

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

B.A./T.A./R.A./C.C.P./ No.

1953-1987

Chel Ram V.S. U.O.I. W.P. 2466/85

PART - I

1. Index Papers :- 1 - 2
2. Order Sheet :- 3
3. Any other orders :- Nil
4. Judgement :- 07 d. A. D. on 29-1-90
5. S.L.P. :- Nil

DY. Registrar

Supervising Officer
(K. K. Mishra)

Dealing Clerk
(A. K. Rai)

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

Nil

Dealing Clerk

(A. K. Rai)

Nature and number of case

W.P. 2466 - 85

Name of parties

Chet. Ram vs. Union of India

Date of institution

24.5.85

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1.	Imp. with Omman and app. dait	38		102.00			
	2.	Power -	1		5.00			
	3.	Const. 66/95/10 of 85 for the conduct of day	4		7.00			
	4.	order sheet.	2					
	5.	Duplicate						

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

Annexure - A

CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE T.A. 1753-187 P. OF 190

Name of the Parties Sh. Chait. Datta

Versus

Union of India

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
1	General Enclt -	A-1
2	Order Sheet	A-2 to A-4
③	Perilous Copy	A-5 to A-24
④	Annexures	A-25 to A-40
5	Affidavit	A-41 to A-42
⑥	(C) One copy for opposite Parties e.m. Application No 1615- Power of Attorney Judgment dt. 29.1.10 Notices	


18/11/91

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

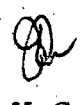
18/12/89

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

None appears for the applicant.
Shri Arjun Bhargava takes notice on behalf of Op. Parties.
Issue notice again to the applicant and his counsel as well listing this case for admission on 29-1-90.


A.M.

(sns)


V.C.

Go
note
1/1/90

OR
Case has been
not for CAT, and in
20.8.04.

Case is not admitted
No CA / RA filed
Notice was issued
on 8/1/90.

Notice of applicant
has been returned back
with postal remark.
In, on and after
ref. for 25/1/90
submitted

25/1/90

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

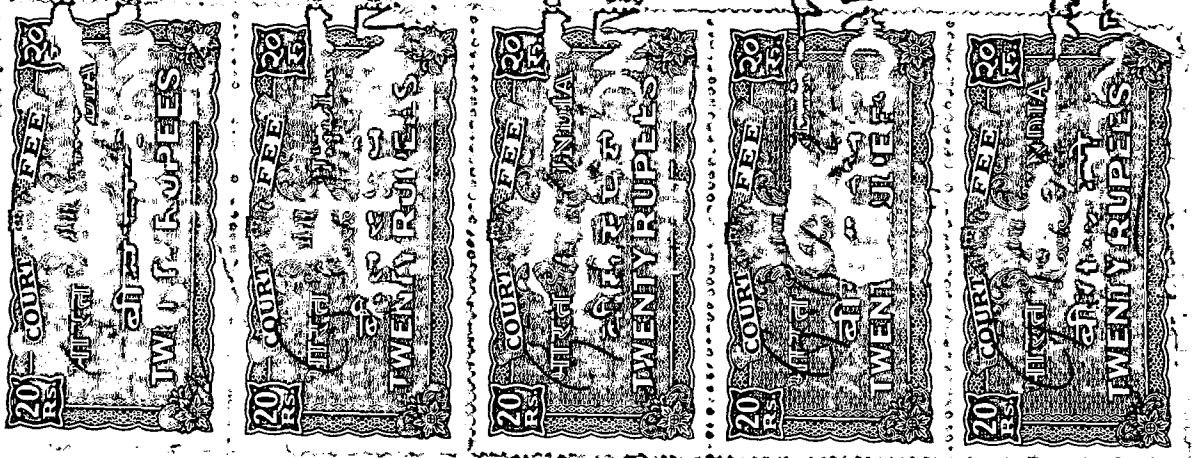
W.P. - No. 2466 of 1985
vs.

	Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
	1	2	3
	24-5-85	2200 D.N. Jha, 2200 K.N. Goyal, 1985 Sd. D.N. Jha. Sd. K.N. Goyal. 24-5-85. C.M. AIR O 6695 @ 85.	1st in July
	24-5-85	2200 D.N. Jha, 2200 K.N. G., W.P. - Sd. D.N. Jha. Sd. K.N. G. 24-5-85.	Put up with
	24-7-85	Proceed with C.M. AIR O 6695/85 for NOL Bx 7. NOL G-85.7. List this petition for admission on 5.8.85. The counsel for the petitioner undertakes to argue opp.	For Bx 7 By 1st July 85

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALAHABAD

SITTING AT LUCKNOW

Civil Misc. Writ Petition No. 2466 of 1984



Chet Ram aged about 35 years
son of Sri Bhagwati Prasad
resident of Village Sadlwa P.O.
Kasta, P.S. Mahamdy
District Kheri Lakhimpur (U.P.)

Petitioner

Versus

- 522/1001
10/4
1. Union of India through General Manager,
Northern Railway; Baroda House, New Delhi.
 2. The Divisional Railway Manager,
Northern Railway, Lucknow Division,
Hazratganj, Lucknow 226 001
 3. The Divisional Personnel Officer,
Northern Railway, Lucknow Division,
Hazratganj, Lucknow - 226 001
 4. The Inspector of Works
(Construction) Northern Railway,
Rohtak Bhāwani Rail Line, Bhiwani Junction,
 5. The Inspector of Works, Northern Railway,
Alambagh, Lucknow

Opp. Parties

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION
OF INDIA.

To

The Chief Justice and their Companion
Judges of aforesaid High Court.

The petitioner above-named most respectfully
submit as under:-

- 1) That the opposite parties are constituted
under statutes (Act No. IX of 1890) and they are
agency or instrumentality of the Government of India
as such they are an authority within the meaning of

...2.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA-1753/87*
W.P. No 2466/85 OF

NAME OF THE PARTIES *Cheet Ram* Applicant

Versus

U.O.F. Board Respondent

Part A.

Sl.No.	Description of documents	Page
1	Index sheet	A1 to A3
2	Order sheet - <i>Case</i>	A4 to
3	Order sheet H. Court dt. 29-01-90	A5 to A6
4	Writ Petition with Annexure	A7 to A41
5	Affidavit	A42 to A43
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CERTIFICATE

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

Per Check on
Dated *28/08/11*

Counter Signed.....

30/08/2011
Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

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

Civil Misc. Writ Petition No. 2466 of 1985

Presented Before: The Division Bench.

Writ Petition under Article 226 of the
Constitution of India for issuing the mandamus
against the termination of petitioner's service
by verbal order without following the procedure
established under law.

IN THE MATTER OF

Chet Ram	Petitioner.
	Versus	
Union of India & others.....		Opp. Parties.

PAPER BOOK
(Kindly See Index)

Lucknow: Dated

May 15/12 1985.

DRAWN AND FILED BY:

G.S.L. Varma
(G.S.L. VARMA) 15/3
Advocate,

Counsel for the Petitioner

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

Civil Misc. Writ Petition No. of 1985

Chet Ram Petitioner.
Versus
Union of India & others Opp. Parties.

I N D E X.

