

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

TA No. 1915/82 INDEX SHEET

C.R. No. 3846/85

CAUSE TITLE OF

NAME OF THE PARTIES Lal. Choudhury

..... Applicant

Versus

O.O.I. Gang

..... Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	order sheet is dated 24-9-97	A1 to A9
2	Index sheet	A10
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4	Affidavit	A25 to A26
5	Answer	A27
6	Stay Application	A28 to A29
7	H.C. order sheet	A30
8	Any papers / Notice	A31 + 1 = 32
9		
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11		
12		
13		

CERTIFICATE

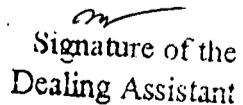
Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated, 30.7.12

Counter Signed.....



Section Officer / In charge



Signature of the
Dealing Assistant

7) 10/12/90

Mr. / Mrs. Justice K. Rath, I.C.
Hon. Mr. K. Obayya, Am.

Case called. Shri B.K. Shukla for the respondents says that although notices have been received, copies of the petition have not been received alongwith the notices. The applicant's counsel will arrange to supply three copies of the petition to Shri B.K. Shukla within two weeks. Courts may be filed within four weeks thereafter the applicant may file a rejoinder within two weeks thereafter. List before the DR (T) on 28/1/91 for fixing a date for final hearing if possible after the completion of the record.

b/
Am.

Mr
V.C.

28.1.91

D.R.

Applicant's side is ~~not~~ present today. Applicant did not file copies of the petition to the C.R. Shri B.K. Shukla.

Put up on

22.2.91 ^{for}
compliance order
entry 10.12.90

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW

ORDER SHEET NO.

1915/78
D.A./T.A No

OFFICE REPORT

DATE /

ORDER

(7) 16/12/92

D.R.

Applicant is said to be present.
He did not supply a copy
of the petition till today.
He is ordered to supply the
copy of the petition to O.P.
by 15-1-93

(8) 15-1-93

D.R.

Both the parties are
absent. Applicant is directed
to supply a copy of Petition
to O.P. by 22-2-93

sh
copy of petition by 19/2/93
D.R.

noted and supplied
by the applicant
by O.P.

Both the parties are present.
Applicant is directed to
supply a copy of Petition
to O.P. by 24/4/93

20/4/93
D.R.

Counsel for the applicant is not
present. Applicant is directed to
supply a copy of petition to
O.P. by 19/5/93.

copy not supplied
by petitioner
D.R.
Satisfied R.D.

MANISH

18/4/93

26 15/4/94
P.R.

Respondents side is present.

Applicant side is also present.

C.A. has not been filed.

Respondents are directed to

file it by 7/7/94 before

me.

✓

Amrit

D.R.

27 7/2/94
P.R.

✓
OR
CA not filed
OR file
Satisfied
Amrit
OR
6/7/94

Respondents side is present. No C.A. filed.
C.A. be filed by
21/9/94 before me.

✓

Amrit

D.R.

28 21/9/94
P.R.

OR
CA not filed
OR
19K OR
CA not filed
OR
21K

No C.A. filed. Applicant side is present. List on 17/10/94 for filing of C.A. before me.

✓
P.R.

29) 17/10/94
D.R.

list on 08/12/94 for
filing C.A. before
me.

(S)

Behandee
(P.R)

30)

(9-1-95)

DR C.A. has not been filed so far

08-12-94 Let it be filed by 09-1-95

No further time will be allowed.

OK

DR

C.A. not filed.
6/11

31) 09/1/95
D.R.

For B.K. Shukla counsel for the
respondents is present. None responds
on behalf of applicant. No C.A. has
been filed ^{till today} despite opportunities since
20-1-91. Hence list this case before

Possible Bench for order under Rules 12
of C.A.P. procedure on 29-3-95.

OK

DR

Sukhdev Singh

28/3

TA 1915 / 87

8

24-12-96

DR

None for parties.
Please before Hon'ble
Bench on 10-2-97 for
orders. M.A. can file
till date.

DR *for 1/87*

DR

10-2-97

DR.

None for applicant.
None for respondents.
No C.R. filed till date.
List on 03-3-97 for filing
C.A. before me.

DR
DR.

03-3-97

DR.

None for applicant.
Clerk for Dr. B.K. Shukla,
one for respondents
is also present. List on
15-4-97 for filing C.R.
before me as a last
opportunity.

DR

DR

JA. 1915/87

24-9-47

Hon Mr. D. Seth, A.M.
Hon Mr. D. C. Normand,
Solicitor is present for respondent
none for applicant. There is also
no request on his application by
adjournment of the case today.
Record shows that on the last
several dates before DR, as also
before the Bench on 10-9-47
nobody had put in appearance
on behalf of the applicant. In
the circumstances, the O.A. is
dismissed for default of the
applicant.

J.M.

Geo

JK
AM

CIVIL

SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 3648 - 85
Name of parties Lal Chand v. Union of India
Date of institution 6.8.85 Date of decision.....

XO

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
1		W.P. 3648 - 85 and affidavits	16		102.00			
2		Power	1		5.00			
3		CMA. for 81/85	2		5.00			
4		order 82/85	1		-	-		
5		Back Copy	1		-	-		

I have this day of 198 examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date.....

Munsarim

Clerk

Group ~~C.B.T.A.~~
A 14/F.

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

(Civil Misc. Writ Jurisdiction Distt. Lucknow)

Writ Petition No. 3846 of 1985

Lalchand Petitioner
Versus
Union of India and others Opp. Parties.

