

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA 1616/87*
W.P. No 4506/83 OF

NAME OF THE PARTIES *No 72 Haryana P. W. Men's Union* Applicant

Versus

The Union of Judicial Officers Respondent

Part A.

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1	<i>Index sheet</i>	<i>A1 to A2</i>
2	<i>Order sheet disposed of 28-9-90</i>	<i>A3 to A8</i>
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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 without (Boster)

Dated *15-9-11*

Counter Signed.....

[Signature]
Section Officer in charge

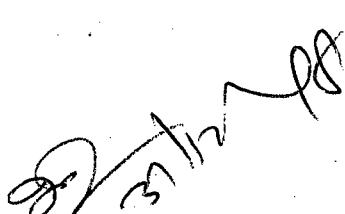
[Signature]
Signature of the
Dealing Assistant

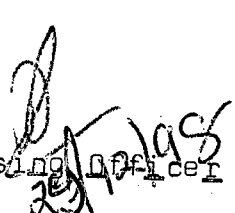
CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

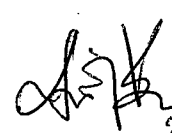
FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 1616-1987
N.R. 7.11-16-1987
U.O. 1.8 Qm.
PART - I

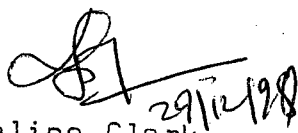
1. Index Papers :- 01 to 03.
2. Order Sheet :- 04 to 08.
3. Any other orders :- (09) 7.11.9495/83 (disposed 11).
4. Judgement :- Judgement dt 28-9-90 O.A.T. Lucknow Bench (Page-11) D.A. Infructus
5. S.L.P. :-


Dy. Registrar


Supervising Officer


Dealing Clerk 29/12/98

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


Dealing Clerk 29/12/98

V.K. Mishra

(I)

ANNEXURE -A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

A
✓

INDEX SHEET

CAUSE TITLE T.A. 1616/87 of 1987 (P)

NAME OF THE PARTIES

N. D. Men's Union Applicant

Versus

Union of Indig Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1-	General Index	A1
2	Index Sheet	A2 to A4
3	Petition copy with Annexures	A5 to A17
4	power	A18
5	Application for Interim Refr	A19
(B)		
⑥	Bench Copy	B20 to B-37
(C)		
⑦		C38 to C39

25

(9)

8/13

impressed.
From Adhesive
Total
Correct but Court fee paper
will be receipt of lower
Court fee
In time
Paper filed. Copy of F. O.
Should also be filed.
11/11 - 11/11

Last Dep Order on 12-12-83
Desh. Lickin

Leena
29/8/83

Item. u.s. J.
Item. L. G. J.

Put up tomorrow.
✓ ✓
29-1-83
✓

Hon'ble K. S. Varma, J.
Hon'ble Kamleshwar Nath, J.

The petitioner is
directed to take
steps to serve opposite-
parties out of Court.
The opposite parties
may be served for
12-9-83. List 1 in
petition for orders
on 12-9-83.

RS

9/11/83
30-8-83

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned	
1	2	3	
	FO. 12-9-83		Mell Piech
12-9-83	Fixed with an 9495(w)83 Po Hon. u.c.s.j Hon. K.H.L.j with along with service report. 12-9-83 R.		A/n 5B 13-9-83
19-9-83	Service upon The Notices for obs. 1 to 3 have been given to the counsel of the petitioner for service on obs. P ^R but he has not filed any affidavit of service or office copy.		dasti
26-9-83	Address In view of Court's order dated 30.8.83 the petitioner was required to serve the obs outside the Court. The petitioner has not taken steps for service through this Court as such no notice has been sent either by R.F. or by ordinary course. Dasti notice was received by the petitioner on 7.9.83 for service. Thereafter neither any affidavit of service has been filed nor any statement to this effect has been made before Court.	Submitted Deeply 19/8	
A. P. 1 Uchh Nyayalya. - 13-4-83 - 173-1983 - 50,000 (E).	Bring this fact to the notice of the Court.		26-9-83

n'
 n'
 n'
 83
 83

Order sheet
TA 1616 of 1987

(F)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
2/11/89	NRMU VS U.O.9 <u>Hon' Mr. D.K. Agrawal, J.M.</u> This case has been received on transfer from Allahabad. Notice was sent from the office at Allahabad. The service has to be presumed. Let again notice be issued to the counsel for the parties. List this case on <u>3-1-90 for orders.</u> J.M. (sns)	OK This is no 4506/82 received on transfer from High Court, Lucknow in May '87 along with other cases. On the date of transfer this case was not admitted.
3/1/90	<u>Hon' Mr Justice Kamleshwar Nath, V.C.</u> <u>Hon' Mr K. Obayya, A.M.</u> Shri Mouzzamur Rahman briefholder of Mr. A. Mannan counsel for the applicant is present. Shri Arjun Bhargava takes notice on behalf of all the Op.Ps. He has also received copies of the notices from the counsel for the applicant. The case be listed for <u>admission on 7-2-90.</u> A.M. V.C. (sns)	Transfer notices were issued by the Alld. office to both the counsel, but neither any reply nor any undelivered cover received back so far. Submitted for orders 1/11/89
7-2-90 19.3.90	No Sitting. Adj. to 19.3.90 He for the applicant is present Hon. D.K. Agrawal - Jm. Hon K Obayya Am. None appears. List for admission 4/4/90.	OR Notices were issued on 12/11/89 No undelivered copy cover has been returned back. Submitted for order 2/11/89

Dinesh

Am

Dec 7/12

S.F.A

30/3

① Noted
Brief Chapter
for Shri A. Mannan
1/11/89

OR
Notice for order
12/12/89

7
2

(8)

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

T. A 4506/83

4.4.90

1100. K. Nadi, V.C.
Hos. K. J. Ramon AM.

A/B

On the request of
Shri A Bhargava adjourn to
16-5-90 for admission. It
is expected that Ols will
file counter by that date
or suitably instruct the
counsel.

