

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

T.A 1946187 (T)

DATED: _____

Case Title W.P 5321/85 19

Name of Parties.

Jamil Ahmad & others Applicant

versus

U.O. 2 (N. R. 4) Respondents.

PART - A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
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PART -B

1 - Home / others Perf / per. A42 to A48

B42 - B70

Part -C

C71

Certified that no further action is required. The case is fit for consignment to record room.

Section Officer

Court Officer

Incharge

Signature of Deali
Assistant.

(RN)

Recheck
on 27-3-12
m

hered out/destroyed.

P. Narayan
10/1/94

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1946 of 1987 (1)

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
27/8/09	<p>Hon. Justice K. Natta, VC.</p> <p>No one appears for the parties. The record has been received from Allahabad Bench. Issue notices to both the parties for further orders fixing 13/12/09</p> <p style="text-align: center;">VC.</p>	<p>OR</p> <p>Case has been read from CAT, 25/11/9- Case is admitted. CA/RA not filed. Date was fixed from CAT, And but record not attached. Submitted to order.</p> <p style="text-align: right;">h 26/12</p>
13/2/90	<p>No. Sitting Adj. to 22.2.90</p> <p>At L/C for the applicant is present</p>	<p>as notice given</p> <p>3/11/90</p>
22/2/90	<p>Hon. Justice K. Natta, VC.</p> <p>Hon. K. Obayya, Jm.</p> <p>13/11</p> <p>Mr. Rajin Bhargava appears on behalf of opposite parties. He may file a counter within four weeks. Thereby the applicant may file rejoinder within two weeks thereafter. List for further orders on 15/4/90. The record of writ Petition No. 4601/01 shall also be put up along with this case as indicated in the admission order dated 9-10-05.</p>	<p>OR</p> <p>Notices were issued on 3/11/90</p> <p>No undelivered repd. cover has been returned back.</p> <p>S & F order</p> <p style="text-align: right;">h 21/12</p>

1946/07(2)

14.11.90

Hon. Mr Justice G. Nath. v-c

Hon. Mr M.Y. Pralhar. AM.

none present for the parties.
case is adjourned to 30.1.91.

hi
AM.

hi
v.c

30.1.91

No sitting Adj to 14.3.91.

14.3.91

No sitting Adj to 4.4.91
Jc

No CA blol.

4.4.91

D. R.

Applicant's

is present. Counter

has not been
ged. Resp.

to exchange

by 26.6.91.

✓

T. A 1946/87

14.2.92

D.R.

Both the parties
are absent. Respondent
did not file counter
so far. He is further
directed to file
counter on or before
16/4/92.

16.4.92

D.R.

Both the parties are
present. Today counter
has been filed. Appli-
cant to file Reply under
by 29/6/92.

29.6.92

D.R.

Both the parties are absent.
Applicant to file Reply under
by 13/8/92.

A3

LUCKNOW.

(W.P. No. 5231/87)

Applicants

::: Respondents.

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

This transfer petition has been received from

2. The applicants 2 in number are working in the Northern Railway and in this petition they have prayed for following reliefs :-

- (a) Issue a writ, direction or order in the nature of mandamus commanding the opposite parties to fix the petitioners' pay in the proper grade in the stationary cadre and allowing them consequential benefits of seniority, provident fund, leave average pay, gratuity, special contribution to provident fund by railway administration in the stationary post in accordance with rules;
- (b) Issue a writ, direction or order in the nature of mandamus commanding the opposite parties to fix the petitioners' pay at the respective stages after giving them proper seniority in the particular grade in order to determine and award to the petitioners all

consequential benefits including their seniority from that stage and arrears accrued with interest thereon :

- (c) issue a writ, direction or order holding sections 19, 28 and 29 of the Central Administrative Tribunals Act 1985 as ultra vires;
- (d) issue a writ, direction or order holding the provisions of Article 323 A of the Constitution as ultra vires inasmuch as it empowers exclusion, curtailment or modification of the jurisdiction of the High Court under Article 226 and the Supreme Court under Article 32 of the Constitution;
- (e) Issue such other writ, direction or order as may be deemed just and proper in the circumstances of the case:

3. Applicant No.1 joined service of the Railways on 16/6/52 as cleaner and was promoted as Augwala on 31-12-55 in scale Rs.40-50, pay raised to Rs.84/- on 27-1-1960 which is a post in the running Cadre. He was subsequently promoted to stationary cadre post of I.A.S.T. (Indian Adult School Teacher/Loco Training School Teacher) on 29-1-1962 in the scale Rs.110-180 on pay Rs.110/- further pay raised to Rs.130/- w.e.f. 18/7/63 in the scale Rs.130-300(revised scale) and confirmed w.e.f. 10-1-69.

Applicant No.2 joined service on 30-3-57 as apprentice Fireman and confirmed as Fireman Grade 'A' in the scale Rs.125-155 on 12-8-60 in running cadre. He was transferred on medical ground to stationary cadre on 2/9/62 as fuel issuer in grade Rs.105-135/- at basic salary of Rs.105/- p.m.

4. It is their common case that in Railways there are 2 cadres classified as stationary cadre and running

cadre and that for running cadre, running allowance forms part of pay, upto certain maximum per centage of the grade pay. When the staff belonging to running cadre are transferred, their pay in the stationary cadre should be fixed by adding running allowance and the grievance in this case is that this was not done in accordance with rules. According to them the pay has to be fixed taking into consideration different per centages as provided in the Railway Board's Circulars issued from time to time since 1958. For instance their pay in the stationary posts is to be fixed by adding 60% of the allowance and from 1963 onwards it is 40% and from 1976 it was raised to 70%. Respondents have stated that the pay of the applicants was fixed in accordance with rules and according to them in the basic pay of those employees transferred to stationary posts has to be fixed adding certain per centage of the allowance to their basic pay and this has to be worked out on the basis of circulars and letters issued by Railway Board from time to time and in the case of the applicants it was also applied correctly and 40% was fixed as running allowance and added to their basic pay in the stationary posts as per their entitlement.

5. The learned Counsel for the applicant placed reliance on the judgement of Lucknow Bench of Allahabad High Court in W.P. No.1724/79 and also in O.A. No.150/58 in R.K.Dubey & Others decided by the Tribunal. The learned Counsel for the respondents stated that this decision has been taken into consideration and that there is no violation of the directions given either in the decisions of the High Court or of the Tribunal while allowing similar matters in

Union of India Vs. Smt. Afsar Jahan Begum & others in Special Appeal No.5/1975, Lucknow Bench of Allahabad High Court issued directions to the respondents to refix pay of the applicants in accordance with Rules 2017, 2018, 2023 read with relevant circulars and precedents. The Tribunal also in similar cases

(O.A. No.150/1988(L) R.K. Dubey Vs. Union of India & Others in O.A. No.158 of 1988 - R.R. Vishwakarma Vs.

