

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 308/82 OF Lab No. 1841/78

NAME OF THE PARTIES R. P. Katiyari Applicant

Versus

U.O.T. Govt. 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)

Re checked on
Dated 28-08-11

Counter Signed.....

Rajesh Bhatia
Section Officer/In charge

Sharma
Signature of the
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. 308 1987...

...R.P. Kastigal Applicant.

Versus

..... U...G. Respondents.

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2/20/1987
Dy. Registrar

Supervising Officer
(Ruled off)

Dealing Clerk
W.M.C.

Note: If any original document is on record-Details.

Dealing Clerk
W.M.C.

RN)

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

INDEX SHEET

CAUSE TITLE 308 of 1987 IT

NAME OF THE PARTIES

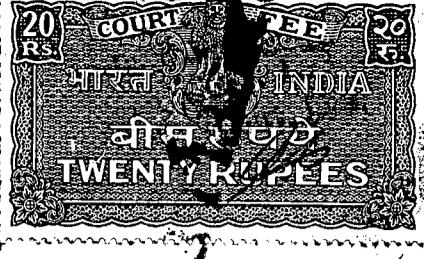
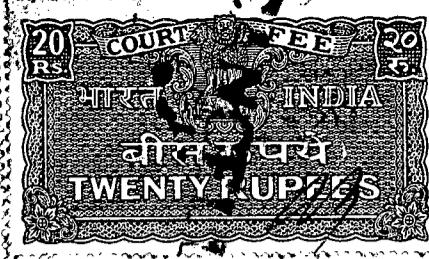
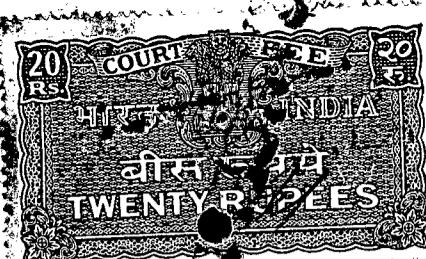
R. P. Katiya Applicant

Versus

B.O.S Respondent

Part A, B & C

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In the Hon'ble High Court of Judicature At Allahabad,
(Lucknow Bench) A.Y.
12/7

Writ Petition No. 1841 of 1978

R.P. Katiyar aged about 48 years son of Shri Channi 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 Supdt, North-Eastern Railway, Ashok Marg, Lucknow.
3. General Manager (C), 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 Supdt. 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 independant 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.



*Subsequently
26-8-75*

5 B-87

(4)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Writ Petition No. 1841 of 1978
 R.S. Katiyar vs. Divisional Bptt N.E. Ry

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1 24.8.78	W.P. with 2nd applic. Hon. H.S. J. Hon. K.S. Varma J distr on 29.8.78 J	3
25.8.78	28.8.78 fixed with cmr 4184(1)-20 dwards	B/Po. Agree not other
28.8.78	airn with c.m. M. 4184(2)-20 for exam	
	Ad. H.S.J Ad. K.S.V.J.	
	One week time is granted to obtain instructions. Interim relief granted meanwhile	M
23.11.78	20.11.78	
28.8.78	28.8.78 fixed with cmr 4184(1)-20 dwards	B/Po. Ag. 5.3.7
20.11.78	Writ with c.m. M. 4184(1)-28 for orders.	
	Mon. 12.8.78 Mon. 11.12.78	

S.O.

M

✓
✓
✓
✓
✓
✓

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/Chandrapur 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 26-8-75, 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 ~~promotion~~ 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 ^{first} one out of the three promoted. The post was

✓

Post by
27/8/78



7
ORDER SHEET

B-88

5
2IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
No. 1041 of 1978

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	20-12-78 fixed with Cr. No. 4184 (C.W) for orders.	By 20
20-12-78	Writ with C.M. Au. 1154 (C) 278 for orders	
	Mr. H.S.J. Hon. C.S.J.	
	Learned Chief Standing Counsel marks further time for submissions List after three weeks. In the mean time the interim order shall continue.	
3-1-79	16-1-79 fixed with Cr. No. 4184 (C.W) 278 for orders	After 3 weeks 18-1-79
16-1-79	Writ with Cr. No. 4184 (C.W) 278	18-1-79

B-89
9 3 X
ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1041 of 1978

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 No 529 (5.2.79) for orders with office report dt 5.2.79 ✓	6/pe Banch
9.2.79	C.M. No. 529 (W)-79 for orders with office report dt 5.2.79. Hon'ble H.S.J. Ch. Mather, J.	
	The application is under Contempt of Court Act. Lay before the learned Judge dealing with Contempt matters.	
2-3-79	2-3-79 23279	9.2.79 ✓
9.2.79	16.2.79 fixed in cm No. 529 (W)-79 for orders with its order for 9.2.79.	T. B. Ban. T. S.M.J. Contempt Judge
2.3.79	C.M. No. 528 (W)-79 passed with its' notice dt 9.2.79	

Mr. Y.S. Misra
Stand out at the Ellers
Bijay Singh & Sons advocate

2.3.79

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1061 of 1978

vs.

Date to
which
case is
adjourned

2

3

25/4/78 Cm No 22101 (w) - No. 1061

Orders:

Hn. Gopal S.

Sland out at me
rept of Sri Bhag
Chand

25/4/1978

1. S. No. Cm No 22101 (w) - No. 1061

Dr. V. C. S.

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
Appeal Register

T.A. NO. 308/87(+)
W.P. 1841/78

अपील अनिकरण
Appellate Tribunal

अपीलार्थी

आवेदक

Appellant
Applicant

अपीलार्थी

द्वारा

बनाम

प्रत्यक्षी

Appellant

Applicant

प्रत्यक्षी द्वारा

Respondent

vs.

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

Officer recd-

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

W.P. NO. 1841/78 has been received
on transfer from Hon'ble High Court
L.R.O.

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

fixing 14.8.87 by sped post.

No undelivered sped letters has
been returned back.

Submitted for orders
for stay
12/8/87

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

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

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

30-11-88

Registrar

As the cases of Shri A. V. Divastava
are adjourned, list this case
before Const. on 8/1/88 as humbly
prayed by applicant.

J.
Registrar

8.1.88

Hon. S. Zakeer Hasan, V.C.

Hon. A. J. Joshi, A.M.

On the request made
on behalf of the learned counsel
for the applicant, Shri M. D. Goyal,
the case is adjourned to 16.2.88.

A
A.M.

V.C.

(b)

16.2.88.

Hon. S. Zakeer Hasan, V.C.

Hon. A. J. Joshi, A.M.

No one appears for the
parties.

Perhaps for orders on

21.3.88.

AM.

M
V.C.

7

3

17

12

4-4-88

Hon. J.D. Jain, V.C.
Hon. Birbal Nath, A.M.

Sir 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. Cut off on 27-4-88.

24/4/88
A.M.

J.D.Jain
V.C.

A.M.

4
6
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 necessary notices
may be sent to the parties counsel.

J.S. List this case on 25th April
1988 before Circuit Bench ~~for~~ to fix orders.

DR.

17/10/1988
308/07/11

ORDER SHEET

24/5/1988

Notice word
from A.V. Shukla

fixed in amendment application
for orders.

D/6

list

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.

to 20.7.1988 for hearing.

