

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.E.P./No. 428/87 199.....

Masumullah
- U.S. -
G.C.I

..... Applicant.

Versus

..... Respondents.

- | | | | |
|----|------------------|---|--------------|
| 1. | Index Papers | : | <u>1</u> |
| 2. | Order Sheet | : | <u>2 1/6</u> |
| 3. | Any other orders | " | <u>NIL</u> |
| 4. | Judgment | " | <u>6</u> |
| 5. | S.L.P. | " | <u>NIL</u> |

Dy. Registrar

Supervising Officer

Dealing Clerk

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

NIL

Dealing Clerk

File B/c. needed out/

So (5)

RN)

Annexure - A
CAT- 82
CENTRAL ADMINISTRATIVE TRIBUNAL: ALLAHABAD
CIRCUIT-BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE T.A. 428/87 OF 198

Name of the Parties Hashanullah

Versus

Union of India & Co

Part A, B and C

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A3	Judgment dt. 20.4.85. (Dismissed) on order Sheet.	—
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आलम प्रजापति
16/5/89

GENERAL INDEX

CIVIL SIDE
CRIMINAL

(Chapter X L I, Rules 2, 9 and 15)

Nature and number of case W.R. 375-79

Name of parties Hassanullah and others vs. Union of India & ors

Date of institution 16-2-79

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.			
A	1	general Index	1	—	—	—		
A*	2	Index sheet	1	—	—	—		
A	3	Writ Petition affidavit and annexures	17	6	102	—		
	4	Power	1	1	5	—		
	5	C.M.O. 5259(W) of 80 with C.A.	9		7.00			
	6	Power	1		5.00			

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.

Date _____

Mansurim
Clerk

(3)

✓
Received Copies
for O.S. No. 1 to 4.

~~Handwritten signature~~

(Umesh Chandra)
Advocate
standing counsel
for N.E. Railway.

Hon. H.S.J.

Hon. M. Sengh J.

Admit,

Issue notice

13-9-1979
S.

5-279
Hon'ble Hari Swarup, J.
Hon'ble S. C. Mathur, J.

Sri Umesh Chandra
learned counsel for the
respondents is granted
two weeks' time to obtain
instructions. dist after
two weeks.

16-2-79

MHS/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

CAT (I/II)

O.A./T.A. No. 420 1987

375/79

Hashimullah

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

N.E. 200

Sr. No.	Date	Orders
	12-10-87	<p>Order of 21-10-87.</p> <p>Wait Rejection No. 375/79 - as per</p> <p>recd in the office of the respondent.</p> <p>W.K. is a limited.</p> <p>Counter affidavit was filed.</p> <p>Wait Rejection - 2nd order, priority</p> <p>and promotion.</p> <p>Notices issued to both the parties</p> <p>fixing 20.10.87 for arguments.</p> <p>It is understood that the case has</p> <p>been return back.</p> <p>Wait Rejection - 2nd order, priority</p> <p>submitted for consideration.</p> <p>Yours faithfully</p> <p>20/10</p>

(4)

Am A T Lra AM
26.8.88 Hon C S Sharma, JM

On the request of
Counsel for Applicant
Case is adjourned to
23.9.88

Q1
AM

JM

23.9.88.

Hon. D. S. Mishra, AM
Hon. G. S. Sharma, JM

The applicant has moved an application for restoration of Registration no. TA 428 of 1987 which was dismissed in default of the parties.

We have heard the learned Counsel. The case was dismissed in default on 27.5.88 and the application for restoration has been moved on 21.6.1988. The application is, therefore, well within time and the cause shown is sufficient.

We accordingly ^{recall} order dated 27.5.88 passed by a Bench of this Tribunal and restore the case to its original number. Registry to fix up next date of hearing.

JM

23.9.88

recd

DB

AM

7/8/04

May kindly see the Court's
Order dt. 23.9.88 restoring the case
to its original No & directing the Registry
to fix a date for hearing.
Submitted for fixing a date of hearing

AT
5

6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T.A. No. 428 1987

Hashmatullah

Applicant(s)

Versus

Munir Ahmad

Respondent(s)

Sl. No.	Date	Orders
	<u>24-11-88</u>	<u>DR(J)</u> R.A not filed to-day. on the time request of counsel for respondent applicant is the case is adjourned to 21-12-88 for filing of R.A. <u>DR(J)</u>
	<u>21/12</u>	No sitting. Adjourned to 27-1-89
	<u>27-1-89</u>	No sitting Adjourned to 24-2-89 <u>DR(J)</u>
	<u>24-2-89</u>	<u>DR(J)</u> Counsel for respondent present & counsel for applicant was also present. The reply may be filed by 31-3-1989 <u>DR</u>

(A4)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

WRIT PETITION NO. 315 OF 1979

HASHMULLAH & OTHERS.

... PETITIONERS.

VERSUS

UNION OF INDIA & OTHERS.

... OPPOSITE PARTIES.

: I N D E X :

SL.NO.	. DESCRIPTION OF PAPERS	PAGE NUMBERS
1.	Writ Petition under Article 226 of the Constitution of India.	1 - 8
2.	A F F I D A V I T	9 - 10
3.	Annexure No. 1	11 - --
4.	Annexure No. 2	12 - 15
5.	Annexure No. 3	16 - 17

LUCKNOW:

DATED: FEBRUARY 2, 1979.

16

R.C. Saxena
(R.C. SAXENA)
ADVOCATE,

COUNSEL FOR THE PETITIONERS.

17
2

3. The Divisional Signal and Telecommunication Engineer (M), N.E. Railway, Ashok Marg, Lucknow.

4. The Divisional Superintendent (P), N.E. Railway, Ashok Marg, Lucknow.

... OPPOSITE PARTIES.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA

The petitioners most respectfully beg to submit as under:-

1. That all the petitioners are the employees of Opposite Party No. 1 and at present working under Telecommunication Inspector (A.C.S.R.) Daliganj, Lucknow under the control of opposite party No. 3.

2. That the petitioners No. 1 to 8 were initially appointed as Casual Khalasies in the Construction Wing of the Signal and Telecommunication Department, N.E. Railway, Lucknow, on different dates given in column No. 3 at para 4. They were subsequently, on different dates given on column No. 4 at para 4, started officiating and working as Casual Assistant Line Man.

3. That the petitioners No. 9 to 12 were appointed directly as Casual Assistant Line Man in the Construction Wing of the Signal and Telecommunication Department, N.E. Railway on different dates given in column No. 4 below.

4. That with reference to the para 2 and 3 above the below noted Chart is being given:-

~~CHART~~

(Continued on page 3/.....)

Handwritten: H.B. mullah

Column No.1	Column No.2	Column No.3	Column No.4
Sl.No.	Name of Petitioners	Date of Appointment as Casual Khalasi	Date when started officiating as Casual Asstt. Line Man.
1.	Hashmullah	23.4.1971	7.9.1972
2.	Banka Singh	23.5.1970	3.10.1972
3.	Sri Niwas	4.6.1970	18.4.1973
4.	Abdul Kalim	19.7.1965	18.11.1972
5.	Deo Nandan Singh	May 1972	11.12.1972
6.	Tribeni	23.10.1969	14.4.1973
7.	Radhey Shyam	22.7.1969	7.9.1972
8.	Ashok Kumar Sinha	3.11.1972	1.1.1974
9.	Rajendra Singh	x	1.12.1972
10.	Bhriugu Nath Singh	x	25.11.1972
11.	Braham Deo Ram	x	25.11.1972
12.	Rajendra Prasad Saxena	x	11.5.1973

5. That the work and conduct of the petitioners all along during the aforesaid period remained up-to mark and there have been no complaints against them regarding their work and conduct.

