

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA. NO. 1906/82
CAUSE TITLE W.P. No. 3359/85 OF

NAME OF THE PARTIES V. B. K. Algotshi Applicant

Versus

G. M. N. Rly per Delhi and Respondent

Part A.

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CERTIFICATE

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

Rechecked
Dated 28/8/11

Counter Signed.....

Page 2
3/8/11
Section Officer/In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

VBK, Awasthi - wing clerk.

FORM OF INDEX

~~D.A./T.A./R.A./C.C.P./~~ No.

1906/87

WP 3359/85

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5.	S.L.P.	:-	nil		

[Signature]
DY. Registrar

[Signature]
Supervising Officer

[Signature]
Dealing Clerk

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

Nil.

[Signature]
Dealing Clerk

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE T.A. 186-1906 of 19 87 (T)

NAME OF THE PARTIES V.B.K. Awasthi

V.B.K. Awasthi Applicant

Versus

O.O.D. Respondent

Part A, B & C

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		C-2

in the Northern Railway at Divisional Railway Manager, Office Lucknow under Senior Divisional Accounts Officer, Lucknow.

2. That the petitioner was initially appointed in Clerk Grade II post and posted at Diesel Locomotive Works, Varanasi. Thereafter the petitioner was transferred from Varanasi to Senior Accounts Officer (W) Office at Carriage and Wagon workshop Lucknow.

3. That the petitioner on account of medical ground was thereafter transferred from Carriage and Wagon Workshop Lucknow to Divisional Railway Manager Office, Lucknow.

Railways

4. That under the Indian/Medical Manual the priority to allotment of quarters is given for the persons suffering from disease near to Railway hospital in order to facilitate them for checking etc.

5. That the petitioner, being a patient of chronic Myeloid Leukemia, applied for the allotment of quarters on 16.3.85 as the aforesaid disease was detected on 13.8.1984.

6. That the petitioner, while posted at Wagon Workshop at Alambagh, Lucknow, the aforesaid disease was detected and he was under treatment and he could not work continuously at Divisional Railway Manager Office, Lucknow as after joining at D.R.M. Office the petitioner proceeded on leave.

7. That the petitioner also got checked up by the Addl. Chief

120/10/85

455

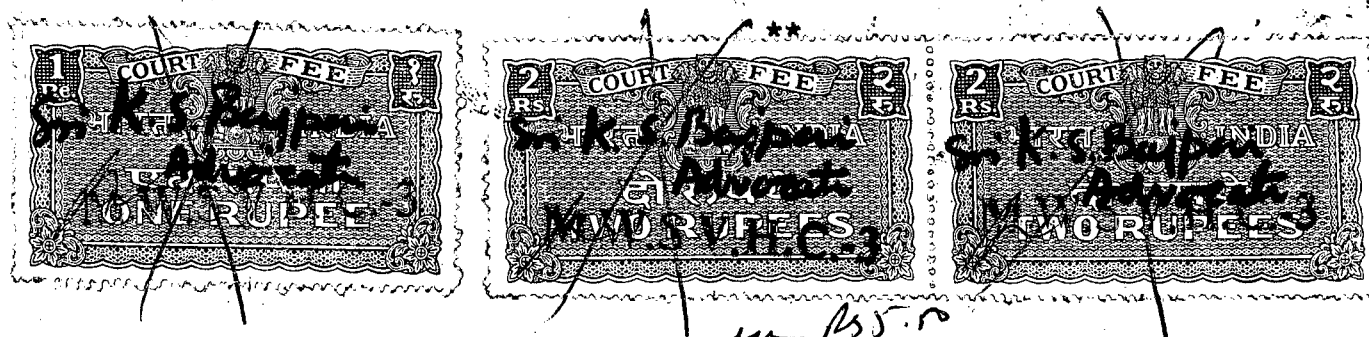
A-616 SK

C.M. 150. Adm No 11, 871 (u)

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

SITTING AT LUCKNOW.

Writ petition No. 3359 of 85



V.B.K. Awasthi

..Petitioner.

vs.

General Manager, Northern Railway,
New Delhi & ors.

..Opp. Parties.

APPLICATION FOR INTERIM RELIEF

**

12642

For the facts and circumstances stated in the accompanying affidavit, it is most respectfully prayed that the opposite party no.1 be directed to allot the railway accommodation to the applicant/petitioner out of turn and out of pool.

Lucnow; Dated:
October 15, 1985.

Lesz
(K.S. BAJPAI)
Advocate,
Counsel for the petitioner.

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2

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
W.P. No. 3359 of 1985

A/n

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
10.7.85	Hon' S. S. Ahmad J Hon' G. B. Singh J List this petitioner for orders in the week. --- --- as regards admission on 20th July 1985 Sd. S. S. Ahmad Sd. G. B. Singh 10.7.85 C. M. Appn No 1009 CW 85	
20.8.85	fix. for order in court. N.O to OP No. 154 is WP & order by Dst. 18.7.85	received dasti Samant for Services and Health by Anchan 18/7 Received Copy Anchan 18/7 Gopin K S. B. Singh
28/8/85	O.P. Hon' S. S. Ahmad J Hon' G. B. Singh J No sitting on account of the sad demise of Sri. Bishnu Singh, Advocate.	to B. Ch. J. Rao

20/9/85

1906/07/17

:: 2 ::

4 A/6

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

/12/89

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

None is present for the applicant.
Issue notice again (by name) to the applicant and his counsel as well.
Shri Arjun Bhargava is present on behalf of Opp. Ps.
List this case for admission on 30-1-90.

R
A.M.

R
V.C.

(sns)

30.1.90

Hon. Justice K. Nath, V.C.
Hon. K. J. Raman, A.M.

On the adjournment application moved by the applicant personally, list this case for admission on 27.2.90.

R
A.M.

R
V.C.

OK

Case has been received from CHT, Aild

Case is not admitted
CH/RA not filed.
Notices were issued from CHT, Aild, etc. attached
Submitted for order

10/12

OK
rect

OK

Notices issued on 17.1.90
No order yet
replied cases by return back

Submitted

2/11

A-2 A-7
①

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH

Registration T.A. No.1906 of 1987
(W.P. No.3359 of 1985)

V.B.K. Awasthi Applicant

Versus

Union of India & Others Opposite Parties.

Hon. Justice K. Nath, V.C.

Hon. K.J. Raman, A.M.

(By Hon. Justice K. Nath, V.C.)

Shri V.N. Tandon for the applicant and
Shri Arjun Bhargava for the opposite parties are
present. This case relates to a very short matter
and therefore after hearing them we propose to dispose
it of finally.

2. It appears that the applicant is a Railway
employee and had not been allotted a quarter for his
residence when he filed this petition in the Hon'ble
High Court. During the pendency of the petition,
Quarter No.II/97-E Railway Church Colony, Alambagh
Lucknow appears to have been allotted to him in
November, 1986. The grievance of the applicant has
been from the very inception that he was a chronic
patient of blood cancer and was therefore in need of
a house which was near to the Railway Hospital and
suitable, having regard to the nature of his illness.
It is said that the quarter aforesaid is situated just
opposite to the Carriage and Wagon Workshop which
involves environmental hazard to the applicant. It
is also stated that the applicant had been recommended
by the concerned medical authority for change of his
environment from the locality suffering from smoke and
fumes.

3. It also appears that the applicant has very recently made another application dated 19.2.90, Annexure-A4 to the Senior Divisional Accounts Officer with a request to allot to him Quarter No. Type II T-59-B Sevak Ram Colony, Charbagh, Lucknow which, according to the applicant, is likely to fall vacant on being vacated by Shri Hari Shanker Gautam, due to retire on 31.5.90. The prayer is to exchange his present quarter No. II/97-E Railway Chuch Colony, Alambagh, Lucknow with the above mentioned quarter in the Sevak Ram Colony. While we think that the original ^{petition} has become infructuous in the sense that during the pendency of the petition a quarter was allotted to him which he did occupy and in which he is presently residing, nevertheless, his request contained in Annexure-A4 dated 19.2.90 deserves to be considered by the appropriate authority. It is common knowledge that multifarious welfare and beneficial schemes of the Railway Administration are afloat for relief to the railway employees like compassionate appointments, preference to dependants in Railway Service, Railway Passes, Railway Quarters; it should be expected that a humanitarian view of the applicant's need on account of his chronic ailment of blood cancer may well be taken.

4. This petition is therefore disposed of with the observation that the opposite parties will consider the applicant's prayer for allotment of Railway Quarter Type II T-59-B Sevak Ram Colony, Charbagh, Lucknow contained in Annexure-4 in lieu of the quarter presently occupied by the applicant subject to the applicable rules within a period of four weeks from the date of receipt of a copy of this judgement. A copy of this order may be given to the learned counsel for both parties within twentyfour hours.


Member (A)


Vice Chairman

Dated the 27th Feb., 1990.

RKM

S.N. 1

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K/9

IN THE HON'BLE ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

TA No 1906/87 (7)
Writ Petition No. 3359 of 85

V. B. K. AWASTHI --- PETITIONER


VERSUS

GENERAL MANAGER, N.RLy.,
New Delhi & Others --- RESPONDENT

Application for Extension of date

In reference to intimation received vide No. CAT/Alld/Transfer/3007 dated 17-1-1990 received on 29-1-1990, it is humbly requested that due to very short time I am unable to fight my case on 30-1-1990.

It is, therefore, requested that the fixed date viz. 30-1-90 may kindly be extended so that I may represent my case with full preparation.


