

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

~~O.A./T.A./R.A./C.C.P./~~ No. 1646-1987

Hardware Ltd

PART - I

VS -

vs

- | | | |
|----|------------------|--|
| 1. | Index Papers | :- 1 to 5 |
| 2. | Order Sheet | :- 6 to 19 |
| 3. | Any other orders | :- 20 to 22 (Civil Court) |
| 4. | Judgement | :- 23 to 35 CM |
| 5. | S.L.P. | :- 36 to 39 Judgement at 14.7.92 CM HK |

22/1/89
DY. Registrar

Supervising Officer
(Kuldevi D)

28/1/90
Dealing Clerk
(V.K. Mishra)

Note :- If any original document is on record - Details.
~~objection~~ writ petition 418 to 492.
~~objection~~ 493 to 495

Dealing Clerk

Recheeg
on 2/3/12.

V.K. Mishra

5/2/75

$$\begin{pmatrix} 2 \\ -1 \\ 4 \end{pmatrix}$$

(१५-१)

संख्या

सन १८

सुनाम

अभिलेख

भाग ७.

79.9.94

[illegible]

१. पी० रू० ५० पी० -- ०१४६ उ० न्या० -- २-६-७४ -- ड -- १,००,००० (हिन्दी जाव) ।

रामलाल

बि. वि. ल. ११ - श्री

१/२

मुन. गीतानी - पद

१

६

(४)

हरिदारी लाल

५

श्रीनारायण उदित

१. २८-५-७७

रामलाल वरदा श्रीनारायण वर
रामलाल वरदा श्रीनारायण वर
प्राप्त हुआ। पञ्चवली दीवली निभायी
१४ ६७७ के वरदा से विवाह
रामलाल वरदा श्रीनारायण वर
श्रीनारायण वरदा श्रीनारायण वर
श्रीनारायण वरदा श्रीनारायण वर

१
बि. वि.

२. २८-७-७७

पञ्चवली वरदा श्रीनारायण वर
श्रीनारायण वरदा श्रीनारायण वर

श्रीनारायण

श्रीनारायण वरदा श्रीनारायण वर
श्रीनारायण वरदा श्रीनारायण वर

बि. वि.

10

1022

AGB

(संख्या ८, विभाग ५)

सिद्धि लाल, लखीमपुर-खी
 पुत्र-पं० १ (१५२) १९६
 हरद्वारी लाल की प्रियतम आशु इडिया
 निवासी

क्रमांक	दिनांक	संख्या पत्र आदेश का संख्या	वर्तमान से हस्ताक्षर	टिप्पणी
①	०-१०-७६	राज करी ने जन्मपत्र ग ३१ जन्मपत्र अर्द्धे पपकी किया है उसे १५ दिनों का Time stay order दिया जन्मपत्र के पहा से सारत वापस सारत उठा लिया गया <u>आदेश</u> allowed till २५-१०-७६. S. H. K. 14/10/76.		
	२५-१०-७६	I अतिरिक्त. जन्मपत्र के पहा से सारत उठा उठा हुआ फिलिम निगरानी डीमन ५२-७६ हरद्वारी लाल वगैर प्रियतम आशु इडिया के निगरानी हेतु माग्य गया है <u>आदेश</u> पालन है		
१२११ ७६		उपरोक्त ने प्राप्ति का ग ५१ प्रमाणित किया भी कि स्व मादमा रिपय वापस वापस करने के लिए उपाय किया गया। <u>निर्दिष्ट</u> सी. १५-१२-७६ तक। - ५१. ७७ सी. ५		

$$\frac{10}{7}$$

21

8

21
8
23

28

8

कमबद्ध आदेश-पत्र

(अध्याय ४, नियम ३)

न्यायालय

सी. वि. नं. ३३

स्थान

मामला संख्या

सन १९७६ ई०

सरकार

हरद्वारी-लात

प्रति

पुनियत और कइडिका

निवासी

आदेश संख्या	दिनांक	आदेश तथा आदेश का संक्षेप	सेजिस्ट्रेट के हस्ताक्षर	टिप्पणी
	27.9.76	करीब चर्च नगर तैयार हो गया है होमर दुप तक और लगी आदेश आजित हो		
	01-10-76	आज रोजी-ने प्रथम पत्र : 12.31 गुरुत को भीचना दिया कि 31.10 दिन को time, stay order जिल्ला जरी के पदा- रों गुरुत कोने हेतु समय उदाह- दिया जावे। आदेश Allowed till 25.10.76		
	19.9.77	पुनः प्रारंभ मामला 14 जे 1977 के बैठक होने पर प्रारंभ अपने जमाने में मजबूत अपने उक्ति को लिख गया		

[illegible]

पृथ्वी (जारी)

$$2\frac{2}{9}$$

3952, 3951, 3950

उदाहरण 2 :- $\frac{y_1 y_1}{y_1 y_1}$

४१. मामा २७ ११ विपरीत अक्ष २०

$$\sqrt{2x - y} = \sqrt{100} = 10$$

~~अन्यथा सोऽपि अत्र हेतुः ५११, १४~~

~~५. अतः उक्त वाद प्रमाणान्तरि नैयोज्यते
 अतः अतः~~

~~2. 2. 1. 4. 5. 6. 7.~~

2015

शादील शिपिल ३। मूल पत्रावली

अभिचन वाद बरि नही है अतः 37

नाम विद्या गोवि १२, इन्द्रावली

7-5-77

2, 3

7.5.77

At. ed. 36 m — ash

अ-अपेक्षित - अक्षर

2) சென்னை அல்லது

अधुन केही अछि अहं ओ

பெரிய இலக்கு

22-976 on the 1st page

वै. 3000 रु. (17.11.16)

and each of the two

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18

ACED

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22-9-22

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In the Court of Civil Judge, Kheri.

Present: Sri K.N. Misra, Civil Judge.

Misc. Case No. 1 of 76.

Sri Hardwari Lal

..... Applicant.

Vs.

Union of India,
through General Manager }
N.E. Railway, Gorakhpur.)

..... Opposite
party.

Judgement.

The applicant has filed this suit for the recovery of Rs. 8000/-, and have sought permission to sue in forma pauperis, on the allegations that he has got no means to pay the court fees. The required court fees is Rs. 1607.15 P. In the schedule annexed with the plaint the property possessed by him has been shown. Items 1 to 9 contained the clothes, specs, utensils, and shoes and Charpai, — Total casting Rs. 170/-. At items no. 10 a house owned by him and situated in Mohalla Nai Basti no. 376 has been described. It has ^{been} alleged that it was constructed after taking a loan on which certain amount is due to U.P. Co-operative Bank housing branch. He is not permitted to sell it or transfer it till the loan is repaid. A copy of the judgement paper no. 15-C1 has been filed by the applicant, to show that he was declared pauper in Civil Misc. Case no. 22 of 72 decided on 24.3.73 by the then Civil Judge, Kheri. In revision the order was upheld. My attention was drawn on the last para of this judgement of the learned District Judge, Kheri, wherein it is observed that the contention of ^{the} applicant that no portion of the house was let out

(22)

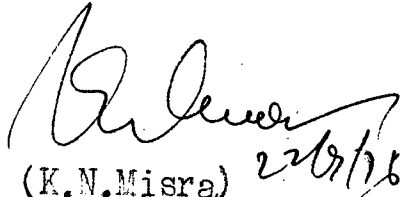
22/2 19
A32

He has proved the certificate ~~mix~~ about the balance credit of the applicant in his provident fund. The applicant can easily take a loan from the amount at his credit for the purposes of court fees in this case. The witness has also proved that the supplementary bill have been paid to him. The extract of this paper is no.25-C1. Under these circumstances I am of the opinion that the prayer of the applicant to sue in froma-pauperis is not genuine. Being an old emply and still being an active service, it is also unbelievable that he contains only those properties which are mentioned in the schedule ; in my opinion he has suppressed the other properties in order to make out a case that he has no means to pay the court fees.

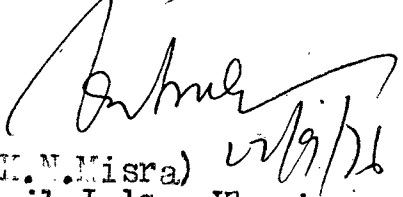
Summing up my discussion I am of the view that the applicant have got means to pay the court fees and accordingly he can not be declared pauper.

Order.

The prayer to sue in form-pauperis is hereby ~~is hereby~~ refused. Let the applicant ~~be~~ pay proper court fees by 2.10.76.


(K.N. Misra) 22/9/76
Civil Judge, Kheri.
22.9.1976.

Judgment signed, dated and pronounced in the open court today.


(K.N. Misra) 22/9/76
Civil Judge, Kheri.
22.9.1976.

Handwritten signature

Handwritten signature

(A4)

TA 1644/87(7)

(26)

4/5/90

Hon. Justice Mr. K. Nath, V.C.
Hon. Mr. K. Obayya, A.M.

The applicant, Shri Hardwan Lal, is present in person. No further information has been received from the Hon'ble High Court in continuation of the proceedings ~~dated~~ dated 19/12/89. Shri Hardwan Lal is prepared to deposit the court fees, which may have been ~~paid~~ ^{paid} before, if the petition was filed before this Tribunal. We therefore permit the applicant to deposit court fees Rs. 50/- in the form of postal order within 2 weeks time. Last opportunity is given to the opposite parties to file counter, within 4 weeks to which the applicant may file, rejoinder within 2 weeks, thereafter.

List it for final hearing

on 28/6/90.

A.M.

V.C.

sd

20/6/90

Hon'ble Mr. Justice K. Nath V.C.
Hon'ble Mr. K. Obayya A.M.

Shri Hardwan Lal in person &
Sri Anil Girdhar & respondent w
case no 267053 of 26-7-90 to

A.M.

V.C.

OR
Postal order of Rs 50/-
no. DD 65-7053 has
been deposited by the
applicant as directed
by the court order.

4.5.90
No reply filed.
S.F.H.

11/5/90
26/6

24/5/90

26-7-1990:

Hon'ble M r. Justice K. Nath, VC,
Hon'ble M r. K. Obayya, AM

Hardwari Lal has filed an application alongwith an affidavit. Copies of the papers enclosed with the said affidavit have not been given to the counsel for the opposite parties. Let the papers be returned to Hardwari Lal. If he desire to bring these documents on record, he must furnish copies thereof to Sri Anil Srivastava, counsel for the opposite parties ^{and state reasons for justification}. In the affidavit filed today it is mentioned that the revision which was filed in the Hon'ble High Court was registered in the Stamp Section of the Hon'ble High Court on 23-10-1984 at serial no. 8572 under group 61 A XIX. ^{and} preliminary enquiry made from the Hon'ble High Court, Lucknow Bench, information was sought in respect of Civil Revision No. 8572 and the Additional Registrar vide his letter dated 16th November, 1989, informed that particulars of this civil revision were wrong. It appears that number 8572 is not of a civil revision, but is the number given to the civil revision in the Stamp Section of the Hon'ble High Court on 23-10-1984. A fresh enquiry be made from the Hon'ble High Court, Lucknow Bench to find out whether a petition purporting to be a civil revision was submitted to and registered in the Stamp Section of the Hon'ble High Court on 23-10-1984 at serial number 8572 under the group 61 A XIX. The Hon'ble Court may be pleased also to have the revision petition traced out., In case its registration in the Stamp section is found recorded, the petition may be forwarded to this Tribunal.

The case be put up for further orders on 29-8-90.

(A.M.)

(V.C.)

ES/-

Copy issued
24/8

Copy issued on
24.8.90.
No reply has
been received.
S. S. O.

20

(A9)

(30)

8.11.90

Hon. Mr. M. V. Prickas. AM.
Hon. Mr. D. K. Agrawal. 7M.

Due to resolution of Bar
Association case is adjourned
to 21.11.90.

B.O.C.

21.11.90

Hon. Mr Justice K. Mathur VC
Hon. Mr M. M. Singh AM

OR

On the request of Applicant
case is adjourned to 19.12.90

As per court order
at 20.9.90, D.O.
letter was in
4.2.90 but
has been received
from High Court.

H L
AM VC

S. F. O

L
20/11/90

19.12.90

No sitting Adj to 22.1.91.

22.1.91

No sitting adj to 30.1.91

30.1.91 -

No sitting Adj to 19.2.91

19.2.91 -

No sitting Adj to 15.3.91.

15.3.91

No sitting adj to 4.4.91
Jc

OR

D.O letter was
issued but no
reply has been
received from
High Court
S. F. O. L
24/11/91

(AI)


T.A 1644/87 (T)

(34)

17-1-92

Hon Mr. S. N. Basu, J.M.

case called out. Shri Hardwarial, applicant is present in person. Shri Anil Srivastava, learned Counsel for respondents is present and asks 6 weeks time to file Written Statement. Shri Hardwarial, applicant says that no further ^{time} should be given as this is a very old case and requires speedy disposal. However, in the interest of justice I allow time to the respondents to file Written Statement by 30-1-92 and same date for further orders/hearing, as the case may be.


J.M.




30.1.92

Hon Mr Justice O.C. Srivastava, VC
Hon Mr A.B. Grover, DM

on the request of learned Counsel for the respondents 6 weeks time is given to file Counter. hrt for orders on 9-4-92


Am


VC

No W/s filed
S.P.O.
27/1/92

or
No. CA filed
S.P.O.
14.5



9-4-92

No Sdng of D.M. till 20
13.5

(A12) (36)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

....

Registration T.A. No. 1644 of 1987

(Civil Suit No. 1 of 1976)

Hardwari Lal

Plaintiff.
Applicant.

Versus

Union of India, through General Manager,
North Eastern Railway, Gorakhpur ...

... Defendant.
Respondent.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

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

The applicant who appeared in person, filed a suit in the court of Civil Judge Kheri, District Kheri which by operation of law has been transferred to this Tribunal for adjudication. So long as the case was filed before the court of Civil Judge, no written statement was filed and before this Tribunal also, it appears that no written statement was filed and the learned counsel for the respondent was given the copy of this plaint on 29.11.1991. The case was adjourned thereafter more than once. On 15.5.1992, time was again prayed for filing the counter/affidavit by the counsel for the respondent and in the circumstances, the respondent is directed to pay a sum of Rs. 100/- to the applicant. Sri Anil Srivastava, Advocate who is appearing on behalf of the Union of India, states that he has written three letters to the Railway Administration and it appears that some old records are being searched out that is why he has not yet been instructed to file the written statement and no parwise comments have been received and the costs of Rs. 100/- has also not been received and as such the case may be adjourned. But at this stage, we do not find any justification for adjourning the case. We have permitted the learned

Contd ... 2p/.

37
A13

- 2 -

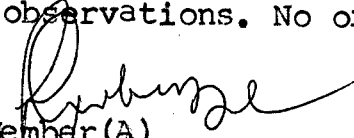
counsel for the respondent to argue the case orally on the basis of the pleadings of the applicant and the arguments raised by him.

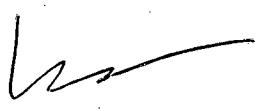
2. The applicant joined the service of the Ruhelkhand Oumaun Railway Company in the year 1937 which was taken over by the Government of India in the year 1942. In September, 1948, the applicant was promoted as Goods Clerk in the then existing grade of Rs. 60-4-150, and in the seniority list which was prepared and circulated by letter dated 31st December, 1951, the applicant was at Serial No. 29. But on 24.4.1956, the services of the applicant was terminated and after a long litigation the applicant was reinstated in service in August, 1964 by the order of the Allahabad High Court. After reinstatement, the applicant was wrongly placed in the grade of Rs. 150-240 and was allowed to draw the basic salary of Rs. 199/-, although, he should have been placed in the grade of Rs. ~~205-280~~ 205-280 and his basic salary was Rs. 233/-. The D.A. and other allowances also should have been paid to him after calculating the same in the scale of Rs. 205-280. But, he was paid dearness allowance and other allowances on the payment of Rs. 199 only. Thus, the applicant was less paid Rs. 408 per month on account of wrong fixation of his salary after taking into consideration the revision made in the pay scale, therefore, he is entitled to recover this amount from the defendant. From 1st April 1965, the applicant was entitled to get a basic salary of Rs. 240/- after an increment of Rs. 7/- to the salary existing on 31.3.1965 but he was permitted to draw the salary of Rs. 205/- upto 3.9.1966. The difference of salary paid during this period amounts to Rs. 420/- plus the difference of ~~dearness~~ Dearness allowance and other allowances permissible to

him calculated at the salary of Rs. 248/- On 3rd September, 1967, the applicant became entitled to get a salary of Rs. 248/- but he was wrongly permitted to draw Rs. 212 upto 25.10.1968. According to him, he was paid Rs. 216 less. On 25.10.1969, he became entitled to get Rs. 256 as salary ~~after~~ after an increment of Rs.8/- But he was given a salary of Rs. 219 and the difference of salary is paid less Rs. 444/- to him, and the applicant has earned one more increment in the year 1969 and he became entitled to get a salary of Rs. 264/- but he was wrongly permitted to draw Rs. 226/- upto 24.10.1970, and the difference of salary less paid to him was Rs. 456/- plus other allowances, and this was the position of the year 1970, 1971, 1972, 1973 and 1974. From 2.1.1974, the applicant became entitled to get a salary of Rs. 515, but he was paid Rs. 240/- upto 7.4.1974. On 8.4.1975, onward the applicant became entitled to get Rs. 530/- as salary and one extra increment but he was only given Rs. 530/- According to the applicant, due to wrong fixation of his salary he has received a loss of Rs. more than 8000/- of salary and also the allowances, and that is why he has prayed that he may be granted a decree of Rs. 8000/- on account of arrears of salary and Rs. 8000/- as arrears of dearness allowance and other allowances by the respondent in his favour. This plea has been made by him as early as in the year 1976. 16 years have passed but no reply has been received by the applicant. In view of the assertions made by the applicant who is present in person, ~~prima facie~~, there appears to be no good ground for not accepting the same.

3. Accordingly, this application is allowed and the respondents are directed to pay a sum of Rs.8000/- towards arrears of salary and Rs. 8000 towards dearness allowance

and other allowances as prayed by the applicant within a period of 3 months and in case, according to the respondent, he was not entitled to the same and is entitled to lesser amount or no amount, the respondent shall pass a reasoned and speaking order to this effect during this period. The applicant who is coming every now and then from Lakhimpur Kheri is paid a costs of Rs. 200/- and over and above, he will get Rs. 100/- from the respondent as the case was adjourned due to the respondent on the last date, as such, the respondent will pay him a costs of Rs. 300/- to the applicant. The application is disposed of with the above observations. No order as to costs.


Member (A)


Vice-Chairman

Dated: 14.7.1992

(n.u.)

273
A10

पु.स.सी. जे. नं. ४-२०

अध्यालय

स्थान

जिला

बाद संख्या

सन् १९ ६०

पक्षकारों के नाम—

हरद्वारी लाल

अभिप्रेत हाम्म इन्डिया

हरद्वारी लाल

साक्षी

जो सन् १८७३ अधिनियम संख्या १० के अधीन शपथ पर श्री दिनांक १ मास १ सन् १९६० ई. को लिया गया।

के सम

श्री राम लाल

अपरासी द्वारा शपथ दी गई।

साक्षी ने अपना नाम श्री हरद्वारी लाल

पिता का नाम श्री राम लाल

जाति

आयु ५६ वर्ष व्यवसाय श्री लाल

विवाह-स्थान

376 नई दिल्ली
लोकेशन विभाग

पताकारक।

मैंने पास आना वा उस सम्पत्ति के
मैं दावे के है साथ ही लाल लाल
के लिए मैं नहीं है, मैंने
नपाप होकर आया और मैं
समझ नहीं है।

दिनांक १-१-७६

वी. एस. य. पी. ०७४ ए. पी. ०—१६-१०-१९७१-घ-४,००,००० (हिन्दी जाब)।

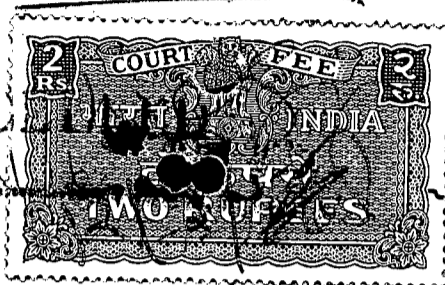
व्यवहार ए. ज्ञापक स. न्यायनीति

सारी 11/176

IN THE COURT OF CIVIL JUDGE KHERI DISTT. KHERI.

Civil Suit No. of 1976.

CAT-No- 1644/87(T)



4/11/76
1 = 2.00
2.00
11/11/76

Hardwari/Lal, aged about 57 years son of Sri Raghubar Dayal, resident of House No.376 Naibasti, Lakhimpur-, Pargana Kheri, distt. Kheri.

.. .. Plaintiff.

Versus

Union of India through

General Manager, North Eastern Railway, GORAKHPUR.

..... Defendant.

Suit for Recovery

Sir,

The plaintiff named above most respectfully SHOWETH as under :-

1. That the plaintiff joined the service of the erst-while Ruhelkhand Qumaun Railway Company, in 1937, and subsequently passed the examination in Goods duties in June, 1938.
2. That Ruhelkhand Qumaun Railway Company was taken over by the Government of India with effect from the mid-night of 31st. December, 1942.
3. That in September, 1948, the plaintiff was promoted as goods clerk in the then existing grade of

Hardwari Lal

120

Rs.60-4-150.

4. That thereafter the seniority list which was prepared and circulated by letter dated 31st.December,1951, the position of the plaintiff was 29th in Serial.
5. That the service of the plaintiff was illegally terminated vide order dated 24.4.1956, which was served on 8th May,1956.
6. That after a long litigation the plaintiff was reinstated in August,1964, by an order of the Hon'ble High Court of Judicature at Allahabad, with all the benefits of promotion and increments etc., with retrospective effect from the date of termination.
7. That when the plaintiff was reinstated in August, 1964, he was wrongly placed in the grade of Rs.150-240 and was wrongly allowed to draw the basic salary of Rs.199/- whereas the plaintiff should have been placed in the grade of Rs.205-280 and the basic salary of the plaintiff was Rs.233/- . The D.A. and other allowances also should have been paid to the plaintiff after calculating the same in the scale of Rs.205-280. But the plaintiff was paid dearness allowance and other allowances on the payment of Rs.199/- only.
8. That on account of negligence and illegally the plaintiff was paid a salary of Rs.199/- per month upto 31.3.1965. Thus the plaintiff was less paid Rs.408/- on account of wrong fixation of salary. The plaintiff is entitled to recover this amount from the defendant. During this period the plaintiff was paid D.A. and other allowance on the salary of Rs.199/-whereas the plaintiff was entitled to receive D.A. and other allowance on the basic pay of Rs.233/- . The difference is also recoverable by the plaintiff from the defendant.
9. That from 1st.April,1965, the plaintiff was entitled to get a basic salary of Rs.240/- after an increment of Rs.7/- to the salary existing on 31.3.1965, but the

Harman Seal

(A21)
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12

- plaintiff was wrongly permitted to draw the salary of Rs.205/- upto 3.9.1966. The difference of salary less paid during this period amounts to Rs.420/- plus the difference of Dearness allowance and other allowances permissible under rules calculated at the salary of Rs.240/-.
10. That on 1st. April, 1966 the plaintiff was entitled to get a salary of Rs.248/- after an increment of Rs.8/- is added to a salary existing on 31.3.1965, but the plaintiff was wrongly permitted to draw Rs.212/- upto 3.9.1967. The difference of salary less paid 684/- plus the difference of dearness allowance permissible under rules calculated at the salary of Rs.248/-.
11. That on 3rd. September, 1967 the plaintiff was entitled to get a salary of Rs.248/- but he was wrongly permitted to draw Rs.212/- upto 25.10.68. The difference of salary less paid Rs.216/-, plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs.248/-.
12. That from 25.10.1968 the plaintiff was entitled to get a salary of 256/- after an increment of Rs.8/- is added to a salary existing on 3.9.1967, the plaintiff was wrongly permitted to draw Rs.219/- upto 24.10.1969. The difference of salary less paid Rs.444/- plus the difference of dearness allowance and other allowances permissible under Rules calculated at the salary of Rs.256/-.
13. That from 25.10.1969 the plaintiff was entitled to get a salary of Rs.264/- after an increment of Rs.8/- is added to a salary existing on 24.10.1969, the plaintiff was wrongly permitted to draw Rs.226/- upto 24.10.70. The difference of salary less paid Rs.456/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs.264/-.

Signature

25-10-70
A22

14. That from 25.10.1970, the plaintiff was entitled to get a salary of Rs.272/- after an increment of Rs.8/- is added to a salary existing on 24.10.1970, the plaintiff was wrongly permitted to draw Rs.233/- upto 24.10.1971. The difference of salary less paid Rs.468/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs.272/-.
15. That from 25.10.1971 the plaintiff was entitled to get a salary of Rs.280/- after an increment of Rs.8/- is added to a salary existing on 24.10.1970, the plaintiff was wrongly permitted to draw Rs.240/- upto 24.10.1972. The difference of salary less paid Rs.480/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs.280/-.
16. That from 25.10.1972 the plaintiff was entitled to get a salary of Rs.280/- in the highest scale of pay, but the plaintiff was wrongly permitted to draw Rs.240/- upto 1.1.1973, the difference of salary less paid Rs.120/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs.280/-.
17. That from 2.1.1973, the plaintiff was entitled to get a salary of Rs.500/- in the revised scale of pay but the plaintiff was wrongly permitted to draw Rs.240/- upto 1.1.1974. The difference of less paid Rs.3120/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs.500/-.
18. That from 2.1.1974, the plaintiff was entitled to get a salary of Rs.515/-, the plaintiff was wrongly permitted to draw Rs.240/- upto 7.4.1964. The difference of salary less paid Rs.830/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs.515/.

P23

19. That from 8.4.1974 the plaintiff was entitled to get a salary of Rs.530/- the plaintiff was wrongly permitted to draw Rs.485/- upto 7.4.1975. The difference of salary less paid Rs.540/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs.530/-.
20. That from 8.4.1975 onward the plaintiff was entitled to get a salary of Rs.530 plus one extra increment but he was only given Rs.530/-. The ~~claim~~ claim of arrears of salary from the period 8.4.1975 till the final fixation of salary are properly done by the defendant after paying extra Court-fees.
21. That the plaintiff estimates that arrears of dearness allowance and other allowances which have not been paid to the plaintiff by the defendant during the wrong fixation of salary will amount to not less than Rs.8,000/-. The arrears of salary till 7.4.1975 amounts to Rs.8186/- but the plaintiff ~~in~~ claims in this suit only Rs.8,000/- on account of salary. The claim of Rs. ~~11~~ 186/- on account of arrears of salary is given up by the plaintiff.
22. That the plaintiff has been demanding his arrears of salary from the defendant and proper fixation of salary according to the rules by the defendant but the defendant by a letter dated 2.11.1972 which was served on the plaintiff on 5.11.197~~2~~⁷ that the defendant do not recognise the claim of the plaintiff and the plaintiff is not entitled for any higher salary.
23. That the cause of action accrued to the plaintiff on 5.11.1972 and thereafter everyday when the defendant refuse to fix the plaintiff's salary according to rules within the jurisdiction of this Hon'ble Court and this Hon'ble Court has jurisdiction to try the suit.
24. That the plaintiff sent a notice by Registered A.D. post under Sec.80 C.P.C., which was served on the defendant on 1st.November,1975. Even after the serv

It is submitted

12-4
A24

of the notice the claim of the plaintiff is not satisfied by the defendant, hence this suit.

25. That the valuation of the suit for the purposes of Court-fees and jurisdiction is Rs.16,000/- on which a Court fees of Rs.1607.50P. is payable but the plaintiff is not possessed of sufficient means to enable him to pay the Court-fees in this suit, the plaintiff is only possessed of the necessary wearing apparel and the subject matter of the suit. The full description of the property which is at present in possession of the plaintiff is given in the schedule annexed with this plaint.

26. That the plaintiff prays for the following reliefs :-

(a) A decree of Rs.8000/- on account of arrears of salary and Rs.8000/- as arrears of dearness allowance and other allowances be granted in favour of the plaintiff against the defendant.

(b) Pendente lite and future interest at the rate of 12 per cent per annum on the amount of Rs.16000/- be granted in favour of the plaintiff against the defendant.

(c) Costs of the suit be awarded to the plaintiff against the defendant.

(d) Any other reliefs which may be deemed fit in the circumstances of the case be awarded to the plaintiff against the defendant.

Hardwar Lal

Plaintiff :-

Hardwar Lal
(Hardwar Lal)

Dated: January 1, 1976. through his counsel

Verification.

