

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

Jayash Kumar  
Bhattacharya  
G.O.

FORM OF INDEX

D.A./T.A./R.A./C.C.P./ No. 495/82-19

PART - I

1. Index Papers :- 1
2. Order Sheet :- 2 to 12
3. Any other orders :- NIL
4. Judgement :- 13
5. S.L.P. :- NIL

31/12/88  
DY. Registrar

Supervising Officer

30/12/88  
Dealing Clerk

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

- NIL
- 1 - Index sheets A1 to A3
  - 2 - order sheets A4 to A13
  - 3 - Jud order dt 21-8-89 A14
  - 4 - Written Petition / Annexure A15 to A27
  - 5 - Power A28
  - 6 - Application for leave Exemption A28 to A29
  - 7 - Application for leave Exemption A30 to A31
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30/12/88  
Dealing Clerk

Rechecked  
on 1/3/12  
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5005

Annexure - A  
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
\*\*\*\*\*

INDEX - SHEET

CAUSE TITLE T. A. was 187 OF 190

Name of the Parties Jagdish Kumar Dhatnagar

Versus

U. O. I. Dhatnagar

Part A, B and C

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5	Annexure A18-A24 - 7	
6	vakalatnama A25 : 1	
7	Applications A26-A41 16	
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20/11/91

25110 231/85

## सामान्य सूची (अध्याय 4, नियम 4)

स्थान

वर्ष 198 ई०

पाना

यना

प्राप्त

निवासी

पाना

जिला

टीक

अध्याय 12 नियम 1 के अनुसार पत्रावली का प्रकार

पत्रजात का प्रकार	नत्थी (क) या नत्थी (ख)	सम्मिलित किये गये पत्रजात के पत्रों की सं०	न्यायालय शुल्क		पत्रजात को पत्रावली में सम्मिलित किये जाने का दिनांक	प्रत्युक्ति
			टिकटों (स्टाम्पों) की संख्या	मूल्य		
2	3	4	5	6	7	8
1 हकीकत	क	1			14-5-85	
2 अज्ञात पत्र	क	6				
3 अज्ञात पत्र	क	6	4	22-50-		
4 अज्ञात पत्र	क	1				
5 अज्ञात पत्र	क	5				
6 अज्ञात पत्र	क	1				
7 अज्ञात पत्र	क	1	1	1.5-		
8 अज्ञात पत्र	क	2	3	1.8-		
9 अज्ञात पत्र	क	2	3	1.8-		
10 अज्ञात पत्र	क	5				
11 अज्ञात पत्र	क	1			28/9/85	
12 अज्ञात पत्र	क	1			29/11/85	
13 अज्ञात पत्र	क	1			17-1-87	
14 अज्ञात पत्र	क	1	2	3.00	29/11/87	
15 अज्ञात पत्र	क	2			16-2-87	
		36	13	30/-		

Certified that  
the file is complete

प्रमाणपत्र

प्रपत्र संख्या--2

आदेश-पत्र

(अध्याय 5, नियम 143)

QSN 231/85

(229)

A2

(3)

प्रारम्भिक वाद

संख्या

मामला

बनाम

Jagdish Kumar Bhargava vs Union of India

भाग

आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपालन में किये गये प्रतिवेदन की संख्या तथा दिनांक का निर्देश
2	3	4	5
	14-5-85 ग-8 प्रार्थनापत्र अलगित धारा 80(2) सी. सी. सी. का प्रस्तुत हुआ हुआ गया	14-5-85	
	आदेश दिनांक 15/5/85 को वास्तव आदेश प्रस्तुत हो।		
	15-5-85 ग-8 शुर्किनापत्र स्वीकार किया गया। मुकदमा दर्ज करिष्ट हो।		
	15/5/85 ग-9 प्रार्थनापत्र अलगित आदेश 39 नियम 15 2 सी. सी. सी. मय हस्त धाना का के प्रस्तुत हुआ।		
	आदेश वादी आवश्य परकी तुल्य को प्रतिपादीपत्र के नोटिस वास्तव आदेश दिनांक 20/5/85 एवं वास्तव निस्तारण दिनांक 30/5/85 तक जारी हो।		
	Case put up today. Review today.		
	Put up on the date fixed for the case.		

प्रवृत्त संख्या—3  
आदेश-पत्र  
(पञ्चायत 5, नियम 143)

Copy of May Hwa do  
23/1/85

पत्र संख्या

पत्रांक

J.R. Bhataraga B. Union of Julech

भाग

आदेश का दिनांक	आदेश, सम्बन्धीन न्यायाधीश के संक्षिप्त वृत्तांतर सहित	निर्देश उस प्राबन्ध- पत्र अथवा पत्र का पिछ पर मूल आदेश लिखा गया	आदेश के प्रतिपालन में किये गये प्रतिवेदन की संख्या तथा दिनांक का निर्देश
2	3	4	5
	<p>14-8-85 प्रकरण प्रचुर हुआ कार्रवाई नहीं आदेश हुआ करा प्रकरण निम्न दिनांक 21-8-85 को ही प्रचुर हो</p>		
	<p>21/8/85 Case put up today. Proceed not received been arpt. P.O. &amp; all leave today.</p>		
	<p>Award fixing 25/9/85.</p>		
	<p>25-9-85 प्रकरण प्रचुर हुआ कार्रवाई नहीं है को ही कार्रवाई नहीं है देशीय। करार</p>		
	<p>प्रकरण दिनांक 9-10-85 को नार्ड 3-आदेश हुआ प्रचुर हो</p>		

25/9/85  
for Plaintiff

M.H.  
25/9/85  
for Plaintiff

प्रथम पंजी-2

आदेश-पत्र

(प्रमाण 0, नियम 143)

प्रारम्भिक पत्र

पंजी

प्रमाण

पत्र

पत्र 108 ६०

पंजी	पत्र	पत्र	पत्र	पत्र
पंजी	पत्र	पत्र	पत्र	पत्र
1	2	3	4	5

21.12.85 उपस्थित: कलम 2(1) के अन्तर्गत  
काग पं. कलम 2(1) के अन्तर्गत  
आदेश  
दिनांक 20.1.86 को वाद विजु  
देतु पेश हो।

30.1.86 उपस्थित: उमय पत्र /  
आदेश काग पं. कलम 2(1) के अन्तर्गत  
पर हो - आदेश  
दिनांक 11.3.86 को वाद विजु  
देतु पेश हो।

10/3/86

Transferred to the court of  
M. Addl. Munsif. vide D.S.  
ordered dated 31/3/86.

11.3.86  
for M.M.

Received by Mr. Registrar.  
present paper court, none  
for defendant, issue made  
to the court for defendant. fix  
11.01.86

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(6)

21-7-26

Referral on R.C.D.C

to ~~expansion~~  
on ~~a~~ point of  
jurisdiction

*[Handwritten signature]*

16-2-25

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2000 in the range  
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 The point of view  
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 of

22-9-88

<p> <del>उत्तराखण्ड</del>  <del>उत्तराखण्ड</del>  <del>उत्तराखण्ड</del>  <del>उत्तराखण्ड</del>  <del>उत्तराखण्ड</del> </p>	<p> <del>उत्तराखण्ड</del>  <del>उत्तराखण्ड</del>  <del>उत्तराखण्ड</del>  <del>उत्तराखण्ड</del>  <del>उत्तराखण्ड</del> </p>
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16/2/87



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16.2.87

प्र. नरेंद्र प्रभाकर  
पुणे/ उरुल उगार  
कमी कोई अपील  
नहीं परानी नर  
5/3/87 को एवम  
वसिष्ठान्न के वि  
केव

म. प्र. म.

नरेंद्र प्रभाकर 7/5 एवम  
आलोचना/ वसिष्ठान्न  
निमज्जिनि/ एवम  
केव

म. प्र. म.

प्र. म.  
5/3/87  
प्र. म.

5.3.87

वादी अपील/ 19  
वादि 7-3-87 को  
निमज्जिनि/ एवम  
केव

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पा सुन 7 अपील/ एवम  
11.3.87 को प्र. म. केव

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3/87

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T-18

आदेश पत्रक  
ORDER SHEET

9

अपील  
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application  
Appeal Register

TA- 495/07

OS. No. 23/05

Jagdish Kumar Bhattrager  
vs  
Union of India & Ors.

अपील अधिकरण  
Appellate Tribunal

अपीलार्थी  
आवेदक

Appellant  
Applicant

अपीलार्थी  
आवेदक द्वारा

बनाया

Appellant  
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा  
Respondent

आदेश की क्रम संख्या और तारीख Serial number of order and date	संक्षिप्त आदेश, निर्देश दते हुए, यदि आवश्यक हो Brief order, mentioning reference, if necessary	पालन कैसे हुआ और पालन करने की तारीख How complied with and date of compliance
12.11.07	<p><u>Office report</u></p> <p>OS. No. 23/05 has been received on transfer from Ministry of Home Affairs Lko.</p> <p>For cons. not filed.</p> <p>Suit regarding payment of Rent of Govt quarters.</p> <p>Notice issued to both the parties by 16.11.07 by registered post.</p> <p>No undelivered registered cover has been returned back.</p> <p>Submitted for orders before D.R.J.</p> <p><u>Done</u> 12/11</p>	

9/12

ORDER SHEET  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD

.....2195.....No.....of 1987 (10)

J. K. Bhatnagar vs.....N. O. I.....

Sl. No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any taken on order)
(5)	9-2-88	DR On the request of Counsel for the Respondent, he is allowed to file reply by 8-3-88 DR (J)	Office report Reply not filed Jesal 29/1
(6)	8-3-88	DR On the request of respondent's counsel, reply may be filed by 6-4-88 DR	
(7)	6-4-88	DR On the request of respondent's counsel, reply may be filed by 17-5-88. No further time shall be granted DR	
(8)	17-5-88	DR On the request of respondent's counsel, one more time for reply is granted. Same may be filed by 6-7-88 DR	

30-6-88

Office report

Reply not filed.

deson 26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 498 of 1987 (4)

APPELLANT  
APPLICANT

Go S. K. Samy

VERSUS

DEFENDANT  
RESPONDENT

J. S. V.

Sl. No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	---	--

3/7/89

Hon' Mr. Justice K. Nath, V.C.  
Hon' Mr. K.J. Raman, A.M.

Shri D.K. Raizada, learned counsel for the applicant and Shri Prashant Mathur, learned counsel for the respondents are present. Shri Mathur files counter affidavit on behalf of the respondents. Shri Raizada requests for and is allowed three weeks time to file rejoinder. On the request of learned counsel for both the parties, this case is listed for final hearing on 2-8-89.

[Signature]  
A.M.

[Signature]  
V.C.

(sns)

2/8/89

Hon. Justice K. Nath, VC.  
The learned counsel for the applicant Shri D.K. Raizada requests for and is allowed <sup>to file rejoinder</sup> two weeks time for rejoinder and is listed for hearing on 21-8-89.

[Signature]  
V.C.

OR  
No reply  
have been filed  
by the respondents.  
Submitted for  
order.

h  
30/6

OR  
No rejoinder has  
been filed  
submitted for  
hearing.

h  
3/9

OR  
No rejoinder filed  
on directed by the order  
at 2/8/89  
submitted for hearing.

h  
10/9

Filed today,

Madam

Admitted

4-5-85

Counsel for Plaintiff

A  
13

12

Plaintiff's name of Raza

14/5/85

Regular

15/5/85

Madam,

The claim as alleged is within  
time and jurisdiction of this Court.  
It constitutes a cause of action &  
is sufficiently stated  
by documents as per list filed  
along with the plaint.

In application n/o 33 D/42  
CPC submitted with an affidavit  
also filed along with the plaint.

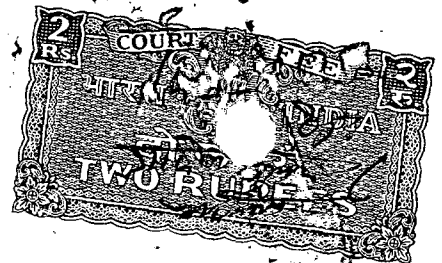
Defects

Notice n/o 10 C.D.C. not served  
hence no application n/o 10 C.D.C. for  
exemption from giving notice n/o 10 C.D.C.  
The application is being held in order

over 2m  
14/5/85

(signed)

14/5/85



In the

A 11  
14/19  
(13)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUCKNOW

....

August 21, 1989

Registration T.A. No. 495/87(T)

Jagdish Kumar Bhatnagar .... Applicant

Vs.

Union of India & ors ... Respondents

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

The applicant is present in person.

Shri Prashant Mathur, Advocate is present on  
behalf of respondents.

The applicant files an application to withdraw the proceedings. In view of the decision of this Tribunal in T.A. No. 523 of 87(T) Kesri Lal Dhusia Vs. Union of India and ors judgment dated 2/8/89, there remains no doubt that the applicant employee is not entitled any out house, in view of the policy decision of the Railway Board in the years back and reiterated in the year 1985. Therefore, the competent authority is entitled to take or not to take possession of one or of the other out houses attached to the bungalow, and to review or not to review their rent according to rules. The matter is concluded by the aforesaid judgment. Therefore, the applicant is allowed to withdraw his application. There will be no order as to costs, in the present circumstances of the case.