B

Am.

R
V.C.

16-5-90

No sitting adj. to 3/7/90

R

3-7-90

No sitting adj. to 8/8/90

R
B.O.C.

8-8-90

No sitting.

R

adj. to 28-9-90 R/L

Copy
of Judgment
dt 28.9.90
sent Chaturvedi
29/10/90

[Signature]

R
No CA filed
S.F.A
L
26/9

8/9

(9)

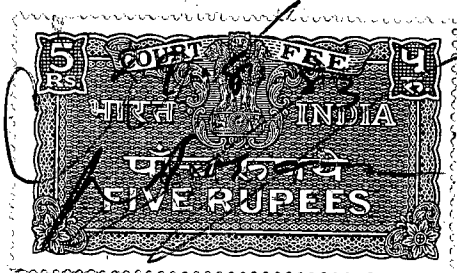
IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:

LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No. 9498 (W) of 1983: 8/4

IN RE :

WRIT PETITION NUMBER 1586 OF 1983.



14/8/83
29/8/83

Northern Railway Men's Union. Petitioner/ Applicant.

Versus.

The Union of India and Others. Opposite Parties.

AN APPLICATION FOR THE INTERIM RELIEF.

The above named Petitioner - Applicant most respectfully submits as under :-

1. That through the above mentioned Writ Petition, the validity of the impugned order of punishment, as contained in Annexure number 1, penalising the 127 persons, who are the members of the Petitioner - Applicant, and they will suffer irreparable loss if the same order is allowed to operate.

THEREFORE, it is most humbly prayed that for the reasons already disclosed in the Writ Petition and the affidavit, the operation of the impugned order of punishment, as contained in Annexure Number 1 may kindly be stayed, pending the disposal of the Writ Petition, in the interest of justice and humanity.

DATED: LUCKNOW:
AUGUST - , 1983.

A. Chandra
Counsel for the Petitioner/
Applicant.

28/9/90

(11)

Hon. Mr. Justice K. Nath, VC.
Hon. Mr. K. O Banya, Am.

Case called. Shri A-K. Chaturvedi
is present for the applicant.
Shri Arjun Bhargava appears
on behalf of the respondents.
Shri Bhargava files an
application dt. 28/9/90
stating that the order
directing break in service
of the applicant on 9/8/83
and detailed in Annexure-I
has already been withdrawn
by the President and the
absence has been converted
into leave due and is
admissible. It is stated that
in this situation, the petition
has become infructuous.
We think it is so. The
application is therefore
disposed of as infructuous.

Am.

VC.

12

Group A-14 (K)

③

6988

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

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER

OF 1983.

4506

1/4

Northern Railway Men's Union.

.. Petitioner.

Versus.

The Union of India and Others.

... Opposite Parties.

13944

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Particulars.

Page numbers.

1. Writ Petition.

1 to 5

2. Affidavit.

6 to 7

3. Annexure Number 1 (Impugned order of punishment dated 17th August, 1983).

8 to 12

.....

DATED: LUCKNOW:
AUGUST 29, 1983.

A. Chaurian
Counsel for the Petitioner.

7/6

7/6

mortem to the Railway Station, Faizabad, close to which late Shri Sharma was residing in the Railway quarters. For his dead body large number of railway men, trade unionist other public representatives of Faizabad and shop-keepers were waiting at Railway Station, Faizabad. The dead body was brought at noon, ofcourse there was some lull in the performance of their duty by the railway men at Faizabad which was very natural in such emotional distress. However, there was no untoward incident at Faizabad and those who gathered to pay homage to the departed leader remain calm and orderly.

6. That without any notice to the persons concerned without any opportunity in any manner and without any enquiry the Opposite Party Number 2 on 17th August, 1983 passed an order against one hundred and twenty three members of the Railway Staff at Faizabad, ordering a 'NO WORK NO PAY' for 9th August, 1983, and also ordering for the break in service which is a very severe and drastic action. A copy of this order is annexed as Annexure Number 1 to this Writ Petition (along with the list appended to it).

7. That all the men named in appendix of Annexure number 1 are the members of the Petitioner Union.

8. That the impugned order, Annexure Number 1, providing break in service destroys the effect of the entire service already rendered by these members of the railway staff, some of whom have rendered even 25 years and 30 years service.

9. That the effect of this order, Annexure No. 1, of break in service is the loss of all the accrued bene-

W. A. Prasad

dit



benefits including the increments, on the basis of the past services rendered by them upto 8th August, 1983, meaning by they will be treated as fresh appointees, after 9th August, 1983 and will lose pensionary benefits, gratuity, increments, leaves and pass etc. on the basis of their earlier services.

10. That the impugned order has been passed quite arbitrarily without affording any opportunity to the persons affected and without any enquiry, the said order is totally in utter violation of the rules and the Principles of Natural Justice, apart from it it is also discriminatory and also violates the Fundamental Rights of the persons concerned, guaranteed under the provisions of Article 14 and 16 of the Constitution of India.

11. That the Petitioner union is vitally interested in protecting the rights and the service conditions of its members, including the persons concerned.

12. That the Railway Administration and the Opposite Party Number 2 have passed the impugned order with the mala fide intention of intimidating the railway employees and victimising them and specially the union activists.

13. That the Petitioner Union has no any other equally effective remedy, but to evoke the jurisdiction of this Hon'ble High Court, among others on the following

G R O U N D S :-

(A) Because, the impugned order, contained in Annexure Number 1, is in utter violation of the Principles of Natural Justice.

(B) Because, the impugned order, Annexure No. 1,



W. Prasad

is arbitrary and mala fide.

(C) Because, the impugned order, Annexure number 1, is in violation of the rules on the subject.

(D) Because, the impugned order, Annexure Number 1, involves severe penal consequences upon the persons concerned amounting to removal.