30-1-90.
(V. B. K. AWASTHI)
APPLICANT

PLACE : LUCKNOW

DATED : 30-1-1990

S/O Late S. L. Awasthi
H.No.252, Nawazganj,
Panni Wali Gali, Lucknow

A 6
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

Misc. Application No: 100 of 1990. (4)

In

Original T.A. No: 1906/87 (T).
(H.C.Writ Petition No: 3359 of 1985).

V.B.K.Awasthi.....Applicant.

Versus.

General Manager, N.Rly. & Others.....Respondents.

The above-named applicant most respectfully
states as under :-

PT
2/12

1. That after filing the Writ petition No: 3359/85 in the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow, on 18-7-1985, when the respondents found them to be guilty, they issued an order dated 31-7-1985 in a very haphazard manner and filed the same as Annexure No: 1 to their counter affidavit in September, 1985. After filing the counter affidavit, the respondent No: 3 allotted a quarter No: II/97-E, Railway Church Colony, Alambagh, Lucknow, in the month of November, 1986, i.e. after more than a year of the said order dated 31-7-1985.

2. That the said quarter is just opposite to the Carriage & Wagon Workshop and is in a place where a lot of smoke of the workshop is much affecting the environment which is much harmful to the applicant. It is significant to note that on the very basis of the doctor's recommendation the petitioner-applicant who was working

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~~A-7~~

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in the Carriage & Wagon Workshop, was transferred from there to the Senior Divisional Accounts Office at Hazratganj, Lucknow, A photostat copy of the letter of the Medical Superintendent, Lucknow, dated 13-8-1984, in support thereof is being annexed herewith as ANNEXURE No: A-1 to this application.

3. That during ~~this~~ period the ~~applicant~~ applicant came to know that one quarter No: II/34-B situate at Munnawar Bagh Railway Colony, Lucknow, was going to be vacated by one Sri O.P.Verma, who was transferred to Delhi, and then later retired, ~~and~~ ^{& moved an} application to allot the same. This application of the applicant was also recommended by the D.M.O. Incharge, N. Rly. Hospital, Lucknow, but the said quarter was allotted by the opposite party No: 4 to one Sri Pradeep Sinha, who had already in possession of a quarter No: II-189/A, B.G. Colony, Alambagh, Lucknow, and was given in exchange to the said quarter altogether ignoring the application of the ~~an~~ applicant. Photostat copies of the application of the applicant and the said allotment order are being annexed herewith as ANNEXURES Nos: A-2 & A-3 to this application.

4. That the applicant is a cronic patient of BLOOD CANCER, and he has to live at a place which is near the hospital, ^{which} should be on the ground floor and its environment is smokeless and fumeless. Quarter No: II/34-B was such a quarter, it was on the ground floor and was at a place where the environment was much clear and smokeless, while it was also near to the hospital. The applicant approached personally the ~~an~~ respondent No: 4, but he totally refused to allot the said quarter to him.

5. That the present quarter No: II/97-E is just in front of the Carriage & Wagon Workshop and is on the 1st floor, and the environment is also much smokey, which is very injurious to the life of the applicant.

6. That the applicant has now come to know that one Quarter No: T-59/B, situate at SSewak Ram Colony, Charbagh, Lucknow, is going to be vacated by one Sri Hari Shankar Gautam, who is retiring on 31-5-1990. The said quarter is also on the ground floor, is near to the Railway Hospital and where the environment is not smoky. The petitioner-applicant wants that the said quarter be allotted to him in exchange of the present quarter No: II/97-E, which quarter is also in the Accounts Pool and as the respondent No: 4 has already rejected once the prayer of the applicant for changing the present quarter, hence the applicant has no hope that his prayer for the said quarter No: T-59/B would be ~~allotted to him~~ accepted, and the applicant would be left to die in the present quarter which is much harmful to his health. The applicant has already moved an application for the allotment of the said quarter No: T-59/B, a copy of which is annexed herewith as ANNEXURE No: A4 to this application.

P R A Y E R.

In view of the above, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to order that the said quarter No: T-59/B may kindly be allotted to the applicant on its vacating by Sri H.S. Gautam.

Dated, Lucknow:
Feb.27, 1990.

Retwas Thir
APPLICANT.

Advocate
Counsel for applicant

VERIFICATION.

I, V.B.K.Awasthi, son of late Sri S.E.Awasthi, aged about 30 years, working as Clerk Grade I in the office of the Senior Divisional Account Office, N.Rly., Lucknow, resident of Quarter No: II-97-E, Railway Church Colony, Alambagh, Lucknow, do hereby verify that the contents of paras 1 to 6 of this application are true to my knowledge, and I have not suppressed any material fact.

V.B.K. Awasthi

APPLICANT.

[Signature]

COUNSEL FOR
THE APPLICANT.

Dated, Lucknow:

Feby. 27, 1990.

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ANNEXURE NO: A-1

NORTHERN RAILWAY

DIVISIONAL HOSPITAL
CHAREAGH/ LUCKNOW.

Dated: 13th Aug., 1984.

No: 66-mc/0/1

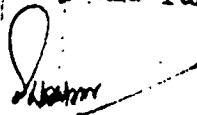
The Sr. Accounts Officer (W)
Northern Railway,
ALAMBAGH/
LUCKNOW.

REG:- Shri V.B.K. Awasthi, Clerk Grade-I,

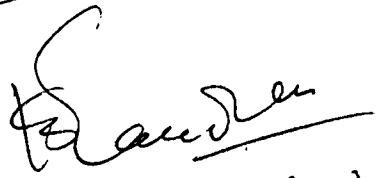
Refer:- Your letter No: 79/Prasashan/B/Vivid dated 11.8.1984.

It is to inform you that Shri V.B.K. Awasthi, Clerk Grade-I is a case of chronic Myeloid Leukemia. He is getting treatment as per direction of Dr. N.C. Misra of King George Medical College, Lucknow.

In view of the nature of the illness of Shri V.B.K. Awasthi, he is recommended change of environment particularly smokes and fumes of the workshops.


(S. L. Kapoor)
Medical Superintendent,
Lucknow.

Attested


(V.N. Tandon)
Admoch

सेवा में
वरिष्ठ मंडल लेखाधिकारी,
उ० रे०, लखनऊ

विषय- चिकित्सीय आधार पर लेखे आवास राशुप ११ ई. चर्च कालेजी के ह्रास पर राशुप ११ ३५ की, मुगुवर कालेजी कांवरन हेतु आवेदन।

सहायक

निवेदन है कि मुझे ज्ञात हुआ है कि निम्न भाषण में श्री ओ० पी० वी० ए० ओ० का राशुप ११ ३५ की मुगुवर बाग लेखे आवास कालेजी हो रहा है, कृपया मेरी निम्न-लिखित भीषण कठिनाइयों को ध्यान में रखते हुए मानवीय आधार पर उक्त आवास आवंटित करने की कृपा करें।

- ① मैं क्रोनिक माइलाइड ल्यूकेमिया (कैंसर) से पीड़ित हूँ तथा वर्तमान में मुझे राशुप ११ ई. चर्च कालेजी लेखे आवास आवंटित है जोकि मेरे स्वास्थ्य व जीवन के लिये उचित आवास है, यहां धुआँ व प्रदूषण अत्यधिक मात्रा में है क्योंकि यह आलमबाग के बर्कशाप से अत्यन्त निकट है। मेडिकल अथॉरिटी/उ० रे०/लखनऊ के परामर्श के अनुसार मुझे धुआँ व प्रदूषण विशेषकर बर्कशाप से मुक्त जगह पर रहना आवश्यक है, इसी आधार पर मेरा स्थानान्तरण आलमबाग बर्कशाप से यहा अपीलप में हुआ था पर आवास की वजह से फिर उसी के पास रहना पड़ा रहा है।
- ② मुझे आकस्मिक चिकित्सा की नमी श्री आवश्यकता पड़ जाती है वर्तमान आवास लेखे अस्पताल से दूर है पर नवीग आवास लेखे अस्पताल के अत्यन्त निकट है।
- ③ मुझे हर हफ्ते रक्त की क्रमिक जांच करवाना होता है जिसके लिये दूर से आना-जाना कष्टप्रद व असह्य बन जाता होता है

Dr. Velupillai Prasad
is a case of
Chronic
Myeloid
Leukaemia and
is under treatment
Tata Memorial
Hospital.
He is recommended
better accommodation.

- ④ वर्तमान में आवंटित राशुप ११ ई. कपूर तल पर है पर नवीग आवास राशुप ११ ३५ की समितल का है व बुला व हवादार है जोकि मेरे स्वास्थ्य लाभ के लिये अत्यन्त उपयुक्त आवास है।
- ⑤ मुझे हर तीसरे या चौथे माह चिकित्सा के लिये करीब १० दिवस हेतु टाटा मेमोरियल अस्पताल, बम्बई जाना होता है तथा घर पर कोई भी टटन है वर्तमान आवास के ठीक सामने आवास ने अभी जोड़ी हुई है वहाँ भी घर बना रहता है परन्तु मुझे वहाँ नहीं रहना है।

- ⑥ मेरी पत्नी लगातार प्रसव वर्ष की संस्थागत दाता है तथा नवीग आवास से निकले गले कालेज पास पड़ा है।

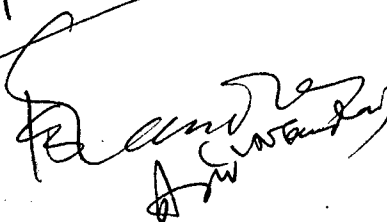
उपरोक्त तथ्यों को देखते हुए आपसे विनम्र अनुरोध है कि मेरी निम्न-लिखित परिस्थितियों को देखते हुए चिकित्सीय आधार पर राशुप ११ ३५ की कालेजी से मेरे आवास को आवंटित करने का आदेश पुरान करें, यह मेरी जीवन रक्षा हेतु आपकी विशेष महान कृपा होगी, मैं आपका जीवनपर्वन्त आभारी रहूँगा।

