

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA No. 1961/87*
W.P. No. 6601/85 OF

NAME OF THE PARTIES *D.R.M. H. P. L. Lucknow* Applicant

Versus

Ram Chandra Adul Respondent

Part A.

Sl.No.	Description of documents	Page
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4	<i>Writ Petition / Annexure</i>	<i>A8 to A22</i>
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7	<i>Writ Appl. No. 14, 465</i>	<i>A31</i>
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12		
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15		
16		
17		
18		

CERTIFICATE

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

checked on Dated *28/9/11*

Counter Signed.....

[Signature]
Section Officer/In charge

[Signature]
Signature of the
Deputy Assistant

CIVIL
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. 6601-85

Name of parties

Divisional Railway Manager vs. Kan Chakha

Date of institution

17.12.85

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	Imp. with Annex and affidavit	23	-	102-00			
	2	Form	1	-	-			
	3	Emd 14465(w) of 85 Jshy	1	-	-			
	4	Order Sheet	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

1941/07/17

8.2.90

No sitting Adli to 10.10.90

(2)

13

10/4/90

Hon. Mr. D.S. Habib Mohammed, AM.
Hon. Mr. J.P. Sharma, J.M

Notice issued to the
respondents have returned
unreserved.

let notice be again
issued to the respondents.

Put up per orders
on 20/9/90.

J.M.

A.A.

or
Notice given
on 11-4-90
A.A.

20/9/90

No sitting Adli to 31.10.90

(u)

31.10.90

Due to Holiday cases is
Adjourned to 17.12.90.

17.12.90

No sitting Adli to 1.2.91.

1.2.91

No sitting Adli to 19.3.91.

19.3.91

No sitting Adli to 16.5.91.

16.5.91

No sitting Adli to 27.6.91

Jr

Allegation made
on 11.4.90
Notice only no
being returned right
now has been
5/10/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1916 of 1987 (7).

APPELLANT
APPLICANT

D. R. M

VERSUS

DEFENDANT
RESPONDENT

Ram chandra

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

26/7/89

Hon. Justice K. Nath, V.C.

No one is present for the applicant. The case is yet to be admitted. Issue notice to the applicant and list for admission on 12/12/89.

OR

This case has been read. from C.A.T. filed on 14/9/89.

Case is not admitted. C.A./R.A. not filed.

Doc was filed from C.A.T. and out of case not attached. Submitted for order.

Noted. J. S. S. 11/11/89

12/12

No. 844. Dely to 3-1-90
None is present

12/12

3.1.1990

Hon'ble Mr. Justice K. Nath, V.C.

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

Admit.

Issue notice to opposite parties to file reply within four weeks to which the applicant may file rejoinder within two weeks thereafter.

In the matter of interim relief issue notice & list for orders on 8.2.1990.

A.M.

V.C.

rim/

OR

Notices were issued on 11/11/89.

No undertaking/ reply cases have been returned.

Submitted for order.

2/11/90

Noted. J. S. S. 14/11/90

T.A 1961/87 CT

27.6.91

Honbl. Mr. Justice K.Nallu. VC
Honbl. Mr. K. Obayya AM

(A2)

A/c

On the request of learned
Counsel for the respondent - Sn.
K. C. John. Case is adjourned to
28.8.91 for hearing

VC
AM

VC

2

28.8.91

No sitting adj to 14.10.91

2

14.10.91

No sitting adj to 5.12.91

2

5.12.91

No sitting adj to 6.1.92

2

6.1.92

No sitting adj to 5.2.92

2

5.2.92

No sitting adj to 1.4.92

2

1.4.92

No sitting adj to 25.5.92

2

Ed
Submitted
hearing
SPH
22/5

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

T.A. No. 1961/87

(Writ Petition No. 6601/85)

Divisional Railway Manager,
Northern Railway, Lucknow

Petitioner.

versus

Ram Chandra and others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

This writ petition has been transferred from High Court under section 29 of the Administrative Tribunals Act, 1985, which was filed in the year 1985 with the prayer for issue of a direction or command in the nature of certiorari directing the opposite party No. 4 to produce the records in original quashing the award embodied in Annexure No. 6, and for a direction to the opposite party No. parties not to execute the award.