(E) Because, the impugned order, Annexure Number 1, violates the Fundamental Rights of the members of the the Petitioner Union, guaranteed under the provisions of Article 14 and 16 of the Constitution of India.

THEREFORE, it is most humbly prayed that this Hon'ble High Court may be pleased to issue :-

(i) A Writ, Order or Directions in the nature of Certiorari, quashing the Annexure Number 1, the impugned order, after summoning it's original from the records of the Opposite Parties.

(ii) A Writ, Order or Command in the nature of Mandamus, commanding the Opposite Parties to continue with all the benefits of service accrued to the persons named in Annexure Number 1 upto 8th August, 1983, and not to with-hold any of those from them.

(iii) Any other writ, order or directions deemed proper.

(iv) Waive off the notice to the Opposite Parties as the matter is MOST URGENT and to allow the Writ Petition with costs.

DATED: LUCKNOW: ,
AUGUST , 1983.

29

A. Prannan
Counsel for the Petitioner.

There is no defect
in this W.P.

A. Prannan

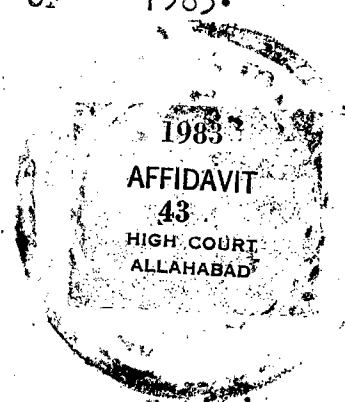
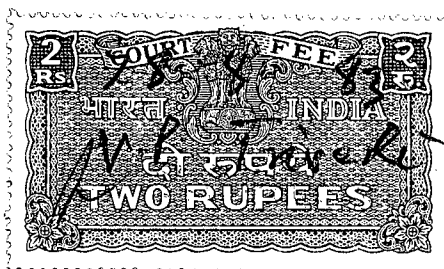
W. Prannan

17/11

13

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

WRIT PETITION NUMBER OF 1983.



Northern Railway Men's Union. Petitioner.

Versus.

The Union of India and Others. Opposite Parties.

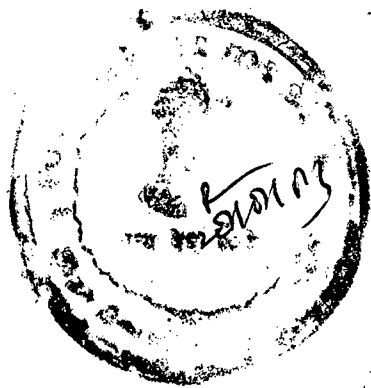
A F F I D A V I T.

I, V. P. Trivedi, aged about 52 years, Son of Shri K. P. Trivedi, Resident of Charbagh, Lucknow, states on oath as under :-

1. That the deponent is the Divisional Secretary of the Petitioner Union, he is authorised to file Writ Petition, as such he is fully conversant with the facts and the circumstances stated in the said Writ Petition.
2. That the contents of paragraph number 1 to 12 of the Writ Petition are true to my own knowledge.
3. That the deponent, himself, has compared the Annexure Number 1, with it's copy as could be fetched by him and it is it's true copy.

DATED: LUCKNOW:
AUGUST 28th, 1983.

V. P. Trivedi
(V. P. Trivedi)
Deponent.



A
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- : 7 : -

X
14

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph number 1, 2 and 3 of this affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me God.

DATED: LUCKNOW:
AUGUST 28, 1983.

V. P. Trivedi
(V. P. Trivedi)
Deponent.

I know the deponent, identify him, who has signed before me.

DATED: LUCKNOW:
AUGUST 28, 1983.

A. Channan
~~Clerk to~~ Shri Abdul Mannan, Advocate,
Counsel for the Petitioner.



Solemnly affirmed before me on this the 28th day of August, 1983, at 6/40 a.m./p.m., by Shri V.P. Trivedi, the deponent, who has been identified by the ~~Clerk to~~ Shri Abdul Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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

M. M. Palman
(M. M. PALMAN)
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 1071/43
Date 28/8/83

A/B
A/S

- : 8 : -

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

WRIT PETITION NUMBER OF 1983.

Northern Railway Men's Union. Petitioner.

Versus.

The Union of India and Others. ... Opposite Parties.

ANNEXURE NUMBER - 1.



V. Prasad

9 P/14
A/10

NORTHERN RAILWAY

CONFIDENTIAL
No. S. DFO/54/78

Divisional Office
Lucknow
Dated: August 17, 1983

The Loco Foreman, N.Rly.,
Faizabad.

The Station Superintendent, N.Rly.,
Faizabad.

Sub: Illegal strike/Stoppage of work at
Faizabad on 9.3.1983.

The stoppage of work at Faizabad on 9.3.83 by
Faizabad Loco Shed staff & FD Station staff has been
treated as an illegal strike. Therefore, following action
has been taken.

- (i) 109 staff of Loco Shed, Faizabad as per enclosed
list have been treated as illegal strikers.
Therefore, period of 9.3.83 will be 'No work No pay'
in respect of these 109 staff. Also 'Break in
Service' will apply in respect of these 109 staff.
- (ii) 14 staff of FD Station as per enclosed list have
been treated as illegal strikers. Therefore,
period of 9.3.83 will be 'No work No pay' in respect
of these 14 staff. Also 'Break in service' will
apply in respect of these 14 staff.

DA/As above.

M. H. P.

(P. M. G. NO)

for Divisional Railway Manager/Lucknow.

Q/- Supdt./Pay Bills, Lucknow for ensuring the above orders
regarding No work No pay in respect of 123 staff
mentioned in the list enclosed.

