

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE T.A. 387 OF 87 W.P. No 1492/79

NAME OF THE PARTIES.....

Ramesh Chandel

Applicant

Versus

U. O. Smelia & others

Respondent

Part A, B & C

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CERTIFICATE

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

Dated.....15-3-2011

Counter Signed.....

Section Officer In charge

Signature of the
Dealing Assistant

Checked on
31-1-12
2012

Spec destroyed on 09-5-12


CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

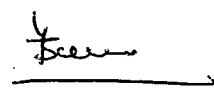
FORM OF INDEX

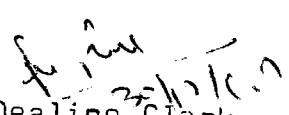
O.A./T.A./R.A./C.C.P./ No. 387-----1987
(W.P. 1472-79)

PART -I

- | | | |
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| 1. | Index Papers | :- 1 to 2 |
| 2. | Order Sheet | :- 3 to 33 |
| 3. | Any other orders | :- — |
| 4. | Judgement | :- 34 to 37 |
| 5. | S.L.P. | :- — |


Dy. Registrar


Supervising Officer


Dealing Clerk

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

NIL

Dealing Clerk

V.K. Mishra

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE 24.387 of 19 810

NAME OF THE PARTIES Ramesh Chand

Applicant

Versus

Union of India

Respondent

Part A, B & C

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2	<u>C. file</u>	C 155 to C 162

2/19/11

(3)

7A. 387/87(7)

no adjournment, in any, event shall
now be granted to the parties.

A
4

De
J.M.

8.10.90

Mo Sattip Adl to 22.11.90

No supplementary
affidavit filed
S.F.H.

22/11/90

Hon Mr. Justice K. Math, re.
for Mr. M. in brief, Am.

MP 495/90
filed today
L
23/11/90

Put up for orders

on 13/12/90.

M. in brief
Am. re.

OR

re the
order was filed
M.P. 499/90
for restoration
S.F.O.

13.12.90

Case not reached adj. to
to 7.1.91.

L
21/11 ✓ 21/11/90

7-1-91

Hon Mr. DK. Agrawal, J.M.
Hon Mr. K. Jayaram, J.M.

Q
BOL

Shri P. Sankararam appears for applicant

M.P. 499/90 was moved by Shri DK Jayaram,
counsel for the Local Administration for setting
aside - the ex parte order dated 25-7-90. The fact
was that this transferred application was disposed of
on merits vide judgment & order dated 25-7-90.
Thereafter, the above M.P. was moved on 24-8-90.
None appears to oppose this application. However,
we have considered the contents of M.P. and
perused the record on perusal of record

श्री (P) 499/90
7-1-91

P to

(5)

TA 387/ST(T)

we find that the judgment was delivered on merits. There, ~~not~~ exists no ground for setting aside ~~ex parte~~ orders. The same is liable to be dismissed, and therefore, is dismissed.

A
S

Before we part, we may mention that the order sheet in this case has been carelessly prepared; in as much as once the judgment was delivered on 25-7-90, it should have been mentioned in the order ^{sheet} accordingly and the file of the T.A. closed. On receipt of the misc. Petition, a separate order sheet should have been prepared indicating that the T.A. has been closed and the M.P. is for setting aside the judgment & orders.

A.M.

He

J.M.

Order Sheet

TA. 387107

(6)

28.8.89 Hon G.S.S / K. Obeyya.

Due to lawyers strike case is
adjourned to 19.9.89 for hearing.

(A)
C

Boc

for son

30/8/89 OR

From the order sheet it is
clear that this case was transferred
to Circuit bench Lucknow vide D.R.'s
orders dt. 12-4-89. It seems that this
case has returned here with the other
cases of re-hearing in which Hon'ble D.S. Mura-
-AM has ordered for re-hearing after
reserving the judgement.

The case is being retransmitted
to Circuit bench, Lucknow.

R

OR
This case has been
recd. on 4.9.89.
Submitted for order
for re-hearing.

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

lv
18/8

19-9-89

Shri P. Sundaram, Counsel for the
applicant is present.

None is present for the respondent.

List this case on 15-11-89 for hearing.

Let notice to Respondent's Counsel be
given for the above date.

dy
J.M.

OR
noted
25/9/89

(SNS)

15-11-89 No Sitting. Adj. to 10.1.90
Both Parties are present.

lv
12/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUGANO.

O.A./T.A. No. 387 1987 (T)

(A)
7

Ramesh chandra

Applicant(s)

Versus

W. O. I. Sars

Respondent(s)

Sr.No.	Date	Orders
	24.10.88	<p><u>Hon. D.S. Misra, AM</u></p> <p>On the request of counsel for applicant case is adjourned to 24.11.88.</p> <p><i>Insb</i> 24.10.88</p>
	24.11.88	<p><u>Hon. D.S. Misra, AM.</u> <u>Hon. G.S. Sharma, JM.</u></p> <p>On the request of the learned Counsel for the respondents Shri A.K. Gaur put up this case on 25.11.88.</p> <p style="text-align: center;">} <i>J.M.</i></p> <p style="text-align: right;">} <i>AM.</i></p>
	25/11/88	<p><u>Hon. D.S. Misra-AM.</u> <u>Hon. G.S. Sharma-JM</u></p> <p>Shri Shadram Pee for the applicant - is present and heard. None is present for the respondents. Judgment reserved.</p> <p style="text-align: center;">} <i>J.M.</i></p> <p style="text-align: right;">} <i>AM.</i></p>

(10)

ORDER SHEET

OFFICE REPORT

An application has been filed in this Tribunal for transferring the case No. 1887/87(A) of 19. to the Circuit Bench Lucknow.

A.
S.

E-8 approved, 26th April 1988 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the notice may be sent to the parties counsel.

PK Sn' List this case on 26th April 1988 at before Circuit Bench Lko for hearing.
DR.

cb-4-000.

Hon. S. Zaher Hasan, V.C.
Hon. Ajay Johri, Jm.

The applicant in person is present. His counsel has not come. Put up this case on 26-5-88.

31
Am.

V.C.

Am.

26.5.88

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

None is present in this case. Issue fresh notices to the both parties fixing 20.7.1988 for hearing.

Am
26.5.88
my

Jm

आदेश पत्रक
ORDER SHEET

आ० अ० अ-18
I. A. T-1

(A)
9

अपील
निर्देश आवेदन रजिस्टर में सं०

T.A. No. 387-87

No. in Reference Application
Appeal Register

W.P. 1492-79

Ramesh Chandra
Vs

Union of India.

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

बनाम

प्रत्यर्थी

Appellant
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

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

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

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

Office report

W.P. No. 1492-79 has been received
on transfer from Hon'ble High Court. H.O.

W.P. is Admitted.

Counter Affidavit has been
filed. R.A. not filed.

Notices issued to both the
parties fixing 17.9.87 by regd post.

No undelivered regd cover
have been return back.

Submitted for orders

Jen
15/9/87

Central Administrative Tribunal
Circuit Bench Lucknow.

T.A.NO. 387 of 1987 (T)

(W.P.NO. 1492 of 1979)

Ramesh Chand

Applicant

Versus

Union of India

Respondents

Hon'ble Mr.D.K.Agarwal, J.M.

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

Dated: 7. 01. 1991.

MP 499/90 was moved by Sri A.K. Gaur
Sri P.Sunderam appears for applicant, counsel for
Railway Administration for setting aside the ex-parte
order dated: 25.7.90. The facts are that this transferred
application was disposed of on ^{merits} ~~merits~~ wide judgement
and order dated 25.7.90. Thereafter, the above M.P.
was moved on 24.8.90 None appears to press this application
However, we have considered the contents of M.P. and
perused the record on perusal of record we find that the
judgement was delivered on merits. There, exists no
ground for ^{setting} ~~setting~~ aside exparte order. The same is liable
to be dismissed, and therefore, is dismissed. ^{sheet}
Before we part, we may mention that the order, ^{that}
in this case has been carefully prepared, ⁱⁿ ~~as~~ much as
once the judgement was delivered on 25.7.90, it should
have been mentioned in the order sheet accordingly and
the file of the T.A. closed. On receipt of the M.P.,
a separate order sheet should have been prepared indicating
that the T.A. has been decided and the M.P. is for setting
aside the judgement ~~and~~ order.

Sd/-
A.M.

Sd/-
J.M.

// True Copy //

R.S.M.

(Mohd. Umar Khan)
Court Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1492 of 197 9
Ramesh Chandra vs. Union of India

11/1
A-30

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
22-6-75	Sh. ues J. Issue notice 2nd week of August 75 Sh. ues J.	
	N.S.P. vs. 163 B.S. Singh Regd. petition W.P. No. 1717 of 75 for filing C.H. etc.	
	12/7/75	
16-7-75	17.8.75 for 2nd week	By court 2nd week of 17.8.75
23-8-75	Wait for orders Hon. H.S.J. Hon. M.S.J.	17/8
	No time left adjourned B.O. etc.	
28-8-75	Wait for orders Hon. H.S.J. Hon. M.S.J. No sitting Adjourned	

18.8.75
 28/8/75

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 1492 of 1979

11/2
A-2
21

Date	Note of progress of proceedings and routine order	Dated of which case is adjourned
1	2	3
21-9-79	Wait for orders. Hon. M. S. J. Hon. M. S. J. S.O. 21-9-79	
27-9-79	Wait for orders. Hon. T. S. M. J. Hon. J. H. J. Hon. M. S. J. S.O. 27-9-79	
6-10-79	Wait for orders. Hon. M. S. J. Hon. J. H. J. S.O. 6-10-79	
12-10-79	Wait for orders. Hon. M. S. J. Hon. V. S. J. S.O. 12-10-79	
18-10-79	Wait for hearing. Hon. M. S. J. Hon. V. S. J. S.O. 18-10-79	

11/3
A 32

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
W.P. No. 1192 of 1979

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
22-11-79	Writ for hearing. Hon. H.S.J. Hon. Mathur, S.D.	
28-11-79	Writ for hearing. Hon. Mathur. Hon. Varma, S.D. 28.11.79	
4-12-79	Writ for hearing. Hon. Goyal, Hon. Mathur.	
	Admit. Search, notice has been given to opposite party 1 to 3 to show cause why the writ petition be not admitted. That notice has already been served upon the opposite parties. Accordingly, the petitioner will now be required only to submit notice and	

11/4

(21)

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1492 of 198 75

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
11-8-81	Service Report on Govt	
	<p>of No 1 - Represented through Counsel</p> <p>of No 2 & 3 - Page cover not returned back as yet</p> <p>Detained by 148</p> <p><i>[Signature]</i></p> <p>Seen service report dt. 11-8-81.</p> <p>of 1 & 4 represented by counsel.</p> <p>Service of of 5, 2 and 3 deemed sufficient under Chapter VIII rule 12, the rules of the court.</p> <p>office to proceed.</p>	
	<p><i>[Signature]</i></p> <p>12-8-81</p>	<p><i>[Signature]</i></p> <p>12-8-81</p>

Op. An 9291 (w) & u for stay
 Han. B. Kumar, J
 List along with the record.
 Sd/- B. Kumar
 3.9.81

Op. An 9819 (w) & u for stay
 Han. Sha. J
 List with record next week
 Sd/- DN. Sha
 13.9.81

ORDER SHEET (23)

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WP No. 1492 of 1989

vs.

11/11/89
A/84

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
11-11-84	Fixed in case An 9291 (ws 84 and case An 9819 (ws 84 for orders Hon S.S.A. S Stayed for two weeks on the request of Sri S.H. Nagari And list before some other Hon Judge. 14.11.84	Ch. An. Single by of
12-84	Fixed in case An 9291 (ws 84 and case An 9819 (ws 84 for orders 1036 case An 1492 (ws 85 for stay Hon S.S. Ahmad, J Hon B. Kumar, J Dis. up with record in the week commencing on 25th Feb. 85. Sd/- SSA Sd/- B. Kumar B. 23r	Ch. An. Single After Two weeks MB Hon S.S.A. J
26-2-85	Fixed in case An 9291 (ws 84 9819 (ws 84 and 1036 (ws 85 for orders Hon B. Kumar, J	Ch. An. Single

high in the week commencing on 11th March '85 as prayed by Sri Nagari.

28-2-85

ORDER SHEET

IN THE HIGH COURT JUDICATURE AT ALLAHABAD
1492 No. 1492 of 1987
25

11/6
A-2
OS

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
18-4-88	<u>Hon P. Dayal</u> Sr. L. H. Nagri Advocate says that he has been conducting the case for the applicant and his name has not been listed. Therefore he could not prepare it. List it in the next week with the name of Sr. L. H. Nagri as an Advocate for the applicant.	
25-4-88 10-5-88	fixed in Cr. An. 9291 (W) 84 and 9819 (W) 84 and 1836 (W) 88 for orders <u>C. A. Basir</u> Sr. An. N. More is interested in the proceedings. Stand that he will list with in	change single byee <u>NIB</u> Hon. S. J. J.
17-5-88	<u>Hon P. Dayal</u> 16-5-88	He see and comply the cr. order on 18-4-88

24588

H. P. Dayal

h

ORDER SHEET (27)

IN THE HIGH COURT JUDICATURE AT ALLAHABAD

WP No. 1492 of 1984

25.

11/7
A
86

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
14-8-85	fixed in cr. An 9291(W) 84 and 9819(W) 84 and 1836(W) 85 for orders. Hon. The J.	1/- Chait Singh By Court N/B Hon. S.S. Ahmad, J.
	This writ petition is of 1879. I have for order that it will be listed in the next week for final hearing before a Bench. S/H. 14-08-85	
21-8-85 21/8/85	fixed for hearing Hon. B. Kumar J. Hon. G.B. Singh, J.	Bare By Ch N/B Hon. S.S. A., J.
	A request has been made on behalf of counsel for opposite parties Sri C.A. Basir that he is on leave till 31.0.85. Adjourn. List in the first week of September, 1985.	

