

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA 308/87 OF
Lab. No. 1841/78

NAME OF THE PARTIES ... R. P. Katiyar Applicant

Versus

..... U. O. I. Board Respondent

Part A.

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CERTIFICATE

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

Rechecked on
Dated 25-08-11

Counter Signed.....

R. P. Katiyar
Section Officer In charge

[Signature]
Signature of the
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. 308 1927...

R.P. Khatiyal Applicant.

Versus

Govt. Respondents.

- | | | | |
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Dy. Registrar

Supervising Officer

Dealing Clerk

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Dealing Clerk

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

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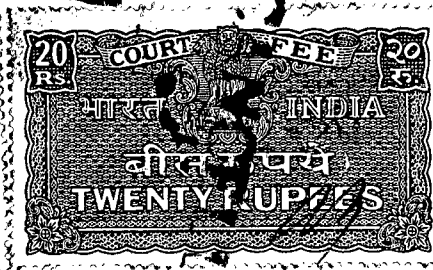
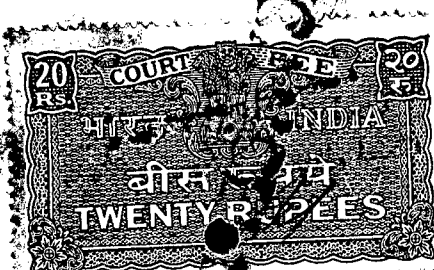
NAME OF THE PARTIES _____

R. P. Kalya Applicant

Versus

b-o-s & RespondentPart A, B & C

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In the Hon'ble High Court of Judicature At Allahabad,
(Lucknow Bench)

12/12/75

Writ Petition No. 1841 of 1978

R.P. Katiyar aged about 48 years son of Shri Chunni Lal Katiyar, r/o 10-F-2 Railway Colony, Badshahnagar, Lucknow. .. Petitioner

Vs.

1. Divisional Superintendent, North-Eastern Railway, Ashok Marg, Lucknow.
2. Senior Divisional Commercial Suptd, North-Eastern Railway, Ashok Marg, Lucknow.
3. General Manager (G), North-Eastern Railway, Gorakhpur. .. Opp. parties.

Writ Petition under Article 226 of the Constitution of India.

The humble petitioner most respectfully begs to sheweth as under :-

1. That the petitioner was working as junior clerk in the Senior Divisional Commercial Suptd. Office, N.E. Railway, Lucknow in the grade of Rs. 260-400.
2. That prior to the year 1975 the Commercial Offices and the Catering Units were two independent units for purpose of seniority promotion and posting etc., relating to clerical staff. The said two units of the north-eastern railway were merged into one unit by virtue of the General Manager, N.E. Railway Gorakhpur's order No. 1/210/1-4(II) dated 26-8-75.



Relieved
2/12/75

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Writ Section No. 1541
R. D. Katiyar vs. Divisional Supt. NE. Ry.

of 1978

Dated of which case is adjourned

Date

Note of progress of proceedings and routine orders

3

24.8.78

Wt. with² Appln.
Hon. H.S. J.
Hon. K.S. Varma J.
disc on 29.8.78

25.8.78

29.8.78 fixed with comd
4184(w)-20 orders

B/Po.
By order of
the court

29.8.78

disc with C.M.A. 4184(w)-20
for order

Hon. H.S.J.

Hon. K.S.V.J.

One week time is granted
to obtain instructions. Interim
relief granted meanwhile

23.11.78

20.11.78

25.8.78

29.8.78 fixed with comd
4184(w)-20 orders

B/Po.
On 5.5.78

20.11.78

Cont with C.M.A. 4184(w)-20
for orders.

Hon. K.S.J.

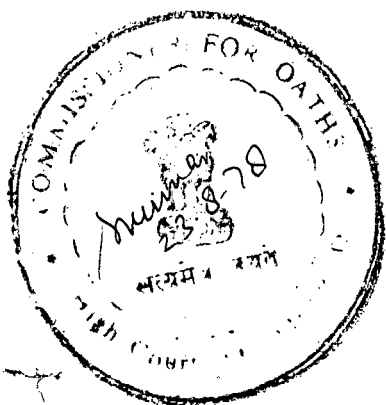
Hon. U.C.S.J.

S.O.

M

(2)
A
13
X/b
✓

3. That after the merger of the said two units there took place combined seniority-cum-suitability test. The petitioner also appeared in the seniority-cum-suitability test for the post of senior clerk in the grade of Rs. 320-560 on 14-2-78 and was declared successful.
4. That on account of merger of the said two units there occurred three posts of senior clerks for the Catering side but no promotion was made against these vacancies since 1975.
5. That when no proper steps were taken by D.C.Ss etc., of N.E.Railway range then like other D.C.Ss, the opposite parties No. 1 and 2 received letter No. Ka/210/15/Tritiya-Aa/Bhag Catering/Bhag-2/Chanloj dated 21-2-78 of General Manager (P) N.E.R, Gorakhpur, whereby the attention of the opposite parties No. 1 and 2 was drawn to the General Manager, N.E.R. Gorakhpur letter No. E/210/104(IV) dated 26-3-78, which required action on the merger effect and also report on the action taken in that regard.
6. That on the receipt of the said letter of the General Manager, N.E. Rly, Gorakhpur, action began to be taken as regards promotion, seniority and ~~promoting~~ posting etc., Since there were already three vacancies of senior clerks in the Catering side therefore three persons were posted in the catering side on 12-5-78 on the basis of the seniority-cum-suitability test in the clear vacancies. The petitioner was one out of the three promoted ^{persons}. The post was



Recd
23/8/78

ORDER SHEET

B-88

5/17
2

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

wp

No.

184

of 1978

vs.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	20-12-78 fixed with C.M. No. 4184 (wp) for orders.	18/78
20-12-78	Went with C.M. No. 4184 (wp) 278 for orders	
	Hon H.S.J. Hon A.C.S.J.	
	Learned Chief Standing Counsel wanted further time for instructions Left after three weeks. In the mean time the interim order shall continue.	20-12-78 by
3-1-79	16-1-79 fixed with C.M. No. 4184 (wp) 78 for orders	After 3 weeks 18/78 12.13.1.79
16-1-79	Went with C.M. No. 4184 (wp) 78	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1041 of 1978

18.

B-89
9
5/3 1/8

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
5.2.79	9.2.79 fixed in cm m 529 (w)-79 in order with 9.2.79 dt 5.2.79	eye Benah
9.2.79	C.M.M. 529 (w)-79. for order with officer report dt 5.2.79. Hon H.S.S. Ch. Mathur, J.	
	The application is under Contempt of Court Act. Lay before the learned dealing with Contempt matters.	
	2-3-79 23.2.79	9.2.79 DR
9.2.79	15.2.79 fixed in cm m. 529 (w)-79 in order with dt order dt 9.2.79.	T.B. Dr. T.S.M.J. Contempt Judge
2.3.79	C.M. M. 528 (w)-79 in order with dt 12.2.79 dt 2.3.79	

the Y.S. Hussain
Stand out as the others
ship of 20.2.79 at 12.30
DR

2.3.79

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

1041

of 197

vs.

Date to which case is adjourned

Date

Note of progress of proceedings and routine orders

1

2

3

25.4.78

Cm no 2218 (C.S.)-No. 1041
Order.

for Govt. J.

Stand out - at the
request of Sri. [unclear]
Chandra

25/4/78
in

1.5.80

Cm no 2218 (C.S.)-No. 1041
for Govt. J.

No counter affidavit has been filed to this application. It has been stated in the application for modification of the stay order passed by the Division Bench that the petitioner on coming to learn of the reversion order dated 17.8.78 got himself admitted in Civil Hospital, Lucknow from where he was discharged on 30.8.1978 while the interim order was passed on 29.8.1978. It is further submitted that the petitioner submitted an application to his superior Catering Inspector about his illness and also for handing over charge to him of the post of senior clerk.

आदेश पत्रक
ORDER SHEET

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application Register
Appeal

TA NO. 308/87 (+)
WP. 1841/78

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

Appellant
Applicant

बनाम

प्रत्यर्थी

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

आदेश की क्रम संख्या
और तारीख
Serial number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

Office report

W.P. No. 1841/78 has been received
on transfer from Hon'ble High Court
Lko.

Petition is admitted.

CA has not filed.

Stay order dt 29.8.78 is continue.

Petition regarding severance order.

Notices issued to both the parties

being 14.8.87 by registered post.

No undelivered registered letters has
been returned back.

Submitted for orders.
J. K. Shastri
12/8/87

आदेश की क्रम संख्या
और तारीख
Serial Number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

30-11-87

Registrar

As the cases of Shri Arvindastara
are adjourned, list this case
before Court on 8/1/88 as humbly
prayed by applicant.

Registrar

8-1-88

Hon. S. Zahoor Hasan, V.C.
Hon. A. Johar, A.M.

On the request made
on behalf of the learned counsel
for the applicant, Shri Mohd. Qureshi,
the case is adjourned to 16-2-88.

H.M. V.C.

16-2-88.

Hon. S. Zahoor Hasan, V.C.
Hon. A. Johar, A.M.

No one appears for the
parties.

Partup for orders on
21-3-88.

on

V.C.

(7)

(3)

(17)

X/2

D/S

4-4-88

Hon. J.D. Jahn, V.C.
Hon. Birbal Nath, M.P.

Sri A.V. Srivastava for respondents.

The learned counsel for respondents wants time to file reply to the application for amendment. The same may be filed within two weeks. Put up on 27-4-88.

2/4/88
M.P.

J.D. Jahn
V.C.

Now

(4) 4/27
A/2
(8)
ORDER SHEET

OFFICE REPORT

An Application has been filed in this Tribunal for transferring the case No. 308/87 (T) of — to the Circuit Bench, Lucknow.

If approved, 25th April 1988 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the ~~relevant~~ notices may be sent to the parties counsel.

DR. List this case on 25th April 1988 before Circuit Bench Lucknow for orders.

DR.

17/08/12

308/07(1)

(3)

ORDER SHORT

(18)

4/12

24.5.1988

Notice issued
to Sri A.V. Sharma

fixed in amendment application
for orders.

A/6

fish

(9)

24.5.1988

Hon. Ajay Johri, Am
Hon. G. S. Sharma, JM

On the request of learned Counsel
to the applicant, the case is adjourned
to 20.7.1988 for hearing.

3/

Am

24.5.1988
bury

JM

(10)

20-7-1988

Hon. Ajay Johri, Am.

List this case for
orders on amendment
application before the
Division Bench on
22-7-1988.

3/

Am.

May

(11)

22-7-1988

Hon. Ajay Johri, Am.

For Sri A.V. Sharma for respondent
Put up before Division
Bench on 23-8-1988

3/

Am

May

Order-sheet.

T.A. No. 308/87

6

20

18

7.10.88

Hon. K. S. Puttaswamy, v.c.
Hon. A. Johri, A.M.

In this application for amendment the applicant has sought for amendment and the respondents have opposed the same.

We are of the view that the proposed amendment is necessary for proper adjudication of the questions that arises in this case. We, therefore, allow this application. Amendments may be carried out.

As prayed, respondents are permitted to file their additional reply within three weeks.

Call this case on 24.11.88.

A.M.

v.c.

38 x 80

OR ~~Amendment~~ made today

No additional reply has been filed so far.
Submitted for orders.

16

24/11/88

Hon. D. S. Misra - Am.
Hon. G. S. Sharma - Jm

on the request of learned counsel for the respondents the case is adjourned to 24/11/89 for hearing

TA 308/87 (T) (7) (22) 7/10

(20)
5-4-89

Hon Justice K. Nath -- VC
Hon D. S. Misra -- AM

On the application of
respondent's counsel Shri A.V. Srivastava,
the case is adjourned to 13-4-89
for orders.

be
AM

VC

h

OR

Shri A.V. Srivastava, counsel
for respondents was directed
to file the copy of reply which
has already been filed in High
Court. No copy of the reply has
so far been filed by the counsel
for respondents.

Counsel for applicant has not filed
any one amended application.
Amended application is
submitted for orders.

11/4

(21)
Hon' Mr. Ajay Johri, A.M.
Hon' Mr. D.K. Agrawal, J.M.

13/4/89

Due to strike of Lawyers at Lucknow today,
the case is adjourned to 20-4-89 for orders.

J.M.

A.M.

(sns)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 308 of 1987 (T)

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>98 1/8/89</p>	<p><u>Hon. Justice K. Nath, VC.</u> The counsel for the opposite parties was expected to file a copy of the Court's affidavit which had been filed before the Hon'ble High Court because it is not on the record of this case. He was also expected to file a reply to the amendment made in the writ petition under the orders of this Tribunal. That has also not been done. Opposite parties Counsel Shri A.V. Srivastava is not present today. Shri Arjun Bhargava appears for him and requests for two weeks' time to file both the papers. Put up for further orders on 16.8.89.</p> <p style="text-align: right;">VC.</p>	<p>OR No filed papers submitted for order. 14/8</p>

R.D. Katiyan
vs
Union of India

300/07 (C.T.)