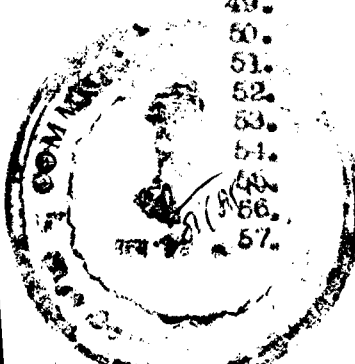
Q/- Supdt./R, for ensuring break in service in respect of
123 staff mentioned in the list enclosed.

DA/As above.

V. P. Purosh

LIST OF PASSENGERS WHO LEFT FOR THE ...

No.	Ticket No.	Name	Destination
1.	31	Shri Ram Jagan Singh	HS Fitter Gr. I
2.	19	Shri Rajeev Singh	- do -
3.	30	Shri Satish Chandra	HS Fitter Gr. II
4.	70	Shri Mohd. Ismail	- do -
5.	48	Shri Gopal Singh	- do -
	46	Shri Abdul Hamid	- do -
7.	58	Shri Shyam Lal Yadav	- do -
8.	6	Shri Raja Ram	- do -
9.	87	Shri Ayodhya Pd.	Fitter
10.	93	Shri Abdul Hamid	- do -
11.	138	Shri Ram Kishore	- do -
12.	143	Shri Sheo Pd. Sharma	- do -
13.	113	Shri Bhagwan Pd.	- do -
14.	161	Shri Hari Ram	- do -
15.	110	Shri Daya Ram Upadhyay	- do -
16.	128	Shri Nand Kishore	- do -
17.	151	Shri Sish Mithra	- do -
18.	150	Shri Sukh Dev Singh	- do -
19.	118	Shri Hari Shanker Singh	- do -
20.	88	Shri Achal Behari	BS Fitter
21.	114	Shri Mohd. Umer	- do -
22.	104	Shri Dina Nath	- do -
23.	72	Shri Ram Kumar	HS Turner Gr. I
24.	74	Shri Rajendra Prasad	Turner
25.	130	Shri Hari Shanker	MS/Khalasi
26.	148	Shri Raj Kishore Lall	- do -
27.	80	Shri Mohd. Rafique	Oiler
28.	81	Shri Abdul Kalam	By Smith
29.	256	Shri Ram Piaray	F/Khalasi
30.	102	Shri Badri Prasad	- do -
31.	194	Shri Lal Singh	- do -
32.	183	Shri Sheo Baran	- do -
33.	300	Shri Ram Jiawan	- do -
34.	303	Shri Dharam Raj Yadav	- do -
35.	40	Shri Shree Gopal	- do -
36.	208	Shri Ram Patti	- do -
37.	272	Shri Bhikuti Prasad	- do -
38.	248	Shri Ishrar Khan	- do -
39.	233	Shri Raja Ram Yadav	- do -
40.	287	Shri Ram Dhiraaj	- do -
41.	268	Shri Devi Lax Singh	- do -
42.	129	Shri Ram Swaroop	- do -
43.	302	Shri Ram Marti Mishra	- do -
44.	36	Shri Harish Chand	- do -
45.	237	Shri Anwar Ram	- do -
46.	304	Shri Ram Milan	- do -
47.	257	Shri Ram Prasad	- do -
48.	279	Shri Panchoo Lall	- do -
49.	203	Shri Ram Kedar	- do -
50.	244	Shri Bhupal Singh	BY/Porter
51.	75	Shri Ram Pratap	Cinder/Khalasi
52.	215	Shri Ram Piaray	Box Porter
53.	97	Shri Mohd. Salwa	BY/Porter
54.	65	Shri Pratap	BY/Khalasi
55.	147	Shri Mohd. Khan	BY/Mistry
56.	186	Shri Malikoo Lall	HS Gr. II
57.	183	Shri Rasti Kuman Pandey	contd....



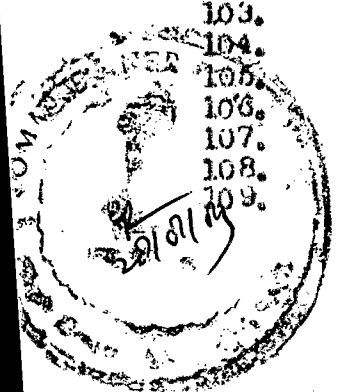
W. Enrich

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58.	10	Shri Mohd. Idrish	HS Br Or. I
59.	160	Shri Asad Ali	- do -
60.	167	Shri Roop Narain Singh	BM
61.	63	Shri Rama Kant Tewari	- do -
62.	177	Shri Kamal Ahmad	- do -
63.	234	Shri Shyam Manorath	BM/Khalasi
64.	96	Shri Kishori Lall	- do -
65.	146	Shri Bajrang Pandey	- do -
66.	181	Shri Mohd. Ab. Rauf	- do -
67.	135	Shri Ahmad Ullah	- do -
68.	283	Shri Surendra Tewari	- do -
69.	54	Shri Satish Kumar	- do -
70.	84	Shri Gaya Prasad	- do -
71.	153	Shri Radhey Shyam Yadav	- do -
72.	73	Shri Prabh Raj	- do -
73.	259	Shri Data Din	- do -
74.	173	Shri Bachoo Lall	AC Khalasi
75.	56	Shri Moynuddin Khan	HS BAB Or. II
76.		Shri Vijai Kumar	DAD Khl.
77.		Shri Girish Chand	Sub. Casual Labour
78.		Ram Gopal	- do -
79.		Shri Subnan Ahmad	- do -
80.		Shri R. P. Tewari	- do -
81.		Shri Vijai Bahadur Singh	- do -
82.		Shri Mohd. Aslam	- do -
83.		Shri Gyan Dutt Pandey	- do -
84.		Shri Chandrupa Singh	- do -
85.		Shri J. P. Singh	- do -
86.		Shri K. M. Singh	- do -
87.		Shri S. K. Tewari	- do -
88.		Shri S. K. Tripathi	- do -
89.		Shri Ramjeet	- do -
90.		Shri Raja Ram Yadav	- do -
91.		Shri R. S. Pandey	- do -
92.		Shri Ghanshyam	- do -
93.		Shri D. N. Pandey	- do -
94.		Shri Surman Pandey	- do -
95.		Shri Fuddan Dass	- do -
96.	191	Shri Bashir Khan	Stora Khalasi
97.	263	Shri N. N. Nagar	- do -
98.	200	Shri Rangal Ram	Callan
99.	213	Shri Lawrence Marage	Steam Man
100.	242	Shri Ramjeet Pd.	RR Dealer
101.	305	Shri Ram Lakhan	4/4/4
102.	241	Shri A. C. Mishra	C/Tindal
103.	165	Shri Upendra Nath	Cleaner
104.	276	Shri Mohd. Akhtar	- do -
105.	282	Shri Zakir Ali	- do -
106.	285	Shri B. L. Jamil	- do -
107.	284	Shri Ram Prakash	- do -
108.	293	Shri M. R. Khan	- do -
109.	206	Shri Ram Sular	- do -



