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A-11

1199

## INDEX

113814  
(I. B. SINGH)  
Advocate

Dated: 21.9.21

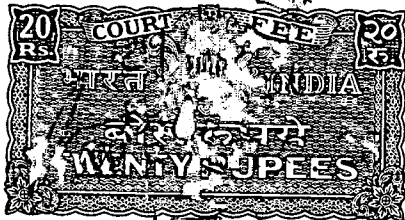
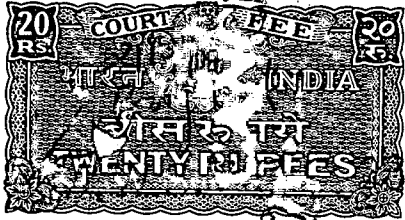
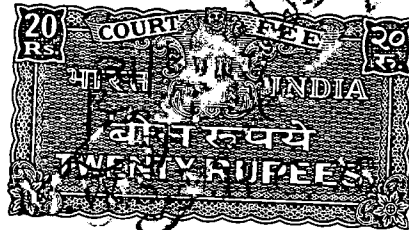
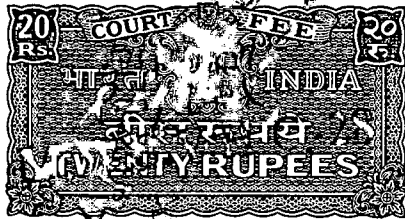
A-12

IN THE HON'BLE COURT OF JUDICATURE SITTING AT  
LUCKNOW.

Writ Petition No.

4953

1981.



Brij Lal son of Sri Lakhai, Resident of Village  
Pachparwa, Post Furdhan, Distt. Kheri, ex-fireman ☐  
Mailman ☒ shed.

Petitioner.

Vs.

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Lucknow Division, Lucknow.
3. Sr. Divisional Mechanical Engineer, N.E. Railway, Lucknow Division, Lucknow.

Opp. Parties.

To,

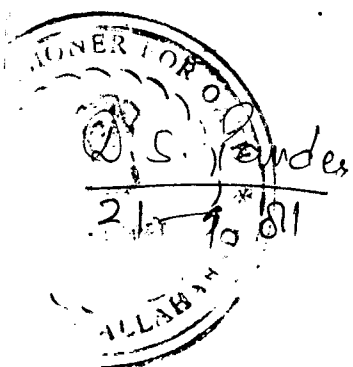
The Hon'ble Chief Justice and his companion Judges  
of the aforesaid court.

The humble petition of the above named applicant  
most respectfully shoeth as under :-

- 1) That the petitioner was appointed as fitter Khalasi  
by the opposite No. 3 on 21/1/65 and after due  
promotion was working as Fire-Man-II in the year  
1978 when he met with the ill-fate of the order of  
dismissal from his service under Rule 14(2) of the

Cont'd....2/-

5422/100-20  
24/9



Discipline & Appeal Rule 1964-68 ( here and after called as D.A.R. ) on 12/12/78 by the opposite party No.2 who was then designated as Divisional Superintendent. The said order of the dismissal from the service of the petitioner is annexed as Annexure No. 3 of this petition.

2) That the petitioner was a permanent on his post and at the time of his dismissal his Pay-scale was Rs. 200-250 and was posted as First Man-II in Mailani Shed.

3) That no charges, on which the penalty was imposed, were disclosed nor the petitioner was given address of the materials to which any such charges were based and the evidence in the support thereof, nor he was given opportunity to defend himself.

4) That the petitioner acted in a disciplined manner and has performed his duties consciously and devotedly and never any occasion arose for his superiors to have any comment about his duties work and behaviour.

5) That the petitioner never participated in any General Strike and has never been arrested or detained and on the contrary, there are so many railway workers and their leaders who participated in the General Strike and were arrested and detained, have been taken back in their respective jobs.

D.S. Pandey  
21-9-2013

11/11/13

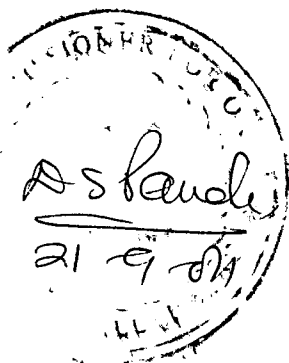
6) That there has been no F.I.R. or report or complained by any member of the staff for any illegal act, against the petitioner.

7) That before the impugned order contained in Annexure No. (1), the petitioner was never suspended, charge-sheet or no show-cause in any case, has been issued against him.

8) That there were no charges against petitioner and if there were any, these are not in the within the knowledge of the petitioner nor he was given any opportunity to meet any such charge.

9) That the petitioner preferred a review to the opposite party No. 1 on 21.1.79 and then also appeal to opposite party No. 2 & 3 through proper channel and reminders dated 2.4.80, 7.12.80 & 7.3.81 which was ultimately dismissed on 29.6.81/16.7.81 by the General Manager, M.E. Railway which the petitioner received on 7.8.81. The photo-copy of the said order dated 29.6.81/16.7.81 is being filed herewith as Annexure No.2 of this petition. The letter of which was conveyed to the petitioner was signed by some officer for Divisional Railway Manager (Personnel), Lucknow.

10) That there were no circumstance before Shri R.M. Bhasker, Divisional Superintendent, Lucknow (Divisional Railway Engineer) to invite special procedure for the removal of the petitioner from the service.



25/10/81



A-15

: 4 :

11) That General Manager, N.E. Railway has considered the case of the petitioner illegally, arbitrary and dismissed his appeal without applying his mind. Further, no opportunity was given to the petitioner by the General Manager for his personal hearing.

12) That the impugned order has been passed mechanically on cyclostyle paper only after filling the blanks in the name of the petitioner.

13) That the similar W.P. No. 1452/76, Juggal Dev and others Vs. Union of India and others, W.P. No. 1454/76, Keshav Prasad and another Vs. Union of India and others, W.P. No. 3438/76, Ram Shanker Vs. Union of India and others, W.P. No. 218/77, D.C. Tewari and others Vs. Union of India and others, W.P. No. 1155/78, Shiv Narain Lal and others Vs. Union of India and others on the similar facts, have been decided by this Hon'ble Court. The certified copy of <sup>The Order on</sup> W.P. No. 1158/78 is being filed as Annexure-3 of this petition.

14) That petitioner is entitled to enjoy the facilities of Railway Quarter, free passess, P.T.O's, and other facilities like educational facilities, medical facilities for his family which he was enjoying.

15) That the petitioner has no other alternative or speedy for efficacious remedy but to invoke the jurisdiction of this Hon'ble High Court on the following amongst other G R O U N D S :-

1) because the impugned orders contained in Annexure 1 & 2 are bad in law and without jurisdiction.

Contd. ...5/-

25. Paul  
21.9.84

5101107

- ii) because the orders regarding satisfaction are mechanical and the authority has not applied his mind to the facts and these circumstances are liable to be struck down.
- iii) because the principle of natural justice has been violated in as much as that no right of personal hearing has been granted to the petitioner even on the quantum of sentence.
- iv) because the impugned orders are vitiated by illegal, arbitrary, mala fide, biased, vindictive mentality and bad exercises of jurisdiction.
- v) because the impugned orders are vague indefinite, false and without any basis.
- vi) because there was no no circumstance warranting the exercise of power under Rule 14(2) of the said rules.
- vii) because dismissal of appeal is unspeaking and has been passed without applying the mind.
- viii) because the impugned orders are ultravires, illegal, void, invalid, contrary to the provisions of Article 311(ii) of the Constitution of India and Rules 9 to 13 of the said rules.
- ix) because the impugned orders in fact and in effect purports to take away the constitutional rights and the constitutional safe guard of the petitioner.

*D. S. Paul*  
21.9.04

*20/11/04*

- x) because the opposite parties have arbitrarily picked and chooses the petitioner for victimisation and have thereby arbitrarily, malafide irrationally and unjustly discriminated against him and denied him the equality of opportunity in matters relating to employment under the stage.

P R A Y E R

WHEREFORE, it is most respectfully prayed that this Hon<sup>ble</sup> Court may be pleased to :-

1. To issue writ, order or directive in the nature of Certiorari quashing the impugned orders contained in Annexure 1 & 2.
2. To pass such order and further writ or directives as this Hon<sup>ble</sup> Court may deem fit and proper in the circumstances of the case.
3. To award costs throughout to the petitioner.

D. S. Pandey  
21-9-81

I.B. Singh  
( I.B. SINGH )  
ADVOCATE

LUCKNOW :  
Dated : Sept. 21, 1981

COUNSEL FOR THE PETITIONER.

25/11/81

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IN THE HON'BLE COURT OF JUDICATURE SITTING AT  
LUCKNOW.

Writ Petition No.

1981.

Brij Lal son of Sri Lakhai  
and others

.....Petitioner.

Vs.

Union of India and others

.....Opp. Parties.

ANNEXURE -I

N.E. Railway

Notice of imposition of Penalty

No. LD/55/Assault

Dated 12.12.78.

To,

Name - Sri Brij Lal

Father's

Name - Lekhai

Designation - Fireman-II Formerly Mailani Shed

Department - Mechanical

T.No. XX - Date of appointment 21-1-1965.

Station - Mailani - Scale of Pay Rs. 200-250

I, the undersigned being the authority empowered to dismiss or remove you from service as disciplinary authority, am fully satisfied that for the reason which have been recorded in writing, it is not reasonably practicable to hold an enquiry in the manner provided under the rules and exercise of Power vested in me as Disciplinary authority under Rule 14(ii) of the Discipline and Appeal Rules - 1968 read with proviso (g) to Article 311(2) of Indian Constitution and considering the circumstances of your case I have decided to dismiss you from service from the post of Fireman-II in the Scale of

Cont'd.....

*D. S. Pandey*  
*21-1-81*

*21-1-81*

Rs. 200-250 with effect from 12.12.78 (Forenoon).

A-V

2. Under Rule 18 of the Railway Servant's (D&A) Rules, 1968 an appeal against these order lies to Chief of Suptt. N.E.Railway, Gorakhpur provided :-
- (i) the appeal is submitted through proper channel within 45 days from the date of you receive orders :- and
  - (ii) the appeal does not contain improper or disrespectfull language.

Please acknowledge receipt this letter.

Signature - L.M. Bhasker  
Divisional Supt.  
N.E.R., Lucknow  
Designation of the Disciplinary Authority.

21/9/81

21-9-81

~~21/9/81~~

In the Honble High Court of Judicature  
at Lucknow  
7/1981

Brij Lal ... Petitioner  
Versus  
Union of India  
and others ...  
pp 100

AMNEUR-2

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पूर्वाज्ञा पत्र

दिनांक 11/11/210/सु0वार0सु0र/80

कार्यालय  
महोदय प्रमुख (वि०)  
लखनऊ दिनांक 29-6-81

16-7-81

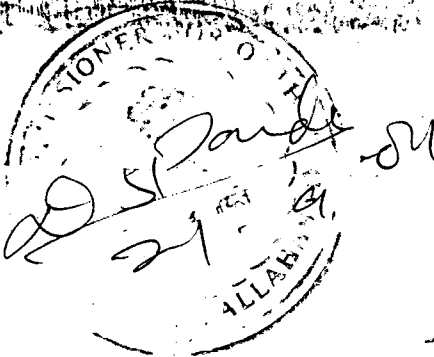
विषय :- श्री गुरुदास पुत्र लक्ष्मी  
भूतपूर्व फायमैन II  
द्वारा लोको फायमैन  
पूर्वाज्ञा पत्र के अन्तर्गत

विषय - दिसमिस्त

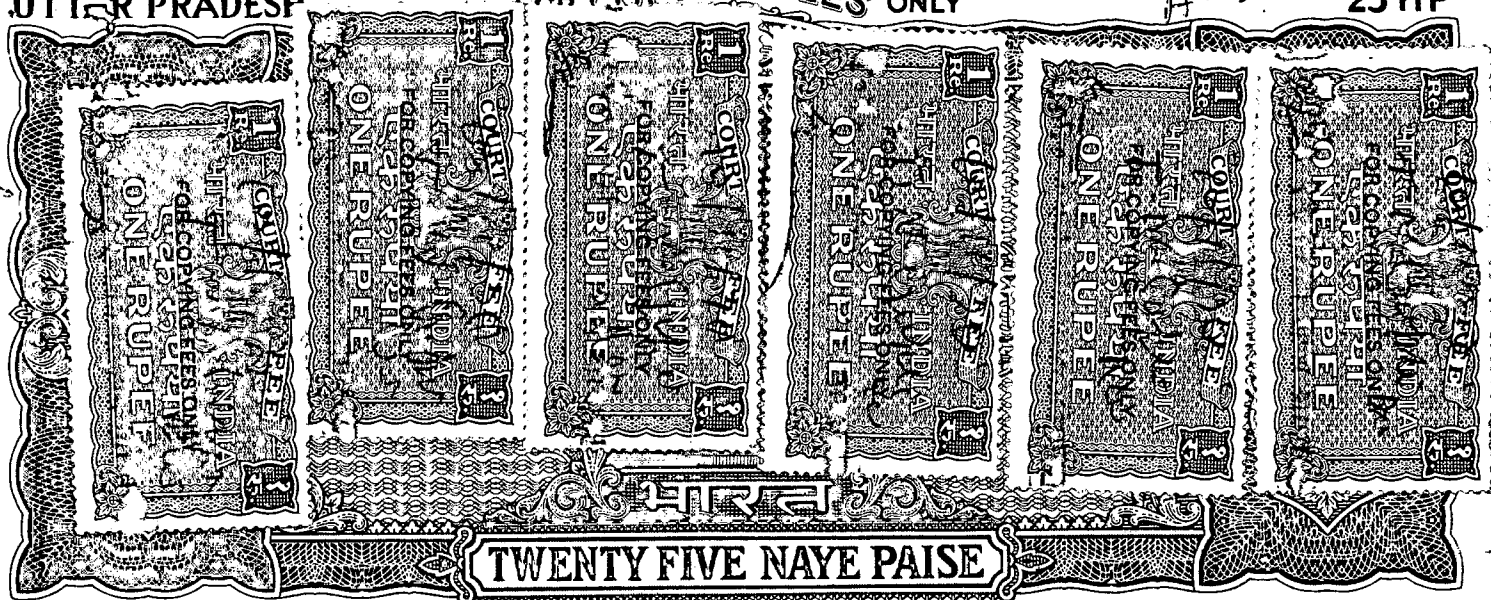
भारी प्रबन्ध लक्ष्मी गुरुदास के अन्तर्गत लोको फायमैन दिसमिस्त  
सेवा में लक्ष्मी पर पुनः बिचार किया।  
उन्होंने व्यक्तिगत रूप से लक्ष्मी गुरुदास सुनने के लिए लोको फायमैन में  
लिखित के कारण लावश्यकता नहीं समझी  
10 सेंट के साथ उन्होंने लोको फायमैन में फेर बदल करने में हस्तक्षेप  
किया करते हुए लोको फायमैन दिया है कि लक्ष्मी दिया गया है दिसमिस्त लोको फायमैन में

9/2/29

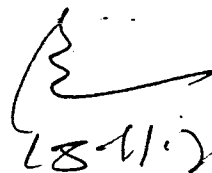
होते हैं महोदय प्रमुख (वि०)  
लखनऊ

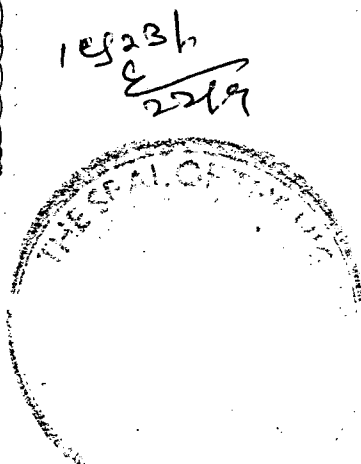


बृजलाल



## केवल नक़ल की फीस के लिए

| Date on which application is made for copy accompanied by the requisite stamps.<br>आवश्यक स्टाम्प सहित प्रार्थना पत्र देने की तारीख | Date of posting notice on notice board.<br>नोटिस बोर्ड पर नक़ल तैयार होने की सूचना की तारीख | Date of delivery of copy.<br>नक़ल वापिस दिए जाने की तारीख | Signature of official delivering copy.<br>नक़ल वापिस देने वाले अधिकारी का हस्ताक्षर               |
|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 13.11.78                                                                                                                            | 16.11.78                                                                                    | 18.11.78                                                  | <br>18.11.78 |



A-22

Writ Petition No. 1155 of 1978

Shri Karan Lal & others

... Petitioners.

Versus

Union of India & others

... Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

LUCKNOW DATED: 26-10-1978

Hon'ble U.C. Srivastava, J.

Hon'ble K.N. Goyal, J.

(Delivered by Hon'ble K.N. Goyal, J.)

The petitioners are railway servants who have been dismissed without being afforded an opportunity of showing cause against their proposed dismissal. The orders purport to have been made under rule 14(ii) of the Discipline and Appeal Rules, 1938, read with proviso (b) of Article 311 (2) of the Indian Constitution.

The only ground on which it has been held by the Senior Divisional Mechanical Engineer that it was not practicable to hold an inquiry is that the witnesses who would be produced against the petitioners were under fear and danger to their persons and as such they would not be in a position to depose freely. It is well settled that this is not a ground which can be validly treated to be a ground on which the authority can arrive at a conclusion that it is not reasonably practicable to hold an inquiry. Learned counsel for the opposite parties does not contest this legal position.

The writ petition is accordingly ~~dismissed~~ allowed and the orders Annexures 1, 2 and 3 to the writ petition are hereby quashed. There will be no order as to costs.

Sd/- U.C. Srivastava.

Sd/- K.N. Goyal.

26-10-1978

1 of 3  
16/11/78  
[Signature]

25/10/78  
21/9/81



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION No. 1155 of 1978

Shree Narain Lal & others

....Petitioners.

Versus

Union of India & others

...Opp. Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

LUCKNOW DATED: 26-10-1978

Hon'ble U.C. Srivastava J.  
Hon'ble K.N. Goyal, J.

(Delivered by Hon'ble K.N. Goyal, J.)

The petitioners are railway servants who have been dismissed without being afforded an opportunity of showing cause against their proposed dismissal.

The orders purport to have been made under Rule 14(ii) of the Discipline and Appeal Rules, 1968, read with proviso(h) of Article 311 (2) of the Indian Constitution.

The only ground on which it has been held by the Senior Divisional Mechanical Engineer that it was not practicable to hold an enquiry is that the witnesses who would be produced against the petitioners were under fear and danger to their persons and as such they would not be in a position to depose freely. It is well settled that this is not a ground which can be validly treated ~~that this is not a~~ to be ground on which authority can arrive at a conclusion that it is not reasonably practicable to hold an inquiry. Learned counsel for the opposite parties does not contest this legal position.

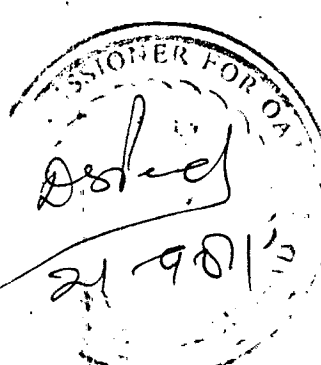
The writ petition is accordingly allowed and the orders Annexures 1, 2 and 3 to the writ petition are hereby quashed. There will be no order as to costs.

Sd/- U.C. Srivastava.

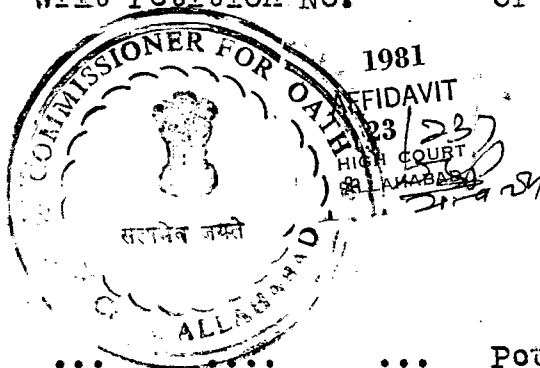
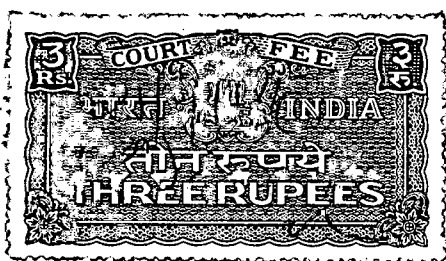
Sd/- K.N. Goyal.

26-10-1978

21/9/78  
(11/2/78)



IN THE HON'BLE HIGH COURT OF JUDICATURE, SITTING AT LUCKNOW  
Writ Petition No. of 1981



Brij Lal ... Petitioner  
... Versus ...  
Union Of India, and others ... Opp. Parties

AFFIDAVIT

I, Brij Lal aged about 36 years son Sri Lakhai resident of Village Pachperwa, Post Fardhan, district Kheri, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner of the abovenoted petition as such is fully conversant with the facts deposed herein under:-

2. That the contents of para 1 to 15 of the writ petition are true to the own knowledge of the deponent.

3. That nothing material has been concealed by the deponent So help him God.

Lucknow:

Dated: 21-9-81

*[Signature]*  
(Deponent)

Verification

I the abovenamed deponent do hereby verify that the contents of para 1 to 3 of the this petition are true to his own knowledge, and nothing material has been concealed by him. So, help him God.

Signed and verified on this 21 day of Sep. 1981 in the Court Compound.

Lucknow:

Dated: 21-9-81

*[Signature]*  
(Deponent)

I identify the deponent who has signed before me. Solemnly affirm before me on this day of Sep. 1981 at 11 a.m./p.m. by Sri Brij Lal who has been identified by Sri I.B. SINGH, Advocate High Court Lucknow. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read over and explained by me.

*[Signature]*  
Advocate  
Lucknow

23/28  
21-9-81

*[Signature]*

व अदालत श्रीमान

*Honble High Court of Judicial*  
*at Lucknow* महोदय

वादी (मुद्दई)

प्रतिवादी (मुद्दालेह)

का वकालतनामा

C.P. No. 1981



1925  
24/9

*Brij Lal*

वादी (मुद्दई) BY 11

*Union of India*  
*and others* बनाम

प्रतिवादी (मुद्दालेह)

C.P. No.

नं० मुकद्दमा

सन् १६

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

*I. B. Singh Adv.*

एडवोकेट

*I. B. Singh Adv.*

महोदय  
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर *W. S. D. A. C. N.*

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

21

महीना

9

१६ ई०

*accepted*  
*I. B. Singh Adv.*

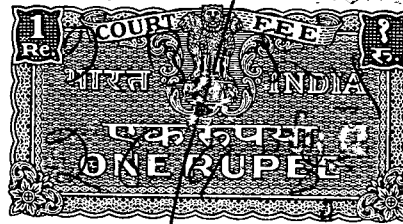
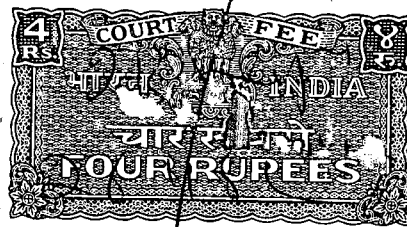
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| नाम अदालत | नाम मुकद्दमा | नाम फरीकसानी |
|           |              |              |

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5/1

*CM No 4299/5/02*

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

Writ Petition No. 4953 of 1981.



Brijlal son of Lakhai,  
Resident of Village-  
Packparwa, Post-Furdhan,  
Distt. Kheri, Ex-fireman II,  
Mailani-Shed, Mailani, Kheri,

..... Petitioner.

Versus

- 5-285
1. Union of India through General Manager, N.E. Railway, Gorakhpur.
  2. Divisional Railway Manager, N.E. Railway, Lucknow Division, Lucknow.
  3. Senior Divisional Mechanical Engineer, N.E. Railway, Lucknow Division, Lucknow.
- ..... Opp. Parties

APPLICATION FOR INTERIM RELIEF

I, the above named petitioner applicant begs to state as under :-

B/e-

That for the facts and reasons stated in the accompanying affidavit it is most respectfully prayed that this Hon'ble Court may kindly be pleased to direct the opposite parties to pay the salary of the petitioner during pendency of the writ petition or any other relief which this Hon'ble Court may think proper.

Lucknow:  
Dated : Apr. 26, 1981

*1/384*  
(I.B. Singh)  
Advocate  
Counsel for the applicant.

A29 5/2

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

Writ Petition No. 4953 of 1981.



Brij Lal I -----

Petitioner.

Versus

Union of India & others -----

Opp. Parties.

A F F I D A V I T

I, Brij Lal, aged about 36 years son of Shri Lakhai, Resident of village - Pachparwa, Post - Furdhan Distt. Kheri, do hereby solemnly affirmed and state on oath as under :-

1. That the deponent is the petitioner of the petition and is fully conversant with the facts deposes herein under :-

2. That the deponent became victim of illegal dismissal from his service on 12.12.1978 by the orders of opposite Party No.2.

3. That the deponent is not getting his salary and is not employed anywhere and has got no source of income as such the whole family of the deponent is on the verge of starvation.

4. That the deponent was dismissed under Rule 140 of Discipline and Appeal Rules 1964-68 which has been challenged in several writ petitions and the writ petitions have been allowed.

5. That the opposite parties are doing their best to oust the deponent from his quarters No. 195-1 Loco Colony Mainani, Kheri which is allotted in his name.

Cont'd.....

of 5/10/82

A29  
5/3

6. That in writ petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

7. That the petitioner has not paid the salary, he will suffer irrecoverable loss.

DESIKIN

Lucknow:  
Dated : Apr. 26, 1982.

Petitioner.

VERIFICATION

I, the above named petitioner, do hereby verify that the contents of paras 1 to 7 of this affidavit are true to my personal knowledge.

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

DESIKIN

Petitioner.

Lucknow:  
Dated : Apr. 26, 1982.

I identify the petitioner who has signed before me.

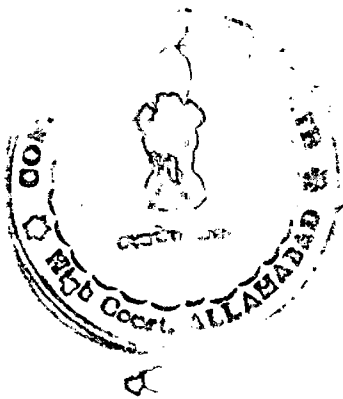
13814  
(I.B. Singh)  
Advocate

Solemnly affirmed before me on 26.4.82 at 9.30 A.M./P.M. by Sri Brij Lal the deponent who is identified by Sri D. B. Singh Advocate, High Court, sitting at Lucknow.

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

*V. N. SINGH*  
(V. N. SINGH)

|                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------|
| <p>Cath Commissioner,<br/>High Court Allahabad,<br/>Lucknow Bench.</p> <p>No 115/15/329</p> <p>Date 26/4/82.</p> |
|------------------------------------------------------------------------------------------------------------------|



A-30

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

Writ Petition No. 4953 of 1981.

Bench copy

Brij Lal son of Lakhai,  
Resident of Village-  
Pachparwa, Post-Furdhan,  
Distt. Kheri, Ex-fireman II,  
Mailani-Shed, Mailani, Kheri.

..... Petitioner

Versus

1. Union of India through General  
Manager, N.E. Railway, Gorakhpur
2. Divisional Railway Manager, N.E.  
Railway, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical  
Engineer, N.E. Railway, Lucknow  
Division, Lucknow.

.....Opp. Parties

APPLICATION FOR INTERIM RELIEF

I, the above named petitioner applicant begs  
to state as under :-

That for the facts and reasons stated in the  
accompanying affidavit it is most respectfully prayed  
that this Hon'ble Court may kindly be pleased to direct  
the opposite parties to pay the salary of the petitioner  
during pendency of the writ petition or anyother relief  
which this Hon'ble Court may think p-roper.

I.B. Singh  
(I.B. Singh)

Advocate

Counsel for the applicant.

Lucknow:

Dated : Apr. 26, 1982

IN THE HON'BLE HIGH COURT OF JUDICATURE SITTING AT  
LUCINOH.

Writ Petition B.4953 of 1981.

Drig La 1

-----

Petitioner.

Veritas

Union of India & others

-----

Opp. Parties.

APPRAVAL

I, Drig Lal, aged about 36 years son of Shri  
Lakshmi, Resident of village - Bachpura, Post - Barchan  
Distt. Bhadrachalam, do hereby solemnly affirmed and state on  
oath as under :-

1. That the deponent is the petitioner of the petition  
and is fully conversant with the facts deposed herein  
under :-

2. That the deponent became victim of illegal dismi-  
ssal from his service on 12.12.1978 by the orders of opp-  
osite Party B.2.

3. That the deponent is not getting his salary and  
is not employed anywhere and has got no source of income  
as such the whole family of the deponent is on the verge  
of starvation.

4. That the deponent was dismissed under Rule 14(2)  
of Discipline and Appeal Rules 1963-68 which has been chal-  
lenged in several writ petitions and the writ petitions  
have been allowed.

5. That the opp. parties are doing their best  
to evict the deponent from his quarters  
no. 195-F Loco Colony Marlam, Kheer  
allotted in his name.



A32

6. That in writ petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

7. That the petitioner has not paid the salary, he will suffer irrecoverable loss.

Enclaves

Dated 1 Apr. 26, 1981.

Petitioner.

# VERIFICATION

I, the above named petitioner, do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my personal knowledge.

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

Petitioner.

Enclaves

Dated 1 Apr. 26, 1981.

I identify the petitioner who has signed before

me.

(I.B. Singh)  
Advocate

Solemnly affirmed before me on .....

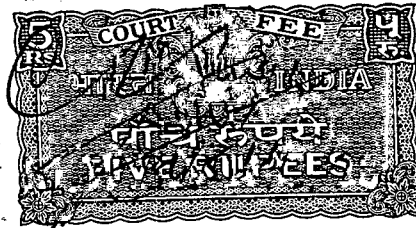
at ..... A.M./P.M. by Sr  
the deponent who is identified by  
Sr

Advocate, High Court, sitting at Lucknow.

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

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

Misc. Application No. 3769(w) of 1983.  
In Re  
Writ Petition No. 4953 of 1981.



Brij Lal, son of Kakhai, Resident of  
Village Pachparwa, Post-Furdha, Distt.  
Kheiri, Ex-fireman-II, Mailani-Shed,  
Mailani, Kheiri.

..... Petitioner.

Versus

1. Union of India, through General  
Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E.  
Railway, Lucknow Division, Lucknow.
3. Senior Divisional Mechanical Engineer,  
N.E. Railway, Lucknow Division, Lucknow.

..... Opp. Parties.

SECOND APPLICATION FOR INTERIM RELIEF :

The above named petitioner- applicant most  
humbly begs to state as under :-

1. That for the facts and reasons disclosed  
in the accompanying affidavit, it is most respectfully  
prayed that this Hon'ble Court may kindly be pleased  
to stay the operation of order dated 12.12.1988 and  
dated 7.8.1981, passed by the Opposite parties No. 3 &  
2 respectively, contained in Annexure No. 1 & 2 to the  
Writ Petition. In alternative the opposite parties may  
be directed to pay the salary of the petitioner during  
the pendency of the Writ Petition, or anyother relief  
which this Hon'ble Court may think proper, may be gran-  
ted in favour of the petitioner.

Lucknow :  
Dated : March , 1983

*13812*  
Counsel for the Applicant

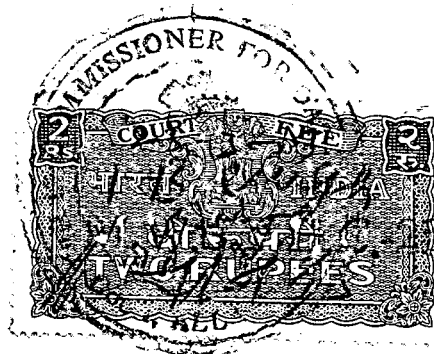
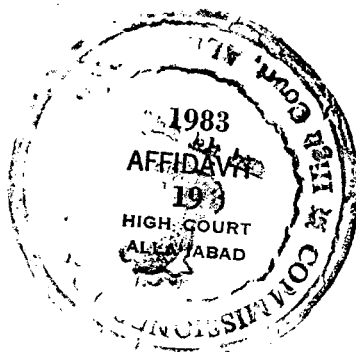
A-34      6/2

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

Misc. Appl. No.      of 1983.

In Re

Writ Petition No. 4953 of 1981.



Brij Lal

.....

.....

Petitioner

Versus

Union of India  
& others

.....

.....

Opp. Parties.