DK Agrawal  
21.8.89.  
MEMBER(JUDICIAL)

(sns)

August 21, 1989

Lucknow.

Received Copy  
17/8/89  
Advocate  
21/8/89

3. That the plaintiff was served with memorandum dated 16.4.1984, requesting him to hand over the vacant possession of one of the out house No. "C" attached with the Bunglow of the plaintiff.

4. That the plaintiff represented against the Memorandum dated 16.4.1984 regarding the detachment of one of the out houses of his Bunglow which was in his possession since the date of allotment and occupation. The defendant No. 2 did not reply the said representation of the plaintiff.

5. That the plaintiff again represented by his representation dated 19.11.1984 against the detachment of one of the out houses of his Bunglow.

6. That the Deputy Director (Administration) replied the representation dated 19.11.1984 by his letter dated 19.1.1985 in which he referred the letter No. 289-W/O (Out houses) dated 17.8.1977 of the General Manager, Northern Railway (N.R.).

7. That the aforesaid letter clearly mentioned that the cases in which the segregation is not feasible due to excess of costs or proximity to main bunglow or the out houses having out lived their normal lives, they shall continue to remain with

Contd. at page 3.

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(Am)

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the bungalows and their rent should be included in the assessed rent of such bungalows.

8. That the plaintiff was allotted the bungalow alongwith the out houses on 7/10.10.1983 much after 17.8.1977 and besides this the rent of the bungalow alongwith the out houses still are being realised from the plaintiff's salary at the same rate of rent since the occupation of the bungalows alongwith the out houses.

9. That there is an office council of the R.D.S.O. headed by the Director General as its Chairman, which takes certain decisions regarding the staff matters. The said office council in one of the meetings with Staff Association held on 11.1.1983 took the decision in respect of the out houses in the R.D.S.O. contained in the copy of the minutes of the meetings, which are being filed in the aforesaid suit.

10. That the bungalows and its out houses are very old and the out houses having outlived their normal lives and the roof of one of the out houses of Bungalow No. C- & W- 12 has fallen down. Besides this, there are no basic amenities, such as bath room, latrine, kitchen and electricity etc.,

Contd. at page 4.

AG 2000017



provided in the said out houses attached with the bungalow of the plaintiff.

11. That the decision of the said Office Council meeting held on 11.1.1983 is not applicable to the out houses attached with the bungalow of the ~~petitioner~~ <sup>plaintiff</sup> for the reasons stated in para 10 above. Besides, this decision can be ~~made~~ applicable to the bungalows allotted after the decision of the office council meeting, i.e. 11.1.1983.

12. That the present suit is for permanent injunction to obtain an urgent and immediate relief in respect of the detachment of the out house of the bungalow of the plaintiff against the defendants, hence the application for leave of the court without serving the notice under Section 80 C.P.C., has been filed.

13. That the cause of action accrued to the plaintiff against the defendants on 16.4.1984 when the memorandum dated 16.4.1984 of the defendant No.2 was served upon the plaintiff and again on 19.1.1985 when the letter dated 19.1.1985 was served upon the plaintiff in Manak Nagar, Pergana Tahsil and District Lucknow within the jurisdiction of this Hon'ble Court.

Contd. at page 5.

*[Handwritten signature]*

A16 53-  
18

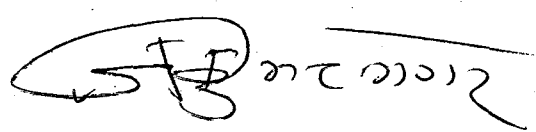
14. That the valuation of the suit for the purposes of jurisdiction and court fee is Rs. 840.00 being annual rent of the bungalow of the <sup>plaintiff</sup> ~~petitioner~~ alongwith the out houses is deducted from the salary of the plaintiff, but it being a suit for permanent injunction hence the court fees, on 1/5th of Rs. 840.00 of Rs. 22.50P is being paid.

15. That the plaintiff is entitled for the following reliefs:-

- (a) That a decree for permanent injunction restraining the defendants. from detaching the out house No. "C" of the bungalow of the plaintiff stated in para 2 above be awarded to the plaintiff against the defendants.
- (b) That the costs of the suit be awarded to the plaintiff against the defendants
- (c) That any other relief which this Hon'ble Court may deem fit and proper be also awarded to the plaintiff against the defendants.

Lucknow dated:-

14.5.1985.

  
Plaintiff.

Contd. at page 6.

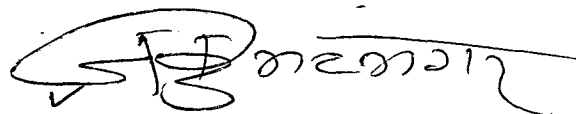
Verification.

I, Jagdish Kumar Bhatnagar, the above named plaintiff do hereby verify that the contents of paras 1 to 11 are true to my knowledge and those of paras 12 to 15 are believed by me to be true.

Signed and verified this 14<sup>th</sup> day of May, 1985 in the civil court's compound at Lucknow.

Lucknow dated:--

14.5.1985.



Plaintiff.

Through:

 14.5.85.  
( D.K. Raizada ),

Advocate,

Counsel for the plaintiff.

Jagdish Kumar Bhatnagar, Vs. *256*

Union of India and Others.

R.S.No. 231/85, fixed for 21.8.85 for disposal  
आर.सी.नं-54 14.8.1985 को अपील प्रारंभ  
R.P.-54 मि. जे. ए. सि. नि. 1985

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

भेजने वाले का पता Sender's address

In the Court of Munsif Hawali;

Civil Court Building,

Lucknow.

(U.P.) *25*

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No. E(G) 85-LL3

New Delhi, dated 14-8-1985

To

The Court of Municipal  
Havali, Lucknow

Subject:

RS No. 231/85

English Kuman Bhatnagar - UP -  
W/O & am

Sir,

I am directed to refer to your summons/orders dated 21-7-85 on the  
subject mentioned above and to state that the General Manager, North Western  
is the competent authority to deal with this matter.  
The summons/orders in question have, therefore, been sent to that authority for

Yours faithfully,

for Secretary, Railway Board.

(G) 85-LL3

New Delhi

14-8-1985

Copy together with a Court summons/orders forwarded to the General  
Manager, North Western for necessary action.

The date of hearing is 21-8-85

DA/As above.

for Director Establishment  
Railway Board.

# वादी प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

774

A14

न्यायालय *Muz of Morad* स्थान *Muz of Morad* जिला *Muz of Morad*  
 वाद संख्या *R.S. 16* सन् १९८५ ई०  
 वादी *Jagdish Kumar Bhatnagar* बनाम  
 प्रतिवादी *Union of India & others*  
 वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

अथवा सुनवाई के समय

इस सूची को *Plaintiff* ने आज सन् १९८५ ई० के ५ के १५ दिवस को पेश किया।

१	२	३	४
दस्तावेज का अभिवर्णन क्र० और उसकी सं० तारीख यदि कोई हो	कागज क्या हुआ		
	यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया	यदि नामजद हुआ तो पक्षकार की लौटाये जाने की तारीख और पक्षकार या उसके अभिवक्ता के हस्ताक्षर जिसको कागज लौटाया	यदि वाद के विनिश्चय के पश्चात कागज अभिलेख में रह जाय और अध्याय ३ नियम २४ के अधीन लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख
			टिप्पणी
१- <i>Photo copy of the Allegation letter dated 7/10.10.1984 in respect of the bungalow of the Plaintiff.</i>			
२- <i>Notice dated 16.4.84 to the Plaintiff to hand over the vacant possession of the outhouse 'c' attached with the bungalow of the Plaintiff.</i>			
३- <i>Representation dated 19.11.84 of the Plaintiff in respect of the detached of the outhouse of the Plaintiff.</i>			
४- <i>Reply of the Defendant 16.2.85 of the Plaintiff's Representation dated 19.11.84.</i>			

न्यायालय का नाम---  
 वाद संख्या---  
 पक्षकारों का नाम---

*Plaintiff* *Advocate*  
 सूची पेश करने वाले पक्षकार या अभिवक्ता के हस्ताक्षर  
 14.5.85  
 Counsel for the Plaintiff

A20  
MS  
7  
S No 24

Government of India: Ministry of Railways  
Research Designs & Standards Organisation  
Manak Nagar, Lucknow-226011.

10/10/83 No. A/AI/11

Dated :- 7-10-83

Sub: Allotment of residential accommodation  
at Manak Nagar, Lucknow.

The following officers/Staff are allotted quarters as indicated against them :-

S. No.	Name & Designation	Present Qrs. No.	Qr. No. Allotted	Remarks
--------	--------------------	------------------	------------------	---------

1. J.K. Bhadnegar, PI C 21/1 10-10-83 Refused by S. No. 11  
A. Bhadnegar, S. 1/885

(M. S. P. S. Allotment Order No. A/AI/11 Dated 14-5-83)

2. The rent liability will commence from the 3th day of issue of this letter or the date of occupation, whichever is earlier. This period of 8 days will count from the date the quarters are made available for occupation. It will be the responsibility of the allottee to check up the availability of the quarters from the IOW(Estate), RLSO/Lucknow.

3. The occupation/vacation slip of the quarters of employee concerned should be furnished immediately to the Admn. Section as well as to SO/E-III/E-IV b, IOW/IOW(Estate).

4. The employee concerned should send his acceptance of the allotment within the period stipulated in para 2 above. Failure to do so will be taken as refusal of the allotment for a period of one year.

4. In case the employee concerned does not occupy the railway quarters within 7 days from the date of issue of this allotment order he will be liable to pay the rent from the date as stipulated in para 2 above.

DA/Nil.

for Director General

1. Officer/Staff Concerned.
2. SO/E-III or IV
3. Town Engineer.
4. IOW/Estate.
5. AEE

6. Electrical Foreman
7. Finance & Accounts Branch
8. SO/E-I, E-IV, DD/E-II
9. Elec. Chārgeman (Metre Sec.)
10. AD/Tele-I.

Government of India, Ministry of Railways  
Research Designs & Standards Organisation

Manak Nagar, Lucknow-11

Dated 16-4-84.

No. A/AT/NS

MEMORANDUM

In accordance with the revised policy of the Railway Board the scale of out-house attached to the Officer/staff quarters has been reduced. Accordingly it has been decided to detach 'out-house' No. C.... attached to quarters No. L.D-107/A which at present stands allotted in his name.

Shri J.K. Bhatnagar is therefore requested to handover the vacant possession of the said unit of the 'out-house' referred to in para 1 above within a period of 60 days from the date of issue of this memorandum.

sd/-

( K.Kumar )  
for Director General

DA: Nil

Shri J.K. Bhatnagar

Copy forwarded to Town Engineer. He may please take over the vacant possession of the above unit of the 'out-house' and submit a vacation report.

sd/-

( K.K.umar )  
for Director General

DA: Nil



Government of India-Ministry of Railways  
Research Designs & Standards Organisation

No.A/AT/MS

Manak Nagar, Lucknow-11.  
Dated 19th January, 1985

Sub: Detachment of out-houses from  
LD Type & C&W Bungalows.

...

As requested in your representation dt.19.11.84 a copy of the GM Northern Railways' letter No.289-W/O(Outhouses) dated 17.2.77 is sent herewith on the guide lines of which the out-houses attached to LD Type & C&W Bungalows have been detached.

DA: One (reproduced below).

Sd/-(K. Kumar)  
Dy. Director(Admn.)

A copy of General Manager, Northern Railway, Head Quarter's office letter No. 289-W/O(outhouses) dated 17.2.77.

Sub: Scale of out-houses for officers Bungalows.

...

The question of fixing the scales of outhouses for officers bungalows was engaging attention of this office for past few months. It has been decided that the scales laid down in Railway Board's letter No.53-W/191 dated 3.10.55 as given below will continue to be followed on all the Divisions.

- |   |                   |
|---|-------------------|
| 1. For Asstt. Officers                        | One outhouse      |
| 2. For Sr. Scale Officers                     | One huthouse      |
| 3. For Junior Admn. Officer                   | Two outhouses     |
| 4. For Sr. and Intermediate<br>Admn. Officers | Three out houses. |

In the case of old bungalows when the number of outhouses provided are in excess of the scales indicated in para 1 above, the excess number where it is feasible and where the cost is not excessive should be segregated from the main bungalow by constructing a proper boundary wall, provision of independent entry and exit, water supply and lavatories except where community latrines are provided and allotted to the railway employees on the basis of entitlement.

In these cases when the segregation is not feasible due to excessive cost or proximity to the main bungalows or the out-houses having live their normal lives they should continue to remain attached with the bungalows and their rent should be included in the assessed rent of such bungalows.

....

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The Director General,  
R.D.S.O., Lucknow.

Respected Sir,

A22

Sub: Detachment of the out-houses from the  
quarters of the old colony.

.....