Power
21.0.85

by

(27)

11/8

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 1492 of 1989

A
8)

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
16/10/85	<p>fixed for hearing Hear SCMD J Hear C.B.S.S. Sent in the week commencing 08th October 1985 as requested by the learned Counsel for the parties.</p> <p><i>[Signature]</i> 16.10.85</p> <p>1108CM7 1108BS7</p> <p>So <i>[Signature]</i> 30/10</p>	<p>Bench Brych N/B Hear 880.J</p>
6/11/85	<p>Hear K.N.M.J.U.C.S.J. Hear C.B.S.S.</p> <p>So <i>[Signature]</i> 6.11.85</p>	

30

CHURCH OF THE HOLY TRINITY

~~Chlorophyll a and b~~
~~Test material~~

~~Case up to~~

~~CONFIDENTIAL~~

14

best of Mandamus.

by 22607

non. V.C.S.3

Give notice to
official parties as to
what the unit believe
be not admitted.

Open for admission
in the second week
of August 1929.

22-6-72

Admitted on 4.12.29 as per
order on the under sheet.
Bald

Bo. old

By
4 and 2
28

2/

(31)

Hon. B. Kumar.

list. along with
the record:

^{please}
e 3-9-84

Hon. L. M. Jha J.

→ Allowed. Sri G. R. Chhabra
is no more Counsel. He
is relieved from the case.

~~MT~~
14.6.85
R

(32)

Hon. Phay

List will be sent
next week.

~~17~~

17-9-84

Hon. Dr. J. J.

After the lapse of
time this application for
OD - interim order is
rendered meaningless and
is accordingly rejected.

~~14~~
14-12-85
R

6

33

Hon. S. S. Ahmed, J.
Hon. B. Kumar, J.

Put up with
record in the week
commencing on 25/15
Feb. 1985.

Bauer

13.2.85

Hon. P. H. Tho. J.

No case made out.
Rejected.

14/2/85
R

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,

CIRCUIT BENCH

LUCKNOW

A-7
18

T.A. No. 387/87

(Writ Petition No. 1492/87 from High Court of Judicature at Allahabad, Lucknow Bench, Lucknow).

Ramesh Chandra

...Petitioner.

versus

Union of India & ors.

...Respondents.

Hon. Mr. Justice Kamleshwar Nath, V.C.

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice K. Nath, V.C.)

The Writ Petition described above is before us under section 29 of the Administrative Tribunals Act, 1985 for a direction to the Opposite Parties to appoint the petitioner in the cadre of regular Safaiwala in pursuance of the orders contained in Annexure -3 dated 1.8.78 (erroneously typed as 1.8.70)

2. Counter, Rejoinder and Supplementary have been exchanged. We have heard the petitioner's counsel Shri Sunderam 'P'. Appearance has not been made on behalf of respondents today.

3. The brief case of the petitioner is that having worked as Safaiwala, he had been placed on a panel where his position in order of merit was 65. By Annexure -3 dated 1.8.78 of the office of Divisional

Q

Superintendent," Ramesh Chandra son of Bhagwan Din H-4 CD/STN/Lucknow" was required to attend the office on or before 15.8.78 for medical examination in regard to C-1 for the post of Safaiwala in the grade of Rs.196-232, failing which his name would be struck off from the panel. It may be mentioned that the expression "CB/STN/Lucknow" has been used for Charbagh Station, Lucknow. Annexure-4 is a certified copy of the letter dated 23.9.78 of Health Inspector, Charbagh, Northern Railway, Lucknow stating that Ramesh Chandra son of Bhagwan Din casual Safaiwala has worked with the Health Inspector, Charbagh Station. His letter (Annexure-3) sent by the D.S. office was handed over to him on 1.9.78. That explains why the applicant could not appear for medical examination by 15.8.1978, fixed in Annexure-3.. Annexure R-2 is the letter dated 7.11.78 of the Divisional Railway Manager with reference to Annexure R-1 and stating that the letter Annexure-3 dated 1.7.78 was wrongly sent to the applicant and that it was in fact meant for Ramesh Chandra son of Shri Bhagwan Din working under Health Inspector at ~~Allamabagh~~ Allahabad. It is this defence which the respondents have taken in their counter. According to the respondents, the applicant is not Ram Chandra the person to whom the Annexure-3 was truly addressed.

4. When the case figured before this Tribunal on 30.1.90, we noticed this controversy between the parties and orders were passed to require the applicant to make specific reply on the point by means of Supplementary Rejoinder and to indicate whether there was or there was not any other person by the name of Ramesh Chandra

ph

working under the Divisional Health Inspector, Alambagh. Opportunity was given to the respondents to file a Supplementary counter and also to produce the record to show that there were two persons by the name of Ramesh Chandra. The applicant filed a Supplementary rejoinder. In para 9 of the Rejoinder it was stated that so far as the applicant's knowledge went, there was no Ramesh Chandra son of Bhagwan Din working at Alambagh. This, we think, is sufficient denial, because the best proof of the existence or otherwise of two persons by the name of Ramesh Chandra could come from the records of the respondents themselves. The respondents did not produce the records and therefore, there is ground for believing that the defence of there being two persons by the name of Ramesh Chandra is not ~~working~~ correct. What is more important is that Annexure-3 was addressed to Ramesh Chandra at Charbagh Station address and if it was really meant for Ramesh Chandra who was working under the Health Inspector at Alambagh, it should have been addressed through Inspector, Alambagh. Putting these two pieces of evidence together, a reasonable conclusion is that Annexure-3 concerned Ramesh Chandra who had worked at Charbagh Station Lucknow and that there is no firm proof that there was some other Ramesh Chandra who had worked under the Health Inspector of Alambagh. We are satisfied, therefore, that Annexure-3 concerns the applicant.

5. As already indicated, it is the own proof of the respondents contained in Annexure-4 that the letter Ann.3 for medical examination was delivered to the applicant after the date fixed. In the circumstances, the applicant

8.

(37)

A
14

could not have made appearance on due date. The stand taken by the respondents in Annexure R-2 dated 7.11.78 has no legs and is rejected.


6. The learned counsel for the petitioner fairly concedes that in the first instance the petitioner has to undergo a medical examination as contemplated in Annexure -3. He says that if the applicant successfully passes the medical examination and is given an appointment then his seniority may be protected vis-a-vis his juniors referred to in Annexure R-1. That also seems to be quite reasonable.

7. The petition is allowed and the opposite parties are directed to have the applicant Shri Ramesh Chandra examined medically for the post of Safaiwala on lines of the letter dated 1.8.78 (Annexure-3) within a period of two months from the date of receipt of a copy of this judgment. We, further, direct that in case the applicant is found medically fit, then he shall be given appointment as Safaiwala subject to his fulfilling other conditions prescribed by applicable rules, and at the same time, the opposite parties shall protect his seniority vis-a-vis his juniors as named in his representation dated 28.9.78 (Annexure R-1).

Shakeel/


Adm Member.

Lucknow Dated: 25.7.90


Vice Chairman.

25.7.90

SIDE

GENERAL INDEX

(Chapter XLI, Rule 2, 9 and 15)

A
1number of case... W.P.parties... Ramachandra S. Gnanapriya vs. Stateof institution... 22-6-75

[Date of decision.....]

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with affidavit and Annex.	30-		102.00			
	2-	Power -	2-		15.00			
	3-	Comm. 3262(W)-887	4-		7.00			
	4-	Power -	1-		5.00			
	5-	Inspection appn.	1-		1.00			
	6-	Comm. 9291(W) of 84,	3-		7.00			
	7-	Power -	1-		5.00			
	8-	Comm. 9819(W) of 84,	3-		7.00			
	9-	Contn affidavit	8-		2.00			
	10-	Comm. 1836(W)-85	6-		7.00			
	11-	order Seal	8-	-	-			
	12-	Back copy	1-	-	-			

I have this

day of

197

, examined

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

Munsarim

Clerk

Date.....

Central Administrative Tribunal
Circuit Bench Lucknow.

T.A.NO. 387 of 1987 (T)

(W.P.NO. 1492 of 1979)

Ramesh Chand

Applicant

Versus

Union of India

Respondents

Hon'ble Mr.D.K.Agarwal, J.M.

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

Dated: 7. 01. 1991.

MP 499/90 was moved by Sri A.K. Gaur

Sri P.Sundaram appears for applicant/counsel for Railway Administration for sitting aside ~~the~~ ex-parte order dated: 25.7.90. The facts are that this transferred application was disposed of on ^{merits} ~~might~~ wide judgement and order dated 25.7.90. Thereafter, the above M.P. was moved on 24.8.90 None appears to press this application. However, we have considered the contents of M.P. and perused the record on perusal of record we find that the judgement was delivered on merits. There exists no grounds for ^{setting} ~~not~~ in aside exparte order. The same is liable to be dismissed, and therefore, is dismissed.

Before we part, we may mention that the order that in this case has been carefully prepared, ^{sheet} as much as once the judgement was delivered on 25.7.90, it should have been mentioned in the order sheet accordingly and the file of the T.A. closed. On receipt of the M.P, a separate order sheet should have been prepared indicating that the T.A. has been decided and the M.P. is for setting aside the judgement and order.

Sd/-

A.M.

Sd/-

J.M.

// True Copy //

R.S.M.

(Mohd. Umar Khan)

Court Office,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

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

LUCKNOW

(WRIT PETITION NUMBER

OF 1979)

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6856

Ramesh Chandra ..

Petitioner

Versus

Union of India & others ..

Opposite Parties

I N D E X

<u>S. No.</u>	<u>C o n t e n t s</u>	<u>Page No.</u>
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Presented by :-

G. R. Chhabra
(G. R. CHHABRA)
ADVOCATE

LUCKNOW: DATED

22nd JUNE, 1979.

COUNSEL FOR THE PETITIONER

Interdite
L t y h
P r h
e 2 - 13 6279

Lucknow Division, Northern Railway and opposite party number 3 is the recruiting authority of 'Safaiwalas', working under opposite party numbers 1 and 2.

2. That for the maintenance and cleanliness of Charbagh Railway Station, Northern Railway, Lucknow, several persons are employed for maintenance and cleanliness of the said Charbagh Railway Station who are known as 'SAFAIWALAS' in regular employment of Northern Railway under opposite party number 2. Previously, the opposite party number 2 was known as Divisional Superintendent, Northern Railway, Lucknow.
3. That in order to get regular cadre as 'SAFAIWALA', various persons were casually employed and in the said employment, the petitioner was employed as casual labour in the year 1972.
4. That the petitioner worked from 9.2.72 for 191 days at Charbagh, Northern Railway station at Lucknow. The petitioner was casually employed in Kumbh mela of Prayag and, further, the petitioner was also employed from 22.11.77 to 16.12.77 at Charbagh Railway Station, Northern Railway, Lucknow. Similarly, he was employed from 5.8.78 to 15.8.78 as Casual SAFAIWALA at Kphanlalganj Railway Station, Northern Railway, Lucknow. The true copies of the certificates so received by the petitioner about his working as casual labour 'SAFAIWALA', are annexed as Annexures I and II of this Writ Petition. It needs mention here that the petitioner from the date of appointment, that is, 9.2.72 finds mention in Annexure-I.

ANNEXURES-I & II

(G. R. CHHABRA)
ADVOCATE.

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5. That the petitioner's complete address and parentage stands written in the Attendance-Register and Salary Register maintained with the official concerned throughout. Incidentally, it needs mention here that the petitioner's mother, Srimati Munni is in regular employment as 'SAFAIWALI' at Charbagh Railway Station, Northern Railway, Lucknow.

6. That in spite of the petitioner being on the Roll as Casual Labour 'SAFAIWALA' since the year 1972 and with no adverse remarks, the junior persons than the petitioner, have been absorbed by the opposite party number 2 in regular cadre of SAFAIWALAS but the petitioner stood ignored in spite of the fact that there is nothing against the petitioner which could affect the petitioner's aforesaid right.

7. That the petitioner having been denied his rightful claim, the petitioner made various representations to the opposite party number 2 (previously known as Divisional Superintendent, Northern Railway, Lucknow), but the petitioner was not absorbed although the representations made by him were assured by the opposite party numbers 2 and 3 that the petitioner would be taken in regular employment.

8. That the petitioner received a letter No. 220 E/2 IX Rectt/Part II dated 7.8.73 from the office of the Divisional Superintendent, Northern

श्रीमेश चंद्र



(G.R. CHHABRA)
ADVOCATE.

Railway, Lucknow (now opposite party number 2), having the petitioner's name at Serial Number 55 of the Merit List. This letter was addressed to the petitioner at Charbagh Railway Station, Northern Railway, Lucknow at his casual labour employment address and the copy of the same was endorsed to the Health Inspector, Northern Railway, Charbagh, Railway Station, Lucknow. The true copy of the said letter is annexed as Annexure III of this Writ Petition.

ANNEXURE - III

9. That through the aforesaid letter, the petitioner was directed to undergo medical examination on the basis of memo which the petitioner so obtained from the office of the Divisional Superintendent's Office, Northern Railway, Lucknow (opposite Party Number 2), the aforesaid letter was to provide appointment to the petitioner in the regular cadre. The aforesaid letter (Annexure III) was handed over to the petitioner on 21.9.78. The true copy of the said letter is annexed as Annexure IV of this Writ Petition.

रमेश चंद्र

ANNEXURE - IV

10. That the aforesaid letter (Annexure III) was delivered ~~was delivered~~ and communicated to the Petitioner on 21.9.78 although according to the aforesaid letter, the Medical Examination (test) was to be conducted on 15th August, 1978.

11. That the aforesaid letter (Annexure III of this ~~Written~~ Petition) which was received by the petitioner on 21.9.78 to appear for medical examination on 15.8.78 is apparently mala fide

(G.R. CHABRA)
ADVOCATE.