2. Although the time was granted to file reply but no reply has been filed so far. The respondents approached the Central Government Industrial Tribunal cum Labour Court, Nirmal Tower, New Delhi and their claim

was that they worked under Loco Workshop Charbagh, Lucknow, Northern Railway and were for all purposes under Senior Civil Engineer, Northern Railway, Lucknow but the opposite parties 1 to 3 intentionally did not array them as parties. According to the opposite parties intentionally avoided to mention that they were appointed for certain project and they were retrenched one after another. Applications filed by them were consolidated by the Industrial Court and according to the applicant they had no information to the effect that the case has been transferred. The Presiding Officer, Industrial Tribunal ^{award} passed the ~~the~~/exparte. . Order does not indicate that on 16.11.84 notices were sent. Further details were not received from the award. It appears that notices were sent but none appeared and the Tribunal passed the award exparte. It has not been stated by the applicant why no application for setting aside exparte award was not given. It is not stated in what manner they learnt about this and on what date they procured the award. No explanation has been given, as such this application

21-10-85

Group. A 14 (K)

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

W.P. No. 6601 of 1985.

Divisional Railway Manager, Northern Railway,
Lucknow.

Petitioner

Versus

Ram Chandra and others.

Opposite Parties.

I N D E X

S.No.	Description	Pages
1.	Writ Petition	1 - 5
2.	Annexure No.1 (True copy of summons)	6 - 7.
3.	Annexure No.2 (True copy of claim petition).	8 - 10
4.	Annexure No.3 (True copy of Order-sheet)	11 - 12
5.	Annexures Nos.4 (True copies of affidavits filed by Ram Chandra and Safiq Ahmad respectively) and 5.	13 - 15. 16 - 18.
6.	Annexure No.6 (True copy of Award)	19 - 20
7.	Affidavit	21 - 22.
8.	Stay application	
9.	Power	

Lucknow; Dated:

December , 1985.

K.C. Jauhari
(K.C. Jauhari)
Advocate
Counsel for the petitioner

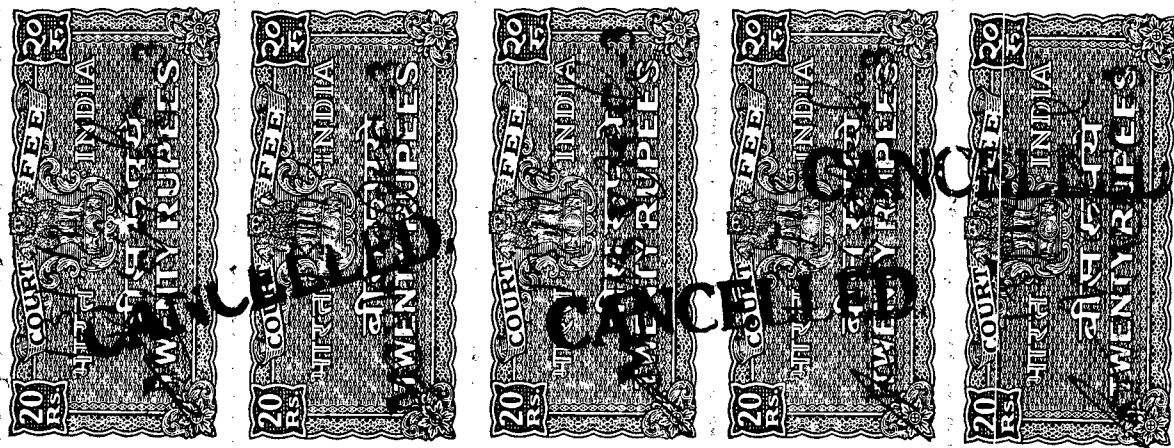
16162

30

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. 6601 OF 1985



Divisional Railway Manager, Northern Railway,

Lucknow.

Petitioner

Versus

1. Ram Chandra adult son of Sri Baboo Lal.
2. Safiq Ahmad adult son of Sri Habid Khan.
3. Umesh Chandra adult son of
through Sri B.D.Tewari Zonal Manager, U.R.K.V.,
Lucknow.
4. Presiding Officer Central Government Industrial
Tribunal, Kanpur.

