

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. No. 1938/82
W.P. No. 4736/85 OF

NAME OF THE PARTIES Lal Chandra Applicant

Versus

..... G.D.F. Sanyal Respondent

Part A.

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| 18 | | |

CERTIFICATE

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

without Borta This file received from record room
without Borta

Dated 27.7.11...

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1930 of 1987. (17)

APPELLANT
APPLICANT

Lal Chandra

VERSUS

DEFENDANT
RESPONDENT

U O L

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

30/10/89

Hon' Mr. D.K. Agrawal, J.M.

Shri L.P. Shukla counsel for the applicant is present, and requests for adjournment.

Allowed. Adjourn this case to 9-1-90 for order.

(sns)

J.M.

OR
Case has been recd. on 14.9.08.
Case is not admitted.

Amendment application is pending in Court order dt. 14.9.08.

Case was filed from CAT, Alid. but O/L was not attached.

Submitted for order

L 10/5
L 23/1

9-1-90

No Sill. Adj. to 9-3-90.

L

9-3-90

No Sill. Adj. to 9/11/90

9/11/90

L

11/5/90

Hon. Mr. K.T. Ramen, A.M.
Hon. Mr. D.R. Agrawal, J.M.

Shri O.P.M. Tripathi, brief holder of Shri L.P. Shukla, learned counsel for the petitioner is present. Shri A. Bhargava, learned counsel for the respondent is present. The amendment application of 9th Sept 1985 is still pending, it appears that the said amendment application is in pursuance of such matter passed by the Hon'ble High Court. An opportunity is given to the respondent to file objection if any with regard to the amended application. The case be listed for order on 8/5/90.

sd

J.M.

A.M.

8/8/90/ No sitting Adj to 8/10/90.
8/8/90

8.10.90 No sitting Adj to 8.11.90

W

8.11.90

Hon. Mr. M. V. Bialkar AM.

Hon. Mr. D. K. Aggarwal, JM.

Due to resolution of Bar
Association case is adjourned
to 17.12.90

17.12.90

No sitting Adj to 30.1.91

W

B.O.C.

30.1.91

No sitting Adj to 20.2.91

W

W

20.2.91

No sitting Adj to 18.4.91

W

18.4.91

No sitting Adj to 15.5.91

W

15.5.91

No sitting Adj to 27.6.91

W

No objection has
been filed in proper
manner

dt. 11.5.90

27.6.91 Hon. Mr. S. N. Prasad, JM.
Court called out

L
25/5

Both the parties are absent today.

No objection has been filed

by respondent ⁱⁿ compliance of
order dt. 11.5.90 This case is listed for

orders on 2/8/91.

No sitting adj to 29.8.91

SR

No objection has been
filed on the amendment
application.

S.P.O.

20/8/91

2-8-91

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.D. LUCKNOW

1938/07.13
C.W. 4734/83

1938

NO.

OF 1907.13

L. M. Chandra

Vs.

W.O.I

| Sl.No. | Date | Office Report | Orders |
|--------|---------|---|--|
| | | 27-8/91 | Hon. Mr. D. K. Agrawal J.M. None present. List for orders on 1-11-91 De J.M. |
| | | OR No objection has been filed as directed by the Court's order of 11-5-91. S. fo L 31/2 | |
| | 1-11-91 | Mr. L. P. Shukla - Counsel for the Applicant None present for the respondents. As prayed for by the learned counsel for the applicant, may be listed for direction on 22/11/91 | (Kanshal Kumar) Vice Chairman |

22/11/91

NO setting back to 30.12.91

| Sl.No. | Date | Office Report | Orders |
|--------|------|---|-------------|
| | | <p>8/</p> <p>No objection has been filed by the court's order dt. 11.5.91</p> <p>S. Fo</p> <p>h</p> <p>27/12</p> | |
| | | <p>0.12.91</p> <p>Heard by S. N. Prasad. J.M.</p> <p>Case called out several times at interval. An application has been received for learned counsel for applicant Sri T.P. Sukla for he is out of station for judgment of the case. None present for the respondents.</p> <p>Listed for order on 27.1.92</p> | |
| | | <p>GR</p> <p>No objection has been filed by the court's order dt. 11.5.91.</p> <p>S. Fo</p> <p>h</p> <p>21/1</p> | <p>J.M.</p> |

(S)

T.A 1938/87

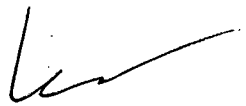
27.1.92 Hon. Mr. Justice V.C. Sarvadatta, VC
Hon. Mr. D.R. Gadh, AM

8/4


This M.P. has been filed in September 1985 but we find that the respondents have not cared to file any objections till today. The amendment asked for is allowed. Let the amendment be carried out during the course of the day, failing which the amendment application will be deemed to have been rejected.

Let the case for final hearing in the first week of March 1992. If the respondents are interested in filing reply, they may do so within 3 weeks, advance copy of the reply may be given to the learned counsel for the applicant.

list for hearing on 5-3-92



VC


AM

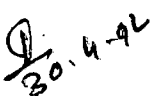


5-3-92


Disc to Strike of Advocates
On 20.1.92

Q
Proc

or
No Reply filed
in the compliance
of court order
dt. 27.1.92


30.4.92

or
No reply filed
per order dated

27.1.92
SFH

3.3

(83)

1.5.92.

Hon'ble Mr. Justice V.C. Prasad - V.C.
Hon'ble Mr. A.B. Corti - A.B.

