

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

FORM OF INDEX

D.A./T.A./B.A./C.E.P./ No. 1937/1987

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2/11/85
D.Y. Registrat

4
Supervising Officer

2/11/85
Dealing Clerk

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

N.M.

2/11/85
Dealing Clerk

V.K. Mishra

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause No. Petition No. 1933/87 (T)
 Title W.L. 4686/85
 Name of the parties Desi Raj Singh Applicants.

Versus

Union of India

Respondents.

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S.R.

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A-33

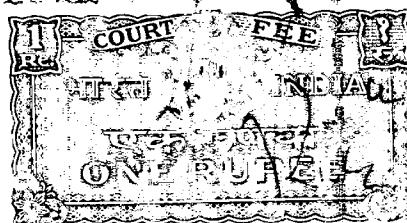
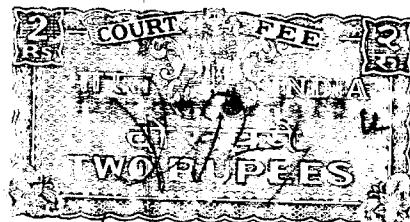
Comrsc Appn No 10,632(u)-85

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW.

Civil Misc. Writ Petition No. 4666 of 1985.

Under Article 226 of the Constitution of India.



Desh Raj Singh Vs. Union of India & Others.

STAY APPLICATION

For the facts and reasons stated in the accompanied Writ Petition, duly supported by an Affidavit, it is most respectfully prayed that this Hon'ble Court be pleased to stay the operation of Annexures No. 2 and 3 respectively with the direction to the Respondents to allow the Petitioner to continue as Chief Parcel Supervisor Incharge on his present post.

D.R.S.

DARED:

(M.P. SHARMA)

ADVOCATE

COUNSEL FOR THE PETITIONER.

19/12/85

(3)

S. N. Y. P. Post office.

"

last drop order Am 3 = 17.7.85

litterence.

..... for driver
3-9-85
S
8/9/85.

1)

Hon. S. C. Malher, J.
Hon. G. B. Singh, J.

~~Put up tomorrow~~

Put up tomorrow.

for
(6/9/85)

(P)
11

Hon. S. C. Malher, J.

Hon. G. B. Singh, J.

Subm. Issue notice to

opposite parties no. 122.

for
17.9.85

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 1937 of 1987 (7)

APPELLANT
APPLICANT

B. R. Singh

DEFENDANT
RESPONDENT

VERSUS

C. O.L

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complies with and date of compliance
		OR Case h recd from on 14/9/07
30/10/89	<u>Hon' Mr. L.K. Agrawal, J.M.</u> None appears for the parties. List this case on <u>8-1-90</u> for orders.	<u>Carey</u> <u>CA/</u> <u>DR</u> <u>from AM</u> <u>no o</u> <u>sub</u> <u>order</u>
	<p style="text-align: center;">J.M.</p> <p style="text-align: center;">(sns)</p> <p style="text-align: center;">No sitting Adly to 53.90</p> <p style="text-align: center;">L</p> <p style="text-align: center;">01/11/90</p>	
	<p style="text-align: center;">Hon P. P. Sharma, J.M.</p> <p style="text-align: center;">S. N. P. Sharma, J.M. present on behalf of the defendant. On the behalf of the party for the defendant. Case is adjourned to 05.90 for admonition.</p> <p style="text-align: center;">J</p> <p style="text-align: center;">W.H.</p>	OR S. P. A.

(B2)

T.A 1937/82, T

(6)

23.8.91

No Sinking adj to 1.10.91

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110.91

No Sinking adj to 14.11.91

g

16.11.91

No Sinking adj to 22.1.92

g

22.1.92

No Sinking adj to 20.3.92

g

23.3.92

No Sinking of D.M. adj to

4.4.92

or
SPH
g
261

4.4.92

No Sinking of D.M. adj to

30.4.92

g

(7) (V)

THE HIGH COURT OF UTTAR PRADESH

LUCKNOW BENCH.

LUCKNOW.

File No. 1037/87

(Writ Petition No. 4666/85)

Deekh Raj Singh

Petitioner.

v. 1037/87

Union of India & others

Respondents.

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

Hon. Mr. A.B. Sopori, A.M. J. Lawyer.

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

This is a Transfer application under section

29 of the Administrative Tribunal's Act, 1985. The applicant filed this application (writ petition in the High Court) against this transfer order. The applicant was working in the parcell of ice and he made several complaints regarding way of working there and he made a representation on 13.6.85 and also pointed out in representation that no alternative is left as the petitioner made several requests and approached to the higher officers but all his efforts were failed. Then he took a conditional resignation.

In view of acceptance of resignation the Divisional Personnel Officer, transferred the petitioner from Lucknow to Varanasi. After receipt of this transfer order, yet another order was passed transferring the petitioner to another division, within 5 days of the first order. The transfer was passed in terms of

4.

General Manager Personnel letter dated 12.7.1985.

The applicant has claimed that the transfer order on many of the grounds i.e. that there are many Railway Board Circulars in respect of Scheduled Caste candidates in which it has been stated that the Scheduled Caste candidates are not to be transferred and only transferred only rarely and that there is no ground for transferring the applicant. No counter has been filed. It appears that the transfer order has been given effect to. No stay order is continuing and the Hig. Court also did not pass any stay order.

As the order of transfer ~~order~~ passed earlier in the year 1985 and 7 years have passed, this application has become infructuous and accordingly the same is being dismissed as having become infructuous.

thegns
Adm. Member.

lz
Vice Chairman.

Lucknow Date: 30.4.92.

Shakir/

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

and number of case 11666-85
 of parties Desh Raj Singh LS. Union & Mohd.
 institution 17-9-85 Date of decision.....

Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admis- sion of paper to record	Condition of document	Remarks including date of destruction of paper, if any
			Number of stamps	Value			
2	3	4	5	6	7	8	9
1	W.F. with Annexure and affidavit	26		102 00			
2	Letter	1-		5 00			
3	Conn. 10632 (W) off 55 for stay	1-		5 00			
4	Affidavit 18-9-85 with Reg. Com. and Mother	7-	-	-			
5	Conn. - 85 for stay dt 20/11/85	5-		7 00			
6	Letter dt 21-11-85	1-	-	-			
7	Order Sheet	1-	-	-			
8	Batch Copy	1-	-	-			

I have this day of 198 examined
 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
 of the aggregate value of Rs. that all orders have been carried out, and that the record
 is in order up to the date of the certificate.

6934

A. 14(H)

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

Under Article 226 of the Constitution of India

W. P. 4666-85

Desh Raj Singh Vs. Union of India & Others.

I N D E X

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1.	Writ Petition	1 to 14
2.	Annexure No. 1 (Petitioner's representation dated 16.5.1985)	15 to 17
3.	Annexure No. 2 (True copy of the transfer order dated 11.7.1985)	18
4.	Annexure No. 3 (True copy of the second order of transfer dated 17.7.1985)	19
5.	Annexure No. 4 (True copy of the Petitioner's representation dated 12.8.1985)	20 - 23
6.	Affidavit	24 - 25
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D R Singh

DATED : 3/9/85 -


(M.P. SHARMA)
ADVOCATE
COUNSEL FOR THE PETITIONER.

Lucknow in the scale of pay Rs. 700 - 900. The main duty of the Petitioner is to deal with the Parcel Office smoothly and also to satisfy the customers, book their luggage and stock at Charbagh Railway Station, Lucknow and he is also responsible to provide all the facilities for transportation on commercial basis within the means provided by the Railway Administration day-to-day.