Union of India & Others decided on 28/12/89)XX applied the same ratio and held that employees transferred from running cadre to stationary cadre are entitled for the benefit of running allowance to be added while fixing their pay in the stationary cadre.


X

6. So far as the facts of the case are concerned, there is no dispute. There is also no dispute on the basic issue that running cadre staff on transfer to stationary cadre are given benefit of adding certain per centage of running allowance towards fixation of their pay in the Stationary Post. The pay fixation formula is also there. The respondents also admit that the applicants are entitled for adding running allowance to the baspay on the stationary cadre, and their pay was fixed accordingly. But it is not known where the things have gone wrong. There appears to be difference in interpretation of the Railway Board's C-circulars on this issue. The applicant's contention appears to be that pay + running allowance of the post should be considered as basic pay of the stationary post and thereafter the per centage of

running allowance should be added. In other words what they are asking for is that the per centage of running allowance should be added twice. Firstly it should be added to the pay which they were drawing in the running cadre and after arriving at the basic pay in that manner in the stationary cadre, the said running allowance should be considered again. This would mean that the running allowances ^{to be} are taken over and over again while fixing the pay in the stationary cadre. A reading of the Railway Board's Circular indicates that such double advantage is not to be given. Such allowance is to be allowed only once for fixation of pay in the stationary cadre. From this it is evident that the pay of the stationary cadre should be taken as basic and to that the per centage running allowance should be added. The respondents appear to have followed this.

6. The grievance of the applicants appears to be without any basis. In any case what they are pleading is that their cases should be treated on same footing as those governed by the decision of the Hon'ble High Court referred to above. The respondents affirm that this has been done. In case the pay fixation of the applicants has not been done on par with similarly placed persons, the same may be done as the cases of the applicants fall squarely on the same footing as those already covered by the judgement. Let this be done within 3 months from the date of communication of this order. The application is disposed of in above terms without any order as to the costs.


Member (A)


Vice-Chairman.

Dated: 24th Feb., 1993, Lucknow.

(tgk)

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case *W.P. 5231-85*
Name of parties *Jamil Ahmed vs. Union of India*
Date of institution *9-10-85* Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1	W.P. with Documents and affidavits	23		102-00			
	2	Power	1		5-00			
	3	Contd. 1172d (v) of 85 for shg	1		5-00			
	4	Appellate 11-10-85	1		-			
	5	Power	1		5-00			
	6	Order Sheet	1		-			
	7	Bare Copy	1		-			

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

Date

Munsarim

Clerk

8169, 19

Group A - 14 (k)

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

Writ Petition No. 523 of 1985

Jamil Ahmad & another Petitioners

Versus

Union of India & others Opposite Parties

I N D E X

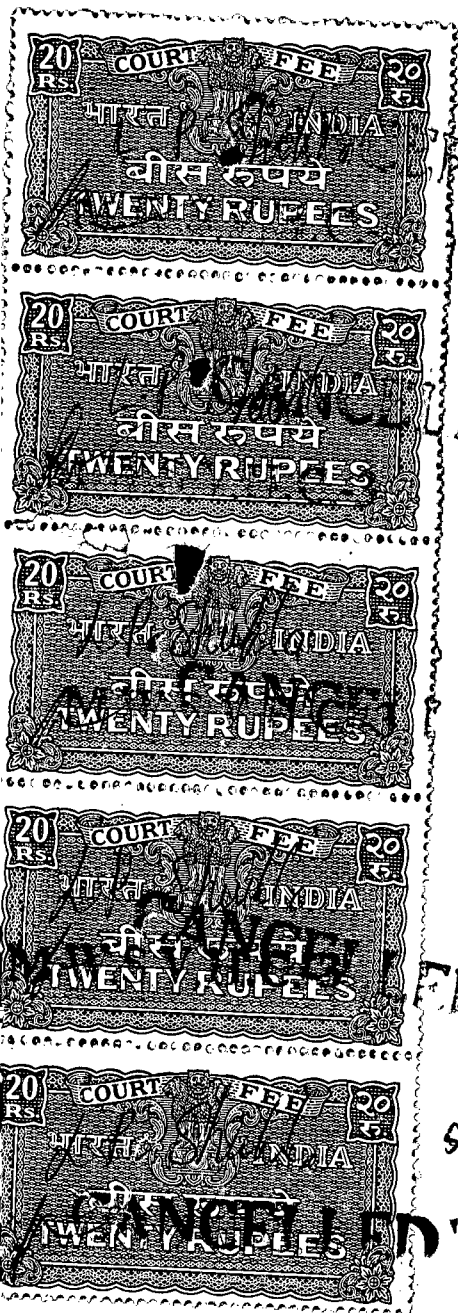
Pages

1. Writ petition.	..1 to 16
2. Annexure No.1- Representation of petitioner No.1 dated 13/8/1985.	..17 & 18
3. Annexure No.2- Representation of petitioner No.2 dated 16/8/1985.	..19 & 20
4. Affidavit.21 & 22
5. Vakalatnama. 23
6. Stay application. (Separate)

12412

Lucknow Dated:
October 8, 1985.

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



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

Writ Petition No. 523 of 1985

1. Jamil Ahmad, aged about 53 years, son of late Sri M. Hafizullah, resident of LD 128 A Sleeper Ground, ~~Del~~ Lambagh, Lucknow.
2. Khalil Ahmad Siddiqui, aged about 47 years, son of late Noor Mohammad, resident of 20 Baniya Bazar, P.O. Dilkusha, Lucknow.

..... Petitioners

Versus

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

..... Opposite Parties

Writ Petition under Article 226 of
the Constitution of India.

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

Jamil Ahmad

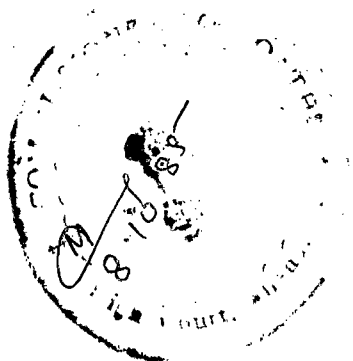


L.T. for Jamil Ahmad

1. That petitioner no.1, Jamil Ahmad, was appointed as Cleaner in the running cadre on 16.6.1952 in the Northern Railway Loco Shed Lucknow and promoted as Fireman Grade 'C' on 31.12.1955 in the scale of Rs.40 to Rs.50/-. His pay was further raised to Rs.84/- on 27.1.1960. The petitioner No.1 was thus placed in the grade of Rs.80-1-85-2-95. He was also getting dearness allowance at the rate of Rs.10/- in the year 1960. From the aforesaid running cadre the petitioner was promoted to stationary cadre post as Indian Adult School Teacher in the Local Training School on 29.1.1962 in the grade of Rs.110 to 180/- and his pay on the said post was fixed at Rs.110/-. His pay was raised to Rs.130/- w.e.f. 18.7.1963 in the grade of Rs.130/- to Rs.200/- in the revised scale. The petitioner was confirmed on this post w.e.f. 10.1.1969.

