

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

FORM OF INDEX

D.A./T.A./R.A./C.C.P./ No. 1335/987
 R.K. Tripathi Vs - U.C.I. (W.P. 1690/85)
 P A R T - I

1. Index Papers :- 1 to 25
2. Order Sheet :- 1 to 10
3. Any other orders :- Nil
4. Judgement :- 10 to 11 order dt 22-2-90
5. S.L.P. :- C.A.T. C.B. LK.
Nil

D.Y. Registrat

Supervising Officer

Dealing Clerk
(D.B.M. M.R.D.)

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

Nil

- 1 - Index Sheets A1 to A3
- 2 - order sheet on date 22-2-90 A4 to A9
- 3 - copy of Petition/Anscrene/Power A10 to A36. Dealing Clerk
(D.B.M. M.R.D.)
- 4 - copy of Application/Suppli. A37 to A49
- 5 - notices/other papers / Application A45 to A53
for inspection

W/ for ready at
10 am
S.C.S. -

V.K. Mishra

26/3

Wanted and destroyed -

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE 1735 of 1987 T.

NAME OF THE PARTIES

Raj Kumar Tripathi Applicant

Versus

B. O. T Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1.	General Index	A-1
2.	Order Sheet. H.C	A-2
3.	Order Sheet-	A-3
4.	Bench Copy	A 4 to A 51
5.	'B' Mathi Copy	B 52 to B 81
6.	'C' Mathi	C 82 to C 118

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 16.4.0. 85

Name of parties..... Raj Kumar Tripathi v. Union of India

Date of institution..... 11-4-85

Date of decision.....

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63

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
1.		W.P. with Answer and affidavit	29		102.00			
2.		Rowe	1-		5.00			
3.		Cm. No. 4481 (W) of 85 for filing	1-		5.00			
4.		Appln. for fixing date.	1-		5.00			
5.		Cm. No. 5127 (W) of 85	2-		5.00			
6.		Supplementary Application	6-		2.00			
7.		Append. 12585 and 25585	2-		10.00			
8.		Application for early date	2-		5.00			
9.		Inspection Application	1-		2.00			
10.		order sheet	1-		-			
11.		Back copy	1-		-			

I have this

day of

198

examined

the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....

Munsarim

Clerk

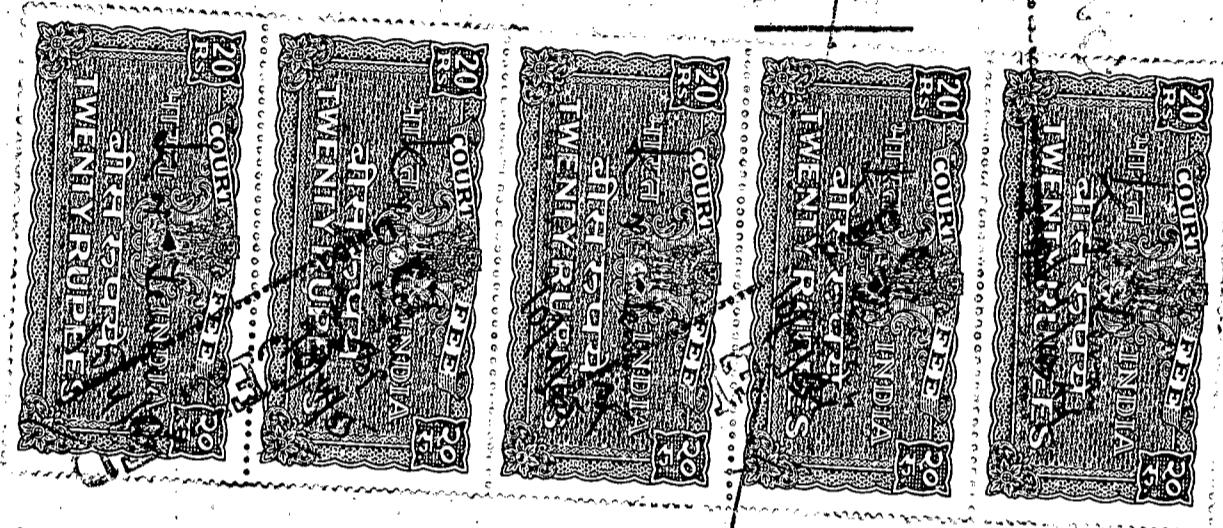
A
S
X
1640

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

Writ Petition No. 1640 of 1985

Under Article 226 of the Constitution of India

District : Lucknow



Subm
on
10/11/85

RAJ KUMAR TRIPATHI, aged about 36 years,
son of Shri Sheo Balak Tripathi, resident
of P.O.H. Colony, Near Kanji House,
Alambagh, Lucknow.

..... PETITIONER

VERSUS

1. Union of India, through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Personal Officer, Divisional Railway
Manager Officer, Northern Railway, Hazratganj,
Lucknow.
3. Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow.
4. Chief Controller, Northern Railway, Hazratganj,
Lucknow.

..... OPP. PARTIES.

....2.



Reffed

(6)

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2

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

10-P

No.

1640

of 1985

vs.

Date of
which
case is
adjourned

Date

Note of progress of proceedings and routine orders

1

2

3

11-4-85 Deen K.S. Karimne,>
 Deen B. Karimne,> —The petitioner
has challenged — — —Set up for orders on 15th
April 1985.

Sd/- K.S. Karimne.

Sd/- B. Karimne

11-4-85

C.M. 4481 (O) 85

11-4-85 Deen K.S. Karimne,>
 Deen B. Karimne,> —Put up along
with the w.c.p.

Sd/- K.S. Karimne.

Sd/- B. Karimne

11-4-85

30-4-85

C.M.A. 5127 (W) 85.

Hon. D.N. Jha, J.

Hon. K.N. Royal, J.

List will record

Sd/- D.N. Jha

Sd/- K.N. Royal

30-4-85

36

C. M. RSC. Abtbn No 5127 (u)-85
IN THE HON'BLE HIGH COURT OF JUDUCATURE AT ALLAHABAD.
LUCKNOW BENCH LUCKNOW.



Raj Kumar Tripathi

... petitioner.

versus

Union Of India and others ... Opp. Parties.

60/6
The humble petitioner most respectfully begs
to state as under :-

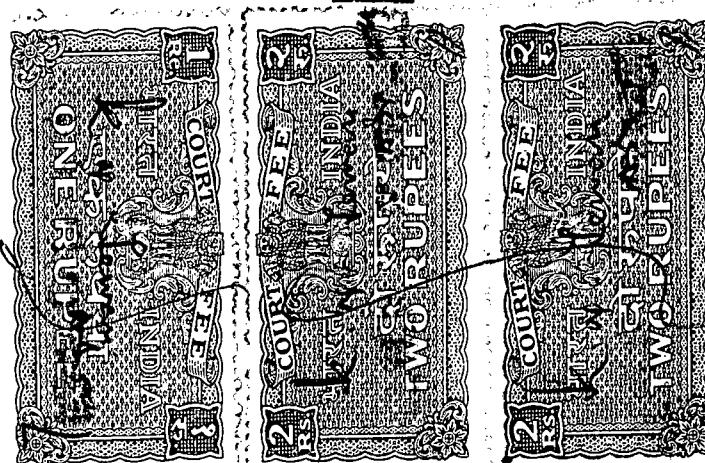
1. That the above noted writ petition was ordered
to be fixed for hearing regarding Admission and Stay
on 15-4-85, but on that the same could not be taken
up and remains pending without any date fixed.
2. That the petitioner was also required to
file the copy of document by 15-4-85, and the same
also could not be filed for the reasons contained
in the accompanying affidavit. The copy of the same
is being annexed herewith as ANNEXURE A-1 to the
accompanying affidavit.

