

Central Administrative Tribunal

Lucknow Bench

Hassanullah  
- U.S. -

FORM OF INDEX

O.A./T.A. /C.e.P./No. - 428/87 199..... U.C.I  
..... Applicant.  
Versus  
..... Respondents.

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2.	Order Sheet	:	2 1/2
3.	Any other orders	:	NIL
4.	Judgment	:	6.
5.	S.L.P.	:	NIL

Y

31/12/98

Dy. Registrar

Supervising Officer

Dealing Clerk

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

NIL

Dealing Clerk 31/12/98

*Felt B/C weeded out.*

*DR*

*SO(5)*

RN)

Annexure. - A  
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT-BENCH, LUCKNOW

\*\*\*\*\*

INDEX - SHEET

CAUSE TITLE J.A. 428/87 OF 198

Name of the Parties Hashanullah

Versus

Union of India and others

Part A, B and C

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लालदू प्रजा पात्र

16/5/85.

## GENERAL INDEX

CIVIL SIDE  
CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 375-79Name of parties Hassanullah and others vs. class of India & orsDate of institution 16-2-79

Date of decision \_\_\_\_\_

A1  
1  
2

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
A 1		general order	1	—	—	—		
A 2		order sheet	1	—	—	—		
A 3		Writ Petition affidavit and exhibits	17	6	102	—		
4		Power	1	1	5	—		
5.		Cmdu. 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 \_\_\_\_\_

Yunusarim  
Clerk

(3)

✓  
for received Chancery  
for O.S.'s no. 1 to 4.

H. S. J.

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

Hon. H. S. J.

Hon. M. Singh J.

Admit.

Issue notice

W. H.  
13-9-1979  
S.

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...

H. S. J.  
16-2-79

MHS/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CAT. NO. 111

4

W.A./T.A. No. 428 1987

12. 375179)

Hushmālah

Applicant(s)

## Versus

line of latitude = 0° 3.

Respondent(s) (H. E. H. )

Sr. No.	Date	Orders
	10/10/71	<p>Order recd.</p> <p>Wait list No. 315/71 is now received in transfer point no 2 and sent to the W.P. in a bundle.</p> <p>Counter affidavit is filed. Wait list no. 282 is similarly sent post office.</p> <p>Notices issued to both the parties fixing 26.10.71 as the last date for return bundle.</p> <p>Notified to the concerned authorities for issue.</p> <p>JKS 20/10</p>

(A)  
14

Mr. A. Tilak AM  
D. 23.9.88 Mr. C. S. Sharma, JM

On the request of  
Counsel for Kapple ~~part.~~  
Case is adjourned to  
23.9.88

{  
Am  
JN  
}

23.9.88. Hon. D. S. Misra, AM  
Hon. C. 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 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.

b/s

{  
JN

23.9.88

recd

Am.

7/8/1988

OR

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.  
Submuted to fix a date of hearing

(A/S)

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUCKNOW.

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

Hashmatullah Applicant(s)

Versus

Ministry of Finance Respondent(s)

No.	Date	Orders
	24-11-88	<u>DR (J)</u> R.A. not filed 20-day, on the <del>time</del> request of counsel for respondent applicant in the case is adjourned to 21-12-88 for filing <del>not</del> R.A. <u>DR (J)</u>
	21/12	No sitting. Adjourned to 27-1-89
	27-1-89	No sitting. Adjourned to 24-2-89 <u>DR (J)</u>
	24-2-89	<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 (J)</u>
		<u>DR (J)</u>

(AU)

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.

\*\*\*\*\*

: 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.

COUNSEL FOR THE PETITIONERS.

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

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:-

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.	Bhrigu 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), Dalliganj, 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

Hashmullah

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.

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

*Hastimuller*

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, retensioning 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.

*Yester & mufid*  
(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.

(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 circums- tanced 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 inuintiated under Article 39(d) to the effect that there shall be equal pay for equal

*Xasra Mulla*

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.

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

G R O U N D 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.

