

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA 1913/87*  
*WP No 3742/85* OF .....

NAME OF THE PARTIES *Sunder* Applicant

Versus

*UOI 2018* Respondent

Part A.

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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)

*This file received from record room*  
*Without Bosta*  
Dated *24.12.11*

Counter Signed.....

*Rajesh*  
*15/12/2011*  
Section Officer/In charge

*Mr*  
Signature of the  
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 1913/1987

Sunder Vs. U.O. 8 and

PART - I

- |    |                  |    |                              |
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| 1. | Index Papers     | :- | 1 to 4                       |
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| 4. | Judgement        | :- | 15 (28.2.90) C.A.T.C.B.L.Ko. |
| 5. | S.L.P.           | :- | —                            |

2/3/12/88  
DY. Registrar

Supervising Officer  
29/12/88

Dealing Clerk  
29/12/88

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

Nil

Dealing Clerk  
29/12/88

V.K. Mishra



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

## INDEX SHEET

CAUSE TITLE

1913  
~~Sunder~~ of 19 87 (T).

NAME OF THE PARTIES

B Sunder

Applicant

Versus

Union of India

Respondent

Part A, B &amp; C

Sl. No.	Description of documents	PAGE
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3.	Petition. A 6 to A 12	
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14.	Notice of H.C. A 63 to A 69	
15.	Duplicate Copy of Petition A 70 to A 87.	
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17.	B. file - B 1 to B 17.	



(12) Annexure -B

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

APPLICATION No. \_\_\_\_\_ of 19

TRANSFER APPLICATION No. \_\_\_\_\_ of 19

OLD WRIT PETITION No.: \_\_\_\_\_ of

CERTIFICATE

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

Dated :

COUNTER SIGNED :

Signature of the  
dealing Assistant

Section Officer/Court Officer

\*\*\*\*\*



CIVIL  
SIDE  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case ..... *wp 3712-85* ..... *A-1*  
Name of parties ..... *Sundar vs. Union of Ind. Co.*  
Date of institution ..... *1-8-85* ..... 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	wp with affidet. and Ammgn.	8		102 00			
	2	Row	1		5 00			
	3	CMA 8260(w) of ss for Rg.	1		5 00			
	4	Appr for Rg.	1		-			
	5	CMA 9037(w) of ss for Sundar vs. O.P.	2		7 00			
	6	CMA 10162(w) of ss with R.A.	4		7 00			
	7	Contn affidet	9		2 00			
	8	Row	1		5 00			
	9	CMA 1162(w) 85	2		7 00			
	10	Supply C.A.	8		2 00			

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,



C. Misc Appn No 8760(w)-85  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. 3712 OF 1985



(A14)

CIVIL MISC. APPLICATION NO OF 1985

in re

sunder, aged about 27 years, son of Pyarey Lal  
resident of Village sahani, P.O. Rozagan, P.S.  
Rudauli, District Barabanki.

... Applicant

versus

1. The Union of India through the Divisional  
Railway Manager, Hazratganj, Lucknow.
2. The senior Engineer, Northern Railway,  
Charbagh, Lucknow.

..... Opp. Parties.

APPLICATION FOR INTERIM RELIEF

For the facts, reasons and circumstances  
stated in the accompanying writ petition duly  
supported with an affidavit, it is most respectfully  
prayed that this Hon'ble Court may be pleased  
to issue a direction that the petitioner may be  
allowed to continue as Mate till the final  
disposal of this writ petition. Any other order  
which this Hon'ble Court may ~~xxxxxxxxxx~~ deem  
proper in the circumstances of the case be also  
passed.

*G. H. Naqvi*  
(G. H. Naqvi )  
Advocate

Counsel for the Petitioner

Dated: Lucknow  
31.7. 1985



(7)      A 88

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P.

No.

3712

of 1985

vs.

12

	Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
	1	2	3
	1-8-85	Hon' K. S. V. J Hon' S. S. Ahmad J The petition fixing 6th August 1985 C. M. Appn No 0760 C.O.S	
	1-8-85	Hon' K. S. V. J Hon' S. S. A J Put up alongwith the cont petition. Sd. K. S. V. J Sd. S. S. A. 1-8-85	
	6-8-85	In Jn attendance of Sd. K. S. V. J & Sd. S. S. A. op No. 1, 2, 3 through counsel for both parties 3/8/85	Read fr 1/53 37/8/85
	6-8-85	Hon' K. S. V. J Hon' S. S. A J Sd. K. S. V. J	

(10)

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
7-8-85	Hon K.S. Vasme Hon S.S. Ahmad List this petition for orders on 16-8-85 The petitioner will serve opposite parties Dasti notices for 16-8-85  KS 7-8-85	8/8/85
	16-8-85 fix for order on case N. 2 to of m/ta 3 in order on m 8260/85 by Dasti. KS	
16-8-85	Hon K.S.V.S. Hon S.S.A.S. Counter-affidavit has been filed on behalf of opposite parties. Mr. Mequi has prayed for and is allowed ten days time to file rejoinder affidavit. List thereafter. Hereafter the name of Sir C.A. Beshirshall be mentioned in the cause list as counsel for the opposite parties.  KS 16-8-85	



(9) 789

## ORDER SHEET

IN THE HIGH COURT JUDICATURE AT ALLAHABAD  
 Vol. No. 3712 of 1985  
 25.

12/2

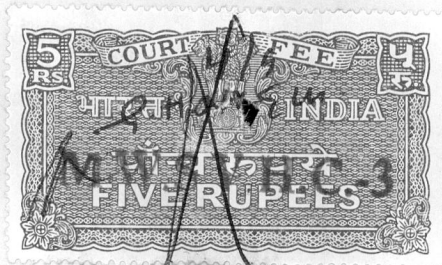
Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	<p>cm App. 10,162 (w) Dr.</p> <p>Hon. K. S. Mahajan</p> <p>Hon. P. J. Jaiswal</p> <p>Put up with the</p> <p>Record immediately after one week.</p>	to Bench
16.9.85	<p>fixed for Admission</p> <p>Hon. SCMS</p> <p>Hon. GBS</p> <p>SO</p> <p>Boc</p> <p>16/9/85</p>	to Bench (By Ct)
2.10.85	<p>cm App. 11,602 (w) Dr. - for stay</p> <p>Hon. Se. Mathur J.</p> <p>Hon. G. B. Singh J.</p> <p>List with previous paper in the next week</p> <p>2d. Se. Mathur</p> <p>2d. G. B. Singh</p> <p>2.10.85</p>	to Bench

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	
17.10.85. 31/10/85	<del>He</del> SCM S <del>H</del> GBS S	<del>to</del> B. L. next week	
	high in the next week. R.R. <span style="float: right;">31.10.85</span>		
8-11-85	<del>He</del> SS A S <del>He</del> B. K S	<del>to</del> B. L. next week	
	So <span style="float: right;">11/11</span>		



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

CM No 10, 16 2 of 85  
Writ Petition No. 3712 of 1935



6  
1  
A21  
9/9/85

Sunder .....Petitioner

versus

Union of India and Others.....Opp.Parties.

MISCELLANEOUS APPLICATION

The applicant Sunder begs to submit as under :-

11792  
(1) That the applicant is skilled Mate and he has not yet taken over as Mali. The petitioner doesnot know Mali work and the proposed appointment as a Mali is by way of punishment.

X 3  
(2) That the facts and circumstances are given in the writ petition and the Rejoinder Affidavit after service is also being filed herewith.

It is, therefore, prayed that the writ petition, counter-affidavit, and rejoinder-affidavit be considered and a necessary stay order may kindly be issued to the effect that the applicant be not transferred as Mali. Such other orders as this Hon'ble Court deems proper may be passed.

Lucknow/Dt. 5 /8/1935/

*G.H. Naqvi*  
( G.H. Naqvi )  
Advocate,  
Counsel for the Petitioner.



①  
C. Misc. Appn No 11,602(u)-8  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW: BENCH LUCKNOW.

W.P. No. 3712 of 1985

A48

Sunder

.....Petitioner

Versus

Union of India and another. .... Opp.<sup>P</sup>arty.

CIVIL MISC APPLICATION

For the facts and circumstances mentioned in the accompanying affidavit, it is humbly prayed that the impugned order may not be given effect to and the operation be stayed. Such other orders as this Hon'ble Court deems just and proper may kindly be passed.

*G.H. Naqvi*

Lucknow.

(G.H. NAQVI)  
Advocate.

Dated: 3/10/1985. Counsel for Petitioner.

5-9-85 13/72

88  
8/10/85

12320

C. MISC. Appn No- 9037(w)-27  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. 3712 OF 1985



100009

ICF S.B. Singh

5  
1  
A17

Sunder . . . . . Applicant  
versus  
Union of India . . . . . Opp. Parties  
& others

The applicant respectfully begs to submit that some other date be given for the service on the opposite party outside the court. This Hon'ble Court was pleased to direct on 1/8/85 that the opposite parties be served by dusti summons. Dusti summons were applied for on 2/8/85 and the same could be available on 3/8/85. It was a closed holiday. 4/8/85 was Sunday. Only 5th August remained, but the opposite parties could not be available and hence they could not be served. The applicant however has so far been released. He is still a mate and he will remain so upto 15/8/85.

Dated: Lucknow  
6-8-1985

*Sumit*  
*Sumit*  
Counsel for the petitioner

N.B. The Counsel regrets that this appn could not be taken by the Court as it was beyond 11 AM on 6/8/85.  
*Sumit*  
7/8/85



1913/17/10

2

4

14

Serial  
number  
of  
order  
and date

Brief Order, Mentioning Reference  
if necessary

How complied  
with and  
date of  
compliance

20/12/89

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

Shri G.H. Naqvi counsel for the applicant  
is present. Shri Arjun Bhargava, counsel  
takes notice on behalf of Opp.Ps.  
List this case for admission on 31-1-90.

A.M.

V.C.

(sns)

31.1.90

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

No one is present on  
behalf of the applicant. List  
for admission on 28.2.90.

A.M.

V.C.

A.M.

OR

This case has been  
recd. from CAT, MKL.  
Case is not admitted.  
CA/RA  
Counter & Supplement  
counter has filed  
Rejoinder has not  
filed.

Notices were issued  
for CAT, MKL, etc.  
is attached

Submitted for ad.

31/1/90

OR

Case is submitted  
for admission

30/1

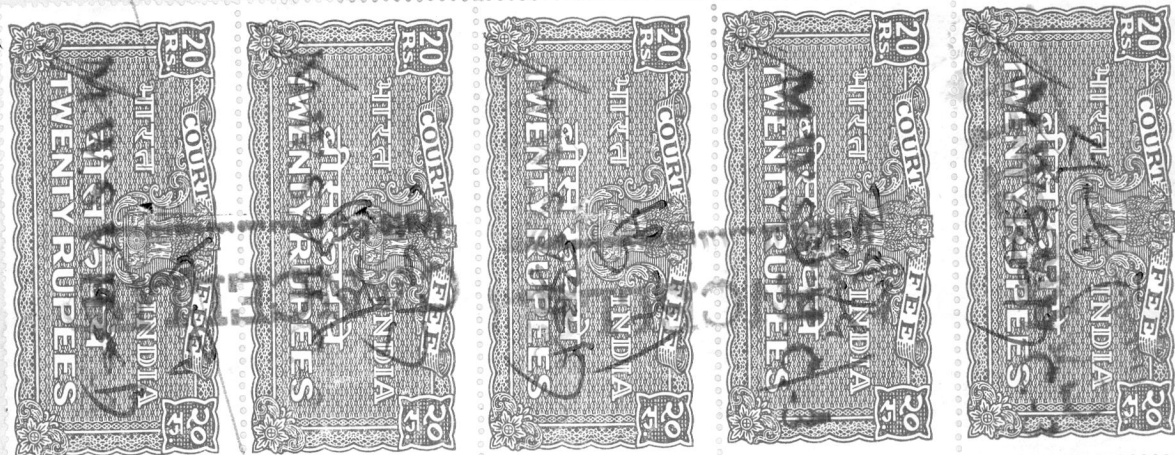


IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. 3712 OF 1985

(46)



sunder, aged about 27 years, son of Pyarey Lal  
resident of Village Sahni, P.O. Rozagaon, P.S.  
Rudauli, District Barabanki.

..... Applicant

versus

1. The Union of India through the Divisional  
Railway Manager, Hazratganj, Lucknow.
2. The Senior Engineer, Northern Railway,  
Charbagh, Lucknow.