U. P. Tivren

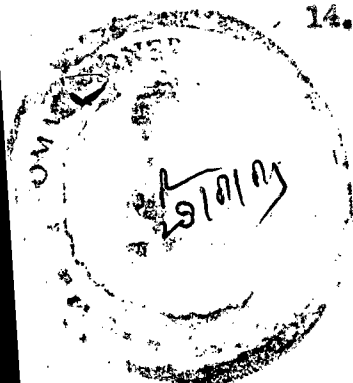
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STATION STAFF WHO ABSCONDED FROM WORK ON 9.8.83 AT PD STATION.

1. Shri P.S. Agarwal, G.C.
2. Shri Ram Lakhan Pandey "
3. Shri C.P. Rawat "
4. Shri K.P. Chaturvedi "
5. Shri Inder Mani Dubey "
6. Shri Mahipat Lal "
7. Shri Arvind Singh Booking Clerk
8. Shri T.M. Mathai "
9. Shri Mohd. Moin Hd. T.C.
10. Shri Ram Kishan BIC/TC
11. Shri Raj Kishore "
12. Shri Kesho Ram T.C.
13. Shri H.N. Bajpai E.R.C.
14. Shri N.R. Yadav E.R.C.

V.P. Gurder



ब अदालत श्रीमान

High Court Lko.

महोदय

[वादी] अपीलान्त

श्री

का

वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]



वादी (अपीलान्त)

12/5/18

29/18

N. Railway Narnaul Union

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं मुकदमा

सन्

Union of India 1918 ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

A. M. M. M.

वकील

महोदय

एडवोकेट

नाम अदालत	
मुकदमा नं० नाम	
फरीकत	 बनाम

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

Accepted

A. M. M. M.

हस्ताक्षर

(V. P. Choudhary)
Dist. Secy.

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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Bench copy

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

Civil Misc. Application No. *9495* of 1983

IN RE :

WRIT PETITION NUMBER *4586* OF 1983. *A/21*

Northern Railway Men's Union. Petitioner/ Applicant.

Versus.

The Union of India and Others. Opposite Parties.

AN APPLICATION FOR THE INTERIM RELIEF.

The above named Petitioner - Applicant most respectfully submits as under :-

1. That through the above mentioned Writ Petition, the validity of the impugned order of punishment, as contained in Annexure Number 1, penalising the 127 persons, who are the members of the Petitioner - Applicant, and they will suffer irreparable loss if the same order is allowed to operate.

THEREFORE, it is most humbly prayed that for the reasons already disclosed in the Writ Petition and the affidavit, the operation of the impugned order of punishment, as contained in Annexure Number 1 may kindly be stayed, pending the disposal of the Writ Petition, in the interest of justice and humanity.

DATED: LUCKNOW:
AUGUST *29*, 1983.

Counsel for the Petitioner/
Applicant.

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In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow.

T.A. 1616 of 1987
(W.P.No.4506 of 83)

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Northern Railway Men's Union Petitioner
Versus
Union of India and others Opp. Parties

In the above noted application, it is submitted on
behalf of the opposite Parties as Under:-

1. That the above writ petition filed in the Hon' ble High Court of Judicature At Allahbad, Lucknow Bench Lucknow and tranferred to this Hon' ble Tribunal, the petitioner prayed for a mandamus to continue with all the benfits of service accrued to the persons named in Annexure 1 upto 8.8.'83 and not to with-hold any of these from them.
2. That under the sanction of the President, the break in service on 9.8.'83 in respect of all the employees mentioned in Annexure No.1 to the petition has been treated as leave due and admissible.
3. That consequently the writ petition has become infructuous.

It is therefore, most respectfully prayed,
that the instant writ petition is liable to be
dismissed as having become infructuous.

Lucknow

dated: 28.9.'90

(Arjun Bhargava)
Advocate

Counsel for the Opposite Parties.

In the Central Administrative Tribunal Allahabad

Circuit Bench Lucknow.

T.A. 1616 of 1987

(W.P.No. 4506 of 83)

Northern Railway Men's Union Petitioner

Versus

Union of India and others Opp. Parties

In the above noted application, it is submitted on behalf of the opposite Parties as Under:-

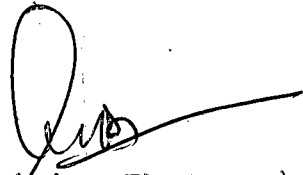
1. That the above writ petition filed in the Hon'ble High Court of Judicature At Allahabad, Lucknow Bench Lucknow and transferred to this Hon'ble Tribunal, the petitioner prayed for a mandamus to continue with all the benefits of service accrued to the persons named in Annexure 1 upto 8.8.'83 and not to with-hold any of these from them.
2. That under the sanction of the President, the break in service on 9.8.'83 in respect of all the employees mentioned in Annexure No.1 to the petition has been treated as leave due and admissible.
3. That consequently the writ petition has become infructuous.