सधन्यवाद

Dr. Velupillai Prasad
N. No. 11
12-7-87
13-10-87

दिनांक- 13-10-87
वरिष्ठ मंडल लेखा कार्यालय
निलगावक उपरोक्त
③ सत्य
बसंत देवरे, सचिव

आपका विश्वास पात्र
विश्वभूषण कुमार (अलखी)
लि० अ० प्र०

True Copy Attested


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Annexure NO: A-4

17

परिच्छेद मंडल लेखा कार्यालय

21 FEB 1990

उत्तर रेलवे, लखनऊ

सेवा में,

परिच्छेद मंडल लेखाधिकारी,
उत्तर रेलवे, लखनऊ ।

विषय :- चिकित्सीय आधार पर रेलवे आवास टाइप II 97 ई रेलवे चर्च कालोनी, आत्मबग, के स्थान पर टाइप II टी-59-बी सेवाग्राम कालोनी, वारबग, आवंटन हेतु प्रार्थना पत्र ।

महोदया,

निवेदन है कि श्री हरीशंकर मोतम डब्लू.ए.ओ. 31 मई, 90 को सेवामुक्त हो रहे हैं उनके द्वारा लेखा पूल का रेलवे आवास टाइप II टी-59-बी, सेवाग्राम कालोनी वारबग, खाली किया जायेगा, कृपया मेरी निम्नलिखित कठिनाईयों को ध्यान में रखते हुये उक्त आवास मुझे आवंटित करने की कृपा करें ।

1- मैं क्लिनिक माइलाइड ल्यूकिमिया ब्लड कैंसर से पीड़ित हूँ तथा वर्तमान में मुझे टाइप II 97 ई, रेलवे चर्च कालोनी आत्मबग आवंटित है, जो कि मेरे स्वास्थ्य व जीवन के लिए प्रतिकूल आवास है वहाँ छुआं व प्रदूषण अत्यधिक मात्रा में है, क्योंकि यह आवास केरेज एण्ड बेगन वर्कशाप आत्मबग के सामने स्थित है ।

2- इसके पूर्व मैं केरेज एण्ड बेगन वर्कशाप में कार्यरत था, परन्तु चिकित्सा अधीक्षक, उत्तर रेलवे लखनऊ के पत्रांक- 66-मेड/10/1 दिनांक 13-8-84 द्वारा परामर्श दी गई कि मुझे छुआं व प्रदूषण से मुक्त वातावरण में रहना आवश्यक है इसी आधार पर मेरा स्थानान्तरण इस कार्यालय में किया गया था, परन्तु घोर बिडम्बना है कि मुझे आवास उसी स्थान पर देकर मेरे स्वास्थ्य व जीवन के साथ उपेक्षा की गई है ।

3- इसके पूर्व दिनांक-8-10-87 को मेने आवास परिवर्तन हेतु आवेदन किया था व मेरा आवेदन पत्र डी.एम.ओ. इन्वार्ज उत्तर रेलवे, लखनऊ द्वारा संस्तुत था परन्तु मेडिकल भूखल के पेटा-559 की उपेक्षा करते हुये मेरे आवेदन पर ध्यान नहीं दिया गया ।

4- मुझे आकस्मिक चिकित्सा की कमी भी आवश्यकता पड़ जाती है, वर्तमान आवास रेलवे अस्पताल से दूर है पर नवीन आवास टी-59-बी, रेलवे अस्पताल के पास है ।

5- वर्तमान आवंटित रेलवे आवास टाइप II 97 ई, प्रथम तल पर है, पर टाइप टी-59-बी, भूमितल का है व मेरे स्वास्थ्य लाभ के लिए उत्यन्त उचित आवास

क्रमशः-----2/-

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उपरोक्त तथ्यों को देखते हुए आपसे विनम्र अनुरोध है कि श्री हरीशंकर
गौतम डब्लू.ए.ओ. के सेवा मुक्त होकर रेलवे आवास टाइप II टी-59-बी,
सेवाग्राम कालोनी, चारबाग खाली होने की स्थिति में मुझे आवंटित करने की
कृपा करें।

सधन्यवाद।

दिनांक : 19-2-1990

आपका विश्वासपात्र,

संलग्नक : उपरोक्त. 15 पॉव।

विश्व भूषण कुमार

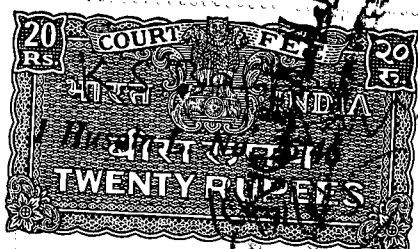
। विश्व भूषण कुमार अवस्थी ।
लेखा सहायक,

True copy attested
Rangus
Amr

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19
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

SITTING AT LUCKNOW.

Writ petition No. 3359 of 1985



Vishwa Bhusan Kumar Awasthi,
aged about 26 years, son of late
Sri S.L. Awasthi, resident of House No.
252, Niwasganj, Panni-wali-gali, Lucknow.

..petitioner.

Vs.

1. General Manager, Northern Railway,
Baroda House, New Delhi.
2. Financial Adviser & Chief Accounts
Officer, Northern Railway, Baroda House,
New Delhi.
3. Divisional Railway Manager,
Northern Railway, ^{Hazrat Ganj} Lucknow.
4. Senior Divisional Accounts Officer,
Northern Railway, ^{Hazrat Ganj} Lucknow.

..Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

**

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

1. That the petitioner is working as Clerk Grade I in

..2



Chief Medical Officer, Northern Railway, Lucknow who issued a certificate on 13.5.85 with the recommendation that the petitioner's case is recommended for allotment of quarter on sympathetic consideration.

8. That it is pertinent to point out here that when the petitioner was posted at S.A.O(W), Carriage and Wagon Workshop, Lucknow, on the basis of medical treatment papers the petitioner was referred to the King George Medical College, Lucknow, by the Medical Superintendent for check up and treatment. Professor N.C.Misra of K.G.Medical College, Lucknow recommended and advised for change of atmosphere to the petitioner and on that very basis the petitioner was transferred from Carriage and Wagon Workshop Alambagh to D.R.M. Office, Hazratganj, Lucknow. A true copy of the afore-said letter dated 13.8.84 is being filed herewith as Annexure-1 to this writ petition.

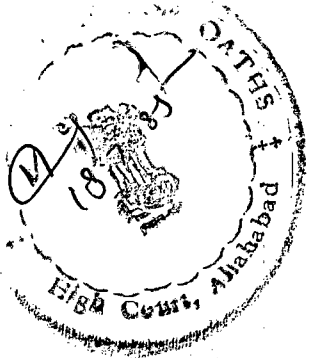
That it is pertinent to point out here that certificate issued by Dr.N.C.Misra is also being filed herewith as Annexure-2 to this writ petition.

10. That on the basis of the recommendation of Prof.N.C. Misra, Professor of Surgery, K.G.Medical College, Lucknow, the petitioner was transferred at D.R.M.Office, Northern Railway, Lucknow.

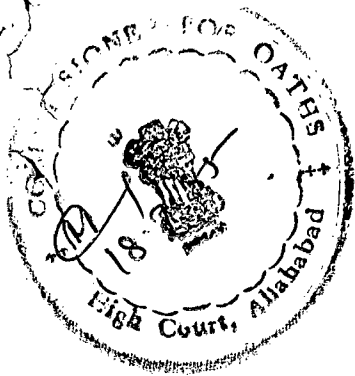
11. That the petitioner, when became little improved condi-

tion, applied for allotment of Railway accomodation on 16.3.85 alongwith all the papers of treatment and medical reports. A true copy of the said application dated 16.3.85 is being filed herewith as Annexure-3 to this writ petition.

12. That the petitioner's application dated 16.3.85 sent to the opposite party no.3 for approval but the same was rejected by the opposite party no.3. A true copy of the aforesaid rejection is being filed herewith as Annexure-4 to this writ petition.
13. That though the allotment authority is opposite party no.1 but he has delegated powers to the opposite party no.3.
14. That after refusal by the opposite party no.3 the petitioner again made an application to the opposite party no.1.
15. That it is pertinent to point out here that the matter of the petitioner was also referred to the Addl.Chief Medical Officer, who is next to the Chief Medical Officer, Northern Railway, who also issued certificate in respect of aforesaid disease and recommended the request of the petitioner for allotment of the quarter. A true copy of the aforesaid medical certificate is being filed herewith as Annexure-5 to this writ petition.



16. That the petitioner again made an application to the opposite party no.1 on 27.5.85 alongwith medical certificate dated 13.5.85 and that matter is pending till today and has not been disposed of. A true copy of the letter dated 27.5.85 is being filed herewith as Annexure-6 to this writ petition.
17. That the petitioner is suffering from such disease which requires proper treatment and every time is to be nearer to ^{✓ Railway Hospital for} better medical treatment as it is not known when the medical treatment is required.
18. That para 559 of the Indian Railways Medical Manual deals with the allotment of accommodation. Sub para 2 of the aforesaid para says "Whereas the patient is subject to disease which calls for immediate medical attention, the residence of the employee is [✓] desired to be near the hospital/health unit." Placing reliance on the aforesaid para the petitioner made an application for allotment of quarter near the hospital and for which his case is ~~xx~~ [✓] unparrallel and he was entitled for allotment of quarter.
19. That para 561 of the aforesaid manual further says "All recommendations will be dealt with by the competent authority at his own discretion and will not in any way give right to the employee to demand the same nor it will be obligatory on the Railway



Administration to comply with the same."

