

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

T.A 1946/87 (T)

DATED: -----

Case Title W.P 5321/85 19

Name of Parties.

Jamil Ahmed & others Applicant

versus

U.O.I. (N.R.D.) Respondents.

PART-A

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THE PRESENT CASE HAS BEEN FURTHER PENDING DUE TO THE EXHIBITS WHICH ARE NOT RECORDED DUE TO THE DEFECTIVE EQUIPMENT.

Part - C

C71

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

Section OfficerCourt OfficerIncharge

10/1/94

J.A. Javediya

Ref
SO(S)Signature of Deali
Assistant.P. Narayan
10/1/94

(RN)

Received on 27.3.94
on 27.3.94
Warded out/destroyed.

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

27/12/89

Mr. Justice K. Naray, V.C.

No one appears for the parties.
The record has been received
from Allahabad Bench.
Issue notices to both the
parties for further orders
fixing 13/12/89

OR

Case has been received
from CAT, 21/12/89.
Case is admitted.
CA/RA not filed.
Date was fixed
from CAT, 21/12/89
but CA was not attached.
Submitted to under
16/12/89

13/1

Per No Sitting Adj to 22.2.90
At 1/2 for the applicant is present

22/12/90

Mr. Justice K. Naray, V.C.
Mr. K. Obayya, A.M.

13/12

Smt. Pravin Bhargava appears on
behalf of opposite parties. He may file
a counter within four weeks following
the applicant may file rejoinder
within two weeks thereafter. List
for parties, orders on 15/1/91. The record
of writ petition No. 4601/89 shall also be
put up alongwith this case as indicated
in the admission order dated 9-10-85.

order
reduced to 31/12/89

31/12/89

OR
Notices were
issued on 31/12/89

No undelivered
regd. cover has been
return back.

S & order

by

1946/07/01

14.11.90

Hon. Mr. Justice H. Nath ve
Hon. Mr. M. Y. Bialker AM.

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

Mr.
AM

Mr.
V.C.

30.1.91 - No sitting adj. to 14.3.91.

(1)

14.3.91

No sitting adj. to 4.4.91

Mr.

No cause

4.4.91

D. R.

Applicant's p.

is present. Counter

has not been
called. Response

to exchange

by 26.6.91.

(2)

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 Rejoinder
by 29/6/92.

29.6.92

D.R.

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

A3

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW.

T.A.No.1946/87

(W.P. No.5231/87)

Jamil Ahmed &
Others. :::: Applicants

Vs.

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

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

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

(By Hon. Mr. K. Obayya, A.M.)

This transfer petition has been received from Lucknow Bench of the Allahabad High Court, under section 29 of the Administrative Tribunal's Act, 1985.

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.

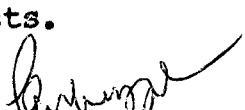
5. The learned Counsel for the applicant placed reliance on the judgement of Lucknow Bench of Allahabad High Court in W.P. No.1724/79 and also in O.A. No.150/58 in R.K.Dubey & Others decided by the Tribunal. The learned Counsel for the respondents stated that this decision has been taken into consideration 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) 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.

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 basic pay 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 *9-1-85*

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
1		W.P. with Document and affidavit	23		102.00			
2		Power	1-		5.00			
3		Comm. 1172d v. D. of 85 Ja 85	1-		5.00			
4		Appeal d. 11-10-85	1-		- -			
5		Power	1-		5.00			
6		Order Sheet	1-		-			
7		Barad 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