I, Hardwar Lal, the plaintiff named above do hereby verify at Lakhimpur-Kheri, that the contents of paras 1 to 22 are true and correct to best of my personal knowledge and the contents of paras 23 to 26 are believed to be true on the information received through his counsel.

Verified today this 1 day of January, 1976 at Lakhimpur-Kheri.

Hardwar Lal
PLAINTIFF.

(A25)

IN THE COURT OF CIVIL JUDGE KHERI DISTT. KHERI.

Civil Suit No. of 1976.

Hardwari Lal ... Plaintiff.

Versus

Union of India. Defendant

Schedule of Properties owned and
possessed by the plaintiff
Sri Hardwari Lal.

1. Coats ..2. Worth Rs. 40/-
2. Paints 2 worth Rs. 20/-
3. Shirts 2 worth Rs. 10/-
4. Dhotis 2 worth Rs. 20/-
5. Paijama 2 worth Rs. 10/-
6. Eye sight
Glasses worth Rs. 10/-
7. Cooking
utencils worth Rs. 50/-
8. Shoes one pair Rs. 5/-
9. Charpai One Rs. 5/-

10. One house situate in Mohalla Naibasti,
Lakhimpur-Kheri, House No.376, got built on taking a
loan , out of which at present Rs.5,736.66 P. are due
on 31.12.1975, due to Utter Pradesh Co-operative
Bank housing Branch. Not permitted to be sold or
transferred till payment of loan.

That the contents of this schedule are correct
and true to my knowledge. Verified at Lakhimpur-Kheri
on 1.1.1976.

Hardwari Lal
(Hardwari Lal)
Plaintiff.

संशोधित करने की रचना (साधारण प्रारूप)

न्यायालय

स्थान

जिला

बाद संख्या

सन १६७

चा.ी

वनाम

प्रतिवादी

को

हूँ कि उपरिनामकित

ने इस न्यायालय

में यह आवेदन किया है कि

अतएव आपको

एतद्वारा चेतावनी दी जाती है कि उक्त आवेदन के खिलाफ हेतु संशोधित करने के लिए १९७ के ३ के २० दिवस को बखे पूर्वाह्न में स्थान या सत्यक रूपेण अनुदिष्ट अपने अधिकारता द्वारा उपसंज्ञात हों और ऐसा करने में असफल रहने पर उक्त आवेदन एक वक्षीय सुना जायगा और अद्वारित किया जायेगा।

न्यायालय का नाम

बाद संख्या

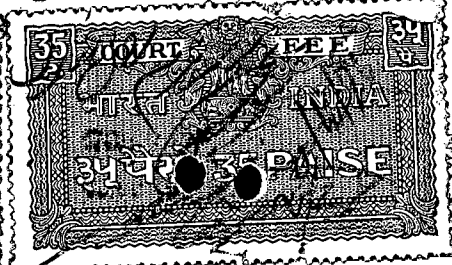
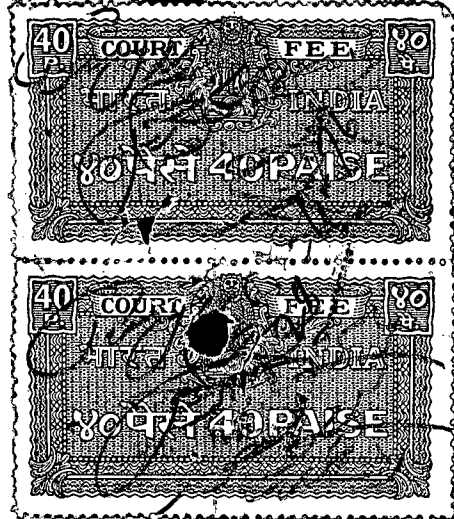
पक्षकारों के नाम

संदेह हस्त क्षर और न्यायालय की मुहर सहित आज १६७ के १ के २९ दिवस को दिकाली गई।

न्यायाधीश

(मूल्य १ प्रति का ५ पैसे)

पी०एस०यू०जी०-०१३ एच सी० - १६७३ ए- २,००,०००



The court judge

Harowerebab

Union of India
Cm 1/76

92

objections of Union of India against
the Peps application of declaring him a
pauper

1. That the Pef is not a pauper & can well
pay the requisite court fee
2. That the Pef gets ~~Rs~~ about Rs 750/- per
month as his salary & as a chief goods
clerk of Lucknow city
3. That the Pef has purposely not given
the no of his house in Nae Basti
Kakumpur whose value is about
Rs 80,000. The portion of the house
fetches good amount of rent monthly
4. It is wrong to say that the house is
mortgaged & Pef has got to pay Rs 5000/-
mortgage money. He has neither pro-
duced the original or copy of the deed
nor the account of money due.
5. Even if the amount of Rs 5000/- is
got to be paid ^{the amount} of court fee
can well be raised as a further charge
or the whole house could be sold
to raise the amount of court fee
6. That it is believed the Pef is about
to get from the Pij administration
more than the amount of court fee
If the court orders the amount of
court fee can well be paid on court
on Peps behalf
7. That the application of Pef to be declared
a pauper is liable to be dismissed with
costs

yours fth
Union of India
Rajesh Datta
Vakil
28/4/76

C. Form
47
28/4/76

—यापति के श्रीमान लाल बहादुर शास्त्री

हरद्वारी लाल

लाल

प्रतिपक्ष का लाल

अ. नं. १ अ. ७६

आपति पत्र द्वारा सरकार उत्तर प्रदेश

श्रीमान:

—सेवा के निम्न आपति पत्र प्रस्तुत हैं:-

1. यह कि आपति पत्र आपसी असल, कर्तव्यानि व सुविधा, दृष्टिगत लाने के लिए रखे निरस्त होने योग्य हैं।
2. यह कि आपसी के पास पत्र लिख चले रखे असल से पति है और आपसी सुगमता से देव आप सुख्य Rs 160/- 50 अदा कर सका है।
3. यह कि आपसी ने अपनी से पति को दिया है रखे से पति को विवरण गमन दिया है।
4. यह कि आपसी के कपड़ा दुकान मोहल नुविस्ती में रखे गमन में है। उतागमन व से स्टेशन रोड शहर लकीगुप्त बरगन व जिला खीरी लो वा जारी Rs 7500/- से कां गयी है। उसके लगभग 5-6 इंचे हैं जो निरामे पर उठी हैं। उन्हे कालीन गमन के कपड़े गमन पोस्ट उतागमन व अने लोको के पास निरामे पर उठे हैं तथा उन्हे निरामे से लगभग Rs 500/- अति गह की आगती है।
6. यह कि आपसी सेल के निमाण के स्टेशन गहटर के पद पर निरुल है और उन्हा गहिर के लो कारि लगभग Rs 100/- है और वह निरामे से पति पर विमलकोन डिग्री कादि के रूप में भी पत्र लिख धर राशि पावु रूपा है। आपसी निरामे भी उतागमन कानूनन या बाल विरुद्ध स्थित के कफियन सी है।

उत्तर: आपति पत्र प्रस्तुत हैं कि आपसी का प्रार्थना पत्र गमन हजा व 21-नी निरस्त किया जावे।

दि 20-3-76
28-4-

आपति कर्ता
सरकार उत्तर प्रदेश
—देवेंद्र नाथ झा (अधीन)
जिला राजन कारिबला/खीरी

A28

एच.सी. जे. नं. ४-२०

२२/९/७

न्यायालय सिविल जज स्थान (वीरी) जिला
मुक. दीवानी बाब संख्या ९ सन् १९७६ ई०

पक्षकारों के नाम—

हरद्वारी लाल

इनिमन काफ इन्डिया

A.W.1
साक्षी की

साक्षी

जो सन् १८७३ अधिनियम संख्या १० के अधीन शपथ पर श्री
दिनांक २९ मार्च सन् १९७६ ई० को लिया गया।

के सम्बन्ध

अपरासी द्वारा शपथ दी गई।

साक्षी ने अपना नाम हरद्वारी लाल

पिता का नाम रघुवर दमाल

जाति

आयु ५८ वर्ष व्यवसाय नौकरी

विवाह—स्थान

व्यवसाय

Goods clerk Railway Station एश बागं लखनऊ

जो जामदाद के दो के दिवस के ३०

के अलावा कोई जामदाद में पाठ

नहीं है मेरा मकान कोकोरिन बक के

पाठ २६० है अभी कजा में आया नहीं

कल जामा है / P.P. Fund में मेरा कोई भी

हजार रुपया जमा है जो मुझे नहीं

पी० एस० य० पी०—०७४ एच० पी०—१६-१०-१९७१—घ—४,००,००० (हिन्दी जाब)।

हरद्वारी

21-8-76

22/2 (A29)

पृच्छा (जारी)
कथन

गवार्द हलद्वारी लाल को पुष्पल (लाल)
के लिये बुलाया गया तथा जिए को
गई।

X X X by D.C.C. (cont)

उक्त बलबेलन ५३२) से मिलना है D.A.
आदि मिला कर के पुम्मे ५३३) प्रतिकार
मिलना है के ~~के~~ मकान बावत
लक्ष्मीनयल के कोई दुकाने नहीं है।
कोई किराये की कामदनी नहीं है। के
मकान के जुज के डाकबाला बुला है
जिसे का किराया २०) महीना मिलना है।
पुम्मे गगल पालिका है एन १६ के कोई
नोटिफ बावत कदा कोन रेवड की
नहीं प्राप्त हुई। के कोप (२२००)
को कोप (२२००) का कज, है के कोई
लिखित प्राचना पत्र के बैंक के सजो लोन है
नहीं दी। कोगल केरा मकान को के मकान
१५०००) से के (वरीद तो के बैंक को
ने मा है। यह जालत है कि के मकान के
लाला पुष्पल कदा का एकना है।

उन कलसदीक सिद्धि

A30
23 IV

एच० सी० जे० नं० ४-२०

न्यायालय

सिविल जज स्थान (A)

जिला

मुकदमा नं०

वाव संख्या

१

सन् १९७६ ई०

पक्षकारों के नाम—

हजारी लाल

श्रीमन्त काम शिन्धु

O.P. Writ

साक्षी

साक्षी

जो सन् १९७३ अधिनियम संख्या १० के अर्धीन शपथ पर श्री के. एन. शिन्धु, सि. जज के समक्ष
दिनांक २९ मार्च सन् १९७६ ई० को लिया गया।

शिव प्रसाद

द्वारा साक्षी द्वारा शपथ दी गई।

साक्षी ने अपना नाम राम २३२४

पिता का नाम Senior clerk

जाति

प्राप्त

D.S. Office, N.E. Rly, अशोक मार्ग लखनऊ

वतसंख्या :

न्यायालय का नाम
वाव संख्या
पक्षकारों के नाम

Salary Bill ledger जो हजारी लाल है
लखनऊ स्थित है आक ३७५ है जो कि ७६ नम
को (नप्लीमेंटरी बिल का जितने हवाला है
उह की प्रमाणित प्रतिलिपि दारिजल कर रहे हैं
एक लाठी फीकेट इह विषय का ३१२१) स. हजारी
लाल के P.F. (आक ३०२ के जमा) है दारिजल

रामधुल

अपील में याचिका

80 20 07
A340

(आवेक 41, नियम 35)

न्यायालय उ.प्र. जिला जज

स्थान

लखीमपुर

निकाल

खैरौरी

मूलसंद संख्या Misc Case No. 1 दन 1976 ई०

1976 ई० के 9 के 22 दिवस
की आज्ञा की अपील संख्या दौ. निग 52 दन 1976 ई०सौ. वल्लभ
की तारीख वाली खैरौरी न्यायालय

It is, therefore prayed
that the order dated 22.9.76 passed by Civil Judge Kheri
in misc Case No. 1 of 1976. (Hardwar Lal Vs Union of India)
be set a side and the Revisionist be declared
Pauper.

Hardwar Lal aged 57 years S/o Raghubar Dayal R/o House
No. 376 Nai Basti Lakhimpur Distt. Kheri.

Revisionist
Vs
1- Union of India Through General Manager
Eastern Railway Gorakhpur U. P.

जि.

टिप्पणी:—जो पते ऊपर दिये गये हैं वह पक्षकारों ने

को छोड़कर जो उपस्थित नहीं हुये तामील के प्रयोजन से दाखिल

किये हैं।

सौ. वल्लभ खैरौरी

उपरिनामांकित
दिवस की तारीख वाली

उक्त वाद में की 19

76 ई० के

9 के

22 के

के न्यायालय में निम्नलिखित कारणों से करता है, अर्थात्—

की आज्ञा की अपील उ. प्र. जिला जज

खैरौरी

सौ. वल्लभ खैरौरी

2- State of U. P. through Collector

Respondant

न्यायालय ओमान सिविल २०१०

मुत. दौ १ सन १६

कुं. १३
A36

इरक्षरी लाल बनाम धुनियन आफ
०५५ इन्डिया

प्राप्ति	विपक्षी
परिनाम प. मुडोंक १ - ००	परिनाम प. मुडोंक १ - ५०
शौकत पत्र ५ २-००	
तलबाना २-५०	
योग ॥ - ५०	योग १ - ५०

आदेश

निपट समय में न्याय शुद्ध अदा नहीं
की गई। अतः वाद पत्र आदेश १ नियम ११,
सिविल प्रक्रिया संहिता में रगोरन किया
जाता है।

३०/ दिसंबर २०१०
सिविल २०१०

२६/१०/१०
(ब्रजेंद्र सिंह)
सिविल २०१०

वी. एस. : पी-ए० पी-० १६ एच० सी० : ७-१६६-पी०-२००,०००

न्यायाल का नाम
बाद संस्था
पक्षकारों के नाम

NORTH EASTERN RAILWAY

OFFICE OF DIVISIONAL SUPDT:(P)

LUCKNOW: DATED: 2/11/72:

NO.E/HL/42/72.

Shri Haradwari Lal,
Senior Goods clerk/LMP Through SM/LMP:

Sub:- W.P.NO.5700 of 1972 in the Hon'ble
High Court of Judicature at Allahabad
Shri Haradwari Lal V/S.Union of India.

Your appeal dated 9/10/69 as mentioned in the Writ Petition
and copy sent by you on 22/9/72 which was received in this office on
25/9/72 has been considered and decision communicated by the GM(P) is
as under:-

The case of Seniority of Shri Haradwari Lal in relation to his
representation dated 9/10/69 has been examined, and it is found that his
request for his seniority in scale Rs.205-220 from 1/12/4 is untenable.
Shri Haradwari Lal may please be informed accordingly.

Sd
✓ DIVISIONAL SUPDT:(P)/LJN

Copy to SM/LMP and SOL/MLN with one copy each, who will
arrange to deliver the above letter, obtain acknowledgement and send
the same to this office for record by 10/11/72 certain.

Copy to SM/DNY with one spare copy for similar action in
case he reports at DNY.

Shri
✓ DIVISIONAL SUPDT:(P)/LJN

*Received on
5.11.72
J. K. Singh
R. - W.P.*

CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow Bench, LUCKNOW

fr
~~Reg. No. Civil Suit No. 1/1976~~
In
T.A. 1644/87

Hardwar Lal

Applicant

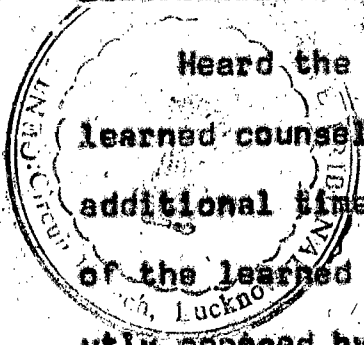
Vs.

Union of India

Respondent

Date-15-5-92

Hon. Mr. A.B. Gorthi-A.M.
Hon. Mr. S.N. Prasad-J.M.

 Heard the applicant in person. Sri Anil Srivastava learned counsel for respondents again prays for some additional time to file counter affidavit. This request of the learned counsel for the respondents has been stoutly opposed by the applicant on the ground that a number of opportunities were already given to the respondents to file counter but they did not do so and thus put the applicant to undue mental and financial hardships. In the circumstances we direct the respondents to pay costs fixed at Rs. 100/- to the applicant last ^{opportunity's} ~~opportunities~~ given to the respondents to file counter within 6 weeks failing ^{file} ~~with~~ which they shall forfeit their right to do so. Rejoinder, if any may be filed by the applicant within 2 weeks thereafter. List this case for final hearing on 14-7-92. Copy of ~~this order~~ - this order be given to the learned counsel for respondents.

Checked
fr
25/6/92
Sd./-
J.M.

Sd./-
A.M.

//true copy//

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,

CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow Bench, LUCKNOW

Reg. No. ~~Civil Suit No.~~ 1/1976
In
T.A. 1644/87

Hardwar Lal

Applicant

Vs.

Union of India

Respondent

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Sd./-
J.M.

Sd./-
A.M.

//true copy//

CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow Bench LUCKNOW

Ar
Reg. No. - Civil Suit No. 1/1
In
T.A. 1644/87

Hardwari Lal

Applicant

Vs

Union of India

Respondent

Date-15-5-92

Hon. Mr. A.B. Gorthi-A.M.
Hon. Mr. S.N. Prasad-J.M.

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Sd./-
J.M.

Sd./-
A.M.

//true copy//

CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow Bench, LUCKNOW

Reg. No. ~~Civil Suit No. 1/1976~~
In
T.A. 1644/87

Hardwari Lal

Applicant

Vs.

Union of India

Respondent

Date-15-5-92

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Sd./-
J.M.

Sd./-
A.M.

//true copy//

Copy Adminis. Tribunal
Lucknow Bench

(41)

2/2/76

हर किशोर लाल

वकील

प्रतिभा कानूनी सेवा

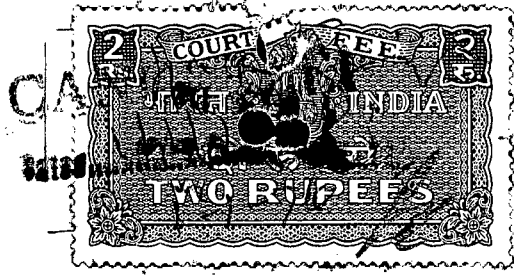
प्रतिभा

नाम व पता	सम्बन्ध	पता	जिला	जिला
हर किशोर लाल 80 सुन्दर काल	पुत्र	2/2/76	लखनऊ	लखनऊ

उक्त पत्र के अन्तर्गत अन्तर्गत कोई अन्य
तब तक होगा कि न्यायालय को सूचित नहीं
जोकि

H. S. S. S.

वकालतनामा व अदालत श्रीमान्



21/5/76
1-200
रु 200
11/76

हनुमन्त लाल

वादी/अपीलान्त

बनाम

श्रीमान् हनुमन्त लाल

प्रतिवादी/रिस्पान्देन्ट

वाददास्त हनुमन्त लाल 80 इष्टुवर दफाल 2000 मलान 7.
376 नईबर-01 इष्टुवर दफाल 1000 नईबर 1000

व मुकदमा मुन्दजें उनवान में श्री ~~हनुमन्त लाल~~ को वकील अपना मुकरर करके इकरार करता हूँ और लिख देता हूँ कि वकील साहब ममदूह मुकदमा मजकूर वाला में जो कुछ पैरवीई जबान देही करै या सवाल जबाब करै या कोई कागजात सनद असनाद वगैरा पेश करै या मिन जानिव हमारे इजराय डिगरी कराके रुपया या फितनी बसूल करै या राजीनामा अकवाल दावा मिनजानिव हमारे दाखिल करे और तसदीक करै या रुपया दाखिल किया हुआ फरीकसानी को बजरिये रसीद दस्तखत हमारे या अपने दस्तखत से लेवें या किसी मुकदमा मे पंच मुकरर करै या मिनजानिव हमारे अपील दायर करै व बहस करे बहस बसाखता या परदाखता उनका मिसल करदाजात हमको कबूल व मन्जूर होया लिहाजा वकालतनामा लिख दिया कि सनद रहे और वरुत जरूरत काम आवै !

अलब्द

अलब्द

अलब्द

Accepted

गवाह

गवाह

Hohif

तरीख

1-1-76

98 न०

(आदेश ९३ नियम १)

22/3/21

सन १९७८ ई०

बादो

बनाम पुनिलाल अन्ध इडिया

प्रतिवादी

वाद पत्र के साथ

वादी पतिवादी की ओर से

पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

हस्त सूची को २०/३/७५ में आज सन १९७५ ई० के ... के ... दिवस को पेश किया।

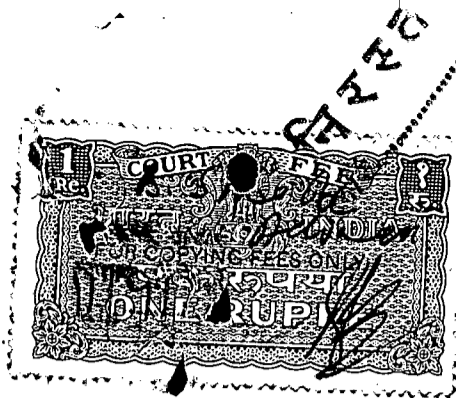
१	२	३	४
		कागज क्या हुआ	
क्रम संख्या	कस्तादेव का अनिवर्णन और उनकी तारीख यदि कोई हों,	यदि अभिलेख में सम्मिलित किया गया तो पदशं न चिन्ह जो उस पर डाला गया	यदि नाम मंजूर हुआ तो पक्षकार को या उसके अमियता के हस्ताक्षर जिसका कागज लौटाया गया यदि बाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाये और अध्याय ३ नियम २४ के अधीने लिफाफे में बन्द किया गया तो लिफाफे में बन्द किये जाने की तारीख
५)	प्रतिष्ठित महाराष्ट्र प्रान्त २४-३-७३ राशि रु ५० प्री B.B. अग्र विमानपुर एल नाथेश्वर फुड्स अभिराम प्रतिष्ठित महाराष्ट्र प्रान्त ३२-२-७३ प्री B.P. अग्र D.D. राशि रु. राशि रु. नावर पुष्पादीनी		

मूल्य प्रति १ का ५ पैसे

सूची को पेश करने वाले पक्षकारों/बा अभिव्यक्ता के हस्ताक्षर

पो० एस० यू० पी० - ए० पी० - ०१८ एच० सी० - ०७ - ११६८ - सी० - २०००००

22



words about 600

Sri Hardwar Lal

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11/9/73

92 119

(Copy of Judgment passed by Sri
B. P. Agrawal District Judge Kheri
in a Civil Revision No. 45 of 1973
decided on 31.8.1973

In re

1. Union of India Through General Manager
N.E. Ry. Gorakhpur
2. U.P. State Through Deputy Commissioner
Kheri

Versus

Sri Hardwar Lal son of Sri Raghunath
Dayal Resident of Mohalla Nai Basti
House No. 376, Lakhimpur - Kheri

Revision against the order of
Civil Judge Kheri in C.M. No. 22/73
decided on 24.3.73 declaring the
applicant opposite party a pauper under
Section 115 C.P.C.

The 6th of May being Sunday this revision
is within limitation.



92 519
2 (PWS)
W

District
In the Court of the ~~Sessions~~ Judge, Kheri.

Present:- Sri B.P. Agrawal
District Judge.

Civil Revision No. 45 of 1973.

1. Union of India through General Manager N.E.Rly Gorakhpur	}	Plaintiff Applicant Defendants- Revisionists.
2. U.P. State through the Deputy Commissioner, Kheri		

Versus

Hardwari Lal Plaintiff-
Opposite Party

Judgment.

This is a revision against the order of the learned Civil Judge, Kheri permitting the opposite-party to sue in forma- pauperis.

The plaintiff- opposite party is a railway employee getting basic salary of Rs. 203/-/- per month. He filed a suit against the Union of India for recovery of certain dues alleging that he was not possessed of sufficient means to enable him to pay court-fee. The application to sue in forma pauperis was opposed by the revisionists.

After hearing the parties the learned Civil Judge came to the conclusion that the plaintiff was not possessed of sufficient means to enable ~~presenting~~ him to pay the court-fee prescribed by law, and accordingly he permitted the plaintiff to sue as a pauper.

Dissatisfied by that order the Union of India has come up in revision.

It is urged by the learned counsel for the revisionists- that the opposite-party was not a pauper and was in a position to pay court fee. It is contended that the opposite-party had received payment of Rs. 1825/-/- a few

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(A/C)

dismissed. I, however, make no order about costs.

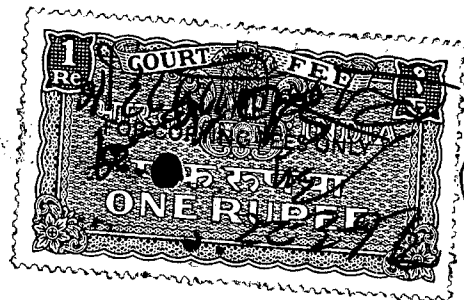
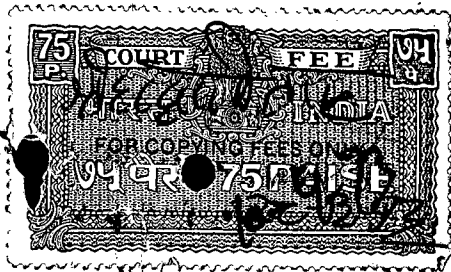
sd/ B. P. Agrawal
31.8.73
District Judge,
Kheri.

Judgment signed, dated and pronounced in open :
court today in the presence of .

sd/ B. P. Agrawal
31.8.73
District Judge,
Kheri
31. 8. 1973.

Corrected by. B. Lal

11/9/73



AVP

Hardwar 22
1/2/72

V/s
Decided on 24.3.73 by Civil Judge Lucknow

24/3/73

Words about
550.

श्री हरद्वारी लाल

Copy of Judgment passed by Sri
Bijai Bikram Singh, Civil Judge Kheri, in a
Civil Case No. 22/72 decided on 24.3.73,

In re

Hardwari Lal s/o Sri Raghubar Dayal Aged 54
Yrs. R/o Mohalla Nai Basti Lakimpur
Distt. Kheri.

Versus

Union of India:- by-

1. General Manager North Eastern Railway
Gorakhpur.
2. D.S. North Eastern Railway Lucknow.

24.3.73.

श्री हरि ओम् सिंह प्रकीर्ण व
श्री दंडन प्रीतमारे के ओर से
श्री उन्म उन्म सरकार के ओर से।
हरद्वारी लाल प्रकीर्ण ने स्वयं को पेश कर शपथ
पर बयान किया।

है। सिंदरार मेरी हस्ताक्षर करती हूँ। 22 न. को रेलवे से
प्रिय मित्र वर (मृग) भिकने के नसिर दिन - चासी हो
मयी। जमीन मेरे-पिता के खरीदो। कोडापारे रिक को
5-900 100 मने लिप्य वर अका लोको है। नई लोको से
जैसे मुफती दलाल द्वारा पैसा मकाग व जमीन पर
वसूलने को को विस को। मेरे मकाग में कोई किराये घर
नहीं है।

N.E.R. Co-op. Bank से मुक्त कर्जा नहीं मिल
सकता।

x x x D. G. C.

प्रिय मुक्त रेलवे से मिल सकता है। अतः
सूचने मुक्त पहले पक्ष 22 नवम्बर को मिली। पर
गकत है कि 21 न. को दावा अस लिप्य किप कि
मुफालिसी में तपूर कर सखुं। (मृग) भिकने पर जोरन जमा
करने को को विस को नहीं की। सो-चा कि अगले नवम्बर
पर कोई फीस दे दूंगा। मेरा किसी बैंक में एकाउन्ट नहीं है।
पर गकत है कि मेने वोन में कौरी रिजोर्ट लिखा है।
जमखोने के अलावा कोई रिस्ते तार मरा नहीं है। मेने
असैसमेन्ट के किराड उजदारो को। मेरे मकाग में दायाद
की दुकाग है। उससे किराज नहीं लिप्य लेता हूँ।

मेने दो-पुन में सम्पत्ति सही नहीं लिखा है।

प्रिय वरना गकत है।

(To C. M. S.) 22 नवम्बर को प्रिय भिकने पर मेने

सो-चा कि कोई फीस अगले नवम्बर यानी 26.11.73

आदेश

प्रविना पत्र बि. कार लिख जाता है व
 प्रीति को वेलोर अविचन दावा दायर करने
 की अनुमति दी जाती है।

दावा दायर रजिस्ट्रार के आदेशानुसार दिनांक
 २९.३.७३ को पेश है।

हस्ताक्षर—

वि. म. र. क. र. र. र.