20. That para 561 of the aforesaid manual is absolutely arbitrary, discriminatory and is violative of Constitution of India and deserves to be quashed.
21. That it is pertinent to point out here that certain other persons like Kamal Kishore, E.C.T. under Telecommunication Inspector, Lucknow, S&T Department, Northern Railway, has been allotted accommodation without compliance of provisions of law as he is Branch secretary, Northern Railway Men's Union and the aforesaid person was allowed railway accommodation out of turn while he was applied subsequent to the petitioner. Another person S.C.Verma, Clerk Grade I, under S.A.O.(W) Office, Alambagh, was allotted railway accommodation on the ground of medical advice near to hospital while he is ^{not} suffering from such acute disease as the petitioner and Sadia Begum, ^{✓CGI Sr.D.A.O. Office, LKO} has also been allotted railway accommodation on the ground of her brother's illness as the case of Sadia Begum was recommended by the Minister. In this manner the petitioner's case is one of the genuine case and bonafide case which has been discriminated by the opposite party no.3 and in view of para 561 the authorities have got fully arbitrary powers and they have acted arbitrarily as is evident from the aforesaid facts and circumstances.
22. That the Railway Board has also issued a circular in this connection in which it is clearly specified that



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the priority should be given to the cases which are on medical grounds but inspite of all plus points in favour of the petitioner the petitioner has not been opted railway accommodation and the ~~opposite~~ ~~party no.1~~ petitioner has ~~made~~ made an application to the opposite party no.1 alongwith all papers and medical reports etc. subsequently which is pending till today and has not been disposed of. A true copy of the aforesaid circular is being filed herewith as Annexure-7 to this writ petition.



That under these circumstanes the petitioner has got prima facie case and balance of convenience lies in favour of the petitioner.

That having left no any other alternative and efficacious remedy the petitioner has to approach this Hon'ble Court under Article 226 of the Constitution of India, on the following, amongst other, grounds:-

G R O U N D S

- a. Because the petitioner has been discriminated and other persons have been allotted quarters out of turn and also on the ground of minor illness or on the ground of any other family members' illness.
- b. Because the petitioner's case has been examined by the Addl. Chief Medical Officer on the reference of

the opposite parties who has also recommended the case of the petitioner.

- c. Because the petitioner's disease is such an acute disease which needs every time attention whose medical check up ~~and~~ is more genuine and bonafide.
- d. Because the petitioner is fully entitled for the railway accommodation as per para 559 of the Indian Railways Medical Manual but in view of para 561 the authorities have got powers to act arbitrarily and discriminately.
- e. Because para 561 of the Indian Railways Medical Manual is ultra-vires as it is violative of provisions of Articles of Constitution of India.
- f. Because the petitioner's case is genuine and the petitioner is entitled to be provided accommodation.

wherefore, it is most respectfully prayed that :-

P R A Y E R

- i. To issue writ, order or direction in the nature of certiorari to quash the order dated 24.5.1985 contained in Annexure-4 to this writ petition and also to declare para 561 of the Indian Railways Medical Manual ultra vires as it is discriminatory and arbitrary. ~~and~~
- ..9


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- ii. To issue writ, order or direction in the nature of mandamus to dispose of the petitioner's application dated 27.5.1985 and also commanding the opposite parties to allot the accommodation.
- iii. To order any other relief which this Hon'ble Court thinks fit and proper under the present circumstances of the case.
- iv. To award the cost of the petition.

Lucknow:Dated.
July , 1985.


(K.S. BAJPAI)
Advocate.
Counsel for the petitioner.

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11

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

SITTING AT LUCKNOW.

Writ petition No. of 1985

**

V.B.K.Awasthi

..petitioner.

Vs.

General Manager, Northern Railway,
New Delhi & ors.

..Opp.Parties.

ANNEXURE NO.1

**

NORTHERN RAILWAY

DIVISIONAL HOSPITAL
CHARBAGH/LUCKNOW.

Dated: 13th Aug., 1984.

No: 66-Med/O/1

The Sr.Accounts Officer(W)
Northern Railway,
ALAMBAGH/
LUCKNOW.

REG:- Shri V.B.K.Awasthi, Clerk Grade-I

**

Refer:- Your letter No.:79/Prashsan/B/Vivid dated 11.8.1984.

It is to inform you that Shri V.B.K.Awasthi, Clerk Grade-I is a case of chronic Myeloid Leukemia. He is getting treatment as per direction of Dr.N.C.Misra of King George Medical Collge, Lucknow.

In view of the nature of the illness of Shri V.B.K.Awasthi he is recommended change of environment particularly smoke and fumes of the workshops.

Sd./-
(S.LKapoor)
Medical Superintendent,
Lucknow.



Signature

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

SITTING AT LUCKNOW.

Writ petition No. of 1985.

**

V.B.K.Awasthi

..Petitioner.

Vs.

General Manager, Northern Railway,
New Delhi & ors.

..Opp.Parties.

ANNEXURE NO.2

Free

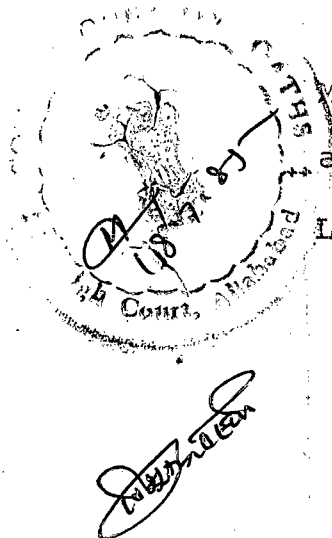
Dr.N.C.Misra

122, Faizabad Road,
Near Indira Bridge,
LUCKNOW-228008,
phone Res.: 48856

Professor of Surgery (Oncology)
K.G's. Medical College,
Consultant surgeon:
Gandhi Memorial & Associated Hospitals,
Lucknow.

Mr.V.B.K.Awasthi is suffering from Chr.Myeloid Leukoemia
and he deserves priority for any allotment because of
Leukoemia from which he is suffering.

Sd./-N.C.Misra.



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

SITTING AT LUCKNOW.

Writ petition No. of 1985

**

V.B.K. Awasthi

..Petitioner.

Vs.

General Manager, Northern Railway,
New Delhi

..Opp. Parties.

ANNEXURE NO. 3

To

The Divisional Railway Manager,
Northern Railway,
Lucknow.

THROUGH SR.D.A.O./LKO.

Sub: Out of turn and out of pool allotment of quarter
on Medical Grounds

**

Respected Sir,

I beg to lay the following facts for your kind
sympathetic consideration with your just hands :-

that I am suffering from dreadful chronic MYELOID
LEUKAEMIA (BLOOD CANCER).

that my present residence where I am living on rent
nearly 10 kilometres away from my office and Railway Hos-
pital where my continuous treatment is going on is about
15 kms. It is quite difficult for me to reach there
regularly for blood check-up and treatment and at times



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I have no option but to avail the necessary medical assistance from outside which is very much expensive.

The locality where I am residing this moment is quite congested and unhealthy.

I am enclosing my treatment papers for your ready reference please.

Therefore, I request your goodself on seeing the above circumstances, if you will please allot me a quarter out of turn and out of pool it will be a great help for me and I shall be highly obliged for this act of kindness.

Thanking you, in anticipation.

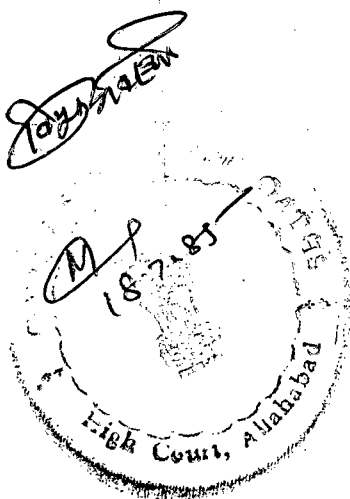
Yours faithfully,

sd./-

Dated: March 16, 1985.

(V.B.K. AWASTHI)
Clerk Grade I
Sr.D.A.O.'s Office, N.Rly.,
Lucknow.

DA/ As above



In The Hon'ble High Court of Judicature at Allahabad. 14
Sitting at 140.

V.B.K. Awasthi _____ Petitioner
Vs.

W.P. No. 1485

G.M.N.R. New Delhi for. _____ Opp. Parties

A-29/15

संख्या :- 75/प्रशासन/7-1/कार/वि०/लख

जी० एल० 19/G.L. 19
जनरल 99-बडा/Genl. 99-Large

उत्तर रेलवे/NORTHERN RAILWAY

दिनांक 24-5-85

श्री विश्व भूषन अवस्थी
लिपिक श्रेणी - प्रथम
वरिष्ठ मण्डल रेलवे कार्यालय
उ० र० लखनऊ

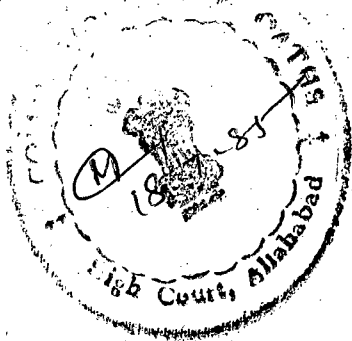
(A-29/15)

विषय :- बिना वरीयता रेलवे कार्यालय के
आवेदन हेतु

स्पष्ट किता जाता है कि आपने प्राथमिक पत्र दिनांक
16-3-85 के सन्दर्भ में इस कार्यालय में अनुर्भूत
हेतु * वरिष्ठ मण्डल रेलवे प्रबन्धन को भेजा था
जिसमें वरिष्ठ मण्डल रेलवे प्रबन्धन ने उत्तर देकर
कर दिया है।

ज. एन. मीरा

प्राथमिक मण्डल रेलवे अधिकारी
उत्तर रेलवे, लखनऊ



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

SITTING AT LUCKNOW.