6. That the petitioners being senior most casual Assistant Line Man in the Construction Wing of the Signal and Telecommunication Department of N.E.Railway, Lucknow, and being suitable, were promoted on regular basis on the posts of Assistant Lineman with effect from 13.6.1974 and posted as such at different places under Telecommunication Inspector (Maintenance), Daliganj, Lucknow.

7. That the opposite parties before promoting the petitioners to the post of Assistant Lineman on regular basis adjudged their suitability and after due consideration of their service record and seniority promoted them

8-27/75
Hashmullah

AB
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to those posts. The scale of pay of Assistant Lineman against which the petitioners were promoted initially was Rs. 75-110 which was subsequently revised to Rs. 210-290. The promotion of the petitioners was made in the revised scale.

8. That the petitioners since their promotion have been continuously working and discharging their duties with utmost sincerely and devotion and have been obtaining their regular yearly increments in the scale of Rs. 210-290. These have also appeared in the test necessary for crossing Efficiency Bar in the aforesaid scale.

9. That the petitioners are posted in the Wireless and telecommunication unit and have been deputed for maintenance of telecommunication over head lines. They have been working as such since their promotion to the post of Assistant Line Man in the Wireless and Telecommunication Unit.

10. That the Railway Board vide circular letter No. E (N.G.) 1-72-P.M.1/72 dated 17.7.1972 and its clarification letter No. E (N.G.) 1-72-P.M.1/72 dated 6.12.1972 provided that in future line man posted for telecommunication unit should be designated as T.C.M./Line. It was also directed by the Board that no separate category of Line Man need be maintained in the telecommunication wireless wing. It further directed that the Lineman already posted shall be designated as T.C.M./Line. A true copy of the clarification letter No. E (N.G.) 1-72-P.M.1/72 dated 6.12.1972 is being filed herewith as Annexure No. 1 to this writ petition.

17/7/75
Hastmulla

11. That it is respectfully submitted that the petitioners under law are entitled to be designated as T.C.M./Line but the opposite parties in utter disregard

and violation of the orders contained in Annexure No. 1 are still designating them as Lineman though they full-fill all the necessary conditions mentioned in the said circular.

12. That the petitioners since their promotion referred to in para 6 above and are still carrying out heavy repairs, seasonal work (Line), cleaning of instalators, retentioning of wires and binding wires etc. They are required to maintain the tele-communication wire lines upto 400 to 600 wire Kms, not more than 30 or 32 Km Section.

13. That the work and duties which the petitioners have been and are presently discharging are the same which are being discharged by all the employees of the Railway designated as T.C.M./Line and are getting the pay in the scale of Rs. 260-400.

14. That there are 3 grades of T.C.M. Line i.e. T.C.M./Line Grade I Rs. 175-240 Revised scale Rs. 380-560, T.C.M./Line Grade II Rs. 130-212, Revised scale Rs. 330-480 T.C.M./Line Grade III Rs. 110-180 Revised scale Rs. 260-400.

15. That it is pertinent to note that the below noted persons who alike the petitioners were Assistant Lineman working under wireless and tele-communication unit on the basis of circular contained in Annexure no. 1, have been designated as T.C.M./Line in the grade Rs. 260-400.

(i) Sri Lal Man in the scale of Rs. 260-400 designated and posted as T.C.M./Line in the grade of Rs. 260-400 at Gonda.

(ii) Sri Noor Islam in the scale of Rs. 260-400, designated and posted as T.C.M./Line in grade of Rs. 260-400 at Gonda.

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(iii) Sri Mohd. Yasin Ansari in the scale of Rs. 260-400, designated and posted as T.C.M./Line in grade of Rs. 260-400 at Mailani under T.C.I./ACSR, Daliganj.

(iv) Sri Ram Lal in the scale of Rs. 260-400, designated and posted as T.C.M./Line in grade of Rs. 260-400 at Sitapur.

16. That the persons mentioned in para 15 above as well as several other Lineman working in the wireless and telecommunication units, designated as T.C.M./Line in the grade of Rs. 260-400 and other T.C.M./Line working under the wireless wing are performing and discharging the same type and quantity of work which is being performed and done by the petitioners.

17. That all the Lineman who were posted and working in the wireless and telecommunication unit with the exception of the petitioners have been designated as T.C.M./Line in the grade of Rs. 260-400 and the petitioners have been discriminated without any rhyme or reason in this regard by the opposite parties.

18. That it is respectfully submitted that the petitioners have been discriminated unreasonably from several other employees similarly placed and circumstanced in the matter of their employment. The petitioners are being given a lesser scale while the persons mentioned above and others are getting much higher scale for the same and similar work which is against the principle "equality before the law" and "equal protection of the law".

19. That it is most respectfully submitted that the fundamental principle enunciated under Article 39(d) to the effect that there shall be equal pay for equal

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Haseemullah

work for both men and women, have been totally ignored by the opposite parties.

20. That the petitioners on 13.9.1978 made a representation to the Chairman Railway Board sending its copy to the opposite parties specifically ~~demanding~~ demanding about their right to be designated as T.C.M./Line in the grade of Rs.260-400 but invane. The petitioners also send a reminder to the said authorities requesting them to grant the relief claimed by them in their representation but the opposite parties by not deciding the matter within reasonable time have impleadly deemed to have refused the same. A true copy of the representation dated 13.9.1978 and a true copy of reminder dated 14.12.1978 are being filed herewith as Annexure Nos. 2 and 3 respectively to this writ petition.

Hashmullah

21. That the petitioners having no other alternative efficacious remedy beg to prefer the present writ petition on the following amongst the other:

13/7/78

GROUND S

(i) Because the petitioners legally are entitled to be designated as T.C.M./Line in grade of Rs.260-400 for which they specifically made a demand which under the facts and circumstances of the case, deemed to have been refused by the opposite parties.

(ii) Because the circular letter of the Railway Board contained in Annexure No. 1 is mandatory in nature having statutory force of law binding on the opposite parties.

Praveen
Advocate

(iii) Because under Annexure No. 1 the petitioners have a right to be designated as T.C.M./Line.

(iv) Because the persons similarly placed i.e. Lineman working in the wireless and telecommunication units have been designated as T.C.M./Line in the scale of Rs.260-400 and the petitioners have been discriminated without any reasonable cause in this regard which is in utter violation of Article 14 and 16 of the Constitution of India.

(v) Because the petitioners are discharging the same type and quantity of work and their duties are similar to those who have been designated as T.C.M./Line in grade Rs.260-400 as such in view of the Fundamental principle laid down under Article 39(d) (equal pay for equal work) under the Chapter of Directive Principles of State Policy of the Constitution of India, the petitioners are entitled to the same grade.

R.C. Saxena
Advocate

P R A Y E R

WHEREFORE, it is most respectfully prayed as under:-

(a) That a writ, direction or order in the nature of mandamus commanding the opposite parties to designate the petitioners as T.C.M./Line in grade of Rs.260-400 w.e.f. the date of their promotion i.e. 14-6-1974 be issued against the opposite parties.

