

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE T.A. 1918 OF 87 W.P. 3918/88

NAME OF THE PARTIES Shri Pal

Applicant

Versus

D.R.M. - C.N. Rly) Respondent

Part A, B & C

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6	B. file -	
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CERTIFICATE

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

Dated 16-3-2011 B/c destroyed on 9-5-12

Counter Signed.....

Check on  
31-1-12  
m

Section Officer / In charge

Signature of the  
Dealing Assistant

(A1)

19/8/87 (7)

11/5/90

Hon Mr K. J. Ramon, A.M.  
Hon Mr D. K. Agrawal, P.M.

The applicant in person  
Shri A. Srivastav, is present on behalf  
of the opposite parties.

The applicant waives adjournment.  
The prayer is allowed. List the case  
for hearing on 24/9/90.

Meanwhile, the respondents  
may file counter within 6 weeks.  
Rejoinder, if any, may be filed within  
2 weeks, thereafter. The case is <sup>apparently</sup> pretty  
old one, which will not be adjourned  
further on the date fixed.

Dis  
P.M.

Hon  
A.M.

24.9.90

No setting Adj to 12.12.90

DD

CA filed.

OR

CA filed with application  
for condonation of delay  
duly served on the  
applicant.

No CA filed

S.F.Y

11/2

(A2)

1918/87(T)

12.12.90

D.R.

Both the parties  
are present today  
R.A. has not filed  
by applicant.  
Case is listed  
before me on  
2.1.91 for filing  
R.A. by applicant.

2.1.91

D.R.

Applicant is present  
today. He desires  
time for filing  
Rejoinder. Applicant  
to file Rejoinder  
by 31.1.91. O.P.'s  
side is not present.

31.1.91

Applicant to  
file rejoinder  
by 15.3.91

15.3.91

D.R.

Respondent's side is  
present. Applicant's  
side is absent today.  
Applicant is ordered to  
file R.A. by 9.5.91.

(A3)

1918/89 9

17.11.91

D.R.

None present for  
the both parties. List for  
Jalip R.A still 6.1.92

6.1.92

D.R.

Both the parties are  
absent. Applicant  
to file Rejoinder  
by 12/3/92

12.3.92

D.R.

Applicant is present.

He is ordered to file  
Rejoinder by 13/5/92.

13.5.92

D.R.

Applicant's side is  
present. He did not  
file Rejoinder till  
today. He is ordered  
to file it, by 27/7/92.

Am

Dated: 10.12.1992.

Hon'ble Mr. Justice U.C.Srivastava, VC  
Hon'ble Mr. K. Obayya, Member (A)

The learned counsel for the applicant  
lives in curfew. Accordingly, the case is  
adjourned to 2-2-93.

  
A.M.

  
V.C.

2/2/93

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

As the pleadings are complete the case is  
disposed of after hearing the counsels for  
parties. Judgement has been dictated in  
the open Court.

(tgk)

  
A.M

  
V.C.

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL( ALLAHABAD BENCH)ALLAHABAD.

T.A.No.1918/87(T)

D.A.NO.

T.A.NO.

OF 199

Date of decision: 2/2/93

.....Shri Pal & Others..... Petitioner

.....Shri Vishal Singh..... Advocate for the petitioner.

Versus

.....U.O. & Others..... Respondents.

.....Shri A.Srivastava..... Advocates for the Respondent(s)

\*\*\*\*\*

CORAM :-

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

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

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

NAQVI/

Signature

(AC)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW.

T.A. No. 1918/87(T)

Shri Pal & Others                    :::::                    Applicants

Vs.

Union of India &  
Others.                                :::::                    Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Obayya, A.M.

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

This application has been filed against the reversion order dated 23/7/85 reverting the applicant from the post of C.P.C. Gangman. The applicant No.1 has started his service as a Black smith in the year 1974 and applicant No.2 was recruited in the year 1976. The applicant was transferred and sent to Kanpur on 5/3/78 as a member of the team of the welding gang. 30 persons were given appointment and sanction for the appointment was only upto 5/3/78 and on this arrangement they continued upto 19/12/80. The applicants were only daily-wage workers.

2. According to the applicants after completing 6 years of service they were treated as temporary employees and they were given C.P.C. scale from 15-1-90 in pursuance of the Railway Board's Circular dated 21-3-74. They were treated as temporary employees and they were given C.P.C. scale and that is why afterwards they were given regular scale also. According to them because of the intervention of Uttariya Railway Mazdoor Union, this reversion order was passed. The applicants made representations but the same were not considered and that is why they have challenged this order.


3. The respondents have opposed the application and they have stated that the permanent gangmen were directed to work at Sultanpur, but the applicants No.1 & 2 were not sent from Faizabad as applicants No.1 & 2 were out of employment since 17-9-76 and 2/8/77 while applicant No.3 was never appointed under Assistant Engineer, Faizabad. They came to Sultanpur on their own accord and none of the applicants were working at Faizabad when the welding team started working from 5/3/78. The applicant No.3 never worked in Railway prior to 2/1/78. The applicants No.1 & 2 were casual labours only. As such they were not competent to get permanent appointment unless they were declared as successful in the screening. It was never the intention of the Railway Administration to give any harm to the applicants and as a result of the negotiations between the Railway Administration and the recognized Union of which these applicants were also members, this decision was arrived at. As the applicants were not entitled to regular appointment after 6 months regular service, they were only given appointment as temporary casual labourer. The applicants were given a temporary status. They were appointed only for job of casual labour for specific period and on completion of sanctioned period and completion of the work on which they were working, they may be put off from the work. Work was not available for the post in which they were appointed and that is why they were given temporary status and that is why they became members of the Union as casual labourers.

4. It appears that the sanction of the post came to an end and that is why they were reverted to the post of gangmen. In case the sanction is revived and the post is available, their case for the said post for regularisation



could have been considered which shall even now be considered and their seniority cannot be overlooked. But for the above observations for considering the applicants for regularisation and promotions in case vacancies are available, in case their turn comes in preference to their juniors, the application is otherwise dismissed. No order as to the costs.

  
Member (A)

  
Vice-Chairman.

Dated: 2nd February, 1993, Lucknow.

(tgk)

CIVIL  
SIDE  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. 3918-85

Name of parties

Sri Lal and others

vs. Divisional Railway Manager

Date of institution

9-8-85

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-	W.P. with Annexure and Affidavit	31-		302.			
	2-	Power	1-		5.00			
	3-	C.M.O. 979(W) of 85	1-		5.00			
	4-	Order Sub.	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 papers 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.

Munsarim

Clerk

(A 0)

Group A, 14 (F)  
6095

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

Writ Petition No. 3918 of 1985.

Sri Pal and others

... Petitioner

Versus

Divisional Railway Manager  
and others

... Opposite Parties.