3. *Inspector of works Alambagh N.R. Lucknow*  
..... Opp. Parties.

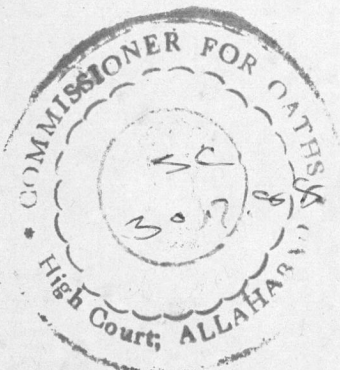
*Comd  
Cec  
3/8*

WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA

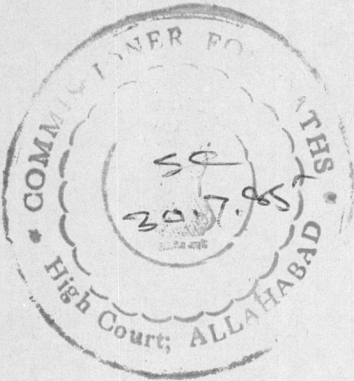
The petitioner named above respectfully begs to  
submit as under:-

1. That the petitioner is an honest youth  
from the interior of the village and he does not  
indulge in activities of the Union. He obliged to  
pay the Union Fee. Without doubt the Union in every  
department does not allow it to work normally.  
The disturbance caused is to be borne by the  
Department itself. The petitioner has nothing  
more to say against Union or anybody.

*to be taken*







*Handwritten signature*

7. That the petitioner is still working under Inspector of Works <sup>SI</sup>, but he will have to join as a Mali on the 1st of August 1985. The representation submitted has been turned down and in spite of the requests, the petitioner has not been given an opportunity of being heard. The petitioner has not joined as Mali upto this time.

8. That there being no equally efficacious remedy available, this writ petition is being filed as this is the order to ~~xx~~ a mate to join as a Mali is demotion by way of punishment:-

GRUNDS

1. That the order to join as a Mali, is no order in the eye of law.
2. That the order is against the principles of natural justice
3. That the ordering the applicant to who is a Mate to join as Mali amounts to demotion.
4. That in spite of the request no opportunity was given to hear the petitioner.

Wherefore it is respectfully  
prayed that :-

(a) A writ order, or direction in the nature of certiorari quashing the order if any after summoning the same from the Opposite Parties.

(b) a writ, direction or order in the

*Amn...*



210

1/2

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. OF 1985

sunder . . . . . Petitioner

versus

Union of India and another.....Opp. Parties.

ANNEXURE NO.1

UNDER CERTIFICATE OF POSTING

MR. MR.

To,

One Env.

The Divisional Railway Manager

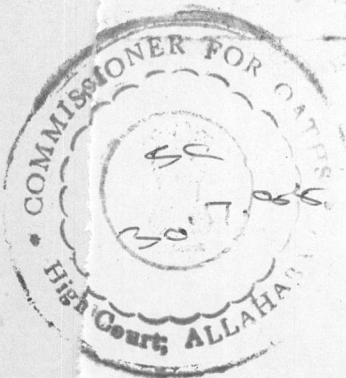
N.R. Hazratganj Lucknow.

One Env.

The <sup>senior</sup> Executive Engineer, Charbagh

N.R. Lucknow.

Two Env.



21-2-85



A12 1/20

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. \_\_\_\_\_ OF 1985

X

sunder . . . . . Petitioner

Versus

Union of India and another . . . Opp. Parties

AFFIDAVIT

I, sunder, aged about 27 years, son of Pyarey Lal, resident of Village Sahni, P.O. Rozagaon, P.S. Rudauli, District Barabanki, do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the abovenoted case and as such he is fully conversant with the facts of the case.
2. That the contents of paras 1 to 8 of the attached writ petition are true to my knowledge.
3. That the annexures No. 1 and 2 are true copies.

*[Signature]*  
Deponent.

Dated: Lucknow  
30.7.1985

VERIFICATION

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

*[Signature]*  
Deponent.

Dated: Lucknow  
30.7.1985

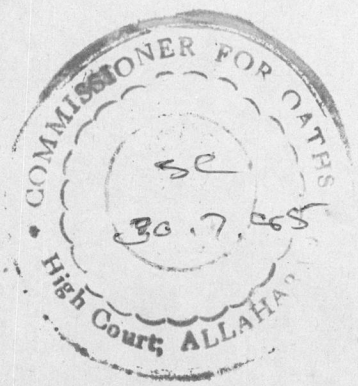
I identify the deponent who has signed before me.  
*[Signature]*  
Advocate. 30.7.85

solemnly affirmed before me on 30.7.85 30.7.85  
4.35 am/pm by the deponent who is identified by Shri G. H. Naqvi Advocate, High Court, Lucknow. I have satisfied by examining the deponent who understands its contents which have been readout and expalined by me.

*[Signature]*

S. Chhabra

Advocate Oath Commissioner  
Allahabad High Court,  
Lucknow Bench, Lucknow.  
No. 60/278/85  
Date 30.7.85





IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. 3712 OF 1985

5  
2

A/B

8/2

Sunder . . . . . Applicant

Versus

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

AFFIDAVIT

I, Sunder, aged about 27 years, son of Pyarey Lal, resident of Village Sahai, P.O. Rozagaon, P.S. Rudauli, District Barabanki, do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the abovemented case and as such he is fully conversant with the facts of the case.
2. That the Dasti summons were available on 3/8/85. It was a closed holiday. 4/8/85 was Sunday. On 5th August efforts were made but the opposite parties were could not be available.
3. That the deponent is still working as a Mate and he is to be released immediately after the 15th August, 1985.

Dated: Lucknow

6.8.1985

*[Signature]*

Deponent.

VERIFICATION

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

Dated: Lucknow

6.8.1985

*[Signature]*

Depoent.

I identify the deponent who is ~~identified~~ signed before me.

*[Signature]*  
Advocate



1985  
AFFIDAVIT &  
33/20  
HIGH COURT  
ALLAHABAD



(A29)

4/2

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

Counter Affidavit  
In

Writ Petition No.3712 of 1985

Sunder

..

Petitioner

Versus

Union of India & others ..

Opp. parties.



Counter Affidavit on behalf  
of opposite parties.

I, V.P.Arya, aged about 49 years, son of Late Dr. Prabhu Dayal, at present working as Chief Inspector of Works, Alambagh, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is opposite party No.3 in the above noted writ petition as such is fully conversant with the facts of the case.
2. That the deponent has read the writ petition, understood its contents and has been authorised by the other opposite parties to file this counter affidavit on their behalf.
3. That the averments made in para 1 of the writ petition are not admitted.



Unsubscribed



(A30)

24

7/2

4. That the averments made in para 2 of the writ petition are categorically denied.

5. That the averments made in para 3 of the writ petition are admitted to this extent that as per available records the date of birth of the petitioner is 10.10.1946 and the date of engagement as Casual Labour is 15.9.1970. It is admitted that the petitioner was put on the panel in 1973 after screening at Sr.No.159 with Roll No.669. It is incorrect that he was engaged in 1959 as in 1959 the petitioner was only of 13 years age and the question of engagement does not arise.

6. That the averments made in para 4 of the writ petition are partially admitted. It is correct that the petitioner on due turn was posted against a permanent post as Mali under I.O.W.(Estate) in scale of Rs. 196-232(RS) in terms of Senior Engineer, Northern Railway letter No.4/E/Panel/73 dated 4.7.85 (Vide Annexure A-1 to this counter affidavit) which was served on him on 18.7.1985. The above posting from temporary status of Casual Mali to permanent Mali was done on his due turn only as a result of his name being borne on the screened panel during 1973 which was a combined panel for Class IV staff, Khalasis/Malies etc, under the then Assistant Engineer I Lucknow, presently under Senior Engineer, Charbagh, Lucknow. It is stated here that this was a combined panel of Class IV staff for all posts of Class IV viz.Mali,Khalasies,Chainman etc. This is not correct that the Mali has no channel of promotion as can be

Annexure A-1



Urawhange.

(A31)

A  
25

7  
3

seen from the different grades shown below. Channel of promotion is as under:-

- |                         |                |
|-------------------------|----------------|
| (a) Mali                | Rs.196-232(RS) |
| (b) Mali upgraded       | Rs.200-250(RS) |
| (c) Mate                | Rs.210-270(RS) |
| (d) Mistri Horticulture | Rs.380-560(RS) |

7. That the contents of para 5 of the writ petition need no comments.

8. That in reply to the averments made in para 6 of the writ petition it is stated that the appeal dated 18.7.1985 of the petitioner has been turned down by the competent authority viz. Senior Engineer Charbagh, Lucknow and this fact has been brought to the knowledge of the petitioner as well on 8.8.1985 vide Annexure A-2 to this counter affidavit.

Annexure A-2

Consequent upon noting the facts by the petitioner he was spared by this office to report to the Inspector of Works(Estate), Northern Railway, Lucknow on 9.8.1985 A.N. vide this office letter No. 4/E/AMV-85 dated 8/9.8.1985 which was received by the petitioner on 9.8.1985 (Vide Annexure A-3 to this counter affidavit).

✓ 9- The petition has no merits ✓

Lucknow:

Dated: August 16<sup>✓</sup> 1985

Uravachange

Deponent

Verification

I, the above named deponent do hereby



A32

5/6

1/4

verify that the contents of paras 1 & 2 are true to my personal knowledge, those of paras 3 to 8 are based on records hence are believed by me to be true and those of para 9 are based on legal advice.

*Unchange*

Lucknow:

Deponent

Dated: August 16<sup>✓</sup> 1985

I identify the deponent who has signed before me.

*C.A. Basir*  
Advocate.

Solemnly affirmed before me on 16/8/85<sup>✓</sup> 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.



*Ravi Srivastava*

OATH COMMISSIONER  
High Court, Allahabad,  
(Lucknow Bench)

No. 24/181

Date 16/8/85

(A33)

1/27

7/5

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

Writ Petition No.3712 of 1985

Sunder .. Petitioner

Versus

Union of India & others .. Opp.parties.

Annexure A-1

Northern Railway

No.4/E/Panel 1/73 Office of Sr.Engineer  
Lucknow: Dt. 4.7.85

The IOWS/CB(Estate)/AMV  
N.Rly.Lucknow.

Sub:- Posting of Malies against existing  
vacancies under you.

Ref:- IOW/Estate/Lko letter No.9E/C 105  
dated 25.6.85.

....

Being empanelled in the panel 73 of this  
sub-Division, the under noted staff is hereby posted  
with immediate effect against existing permanent  
vacancies under IOW/Estate.

Necessary intimation giving 15 days time  
may please be given on their home addresses to this  
effect. Moreover certificate of age and medical  
fitness of the staff concerned should also be ensured  
before posting

Panel No. Subordinate under  
whom posted.

- |                                       |     |       |
|---------------------------------------|-----|-------|
| 1. Shri Sunder S/o<br>Shri Pearey Lal | 159 | IOW/E |
| 2. Shri Chheda s/o<br>Shri Maikoo     | 160 | IOW/E |



Dr. Chandra



A34

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58

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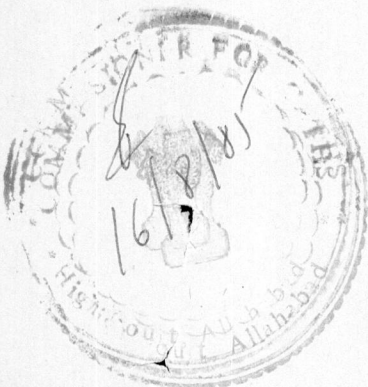
- 2 -

Sd/- Illegible  
Senior Engineer,  
Northern Railway,  
Lucknow.

C/- DPO/LKO for information please.

Ura Barys

....



