

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 1898 OF 1987

NAME OF THE PARTIES Chhotey 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 Annexures	8 to 22
4	Application for I.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.....


Section Officer/In charge


Signature of the
Dealing Assistant

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P.

No.

3011

of 1985

vs.

1 A-1

	Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
	1	2	3
	3.7.85	Hon' G. B. Singh J Put up on 5.7.85 Sd. G. B. Singh 3.7.85	
	5.7.85	Hon' G. B. Singh J Issue notice to the respondent No 1 to 4. Put up for orders on 29th July 1985. Sd. G. B. Singh 5.7.85	
	3.7.85	C.M. Appn No 7393 of 1985 Hon' G. B. Singh J Put up along with the W.P. Sd. G. B. Singh 3.7.85	
	5.7.85	Hon' G. B. Singh J Put up along with the W.P. Sd. G. B. Singh 5.7.85	

Date	Note of progress of proceedings and routine orders	Date of case is adjourned
1	<p>J.F. Report</p> <p>Referred to counsel for the petitioner, has not taken up for review on 1/15/41 up x CMA No 2323 (1985) Aug. 2, 1941 Submitted.</p>	2
29/7/08	<p>Howler</p> <p>MA 8580</p>	<p>to Bel. OPR</p> <p>filed</p>
2-8-85	<p>How K.S.V.S</p> <p>How S.S.H.T</p> <p>Sign</p>	<p>to Bel. OPR</p> <p>filed</p>

24

1090/1979

A 3

Serial
number
of
order
and date


Brief Order, Mentioning Reference
if necessary


How complied
with and
date of
compliance

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

18/12/89

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 admission on 29.1.90.



A.M.



V.C.

(sns)

12.12.90. Hon. Mr. Justice K. Nath, VC
Hon. Mr. K. Obayya, AM

Shri C.P.M. Talpalkar, Brief
holder of Shri H.P. Bhalkar.
The case was dismissed for
default of both the parties
on 29.1.90. Application for
restoration shows good
cause. The order dated
29.1.90 is set aside
and the petition is
restored. In the matter of
admission, issue notice
and list for admission
on 16.1.91


AM


VC

16.1.91 No sitting Adj. to 20.2.91

Dinesh

20.2.91 - No sitting Adj. to 18.3.91

OR
This case has
been read. A 20.12.89
Case is not
admitted.
No CA/RB filed
Notices were
issued to CAT, AM,
etc is attached
Submitted for
order

OR
Notice of
discovery
8
22/1/91

OR
Notice were
issued on 22/1/91
Notice of
applicant has
been return to
with postal
return
9/1

Notice
22/1

h

18.3.91

No stamp aff to 4.4.91

8

OR

Motions were used

a.

Nella CH are

unmoved and come

in their own way

S.P. B.L.

3h
h

4.4.91
D.R.

Both the parties

are absent today.

C.A. has not been

filed till today.

Respondent to file

it, by 28.6.91.

28.6.91
D.R.

Both the parties are

absent today. Respondent

is directed to file

counter by 7/8/91.

7.8.91
D.R.

Both the parties are absent

Respondent to file counter

by 28/10/91

S

T.A. 1898/87

30.10.91

D.R.

A2

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 3/1/92.

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 2.7.92

best copy of delivens agent postal order
ds-17/20 K.K. Pathak
clerk for
Amil Singh
2/5/92

Postal Order has been delivered by S.S. Chatterjee

T.A. 1898/87

2.7.92
D.R.

Both the parties are

absent. Respondent to

file counter by 28/8/92.

28.8.92
D.R.

Now is present. Counter has not

been filed till to day. It is a

unt petition of the year,

1985, list for final hearing

on. 29.10.92 before the Honble

Bench.

Due to Autumn vacation

case is adjourned on 11.1.93.

CA has been filed

on 3.11.92 along with

M.P. 964/92

3.11.92

0.8.92
28.8.92
S.F.H.
31/1/93

11.1.93

Nil saving of 5.00 m
collected 2.93

2/2/93 Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

As the pleadings are complete the
case is disposed of after hearing
the counsel for the parties. The

Judgment has been dictated in the

open Court.

A.M.

(tgk)

V.C.

LUCKNOW BENCH, LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (XXXXXXXXXXXXX)XXXXXXXXXXXXX.

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

D.A.NO.

OF 199

T.A.NO.

Date of decision: 2/2/93

Chhotey Lal

Petitioner

Shri L.P.Shukla

Advocate for the petitioner.

Versus

U.P.I. & Others

Respondents.

Shri A.Srivastava.