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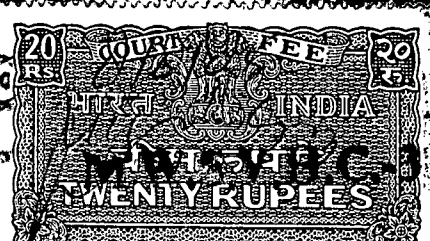
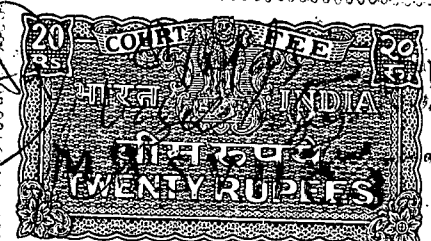
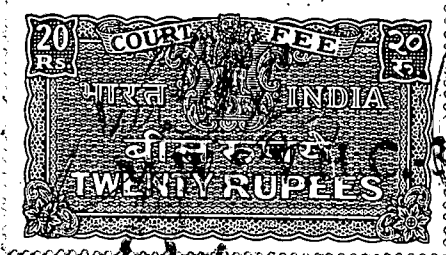
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Vishal Singh  
Counsel for the Petitioners

Lucknow: Dated

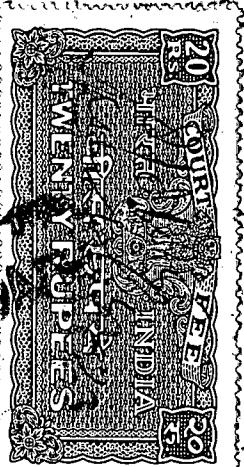
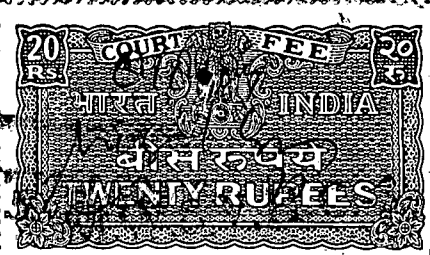
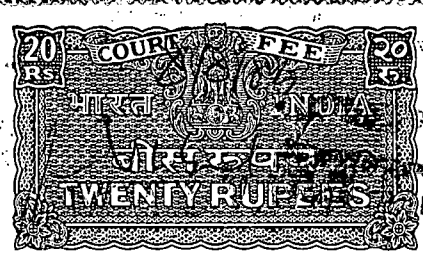
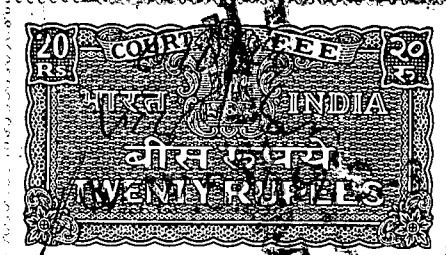
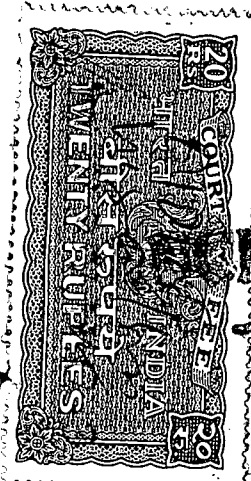
August 8, 1985.

10361



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

Writ Petition No. 3918 of 1985.



1. Sri Pal, aged about 31 years, son of Sri Dwarika, r/o P.W.I.(I) Workshop N. Rly. Sultanpur.
2. Sri Ram S/O Ram Sunder, r/o P.W.I.(I) Workshop, N. Rly. Sultanpur.
3. Ram Murat s/o Angnoo, r/o P.W.I.(I) Workshop, N. Rly. Sultanpur.

... Petitioners

Versus

1. Divisional Railway Manager, Northern Railway, Lucknow.
2. Divisional Engineer III, Northern Rly. Hazratganj, Lucknow.
3. Asstt. Engineer, Northern Rly. Sultanpur.
4. P.W.I.(I), N. Rly. Sultanpur.

... Opposite parties

The petitioners above named most respectfully beg to submit as under :-



Handwritten signature/initials

1. That the petitioner no.1 was initially appointed at Jaunpur as Blacksmith with P.W.I. in 1974. There he lived for about three and half years. The petitioner worked in Jaunpur, Faizabad, Shahganj, etc. The petitioner no.2 was also recruited as Blacksmith in 1976 at Faizabad and Rudauli.

2. That in November 1977 it was decided by Sri Phool Singh, D.E.N.(I) Lucknow that a team of welding gang be arranged at Sultanpur Sub-Division under charge of P.W.I.(1) Sultanpur.

3. That Faizabad Sub-Division was also under the charge and control of D.E.N.(1) Lucknow. It was decided by D.E.N.(1) Lucknow to take two trained welders on daily wages from Faizabad Sub-Division where welding team was already working.

4. That one Sri Raja Ram who was permanent man in welding team was directed to go to Sultanpur Sub-Division with two persons. The petitioner no.1 welder and Sri Ram, petitioner no.2, who were trained in welding trade and Ram Murat, petitioner no.3 and few khalasis were also made to go to the Sultanpur Sub-Division in welding team.

5. That the petitioners were sent to Sultanpur sub-division to join on 5.3.1978. When they reached Sultanpur all the thirteen persons were appointed. This was sanctioned vide E.L.A. No. 134/DS/SLN/77-78 dated 29.11.77 and this was given effect from 5.3.1978. The sanctioned E.L.A. dated 29.11.77 is annexed as Annexure 1 with this writ petition.



2/4/78

6. That petitioner no.1 and petitioner no.2 were appointed at the wages of Rs.8.50 per day, as evident from Annexure 1. Pther person was also appointed at the wage of Rs.6.50 per day and 10 Khalasis at the wages of Rs.5.50 per day. The welding team started at Sultanpur. That this arrangement went till 14.1.1980.

7. That the petitioners nos. 1 and 2 <sup>and 3</sup> completed six months continuous service and were thus treated as temporary and were given C.P.C. scale from 15.1.1980 under para 6101 of the pointed slip. The relevant para is quoted below :-

" Serial No.6101 - Circular No.220 E/190-VIII(EIV) dated 21.3.1974.

Sub: Employment of casual labour on Railway  
Granting of authorised scale of pay to casual labours on completion of 9 months - now four months continuous service.

Attention is invited to Railway Board's letter No.E-72/RLI-69/3(1) dated 12.7.73 wherein the Board, while accepting the recommendation of the Railway Labour Tribunal have decided that casual labour other than those employed on projects should be treated as temporary, after the expiry of 4 months! continuous employment, instead of 6 months as existed previously. It follows that it is the responsibility of the administration to bring the casual labour who have continuously been employed for a period of 4 months to authorised scale of pay. It is, however, observed that in some departments casual



labours are not brought on authorised scale of pay and continue to be employed as casual labour rates. Non-granting of authorised scale of pay to such labourer on expiry of 4 months attracts the provisions of Board's order. It is understood that in all estimates prepared by the executive officers concerned provision for staff is made on C/L rates. This may be so on account of limited funds allotted for the work. All T.L.As. are also sanctioned making provision for employing men on C.L. rates and on account of this casual labours are not being brought on authorised scale of pay after the stipulated period.