3. That during the course of discharge of his duties and also being Incharge of the Parcel Office of the Northern Railway, Charbagh Railway Station, Lucknow, the Petitioner felt inconvenience while functioning as Incharge because at the moment 3 personnel staff which were provided in the grade of Rs. 700 - 900 were not posted and 4 personnel staff in grade of Rs. 550 - 750 were also not provided to the Petitioner and also 6 hands personnel staff were also not posted in grade of Rs. 455 - 700 and, therefore, in absence of 13 vacancies in the aforesaid grades is badly causing hardship to the normal working of the Parcel Office and it was totally impossible to work smoothly for the Petitioner in absence of a proper staff posted in the above different grades. If these persons are made available the work of the Parcel Office will naturally improve and all the facilities as required under the Railway Board's Order would be provided to the customers and other authorities also.

4. That the posting of 13 hands short in the different grades was also required to meet the day-to-day necessity and also coping with the formalities

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of the Parcel Office in accordance with the directions and law prescribed under the Railway Board's circulars and its subordinate offices.

5. That it is further submitted that the Parcel Shed was also too short with the present requirements and it was totally insufficient for keeping the packages and parcels etc. and, therefore, in absence of a spacious Parcel Godowns all the packets, packages amongst other parcel items were kept lying in open plateform having the risk of theft, missing and destruction due to rains and weather etc.

6. That it is also submitted that necessary boggies were also not provided by sanctioning the strength of the boggies for increased work load at the Charbagh Railway Station, Lucknow and no sufficient staff was also provided to help the Petitioner and Parcel Office at the Charbagh Railway Station, Lucknow.

7. That there are labour problems in shifting the parcels and packages from Parcel Godowns to trains and also being Incharge of the Parcel Office at Charbagh Railway Station, Lucknow the Petitioner has to supervise closely the dealing of the subordinate staff, colleagues and transporters as well as the customers etc. who intend to transport their parcel items from the Charbagh Railway Station and there are problems of unloading when the trains arrive at the Charbagh Railway Station, Lucknow.

8. That in ¹ nutshell a lot of difficulties the Petitioner was and is facing at the Charbagh Railway

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Station, Lucknow in his day-to-day discharge of duties and under the pressure of the work the Petitioner was required to work near about round the clock as and when required without any rest and, therefore, having no alternative the Petitioner made a number of approaches and requests to the higher officers like the Sr. Divisional Commercial Superintendent, Divisional Railway Manager but all his efforts for making posting of the subordinates and improving the situation of the Parcel Office, Charbagh Railway Station, Lucknow were ultimately failed.

9. That being Parcel Office Incharge and working as Chief Parcel Supervisor the conscience of the Petitioner ultimately pressed him that either the situation of the Parcel Office may be improved or to be within the control in accordance with the present need based on heavy loading and unloading of the parcels and space, therefore, the petitioner in view to draw the attention of the Respondent No. 2 submitted a letter on 16.5.1985 stating therein that under the referred situation in the representation dated 16.5.1985 it is totally inconvenient for the Petitioner to work and control the grievances of the Public as well as the local staff posted under him. In his representation dated 16.5.1985 he drew the attention of the Respondent No.2 amongst other officers connected with the transportation work with the request that under the circumstances stated in the representation dated 16.5.1985 the Respondents may proceed to provide at least bare necessary facilities by posting the persons 13 in

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in number as well as by proceeding to facilitate the Petitioner and the Parcel Office for providing better space, boggies, etc. etc.

10. That the Petitioner's representation dated 16.5.1985 in which a detailed grievance was put before the Respondent No.2 by the Petitioner which will speak by perusing it, is enclosed herewith as Annexure No.1 to this Writ Petition.

11. That the Petitioner further requested in his representation dated 16.5.1985 that if Respondent No.2 is not in a position to improve the situation of the Parcel Office at Charbagh Railway Station, Lucknow then in that event the petitioner is compelled to tender conditional resignation on the referred instances and requirements of the petitioner as referred in his representation dated 16.5.1985. The Railway administration did not desire to make any improvement and, therefore, having no alternative except in view to save the integrity and prestige as yielded by the petitioner his conditional resignation as referred in the representation dated 16.5.1985 may be accepted.

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12. That the Grievance/conditional resignation letter dated 16.5.1985 was duly received by the Respondent No. 2 but the same has not been considered. It is also submitted that the grievances made in the conditional resignation letter dated 16.5.1985 were also not acceded to and neither the staff nor the space for Parcel Godowns nor for further

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improvement of Boggies etc. amongst other facilities and requirements was provided by the Railway Administration including the Respondents.

13. That, however, after receiving the Petitioner's letter dated 16.5.1985 the Divisional Personnel Officer, Lucknow an Agent and Officer of the Respondents passed an order of transfer of the Petitioner from Lucknow to Varanasi. A true copy of the transfer order dated 11.7.1985 is enclosed herewith as Annexure No.2 to this Writ Petition.

14. That the Annexure No.2 is the come out of the Petitioner's representation dated 16.5.1985 and positively on the ground why the Petitioner made a grievance for posting the employees in different grades and why the Petitioner has pointed out the defects of the Railway Administration and there is no other ground for this present transfer.

15. That as soon as the transfer order dated 11.7.1985 was passed which was received by the Petitioner on 16.7.1985 a second order of transfer was passed on 17.7.1985 which is enclosed herewith as Annexure No.3 to this Writ Petition.

16. That in the second transfer order dated 17.7.1985 which was passed after 5 days from the date of passing the first transfer order dated 11.7.1985 the Petitioner was transferred from Lucknow to Moradabad Division.

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17. That the second transfer order was allegedly passed on the ground that the same is being passed in terms of the General Manager Personnel Letter dated 12.7.1985. It was further mentioned that the persons transferred by this order may be relieved immediately.

18. That the transfer order dated 17.7.1985 is a very short and hasty order passed on false submission of administrative grounds.

19. That under Chapter XI of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Railway Services issued by the Government of India, Ministry of Railways in Second Edition printed in 1976 the provision of transfer of the Scheduled Caste candidates is made with the strict directions as formulated in Board's Circular Nos. (i) E(SCT)70CM 15/15/3 dated 19th November 1970 and (ii) E(SCT)74CM 15/58 dated 14th January, 1975 which provide as under :-
(i) E(SCT)70CM15/15/3 dated 19.11.1970

"transfers. - subject to the exigencies of service, transfer of Scheduled Castes and Scheduled Tribes employees should be confined to their native districts or adjoining districts or the places where the Administration can provide quarters. They should be transferred very rarely and for very strong reasons only."

(ii) E(SCT)74CM15/58 dated 14.1.1975

"sub: Hardship caused to Scheduled Castes/ Scheduled Tribes who are transferred

Attention is invited to Board's letter No. E(SCT)70CM15/15/3 dated 19th November 1970 wherein it was desired that the transfer of Scheduled Castes and

D.S. 1985
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Scheduled Tribes employees should be confined to their native districts or adjoining districts or places where the administration can provide quarters and that these instructions should be followed to the maximum extent possible subject of course to the exigencies of services.

2. It has been represented that the Scheduled Castes and Scheduled Tribes are being transferred from one place to other quite frequently. The Board have, therefore, decided that the employees belonging to Scheduled Castes and Scheduled Tribes should be transferred very rarely and for very strong reasons only."

20. That the above Railway Board Circulars and orders clearly specify that the transfer of the Scheduled Caste candidates should be very rarely made and for very strong reasons only. The Board's Circular and Board's decision is further fortified that whenever it is necessary ~~to~~ transfer ~~the~~ the Scheduled Caste candidates in that event such transfer order should be confined to their native districts or adjoining districts and the Railway Board further directed to the subordinate authorities that the instructions regarding the transfer of a Scheduled Caste candidate should be followed to the maximum extent possible.