2. That petitioner No.2, Khalil Ahmad Siddiqui, was appointed as Apprentice Fireman on 30.3.1957. He was posted as Fireman Grade 'A' on 12.8.1959 in the scale of Rs.125-3-131-4-155 in the running cadre. His basic pay was raised to 125/- plus Rs.15/- as D.A. On 12.8.1960 he was confirmed as Fireman Grade 'A'. The petitioner was transferred on medical ground in the stationary post on 2.9.1962 as Fuel Issuer in the grade of Rs.105-3-135/- (Authorised scale). His basic pay was Rs.105/- plus Rs.15/- as D.A.

3. That the posts of railways in India consist of two cadres classified as the stationary cadre and the running cadre. In the running cadre post running allowance also forms part of the pay upto the maximum limit of 75% of grade pay. In the case of transfer from running post to stationery post running allowance to the usual limit of 75% is included for the purpose of fixation in



L.T. Ief Jamil
Ahmad

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the stationary cadre post.

4. That in the year 1953, 50% of the dearness allowance which was being paid to the petitioners was termed as dearness pay whereas the rest continued to be called dearness allowance under Railway Board's letter No.E(S) 53DA-1(7) dated 20.5.1953 in accordance with the decision of the Government of India. It remained effective upto 30.6.1959 and from 1.7.1959 it was merged in the pay scale on the basis of the recommendations made by the Second Pay Commission which were accepted by the Railway Ministry of the Government of India and implemented with effect from 1.7.1959.

5. That the pay in the running post included grade pay plus dearness pay plus running allowance pay upto the maximum limit of 75% of the basic pay and dearness pay in the prescribed scale which was made effective from May 1953 according to the Railway Board's letter No.E(S) 53DA-1(7) dated 20.5.1953 as mentioned herein above.

6. That regarding the fixation of pay of persons of running cadre posts for the purposes of officiating in a stationary cadre post the last Governor General's decision was communicated by the Railway Board's letter No.E(R)49RS/3 dated 1.7.1949. This Railway Board's letter was included in the report of the First Pay Commission and was to be implemented from the date of the implementation of the First Pay Commission report. The said letter of the Railway Board was subsequently confirmed by the President of India vide Railway Board's letter No.F(E)(P)/58/PN-1/17, dated 7.7.1960. This decision of the President is incorporated as Clause (d) at page 227 in the Indian Railway

8-10-85
High Court, Allahabad

L.T. of Tamil Almad
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Establishment Code, Volume II. Thus in accordance with the Governor General's decision, subsequently confirmed by the President, the fixation of pay for the purpose of officiating in the stationary cadre post for a period exceeding 21 days was to be done by adding 50% of the pay being drawn in the running post.

7. That the 'enhanced substantive pay' that is the officiating pay in the stationary post is required to be refixed by adding 50% to the enhanced substantive pay from 22.1.1958 in a proper scale of pay of the stationary cadre post keeping in view the Board's directive vide letter No.F(E)58PA/1 dated 19.5.1961 which was to be given effect from 22.1.1958 according to the President's decision contained in Board's letter No.F(E)58PA1/1 dated 4.7.1962.

8. That in accordance with the Railway Board's letter No.PC.60PA-II/1 dated 7.3.1963 made applicable to running staff appointed in the stationary post from 1.2.1963 the 'substantive emoluments' are required to be fixed and refixed taking into account 40% of pay in the running post in lieu of running allowance for the purpose of officiating pay, that is, enhanced substantive pay, and this enhanced substantive pay should have been refixed with 40% thereof.

9. That on coming into force of the revised scale w.e.f. 1.1.1973 in accordance with the Board's letter No.P.C.III/75/RA/1 dated 22.3.1976 the running allowance which formed part of the pay upto the usual limit of 75% of the grade pay was on the basis of the aforesaid Board's letter to be calculated at 45% from 1.4.1976 and the fixation in the stationary post was to be made by adding 30% to the said enhanced substantive pay in order to

C.T. I of Jamil Ahmad
[Signature]

bring about parity between the emoluments in the running cadre and those in the stationary cadre in case of transfer from running to stationary cadre.

10. That in accordance with the aforesaid provisions the correct method of fixation of the petitioners salary in the authorised scale should be grade pay plus 75% of such grade pay which would be the substantive pay in the running post to which 40% of such substantive pay has to be added to calculate the enhanced substantive pay which should be refixed by adding 40% of such enhanced substantive pay in order to arrive at the fixation amount at the proper stage and proper scale pay. Likewise in the revised scale applicable from 1.4.1976 the substantive pay which means the pay in the running post should be fixed by adding 45% of the grade pay and to this substantive 'pay' 30% of such substantive pay has to be added to calculate the enhanced substantive pay which should again be refixed by adding 30% of this enhanced substantive pay to arrive at the correct fixation amount at the proper stage and the proper scale pay.

11. That in case of petitioners and the running cadre staff similarly situated the method of fixation of salary, as required by relevant rules and decisions, was not followed which resulted in reduction in rank and substantive emoluments to which they were entitled.

12. That in accordance with the Railway Board's letter No.E(S)63RS/14 dated 17.12.1963 communicated to all General Managers of the Indian Railways relating to the fixation of pay of temporary medically unfit employees

L.T. For Jamil Ahmad

Ahmad

in the running staff on subsequent absorption in other posts it is provided that the term "former emoluments" in their case should also include 50% of their pay as defined in Rule 2003(21(a) RII in lieu of running allowance. Ironically this benefit, which has been given to medically unfit employees on their absorption in alternative posts, has been denied to the petitioners.

13. That in the aforesaid circumstances the transfer of petitioners and other employees services from running post to the stationary post involved loss of emoluments, provident fund, leave average pay etc. throughout the period of their posting in the stationary cadre.

14. That in these circumstances a number of running staff cadre transferred to stationary cadre posts filed writ petitions in the Allahabad High Court challenging the wrong fixation of their emoluments and for a writ of mandamus directing the Union of India, Railway Board etc. for fixing or re-fixing their pay according to rules and to pay arrears after fixing their pay in accordance with rules. The Railway Board after examining the said judgment came to the conclusion that the said judgment laid down correct principles for fixing or refixing the pay of running cadre staff on their transfer to stationary cadre posts and decided against preparing an appeal by special leave to this Hon'ble Supreme Court but directed that the said decision be implemented only in case of employees who were parties to the said judgment vide its circular dated August 20, 1979.

