

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A.1898, OF 1987

NAME OF THE PARTIES Chhoutey Lal.....Applicant

Versus

Union of India.....Respondent

Part A.

SL.No.	Description of documents	Page
1	Order sheet	1 to 5
2	Judgment	6 to 7
3	Petition with Annexure	8 to 22
4	Application for T.R.	23
5	Power	24
6	M.P. Restoration	25 to 28
7	Power	A-29
8	C.A.	30 to 35
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

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

Dated 13/4/11.....

Counter Signed.....

*13/4/11
16/4/11*

Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

6
A-A

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P.

No. 3011

of 1985

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
3.7.85	<p><u>Hon' G. B. Singh</u> Put up on 5.7.85 <u>Sd. G. B. Singh</u> 3.7.85</p>	
5.7.85	<p><u>Hon' G. B. Singh</u> Issue notice to the respondent No 1 to 4. Put up for orders on 28th July 1985. <u>Sd. G. B. Singh</u> 5.7.85</p>	
3.7.85	<p>C.M. Application No 7393 (c) 128 <u>Hon' G. B. Singh</u> Put up alongwith the w. P.</p>	
5.7.85	<p><u>Hon' G. B. Singh</u> Put up alongwith the w. P. <u>Sd. G. B. Singh</u> 5.7.85</p>	

Date	Note of progress of proceedings and routine orders Date of which case is adjourned	1	2	3
29/12/84	<p style="text-align: right;">F.E. Report</p> <p>Because of certain difficulties of some of the parties it is not taken up by the court on 16/12/84 for hearing on 22/12/84 Submitted.</p> <p style="text-align: right;">J.L. A.P.</p> <p>Ref. C.M.A. No. 2373/1985</p> <p>for hearing on 23/12/84 by the court on 27/12/84</p> <p style="text-align: right;">H.D.L.S.</p> <p style="text-align: right;">H.C. 5545</p> <p style="text-align: right;">H.R. K.S.A.S</p> <p style="text-align: right;">S. 341/84</p>			

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	<p>Hon' Mr. Justice Kamleshwar Nath, V.C. Hon' Mr. K. Obayya, A.M.</p>	<p>OR This case has been recd. on 20-12-89. Case is not admitted. No CAIRB file. Notices were issued to CAT, A.M., O.C. is attached. Submitted to the order.</p>
18/12/89	<p>None is present for the applicant. Issue notice by name to the applicant and his counsel as well by ordinary post, listing the case for <u>admission on 29.1.90.</u></p>	<p>A.M. V.C. (sns)</p>
	<p>12.12.90. Hon' Mr. Justice K. Nath, V.C.</p>	<p>OR Notice issued 8 29/12/89</p>
	<p>Hon' Mr. K. Obayya, A.M.</p>	
	<p>Shri C.P.M. Talpadi, Brie holder of Shri U.P. Chakr.</p>	<p>OR Notice were issued on 22/12/89.</p>
	<p>The case was dismissed for default of both the parties.</p>	<p>Notice of application has been returned back with postal receipt.</p>
	<p>on 29.1.90. Application for rehearing shows good</p>	
	<p>On 29.1.90. The order dated</p>	<p>8 29/12/89</p>
	<p>29.1.90. is set aside</p>	
	<p>and the petition is de noted. In the matter of</p>	<p>Notice issued 8 29/12/89</p>
	<p>admission, issue no te and fix for admittm. on 16.1.91</p>	
	<p>A.M.</p>	<p>V.C.</p>
	<p>16.1.91. No setting fix. to 20.2.91</p>	<p>Notice issued 8 29/12/89</p>
Dinesh/		

16/10/82 by 28/10/91

Repayment to the customer
Bank participation are addressed

D.R.
16.8.91

✓ 16/10/82 by 28/10/91

is due and to the
customer ready to receive

Both the parties are

D.R.
28.6.91

✓ 16/10/82 by 28/10/91

Repayment to the

customer ready
for all ready

C.A. has not been

and due to ready

Both the parties

D.R.
4.4.91

✓ 16/10/82

✓ 16/10/82 by 28/10/91
Both the parties are
customer ready to receive

Both the parties are

✓ 16/10/82

No stamp duty to 4.4.91

16.3.82

h

T.A. 1898/87

S

30.10.91

D.R.

A7

This case has been

taken up today because
on the date fixed
file is not typed
in the cause list
of D.R. counter has
not been filed. Respondent
to file counter
by 31/1/92.