(b) That a writ, direction or order in the nature of mandamus commanding the opposite parties to determine and pay the entire difference of arrears of pay which may be found due to the petitioners as a result of change in the grade from Rs.210-290 to Rs.260-400.

OR

In alternative, issue a writ, direction or order in the nature of mandamus commanding the opposite parties to decide the petitioners' representation contained in Annexure No. 2.

R.C. Saxena
(R.C. Saxena)
Advocate,

Lucknow:

COUNSEL FOR THE PETITIONERS.

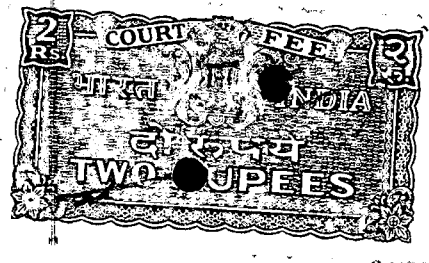
Dated: February 2, 1979.

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALDAHABAD

(LUCKNOW BENCH) : LUCKNOW :

Writ Petition No. of 1979.



Hashmullah and others.

... PETITIONERS.

VERSUS

Union of India & Others.

... OPPOSITE PARTIES.

1979
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9
14/1/79

WRIT PETITION UNDER ARTICLE 226 OF CONSTITUTION OF INDIA
A F F I D A V I T

I, Hashmullah, aged about 31 years, son of Sri Kurvan, R/o Village Sekhui Senapati, Post- Ramwada Jagatram, District Sewan, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Petitioner No. 1 in the above noted writ petition and is fully conversant with the facts deposed to hereunder.

2. That the contents of paras 1 to 20 of the writ petition are true to my own knowledge.

3. That the Annexure Nos. 1 to 3 are the true copies of the original and the deponent has compared them with the original.

Hashmullah

Lucknow:

DEPONENT.

Dated: February 2, 1979.

VERIFICATION


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

Lucknow:

Hashmullah
DEPONENT.

Dated: February 2, 1979.

I identify the deponent who has signed before me.


(R.C. Saxena)
ADVOCATE.

25/2/79
Solemnly affirmed before me on February 2, 1979, at 9.30 a.m./p.m. by Sri Hashmullah, the deponent, who is identified by Sri R.C. Saxena, 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 to him and explained by me.

Abdul Rasool

204/79 275/79
2-2-79

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

Writ Petition No. of 1979.

Hashmullah and others.

... PETITIONERS.

VERSUS

Union of India & Others.

... OPPOSITE PARTIES.

ANNEXURE NO. 1

A copy of Railway Board letter No. E (NG) 1-72-PM-1/72 dated 17-7-1972 and further clarified vide their letter No. E(NG)1-72-PM-1/72 dated 6-12-1972.

It has also been decided that in future Lineman posted for Telecommunication Units should be designated as TEM/LINE and no separate category of Line Man need be maintained in the Telecommunication, Wireless Wing. Such of the Maintaners who have been designated as Line Man and have deputed for maintenance of Telecommunication. Over-head Lines may be designated as Telecommunication maintaining (Line)(Tcm/Line).

Hashmullah

TRUE COPY
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21/2/75

IN THE HONBLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

Writ Petition No. of 1979.

Hashmullah and others.

... PETITIONERS.

VERSUS

Union of India & Others.

... OPPOSITE PARTIES.

ANNEXURE NO. 2

To

The Chairman,
Railway Board, Rail Bhawan,
New Delhi.

Through: Proper Channel.

Sir,

The undersigned most respectfully showeth
as under:-

1. That initially the undersigned was appointed as Casual Khalasi and after serving for more than a year, was appointed as Asstt. Lineman with effect from 1-1-1974.
2. That alongwith the undersigned several other persons were appointed to the post of Assistant Lineman few of them are senior to the undersigned. All these appointments were made by the authorities for maintainence of A.C.S.R. Alignment of North Eastern Railway.
3. That during the year 1975 Divisional Supdt. (Signal), Lucknow vide his D.O. No. R/III-59/6/Signal/ACSR/Staff Pt I/508 dated January 28/29, 1975 addressed to Shri O.P. Jain, Dy.CSTE/Tele/GKP asked for sanction of the staff on permanent basis in which he has changed the designation of the post viz from Asstt. Lineman to Line Attendant. It is however pointed out that the scale of pay for both ~~the~~ of the posts (Lineman/Line Attendant) was the same viz 210-290. The undersigned and others who were appointed as Assistant Lineman were thus re-designated

27/12/75

Hashmullah

as Line Attendants.

4. That the yeard - stick fixed for Line Attendent was as follows:-

" LINE ATTENDENT (Rs.210-290) The Line attendant will maintain:

- (i) 150 Wires Kms on a straight overhead alignment in open country;
- (ii) 120 wires kms in case where part of Section falls in jungle area;
- (iii) 100 wires Kws of wire alignment where part of Section falls in busy city area. The maximum route Kms should not, however, be more than 30 Kms."

5. That the next post above the aforesaid post of Line Attendent is TCM Line II, scale of pay being Rs.330-480 It is pertinent to note here that there is no post of Line-man or TCM Grade III in the pay scale of Rs.260-400.

6. That over since the appointment of the undersigned against the post of Line Attendant and having been completed the services for more than five years, but till to date no seniority list of the cadre has been prepared although the fact remains that the undersigned has been working in a clear and existing vacancy against permanent staff.

7. That the Railway authorities have re-designated the post for some ulterior motive which has caused a serious discrimination in the pay scale of the undersigned. There is no post of Line Attendent in other Railway but there exist the post of Lineman. The North Eastern Railway had created this post of Line Attendent of their own in order to discriminate the personal in their pay scales.

8. That according to Railway Boards letter No.66/W3/TCI/2 dated 28-2-1967, it has been decided that for technical establishment there should be a Lineman who will maintain line wires upto 32 route Kms or 20 miles whichever is greater. The scale of pay assigned for the post of Limeman is Rs.260-400.

2-12/78

Hasanullah

9. That there is no difference in the yard -stick fixed for lineman and Line attendant post, but there is difference in the scale of pay assigned to the post of Line attendant is Rs.210-290 instead of Rs.260-400. Thus there is clear discrimination.

10. That during the year 1972, the Railway Board vide its letter No.E(NG)1-72PM 1/72 dated 6-12-72 had further clarified the position. The relevant paragraph reads as follows:

"It has also been decided that in future Lineman posted for Telecommunication Unit should be designated as TCM/Line and no separate category of Lineman needs be maintained in the Telecommunication, Wireless Wing. In such of the maintainance who have been designated as Lineman and have deputed for maintance of Telecommunication, Overhead Lines may be designated as Telecommunication Maintaining (Line(TCM/Line."

11. That as per aforesaid decision of the Railway Board the designation of the undersigned's post ought to have been TCM/Line and not as Line Attendant.

12. That as stated in the Preceding Paragraphs, there exists no post of Line Attendant in Northern Railway but the personnel so appointed are designated as 'Lineman'. They are carrying out the same duties as are assigned to the undersigned. The scale of pay for the post of Lineman is Rs.260-400 while the undersigned has been given a lesser pay scale viz. 210-290 which on the face of it is discriminatory.

