A No.1593 of 1987.

Shri S.B.Singh Applicant.

Versus

Union Of India & Others Respondents.

Dated 04.4.91

Hon'ble Mr. A.B.Gorthi, A.M

Hon'ble Mr. S.N.Prasad, J.M

The learned counsel for the respondents

Shri Anil Srivastava once again submits before us that the applicant has been granted the necessary relief and that the application has become infructuous. The applicant's counsel states that the orders may be passed by us on the overments made by the learned counsel for the respondents. Accordingly, we dismiss the application as having become infructuous.

A.M

Sd/-

J.M

Sd/-

...True Copy...

Section Officer

Central Administrative Tribunal
Circuit Bench
LUCKNOW

Checked by
M.P.

A/3

Best copy

(24)

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

C.M. AN. No. _____ (W) OF 1984

In re:

WRIT PETITION NO. _____ OF 1984

Shankar Bux Singh Petitioner-
Applicant

Versus

Union of India and another .. Opp. Parties.

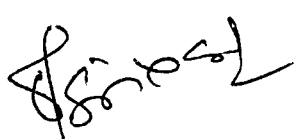
STAY APPLICATION

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

For the facts, reasons and circumstances explained in the accompanying writ petition it is most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the operation of the impugned notice of termination dated 13.9.1984 contained in Annexure-1 to this Writ Petition during the pendency of this Writ Petition and further direct the Opposite parties to take work from the petition and pay the salary during pendency of the case and also pass such other order or direction which is found just and proper in the circumstances of the case.

For this act of kindness the petitioner-applicant shall ever pray.

LUCKNOW DATED.
OCTOBER 12, 1984.


COUNSEL FOR APPLICANT.