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21. That the native place of the Petitioner is Lucknow. The Petitioner has his own house living with the family members including his wife at Bhim Nagar, Lucknow.

D.R.S.

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22. That in the light of the above two circulars of the Railway Board it is specifically pointed out that the transfer orders dated 11.7.1985 as well as dated 17.7.1985 are contrary to the Board's circulars referred hereinabove as neither the Petitioner was being transferred and posted at his native place nor adjoining district as contemplated and directed in the above two referred Board's circulars and neither there was any strong reason nor administrative exigencies to transfer the petitioner either from Lucknow to Varanasi or from Lucknow Division to Moradabad Division and, therefore, both the transfer orders are illegal, arbitrary and contrary to the instructions and also decisions of the Railway Board.

23. That the alleged transfer orders are malafide on the part of the Respondent No.2 Mr. Tej Narain Tandon as well as the Divisional Personnel Manager who passed the said transfer order only in view to take revenge from the petitioner on the ground that why the Petitioner made a protest-cum-resignation dated 16.5.1985 and why the petitioner has been pointing out the deficiencies of the Administration and there is no other reason.

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24. That as soon as the Department has received the letter dated 16.5.1985 tendered by the Petitioner the Respondent No.2 brought it into the notice of the Respondent No.1 and its officers and also written adverse to him and on the basis of that adverse report submitted by the Respondent No.2 to Respondent No.1 the formal order of transfer dated

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17.7.1985 was received, therefore, the Petitioner's transfer order is malafide and arbitrary.

25. That the Northern Railway Moradabad Division is a different Division, controlled by different Railway Manager and Lucknow Division is a separate and independent Division to Moradabad Division.

26. That the Petitioner has been appointed by the Divisional Railway Manager against the cadre and strength of Lucknow Division of the Northern Railway and the aforesaid transfer order dated 17.7.1985 by which the Petitioner is sent to Moradabad Division without any stipulation/the Petitioner's seniority, avenues of promotion etc. is also contrary to law.

27. That the Petitioner has his own seniority in Lucknow Division and promotional avenues in the Lucknow Division on the basis of his seniority maintained by the Divisional Railway Manager, Northern Railway, Lucknow. His work and conduct on the present Post "good. He earned an Advanced Rating during his entire Service. 2

28. That the Petitioner will lose his seniority and promotional avenues if order dated 17.7.1985 is complied with by him and if he reports to Moradabad Division because the petitioner's seniority in the Northern Railway, Lucknow Division, Lucknow will not be counted or recognised against the cadre and strength of the Moradabad Division and, therefore, he will lose his seniority and promotional avenues and as such the order dated 17.7.1985 is also punitive and against

D.Sharma
3.9.85

D.R.S.J.

the Article 14 and 311 of the Constitution of India as his services rendered by him in the Lucknow Division will be forfeited if he joins in the Moradabad Division.

29. That being a scheduled caste candidate the petitioner is entitled to the protection of the Railway Board's orders dated 19.11.1970 and 14.1.1975.

30. That both the transfer orders are contrary to the Board's orders and executed in a very hasty and arbitrary manner simply to harass the petitioner.

31. That the Petitioner represented to the Divisional Railway Manager through his letter dated 12.8.1985 with the prayer that under the circumstances referred in the representation dated 12.8.1985 the alleged transfer order may be cancelled but his representation dated 12.8.1985 is still pending. A true copy of representation is enclosed herewith as Annexure No. 4 to this Writ Petition.

32. *That the Petitioner is on sick leave w.e.f. 18.7.85.*

32. That there is no alternative remedy except to file this Writ Petition on the following amongst other grounds :-

G R O U N D S

1. Because the Railway Board's circulars specifically direct the respondents that the transfer of scheduled caste candidates should be made very

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rarely and ~~extreme~~ for very strong reasons only but as apparent on the face of the order of transfer there is no strong reason assigned for the present transfer of the Petitioner from Lucknow to Varanasi or Lucknow to Moradabad and, therefore, the transfer order is contrary to the orders of the Railway Board dated 19.11.1970 and 14.1.1975.

2. Because the alleged transfer order is malafide, arbitrary and passed simply to harass the petitioner because the petitioner has made a grievance through his representation dated 16.5.1985 in which he has also tendered his conditional resignation.
3. Because the Respondent No.2 as well as the authorities of the Respondent No.1 acted contrary to the Railway Board's orders and also they have failed to consider reasonably and fairly the grievance letter made by the Petitioner on 16.5.1985 in which he requested the authorities to provide the facility of staff, space, godowns, boggies etc. so that the work of the Parcel Office at Charbagh Railway Station may be covered well and the honesty and integrity of the petitioner may be saved.
4. Because the Railway Administration simply as soon as they received the grievance letter dated 16.5.1985 made their mind to punish the Petitioner by transferring him contrary to the Railway Board's Circulars.

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5. Because the alleged transfer is also punitive in as much as the Petitioner shall lose his seniority of promotional avenues if the petitioner would be forced to resume his duties in Moradabad Division which is a separate and independent Division to that of Lucknow Division and, therefore, the alleged transfer is against the provisions of Article 14 and 311 of the Constitution of India.

6. Because the present transfer order from Lucknow to Moradabad Division will amount to forfeiture of services rendered by the petitioner in the Lucknow Division and his posting is against the staff and strength of the Lucknow Division which is independent one and the benefit of his services would not be counted in the Moradabad Division as the problem would arise to accommodate the Petitioner being outsider in the Moradabad Divn. and the Administration will have to form a Policy which is not at present available to make and fix inter-se seniority of the persons from Lucknow Division to Moradabad Division.

7. Because the alleged transfer order is on its face three line order without positive and strong reasons based on it, therefore, it is being arbitrary and capricious order is liable to be quashed.

8. Because there is no administrative exigencies to support the order of transfer and therefore. it is also against the administrative exigencies as well as public policy.

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9. Because the Petitioner being scheduled caste candidate is protected under the Railway Board's circulars and orders referred aforesaid particularly

orders dated 19.11.1970 and 14.1.1975 and, therefore, the transfer order is also illegal and cannot be effected to against the Petitioner.

19. Because at the most the Petitioner's posting should have been made in Lucknow Division or in the nearby adjoining districts but the same was not considered by the Railway Administration.

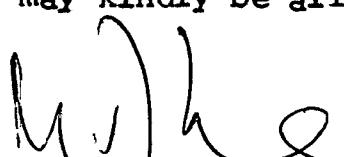
P R A Y E R

It is most respectfully prayed that this Hon'ble Court be pleased to :-

- (i) issue a Writ, Order or direction in the nature of certiorari quashing the orders contained in Annexure Nos. 2 and 3 respectively.
- (ii) issue a Writ, Order or direction in the nature of mandamus restraining the Respondents from implementing the impugned transfer order with a direction to the Respondents that they may allow the Petitioner to continue as Chief Parcel Supervisor (Incharge) on the present post and pay all the salary.
- (iii) any other appropriate writ, order or direction in the like nature may kindly be issued under the circumstances whichever may deem fit.
- (iv) Cost of this writ petition may kindly be allowed.

D.S.P.

DATED: 3/9/85


(M.P. SHARMA)
ADVOCATE
COUNSEL FOR THE PETITIONER

certify that there is no defect in this petition



15/16

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

C.M. Writ Petition No. of 1985
Under Article 206 of the Constitution of India.

DESH RAJ SINGH

Vs.