With profound grief and great resentment, it is to bring to your kind notice that RDO Administration has taken an arbitrary and unlawful decision of the detachment and subsequent allotment of some out-houses attached to C&W and LD type quarters under the occupation of the officers and staff. The decision, apart from being questionable on account of its propriety, has also caused undesirable harassment to the occupation of the quarters.

2. The railway administration and the officers and staff occupying the quarters in question have a land-lord-tenant relationship as the quarters have been duly allotted to them. As such, no portion of it can be and should be snatched from the occupants of the quarters and allotted to some employees during the period of the former's occupancy. If at all a deviation has got to be made from the normal laws and rules of the land-lord-tenant relationship on account of the quarters being government property, it may be done only in special cases under very exceptional circumstances. In the present case, the details of which are given in the subsequent paragraphs, it is obvious that there has not been any urgency for this and the detachment and consequent allotment of the out-houses is grossly objectionable and summarily illegal.

3. Some out-houses were detached and allotted sometime back and subsequently a similar order for allotment of 10 out-houses has been passed and executed in September 1984. In the latter case, a Memorandum No. A/AT/HS dated 16.4.84 was served on some officers and staff and only a fraction of the recipients of the memorandum were forced to get their out-houses detached. Several representations have been made since 1982 but no action has been taken and the representations, in fact, stand unreplied so far. Actually a clarification was sought about the "revised policy of the Railway Board" by many recipients of the memorandum from the administration but no reply had been given. As against this, the allotment of the out-houses has been done for some of the quarters in question without any clarification or review in the matter. In this connection, it is clarified that Railway Board's orders or policies which are being often quoted on the subject have not been followed in any case by any standards. On the other hand, some of the directives from the Board in this connection have been violated at the time of detachment and allotment.

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A23  
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- v) As per the Railway Board's directive the detachment and consequent allotment of the out-houses may be done only in those case where it is practically feasible and advance action has been taken suitably in the modification in the out-house and parent quarter. Some immediate independent facilities in the form of electricity line, water supply, sanitation, demarcation of boundary, entry-exit passage etc. have to be done before the allotment of the out-houses in favour of other employees.

5. Keeping in view the above facts, it is clear that the allotment of the out-houses has not been done in proper order. It is, therefore, requested that the allotment orders till September, 1984 may please be quashed with/ by returning back the out-houses in question to the occupants of the main quarters. Further, no such allotment order or detachment order may please be issued forthwith. It is reiterated that the detachment of the out-houses can be done only in the case of extreme urgency when the quarters fall vacant and due action is taken for the provision of independent facilities to the out-houses under consideration for detachment.

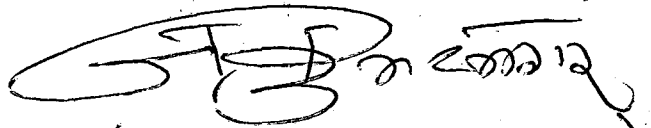
6. It is urged once again that the whole matter may please be reviewed in totality and suitable action as called for in para 5 be please taken immediately.

With thanks,

/retrospective effect

Yours faithfully,

Dated: 19-11-'84

  
(J.K. BHATNAGAR)  
Publicity Inspector  
LD 107/A, Manab Nagar  
RDSO

LUCKNOW - 226 011.

776  
K/2

In the court of Munsif Haveli, Lucknow.

Jagdish Kumar Bhatnagar.....Plaintiff.

Vs.

Union of India and another.....Defendants.

Suit No.            of 1985.

Registered address of the plaintiff.

JAGDISH KUMAR BHATNAGAR

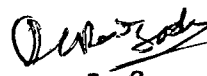
SON OF LATE SRI MAN MOHAN SAHAI

RESIDENT OF BUNGLOW NO. LD-107/A?

MANAK NAGAR, LUCKNOW.

Lucknow dated:--

14.5.1985.

  
Counsel for the plaintiff.

ब अनुमालत श्रीमान्

[ बादी ] अपीलान्ट

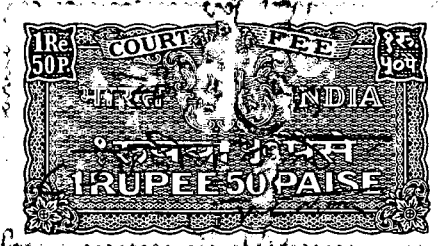
प्रतिवादी [रिस्पान्डेन्ट]

Murphy Hawals, Indanor

महोदय

Jagdish Kumar Chatterjee

वकालतनामा



वादी (अपीलान्ट)

Jagdish Kumar Chatterjee

बनाम

प्रतिवादी (रिस्पान्डेन्ट)

Union of India & another.

नं० मुकद्दमा

सन्

पेशी की ता०

१९८५ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

१९८५ ई०

नगर,

महोदय  
एडवोकेट

नाम अदास्त  
मुकद्दमा नं०  
नाम फरीकन बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा ( इफरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर करें या कोई फागज बाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से बाखिल करें और तसदीफ करें मुकद्दमा उठावें या कोई रुपया जमा करें या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यबाही हमको संध्या स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा जबम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted.

Advocate

28-3-85.  
14-5-85.

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

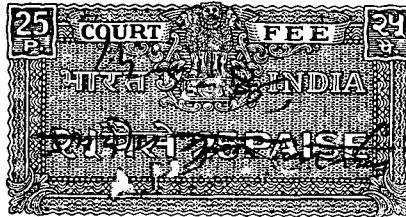
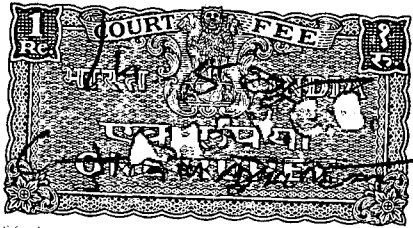
महीना

सन् १९८५, ई०

स्वीकृत

In the court of Munsif Haveli, Lucknow.

R.S. No. \_\_\_\_\_ of 1985.



Jgadish Kumar Bhatnagar.....Plaintiff-Applicant.

Versus

Union of India & another.....Defendants-Opposite Parties.

Application under section 80 (2) C.P.C.,  
for leave for exemption of the service of  
the notice under section 80 (2) on the  
defendants.

The applicant begs to submit as follows:-

1. That the plaintiff has filed the aforesaid suit for permanent injunction against the defendants for restraining the opposite parties from the detachment of the out house attached with the bungalow of the applicant.
2. That there is apprehension that the defendants may detach the out house No. "C" of the bungalow No. 107/A, of the applicant.
3. That due to the aforesaid reasons the relief claimed in the suit is urgent and immediate and

Contd. at page 2.

the service of the notice under section 80 (2) (1) will cause delay and may frustrate the purpose of filing the present suit.

Wherefore it is most respectfully prayed that this Hon'ble Court be pleased to exempt the applicant from giving the notice under section 80 (1) of the C.P.C.

Lucknow dated:-  
14.5.1985.

*D.K. Raizada* 14.5.85.  
(D.K. Raizada),

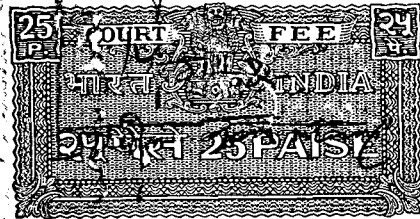
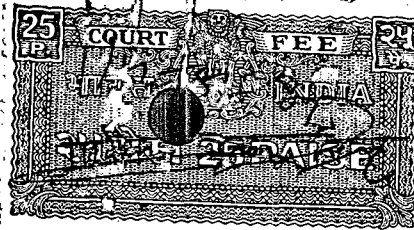
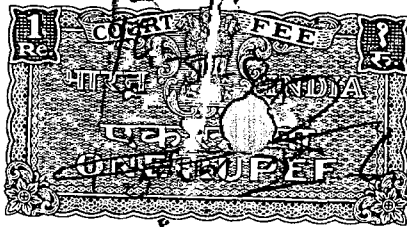
Advocate,  
Counsel for the applicant  
plaintiff.

A28 773

In the court of Munsif Haveli, Lucknow.

A/28

R.S. NO. \_\_\_\_\_ of 1985.



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Jagdish Kumar Bhatnagar, aged about 49 years,  
son of Late Sri Man Mohan Sahai, resident of  
Bungalow No.LD-107/A, Nanak Nagar, Lucknow.

.....Plaintiff.

Versus

1. Union of India through the Chairman,  
Railway Board, ~~Lucknow~~ *New Delhi*
2. Director General, R.D.S.O.,  
Nanak Nagar, Lucknow.....Defendants.

Application under order 39 Rules 1 and 2  
read with section 151 C.P.C., for the  
issue of ad-interim injunction order.

The plaintiff begs to submit as follows:-

1. That for the facts and reasons deposed in  
the accompanying affidavit, it is expedient in  
the ends of justice that the defendants, their  
servants, Agents etc., be restrained from ~~the~~  
detaching the out house attached with the bungalow  
of the plaintiff till the decision of the suit.

*STB 27/12*

Contd. at page 2.



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Wherefore it is most respectfully prayed that this Hon'ble Court be pleased to issue an ad-interim injunction order restraining the defendants, their servants, Agents etc., from detaching the out house attached with the bungalow No. LD-107/A, situated in Manak Nagar, Lucknow of the <sup>plaintiff</sup> ~~petitioner~~ till the decision of the suit.


Lucknow dated:--

14.5.1985.



Plaintiff-Applicant.

Through :

  
( D.K. Raizada ), 14.5.85,

Advocate.

Counsel for the plaintiff

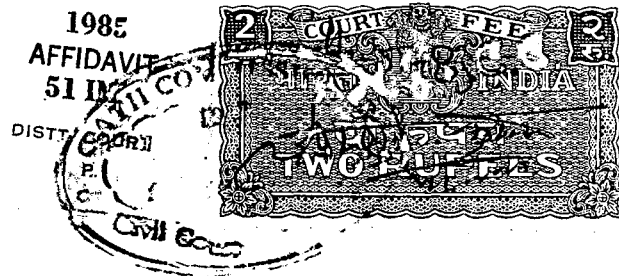
Applicant.

*Plaintiff's application  
for ad-interim injunction  
order dated 27/5/85  
is allowed.  
15/5/85*

(A 30) 5720  
7

In the court of Munsif Haveli, Lucknow.

R.S. No. \_\_\_\_\_ of 1985.




Jagdish Kumar Bhatnagar.....Plaintiff.

Versus

Union of India and another.....Defendants.

Affidavit.



I, Jagdish Kumar Bhatnagar, aged about 49 years, son of Late Sri Man Mohan Sahai, resident of Bunglow No. LD-107/A, Manak Nagar, Lucknow, do hereby solemnly affirm and state on oath as follows:-

1. That the deponent is the plaintiff-applicant in the above noted suit and as such fully conversant of the facts hereinafter deposed.
  2. That the deponent has filed the aforesaid suit for permanent injunction and he is very hopeful of its success.
  3. That the deponent was <sup>in possession</sup> ~~possessed~~ the Bunglow No. LD-107/A, alongwith two out houses in Manak Nagar, Lucknow on 7/10 October 1983 by the defendant No. 2.
- allotted*

Contd. at page 2.

(A34)

27/12

4. That the deponent was served with memorandum dated 16.4.1984, requesting him to hand over the vacant possession of one of the out house attached with the bungalow of the deponent.

5. That the deponent represented against the Memorandum dated 16.4.1984 regarding the detachment of one of the out house of his bungalow which was in his possession since the date of allotment and occupation. The defendant No.2 did not reply the said representation, of the deponent.

6. That the deponent again represented by his representation dated 19.11.1984 against the detachment of one of the out house of his bungalow.

7. That the Deputy Director( Administration) replied the representation dated 19.11.1984 by his letter dated 19.1.1985 in which he referred the letter No. 289-W/O (out house) dated 17.8.1977 of the General Manager, Northern Railway (N.R.).

8. That the aforesaid letter clearly mentioned that the cases in which the segregation is not possible due to excess of costs or proximity to said bungalow or the out houses having out lived their

Contd. at page 3.

14/5/85

27/12/85

A32

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normal lives, they shall continue <sup>to remain with</sup> the bungalows and their rent should be included in the assessed rent of such bungalow.

X  
49

9. That the deponent was allotted the bungalow alongwith the out house on 7.10.1983 much after 17.8.1977 besides this the rent of the bungalow alongwith the out houses still are being realised from the deponent's salary at the same rate of rent since the occupation of the bungalows alongwith the out houses.

10. That there is an office council of the R.D.S.O. headed by the Director General as its Chairman, which takes certain decisions regarding the staff matters. The said Office Council in one of the meetings with Staff Association held on 11.1.1983 took the decision in respect of the out houses in the R.D.S.O. contained in the copy of the minutes of the meeting, which are being filed in the aforesaid suit.

14/5/88  
Civil Court

11. That the bungalows and its out houses are very old and the out houses having outlived their normal lives and the roof of one of the out house of bungalow No. C- & W-12 has fallen down. Besides this, there are no basic amenities such as bath room, latrine <sup>and electricity</sup> kitchen ~~and electricity~~ etc., provided in the said

12/02/88

out houses attached with the bungalow of the deponent.