Learned counsel for the respondent states that the applicant has filed an application stating therein that to quash the notice dated 10.4.85. The applicant has filed separate writ petition which is on subject matter of adjudication in P.A. No. 11915/77 as such the same relief cannot be claimed in the present petition so far. So far as the relief against the transfer order is concerned, it has been stated that the applicant was transferred on Administrative reasons and taken effect on 11.7.85 and is working there since then. As such the application has to be infructuous. This application is dismissed as it has become infructuous.

(DPS)

1
A.B.

V.C.

6/7/92

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

AY

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case WP 4736-85
Name of parties Lal Chandra vs. State Union of India
Date of institution 17-9-85 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- | in P. with Ammex and affidavit | 22- | | 102 00 | | | |
| | 2 | Power - | 1- | | 5 00 | | | |
| | 3 | Cmd 10.726(4) of 84. | 1- | | 5 00 | | | |
| | 4 | Cmd 11.324(4) of 84 to Ammex | 5- | | 7 00 | | | |
| | 5 | order sheet | 1- | | | | | |
| | 6 | Print Copy | | | | | | |

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

Date

Munsarim
Clerk

6853

(A)

Group-A-14(h)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT LUCKNOW

SITING AT LUCKNOW

Writ Petition No. 4736 of 1985

1/6

Ial Chandra Petitioner

Versus

Union of India & others Opposite Parties

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- 4. Annexure No.3- Notice dated 10.4.1985 reverting the petitioner. .. 14
- 5. Annexure No.4 - Rly. Board's Policy letter dated 2.8.1965 .. 15 & 16
- 6. Annexure No.5- Transfer order dated 5.7.1985 transferring the petitioner. .. 17 & 18
- 7. Annexure No.6- Rly. Board's Circular dated 25.3.1967. .. 19 & 20
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- 9. Vakalatnama. .. 23
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11125

Vaishnavi Shukla

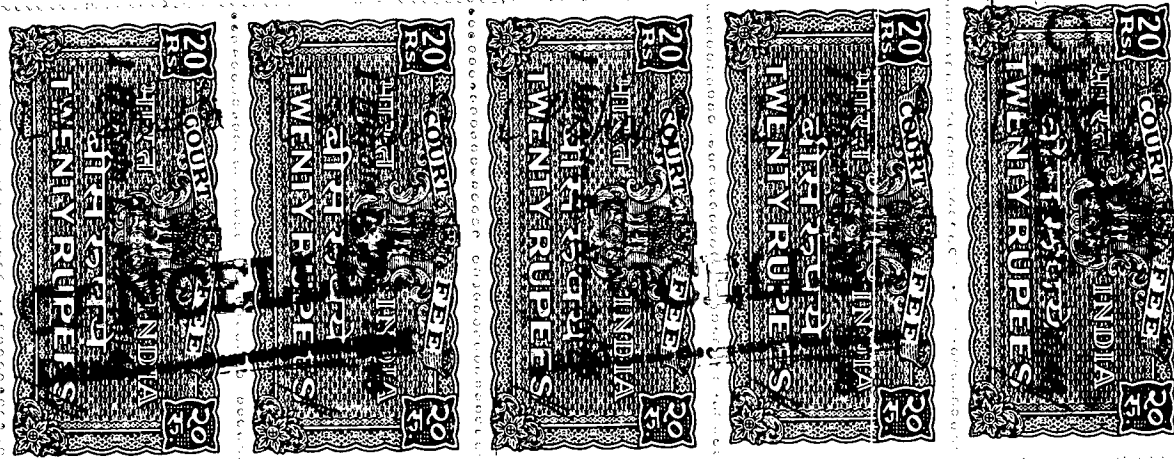
(M.P. Shukla)

Advocate,

Counsel for the petitioner.

Lucknow Dated:

August 19, 1985.



542-100h
2/10/65

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

Writ Petition No. 4736 of 1965

Lal Chandra, aged about 44 years, son of Sri Ram
Swarup, resident of Motinagar, Lucknow.

..... Petitioner

Versus

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

..... Opposite Parties

Writ Petition under Article 226
of the Constitution of India.

The petitioner most respectfully begs to
submit as under :-

1. That the petitioner was appointed on the
post of clerk in Northern Railway, Lucknow, on
28.7.1960 under opposite party No.2. He was promoted
to the post of Senior Clerk in the year 1970.

dal chandra

18

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 Total
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~~It is made on receipt of lower~~
~~Court report~~
 to take up to
 Papers filed. Copy of 2
 should also be filed.
 Singh - Bunch.

last order dated 5.7.85

Lucknow

Signature of the identifying
Advocate is wanting on
the affidavit.

les
31/8

under the
31-8-85
les
31-8-85

objection removed....

Defence
les
31/8
K.D.N.
Adv.

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

The petitioner has sought
quashing of two orders passed
against him. One is order
dated 10.4.85 - Annexure No. 3
which is an order reverting
him to a lower post. The

other is order dated
5.7.85 by which he
has been transferred
from Lucknow to
Firozpur. In respect
of the order of reversion
he has already filed
a writ petition No. 3846
of 1985 in this Court.
In view of the earlier
writ petition, petitioner
is not entitled to raise
challenges in respect of reversion
order in this petition also
and to pray for its quashing.

The petitioner shall accordingly
amend the writ petition so
as to confine his challenge
against the order of transfer only.
Amendment application
may be made within three
days.

list in the next week.

les

17.9.85

les

reversion of the petitioner to the exclusion of others. The said writ petition No.3846 of 1985 has been admitted by this Hon'ble Court on 6.8.1985.