UNION OF INDIA & OTHERS

ANNEXURE NO. 1

To,
The Divisional Railway Manager,
Northern Railway,
LUCKNOW

Sir,

SUB : RESIGNATION UNDER CONDITIONS:

I have been working at Lucknow Station from 1963 and with the exception of about 2 years the whole period of my service passed in Parcel Office, Lucknow, now I have been working as 'Chief Parcel Supervisor', Lucknow. I have to draw your kind personal attention towards the following short comings :

That the staff in higher grade is not posted, there are still 3 hands short in grade 700 to 900, 4 hands short in grade 550 to 750 and 6 hands short in grade 455 to 700. These vacancies badly tell upon the smooth working of the station, nobody willfully desire to shirk the higher responsibility as such alone CPS cannot meet the required quantum of work for which he has to answer.

The Divisional Authorities do not take pains in getting the inward parcel shed extended which was constructed 20 years before according to the traffic, now it is quite insufficient at present and results the packages totally unsafe lying on the open platform having no consideration for their safety, being the burning and basic problem of the commercial deptt. Nor the sufficient staff is provided in parcel office in accordance to the work load enhanced.

3.5 hours
3 & 8'

The trains have been increased in a considerable number and M/G converted into B/G as well, but the staff is the same as it was 10 to 15 years before, it is self proved that the increased work load cannot be smoothly carried on with insufficient staff, this is the totally job of the Divisional Authorities but none takes the pains and CPS is to answer.

That the labour problem is going bad to worst day by day only because the working tendency of labour is getting down, moreover, the strength of labour is also the same as it was 10 to 15 years before, it is quite impossible for the present strength of the labour to shift the parcels within time limit as the matter of fact the loading and unloading of perishables cannot be completed with the present strength of the labour if the concerning merchants and their representatives may not help to the maximum being their own interest, whenever R.P.F. or G.R.P.

interrupt the loading-unloading and shifting badly effected but CPS has to re-ly being alone responsibility.

That the CPs has no right to adjust the duties of the staff even in the interest of the working because the Divisional Authorities such as senior DCs and DCs have to manage at their own free will, in case any staff is upgraded the CPs has no right to shift him from the post he had been working in lower grade on the plea of 'Restriction' although the restriction is in consideration of the transfer to out stations not from one post to another post in the same office but truely speaking the person upgraded in higher grade must shoulder higher responsibility, this is obviously managed by the Divisional Authority which results hindrances in smooth running of working, not only this much the staff is being choosed and picked-up by the Divisional Authority out of way and spread to Chandausi for training. By the Divisional Authority without any information to CPs i.e. Sri M.M.Mehrotra CPC/LKO working as FF I/C directly ordered by the Senior DCS/DC3 and he resumed at Chandausi without making over charge of his seat to any of the staff, CPs had no knowledge but any mishappenings take place the CPs is alone to reply

That the Divisional Authorities have not finalised the Pin-pointing of the seats according to the grades as yet which resulted the staff not posted accordingly this drawback badly tells upon the smooth and sound working of the station in case any irregularity detected the CPs has to be served with SF-II or otherwise.

That the transportation staff do not even desire to cooperate with the Commercial working such as the berthing of the trains are so irregular and without consent of the CPs the loading becomes a problem, the important trains such as 106, 44, 506, 50 DN etc. are always received or placed on platform No. 6 and 7, where is no sub-way facility to shift parcels and becomes a problem for loading the parcels not only this much the empties are not provided to clear the conjection of Parcel Packages whenever required. The transportation must consult the CPs before receiving or placing the trains so that the clearance of the parcels may be done. The transportation is free to work and can not be asked for irregularities committed but CPs has to answer for the conjection.

The Staff has no fear which results non working, the staff has understanding that any short coming or irregularity is detected the CPs has to reply and he may be served with SF-II not the staff responsible. This tendency got down the working merit and efficiency alround.

The Policy has been adopted with the Divisional Authority to disturb the supervisory staff and punish whomsoever may be at fault, ther is one buring case of Sri Gopalji Saxena, his fault was only because he was designated as I/W I/C, not only this much the vigilance is always surrounding the supervisory staff

and disturb the working as well.

Sir, it will not be out of place to mention here that the authorities are playing with the rules according to their own free-will in independent country such as India, One can not work freely according to the rules framed for the working, I being CPs/LKO, has to work daily from 7 hrs to 24 hrs nearly without any rest since long, I had to look-after the duties of I/W I/C, FF O/C from the suspension of Sri Gopal ji Saxena till now.

Sir, under the aforesaid circumstances it has become not only very difficult but quite impossible for me to carry on the smooth work even I am a LAW GRADUATE having thorough knowledge and working capacity as well. I do not feel myself to adjust any more unless the aforesaid raw backs, short-comings and irregularities are set right and a healthy atmosphere is being created or provided to facilitate the whole working as it had been previously when I had to work as a subordinate with the full pains in working. Managing power is vested one me according to the bye laws and rules in the interest of the country and the items as briefly expressed are not being considered to their merits and fairness is provided for meritorious working.

Further I draw your kind personal attention for the facts if at all needed I may kindly be heard in person alongwith my helper to explain and convince with the bare facts which are unchallengeable.

The Administration do not consider worth to rectify the faults, errors and short comings etc., I am hereby compelled to render resignation under the conditions as Administration do not desire to make any 'SUDHAR' (Improvement) and myself to save my integrity and prestige which may at any time be affected and I may loose Earned Goodness by Hard Labour, Honest Working in Disciplined Manner.

It is, therefore, submitted my Conditional Resignation Notice for acceptance with immediate effect under service rules without any further delay and I hope I may not be allowed to knock any other door and I am still hopeful that there may not be any delay as per tendency of the office clerk by delaying practice in putting papers.

I shall ever remain grateful if I may be so fortunate to get an early decision and oblige.

Yours faithfully,

Sd/-D.R.Singh

(DESH RAJ SINGH)
Chief Parcel Supervisor
Northern Railway, Lucknow

Lucknow/
Dated : 16.5.1935

19

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

C.M. Writ Petition No. of 1985
Under Article 206 of the Constitution of India

DESH RAJ SINGH

vs.

UNION OF INDIA & OTHERS

ANNEXURE NO.2.

NORTHERN RAILWAY

No. 757E6/6

Divl. Office,
Lucknow.

July 11, 1985

NOTICE

In terms of this office letter No.940E/o/E3-1/352 dt.
18.4.85 the following transfers are hereby ordered to take
immediate effect. :-

SN	Name	Design.	Grade	STN.	Proposed place of posting.
1.	Sri Kedar Ram	CRI	700-900	BSB	LKO.
2.	" Birbal Ram	CRS	550-750	BSB	LKO.
3.	" Chabinath Pd.	CRS	550-750	BSB	LKO.
4.	" Ram Dayal	CRS	550-750	LKO	BSB
5.	" O.P.Sonkar	CRS	550-750	LKO	BSB
6.	" B.N.Tewari	CERC	455-700	BSB	JNU
7.	" S.P.Srivastava	CERC	455-700	JNU	BSB
8.	" J.H.Faizi	ERC	330-560	BSB	FD
9.	" H.N.Bajpai	ERC	330-560	FD	BSB
<u>GOODS</u>					
1.	" Fakhirey Lal	CGS	700-900	LIAS/LKO	BSB
2.	" Kawaloo Ram	CGS	-do-	BSB	LIAS/LKO.
3.	" Bhagirath Pd.	GS	550-750	BBK	JNU
4.	" Kulbhushan	GS	-do-	JNU	BSB
5.	" C.P.Rawat	CGS	455-700	FD	JUA
6.	" S.S.L.Misra	CGC	-do-	JUA	KEI
7.	" D.N.Singh	CGC	-do-	KEL	FD
8.	" Gopal Das	CGC	-do-	KEI	LKO
9.	" Bechan Ram	CGC	-do-	LKO	KEI
10.	" U.C.Gupta	CGC	425-640	BSB	LKO
11.	" J.P.Dixit	CGC	455-700	MSOD	KEI
12.	" S.K.Upadhyaya	CGC	-do-	KEI	MSOD
13.	" S.G.Joshi	CGC	-do-	LKO	BSB
<u>P A R C E L</u>					
D.Sharma	1. Sri D.R.Singh	CPS	700-900	LKO	BSB
	2. " C.D.Ram	CPS	-do-	BSB	LKO

3.9.85

Staff should be spared immediately under advice to this office
This issues with the approval of DCS/Sr.DPO.