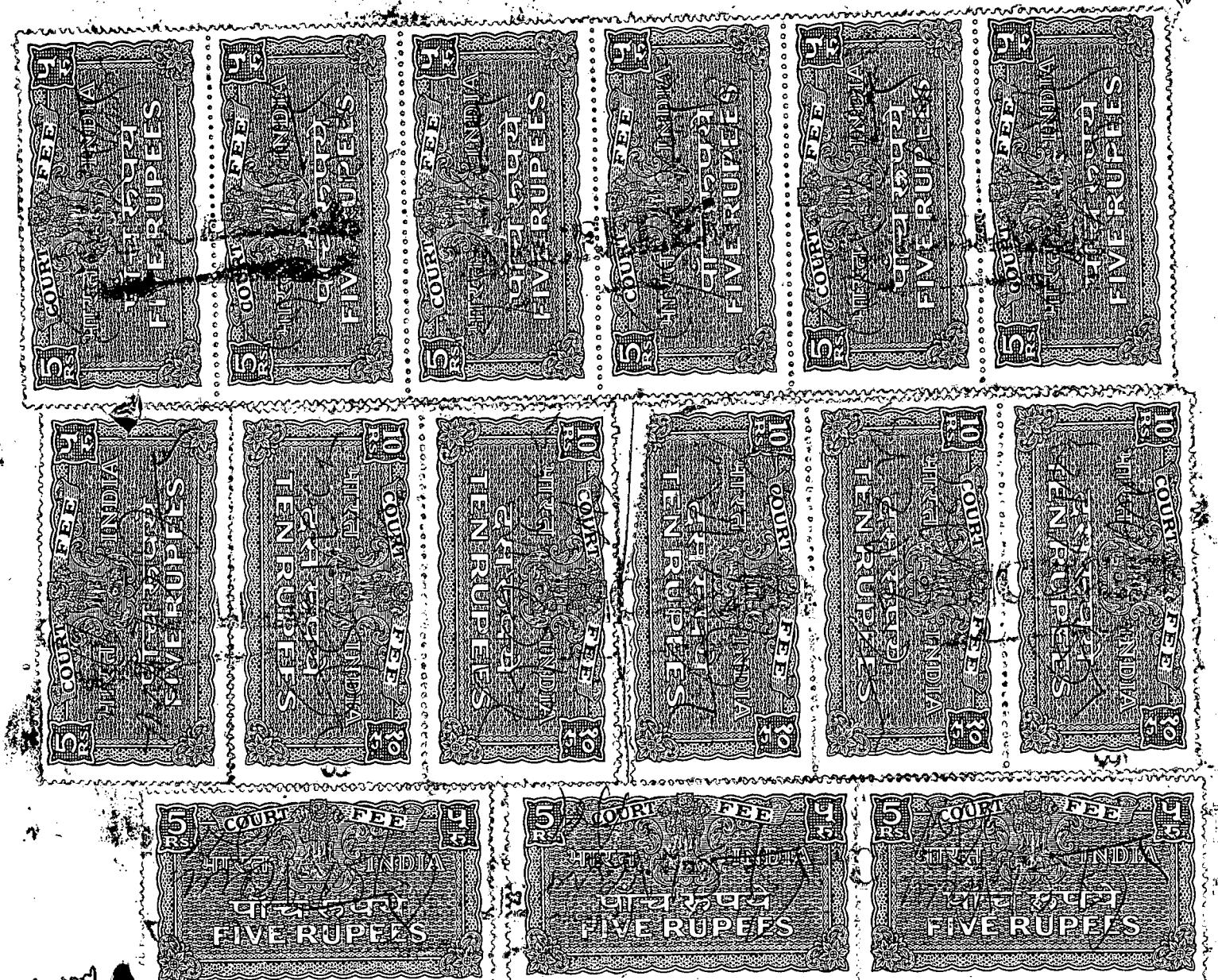
I N D E X

Sl. No.	P A R T I C U L A R S	'Annexure No.'	Page
1.	Writ Petition		1 to 8
2-	Order of Promotion to the post of Assistant Superintendent dated 23.6.83.	1	9 - 10
3-	Order for posting to the post of Assistant Superintendent dt. 9.8.83.	2	10 to 11
4-	Order for deduction of pay with retrospective effect i.e. w.e.f 10.4.85 passed by opp. party No.2	3	13
5-	order of reversion dt. 10.4.85 passed by Opp. No. 3	4	14
6-	Affidavit		15 - 16
7-	Vakalatnamah with original W.P.		17
8-	Separate Stay Application		

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

Aug 8 Counsel for the petitioner

Dated: 10/08/1985, 1985.



15th Sept 1907
In the Hon'ble High Court of
Judicature at Allahabad.
Sitting at Lucknow

W.P. No - 781

Lal Chand - Reliour

VS

Union of India & others - Opp. party

G. S. L. Varma
Adv.

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

(Civil Misc Writ Jurisdiction Distt. Lucknow)

Writ Petition No. 38046 of 1985

Lalchand (Scheduled Caste) aged
about 44 years son of Sri Ram Swaroop
resident of Moti Nagar, Distt. Lucknow Petitioner

Versus

- 1- Union of India through Secretary,
Ministry of Railways, Government
of India, New Delhi.
- 2- The Divisional Railway Manager
Northern Railway, Hazratganj,
Lucknow.
- 3- The Divisional Personnal Officer
Northern Railway, Hazratganj,
Lucknow Opp. Parties.

Writ Petition under Article 226 of the Constitution
of India.

To

The Chief Justice of aforesaid
High Court and their Companion
Justices sitting at Lucknow Bench,
Lucknow.

This humble writ petition on behalf of above
named petitioner most respectfully shewth as under :-

Subject
matter.

1- This writ petition is directed for judicial review
against the order of reversion from the post of Assistant
Superintendent (Pay scale Rs. 550-700 (RS)) to the
post of Senior Clerk (Pay scale Rs. 330-560), dated
10-4-85 and order of deduction of pay dt. 7.6.85
(Annexure-2) passed by opposite party No. 3 and 2
respectively on the following main grounds :-

- (a) Because the order of reversion dt. 10.4.85 (Annexure-4)
is in violation of Article 14, 16, 311 (2) of the
Constitution of India.
- (b) Because the petitioner was promoted to the post of
Assistant Superintendent (Pay scale 550-750 (RS))
on clear substantive vacancy after securing highest

Lalchand

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(2)

position in the merit list, in scheduled caste quota as well in general quota, prepared by duly constituted selection committee. And several ~~of~~ incumbent, who secured lesser merit in the selection have also been promoted out of the same panel, are still working to the promoted post. As such the petitioner has a right to hold the promoted post and reversion order (Annexure-4) is in violation of Article 14 of the Constitution of India.