AM

24.5.1988
beary

JM

10

20.7.1988

Hon. Ajay Johri, AM

list this case for
orders on amendment
application before the
Division Bench on
22-7-88.

3

May

AM

11

22.7.1988

Hon. Ajay Johri, AM
Sri Adv. Srinivas for respondent
Put up before Division
Bench on 23-7-88

3
AM

May

Order-Sheet.

(6)

(23)

T.A. No. 308/87

13

(18)

7.10.88

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

D
G

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 question 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.

3/1
A.M.

C.C.

(Bx.00)

made today

OR ~~Amendment to~~

No additional reply has been filed so far.

Submitted for orders.

Verdict

(16)

24/11/88

Hon. D. S. Misra - Am.
Hon. G. S. Sharma - T.M.

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

Jay

b

A.

TA 308/89(T) (7.12)

(20)

5-4-89

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

4/2

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

He
AM

OR
VC

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 commended application.
Commended application is
submitted for orders.

14/4
Ajay

(21)

13/4/89

Hon' Mr. Ajay Johri, A.M.

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

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

(sns)

J.M.

A.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 300 of 1987 (T) 1/2
19

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Trial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
10/09 15	<p>Non Justice K. Nath, V.C.</p> <p>The counsel for the opposite parties was expected to file a copy of the Counter 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 order of this Tribunal. That has also not been done. Opposite parties Counsel Shri A. V. Srivastava is not present today. Shri Ajay Bhagwani appears for him and requests for two weeks' time to file both the papers. Put up for further orders on 16. 8. 09.</p>	<p>OR No filed papers submitted for order 14/08</p>

R.P. Katiyani 30.8/87 (C.T.)

VS
Bijan e/ Landia

22.8.87 (W.P. No. 2195/80)

(9) (26)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
19.2.90 (30)	Hon' Justice B.K. Math V.c., Hon' Mr. K. Oblique A.M.	X
16-3-90 (31)	on the regno. C.S.A. v. Srivastava Adv. Case adjourned to 16.3.90 for P. H. A.M.	Q V.c. No Supplemental RA filed S.P.H.
19-4-90 (32)	No sitting Q.D/B. adjourned to 19-4-90. B.O.C.	L 18/7 104
19-4-90 (33)	Lawyers on strike. Case is adjourned to 10.8.90.	B.O.C.
10-8-90 (34)	No sitting adj. to B.O.C. 26-10-90 P.H.	B.O.C.
26-10-90 (35)	No sitting adj. to 11.10.90 P.H.	B.O.C.
11-11-90 (36)	Hon'ble Mr. D.K. Agarwal. J.M. Mr. M. F. Prichker. A.M. Due to resolution of Bar Association case is adj. to 14-12-90	B.O.C.
Dinesh		

19/12/90 RA has not been
filed. Application to file
RA by 10.1.91. Postponed
as a result

(20)
30 X

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/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

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 Headquarter.

(30)
80
1/2

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 ~~relieve~~ 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~~ & 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. 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~~ 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

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 ^{at} ~~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 of salary of the Grade but also pensionary benefits which necessarily will follow, ^{if} his case is accepted. The petition stands disposed of finally and we make no order as to costs.

Shankar

MEMBER (A)

(sns)

Li

VICE CHAIRMAN

May 7, 1991.

4/10

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. O.P. Sironi Sub 1

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
1		W.P. with affidavit and answr.	34		Rs. 102.00		
2		Power	2-		10.00		
3		C.M.A. 22/18(w) 9- modification of ad.			7.00		
4		Conn. 4184(w)-78 for & by of Revision	3-		7.00		
5		order for Seal	4-		-		
6		Bank entry	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 the aggregate value of Rs. that all orders have been carried out, and that the record is in order up to the date of the certificate.

Mun

C

X/3
11 V

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

(Lucknow Bench)

Writ Petition No. 184 of 1978

R.P. Katiyar Petitioner

8322
Vs.

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

I N D E X

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8. Annexure (6)	pages 31 to 32
9. Registered Address	pages 33
10. Vakalatname.	pages 34.

Subhas

23/8/78

Revolving
Counsel for the Petitioner Adcock

(3) *A* 14

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 9-8-1973, 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

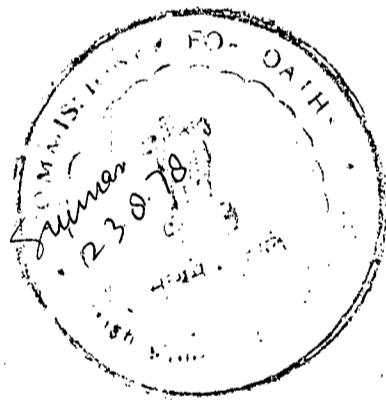


*R. D. Rai
for
1978*

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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 judgement 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
 Chirriri/catering/Bhag-11/Ka/Leese 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~~ 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.

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, Lucknew from 16-1-1978 to 11-8-78, joined the catering unit N.E. Rly, Jn. Lucknew, 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. Lucknew.
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~~ 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 held 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 malafide and is the outcome of partiality shown by the opposite party No. 3 to the detriment of the petitioner.
21. That since the 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 knot and the General Manager Gorakhpur A.V.C merger scheme will be rendered nugatory.
- 22(a) ~~not 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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for
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*Answered
Replies
for
16/11/84*

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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 ~~and~~ 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 ~~not~~ ^{no} 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 the General Manager embodied 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 right to the post as he was promoted on the basis of the test against clear ~~no~~ 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:-

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- (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 in Lucknow, and to refusing of the petition 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. 7th revised date of promotion from 26-8-75 and in the alternative from 12-5-78 with arrears of pay.

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It is declared
that the petition
is deemed to
have been

promoted to the
grade of Rs 330-560

for senior grade (iii)

W.E.F 26-8-75
accordingly his pay

be fixed in

the two grades of

Rs 330-560 for 23/8/78.

Senior Clerk

and Rs 425-700

for Head Clerk

W.E.F 26-8-75

and 1-1-84 respectively

and monthly pension

Together with other

retirement benefits

i.e., D.C.R.G

commutation pension

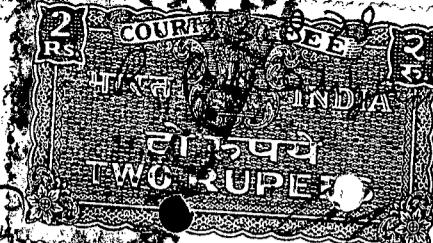
and leave encashment

etc., be fixed as

payment of arrears

thereof be made.

amended as per order
of the court
20-4-89
T. S. Ellyas
Advocate
28/5/89



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

(Lucknow Bench)

R.P. Katiyar .. Petitioner

Vs.

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

Writ Petition No.

of 1978

I, R.P. Katiyar, aged about 45 years son
of Shri Chunni Lal, r/o 10-F-2, Railway Colony
Badshahnagar, Lucknow do hereby solemnly affirm
as under :-

70 B78



1. That the petitioner is the deponent and is well conversant with the facts of the case deposed herein 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.P. 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.P. Katiyar
Deponent

I do now the
deponent do
hereby sign before
me.