Sd/-
for Divl. Personnel Officer
Lucknow.

copy to 1. CGS/LKO FD BBK JNU KEI & MSOD 2. CGS/LKO/BSB & FD
3. CRI/BSB. 4. CRS/LKO. 5. CPS/LKO & BSB. 6. CMI/LKO,
and BSB 7. Supdt. (Pay Bill) 8. Sr. DAO/LKO

D.S.

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

C.M. Writ Petition No. 19 of 1985
Under Article 206 of the Constitution of India

DESH RAJ SINGH

vs.

UNION OF INDIA & OTHERS

ANNEXURE NO. 3

Norther Railway

No. 946/E/6-5/CC

Divisional Office,
Lucknow Dt. 17.7.85.

NOTICE

In terms of G.W.(P)/NDLG Notice No. 752-E/72-XVII (KIC) 6 dated 12.7.35 the following staff are hereby transferred to the division as indicated against each on administrative grounds :

Sl. No.	Name	Design.	Grade.	Station	Transferred to Division
1.	Sri D.R.Singh	CPC	700-900	LKO	M.B.
2.	Sri R.K.Bhatia	SPC	425-640	LKO	NDLS.

The above staff may be relieved on transfer immediately under advice to this office.

Sd/-
for Divisional Railway Manager
Lucknow.

Copy forwarded for information and necessary action to :-

D.J.M. 9
3.9.85

1. Station Supdt./Lucknow.
2. C.P.S./LKO.
3. Sr.D.A.O./LKO
4. Supdt. (Pay Bill)/LKO.
5. Confdl. Sec. DRM Office/ LKO.
6. G.M.(P)/NDLS in reference to orders above.
7. Divl. Rly. Manager, N.Rly. MB and NDLS.

.....

R2
90 21

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

C.M. Writ Petition No. of 1985
Under Article 206 of the Constitution of India

DESH RAJ SINGH

vs.

UNION OF INDIA & OTHERS.

ANNEXURE NO. 4

To
The Divisional Railway Manager,
Northern Railway, Lucknow.

Re : Harrassment and victimisation by DCS/
Sr. D.C.S./LKO.

Respected Sir,

Feeling utterly shocked and victimised with the terror and harrassment created by the DCS/Sr. DCS Lucknow and finding no response of my appeal dated 16.5.85 I have to submit against as under :-

1. That while working as Chief Parcel Supervisor, LKO in grade Rs. 700-900 (RS) I repeatedly invited the kind attention of Hon'ble DCS/Sr. DCS verbally as well as in writing towards a number of official problems relating to the Lucknow Parcel and requested for their solution.
2. That the concerned Divisional authorities paid no heed towards my genuine official problems under which I was not in a position to discharge my duties smoothly.
3. That being an Incharge of the Lucknow Parcel Office, I sacrificed my all the physical confords and health in the interest of the administration by keeping me engaged in my office from 7 hrs. to 24 hrs without any rest so that the work may not paralise for one orother account.
4. That during the course of above process a stage came when I lost my health considerably and felt that the exercise of such a hard and strenuous duties was now beyond my power and control and accordingly I submitted my conditional resignation from Railway service on 16.5.85 on the condition that my resignation may please be accepted forthwith without any delay in case the authorities in question are not ready to solve my official problems.

D.Singh
3.9.85

D.S.S.

5. That the authorities in question kept mum on this point and started harassing and victimising me on one or other fake pretext and I kept waiting for their decision in this regard.

6. That in order to get speedy decision of my appeal I personally saw the D.C.S./Sr. D.C.S. Lucknow in their Offices at a number of times and requested them with my folded hands to decide my case immediately in order to save my life and worsening family affairs.

7. That the officers, instead of deciding my appeal either way, issued an order of transfer dated 11.7.85, according to which I was to be shifted from Lucknow to BSB in the same capacity.

8. That the above unwarranted order of transfer, under the above circumstances, put me under the pressure of utter surprise and thereby shocked immensely.

9. That the authorities in question approved not fully satisfied with my above order of transfer, the another peculiar type of inter-divisional transfer order dated 17.7.85 was got issued by misguiding the higher authorities of Headquarter office, New Delhi in terms of this order I was transfer from the Division to MB Division in violation of all the rules and regulations.

10. That the former order of my Divisional transfer was kept in abeyance and the SS/LKO showed his keenness to spare me at once for MB Division vide his office letter No. SS/LKO/Comm/Staff/85-86 dated 18.7.85 that remained unserved to me as I feel ill badly and went on sick leave.

D.Jharia

37.8

11. That the above victimising attitudes of Divisional Commercial authorities put such hard and unbearable strokes on my heart and mind that I got bad ridden with servere shocks and nervousness.

12. That feeling afraid of my critical conditions, my wife submitted to SOS (Save our Souls) appeal to all concerned crying for justice and fairdeal on 05.8.85 but the same also fell on the deaf ears of the authorities.

OBSERVATIONS

The history of the case narrated as above reveals the following facts of observation in this regard :-

- a) I ever tried to protect the interests of the administration even at the cost of my own comforts and life.
- b) The authorities in question were and are not ready to render their assistance to me for the solution of a number of official problems although they were duty bound for this.
- c) The authorities have allergic feelings towards me as I am a scheduled caste Railway employee as they were never ready to listen to my genuine official problems.
- d) The authorities did not decide my appeal of conditional resignation from Railway service as yet although they were requested to accept any resignation as soon as possible.
- e) The authorities in question issued my orders of transfer in repercussion of my representation submitted on 16.5.85 in which I had pointed out a number of lapses occurred on the part of the Divisional Commercial authorities, who wanted to tease me a deterrent lesson by transferring me first of all to BSB and again to NB Division.
- f) The Divisional Commercial authorities thus after removing me from the scene, wanted to deviate the attention of the higher authorities from their own lapses.
- g) The Divisional Commercial authorities misguided the higher authorities against me with false facts and kept their attention away from the real facts.
- h) The authorities in question not only crossed all the limits of humanity for my harrassment and victimisation but they also broke the fundamental norms of rules and regulations with regards to my transfer.
- i) I was denied the protection of Railway Board's circular No.E(SCT/70CM 15/3 dated 19th. November 1970 according to which, I being a scheduled caste Railway Employee, was to be posted near my residence, Lucknow instead of being transferred away to BSB and or any Station of NB Division
- j) The order of any inter-divisional stands null and void in terms of Railway Board's circular No.E(SCT) 74 15/58 dated 14th. January 1975.

✓
3.9.85

✓

k) The authorities in question are not ready to accept my fundamental right of seeking resignation from Railway Service under rules in case they are not in a position to afford prescribed working facilities tome for execution of my offical duties.