२५/३/७३

रा. र. र. र.

copied by — [signature]
 compared by — K.S. Mehta

A. Mehta
 12/4/73

वादी/प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

(आदेश १३ नियम १)

स्थान
वाद संख्या

स्थान
सन १९७५ ई०

जिला

वादी

बनाम

प्रतिवादी

बाद पत्र के साथ

वादी प्रतिवादी की ओर से पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को २२-२-७५ ने आज सन १९७५ ई० के दिवस को पेश किया

१	२	३	४
क्रम संख्या	दस्तावेज का अनिवर्णन और उनकी तारीख यदि कोई हो	कागज क्या हुआ	टिप्पणी
(१)	Statement of Account 14/12/74 to 14/12/74 23-2-75	यदि नामजूर हुआ तो पक्षकार को को तारीख और पक्षकार या उसके अभियुक्त के हस्ताक्षर जिसका कागज लौटाया गया	दि बाद के दिनिष्पत्य के पश्चात कागज अभिलेख में रह जाये और अध्याय ३ नियम २४ के अधीन लिफाफे में बन्द किया गया तो लिफाफे में बन्द किये जाने की तारीख
(२)	अति निरीय निरीय २४-२-७५		
(३)	वाक्य न २३ वाक्य २ २०/३१ निरीय २३/५		
(४)	वाक्य निरीय १८/२-७५ वाक्य २२/५-७५		

मूल्य प्रति १ का ५ पैसे

सूची को पेश करने वाले पक्षकार अभिवक्ता के हस्ताक्षर

पी० ए० २ पी० ए० पी० १६ ए० पी० ७-१९६५-पी०-२००,०००

STATEMENT

L. Fol... 71... (old)

6. Hardwar Lal (Goods Clerk) L. Fol. 71 (old)
376 Nai Bashi Postoffice, Lakhimpur Kheri

IN CASH CREDIT/CURRENT ACCOUNT WITH

The Uttar Pradesh Co-operative Bank Ltd.,.....

[illegible]

...notifies the Bank immediately of any discrepancy found by him in his statement of a

In the court of civil Judge Keen

Deputy Keen

(A51)

civil suit on file

1976

Hudson St V 6

Union of the
+
other

In the south of the bridge

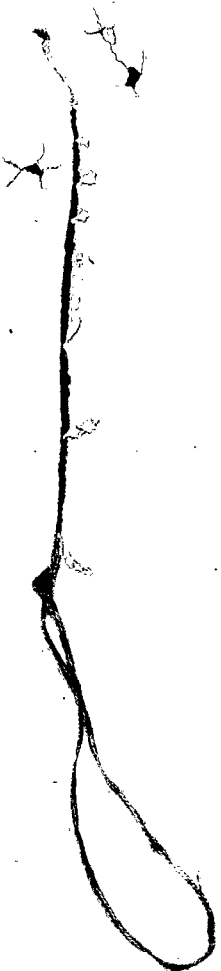
Dist. 1000

(A52)

5/8/92

and road no. 1226

Harbour St. v/s. Union of the
all



In the court of court Judge Keri

D.M. Keri

AS3

and will be

1926

Handwritten text

Handwritten text

20/19

61602

* If a separate receipt form is not used, please stamp and sign this document and return.

Receipt to be made out in name of Chief Accounts Officer.

for Chief Cashier.

Please acknowledge and return the enclosed receipt* duly signed by return of post.

Cheque No.	D. 85345	Rs.	N.P.
Money Order	24/11/2		
Postage Stamp	...		
Cost of Money Order	...		
Cost of Receipt Stamp	...		
Total	540 31		

I have sum of Rs. -

व्यक्ति हो

व्यक्ति हो

21/8/26

In the hand of cash George Lane
Dob Kane

cash paid me

9/1926

Harrison Sec 4/5 Union of the
Glean

29579

(Duplicate) O.T.-Au.

North Eastern Railway

No. CHR. Dite-12

To Mrs. Henderson, 101 Broadway, N.Y.C.

By the order of the Cashier, N.E. Ry.

Dear Sir,

I have the honour to remit as per details below, the sum of Rs. 22.45/11/2 of account unpaid Rs. 87

N. 174/47669 Salaries 11-10-58

Cheque 8853.4.34

Money Order

Postage Stamp 15.12

Cost of Money Order

Cost of Receipt Stamp

Total

Rs.

N.P.

2245-11-2

Please acknowledge and return the enclosed receipt* duly signed by return of post.

for Chief Cashier.

Receipt to be made out in name of Chief Accounts Officer.

* If a separate receipt form is not used, please stamp and sign this document and return.

Received the amount above mentioned.

One anna or two half anna receipt is affixed to the receipt if the sum exceeds

पोजित हो

अध्यापक, लखनऊ, 21/8/26

New No G. C. Part IV 71

Old No. H C J Part XXII-71

(सर्वसाधारण में विक्रय)

24 79

184

वादी/प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

(आदेश १३ नियम १)

न्यायालय
वाद संख्या

स्थान

जिला

सन १६ ई०

वादी

Harcourt

बनाम

Union of India

प्रतिवादी

वाद पत्र के साथ

वादी प्रतिवादी की ओर से पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को

of

ने आज सन १६

ई० के

के

दिवस को पेश किया

१	२	३			४
कागज क्या हुआ					
क्रम संख्या	दस्तावेज का अनिवर्णन और उनकी तारीख यदि कोई हो	यदि अभिलेख में सम्मिलित किया गया तो पदर्शन चिह्न जो उस पर डाला गया	यदि नामजूर हुआ तो पक्षकार को को तारीख और पक्षकार या उसके अभियुक्त के हस्ताक्षर जिसका कागज लोटाया गया	यदि बाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाये और अध्याय ३ नियम २४ के अधीन लिफाफे में बन्द किया गया तो लिफाफे में बन्द किये जाने की तारीख	टिप्पणी
1	Extract of the Salary Bills ledger of Mr Hardwar Lal HGC from October 1975 to March 1976 and Supplementary bills drawn in his favor				
2	A list of P.F. balance in favour of Mr Hardwar Lal HGC.				
		<div>न्यायालय का नाम</div> <div>वाद संख्या</div> <div>पक्षकारों के नाम</div>			

मूल्य प्रति १ का ५ पैसे

सूची को पेश करने वाले पक्षकार अभिवक्ता के हस्ताक्षर

पी० एम० : पी०—ए० बी०—०१६ एच० सी० : ७—१६६६—पी०—२००,०००

R. H.

Extract copy of salary bill ledger of Shri Hardvari Lal H.G.C. from October 1975 to March 1976 and supplementary bills drawn in his favour.

S.N.	Months.	Pay.	D.A.	D.A.	N.H.A.	H.R.A.	C.A.	Gross Amount.	Deduction.	Net payable.
1.	Oct. 75.	530/-	143.10	66.20	18.80	79.50	23.17	860.77	133.00	727.77
2.	Nov. 75.	530/-	143.10	66.20	-	79.50	23.17	841.97	133.00	708.97
3.	Dec. 75.	530/-	143.10	66.20	-	79.50	23.17	841.97	108.00	733.97
4.	Jan. 76.	530/-	143.00	66.20	18.80	79.50	23.17	860.77	108.00	752.77
5.	Feb. 76.	530/-	143.10	66.20	-	79.50	23.17	841.97	108.00	733.97
6.	March 76.	530/-	143.10	66.20	-	79.50	23.17	841.97	533.97 108.00	733.97

Suppl. Bill No.
40/32/4/R dt.
23.4.76.

Leave salary from
1.6.74 to 15.4.75 and
fixation of pay in
grade (Rs. 425-640) Rs.

Suppl. bill no. 40/80/4/R dt. 28.4.73 (sick period from 6.5.73 to 31.3.74- Regularised.)	-	-	-	-	-	-	-	3333.23	1320.00	3201.23
--	---	---	---	---	---	---	---	---------	---------	---------

Certified that this is true copy of the original entries and that such original entries are contained in the records of Rly. Administration.

[Signature]

Asstt. Personnel Officer,
N. E. Rly. Lucknow.

24 519
ASS

NORTH EASTERN RAILWAY

Certified that Shri Hardwar Lal Hd. Goods Clerk
Lucknow City (P.F. No. 213085) has got the following balance
at his credit as on 1.4.76 in his P.F. Account.

Rs. 3127/- (Rs. Three thousand one hundred and twenty
seven only).



SECTION OFFICER (P.F.)
DIVISIONAL ACCOUNTS OFFICER
N.E. RAILWAY
LUCKNOW.

DATED: 9-7-76:

24/7/76
(A56)

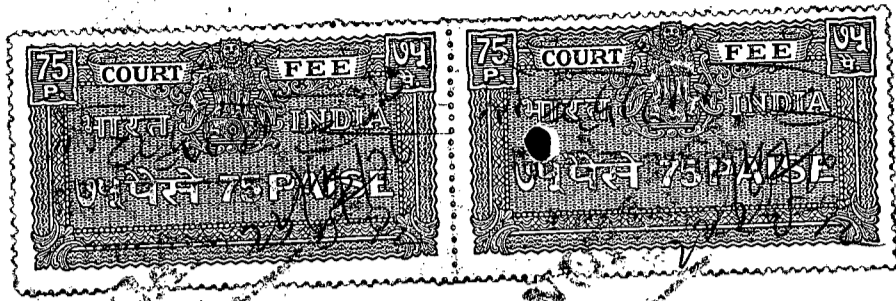
योजित हो

अथवा न्यायाधीश, खीरी

21/8/76

माना लगे आया है सीविल जज महोदय
दरसे मुत. नं. 1 स. 76

AS7
3072



प. नं. 1 स. 76
22/9/76

हरशरीवाल

मुनिपल जाला इरिया जाला

बनाम

प्रतिवादी जाला

अमानती,

उम्ह वादमे की आज दिनांक 22-9-76

को जाला की मुजालीसी की दखखार-र
खारिज जा माई गई जाला उम्ह काउर-का
खीजित जा जाला जा हला ही जिनिकाली
ज देखनी आवश्यक ही

कतः प्रतीत ही उम्ह
काउर का जा जाला काउर जाला की मुजाली
जाला

22/9/76

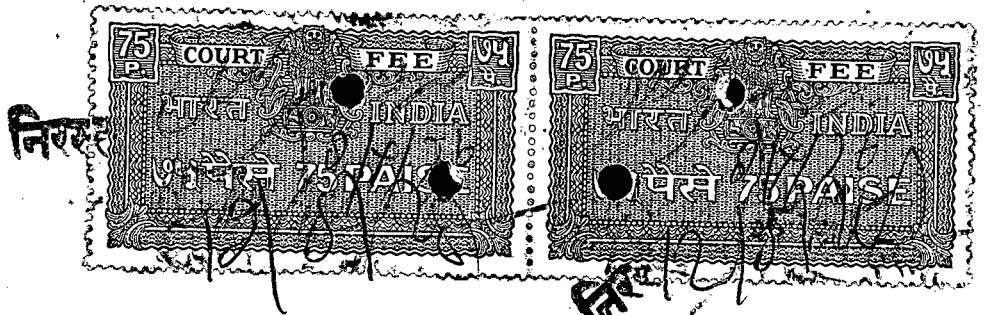
जाला
जाला जाला जाला
जाला जाला जाला
जाला जाला जाला

11231
ASD

IN THE COURT OF CIVIL JUDGE KHERI DISTT. KHERI.

Civil Suit No.1 of 1976. (PAUPER SUIT)

Rejected on 22-9-76



Hardwari Lal

Versus

Union of India & others.

... Applicant.

Defendants

Sir,

In the above noted case it is submitted that the applicant wants to file the revision against the order rejecting the prayer for forma pupris.. The applicant has applied for the certified copy of Formal order. The copy is not supplied to the applicant as such he could not file the revision and obtain the stay order.

It is, therefore, prayed that 15 days time may be allowed to bring stay order from the District Judge's Court.

Hardwari Lal

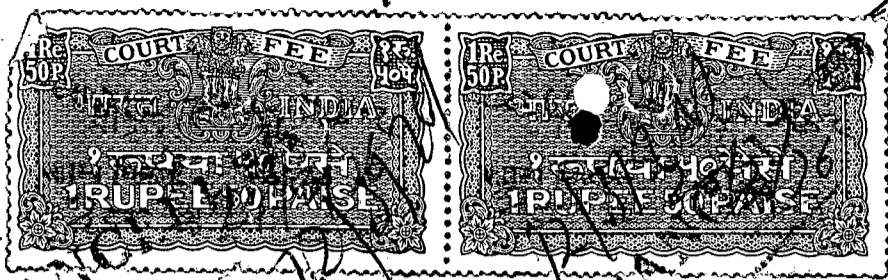
Applicant

8th
Dated/ October , 1976.

(Hardwari Lal)

AST

The Court Judge
Chen.



994

45/320
223-10 C.A.M.C.
20/3/76

Handwritten note

13
unof India
25/1/76

in

In this case enquiry shows
the list of property of App of his
financial position could not be
completed hence the W.S. about
the fact whether he claims to be
deceased person is an antinomy
as not could not be completed

He therefore prayed two
months time for it to be properly
altered

No objection
H.S.K.
12

order
below
dt 28.4.76
disposal
with
20/3

given by
Ravi Datta
unof India
20.3.76

783-79

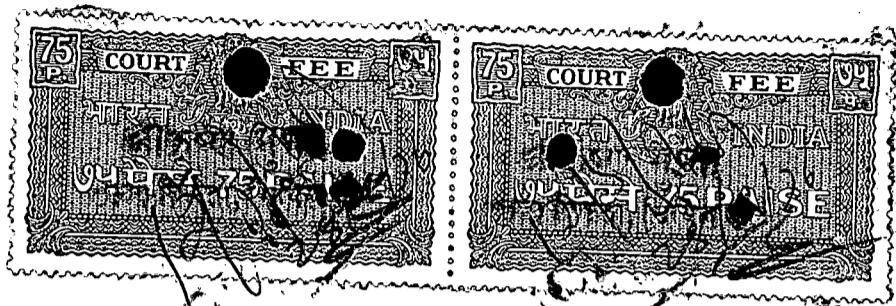
S.A

In the Court of Civil Judge

Civil and Criminal of 1926

FIXED ON 28/8/26

Haryana vs Union of India



4w 16m
2 = 1.50
Chs
28/8/26

29th

Haryana vs

Indicates adjournment, since
my counsel Shri Hari Ram Singh
is out of town for Delhi and
does not come here

Isde

Allowed
Adjournment 4.9.26
for argument only
28/8

Haryana vs
Union of India
28/8/26

2225014

આચાર્ય સિદ્ધિલજ્ઞ મહેશ્વર
લક્ષ્મીનગર-૨૫૧૧

નોંધ. પુત્રચીઠ ૧-૭૬

દરજારી-નાલ વ. પ્રિયન આમ દરિયાં (૫-૩)

ફાઇલ નં - ૨૨-૧-૭૬

ક્રમ

વારી -	પ્રતિ વારી
૧- નદ પજ પર પ્રદાન ૨-૦૦	વિનિવ્ય પ્રાપ્તિ - ૫-૫૦
૨- તલકાળ ૨-૫૦	
૩- શાલિપત્ર ૧-૫૦	
૫- વિનિવ્ય પ્રાપ્તિ ૫-૫૦	
મોજા. ૧૦-૫૦	મોજા ૫-૫૦

order

The prayer to sue in
form - pauper's is hereby
refused. Let the applicant
pay proper court fee
by 9-10-76.

Sd/ K. H. Missa.
22/9/76.

Order
K. H. Missa
Cine-judor
27-9-76

To,

The District Judge,
I/Copying Department,
Civil Courts /Collectorate
KRI.

Sir,

Issue me the copy/copies of following

Papers in der mentioned cases required in connection
with the work.

Particular

Court Civil Judge/Munsif Kheri.

No. 38-28.7. (1142) 1/6

Part 12 Vs, 2122 62012

Dent/ Fixed for :-

22-9-76

ad:-

mal order

(D. N. INDRA)

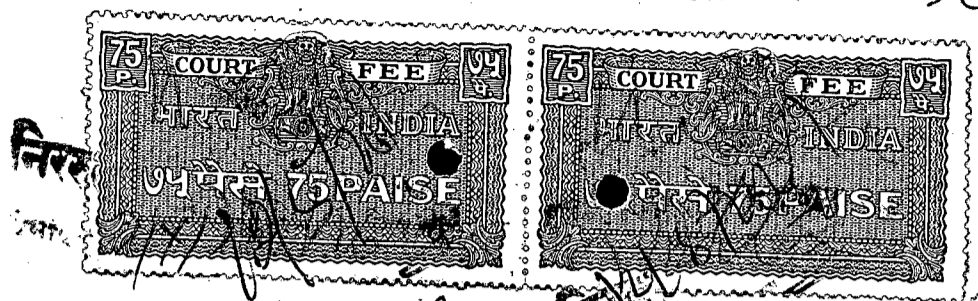
Advocate

Distt. Govt. Counsel Civil
(KHERI).

Dated.....

25-9-76

मान्यता दी गयी है।
 मुद्रा. नं. 1 अतः 76 (183)
 पश्चात् 9-10-76



50 रु. निशान
 2- रु. 1.50
 7.8.76

हर हर लाल - वादी

प्रतिपक्ष काफ़ांडिया - प्रतिपक्षी

श्रीमान जी,

उम्मेद बाबू ने निवेदन है कि प्रार्थना की मुजालीमी की दरखवास्त दिनांक- 22-9-76 को स्वीकार कर ले जाई है प्रार्थना उम्मेद काउंडर का रिजल्टन वापस चाहता है जिसके लिए पद खर्च आवश्यक है।

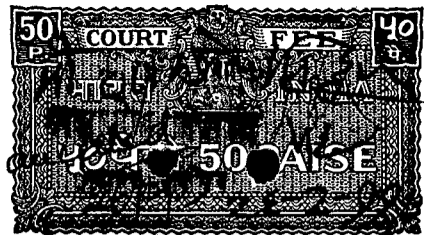
कतः प्रतीत है उम्मेद काउंडर का कार्य खर्च बनाने की मुजा की जाती है।

7/10/76

प्रार्थना -
 हर हर लाल - वादी
 प्रतिपक्षी
 उम्मेद काउंडर

(2)

न्याय शुल्क मुद्रांक



CIVIL Judge 1st Class
स्थान के न्यायालय में

प्रीति-पत्र
1-0-50

HARROWARI CAL

बनाम

U N O W R I N D I A

STATE OF

मुन्सरिम महोदय,

निम्नलिखित सूची में जिन दस्तावेजों के नाम दिये हैं, उनमें से प्रत्येक दस्तावेज की एक-एक प्रमाणित प्रतिलिपि मुझे देने की कृपा करें, जितके लिए मैं इसके साथ रुपया नया पता के मूल्य के प्रतिलिपि-पत्र दे रहा हूँ।

यह प्रार्थना-पत्र साधारण है। मैं बाद में पक्षकार अलिम्ब नहीं हूँ।

1.3.71

बाद के रजिस्टर में दी गई संख्या तथा वर्ष	पक्षकारों के नाम	अन्तिम डिग्री अथवा आदेश का दिनांक यदि पारित हुआ हो	उसदस्तावेजया कागज का विवरण, जिसकी प्रतिलिपि चाहिये	उद्देश्य, जिसके लिए प्रतिलिपि चाहिये अथवा वह आधार, जिन पर प्रार्थना पत्र स्वीकृत होना चाहिये।
CIVIL MISC CASE NO 1 of 1976 in the court of Chief Judge Kear Harrowari MISRA Jr	HARROWARI CAL V/S U N O W R I N D I A STATE OF MISRA R O F Jr	Sargand and decre dated 22-9-76	Sargand and decre dated 22-9-76	For filing appeal in the District Judge court at Sargand and Sargand and Sargand and Sargand and

दिनांक 26/7/76

प्रार्थी का हस्ताक्षर

“ प्रत्येक प्रार्थना-पत्र में जोकि डाक द्वारा भेजा जाय, प्रार्थी—

(1) प्रार्थना-पत्र अपना पूरा पता देगा।

(2) स्पष्ट रूप से लिखेगा कि क्या प्रतिलिपि लेने के लिये वह स्वयं उपस्थित होगा अथवा वह चाहता है कि वह डाक द्वारा भेज दी जाय।

(3) एक सम्यक रूप से टिकट लगा तथा पता लिखा हुआ पोस्टकार्ड भेजेगा, जिसके द्वारा उसको उसके प्रतिलिपि के लिए प्रार्थना-पत्र पर, यदि कोई अतिरिक्त व्यय लगता हो तो उसको सूचना दी जा सके, तथा

(4) उस दशा में जबकि कागज डाक द्वारा भेजे जाने हों, एक सम्यक रूप से टिकट लगा तथा पता लिखा हुआ लिफाफा भेजेगा।

टिप्पणी—यदि अतिरिक्त व्यय तोटिस जारी होने के दिनांक से 15 दिन के भीतर न दिया जाय तो प्रतिलिपि लिपि प्रार्थना-पत्र अस्वीकृत कर दिया जायगा तथा पते लिखे हुए लिफाफे का उपयोग प्रार्थी को उसके प्रार्थना-पत्र की अस्वीकृत के आदेश की सूचना देने में किया जायगा। ”

नत्पी ख

०५०. मिथि नमनावा
४०-४१ (पाप) ४/५

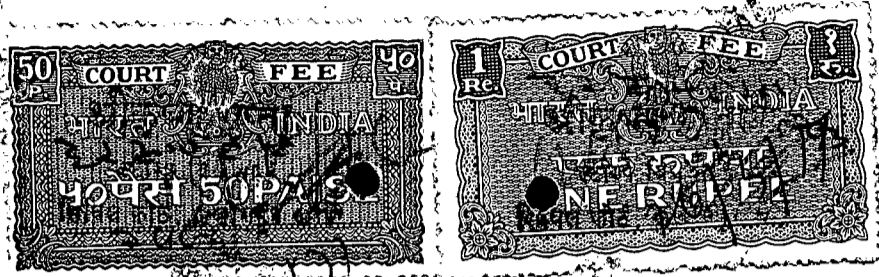
चुडिवा लाख

४

पुतिमठ नमनावा

IN THE COURT OF CIVIL JUDGE KHERI.

Civil Misc. Case No.1 of 1976.



Hardwari Lal

versus

Union of India.

Opp. Party.

Sir,

In the above noted case it is submitted that the plaintiff's prayer for pauperism has been rejected by this Court and a revision thereof has been dismissed inter-alia on the ground that the plaintiff can raise funds after selling his house which is mortgaged with the U.P. cooperative Bank Ltd., Lucknow, and can take loan from the Provident Fund. After the dismissal of the revision the applicant approached the U.P. Cooperative Bank Ltd., Lucknow, for permission to transfer the house as the agreement of the loan, provided that the applicant will have a right to transfer the house ~~wh~~ only when the prior approval of the UP Cooperative Bank, Lucknow. The UP Cooperative Bank Lucknow, refused to grant the loan and also refused the permission to transfer the house in any manner.

The applicant approached the defendant for grant of the loan for the purposes of Court-fee. The defendant also refused to grant the loan, though before this Hon'ble Court and before the Court of the Revision. The defendants have been pleading that the applicant can take loan from the defendant from the Provident Fund Account.

In these circumstances the applicant is not able to raise the sufficient money for the payment of the Court-fee and the applicant is entitled to sue the defendant informis paupris. The applicant is not getting

Handwritten notes in left margin:
I am aware
that 3rd case
has not been
permanent
9/8/88

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20/3/77
2-1-50
Only
26/3/77

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2/5
1/5

salary from the defendants since January, 1977. The defendants have also with-held the salary of the previous months, but the defendant employee has given wrong statement before this Hon'ble Court that the applicant has been paid of Rs. 3201/- whereas this amount has been illegally detained by the defendant.

IT IS, therefore, prayed that the applicant may be allowed to sue in forma pauperis.

Applicant

Hardwar Lal

(Hardwar Lal)

through his counsel

Hohy

Dated/- 26/3/77

आयालय सिविल जज सीरी

6792

पुनः बीबी लाव ११ ११ ११

हा (हरी लाल)

५

इनि फन काफ़डरिन

APD

संख्या ७-५-७७

रविवार

प्रार्थना

विद्वत्

१. प्रार्थना का प्रमाण - १=५०

१. प्रार्थना का प्रमाण १=५०

गोरा

१=५०

१=५०

आदेश

च २६२ प्रार्थना का बाकी न कमिशन रूप में
बाय लॉन हेतु दिना ३६० प्रार्थना का शुल्क
में २२-५-७६ को निरास्त हुआ था इसकी
निगरानी १७-११-७६ को शकील हो गई
अब पुनः उसी प्रार्थना के लिए नए निवेदन
प्रार्थना का दिना ५ दिनांक वही आया है
जो पहले के अन्त में प्रार्थना का केवाई कर
गही जाता अतः अन्तीकृत न माफ़गुल केन्द्र
७ दिनांक १५-७-७६ ३०,००,००० (आफ़सेट)

हो/होज़ागिद
६०७७-५११

१३.५.११
जुज बिंदु
निवेदन
२.बी
१३-५-७७

ਜਲ੍ਹਾ ੫੨

ਭਾਤੀ/ਵਾਧ

੫

ਦੀਨ ਮਾਨ ਮਾਨ
ਭਾਤੀ

ਸ੍ਰੀ. ੫/੭੬

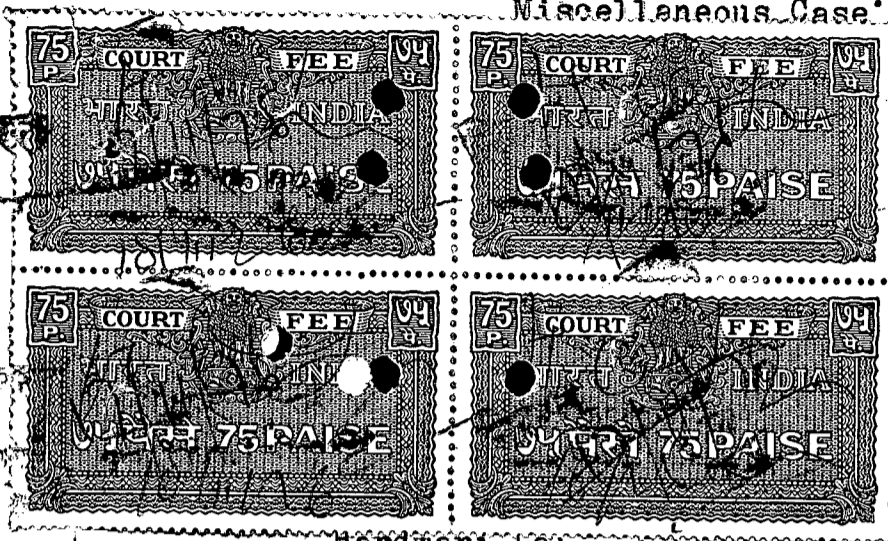
524

923

IN THE COURT OF CIVIL JUDGE KHERI.

Miscellaneous Case No.1 of 1976.

Decided on 22-9-76



Hardwari Lal

... Applicant.

Versus

Union of India.

.. Opp. Party.

231
4 = 3.00
Om
18/11/76

Sir,

In the above noted case it is submitted that the plaintiff has applied for permission to sue informa paupris. The prayer of forma paupris was rejected by this Court and a revision thereof also has been rejected by the First Addl. District Judge, Kheri, on 17.11.1976. The applicant has to pay an amount of Rs.1,607.50P. as Court-fees in this case.

It is, therefore, prayed that a month's time may be allowed to pay of the Court-fees.

Applicant.

Dated/
November 18, 1976.

(Hardwari Lal)
through his counsel
Sri Hari Om Singh,
Advocate.

783-28
S.A

574
In the court of Civil Judge , Kheri.

Case No. 1 of 76

(A74)

Handwritten

V/S

Union of India
Decided on 22-9-76

Application U/sec 152C.P.C.

Sir :-

It is most respectfully submitted that perhaps because of in inadvertence the costs of the applicant could not be taxed in the decree .

It is very necessary for the applicant that the name of the counsel of the applicant ^{his name} and the fee payable to him be taxed in the decree .

Wherefore it is prayed that the necessary corrections in the decree may kindly be made to this effect .

State of U.P.

Through

Sri D.N. Indra Advocate

D.G.C. (Civil)

Kheri .