It is desired that all concerned should be advised in this regard to make provision for labour on authorised scale of pay so as to comply with Railway Board's orders referred to above. By doing this, you may be slightly over-budgeting inasmuch as for the first 4 months the provision would be made on authorised scale whereas staff would be appointed on casual labour rates but this slight over-budgeting would be desirable to ensure that Railway Board's orders are implemented and there should be no labour unrest on this account.

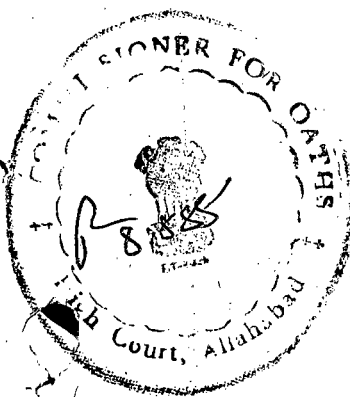
The officers concerned should also be instructed that no casual labour is prevented from working on such jobs so as to deprive him of earning the status of a temporary Rail way servant on the expiry of his continuous employment of 4 months.



9/11/44

It may however again be clarified that only casual labour employed in works other than project are to be given authorised scales of pay on continuous employment of 4 months."

It is submitted that when the petitioners were treated as temporary and were given C.P.C. scale then they are entitled to all rights and privileges admissible to temporary railway servants as laid down in the Indian Railway Establishment Manual. The Opposite Party no.1, without giving any opportunity to the petitioners, under the influence of Uttari Railway Mazdoor Union, Sultanpur passed the order of reversion which is penal in nature. Further, the petitioners are entitled to the benefits of the Discipline and Appeal Rules.



8. That the petitioners were given regular pay scale as per paragraph 7 above. After giving due consideration the scale of Rs.200-250 was sanctioned. This scale was also given to the other staff. At this time the fixation was also not justified as equivalent grade of 8.50 per day was Rs.260-400.

9. That the petitioners worked as temporary Welders and Blacksmith in the Welding Team to the entire satisfaction of their superiors and worked from Zafrabad to Utraitia on Lucknow-Sultanpur route and Zafrabad Section. They carried on the work with the entire satisfaction of the superiors. The opposite party no.1 gave one

2/11/14



certificate of merit to the petitioners. The certificates are annexed as Annexures 2 and 3 with this writ petition.

10. That the petitioner no.1, Sri Pal, and petitioner no.2 worked on two tanks for getting the speedy work. They successfully performed the work. The petitioner no.1, Sri Pal, who was charged for welding was sent for training to Thermit Portion Plant, Charbagh, Lucknow. The petitioner was granted competency certificate. The petitioner no.2 ~~and~~ <sup>and were</sup> not sent for training as the training was only for Welders and not for Blacksmith. The training certificate is annexed as Annexure 4 to this writ petition.

11. That ~~both~~ these petitioners were given award for their work, as is evident from Annexures 2 and 3.

12. That Uttariya Railway Mazdoor Union which negotiates with the opposite party no.1 and administration never recommended ~~both~~ these petitioners for promotion or for any benefit, although ~~both~~ the petitioners deserve promotion. The Uttariya Railway Mazdoor Union felt jealous with the petitioners when they were given the certificates by opposite party no.1, who appreciated the work. The Union met the opposite party no.1 who communicated the decision through opposite party no.2. The decision is annexed as



2/11/27

Annexure 5 and 5.A with this writ petition. It is submitted that this decision is in violation of Rules.

13. That the representation of the petitioners were given to the opposite party no.2 which he recommended to D.E.V.III on 12.9.1984. This recommendation is annexed as Annexure 6 with this writ petition. On the recommenda, the opposite party no.2 sent his sanction. This sanction is annexed as Annexure 7 with this writ petition.

14. That the opposite party no.2, after allowing the representation, as recommended by opposite party no.3, serve the scale of Rs.260-400 from 15.9.84. This grade was subsequent and sanctioned from 15.3.85. This sanction is annexed as Annexure 8 with this writ petition.

15. That ~~both~~ the petitioners passed the requisite test and they have already completed continuous service of six months and therefore are entitled for regular appointment and when the grade was given it was considered and fully found suitable. The grade was sanctioned to them after due consideration.

16. That the petitioners worked in the scale of Rs.260-400 from 15.9.1984 and for no fault of theirs the opposite party no.1 passed

an order of reversion on 15.7.1985, which is a reduction in rank and is a punishment to the petitioners. This reduction from the scale of Rs.260-400 to Rs.200-250 will operate as a penalty for which there would be a loss of emoluments and privileges of that rank. The petitioners were given C.P.C. grade under the rules and regulations when they completed 120 days continuous service. The order of reversion is annexed as Annexure No.9 with this writ petition. Withdrawing the grade of Rs.260-400 would mean that the petitioners are even deprived from the status which they acquired as temporary servants.

17. That if the order annexed as Annexure 9 is going to subsist then in that case it would be a punishment and would be a reduction in rank which visits the petitioners with panel consequences. The petitioners have a right to the post and rank and are entitled to the grade of Rs.260-400 which was sanctioned. After prolonged correspondence with the opposite party no.1 who after considering the para 1940 conquered the opinion of opposite party no.2. The relevant para is reproduced below :-

" Serial No.1940 - Circular No. 831-E/253/2 (Eiv) dated 4.2.1963.

Sub: Absorption of casual labourers in regular vacancies.

A copy of Railway Board's letter No. E(NG)-62 CL/36, dated 16.1.1963 is reproduced below for information and guidance.

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET

Cause Title 1918/87 of 1993

Name of the Parties Sripal & others Applicant

Versus

U.O.I. Respondents.

Part A.E.C.

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B. File

Petition,

B<sub>51</sub> to B<sub>91</sub>

Annexure,  
counter

C. File

office copy of notices

8

Instances have come to the notice of the Board where casual labourers engaged in work charged establishment of certain departments get promoted to semi skilled skilled and highly skilled categories due to non-availability of departmental candidates and continue to work as casual employees for very long periods. On their absorption in regular posts they again start from unskilled posts and thus sustain monetary loss. To obviate such hardships the Board have decided that such casual labourers should be straight-way absorbed in regular vacancies in skilled grade (provided they have passed the requisite trade test) to the extent of 25 per cent of the vacancies reserved for departmental promotees from the unskilled and semi-skilled categories. ~~wikk~~ The staff so absorbed in skilled categories will take their seniority below the departmental promotees.