(c) Because the petitioner being only scheduled caste incumbent who have been promoted, after securing highest position amongst scheduled caste and general caste candidates in the merit list, against the scheduled caste quota, have been reverted while the other incumbents of general caste are still holding and working on the promoted, is in violation of Article 335.

(d) Because the petitioner have been reverted and reduced in rank without providing the opportunity and following the procedure established under law. As such the order of reversion (Annexure-4) which affect the livelihood of petitioner is in violation of Article 21 of the Constitution of India and also due to malice in law.

(e) Because the cancellation of panel, made in May 1983 and came in to operation with effect from 11.5.83, after two years only for the petitioner is illegal, unjust and arbitrary, as such the cancellation of panel for the petitioner and his reversion is in violation of Article 14 of the Constitution of India. And also in violation of Rule 218 of Chap. II of Rly. Estb. Manual.

(f) Because the deduction of salary made by Annexure-3 dated 7-6-85 without any show cause notice and with retrospective effect is illegal.

(g) Because the cancellation of petitioner's name from the panel being scheduled caste and retention of general caste incumbents is only due to malafides.

Facts

2) That the petitioner was appointed to the post of clerk on 28.7.1960 in the Northern Railway and he was promoted to the post of senior clerk in the year 1978. The petitioner was again promoted to the post of Assistant Superintendent (Pay scale Rs. 550-750 (R.S) by the opposite party No. 3 vide order dt. 10.3.83, on the recommendation of duly constituted selection committee as per Rules for holding the selection to the post of Assistant Superintendent. The petitioner conveyed for his promotion vide order dt. 23.6.83. A photo-state copy of order dated 23.6.83 is herewith attached as Annexure No. 1 to this writ petition.

Y
8/3

(3)

3) That the petitioner alongwith incumbents who were also promoted to the post of Assistant Superintendent on the recommendation of selection committee, were posted in different sections in the Northern Railway. A photo-stat copy of the order dated 9.8.83 is herewith attached as Annexure No. 2 to this writ petition.

Ann.2
order
9.8.83

4) That the incumbents, who were promoted and posted to the post of Assistant Superintendent alongwith petitioner as shown in Annexure-2, have not been reverted while the petitioner who was promoted in scheduled caste quota have been reverted by the opposite party No. 3.

5) That on existence of clear substantive vacancies of Assistant Superintendent (Pay scale Rs. 550-750) the petitioner was promoted to the post of Assistant Superintendent in reserved ~~maximum~~ SC/ST quota by the opposite party No. 3 (Vide order contained in Annexure-1) on the recommendation of duly constituted selection committee. The petitioner has secured first position in the merit list, against general as well reserved quota prepared by the selection committee in May 1983. In pursuant to this merit list the petitioner was promoted to the post of Assistant Superintendent in (Scheduled caste) Reserved quota alongwith the other incumbents who were promoted in general quota. The incumbents who were promoted in general quota have not been reverted and still holding the promoted post while the petitioner promoted in reserved quota had been reverted vide order dated 10.4.1985 (which has never been ~~only~~ served to the petitioner). As such, the petitioner has right to hold the post of Assistant Superintendent and the reversion order (Annexure-1) is in violation of Art 14 of the Constitution of India.

Kul Chandra



----- 4 -----

X
b
P/B

(4)

6- That the petitioner first time came to know about his reversion order dated 10.4.85 (Annexure-4) when he was served with the memo dated 7.6.85 by pay bill clerk on 10.6.1985 issued by the opposite party No. 2, through which, the pay of the petitioner has been deducted with retrospective effect i.e. w.e.f 10.4.85. A photostat copy of memo dated 7.6.1985 is herewith attached as Annexure No. 3 to this writ petition.

7) That the petitioner having come to know the order of his reversion dated 10.4.85 vide Annexure-3, somehow obtained the photostat copy of the order of reversion on 25th June 1985 but the copy of reversion order dt. 10.4.85 have not been duly served by the opposite party No. 3 till today. A Photostat copy of reversion order dt. 10.4.85 is herewith attached as Annexure No. 4 to this writ petition.

8) That all of sudden the petitioner has been reverted to his substantive post of senior clerk by cancelling the panel which was prepared in May 1983 by the duly constituted selection committee and operated with effect from 11.5.1983. The petitioner had secured first position in the merit list in scheduled caste quota as well in general quota and he was recommended for promotion to the post of Assistant Superintendent in reserved quota by the selection committee. In pursuance to this the petitioner was promoted to the post of Assistant Superintendent in SC/ST quota and several other incumbents were also promoted in general quota. But only the petitioner has been reverted while other incumbents who secured lesser merit in the selection have not been reverted. As such, reversion order dt. 10.4.85

Halchandras



(Annexure-4) is in violation of Article 14, 16 and 311 (2) of the Constitution of India.

9) That the petitioner was empaneled in Scheduled Caste/Scheduled tribes' quota, being senior most amongst Scheduled Caste/Scheduled tribe incumbents in his cadre and also secured first position in the Scheduled Caste/Scheduled tribe quota as well in general quota, to the promoted post i.e. Assistant Superintendent (Rs. 550-750). It is submitted that there were six substantive vacancies of Assistant Superintendent (Rs.550-750) in which one was reserved for scheduled caste/scheduled tribe incumbents and five were for general caste incumbents as per roster system. These vacancies were filled by the empaneled incumbents in the year 1983. But, the opposite party No. 3, not only cancelled the panel after the lapse of two years without assigning any reason and approval of the authority next above that which initially approved it but also reverted the petitioner (being scheduled caste/scheduled tribe) only while the general caste incumbents are still working to ~~xxx~~ their promoted post. As such the reversion order (Annexure-4) is in violation of Article 14, 16, 311 (2), 335 of the Constitution of India.