इन दि आनरेबुल हाईकोर्ट आफ जूडीकेचर एट इलाहाबाद

लखानऊ, वेन्च लखानऊ,

435

रिट पिटीशन नं०---3712 आप, 1985

सुन्दर

-----पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य -----अपोजिट पार्टोज

अपेकर नं०-ए- 2

=====

श्रीमान , वरिष्ठ अभियन्ता

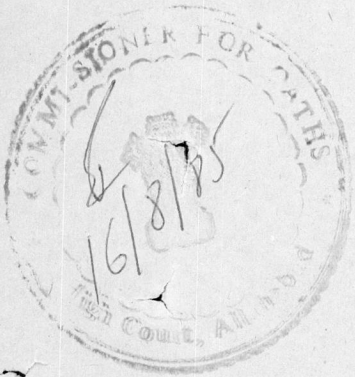
ककस् 30 रे 0 लखानऊ,

=====

सेवा में ,

सविनय निवेदन है कि ग्राथी का स्थानान्तरण कार्य निरीक्षक स्टेट के अधीन स्थायी माली के मद पर हुआ था परन्तु ग्राथी माली मद पर नहीं जाना चाहता है क्योंकि उसमें कोई भी उन्नति का अवसर ग्राथी को नहीं मिल पायेगा ।

अतः आपसे अनुरोध है कि ग्राथी का स्थानान्तरण स्थायी माली के मद हेतु रोक दिया जाये । मु० कार्य निरीक्षक चारबाग अथवा आलमबाग में स्थायी छालासी मद रिक्त होने पर ग्राथी को छालासी मद पर भोजने की कृपा करें जिससे ग्राथी को भाविष्य में उचित उन्नति का अवसर प्राप्त होने में बाधा



Usha Singh

क० न० 30-2



A 36

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30

7/8

न रहे । इसके लिये प्रार्थनी आपका आजीवन कृतज्ञ रहेगा ।

आपको बहुत धन्यवाद ,

आपका प्रार्थनी

ह0 सुन्दर लाल भेट

॥ सुन्दर लाल पुत्र श्री थारेलाल ॥

भेट ॥ सी पी सी ॥

18-7-85

॥ वरिष्ठ अभियन्ता

॥ श्री सुन्दर कृपया नोट करें

=====

ह0 अठनीय

कृपया इनके आवेदन पत्र पर सहानुभूति-

7-8-85

पूर्वक विचार करने की कृपा करें ।

उचित आदेश हेतु अग्रप्रेषित ।

॥ 4॥ नोट किया

सुन्दर लाल

ह0 वेद प्रकाश आर्य

18-7-85

सी आई ओ डब्लू/ए एम वी/लखनऊ,

(2)Ch.I O W /AMV

The order issued earlier should be followed otherwise his name will be struck off from the panel.

Sd/- illigible

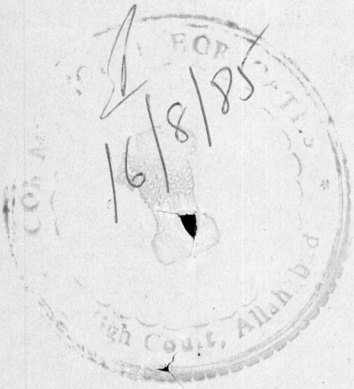
5-8-85

Noted please.

Sd/ illigible

Ch.IOW/AMV.

True copy.



Uraasharya

(A37)

A/31

7/9

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

Writ Petition No.3712 of 1985

Sunder

..

Petitioner

Versus

Union of India & others ..

Opp. parties.

Annexure A-3

Northern Railway

No.4/E/AMV-85

Dt.8/9-8-1985

From

To

The Chief Inspector  
of Works, Northern  
Railway AMV, Lko.

The Inspector of  
Works (Estate), N.Rly.  
Lucknow.

Sub:- Posting of Malies against existing vacancies  
under you.

Reg: SEN/Lko's letter No.4/E/Panel 73 dt.4.7.85

On resuming duty today, Sri Sunder Lal, ~~Mali~~  
<sup>spared</sup>  
Mate temporary status is hereby ~~served~~ on date AN  
to report for duty as Mali against an existing  
vacancy. His service particulars are as under:-

- (1) DOA 15.6.77 in Ty. Status
- (2) PF A/c No. 535012/3P-37783
- (3) Rate of pay 238/- p.m. charged upto 14.8.8
- (4) 2 days C.L. is due during year 1985.
- (5) Two set passes and Four set PTO's are due during year 1985.
- (6) Rupees 75/- outstanding against him as Festival Advance.
- (7) Rupees 800/- outstanding against him as P.F. Loan.

DA/- O Fit memo No.51  
dt 4.2.78

Sd/- Illegible  
Chief Inspector of Work  
N.Rly. AMV, Lucknow.

Copy to SEN/LKO in reference to his above cited  
letter.

Sd/- I.O.W, LKO.

Uraasharya





Bench copy

(A38)

A/32

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

Counter Affidavit  
In

Writ Petition No.3712 of 1985

Sunder

..

Petitioner

Versus

Union of India & others ..

Opp. parties.

Counter Affidavit on behalf  
of opposite parties.

I, V.P.Arya, aged about 49 years, son of Late Dr. Prabhu Dayal, at present working as Chief Inspector of Works, Alambagh, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is opposite party No.3 in the above noted writ petition as such is fully conversant with the facts of the case.
2. That the deponent has read the writ petition, understood its contents and has been authorised by the other opposite parties to file this counter affidavit on their behalf.
3. That the averments made in para 1 of the writ petition are not admitted.

4. That the averments made in para 2 of the writ petition are categorically denied.

5. That the averments made in para 3 of the writ petition are admitted to this extent that as per available records the date of birth of the petitioner is 10.10.1946 and the date of engagement as Casual Labour is 15.9.1970. It is admitted that the petitioner was put on the panel in 1973 after screening at Sr.No.159 with Roll No.669. It is incorrect that he was engaged in 1959 as in 1959 the petitioner was only of 13 years age and the question of engagement does not arise.

6. That the averments made in para 4 of the writ petition are partially admitted. It is correct that the petitioner on due turn was posted against a permanent post as Mali under I.O.W.(Estate) in scale of Rs. 196-232(RS) in terms of Senior Engineer, Northern Railway letter No.4/E/Panel/73 dated 4.7.85 (Vide Annexure A-1 to this counter affidavit) which was served on him on 18.7.1985. The above posting from temporary status of Casual Mali to permanent Mali was done on his due turn only as a result of his name being borne on the screened panel during 1973 which was a combined panel for Class IV staff, Khalasis/Malies etc, under the then Assistant Engineer I Lucknow, presently under Senior Engineer, Charbagh, Lucknow. It is stated here that this was a combined panel of Class IV staff for all posts of Class IV viz.Mali,Khalasies,Chainman etc. This is not correct that the Mali has no channel of promotion as can be

Annexure A-1



seen from the different grades shown below. Channel of promotion is as under:-

- (a) Mali Rs.196-232(RS)
- (b) Mali upgraded Rs.200-250(RS)
- (c) Maté Rs.210-270(RS)
- (d) Mistri Horticulture Rs.380-560(RS)

7. That the contents of para 5 of the writ petition need no comments.

8. That in reply to the averments made in para 6 of the writ petition it is stated that the appeal dated 18.7.1985 of the petitioner has been turned down by the competent authority viz. Senior Engineer Charbagh, Lucknow and this fact has been brought to the knowledge of the petitioner as well on 8.8.1985 vide Annexure A-2 to this counter affidavit.

Annexure A-2

Consequent upon noting the facts by the petitioner he was spared by this office to report to the Inspector of Works(Estate), Northern Railway, Lucknow on 9.8.1985 A.N. vide this office letter No. 4/E/AMV-85 dated 8/9.8.1985 which was received by the petitioner on 9.8.1985 (Vide Annexure A-3 to this counter affidavit).

Annexure A-3

9 - The petition has no merits

Lucknow:

Deponent

Dated: August 1985

Verification

I, the above named deponent do hereby

A 41

A 33

verify that the contents of paras 1 & 2 are true to my personal knowledge, those of paras 3 to 8 are based on records hence are believed by me to be true and those of para 9 are based on legal advice.

Lucknow:

Deponent

Dated: August 1985

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 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.



742

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30

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

Writ Petition No.3712 of 1985

Sunder

..

Petitioner

Versus

Union of India & others ..

Opp.parties.

Annexure A-1

Northern Railway

No.4/E/Panel/73

Office of Sr.Engineer

Lucknow:Dt. 4.7.85

The IOWS/CB(Estate)/AMV  
N.Rly.Lucknow.

Sub:- Posting of Malies against existing  
vacancies under you.

Ref:- IOW/Estate/Lko letter No.9E/C 105  
dated 25.6.85.

....

Being empanelled in the panel 73 of this  
sub-Division, the under noted staff is hereby posted  
with immediate effect against ~~e~~existing permanent  
vacancies under IOW/Estate.

Necessary intimation giving 15 days time  
may please be given on their home addresses to this  
effect. Moreover certificate of age and medical  
fitness of the staff concerned should also be ensured  
before posting

Panel No. Subordinate under  
whom posted.

- |                                       |     |       |
|---------------------------------------|-----|-------|
| 1. Shri Sunder S/o<br>Shri Pearey Lal | 159 | IOW/E |
| 2. Shri Chheda s/o<br>Shri Maikoo     | 160 | IOW/E |



A 44

48

इन दि जानरेबुल हाईकोर्ट आफ जुडोकेवर एट इलाहाबाद

लखनऊ वेन्च लखनऊ

रिट मिटोशन नं०---3712 अप. 1985

सुन्दर -----मिटोशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य -----अगोजिट पार्टीज

अवेजर नं०-ए-2  
=====

ब्रीमान . वरिष्ठ अभियन्ता  
कै० नं० 30 रेंड लखनऊ  
=====

सेवा में ,

सविनय निवेदन है कि ग्राथी का स्थानान्तरण कार्य निरीक्षक स्टेट के अधीन स्थायी माली के मद पर हुआ था परन्तु ग्राथी माली मद पर नहीं जाना चाहता है क्योंकि उसमें कोई भी उन्नति का अवसर ग्राथी को नहीं मिल पायेगा ।

अतः आसे अनुरोध है कि ग्राथी का स्थानान्तरण स्थायी माली के मद हेतु रोक दिया जाये । मु० कार्य निरीक्षक चारबाग अथवा अलमबाग में स्थायी छालासी मद रिक्त होने पर ग्राथी को छालासी मद पर भोजने की कृा करे जिससे ग्राथी को भाविष्य में उचित उन्नति का अवसर प्राप्त होने में बाधा

क० न० 30--2



A45

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-2-

न रहे । इसके लिये पृथार्थी आपका आजीवन कृतज्ञ रहेगा ।

आपको बहुत धान्यवाद ,

आपका पृथार्थी

ह0 सुन्दर लाल भेट

॥ सुन्दर लाल पुत्र श्री चारेलाल ॥

भेट॥ सी जी सी ॥

18-7-85

॥ 1॥ वरिष्ठ अभियन्ता

॥ 3॥ श्री सुन्दर कृया नोट करे

=====

ह0 आठनीय

कृया इनके आवेदन पर सहानुभूति

7-8-85

पूर्वक विचार करने की कृपा करे ।

॥ 4॥ नोट किया

उचित आदेश हेतु अग्रोष्ठात ।

सुन्दर लाल

ह0 वेद प्रकाश आर्य

18-7-85

सी आई ओ डब्लू/ए एम वी/लखनऊ

(2)Ch.I O W /AMV

The order issued earlier should be followed otherwise his name will be struck off from the panel.

Sd/- illigible

5-8-85

Noted please.

Sd/ illigible

Ch.IOW/AMV.

True copy.



(A46) A  
46

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

Writ Petition No.3712 of 1985

Sunder ..

Petitioner

Versus

Union of India & others ..

Opp. parties.

Annexure A-3

Northern Railway

No.4/E/AMV-85

Dt.8/9-8-1985

From

To

The Chief Inspector  
of Works, Northern  
Railway AMV, Lko.

The Inspector of  
Works (Estate), N.Rly.  
Lucknow.

Sub:- Posting of Malies against existing vacancies under you.

Reg: SEN/Lko's letter No.4/E/Panel 73 dt.4.7.85

On resuming duty today, Sri Sunder Lal, ~~Mali~~  
Mali temporary status is hereby served on date AN  
to report for duty as Mali against an existing  
vacancy. His service particulars are as under:-

- (1) DOA 15.6.77 in
- (2) PF A/c No. 535012/3P-37783
- (3) Rate of pay 238/- p.m. charged upto 14.8.85
- (4) 2 days C.L.is due during year 1985.
- (5) Two set passes and Four set PTO's are due during year 1985.
- (6) Rupees 75/- outstanding against him as Festival Advance.
- (7) Rupees 800/- outstanding against him as P.F.Loan.

DA/- O Fit memo No.51  
dt 4.2.78

Sd/- Illegible  
Chief Inspector of Works,  
N.Rly. AMV, Lucknow.

Copy to SEN/LKO in reference to his above cited letter.

Sd/- I.O.W, LKO.