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one and is of no use since the letter (Annexure-III) was delivered to the petitioner only on 21.9.78 when the medical examination stood already conducted. This purposeful delay indicates the legal malice on the part of the opposite party number 2.

12. That the petitioner made representation against this aforesaid action of the opposite party number 2 demanding his rightful claim in employment in regular course, the opposite parties number 2 and 3 in order to stand to their mala fide act made a false excuse that the letter so issued to the petitioner related to some other person with a similar name. It is submitted here that at Charbagh Railway Station, Northern Railway, Lucknow, there is no other SAFAIWALA with the similar name and parentage as that of the petitioner and thereby the Merit List so released related to the petitioner which is further evidenced by sending a copy of the said letter to the Health Inspector, Charbagh Railway Station, Northern Railway, Lucknow who was to conduct the medical examination of the petitioner and others.

रमेश चंद्र



(G.R. CHHABRA)
ADVOCATE.

13. That thereafter, the opposite party numbers 2 and 3 came with another mala fide and false case that the petitioner did not appear in screening (the medical test) whereas the circumstance is that in spite of the fact that the petitioner's address being well-known to the opposite party numbers 2 and 3 coupled with the fact that the petitioner's mother was and is working as 'SAFAIWALI' in regular

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cadre and the Health Inspector posted at Charbagh Railway Station, Northern Railway, Lucknow having full knowledge of the petitioner, the petitioner was never informed of said screening, nor any notice was put on the Notice Board fixing any date of screening showing the name of the petitioner by a due data. Contrary to it, the test which the petitioner was to take was fixed for and conducted on 15.8.78 whereas the said letter was delivered to the petitioner only on 21.9.78.

14. That the opposite party numbers 2 and 3 deliberately and with mala fide intention, did not want regular employment to the petitioner to be given who was on the Merit List at Serial Number 55 of it besides being the most senior casual SAFAIWALA and thereby, the opposite party numbers 2 and 3 succeeded in getting the regular appointment of junior SAFAIWALAS, clearly encroaching upon and by passing the petitioner who was at Serial Number 55 of the said Merit List.

15. That there was nothing on record or otherwise which could disentitle the petitioner from claiming equal opportunity in the aforesaid screening test in the matter of appointment as stands guaranteed under Article 16 of the Constitution of India.

16. That the petitioner made representations to the opposite party number 1, informing the aforesaid mala fide act of the opposite party numbers 2 and 3 in not affording equal opportunity to the

रमेश चंद्र



(G.R. CHHABRA)
ADVOCATE.

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Petitioner in the aforesaid screening test on account of which the petitioner could not avail his valuable right to be in the regular list when he was at the Merit List Number 55. Thereafter a letter from the Uttariya Railway Mazdoor Union was also sent to the Senior Divisional Personnel Officer, Northern Railway, Lucknow. The true copy of the said letter is annexed as Annexure V of this Writ Petition.

ANNEXURE - V

17. That the petitioner in the manner aforesaid, has been deprived of the equal opportunity so granted under the Constitution of India, and thereby clear violation of the Article 16 of the Constitution of India.

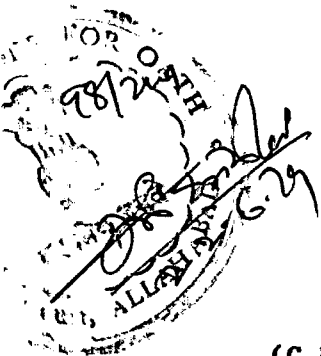
18. That the petitioner is without job since the year 1977.

19. That the petitioner served registered A/D notice dated 8th February, 1979 under Section CO, Civil Procedure Code, to the Opposite Party Number 1. The true copy of the said notice is annexed as Annexure VI of this Writ Petition.

20. That in reply to the aforesaid notice (Annexure VI), the petitioner's Counsel Shri G.N. Kesarwani, Advocate, received a reply from the opposite party number 1, Northern Railway Headquarter's office vide letter number 50F/64/374/Eib dated 6th May, 1979 informing the petitioner that the notice has been examined by the opposite party number 1 and found to be untenable further communicating to the

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ANNEXURE - VI



(G.R. CHHABRA)
ADVOCATE.

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petitioner that if the suit is filed in the court of law, the same will be contested at the risk and cost of the petitioner. The true copy of the said reply letter dated 5.2.79 is annexed as Annexure VII to this Writ Petition.

ANNEXURE - VII

21. That the petitioner's case was also taken up by Uttar Railway Mazdoor Union, Charbagh Railway Station, Lucknow vide letter dated 9.1.79 wherein the Union placed the entire case of the petitioner before the opposite party number 2.
22. That in spite of the service of the aforesaid notice (Annexure VI) of this Writ Petition), the opposite parties failed to comply with the said notice and did not give the petitioner a change of a regular 'SAFAIWALA' from casual 'SAFAIWALA' and the petitioner having been left with no other efficacious remedy, prefers this Writ Petition under Article 226 of the Constitution of India, amongst others, on the following :-

G R O U N D S

- A. Because the petitioner being the seniormost casual labour was entitled for the regular appointment as 'SAFAIWALA' under the scheme of the opposite parties which right of the petitioner has been ignored by the opposite parties under legal malice.
- B. Because the petitioner being on the Merit List at

(G.R. CHHABRA)
ADVOCATE.

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Serial Number 55, the opposite parties were not within their jurisdiction to appoint any other person in place of the petitioner and in so doing, the opposite parties have deprived the petitioner of his valuable legal right.

C. Because the petitioner having received a letter dated 21st September, 1978 with a date of his medical examination, that is, 15.8.78, the said letter was mala fide and no denial of petitioner's right can be justified on the part of the opposite parties since the opposite parties were highly irresponsible in issuing a letter on 21st September, 1978 when the medical examination was to be effected before, that is, 15th August, 1978 and the opposite parties cannot be allowed to blow hot and cold.

D. Because it was incumbent upon the opposite parties to have given ample opportunity when the fact was brought to the notice of the opposite parties number 2 and 3 that when the petitioner received the aforesaid letter (Annexure III) much after the date fixed, that is, 15th August, 1978 fixed for the same, the opposite parties were bound under the law to rectify their own mistake and thereby to allow the petitioner his lawful right of being appointed as regular SAFAIWALA.

E. Because the opposite parties number 2 and 3 built up completely false defence by intimating the petitioner that the aforesaid letter which was addressed to the petitioner with parentage did not

(G. R. CHHABRA)
ADVOCATE.

रमेश चंद्र

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pertain to the petitioner. The opposite parties number 2 and 3 have no case to stand on this defence since there is no else safaiwala at Charbagh Railway Station, Northern Railway, Lucknow who is having the parentage of the petitioner, the name of SAFAIWALA may be similar to that of the petitioner.

- F. Because the opposite parties in spite of the service of the notice under Section 80, C.P.C. (Annexure VI) failed to grant the relief claimed in the notice under Section 80 C.P.C.
- G. Because the opposite parties were bound under law and on facts both to absorb the petitioner in the cadre of regular SAFAIWALA and the petitioner was senior and, moreover, the petitioner was directed to undergo medical/screening test and the regularisation of services of SAFAIWALA of other person was neither justified in law nor on facts.
- H. Because the impugned act of the opposite parties is unconstitutional, illegal, without jurisdiction and bad in law.

रमेश चक्र

(G. R. CHHABRA)
ADVOCATE,

P R A Y E R

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

- I. A writ, direction or order in the nature of Mandamus directing the opposite parties to appoint the petitioner in the cadre of regular SAFAIWALA in pursuance of Annexure III, after the formalities

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as provided in Annexure III.

II. Any other writ, order or direction deemed proper in the circumstances of the case.


III. Cost of the Writ Petition.

मेधा चंद्र

LUCKNOW: DATED

PETITIONER.

22nd JUNE, 1979


(G. R. CHHABRA)
ADVOCATE.
COUNSEL FOR THE PETITIONER.

(A/28)

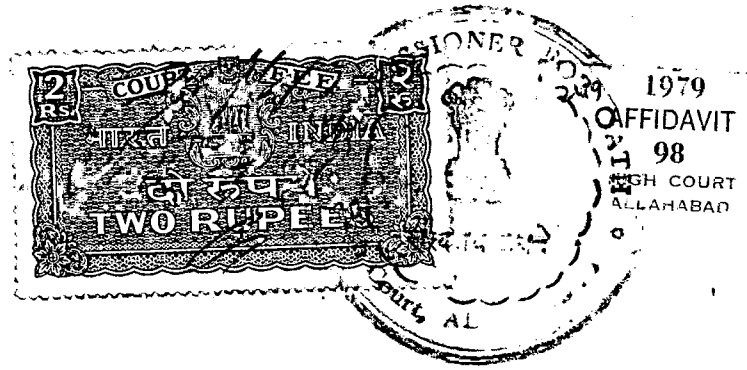
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

(WRIT PETITION NUMBER

OF 1979)



Ramesh Chandra

Petitioner

Versus

Union of India through General

Manager, Northern Railway and

others

Opposite Parties

A F F I D A V I T

I, Ramesh Chandra, aged about 27 years, son of Shri Bhagwan Daen, resident of I/15-E, Railway Colony, Barha, Lucknow, do hereby solemnly affirm as under :-

रमेश चंद्र

(Ramesh Chandra)
Deponent.



1. That the deponent is the petitioner in the aforesaid writ petition filed by him against the opposite parties and, as such, he is well conversant with the facts of the petition and those deposed hereinunder.
2. That the contents of paragraphs 1 to 22 of the Writ Petition are true to my personal knowledge and those of paragraphs are believed by me to be true.

(A/991)

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3. That the Annexures I to VII are true copies of their originals and have been compared by the deponent.

रमेश चंद्र

LUCKNOW: DATED

DEPONENT.

2
22nd JUNE, 1979

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of paragraphs from 1 to 3 of this affidavit are true to my personal knowledge. No part of this affidavit is false and nothing material has been concealed.

(Ramesh Chandra)
Deponent.

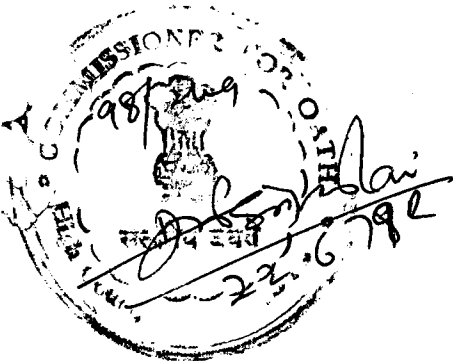
So help me God!

रमेश चंद्र

LUCKNOW: DATED

DEPONENT.

2
22nd JUNE, 1979



I identify the deponent who has signed this affidavit before me.

T. D. Bhambhani
T. R. Bhambhani
(G. R. CHHABRA)
ADVOCATE.

Solemnly affirmed before me on 22-6-79
at 10-00 AM/PM by Shri Ramesh Chandra, who
is identified by Shri T. R. Bhambhani
G. R. Chhabra, Advocate.

I have satisfied myself by examining the

A/23 Y/15



deponent that he understands the contents of this affidavit which have been explained and read out to him by me.

Dhikendra Nath Srivastav
DHIRENDRA NATH SRIVASTAV
Advocate
OFFICE OF COMMISSIONER
Lucknow
No 98/249
Date 22-6-79

रमेश चंद्र

(Ramesh Chandra)
Deponent.

(A/31)

1/16

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

(WRIT PETITION NUMBER

OF 1979)

Ramesh Chandra

Petitioner

Versus

Union of India and others.. ..

Opposite Parties

ANNEXURE - I

NORTHERN RAILWAY

No. _____

Dated _____ 197 .

To:

Subject:

Reference:

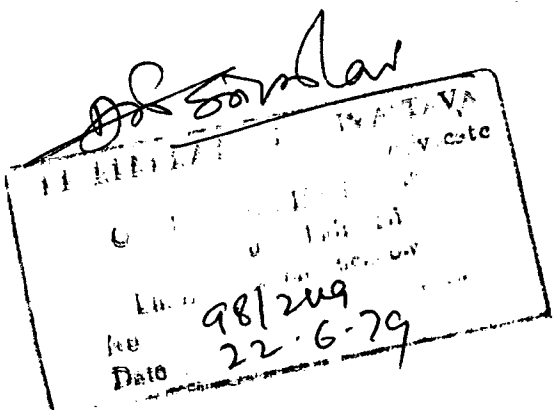
Certified that Sri Ramesh Chandra s/o
Bhagwandin has worked under me as CL s/wala for a
period of 191 days with break. His first date of
Appointment is 9.2.72.

Sd/- (Illegible)
12/3

LTI of Ramesh Chandra
s/o Bhagwan Deen.

TRUE COPY

रमेश चंद्र



32

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

(WRIT PETITION NUMBER OF 1979)

Ramesh Chandra Petitioner

Versus

Union of India and others.. .. Opposite Parties

ANNEXURE - II

NORTHERN RAILWAY

Dt. 26.12.77

Certified that Sri Ramesh Chand s/o Bhagwan.
Din whose L.T.I. is given below has worked as a casual
labour s/wala wef 2-11-77 to 16.12.77.

Sd. Illegible

Health Inspector

Mark of

CB Stn., N.R. Lko.

L.T.I. of

Ramesh Chand.

Attested.

Sd. Illegible

Health Inspector

CB Stn., N.R., Lko.

रमेश चंद

TRUE COPY

[Signature]

CHIRENDRAN DE VIJASTAVA
Advocate
Office No. 100/101
1st Floor
No. 98/249
Date 22-6-79

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

(WRIT PETITION NUMBER

OF 1979)

Ramesh Chandra

Petitioner

Versus

Union of India and others.. ..

Opposite Parties

ANNEXURE - III

Issued on 21-9-78

NORTHERN RAILWAY.

No.220E/2-IX(Rectt.)Part II. Divisional Supdt's Office

Lucknow: Dated 7.8.78 .