10) That the panel list, prepared by the selection committee in May 1983 and the petitioner and other incumbents were promoted to the post of the Assistant Superintendent on the basis of this panel. The petitioner's name in the panel have been cancelled while the other incumbents who were also promoted with the petitioner, their names have not been cancelled only due to ~~malicious~~ attitude of opposite party No. 3. The panel once prepared and exhausted long back could not be cancelled by the opposite party No. 3 without assigning any valid reason and specific approval of the authority next above that which initially approved the panel. But in present case the entire panel prepared by the ~~duly~~ constituted selection



Hal Chandra

(6)

committee in the year 1983 and also exhausted long back has been cancelled after lapse of two years without assigning any valid reason and approval of the authority next above which initially approved the panel. As such, the reversion order dt. 10.4.85 is in violation of Article 14, 16, 21 and 311 (2) Constitution of India.

(11) That the petitioner is fully eligible for promotion to the post of Assistant Superintendent. He has worked 18 years as clerk and thereafter 5 years as senior clerk. That the promoted post i.e. Assistant Superintendent (Rs. 550-750) is non selection post and aught to be filled by seniority-cum-suitability. The petitioner is not only eligible to the post of Assistant Superintendent on the basis of seniority-cum-suitability but also, being scheduled caste, he is entitled to relaxation as provided by the opposite party No. 1 to ensure the proper representation of Backward classes in services under Article 16(4) and 335 of the Constitution of India. As such, the foundation of reversion that the petitioner is not eligible for promotion is baseless and the reversion order Annexure-4 is in violation of Article 14, 16, 21 and 311(2) of the Constitution of India.

(12) That the cancellation of panel, which is operating with effect from 11.5.83, after the lapse of two years without giving any opportunity, reason or show cause ~~not~~ notice, is illegal and against the procedure established under Article 311 (2) of the constitution of India. The deduction of pay with retrospective effect vide Annexure-3 without affording any opportunity is also illegal.

(13) That the petitioner is still holding and working to the post of Assistant Superintendent and no reversion order has been duly served till today. He is under sick leave with effect from 12.7.85 and the impunged order Annexure-3 and Annexure-4 have not been implemented till today. As such, under aforesaid circumstances the petitioner has every right to continue on the post of Assistant Superintendent.

(7)

18) That the petitioner, having no any other equally efficacious and speedy remedy is invoking the jurisdiction of this Hon'ble court conferred under article 226 of the Constitution of India on the following amongst other grounds :-

G R O U N D S

a) Because the order of reversion dated 10.4.85 Annexure-4 has been passed without affording any opportunity and following the procedure reestablished under Article 311(2) of the Constitution of India. As such, the order dt. 10.4.85 (Annexure-3) impugned is in violation of Article 14 and 311(2) of the Constitution of India.

b) Because the petitioner has secured highest position in the merit list of selection held in May 1983 by the duly constituted selection committee. With this result he was promoted to the post of Assistant Superintendent on clear substantive vacancy against the scheduled caste quota. As such the petitioner has every right to hold the promoted post of Assistant Superintendent and his reversion from the promoted post without affording any opportunity and following the procedure established under Article 311(2) of the Constitution of India as such, the reversion order (Annexure-4) is in violation of Article 14, 16 and 335 of the Constitution of India.

c) Because the incumbents who secured lesser merit in selection to the post of Assistant Superintendent and junior to the petitioner have not been reverted, while the petitioner is being reverted from the post of Assistant Superintendent. As such, the petitioner's reversion is arbitrary and in violation of Article 14 and 16 of the Constitution of India.

d) Because the reversion order dated 10.4.85 (Annexure-4) has been passed without following the procedure established under law and affect the livelihood of the petitioner. As such the order of reversion is in violation of Article 21 of the Constitution of India.

e) Because the deduction of pay with retrospective effect vide Annexure-3, while the reversion order has not been served and the petitioner is still holding and working to the promoted post of Assistant Superintendent, without any show cause notice is illegal.

GSL Varanasi
Date

(8)

f) Because the petitioner is fully eligible for promotion to the post of Assistant Superintendent without seeking any concession provided for SC/ST incumbents.

g) Because the cancellation of petitioner's name from the panel being scheduled caste and retention of general caste incumbents is only due to malafides.

h) Because the cancellation of panel prepared by the duly constituted selection committee after the lapses of two years of its operation by the opposite party No. 3 is illegal and without jurisdiction. And also in Violation of Rule 218 of Chap. II of Rly. Estb. Manual.

i) Because the foundation of reversion order dt. 10.4.85 is baseless and could not sustain in the eye of law.

15) That under the circumstances detailed above, the petitioner is invoking the jurisdiction of this Hon'ble Court conferred under Article 226 of the Constitution of India and prays for following reliefs after pressing all the grounds :-

P R A Y E R

i) To issue writ of certiorari or order or direction in the nature of certiorari for quashing the reversion order dated 10.4.85 (Annexure-4) and order dt. 7.6.85 (Annexure-3).

ii) To issue writ of Mandamus or order or direction in the nature of mandamus commanding opposite parties not to implement the order dt. 10.4.85 (Annexure-4) and order dt. 7.6.85 (Annexure-3).

iii) To award cost of this writ petition in favour of petitioner.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be graciously pleased to allow present writ petition in above terms.

G.S.L.Varma
(G.S.L.VARMA)
Counsel for Petitioner

Lucknow: 23th July, 1985.

In the interest of public welfare
Lal Chandra is dismissed from
Annexeure No. 2

11

NORTHERN RAILWAY

No. 62/4/Staff/83

Divisional Office,
Lucknow, Dt. 9-6-1983.

NOTICE

RRF: Notice Nos. 752-R/6-3/Optg(A) dated
11-5-1983 and 752-R/6-3, Train/pt. I
dated 23-6-1983.

The following arrangements are made in
transportation Cell keeping in view the instructions, issued
under the circulars mentioned above and also the resultant
changes:-

(A) Superintendents Transportation

There will be 2 Superintendents in Transportation
Section namely Shri Vishwanath controlling Accident, Safety,
Stores and General Sections and Shri D.P. Saxena controlling
Coaching, Statistics and Stock sections.