3.1.92

D.R.

Both the parties
are absent today.

Respondent to file
counter by 23/3/92.

23.3.92

D.R.

Both the parties
are absent.

Respondent to file
counter by 4/5/92.

4.5.92

Both the parties
are absent.
Respondent to file
counter 27.5.92.

Received copy of Petition agent postal order
D-17/92 K.K. Pathak
for Mil Suresh
and received and forwarded
21/5/92

Postal Order has been released by S.S. Chatterjee

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W. 1

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W.H. m.t.)
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open court.

As the pleadings are complete the case is disposed of after hearing the counsel for the parties. The judgment has been dictated in the

Hon. Mr. Justice U. C. S. Jivastava, V. C.
Hon. Mr. K. Obayya, A. M.

2/2/93 Hon. Mr. Justice H. C. Strutinske - 115

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-caterpillars

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Cast in the field 84 11.1.93

Q.R.

28.8.92

column by 8818192

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Both the path is an

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7. A. 1898/87

LUCKNOW BENCH, LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX XXXXXXXXXX)

T.A. No. 1898/87) T)

JOANNE

UF 199

T. A. NO.

Date of decision: 2/2/93

Chhetey Lal

Petitioner

Shri L.P.Shukla

Advocate for the petitioner.

Versus

..... U.P.I. & Others Respondents

Shri A. Srivastava -

.....Advocates for the Respondent(s)

卷之二十一

GORAM 3

The Hon'ble Mr. Justice U.C.Srivastava, V-C

The Hon'ble Mr. K. Obayya - A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ? ✓
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the judgment ? ✓
4. Whether to be circulated to all other Benches ? ✓

NAQVI /

Signature

1

176

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW.

T.A. No.1898/87 (T)
(W.P.3011/85)

Chhotey Lal ::::::: Applicant

Vs.

Union of India &
Others.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

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

This transfer application has been filed against the reversion order, reverting him from the post of Permanent Way Mistry (P.W.M.) in the scale of Rs.380-560/- to the post of Grinder in the pay scale of Rs.260-400.

The applicant started his service as gangman in the year and 1962/in the year 1981 he was promoted to the post of grinder. In December, 1981 he was promoted to the post of welder. Vide the impugned order dated 21-8-82 he was reverted from the post of P.W.M. to the post of grinder. The applicant filed a suit in the Court of Munsif, challenging the same in which an interim order was granted. But later on he withdrew the Suit under the impression that he will be promoted because of some compromise between him and the department, but not in writing. This application has been filed subsequently after the intervention by the Employees' Union.

2. In the written statement the respondents stated that the applicant was promoted locally and temporarily on adhoc basis in the scale of Rs.380-560 against work charge post and subsequently he has been reverted to the post of Grinder on the expiry of the sanctioned post and this was done keeping in view the procedure laid down by the Railway Board. The revised avenue of promotion

AP

to the post of Permanent Way Mistry are included in the letter dated 23-3-1998 of General Manager. In view of the fact that the applicant was promoted only on some local arrangement and adhoc basis and also as some temporary arrangement, he cannot have a right to claim the said post. As such there is no ground for interfering with the reversion order. Accordingly the application is dismissed. No order as to the costs.

R. Bhattacharya
Member (A)

U
Vice Chairman

Dated: 2nd February, 1993, Lucknow.

(tgk)

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 3011 - 85

Name of parties Chholay Lal vs.

Date of institution 3-7-85 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.		W.P. with affidavit and Annexures	14		102.00			
2.		Power	1-		5.00			
3.		Case No. 7373 (w) of 85 Jersey	1-	-	5.00			
4.		order check	1-	-	-			
5.		Bench 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

4723

A.8

Group A.14(f.)

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

Lucknow Bench, Lucknow.

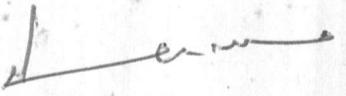
Writ Petition no. 3011 /1985

Chhotey Lal

Vs. Union of India and others

(Index)

Sl.no.	Description of documents	Pages
1.	Writ Petition	I-7
2.	Affidavit	8-9
3.	Annexure I (Letter dt. 27.3.84 of) O.P.no.2	10 -oo
4.	Annexure 2 (Querry made by o.pno.3) dt. 18.3.84	11 -oo
5.	Annexure 3 (Reply to querry dt. 29.3.84)	12 -oo
6.	Annexure 4 (Reversion order dt. 6.5.85)	13 -oo
7.	Vakalatnama	14 -oo