17. That the petitioner's post being a divisional controlled post his transfer to Ferozpur Division in Punjab on the reverted post is wholly illegal and without jurisdiction.

18. That the transfer of the petitioner on the reverted post to Ferozpur Division in Punjab by order dated 5.7.1985 has been made when the petitioner is on medical leave on the basis of of the medical certificate issued by the Railway Doctor, and as such it is not physically possible for him to report for duty in Ferozpur Division. The transfer order, is, therefore, wholly arbitrary and mala fide.

19. That aggrieved by the transfer of the petitioner on the reverted post in the grade of LS.330-560 in Ferozpur Division and having no alternative efficacious and speedy remedy, the petitioner has preferred this writ petition on the following amongst other grounds:-

GROUND S

- (1) Because the petitioner's reversion and transfer is wholly illegal, arbitrary and without jurisdiction.
- (2) Because no notice to show cause against the proposed reversion was given to the petitioner

W. P.
29.8.85

Sal Chandra

and as such his reversion and consequent transfer is against the principles of natural justice.

- (C) Because the order of cancelling the panel is wholly illegal and without jurisdiction.
- (D) Because while others have been retained as Asstt. Superintendents on adhoc basis the petitioner alone has been singled out for reversion on the ground of ineligibility. This amounts to discrimination under Articles 14 & 16 of the Constitution of India.
- (E) Because the petitioner having worked for more than 18 months as Asstt. Superintendent he cannot be reverted without following the procedure prescribed in the Discipline and Appeal Rules.
- (F) Because the deduction of petitioner's salary through Memo dated 7.6.1985 was made with retrospective effect from 10.4.1985 although the petitioner continued to work upto 11.7.1985 on the post of Asstt. Superintendent and the salary for the post was paid upto 15.6.1985.

P R A Y E R

WHEREFORE it is most respectfully prayed that this Hon'ble Court may be pleased to :-

Santhosh Kumar

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

Writ Petition No. cf 1985

Lal Chandra

.....

Petitioner

Versus

Union of India & others

Opposite Parties

Annexure No. 1

at
29.8.85

Lal Chandra

CONFIDENTIAL
No. Sr. DPO/Conf/Selec. II

Sub:- Selection for the post of Asstt. Supdt./Transportation
Gr. Rs. 550-750/RS.

As a result of the selection held for the above post on 18.8.83 on 5-2-83 and 25-2-83 the following successful candidates have been placed on the panel of Asstt. Supdt/Trans. in Grade Rs. 550-750 subject to DAR/Vig. clearance. Their names are given below in accordance with their seniority.

1. Sri Trilok Singh
2. Sri Hans Raj Sharma
3. Sri S.C. Dixit
4. Sri Kesar Singh Bhatia
5. Sri P.D. Shukla
6. Sri Lal Chand (SC)

The above panel is the FINAL PANEL superceding the provisional panel earlier declared, vide letter no. dated 24.2.83.

D.P.O. (I)
28-2-83

ASE/VI

Lal Chand

29.8.83

~~A~~

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

Writ Petition No. of 1985

Lal Chandra

.....

Petitioner

Versus

Union of India & others Opposite Parties

Annexure No. 2

Okd.
29.8.85

Lal Chandra

Northern Railway

CONFIDENTIAL
No. DPO/R/55(1).Divl. Supdt's Office,
Lucknow, Aur. 2, '65.DEN(I)/DEN(II)/DOS/DSO/DME/DCS/DSTE(W)/DSTE(M)
DEE/DMO/DEO/DME(DSL)MGS/ACS/AOS(M)/AOS(G)/AME(I)
AME(II)/APO(I)/APO(II)/ASTE(II)/AEN.LKO/HQ.LKO/RBL
BSB/FD/SLN.Sub: Reversion on grounds of general unsuitability
of staff officiating in a higher grade or post.
----A copy of GM(P)'s confidential letter No. E.142/0/3-II
dated 15.7.'65 is forwarded herewith for information and guidance.for Divl. Superintendent,
Lucknow.Copy of G.M.(P)/NDLS's letter referred to above.

Attention is invited to the instructions issued vide this office letter of even number dated 9.3.1960 (followed by amplifications/clarifications issued in this office letters mentioned in the margin) wherein it was inter alia stated that an officiating employee could be reverted at any time if his performance was not satisfactory and reversion was justified in the interest of work irrespective of the period of officiating service involved and without resorting to the procedure laid down in D & A Rules. The matter has been reconsidered by the Railway Board and it has now been decided that in future any person who is permitted to officiate beyond 18 months cannot be reverted for unsatisfactory work without following the procedure prescribed in the Discipline & Appeal Rules.

** No.E142/0/3-II
dt. 27.7.63.
No.E.142/0/3-II
dt.2.1.64.
No.E.142/0/3-II
dt.6.2.64.
D.O.No.E.142/0/3-II
dt.28.8.64.
D.O.No.E142/0/3-II
dt.30.11.64

S. L. Chandra

29.8.85

इन दि आनखुल हाई कोर्ट आफ जुडीकेर स्ट इलाहाबाद
सिटिंग स्ट लखनऊ

रिट पेटिशन नं०

आफ १६८५

लाल चन्द्र

.....

पेटिशनर

वर्सेस

यूनियन आफ इंडिया एंड अदर्स

.....