15. That subsequently this Hon'ble Court by its judgment and order dated 22.8.1984 allowed a bunch of writ



L.T.I. of Tamil
Alwar

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petitions of Trever Oscar Halpin & others (writ petition No.1724 of 1979) and other writ petitions in terms of the aforesaid judgment and order dated 12.3.1979. These writ petitions also related to fixation and re-fixation of their pay on transfer from running cadre posts to stationary cadre posts in accordance with the rules. The petitioners are seeking parity with other employees similarly placed on the basis of the aforesaid decisions of this Hon'ble Court in various writ petitions and special appeals which are binding on the railway administration.

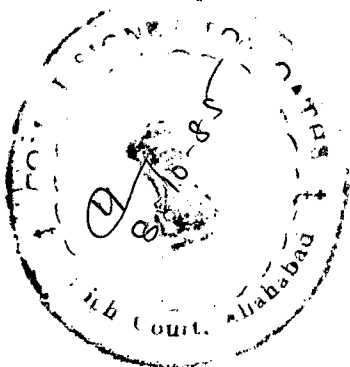
16. That the petitioners made various representations against the wrong fixation of their pay and also drew the attention of the railway administration to the judgment dated 12.3.1979. True copies of the representations made by petitioner Nos. 1 and 2 dated 13.8.1985 and 16.8.1985 are filed as Annexure Nos. 1 and 2 to this writ petition.

Annexure No.1 &

2

17. That in accordance with Rule 2027 (F.R. 31)-RII (Indian Railway Establishment Code Vol.II) the fixation of officiating pay has to be made from the date of issue of confirmation letter with retrospective effect as per the decision of the President contained in Railway Board's letter No.P(E)58-PAL/1 dated 8/9.6.1961.

18. That the case of erroneous fixation of pay is to be corrected in accordance with Rule 2027A/RII. This decision of the President is contained in Railway Board's letter No.E(NG)63PMI/43 dated 6.9.1963. Para 5 of the said letter views with serious concern such cases of erroneous promotions and directs that suitable disciplinary action should be taken against the officers and staff responsible for such erroneous promotions or appointments



L.T.I. of Jamil Ahmad
[Signature]

and further directs that the orders refixing the pay should be issued expressly under rule 2027A/R.II.

19. That in case no post is available in the particular stage of fixation of the petitioners in the respective time scale of pay a superanurary post may be created for them.

20. That in spite of the directives issued by the President of India by his letter dated 6.9.1963 aforesaid and in spite of various reminders by the petitioners the railway authorities have not bothered to refix the petitioners' pay in the correct grade in accordance with the rule.

21. That on account of the wrong fixation of petitioners' pay in the stationary post the petitioners' provident fund, gratuity, pension and leave average pay stand drastically reduced and the chances of their promotion have been adversely affected. This amounts to reduction in rank and pay and all consequent benefits accruing thereon. It also results in invidious discrimination in the case of petitioners vis-a-vis the officials who are junior to them.

22. That after fixation of proper pay in accordance with rules as stated hereinabove in a proper scale the seniority should be fixed below the employees who were drawing same pay according to seniority rule.

23. That the Parliament enacted the Administrative



L.T. J. Tamil
Ahmad

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Tribunals Act 1985 (Central Act No. XIII of 1985) which received the assent of the President and was published in the Gazette of Government of India on 12.9.1985.

24. That in exercise of the powers conferred by Section 1(3) of the Act the Central Government has nominated 1st November 1985 as the date of enforcement of the aforesaid Act.

25. That the petitioners apprehend that due to enforcement of the aforesaid Act the above writ petition would automatically stand transferred to the Administrative Tribunal constituted under the Act in view of Section 28 of the Act.

26. That the Administrative Tribunals Act purports to have been enacted in pursuance of the provisions of Article 323 A of the Constitution. In the facts and circumstances stated hereinafter it is expedient that the provisions of Article 323 A introduced by the Constitution (Forty Second Amendment) Act, is ultra vires.

27. That both the jurisdiction and power to issue writs in the nature of certiorari, mandamus and prohibitions and quo warranto flow from the constitutions provisions contained in Articles 32 and 226 of the Constitution exercisable by the Supreme Court and the High Courts respectively.

28. That a perusal of Article 323 A would show that it merely entitles Parliament to enact a law so as to interalia exclude jurisdiction of the High Court under



L.T. of Jamil Ahmad
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Article 226 and of the Supreme Court under Article 32.

29. That the provisions of Articles 32 and 226 form the basic structure of the Constitution; hence no amendment could be made so as to abrogate, modify or curtail the aforesaid jurisdiction. The amendment of the Constitution is to be made strictly in accordance with the procedure prescribed by Article 68 of the Constitution.

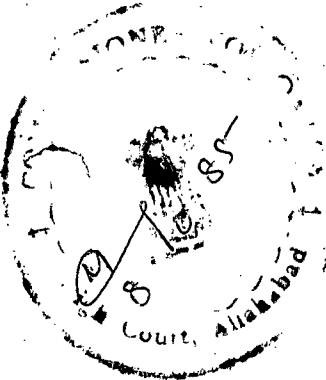
30. That it is pertinent to mention that amendment of Article 68 of the Constitution by the Constitution (Forty Second Amendment) Act which provided that no amendment to the Constitution would be called in question in any court on any ground whatsoever as to be held ultra vires.

31. That in substance and effect Article 323A of the Constitution permits amendment of Articles 226 and 32 of the Constitution by procedure other than the procedure prescribed by Article 368 of the Constitution and is thus ultra vires of Article 368 of the Constitution.

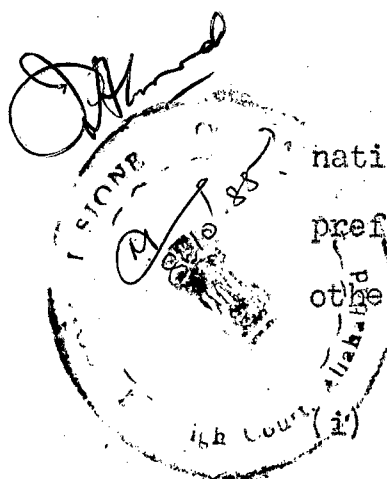
32. That any law made in pursuance of the provisions contained in Article 323 A clearly would also be ultra vires.

33. That in the aforesaid circumstances the provisions of Sections 19, 28 and 29 of the Administrative Tribunal Act 1985 are ultra vires.

34. That the petitioners having failed to get redress of their grievances from the railway administration, opp. parties, in spite of representations and having no alter-



L.T. I of Tamil
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native and efficacious remedy available to them are preferring this writ petition on the following amongst other grounds:-

Because the opposite parties have fixed the emoluments/pay of some of the employees of the petitioner's category on transfer from running cadre posts to stationary cadre posts according to the rules while in the case of the petitioners and other employees similarly situated the opp. parties have not fixed their emoluments according to the rules and as such the petitioners have been subjected to hostile discrimination in the matter of fixation of their emoluments on their transfer from running cadre posts to stationary cadre posts.