13. That now the undersigned has reliably learnt that in view of the Railway Board's letter dated 6.12.72, the Northern Railway had changed the designation of Lineman and now they have been designated as TCM(Line)Pay scale being Rs. 260-400. To the utter dejection of the undersigned, the

27/28
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North Eastern Railway authorities have not taken any action for changing the designation of the petitioners' appointment from Line Attendant to that of TCM/Line for the apparent reasons that the undersigned and others be prevented from getting higher scale of pay.

14. That the undersigned has further learnt that certain test and interview of senior-most Khalasis has taken place for promotion to the post of TCM/Line. The undersigned and others who are holding the post of line attendants were not called for interview or test while the fact remains that all are working on higher post than 'Khalasi' and have gained experience in the trade. Thus the undersigned and other who are working on the post of line attendant are being discriminated in the matter of promotion to the next higher grade.

P R A Y E R

Under the aforesaid circumstances, it is prayed that the North Eastern Railway authorities be directed to re-designate the post of 'Line Attendants' to be 'TCM(Line)' as per Railway Board's letter dated 6.12.72 and assign the pay scale of Rs.260-400 and pay the arrears of pay i.e. the difference between the scale of pay of Rs.210-290 and Rs. 260-400.

Seniority list be prepared and the undersigned and other personnel holding the post of line Attendants be assigned their due place in the seniority list of T.C.M. Line.

To consider the claim of the undersigned and other personnel holding the posts of line Attendants for further promotion.

An early action is requested. In case the authorities concerned shall not grant the reliefs sought for above, the undersigned shall be compelled to seek the aforesaid reliefs through court of law.

Yours faithfully,

Line Attendant

Dated: 13.9.78

North Eastern Railway, Lko. Division

Copy in advance to:- 1. Sri Ish Kumar, Dy CSTE/Tele/N.E. Rly.GKP, 2. G.M.(P) N.E.Rly Gorakhpur, 3.G.M.,N.E.Rly,GKP., 4. D.S.,N.E.Rly,Lucknow, 5. Sri S.N.Auddy,D.S.T.E.,N.E.Rly., Lucknow, 6. S & T Association, Lucknow Jn.

Hashimullah

TRUE COPY

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

Writ Petition No. of 1979.

Hashmullah and others. ... PETITIONERS.

VERSUS

Union of India & Others. ... Opposite Parties.

ANNEXURE NO. 3

To

The Chairman,
Railway Board, Rail Bhawan,
New Delhi.

Through Proper Channel

Subject:- Representation dated 13.9.78 of Hashmullah and 1122 other Line attendants working under D.S.T.E.(M) Lucknow.

Sir,

We, the representationists, respectfully submit as under:-

1. That the representationists vide their representation dated 13.9.78 requested to grant the following reliefs:

(i) That the North Eastern Railway authorities be directed to redesignate the posts of 'Line Attendants' as " T.C.M." (Line) as per Railway Board's letter dated 6.12.72 and assign the pay scale of Rs. 260-400 and pay the arrears of pay i.e. the difference between the scale of pay Rs. 210/- - 290/- and Rs. 260-400.

(ii) A seniority list be prepared and the representationist and other personnel holding the posts of Line Attendants be assigned their due place in the Seniority list of T.C.M. (Line).

(iii) The claim of the representationists in respect of further promotion be considered alongwith other personnels.

2. That the copies of aforesaid representation were sent/serve by registered post about more than 2 months have passed yet the demands of the representationists have

27/7/78

Hashmullah

neither been acceded to nor the same have been refused so far.

3. That the demands of the representationists are genuine and liable to be granted to them.

4. That it is expedient in the interest of justice that the reliefs sought for by the representationists may be granted to them without any further loss of time.

Therefore, it is requested that the reliefs claimed by the representationists by their representation dated 13.9.78 be granted to them without any further loss of time and in case the reliefs claimed are not granted within 15 days from the date of receipt of this reminder/notice and the representation is kept undecided the representationists shall be compelled to presume as if the reliefs claimed by them have been refused to be granted to them and they shall be free to take shelter in a proper court of law.

Yours faithfully,

Lakhimpur-Kheri

Dated December 14, 1978.

1. Hashmullah
2. S.P.Saxena
3. Bhrigunath Singh
4. Rajendra Singh
5. Radhey Shyam
6. Braham Dev Ram
7. Abdul Kalim
8. Ashok Kumar Singh
9. Illegible
10. Deo Nandan Singh
11. Tribeni
12. Banka Singh

In Advance copies sent for necessary action to:-

1. Sri Ish Kumar Dy. C S T E (Tele)
N.E.Railway, Gorakhpur.
2. G.M. , N.E.R., Gorakhpur.
3. G.M., N.E.Railway, Gorakhpur
4. D.S., N.E.Railway, Lucknow.
5. Sri B.N. Nigam, D.S.T.E., N.E.R., Lucknow.
6. S & T Association, Lucknow.
7. Railway Minister, Government of India, New Delhi.

Hashmullah

TRUE COPY

Memorandum High Court of Judicature at Allahabad
(District Bench) Lucknow.
ब अदालत श्रीमान महोदय

वादी (मुद्दई)
प्रतिवा (मुद्दाअलेह)

Mush Mulla and others.

वकालतनामा



Ca. 57
12/2

Mush Mulla and others.

वादी (मुद्दई)

बनाम
Union of India and others प्रतिवादी (मुद्दाअलेह)
W.P. NO. of 1979
न० मुकदमा सन १६ पेशी को ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री R. C. Saxena,
Advocate, 56 St. St. 6, Rajinder Estate, एडवोकेट Nagar
Lucknow. महोदय

नाम अदालत
ना० मुकदमा
नाम फरीकत

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देहो प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल करें या सुलहना या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी वा विपक्षी (फरीकसहैनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्खती) रसीद में लेंवे या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार हूं और होगी इसलिए यह वकालतनामा दिया कि प्रमाणरहें और समय पर काम आवें

① टशामुल्लाह

हस्ताक्षर ③ सतीश सिंह

③ श्री गवाह

साक्षी (गवाह)

(साक्षी गवाह)

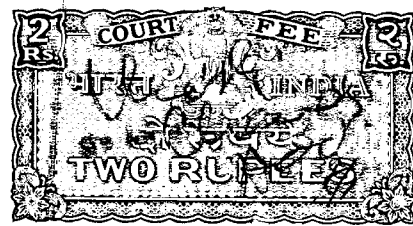
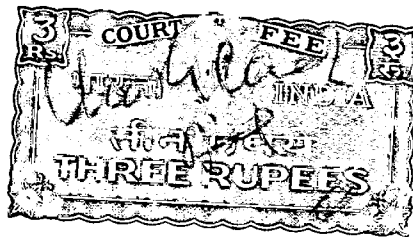
- 1) Abdul Kalam
- 2) ...
- 3) ...
- 4) ...
- 5) ...
- 6) ...
- 7) ...
- 8) ...
- 9) ...
- 10) ...
- 11) ...
- 12) ...

Accepted
R. C. Saxena
Advocate

अधीक कुमाय दिनांक 2 महीना 2 सन १६/५ई०

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

C.M. Application No. 5259(W) of 1980



20/9/80
17/9/80

Union of India & Others.

... Applicants.

IN-RE:

W.P. No. 375 of 1979

Hashmullah & Others

... Petitioners.

Versus

Union of India & Others.

... Opp. Parties.