(A.N. Verma)
Advocate

Lucknow Dated:

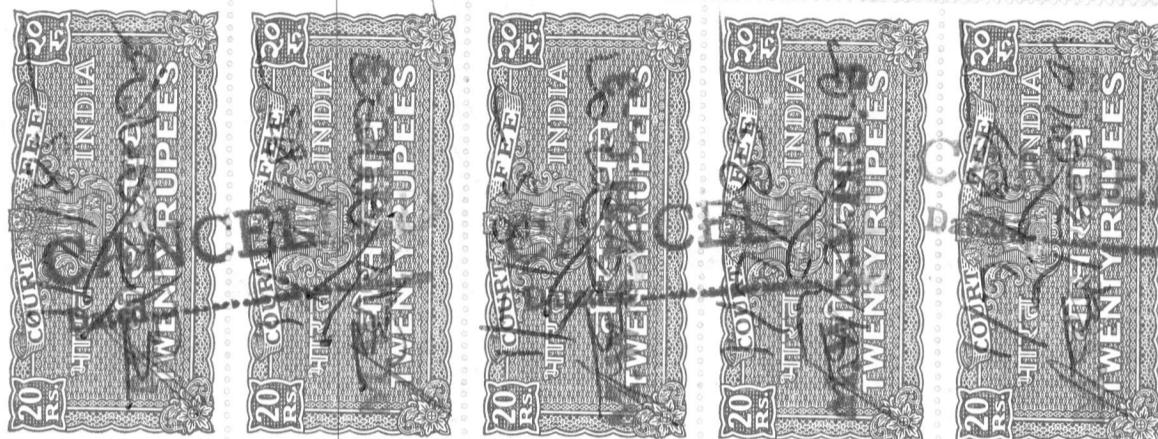
Counsel for the petitioner

June 28, 1985

1.7.85

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



36-106

ay 7/88

Writ Petition no. 301 of 1985

CHHOTEY LAL, aged about 43 years,
son of Jokhu Ram, Railway Colony,
Northern Railway, Civil Line,
Faizabad.

-----Petitioner

Versus

1. Union of India, through General Manager,
Northern Railway, Baroda House, New Delhi.

2. The Divisional Railway Manager, N.R., Hazratganj,
Lucknow.

3. The Assistant Engineer, Northern Railway,
Faizabad.

4. The Permanent Way Inspector (Maintenance),
Northern Railway, Faizabad.

.....Opp. Parties

Chhotey Lal



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1586-5 10

Issue notice to the
suspender who is to put up
for orders on 2nd July, 1985

John H. B. Singly, Jr.

58-1-3
~~MLH~~

MHS

Put up in 57-85.

John B. G. B. Smyth

— PP 5-1
7 sep 1977

Dear Mr. & Mrs. [unclear]

-P8-5.9 =

Jameson's *Archaeol. Soc.*

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Pages filled. C.

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which is made on receipt of lower

Office fee report

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Adhesive
Passes

~~Unprocessed~~

1000

Mr. K. Nandhini
Herr. Dr. K. Parham, M. A.
The last two hours
are not good
for the discussion
of the following
issues. No one is present
to take part in the discussion
of the following
issues. The discussion
of the following
issues is suspended
until the next
meeting.

10

Writ Petition Under Article 226 of the
Constitution of India.

✓

The petitioner above-named respectfully
begs to state as under:-

1. That instant writ petition is directed against an order contained in Annexure 4 whereby the petitioner, who was working on the post of Permanent Way Mistry(PWM) in the scale of Rs.380-560, is being sought reverted to the post of Grinder (pay scale Rs.260-400).
2. That the aforesaid order of reversion is illegal, arbitrary and unwarranted.
3. That petitioner was initially appointed as a gangman in the Northern Railwa. w.e.f. 6.I2.62. Thereafter, he was promoted on 15.12.1981 from the post of Gangaman to the post of 'Grinder'.
4. That on 17.12.1981, the petitioner was promoted to the post of Welder.
5. That the petitioner through out has been working in the department with great industry

Chhotelal

Contd.3

11/10

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(3)

and honesty and there were absolutely no complaints against him from any corner.

6. That by order dt. 21.8.82, the petitioner was sought to be reverted from the post of Welder to the post of Grinder.

7. That aggrieved by the said order, the petitioner filed a Suit in the court of Munsif Faizabad. The petitioner obtained stay order from the court and order of reversion was stayed.