Opposite Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The above-named petitioner respectfully states
as under :-

1. That the present writ petition arises against the
award dated nil and passed by the opposite party No.4

Allahabad

3/1/90

Hon. Justice K. Mathur
Hon. K. O'Byrne, J.

Admit.

Issue notice to
opposite parties to file
reply within four
weeks to which the
applicant may
file rejoinders
within two weeks
hereafter.

In the matter
of interim relief
issue notice &
list for orders
on 3/2/90.

Am

V.C.

Re

MEMO

Impressed

5 adhesive - R1002

T tal 1001

object but final Court fee report

to be made on receipt of lower

at the end

in time up to

have a fixed. Copy of F.O.

and also be filed.

Simple Bench

Last Impressed under Am. & dated (not sworn)

Kaufman/Kuehns

Amore
13 March 92

(67)

Harbace

Let's see
admission in the
provisional course.

W
17-12-85
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(A4)
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on the industrial disputes between the petitioner and opposite parties nos. 1 to 3 referred to opposite party No.4 under Section 10 of the Industrial Disputes Act.

A/10

2. That the petitioner received summons from the court of Central Government Industrial Tribunal - cum Labour Court, Nirmal Tower, New Delhi, the true copy of which is marked as Annexure No.1 to this writ petition.
3. That according to the versions of the opposite parties nos. 1 to 3 worked as Khallasis under Inspector of Works, Loco Workshop, Charbagh, Lucknow and were for all purposes under Senior Civil Engineer Northern Railway, Charbagh, Lucknow but the opposite parties nos. 1 to 3 intentionally did not array them as parties (The petitioner is advised to state that the claim under this only account is liable to be thrown out).
4. That the opposite parties nos. 1 to 3 intentionally avoided to mention that they were appointed only for certain project.
5. That according to the versions of the opposite parties nos. 1 to 3 the opposite party No.1 was retrenched on 14.1.1975, the opposite party No.2 on

13-12-85

Amal mud

(H10) ✓
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31.8.77 and the opposite party No.3 on 15.10.1977.

The true copy of the claim petition filed is marked as Annexure No.2 to this writ petition.

K
11

6. That the all the three cases were consolidated.
7. That the petitioner was not informed about the transfer of the case to the opposite party No.4. The true copy of the order sheet is marked as Annexure No.3 to this writ petition.
8. That the opposite party No.4 proceeded against the petition exparte and permitted the opposite parties nos. 1 to 3 to file affidavit the copies of affidavits filed by Sri Ram Chandra and Safiq Ahmad are marked as Annexures Nos. 4 and 5 respectively.
9. That the petitioner was neither informed of the award nor he was given the copy of award. Any how the official was sent who could get the copy of the award, the true copy of which is marked as Annexure No. 6 to this writ petition.
10. That being aggrieved of the aforesaid award and there being no other alternate remedy left the petitioner prefers this writ petition on the following amongst grounds.

G R O U N D S

- A) Because the learned opposite party No.4

13-12-83
10-10-83

Amended

AM
✓
5

committed an illegality in proceeding exparte
against the petitioner which is manifestly
apparent on the face of the record.

- B) Because the learned opposite party No.4 committed an illegality in not considering the fact that the opposite parties Nos. 1 to 3 being appointed for certain project can not claim for the notice and compensation etc.
- C) Because the learned opposite party No.4 committed an illegality whether the opposite parties nos. 1 to 3 are entitled for the rights.
- D) Because the judgment and order are illegal and its findings are perverse.

Wherefore the petitioner prays for the following
reliefs :-

- i) that a writ, order, direction or command in the nature of certiorari be issued directing the opposite party No.4 to produce the records in original quashing the award embodied in Annexure No.6.
- ii) that a writ, order, direction or command in the nature of mandamus be issued

(A12)

✓
6

directing the opposite parties not to ^{A/13}
execute the impugned award (Annexure No.6).

iii) Any other relief which the Hon'ble Court
deems just and proper.

iv) Entire cost of the writ petition be
awarded to the petitioner.

Lucknow: Dated:

December , 1985

K.C. Jauhari

(K.C. Jauhari)
Advocate
Counsel for the petitioner

(6) (MS)

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

W.P. No. of 1985.