CONCLUSI N

The points of observations, cited as above, exhibit that I have been victimised and harrassed for thesake of no faults on my part and thus the orders of my transfers stand illegal, irrational and void. I stand throughout wholly innocent.

PRAYER

I, therefore, request your kind authority to please cancel my both the orders of transfer from Lucknow to Varanasi and Lucknow to Muradabad Division so that I may not be harrassed and victimised any more.

Thanking you,

Yours faithfully,

Dated : 12.3.1985

(D.R. SINGH)
CPS/Lucknow.

10/3/85

Copy to :

1. Director (SC & ST Cell) Rail Bhawan, New Delhi.
2. G.M./N.R./Baroda House/New Delhi.
3. Minister of Railway, Rail Bhawan, New Delhi.
4. CPO/NR/Baroda House, New Delhi.

10/3/85

24 25

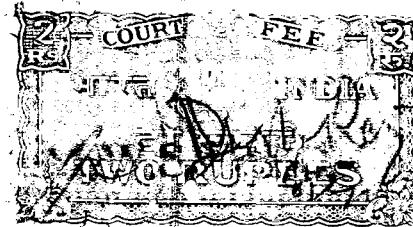
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW.

Civil Misc. Writ Petition No.

of 1985.

1985-57
AFFIDAVIT
98/178
HIGH COURT
ALLAHABAD
3.9.85



Desh Raj Singh

.....

Petitioner.

Versus

Union of India & Others

..... Opposite Parties.

AFFIDAVIT OF DESH RAJ SINGH,
AGED ABOUT 43 YEARS, S/O SHRI
KHUSHALI RAM, R/O BHIM NAGAR,
LUCKNOW.

I, the above named deponent do hereby state
on oath as under :-

1. That the deponent is Petitioner and is well acquainted with the facts of the case.
2. That the deponent verifies the contents of para 16, 12, 21, 23, 25, 26, 27 to 29, 29, of this Petition as true to his own knowledge and those of paras 23, 24, 15, 16, 17 to 19, 24, are believed by him to be true on the basis of records and those of paras 19, 20, 22, 30, 31 to 32 are believed to be correct on the basis of legal advice tendered.
3. That the contents of Annexure Nos. 1 to 4 are true copies of the original which is being certified.

DATED :

3.9.85

DR Singh

DEPONENT.

Verification

I, the above named deponent do hereby verify that the contents of Para 1 to 3 of this Affidavit are correct to the best of my knowledge. No material part has been concealed. So help me God.

Signed and verified at this 3 day of Sept
1985 at Lucknow.

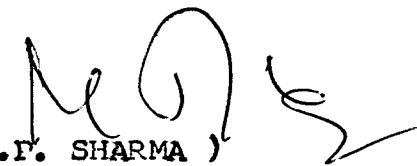
DR Singh
DEPONENT.

OSI

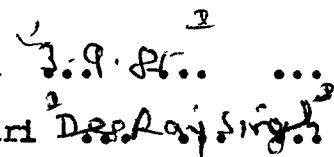
Y2L

I know the deponent who has signed in my presence.

D. Sharma
398


(M.P. SHARMA)
ADVOCATE

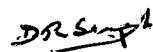
7, Annexe, Near G.P.O.,
Lucknow.

Solemnly affixed before me on 3.9.85...
... 10:15 AM/PM by the deponent Shri 
... ... who is identified by Shri M.P. Sharma,
Advocate, High Court, Lucknow Bench Lucknow and
I have satisfied myself by examining the deponent
and he understood all the contents of affidavit
which have been read and explained by me.

OATH COMMISSIONER.



93/170
39.85

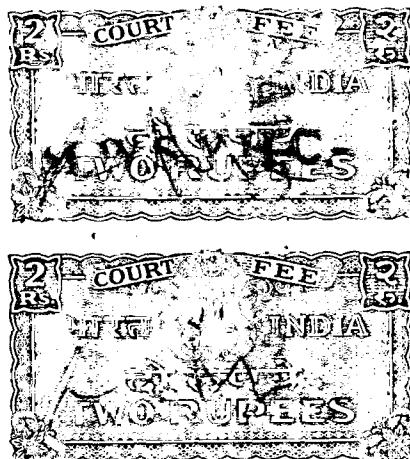
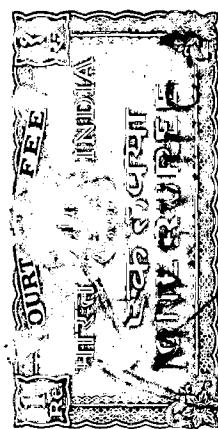


ब अद्वालत श्रीमान्

[४५] अपीलान्ट

श्री-

निवासी निवासी



कालतनामा

८२

महोदय

वकालतनामा

at present

३५-५१ लैट

वादी (अपीलान्ट)

DR Singh

प्रतिवादी (रस्पाडेन्ट)

१० रुपये

१६ रुपये

ऊपर लिखे मुकदमा में अपनी ओर से श्री एम० पी० शर्मा एवं सुदेश
छाबरा एडवोकेट

वकील

महोदय

एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया 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 होगी से यह स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

DR Singh
हस्ताक्षर

साक्षी (गवाह) - - - - - साक्षी (गवाह) - - - - -

दिनांक - - - - - महीना - - - - - सन् १६ रुपये

स्वीकृत

एडवोकेट

DR Singh (१६)

15
18/9/85

The

Add. Register

W.H. & Co. Lucknow Branch No.

Sir,

CM

4666-85

A Court Petition No. 4666

Notice of Plaintiff name of Dush Ray Singh & Union of India and others has been filed on 16/9/85 and on 17/9/85 the same was admitted and a direction was given to the Plaintiff to file process for Registration No 182, within 24 hours.

Accordingly I am filing steps for Respondents as under.

- ① Affidavits & W.P. 2 nos
- ② Two Regd Envelopes for 5.75/- p. each
- ③ 4 Notices

This is for further necessary action. Yours truly

18/9/85

M. P. Sharma
for the Plaintiff

X.B.S

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अवधाव १२, निवम १ और ७)

शोधानी विभाग

प्रकोणांक (मुतफरिक) प्रार्थना - पत्र संख्या तिथि १६ ई०

..... रु० रु० १६०५ ई० मे

..... Deekh Raj Singh प्रार्थी

..... Union of India प्रत्यार्थी

..... Divisional Railway manager -

..... MR R. H. Hazrainganj,

..... Lucknow प्रत्यार्थी

चूंकि उपर छिले प्रार्थी ने इस व्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

..... के बाब्त के लिये प्रार्थना-पत्र

दिया है, तो आपको जारीह किया जाता है कि आप दिनांक माह तिथि १६
को वा उससे पूर्व उपस्थित होकर कारब बस्तावे कि प्रार्थना-पत्र क्षेत्रों न स्वीकार कर
लिया जाए। उपर व्यार्थना-पत्र की चुनवाई उसके बाद विवादानुसार विविध विज्ञों और
दिन होगी।

विद्यि हो कि आप उपर छिले दिनांक पर या उससे पहले स्वयं जायका किसी
एडब्ल्यूकेट वा ऐसे व्यक्तिकूल, जो आपको जोर से कार्य करने के लिये कानून अधिकृत
हों उपस्थित न होंगे जो उस प्रार्थना-पत्र की चुनवाई और निर्णय आपको अनुपस्थिति
में हो जावेंगे।

मेरे हस्ताक्षर और व्यायालय की मोहर से आव दिनांक माह तिथि १९
को वारी किया गया।

..... के उपर्युक्त

किया

जिटो रविस्तार
इलाहाबाद/लखनऊ

सूचना—इस व्यायालय की १९५२ की नियमावली के अध्याव ३७ निवम २ के अन्तीन प्राप्त
तलवाना मिल गया।