12. That the decision of the said Office Council meeting held on 11.1.1983 is not applicable to the out houses attached with the bungalow of the deponent for the reasons stated in para 10 above.

Besides, this decision can be made applicable to the bungalow allotted after the decision of the office council meeting i.e. 11.1.1983.

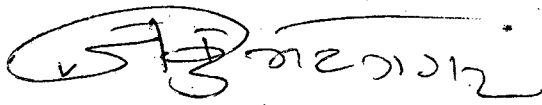
13. That the present suit is for permanent injunction to obtain ~~an~~ urgent and immediate relief in respect of the detachment of the out house of the bungalow of the deponent against the defendant, hence the application for leave of the court without serving the notice under section 80 C.P.C., has been filed.

14. That the deponent will suffer irreparable loss and injury, if the defendants succeed in detaching the out house "C" attached with the bungalow of the deponent.

15. That the balance of convenience lies in the maintenance of the status quo.

Lucknow Dated:-

14.5.1985.

  
Deponent.

Contd. at page 5.

A34

5/10/85

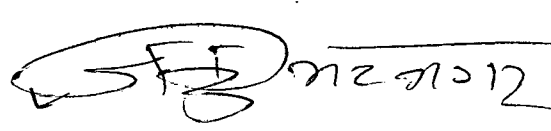
Verification.

14/5/85


I, Jagdish Kumar Bhatnagar, the above named deponent do hereby verify that the contents of paras 1 to 12 are true to my knowledge and those of paras 13 to 15 are believed by me to be true.

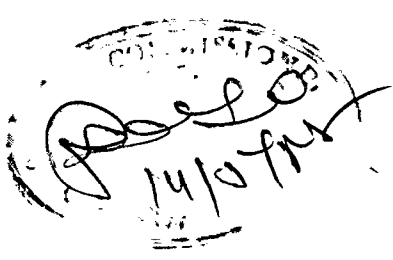
Signed and verified this 14th day of May, 1985 in the civil court's compound at Lucknow.

Lucknow dated:--  
14.5.1985.

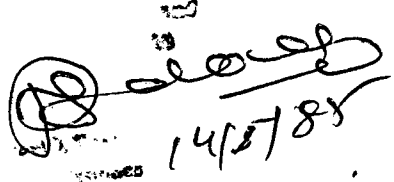
  
Deponent.

I identify the deponent who has signed before me.

  
( D.K. Raizada ), 14.5.85.  
Advocate.



14.5.85 PM  
J.K. Bhatnagar  
D.K. Raizada  
Adv



Civil Court, Lucknow

A 35

5/17

In the Court of Mr Adl. Mr. Guchan

Rs no 231/85

Jajdesh Kumar Bhatnagar

VS

Honour of Judge

In the above noted suit, it is  
submitted as under, —

1. That the alleged dispute raised  
in the above suit, relates to a  
matter in the course of service  
of the Plaintiff.
2. That any dispute in the course  
of service is triable by Central  
Services Tribunal.
3. That after the enforcement  
of the Services Tribunal Act i.e. 1.11.85  
this Court ceases to have jurisdiction  
in the subject matter of the suit  
and any order passed will be  
without jurisdiction.
4. That in the circumstances, the  
suit is now not triable by this Court.

Wherefore it is prayed that  
the suit should be transferred  
to the Central Services Tribunal.

2/17/11/87

Jajdesh Kumar Bhatnagar  
Plaintiff

Let the copy be  
given to the plaintiff  
for it is directed  
to file objection  
if any within  
7 days of the  
order on 29-4-87 for  
disposal.

17/1/87

noted  
29/4/87

A36

MS

IN THE COURT OF VII ADDITIONAL MUNSIF, LUCKNOW

Jagdish Kumar Bhatnagar

... Plaintiff.

V E R S U S.

Union of India & another

... Defendants.

R.S. No. 231 of 1985

Fixed for 16-2-87

Objections on behalf of the plaintiff against  
application dt. 17.1.87 of the Defendants.

The humble submission of the Applicants is as follows:-

1. That the Defendants have filed an application dated 17.1.1987, that the present suit is triable by the central services Tribunal at Allahabad and not by this Hon'ble Court.
2. That it is submitted that the R.D.S.O. being an Industry, its cases are not triable by the the Central Services Tribunal at Allahabad and the disputes arising are not triable by the

Contd....2/-



A37

5715  
2

: 2 ;

Central services Tribunal at Allahabad. <sup>18/39</sup>

3. That the Defendants have moved the present application dated 17.1.1987 only with the intention to prolong the case for a longer period and thereby to harass the plaintiff.
4. That the present suit is a suit for permanent Injunction seeking only a judicial remedy in respect of the house in which he has been living at present and not connected with the service matter of the plaintiff.

In view of the aforesaid facts and reasons the present suit is triable by this Hon'ble Court and not by the central services Tribunal at Allahabad.

LUCKNOW

Dated 22.1.1987

16.2-87

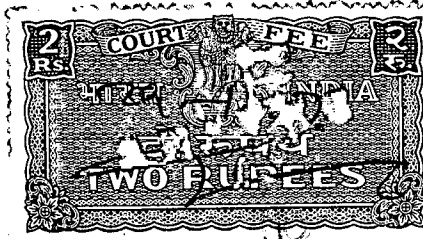
D.K. Raizada  
(D.K. RAIZADA) 16.2-87.

Advocate

Counsel for the Plaintiff.

In the Court of Addl. Magistrate VII, Linkou

14



2-3-80

29.1.87  
Sagdish Kumar Bhattacharya \_\_\_\_\_ Plaintiff.  
Versus  
Union of India others \_\_\_\_\_ Defendants.

Rs. 16.23 of 1985.  
Fined for 29.1.87.

Application on behalf of the Plaintiff for entry to the  
file the objections.

The applicant begs to submit as follows

1. That due to some inevitable reasons, the applicant could not file the objections as yet.
2. That the applicant shall file the objections on the next date.

Wherefore it is most respectfully prayed that the applicant be allowed to file the objections on the next date.

Linkou, Datto,

29.1.87.

Advocate

Advocate

29.1.87

Counsel for the Plaintiff.

In the Court of Munsif Kowchi Unknown

(A 39)

A/11

Jagdish Kumar Chatterjee ——— Plaintiff  
Versus  
Union of India & others. ——— Defendants.

R-S. No. 231 of 1985;

Filed by 14.8.85 for object  
21.8.85 for disposal.

Sir,

In the above stated case, the process for of Rs. 2/-  
along with duplicates and orig. envelopes with notices are  
being filed to serve on the defendant No. 1 on the  
following address: —

Chairman, Railway Board,  
New Delhi.

Unknown; Dated,  
31.8.85.

Dhwan Zade

Advocate.

31.7.85.

Counsel for Plaintiff.

Accepted  
5/9

(A40)

25/12

(27)

In the Court of His Highness the Maharaja

Suit No. 14 of

Sagbir Kumar Bhattacharya

Plaintiff vs  
Defendant

22 28/10/85

In the above said suit, it is respectfully submitted that the cause for the defendant is to go out of station in the early morning of the date fixed i.e. 28/10/85 and may not be able to appear by the time

the case is called for hearing. As much as would not be possible to attend the Court and conduct the case.

is therefore prayed that the date fixed may be deferred to some other date and some time be allowed for this on objections/women's strike.

Heard & allowed  
20/11/85  
22/12/85  
28.10.85  
Not Official  
20/11/85  
22/12/85  
28.10.85

26/10/85

Cyano



फाय ११ शहर उजरत नकूलात मामूली त

(द) कलात जिसमें १,५००० या कम अलफाज

वल मामूली स्वाह जरूरी जिसमें १,५००

वत होगी जैसा कि ऊपर मुदजे है बादह हर ३०० या उससे कम अलफाज के लिए उजरत व आना वास्ते नकल मामूली और बार आना नकल वास्ते जरूरी की जायेगी।

(स) बाव व रजिस्टर हाय व नक्शाजात खाकाजात और उनके इतिहास के कोई आम बायदा नार किया जा सकता है, अगर हाकिम को अस्तिवार होगा कि बलिहाज मिबदार व पेचदगी व काम के हर सूरत में खास उजरत मुकरर करें। अगर सायल एक से ज्यादा नकल की दरकरें और छपी हुई नकूलात दी जा सकती हो तो अबल नकल के अलावा नकल निम्न

शहरजा वास शर दी जायेगी।

हिदायतसायल के नमूना की खानापूरी हतुलइमकान व सेहत कीजिये:—

बअदाल

*Abd. Muzif IV* वनाम

*Imbano* बमुकाम

वचिदमर्तरस

बराय मेरी एक एक मसहिफा हर एक दस्तावेज मुतजकिरा फेरहित जेल की जिसकी नकल के वास्ते में जात स्टाम्प कीमत ५१ रुपया हमराह इस दरखास्त के पेश करता हू मुझे मरहमत दिये। यह दरखास्त मामूली/जरूरी है मुकदमा हू नहीं हू।

नम्बर रजिस्टर नाम फरीकन और साबनालिज	तारीख डिगरी या हुकुमनाकिर अगर सादिर हुआ हो	किस्म दस्तावेज जिसकी नकल दरकार है	लिखत मरज के किए नकल मतलब है या बजह जिसकी बिना पर दरखास्त मंजूर होनी चाहिए
१-५-१६-२३०/१९८५ Suzetia Humn Bhatnagar Vs. Union of India	10.11.86 17.11.86	Copy of registration order dated 22.10.86 passed by Addl. Magistrate, Lucknow	For inspection

तारीख 22.10.86 हर दरखास्त भेजो बजरिये डाक भेजी जेंक : प्रारंभ होता चाहिये।

१—सायल फायता

२—आया सायन चाहता है कि डाक नकल से भेजी जाय या हाजिर होगा। पहली सूरत में सायल के टिफ्ट चिपपा लिफाफा पता लिखा हुआ दरखास्त के साथ भेजना लाजिम है ऐसे न करने पर दरखास्त पर अयलदरामद हस्ब फायदा किया जायगा।

22.10.86

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, ALLAHABAD

A42

WRITTEN REPLY ON BEHALF OF RESPONDENTS

K/24

In

Regn. No. TA 495 of 1987

J.K.Bhatnagar .. Applicant

Vs.

Union of India and others .. Respondents


I, S.Dhatia s/o late Sh.U.C.Dhatia aged about 54 years, resident of C-77/2, Manaknagar, Lucknow do hereby solemnly affirm and most respectfully sheweth as under:-

1. That the deponent is working as Dy.Director/ Estt-I in Research, Designs and Standards Organisation, Lucknow and as such he is fully competent to affirm the Affidavit on behalf of Opposite Parties.

2. That the deponent has carefully gone through the relevant records relating to the instant case and has acquainted with the facts and circumstances of the case deposed below.


3. Before dealing with the para-wise reply the Respondent is placing the entire background of the instant case and/or the brief history of the case hereinafter:-

<sup>That</sup>  
a) Shri J.K.Bhatnagar, the petitioner was

  
Dy. Director Establishment, I  
R. D. & O., Ministry of Railways.  
Allahabad, LUCKNOW-3

A43


allotted Quarter No.LD-107A vide RDSO's Allotment letter No.A/AT/III dt. 7/10-10-83 (copy annexed at Annexure R-I). As per ~~policy of RDSO~~ the letter received from the General Manager/Northern Railway/New Delhi vide his letter No.289/W/O (Outhouses) dt. 17-8-77, no mention has been made that Class III staff will also be entitled for allotment of any Outhouses. However, in the old C&W and LD type Quarters which were mostly allotted to non-gazetted staff, the allottees were having possession of Outhouses with them and it was detected that in certain cases Outhouses were not properly utilised for the purpose they were meant i.e. for their domestic servants but were sub-let either to the RDSO employees or to outsiders at exorbitant rent. In this connection a point was raised by RDSO Class III and Class IV Staff Associations <sup>in January 1984</sup> before the Director General/RDSO and the staff side demanded that the Outhouses attached to LD and C&W Quarters should be allotted to Class IV staff and the Chairman (i.e. Director General/RDSO) agreed to the demand of the staff side to allot only about 16 out-houses. Out of the 16 outhouses, 10 out-houses have already been allotted to RDSO Class IV staff by RDSO Administration & the remaining six have not yet been allotted for various reasons, one of them being not vacated as has been done by the Petitioner. There is a great demand from Class IV staff for the allotment of accommodation and it was decided to conduct a surprise check to

  
By, Director Establishment, I  
R. D. S. O., Ministry of Railways,  
Allahabad, LUCKNOW-5

find out whether the quarters were occupied by the domestic servants of the real allottees. It was found that in the outhouses to Quarter No.LD-107A belonging to Sh.J.K.Bhatnagar, the petitioner, outsiders were living. (Any)

A copy of the report No.Wks/OH dt.3.9.84 by the Town Engineer RDSO is annexed as Annexure R-2.The applicant was never allotted the Outhouses attached nor was entitled to have the same even for his domestic servant as ~~per~~ per the letter dt.17.8.77 of the General Manager, Northern Railway, New Delhi. More over since the petitioner had been misutilising the Outhouses and is alleged to have rented the same to outsiders and also to a Class IV staff of RDSO unauthorisedly he is liable to vacate the possession of both the Outhouses and hand over to the Administration so that these could be allotted by the Administration to the persons who are due and waiting for allotment. At present there are about 400 Class IV staff waiting for the allotment of quarters.