(This disposes of Dy. C.P.O. Southern Rly. D.O. letter No.P(S) 535/1/20 dated 24.9.1962)."



18. That the opposite parties are acting malafide and arbitrarily in reverting the petitioners and retaining Sarvsri Daya Ram and Mahi Lal, who were also casual labourers and working as Blacksmith in the scale of 260-400, and Sri Manohar, Raju, Shobh Nath, Chedi, who are Hammermen like the petitioner no.3 and are getting the scale of 250-270 and Ghanshyam, Welder who was initially given

the scale of Rs.210-270 as the petitioner no.1 and 2 and has now been given the scale of 260-400. All these persons are in C.P.C. scale. The opposite parties arbitrarily reverted the petitioners nos. 1,2 and 3, ignoring the fact that other persons who were similarly situated are retained and under the pressure of the Uttariya Railway Mazdoor Union the opposite parties have passed orders of reversion, Annexure 9 dated 23.7.1985.

9/4/85

19. That the petitioners have completed 120 days continuous service on open line in the division and prior to their discharge the opposite parties should have kept for screening, specially when their juniors were still working in the same grade. The opposite parties have reverted the petitioners under the influence of the Uttariy Railway Mazdoor Union.

20. That the order Annexure 9 is bad, inoperative, inter alia, on the grounds mentioned below :-

GROUNDS

- (i) Because it is the reversion and reduction in rank which has visited the petitioners with civil consequences.
- (ii) Because the impugned reversion order has postponed the future promotion ~~with~~ to indefinite period of time.

- (iii) Because the juniors were retained whose record is in no way superior to those of the petitioners, but they have been retained and the petitioners are reduced to the lower rank.
- (iv) Because the impugned order, the juniors have been retained and the petitioners have been reduced to lower rank against the orders of the Railway Board under printed slips nos. 1940, 5909 and 6101.
- (v) Because the statutory rules have been violated as the adequate opportunity has not been granted to the petitioners before passing reversion orders.
- (vi) Because under the pressure of Uttariya Railway Mazdoor Union and on the decision taken by them the opposite party no.1 agreed to the reversion of the petitioners over-ruling and ignoring the Railway Board's order in printed slips No 1940m 5909 and 6101, which no one empowered to change except the Railway Board itself.

A 20  
13

the face of records and the petitioners are entitled to a writ in the nature of certiorari quashing Annexure 9 dated 15.7.85 passed by the opposite party no.1.

22. That there is no other adequate remedy except a petition under Article 226 of the Constitution of India.

WHEREFORE it is most respectfully prayed that Your Lordships may be pleased to quash the orders dated 23.7.1985, Annexure 9, passed by P.W.I.(I) Sultanpur; and further Your Lordships may be pleased to issue a writ in the nature of mandamus commanding the opposite parties not to revert the petitioners.

Vishal Singh  
Counsel for the Petitioners

Lucknow: Dated

August 9, 1985.



13  
A 21  
14

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

-----  
Writ Petition No.                      of 1985.

Sri Pal and others                      ..                      ..                      Petitioners

Versus

Divl. Rly. Manager and others                      ..                      Opposite Parties

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Annexure No.1

Northern Railway

A.E.M.-S.L.H.

Sub: C.P.C. scale to Artisan staff appointed  
on daily wages.

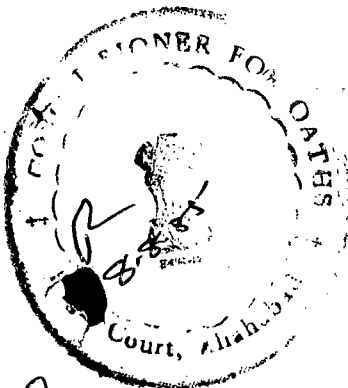
In connection with above, please take action  
as per provisions in printed serial No.1940, 5908 and  
6101 for your information, gist of above printed  
serials given below.

P.S.No.1940 - Such C.L. appointed as semi skilled,  
skilled grade should be absorbed in the regular  
vacancies to the extent of 25% vacancies.

P.S. 5908 - Normally C.L. in semi skilled/skilled  
grade should not be engaged without proper trade t  
test for which a panel is to be maintained. If no  
panel exists if any such C.L. without trade test  
has been engaged their suitability should have adj  
adjudged before attaining temporary status.

P.S. 6101 - A C.L. after completion of 120 days of  
continuous work could be given C.P.C. scale provided  
above conditions are fulfilled.

Sd/-  
D.E.M.III  
Lko.



*Sh. N. T. M.*

14 (A282) 15

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

-----  
Writ Petition No.                      of 1985.  
Sri Pal and others                      ....                      Petitioners  
Versus  
Divl. Railway Manager & others ..                      Opposite Parties  
-----

Annexure No.2

No.344

Competency Certificate

This is to certify that Sh. Shri Pal S/O Sh.  
Dwarika (Designation) Gangman working under  
P.W.I./Sultanpur attended the training course  
of Thermit Welding from 19.1.82 to 25.1.82 and  
has successfully completed the course in  
Thermit Welding.

Sd/-  
Works Manager

Sd/-  
Officer on Special  
Duty

Lucknow

Dated 25.1.82.



21/1/82

15  
A23  
16

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

Writ Petition No. of 1985.

Sri Pal and others .. Petitioner

Versus

Divl. Railway Manager & others Opposite Parties

Annexure No. 3

Divisional Railway Manager  
Northern Railway  
Lucknow.

Railway Week - 1981

Commendation Certificate

Shri Sri Ram son of Ram Sunder Gangman in C.P.C. scale under PWI(I) Sultanpur is a hard worker. He is generally utilised to work as Blacksmith-cu-Welder. He has given the progress of 8 to 12 joints per day. His services can be utilised in all sphere of P.Way i.e. he can be utilised as Mate, Trolleyman, Blacksmith, Welder, etc.

In recognition of his good work done, a cash award of Rs.50/- and a commendation certificate is sanctioned to him.

A copy of this certificate is being placed in his service record.

Sd/-

(H.S. Chatta)  
Divisional Railway Manager,  
Lucknow.



2/4/81

In the Hon.ble High Court of Lucknow (Allahabad)  
(Muzammar Bouch) Muzammar  
W.P. No. 1605 of 1925  
Sri Lal and others Vs. Devisingal Railway Manager and others (16)

Annexure No 4

A2<sup>nd</sup>

1/17

# Competency Certificate

This is to certify that Sh. S. K. B. B.  
40 Sh. D. S. B. B. (Designation) General Manager  
Working under P. W. S. S. K. B. B.  
attended the training course of Thermo  
Welding from 13.1.82 to 25.1.82 and  
has successfully completed the course  
in Thermo Welding

L. S. B. B.  
25.1.82  
WORKS MANAGER

S. K. B. B.  
25.1.82  
OFFICER ON SPECIAL DUTY

LUCKNOW

DATE 25.1.82



(A25)

(17)

Y. 18

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

-----  
Writ Petition No.                      of 1985.