Received Copy.
Asst Kumar Chatterjee
28/9/90

It is therefore, most respectfully prayed,
that the instant writ petition is liable to be
dismissed as having become infructuous.

Lucknow

dated: 23.9.'90


(Arjun Bhargava)
Advocate.

Counsel for the Opposite Parties.

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

WRIT PETITION NUMBER 4506 OF 1983.

Northern Railway Men's Union.

.. Petitioner.

Versus.

The Union of India and Others.

... Opposite Parties.

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2. Affidavit.

6 to 7

3. Annexure Number 1 (Impugned order of punishment dated 17th August, 1983).

8 to 12

.....

DATED: LUCKNOW:
AUGUST 29, 1983.

Counsel for the Petitioner.

Cal

8/21

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

WRIT PETITION NUMBER 4506 OF 1983.

Northern Railway Men's Union, through it's Divisional
Secretary, E. P. Trivedi, Chaurbagh, Lucknow.

.... Petitioner.

Versus.

1. Union of India, through the Secretary, Railways,
New Delhi;
2. The Divisional Railway Manager, Northern Railway,
Lucknow;
3. The General Manager, Northern Railway, 'Baroda House'
New-Delhi.

.... Opposite Parties.

WRIT PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA.

The above named Petitioner most respectfully
submits as under :-

1. That the Petitioner is a registered Trade Union
under the Trade Unions Act, it is also recognised as
such by the Railway Administration. That majority of
the workmen and the employees of the Northern Railway
are the members of the Petitioner Union.
 2. That the Petitioner Union has duty to protect
- W*

the terms and conditions and the employment, itself of its members, who are the employees of the Northern Railway (Class III and Class IV) employees.

3. That on 8th August, 1983, Shri A. N. Sharma, President of the Faizabad Branch of the Union was on an announcement round on a Loud-Speaker Fitted Rikshaw in Faizabad making announcement for the Public Meeting scheduled on that very day at 4.00 p.m., in Faizabad (Railway Station) under the auspicious of the Petitioner Union, which was to be addressed by Shri T. N. Bajpai, who is the Zonal Secretary, All Indian Railway Men's Federation and also its Working President.

4. That on the same day, that is on 8th August, 1983, at about 10.00 a.m. when Shri A. N. Sharma, with his announcement rikshaw reached near the west cabin of Faizabad Railway Station in the course of the announcement, he was suddenly attacked by seven men, late Shri A. N. Sharma was murdered on the spot. This incident caused great emotional upset among the employees of the Northern Railway, specially at Faizabad where the incident occurred and generally through out the Northern Railway. Here it may also be pointed out that late Shri A. N. Sharma was posted at Faizabad, itself, and naturally the horrifying incident ~~caused~~ caused greater emotional ^{impact} ~~among~~ among the employees at Faizabad, late Shri A.N. Sharma was highly respected among the railway employees being a very devoted Trade Union leader.

5. That on 9th August, 1983, the dead body of late Shri A.N. Sharma was brought back after the post-

B/23

mortem to the Railway Station, Faizabad, close to which late Sri Sharma was residing in the Railway Quarters. For His dead body large number of railway men, trade unionists, other public representatives of Faizabad and shop-keepers were waiting at Railway Station, Faizabad. The dead body was brought at noon, ofcourse there was some lull in the performance of their duty by the railway men at Faizabad which was very natural in such emotional distress. However, there was no untoward incident at Faizabad and those who gathered to pay homage to the departed leader remain calm and orderly.

6. That without any notice to the persons concerned without any opportunity in any manner and without any enquiry the Opposite Party Number 2 on 17th August, 1983 passed an order against one hundred and twenty three members of the Railway Staff at Faizabad, ordering a NO WORK NO PAY for 9th August, 1983, and also ordering for the break in service which is a very severe and drastic action. A copy of this order is annexed as Annexure Number 1 to this Writ Petition (along with the list appended to it).

7. That all the men named in appendix of Annexure number 1 are the members of the Petitioner Union.

8. That the impugned order, Annexure Number 1, providing break in service destroys the effect of the entire service already rendered by these members of the railway staff, some of whom have rendered even 25 years and 30 years service.

9. That the effect of this order, Annexure No. 1, of break in service is the loss of all the accrued bene-

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benefits including the increments, on the basis of the past services rendered by them upto 8th August, 1983, meaning by they will be treated as fresh appointees, after 9th August, 1983 and will loose pensionary benefits, gratuity, increments, leaves and pass etc. on the basis of their earlier services.

10. That the impugned order has been passed quite arbitrarily without affording any opportunity to the persons affected and without any enquiry, the said order is totally in utter violation of the rules and the Principles of Natural Justice, apart from it it is also discriminatory and also violates the Fundamental Rights of the persons concerned, guaranteed under the provisions of Article 14 and 16 of the Constitution of India.

11. That the Petitioner union is vitally interested in protecting the rights and the service conditions of its members, including the persons concerned.

12. That the Railway Administration and the Opposite Party Number 2 have passed the impugned order with the mala fide intention of intimidating the railway employees and victimising them and specially the union activists.

13. That the Petitioner Union has no any other equally effective remedy, but to evoke the jurisdiction of this Hon'ble High Court, among others on the following

G R O U N D S:-

(A) Because, the impugned order, contained in Annexure Number 1, is in utter violation of the Principles of Natural Justice.

(B) Because, the impugned order, Annexure No. 1,

is arbitrary and mala fide.

(C) Because, the impugned order, Annexure number 1, is in violation of the rules on the subject.

(D) Because, the impugned order, Annexure Number 1, involves severe penal consequences upon the persons concerned amounting to removal.

(E) Because, the impugned order, Annexure Number 1, violates the Fundamental Rights of the members of the the Petitioner Union, guaranteed under the provisions of Article 14 and 16 of the Constitution of India.