APPLICATION FOR CONDOMATION OF DELAY IN FILING THE
COUNTER-AFFIDAVIT

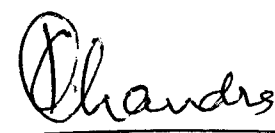
The applicants above named beg to state as under:-

1. That the counter-affidavit to the writ petition could not be filed within time due to certain unavoidable circumstances.
2. That the filing of the counter-affidavit is necessary for the just decision of the case.
3. That the counter-affidavit is being filed herewith.

Wherefore, the applicants respectfully pray that the delay in filing the counter-affidavit be condoned and the same be accepted and brought to the record of the case.

Lucknow:

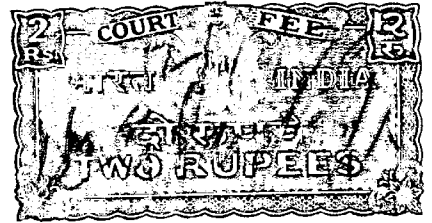
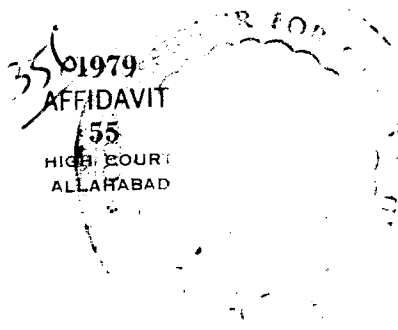
Dated: July 17, 1980.


Counsel for the Applicants
(Krishna Chandra)
Advocate

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) : LUCKNOW :

Writ Petition No. 375 of 1979.



Hashmullah & Others.

... Petitioners.

VERSUS

Union of India & Others.

... Opposite Parties.

COUNTER AFFIDAVIT

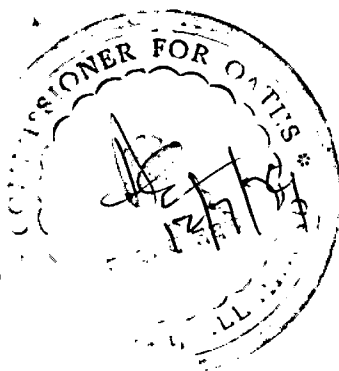
I, N G Pandalai aged about 45 years, S/o Late Shri Ravi Varman R/o Bandra Calcutta, Lucknow

do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Assistant Personnel Officer (PC), Lucknow, and is fully conversant with the facts deposed to hereunder.

2. That the contents of paragraph 1 of the writ petition are admitted to the extent that all the petitioners are working as Casual Asstt. Lineman in the scale of Rs. 75-110 AS (210-290 RS) under TCI/ACSR/DAL. All the petitioners were originally appointed in Construction in Signal Department and due to taking over the lines wires from Construction the petitioners who were working as Casual Labours Asstt. Linemen at the time of taking over were also taken by the

[Signature]

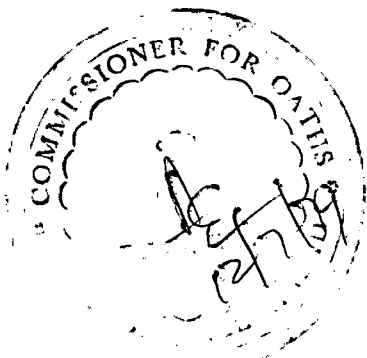


the Maintenance only for the Administrative Control for the day to day duties as per instructions contained in GM (SEG)/GKP's No. N/242/2/46 Pt.III dated 25.3.74.

As per instructions contained in GM(SIG)/GKP's letter No. N/242/2/46/Pt.III dated 25.3.74, the petitioners were temporarily posted under TCI/ACSR/DAL vide T.O. No. E/II/263/6/Lineman dated 14.6.74 with the clear instruction that the petitioners will continue to remain on the Books of DSTE/Works till further orders and for the administrative control for day to day duties will be that of Inspector of Maintenance (TCI/DAL) as per GM(SIG)/GKP's No. N/242/2/46 Pt. III dated 25.3.74.

3. That the contents of paragraph 2 of the writ petition are admitted to the extent that at the time of taking over maintenance of Rly. owned ACSR alignment from construction organisation, the staff who were working as C.L. Asstt. Lineman in A.S. of pay were also taken temporarily for maintenance purposes strictly in order of seniority-cum-suitability in consultation with DSTE/Works/GKP and DSTE/Works/LJN with the clear instructions that these staff will continue to remain on the books of DSTE/Works till further advice. However, administrative control for day to day duties will be that of Inspector Incharge of Maintenance.

The petitioner No. 1 to 3, 5 to 7, 9 to 12 were posted as C.L. Asstt. Lineman attendant, vide DS(P) No. E/II/283/6/Lineman dated 14.6.74. Petitioner No. 4 was posted vide DS(P)'s No. E/II/283/6/Lineman dated 10.2.76 and Petitioner No. 8 was posted vide DS(P)'s office order No. E/II/283/6/Lineman dated 10/11.7.74.



4. That the contents of paragraph 3 of the writ petition are admitted to the extent of paragraph 3rd above.

5. That with regard to the contents of paragraph 4 of the writ petition, it is stated that as per list submitted by DSTE/Works/LJN the date of appointment of Khalasies is as under:-

Sl. No.	Name of Staff	Date of Appointment	Date of Appointment as Asstt. L/Men.
1.	Shri Hasimullah	25.7.72	9.7.72
2.	" Banka Singh	7.9.72	3.10.72
3.	" Sri Niwas	9.10.72	18.4.73
4.	" Abdul Kalim	26.7.72	18.11.72
5.	" Deo Nandan Singh	-	11.12.72
6.	" Tribeni	10.7.72	1.4.73
7.	" Radhey Shyam	9.5.72	7.9.72
8.	" Ashok Kumar Sinha	3.11.72	1.1.74
9.	" Rajendra Singh	-	1.12.72
10.	" Bhrigunath Singh	-	25.11.72
11.	" Brahma Deo Ram	-	25.11.72
12.	" Rajendra Prasad Saxena	-	11.5.73

=====

All the above staff at the time of taking over maintenance of Railway owned ACSR over head alignment were working as Casual Labour Asstt. Lineman and the date of working as Asstt. Lineman is accepted except item No. 6 whereas his date of working as Asstt. Lineman is 1.4.74 instead of 14.4.73.

6. That the contents of paragraph 5 of the writ petition are admitted.

[Handwritten Signature]



7. That the contents of paragraph 6 of the writ petition are admitted to the extent that the petitioners were posted under different places under Telecommunication Inspector (Maintenance) of DAL only for administrative control for day to day duties and there was clear instructions in the posting orders that they will be continue to remain on the books of DSTE/Works as per GM(SIG)/GKP's No. N/242/2/46/Pt.III dated 25.3.74.

8. That the contents of paragraph 7 of the writ petition are admitted to the extent that the petitioners who were working under DSTE/Works were posted as C.L. Asstt. Lineman under TCI/ACSR/DAL (Maintenance only for administrative control for day to day works. It was clearly mentioned in the office order that these staff will continue to remain on the books of DSTE/Works till further orders. On receipt of final orders from GM(P)/GKP vide his No. Ka/254/6/29/MSM/Pt. IV(IX) dt. 11/12.1.78, the screening of these staff to regularise their services as Khalasi first is being arranged and under process.