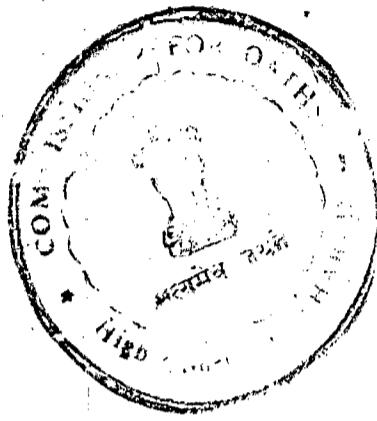
R.P. Katiyar
Advocate
23/8/78

(13)

(13)

Solemnly affirmed before me on 23.8.78
at 10 a.m./p.m. by the deponent Sri R. P. Kaliyar
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. Kaliyar

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 vs. Opp. Parties

ANNEXURE (1)

Reilly
Counsel for the Petitioner

23/8/78



R.P. Katiyar

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अनेकर न० (१)

पूर्वोत्तर रेलवे

संकार २१०। शप्तृतीय श्रौ०। कैटरिंग। माग-रा। कू-लूग। दिनांक २१-२-७८

पृष्ठक- महाप्रबन्धक (का०)

पूर्वोत्तर रेलवे। गोरखपुर।

सेवा में,

मण्डल अधीक्षक(वाणिज्य)

पूर्वोत्तर रेलवे, लखनऊ।

विषय- श्रीबालेश्वर नाथ श्रीवास्तव लिपक(खानपान) गोरखपुर।

संदर्भ- आपका पत्र संख्या बी०८८०। लिपक खानपान। उपाधिनाम १८ २१-१

७७।

इस संबंध में कृपया द०बी० सी० संबंधित शुद्धि पत्र सं० २४ जिसे इसकायाल्य के सं० ३०। २१०। १-४(१)। दिनांक २६-२-७५ (कृमसंख्या ३५६६) प्रतिलिप संलग्न का अवलोकन करें जिसमें कैटरिंग कल्की की द०बी० सी० मण्डल वाणिज्य अधीक्षक, कायाल्य के लिपकों की द०बी० सी० के साथ सम्बन्ध कर जारी करदी गई है। कृमसंख्या संबंध नामिकरण की गई है। कृपया इस संबंध में हसीके अनुसार आवश्यक कार्यवाही करने की व्यवस्था करें तथा यह भी सूचित करें कि जोस्त, १८७५ जब से यह शुद्धि पत्र जारी किया गया ऐसे मामलों पर क्या कार्यवाही की गई।

सलग नकारक।

हथा-

Mesanty

कृते- महाप्रबन्धक(का०)

For R.

(सत्यप्रतिलिपि)

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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

M. Katiyar
Annexure (1) & Part of Annexure (1)

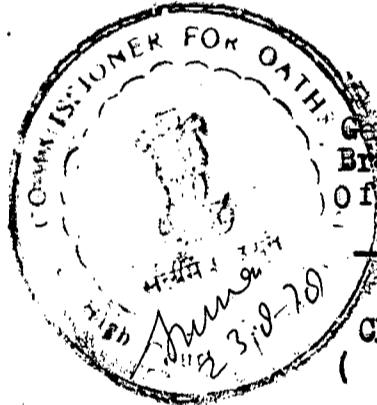
NORTH EASTERN RAILWAY.
CORRECTION SLIP NO. 24.
COMMERCIAL DEPARTMENT.

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

COMMERCIAL DEPARTMENT

MINISTRIAL STAFF.

(MINISTRIAL CLASS III STAFF)



General & claims Branch of C.C.S. Office	D. S. (G) Offices including catering clerk	Rates & Development Sec. of CCS's Office.
Clerk (IR) (260-400)	Clerk (IR) (260-400) (RS)	Clerk (IR) (260-400)
Seniority-cum- suitability	Seniority-cum- suitability	Seniority-cum- suitability
Sr. Clerk (330-560) (RS)	Sr. Clerk (330-560) /RS	Sr. Clerk (330-560) /RS
Seniority	Head Clerk (425-700) (RS)	Seniority
Head Clerk (425-700) (RS)	Head Clerk (425-700) (RS)	Head Clerk (425-700) (RS)
Selection.	Selection.	Selection
O.S. Gr. II (550-750)	O.S. Gr. II (550-750)	O.S. Gr. II (550-750)
Non-selection Office Supdt. (700-900) /RS.	Non-selection Office Supdt. (700-900) /RS.	Non-selection Office Supdt. (700-900) /RS.

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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 Dak 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, LZN, BSB, SPJ.
3) The Secretaries, N.E.Rly. Mazdeer Union, N.E. Rly. Employees Union (PRKS) / Gorakhpur.

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



True copy:
R. Chellappa
Addl. Secy.
Matale

Judhia 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.F. Katiyar Petitioner

Vs.

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

ANNEXURE (2)

Mukul Singh
Ratnayya Adcock
Counsel for the Petitioner



Annexure (2)

पूर्वोत्तर रेल्वे

कार्यालय आदेश

महाप्रबन्धक(का०)।गौरखपुर के पत्र सं०हीं।० २१०।१५।तृतीय ओपी।केटरिंग
मार्ग-११।क०।लूग दिनांक २१-२-७६ द्वारा प्राप्त ए० बी००सी० के आधारपर
इस मण्डल में खानपान विभाग में कार्यरत लिपिको (२६०-४००) कीवरीयता
को इस मण्डल कार्यालय के वाणिज्य विभाग के कार्यरत लिपिको (२६०-४००)
के साथ मिलाने के फलस्वरूप मिलीजुली वरीयता के आधारपर निम्नलिखित
लिपिको (२६०-४००) की जो स्थौर्यता परीक्षा में सफल घोषित किये गये
हैं, पुर लिपिक (३३०-५६०) के फू पर पदोन्नति कर के प्रत्येक लिपिक के सामने
लिखे हुए स्टेशनों पर पुर लिपिक (३३०-५६०) के रिक्त स्थान पर तैनात
किया जाता है ? -

1) - श्री मुहम्मदअहमद,लिपिक,जो खानपान निरीक्षक, गौरखपुर के अधीन
कार्यरत हैं को गौरखपुर से ही में खानपान निरीक्षक, गौरखपुर के अधीन
बोर्ड किया जाता है।

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

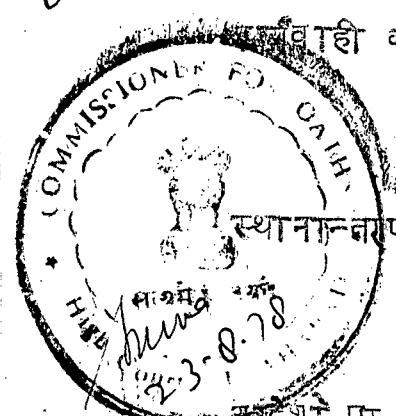
3) श्री आर०फी०कर्णियार,लिपिक, मन्डला कार्यालय (वाणिज्य) विभाग

लखनऊ को खानपान निरिक्षक, लखनऊ नं० के अधीन पौस्त क्याजाता है।

४४६ श्री जी० एस ऑफिसर, पुवरलिपक (३३०-५६०), कानपुर अन्वरखंज स्टेशन पर जहाँ पर लिपक का पद बेतनमान (२६०-४००) से स्वीकृत है, को स्थानान्तरित करके उसी पद तथा बेतनमान (३३०-५६०) से मण्डल कायांल्य लखनऊ के वैष्णव विमान में श्रीआर०पी०कटियार लिपक के स्थान पर पौस्ट किया जाता है।