(b) Sh.J.K.Bhatnagar, the petitioner was directed vide letter No.A/AT/NS dt.16.4.84(copy annexed as Annexure R-3) to hand over the vacant possession of one of the Outhouses within a period of 60 days from 16.4.84 but the petitioner failed to hand over the vacant possession and proceeded to the Hon'ble High Court of Judicature at Allahabad, Lucknow bench, Lucknow and filed Writ Petition No.1135 of 1985 but the Hon'ble High Court dismissed the Writ petition. The Petitioner then filed the case in the Court of Munsif Hawali Lucknow and filed a Civil Suit No.231/85 which has since been transferred to this Hon'ble Tribunal vide T.A.No.495 of 1987. Munsif Hawali had passed an Ex-parte stay order in this case

  
Dy. Director Establishment, -I  
R. D. S. O., Ministry of Railways,  
Alambagh, LUCKNOW-5



on 22.10.86. Since the house No.LD-107-A was allotted without the Outhouses and the same is in accordance with the decision taken by the General Manager/Norther Railway/New Delhi letter dt.17.8.77 the petitioner is not utilising the Outhouses for the use of his personal servants and thus misutilising it by giving on rent at exhorbitant rates, the Administration has every right to get the same vacated. The Petitioner has no personal servant as the same has been declared vide declaration dt.16.6.88(copy enclosed at Annexure R-4).


4. Para-wise comments on the Petition filed by the petitioner are furnished as under:-

5. That in reply to the contents of para 1, it is stated that the Petitioner who was working as Publicity Inspector is now working as Photographer in the Office of the Director General/RDSO/Lucknow.

6. As regards para 2, the Petitioner was allotted Quarter No.LD-107A vide allotment letter No.A /AT/III dt.7/10.10.83 but nowhere it was mentioned that it was allotted alongwith 2 Outhouses.

7. *As regards para 3 of application*  
It is admitted that the Petitioner was directed to Hand over the vacant possession of one of the Outhouses to Quarter No.LD-107A vide letter No.A/AT/WS dt.16.4.84(copy at Annexure R-3) but he did not carry out the orders of the Administration.

8. That the contents of para 4 of the application are vague and misconceived and the same are not admitted and are denied as no such application in the form of representation is available with the answering respondents as in the case of other staff who had already been served with the Memorandum. More over the applicant had failed to adduce any

  
Dy. Director Establishment, -1  
R. D. S. O., Ministry of Railways,  
Aligarh, LUCKNOW-3


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evidence of the same, to be sent to the authorities. Hence the question of replying the same by the answering respondents does not arise at all.

9. That in reply to the contents of para 5 & 6, it is stated that the Outhouses to Qr.No.LD-107A were treated as misutilisation by the Petitioner. Hence the Petitioner was asked to hand over the vacant possession of the outhouses misutilised by him. The representation of the Petitioner was considered and as stated by him he was replied vide Memo No.A/AT/NS dt.19.1.85 giving him a copy of General Manager/Northern Rly's letter dt.17.8.77, wherein no mention has been made that class III staff will also be entitled for allotment of Outhouses.

10. That in reply to the contents of para 7, it is stated that the Petitioner has been informed the policy laid down in the GM/N.Rly/New Delhi's letter No.289/W/C(Outhouses) dt.17.8.77. Accordingly being a Class III employee, he is not eligible even for one of the two outhouses attached with the Quarter No.LD-107/A. As such, he was asked to hand over the vacant possession of one of the two outhouses attached with Quarter No.LD-107A(copy annexed as Annexure R-3).

Here it may be mentioned, as has already been stated in the history of the case at para 3 above, the Petitioner is not using the outhouses for the genuine purpose but has rented the same to outsiders at exorbitant rates as per reports from the Town Engineer/RDSO vide letter No.WKS/OH dt.3.9.84 (Copy annexed as Annexure R-2) and therefore, he is not authorised to keep the outhouses in his possession. These outhouses are urgently required to meet the demand of Class IV staff who are in the Que and waiting for the allotment of Quarters for the last many years.

  
By. Director Establishment, -1  
R. D. S. O., Ministry of Railways,  
Alambagh, LUCKNOW-5

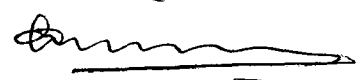
Am7

11. That in reply to the contents of para 8 of the application contents of para 6 of the Written statement are reiterated. Further the outhouses were not allotted to the applicant. In any case if the rent had been recovered from the applicant, proper reliefs will be provided to applicant as soon as he vacates the possession of the outhouses.

12. That the contents of para 9 of the application are admitted with a submission that after meeting and decision taken in January 1984, the Class III and IV staff Associations which are a recognised Associations demanded that the allotment of Outhouses, situated in the same premises, should be allotted to the Class IV needy staff and accordingly the Chairman, who is the Director General, RDSO agreed to allot about 16 such outhouses to the demand of the staff side. Since then Class IV staff have been entitled for allotment of the outhouses and accordingly possession of 10 outhouses had been handed over to the allottees and since the rest 6 outhouses including the petitioner have not been allotted for various reasons like the applicant not vacating the outhouses etc.

13. As regards para 10, the Petitioner has mentioned that the outhouses to Quarter No.LD-107A allotted to him are very old and there are no basic amenities. The Petitioner when offered the quarter allotment of No.LD-107A had himself given acceptance for allotment of the Quarter and he is at liberty always to request for change of the quarter.

14. As regards para 11, the decision is definitely for the Quarter No.LD-107A as will be evident from the list (copy of which is enclosed as Annexure R-3). The Petitioner has been in occupation of the Quarter No.LD-107A which appears at B.No.13 of the list.

  
Dy. Director Establishment, R.I.  
R. D. S. O., Ministry of Railways  
Alambagh, LUCKNOW-5

(AUS)  
A. 50

15. That in reply to the contents of para 12 & 13 of the application it is submitted that the applicant had received reply to his representation on 19.1.85 where as the instant suit for injunction had been filed on 14.5.85 without complying the provisions of 80 CPC which is obligatory in the suit of injunction.


Further the applicant had seeked the Hon'ble Court discretion by filing the destorted facts of the case, to file the application without serving the notice under section 80 CPC and had obtained an Exparte injunction order against the answering respondents which is not legally maintainable.

It is further clarified that since the outhouses were not specifically allotted to the applicant nor are utilised by the applicant for his personal servants and the same have been rented to outsiders, this act of applicant tentamounts to be against the moral torpetude and he has violated the Railway Servants Conduct Rules.

16. That the contents of para 14 of the application need no comments as the same are not at all relevant in the present circumstances of the case.

17. As regards para 15, it is stated that since the Petitioner has misutilised the outhouses and he failed to hand over the vacant possession of the outhouses even after receiving the Memorandum issued by the respondent No.2 and has disobeyed the orders of Administration, the petition is liable to be dismissed with costs.

18. It is also submitted that the applicant had obtained an Ex-parte injunction order restraining the defendents to take action on the Memorandum which is not legally maintainable

  
Dy. Director Establishment, -I  
T. D. S. O., Ministry of Railway,  
Alambagh, LUCKNOW-5

That none of the grounds taken by the Petitioner in the instant petition are maintainable and the petition is ~~xxxxx~~ liable to be dismissed with special costs to the respondents.

Place: Lucknow

Dated: 12/8/88

Deponent.

Dy. Director Establishment, I  
A. D. S. O., Ministry of Railways,  
Lucknow-3

VERIFICATION

I, S.Bhatia, do hereby verify that the contents of paras 1&2 of this reply are true to my personal knowledge and those of paras 3 to 16 of this reply are true to my knowledge based on the perusal of the relevant office records and the contents of paras 17 to 18 of this reply are believed by me to be true on the basis of legal advice. No part of this ~~xxx~~ reply is false and nothing material has been concealed.

Place: Lucknow

Dated: 12/8/88

Deponent.

Dy. Director Establishment, I  
A. D. S. O., Ministry of Railways,  
Lucknow-3

(A.S.O.)  
~~Amrao R-1~~ 8/10/26  
 ✓ 8/5

Government of India: Ministry of Railways  
 Research Designs & Standards Organisation  
 Manak Nagar, Lucknow-226011.

✓  
 10/11/26  
 No. A/AT/111

Dated :- 7 " 1

Sub: Allotment of residential accommodation  
 at Manak Nagar, Lucknow.

.....  
 The following officers/Staff are allotted quarters as  
 indicated against them :-

S. No.	Name & Designation	Present Qrs. No.	Qr. No. Allotted	Remarks
--------	--------------------	------------------	------------------	---------

1. Mr. K. Bhatnagar, P.I. - 20/11 10-10/11 10-10/11 10-10/11

2. Mr. J. P. S. A. 10-10/11 10-10/11 10-10/11 10-10/11

2. The rent liability will commence from the 3th day of issue of this letter or the date of occupation, whichever is earlier. This period of 8 days will count from the date the quarters are made available for occupation. It will be the responsibility of the allottee to check up the availability of the quarters from the IOW(Estate), RL30/Lucknow.

3. The occupation/vacation slip of the quarters of employee concerned should be furnished immediately to the Adm. Section as well as to SO/E-III/E-IV b. P&R/IOW(Estate).

4. The employee concerned should send his acceptance of the allotment within the period stipulated in para 2 above. Failure to do so will be taken as refusal of the allotment for a period of one year.

4. In case the employee concerned does not occupy the railway quarters within 7 days from the date of issue of this allotment order he will be liable to pay the rent from the date as stipulated in para 2 above.

DA/NIL.

for Director General

- |                             |                                  |
|-----------------------------|----------------------------------|
| 1. Officer/Staff Concerned. | 6. Electrical Foreman            |
| 2. SO/E-I, II or IV         | 7. Finance & Accounts Branch     |
| 3. Town Engineer.           | 8. SO/E-I, E-IV, DD/E-II         |
| 4. IOW/Estate.              | 9. Elec. Chargehand (Metre Sec.) |
| 5. AEE                      | 10. ADG/fele-I.                  |

2/9/26  
 Dy. Director Establishment,  
 R. D. S. O., Ministry of Railways  
 Alambagh, LUCKNOW-5

Office of the T&E/RSO  
Lucknow.

ASY  
Annexure R-2  
dtd 2/9

No. 443/CH

The D.O./A.M.  
RDSO, Lucknow.

10.10.84

Outs:- Out houses.

....

Ref. note No. A/AT/NS dated 31.3.84

.....

With reference to your note mentioned above, the details of the out houses occupied as on date is given below after a fresh survey conducted.

Sl. No.	Quarter No	Outhouse Number	Name of Occupant	Fathers Name	Deptt.
1	GW-11	C	Shri Ram Prasad	Shri Ram Chandra	T&E/RSO
2	GW-12	A	Outsider		
3	GW-13	B	Shri Ramadhar	Shri Ram Chandra	T&E/RSO
4	GW-14A	A	Outsider		
5	LD 103 A	A	Outsider		
6	LD 103 B	F	Outsider		
7	LD 104A	A	Shri Ramadhar	Shri Ram Chandra	T&E/RSO
8	LD 104 B	A	Shri Kanchand	Shri Jagatram	Res. Civil
9	LD 104 C	D	Shri Maharaajdin	Shri Jagatram	Res. Civil
10	LD 105 B	E	Shri Tikkaram	Shri Rajaram	Res. Civil
11	LD 105 C	D	Shri Shankar	Shri Ram Lal	Res. Civil
12	LD 107 A	B	Outsider		
13	LD 107 C	F	Shri Ramadhar	Shri Shridhar	T&E
			Chowdhary	Chowdhary	
14	LD 109 B	E	Shri Jamuna Prasad	Shri Shridhar	Res. Instrumentation.
			Prasad		

AS regards occupation of outhouse C of LD 105 A, Examination against Smt Kooli, working under T&E/RSO Supervisor is in occupation of the said outhouse.

The matter regarding the occupation of outhouse C of LD 105 A is still under investigation and will be reported to you as soon as it is sorted out.