8. That sometime in September, 1984, the authorities concerned asked the petitioner to withdraw his case and he would be promoted.

9. That in terms of the compromise entered into between the petitioner and the department, the petitioner got dismissed his suit on 12.9.84.

10. That the petitioner as a result thereof was promoted to the post of permanent Way Mistry and worked as such on the said post.

Cont d. 4

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S (4)

II. That on 27.3.1984, the opp. party no.2 addressed a letter to opp. party no.3 that there was complaint against the petitioner by the N.R. Employees Union to the effect that he had been promoted to a higher post when persons senior to him has been ignored. A true copy of the said letter is filed as Annexure I to this writ petition.

I2. That since despite had already been raised by the Employees Union, therefore, the opp. party no.3 on 18.3.85 made a quarry to opp. party no.4 regarding petitioner seniority over one Sri Ram Asrey and one Sri Vijai. True copy of same is filed as Annexure 2 to this writ petition.



I3. That in reply to the said quarry, the opposite party no.4 on 29.3.85 replied to the quarry. True copy of the reply to the quarry dt. 29.3.85 is filed as Annexure 3 to this writ petition.

I4. That a perusal of Annexure 3 would indicate that amongst persons referred to

Contd. 5

Amritsar

AB
Y
(5)

in Annexure 2, the petitioner is senior to both of them. Thus the complaint made by the Employees Union was totally misconceived and concocted. The said complaint was made, as the Union was annoyed with the petitioner, as the petitioner had not made some subscription to it.

I5. That despite the fact that the petitioner was senior ~~against~~ most appointed and post Permanent Way Mistry. The opposite party no.3 by order dt. 6.5.85 reverted petitioner to the post of Grinder. A photostat copy of order of reversion dt. 6.5.85 is filed as Annexure 4 to this writ petition.



I6. That reversion order passed against the petitioner is quite illegal and arbitrary.

I7. That promotion had been given to the petitioner on assurances by the opp. parties in case the petitioner gets his case dismissed before the Civil Court.

I8. That moreover since there no other persons senior to the petitioner to be

Chhote Lal

Contd. 6

appointed and promoted to the post of Permanent Way Mistry, the alleged complaint of the Union was totally frivolous and should have been ignored.

19. That the opp. party no. 3 in reverting the petitioner has committed manifest error.

20. That reversion order has so far not been given effect to and the petitioner still continues to be Permanent Way Mistry. The petitioner holds charge of the said post.

Chhoti dal
21. That the petitioner now having no other alternative and efficacious remedy left comes before this Hon'ble court on the following amongst other grounds:-

G r o u n d s

- A. Because reversion order (Annexure 4) is absolutely illegal, arbitrary, and unwarranted.
- B. Because in view of the fact that the petitioner being senior most employee be allowed to hold the post of Permanent Way Mistry. His reversion order on the basis of the alleged complaint made by the Union was incorrect, frivolous, and unwarranted. The purpose of complaint was only to harm the petitioner.

15
✓

- C. Because the petitioner having withdrawn his suit on assurances of the authorities for promotion, his reversion to the lower post is illegal and arbitrary.
- D. Because in any view of the matter the petitioner being senior most was entitled to the post of P.W.Mistry and as such reversion from the post is invalid and illegal.
- E. Because at any rate even if there was any complaint against the petitioner by the Union, he ought to have given a reasonable opportunity to explain.

Wherefore, it is respectfully prayed;

- A. that a writ, order or direction in the nature of Certiorari may be issued quashing reversion order dt. 6.5.85 (Annexure 5),
- B. that a writ, order or direction in the nature of Mandamus be issued commanding opp. parties not to give effect to the reversion order and the petitioner be allowed to continue to the post of Permanent Way Mistry,
- C. that any other suitable orders or directions be issued which this Hon'ble court deems just and proper,
- D. that cost of the petition be awarded to petitioner.

Lucknow Dated:

June 7, 1985

(A.N.Verma)
Advocate
Counsel for the petitioner

16B

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



Affidavit

Writ Petition no. of 1985

Chhotey Lal ... Petitioner

Vs.

Union of India and others ... Opp. Parties

I, Chhotey Lal, aged about 43

years, son of Jokhu Ram, Railway

Colony, Northern Railway, Civil Line,

district Faizabad, do hereby solemnly

affirm and state as under:-

I- That the deponent is petitioner in the above writ petition and is fully conversant with the facts stated in the writ petition.