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3
P

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

C.M.Application No. 4481 (W) of 1985

in re :
Writ Petition No. 1640 of 1985



RAJ KUMAR TRIPATHI, son of Shri Sheo Balak Tripathi,
resident of P.O.H. Colony, Near Kanji House,
Alambagh, Lucknow.

.... Applicant/
Petitioner.

Versus.

Union of India and others ... Opp. Parties

APPLICATION FOR STAY

On the grounds and facts mentioned in the
accompanying writ petition, it is most respectfully
prayed that this Hon'ble Court may be pleased to
stay the operation of the reversion order of the
petitioner as contained in the Annexure No. 1 to
the above noted writ petition and allow the petitioner
to continue as Officiating Train's Clerk in the
Northern Railway, Lucknow, till the final disposal
of the above noted writ petition.

Lucknow,

Dated :

K. N. Tewari
(K. N. Tewari)
Advocate,
Counsel for the Applicant.

1735/07(7)

N/1

:-2:-

Serial
number
of
order
and dateBrief Order, Mentioning Reference
if necessaryHow complied
with and
date of
compliance

No Seling Adj to 22.2.90

This case has been received on transfer.
Notice were issued to the counsels by the Office
at Allahabad. None.....

Let notice be issue again to the parties as
directed by Hon'ble Mr. D.K. Agarwal, J.M.

22/2/90

Hon. Justice K. Math, V.C.

Hon. K. Obayya, M.M.

Case called. No one is present
on behalf of the applicant.

Notices of the petition were sent
to applicant and also to
his counsel. The notice
issued to the applicant has
been returned with the report
that the applicant was not
known i.e. he could not be
found.

Shri Arjun Bharpura
appeared on behalf of the
opposite parties. The petition
is dismissed for non prosecution
of the case.

JMK

V.C.

Dinesh/

22/2/90

(11)

Hon. Justice K. Prath, x
Hon. K. Obayya, Am.

The petition is
dismissed for non-
prosecution of the case
by the applicants.

For detailed order
see our orders of date
passed on the
ordersheet.

AB
B.M.

QJ
VG

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$$A(14) \neq \frac{A}{4} \frac{2633}{A/10}$$

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

Writ Petition No. 6 of 1985

Under Article 226 of the Constitution of India,
District : Lucknow.

Raj Kumar Tripathi ... Petitioner

Versus.

Union of India and 3 others ... Opp. Parties

I N D E X

Sl.No.	Description	Page No.
1.	Writ Petition	... 1 to 10
2.	Annexure No. 1 (Reversion order)	11
3.	Annexure No. 2 (Yards Section letter dated 16.1.1982 advising petitioner's promotion)	12
4.	Annexure No. 3 (Divl.Optg.Suptd. letter recommending the petitioner to be retained as TNC)	13
5.	Annexure No. 3 (Petitioner's representation to the D.O.S., N.R., Lucknow)	14 - 15
6.	Annexure No. 5 (Petitioner's representation to the D.R.M., N.R., Lucknow)	16 - 17
7.	Annexure No. 6 (Circular of Railway Board of 1964)	18 - 20
8.	Annexure No. 7 (-do- of 1966)	21 - 25
9.	Affidavit	26 - 28
10.	Power	29

Lucknow. Dated :

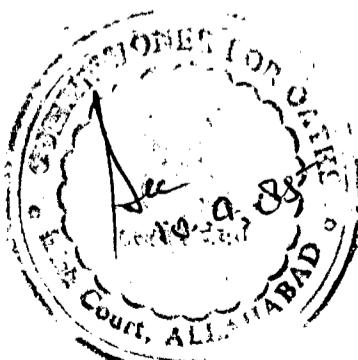
April 10, 1985.

29
Surja Kand
K. J. Senior S.
(~~Surja Kand~~)
Advocate,
Counsel for the Petitioners

to the Chief Controller (CHC) Northern Railway, Lucknow. A true copy of the said letter dated 12.1.1982 is annexed as Annexure No. 2 to this writ petition.

4. That on 4.7.1982, the petitioner was called for written test for the post of Train's Clerk (TNC) wherein he appeared and was declared successful. The successful candidates were directed to face interview on 20.11.1982 but the petitioner was not given an opportunity to appear in the interview without any just cause. The petitioner made a representation to the Divisional Office Superintendent, Northern Railway, Lucknow on 7.11.1982 stating the fact and step-motherly treatment with him but unfortunately, no reply has been received so far. The petitioner was told that as he had not completed 3 years service in Operating Division, his case was not considered for the interview. The petitioner in his representation had clearly mentioned that his previous service as Gangman was 7 years and his half length of service, i.e. 3½ years should be counted for the purpose, but of no avail and the petitioner has not been provided an opportunity to face the interview. A true copy of the said representation of the petitioner, is being annexed as Annexure No. 3 to this writ petition.

5: That the petitioner is advised to state that if there/has the sole cause in not calling the petitioner for interview was the short service of the petitioner in Operating Division, he would not have



Rohit

been called even for written test. Actually, the authorities concerned have acted in an arbitrary manner using unfettered powers in making selection for the post of Train's Clerk.

Prakash Nigam

63. That one Shri Raj ~~Pal~~ Singh, who also got himself transferred from Gangman to Porter and posted to Jaitipur, has been tested and interviewed and promoted as booking clerk. There is a similar case of one Shri Sabbir Raja. He was also promoted as Liverman and now ~~XXXXX~~ he is A.S.M. at Block Lucknow, under T.I. Sultanpur. These both persons are not senior to the petitioner and their service period as Gangman was counted accordingly for considering them to be promoted to clerical cadre.

7. That the petitioner since his promotion to officiating Train's Clerk, i.e. 17.1.1982 has shown an excellent performance in his working and there has never been a chance for complaint against his work or conduct. The Divisional Optg. Superintendent, Northern Railway, Divisional Office, Lucknow, vide his letter No. CHC/Misc./ Staff/85 dated 11.1.1985 recommended to retain at his existing post of work. A true copy of the said letter is annexed as Annexure No. 4 to this writ petition.



8. That the petitioner tried best that he be called for interview for the post of Train's Clerk, the written test of which he has already qualified, but of no avail, therefore, he made a representation to the Divisional Railway Manager, Northern Railways, Lucknow.

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20.3.1985 that the petitioner was ~~very~~ discharging his duties as GADyCHC efficiently; that his work and conduct always remained satisfactory and no complaint was ever received nor any punishment like light warning was ever given to him; that he has qualified the written test but not interviewed on account of his short service at the material time, which has now completed; that he was likely to be reverted and requested to be appointed as Train's Clerk but this letter of the petitioner is still unrepplied though the immediate bosses of the petitioner have strongly recommended for his being ^{b. Pholsik} promoted. A ~~true~~ copy of the said representation dated 20.3.1985 is being annexed as Annexure No.5 to this writ petition.

9. That from time to time the Railway Board issued Circular letters in the nature of Regulation and binding on all the officers of the Administration as the Board is a statutory Body and has been invested with the powers to issue such circulars and are enforceable in the same manner as rights arising out of a statute.