Writ petition No. of 1985

32

**

V.B.K.Awasthi

..petitioner.

Vs.

General Manager, Northern Railway,
New Delhi & ors.

..Opp.Parties.

ANNEXURE NO.5

NORTHERN RAILWAY

OFFICE OF THE ADDL.C.M.O.
CHARBAGH/ LUCKNOW.

No: 66-Mod/o/1

Dated: 13.5.1985.

The sr.Divl.Accounts Officer,
Northern Railway,
LUCKNOW.

Sub.: Allotment of Railway Accommodation on Medical Ground

Refer: your letter No.79/Admin./58/staff Matter dated 10.5.85.

It is a genuine case. Shri V.B.K.Awasthi C.G.-I under
Sr.DAO/Lucknow is a case of Chronic Myeloid Leukomia.
Request of the employee for allotment of quarter
is recommended for sympathetic consideration.

Sd./-
Addl.Chief Medical Officer,
Lucknow.



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

SITTING AT LUCKNOW.

Writ Petition No. of 1985.

V.B.K.Awasthi

..petitioner.

Vs.

General Manager, Northern Railway,
New Delhi. & ors.

..Opp. Parties.

ANNEXURE NO.6

To,

The General Manager,
Northern Railway,
B.House, NEW DELHI.

THROUGH SR.DAO/LKO.

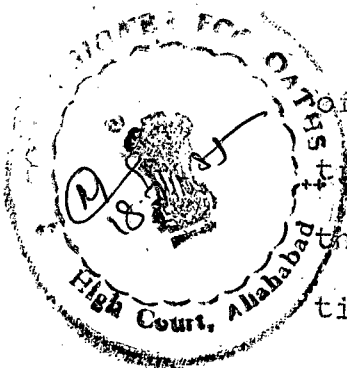
R/sir,

Reg:- out of turn and out of pool allotment of quarter
on medical ground.

With due regards, I give below the following facts for
your kind and sympathetic consideration with your just hands.

1.That I am suffering from dreadful Chronic Myeloid
Leukaemia. (BLOOD CANCER).

2.That the applicant is living about 10 Km. away from
office and about 15 Km. from Rly.Hospital where his continuous
treatment is going on. It is quite difficult for me to reach
there regularly for blood check up and treatment at every
times, I have no option but to avail the necessary medical
assistance from out side which is very expensive. The Locality
where I am residing this movement is quite congested and
unhealthy.



Signature

3. That the applicant has already applied to DRM/LKO vide his application dated 16.3.85 on the basis of Rly. Board letter No. Med./E/Misc./Q.Pt.VI dt. 28.8.80 for the above allotment. This letter is also attached with Para I of the Rly. Board letter No. E)C)80QRI-12 dated 21.4.80 (copy enclosed) for your ready reference.

But it is request to point out that the DRM has rejected such a genuine case for which the applicant is suffering badly.

4. That according to the extracts of the para 562 of Indian Medical Manual 2nd Edition-1981 (copy enclosed) which reflect the light on the above case for your sympathetic consideration and ready reference.

5. That in the support of my genuine case the Addl. Chief Medical Officer/NR/LKO has already recommended my case vide his letter No. 66-Med./)/1 dated 13.8.84 and 13.5.85 to your goodself for your kind perusal.

On seeing the above circumstances it is therefore prayed to your honour to please allot me the quarter (out of turn and out of pool) for which the applicant shall ever remain grateful to you.

Yours faithfully.

sd./-

(V.B.K. AWASTHI) CG-I
Sr.DAO/LKO.

Dated: 27.5.1985
Encl: -

Copy forwarded to :

1. Advance copy to the Genl. Manager/NR/NDLS for information and necessary action please.
2. The FA&CAO (Adm)/NDLS
3. The Chairman Rly. Board, Rail Bhawan/NDLS.
4. Hon'ble Rly. Minister.



[Signature]

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

SITTING AT LUCKNOW.

Writ Petition No. of 1985

**

V.B.K. Awasthi

..petitioner.

Vs.

General Manager, Northern Railway,
New Delhi & ors.

..Opp. Parties.

ANNEXURE NO. 7

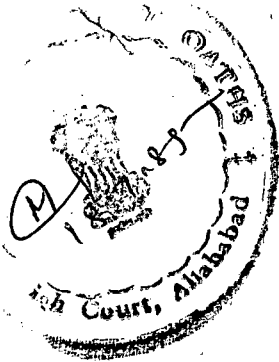
Copy of G.M. (Medical)/N.Rly. 's letter No. Med/E/Misc/Q/Pt. VI
dt. 19.7.80 addressed to the Secy. (Health) Rly. Board, New
Delhi & others.

Sub:- Allotment of residential quarters on out of turn/over
riding priority to the railway employees.

Ref:- Rly. Board's letter No. E(G)80-QR1- -12 dt. 21.4.80
addressed to the Director General, RDSO/LKO and others.

In terms of para 556 on page 111 of the Indian Railways
Medical Manual, 1969 medical recommendations for allotment
of Railway Bungalow/quarter or for better accommodation will
be made to the competent authority directly by D.M.O. in
case of non-gazetted staff. In the case of a gazetted staff,
such recommendations may be made by the D.M.O. but should
be forwarded through C.M.O.

Further in terms of para 559 on page 112 of the aforesaid
Manual, a Railway doctor may make recommendations for



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allotment of a railway bungalow/quarter or a change for better accommodation to a railway employee.

It is presumed that the word 'a Railway Doctor' occurring in para 559 on page 112 of the Indian Railways Medical Manual 1969 means a D.M.O. for making such a recommendations for allotment or a change for better accommodation of railway bungalow/quarter.

According to Rly.Board's letter referred to above, the cases of allotment of quarters on out of turn/over-riding priority on medical ground is to be decided by the G.M. in consultation with the C.M.O. wherever necessary. Therefore it may kindly be clarified whether the certificate for allotment of a railway bungalow/quarter as mentioned in para 556 of the Indian Rly.Medical Manual, 1969 is to be issued by the D.M.O. or not.

Copy of Rly.Board's letter No.E(G)800R1-12 dt. 21.4.80 addressed to the Director General, RDSO/LKO and others.

Sub:- As above

For the purpose of allotment of quarters on out of turn/over riding priority basis on medical grounds, a large number of references are being received in the Ministry of Railways (Rly.Board) from and on behalf of the Railway staff either addressed to the Minister or to the Board. Experience has shown that such delay takes place in disposing of such references after getting the factual position and justification for the railways.

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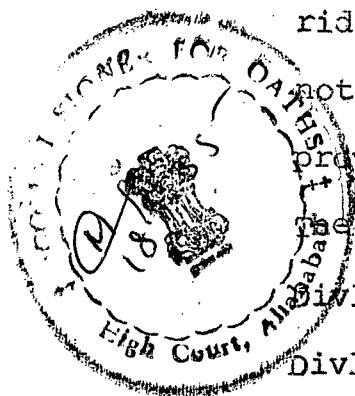
- 3 -

2. under the extant rules/orders, such allotments of railway quarters are within the powers of the General Managers who may take an appropriate decision in consultation with the C.M.O. of the railway wherever necessary. In order to ensure quicker disposal of such cases, the Ministry of Railways wish to re-emphasise that such cases should only be decided by the General Managers under their own powers taking into account the circumstances of each case.
3. The receipt of this communication may please be acknowledged.

Copy of Rly. Board's letter No.E(G)800R1-12 dated 5/8/80 addressed to the General Manager, N.Rly. New Delhi.

Sub:- Allotment of residential quarters on out of turn/over riding priority to the railway employees

Please refer to the correspondence resting with your letter No.Med/E/Misc/Q/Pt.VI dt. 19.7.80 on the subject indicated above. It is clarified that while issuing Board's letter No.E(G)800R1-12 dt.21.4.80 regarding allotment of residential quarters on out of turn/over-riding priority basis to the railway employees, it has not been envisaged any modification of the existing provisions in the Indian Railways Medical Manual 1969. The present practice of issuing the certificates by the Divl. Medical Officer will continue. In other words, Divl. Medical Officer will only recommend cases as hitherto being done and the case will be finally decided by the General Manager in consultation with the Chief Medical Officer if necessary.



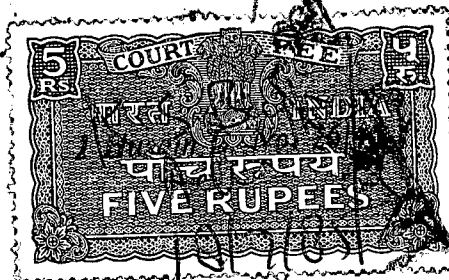
Signature

(A-36) 2B
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

SITTING AT LUCKNOW.

C. MISC. Appn NO

Writ petition no. 8009(a) of 1985
3359.



1 CPB 57582
18/7/85

Vishwa Bhusan Kumar Awasthi

..petitioner.

Vs.

General Manager, Northern Railways
New Delhi & ors.

..Opp. Parties.

APPLICATION FOR INTERIM RELIEF

**

For the facts and circumstances stated in the accompanying writ petition it is most respectfully prayed that the Hon'ble Court may kindly issue direction commanding the opposite parties to allot, in the mean time, a railway accommodation to the petitioner.

Lucknow; Dated:

July , 1985.

(K. S. BAJPAI)
Advocate.

Counsel for the petitioner.

(A37) 22

H/

A/39

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

SITTING AT LUCKNOW.

Writ Petition no. of 1985



Vishwa Bhusan Kumar Awasthi

..Petitioner.