:: 2 :: (W.P. No. 2195/00)

(9) (28)

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

19.2.90

Hon Justice B.K. Nath v.e.,
Hon. Mr. K. Subbarao A.M.

on the request of S.A. v. Srivastava Adv.
Case adjourned to 16.3.90 Per B.K.
A.M.

16-3-90

No sitting of D/B. Adjourned to

19-4-90.

B.O.C.

Lawyers on strike.

Case is adjourned to 10.8.90.

23

10-8-90

No sitting. Adj. to B.O.C.

26-2-90

34

26.10.90

No sitting of court.

35

5.11.90

Hon'ble Mr. D.K. Aggarwal. J.M.
Mr. M.Y. Pruthi. A.M.

Due to resolution of Bar
Association. Case is adj. to

14.12.90

B.O.C.

OR
Whether RA
for Supplement
RA have been
filed.

S.F.H.
L
12/12

Dinesh

14/12/90 RA has not been
filed. Application to file
RA by 10.1.91 possibly
not allowed.

28
1/30 1/19

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

..

Registration T.A. No.308/87(T)

R.P. Katiyar ... Petitioner
vs.

Divisional Superintendent

and others ... Respondents

Hon'ble Justice U.C. Srivastava, V.C.

Hon'ble Mr A.B. Gorthi, A.M.

(By Hon'ble Justice U.C.Srivastava, VC)

The writ petition No. 1841 of 1978 filed
in the High Court of Judicature at Allahabad,
Lucknow Bench/^{was}received on transfer to this
Tribunal under section 29 of the Administrative
Tribunals Act No.XIII of 1985.

2. Briefly, the facts are that the applicant
started his service career with the North Eastern
Railway as Junior Clerk in the Office of Senior
Divisional Commercial Superintendent in the grade
of Rs.260 - 400 in the Commercial Branch. He was
promoted as Senior Clerk vide order dated 12-5-1978
and was posted in the Catering Unit where he joined
on 9-6-1978. After working ^{for} some times he was
reverted by the Office Order dated 21-8-1978 and
was posted again in the Commercial Branch in
the Divisional Superintendent Office. It appears
that prior to 1975 the Commercial Office and
Catering Units were independent Units, but, these
two Units were merged into one vide General Manager's
order dated 26-6-1975. It was thereafter ^{that} a
combined seniority list was prepared. In the

29
A/33
K/20

:: 2 ::

seniority list, a copy of which has been filed by the petitioner alongwith the writ petition indicates that there were 30 posts of Senior Clerks including 3 posts of Catering Units which were sanctioned. Eighteen persons from Sl.No. 1 and 3 to 19 from the list of Senior Clerks and 10 persons from Sl.No. 1 to 10 from the Junior Clerks were incumbents on these posts. The name of the petitioner was found at Sl.No. 10 in the list of Junior Clerks. Out of these 30 posts of Senior Clerks, which apparently were sanctioned, of which there is no clear denial and no explanation has been given, obviously the name of the petitioner appeared from the Catering Department. The petitioner also appeared in the seniority-cum-suitability test for the post of Senior Clerk in the Grade of Rs.330 - 560 on 14-2-1978 in which he succeeded. It appears from the documents on the record filed by the parties, it appears that the appointment of the petitioner was against the sanctioned vacancy and he was within the zone of consideration and that is why he got promotion. One S.D. Rai who was a Junior Clerk in the Catering Unit was transferred from that Unit to ^{the} ~~this Unit~~ of Commercial Superintendent's Office on 14-12-1977. He was relieved, but he did not joined the Office of Senior Divisional Commercial Superintendent. It appears that he made a representation ; on his representation at a late stage an order was passed by the Headquarters

iv.

that the 'status quo as on 12-6-1978 be maintained' and by a subsequent order, this order was superceded by another Office order dated 11-8-1978 and the said S.D. Rai and Sri B.B. Singh were retained in that Catering Unit. No explanation has been given as to how after merger and transfer and ²relieve the said S.D. Rai's representation was allowed and he was allowed to work in the Catering Department, but from the documents it appears that earlier there was a judgment of Patna High Court which directed that 'status quo be maintained ', but the said order was vacated in the year 1983, ~~Without any~~ ² justification, ~~Sending back to~~ Sri S.D. Rai in the Catering Department and posting him there, thus depriving the applicant from the promotion which he got after merger of two Cadres ^{was without justification 2}. The petitioner has been continuously fighting for the same, but he could not get any relief and thereafter he approached the High Court. After his retirement, the petitioner amended the petition and prayed for certain reliefs to get the grade to which he was entitled to and that he may be given the due entitlement to the Grade in which he should have been placed, according to him with retrospective effect. The facts as they are indicated that obviously ~~that~~ ⁴ 3 sanctioned posts existed and the petitioner was within the zone of consideration and after the merger of 2 Cadres by virtue of seniority, he was rightly promoted in the Catering Department. The averments made in the counter affidavit indicates that the order of Divisional Superintendent was issued in pursuance

A/21 (31) 22

of the direction issued by the General Manager, Gorakhpur. In case the petitioner would not have been reverted, obviously, he would have continued against the promotion post and would have earned all the benefits on attaining the age of superannuation, and the pensionary benefits would have accrued to him in that grade. The plea has been taken that the matter could have been taken up ^{by} ~~by~~ the higher authorities but the petitioner did not approach them. Instead of granting him the relief at this stage, we direct the respondents and the higher authorities to whom reference has been made to reconsider the petitioners' matter in the light of the correct factual position. The indication of which can also be had from this judgment which is based on the documents filed by the parties and decide his matter within a period of 3 months from the date of communication of a copy of this order and in case it is found that his reversion order was bad, he should be given benefit with retrospective effect and not only in the matter salary of of/the Grade but also pensionary benefits which necessarily will follow, ^{if} in his case is accepted. The petition stands disposed of finally and we make no order as to costs.

[Signature]
MEMBER (A)

(sns)

[Signature]
VICE CHAIRMAN

May 7, 1991.

A/10
CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI, Rule 2, 9 and 15)

Nature and number of case..... W.P. No. 1841-78

Name of parties..... R.P. Katiyar vs. Divisional Supd

Date of institution..... 24-8-78

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
				Number of stamps	Value		
1	2	3	4	5	6	7	8
					Rs. P.		
	1-	W.P. with affidavit and annexes.	34-		102 00		
	2-	Power	2-		10 00		
	3-	C.M.A. 2218(W) 9- modification of order.	9-		7 00		
	4-	C.M.A. 4184(W) 78- for stay of Revision.	3-		7 00		
	5-	order sheet	4-		- -		
	6-	Bank copy	1-		- -		

I have this

day of

197

the record and compared the entries on this sheet with the papers on the record. I have made corrections and certify that the paper correspond with the general index, that they bear Court fee and in order up to the date of the certificate.

Mun

C

A 11 Y 1 1/2

In the Hon'ble High Court of Judicature At Allahabad,
(Lucknow Bench)

Writ Petition No. 1841 of 1978

8322
R.P. Katiyar Petitioner

Vs.

Divisional Supdt. N.E. Railway Lucknow
and others ... Opp. Parties

I N D E X

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8. Annexure (6)	pages 31 to 32
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10. Vakalatname.	pages 34.

Lucknow

22/2/78

Forallyns.
Counsel for the Petitioner *A. B. Seal*

③
A
14
1/4

neither officiating nor a step-gap arrangement. It was a clear vacancy on which the petitioner was posted. The true copy of the letter of General Manager, N.E.R. Gorakhpur and that of General Manager (P) N.E.Rly, Gorakhpur together is Annexure (1) to this writ petition and the order of promotion as true copy is Annexure (2) to the writ petition.

7. That the petitioner joined the said Catering Unit, N.E.Rly Jn. Lucknow as senior clerk on 9-8-1978, under Catering Inspector, N.E. Rly. Jn. Lucknow and the petitioner is still working as such in that unit.
8. That one Sri S.D. Rai, a junior clerk in the Catering Unit, N.E.Rly. Jn. Lucknow was transferred from that unit to the Senior Commercial Supdt. Office, N.E.R Lucknow on 14-12-1977. The said S.D. Rai was relieved and spared by the Inspector Catering Unit, N.E. Rly, Lucknow Jn. on 16-1-1978 and since then the said Sri S.D. Rai ceased to be at Catering Unit, N.E. Rly, Jn. Lucknow and became on the Commercial Office side.
9. That the said Sri S.D. Rai did not join the Senior Divisional Commercial Supdt. Office, N.E. Rly, Lucknow and did not report for duty. The said Sri S.D. Rai wanted his transfer back to the Catering side and wanted to remain in that unit for reasons best known to him, so he kept his attempts on, in that direction



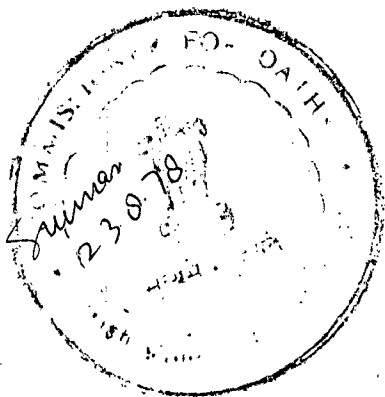
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A/15/1 (Chha) dated 18-3-1978

without joining the Commercial Office and since he had the support of opposite party No. 3 therefore he was successful in securing an order by the opposite party No. 3 in his favour vide No. Ka/1/15/1 (Chha) dated 18-3-1978 whereby the opposite party No. 2 was directed to retain the said Sri S.D. Rai in the catering unit when in fact he was not in the catering unit, N.E. Rly Jn. Lucknow. The true copy of the said order is Annexure (3) to this writ petition.

10. That the opposite party No. 1 and 2 could not give effect to the said order dated 18-3-78 as the said Sri S.D. Rai was not in the catering unit, N.E. Rly. Jn. Lucknow as also the said order was in conflict with General Manager (P) N.E.R. Gorakhpur mentioned as annexure (2) because it ~~intended~~ to stop the promotion consequent upon merger with the result that the said order remained pending and retention, instead of transfer, of Sri S.D. Rai could not be materialised and as such he continued to be posted on the said Commercial Office side.

11. That when the said order (Annexure -3) was not given effect to by the opposite party No. 2 the opposite party No. 3 again sent an order No. Ka/1/15/1 (Chha) dated 20-6-1978 whereby he requested the opposite party No. 2 that the order dated 18-3-1978 ordering retention of the said Sri S.D. Rai be given effect to and the order of promotion and posting made in respect of the petitioner be stayed, as there



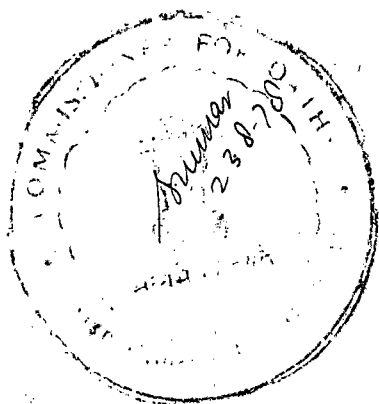
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is some judgment of the Patna High Court which needed reconsideration and until a decision is reached status quo ante be maintained. Since it was not possible to maintain status quo ante because Sri S.D Rai had already been transferred to the Commercial Office, N.E.Rly, Lucknow from Catering unit and as such his retention was impossible and so was the case of the petitioner because the petitioner had already been promoted and his promotion could not be stayed. ^{under} the circumstances neither the petitioner's promotion and posting could be stayed nor the said Sri S.D. Rai could be retained in the Catering side where he was not working and existing. The true copy of the said order of the opposite party No. 3 is Annexure (4) to this writ petition.

12. That on receipt of the said order (annexure-4) the opposite party No. 2 became in dilemma as to which order either passed by the General Manager (P), N.E.Rly, Gorakhpur dated 21-2-78 (annexure-2) addressed to all B.C.Ss etc., for giving effect to the merger scheme or the order of the opposite party No. 3 nullifying the said order of merger scheme, be given effect to. Consequently the opposite party No. 2 had to seek clarification and contact the opposite party No. 3 on phone also.

13. That the opposite party No. 3 wrote a D.O. No. Ka/1/15/Chha dated 21/22-7-78 by way of



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clarification informing opposite party No. 2 that there was a judgment of the Patna High Court which is under consideration and as such status quo ante as existed prior to 12-5-78 be maintained and the order of promotion vide No. 1/210/15/Tritiya Chirrirri/catering/Bhag-11/Ka/Loose dated 12-5-78 be stayed and that Sri S.D. Rai be retained in the catering unit and that no further clarification be sought on the point. The true copy of the said order of opposite party No. 3 is Annexure (5) to this writ petition.