Sri Ral and others                      ... Petitioners

Versus

Divl. Rly. Manager & others ... Opp. Parties.  
-----

Annexure No. 5

Northern Railway

No. 48/DRM/SLN/ELA/84-85

Divl. Office  
Lucknow.

AEN/SLN

Dated 15.7.85

Sub: Engagement of Artisan staff from Class IV  
staff in C.P.C. scale.

-----  
On date it has been decided in the implementa -  
tion meeting of URMU that URMU's PNM decision against  
item 241 of 69 PNM for Artisan staff should be  
strictly followed in supersession of all orders.

Hence Artisan staff in your sub-division not  
to be given CPC scale on a date subsequent to the  
decision.

Anybody who has been given CPC scale after that  
date should go back to his substantive post and  
his pay should be charged accordingly and the  
sanctioned ELA in CPC scale should be treated as  
cancelled and fresh ELA submitted.

Sd/-  
D.E.N. (III)  
15.7.85.



(A26) 18  
19

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

Writ Petition No. of 1985.

Sri Pal and others ..... Petitioners

Versus

Divl. Railway Manager and others.. Opp. Parties.

-----  
Annexure No. 5-A

Sub: Items for implementation decided with Union.

Ref: File No. 473W/Imp/URMU letter No. 43/W/PNM/  
URMU/Imp. dated 12.9.83 to DPO.

.....

Item 241  
69th

This was with-held with the consent  
of both the Unions. However, it has  
been decided that these persons will  
be replaced by candidates recruited  
as artisans against 25% direct  
recruitment quota from open market.



A27 19 1/20

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

Writ Petition No. of 1985.

Sri Pal & others ..... Petitioner  
Versus  
Divl. Railway Manager & others : : Opp. Parties.

Annexure No.6

Northern Railway

Office of the Asstt. Engineer,  
Sultanpur, dated 12.9.1984.

S.N. Srivastava  
AEN/Sultanpur.

D.O. No. W/3/84

Dear Shri Verma,

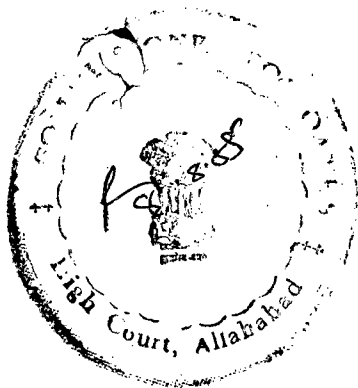
Reg: Welding gang in the section of PWI(I)pSLN.

The welding gang under PWI(I)/SLN was created  
in the year 1978 with the following staff :-

Welder	- 1	@ Rs.8.50 per day
B/Smith	- 1	@ Rs.8.50 per day (in place of one aligner and one Moulder)
H/Man	- 1	@ Rs.6.50 per day
Khallasias	- 10	@ Rs.5.50 per day.

The above staff continued on daily wages upto 14.9.1980. From 15.9.80 due to de-casualisation and sanction of authorised scale to the casual labour who had completed more than 180 days, the above staff were granted the scale of Rs.200-250 irrespective of the category whereas the Welder and Blacksmith should have been given the grade of Rs.260-400 (equivalent grade of Rs.8.50 per day) and Hammerman in grade Rs.210-270 (equivalent grade of Rs.6.50 per day). The staff did not complain as they were not aware of the entitled equivalent grades.

From time to time they have been representing that they should be given their equivalent grade but the work of welding was not going smoothly and continuously due to certain administrative difficulties like non-availability of petrol and portions etc.



*afum*

A 28 20 1/2

--2--

though the staff should not have been denied their rights. Now the work of welding is going on smoothly and the staff is again representing for their due right which is fully justified.

Hence, it is requested that the post of Welder, Blacksmith and Hammerman should be granted their due grade. The present sanction of the Welding gang is expiring on 14.9.84 and fresh ELA with revised scale is being attached for sanction please.

I would like to bring in your notice that there was an agreement with the Unions that no casual labour should be given skilled grade and only permanent men should be absorbed against skilled vacancies and ~~other~~ order were issued in the past to discharge all the skilled casual labour but again it was postponed due to stay order received from the court at certain places and status quo has been maintained. Had the above casual labour been given their proper grade on 15.9.80 this difficulty would have not arisen and by granting the skilled grade to them we will not be violating the agreement with the Unions for not appointing casual labour against skilled grade.

I would further add that if we deny their legitimate rights they will again represent through Unions and since their grievance is genuine, we will have to accept their demand.

DA one ELA

Sincerely

Sd/- (S.N. Srivastava)

Shri B.J. Verma,  
Divl. Engineer III  
Northern Railway.  
Lucknow.



2/14/77



A29 21 1/2

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

Writ Petition No. ... of 1935.

Sri Pal and others ... Petitioners

Verma

Dist. Ry. Manager and others ... Opp. Parties.

Annexure No. 7

9/1/35



In the Hon. High Court of Judicature at Allahabad (the Hon. Bench)  
Muzammar

Sri Pal and other Vs. Dwarika/Ram Sunder/Smith

Annexure no 7

Northern Railway.

Office of the PWI (I) SIN  
Dated : 30.6.85.

No. 20/E/85

The Asstt. Engineer,  
Sultanpur

C/o DEN (III)/LKO.

Re:- Representation of URMU/SIN for giving  
the scale of Rs. 250-400 to S/Shri Sri Pal  
s/o Dwarika Ty. Welder and Shri Sri Ram  
s/o Ram Sunder Ty. B/Smith.

....

As desired the history of the <sup>original</sup> organisation of welding team under PWI (I) SIN alongwith full details of the case is furnished below for your perusal please:-

That some time in Nov. '77 it was desired by the then DEN (I)/LKO Shri Phool Singh to form a welding team in SIN sub division under charge of PWI-1/SIN. Since PD Sub. Division was also under the charge of DEN (I)/LKO, he instigated to take two trained welders (" daily rates ) from PD sub division where there was a welding team already in existence .&

Shri S. N. Srivastava the then PWI/PD was contacted and he directed one Shri "a Ram permanent welder from PD alongwith two trained men in welding trade that is S/Shri Sri Pal Son of Dwarika and Shri Ram Son of Ram Sunder along with three or four khallasis . These two men were engaged in PD sub-division i.e. at RDL , PD , SHD and JNU at the rate of Rs. 8/50 per day and consequently when they came here a sanctioned of 13 men i.e. one welder, one B/Smith , one H/Man and 10 Khallasis were asked for which SLA was sanctioned vide No. 134/DS/SIN /77-78 dated 29.11.77 and the same was operated on 5.3.78 S/Shri Sri Pal son of Dwarika was appointed as a welder and Shri Ram Son of Ram Sunder as Blacksmith at the rate of Rs. 8/50 per day and Shri Ram Mirat Son of Sri Ram Khehwan as H/Man at the rate of Rs. 6/50 per day and 10 Khallasis at the rate of Rs. 6/-per day and as such the welding team was started here with effect from 5.3.78 and is continuing since then.