(A47)

8

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

अदालत श्रीमान -



महोदय

N. P. No. 3712/1985

16.8.85

Sunder

वादी/अपीलेंट

बनाम

Union of India & others प्रतिवादी/रेस्टडेन्ट

संख्या मुकदमा

सन

पेशी की तारीख

उपर मुकदमा में अपना और से श्री . . . . .

..... Rly Advocate .....

डवोकेट/वकील महोदय को अपना वकील नियुक्त करके इफ्तार करता हूँ और लिखे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब व प्रस्तावत करें या कोई कामज दाखिल करें या लौटावा या हमारी ओर से डिग्री जारी करा दें और स्वयं वसूल करें या सुलहनामा या इकवात दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकदमा उठावे या कोई स्वयं जमा करें या हमारी विपक्षी परीक्षाणी का दाखिल किया हुआ स्वयं अपने या हमारे हस्ताक्षर मुफ्त दस्तखती रसीद से लेने का पत्र नियुक्त करें . . . . . वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकालत

नाम अदालत.  
मुकदमा नं०.  
नाम परीक्षक.

Accepted on  
14/8/85  
Opposite Party's  
C. A. Bhow

Wanchang  
CV-P. ARYA हस्ताक्षर

14/8

Divisional Railway Manager,  
Northern Railway,  
LUCKNOW

सही गवाह . . . . . सही गवाह

दिनांक . . . . . महीना

सन 19 . . . . . ई०

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6/2

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

WRIT PETITION NO. 3712 OF 1985

A22

Sunder.....Petitioner

versus

Union of India and Others.....Opp. Parties.

REJOINDER AFFIDAVIT  
=====

I, SUNDER, aged about 39 years, son of Pyarey Lal, resident of Village : Sahni, P.O. Roza Gaon, P.S. Rudauli, District : Barabanki, do hereby solemnly affirm and state on oath as under :-

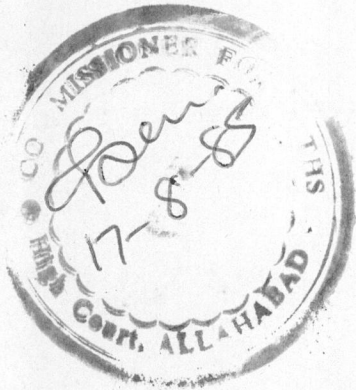
(1) That the contents of paras 1 and 2 of the Counter-Affidavit need no reply.

(2) That the contents of paras 3 and 4 of the Counter-Affidavit are denied so far as the same are contrary to the stand taken by the deponent in the writ petition.

(3) That the contents of para 5 of the counter-affidavit are not denied inasmuch as the deponent was born on 10.10.1946 and he was casual labour in September 1970. The mistake about the age is regretted.

(4) That the contents of para 6 of the Counter Affidavit it is submitted that the appointment of the deponent against the permanent post is by way of punishment. In

...2/-





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(2)

the screened panel the deponent be taken as a Khalasi where there were various avenues open. The stand taken in the counter affidavit is not correct and is detrimental to the interest of the deponent and it is only by way of punishment. Mali will get Rs.196/-232, and Mali upgraded will get Rs.200-250 as indicated in the counter affidavit. The Khalasi will get Rs.196-232 but upgraded Khalasi would get Rs.210-290. Moreover the deponent is drawing Rs.238/- at the moment. The deponent does not know Mali work and he is being sent by way of punishment ; because his brother Bahadur was not liked by Sri V.P. Arya and he has been sent as a Mali. The deponent is at No. 159 but Cheda at No. 160 has been sent to running shed and is drawing 260-400. He is not in the estate as alleged.

(5) That to send the deponent as a Mali means he will get Rs.196/- at the moment. The opp.parties refused to pay Rs.238/- which the deponent is drawing at the moment.

(6) That regarding para 7 the deponent has nothing to say

(7) That in reply to para 8, the deponent submits that the information that the appeal has been turned down has not been sent to the deponent. The counter-affidavit indicates that the deponent filed Annexure-A-2 dt.8.8.1985, detailed reply will be submitted.

(8) That the deponent has been ordered to join but he has not yet joined as a Mali.

(9) That regarding Annexure-A-2, it is submitted that on 5.8.1985 the counsel went to the office of Sri V.P.Arya to search the notice. Sri V.P.Arya refused to take the notice saying that the same may come by registered post and through Senior Engineer. Immediately after Sri Arya told the counsel that Sunder was his man and he will remain



(3)

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as a Mate or a Khalasi on the same scale, he will not be sent as a Mali. On 5.8.1985 Sri Arya dictated to a Khalasi Radhey Kunwar the application Annexure-A-2, and the deponent was asked to sign. Sri Arya can not be allowed

to take advantage of his position in this connection.

p Danti Lal, Medhai, Ram Pyarey and Guddoo were promoted and  
p IDW Charbagh had these vacancies in 1984 but by way of  
p punishment the case of the deponent was not considered. y  
(10) That the person who is sent as a Mali has to

get C-1 Certificate from the Medical Man but ~~he~~ since the deponent passed B-1 he was sure to be appointed as a permanent Khalasi so that he may be sent to all other works on promotion if and when such exigency arises.

That the Senior Engineer is not the appointing authority.

The transfer of Bahadur as Mali was done by way of punishment and now the deponent the brother of Bahadur is being shunted as a Mali by way of punishment.

Signature of Deponent

Lucknow/Dt. 17/8/1985/

Deponent.

#### Verification

I, the deponent above named do hereby verify that the contents of paras 1 to 10 above of this Rejoinder Affidavit are true to my knowledge. No part of it is false and nothing material has been concealed, so help me God.

Signature of Deponent

Deponent.

17/8/85

I identify the deponent above named who has signed before me.

Signature of Advocate  
Advocate.

17/8/85

Solemnly affirmed before me on 17-8-85  
at 2.50 A.M./P.M. by the Deponent Sri Sunder,

who is identified by Sri G.H.Naqvi, Advocate, Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit -t which have been read over and explained by me.

Signature of Commissioner  
Commissioner  
35/216  
No.  
Date 17-8-85





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

Writ Petition No. 3712 of 1935

A25

Sunder .....Petitioner

versus

Union of India and Others.....Opp.Parties.

MISCELLANEOUS APPLICATION

The applicant Sunder begs to submit as under :-

(1) That the applicant is skilled Mate and he has not yet taken over as Mali. The petitioner doesnot know Mali work and the proposed appointment as a Mali is by way of punishment.

(2) That the facts and circumstances are given in the writ petition and the Rejoinder Affidavit after service is also being filed herewith.

It is, therefore, prayed that the writ petition, counter-affidavit, and rejoinder-affidavit be considered and a necessary stay order may kindly be issued to the effect that the applicant be not transferred as Mali. Such other orders as this Hon'ble Court deems proper may be passed.

Lucknow/Dt. 5/4/1935/

( G.H. Naqvi )  
Advocate,  
Counsel for the Petitioner.

AT WASHINGTON, D.C.

PETITION OF JAMES H. HARRIS



Respondent

vs.

James H. Harris and Others

FOR WRIT OF HABEAS CORPUS

The respondent prays that he be released from custody.

(1) That the respondent is a citizen of the United States and he has not been taken over as a traitor. The petitioner does not know him and the proposed appointment as a traitor is by way of punishment.

(2) That the facts and circumstances are given in the petition and the respondent will be released after service is made on the respondent.

It is, therefore, prayed that the writ of habeas corpus be granted, and respondent be released from custody. It is further prayed that the respondent be considered as a traitor and that the respondent be not transferred as a traitor. And other orders as this Hon'ble Court deems proper may be passed.

Respectfully,  
James H. Harris  
Petitioner

Witness my hand and seal this 1st day of June, 1915.



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

WRIT PETITION NO. 3712 OF 1985

A26

Sunder.....Petitioner

versus

Govt of India and Others.....Opp. Parties.

**REJOINDER AFFIDAVIT**  
=====

I, SUNDER, aged about 39 years, son of Pyarey Lal, resident of Village : Sahni, P.O. Roza Gaon, P.S. Rudauli, District : Barabanki, do hereby solemnly affirm and state on oath as under :-

(1) That the contents of paras 1 and 2 of the Counter-Affidavit need no reply.

(2) That the contents of paras 3 and 4 of the Counter-Affidavit are denied so far as the same are contrary to the stand taken by the deponent in the writ petition.

(3) That the contents of para 5 of the counter-affidavit are not denied inasmuch as the deponent was born on 10.10.1946 and he was casual labour in September 1970. The mistake about the age is regretted.

(4) That the contents of para 6 of the Counter Affidavit it is submitted that the appointment of the deponent against the permanent post is by way of punishment. In

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

W.P. NO. 3712 of 1985

Suncer

..... Petitioner

versus

Union of India and other .....Opp. Parties

AFFIDAVIT

I, Sunder aged about 39 years son of Pyarey Lal resident of Village Sahni P.O. Roza Gaon P.S. Rudauli District Bara Banki do hereby solemnly affirm and state on oath as under:-

1. That in the above noted writ petition necessary affidavits have been exchanged between the parties.

2. That the deponent is not being given pay and he was on the verge of starvation.

3. That if stay order is not issued the deponent and his family would suffer irreparable loss. Nand Lal s/o Dina, 172/580, a junior has been taken as Blacksmith at 260-400.

Lucknow.

Dated: 3/10/1985.

Deponent

Verification

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

I identify the deponent personally who has signed before me.

Deponent.

Advocate.

Solemnly affirmed before me on 3/10/85 at 10.20 am/pm by the Deponent Sunder who is identified by Sri G.H. Naqvi Advocate High Court.

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

OATH COMMISSIONER  
High Court, (Lucknow Bench)  
LUCKNOW

No. 56/1044  
Date 3.10.85



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW: BENCH LUCKNOW.

W.P. No. 3712 of 1985

ASO

ASO

Sunder

.....Petitioner

Versus

Union of India and another. .... Opp. Party.

CIVIL MISC APPLICATION

For the facts and circumstances mentioned in the accompanying affidavit, it is humbly prayed that the impugned order may not be given effect to and the operation be stayed, such other orders as this Hon'ble Court deems just and proper may kindly be passed.

Lucknow.

(G.H. NAQVI)  
Advocate.

Dated: 3/10/1985. Counsel for Petitioner.



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

W.P. NO. 3712 of 1985

(A-51)

Sunder

..... Petitioner

Versus

Union of India and other ..... Opp. Parties

AFFIDAVIT

Sunder aged about 39 years son of Pyarey Lal resident of Village Sahni P.O. Roza Gaon P.S. Rudaul District Ara Banki do hereby solemnly affirm and state on oath as under:-

1. That in the above noted writ petition necessary affidavits have been exchanged between the parties.
2. That the deponent is not being given pay and he was on the verge of starvation.
3. That if stay order is not issued the deponent and his family would suffer irreparable loss.

*S/o Dima / S/O, a Junior has been taken as blacksmith -  
at 260-*

Lucknow.

Dated: 3/8/85.

Deponent

Verification

The deponent above named do hereby verify that the contents of paras 1 to 3 above of this affidavit are true to my knowledge. No Part of it is false and no material has been concealed so help me God.

I identify the deponent personally who appeared before me.

Deponent.

Advocate.

solely affirmed before me on  
at /pm by the Deponent Sunder  
who identified by Sri G.H. Naqvi  
Advocate High Court.

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



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

W.P. No. 3712 of 1985

X/49

(A52)

Sunder

.....Petitioner

Versus

Union of India and another. .... Opp. Party.

CIVIL MISC APPLICATION

For the facts and circumstances mentioned in the accompanying affidavit, it is humbly prayed that the impugned order may not be given effect to and the operation be stayed. such other orders as this Hon'ble Court deems just and proper may kindly be passed.

*G.H. Naqvi*

Lucknow.

(G.H. NAQVI)  
Advocate.

Dated: 3/10/1985. Counsel for Petitioner.

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

W.P. NO. 3712 of 1985

A/50

A 53

Sunder . . . . . Petitioner  
Versus

Union of India and other . . . . . Opp. Parties

AFFIDAVIT

I, Sunder aged about 39 years son of Pyarey Lal resident of Village Sahni P.O. Roza Gaon P.S. Rudauli District Bara Banki do hereby solemnly affirm and state on oath as under:-

1. That in the above noted writ petition necessary affidavits have been exchanged between the parties.
2. That the deponent is not being given pay and he was on the verge of starvation.
3. That if stay order is not issued the deponent and his family would suffer irreparable loss. Nand Lal s/o Dina, 172/580, a junior has been taken as Blacksmith at 260-400.