Shri: Ramesh Chandra

S/o Shri Bhagwan Din

H4 CB/Stn/Lko

Reg: Appointment for the posts of Safaiwala in

grade Rs.196-232 (RS) in the Sanitation Deptt

Having been placed on the panel of Safaiwala (Merit No.65), you are required to attend this office on or before 15.8.78 for medical examination in the category of C.I. for the above post failing which your name will be struck off from the panel. Please bring Rs.8/- on account of Med. Exam.Fee and also 4 pass port size photographs.

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Please bring with you school leaving certificates or affidavit in support of age. Please also bring two character certificates on the enclosed proforma from two different gazetted officers, MLAs or MPs under their signature and proper seals of office.

DA/Two.

Sd/- (Illegible)

Assistant Personnel Officer,

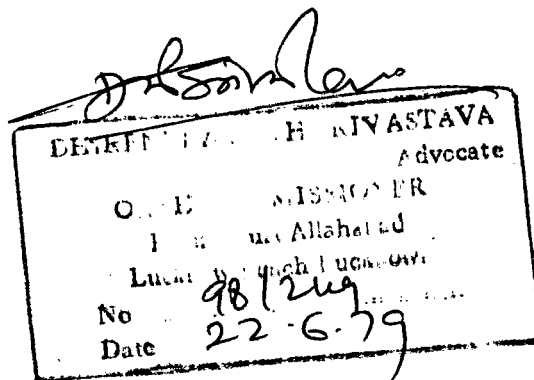
Lucknow.

Copy to H.I. CB Stn.Lko. He will please direct Shri Ramesh Chandra at present working under him and in case he has already passed the Med. Exam. in C.I., reference to medical certificate i.e. Number, date of issue and by whom issued may please be advised to this office and this information should be sent along with advice the marks of identification.



TRUE COPY

रमेश चंद्र



(A)
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120

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

(WRIT PETITION NUMBER

OF 1979)

Ramesh Chandra

Petitioner

Versus

Union of India and others.. ..

Opposite Parties

ANNEXURE - IV

NORTHERN RAILWAY.

No: 1/IH/CB/Stn.

Dated 23.9.78

From: Hd. CB.Stn. Lko.

To: D.S. N.Rly. Lko

Certified that Shri Ramesh Chandra s/o Bhagwan Din Casual Safaiwala has worked with Health Inspector CB Stn. Lko. His letter No.220E/2-IX (Rectt) Part II dated 1.8.78 sent by your office is handed over to him on 21.9.78.

This is for your information and further necessary action please.

His L.T.I. is given below:-

LTI of

Sd/-(Illegible)

Ramesh Chandra C/L S/W

Health Inspector

CB STN. NR., Lko.

LTI

Attested, Sd/-(Illegible)

Health Inspector
CB STN., N.R., Lko.

/TRUE COPY/

रमेश चंद्र

98/249

98/249

22-6-79

(A/36) VV

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

(WRIT PETITION NUMBER

OF 1979)

Ramesh Chandra

Petitioner

Versus

Union of India and others.. ..

Opposite Parties

ANNEXURE - V

Utariya Railway Mazdoor Union

Registered And Recognised

Affiliated to N F I R and INTUC

Divisional Branch

Telephone No.394

T-10

Charbagh Lucknow

No. URMU/M/Lko Mandal/7P-4

Dated 9.1.1979

M.H Khan Divl. President.

P.C. Johri Divl. Secretary.

Mohd. Taqi Asstt. Divl. Secretary

The Sr. Divl. Personnel Officer,

Northern Railway, Lucknow.

Dear Sir,

Reg:- Appointment of Shri Ramesh Chandra

S/O Bhagwan Deen in Sanitation Deptt.

....2/-



(A/37) V2

I may divert your esteem attention to your office letter No.220E/2-JV (Rectt)Pt.II dated 7.8.78 wherein your office placed the above noted man at Sl.NO.65 and issued orders to attend your office on 15.8.78 instead of sending the said letter to the proper man i.e. Ramesh Chandra S/O Bhagwan Deen. I have been told that it was sent to some other man and was also favoured with the issue of medical memo and passed the prescribed medical examination. If such things are to be relied upon then the union position stands as to why the bogus man was allowed to get the medical memo and was permitted to pass the medical examination.

I would, therefore, request you to call for the relevant papers and fix some date for summary discussion as it is a very serious thing and should be rectified immediately.

This Union takes a very serious view of such things. An early action from your end will be much appreciated.

Yours faithfully,

Sd/-

(B.C. JOHRI)

Divl. Secretary.

/TRUE COPY/

रमेश चंद

96/249

DR. R. N. JIVASTAVA
Advocate
C. H. J. J. J. J.
In
No 98/249
Date 22-6-79

(A/38) 43

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

(WRIT PETITION NUMBER OF 1979)

Ramesh Chandra Petitioner

Versus

Union of India and others.. .. Opposite Parties

ANNEXURE - VI

REGISTERED ACK DUE.

From: J.N. Kesarwani,
M.A.LLB., Advocate.
6, Jai Narain Road, Hussainganj,
Lucknow.

To:

The General Manager,
Northern Railway,
Baroda House, New Delhi.

Dear Sir,

Under instructions of my client Sri Ramesh Chandra son of Sri Bhagwan Din, resident of Rly. Colony Barha, Lucknow-5, I am to write to you as hereunder:-

1. That Northern Railway maintains Charbagh Railway Station at Lucknow, and for cleaning of the station there are several Safaiwalas in regular employment of of Northern Railway under Divisional

A-37

LM

Supdt. Lucknow.

2. That casual Safaiwals are employed in procedure for regular appointments. Such safaiwalas who have worked at the Rly. station as casual workers they as and when vacancy arises, are appointed in regular cadre.
3. That in order to get regular cadre as safaiwala, various persons were casually employed, it is submitted that in 1972 my client was also casually employed from time to time. My client worked for 191 days from 9.2.1972 at Charbagh, Northern Railway station. He even was casually employed in Kumbh Mela of Prayag. He again was employed from 22.11.1977 to 16.12.1977 at Charbagh Rly. station. Then again he was employed from 5.8.78 to 15.8.78 as casual Safaiwala at Mohanlalganj Rly. station Lucknow. The true copies of certificates about working as a casual safaiwala is enclosed herewith for perusal as Annexure 1 (Photostat copy) and Annexure 2 (true copy).
4. That the address of my client has been on the roll and register maintained with the official concerned and he is seniormost casual labour is enclosed as Annexure 3. The mother of the my client namely Smt. Munni is in regular employment as Safaiwali at Charbagh Railway station Lucknow. Annexure 3 is photostat copy.
5. That in spite of my client being on roll as casual safaiwala since 1972, it is regretted that he has not been given regular employment as yet; nonetheles

MISSO
9/2/79
22.6.79

the junior most persons on roll after 1972 have been absorbed in regular cadre viz. Bakar safaiwala, Intizar safaiwala, Prithinsh - Shanker safaiwala, and Gopichand safaiwala all working at Charbagh N. Rly. Station Lucknow .

6. That against denial of rightful claim of my client to seek employment, he made various representations to Divisional Superintendent Lucknow and others but he could not be absorbed giving him hopes that the sooner future vacancy is available, he will be taken under regular employment.
7. That from letter No.220E/2.JX Rectt./Part II dated 7.8.73 from Divisional Superintendent's office Lucknow my client found that he was at Merit List No.55. The letter is addressed to my client at the Charbagh Rly. Station of his casual employment and its copy is endorsed to Health Inspector Charbagh Rly. station. The aforesaid letter directs for medical examination on the basis of memo to be obtained from Divisional Supdt.'s office Lucknow. This letter is to provide appointment to my client in regular cadre. The photostate copy of the letter is Annexure 4 to this representation. It was handed over on 21.9.78 as enclosed Annexure 5. (Photostat copy).
8. That on receiving this letter my client was shocked to see that it was issued on 21.9.1978 requiring my client to appear for medical examination on or before 15.8.1978. It is submitted that earlier my client was denied regular employment by



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V/b

appointing junior persons and likewise this time as well the above letter was purposely issued late to avoid my client from going for medical-examination.

9. That my client made representation against this action of office and demanded his rightful claim for employment in regular course. Then to utter shock of my client the office intimated that the letter ~~intimated~~ stated above addressed to my client actually related to some other man similar in name of my client. It is submitted that at Charbagh Rly. station Lucknow there is no other Safaiwala with similar parentage and name as that of my client. The merit list relates to my client, as well as the copy of letter is addressed to Health-Inspector Charbagh Rly. station Lucknow.

10. That it appears that false plea has also been raised that my client did not appear in screening while the fact is that in spite of address of my client available at the Charbagh, northern Rly. station Lucknow coupled with the fact that Smt. Munni to the knowledge of all concerned including Health Inspector has been working at the said Charbagh Rly. station, my client was never informed for screening, nor any notice was hanged fixing any date of screening showing the name of my client.

10. That being on merit list at serial no.55 and being the most senior casual safaiwala my client is entitled to get regular employment when even most junior safaiwalas have been appointed.



(A) 122
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11. That my client is mentally and physically fit and there is nothing to disentitled him from claiming equal opportunity in the matter of employment as guaranteed under Art. 16 of the Sacred Constitution.
12. That my client complained about bypassing his right-ful claim so recognised by aforesaid letter to the Union as well. A (photostat) copy of letter from the Union is enclosed herewith as Annexure No.6 to this petition.
13. That it appears that there is element in Divisional Supdt.'s office, N. Rly. Lucknow which has been continuously having my client, making discrimination in the matter of his appointment and lastly he has even been denied equal opportunity in the matter of his employment.

NOW my client is entitled to have employment in on the basis of letter dated .8.1978. Annexure No.4 to this representation and it is requested that early directions be issued thereon.

Moreover even on compassionate grounds it is not out of place to mention that father of my client is physically incapacitated, his sister is unmarried, a brother is a student and even he has a retired uncle to be maintained. So there are six heads but my poor client is not getting employment legally due to him.

It is requested that needful action to provide regular employment to my client be taken and suitable

98/249
122-6-79

(A)
213

orders be issued at the earliest.

Yours faithfully,

Dated: Feb.8, 1979.

Sd/-
(Jitendra Nath Kesarwani)
Advocate, M.A.L.L.B.,

1. Copy forwarded to the Commissioner for Scheduled Casts & Scheduled Tribes, R.K. Puram, New Delhi 22 requesting him for intervention and necessary action.

2. Copy forwarded to Liaison Officer (Scheduled Casts & Scheduled Tribes), Central Secretariat, Ministry for Rly. (N.Rly). New Delhi.

3. Copy forwarded to: D.S. N.Rly, Charbagh, Lucknow.

987249

TRUE COPY

रैमका चद

[Signature]

DEPARTMENTAL SECRETARY	
ADV. C. I.	
TO	COMMISSIONER
FROM	ADV. C. I.
Encl.	1
No.	987249
Date	22-6-79

V29

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

(WRIT PETITION NUMBER

OF 1979)

A
Lili

Ramesh Chandra Petitioner

Versus

Union of India and others.. .. . Opposite Parties

ANNEXURE - VII

Northern Railway,
Headquarters Office,
Baroda House, New Delhi.

No. 50-E/64/374/Eib

Dated: 5/5/1979

To:

Shri J.N. Kesarwani, Advocate,

6 Jai Narain Road,

Hussaingenj, Lucknow.

Sub:- Notice under Section 80 C.P.C.

dated 8.2.79

Shri Ramesh Chander

Designation S/wala /Lko.

Lucknow. Division.

Dear Sir,

.....2/-

The claim of your above named client has been examined and found to be untenable. The threatened suit if filed in the Court of Law will be contested at the risk and cost of your client.

Yours faithfully

Sd/-

(M.M. Lal Malik)

for General Manager (P)

/TRUE COPY/

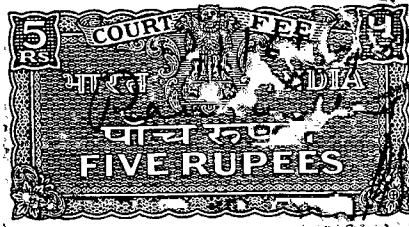
रमेश चंद

[Signature]

DHIRNTEEPATH SINGH	VA
Advocate	
OATH COMMISSIONER	
H. Court Allahabad	
Ludhiana Branch	
No	98/249
Date	22-6-79

ब अदालत श्रीमान Humble High Court of India दिनांक

(वादी) अपोलान्ट श्री Ramesh Chandra का वकालतनामा
प्रतिवादी (रेस्पान्डेन्ट)



46

Ramesh Chandra वादी (अपोलान्ट)
बनोम

Union Insurance
प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा सन १६ पेशी की ता० १६ ई०

ऊपर मुकद्दमा में अपनी ओर से श्री G.R. Chhabra, T.R.

Rohitani Advocates एडवोकेट्स महोदय
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या 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 विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या या पंच नियुक्त कर वकील महोदय द्वारा का गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

बमेश चंद्र

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

29

महीना

6

सन १९७९ ई०

In the Honble High Court of Judicature at Allahabad
Sitting at Lucknow Bench, Lucknow

N.R.

VAKALATNAMA

G.V. 3.

Before
In the Court of

Ramesh Chandra V/s Plaintiff Union of India

Defendant

Claimant
Appellant
Petitioner
Respondent

Defendant

Plaintiff

Shri Ram

The President of India do hereby appoint and authorise Shri..... S. Saghir Ahmad

Advocate.....

to a

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Counsel

/Advocate

/Pleader

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Counsel

, Advocate

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Pleader

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suit/appeal/claim/defence/proceedings

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defendants/respondents/appellant/plaintiff/opposite parties

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agreement, settlement, or compromise

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Pleader/Advocate

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Counsel

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The

President

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Shri..... S. Saghir Ahmad

in

pursuance

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authority.

IN

WITNESS

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President

of

India

this

the...

16th

day

of...

July

1979

Dated

16th

1979

N.R.—273/2—Nov., 1976—5,000 F.