2- That the contents of paras I, 3 to 15, 17, 18, and 20 of the petition are true to my own knowledge and those of paras 2, 16, and 19 are based on legal advice.

Chhotey Lal

(2)

3. That Annexures I to 4 of this affidavit are true copies.

17

Lucknow Dated:

Deponent

June 28, 1985

1.7.8
I, the above named deponent, do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow dated:

Deponent

June 20, 1985

7.8 I identify the deponent who has
signed before me.

Solemnly affirmed before me on 1.7.85
at 9.35 a.m/p.m by Sri Chhetry Lal
the deponent who is identified by

Sri Hazir Hussain

Clerk of Sir A. M. Verma.

High Court Allahabad, Lucknow Bench, Lucknow.

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


B. N. Ray
JUDGE COMMISSIONER
High Court, Allahabad

No. 22 f 248
Date 1-7-93

इन दि आनरेबुल हाई कोर्ट आफ बुडीकेवर एट इलाहाबाद

लखनऊ बेन्च लखनऊ।

रिट पिटीशन नं०

1985

छोटे लाल

पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

अपौपार्टीज

ऐनेक्जर नं०-A.I

सं० 752ई/।। ढी/ए-रेप०नि०

मण्डल कार्यालय

उत्तर रेलवे लखनऊ।

दिनांक 3.85

सहायक अभियन्ता

उत्तर रेलवे फैजाबाद,

विषय: श्री छोटे लाल वेल्डर अधीनस्थ रेप०नि० फैजाबाद की
रेप०नि० के पद पर तदर्थ पदोन्नति।

एक आर०एम०य० ने यह शिकायत की है कि आपके उपरोक्त कर्मचारी
को अन्य कर्मचारियों की वरीयता की उपेक्षा करके तदर्थ रूप में रेप०मि० की प
पदोन्नति दे दी है जो गलत है। यदि ऐसा है, तो उक्त को तुरन्त पदच्युत
करके इस कार्यालय को सुचना दे।

यह बात भी प्रकाश में आयी है उक्त कर्मचारी का कोई बाद सुनिश्चित
फैजाबाद के यहां विवाराधीन है जिस पर न्यायालय में स्थान आदेश पारित
कर रखे हैं, यदि यह बात सत्य है तो मामले के सम्पूर्ण तथ्य इस कार्यालय
को शीघ्र उपलब्ध कराए क्योंकि उक्त कर्मचारी ने आर्टीजन स्टाफ के रूप में,
रेप०मि० वै०भा० रु 380-560 में पदोन्नति हेतु प्रार्था पत्र दिया है जो इस
कार्यालय में विवाराधीन है।

इसे अति आवश्यक समझे।

अ०ह०/-

कृते मण्डल रेल प्रबन्धक,

लखनऊ ड०रे०।

सत्य प्रतितिपि।

छोटे लाल

इन दि आनरेबुल हाई कोर्ट अफ चुडीकेवर एट इलाहाबाद

लखनऊ बैच लखनऊ।

रिट प्रिटीशन नं

19/12/1985

छोटे लाल

... प्रिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

... आ००पार्टी

ऐनेक्जनर नं- A-2

पत्र सं०४/ई/८५

सहायक अभियंता ।

उ०र० फैजाबाद ।

दि० १८.३.१९८१

रेल पथ निरीक्षक ।

उत्तर रेलवे फैजाबाद ।

विषय :- बरियता पी.डब्लू.एम हेतु

—X—

श्री राम आसरे मेट गै.४। व श्री बिजई गै०३५ ने अर्जी दी है कि हम श्री छोटेलाल जो पी.डब्लू.एम बनाये गये हैं, उनसे वरिष्ठ हैं।

कृपया यह बताये:-

१. क्या ये छोटेलाल पी.डब्लू.एम से वरिष्ठ हैं।

२. स्पष्ट करे कि ये वरिष्ठ हैं तो कैसे छूट गये।

३. कृपया उत्तर देवें।

६०

18/3

सहायक अभियंता

उ०र० फैजाबाद ।

Chhote Lal

इन दि आनरेबुल हाई कोर्ट आफ जुडीकिवर एट इलाहाबाद

लखनऊ बेन्व लखनऊ।

रिट पिटीशन नं०

/1985

छोटे लाल

.... पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य अपो० पार्टीज

ऐनेक्यर नं०- A-३

3/ई/1985

दिनांक 29-3-1985

रेल उप निरीक्षक,
उ०रे० फैजाबाद

सहायक अधिकारी,
उ०रे० फैजाबाद।

विषय :- वरियता पी.डब्ल्यू.एम. की।

सन्दर्भ :- आपका प०स०न० 4/ई/85 दि० 18.3.85

उपरोक्त पत्र के सन्दर्भ द्वारा आण को सूचित किया जाता है कि :-

1- श्री विजई मेट गै०न० 35 श्री छोटे लाल से वरिष्ठ है परन्तु उन्होंने पढ़ा 6 होने के कारण स्थाई ते क्षम्भु उच्चारण से पी.डब्ल्यू.एम. न होने की लिखित रूप में अस्वीकृत दी है।