Sl.No.	Context	Annexure No.	Page No.
1.	Writ Petition		1 to 17
2.	A copy of the Service record which was prepared & issued to the petitioner and chart showing the periods of work done.	1	18 to 19
3.	Railway Board Circular No. PC-72/RLT-69/3(i), dated 12.7.1973, stating therein that the period of six months as provided have been revised and reduced to four months i.e. 120 days.	2	20 to 21
4.	A copy of circular No.E(NG)II/77/CL/46, dated 27.2.1978 through which a policy was laid down that there should be ban on intaking of fresh casual labours on open line by the Inspectors except in emergencies like accident, flood, breaches etc.	3	22 to 23
5.	A copy of the letter dt. 20.5.81 issued by Labour Enforcement Officer, Lucknow Ministry of Labour, Government of India, and a copy of the letter dt. 20.5.81 was also sent to the petitioner.	4	24
6.	Reply given by the opposite party no.3 dated 3.2.1982	5	25
7.	A copy of representation of the petitioner dated 17.3.1982 giving the list of the persons who have been recruited as casual labourers after his termination, and they are still under employment.	6	26
8.	A copy of reminder to the OP No.3 dt. 16.4.1982	7	27 to 28

GSL Varma
Feb... 2.

Sl.No.	Context	Annexure No.	Page No.
9.	A copy of appeal to the OP No.2 dated 26.4.1982 made by the petitioner.	8	29 to 30
10.	A copy of letter written by Sri Samar Mukherjee (M.P.) dated 19.6.1983 referring therein his previous letters to Hon'ble Minister of Railways, Government Of India.	9	31
11.	A copy of letter sent by the petitioner to Executive Engineer Northern Railway Charbagh, Lucknow on 28.1.1983	10	32 to 33
12.	Affidavit		34 to 35
13.	Vakalatnama		36

Lucknow: dated
April 15, 1985.

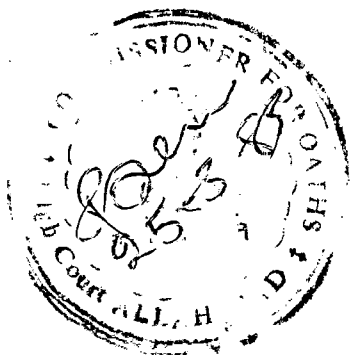
G.S.L. Varma
(G.S.L. VARMA) 15/4
Advocate,
Counsel for the Petitioner.

of Article 12 of the Constitution.

Subject
Matter :-

2) That this writ petition is directed for seeking Mandamus commanding the opposite parties to take the petitioner back on duty as casual labour with effect from 13.6.1981 from which he was denied employment without following procedure established under law (as quoted in para 3) and without passing any formal order (i.e. oral by the opposite party No. 5,) with all benefits of service as if the action under dispute was never taken, after calling the records of the case on the following main grounds :-

- a) Because the petitioner has performed his duties as casual labour more than years under opposite party No. 4 and 5 as such acquired the status of temporary Railway Servant, therefore his termination without fourteen day prior statutory notice as provided under Rule 149 (1) of Railway Establishment Code Volume I and Rule 2302 read with Rule 2502 of Railway Establishment Manual, is illegal.
- b) Because the petitioner's services have been terminated without following the procedure established by law and due to this illegal termination, the livelihood of petitioner's and his family have so affected that they are passing their days very hard even without food and minimum necessities of life, therefore, the termination of petitioner from his services is in violation of Article 21 of the Constitution.
- c) Because other junior casual labours to the petitioners are working under the opposite party No. 4 and also after the termination of petitioner's services so many casual labours have been recruited by him and still working so that the termination of petitioner's services is in violation of Article 14 and 16 of the Constitution.
- d) Because the petitioner's services is terminated without following the Rule 2511, 2514 and provisions of discipline and Appeal Rules, as such order of termination given by opposite party No. 4 and 5 orally is illegal.
- e) Because once the petitioner has acquired the status of temporary Railway servants the same can not be taken away and the petitioner cannot be treated as casual labour again.



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- f) Because the opposite party No. ~~4~~ ⁵ ~~has~~ ^{have} no right to terminate the services of any employee by oral order or without passing any formal order, as such, the order of termination of petitioner's services is without jurisdiction.
- g) Because the termination of petitioner's services is against the principles of natural justice and service jurisprudence.

Maintainability
of Writ Petition

3) That the following provisions of law are applicable in this writ petition which signifies the petitioner's right to evoke the jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India :-

Indian Railway Establishment Code Volume I issued by Government of India, Ministry of Railways (Railway Board)

Rule 149(1) Termination of Service and periods of notice

Temporary railway servants- When a person without a lien on a permanent post under Government is appointed to hold a temporary post or to officiate in a permanent post, he is entitled to no notice of the termination of his service if such termination is due to the expiry of the sanction to the post which he holds or the expiry of the officiating vacancy, or to his compulsory retirement due to mental or physical incapacity or to his removal or dismissal as a disciplinary measure after compliance with the provisions of Clause (2) of Article 311 of the Constitution of India. If the termination of his service is due to some other cause, he shall be entitled to one month's notice provided he was engaged on a contract for a definite period and the contract does not provide for any other period of notice, and to a notice of 14 days if he was not engaged on a contract. The periods of notice specified above shall apply on either side, and steps should be taken to bring this condition to the notice of the railway servants concerned.

Railway Establishment Manual:

Rule 2501: Definition:-

- (a) Casual labour refers to labour whose employment is seasonal, intermittent, sporadic or extends over short periods. Labour of this kind is normally recruited from the nearest available source. It is not liable to transfer, and the conditions applicable to permanent and temporary staff do not apply to such labour.

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(b) The casual labour on railways should be employed only in the following types of cases, namely :-

(i) Staff paid from contingencies except those retained for more than six months continuously:-

Such of those persons who continue to do the same work for which they were engaged or other work of the same type ~~or~~ for more than six months without a break will be treated as temporary after the expiry of the six months of continuous employment.

(ii) Labour on projects, irrespective of duration, except those transferred from other temporary or permanent employment.

(iii) Seasonal labour who are sanctioned for specific works of less than six months duration. If such labour is shifted from one work to another of the same type, e.g., relaying and the total continuous period of such work at any one time is more than six months' duration, they should be treated as temporary after the expiry of six months of continuous employment. For the purpose of determining the eligibility of labour to be treated as temporary, the criterion should be the period of continuous work put in by each individual labour on the same type of work and not the period put in collectively by any particular gang or group of labourers.

Rule 2505: Notice of termination of service :-

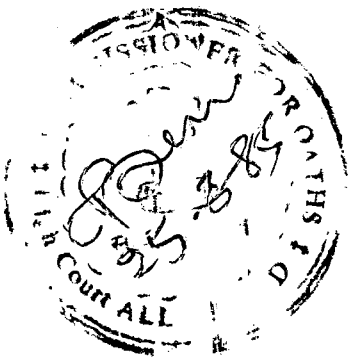
Except where notice is necessary under any statutory obligation, no notice is required for termination of service of the casual labour. Their services will be deemed to have terminated when they absent themselves or on the close of the day.

Note:- In the case of a casual labourer who is to be treated as temporary after completion of six months' continuous service the period of notice will be determined by the rules applicable to temporary Railway servants.