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

*Ricci  
Avelak*

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(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.

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 )  
Advocate,

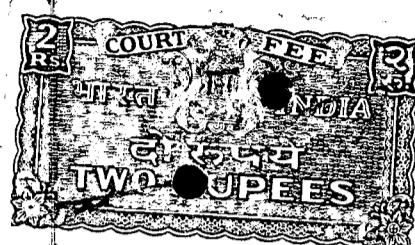
Lucknow: COUNSEL FOR THE PETITIONERS.

Dated: February 2, 1979.

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  
AFFIDAVIT  
9  
34 COURT  
1/1/79

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.

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.



209/79 27574  
2-2-75

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)(Tem/Line).

-----  
Hashmullah

TRUE COPY  
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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

Hashmullah

as Line Attendants.

4. That the yeard - stick fixed for Line Attendant 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 Kms 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 Attendant is TCM Line II, scale of pay being Rs.330-480. It is pertinent to note here that there is no post of Lineman 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 Attendant in other Railway but there exist the post of Lineman. The North Eastern Railway had created this post of Line Attendant 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 Lineman is Rs.260-400.

*Hasenmuller*

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 maintenance who have been designated as Lineman and have deputed for maintenance 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

2/12/78  
Hase-mulla

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 redesignate 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.

Hashmullah

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

*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.

21/12/78

- 1. Hashmullah
- 2. S.P.Saxena
- 3. Bhrgunath 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

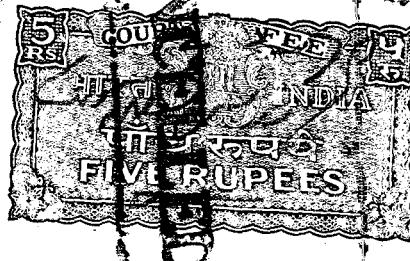
TRUE COPY

Memoranda High Court of Judicature at Allahabad  
(Delhi Bench); duckers.  
ब अदालत श्रीमान महोदय

## वादी (मुद्दई) प्रतिवा (मुद्दाअलह)

Just before and after.

महोदय



Sierra  
ca. 570  
25  
12

Hush Mullah and Others.

## वाही (महार्दि)

## ब्रह्माम

ब्रह्माम  
Union of India and others

W.P. NO. 1979  
न० मकदमा सन १९८६

ऊपर लिखे सुकदमा में अपनी ओर से श्री R C Sachdeva,  
Advocate; 56 S/56, Rajendra एडवोकेट Nagar  
District. महोदय

## प्रतिवादी (मुद्दाअलेह)

५०

महोदय

## वकील

को अपना वकील मियुक्त करके प्रतिज्ञा (इकरार करता हूँ और लिखे हेता हुं इस मुकदमा मे वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देहो प्रश्नोत्तर करे या कोई कागज दाखिल करे या लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल करे या सुलहनमा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करे मुकदमा उठावे या कोई रूपया जमा करे या हमारी वा विपक्षी (फरीकसहनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर यूक्त (दस्खती) रसीद मे लैवे या पंच नियूक्त करे वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा दिया कि प्रमाणरहै और समय पर काम आवै

## ① ठशमुत्त्वोद्द

हस्ताक्षर (३) अक्षर (४)

(साक्षी गवाह) प्रभु वरदान

## साक्षी (गवाह)

(सोका गवाह)

सहीता

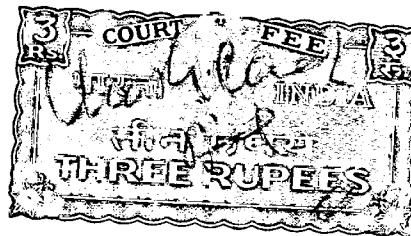
1

सन १९५५।

Accepted  
Reviewed  
Adviser

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

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



26th July 1980

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 CONDONATION 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.