2- श्री राम आसरे मेट गै० 41 श्री छोटे लाल की श्रेणी 260-400 रु० दिनांक 1.1.1982 से देय है। और श्री राम आसरे सेट की उक्त श्रेणी दिनांक 12.12.83 से देय है। जब श्री छोटे लाल श्रेणी 260-400 के पा रहे थे। उस समय श्री राम आसरे मेट की मैन की श्रेणी 210-270 की ऊपातान करे रहे थे।

जिससे यह स्पष्ट है कि श्री विजई अस्वीकृति के कारण तथा श्री राम आसरे कनिष्ठ होने के कारण उपरोक्त पद के अधिकारी नहीं होते।

ह०३०/-

३५० रु० वर्षा०

रु० ३० जि० फैजाबाद।

सत्यप्रतिलिपि

Chhote Lal

In the Howrah High Court, Calcutta
Bench U.C.

AIB

W.L. No.

of 85 28

Chedi M/S Union of India

Amesance No 4

Y/14

10/5/85

Office of the M/S. Engineers
1/4th Paygant date 6.5.85

Re: _____ Office order

The posting order issued to Mr. S. S. S.
Shahalal to Tola Ram on 8th May on the
basis vide this Office letter No 28/E/84, date 16/5/84
is hereby cancelled and as such here by remitted
as per his original post as Manager on his previous post
as Finance. The posting order of Mr. Ram Uyager Panj
date 4.10.84, issued vide the Office order No 25/5/84
as Manager is hereby cancelled and shall be posted
as Manager on his original post as Manager.

The above order may please be implemented
tomorrow (7.5.85) certain under date 10th May.

- 80 -

Mr. H. E. S. S.
M/S. Engineers

Copy to DPO/C/460 for information in reference
to his DO letter No 952 E/15/84 from 10th May
2004. Please.



Chhote Lal

A 23

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



PSY
-31702

C.Misc.Appln.no. 7373

(W) of 1985

Chhotey Lal

....Applicant

Inre:

Writ Petition no. 3011 of 1985

Chhotey Lal

....Petitioner

Vs.

1. Union of India, through General Manager, N.R. New Delhi.
2. The Dvl. Railway Manager, N.R. Hazratganj, Lucknow.
3. Asstt. Engineer, N.R. Faizabad.
4. The Permanent Way Inspector (Maintenance) NR, Faizabad.

Application for stay ---- Opp. Parties

The applicant respectfully begs to state as under:-

For the facts and circumstances stated in the accompanying writ petition supported by affidavit, it is respectfully prayed that operation of the order dt. 6.5.85 contained in Annexure 4 be stayed and in pursuance thereof the petitioner be not reverted to a lower post.

Any other suitable order may be passed which this Hon'ble court may deem fit in the circumstances of the case.

Lucknow Dated:

June 7, 1985

Counsel for the applicant

SB-5-251

unit patches

Put up along with the

John H. B. Smyth, Jr.

SB-1-85

MHS/ -

the unit patches.

Put up along with

John H. B. Smyth, Jr.

For the Hon'ble High Court of Judicature
at Allahabad Lucknow Benaras
Lucknow 24/11/1985

ब अदालत श्रीमान

महोदय

वादी (मुद्रा) प्रतिवादी (मुद्रालेह) का वकालतनामा

W.P.N.

af. 1985

Chhotey Lal



(मुद्रा)

नाम बनाम
union of India and others

प्रतिवादी (मुद्रालेह)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

In A. N. Verma Advocate महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और
लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
कोई कागज दाखिल करें या लौटावें या हमारी ओर से छिगरी
जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल
दावा तथा अपोल व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें
या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिस्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Chhotey Lal
हस्ताक्षर

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक 1.7.85 महीना

In the Central Administrative Tribunal, Lucknow Bench,
Lucknow.