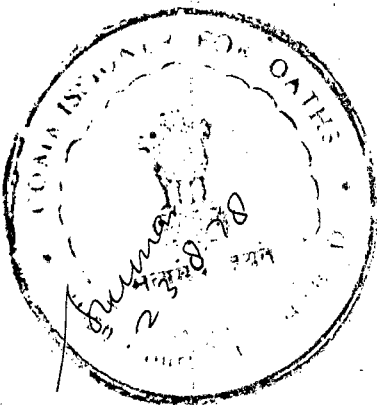
14. That the opposite party No. 2 having received the said order had no alternative but to pass an order in terms of the directions embodied in the said letters of the ^{opposite} ~~opposite~~ party No. 3, retaining the said Sri S.D. Rai in catering unit, instead of transferring him back to the catering unit from the Commercial Office. In the said order of retention of Sri S.D. Rai it is also mentioned that the said order is in supersession of the order of promotion of the petitioner, whereby it is clear that the order of promotion of the petitioner has been hit in a very peculiar method with intent to cancel or revoke the same, when the petitioner is working as senior clerk under the Catering Inspector, N.E. Rly, Lucknow, even today. The said order passed in favour of the said Sri S.D. Rai was seen by the petitioner on 21-8-78 when he heard the rumour of his being reverted and went to the office to know the



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truth. It was then that the petitioner learnt for the first time that the promotion order of the petitioner has been superseded by the retention order of the said Sri S.D. Rai passed by the opposite party No. 2 with the approval of opposite party No. 1 on the direction of opposite party No. 3 without informing the petitioner. The true copy so seen by the petitioner is annexure (6) to this writ petition. A/10 ⑦ 1/8

15. That the opposite party No. 2 passed order of retention of Sri S.D. Rai on 11-8-78 and the said Sri S.D. Rai, who did not join duty in the Commercial Office, N.E. Rly, Lucknow from 16-1-1978 to 11-8-78, joined the catering unit N.E. Rly, Jn. Lucknow, just on 12-8-78. Thus Sri S.D. Rai with the help of opposite party No. 3 became successful in remaining in the catering unit, N. E. Rly, Jn. Lucknow.
16. That there is no complaint against the petitioner and the work of the petitioner is above board.
17. That the petitioner has not been given any opportunity to show cause and has in fact not been informed that his promotion has been superseded while ordering retention of the said Sri S.D. Rai and no intimation officially has been given as yet to the petitioner.
18. That the petitioner is likely to be penalised for no fault of his own at the cost of the said Sri S.D. Rai, who is being helped out of way to the detriment of the petitioner.
19. That the promotion of the petitioner was on



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the basis of seniority-sum-suitability test and on a clear vacancy and as such the petitioner has a right to the post.

20. That the order of supersession of promotion of the petitioner while passing order in favour of the said Sri S.D. Rai is mala fide and is the outcome of partiality shown by the opposite party No. 3 to the detriment of the petitioner.
21. That since the ~~old~~ order of promotion of the petitioner has ~~been~~ superseded by the retention order passed in favour of Sri S.D. Rai, without intimation to the petitioner and as such there is reasonable outstanding threat of petitioner being reverted in terms of that order.
22. That there are three posts of the senior clerks in the Catering unit of N.E. Railway, and if the petitioner along with two other promoted senior clerks is reverted as junior clerk, then the post of three senior clerks in the Catering unit will fall vacant and as the scheme of merger and its implementation will be set at naught and the General Manager Gorakhpur A.V.C merger scheme will be rendered nugatory.

- 22(a) That after filing the writ petition (in) (X)
23. That as there is every likelihood of the petitioner being reverted, hence being aggrieved the petitioner files this writ petition inter alia on the following grounds:-



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- (a) Because the order passed by the opposite party No. 2 superseding the promotion of the petitioner while illegally ordering retention of ~~Sri~~ S.D. Rai, when he was not in the Catering unit is without jurisdiction and illegal.
- (b) Because the opposite party No. 2 has passed the order of supersession of the petitioner's promotion on the illegal pressure of the opposite party No. 3.
- (c) Because the retention order passed in favour of Sri S.D. Rai, as junior clerk in the catering unit is illegal as he was not in that unit ~~at~~ and his retention could not be ordered to supersede the promotion of the petitioner.
- (d) Because the opposite parties have shown undue and uncalled favour to the said Sri S.D. Rai to the detriment of the petitioner.
- (e) Because there is ^{no} ~~not~~ rule empowering the opposite parties to supersede the order of promotion by another order when the first order of promotion has been given effect to.
- (f) Because the promotion order could not be superseded when the matter about the effect of ruling of the Patna High Court was under consideration particularly when neither the petitioner nor the said Sri

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S.D. Rai was party in the Patna High Court ruling.

- (g) Because the supersession of the promotion order in the circumstances stated is discriminatory and is hit by Article 14 and 16 of the Constitution of India.
- (h) Because the order of supersession is against the merger scheme ~~of~~ of the General Manager embedded in annexure (2).
- (i) Because no opportunity was afforded to the petitioner before superseding the order of promotion of the petitioner.
- (j) Because the petitioner had ^a right to the post as he was promoted on the basis of the test against clear ~~vac~~ vacancy.
- (k) Because the order of opposite party No. 2 is against the Railway Establishment Code and rule and circular issued from time to time.
- (l) Because the order of promotion of the petitioner had been given effect to and as such it could neither be stayed nor superseded.

24. That the petitioner therefore prays for the following reliefs:-

- (i) that the order of the opposite party No. 2 superseding the promotion and posting of the petitioner through Annexure-6 may be quashed so far as it relates to the petitioner and a mandamus may be issued directing the opposite parties not to revert the petitioner from the post of senior clerk, Catering Unit, N.E.Rly Ln. Lucknow. and to refix pay of the petitioner in the grade of Rs 330-560 for senior clerk and Rs 425-700 for Head clerk on the basis of his promotion to the grade of Rs 330-560 for senior clerk w.e.f. the revised scale of promotion from 26-8-75 and in the alternative from 12-5-78 with arrears of pay.

*amended in court proceedings
vide order of the court dated 17-10-80
N.E.Rly Ln. Lucknow*

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24 (i) (a)

It be declared that the petitioner is deemed to have been promoted to the grade of Rs 330-560 for senior grade.

W.C. 26-8-75 accordingly his pay be revised in the two grades of Rs 330-560 for senior clerk and Rs 425-700 for Head clerk.

W.C. 26-8-75 and 1-1-84 respectively and monthly pension together with other retirement benefits i.e. D.C.R.G. commutation pension and leave encashment etc., be revised as payment of arrears thereof be made.

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20-4-89.

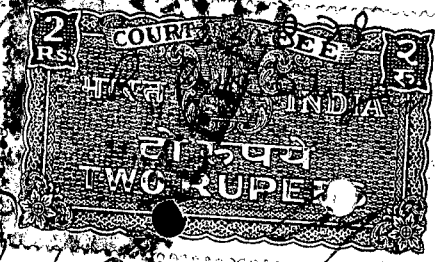
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amended as per order of the court dated 20-4-89.

28/5/89.

- (ii) Any other suitable writ or direction which in the circumstances of the case may be just and expedient may also be granted.
- (iii) Costs of the petition may also be granted to the petitioner.

Frederick Aswadi
Counsel for the Petitioner



In the Hon'ble High Court of Judicature At Allahabad,
(Lucknow Bench)

R.P. Katiyar Petitioner

Vs.

Divisional Supdt. N.E.R. Lucknow and
others ... Opp. Parties

Writ Petition No. of 1976

I, R.P. Katiyar, aged about 48 years son
of Shri Chunni Lal, r/o 10-F-2, Railway Colony
Badshahnagar, Lucknow do hereby solemnly affirm
as under :-

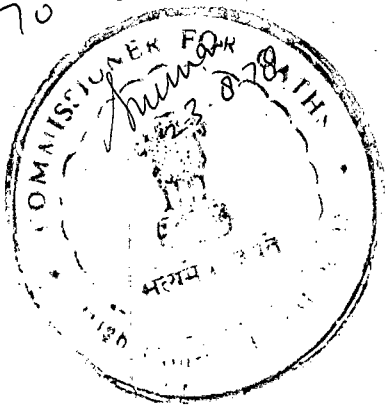
1. That the petitioner is the deponent and is well conversant with the facts of the case deposed herein in the writ petition,
2. That the contents of paras 1 to 23 are true to my personal knowledge.
3. That the annexures 1 to 6 are true copy of the original and have been compared with the original.

R. Katiyar
Deponent

I, the above named deponent do hereby
verify that the contents of paras 1 to 3 are true
to my personal knowledge, and no part of it is false
and nothing has been concealed, so help me God.

R. Katiyar
Deponent

I know the
deponent who
has signed before
me.
R. Katiyar
Advocate
23/8/76

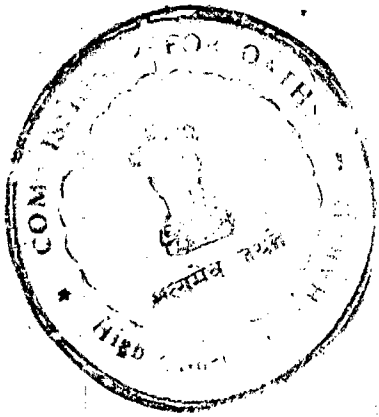


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Solemnly affirmed before me on 23.8.78
at 10 a.m./p.m. by the deponent *Sri R. P. Katiyar*
who is identified by *Sri Mohd. Ilyas Advocate*
High Court of Allahabad, Lucknow Bench.



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

M. Katiyar

Suman
Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
No. 70 of 78
23-8-78

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

R.P. Katiyar Petitioner
Vs.
Divisional Superintendent N.E.R. Lko and
others .. Opp. Parties

ANNEXURE (1)



R.P. Katiyar
Counsel for the Petitioner
23/8/78

R.P. Katiyar

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अनेकजर नं० (१)

पूर्वोत्तर रेलवे

सं० का। २१०। १५। तृतीय श्रे०। कैटरिंग। भाग-२। कुलू दिनांक २१-२-७८

प्रेषक- महाप्रबन्धक (का०)

पूर्वोत्तर रेलवे। गोरखपुर।

सेवा में,

मण्डल अधीक्षक (वाणिज्य)

पूर्वोत्तर रेलवे, लखनऊ।

विषय - श्री बालेश्वर नाथ श्रीवास्तव लिपिक (खानपान)
गोरखपुर।

संदर्भ - आपका पत्र सं० ६६। बी० एन० श्री। लिपिक खानपान। उपा। दिनांक १६ २१-१

७७।

इस संबंध में कृपया ए० बी० सी० संबंधित शुद्धि पत्र सं० २४ जिसे इसकायालय के सं० ६०। २१०। १-४ (।।।) दिनांक २६-८-७५ (क्रमसंख्या ३५६६) प्रति लिपि सलग्न का अवलोकन करें जिसमें कैटरिंग कर्मी की ए० बी० सी० मंडल वाणिज्य अधीक्षक, कायालय के लिपिकों की ए० बी० सी० के साथ सम्बद्ध कर जारी कर दी गई है। कृपया इस संबंध में जांच कर दी गई है। कृपया इस संबंध में इसी के अनुसार आवश्यक कार्यवाही करने की व्यवस्था करें तथा यह भी सूचित करें कि अस्त, १९७५ जब से यह शुद्धि पत्र जारी किया गया ऐसे मामलों पर क्या कार्यवाही की गई।

सलग्न का। एक।

हस्ता -

M. S. Singh

कृते - महाप्रबन्धक (का०)

(सत्यप्रति लिपि)

For...

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Annexure (1) Part of Annexure (1)

Please substitute the following for the A.V.C of Ministerial staff of Commercial Branch (Ministerial Class III staff) at page No. 19 :-

MINISTRIAL STAFF.

COMMISSIONER FOR OATHS
CL 2
(2

Rates &
Development
Sec. of CCS's
Office.

Clerk (DR)
(260-400)

Seniority-cum
suitability

Sr. Clerk
(330-560)/RS

Seniority

Hd. Clerk
(425-700) (RS)

Selection

O.S. Gr. II
(550-750)

Non-selection
Office Supdt.
(700-900)/RS.

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 1/8

Note :- The clerks (260-400) attached with D.S.(C) will also include clerks in grade Rs. 260-400 working at the Division concerned who are engaged on purely Ministerial duties such as Dk Clerk, S.M's Clerk, Correspondent Clerk etc., etc.,

S. No. 3569

No. E/210/1-4 (IV)

Copy for information to :- 1) All Personnel Officers
 2) All D.C.Ss/GKP. IZN, LJN, BSB, SPJ.
 3) The Secretaries, N.E.Rly. Mazdoor Union, N.E. Rly. Employees Union (PRKS)/ Gorakhpur.

Sd/- K.L. Srivastava
 for General Manager.



*True copy.
 7th July 78
 Address
 Almaty*

Judhis Kumar
 Advocate
 OATH COMMISSIONER
 High Court Allahabad,
 Lucknow Bench
 No 70 of 78
 23.8.78

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

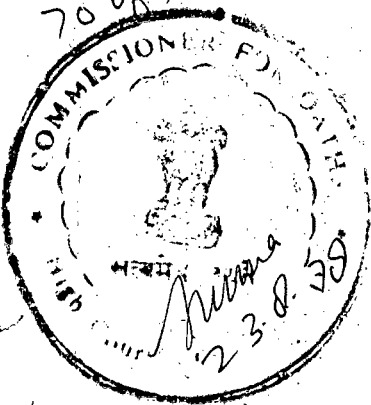
R.P. Katiyar petitioner

Vs.