A F F I D A V I T

I, Brij Lal, aged about 37 years, son of Shri Lakhai, Resident of Village - Pachparwa, Post Furdhan, District Kheiri, do hereby solemnly affirmed and state on oath as under :-

1. That the deponent is the petitioner of the petition and is fully conversant with the facts deposes herein under :-

2. That the deponent became victim of illegal dismissal from his service on 12.12.1978 by the orders of opposite party No. 2.

3. That the deponent is not getting his salary and is not employed anywhere <sup>where</sup> and has got no source of income as such the whole family of the deponent is on the verge of starvation.

.....2.....

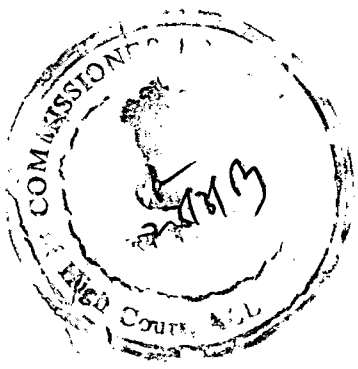


08/01/83

A-35 6/3

4. That the deponent was dismissed under Rule 14(2) of Discipline and Appeal Rules Rules 1964-68 which has been challenged in several Writ petitions ~~and the~~ and the Writ Petitions have been allowed.

5. That the petitioner is in possession over the quarter No. 195-F, in the Loco Colony, Mailani, District ~~Bheiri~~ which is allotted to the petitioner, the opposite parties are trying their level best to oust the petitioner from the said colony.



6. 8 That in Writ Petition No. 4882 of 1981, challenged on the similar ground, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary of the petitioner of that petition.

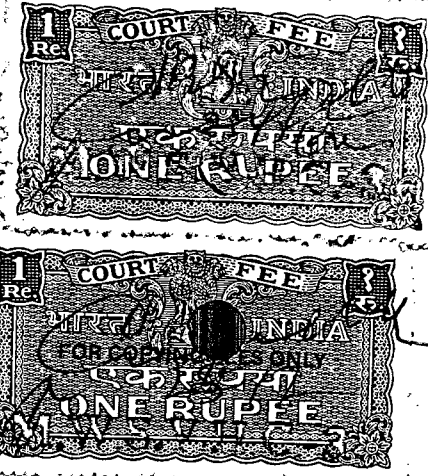
7. That similar Writ Petitions, filed by the Railway Servants in Supreme Court, ~~against~~ against the similar orders, the petitioners have been allowed to draw their salary which were lastly

20/10/15

*urgent*  
*24/10/03*  
*25/10/04*

A-37

APPLICATION FOR INSPECTION



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

Please allow inspection of the paper passed below. The application is urgent/ordinary. The applicant is not a party to the case.

| Full Description of case                                                              | Whether case pending or decided | Full particulars papers of which Inspection is required | Name of person who will inspect record | If applicant is not a party reason for inspection. | Office report and order                                                                                                                                                                |
|---------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------|----------------------------------------|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Brigade vs Union of India</i><br><i>W.P. No 4953/01</i><br><i>Justice - Khosla</i> | <i>Pending</i>                  | <i>Inspection of Paper Book</i>                         | <i>I.B. Singh Adv.</i>                 |                                                    | <i>Please Vindhy</i><br><br>Office Report<br><i>25/10/04</i><br>Order for Inspection<br><i>25/10/04</i><br>Deputy Registrar<br><i>25/10/04</i><br>Date 25/10/04<br><i>IB Singh Adv</i> |

Date 25/10/04

Signature of applicant or his Advocate

Inspection commenced at 1.25 PM on 25/10/04

Inspection concluded at 1.43 PM

Inspection fee paid by the applicant

Additional fee if any

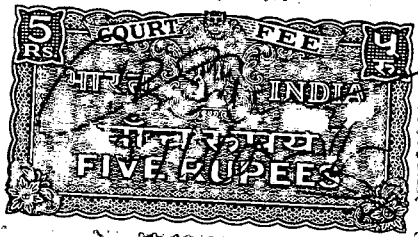
*Inspected*  
*25/10/04*  
*[Signature]*

IN THE HON'BLE HIGH COURT OF JUDICATURE, SITING AT  
LUCKNOW.

Civil Cr. Misc. Application No. 3081 (W) of '84

in re

Writ Petition No 4953 of 1981



14-11-84  
27/12/84

Brij Lal, son of Lakhai, Resident of  
Village Pachperwa, Post Phardhan,  
District Kheiri, ex-Fireman-II, Mailani  
Shed, Mailani, District Kheiri.

.....

Petitioner-  
Applicant.

Versus

1. Union of India through General Manager,  
N.E. Railway, Gorakhpur.
2. Divisional Manager, N.E. Railway, Lucknow  
Division, Lucknow.
3. Senior Divisional Mechanical Engineer, N.E.  
Railway, Lucknow Division, Lucknow.

.....

Opposite  
Parties.

APPLICATION FOR INTERIM RELIEF

The above named petitioner-applicant most  
respectfully begs to state as under :-

1. That for the facts and reasons disclosed in  
the accompanying affidavit, it is most respectfully  
prayed that this Hon'ble Court may kindly be pleased to  
stay the operation of the order dated 12.12.1978 and

.....2.....

A-39 7/2

: 2 :

dated 7.8.1981, passed by the opposite parties No. 5 & 2 respectively, contained in Annexure No. 1 and 2 to the Writ Petition. It is further prayed that in alternative the opposite parties may be directed to pay the salary of the petitioner, during the pendency of the Writ Petition or may be pleased the grant any other relief which this Hon'ble Court may deemed fit and proper in the circumstances.

Lucknow :

Dated : March 27, 1984.

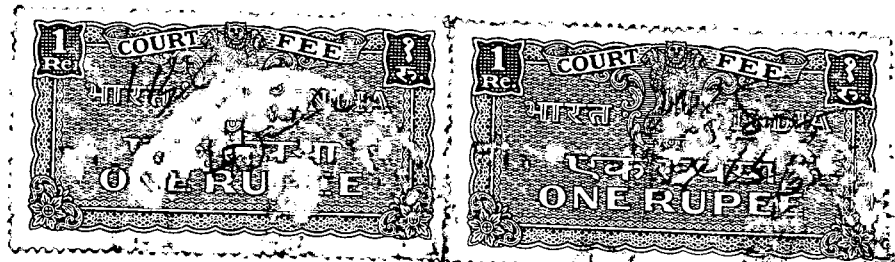
*I.B. Singh*  
( I.B. Singh ) Adv.  
Counsel for the Applicant.

A-40

23

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

Orig. Misc. Application No. (W) of 198



1984

AFFIDAVIT

HIGH COURT  
ALLAHABAD

Brij Lal ..... Petitioner-  
Applicant.

Versus

Union of India and  
others ..... Opp. Parties.

A F F I D A V I T

I, Brij Lal, aged about 38 years, son  
of Shri Lakhai, Resident of Village Pachperwa, Post  
Phardham, District Kheiri, do hereby solemnly affirm  
and state as under :-

1. That the deponent is the petitioner in  
the above mentioned Writ Petition and is fully con-  
versant with the facts of the case, deposed here-  
in under :-

2. That the deponent became victim of illegal  
order of dismissal from his services of Fire-Man II

25.11.07

*[Handwritten signature and initials]*  
22/11/04



on 12.12.1978 by the orders of the opposite party No. 2. The ~~stay~~ order was passed without giving any opportunity to the deponent.

2. That the deponent is out of job and is not getting his salary and is not employed anywhere, having no source of income as such the whole family of the deponent is on the verge of starvation.

3. That the deponent was dismissed under order 14(2) of the Discipline and Appeal Rules which has been challenged in several petitions and most of the Writ Petitions have already been allowed. A certified copy of the judgement and order of this Hon'ble Court has already been filed alongwith the Writ Petition.

4. That in the Writ Petition No. 4882 of 1981 and in the Writ Petition No. 5874 of 1981 in which the petitioners services of those petitions were dismissed on the similar grounds, this Hon'ble Court has been pleased to direct the opposite parties to pay the salary to the petitioners in those petitions, and stay orders have been granted accordingly. A true copy of the stay passed in Writ Petition No. 5874 of 1981 is being filed as ANNEXURE NO. 1 to this affidavit.

5. That several Writ Petitions pending in same Court the same question is involved which is involved in this petition and in those petitions too, Hon'ble Supreme Court has directed the employers pay the salaries to the employees although the are still pending in the Hon'ble Supreme Court.

deponent

*[Signature]*  
27/3/84

A-42

7/5

6. That the first application was rejected by the Hon'ble Mr. Justice U.C. Srivastava and the application was dismissed in non-appearance and this is the third stay application in this Hon'ble Court.

7. That the Writ Petition itself was listed for hearing on 1.12.1983 and the Hon'ble Court was pleased to direct the office to repeat the case for hearing but till today the Writ Petition has not been listed for hearing.

8. That it will be in the interest of justice that this Hon'ble Court may be pleased to stay the operation of the order of dismissal of the deponent till the pendency of the Writ Petition.

LUCKNOW :

( DEPONENT )

Dated : March 27, 1984.

# VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 7 of this affidavit, are true to my own knowledge and the contents of paragraph 8 are believed by me to be true.

Signed and verified this 27th day of March, 1984, in the Courts Compound, Lucknow.

Lucknow :

Dated : March 27, 1984.

( DEPONENT )

I identify the deponent who has signed before me.

Solemnly affirmed before me on 27-3-84 at 4.30 A.M./P.M. by Shri. I.B. Singh, Advocate, High Court, sitting at Lucknow.

( I.B. SINGH ) ADV.

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

22/3/84

371351  
27-3-84

A-43  
26

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

Civil Misc. Application No. of 1984.

Brij Lal ..... Petitioner-  
Applicant  
Versus  
Union of India and others ..... Opp. Parties.

ANNEXURE NO. 1

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

C.M. Am. No. 8460(W)-82 in re: Writ Petition No. 5874 of 1981

Ramesh Lal. .... Petitioner.

Vs.

Union of India and others. .... Respondants.

Application for Interim Relief.

Lucknow dated : 24.2.1983.

Hon. U.C. Srivastava, J.

It appears that three other persons have been dismissed alongwith the petitioner and three of them have filed writ petition at Allahabad and the said matter is pending before the Supreme Court, which has directed for payment of salary to the said three petitioners. The grievance of the petitioner is that his case is identical to the cases of those three petitioners and he may be paid his salary. Learned counsel for the Railway administration again prays for time today. There is no justification to grant time again, If other petitioners are getting their salaries, there is no reason why the petitioner of this case should not get his salary. The opposite parties are directed to pay salary to the petitioner from March 1983. However, it will be open to the Railway Administration to move application for modification of this order as and when an affidavit is filed pointing out the difference between these cases.

Sd. U.C. Srivastava.  
24.2.1983.

*27/3/84*

A-111

In the Hon'ble Central Administrative Tribunal  
Circuit Bench, Lucknow

M.P. No. 426/90 (2)

Misc. Application No. of 1990

in re:

T.A. No. 850 of 1987(T)

( Writ Petition no. 4253 of 1981 )

Brij Lal

..... Applicant

Versus

Union of India & others.

..... Opp-parties.

Application for condonation of delay

The respondents most respectfully submit as under :

- Filed today  
5/8/12/7/90*
1. That due to unavoidable and unforeseen reasons and also because of inadvertence, the counter affidavit in the writ petition could not be filed.
  2. That the respondents have a good case in their defence and if they are not permitted to file the counter affidavit they would suffer irreparable loss.
  3. That the delay is liable to be condoned.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be pleased to condone the delay and permit the respondents to file the counter affidavit which may be brought as part of the record in the interest of justice.

  
( ...N. Verma )

Advocate  
Counsel for the respondents.

Lucknow 18. 6. 1990

A-45

C. A. Aggarwal

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

.....

T.A. no. 850 of 87(I)  
Writ Petition no. 4953 of 1981

Brij Lal ..... Petitioner.

Versus

Union of India & others. .... Opp-parties.

Written statement on behalf of opposite parties.

I, Keshava Deo, working as Sr. Divisional Mechanical Engineer in the office of Divisional Railway Manager, Northern Eastern Railway, Lucknow, do hereby state as under:

1. That the deponent has read the petition filed by the petitioner and has understood the contents thereof. He has been authorised to file and verify the written statement on behalf of the respondents.

2. That the averments of para---graph 1 of the writ petition are not admitted and are denied. It is submitted that the petitioner was appointed as Fitter and Khalasi by Asstt. Mechanical Engineer, not by senior

इंजीनियर (लोको)  
अखनऊ

.....

Divisional Mechanical Engineer as stated by the petitioner vide copy of AME's office order no. 201 as well as no. E/227/2/M/Pt.III dated 20.1.1965.

3. That the contents of paragraph no. 2 of the writ petition are not admitted. The petitioner was not a permanent fireman II as alleged by him. He was officiating as Fireman II in the scale Rs. 210-270 and not in the scale of Rs. 200-250 .

4. That in reply to the contents of paragraph no. 3 of the writ petition, it is stated that it was not practicable to hold any enquiry. There was apprehension of threat to the life and property of the witnesses who might have deposed against the petitioner.

5. That the contents of paragraph no, 4 of the writ petition are not admitted. The petitioner had assaulted Sri M.C.Sinha, Senior Divisional Mechanical Engineer, North Eastern Railway, Lucknow on duty on 17.10.72 in the office of the Loco Foreman Mailani and thereby committed serious misconduct of the highest order. He also used abusive and unparliamentary language against the aforesaid officer with dire consequences.

6. That in reply to the contents of paragraph no. 5 of the writ petition, it is stated that reference of General strikes and arrest are irrelevant for the purposes of the present writ petition. It is ~~ix~~ respectfully submitted that the petitioner had

श्वर मण्डल यांत्रिक इंजीनियर (लोको)  
पूर्वोत्तर रेलवे, लखनऊ

assaulted to a senior officer as has been stated above.

7. That the contents of the paragraph 6 of the writ petition are not admitted. It is stated that the FIR was lodged with G.R.P. Lakhimpur Kheri on 17.10.78 that is on the very date of incidence. A criminal case was filed by GRP in the court of Chief Judicial Magistrate, Lakhimpur Kheri.

8. That the contents of paragraph No. 7 of the writ petition do not call for any reply.

9. That in reply to the paragraph No. 8 of the writ petition, it is stated that the position has already been explained in the preceding paragraphs of this reply.

10. That in reply to the contents of paragraphs No. 9 of the writ petition it is submitted that appeal preferred by the petitioner was considered and decided by the General Manager, N.E. Railway, Gorakhpur which was communicated to the petitioner by the Divisional Railway Manager, N.E. Rly., Lucknow vide order dated 20.6. 1981/ 16.7. 89 (A/2 to WP).

11. That in reply to the contents of paragraph No. 10 of the writ petition it is stated that prior to disciplinary authority regarding its satisfaction for holding the enquiry and proceeding under Rule 14 (11) (DAR) a confidential fact finding enquiry was gone into to which the petitioner was called to attend the enquiry but the petitioner did not turn up. The Divisional Superintendent, N.E. Railway, Lucknow after going through the report of the enquiry officer and considering the facts of the case recorded his satisfaction that in the circumstances it was not reasonable and practicable to hold the enquiry in the manner provided under DAR/ 1968. A copy of reasons recorded by the Disciplinary Authority is filed herewith as Annexure C-I to this reply.

प्रवर मण्डल यांत्रिक इंजीनियर (लोकरी)  
पूर्वोत्तर रेलवे, लखनऊ

A-401

12. That the allegations of paragraph no. 11 of the writ petition are denied. The appeal was considered by the General Manager who had rejected the same.

13. That the paragraph no. 12 of the writ petition are denied.

14. That the paragraph no. 13 of the writ petition needs no reply.

15. That in reply to the paragraph 14 of the writ petition, it is stated that the petitioner has since been dismissed from service, he is not entitled to the benefits as claimed in the paragraph under reply. He is occupying the Railway quarter at Mainlani unauthorisedly to which he is liable to vacate and pay the rent under rule.

16. That in reply to the contents of paragraph no. 15 of the writ petition, the deponent is advised to state that grounds set out in this para of the petition are not tenable in law, the writ petition has no merits and the same is liable to be dismissed.

Indirow, dated,  
8.6.1980

Keshava Deo  
पुर्वोत्तर रेलवे, लखनऊ

I, the above-named deponent do hereby verify that the contents of paras are true to my own knowledge, those of paras are true to my knowledge based on record, which I believe to be true, and those of paras are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Keshava Deo

Indirow, dated,  
8.6.1980.

पुर्वोत्तर रेलवे, लखनऊ

पुर्वोत्तर रेलवे, लखनऊ



A-UG

Annexure No 11

I have carefully gone through the Fact Finding Enquiry Report of Shri R.C.Bhandari, Sr.D.E.N./LJN nominated by me under my no.LD/SS/Assault dated 29.11.78 which is from page 1 to 8 of this file and accept the same. I am satisfied

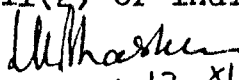
(1) That Sri Brij Lal, Fireman (II) (formerly of Mailani Shed spared for transfer to Gonda Shed) assaulted Shri M.C.Sinha, Sr.Divl.Mechl.Engineer,LJN on duty on 17.10.78 in the office of LOCO FOREMAN, Mailani and thereby committed serious misconduct of the highest order;

(ii) That the said Sri Brij Lal used abusive and unparliamentary language against Sri M.C.Sinha, Sr.DME/LJN on duty on 17.10.78 in the office of Loco Foreman,Mailani and thereby committed gross insubordination and serious misconduct;

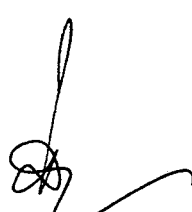
(iii) That the said Sri Brij Lal threatened Sri M.C. Sinha, Sr.DME/LJN on duty with dire consequences on 17.10.78 in the office of Loco Foreman, Mailani and thereby committed serious misconduct.

2. I am also satisfied that there is a reasonable apprehension, beyond doubt, of the threat to the life and property of the witnesses who might depose against the aforesaid Shri Brij Lal in the event of an enquiry and further that there is also an apprehension, beyond reasonable doubt, of the obstruction in the smooth conduct of Railway work in the Mailani shed area and an apprehension of breach of peace in the event of any disciplinary enquiry being initiated against the said Sri Brij Lal.

3. I, L.M.Bhasker, undersigned disciplinary authority in this case, am therefore fully satisfied that it is not reasonably practicable to hold any further enquiry in the manner provided under DAR and after considering all the facts, circumstances and evidence of this case consider it fit to dismiss the aforesaid Sri Brij Lal, Fireman II, formerly Mailani Shed spared for transfer to Gonda Shed, from service under rule 14(ii) of DAR, 1968 of the N.E.Railway read with proviso(b) of the Article 311(2) of Indian Constitution.

  
(L.M.Bhasker) 12.XII.78  
Divisional Superintendent  
N.E.Rly., Lucknow

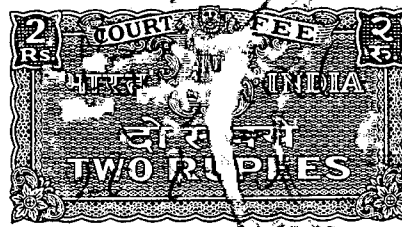
(DISCIPLINARY AUTHORITY)

  
प्रवर मण्डल यांत्रिक इंजीनियर (लोको)  
पूर्वोत्तर रेलवे, लखनऊ

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

T.A. NO. 850 OF 1987 (T)  
WRIT PETITION NO. 4953 OF 1981

A-50



Brij Lal

.....

Petitioner

Versus

Union of India  
and others

.....

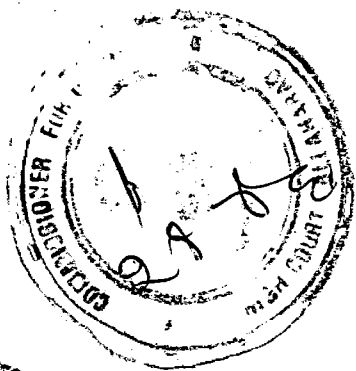
Opp. Parties.

REJOINDER AFFIDAVIT TO THE WRITTEN STATEMENT  
OF OPPOSITE PARTIES

12/11/81

I, Brij Lal aged about 48 years, son of Shri Lakhai, resident of Pachperwa, Post - Fardhan, District - Kheri, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner in the aforesaid Writ Petition which has been transferred to this Hon'ble Tribunal. The deponent has been explained the contents of the Written Statement in a shape of affidavit filed by Keshav Dev, the Senior Mechanical Engineer and after being fully conversant with the facts, gives replies to those as under :-



Contd.....2/

12/11/81

2. That the contents of paragraph 1 of the written statement need no reply.

3. That ~~in reply to~~ the contents of paragraph 2 of the written statement are denied and the contents of paragraph 1 of the writ petition are reiterated. The deponent was appointed by the Senior Divisional Mechanical Engineer and the opposite parties may produce the relevant records before this Hon'ble Court.

4. That the contents of paragraph 3 of the written statement are denied and the contents of paragraph 2 of the writ petition are reiterated. The deponent was appointed as permanent Fire-man-II and he was not officiating as Fire Man-II as alleged in para under reply.

5. That the contents of paragraphs 4 & 5 of the written statement are denied. There was no existing circumstance to show that it was ~~not~~ practicable to hold any enquiry for the allegations made against the deponent. It is also relevant to mention that a F.I.R. was lodged by one Mahesh Chandra Sinha against the deponent for which the deponent was tried by Chief Judicial Magistrate, Lakhimpur Kheri vide case No. 369 of 1979 in which the witnesses appeared. After considering the evidence on record, the Court recorded its finding that the allegations made against the deponent were false, incorrect and he was falsely implicated in the case, as such the deponent was acquitted. A photocopy of the judgement passed by C.J.M., Kheri dated 4.8.1982 is being filed herewith as ANNEXURE NO. R-1 to this affidavit.

6. That the contents of paragraph 6 of the written statement are denied and the contents of paragraph 5 of the writ petition are reiterated. The story of assault to a Senior Officer is totally false and as stated above, the Court has already recorded its finding that the deponent was falsely implicated in that case.

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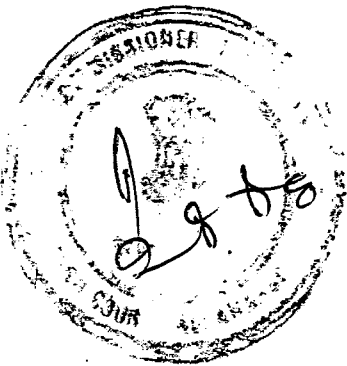
7. That in reply to the contents of paragraph 7 of the written statement, it is stated that in the case registered against the deponent, the Court has already recorded its finding that the deponent was falsely implicated in that case, as such that instance cannot be taken into consideration against the deponent.

8. That the contents of paragraph 8 of the written statement need no reply.

9. That the contents of paragraph 9 of the written statement are denied and the contents of paragraph 8 of the writ petition are reiterated.

10. That in reply to the contents of paragraph 10 of the written statement, it is stated that the order passed in the appeal is totally an un-speaking order and that does not show that the authority concerned has applied its mind.

11. That the contents of paragraph 11 of the written statement is absolutely incorrect, wrong and false. It is denied that the deponent was called in any enquiry said to be confidential fact finding enquiry and the deponent did not turn up in that. As a matter of fact, the deponent has no knowledge about any said enquiry and the deponent believes that no such enquiry took place but now the opposite parties are trying to make out a case against the deponent. The Divisional Superintendent has also not applied his mind and the copies served upon the deponent does not disclose ~~any reason~~ <sup>counter</sup> ~~reason~~ for not holding the enquiry. For the first time in the <sup>counter</sup> ~~reason~~ affidavit, the so-called reason has been annexed as Annexure No.C-1 with the written statement. The Annexure No.1 filed with the written statement was not the only paper which was served upon the deponent. However, the deponent states that the reasons disclosed in Annexure No.C-1 is itself unreasonable and unsatisfactory in proceeding under Rule 14(ii) of DAR 1968. As a matter of fact, the Court directed at the time of admission of the writ petition to produce the said reasons but the opposite parties filed before the Court to produce. It appears that now a forged document has been prepared and has filed as Annexure



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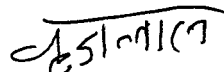
12. That the contents of paragraphs 12 & 13 of the written statement, as stated, are denied and the contents of paragraphs 11 & 12 of the writ petition are reiterated. The appeal has wrongly been dismissed. No reason has been assigned for the dismissal of the appeal, as such it is illegal.

13. That the contents of paragraph 14 of the written statement need no reply.

14. That the contents of paragraph 15 of the written statement are denied as absolutely incorrect, wrong and false. The order of dismissal is liable to be set aside and the deponent is entitled for all the consequential benefits, as if the dismissal order did never exist.

15. That the contents of paragraph 16 of the written statement are denied as absolutely incorrect, wrong and false. The Writ Petition is liable to be allowed with cost in favour of the deponent.

Lucknow : ✓  
Dated : 20 Aug. 1990

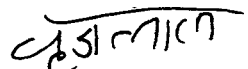
  
[ DEPONENT ]

#### VERIFICATION

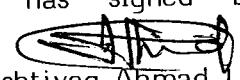
I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 15 of this affidavit are true to my own knowledge. Nothing is false and no material has been concealed by the deponent, so help me God.

Signed and verified this                      day of August 1990 in the High Court's Compound, Lucknow.

Lucknow : ✓  
Dated : 20 Aug. 1990.

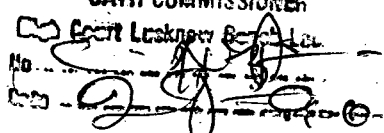
  
[ DEPONENT ]

I identify the deponent who has signed before me.

  
[ Ishtiyaq Ahmad ] Clerk to  
Shri I.B. Singh, Advocate

Solemnly affirmed before me  
on the 20th day of August 1990 at Lucknow P.M.  
by Shri Brij Lal,  
the deponent, who is identified by  
Mr. Ishtiyaq Ahmad, Clerk to  
Shri I.B. Singh, Advocate,  
High Court, sitting at Lucknow.

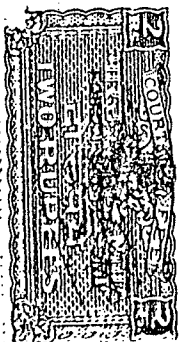
I have satisfied myself by examining the deponent  
that he understands the contents of this affidavit  
which have been read over and explained by me to him.

  
O. B. ANJUM  
OATH COMMISSIONER  
High Court Lucknow  


T.A. No. 850 of 1987 (T)  
Writ Petition No. 4953 of 1981

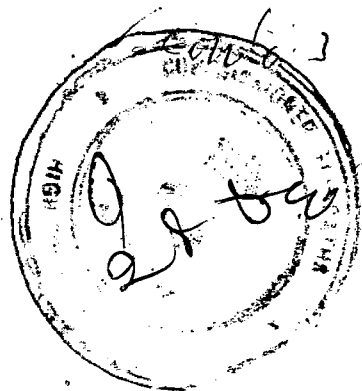
**ANNEXURE NO. R-1**

411/117 के सम्बन्ध में प्रश्न, 14-3-1978, पृष्ठ 14 पर प्रश्न  
पृ. 7-0



परिचाय लेना आगे जाते हैं। वही दिन आदिपुत्र दुर्गलाने  
 को जेल जाते हैं। लाला से <sup>आदिपुत्र</sup> आदिपुत्र लाला को (आगत-वर्तित कालिका)  
 गया है उसे (मे) आदिपुत्र वारी ले कहने लगा कि क्या वह  
 उलका (-आगत-वर्तित) रद्द का पापगा भवने नही। वारी ने आदिपुत्र  
 से कहा कि तुम लाला के लोहानुभूति-पूर्वक निष्ठा (विषा)  
 आदिपुत्र पाले आदिपुत्र दुर्गल निष्ठा-पादनी का आदिपुत्र  
 से आदिपुत्र वारी को जालियां बनती दुर्गल जाले लगा-आदिपुत्र  
 कि आदिपुत्र (-आगत-वर्तित) रद्द नही कहोगे तो तुम जाली के  
 उडा दूंगा। यह कहकर आदिपुत्र ने वारी का काला बंधे दंड  
 से पकड़ लिया आदिपुत्र दंड को लिए दंड के पुष्प  
 पर मारी लाला को लाला आदिपुत्र आदिपुत्र लाला लाला उलका  
 बीच के लाला पडे आदिपुत्र उलका विषा प्रकाश वारी को वचन।  
 आदिपुत्र ने यह भी कहा कि यदि (आगत-वर्तित) रद्द का पाप  
 तो वारी परिचाय-पुष्प के लिए लाला रद्द। आदिपुत्र  
 आदिपुत्र लाला में वचन रद्द। वचन (-वचन) लाला-वचन  
 आदिपुत्र आदिपुत्र लाला में आदिपुत्र लाला आदिपुत्र के उलका  
 आदिपुत्र से सरकारी लाला में वचन पडी आदिपुत्र वारी  
 लिखित रिपोर्ट प्रकाश का। उलका वचन की दिनांक आदिपुत्र  
 दिनांक 19-10-70 को उलका वचन दिनांक प्रकाश-वचन  
 रिपोर्ट प्रकाश क 2 आदिपुत्र के वचन की वचन आदिपुत्र  
 वचन-का जी. जी. ने भी किया गया आदिपुत्र वचन प्रकाश  
 क 3 है। उलका वचन की दिनांक उलका वचन उलका  
 उलका वचन वचन के दिनांक उलका वचन वचन का

वचन-का



निरीक्षण किया गया था। 14 से 15 तक का समय  
 बिना चमड़ा गहरा चलाए हुए प्रतीत हो रहा था।  
 सही चमड़ा कठिनायुक्त के लिए न्यायिक के आरोप-पत्र-प्रतीति  
 15 प्रतीति किया।

कठिनायुक्त प्रतीति के न्यायिक के उदाहरण होना  
 उपरान्त अपराधों का रक्षण किया और कहा कि वह निरीक्षण  
 है रजिस्ट्रार के नाम से उन्हे गंभीर भावों के साथ दिया गया है।

अभिजात वंश के उन्हे कथन के लक्षणों के अन्वेषण  
 सिद्ध, रजिस्ट्रार चन्द्र श्रीवास्तव, केशव चन्द्र गन्धी, जोगेन्द्र सिंह एच. सी.  
 प्रकाश निवास (पुल्ल) डिस्ट्री एच. सी. एच. सी. तथा सिद्धार्थ  
 राठे उन्हे किया का पत्र किया। कागजी हाइड्रॉ के सन्दर्भ लिखित  
 प्रकाश (पुल्ल) रिपोर्ट, चिक प्रकाश (पुल्ल) रिपोर्ट उन्हे उन्हे उन्हे  
 कठिनायुक्त के अन्वेषण वचन में कोई भी-छाया देखा नहीं किया। और  
 उन्हे वचन के विज्ञान कठिनायुक्तों की वचन प्रतीति तथा वचन  
 में जो प्रतीति लक्षणों एवं कठिनायुक्तों का उन्हे वचन प्रतीति  
 का लिया है।

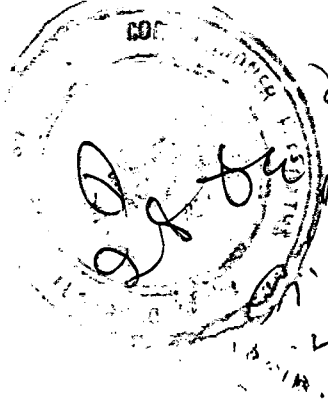
161/14/14

पी० डब्ल्यू० 1 कारी केशव चन्द्र सिंह, पी० डब्ल्यू० 2

रजिस्ट्रार चन्द्र श्रीवास्तव पी० डब्ल्यू० 3 केशव चन्द्र गन्धी तथा पी० डब्ल्यू० 4  
 जोगेन्द्र सिंह चरणों के प्रतीति दर्शों गीताएँ हैं उन्हे प्रतीति

के प्रतीति प्रतीति के भी कठिनायुक्त वचन के कथन का लक्षण  
 किया और कहा कि दिनांक 17-10-78 को गरी कठिनायुक्तों के वचन  
 का प्रतीति प्रतीति का उन्हे वचन लोका लोका