Sept 17

Counsel for the Applicants

(Krishna Chandra)  
Advocate

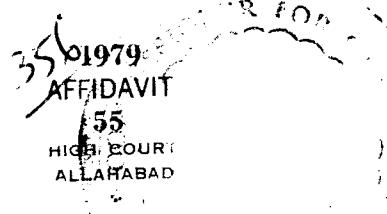
Chandras

444

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.

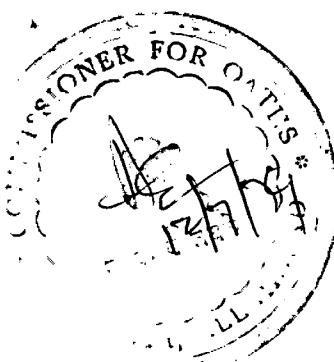
COUNTER AFFIDAVIT

I, N G Pandalai <sup>45 yrs</sup> aged about 45 yrs  
years, S/o Late Shri Ravi Verma R/o Bandarwadi

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

N G Pandalai



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/252/2/46/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.



*T. M. Chandrasekhar*

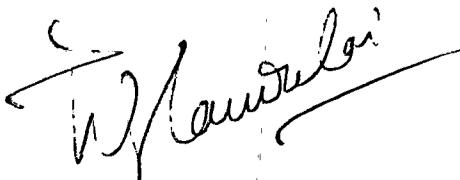
4. That the contents of paragraph 3 of the writ petition are admitted to the extent of paragraph 3rd above.

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.	" Bhrgunath Singh	-	25.11.72
11.	" Brahma Deo Ram	-	25.11.72
12.	" Rajendra Prasad Saxena	-	11.5.72

All the above staff at the time of taking charge over maintenance of Railway owned ACSR overhead 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.



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)/GKB'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.

*Alamgir*

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 Sami-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 ~~the~~ 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. J. 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 19.8.75.

(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 of the writ petition are ~~not~~ not admitted. TCM/Line are skilled grade worker in grade Rs.260-400 where as Asstt. Lineman 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 staff i.e. TCM(Line)..

*J. M. Mehta*

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 ~~now~~ 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~~ <sup>je</sup> 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~~ <sup>Rs.75-110</sup> 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 control 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.

*H. J. Kamalpur*

59

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. 5

## Lucknow:

Dated: July 17, 1979.

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 3 are believed to be true based on record and those of paragraphs 4 are based on legal advice.

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

## Lucknow:

Dated: July 17, 1979.

**DEPONENT.**

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

ADVOCATE.

A. C. Srivastava

VISTAVA  
National

356/551.2.7.79

Solemnly affirmed before me on July 12, 1979, at 4:30 a.m./p.m. by N. G. Pandalai, the deponent, who is identified by Sri —————, 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.

Emerson

NS/CCS  
64

VAKALATNAMA

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



Writ Petition No. of 1979

Hashmullah and others

petitioners

Versus.

Union of India and others

Respondents.

I/We B.N. Nigam ..... Divl. Signal and Tele-cum-Engineer

(M) and Tej Bahadur Singh ..... Divl. Personnel Officer/N.E.F. Railway  
Lucknow.

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

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

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

Suresh Anadi Banerji & Krishna Chandra Railway Advocate,.... Lucknow

..... in pursuance of this authority.

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

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

*7.6.1979*  
Divl. Signal & Tele-cum-Engineer ("")  
N.E.F. Railway, Lucknow.

*7.6.1979*  
Divl. Personnel Officer  
N.E.F. Railway, Lucknow.

AS  
T

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 88 (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 T.A. No. 260/88 (T) for hearing.
3. That since the counsel for applicants was out station, two applications were sent through 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. 260/88 (T) i.e. Srivastava Vs. Uni of India and others, but any how did not send another application in T.A. 428-27 (T) Hashm

Visited for  
26/5/88  
Rajput

Rajput

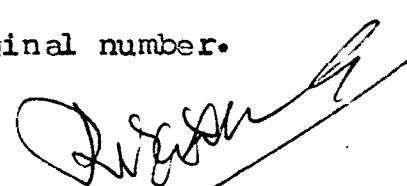
AS  
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- 2 -

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 (T) R.P. Srivastava Vs. Union of India and others but dismissed another case T.A. No.428-87 (T) Hashimullah 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 of 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.