व्यायामा प्राप्त करने वाले कलक' के हस्ताक्षर

४३८ ४५

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अव्याख १२, नियम १ और ७)

हीकानी विभाग

प्रकोणांक (मुतफरिक) प्रार्थना - पत्र रास्ता रु १६०/-

रु १६०/- रु १६०/- रु १६०/-

Dehradun Raj Singh

प्राधी

(Union प्रति अ. नं. १२)

प्रत्याधी

The Directorial Railway Manager,
Northern Railway,

Hazratganj

प्रत्याधी

लखनऊ

चूंकि उपर छिसे प्राधी ने इस अव्याधिय में उपयुक्त सुकर्दमे के सम्बन्ध में
को भाज के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश हिता आता है कि आप दिनांक माह रु १६
को वा उससे पूर्व उपरिक्त होकर कारब बदलावे कि प्रार्थना-पत्र क्षयो न त्वीकार कर
लिया जाए। उपर प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विविध किन्ही और
दिन होगी।

विद्यि हो कि आप उपर छिसे दिनांक पर या उससे पहले स्वयं अव्याधि किसी
एडिक्टेट वा ऐसे अधिकार कुरा, जो आपको और से काया करने के लिये कानून अधिकृत
हों उपरिक्त न होगे जो उपर प्रार्थना-पत्र की सुनवाई और निर्णय आपको अनुष्ठिति
में हो जायेंगे।

मेरे हस्ताक्षर और अव्याधिय की मोहर से आज दिनांक माह रु १९
को बारी किया गया।

के उपरिक्त

विधि

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस अव्याधिय की १६५२ की नियमावली के अव्याख ३७ नियम २ के अन्तर्गत
तलवाना मिल गया।

अव्याधि प्राप्त करने वाले कळक के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अव्याव १२, नियम १ और ७)

होमानी विभाग

प्रकोणांक (मुत्तफर्क) प्रार्थना - पत्र संलग्न सन १६ अगस्त

रु. २० सन १६ अगस्त २०२० में

Devi Kali Singh

प्रार्थी

Union of India

प्रत्यार्थी

Union of India

Through the General Manager

Bonda House

Agri Delhi प्रत्यार्थी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुद्रदस्त के सम्बन्ध में

के बाब्त के लिये प्रार्थना-पत्र

दिया है, अतः आपको बालेज हिंदा बता है कि आप हिनोंक "माह" सन १६ को बा उससे पूर्व उपस्थित होकर कारब बताने कि प्रार्थना-पत्र क्यों न त्वीकार कर लिया जाए। उपर आपको आपको बुलाई हुसके बाद बिक्रमाणुजार बिहारि लिङ्गी और दिन होगो।

विद्यि हो कि आप उपर लिखे हिनोंक पर था उससे पहले स्वयं जयवा किसी एडवोकेट का देसे बलित हुआ, औ आपको और से कार्य करने के लिये कानूनन अधिकृत हो उपस्थित न होये औ उस प्रार्थना-पत्र को बुलाई होर निर्णय आपको अनुष्टिथिति में हो जावेगे।

मेरे हस्ताक्षर और न्यायालय को मोहर से बाब्त दिनों "माह" सन १९ को बाबी लिया जवा।

के उपरोक्त

लिखि

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६५२ की नियमावली के अव्याव ३७ नियम २ के अन्तीन प्राप्त तलवारा मिल जवा।

लखनऊ प्राप्त करने वाले कक्ष के हस्ताक्षर

५५
५७

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अव्याख १२, नियम १ और ७)

लोकानी विमान

प्रकोणांक (मुतफरिक) प्रार्थना - पत्र रास्ता रज १६ रु०

लोकानी रु० रज १६ रु० ५० रु०

D. K. Raj Singh प्रार्थी

लोकानी प्रार्थी

त्रिवेदी अधिकारी

Trish Singh General Manager

North Eastern Railway प्रार्थी

Frontier House, New Delhi

चूंकि उपर किसे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

को लाभ के लिये प्रार्थना-पत्र

हिया है, अतः आपको लाभेत हिया आता 'है कि आप हिनोक' माह रज १६
को वा उससे पूर्व उपस्थित हुएकर काहज बतायावे कि प्रार्थना-पत्र क्यों न स्वीकार कर
लिया जाए। उपर प्रार्थना-पत्र को सुनवाई हुएके बाद विवरणजुकार बिहारि किनी और
दिन होंगो।

विदित हो कि आप उपर किसे दिनांक पर या उससे पहले स्वयं अथवा किसी
एड्डोकेट वा ऐसे अधिकारी हुएरा, जो आपको और से कार्य करने के लिये कानून अधिकृत
हों उपस्थित न होंगे जो उप प्रार्थना-पत्र को सुनवाई और निर्णय आपकी अनुष्ठिति
में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आव दिनांक माह रज १९
को आदी किया गया।

के उड्डोकेट

लिखि

डिप्टो रविस्त्रार
इलाहाबाद/लखनऊ

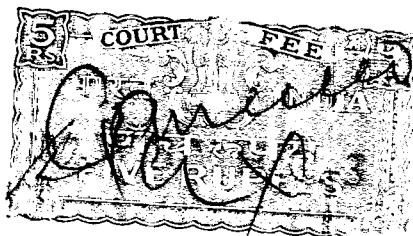
सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याख ३७ नियम २ के अन्तर्गत
तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक' के हस्ताक्षर

THE HIGH COURT OF JUDICATURE AT ALLAHABAD
BENCH : BENCH : LUCKNOW.

Civil Misc. Writ Petition No. 4666 of 1935.

(5)



1 of Rs 5/-

S. O. (W)
Divisional Railway Manager
Kanpur
20/11/1935

S.R. Singh

Vs.

1. Union of India
through the General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Hazratganj, Lucknow.

SECOND PETITION APPLICATION

The Petitioner submits as under :-

1. That on 16.9.1935 the aforesaid Writ Petition has been filed against the orders contained in Annexure Nos. 2 and 3 respectively.
2. That on 17.9.1935 Hon'ble S.C. Mathur and Hon'ble G.B. Singh, JJ were pleased to admit the aforesaid Writ Petition with a direction to the Petitioner to file service of notices for Respondents within 24 hours and thereafter the notice was required to be issued to the Respondents and the said application was ordered to be laid before the Hon'ble Single Judge.
3. That on 18.9.1935 the Petitioner has filed

desai.

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AAW

the necessary steps and notices for the Respondents in the office.

4. That since 18.9.1985 the aforesaid stay application has not been listed in this Hon'ble Court inspite of specific direction of this Hon'ble Court.

5. That the Petitioner is being forced by the Respondents to resume his duties at Moradabad on the basis of illegal and void order passed contrary to Railway Board Circular as details given in the Writ Petition and, therefore, the Petitioner is suffering very much and being Scheduled Caste candidate he is protected under the Policy and orders of the Railway Board referred in paragraph 19 of the aforesaid Writ Petition.

6. That the orders contained in annexure Nos. 2 and 3 of the Writ Petition are totally based in violation of Railway Board Circulars as reproduced in paragraph 19 of the Writ Petition, therefore illegal and are liable to be stayed.

7. That the Petitioner is on Sick Leave and his pay has been withheld and it would be in the int rest of justice to stay the operation of the orders contained in Annexure Nos. 2 and 3 of the Writ Petition till further decision of this Writ Petition.