/ 11.10



161/14/14



निरीक्षण किया करीब 11:30 बजे दिन लोको के लॉन के दक्षिण  
 ओर आदिष्ट के कारखाना और कारखानों के रिपेज-रेशन सुनने लगा  
 करीब 1 बजे दिन आदिष्ट सुनने लगा जिसका तेनादिला गेटों के लिए  
 हो चुका था आभा और वारी ले कहा कि गेट आनेका रद्द मार  
 ता वारी ने आदिष्ट से कहा कि लिगीत लगे दे री  
 सिधुपत वृद्धे उठ प-मिया नंगा आदिष्ट न (ह निरीक्ष-  
 चादली था उन लिए गाजा दौप वारी को गांली-गलीग-  
 डेने लगा कि नौप दौप ले वाला पकड़ का मोने के लिए  
 आदिगा दौप उठाया, उतने से पी. 58 यू. 4 जो जेन्द्रा सिंह ने  
 वारी को बचाया, उतके बाद भी आदिष्ट नौप गालियां डी  
 रदा, और यह कहता था कि यदि उसको स्थानान्तरण रद्द  
 नहीं किया गया तो उसका परिवार गुगने के लिए वारी का  
 तै उभा रहने होगा वह प्रका आदिष्ट ने सरकारों का न  
 बाधा उत्पन्न की। पी. 58 यू. 4 जेन्द्रा पन्थ सिंह ने कहा  
 कि उतके बाद मैं उस घर का भी लिगीत रिपोर्ट उतके रहने  
 को, बोला का लिगीत जो प्रदर्शनी का है। इन सभी गंगान ने  
 जिध के इस बात को कहा कि आदिष्ट सुनने लगा को एक  
 लोका घर का के पदले। ले गरी जमने के घर का स्थान पर  
 आदिष्ट उतके ही कमरा था उत (मप) उतके दायें में वारी  
 दबिआ गरी था उन गरी दान ने उत बात ले उतपु किया  
 उतका उत प्रका का वारी घर का गरी दुई और उतकी वारी  
 रजिश आदिष्ट में है जिस का (मप) उतके आदिष्ट का 9/1

वारी 5

वारी 5

मूले मन्त्र के कंठस्थ ।

A 50

पौं ५७-५- एका ही पान निहारी हुआ तथा पौं ५७-७  
विपरीत २३-३७ (मि) पानि प्रका के गिनाएन है जिन्दा के उरग  
विपरीत प्रका सुचन विपरीत प्रका के २ नमल गी-५० प्रका के ३ तथा  
७ नमल गी-५० प्रका के ६ सिद्ध किया है

पौं ५७-६ गी-२५-५७ / ५७-२५-५० एका की  
विपरीत आधिकारी है जिन्दा के नमल के उर एका की विपरीत  
गी-२५-५० एका एका-५७-२५-५० गी-२५-५० का-५७-२५-५०  
१६ के ५७-२५ का नमल गी-२५-५० नमल एका प्रका के ५  
का ५ नमल उर एका नमल गी-२५-५० के विपरीत दिनांक  
२५-१२-७८ को गी-२५-५० प्रका के ५-० नमल के प्रका के ५-०  
गी-२५-५० के उर गी-२५-५० के उर गी-२५-५० के उर गी-२५-५०  
प्रका के ५-० एका नमल के उर उर उर उर उर उर उर उर उर  
१ सारा कापेवादी गी-२५-५० है

16/21/03

नमल पौं ५७-२५ / नमल-५७-२५-५० पौं ५७-२५-५०  
नमल-५७-२५-५०, पौं ५७-२५-५० के उर-५७-२५-५० तथा पौं  
५७-२५-५० गी-२५-५० गी-२५-५० एका के प्रका के ५-०  
विपरीत दिनांक १७-१०-७८ को नमल / नमल दिनांक १७-१०-७८  
के प्रका के ५-० के प्रका के ५-० के प्रका के ५-० के प्रका के ५-०  
२३ नमल के ५-० के नमल सरकारी ५७-२५-५०  
नमल के ५-० के उर नमल प्रका के ५-० के नमल

Handwritten signature and date 04/01/03

0 कि प्रमाण निम्न/ जहाँ तक उस चरण की कोटि का प्रश्न  
 है उतनी भी को निम्न/ से आधिकारिक पक्षों के आधिकारिक  
 के निम्न/ निम्न किया है जहाँ के उपाय प्रत्यक्ष दशो गिनाना  
 जी० 5000/ के देश-पत्र जी० 5000/2 (के देश-पत्र अति कोटि),  
 जी० 5000/3 के देश-पत्र नम्बरी तथा जी० 5000/4 जो देश-पत्र  
 ने उत तथ्य को आधिकारिक-रेटिनी कहा कि चूँकि आधिकारिक  
 का एकाग्रता जहाँ लगी लगे को सँभरे जाँडा के निम्न/ बरिदा-  
 गमा था उहाँ आधिकारिक एकाग्रता रद-प्राप्त चारदा था उहाँ निम्न/  
 उतने उत प्रमाण को चरण की/

आधिकारिक की ओर से इस सम्बन्ध में यह  
 ही लगे गयी कि वह निर्दोष है तथा वंजित के आका-मूदे  
 भावने के कोटि दिया गया है/ आधिकारिक के विज्ञान-आधिकारिक  
 लगे प्रमाण उत उपाय की वंदन किया कि चरण होने के  
 बाद बहुत अधिक देरी के आधिकारिक के निम्न/ नम्बरी जी० 5000/1  
 के देश-पत्र गिनाने को न्याय रिपोर्ट दजी कहा- उहाँ देरी के  
 रिपोर्ट दजी कोटि के सम्बन्ध में आधिकारिक पक्षों ने कोटि भी  
 स्वयं कोटि देना नहीं किया आता/ उत कोटि का चला आ आधिकारिक  
 कोटि/ उत निम्न/ लगे का अधिकार है/ उत उदम में आधिकारिक  
 के विज्ञान आधिकारिक कोटि/ उपाय गिनाने-उत-न्याय लगे/ उत  
 लगे के निम्न/ 1981 देरी वहाँ न्याय रिपोर्ट लगे/ उत  
 उत 47 की ओर दिलावा भी निम्न/ आधिकारिक के  
 विज्ञान आधिकारिक कोटि की गयी उत प्रमाण भी वंदन के  
 बहुत अधिक वन है उहाँ उत लगे न्याय वंदन की-  
 (could-)

28  
 28  
 28

करी-ब-ब-ब के प्रती रूप ले लायु होत है कोकि-चिन्त प्रका-  
 रण रिपोर्ट प्रदत्त कर के आलोचना से विदित होत है कि  
 दस्तावेज दिनांक 17-10-78 को दिनांक के 1 नजे दरी दरा एवम ल  
 कोने की दरी-मुद्रित है। माल है उनके विपरीतकारी के दिनांक  
 19-10-78 को 3-45 बजे दिन उक्त दरा की रिपोर्ट कोने में उगी  
 काटि। उक्त अधिक दरी कोने रिपोर्ट उगी कोने की काउंटी  
 दिनांकनिर दमन-ध आभोजन दकनको कोने देश भी नही  
 को गयी है। अतः उक्त करी-ब-ब के के अ निष्कर्ष यह है कि  
 है कि वास्तव में वारी ने प्रका दरा रिपोर्ट दस्तावेज कोने में  
 बहुत अधिक दरी लड़-तवा सिवाइ कशवा न लेने के न  
 उगी काटि को प्रका दरा रिपोर्ट कोने काटि-रि-  
 कोने को नो देते है।

161

21/2/73

आभुष के दिनांक कदिक कोने उक्त उक्त  
 आभुष की गोला शब्दों में वक्त किया कि आभोजन दकन  
 प्रका दरी-आभोजन-आभुष प्रकाश को दखने ले जानते दखाने  
 नही थे इतिहास उनके दरा-आभुष के लकड़-दिनांक नमान  
 निरर्थक है जो तक कि उक्त प्रविष्ट कल काटि-वाही शिंहन  
 ले नही लाया गया है। अतः उक्त दरे का लान भी आभुष को  
 निवारा चाहिए। को विचार ले आभुष के दिनांक-कदिक कोने उक्त  
 को गयी उक्त प्रका की वक्त में भी बहुत कदिक नव है कि  
 उनके द्वारा प्रविष्टि माननिर दलादीन उक्त-आभुष-आभुष  
 न-य भी उक्त लकड़ वक्त न 73-2 य भी लायु होत  
 है कोने की माननिर सदी-ध नमान के निरर्थक-दे-देवी



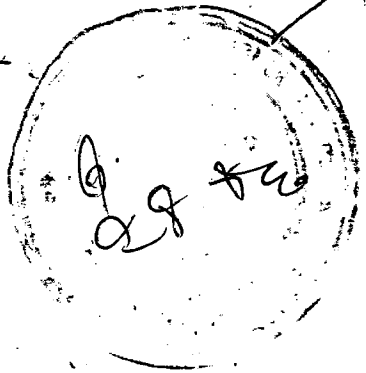
21/2/73

संयुक्त बंगाल पी० सी० प्रोवेंस का अधिनियम सं० १९००  
अनुच्छेद १३४२ का उद्देश्य दिनांक १९०० में कि  
भारतीय सनोच न्यायालय के नीचे यह नए व्यवस्था कि  
यदि कमिशनर वरु के प्रत्यक्ष दखलाने आदेश-आदेश के  
परदे के नीचे आने पर माना है तो उनके न्यायालय में यदि  
जोय वमान का विशेषता कार्यवाही विभागात् से किया जाना  
चाहिए। वर्तमान प्रकरण में भी प्रत्यक्ष दखलाने आदेश-पी० सी०  
लोकपाल पी० सी० १९०० के अधिनियम के उक्त व्यवस्था के नीचे किया  
है कि वह अतिरिक्त जजों के नए से दखलाने आदेश पर माना  
गई है उक्त उक्त उक्त भारतीय सनोच न्यायालय के निरोध  
के भारतीय इलाहाबाद उक्त न्यायालय लखनऊ के निरोध की  
दुर्घटना के कमिशनर वरु के उक्त प्रत्यक्ष दखलाने आदेश-आदेश  
अतिरिक्त की कार्यवाही विभागात् से नहीं की जाएगी बल्कि  
से कारेवारे टिप्पणी लक्ष्य के लक्ष्य में मानी जाती, यदि कमिशनर  
वरु आदेश नहीं किया गया है तो उक्त व्यवस्था लागू नहीं  
गएगी के अतिरिक्त को दिया जाना चाहिए।

आगे अतिरिक्त के विभाग अधिनियम के उक्त  
आदेश में संदेह किया कि अतिरिक्त जजों के  
लक्ष्य वरु तथा कमिशनर वरु के कार्य-प्रत्यक्ष दखलाने  
विभागात् के लक्ष्य आदेशों के विरुद्ध परदे या उक्त  
कमिशनर वरु के कथनानुसार उक्त उक्त अधिनियम  
अपवाद का दिया तो कौन ही कमिशनर वरु के उक्त  
प्रत्यक्ष दखलाने आदेशों के अतिरिक्त को नहीं पर पकड़ दिया

Contd-9

वदनाम



और उसे पकड़ने के बाद भी वह जा रहा था।  
 यह परिस्थिति भी उस समय की और लगेत गली है कि  
 वाहन में अशुभ निशान हैं। मैं निम्न से अशुभ के विचार  
 अधिकांश द्वारा भी उस प्रमाणों वंश में बहुत अधिक वक्त  
 व एक है क्योंकि प्रमाणों द्वारा गवाहों की संख्या में दोष मनु  
 सिद्धा की संख्या 2 रोजा-चन्द्र श्रीवास्तव की संख्या 3 केराम-चन्द्र  
 गन्धी की संख्या 4 जोगेंद्र-दीन ने अपने अपने निम्न से 26 नम  
 को लोका किता कि उनके एक-अशुभ के लगे के लगे पड़ें  
 की उसका एक हाथ में कोई हाथ में नहीं आया लोकी  
 दों में भी और उदरक अध्यापक का रक्षा। लेकिन गारम भी वा  
 वे यह है कि जो अशुभ घर के लगे वादी और  
 उदरक प्रमाणों द्वारा गवाहों के एक के लगे और निम्न  
 पड़ें की वे। क्योंकि उन लोगों ने अशुभ को वही  
 परना-पना पर पकड़ लिया और उसे पकड़ने के लगे  
 दाली-किता गवाहों की लगे नहीं किता गवा वे यह परिस्थिति  
 वाहन में उस समय की और लगेत गली है कि अशुभ  
 निशान हैं।

सबसे पहले इन परिस्थितियों के अवलोकन के  
 बाद मैं उस निष्कर्ष पर पहुँचा हूँ कि अशुभ निशान हैं  
 और उसे कुछ भी जाने का अधिकार है।

“आदेश”

अशुभ वृत्तवाचन को उदरक अध्यापक के अशुभ

की किता जाते हैं, वह गवाहों पर है उसका गवाह नाम निम्न

P.T.O.

05/11/10

28/10

A-63

4/8/82

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21 | 2143

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7/17/91 84674  
4/8/92

(२) कृ. पं. (सी.)  
श्री. वी. वि. म. वि. सं.  
वार्ड-१ - सी.  
५-८-८२

सत्य प्रतिलिपि  
मसि  
अभिलेखापाक (मार्ग)  
कलकत्ता कलकत्ता—कलकत्ता

COPIED BY CH  
COMPARED BY CH

महाराष्ट्र के राज्य सरकार का विभाग 21/2/13  
 20/2/13  
 20/2/13  
 19/2/13



25117157

## वकालतनामा

2nd Central Administrative Tribunal  
Circuit Bench, Lucknow.  
TA No. 380 of 87 (T)  
Brig Lal

वादी  
प्रतिवादीप्रतिवादी  
वादीदावेदार  
अपीलार्थीअर्जीदार  
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

Union of India and others  
A. N. Verma, Rly. Advocate,  
Lucknow

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, कृपा वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण त्रिनिधिस्त्र करने और भारत संघ के लिए इस प्रकार उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादो/प्रत्यासी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

A. N. Verma, Railway Advocate,  
Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख ..... को सम्यक् रूप से निष्पादित किया जाता है।

तारीख ..... 19 .....

NER-84850400-8000

Accepted  
Advocate

Sr. Dir. Personnel Officer  
NER, Lucknow.  
for Union of India  
(O.P. No 1)



CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

.....

INDEX SHEETCause Title 74-NST of 1987 (T)  
to P. No. LA 53/81

Name of the parties \_\_\_\_\_

Applicant.

Versus

Union of India

Respondents.

Part A.B.C.

| Sl No.                                           | Description of documents | Page.        |
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| (2) Complaint                                    |                          | A-7 to A-9   |
| (3) Work Petition                                |                          | A-10 to A-17 |
| (4) Affidavit                                    |                          | A-18 to A-24 |
| (5) Affidavit                                    |                          | A-25         |
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| (8) Response/affidavit to the written statement  |                          | A-34 to A-49 |
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| (9) Work Petition                                | <u>B file</u>            | B-1 to B-7   |
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| (11) Written statement to the work petition      |                          | B-12 to B-13 |
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A-1

8/

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

1953

of 1981

vs.

| Date     | Note of progress of proceedings and routine orders                                                                                                                                                                                                                                                          | Dated of which case is adjourned    |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| 1        | 2                                                                                                                                                                                                                                                                                                           | 3                                   |
| 1-10-81  | <p>Hon. J. S. Misra J.</p> <p>Hon. S. Zohar Hasan J.</p> <p>Notice has been accepted on behalf of the opposite parties 1, 2 and 3. The opp. parties are directed to produce complete order contained in Annexure 1 on 15.10.81 before that date.</p> <p>Sd. J. S. M.</p> <p>Sd. S. Z. H.</p> <p>1-10-81</p> |                                     |
| 15-10-81 | <p>Annexure 1</p> <p>15-10-81</p> <p>Sd. S. Z. H.</p> <p>Sd. J. S. M.</p>                                                                                                                                                                                                                                   | <p>For</p> <p>B</p> <p>15/10/81</p> |
| 21-10-81 | <p>Hon. Gopi Nath J.</p> <p>Hon. S. Z. Hasan J.</p> <p>Sd. J. S. M.</p>                                                                                                                                                                                                                                     |                                     |

# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

4953

of 1984

25.

| Date    | Note of progress of proceedings and routine orders              | Date of which case is adjourned |
|---------|-----------------------------------------------------------------|---------------------------------|
| 1       | 2                                                               | 3                               |
|         | C.M. An. No. 03831 CW 84 For<br><u>Interim Relief</u>           |                                 |
| 27-384. | Hon R.C. D.S.,<br>Put up along with<br>the record next week.    |                                 |
|         | Sd. R.C. D.S.<br>27-384.                                        |                                 |
| 5/4/84  | S. G. D. G. Jha<br>Cm. 3831 CW 84<br>Copy of<br>Horseman &      |                                 |
|         | 23.4.84 Per Jha                                                 |                                 |
|         | Cm 3831 CW 84 BLC                                               |                                 |
| 24.4.84 | Fixed writ with CM<br>An 3831 CW 84 for<br>Hon KNGP<br>Hon KNMS |                                 |

BC

21/3

6 is parties  
examined

Order Sheet

TA 850/87

2

①

A-5

Boij Lal

vs.

UOI

Serial  
number  
of  
order  
and dateBrief Order, Mentioning Reference  
if necessaryHow complied  
with and  
date of  
compliance

21.3.1990

Hon. Mr. D.K. Agrawal, J.M.,  
Hon. Mr. K. Obayya, A.M.

Shri. I. B. Singh, for the petitioner  
and Shri. S. Verma, for the respondents are  
present. This is writ petition filed in year.  
1981. No counter affidavit has been filed,  
so far. We presume that Railway Administration  
is not interested in filing counter affidavit.

List it for hearing / ex-parte hearing  
on 23.7.1990.

Mean while, the respondent, if they so  
desire, may file counter affidavit within  
4 weeks, hereof. In case, counter affidavit is  
~~have been~~ filed, the rejoinder affidavit, if any,  
be filed within 2 weeks, thereafter. The  
original records in any event must be produced  
by the respondent on the date of hearing fixed  
above, failing which an adverse <sup>inference</sup> effect will be  
drawn against them.

A.M.

J.M.

sd.

23-7-90:

Hon'ble Mr. Justice K. Nath, VC,  
Hon'ble Mr. K. Obayya, AM

Sri Anil Srivastava, Advocate, informs  
that Sri AN Verma, Advocate, would be  
appearing in this case and has sought for  
adjournment for the reason that he is ~~away~~  
Listed for final hearing on 28-8-1990.

ES

(A.M.)

(V.C.)

OR

This W/P no 4953/8  
received on transfer  
from Lucknow High  
Court in May 87,  
along with other W/Ps.

In the date of  
transfer the case  
was admitted. CA/R  
not filed.

Transfer notices  
issued by Ald office  
(of not received from  
Ald) but neither  
any reply nor any  
undelivered cover  
received back.

Submitted by  
3/1/88

CL  
note of Juss  
21/2/90

OR

Notices were  
mailed on 21/2/90

No answer  
replied cover has  
been return

back

S.F.O.

2013

In Unsub class  
accepts notice on  
behalf of O.P. but  
no vakalatnama has  
been filed as 11.2.92  
in H-42 court  
S.P.

CA filed

CA filed with An. for  
condonation of delay  
duly served on the  
applicant

No RA filed

S.P.H.

Dinesh

(8)

T 850/87, J

A-6

9.1.91

Honbl. Mr. D.K. Agrawal Jm  
Honbl. Mr. K. Obayya AM

On the request of both  
parties Counsel case is adjourned  
to 25-4-91 for hearing

2

AM

Jm

AM

CA/RA have been  
disputed  
S. KM

25/4

25.4.1991

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

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

Sri K.K. Singh brief holder of Sri I.B. Singh  
for the applicant. Sri Sanjiv Kumar, brief holder  
of Sri D.N. Verma for the respondents. The case  
is adjourned to 19.8.1991 for hearing.

AM

Jm

(n.u.)

19.8.91

No sitting adj to 23.9.91  
J

23.9.91

No sitting adj to 14.11.91  
J

14.11.91

No sitting adj to 13.12.91  
J

A-7

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

...

T.A. No. 850 of 1987

(W.P. No. 4953 of 1981 )

Brij Lal                      ...                      ...                      Applicant.

Versus

Union of India and others                      ...                      Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

( By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant was appointed as Fitter Khalasi on 21.1.1965 and was gradually promoted to the post of Fireman-II. In the year 1978, he was dismissed from service under Rule 14(2) of the Discipline & Appeal Rules, 1968 vide order dated 12.12.1978. According to the applicant, no enquiry took place and the reasons of the said order was not disclosed and he was abruptly faced <sup>w/c</sup> the such <sup>1</sup> dismissal order, even though, he never participated in any strike or arrested or detained. Those who were arrested or detained were let off and no action against them was taken. Against his dismissal order, the applicant filed a review application before the General Manager, N.E. Railway, and appeal before the Divisional Railway Manager and Senior Divisional Mechanical Engineer which <sup>1</sup> were dismissed.

2. The applicant has challenged the order on the ground that it has been passed in the Mechanical manner which is in violation of the ~~rules of~~ principles of natural justice <sup>1</sup> and without giving any opportunity to the applicant and without holding any enquiry by a non-speaking order.

3. The respondents have defended their action by stating that the applicant had assaulted one Sri M.C. Sinha, Senior Divisional Mechanical Engineer, N.E. Railway on 17.10.1978 in the office of the Loco Foreman Mailani and thereby committed serious misconduct of the highest order. An F.I.R. was lodged with G.R.P. Lakhimpur Kheri on 17.10.1978 against the applicant. It is stated that prior to disciplinary authority recording its satisfaction for holding the enquiry and proceeding under rule 14(ii) of the (D & R) a confidential fact finding enquiry was gone into to which the applicant was called to attend the enquiry but the applicant did not turn up, and after going through the report of the enquiry officer, and considering the facts of the case, the disciplinary authority recorded its satisfaction that it was not practicable before the enquiry in the manner provided to the rules.

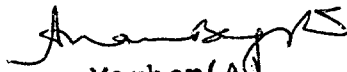
4. The averments made by the respondents are wholly insufficient to bring the action within the ambit of rule 14(II) of the (D & R) Rules. The <sup>no</sup> ~~show~~ called reasons are no reasons and can not be said to be <sup>genuine</sup> ~~genuine~~ to the matter in issue. In the charge of beating official, enquiry is quite possible and it can always be held and accordingly, the <sup>from with</sup> ~~dispense having been towards~~ the enquiry was an arbitrary action and can not be justified.

5. Accordingly, the application deserves to be allowed and the dismissal order <sup>dated</sup> 12.12.1978 and the order are quashed. The applicant shall be deemed to be continued in service and is entitled to all consequential benefits. The period from the date of dismissal to <sup>this period</sup>, will be dealt with by the respondents.

A-9

- 3 -

accordance with law. However, it will <sup>be</sup> open for the respondents to take disciplinary proceedings against the applicant as per rules. The application is disposed of with the above observations. Parties to bear their own costs.

  
Member (A)

  
Vice-Chairman

Dated: 13.12.1991  
(n.u.)



CIVIL

SIDE

## GENERAL INDEX

A 10

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

Name of parties.....

Date of institution.....

Date of decision.....

| File no. | Serial no. of paper | Description of paper             | Number of sheets | Court-fee        |        | Date of admission of paper to record | Condition of document | Remarks including date of destruction of paper, if any |
|----------|---------------------|----------------------------------|------------------|------------------|--------|--------------------------------------|-----------------------|--------------------------------------------------------|
|          |                     |                                  |                  | Number of stamps | Value  |                                      |                       |                                                        |
| 1        | 2                   | 3                                | 4                | 5                | 6      | 7                                    | 8                     | 9                                                      |
| A-1      | 1                   | General Index                    | 1                |                  | Rs. P. |                                      |                       |                                                        |
| A-2      | 2                   | <del>Order sheet</del>           | 1                |                  |        |                                      |                       |                                                        |
| A-3      | 3                   | Court fee certificate            | 10               | 6                | 103    |                                      |                       |                                                        |
| B-4      | 4                   | Process                          | 1                | 1                | 5      |                                      |                       |                                                        |
| B-5      | 5                   | Order C.M.A. 4299(W)-82 for stay | 3                |                  | 5.00   |                                      |                       |                                                        |
|          | 6                   | C.M.A. 3769(W)                   | 4                |                  | 7.00   |                                      |                       |                                                        |
|          | 7                   | C.M.A. 3831(W) of 84             | 6                |                  | 7.00   |                                      |                       |                                                        |

I have this

day of

198 ,

examined

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

Date.....

Munsarjm

Clerk

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA No 1579/82 OF W.P. No 3046/84

NAME OF THE PARTIES Kanher, Prasad Applicant

Versus

U.O. F. 808 Respondent

Part A.

| Sl.No. | Description of documents                 | Page         |
|--------|------------------------------------------|--------------|
| 1      | Index sheet                              | A1 to A2     |
| 2      | order sheet                              | A3 to A5     |
| 3      | Judgment dt 06-1-93                      | A6 to A10    |
| 4      | Writ Petition                            | A11 to A32   |
| 5      | affidavit                                | A33 to A34   |
| 6      | Power                                    | A35          |
| 7      | Stay application 6458                    | A36          |
| 8      | Power                                    | A37          |
| 9      | Application stay 830 / Counter affidavit | A38 to 63    |
| 10     | Cor. A No 8300 / Affidavit               | A64 to A72   |
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| 12     | Rejoinder affidavit                      | A74 to A82   |
| 13     | Appl for vacating                        | A83 to A122  |
| 14     | order sheet H.C.                         | A123 to A126 |
| 15     | Stay Order / with notice / Power         | A127 to A131 |
| 16     |                                          |              |
| 17     |                                          |              |
| 18     |                                          |              |

CERTIFICATE

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

*This file received from record room*

Checked on Dated 12/09/11 without postal

Counter Signed.....

*[Signature]*  
15/9/11

Section Officer In charge

*[Signature]*

Signature of the  
Dealing Assistant

Central Administrative Tribunal  
Lucknow Bench

INDEX SHEET

Cause Title TA 1579/87 of 1993  
Name of the Parties K. P. Singh and others Applicant  
versus  
U.O.I. Respondents.

Part A.E.C.

| Sl. No. | Description of documents | Page       |
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| ①       | Order sheet              | A1 to A6   |
| ②       | Judgement                | A7 to A11  |
| ③       | Petition                 | A12 to A23 |
| ④       | Annexure                 | A24 to A36 |
| ⑤       | Vakalatnama              | A37        |
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B. File

Petition, CA/RA  
and M.P.

B90 to B172

C. File

Office copy of notices

(A<sub>1</sub>)

22.2.91

D.R.

Both the parties  
are absent today.  
Counter has not  
been filed. Respon-  
dent to file it,

by 7/4/91.

AKS  
22/2/91  
SO.

8.4.91

D.R.

This case has been  
taken up today.

Because 7.4.91 was  
holiday. Respondent  
is present. Applicant

to file copy of the  
petition to the  
Respondent's counsel

by 25.7.91. There after  
Respondent will  
file counter.

25.7.91

D.R.

Respondent's side is  
present. Applicant is  
absent and he did not  
file copy of petition to the  
O.P. Applicant to file this  
by 1/10/91. ✓

579/0711

A3

109.90

Hon'ble Justice K. Nath V.C.  
M.M. Singh A.M.

Request for adjournment on behalf of the applicant's Council is made. Orders were passed on the last date that the applicant shall furnish copy of the petition to Sri B.19. Shukla for some of the respondents. Sri Shukla says that he has not received the same. The applicant is again directed to furnish copy of the petition to Sri Shukla within two weeks in which respondents shall file CA. within four weeks thereafter. The case is listed for further orders on 22.10.90.

M. H. Sin  
(A.M.)

(V.C.)

22.10.90

No sitting A.M. to 22.11.90 OR

No CA filed on behalf of O.P. No. 1 to 3 S.F.O.

22.11.90 Hon. Mr. Justice K. Nath V.C.  
Hon. Mr. M.M. Singh A.M.

It is not clear whether the copy of the petition has been delivered by the applicant's Council to respondents' Council in compliance of orders dated 12.9.90.

Wait for further orders on 13.12.90. In the meantime - the applicant must comply with the orders of 12.9.90 within 10 days and the respondents may file counter within 2 weeks thereafter.

OR NACHLES S.F.O. before DR (1.7.90)

M. H. Sin  
A.M.

(V.C.)

21-11-92

X/5

Hon. Mr. Justice U.C. Sinastang, V-C.  
Hon. Mr. K. Obayya, A.M.

High Court noticed that the Railway Administration did not file any counter-affidavit. There appears to be no justification for granting time. Anyhow, there is no question of giving any copy of writ-petition which was given to the railway Counsel before the High Court. Even then they want to file counter-affidavit for which they are not entitled to any time. They may do so within two weeks. Even if counter affidavit is filed, the case shall proceed. List this case on 6-1-93 for hearing. The case shall not be adjourned on any ground.

C.P.  
S.F.H.  
K  
11/1/93

(ug)

  
A.M.



V-C

A7  
A/b

CENTRAL ADMINISTRATIVE TRIBUNAL ,LUCKNOW BENCH,LUCKNOW.

T.A.No.1579 of 1987

Kashav Prasad Singh & others .....Applicants.

Versus

Union of India & others .....Respondents.

Hon'ble Mr.Justice U.C.Srivastava,V.C.

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

( By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

The case was adjourned on the request of the learned counsel for the Railway Administration to file reply but no reply has been filed .The learned counsel for the respondents states that he is opposing the application relying on the material on record.

2. The applicants, who were working as Conductors since 1978 on the basis of their options. Vide writ petition before the High Court, they have challenged the reversion order on the ground that the same is based on an incompetent order of cancellation of the panel by the authority which had no jurisdiction to do so and the same is also against the provisions of Rule 218 of the Railway Manual. According to them, they have been selected and posted to the higher post and they not be reverted without giving any notice or opportunity of being heard and pick and choose policy has been adopted by the respondents in ~~excess~~ <sup>exceeding</sup> passing the reversion order and they have acted in an arbitrary manner inasmuch as the persons of grade 425-640 of the panel formed after 1.1.84 have been included in the panel of 700-900 inspite of clear directions and instructions by the Railway Administration.

3. Some of the private persons i.e. respondents nos. 4 to 7 also moved an application for their impleadment and filed their counter affidavit to which a rejoinder affidavit has been filed. Although their application as such for impleadment has not been allowed but as the

W

affidavits have been exchanged, they are being considered. According to these respondents, they are senior to the applicants in length of service inasmuch as they were appointed prior to the applicants. The respondent no.4 was appointed as Ticket Collector on 24.10.46, respondent no.5 on 20.2.47, respondent no.6 on 21.6.49 and the respondent no.7 on 3.12.48 whereas the applicant no.1 was appointed as Ticket Collector on 28.11.82 and applicant no.2 on 19.3.58 and applicant no.3 on 10.1.85. The applicants were promoted in the next higher grade of 330-560 after these respondents and as such they became junior to them in promotion grade. In the promotion grade of 330-560, the respondents were promoted prior to the promotion of the applicants. These respondents were working as Train Ticket Examiners in the grade of 330-560 and they also gave option for one post out of the three posts which are Conductor, Senior Train Examiner and Head Ticket Collectors' posts. The applicants gave their options for the post of Conductor whereas the respondents gave their options for the post of Senior Ticket Examiners. The post of Conductor was declared as non-selection post while the posts of Senior Ticket Examiner and Head Ticket Collector were declared to be selection posts and again a up-gradation took place in 1978 in the Checking Branch w.e.f. 1.1.79. On the basis of this upgradation, them, 23 posts were upgraded out of three posts were given to Conductor, 16 to Senior Ticket Examiners and four to Head Ticket Collector. The applicants no.2 and 3 were promoted on the post of Conductor temporarily on 19.1.79 on the basis of option given by them while the applicant no.1 was promoted on adhoc basis w.e.f. 30.8.80 and the respondents were promoted as Senior Ticket Examiners. After coming into effect the restructuring notification w.e.f. 1.1.84, restructuring of posts took place and the selection for the post of Senior Ticket Examiner in the grade of 425-640 was held on 25.10.79 but the r



of the same was not declared. Another selection took place on 15.6.83 and 20.10.83, the result of which was declared on 9.2.84 in which the respondents were declared successful and were given benefits of pay and seniority. A combined seniority list was, therefore, drawn up for further promotion on the basis of selection for the post of Inspector of Tickets in the grade of 700-900. In the said list, the respondents were shown senior to the applicants. The length of service being criteria for the post of Inspector of Tickets, the respondents also appeared in the selection but their names were not included and were included subsequently because of the representation filed by them on 8.6.84 and the applicants, who were junior to the respondents although their names were included in the list earlier, were depanelled and reverted to their substantive post in the grade of 425-640. Again on the basis of notice dated 12.4.84, the benefits were given to the respondents of restructuring of posts w.e.f. 1.1.84. As a result of yet another letter for upgrading, the respondents were temporarily put to officiate in the grade of 550-750 and were posted out of station and in the seniority list they were again placed above the applicants.