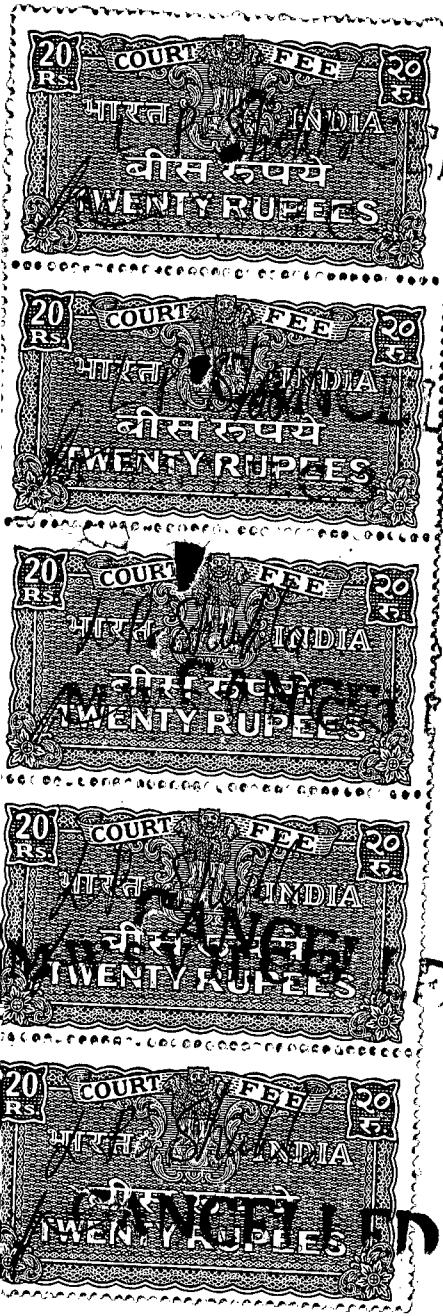
	<u>Pages</u>
1. Writ petition.	..1 to 16
2. Annexure No.1- Representation of petitioner No.1 dated 13/8/1985.	..17 & 18
3. Annexure No.2- Representation of petitioner No.2 dated 16/8/1985.	..19 & 20
4. Affidavit.21 & 22
5. Vakalatnama. 23
6. Stay application. (Separate)

Lucknow Dated:

October 8, 1985.

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

W



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

LED

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, Chambagh, Lucknow.
2. Khalil Ahmad Siddiqui, aged about 47 years, son of late Noor Mohammad, resident of 20 Baniya Bazar, P.O. Dilkusha, Lucknow.

..... Petitioners

Sept 23/85

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 :-

1/1 of Jamil Ahmad

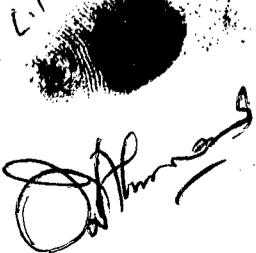


1. That petitioner no.1, Jamil Ahmad, was appointed as Cleaner in the running cadre on 16.6.1952 in the Northern Railway Loco Shed Lucknow and promoted as Fireman Grade 'C' on 31.12.1955 in the scale of Rs.40 to Rs.50/-. His pay was further raised to Rs.84/- on 27.1.1960. The petitioner No.1 was thus 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 rupees 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 stationary post running allowance to the usual limit of 75% is included for the purpose of fixation in

L.T.I. of Jamil Ahmad



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

L.T. of Tamil Nadu
Court

Signature

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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

1. T of Jamil Ahmed
J. Ahmed

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.

WT of Jamil Ahmad

Official

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

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 22.3.1984 allowed a bunch of writ

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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.

Annexure No.1 &

2

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.

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



V.T.I. of Tamil Nadu

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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 supernumerary 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

V.L. of Tamil
Ahmed
Signature

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 exerciseable 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 inter alia exclude jurisdiction of the High Court under

L.T. of Tamil
Ahmed



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 323A 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-

CT. I of Tamil
Ahmed
Signature

native and efficacious remedy available to them are preferring this writ petition on the following amongst other grounds:-

16 Court (i)

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

Nadu Legislative Assembly

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 fixing 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

Naresh Chandra

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, emoluments, 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.

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-14-

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) *Non-jurisdiction* 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

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 ~~xxxxxxxxxxxx~~ 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

Nanu Jayaram Shukla

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.

Lalit Prasad 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.

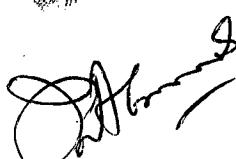
Respected Sir,

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 apped

C. I. of Jamil Ahmad





-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,

Sd/-

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

True Copy

L.T. of 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 stationary 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



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.