Lucknow.

Dated: 3/10/1985.

Deponent

Verification

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

I identify the deponent personally who has signed before me.

Deponent.

Advocate.

solemnly affirmed before me on  
at am/pm by the Deponent Sunder  
who is identified by Sri G.H. Naqvi  
Advocate High Court.

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

FG  
Ln



A/S

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

V/2

A54

Supplementary Counter Affidavit  
In

Writ Petition No.3712 of 1985

Sunder

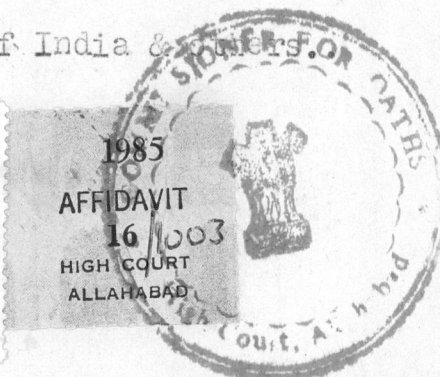
..

Petitioner

Versus

Union of India &

Opp. parties.



Supplementary Counter Affidavit  
to the Rejoinder Affidavit filed  
by the petitioner, on behalf of Opp. parties

I, V.P.Arya, aged about 49 years, son of  
Late Dr.Prabhu Dayal, at present working as Chief  
Inspector of Works, Alambagh, Lucknow do hereby solemnly  
affirm and state on oath as under:-

1. That the deponent is opposite party No.3  
in the above noted writ petition as such is fully  
conversant with the facts of the case.

2. That the deponent has read the Rejoinder  
affidavit filed by the petitioner and has understood  
its contents and has been authorised by the opposite  
parties to file this supplementary counter affidavit  
on their behalf.



Uravshany

ASS

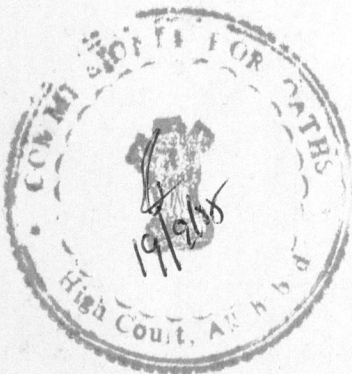
10/3/53

3. That the contents of paras 1 to 3 of the Rejoinder affidavit do not call for any reply.

4. That the averments made in para 4 of the rejoinder affidavit are not admitted. In terms of para 2511-b of Indian Railway Establishment Mannual, all casual labour, having more than 120 days continuous service shall have to, in case they want to come on the regular establishment of the Railway, invariably go through a screening test conducted by the regular selection boards for class IV staff, to have them empanelled subject to their <sup>being</sup> suitable.

The petitioner's case is a similar case who, after getting empanelled on the combined panel of Class Iv staff, which includes Khallasies, Malies etc. under the Assistant Engineer I, Lucknow presently Sr. Engineer, Charbagh, Lucknow framed during the year 1973, while working as a temporary status casual ~~labour~~ mate, was spared by this office on 9.8.1985 A.N. to join the regular establishment of the Railway as Mali under Inspector of Works(Estate), Northern Railway, Lucknow, on his due turn in grade Rs.196-232(RS) in compliance of the Senior Engineer, Northern Railway, Charbagh, Lucknow vide his letter No.4/E/Panel/73 dated 4.7.85(Annexure A-1 of counter Affidavit).

So far as the grades are concerned, it is clarified herewith that the initial grade of class IV post to which the petitioner is entitled is Rs.196-232 (RS) only irrespective of his posting as Mali/Khallasi Likewise, it may kindly be noted that the grade of Mate viz.Rs.210-270(RS) too is common to both the categories



Urashany



(A56)

70  
14

54

irrespective of slight difference in the grades of posts of Mali(upgraded) and Khallasi Helper, which are Rs.200-250(RS) and Rs.210-290(RS) respectively. This obviously means that the petitioner on joining duty as Mali under Inspector of Works(Estate), Lucknow in grade Rs.196-232(RS) or as Khallasi in the same grade, in any other office, as per the petitioners' appeal to the Senior Engineer/Charbagh dated 18.7.85 (Annexure A-2 to the counter Affidavit) hardly makes any difference.

Posting orders of Sri Bahadur son of Shri Pyarey Lal too as Mali on his due turn under similar conditions were issued by the competent authority viz. Senior Engineer, Northern Railway, Charbagh, Lucknow vide his letter No.4/E/79-80/Panel 73 dated 9.8.1984 which were implemented on 1.10.1984 fore-noon without any prejudice.

5. That in reply to the averments made in para 5 of the rejoinder affidavit it is clarified that the petitioner who was a temporary status casual mate and whose services were purely of casual nature, though in grade Rs.210-270(RS), will on joining as mali in grade Rs.196-232(RS) after complying with the administrative instructions on account of his posting due to empanelment shall come on the regular establishment of the railway, and shall thereby enjoy all other benefits including avenues for promotions on his due turn. This is not admitted that he would draw initial basic pay of Rs.196/- in case he joins as Mali or Khallasi contrarily he will be initially fixed up at a higher



Uraishanya

(A57)

10/5

basic pay, by giving due weightage to his length of service, as temporary status casual labour/mata w.e.f. 15.6.77 i.e. Rs.196/- added with annual increments for the period he rendered services as casual labour.

6. That the averments made in para 7 of the rejoinder affidavit are not admitted on the grounds that the petitioner was clearly made to understand on 8.8.1985 regarding rejection of his appeal dated 18.7.1985 by the competent authority viz. Senior Engineer Charbagh, Lucknow and he noted the same on the application dated 18.7.1985 in original, under his own dated signatures, in token of his accepting the factual position (Annexure A-2 of the counter affidavit).

7. That the averments made in para 8 of the rejoinder affidavit need no comments except that the petitioner stands spared w.e.f. 9.8.1985 AN from the post of Temporary Status Casual <sup>✓ Male ✓</sup> ~~Mali~~ of this office in terms of this office letter No.4/E/AMV-85 dated 8/9.8.1985 acknowledged by him on 9.8.1985 (Annexure A-3 to the counter affidavit) and his further whereabouts are not known since then.

8. That the averments made in para 9 of the rejoinder affidavit are admitted to the extent that the ~~xxxxxxxxxxxx~~ counsel of the petitioner accompanied with the petitioner contacted the deponent in his office on Saturday ~~xxxxxx~~ 3.8.1985 and not on 5.8.1985 and desired to serve some papers not addressed to him, which were not accepted by the deponent on the plea that the same should instead be either served directly



Urao Shaye



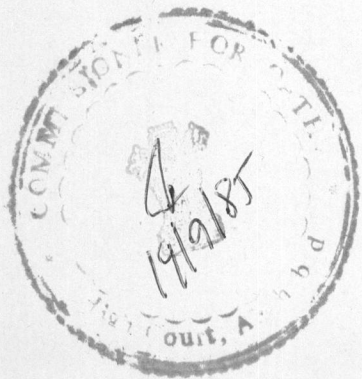
A 58

10/50  
10/50

to the addressees, alternatively by postal service, which the learned counsel agreed to in view of closure of all Central Govt. Offices on that day being Saturday.

The petitioner in presence of his counsel and others admitted that he had a personal interview with the Senior Engineer, Charbagh, Lucknow regarding his results of his appeal dated 18.7.1985 but the Senior Engineer, Charbagh, Lucknow clearly informed the petitioner that his request cannot be accepted as such and that he should without any further delay, comply with the orders dated 4.7.1985, failing which the administration will be left with no alternative except to go ahead as per extant rulings, which may result in irreparable loss to the petitioner on this account.

As regards with the application at the Annexure A-2 of the counter affidavit, it may kindly be observed that the petitioner's appeal is of date 18.7.1985 and not of 5.8.1985 as alleged by the counsel of the petitioner, who, in reply to his query was also informed that in case the petitioner is not inclined to comply with the administrative orders by joining as a Mali under Inspector of Works/Estate/Lucknow, in view of his empanelment to combined panel of Class IV staff formed during the year 1973, within a reasonable and specified time, his name may be struck off from the panel and posting of next empanelled man, would be done in lieu of the petitioner, as Government work cannot be allowed to paralyse on any account. The petitioner may be allowed to continue on his <sup>✓</sup> <sup>✓</sup> <sup>✓</sup> post as a temporary status casual Male at this office



Charbagh

459

10/7

subject to availability of sanction in case he gives his unconditional written refusal to join as a regular Mali under Inspector of Works/Estate/Lucknow and wants to <sup>continue</sup> ~~continue~~ as a temporary status casual Mate at this Office, though in such an event the petitioner is bound to loose his empanelment according to extant rulings.

The petitioner thereupon was advised by his counsel himself in presence of the deponent to once again personally approach the Senior Engineer/Charbagh, Lucknow to seek redressal of his grievances on his appeal dated 18.7.1985 instead of persuing his case.

The petitioner again met the deponent in his office on 8.8.1985, and desired to be spared for joining as regular Mali under Inspector of Works(Estate) Lucknow as the Senior Engineer, Lucknow had already confirmed his earlier stand in writing on 5.8.1985 and even the rejection of his appeal too was noted by him in office on <sup>✓8.8.1985✓</sup> ~~9.8.1985~~, (vide Annexure A-2 of the counter affidavit) as he, in no case, was interested to have his name struck off from the panel, as was informed by the Senior Engineer, Charbagh, Lucknow on his appeal dated 18.7.1985.

9. That the averments made in para 10 of the rejoinder affidavit are denied on the plea that the criteria for the petitioner's medical examination in categor B-1, which is a superior category than C-1, was on account of his then services as casual labour/Mate, which does not in any way comes in the way of his absorption as regular Mali, for which the minimum prescribed category of medical is C-1.



Urausharya



(A60)

1/8

It is not admitted that the appointing authority for class IV staff is not the Senior/Assistant Engineer.

As regards the posting of Shri Bahadur alleged to be brother of the petitioner, it was merely a chance that a vacancy of Mali arose on his due turn too under Inspector of Works/Estate/Lucknow and he was posted vice that and not that he was posted as Mali on account of any other reason by the Senior Engineer/Lucknow.

Urasharya

Lucknow:

Deponent

Dated: Sept. 19 1985

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 9 are based on records hence are believed by me to be true. No part of it is false and nothing material has been concealed in it so help me God.

Urasharya

Lucknow:

Deponent

Dated: Sept. 19 1985

I identify the deponent who has signed before me.

C. A. Bani  
Advocate.



(AS)

10/5/85

10/8

Solemnly affirmed before me  
on 19/9/85 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.

Ravi S. Sharma  
OATH COMMISSIONER  
High Court, Allahbad,  
(Lucknow Bench)

No. 14/1003  
Date 19/9/85



(A-62) 11  
A/60

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

WRIT PETITION NO. 3712 of 1985



Sunder VARSHAN . . . . . Petitioner  
versus  
Union of India & others . . . . . Opp. Parties

AFFIDAVIT

I, Sunder, aged about 27 years, son of  
Pyarey Lal, resident of Village Sahā, P.O.  
Rozagaon, P.S. Rudauli, District Barabanki, do  
hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the above noted case and as such he is fully conversant with the facts of the case.
2. That Annexure NO. 1 and 2 are the summons received by the office of the Divisional Railway Manager, Hazratganj, Lucknow. Annexure No. 3 and 4 are the summons indicating that senior Engineer received a copy of the writ petition and stay order.
3. That Sri Ved Prakash Arya is the Chief Inspector of works. On 13/8/85 he refused to take the summons saying that the same should be sent by registered post and that the same should be through the Senior Engineer.

Dated: Lucknow  
16.8.1985

*[Signature]*  
Deponent.

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

Dated: Lucknow  
16.8.1985

*[Signature]*  
Deponent.

I identify the deponent who has signed before me.

*[Signature]*  
Advocate.

Solemnly affirmed before me on 16/8/85  
am/pm by the deponent who is  
identified by Shri S.H. Nair  
Advocate, High Court, Lucknow.  
I have satisfied by examining  
the deponent who understands its contents  
which have been readout and explained by me.



*[Signature]*  
OATH COMMISSIONER  
High Court, Lucknow Bench  
LUCKNOW

Date: 16/8/85



(A63)

11/2

हाईकोर्ट इलाहाबाद लखनऊ बेन्च, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकोणांक (मृतफरिफ)

प्रार्थना - पत्र संख्या

CM No 8760(W)-88

सन १९८०

W.P.