4. The applicants disputed some of the facts stated by the respondents and have pointed out that the applicants no.2 and 3 were declared suitable for the post of Conductor on the basis of seniority-cum-suitability test which took place in the year 1978 and were promoted though on various dates but were confirmed on the said post on 25.11.79 and 1.12.79 respectively. The applicant no.1 was confirmed on 12.12.80 although the letter dated 9.2.84 no reference was made of giving seniority to the respondents w.e.f. 1.1.79 but they were promoted on adhoc basis on the post of Senior Ticket Examiner. Respondent Tara Prasad was not even regularised and the so called seniority list on which

A16  
A/q

reliance has been placed, is not in fact a seniority list but only a call letter. The respondents' names were not included in the panel of grade 700-900 as they were working in the grade of 425-640 on adhoc basis on 1.1.84 and respondent Tara Prasad was working in the grade 330-560 and the applicants were confirmed in the grade of 425-640 and they were considered for the post of Senior Conductor in the grade of 700-900 and were empanelled and promoted on the said post from 26.5.84 and in this view of the matter, the applicants claimed and that they were senior to the respondents/as per panel dated 26.5.84, they were promoted as Senior Conductors in the higher scale while the respondents were not promoted in the said grade. These facts make it abundantly clear that the applicants were senior and under the provisions of Railway Manual, they were empanelled and promoted and the panel could not have been cancelled without giving opportunity of hearing and that was not done. If the representation of the respondents was allowed, obviously the same could have been allowed after giving opportunity of hearing to the applicants. Accordingly, this application is allowed to the extent that the reversion order will be deemed to be non-est. However, it will be open for the respondents to consider this question after giving opportunity to the applicants also as to whether their empanellment should be cancelled or should be deemed to have been cancelled on the date it was so-cancelled. It will be only after hearing them and after reconsidering the seniority position in accordance with the rules and a fresh list of seniority be prepared and in case the applicants were entitled for promotion and they have been wrongly reverted, they will be allowed notional promotion with effect from the date they were entitled for promotion.

(411)

to actual promotion immediately thereafter. Let a decision in this behalf be taken within a period of three months from the date of communication of this order. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN.

DATED: JANUARY 6, 1993.

(ug)

CIVIL  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

Name of parties

Date of institution

Date of decision

| File no. | Serial no. of paper | Description of paper            | Number of sheets | Court-fee        |        | Date of admission of paper to record | Condition of document | Remarks including date of destruction of paper, if any |
|----------|---------------------|---------------------------------|------------------|------------------|--------|--------------------------------------|-----------------------|--------------------------------------------------------|
|          |                     |                                 |                  | Number of stamps | Value  |                                      |                       |                                                        |
| 1        | 2                   | 3                               | 4                | 5                | 6      | 7                                    | 8                     | 9                                                      |
|          |                     |                                 |                  |                  | Rs. P. |                                      |                       |                                                        |
|          |                     | 1- Ind. with Anna And affidavit | 23               | -                | 302.00 |                                      |                       |                                                        |
|          |                     | 2- Power                        | 1                | -                | 5.00   |                                      |                       |                                                        |
|          |                     | 3- CMA 645869 284.              | 2                | -                | 15.00  |                                      |                       |                                                        |
|          |                     | 4- Power                        | 1                | -                | 5.00   |                                      |                       |                                                        |
|          |                     | 5- CMA 830169 284. with CA      | 26               | -                | 7.00   |                                      |                       |                                                        |
|          |                     | 6- CMA 830069 284.              | 9                | -                | 7.00   |                                      |                       |                                                        |
|          |                     | 7- Power                        | 1                | -                | 5.00   |                                      |                       |                                                        |
|          |                     | 8- Rajach affidavit             | 14               | -                | 2.00   |                                      |                       |                                                        |
|          |                     | 9- adu-82ent                    | 4                | -                | -      |                                      |                       |                                                        |

I have this day of 198 examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date

Munsarim

Clerk

Group A-1 1 (A13)  
u924

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

Lucknow Bench, Lucknow.

Writ Petition No. 3046 of 1984. X/11

Keshav Prasad Singh & others.

.. Petitioners.

Versus

Union of India and others.

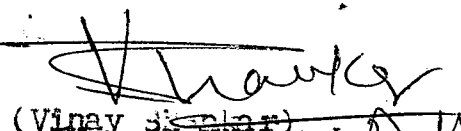
.. Opp. Parties.

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| 6.      | Annexure no. 5   | 15        |
| 7.      | Annexure no. 6   | 16        |
| 8.      | Annexure no. 7   | 17        |
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Lucknow, dated :

22-6-1984.

  
(Vinay Kumar)  
Advocate,

Counsel for the petitioners.



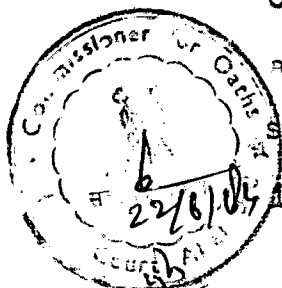
(A)

A/12

Writ Petition under Article 226 of the  
Constitution of India.

The humble petitioners most respectfully beg to submit as under :-

1. That the petitioners are working as Conductors since 1978 on the basis of their options.
2. That the petitioners were confirmed as Conductors in grade Rs. 425-640 (RS) in the employ of opposite parties no. 1 to 3 w.s.f, the years 1979 and 1980 respectively and are at present posted at Charbagh, Lucknow. A photostat copy of the letter of confirmation is annexed herewith as Annexure No. 1 to this writ petition.
3. That according to the present A.V.C. of Ticket Checking ~~Examination~~ Cadre the post of Conductors are non-selection and the post of Head Ticket Collector and Senior Ticket Examiners all of grade Rs. 425-640 (RS) are selection posts.
4. That the posts of Conductors, Head Ticket Collectors, Senior Ticket Examiners in grade Rs. 425-640 are being filled up after obtaining options from the staff in grade Rs. 330-560, and option once exercised is final to decide the future promotion of the optees.
5. That a selection for the post of Head Ticket Collector was held <sup>20 September</sup> on 23-12-1982 and for the post of



*Amrith*

A/C

Senior Ticket Examiner on 15-6-1983 and 22-6-83 A/14  
respectively and a panel of selected candidates of  
Senior Ticket Examiners was declared on 9-2-1984  
and postings were made on 3-3-1984. Photostat copies  
of the same are enclosed as Annexures No. 2 and 3  
respectively to this writ petition.

6. That due to re-structuring of the Ticket  
Checking Cadre posts in grade right from Rs. 330-560  
to Rs. 700-900 have been created w.e.f. 1-1-1984  
as a result of up-gradation of all the Ticket  
Checking Staff cadre.

7. That the General Manager (P), Northern Railway,  
New Delhi under his letter No. 752-E/545-I(EIC)  
dated 28-3-84 issued orders laying the guide-lines  
for selection to grade Rs. 700-900 on the basis of  
inter-se seniority of the employees working and  
empanelled in one grade lower to scale Rs. 700-900  
and if requisite suitable staff is not available  
then persons in grade Rs. 425-640 (i.e., two grades  
lower to scale Rs. 700-900) be considered for  
selection with the condition that their names appear in  
the list of selected candidates for the grade  
Rs. 425-640 provided that the panel in which their  
names appear has been operated before 1-1-1984.  
The aforesaid letter further lays down that all the  
panels framed after 1-1-1984 would lapse and such  
candidates will not be eligible for being selected in  
scale Rs. 700-900 for the post of senior Conductors,  
Chief Inspector of Tickets. A copy of the aforesaid  
letter dated 28-3-1984 is annexed herewith as  
Annexure No. 4 to this writ petition.



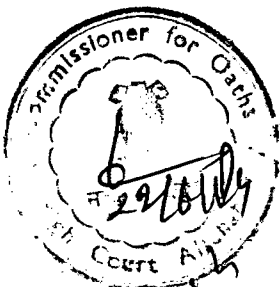


8. That inspite of the instructions as mentioned in the preceding paragraph, opposite party no. 2 on 12-4-1984 vide his letter No. 181/E/6/8-IV dated 12-4-1984 issued an inter-se seniority list of Head Ticket Collectors, Conductors and Senior Ticket Examiners in grade Rs. 425-640 including therein staff of the panel dated 9-3-84 and placed some of the staff senior to the petitioners, which should not have been done as instructions contained in Annexure no. 4 referred to above.

9. That opposite party no. 2 fixed 26-4-84 and 28-4-84 as the dates for selection to scale Rs. 700-900 and the petitioners along with others were called for viva-voce test before the selection committee.

10. That the petitioners along with others appeared before the selection committee on the above dates and a list of successful candidates was issued under letter no. 181-E/6/8-IV dated 26-5-84 in which the petitioners' names were shown at serial numbers 16 to 18 respectively and posting orders were also issued thereunder. The petitioners were promoted as Senior Conductors in scale Rs. 700-900. A photostat copy of the said orders are annexed as Annexures No. 5 and 6 to this writ petition.

11. That in pursuance of the above promotion orders the petitioners joined at their promoted posts on 26-5-1984 and started working at their new posts.



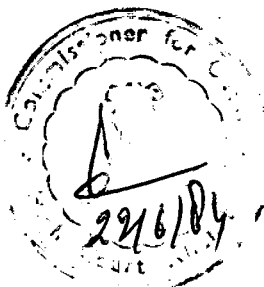
AIS

4/5

A photostat copy of the joining report dated 26-5-84 is annexed herewith as Annexure No. 7 to this writ petition.

12. That the petitioners were working at their new posts quite satisfactorily but all of a sudden, for reasons best known to the opposite parties, opposite party no. 2 under his letter No. 181-E/6-8/TC IV dated 8-6-84 issued order that the panel formed earlier on 26-5-1984 on the basis of selection held on 26-4-1984 ~~and~~ 28-4-1984 is cancelled and in its place a revised panel was issued in which the petitioners names did not appear as selected candidates and in their places 4 persons junior to the petitioners and who were disqualified from being selected under General Manager (P)'s order dated 28-3-84 (Annexure No. 4 to the writ petition) and who were also declared unsuccessful in the selection held on 26-4-1984 ~~and~~ 28-4-1984. A photostat copy of the letter dated 8-6-1984 is annexed herewith as Annexure no. 8 to this writ petition.

13. That when the petitioners no. 1 and 2 and petitioner no. 3 fell sick from 11-6-1984 and 14-6-84 respectively (they are still on sick list), they were informed by their colleagues that their reversion orders from the post of Senior Conductors (scale Rs. 700-900) to the post of Conductors (scale Rs. 425-640) have been passed by opposite party no. 3 vide letter dated 8-6-1984 and 4 persons who were declared unsuccessful in the selection held on 26-4-1984 ~~and~~ 28-4-1984 have been promoted as Senior Conductors.



*Amr*

ST.E.S.

A19

A  
IX

A photostat copy of the reversion order dated 8-6-84 is annexed herewith as Annexure No. 9 to this writ petition.

14. That it is very surprising that once results of the results of selected candidates was declared on the basis of selection and others were declared unsuccessful, how can they be declared successful subsequently.

15. That the panel of the petitioners was approved by the Additional Divl. Railway Manager and the same was cancelled by him also, but he was not competent to do so as per Rule 218 of Chapter II of the Railway Manual which provides that the removal of a railway servant's name from the panel would require specific approval of the authority next above that which initially approved the panel.

16. That the orders of reversion of the petitioners have been passed in an arbitrary manner with malicious intention to harass the petitioners and as such ~~ix ix~~ liable to be set aside.

17. That it is also not known to the petitioners as to on what basis their names have been deleted from the panel and being duly selected candidates, why have they been reverted and persons who were not qualified as a result of their non-selection, have been promoted.



*Annexure*

18. That the said reversion order of the petitioners

is wholly illegal and mala fide as the same has been issued by the opposite party no. 3 without any reason and the same has been issued as a measure of punishment.

19. That the reversion order is bad in law as no opportunity or notice was ever given to the petitioners and as such opposite parties have acted against the provisions of Article 311 of the Constitution of India.

20. That the opposite parties have acted in a very arbitrary manner in reverting the petitioners and in framing a second panel by including persons in grade Rs. 425-640 from a panel which was framed after 1-1-1984 against the clear instructions issued by the Railway Administration and as such the same is unsustainable in the eye of law.

21. That against the orders of reversion, the petitioners preferred a representation to opposite party no. 2 on 14-6-1984 challenging the competency and validity of cancellation of their names from the panel as well as reversion order, but till date ~~xx~~ nothing has been heard in reply from the opposite party no. 2 and the same is lying undisposed with him. A copy of the representation dated 14-6-84 is annexed herewith as Annexure no. 10 to this writ petition.

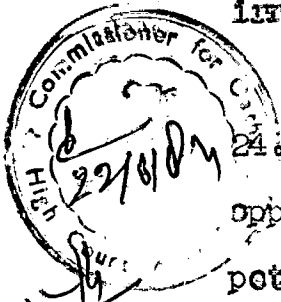
22. That the order of reversion has been passed only on 'pick and choose policy' by opposite party no. 3. *at his own liking*



(A 21)

19/10

23. That the petitioners are on medical leave and are still holding the post of Senior Conductors and if the operation of the impugned reversion order dated 8-6-1984 is not stayed, they will suffer irreparable loss and injury.



24. That being disappointed by the silence of the opposite party no. 2 on their representation, the petitioners are thus left with no other alternative except to invoke the extraordinary jurisdiction of this Hon'ble Court to challenge their illegal reversion by way of a writ petition ~~xxx~~ on the following amongst other grounds :-

GROUND 1 :

- A) Because the impugned reversion order is illegal as the same is based on an incompetent order of cancellation of the panel passed by the authority having no jurisdiction and power to do so.
- B) Because the cancellation of the panel by the same authority who has approved it is against the provisions of Rule 218 of the Railway Manual.
- C) Because once the petitioners have been declared selected and posted to the higher post, they cannot be reverted without giving any proper notice or opportunity of being heard, but nothing was done by the opposite parties and thus the impugned order of reversion is against the principles of natural justice and fair-play.

*Handwritten signature/initials*

(A22)

8/20

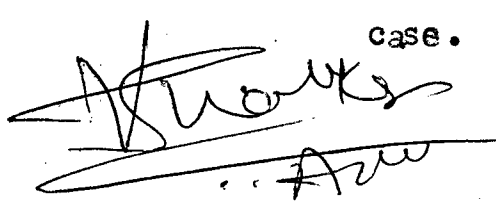
D) Because the reversion order is passed by way of punishment without affording any opportunity to the petitioners to defend their case which is in utter violation of Article 311 of the Constitution of India.

E) Because the opposite parties have acted in a very arbitrary manner in excluding the persons of grade Rs. 425-640 of the panel formed after 1-1-84 in the panel of Rs. 700-900 inspite of clear directions and instructions of the Railway Administration.

F) Because the opposite parties have acted on 'pick and choose' policy of their own liking by discriminating the petitioners and thus the impugned order of reversion has been issued in utter violation of Articles 14 and 16 of the Constitution of India.

G) Because the impugned order of reversion of the petitioners is totally based on non-consideration of the instructions, rules and regulations of Railway Administration by the opposite parties and as such the same is illegal, unjust and also bad in law.

H) Because the opposite parties have committed illegality with malafide intention in declaring the results <sup>twice</sup> of one selection which cannot be done in any case.

  
PRAYER.

Wherefore it is most respectfully prayed that this Hon'ble Court may be pleased to :-

1) issue, a writ, order or direction in the

nature of certiorari to quash the impugned panel and order of reversion dated 8-6-1984 contained in Annexures no. 8 and 9 respectively so far as they relate to the petitioners and panel dated 26-5-84 as contained in Annexure no. 6 be maintained,

- ii) issue a writ, order or direction in the nature of mandamus directing the opposite parties no. 1 to 3 to allow the petitioners to work at their present post of Senior Conductors in grade Rs. 700-900 as per panel dated 26-5-1984,
- iii) to issue such other writ, order or direction as may be deemed fit and proper in the circumstances of the case, and
- iv) to award cost of the writ petition to the petitioners.

Lucknow, dated :  
22-6-1984.

  
(Vinay Shankar)  
Advocate,

Counsel for the petitioners.

(11) A24

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,  
 1983 Position No. of 1984.  
 K.P. Singh & ors Vs. Union of India & ors.

Annexure No. 1.

Northern Railway

No. 842-E.6/C/9

Divisional Office  
 LKO 30-6-81

A/22

Notice

The undernoted staff are confirmed as conductors in scale Gr. 425-540 (PS) from the date noted against each.

|                      |          |          |
|----------------------|----------|----------|
| 1) Sri B.L. Verma    | Cond/LKO | 23-11-70 |
| 2) " G.P. Mahavanesh | "        | 21-5-77  |
| 3 " K.L. Tandon      | "        | 16-2-79  |
| 4 " G.S. Sharma      | "        | 1-7-79   |
| 5 " G.R. Sachdeva    | "        | 11-1-79  |
| 6 " L.A. Sachdeva    | "        | 25-11-79 |
| 7 " S.J. Srivastava  | "        | 1-12-79  |
| 8 " R.A. Srivastava  | "        | 13-4-80  |

Sd/- K.L. Tehta  
 for Divl Ry Manager  
 Lucknow

for information and necessary action to:

1. Sec/LKO, 2. Divl. MT/LKO,
3. Divl. Secy URM & URM/LKO



Northern Railway

No. 842-E.6/C/9

Divisional Office  
 LKO 21-12-83

The undersigned staff are confirmed in grade 550-750 Gr. 425-640 from the date noted against each:

|                   |         |         |          |
|-------------------|---------|---------|----------|
| 1) Sri B.L. Verma | CTC/LKO | 550-750 | 29-9-81  |
| 2 " R.A. Lochan   | "       | 550-750 | 9-2-82   |
| 3 " P.N. Gupta    | Cond    | 425-540 | 1-2-79   |
| 4 " S.N. Sharma   | "       | "       | 10-7-79  |
| 5 " H.S. Sharma   | "       | "       | 25-10-80 |
| 6 " . . . . .     | "       | "       | 12-12-80 |
| 7 " K.P. Singh    | "       | "       | 12-12-81 |
| 8 " Purnanari     | "       | "       | 1-12-81  |
| 9 " Ravi Laksh    | "       | "       | 19-12-81 |

*Handwritten signature*

For the approval of DPO/LKO.

Sd/-  
 for DPO



(42)

1021

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,  
Civil Petition No. 1021 of 1984.  
K.P. Singh & Ors Vs. Union of India & others.

Filed: 10/11/84

Annexure no. 2.

SCTE/NTS/NORTHERN RAILWAY

8/27

No. 181.2/6-8-111.

Divl. Secy,  
Lucknow dt. 9.1.84.

TO THE SECRETARY  
DOPT. LKO  
FROM THE  
OFF. NTS.

Re:- Selection for the post of STS in GR.425-540(AS)

|                     |           |         |
|---------------------|-----------|---------|
| 1. B.T. Alon        | Offg. STS | BSB     |
| 2. Nanjett Singh    | "         | FD      |
| 3. Q. Arifullah     | "         | LKO     |
| 4. Tara pd.         | TTB       | LKO     |
| 5. V.V. Singh       | "         | BSB     |
| 6. Mohan Meera      | STS       | "       |
| 7. D.P. Sharma      | Offg. TTB | BSB     |
| 8. Gopal Mishra     | TTB       | LKO     |
| 9. H.P. Singh       | Offg. STS | BSB     |
| 10. Indor Kumar     | TTB       | MLI     |
| 11. P.S. Srivastava | TTB       | BSB TTB |
| 12. C.P. Sadi       | Offg. TTB | BSB     |
| 13. D.C. Kar        | "         | BSB     |
| 14. J.K. Gulati     | "         | BSB     |
| 15. Pradeep Kumar   | "         | "       |
| 16. Anil Kumar      | "         | "       |
| 17. Anwar Lal       | TTB       | BSB TTB |

24. P.S. Anandhi Offg. TTB LKO.

This is a provisional panel.

sd. D.P. Sadi  
J.I. LKO

*Champh*



Annexure No. 3.

N.RLY

No. 181/E/6-8 III

Dt. 3-3-84

As a result of the selection held for post of STE  
Ord. 425-640 (RS) on 15-6-83 and 22-6-83, the following  
candidates who have been placed on the panel are promoted  
as STE Ord. 425-640 (RS) and posted at the stations showing  
against each.

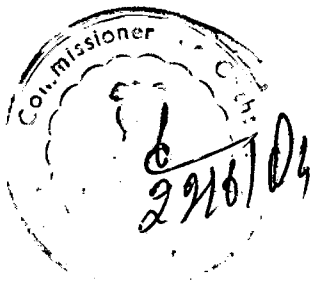
|        |               |                            |     |     |
|--------|---------------|----------------------------|-----|-----|
| 1. Sri | S.I. Alam     | Offtg on Ad-hoc<br>STE/BSB | STE | BSB |
| 2. "   | Ranjeet Singh | STE/FD                     | STE | FD  |
| 3. "   | A. Anisullah  | STE/LKO                    | STE | LKO |
| 4. "   | Tara Prasad   | "                          | "   | "   |
| 5. "   | K.N. Singh    | STE/BSB                    | "   | BSB |
| 6. "   | Palram Misra  | "                          | "   | "   |
| 7. "   | D.P. Saxena   | "                          | "   | "   |
| 8. "   | Gopal Kishore | " LKO                      | "   | LKO |
| 9. "   | R.S. Sinha    | " BSB - P.H.               | "   | BSB |
| 10. "  | T.N. Awasthi  | " LKO                      | "   | LKO |
| 11. "  | O.P. Basu     | " BSB                      | "   | BSB |
| 12. "  | D.C. Kar      | "                          | "   | "   |
| 13. "  | J.N. Gulathi  | "                          | "   | "   |
| 14. "  | Brinda Ram    | "                          | "   | "   |
| 15. "  | Kanchan Ram   | "                          | "   | "   |

This has approval of Sr. DCS/DPO/LKO

N.B. The services of item No.1 to 15 except 4-5-8 who are  
now already working in ad-hoc arrangement are regularized  
in grade 425-640(RS)

Copy to: SS/BSB, SS/LKO, SS/FD, Sr. DAO/LKO  
AS/Pay Bill

Sd/-  
DPO/LKO  
3/3/84



(14)

(A27)

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,  
Civil Petition No. of 1984.

M.P. Singh & Ors Vs. Union of India & Ors.

NORTHERN RAILWAY

Annexure no. 4.

NO 752-E/545-I(ETC)

HEADQUARTERS OFFICE  
BARODA HOUSE  
NEW DELHI.

28.4.1984 1/84

The Divisional Railway Manager,  
Northern Railway,  
Delhi, Allahabad, Moradabad, Lucknow.  
Jodhpur, Bikaner & Ferozepore.

Sub:- Restructuring of Commercial Cadre.

In connection with the implementation of restructuring in the Commercial Cadre for which orders have been received under Board's letter No. PCIII/80/SPG/19 dated 20.12.1983, the following instructions are issued as per the directives/decisions of CCS:-

(i) - All posts in the Commercial Category for which restructuring have been received under Board's letter No. PCIII/90/UPG/19 dated 20.12.1983, except the category of Enquiry-cum-Reservation clerks are decentralised upto and including Grade Rs.700-900(RS).

(ii)- While implementing restructuring, where promotional course is a pre-requisite condition, staff may be promoted to higher grade, pending passing the prescribed promotional course. However, such staff so promoted should be warned that they will have to pass the prescribed promotional course in their first attempt or otherwise they will be reverted. The divisions should, therefore, contact the zonal training School, Chandauli, to have the classes started on a programme-basis so that the staff promoted as such are sent for training at the earliest.

(iii)- In regard to the panels that have been announced after 1.1.1984/ not been announced/partially operated/ still under process of finalisation, the following instructions are issued:-

(i) - In the case of selections held prior to 1.1.1984 but panels not announced, these panels should not be issued.

(ii)- Panel formed prior to 1.1.1984 and remained unoperated on 1.1.1984, will stand lapse.

(iii)- Panels formed prior to 1.1.1984 but partly operated, the unoperated portion of the panel will stand lapsed.

(iv)- In view of mass upgradation with a tight schedule date, it is considered necessary to expedite the selections. Hence written test where necessary is dispensed with. However, other conditions like Ex formula etc. will remain operative. This is excepted only for this upgradation.

Sd/- G. Sankaranarayanan  
for General Manager (E)/N.R.

Copy to:  
CCS, Addl. CCS/  
Dy. CPO/J, SPO/PC  
PIO & sub-section, Baroda House, New Delhi.

*Amulya*

(15)

A28

Northern Railway.

Annexure No. 5.

No. 181-E/6-8-IV.

Divisional Office,  
Lucknow Dt. 26/5/84.NOTICE.

As a result of selection of Inspector of Tickets  
Gr. Rs. 700-900(RS) held from 26.4.84 to 29.4.84 the following  
Candidates are selected and placed on the panel:-

- |                               |                     |
|-------------------------------|---------------------|
| 1. Sri Sheo Baran Pd. S/C.    | SIT/LKO.            |
| 2. Sri Babadin Chaudhary S/C. | SIT/LKO.            |
| 3. " D. R. Singh.             | SIT/BSB.            |
| 4. " S. P. Srivastava.        | Hd. TC/PD.          |
| 5. " J. A. Khar.              | SIT/BSB.            |
| 6. " G. P. Mahavinesh. S/C.   | Conductor/LKO.      |
| 7. " D. S. Rajwat.            | STE/Hd. qr. Office. |
| 8. " T. N. Srivastava.        | SIT/BSB.            |
| 9. " S. K. Gupta.             | SIT/LKO.            |
| 10. " K. L. Tandan.           | Conductor/KEO.      |
| 11. " U. R. Tiwari.           | Hd. TC/KE L.        |
| 12. " Altaf Hussain.          | SIT/FL.             |
| 13. " P. N. Singh, L.         | SIT/LKO.            |
| 14. " Rajpati Ram. S/C.       | SIT/BSB.            |
| 15. " H. N. Mishra.           | SIT/PBH.            |
| 16. " K. P. Singh.            | Conductor/LKO.      |
| 17. " K. K. Sachdeva.         | -do-                |
| 18. " S. N. Srivastava.       | -do-                |
| 19. " H. S. Sharma.           |                     |

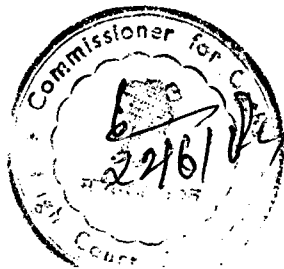
This is a provisional panel.

*10012/26/5*  
Divisional Personnel Officer,  
N. Rly. Lucknow.

Copy to:-

- 1) SS/LKO, FN, PBH, BSB.
- 2) SS/Kashi.
- 3) S.C.O.(G), Hd. qrs. Office, N. Rly. Baroda House, New Delhi.
- 4) Sr. D.A.O./Lucknow.
- 5) A.E. (Paybill)/Lucknow.

KP/



No. 18116-8/TC.IV

Divisional Office  
Lucknow Dt. 26/5/84

NOTICE

As a result of upgrading w.e.f. 1-1-84 the staff who have been selected in grade Rs 700-900 (RS) provisionally are temporary promoted and posted as under :-

| Sl. No. | Name                   | Desig. & Stn. | Promoted as    | Grade   | Remark                   |
|---------|------------------------|---------------|----------------|---------|--------------------------|
|         | S/Sri                  |               |                |         |                          |
| 1       | Sheo Baran Pd. S/C     | SIT/LKO       | Sr. SIT/LKO    | 700-900 |                          |
| 2       | Baba Din Chaudhary S/C | SIT/LKO       | -do-           | -do-    |                          |
| 3       | D.P. Singh             | SIT/BSB       | Sr. SIT/BSB    | -do-    |                          |
| 4       | S.P. Srivastava        | Hd. TC/FD     | Sr. Hd. TC/FD  | -do-    |                          |
| 5       | J.A. Khan              | SIT/BSB       | Sr. SIT/BSB    | -do-    |                          |
| 6       | G.P. Mahavinesh        | Conductor/BSB | Sr. Cond./LKO  | -do-    |                          |
| 7       | T.N. Srivastava        | SIT/BSB       | Sr. SIT/BSB    | -do-    |                          |
| 8       | S.K. Gupta             | SIT/LKO       | Sr. SIT/LKO    | -do-    |                          |
| 9       | K.L. Tandon            | Conductor/LKO | Sr. Cond./LKO  | -do-    |                          |
| 10      | U.R. Tiwari            | Hd. TC/KEI    | Sr. Hd. TC/KEI | -do-    |                          |
| 11      | Altap Husain           | SIT/FD        | Sr. SIT/FD     | -do-    |                          |
| 12      | P.N. Singh (I)         | SIT/LKO       | Sr. SIT/LKO    | -do-    |                          |
| 13      | Rajpati Ram S/C        | SIT/BSB       | Sr. SIT/BSB    | -do-    |                          |
| 14      | H.N. Misra             | STE/PBH       | Sr. STE/PBH    | -do-    |                          |
| 15      | K.P. Singh             | Conductor/LKO | Sr. Cond./LKO  | -do-    |                          |
| 16      | K.K. Sachdeva          | -do-          | -do-           | -do-    |                          |
| 17      | S.N. Srivastava        | -do-          | -do-           | -do-    |                          |
| 18      | H.S. Sharma            | -do-          | -do-           | -do-    | Promoted on ad-hoc basis |

The staff who were promoted as D.C.I.T. grade Rs 700-900 vide this office notice of even No. dated 26-4-84 are re-designated as under :-

1. Sri M.P. Srivastava, DCIT/LKO
2. Sri B.L. Varma, Sr. CIT/LKO (STN)
3. Sri Ram Lochan S/C Sr. CIT/LKO (Roster)
4. Sri Ram Lal, Sr. CIT/LKO (Hd. Qr.)
5. Sri Jamuna Pd. Sr. CIT/LKO (Raids)
6. Sri M. Kujur (ST), Sr. CIT (Stn.)/BSB

This has approval of ADRM(OP)/LKO

Sd/- Illegible  
26/5

for Divl. Personnel Officer,  
Lucknow

1. SS, LKO/FD/PBH/BSB
2. SS Kashi.
3. Sr. DAO/LKO
4. A.S./Pay Bill.

\*\*\*\*



*Handwritten signature/initials*

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

Writ Petition No.

of 1984.

Keshav Prd. Singh & others.

.. Petitioner.

Vs.

Union of India & others.

.. Opp. Parties.

गौं पी० पी० पी०  
दिनांक : 27.5.84

सं. डी०सी०आई०टी० इं०/1/84

Annexure No. 7.

मंडल रेलवे प्रबन्धक,  
उत्तर रेलवे,  
लखनऊ।

आपके आदेश सं. 181-E/6-8/TC-IV, दि०  
26.5.84 के अनुसार निम्नांकित स्टाफ के नामों  
के सामने ज्यूरि-रोस्टर एवं मस्टर-रोल में आवश्यक  
पटिप्पणी अंकित कर दी गई है कि दि० 26.5.84 से  
उपरोक्त आदेश का कार्यान्वयन कर दिया गया है :-

1. श्री नैशव वरन प्रसाद - S.I.T./LKO Sr. S.I.T./LKO 700-900
2. " बाबा दीन चौधरी, SIT/LKO - Sr. S.I.T./LKO -do-
3. " जी० पी० महावर्धन, Cond./LKO - Sr. Cond./LKO -do-
4. " एस० के० गुप्ता, S.I.T./LKO - Sr. S.I.T./LKO -do-
5. " के० एल० टंडन, Cond/LKO - Sr. Cond/LKO -do-
6. " पी० एन० सिंह I, S.I.T./LKO - Sr. SIT/LKO -do-
7. " के० पी० सिंह, Cond./LKO - Sr. Cond/LKO -do-
8. " के० के० सचदेव -do- -do- -do-
9. " एस० एन० श्रीवास्तव -do- -do- -do-
10. " एस० एस० शर्मा -do- -do- -do-

प्रस्तुत है।



27/5/84  
प्रमुख डिप्ट निरीक्षक,  
उत्तर रेलवे, लखनऊ

*Handwritten signature*

(18)

(A3)

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench,  
P. No. of 1984.  
K.P. Singh & Ors Vs. Union of India and Ors.  
Northern Railway.