10. That the Railway Board issued two Circulars Nos. E/232/7 dated 23.6.1964 and E/210/0/Com. dated 31.1.1966 on the subject of reversion, a true copies whereof are annexed as Annexure Nos.6 and 7 respectively, which are binding on the opposite-parties. In the circular contained in Annexure No. 6 hereto, it is ensured that what would be the assessment of the working of staff officiating in higher grades; whenever an

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employee is put to officiate in a higher post, what his immediate superior should do, etc. Norms are also apprised regarding reverting an employee officiating in higher grades. In the circular contained in Annexure No. 7 hereto, much emphasis has been laid down in complying the norms provided in the earlier Circular and the position is further clarified.

11. That it is submitted that the opposite-parties have totally ignored the terms of the circulars in the same manner as has been indicated in these two circulars aforementioned. According to the letter and intent of these two circulars, it is clear that whenever an employee is put to officiate in a higher post, his performance and work should be under scrutiny and assessment and even in case of unsatisfactory work, repeated chances should be afforded to the employee concerned to make improvement and thus the reversion should not ordinarily be resorted to even in the case of unsatisfactory work. But in the case of the petitioner, the work and conduct of the petitioner was always excellent.

12. That The petitioner has never been issued with a show cause notice or any other communication indicating that he was to be reverted to the lower post from which he had earlier promoted being worked in the higher post since 12.1.1982.

13. That the petitioner has completed 3 years service as Train's Clerk Officiating and in view of the fact that he has qualified the written test for regularising the officiating persons on the same posts,

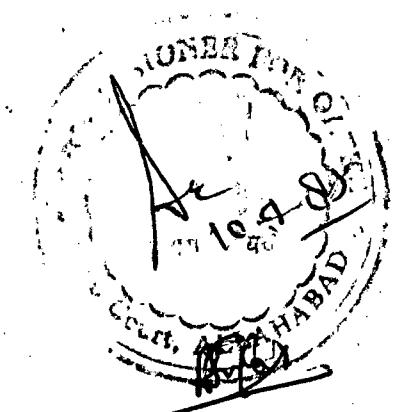
14. That the petitioner is advised to state that the effect of the two circulars of the Railway Board is that any employee who was officiating in higher post for more than a year he should be confirmed. The petitioner has put in 3 years continuous satisfactory service, therefore, he can not be reverted to the post of Porter.

15. That similarly placed and similarly situated persons have not been reverted and has been regularised on the posts in which they were officiating in utter violation of the provisions of Articles 14 and 16 of the Constitution of India.

16. That the reversion order contained in Annexure No. 1 is violative of the Board's circulars contained in Annexure Nos. 6 and 7 to this writ petition and also violative of Article 311 of the Constitution of India as there was nothing adverse against the petitioner and no show cause notice or anything was ever given and no opportunity to defend his case before the passing of reversion order was given to the petitioner.

17. That similar writ petition No. 2123 of 198~~5~~ has been filed and has been admitted by this Hon'ble Court.

18. That the petitioner has not been served with the reversion order contained ~~xx~~ in Annexure No. 1, but he grossly apprehends that in case he receives the impugned order, his charge would be taken from him which at present he possesses.



19. That feeling aggrieved by the reversion order contained in Annexure No. 1, the petitioner files this writ petition having no alternative and efficacious remedy, on the following amongst other

GROUNDNS :

I. Because, the reversion of the petitioner is arbitrary and infringes fundamental rights enshrined under Articles 14 and 16 of the Constitution of India.

II. Because, the reversion order has been passed contrary to the established procedure and in utter disregard of the Rule of Law, and is also contrary to the principles of natural justice.

III. Because, the authorities concerned have acted without jurisdiction in passing the reversion order as contained in the Annexure-I.

IV. Because, similarly situated and similarly placed persons have been upgraded jeopardizing the material interest in utter abuse of Articles 14 and 16 of Constitution of India.

V. Because, the opposite-parties have overlooked the statutory provisions of Railway Board's circulars contained in the Annexure Nos. 6 and 7 on the subject of reversion and officiating in higher posts and regularising thereon.

VI. Because, the impugned order is illegal, unreasonable, unjust and causes irreparable loss to the petitioner.

VII. Because, the impugned order amounts to punishment to the petitioner which can not be given without affording an opportunity of being heard.

VIII. Because, passing the impugned order particularly when the posts are still vacant and juniors or similarly placed and situated persons are allowed to continue, is quite illegal, unjust and in colourable exercise of powers of the authorities concerned.

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

- i) issue a writ, direction or order in the nature of certiorari cancelling the impugned order contained in Annexure No. 1 after summoning the same in original from the possession of the opposite-parties;
- ii) issue a writ, direction or order in the nature of mandamus directing the opposite-parties not to revert the petitioner and allow him to continue as Train's Clerk and the petitioner be regularised as such;
- iii) issue a writ, direction or order as this Hon'ble Court may deem fit and proper in

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the circumstances of the case; and

iv) award the costs of the petition in favour of the petitioner. S

Lucknow,

Dated : 10-4-87

Surjeet Kaur

L. N. Lewis

(Revised) Address

Advocate,

Advocate,
Counsel for the Petitioner.

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

LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO. 1985 OF 1985.

Raj Kumar Tripathi Petitioner.

VS.

The Union of India and others Other Parties.

ANNEXURE NO. 1.

No. T.C. 23/ Staff / 85.

Dt. 12. 3. 85.

The

Stn. Superintendent.
Northern Railway Lucknow.

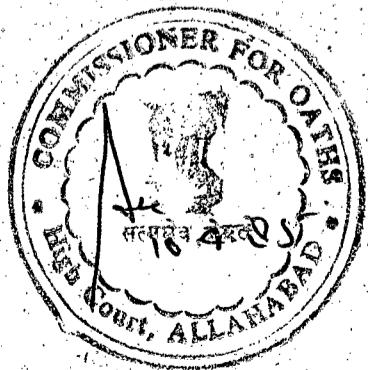
In terms of Divisional Rail Manager
Lucknow letter No. 757/E/ 54/T.N.C. Dated 16.2.84

Sri R.K. Tripathi is spared and directed to you to work
as Porter Lucknow on transfer after Noon of date.

He is due 14 days Casual Leave in this
Year.

Sd/- Chief Controller.
Northern Railway
Lucknow.

TRUE COPY.



R.K. Tripathi

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

LUCKNOW BENCH LUCKNOW .

WRIT PETITION NO.

OF 1985 .

Raj Kumar Tripathi Petitioner .

vs.

The Union of India and others OPP. Parties .

ANITAUR NO. 2 .

Ref. No. Yards / Order / Lucknow Yard /82

Dated 16.1.82 .

From Yards / Lucknow .

To

Chief Controller, (C.C.C)
Northern Railway Lucknow .

Sub :-

Sri R.K. Tripathi Porter

Posted as TNC

Ref. :-

DRM./ Lucknow and letter No. 757/E /5-6

Adhoc dated 12.1.82 .

Sri R.K. Tripathi is promoted as
TN.C. on adhoc basis is spared on 17.1.82 A.M. to
report at your's end for further duty . His
service particulars are given below :-

Name Sri R.K. Tripathi .

Father's name Son of Sri Balak Tripathi .

Rate of pay Rs. 226/-

Date of Birth 2.7.1948 .

Date of appointment 01-2-1974 .