12/10/84  
Dy. Director Establishment, -2  
R. D. S. O., Ministry of Railways  
Alambagh, LUCKNOW-5

21 1544  
 12/42  
 12/42

178788  
By Director Establishment,  
A. D. S. O.; Ministry of Railways,  
Alambagh, LUCKNOW-5



Annexure R-3

<u>Name of the Allottee</u>	<u>Qrs.No.</u>	<u>Out House</u>
1. Shri C.M.Kulshreshtha, DTR	C&W 11	'C'
2. Shri Niraj Kumar, JDS/Wagon	C&W 12	'A' ✓
3. Shri R.C.Angarwal, ODS/S&T	C&W 13	'C' ✓
4. Shri K.K.Dajpal, DD/Cent.	C&W 25A	'A' ✓
5. Shri S.L.Bhatia, DD/EL	LD-103A	'A' ✓
6. Shri S.P.Maini, DDR/C	LD-103B	'A' ✓
7. Shri Dharm Singh, TEN	C&W 24A	'C'
8. Shri Karnail Singh, PA	LD-102A	'A'
9. Shri I.P.Gupta, SDA/Track	LD-104'C'	'E'
10. Shri Suresh Prakash, ADO/P	LD-102B	'E'
11. Shri K.L.Dhusia, SDA/Carr.	LD-105C	'E'
12. Shri G.Vonkatraman, SDA/Carr.	LD-106A	'B'
13. Shri J.K.Bhatnagar, PI	LD-107A	'B' ✓
14. Shri P.D.Joshi, IDW	LD-107C	'F'
15. Shri T.N.Srivastava, SRA/C	LD-108C	'D' +
16. Shri Kharak Singh, CDA/S&T	LD-109B	'E'

AS3

X/5

uptd  
9/84

12/88  
By. Director Establishment,  
R. D. S. O., Ministry of Railways,  
Alambagh, LUCKNOW-5

RESEARCH DESIGN OF ST. BARD'S ORGANISATION  
 NAME: BHATNAGAR : 2250-11

PAGE A.C. No. 130

NOTIFICATION FOR REGISTRATION OF MEMBERS AND EMPLOYEES  
 DESIGNATION: PHOTOGRAPHER

NAME: J. K. BHATNAGAR DESIGNATION: PHOTOGRAPHER

DATE OF APPOINTMENT: 11.7.1957

REMARKS: 2250-11 in scale Rs. 400 - 2300

S. No.	Name of family members	Relationship	Age	Date of Birth	Remarks: Adm. / Invalid / Numbers
1.	Smt. Vijay Laxmi Bhatnagar	Wife	50	25.3.1938	
2.	Shri Anil Bhatnagar	Son	19	20.10.1969	Studying
3.	"	Son	25	18.11.1963	Studying
4.	Ajay Bhatnagar	Son	25	18.11.1963	Studying
5.					
6.					
7.					
8.					
9.					
10.					

Signature: 17/6/1988

Signature Controlling Officer

Designation: ADO (P)

Signature: 17/6/1988  
 Date: 17/6/1988

Dy. Director Establishment,

D. D. S. O., Ministry of Railways,

Alambagh, LUCKNOW-5

Section Officer

Designation: ADO (P)

Alambagh, LUCKNOW-5

A 82

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

BENCH AT LUCKNOW

18/89

MISC. APPLICATION NO. OF 1989

IN

T.A. NO. 495 OF 1987

J.K.Bhatnagar ..... Applicant.

Versus

Union of India & others ... Respondents.

Before,

The Hon'ble Vice Chairman and other companion  
members of Hon'ble Tribunal Bench at Lucknow.

Humble application on behalf of Union of India and  
others Most Respectfully sheweth as under :

1. That the respondents have filed their counter in  
the aforesaid registration before the Hon'ble Tribunal.
2. That some important facts have been left out in the  
counter which are relevant for the proper appraisal of the  
entire facts and circumstances of the case.

P R A Y E R

It is most respectfully prayed to the Hon'ble  
Tribunal to be graciously pleased to admit the supplementary  
counter on record.

Prashant Mathur  
(Prashant Mathur) <sup>Advocate</sup>

Dated: 21/8/89.

Counsel for Respondent No.1 &2.

A 83

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.  
Supplementary Counter  
ON

Behalf of Respondent No. I & II.

IN

Registration No. 495 of 1987 (T)

J. K. Bhatnagar ... Applicant

Versus

Union of India & others. ... Respondents.

I, S. Bhatia S/o Late Sri U.C. Bhatia aged about 55 years is presently posted as Dy. Director (Estt-I) in Research, Designs and Standards Organisation, Lucknow  
Most Respectfully sheweth as under :

1. That the deponent has carefully gone through the relevant records relating to the instant case and is acquainted with the facts and circumstances of the case deposed to below.
2. That the applicant at the time of allotment of quarter No. LD-107A was working as Publicity Inspector and is presently working as Photographer in the office of the Director General, RDSO, Lucknow and is only a class III employee.
3. That the applicant as stated under para 6 of the application that the representation was considered by the administration and the decision thereon was communicated

Dy. Director Establishment  
2. D.S.O., Ministry of Railways  
Alambagh, LUCKNOW-5

Side memo No. A/AT/NS dated 19.1.85 annexing the copy of the letter No. 289/W/C (out houses) dated 17.8.77 of General

Reed  
21/6

A84


- 2 -

X/54

Manager, Northern Railway, Head quarter. In this regard a bare perusal of letter dated 19.1.85 will show that the General Manager, Northern Railway have only conveyed ~~his~~ decision that the scales laid down in Railway Board's letter No. 53-W/191 dated 3.10.55 as stated in the letter would continue to be followed by all railways. This letter deals with the entitlement of out houses for officers and not from the ministerial establishment.

Since the applicant is only a class III employee hence he is not entitled even for one out house and as such it was incumbent upon the petitioner to hand over the possession of the out houses. The photostat copy of the letter dated 19.1.85 is enclosed herewith in the supplementary counter and is marked as Annexure-Sl.1 of the supplementary counter.

4. That a bare perusal of Annexure R-2 will reveal that out siders were occupying the out houses attached with the Bunglow. The applicant/petitioner is not using the out houses for the genuine purpose but he has rented the same to out siders at exhorbitant rates and therefore the applicant is not at all entitle to keep the out houses in his possession ~~as~~ <sup>as</sup> ~~order~~ such the ex-parte injunction granted in favour of the applicant is not only liable to be dismissed but the suit itself is liable to be dismissed with special cost to the respondents as the act of the applicant comes with in the orbit of moral torpetude.

  
Dy. Director Establishment,  
R. D. S. O., Ministry of Railways,  
Alambagh, Lucknow-226001

AOS

A  
51

It will not be out of place to mention that the applicant will be provided a Type-3 quarter for which he is entitled as the allotment in favour of the bungalow No. LD-107A is abnatio against the policy of the Railway Board.

~~and several officers entitled for the accommodations are~~  
~~already on the waiting list~~  
y. Director Establishment  
L. D. S. O., Ministry of Railways  
Alambagh, LUCKNOW.

That the Hon'ble Tribunal consisting the Bench of Hon'ble Justice Kamleshwar Nath, had dismissed similar nature petition transferred to this Hon'ble Tribunal under Registration No. 523 of 1987 Kesri Lal Dhuai Vs. Union of India & others vide his order dated 2nd August 1989. The photostat copy of the order and judgement dated 2nd August 1989 is enclosed herewith the supplementary counter and is marked as annexure SC II to the supplementary counter.

6. That none of the grounds taken by the applicant in the instant petition are tenable under the law and the present application is devoid of merits and further the ex-parte injunction order dated 22.10.86 passed by the Hon'ble Munsif Haveli, Lucknow in suit No. 231 of 1985 which had been transferred under section 29 of the Central Administrative Tribunal Act XIII of 1985 is liable to be set aside and the instant application is liable to be dismissed with the special cost to the respondents.

y. Director Establishment  
L. D. S. O., Ministry of Railways  
Alambagh, LUCKNOW

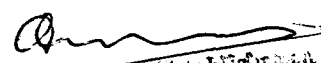
Verification

I, the deponent above named, do hereby verify that the contents of para 1 to .X..... are true to my

A 86

personal knowledge and the contents of para 2.... to 5.....  
are based on the record available with the answering  
respondents and contents of para..... to 6..... are  
based on legal advice which I believe to be true.

Signed and verified on 21/8/88..... at Lucknow.

  
Dep. Director, Establishment  
B. D. S. C., Ministry of Railways  
Lucknow, LUCKNOW.

Through : Prashant Mathur, Advocate, 2B Muir Road,  
Allahabad.

  
Counsel for Respondent No.1&2.

# ANNEXURE I

AS7  
SC 170

5

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Annexure R-2

Government of India,  
Ministry of Railways,  
Research Designs & Standards Organisation.

No. A/AT/RS.

Nanak Nagar, Lucknow-11.  
Dated 19 January 1985.

Subj: Detachment of outhouses from ID Type &  
C&W Bungalows.

dt. 21.4.84 13.9.84

See S/No 8, 39

As requested in your representation a copy of the CR Northern Railway's letter No. 289-W/O (outhouses) dated 17.8.77 is sent herewith on the guide lines of which the outhouses attached to ID Type & C&W Bungalows have been detached.

DA/One (reproduced below).

By: Director (Admn).

Shri C. M. Kulshreshtha, DFR.

A copy of General Manager, N.Rly, Head Quarter's office letter No. 289-W/O (outhouses) dated 17.8.77.

Subj: Scale of out houses for officers Bungalows.

The question of fixing the scales of outhouses for officers bungalows was engaging attention of this office for past few months. It has been decided that the scales laid down in Railway Board's letter No. 53-W/191 dated 3.10.55 as given below will continue to be followed on All the Divisions.

1. For Asstt. Officers. One outhouse.
2. For Sr. Scale Officers. One outhouse.
3. For Junior Admn. Officer Two outhouses.
4. For Sr. and Intermediate Admn. Officers. Three outhouses.

In the case of old bungalows when the number of outhouses provided are in excess of the scales indicated in para 1 above, the excess number where it is feasible and where the cost is not excessive should be segregated from the main bungalow by constructing a proper boundary wall, provision of independent entry and exit, water supply and lavatories except where community latrines are provided and allotted to the railway employees on the basis of entitlement.

In these cases when the segregation is not feasible due to excessive cost or proximity to the main bungalows or the outhouses having lived their normal lives they should continue to remain attached with the bungalows and their rent should be included in the assessed rent of such bungalows.

TRUE COPY ATTESTED



# ANNEXURE II

S. No. 27

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
Circuit Bench at Lucknow.

Registration T.A. No. 523 of 1987  
(R.S. No. 474/85 of the Court of Munsif Mavali, Lucknow)

Kesri Lal Dhasia ..... Applicant

Versus

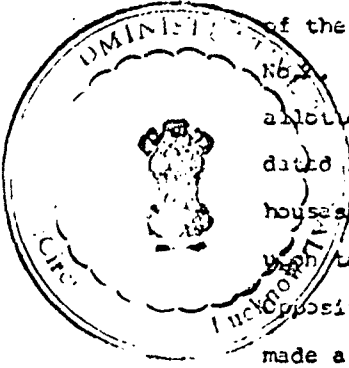
Union of India & Others ..... Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

Regular Civil Suit No. 474 of 1985 mentioned above has been received on transfer under Section 29 of the Administrative Tribunals Act XIII of 1985 for disposal by this Tribunal.

2. The applicant is a Senior Design Assistant (Jagun) belonging to class III service in the office of the Director General, RDSO, Lucknow, Opposite Party No. 2. Bungalow No. 12-105/C, Manak Nagar, Lucknow was allotted to him for occupation by an allotment order dated 20.6.81. The Bungalow also contains two out houses No. D & E. On 16.4.84 the applicant was called upon to deliver possession of out house No. E to Opposite Party No. 3 Shanker, a Khalasi. The applicant made a representation to Opposite Party No. 2 on the same day. However, Opposite Party No. 2 issued an order of allotment dated 17.9.84 in favour of Opposite Party No. 3 in respect of out house No. E. It may be mentioned that Opposite Party No. 3 entered into possession of out house No. D. This seems to have been subsequently ratified by Opposite Party No. 2 as stated in para 6 of the written statement.

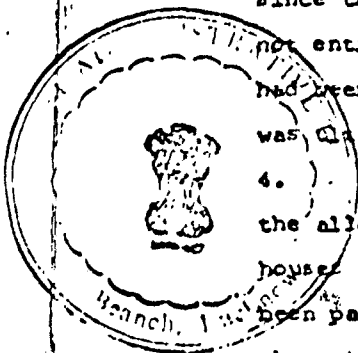
3. The applicant then represented against the allotment made in favour of Opposite Party No. 3. The representation was rejected, and the applicant was informed by the Deputy Director Administration's letter dated 19.1.85 on the basis of letter No. 269-W/4 (out house)

  
D. C. Ministry of Railways  
Lucknow

dated 17.8.77, Annexure-R2 of the General Manager, Northern Railway Headquarters. Annexure-R2 states that the question of fixing scales of out houses for the Officers' Bungalows was engaging attention of the HQrs. office and it was decided that the scales laid down in the Railway Board's letter No.53-W/191 dated 3.10.55 as stated in the letter would continue to be followed by all Divisions. This letter deals with entitlement of out houses for officers, not for ~~below~~ the ministerial establishments. The case of the opposite parties in para 7 of the Counter is that since the applicant was a class III employee, he was not entitled even for one out house, and as such he had been asked to vacate one of the two houses which was ultimately allotted to opposite party No.3.

4. The case of the applicant is that with the allotment of Bungalow No.LD-105/C, both the out houses stood allotted to him and that since he had been paying rent for the entire bungalow, which includes the out houses, he should not have been deprived of one of them by allotment to opposite party No.3. He has therefore prayed for a decree for possession of out house No.D.