- (ii) Because the judgment of this Hon'ble Court dated 12.3.1979 and subsequently upheld and followed by this Hon'ble Court in its judgment and order dated 22.8.1984 laid down the principle regarding the fixation of emoluments/pay of all employees on transfer from running cadre post to stationary cadre post. The principle laid down in the said judgment are applicable to all the employees who are transferred from running cadre post to stationary cadre post and as such the opp. parties violated the equality clause viz. Articles 14 and 16 of the Constitution in fixing the emoluments/pay of the persons who were party to the said judgment on the principles laid down in the said judgment

Sanjay Kumar Sharma

J.

1/13

and not following the said principle in the case of petitioners and other employees.

- (iii) Because it is not open to the opposite parties to apply the principle of gixing the emoluments/ pay laid down in the aforesaid judgment only to the employees who were party to the said judgment and not to all the employees similarly situate.
- (iv) Because the wrong fixation of pay/emoluments of the petitioners on their transfer from running cadre post to stationary cadre post adversely affected their seniority and as such is violative of Article 14 and 16 of the Constitution.
- (v) Because the opposite parties have ignored the relevant rules laid down in the Railway Establishment Code Vol. I and II and the various orders of the President of India and the Railway Board which have the force of law while fixing the petitioners pay in the stationary cadre and have acted in violation of these rules and orders having the force of law.
- (vi) Because the running allowance upto the usual limit of 75% of the "pay" forms part of the pay of running staff and while utilising the services of such running staff in the stationary cadre 40% should be added to 'such pay' in the running post in authorised scale and then refixation of this amount should be done with 40% thereof which remained existing upto 31.3.1976 and from 1.4.1976 45% of running allowance should be added in the

Verdict should

A22
1/14

grade pay and while utilising the services of such running staff in the stationary cadre 30% should be added to 'such pay' in the running post and then refixation should be done with 30% thereof of such enhanced substantive pay.

- (vii) Because the petitioners' salary, emolument^s, prospects of future promotion and other benefits have been adversely affected by wrong fixation of pay and grade.
- (viii) Because the wrong fixation of the petitioner's pay is in violation of Article 19(1)(B) and 300 A and also amounts to reduction in rank in violation of Article 311 of the Constitution.
- (ix) Because the provisions of Section 19, 28 and 29 of the Administrative Tribunals Act 1985 are ultra vires.
- (x) Because the effect of Section 19, 28 and 29 is to exclude the jurisdiction of the High Court under Article 226 and of the Supreme Court under Article 32 which cannot be done by means of an ordinary legislation of the Parliament.
- (xi) Because Section 6 of the Act which provides for qualifications of the Members of the Tribunal, empowers the government to appoint a secretary to the Government of India as its Chairman, a Secretary to the Government of India as Vice-Chairman and additional Secretary to the Government of India or the State as member of the Tribunal

Sanjay Patil

1/15

thus empowering purely judicial functions to be performed by persons belonging exclusively to the Executive.

(xii) Because Section 6 of the Act provides that the Chairman, Vice Chairman and Members could be persons belonging to the State cadre who would draw the same salary as a Secretary of the Government of India or an Addl. Secretary of the Government of India as the case may be. Thus the salary drawn by a person cannot be treated as an additional qualification for being appointed to purely judicial body performing exclusive judicial functions.

(xiii) Because the provisions of Article 50 of the Constitution require the State to separate the judiciary from the Executive in the public services of the State. The Supreme Court have consistently held that the Directive Principles in Part IV should be harmoniously constructed along with provisions of Part III as the former have the same force as Fundamental Rights.

(xiv) Because the constitution of the Tribunal is ultra vires of Article 50 as well as Articles 14, 16 and 19 (1)(g) of the Constitution.

(xv) Because Section 31 of the Administrative Tribunal Act inasmuch as it gives option to the Tribunal to either proceed from the stage at which the proceedings were pending in any court or to

Santhosh Kumar

start the proceedings denovo confers an arbitrary power on the Tribunal without laying down any guidelines thus violating Article 15 of the Constitution.

P R A Y E R

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

- (a) // issue a writ, direction or order in the nature of mandamus commanding the opposite parties to fix the petitioners' pay in the proper grade in the stationary cadre and allowing them of subsequent benefits relating to seniority, provident fund, leave average pay, gratuity, special contribution to provident fund by the railway administration in the stationary post in accordance with rules;
- (b) issue a writ, direction or order in the nature of mandamus commanding the opposite parties to fix the petitioners' pay at the respective stages after giving them proper seniority in the particular grade in order to determine and award to the petitioners all consequential benefits including their seniority from that stage and arrears accrued with interest thereon;
- (c) issue a writ, direction or order ~~in the nature of~~ holding Sections 19, 28 and 29 of the Central Administrative Tribunal Act 1985 as ultra vires;
- (d) issue a writ, direction or order holding the provisions of Article 323A of the Constitution as

Sanjayat Shukla

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ultra vires inasmuch as it empowers exclusion,
curtailment or modification of the jurisdiction
of the High Court under Article 226 and the Supreme
Court under Article 32 of the Constitution;

(e) issue such other writ, direction or order as may
be deemed just and proper in the circumstances
of the case;

(f) award the costs of the writ petition to the
petitioners.

Lucknow Dated:
October 8, 1985.

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

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

Writ Petition No. of 1985

Jamil Ahmad & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.1

To,

The Divisional Railway Manager,
Northern Railway,
Lucknow.

(Through proper channel)

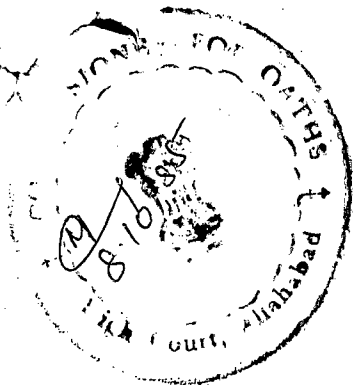
Sub:- Appeal against wrong fixation of pay of undersigned.

Respected Sir,

With due respect and humble submission I beg to lay down the following few lines for your kind consideration and sympathetic order:-

That I was appointed as Cleaner on 16.6.1952 and promoted as Augwala on 31.12.1955 in scale Rs.40/-50/- and further pay raised to Rs.84/- on 27.1.1960, which is a post in the Running Cadre. I was subsequently promoted to the stationary cadre post of IAST (Indian Adult School Teacher/Loco Training School Teacher) on 29.1.1962 in Grade Rs.110/-180/- on pay Rs.110/- further pay raised to Rs.130/- w.e.f. 18.7.63 in Grade Rs.130/-200/- (RS) and confirmed w.e.f. 10.1.1969.