In case one of them is on leave, the Superintendent
present will automatically look after the duties of the other.

(B) Asstt. Superintendents

The following are posted as Asstt. Superintendents:

(i) Accident and Safety Section : Sh. H.K. Sharma

(ii) General Section : S.C. Dixit

(iii) Stores Section : Sh. Trilok Singh

(iv) Coaching Section : Sh. Lal Chandra

(v) Statistics Section : Sh. P.S. Jakhnani
(Purely on tempo-
rary basis
begin).

(vi) Stock Section : Sh. K.S. Bhattacharya

The Asstt. Superintendents will be directly
responsible for the work in their sections and will route
the cases through their Superintendents to the concerned
Officers.

Lal Chandra



On 19th Jan 1878 came to Frelle
Lodge at Holdgate with all the
men wanted. 3, 13

13

8/23

29

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三

मेरी अपनी गाय को बेटा है जिसका नाम बाल है।

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卷之三

Heilichendorf

In the High Court of Judicature of
Uttar Pradesh
Lal Chandra vs. Union of India
Annexure No. 4

16

17

18

NORTHERN RAILWAY.

30.752/16-3/Trains/4. S.

Divisional Office,
Lucknow. Dt. 10/2/85.

NOTICE.

- 1) The order of promotion of Asstt. Supdt. (T) Or. Rs. 550-750 (Rs) issued under this notice of even. No. dt. 11.5.83 stand cancelled.
- 2) S/whri H.R. Sharma, S.C. Dixit, K.S. Bhatia, P.D. Shukla who are eligible for adhoc promotion on the basis of seniority as Asstt. Supdt. Or. 550-750 (Rs) pending selection are allowed to continue as Asstt. Supdt. (T) on adhoc basis till replaced by duly selected employees.
- 3) S/whri Lal Chandra who is not eligible for adhoc promotion in Or. 550-750 (Rs) stand reverted to the post from which he promoted on the basis of panel which has been cancelled.

Enclosed

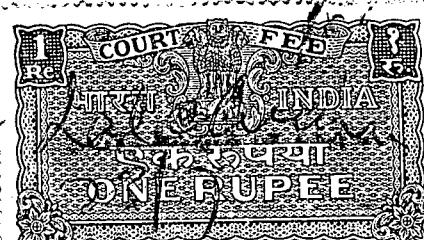
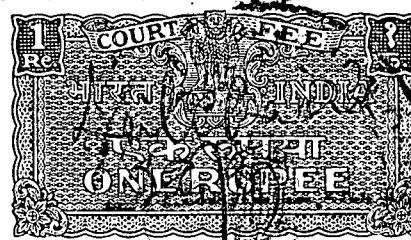
Divil. Personnel Officer
Lucknow.

Copy forwarded for information and necessary action:-

1. Station Supdt./M.Rly./L.C.
2. Sp. UAO, L.W.
3. Supdt./Pay Bill.
4. Sp. DO/ S.H. Rly./LUK

Lal Chandra





1985
AFFIDAVIT
51/222
HIGH COURT
ALLAHABAD

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

(Civil Misc Writ Jurisdiction Distt. Lucknow)

Writ Petition No. of 1985

Lachand Petitioner
Versus
Union of India and others Opp. Parties.

A F F I D A V I T

I, Lalchand (Scheduled Caste) aged about 44 years son of Sri Ram Swaroop resident of Moti nagar, Lucknow Distt. Lucknow do hereby solemnly affirm and state on oath as under :-

- 2) That the deponent is the petitioner in above noted case and fully conversant with the facts of the case.
- 2) That the contents of paras 2 to 12 of writ petition are true to my personal knowledge and those of paras 1, 13 and 14 are believed to be true.
- 3) That the Annexure 1 to 4 are the photostat copies of original.

Lalchand
DEPONENT

Dated : 26th July, 1985

V E R I F I C A T I O N

I, the above named deponent do hereby verify that the contents of paras 1 to 3 are true to my personal knowledge.

Signed and verified this on 3rd July, 1985 in the High Court Compound, Lucknow.

Dated: 26th July, 1985.

Lalchand
DEPONENT

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

G. S. L. Varoneg
Advocate
Adv

16
16
(2)

Solemnly affirmed before me on 26.1.85
at 9th A.M/P.M by the ¹⁶ deponent who is identified
by Sri G.S.L. Varma Advocate, High Court, Allahabad
Lucknow. I have satisfied myself by examining the
deponent that he understands the contents of this
affidavit which have been explained to him.

By the Commissioner
High Court, (Lucknow Bench)
LUCKNOW
No. 267785
Date: 26.1.85

वादी अपीलान्ट

प्रतिवादी रेस्पान्डेन्ट

का वकालतनामा



ref: 1

मे. 28/85

2

Lal Chand

वादी (मुद्दई)

कानून ये इंडिया बनाम प्रतिवादी (मुद्दाभन्नहे)

म० मुकद्दमा सन् १९

पेशी की ता० १९

ई०

(G.S.L. VARMA)

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री जीलचाल वर्मा,

एडवोकेट, मनकामेश्व, डालीगंज, लखनऊ महोदय

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 जवाबदेही व प्रश्नोत्तर करे या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया बसूल करें या सुलहनामा वा इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखति) रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख

मुकद्दमा
न० नाम
नाम
फरीकन

Accept
G.S.L. Varma
Adv

hस्ताक्षर Lal Chand

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 23 महीना 7 सन् १९८५

IN THE HIGH COURT OF JUDICATURE AT ALAHABAD
SITTING AT LUCKNOW.

(Civil Misc. Writ Jurisdiction Distt. Lucknow.)

Writ Petition under Article 226 of the Constitution of India for judicial review of the reversion order dated 10.4.85 (Annexure-4) passed by the opposite party No. 3 and order of deduction of pay dt. 7.6.86 with retrospective effect i.e with effect from 10.4.85 passed by opposite party No. 4.

with

Stay application

In the Matter of

Lalchand	Petitioner
Versus		
Union of India and others	Opp. Parties

PAPER BOOK

(Kindly see Index)

(G.S.L. VARMA)

Counsel for Petitioner

Lucknow:

Dated 3.7.86.