५) श्री आर०प्पी० खरे फ्लिपक (२६० -४००) खानपान निरीक्षक, लखनऊ।
 ज० जो वहाँ पर सरप्लस हैं, को स्थानान्तरित करके उसी पद तथा बेतनाम
 में स्टेशन मास्टर, फ्लिपक, कान्सुर अन्वरशंग स्टेशन पर श्री जी० एस० चंपा ठी -
 (क० स० ४) के स्थान पर तैनात किया जवाब है।

क्र०सं० ४ तथा ५ यदि रेल आवास में रहते हो कार्यमुक्त होने की तिथि से १५ दिन के अन्दर खाली कर दो। ऐसा न करने पर उनके विरुद्ध प्रशासनिक कार्यवाही की जायगी।



कुमा०४ एवं ५ कोस्थानास्तरण भत्ता तथा अन्य

स्थानान्वयण लाभ देय है।

हस आदेश पर प०म०वा०अधी०का अन्मौदन पाप्त है तथा इन

आदेश पर तत्काल कार्यवाही की जावे।

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(वृत्ते - पण्डित अधीक्षाक (कार्यक्रमीक) लखनऊ

संज्ञा । इशा स्तुता । ती पक्षा उपूर्व लक्षणं । दनाक १२-५-१४७८
प्रतिलिपि स्मृत्युर्गम्य गवे अप्यन्तरं कर्त्तव्यं तदा । त्वं त्वं त्वं ।

१- प्रातालिप शून्यविद्या एव अवश्यक कायव हा हत्पादत
२- दात्पात्र निरीक्षा लक्षण अंतर्गत

੨- ਸ਼ੇਰਨ ਬਧੀਕਾਕ ਲੁਕਾਕ ਹੋ ਸਹੇ ਸੰਪਰਾਤ।

3. देशव भाषावाक्यान्वय अवलोकन

४- द्वैतीय अधीनकाग प्रेरणा

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५ - कायीलिय अधीकारक(वार्टिअज्य)कायीलिय में।

६ - मण्डल लेखा अधिकारी। लखनऊ।

७ - प्रधान लिपक(वित्त एवं मण्डार)

८ - फौल्डर स्वं पास लिपका कायीलिय में।

९ - संबंधित कर्मचारी।

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

११ - महाप्रबन्धक(वार्टिअज्य)। गोरखपुर को इस कायीलिय के पत्र सं०५०। १९ २८।

१५ वेटरिंग दिनांक। १६-३-७८ के क्रम में जो उनके पत्र सं०५१। प्रधा। रा। २८।१०। आ।

दिनांक। १०-२-७८ के उक्तर में आ।

सं०५०। अपठनीय

१२-५-७८

कृते - मण्डलअधीकारक(कार्मिक)। लखनऊ।

M. N. Mallick

(सत्यप्रतिलिपि)

True copy
M. N. Mallick
Advocate
High Court Commissioner
Lucknow Bench
M. N. Mallick

Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
LUCKNOW
No. 70 A/78
23.8.78

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

R.P. Satiyar petitioner

100

Divisional Superintendent N.E.R. like and
others .. Opp. parties

ANNEXURE (3)



Counsel for the petitioner

Reddyas Address

Alfredo

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8/24

Annexure (3) 2

अन्वेषण नं 3 ✓

पूर्वोत्तर रेल्वे

संकाता श १४। श (३):

कायलिय महाप्रबन्धक (कार्मिक)
गोरखपुर: दिनांक १८-३-५७।

विषय - श्री ईस० डी शराय, कल्की, को कंट्रिंग शाखा में रखने के
संबंध में।



श्री बी० बी० सिंह, कैटरिंग कल्की, लखनऊ जिनके विरुद्ध कैटरिंग डेविटाइचिक
हैं, को मण्डल वाणिज्य अधीक्षक कायलिय, लखनऊ में स्थानान्तरित किया
जाय तथा श्री ईस० डी० राय, कल्की, मण्डल वाणिज्य अधीक्षक कायलिय लखनऊ
को कैटरिंग शाखा से रोका जाय।

Sudhir Kumar
Advocate
OATH COMMISSIONER
Court Allahabad
Lucknow Bench
No 10/8/78
23.8.78

Munayyar
(सत्यपुर्तिलिपि)
Rasalbyar
Advocate

हो।

कृते - महाप्रबन्धक (कार्मिक)। ~~लखनऊ~~

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35 (24)
V/S
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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

ANNEXURE (4)



Roshan Ali
Counsel for the Petitioner

Roshan Ali

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✓/A

Annexure (4).

अनेकजर - ४.२

पूर्वोत्तर रेलवे

कायर्लिय महापबन्धक(का०)

गोरखपुर दिनांक २०-६-७८

सं० का। श १४। १६।

मण्डलाधीकाक(कार्मिक)

पूर्वोत्तर रेलवे,

लखनऊ।

विषय: एस०ड।०राय, लिपिक(२६०-४००)

सानपान विभाग, लखनऊ।

थ

संदर्भ - आपका पत्र सं०ह०। ११। र०३। लिपिक। ७५। दिनांक। १२-५-७८



Almaliya

उपरोक्त पत्र के संदर्भ में स्थित पर विचार कियागया और विभिन्न

न्यायाल्यरों के आदेश जो कैटरिंग विभाग के लिपिकों के संबंध में प्राप्त हुए हैं उनसे हनके बरीयता संबंधीन ही में जटिलता उत्पन्न होगई है।

पुनः विचार करने का निर्णय लियागया है और इसको अंतिम रूप देने में कुछ समयलाने की सम्भावना है। अतः मन्डल द्वारा जारीकीये गये कायर्लिय आदेश जिसके अनुसार कुछ वाणिज्य विभाग के कर्मचारियरों को पूर्व लिपिक के पक्के पर प्रदोन्नति देते हुए कैटरिंग अनुभाग में नियुक्त कियागया है उसे फिलहाल स्थगित करने का निर्णय लियागया है।

अतः आपको कायर्लिय आदेश सं०ह०। ११। र०३। लिपिक। ७५। दिनांक -

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। रो

१२-५-७८ से पूर्व की स्थिति कायम रखी जाय जो कर्मचारी लिपिक के पद पर कार्यरत थे। तथा इस कायलिय के पत्र सं०का। श १४। (ब) दिनांक ३-७-८८ द्वारा पारित आदेश को कायम रखा जाय। प्रतिलिपि संलग्न है।

उपरीक्त आदेश का अनुमोदन मुकाबिवेकतिरिक्त मुवाघि के द्वारा किया गया है।

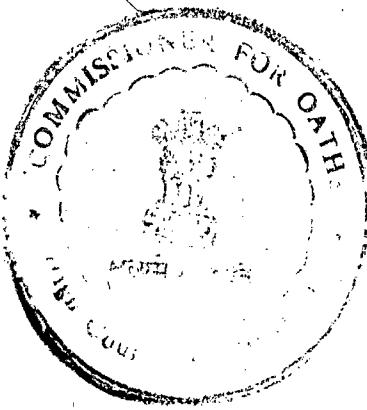
संलग्नका प्रतिलिपि।

४०-

Munshi (कृतेन्द्र हापन्धक) कामि क)
(सत्यप्रतिलिपि)