That my fixation in the stationary cadre was wrongly made and the salary and emoluments were not duly protected in accordance with rules. Against this I had made a representation earlier but the same was not taken into account on the ground that a number of special appeal



C. J. of Jamil Ahmad



[Handwritten signature]

-2-

and writ petitions were pending in the Hon'ble High Court at Lucknow. Those special appeals and writ petitions were finally disposed off and decided by the common judgment and order of the Hon'ble High Court dated 12.3.1979. This judgment became final as no appeal against the same was filed by the Railway Administration before the Hon'ble Supreme court. It was also subsequently confirmed on 22.8.1984 by the Hon'ble High Court in a bunch of writ petitions regarding fixation of pay in the stationary cadre.

In terms of the aforesaid judgments and orders passed by the Hon'ble High Court my pay in the running post for the purpose of fixation and refixation in the stationary post has not been calculated in accordance with the rules.

It is therefore requested that your honour may fix and refix my pay in the stationary post in accordance with rules as made applicable by the Hon'ble High Court in the above mentioned judgments.

Thanking you,

Yours faithfully,

Place - Lucknow
Dated - 13.8.1985.

Sd/-
(Jamil Ahmad)
Shedman, Grade (I)
N.Rly., Loco Shed,
Lucknow.

True Copy

L.T. Jof Jamil
Ahmad

[Signature]

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

Writ Petition No. of 1985

Jamil Ahmad & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.2

To,

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Through Proper Channel.

Sub:- Fixation of pay in the stationery Cadre in
accordance with rules.

Respected Sir,

Respectfully I beg to say as under :-

That I was appointed as Apprentice F/Man Gr.'A'
on 30.3.1957 and confirmed as Fireman Grade 'A' in
scale Rs.125/- to 155/- on 12.8.1960 in running cadre.

That I was offered an alternative appointment in
stationary cadre on medical ground on 2.9.1962 as Fuel-
Issuer in grade Rs.105/- to 135/- at the basic salary of
Rs.105/- p.m.

That I was posted as IAST/LTST (Indian Adult
School Teacher/Loco Training School Teacher) in Grade
Rs.130/- 200/- at the basic salary of Rs.130/- P.M. on
1.12.1963.

That my fixation of pay in the stationary cadre
was wrongly made and the salary and emoluments were not
duly protected in accordance with rules. Against this
I had made several representation earlier but the same
were not taken into account on the ground that a number

L.T. of Jamil
Ahmad



[Handwritten signature]

of special appeals and writ petitions were pending in the Hon'ble High Court at LKO. These special appeals and writ petitions were finally disposed off and decided by the common judgment and order of the Hon'ble High Court dated 12.3.1979. This judgment became final as no appeal against the same was filed by the Railway Administration before the Hon'ble Supreme Court. It was also subsequently confirmed on 22.8.1984 by the Hon'ble High Court in the bunch of writ petitions regarding fixation of pay in the stationary cadre.


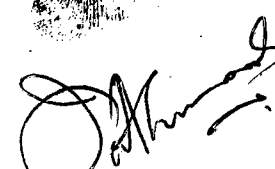
Here I request your honour that in terms of the aforesaid judgment and orders passed by the Hon'ble High Court, my pay in the running post for the purpose of fixation, and refixation in the stationary post has not been calculated in accordance with the rules, which may kindly be fix and refix in stationary post in accordance with the rules as made applicable by the Hon'ble High Court in the above mentioned judgment.

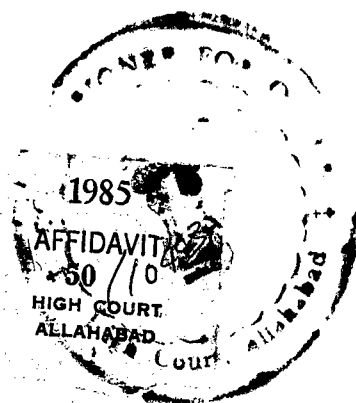
Yours faithfully,

Dated 16.8.85
Lucknow.

Sd/-
(Khalil Ahmad Siddiqui)
Loco Training School
Teacher, Loco Running Shed,
Lucknow.

True Copy

16.8.85
High Court, Lucknow
LT-I of Jamil Ahmad





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

Affidavit

In

Writ Petition No. of 1985

Jamil Ahmad & another Petitioners

Versus

Union of India & others Opposite Parties

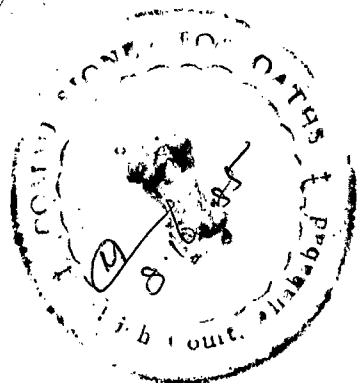
A F F I D A V I T

I, Jamil Ahmad, aged about 53 years, son of late Sri M. Hafizullah, resident of LD 128 A Sleeper Ground, Alambagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner No.1 in the above writ petition and as such is fully conversant with the facts deposed to herein. He has been fully authorised by petitioner no.2 to file this affidavit.

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 23 of the writ petition are true to my own knowledge and those of paras 24 to 34 are believed to be true.



LT. J. Jamil Ahmad

-2-

4. That Annexure Nos. 1 and 2 to the writ petition are the true copies duly compared from their duplicates and originals.

L.T. of Jamil Ahmad
Lucknow Dated:

October 8, 1985.

[Signature]
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 material has been concealed. So help me God.

L.T. of Jamil Ahmad
Lucknow Dated:

October 8, 1985.

[Signature]
Deponent.

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

[Signature]
Advocate.

Solemnly affirmed before me on 8.10.1985

at 11.30 a.m./p.m. by Sri Jamil Ahmad

the deponent who is identified by

Sri K.D. Nag

✓ Clerk 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.

[Signature]
OATH COMMISSIONER
High Court, Lucknow Bench

No. 507/1043
Date 8.10.85



In The Hon'ble High Court of Judicature at
 व अदालत श्रीमान Allahabad Sittings at
 Lucknow महोदय

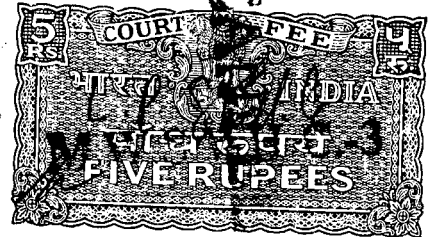
वादी (मुद्दे)

~~अदालत~~ (मुद्दे)

W.P. No.

का वकालतनामा

of 1985



Jamil Ahmad & another

vs.