Annexure no. 8.

No. 181.E/6-8/TC IV.

Divl. Office,  
Lucknow dt. 8.6.84.

Notice.

The provisional panel of Inspector of Tickets grade 700-900(RS) as announced vide this office notice No. 181.E/6-8/TC IV dated 26.5.84 is hereby cancelled and the revised prov. panel is as under:-

G/Shri

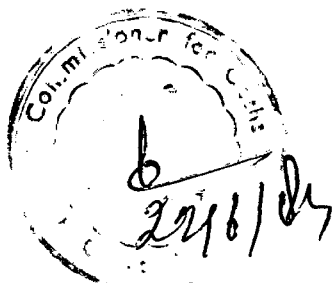
|                        |                        |
|------------------------|------------------------|
| 1. Shri Balan Pd.(SC)  | SIT LKO                |
| 2. Babadin chaudhary   | "                      |
| 3. D.B. Singh          | SIT BSB                |
| 4. S.P. Srivastava     | Hd.TC FD               |
| 5. J.A. Khan           | SIT BSB                |
| 6. G.P. Mahavanes (SC) | Conductor LKO          |
| 7. D.S. Rajwat         | SIT Hd.Qrs.Office NDLS |
| 8. T.N. Srivastava     | SIT BSB                |
| 9. S.K. Gupta          | SIT LKO                |
| 10. K.L. Tandon        | Conductor LKO          |
| 11. U.R. Tewari        | Hd.TC KEI              |
| 12. Altaf Hussain      | SIT FD.                |
| 13. P.W. Singh         | SIT LKO                |
| 14. Rajpati Ram (SC)   | SIT BSB                |
| 15. H.N. Misra         | SIT PBH                |

This has the approval of ADRM(OP).

12/11/84  
Divl. Personnel Officer,  
Lucknow.

Copy to:-

1. SS LKO FD PBH BSB.
2. SS KEI
3. SCO(G) Hd.Qrs.Office, N.Rly., Baroda House, New Delhi
4. Sr.DAO LKO
5. A.S. Pay Bill Lucknow.



*for*

No. 131E/6-8/TC.IV.

Divl. Office,  
Lucknow dt. 8.6.84.

Notice.

In continuation of this office Notice of even number dated 26.5.84 the following candidates who have been depanelled from grade 700-900(RS) (Inspr. of Tickets), are hereby reverted to their substantive posts in grade 425-640(RS) :-

S/ Shri

- |                      |               |
|----------------------|---------------|
| ✓ 1. K.P. Singh      | Conductor LKO |
| ✓ 2. K.K. Sachdeva   | Conductor LKO |
| ✓ 3. S.N. Srivastava | Conductor LKO |
| 4. H. S. Sharma      | Conductor LKO |

The undernoted STEs in grade 425-640(RS) are hereby temporarily promoted on adhoc basis in grade 700-900(RS) as (Inspector of tickets) and posted as under :-

S/ Shri

1. S.I. Alam
2. Ranjit Singh
3. Qazi Anisullah
4. Tara Pd.

STE BSB  
STE FD  
Sr. STE LKO  
STE LKO

Promoted as Grade

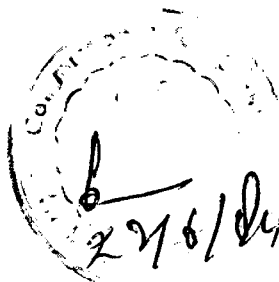
|             |         |
|-------------|---------|
| Sr. STE BSB | 700-900 |
| " FD        | "       |
| " LKO       | "       |
| " LKO       | "       |

This has the approval of ADRM(OP) LKO.

10015 876154  
Divl. Personnel Officer,  
Lucknow.

Copy to:-

1. SS LKO FD PBN BSB.
2. SS KEI
3. Sr. DAO LKO
4. AS Pay Bill LKO.





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

Writ Petition No. of 1984.

K/  
51

Keshav Prasad Singh & others. .. Petitioners  
Versus  
Union of India and others. .. Opp. Parties.

Annexure no. 10.

To

The Divisional Rly. Manager,  
Northern Railway, Lucknow.

Sir,

Re : Reversion in 425-640 (RS) from grade 700-900 (RS).

Reference : Your letter no. 181/2/6-8-IV  
dated 26-5-84.

With due respect we beg to state as under :-

1. That we were working as Conductor from the year 1978 in grade of Rs. 425-640.
2. That due to restructuring of the cadre we were promoted in grade of Rs. 700-900 vide your letter no. 181/2/6-8-IV dated 26-5-1984.
3. That we have been reverted to Gr. Rs. 425-640 without any proper notice and few persons have been assigned seniority above us and they have been promoted to Gr. 700-900 (RS).
4. That we want to draw your kind attention towards General Manager's letter of even no. dated 28-3-84 in which in para 3 it has clearly been mentioned that the panel formed after Jan. 84 will not be given any cognizance in respect of restructuring.
5. That the following two points clearly show that

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22/6/84

for my 4

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injustice has been done to us while revising our seniority:-

i) any notice was not given before revising our seniority as we know that there is an agreement with both the recognised unions that seniority will only be revised after giving proper notices to affected employees which has not been done in our case.

ii) G.M's order on the subject are very clear and have been ignored, while deciding our fate .

We, therefore, request you to kindly consider our case sympathetically so that we may get justice from your end.

Yours faithfully,

1. (K.P. Singh), Conductor,  
Dated : 14th June, 1984. Lucknow.

2. (K.K. Sachdeva), Conductor,  
Lucknow.

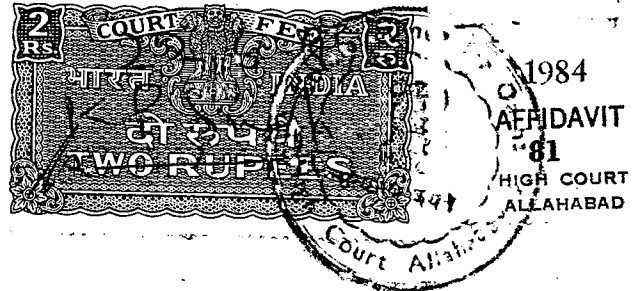
3. (S.N. Srivastava), Conductor,  
Lucknow.

Annex 16

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22/6/84

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

Writ Petition No. / of 1984.



Keshav Prasad Singh and others. .. Petitioners.

Versus

Union of India and others. .. Opp. Parties.

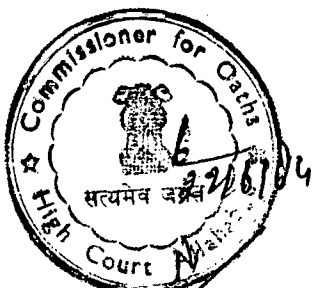
Affidavit.

I, Keshav Prasad Singh, aged about 55 years, son of Sri Radha Mohan Singh, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of 39-B, Aishbagh, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is himself petitioner no. 1 and partner of petitioners no. 2 and 3 in the above noted writ petition and as such he is fully conversant with the facts of the case.

2. That contents of paras 1 to 24 \_\_\_\_\_ of the accompanying writ petition are true to my own knowledge and the contents of paras \_\_\_\_\_ are believed by me to be true on the basis of legal advice.

3. That annexure no. 10 to the writ petition has been compared with its original and it is certified



- 2 -

that it is a true copy of its original while Annexures no. 1 to 9 are photostat copies.

Lucknow, dated :

22-6-1984.

*[Signature]*

Deponent.

Verification.

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

Lucknow, dated:

22-6-1984.

*[Signature]*

Deponent.

I identify the deponent who has signed before me.

*[Signature]*  
Advocate. -- *[Signature]*

Solemnly affirmed before me on 22-6-1984 at 8.70 a.m./p.m. by Sri Keshav Prasad Singh, the deponent, who is identified by Sri Vinay Shankar Advocate, High Court, Lucknow.

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



*[Signature]*  
AYODHYA PRASAD  
OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench

No... 81 of 22-6-84

Date... 22-6-1984

(24)

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व अदालत श्रीमान Hon'ble High Court Lucknow Bench महोदय

लखनऊ

वादी अपीलान्त Petitioners

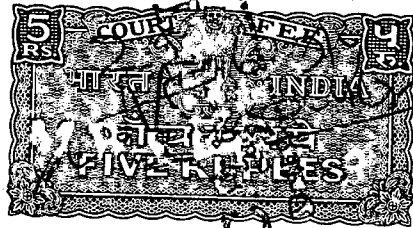
का

वकालतनामा

प्रतिवादी-रेस्पान्डेंट

K.P. Singh &amp; others

VS Union of India.



14/2/84  
22/6/84

वादी (मुद्दे)

बनाम

WP No

of 1984

प्रतिवादी (मुद्दाअलेह)

नं० मुकद्दमा

सन् १६

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री विनय शंकर श्रीवास्तव एडवोकेट

टी-४१/बी, हैदर कैनल कालोनी, चारबाग, लखनऊ

महोदय

जो अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करवा हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई फागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया पासूल करें या सुलहनामा व इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें वा मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (बस्तखत) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सख्त स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

स्वीकार किया

Accept

हस्ताक्षर

① केशव प्रताप सिंह  
② [Signature]  
③ Shyam Narain Srivastava

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

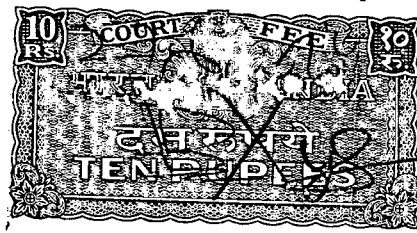
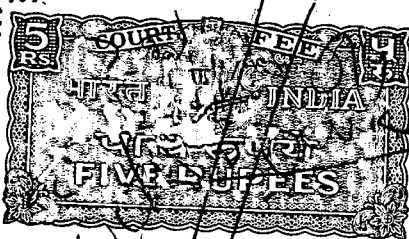
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In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

C.M. Application No. 6450 of 1984.



1. Keshav Prasad Singh, aged about 55 years,  
son of Sri Radha Mohan Singh, Senior  
Conductor, Northern Railway, Charbagh,  
Lucknow, resident of 39-B, Aishbagh, Lucknow.
2. Kewal Krishna Sachdeva, aged about 51 years,  
son of Sri G.M. Sachdeva, Senior Conductor,  
Northern Railway, Charbagh, Lucknow,  
resident of 46-Tilak Nagar, Lucknow.
3. Shyam Narain Srivastava, aged about 52 years,  
son of Sri R.B. Srivastava, Senior Conductor,  
Northern Railway, Charbagh, Lucknow, resident  
of II-116/G, Church Road, Lucknow.

.. Applicants.

In re : 3046  
Writ Petition No. of 1984.

Keshav Prasad Singh & others.

.. Petitioners.

Versus

Union of India and others.

.. Opp. Parties.

Application for Stay.

Shankar The above named applicants most respectfully beg

to submit as under :-

That on the basis of the facts and circumstances  
stated in the accompanying writ petition duly supported

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by an affidavit, this Hon'ble Court may kindly be pleased to pass an interim order staying the operation of the reversion order dated 8-6-1984 contained in annexure no. IX to the writ petition so far it relates to the applicants till the disposal of the writ petition, and to pass such other order or direction as the Hon'ble Court deems fit and proper in the circumstances of the case.

Lucknow, dated :  
22-6-1984.

  
(Vinay Shankar) A.W.  
Advocate,

Counsel for the applicants.

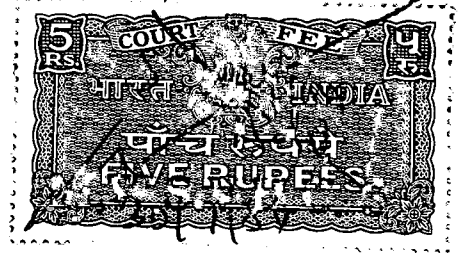
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# VAKALATNAMA



Before  
In the Court of

In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow  
Writ Petition No. 3046 of 1984

Sri K. P. Singh and others

Plaintiff  
Defendant

Claimant  
Appellant  
Petitioner

Versus

Union of India and others

Defendant  
Plaintiff

Respondent  
Opp. Parties

The President of India do hereby appoint and authorise Shri. Siddharth Verma, Advocate  
C-16, K. Road, Mahanagar Extension, Lucknow-226006.....

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. Siddharth Verma, Advocate.....  
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the..... 27-7-1984 ..... 19 ..

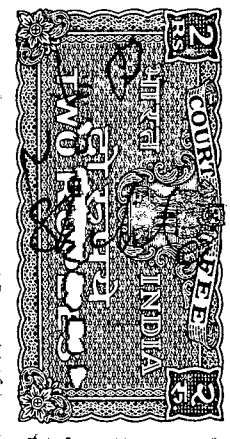
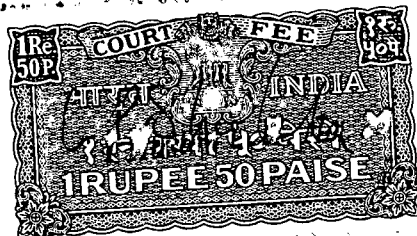
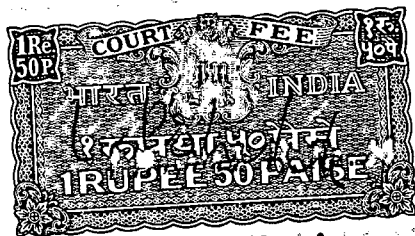
Accepted  
Siddharth Verma

Dated..... 27-7-1984 .....

(Siddharth Verma) .....  
Advocate Designation of the Executive Officer



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

C.M. Application No 8301 (W) of 1984

Syed Izhar Alam & others ..... Applicants

Versus

Sri Keshav Prasad Singh & others ..... Opp. Parties

In Re.

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

Union of India & others ..... Opp. Parties

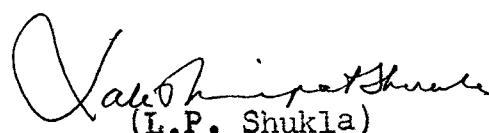
Application for vacating the stay order.

The applicants most respectfully beg to submit  
as under :-

That for the facts and circumstances stated  
in the accompanying counter affidavit it is most  
respectfully prayed that the stay order dated 27.6.1984  
is liable to be vacated.

Dated Lucknow:

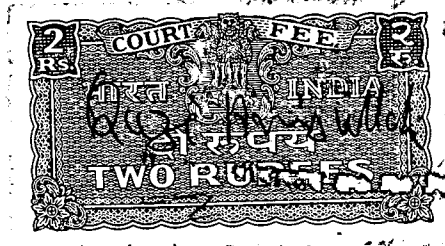
August 6, 1984.

  
(L.P. Shukla)  
Advocate,  
Counsel for the applicants.

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24/10/84

22-8-84



May 1984  
AFFIDAVIT  
9/400  
HIGH COURT  
ALLAHABAD  
6-8-84

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

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

Union of India & others ..... Opp. Parties

Counter affidavit on behalf of  
opposite parties 4, 5, 6 & 7.  
.....

I, Qazi Anis Ullah, aged about 57 years, 177  
Bheri Mandi, Molviganj, Lucknow, do hereby solemnly  
affirm and state on oath as under :-

1. That the deponent alongwith Syed Izhar Alam, Ranjeet Singh and Tara Prasad has sought impleadment in the above writ petition as they are the necessary parties. The deponent has been authorised by the aforesaid persons to file this affidavit. The deponent has read over and understood the contents of the writ petition and is fully conversant with the facts deposed to herein.

2. That the deponent along with Syed Izhar Alam, Ranjeet Singh and Tara Prasad were appointed prior to



Qazi Anis Ullah

(Amr)

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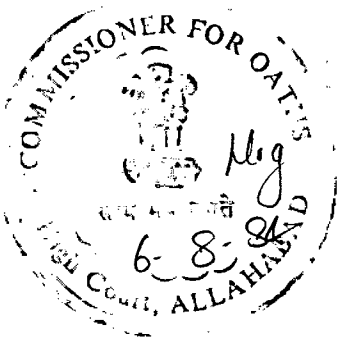
the petitioners and hence they are senior to the petitioners in length of service. Syed Izhar Alam was appointed as Ticket Collector on 24.10.1946, Ranjeet Singh was appointed as Ticket Collector on 20.2.1947, Qazi Anis Ullah (deponent) was appointed as Ticket Collector on 21.6.1949 and Tara Prasad was appointed as Ticket Collector on 3.12.1948 whereas petitioner no.1 was appointed as Ticket Collector on 28.11.1982, petitioner no.2 on 19.3.1958 and petitioner no.3 on 10.1.1955.

3. That the petitioners were promoted in the next higher grade of Rs.330-560 (RS) after M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah (deponent) and Tara Prasad. Hence the petitioners are again junior in the promotion grade also. In the promotion grade of Rs.330-560 Syed Izhar Alam was promoted on 31.12.1959, Ranjeet Singh on 3.7.1961, Qazi Anis Ullah on 4.11.1962 and Tara Prasad on 5.11.1962.

4. That the petitioners as well as M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad while working as Train Ticket Examiners in the grade of Rs.330-560 (RS) were required to give option for promotion in the grade of Rs.425-640 (RS) for the following posts in the said grade :-

- (i) Conductor
- (ii) Senior Ticket Examiner
- (iii) Head Ticket Collector

5. That the petitioners accordingly gave their



Qazi Anis Ullah

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option for the post of conductor whereas M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad gave their option for the post of Senior Ticket Examiner.

6. That the post of Conductor in the grade of Rs.425-640(RS) was declared as non selection post which means that whenever any vacancy in the post of Conductor was to be filled the staff opting for the post of Conductor will be promoted on the basis of seniority whereas the posts of Senior Ticket Examiner and Head Ticket Collector were declared to be selection posts and as such the staff opting for the said posts shall get their promotion in the said grade after passing the selection test.

7. That in the year 1978 a upgrading of the posts in the Checking Branch was made with effect from 1.1.1979. On the basis of this upgrading the Senior Divisional Personnel Officer, Northern Railway, Lucknow, by his letter dated 30.8.1980 worked out and found out 23 posts to be upgraded in the grade of Rs.425-640 (RS). The said 23 posts according to categorywise strength were described as under :-

- (i) 3 posts of Conductors
- (ii) 16 posts for Senior Ticket Examiners
- (iii) 4 posts for Head Ticket Collectors

A true copy of the DPO's letter dated 30.8.1980 regarding upgrading of posts is filed as Annexure No.D-1 to this affidavit.



Qazi Anis Ullah

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8. That according to the aforesaid upgrading of posts the petitioners were promoted on the posts of Conductors on the basis of the option given by them. Similarly M/S Syed Izhar Alam, Ranjeet Singh and Qazi Anis Ullah (deponent) were promoted as Senior Ticket Examiners. It may be mentioned that the petitioner nos. 2 and 3 were promoted as Conductors temporarily against existing vacancies by letter dated 19.1.1979 and petitioner No.1 was promoted on adhoc basis w.e.f. 30.8.1980.

9. That the Railway Board by its letter dated 20.12.1983 made a re-structuring of the posts and accordingly the posts of Checking Branch in the grade of Rs.425-640 were revised from 15.4% to 29% w.e.f. 1.1.1984. According to this letter all the three categories, that is, Conductors, Senior Ticket Examiners and Head Ticket Collectors were entitled to the benefit of re-structuring of posts w.e.f. 1.1.1984. A true copy of the Railway Board's letter dated 20.12.1983 is filed as Annexure No.D-2 to this affidavit.



Qazi Anis Ullah

10. That the selection for the posts of Senior Ticket Examiners in the grade of Rs.425-640(AS) in which M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad appeared was held on 25.10.1979 but for certain administrative reasons the results were held up. This selection test was held to give benefit for the post of Senior Ticket Examiners in the grade of Rs.425-640 on the basis of the previous upgrading of posts by letter dated 30.8.1980 (Annexure D-1) w.e.f.

(Ans)

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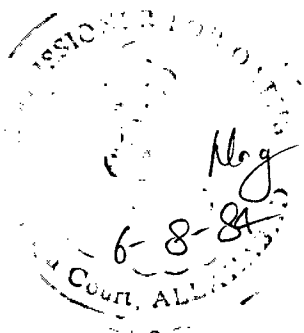
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1.1.1979.

11. That on the basis of the representations/appeals filed by the persons affected by the non declaration of the results for selection of Senior Ticket Examiners they were required to appear in another selection test on 15.6.1983 and 20.10.1983. The result of this selection was declared on 9.2.1984. In the said selection M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad were declared successful and were accordingly given full benefits of pay and seniority w.e.f. 1.1.1979 on the basis of the Railway Board's letter dated 30.8.1980 (Annexure D-1) The letter dated 9.2.1984 declaring the selection result for the posts of Senior Ticket Examiners is filed as Annexure No.2 and the postings on the basis thereof is filed as Annexure No.3 to the writ petition.

12. That on the basis of the result of the selection for the posts of Senior Ticket Examiners and the facts and circumstances indicated above, a combined seniority list was drawn up and announced by notice dated 12.4.1984 for further promotion on the basis of selection for the post of Inspector of Tickets in the grade of Rs.700-900. According to the said notice M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad found place at sl. nos. 17 to 20 respectively and have been shown senior to the petitioners who are placed at sl. nos. 29, 30 and 32 respectively. A true copy of the notice dated 12.4.1984 showing the combined seniority list for the purpose of



Qazi Anis Ullah

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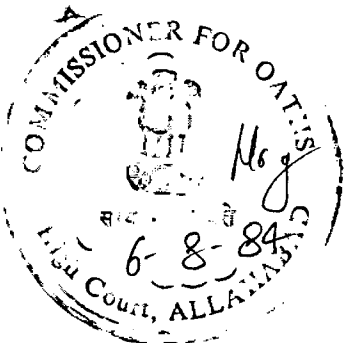
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selection for promotion in the grade Rs.700-900 is filed as Annexure No.D-3 to this affidavit.

13. That in accordance with the directive from the General Manager (Personnel) dated 23.3.1984 the fixation of seniority of Head Ticket Examiners, Senior Ticket Collectors and Conductors in the grade of Rs.425-640(RS) for promotion as Chief Inspector Ticket is to be done on the basis of the length of service in the grade of Rs.330-560(RS) keeping their inter-se seniority in grade of Rs.425-640(RS) in their respective categories intact. A true copy of the letter dated 23.3.1984 from the General Manager (Personnel) is filed as Annexure No.D-4 to this affidavit.

14. That opposite parties appeared in the selection test as Senior Ticket Inspectors on the basis of the notice dated 12.4.1984 but when their names were not included in the selected list they made a representation which was allowed and the panel dated 26.5.1984 was cancelled and a fresh panel was declared on 8.6.1984 showing the names of the opposite parties (as STEs) in the said panel filed as Annexure No.8 to the writ petition and the petitioners, who were juniors, were depanelled and referred to their substantive post in the grade of Rs.425-640 by notice dated 8.6.1984 filed as annexure no.9 to the writ petition.

15. That on the basis of the aforesaid notice dated 12.4.1984 the opposite parties were given benefit of restructuring of posts w.e.f. 1.1.1984 on the basis



Oath: Anil Kishore

of Railway Board's letter dated 20.12.1983. This notice further indicates that the said opposite parties were given benefit of selection and empanelment on 9.2.1984 with effect from 1.1.1979 and thus placed senior to the petitioners.

16. That by letter dated 16/23.7.1984 of the Divisional Railway Manager, Lucknow, the staff in the grade of Rs.425-640(RS) as a result of upgrading w.e.f. 1.1.1984 has been temporarily put to officiate in the grade of Rs.550-750(RS) and posted on the same station. The said notice in order of seniority indicates the opposite parties Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad at sl.nos. 1 to 4 whereas the petitioners are placed at sl.nos. 12,13 and 14 respectively. A true copy of the notice dated 16/23.7.1984 is filed as Annexure No.D-5 to this affidavit.

PARAWISE REPLY TO THE WRIT PETITION

17. That paragraphs 1 and 2 of the writ petition as stated are denied. The petitioner nos. 2 and 3 were promoted on temporary basis as Conductors in the grade of Rs.425-640(RS) by notice dated 19.1.1979 and petitioner no.1 on temporary adhoc basis on 30.8.1980 and petitioner nos. 2 and 3 were confirmed in the said grade w.e.f. 25.11.1979 and 1.12.1979 respectively and petitioner no.1 was confirmed on 1.1.1981.

18. That in reply to paragraphs 3 to 6 of the writ petition averments made in the aforesaid paragraphs of this affidavit are re-iterated and contrary averments



Qazi Anis Ullah



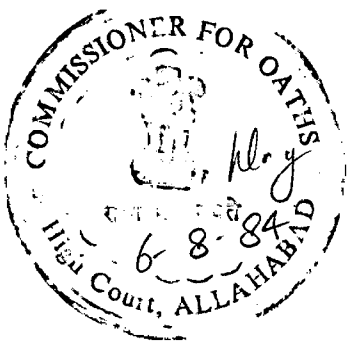
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made in paragraphs under reply are denied.

19. That in reply to para 7 of the writ petition it is stated that the direction contained in the letter of the General Manager dated 28.3.1984 relates to lapsing of panels framed after 1.1.1984 prospectively and does not operate retrospectively and as such it is not applicable in the case of the opposite parties who as STEs were eligible for selection to the post of Chief Inspector of Tickets in the grade of Rs.700-900. In this context averments made in the aforesaid paragraphs of this affidavit are re-iterated and contrary averments made in para under reply are denied.

20. That para 8 of the writ petition is denied. In the light of the facts and circumstances stated in the aforesaid paragraphs of this affidavit the notice dated 12.4.1984 fixing the inter-se seniority was correctly drawn in accordance with the letter of the General Manager (Personnel) dated 23.3.1984. The opposite parties being senior to the petitioners in service were correctly placed higher in the said seniority list. The petitioners having failed to challenge the said seniority list are not estopped from challenging it in this writ petition. It is further denied as alleged that the said list was contrary to the instructions contained in the letter dated 28.3.1984 filed as annexure no.4 to the writ petition. The panel dated 9.2.1984 in respect of Senior Ticket Examiners was operative w.e.f. 1.1.1979 and as such it did not come within the purview of the said letter dated 28.3.1984 regarding lapsing of panels framed after 1.1.1984. In



Qazir Anisul

any case the petitioners were also given benefit of promotions in the grade of Rs.425-640 w.e.f. 1.1.1979 with retrospective effect and the same benefit cannot be denied to the answering opposite parties.

21. That in reply to para 9 of the writ petition it is stated that the answering opposite parties were also called for selection by notice dated 12.4.1984 in which they were shown senior to the petitioners as already stated in the aforesaid paragraphs of this affidavit.

22. That paragraphs 10 and 11 of the writ petition as stated are denied. The names of the answering opposite parties were wrongly excluded from the panel of successful candidates. The petitioners being junior to the answering opposite parties in service were not entitled to be brought on the panel for promotion to the next higher scale of Rs.700-900.

23. That para 12 of the writ petition as stated is denied. It is denied as alleged that the answering opposite parties, whose names were placed in the revised panel, were junior to the petitioners or that they were not selected for the posts in question. It is further denied as alleged that they were disqualified from being selected under General Manager's order dated 28.3.1984. It is also denied as alleged that the answering opposite parties were unsuccessful in the selection held on 26.4.1984 to 28.4.1984. The correct facts are that the answering opposite parties having

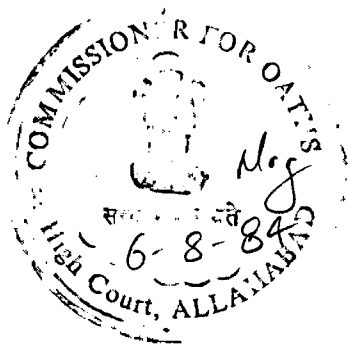


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been given benefit of promotion as STEs w.e.f. 1.1.1979 were entitled to be placed on the panel for promotion in the grade of Rs.700-900 on the basis of their seniority and length of service than the petitioners who were junior. The answering opposite parties have<sup>not</sup> been deliberately impleaded in the above writ petition although they are necessary parties and as such the writ petition is liable to be dismissed on account of laches. The deponent is further advised to state that the empanelment of the answering opposite parties and the cancellation of the panel illegally drawn up are in accordance with the rules.

24. That para 13 of the writ petition as stated is denied. The petitioners have deliberately refrained from attending their duties and for the purpose of filing the above writ petition. The petitioners are thus guilty of concealment and mis-representation and as such are not entitled to any relief claimed in the above writ petition.

25. That para 14 of the writ petition as stated is denied and the averments made in the aforesaid paragraphs of this affidavit are re-iterated. The cancellation of the panel and empanelment of the answering opposite parties are valid in the facts and circumstances of the case. It is denied as alleged that the answering opposite parties were declared unsuccessful. The names of the staff securing qualifying marks in a selection are arranged in order of seniority and the vacancies occurring are filled in accordance with the list. The panel is drawn on the basis of seniority



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subject to exclusion of those who do not secure qualifying marks in the selection. A person, although securing qualifying marks, may not find place on the panel on the basis of inter-se seniority of the successful candidates.

26. That para 15 of the writ petition is denied. It is denied as alleged that the cancellation was done without the approval of the competent authority. It is re-iterated that the corrected panel in the present case had the approval of the competent authority in accordance with the Railway Establishment Manual.

27. That para 16 of the writ petition as stated is denied. The order is legal and within rules. It is denied as alleged that the order amounts to reversion. It is merely a corrective measure.

28. That para 17 of the writ petition as stated is denied. In view of the averments made in the preceding paragraphs of this affidavit it is denied that the answering opposite parties were not qualified or that they were not selected for promotion.

29. That para 18 of the writ petition is denied. It is denied as alleged that the corrected panel incorporating the answering opposite parties has been drawn as a measure of punishment.

30. That para 19 of the writ petition is denied. The cancellation or modification of the provisional panel



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as in the instant case, is within the competence of the Railway Authorities as specified in Rule 216 of the Indian Railways Establishment Manual. It was a corrective measure to restore the restore the rightful place to the answering opposite parties which was denied to them. The claim of the petitioners to hold a place in the panel as a right is denied. It is further denied that there is any violation of natural justice or Article 311 of the Constitution.

31. That para 20 of the writ petition is denied in view of the facts and circumstances stated in the preceding paragraphs of this affidavit.

32. That in reply to para 21 of the writ petition the deponent is advised to state that the representation was misconceived inasmuch as no right accrued to the petitioners by their erroneous empanelment in a provisional panel.

33. That para 22 of the writ petition is denied. It is denied that the cancellation of the panel amounts to reversion on pick and choose policy.

34. That para 23 of the writ petition is denied. It is denied as alleged that the petitioners are still holding the posts of senior conductors. It is also denied that the petitioners will suffer any loss or injury in the facts and circumstances already stated above.



*Qazi Ayes Ullah*

35. That para 24 of the writ petition is denied. No cause of action accrued to the petitioners and the writ petition is misconceived and not maintainable on the grounds stated therein. The writ petition is liable to be dismissed with costs.

36. That the petitioners in the above writ petition have obtained a stay order dated 27.6.1984 during the summer vacations without impleading the answering opposite parties who are necessary parties in the above writ petition. The stay order has also been obtained by mis-representation and suppression of material facts. Thus the petitioners are guilty of laches and as such the stay order is liable to be vacated. The impugned order dated 8.6.1984 (Annexure No.9 to the writ petition) has already been implemented in respect of the petitioners and as such the stay order dated 27.6.1984 has become infructuous.

Dated Lucknow:

*Gopi Anand*  
Deponent.

August 6, 1984.

Verification

I, the above-named deponent, do verify that the contents of paragraphs "1 to 31 and 33 to 36" of this affidavit are true to my own knowledge and those of paragraph - 32 \_\_\_\_\_ of this affidavit are believed to be true by the deponent. No part of it is false and nothing material



has been concealed. So help me God.

Dated Lucknow:

Qazi Anis Ullah  
Deponent.

August 6, 1984.

I identify the above-named deponent  
who has signed before me.

Vaishampatnam  
Advocate.

Solemnly affirmed before me on 6-8-1984

at 9.15 ~~a.m.~~/p.m. by Sri Qazi Anis Ullah

the deponent who is identified by

Sri L. P. Shukla

~~Qazi Anis Ullah~~

Advocate, High Court, Allahabad.