Divisional Railway Manager, Northern -
Railway, Lucknow. ---

Petitioner

Versus

Ram Chandra and others. ---

Opposite Parties.

ANNEXURE NO. 1

GOVERNMENT OF INDIA

MINISTRY OF LABOUR

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL-CUM-LABOUR COURT: NEW DELHI.

6th FLOOR: NIRMAL TOWER

26- BARAKHAMBA ROAD, NEW DELHI.

In the matter of a Reference under section 10 of the
Industrial Dispute Act. (1947 (XIV of 1947))

Reference No. L-41012 (32)/83 II B of 1984

Case No.

Ram Chander

WORKMAN

Versus

Northern Railway

EMPLOYER.

WHEREAS an Industrial Dispute between the parties above
named, has been referred to this Tribunal-cum-Labour
Court or adjudication under Section 10 of the Industrial
Dispute Act 1947.

Amalendu

YOU are, therefore hereby summoned to appear before this Tribunal-cum-Labour Court in person on the 4th day of May 1984 at 11.00 A.M. to answer all material questions relating to the said dispute and.

YOU ARE ALSO DIRECTED and requested to produce on that all the books papers and other documents evidence and things in your possession or under your control in any way relating to the matter under investigation and adjudication by this Tribunal-cum- Labour Court.

IF you fail to attend or to be represented on the above date of hearing the above mentioned reference may be disposed of in your absence and the Tribunal-cum-Labour Court may proceed exparte as if you duly attended or had been represented.

GIVEN UNDER MY HAND SEAL OF THIS TRIBUNAL-CUM-LABOUR COURT THIS THE 30th DAY OF MARCH 1984.

Sd/- B.R. Yadav
Secretary

Central Govt. Industrial Tribunal-cum-
Labour Court, New Delhi.

The Divisional Rly. Manager,
Northern Railway, Hazratganj,
Lucknow.

attal mud True Copy

(8) 45 ✓ 9

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

W.P. No. of 1985.

Divisional Railway Manager, Northern Railway,
Lucknow. --- Petitioner

Versus

Ram Chandra and others. --- Opposite Parties.

ANNEXURE NO. 2

In the Court of Sri O.P. Singhala,
Presiding Officer

Central Labour Tribunal Barakhamba Road,
New Delhi.

I.D. No. 4 of 1984.

Between

S/Sri Ram Chander, Safiq Ahmad and Umesh Chandra through
URKU/IKO./Workmen.

AND

Northern Railway Administration --- Employer.

CLAIM STATEMENT OF THE UNION ON THE ABOVE CASES.

13-12-85

S/Shri Ram Chandra s/o Sri Baboo Lal, Safiq Ahmad
S/o Sri Habib Khan, and Umesh Chand s/o Late Sri Bechulal
were working as Khallasis under Inspector of Works, Loco
Workshop, Charbagh, Lucknow, and were for all purposes
under the Senior Civil Engineer N.Rly., Charbagh, Lucknow.
Sri Ram Chandra had worked from 2.1.74 to 14.1.75 (349 days)

Amended from 2.12.72 to 31.12.73 (378 days) and from

1.7.71 to 1.7.72 (365 days). He was retrenched on 14.1.1975. Sri Safiq Ahmad was appointed on 10.1.1976 and worked upto 31.8.1977. He was shunted out on 31.8.77 A.N. Sri Umesh Chand was appointed on 9.9.76 and worked upto 18.10.1977. He was told not to come on duty from 18.10.1977 A.N. All the three workmen had completed more than 240 days in a calendar year preceeding date of their retrenchment. Their termination was made without notice. Notice pay and retrenchment compensation i.e. without compliance of Section 25F of the I.D. Act 1947.

Under case law of Section 25F retrenchment without compliance of the mandatory pre-conditions, in abinitio void and non-existent, hence the workmen aforementioned are entitled to reinstatement with back wages and all consequent benefits.