*Rabaliya
Advocate*

Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
LUCKNOW.
No 70 AD/0
23.8.78



(27)

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Annexure (4) Part 2

अनेकजरनं (4) Part

पूर्वोत्तर रेलवे

स०का। श १४। १५।

कायलिय महाप्रबन्धक(कार्मिक),
गोरखपुर दिनांक १८-३-७८।

मण्डल अधीक्षक(कार्मिक)

पूर्वोत्तर रेलवे,

लखनऊ



विषय- श्री स०डोराय, कलई, को कैटरिंग शाखा में खेलने
के संबंध में।

श्री बी०बी० सिंह, कैटरिंग कलई, लखनऊ जिनके विरुद्ध कैटरिंग का डेविट
अधिक है, को मण्डल वाणिज्य अधीक्षक कायलिय, लखनऊ में स्थानान्तरित

किया जाय तथा श्री स०डोराय, कलई, मण्डल अधिक वाणिज्य अधीक्षक, कायलिय
लखनऊ को कैटरिंग शाखा में रोका जाय।

ह०। -

Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
No 70/678
23.8.78

कृते - महाप्रबन्धक(कार्मिक) *लखनऊ*

M. M. Chaturvedi
(सत्यप्रतिपिप)

Robert Lyle
A. S. S. C.

A 339 (28) 1/9
X/9

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



ANNEXURE (5)

R. Bhattacharya
Counsel for the Petitioner Address

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YD
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SO

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. Kanodia
SCO (CR)

Office of the
GENERAL MANAGER (C)
GORAKHPUR.

DATED : 21/22-7-1976

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.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.



Ramchand

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Yours sincerely,

Shri R.A. Arya, Sd/- V.P. Kanodia
Sr. Divl. Comml. Supdt.
N.E.Rly/ Lucknow.

Abul Aliya

Done copy
Abul Aliya
Advocate

Abul Aliya
Advocate
BATH COMMISSIONER
High Court Allahabad,
LUCKNOW Bench
No 70878
23.8.78

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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/LIN.

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/LIN & GKP
- (2) Station Supdt./LIN & GKP
- (3) Station Master/CPA
- (4) Area Supedt./GKP
- (5) Office Supdt.(Commr) DS's Office/LIN
- (6) DAO/LIN
- (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.Supdt.(P)
LUCKNOW

Muniruzz
Im. Cpy.
Scallyas
Abdullah

Sudhir Kumar
Advocate
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench
LUCKNOW
No 70 2878
23.8.78

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Allahabad, Lucknow Bench.

MS. Petition No.

of 1978

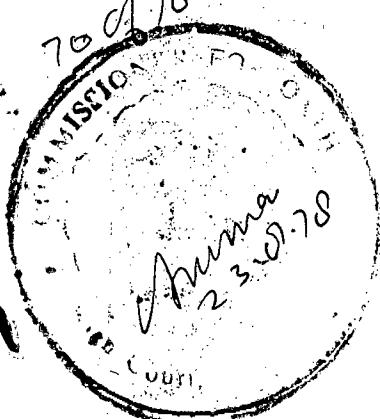
R.P. Katigar

.. Petitioner

Vs.

Divisional Superintendent N.E.R. Lucknow

and others .. Opp. Parties



ANNEXURE (61)

Abu abir

Reddy A.

Counsel for the Petitioner

A 33
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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. K. Dallys.

Lucknow Counsel for the Petitioner
23/8/78

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अनेकजर न० 3

पूर्वीत्तर रेलवे

सं० का/१/१५/१(छः)

मातृत्व अधीक्षक (कार्मिक)
प्र० न० ल०

कार्यालय महा प्रबन्धक (कार्मिक)
गोरखपुर : दिनांक १८/३/७८

विषय:- श्री स० डौ० राय, कर्क, को कैटरिंग शास्त्र मै रखने
के सम्बन्ध मै ।

=====

श्री छ० वी० सिंह कैटरिंग कर्क, लखनऊ जिनके विरुद्ध

कैटरिंग डेविट अधिका है, को मण्डल वाणिज्य अधीक्षक कार्यालय
लखनऊ मै स्थानान्तरण किया जाय तथा श्री स० डौ० राय कर्क, मण्डल
वाणिज्य अधीक्षक कार्यालय लखनऊ को कैटरिंग शास्त्र से रोका जाय ।

ह०

कृते:- महा प्रबन्धक (कार्मिक)

(सत्य प्रतिलिपि)

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

R.P. Katiyar Petitioner
Vs.

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

Annexure (5)

North Eastern Railway

V.P. Kanodia
SCG (CR)

Office of the
GENERAL MANAGER (C)
GORAKHPUR.

Dated 21/22.7.1978

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 Sarvashri V.B. 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 persons and few others who joined alongwith them in the Catering Branch are claiming to be Asstt. Managers 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 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 furtherclarification would be required.

Annexure (6)

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REMARKS

In terms of G.O.(P) GM's letter No.3/1/15/I(VI), dated 20.6.1978 and Last No. of even number dated 21/8/7/78, it is retained in the same city in the same Unit.

This is issued in supersession of his office order No.3/II-1/283/Clerk/75-78, dated 12.5.78.

This has approval of DS/100.

SD/-
For Superintendent (P)

No.3/II-1/283/Clerk/75

Dated 11.8.78

Copy forwarded for information and necessary action to -

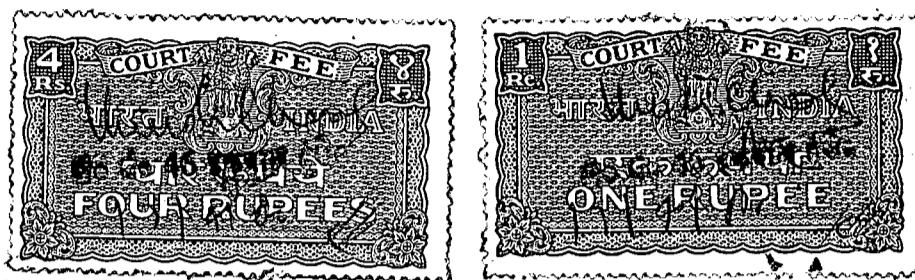
- (1) Catering Inspector/DS & GKP
- (2) Station Supdt./DS & GKP
- (3) Station Master/CFA
- (4) Area Supdt./GKP
- (5) Office Supdt.(Comal) DS's Office/DS
- (6) DS/100
- (7) FC/Bills
- (8) GM(P)/GKP in reference to his letter No.under reference.
- (9) Sri S.D.Rai Waiting for duty in office.

SD/-
For Divl.Supdt.(P)
LUCKNOW

3

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

Lucknow Bench, Lucknow.