सं०

3712

सन १९८५ में

Sunder

प्रार्थी

The Union of India

प्रति

प्रत्यार्थी

The Union of India through, the  
Divisional Railway Manager

Muzat Singh, Lucknow

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

के नाम

के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह 8 सन १९८५ को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो ओर दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपको अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 8 माह 8 सन १९ को जारी किया गया।

S. G. H. Nigam

के एडवोकेट



तिथि

3-8-85

J. H. Ahmad

डिप्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की सुनवाई की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्त लखनऊ मिल गया।

लखनऊ प्राप्त करने वाले कलक के हस्ताक्षर



(A64)

11/3  
8/62

# हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

श्रीमान विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या ..... सन १६ १०

W.P. 3712 सन १६ १० में

Sunder

प्राथी

After leaving the Union of India Police  
Armed the Union of India through the  
Divisional Railway Manager.  
Mogral Fair Lucknow.

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

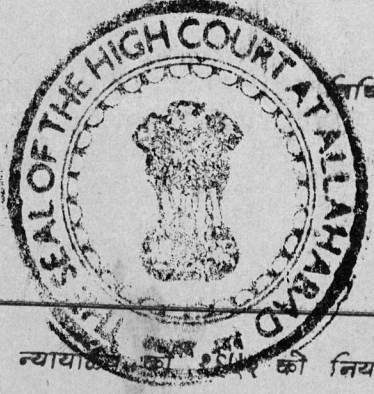
दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह 8 सन १६ १० को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होंगे।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 8-8-१० सन १९ को जारी किया गया।

S. H. M. के एडवोकेट

Refd 7/4/8



3-8-10

Jhar Ahmad

डिप्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना मिल गया।

तलबाना प्राप्त करने वाले कलक के हस्ताक्षर



# हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

होशानी विभाग

प्रकीर्णक (मुतफरिफ)

प्रार्थना - पत्र संख्या

C.A. 876 (W) 2012

सन १६ १०

3712

सन १६ १० में

Sunder

प्रार्थी

प्रति

The Union of India, Patna

प्रत्यार्थी

Senior Engineer Northern

Railway, Charbagh.

Patna

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

के नाम के लिये प्रार्थनापत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह 8 सन १६८५ को या उससे पूर्व उपस्थित होकर कारण बतावाये कि प्रार्थनापत्र क्यों न स्वीकार कर लिया जाय। तत्काल प्रार्थनापत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थनापत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 8 माह 8 सन १९

को जारी किया गया।

S. B. H. Naqvi

के एडवोकेट



38-82

J. H. Ahmed

डिप्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५९ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त शलवाना मिल गया।

शलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

12/8/85  
SENIOR ENGINEER,  
N. Ry., Lucknow.



# हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिक) प्रार्थना - पत्र संख्या ..... सन १६ १०

W. R. 3712 सन १६ १० में

Sunder प्रार्थी

The Union of India प्रति  
The Senior Engineer Northern  
Railway, Charbagh.  
Aftab  
Amir Ahmed

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम ..... के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह 8 सन १६ १० को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। तब तक प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 8 माह 8 सन १९ को जारी किया गया।

S. G. N. Nagri के एडवोकेट



3-8-20  
J. H. Hussain  
जिज्मो रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९१२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।  
तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

Recd  
Samp  
12/8/88  
SENIOR ENGINEER  
N. Rly., Lucknow.



No Success (A67)

11/6  
8/65

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ  
(अध्याय १२, नियम १ और ७)

होबानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या ..... सन १९८०

W.S. 3712 सन १९८० में  
Sumner

प्राथी

प्रति The Union of India & others  
Chief Inspector of Works

N.R. Chaturvedi, Allahabad  
Lucknow

प्रत्यार्थी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

.....के नाम ..... के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह ८ सन १९८० को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 8-8-80 सन १९८० को जारी किया गया।

S.G.H. Naqvi के एडवोकेट



दिनांक 3/8/80

Jha Kumar  
जिप्सी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त कलाना मिल गया।

कलाना प्राप्त करने वाले कलक के हस्ताक्षर



# हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

प्रकीर्णक ( मुतफरिफ ) प्रार्थना - पत्र संख्या ..... सन १६ १०

..... ३७१२ ..... सन १६ १० में

Sunder

प्रार्थी

प्रति The Union of India & Lokh  
Chief Inspector of Works E

N R Chhabra Alam Singh  
Lucknow

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम ..... के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १० सन १६ १० को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। तब प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ३-४-१० सन १९ को जारी किया गया।

S. G. N. Nagu के एडवोकेट



3-4-10

J. H. Ahmad  
जिष्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त किये जाने वाले मुकदमों को सूचना मिलेगी।

वक्तव्या प्राप्त करने वाले कलक के हस्त-क्षर



हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

( अध्याय १२, नियम १ और ७ )

दीवानी विभाग

प्रकीर्णक ( मुतफरिफ )

प्रार्थना - पत्र संख्या

CMR 8760(W)85

सन १६ ई०

W. P.

सं०

3712

सन १६ ई० में

Sunder.

प्रार्थी

The Union of India & the  
Chief Inspector of Works

प्रत्यार्थी

Chandragh N.R. Alankar

Indraprastha

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

के नाम

के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह 8 सन १६८५ को या उससे पूर्व उपस्थित होकर कारण बतावाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 3 माह 8 सन १९ को जारी किया गया।

S. R. H. M.

के एडवोकेट



दिनांक

3-8-85

Jhar Ahmad

डिप्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर



# हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ)

प्रार्थना - पत्र संख्या

C.M.A. 8760(W) 21

सन १९ ८०

W.P. 3712 - सन १९ ८० में

Sumner

प्रार्थी

The Union of Indus Mills  
Chief Inspector of Works

Char Singh N.R. Hambar  
Lucknow

प्रत्यार्थी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

के नाम के लिये प्रार्थनापत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह 0 सन १९ ८० को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थनापत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थनापत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थनापत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 8 माह 8 सन १९ को जारी किया गया।

S.G.M. Naqvi के एडवोकेट



तिथि 3-8-80

Jhae Ahmad  
डिप्टी रजिस्ट्रार  
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय में १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना मिल गया।

तलबाना प्राप्त करने वाले कलक के हस्ताक्षर



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITION NO. OF 1985

(A70)

A/69

sunder . . . . . Petitioner

versus

The Union of India and another

. . . . .Opp. Parties.

I N D E X

Sl.No.	Particulars	Page No.
1.	Writ Petition	1-4
2.	Affidavit	5
3.	Annexure No. 1: Photostat copy of Receipt	6
4.	Annexure No. 2: True copy of representation	7
5.	Application for interim relief	8
6.	Power	

(G.H. NAWVI )

Advocate

Counsel for the petitioner

Dated: Lucknow  
1985



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

WRIT PETITION NO. . . . . OF 1985

(A 71)

A  
70

Sunder, aged about 27 years, son of Pyarey Lal  
resident of Village sahani, P.O. Romagan, P.S.  
Budauli, District Barabanki.

. . . . . Applicant

VERSUS

1. The Union of India through the Divisional  
Railway Manager, Hazratganj, Lucknow.
2. The senior Engineer, Northern Railway,  
Charbagh, Lucknow.
3. *Plam Bagh*  
Inspector of Works I *Char Bagh Lucknow.*  
. . . . . Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA

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

1. That the petitioner is an honest youth  
from the interior of the village and he does not  
indulge in activities of the Union. He obliged to  
pay the Union Fee. without doubt the Union in every  
department does not allow it to work normally.  
The disturbance caused is to be born by the  
Department itself. The petitioner has nothing  
more to say against Union or anybody.



2. That at the moment the Union is over the Head of the Officers and they insist that the C.P.C. scale i.e. employees not on the panel may be absorbed in the regular line and those on the panel may be shunted to ~~some~~ such places where there is no scope of any promotion.

3. That in 1959 the petitioner was taken as casual Labour. The petitioner worked throughout to the satisfaction of all concerned subsequently there was screening, the applicant was declared successful and he was put on the panel in 1973, at sl.No. 159 with Roll No.669.

4. That the petitioner has been promoted as a Mate and he is drawing Rs. 30/- more per month. On 18/7/85, the Inspector of Works No.1 of the petitioner asked the petitioner to work as Mali. Mali is a casual Labour. Mali is inferior to Mate. If one goes as Mali no chance of promotion is open to him. Once a Mali, always a Mali and this should be given to those who are not on the panel.

5. That the petitioner submitted an application and sent the same under certificate of posting on 18/7/85 to the senior Engineer Northern Railway, Charbagh, Lucknow. The copy of the certificate of posting is Annexure No.1 and the copy of the representation is Annexure-2.

6. That no reply has been received so far and it appears that the request of the petitioner has been rejected without hearing the petitioner.



A73

7. That the petitioner is still working under Inspector of works #1, but he will have to join <sup>A72</sup> as a Mali on the 1st of August 1925. The representation submitted has been turned down and in spite of the requests, the petitioner has not been given an opportunity of being heard. The petitioner has not joined as Mali upto this time.

8. That there being no equally efficacious remedy available, this writ petition is being filed as this is the order to ~~be~~ a mate to join as a Mali is demotion by way of punishment.

GRUNDS

1. That the order to join as a Mali, is no order in the eye of law.
2. That the order is against the principles of natural justice
3. That the ordering the applicant to who is a Mate to join as Mali amounts to demotion.
4. That in spite of the request no opportunity was given to hear the petitioner.

wherefore it is respectfully  
prayed that :-

(a) A writ order, or direction in the nature of certiorari quashing the order if any after summoning the same from the Opposite Parties.

(b) a writ, direction or order in the



(724)

nature mandamus commanding the opposite parties  
to allow the petitioner to work as Mate and not  
to shift him as Mali.

(c) The petition be allowed with costs.

Dated: Lucknow  
1985

(G. H. Naqvi )  
Advocate  
Counsel for the Petitioner



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

WRIT PETITION NO. . . . . OF 1985

A  
73

sunder . . . . . Petitioner

Versus

Union of India and another . . . Opp. Parties

AFFIDAVIT

I, sunder, aged about 27 years, son of Pyarey Lal, resident of Village Sahni, P.O. Rozageon, P.S. Rudauli, District Barabanki, do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the abovesoted case and as such he is fully conversant with the facts of the case.
2. That the contents of paras 1 to 8 of the attached writ petition are true to my knowledge.
3. That the annexures No. 1 and 2 are true copies.

Dated: Lucknow  
1985

Deponent.

VERIFICATION

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

Dated: Lucknow  
1985

Deponent.

I identify the deponent who has signed before me.

Advocate

solemnly affirmed before me on  
am/pm by the deponent who is  
identified by shri  
Advocate, High Court, Lucknow.  
I have satisfied by examining the  
deponent who understands its contents  
which have been readout and expalined by me.



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION No. \_\_\_\_\_ OF 1985

A 76

15/7/85

sunder . . . . . Petitioner

Versus

Union of India and another . . . Opp. Parties

ANNEXURE No. 2

UNDER CERTIFICATE OF POSTING

From: Sunder, son of Pyarey Lal,  
Panel No. 159/669 working under  
Inspector of works, Northern Railway, Lucknow.

To

1. The Divisional Railway Manager,  
Northern Railway, Hazratganj, Lucknow.
2. Senior Engineer, Northern Railway,  
Charbagh, Lucknow.

Sir,

Respectfully I beg to submit that I was taken as a casual Labour in 1959. I worked very hard and when the screening took place I was selected on the panel. My No. 159/669. I have been working as a casual Labour and thereafter I have been promoted as Mate where I get Rs.30/- more every month. As luck would have it the people of the Union have influence in the Department with the result that persons outside the panel are sought to be regularised and persons on the panel are being sent to as Mali. This is demotion and this order may not be given effect to. I humbly request that the order to send me as a Mali may kindly be revoked and in case the order is being given effect to I may be heard in person before confirming the order. This order is only by way of punishment and hence this request.

If no reply is received within 10 days of this letter I shall be obliged to seek my remedy elsewhere, for the redress of my grievances.

Dated: 18/7/1985

Yours faithfully,  
sd/- Sunder



A 77

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. OF 1985

A  
77

CIVIL MISC. APPLICATION NO OF 1985

In re

sunder, aged about 27 years, son of Pyarey Lal  
resident of Village Sahni, P.O. Rozgaon, P.S.  
Rudauli, District Barabanki.