Accepted

G. S. S. S.

Designation of the

Executing Officer

प्रधान कार्यालय

पपी बिहारी

A.
48

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

W.P.N. 1492 of 78

Ramesh Chandra — Petitioner

or
Union of Indore — opposite
Party

W.P.N. 1492 of 78

In the above title writ petition
the notices are being hereby filed
for service on the opposite party's
as per order of this Hon'ble Court dated 4-12-78.
The copies of writ petition stands

already filed and stands served
on the opposite party's. The receipt of
the same is already in the file.
and three Royal Envelopes attached herewith with A.D.

96.12.1979

G. R. Chhabra
(G.R. Chhabra)
for Petitioner.



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69

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Side

(CHAPTER XII, RULES 1 AND 7)

MISCELLANEOUS APPLICATION NO.

OF 19

IN

W. P. N. 1592 of 1979

NO.

OF 19

Ramesh Kumar

Applicant,

Union of ^{versus} India

Opposite-party.

To Union of India through General Manager
Northern Railway Baroda House New Delhi
Opposite-party.

Whereas the above mentioned applicant has made an application to the Court for
in the above noted case, you are hereby called upon
to enter appearance on or before the day of 19
to show cause why the application be not granted. The said application will be heard
on such day thereafter as may be subsequently notified in accordance with the Rules.

Take notice that in default of appearance on or before the day before mentioned in
apperson or by Advocate or some person by law authorised to act on your behalf, the
lication will be heard and determined in your absence.

A copy of the application together with a copy of the affidavit filed by the
applicant is annexed hereto.

Given under my hand and the seal of the Court this, the

day

of

19

Advocate for

Date

Deputy Registrar,
Allahabad/Lucknow.

NOTE—A Process fee of Rs. chargeable under Chapter XXXVII, Rule 2 of Rules of Court, 1952
has been paid.

Signature of clerk receiving the fee.

Price per copy 5 Paisa.]



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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Side

(CHAPTER XII, RULES 1 AND 7)

MISCELLANEOUS APPLICATION NO.

OF 19 .

IN W.P. N. 1492 No. of 1973 OF 19 .

Ramesh Kumar ——— Applicant,

Union of India ^{versus} Other Opposite-party.

To Union of India through General Manager
Northern Railway Baroda House New Delhi
Opposite-party.

Whereas the above mentioned applicant has made an application to the Court for
in the above noted case, you are hereby called upon
to enter appearance on or before the day of 19 ,
to show cause why the application be not granted. The said application will be heard
on such day thereafter as may be subsequently notified in accordance with the Rules.

Take notice that in default of appearance on or before the day before mentioned in
apperson or by Advocate or some person by law authorised to act on your behalf, the
lication will be heard and determined in your absence.

A copy of the application together with a copy of the affidavit filed by the
applicant is annexed hereto.

Given under my hand and the seal of the Court this, the day

of 19 .
Advocate for
Date _____

Deputy Registrar,
Allahabad/Lucknow.

NOTE—A Process fee of Rs. chargeable under Chapter XXXVII, Rule 2 of Rules of Court, 1952
has been paid.

Price per copy 5 Paisa.]

Signature of clerk receiving the fee.



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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Side

(CHAPTER XII, RULES 1 AND 7)

MISCELLANEOUS APPLICATION NO.

1492 of 29

IN W.P. N. 1492 No. 79

OF 19

Ramesh Chandra

Applicant,

Union of India ^{versus} Other

Opposite-party.

To Senior Divisional Personal Officer

Northern Railway Lucknow

Opposite-party.

Whereas the above mentioned applicant has made an application to the Court for
in the above noted case, you are hereby called upon
to appear on or before the 9 day of 7 19 .
to show cause why the application be not granted. The said application will be heard
on such day thereafter as may be subsequently notified in accordance with the Rules.

Take notice that in default of appearance on or before the day before mentioned in
apperson or by Advocate or some person by law authorised to act on your behalf, the
lication will be heard and determined in your absence.

A copy of the application together with a copy of the affidavit filed by the
applicant is annexed hereto

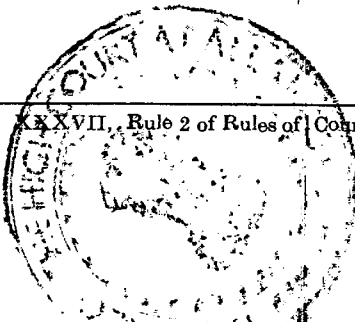
Given under my hand and the seal of the Court this, the day

of 19 .
Advocate for
Date

P. R. Bhatnagar
Deputy Registrar,
Allahabad/Lucknow.

NOTE—A Process fee of Rs.
been paid.

chargeable under Chapter XXVII, Rule 2 of Rules of Court, 1952



Signature of clerk receiving the fee.

Price per copy 5 Paisa.]



N:
3592

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Civil Side

(CHAPTER XII, RULES 1 AND 7)

MISCELLANEOUS APPLICATION NO.

1492 of 1979

IN

W.P. N. 1492 of 1979

Ramesh Kumar

Applicant,

Union of India ^{versus} other

Opposite-party.

To

Divisional Railway Manager

D.S. office

Hazrat Gaj Lucknow

Opposite-party.

Whereas the above mentioned applicant has made an application to the Court for
in the above noted case, you are hereby called upon
to appearance on or before the 9 day of 7 1979. *du*
to show cause why the application be not granted. The said application will be heard
on such day thereafter as may be subsequently notified in accordance with the Rules.

Take notice that in default of appearance on or before the day before mentioned in
apperson or by Advocate or some person by law authorised to act on your behalf, the
lication will be heard and determined in your absence.

A copy of the application together with a copy of the affidavit filed by [the
applicant is annexed hereto.

Given under my hand and the seal of the Court this, the

8 day 5

19

Advocate for

Date

P. R. D. Singh

Deputy Registrar,
Allahabad/Lucknow. *G*

Process fee of Rs.

chargeable under Chapter XXXVII, Rule 2 of Rules of Court, 1952

Signature of clerk receiving the fee.

by 5 Paisa.]

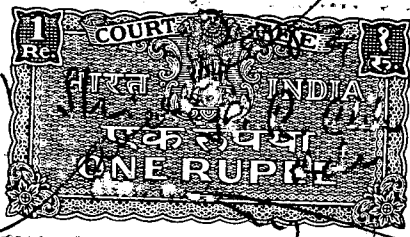
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Cm 3262/81

3/

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

BENCH : LUCKNOW

(WRIT PETITION NUMBER 1492 OF 79)



34-205/-
by
21/4/81

Ramesh Chand ..

Petitioner

Versus

Union of India and others..

Opposite Parties

57/9-2-80
P.R. 10
The petitioner most respectfully submits that
for the reasons submitted in the accompanying affidavit
this Hon'ble Court may be graciously pleased to order the
listing of the hearing of the writ petition at some early
date.

For which act of kindness, the applicant shall
ever pray as duty bound.

LUCKNOW: DATED

PETITIONER

20th APRIL, 1981

21

COUNSEL FOR THE PETITIONER.

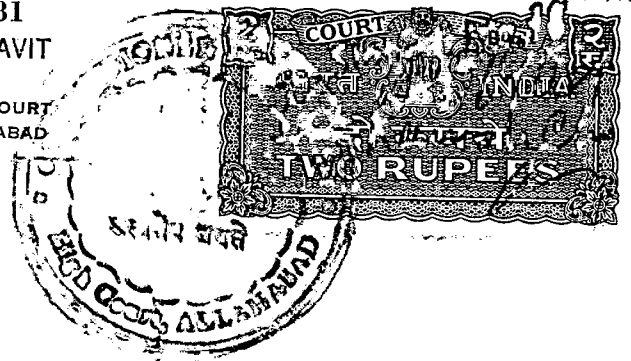
(4/53) 3/2

IN THE HON'BLE HIGH COURT OF JUSTICE AT ALLAHABAD:

LUCKNOW BENCH : LUCKNOW

(WRIT PETITION NUMBER 1492 OF 79)

1981
AFFIDAVIT
45
HIGH COURT
ALLAHABAD



File
21.4.81

Ramesh Chand ..

.. Petitioner

Versus

Union of India and others..

.. Opposite Parties

A F F I D A V I T

I, Ramesh Chand, aged about 28 years, son of
Shri Bhagwan Deen, resident of I/15 E, Railway Colony,
Barha, Lucknow, do hereby solemnly affirm as under :-

1. That the deponent is the petitioner in the instant writ petition and is fully conversant with the facts deposited hereunder.
2. That the petitioner filed a writ petition seeking relief of Mandamum against the opposite party for directing the opposite party to appoint the deponent in the cadre of regular SAFAIWALA in pursuance of Annexure III of the Writ Petition.
3. That the important features giving rise to the writ petition are that the examination which was to take place on 15.8.78 and inspite of the fact

...2/-



रमेश चंद

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that the deponent could not appear somebody else has been appointed who appeared with the deponent who has appeared since his name is also that of the deponent but other particulars were entirely different.

4. That although the writ petition was admitted on about 22.11.79 the opposite party did not file any counter affidavit so far nor in response to the Show Cause Notice issued to the opposite parties on 22.6.79 as to why the writ petition be not admitted, the opposite party did not choose to file any counter affidavit.

5. That since the writ petition relates to bread and butter of the deponent and his family, he is suffering great hardship on account of delay in the disposal of the writ petition.

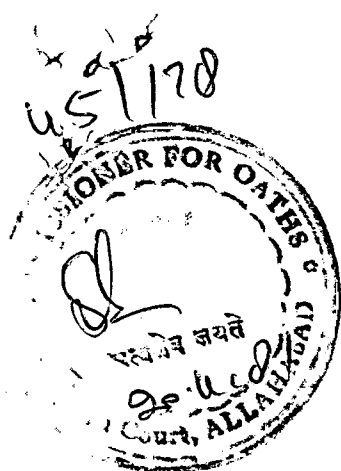
6. That looking to the pitiable circumstances of the deponent and his status, it shall be highly desirable in the ends of justice if orders passed by this Hon'ble Court for early hearing and disposal of the writ petition.

रमेश चंद्र

LUCKNOW: DATED

DEPONENT.

20th APRIL, 1981.



VERIFICATION

I the abovenamed deponent do hereby verify that the contents of paragraphs 1 to 6 of this affidavit are true to my personal knowledge and those of paragraphs 1 are believed by me to be true. No part of this

(A/SS) 3/4

affidavit is false and nothing material has been concealed.

So help me God.

20.4.81

LUCKNOW: DATED

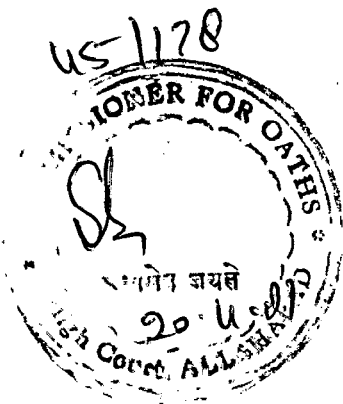
DEPONENT.

20th APRIL, 1981.

I identify the deponent who has signed
this affidavit before me.

G. P. Chhabra
ADVOCATE

Solemnly affirmed before me on 20th April, 1981
at A/P by Shri Ramesh Chand, the deponent, who
is identified by Shri G.P. Chhabra, Advocate.



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

G. P. Chhabra
Advocate

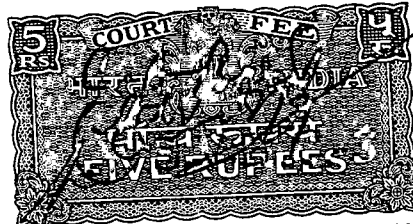
COMMISSIONER
Allahabad.
Know Bench

No. 45-1178
Date 20.4.81

N.R.

1884
VAKALATNAMA

10. P.M. - 1492/79



Refer to the Hon'ble High Court of Judicature at Allahabad at Lucknow
In the Court of

Ramesh Chander

Plaintiff
Defendant

56

Claimant
Appellant
Petitioner

Union of India

Defendant
Plaintiff

Versus

Respondent

The President of India do hereby appoint and authorise Shri. C. A. BASIR Advocate.

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings 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/proceedings 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 of Counsel may enter into an 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 agrees to ratify all acts done by the aforesaid Shri. C. A. Basir Advocate.

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 7th day of Sept 1983

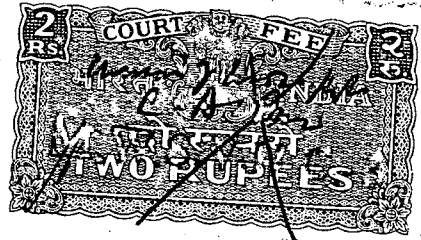
Accepted
[Signature]

Dated 7/9/83 1983

Designation of the Executive Officer

1558

APPLICATION FOR INSPECTION



A/57

To,
The Deputy Registrar,
High Court of Judicature at Allahabad,
(Lucknow Bench) Lucknow.

Please allow inspection of the papers passed below. The application is urgent/
Ordinary. The applicant is ~~not~~ a party to the case.

Full Description of case	Whether case pending or decided	Full particulars papers of which Inspection is required	Name of person who will inspect record	If applicant is not a party reason for Inspection	Office report and order
W.P. No. 1492/79 Ramesh Chandra vs Union of India	Pending	High Court Case.	C. A. Basu Rg Adv.	Applicant is Rg Counsel Power filed on 8/9/83	 Office report Order for Inspection Deputy Registrar Date 12/9/83

Date

C. A. Basu
Signature of applicant or his Advocate Rg Adv.
12/9

Inspection concluded at on 198

Inspection concluded at

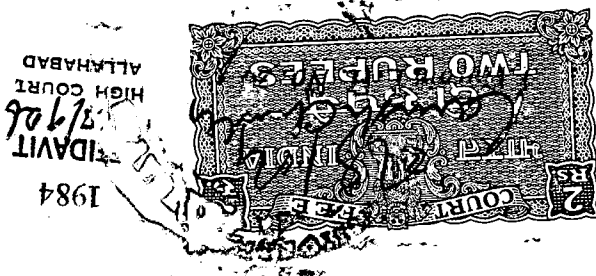
Inspection fee paid by the applicant

Additional fee if any

C. A. Basu
22/9 Adv

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

WRIT PETITION NO. 1492 OF 1979



Ramesh Chandra Petitioner

versus

Union of India and others Opp. Parties.