अपोजिट पार्टीज

एनेक्स्वर नं० ५

उपर रेलवे

संख्या ६४१ ई।ई. ६।१ : रामसुख। लालचंद्र:

मंडल कार्यालय

लखनऊ

दिनांक ५.७.८५

नोटिस

अधी लिखित आदेश तत्काल प्रभाव से जारी किये जाते हैं :

१। श्री राम सुख प्र० लि० वे० मा० ४२५-७०० : सं० वे० : स्थापना
अनुभाग, मंडल कार्यालय, लखनऊ को पद सहित प्रशासनिक आधार पर
बीकानेर मंडल स्थानान्तरित किया जाता है।

२। श्री लाल चन्द्र व० लि० वे० मा० ३३०-५६० : सं० वे० : अधीन स्टेशन
अधीन लखनऊ को पद सहित प्रशासनिक आधार पर फिरोजपुर मंडल
स्थानान्तरित किया जाता है।

प्राधिकार.. महा प्रबन्धक : कार्मिक : का पत्र संख्या ६३६ ई। २२८

। एल। ई। डी। दिनांक १३.६.८५

ह० अपाठित

५.७.८५

कृते मंडल रेलवे प्रबन्धक

लखनऊ

प्रतिलिपि सूचनार्थ प्रेषित :

१. महा प्रबन्धक : कार्मिक : मुख्यालय उ० र० बहोदा हाउस नई दिल्ली।

२. मंडल रेलवे प्रबन्धक उ० र० बीकानेर एवं फिरोजपुर।

। २।

३. वं०मं०सै०न० । लखनऊ : ४: व०म०प०अ०। लखनऊ
५. अधीक्षक परिखा लन अनुभाग। वेतन अनुभाग। स्थापना अनुभाग
६. स्टेशन अधीक्षक लखनऊ
७. सम्बन्धित लिपि ६। २
८. अति० मुख्य चिकित्सा अधिकारी लखनऊ।

...

सत्य प्रतिलिपि

del Chandra -

21.8.55

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

Writ Petition No. of 1985

Lal Chandra Petitioner
Versus
Union of India & others Opp. Parties

Annexure No. 6

General Manager (P) N.Rly. Head Quarter's Office,
Baproda House, New Delhi's printed Serial No.3929-
Circular No.52-E/O/19/E(D&A) dated 22.5.1967.

Sub:- Transfer of Railway Staff whose conduct is under investigation.

A copy of Railway Board's letter No.E(D&A)65-RC6-6 dated 25.3.1967 on the above subject is forwarded herewith for information and guidance. The Board's letter referred to therein was circulated under this office letter No.940/E/C-II(WIV), dated 25.4.1962.

Copy of Railway Board's letter No.E(D&A)65RC6-6 dated 25.3.1962.

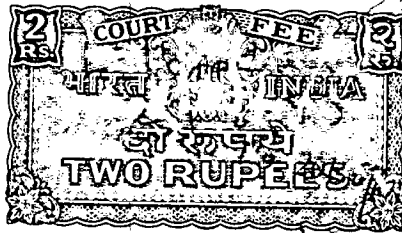
"Reference Board's letter No.E(D&A)62RG6-15 dated 29.3.1962 wherein it was laid down that non-gazetted staff whose conduct is under investigation for charges meriting dismissal/removal from service, including those under suspension, should not be transferred from one Railway administration to another till after the finalisation of the departmental or criminal proceedings against them. The Board have considered the matter further and have now decided that non-gazetted staff against whom a disciplinary case is pending or is about to start should not normally be transferred from one Railway/Division to another Railway/Division till after the finalisation of the departmental or criminal proceedings irrespective of whether the charges merit imposition of major or minor penalty."

Serial No.1552- General Manager (P) N.Rly. Head Quarters Office Circular No.940-E/C-II (WIV) dated 25.4.1962.

Sub: Transfer of Railway Staff whose conduct is under investigation.

A copy of the Railway Board's letter No.E(D&A)62RG6-15, dated 29.3.1962 is reproduced below for information.

Ch. 29.8.85
Lal Chandra



1985
AFFIDAVIT
6 / 12
HIGH COURT
ALLAHABAD

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

Affidavit

In

Writ Petition No. of 1985

Lal Chandra Petitioner

Versus

Union of India & others Opp. Parties

AFFIDAVIT

I, Lal Chandra, aged about 44 years, son of
Tri Ram Swarup, resident of Mitinagar, district Lucknow,
do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the
above noted writ petition and as such is fully conversant
with the facts deposed to herein.

2. That the deponent has read the accompanying writ
petition along with the annexures, the contents of which
he has fully understood.

3. That the contents of paragraphs 1 to 10 of
the writ petition are true to my own knowledge.

29.8.85

Lal Chandra

4. That Annexure Nos. 1, 2 and 4 are the photostat copies and Annexure Nos. 3, 5 and 6 are the true copies duly compared from their duplicates and originals.

Lucknow Dated:

August 23, 1985.

29 a

Sul Chandra
Dependent.

Verification

I, the above-named dependent, do verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Dated Lucknow:

August 23, 1985.

29 a

I identify the above-named dependent who has signed before me.

Sul Chandra
Dependent.

Kuldip Singh
Advocate.

Solemnly affirmed before me on 23¹/₂₉ 8.1985

at 12.40 a.m./p.m. by Sri Lal Chandra

the dependent who is identified by

Sri K.D. Nag,

~~Clerk to Sri~~

Advocate, High Court, Allahabad.