This pay charged here upto 27.2.82 and further to
be charged at yours end .

Ys/ Lucknow .

N. Rly .

TRUE COPY .



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

LUCKNOW BENCH LUCKNOW .

WRIT PETITION NO. of 1985 .

Raj Kumar Tripathi Petitioner ..

vs.

The Union of India and others ORP. Parties..

ANNEXURE NO. 4.

NORTHERN RAILWAY

HON C.H.C. / Misc. / Staff / 85 . Divisional Office
Lucknow Dated :
11.11.85 .

The Divl. Personnel Office (G) ,

Northern Railway ,

Lucknow .

Sub:- Retention of Shri R.K. Tripathi as TNC
in CNL. Office / Lucknow .

The above named Shri R.K. Tripathi
whose substantive post was transportation porter , has
been utilised as junior TNC for about 3 years . His
working has been satisfactory and appreciating . He
has incidently also gone through the TNC's written
test in July 82 and by all means deserves to be
retained at his existing post of work .

This is in supercession to this previous
orders passed by DOS .

Sd/-

Divl. Optg. Superintendent
Lucknow .

TRUE COPY .



Rafat

4/18 14
X/15

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

LUCKNOW BENCH, LUCKNOW .

WRIT PETITION NO.

OF 1985 .

Raj Kumar Tripathi Petitioner .

vs.

Union of India and others OFF. Parties .

ANNEXURE N^o. 3 .

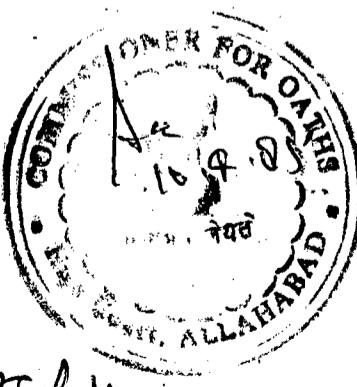
To

The D.O.S.

Northern Railway ,
Lucknow .

Sir ,

I beg to inform you that I got my category changed from Gangaman under P.W.I.- I / Lucknow to Porter and posted under Yard Supdt . / Lucknow in May 81 . I requested my transfer from the post of Gangman to Porter in traffic department against 10% Kota in terms of P. S. No. 520 . As per order contained in this P.S. No. 520 The Staff transferred from the gangman to other department gets the benefits of half of the length of service for the purpose of seniority in the observing department . I was appointed as Gangman on 1.2.74 . I was transferred as porter were I joined on 21.5.81 and I have put in more than 7 years as gangman . The half of the length of my service as gangman . 3 and half of years (3 years and 6 months) should be counted for fixing my seniority as Porter .


I was promoted as trains Clerk in adhoc and posted in control Office under Chief Controller/ Lucknow on 19.1.82 . I am working upto the entire satisfaction of my superiors since then .

Rajkumar

Fortunately I was called for written test on 4.7.82 and passed the same. I have come to know that the staff passed in written test are being called for interview on 20.11.82, but I am not being called for the same, which does not seem to be justified.

I may mention that one Sri Raj Prakash Nigam was also got himself transferred from Gangman to Porter and posted at Jaitipur has been tested and interviewed and promoted as booking clerk and is working at Unnao permanently which is a similar case with me, but it is not understood, why I am not being given chance to appear in the interview. I may add the my date of appointment is 1.2.74. Kindly issue instructions to call me in the interview on 20.11.82, so that I can also have a chance.

Yours faithfully,

Dated :- 7.11.1982. (R.K. Tripathi)

TNC/ Control / Lucknow.

TRUE COPY



R.K. Tripathi

16

In the Supreme Court of India
At Allahabad
Bench, Allahabad
West Paltia No. 1985

A/24 17

Raj Kumar Tripathi —— Petitioner
versus

Union of India & others —— Opposite

विवाद में

Annexure 3

मानवीय अधिकारों परिवार व्यवस्था,
उत्तर रेलवे, लखनऊ !

दारा- मानवीय अधिकारों परिवार व्यवस्था, ३० रु० संस्कृत !

विवाद :- वारा० के त्रिपाठी टी० ए० ई० कर्मचारी की सम्पादित
— पदाकाति के सम्बन्ध में ।

मान्यता,

प्राची लखनऊ रेलवे विभाग द्वारा जी के सहानुभूति पूर्ण रूप
स्वाधीन संगत अधिकारों प्रस्तुत करता है :-

(१) यह कि प्राची लखनऊ नियन्त्रण करा में गति तीन घण्टा में ३० रु०
डिप्टी ई० ए० ई० ई० के पद पर पूरी निष्ठा रूप सार्वजनिक सुविधा
करनी कर रहा है ।

(२) इस अधिकार में प्राची को न सो लिही प्रकार का कोई विवर नहीं
न ही काम में लिही प्रकार की कोई दृष्टि पाई गई ।

(३) प्राची ने अपने काम से अपने अधिकारों की उद्देश्य प्रस्तुति रूप संतुष्ट रूप
रखा है । प्राची ४५-८८ को टी० ए० ई० ई० की लिही परिवार
पाद कर दुका है । लेकिन प्राची को ४५-८८ के अन्तर्गत में नहीं
छुलाया गया, क्योंकि प्राची के इस सभ्य आपरेटिंग में तीन बाल
नहीं हुए हैं । तब से प्राची एड्डाक में टी० ए० ई० ई० के पद पर काम
कर रहा है ।

यह कि विवरकरत सुनाई से जात हुआ है कि प्राची की पदाकाति की
प्राक्षिप्त प्रारम्भ कर ही गयी है, किंतु प्राची को बत्यन्त बाधित
इति रूप संतुष्टिकरण की सम्पादिता है । इसी बाधित इति
के सारण प्राची के बच्चों की लिहा दोला रूप संतुष्टिकरण
पर मी प्राप्त थहेगा ।

(४) यह कि कर्मचारी में टी० ए० ई० के हृषि स्थान रिस्त परे हुए हैं
जो बड़ी तरफ पर नहीं रखे हैं ।

ज्ञात है कि भारतीय विधेयक में भारतीय विधायिका
पर प्राची के विवरणित के बादेख का विवरण जैसे कि भारतीय विधायिका
विवरण दर्शाते हैं ।

दिनांक : ३० दू. १९८५
लिखा हुआ है । दिनांक : ३० दू. १९८५

10.4.85

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

LUCKNOW BENCH LUCKNOW .

WRIT PETITION NO.

OF 1985 .

Raj Kumar Tripathi .

.....Petitioner .

vs.

The Union of India and othersOPI .Parties.

ANNEXURE NO. 6 .

Railway's letter No. E/ 232 / 7 dated 23.6.64 reversion of employees officiating a higher grade .

Under this office letter No. S (38) 12-711 Eb. vi (c) dated 6.2.63 , a copy of Board's confidential letter No. F 90 &AO 61-6/6/36 dated No. 11-1961 was sent to all officers . As per Board's directions , efforts are to be made to confirm staff officiating in higher grade in older vacancies , if they are found suitable , after trial over ~~and~~ a reasonable period of not exceeding 18 months . It is , however , observed that in practise , no proper system is being followed in respect with the result that staff continues to officiate in higher grade for long periods and several cases staff who have officiated for a number of years have been reverted on account of inefficient working . Such reversions are contrary to the extant ~~or~~ orders .

2. With a view to ensure that a proper assessment of the working of staff officiating in higher grades , is made and action to revert such employees , as are found to be unsatisfactory in work in the higher grade .