Dated :- 20.11.76

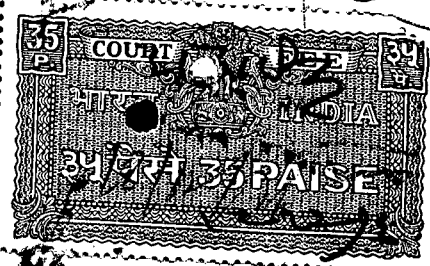
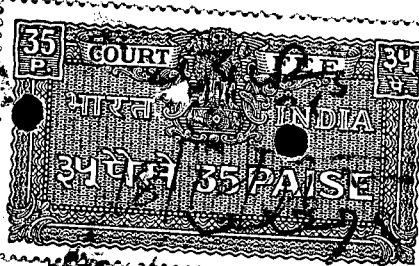
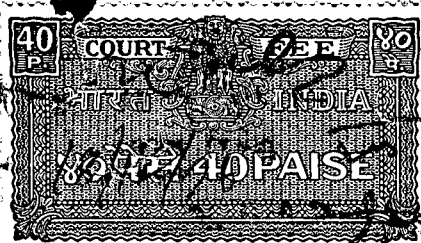
In the Court of Civil Judge Khar

Miscellaneous case no 1 of 1926

FIXED ON 19-12-26

2/3

(A75)



HARDWAR SUE

Applicant

VERSUS

Union of India

OFFICIAL NOTICE

Sir

That on the application moved on 12-11-26 in the above noted case, the learned Court had been pleased enough to grant one month's time from 12-11-26 to pay the Court fee of Rs 16.25

That the applicant has moved the application, in addition to the previous ones, on 18/11/26, on 22/11/26 and on 27/11/26 to pay his supplementary bill of Rs 3000 or advance loan from provident fund, but no response till the day from the Pay Administration

That efforts to obtain loan from the or firmments will be house from the cooperative have also not succeeded till the day

That the applicant is still forming to get the money and as much it is requested that two months time may kindly be further extended to pay the Court fee for which I shall be highly obliged

Applicant

Dated
18-12-26

HARDWAR SUE

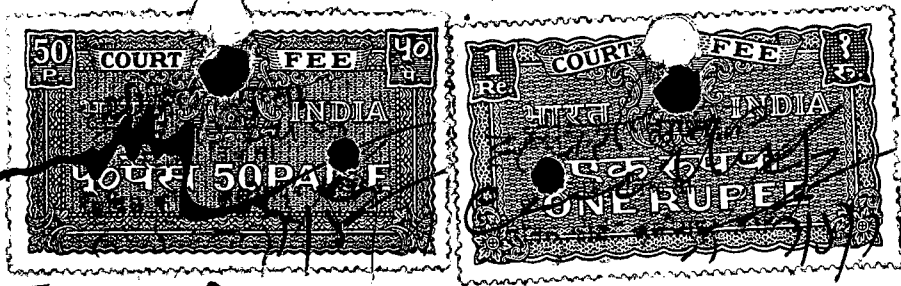
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न्यायालय सिविल कोर्ट

रिवाज

सिविल रिवाज कोर्ट के अंतर्गत २

का २५९६
A786
7/99



दफ्तर आदर दायीदार

2-1-80

काग

दायी

Only

7/99

सिविल कोर्ट के अंतर्गत

प्रतिवादी

३-५-८० के दिनांक पर

अवेगल को

उक्त बाब में सिविल कोर्ट के अंतर्गत
स्वयं को आपरेटिव बैक के अंतर्गत
अनुवन्धन इत्यादि को कि सिविल
रिवाज न २०२ का १५ में दायीदार है
उक्त अनुवन्धन का दायित्व किन्ना
जाता है कि दायित्व किन्ना जाता है
काबजमान है किन्ना

जायीत है

कि सिविल रिवाज न २०२ का
२५९६ में प्रावर्तित इतना कि
प्रावर्तन को किन्ना

दिनांक ३-५-८०

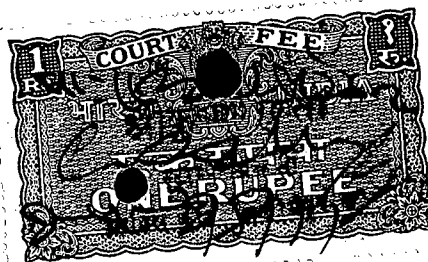
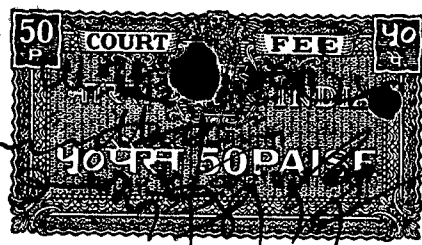
जायीत
इ. २. ५. ८०

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In the court of the Civil Judge, Lakhimpur.

Official Misc. Journal of 1976.

21/13
9
A77



2nd floor

2-1-50

Carly

7/5/77

Hardvari Lal Versus Union of India

Objections of defendant to plaintiff's application dated 26.3.77.

The objections are as follows:-

1. The plaintiff filed the suit on the ground of *forma Pauperis* to which the defendant objected.
2. This Hon'ble court rejected the plaintiff's application on the grounds:-
 - a) The plaintiff has sufficient means to pay court fee
 - b) That the plaintiff has concealed his properties.
 - c) That he has a house of sufficient value which though mortgaged still he has a right and can raise the amount of court fees on further charge. The permission of the Bank is quite immaterial.
 - d) He can pay court fee out of his provident fund.
3. That any one of the above grounds per se is enough to dismiss plaintiff's application for pauperism.
4. That the plaintiff filed revision before the District Judge Lakhimpur of the above order only on the ground that:-
 - a) He cannot raise the amount on the security of the house as the Bank does not permit.
 - b) That he has applied for the amount of court fee from the provident fund but the defendant has not replied. The District Judge rejected his above revision upholding the order of this Hon'ble court.
5. The plaintiff then filed review of the order of revision before District Judge which was also categorically rejected by the District Judge. Hence the order of this Hon'ble court became final and the

See list of
in case of
7/6/77

upon the grounds stated in
affidavit

2/12/77
(A78)

plaintiff has been left with no option but to pay court fee for which he sought one adjournment also.

6. It is again wrong to say that the defendant is withholding his pay or the payment of ^{his supplementary} bill of Rs 3201/- which the ^{✓ defendant's bill} defendant has attached.

7. The present application is thus not maintainable and is liable to be rejected.

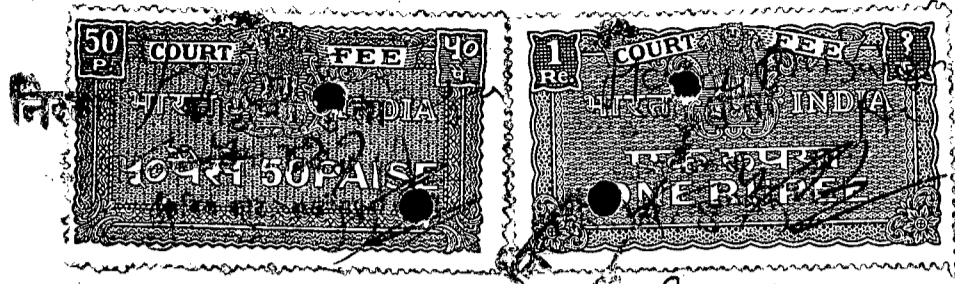
Yours faithfully,

Ram Lal Tandon


(Ram Lal Tandon) Vakil
Counsel for Union of India.

4/5/1977.

712/43



2 = 9.20

02/11/99 

हरिवा राबात

James M. Smith

Q. 111

[Signature]

[Signature]

उम्हवा द मे दिनाक 7.5.77 को आवेस
मायत कि पा गमा है मुम्ह उम्ह डाउर को - दुम्ह ल गमा
दा दवा है जीमल लीर पद रक्का डाउर म
डाका को इस - पापालय से केवल 9 दिन का समय - मायतुम्ह
अदा करेन के मेय दिना गमा है

क. त. प्रकाश ए. डी. उमा कपूर

आपका प्यार और वफादारी का बंधन है।
आपका प्यार और वफादारी का बंधन है।
आपका प्यार और वफादारी का बंधन है।

[Handwritten signature]

हरिहर साहू

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IN THE COURT OF CIVIL JUDGE KHERI DISTRICT KHERI.

Civil Misc. Case No. 1 of 76.

Fixed on 31-7-77



2 = 1.50
31/1/77

Hardwari Lal

.. Plaintiff.

versus

Union of India

Defendant.

Sir,

In the above noted case the applicant most respectfully begs to submit as under :-

1. That the applicant filed this suit in forma pauperis.
2. That the applicant's prayer to sue in forma pauperis was rejected by this Hon'ble Court, and Revision thereof has also been rejected inter alia on the ground that the defendants have to pay certain amount to the plaintiff, which is sufficient for paying the Court-fees and the defendants are ready to pay that amount to the applicant.
3. That after the decision in the Civil Revision the applicant approached to the defendants for payment of the money and for advancing a loan from the Provident fund which has not been paid to the applicant inspite of repeated reminders nor any reply was given to the applicant by the defendants.
4. That the applicant was also not declared pauper because it was found and held that the applicant is in possession of a house situate in moh. Naibasti, Lakhimpur and which is mortgaged with the Cooperative Bank, Lucknow and money can be raised from that house.
5. That after the decision of Civil Revision the

783-78
SA

: 2 :

applicant approached to the Cooperative Bank for permission to transfer or allinate the house which has been refused by the Cooperative Bank.

Prayer.

It is, therefore, prayed that one month's may be granted to the applicant to pay the Court-fees or in the alternative the applicant may be declared pauper.

Applicant

(Hardwari Lal)

Through his counsel

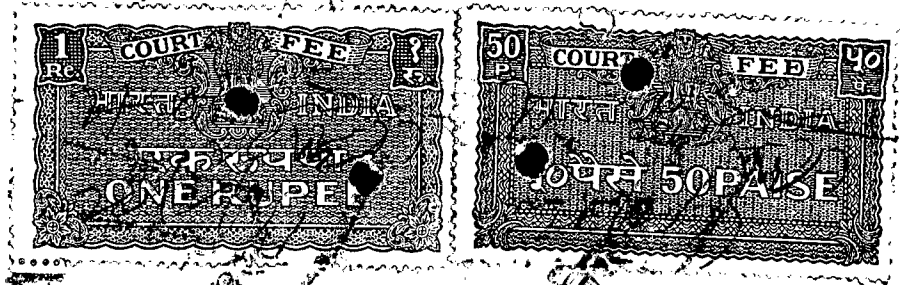
Dated/- 31/1/77

IN THE COURT OF CIVIL JUDGE KHERI.

Civil misc. Case No. 1 of 1976.

12
A02

4-1/2
22/50
hy
26/2/77



Hardwari Lal

... Applicant.

versus

Union of India.

... Opp. Party.

Fit Ro on 11/2/77

Sir,

In the above noted case it is submitted that the applicant was not declared pauper and against the order of this Court the applicant had gone in revision which was dismissed by the Ist. Addl. District Judge, Kheri. The applicant against the order of dismissal of revision, moved an application for review before the Ist. Addl. District Judge Kheri, on 23.2.1977. The review petition has also been dismissed on 24.2.1977. The petitioner has been held to be competent to pay Court-fees on two scores. Firstly, on the score that the petitioner can raise funds after transferring his house in whatsoever manner the petitioner likes, and that the petitioner can pay the Court-fee after taking loan of the Provident Fund. As earlier submitted the house cannot be transferred without permission from the prior mortgagee i.e., the Cooperative Bank, Lucknow. The Provident Fund is in the hands of the defendants who have not granted the loan to the petitioner to pay the Court-fee, through the petitioner has moved several applications for the grant of the loan to the defendant. In these circumstances there is no alternative before the petitioner except to move the revision petition before the Hon'ble High Court. The petitioner has applied for the necessary copies. The copies are expected to be delivered to the plaintiff in a day or two.

: 2 :

It is, therefore, prayed that the petitioner may be allowed one month's time to bring the stay order from the Hon'ble High Court.

Applicant

Hardwar Sur
(Hardwar Lal)

Dated/- 26/11/16

[Signature]

In the court of civil judge 1 case
civil case no 1 of 1926

Hudson vs Union of India
State of P

Decided on 22-9-26
by Sir K N Mune CB Khan

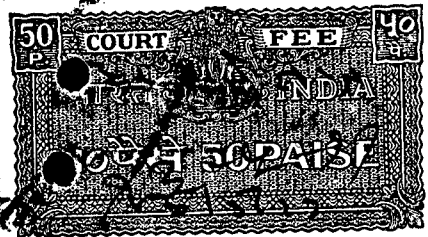
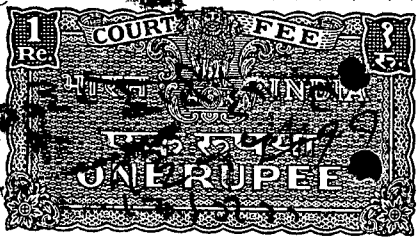
Hudson vs

Documents filed in the above case
by my humble self the following may
now be referred to me

- (1) copy of judgment of case no 22 of 1922
decided on 24-7-23 by Sir B B Dutt CB
Khan
- (2) copy of civil revision no 45 of 23
decided on 31-8-23 by Sir B B Dutt
D B Khan
- (3) A certificate of appeal and certificate
showing order made 14-1/5-21 GRS
in C 3 of 185 given on 23/2/24
- (4) Amended Plea etc 2 of 2
- (5) Verdict of 99 & 100 to State (3)
Bills 23-12-20
- (6) Verdict Bills 1012 1120 224824
Hudson vs

IN THE COURT OF CIVIL JUDGE KHERI.

Civil Misc. Case No. 1 of 1976.



Sd/- 15/5/77

21/2/78
93/2/77

Hardwari Lal.

.. Plaintiff.

versus

Union of India.

... Defendants.

Sir,

In the above noted case it is submitted that this Hon' ble Court was pleased to reject the application of the applicant for permission to sue in forma pauperis. The applicant is advised to file a revision against that order dated 7.5.1977. The applicant has also applied to this Hon' ble Court that the formal order of the order dated 7.5.1977 may kindly be prepared. But so far the formal order has not been prepared and as such the copy of the formal order could not be prepared and delivered to the applicant, due to which the applicant could not file the revision.

The applicant has been allowed time to pay the Court-fee tomorrow only.

It is, therefore, prayed that applicant may be permitted to file a revision and bring the stay order from the Court of Hon' ble District Judge, Kheri, and for this purpose 15 days time may kindly be allowed or in the alternate 15 days time may be allowed to pay the Court-fee.

Hardwari Lal
Applicant

(Hardwari Lal)

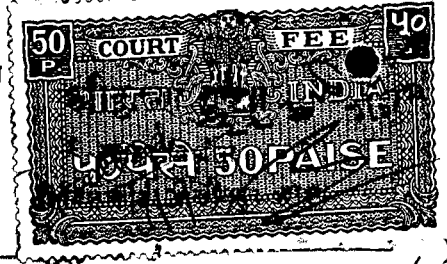
Through counsel

Dated/-/5/77
13/5/77

(6)

(१)

अनुबन्ध यह है कि जब ऐसी प्रतियों के प्रभार में पैसे की संख्या भिन्न जाने वाले मुद्रांक का मूल्य ऐसी रकम से एक पैसे अधिक होगा।



आवेदक के लिये अनुदेश—प्ररूप की पूर्ति में जितनी परिशुद्धता भाप कर सकें, करें।

न्यायालय फीस मुद्रांक

In the Court of Civil Judge, Senior Division

HARIDWAR

Union of India

मुन्तरिम को,

निम्नलिखित सूची में उल्लिखित प्रत्येक दस्तावेज की एक-एक प्रमाणित प्रति मुझे देने की कृपा करें, जिसके निमित्त मैं इसके साथ रुपया पैसे के मूल्य के प्रति-पत्र दे रहा हूँ।

यह आवेदन मामूली है। मैं वाद में पक्षकार हूँ/नहीं हूँ।
आवेदक

वाद की रजिस्टर में डी गई संख्या और उसका वर्ष	पक्षकारों के नाम	दिनांक अन्तिम, आज्ञा या आदेश का, यदि पारित हुआ हो	उस दस्तावेज का भिन्नान जिसकी प्रति बाँधित है	विवरण, जिसके लिए प्रति अपेक्षित है या आधार, जिस पर आवेदन स्वीकार होना चाहिये
CIVIL 500 dated 14-2-76 Civil Misc case no 1 of 1976	Harendra Singh vs Union of India	Judgment dated 7-5-77	Judgment dated 7-5-77 with Formal order line allowed.	for filing affidavit with formal order line allowed.

दिनांक

9/5/77

प्रत्येक आवेदन में, जोकि डाक द्वारा भेजा जाये, आवेदक—

- (१) आवेदन में अपना पूरा पता देगा;
- (२) कथन करेगा कि क्या प्रति प्राप्त करने के लिये वह खर्च उपस्थित होगा या वह चाहता है कि वह डाक द्वारा भेजी जाये;
- (३) एक सम्यक् रूपेण टिकट लगा और पता लिखा हुआ पोस्टकार्ड भेजेगा, जिसके द्वारा उसको, उसके प्रति के लिए आवेदन पर, यदि कोई अतिरिक्त प्रभार दिया जाना हो, तो उसकी सूचना दी जा सके, और
- (४) उस दशा में, जब कि कागज डाक द्वारा भेजे जाने हों, एक सम्यक् रूपेण टिकट लगा और पता लिखा हुआ लिफाफा भेजेगा।

टीपन—यदि अतिरिक्त प्रभार सूचना निकाले जाने के दिनांक से १५ दिन के भीतर न दिये जायें तो प्रति के लिए आवेदन अस्वीकृत कर दिया जाना चाहिये और लिफाफा आवेदक को उसके आवेदन की अस्वीकृति के आदेश की सूचना देने में प्रयोग किया जाना चाहिये।

[मूल्य ५ पैसे प्रति फार्म]

पी०एस०यू०पी०-०१२ एच० सी०-१२६९ एच० सी० जे० फार्म नं० ११७, पार्ट ६-सी-१,००,०००(प्रो०)

In the Court of I Addl. District & Sess. Judge, Kheri. (187)

Present: Sri J.P. Sinha.

Civil Revision No. 14 of 1977. 17/9/77

Hardwari Lal	..	Revisionist
	Vs.	
Union of India	..	Opp. Party

Judgment.

This is a revision against the order dated 7.5.1977 passed by Civil Judge, Kheri, whereby he rejected the application of the revisionist for permission to sue in forma pauperis.

This revision was instituted on 18.5.1977. Under the C.P.C. as it stood on the date of the filing of the revision only the High Court has jurisdiction to hear it. Therefore, this revision is incompetent and deserves to be rejected.

Order.

The revision is hereby dismissed with costs to the opposite party.

Dated : (J.P. Sinha)
I Addl. District & Sess. Judge,
Sept. 2, 1977. Kheri.
2.9.1977

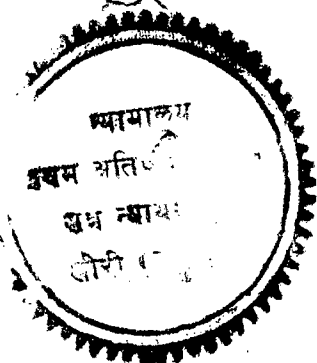
Judgment signed, dated and pronounced in open Court today.

(J.P. Sinha)
I Addl. District & Sess. Judge,
Kheri.
2.9.1977

न्यायालय की आज्ञा से

3/9/77
दिनांक 3/9/77
१८ मुन्सिफ,
अति. जि. ए. ए. ए. ए. ए. ए.

Forwarded to Civil Judge Lucknow for information and u.a.
दिनांक 3/9/77



17/5/13

(984)

अपील की	रकम	प्रत्युत्तरदाता	रकम
अपील के आपन के लिए मुद्रा	१०-००	अगली पत्र के लिए मुद्रा	
अगली पत्र के लिए	१-५०	आपन के लिए	
आपन के आं की ताबील	६-५०	आपन के आं की ताबील	
रकम पर आपन के	Certificates	अपन पर आपन के	
की फीस	under file	की फीस	
५-नकल पर मुद्रा	४-५०		
६-आपन १० पत्र पर मुद्रा	४-५०		
जोड़	26-00	जोड़	कुछ नहीं

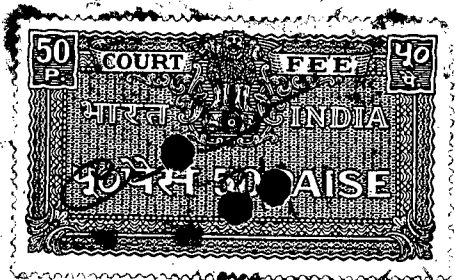
तैयारकर्ता: Divesh Chandra

SM -
मुद्रा के हस्ताक्षर

SM -
(अपील के लिए आपन के)
के हस्ताक्षर
(एच डी आर (H))
(30)

SM -
(प्रत्युत्तरदाता के आपन के)
के हस्ताक्षर
(एच डी आर 231 (30))

न्याय शुल्क मुद्रांक



स्थान Civil Judge के के न्यायालय में

बनाम

मुत्सरिम महोदय,

निम्नलिखित सूची में जिन दस्तावेजों के नाम दिये हैं उनमें से प्रत्येक दस्तावेज को एक-एक प्रमाणित प्रति लिपि मुद्रा देने की कृपा करें, जिनके लिये इसके साथ रुपया नया पंता के मूल्य के प्रतिलिपि पत्र दे रखे हैं।

साधारण

यह प्रार्थना पत्र है। मैं बाद में पक्षकार हूँ।

अबिलम्ब

नहीं हूँ -

वाद रजिस्टर में दर्ज गैर संख्या तथा वर्ग	पक्षकारों के नाम	अन्तिम डिग्री अथवा आदेश का दिनांक यदि पारित हुआ हो	दस्तावेज का विवरण जिसका प्रतिलिपि चाहिये	उद्देश्य जिसके लिये प्रतिलिपि चाहिये अथवा वह आधार जिस पर प्रार्थना पत्र स्वीकृत होना चाहिये।
<i>Civil Judge</i> <i>Case No. 1 of 1976</i> <i>Civil Judge</i> <i>Case No. 15 of 1976</i>	<i>4</i> <i>3</i> <i>10</i> <i>4</i> <i>3</i>	<i>26</i> <i>27</i> <i>28</i> <i>29</i> <i>30</i> <i>31</i>	<i>7-5-1977</i>	<i>7-5-1977</i>

दिनांक 3/5/77

प्रत्येक प्रार्थना-पत्र में जो कि डाक द्वारा भेजा जाय, प्रार्थी--

- (१) प्रार्थना-पत्र में अपना पूरा पता देगा।
- (२) स्पष्ट रूप में लिखेगा कि क्या प्रतिलिपि लेने के लिए वह स्वयं उपस्थित होगा अथवा वह चाहता है कि वह डाक द्वारा भेज दी जाय।
- (३) एक सम्यक रूप से टिकट लगा तथा पता लिखा हुआ पोस्ट भेजेगा जिसके द्वारा उसको उसके प्रतिलिपि के लिये प्रार्थना-पत्र पर, यदि कोई अतिरिक्त व्यय लगता हो तो उसको सूचना दी जा सके तथा
- (४) उस दशा में जब कि कागज डाक द्वारा जावे तो एक सम्यक रूप से टिकट लगा तथा पता लिखा हुआ लिफाफा भेजेगा।

टिप्पणी--यदि अतिरिक्त व्यय नोटिस जारी होने के दिनांक से १५ दिनों के भीतर न दिया जाय तो प्रतिलिपि के लिये प्रार्थना-पत्र अस्वीकृत कर दिया जावेगा तथा पते लिखे हुए लिफाफे का उपयोग प्रार्थी को उसके प्रार्थनापत्र को अस्वीकृत के आदेश की सूचना देने में किया जायेगा।

पी० एस० यू० पी०-०२१८ एच० सी० --१९६८--एच० सी० जे० फार्म नं० ११७, भाग ६--क--

For filing in record

A/23

In the Court of the Central Administrative Tribunal, Lucknow

M.P. No. 417/91 (2)
T.A. No. 1644 of 1987

Fixed 24.7.91.

Hardwari Lal -----Versus-----Union of India

Arising out of Original Civil Suit
No. 1 of 1976 instituted on 1.1.76
in the Court of Civil Judge, Kheri.

Objection on behalf of Hardwari Lal
Plaintiff/Petitioner against reopening
on 4.4.91 of the Chapter already
decided on 4.5.90.

Humble Submission.

1. That Hon'ble K.Nath, Vice Chairman and Hon'ble K.Obayya A.M., had been pleased enough to pass orders on 4.5.90 "Two weeks time for filing Postal Order. Last opportunity is given to the opposite-party to file counter within four weeks to the applicant may file rejoinder within two weeks for hearing on 28.6.90."
2. That in compliance to the orders mentioned in para 1 above my humble self Hardwari Lal deposited a postal order No. DD 657853 amounting Rs. 50/- on 11- 5- 1990 as pre-requisite ³ Court Fee.
3. That after expiry of the stipulated period my humble self Hardwari Lal presented in this Hon'ble Tribunal on 26.7.90 an application with affidavit along with 23 documents in support as evidence.
4. That in compliance to the orders passed on 26.7.90, again submitted on 7.8.90 extra copies of 23 documents with justification of their filing together with copies of application and affidavit for the opposite-parties also prior to the next date fixed as 22.8.90.
5. That disposal of that portion of the order dated 4.5.90 mentioned in para no. 1 above, which required opposite-party to file counter, but not done, was to be done on 4.4.91, which could not be done due to adjournments after 29.8.90

NEXT
Date
16/8/91

Filed today
25-7-91

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6. That with an intention to escape from the adverse orders, because of non-compliance of the orders dated 4. 5. 90 as a last chance given to the opposite-party, Sri Anil Srivastava the learned counsel for opposite-party, -without divulging the order passed earlier, before a new and fresh Bench consisting of Hon'ble A.B. Gorthi (A.M.) and Hon'ble S.N. Prasad (J.M.) opened again the chapter that the pre-requisite, for the purpose of proceeding, without payment of Court-fee, proceedings not continued after the judgment of Shri J.P. Sinha, Addl. District Judge Ist Kheri dated 2.9.77.

7- That the certified copy of the decree dated 8.12.82 granted by the Hon'ble High Court available on record, indicates on the top, "Instituted on 26th day of September 1977 from the orders of Sri J.P. Sinha Ist Addl. District & Sessions Judge, Kheri dated 2.9.77 in Civil Revision No. 14 of 1977 in Hardwari Lal vs. Union of India does not require any further proof about the continuance of the proceedings after 2.9.77 till 8. 12. 1982 for seeking permission to ^{SUB} ~~for~~ as an indigent person in accordance to para No. 35 of the plaint dated 1.1.76.

8. That the copies of the judgment and decree dated 24.9.84 passed by Sri B.K. Mishra District Judge, Kheri relevant to suit dated 1.1.76, as mentioned in these documents, does not require any further proof, that the proceedings for seeking permission to sue as an indigent person continued even after 8. 12. 82 till 24. 9. 84.

9. That endorsement in handwriting of an official of the Stamp Section of the Hon'ble High Court, Lucknow Bench, on the Civil Revision moved by Hardwari Lal on 23.10.84 against orders dated 24.9.84, as "Group 61 A IXX 8572 two stamps worth Rs. 10/- dated 23.10.84 on the extra stamps provided on the judgment and decree dated 24. 9. 1984

of District Court Kheri as Court-Fee Rs. 1.50 P. , and Rs. 2/- as dated 23.10.84 in one and the same in writing, again on the stamps provided on the affidavit also as 23.10.84, verification as 31/968 dated 23. 10. 84 by the Oath Commissioner of the Lucknow High Court are quite sufficient to establish beyond doubt that the proceedings for seeking permission to sue as an indigent person continued even after 23. 10.84 also which ended ^{GN} ~~as~~ orders of this Hon'ble Tribunal as mentioned in Paras 1 & 2 above.

10. That after formation of the Central Administrative Tribunal, persuasion by personal contact, with the Civil Judge -Kheri, With Shri A.K. Dutta Deputy Registrar of this Hon'ble Tribunal at Allahabad, and with the Hon'ble High Court of Lucknow Bench also continued till orders dated 22.5.87 passed by this Hon'ble High Court, Lucknow Bench to transfer the case, which reached in C.A.T. Office at Allah on 19.8.87, even after that persuasion continued till transfer of the case to this Lucknow Circuit under orders, C.A.T.,/ Alld./JUD/35708 dated 17. 2. 1989 and thereafter also in the Hon'ble Tribunal till orders passed on 4.5.90 as mentioned in para 1 above.

11. That it is not at all disputed that only those proceedings of the plaint which were pre-requisite due to non-payment of Court -fee in accordance of Para 25 of the plaint initiated and no other else till orders dated 4. 5. 90 of the Tribunal. That the multiplicity of long long litigation during the period ranging from 1- 1- 76 to 4.5.90 on the point of seeking permission to sue as an indigent person caused due to an absolutely false without any iota of truth evidence led by an official of N.E.Railway Administration, Ram Sukh now ^{Mentioned in Document 29 to be recorded} decided as A.P.O. in the Court of Civil Judge, Kheri in favour of Hardwari Lal on 28.6.90 by this Hon'ble Tribunal in case No. TA 6 of 1989 (T .L.) now in execution, in the court of Munsif, Kheri fixed for 5.7.91.