वादी (मुद्दे)

बनाम

Union Of India & others

प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

L. P. Shukla & K. D. NAG

एडवोकेट

Advocate

Advocate

महोदय

C-700, Mahanagar, LUCKNOW

~~कमीशन~~

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 वसूल करें या सुलहनामा या इकबाल दावा तथा अपोल व निगरानो हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई 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।

हस्ताक्षर..... (Jamil Ahmad)

साक्षी (गवाह)..... साक्षी

दिनांक..... महीना

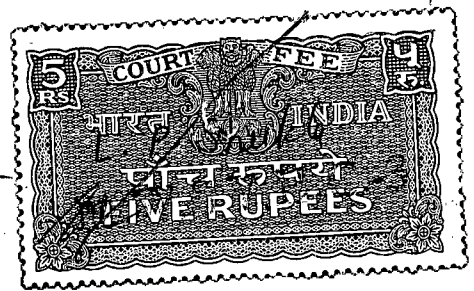
Chau Ahmad Siddiqui
 (Khalil Ahmad Siddiqui)

नाम अदालत

नं० मुकद्दमा

नाम फरीकन

Accepted
 Vaidya
 Accepted
 Kuldip Singh



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 11720 (w) of 1985

In

Writ Petition No. 2231 of 1985

Jamil Ahmad & another Petitioner/applicants

Versus

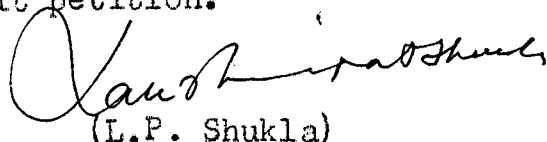
Union of India & others Opposite Parties

Stay Application

The applicants most respectfully beg to submit
as under :-

That for the facts and circumstances stated in
the above writ petition it is most respectfully prayed
that this Hon'ble Court may be pleased to stay the opera-
tion of the Administrative Tribunal Act 1985 insofar as
it relates to the petitioners for transferring the above
writ petition to the Tribunal under Section 29 of the
Act pending disposal of the writ petition.

Lucknow Dated:
October 8, 1985.


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

In The Hon'ble High Court of Judicature
at Allahabad sitting at Lucknow

W.P. No. 5231 of 1985

Jamil Ahmad & another

Petitioner

vs.
Union of India & others

Opp. Parties

Fixed For 29-10-85

The petitioner is filing following contents
for issuing notice to the opposite parties No. 1, 2 & 3

1. Three Duplicates of the writ Petition
2. Three Duplicates of the Stay Application
3. Twelve duly filled Notices
4. Three Registered Envelops each
containing postal stamp of Rs. 4.25/-

Lucknow
11-10-85

Kuldeepak Nag
(K.D. NAG)
Advocate
Counsel for the petitioner

12
5-12-85

A35

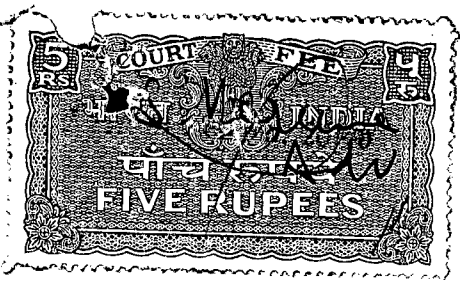
वकाalat नामा
विशेष मजदूर सम्मेलन

In the Honble High Court of Judicature at Allahabad
के न्यायालय में
(Lucknow Bench) Lucknow

..... Civil Petition संख्या 5231 of 1985

Samid Ahmad & another

वादी
अपीलार्थी
अ नोदार
Petitioners



बनाम

Union of Indira & others

— app. Parties प्रतिवादी
प्रत्यर्था
विरोधी दल

प्रस्तुत प्रलेखों द्वारा सर्व विदित हो कि मैं Divisional Railway Manager, Northern Railway
Lucknow, opposite party no. 3. एतद द्वारा सर्वथी Siddharth Verma, Advocate

संबन्धित मामले में मेरी ओर से हाजिर होने, सफाई प्रस्तुत करने और मेरे लिए संयुक्त रूप से या अलग अलग कार्यवाई करने या प्रतिवाद करने यथा स्थिति और यथा प्रयोजन सभी आवश्यक वाद पत्र, याचिकाएं, लिखित बयान और दूसरे दस्तावेज बनाने, हस्ताक्षर करने और न्यायालय में रकम दाखिल करने और जमा करने और न्यायालय में जमा की गई रकम का मुगतान प्राप्त करने और न्यायालय में दस्तावेज फाइल करने और वापस लेने और न्यायालय परिसर में और वहां कहीं की जाने वाली सभी कार्यवाहियों के लिए, चाहे वे निष्पादन, अपील या उससे सम्बन्धित किसी भी ढंग या उपाय द्वारा वस्तुतः उतने ही प्रभावकारी ढंग से कार्य करने के लिए, जितना मैं व्यक्तिगत रूप से हाजिर होकर कर सकता था नियुक्त और प्राधिकृत करता हूं। प्रस्तुत प्रलेखों के आधार पर जो कुछ भी कानूनी तौर पर किया जाएगा मैं उसका अनुसमर्थन करता हूं और उसकी पुष्टि करने के लिए सहमत हूं।

25/12/85
26/11/85
न्याय के अदालत
ए. के. के.

जिसकी साक्षी मैं मैं आज

के दिन 19

को अपने हस्ताक्षर करता है

Accepted
Sharma
(Siddharth Verma)
Advocate

6 / 1 A36

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WP No. 5231 of 1985
 Jamil Ahmed vs. Union of India

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	Hon'ble S.S.A J. Hon'ble J.B. Singh J.	
9-10-85	Admit and connect with writ petition no. 4601 of 81 Sd. S.S. Ahmad Sd. J.B. Singh 9-10-85 Cause application 11724 of 85 for stay.	
	Hon'ble S.S. Ahmad J. Hon'ble J.B. Singh J.	
9-10-85	List before learned single judge on 29-10-85 Sd. S.S.A J. Sd. J.B. Singh J. 9-11-85	
29-10-85	29-10-85 fix. for order in court N.D. to OP no 1 to 3 by R.D. in WP no 11724 of 85	cf. A. Scrymgeour Fixed

15/10/85

In the Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

TA/1946/87 (W.P.No. 5231 of 1985)

Jamil Ahmad and another

.. Petitioner

Versus

Union of India and others

... Opp. Parties

Reply on behalf of the opposite parties.

Para 1: Not denied.

Para 2: Not denied.

Para 3: That in reply to the contents of paragraph 3 of the writ petition, it is not denied that in the railways, there are two cadres viz: running and stationary. It is also not denied that while transferring/ absorbing a staff from running cadre to stationary post, he is allowed to carry with his basic pay in the running cadre, a percentage of his ^{basic pay as} mileage allowance while fixing pay in the stationary cadre. The facts stated in para 3 of the writ petition contrary to what has been admitted in the para by the opposite parties, rest is denied. In the case of petitioners, they were to carry 40% of the ~~mileage~~ basic pay as mileage allowance.