Divisional Superintendent N.E.R. Lko and
others .. Opp. Parties

ANNEXURE (2)

M. M. Aliya
R. S. Aliya Adversary
Counsel for the Petitioner



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40Annexure (2)पूर्वोत्तर रेल्वेकायलिय आदेश

महाप्रबन्धक(का०)। गोरखपुर के पत्र सं० ई०। २१०। १५। तृतीय-श्रेणी। क्रेटरिंग
भाग-११। क०। लून दिनांक २१-२-७६ द्वारा प्राप्त सं० बी०सी० के आधारपर
इस मण्डल में खानपान विभाग में कार्यरत लिपिकों (२६०-४००) की वरीयता
को इस मण्डल कायलिय के वाणिज्य विभाग के कार्यरत लिपिकों (२६०-४००)
के साथ मिलाने के फलस्वरूप मिलीजुली वरीयता के आधारपर निम्नलिखित
लिपिकों (२६०-४००) की जो सुयोग्यता परीक्षा में सफल घोषित किये गये
हैं, प्रवर लिपिक (३३०-५६०) के पद पर पदोन्नति कर के प्रत्येक लिपिक के सामने
लिखे हुए स्टेशनों पर प्रवर लिपिक (३३०-५६०) के रिक्त स्थान पर तैनात
किया जाता है :-

१) - श्री मुहम्मद अहमद, लिपिक, जो खानपान निरीक्षक, गोरखपुर के अधीन
कार्यरत हैं को गोरखपुर में ही में खानपान निरीक्षक, गोरखपुर के अधीन
नोस्ट किया जाता है।

२) श्री विद्यमूर्षाणा सिंह, लिपिक, खानपान निरीक्षक लखनऊ ज० को
खानपान निरीक्षक, लखनऊ ज० के अधीन तैनात किया जाता है।

३) श्री आर० पी० कटियार, लिपिक, मण्डला कायलिय (वाणिज्य) विभाग

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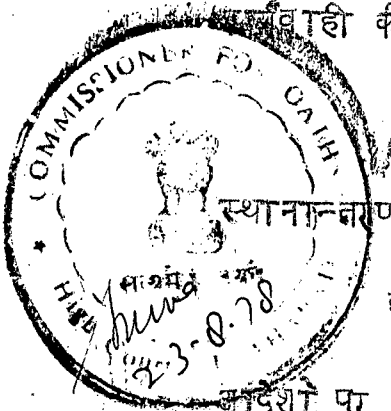
। २।

लखनऊ को खानपान निरीक्षाक, लखनऊ जं० के अधीन पोस्ट किया जाता है।

४) श्री जी०एस० ठापाठी, प्रवर लिपिक (३३०-५६०), कानपुर अन्वरगंज स्टेशन पर जहाँ पर लिपिक का पद बेतनमान (२६०-४००) में स्वीकृत है, को स्थानान्तरित करके उसी पद तथा बेतनमान (३३०-५६०) में मण्डल कार्यालय लखनऊ के वाणिज्य विभाग में श्री आर०पी० कटियार लिपिक के स्थान पर पोस्ट किया जाता है।

५) श्री आर०पी० खरे लिपिक (२६०-४००) खानपान निरीक्षाक, लखनऊ जं० जो वहाँ पर सरप्लस है, को स्थानान्तरित करके उसी पद तथा बेतनमान में स्टेशन मास्टर, लिपिक, कानपुर अन्वरगंज स्टेशन पर श्री जी०एस० ठापाठी - (क्र० सं० ४) के स्थान पर तैनात किया जाता है।

क्र० सं० ४ तथा ५ यदि रेल आवास में रहते हों कार्यमुक्त होने की तिथि से १५ दिन के अन्दर खाली कर दें। ऐसा न करने पर उनके विरुद्ध प्रशासनिक कार्यवाही की जायगी।



क्र० सं० ४ एवं ५ को स्थानान्तरण भत्ता तथा अन्य

स्थानान्तरण लाभ देय हैं।

इस आदेश पर प्र० मे० वा० अधी० का अनुमोदन प्राप्त है तथा इन आदेशों पर तत्काल कार्यवाही की जावे।

ह०

(कृते - मण्डल अधीक्षाक (कार्मिक) लखनऊ

सं० ६। ११। स्. श. लिपिक। ७५। लखनऊ दिनांक १२-५-१९७८

प्रति लिपि सूचना है एवं आवश्यक कार्यवाही हेतु प्रेषित :-

१- खानपान निरीक्षाक, लखनऊ जं० तथा गोरखपुर।

२- स्टेशन अधीक्षाक, लखनऊ जं० एवं गोरखपुर।

३- स्टेशन मास्टर। कानपुर अन्वरगंज।

४- दोत्रीय अधीक्षाक। गोरखपुर

A 32 (21)

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५- कार्यालय अधीक्षाक(वाणिज्य)कार्यालय में।

६- मण्डल लेखा अधिकारी। लखनऊ।

७- प्रधान लिपिक(वित्त एवं मण्डार)

८- फौजदार एवं पास लिपिक। कार्यालय में।

९- संबंधित कर्मचारी।

१०- महाप्रबन्धक (का०)। गोरखपुर को उनके उक्त पत्र के संदर्भ में।

११- महाप्रबन्धक (वाणिज्य)। गोरखपुर को इस कार्यालय के पत्र सं० ई०। ११। २८३।

१५ डेटारिंग दिनांक। १६-३-७८ के क्रम में जो उनके पत्र सं० सी। ५६। २। २६६०। आग
दिनांक १०-२-७८ के उत्तर में आ।



एस०डी०-अपठनीय

१२-५-७८

M. Waliyar कृते - मण्डल अधीक्षाक (कार्मिक)। लखनऊ।
(सत्यप्रति लिपि)

*True copy.
Sd/-
H. J. J. J.
M. Waliyar*

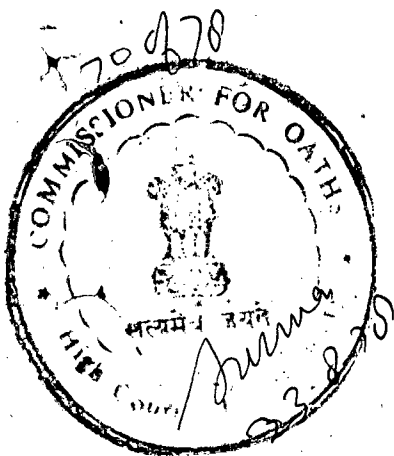
Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
LUCKNOW.
No 70878
23.8.78

A 33 (22)
127
4/13

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

R.P. Batiyar Petitioner
Vs.
Divisional Superintendent N.E.R. Lko and
others .. Opp. Parties

ANNEXURE (3)



R.P. Batiyar
Counsel for the petitioner *Advised*

R.P. Batiyar

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Annexure (3) ✓

अनेखजरनं 3 ✓

पूर्वांतर रेल्वे

सं०का। श १५। शं०।)

कायलिय महाप्रबन्धक(कार्मिक)

गोरखपुर: दिनांक १८-३-७८।



विषय - श्री एस० डी० राय, कलकत्ता, को कंट्रिंग शाखा में रखने के संबंध में।

श्री बी० बी० सिंह, कंट्रिंग कलकत्ता, लखनऊ जिनके विरुद्ध कंट्रिंग डेविट अधिक है, को मण्डल वाणिज्य अधीक्षक कार्यालय, लखनऊ में स्थानान्तरित किया जाय तथा श्री एस० डी० राय, कलकत्ता, मण्डल वाणिज्य अधीक्षक कार्यालय लखनऊ को कंट्रिंग शाखा में रखा जाय।

Sudhir Kumar
Advocate
OATH COMMISSIONER
Lucknow Bench
U.P. COURT
No 10/678
23.8.78

Muatiyar
(सत्यप्रतिनिधि)

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कृते - महाप्रबन्धक(कार्मिक)।

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VS

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

Writ Petition No. of 1978

R.P. Katiyar Petitioner

Vs.

Divisional Superintendent N.E.R. Lucknow

and others .. Opp. parties

ANN EXURE (4)



R. K. Katiyar

R. K. Katiyar
Counsel for the Petitioner

A/ 36 (25)

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A/ 48

Annexure (4).

अनेकज - 24.2

पूर्वांतर रेल्वे

सं० का० ११ १५१ १(क)

मण्डलअधीक्षक (कार्मिक)

पूर्वांतर रेल्वे,

लखनऊ।

कार्यालय महाप्रबन्धक (का०)

गोरखपुर दिनांक २०-६-७८

विषय: ससंडांतराय, लिपिक (२६०-४००)

खानपान विभाग, लखनऊ।

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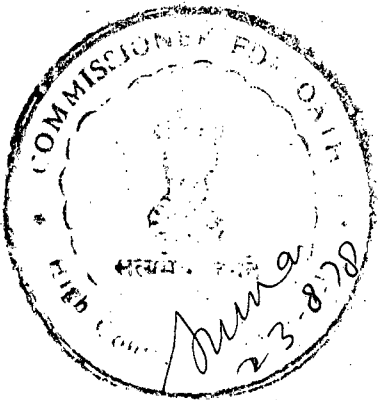
संदर्भ - आपका पत्र सं० ई० ११ २८३ लिपिक ७५ दिनांक १२-५-७८

Admission

उपर्युक्त पत्र के संदर्भ में स्थित पर विचार किया गया और विभिन्न न्यायालयों के आदेश जो कैटरिंग विभाग के लिपिकों से संबंध में प्राप्त हुए हैं उनसे इनके बरीयता संबंधी नियमों में गड़बड़ा उत्पन्न होगई है।

पुनः विचार करने का निर्णय लिया गया है और इसको अंतिम रूप देने में कुछ समय लाने की सम्भावना है। अतः मन्डल द्वारा जारी किये गये कार्यालय आदेश जिसके अनुसार कुछ वाणिज्य विभाग के कर्मचारियों को फ़र लिपिक के पद पर पदोन्नति दैते हुए कैटरिंग अनुभाग में नियुक्त किया गया है उसे फिलहाल स्थगित करने का निर्णय लिया गया है।

अतः आपको कार्यालय आदेश सं० ई० ११ २८३ लिपिक ७५ दिनांक -



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१२-५-७८ से पूर्व कीस्थित कायम रखी जाय जो कर्मचारी लिपिक केपद पर कार्यरत थे। तथा इस कार्यालय के पत्र सं० का। श १५। (क) दिनांक १८-३-७८ द्वारा पारित आदेश को कायम रखा जाय। पूर्ति लिपि संलग्न है।

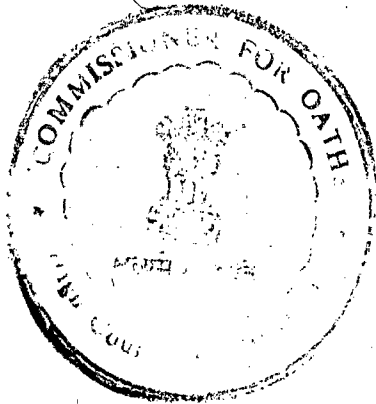
उपरोक्त आदेश का अनुमोदन मुकाबिले संश्लिष्ट मुवायि के द्वारा किया गया है।

संलग्न का पूर्ति लिपि ।

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(कृते महापुनर्धक कामि) क)
(सत्य पूर्ति लिपि)

Advocate



Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
LUCKNOW.

No 70 270

23.8.78

A/38 (27)

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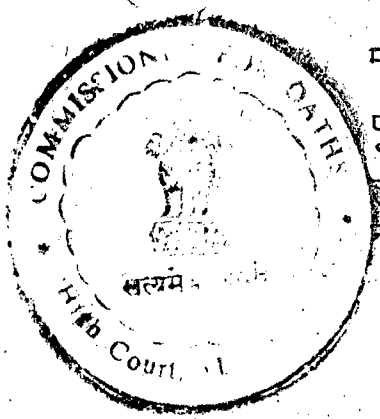
4/28

Annexure (4) Part
अनेकजनो (4) Part

पूर्वोच्चर लेखे

संका. ११५१ १(कः)

कार्यालय महाप्रबन्धक (कार्मिक),
गोरखपुर दिनांक १८-३-७८



मण्डल अधीक्षक (कार्मिक)
पूर्वोच्चर लेखे,
लखनऊ

विषय- श्री एस०डी० राय, कलकत्ता, को कैटरिंग शाखा में रखने
के संबंध में।

श्री बी०बी० सिंह, कैटरिंग कलकत्ता, लखनऊ जिनके विरुद्ध कैटरिंग का डेवट
अधिक है, को मण्डल वाणिज्य अधीक्षक कार्यालय, लखनऊ में स्थानान्तरित
किया जाय तथा श्री एस०डी० राय, कलकत्ता, मण्डल अति वाणिज्य अधीक्षक, कार्यालय
लखनऊ को कैटरिंग शाखा में रौका जाय।

हो। -

Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
No 70678
23-8-78

कृते - महाप्रबन्धक (कार्मिक)
Adhesh Kumar
(सत्यप्रतिपि)
Kobellyas
Asst Secy

A/39 (28) 1/9

In the Hon'ble High Court of Judicature at
Allahabad, Lucknow Bench. X/49

Writ Petition No. of 1978

R.P. Katiyar Petitioner
Vs.