... Applicant

Versus

1. The Union of India through the Divisional  
Railway Manager, Hazratganj, Lucknow.
2. The Senior Engineer, Northern Railway,  
Charbagh, Lucknow.
3. The Inspector of Workmen  
Sham Singh & Co. .... Opp. Parties.

APPLICATION FOR INTERIM RELIEF

For the facts, reasons and circumstances  
stated in the accompanying writ petition duly  
supported with an affidavit, it is most respectfully  
prayed that this Hon'ble Court may be pleased  
to issue a direction that the petitioner may be  
allowed to continue as Mate till the final  
disposal of this writ petition. Any other order  
which this Hon'ble Court may deem proper in the  
circumstances of the case be also  
passed.

(G. H. Naqvi )

Advocate

Counsel for the Petitioner

Dated: Lucknow  
1985



11/27  
A 70

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

WRIT PETITION NO. 3712 of 1985

A  
72

Sunder KESAVA . . . . . Petitioner  
Versus

Union of India & others . . . . . Opp. Parties

AFFIDAVIT

I, Sunder, aged about 27 years, son of  
Pyarey Lal, resident of Village Sahi, P.O.  
Rozgaon, P.S. Rudauli, District Barabanki, do  
hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the above noted case and as such he is fully conversant with the facts of the case.
2. That Annexure No. 1 and 2 are the summons received by the office of the Divisional Railway Manager, Hazratganj, Lucknow. Annexure No. 3 and 4 are the summons indicating that Senior Engineer received a copy of the writ petition and stay order.
3. That Sri Ved Prakash Arya is the Chief Inspector of Works. On 13/8/85 he refused to take the summons saying that the same should be sent by registered post and that the same should be through the Senior Engineer.

Dated: Lucknow  
1985

Deponent.

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

Dated: Lucknow  
1985

Deponent.

I identify the deponent who has signed before me.

Advocate.

solemnly affirmed before me on  
am/pm by the deponent who is  
identified by Shri  
Advocate, High Court, Lucknow.  
I have satisfied by examining  
the deponent who understands its contents  
which have been read out and explained by me.



(A79)

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

WRIT & PETITION NO. 3712 of 1985

A/  
78

Sunder Wazuh . . . . . Petitioner

Versus

Union of India & others . . . . . Opp. Parties

AFFIDAVIT

I, Sunder, aged about 27 years, son of  
Pyarey Lal, resident of Village Sahi, P.O.  
Rozgaon, P.S. Rudauli, District Barabanki, do  
hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the above noted case and as such he is fully conversant with the facts of the case.
2. That Annexure No. 1 and 2 are the summons received by the office of the Divisional Railway Manager, Hazratganj, Lucknow. Annexure No. 3 and 4 are the summons indicating that Senior Engineer received a copy of the writ petition and stay order.
3. That Sri Ved Prakash Arya is the Chief Inspector of works. On 13/8/85 he refused to take the summons saying that the same should be sent by registered post and that the same should be through the Senior Engineer.

Dated: Lucknow  
1985

Deponent.

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

Dated: Lucknow  
1985

Deponent.

I identify the deponent who has  
signed before me.

Advocate.

solemnly affirmed before me on  
am/pm by the deponent who is  
identified by Shri  
Advocate, High Court, Lucknow.  
I have satisfied by examining  
the deponent who understands its contents  
which have been read out and explained by me.

( Bench copy )

(A 80)

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

Supplementary Counter Affidavit  
In

Writ Petition No.3712 of 1985

Sunder

..

Petitioner

Versus

Union of India & others..

Opp.parties.

Supplementary Counter Affidavit  
to the Rejoinder Affidavit filed  
by the petitioner, on behalf of Opp.parties

I, V.P.Arya, aged about 49 years, son of  
Late Dr.Prabhu Dayal, at present working as Chief  
Inspector of Works, Alambagh, Lucknow do hereby solemnly  
affirm and state on oath as under:-

1. That the deponent is opposite party No.3  
in the above noted writ petition as such is fully  
conversant with the facts of the case.
2. That the deponent has read the Rejoinder  
affidavit filed by the petitioner and has understood  
its contents and has been authorised by the opposite  
parties to file this supplementary counter affidavit  
on their behalf.



(A81)

- 2 -

3. That the contents of paras 1 to 3 of the Rejoinder affidavit do not call for any reply.

4. That the averments made in para 4 of the rejoinder affidavit are not admitted. In terms of para 2511-b of Indian Railway Establishment Manual, all casual labour, having more than 120 days continuous service shall have to, in case they want to come on the regular establishment of the Railway, invariably go through a screening test conducted by the regular selection boards for class IV staff, to have them empanelled subject to their <sup>being</sup> suitable.

The petitioner's case is a similar case who, after getting empanelled on the combined panel of Class Iv staff, which includes Khallasies, Malies etc. under the Assistant Engineer I, Lucknow presently Sr. Engineer, Charbagh, Lucknow framed during the year 1973, while working as a temporary status casual labour mate, was spared by this office on 9.8.1985 A.N. to join the regular establishment of the Railway as Mali under Inspector of Works(Estate), Northern Railway, Lucknow, on his due turn in grade Rs.196-232(RS) in compliance of the Senior Engineer, Northern Railway, Charbagh, Lucknow vide his letter No.4/E/Panel/73 dated 4.7.85(Annexure A-1 of counter Affidavit).

So far as the grades are concerned, it is clarified herewith that the initial grade of class IV post to which the petitioner is entitled is Rs.196-232 (RS) only irrespective of his posting as Mali/Khallasia. Likewise, it may kindly be noted that the grade of Mate viz. Rs.210-270(RS) too is common to both the categories



A 82

irrespective of slight difference in the grades of posts of Mali(upgraded) and Khallasi Helper, which are Rs.200-250(RS) and Rs.210-290(RS) respectively. This obviously means that the petitioner on joining duty as Mali under Inspector of Works(Estate), Lucknow in grade Rs.196-232(RS) or as Khallasi in the same grade, in any other office, as per the petitioners' appeal to the Senior Engineer/Charbagh dated 18.7.85 (Annexure A-2 to the counter Affidavit) hardly makes any difference.

Posting orders of Sri Bahadur son of Shri Pyarey Lal too as Mali on his due turn under similar conditions were issued by the competent authority viz. Senior Engineer, Northern Railway, Charbagh, Lucknow vide his letter No.4/E/79-80/Panel 73 dated 9.8.1984 which were implemented on 1.10.1984 fore-noon without any prejudice.

5. That in reply to the averments made in para 5 of the rejoinder affidavit it is clarified that the petitioner who was a temporary status casual mate and whose services were purely of casual nature, though in grade Rs.210-270(RS), will on joining as mali in grade Rs.196-232(RS) after complying with the administrative instructions on account of his posting due to empanelment shall come on the regular establishment of the railway, and shall thereby enjoy all other benefits including avenues for promotions on his due turn. This is not admitted that he would draw initial basic pay of Rs.196/- in case he joins as Mali or Khallasi contrarily he will be initially fixed up at a higher



A 83

basic pay, by giving due weightage to his length of service, as temporary status casual labour/male w.e.f. 15.6.77 i.e. Rs.196/- added with annual increments for the period he rendered services as casual labour.

6. That the averments made in para 7 of the rejoinder affidavit are not admitted on the grounds that the petitioner was clearly made to understand on 8.8.1985 regarding rejection of his appeal dated 18.7.1985 by the competent authority viz. Senior Engineer Charbagh, Lucknow and he noted the same on the application dated 18.7.1985 in original, under his own dated signatures, in token of his accepting the factual position(Annexure A-2 of the counter affidavit).

7. That the averments made in para 8 of the rejoinder affidavit need no comments except that the petitioner stands spared w.e.f. 9.8.1985 AN from the post of Temporary Status Casual <sup>Male</sup> ~~Mali~~ of this office in terms of this office letter No.4/E/AMV-85 dated 8/9.8.1985 acknowledged by him on 9.8.1985(Annexure A-3 to the counter affidavit) and his further where abouts are not known since then.

8. That the averments made in para 9 of the rejoinder affidavit are admitted to the extent that the ~~exhaustive~~ counsel of the petitioner accompanied with the petitioner contacted the deponent in his office on Saturday ~~xxxxxx~~ 3.8.1985 and not on 5.8.1985 and desired to serve some papers not addressed to him, which were not accepted by the deponent on the plea that the same should instead be either served directly



A84

- 5 -

to the addressees, alternatively by postal service, which the learned counsel agreed to in view of closure of all Central Govt. Offices on that day being Saturday.

The petitioner in presence of his counsel and others admitted that he had a personal interview with the Senior Engineer, Charbagh, Lucknow regarding his results of his appeal dated 18.7.1985 but the Senior Engineer, Charbagh, Lucknow clearly informed the petitioner that his request cannot be accepted as such and that he should without any further delay, comply with the orders dated 4.7.1985, failing which the administration will be left with no alternative except to go ahead as per extant rulings, which may result in irreparable loss to the petitioner on this account.

As regards with the application at the Annexure A-2 of the counter affidavit, it may kindly be observed that the petitioner's appeal is of date 18.7.1985 and not of 5.8.1985 as alleged by the counsel of the petitioner, who, in reply to his query was also informed that in case the petitioner is not inclined to comply with the administrative orders by joining as a Mali under Inspector of Works/Estate/ Lucknow, in view of his empanelment to combined panel of Class IV staff formed during the year 1973, within a reasonable and specified time, his name may be struck off from the panel and posting of next empanelled man, would be done in lieu of the petitioner, as Government work cannot be allowed to paralyse on any account. The petitioner may be allowed to continue on his the post as a temporary status casual Male at this office



ADS

- 6 -

subject to availability of sanction in case he gives his unconditional written refusal to join as a regular Mali under Inspector of Works/Estate/Lucknow and wants to <sup>Continue</sup> ~~continue~~ as a temporary status casual Mate at this Office, though in such an event the petitioner is bound to loose his empanelment according to extant rulings.

The petitioner thereupon was advised by his counsel himself in presence of the deponent to once again personally approach the Senior Engineer/Charbagh, Lucknow to seek redressal of his grievances on his appeal dated 18.7.1985 instead of pursuing his case.

The petitioner again met the deponent in his office on 8.8.1985, and desired to be spared for joining as regular Mali under Inspector of Works(Estate) Lucknow as the Senior Engineer, Lucknow had already confirmed his earlier stand in writing on 5.8.1985 and even the rejection of his appeal too was noted by him in office on <sup>8-8-1985</sup> 9.8.1985, (vide Annexure A-2 of the counter affidavit) as he, in no case, was interested to have his name struck off from the panel, as was informed by the Senior Engineer, Charbagh, Lucknow on his appeal dated 18.7.1985.

9. That the averments made in para 10 of the rejoinder affidavit are denied on the plea that the criteria for the petitioner's medical examination in category B-1, which is a superior category than C-1, was on account of his then services as casual labour/Mate, which does not in any way comes in the way of his absorption as regular Mali, for which the minimum prescribed category of medical is C-1.

A 86

It is not admitted that the appointing authority for class IV staff is not the Senior/Assistant Engineer.

As regards the posting of Shri Bahadur alleged to be brother of the petitioner, it was merely a chance that a vacancy of Mali arose on his due turn too under Inspector of Works/Estate/Lucknow and he was posted vice that and not that he was posted as Mali on account of any other reason by the Senior Engineer/Lucknow.

Lucknow:

Deponent

Dated: Sept. 1985

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 9 are based on records hence are believed by me to be true. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

Deponent

Dated: Sept. 1985

I identify the deponent who has signed before me.

Advocate.



(A 82)

- 8 -

Solemnly affirmed before me  
on            at            a.m./p.m.  
by the deponent who is iden-  
tified 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.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. 3712 OF 1985

A  
82

(A19)

Sunder . . . . . Applicant

versus

Union of India . . . . . Opp. Parties  
& others

The applicant respectfully begs to submit that some other date be given for the service on the opposite party outside the court. This Hon'ble Court was pleased to direct on 1/8/85 that the opposite parties be served by dusti summons. Dusti summons were applied for on 2/8/85 and the same could be available on 3/8/85. It was a closed holiday. 4/8/85 was Sunday. Only 5th August remained, but the opposite parties could not be available and hence they could not be served. The applicant however has so far been released. He is still a mate and he will remain so upto 15/8/85.