C. M. Appln. No. 2210 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.

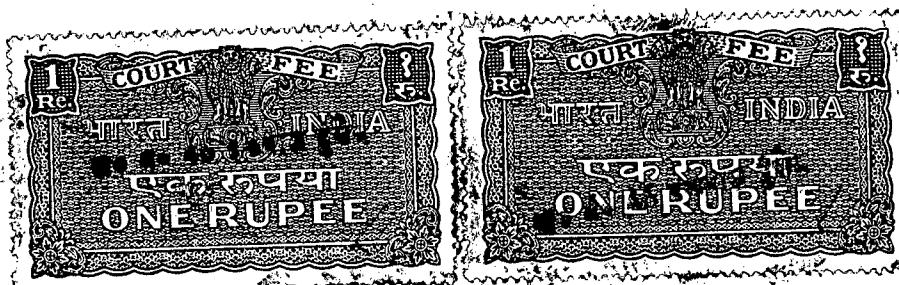
Lucknow Dated:

April 7, 1980.

Counsel for the applicants.

A 3/7/89

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



C. Misc. Appln. No. of 1980.

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

In re:

Writ Petition No. 1841 of 1978

R.P. Katiyar. Petitioner.

Versus

Divisional Superintendent, N.E.R., Lucknow & others.

Opp. Parties.

AFFIDAVIT

26/9/80
8-4-80
I, N.G. Pandalai, aged about 49 yrs, son of
Late Sri Ravi Varman ~~Pandalai~~ ^{Thampur}, 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

*N.G. Pandalai
Sub.*

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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.

*Court
8-9-80*
5. That on 23.8.1978 the petitioner submitted ~~to his superior~~ ^{i.e.,} ~~in~~ the Catering Inspector ^{on 23rd Aug} about his illness ~~and~~ ^{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~~ ^{on} ~~leave to be granted to him on 23rd and 24th August 1978.~~
~~A copy of the application~~ ^{on} ~~is being filed~~ ^{on} ~~herewith as Annexure 1 to this affidavit.~~ ^{on} ~~sub~~ ⁸⁻⁹⁻⁸⁰

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.

*T. J. Narwal
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 ~~for~~ ^{to} for the Indian Railways, the reversion order passed against the petitioner became effective from the date of its issue. Rule 2045 reads as under:-

*Chandru
8-4-80*

"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 fulfil the condition of the stay order subject to which the stay order was granted, the petitioner stood reverted from the post of Senior

*T. J. Manohar
Supt*

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X/2

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

as till
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.G. 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
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.

*Chand
8-4-80*

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.

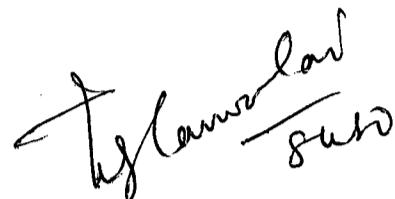
14. That as already stated above, the stay
 order dated 29.8.78 was a conditional stay order
 and the petitioner did not fulfil the condition of the
 stay order at the time of its grant and the petitioner

*W. Lawrence
Supt.*

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cannot treat himself as senior clerk in the Catering ~~the~~
Department.

15. That the Annexure C-1. is a true copy
of which has been compared with the original on
the ~~as~~ by the deponent.



Lucknow Dated:

April 7, 1980.

Deponent.

I, the abovenamed deponent, do hereby verify
that the contents of paragraphs 1 ~~and 15~~
of this affidavit are true to my own knowledge,
those of paras 2 to 11, ~~are~~
are true to my information derived from the records
which are believed to be true by me. ~~and~~
and those of paras 12 to 14 ~~are~~ are based on
legal advice. No part of it is false and nothing
material has been concealed, so help me God.

Lucknow Dated

April 7, 1980.



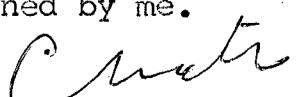
Deponent.

I identify the deponent who has
signed before me.



Advocate.

Solemnly affirmed before me on 8-4-80
at 2-25 a.m./p.m. by N. G. Pandalai
the deponent who is identified by Sri Venesh 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.



विजय चंद्रा (Sri Venesh Chandra)

8-4-80

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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

Lucknow
Divisional Supdt., N.E.R. Gurukul and others.

an
Annexure C-1.

To

16/80
The Divisional Supdt., R.N.E.Railway,
Lucknow.

SS
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.

8/4/80
C. Katiyar
Sir,

The applicant most humbly beg to state the
following for favourable and sympathetical 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 MO/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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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

*C. M. S.
Aug 4-80*

*T. C.
T. M. S.
Aug*

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to approach your honour 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.

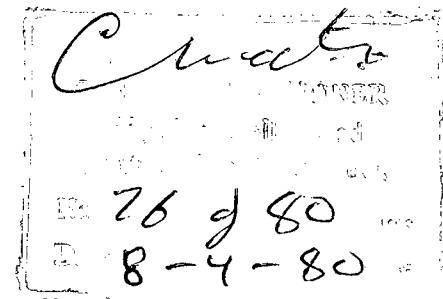
Thanking you,

Yours faithfully,

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

Dated 6.11.78.

*Subhawar
gws*



AS
1/6

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. 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:-

चान्दोली कामक अधिकारी

पूर्वोत्तर रेलवे, लखनऊ

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.

True copy
राज्य संसदीय विधान सभा /
पूर्वोत्तर रेलवे, लखनऊ

✓

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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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.

Shankar
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Shankar
26/2/78

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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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

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सहायक अधिकारी /
प्रबोच्चर लेवे, जालनड

My
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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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 ~~xxx~~ that since the General Manager (P) vide his letter dated 20.6.1978 directed that status quo prior to May 78 should be maintained, the promotion order dated 12/5/78 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 telephone message from Senior

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Shankar
प्राप्ति-प्राप्ति अधिकारी,
रेवे, तमन्त

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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 11.8.78 and mentioned therein that it was issued in supercession to the office order No.E/11/283/Clerk/78 dated 12.5.78. 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.

True copy
[Signature]
चहायक कानूनी अधिकारी /
पर्याप्त रूपादेश, लखनऊ

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

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 are 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.

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 अधिकारी
 विविध विभाग, ग्राम पंचायत


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 issuing the office order dated 11.8.78.

20. That in view of the position already explained in forgoing 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 exhaustd 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 thenecessary 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 iss-ued.

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

Lucknow Dated

Feb. 9, 1979

Deponent.

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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
.....
..... are true to my information derived from the records and those of paragraphs
..... 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 ~~xx~~ who has signed before me.

Advocate.

True copy
[Signature]

एकांक कानूनी अधिकारी /
प्रधान न्यायालय, लखनऊ

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 understoods the contents of the affidavit which has been read out and explained by me.