5.888-

The details list of the EIA sanctioned for welding work is also enclosed for your perusal please.

These two men are continuously working since 3.6.78 as welder and blacksmith at the rate of Rs. 8/50 per day and the same rate was continued upto 14.1.80. When CPC scale was considered to be given to them, EIA for these men was submitted for CPC scale of Rs. 260-400 but the same was not approved by the then AEN/SIN and the scale of Rs. 200-250 was got sanctioned to all the staff irrespective of the category whether working as welder, B/Smith, H/Man, or Gangman who have completed 180 days continuous service whereas the welder and the blacksmith should have been given the scale of Rs. 260-400 (Equivalent grade of Rs. 8/50 per day) and H/Man in Rs. 210-270 (equivalent grade of Rs. 6/50 per day) with effect from 15.1.80.

It is also true that the both the above named have worked as temp. welder and B/Smith in welding team on entire L&E Section from ZED to UTR. They carried out the work of conversion of ordy. rail to SWP, SWP to LWR and LWR to CWR in the sections of PWIs SKNR, (I) SIN, and NHH.

Both the abovementioned staff are welder cum Blacksmith and as such both have been utilised as welders on two tanks at certain occasions for progressing the work. Shri Pal Son of Swarka who is being charged as welder was directed to Thermit Portion Plant Charbagh Lucknow for necessary training and he had obtained competency certificate from there but Sri Ram son of Ram Sugder who is charged as B/Smith was not sent for training as the training is conducted for welder only.

2/4/81

R. S. S. T.

These two men have also been awarded cash award of Rs. 50/- each with commendation certificates for their best performances during 1981 by the then DRM/LKO (copy enclosed for perusal please).

These two men did not complain to any union as their cases was being represented to DSSs in their respective inspection buyers and they have full faith that the administration will certainly do justice and grant their legitimate rights by giving them scale of Rs. 260-400 as they are working and doing the job of that grade.

Their representation was forwarded vide this office letter No. 202 /84 dated 6.9.84 to AEM/SIN and he was kind enough to send the EIA of Rs. 260-400 and the same was sanctioned vide 133/DRM/SIN dated 10.10.84 for six months from 15.9-84 but due to certain queries they were not given this scale of Rs. 260-400 with effect from 15.9.84. Again their EIA was sanctioned vide 1/DRM/SIN dated 29.3.85 for six months from 15.3.85 to 14.9.85 and they are now being charged in this grade with effect from 15.3.85.

It would not be out of way to mention that the appellant Ram Pal S/O Chauti who was initially as casual labour G/M of PWI-II/SIN unit and that of T/Depot unit was engaged under PWI-I/SIN as Ty. G/man with effect 3.2.78 in ty gangs and continued upto 2.3.78. that is for 28 days - Again on 15.6.78 he was engaged in Welding gang as Ty. G/Man at the rate of Rs. 5/ per day. He has never worked either as welder blacksmith, H/Man, Looter, Moulder or aligner in this unit or in any other unit.

It would also be not out of way to mention that S/Sri Daya Ram, Mahai Lal casual labour B/Smith are getting the scale of Rs. 260-400 in T/Depot and S/Shri Manohar, Rajoo,

2/4/87

8888  
Sd/-  
Sd/-  
Sd/-

- 40 -

Shobnath

Shobnath, Chedi W/Man are getting the scale of R.210-270 and Mr Shri Ghanshyam Welder of T/Depot who was initially given the scale of R.210-270(CPC) has been given the scale of R.260-400. These all men are of CPC scale.

Brought to your kind notice for perusal please.

Sd/-

CPWL/SUN.

DA  
CPWL

8.8.81  
RECEIVED

21/4/71

A34 (23) 27

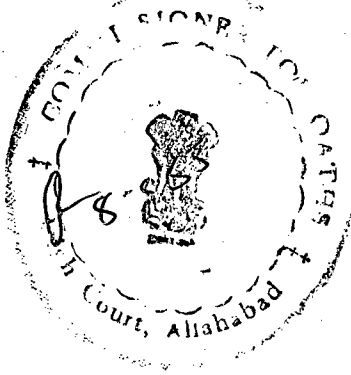
In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow.

-----  
Writ Petition No.                      of 1985.

Sri Pal and others                      ... Petitioners  
Versus  
Bivl. Rly. Manager and others                      ... Opp. Parties.

-----  
Annexure No. 8

24/4/85



City (P.W.I.-S.M.)

ELA From ME 15-3-85 To 14-7-85 under P.W.I.-S.M. Sub-Item for C.M. & L.

SL No	Description of Work	No of Man	Period	Rate of Pay	Amount	Allocation	Name of work	Remarks
	Labour		15-3-85	16 mm @ 218/-	103537.20		Labour Required to work with Perimeter Gangs against existing Varnishes in the Section of P.W.I.-S.M. four	Business Contribution 123/200M/200/ELA dt. 10-10-84
	C.P.C. Gang Man	61	70	1 mm @ 206/-	3779.40	04-241-09		
			14-9-85	34 mm @ 203/-	126765.20			
				11 mm	234082.20			
	C.P.C. Gang Man	5	-do-	0 226/-	22586.00	04-230-09	Labour Required to 1 m & as last year year repair in the Section of P.W.I.-S.M.	-do-
	C.P.C. Gang Man	1	-do-	0 260	4691.40		Labour Required for working of Rail joints in the Section of P.W.I.-S.M.	-do-
		1		0 260	4691.40	04-241-09		
		1		0 218	31857.60			
		10		86 mm @ 18/-	7456.80		Labour Required for cantilever work at km 95.70 to 96.40 at Station IFM - 1112 - 1114 (Repairing of bridge)	-do-
	C.P.C. Gang Man	35	-do-	0 203/-	130494.00	04-241-09		

Justification is given on reverse.

Total → 114

ELA No. 62 - P.W.I.-S.M.

dt. 1-3-85

15/11/85

15/11/85

Serial No. 1/200M/200/ELA

dt. 29/8/85

15/11/85



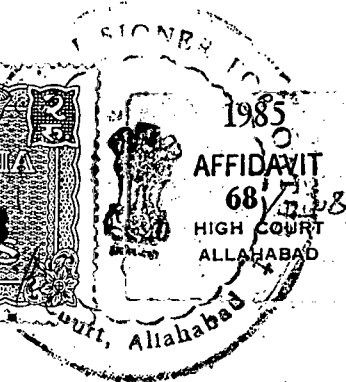
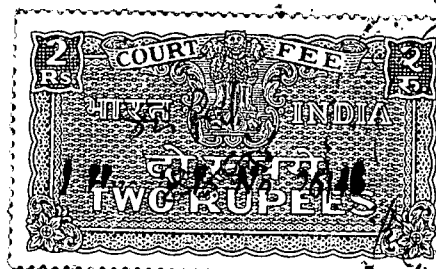




(A37) 26 30

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

Writ Petition No. of 1985.