Therefore it is prayed that this Hon'ble Court be pleased to stay the operation of the orders contained in Annexure Nos. 2 and 3 respectively

PK
20/11/87

DASJ

....3....

till pending decision of the aforesaid Writ Petition and also dispose of the earlier stay application alongwith this application.

DATED : 20/11/85 (I.P. SHARMA)
COUNSEL FOR THE PETITIONER.

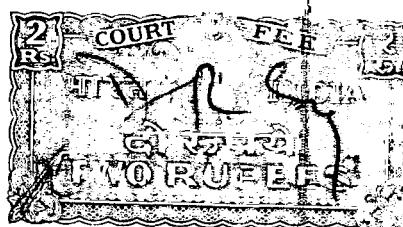
RJS
20.11.85

desg

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW.

Civil Misc. Writ Petition No. 4666 of 1985.



1985

AFFIDAVIT

78/11/1985
HIGH COURT
ALLAHABAD

26/11/1985

D.R. SINGH

.....

PETITIONER.

Versus

UNION OF INDIA & OTHERS

OPPOSING PARTIES.

AFFIDAVIT OF D.R. SINGH, AGED ABOUT 49 YEARS, S/O SHRI KHUSHALIRAM, R/O 46, BHIM KANGRI, ALAMBAUGH, LUCKNOW.

I, the above named deponent do hereby state on oath as under :-

1. That the deponent is Petitioner and is well acquainted with the facts of the case.

2. That the deponent verifies the contents of Para 1 to 1 of this Second

Stay application as true to his own knowledge and those of paras 1 to 1 are believed by him to be true on the basis of records and those of paras 1 to 1 are believed to be correct on the basis of legal advice tendered.

DATED : 20.11.1985.

DEPONENT.

Verification

I, the above named deponent do hereby verify that the contents of Para 1 and 2 of this Affidavit are correct to the best of my knowledge. No material part has been concealed. So help me God.

Signed and verified at this 20th day of November, 1985 at Lucknow.

DR Singh

DEPONENT.

DR Singh

M2
S/S

- : - : -

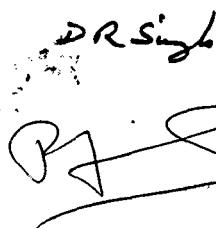
I know the deponent who has signed in my presence.


(K.P. SHARMA)
ADVOCATE
7, Annexe, Near G.P.O.
LUCKNOW.

Solemnly affixed before me on 20.11.88
9.45... ~~10.00~~ by the deponent Shri D.S. Singh...
who is identified by Shri K.P. Sharma, Advocate,
High Court, Lucknow Bench Lucknow and I have satisfied
myself by examining the deponent and he understood
all the contents of affidavit which have been read
and explained by me.

OATH COMMISSIONER.


R.S
20.11.88


D.S. Singh

781064 20.11.88

10/3

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

Civil Misc. Writ Petition No. 4666 of 1985.

D.R. Singh

Vs.

1. Union of India
Through the General Manager,
Northern Railway,
Baroda House, New Delhi.

2. Divisional Railway Manager,
Northern Railway, Hazratganj, Lucknow.

SECOND STAY APPLICATION

The Petitioner submits as under :-

1. That on 16.9.1985 the aforesaid Writ Petition has been filed against the orders contained in Annexure Nos. 2 and 3 respectively.
2. That on 17.9.1985 Hon'ble S.C. Mathur and Hon'ble G.B. Singh, JJ were pleased to admit the aforesaid Writ Petition with a direction to the Petitioner to file steps and notices for Respondents within 24 hours and thereafter the notice was required to be issued to the Respondents and the said application was ordered to be laid before the Hon'ble Single Judge.
3. That on 19.9.1985 the Petitioner has filed

D.R. Singh

....2....

the necessary stops and notices for the Respondents in the office.

4. That since 19.9.1985 the aforesaid stay application has not been listed in this Hon'ble Court inspite of specific direction of this Hon'ble Court.

5. That the Petitioner is being forced by the Respondents to resume his duties at Moradabad on the basis of illegal and void order passed contrary to Railway Board Circular as details given in the Writ Petition and, therefore, the Petitioner is suffering very much and being Scheduled Caste candidate he is protected under the Policy and orders of the Railway Board referred in paragraph 19 of the aforesaid Writ Petition.

6. That the orders contained in Annexure Nos. 2 and 3 of the Writ Petition are totally based in violation of Railway Board Circulars as reproduced in paragraph 19 of the Writ Petition, therefore illegal and are liable to be stayed.

7. That the Petitioner is on Sick Leave and his pay has been withheld and it would be in the interest of justice to stay the operation of the orders contained in Annexure Nos. 2 and 3 of the Writ Petition till further decision of this Writ Petition.

Wherefore it is prayed that this Hon'ble Court be pleased to stay the operation of the orders contained in Annexure Nos. 2 and 3 respective

- : 3 : -

till pending decision of the aforesaid Writ Petition and also dispose of the earlier stay application alongwith this application.

DAZED :

(M.P. SHARMA)
ADVOCATE
COUNSEL FOR THE PETITIONER.

DRAFT

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH : LUCKNOW.
Civil Misc. Writ Petition No. 4666 of 1985.

D.R. SINGH PETITIONER.
Versus
UNION OF INDIA & OTHERS OPPOSITE PARTIES.

AFFIDAVIT OF D.R. SINGH, AGED ABOUT
49 YEARS, S/O SHRI KHUSHALIRAM, R/O
46, BHIM NAGAR, ALAMBAGH, LUCKNOW.

I, the above named deponent do hereby state on
oath as under :-

1. That the deponent is Petitioner and is well
acquainted with the facts of the case.
2. That the deponent verifies the contents of
Para 1 to 5 of this Second
Stay Application as true to his own knowledge and those
of paras X to X are believed by him to be
true on the basis of records and those of paras 1
to 5 are believed to be correct on the basis of
legal advice tendered.

DATED : 20.11.1985.

DEPONENT.

Verification

I, the above named deponent do hereby verify
that the contents of Para 1 and 2 of this Affidavit
are correct to the best of my knowledge. No material
part has been concealed. So help me God.

Signed and verified at this 20th day of November,
1985 at Lucknow.

DEPONENT.

DRS/1

I know the deponent who has signed in my presence.

(M.P. SHARMA)
ADVOCATE
7, Annexe, Near G.P.O.
LUCKNOW.

Solemnly affixed before me on
... ... AM/PM by the deponent Shri
who is identified by Shri M.P. Sharma, Advocate,
High Court, Lucknow Bench Lucknow and I have satisfied
myself by examining the deponent and he understood
all the contents of affidavit which have been read
and explained by me.

OATH COMMISSIONER.

DRS/1

D.M.B

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 4666 of 1985

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
16-9-85	Decn S.C. Mathur,> Decn G.B. Singh,> Put up tomorrow.	Sd. S.C. Mathur
		Sd. G.B. Singh.
		16-9-85.
	C.M. No 10015, 632 (W) 85	
16-9-85	Decn S.C. Mathur,> Decn G.B. Singh,> Put up along with w.p.	Sd. S.C. Mathur
		Sd. G.B. Singh.
		16-9-85.
17-9-85	Decn S.C. Mathur,> Decn G.B. Singh,> Admit. Group notice to opp. parties No 1 and 2.	Sd. S.C. Mathur
		Sd. G.B. Singh.
		17-9-85.
17-9-85	Decn S.C. Mathur,> Decn G.B. Singh,> Give 24 hours. Adjudication shall be adjourned for orders.	Sd. S.C. Mathur
		Sd. G.B. Singh.
	notice within 24 hours.	17-9-85.