C.M. Appln. No. 729 of 1990. 25

In re:

T.A.No.1898 of 1987.

Chotey Lal.

Versus

Union of India and others.

Applicant/
Petitioner

Opp-parties

Application for Restoration of
T.A.No.1898 of 1987.

The applicant most respectfully submits
as under :-

1. That the applicant is the petitioner in the above noted case and as such he is well conversant with the facts deposed to hereunder.
2. That the above case was filed by the applicant in the Allahabad High Court, Lucknow Bench, in the month of June, 1987, against the reversion order. The case has been transferred to this Hon'ble Tribunal under the T.A.No.1898 of 1987 for disposal.
3. That the applicant had one more case pending in the High Court filed by Union of India against the petitioner, when this case was transferred to this

DR
11.12.90

21/2

on 12.12.90 for ~~examination~~
before the ~~little~~ ~~before~~
1987): ~~for~~ ~~for~~ ~~for~~
of the C47 (Proceeding) Rule,
in truly days (Rule 15(2))
Hence it is not useful
(original date 18.12.1989
application agains in
therefore is a useful material
application has been filed

Tribunal a notice was served upon the applicant by post in which the case was fixed on 6.9.90. The applicant came to see his counsel one day earlier and informed him of the same. Unfortunately it so happened that the applicant's counsel showed his inability to contest the case and refused to do any further conveyancing in respect of this case.

4. That the applicant engaged some other counsel in the above case filed by Union of India and also took measures to enquire about the aforesaid T.A.No.1898 of 1987, which was contested by the same counsel. On approaching him the applicant's counsel bluntly refused to pursue the matter and said that the file of the case was not traceable. The applicant made several visits but in vain. At last it was on 15th of November that the applicant came to know in the office that his case i.e. T.A.No.1898 of 1987 was dismissed on default on 18.12.1989.

5. That the applicant was taken by a surprise and hurried to make some arrangement for getting the matter restored. Due to financial difficulty the applicant could only get a new file constituted and went back to his home for making some arrangement of the fee and other expenses.

6. That in the month of October as the applicant

22/10/90

was half way between the preparation of his case a misfortune fell on his shoulders when his brother passed away leaving behind his dependents. The result was that the applicant could not avoid the delay.

7. That the applicant is the sole supporter of a big family who ultimately came to protect his interest and right in the month of December and engaged a new counsel and hence this application.

8. That the applicant could not have notice of the transfer of his case.

9. That in the facts and circumstances stated above, this Hon'ble Tribunal may be pleased to restore the aforesaid application of the applicant in the interest of justice otherwise the applicant may suffer an irreparable loss on account of a slight negligence which this Hon'ble Court is empowered to rectify.

Lucknow, dated,
• 12.90

ECC/10
Applicant.

Verification.

I, the applicant named above do hereby verify

-4-

that the contents of paras 1 to 9 of this application are true to my own knowledge and no part of it is false.

Signed and verified this 11th day of December 1990 at Lucknow.

E. K. M.

Applicant.

Kanupriya Singh

In the Central Administrative Tribunal
Lucknow Bench Lucknow

In the ~~High Court of~~ ~~High Court of~~

बायदालत श्रीमान

29

८८

महोदय

T.A. No. 1898 मु १४

तकालतनामा



Chotey Lal

Union of India बनाम औरthers

नं० मुद्रमा

सन पेशी की तातो

प्रतिवादी (रेस्पान्डेन्ट)

१९ इ०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री L.P. Shukla Advocate

C-७० Mahanagar Lucknow

वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

बायदालत
नं० मुकद्दमा
नाम फरीकार

हस्ताक्षर १९ अटलान

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९ इ०

1-1-93

30

Before The Central Administrative Tribunal

Lucknow Bench, Lucknow.

Civil Misc. Application No. 964 of 1992

In Re:

T. A. No. 1898 of 1987 (T)

Chhotey Lal Applicant/ Petitioner

Versus

Union of India & others Respondents,

11/193

Application for Condonation of Delay in Filing

Counter Reply.

That delay in filing counter reply is not intentional or deliberate but due to administrative and bonafide reasons, which deserves it be condoned.