Rule 2302: Termination of service and periods of notice.-

(1) Service of a temporary railway servant shall be liable to termination on 14 days' notice on either side provided that such a railway servant shall not be entitled to any notice of termination of his service -

(1) if the termination is due to the expiry of the sanction to the post which he holds or the expiry of the officiating vacancy or to his compulsory retirement due to



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mental or physical incapacity or to his removal or dismissal from service as a disciplinary measure after compliance with the provisions of clause (2) of Article 311 of the Constitution of India;

- (11) when he is deemed to have resigned his appointment and ceased to be in railway employ in the circumstances detailed under note 2 below Exception II to rule 732 (1) of the Indian Railway Establishment Code, Volume I.

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- (2) In lieu of the notice prescribed in this paragraph, it shall be permissible on the part of the Railway Administration to terminate the service of a railway servant by paying him the pay for the period of notice.

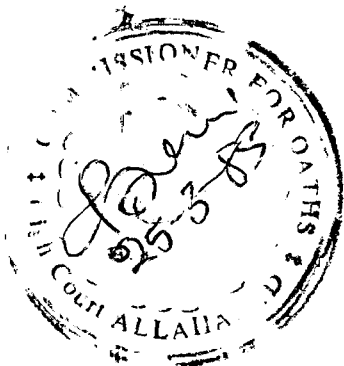
- (3) The notice of termination of service under this paragraph should be given by an authority not lower than the appointing authority.

- (4) In the case of a railway servant or Apprentice to whom the provisions of the Industrial Disputes Act 1947, apply, he shall be entitled to notice or wage in lieu thereof in accordance with the provisions of that Act.

Rule 2511: Rights and Privileges admissible to Casual Labour who are treated as temporary after completion of six months' continuous service :-

- (a) Casual labour treated as temporary are entitled to all the rights and privileges admissible to temporary railway servants as laid down in Chapter XXIII of the Indian Railways Establishment Manual. The rights and privileges admissible to such labour also include the benefits of the Discipline and Appeal Rules. Their service, prior to the date of completion of six months' continuous service will not, however, count for any purposes like reckoning of retirement benefits, seniority etc. Such casual labourers will, also, be allowed to carry forward the leave at their credit to the new post on absorption in regular service.

- (b) Such casual labour who acquire temporary status, will not, however, be brought on to the permanent establishment unless they are selected through regular Selection Boards for Class IV staff. They will have a prior claim over others to permanent recruitment and they will be considered for regular employment without having to go through employment exchanges. Such of



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them who join as Casual Labourers before attaining the age of 25 years may be allowed relaxation of the maximum age limit prescribed for Class IV posts to the extent of their total service which may be either continuous or in broken periods.

- (c) It is not necessary to create temporary posts to accommodate casual labourers who acquire temporary status for the conferment of attendant benefits like regular scales of pay, increments etc. Service prior to absorption against a regular temporary/permanent post after requisite selection will, however, not constitute as qualifying service for pensionary benefits.

Rule 2514 : Retrenchment Benefits to Casual Labour :-

- (a) (i) Casual labour employed on Railways, Railway Projects and in Railway Factories come within the purview of the term 'workman' under section 2(S) of the Industrial Disputes Act. Such labour employed on purely construction works or projects on the railway would also be included by the provisions of sub-section (2) of Section 25-FFF of the said Act, in the term "workman". The fact that such works may generally be carried on under a separate set up on Railways would make no difference as regards the labour employed on such works being governed by sub-section 2 of Section 25-FFF.
- (ii) In the proviso to clause (a) of Section 25-F of the Act, it is provided that no notice of retrenchment shall be necessary if the retrenchment is under an agreement which specified a date for the termination of service. In accordance with this proviso, therefore, a direct written communication to the worker will be necessary, wherever he is appointed for a specific period.
- (iii) For the purpose of Section 25-F, the period of 6 months mentioned in clause (b) of the said Section should be related to half the number of days mentioned in Section 258 namely ; 120 days. Thus, service rendered in excess of 6 months with a minimum of 121 working should entitle a worker compensation for the whole year. If he has rendered more than six months service but has not put in actual work for 120 days, he would not be entitled to any compensation for the period served by him over and above completed year(s).
- (iv) The total service rendered by a casual labour under different subordinates working under a District Officer-in-Charge or a Divisional Personnel Officer or a Personnel Officer



चतुर्था

should be counted for purposes of giving the worker retrenchment benefits under Section 25-F or Section 25-FFF of the Industrial Disputes Act, as the case may be.

- (v) A worker who is employed directly on a Railway as a casual labourer for more than 240 days in the preceding twelve calendar months on a construction work or a project which has been going on for a period of more than two years and who will be retrenched will be entitled to be paid compensation in respect of retrenchment at the prescribed rates for every completed year of service or any part thereof in excess of six months under Sub-section (2) of Section 25-FFF of the Industrial Disputes Act, 1947, if he satisfies the other conditions laid down in that Act.
- (vi) A worker who is employed by the Railway Administration as a casual labour for more than 240 days in the preceding twelve calendar months on other than a construction work or a project and to whom the provisions of section 25-FFF of the said Act do not apply, will be entitled to be paid necessary compensation for retrenchment for every completed year of service or any part thereof in excess of six months under Section 25-F of the Industrial Disputes Act, 1947 if he fulfils the other conditions laid down in that Act.
- (vii) In terms of the provisions of clause (2) of Section 5 of the Payment of Wages Act, 1936, read with the revised definition of "Wages" in clause (iii) of Section 3 of the Payment of Wages (Amendment) Act, 1947, retrenchment compensation where due to a worker under the Industrial Disputes Act should be paid before the expiry of the second working day from the day on which his employment is terminated.

Article 14 of the Constitution of India:

Article 14: Equality before law.-

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 16 of the Constitution of India :

Article 16 : Equality of opportunity in matters of public employment.-

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.



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- (2) No citizen shall, on grounds only of religion, race, caste, sex, decent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment of an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.
- (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- (5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Article 21 of the Constitution of India.

Article 21: Protection of life and personal liberty.-

No person shall be deprived of his life or personal liberty except according to procedure established by laws.

- 4) That the petitioner was initially recruited as casual labour Khalasi by the opposite party No. 4 with effect from 18.11.1974 shown in the service record issued by the authorities. A true copy of the service record which was prepared and issued to the petitioner and chart showing the periods of work done is therewith attached as Annexure No. 1 to this writ petition.

Ann.No. 1
ser.record
18.11.1974

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5) That the petitioner was continuously working with hard labour and punctuality but on 13.6.1981 the opposite party No. 5 refused to take back the petitioner on duty without assigning any reason and any specific order of termination or retrenchment. The statutory period of 14 days prior notice for termination of petitioner's services have not been given as provided in Rule 149 (1) of Railway Establishment Code and Rule 2302 and 2505 of Railway Establishment manual, which is necessary for termination of temporary Railway Servant.