AFFIDAVIT

I, Ramesh Chander, aged about 32 years,
son of Shri Bhagwan Deen, resident of 1/15-C,
Railway Colony, Barha, Lucknow, do hereby solemnly
affirm and state as under:-

1. That the deponent filed the writ petition
on 22/6/79 and more than 5 years have elapsed
the petition could not be taken up for disposal.

2. That the opposite party No. 3 senior
Divisional Personnel Officer, Northern Railway
Lucknow is appointing employees and it is likely
that they may take up duties as safaiwala at
Charbagh Railway station early.

2. That if the outsiders are appointed
and thereafter the writ is taken up the opposite
parties will come out with the plea that the
deponent now was age barred.

3. That the opposite parties have been



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served but they have not filed any counter affidavit. since the claim of the petitioner has been filed more than 5 years ago and no counter affidavit has been filed so far and inference on the evidence act against the opposite parties may be drawn in the interest of justice.

5. That in the meanwhile the deponent may be appointed as safaiwali at Charbagh Railway Station till the disposal of the writ petition, or in the interest of justice the writ may be decided as early as possible. Shri G.R. Chhabra is no more the counsel of the Deponent.

रमेश चंद

Dated: Lucknow
23. 7. 1984

Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. So help me God.

रमेश चंद

Dated: Lucknow
23. 7. 1984

Deponent.

I identify the deponent who has signed before me.

Abdullah
Advocate

Solemnly affirmed before me on 29.8.84 at 9:10 am/pm by the deponent who is identified by Shri A.H. Siddiqui Advocate, High Court, Lucknow. I have satisfied by examining the deponent who understands its contents which have been readout and explained by me.



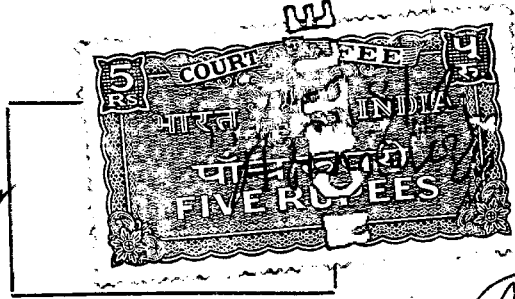
Handwritten signatures and stamps at the bottom left, including a date stamp '29/8/84'.

ब अदालत श्रीमान *In the Honble High Court of Judicature*
At Allahabad sitting at Lucknow

वादी अश्वेलान्त *Ramesh Chander*
प्रतिवादी रेस्पान्डेन्ट

वकालतनामा

Ramesh Chander



14/9/14
3-9-14

Union of Indias and others बनाम

प्रतिवादी

न० मुकद्दमा *W.P. 1492/79* सन् १६ पेशी की ता० १६ ई०

नाम अदालत	नाम मुकद्दमा	नाम फरीकान

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री *S. H. Nazki*

A. H. Siddiqui Surendaran P. एडवोकेट

वकील

महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्व कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हस्तरे 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 में लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

रमेश चंद

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

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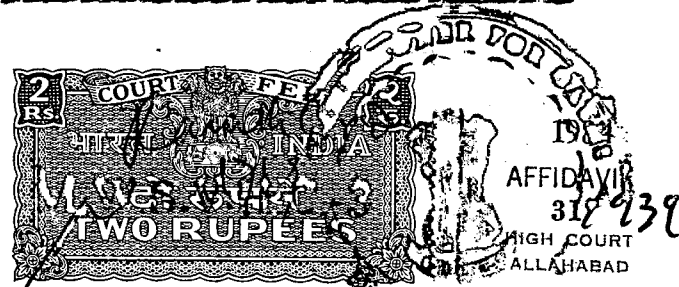
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW

WRIT PETITION C. 1492 OF 1979



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Ramesh Chand Applicant

Versus

Union of India and others Opp. Party

AFFIDAVIT

I, Ramesh Chand, aged about 38 years Quarter No.
son of Bhagwan Din, resident of Railway Bara Colony,/
I-15-E, Alambagh, Lucknow, do hereby solemnly affirm
and state as under:-

1. That the deponent is the applicant/petitioner
in the above noted case and as such he is fully
conversant with the facts of the case.

2. That the ~~deponent~~ deponent was
a safai wali at Charbagh Railway station, Northern
Railway, Lucknow. The deponent had serious constitutional
grievances and he filed the writ petition in May 1979.
No counter has been filed so far.

3. That on account of pressure of work the
case has not yet been decided and juniors are being
given chance in place of the deponent.

4. That if the stay order is not issued or
the writ is not decided early the deponent would
suffer irreparable loss.

रमेश चंद

Dated: Lucknow
17/9/1984

Deponent.



VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 4 of this affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. so help me God.

४/३
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Dated: Lucknow
17/9/1984

Deponent.

I identify the deponent who has
signed before me.

Advocate.

solemnly affirmed before me on 17-9-84 at 9:25
am/pm by the deponent who is identified
by Shri A.H. Siddiqui.
Advocate, High Court Lucknow.
I have satisfied by examining the deponent
who understands its contents which have been
read out and explained by me.

OATH COMMISSIONER
High Court Lucknow Bench

KNOW

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Filed in
Court today -
20/4/04

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

Writ Petition No. 1492 of 1979

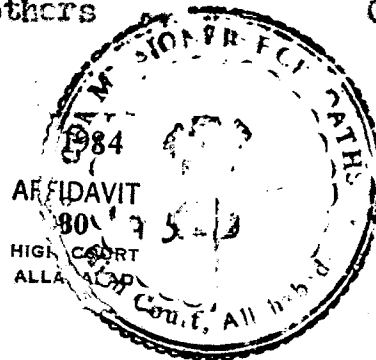
Ramesh Chandra

Petitioner

Versus

Union of India & others

Opp. parties.



Counter affidavit on behalf
of opposite parties.

I, B. K. Sinha aged about 41 years
son of Sri Ramchandra Sinha working as Assistant
Personnel Officer, Divisional Railway Manager/Northern
Railway Office, Hazratganj, Lucknow do hereby solemnly
affirm and state on oath as under:-

2. That the deponent has read the above mentioned
writ petition and has understood its contents as such
he is fully conversant with the facts of the case.
The deponent has been authorised to file this counter
affidavit on behalf of opposite parties.

3. That in reply to averments made in para 1 of
the petition, it is stated that the opposite party no. 3
is the recruiting authority of Safai wala, and Asstt.
Personnel Officer is the appointing authority.

4. That the averments made in para 2 of the petition



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are admitted.

5. That the contents of para 3 of the petition are denied. It is further stated that Safai walas are originally engaged as casual labours on daily wages and in this capacity they have no lien whatsoever as Railway employee. It is only when they have completed 120 days of continuous service, that they attain temporary status, but this employment is however subject to their undergoing the process of screening as and when held by the railway administration.

6. That in reply to para 4 of the petition it is stated that the petitioner worked as casual labour for 191 days in broken periods under HI/Charbagh Station, Lucknow w.e.f. 9.2.72 to 4.8.73 vide casual labour Pay-Sheet Register. He did not turn up thereafter. The petitioner again worked w.e.f. 29.7.75 to 12.8.75 for 15 days. The petitioner again approached Health Charbagh, Lucknow for job after 2 years i.e. in 1977. He was employed as casual labour w.e.f. 2.11.77 to 16.12.77 i.e. for 45 days. He worked at Mohanlalganj for 11 days only in August, 1978. Annexures 1 and 11 of the petition show that he worked for a total period of 191 days.

Inspector,



7. That in reply to para 5 of the petition it is stated that it is incorrect that petitioner's address had been on the roll and register maintained by the Health Inspector, Charbagh, Lucknow. The fact is that the address of the petitioner was known on receipt of

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his representation on 19.6.1978 in Divisional Railway Manager's Office, Lucknow which was intimated to Health Inspector, Charbagh, Lucknow.

8. That the averments made in para 6 of the petition are not admitted as stated. Screening test was held on 28.4.77 and petitioner's name was included in this list who were called through Health Inspector, Charbagh for the screening. But the petitioner failed to appear before the Screening Committee with the result that he could not be considered for regular absorption. His representation dated 28.9.78 that no information regarding screening was communicated to him was considered and he was replied vide this office letter No.220E/2/-IX Screening dated 7.11.1978 that a list of candidates whose address were not on official record was displayed on the notice board of Health Inspector, Charbagh Station, Lucknow.

9. That in reply to the averments made in para 7 of the petition it is stated that the representation of the petitioner dated 14.6.78 was considered by the competent authority and thereafter an enquiry in the matter was also made. The petitioner was advised by this office vide letter No. ⁷⁸⁻⁷⁹ ~~220E/2/-IX~~ dated 11.7.78 that at present there was no vacancy existing and therefore, he should keep in constant touch with H.I./Charbagh Station, Lucknow, so that he may be engaged as and when the vacancy arises. Consequent upon the retirement of Sri Chabban, Safaiwala w.o.f. 31.1.79, Sri Lamesh Chandra was advised by HI/CB/Ctn./Lko.vide letter No.H.I./CB/Stn.dated 30.1.79 to attend his office atonce for his engagement after observing



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necessary formalities. Instead of attending Health Inspector's office the petitioner made a representation dated 8.2.79 to H.I.Charbagh Station, Lucknow which was forwarded by H.I.Charbagh Station, Lucknow to this office on 5.3.1979 under his letter No.I/BI/CB/stn. dated 5.3.79.

10. That in reply to the averments made in para 8 of the petition it is stated that the letter mentioned in this para actually relate to some other man bearing the similar name and also having similar father's name working under Senior Health Inspector, Alambagh, Lucknow. The only clerical error which made the wrong delivery of the letter to the petitioner had been, that the letter was wrongly addressed to HI/CB Stn. instead of SHI/Alambagh under whom the correct candidate was employed as casual labour. When this error came to the notice of this office a corrigendum was issued vide this office letter No.220E/2-IX(Rec) dated 15.11.78, a true copy of which is filed herewith this counter affidavit and is marked as Annexure A-1. The petitioner was also apprised of this clerical mistake vide letter No.220-E/2-IX(Screening) dated 7.11.78, in reply to his representation dated 28.8.78, as mentioned in para 5 above.



11. That the averments made in paras 9 to 12 of the petition need no reply in view of clarifications already made in reply to paras 7 and 8 of the petition.

12. That in reply to para 13 of the petition it is stated that as already stated in para 6 of this counter affidavit the address of the petitioner was not available

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on the official records. In order to ensure that the casual labours whose addresses were not available may not suffer, a notice was pasted by HI/CB Station, Lucknow on the Notice Board of H.I./Charbagh Station advising all such persons to contact H.I./Charbagh station, in connection with screening test. This office has no knowledge that Smt. Mummi is the mother of the petitioner.

13. That the averments made in para 14 of the petition need no reply in view of clarifications already made in paras 10 and 12 of this counter affidavit.

14. That the averments made in para 15 of the writ petition are denied as stated.

15. That in reply to para 16 of the petition it is stated that the position with regard to this para has already been explained in the preceding paras. The matter was discussed by the Divisional Secretary URMU and on going through the facts of the case, the item was dropped by the Divisional Secretary, URMU.

16. That the contents of para 17 of the petition are denied.

17. That the contents of para 18 of the petition need no comments.

18. That the contents of para 19 of the petition are admitted.

19. That the contents of para 20 of the petition



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are admitted.

20. That in reply to the averments made in para 21 of the petition it is stated that the position in this regard has already been explained in para 15 of this counter affidavit.

21. That the contents of para 22 of the petition need no comments.

22. That for reasons set forth above the petition has no merits.

Lucknow:

Dated: ~~Aug~~ ^{Sept} 29 1984

[Signature]
Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 & 2 are true to my personal knowledge, those of paras 3 to 21 are based on records hence believed to be true by me and those of para 22 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

Dated: ~~Aug~~ ^{Sept} 29 1984

[Signature]
Deponent

I declare that I am satisfied by the perusal of the records, papers and details of the case narrated to me by the person alleging



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himself to be Sri B. K. Saha
is that person.

C. A. Basir
Advocate.
29/9

Solemnly affirmed before me on 29/9/84
at 9.30 a.m./p.m. by the deponent
who is identified by Sri C. A. Basir,
Advocate, High Court, Lucknow Bench,
Lucknow.

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



Ravi Srinivasa
OATH COMMISSIONER
High Court, Allahabad,
(Lucknow Bench)
No. 80/913
Date 29/9/84

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

Writ Petition No. 1492 of 1979

Ramesh Chandra

..

Petitioner

Versus

Union of India & others ..

Opposite parties.

Annexure A-1

NO. 220 E/2-IX/RECTT.

Divisional Supdt's Office,
No. 220 E/2-IX/Rectt. Lucknow D/- Nov. 15, 1978.

Medical Supdt., N.Rly. Lucknow.

MO/HQ/Faizabad, Varanasi & Pratapgarh.

Chief Health Inspector, CB/LKO.

Sr. Health Inspector/BSB & MNV/LKO.

Health Inspector, CB Stn. LKO., FD & PBH.

Head Clerk III-III for further necessary action with
3 spare copies.

Reg: Panel for Safaiwalas/Safaiwalis under
Sanitation Department.

Against item No. 55 (Sh. Ramesh Chandra S/O
Bhagwan Din) of the above panel circulated vide this
office letter No. 220E/2-IX/Rectt. dated 21.1.78, the
Station & date of birth may be read as SHI/MNV/LKO
instead of Charebagh Station & 20 years instead of
6.10.53 in the column date of birth.