P R A Y E R

Wherefore, it is most respectfully prayed that in the interest of justice, delay in filing counter reply may kindly be condoned and counter reply may be taken on record,

Lucknow:

Dated: 31/1/92


(ANIL SRIVASTAVA)
Advocate

Counsel for the Respondents

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

T. A. NO. 1898 of 1987 (T)

Chhotey Lal ... Applicant/ petitioner

Versus

Union of India and others .. Respondents

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, K. P. SINGH working as AEM
in the office of Assistant Engineer, Northern
Railway, Faizabad, do hereby solemnly affirm and
state on oath as under :-

1. That the official, above named, is working
in the office of opposite party no. 3 and as such
he is fully conversant with the facts and circumstances
of the case. Also he has been authorised to file
present counter reply on behalf of all the opposite
parties.

2. That in reply to para 1 of the writ petition
it is submitted that applicant was promoted locally
and temporarily on ad-hoc basis as P.W.M. in the
scale of Rs. 380 - 560 against a work charged post
and was reverted to the post of Grinder on expiry

[Signature]
केन्द्रीय अधिकारी
कर्मचारी विवरण

of sanction period. It is worth mentioning here that ad-hoc and temporarily promotion does not confer any right to held post unless ,it has been done keeping in view the procedure laid down by railway board. It is stated that revised avenues of promotion to post of P.W.M. (Pay Way Mistries) are indicated in General Manager (P)'s letter no. 220 -E/1826 (E II B I)dated 23. 3. 1988. A copy of same is enclosed herewith as Annexure No. C -1

3. That the contents of para 2 of W.P. are denied. It is further submitted that applicant/ petitioner was temporarily promoted on adhoc basis and on expiry sanction he was reverted to his original post which is justified.
4. That in reply to para 3 of writ petition it is submitted that applicant was promoted on adhoc basis as Grinder on work charged post.
5. That the contents of para 4 of the writ Petition are admitted. It is further submitted that petitioner's promotion as Welder on 17. 12. 81 was purely on adhoc basis temporarily.
6. That the contents of para 5 of the writ petition do not call for any comments.

महायक आंदेशका
कार्यपाल- देवगारा

BB

... 3 ...

7. That in reply to para 6 of the writ petition it is submitted that since the applicant/ petitioner was promoted on adhoc basis temporarily therefore on expiry of sanction period he was reverted to the post of Grinder.
8. That the contents of para 7 of the writ petition do not call for any reply.
9. That the contents of paras 8 and 9 of the writ petition are denied as there is no record to effect in the office of answering Respondent.
10. That the contents of para 10 of the writ petition are not admitted as alleged. It is further submitted that petitioner/ applicant was never promoted on permanent basis but his promotion was purely temporary for the period sanctioned.
11. That the contents of para 11 of the writ petition are admitted to extent of averments made in Annexure No. 1 to writ petition and rest are denied.
KK
*राज्यकालीन
कानून-कानून*
12. That the contents of paras 12 and 13 of the writ petition are admitted.

.. 4 ..

13. That the contents of para 14 of the writ petition are categorically denied. It is further submitted that applicant can not claim seniority over the mates of the division as the post of P.W.M. is directly controlled by the division.

14. That the contents of para 15 of the writ petition are not accepted as alleged. It is further submitted that applicant/ petitioner was not the senior most mate to be promoted as pay Way Mistry as alleged.

15. That the contents of para 16 of the writ petition are not admitted. It is further stated that the petitioner was locally promoted against a work charged post on adhoc basis, which does not confer any right to petitioner to claim for the post. Thereafter on expiry of sanction period he was reverted to the Post of Grinder.

16. That the contents of para 17 of the writ petition are denied in absence of any proof to it.

17. That the contents of para 18 of the W.P. are denied.

18. That the contents of paras 19 and 20 of the writ petition are denied. It is further submitted

KPS
कृष्ण प्रताप सिंह
कृष्ण प्रताप सिंह

... 5 ...

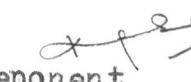
that the applicant was already reverted and at present he is working as Grinder.

19. That in reply to para 21 of the writ petition it is submitted that grounds taken are false vague, misconceived, irrelevant, inconsistent and not applicable to instant case of the petitioner/ applicant. Wherefore present Writ petition is devoid of any merit and as such it is liable to be dismissed against the petitioner/ applicant and in favour of the answering respondent with cost.

Lucknow

Dated :- 3/11/92

Verification


Deponent
लक्ष्मण शर्मा
लक्ष्मण शर्मा

I, official above named, do hereby verify that the contents of paras 1 to 18 of the present reply are true on basis of records available and para 19 are on basis of legal advice.

Lucknow

Dated :- 3/11/92


लक्ष्मण शर्मा
लक्ष्मण शर्मा