6) That the petitioner continuously worked under the opposite party No. 4 and 5 with effect from 18.11.74 to 13.6.1981 but the period with effect from 15.12.1975 to 5.9.1978 and 1.1.1979 to 17.12.1979 have not been shown in the chart because the work record of this period is not available with the petitioner. Petitioner completed more than 6 years in his service and became temporary railway servant and his services could not be terminated without following the procedure established under law, as such the

7) That the petitioner continuously worked under the opposite party No. 4 and 5 more than years as such he acquired status of temporary Railway servants in view of the provisions contained in Rule 2501 of Railway Establishment Manual which is as follows:

" Such of those person who continued to do the same work for which they were engaged or other work of the same type for more than six months without a break will be treated as temporary after the expiry of six months continuous employment. "

It is relevant to state here that the period of six months as provided above have been revised and reduced to four months i.e. 120 days vide Railway Board Circle No. PC-72/RLT-69/3(1), dated 12.7.1973. A true copy of this circular is attached as Annexure No. 2 to this writ petition.

Ann. No. 2
Cir. 12.7.73

8) That in para 3 of (Annexure No. 2) above circular the Railway Board directed as follows :-

"It should also be ensured that no casual labour is prevented from working on a job so as to deprive him earning the status of a temporary Railway Servant."

9) That according to provision/Rule 2501 of Railway Establishment Manual and Annexure No. 2 Railway Board's circular and other relevant provisions mentioned in para 3 of the writ petition, the petitioner got the status of temporary Railway servant and his services could not be terminated without following the procedure established under law and also on attaining the status of temporary railway servant he became entitled to the benefits, rights and previliges as given in Rule 2302, 2511 . and 2514 of Railway Establishment Manual.

10) That the petitioner was employed and performed his duties under opposite party No. 4 and 5 for masonry and concrete work for construction of Railway quarters, offices and workshop building and also in repairing of Railway buildings which are still continuing and casual labours who were recruited after the termination of petitioner's services are still working and the petitioner



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had continued to do same type of work with effect from 18.11.1974 as such the petitioner was not recruited to work in any project or short term or time bound work.

11) That the opposite parties have denied this right to employment of petitioner at the time even when there was no expiry of ~~the~~ sanction to the posts from which he was terminated and the vacancies against which he was employed has not been expired as such the opposite party No. 5 had no cause to deny the employment to the petitioner. He was not employed upto definite period under any such contract.

12) That the petitioner after his termination from services with effect from 13.6.1981 without passing any formal order and giving any 14 days period notice as provided under Rule, preferred several representations to the concerned superior authorities in a bid to secure justice, getting his employment and to know the reason behind the arbitrary denial of employment by the opposite party No. 5 but all proved in vain and ^{not} officer of the Railway administration did anything in this matter.

13) That the opposite parties has ~~used~~ issued a circular No. E(NG) II/77/CL/46, dated 27.2.78 through which a policy was laid down that there should be ban on intake of fresh casual labours on open line by the Inspectors except in emergencies like accident, flood, breaches etc but inspite of this circular the opposite party No. 5 has terminated the services of the petitioner and

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recruited fresh casual labours which is illegal and against the spirit of said policies of Railway administration. A true copy of circular issued by the opposite party No. 1 dated 27.2.1978 is attached as Annexure No. 3 to this writ petition.

Ann. No. 3
Cir. 27.2.78

14) That the petitioner's services has been terminated by the opposite party No. 5 only due to reason that he submitted his representation to the Labour Enforcement Officer, Lucknow, Ministry of Labour Government of India for getting the scale of temporary Railway Servant on 27.4.1981 and in reply of his representation, the labour enforcement Officer, Lucknow send a letter to the Senior Civil Engineer (Construction) Northern Railway, Lucknow and a copy of the same was also send to the petitioner. A true copy of the letter dated 20.5.1981 issued by Labour Enforcement Officer, Lucknow Ministry of Labour, Government of India is attached as Annexure No. 4 to this writ petition.

Ann. No. 4
Letter 20.5.81

15) That after receiving the Annexure No. 4, the opposite party No. 5 terminated the services of the petitioner without issuing any 14 days prior notice of termination and passing any formal order of termination ~~is~~ by oral order, which is against the procedure established under law.

16) That the petitioner ~~after~~, the termination from his services send several representations to the opposite parties. One of reply given by the opposite party No. 3 dated 3.2.1982 is herewith attached as Annexure No. 5 to this writ petition.

Ann. No. 5
lett. 3.2.82

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The petitioner send his reply of Annexure No. 5 alongwith attested copies of service card on 11.2.1982, to the opposite party No. 3, but no action or heed was made to above representation.

17) That thereafter the petitioner came to know that several persons have been recruited as casual labourers after his termination and they are still under employment, he, then send a letter dated 17.3.1982 giving the list of the persons. A true copy of the letter dated 17.3.1982 is attached as Annexure No. 6 to this writ petition.

Ann. No. 6
17.3.1982

18) That the petitioner send a reminder to the opposite party No. 3 on 16.4.1982 and thereafter he send an appeal to the opposite party No. 2 dated 26.4.1982. A true copy of reminder to the opposite party No. 3 dated 16.4.1982 and appeal to the opposite party No. 2 dated 26.4.1982 is herewith attached as Annexure No. 7 and 8 respectively.

Ann. No. 7
16.4.82
Ann. No. 8
26.4.82

19) That when no any action was taken by the opposite parties No. 2 to 5, then the petitioner persuade to Sri Samar Mukherjee, Member of Parliament (C.P.=I (M) group in parliament) regarding his grieviencs and submitted a representation to him and in persuant to this, Hon'ble Member of parliament Samar Mukherjee has also written a letter referring therein his previous letters to Hon'ble Minister of Railways, Government of India but no any action has taken till date. A true copy of letter written by Sri Samar Mukherjee (M.P) dated 19.6.83



2/2215

Ann. No. 9
19.6.82

is herewith attached as Annexure No. 9 to this writ petition. *But no reply was given to petitioner or to Shri Samant Mukherjee till today.*

20) That in the month of January 1983, the petitioner came to know that some regular vacancies of labours exist under the control of opposite parties somewhere out of Lucknow, then he again send a letter to Executive Engineer Northern Railway Charbagh, Lucknow on 28.1.1983

A true copy of letter dated 28.1.1983 is attached

Ann. No. 10
28.1.1983

As Annexure No. 10 to this writ petition. *But reply has given to petitioner till today.*

21) That the petitioner's services has been terminated while his juniors are still working on their posts, without passing any formal order and following the procedures established under law provided in Rule 149 (1) of Railway Establishment Code Volume I and Rule 2302, 2505, 2511 and 2514 or Railway establishment Code, therefore the termination of petitioner's services contrary to law and affects the livelihood of the petitioner and his family members as such the termination of petitioner's service is in violation of Article 14, 16 and 21 of the Constitution of India and is abinitio void.