Divisional Superintendent N.E.R. Lucknow
and others .. Opp. Parties



ANN EXURE (5)

R. Mahipal

R. Mahipal
Counsel for the Petitioner *A. S. Mehta*

A 40 (29) 1/30

In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench)

R.P. Katiyar Petitioner
Vs.

Divisional Supdt. N.E.R, Lucknow and
others Opp. Parties

Annexure (5)

North Eastern Railway

V.P. Kanojia
SCO (CR)

Office of the
GENERAL MANAGER (C)
GORAKHPUR.
DATED 21/22-7-1976

D.O. No. Ka/1/15/1/Chha

Dear Shri Arya,

REF : Discussion with you on telephone on date.

You have sought further clarification about the status quo, despite the fact that the position has been made very clear that Sarvasri V.B. Singh and S.D. Rai are to be retained in Catering Unit in view of Patna High Court judgment according to which the above two persons and few others who joined alongwith them in the catering Branch are claiming to be Asstt. Manager originally appointed. The issue about their categorisation is under consideration in view of the judgment of the Patna High Court . As such you are requested to retain them in the Catering Unit against the two posts of Clerks in the Catering units at Lucknow, Jn. You may utilise the services of Shri Khare as Clerk at some place as you deem fit.

I think this clarified the matter sufficiently and no further clarification would be required.



R. K. Katiyar

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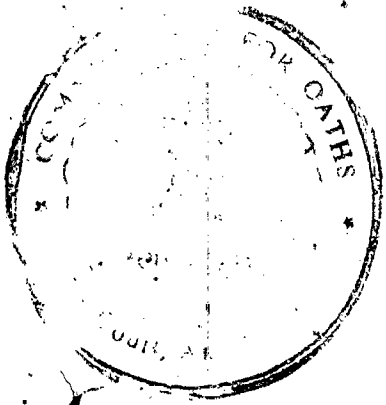
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Yours sincerely,

Sri R.A. Arya, sd/- V.P. Kanejia
Sr. Divl. Comm. Supdt.
N.E.Rly/ Lucknow.



Murad Ali
Zone City -
Chelliyas
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Suman Kumar
Advocate
BATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
LUCKNOW.
No 70878
23.0.78

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Annexure (6)

OFFICE ORDER

In terms of G.M.(P) GKP's letter No.E/I/15/I(VI), dated 20.6.1978 and Last DO of even number dated 21/22/7/78 .S/Sri V.B.Singh and SD Rai, Clerk/Catering Unit/Lucknow unit are retained in the same capacity in the same Unit.

This issues in supersession of this office order No.E/II/283/Clerk/75-78, dated 12.5.78.

This has approval of DS/LCN.

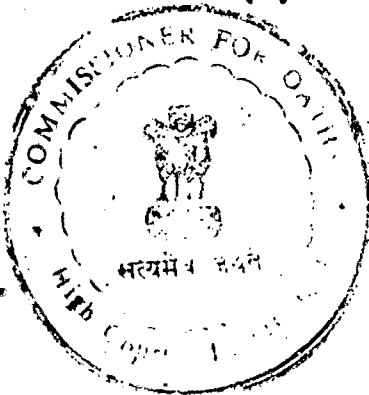
SD/-
For Superintendent (P)

No.E/II/283/Clerk/75

Dated 11.8.78

Copy forwarded for information and necessary action to:-

- (1) Catering Inspector/LCN & GKP
- (2) Station Supdt./LCN & BKP
- (3) Station Master/CPA
- (4) Area Supdt./GKP
- (5) Office Supdt.(Comml) DS's Office/LCN
- (6) DAO/LCN
- (7) HC/Bills
- (8) GM(P)/GKP in reference to his letter No.under reference.
- (9) Sri S.D.Rai Waiting for duty in office.



Sd/-
For Divl.Supt.(P)
LUCKNOW

M. K. Singh
Im copy
Resally
Advocate

Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
LUCKNOW

No 70878
23-8-78

(31)

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Alibon 24, Lucknow Bench.

X/52

Writ Petition No. _____ of 1978

H.P. Kettner **Petitioner**

Divisional Superintendent N.E.R. Lucknow

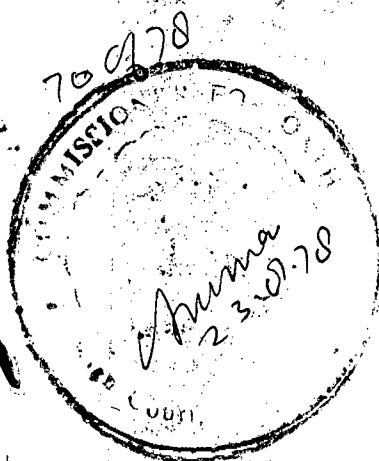
and others .. Opp. Parties

ANNEXURE (6)

after a long

Reddy

Counsel for the Petitioner



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In the Court of Hon'ble High Court of Judicature
At Allahabad, Lucknow Bench

R.P. Katiyar Petitioner

Vs.

Divisional Supdt. N.E.R. Lucknow and
others.... Opp. Parties

Writ Petition No. of 1978

Registered Address of the
Petitioner

R.P. KATIYAR R/O 10-F-2 RAILWAY COLONY
BADSHAHNAGAR, LUCKNOW.

R. Chellayya

Lucknow Counsel for the Petitioner

23/8/78 .

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पूर्वात्तर रेलवे

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सं० का/1/15 /1(बः)

मंडल अधीक्षक (कैटरिंग)
प्रधान लखनऊ

कार्यालय महा प्रबन्धक (कार्मिक)

गोरूपुर : दिनांक 18/3/78

विषय:- श्री एस० डी० खरस, कर्क , को कैटरिंग शाखा में रखने
के सम्बन्ध में ।

=====

श्री डी० वी० सिंह कैटरिंग कर्क, लखनऊ जिनके विरुद्ध

कैटरिंग डेविट अधिका है, को मण्डल वाणिज्य अधीक्षक कार्यालय

लखनऊ में स्थानान्तरण किया जाय तथा श्री एस० डी० राय कर्क, मण्डल

वाणिज्य अधीक्षक कार्यालय लखनऊ को कैटरिंग शाखा से रोका जाय ।

ह०

कृते:- महा प्रबन्धक (कार्मिक)

(सत्य प्रतिलिपि)

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

R.P. Katiyar Petitioner

Vs.

Divisional Superintendent N.E.R., Lucknow and
others .. Opp. Parties.

Annexure (5)

North Eastern Railway

V.P. Kanojia
SCO (CR)

Office of the
GENERAL MANAGER (O)
GORAKHPUR.

Dated 21/22.7.1973

D.O. No. Ka/1/15/1/Gha

Dear Shri Arya,

REF:- Discussion with you on telephone on date.

You have sought further clarification about the status-quo, despite the fact that the position has been made very clear that Sarvasri V.M. Singh and S.D. Rai are to be retained in Catering Unit in view of the Patna High Court Judgment according to which the above two person and few others who joined alongwith them in the catering Branch are claiming to be Asstt. Manager originally appointed. The issue about their categorisation is under consideration in view of the judgment of the Patna High Court. As such you are requested to retain them in the Catering Unit against the two p of Clerks in the Catering Unit at Lucknow, Jn. You may utilise the services of Shri Khare as Clerk at some place as you deem fit.

I think this clarifies the matter sufficiently no further clarification would be required.

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Annexure (6)

In terms of G.O. (P) GKP's letter No. 3/1/15/1(VI), dated 20.6.1978 and Last DC of even number dated 21/8/7/78. Sd/- ri V. N. Singh and SD Rai, Clerk/Catering Unit/Lucknow unit are retained in the same capacity in the same Unit.

This issues in supersession of this office order No. 3/11/283/Clerk/75-78, dated 12.5.78.

This has approval of DS/LGN.

SD/-
For Superintendent (F)

No. 3/11/283/Clerk/75

Dated 11.8.78

Copy forwarded for information and necessary action to:-

- (1) Catering Inspector/LGN & GKP
- (2) Station Supdt./LGN & GKP
- (3) Station Master/C&A
- (4) Area Supdt./GKP
- (5) Office Supdt. (Comal) DS's Office/LGN
- (6) DM/LGN
- (7) HC/Bills
- (8) GM(F)/GKP in reference to his letter No. under reference.
- (9) Sri S. D. Rai Waiting for duty in office.

SD/-
Per Divl. Supdt. (F)
LUCKNOW

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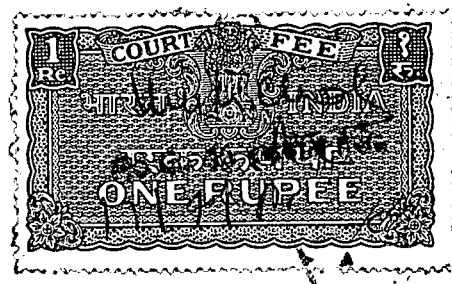
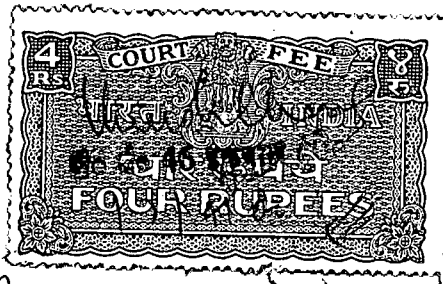
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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

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17/4/80



C.M. Appln. No. 2218 of 1980.

Divisional Superintendent, North Eastern Railway,
Ashok Marg, Lucknow and others.

--- Applicants.

In re:

Writ Petition No. 1841 of 1978

R.P. Katiyar. ... Petitioner.

Versus

Divisional Supdt. N.E.R. Lucknow & Ors. Opp. Parties.

APPLICATION FOR CLARIFICATION/MODIFICATION
OF THE STAY ORDER DT. 29.8.1978.

The applicants abovenamed beg to state as under:-

That for the facts and circumstances mentioned in the accompanying affidavit, it is respectfully prayed that this Hon'ble Court may be pleased to clarify/modify the interim stay order dated 29.8.78 that the petitioner was not to be reverted even if he was not functioning as Senior Clerk on the day on which the stay order was passed.

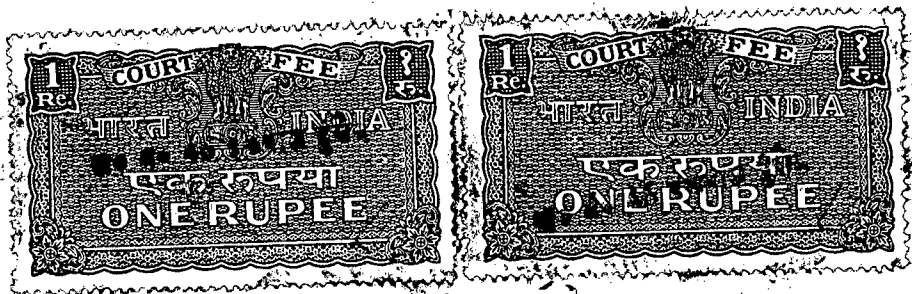
This Hon'ble Court may further be pleased to specify if this Hon'ble Court intended the reinstatement of the petitioner to the post of Senior Clerk without any condition.

Lucknow Dated:
April 7, 1980.

Counsel for the applicants.

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Divisional Supdt. N.E.R., Lucknow & Ors. Applicants.

Writ Petition No. 1841 of 1978

Versus

Opp. Parties.

I, N.G. Pandalei, aged about 49 yrs, son of
Late Sri Ravi Varman Pandalei, Asstt Personnel Officer,
North Eastern Railway, Ashok Marg, Lucknow, do hereby
solemnly affirm and state as under:-

1. That the deponent is Assistant Personnel Officer, N.E.R., Ashok Marg, Lucknow, and is fully conversant with the facts deposed to hereunder:-

2. That by means of the aforesaid writ petition, the petitioner has prayed for the quashing of the order ~~xxx~~ of reversion dated 21.8.78 reverting the petitioner from the post of senior clerk.

3. That on 29.8.78 a Division Bench of this

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sus.