Advocates for the Respondent(s)

CORAM :-

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

176

Chhotay Lal	::::::	Applicant
Vs.		

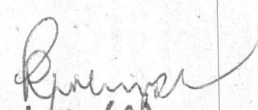
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

(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

to the post of Permanent Way ~~Disty~~ are included in the letter dated 23-3-1988 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.


Member (A)


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 *Chhotay 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-	<i>imp with affidavit and Annam.</i>	<i>14</i>		<i>102.00</i>			
	2,	<i>Power</i>	<i>1-</i>		<i>5.00</i>			
	3-	<i>Contd. 7373(w) of 85 jersey</i>	<i>1-</i>		<i>5.00</i>			
	4-	<i>order sheet</i>	<i>1-</i>					
	5-	<i>Bench copy</i>	<i>1-</i>					

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	10-00
4.	Annexure 2 (Query made by o.p.no.3) dt. 18.3.84	11-00
5.	Annexure 3 (Reply to query dt. 29.3.84)	12-00
6.	Annexure 4 (Reversion order dt. 6.5.85)	13-00
7.	Vakalatnama	14-00

(A.N.Verma)
Advocate

Lucknow Dated:

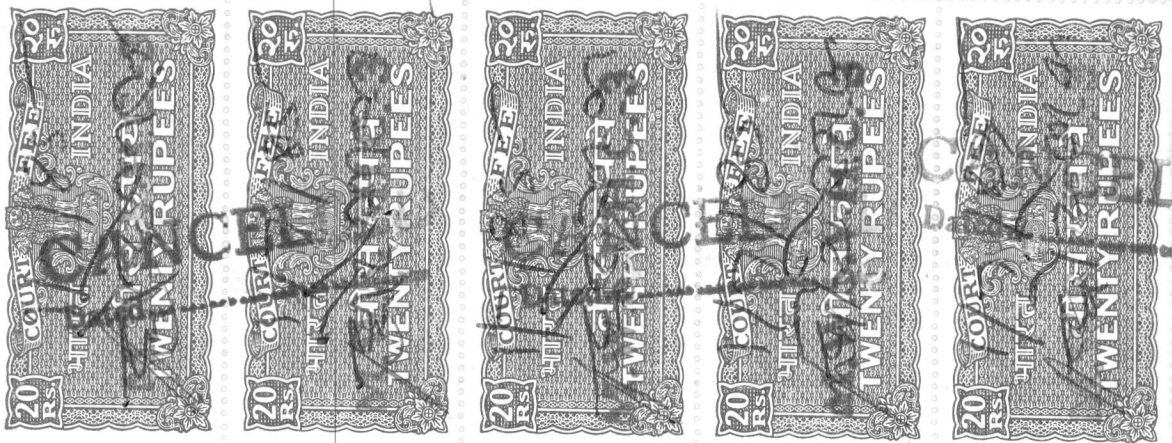
Counsel for the petitioner

June 20, 1985

1-7-85

96
✓

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



30/10/85
by 1-588

Writ Petition no. 3011 of 1985

CHHOTAY 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



Chhoti Lal

25-5-85

Jim

Issue notice to the respondents also 1 to 4. Put up for orders on 24th July, 1985.

Hon. A.B. Singh, J.

MHS

3-7-85
Jim

Put up on 5-7-85.

Hon. G. B. Singh, J.

1-7-85
Audit

Dut. Farjani
= 6.58

Don't worry about answers

Simple-Bench

Should also be filed.

Papers filed. Copy of R.O.

In time up to

Contested

with or made on receipt of lower

Correct but file a Court fee report

Tal

Adhesive Rs. 100/-

Impressed

MEMO

29.1.90
M.

A.M.

M.C.

log

for report.

accounting

the position is

on behalf of the partners.

revised. No one is present

The list has been

Hon. Justice K. Nair, v.c.
Hon. K. V. Ramani, A.M.

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. 6.12.62.
Thereafter, he was promoted on 15.1.1981 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

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



Chhotelal

12

✓
5 (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 despute 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



Chhotelaf

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.

15. 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.

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

17. 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.

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



Chhoti Lal

14

(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.

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.



Chhoti dal

15

(7)

- 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

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

✓ 9



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 1, 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.

Chhotelal

Lucknow Dated:

Deponent

June 28, 1985

1.7.85

I, the above named deponent, do hereby verify that the contents of paras I 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.

Chhotelal

Lucknow dated:

Deponent

June 28, 1985

1.7.85

I identify the deponent who has signed before me.