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

Sul Chandra

6/1612
29.8.85

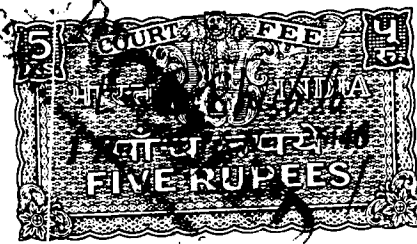
afg.
29-8-85

In The Honible High Court of Judicature at Allahabad
ब अदालत श्रीमान sitting at Lucknow महोदय

वादी (सुरई)
~~प्रतिवादी~~ (सुराजलेह)
W.P. No.

का वकालतनामा

of 1985



Lal Chandra

वादी (सुरई) 14/12/85
2114/85

बनाम

Union Of India and others प्रतिवादी (सुराजलेह)

नं० मुकद्दमा सन् १६ पेशी की त० १६ ई०
ऊप लिखे मुकद्दमा में अपनी ओर से श्री

L. P. Shukla & K. D. NAG एडवोकेट महोदय
Advocate Advocate
C-700, Mahanagar, Lucknow वकील

| | | |
|-----------|--------------|----------|
| नाम अदालत | नं० मुकद्दमा | नाम करीब |
| | | |

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और सदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (रीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की ई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

साक्षी (गवाह).....

दिनांक.....

महीना

साक्षी (गवाह).....

हस्ताक्षर *L. P. Shukla & K. D. NAG*

2. That the selection for the six posts of Asstt. Superintendent in the pay scale of Rs.550-750 (RS) was made after written test and viva voce and a panel of six selected candidates was thereafter drawn up on the recommendations of the duly constituted Selection Committee in accordance with the rules. The petitioner being the senior most clerk appeared for the selection and was placed at sl. no.1 of the panel of selected candidates. The petitioner's selection was on the reserved Scheduled Caste quota on the basis of the roster system. The aforesaid panel was announced with the approval of the Divisional Railway Manager who is the competent authority. A true copy of the panel dated 11.5.1983 is filed as Annexure No.1 to this writ petition.

Annexure No.1

3. That the petitioner along with other persons in the panel was promoted as Asstt. Superintendent in the grade of Rs.550-750 (RS) by order dated 11.5.1983.

4. That the selection of the petitioner along with others, who were empanelled, was made in clear substantive vacancy of Asstt. Superintendents. The petitioner's selection was made on the reserved Scheduled Caste quota on the basis of the written test viva voce held in accordance with rules. He was placed first in order of merit among all the selected candidates in the panel. This panel was subsequently declared with the approval of the Divisional Railway Manager, Lucknow and the petitioner's posting as Asstt. Superintendent was accordingly made along with other five candidates who were selected and empanelled in the general

Divisional Personnel Officer, Lucknow, is filed as Annexure No.3 to this writ petition.

Annexure No.3

8. That no notice of the cancellation of the panel formed with the approval of the BPN Lucknow was, however given to the petitioner. The petitioner was never given any show cause notice regarding his reversion to the post of senior clerk in the grade of Rs.336-560. The petitioner for the first time became aware of the cancellation of panel and his consequent reversion on 10.6.1985 through memo dated 7.6.1985 issued by the Establishment Section for deducting his salary with retrospective effect from 10.4.1985. The petitioner had continued to work as Asstt. Superintendent in the office of the Station Superintendent upto 10.6.1985. He was also paid the salary for the said post of Asstt. Superintendent in the grade of Rs.550-750. This further shows that no notice of cancellation of the panel or show cause notice regarding his reversion was ever issued to the petitioner. The order of deducting his salary with retrospective effect from 10.4.1985 is, therefore, wholly arbitrary and without jurisdiction.

9. That the petitioner had worked on the post of Asstt. Superintendent since 11.5.1983. The said appointment being on a substantive post in a clear vacancy the petitioner after 18 months of continuous posting as Asstt. Superintendent cannot be reverted in terms of the rules and he acquired a right to the post.

10. That the Divisional Personnel Officer has no authority to cancel the panel once it has been approved by the Divisional Railway Manager without due sanction and approval of the next higher post than that of the Divisional Railway Manager, that is, the General Manager Northern Railway. No sanction for cancellation of the panel of Asstt. Superintendents issued by notice dated 11.5.1983 with the approval of the Divisional Railway Manager was obtained from the General Manager, Northern Railway. The action of the Divisional Personnel Officer cancelling the panel after nearly two years is wholly illegal and without jurisdiction.

11. That from the aforesaid order dated 10.4.1985, which has not been served on the petitioner, it is evident that the petitioner alone has been singled out for reversion while others placed in the panel below the petitioner have been allowed to continue as Asstt. Superintendents. The selection of the petitioner being under the reserved Scheduled Caste quota his reversion is protected under Article 335 of the Constitution of India.

12. That allowing other persons placed in the panel on the post of Asstt. Superintendents although junior to the petitioner and reverting the petitioner amounts to discrimination under Articles 14 and 16 of the Constitution of India.

13. That the reversion of the petitioner from the post of Asstt. Superintendent and the deduction of his

salary with retrospective effect on the said post without any notice whatsoever is wholly illegal and arbitrary and in violation of Article 311(2) of the Constitution of India.

14. That the petitioner fell ill on 12.7.1985 and has been on sick leave on the basis of the medical certificate issued by the Railway Doctor. On 6.8.1985 when the petitioner went to draw his salary he came to know that an order transferring him to Ferozpur in Punjab on the reverted post in grade of Rs.330-560 has been passed and consequently his pay was not to be drawn. The said order of transfer has, however, not been served on the petitioner. But he has become aware of the contents of the said order of transfer as it also relates to Sri Ram Sukh who has also been transferred from Lucknow to Bikaner. A true copy of the transfer order dated 5.7.1985 transferring the petitioner from Lucknow Division to Ferozpur Division in Punjab is filed as Annexure No.4 to this writ petition.