Grounds -

22) That in the circumstances detailed above, the petitioner having no other alternative equally effective and speedy remedy, seeks to prefer the writ jurisdiction of this Hon'ble Court on the following amongst other grounds :-

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G R O U N D S

- a) Because the petitioner has performed his duties as casual labour more than years under opposite party No. 4 and 5 as such acquired the status of temporary Railway Servant, therefore, his termination without fourteen days prior statutory notice as provided under Rule 149 (1) of Railway Establishment Code Volume I and Rule 2302 read with Rule 2502 of Railway Establishment Manual is illegal.
- b) Because the petitioner's services have been terminated without following the procedure established by law and due to this illegal termination, the livelihood of petitioner's and his family have so affected that they are passing their days very hard even without food and minimum necessities of life, therefore, the termination of petitioner from his services is in violation of Article 21 of the Constitution.
- c) Because other junior casual labours to the petitioners are working under the opposite party No. 4 and also after the termination of petitioner's services so many casual labours have been recruited by him and still working so that the termination of petitioner's services is in violation of Article 14 and 16 of the Constitution.
- d) Because the petitioner's services is terminated without following the Rule 2511, 2514 and provisions of discipline and Appeal Rules, as such order of termination given by opposite party No. ~~4 and 5~~ orally is illegal.
- e) Because once the petitioner has acquired the status of temporary Railway servants the same cannot be taken away and the petitioner cannot be treated as casual labour again.
- f) Because the opposite party No. ~~4 and 5~~ 5 have no right to terminate the services of any employee by oral order or without passing any formal order, as such, the order of termination of petitioner's services is without jurisdiction.
- g) Because the termination of petitioner's services is against the principles of natural justice and service jurisprudence.



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(B/A 323)

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23) That aforesaid these illegalities are apparant on the face of the record, hence resulted in substantial injury and failure of justice, therefore, the petitioners are entitled to a writ of mandaums commanding the opposite parties to take the petitioner back on duty with effect from 13.6.1981 from which he is denied employment with all benefits of service as if the action under dispute had never been taken after calling the record of the case. The petitioner is also entitled to for the cost of the writ petitioner ~~and~~ and any other relief which this Hon'ble Court deems fit and proper.

P R A Y E R

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

- 1) issue a writ, order or direction in the nature of mandamus commanding the opposite parties to take the petitioner back on duty with effect from 13.6.1981 from which he was denied employment with full back wages and all the benefits of ^{his} ~~their~~ services as if the action under dispute had never been taken after calling the record of the case.
- ii) issue any other order direction or writ in the circumstances of the case as this Hon'ble Court deems fit and proper.



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iii) the cost of the petition may kindly
be awarded to the petitioner.

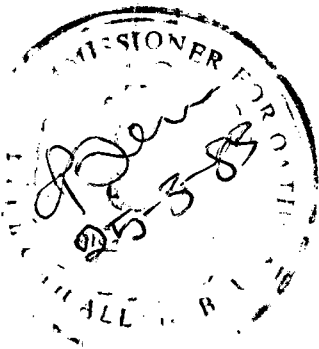
G.S.L. Varma
Adv.
~~G.S.L. Varma~~
(G.S.L. VARMA)

ADVOCATE

COUNSEL FOR THE PETITIONER

2/23/81

Lucknow:
25 March 1985
~~FEBRUARY~~ 26, 1985



Pushpa Devi
CITIZEN FOR PROTECTION
56/167
Pushpa Devi



 URE AT ALLAHABAD



of 1984

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Petitioner

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Opp. Parties.

Annexure No. (1)

Particulars to be filled in on first appointment.

84501

PHOTOGRAPH

Sd/-

Stamp- Inspector of Works(Construction)

Northern Railway.

Rohtak Bhiwani Rail Link B.G.

Bhiwani Junction.

Name in full Sri CHET RAM.....

Father's Name Sh. BHAGWATI PRASAD

Scheduled Caste or notNO

Signature & Designation)
of Subordinate Incharge)sd/- 18/11/74

Stamp- Inspector of Works (Construction)

Northern Railway,

Rohtak-Bhiwani Rail Link B.G.

BHIWANI JUNCTION.

Personnal details to be fileed on first appointment.

1. Name in full (in Block Letters)... SH. CHET RAM....
2. Father's NameSh. BHAGIATI PRASHAD.....
3. Date of Birth19.11.49.....
4. Age at initial casual employment19.11.49-.....
5. Educational qualification .. Easily read & write Hindi...
6. Personal marks of identification.
)(i) Cut mark on left hand.
)(ii)Cut mark on right leg.
7. Nature of Job on initial employment...Casual Khalasi....
8. Permanent addressVillage Sadlwa
 Post Office P.O. Kasta....
 Police Station Motaly
 Tehsil....
 District & State... Kheri Lakimpur
 (U.P.)
9. Name in full of heir....Smt. Santi Devi
10. Relationship....Mother.....
11. Permanent address of heir ... same as column 8.....

Signature of L.T.I.
of the Casual labour.

Attested.

sd/-

Stamp- IOW(C) BHM/JN.

Contd....2.



$\frac{9}{2} \times 218$

RECORD OF SERVICE AS CASUAL LABOUR

Date of initial employment18.11.1974.....

Period of Employment.		Nature of assignment	Sig. & Design. of Supr. with date.
From	To		
18.11.74	27.2.75	Ty.Khalasi W.Khalasi.	Sd/- Stamp. Inspector of Works (Construction) Northern Railway Rohtak-Bhiwani Rail Link
Under medical treatement w.e.f			
28.2.75	7.3.75	8 days.	
8.3.75	11.6.75	W.Khalasi Khalasi.	
18.6.75	29.6.75	Khalasi	
24.7.75	28.9.75	-do-	B.G., BHIWANI Junction
29.9.75	14.12.75	W.Khalasi.	Sd/- - 9/1/75
6.9.78	14-10-78	Khalasi	Sd/-
18.10.78	8.11.78	Khalasi	Stamp- P.W.I(C) Spl. N.Rly. BTI
Note :- Absent 10.9.78, 11.9.78, and 24.9.78 = 3. days.			
27.11.78	3.12.78	7 days.	Sd/- 14.12.78
19-12.78	30.12.78	12 days.	Stamp- I.O.W.Constructi on N.Rly., BHATINDA.
18.12.79 to	15.1.80	= 26 days	Sd/-P.W.I Spl.JRC Stamp-Permanent Way Ins. N.Rly. Jaullandhar Chawani.
13.2.80	30.4.80	= 77 days	
1.5.80	24.7.80	= 55 days	Sd/- Stamp Permanent Way Inspector N.R., Ludhiyana,PWI/LDI
27.10.82	30.10.80	= 4 days	
14.11.80	4.12.80	= 20 days	
15-12.80	13.1.81	= 26 days. (absent four days)	Sd/- 31.1.81
			Stamp- Inspector of Works (Const. Bye pass line N.Rly., Ludnow.
7.3.81	14.3.81	Khallasi = 08 days.	
16.3.81	14.4.81	Khallasi = 30 days.	
15.4.81	14.5.81	Khallasi = 30 days.	
15.5.81	13.6.81	Khallasi = 29 "A" one day.	
			Sd/- IOW/C-III N.R.LKO Sd/- 24/6/81

Total No. of days = 847 days.

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

Civil Misc. Writ Petition No. of 1984

Chetram Petitioner
Versus
Union of India & Others Opp. Parties.

Annexure No.(2)

Copy of Railway Board's letter No. PC-72/RLT-69/3(i)
dated 12.7.73 addressed G.Ms/I.Rlys and others.

.....

Subject:- Employment of Casual Labour on Railway.