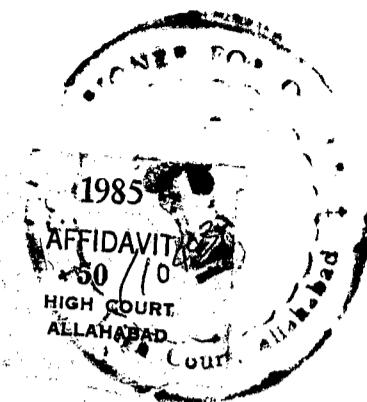
Yours faithfully,

Dated 16.8.85
Lucknow.

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

True Copy

U.T.I. of Tamil
Ahmad
Signature



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.

L.T. of Jamil Ahmad



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

Lucknow Dated:
October 8, 1985.

L.T. Ift. Jamil Ahmad


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.

Lucknow Dated:
October 8, 1985.

L.T. Ift. Jamil Ahmad


Deponent.

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


Kuldeepak Nag
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

~~Glerk 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.

Meena Pandey
OATH COMMISSIONER
High Court, Lucknow Bench

No. 584 KAB
Date 8.10.85

In The Hon'ble High Court of Judicature at
ब अदालत श्रीमान Allahabad Sitting at
Lucknow महोदय

वादी (मुद्रा)
~~वादी~~ (मुद्राब्लेह)

W. P. No.

का वकालतनामा

of 1985



Jamil Ahmad & another

vs.

बनाम
Union Of India & others

वादी (मुद्रा)

प्रतिवादी (मुद्राब्लेह)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०
उपर लिखे मुकद्दमा में अपनी ओर से श्री

L.P. Shukla & K.D. NAG एडवोकेट

Advocate

Advocate

महोदय

C-700, Mahanagar, LUCKNOW

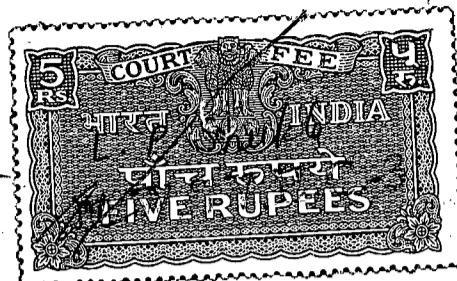
ताम अदालत
नं० मुकद्दमा
नाम फरीद

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 अपोल व निगरानी 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-युवत (दस्तखती)
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथां स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूगा अगर मुकद्दमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिन्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted
वादी
Accepted
Kuldeepak No
Kuldeepak No

साच्ची (गवाह) साच्ची
दिनांक महीना

हस्ताक्षर (Jamil Ahmad)
Chau Ahmad Siddiqui
(Khalil Ahmad Siddiqui)



10th Oct
1985
9.10.85

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

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

In Writ Petition No. 523 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
(L.P. Shukla)
Advocate,
Counsel for the applicants.

In The Hon'ble High Court of Judicature
at Allahabad Sitting at Lucknow A34
W.P. No. 5231 of 1985

Jamil Ahmad & another

Pet'l

vs.
Union of India & others

opp. Party

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 Envelopes 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

दाकालत नामा
विशेष सुनाराम

In the Hon'ble High Court of Judicature at Allahabad
के न्यायालय में
(Lucknow Bench) Lucknow.

..... Civil Petition..... संख्या..... 5231 .. of .. 1985

बादी

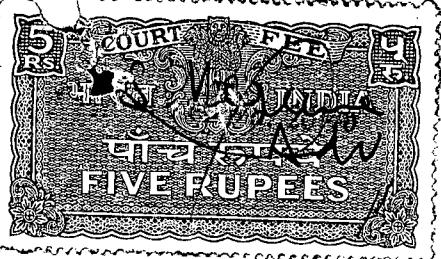
Samil Ahmad & another

अपीलीयर्थी

अर्जदार

Petitioner

बनाम



Union of India & others

— opp. Parties प्रतिवादी

प्रयोगी

विरोधी दल

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

को नियुक्त मामले में मेरी ओर से हाजिर होने, सफाई प्रस्तुत करन और मेरे लिए संयुक्त रूप से या अलग अलग कार्रवाई करने या प्रतिवाद करने यथा स्थिति और यथा प्रयोजन सभी आवश्यक बाद 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 कही 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 हूँ। प्रस्तुत प्रलेखों के आधार पर जो कुछ भी कानूनी तौर पर किया जाएगा मैं उसका अनुसमर्थन करता हूँ और उसकी पुष्टि करने के लिए सहमत हूँ।