THEREFORE, it is most humbly prayed that this Hon'ble High Court may be pleased to issue :-

(i) A Writ, Order or Directions in the nature of Certiorari, quashing the Annexure Number 1, the impugned order, after summoning it's original from the records of the Opposite Parties.

(ii) A Writ, Order or Command in the nature of Mandamus, commanding the Opposite Parties to continue with all the benefits of service accrued to the persons named in Annexure Number 1 upto 8th August, 1983, and not to with-hold any of those from them.

(iii) Any other writ, order or directions deemed proper.

(iv) Waive off the notice to the Opposite Parties as the matter is MOST URGENT and to allow the Writ Petition with costs.

DATED: LUCKNOW,
AUGUST , 1983.

Counsel for the Petitioner.

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

WRIT PETITION NUMBER OF 1983.

Northern Railway Men's Union. Petitioner.
Versus.

The Union of India and Others. Opposite Parties.

A F F I D A V I T.

I, V. P. Trivedi, aged about 52 years, Son of
Shri K. P. Trivedi, Resident of Gharbagh, Lucknow, states
on oath, as under :-

1. That the deponent is the Divisional Secretary
of the Petitioner Union, he is authorised to file Writ
Petition, as such he is fully conversant with the facts
and the circumstances stated in the said Writ Petition.
2. That the contents of paragraph number 1 to 12
of the Writ Petition are true to my own knowledge.
3. That the deponent, himself, has compared the
Annexure Number 1, with it's copy as could be fetched by
him and it is it's true copy.

DATED: LUCKNOW:
AUGUST 28, 1983.

(V. P. Trivedi)
Deponent.

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- 7 -

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph number 1, 2 and 3 of this affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATED: LUCKNOW;
AUGUST 28, 1983.

(V. P. Trivedi)
Deponent.

I know the deponent, identify him, who has signed before me.

DATED: LUCKNOW;
AUGUST 28, 1983. Clerk to Shri Abdul Mannan, Advocate,
Counsel for the Petitioner.

solemnly affirmed before me on this the th
day of August, 1983, at a.m./p.m., by Shri V.P.
Trivedi, the deponent, who has been identified by the
Clerk to Shri Abdul Mannan, Advocate, Allahabad High
Court, Lucknow Bench, Lucknow.

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

4
IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER OF 1983.

Northern Railway Men's Union. Petitioner.
Versus.
The Union of India and Others. ... Opposite Parties.

ANNEXURE NUMBER - 1.

NORTHERN RAILWAY

CONFIDENTIAL
DPO/54/78

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Divisional Office
Lucknow
Date: August 17, 1983

The Loco Foreman, I. Rly.,
Faizabad.

The Station Superintendent, N. Rly.,
Faizabad.

Sub: Illegal strike/Stoppage of work at
Faizabad on 9.3.1983.

The stoppage of work at Faizabad on 9.3.83 by
Faizabad Loco Shed staff & FD Station staff has been
treated as an illegal strike. Therefore, following action
has been taken.

- (i) 109 staff of Loco Shed, Faizabad as per enclosed
list have been treated as illegal strikers.
Therefore, period of 9.3.83 will be 'No work No pay'
in respect of these 109 staff. Also 'Break in
Service' will apply in respect of these 109 staff.
- (ii) 14 staff of FD Station as per enclosed list have
been treated as illegal strikers. Therefore,
period of 9.3.83 will be 'No work No pay' in respect
of these 14 staff. Also 'Break in service' will
apply in respect of these 14 staff.

DA/AS above.

M. A. C.
(P. M. G. RO)
for Divisional Railway Manager/Lucknow.

G/- Supdt./Pay bills, Lucknow for ensuring the above orders
regarding 'No work No pay' in respect of 123 staff
mentioned in the list enclosed.

G/- Supdt./R, for ensuring break in service in respect of
123 staff mentioned in the list enclosed.

DA/AS above.

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LIST OF PERSONNEL ON BOARD UNDER LOCO PURCHASING
WHO LEFT THE LOCO WORK ON P.R. 83 IN THE SHIPS.

No.	Ticket No.	Name	Designation
1.	31	Shri Ram Jatan Singh	HS Fitter Gr. I
	12	Shri Baldev Singh	-do-
	10	Shri Fatch Choud	HS Fitter Gr. II
2.	80	Shri Mohd. Ismail	-do-
5.	48	Shri Bhash Gopal	-do-
6.	46	Shri Abdul Hamid	-do-
7.	58	Shri Shyam Lal Yadav	-do-
8.	6	Shri Raja Ram	-do-
9.	87	Shri Ayodhya Pr.	Fitter
10.	93	Shri Abdul Hamid	-do-
11.	138	Shri Ram Khelawan	-do-
12.	143	Shri Sheo Pr. Sharma	-do-
13.	113	Shri Bhagwan Pr.	-do-
14.	161	Shri Hari Ram	-do-
15.	110	Shri Daya Ram Upadhyay	-do-
16.	128	Shri Nand Kishore	-do-
17.	151	Shri Singh Mithre	-do-
18.	150	Shri Sukh Deo Singh	-do-
19.	118	Shri Hari Shanker Singh	-do-
20.	88	Shri Achal Behari	BS Fitter
21.	114	Shri Mohd. Umer	-do-
22.	104	Shri Dina Nath	-do-
23.	72	Shri Ram Kumar	HS Turner Gr. I
24.	74	Shri Rajendra Prasad	Turner
25.	130	Shri Hari Shanker	MS/Khalasi
26.	148	Shri Raj Kishore Lall	-do-
27.	80	Shri Mohd. Rafique	Oiler
28.	81	Shri Abdul K. Alam	By Smith
29.	256	Shri Ram Piarey	F/Khalasi
30.	102	Shri Badri Prasad	-do-
31.	194	Shri Dal Singh	-do-
32.	183	Shri Sheo Baran	-do-
33.	300	Shri Ram Jiawan	-do-
34.	303	Shri Dharam Raj Yadav	-do-
35.	40	Shri Shree Gopal	-do-
	208	Shri Ram Patti	-do-
	272	Shri Bhubuti Prasad	-do-
38.	248	Shri Ishrar Khan	-do-
39.	233	Shri Raja Ram Yadav	-do-
40.	287	Shri Ram Dhiraaj	-do-
41.	268	Shri Devi Bux Singh	-do-
42.	129	Shri Ram Swaroop	-do-
43.	302	Shri Ram Murti Mishra	-do-
44.	36	Shri Harish Chand	-do-
45.	237	Shri Atma Ram	-do-
46.	304	Shri Ram Milan	-do-
47.	257	Shri Ram Prasad	-do-
48.	279	Shri Panchoo Lall	-do-
49.	203	Shri Ram Kedur	-do-
50.	244	Shri Bhupal Singh	BS Painter
51.	75	Shri Ram Pratap	Cinder/Khalasi
52.	215	Shri Ram Piarey	Box Porter
53.	97	Shri Mohd. Saleem	Welder
54.	66	Shri Pratap	W/Khalasi
55.	147	Shri Moim Khan	By Mistry
56.	186	Shri Malkoo Lall	BS Gr. II
57.	163	Shri Reoti Ram Pandey	contd....V-