IN THE HIGHER COURT OF JUDICATURE AT AHMEDABAD
SITTING AT LUCKNOW

(CIVIL W.M.C. WRIT PETITION NO. 2000)

Writ Petition No. 2000

Plaintiff

Petitioner

Union of India and others

Opp. Parties

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8.	Separate Stay Application		

(R.G.J. Vora)

Counsel for the petitioner

Dated: July 9, 1965.

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

(Civil Misc. writ Jurisdiction Distt. Lucknow)

writ Petition No. or 1985

Delchand Petitioner
Versus

Union of India and others Opp. Parties.

I N D E X

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(G.S.L. VARMA)

Counsel for the petitioner

Dated: July 3, 1985.

IN THE DELHI HIGH COURT OF JUSTICE AS A WARDEN
SITTING AT LAW COURT

(Civil Case. Writ Substitution Pet. No. 1000)

Writ Petition No. 1000 of 1986

Defendant
Versus

Petitioner

Union of India and others. vs. Opp. Petition.

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(G.A.L. 2724)

Counsel for the petitioner

Dated: July 3, 1986.

IN THE DIVISIONAL HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

(Civil Misc. and Jurisdiction Mst. C.R. No. 2)

date Petition No.

of 1986

Plaintiff.....
Defendant.....

Plaintiff

Union of India and others.....
Def. Petitioners

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(G.O.M. 7426)

Counsel for the petitioner

Dated: July 5, 1986.

THE PRACTICAL USE OF ANTHOCYANINS AT MEALTIME

CONFIDENTIAL - 1972 RELEASE UNDER E.O. 14176

1. **Indians** **10000** **10000** **Point** **Force**
2. **Europe** **10000** **10000** **Point** **Force**
3. **Asia** **10000** **10000** **Point** **Force**
4. **America** **10000** **10000** **Point** **Force**
5. **Africa** **10000** **10000** **Point** **Force**
6. **Oceania** **10000** **10000** **Point** **Force**
7. **Antarctica** **10000** **10000** **Point** **Force**

卷之三

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卷之三

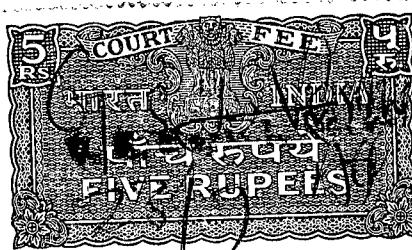
CHAPTER 11. THE SPANISH

Patent 2,019,6, 1903.

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

(Civil Misc. Writ Jurisdiction Distt. Lucknow)

Misc. Application No. of 1985 ,



W.P. 3846-85

Lalchand (Scheduled caste) aged about 44 years
son of Sri Ram swaroop resident of Motinagar
Distt. Lucknow.

Petitioner

Versus

1. Union of India through Secretary, Ministry of Railways, Government of India, New Delhi
2. The Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. The Divisional Personal Officer, Northern Railway, Hazratganj, Lucknow. Opp. Parties

STAY APPLICATION

The applicant most respectfully submit as under :-

1) That in view of facts and circumstances mentioned in the memo of writ petition, it is extremely necessary in the interest of justice that this Hon'ble Court may please to stay the operation of orders dated 10.4.85 and 7-6-85 contained in Annexure No. 4 and 3 respectively till pending disposal of writ petition.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to stay the operation of Annexure 4 and Annexure 3 till pending disposal of writ Petition.

G. S. L. Varma
(G. S. L. Varma)
Counsel for Applicant

G. S. L. Varma
Dated: July 13, 1985.

W.P.3846-85

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

(Civil Misc. Writ Jurisdiction, Distt. Lucknow.)

Writ Petition under Article 226 of the Constitution of India for judicial review of the reversion order dated 10.4.85 (Annexure-4) passed by the opposite party No. 3 and order of deduction of pay, dt. 7.6.85 with retrospective effect in with effect from 10.4.85 passed by opposite party No. 9.

with

Stay application

In the Matter of

9932 Lalchand Petitioner

Versus

Union of India and others Opp. Parties

PAPER BOOK

(Kindly see Index)

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

Counsel for Petitioner

Lucknow:

Dated 24/8/85

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

N.P.

No. 3846 of 1985

4
X/10

vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
6-8-85	Decr K.S.V. 7 Decr S.S.A. 7 Admit. Notice Notice Sel K.S.V. Sel S.S.A. 6-8-85 C.M. Am. No. 0 C.M. 805	
6-9-85	Decr K.S.V. 7 Decr S.S.A. 7 Issue notice. The oppo parties may file counter affidavit immediately after three weeks.	
6-11-85	Fixed date attendance and for filing C.A. W.M.P.	
	N. I. t. 0-9-85-17-3	

Jy R.P.

Paras
16-10-85

14
14.885

In the Non' 2d stage court
and election at Allaborbitt
Sitting at Lalemo

W-P. M 0-3846/85

Ladchemel — Feldmarschall

Union of India with — Sikkim

In above noted
writ Peking I am
honestly filing process
fee at other orders of
this possible court.

kindly place at

6. Annexure four annual proposed accr-
plus memo. duly
F.W.S.
7. Stay of publication.

Wednesday
11/12/85

G. S. L. Varroa
Adult
Cornell University
Petibrews

In the Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow

ब अदालत श्री मान

वादी मुद्रद्वारा

प्रतिवादी मुद्रालय का वकालतनामा

Lal Chand

vs

Union of India & others

नं० मुकदमा T.A. 1915 सन 1987 पेशी की तारिख 5.3. 1990 द्वारा
उपर लिखे मुकदमा में अपनी ओर से श्री

वादी मुद्रद्वारा

प्रतिवादी मुद्रालय

Sri. Brijesh Kumar Shukla
Advocate

रडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ। लिखे देता हूँ। इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या तौटा है इमारी ओर से डिक्री जारी करावें और स्थाया वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारें या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकदमा उठायें या कोर्ट में जमा करें या हमारी या विपक्ष फरीक्सानी। का दाखिल किया स्थाया अपने या हमारे हस्ताक्षर युक्त दस्तखती। रसीद से लेदेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूँ। कि मैं हर पेशी स्वयं या किसी अपने छेंडोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काग आवें।

साधी गवाह

दिनांक महीना

हस्ताक्षर.....