The Railway Labour Tribunal-1969 which was appointed by Government under the permanent negotiating machinery dealing with the demands in regards to which agreement could not be reached between the Railway Board and the organised labour, was inter-alia made the following recommendations in respect of the issues relating to casual labour :-

"4.26 (4) (i) the period of max. surprise for earning of Ty. staff should be fixed at 4 months instead of 6.

4.26 (4)(ii) If casual labour is engaged on works which automatically expired on 31st March the continuity of the service shall not be regarded as broken if the sanction for that work is given subsequently and the same casual labour is employed to finish the work provided further that no casual labours shall be prevented from working on such job so as to depriving him from earning their status of a temporary Railway staff. "

2. The Government has accepted the above recommendations of the Tribunal and accordingly it has been decided by the Railway Board that casual labour other than those employed on projects should be treated as temporary after the expiry of four months continuous employment instead of six months as at present laid down in Board's letter No. R(NG)-50 C.L.13 dated 22.8.67 as amended from time to time and incorporated under para 2501 (b) (ii) and (b) (iii) of Chapter XXV of the Indian Railway Establishment Manual.



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(2)

3. It has also been decided that the casual labour is engaged on works which automatically expired on 31st March, there should be no break in his service provided that sanction for that work is given subsequently and the same casual labour is employed to finish the work. It should also be ensured that no casual labour is prevented from working on a job so as to deprive him an earning the status of a temporary Railway servant.

The necessary correction slip to chapter XXV of Indian Railway Establishment Mannual in accordance with the decision contained in para (2) above will together.

Sd/- O.D.Sharma
DDE (RLT)
Railway Board.

True Copy.

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

Civil Misc. Writ Petition No. of 1984.

Chetram

.....

Petitioner

Versus

Union of India & Others

.....

Opp. Parties.

Annexure No. (2)

Government of India
Ministry of Railways.
(Railway Board)

No. E(NG)/II/77/CL/46 New Delhi, dated 27.2.1978

The General Managers
All Indian Railways
CLW DLM AND ICF

The Director General, R.D.S.O. Lucknow.

Subject:- Decasualisation of Casual Labour.

In continuation of the instructions contained in Railway Board's letter No. E(NG)II/74/CL/27 dated 20.6.1974, the Ministry of Railways have decided that the following further steps be taken to effect decasualisation :-

- 1) In addition to the location mentioned in the above quoted letter, cadre review should be made in the establishments of the Inspectors in the Civil Engineering, Signal and Bridge Maintenance so that regular posts are created where casual labour sanctions have existed for three years or more.
- 2*) A committee of Additional heads of departments including Addin. Chief Personal Officer, Addi.F.A. and the Addl. Heads of the department should be in charge of this cadre review.
- 2) There should be ban on intake of fresh casual labour on open line by the Inspectors except in emergencies like accidents, floods, breaches etc., As far as possible, casual labour whose work is coming to an end in one unit should be diverted against requirements of new ELR sanctions in adjacent units. Where a situation arises where none of the serving casual labour are willing to go for a new job for which ELR is sanctioned, fresh recruitments should then be only on the personal orders of the Divisional Superintendent.

(2)

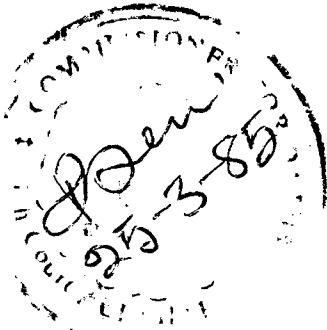
The present arrangement of Inspectorwise seniority will, however continues. Thud casual Labour d#verted from one unit to another will rank as junior most in the new unit for purposes of seniority and retrenchment.

3. On Projects, however, the XEN will be the unit for retrenchment which would reduce to a great extent the hardship now being experienced in inspector wise retrenchment.

Sd/- (K.N. Kapoor)
Deputy Director, Establishment
Railway Board.

True Copy

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

Civil Misc. Writ Petition No. of 1984

Chetram

.....

Petitioner

Versus

Union of India & Others

Opp. Parties

Annexure No. (4)

भारत सरकार
श्रम मंत्रालय, कार्यालय श्रम
परिवर्तन, लखनऊ

लखनऊ

एल. के. ओ./45/1/81

20 मई 1981

सेवा में

सीनियर सिविल इंजीनियर § निर्माण §
उत्तर रेलवे, लखनऊ ।

विषय : श्री चेताराम पुत्र भागवती प्रसाद कैजुअल लेबर का 847 दिन
कार्य करने पर भी स्केल न दिया जाना ।

महोदय,

उपरोक्त कर्मचारी द्वारा प्रेषित आपेदन पत्र दिनांक

27/4/81 की एक प्रति प्रेषित करते हुये निवेदन करना है कि

उपरोक्त कर्मचारी के मामले में आवश्यक जाँच पड़ताल कराके कर्मचारी
को कानून के अनुसार यदि स्केल रेट देय हो तो उन्हें लगाने का
आदेश प्रदान करें ।

मामले में की गई कार्यवाही से इस कार्यालय को भी अवगत करायें ।

भावदीय,

श्रम पूर्वतन अधिकारी § केन्द्रीय §
लखनऊ ।

प्रतिलिपि श्री चेताराम द्वारा श्री धानश्याम तिवारी मकान

नं० 41, रिवर बैंक कालोनी, कैन्टीन के पीछे, लखनऊ ।

ह०/ राम किशोर

श्र० प्र० अ० § के § लखनऊ

20/5/81



चेतराम

(432) 25

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Civil Misc. Writ Petition No. of 1984

Chetram Petitioner

Versus

Union of India & Others Opp. Parties.

Annexure No. (5)

Regd. A/D.

NORTHERN RAILWAY

G.L. 19

Genl. 99- Large

Divisional Office,
Lucknow.

No. 220-E/IID-A (LKO).

Dated : 3/2, 1982

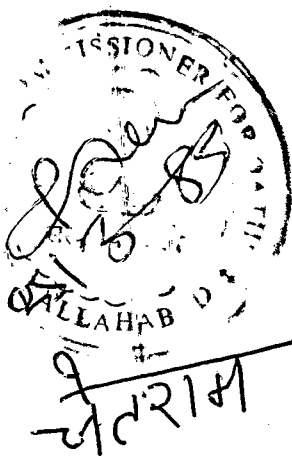
Shri Chet Ram,
S/O Bhagwati Pd.,
C/O Ghanshyam Tewari,
House No. 41,
River Bank Colony,

Lucknow.

Ref:- Your representation dated 20.7.81 to
Railway Minister.

Please refer to this office letter of even
No., dated 12.1.82 and furnish your full working
period under each IOWs alongwith a certified copy
of your casual labour card if any available with you
to enable this office to take further action on
your representation.

Sd/- Chandulal
For Divisional Personal Officer
Lucknow.



(4/3) 26

BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

Civil Misc. Writ Petition No. of 1984

Chetram

.....

Petitioner

Versus

Union of India & Others

.....

Opp. Parties

Annexure No. (6)

To,

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

Attention : Mr. Chandu Lal, APO

Sub:- Prayer for re-instatement to my service.