Hon'ble Court was pleased to pass the following stay order :-

"Sri UmeshChandra learned counsel for the respondents has prayed for one weeks further time to obtain instructions. List after a week. Meanwhile in case effect has not been given to the order of reversion and the petitioner is still functioning as the senior clerk, he will not be reverted on the basis of the impugned order (Annexure 4) to the writ petition. "

4. That the petitioner learnt of the passing of the aforesaid reversion order dated 17.8.78 and on knowing about it, got himself admitted in the Civil Hospital, Lucknow, on the ground that he was ill. The petitioner was discharged from the Civil Hospital, Lucknow, on 30.8.1978 while the aforesaid stay order was passed on by this Hon'ble Court on 29.8.1978.

5. That on 23.8.1978 the petitioner submitted an application to his superior ^{i.e., Mr. Sub} in the Catering Inspector about his illness, ^{and he} had also handed over the charge of the post of Senior Clerk to the Catering Inspector.

~~By means of this application the petitioner also wanted~~

~~leave to be granted to him on 23rd and 24th August 1978.~~

A copy of the application ^{dated 23.8.78} is being filed herewith as Annexure 1 to this affidavit.

6. That in view of the facts mentioned above, it is clear that the petitioner after handing over charge of his post on 23.8.1978 ceased to perform duties of the post of Senior Clerk. Thus the stay order dated 29.8.78 which was an conditional order, was of no avail to the petitioner.

Umesh Chandra
Sub

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7. That on 6.11.1978 the petitioner submitted an appeal/representation to the Divisional Superintendent, North Eastern Railway, Lucknow, for the regularisation of his absence on the ground of illness from 23.8.1978 to 29.8.78.

8. That the applicant submits that the petitioner had been reverted from the post of Senior Clerk and he had handed over charge of the post, but still he tried to secure the stay order from this Hon'ble Court and while staying the reversion order, this Hon'ble Court granted it subject to the condition that the petitioner was not to be reverted in case he is still functioning as a Senior Clerk.

9. That under the provisions of rule 2045 of the General Code ^{then} ~~for~~ for the Indian Railways, the reversion order passed against the petitioner became effective from the date of its issue. Rule 2045 reads as under:-

"2045: Unless otherwise expressly stated in the communication itself, all rules, orders & sanctions issued by an authority take effect from the date of issue of the communication, i.e. office memorandum, notification, letter or telegram, in which the rule, the order or sanction is conveyed."

10. That since the stay order dated 29.8.78 passed by this Hon'ble Court was a conditional stay order and the petitioner did not ^{fulfill} ~~fulfil~~ the condition of the stay order subject to which the stay order was granted, the petitioner stood reverted from the post of Senior

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clerk in the Catering Department to that of the Junior clerk, but still he claims to ~~take over above~~ ^{take over} take advantage of the stay order and treat himself as Senior Clerk in the Catering Department.

as per
26.3.79

11. That on/the petitioner has filed in this Hon'ble Court a petition under Article 215 of the Constitution of India for taking against against Sri N.C. Pandulai (the deponent) for contempt of court for violating the stay order dated 29.8.78 passed by this Hon'ble Court.

12. That in the aforesaid Criminal Misc. Case No. 521 of 1979 (Contempt of Court) counter affidavit has been filed by the deponent in which it has been ^{as per} stated that the stay order was infructuous as the petitioner was not functioning as senior clerk in the Catering Department at the time of the grant of the stay order, and that no action for contempt of court could be taken.

13. That on 5.2.1980 this Hon'ble Court adjourned the aforesaid Criminal Misc. Case to enable the applicant to file an application in this Hon'ble Court for seeking clarification of the stay order dated 29.8.78, as such this application is being filed for the clarification/modification of the stay order dated 29.8.78.

14. That as already stated above, the stay order dated 29.8.78 was a conditional stay order and the petitioner did not fulfil the condition of the stay order at the time of its grant and the petitioner

as per
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Department.

the ^{ex} 15. That the Amusee C-1. is a true copy ^{ex}
a) which has been compared with the original ^{ex}
the a) by the deponent.

and

Deponent.

Agamwari

of this affidavit are true to my own knowledge,
those of paras 2 to 11 are true

are true to my information derived from the records
which are believed to be true by me. ~~a~~ ~~the~~
and those of paras 12 to 14 ~~are based on~~
~~are believed to be true by me. or~~
legal advice. No part of it is false and nothing
material has been concealed, so help me God.

Tgl. lahir: 20/01/1980

Deponent.

I identify the deponent who has signed before me.

Wesley
Advocate.

Solemnly affirmed before me on 8-4-80
at 2-25⁰⁰ a.m./p.m. by N. G. Pandalai
the deponent who is identified by Sri *remesh Chandra*
Advocate, High Court, Lucknow Bench.
I have satisfied myself by examining the deponent that
he understands the contents of the affidavit which has
been read out and explained by me.

Christ

(निम्नी भाग) एम. ए., एम. एड. की
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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No.1841 of 1978

R.P. Katiyar. Petitioner.

Versus

Divisional Supdt., N.E.R. ^{Lucknow} ~~Gorakhpur~~ and others.

an
Annexure *C-1.*

To

The Divisional Supdt., R.N.E.Railway,
Lucknow.

Subject: Appeal against the orders of Sr.D.C.S./
LJN for treating L.W.P.(Leave without
Pay) for the sick period from 23.8.78
to 30.8.78 i.e. 8 days.

Ref: DS(P)'s letter No.E/R.P.Katiyar at 78 of
1.11.78.

Sir,

The applicant most humbly beg to state the
following for favourable and sympathetic orders:

That the applicant fell ill on 23.8.78 and
applied for C.L. to the Catering Inspector/LJN who
was pleased to sanction the same.

That on 24.8.78 the applicant's health became
bad to worse and he rushed to Emergency Medical
Officer, Government Civil Hospital, Lucknow, thinking
himself to get good treatment and shown to the ^{*an*} DMO/CH/
Lucknow on 24.8.78.

That the applicant condition was serious Sr.MO/
GM/LKO got admitted him as indoor patient on 25.8.78
and on being recovered discharged him on 30.8.78.

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W. C. Katiyar
8-4-80

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That the applicant was remained under medical treatment of M.O./Civil Hospital, Lucknow since 24.8.78 to 30.8.78.

That the applicant had intimated to the Catering Inspector/LJN regarding his sickness on 23.8.78 and 24.8.78 making over the official keys in his charge.

That on being discharged from Hospital on 30.8.78 the applicant reported to the Catering Inspector LJN on 31.8.78 for duty showing him discharged certificate of MO/Civil Hospital Lucknow dated 30.8.78 thereupon the Catering Inspector/LJN directed the applicant to AMO/ASH for Counter Medical Examination giving memo.

That the applicant approached to AMO/NER/ASH on 31.8.78 who examined the applicant and found fit for duty from 31.8.78 and in this connection issued Railway Medical Certificate for fitness dated 31.8.78 which has been submitted to DS(P)/LJN for regularisation of sick period 24.8.78 to 30.8.78 to LAP which is 177 days in balance.

That on the authority of fitness certificate of AMO/NER/ASH the applicant joined his duty as Sr. Clerk in departmental catering LJN on 31.8.78 (FN)

That despite the above facts, the ACS/LJN has pleased to sanction the applicant's sick period i.e. 23.8.78 to 30.8.78 as leave without pay instead of regularising the same as LAP debiting the same to my LAP account which is 177 days in balance which is not understood, rather it is irregular.

That the appeal made to Sr. D.C.S./LJN against the orders of ACS/LJN for granting LWP has also not been admitted and sick period 23.8.78 to 30.8.78 treated as L.W.P.

That thus the applicant is being forced to put in financial trouble in these hard days of dearness best known to all.

Under the circumstances the applicant is pained

*T.C.
L. J. Lawrence
JLN*

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to approach your hour to kindly consider his appeal sympathetically and orders for regularisation of sick period from 23.8.78 to 30.8.78 in L.A.P. may kindly be passed and orders for L.W.P. may kindly be cancelled so that the applicant may not suffer with the financial loss in such hard days.

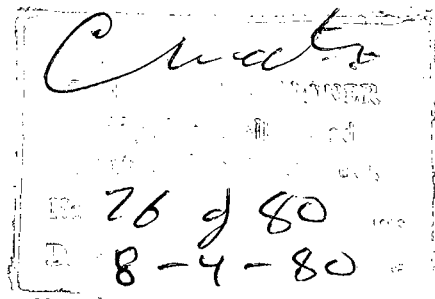
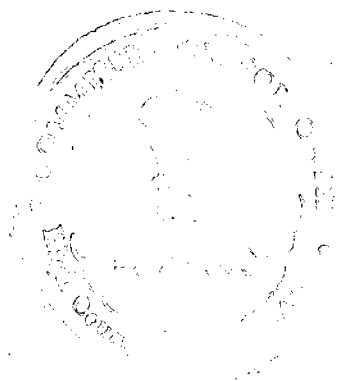
Thanking you,

Yours faithfully,

Sd R.P.Katiyar
Sr. Clerk
Departmental Catering
N.E. Railway,
Lucknow Jn.

Dated 6.11.78.

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

Writ Petition No. 1341 of 1978

R.P. Katiyar. --- --- --- Petitioner.

Versus

Divisional Supdt. North Eastern Railway

Lucknow and others. --- Opp. Parties.

COUNTER AFFIDAVIT

I, N.G. Pandalai, aged about 48 years, son
of late Ravi Verma resident of Bandaria
Bagh Railway Colony, Lucknow, Asstt. Personnel
Officer, N.E. Railway, Lucknow, do hereby solemnly
affirm and state as under:-

1. That the deponent is Asstt. Personnel
Officer, N.E.R., Lucknow and is fully conversant
with the facts of the case.
2. That the deponent has read and understood
the contents of the writ petition.
3. That with regard to the contents of para
1 of the writ petition, it is stated that the
petitioner was working as junior clerk in the
scale of 260-400 in the Commercial Branch

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(Divisional Supdt.'s Office) of Lucknow. He was promoted as Senior Clerk vide office order No.E/II/283/Lipik/75 dated 12.5.78 and posted in the catering unit, Lucknow and he joined there on 9.6.78. Thereafter the petitioner was reverted as Junior Clerk 260-400, alongwith others with immediate effect, vide office order No.E/SD Rai/Clerk/78 dated 21.8.78 and posted to the Commercial Branch of the Divisional Supdt.'s Office, N.E. Railway, Lucknow. A copy of the aforesaid reversion order dated 21.8.78 is annexed as Annexure A-1 to this counter affidavit.

4. That the contents of para 2 of the writ petition are not admitted as stated by the petitioner. In terms of General Manager (P)'s letter No.E/210/15/CR(VI) dated 2.8.75 the cadre of the clerks in the catering Branch were to be merged with those of the office clerks of the Commercial Branch in the Divisional concerned. It is denied that the catering units were merged as alleged in the writ petition.

5. That in reply to para 3 of the writ petition, it is stated that 3 posts of Senior clerks in scale Rs.330-560 as sanctioned vide memorandum No. E/205/C/1(IX) dated 14.6.71 for the catering unit of the Lucknow Division were continuously in operation in scale 260-400. Since the posts were not in operation in scale Rs.330-560 for more than six months, the same could not be filled till it was revived by the orders of the competent authority after

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[Signature]
वर्धमान प्रसाद /
पूर्वोत्तर रेलवे, लखनऊ

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the financial concurrence the posts could not have been filled up. It is admitted that suitability test for promotion to the posts of Senior Clerk in scale Rs.330-560 was held on 14.2.78 but this suitability test was not done in accordance with the rules as no posts were available in the Catering Branch to be filled in as stated above without revival of the posts Posting orders were, therefore, wrong.

6. That in reply to paragraph 4 of the writ petition, it is stated that posts of Senior clerks were never filled in since their creation in 1971 and were operated upon in the lower scale of Rs.260-400. The question of filling up of the post of Senior Clerks therefore did not arise as the revival of the post was not sanctioned by the competent authority.

7. That in reply to paragraph 5 of the writ petition it is stated that it has already been submitted that the two units were merged as alleged in the petition.

8. That in reply to para 6 of the writ petition it is stated that three posts of senior clerks which were sanctioned in 1971 by the General Manager(P) were not operated upon as such and they could not be filled in 1978 without revival of the post by the competent authority. Since there were no posts in existence in the catering unit in scale Rs.330-560 for being operated upon the orders of posting of the petitioner as Senior Clerk in the catering unit was wrong and against the extent rules.

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[Signature]
निदेशक, अतिरिक्त /
सचिव, अतिरिक्त, 1978

[Signature]

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9. That in reply to paragraph 7 of the writ petition it is stated that in pursuance of an incorrect office order issued by the Divisional Supdt. (P) Lucknow the petitioner reported to duty in the Catering Unit on 9.6.78 when in fact there was no post of senior clerk in the Catering unit against which he could be posted.