The workmen are ~~entitled~~ to receive Rs.425/- p.m. entitled to benefits of passes, P.T.O's, leave, medical facilities, quarter etc. which in each case comes to following amounts :-

1. Rs.46,325/= at the rate of Rs.425/- p.m. upto 14.2.84 in case of Sri Ram Chandra.

2. Rs.32,725/= at the rate of Rs.425/- p.m. upto 31.1.84 in case of Sri Safiq Ahmad.

Amended

3. Rs. 32,300/- at the rate of Rs.425/- p.m. upto 15.2.84 in case of Sri Umesh Chandra.

The workmen are further entitled to benefits of passes, P.T.O's, leave, medical facilities, quarter etc. which in each case comes to following amounts.

(i) Rs.27,000/- in case of Sri Ram Chandra.

(ii) Rs.19,500/- in case of Sri Safiq Ahmad.

(iii) Rs.18,000/- in case of Sri Umesh Chandra at the rate of minimum Rs.3000/= per year.

During the course of conciliation proceedings railway administration did not have courage to contradict the contentions of a workman. In case of Sri Umesh Chandra Sri Ranbir Singh I.O.W. Locoshop Charbagh Lucknow attended the office of the Conciliation Officer. In case of Sri Safiq Ahmad and Ram Chandra, Sri Nigam Office Superintendent of XEN, Office Charbagh, Lucknow attended office of the LEO () Lucknow, Rly. Administration did not contravert either number of working days or claim of the workmen, either by documents or by evidence.

Prayer

It is, therefore prayed that the workmen aforementioned may please be ordered to be reinstated with back wages and all consequent benefits as mentioned above costs of the litigation may also be awarded to workmen.

Dated: 24.9.84.

(B.D.Tewari)
Zonal Resident
URKU Lucknow.

Amal Kumar

True Copy

(11) (A18)
12
A
19

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

W.P. No. of 1985.

Divisional Railway Manager Northern

Railway, Lucknow. ---

Petitioner

Versus

Ram Chandra and others. ---

Opposite Parties.

ANNEXURE NO.3

I.D. No. 3/84

120/84

Ram Chandra

Vs.

N.Rly.

ORDER SHEET

Filed on 16.1.84 at Delhi

30-3

Mr. Ram for workman none for the
management for 44/5.

4-5

Case is adjourned for 9-7

9-7

Rakesh Manjul for management case is
transferred 24-9.

24.9.84

Statement of claim filed issue notice to
management to file W.S. on 16-11-84.

16.11.84

Sri B.D.Tewari for the workmen none for the
management. Issue regtd notice. Fixed

notice
issued.

14.12.84 for filing W.S.

anulmed

14.12.84 Sri B.D. Tewari for workman none for the
notice issued. management Fix 4.12.85 for filing W.S.

4.1.85 Sri B.D. Tewari to the workman none for the
management despite notice case to proceed exparte
workman filed affidavit with annexure. Fix
30.1.85 for arguments.

30.1.85 Consolidated with I.D. No. 4/84. put up on
1.3.85 for arg.

1.3.85 Sri B.D. Tewari for workman none for the
management Argument heard. reserved for
exparte award.

Amended
True Copy

13-12-85

(13) (A20)

14

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

W.P. No. of 1985.

Divisional Railway Manager Northern
Railway, Lucknow. ---

Petitioner

Versus

Ram Chandra and others. ---

Opposite Parties.

ANNEXURE NO. 4

IN THE COURT OF THE R.B. SRIVASTAVA : PRESIDING OFFICER
CENTRAL GOVTS. INDUSTRIAL TRIBUNAL
KANPUR.

I.D.CASE NO. 3 OF 1984

Ram Chandra through U R K U
Lucknow. ---

Workman

Versus

Northern Railway Administration
through D R M - IKO. ---

Employer.

AFFIDAVIT INCORPORATING STATEMENT OF THE APPLICANT

I, Ram Chandra son of Baboolal aged about 35 years
resident of Village & Post Raipatti P.S. Khandasa Distt.
Faizabad, then working as Khallasi under Inspector of
Works Charbagh, Lucknow, do hereby depose and solemnly
affirm on oath as under :-

1. That the deponent is the workman concerned in this

Quoted

22/9

- Qul Ahmad

Rs.50,150/- which added by Rs.3120/- as mentioned in para 7 above comes to Rs.53,270/-.