Sir,

This is to continuation of my previous letter to you alongwith copies of the Service Card etc.. I beg to submit before you that I have been given to know that the following junion persons have been engaged in the railway service under the PWI/N.Rly/Lucknow and they are also being continued in their services, whereas the applicant is not being re-instated to my service despite my representation for re-instatement being pending before the Railway.

Under the circumstances, I would pray to your goodself to kindly arrange my immediate re-instatement to my service in place of one of the Juniors now being continued in service under the PWI(I)/N.Rly/Lucknow. The names of the junior Casual Labours are given below.

Date of appointment.

1.	Shri Moti Lal, S/o Shri Sita Ram Khalasi	25.9.80
2.	" Basant Lal " "	Ram Sunder, Gangman -do-
3.	" Laurik " "	Buddhu, Gangman -do-
4.	" Lalloo " "	Jhalar, Gangman -do-
5.	" Ram Narain " "	Aushan, Gangman -do-
6.	" Baul " "	Khugal 11.10.80
7.	" Sukuri " "	Pancham 25.9.80
8.	" Chintamani " "	Shambhooji 27.5.80
9.	" Sarwan Lal " "	Bengali 4.7.79
10.	" Janardhan " "	Rama Nand 7.11.79

Thanking you in anticipation,

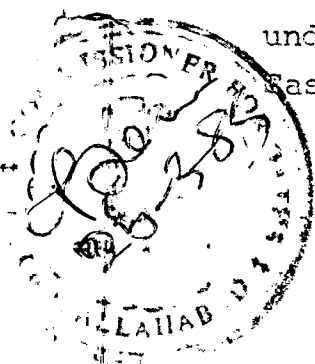
Yours faithfully,

Sd/- (CHET RAM)

Lucknow, Dt/ 17/3/1982

Ex.Gangman, PWI(I)/N.Rly.Lucknow
Lucknow - 226 011 (U.P.)

Copy forwarded for further necessary action to :



चैत्राम

SITTING AT LUCKNOW.

Civil Misc. Writ Petition No.

of 1984

Chet Ram

.....

Petitioner

Versus

Union of India & Others

.....

Opp. Parties

Annexure No. (7)

To

The Divisional Personnel Officer,
Northern Railway,
DRM, Hazratganj,
Lucknow.

Attention :- Mr. Chandu Lal.

Sub:- Re-instatement of the undersigned
representationist.

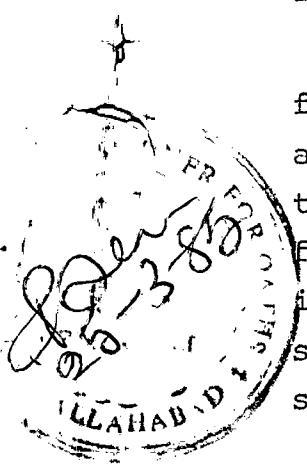
Ref:- (i) Your letter No.220-E/IID-A(LKO) dt.3.2.82
(ii) Your letter No.220-E/IID-A(LKO) dt.12.1.82
(not received)
(iii) My application dated 8.4.1982.

Sir,

With reference to your above quoted letter,
as desired, a copy of the Service Record of the
casual labour service under different supervisors
is sent herewith afresh for favour of your kind
information, perusal and record.

You are earnestly requested to kindly order
for my early re-instatement in my capacity under
any supervisor of your Northern Railway, because
the poor representationist is so poor that he is
faced with acute financial problems and in case he
is not re-instated to his service of any type, he
shall have to starve without meal and die in
starvation.

An early favourable orders for my re-instatement
is prayed for.



चेतराम

Thanking you in anticipation.



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4/36

Yours faithfully,

Sd/- (CHET TAM)

S/O Bhagwati Pd. Ex. Casual Labourer

Dated : 16.4.1982

Note:- Attested copy
of Service Card submitted
on 11.2.1982 in CR/Section,
Testing copy No.04501

PS:- Kindly note my changed address for
addressing letters to me

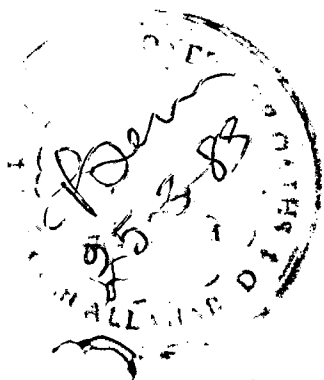
Qr. No. C-73/3 Manak Nagar (RDSO Colony)

Lucknow 226 011 (U.P.)

Subpadan

56/16.7

25-3-85



चैतराम

LUCKNOW BENCH, LUCKNOW

Civil Misc. Writ Petition No.

/1984.

Chet Ram

.....

Petitioner

Versus

Union of India & Others

.....

Opp. Parties

ANNEXURE- (8)

Registry No.1119 dt.27.4.1982

(Lalbagh, Lucknow)

To,

Mr. Chandu Lal, A.P.O.,
Northern Railway, DRM Office,
Hazratganj, Lucknow.

Sub:- Appeal to the Railway Management
for immediate re-instatement in
my service.

Sir,

I most respectfully beg to lay before you the following facts for favour of your kind consideration and ordering for my immediate re-instatement to my service in places of my juniors who are being continued in service ignoring my claim for continuation in service of the Railway.

Sir, I would like to reiterate that I have put in the longest service in the Northern Railway in one capacity or the other (longest in the Engineering Department under Permanent way of Inspector). As a result of my longest railway service, I have been over aged now and spent the best part of my life in the service of the Northern Railway, and at this stage of life I remained no more eligible for securing any service in any other department of either Central or State Governments. Despite my all sincerity I failed to secure a service in the Private Industries also.

I like to apprise you further that I am presently only surviving at starvation and I am being failure to earn my two ends meals also. If I am not immediately re-instated to my service, I am certain to die at starvation and I would not have justice against the injustices met with me by the Rail Management.

Contd.....2

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

Civil Misc. Writ Petition No. of 1984

Chet Ram Petitioner

Versus:

Union of India & Others Opp. Parties.

ANNEXURE-(1)

SAMAR MUKHERJEE Eblem of Phones: (384806)
MEMBER OF PARLIAMENT Govt. of India (385338)
(LOK SABHA)

Leader : 12, Windsor Place
C.P.I (M) GROUP IN PARLIAMENT NEW DELHI-110 001

D.O.No. SM/1068/F-2/82 Dated 19.6.1982

Dear Shri Sethi,

This has a reference to my letter No. SM/1949/F-2/81 dated 4.11.81 acknowledged vide letter No. MR-13083-A-81 dated 24.11.81 by your predecessor, regarding the case of retirement of Shri Chet Ram, ex.Casual Labour, N.Rly.

चैतराम

I am again enclosing a copy of Shri Chet Ram's representation dated 18.5.82 against his illegal retrenchment and continued denial of reinstatement. He was retrenched from service without any reason after he had put in nearly 7 years of continuous service and some of his juniors have been continued in his place. Such raw deal to a Casual labour is in violation of Railway Ministry assurances and instructions on casual labour given in the Parliament. I would request you to kindly cause an early decision to reinstate Shri Chet Ram.