Vs.

General Manager, Northern Railway,
New Delhi

...Opp. Parties.

AFFIDAVIT

**

I, Vishwa Bhusan Kumar Awasthi, aged about 26 years, son of late Sri S.L. Awasthi, resident of House No. 252, Niwasganj, Panni-wali-gali, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner in the aforesaid case and as such he is fully conversant with the facts deposed below :-
2. That the deponent has read the contents of para 1 to 24 of the writ petition and has understood the same.
3. That all the annexures annexed with the writ petition are true copies of their originals.

Lucknow: Dated:
July 18th, 1985.

Deponent.

Verification

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

Lucknow:Dated:

July 18th, 1985.

[Signature]
Deponent.

I identify the deponent who has signed before me.

[Signature]
Advocate.

Solemnly affirmed before me on 18.7.85
at 10.30 a.m./p.m. by the deponent *Vishwa Bhushan Kumar*
who is identified by Sri K.S. Bajpai
Advocate, High Court, Lucknow Bench.

I have satisfied myself by examining the deponent who understands the language of this affidavit which have been read out and explained by me to him.

Meena Pandey
OATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
No. 16/228
Date 18.7.85

A-62 A-71

In the Honble High Court of Judicature at
Allahabad Lucknow Bench.

30
20/11/85

6/1
WP. 3359 / 85

Vishwa Bhushan Kumar Petitioner

General Manager Northern Railway Opp parties
& Others

In the above noted case it is most
respectfully prayed that Counter
Affidavit is well within time and
hence it may be taken on record.

20.11.85

e. A. Basu

Counsel for Opp parties

A-63 A-72 6/11

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

Counter Affidavit
In

Writ Petition No. 3359 of 1985

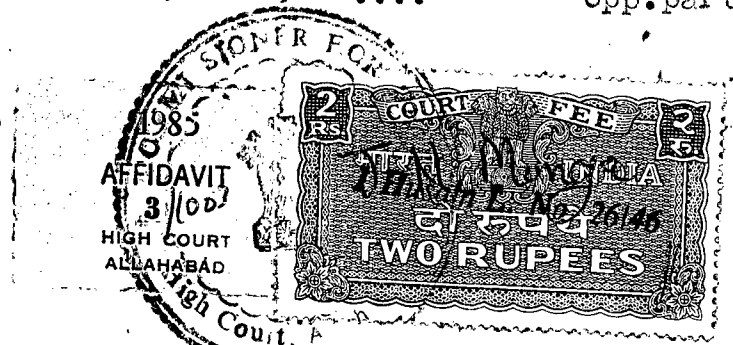
Vishwa Bhushan Kumar Awasthi....

Petitioner

Versus

General Manager, Northern
Railway and others.

Opp. parties.



Counter Affidavit on behalf
of opposite parties.

So. m. a. p.

✓ J. N. Monga
I, ~~Rajia Azam~~

aged about 54 years

✓ Daughter ✓
son of ✓ Sh. Bakshi Ram Monga ✓
son working as ASH, D.A.O. N.R.L. LKO

in the Office of Divisional Railway Manager, Northern
Railway, Hazratganj, Lucknow do hereby solemnly affirm
and state on oath as under:-

1. That the deponent has read the writ petition
and has understood its contents and has been author-
ised by the opposite parties to file this counter-
affidavit on their behalf.

2. That the averments made in paras 1 to 15
of the writ petition are not denied.

3. That in reply to the averments made in para



So. m. a. p.

16 of the writ petition this much is admitted that representation dated 27.5.1985 of the petitioner was duly considered sympathetically by the Divisional Railway Manager, Lucknow and he agreed to give the petitioner out of turn priority for allotment of quarter from Central Pool. Petitioner was also advised vide letter No.85/ADM/ out of turn allotment dated 31.7.1985. vide Annex - A-1

4. That, in view of averments made in para 3 of this counter affidavit, paras 17 and 18 of the writ petition do not call for any remarks.

5. That in view of averments made in para 3 of this counter affidavit, averments made in para 19, 20 and 21 of the writ petition need no reply.

6. That in reply to the averments made in paras 22 and 23 it is stated that representation of the petitioner dated 27.5.1985 was duly considered by the opposite party No.3 most sympathetically and he issued orders to give to the petitioner out of turn priority for allotment of quarter from general pool and advice of the same was given to the petitioner vide letter No.85/ADM/out of turn allotment dated 31.7.1985.

7. As petitioners application dated 27.5.1985 has been allowed and out of turn allotment of quarter has been ordered, possession of quarter will be arranged on availability of quarter.

8. That in the circumstances stated above this



to man

petition has become infructuous and merits dismissal with cost...

Lucknow:

Dated: Sept. 4[✓] 1985

[Signature]
Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge, those of paras 3 to 7 are based on record, they are believed to be true and those of para 8 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

Dated: Sept. 4[✓] 1985

[Signature]
Deponent

I identify the deponent who has signed before me.

C. A. Basir
Advocate.

Solemnly affirmed before me on 4/9/85[✓] at 9 a.m./p.m. by the deponent who is identified by Sri C.A. Basir, Advocate, High Court, Lucknow Bench, Lucknow.

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

[Signature]
OATH COMMISSIONER
High Court, Allahbad,
(Lucknow Bench)

No. 3/1003
Date 4/9/85



A-66

A-75

A-44

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

6/5

L.P. No. 3359/85

Vishwa Bhushan Kumar Arora — Petitioner

VS

Genl Manager, Narmada — Opp. Parties

Annex - A-1



67 76 90 45

NORTHERN RAILWAY

सं० ८४५/ प्रशासन/ किताब तारीखता आकार आवांश दिनांक २१-७-८५

जी वी वी के अवस्था

लेखा लिपि प्रथम

कार्यालय तारिख मंडल लेखाधिकारी

उत्तर रेलवे दरभंगा

6/6

विषय: किताब तारीखता आकार आवांश के सम्बन्ध में

संदर्भ: आपका प्रार्थना पत्र दिनांक २७-५-८५
— XXXX —

आपके उपरोक्त प्रार्थना पत्र के संदर्भ में सूचित किया जाता है कि मंडल रेल प्रबन्धन महोदय ने आपके उपरोक्त प्रार्थना पत्र पर सहानुभूति पूर्वक विचारोपरान्त आपके सामान्य पूल से रेलवे क्वार्टर किताब तारीखता के आवांश की क्षमता मंगा कर दी गयी है। तब हस्तगत सम्बन्ध में सन्तुष्ट जानकारी को आवश्यक कार्यवाही करने हेतु निर्देश जारी किये जा चुके हैं।

[Signature]

वरिष्ठ मण्डल लेखाधिकारी

Sr Divisional Officer
Northern Railway, Lucknow

२५/७/८५

३१/७/८५

[Signature]

[Handwritten notes and stamps]

[Signature]

4/9/85

Bench copy 2-6-87 A-77

A/
46

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

Counter Affidavit
In

Writ Petition No. 3359 of 1985

Vishwa Bhushan Kumar Awasthi....

Petitioner

Versus

General Manager, Northern
Railway and others.

Opp. parties.

Counter Affidavit on behalf
of opposite parties.

I, J. N. MONGA aged about 54 years
son of SHRI BAKSHI Ram ^{1/2} working as Assn. D.A.O, N.R.,
in the Office of Divisional Railway Manager, Northern
Railway, Hazratganj, Lucknow do hereby solemnly affirm
and state on oath as under:-

1. That the deponent has read the writ petition and has understood its contents and has been authorised by the opposite parties to file this counter-affidavit on their behalf.
2. That the averments made in paras 1 to 15 of the writ petition are not denied.
3. That in reply to the averments made in para

16 of the writ petition this much is admitted that representation dated 27.5.1985 of the petitioner was duly considered sympathetically by the Divisional Railway Manager, Lucknow and he agreed to give the petitioner out of turn priority for allotment of quarter from Central Pool. Petitioner was also advised vide letter No.85/ADM/ out of turn allotment dated 31.7.1985. *vide Annex - A-1*

4. That in view of averments made in para 3 of this counter affidavit, paras 17 and 18 of the writ petition do not call for any remarks.

5. That in view of averments made in para 3 of this counter affidavit, averments made in para 19, 20 and 21 of the writ petition need no reply.

6. That in reply to the averments made in paras 22 and 23 it is stated that representation of the petitioner dated 27.5.1985 was duly considered by the opposite party No.3 most sympathetically and he issued orders to give to the petitioner out of turn priority for allotment of quarter from general pool and advice of the same was given to the petitioner vide letter No.85/ADM/out of turn allotment dated 31.7.1985.

7. As petitioners application dated 27.5.1985 has been allowed and out of turn allotment of quarter has been ordered, possession of quarter will be arranged on availability of quarter.

8. That in the circumstances stated above this

petition has become infructuous and merits dismissal with cost.

Lucknow:

Dated: Sept. 1985

Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge, those of paras 3 to 7 are based on record, they are believed to be true and those of para 8 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

Dated: Sept. 1985

Deponent

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on at a.m./p.m. by the deponent who is identified by Sri G.A. Basir, Advocate, High Court, Lucknow Bench, Lucknow.