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



Kuldeepak Naug  
KULDEEPAK NAUG  
OATH COMMISSIONER  
High Court, Allahabad  
Lucknow, Bench

No. 9/400  
Date 6-8-84

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

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

Union of India & others ..... Opp. Parties

Annexure No.D-1

Northern Railway

No.181E6/8-II

Divl. Office,  
Lucknow dt. 30.8.80

Notice.

Due to revised % in the different categories of Ticket Checking Branch the following posts have been upgraded in scale Rs.425-640(RS).

|    |                                       |                                                     |                                               |
|----|---------------------------------------|-----------------------------------------------------|-----------------------------------------------|
| 1) | Conductors in grade<br>Rs.425-640(RS) | - 3 at LKO                                          | in lieu of TTEs<br>in scale<br>Rs.330-560(RS) |
| 2) | STEs in grade<br>Rs.425-640(RS)       | 7 at LKO )<br>- 7 at BSB )<br>2 at FD )             | -do-                                          |
|    |                                       | <u>16</u>                                           |                                               |
|    | Hd.TCs in grade<br>Rs.425-640(RS)     | 1 at FD )<br>1 at SLN )<br>1 at PRG )<br>1 at KEI ) | in lieu of TCs<br>in scale<br>Rs.260-400(RS)  |
|    |                                       | <u>4</u>                                            |                                               |

As a result of the above the undernoted promotion orders in scale Rs.425-640(RS) are hereby issued on Adhoc basis to have immediate effect:-

| Sl. No. | Name          | Present Desig.& station of working. | Promoted in scale Rs. 425-640(RS) as & posted at. | Remarks               |
|---------|---------------|-------------------------------------|---------------------------------------------------|-----------------------|
|         | S/Shri        |                                     |                                                   |                       |
| 1.      | K.P. Singh    | TTE/FD                              | Conductor/LKO                                     | Against upgraded post |
| 2.      | H.S.Sharma    | TTE Hd.Qrs                          | -do-                                              | -do-                  |
| 3.      | K.K.Mukherjee | -do-                                | -do-                                              | -do-                  |
| 4.      | R.L.Khunkhun  | TTE/LKO                             | STE/LKO                                           | -do-                  |
| 5.      | G.N.Nigam     | -do-                                | -do-                                              | -do-                  |
| 6.      | S.Dubey       | -do-                                | -do-                                              | -do-                  |
| 7.      | Ranjeet Singh | TTE/FD                              | STE/FI                                            | d-o-                  |
| 8.      | Q.Anisullah   | TTE/LKO                             | STE/LKO                                           | -do-                  |

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|                     |                           |           |                                                                                                                        |
|---------------------|---------------------------|-----------|------------------------------------------------------------------------------------------------------------------------|
| S/Shri              |                           |           |                                                                                                                        |
| 9. R.S.Sinha        | TTE/BSB                   | STE/FD    | Against upgraded post                                                                                                  |
| 10. T.N.Awasthi     | TTE/LKO                   | STE/LKO   | -do-                                                                                                                   |
| 11. Roop Lal Mehta  | TTE/Hd. Gr.<br>Squad NDLS | -do-      | -do-                                                                                                                   |
| 12. Inder Kumar     | -do-                      | -do-      | -do-                                                                                                                   |
| 13. P.M.Srivastava  | TTE/BSB                   | -do-      | Against vacancy                                                                                                        |
| 14. O.P.Dassi       | -do-                      | -do-      | -do-                                                                                                                   |
| 15. Bachha Tewari   | -do-                      | -do-      | -do-                                                                                                                   |
| 16. Brinda Ram      | SIT/BSB                   | STE/BSB   | Against upgraded post<br>His promotion as STE<br>is hereby regularised.                                                |
| 17. Kanchan Ram     | TTE/BSB                   | STE/BSB   | Upgraded post.                                                                                                         |
| 18. Pachkauri Ram   | TTE/BSB                   | STE/BSB   | -do-                                                                                                                   |
| 19. S.B.Singh       | -do-                      | -do-      | -do-                                                                                                                   |
| 20. S Ishar Alam    | Hd.TC/BSB                 | STE/BSB   | -do- as his<br>1st option is that<br>of STE.                                                                           |
| 21. Smt.S.K.Devi    | TTE/BSB                   | STE/BSB   | Against upgraded post                                                                                                  |
| 22. Sh.Balram Misra | -do-                      | -do-      | -do-                                                                                                                   |
| 23. Kewal Krishan   | TTE/FD                    | Hd.TC/FD  | Against upgraded post                                                                                                  |
| 24. H.L. Pandey     | TTE/LKO                   | Hd.TC/SLN | -do-                                                                                                                   |
| 25. T.N.Srivastava  | Hd.TC/PEH                 | Hd.TC/PRG | -do-<br>at his own request and<br>will not be eligible<br>for free transfer pass,<br>J/leave or transfer<br>allowance. |
| 26. U.R.Tewari      | TTE/BSB                   | Hd.TC/KEI | Against upgraded post.                                                                                                 |
| 27. B.B.Mukerjee    | TTE/BSB                   | Hd.TC/BSB | Against vacancy                                                                                                        |
| 28. K.N.Singh       | -do-                      | -do-      | -do- of<br>Sh.S.I.Alam.                                                                                                |
| 29. M.R.Covid       | TTE/FD(SC)                | Hd.TC/SHG | Against the vacancy                                                                                                    |
| 30. Prem Dass(K.P.) | TTE/FD(SC)                | Hd.TC/LKO | Against the vacancy<br>of Sh.J.P.Shukla.                                                                               |
| 31. Mathias Kujur   | TTE/LKO(ST)               | Hd.TC/PEH | Against the vacancy of<br>Sh.T.N.Srivastava<br>transferred.                                                            |

This has the approval of Sr.DPO/LKO.

- Note:
1. Since the promotions of 'STEs & Hd.TCs' are against upgradation of \$ basis, they will have to do the same duties as at present i.e. STEs will have to man the sleeper coaches and Hd.TCs will have to do the duties of TCs if necessary.
  - ii. The promotion orders of item Nos.2,3,11 & 12 are subject to their being free from SPE/Vig/DAR cases, if any.

They will only be eligible for promotion in grade Rs.425-640(RS) when they will join Lucknow division.

L.P.C. and other service particulars be sent direct, to senior subordinates concerned advising this office.

Sd/ R.K. Yog  
30/8/80

Sr.Divl. Personnel Officer,  
Lucknow.

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Copy for information and necessary action to :-

1. Station Supdt. Lucknow & Varanasi.
2. Station Masters, FD, SLN, PAG, KEI, PBH, SHQ
3. Divl. CIT LKO
4. CIT (Stn.) LFO, CIT/FD & CIT/Varanasi
5. Sr. DAO/LKO
6. AS/Pay Bill Lucknow
7. G.M.(P) & ACO(T) Hd.Qrs.Office, Bardda House, New Delhi.

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

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners  
Versus  
Union of India & others ..... Opp. Parties

Annexure No.D-2

Govt. of India  
(Bharat Sarkar)  
Ministry of Railway (Rail Mantralaya)  
(Railway Board)

No.PC III/80/UPG/19 New Delhi, dated 20.12.1983.

The Genl.Managers,  
All India Rlys.  
C.L.W., D.L.W., and I.C.F.

Sub:- Cadre review and restricting of non-gazetted cadres.

Arising out of a demand made by the staff side in Departmental Council (Rlys) of the J.C.M., the Ministry of Rlys. have decided that the following Group 'C' categories should be restructured as indicated in the enclosed annexure.

- 1.I. Controllers (Traffic Deptt.)
- 2.ii. Comml. Clerk/Weigh Bridge Clerk.
- iii. Tkt. Checking staff.
- iv. Eng--cum-Reserve-clerk
- v. Train clerks.
- vi. Staff of date Processing Centre
- vii. Traffic/Movement Inspectors.

2. For the purpose of restructuring, the cadre strength as on 1.1.84 will be taken into account and will include Rest Givo- and Leave Reserve Posts.

3. Staff selected and posted against the additional high grade posts as a result of restructuring will have their pay fixed under rule 2018-B(FR-22c) RII w.e.f. 1.

4.1. The existing classification of the posts covered by these restructuring orders, as "Selection" and "No Selection" as the case may be, remains unchanged. However for the purpose of implementation of these orders if individual Rly. servant becomes due for promotion to one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing servant

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will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written test and/viva voce test. Naturally this procedure, the categorisation as "outstanding" will not exist.

4.2. In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis the benefit of the modified procedure of selections as aforesaid will be applicable only to the first such promotion (if that post happen to be a "Selection" post the second and subsequent promotion, if any, will be based only on the normal rules relating to filling in of "Selection" or "Non-Selection" posts (as the case may be).

4.3. The relaxation in selection procedure as aforesaid will in any case be applicable only to the vacancies existing as on 31.12.1983 and the vacancies existing on 1.1.1984 due to cadre restructuring in terms of these orders.

5. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

6. The selection grade posts created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 30.4.84.

7. In all the categories covered by this letter even though posts in higher scales of pay have been introduced as a result of restructuring, the basic function, duties and responsibilities, attached to these posts at present will continue to which may be added such other duties and responsibilities as considered appropriate.

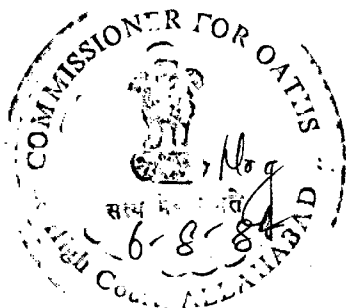
8. While implementing these orders specific instructions given in the foot-note under each category in the enclosed annexure, should be strictly and carefully adhered to.

9. The Board desires that restructuring and posting of staff after due process of selection should be completed within a period of three months from the date of issue of these instructions positively and compliance reported to the Board.

10. The Rlys. will carefully assess requirements of funds on account of this restructuring for 1983-84 and 1984-85 by Telegraphic advices to Addl. Director Finance (B) Rly. Board.

11. Hindi version will follow.

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12. Kindly acknowledge receipt.

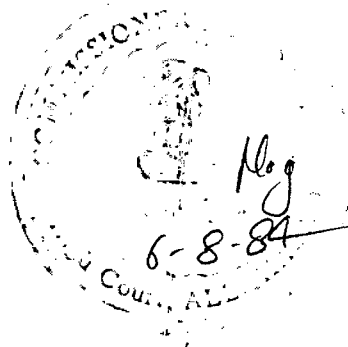
Sd/- K. Venteran  
Jt. Director Estt.(P& )  
Rly. Board.

Statement indicating restructuring of certain group 'C' cadre (Annexure to Board letter No.PCI/III/80/UPC/19 dt. 20.12.83).

| Sr.No. | Existing Grade<br>Tkt.Check.Staff | Existing % | Revised % | Remark |
|--------|-----------------------------------|------------|-----------|--------|
| 1.     | i) 260-400                        | 29.2%      | 20%       |        |
|        | ii) 330-560                       | 53.9%      | 37%       |        |
|        | iii) 425-640                      | 15.4%      | 29% X     |        |
|        | iv) 550-750                       | 1 %        | 9%        |        |
|        | v) 700-900                        | 0.5%       | 5%        |        |

Note:- The cadre of train conductors in scale Rs.425-640 is to be combined with the checking staff in the corresponding scale only for the limited purposes of determining higher grade posts in scale Rs. 550-750 and Rs.700-900 after which the category of train conductors will continue to exist as a separate category as at present.

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

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

Union of India & others ..... Opp. Parties

Annexure No.D-3

Northern Railway

Divisional Office  
Lucknow.

No.181E/6-8-IV  
dated 12.4.1984

The Station  
D.C.I.T./Lucknow. /Supdt. LKO BSB FD PBH.  
C.I.T./LKO & BSB.  
Comml. Controller in Office/LKO.  
ACO(T)/Baroda House, N.Railway/NDLS.  
Station Masters/PRG KEI SHG SLN REL ON AY.

Sub:- Selection for the post of  
Inspector Ticket Grade  
Rs. 700-900.

It has been decided to hold selection (Viva voce) for the post of Inspector of Tickets Gr.700-900 at 10.00 hours on 26.4.84 to 28.4.84. The staff given below are called to appear in the above selection in batches on dates shown against them. The said selection will be oral one subjecting the staff viva voce test. It will be personal responsibility of Senior Subordinates viz. SS's/SM's/DCIT/CIT's to bring this programme of the selections to the notice of concerned staff.

| S.No. | Name                  | Design/Stn.   | Selection date | Remarks |
|-------|-----------------------|---------------|----------------|---------|
| 1.    | S/Shri T.N.Srivastava | Hd.TC/PRG     | 26.4.84        |         |
| 2.    | " Sheo Baran Pd.SC    | SIT/LKO       | -do-           |         |
| 3.    | " Babadin Chowdhry SC | -do-          | -do-           |         |
| 4.    | " D.B.Singh           | SIT/BSB       | -do-           |         |
| 5.    | " S.P.Srivastava      | Hd.TC/FD      | -do-           |         |
| 6.    | " B.P.Srivastava      | SIT/FD        | -do-           |         |
| 7.    | " J.A.Khan            | SIT/BSB       | -do-           |         |
| 8.    | " G.P.Mahabinesh SC   | Conductor/LKO | -do-           |         |
| 9A.   | " D.S.Rajwat          |               | -do-           |         |
| 9.    | " T.N.Srivastava      | SIT/BSB       | -do-           |         |
| 10.   | " S.K. Gupta          | SIT/LKO       | -do-           |         |
| 11.   | " K.L.Tandon          | Conductor/LKO | -do-           |         |
| 12.   | " U.R.Tiwari          | Hd.TC/KEI     | -do-           |         |
| 13.   | " Altaf Hussain       | SIT/FD        | -do-           |         |
| 14.   | " P.N.Singh-I         | SIT/LKO       | -do-           |         |

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

Writ Petition No.3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

Union of India & others ..... Opp. Parties

Annexure No.D-4

NORTHERN RAILWAY

Head Quarters Office,  
Baroda House,  
New Delhi.

No.561-E/92-V(ETC)

Dated 23.3.1984

The Divisional Railway Managers,  
Northern Railway,  
DLI FZR ALD LKO MB BKN AND JU.

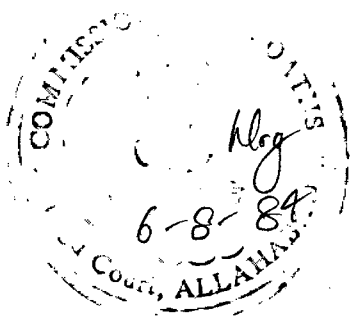
Sub: Fixation of seniority of Hd.TTEs, Hd.TCRs  
and conductors grade Rs.425-640(RS) for  
promotion as CIT grade Rs.550-750(RS).

As per existing channel of promotion to the post  
of conductors, Hd.TCRs and Hd.TTE grade Rs. 425-640(RS),  
options from the staff working as TTE grade 330-560(RS)  
are called for promotion against one of the three  
categories. The post of Conductor grade 425-640(RS) is  
non selection post while the post of Hd.TTE and Hd.TCRs  
grade Rs.425-640(RS) are selection posts.

The question of preparing the seniority of the  
above mentioned three categories for the purpose of their  
further promotion as CIT grade 550-750(RS) has been  
considered and CCS has decided in consultation with both  
the recognised Unions that the seniority of the staff  
in three categories in grade 425-640(RS) at the time  
of their promotion as CIT in grade 550-750(RS) be  
prepared on the basis of their length of service in  
grade 330-560(RS) keeping their interse seniority in  
grade Rs.425-640 (RS) intact.

/ in their respective categories.

Sd/-  
(Ajit Singh)  
for General Manager (P)



True copy

Day: 23.3.1984

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

Writ Petition No.                      of 1984  
Keshav Prasad Singh & others ..... Petitioners  
Versus  
Union of India & others ..... Opp. Parties

Annexure No.D-5

Northern Railway

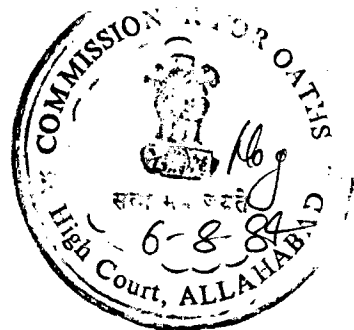
No.757-E/6-8/CIT

Divisional Office  
Lucknow.  
Dated 16/7/84  
23

N O T I C E

- (1) As a result of upgrading w.e.f. 1.1.84, the following staff in grade Rs.425-640(RS) are temporarily put to officiate in gr. Rs. 550-750(RS) and posted on the same station.

| Sl. No. | Name             | Posted at.    | Remarks                                                                                      |
|---------|------------------|---------------|----------------------------------------------------------------------------------------------|
|         | S/Shri           |               |                                                                                              |
| 1.      | Sh.S.I.Alam      | STE/BSB       |                                                                                              |
| 2.      | Ranjeet Singh    | STE/FD        |                                                                                              |
| 3.      | Q. Anisullah     | STE/LKO       |                                                                                              |
| 4.      | Tara Pd.         | STE/LKO       |                                                                                              |
| 5.      | K.N.Singh        | STE/BSB       |                                                                                              |
| 6.      | D.P.Saxena       | STE/BSB       |                                                                                              |
| 7.      | Gopal Kishore    | STE/LKO       |                                                                                              |
| 8.      | T.N.Awasthi      | STE/LKO       |                                                                                              |
| 9.      | Indar Kumar      | STE/HQ/NDLS   |                                                                                              |
| 10.     | D.C.Kar          | STE/BSB       |                                                                                              |
| 11.     | J.N.Gulati       | STE/BSB       |                                                                                              |
| 12.     | K.P.Singh        | Conductor/LKO |                                                                                              |
| 13.     | K.K.Sachdeva     | -do-          |                                                                                              |
| 14.     | S.N.Srivastava   | -do-          |                                                                                              |
| 15.     | H.S.Sharma       | -do-          |                                                                                              |
| 16.     | K.K. Mukherjee   | -do-          |                                                                                              |
| 17.     | J.P.Bharduaj     | Hd.TC/PI/BSB  | He will work as Hd.TC amenities at BSB and also look after the job of PI till further orders |
| 18.     | R.S.Ahuliwalia   | Hd.TC/BSB     |                                                                                              |
| 19.     | Puran Lal        | Hd.TC/LKO     |                                                                                              |
| 20.     | R.N.Srivastava   | Conductor/LKO |                                                                                              |
| 21.     | P.N.Gupta        | -do-          |                                                                                              |
| 22.     | Brinda Ram (SC)  | STE/BSB       |                                                                                              |
| 23.     | Kanchan Ram (SC) | STE/BSB       |                                                                                              |
| 24.     | M.R.Kovid (SC)   | Hd.TC/FD      |                                                                                              |



Dy. Anisullah



ACS

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A/23

-2-

|                          |               |
|--------------------------|---------------|
| 25. S.N.Sharma           | Conductor/LKO |
| 26. Y.B.Misra            | Conductor/LKO |
| 27. R.P.Singh            | Hd.TC/SHG     |
| 28. R.P.Singh            | Hd.TC/SLN     |
| 29. R.K.Singh            | Hd.TC/ABL     |
| 30. Puran Mashi Pd. (SC) | Conductor/LKO |
| 31. Ram Lakhan (SC)      | -do-          |
| 32. M.H.Anwar            | Hd.TC/ON      |
| 33. J.P.N.Upadhiya       | Hd.TC/BSB     |
| 34. Arun Sapru           | Hd.TC/AY      |
| 35. Jaswant Mai          | Conductor/LKO |
| 36. Mohd. Moin           | Hd.TC/FD      |

(2) The following staff in grade Rs.330-560 (RS) are temporarily put to officiate in Gr. Rs.550-750(RS).

| <u>Sl. No.</u> | <u>Name</u>         | <u>Posted at</u> | <u>Remarks</u>                                                                                        |
|----------------|---------------------|------------------|-------------------------------------------------------------------------------------------------------|
|                | S/Shri              |                  |                                                                                                       |
| 1.             | B.B. Mukerjee       | TTE/BSB          | (1) Item No.2 & 5 have not opted any where. They are put to work as STE.                              |
| 2.             | Kanhaiya Lal        | TTE/LKO          |                                                                                                       |
| 3.             | N.K.Sharma          | -do-             | (2) Item No.3 & 4 i.e. Sh.N.K.Sharma and Sohan Lal will be utilised as conductor as per their option. |
| 4.             | Sohan Lal           | -do-             |                                                                                                       |
| 5.             | M.C.Tewari          | -do-             | (3) Rest TTE's will be utilised as STE as per their option.                                           |
| 6.             | S.R.Misra           | STE/LKO          |                                                                                                       |
| 7.             | R.S.Sharma          | -do-             |                                                                                                       |
| 8.             | A.K.Awasthi         | -do-             |                                                                                                       |
| 9.             | Chhail Behari (SC)  | STE/BSB          |                                                                                                       |
| 10.            | Ghanshyam Dass (SC) | STE/LKO          |                                                                                                       |
| 11.            | RamSaran (SC)       | STE/BSB          |                                                                                                       |
| 12.            | I.D.Shah (ST)       | -do-             |                                                                                                       |
| 13.            | Ram Parvesh (ST)    | -do-             |                                                                                                       |

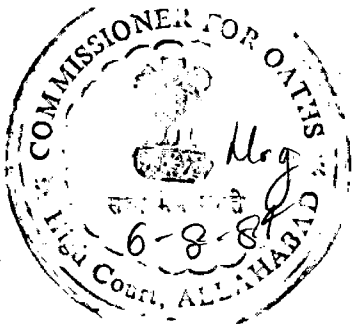
(3) The undernoted TTE's are temporarily put to officiate as STE in Gr. Rs.550-750 (RS) on adhoc basis and posted on the same station.

|                     |         |
|---------------------|---------|
| 1. Shri D.P. Dubey  | STE/FD  |
| 2. Shri B.M. Saxena | STE/LKO |

This has the approval of Sr.DCS and Sr.DPO. Advise movements.

Sd/- Illegible  
for Divl. Personnel Officer  
Northern Railway : Lucknow.

Copy to :- SS/LKO, FD, BSB, PBH, AY, BEK, PRG, JNU, RBL, SRG, ON  
SM/BOY, JNH.  
The CIT/LKO  
The CIT/BSB  
AS(Pay-Bill)  
Sr.DAO/LKO.

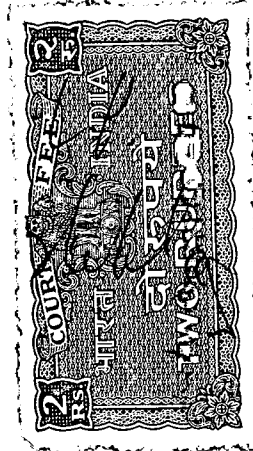
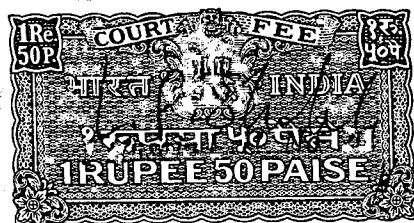


True Copy

Kuldeep NAG  
OATH COMMISSIONER  
High Court Allahabad  
Lucknow, Bench

No 9/400  
Date 6-8-84

Day. Aus. Ullah



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

C.M. Application No. 8300 (W) of 1984

1. Syed Izhar Alam, aged about 54 years, son of late Syed Kabir Alam, resident of C11/7 Kali Mahel, Varanasi.
2. Ranjeet Singh, aged about 56 years, son of Shri Deota Prasad Singh, resident of Aloupur, post office Jhangir Ganj, Faizabad.
3. Qazi Anis Ullah, aged about 57 years, 177 Bheri Mandi, Molviganj, Lucknow.
4. Tara Prasad, aged 56 years, son of late Shri Bhagwan Prasad, resident of 244/15 Yahiyaganj Road, Rakabganj, Lucknow.

..... Applicants

In Re.

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

Union of India & others ..... Opp. Parties

Application for impleadment.

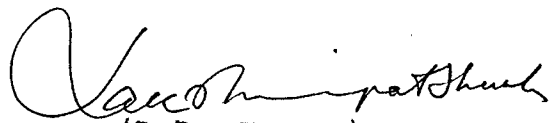
The applicants above-named most respectfully beg to submit as under :-

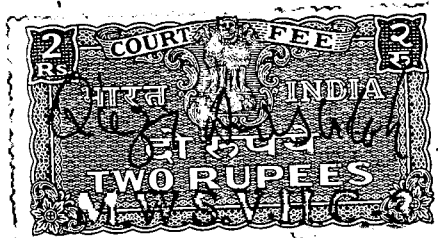
That for the facts and circumstances stated in the accompanying affidavit the applicants are the necessary and proper parties in the above writ petition.

WHEREFORE it is most respectfully prayed that the applicants M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad may be ordered to be impleaded as opposite parties 4 to 7 respectively in the above writ petition.

Dated Lucknow:

August 6 , 1984.

  
(L.P. Shukla)  
Advocate,  
Counsel for the applicants.



1984  
AFFIDAVIT  
8/4/84  
HIGH COURT  
ALLAHABAD  
6-8-84

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

Affidavit

In

C.M. Application No.

(W) of 1984

Syed Izhar Alam & others ..... Applicants

In Re.

Writ Petition No. 3046 of 1984

Keshav Prasad Singh & others ..... Petitioners

Versus

Union of India & others ..... Opp. Parties

A F F I D A V I T

I, Qazi Anis Ullah, aged about 57 years, 177  
Bheri Mandi, Molviganj, Lucknow, do hereby solemnly  
affirm and state on oath as under :-

1. That the deponent alongwith Syed Izhar Alam,  
Ranjeet Singh and Tara Prasad has sought impleadment  
in the above writ petition as they are the necessary  
parties. The deponent has been authorised by the  
aforesaid persons to file this affidavit. The  
deponent has read over and understood the contents of  
the writ petition and is fully conversant with the  
facts deposed to herein.

2. That the deponent along with Syed Izhar Alam,  
Ranjeet Singh and Tara Prasad were appointed prior to



Qazi Anis Ullah

AG<sup>a</sup>

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-2-

the petitioners and hence they are senior to the petitioners in length of service. Syed Izhar Alam was appointed as Ticket Collector on 24.10.1946, Ranjeet Singh was appointed as Ticket Collector on 20.2.1947, Qazi Anis Ullah (deponent) was appointed as Ticket Collector on 21.6.1949 and Tara Prasad was appointed as Ticket Collector on 3.12.1949 whereas petitioner no.1 was appointed as Ticket Collector on 28.12.1982, petitioner no.2 on 19.3.1958 and petitioner no.3 on 10.1.1955.

3. That the petitioners were promoted in the next higher grade of Rs.330-560 (RS) after M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah (deponent) and Tara Prasad. Hence the petitioners are again junior in the promotion grade also. In the promotion grade of Rs.330-560 Syed Izhar Alam was promoted on 31.12.1959, Ranjeet Singh on 3.7.1961, Qazi Anis Ullah on 4.11.1962 and Tara Prasad on 5.11.1962.

4. That the petitioners as well as M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad while working as Train Ticket Examiners in the grade of Rs.330-560 (RS) were required to give option for promotion in the grade of Rs.425-640(RS) for the following posts in the said grade:-

- (i) Conductor
- (ii) Senior Ticket Examiner
- (iii) Head Ticket Collector

5. That the petitioners accordingly gave the



Qazi Anis Ullah

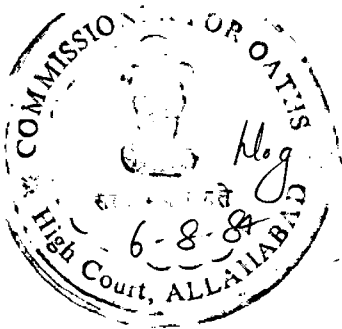
option for the post of conductor whereas M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad gave their option for the post of Senior Ticket Examiner.

6. That the post of Conductor in the grade of Rs.425-640(RS) was declared as non selection post which means that whenever any vacancy in the post of Conductor was to be filled the staff opting for the post of Conductor will be promoted on the basis of seniority whereas the posts of Senior Ticket Examiner and Head Ticket Collector were declared to be selection posts and as such the staff opting for the said posts shall get their promotion in the said grade after passing the selection test.

7. That in the year 1978 a upgrading of the posts in the Checking Branch was made with effect from 1.1.1979. On the basis of this upgrading the Senior Divisional Personnel Officer, Northern Railway, Lucknow, by his letter dated 30.8.1980 worked out and found out 23 posts to be upgraded in the grade of Rs.425-640 (RS). The said 23 posts according to categorywise strength were described as under :-

- (i) 3 posts of Conductors
- (ii) 16 posts for Senior Ticket Examiners
- (iii) 4 posts for Head Ticket Collectors

8. That according to the aforesaid upgrading of posts the petitioners were promoted on the posts of Conductors on the basis of the option given by them. Similarly M/S Syed Izhar Alam, Ranjeet Singh and Qazi Anis Ullah



Qazi Anis Ullah

(A71)

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-4-

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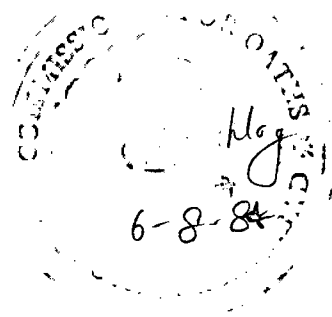
Anis Ullah (deponent) were promoted as Senior Ticket Examiners. It may be mentioned that the petitioner nos. 2 and 3 were promoted as Conductors temporarily against existing vacancies by letter dated 19.1.1979 and petitioner no.1 was promoted on adhoc basis w.e.f. 30.8.1980.

9. That the Railway Board by its letter dated 20.12.1983 made a re-structuring of the posts and accordingly the posts of Checking Branch in the grade of Rs.425-640 were revised from 15.4% to 29% w.e.f. 1.1.1984. According to this letter all the three categories, that is, Conductors, Senior Ticket Examiners and Head Ticket Collectors were entitled to the benefit of re-structuring of posts w.e.f. 1.1.1984.

10. That the selection for the posts of Senior Ticket Examiners in the grade of Rs.425-640(RS) in which M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad appeared was held on 25.10.1979 but for certain administrative reasons the results were held up. This selection test was held to give benefit for the post of Senior Ticket Examiners in the grade of Rs.425-640 on the basis of the previous upgrading of posts by letter dated 30.8.1980 w.e.f. 1.1.1979 .

Qazi Anis Ullah

11. That on the basis of the representations/appeals filed by the persons affected by the non declaration of the results for selection of Senior Ticket Examiners they were required to appear in another selection test on 15.6.1983 and 20.10.1983. The result of this selection was declared on 9.2.1984. In the said



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selection M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad were declared successful and were accordingly given full benefits of pay and seniority w.e.f. 1.1.1979 on the basis of the railway Board's letter dated 30.8.1980.

12. That on the basis of the result of the selection for the posts of Senior Ticket Examiners and the facts and circumstances indicated above, a combined seniority list was drawn up and announced by notice dated 12.4.1984 for further promotion on the basis of selection for the post of Inspector of Tickets in the grade of Rs.700-900. According to the said notice M/S Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad found place at sl.nos. 17 to 20 respectively and have been shown senior to the petitioners who are placed at sl.nos. 29, 30 and 32 respectively. a

13. That in accordance with the directive from the General Manager (Personnel) dated 23.3.1984 the fixation of seniority of Head Ticket Examiners, Senior Ticket Collectors and Conductors in the grade of Rs.425-640(RS) for promotion as Chief Inspector Ticket is to be done on the basis of the length of service in the grade of Rs.330-560 (RS) keeping their inter-seniority in grade of Rs.425-640 (RS) in their respective categories intact.

14. That opposite parties appeared in the selection test as Senior Ticket Inspectors on the basis of

Qazi Anis Ullah

Hog

6-8-84



notice dated 12.4.1984 but when their names were not included in the selected list they made a representation which was allowed and the panel dated 26.5.1984 was cancelled and a fresh panel was declared on 8.6.1984 showing the names of the opposite parties (as STEs) in the said panel filed as Annexure No.8 to the writ petition and the petitioners, who were juniors, were depanelled and reverted to their substantive post in the grade of Rs.425-640 by notice dated 8.6.1984 filed as annexure no.9 to the writ petition.

15. That on the basis of the aforesaid notice dated 12.4.1984 the opposite parties were given benefit of restructuring of posts w.e.f. 1.1.1984 on the basis of Railway Board's letter dated 20.12.1983. This notice further indicates that the said opposite parties were given benefit of selection and empanelment on 9.2.1984 with effect from 1.1.1979 and thus placed senior to the petitioners.