9. That the contents of paragraph 8 of the writ petition are admitted. The petitioners are C.L. Asstt. Lineman in revised scale of pay 210-290 and hence they are regularly being allowed annual increment in scale Rs.210-290. They are not screened and hence they are not treated as regular Rly. employees against regular cadre post. As per GM(P)/GKP's latest instructions all the casual Asstt. Lineman are firstly to be screened for class IV category and then their services are to be regularised.

FOR DATES
12/7/79

Signature

10. That the contents of paragraph 9 of the writ petition are admitted to the extent that the petitioner are posted in maintenance unit but they are considered to continue to remain on the books of DSTE/ Works and the administrative control for day to day duty they are considered under Inspector of Maintenance (TCI/ACSR/DAL) as per GM(SIG)/DKP's No. N/242/2/46/Pt. III dated 25.3.74.

11. That the contents of paragraph 10 of the writ petition are admitted to the extent that Railway Board's letter referred by the Petitioner in this para concerns with the Lineman, the skilled category and not concerns with Asstt. Lineman the Sam~~e~~-skilled category.

12. That the contents of paragraph 11 of the writ petition are not admitted. The Railway Board's letter contains in Annexure-I of ~~petition~~ petition concerns with lineman skilled worker and not with Asstt. Lineman the Sami skilled worker.

13. That the contents of para 12 of the writ petition are admitted to the extent that the petitioner are working as Asstt. Lineman in semi skilled grade Rs.210-290 against the sanctioned posts. They are all semi-skilled casual staff who have attained temporary status on account of 6 months continuous service and all these staff are to be replaced by the eligible trade tested hands of maintenance side which is being done.

14. That the contents of paragraph 13 of the writ petition are not admitted. The petitioners are doing the job of Asstt. Lineman of Semiskilled grade Rs.210-290 for which they are being paid.



T. H. Lawrence

15. That the contents of paragraph 14 of the writ petition are admitted. These are the grades of skilled staff.

16. That the contents of paragraph 15 of the writ petition are not admitted. Sri Lalman Shri Noor Islam, Mohd. Yaseen and Ram Lal all were Lineman in skilled grade 110-180 AS(260-400-RS) before absorption in maintenance of this Division. As they were Lineman in skilled grade Rs. 260-400 they are designated as TCM/Line.

(1) Sri Lal Man came on transfer from IZN as Lineman and posted in this Division vide T.O. No.E/210/1/S&T/VIII dated 19.8.73.

(2) Sri Noor Islam came from BSB Division as Lineman as posted in this Division vide GM(P)/GKP's No."/254/6/24/Pt.III(IX) dated 11.9.73.

(3) Mohd. Yaseen came on transfer as Lineman from MFP.

(4) Shri Ram Lal came on transfer from IZN as Lineman and posted in this Division vide DS(P)/LJN's No.E/210/1/S&T/VIII dated 19.8.74.

17. That the contents of paragraph 16^{and 17} of the writ petition are ~~not~~ not admitted. TCM/Line are skilled grade worker in grade Rs.260-400 where as Asstt. Linemen are in Semiskilled grade Rs.210-290. The nature of job of TCM(Line) and Asstt. Lineman are different Asstt, Lineman is a semi-skilled staff assisting the skilled ~~xxx~~ staff i.e. TCM(Line)..

[Handwritten signature]



18. That the contents of paragraph 18 of the writ petition are not admitted. The petitioners are allotted the semiskilled grade 210-290 as Asstt. Lineman who are ~~doing~~ doing the job of Asstt. Lineman. (Semi skilled grade).

19. That the contents of paragraph 19 of the writ petition are not admitted. All the Asstt. Lineman working are being charged in the same scale of pay Rs.210-290, there are 22 Asstt. Lineman and all are placed in scale Rs.210-290.

20. That ~~the~~ ^{he} with regard to the reply of the contents of paragraph 20 of the writ petition, it is stated that before taking over maintenance of Rly. owned ACSR alignment from DSTE/Works/GKP & LNJ all petitioners were working under DSTE/Works/GKP, LNJ as Asstt. Lineman in semi skilled grade ~~Rs.75-110~~ Rs.75-110 and after taking over maintenance of Rly. owned ACSR by the DSTE/M/LNJ, the Asstt. Lineman in scale Rs.75-110 were taken in maintenance only for controll of day to day duties as per instruction from GM(SIG)/GKP vide his No. N/242/2/46 Pt.III dated 25.3.74.

Now the matter has been decided by GM(P)/GKP vide his letter No. Ka/254/6/29/MSM/Pt.IV(IX) dated 11/12.1.78 and according to the instructions contained in the letter all the casual Asstt. Lineman who are designated as Line Attendant are firstly to be screened for class IV category and thereafter their services will be regularised after passing Trade Test by them. The instructions from GM(P)/GKP are being followed and a list of all such Asstt. Lineman (Asstt. Line Attendant) has been handed over to screening section of this office.

OFFICE FOR CATERING
17/7/79

[Signature]

21. That the contents of paragraph 21 of the writ petition are not admitted. To regularise their services ~~xx~~ actions are being taken as mentioned in paragraph 20 above.

Lucknow:

Dated: July 12, 1979.

[Signature]

DEPONENT.

VERIFICATION

I, the deponent named above, do hereby verify that the contents of paragraphs 1, of this counter-affidavit are true to my own knowledge, those of paragraphs 2/6 20 are believed to be true based on record and those of paragraphs X are based on legal advice.

No part of it is false and nothing material has been concealed, so help me God.

Lucknow:

Dated: July 12, 1979.

[Signature]

DEPONENT.

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

ADVOCATE.

A. C. Srivastava

Solemnly affirmed before me on July 12, 1979, at 430 a.m./p.m. by N. G. Pandey, the deponent, who is identified by Sri *[Signature]* Advocate, High Court, Allahabad, Lucknow Bench, Lucknow

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

[Signature]

STAYA
tioner
356/55/79
12.7.79

NS/CCS
64

VAKALATNAMA



Before the High court of Judicature at All
In the Court of

Writ petition No. of 1979

Hashmullah and others

petitioners

Versus.

~~General~~ Union of India and others

Respondents.

For We. B. N. Nigam

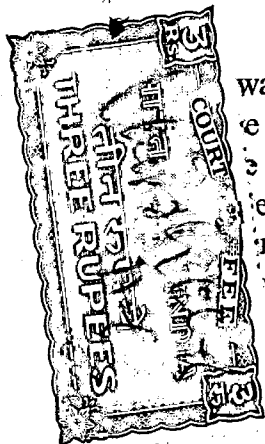
Divl. Signal and Tele-cum-Engineer

(M) and Tej Bahadur Singh

Divl. Personnel Officer N.E. Railway

I ucknow.

do hereby appoint and authorise Shri Umesh Chandra, Servesri Anadi Banerji
and Krishna Chandra



way Advocate, I ucknow. to appear, act, apply and prosecute the
e described Writ/Civil Revision/Case/Suit/Application/Appeal on my/our behalf,
e and take back documents, to accept processes of the Court, to deposit moneys
enerally to represent myself/ourselves in the above proceeding and to do all things
ntal to such appearing, acting, applying, pleading and prosecuting for myself/
ves.

/We hereby agree to ratify all acts done by the aforesaid Shri. Umesh Chandra.

s sri. Anadi. Banerji. & Krishna Chandra Railway Advocate, I ucknow.

in pursuance of this authority.

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

day of.... February..... 1979.

Born Jan
7.6.1979
Divl. Signal & Tele-cum-Engineer(M)
N.E. Fly. I ucknow.