9. That the deponent this money due together with his benefits of Passes, P T O, uniform, medical facilities, quarter, leave etc. computed in terms of money amounting to Rs.27,000/- are all fit to be received by the deponent from the Opposite parties.
10. That the amounts mentioned in paras 8 and 9 above are accurate to the best of the deponent's calculation.

Lucknow:

Dated:

Deponent

V e r i f i c a t i o n

I, Ram Chandra, deponent do hereby verify that the facts as stated in paras 1 to 9 of this affidavit are true to the best of his knowledge and belief. Nothing material has been concealed by me. So help me God.

Lucknow:

Dated :

Deponent

Signed and Sworn before me on this day of November, 1984 in this Court Compound. Deponent's identified by.....

Attested True Copy

(76) (m²)
17
A/24

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

W.P. No. of 1985.

Divisional Railway Manager Northern Railway,
Lucknow. ---

Petitioner

Versus

Ram Chandra and others. ---

Opposite Parties.

ANNEXURE NO.5

IN THE COURT OF SHRI R.B.SHRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVTS. INDUSTRIAL TRIBUNAL,
KANPUR.

I.D. No. 4 of 1984

Between

S/Sri Ram Chander, Safiq Ahmed, and

Umesh Chandra through U.R.K.U./Lucknow ---

Workmen

Versus

Northern Railway and others. ---

Employer

Affidavit incorporating statement of the workman:

I, Safiq Ahmed S/o Shri Habid Khan, R/o Fateli Talab,
L-31-B-Grange Road, Lucknow do hereby depose and solemnly
affirm on oath as under :-

1. That the deponent is the workman concerned in this
case and well conversant with the facts thereof.

13-12-85

Muhammad

(17) (A24) 18

2. That the deponent was working as Khallasi under inspector of works/Loco Workshop, Charbagh, Lucknow.
3. That the deponent was appointed on 10.1.76 and worked upto 31-8-77. He was turned out on 31-8-77.
4. That the deponent worked for 600 days continuously in the internening period in immediate precedence of the date of termination of his service.
5. That the deponent was terminated without notice, notize pay and retirencement compensation.
6. That the deponent is enclosing photostat copies of his casual labour card in support of his working period.
7. That the deponent was never given authorized seales of pay, even after completing 120 days service. The amounts due between the casual labour rate of Rs.165/- per month and Rs.425/- authorised scale of class IV initial recruitment staff amounted to Rs.260/- per month, total due thus comming to Rs.3120/-.
8. That the deponents pay from 31.8.1977 to 14.11.1984 at the rate of Rs.425/- per month amounts to Rs.32725/- which added by Rs.3120/- as mentioned in para 7 above comes to Rs.35845/-.
9. That the deponent's this money due together with his benefits of passes, P.T.O. Uniform, Medical facilities.

Chellamud

quarter, leave etc., computed in terms of money amounting to Rs.19,500/- are all fit to be received with reinstatement on duty from the opposite parties. (18) (A25) 19

10. That the amounts mentioned in paras 8 and 9 above are accurate to the best of deponents calculation. X 20

Date : 8.12.84

Sd/- Safiq Ahmed

(Safiq Ahmed)
Deponent

VERIFICATION

I, Safiq Ahmed do hereby verify that the facts as stated in para 1 to 10 of this affidavit are true to the best of my knowledge and belief. Nothing material has been concealed. So help me God.

Date: 8.12.84

Sd/- Safiq Ahmed

(Safiq Ahmed)
Deponent

Amal

True Copy

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

W.P.No. of 1985
Divisional Rly. Manager, N.Rly, Lucknow. --- Petitioner

Vs.
Ram Chandra and others

Opposite Parties.

ANNEXURE NO.6

BEFORE SHRI R.B. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, KANPUR.
I.D's Nos. 3, 4 and 10 of 1984.

In the matter of dispute between :

1. Shri Ram Chandra,
2. Shri Saifi Ahmad, &
3. Shri Umesh Chandra ... Workmen
Through : B.D.Tewari, 96/196 Pashan Bajar Lane, Ganeshganj, Lucknow.

AND

The Divisional Manager, Northern Railway, Lucknow .. Management.

Shri B.D.Tewari representative for the workmen &
Shri M.P.S.Chatterjee representative for the management.