5. The stand of the opposite parties is that the applicant was not entitled to any out house at all on account of his status as a class III employee, and for that reason, the out house in question had been taken out of the premises and allotted to opposite party No.3. It is also stated that on account of the taking out of the out house, the rent payable by the applicant would be reduced.



*[Handwritten signature]*  
Director, Northern Railway

Ministerial Establishments

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A/63

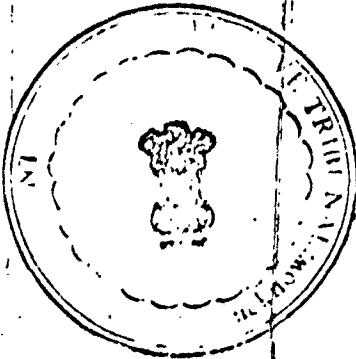
- 3 -

6. It may be mentioned that in the allotment order dated 17.9.84 in favour of opposite party no. 3 the endorsement made to the applicant clearly mentioned that "out house in question had been detached from Bungalow No. LD-105/C and as such the rent of the quarter will be reduced accordingly".

7. The case of the opposite parties, in para 7 of the written statement is that as class III employee, the applicant was not entitled even to one out house. It has not been met satisfactorily by the applicant. In para 7 of the rejoinder affidavit although the allegation has been denied, the only positive statement made is that <sup>he was not informed of</sup> the policy of the Railway Board regarding the entitlement of the out houses according to the scale of the concerned officer, nor the same had ever been served upon the applicant and as such the applicant had no knowledge of the policy of the Railway Board.

8. It is not shown that there was any requirement of law to bring every policy matter to the personal knowledge of the applicant. A policy matter has a general application and whether it is in the knowledge of a particular employee or not, it must have its effect. That being so, the policy that a class III employee is not entitled to an out house must be given effect to even if the applicant was not aware of the policy.

9. The applicant, of course, would have something to say in his favour on the question of rent, and the ordinary law of the rent is that in respect of a composite accommodation, covered by a composite rent <sup>paid</sup>, the occupant cannot be deprived of a part, either without agreement or by sanction of law. Be that as



A91

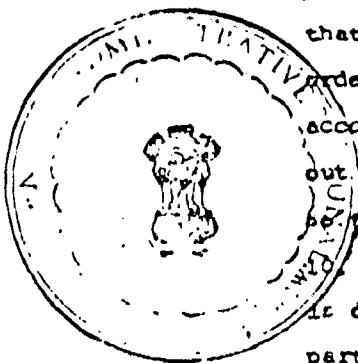
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- 4 -

it may, the policy of a class III employee being not entitled to an out house deprives the applicant of a right to have the out house and the mere fact that the applicant has been paying rent for the entire accommodation is not enough legal authority to restore possession to him in present. It is rather unfortunate that despite clear directions contained in the allotment order dated 17.9.84 that the rent of the applicant's accommodation would be reduced for reason of taking out of the quarter, the opposite parties have not done so thus far. They must do so.

In the result, this application fails and is dismissed with further direction that the opposite parties must within three months from <sup>of a copy of the order</sup> ~~date~~ reduce the rent of the applicant's accommodation on account of allotment of the quarter in question to opposite party No.3 and the benefit of reduction must be given to the applicant from the date on which the opposite party No.3 occupied the quarter in question. Parties shall bear their costs.



Vice Chairman

Dated the 2nd August, 1989.

R3:

*[Signature]*  
Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench,  
Lucknow

TRUE COPY ATTESTED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
(ALLAHABAD BENCH)  
23-A Thornhill Road, Allahabad-211001.

No. CAT/ALLD.

DATED 15/11/82

Transfer Application No. 495 of 1987 (T)

Tajulade Kunnar Ahludmgar

APPLICANT

VERSUS

Unions of India & others

RESPONDENTS

To, Sh. D. K. Raiyada, Advocate  
563/21, Chitragupt nagar  
Alambagh, Lucknow.

for Applicant.

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

Writ Petition No. 231 of 1985

of the Court of Munshi H. Walikha  
arising out of the order dated  
passed by

in

The Tribunal has fixed the date of 23-12-1987 for the hearing of the matter.

If no appearance is made on your behalf by your someone duly authorised to

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

Given under my hand seal of the Tribunal this 25/11/82 day of November 198

Dehanchis

DEPUTY REGISTRAR

ksr

07  
100 (Aro)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
(ALLAHABAD BENCH)  
(ALLAHABAD)

24212 to 214

23-A, Thornhill Road, Allahabad.

No. CAT/ALLD. T.A. NO = 495/87

DATED 19/1/87

Jagdish Kumar Bhattacharya

APPLICANT

VERSUS

Union of India & others

RESPONDENTS

① To Jagdish Kumar Bhattacharya, S/o Late Sri Man Mohan Sahai, R/o Bungalow No. LD-107/A, Manak Nagar Lucknow.

② Union of India through the Chairman Railway Board New Delhi.

WHEREAS the marginally noted case has been transferred by Order dated 14/1/87 under the Provisions of the Administrative Tribunal Act (No. 13 of 1985) and registered in this Tribunal as above.

O.S. No. 231 of 1985 The Tribunal has fixed the date of the Court of 16-11-1987 arising out of the order dated 14/1/87 for the hearing of the matter.

passed by \_\_\_\_\_ in \_\_\_\_\_ If no appearance is made on your behalf by yourself, your pleader or by someone 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

date of 14/11/87

③ Director General R.D.S.O  
Manak Nagar, Lucknow.

DEPUTY REGISTRAR.

A72

Dr 18.8.89

In the Honourable Court of  
Central Administrative Tribunal  
Lucknow Bench.

JAGDISH KUMAR BHATNAGAR Vs. Union of India & Others.

Ref: Case No. 495/87 (T).OS NO. 231/85.

.....

In connection to my appeal I beg to state as under :-

1. That the date of hearing of my above case has been fixed on 21.8.89.
2. That I am withdrawing the power of Attorney from my Advocate Shri D.K. Raizada to be pleaded by me in person if at all required.
3. That my above case is different than other cases of outhouses decided by the Hon. Tribunal Lucknow Bench.
4. That in this case it has to pointed out that I was first allotted on 14.5.82 a similar quarter LD 106/A which was refused by me on the grounds that one of the two outhouses attached with it was not vacant and was occupied unauthorisely by one of the employee of RDSO and administration after considering my application with two outhouses in vacant position vide allotment order dated 7/10.10.83 (A copy of order enclosed). Ann 1
5. That I kept the maid servant the daughter of a widow Smt. Shanti Devi W/o Late Shri Ram Chandra Working as Farash RDSO in my one of the out house now numbered as 'E' and that it was not allotted to her at the time of allotment done to such cases by RDSO as has been done in other cases.
6. That under these circumstances applicant was helpless and has no motive to defy orders of administration to surrender one out house in question.
7. That RDSO ~~for~~ administration failed & never informed that our rent will be reduced for such a surrender. The fact has been judged and considered by Hon. Tribunal Lucknow in another case of Shri K.L. Dhusia decided on 2.8.1989 that order the RDSO to implement within three months for reducing the rent and intimating the Hon. Tribunal.

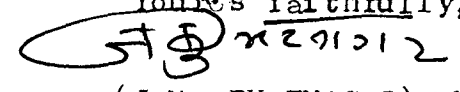
P R A Y E R

Keeping all the latest developments and decessions of the Hon. Tribunal and giving due regards to the justice I WITHDRAW MY CASE/APPEAL NO.495/87(T) pending in this Hon. Tribunal. The withdrawal may please be allowed.

I have no objection in surrendering one out House now numbered as "E" the other one "F" is being used for my residential and personal use as photodarkroom etc.

All valid orders from administration will be obeyed as in past.

Yours faithfully,



(J.K. BHATNAGAR) Photographer  
Applicant in case No.495/87/(T)

Copy to Director General RDSO Lucknow with the request that out House No 'E' can be allotted as I will not raise any objection to the orders.

Sd X X X X  
(J.K. BHATNAGAR)  
PHOTOGRAPHER.

- DA Annexures 2
- 1, copy of allotment letter
  - 2, Copy of Application (Smt Shanti Devi)

Anx 1

A23

Government of India: Ministry of Railways  
Research Designs & Standards Organisation  
Manak Nagar, Lucknow-226011.

No. A/AT/71

Dated :- 7-10-83

Sub: Allotment of residential accommodation  
at Manak Nagar, Lucknow.

The following officers/Staff are allotted quarters as indicated against them :-

S. No.	Name & Designation	Present Qrs. No.	Qr. No. Allotted	Remarks
--------	--------------------	------------------	------------------	---------

Shri J.K. Bhatnagar, PI C 21/1 LD-107A Ref. and by S.L. M. A. Group, S.I./RPF.

(This supersedes Allotment Order No A/AT/III dated 14-5-82)

2. The rent liability will commence from the 3th day of issue of this letter or the date of occupation, whichever is earlier. This period of 8 days will count from the date the quarters are made available for occupation. It will be the responsibility of the allottee to check up the availability of the quarters from the IOW(Estate), RLSO/Lucknow.

3. The occupation/vacation slip of the quarters of employee concerned should be furnished immediately to the Adm. Section as well as to SO/E-III/E-IV b, TEN/IOW(Estate).

4. The employee concerned should send his acceptance of the allotment within the period stipulated in para 2 above. Failure to do so will be taken as refusal of the allotment for a period of one year.

4. In case the employee concerned does not occupy the railway quarters within 7 days from the date of issue of this allotment order he will be liable to pay the rent from the date as stipulated in para 2 above.

DA/Nil.

for Director General

1. Officer/Staff Concerned.
2. SO/E-III or IV
3. Town Engineer.
4. IOW/Estate.
5. AEE

6. Electrical Foreman
7. Finance & Accounts Branch
8. SO/E-I, E-IV, DD/E-II
9. Elec. Chageman (Metre Sec.)
10. ADM/Tele-I.



सेवा में,

MINISTRY OF RAILWAYS  
 P.O. Lucknow-11  
 - 9 AUG 1989  
 के० घा० नं० .....  
 C. Dy. No. ....

प्रधान

महानिदेशक

आ० आ० म० सं०

लखनऊ

A 14

विषय:- सरकारी आवास सुविधा आवंटन हेतु -----

माध्यम

मैंने १४/८५ में एक सरकारी आवास आवंटन हेतु प्रार्थना पत्र दिया था किन्तु अत्यन्त खेद का विषय है कि वह भुक्त अभी तक प्राप्ति नहीं हो सका, इस संदर्भ में मैं निम्नलिखित तथ्यों से अवगत कराना चाहती हूँ —

① कि मेरी बड़ी लड़की कोला को गृह कार्य करने के समय में भाजवता के आवास पर फ्रीली कै० भटकती जाते प्रपन्न O/W House जो कि LD 107 A से सम्बन्धित है दे दिया था। मैं अपनी पुत्रा बड़की के साथ उसकी देख रेख और देखरेख कर रही थी। वे भुक्त से किसी प्रकार का कोई भी शिकायत नहीं लेती।

② कि अभी कुछ माह पूर्व मेरी लड़की की शादी हो गई है जो कि प्रगल्भ माह आरम्भ नहीं जा रही। तब मेरे पास कोई सर धुपाने के लिए कोई भी स्थान नहीं रह जा रहा।

③ कि मैं इस संदर्भ में आप का ध्यान इस प्रकार प्रकीर्ण करना चाहती हूँ कि जो लोग वरु प्रकार से आउट हाउस (O/W House) में १४/८५ में रह रहे थे तब R.D.S. ० में ही कार्य करते हैं उन्हें वे ही आउट हाउस प्राप्ति का दिर गये थे।

प्रार्थना

अतः मैं आप से विनम्र प्रार्थना है कि आप कृप

As the out house is being with down and

I have no objection to the orders. This can be allocated

J.K. Bhattacharya

Photographer 7/8/89

दिनांक - ०६-८-१९८९  
 (७/८/८९)

SO (Admin.)

प्रार्थी

शांती देवी

(प्रार्थनी शांती देवी)

प्रशासक स्व. अतिरिक्त

DT 18.8.89

In the Honourable Court of  
Central Administrative Tribunal  
Lucknow Bench.

JAGDESH KUMAR BHATNAGAR Vs. Union of India & Others.

Ref: Case No. 495/87 (T).OS NO. 231/85.

.....