Divl. Engr. P. S. Singh
Divl. Personnel Officer
N.E. Fly. I ucknow.

AS

Before the Central Administrative Tribunal
(Circuit Bench) Lucknow

Application No. of 1988

In re :

T.A. No. 428-87 (T)

C M. An. No 3 of 80 (1)

Hashmullah and others Applicants

Versus

Union of India and others Opp. parties

APPLICATION FOR RESTORATION

It is most respectfully submitted as under :

1. That the above noted case was listed for hearing on 27.5.1988.
2. That on 27.5.1988 one another case was listed T.A. No.260/86 (T) for hearing.
3. That since the counsel for applicants was out station, two applications were sent through Mr. I.J. Rajput requesting for adjournment of above noted both the cases. Mr. I.J. Rajput handed over both the applications to the concerned clerk of the Tribunal on 26.5.1988.
4. That on 27.5.88, it appears that the concerned clerk sent only one application for adjournment in T.A. No.260/86 (T) i.e. Srivastava Vs. Union of India and others, but my hon did not send another application in T.A. 428-27 (T) Hashmullah and others.

Filed for
26/5/88
Rajput
Adv.

Rajput
Adv.

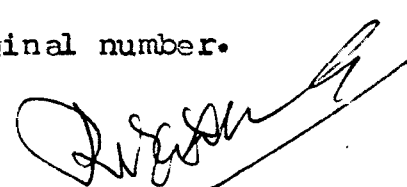
AS
7

- 2 -

and others Vs. Union of India and others.

5. That the Hon'ble Tribunal on 27.5.88 adjourned one case T.A. No.260-86 (1) R.F. Srivastava Vs. Union of India and others but dismissed another case T.A. No.428-87 (T) Hashmullah and others Vs. Union of India and others in default.
6. That the order dated 27.5.88 was communicated by the Tribunal vide its order No.CAT/LKO/77 dated 16.6.88 served to the counsel for applicants on 20.6.1988.
7. That the default in the case on 27.5.88 occurred due to above reasons, the applicants' have all intention to prosecute the case and it is expedient ~~to prosecute the case and it is~~ in the interest justice that the order dated 27.5.1988 dismissing the case in default may be recalled and the case may be restored to its original number.

Lucknow


Counsel for Applicants

Dated : 21.6.1988

VERIFICATION

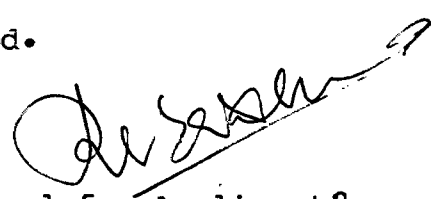
I, the counsel for applicants do hereby verify that the contents of para 1, 2 and 3 of the applications are true to my own knowledge and those of para 4, 5, 6 and

Contd.....3

AS
3

- 3 -

7 are believed by me to be true. Nothing material has been concealed and no part of it is false. So help me God.



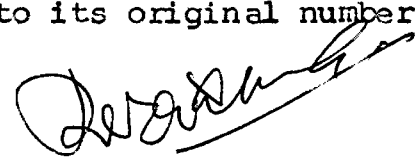
Lucknow :

Counsel for Applicants

Dated : 21.6.1988

PRAYER

Wherefore, it is respectfully prayed that the Tribunal may be please to recall order dated 27.5.1988 and restore the case to its original number.



Lucknow :

(R.C. Saxena)
Advocate

Dated : 21.6.1988.

Counsel for Applicants

15
NS/CCS

VAKALATNAMA

Before
In the Court of

The Central Administrative Tribunal
Allahabad Bench

T.App. No. 428 of 1987 (T)

Hashemullah

Applicant

Versus

Union of India & others. — Resp.

I/We. R.S. Agarwal, Dist. Signal and Tele.
Communication Engineer, NERly, Lucknow

do hereby appoint and authorise Shri. U.K. Goel

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

I/We hereby agree to ratify all acts done by the aforesaid Shri. U.K. Goel
Railway Advocate, Allahabad.

in pursuance of this authority.

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

day of 1987

R.S. Agarwal
DIST/NERly/Lucknow

T A No 428-87 (T)

(B2)

Mushmullah & others — Applicant
vs.

Union of Indus & others — Respondent

Adjournment Application

It is respectfully
Submitted as under:

- 1- That the above noted
Case is fixed for disposal of
the restoration application today.
2. That due to cold, fever
and Psychophobia I am still
not fully well and it is
not possible for me to conduct
the above noted Case today.
3. That due to above reason
it is expedient in the interest of
justice that the above noted
Case may be adjourned
to some other date.

Wherefore it is most
respectfully prayed that the
Honble Bench may be
pleased to adjourn the
above noted Case today
and the same may be fixed
to some other date.

Yours truly
M. A. P. S. S.

Respectfully
Counsel for Applicant

In the Central Administrative Tribunal at Allahabad. (24)

Bazari - Allahabad.

T A NO. 428-87(T)

Hashmullah & Others - - - - - Applicants.

Vs.

Union of India & Others - - - - - Respondents.

Application for - - - - -

... the Applicants'
... (15 days or month) for filing
... alongwith supply of affidavit in the above
case.

Note:- My power is already on record.

Allahabad
Dated 27.11.37.


(R. C. Saxena)
Advocate

Council for Applicants.

(32)
HONORABLE JUDGE ADVOCATE GENERAL
ALLAHABAD

S.N. No. 425 - 37 (2)
(... 275-77)

Hoshnallah and others Applicant
Vs.
Union of India and others Opposite
Parties.

Application for time to file
supplementary affidavit and documents.


It is successfully submitted as under:-

1. That in the above suit during its pendency number of orders have been passed by the Railway Department and it is necessary to bring them on record along with supplementary affidavit for just and proper decision in the case.
2. That in order to file these documents along with supplementary affidavit it is expedient in the interest of justice that the applicants may be allowed 1 month's time for the same.

It is, therefore, prayed that the applicants' may be allowed time (at least one month) for filing documents along with supplementary affidavit in the above case.

Notes:- My power is already on record.

Allahabad
Dated 27.11.37.


(R. J. Saxena)
Advocate
Counsel for Applicants.

In the Central Administrative Tribunal at Allahabad. (24)

Branch - Allahabad.

T A NO. 428-87(T)

Hashmullah & Others - - - - - Applicants.

Vs.

Union of India & Others - - - - - Respondents.

Application for Time to file Rejoinder Affidavit.

It is respectfully Submitted as under:-

1. That in the above noted case the rejoinder affidavit was filed on 2.8.84 in the Honble High Court which is not available on record and could not be traced despite all efforts.

2. That during the pendency of the aforesaid case the Railway Department passed several orders in the matter of applicants and it is necessary to place those orders on record for just decision in the case.

3. That in the above said circumstances it is expedient in the interest of justice that the applicants may be allowed to file Rejoinder Affidavit along with other documents in the above noted case.

It is, therefore, Prayed that the applicants may kindly be allowed time to file Rejoinder Affidavit along with other documents in the above noted case.

Dated: 04/2/88

Allahabad.


Counsel for the applicants

Registered

alc Bpi

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/

Dated : 25.4.89

OFFICE - MEMO

Registration No. O.A. 428 of 1937. (1)
T.A.