Sri Pal and others .. Petitioners

Versus

Divisional Railway Manager  
and others .. Opposite Parties

AFFIDAVIT

I, Sri Pal, aged about 31 years, son of Sri Dwarika, resident of P.W.I.(I), Workshop, Northern Railway, Sultanpur, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner no. 1 and the pairokar of petitioners nos. 2 and 3 and as such is fully conversant with the facts of case.

2. That the contents of paras 1 to 22 of the accompanying writ petition are true to my knowledge.

.....2



P38

27  
31

3. That the Annexures nos. 1 to 9 of the writ petition are the true copies of the original documents.

*[Signature]*  
Deponent

Lucknow: Dated  
August 8, 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.

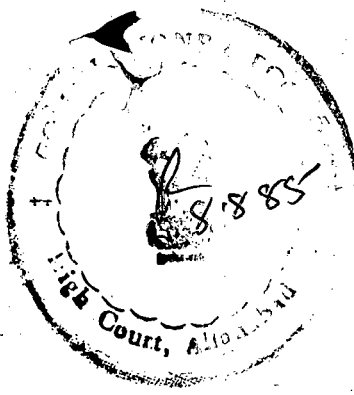
*[Signature]*  
Deponent

Lucknow: Dated  
August 8, 1985.

I identify the deponent who has signed before me.

*[Signature]*

*[Signature]*  
Advocate.



Solemnly affirmed before me on 8-8-85 at 11:30 A.M. <sup>Shri Pal</sup> by the deponent, who has been identified by Sri <sup>S. C. Shrivastava C/O</sup> *[Signature]* Advocate, High Court, Lucknow Bench. I have fully satisfied myself by examining the deponent that he understands the contents of this affidavit, which has been read out and explained by me.

*[Signature]*  
High Court, Lucknow Bench  
LUCKNOW  
No. 88/85  
Date 8-8-85



839/28

14/5/85  
01/05/85

व अदालत श्रीमान्

[वादी] अपीलार्थ

प्रतिवादी [रिस्पाडेन्ट]

High Court of Judicature at Allahabad  
Lko Bench Lko  
महोदय  
वकालतनामा

SRI PAL 2000

टिकट

वादी (अपीलान्त)

D.R.M. 2000

बनाम

प्रतिवादी (रिस्पाडेन्ट)

नं० मुकद्दमा

सन् 1985 पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर श्री

VISHAL SINGH

वकील  
महोदय  
एडवोकेट

नाम अदालत  
मुकद्दमा नं०  
नाम फरीकेन  
बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी 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 हमारी विपक्षी ( फरीकसानी ) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त ( दस्तखती ) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पेरवी 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।

Accepted  
Vishal Singh

हस्ताक्षर 1 श्री पाल 2 श्री...

साक्षी ( गवाह )

साक्षी ( गवाह ) ③ राकेश

दिनांक

महीना

सन् १९८५ ई०

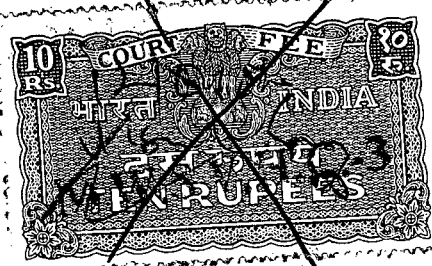
स्वीकृत

(Auo) 3/1

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

-----  
C.M. Application No. 9179(u) of 1985

in re. 3918  
Writ Petition No. of 1985.



10-15.102  
mg  
12/8/85  
Sri Pal and others

.. Petitioner

Versus

Divisional Railway Manager  
and others

.. Opposite Parties.

Application for Stay

The petitioners above named most  
respectfully submit as under :-

1. That for the facts and circumstances mentioned in the accompanying writ petition, it is necessary and expedient in the ends of justice that the order, Annexure 9, dated 23.7.1985 to the writ petition be stayed, pending disposal of the writ petition.

WHEREFORE it is most respectfully prayed that Your Lordships may be pleased to stay the operation of the order dated 23.7.1985, Annexure 9 to the writ petition, pending disposal of the writ petition.

Lucknow: Dated

Vishal Singh  
Counsel for the Petitioners

August 9, 1985.

851

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p. No. 3918 of 1985

vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
9-8-85	<p>Sen K.S. Varma, Sen SS Ahmad, Under our directions Sri C.A. Basu has taken notice - - With this petition immediately after three weeks - - shall not be presented - Sd. K.S. Varma Sd. SS Ahmad 9-8-85 G.M. An No 9179 Cu 85-</p>	
9-8-85	<p>Sen K.S. Varma, Sen SS Ahmad, For orders of date on the memo of this petition. Sd. K.S. Varma Sd. SS Ahmad 9-8-85</p>	
2-9-85	<p>fixed for Admission H.S.M.3 the B.K. ... then G.B.S.5</p>	<p>for order (By Ct. Time)</p>

Amr

In The Central Administrative Tribunal,

Circuit Bench, Lucknow. M. P. No. 602/90(L,

Civil Misc. Application No. of 1990 (T)

In Re:

Registration (T.A.) No. 1918 of 1987 (T)

Sri Pal and Others ..... Petitioners/  
Applicants.

Versus

D.R.M. and Others ..... Opposite Parties/  
Respondents.

Fixed For 24.9.90

APPLICATION FOR CONDONATION OF DELAY IN FILING

COUNTER REPLY.

That delay in filing Counter Reply is not intentional or deliberate but due to administrative and bonafide reason's which deserves to be condoned.

P R A Y E R

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

Lucknow.

Dated: 13.9.90

*Anil Srivastava*

( ANIL SRIVASTAVA )  
ADVOCATE

Counsel for Respondents.

Filed today  
19/9

(A43)

In The Central Administrative Tribunal,

Circuit Bench, Lucknow.

Civil Misc. Application No. of 1990 (T)

M.P. No. 603/90 (C)

In Re:

Registration (T.A.) No. 1918 of 1987 (T)

(Writ Petition No. 3918 of 1985)

Sri Pal and Others ..... Petitioners/  
Applicants.

Versus

D.R.M. and Others ..... Opposite Parties/  
Respondents.