10. That in reply to paragraph 8 of the writ petition, it is admitted that Sri S.D. Rai a clerk of Catering Unit in scale Rs.260-400 was ordered to be spared consequent upon joining of Sri Rai did not join the catering branch of the Divisional Office and represented his case to the General Manager/Personnel. The representation was considered by the Headquarter office and it was decided that status-quo as on 12.6.78 should be maintained, i.e. the orders of posting of the petitioner and others in the catering unit as Senior clerks should be cancelled and Sri Rai and others who were working to the Catering Unit should be allowed to continue. This decision was communicated to the Divisional office vide letter dated 20.6.78. In obedience of this order the Divisional Supdt./Lucknow vide his office order No. E/11/283/Clerk/76 dated 11.8.78 a copy of which is annexed as Annexure A-1 to this counter affidavit superseded his previous office order dated 12.5.78 and retained Sri V.B.Singh and S.D.Rai in the Catering Unit. Rest of the allegations are denied. Copy of General Manager Personnel's letter dated 20.6.78 as referred to

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पूर्वोत्तर रेलवे, लखनऊ

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above is also annexed as Annexure A-3. The Divisional Supdt, Lucknow issued another office order dated 21.8.78 a copy of which is annexed as Annexure A-2 in which the petitioner and others were reverted back to their original place of posting as Junior clerk in the Commercial branch of the D.S.'s Office.

11. That in reply to paragraph 10 of the writ petition, it is stated that as has already been explained in foregoing paragraph, the status quo prior to May 1978 had to be maintained and since Shri S.D. Rai had not joined commercial branch of D.S. office, Lucknow, he was rightly retained in his parent catering unit Lucknow and the allegations contrary to it are denied.

12. That the allegations contained in para 11 of the petitioner are denied and it is stated ~~that~~ that since the General Manager (P) vide his letter dated 20.6.1978 directed that status quo prior to May 73 should be maintained, the promotion order dated 12/5/73 promoting the petitioner as Senior Clerk could not have been made and much less he should not have been directed to report to catering unit, Lucknow, and that Sri S.D. Rai was rightly retained in the catering unit, Lucknow.

13. That in reply to paragraphs 12 and 13 of the petition, this much is admitted that the Senior Commercial Officer (Catering) Gorakhpur in reference to telephonic message from Senior

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प्रमाणित प्रतिलिपि /
मुख्य कार्यालय, लखनऊ

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Divisional Commercial Supdt. Lucknow vide his D.O. letter dated 21/22-7-78 clarified the meaning of status quo and directed him to retain S/Sri V.B.Singh and S.D.Rai in the Catering Unit and rest of the allegations contained therein are denied. A copy of the D.O. dated 21/22-7-78 is annexed as Annexure A/2 with this counter affidavit.

14. That in reply to paragraphs 14 and 15 of the writ petition it is stated that since it was directed that status quo prior to 12.5.78 should be maintained, retaining Sri V.B. Singh and S.D. Rai, the Divisional Supdt.(P) issued office order No.E/11/283/Clerk/75 dated 11.3.78 and mentioned therein that it was issued in supercession to the office order No.E/11/283/Clerk/73 dated 12.5.73. A copy of this office order is annexed as Annexure A-3 with this counter affidavit. That opposite party no.2 issued another order dated 21.8.78 in detail indicating the posting of the petitioner in the Commercial Branch of Divisional Supdt.'s office, Lucknow, and also of other in different offices. A copy of the office order dated 21.8.78 has been annexed as Annexure A-3 with this affidavit. Rest of the allegations are denied.

15. That the contents of paragraph 16 of the writ petition are not relevant and hence no comments.

16. That in reply to paragraph 17 of the writ petition, it is stated that the petitioner has no right to be promoted as Senior Clerk in the

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पुणे विर रोडवे, लखनऊ

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Catering Unit as there was no post of Senior Clerk in operation in the Catering Unit. The question of his reversion as a measure of penalty does not arise.

17. That the allegations contained in para 18 of the writ petition a-re denied and it is stated that as soon as the petitioner was incorrectly promoted he had no right to be retained on a post which was not in existence. His reversion order was issued in pursuance of the decision taken by the competent authority on the same by maintaining status quo ante 12.5.78.

18. That in reply to para 19 of the writ petition, it is stated that the petitioner should not have been subjected to the suitability test because there was no post of Senior clerk against which he could have been considered for promotion.

~~19. That in view of the position already explained~~
19. That the allegations contained in para 20

of the writ petition are denied and it is stated that there was no malafide in issuing the office order dated 11.8.78.

20. That in view of the position already explained in foregoing paragraphs the allegations contained in para 21 of the writ petition are denied.

21. That in reply to paragraph 22 of the writ petition, it is stated that the reversion order of the petitioner and two others has already been issued by the Divl. Supdt.(P), Lucknow vide orders dated 21.3.78 and that none of the grounds as alleged in para 22 of the petition are tenable

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and hence denied. It is further stated that the order dated 11.8.78 and 21.8.78 are perfectly legal and valid and do not violate the provisions of Articles 14, 16 and 311 of the Constitution of India.

22. That the writ petition is premature as the petitioner has not exhausted departmental channel of redressal of grievance under rule 18(v) of Discipline and Appeal Rules and hence liable to be dismissed.

23. That the petitioner has not impleaded Union of India as opposite party and as such in view of the ruling of Supreme Court, the writ petition is liable to be dismissed with costs.

24. That the petition is liable to be dismissed as the petitioner has not impleaded Sri V.B. Singh and S.D. Rai the necessary parties in the case.

25. That petitioner has no prima facie case nor the balance of convenience is in his favour nor does he suffer any irreparable loss and no case of stay order is made out and as such the stay order may please be vacated being infructuous in view of the fact that the petitioner is stood reverted on 21.8.78 when reversion order was issued.

26. That the deponent has compared annexure with their originals and certifies them to be true copies thereof.

Lucknow Dated

Feb. 9, 1979

Deponent.

True copy
[Signature]
सहायक कोषीय अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

[Signature]

9.

I, the abovenamed deponent, do hereby
verify that the contents of paragraphs 1...2 and 26
of this counter affidavit are true to my own
knowledge and those of paragraphs 3 to 22
.....
are true to my information derived from the
records and those of paragraphs 23 to 25
..... are based on legal advice. No
part of it is false and nothing material has
been concealed, so help me God.

Lucknow Dated :

Feb. 9, 1979.

Deponent.

I identify the deponent ~~xxx~~ who has
signed before me.

Advocate.

Solemnly affirmed before me on
at a.m./p.m. by
the deponent who is identified by
Advocate, High Court Lucknow.

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

True copy

भारत का न्यायाधीश /
पुणे जिल्हा न्यायालय, को. ३

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इन दि हाई कोर्ट आफ जूडिकेवर एट इलाहाबाद

एनेक्वर नं० "ए-1"

इन

सिविल मिसलेनियस रिट पेटिशन नं० 184/ आफ 1988

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आर० पी० कटियार पेटिशनर

बनाम

डिवीजनल सुप्रीटेन्डेंट, नार्थ इस्टर्न रेलवे,

आदि के अगो० पाटीज

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सहायक कार्यालय अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

पूर्वोत्तर रेलवे,

कार्यालय आदेश

इस कार्यालय आदेशा सं० ई/11/283/लिपिक/75, दिनांक

11.8.78 में आदेशाक संगीोधन करते हुए निम्नलिखित रिबरसन,
स्थानान्तरणा व तैनाती आदेशा जारी किए जाते है जो तत्काल
प्रभावी होंगे :-

1. निम्नलिखित स्थानापन्न प्रवर लिपिक §330-560§ को
जूनियर लिपिक 260-400 के पद पर रिक्ड करके सामने अंकित
स्टेशन पर पोस्ट किया जाता है :-

1. श्री वी० वी० सिंह जो उनको छान पान निरीक्षक लखनऊ
छान पान निरीक्षक/लखनऊ ज० के अधीन पोस्ट किया
ज० के अधीन कार्यरत है। जाता है।

2. श्री मोहम्मद अहमद जो उनको छान पान निरीक्षक
छान पान निरीक्षक/ गोरखपुर के अधीन पोस्ट
गोरखपुर के अधीन कार्यरत किया जाता है।
हैं।

3. श्री आर० बी० कटियार उनको मण्डल कार्यालय के
जो छान पान निरीक्षक वाणिज्य अनुभाग में पोस्ट
लखनऊ, ज० के अधीन कार्यरत, किया जाता है।
हैं।

2. श्री जी० एस० त्रिपाठी, प्रवर लिपिक स्टेशन मास्टर
कानपुर अनवर गंज जिनका स्थानान्तरण इस कार्यालय के वाणिज्य
अनुभाग में किया गया था को अस्थायी रूप से स्कूल स्टेशन तक
कानपुर अनवर गंज में स्टेशन मास्टर के अधीन उसी पद तथा
वेतन मान में रोक़ा जाता है।

3. श्री आर० पी० खरे, लिपिक, छान पान निरीक्षक, लखनऊ
ज० जिनका स्थानान्तरण स्टेशन मास्टर लिपिक के पद पर
का० अनवर ब गंज क्र० सं० 2 के स्थान पर किया गया था को अब
इस कार्यालय के वाणिज्य अनुभाग में एस० डी० राय० लिपिक के

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सहायक आचार्य /
परीक्षक रजिस्ट्रार, लखनऊ

स्थान पर पोस्ट किया जाता है।

इस आदेश पर मण्डल अधीक्षक का अनुमोदन प्राप्त है।

ह0/-

मण्डल अधीक्षक कार्मिक, लखनऊ।

सं० ई/एस0डी0राय/लिपिक/78 दिनांक 21.8.78

प्रतिलिपि सूचनार्थि एवं तथा आवश्यक कार्यवाही हेतु प्रेषित:-

1. सान पान निरीक्षक/लखनऊ ज० एवं गोरखपुर।
2. स्टेशन अधीक्षक/लखनऊ ज० एवं गोरखपुर।
3. स्टेशन मास्टर कानपुर अनवर गंज।
4. क्षेत्रीय अधीक्षक/गोरखपुर।
5. कार्यालय अधीक्षक वार्णिजय।
6. प्रधान लिपिक, बिल क्लर्क फील्डर तथा भण्डार।
7. महाप्रबन्धक का० गोरखपुर को उनके पत्र सं० का/1/15/1/छः दिनांक 20.6.78 को संदर्भ में।
8. एस० सी० ओ० सान, पान गोरखपुर उनके डी०ओ० सं० कार्मिक 1/15/1/छः दिनांक 21.22.78।
10. सम्बन्धित कर्मचारी।

ह० अठनीय

21/8

कृते मण्डल अधीक्षक कार्मिक, लखनऊ

ह० अठनीय

21/8

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

Writ Petition No. 1841 of 1978

R.P.Katiyar. --- --- Petitioner.
Versus
D.S.N.E.R. Lucknow and others. Opp. Parties.

Annexure A-2

North Eastern Railway

V.P.Kanojia
SCO (CR)

Office of the
General Manager(C) Gorakhpur
dated 21st/22nd July 1978.

Dear Sri Arya,

Ref: Discussion with you on telephone
on da-te.

You have sought further clarification about the status quo despite the fact that the position has been made very clear that servasri V.B.Singh and S.D.Rai are to be retained in the Catering Unit in view of Patna High Court judgment according to which the above two persons and few others who joined alongwith them in catering Branch are claiming to be Asst.Manager originally appointed. The issue about their categorisation is under consideration in view of the judgment of the Patna High Court. As such you are requested to retain them in the catering unit against the two posts of clerks in catering unit at Lucknow. You may utilise the services of Shri Khare as clerk at some other place as you deem fit.

True copy

सहायक कार्यालय अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

2.

I think this clarifies the matter sufficiently and no further clarification should be required.

Yours sincerely

Sd.

V.P.Kanojia

Sri R.A.Arya
Sr.Divl.Comm.Suptd.
N.E.Railway
Lucknow.

True copy.