साधी गवाह Visional Railway. Northern R.

नाम अदालत Lucknow

नं० मुकदमा T.A. No. 1915 of 1987

नाम फरीकन

Accepted
B. Shukla
Advocate

1724
Central Administrative Tribunal
Lucknow Bench
Date of Filing..... 29.7.97
Date of Receipt by Post.....

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

M.P.No. 1649 OF 1997

UNION OF INDIA AND OTHERS

....APPLICANTS/
OPPOSITE PARTIES

In:

T.A.No.1915/87(T)
[Writ Petition No.3846/85]

LALCHAND

....PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

....OPPOSITE PARTIES

APPLICATION FOR CONDONATION OF DELAY
IN FILING COUNTER REPLY

This application on behalf of the opposite parties most respectfully sheweth :-

1. That the counter reply on behalf of the opposite parties could not be filed in the above mentioned case as the copy of the writ petition alongwith the concerned file, being too old, could not be traced despite much efforts.
2. That thereafter, the departmental file was reconstructed after obtaining copy of the writ petition from this Hon'ble Tribunal and the counter reply which is now ready, is being filed herewith.
3. That the delay in filing counter reply was not deleberate and was only due to the reasons beyond control of the opposite parties.

WHEREFORE, it is most respectfully prayed that in the interest of justice this Hon'ble Tribunal may be pleased to condone the delay in filing counter reply and the same which accompanies this application may be taken on record.

Siddharth Verma

Lucknow, Dated :
July 22, 1997.

(SIDDHARTH VERMA)
ADVOCATE,
COUNSEL FOR OPPOSITE PARTIES.

Central Administrative Tribunal
Lucknow Bench
Date of Filing .. 29.7.97
Date of Receipt by Post.....

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

M.P.No. 1657 OF 1997

UNION OF INDIA AND OTHERS

....APPLICANTS/
OPPOSITE PARTIES

In:

T.A.No.1915/87(T)
[Writ Petition No.3846/85]

LALCHAND

....PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

....OPPOSITE PARTIES

APPLICATION FOR
DISMISSAL OF T.A.No.1915/87(T)

This application on behalf of opposite parties most respectfully showeth :-

That for the facts, reasons and circumstances stated in the accompanying counter reply it is expedient in the interest of justice that the above mentioned T.A.No.1915/87(T) be dismissed.

THEREFORE, it is most respectfully prayed that in the interest of justice this Hon'ble Tribunal may kindly be pleased to dismiss T.A.No.1915/87(T).

Lucknow, Dated :
July 29, 1997.

29

Siddharth Verma
(SIDDHARTH VERMA)
ADVOCATE,
COUNSEL FOR OPPOSITE PARTIES.

Central Administrative Tribunal
Lucknow Bench 29.1.87
Date of Filing.....
Date of Receipt by Pet.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

T.A.No.1915/87(T)
[Writ Petition No.3846/85]

LALCHANDPETITIONER

VERSUS

UNION OF INDIA AND OTHERSOPPOSITE PARTIES

COUNTER REPLY
ON BEHALF OF OPPOSITE PARTIES

I, V. P. Srivastava, presently posted as Assistant Personnel Officer, Northern Railway, Lucknow, most solemnly state as under :-

1. That the undersigned is presently posted as Assistant Personnel Officer, Northern Railway, Lucknow, and is competent and duly authorised to file counter reply on behalf of opposite parties. The undersigned has read and understood the contents of above mentioned case and is well conversant with the facts stated hereunder.

2. That the contents of paragraph 1 of the writ petition (hereinafter referred as 'petition') are not admitted. The undersigned is advised to state that none of the grounds mentioned in the paragraph under reply are tenable in the eye of law and the petition, being devoid of merit, is liable to be dismissed.

V. P. Srivastava
V.P. Srivastava

Page No. 1
Acknow. Bunch
Date of Billing.....
Date of Receipt by Post.....

-2-

Dy. D.G.O. (8)

3. That the contents of paragraph 2 of the petition, in as much as they relate to petitioner's initial appointment as Clerk in pay scale Rs.260-400(RS) and promotion to the post of Senior Clerk in pay scale Rs.330-560(RS) is concerned, the same need no comments. The rest of the contents of paragraph under reply, as stated, are denied. In reply thereto, it is most respectfully submitted that promotion of the petitioner from the post of Senior Clerk [Rs.330-560(RS)] to the post of Assistant Superintendent [Rs.550-750(RS)] eventhough, it was on purely ad hoc basis was wrong and against the relevant rules for the reason that without first being promoted and brought in the seniority group of post of Head Clerk [Rs.424-700(RS)], which was the post immediately below to that of Assistant Superintendent [Rs.550-750(RS)]; the petitioner could not have been promoted to the post of Assistant Superintendent even on an ad hoc basis. Thus, the petitioner was wrongly promoted to the post of Assistant Superintendent [Rs.550-750(RS)] by oversight and overlooking the fact that he was not in the field of eligibility for such promotion.

4. That the contents of paragraph 3 of the petition, in as much as they relate to posting of the petitioner as Assistant Superintendent [Rs.550-750(RS)] in terms of Notice dated 09.08.1983 [Annexure No.2] is concerned, the same are not disputed. However, it is most respectfully submitted that as already stated that promotion of the petitioner from the post of Senior Clerk [Rs.330-560(RS)] to that of Assistant Superintendent [Rs.550-750(RS)] on ad hoc basis, was wrong and against the rules for the reason that he was not within the filed of eligibility for such promotion.