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

A-87

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INDIAN RAILWAY

सं ८४४/प्रशासन/ विन वरीयता आवास आवं २७ दिनांक २१-७-४५

जी.पी.टी. के. अवरणी
लेखा लिपि प्रयोग
कार्यालय वरिष्ठ मंडल है कार्यालयी
उत्तर रेलवे दरभंगा

4/50

विषय: विन वरीयता आवास के सम्बन्ध में
संदर्भ: आपका आ. दिनांक २७-५-४५
- XXXX -

आपके उपर्युक्त प्रार्थना पत्र के संदर्भ में सूचित किया जात
है कि मंडल रेल प्रबंधन मंडल ने आपके उपर्युक्त प्रार्थना पत्र
पर सहानुभूति पूर्वक विचारोपरान्त आपके सामान्य पूल से
रेलवे क्लब वरिष्ठ विन वरीयता के आवं २७ की शुरुआत प्रशा
कर दी गयी है। तब हरा रास्ता में सनाम आदि कमी
को आपश्चक कार्यवाही करने हेतु निर्देश जारी किये जा चुके
हैं।

रविन्द्र चरण निगमिहारी
Sr Divisional Officer
Northern Railway, Lucknow
२५/७/४५
31/7/45

R. D. ...
...

...

In the Hon'ble The High Court of Judicature at Lucknow

W. P. no. 3359/85

A-80
49

Vishwan Bhushan Kumar Agarwal ——— Petitioner

— vs ——— opp. party
General Manager, Nirmalya

Annex A-1

A-56 A-65 S/2

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

SITTING AT LUCKNOW.

A/SI

Writ Petition No. ³³⁵⁹~~3324~~ of 85



1985
AFFIDAVIT
43/1047
HIGH COURT
ALLAHABAD

^P
K V.B.K.Awasthi

..petitioner.

Vs.

General Manager, Northern Railway,
New Delhi & ors.

..Opp.Parties.

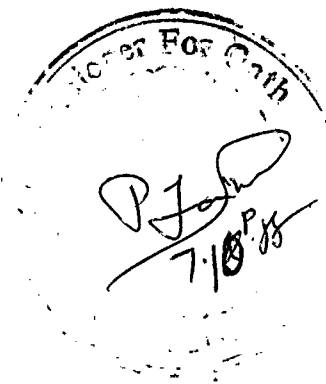
REJOINDER AFFIDAVIT

**

I, V.B.K.Awasthi, aged about 26 years, son of Sri B.L.Awasthi, resident of House No.252, Niwasganj, Panniwali-gali, District Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner in the aforesaid case and as such he is fully conversant with the facts deposed below :-
2. That the deponent has read the contents of the counter affidavit and has understood the same.
3. That the contents of para 1 and 2 of the counter affidavit need no comments.
4. That in reply to the contents of para 3 of the

..2



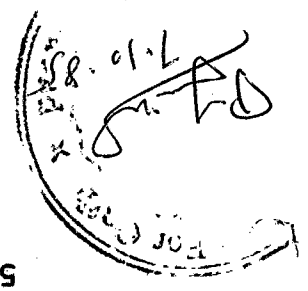
[Handwritten signature]

counter affidavit it is stated that the Divisional Railway Manager earlier regret to allow the deponent the premises on priority basis on medical ground and the deponent approached to the General Manager, Northern Railway, New Delhi, by letter dated 27.5.85. The Divisional Railway Manager, Lucknow by Annexure-1, which has been annexed by Senior Regional Accounts Officer, had ordered on the application of the petitioner that he will be allowed premises from general pool without priority and disposed of the petitioner's representation which was preferred to the General Manager, Northern Railway, New Delhi. Firstly there is no general pool of the allotment as the petitioner never prayed for that. The deponent prayed for priority and for special consideration on medical ground which has been stated in his representation. Secondly when the Divisional Manager regret to give priority for allotment of premises the deponent approached to the General Manager by sending application through proper channel as well as directly by advanced copy. The General Manager, Northern Railway, New Delhi, had done nothing till today but on the said application the Divisional Manager, Railways, Lucknow Division, has passed incorrect order stating therein that the petitioner's case will be considered in general pool while there is no general pool. It is further stated that department wise accommodations are provided but there is also provision that in the special circumstances

12/10/54

6.

5.



That in reply to the contents of para 6 of the counter affidavit it is stated that since there is no general pool, hence question of giving out of priority does not arise as the department wise accommodations are allotted

That the contents of para 4 and 5 of the counter affidavit are false, incorrect and denied for the facts and circumstances stated in the preceding paragraphs to this counter affidavit.

provided under the Indian Medical Manual.
applied for accommodation as special case which is legal benefit and proper treatment for which he has survive and will also be jeopardised from getting the xxxxxxxx that time the deponent may not be able to so many years for availability of accommodation and by for that and in view of that illegal order it will take is no general pool and the petitioner has never prayed and it has been passed in very vague manner when there which has been passed is prima facie xxxxxx/on no law based
The case of the petitioner is genuine one and the order annexure-1 of the counter affidavit to the deponent.
by passing such order which has been communicated by authority who earlier regret has again impliedly regret considered but the same has not been done and the same on medical ground for which the petitioner should have and as such he approached the authorities for priority general pool. Since the deponent is patient of leukemia and in that there is no provision or act or rules of the priority be given to persons on medical ground

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and on special circumstances on medical ground the employee can be given accommodation from anywhere.

It is pertinent to point out here that so many employees who have been transferred from Lucknow are still retaining the quarters e.g. K.P.Srivastava, ISA,RE, has been transferred to Mathura but still he is occupying the accommodation. Not only this much there are so many examples that the employees who have been retired and even expired have not vacated the accommodation, for example S.N.Saxena has been retired and Mr.J.N.Verma who has been expired but the accommodation ~~xxxxxx~~^P has been occupied by his daughter Km.Reeta Verma. In view of the aforesaid facts and circumstances rightful and legal claim of the deponent for which he is entitled as provided under the Indian Medical Manual has been denied and the intention of the opposite parties is so inhumatarian which can never be said to be bonafide but always said to be malafide.

7. That the contents of para 7 of the counter affidavit are false, incorrect and denied. The petitioner had never made prayer for allotment from general pool. The ^{specific} petitioner had made/request to the General Manager, Northern Railway, New Delhi, and the matter of the petitioner has not been referred by the Divisional Manager with malafide intention while the competent authority is general manager. If the matter would have been referred to the General Manager, the deponent hoped that the sympathetic consideration must have been taken and the ^P accommodation ~~deponent~~^P would have been allotted to the deponent

on the priority basis on medical ground which has been stated in the representation but the opposite party no.3 has not referred the matter to the General Manager, N.Railway, New Delhi, while the deponent made representation to the competent authority who allots the premises but the opposite party no.3 has disposed of the said representation at his level which is unwarranted.

8. That the contents of para 8 of the counter affidavit are false, incorrect and denied. The writ petition has not become infructuous. The interest of justice would be served if this Hon'ble Court directs the opposite party no.1 to dispose of the petitioner's application for allotment of accommodation out of turn and out of pool on medical ground.
9. That the deponent has suffered a lot and circumstances compelled him and the requirement of the deponent is such acute ^P and as regular check up is required every time and for this the deponent is entitled to get the accommodation on priority basis and in case the suitable orders are not passed to this effect the petitioner shall suffer irreparable loss which cannot be compensated in any terms.
10. That in view of the aforesaid facts the deponent is entitled for accommodation on priority basis out of turn and out of pool on medical ground as per mandatory requirement of law.

Agt A 20
5/7

11. That it is in the interest of justice that the opposite party no.1 be directed to allot the railway accommodation to the deponent out of turn and out of pool.

Lucknow:Dated:
October 7th, 1985.

[Signature]
Deponent.

verification

**

I, the above named deponent, do hereby verify that the contents of para 1 and 2 of this affidavit are true to my personal knowledge and those of para 3 to 8 are based on records and those of para 9 to 11 are based on legal advice believed by me to be true. No part of it is false and nothing material has been concealed. So help me God.

Lucknow:Dated:
October 7th, 1985.

[Signature]
Deponent.

I identify the deponent who has signed before me.

[Signature]
Advocate.

Solemnly affirmed before me on 7.10.85 at 8.00 a.m./p.m. by the deponent V.B.R. Awasthi who is identified by Sri K.S. Bajpai Advocate, High Court, Lucknow Bench.

I have satisfied myself by examining the deponent who understands the language of this affidavit which have been read out and explained by me to him.

[Signature]
7.10.85
in C.S.

Km. V. Jaiswal
Commissioner
Lucknow
No. 43/1047 dated 7.10.85

In the Hon'ble High Court of Judicature at Allahabad
Sitting at 4th

व अदालत श्रीमान

महोदय



का वकालतनामा

W.P. No

1985

AST

V.B.K. Awasthi

वादी (मुद्दे)

General Manager Northern Railway
New Delhi 110019

बनाम

प्रतिवादी (मुद्दालेह)

W.P. — नं० मुकद्दमा सन् १६०५ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Sri K.S. Bajpai Adv. High Court 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 मुल्हनामा या इक्बाल दावा तथा अपील 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 (परीवसानी) 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 जिम्मेदारी 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

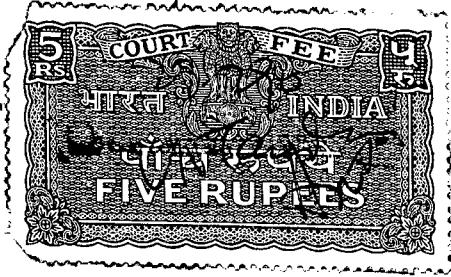
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ब अदालत श्रीमान् Central Administrative Tribunal Coercit Bench
[वादी] अपीलान्त V.S.K. Anandhi महोदय

प्रतिवादी [रिस्पाडेन्ट]

वकालतनामा



वादी [अपीलान्त]

A/58

V.K.S. Anandhi

बनाम

Gen. Manager, N. R. & Co. Ltd.