Sd/- Illegible
ADSO/H/LKO.

Sd/- Illegible,
15.11.78
A.P.O.



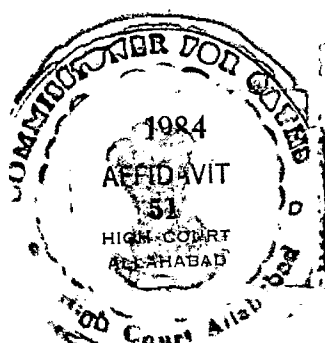
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRIT PETITIONER NO. 1492 OF 1979



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Ramesh Chand Applicant/petitioner

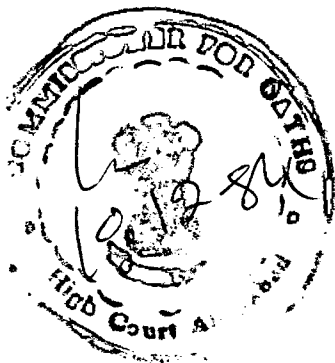
Versus

Union of India and others Opp. Party

REJOINDER AFFIDAVIT

I, Ramesh Chand, aged about 32 years
son of Bhagwan Din, resident of Railway Bara
Colony, Quarter No. 1-15-E, Alambagh, Lucknow,
do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in
the writ petition and as such he is fully conversant
with the facts of the case.
2. That the writ petition was admitted
in May 1979. The opposite parties were served
but for more than 5 years they kept quiet and on the
last date of hearing a copy of the so called counter
affidavit was served.
3. That the contents of paras 1 to 22 of the
counter affidavit of B.K. Sinha are denied so far
as the same are contrary to the stand taken by the
deponent in his writ petition.
4. That the deponent completed more than
191 days and he was regular. He could not be thrown
out without any show cause notice.
5. That no charge was framed against the



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petitioner and his address was on the ~~para~~ pay-roll. The mother of the deponent ~~also~~ working at the Charbagh Railway station. It does not look proper for the averment of B.K. Sinha to the effect that the address of the deponent was not available and hence the notice was sent long after the due date. Annexure No. 4 will bear out that it was issued on 21/9/1971, which required to attend the office of Assistant Personal officer, Lucknow on 15/8/78. The mistake does not lie with the deponent.

6. That annexures 1 to 7 were filed with the writ petition. The Railway Establishment Manual para 2512 is being annexed as Annexure No. 8 wherein even the casual labour is absorbed as a Regular Employee.

7. That the deponent had been working to the satisfaction of all concerned. He has been made a victim of circumstances. He is out of employment for the last 6 years and his request even on compassionate grounds is not being considered.

The order is arbitrary, without jurisdiction and ~~invalid~~.

Arbitrary.

रमेश चंद

Dated: Lucknow
10/12/1984

Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 7 of it is affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. So help me God.

रमेश चंद
Deponent.

Dated: Lucknow
10/12/1984

I identify the deponent who has signed before me.

Advocate



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

WRT PETITION NO. 1492 OF 1980 (1979)

Ramesh Chand ~~Respondent~~ Petitioner

versus

Union of India and others Opp. Party

Annexure No. 8

GOVERNMENT OF INDIA's MINISTRY OF RAILWAY

(RAILWAY BOARD)

INDIAN RAILWAY ESTABLISHMENT MANUAL (SECOND EDITION)

2512. Absorption of Casual Labour in regular vacancies.

(1) Casual labour who acquire temporary status as a result of having worked on other than projects for more than 6 months or who have worked for more than 6 months, shall be considered for regular employment without having to go through Employment Exchange. Other Casual labour who have not completed six months, will, of course, be required to get themselves registered in the relevant Exchanges before they are considered by the Selection Boards. They will have a prior claim over outsiders. In order to ensure this, the names of all casual labour, wherever employed, should be entered in the registers maintained by Divisions or Districts or by any other convenient unit of recruitment strictly in the order of their taking up casual appointment at the initial stage, and for the purposes of empanelment for regular class IV posts, they should, as far as possible, be selected in the order maintained in the aforesaid registers. While showing preference to casual labour over other outsiders in the matter of



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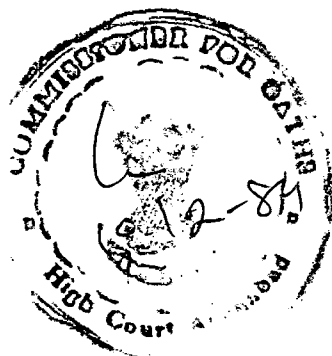
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recruitment of regular class IV establishment, due consideration and weightage should be given to the knowledge and experience gained by them, other conditions being equal, total length of service as casual labour, either continuous or in broken periods, irrespective of whether they have attained the temporary status or not, should be taken into account so as to ensure that casual labour who are senior by virtue of longer service are not left out.

ii) Casual labour engaged in workcharged establishments of certain Departments who get promoted to semi-skilled, skilled and highly skilled categories due to non-availability of departmental candidates and continue to work as casual employees for a long period, shall straightaway be absorbed in regular vacancies in skilled grades provided they have passed the requisite test to the extent of 25% of the vacancies reserved for departmental promotion from the unskilled and semi-skilled categories. These orders also apply to the casual labour who are recruited directly in the skilled categories in workcharged establishments after qualifying in the trade test.

iii) The casual labour referred to in items (i) and (ii) above who joined service before attaining the age of 25 years may be allowed relaxation of the maximum age limit prescribed for class IV posts to the extent of their total service which may be either continuous or in broken periods.

1513. A casual labourer shall be given a card to be retained by himself in which the following particulars could be indicated by the supervisory



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official concerned, under his signature, affixing the office seal of designation :-

1. Name of the employee (In block letters)
2. Father's name.
3. Date of birth
4. Age at initial casual employment.....
years months.
6. Personal marks of identification :-

(1)

(11)

6. Date of engagement.
7. Date of termination.
8. Nature of job on each occasion.
9. Signature of supervisor.
10. Name in full and designation of
supervision.

A specimen copy of the service card for the casual labour is at Annexure I.

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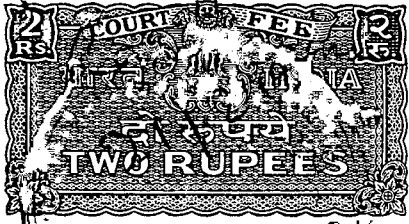


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OATH COMMISSIONER
High Court, Lucknow Bench
KNOW
Co. 511982
DoD. 10-12-84

रमेश चंद

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW

CLAIM NO. 387 of 1987



4/88

1989
AFFIDAVIT
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HIGH COURT
ALLAHABAD

Ramesh Chand Petitioner

versus

Union of India and others Opp. Parties

SUPPLEMENTARY REJOINDER AFFIDAVIT

I, Ramesh Chand, aged about 37 years, son of Bhagwan Din, resident of Railway Bara Colony, Quarter No. 1-15-E, Alambagh, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner in the above noted case and as such he is fully conversant with the facts of the case.
2. That the deponent has gone through the counter affidavit filed by opposite parties and has understood its contents. The deponent could not file a detailed rejoinder affidavit and as such this Hon'ble Tribunal was pleased to direct to file a supplementary rejoinder affidavit and accordingly the deponent is filing this supplementary rejoinder affidavit.
3. That the contents of para 1 to 4 of the counter affidavit needs no reply.
4. That the contents of para 5 of the counter affidavit are denied and in reply the contents of para 3 of the writ petition are reiterated as correct. It is further submitted that the petitioner has completed 191 days of service and attained a temporary status.

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in reply to
5. That/the contents of para 6 of the counter affidavit only this much is admitted that the petitioner has completed 191 days service.

6. That the contents of para 7 of the counter affidavit are denied and in reply the contents of para 5 of the petition are reiterated as correct.

7. That the contents of para 8 of the counter affidavit are denied and in reply the contents of para 6 of the petition are reiterated as correct. It is further submitted that junior to the petitioners are regularised in their service. Some of them are namely :-

1. S/sri Baquer
2. " Imtizar
3. " Pratimesh Shanker
4. " Gopi.

It is further submitted that no information in relation to the screening test held on 28-4-77 was communicated to the petitioner. By means of the counter affidavit

the deponent came to know that there was a screening test on 28-4-77 and the name of the deponent was also included in the screening test held on 28-4-77. It is further submitted that the representation dated 28-9-78 relates to the letter issued to the petitioner (Annexure No. 3 to the petition) on 21-9-78 and not the screening test held on 28-4-77. A true copy of the representation dated 28-9-78 is attached herewith as Annexure No. R1.

In the representation Annexure R1, the deponent stated that his juniors were regularised and the deponent was not given any information and in his place some other person was given employment . The

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opposite parties sent a reply by means of their letter dated ~~11/7/78~~ ⁷⁻¹¹⁻⁷⁸ is annexed herewith as Annexure No. R2 which may kindly be perused. It is further submitted that the address of the deponent was with the opposite parties as stated by them in para 7 of their counter affidavit, and even then no information in relation to the screening was given to him. It is further submitted that the respondents have never stated why the aforesaid letter was handed over to the deponent after a lapse of more than one month. This fact was certified by the Health Inspector, Charbagh by means of his letter dated 23-9-78 (Annexure -4 to the petition).

8. That in reply to the contents of para 9 of the counter affidavit, it is submitted that the true copy of the reply dated 11-7-78 is attached herewith as Annexure R-3, which may kindly be seen. This reply is against a representation of the deponent dated 14-6-78, by means of which the respondents denied that there is no junior working. Thereafter, the deponent made another representation dated 28-9-78. In paragraph No. 2 certain names were given stating that they were junior but no reply was given by the respondents. Therefore, it is very clear that junior to the deponent are working, but the case of the deponent was denied. It is further submitted by means of Annexure-R3, it was directed to make constant touch with the Health Inspector, Charbagh and accordingly the deponent was in touch with him, but the letter issued by the respondents on 1/8/78 was handed over to the deponent on 21/9/78. When the deponent pointed out the same he was told that the letter is not meant for him. Thus it is very clear that the legitimate claim of the deponent was denied and he was discriminated by the respondents.

In relation to the letter dated 31/1/79,

रमेश चन्द

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it is submitted that after receiving the aforesaid letter, the deponent moved an application on 8-2-79. Copy of the letter dated 30/1/79 and the application dated 8/2/79 are being annexed herewith as Annexure No. R-4 and R-5. Thereafter the respondents has not replied till date. On a perusal of the aforesaid letter it is admitted by the respondents that the deponent is the senior most casual labour.

9. That the contents of para 10 of the counter affidavit are denied and in reply the contents of para 8 of the writ petition are reiterated as correct. So far as the knowledge of the deponent is concerned no Ramesh Chand Son of Bhagwandeem was working at Alambagh. It is further submitted that in the seniority list prepared by the respondent the name of the deponent was at serial no. 55. It is further submitted that ~~such~~ the seniority list was prepared after considering the total length of service proof of age certificate and character certificates. Any alteration or amendment can only be made after giving an opportunity to the concerned employee. In this case no opportunity was given before issuing the alleged corrigandum and this corrigandum was issued only to ~~save~~ deprive the legal rights of the petitioner which is against the provisions of the Constitution.

10. That the contents of para 11 of the counter affidavit are denied and in reply the contents of para 9 to 12 of the writ petition are reiterated as correct.

11. That the contents of para 12 of the counter affidavit are denied and in reply the contents of para 13 of the writ petition are reiterated as correct. It is further submitted that in paragraph no. 7 of the counter affidavit the respondents admitted that the address of the deponent was with them on 19/6/78 but in para under reply they took a different

रमेश चन्द

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In fact the letter was correctly addressed but the same was handed over to the deponent on 21-9-78 with ulterior motive.

12. That the contents of para 13 of the counter affidavit are denied and ^{in reply} the contents of para 14 of the writ petition are reiterated as correct.

13. That the contents of para 14 of the counter affidavit are denied and in reply the contents of para 15 of the writ petition are reiterated as correct.

14. That the contents of para 15 of the counter affidavit are denied and in reply the contents of para 16 of the writ petition are reiterated as correct.

15. That the contents of para 16 of the counter affidavit are denied and in reply the contents of para 17 of the writ petition are reiterated as correct.

16. That the contents of para ~~needs no reply~~ 17, 18 and 19 of the counter affidavit need no reply.

17. That the contents of para 20 of the counter affidavit are denied and in reply the contents of para 21 of the writ petition are reiterated as correct.

18. That the contents of para 21 of the counter affidavit needs no reply.

19. That the contents of para 22 of the writ petition are denied. It is further submitted that the petition has got merits and the same deserves to be allowed with cost.

रमेश चंद

Dated: Lucknow

Deponent

21/11/1990

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 19 of this affidavit

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are true to my knowledge. No part of it is false
and nothing material has been concealed. So help
me God.

रमेश चंद

Dated: Lucknow

Deponent

21/12/1990

I identify the deponent
who has signed before me.

H. Ram
Advocate

Solemnly affirmed before me on 21/12/90 at 8.15
am/pm by the deponent who is
identified by Sri Abul Hasan Khan
Advocate, High Court, Lucknow.
I have satisfied by examining the
deponent who understands its contents
which have been readout and explained me.