महापठक अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

इन दि हाई कोर्ट आफ जूडिकेवर एट इलाहाबाद

एनेक्तर नै० "ए-३"

इन

सिविल मिसलेनियस रिट पेटिशन नै० 1841 आफ 1988

आर० पी० कटियार पेटिशनर

बनाम

डिवीजनल सुपीटेन्डेन्ट, नार्थ इस्टर्न रेलवे,

आदि अपो० पाटीज

True copy

सहायक फाइल अधिकारी,
पूर्वोत्तर रेलवे, कानून

कार्यालय आदेश

महा प्रबन्धक का० गोरखपुर के पत्र सं० ई/210/15 तृतीय
श्रेणी/केटरिंग/भाग-11/11 दिनांक 21.2.78 द्वारा प्राप्त
ए०बी०सी० के आधार पर इस मण्डल में खान पान विभाग में
कार्यरत लिपिकों का० 260-400 की वरीयता को इस मण्डल कार्यालय
के वाणिज्य विभाग के कार्यरत लिपिकों का० 260-400 के साथ
मिलाने के फलस्वरूप मिली जुली वरीयता के आधार पर निम्नलिखित
लिपिकों का० सं० 1 से 3 का० 260-400 को जो सुयोग्यता परीक्षा
में सफल घोषित किए गए हैं, प्रबन्ध लिपिक का० 330-560 के पद पर
पदोन्नति कर के प्रत्येक लिपिक के सामने लिखे हुए स्थानों पर

प्रवर लिपिक §330-560§ के रिक्त स्थान पर तैनात किया जाता है :-

1. श्री मुहम्मद अहमद, लिपिक जो खान पान निरीक्षक, गोरखपुर के अधीन कार्यरत है को गोरखपुर ही में खानपान निरीक्षक के अधीन पोस्ट किया जाता है।

2. श्री विद्या भूषणा सिंह, लिपिक खानपान निरीक्षक, लखनऊ सं० को खानपान निरीक्षक, लखनऊ ज० के अधीन तैनात किया जाता है।

3. श्री आर० पी० कटियार, लिपिक मण्डल कार्यालय §वाणिज्य§ विभाग, लखनऊ को खान पान निरीक्षक, लखनऊ ज० के अधीन पोस्ट किया जाता है।

4. श्री जी० एस० त्रिपाठी, प्रवर लिपिक §330-560§, कानपुर अनवर गंज, स्टेशन पर लिपिक का पद वेतनमान §260-400§ में स्वीकृत 4 को अ स्थानान्तरित करके उसी पद तथा वेतन मान §330-560§ में मण्डल कार्यालय लखनऊ के वाणिज्य विभाग में श्री आर० पी० कटियार लिपिक के स्थान पर पोस्ट किया जाता है।

5. श्री आर० पी० खरे, लिपिक §260-400§ खान पान निरीक्षक,

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महापंचक अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

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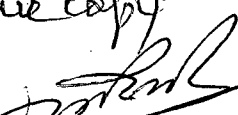
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- 3 -

लखनऊ ज० जो वहाँ पर सरप्लस है को स्थानान्तरित करके उसी पद तथा वेतन मान में स्टेशन मास्टर, लिपिक, कानपुर अनवर गंज स्टेशन पर श्री बी० एस० त्रिपाठी क्र०सं०-4 के स्थान पर तैनात किया जाता है।

क्र० सं०-4 तथा 5 यदि रेल आवास में रहते हैं। कार्यमुक्त होने की तिथि से 15 दिन के अन्दर खाली कर दें। ऐसा न करने पर उनके विरुद्ध प्रशासनिक कार्यवाही की जाएगी।

क्र० सं० 4 एवं 5 को स्थानान्तरणा भत्ता तथा अन्य स्थानान्तरणा लाभ देय हैं।

True copy

सहायक कार्यालय अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ

इस आदेश पर प्र० म० वा० अधी० का अनुमोदन प्राप्त है तथा इन आदेशों पर तत्काल कार्यवाही की जावे।

ह०

कृते मण्डल अधीक्षक कार्मिक/लखनऊ

सं० ई/11/263/लिपिक/75-लखनऊ दिनांक 12.5.1978

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. खान पान निरीक्षक, लखनऊ ज० तथा गोरखपुर।
2. स्टेशन अधीक्षक/लखनऊ ज० एवं गोरखपुर।

3. स्टेशन मास्टर/कानपुर अनवरगंज ।
4. क्षेत्रीय अधीक्षक गोरखपुर ।
5. कार्यालय अधीक्षक वाणिज्य कार्यालय में ।
6. मण्डल लेखा अधिकारी/लखनऊ ।
7. प्रधान लिपिक बिल एवं भण्डार ।
8. फोल्डर एवं पास लिपिक/कार्यालय में ।
9. सम्बन्धित कर्मचारी ।
10. महा प्रबन्धक काँ०/गोरखपुर को उनके उक्त पत्र के संदर्भ में ।
11. महा प्रबन्धक वाणिज्य गोरखपुर को इस कार्यालय के पत्र सं० ई/११/२८३/१५/केटेरिंग दिनांक १६.३.७८ के क्रम में जो उनके पत्र सं० सी०/५७/२/२९/सी०आर० दिनांक १०.२.७८ के उत्तर में था ।

True copy

अध्यक्ष कार्यालय अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

ह० अठनीय

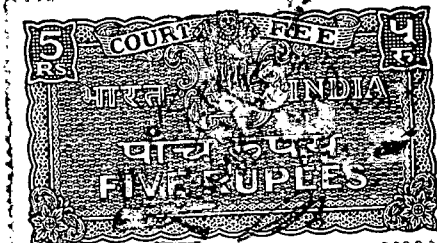
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कृते मण्डल अधीक्षक कार्मिक, लखनऊ

ह० अठनीय

१२/५

सत्य प्रतिलिपि



12/13/78
M. S. 18

In the Hon'ble High Court of Judicature At Allahabad,
(Lucknow Bench)

Misc. Application No 4184 (W) of 1978

In

Writ Petition No. 1841 of 1978

R.P. Katiyar aged about 48 years son of Shri Chunni Lal r/o 10-F-2 . Railway Colony, Badshahnagar, Lucknow.

Versus

1. Divisional Superintendent, North-Eastern Railway Ashok Mar, Lucknow.
2. Senior Divisional Exr Commercial Supdt, North Eastern Railway, Ashok Marg, Lucknow.
3. General Manager (C) N.E.R. Gorkhpur.

... .. Opp. Parties

Application for Stay of Reversion
under section 151 C.P.C.

The humble petitioner most respectfully
begs to submit as under :-

1. That for the reasons mentioned in the accompanying affidavit it is expedient for the ends of justice that pending the disposal of the writ petition the order of reversion may be stayed.

Wherefore the petitioner most humbly prays
that pending the decision of the writ petition
the reversion of the petitioner from senior
clerk, N.E.R. Jn. Lucknow may be stayed and

as the petitioner in duty bound will ever pray, or the

20 / opposite parties may be restrained from reverting the petitioner

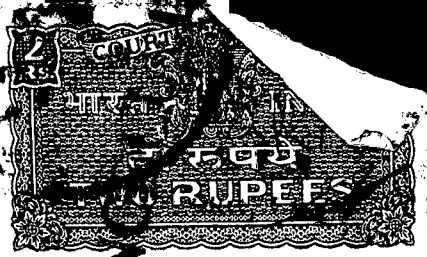
Lucknow
23-8-78

Counsel for the Petitioner.

23/8/78

Handwritten signature/initials

1975-76
AFFIDAVIT
68
HIGH COURT
ALLAHABAD



In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench)

Misc. Application No. of 1978

In

Writ Petition No. of 1978

R.P. Katiyar Petitioner

Vs.

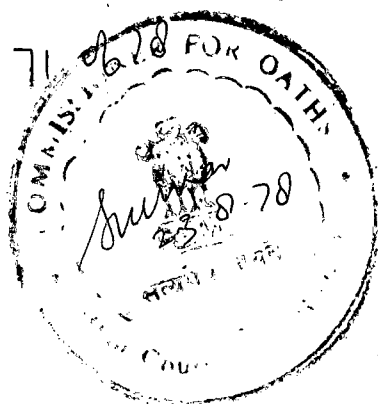
Divisional Supdt. N.E.R. Lko and
others ... Opp. Parties

A F F I D A V I T

in support of stay application

I, R.P. Katiyar aged about 48 years
son of Shri Chunn Lal Katiyar r/o 10-F-2 Badshahnagar
Lucknow do hereby solemnly affirm as under :-

1. That the deponent is filing along with this affidavit a writ petition in this Hon'ble Court.
2. That the opposite parties are taking action to revert the petitioner-deponent from his post of Senior Clerk, Catering N.E.R. Jn. Lucknow to junior Clerk.
3. That the deponent has not been reverted till today but he will be reverted and the question of reversion is with the opposite parties.
4. That the reversion of the petitioner is based based on mala fide action of supersession of the promotion order of the deponent. It is also based on partiality and discrimination.
5. That there is great hope of success in the writ petition.



6. That it is expedient for the ends of justice that the reversion of the deponent from the Senior Clerk, N.E.R. Jn. Lucknow to ~~junior~~ junior grade clerk may be stayed.

R. P. Katiyar
Deponent

I, the above named deponent do hereby verify that the contents of paras 1 to 4 are true to my personal knowledge and those of

paras 5 and 6 are believed by me to be true, and no part of it is false and nothing material has been concealed, as help me God. ~~Signed & sealed~~
R. P. Katiyar
Deponent



I, know the deponent who has signed before me.

S. K. Jaiswal
Advocate 23/8/78

Solemnly affirmed before me on 23.8.78 at 1¹⁵ a.m./p.m. by the deponent *Sri R. P. Katiyar* who is identified by *Sri Mohd. Ilyas, Advocate* High Court of Allahabad, Lucknow Bench.

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

Suman Kumar
Advocate
OATH
H
Allahabad,
Bench

MO 710678
23-8-78

In the Honble High Court of Judic
at Allahabad sitting at Lucknow
ब अदालत श्रीमान महोदय

वादी मुद्दै

प्रतिवादी (मुद्दाअलेह)

का

वकालतनामा



W.P. 1041-70

वादी (मुद्दै)

बनाम

प्रतिवादी (मुद्दाअलेह)

ने मुकद्दमा

सन १९

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Ashish N. Trivedi

Advocate

एडवोकेट

वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं हस 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 मुलहनामा वा इकबाल दावा तथा अपील 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 विपक्षी (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम अवे

REPTED

Ashish N. Trivedi

ADVOCATE

हस्ताक्षर

31.11.20

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

2nd

महीना

Nov

सन् १९१८, ई०

NS/CCS

VAKALATNAMA

In the Central Administrative Tribunal
Allahabad

Transfer Application No 308 of 1987 (T)

Before
in the Court of

~~Plaintiff~~
~~Defendant~~

R. P. Katyar

~~Claimant~~
~~Appellant~~

Versus

~~Defendant~~
~~Plaintiff~~

Divl Supt & others

~~Petitioner~~
~~Respondent~~

The President of India do hereby appoint and authorise Shri... A. V. Srivastava

Ry Advocate Allahabad

.....to appear, act, apply, plead in and prosecute the above described suit/appeal/proceeding on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys; and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceeding against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate or Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agree to ratify all acts done by the aforesaid Shri... A. V. Srivastava

Ry Advocate Allahabad

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of

India this the 4th day of Aug 1987.

Dated 198

NER-34850400-S000-4 7 84

(A. Tete)
Designation of the Executive Officer,
By Chief Personnel Officer
North Eastern Ry
Gorakhpur

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84

NS/CCS
64

VAKALATNAMA

Before
In the Court of

The Central Administrative Tribunal
Allahabad Bench

X/10

Reg. No. 308 of 1987

R. P. Katiyar

Applicant

Versus

Divisional Supdt. NERly Lucknow & others Resp.

I/We. A. Mittal, Div. Rly. Manager, NERly Lucknow

and Jai Narain, Sr. Div. Comnd. Supdt, NERly Lucknow

do hereby appoint and authorise Shri. A. V. Srivastava

Railway Advocate, Allahabad to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Applicaion/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri. A. V. Srivastava

Railway Advocate, Allahabad

in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this.....

(Jai Narain)

इसर मंडल वाणिज्य अधीक्षक
पूर्वोत्तर रेलवे
लखनऊ

(A. Mittal)
Divisional Railway Manager
N.E. Railway Lucknow

A/05

A/05

NS/CCS

VAKALATNAMA

Before
in the Court of

The Central Administrative Tribunal
Chamber Bench, Lucknow
TA No. 308/87 (C)

Plaintiff
Defendant

R. P. Katiyar

Claimant
Appellant

Versus

Defendant
Plaintiff

Union of India & Others

Petitioner
Respondent

The President of India do hereby appoint and authorise Shri

Hari Om Singh

Rly. Adv. Lucknow

.....to appear, act, apply, plead in and prosecute the above described suit/appeal/proceeding on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceeding against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate or Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agree to ratify all acts done by the aforesaid Shri

Hari Om Singh

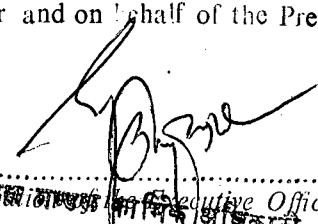
Rly. Advocate, Lucknow

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 24 day of May 1988

Dated 24-5-1988

NER-84850400-8000-4 7 84

Des. 
Executive Officer,
पूर्वोत्तर रेलवे, लखनऊ

Accepted
Hari Om Singh
24/5/88

व अदालत श्रीमान

Shri R. K. Singh

महोदय

Shri R. K. Singh & Co. (Advocates)

वादी अपीलान्त

का

वकालतनामा

प्रतिवादी रेस्पान्डेन्ट



R. P. Kalyan

वादी (मुद्दै)

बनाम

Shri R. K. Singh & Co.

प्रतिवादी (मुद्दाअलेह)

न० मुकद्दमा

सन १६

पेशी की ता०

१६

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

M. A. H. Singh

A. K. Singh

M. A. H. Singh & Co.

S. A. R. Singh

एडवोकेट

महोदय

Shri R. K. Singh

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं 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 वा इकबाल दावा तथा अपील 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 हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखति) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

R. K. Singh

साक्षी (गवाह)

R. K. Singh

साक्षी [गवाह]

दिनांक

23/8/70

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