Para 4:

to12: That in reply to the contents of paragraph 4 to 12 of the writ petition, it is stated that the percentage of the ^{basic pay as} mileage which they are allowed to carry, was 40% of the basic pay which they drew

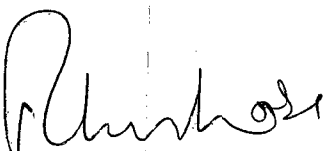
- 2 -

at the time of transfer/absorption from running cadre to stationary cadre. Allegations contrary to the admitted facts, are denied. It is also pertinent to mention that what has been stated has been so held in the judgment and order dated 12.3.79 referred to by the petitioners in paragraph 15 of the writ petition as well as other judgement in a bunch of writ petition and special appeal by the Hon'ble High Court of Judicature At Allahabad Bench Lucknow.

Para 13: That the contents of paragraph 13 of the writ petition are denied. It is stated that the petitioner's pay have been fixed in according to rules and the allegations about loss of emoluments, provident fund, leave average are baseless, hence denied.

Para 14: That in reply to the contents of paragraph 14 of the writ petition, it is not denied that writ petition seeking relief for fixation of pay was decided by the Hon'ble High Court of Allahabad Bench Lucknow vide judgment and order dated 12.3.79 laying down the following criteria:

A: That while fixing the pay in the stationary post of those employees who are transferred to stationary post from running cadre, the basic pay which he was drawing at the time of such transfer/absorption in the stationary post, be allowed to be carried forward with a percentage of ^{basic pay towards} mileage allowance which is worked out under rules and circulars issued from time to time.


 Joint Personnel Officer
 Northern Railway

- 3 -

B. The arrears if any calculated according to the criteria laid down would be payable after applying the law of limitation, ie. so much of the arrears which are within 3 years of the filing of the writ petition would be payable, rest of the arrears which have become barred by time would not be payable.

Para 15: That in reply to the contents of paragraph 15 of the writ petition, the passing of judgment and order dated 22.8.'84 in Writ Petition No. 1724 of 1979 and other bunch of writs and special appeal are not denied. It is stated that the fixation of pay in stationary post pertaining to the petitioners has already been done in according to the rules which are no different to the criterial laid down by the aforesaid judgments made by the Hon'ble High Court and also upheld in the cases decided by this Tribunal including the case of OA No..150/88 R.K.Dubey and others versus U.O.I. and others and many other cases. In the case of the petitioners, the pay in the stationary cadre has been fixed by allowing 40% to the basic pay received by him in the running cadre.

Para 16: That in reply to the contents of paragraph 16, it is stated that no such representation is available on record. However even if the representations have been made, they stood disposed off, once the pay had been correctly fixed in the stationary post according to rules and also

R. K. Dubey
 Assistant Personnel Officer
 Northern Railway
 Bikaner

- 4 -

that satisfies the criterial laid down afterwards by the Hon'ble High Court in the aforesaid judgements.

Para 17
to 22:

That in reply to the contents of paragraph 17 to 22 it is stated that the pay in the stationary post had been correctly fixed by the administration in accordance to rules and much before the passing of judgment dated 12.3.'79 and the pay already fixed was in consonance to the criteria laid down by the High Court . It is also stated that there is no anomaly in fixing the seniority as the seniority has been carried by them in accordance to the correctly fixed pay in the stationary post. Since the pay had been correctly fixed which will be also justified during the arguments, the writ petition has itself become infructuous, in view of the fact that the petitioners have made the judgment dated 12.3.79 as their basis of claim seeking parity with the petitioners of those petitions with them and once the pay already fixed satisfies the criteria laid down in the judgments the writ petition has to become infructuous.

Para 23 to
33:

That the contents of these paras relate to the virus of the Central Administrative Tribunal act and since lot of judgments have come which have held that the Act has been correctly framed and substituting the Hon'ble High Court in the matter of Central Employees services and matters connected therewith, the facts do NOT require furt-

[Signature]
General Personnel Officer
Northern Railway

ther adjudication.

Para 34: That in reply to the contents of paragraph 34 of the writ petition, it is stated that the pay having been correctly fixed pertaining to the petitioners in the stationary in according to rules, there was no occasion to have any grievance for filing the writ petition.

It is also submitted that none of the grounds set forth in the petition are tenable. The petitioners are not entitled to any relief claimed and the writ petition is liable to be dismissed with costs.

Lucknow

dated: 13.4.1992

R. Kumar
Asst. Personnel Officer
Northern Railway,
Lucknow
Opposite Parties

Verification.

I, *Rajiv Kumar* working as *Asst Personnel Officer* in the office of Divisional Railway Manager, duly competent authorised to sign and verify the reply on behalf of the opposite parties do hereby verify that the contents of para 1 to 34 are based on information collected from record and legal advice received which is ~~xxx~~ believed by me to be true and correct.

Signed and verified this 13th. day of April 1992 at D.R.M. Northern Railway Office Hazratganj Lucknow.

R. Kumar
Asst. Personnel Officer
Northern Railway
Lucknow

4
112

Central Administrative Tribunal
Lucknow Bench
Date of Filing 12/1/96
Date of Receipt by Post

20

One Dy Registrar
CAT, Lucknow

Recd 2 P.O.
for Rs. 10/-
No. 440675439
No. 440675440

12/1/96

Kindly furnish certified

Sd/-
12-1-96

Copy of the Indgment in
1946

T.A - 16. 87 & 1987 &

Shri Ramshankar
LDC
Ten n/a, please.

Review No 67 of 1993 on payment of
necessary charges

Rw Mr. Datt 12-1-96
9/2

Ym (attest)
Ramshankar Dubey
AHRB Accnts.
RMS O.L.R.

Order forwarded
2/12/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/29 dated 29.08.1989

Dated the: 31/1/90

T.A.No. of 1946 198 (T)

Samul Ahmad

APPLICANT'S

Versus

Union of India

RESPONDENT'S

Samul Ahmad S/o M. Hafizullah s/o L.D. 128
A Sleeper Cramel Alambagh, Lucknow

Khalish Ahmad Siddiqui S/o Mawar Mohammad
s/o 20 Barniya Bazaar P.O. Dalkusha LKO

Whereas the marginally noted cases, has been transferred by
High Court LKO Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 5231/85
of 1985
of the Court of H.C. LKO
arising out
of Order dated
passed by

The Tribunal has fixed date of
13/12/89 1989. The hearing for order
of the matter.
If no appearance is made
on your behalf, by your some
one duly authorised to Act
and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
30 day of 10 1989.

dinesh/

- ③ L.O. S. Through G.M. A. DEPUTY REGISTRAR
New Delhi
- ④ Chairman Rly. Board Rail Bhawan New Delhi
- ⑤ D.T.R. M. M. Tally, Rajganga LKO