[Signature]
Advocate

Solemnly affirmed before me on 1.7.85-

at 9.35 a.m/p.m by Sri Chhotelal

the deponent who is identified by

Sri Nazir Hussain

Clerk of Sri A.N. 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.

[Signature]
JUDGE COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 22/248
Date 1.7.85



18/15

इन दि आनरेबल हाई कोर्ट आफ बुडीकेवर एट इलाहाबाद

लखनऊ बेन्च लखनऊ।

रिट पिटीशन नं०

11/1985

छोटे लाल

... पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

... अपोपार्टीज

ऐनेक्जर नं०-A-1

सं० 752ई/111डी/ए-रे०प०नि०

मण्डल कार्यालय

उत्तर रेलवे लखनऊ।

दिनांक 3.85

सहायक अभियन्ता

उत्तर रेलवे फैजाबाद ,

विषय: श्री छोटे लाल वेल्डर अधीनस्थ रे०प०नि० फैजाबाद की रे०प०नि० के पद पर तदर्थ पदोन्नति ।

एक आर०एम०यू० ने यह रिक्कायत की है कि आपके उपरोक्त कर्मचारी को अन्य कर्मचारियों की वरीयता की उपेक्षा करके तदर्थ रूप में रे०प०नि० की पदोन्नति दे दी है जो गलत है । यदि ऐसा है, तो उक्त को तुरन्त पदच्युत करके इस कार्यालय को सूचना दे ।

यह बात भी प्रकाश में आयी है उक्त कर्मचारी का कोई वाद मुनिसिफ फैजाबाद के यहां विचाराधीन है जिस पर न्यायालय में स्थान आदेश पारित कर रखे है , 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, रे०प०नि० वे०भा० नं० 380-560 में पदोन्नति हेतु प्रार्थना पत्र दिया है जो इस कार्यालय में विचाराधीन है ।

इसे अति आवश्यक समझे ।

ओहो/-

कृते मण्डल रेल प्रबन्धक,

लखनऊ उ०रे० ।

सत्य प्रतिलिपि ।



Chhoti Lal

71 19/6
12

इन दि आनरेबुल हाई कोर्ट आफ जजिकेयर एट इलाहाबाद

लखनऊ बेन्च लखनऊ।

रिट पिटीशन नं०

/1985

छोटे लाल

... पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

... अगोपार्टीज

ऐनेक्शनर नं०-A-2

पत्र सं० 4/ई/85

सहायक अभियंता ।

उ०रे० फैजाबाद ।

दि० 18.3.1981

रेल पथा निरीक्षक ।

उत्तर रेलवे फैजाबाद ।

विषय :- बरियता पी डब्लू एम हेतु

-----X-----

श्री राम आसरे मेट नै.4। व श्री बिजई नै.035 ने अर्जी दी है कि हम श्री छोटे लाल जो पी.डब्लू.एम बनाये गये है ,उनसे वरिष्ठ है ।

कृपया यह बताये:-

- 1- क्या ये छोटे लाल पी.डब्लू.एम से वरिष्ठ है ।
2. स्पष्ट करे कि ये वरिष्ठ है तो कैसे छूट गये ।
3. कृपया उत्तर तुरन्त देवें ।

ह०

18/3

सहायक अभियंता.

उ०रे० फैजाबाद ।

Chhote Lal



2017
12
13

इन दि आनरेबल हाई कोर्ट आफ जुडीकेचर एट इलाहाबाद

लखनऊ बेन्च लखनऊ।

रिट पिटीशन नं०

/1985

छोटे लाल

..... पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य

..... अपो पार्टीज

ऐनेक्जर नं०-A-3

3/ई/1985

दिनांक 29-3-1985

रेल उप निरीक्षक,

सहायक अभियन्ता,

उ०रे० फैजाबाद

उ०रे० फैजाबाद ।

विषय :- वरियता पी.डब्ल्यू.एम. की ।

सन्दर्भ :- आपका पत्र नं० 4/ई०/85 दि० 18.3.85

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

- 1- श्री विजई मेट गै० नं० 35 श्री छोटे लाल से वरिष्ठ है परन्तु उन्होंने पढ़ा 6 होने के कारण स्थाई है किन्तु उन्होंने स्प से पी.डब्ल्यू.एम. न होने की लिखित रूप में अस्वीकृत दी है।
- 2- श्री राम आसरे मेट गै० नं० 41 श्री छोटे लाल की श्रेणी 260-400 को 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 भुगतान कर 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 ।

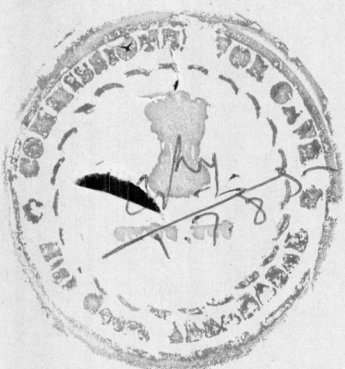
ह०अ०/-

के०एम०वर्मा०

रे० ज० फैजाबाद ।

Chhoti Lal

सत्यप्रतिसिपि



In the Hon'ble High Court, Lucknow
Bench Uda.