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इन दि हाई कोर्ट आफ जूडिकेवर एट इलाहाबाद

एनेक्वर नं० "ए-१"

इन

सिविल मिसलेनियस रिट पेटिशन नं० १८५१ आफ १९८८

आर० पी० कटियार पेटिशनर

बनाम

डिवीजनल स्ट्रीटेन्डेन्ट, नर्थ इस्टर्न रेलवे,

आदि के अ०० पार्टीज

True copy

लहायक डिस्ट्रीक्ट अधिकारी /
पर्वतर रेलवे, लखनऊ

पूर्वोत्तर रेलवे,

कार्यालय अदेश

इस कार्यालय अदेश सं० ई/११/२८३/लिपिक/७५, दिनांक

११०८०७८ में आश्रित स्ट्रीटिंग करते हुए निम्नलिखित रिवरसन, स्थानान्तरण व तैनाती अदेश जारी किए जाते हैं जो तत्काल प्रभावी होंगे :-

१०. निम्नलिखित स्थानापन्न प्रवर लिपिक ३३०-५६० को जूनियर लिपिक २६०-४०० के पद पर रिवर्ड करके सामने अंकित देशन पर प्राप्त किया जाता है :-

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

2. श्री मोहम्मद अहमद जो
छान पान निरीक्षक/
गोरखपुर के अधीन कार्यरत
है।

3. श्री आर०षी० कटियार
जो छान पान निरीक्षक
लखनऊ, ज० के अधीन कार्यरत
है।

उनको छान पान निरीक्षक लखनऊ
ज० के अधीन पोस्ट किया
जाता है।

उनको छान पान निरीक्षक
गोरखपुर के अधीन पोस्ट
किया जाता है।

उनको मण्डल कार्यालय के
वाणिज्य अनुभाग में पोस्ट
किया जाता है।

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

3. श्री आर०षी० छे, लिपिक, छान पान निरीक्षक, लखनऊ
ज० जिनका स्थानान्तरण देशान मास्टर लिपिक के पद पर
क०० अनवर ब गंज क्र० स० २ के स्थान पर किया गया था को अब
इस कार्यालय के वाणिज्य अनुभाग में एस० डी० राय० लिपिक के

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लिपिक देशान अधिकारी/
पर्सनल रेजिस्टर, लखनऊ

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स्थान पर पोस्ट किया जाता है।

इस आदेश पर मण्डल अधीक्षक का अनुमोदन प्राप्त है।

₹0/-

मण्डल अधीक्षक श्रूकार्मिक, लखनऊ।

सं० ई/एस०डी०राय/लिपिक/78 दिनांक 21.8.78

प्रतिलिपि सूचनार्थी के तथा आवश्यक कार्यवाही हेतु प्रेषितः-

1. उमान पान अधीक्षक/लखनऊ ज० एवं गोरखपुर।
2. स्टेशन अधीक्षक/लखनऊ ज० एवं गोरखपुर।
3. स्टेशन मार्गर कानपुर अनवर गंज।
4. क्षेत्रीय अधीक्षक/गोरखपुर।
5. कार्यालय अधीक्षक वार्षिक्य।
6. प्रधान लिपिक, बिल कॉम्पनी लर तथा भैंडार।
7. महाश्रबन्धुक श्रूकार्मिक गोरखपुर को उनके पत्र सं० का/१/१५/१/७४ दिनांक 20.6.78 को संदर्भ में।
8. एस० सी० ओ० श्रूकार्मिक, पान गोरखपुर उनके डी०बो० सं० कार्मिक १/१५/१/७४ दिनांक 21.22.78।
9. सम्बन्धित कर्मचारी।

₹0 अपठनीय

21/8

कृते मण्डल अधीक्षक श्रूकार्मिक, लखनऊ

₹0 अपठनीय

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.

True copy
Shashikant
नहायद कालिकारी
पूर्वोत्तर रेलवे, लखनऊ

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.

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

Yours sincerely

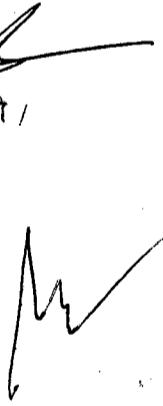
Sd.

V.P.Kanojia

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

True copy.

राजपद अधिकारी
पूर्णितर रेलवे, लखनऊ



इन दि हाई कोर्ट आफ जूडिकेवर एट इलाहाबाद

एनेक्वर नै० "ए-३"

३८

सिविल मिसलेनियस रिट पेटिशन नं० १८४१ आफ १९८८

आर० पी० कटियार ০০ ০০ ০০ পেটিশনৰ

ଅନ୍ତର୍ମାତ୍ର

ਡਿਕੀਜਨਲ ਸ਼੍ਰੀਟੇਨਡੇਨਟ, ਨਾਥ ਇਟਨ ਰੇਲਵੇ,

आदि अपौर्व पार्टीज

कार्यालय अदिशा

महा प्रबन्धक रुका०/गोरखपुर के पत्र से० ६/२१०/१५ तृतीय
खेज पी/केटरिंग/भाग-११/३, दिनांक २१.२.७८ द्वारा प्राप्त
ए०बी०सी० के आधार पर इस मण्डल में खान पान विभाग में
कार्यरत लिपिको० ₹२६०-४०० की वरीयता को इस मण्डल कार्यालय
के वाणिज्य विभाग के कार्यरत लिपिको० ₹२६०-४०० के साथ
मिलाने के फलस्वरूप मिली जुली वरीयता के आधार पर निम्नलिखित
लिपिको० ₹३०से० । से ३४ ₹२६०-४०० को जो सुधोग्यता परीक्षा
में सफल घोषित किए गए हैं, प्रबार लिपिक ₹३३०-५६० के पद पर
पदोन्नति कर के प्रत्येक लिपिक के सामने लिखे हुए देशनो० पर

प्रवर लिपिक ३३०-५६० के रिक्त स्थान पर तैनात किया जाता है :-

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

2. श्री विद्या भूषण सिंह, लिपिक छान पान निरीक्षक, लखनऊ स० को छान पान निरीक्षक, लखनऊ ज० के अधीन तैनात किया जाता है।

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

4. श्री जी० एस० क्रिपाठी, प्रवर लिपिक ३३०-५६०, कानपुर अनवर गंज, स्टेशन पर लिपिक का पद वेतनमान २६०-४०० में स्थीकृत ४ को श्वसान्तरित करके उसी पद तथा वेतन मान ३३०-५६० में मण्डल कार्यालय लखनऊ के बाणीज्य विभाग में श्री आर० पी० कटियार लिपिक के स्थान पर पोस्ट किया जाता है।

5. श्री आर० पी० छोरे, लिपिक २६०-४०० छान पान निरीक्षक,

True copy

महानिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

लखनऊ ज० जो वहाँ पर सरचलस है को स्थानान्तरित करके उसी पद
तथा वेतन मान में स्टेशन मास्टर, लिपिक, कानपुर अनवर गेज
स्टेशन पर श्री बी० एस० त्रिपाठी रु००८०-४५५ के स्थान पर तैनात
किया जाता है ।

रु००८०-४ तथा ५ यदि रेल आवास में रहते हैं । कार्यमुक्त
होने की तिथि से १५ दिन के अन्दर छाली कर दें । ऐसा न करने
पर उनके विरुद्ध प्रशासनिक कार्यवाही की जाएगी ।

रु००८० ४ एवं ५ को स्थानान्तरण भत्ता तथा अन्य
स्थानान्तरण लाभ देय है ।

True copy
[Signature]
धर्मायक अधिकारी
पूर्णस्तर रेलवे, लखनऊ

इस अदेश पर प्र० म० व० अधी० का अनुमोदन प्राप्त है
तथा इन अदेशों पर तत्काल कार्यवाही की जावे ।

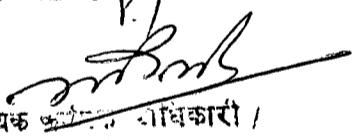
८०

कृते मण्डल अधीक्षक शुकार्मिकू/लखनऊ
सं० ६/११/२६३/लिपिक/७५-लखनऊ दिनांक । २०५० । १९७८