12. That the orders dated 4. 5. 90 were passed in pursuance of the orders dated 6. 7. 89 passed by a Bench of

of Hon'ble K.Nath V.C., and Hon'ble K.T. Raman A.M., clothed with ample powers vested in them which they exercised in accordance to the provisions of Sections 149, 150 and 151 C.P.C.

13. That patient hearing ^{was given} to the entire pleadings of Shri Anil Srivastava on the affidavit dated 28.8.89 and 13.9.89 on behalf of Hardwari Lal, and on the evidencies accompanied with the affidavit, ^{to} which also no counter affidavit filed by the opposite-party. The three authorities of this Hon'ble Tribunal held and passed orders as mentioned in para No. 1 above. *after due consideration on merits*

14. That the initiative of Sri Anil Srivastava on 4.4.91 for the purpose of misleading, amounts to resjudicata u/s 11 C.P.C., satnds infructuous on grounds mentioned above.

15. That the only ground that the papers which have lost their utility after orders dated 4.5.90 complied on 11.5.90 could not be traced by those over whom Hardwari Lal had no control is of no avail, and cannot be acceded.

16. That document Ga 1/7 is a letter of the opposite-party dated 2. 11. 72 served on 5.11.72 indicating cause of actin. Ga 1/6 acknowledging receipt of the notice dated 29.10.75 as on 1.11.75 by the opposite-party, the plaint dated 1. 1. 76 are all available on the record of the Court-file, are quite sufficient, to proceed further to avoid further delay, being created by the opposite- party with dilatory tactics deserves to be taken in to consideration.

Prayer.

Wherefore, under the circumstances mentioned above expeditious disposal in manner as may be deemed proper be done keeping in mind the dilatory tactics of the opposite-party not to be acceded further more in the interest of justice to the long sufferer Hardwari Lal since 1. 1. 1976.

Hardwari Lal
(HARDWARI Lal)
Plaintiff/Petitioner in person

Lucknow
Dated 24. 7. 91.

Contents

I know and identify Hardwari Lal who has signed in my presence.

Advocate.

Bharat Bhawan Lal

Para 3 from the date of institution in the Court of Civil Judge
Contd. Kheri on January 1, 1976 for which requisite Court-fee
of Rs. 50/- already deposited on 11- 5- 1990 under postal
order No. DD 657853 as per order dated 4. 5. 1990 of
this Hon'ble Court, the objection raised by the learned
counsel for the Union of India is nothing but adopting
dilatatory tactics for filing the counter as ordered on
4- 5- 90 which time and even more time allowed for the
rejoinder also has already expired.

4. That the deponent confirms, affirms and reaffirms on
oath that after passing the High School Examination
in 1936 the deponent entered the railway service in
1937, qualified in Goods duty examination on 19. 6. 38
much earlier and prior to the disputed gentlemen
Sri S.B.Verma who failed to qualify the Goods Examina-
tion on 1- 9- 42, hence Sri S.B.Verma (disputed) was
placed at serial No. 34 much below to the deponent
at serial No. 29, on the authority as recorded against
the deponent's name at serial No. 29 "Seniority
decided vide T.M's No. 8 E/37 dated 4- 9- 1948, and
against serial Nos. 33 and 34 (disputed) Sri S.B.Verma
and Sri Rameshwar Das as "Seniority decided T.M's
No. 18 E/581 (3) dated 9. 3. 49" and against Serial
Nos. 24, 25, 26, 27 as "Seniority based on passing
Goods Clerk Examination vide T.M's No. E/177/A-121
dated 31. 7. 46, since these four men qualified Goods
earlier to the deponent at Serial No. 29, as is evident,
from the notification notified by the D.T.S.Izatnagar
under his office order No. DTS/OTR/IZN No. G /78/Izatnagar
/P/Goods/15 dated 31. 12. 51 determined on basis of
the principles enunciated in the General Manager's
Circular No. C 34 dated 1. 9. 1945, and the Railway
Board's letter No. P T N / 48/ 192 dated 8th day of
August 1948, copies reproduced as Annexures 4th & 5th

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~~MENTIONED~~ 1. NO. 1
respectively to the personnel Branch Gazette No. 1 of 1951". Original copy of this notification dated 31.12.51 is being filed accompanying this affidavit duly entered at Serial 2 of the list of document as an evidence in support in the deponent's averments recorded in paras 1, 2 and 4 of the notice dated 29.10.75 and in paras 1 and 4 of the plaint already inexistence on the record of the court- file before this Hon'ble Court.

5. That the seniority list published on 31.12.51 also indicates that at that time Goods Clerk Grade I category in the scale^{Rs} 100- 185, and the another category of Goods Clerk Grade 2nd in Grade Rs. 60- 150 were enforced and were in existence ~~at No. 6.~~
6. That to implement the orders of the highest competent authority of the railway dated 4.9.49, the deponent was given promotion as Goods Clerk Grade 2nd under the authority E 2741 dated 24.9.48 issued by the D.T.S. Izatnagar which document in original is being filed hereeiyh duly entered in the list of document under serial 3, the deponent continued as such without any break at any time till the deponent's services were terminated under the authority E(SS)19-90 Part III Groakhpur dated 24.4.56 by the General Manager (P) photo stat cppy of the original is being filed herewith duly entered at serial No.4 of the list of documents in support as evidence to the deponent's averments recorded in paras 5 and 6 of the notice dated 29.10.75 in paras 3 and 5 of the plaint.
7. That the deponent is also filing the original record copy of the notice which was with the deponent, duly entered at serial no. 5 in the list of documents which was signed by the deponent as well as by the deponent's counsel Sri Hari Om Singh on 29. 10. 1975, the another

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Page

Contd. 7.

- copy of the same got despatched to the opposite-party under A.D. Postal Registration receipt no. 161 dated 30.10.75 from G.P.O. Lucknow which notice had been acknowledged and received by the opposite-party on 1-11-75, the post acknowledgement slip already is in existence on the record of the court-file as Ga-1/5 .
8. That the deponent is also enclosing the D.T.S. Izatnagar office order No. E.M./139 A/GC/64 dated 28.7.64 implemented on 10.8.64 duly entered under serial 6 in the list of documents which indicates against the deponent's name at serial 4, "Sri Hardwari Lal G.C. (60-150) (PS) BHI whose services were terminated with effect from 8.5.56 is posted as Head Goods Clerk (100-185 (PS at B.S.U.R. vide Sri Rameshwar Das transferred, on acquittal from High Court, Allahabad".
9. That this amounts as crystal clear that the deponent was given posting at Bisalpur on 10.8.64 on further promotion from Goods Clerk Grade 2nd Rs.60-150 to the category of Goods Clerk Grade I in Scale 100-185, by virtue of his seniority as per notification dated 31-12-51 as already mentioned in the above foregoing Parass.
10. That in support as evidence the contents of paras 7 of the notice, and Para 6 of the plaint the deponent is also filing in original the D C S Izatnagar Office order No. E/GC/H-64 dated 11-12-64 duly entered at serial 7 of the list of documents which indicates that the period of the deponent's absence during the entire period ranging from 8-5-56 to 10-8-64, the date of RESUMPTION at of B S U R has been ordered to be treated as on duty by the Hon'ble High Court, Allahabad with all benefits in entire, also confirming the order dated 28.7.64 at serial 6 mentioned in para 8 above. It also indicates that the Grade 100-185 on promotion was given to the

Hardwari Lal

Para 19
Continued

deponent from 1-4-56 which was the grade of ~~6500~~ ²¹ Goods Clerk category according to seniority list dated 31.12.51, available at serial No. 2, and was determined as such by the highest competent authority of railway.

11. That the deponent confirms, affirms and reaffirms as correct that on the date 10.8.64 while resuming at Bisalpur after gap of 8 years Goods Clerk's grade were revised as 110- 200 for Goods Clerk, 150- 240 for Senior Goods Clerk, 205- 280 for Head Goods Clerk, and 250- 380 for Chief Goods clerk, further revised after 1972 as Grades 260- 430, 330- 560, 425- 640 and 455- 700 respectively. Evidence in support shall follow in forth coming paras.
12. That this document available at serial 7 dated 11-12-64 also indicates that the deponent was given fixation in the Grade 150- 240 only from 1-4-56.
13. That the deponent further confirms as correct that the Grade 150- 240 was the Grade for Senior Goods Clerk, and 205- 280 for the Head Goods Clerk as mentioned in para 11 above.
14. That by virtue of the deponent's seniority already determined and confirmed at serial 29 over and above to serial 33 and 34 Sri Remeshwar Das and Sri S.B.Verma the deponent became entitled to be considered for promotion to Grade 205- 280 at least from the date the juniors superceded, if not earlier.
15. That the deponent is filing at Sl.8 a combined inter-district Seniority-List of Goods Clerk Grade 205-280 dated 29.1.69, based on information collected from Gonda, Izathnagar, Lucknow and Fatehgarh districts, published at Hradquarter Gorakhpur, in which Sri Laxmi Narain of Gonda District at serial No. 5 junior to Sri S.B.Verma at Sl. No. 4 was given fixation in Gade 205- 280 from 9.12.60.

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Para 15
Continued.

As such the deponent's position ought to have been shown over and above both to Sri Lakshmi Narain, at Sl. 5 of Gonda district, and Sri S.B.Verma of ~~Allahabad~~ ^{Fatehgarh} district at Sl. 4, by virtue of the deponent's seniority decided on 4.9.48 by the highest competent authority Traffic Manager, O.T. Railway Gorakhpur implemented on 24.9.48 by D.T.S. O.T.R. Izatnagar, and confirmed on 31.12.51 on the authority of the General Manager's guidelines as mentioned in paras 4, 5 and 6 above, over and above Sri S.B.Verma, and as such the deponent ought to have been given the Grade 205- 280 from 9.12.60, if not earlier.

16. That the deponent is also filing another seniority list of Lucknow Division dated 7.10.69 at Sl. 9, in which the position of the deponent ought to have been on the top as already mentioned in earlier paragraphs 4, 5, & 6 above.
17. That for the remarks endorsed against the deponent's name in both the seniority lists "1. Reverted working in lower Grade 110- 200, 2. Reverted as G.C. 110- 200 for 2 years, 3. Date of promotion to grade 205- 280 as 8.11.67," are fabricated and false as is evident from the D.C.S.Lucknow office order dated 19.1.68 filed at serial 10, G.C.S.Lucknow office order dated 8.4.74 filed at serial no. 11, and thereafter again the D.C.S. Lucknow revised the office order dated Nil issued after awarding increment after 1. 4. 75 filed at serial no. 12, establishes beyond doubts that the fictitious remarks endorsed by the prejudiced concerned in the spirit of victimisation with the ulterior motive to keep continuing in abeyance the fixation of deponent in Grade 205- 280 were given.
18. That the deponent is filing a telegram dated 28.3.74 with receipt no. 28535 along with the copy addressed to Chief Commercial Superintendent and General Manager, N.E.Railway Gorakhpur consequent to which promotion to the deponent in Grade 455- 700 accorded on 8.4.74, evidence available at Sl.No.11 already mentioned in para 17 above.

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19. That the deponent is filing at Sl. 14, 14 & 16 the copies of the Annexure filed in Writ Petition No. 1386 of 1970, the order of the Hon'ble High Court dated 11.171 and the order of the D.C.S. dated 23.6.71 establishing continuous harassment to the deponent by the prejudiced authorities.
20. That the deponent kept on pursuing ~~with~~ due diligence without any break with the railway authorities for fixing of his seniority in Grade 205- 280 due from 9.12.60, kept pending since advice dated 11-12-64, and when persuasion failed moved a Writ Petition No. 5708 of 1972 to which a reply dated 2.11.72 was served on the deponent on 5. 11.72 without assigning ~~any~~ any reason as untenable, which document already exists on record as document Ga-1/7 in the Court file available before this Hon'ble Court.
21. That during this period the deponent submitted number of representations and reminders to the Railway authorities out of which he is filing one dated 2.1. 67 at Serial 17, and the other at serial no. 18 dated 24.6.67 containing acknowledgment acknowledging receipt on the same dates.
22. That the deponent after withdrawal of the compulsory retirement order vide order dated 23.6.71 at serial 16 again started pursuing his fixation and seniority in Grade 205- 290, one of the representation dated 18.3.75 mentioning the grounds and another telegram dated 16. 2. 1976 filed at serial Nos. 19 and 20, confirmation copy of which both sent to the railway authorities by A.D. Registered post also, the postal receipt is also enclosed with the representation.
23. That the deponent is filing at Serial No. 21 one more seniority list of Lucknow Division of Senior Goods Clerk 150- 240 as on 12-1969, in which the name of the deponent was not mentioned notwithstanding the deponent joined the Lucknow Division on 20.1.68, evidence available at serial

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No. 10.

24. That in this seniority list Sri O.P. Sinha shown at the top at No. 1 was shown as officiating in Grade 205- 280 and 250- 380 revised 425- 640 and 455- 700 , both which were given the benefit of fixation at one and the same time in both Grades from 1.12.64, notwithstanding the appointment of Sri O.P. Sinha on 27.8.41, much later to the date of qualifying the Special Goods Examination, a pre-requisite condition for the legibility of the Goods post by the deponent on 19. 6. 38, the date of promotion in Grade 150-240 revised, old 100- 185 as from 1- 4- 56 being common to the deponent as well as Sri O.P. Sinha, establishes beyond doubts that the deponent holding grade 150- 240 was subjected to discrimination in awarding grade 205- 280 and 250- 380, revised 425 - 640 , 455- 700 which was awarded to others of his same category junior to the deponent by virtue of the deponent's seniority already fixed in the year 1948 possessing special qualification of Goods duties since 19- 6- 1938.

25. That the Railway authorities on attaining the age of 58 years retired the deponent on 30.9. 1977 without awarding him and depriving him the benefit already awarded on 8. 4. 74 in Grade 250- 380 revised 455- 700 which ought to have been fixed from 8. 4. 74 after fixing the deponent in Grade 205- 280 revised 425- 640 due to deponent from 9. 12.60 or from 1- 12- 64 both given to Sri O.P. Sinha at one time as mentioned in para 24 above, and thus further fabricated the retirement of the deponent in Grade 205- 280 revised 425- 640 as from 8. 4. 74, the date on which he joined on promotion in Grade 455- 700 depriving the deponent with the entire benefit of 455 - 700, and loss of his pension also for for the tenure period while officiating at Lucknow city in grade 455- 700 for more than 18 months.

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21/11/77
29-7-70

26. That the deponent was entitled to one increment after the same reached to highest in terms of Railway Board's Circular E(P + A) 1-70/PP/6 dated 18. 3. 70, 12.6.70 and 26.8.70. In the circumstances that the deponent is drawing the maximum of his grade for more than two years, and that the deponent never refused promotion or avoided appearance in the Selection Board when called for, which has also not been awarded to the deponent and is still due.

27 That the deponent is filing at serial no. 22 the verification of the Station Master Lucknow city dated 24. 2. 75 by Sri Siya Ram Jauhari verifying that the deponent along with his four subordinates while working in Grade 455- 700 during the strike period commencing from 2.5.74 to 28.5.74 remained all throughout on duty in crises for which the deponent along with his subordinates was awarded one Special increment, evidence available at serial 12.

28. That the deponent is filing D.C.S. Lucknow office order No. E/BPP/ GC / 74 dated 22.7.74 at serial 23 which indicates the policy of the railway administration for stepping the senior both with increment with amount and date as equal to the junior if the juniors are getting higher grade and pay from earlier date according to which deponent's pay and grade ought to have been stepped equal both by date and amount, the date from which the junior Sri S.B.Verma and Sri O.P.Sinha had been awarded as already mentioned above in foregoing paras if not earlier.

Hardwari Lal
Hardwari Lal in person
DEPONENT

23/7/90

I, the above named deponent, do hereby verify that the contents of paras 1 to 28 with enclosures duly entered under Sl. 1 to 23 in the list of documents filing with the accompanying affidavit are true to my personal knowledge, no part of it is false, and nothing material has been concealed. So help me God.

Hardwari Lal

23/7/90

I know and identify Hardwari Lal who has signed in my presence.

Advocate

Hardeep Choudhary

Advocate

23/7/90

23/7/90

For filing on record

In the Court of the Central Administrative Tribunal, Lucknow

M.P. No. 47/91 (b)
T.A. No. 1644 of 1987

Fixed 24.7.91.

Hardwari Lal -----Versus-----Union of India

Arising out of Original Civil Suit
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Objection on behalf of Hardwari Lal
Plaintiff/Petitioner against reopening
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W B K
D A T E
16/8/91

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6. That with an intention to escape from the adverse orders, because of non-compliance of the orders dated 4. 5. 90 as a last chance given to the opposite-party, Sri Anil Srivastava the learned counsel for opposite-party, without divulging the order passed earlier, before a new and fresh Bench consisting of Hon'ble A.B. Gorthi (A.M.) and Hon'ble S.N. Prasad (J.M.) opened again the chapter that the pre-requisite, for the purpose of proceeding, without payment of Court-fee, proceedings not continued after the judgment of Shri J.P. Sinha, Addl. District Judge Ist Kheri dated 2.9.77.

7- That the certified copy of the decree dated 8.12.82 granted by the Hon'ble High Court available on record, indicates on the top, "Instituted on 26th day of September 1977 from the orders of Sri J.P. Sinha Ist Addl. District & Sessions Judge, Kheri dated 2.9.77 in Civil Revision No. 14 of 1977 in Hardwari Lal vs. Union of India," does not require any further proof about the continuance of the proceedings after 2.9.77 till 8. 12. 1982 for seeking permission to ^{sue} ~~for~~ as an indigent person in accordance to para No. 35 of the plaint dated 1.1.76.

8. That the copies of the judgment and decree dated 24.9.84 passed by Sri B.K. Mishra District Judge, Kheri relevant to suit dated 1.1.76, as mentioned in these documents, does not require any further proof, that the proceedings for seeking permission to sue as an indigent person continued even after 8. 12. 82 till 24. 9. 84.

9. That endorsement in handwriting of an official of the Stamp Section of the Hon'ble High Court, Lucknow Bench, on the Civil Revision moved by Hardwari Lal on 23.10.84 against orders dated 24.9.84, as "Group 61 A IXX 8572 two stamps worth Rs. 10/- dated 23.10.84 on the extra stamps provided on the judgment and decree dated 24. 9. 1984

of District Court Kheri as Court-Fee Rs. 1.50 P. , and Rs. 2/-
as dated 23.10.84 in one and the same in writing, again^{on}
on the stamps provided on the affidavit also as 23.10.84,
verification as 31/968 dated 23. 10. 84 by the Oath Commission-
er of the Lucknow High Court are quite sufficient to establish
beyond doubt that the proceedings for seeking permission to
sue as an indigent person continued even after 23. 10.84 also
which ended ^{on} ~~as~~ orders of this Hon'ble Tribunal as mentioned
in Paras 1 & 2 above.

10. That after formation of the Central Administrative
Tribunal, persuasion by personal contact, with the Civil Judge
-Kheri, With Shri A.K. Dutta Deputy Registrar of this
Hon'ble Tribunal at Allahabad, and with the Hon'ble High
Court of Lucknow Bench also continued till orders dated
22.5.87 passed by this Hon'ble High Court, Lucknow Bench to
transfer the case, which reached in C.A.T. Office at Allahabad
on 19.8.87, even after that persuasion continued till transfer
of the case to this Lucknow Circuit under orders, C.A.T.,/
Alld./JUD/35708 dated 17. 2. 1987 and thereafter also in this
Hon'ble Tribunal till orders passed on 4.5.90 as mentioned
in para 1 above.

11. That it is not at all disputed that only those proceed-
ings of the plaint which were pre-requisite due to non-payment
of Court -fee in accordance of Para 25 of the plaint initiated
and no other else till orders dated 4. 5. 90 of the Tribunal.
That the multiplicity of long long litigation during the
period ranging from 1- 1- 76 to 4.5.90 on the point of seeking
permission to sue as an in-digent person caused due to an
absolutely false without any iota of truth evidence led by
an official of N.E.Railway Administration, Ram Sukh now
^{mentioned in Document 29 to be on record} decided
as A.P.O. in the Court of Civil Judge, Kheri in favour of
Hardwari La on 28.6.90 by this Hon'ble Tribunal in case
No. TA 6 of 1989 (T.L.) now in execution, in the court of
Munsif, Kheri fixed for 5.7.91.

12. That the orders dated 4. 5. 90 were passed in supercess-
ion to the orders dated 6. 7. 89 passed by a Bench consisting

of Hon'ble K.Nath V.C., and Hon'ble K.T. Raman A.M.,
clothed with ample powers vested in them which they exercised
in accordance to the provisions of Sections 149, 150 and 151 C.P.C.

13. That patient hearing ^{was given} to the entire pleadings of Shri Anil Srivastava on the affidavit dated 28.8.89 and 13.9.89 on behalf of Hardwari Lal, and on the evidencies accompanied with the affidavit, ^{to} which also no counter affidavit filed by the opposite-party. The three authorities of this Hon'ble Tribunal held and passed orders as mentioned in para No. 1 above. *after due consideration on merits*

14. That the initiative of Sri Anil Srivastava on 4.4.91 for the purpose of misleading, amounts to resjudicata u/s 11 C.P.C., stands infructuous on grounds mentioned above.

15. That the only ground that the papers which have lost their utility after orders dated 4.5.90 complied on 11.5.90 could not be traced by those over whom Hardwari Lal had no control is of no avail, and cannot be acceded.

16. That document Ga 1/7 is a letter of the opposite-party dated 2. 11. 72 served on 5.11.72 indicating cause of action, Ga 1/6 acknowledging receipt of the notice dated 29.10.75 as on 1.11.75 by the opposite-party, the plaint dated 1. 1. 76 are all available on the record of the Court-file, are quite sufficient to proceed further to avoid further delay, being created by the opposite-party with dilatory tactics deserves to be taken in to consideration.

Prayer.

Wherefore, under the circumstances mentioned above/ expeditious disposal in manner as may be deemed proper/be done keeping in mind the dilatory tactics of the opposite-party not to be acceded further more in the interest of justice to the long sufferer Hardwari Lal since 1. 1. 1976.

Hardwari Lal
(HARDWARI Lal)

Plaintiff/Petitioner in person

Lucknow
Dated 24. 7. 91

Contents

I know and identify Hardwari Lal who has signed in my presence.

Advocate.

A/109

In the Court of C.A.T. Lucknow Bench, Lucknow

T.A. No. 1644 of 1987.

IN M.P. No. 477/90 (2,

Hardwari LalVs.....Union of India.

Fixed 29. 8. 1990.

Humble submission:

That in compliance with the orders dated 26.7.1990 reasons for justification of filing 23 documents are given below:-

1. Because these documents as per list enclosed are most relevant, valuable materials, legally admissible and permissible evidences, for the purpose of proving the truthfulness, and correctness of the entire contents of the notice, the plaint, the contents of all the three affidavits including the contents of the application dated 26.7.90 submitted in this Hon'ble Court filing at this stage, since the proceedings had never started before, due to issue of the indigency upto so far, till passing of the orders of the deposit of Rs. 50/- requisite fee of this Hon'ble Tribunal, depositing the same on 11. 5. 90 by the plaintiff.
2. Because these documents are the office orders and the acknowledgments of the opposite-party are their own, to which they can neither deny nor go behind. The representation of the petitioners are supported by the postal evidences.
3. Because these documents shall also serve the purpose of taking speedy and correct decision, to correct the errors of jurisdiction, exercised by the lower authorities, illegally and improperly in the exercise of their jurisdiction, causing grave miscarriage of

710 PM
DRM/PM
Heard Clerk
Central Receipt & Despatch Secy
N. E. Rly. Lucknow

Hardwari Lal

Para 3
Contd.

justice, in the eyes of law, in flagrant breach and violation, of order of their own higher authorities, based on the guide lines laid down by the Railway Board, and the General Manager of the Railway.

4. Because these documents contain the answers of questions how and why on each point.

5. Because from the perusal of the last para of the judgment and order dated 22. 9. 76 of the trial court in this case which is on record of the court file as document 29/1 Kha, it shall indicate the extent to which the prejudicial authorities, in the spirit of victimisation can go for fabricating and manipulating absolutely false without any iota of truth evidences which has been admittedly held as confirmed by the opposite-parties themselves, from their own applications moved in the District Courts, got dismissed by this Hon'ble Court, when tried here due to transfer, for want of jurisdiction, vide judgment and order dated 28.6.90 of this Hon'ble Court in T.A. No.6 of 1989 (TL) C.R. 30/87 along with T.A. No. 7/ 89 (TL) T.A. 3/89 CM 69/87 along with 2/90 T.W.. It is a matter of consideration for vital importance that the supplementary bill stated on oath before the trial court as already paid by the witness adduced by the opposite-party Sri Ram Sukh a senior clerk of the Lucknow *(now working as A.P.O. officer.)* Division of N.E. Railway is the same supplementary bill amounting to Rs. 3201=23 decreed on 30.4.84, revision of the same ~~judgment~~ *DECIDED and dismissed* on 28.6.90 by this Hon'ble Court is still outstanding till today, and has not been paid to the plaintiff, the execution No. 29 of 1987 is pending in the court of Munsif in which 31.8.90 has been fixed for passing further orders of the Execution proceedings due to pendency of the case in the Tribunal disposed of on 28.6.90.

It is submitted that

6. Because the pattern of proceedings shows malafide, stands as confirmed against the opposite-party from the judgments mentioned in paragraph 5 above, the same pattern had been adopted again and again in fixation of seniority and promotion consequent to which the plaintiff Hardwari Lal had been kept deprived of ^{WITH HIS} ~~which~~ is legitimate right since long, the alternative remedy for redress are these documents which are being filed to the extent they become available and traceable.
7. Because these documents maintains beyond doubt that the plaintiff Hardwari Lal having been offered promotion and seniority by the order of D.T.S. Izatnagar dated 24.9.48 in compliance to the orders of the Traffic Manager, O.T. Railway Gorakhpur dated 4.9.48^g as mentioned in the seniority list of 1951 in conformity to the requirement of the rules and guide-lines laid down by the Railway Board and the General Manager, by virtue of the special departmental qualification of qualifying goods examination on 19.6.38 by the plaintiff Hardwari Lal, which was ~~sequence~~ ^{AN EMPLOYEE} and a pre-requisite condition for entitling ~~and implied~~ for fixation of seniority and promotion to Goods Clerk in Goods Group, and as such shall rank senior to those ^{duties} qualifying Goods ^{after} 1936 in the circumstances when the period of the plaintiff's absence for the period commencing from 5-5-56 to 10.8.64 has been treated as on duty with all benefits by the orders of the Hon'ble Allahabad High Court which became final between the parties.
8. Because these documents shall also indicate ~~that~~ the plaintiff had been subjected to discrimination in stepping equal to junior getting higher pay from earlier dates without possessing any special qualification from any earlier date earlier to the plaintiff as mentioned in para 28, page 9 of the plaintiff's affidavit dated 23.7.90 filed on 26.7.90.

It is submitted

9. Because these documents shall also indicate that the plaintiff Hardwari Lal has also been subjected to discrimination in awarding one special increment after the same reached to highest while drawing the maximum of the grade for more than 2 years as mentioned in para 26, page 9 of the same affidavit filed before this Hon'ble Court.
10. Because these documents shall also indicate that the plaintiff Hardwari Lal had been subjected to excessive harassment and victimisation by retiring him in the lowest Grade in which he was born in 1937, once on 24.4.56 and again on 25.7.70 in exercise of the special powers vested in them which always quashed by the Hon'ble High Court, and thereafter the plaintiff Hardwari Lal got duty again, but the malafide spirit continued to cause maximum loss in pension also by superceding juniors and by avoiding the fixation of the plaintiff Hardwari Lal in the grade 205- 280 revised 425- 640 from 11-12-64 even after 1976 also, and retiring him in the Grade 425- 640 on the pay which was awarded to him by virtue of his promotion to Grade 250- 380 revised 455- 700 by virtue of his seniority on the move by the plaintiff to higher authorities.
11. That these 23 documents which were returned by the Court on 26.7.90 are being filed again today, the copy of these documents is available for delivery to the opposite parties as ordered. The copies of the application dated 26.7.90 along with affidavit with list of documents has already been delivered on 26.7.90 before the court, to Sri Anil Kumar Srivastava, the learned counsel for the opposit-party.

P R A Y E R.

Solicited expeditious disposal to enable to get justice during life time since running in 72 years age.

Lucknow

Hardwari Lal
(Hardwari Lal)
plaintiff in person.

I know and identify Hardwari Lal who has signed in my presence.

Heera Lal
Advocate.

(COPY)

In the Court of the ~~Deputy~~ Civil Judge, Kheri
District Kheri.