W. No.

of 85 23

A18

Chedi MS Union of India

Amesure No 4

1/24

25/5/85

Office of the Asst. Engineer
1/4/85

Shri K. N. Prasad

the P. N. S. S. S. S.

Encl.

Office order

The posting order issued to Mr. S. K. Chhotelal on 20/10/84 on the basis of this office letter of 20/10/84, dated 16/10/84 is hereby cancelled and as such held by Mr. S. K. Chhotelal as per his previous post. The posting order of Mr. Ram Chandra Singh dated 4.10.84 is hereby cancelled and held by Mr. S. K. Chhotelal as per his original post as per his previous post. The above order may please be implemented tomorrow (7.5.85) unless advise to this office.

- 80 -

Asst. Engineer
1/4/85

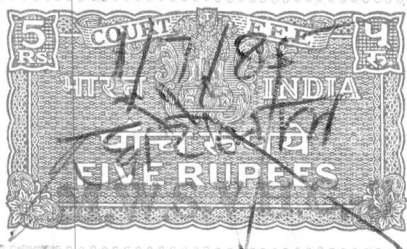
Copy to DPO/C/120 for information in reference to his DO letter No 752 E/1/85 (1000) dated 20.4.85 please.



Chhotelal

A 23

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



MSL
1/1/85
317102

3

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

at 5-7857

[Signature]

unt pethm

Put up along with the

Hon. A. B. Singh, J.

MHS/-

3-7-85

Put up along with the
the unt petition.

Hon. A. B. Singh, J.

In the Honble High Court of Judicature
at Allahabad Lucknow Ben
Gurukul

ब अदालत श्रीमान

महोदय

For Petitioner

वादी (मुद्दे)
प्रतिवादी (मुद्दा अलेह)

का वकालतनामा

W.P.N.

of 1988

Chhotey Lal



(मुद्दे)

Union of India

बनाम

प्रतिवादी (मुद्दा अलेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Advocate
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 डिगरी
जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानो 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 भोजता रहूंगा अगर मुकद्दमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 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.

-----Applicant/
Petitioner

Versus

Union of India and others.

-----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

rel today

ju
1/12

Application has been filed

Today. It is a ~~very~~ ^{very} ~~short~~ ^{short} ~~notice~~ ^{notice}

application against the

Government dated 18.12.1989.

Hence it is ~~not~~ ^{not} ~~correct~~ ^{correct}

in thirty days (Rule 15(2))

of the CAT (Procedure) Rules,

(1987). But ~~it~~ ^{it} ~~is~~ ^{is} ~~not~~ ^{not} ~~up~~ ^{up}

before the Hon'ble Bench

on 12.12.90 for ~~order~~ ^{order}

DR

11.12.90

126

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

512 x 8

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

E. S. Singh
Applicant.

Verification.

I, the applicant named above do hereby verify

28

-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.

ETZ M/G

Applicant.

Vaishnivasankar

In the Central Administrative Tribunal
Lucknow Bench Lucknow
~~In the Honble High Court of~~

वकालत श्रीमान

29
PWS

महोदय

T-A. No. 1898 of 1987

वकालतनामा



Chotey Lal

Union of India बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा

सन पेशी की ता०

१९ ई०

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

C-700 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 रुपया 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 रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया 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।

नाम अश्लीन
नं० मुकद्दमा
नाम फरीकन

हस्ताक्षर एडवोकेट

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९ ई०

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,

1/1/93

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: 3/1/92


(ANIL SRIVASTAVA)
Advocate

Counsel for the Respondents,

F.T.

3-11-92

31

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 AEN

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

Handwritten signature and stamp in Hindi.

..2..

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.

Xf20
साक्षर अभिलेख
नया दस्तावेज - दस्तावेज

...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.

12. That the contents of paras 12 and 13 of the writ petition are admitted.

K. S. S.
K. S. S. S. S. S.
K. S. S. S. S. S.

34

..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

..5..

4/2/20
RECEIVED
10/10/20

...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

Deponent

बहादुर आनंद
नगर देहली, कैलाश

Verification

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

बहादुर आनंद
नगर देहली, कैलाश