Annexure No.4

15. That the transfer of the petitioner from Lucknow to Ferozpur Division in Punjab on the reverted post in the grade of Rs.330-560 and withholding his pay is wholly illegal and mala fide. The transfer of the petitioner on the reverted post amounts to punishment and is, therefore, illegal and in violation of the Railway Board's Circular dated 25.3.1967^{which} is filed as Annexure No. 5 to this writ petition.

Annexure No.5

16. That the petitioner has preferred a writ petition challenging the cancellation of the panel and the

reversion of the petitioner to the exclusion of others. The said writ petition No.3846 of 1985 has been admitted by this Hon'ble Court on 6.8.1985.

17. That the petitioner's post being a divisional controlled post his transfer to Ferozpur Division in Punjab on the reverted post is wholly illegal and without jurisdiction.

18. That the transfer of the petitioner on the reverted post to Ferozpur Division in Punjab by order dated 5.7.1985 has been made when the petitioner is on medical leave on the basis of of the medical certificate issued by the Railway Doctor, and as such it is not physically possible for him to report for duty in Ferozpur Division. The transfer order, is, therefore, wholly arbitrary and mala fide.

19. That aggrieved by the transfer of the petitioner on the reverted post in the grade of Rs.330-500 in Ferozpur Division and having no alternative efficacious and speedy remedy, the petitioner has preferred this writ petition on the following amongst other grounds:-

G R O U N D S

- (A) Because the petitioner's reversion and transfer is wholly illegal, arbitrary and without jurisdiction.
- (B) Because no notice to show cause against the proposed reversion was given to the petitioner

and as such his reversion and consequent transfer is against the principles of natural justice.

- (C) because the order of cancelling the panel is wholly illegal and without jurisdiction.
- (D) Because while others have been retained as Asstt. Superintendents on adhoc basis the petitioner alone has been singled out for reversion on the ground of ineligibility. This amounts to discrimination under Articles 14 & 16 of the Constitution of India.
- (E) Because the petitioner having worked for more than 18 months as Asstt. Superintendent he cannot be reverted without following the procedure prescribed in the Discipline and Appeal Rules.
- (F) because the deduction of petitioner's salary through Memo dated 7.6.1985 was made with retrospective effect from 10.4.1985 although the petitioner continued to work upto 11.7.1985 on the post of Asstt. Superintendent and the salary for the post was paid upto 15.6.1985.

P R A Y E R

WHEREFORE it is most respectfully prayed that this Hon'ble Court may be pleased to :-

- (i) issue a writ, direction or order in the nature of certiorari quashing the notice dated 10.4.1985 (Annexure No.3) and the consequential order of transfer dated 5.7.1985 (Annexure No.5) after summoning the originals from the custody of the opposite parties;
- (ii) issue a writ, direction or order in the nature of mandamus commanding the opposite parties to treat the petitioner in service as Asstt. Superintendent in the grade of Rs.550-750 and not to give effect to the order of reversion dated 10.4.1985 and the order of transfer dated 5.7.1985;
- (iii) issue any other writ, direction or order as may be deemed just and proper in the circumstances of the case;
- (iv) award the costs of the writ petition to the petitioner.

Ducknow Dated :
August 23, 1985.

(L.P. Shukla)
Advocate,
Counsel for the petitioner.

~~SECRET~~

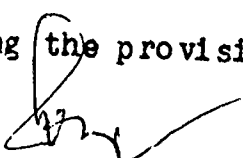
CONFIDENTIAL
No. Sr. DPO/Conf/Selec. II

Sub:- Selection for the post of Asstt. Supdt./Transportation
Gr. Rs. 550-750/RS.

As a result of the selection held for the above post on 18.2.83 on 5-2-83 and 25-2-83 the following successful candidates have been placed on the panel of Asstt. Supdt/Trans. in Grade Rs. 550-750 subject to DAR/Vig. clearance. Their names are given below in accordance with their seniority.

1. Sri Trilok Singh
2. Sri Hans Raj Sharma
3. Sri S.C. Dixit
4. Sri Kesar Singh Bhatia
5. Sri P.D. Shukla
6. Sri Lal Chand (SC)

5p The above panel is the FINAL PANEL superceding the provisional panel earlier declared, with effect from 24.2.83.


D.P.O. (I)
28-2-83

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ASE/VI

Annexure No. 4

Northern Railway

CONFIDENTIAL
No. DPO/R/55(1).

Divl. Supdt's
Lucknow, Aur.

DEN(I)/DEN(II)/DOS/DSO/DME/DCS/DSTE(W)/DSTE(M)
DEE/DMO/DEO/DME(DSL)MGS/ACS/AOS(M)/AOS(G)/AME(I)
AME(II)/APO(I)/APO(II)/ASTE(W)/AEN.LKO/HQ.LKO/RBL
BSB/FD/SLN.

Sub: Reversion of grounds of general unsuitability
of staff officiating in a higher grade or

A copy of GM(P)'s confidential letter No. E.14
dated 15.7.'65 is forwarded herewith for information and

for Divl. Superint
Lucknow.