A. J. Ram
21/12/90
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
No.....51194
Date.....21/12/90

N
21/12/90

सेवा में,

Annexure N. R. 1

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श्रीमान मण्डल अधीक्षक,
लखनऊ मण्डल, उत्तर रेलवे,
लखनऊ ।

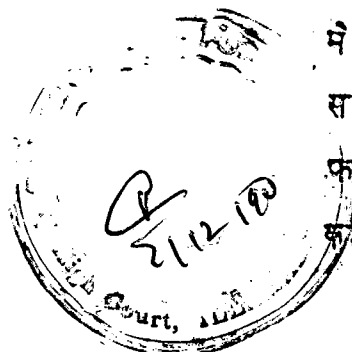
विषय: सफाई विभाग में सफाईवाला के पद पर वेतनक्रम रूपया
१६६-२३२ पर नियुक्ति के सम्बन्ध में ।

महोदय,

Part II मैं आपका ध्यान अपने नियुक्ति पत्र संख्या २२०६/२-IV (Recd.)
दिनांक १-८-७८ जो कि मुझे आपके कार्यालय द्वारा २१-६-७८
को दिया गया, इस विषय में मेरे साथ जो अन्याय हुआ है, निम्न-
लिखित है-----

- १- मैंने सन् १९७२ में कैजुअल लेबर सफाईवाला के पद पर
चारबाग स्टेशन पर लगातार १६१ दिनों तक कार्यरत रहा ।
- २- मेरे जूनियर श्री बाकर, इम्तजार, प्रतिमेश शंकर तथा गोपी
इन सभी की नियुक्तियां सफाईवाला के पद पर स्थायी
रूप से कर ली गई हैं ।
- ३- रैगुलर पोस्ट सफाईवाला के सेलैक्शन के समय स्वास्थ्य
निरीक्षक चारबाग स्टेशन द्वारा मुझे सूना तक नहीं दी
गई, और मेरे ही नाम के दूसरा व्यक्ति मेरी पोस्ट
के अन्तर्गत रख लिया गया ।
- ४- नियुक्ति विभाग से सम्बन्धित सहायक (Dealing Asstt.)
के द्वारा बरती गई अनियमितता से मुझे जो आघात पहुंचा
है उसकी पूर्ति नहीं हो पा रही है, उनके इस कथन से कि
तुम असली रमेश चन्द्र नहीं हो, जबकि मेरे स्थान पर मेरे नाम
का ऐसा व्यक्ति रख लिया गया है जिसको मैंने विभाग
में पहले कभी देखा तक नहीं । ऐसा सुनने में आया है कि
सम्बन्धित सहायक (Dealing Asstt.) हेरा
फोरी करके तथा दूसरों से साठ गांठ करके ऐसे कार्य अक्सर
करते रहते हैं ।

रमेश चन्द्र



कृपया?--२

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मेरी आपसे करबद्ध प्रार्थना है कि उपरिलिखित तथ्यों को ध्यान में रखकर मामले की उचित जांच करायें और दोषी पाये गये कर्मचारियों के विरुद्ध कठोर कार्यवाही करने की कृपा करें ताकि भविष्य में हम गरीबों को इस प्रकार धोखा न दिया जा सके ।

अन्त में मेरी यह विनती है कि मुझे जो नियुक्ति पत्र २१-६-७८ को मिला है उसके अन्तर्गत मेरी मेडिकल परीक्षा करायी जाय तथा मुझे मेरे पद पर रखा जाय ताकि मैं अपनी जीविकोपार्जन चला सकूँ ।

कष्ट के लिए धन्यवाद ।

प्राधी,



(रमेश चन्द)

दिनांक: २८-६-७८

पुत्र श्री मगवान दीन
निवासी बवार्टर नं० १।१५-६
बरहा कालोनी, उत्तर रेलवे
लखनऊ ।

रमेश चन्द



Regd. HD

Annexure R 2

उत्तर रेलवे

मण्डल अधीक्षक कार्यालय
लखनऊ

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पत्र संख्या:- 220 ई0/2- 9/ स्कोनिंग दिनांक 7 नवम्बर 1978

श्री रमेश चन्द्र पुत्र भगवानदीन

आई/ 15/ ई0 वरहा कालोनो, लखनऊ

विषय:- नियुक्ति के संबंध में

संदर्भ:- आपका ज्ञापन दिनांक 28/9/78.

आपने दिनांक 14/6/78 को एक ज्ञापन दिया था जिसका उत्तर इस कार्यालय के पत्र संख्या : हित.वि.एस.के. 78/79 दिनांक 11/7/78 द्वारा दिया जा चुका है। आपको उस पत्र में स्वा. निरो. चारबाग स्टेशन से संपर्क स्थापित करने के लिये कहा गया था।

आपके ज्ञापन दिनांक 28/9/78 के संबंध में आपको बताना है कि स्वा. निरो. चारबाग स्टेशन द्वारा स्कोनिंग में सम्मिलित होने के लिये आपको सूचना भेजी गयी है जांच करने पर पता लगा कि जिन अभ्यर्थियोंके पते उनके पास नहीं थे उनकी सूची बनाकर कार्यालय के सामने उन्होंने चसा कर दिया था परन्तु आप स्कोनिंग में सम्मिलित नहीं हुये जैसा कि ~~आपने~~ आपने भी स्वीकार किया है। 220 ई0/2- 9/ भर्ती पार्ट- (5) दिनांक 1/8/78 गत्ती से आपको भेजा गया था वास्तव में वह पत्र रमेश चन्द्र पुत्र भगवानदीन अधीन व- स्वा. निरोक्षक आलमबाग के लिये था।

इस संदर्भ में आपको यह बताना है कि निकट भविष्य में फिर स्कोनिंग होने जा रही है कृपया अपना पता स्वा. निरोक्षक चारबाग स्टेशन को नोट करा दें ताकि स्कोनिंग के समय आपको सूचित कर सकें। साथ ही आप उनसे सम्पर्क स्थापित करते रहिये ताकि स्थान रिक्त होने पर आपको कार्य पर लगा सकें।

ब. नर. 18

सहायक कार्षिक अधिकारी (प्रथम)
लखनऊ

रमेश चन्द्र



Annexure IV R-3

उत्तर रेलवे
Northern Railway

A/97

13

वि. बि. एम. के. 78-79.

श्री रमेश चंद्र
अर्ज. 15 ई.

बेगम बरहा कालोनी
लातूर

विषय - आपन दिनांक 14.6.78.

उपरोक्त आपन के आदेशों से आपको यह सूचित किया जाता है कि आप से तुरंत कोर्ट में कागज इसलिये पेश कर रखा है। आप फिर भी यदि जुमाने लगे जागह होने पर कागज लगाना चाहते हैं तो बरहा निरीक्षक लातूर (स्टेशन) से सम्पर्क करते।

रमेश चंद्र

वरिष्ठ ^{मण्डल} का निरीक्षक आदेशकारी
लातूर

प्रतिलिपि - आलशक न उचित कथिताई हेतु
स्ताव्य निरीक्षक लातूर (स्टेशन)

Annexure 4

17 Feb 1979 2.00.000 P

1979-80 1979-80 1979-80

भारत रेलवे NORTHERN RAILWAY

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NO 104/CB/Ctn

Dt 30-1-79

From: D/S Lrs / Ctn / Lks.

To: Sir Ramesh Chandra % Bhagwan Singh

Q.No 1/15 - E Baroda Colony Char Bugh
Ludhiana

Reg: Engagement as Casual Labourer

Sir Chabbar % Khimnos afwala
as since retired from service w/c
31-1-79 and a vacancy is lying vacant.
As you are the senior most casual
labour on the list maintained in the
office. You are requested to attend this
office at once for your engagement after
observing necessary formalities. If you
failed to attend this office within 10 days
the next man on the list will be
considered for the post.

Copy to Ds/Lks for
information please

२४३१ च ६९

V. K. Sharma
5/12/1920
High School, Ludhiana

Annexure

रजिस्टर्ड र डो

प्रेषक :- रमेश चंद पुत्र गगनान दोन
मकान नं० 1/15-ई बरडा कानोनी,
चारवाग, लखनऊ ।

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सेवा में,

श्री भान बैला इन्स्पेक्टर,
चारवाग रेलवे स्टेशन,
लखनऊ ।

विषय :- दो जाने वाली नौकरो के सम्बन्ध में ।

संदर्भ :- नं० 1/ एच आई/ सो बी/ एस० टी० एन दिनांक 30-1-79

महोदय,

सेवा में निवेदन है कि उक्त पत्र मुझे दिनांक 7-2-1979 को
मिला है जो लिफाफे 5-2-79 से भेजा जाना जाहिर है । आप ने उक्त पत्र
में मुझे कार्यालय ने उपस्थिति होने का आदेश देते हुए लिखा है कि मुझे आवश्यक
फाइला पूरा करना है । कृपया यह बातने को कृपा करें कि मुझे क्या फाइला पू
करनी है । एवं मेरी नौकरो कैजुअल में आप देना चाहते हैं अथवा रेगुलर ।
नौकरो में मुझे रखा जा रहा है ~~कृपया~~ । कृपया अति शीघ्र उत्तर देने को
कृपा करें । प्रत्यक्ष ।

रमेश चंद

भवदीय

दिनांक :- 8-2-79

रमेश चंद



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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

CIVIL MISC.(RESTORATION) APPLICATION NO. 499 OF 1990. (2)

On behalf of

Union of India and others -----Applicants.

IN

REGISTRATION NO. 387 OF 1987(T)

Ramesh Chandra son of Shri Bhagwan
Deen, resident of Railway Bara
colony, Quarter No.1-15-E, Alambagh,
Lucknow.

-----Petitioner.

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern
Railway, Hazratganj, Lucknow.
3. The Health Inspector, Northern Railway, Alambagh,
Lucknow.

-----Respondents.

To

✓

Noted for
8-10-90
R.C. Yadav for
Mr. AK Gaur
Advocate
24/8/90
Filed today
20/8

To

The Hon'ble the Vice Chairman and His other
companion Members of the aforesaid Hon'ble Tribunal.

The humble application on behalf of the
abovenamed respondents Most Respectfully Showeth as
under:-

1. That for the reasons given in the accompanying
affidavit it is expedient in the interest of justice
and circumstances of the case that this Hon'ble Tribunal
may graciously be pleased to recall its order dated
25.7.90 and afford an opportunity to the applicants
to contest the case on merit, otherwise the applicants
shall suffer irreparable loss and hardship.

PRAYER

It is, therefore, most respectfully prayed that
this Hon'ble Court may graciously be pleased to allow
this application and recal its ~~jud~~ exparte judgment and
order dated 25.7.90 and ~~after~~ afford and opportunity to
the applicants to contest the case on merit.

Dated: Aug. 19th 1990.


(A.K. Gaur) Advocate
COUNSEL FOR THE APPLICANTS.

1990
AFFIDAVIT
17/8/97
HIGH COURT
ALLAHABAD

A-7
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

A F F I D A V I T

IN

CIVIL MISC.(RESTORATION) APPLICATION NO. OF 1990

IN

REGISTRATION NO. 387 OF 1987(T)

Ramesh Chandra -----Petitioner.

Versus

Union of India and others -----Respondents.

Affidavit of Sheopal

Aged about 50 years, son of
late Shri Devi Prasad, clerk to
A.K.Gaur, Advocate, 5, Dayanand
Marg, Allahabad.

(Deponent)

I, the deponent abovenamed do hereby solemnly
affirm and state on oath as under:-

1. That the deponent is the clerk of the counsel
of respondents-applicants in the aforesaid case and
as such he is fully acquainted with the facts of the

21/9/97

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-2-

case deposed to below.

2. That the aforesaid case was listed before this Circuit Bench of Hon'ble Tribunal on 22.3.90.

3. That in the aforesaid case on 21.1.90/4.2.90 a supplementary affidavit was filed by the employee's counsel wherein it was mentioned that the petitioner had worked 191 days continuously and ~~obtained~~ acquired the status of temporary employee and in the said application it was also mentioned that the persons junior to the petitioner were regularised and it was also alleged that no person other than the petitioner son of Bhagwan Deen was working at Alambagh, Lucknow.

4. That on 22.3.90 this Hon'ble Tribunal has directed the Railway Administration to file a counter affidavit and supplementary rejoinder and produce record on 25.7.90.

5. That a number of ~~letter~~ reminders were sent to the Railway Administration for producing the ~~letter~~ relevant record and also for filing supplementary

G2194101

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- 3 -

counter affidavit.

6. That the Railway Administration after receipt of the letter deputed some staff for this purpose but he also could not produce the desired record.

7. That as the counsel for the Railways was suffering from conjunctivitis on 25.7.90 he deputed the deponent to go to lucknow and give an application for adjournment on 25.7.90.

8. That the deponent came to Lucknow on 25.7.90 and after reaching the Tribunal he went through the cause list but was unable to locate the case. However, as a precautionary measure he gave the adjournment application in the office and came back to Allahabad.

9. That the Railway ^{to} Counsel went/concerned branch of this Hon'ble Tribunal at Lucknow on 16.8.90 in connection with ~~which~~ another case and then on enquiry he came to know that the case was heard and

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judgment was passed in his absence on 25.7.90.

10. That there was no laches on the part of respondents, its servant and its agent and as such if the order dated 25.7.90 is not recalled the Railway Administration shall irreparable loss and hardship.

11. That it is expedient in the interest of justice and circumstances of the case that this Hon'ble Tribunal may be pleased to recall its exparte judgment and order dated 25.7.90 and afford an opportunity to the respondents-applicants to contest the case on merit, otherwise the applicants shall suffer irreparable loss and and hardship.

I, the deponent abovenamed do hereby solemnly affirm and swear that the contents of paragraph

no. 1, 2, 7, 8, 10, 11

of this affidavit are true to my personal knowledge;

those of paragraph nos. 3, 4, 5, 6, 9

of this affidavit are based on perusal of record

and paragraph no.

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-5-

of this affidavit are based on legal advice received in which all I believe to be true that no part of it is false and nothing material has been concealed.

So help me God.

C. T. R. U. S.

(Deponent)

Solemnly affirmed before me on this 19th day of August, 1990 at about 3-15 a.m./p.m. by the deponent who is personally known to me.

I have satisfied myself by examining the deponent that he is the same person and fully understands the contents of this affidavit which have been read over and explained to him by me.

Oath Commissioner.

C. T. R. U. S.

S. R. R.
Advocate
OATH COMMISSIONER
MADHAPAD
7/697
19-8-90