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is taken in time, the following procedure is being introduced for strict compliance by all concerned.

3. Whenever an employee is put to officiate in a higher post, his immediate superior should sent an assessment report in room as the employee has completed a months of officiating, period. If this report is unsatisfactory a similar further report should be sent three months later i.e. at the end of 9 months officiating period and again 3 months later i.e. at the end of 12 months officiating period. If the first report is satisfactory further reports need not be send unless the employees detriorates in the subsequent months.

4. These assessment reports should be sent on to the authority who had ordered the promotion. Is the case of the first and or second report being unsatisfactory, the employee should be warned that the report on his working has been unsatisfactory and unless he makes a substantial improvement, he will be liable to be reverted.

5. If the thirs report, at the end of 12 months period is also unsatisfactory, he should be promptly reverted and if he is to be given a further chance even after the thirs unsatisfactory report, the personal function of the senior scale officer in the case of a class employee and of a Head of Department in the case of Class III employee should be ~~xxxx~~ obtained even after such sanction has been obtained and opportunity given to the employee is of an avial, he must be

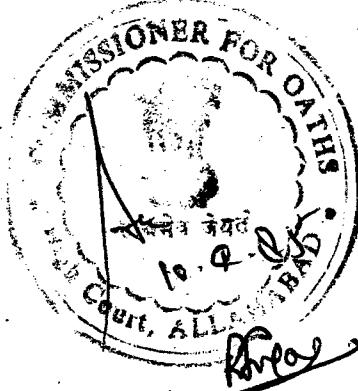


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properly reverted before completing 12 months of officiating period. Order for revertetion in such cases should not be passed by an authority lower then the authority who had ordered the promotion. Then an employee is reverted for inefficient working from a selection post, his name will automatically be deleted from the panel. For promotion he will have to appear before a selection Board afresh. Then an employee is reverted for inefficiency from a non-selection post his case should be reviewed at interview of six months and if he is considered fit for promotion, he should be reported against the next vacancy.

6. If it is proposed to revert ~~to~~ an employee who had had completed 18 months of officiating period other then by following the DMR procedure, the promotion sanction of a Head of Department be obtained in the case of class IV employee and C.M's personal seration just be obtained in the case of class III staff.

7. Since no official individual whose working is unsatisfactory could have been allowed to continue beyond 18 months exact under very special circumstances confirmation must be made after 2 years of officiating period has been completed subject to permanent post being available for the purpose. In the case of staff with satisfactory reports, confirmation against available vacancies, can be ordered after one Year. It is proposed to defer the confirmation of an individual after 2 years C.M's report sanction should be obtained.

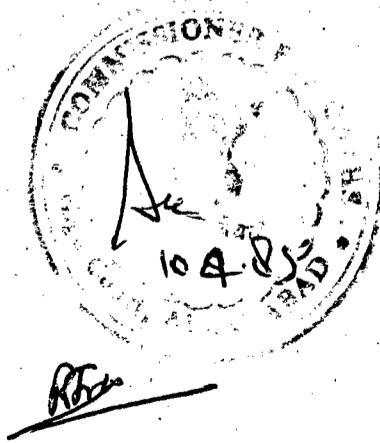


8. If an employee is not confirmed in higher grade post for want of permanent vacancy he cannot be reverted after he has completed 18 months of officiating period on the charge of unsatisfactory working except after the following C A R procedure , the procedure being the same for confirmed employees or an officiating employee .

9. The assessment reports referred to above should be marked confidential and a proper record kept of these recommendations . The establishment section should watch the case of such employee and initiate action when the employee completes 6 months of officiating period by putting up a note to the Executive Officer for the purpose .

10. The above procedure should also be followed in the case of Class III employee promoted to officiate in case of Class II in their case , the assessment report should be sent to the Head of Department and where as officer has been reported an adversely , the papers should be put up before the O V for orders .

TRUE COPY .



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

LUCKNOW BENCH LUCKNOW .

WRIT PETITION NO. OF 1985 .

Raj Kumar TripathiPetitioner .

vs.

The Union of India and other s..... OPP. Parties .

ANNEXURE NO. 7 .

Railways letter No. E/210/G/ Com dt. 31.1.1966 .

Subject :- Reversion of employees officiating in higher grade .

Attention is invited to this office confidential letter No. E/ 232 / 7 dt. 23.6.1964 vide which instruction were issued laying down the procedure to be followed in the matter of reversion of employees officiating in higher grade . The position has been further revised and instructions contained in the paragraphs which are issued in supersession of the instructions issued vide letter No. E/ 232/7 dated 23.6.66 .

2. As per Board's directions contained in

their letter No. B/ D A 61-C.6-30 dated 30.11.1961

efforts are to be made to confirm staff officiating in higher grade in clear vacancies , if they are found suitable , after trial , over a reasonable period not exceeding 18 months . It is however , observed that in practice no proper system is being followed in this

respect with the result that staff continue to officiate in higher grade for long period and in several cases staff who have officiated for a number of years have



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been reverted on account of inefficient working. Such reversion are contrary to the ext nt orders.

3. With a view to ensure that a proper assessment of the working of staff officiating in higher grades, is made and action to revert such employees as are found to be satisfactory in work in the higher grade is taken in time. The following procedure is being intruduced for strict compliance by all concerned.

4. Whenever employee is not to officiate in a higher post which may be a selection post or non-selection post, his immediate superior should send an assessment report as soon as the employee has completed 3 months officiating, period to the authority who had ordered his promotion. In the case of an unsatisfactory report a warning letter should also be issued to the employee and in which instance of his failure should be pointed out to him. A similar further report should be prepared 3 months later i.e. at the end of 6 months officiating period and sent to the authority who had ordered the promotion. If this report is also unsatisfactory the employee concerned may be reverted with personal sanction of a Senior Officer in the case of Class IV employee and of a Head of Department in the case of class III employee.

If an employee is reverted after 6 months to his due to his unsuitability it is to be presumed that either record of service was not consulted at the



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time of ordering his promotion or if consulted , it did not give a correct assessment of his ability and in case of selection posts the selection committee made an error of judgment in assessing his abilities . The aspect also should be examined by the authority ordering the reversion in every such case .

6. When an employee is reverted for inefficient working from a selection post , his case will be automatically deleted from the panel . For re- promotion he will have to appear before a selection Board afresh . There no employee is reverted for inefficiency from a non - selection post his case should be reviewed at intervals of six months and if he is considered fit for promotion he should be re- promoted against the next vacancy .

7. In the terms of Board's letter No. E 4(C & A) 65-RG 6/ 24 dated 9.6.65 circulated under this office letter No. E/VII / 232 /7 (con) dated 30.6.65 , any person who is permitted to officiate beyond 18 months must not be reverted for unsatisfactory work without following the procedure prescribed in the Disciplinary and Appeal Rules .

8. A question may be raised whether the safeguard applies to persons who are officiating on promotion as an stop gap measure and not after empanelment in the case of selection posts and after passing the suitability test

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(in the case of non-selection post) it is clarified that the aforesaid applies to only those employees who have acquired a prescriptive right to the officiating post by virtue of their empstement or having been declared suitable by the competent authrites . It does apply to those officiating on promotion as a stop gap measure and also to those cases where an employee duly selected has to be reverted after a lapse of 18 months because of cancellation of selection and preseedings due to change in the penal position consequent to rectification of mistake in seniority etc.