16. That by letter dated 16/23.7.1984 of the Divisional Railway Manager, Lucknow, the staff in the grade of Rs.425-640 (RS) as a result of upgrading w.e.f. 1.1.1984 has been temporarily put to officiate in the grade of Rs.550-750 (RS) and posted on the same station. The said notice in order of seniority indicates the opposite parties Syed Izhar Alam, Ranjeet Singh, Qazi Anis Ullah and Tara Prasad at sl. nos. 1 to 4 whereas the petitioners are placed at sl.nos. 12, 13 and 14 respectively.

*Copy sent to all*



17. That the petitioners in the above writ petition have obtained a stay order dated 27.6.1984 during the summer vacations without impleading the applicants who are the necessary and proper parties in the above writ petition. The stay order has also been obtained by mis-representation and suppression of material facts.

18. That the applicants will be directly affected by any decision in the above writ petition and as such they are necessary and proper parties and entitled to be impleaded.

*Qazi Anis Ullah*  
Deponent.

Dated Lucknow:

August 6 , 1984.

Verification

I, the above-named deponent, do verify that the contents of paragraphs <sup>u</sup> 1 to 18 of this affidavit are true to my own knowledge and those of paragraphs <sup>u</sup> of this affidavit are believed to be true by the deponent. No part of it is false and nothing material has been concealed. So help me God.

*Qazi Anis Ullah*  
Deponent.

Dated Lucknow:

August 6 , 1984.

I identify the above-named deponent who has signed before me.

*Qazi Anis Ullah*  
Advocate.

(A 75)

न्यायालय In the Honble High Court of Judicature at  
Allahabad sitting at Lucknow.

वादी Power of D.P. No. 4, 5, 6 & 7 का

वकालतनामा

टिकट



Keshav Prasad Singh & others

बनाम

Union of India & others

प्रतिवादी



W.P. नं० 3045

सन् 1984 पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से सर्वश्री L. P. Shukla &  
Advocate

K.D. NAG, C-700, Mahanagar, Lucknow को अपना वकील नियुक्त करके प्रतिज्ञा  
(इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व जबाबदेही प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें  
या हमारी ओर से डिंगरी जारी करावें और रुपया वसूल करें या सुलहनामा इकबाल दावा  
तथा अपील व निगरानी हमारी ओर से दाखिल करें या तसदीक करें या मुकदमा उठावें या  
कोई रुपया जमा करें या हमारा विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपनी  
या हमारी हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा  
की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकालतनामा लिख  
दिया कि प्रमाण रहे और समय पर काम आवे।

अर्जेंट प्रसिद्ध

Ranjit Singh Tora Ramad (Sayed Ishaq Tora Ramad)  
हस्ताक्षर

साक्षी साक्षी

दिनांक

महीना

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स्वीकृत

Lubh Prapat Shukla  
Advocate

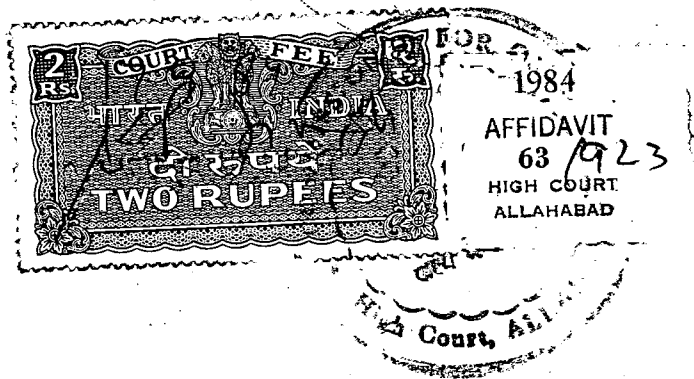
स्वीकृत

Kuldeep Singh

A76 8/1

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

Writ Petition No. 3046 of 1984.



*Hon'ble D.N. Jha, J.*  
*Keep on record.*

Keshav Prasad Singh  
and others.

.... Petitioners.

Versus

Union of India and  
others.

.... Opp. Parties.

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT  
OF OPPOSITE PARTY NO. 4 to 7.

*Q/A*

I, Keshav Prasad Singh, aged about 55 years, son of Shri Radha Mohan Singh, Senior Conductor, Northern Railway, Charbagh, Lucknow, resident of 30-B, Aishbagh, Lucknow do hereby solemnly affirm and state on oath as under :-

*Commissioner for Oath*  
*Shay.*  
*17-9-84*

1. That the deponent is the Petitioner No. 1 in the above writ petition and is doing pairvi for the petitioners no. 2 and 3. The deponent has read over and understood the contents of the Counter Affidavit and is fully conversant with the facts of the case deposed to herein.

*Prasanna*

2. That the contents of paras 1 to 7 of the Counter Affidavit under reply are not disputed with certain modifications about the appointment dates of

Contd.---2.

the petitioners. The deponent was appointed on 28.11.1952 and petitioner no. 2 and 3 were appointed on 19.3.1953 and 10.1.1955 respectively.

3. That the contents of para 8 of the Counter Affidavit under reply are wrong hence denied. It is submitted that the petitioners no. 2 and 3 were declared suitable for the post of Conductors in grade Rs. 425-640 (RS) on the basis of seniority-cum-suitability test which was held in the month of September, 1978 and subsequently were promoted as Conductors w.e.f. 25.11.1978 and 1.9.1979 and were made confirmed on the said posts w.e.f. 25.11.1979 and 1.12.1979 respectively and the deponent / Petitioner No. 1 was promoted on 30.8.1980 and confirmed as Conductor in grade Rs. 425-640 (RS) w.e.f. 12.12.1980 which is evident from Annexure No. 1 to the Writ Petition itself. It is further stated that opposite parties were promoted as S.T.Es. on ad-hoc basis on 30.8.1980 which clearly shows that they are too juniors to the Petitioners and they were even not confirmed on the

said posts. It is further submitted that date of increments of the petitioners No. 2 & 3 falls in the month of September and November every year as per their promotions dates in grade of Rs. 425-640 and the same is still continuing which can be verified from the service record which is with the P.W. Administration.

4. That the contents of para 9 of the Counter Affidavit under reply are not disputed.

5. That the contents of para 10 of the Counter Affidavit under reply are denied as the deponent has no knowledge about the alleged examination.

6. That as regards the contents of para 11 of the Counter Affidavit under reply, they are not admitted.

It is further submitted that in letter dated 9.2.1984 it is nowhere mentioned that the opposite parties have been given their seniority from 1.1.1979 and it is also clear from that letter they were promoted on ad-hoc basis to the post of Senior Ticket Examiners in grade of ~~Rs.425-640~~ Rs.425-640 (RS). It is further submitted that opposite party no. 4, Sri Tara Prasad, was working as Travelling Ticket Examiner in grade Rs. 330-560 (RS) and even not regularised vide Annexure No. 3 of the Writ Petition. It is very surprising to note that from where the opposite parties have got their seniority from 1.1.1979 when nothing has been mentioned in the letter aforesaid which is Annexure No. 2 to the Writ Petition. itself.

7. That the contents of para 12 of the Counter Affidavit under reply are wrong, hence denied. It is submitted that it is wrong to say that on 12.4.1984 seniority list was issued but the true fact is that the same was simply a call letter for the candidates to appear for the selection for the post of Chief Inspector of Tickets and Senior Conductors in grade Rs.700-900(RS). It is not disputed that the names of the petitioners were mentioned below to the opposite parties due to administrative error and against that the petitioners appeared in the selection under protest. A photo copy of the said Protest letter and representation is filed herewith as Annexure No. B-I.

8. That the contents of para 13 of the Counter Affidavit under reply are not admitted. It is further submitted that the alleged letter dated 23.3.84 is not at all relevant in the instant case of the petitioners;

the said letter relates only to the promotion for the posts in grade Rs. 550-750 (RS).

9. That the contents of para 14 of the Counter affidavit under reply are not admitted. It is further stated that the opposite parties were not included in the panel of grade of Rs. 700-900 (RS) as they were working in grade of Rs. 425-640 (RS) on ad-hoc basis from 1.1.1984 and opposite party no. 4 Sri Tara Prasad was working in grade Rs. 330-560 (RS), to which he was lower grade three times, and as per General Manager's letter dated 28.3.1984 (Annexure 4 to the writ petition) The were not entitled for promotion to grade Rs. 700-900 (RS) and as the petitioners were confirmed hands in Grade Rs. 425-640 (RS) since long they were considered for the post of Senior Conductors in grade Rs. 700-900 (RS) and were empanelled and promoted on the said post from 26.5.1984.

10. That the contents of para 15 of the Counter affidavit under reply are not admitted and the contents of paras 5 and 6 above are re-affirmed. The opposite parties were never given their seniority from 1.1.1979.

11. That the contents of para 16 of the Counter Affidavit under reply are not admitted as the said list of employees in grade Rs. 550-750 (RS) is totally illegal and prejudicial as the same has been issued after the filing of the Writ Petition and is in violation of Stay Order of this Hon'ble Court. As per panel of grade 700-900 (RS) dated 26.5.84 in which the petitioner were declared promoted as senior Conductors in grade Rs. 700-900 (RS) and the Opposite Parties were not promoted.

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✓ which clearly indicates that the petitioners are senior to the opposite parties in grade Rs. 425-640 (RS) and Rs. 700-900 (RS) as they were confirmed as Conductor prior to the opposite parties.

12. That as regards the contents of paragraph 17 of the Counter Affidavit under reply, the contents of paras 1 and 2 of the Writ Petition are reaffirmed.

It is further stated that petitioners no. 2 and 3 were promoted in the year 1978 and subsequently petitioner no. 1 was placed above in seniority list of the Conductors on his representation vide office order no. 757-E-6/8-Conductors dated 3.4.1984 which is itself evident from the Annexure No. D-3 filed with the Counter Affidavit. A true copy of the said <sup>2 Photo copy of seniority list</sup> ~~inter~~ order is enclosed herewith as Annexure No. R-II, <sup>IV</sup> and nobody has ever objected the same.

13. That as regards the contents of para 18 of Counter Affidavit under reply the contents of paras 3 to 6 of the writ petition are reaffirmed and contrary averments made in para under reply are denied.

14. That as regards the contents of para 19 of Counter Affidavit under reply, the contents of para 7 of the writ petition are reaffirmed and the contrary averments made in para under reply are denied.

It is further submitted that letter of General Manager dated 28.3.1984 contained in Annexure No. 4 of the Writ Petition is totally applicable in the instant case and as per the said instruction the opposite parties are not entitled for promotion ~~in~~ in grade Rs. 700-900 (RS).



15. That as regards the contents of para 20 and 21 of the Counter Affidavit under reply, the contents of para 7 of this rejoinder affidavit are reaffirmed and contrary averments made in para under reply are denied.

It is further submitted that the said selection letter for the post of Conductors by the Railway Authorities dated 28.3.1984 is wholly against the clear instructions of the General Manager as per Annexure No. 4 to the Writ Petition. It is further stated that the aforesaid list was only a call letter for the candidates so question of its challenge never arise but the petitioners made a representation against the said notice which is Annexure No. R.I and the Opposite parties are not senior ~~and~~ in anyway to the Petitioners.

16. That as regards the contents of para 22 of Counter Affidavit under reply, the contents of para 10 and 11 of the Writ Petition are reaffirmed and contrary averments made in para under reply are denied. The Opposite parties were rightly not included in the panel dated 26.5.1984 of successful candidates for the grade of Rs. 700 - 900 as they were not found suitable and they ~~were not found suitable~~ were unsuccessful candidates and were never selected for said post.

17. That as regards the contents of paras 23 and 24 of Counter Affidavit under reply, the contents of paras 12 and 13 of Writ Petition are reaffirmed and contrary averments made in para under reply are denied.

It is further submitted that the petitioners are too senior than the Opposite parties and they are duly selected and promoted by the Railway ~~Authorities~~ Administration and the opposite parties were declared

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disqualified in the selection due to which their is the panel of the selected candidates for the post of 700-900 and as per General Manager's instructions contained in Annexure No. 4 to Writ Petition, they were not even eligible for consideration of promotion for the post of grade 700-900.

It is further submitted that from where the opposite parties have got their promotion in Grade Rs. 425-640 w.e.f. 1.1.1979. It is further submitted that the opposite parties are not included in the revised panel dated 8.6.1984 contained in Annexure No. 8 to the Writ Petition which clearly shows that they were again~~st~~ declared unsuccessful and unsuitable candidates.

18. That as regards the contents of para 25 of Counter Affidavit under reply, the contents of para 14 of Writ Petition are reaffirmed and contrary averments made in para under reply are denied. The cancellation of the earlier panel of the Petitioners and as subsequently deletion of their names in the subsequent panel is totally illegal and incompetent.

19. That as regards the contents of paras 26, 27 and 28 of the Counter Affidavit under reply, the contents of paras 15, 16 and 17 of the Writ Petition are reaffirmed and contrary averments made in para are denied.

It is wrong to say that cancellation of the panel of the petitioner was a corrective measure of the Railway Administration but the same has been done to harm and harass the Petitioners by reverting them being a subsequent candidates and promoting the Opposite parties who were declared unsuccessful. I

Contd.-----8

It is further submitted that by ~~cancellation~~ cancelling the panel of the petitioners the Railway Administration has acted against the Rule 2027 A of the Indian Railway Establishment Code.

20. That as regards the contents of para 29 of Counter Affidavit under reply, the contents of para 19 of the Writ Petition are reaffirmed.

It is further submitted that the opposite parties have not been included ~~that~~ in the revised panel even then they have been promoted which clearly indicates the malafide intention and act of the Railway Administration.

21. That as regards the contents of para 30 of Counter Affidavit under reply, the contents of para 19 of the Writ Petition are reaffirmed and contrary averments made in para under reply are denied. The opposite parties have acted arbitrarily and also against the provisions of Rule 314 of the Indian Railway Establishment Manual which provides that the Railway Servant ~~born~~ borne on an earlier panel shall be senior to those selected later and as per this rule the petitioners were impanelled and confirmed prior to opposite parties as conductors in Grade 425-640 and thus they are senior to them in every respect but the Railway Administration without considering this fact has reverted the Petitioners without complying the provisions of <sup>Rule 2</sup> 2027 A of the Railway <sup>code</sup> ~~Code~~ and also has not given any opportunity to the petitioners before reverting them and thus they have violated the Railway Rules as well as the provisions of Article 311 of Constitution of India and the principles of natural justice.

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22. That ~~the~~ as regards the contents of paras 31 and 32 and 33 of the Counter Affidavit under reply the contents of paras 20, 21 and 22 of the Writ Petition are reaffirmed and the contrary averments made in para under reply are denied.

23. That as regards contents of paras 34 and 35, 36 of Counter Affidavit under reply, the contents of paras 23. 24 of the Writ Petition are reaffirmed and contrary averments made in para under reply are denied.

It is further stated that the petitioners are still holding the post of senior conductors on the basis of stay order granted by this Hon'ble Court dated 27.6.1984 and the opposite parties have been reverted to their substantial post of 425-640. The petitioners have been illegally and malafidely are reverted by the opposite party no. 3 inspite of their duly selected for the post of Senior Conductor and thus they have been degraded in status as well as subjected to financial losses which can not be done by opposite party no 1 to 3 <sup>or</sup> without complying the Rules and ~~any~~ Regulations of the Railway Code but they have reverted the Petitioners vide Annexure No. 9 to the Writ Petition which is illegal and is not sustainable in the eye of law and deserves to be quashed and the Writ Petition is liable to be allowed.

Lucknow,  
Dated: 17.9.84

*Asmgh*  
Deponent.

Contd.-----10

VERIFICATION

Respectfully,

Deponent:

Chauker  
Advocate. Adv.

17-9-24

  
Oath Commissioner.

No. 63/923  
Date 17-9-24

(A86) 11

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

Writ Petition No. 30 46 of 1984

Keshav Prasad Singh and others.

--- Petitioner.

Versus

Union of India and others.

--- Cpp. Parties.

ANNEXURE NO. R - I

To,

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

Sub.: Selection for the post of CIT grade 700-900  
Ref.: Your office letter No. 181.E/6-8-IV dt.12.4.84  
.....

Sir,

We the undersigned very humbly and respectfully beg to inform that the inter-se-seniority of grade 525-640 (CDR Hd. TC STEs) published vide letter No. under ref. is defective and violative of the railway rules from which several representation have already been presented to your goodself.

In a result of the , the ADRM has agreed to and has sent a note No. 181.E/5/6-8/IV dated 23.4.84 to the CM(P) N. Rly., New Delhi as well as your kindself has also been pleased to withheld the result of the same selection till 15.5.84 after the discussion of with the delegation of Ticket Checking staff on 25.4.84.

We the undersigned appeared before the selection Board under the PROTEST and it should please be registered accordingly.

Thanking you,

yours faithfully,

Dated 26.4.1984

| S.No. | <del>Sr.No.</del> | Name                                  | Desig Hd. Qr. | Si  |
|-------|-------------------|---------------------------------------|---------------|-----|
| 1.    |                   | K.P. Singh, Conductor, Lucknow        |               | Sd. |
| 2.    |                   | Prem Dass K.P. Hd. T.C. Lucknow.      |               | Sd. |
| 3.    |                   | H.S. Sharma, Capt. Conductor,         |               | Sd. |
| 4.    |                   | Y.S. Misra, Conductor, Lucknow        |               | Sd. |
| 5.    |                   | Puran Lal, HTC / Lucknow.             |               | Sd. |
| 6.    |                   | S.K.L. Trivedi, Hd. TC / Lucknow      |               | Sd. |
| 7.    |                   | K.K. Sachdeva,                        |               | Sd. |
| 8.    |                   | Shyam Narain Srivastava, Conductor/Lk |               | Sd. |
| 9.    |                   | Mohd. Moin , Hd. TC Ø Faizabad,       |               | Sd. |
| 10.   |                   | Puran Masi, Conductor, / Lucknow      |               | Sd. |
| 11.   |                   | R.A. Srivastava, Conductor, /Lucknow  |               | Sd. |
| 12.   |                   | R.S. Ahalwalia, Hd. TC/ Baneras       |               | Sd. |

True copy ::

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

Writ Petition No. 3046 of 1984.

K.P. Singh & others.

.. Petitioners.

Versus

Union of India & others.

.. Opp. Parties.

ANNEXURE NO. R-III.

Northern Railway.

No. 85526/8-Conductors.

Divl. Office.  
Lucknow.

The Station Supdt. Lucknow.

The Divl. CIT Lucknow.

The Divl. Secretary NEMU Charbagh, Near Guard Railway, Lucknow.

The Divl. Secretary, UEMU, Near Parcel Office, Lucknow.

Sub:- Provisional seniority list of conductors  
scale Rs. 425-640(RS).

The provisional seniority list of Conductors scale  
Rs. 425-640(RS) is sent herewith for information please. It  
should be given wide publicity so as to enable the staff to submit  
representation, if any, within one month from the date of issue  
of this letter.

Representation if any, received should immediately be  
forwarded to this office. In case no representation is received  
in this office by the target date, it will be assumed that the  
seniority list is correct and treated as final.

Any error or omission noticed in respect of service particulars  
of the staff should be brought to the notice of this office at once.

DA/As above.

J.4/5

*(K. K. Mehta)*  
for Divl. Personnel Officer,  
Lucknow.

5/5/82

*17-9-82*

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 100-1 for the 100-100.



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

Writ Petition No. 30 46 of 1984

Keshav Prasad Singh and others. --- Petitioner.

Versus

Union of India and others. --- Opp. Parties.

ANNEXURE NO. R - I

To,

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

Sub.: Selection for the post of CIT grade 700-900  
Ref.: Your office letter No. 181.E/6-8-IV dt.12.4.84

.....

Sir,

We the undersigned very humbly and respectfully beg to inform that the inter-se-seniority of grade 525-640 (CDR Hd. TC STEs) published vide letter No. under ref. is defective and violative of the railway rules from which several representation have already been presented to your goodself.

In a result of the , the ADRM has agreed to and has sent a note No. 181.E/5/6-8/IV dated 23.4.84 to the CM(P) N. Rly., New Delhi as well as your kindself has also been pleased to withheld the result of the same selection till 15.5.84 after the discussion of with the delegation of Ticket Checking staff on 25.4.84.

We the undersigned appeared before the selection Board under the PROTEST and it should please be registered accordingly.

Thanking you,

Dated 26.4.1984

yours faithfully,

| S.No. | Sr.No. | Name                                    | Desig Hd. Qr. | Sig. |
|-------|--------|-----------------------------------------|---------------|------|
| 1.    |        | K.P. Singh, Conductor, Lucknow          |               | Sd.  |
| 2.    |        | Prem Dass K.P. Hd. T.C. Lucknow.        |               | Sd.  |
| 3.    |        | H.S. Sharma, Capt. Conductor,           |               | Sd.  |
| 4.    |        | Y.S. Misra, Conductor, Lucknow          |               | Sd.  |
| 5.    |        | Puran Lal, HTC / Lucknow.               |               | Sd.  |
| 6.    |        | S.K.L. Trivedi, Hd. TC / Lucknow        |               | Sd.  |
| 7.    |        | K.K. Sachdeva,                          |               | Sd.  |
| 8.    |        | Shyam Narain Srivastava, Conductor/Lko. |               | Sd.  |
| 9.    |        | Mohd. Moin, Hd. TC / Faizabad,          |               | Sd.  |
| 10.   |        | Puran Masi, Conductor, / Lucknow        |               | Sd.  |
| 11.   |        | R.A. Srivastava, Conductor, / Lucknow   |               | Sd.  |
| 12.   |        | R.S. Ahalwalia, Hd. TC/ Baneras         |               | Sd.  |

*Chand*  
:: True copy ::

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

Writ Petition No. 3046 of 1984.

Keshav Prasad Singh and others. --- Petitioners.

Versus

Union of India and others. --- Opp. Parties.

ANNEXURE NO. R-II

No. 757 E-6/81-Conductor

Divl. Officer

Lucknow Dt. 3.4.84

Notice

Shri K. P. Singh, Conductor, Lucknow grade 425-640 (IS) has been assigned seniority below item No. 3 Shri K.L. Tondon and above item No. 6 Shri K.K. Sachdeva in the seniority list issued vide this office letter No. 853-E-6/8-Conductor dated 5.5.82.

This may be brought to the notice of the Staff Concerned, representation if any received showed immediately be forwarded to this office.

For Sr. Divl. Panel Officer,  
Lucknow.

Copy to 1. SS/ Lko.

2. DCIT/ Lko.

3. Sri K.P. Singh, Conductor/ Lucknow  
for information.

17-9-84  
17-9-84  
17-9-84

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1. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, at Washington, D.C., on July 1, 1964.

2. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, at Washington, D.C., on July 1, 1964.

3. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, at Washington, D.C., on July 1, 1964.

4. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, at Washington, D.C., on July 1, 1964.

5. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, at Washington, D.C., on July 1, 1964.

6. The following information was obtained from the records of the Department of the Interior, Bureau of Land Management, at Washington, D.C., on July 1, 1964.

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the petitioners and since they are senior to the petitioners in length of service. Syed Inam Khan was appointed as Ticket Collector on 26.00.1935, Syed Inam Khan was appointed as Ticket Collector on 20.2.1937, and also Ali B (depression) was appointed as Ticket Collector on 21.6.1949 and Vera Singh was appointed as Ticket Collector on 3.12.1949 whereas petitioner No.1 was appointed as Ticket Collector on 20.11.1952, petitioner No.2 on 12.2.1953 and petitioner No.3 on 10.1.1955.

2. That the petitioners were promoted in the grade higher to 1.0330-500 (1) after 1/5 Syed Inam Khan, Syed Inam Khan, and also Ali B (depression) and Vera Singh. As per the petitioners are again junior in the promotion grade also. In the promotion grade of 1.0330-500 Syed Inam Khan was promoted on 31.12.1955, Syed Inam Khan on 3.7.1960, and also Ali B on 6.11.1962 and Vera Singh on 5.11.1962.

3. That the petitioners as well as 1/5 Syed Inam Khan, Syed Inam Khan, and also Ali B and Vera Singh who were working as Train Ticket Collectors in the grade of 1.0330-500 (1) were required to give up for promotion in the grade of 1.0330-500 (1) for the following posts in the same grade :-

- (1) Senior Clerk
- (2) Senior Ticket Collector
- (3) Senior Ticket Collector

4. That the petitioners accordingly gave their



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8. At meeting of the afternoon upholding of  
points of view were presented on the basis of  
information on the basis of the opinion given by them  
mainly by Mr. John Smith, Mr. John Smith and Mr.  
John Smith (deceased) was presented to Senior Victor  
Smith. It was concluded that the position  
was 2 and 3 was presented to conduct so temporarily  
and not ending; was done by 1.1.1979  
and by letter No. 1 was accepted on other basis No. 8.  
20.0.1980.

9. The the railway dated by the letter dated  
20.12.1983 made a recommendation of the points and  
recommendations by the basis of checking branch in the grade  
of 1.1.1984 was revised from 15.00 to 25.00 No. 2.  
1.1.1984. According to this letter all the three  
concerned, the 15, 20, 25, Senior Victor Smith, Senior  
Victor Smith and Victor Smith were entitled to the benefit  
of points covering of points No. 2. 1.1.1984. A copy  
copy of the railway dated by letter dated 20.12.1983 is  
given as enclosure No. 1 to this letter No.

10. It is the collection for the points of Senior  
Victor Smith in the grade of 1.1.1984 (1.1.1984) in which  
Mr. John Smith, Mr. John Smith, and Mr. John Smith  
and Mr. John Smith were presented on 25.10.1979 but for  
certain administrative reasons the results were held  
up. The collection was held to give benefit for  
the points of Senior Victor Smith in the grade of  
1.1.1984 on the basis of the previous upholding of  
points by letter dated 20.0.1980 (No. 1) No. 2.

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17. On the basis of the results of the selection process, the names of the following candidates and the dates of their selection are as follows: A continued selection list was drawn up and announced by notice on 12.4.1953 for further selection on the basis of the results of the test of character of candidates in the grade of 1st class. According to the said notice, the names of the candidates, namely, Singh, and Singh, and Singh, were placed at the nos. 17 to 20 respectively and have been given seniority to the grade of 1st class on 1.1.54 at the nos. 25, 26 and 27 respectively. The names of the candidates on 12.4.1953 showing the continued selection list for the grade of 1st class are as follows:

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... the ... in the ... to ...  
... to ... to ...

13. That in a ... the ... from the ...  
... dated 8.9.1923 the ...  
... of ... of ...  
... in the ... of ...  
... up ... Inspector ...  
... on the ... of the ... of service ...  
... (1930-1931) ... their ...  
... in ... in their ...  
... A ... of the ... dated ...  
... the ... ( ... ) to ...  
... to ...

14. That ... in the ...  
... on the ... of the ...  
... dated 12.4.1923 the ...  
... they ...  
... and the ... dated 26.9.1923 was ...  
... on 6.6.1923 ...  
... of the ... ( ... )  
... to the ...  
... the ... were ...  
... to their ... in ...  
... by notice dated 6.6.1923 ...  
... to the ...

15. That on the ... of the ...  
... dated 12.4.1923 the ...  
... of ... 1.9.1923 on the ...



of the ... 20.11.1970. ...  
... 20.11.1970 ...  
... 20.11.1970 ...  
... 20.11.1970 ...

16. ... 16/20.7.1970 of the ...  
... 16/20.7.1970 ...  
... 16/20.7.1970 ...  
... 16/20.7.1970 ...  
... 16/20.7.1970 ...  
... 16/20.7.1970 ...  
... 16/20.7.1970 ...  
... 16/20.7.1970 ...  
... 16/20.7.1970 ...  
... 16/20.7.1970 ...

17. ... 1 and 2 of the ...  
... 1 and 2 of the ...  
... 1 and 2 of the ...  
... 1 and 2 of the ...  
... 1 and 2 of the ...  
... 1 and 2 of the ...  
... 1 and 2 of the ...  
... 1 and 2 of the ...  
... 1 and 2 of the ...  
... 1 and 2 of the ...

18. ... 1 to 6 of the ...  
... 1 to 6 of the ...  
... 1 to 6 of the ...  
... 1 to 6 of the ...  
... 1 to 6 of the ...

and in the order to be denied.

11. That in reply to para. 7 of the writ petition it is stated that the decision contained in the letter of the General dated 29.9.1933 relates to the parcels of goods stored under 1.1.1935 respectively and does not relate to the parcels and as such it is not applicable to the parcels of the opposite parties who were eligible for collection to the post of Chief Engineer of the in the grade of 15700-000. In this context a certain note in the aforesaid paragraph of the affidavit is contradictory and contrary to the order to be denied.

22. That para 8 of the writ petition is denied. In the light of the facts and circumstances stated in the aforesaid paragraph of the affidavit the notice dated 12.6.1933 stating the increase of salary was completely in accordance with the letter of the General dated 29.9.1933. The officers having seniority to the petitioners in service were correctly placed higher in the said salary list. The petitioners having failed to challenge the said salary list are not allowed from challenging it in this writ petition. It is further denied as alleged that the said list was contrary to the instructions contained in the letter dated 29.9.1933 and as such it is not applicable to the writ petition. The panel dated 9.1.1935 in respect of Senior Electric Engineer was operative from 1.1.1935 and as such it did not come within the purview of the order dated 29.9.1933 regarding the parcels of goods stored under 1.1.1935.

any case the petitioners were also given benefit of preference in the grade of 1.625-660 u.o.s. 1.1.1979 with retrospective effect and the same benefit cannot be denied to the answering opposite parties.

20. That in reply to para 9 of the writ petition it is denied that the answering opposite parties were also called for selection by notice dated 12.6.1956 in which they were shown senior to the petitioners as already stated in the aforesaid paragraphs of this affidavit.

22. That paragraphs 10 and 11 of the writ petition as stated are denied. The names of the answering opposite parties were wrongly excluded from the panel of successful candidates. The petitioners being junior to the answering opposite parties in service were not entitled to be brought on the panel for promotion to the next higher scale of 1.675-900.

23. That para 12 of the writ petition as stated is denied. It is denied as alleged that the answering opposite parties, whose names were placed in the revised panel, were junior to the petitioners or that they were not selected for the posts in question. It is further denied as alleged that they were disqualified from being selected under General Manager's order dated 26.2.1954. It is also denied as alleged that the answering opposite parties were unsuccessful in the selection held on 26.6.1956 to 28.6.1956. The correct facts are that the answering opposite parties having

been given benefit of promotion as (CPS No. 8. 1.1.1979) were entitled to be placed on the panel for promotion in the ratio of 1:700-900 on the basis of their seniority and length of service than the petitioners who were junior. The answering opposite parties have<sup>not</sup> been deliberately included in the above writ petition although they are necessary parties and as such the writ petition is liable to be dismissed on account of laches. The respondent is further advised to state that the cancellation of the answering opposite parties and the cancellation of the panel illegally drawn up are in accordance with the rules.

26. That para 13 of the writ petition as stated is denied. The petitioners have deliberately refrained from attending their duties and for the purpose of filing the above writ petition. The petitioners are thus guilty of concealment and misrepresentation and as such are not entitled to any relief claimed in the above writ petition.

27. That para 14 of the writ petition as stated is denied and the averments made in the aforesaid paragraph of this affidavit are re-iterated. The cancellation of the panel and cancellation of the answering opposite parties are valid in the facts and circumstances of the case. It is denied as alleged that the answering opposite parties were declared non-essential. The names of the staff securing qualifying marks in a selection are arranged in order of seniority and the vacancies occurring are filled in accordance with the list. The panel is drawn on the basis of seniority.

subject to exclusion of those and do not secure qualifying rank in the selection. A person, although possessing qualifying rank, may not get first place on the panel on the basis of inter-se seniority of the successful candidates.

26. That para 15 of the writ petition is denied. It is denied as alleged that the cancellation was done without the approval of the competent authority. It is reiterated that the corrected panel in the present case had the approval of the competent authority in accordance with the Railway Establishment Manual.

27. That para 16 of the writ petition as stated is denied. The order is legal and within rules. It is denied as alleged that the order amounts to overruling. It is merely a corrective measure.

28. That para 17 of the writ petition as stated is denied. In view of the averments made in the preceding paragraphs of this affidavit it is denied that the answering opposite parties were not qualified or that they were not selected for promotion.

29. That para 18 of the writ petition is denied. It is denied as alleged that the corrected panel incorporating the answering opposite parties has been drawn as a measure of punishment.