*De Saxena*

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.

*De Saxena*

Lucknow :

(R.C. Saxena)  
Advocate  
Counsel for Applicants

Dated : 21.6.1988

(15)

(B)

NS/CCS

## VAKALATNAMA

Before  
In the Court ofThe Central Administrative Tribunal  
Allahabad Bench

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

..... Hashemullah ..... Applicant

Versus

..... Union of India &amp; others. — Resp.

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

do hereby appoint and authorise Shri U.K. Goel

Allahabad

Railway Advocate 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 21/8/87

..... (R.S. Agarwal)  
DSTE/NERly/Lucknow

1. ~~and the Plaintiff~~ Plaintiff in the  
suit.

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

(By)

Mr. Krishnamurthy & others - Appellants  
v.s.

C. J. Union of India & others - Respondents

Adjournment Application

It is respectfully  
submitted as noted:

1. That the above noted  
case is fixed for disposal of  
the regularization application today.

2. That due to cold, freezing  
and Pishnophilia, 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.

Therefore it is most  
respectfully prayed that the  
Hon'ble P. C. J. may be  
pleased to adjourn the  
above noted case today  
and the same may be fixed  
to some other date.

Yours  
M. A. P. S.

~~Prakash~~  
Prakash  
Counsel for Appellants

In the Central Administrative Tribunal at Allahabad. (By)  
Branch - Allahabad.

TA No. 428-87(T)

Hashmullah & Others - - - - - Applicants.

VS

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

Application for - - - - -

Order dated the applicants' - - - - -  
(15.11.1987) for filing  
documents alongwith supplementary affidavit in the above  
case.

Note:- My power is already on record.

Allahabad  
Date 27.11.87.

  
(D. C. Saxena )  
Advocate  
Council for Applicants.

(B3)

REPORT OF THE JUDICIAL AND QUADRATIC COMMITTEE  
-----

Case No. 420 - 27 (C)  
(C) 275-77

Kashmir and others .... applicant

Vs.

State 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 there during its pendency number of order have been passed by the Railway Department and it is necessary to bring them on record alongwith supplementary affidavit for just and proper decision in the case.
2. That in order to file these documents alongwith supplementary affidavit it is expedient in the interest of justice that the applicants may be allowed 1 month's time for the same.  
In this, it is hereby hereby held as the applicants' may be allowed time (at least 1 month) for filing documents alongwith supplementary affidavit in the above case.

Notes:- My power is already on record.

Aligarh  
Date 27.11.27.

*D. C. Daxena*  
(D. C. Daxena )  
Advocate  
Copy till for applicants.

In the Central Administrative Tribunal at Allahabad. By  
Branch - Allahabad.  
T A NO. 428 - 87 (T)

Mashmulah & Others - - - - - Applicants.

VS.

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

Application for Time to file Rejoinder Affidavit.

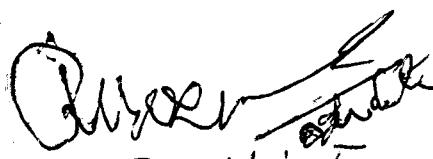
It is respectfully Submitted as under:-

1. That in the above noted case the rejoinder affidavit was filed on 2.8.84 in the Hon'ble High Court which is not available on record and could not be traced despite all efforts.
2. That clearing 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: 06/2/88

Allahabad.

  
Counsel for the Applicants

Registered

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 1937/81  
T.A.

Hasbullah

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.

Mr. K. C. Choudhury C/A

Mr. V. K. Goyal Adv.

dinesh/

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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//

D.D.B.  
Central Admin. Tribunal 25/4/89  
Lokayukta

Central Administrative Tribunal

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

C.B. S.R. U.