9. Since no officiating individuals who are working is unsatisfactory could have been allowed to continue beyond 18 months except under very special circumstances confirmation must be made after two years of officiating period has been completed subject to permanent post being available for the purpose purpose . In the case of staff with satisfactory reports , confirmation against available vacancies can be ordered after one year , if it is proposed to defer the confirmation of an individual after 2 years G.M.'s prior sanction should be obtained .

10. The assessment reports referred to above should be marked confidential and a proper record kept of those communication . The establishment section should watch the case of each employee and initiate action when the employee completed 3 months of officiating period by putting up a note to the Executive Officer for the purpose .

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11. That the above procedure should also be followed in the case of class III employee promoted to officiate in Class II. In their case, the assessment report should be sent to the H.O. and where the officer has been reported on adversely, the papers should be put up to the General Manager personally for his information and orders.

TRUE COPY

R.H.



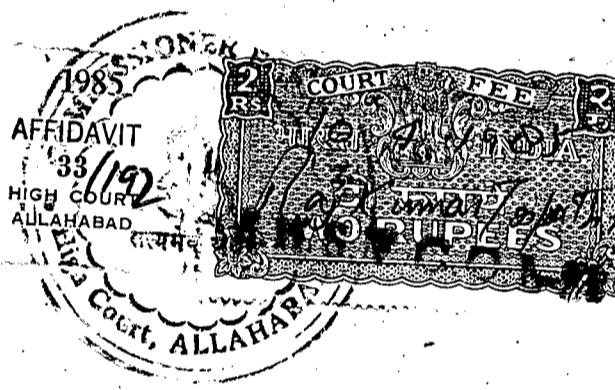
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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Affidavit
in support of :

Writ Petition No. of 1985



Raj Kumar Tripathi ... Petitioner.

Vs.

Union of India and others ... Opp. Parties

AFFIDAVIT

I, Raj Kumar Tripathi, aged about 36 years, son of Shri Sheo Balak Tripathi, resident of P.O.H. Colony Near Kanji House, Alambagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above noted writ petition and as such is well conversant with the facts of the case.

.....2.



2. That the contents of the above noted writ petition from paras 1 to 18 are true to my own knowledge and those of para 19 is ~~the~~ believed to be true being based on legal advice.

3. That the above noted writ petition is accompanied by seven annexures, all of which are true copies of their respective originals, which have been checked by me.

4. That the contents of this affidavit from paras 1 to 4 are true to my own knowledge.


Lucknow,

Dated 10th April, 1985.

Deponent

Verification

I, the above-named deponent, do hereby verify that the contents of this affidavit from paras 1 to 4 are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

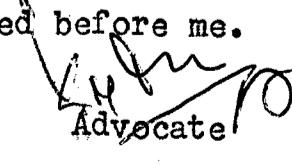

Lucknow, Dated :

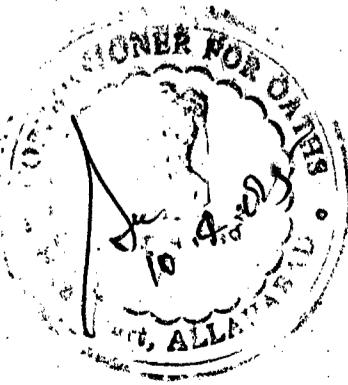
April 10th, 1985.

Deponent

Identification

I identify the deponent who has signed before me.


Advocate



Solemnly affirmed before me on 10.4.85
at 10.30 A.M./P.M. by Shri Raj Kumar Tripathi,
the deponent, who is identified by Shri K.N.Tewari,
Advocate, High Court, Lucknow Bench, Lucknow.

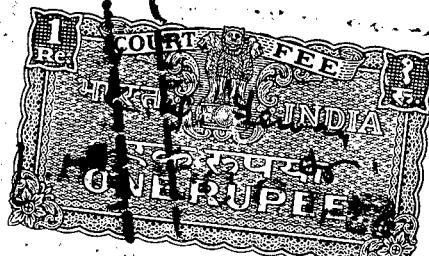
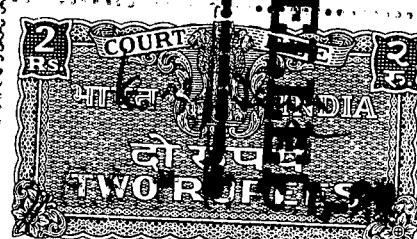
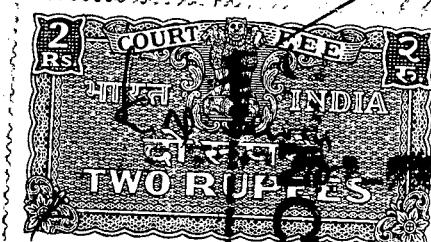
I have satisfied myself by examining the deponent
that he understands the contents of this affidavit,
which have been read out and ~~explained~~ explained by me.

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Raj Kumar Tripathi Adv.
Oath Commissioner
10.4.1985



Raj Kumar
Tripathi

Union of Advocates

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Surja Kant

Raj Kumar Tripathi Lawyer Advocate

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रूपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रयाण रहे और समय पर काम आवे।

हस्ताक्षर

(Raj Kumar Tripathi)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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स्वीकृत

To,

The Addl. Registrar
Hon'ble High Court of Allahabad
Bench at Lucknow

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Writ Petition no 1640 of 1985

R.K. Tripathi Petitioner

versus

Union of India & others Opposite party

Application for fixing date

In the above noted Case this respectfully Submits
as under:-

1. That above noted writ-petition was filed on 11.4.85 before Hon'ble Mr. Justice K.S. Verma and Mr. Justice Brijesh Kumar. Their Lordship's pleased to fix 15.4.85 for further hearing and directed the petitioner to file Supplementary affidavit along with letter of 16.2.84. The supplementary affidavit along with said letter was filed accordingly.
2. That on 15.4.85 the number of case could not be as such the above noted writ-petition could not be taken and remain without further order.
3. That on 17.5.85 a application for fixing a date was given to your Lordship and your Lordship after perusal of file pleased to fix 23.5.85 for adjourn. Unfortunately this day the could not come in consequence.
4. That further on 25.5.85 an another application was moved that too remain condoned which is on file.
5. That petitioner was deputed from the post of Travis Clerk to porter (Railway Serv.) but any how he is still working to the same post. There is every likelihood that he may be taken charge of another post is detailed to work on his post.

Therefore it is most respectfully claimed
that early date for Admonition hearing may very
kindly be fixed at least to get justice after
hearing of the case.

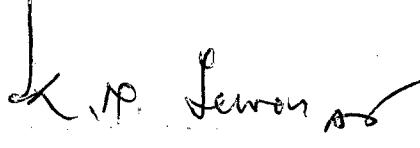
The applicant shall ever pray

Decd.
26/7/85

Kripal Devan
(Adv.)
(Counsel for Petitioner)

It is further prayed that the above noted writ petition along with the Stay application may kindly be ordered to be listed in the next week.

Lucknow:


K.N. Jaiswal

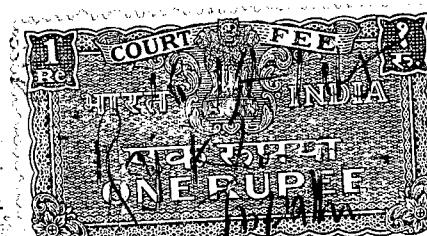
Dated : 24/4/85 Counsel for the petitioner.
21.4.85

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

Writ Petition No. 1640 of 1985.