AND

The Central Govt. Ministry of Labour vide order no. L-41.12/33/84-D
-II-5 dt. 7.1.74 order no. L-41014/33/84-II.5 dt. 7.1.74 and order
no. L-41014/33/84-II.5 dt. 21st January 1984 referred the following
disputes for adjudication :-

1. "Whether the action of the Railway Administration in relation to
Shri Saifi Ahmad, Stationary Engineer, Northern Railway, Lucknow in
terminating the services of Shri Saifi Ahmad on 14.1.75 was
justified? If not, to what relief if any is the workman concerned
entitled?"
2. "Whether the action of the Railway Administration in relation to
Shri Ram Chandra, Stationary Engineer-II, Northern Railway
Lucknow in terminating the services of Shri Ram Chandra on 3/0
Shri Saifi Ahmad, Stationary Engineer-II, Northern Railway, Lucknow
v.e.f. 15.1.75 is justified? If not, to what relief if any is the workman
concerned entitled?"
3. "Whether the action of the Northern Railway Administration in
relation to the Divisional Railway Manager, Lucknow is justified
in terminating the services of Shri Umesh Chandra on 3/0 Shri Saifi
Lal, RS/79, casual labour under I.O.W. locomotive workshop Charbagh, Lucknow
v.e.f. 15.10.77? If not, to what relief the concerned workman
is entitled?"

The above three cases were consolidated on the request of the
representative for the workmen as common question of fact and law
arose in them and I.D.No.4/84 was made the leading case.

The case of workman Shafi Ahmad is that he was recruited as casual
labour on 2.12.72 and worked continuously upto 31.12.73. His services
thereafter were terminated without compliance of Sec.25(f) of the
I.D.Act even though he had worked for 178 days.

Similarly workman Ram Chandra of the I.D.No.3/84 worked under Civil
Engineer Charbagh as casual labour from 20.1.74 and continued till
14.1.75 when his services were terminated without paying retrenchment
compensation though in fact he had worked continuously for 349 days.

Lastly in the case of Shri Umesh Chandra workman I.D.No.10/84 the
workman was appointed on 9.9.77 and worked upto 15.10.77 continuously.
He was told not to come on duty on 16.10.77. At the time of termination
he was not paid retrenchment compensation though he had completed
140 days of continuous service on one calendar year.

The management despite notice of the cases did not file written
statement or adduced any evidence to contest the case, consequently
the case against the management proceeded ex parte. Shafi Ahmad,
Ram Chandra and Umesh Chandra have filed affidavits in support of
their case. Ram Chandra has filed photocopy of his casual labour
card which corroborate his case that he from 21.2.74 to 14.1.75
which substantiate that he worked for more than 340 days in one
continuous year counting backward from 14.1.75.

Workman Shri Shafi Ahmad has supported his claim statement by
affidavit and has filed Annexure A record of service as casual
labour which on calculation comes to 178 days in one continuous

20 427

21

7



13-12-88

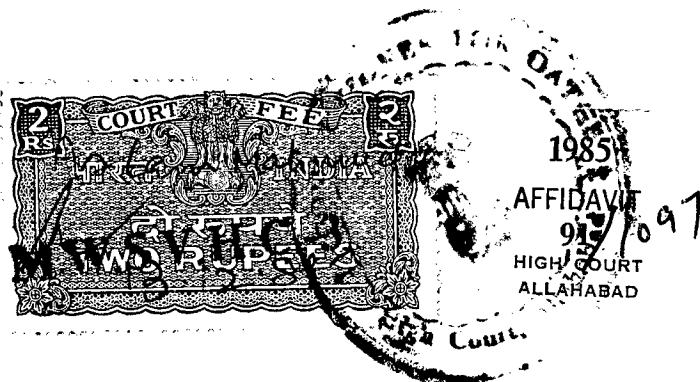
(21) (A28)

1/22

A/S

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

W.P. No. of 1985.



Divisional Railway Manager, Northern Railway,
Lucknow. ---

Petitioner

Versus

Ram Chandra and others. ---

Opposite Parties.