प्रतिलिपि सूचनाथि एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- १० छान पान निरीक्षक, लखनऊ ज० तथा गोरखपुर ।
- २० स्टेशन अधीक्षक/लखनऊ ज० एवं गोरखपुर ।

3. स्टेशन मास्टर/कानपुर अनवरगंज ।
4. क्षेत्रीय अधीक्षक गोरखपुर ।
5. कार्यालय अधीक्षक श्रीवाणि अज्यू कार्यालय में ।
6. मण्डल लेखा अधिकारी/लखनऊ ।
7. प्रधान लिपिक श्रीबिल एवं भाडार ।
8. फोल्डर एवं पास लिपिक/कार्यालय में ।
9. सम्बन्धित कर्मिवारी ।
10. महा प्रबन्धक श्रीकांगुली/गोरखपुर को उनके उक्त पत्र के संदर्भ में ।
11. महा प्रबन्धक श्रीवाणि अज्यू गोरखपुर को इस कार्यालय के पत्र सं0 ई/11/283/15/केटरिंग दिनांक 16.3.78 के क्रम में जो उनके पत्र सं0 सी0/57/2/29/सी0आर0 दिनांक 10.2.78 के उत्तर में था ।

True copy

लक्ष्मण कांडा अधिकारी
पर्यातक रेलवे, लखनऊ

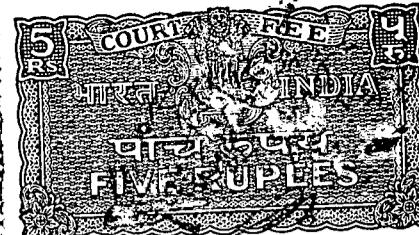
ह0 अठनीय

12.5.78

कृते मण्डल अधीक्षक श्रीकांगुली, लखनऊ

ह0 अठनीय

12/5



12 MS 57/4

M. 1978

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

(Lucknow Bench)

Mise. Application No. 4184 (W) of 1978

In

Writ Petition No. 1041 of 1978

R.P. Katiyar aged about 43 years son of Shri Chunni Lal r/o 10-F-2 . Railway Colony, Badshahnagar, Lucknow.

Versus

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

... ... 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

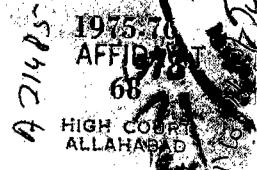
as the petitioner in duty bound will ever pray, or the opposite parties may be restrained from reverting the petitioner

Lucknow

23-8-78

Counsel for the Petitioner.

2818128



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

Mise. Application No.

of 1978

In

Writ Petition No.

of 1978

R.P. Katiyar

..

Petitioner

Vs.

Divisional Supdt. N.E.R. like and

others ...

Opp. Parties

AFFIDAVIT

in support of stay application

I, R.P. Katiyar aged about 48 years
son of Shri Chunnilal 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 malafide 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.



A
3
4
3
8/9

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. 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, so help me God. *R. Katiyar*

Deponent

I, know the deponent who has signed before me.

F. Ilyas
Advocate 23/12/78.



Solemnly affirmed before me on 23. 12.78
at 1-15 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.

Guru Nanak Kumar
Advocate
SILVER
OATH
SINGER
Allahabad,
Bench
23.12.78

no 710678
23.12.78

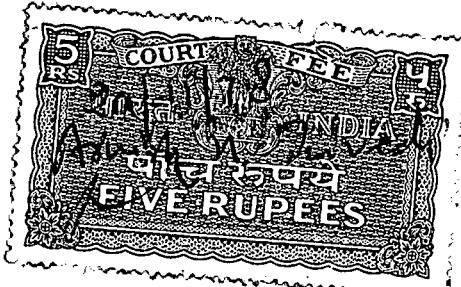
In the Hon'ble High Court of Justice
at Allahabad & Ujjay at Lucknow
ब अदालत श्रीमान महोदय

बादी मुद्दई

प्रतिवादी (मुद्दाभलेह)

का

वकालतनामा



W.P. 1841 - 70

12 M 8

20/11/20

बादी (मुद्दई)

बनाम

प्रतिवादी (मुद्दाभलेह)

ने मुकदमा सन १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Ashish N. Trivedi

Advocate

एडवोकेट महोदय
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं हस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया 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 मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया रूपया 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 अवै

ACCEPTED
Ashish N. Trivedi
Advocate

हस्ताक्षर

20. ३०८. २०१८ का

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

20th

महीना

Nov

सन १९१८, ई०

Stockist :—R. B. Srivastava (Munn)

Stamp Vender Civil Court

Kundji Rakabganj, Lucknow-4

NS/CCS

VAKALATNAMA

In the Central Administrative Tribunal
Allahabad

Before
in the Court of

Transfer Application No 308 of 1987 (T)

Plaintiff R. P. Katiyar

Claimant
Appellant

Defendant

Versus

Defendant Divil Supdt & Others

Petitioner
Respondent

Plaintiff

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

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 money; 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

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-84850400-8000-4 7 84

(A. Tete)
Designation of the Executive Officer
By chief personnel officer
North Eastern Rly
Gorakhpur

Before
In the Court of

VAKALATNAMA

A
OYThe Central Administrative Tribunal
Allahabad BenchX
X

Reg. No. 308 of 1987

R. P. Katiyar - Applicant

Versus

Divisional Supdt. NERly, Lucknow & Other - Resp.

I/We A. Mithal, Div. Rly. Manager, NERly, Lucknow and Jai Narain, Sr. Div. Comwl. Supdt., MBRly, 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/Application/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.....

..... day of 198..
..... (Signature)

(Jai Narain)

श्रीराम मंडल वाणिज्य अधीक्षण
पूर्वोत्तर रेलवे
लखनऊ..... (Signature)
..... (A. Mithal)
Divisional Railway Manager
I. R. R. Lucknow

NS/CCS

VAKALATNAMA

Before
in the Court of

The Central Administrative Tribunal
Circuit Bench Lucknow
T.A.W. 308/87 (C)

Plaintiff
Defendant

R. P. Katigar

Claimant
Appellant

Defendant
Plaintiff

Union of India & Others Respondent

Petitioner

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

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-84850400-8000-4784

Designated Executive Officer,
प्रधान सचिव, अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

Accepted
Harmondy
24/5/88

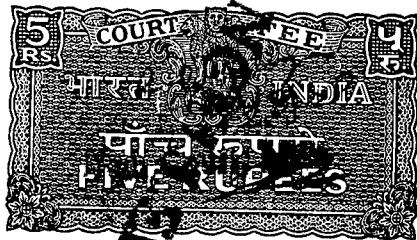
व अदालत श्रीमान्

महोदय

वादी अपीलान्ट

का।
प्रतिवादी रेस्पान्डेन्ट

वकालतनामा



R. V. Kalyan

वादी (मुद्रई)

इनाम

दिनांक १५.८.१९८० प्रतिवादी (मुद्राभलेह)

न० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Abdul GajA. G. Khan १२.८.१९८०

S. A. R. Khan एडवोकेट

महोदय
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुलहनामा 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 हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा 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।

ताम्र अदालत
मुकद्दमा
न० नामकरीकरन

हस्ताक्षर

साक्षी (गवाह)

R. K. Srivastava

साक्षी [गवाह]

दिनांक

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महीना

सन् १६ ई०