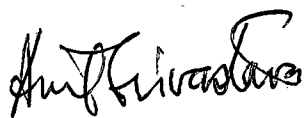
Fixed For 24.9.90

Application for vacation of Interim Order

That for the facts and reasons stated in the accompanying Counter Reply, it is most respectfully prayed that in the interest of justice the interim order granted in this case may kindly be vacated and ad-interim order the said effect may also be passed.

Lucknow.

Dated: 13.9.90

  
( ANIL SRIVASTAVA )  
ADVOCATE

Counsel for Respondents.

Amv

In the Central Administrative Tribunal,

Circuit Bench, Lucknow.

Civil Misc. Application No. ~~MP No. 602/90(L)~~ of 1990 (L)

In Re: M.P. No. 604/90(L)

Registration (T.A.) No. 1918 of 1987 (T)

Sri Pal and others ..... Petitioners/  
Applicants.

Versus

D.R.M. and others ..... Opposite parties/  
Respondents.

Fixed For 24.9.90

Preliminary Objections

1. That the writ petition has not yet been admitted.
2. That Union of India, which is a necessary party has not been impleaded as a party in this case.
3. That this case suffers from non-joinder of necessary party.
4. That in view of the above reasons, the following legal preliminary objections may be decided before taking up the case on merits.

"Whether this case would be maintainable without impleading Union of India as a party ?"

Lucknow.

Dated: 13.9.90

MP No. 602/90(L)  
MP No. 604/90(L)  
MP No. 604/90(L)

Adv.  
Counsel for Respondents



(AUS)

In The Central Administrative Tribunal,  
Circuit Bench, Lucknow.

Registration (T.A.) No. 1918 of 1987(T)  
( Writ Petition No. 3918 of 1985 )

Sri Pal and Others ..... Petitioners/  
Applicants.

Versus

D.R.M. and Others ..... Opposite Parties/  
Respondents.

Fixed For 24.9.90

Counter Reply on Behalf of All the Opposite  
Parties/Respondents

I, Anand S. Khali working as  
Divisional Personnel Officer under the  
Divisional Railway Manager, Northern Railway, Hazratganj  
Lucknow do hereby solemnly affirm and state as under:-

1. That the official above named is working under the opposite parties/respondents as such he is full conversant with the facts and circumstances of the case and has been authorised by all the opposite parties/respondents to file this counter reply on their behalf:-
2. That the contents of para 1 of the writ petition are not admitted. The petitioner No. 1 was initially appointed on 5.12.72 where he worked upto 17.9.74 in broken periods as casual labour

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under the office of Assistant Engineer, Faizabad. The petitioner No. 2 also worked as casual labour from 24.2.75 to 29.8.77 under the office of Assistant Engineer, Sultanpur.

3. That the contents of paras 2 and 3 of the writ petition are admitted.
4. That the contents of para 4 of the writ petition are denied. However, it is true that Sri Raja Ram permanent gangman of Welding team of permanent way Inspector, Faizabad was directed to work at Sultanpur but petitioners No. 1, 2 and 3 were not sent from Faizabad as petitioners No. 1 and 2 were out of employment since 17.9.76 and 29.8.77 respectively while the petitioner No. 3 was never appointed under Assistant Engineer, Faizabad.
5. That the contents of para 5 of Writ petition are denied. Petitioner No. 1, 2 and 3 were never directed from Faizabad to Sultanpur to work in Welding Team from 5.3.78 and they came to Sultanpur on their own accord as none of the petitioners were working under Faizabad when Welding Team was started from 5.3.78. Petitioner No. 3 had never worked in Railways prior to 2.1.78. Annexure No. 1 of the Writ petition is not the copy of sanctioned ELA as stated by the petitioner.
6. That the contents of para 6 of writ petition are admitted.
7. That the contents of para 7 of writ petition are not admitted as stated. The reversion orders

were issued as a result of decision arrived at during PNM (Permanent Negotiating Machinery) with DRM (Divisional Railway Manager) and with URMU (Uttariya Railway Mazdoor Union) of which the petitioners were enrolled members. Since the petitioners no. 1 and 2 were casual labourers only, as such they were not competent to get permanent appointment unless they successfully qualify the screening. It is, however, admitted that they were somehow by mistake given the authorised scale of pay and all other benefits of temporary employee but later on it was found that they were wrongly given the authorised scale, therefore, the competent authority withdrew the previous order passed in regard to grant of authorised scale of welder.

8. That the contents of paras 8 to 11 of the writ petition are admitted, so far it is a matter of record but rest of the contents are denied.
9. That the contents of para 9 of the writ petition are not admitted as alleged. It was never intended by the Railway Administration to give any harm to any of the petitioners. Only as a result of negotiations between the Railway Administration and the recognised union of the employees i.e. U.R.M.U., of which the petitioners were also members, the said decision was arrived at. It may be clarified here that the said U.R.M.U. always pleads for the welfare and benefit of the employees with the Railway Administration. It is on their accord and <sup>it was decided that no artisan scale</sup> recommendations should be given to casual labour in the larger interest of the employees.

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10. That the contents of paras 13 and 14 of the writ petition are admitted.
11. That the contents of para 15 of the writ petition are not admitted as stated. The petitioners are not entitled for regular appointment after completion of 6 months regular service, as they were appointed only for job of casual labour for specific period and on completion of sanctioned period and completion of the work on which they were working, they may be put off from the work. They have not passed the requisite test for permanent appointment as alleged.
12. That in reply to the contents of para 16 of the writ petition only this much is admitted an order of requisition was passed on 15.7.85 as per decision between Railway Administration and U.R.M.U. The rest of the contents of the para are denied. The correct position has already been explained in the paras hereinabove.
13. That the contents of para 17 of the writ petition are denied and it is submitted that the petitioners were engaged against the sanction for definite period and after completion ~~for definite~~ of the said sanctioned period, their services were liable to be automatically terminated, as such they have no legal right over the work/place, where they were working as their nature of work was of

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casual nature, as such they are not entitled to any relief by this Hon'ble Tribunal.

14. That the contents of para 18 of the writ petition are denied. The persons employees named in the para were not working in the same unit in which the petitioners were working hence inference drawn in this para is quite irrelevant and the services of the petitioners can not be compared with the said persons.
15. That the contents of para 19 of the writ petition are categorically denied. No persons junior to the petitioners in the same unit were kept and the petitioners were put out as alleged. The petitioners have completed 120 days of continuous service.
16. That the grounds mentioned in para 20 of the writ petition are vague, irrelevant, misconceived, illegal and not applicable to this case. The writ petition itself is devoid of merits as such deserves to be dismissed against the petitioners and in favour of the answering respondents.

Lucknow

Dated: 13.9.90

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Verification

I, the official above named do hereby verify contents of para 1 of this application/reply is

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true to my personal knowledge and those of paras 2 to 16 of this application/reply are believed by me to be true on the basis of records and legal advice.

Lucknow.

Dated: 13.9.90

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