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58.	10	Shri Mohd. Idrish	ES FI Gr. I
59.	160	Shri Asad Ali	- do -
60.	167	Shri Roop Narain Singh	BM
61.	63	Shri Rama Kant Tewari	- do -
62.	177	Shri Kamal Ahmad	- do -
63.	234	Shri Shyam Manorath	BM/Khalasi
64.	96	Shri Kishori Lall	- do -
65.	146	Shri Bajrang Pandey	- do -
66.	181	Shri Mohd. Ab. Raufe	- do -
67.	136	Shri Ahmad Ullah	- do -
68.	283	Shri Surendra Tewari	- do -
69.	54	Shri Satish Kumar	- do -
70.	84	Shri Gaya Prasad	- do -
71.	153	Shri Radhey Shyam Yadav	- do -
72.	73	Shri Prabh Raj	- do -
73.	259	Shri Data Din	AC Khalasi
74.	173	Shri Bachoo Lall	MS SAS Gr. II
75.	56	Shri Moynuddin Khan	DAD Kh1.
76.		Shri Mahaj Kumar	Sub. Casual Labour
77.		Shri Girish Chand	- do -
78.		Ram Gopal	- do -
79.		Shri Subnan Ahmad	- do -
80.		Shri R. P. Tewari	- do -
81.		Shri Vijai Bahadur Singh	- do -
82.		Shri Mohd. Aslam	- do -
83.		Shri Gyan Dutt Pandey	- do -
84.		Shri Chandrama Singh	- do -
85.		Shri J.P. Singh	- do -
86.		Shri K.M. Singh	- do -
87.		Shri S.K. Tewari	- do -
88.		Shri S.K. Tripathi	- do -
89.		Shri Ramjeet	- do -
90.		Shri Raja Ram Yadav	- do -
91.		Shri R.L. Pandey	- do -
92.		Shri Ghanshyam	- do -
93.		Shri D. N. Pandey	- do -
94.		Shri Surman Pandey	- do -
95.		Shri Budden Das	- do -
96.	191	Shri Bashir Khan	Store Khalasi
97.	263	Shri N.N. Nagar	- do -
98.	200	Shri Rangai Ram	Coolman
99.	313	Shri Lawrence Marage	Scum Man
100.	242	Shri Ramjeet Pd.	BB Learner
101.	305	Shri Ram Lakhan	Wala
102.	241	Shri A.C. Mishra	C/Tandul
103.	165	Shri Upendra Nath	Cleaner
104.	276	Shri Mohd. Akhtar	- do -
105.	282	Shri Zakir Ali	- do -
106.	285	Shri B.L. Jamil	- do -
107.	284	Shri Ram Prakash	- do -
108.	293	Shri M.R. Khan	- do -
109.	296	Shri Ram Dular	- do -

LIST OF STATION STAFF WHO ABSCENDED FROM WORK ON 9.8.83 AT FD STATION.

1. Shri P. S. Agarwal, G.C.
 2. Shri Ram Lakhan Pandey "
 3. Shri C. P. Rawat "
 4. Shri K. P. Chaturvedi "
 5. Shri Inder Mani Dubey "
 6. Shri Mahipat Lal "
 7. Shri Arvind Singh Booking Clerk
 8. Shri T. M. Mathai "
 9. Shri Mohd. Moin Hd. T.C.
 10. Shri Ram Kishan BIC/TG
 11. Shri Raj Kishore "
 12. Shri Kesho Ram T.C.
 13. Shri H. N. Bajpai E.R.C.
 14. Shri N. R. Yadav E. R. C.
-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residence,
Lucknow

No. CAT/LKO/Jud/CB/

Dated the :

T.A.No. of

1616

1987 (T)

North ...

APPLICANT'S

Versus

...

RESPONDENT'S

To

...

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. 455 of 1987

of 198

of the Court of

arising out

of Order dated

passed by

The Tribunal has fixed date of

31.8.1987

The hearing of the matter.

If no appearance is made

on your behalf by your 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

6 day of

11

1989.

dinesh/

DEPUTY REGISTRAR

(2) D R ...

Lko

(3) The General ...

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

4/39
OK

T.A. No. 1516 of 1987
No. CAT/Alld/30d

dated the

Northern Railway Men's Union

APPLICANT(S)

41057
41026

VERSUS

Union of India & others

RESPONDENT(S)

TO

1. Shri A. Memon, Advocate, Lucknow High Court, Lucknow.

2. Chief Standing Counsel (CG), Lucknow High Court, Lucknow.

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

Writ Petition No. 4503
of 198 3
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of
2.11.89 1989. The
hearing of the matter at Gandhi
Shawan, 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

day of 1989.

dinesh/

DEPUTY REGISTRAR