(B6)

No. CAT / ALLD/ 400  
26-77

Like  
Dated Allahabad, the 16.6.88

OFFICE MEMO

T

Registration No. TA 428 of 1987,

Sharmila

APPLICANT,

Versus

L. S. S.

RESPONDENTS.

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

(D.R.L.)  
Deputy Registrar  
D.R.L.

Enclosure : Copy of order dated 27.5.88

To,

For copy  
S. R. & Sonu P.D.  
16.6.88  
26.6.88  
26.6.88  
① S. R. & Sonu P.D.  
26.6.88  
② S. R. & Sonu P.D.  
26.6.88

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

25-A Theentitti Road, Allahabad-211001

Gandhi Bhawan (opp Residency) REGD.  
Lucknow.

No./CAT/ALLO/ 29402 to LCO Dated 20/7/1987

Transfer Application No. 428 of 1987 (T)

Mashmullah APPLICANT

VERSUS

Union of India 202 RESPONDENT(S)

To, 1. Sir R. C. Saxena, Adv.  
F-3665 Advocate  
High Court LCO.

2. V. K. Goel Adv.  
C.A.T. Allahabad.

WHEREAS the marginally noted case has been transferred  
by High Court LCO under the  
provisions of the Administrative Tribunal Act (No.13 of 1985) and  
registered in this Tribunal as above.

Ap No. 375 of 1987  
of the Court of High Court  
arising out of the order dated 12/7/87  
passed by \_\_\_\_\_

The Tribunal has fixed the  
date of 20/7 1987 for  
the hearing of the matter.  
If no appearance is made on your  
behalf by yourself, your pleader  
or by some one's 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 10/7/87 day of 1987.

DEPUTY REGISTRAR.

*[Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(ALLAHABAD JURISDICTION)

23-A Thaneshwar Road, Allahabad-211001.

CAT/ALLO

23544 to 23555

DATED

7/10/87

Transfer Application No. 428 of 1987 (T)

Hosainullah

APPLICANT

VERSUS

Union of India & others.

RESPONDENTS

1- Hosainullah, S/o S/o Kurnoor, R/o Village Sethwai  
To Semalati, Post- Ramnagar Jagatram, District Sewan  
(Bihar)  
2- Banarsi Singh, S/o S/o Ram Astur Prasad, R/o Village

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

No 575 of 1987

of the Court of High Court - K.C.

arising out of the order dated —

Passed by —

in —

The Tribunal has fixed the

date of 21/10/1987

for the hearing of the

matter.

If no appearance is

made on your behalf by yourself, your pleader or by

some 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 22/10/87 1987

Ex-mlf, Post Sector Pur, District

Sewan, (Bihar)

3- S/o Nitin, S/o Ganga Prasad, R/o  
Village Biria, Post Mihalpur,  
District Etah.

4- Akbar Kalim, S/o S/o Sirajuddin

R/o Village, Post Hari-Har, District Sewan (Bihar)

5- Dr. Nandini Singh, S/o S/o Ram Dhar Singh, R/o Village  
Biria, Post-Biria, District Muzaffarpur

DEPUTY REGISTRAR.

Before the Central Administrative Tribunal  
(Circuit Bench) Lucknow

Application No. of 1988

In re :

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

C.M. An No. 3/10/11 (L)

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.P. Srivastava Vs. Union of India and others, but any how did not send another application in T.A. 426-27 (T) Hashm

T.C.

27/5/88  
A.C.W.

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) Hashimullah 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 of 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 :

Dated : 21.6.88

(R.C. Saxena)  
Advocate  
Counsel for Applicants

T.C.

*Dixit  
Ach. G. G.*

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 (1)

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.D. Darbar  
For DEPUTY REGISTRAR (B)

Encl : Copy of Order/Judgement dated 20.4.89

To.

Shri R.C. Saheem - Adv E/A

(2) Shri V.K. Gaekwad - Adv

dinesh/

for Shinde  
Dr. M.A. Patel  
216/

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