Civil Suit No. 1 of 1976

FIXED 17-1-92
TA 1644-687

Hardwari Lal aged about 57 years, s/o Sri Raghubar Dayal
R/o House No. 376, Nai Basti, Lakhimpur, Patnana Kheri,
district Kheri

--- Plaintiff.

Versus

Union of India, through the General Manager, North Eastern
Railway, Gorakhpur

... Defendant.

SUIT FOR RECOVERY.

Sir,

The plaintiff above named most respectfully sheweth
as under:-

1. That the plaintiff joined the service of the erstwhile
- Rohelkhand & Kumaun Railway Company in 1937, and
subsequently passed the examination in goods duties
in June 1938.
2. That Rohelkhand & Kumaun Railway Company was taken
by the Govt. of India with effect from the 1st
Dec. 1942.
3. That in September 1948, plaintiff was promoted
Clerk in the existing grade of Rs. 60-4-150.
4. That thereafter the seniority list which was
circulated by letter dated 31st December 1951
of the plaintiff was 29th in serial.
5. That the service of the plaintiff was illegally terminated
vide order dated 24. 4. 56 which was served on 8th
May 1956.
6. That after a long litigation the plaintiff was reinstated
in August 1964, by an order of Hon'ble High Court of
Judicature at Allahabad with all the benefits of promotion
and increment etc., with retrospective effect from the
date of termination.
7. That when the plaintiff was reinstated in August 1964,
he was wrongly placed in the grade of Rs. 150- 240, and

Recd.
two copies
of

14/11/89

He comm.

DRMCD/...

Para 11 Contd.

to get a salary of Rs. 248/-, but he was wrongly permitted to draw Rs. 212/- upto ~~2000~~ 25.10.68. The difference of salary less paid Rs. 216/- plus the difference of dearness allowances and other allowances permissible under rules calculated at the salary of Rs. 248/-.

12. That from 25-10-68 the plaintiff was entitled to get a salary of Rs. 256/- after an increment of Rs. 8/- is added to a salary existing on 3.9.1967. The plaintiff was wrongly permitted to draw Rs. 219/- upto 24.10.1969. The difference of salary less paid is Rs. 444/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs. 256/-.

13. That on ~~20000000~~ 25.10.69 the plaintiff was entitled to get a salary of Rs. 264/- after an increment of Rs. 8/- is added to a salary existing on 24.10.1969, the plaintiff was wrongly permitted to draw Rs. 226/- upto 24.10.70. The difference of salary less paid Rs. 456/- plus the difference of dearness allowance and other allowances permissible under the rules calculated at the salary of Rs. 264/-.

14. That from 25.10.70, the plaintiff was entitled to get a salary of Rs. 272/- after an increment of Rs. 8/- is added to a salary existing on 24.10.70, the plaintiff was wrongly permitted to draw Rs. 233/- upto 24.10.1971. The difference of salary less paid Rs. 468/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs. 272/-.

15. That from 25.10.1971 the plaintiff was entitled to get a salary of Rs. 280/- after an increment of Rs. 8/- is added to salary existing on 24.10-70, the plaintiff was wrongly permitted to draw Rs. 240/- upto 24.10.72. The difference of salary less paid Rs. 480/- plus difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs. 280/-.

16. That from 25.10.69¹⁹⁷² the plaintiff was entitled to get a salary of Rs. 280/- in the highest scale of pay, but the plaintiff was wrongly permitted to draw Rs. 240/- upto 1.1.1973, the difference of salary less paid Rs. 120/-

Para 16
Contd.

plus the difference of dearness allowance ~~and other allowances~~ ~~and other allowances~~ and other allowances permissible under Rules calculated at the salary of Rs. 280/-.

17. That from 2.1.1973, the plaintiff was entitled to get a salary of Rs. 500/- in the revised scale of pay, but the plaintiff was wrongly permitted to draw Rs. 240/- upto 1.1.1974. The difference of less paid Rs. 3,120/- plus the difference of dearness allowance and other allowances permissible under rule calculated at the salary of Rs. 500/-.
18. That from 2.1.1974, the plaintiff was entitled to get a salary of Rs. 515/-, the plaintiff was wrongly permitted to draw Rs. 240/- upto 7.4.1974 the difference of salary less paid Rs. 830/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs. 515/-.
19. That from 8.4.1974 the plaintiff was entitled to get a salary Rs. 530/-, the plaintiff was wrongly permitted to draw Rs. 48/- upto 7.4.1975, the difference of salary less paid Rs. 54/- plus the difference of dearness allowance and other allowances permissible under rules calculated at the salary of Rs. 530/-.
20. That from 8.4.1975 onward the plaintiff was entitled to get a salary of Rs. 530/- plus one extra increment, but he was only given Rs. 530/-, the claim of arrears of salary from the period 8.4.75 till the final fixation of salary are properly done by the defendant after paying extra court-fees.
21. That the ~~plaintiff~~ plaintiff estimates that arrears of dearness allowance and other allowances which have not been paid to the plaintiff by the defendant ~~during the wrong fixation~~ during the wrong fixation of salary will amount to not less than Rs. 8,000/-. The arrears of salary till 7. 4. 1975 amounts to Rs. 8,186/-, but the plaintiff claims on this suit only Rs. 8,000/- on account of salary. The claim of Rs. 186/- on account of arrears of salary is given up by the plaintiff.
22. That the plaintiff has been demanding his arrears of salary from the defendant and proper fixation of salary according to

Para 22
Contd.

the rules by the defendant, but the defendant by a letter dated 2. 11.1972, which was served on the plaintiff on 5. 11.1972 that the defendant do not recognise the claim of the plaintiff, and the plaintiff is not entitled for any higher salary.

23. That the cause of action accrued to the plaintiff on 5.11.1972 and thereafter everyday when the defendant refused to fix the plaintiff's salary according to rules within the jurisdiction of this Hon'ble Court, and this Hon'ble Court has jurisdiction to try the suit.

24. That the plaintiff sent a notice by registered A.D. Post u/s 80 C.P.C. which was served on the defendant on 1st November 1975. Even after the service of the notice the claim of the plaintiff is not satisfied by the defendant, hence this suit.

25. That the valuation of the suit for the purposes of court-fee and jurisdiction is Rs. 16,000/- on which the court-fee Rs. 1607=50 P. is payable, but the plaintiff is not poor of sufficient means to enable him to pay the court-fee for this suit, the plaintiff is only possessed of the property in the wearing apparel and the subject matter of the suit. The full description of the property is at present in possession of the plaintiff is given in the schedule annexed with this plaint.

26. That the plaintiff prays for the following reliefs:-

- (a) A decree of Rs. 8,000/- on account of arrears of salary and Rs. 8000/- as arrears of dearness allowance, and other allowances be granted in favour of the plaintiff against the defendant.
- (b) Pendente lite and future interest at the rate of 12 percent annum on the amount of Rs. 16000/- be granted in favour of the plaintiff against the defendant.
- (c) Cost of the suit be awarded to the plaintiff against the defendant.
- (d) Any other relief which may be deemed fit in the circumstances of the case be awarded to the plaintiff against the defendant.

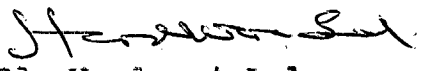
Hardwar Lal
Sd. Plaintiff
Hardwar Lal

Dated: January 1, 1976

Verification.

I, Hardwari Lal, the plaintiff named above do hereby verify at Lakhimpur-Kheri that contents of paras 1 to ²²5 are true and correct to best of my personal knowledge, and the contents of paras 23 to 26 are believed to be true on the information received through his counsel.

Verified today this 1st day of January 1976 at Lakhimpur-Kheri.


Sd. Hardwari Lal
Plaintiff

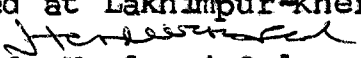
In the Court of Civil Judge, Kheri Distt. Kheri
Civil suit No. 1 of 1976

Hardwari Lal ... Plaintiff
Versus
Union of India ... Defendant

Schedule of Properties owned and possessed by the plaintiff Sri Hardwari Lal.

- | | |
|--|----------------|
| 1. Coats2 | Worth Rs. 40/- |
| 2. Paint2 | Worth Rs. 20/- |
| 3. Shirts ...2 | Worth Rs. 10/- |
| 4. Dhotis....2 | Worth Rs. 20/- |
| 5. Pajama 2 | Worth Rs. 10/- |
| 6. Eye-sight Glasses | Worth Rs. 10/- |
| 7. Cooking Utencils | Worth Rs. 50/- |
| 8. Shoes one pair | Rs. 5/- |
| 9. Charpaïd one | Rs. 5/- |
| 10. One house situate in Mohalla Nai-Basti, Lakhimpur Kheri House No. 376, got built on taking a loan, out of which at present Rs. 5,736.66 P. are due on 31.12.75, due to Uttar Pradesh Co-operative Bank housing Branch. Not permitted to be sold or transferred till payment of loan. | |

That the contents of this schedule are correct and true to my knowledge. Verified at Lakhimpur-Kheri on 1.1.1976.


Sd. Hardwari Lal
Plaintiff.

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ex-1

In the Court of Central Administrative Tribunal, Lucknow

T.A. No. 1644 of 1987

Hardwari LalVs.....Union of India
(Fixed 9- 4- 92)

Humble Submission.

COUNTER

Despite Court's order no affidavit, W.S. or objection has been served by the opposite-party on my humble self till today.

That my grandson serious patient of blood cancer has been admitted in the Tata Memorial Cancer Centre Hospital, Bombay on the advice of expert doctors of Lakhimpur-Kheri & Lucknow where I am going for arranging 10 blood donors and other requirements. It is not possible for me to attend the case from Bombay at Lucknow, in such circumstances.

PRAYER.

Opposite party may be directed to file their counter or objection in this Hon'ble Tribunal from where I shall arrange to receive ^{copy} from the office according to situation which is at Almighty's hand over which I have no control, and as such the case may be adjourned at least upto July, 1992 for final hearing, and submitting the rejoinder or counter objection as it be necessary for my humble self.

In case of my failure to attend on date fixed

Lucknow

Dated: 26.3.92

Hardwari Lal

(HARDWARILAL)
Petitioner in person

I know and identify Sri Hardwari Lal who has signed in my presence.

Harish Chandra Singh
Advocate.

In the Court of Central Administrative Tribunal, Lucknow

T.A. No. 1644 of 1987

Hardwari LalVs.....Union of India
(Fixed 9- 4- 92)

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*In case of my failure
to attend on date fixed*

Lucknow
Dated: 26.3.92

Hardwari Lal
(HARDWARILAL),
Petitioner in person

I know and identify Sri Hardwari Lal who has signed in my presence.

Harvile Chandra
Advocate. *scg*

Hardwari LalVs.....Union of India
(Fixed 9- 4- 92)

Humble Submission.

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Lucknow
Dated: 26.3.92

Hardwari Lal
(HARDWARILAL)
Petitioner in person

I know and identify Sri Hardwari Lal who has signed in my presence.

Haridev Chandra
Advocate. *S. S. S.*

In the Court of C.A.D. Lucknow (Lucknow Bench)

T.A. No. 1644 of 1987

In

Hardwari Lal ...

...

Plaintiff.

Versus

Union of India

...

Opposite-Party

Fixed for hearing on
26.7.90.

HUMBLE
Hon'ble submission.

To prove the contents of the notice and the
plaint documentary evidences, supporting the averments
on oath, in the accompanying affidavit, most material and
relevant to the points involved, with grounds in brief
as mentioned below, ^{FOR} ~~FOR~~ ^{SUBMITTING} for kind consideration.

1. Because the seniority decided by the Traffic
Manager O.T.R. Gorakhpur on 4.9.48 implemented by
the D.T.S. O.T.R. Izatnagar on 24.9.48 determined
in the seniority list dated 31.12.51 on the basis
of the principles enunciated in General Manager's
Circular No. C-34 dated 1.9.45 with the approval of
the Railway Board as mentioned in the Personnel Branch
Gazette of 1951, the seniority once fixed by the
competent authority can never under any circumstances
be altered by any authority lower to that authority
or by the authority equal in rank to that authority
after the gap of ²⁰ ~~15~~ years, ^{BECAUSE OF} ~~while on~~ resumption by the
deponent under orders of the Hon'ble High Court, with
entire benefits. ^{On 10-8-64, long keeping position in}
^{abeyance from 10.8.64 till 8.4.74, termination of service and}
^{SERVED 56}
2. Because the issue had been kept in abeyance from the
date of resumption at Bisalpur on 10.8.64 till the date
8.4.74, the date of joining in Grade 455- 700 and
thereafter also even after 1976 and retiring the
plaintiff in 1977 depriving him with the benefit of the
grade 455-700 also already awarded to him on 8.4.74
without fixing him in the earlier grade 205- 280

X Requested
MIS-864 BY KEEPING
FIXATION IN ABEYANCE
UP TO 1976, TERMINATION
OF SERVICE ON
8-5-56 SERVED

Received
23/8/87
26/11/90

Hardwari Lal

revised 425- 640 retiring him in the grade 425- '640.

3. Because for promotion to a Goods Clerk and fixing seniority and eligibility special Departmental Examination of Goods Duty was a pre-requisite condition for the employees to qualify the goods-examination which the plaintiff Hardwari Lal qualified on 19.6.38 much earlier to the disputed Sri S.B.Verma and O.P.Sinha.
4. Because the plaintiff Hardwari Lal while holding grade 150-240 was subjected to discrimination in awarding the grade 205- 280 and 250 -380 revised 425- 640, 455- 700 which was awarded to the junior as mentioned in para 24 of the affidavit. *as well as paras 4, 5, 6, 14, 15, 16, 17 also of the same affidavit*
5. Because the other increments after the same reached to the highest as mentioned in para 26 of the affidavit have also not been awarded till today causing pecuniary loss in pension also.
6. Because the policy of the administration for stepping the seniors equal to juniors ought to have been observed in the plaintiff's case as mentioned in para 28 of the affidavit.
7. Because the advice dated 2. 11. 72 served on 5.11.72 as untenable without assigning any reason and without any show cause notice amounts to violation of the law.

P R A Y E R.

That for the consequential relief in addition to the relief claimed in the plaint the plaintiff's pay is to be enhanced as pre revised scale of pay & D.A., non provision of which has caused pecuniary loss which may kindly be modified and wrong done to the plaintiff by the order dated 2.11.72 may kindly be redressed, and the plaintiff be allowed with the correct fixation of his pension accordingly after award of relief of increments and seniority due to him.

Lucknow
Dt. 26.7.90

Hardwari Lal
HARDWARI LAL Plaintiff
in person

I know & identify Hardwari Lal
who has signed in my presence.

H.C. Verma
Advocate

Hasidha Chandra Verma

2/11/90

26-7-1990:

Hon'ble M r. Justice K. Nath, VC,
Hon'ble M r. K. Obayya, AM

Hardwari Lal has filed an application alongwith an affidavit. Copies of the papers enclosed with the said affidavit have not been given to the counsel for the opposite parties. Let the papers be returned to Hardwari Lal. If he desire to bring these documents on record, he must furnish copies thereof to Sri Anil Srivastava, counsel for the opposite parties ^{and state reasons for justification.} In the affidavit filed today it is mentioned that the revision which was filed in the Hon'ble High Court was registered in the Stamp Section of the Hon'ble High Court on 23-10-1984 at serial no. 8572 under group 61 A XIX. ^{3rd} preliminary enquiry made from the Hon'ble High Court, Lucknow Bench, information was sought in respect of Civil Revision No. 8572 and the Additional Registrar vide his letter dated 16th November, 1989, informed that particulars of this civil revision were wrong. It appears that number 8572 is not of a civil revision, but is the number given to the civil revision in the Stamp Section of the Hon'ble High Court on 23-10-1984. A fresh enquiry be made from the Hon'ble High Court, Lucknow Bench to find out whether a petition purporting to be a civil revision was submitted to and registered in the Stamp Section of the Hon'ble High Court on 23-10-1984 at serial number 8572 under the group 61 A XIX. The Hon'ble Court may be pleased also to have the revision petition traced out. In case its registration in the Stamp section is found recorded, ^{the} petition may be forwarded to this Tribunal.

The case be put up for further orders on 29-8-90.



(A.M.)

(V.C.)

ES/-

Attested
True copy

Deputy Registrar

C.A.C. Central Administrative Tribunal

Lucknow Bench,

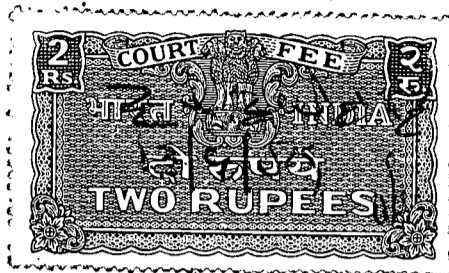
Lucknow

54P
24/8

IN SUPPLEMENTARY CASES FOR C.A. 574

In the Court of Central Administrative Tribunal, Circle
Lucknow.

No. CAT/ALIE/ JUD./35708 dt. 17. 2. 89
T.A. No. 1644 of 1987



1989
AFFIDAVIT
46 IM
DIST. COURT

C.F. 2/-

Hardwari Lal ...

... Applicant.

Versus

Union of India ...

... Opp. Party.

Fixed for 26.10.89

Add. Affidavit.

I, Hardwari Lal aged about 70 years, s/o Sri Raghūbar Dayal r/o 376, Nai Basti, Lakhimpur Kheri, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That in addition to the previous affidavit presented on 7.9.89 necessity has arisen to make further submissions on getting trace of further documents after 7.9.89.
2. That the deponent begs to submit the photo stat copy of the judgment passed by Sri V.K. Misra, District Judge, Kheri in C.M.A. No. 20 of 1984 decided on 24.9.84 in Hardwari Lal Vs. Union of India together with the photo stat copy of its decree also exhibiting provision of the requisite stamps of Rs. 1-50 P. on the judgment, and stamp worth Rs. 3 and also three in number, along with the recording 1 C.F.= 1-50 Sd. Illegible 23.10.84 on the judgment and 3 C.F.= 3/- Sd. Illegible 23.10.84 on the decree by the officer of the Stamp Section registering the Civil Revision under Group 61 A (XIX) Sl. 9572 2 C.F.= 10/- Sd. Illegible 23.10.84 as endorsed on the Civil Revision by the same officer of the same Stamp Section of the same date and same time along with affidavit verified by the Oath Commissioner of High Court, Lucknow Bench under 37/968 on the same date 23.10.84, another copies (photo stat) of which are being provided for perusal as desired by the

Hardwari Lal

13/9/89

विधि बोर्ड

लखनऊ-खेरी (दस्तावेज)

15/9/89

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15/9/89

this Hon'ble Tribunal on the previous hearing on 7.9.89.

Lucknow.

Dated: 13/2/89.

Hardwari Lal

DEPONENT
Hardwari Lal in person

Verification.

I, Hardwari Lal aged about 70 years son of Sri Raghubar Dayal, 376, Nai Basti, Lakhimpur-Kheri, do hereby verify that the contents of Paras 1 and 2 are true to my personal knowledge, and that I have not suppressed any material facts.

Hardwari Lal

Deponent
Hardwari Lal

Identification.

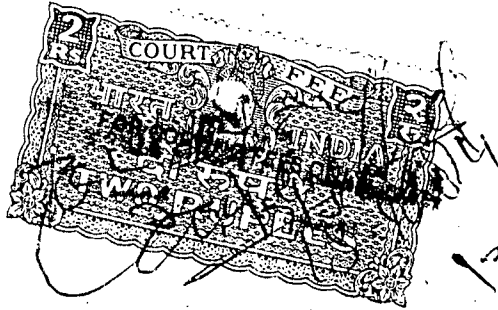
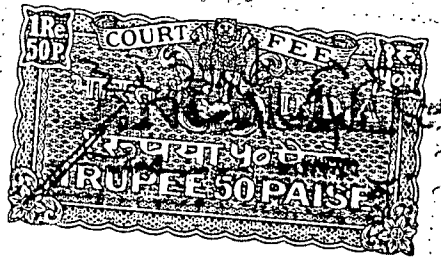
I know and identify Sri Hardwari Lal who has signed in my presence. He is personally known to me.

Date:

H. C. Seefal
Advocate

A. P. Singh
13/2/89
13/2/89

13/2/89
Suresh Bahadur Singh
Advocate



2. A. 500

IT-2557000
20/8/84

Copy of Judgement Passed by Ss B.K. Mishra
Dist Judge Kheri in civil mise. Appeal No
20 of 1984 decided on 24.9.84

Handwar Lal Aged about 66 years s/o Ss Raghunath
Prayal P/o Mohalla Nand Basti Lakshmi Pur City Lakhimpur
Appellant

Versus
Union of India through General Manager north
eastern Railway Gorakhpur — Respondent

Judgment

1. This is an appeal against an order dated 21.4.1984 passed by
the civil Judge Kheri, rejecting the application of
the appellant for permission to sue in forme pauperism.

2. The appellant it seems on 1.1.1976 brought a suit for the
recovery of Rs 16,000/- and as he was not in a position to
pay the court-fee, desired that he may be permitted to sue
in forme - pauperis. That application was rejected against
which a revision was filed but the same also was dismissed
by the District Judge.

3. The appellant then made an application on 26.3.1977
with the same prayer alleging that his house is mortgaged
with the co-operative society and he is not in a
position to pay the court-fee. This application again was
rejected by the civil Judge against which a revision was
preferred before the District Judge which also was dismissed.
The appellant then went to the Honble court where his
revision was dismissed on the ground that the appellant
could take permission from the co-operative Bank and
raise money from his house by its sale or mortgage.

4. The third application was made by the appellant
before the civil Judge praying that the co-
-operative Bank was not giving permission
for sale or mortgage of the house and as
such the appellant was not in a ~~position~~
B

82
5261
25/9/84

Deeds of Application	DATE RECORDED	DATE RECORDED	SIGNATURE OF OFFICER-A
29.9.84 (Bharati)	18.10.84 पुणे	16.10.84 पुणे	
विशेष कर चार्ज	(अनुवाद कर चार्ज)		

position to pay court fee. He, therefore, prayed that
he may be permitted to sue in forme - pauperis. The
learned civil Judge by the impugned order rejected
the said application. The correctness of that finding is being challenged.
(5) As the question of or not the appellant was a pauper had
been decided twice earlier, a third application was not legally
maintainable. The appellant has still subsisting right in the
house on the strength of which he could raise money. It is not
the fault of the State Government that the appellant has not been
able to persuade the Co-operative Bank to permit him to
raise money from the house so that the loan due
to the Co-operative Bank and the court fee could be
paid by him. The order passed is eminently just and
his appeal must fail.

The appeal is dismissed with costs.

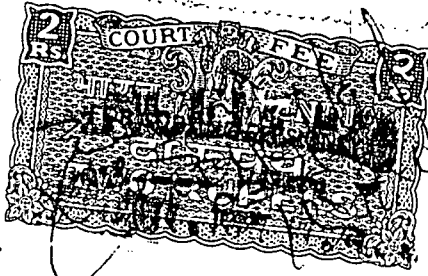
sd/-
24.9.1984
(B.K. Misra)
District Judge Khed

judgment signed, dated and pronounced in open
court today.

sd/-
24.9.1984
(B.K. Misra)
District Judge Khed

Filed by → Suresh Chandra Kulkarni
represented by → Dr. Phoskar

15/10/84



17202
[Signature]

27. A. 150

हरिहरलाल
वसत

(1)

Copy of decree passed by Sri B.K. Mishra
Distt Judge Khurda dt. 20/84
dated 24.9.84

Hardwarilal ^{अपने} versus undouf and ors.
मुख्य न्यायाधीश न्यायमूर्ति

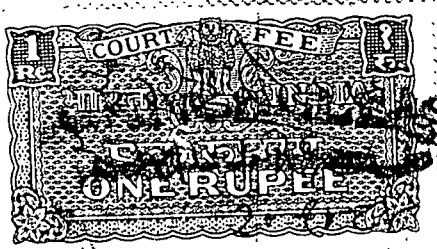
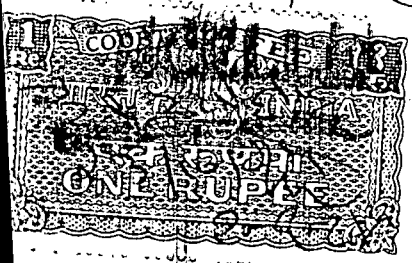
उपरोक्त न्यायमूर्ति 20/84
दिनांक 24.9.84

1. हरिहरलाल अपने आवेदन पर
रघुवरदामल हीमंत न्यायमूर्ति
न्यायमूर्ति ~~ह~~ अपील कला

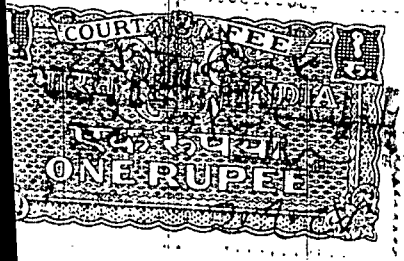


अपने इच्छा अनुसार न्यायमूर्ति
अपने इच्छा अनुसार न्यायमूर्ति
जिसे उत्तरदाता

Order
The appeal is dismissed with costs



Sd. —
Distt Judge
Khurda
24.9.84



34-31
23.9.84

5241
29/9/81

<p>27.9.81</p> <p>30/9/81</p> <p>સિતલબાઈ</p> <p>સંગે</p> <p>ચાવસા</p>	<p>5/10/81</p> <p>વિદ્યુત</p> <p>જોતલબાઈ</p> <p>સંગે</p> <p>ચાવસા</p>	<p>16.10.81</p> <p>જોતલબાઈ</p> <p>સંગે</p> <p>ચાવસા</p>	<p>SIGNATURE</p> <p>072</p> <p>072/12.50</p>
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અમુ (2)

માર્ગી અમલકર્તા

રેસપોન્ડેન્સ

1. અમલકર્તા કુટુંબ — 1 = 50
2. તલબાઈ — 3 = 75
3. ગઠલો પર કુટુંબ — 4 = 50
4. અમલકર્તા — 1 = 50
5. વિવિધ પ્રકારના પત્ર — 1 = 50

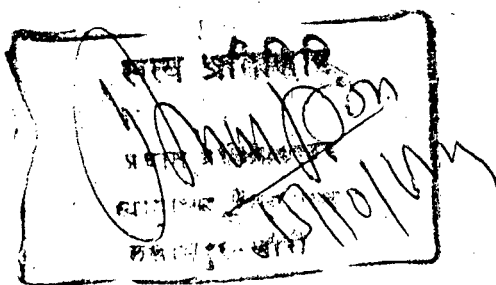
મોટા — 12 = 75

મોટા કુટુંબ ગઈ.

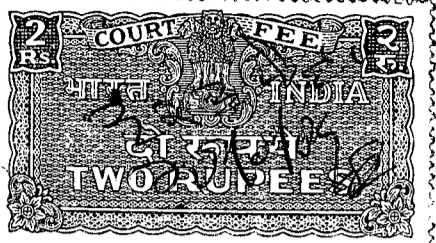
Preparation by: S. C. K. Missa

S. C. K. Missa
Distt Budget Officer
11.10.81

Approved by: S. C. K. Missa
Confirmed by: J. K. Bhargava



In the Court of Central Administrative Tribunal, Circuit
Lucknow.



No. CAT/ALID/JUD/ 35708 dated 17. 2. 1989

T.A. No. 1644 of 1987

CF21
Hardwari Lal

...

...

Applicant.

Versus

Union of India

...

...

Opposite Party.

Affidavit.

In compliance to the orders dated 6. 7. 1989 of this Hon'ble Court, I Hardwari Lal, aged about 70 years, son of Sri Raghubar Dayal, r/o 376 Nai Basti, Lakhimpur-Kheri, the deponent hereby solemnly affirms and states as under:-

1. That the deponent begs to file as Annexures 1 & 2 to the accompanying affidavit the photo stat copies of the Civil Revision with its affidavit executed on 23.10.84 against the judgment dt. 24.9.84 of Sri V.K. Misra, D.J.Kheri in C.M.A. No. 20 of 1984, upholding the judgment dt. 21.4.84 of Sri U.C.Misra Civil Judge, Kheri in Civil Misc. Case No.38 of 1983, rejecting the deponent's prayer to sue as an indigent person on grounds of fresh new facts came into existence later on .
2. That without any initiative, this case has been transferred to this Hon'ble Tribunal, on move of transfer application on grounds of jurisdiction, on 1.2.86⁶ in the Court of the Civil Judge, Kheri, on 10.2.86 before Sri A.K.Datta, Deputy Registrar of this Tribunal at Allahabad, as well as in the Hon'ble High Court of Judicature, Lucknow Bench, also on 5-1-87 and again on 12.5.87.
3. That under advice vide DEM (P) N.E.R., L.Jn. office order E/4/H.L./Goods Clerk/P.N./77 dated 29.30.8. 1983, the deponent's assets amounting Rs. 1474=50 with interest from the date of his retirement dated 30.9.77 on that, is still in possession of the opposite-party, illegally withheld, without the case becoming final between the parties by the court concerned, as cost amounting Rs. 598=50 awarded by the

1989
AFFIDAVIT

68
DEPT. OF JUSTICE
U. E.

P.T.
719

Recd duplicate
Aut. Kheri
7-9-89
11 a.m.

trial court, amount of Rs. 12/- only awarded by the lower Appellate Court, total cost awarded Rs. 610=50 P only and no more, since because no cost awarded by the Hon'ble High Court in Second Appeal 783 of 1979 decided on 30.1.89, its review on 12.5.89.