Copy of G.M.(P)/NDLS's letter referred to above

Attention is invited to the instructions issued
this office letter of even number dated 9.3.1960 (followed
fications/clarifications issued in this office letters men-
in the margin) wherein it was inter alia stated that an of-
employee could be reverted at any time if his performance
satisfactory and reversion was justified in the interest c
irrespective of the period of officiating service involved
out resorting to the procedure laid down in D & A Rules.
matter has been reconsidered by the Railway Board and it h
been decided that in future any person who is permitted to
beyond 18 months cannot be reverted for unsatisfactory wor
following the procedure prescribed in the Discipline & App

** No.E142/0/3-II
dt. 27.7.63.
No.E.142/0/3-II
dt.2.1.64.
No.E.142/0/3-II
dt.6.2.64.
D.O.No.E.142/0/3-II
dt.28.8.64.
D.O.No.E142/0/3-II
dt.30.11.64

...

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

Writ Petition No. of 1955

Lal Chandra Petitioner

Versus

Union of India & others Opposite Parties

Annexure No. 3

NORTHEN RAILWAY

No. 752/6-3/Traing/R.S.

Divisional Office,
Lucknow, Dt. 10.4.55

NOTICE

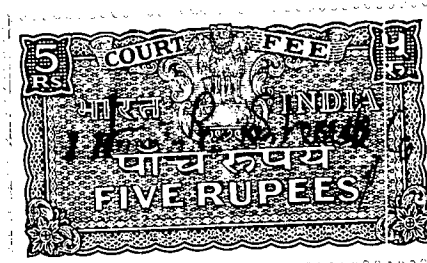
- 1) The order of promotion of Asstt. Supdt. (T) Gr. B. 550-750 (RS) passed under this notice of even No. dt. 11.5.53 stand cancelled.
- 2) S/Shri H.R. Sharma, S.C. Dixit, K.S. Bhatia, P.D. Shukla who are eligible for adhoc promotion on the basis of seniority as Asstt. Supdt. Gr. 550-750 (RS) pending selection are allowed to continue as Asstt. Supdt. (T), on adhoc basis till replaced by duly selected employee.
- 3) S/Shri Lal Chandra who is not eligible for adhoc promotion in Gr. 550-750 (RS) stand reverted to the post from which he promoted on the basis of panel which has been cancelled.

Sd/- Illegible
Civil. Personnel Officer
Lucknow.

Copy forwarded for information and necessary action:-

1. Station Supdt./K.Rly./Lko.
2. Sr. IAO/LKO.
3. Supdt./Pay Bill.
4. Sr. DCS/K.Rly./LKO.

True copy



IN THE HON'BLE HIGH COURT OF JUDICATURE AT LUCKNOW
ARISING AS UNDER

C.M. Application No. 10726(u) of 1985

In

Writ Petition No. 4736 of 1985

Lal Chandra Petitioner/ Applicant

Versus

Union of India & others Opposite Parties

Stay Application

The applicant most respectfully begs to submit
as under :-

That for the facts and circumstances stated
in the accompanying writ petition it is most respect-
fully prayed that this Hon'ble Court may be pleased
to stay the operation of the order dated 5.7.1985
(Annexure No.5 to the writ petition) transferring the
applicant on the reverted post of Senior Clerk in the
grade of B-330-560 to Meerapur Division in Punjab pende-
ing disposal of the writ petition.

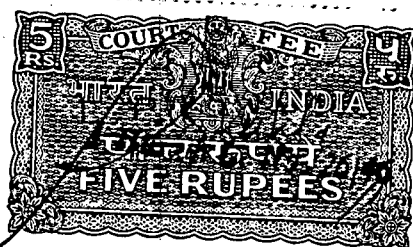
Dated Lucknow:

August 23, 1985.

(Signature)
(I.I. Shukla)
Advocate,
Counsel for the Applicant.

W.P. filed
on 17.9.85

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

C.M. Application No. 11,324 (W) of 1985

In

Writ Petition No. 4736 of 1985

Lal ChandraPetitioner/Applicant

Versus

Union of India & others Opposite Parties

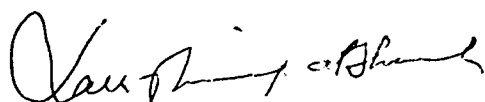
Amendment Application

The applicant most respectfully begs to state
as under :-

1. That for the facts and circumstances stated in the accompanying affidavit it is necessary in the interest of justice to incorporate the amendments indicated in para 4 of the affidavit.

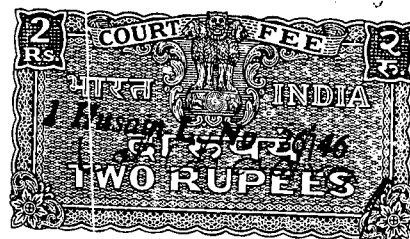
WHEREFORE it is most respectfully prayed that the amendments indicated in sub paras (A) to (E) of para 4 of the affidavit may be allowed to be incorporated in the above writ petition.

Lucknow Dated:
September 19, 1985.


(L.P. Shukla)
Advocate,
Counsel for the applicant.

1985

AFFIDAVIT
64/833
HIGH COURT
ALLAHABAD



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

Affidavit

In

C.M. Application No.

(W) of 1985

In

Writ Petition No.

of 1985

Lal Chandra

..... Petitioner/Applicant

Versus

Union of India & others

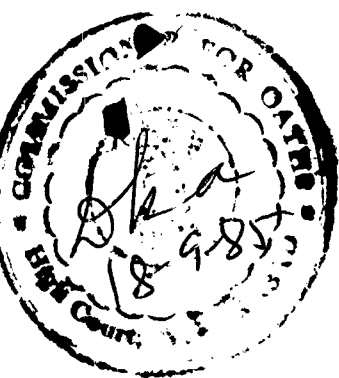
..... Opposite Parties

A F F I D A V I T

I, Lal Chandra, aged about 44 years, son of Sri Ram Swarup, resident of Moti Nagar, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above writ petition. He is fully conversant with the facts deposed to herein.