1985
AFFIDAVIT
40/12
HIGH COURT
ALLAHABAD



R. K. Tripathi

Petitioner.

Versus

Union of India & Others ---- Opp-Parties.

Supplementary Affidavit

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I, Raj Kumar Tripathi aged about 36 years
son of Shri Shri Balak Tripathi, B/o and T.C.H. Colony
near Kanzi House, T. S. Alambagh, Lucknow, do hereby
solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in
the above noted case as such he is fully conversant
with the facts and circumstances of the case deposed
hereunder.

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2. That the deponent was directed by this Hon'ble Court to file D.R.M. letter no. 757E/5-4/TNC dated 16-2-1984. ~~on 16-4-85~~.

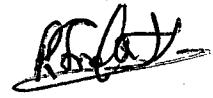
3. That deponent could not get the copy of said letter as such he could not file the same within specified period.

4. That the deponent is filing the said letter today which is annexed alongwith this affidavit, as annexure no. A-1 to this supplementary affidavit.

5. That the delay in filing the said letter is not deliberate and liable to be condoned and and it may be taken on record.

Lucknow Dated

16-4-1985


Deponent.

Verification

I, the above named deponent, do hereby verify that the contents of paras 1 to ~~5~~ 4 are true to my own knowledge and those of paras ~~3 and 5~~ 3 and 5 are believed

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by me to be true and those of para to are based on legal advice. Nothing material has been concealed and no part of it is false, so help me God.

Lucknow : Dated

16 -4-1985

Deponent.

I identify the deponent who has signed before me.

K. A. Jena
Advocate. PP

Solemnly affirmed before me on 16.4.1985 at 1.45 a.m./p.m. by Raj Kumar Tripathi the deponent who has been identified by Shri K. N. Tiwari Advocate, High Court Bench, Lucknow.

I have satisfied myself by examining the deponent who ~~has been~~ it understands the contents of this supplementary affidavit which have been read out and explained by me to him.

Oath Commissioner.

B. N. Dasgupta

16/4/1985
16-4-85

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

Writ Petition No. of 1985

R.K. Tripathi. --- Petitioner.

Vs.

Union of India & Others. --- Opp. Parties.

Annexure No. A-1

Northern Railway,
Divisional Office,
Lucknow. Dt. 16.2.84

No. 757-E/5-4/TNG

NOTICE

(A) The following staff who were temporarily promoted to officiate as TNC Gr. Rs 260-400 (Rc) purely local adhoc arrangement vide this office notice of even No. dt. 12.1.82 are reverted to their substantive posts with immediate effect.

S.No.	Name.	Substantive post and station.	Existing Stn.
	S/ Shri.		
1.	Isaqua Ali	Shuntman-LKO	TNC/LKO.
2.	Baboo Lal	" (G)	" (G)
3.	R.K. Tripathi	Porter/LKO.	" (CHC)



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4. A.K. Srivastava Porter LKO TNC/ (CHC)

5. Noor Mohd. Shuntman-BB " BSB

6. Ram Lochan " VYN " MGB

7. Awadh Behari Leverman-PBH " PBH

8(B) The following panelled staff who have qualified P-4 promotional course at ZTS/ CH and also took 15 days local training to the duty of TNG are temporarily promoted to officiate as TNG Gr Rs 260-400(RB) and posted at the station indicated against each :-

<u>S.No.</u>	<u>Name.</u>	<u>Existing Desig. Stn.</u>	<u>Posted on promotion at stn.</u>
S/ Shri			
1.	Ram Chander	Shuntman FD	YS/LKO
2.	Rameshwar	" LKO	DS(R)
3.	Ram Deo Yadav	" FD	BSB
4.	Ram Abhilash	" BBK	BSB
5.	Zaheer Ahmad	" LKO	AMG
6.	Santosh Kumar Sarang	LKO	CHC/LKO
7.	Pooran Bahadur Tewari	LKO	SS/LKO(Chg)
8.	D.S. Awasthi	Callman LKO(CHC)	CHC/LKO
9.	Ram Sermani	Porter KBH	PLP
10.	Virendra Singh	Porter LBH	CHC/LKO.

contd 3/-

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(C) The following TNC's Gr. Rs 260-400 (RS) are transferred at the station against each on their own request. They are not entitled any transfer pass/transfer allowance joining time etc.

S.No.	Name.	Present station	Transferred.
1.	Abdul Shahim	BSB	DS (Rulee)
2.	Davendra Kumar	BSB	"
3.	Jhepsi	DS (F) CHC/LKO	PSB.

(D) ADMR(OP) has approved the transfer of the following posts from Goods shed Lucknow to BEK and AMG.

1. One post of Sr. CHC Gr Rs 330-560 from GS/LKO to BEK.
2. Two posts of TNG Gr Rs 260-400 from GS/LKO to AMG

Consequent upon this the following are transferred :

- Sri B.D. Tewari Sr. CNC GS/LKO to BEK.
- " Kesheo Ram TNC GS/LKO to AMG
- " Zaheer Ahmed "

This pass the approval of Mr. DPO/LKO.

Sd/-

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

Copy forwarded for information & necessary action to:-

1. Station Supdt LKO BEK FD PLP PSH
2. Station Master Kapdeethi/LBH VYN AMG
3. CHC/LKO
4. Y/LKO
5. G/LKO
6. Dy. CHC (Cobby) MG
7. Mr. (Relief) DRM Office/Lucknow
8. Mr. DAO/LKO
9. Supdt. (Pay Bill) LKO.

RECORDED
16-4-1981

(True copy)

DR. K. K. Mehta
16-4-1981

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

1735/07

No. C.A.T./Alld/Transfer/ 3048 Dated the 17/1/90

R.K. Tripathi

APPLICANT'S

VIA. 15

man of Janda

RESPONDENT'S

① To Raj Kumar Tripathi S/o Shri Balak
Tripathi S/o P.O H. Colony Near
Kanje Haze, Alom Singh Lko

Whereas the marginally noted cases has been transferred
by 14-C/60 under the provision of the Administrative
Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition No. 1640/85

of 1990, of the Court of

14-C/60

arising out of order dated

passed by

Seal of the Court
Chanch Lucknow

in.

The Tribunal has fixed date of
22-2-90 1990. The hearing
of the matter.

If no appearance is made on your
behalf, by your some one duly authorised
to Act and plead on your behalf.

The matter will be heard and decided in your absence.
given under my hand seal of the Tribunal this 15
day of 1 1990.

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DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211 01

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Ref. No. 1735 of 1987

No. CAT/Alld/Jud 11291-97 dated the

Raj Kumar Prabhati APPLICANT(S)

VERSUS

Union of India RESPONDENT(S)

TC

- 1- Shri Surya Kant, Advocate, Lucknow High Court Lucknow.
- 2- Chief Standing Counsel (C.G.) Lucknow High Court Lucknow.

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

Original Petition No. 1640
of 1989
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of
15-12-1989 1989. The
hearing of the matter at Gandhi
Shawan, Opp. Residency, Lucknow.
If no appearance is made on your
behalf by your name one duly authorised to
act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of August 1989.