A F F I D A V I T

I, Aslam Mahmud, aged about 44 years son of
Shri N. Mahmud working as Sr Divisional Personnel Officer in the
office of Divisional Railway Manager, N.R. Lucknow, do
here by solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner/palrokar and
is fully conversant with the facts of the case.
2. That the contents of accompanying writ petition
paragraphs 1 to 9 are true to my knowledge and that
of para 10 are believed by me to be true.
3. That annexures nos. 1 to 5 are true copies of their
originals. Annexure No 6 is Photostate
copy of its original.

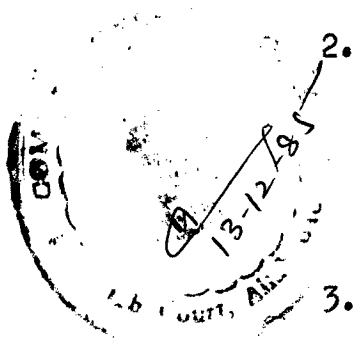
Lucknow; Dated:

December 13, 1985.

Aslam Mahmud

Deponent

Verification
I, the above-named deponent



do hereby verify that the contents of this affidavit paragraphs 1 to 3 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Lucknow; Dated:

December 13, 1985.

Aslam Mahmud
Deponent

I identify the deponent who has signed before me. He is personally known to me.

Ramesh Singh
Advocate.

Solemnly affirmed before me on 13-12-85 at 11.45 a.m. by Aslam Mahmud, the deponent who is identified by Shri Rajendra Srivastava Clerk to Shri K.C. Jauhari Advocate, High Court, Allahabad.

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

Meena Sanjay
OATH COMMISSIONER
High Court, Allahabad
No. 91/1097
Date 13-12-85

(R34)
2/1

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

व अदालत श्रीमान _____ महोदय

वादी (मुद्दई)

प्रतिवादी (मुद्दालेह) का वकालतनामा

Divisional Railway Manager, N.P.Ry.
Lko.

वादी (मुद्दई)

वनाम

Ram Chandra & others

प्रतिवादी (मुद्दालेह)

नं० मुकदमा सन् 19 पेशी की ता० 19 ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

एडवोकेट

Enl. C. Taulhan, Bly Advocate

Prem-A-Loc Amir Nagar Lko.

महोदय

वकील

मैं अपना वकील नियुक्त करके प्रतिष्ठा (इकरार) करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथावा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रस्ताव करें या अन्य कोई कागज दाखिल करें या लाँटा वैया हमारी ओर से डिग्री जारी करावें और उपया वसूल करें या सुलह वामावसा इकबाल दावा तथा भी ल व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा नये या कोई कागज जमा करें या हमारी या विपदा (फरीकसाती) का दाखिल किया उपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवैया 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 रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर दावा आवे।

हस्ताक्षर

Amir Nagar

साक्षी (गवाह) - - - - -

साक्षी (गवाह) - - - - -

दिली - - - - - महीना

(A3)

3/1

C. Misc. Appn No. 14,465 (u) 82
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

6601

W.P. No. 6601 of 1985

Divisional Railway Manager, Northern Railway,

Lucknow.

K/31
Petitioner

Versus

Ram Chandra and others. ---

Opposite Parties.

STAY APPLICATION

In the above-noted petition the petitioner respectfully states as under :-

1. That the petitioner has challenged the exparte award (Annexure No.6) which is pending in the Hon'ble Court and the petitioner is hopeful of his success.
2. That the petitioner would suffer an irreparable loss if the/exparte impugned award (Annexure No.6) is not stayed.
3. That the balance of convenience lies in favour of the petitioner.

It is therefore prayed that the execution of exparte impugned award (Annexure No.6) be kindly stayed till the pendency of the aforesaid writ petition in the Hon'ble Court.

Lucknow; Dated:

December 17, 1985.

K. C. Jauhari
(K.C. Jauhari)
Advocate
Counsel for the petitioner

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 6601 of 1985
 Vs. _____

11/1/85

11/3/85

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
17-12-85	Decn 10 C.S. 7	
	1st it for admission in the ordinary course.	
	Sd/- C.S.	
	17-12-85	
	Cm. No. 14,465 of 85.	
17-12-85	Decn 10 C.S. 7	
	Put up along with the W.P.	
	Sd/- C.S.	
	17-12-85	