सन्

पेशी की ता०

प्रतिवादी [रिस्पाडेन्ट]

१६ ई०

नं० मुकदमा

ऊपर लिखे मुकदमा में अपनी ओर से श्री—

V.N. Tandon & Co. Ltd. Leekhar

वकील

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं०
नाम फरीकें बनाम

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

हस्ताक्षर

साक्षी (मवाह)

महीना

सन् १६ ई०

Grant A-14(c)

5328

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

SITTING AT LUCKNOW.

Writ petition NO. 3359 OF 1985

**

V.B.K.Awasthi

...petitioner.

vs.

General Manager, Northern Railway,
New Delhi & ors.

..Opp.Parties.

I N D E X

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Lucknow:Dated:

July ,1985.

K.S. Bajpai
(K.S. BAJPAI)
Counsel for the petitioner

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. 3359-85

Name of parties

V. B. K. A. and others vs. G. M. Northern Railway,

Date of institution

18.7.85

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	21		102	00		
	2	Comd. 8009(W) of 85 for sh.	3		7	00		
	3	Power -	1		5	00		
	4	Power Attorney	1		5	00		
	5	Comd. 11871(W) of 85 for sh.	7		7	00		
	6	Comd. appeal	6		2	00		
	7	Order sheet	1					
	8	Bank 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

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12-13
14
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16-17
18-20
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22-23
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IN WITNESS WHEREOF, I have hereunto set my hand and seal at the City of New York, this 1st day of May, 1945.

WITNESSES:

Not Public No. 100 1945

Witness: Thomas James Walsh,
and about 10 years, son of late
J. J. Walsh, resident of House No.
252, Riverside, Penni-sili-yli, U.S.A.

...the ...

No.

1. General Manager, Northern Railway,
Green House, New York.
2. Financial Officer & Chief Accountant
Officer, Northern Railway, Green House,
New York.
3. Divisional Railway Officer,
Northern Railway, ^{Hagrat Gray} ...
4. Senior Divisional Accounts Officer,
Northern Railway, ^{Hagrat Gray} ...

...the ...

THE ...

cc

The undersigned petitioner most respectfully begs
to submit a copy:-

1. That the petitioner is seeking a check order in

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in the form of railway at National Railway Station, ...
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also, applied for clearance of military communication on 10.9.65 alongwith the reports of trust and radical reports. A true copy of the said application of 10.9.65 is being filed herewith as Annexure-3 to this writ petition.

13. That the Petitioner's application dated 26.10.65 sent to the opposite party no.1 for approval and the same was rejected by the opposite party no.1. A true copy of the aforesaid rejection is being filed herewith as Annexure-4 to this writ petition.

14. That though the petitioner's authority as opposite party no.1 was not challenged, sent to the opposite party no.2.

15. That after a refusal by the opposite party no.2 the petitioner again sent an application to the opposite party no.1.

16. That at the instance of the petitioner the members of the petitioner's committee were called to the office of the District Officer, who also sent to the District Officer, the copies of the said application and the reports of trust and radical reports. The District Officer also sent a copy of the said application to the opposite party no.1. A true copy of the said application is being filed herewith as Annexure-5 to this writ petition.

1. The first of the three bills is one which is to be introduced in the House of Representatives on 7.3.35 and which is to be introduced in the Senate on 7.5.35. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway.

2. The second of the three bills is one which is to be introduced in the House of Representatives on 7.3.35 and which is to be introduced in the Senate on 7.5.35. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway. *Railway Hospital for*

3. The third of the three bills is one which is to be introduced in the House of Representatives on 7.3.35 and which is to be introduced in the Senate on 7.5.35. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway.

4. The fourth of the three bills is one which is to be introduced in the House of Representatives on 7.3.35 and which is to be introduced in the Senate on 7.5.35. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway. It is a bill to amend the law relating to the payment of compensation to persons who are injured or killed in the service of the railway.

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the priority should be given to the cases which are on medical grounds but inspite of all plus points in favour of the petitioner the petitioner has not been opted railway accommodation and the opposite party has made an application to the opposite party No.1 along with all papers and medical reports etc. subsequently which is pending till today and has not been disposed of. A true copy of the for, said circular is being filed herewith as an add-7 to this writ petition.

23. That under these circumstances the petitioner has got prima facie case and balance of convenience lies in favour of the petitioner.

24. That having left no any other alternative and efficacious remedy the petitioner has to approach this Hon'ble court under Article 226 of the Constitution of India, on the following, amongst other, grounds:-

Grounds:-

a. Because the petitioner has been discriminated and other persons have been selected quarters out of turn and also on the ground of minor illness or on the ground of any other family members' illness.

b. Because the petitioner's case has been retained by the J.M.O. Chief Medical Officer on the reference of

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- ii. To issue writ, order or direction in the nature of mandamus to dispose of the petitioner's application dated 27.5.1983 and also commanding the opposite parties to allow the accommodation.
- iii. To order any other relief which this Hon'ble Court thinks fit and proper under the present circumstances of the case.
- iv. To award the cost of the petition.

Luciano, dated,

July , 1983.

(E. S. S. S. S.)
Advocate,
Counsel for the petitioner.

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have no option but to avail the necessary medical assistance from outside which is very much expensive.

The locality where I am residing this moment is quite congested and unhealthy.

I am enclosing my treatment papers for your ready reference please.

therefore, I request your goodness on seeing the above circumstances, if you will please allow me a quarter out of turn and out of pool it will be a great help for me and I shall be highly obliged for this act of kindness.

Thanking you, in anticipation,

Yours Faithfully, W.

16

dated: March 16, 1935.

(V. S. A. # 1011)
Clerk Grade I
S. O. A. # 1's Office, N. Y.
[Signature]

WV 44-1000

A-53

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संख्या :- 75/उत्तरांचल/7-1/कविर/पि०व०/लख

जी० एल० 19/G.L. 19
जनरल 99-बहा/Genl. 99-Large

उत्तर रेलवे/NORTHERN RAILWAY

दिनांक 24-5-85

श्री विश्व भूषन अवस्थी
लिपिक, टोपी - पुष्प
वरिष्ठ मण्डल लेखक, लखनऊ
उ० र० लखनऊ

(14)

विषय :- बिना वशीयता रेलवे कार्ड के
आवेदन हेतु

सूचित किया जाता है कि आपके प्राथमिक पत्र दिनांक
16-3-85 के सन्दर्भ में इस कार्यालय ने अनुमति
हेतु वरिष्ठ मण्डल रेल प्रबन्धक को भेजा था
जिसमें वरिष्ठ मण्डल रेल प्रबन्धक ने इसका उत्तर देकर
कर दिया है।

ज. एन. मीरा

नियंत्रक मण्डल सेवा अधिकारी
उत्तर रेलवे, लखनऊ

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

SITING AT LUCKNOW,

Writ Petition No. of 1985

V.S.K. Awasthi

.. Petitioner,

Vs.

General Manager, Northern Railway,
New Delhi & ors.

.. Opp. Parties.

ANNEXURE NO. 5

NORTHERN RAILWAY

OFFICE OF THE ADDL.C.M.O.
CHURBAH/ LUCKNOW.

No: 66-222/C/1

Dated: 11.5.1985.

The Sr.Divl. Accounts Officer,
Northern Railway,
LUCKNOW.

Sub.: Allotment of Railway accommodation on medical ground :

Refer: Your letter no.79/admin./58/staff matter dated 10.5.85.

It is a genuine case. Shri V.S.K. Awasthi C.S.-I under
Sr.DAO/Lucknow is a case of Chronic myeloid Leukemia.
request of the employee for allotment of quarter
is recommended for sympathetic consideration.

11./-
Addl. Chief Medical Officer,
Lucknow.

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1. The following information is being furnished to you for your information.

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9. The following information is being furnished to you for your information.

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[illegible]

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~~ASA~~

22 A-61

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Verification

I, the above named Government, do hereby verify that the contents of page 1 to 2 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed to help or hurt.

Witness my hand:

July 1950.

Signature.

I declare the Government was not signed before me.

Signature.

The my official business on at 11:00 a.m. of the Government and is identified by Mr. J. A. [unclear] Secretary, [unclear] [unclear] [unclear].

I have not been asked by anyone to sign this document and the contents of this affidavit which have been put out and explained by me to him.

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A-54
A-63
5 RS COURT FEE INDIA 1 Ru. 50 P. 50 1986
FIVE RUPEES
SPECIAL POWER OF ATTORNEY

In the court of HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

Writ Petition No. 3359 of 1985

Sh. Vishwa Bhusan Kumar Awasthi

Plaintiff
Appellant
Petitioner

Versus

General Manager, Northern Rly., New Delhi
and others.

Defendant
Respondent
Opposite Party.

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28/8/85
KNOW ALL MEN by these presents that I, M. K. Khosla
General Manager, Northern Railway, New Delhi do hereby appoint
and authorise Sanyshri C.A. Basir, Railway Advocate, Lucknow
to appear, plead, and act for me jointly or severally in the
above noted case and to take such steps and proceedings as may
be necessary for the prosecution or defence of the said matter
as the case may be and for the purpose to make sign verify and
present all necessary plaints, petitions, written statements
and other documents to compromise the suit, admit the claims
and to lodge and deposit money in court and to receive payment
from the court of money deposited and to file and withdraw
documents from court and GENERALLY to act in the premises and
in all proceeding arising thereof whether by way of execution
appeal or otherwise or in any manner connected therewith as
effectually to all intents and purposes as I could act if
personally present. I hereby agree to ratify and confirm
whatever shall be lawfully done by virtue of these presents.

IN WITNESS where of I hereunto set my hand this
day of 25th July, 1985

*Accepted in
behalf of
M. K. Khosla
C.A. Basir
6/8*
(M. K. Khosla)
GENERAL MANAGER
NORTHERN RAILWAY
NEW DELHI.