Prakash


DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, C.P. Residency, Lucknow

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1735/07

No. CAT/Alld/Transfer/3040 Dated the 17/1/90

R.K. Tripathi

APPLICANT'S

VERSUS

Min. of India

RESPONDENT'S

① To Raj Kumar Tripathi Sl. No. 8a Balak
Tripathi 7/10 P.O. H. Colony Near
Kanji Haisa Almora U.P. 263101

Whereas the marginally noted cases has been transferred
by H.C. 122 under the provision of the Administrative
Tribunal Act, XIII of 1985 and registered in this Tribunal as above.

Writ Petition No 11674/05 of 1990 of the Court of
the Cuttack arising out of order dated 22.2.90 1990. The hearing
passed by 22.2.90 1990. The hearing
in 22.2.90 1990 of the matter.

If no appearance is made on your
behalf by your some one duly authorised
to Act and plead on your behalf.

The matter will be heard and decided in your absence
given under my hand seal of the Tribunal this 15
day of 1 1990.

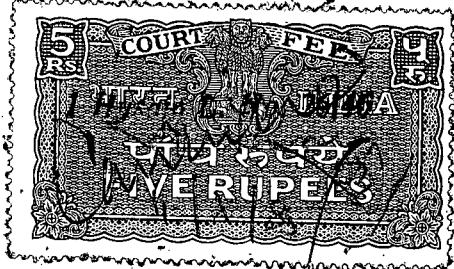
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DEPUTY REGISTRAR

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(5)
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.
SITTING AT LUCKNOW.

WRIT PETITION NO. 1640 of 1985.



R.K.Tripathi ... Petitioner.

versus

Union Of India and others.. Opp. Parties.

To,

The Registrar,
The Hon'ble High Court at Allahabad,
Lucknow Bench, Lucknow.

Sir,

In the above noted case it is respectfully submitted as under : -

1. That the above noted writ petition was filed before Mr. Justice K.S.Verma and Mr.Justice Brijesh Kumar on 11-4-85, after hearing of the petition this Hon'ble High Court was pleased to fix 15-4-85 for filing Supplementary Affidavit regarding Annexure No.1, but unfortunately this case could not come up for hearing, listing.
2. That on 17-5-85 the applicant moved an application before your Honour for admission. This application was allowed and it was told by your Honour's office that the above petition is fixed for 23-5-85 for admission, but ~~again~~ it could not be listed.
3. That on another application of the petitioner, your Honour was pleased to fix 5-8-85 for admission on the above noted writ petition and it was listed

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before Hon'ble Mr. Justice K.S. Verma and Mr. Justice Saghir Ahmad. But this day the luck of the petitioner could not favour him and as such the turn of the case could not come up.

in

4. That the petitioner's writ petition he had challenged his ~~revision order~~ ^{debenar order}. He is not being paid his salary. He is very soon likely to be reverted. The stay in the above writ petition is urgently solicited.

Wherefore, it is most respectfully prayed that your honour may kindly be pleased to fix an early date for admission of the writ petition.

Lucknow, dated :

October 16, 1985.

(K.N TEWARI)

ADVOCATE

COUNSEL FOR THE PETITIONER.

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CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

B/C

T.A. NO. 1735 of 1987 (T)
(W.P. NO. 1640 of 1985)

Raj Kumar Tripathi	Applicant.
	Versus	
Union of India & Others	Respondents.
<u>222.1990</u>		
Hon'ble Justice K. Nath, V.C.		
Hon'ble Mr. K. Obayya, A.M.		

Case called. No one is present on behalf of the applicant. Notices of the petition were sent to applicant and also to his counsel. The notice issued to the applicant has been returned with the report that the applicant was not known i.e. he could not be found.

Shri Arjun Bhargawa appeared on behalf of the opposite parties. The petitions is dismissed for non-prosecution of the case.

Sd/-

A.M.

Sd/-

V.C.

// True Copy //

rrm/

checked
26/2/90

Central

Law 3 B
Lucknow

26/2/90

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The Addl Registrar
would be hearing date
as telephoned back soon. 1/Offs. 5/

W.P. No 1640 of 1985

Rakeshwar Tripathi — Plaintiff

Union of India & others — Opposed parties

Stopical for fixing date

In this regard most respectfully beg to submit
as under:

1- That applicant has file the above matter with P.C.C. on the 10th Court on 11.4.1985 against the Revision order and done time for filing the supplementary affidavit upto 15 days granted by Hon'ble Mr. Justice K. G. Venk and Hon'ble Mr. Justice K. N. Andheri and the date for hearing of the above matter with P.C.C. was also fixed by their Hon'ble on 15.4.85 but on 15.4.85 the number for hearing date not reached.

2- That after the above matter date no other date for hearing of the above matter with P.C.C. has been fixed.

3- That in the view of notice if is very necessary that if the date for hearing may not be fixed the purpose for filing the case with P.C.C. will become nullification because the other person is going to take over the charge on the place of the applicant.

Whereupon it is most respectfully submitted

(This) that the above matter with P.C.C. may very
aptly be fixed for hearing w the next week otherwise
the purpose for filing the case with P.C.C. will become
nullification, as the other person is going to take over
charge on the place of the applicant and the stay is
very necessary

K. N. Venk A.D.

17/5/85

Recd date 17.5.85

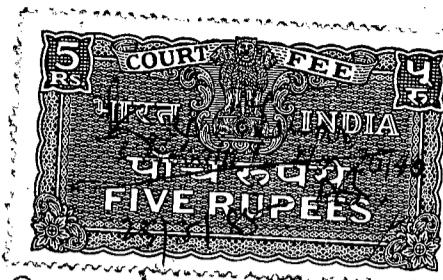
Concl for the P.C.C.

The Addl. Registrar,
High Court Allahabad
Bench Lucknow,

C/115

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W.P. no 1640 of 1985

Day Kumar Tripathi _____ Petitioner
Union of India & others _____ Respondents

Sirs,

It is respectfully submitted as under:-

- 1) That petitioner had filed above noted W.P. on 12.4.85. On 12.4.85 this Hon'ble Court was pleased order for fixing date 15.4.85.
- 2) That on 15.4.85 it is desired not be taken up by the Court concerned as the number of cause could not come.
- 3) That on 18.5.85 the applicant moved an application before your Lordship. Your Lordship was pleased to fix the above noted case for hearing for 22.5.85. It is regrettable that on 22.5.85 the above noted case could not be listed despite of your Lordship's order.
- 4) That petitioner is suffering from irreparable loss and damages.
- 5) That petitioner's case is against the Revision order which is not served so far and it is likely to be served very soon. If the letter is served the petitioner shall be directed to his substantive post.

Wherefore it is most respectfully
prayed that the above noted case may be
kindly directed to be listed very soon in calendar.

The petitioner shall enclose

L. A. Lewari
Adv.

(Conseil for the Petitioner)

Lucknow
25/5/85

21/3/85
22/7/85

A/3



Application for Inspection

C
TJD

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

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

Full Description of the case	Whether case pending or decided	Full particulars of papers of which inspection is required	Name of person who will inspect record	If applicant is not a party reason for inspection	Office report and order
W.P. no 1640/85 R. K. Tripathi vs Union of India & Others	Pending	Petition	K. N. Lemu Adv. (Counsel for Petitioners)		These papers Office Report Order for Inspection Deputy Registrar 22/7/85

Date 24/7/85

Inspected
24/7/85
Lemu

K. N. Lemu
Signature of applicant or
his Advocate

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Inspection commenced at

on

Inspection concluded at

Inspection fee paid by the applicant

Additional fee if any