In connection to my appeal I beg to state as under :-

1. That the date of hearing of my above case has been fixed on 21.8.89.
2. That I am withdrawing the power of Attorney from my Advocate Shri D.K. Raizada to be pleaded by me in person if at all required.
3. That my above case is different than other cases of outhouses decided by the Hon. Tribunal Lucknow Bench.
4. That in this case it has to pointed out that I was first allotted on 14.5.82 a similar quarter LD 106/A which was refused by me on the grounds that one of the two outhouses attached with it was not vacant and was occupied unauthorisely by one of the employee of RDSO and administration after considering my application with two outhouses in vacant position vide allotment order dated 7/10.10.83 (A copy of order enclosed). ANX I
5. That I kept the maid servant the daughter of a widow Smt. Shanti Devi W/o Late Shri Ram Chandra Working as Farash RDSO in my one of the out house now numbered as 'E' and that it was not allotted to her at the time of allotment done to such cases by RDSO as has been done in other cases.
6. That under these circumstances applicant was helpless and has no motive to defy orders of administration to surrender one out house in question.
7. That RDSO ~~for~~ administration failed & never informed that our rent will be reduced for such a surrender. The fact has been judged and considered by Hon. Tribunal Lucknow in another case of Shri K.L. Dhusia decided on 2.8.1989 that order the RDSO to implement within three months for reducing the rent and intimating the Hon. Tribunal.

P R A Y E R

Keeping all the latest developments and decessions of the Hon. Tribunal and giving due regards to the justice I WITHDRAW MY CASE/APPEAL NO.495/87(T) pending in this Hon. Tribunal. The withdrawal may please be allowed.

I have no objection in surrendering one out House now numbered as "E" the other one "F" is being used for my residential and personal use as photodarkroom etc.

All valid orders from administration will be obeyed as in past.

Yours faithfully,



(J.K. BHATNAGAR) Photographer

Applicant in case No.495/87/(T)

Copy to Director General RDSO Lucknow with the request that out House No 'E' can be allotted as I will not raise any objection to the orders.

Sd xxx

(J.K. BHATNAGAR)

PHOTOGRAPHER.

DA

Annexures.2

1. Copy of allotment letter

2. Copy of application (Smt) Shanti Devi

ANX 1

A76

Government of India: Ministry of Railways  
Research Designs & Standards Organisation  
Manak Nagar, Lucknow-226011.

No. A/AT/11

Dated :- 7-10-83

Sub: Allotment of residential accommodation  
at Manak Nagar, Lucknow.

The following officers/Staff are allotted quarters as indicated against them :-

S. No.	Name & Designation	Present Qrs. No.	Qr. No. Allotted	Remarks
	Shri J.K. Bhatnagar PI	C 21/1	LD-107A	Referred by S. P. A. P. S. S. I. R. S.

(This supersedes Allotment Order No A/AT/11 dated 14-5-83)

2. The rent liability will commence from the 3th day of issue of this letter or the date of occupation, whichever is earlier. This period of 8 days will count from the date the quarters are made available for occupation. It will be the responsibility of the allottee to check up the availability of the quarters from the IOW(Estate), RDSO/Lucknow.

3. The occupation/vacation slip of the quarters of employee concerned should be furnished immediately to the Admn. Section as well as to SO/E-III/E-IV b, T&R/IOW(Estate).

4. The employee concerned should send his acceptance of the allotment within the period stipulated in para 2 above. Failure to do so will be taken as refusal of the allotment for a period of one year.

4. In case the employee concerned does not occupy the railway quarters within 7 days from the date of issue of this allotment order he will be liable to pay the rent from the date as stipulated in para 2 above.

DA/Nil.

for Director General

1. Officer/Staff Concerned.
2. SO/E-III or IV
3. Town Engineer.
4. IOW/Estate.
5. AEE

6. Electrical Foreman
7. Finance & Accounts Branch
8. SO/E-I, E-IV, DD/E-II
9. Elec. Chageman (Metre Sec.)
10. ADA/Tele-I.



(A79)

To,

The Deputy Registrar  
CAT - Lucknow

1/3

Reg. Registration No 648/87(T)  
Shiv Kumar vs VOT Solhem

Sir. With due respect - I am  
to state that the subject noted  
Case is listed on 8/3/89, but  
due to some problem I will not  
be in a position to attend the  
Court.

Kindly fix 13/4/89 with  
subject noted case as other  
cases are listed on the same  
date.

Lucknow

Yours faithfully,

Pranathu

Advocate.

23.12.89

23.8.89

T.A. 495-87

24/1/89

A 80

Before the Hon'ble Central Administrative Tribunal,  
Circuit Bench, Lucknow.

(5)

Transfer  
Application  
received on 9.9.88  
by 1st Bd  
9/9/88

Registration No. Tribunal Administrative 485 of 1987.

P.F. 17.5.88

J.K. BHATNAGAR

.....

Applicant

Union of India &  
Director General,  
HDSO Lucknow  
& others

Respondent

Respondent

Application for hearing of my  
Case by the Circuit Bench  
Lucknow.

Mr. Bhattacharya  
for the UP and  
the Government  
24/1/89

The application begs to state as under:

1. That the applicant had filed a Regular Suit against the order dated 16.4.84 of Respondent before the Addl. Munsiff VII, Lucknow on 17.9.85
2. That the Suit of the applicant has now been transferred to the Central Administrative Tribunal, Allahabad, for further Consideration and orders of the Tribunal on the Suit.
3. That an Additional Bench has already been constituted for hearing the cases of the area of Allahabad High Court, Lucknow Bench's jurisdiction, at Lucknow itself following the Hon'ble Supreme Court's judgment.

That this addl. Bench has already started functioning at Gandhi Bhawan, Lucknow, in the name of Circuit Bench.

That the applicant and the Respondent (S) both are from Lucknow and the cause of actions had also arisen at Lucknow in the jurisdiction of the Allahabad High Court, Lucknow Bench.

6. That the applicant finds lot of problems in attending the Tribunal at Allahabad, whereas it would be very easy and convenient to the applicant and also to the respondents to attend the aforesaid case before the Circuit Bench when they sit at Lucknow.

7. That attending the above case at Lucknow would be economical to the applicant and also to the Respondents.

Wherefore the applicant-appellant respectfully prays that his case aforesaid may please be transferred before the Circuit Bench at Lucknow for further hearing and decision on the applicant's Claim.

Lucknow 6.9.1988  
Dated: -20/4/88

(J.K. Bhatnagar)  
Applicant  
6/9/88  
LD 107 A, Manaknagar  
Lucknow  
PIN 226011

Copy to Additional Bench Lucknow  
(Circuit Bench)

(J.K. Bhatnagar)

PC T.A. 495-87  
A81 37  
Bifore the Hon'ble Central Administrative Tribunal,  
Circuit Bench, Lucknow.

Registration No. Tribunal Administrative 485 of 1987.

F.F. 17.5.88

J.K. BHATNAGAR

.....

Applicant

Union of INDIA &  
Director General,  
RDSO Lucknow  
& others

Versus

Respondents.

Application for hearing of my  
Case by the Circuit Bench  
Lucknow.

The application begs to state as under:

1. That the applicant had filed a Regular Suit against the order dated 16.4.84 of Respondent before the Addl. Munsiff VII, Lucknow on 17.9.85
2. That the Suit of the applicant has now been transferred to the Central Administrative Tribunal, Allahabad, for further Consideration and orders of the Tribunal on the Suit.
3. That an Additional Bench has already been constituted for hearing the cases of the area of Allahabdd High Court, Lucknow Bench's jurisdiction, at Lucknow itself following the Hon'ble Supreme Court's Judgement.
4. That this addl. Bench has already started functioning at Gandhi Bhawan, Lucknow, in the name of Circuit Bench.
5. That the applicant and the Respondent (S) both are from Lucknow and the cause of actions had also arisen at Lucknow in the jurisdiction of the Allahabad High Court, Lucknow Bench.
6. That the applicant finds lot of problems in attending the Tribunal at Allahabad, whereas it would be very easy and convenient to the applicant and also to the respondents to attend the aforesaid case before the Circuit Bench when they sit at Lucknow.
7. That attending the above case at Lucknow would be economical to the applicant and also to the Respondents.

Wherefore the applicant-appellant respectfully prays that his case aforesaid may please be transferred before the Circuit Bench at Lucknow for further hearing and decision on the applicant's Claim.

Sd/- J.K. Bhatnagar  
Lucknow  
Dated: 6.9.1988  
-2004-88

6.9.1988

Dated: -2004-88

GTJ 271012  
Applicant 6/9/88  
(J.K. Bhatnagar)  
LD 107 A, Manaknagar  
LUCKNOW  
PIN 226011

AD

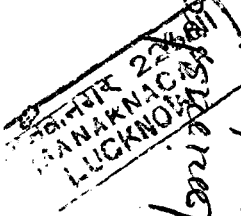
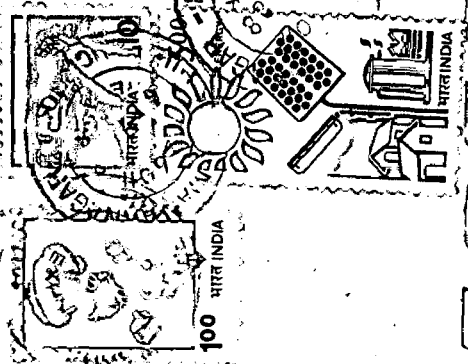
REGISTERED

To The Central Administrative Tribunal

Allahabad Bench

93-A Thornhill Road

ALLAHABAD 211001



*22/6/69*



16/11/87

केन्द्रीय प्रशासनिक अधिकरण

क्र 44/P

वकालतनामा

हाईकोर्ट ऑफ जस्टिस एंड इलाहाबाद

इलाहाबाद

(A20)

रिट/अपील

T.A 495

सन् १९८७

जिला

लखनऊ

निगरानी

वादी/प्रतिवादी

जगदीश कुमार मन्नाभर

अपीलान्ट

वनाम

वादी/प्रतिवादी

भारत सरकार एवं अन्य

रेस्पान्डेन्ट

में

कि

हम

इस आदेश के अन्तर्गत निदेशक स्थापना - I

अ. अ. अ. स. लखनऊ

उपरोक्त प्रकरण हम अपनी ओर के पक्ष समर्थन के हेतु

Sri

प्रशांत भादुर

एडवोकेट हाईकोर्ट

इलाहाबाद को कानूनी निश्चित शुल्क नियत करके अपना अभिभाषक नियुक्त करते हैं, और स्वीकार करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र, प्रतिवाद-पत्र, वाद स्वीकार पत्र, विवाद-पत्र, पुनरवलोकन एवं पुनःनिर्णय प्रार्थना-पत्र शापथिक कथन प्रवर्तन-पत्र अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना आदि एवं लेखादि की प्रतिलिपियाँ अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें, और आवश्यक सवाल जबाब करें और लेखादि की प्रतिलिपियाँ एवं हमारे प्राप्त घन को अपने हस्ताक्षरों द्वारा रसीद देकर प्राप्त करें, हमारी ओर से किसी मध्य पत्र तथा साक्षी मानें और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावें छोड़ें अथवा समझौता करें तथा सुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उसका समर्थन करें अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री भर पाई होने के समय तक स्वतः या संयुक्त करें आवश्यक होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति हमको सर्वथा स्वीकार होगी। अगर हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दें तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र प्रमाण रूप लिख दिया कि प्रमाण रूप से समय पर काम आये।

उप निदेशक स्थापना - I

जनसंघान प्रमाण और वाक संग्रह,  
रेखा मंत्रालय, अलाहाबाद - 226011

(21)

For Govt - Use

A21

Before Central Administrative Tribunal  
Bench - Allahabad

व अदालत श्री मान.....  
वादी । मुद्दा । Regn. No 45/87(T)

प्रतिवादी । मुद्दा । का वकालतनामा  
J. K. Bhatnagar वादी । मुद्दा ।  
बनाम प्रतिवादी । मुद्दा ।

नं० मुकदमा सव। 9 पेशा की त। 19  
अर लिखो मुकदमा में अपनी ओर से श्री

ए. के. ० गौड & पानिहिल रोड एडवोकेट  
इलाहाबाद महोदय  
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा । इकरार । करता हूँ । लिखों देता हूँ । इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेशा व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा देय हमारी ओर से डिगरी जारी करावें और रुपये वसूल करेगा सुलहनामा इकताल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विपदा । परीकसानी का दाखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त । दस्तकारी । रसीद से लेवेगा पंच नियुक्त करें वकील महोदय छवारा की गई वह कार्यवाही हमको सर्व था स्विकार है और होगी मैं भी यह कहता हूँ । कि मैं हर पेशा स्वयं या किसी अपने पराकार को भोजता रहूंगा अगर मुकदमा अदम पेशा में एक तरफ मेरे छिनाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी । इसलिए यह वकालतनामा लिखा दिया कि प्रमाण रहे और समय पर काम आवें।

साक्षी । गवाह ।  
दिनांक ..... महीना

हस्ताक्षर .....  
साक्षी । गवाह ।  
नाम अदालत .....  
नं० मुकदमा .....  
नाम परीकन .....

ए. के. ० श्री ०

AGS

X/8

C C'

Hon' Mr. Justice K. Nath, V.C.

Hon' Mr. K.J. Raman, A.M.

3/7/89

Shri D.K. Raizada, learned counsel for the applicant and Shri Prashant Mathur, learned counsel for the respondents are present. Shri Mathur files counter affidavit on behalf of the respondents. Shri Raizada requests for and is allowed three weeks time to file rejoinder.

On the request of learned counsel for both the parties, this case is listed for final hearing on 1-8-89.

A.M.

V.C.

(sns)