Dated: Lucknow  
1985

Counsel for the petitioner



8/83

A20

sunder . . . . . Applicant

Versus

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

AFFIDAVIT

I, sunder, aged about 27 years, son of Pyarey Lal, resident of Village Sahai, P.O. Rozagaon, P.S. Rudauli, District Barabanki, do hereby solemnly affirm and state as under:-

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

2. That the Dasti summons were available on 3/8/85. It was a closed holiday. 4/8/85 was Sunday. On 5th August efforts were made but the opposite parties were could not be available.

3. That the deponent is still working as a Mate and he is to be released immediately after the 15th August, 1985.

Dated: Lucknow  
1985

Deponent.

VERIFICATION

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

Dated: Lucknow  
1985

Deponent.

I identify the deponent who

In The Honble High Court of Judicature at  
Allahabad known Bench  
known.

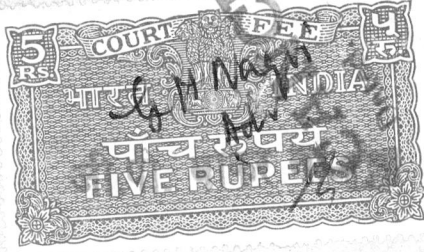
W.P.No. — 1985

व अदालत श्रीमान्  
[ वादी ] अपीलान्त  
प्रतिवादी [रिस्पॉण्डेंट]

महोदय

वकालतनामा

वादी (अपीलान्त)



Sunder  
13

The Union of India and others  
बनाम

प्रतिवादी (रिस्पॉण्डेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री S.H. Nagri

Shabikul Hasnain

A.H. Siddiqui

वकील

महोदय

एडवोकेट

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकन  
बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर 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 मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गयी 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 मुकद्दमा 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 सुन्दरलाल

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

29

महीना

7

सन् १९८५ ई०

स्वीकृत



(B2)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. . . . . OF 1985

Sunder, aged about 27 years, son of Pyarey Lal  
resident of Village Gahni, P.O. Rozgaon, P.S.  
Rudauli, District Barabanki.

. . . . . Applicant

Versus

1. The Union of India through the Divisional  
Railway Manager, Hazratganj, Lucknow.
2. The senior Engineer, Northern Railway,  
Charbagh, Lucknow.

. . . . . Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE  
CONSTITUTION OF INDIA

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

1. That the petitioner is an honest youth  
from the interior of the village and he does not  
indulge in activities of the Union. He obliged to  
pay the Union Fee. Without doubt the Union in every  
department does not allow it to work normally.  
The disturbance caused is to be born by the  
Department itself. The petitioner has nothing  
more to say against Union or anybody.



2. That at the moment the Union is over the Head of the Officers and they insist that the C.P.C. scale i.e. employees not on the panel may be absorbed in the regular line and those on the panel may be shunted to ~~xxxx~~ such places where there is no scope of any promotion.
3. That in 1959 the petitioner was taken as Casual Labour. The petitioner worked throughout to the satisfaction of all concerned subsequently there was screening, the applicant was declared successful and he was put on the panel in 1973, at Sl.No. 159 with Roll No.669.
4. That the petitioner has been promoted as a Mate and he is drawing Rs. 30/- more per month. On 18/7/85, the Inspector of works No.1 of the petitioner ~~is~~ asked the petitioner to work as Mali. Mali is a Casual Labour. Mali is inferior to Mate. If one goes as Mali no chance of promotion is open to him. Once a Mali, always a Mali and this should be given to those who are not on the panel.
5. That the petitioner submitted an application and sent the same under certificate of posting on 18/7/85 to the senior Engineer Northern Railway, Charbagh, Lucknow. The copy of the Certificate of posting is Annexure No.1 and the copy of the representation is Annexure-2.
6. That no reply has been received so far and it appears that the request of the petitioner has been rejected without hearing the petitioner.



(B9)

-3-

7. That the petitioner is still working under Inspector of Works & I, but he will have to join as a Mali on the 1st of August 1985. The representation submitted has been turned down and in spite of the requests, the petitioner has not been given an opportunity of being heard. The petitioner has not joined as Mali upto this time.

8. That there being no equally efficacious remedy available, this writ petition is being filed as this is the order to ~~be~~ a mate to join as a Mali is demotion by way of punishment.

GROUNDS

1. That the order to join as a Mali, is no order in the eye of law.
2. That the order is against the principles of natural justice
3. That the ordering the applicant to who is a Mate to join as Mali amounts to demotion.
4. That in spite of the request no opportunity was given to hear the petitioner.

wherefore it is respectfully  
prayed that :-

(a) A writ order, or direction in the nature of certiorary quashing the order if any after summoning the same from the Opposite Parties.

(b) a writ, direction or order in the

BS

nature mandamus commanding the opposite parties to allow the petitioner to work as Mate and not to shift him as Mali.

(c) The petition be allowed with costs.

(G. H. Naqvi )  
Advocate

Dated: Lucknow  
1985

Counsel for the Petitioner



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. OF 1985

sunder . . . . . Petitioner

Versus

Union of India and another.....Opp. Parties.

ANNEXURE No.1

UNDER CERTIFICATE OF POSTING

MR. ENV.

To,

One Env.

The Divisional Railway Manager

N.R. Hazratganj Lucknow.

One Env.

senior  
The Executive Engineer, Charbagh

N.R. Lucknow.

Two Env.





(157)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION No. OF 1985

Sunder . . . . . Petitioner

versus

Union of India and another . . . Opp. Parties

ANNEXURE No.2

UNDER CERTIFICATE OF POSTING

From: Sunder, son of Pyarey Lal,  
Panel No. 159/669 working under  
Inspector of Works, Northern Railway, Lucknow.

To

1. The Divisional Railway Manager,  
Northern Railway, Hazratganj, Lucknow.
2. Senior Engineer, Northern Railway,  
Charbagh, Lucknow.

Sir,

Respectfully I beg to submit that I was taken as a Casual Labour in 1959. I worked very hard and when the screening took place I was selected on the panel. My No. 159/669. I have been working as a Casual Labour and thereafter I have been promoted as Mate where I get Rs.30/- more every month. As luck would have it the people of the Union have influence in the Department with the result that persons outside the panel are sought to be regularised and persons on the panel are being sent to as Mali. This is demotion and this order may not be given effect to. I humbly request that the order to send me as a Mali may kindly be revoked and in case the order is being given effect to I may be heard in person before confirming the order. This order is only by way of punishment and hence this request.

If no reply is received within 10 days of this letter I shall be obliged to seek my remedy elsewhere, for the redress of my grievances.

Dated: 18/7/1985

Yours faithfully,  
sd/- Sunder



(B 8)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. . . . . OF 1985

Sunder . . . . . Petitioner

Versus

Union of India and another . . . Opp. Parties

AFFIDAVIT

I, Sunder, aged about 27 years, son of Pyaray Lal, resident of Village Sahni, P.O. Rozageon, P.S. Rudauli, District Barabanki, do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the abovenoted case and as such he is fully conversant with the facts of the case.
2. That the contents of paras 1 to 8 of the attached writ petition are true to my knowledge.
3. That the annexures No. 1 and 2 are true copies.

Dated: Lucknow  
1985

Deponent.

VERIFICATION

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

Dated: Lucknow  
1985

Deponent.

I identify the deponent who has signed before me.

Advocate

solemnly affirmed before me on  
am/pm by the deponent who is  
identified by Shri  
Advocate, High Court, Lucknow.  
I have satisfied by examining the  
deponent who understands its contents  
which have been readout and expalined by me.



(B9)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION NO. OF 1985

CIVIL MISC. APPLICATION NO OF 1985

in re

Sunder, aged about 27 years, son of Pyarey Lal  
resident of Village Sahni, P.O. Rozagan, P.S.  
Rudauli, District Barabanki.

... Applicant

versus

1. The Union of India through the Divisional  
Railway Manager, Hazratganj, Lucknow.
2. The senior Engineer, Northern Railway,  
Charbagh, Lucknow.

.....Opp. Parties.

APPLICATION FOR INTERIM RELIEF

For the facts, reasons and circumstances  
stated in the accompanying writ petition duly  
supported with an affidavit, it is most respectfully  
prayed that this Hon'ble Court may be pleased  
to issue a direction that the petitioner may be  
allowed to continue as Mate till the final  
disposal of this writ petition. Any other order  
which this Hon'ble Court may deem  
proper in the circumstances of the case be also  
passed.

(G. H. Naqvi )

Advocate

Counsel for the Petitioner

Dated: Lucknow  
1985



(B/C)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

WRIT PETITION NO. OF 1985

Sunder . . . . . Petitioner

Versus

The Union of India and another

. . . . .Opp. Parties.

I N D E X

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(G.H. NAQVI )

Advocate

Counsel for the petitioner

Dated: Lucknow  
1985

2. That at the moment the Union is over the Head of the Officers and they insist that the C.P.C. scale i.e. employees not on the panel may be absorbed in the regular line and those on the panel may be shunted to some such places where there is no scope of any promotion.

3. That in 1959 the petitioner was taken as Casual Labour. The petitioner worked throughout to the satisfaction of all concerned subsequently there was screening, the applicant was declared successful and he was put on the panel in 1973, at sl.No. 159 with Roll No.669.

4. That the petitioner has been promoted as a Mate and he is drawing Rs. 30/- more per month. On 18/7/85, the Inspector of works No.1 of the petitioner asked the petitioner to work as Mali. Mali is a casual Labour. Mali is inferior to Mate. If one goes as Mali no chance of promotion is open to him. Once a Mali, always a Mali and this should be given to those who are not on the panel.

5. That the petitioner submitted an application and sent the same under certificate of posting on 18/7/85 to the senior Engineer Northern Railway, Charbagh, Lucknow. The copy of the certificate of posting is Annexure No.1 and the copy of the representation is Annexure-2.

6. That no reply has been received so far and it appears that the request of the petitioner has been rejected without hearing the petitioner.



7. That the petitioner is still working under Inspector of Works #1, but he will have to join as a Mali on the 1st of August 1925. The representation submitted has been turned down and in spite of the requests, the petitioner has not been given an opportunity of being heard. The petitioner has not joined as Mali upto this time.

8. That there being no equally efficacious remedy available, this writ petition is being filed as this is the order to ~~be~~ a mate to join as a Mali is demotion by way of punishment.-

GRUNDS

1. That the order to join as a Mali, is no order in the eye of law.
2. That the order is against the principles of natural justice
3. That the ordering the applicant to who is a mate to join as Mali amounts to demotion.
4. That in spite of the request no opportunity was given to hear the petitioner.

wherefore it is respectfully  
prayed that :-

(a) A writ order, or direction in the nature of certiorari quashing the order if any after summoning the same from the opposite Parties.

(b) a writ, direction or order in the

(BIS)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION No. OF 1985

Sunder . . . . . Petitioner

Versus

Union of India and another . . . Opp. Parties

ANNEXURE No.2

UNDER CERTIFICATE OF POSTING

From: Sunder, son of Pyarey Lal,  
Panel No. 159/669 working under  
Inspector of works, Northern Railway, Lucknow.

To

1. The Divisional Railway Manager,  
Northern Railway, Hazratganj, Lucknow.
2. Senior Engineer, Northern Railway,  
Charbagh, Lucknow.

Sir,

Respectfully I beg to submit that I was taken as a casual Labour in 1959. I worked very hard and when the screening took place I was selected on the panel. My No. 159/669. I have been working as a casual Labour and thereafter I have been promoted as Mali where I get Rs.30/- more every month. As luck would have it the people of the Union have influence in the Department with the result that persons outside the panel are sought to be regularised and persons on the panel are being sent to as Mali. This is demotion and this order may not be given effect to. I humbly request that the order to send me as a Mali may kindly be revoked and in case the order is being given effect to I may be heard in person before confirming the order. This order is only by way of punishment and hence this request.

If no reply is received within 10 days of this letter I shall be obliged to seek my remedy elsewhere, for the redress of my grievances.

Dated: 18/7/1975

Yours faithfully,  
sd/- Sunder





3949 aff  
B/17

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO.1913 of 1987 (T)  
(W.P. NO.3712 of 1985)

Sunder

.....

Applicant.

Versus

Union of India & Others.....

Respondents.

28.2.1990

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K.J. Raman, A.M.

Case called twice. List has been revised. Shri Arjun Bhargava is present on behalf of the opposite parties. The petition is dismissed for default of the applicant.

Sd/-

A.M.

Sd/-

V.C.

// True Copy //

rm/

10/3/90  
Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

Checked  
2/3