4. That the deponent's another asset amounting Rs. 3333=23 P. with costs and interest from 4.4.89⁷⁹, the date of filing the suit as an indigent person, later on revised as Civil Suit No. 192 of 1983 after permission to sue as an indigent person, decreed by the Munsif's Court, Kheri on 30-4-84 is also in possession of the opposite-party, despite the fact that the C.M.A. 141 of 1984 moved by the opposite-party under Order IX, Rule 13 CPC and also under Section 5 of the Limitation Act, both dismissed by a composite judgment of the District Court, Kheri dt. 20.7.87.

5. That this amount of Rs. 3333-23 P. withheld after the deponent's retirement was sanctioned by the competent railway authorities vide communication D.S. (P) NER L.Jn./E/H.L./G.C./75 dated 4.7.75 & 15.7.75, made final between the parties by opposite-parties own communication E/Misc./76 dated 3.3.76 again reaffirmed as final between the parties by their own communication DS (P) L Jn. E/34/6/L Jn. dt 16-12-1976.

6. That the deponent begs to submit that notwithstanding the possession of both above mentioned deponent's assets with the opposite parties, the deponent is ready to deposit on order in cash, the prescribed pre requisite fee of Rs. 50/- for trial of his case in this respectable Tribunal.

Verification.

I, Hardwari Lal aged about 70 years s/o Sri Raghubar Dayal 376, Naibasti, Lakhimpur-Kheri do hereby verify that the contents of paras 1 to 6 are true to my personal knowledge, and that I have not suppressed any material facts.

Hardwari Lal
20/10/89

I have read and identified the contents of the above statement and it is true to my knowledge.
DEPONENT
28/10/89
H. C. Saeed
Advocate

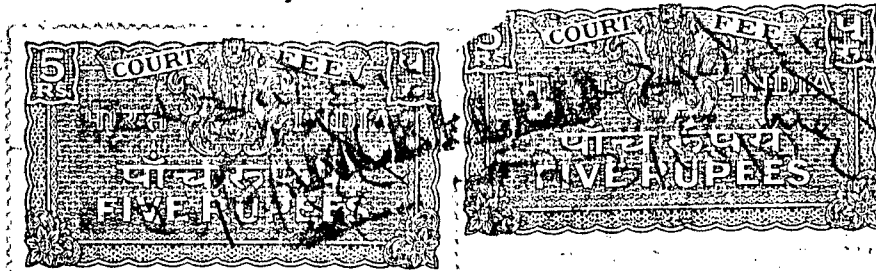
Annexure I

Group-61 A (ix)

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

8572

Civil Revision No. _____ of 1984.



Hardwari Lal aged about 66 years, son of Sri Raghubar Dayal,
r/o 376, Mohalla Nai-Basti, Lakhimpur-Kheri City,

APPLICANT.

Versus

UNION OF INDIA through the General Manager, North Eastern
Railway, Gorakhpur.

OPPOSITE PARTY.

Claim for:- Application under
Order 33, Rule 1 CPC.

Valuation of claim Rs. 16,000/-

" " revision Rs. 16,000/-

Court-Fees Paid Rs. 10=00

CIVIL REVISION under Section 115 C.P.C. of 1908 against the
judgment and order dated 24-9-84 passed by Sri V.K. Misra,
District Judge, Kheri, in Civil Misc. Appeal No. 20 of 1984,
upholding the judgment and order dated 21-4-84 passed by Sri U
C. Misra, Civil Judge, Kheri, in Civil Misc. Case No. 38 of 1984
on the following amongst other grounds:-

G R O U N D S.

1. Because the subsequent application under Or. 33 Rule 1 CPC
was moved by the applicant on ground of fresh new facts,
that the U.P. Co-operative Bank Housing Branch, Lucknow,
in supersession of their previous order dated 13-12-76,
prohibited again, mortgage of the said house elsewhere also
till clearance of bank-dues first in full and final, in
accordance with the terms and conditions of the agreement
signed between the parties on 6-10-56, and that our own
Hon'ble High Court of Lucknow Bench too, in the Civil
Revision No. 14 of 1977 Union of India vrs. Hardwari Lal

had been pleased enough to dismiss their Civil Revision moved by the Union of India to dispauper Hardwari Lal, on the strength of this same Civil Misc. Case No. 1 of 1976 for raising money on this same house point. Thereafter the applicant Hardwari Lal had been permitted to a ppeal as an ^{indigent} ~~individual~~ person which appeal has been numbered as Second Appeal No. 783 of 1979, still pending in this Hon'ble High Court (Lucknow Bench), which is most material & relevant file for the purpose of deciding the present Civil Revision as well which are still available in this Hon'ble High Court of Lucknow Bench. In the interest of justice it is very necessary that the same may remain available for the perusal of this Hon'ble High Court at the time of hearing of this present Civil Revision.

2. Because the learned lower courts below failed to consider over the grounds and fresh facts brought out before them with documentary evidences, of High Court's certified copies also under the applicant's application dated 26-7-83, affidavit dated 16/21-4-1984, and thereafter in appeal dated 19-7-84.

3. Because the learned Civil Judge ~~620460~~ and District Judge, Kheri on the applicant's application dated 26-7-83, instead of considering over that which was on the record on paper, gone beyond that, and held in their opinion without providing opportunity to adduce evidence on the fresh point of Provident Fund money received from Railway, lost in highway robbery, despite objection of the applicant on that point, at the time of argument, which remained unopposed by the opposite-party also, since that very counsel Sri D.N. Indra had been the counsel also of opposite-party in Civil Appeal No. 53 of 1980 decided on 6-12-80 by the District Judge, Kheri in which this house point was the main point similar in nature, allowing Sri Hardwari Lal to sue as

an indigent person in Suit No.192 of 1983 decided on 30-4-84, and that amount is still awaiting payment from the opposite-party although in case No. 1 of 1976 the opposite-party alleged that as ~~proved~~ paid to obtain a decision against Hardwari Lal.

4. Because the earlier two applications were rejected on grounds that the District Judge, Kheri, had no jurisdiction to entertain revision, although he had jurisdiction, on ground of raising money from the Provident Fund as loan which was not given by the opposite-party on demand being not permissible, on ground of supplementary bill a paid which is yet outstanding as mentioned above, on ground of incomplete reply in the letter dated ~~13-12-76~~ 13-12-76, completed on 6-6-83 by the U.P. Co-operative Bank, Lucknow, never before, and as such both the earlier applications have been rejected either on misleading of opposite-party, or on the part of the U.P. Co-operative Bank, Lucknow over which the applicant Hardwari Lal had no control since all the deeds and papers are in the custody of the Bank with whose money the house was constructed.

P R A Y E R.

WHEREFORE, it is respectfully prayed that the file of Civil Misc. Case No. 14 of 1977 ~~Union of India~~ Vs. Hardwari Lal together with lower Court's file of Civil Misc. Case No. 1 of 1976 is still in the Hon'ble High Court in connection with Second Appeal No.783 of 1979 (Pending) to be summoned and made available at the time of hearing as already mentioned above, and that the revision be allowed and the judgment and order dated 24-9-84 and 21-4-84 passed by the District Judge and Civil Judge, Kheri, respectively be set aside with costs throughout.

Hardwari Lal
AFFLICANT

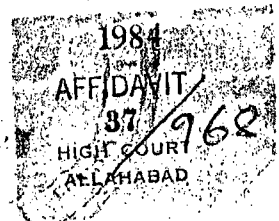
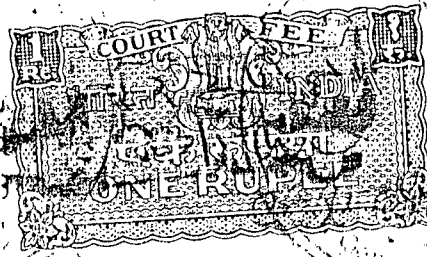
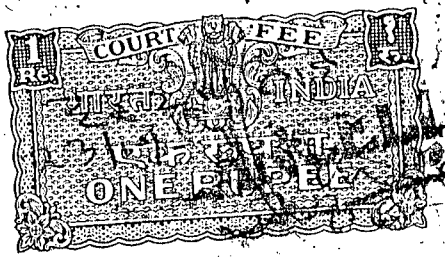
Lucknow

Hardwari Lal in person.

Dated: October 23, 1984.

Annexure 2

Before the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow
Civil Revision No. of 1284.



Hardwari Lal

...

Applicant.

Versus

Union of India

...

Opposite-Party.

A F F I D A V I T.

Kumar
28/10/84
I, Hardwari Lal aged about 66 years, son of Sri Raghubar Dayal, resident of 376, mohalla Rai-Basti, Lakhimpur-city, District Kheri, do hereby solemnly affirm and state as under:-

1. That the subsequent applicant under Or. 33 Rule 1 C.P.C. was moved by the deponent on ground of fresh new facts, that the U.P. Co-operative Bank Housing Branch, Lucknow, in supercession of their previous order dated 13-12-76, prohibited again, mortgage of the said house elsewhere first in full & final in accordance with the terms also, till clearance of bank-dues/and conditions of the agreement signed between the parties on 6-10-56, and that our own Hon'ble High Court of Lucknow Bench too, in the Civil Revision No.14 of 1977 Union of India Vs. Hardwari Lal had been pleased enough to dismiss their civil revision moved by the Union of India to dispauper Hardwari Lal, on the strength of this same Civil Misc. Case No.1 of 1976 for raising money on this same house point. Thereafter the deponent Hardwari Lal had been permitted to appeal as an indigent person which appeal has been numbered as Second Appeal No. 783 of 1979, still pending in this Hon'ble High Court (Lucknow Bench), which is most material and relevant file for the purpose of deciding the present Civil Revision as well which are still available in this Hon'ble High Court of Lucknow Bench. In the interest of justice it is very necessary



that the same may remain available for the perusal of this Hon'ble High Court at the time of hearing of this present Civil Revision.

2. That the learned lower courts below failed to consider over the grounds and fresh facts brought out before them with documentary evidence of High Court's certified copies also under the ~~xxx~~ deponent's application dated 26-7-83, affidavit dated 16/21- 4- 1984, and thereafter in appeal dated 29-7-84.
3. Because the learned Civil Judge, and District Judge, Kheri on the deponent's application dated 26-7-83, instead of considering over that which was on the record on paper, gone beyond that, and held in their opinion without providing opportunity to adduce evidence on the fresh point of Provident Fund money received from Railway, lost in highway robbery, despite objection of the deponent on that point, at the time of argument, which remained unopposed by the opposite- party also, since that very counsel Shri D. N. Indra had been the counsel also of opposite party in Civil Appeal No. 53 of 1980, decided on 6- 12- 80 by the District judge, Kheri in which this house point was the main point similar in nature, allowing Sri Hardwari Lal to sue as an indigent person in Suit No. 192 of 1983 decided on 30- 4- ⁸⁴~~83~~, and that amount is still awaiting payment from the opposite - party although in case No. 1 of 1976 the opposite- party alleged that as paid to obtain a decision against Hardwari Lal.
4. Because the earlier two applications were rejected on grounds that the District Judge, Kheri, had no jurisdiction to entertain revision, although he had jurisdiction, on ground of raising money from the Provident Fund as loan which was not given by the opposite-party on demand, being not permissible, on ground of supplementary bill as paid which is yet outstanding as mentioned above,



on ground of incomplete reply in the letter dated 13-12-76, completed on 6-6-83 by the U.P. Co-operative Bank, Lucknow, never before, and as such both the earlier applications have been rejected either on misleading of opposite-party, or on the part of the U.O. Co-operative Bank, Lucknow, over which the applicant Hardwari Lal had no control since all the deeds and papers are in the custody of the Bank with whose money the house was constructed.

Lucknow.

Dated: October 23, 1984.

DEPONENT

J. Hardwari Lal
(Hardwari Lal)

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paras nos. 1 to 4 are true to my personal knowledge, no part of it is false, and nothing material has been concealed. So help me God.

October 23, 1984.

DEPONENT

J. Hardwari Lal
(Hardwari Lal)

I identify the deponent who has signed before me.

Brij Behari Lal
Advocate.

Solemnly affirmed before me on 23/10/84 at 4.10 a.m./p.m. by *Hardwari Lal* the deponent who is identified by *(Brij Behari Lal)* Sri Brij Behari Lal Advocate.

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.

20/10/84

23/10/84
OATH COMMISSIONER
High Court (Lucknow Bench)
37/968





From,

The Addl.Registrar,
High Court-Lucknow Bench,
Lucknow.*

To,

The Bench Secretary,
Office of the
Central Administrative Tribunal,
Circuit Bench,
Gandhi Bhawan,
Lucknow.

No. 4373/89 Dated: Nov. 16, 1989

Sub.: Transfer of Record File Civil Revision no.8572
of 1984 Hardwari Lal Vs. U.O.I.

Sir,

Please refer to your letter No.CAT/LKO/CB/15-A/Jud,
89/2199 dated 10-11-1989, I am to inform you that the
case number mentioned above is not correct as reported
by the office.

It is, therefore, requested that nature and correct
case number be sent so that the required record may be
sent at the earliest. The letter in original is enclosed
herewith.

Encls.: -As above

Yours faithfully

B. Singh
(Bhanwar Singh)
Additional Registrar

Recd
L
2/11

No./CAT/LKO/CB/15-A/Jud/89
Central Administrative Tribunal
Circuit Bench,
Lucknow.

2199

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

Gandhi Bhawan
Opp. Residency
Lucknow.

Dt: 16-11-89

Sub: Transfer of Record file Civil Revision No. 8572 of 1984
Hardwari Lal. Vs. U.O.I.

Sir,

In compliance of the Court order dated 7.9.89 a letter was issued to you for the transfer of the above record on 12.9.89 but the same has not been received back so far. Hon'ble Court again ordered on 26.10.89 to issue a reminder in respect of the same. I shall be highly obliged if the records are transferred to this Tribunal at the earliest possible as the next date for further orders has been fixed as 19.11.89.

Your faithfully

10-11-89

Bench Secretary)

Office of the
Central Administrative Tribunal
Circuit Bench, Lucknow
LUCKNOW.

S O (15/11) / M. S.

* AR
15/11
If it is C.R. The
particulars are wrong.
16-11-89

No-4373 } 89 with Encls

To

The Bench Secretary
Office of the
Central Administrative Tribunal,
Circuit Bench,
Gandhi Bhawan,
Lucknow.

2

Reminders

No./CAT/LKO/CB/15-A/Jud/05 2199
Central Administrative Tribunal
Circuit Bench,
Lucknow.

To,

The Additional Registrar
High court of Judicature at Allahabad
Lucknow Bench, Lucknow.

Gandhi Bhawan
Opp. Residency
Lucknow.

Sub: Transfer of Record file Civil Revision No. 8572 of 1984
Hardwar Lal. Vs. U.O.I.

Sir,

In compliance of the Court order dated 7.9.89 a letter was issued to you for the transfer of the above record on 12.9.89 but the same has not been received back so far. Hon'ble Court again ordered on 26.10.89 to issue a reminder in respect of the same. I shall be highly obliged if the records are transferred to this Tribunal at the earliest possible as the next date for further orders has been fixed as 19.11.89.

Your faithfully

10/11/89
Bench Secretary)

Office of the
Central Administrative Tribunal
Circuit Bench,
Lucknow.

10/11/89
PA
OK

CV

NO. CAT/LKO/CB/T.A. 1644/87(T)/90
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
CIRCUIT BENCH AT LUCKNOW

Gandhi Bhawan
Opposit Residency
LUCKNOW.
Dated :- 22nd 03.1990.

To,

The Additional Registrar
High Court
Lucknow Bench
L U C K N O W.

Sub :- Transfer of record of Civil
Revision No. 8572 of 1984.
Hardwari Lal vs Union of
India & Others reg.

Ref :- This office letter No.CAT/LKO/
CB/TUD-Mise/15-A/89 dated 22.12.
1989.

Sir,

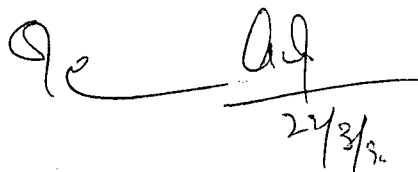
In continuation of ~~the office~~ this office abovesaid letter dated 22.12.89 on the subject noted above, I am directed to enclose herewith a copy of additional affidavit dated 13.9.1989 filed by Sri Hardewari Lal alongwith a copy of court's orders dated 19.2.89 and to request you that the record of Civil Revision No.8572 of 84 may please be sent to the office immediately so that the same may be placed before Hon'ble Bench of Tribunal on 5.2.90.

An early action is requested.

Encl. As Above

Yours faithfully


(MOHD. UMAR KHAN)
Court Officer


24/3/90


29.3.90

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO.1644 of 1987 (T)

(M.C. NO.1 of 1976)

Hardwari Lal

.....

Applicant.

Versus

Union of India & Others

Respondents.

4.5.1990

Hon'ble Justice Mr. K. Nath, V.C.

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

The applicant, Shri Hardwari Lal, is present in person. No further information has been received from the Hon'ble High Court in continuation of the proceedings dated 19.12.1989. Shri Hardwari Lal is prepared to deposit the court fees, which may have been paid if the petition was filed before this Tribunal. We therefore permit the applicant to deposit court fees Rs.50/- in the form of Postal Order within 2 weeks time. Last opportunity is given to the opposite parties to file counter within 4 weeks to which the applicant may file, rejoinder within 2 weeks, thereafter.

List it for final hearing on 28.6.1990.

Sd/-

Sd/-

A.M.

V.C.

// True Copy //

10/5/90
Deputy Registrar
Central Administrative Tribunal
Lucknow B
UC 1000

rm/

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO. 1644 of 1987 (T)
(W.P. NO. 1 of 1976)

Hardwari Lal	Applicant.
	Versus	
Union of India (NE.R.)	Respondents.

19.12.1989.

Hon'ble Mr. Justice Kamleshwar Nath, V.C.
Hon'ble Mr . K. Obayya, A.M.

The applicant namely, Hardwari Lal is ²resent. The letter No. 4373/89 dated Nov. 16, 1989 received from the addl. Registrar, High Court Lucknow Bench, Lucknow, mentions that the particulars of the record called for by this Tribunal, namely, Civil Revision No. 8572 of 1984 Hardwari Lal Vs. Union of India are incorrect.

Shri Hardwari Lal refers to his additional affidavit dated 13.09.1989 and points out that No. 8572 had been recorded in the Stamp Section of the High Court, registering the Civil Revision. He says that the said Revision is still pending in the Hon'ble High Court.

Let a copy of the additional affidavit dated 13.09.89 be sent to the Hon'ble High Court, Lucknow Bench with reference to the above mentioned letter of the additional Registrar, with a request that the record, if found, may be made available to this Tribunal.

The case be listed for further orders on 05.02.1990.

Sd/-
A.M.

Sd/-
J.M.

// True Copy //

[Signature]

(P. T. Bane) 23/3/90

Secretary

Central Administrative Tribunal

A. M. R.

Ms/

NO.CAT/LKO/CB/JUD MISC/15-A/89
Central Administrative Tribunal
Circuit Bench Lucknow.

To
The Additional Registrar,
High Court, Lucknow Bench,
Lucknow.

Ref: Your NO.4373/89 Dated:16.11.1989.
Sub: Transfer of Record file Civil Revision
NO.8572 of 1984 Hardwari Lal Vs. Union
of India.

Sir,

In the context of your letter under reference Sri Hardwari Lal, applicant referred to his additional affidavit dated:13.9.1989 before the Hon'ble Court and pointed out that Civil Revision NO.8572 of 1984 had been recorded in the Stamp Section of the High Court registering the Civil Revision. He further says that the said Revision is still pending in the Hon'ble High Court.

A copy of the Additional affidavit dated 13.9.1989 of Shri Hardwari Lal is sent here with for your information with a request to transfer the record, if found, to this Tribunal.

Yours faithfully,

R.K. Mishra
(R.K. MISHRA) 22/12/89
P.S. to Hon V.C.

PA
1/1/90
92
Office of the
Central Administrative Tribunal,
Circuit Bench Gandhi Bhawan,
LUCKNOW.

NO.CAT/LKO/CB/15/89

Central Administrative Tribunal,
Circuit Bench, Gandhi Bhavan,
Opp. Residency, Lucknow,
Dated the 12th September, 1989.

To

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

Sir,

An affidavit has been filed by the applicant Hardwari Lal in Transfer Application No.1644/87 in compliance of this Tribunal's order dated 6-7-89 stating that in respect of the question of the applicant's indigency, a Civil Revision is pending in the Hon'ble High Court. He has filed a photo Copy of Civil Revision Hardwari Lal Vs Union of India, filed in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow with its No.8572 of 1984. Prima facie the Revision is required to be transferred to this Tribunal under the provisions of Section 29 of the Administrative Tribunals Act, 1985.

A date has been fixed for further orders in this

50 10 1989

In the copy of CAT Lockrow

CAT / ACC D / JUN / 35208 Jan 122
85

TAM 1644 of 1987 (1)

HARROW ARICAL
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See 6/2/88 red
needs

SOLICITORS

INSPECTOR
OF

FILE

Allowed

13/7/89

L to

13/7/85

Inter
13/7/89

Handwritten signature

PERMITTE

After

Handwritten signature

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW

Before
in the Court of

Regn.No.1644 of 1987 (T)

Plaintiff
Defendant

Hardwar Lal

Claimant
Appellant

Versus

Defendant
Plaintiff

Union of India

Petitioner
Respondent

The President of India do hereby appoint and authorise Shri. Anil Srivastava,
Railway Advocate, B-9 Sector 'H' Aliganj Scheme, 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 Srivastava,
Railway 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 March, 1989.

Dated 198

NER-84850400-8000-4 7 84

Designation of the Executive Officer,

(A. Tete)

Dy. Chief Personnel Officer (Gaz.)
North Eastern Railway,
Gorakhpur.

Accepted
for filing
[Signature]

In the Court of C. A. T. Lucknow (Bench Lucknow)

T. A. No. 1644 of 1987

In

Hardwari Lal

..... Plaintiff

Versus

Union of India through the General Manager, N. E. Railway
Gorakhpur.

..... Opposite-Party
Defendant.

Serial No.

LIST OF DOCUMENTS FILED ON 26.7.90
by the plaintiff Hardwari Lal.

1. Certified copy of Decree dated 8. 12. 1982 of Hon'ble High Court in Civil Revision No. 384 of 1977 against the order of Shri J.P. Sinha, 1st Addl. District Judge, Kheri in C.R. No. 14 of 1977 dated 2. 9. 77 with receipt No. 143027 of Rs. 3/- dated 24.1.83.
2. Seniority list dated 31.12.51 issued by D.T.S. Izatnagar.
3. D.T.S. Izatnagar letter E-2741 of 24- 9- 48 concerning Hardwari Lal.
4. Learned General Manager, Gorakhpur order dated 24.4.56.
5. Copy of notice dated 29. 10.75 with postal receipt No. 161 of 30. 10. 1975.
6. D.T.S. Izatnagar office order dated 28. 7. 64.
7. D.C.S. Izatnagar office order No. E/GC/H-64 dated 11-12.64.
Head
8. Seniority list dated 29.1.69 of Goods Clerks ~~00000~~ by G.M. GK
9. Seniority list dated 7.10. 69 of H.G.C. 205- 280 by D.S. (P) LK
10. D.C.S. Lucknow office order E-283/1/GC dated 19.1.68.
11. D.S. (P) L.Jn. Office order dated 8.4.74.
12. A.P.O. II revised office order dated Nil awarding increment 1- 4- 1975 including one Special advance increment during str.
13. Copy of telegram with receipt no. 98535/169 dated 28. 3. 75
14. Copy of Annexure 9 W.P. 1386 of 1970.
- 15 Stay order of the High Court (Lucknow Bench) dated 11.1.71.
16. D.C.S. Lucknow office order dated 23.6.71 No.E/HL/GC/70.
17. Staff Welfare Bureau receipt No. 1335 dt. 21.67.
18. Acknowledgment on Hardwari Lal's letter dt. 24.6.67 by C.C.S. A.P.O. (C) at Gorakhpur.
19. Representation dated 18.3.75 with postal receipt No.160 dt.22 addressed to H.N. Kidwai C.C.S. Gorakhpur.
20. Copy of telegram Mira G.M.Gorakhpur dt. 16.2.76 with postal

7/10/90
DRM/19
Head Clerk
Central Receipt & Despatch Secy.
N.E.R. Lucknow

24/7/90
24-7-90

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Side

DECREE IN APPEAL

(CHAPTER VII, RULE 8).

Civil Revision No. 384 of 1977

Appellate Jurisdiction

Appeal no. _____ of 19 _____, instituted on the 26th day of Sept. 1977
from the ~~decree~~ Order of ~~the~~ Sri J.P. Sinha, Addl. Distt. of and Sessions Judge of Kheri
dated 2.9. 1977 in Civil Revision no. 14 of 1977

Hardwari Lal, aged about 58 years, son of Sri Raghubar Dayal, resident of 386, Naibasti, District Kheri.

versus]

Appellant.

Union of India, through the General Manager, North Eastern Railway, Gorakhpur.

Respondent.



Revision

The valuation of the appeal for purposes of and jurisdiction court-fees is Rs. 16,000/-

MEMORANDUM OF COST

IN THE DISTRICT		By Appellant		By Respondent	
		Rs.	P.	Rs.	P.
In the Court of first instance				
In the lower appellate court				
IN THE HIGH COURT					
Appeal					
Stamp for memorandum of appeal				
Stamp for copies of decree and judgment				
Stamp for vakalatnama				
Process-fees				
Cost of summoning records				
Advocate's fee				
Fee of Advocate's clerks				
Cost of paper-book				
Cost on remand				
Miscellaneous applications with				
Process-fees				
Inspection fees				
Other costs				
Total				
Cross-objection					
Stamp for memorandum of cross-objections				
Stamp for vakalatnama				
Advocate's fee				
Fee of Advocate's clerk				
Other costs				
Total				

Sd/- M.P.T.
 D.R. 16.2.83.

TRUE COPY
 Section Officer
 Copying Department.
 High Court, Lucknow Bench,
 LUCKNOW.

Deputy Registrar, Sd/- M.P.T.andon.
 Allahabad/Lucknow. 16.2.83.

*(The Deputy Registrar shall give below his signature the date on which he actually signs the decree.)

Prepared by :
 Decree Writer Sd/- Illegible.
 Date 3.2.83.
 Examined by :
 Decree Writer Sd/- Illegible.
 Date 3.2.83.

*Not signed by the Advocates for appellant and respondent though served.
 Decree Writer
 Date (Seal).

Advocate for appellant.
 Date
 Advocate for respondent.
 Date

*To be scored out when the Advocates have put their signatures.

2

Dura Traffic Duties
G. K. Bahadur

6/78/12/17/600/18/5
Loading Jan-57
Dated 12-57
M. K. S.

Sanctioned strength. P. T. Total SENIORITY LIST.

✓ Prescribed scale (100-185)	3	3	3
Goods clerks.	60-150	38	38
	41	41	41
Loading clerks.	60-150	19	13
Less foreman.	-do-	9	9
	63	63	63

Distt. IZN. Category. Goods clerks, Loading clerks & Tally clerks.