2. That the deponent has filed the above writ petition challenging his order of transfer dated



L.T.G.

Lal Chandra

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5.7.1985 (Annexure No.5) transferring the deponent on the reverted post of Senior Clerk in the scale of Rs.330-560 along with the post from Lucknow to Ferozpur Division in Punjab.

4/3/85

3. That the deponent had earlier filed a writ petition No.3846 of 1985 challenging his reversion order dated 10.4.1985 which had been admitted on 6.8.1985.

4. That in the above writ petition the deponent wants to confine his relief against the order of transfer dated 5.7.1985 and as such the following consequential amendments to the above writ petition are necessary:-

(A) That in the grounds of the writ petition in ground (A) the words "reversion and" be deleted.

(B) That grounds (C), (D), (E) and (F) be deleted.

(C) That the following grounds be added as grounds (C), (D), (E), (F) and (G):-

"(C) Because the transfer of the petitioner along with the reverted post to Ferozpur in Punjab is wholly arbitrary and malafide.

"(D) Because the petitioner is sought to be transferred to Ferozpur Division in Punjab by order dated 5.7.1985 which has been made during the period when the



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petitioner is on medical leave on the basis of the medical certificate issued by the Railway Doctor.

X
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"(E) Because the petitioner's post being a divisional controlled post is transferred from Lucknow to Ferozpur Division in Punjab on the reverted post is wholly illegal and without jurisdiction.

"(F) Because the petitioner's transfer on the reverted post amounts to punishment in violation of the Railway Board's circular.

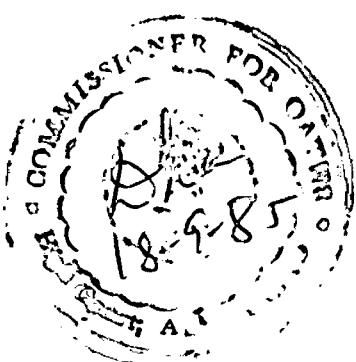
"(G) Because no order of transfer has been served on the petitioner and as such the same has not been implemented."

(D) That in the prayer with respect to relief (i) the words "notice dated 10.4.1935 (Annexure No.3) and the consequential" be deleted.

(E) That in relief (ii) the words "not to give effect to the order of reversion dated 10.4.1935 and" be deleted.

Lucknow Dated:
September 18th, 1935.

Full Chandra
Deponent.



Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing

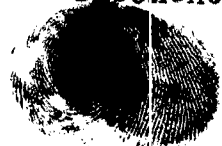
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material has been concealed. So help me God.

Lucknow Dated:
September 18, 1985.

Sri Lal Chandra
Deponent.



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

Kuldeep N.
Advocate.

Solemnly affirmed before me on Sept. 18, 1985
at 1.50 a.m./p.m. by Sri Lal Chandra,
the deponent who is identified by
Sri K. D. NAG

~~Advocate to Sri~~

Advocate, High Court, Allahabad.

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



D. K. Mehrotra
OATH COMMISSIONER
High Court, Allahabad
Lucknow Branch

No. 64/230
Date 18-9-85

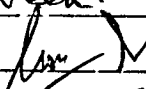
ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 4736 of 1985

25.

435

| Date | Note of progress of proceedings and routine orders | Dated of which case is adjourned |
|---------|--|-----------------------------------|
| 1 | 2 | 3 |
| 17-9-85 | <p>Sen S.C. Mathur,</p> <p>Sen G.B. Singh,</p> <p>The petitioner has sought quashing of two orders <u>W.P.</u> in the next week.</p> <p>Sd. S.C. Mathur.</p> <p>Sd. G.B. Singh.</p> <p>17-9-85</p> <p>C.M. An No 10726 of 85.</p> | |
| 17-9-85 | <p>Sen S.C. Mathur,</p> <p>Sen G.B. Singh,</p> <p>list along with the W.P.</p> <p>Sd. S.C. Mathur</p> <p>Sd. G.B. Singh</p> <p>17-9-85</p> | |
| 28-9-85 | <p>fixed for Admission.</p> <p>Hon. S.C.M. S.</p> <p>Hon. C.B.S.S.</p> <p>list in the next week.</p> <p>Per </p> <p>28-9-85</p> | <p>for Bench (next week)</p> |
| 7/10/85 | | <p>for Bench (next week)</p> |

4/36

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ब अदालत श्री मान

वादी मुद्दई

प्रतिवादी मुद्दालय का वकालतनामा

बनाम

वादी मुद्दई

प्रतिवादी मुद्दालय का वकालतनामा

नं० मुकद्दमा सन 19 पेशी की तारीख

19

उपर लिखे मुकद्दमा में अपनी ओर से श्री

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं। लिखें देता हूं। इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिक्ली जारी करावें और स्पष्टा वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष फरीकसानी का दाखिल किया स्पष्टा अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा प्रयं नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं। कि मैं हर पेशी स्वयं या किसी अपने कैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी।

इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी गवाह हस्ताक्षर.....

दिनांक.....महीना..... साक्षी गवाह

नाम अदालत.....

नं० मुकद्दमा.....

नाम फरीकन.....