5. That for the facts and reasons already stated in the foregoing paragraph of this counter reply, the contents of paragraph 4 of the petition are not admitted. It is, however, not denied that with the exception of petitioner, no one who was promoted alongwith him by means of Notice No.752-E/6-3/Trans/Pt.I/83 dated 23.06.1981 [Annexure No.1], has been reverted. The reason being, that

100% O.P. APPROVED
D.D.O. (8)

Central Administrative Tribunal
Lucknow Bench
Date of Billing.....
Date of Receipt by Post.....

-3-

Dr. Radhika (P)

the petitioner, who was then working as Senior Clerk [Rs.330-560(RS)], who not eligible to be promoted to the post of Assistant Superintendent [Rs.550-750(RS)], without being first promoted to the post of Head Clerk [Rs.425-700 (RS)] and borne in the seniority list of feeder cadre, i.e., Head Clerk [Rs.425-700(RS)].

6. That the contents of paragraph 5 of the petition are admitted only to the extent that the petitioner belongs to a Scheduled Caste. The remaining contents of paragraph under reply are denied for the facts, reasons and circumstances already stated in the counter reply. It is most respectfully submitted that notwithstanding the fact that there were clear substantive vacancies of Assistant Superintendent and the petitioner belonging to a Scheduled Caste, was selected for that post; yet his selection and the consequent posting was wrong and dehors the rules. Therefore, the petitioner had no prescriptive right to hold the post of Assistant Superintendent [Rs.550-750(RS)], and/or to claim any right or benefit on the basis of his promotion which was wrong, illegal and only ad hoc in nature. It is specifically denied that the impugned notice reverting the petitioner to his substantive post of Senior Clerk [Rs.330-560(RS)] is violative of Article 14 of the Constitution of India.

7. That the contents of paragraphs 6 and 7 of the petition are denied. In reply thereto, it is most respectfully submitted that the impugned Notice dated 18.04.1995 was duly notified for information and necessary action of all concerned, including the petitioner who had complete knowledge about his reversion and has annexed its photocopy, verifying it to be a true copy of its original.

8. That the contents of paragraph 8 of the petition are denied in view of the facts already stated in this counter reply. It is once again submitted that notwithstanding the petitioner's rank in the select panel and the fact that he belongs to Scheduled Caste, he had no right to hold that post for the reason that he was

100%
true copy

State/ Administration/ Division
Bachnow Beach
Date of Filing.....
Date of Receipt by Post.....

-4-

D. Bokhara (D)

ineligible for promotion from the post of Senior Clerk [Rs.330-560(RS)] to the post of Assistant Superintendent [Rs.550-750(RS)]; and his selection was wrong and against the relevant rules.

It is specifically denied that the impugned reversion order dated 10.04.1985 [Annexure No.4] is violative of Articles 14, 16 and 311(2) of the Constitution of India.

9. That for the facts, reasons and circumstances already stated in this counter reply, the contents of paragraphs 9, 10, 11 and 12 of the petition are denied. It is specifically denied that the order reverting the petitioner from the post of Assistant Superintendent to his substantive post of Senior Clerk is violative of Articles 14, 16, 311(2) and/or 335 of the Constitution of India.

10. That the contents of paragraph 13 of the petition are denied. It is specifically denied that the impugned order of reversion had not taken effect, and/or the petitioner had any right to hold the post of Assistant Superintendent.

11. That it is most respectfully submitted that after his reversion from the post of Assistant Superintendent [Rs.550-750(RS)] to the post of Senior Clerk [Rs.330-560(RS)] on the basis of impugned order [Annexure No.4], the petitioner was transferred to Office of the Divisional Railway Manager, Northern Railway, Ferozpur, vide letter /order No.561E/6-3/Promot/Transfer dated 10.10.1985. He retired from service after attaining age of superannuation on 30.06.1994 from the Ferozpur Division of Northern Railway. The post retirement Settlement Dues paid to the petitioner are as under :-

1. Provident Fund Rs.12,450.00

100% CREDIT
SBI BANK

By. Rodriguez (2)

2.	Death cum Retirement Gratuity	Rs. 38 610.00
3.	Leave Encashment	Rs. 31,824.00
4.	G.I.S.	Rs. 5,084.00

Petitioner's pension has been fixed at Rs. 968.00 +
Admissible relief

12. That the contents of paragraph 14 of the petition need no comments. However, it is most respectfully submitted that none of the grounds enumerated in paragraph under reply are tenable in the eye of law. The petition, being devoid of merit, is liable to be dismissed with costs.

13. That the contents of paragraph 15 of the petition are denied in view of the submissions already made in the counter reply.

Lucknow, Dated
July 22, 1997.

VERIFICATION

I, V. P. Srivastava, presently posted as Assistant Personnel Officer, Northern Railway, Lucknow, do hereby verify that the contents of paragraph 1 of the counter reply are true to my personal knowledge and those of paragraphs 3 to 11 are based on record and are believed to be true. The contents of paragraphs 2, 12 and 13 are based on legal advice and are believed to be true.

Lucknow, Dated :
July 22, 1997.

IN THE

LIVE TRIBUNAL

Gandhi Bhawan, Residency, Lucknow

TM 1718797

No. CT/Alld/Transfer/3320/7332 Dated the

Dal Chand

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

1) Dal Chand & to others

To 81/10/90 before the

Chairman of India through Secretary of Ministry of Railways Govt of India New Delhi

2) The R.P.O. Mathura Railways

Whereas the marginally noted case has been transacted by 11/6/90 under the provision of the Adm. Tribunal Act XIII of 1985 and registered in this Tribunal

Writ Petition No. 3320/7332, the Tribunal has fixed date of

of 1990, of the Court of

11/6/90

arising out of order dated

passed by

5/3/90 1990. The hearing

of the matter.

If no appearance is made on your behalf by your some one duly authorized to Act and plead on your behalf.

The matter will be heard and decided in your absence, given under my hand seal of the Tribunal this 15 day of 4/1 1990.

dinesh

DEPUTY REGISTRAR

2) The Chairman, Railways

Mathura, Hapur