N A M E.	Designation	Educational	Date of birth	Apptt.	Scale	Pay	Date of promotion	Remarks
1. Shri. R. Karan.	Goods clerk	Non-matric	1902	1.5.20	66-90 (old)	149/-	in 66-90	ExNWR employee.
2. Shri. Sitaram Dang.	-do-	-do-	3.10.1900	1.10.20	100-185 CPC	131/-	-do-	-do-
3. Shri. Raja Bahadur.	-do-	✓	1.7.1897	6.1.17	60-150	88/-	-	Position as per panel.
4. " Abrar Hussain.	-do-	✓	1.7.1903	3.11.21	-do-	64/-	-	-do-
Scale 60-150.								
1. Raja Bahadur.	-do-	✓	1.7.1897	6.1.17	60-150	88/-	-	Pay on 1.3.45 Rs. 60/- from 1.4.40
2. " P.K. Dass.	-do-	✓	20.3.1907	10.1.25	-do-	96/-	-	Ex.BA Rly employee
3. " Mahadeo Pd. Pandey	-do-	✓	1.7.1907	3.12.25	-do-	88/-	-	Rs. 60/- from 1.5.44
4. " Mazhar Hussain.	-do-	-	-	21.4.18	-do-	92/-	-	" 49/- -do- 7.1.44
5. " Jagat Narain.	-do-	-	1.7.1903	18.10.21	-do-	92/-	-	" 49/- -do- 1.4.44
6. " Said ullah Khan.	-do-	-	28.11.1897	26.11.18	-do-	88/-	-	" 49/- -do- 1.7.44
7. " Abrar Hussain.	-do-	✓	1.7.1903	3.11.21	-do-	84/-	-	100-185 28.7.50 Pay on 1.3.45 49/- from 7.44
8. " Hans Raj S/O Labhoo	-do-	✓	1.4.10	14.3.28	-do-	96/-	-	14.3.29 Ex.NWR employee.
9. " Prashad Hussain.	-do-	-	1.7.1906	1.10.28	-do-	92/-	-	Pay on 1.3.45 Rs. 49/- from 1.10.1944.
10. " Ram Manohar.	-do-	-	-	10.1.24	-do-	84/-	-	-do- 47/- from 1.7.44.
11. " Mukat Prasad.	-do-	-	-	27.6.29	-do-	88/-	-	Rs. 44/- from 1-4-1944.
12. " Jagdamba Prasad.	-do-	-	1.7.1902	23.11.19	-do-	88/-	-	Rs. 44/- -do- 1.7.44
13. " Har Charan Lal.	-do-	✓	1.7.1908	19.10.28	-do-	88/-	-	Rs. 40/- -do- 1.4.44
14. " Darshan Lal.	-do-	-	1.7.1900	23.11.22	-do-	88/-	-	Rs. 40/- -do- 1.4.44
15. " Lok Nath.	-do-	-	10.8.1906	26.6.30	-do-	84/-	-	Rs. 40/- -do- 1.4.44

Signature

(4)

C 98/102



GENERAL MANAGER'S OFFICE
N. E. RAILWAY

No. E(SS) 19-90. P^{III} Gorakhpur, dated 24.4.56.

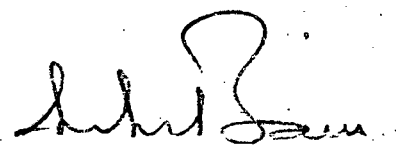
39/49 26

Shri Hardwari Lal,
Goods Clerk,

Through:- CCS/Gorakhpur.
R.S./Lucknow.
D.T.S/Izatnagar.

115 human 3/5

Please take notice that the General
Manager, N.E.Railway, Gorakhpur, in exercise
of the special powers vested in him has
ordered termination of your service in terms
of the conditions of your service, with
immediate effect, with one month's pay in
lieu of notice.


(M. M. BAM)
General Manager(P).

admitted
26/9
16/9

T. A. ...
H. ...

From

(5)

Sri Hari Om Singh, Advocate,
2143, Hathipur, Lakhimpur-Kheri.
counsel for Sri Hardwari Lal
son of Sri Raghubar Dayal,
resident of moh. Maibasti, 376
Lakhimpur-Kheri.

To

The Union of India,
through General Manager,
North Eastern Railway,
Gorakhpur.

14/10/75

Dated: October 29, 1975.

Sir,

I have instructions from my client named above to serve you with the following notice :-

1. That my client joined service in erst while Ruhelkhand Kumaun Railway Co., in 1937.
2. That subsequently my client also passed the examination in Goods duties on 19th June, 1938.
3. That @ the Ruhelkhand Kumaun Railway company was taken by the government of India with effect from the mid night of 31st. December, 1942.
4. That thereafter the seniority list which was prepared was ~~for~~ circulated by a letter dated 31st. December, 1951. The position of my client was 29th in Serial in the Senior list. The seniority of my client is shown in the seniority list was determined.
5. That in September, 1948 my client was promoted as Goods clerk in the then existing grade of Rs. 60-150.
6. That the services of my client were illegally terminated on 24.4.1956. The termination order was served on my client on 8.5.1956.
7. That however, after a long litigation my client was reinstated in August, 1964. My client rejoined the services in the grade of Rs. 150-240 and 205-280, which fall due to my client during that period. That on reinstatement of my client was placed in the Grade of Rs. 150-240 from 1.4.56 which is the same and common date of other Goods clerk which were junior to

3. Name of the Proposed defendant:

Union of India through

General Manager,
North Eastern Railway,
Gorakhpur.

4- Claim: The claim of client is of Rs.8000/- or any other amount to which he may be entitled to .

5. Cause of action :

That the cause of action arose, firstly on 29.1.1969 when the Regional Seniority list of Head Goods Clerk 205-280 from Headquarter published on 29.1.1969, again the cause of action arose on 7.10.1969, when the Divisional Seniority list was published on 7.10.1969 by the D.S., N.E.Railway, Lucknow and again the cause of action arose on 5.11.1972 when my client was advised (on moving writ Petition No.5708 of 1972 in the Hon'ble High Court of Judicature at Allahabad) by the D.S.(P) N.E.Railway, Lucknow, vide his advice E/HL/GC/72 dated 2.11.1972 as untenable without assigning any reason and on 5.11.1972 when the order is served within the territorial jurisdiction of the Court at Lakhimpur.

6. Relief: That my client will claim the following reliefs:

- a) A decree of Rs.8000/- or any other amount to which my client may be found entitled to against the proposed defendants.
- b) Pendente lite and future interest at the rate of 12% per annum.
- c) Costs of the suit.
- d) Any other reliefs which may be deemed fit and proper in the circumstance of the case against the proposed defendants.

CLIENT.

(Signature)
(Hari Om Singh)
Advocate.

Dated: 06/10/75 1975

Shri Hardwar Lal Hd-g
Nai Bait Adjacent Islamiya School Regd A/D
P.O. and Distt - Lakshmi pur

N.E. RAILWAY.
OFFICE ORDER.

The following transfer and posting orders are issued to have effect immediately.

Transfer passes may be obtained from this office on requisition. Railway quarter if in occupation should be vacated within a week of being spared. Changes when carried out should be advised to this office.

1. Shri M.M. Tirpathi, Relg.G/C (110-200)/BC is transferred and posted as G/C (110-200) at BHI vice Shri Parmeshwari Singh transferred to BC..
2. Shri Saligram Verma, G/C (110-200)/BC is transferred to PBE in the same capacity, scale and pay vice Shri B.N. Singh under orders of transfer to SPJ district. Shri Singh should be spared on resumption of Shri Verma at PBE..
3. Shri Rameshwar Dass, Hd.G/C (150-240)/BSUR is transferred to PBE in the same capacity, scale and pay on request vice Shri G.L. Poddar retired.
4. ✓ Shri Hardwar Lal, GC(5C-150)(PS)BHI whose services were terminated with effect from 8-5-55 is posted as Hd.GC(100-185)PS at BSUR vice Sri Dass transferred, on acquittal from High Court, Allahabad.

No.EM/139A/GC/64 Dt.28/7/64.

S.N. SHARMA,
DISTT.COMML.SUPDT., IZN.

Copy forwarded for information and n/action to:-

1. CCS(P) and FA & CAO/EN, GKP..
2. Staff concerned.
3. SMS, BC, BHI, PBE & BSUR.
4. Hd.Clerk/Comml.Genl. & Bills.
5. Pass, Relief & S/F clerks.

Sarany
DISTT.COMMERCIAL SUPDT.,
Izatnagar.

*Admitted
1/11/64
20/12*

N.E. RAILWAY.
OFFICE ORDER.

N. E. RAILWAY,
G.P.O. ORDER.

Shri Hardevari Lal, Goods Clerk who on acquittal from the High Court, Allahabad was posted Hd. Goods Clerk (100-185) P/S at M. Salpur vide this office order No. BM/130A/GC/64 dated 28/7/64 is allowed the benefit of promotion as Hd. Goods Clerk (100-185) P/S w.e.f. 1/4/56 in the chain of vacancies that arose w.e.f. 1/4/56 under Railway Board's letter No. W(S)I-50/GC/Upgr/2 dated 7/4/52 due to the upgrading orders. It has been verified that 4 posts of G/Cs (80-150) P/S of unimpaired I.M. district were upgraded to scale A, 150-225 P/S w.e.f. 1/4/56 vide Dy. G(P)/GPO/GKP's letter No. E/205/70/S dated 8/8/57 and 5/11/58 and the benefit as extended under the Railway Board's letter mentioned above has only been given to two Goods Clerk on the basis of their ~~seniority~~ seniority position as on 1/4/56 vide this office order No. BM/130/Upgr/GC/64 dated 1/7/64.

As the whole period of his absence w.e.f. 8/5/56 to 10/8/64, the date of his resumption at BHR, has been ordered to be treated as on duty by the High Court, Allahabad, his all increments in scale A, (80-150 P/S) / (110-200 A/S) and relaxation of his pay on promotion as Hd. G/C (100-185) P/S - (150-240) A/S w.e.f. 1/4/56 are given below:-

In the substantive capacity of G/C (80-150/110-200).	In the offg. capacity of Hd. G/C (100-185/150-240).
1/4/56 = 104/-.)	1/4/56 = 105/-.)
1/4/57 = 108/-.) 80-150	1/4/57 = 110/-.) 100-185
1/4/58 = 112/-.) P/S	1/4/58 = 115/-.) P/S.
1/4/59 = 116/-.)	1/4/59 = 120/-.)
1/7/59 = 166/- Pay relaxed in A/S.	1/7/59 = 170/- Pay relaxed in A/S.
1/4/60 = 170/-.)	1/4/60 = 175/-.)
1/4/61 = 175/-.)	1/4/61 = 181/-.)
1/4/62 = 180/-.) 110-200	1/4/62 = 187/-.) 150-240
1/4/63 = 185/-.) A/S	1/4/63 = 193/-.) A/S
1/4/64 = 190/-.)	1/4/64 = 199/-.)

Arrear if any on account of upgrading orders should not be paid prior to 1/4/57 in terms of Railway Board's letter No. E(S)I-57 GC/40 dated 7/3/57.

S.R. SHARMA,

SECTY. COMM. SUP. ST., Kanpur.

No. E/GC/H-64 Dated 11/12/64.

Copy forwarded for information and n/action to:-

1. C.G.R.(P) and P.A. & CPO(M)/GKP.. S.A.M./BHR
2. Staff concerned.
3. Hd. Clerk/Comm. and Genl..

2.	3.	4.	5.	6.	7.	8.	9.
29. Sri. Pithave Pal (Misra)	GD	1.1.16	23.12.38	20.7.66	Offg.	Y	11
30. " Shyam Deo Mishra.	GD	22.2.14	11.12.37	22.9.66	"	M	8
31. " Shyam Behari Lal.	LJN	7.11.12	8.12.37	6.4.66	"	1	11
32. " M.N.N. Bag.	LJN	2.11.11	2.11.31	1.12.64 ✓	"	3	4
33. " Prabhu Dayal	"	11.6.16	7.11.37	8.9.65	"	2	6
34. " Badri Prasad.	GD	1.7.14	24.12.36	1.12.64 ✓	"	3	4
35. " T.N. Gupta.	-	10.7.24	31.3.40	-	"	-	0
36. " Jamuna Pd.	LJN	1.1.14	14.1.37	1.12.64 ✓	"	3	4
37. " R.N. Srivastava.	LJN	31.1.31	3.6.51	6.4.66	"	1	11
38. " R.K. Srivastava.	GD	2.4.15	2.4.33	8.11.67	"	0	4

R.P.S.
1.1.9.

for General N

Ref. ✓

Sanctified strength
Perf. Temp.

PROVISTION AT SENTORIN OF HD.G.C. (205-280) AS ON 1.5.69
OF JICINOT/ DIVISION.

1255/11 0 5 18, NER Lucknow
DATE 2-1-69

SN	Name	Station of posting	Date of app'tt.	Date of birth.	Date of promotion to Grade.	Date of confirmation	Remarks.
1.	Shri Bishambhar Swaroop	HA	12.12.39	20.12.12	6.10.66	-	
2.	Rameshwar Dass Agrawal.	STP	12.12.39	15.12.14	3.11.67	-	
3.	Hardwari Lal	IMP	25.9.38	5.9.19	8.11.67	-	Reverted as GC(110-200) for 2 years.
4.	Lalji Verma	CIJ	11.1.39	17.3.16	8.11.67	8.11.68	
4(a)	Manohar Lal Asthana	TIR	24.11.35	22.9.12	1.12.64	8.11.68	
5.	Keshri Lal	BIP	3.4.37	13.6.18	26.7.66	8.11.68	
6.	Ram Singar Singh	SWA	7.1.37	1.4.16	1.12.64	8.11.68	
"	Ram Surat Tewary	BNY	17.6.67	1.7.18	26.10.68	11.6.68	
8.	Sooraj Prasad.	ANDN	1.5.37	9.4.13	1.12.64	2.11.68	
9.	R.B.Dubey	NBR	7.12.37	2.2.18	22.9.66	8.11.68	
10.	Prithi Pal Misra	KID	23.12.38	1.1.16	20.7.66	8.11.68	
11.	Shyam Deo Misra	BRK	11.12.37	22.2.14	22.9.66	11.6.68	
12.	M.N.H.Beg	ASH	2.11.31	2.11.11	1.12.64	2.11.68	
13.	Prabhu Dayal	STP	7.11.37	11.6.11	8.9.65	1.11.68	Retired.
14.	Badri Prasad	GKP	24.12.36	1.7.14	1.12.64	1.11.68	
15.	Jamuna Prasad	GK	14.11.37	1.1.14	1.12.64	1.11.68	
16.	Raghubar Saran	GD	8.12.36	1.7.18	1.9.69	1.11.68	

DIVISION LERS OFFICER/1JN

E 283/1/GC

dated 19-1-68

Distt. Commercial Supdt.

GER Lucknow

To

Station Master,

Lakhimpur.

RE Shri Hardwari Lal ,

GC 205-280

The above named GC directed to report to you for duty vide Shri Girdhar Shyam under orders of transfer to IZN vide C.C.S.(P) GKP office order No. E/IX/210/15/14 dated 14-9-67

DCS L.J.N.

- (1) Copy to HC Bills
- (2) Shri Hardwari Lal in office.
- (3) S M L C to please issue ED pass in his favour in second class Ex LC to LMP.

True Copy

up the original already in evidence
in the case of Harender CIVIL 542 GB
Barney in civil appeal no 1 of 28 FEB 1968
for stay on 2nd go.

TRUE COPY
Handwritten

MG/PAH-492-12569-3,00,000 Bts.



INDIAN POSTS AND



TELEGRAPHS DEPARTMENT

(137)

Recd. to
28/5/73
LGA
28/3/73

Class Prefix } Code

No.

C

Recd. from

Sent at H. M.

Office-stamp

By

To

By

LAKHIMPUR
KHBAL

Handed in at (Office of Origin)

Date

Hour

Minute

Service Instructions

Words

TO KIDWAI B. CUMNER
CHAPRA GRANER
GURAKH PUR.

Recd. here at

H.

M.

PERSONAL

HEARING

SOLICITING

SUNILAS

SUBS. FERRING

IGNORING.

HUMBERT SBLF

HARSHWATI LAC KHANDA

CHANDER SBLF [T-30-5/53]

Station Master

N.E. RIV LAKHIMPUR

28/3/73

Q. R. D.

114
In the Hon'ble High Court of Judicature at Allahabad,

(Lucknow Bench)
Lucknow.

(Writ Petition No. 1386 of 1970) X

Hardwari Lal

Petitioner

Versus

Union of India and others

Opposite parties

X Annexure '9'

(To be used when an authority other than the President is the appointing authority to retire a railway servant).

O R D E R

Whereas the Divisional Commercial Superintendent/ LCN (appointing authority) is of the opinion that it is in the public interest to do so.

Now, therefore, in exercise of the powers conferred by clause h(ii) of rule 2046 of Indian Railways Establishment Code Vol. II/Pension Rules, the DCS (appointing authority) hereby gives notice to (name Shri Hardwari Lal (Designation GC that he, having completed thirty years of service on the 24.9.1968 shall retire from service with effect from the forenoon of the 25.12.1970, or, from the date of expiry of three months computed from the date of the service of his notice on him, which ever is later.

Sd. Illegible,
Designation of the appointing authority
Divnl. Comm. Supdt.

No. E/ HL/ SC/70 D/ 25.9.70

To Shri Hardwari Lal,

GC /IMP through SM/ IMP

Notification HLI/10/70 /Comp retirement dated 15.10.70 is enclosed.

T. R. B. Singh
Hardwari



(15)
32/1/71
E 10 of 11.1.1971.

Copy of Order.

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

Civil Misc. Application No. 2241(W) of 1970.

In
Writ Petition No. 1386 of 1970.

Hardwari Lal.

Versus.

Petitioner.

Union of India and others.

Opposite-parties.

Application For Order.

Lucknow dated: 2 11.1.1971.

For Applicant: Sri Akhilesh Sahai.

For O.Ps. 2 & 3: Chief Standing Counsel.

Hon'ble Tripathi, J.

This is an application praying that the implementation of the order dated 25.9.1970 passed by the Divisional Commercial Superintendent North Eastern Railway, Lucknow, compulsorily retiring the petitioner be stayed.

I have heard the learned counsel for the parties.

The impugned order purports to have been passed in exercise of the powers conferred by clause (h) II of rule 2046 of the Indian Railways Establishment Code, Vol. II / Pension Rules.

Relevant parts of Rule 2046(h) run as follows:-

Nothing contained in this rule, the
of the opinion

1261, Lucknow
11th January 1971
Sd/- H.C. Tripathi
J.

RST

(14)

ADVANCE COPY :

For Personal kind attention of Sri H.N. Kidwai,
the Chief Commercial Superintendent, N.E.R., Gorakhpur.

To

The Chief Commercial Superintendent,
N.E. Rly., Gorakhpur and his fellow companion
Officers of the N.E.Rly. Administration.

Through : Proper channel .

Subject:- Fixation of Pay in Grade : 205-280.

Respected Sir,

Humble submission :-

1. That in terms of the notification No.E/255/3/12(c)CC
Ex LWN (IX) Gorakhpur G.M.(P) dated 29.1.69 seniority list
of Head Goods Clerks, Gr. 205-280 as on 1.4.68 the
Petitioner is entitled for fixation of pay in the above
noted scale from 9.12.1960.
2. That in terms of the D.S.(P) LWN Notification E/255/1
dated 7.10.69 seniority of HGC 205-280 as on 1.5.69 the
Petitioner is entitled for fixation of pay in this grade
from 1st Dec.1964 due to reasons stated herewith as under
amongst several other reasons also.

GROUND S :

3. (a) That in terms of the seniority list as on 1.2.69
promotion to

(3):

highest competent authority.

(f) That in terms of the Para 6 of the G.M. Circular No.C-34 of 1945, seniority once fixed by the highest competent authority in 1945 again in 1948 affirmed, reaffirmed, and confirmed on 31.12.51 can never under no circumstances be altered by any authority lower to that authority, or by the authority equal in rank to that authority, definitely and admittedly the Traffic Manager, G.T.R., Gorakhpur and Railway Board were the highest competent authority at that time too, this is well settled and can not be denied.

(g) That since the Petitioner remained out of the Rly. service during the period 8.5.56 to 10.8.64 and was re-instated on 10.8.64 with all benefits in terms of the Hon'ble High Court of Judicature of Allahabad judgment dated 8.4.64 in 1st Appeal 321 of 1962 Haridwari Lal Vs. Union of India, the Gr.150-240 and 205-230 which fell due to the Petitioner during that period ^{could} ~~would~~ not be ^{awarded} ~~avoided~~ to the Petitioner _{COULD} _{AWARDED} then and there.

(h) That later on when re-instated the Petitioner was awarded with the grade 150-240 from 1.4.56 which is the same and common date of the Juniors as already stated earlier ~~which is the same~~ in above foregoing paras.

(i) That the next grade 205-230 was to be awarded to the Petitioner either from 9.12.60 in terms of the authority stated in para 1 or from 1.12.64 in terms of the authority stated in para 2, the date from which his Juniors have been awarded this grade, if not earlier.

(j) That the issue had been kept in abeyance till now despite repeated constant persistent pursue till advised as untenable without assigning any reason vide communication dated 2.11.72.

....(4)

: (3):

highest competent authority.

(f) That in terms of the Para 6 of the G.M. Circular No.C-34 of 1945, seniority once fixed by the highest competent authority in 1946 again in 1948 affirmed, reaffirmed, and confirmed on 31.12.51 can never under no circumstances be altered by any authority lower to that authority, or by the authority equal in rank to that authority, definitely and admittedly the Traffic Manager, G.T.R., Gorakhpur and Railway Board were the highest competent authority at that time too, this is well settled and can not be denied.

(g) That since the Petitioner remained out of the Rly. service during the period 8.5.56 to 10.8.64 and was re-instated on 10.8.64 with all benefits in terms of the Hon'ble High Court of Judicature of Allahabad judgment dated 8.4.64 in 1st Appeal 321 of 1962 Haridwari Lal Vs. Union of India, the Gr.150-240 and 205-280 which fell due to the Petitioner during that period ^{Could} ~~would~~ not be ^{awarded} ~~awarded~~ to the Petitioner then and there.

(h) That later on when re-instated the Petitioner was awarded with the grade 150-240 from 1.4.56 which is the same and common date of the Juniors as already stated earlier ~~which is the same~~ in above foregoing paras.

(i) That the next grade 205-280 was to be awarded to the Petitioner either from 9.12.60 in terms of the authority stated in para 1 or from 1.12.64 in terms of the authority stated in para 2, the date from which his Juniors have been awarded this grade, if not earlier.

(j) That the issue had been kept in abeyance till 30.11.72 despite repeated constant persistent pursue till advised as untenable without assigning any reason vide communication dated 2.11.72.

....(4)

:(4):

(k) That the Petitioner's pay has yet not been fixed in grade 205-230, though he has been promoted and fixed in the scale 250-320 newly revised as scale 455-700 and is drawing salary much less, to those already working in lower grade 205-230, much junior to the Petitioner, despite of the fact, that the Petitioner's period althroughout had been free from punishment except the period from 3.9.66 to 3.9.67 which is also yet under-subjudice.

(l) That the Petitioner prays for fixation of his salary in scale 205-230 at the earliest, since the Petitioner is running at the age of 56, finalisation of which is obligatory prior to his retirement, keeping this aspect in view it is further most humbly and respectfully prayed that top priority may kindly be awarded for immediate finalisation of this pending matter for which I shall be highly obliged and shall ever remain grateful and pray God for your long life and prosperity.

Yours faithfully,

H. Arjun Singh
Stereo
(Haridwari Lal Handa)
Clerk
Divn.
71

क/आ)

भारतीय डाक-तार विभाग INDIAN POSTS AND TELEGRAPHS DEPARTMENT

अंतर्देशीय तार/Inland Telegram

<p>सेवा निर्देश (जैसे जवाबी, सरकारी, बधाई) Service Indication (e.g., Reply Paid, State, Greetings)</p>	<p>प्रभार Charges</p> <p>रु०/Rs. पै०/P.</p> <p>प्रारंभ Initials</p>	<p>(भारतीय तार अधिनियम और नियमों के अधीन पारेषण के लिए प्रस्तुत तार सेवा भंग होने से इस तार का पारेषण या वितरण प्रभावित होने पर उससे उत्पन्न होने वाली या उसके परिणामस्वरूप किसी हानि, क्षति या नुकसान की क्षतिपूर्ति देने के लिए सरकार जिम्मेदार नहीं है)। (Presented for Transmission Subject to Indian Telegraph Act & Rules. The Government is not liable to make Compensation for any loss, injury or damage arising or resulting from any failure of service affecting transmission or delivery of this Telegram).</p>	<p>भेजने के व्योरे Sent Particulars</p>	<p>तारीख-मोहर</p> <p>Date stamp</p>		
<p>श्रेणी Class</p>	<p>समय Time</p>	<p>सं० No.</p>	<p>मूल तारघर Office of Origin</p>	<p>तारीख Date</p>	<p>सेवा अनुदेश S. I.</p>	<p>शब्द Words</p>

सेवा में/To

भेजने वाले के हस्ताक्षर/Sender's Signature

नाम/Name:—

पता/Address:—

(प्रेषक)/From

तार से न भेजा जाए
Not to be Telegraphed

Sr. GC

Department - Commercial.
Classification of post - Distt.

Provisional Seniority List as on 1.2. 1969
LUCKNOW DISTT.

Sanctioned strength P - 19
Authorized scale of pay (150-240)

S.No.	Name of the employee in order of seniority	Station of posting	Date of birth	Date of apptt to Railway	Date of promotion to grade	Conf'd. or offtg.	Remarks.
1.	Shri Om Prakash Sinha	LQ	26.6.22	27.8.41	1.4.56	Conf'd.	Offg. in scale Rs. (205-280) and (250-380)
2.	" M.N.H. Beg.	ASH	23.11.11	7.11.31	1.4.56	"	Offtg. in scale (205-280)
3.	" Prabhu Datal	STP	31. 7. 11	7.11.37	1.4.56	"	Inter-seniority maintained Offtg. in scale (205-280)
4.	" Badri Prasad	CLJ	1. 7. 14	24.12.36	29.2.60	"	Offtg. in scale (205-280)
5.	" Jamuna Prasad	GK	1.4.14	14.1. 37	1.4.56	"	Offtg. in scale (205-280)
6.	" R.N. Srivastava	-	31.1.31	3.6.51	1.4.56	"	Trd to FGR Distt.
7.	R.K. Bajpai	LC	13.4.19	26.12.41	23.5.59	"	
8.	" Ram Kishan	HA	1. 1.18	21.4.40	23.6.59	"	
9.	" Sita Ram	LC	3.11.1917	29.3.43	23.6.59	"	
10.	" J.N. Nigam	TGS	10. 4. 24	2.8.45	29.2.60	"	
11.	" R.R.Nigam	ASH	<u>27.9.21</u>	<u>7.8.45</u>	<u>28.6.60</u>	"	
			13.4.79	27.12.41	2.5.60		
12.	" Athar Ali	BXM	21.8.73	17.2.41	2.5.60	"	
13.	" D.S. Asthana	TQN	3.2.15	25.1.42	26.5.60	"	
14.	" R.N. Behel	LMP	1.11.20	27.12.42	6.3.62	"	
15.	" Sita Ram Srivastava	MLN	18.1.17	30.12.42	1.12.64	Offtg.	
16.	" R.M. Chaturvedi	JLD	2.1.19	4.1.43	1.12.64	Conf'd.	
17.	" Kripa Shanker	PLK	24.1.24	24.12.44	1.12.64	Conf'd.	

	2	3	4	5	6	7	8
3. Sri Aditya Prasad	BVN	6.7.14	9.8.45	1.12.64	Ottg.		
9. " G.P. Mazumdar	ASH	1.1.23	30.3.45	14.7.65	"		
10. " Shyam Behari Srivastava	DAL	31.1.27	30.3.49	31.7.65	Offtg.		
21. " Sardul Singh	LC	14.12.29	20.4.49	8.7.65	"		
22. " B.D. Sharma	IMP	10.8.30	5.7.49	30.6.65	"		
23. " R.C. Gupta	BNZ	6.7.27	13.7.49	9.10.65	"		
24. " K.P. Srivastava	STP	8.5.26	28.7.50	15.4.67	"		
25. " Rama Shanker Lal	GK	1.9.18	11.6.48	10.10.68	"		

HLH 25/2/75 Dt 24/2/75

22

ER-463

FROM CGC/LUCKNOW CITY.

JOHNOW CITY
GOODS 48508

DC. S. N. ERLY
LUCKNOW JN.

Through proper ~~channel~~ channel.

Sir.

For kind information:—

We the following goods shed class three staff had been throughout on duty during the entire period of strike from 3-5-74 to 23-5-74 like past, the same had been recorded and advised to your honour by S.C.I. Sri Pysal while taking census, but despite that we have not been yet favoured with the privilege awarded to others; the same may receive your kind attention at an early date for sanction with the same angle of loyal workers which have been awarded to others for ^{which} we shall be highly obliged.

Yours faithfully.

- (1). H. Arora Sd
- (2). R. K. Raj Sd
- (3). G. C. S. S. Sd
- (4). Keshav Ram Verma
- (5). Ram Krishna Gupta

With Jeff of
Goods shed N. E. Rly
Lucknow City