Hashtullah Applicant's

Versus

Union of India Respondent's

A copy of the Tribunal's Order/Judgement
dated 20.4.89 in the abovenoted case is forwarded
for necessary action.

D. D. Dubey

For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 20.4.89

To.

1. Mr. K. C. ... E/A

2. Mr. V. K. ...

dinesh/

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. No.428 of 1987 (T)

(W.P. No.375 of 1979)

Hashmullah

.....

Applicant.

Versus

Union of India

.....

Respondents.

20.4.1989

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

Hon'ble Mr. D.S. Misra. A.M.

(By Hon'ble Justice K. Nath, V.C.)

The learned counsel for the applicant says that the petitioners have already been promoted to a still higher post and, therefore, the petition has become infructuous and is not pressed. For the stated reason, this petition is dismissed as not pressed.

Sd/-

A.M.

Sd/-

V.C.

//True Copy//

Central Administrative Tribunal

Lucknow Bench

25/4/89

136/1

Central Administrative Tribunal

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

C.B. S.R. Lw

No, CAT / ^{Lko}ALLD / 76-77

^{Lko}Dated Allahabad, the 16.6.88

OFFICE MEMO

Registration No. TA 428 of 1987,

Itasmulick

APPLICANT,

Versus

C. a. S. Lw

RESPONDENTS.

A Copy of the Tribunal's Order dated 27.5.88 in the abovenoted case is forwarded for necessary action.

^{16.6.88}
Deputy Registrar

Enclosure : Copy of order dated 27.5.88

To,

For copy of
order
16.6.88
for W. Lw

① In C.K. Royel Pdo
C. S. R. Lw

② S. R. E. Senena Pdo
H. J. Lw

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(ALLAHABAD BENCH) Circuit Bench Lko

25-A Thornhill Road, Allahabad-211004.

Grandhi Bhawan (off Residency) REGD.
Lucknow.

No./CAT/ALLD/ 29402 to 403

Dated 29/4 1987

Transfer Application No. 428 of 1987 (T)

Hashmullah

APPLICANT

VERSUS

Union of India 2021

RESPONDENT(S)

To, 1. Sh. R. C. Saxena, Adv.

~~E-3665~~ Advocate

High Court Lko.

2. V. K. Goel Esq. Adv.

C.A.T. Allahabad.

WHEREAS the marginally noted case has been transferred

by High Court Lko under the

provisions of the Administrative Tribunal Act (No.13 of 1985) and
registered in this Tribunal as above.

W.P. No. 375 of 1987
of the Court of High Court
Lko
arising out of the order dated

passed by

The Tribunal has fixed the

date of 29/4 1987 for

the hearing of the matter.

If no appearance is made on your

behalf by yourself, your pleader
or by someones duly authorised to
act and plead on your behalf;

the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal on

the 18/4/87 day of 1987.

DEPUTY REGISTRAR.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(ALLAHABAD Bench)

23-A Thornhill Road, Allahabad-211001.

CAT/ALLD

23544 to 23555

DATED

7/10/87

Refer Application No.

428

of 1987

(T)

Hasimullah

APPLICANT

Versus

Union of India & others.

RESPONDENTS

1- Hasimullah, S/o Sh. Kurvan, R/o Village Sekhui
To Semapati, Post - Ramnada Jagatram, District Sevan
(Bihar)

2- Banka Singh, S/o Sh. Ram Anur Prasad, R/o Village

WHEREAS the marginally noted case has been transferred
Hasimullah - K. under the provisions of
the Administrative Tribunal Act (No. 13 of 1985) and registered in
this Tribunal as above.

No. 575 of 1979
of the Court of Hasimullah - K.
arising out of the order dated _____

The Tribunal has fixed the

date of 22.8.87 1987

for the hearing of the

matter.

Passed by _____

in _____

If no appearance is
made on your behalf by your-
self, your pleader or by
somebody duly authorised to

act and plead on your behalf, the matter will be heard and
decided in your absence.

Given under my hand and seal of the Tribunal this _____

day of 22.8.87 1987

DEPUTY REGISTRAR.

1- axmaphu, Post Seta Pur, District
Sevan, (Bihar)

3- Sh. Vimal, Sh. Ganga Prasad, R/o
1/10, Bihara, Post Mahabhar,
District Etah

4- Abdul Kalam, S/o Sh. Sirajuddin
R/o Village 2 Post Hari-Har, District Sevan (Bihar)

5- Deo Nandan Singh, S/o Sh. Ram Dhar Singh, R/o Village
1/10, Bihara, District Munger

Before the Central Administrative Tribunal
(Circuit Bench) Lucknow

Application No. of 1988

In re :

T.A. No. 426-87 (T)

C.M. An No. 3/100 (C)

Hashmullah and others Applicants

Versus

Union of India and others Opp. parties

APPLICATION FOR RESTORATION

It is most respectfully submitted as under :

1. That the above noted case was listed for hearing on 27.5.1988.
2. That on 27.5.1988 one another case was listed i.e. T.A. No.260/86 (T) for hearing.
3. That since the counsel for applicants was out of station, two applications were sent through one Sri I.J. Rajput requesting for adjournment of above noted both the cases. Mr. I.J. Rajput handed over both the applications to the concerned clerk of the Tribunal on 26.5.1988.
4. That on 27.5.88, it appears that the concerned clerk sent only one application for adjournment in T.A. No.260/86 (T) R.F. Srivastava Vs. Union of India and others, but any how did not send another application in T.A. 426-27 (T) Hashm

T.C.
D. K. Singh
A. H. Singh

and others Vs. Union of India and others.

5. That the Hon'ble Tribunal on 27.5.88 adjourned one case T.A. No.260-86 (T) R.P. Srivastava Vs. Union of India and others but dismissed another case T.A. No.428-87 (T) Hashmullah and others Vs. Union of India and others in default.
6. That the order dated 27.5.88 was communicated by the Tribunal vide its order No.CAT/LKO/77 dated 16.6.88 served to the counsel for applicants on 20.6.1988.
7. That the default in the case on 27.5.83 occurred *due* to above reasons, the applicants' have all intention to prosecute the case and it is expedient ~~to prosecute the case and it is~~ in the interest justice that the order dated 27.5.1988 dismissing the case in default may be recalled and the case may be restored to its original number.

Lucknow

Counsel for Applicants

Dated : 21.6.1988

VERIFICATION

I, the counsel for applicants do hereby verify that the contents of para 1, 2 and 3 of the applications are true to my own knowledge and those of para 4, 5, 6 and

Contd.....3

- 3 -

7 are believed by me to be true. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow :

Counsel for Applicant

Dated : 21.6.88

PRAYER

Wherefore, it is respectfully prayed that the Tribunal may be please to recall order dated 27.5.1988 and restore the case to its original number.

Lucknow :

(R.C. Saxena)

Advocate

Dated : 21.6.88

Counsel for Applicants

T.C.

[Signature]
Advocate

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/

1227
Dated : 25.4.89

OFFICE - MEMO

Registration No. O.A. 428 of 1937 (7)
T.A.

Hashullah

Applicant's

Versus

Union of India

Respondent's

A copy of the Tribunal's Order/Judgement
dated 20.4.89 in the abovenoted case is forwarded
for necessary action.

D.S. Dholakia
For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 20.4.89

To.

① Shri R.C. Soodhakar Adv E/A

② Shri V.K. Gaur Adv

dinesh/

for Shri Lal
Chandra. pl
2/5