With regards,

Yours sincerely,

Sd/-

(Samar Mukherjee)

Encl: As above
Sh. P.C.Sethi,
Minister of Railway,
Govt. of India
New Delhi-1.

cc: Sh. R.K. Mullick,
Qr.No. C-73/3, Manaknagar,
Lucknow - 226 011



I would also like to mention that if I am to die at starvation, I shall die in front of the residence of the Divisional Railway Manager of Northern Railway, Lucknow Division, Lucknow, and the Railway Administration would be totally responsible for my death.

Thanking you in anticipation,

Yours faithflully,

Sd/-

(CHET RAM)

Ex-Gangman, PWI (I)/N.Rly.,
Lucknow.

Lucknow,

Dated/ 26.4.1982

Copy to: General Manager Northern Railway
Baroda House, New Delhi,

for information and necessary action.



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

Civil Misc. Writ Petition No. of 1984

Chet Ram Petitioner

Versus:

Union of India & Others Opp. Parties.

ANNEXURE-(2)

SAMAR MUKHERJEE Eblem of Phones: (384806)
MEMBER OF PARLIAMENT Govt. of India (385338)
(LOK SABHA)

Leader : 12, Windsor Place
C.P.I (M) GROUP IN PARLIAMENT NEW DELHI-110 001

D.O.No. SM/1068/F-2/82 Dated 19.6.1982

Dear Shri Sethi,

This has a reference to my letter No. SM/1949/F-2/81 dated 4.11.81 acknowledged vide letter No. MR-13083-A-81 dated 24.11.81 by your predecessor, regarding the case of retirement of Shri Chet Ram, ex.Casual Labour, N.Rly.

चतुर्था

I am again enclosing a copy of Shri Chet Ram's representation dated 18.5.82 against his illegal retrenchment and continued denial of reinstatement. He was retrenched from service without any reason after he had put in nearly 7 years of continuous service and some of his juniors have been continued in his place. Such raw deal to a Casual labour is in violation of Railway Ministry assurances and instructions on casual labour given in the Parliament. I would request you to kindly cause an early decision to reinstate Shri Chet Ram.

With regards,

Yours sincerely,

Sd/-

(Samar Mukherjee)

Encl: As above
Sh. P.C.Sethi,
Minister of Railway,
Govt. of India
New Delhi-1.

cc: Sh. R.K. Mullick,
Qr.No. C-73/3, Manaknagar,
Lucknow - 226 011



(2)

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existing on date whether at Lucknow or at outside Lucknow. If necessary, I am prepared to proceed to outstations also provided I am given the facilities of passes and TA etc. for undertaking the posting. Further, because I had already accrued entitlement to my regular temporary railway servanthship a long back, but I was denied of the same, I may now be appointed against one of those regular vacancies treating me regular in service for all purposes.

Once more, I pray to your kindself to re-instate me to my service the earliest possible, as I have reached to a saturated point now and I find my survival a next impossible factor without immediate re-instatement to my service against one of the existing vacancies any where else.

Yours faithfully,

Sd/- (CHET RAM)

S/o Bhagwati Prasad,
Casual Khallasi, N.Rly.,

Lucknow:

Lucknow.

Dated : 28.1.1983

My Address : C/O Qr. No. C-73/3,
Manak Nagar, Lucknow - 226 011
(Uttar Pradesh).

चैतन्य



Supadan
56/167
25-3-83

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(4/3/84)

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

Civil Misc. Writ Petition No. of 1984

Chetram Petitioner

Versus

Union of India & Others Opp. Parties

ANNEXURE No. (10)

To,

The Executive Engineer,
Northern Railway,
Charbagh, Lucknow.

The Assistant Engineer-II
Northern Railway,
Alambagh, Lucknow.

Sub:- Request for re-instatement to service
against regular vacancies outside Lucknow.

Sir,

I have been given to understand that some regular vacancies of labours exist under your administrative control some where outside Lucknow and you are going to till up those vacancies early.

Sir, you are already aware that I had been working as a casual Khallasi in Northern Railway and I had put in for more than 120 days continuous service on different spells. But I had not been treated as temporary railway servant, nor I had been given the attendant benefits of the temporary railway servants an time during the entire service under the Northern Railway. To the contrary, I had been retrenched arbitrarily and illegally, and my juniors have been retained in service and they are being continued in service ignoring my regularisation.

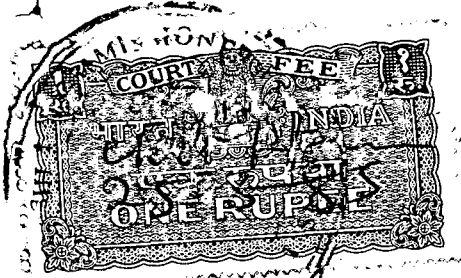
However, I would request you to kindly re-instate me to any railway service against any of the vacancies

Contd.....2

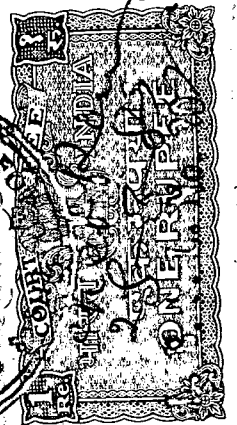
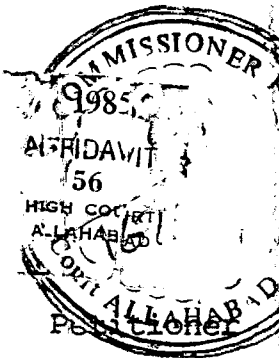
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

Civil Misc. Appn. No.

of 1984



Chet Ram



Versus

Union of India & Others

Opp. Parties

AFFIDAVIT

Affidavit of Sri Chet Ram aged about
35 years son of Sri Bhagwati Prasad
resident of Village Sadlwa P.O. Kasta,
P.S. Mahamdy, District Lakhimpur Kheri
(U.P.).

The deponent named above does hereby
solemnly affirm and state on oath as under:-

1) That the deponent is the petitioner in the
above noted writ petition and is fully conversant
with the facts of the case.

2. That the contents of paragraph 4 to 20

of the accompanying writ petition, are true on the
basis of personal knowledge of the deponent and
those paragraphs 1 to 3

are true on the basis of records and those of
paragraphs 21 to 23

are true on the basis of legal advice which he
believes to be true.

Contd.....2

3. That the annexure filed with the writ petition are true copies of their originals which have duly been compared by the deponent.

चैतराम
DEPONENT

Dated, Lucknow

February 26, 1985
25 March 1985

VERIFICATION

I, the deponent named above deponent verify the truth of the contents of paragraph 1 to 3 of the above affidavit on the basis of my personal knowledge. No part of it, is false and nothing material has been concealed, so help me God.

Signed and verified this the day of 26th March, 1985 at Lucknow.

चैतराम
DEPONENT

I identify the deponent on the basis of records produced before me and he has signed before me.

G.S.L. Varma
(G.S.L. VARMA)
Advocate.

Solemnly affirmed before me on 25-3-85 at 2-10/00 AM/P.M. by the deponent who is identified by Sri G.S.L. Varma, Advocate, High Court, Allahabad Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been explained to him.

Jusupur Sen
Advocate, Allahabad

56/167
25-3-85