26/12/85
रात्रि रेलवे अधिकारी
रात्रि रेलवे अधिकारी

जिसकी साक्षी म मे आज.....

के दिन..... 19.....

को अपने हस्ताक्षर करता है

Accepted

Sidhu

(Siddharth Verma)
Advocate

6
136

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P

No. S231

of 1985-

Jamil Ahmad vs. Union of India & Ors

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 G.B. Singh J.	
9-10-85	Admit and Connect with writ petitions no. 4601 of 81 sd. S.S. Ahmad sd. G.B. Singh. 9-10-85	
	Com. application 11720/1985 for stay.	
	Hon'ble S.S. Ahmad J Hon'ble G.B. Singh J	
9-10-85	list before learned single judge on 29-10-85 sd. S.S.A. J sd. G.B. Singh J 9-10-85	
29-10-85	29-10-85 fix. for admiss. in court N.R. to O.P. no 1 to 3 by R.P. in connection with 11720/1985	cf. Adm. Single Fixed
		13-10-85

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 ^{basic pay as} of his 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 ~~basic~~ mileage basic pay as mileage allowance.

Para 4:

to 12: 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

Ram Mohan
 Northern Railway
 Lucknow

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 basic pay based of mileage allowance which is worked out under rules and circulars issued from time to time.

- 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 22.3.'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

Ramdas
Assistant Personnel Officer
Northern Railway
Mhow

- 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* further

Ramchand
Joint 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

Rajiv Keshore
Asstt Personnel Officer
Northern Railway
Opposite Parties

Verification.

I, *Rajiv Keshore* working as *Asstt 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 ~~not~~ 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.

Rajiv Keshore
Asstt Personnel Officer
Northern Railway
LUCKNOW

4/12
Central Administrative Tribunal
Lucknow Branch
Date of Filing 12/1/96
Date of Receipt by Post 12/1/96

20

The Dy. Registrar, a
C.A.T., Lucknow

Received P.O.
fs. Rs. 10/-
No. 440675439
No. 440675440

12/1/96

Kindly furnish certified

sd(J)
12/1/96

Copy of the Judgment in

1946

Sh. Ramshankar

T.A.-A.G. 87 of 1987 &

formal Review no 67 of 1993 on payment of
necessary charges

Replies due 12-1-96

sd
12/1/96

You (Rama Shankar)

Rama Shankar Dubey

AHRB Accnts.

RMS. O. H. C.

On demand
of sum of
Rupees 120/-

4

A
43

71

O/C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/29 date 29/08/2008
Dated the : 31/1/90

T.A.No. of 1946 199 (T)

Samud Ahmad.

AFFILIATE'S

Versus

Union of India.

RESPONDENT'S

① To

Samud Ahmad & o. v. Hafizullah & o. L.D. 128

A Sleeper Car No. 28, New Light Locomotive

②

Ishak Ali Ahmad Siddiqui & o. Noor Muhammad.

W.L.C. 20 Banniya Bazaar P.O. Dilkusha 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 198
of the Court of H.C. Lko
arising out
of Order dated
passed by

The Tribunal has fixed date of
13/12/8998. The hearing for order
of the matter.

If no appearance is made
on your behalf, by your same
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 1999.

dinesh/

DEPUTY REGISTRAR

③ 609, Hough Road, New Delhi, 110001, India
④ Chairman, Rly. Board Rail Bhawan, New Delhi
⑤ D.R. M. M. Tely, Magadhganj Lko