30. That para 19 of the writ petition is denied. The cancellation or rectification of the provisional list

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is in the instant case, is within the competence of the railway authorities as specified in Article 210 of the Indian Railway Establishment Manual. It was a corrective measure to protect the interest the rightful place to the answering or other parties which was denied to them. The claim of the petitioners to hold a place in the panel as a right is denied. It is further denied that there is any violation of natural justice or Article 311 of the Constitution.

30. That para 20 of the writ petition is denied in view of the facts and circumstances stated in the preceding paragraphs of this affidavit.

31. That in reply to para 21 of the writ petition the defence is advised to state that the representation was acknowledged inasmuch as no right accrued to the petitioners by their erroneous enrolment in a provident fund panel.

32. That para 22 of the writ petition is denied. It is denied that the cancellation of the panel amounts to revulsion on risk and chance policy.

33. That para 23 of the writ petition is denied. It is denied as alleged that the petitioners are still holding the posts of senior conductors. It is also denied that the petitioners will suffer any loss or injury in the facts and circumstances already stated above.

25. That para 26 of the writ petition is denied. No order of action accorded to the petitioners and the writ petition is dismissed and not maintainable on the grounds stated therein. The writ petition is liable to be dismissed with costs.

26. That the petitioners in the above writ petition have obtained a stay order dated 27.6.1993 during the pendency of the writ petition without implementing the answering or other parties who are necessary parties in the above writ petition. The stay order has also been obtained by misrepresentation and suppression of material facts. Thus the petitioners are guilty of laches and as such the stay order is liable to be vacated. The impugned order dated 6.6.1993 (Annexure No. 9 to the writ petition) has already been implemented in respect of the petitioners and as such the stay order dated 27.6.1993 has become infructuous.

Sd/- J. S. Chavhan

Deputy Commr.

10/7/93

Verification

I, the above-said deponent, do verify that the contents of paragraphs

of this affidavit are true to my own knowledge and those of persons

of this affidavit are believed to be true by the deponent. No part of it is false and nothing material

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has been cancelled. To help me find.

Dated this day:

Dependent.

August , 1933.

I identify the above-named document  
the one signed before me.

Advocate.

Solely affirmed before me on

at Com./Pon. by FBI and Miss Litch

the document who is identified by

FBI

Next to FBI

Advocate, Miss G. H. H. H. H. H.

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



THE UNIVERSITY OF CHICAGO  
CHICAGO, ILLINOIS

..... Petitioners  
Verma

SECRET

Divl. Office,  
Incl. new dt. 30.0.00

Two to six of 3 in the different categories of threat including Branch the following posts have been updated in OCLC 13425-646 (2).

- As a result of the above the undersigned  
recommends orders in serials 2485-649(12) are hereby  
issued in whose trials to have immediate effect:-

| No. | Name     | Present Location of the Org. | Presented in 60 to 62-640 (43) as a special agent. | Description        |
|-----|----------|------------------------------|----------------------------------------------------|--------------------|
| 1.  | W. H. H. | W. H. H.                     | Conductor/LLC                                      | Against upgraded 1 |
| 2.  | W. H. H. | W. H. H.                     | do                                                 | do                 |
| 3.  | W. H. H. | W. H. H.                     | do                                                 | do                 |
| 4.  | W. H. H. | W. H. H.                     | do                                                 | do                 |
| 5.  | W. H. H. | W. H. H.                     | do                                                 | do                 |
| 6.  | W. H. H. | W. H. H.                     | do                                                 | do                 |
| 7.  | W. H. H. | W. H. H.                     | do                                                 | do                 |
| 8.  | W. H. H. | W. H. H.                     | do                                                 | do                 |
| 9.  | W. H. H. | W. H. H.                     | do                                                 | do                 |
| 10. | W. H. H. | W. H. H.                     | do                                                 | do                 |



Declaracion de los miembros ..... Petitioner  
Union - 20 años ..... Off. Petition

Govt. of India  
(Home Dept)  
Ministry of Home Affairs (All India Service)  
(Home, Secy)

The State of Ohio,  
 ss. I, John A. Ryan,  
 County, Cuyahoga, and City of Cleveland.

Following out of a demand made by the staff side in Departmental Council (170) of the S.C.C., the Ministry of 1700 have decided that the following Group 'C' case order of 1712 be constructed as indicated in the enclosed document.

2. For the purpose of restructuring, the cadre strength as on 1.1.68 will be taken into account and will include those O/Ss and Reserve Cadre Posts.

Do. Staff selected and posted against the additional  
high grade posts as a result of restructuring will have  
credit by Dec 3 under also 1910-2174-2221-111 100.2 1.1.00.

4.0. The existing classification of the rates covered by these protective orders, as "Selection" and "Plan Selection" on the one hand, remains unchanged. However, for the purpose of identification of these orders as any individual 1% current location due for protection to only one rate above the grade of the post held by him, it remains on a similar basis, and each higher grade post is classified as a "Selection" post, the existing selection

22. On 11/10/60, in order to ensure that the  
 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844. 845. 846. 847. 848. 849. 850. 851. 8

[illegible]

b2. The information in collection statement is accurate and correct as far as it goes but only to the extent of the information in the collection statement and the information in the collection statement is correct as far as it goes.

2. The above information is being furnished to you for your information only. It is not to be used for any other purpose without the express written consent of the Bureau of the Census.

[illegible][illegible]

1. The following information is being furnished to you for your information and is not to be used for any other purpose. The information is being furnished to you for your information and is not to be used for any other purpose. The information is being furnished to you for your information and is not to be used for any other purpose.

It is intended that instructions, and recording of the use of the instrument should be completed before the use of these devices. The date of issue of the instrument positively will only be used to be

10. Finally, this is a highly sensitive and vital part of the country's defense. It is a matter of national security and the government has a duty to protect it. The information contained in this document is classified "Secret" and its disclosure to the public would be a serious breach of national security. It is requested that you handle this information with the utmost care and discretion.

11. How do you feel about this?

B110  
A/108

12. Early acknowledgment receipt.

(S/- L. Ventresca  
Jr. Director Gen. (ID)  
NY. Board.

10. Item: Indicating restructuring of certain group 'C'  
cases (Refer to Board letter No. 13111/CO/1/8/19  
cc. 22.12.09).

| P. No. Indicating Grade |              | Indication | Revised | Remarks |
|-------------------------|--------------|------------|---------|---------|
| Int. Check. 10/12       |              |            |         |         |
| 1.                      | a) 200-400   | 20.25      | 20.5    |         |
|                         | 11) 300-500  | 30.95      | 37.5    |         |
|                         | 111) 425-640 | 15.85      | 27.5    | 2       |
|                         | 1v) 550-750  | 1 5        | 9.5     |         |
|                         | v) 700-900   | 0.55       | 5.5     |         |

Note:- The cases of train conductors in grade 425-640  
is to be combined with the checking staff in the  
corresponding grade only for the limited purpose of  
determining higher grade posts in grade 550-750  
and 700-900 after which the category  
of train conductors will continue to exist as a  
separate category as at present.

True copy.

13114

169

22. 11. 1966. 10. 11. 1966. 10. 11. 1966.

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10. 11. 1966

10. 11. 1966

| No. | Name         | Rank/Post    | Selection    | Remarks |
|-----|--------------|--------------|--------------|---------|
| 1.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 2.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 3.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 4.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 5.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 6.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 7.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 8.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 9.  | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 10. | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 11. | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 12. | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 13. | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |
| 14. | 10. 11. 1966 | 10. 11. 1966 | 10. 11. 1966 |         |

|      |   |              |         |
|------|---|--------------|---------|
| 13.  | o | 1st. Class   | 2.00.00 |
| 14.  | o | 2nd. Class   | 1.00.00 |
| 15.  | o | 3rd. Class   | 0.50.00 |
| 16.  | o | 4th. Class   | 0.25.00 |
| 17.  | o | 5th. Class   | 0.12.50 |
| 18.  | o | 6th. Class   | 0.06.25 |
| 19.  | o | 7th. Class   | 0.03.12 |
| 20.  | o | 8th. Class   | 0.01.56 |
| 21.  | o | 9th. Class   | 0.00.87 |
| 22.  | o | 10th. Class  | 0.00.43 |
| 23.  | o | 11th. Class  | 0.00.21 |
| 24.  | o | 12th. Class  | 0.00.10 |
| 25.  | o | 13th. Class  | 0.00.05 |
| 26.  | o | 14th. Class  | 0.00.02 |
| 27.  | o | 15th. Class  | 0.00.01 |
| 28.  | o | 16th. Class  | 0.00.00 |
| 29.  | o | 17th. Class  | 0.00.00 |
| 30.  | o | 18th. Class  | 0.00.00 |
| 31.  | o | 19th. Class  | 0.00.00 |
| 32.  | o | 20th. Class  | 0.00.00 |
| 33.  | o | 21st. Class  | 0.00.00 |
| 34.  | o | 22nd. Class  | 0.00.00 |
| 35.  | o | 23rd. Class  | 0.00.00 |
| 36.  | o | 24th. Class  | 0.00.00 |
| 37.  | o | 25th. Class  | 0.00.00 |
| 38.  | o | 26th. Class  | 0.00.00 |
| 39.  | o | 27th. Class  | 0.00.00 |
| 40.  | o | 28th. Class  | 0.00.00 |
| 41.  | o | 29th. Class  | 0.00.00 |
| 42.  | o | 30th. Class  | 0.00.00 |
| 43.  | o | 31st. Class  | 0.00.00 |
| 44.  | o | 32nd. Class  | 0.00.00 |
| 45.  | o | 33rd. Class  | 0.00.00 |
| 46.  | o | 34th. Class  | 0.00.00 |
| 47.  | o | 35th. Class  | 0.00.00 |
| 48.  | o | 36th. Class  | 0.00.00 |
| 49.  | o | 37th. Class  | 0.00.00 |
| 50.  | o | 38th. Class  | 0.00.00 |
| 51.  | o | 39th. Class  | 0.00.00 |
| 52.  | o | 40th. Class  | 0.00.00 |
| 53.  | o | 41st. Class  | 0.00.00 |
| 54.  | o | 42nd. Class  | 0.00.00 |
| 55.  | o | 43rd. Class  | 0.00.00 |
| 56.  | o | 44th. Class  | 0.00.00 |
| 57.  | o | 45th. Class  | 0.00.00 |
| 58.  | o | 46th. Class  | 0.00.00 |
| 59.  | o | 47th. Class  | 0.00.00 |
| 60.  | o | 48th. Class  | 0.00.00 |
| 61.  | o | 49th. Class  | 0.00.00 |
| 62.  | o | 50th. Class  | 0.00.00 |
| 63.  | o | 51st. Class  | 0.00.00 |
| 64.  | o | 52nd. Class  | 0.00.00 |
| 65.  | o | 53rd. Class  | 0.00.00 |
| 66.  | o | 54th. Class  | 0.00.00 |
| 67.  | o | 55th. Class  | 0.00.00 |
| 68.  | o | 56th. Class  | 0.00.00 |
| 69.  | o | 57th. Class  | 0.00.00 |
| 70.  | o | 58th. Class  | 0.00.00 |
| 71.  | o | 59th. Class  | 0.00.00 |
| 72.  | o | 60th. Class  | 0.00.00 |
| 73.  | o | 61st. Class  | 0.00.00 |
| 74.  | o | 62nd. Class  | 0.00.00 |
| 75.  | o | 63rd. Class  | 0.00.00 |
| 76.  | o | 64th. Class  | 0.00.00 |
| 77.  | o | 65th. Class  | 0.00.00 |
| 78.  | o | 66th. Class  | 0.00.00 |
| 79.  | o | 67th. Class  | 0.00.00 |
| 80.  | o | 68th. Class  | 0.00.00 |
| 81.  | o | 69th. Class  | 0.00.00 |
| 82.  | o | 70th. Class  | 0.00.00 |
| 83.  | o | 71st. Class  | 0.00.00 |
| 84.  | o | 72nd. Class  | 0.00.00 |
| 85.  | o | 73rd. Class  | 0.00.00 |
| 86.  | o | 74th. Class  | 0.00.00 |
| 87.  | o | 75th. Class  | 0.00.00 |
| 88.  | o | 76th. Class  | 0.00.00 |
| 89.  | o | 77th. Class  | 0.00.00 |
| 90.  | o | 78th. Class  | 0.00.00 |
| 91.  | o | 79th. Class  | 0.00.00 |
| 92.  | o | 80th. Class  | 0.00.00 |
| 93.  | o | 81st. Class  | 0.00.00 |
| 94.  | o | 82nd. Class  | 0.00.00 |
| 95.  | o | 83rd. Class  | 0.00.00 |
| 96.  | o | 84th. Class  | 0.00.00 |
| 97.  | o | 85th. Class  | 0.00.00 |
| 98.  | o | 86th. Class  | 0.00.00 |
| 99.  | o | 87th. Class  | 0.00.00 |
| 100. | o | 88th. Class  | 0.00.00 |
| 101. | o | 89th. Class  | 0.00.00 |
| 102. | o | 90th. Class  | 0.00.00 |
| 103. | o | 91st. Class  | 0.00.00 |
| 104. | o | 92nd. Class  | 0.00.00 |
| 105. | o | 93rd. Class  | 0.00.00 |
| 106. | o | 94th. Class  | 0.00.00 |
| 107. | o | 95th. Class  | 0.00.00 |
| 108. | o | 96th. Class  | 0.00.00 |
| 109. | o | 97th. Class  | 0.00.00 |
| 110. | o | 98th. Class  | 0.00.00 |
| 111. | o | 99th. Class  | 0.00.00 |
| 112. | o | 100th. Class | 0.00.00 |

Provisionally  
subject  
to the deci-  
sion of  
in service

10/- 11/10  
12/6/11  
For Divisional Railway Manager,  
Northern Railway, Lucknow.

~~7/10~~

Pat. Application No. 3025 of 1936

Location: \_\_\_\_\_

010-010

Unsc: 12 India - others \*\*\*\*\* Opp: Forties

## Introduction

100-443887-100

Local Quarters Office,  
London House,  
New Delhi.

100-55467-52-1173)

20.3.1928

The National Army Museum,  
London, England.

LD LU MD JU.

Sub: Revision of hierarchy of E-1 thru E-7000 and conductors grade E-425-640 (1) for promotion to 7A grade E-550-750 (2).

is not a selection channel of promotion to the post of commander. Hd. Qs. grades 425-540(1) and 425-540(2) are the staff posts in the grade 330-500(1) are called for promotion against one of the three vacancies. The post of Commander grade 425-540(3) is non selection post while the post of Hd. Qs. and Hd. Qs. (grades 425-540(1) and 425-540(2)) are selection posts.

The problem of preparing the seniority of the above mentioned three categories for the purpose of their further promotion on GRT grade 550-750 (A) has been considered and GRT has decided in consultation with both the specialized unions that the seniority of the staff in the 3 categories in grade (25-640 (A)) at the time of their promotion as GRT in grade 550-750 (A) be prepared on the basis of their length of service in grade 330-550 (A) keeping their internal seniority in grade 25-640 (A) intact.

1 in their respective categories.

30/-  
(Ajit Singh)  
for General Manager (P)

**210 COPY**



MINISTRY OF DEFENSE  
GENERAL STAFF

112

File No. 1983

Union of Soviet Socialist Republics ..... 1-11-1983

Verbits

Union of Soviet Socialist Republics ..... App. Parties

100727-1005

100727-1005

100727-1005

Divisional Office  
100727-1005  
16/7/83  
23

100727-1005

(1) In a series of expanding work, the following staff  
to grade 1005-1005 (1) for temporarily put to officiate  
in 1005-1005 (1) and posted on the same station.

| No. | Name      | Posted    | Location |
|-----|-----------|-----------|----------|
| 1.  | 1005-1005 | 1005-1005 |          |
| 2.  | 1005-1005 | 1005-1005 |          |
| 3.  | 1005-1005 | 1005-1005 |          |
| 4.  | 1005-1005 | 1005-1005 |          |
| 5.  | 1005-1005 | 1005-1005 |          |
| 6.  | 1005-1005 | 1005-1005 |          |
| 7.  | 1005-1005 | 1005-1005 |          |
| 8.  | 1005-1005 | 1005-1005 |          |
| 9.  | 1005-1005 | 1005-1005 |          |
| 10. | 1005-1005 | 1005-1005 |          |
| 11. | 1005-1005 | 1005-1005 |          |
| 12. | 1005-1005 | 1005-1005 |          |
| 13. | 1005-1005 | 1005-1005 |          |
| 14. | 1005-1005 | 1005-1005 |          |
| 15. | 1005-1005 | 1005-1005 |          |
| 16. | 1005-1005 | 1005-1005 |          |
| 17. | 1005-1005 | 1005-1005 |          |

He will work as 1005-1005  
officials at 1005-1005  
also look after the  
job of 1005-1005  
further orders

|     |           |           |  |
|-----|-----------|-----------|--|
| 18. | 1005-1005 | 1005-1005 |  |
| 19. | 1005-1005 | 1005-1005 |  |
| 20. | 1005-1005 | 1005-1005 |  |
| 21. | 1005-1005 | 1005-1005 |  |
| 22. | 1005-1005 | 1005-1005 |  |
| 23. | 1005-1005 | 1005-1005 |  |
| 24. | 1005-1005 | 1005-1005 |  |



A  
114

Application No.

( ) of 1904

1. [unclear] [unclear], [unclear] about 54 years, son of [unclear] [unclear] [unclear], resident of 11/7 [unclear] [unclear], [unclear].
2. [unclear] [unclear], [unclear] about 50 years, son of [unclear] [unclear] [unclear], resident of [unclear] [unclear], [unclear] [unclear] [unclear] [unclear], [unclear].
3. [unclear] [unclear], [unclear] about 57 years, 177 [unclear] [unclear], [unclear] [unclear], [unclear].
4. [unclear] [unclear], [unclear] about 50 years, son of [unclear] [unclear] [unclear], resident of 24/15 [unclear] [unclear] [unclear], [unclear] [unclear], [unclear].

..... Applicants

In No.

Application No. 3046 of 1904

[unclear] [unclear] [unclear] [unclear] ..... Petitioners

[unclear]

[unclear] [unclear] [unclear] ..... Opp. Parties

Application for Enforcement.

The applicants above-named most respectfully beg to submit as follows :-

That for the facts and circumstances stated in the accompanying affidavits the applicants are the necessary and proper parties in the above writ petition.

It is most respectfully prayed that the applicants 1/2 Syed Iqbal Ali, Mangot Singh, and Aris Bish and sons & sons may be ordered to be added as opposite parties 6 to 7 respectively in the above writ petition.

Dated this day:

August , 1934.

(L. S. Gahla)

Advocate,

Counsel for the applicants.

B117

$$\frac{A}{116}$$

... ..

.....

Doc No. 042 of 073  
1998-1999 \*\*\*\*\* 1998-1999

\*\*\*\*\* 17.00000

2. The total gold, or about 97 tons, 897  
...  
...  
...  
...  
...

to the fact that the same thing has happened in the past. The fact that the same thing has happened in the past is a strong indication that it will happen again. The fact that the same thing has happened in the past is a strong indication that it will happen again. The fact that the same thing has happened in the past is a strong indication that it will happen again.

[illegible]

B118  
A  
117

and the collection of the same in the  
year 1950 in the month of May. For the year 1950  
the collection of the same was made on 26.10.1950,  
subject Singh was appointed as a collector on  
20.2.1957, and also Singh (Collector) was appointed as  
collector on 21.6.1957 and also Singh was  
appointed as a collector on 3.12.1957 whereas  
subject Singh was appointed as a collector on  
7.10.1958, and also Singh on 17.3.1959 and also Singh  
no.2 on 10.1.1955.

3. The collection of the same was made in the  
month of May 1950 (F. No. 550-560) and also Singh  
2.12.1950, subject Singh, and also Singh (Collector)  
on 2.12.1950. The collection of the same was made  
in the month of May 1950. In the month of  
May 1950 (F. No. 550-560) and also Singh was appointed on  
21.12.1957, subject Singh on 2.7.1958, and also Singh  
on 6.11.1958 and also Singh on 5.11.1958.

4. The collection of the same was made on 17.12.1958  
and also Singh, and also Singh and also Singh  
while making the same collection in the month of  
May 1950 (F. No. 550-560) and also Singh was appointed as  
collector in the month of May 1950 (F. No. 550-560) for the  
collection of the same in the month of May.

- (1) Collector
- (2) For the year 1950
- (3) For the year 1950

5. The collection of the same was made on 17.12.1958

1. The first of the three was to 10. The second  
 2. The second of the three was to 10. The second  
 3. The third of the three was to 10. The second

6. The Director of Character in the case of  
4425-611117 who received no non selection post which  
he is then to receive any vacancy in the post of character  
unit is to attend the civil service for the post of  
character and shall be provided on the basis of character  
unit in the case of Director, Agent, Officer and Head  
of the character unit, assigned to the selection post  
and to such the civil service for the case shall  
be the selection in the civil service office as being  
the selection unit.

7. In the year 1970 a weighing of the cargo on the 22nd September was made with a result of 10.1.1979. In the light of this weighing the Senior Divisional Commercial Officer, Baramulla Railway, has been by the letter dated 30.0.1980 advised that and found that 23 tons is to be charged in the year of 1982-83 (1981-82). The said 23 tons according to categorywise research was decided as under :-

- (21) 3 groups of Conductors
- (22) 10 groups for Souler Ticket and Inco
- (23) 6 groups for 1st Ticket Collectors

0. In connection with the aforesaid upgrading of posts the 1st Infantry Coy. posted 3 on the posts of positions on the basis of the scores given by them. Similarly, 1st and 2nd Bn., subject informed and







noted on April 22.4.1934 that when their names were also included in the selected list they were a representative of the unit concerned and the second dated 26.5.1934 was a receipt and a final panel was completed on 3.6.1934 during the course of the collection in 1933 (see 17 a) in the field card filed on a separate card to the unit collection and the politicians, who were junior, were designated and reverted to their substantive post in the month of 7.6.35-640 by reference dated 3.6.1934 filed as previously noted to the unit collection.

15. That on the basis of the aforesaid notices dated 12.04.1973 the opposite parties were given benefit of arrears pending of p.w.s No.2. 1.1.1973 on the basis of a letter to the Govt of dated 29.12.1969. This notice further stipulated that the said opposite parties were given benefit of collection and expenditure on 9.2.1973 with effect from 1.1.1972 and thus issued order to the effect that.

16. That by letter dated 10/23.7.1964 of the Director of Army Welfare, Madras, the staff in the grade of 1552-6401 (A) on a par is of upgradation No. 8. 1.1.1965 has been temporarily put to cessation in the grade of 1552-750 (A) and posted on the same station. The said notice in order of seniority indicates the positions of the staff in the grade of 1552-750 (A) and into which and how many of them are placed at classes 12, 13 and 14 respectively.

A  
122

17. That the witnesses in the above test positions have obtained a copy of the dated 27.6.1934 showing the curve of the surface without employing the optical and the necessary and proper parties in the above test positions. The copy of the same has also been obtained by the Government from the Government of the State of India.

18. That the witnesses will be directly affected by any decision in the above test positions and as such they are entitled to the proper parties and entitled to be represented.

Witnesses:

Witnesses:

August, 1934.

Declaration

I, the undersigned, do hereby declare that the contents of the above 1 to 18 of the above test positions and the contents of the above test positions are true and correct.

of this declaration was also made by the Government in part of the above test positions and has been concluded. To be true.

Witnesses:

Witnesses:

August, 1934.

I hereby declare the above and Government the true and correct.

Witnesses:

# ORDER SHEET.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

3046

of 198

vs.

| Date    | Note of progress of proceedings and route in orders                                                                                                        | Dated of which case is adjourned |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 1       | 2                                                                                                                                                          | 3                                |
| 27.6.04 | Hon. K. Nath, J.                                                                                                                                           |                                  |
|         | Heard learned<br>Counsel.<br>Admit. issue notice.                                                                                                          |                                  |
|         | Sd/- K. Nath<br>27.6.04                                                                                                                                    |                                  |
| do      | C.M. No. 6450 (2)/04 for<br>Hon. K. Nath, J.                                                                                                               |                                  |
|         | Issue notice and list<br>in the week commencing on<br>30th July 1904. Tell them<br>the operation of the impugned<br>order Annexure 9 shall remain<br>stay. |                                  |
|         | if possible today.                                                                                                                                         |                                  |
|         | Sd/- K. Nath<br>27.6.04                                                                                                                                    |                                  |
|         | 3.8.04                                                                                                                                                     |                                  |
|         | Corr 6450 (2)/04                                                                                                                                           |                                  |

Copy of  
Sent  
to  
24/7/04  
21/4/04

**ORDER SHEET**  
**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

No. \_\_\_\_\_ of 198

vs. \_\_\_\_\_

9/2

12/4

| Date    | Note of progress of proceedings and route in orders                                                                                                              | Dated of which case is adjourned |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| 1       | 2                                                                                                                                                                | 3                                |
|         | 29.8.14 from<br>CMA 645 N/14                                                                                                                                     | cf Ar<br>(6)<br>Ts               |
| 14-8-14 | Service Report.<br>Op. Nos 1 to 3:- Power has been filed<br>by Sri Siddharth Verma, Adv.<br>May office proceed?<br>Yes.<br>hwa<br>SO.<br>14/8                    |                                  |
| 13.8.14 | C.M. Appl. No 8300 (w) 1<br>Hon' D. N. Jha J<br>Hon' K. N. Goyal J<br>List with the record<br>in the next week.<br>Sol. D. N. Jha<br>Sd. K. N. Goyal<br>13.8.14, |                                  |
| 13.8.14 | C.M. Appl. No 8301 (w) 1<br>Hon' D. N. Jha J<br>Hon' K. N. Goyal J<br>List with the record in<br>the next week<br>Sol. D. N. Jha<br>Sd. K. N. Goyal<br>13.8.14.  |                                  |

9  
3

**ORDER SHEET**  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
No. 3446 of 1984  
15.

| Date    | Note of progress of proceedings and routine orders | Dated of which case is adjourned |
|---------|----------------------------------------------------|----------------------------------|
| 1       | 2                                                  | 3                                |
| 18/9/84 | Fixed on C.M. Am                                   |                                  |
|         | one 8350 (cc) 84, 8301 (cc) 84,                    |                                  |
|         | Hon'ble D.N. Jha, J.                               |                                  |
|         | Put-up tomorrow.                                   |                                  |
|         | MHS/-                                              |                                  |
|         | 10-9-84                                            |                                  |
|         | Hon. D.N. Jha, J.                                  |                                  |
|         | In this case at the time of                        |                                  |
|         | filing of the writ petition opposite               |                                  |
|         | parties 4 to 7, who were to be promoted            |                                  |
|         | on adhoc basis, as appears from Annexure 9,        |                                  |
|         | had not been arrayed as opposite parties.          |                                  |
|         | It was only the Union of India through             |                                  |
|         | the General Manager, Northern Railway,             |                                  |
|         | Baroda House, New Delhi; the Divisional            |                                  |
|         | Railway Manager, Northern Railway,                 |                                  |
|         | Hazratganj, Lucknow and the Divisional             |                                  |
|         | Personnel Officer, Northern Railway,               |                                  |
|         | Hazratganj, Lucknow, who alone had been            |                                  |
|         | impleaded as respondents. This Court               |                                  |
|         | while admitting the petition by an                 |                                  |
|         | order dated 27.6.1984 directed notices             |                                  |

# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. \_\_\_\_\_ of 198

25.

9/4

A/126

| Date | Note of progress of proceedings and routine orders                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date of which case is adjourned |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 1    | 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 3                               |
|      | to move the court to safeguard its own order. In the instant case unfortunately on behalf of the department no application for vacation of stay order was moved inspite of the fact that operation of its order had been stayed by this Court. One can only read between the lines and it is not necessary for the Court to pass any strictures. However, after hearing the learned counsel for the petitioners and opposite parties 4 to 7 I am of the view that although the court had been pleased to pass an intorim order feeling that rights of the petitioners were being adversely affected and it required a thorough scrutiny before they should be directed to revert to their post in the grade of Rs. 425-640. I am of the view that like the rights of the petitioners the rights of opposite parties 4 to 7 also deserve to be protected. If the department had placed the facts squarely before the court it might have been possiblo to adjudge as to which of the parties was being adversely affected but in the absnec of any record of the department it can only be observed that the court is d-uty bound to protect |                                 |

Vinay Shamkar  
Advocate

164, Aminabad Road,  
Ganesh Ganj,  
LUCKNOW.

Phones [ Off. : 43941  
[ Resi. : 32038

Date.....11-4-92

Before The Central Administrative  
Tribunal, Lucknow

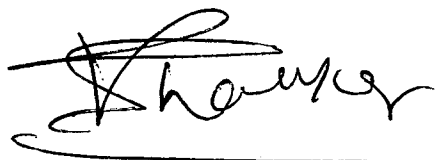
Case No 1574/87(T) &  
(W.P. No. 1367/85)

Sr. No 27

Sir

Due to my wife's illness  
who is a heart patient, I am  
unable to conduct the  
above case today for the  
Claimant, before this Honble  
Tribunal.

Wherefore it is most  
respectfully prayed that  
my above case may kindly  
be adjourned for some other  
date.



Advocate

Counsel for Claimant



4/128

In the Hon'ble Central Administrative Tribunal

व अदालत श्री मान ..... *Executive Branch, Lucknow* .....

वादी ..... *मुद्दई* .....

प्रतिवादी *मुद्दालय* का वकालतनामा

*K. P. Singh*

बनाम

*Union of India & others*

वादी *मुद्दई* .....

प्रतिवादी *मुद्दालय* .....

नं० मुकद्दमा *TANe* सन 1987 पेशी की तारिख

19

ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

*Brijesh Kumar Shukla*  
*Rly Advocate, Lucknow*  
वकील

एडवोकेट  
महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा *इकरार* करता हूं । लिखें देता हूं । इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिक्ली जारी करावें और स्वया वसूल करेगा सुलहनामा *इकबाल दावा अपील व निगरानी* हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठाये या कोर्ट में जमा करें या हमारी या विपक्ष *फरीकस्तानी* का दाखिल किया स्वया अपने या हमारे हस्ताक्षर युक्त *दस्तखती* रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं । कि मैं हर पेशी स्वयं या किसी अपने *छैरोकार* को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी । इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें ।

साक्षी *गवाह* ..... हस्ताक्षर.....

दिनांक..... महीना

साक्षी *गवाह* ..... *Divisional Railway Manager* .....

नाम अदालत..... *LUCKNOW* .....

नं० मुकद्दमा *TANe* ..... *04/1987* .....

नाम फरीकन.....

*Accepted*  
*Brijesh Kumar Shukla*  
*Rly Advocate*

323

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow.

No. CAT/ AKO/Jud/ 11098 date the .....

T.A.No. .... of 1990 (T) 22.3.90

1579/87

K. P. Singh ..... Applicants.

versus.

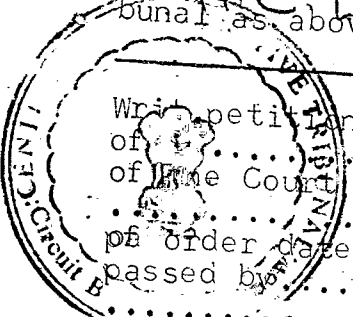
Union of India ..... Respondents.

To

③ Qazi Anis Ullah, 171 Bheri  
Mandi Malvi gang Lucknow

Just  
Shins

Whereas the marginally noted cases has been transferred  
by ..... under the provision of the Admini-  
strative Tribunal Act 13 of 1985 and registered in this Tri-  
bunal as above.



Writ petition No. ....  
of ..... Court of 3046/84  
arising out of  
of order dated 11.2.90  
passed by ..... in

The Tribunal has fixed date  
of 11.4.90.....1990. The  
hearing of the matter.  
If no appearance is made  
on your behalf by our some or  
duly authorised to Act and P.  
on your behalf.

The matter will be heard and decided in your  
absence. Given under my hand seal of the Tribunal this ....  
..... day of ..... 1990.

22

3

DEPUTY REGISTRAR

Bhartiya

100

Tara Brasat S/o Late Bhagau  
Brasat Resident 244/15 Yr  
Road Pakel gang L

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/

date the

T.A.No. 1519.07.....of 1990 (T)

## Applicants

Varsus.

## Respondents.

To (1) Syed Jahan Alam, Secretary, Iqbal  
Planning Cell, CUPF & L.P.H.C. Vainansi.  
P.O. Sultanpur, District Dehra Dun, U.P. Singh &  
P.O. B. K. Shastri, P.O. Faridkot.

Whereas the marginally noted cases has been transferred by 446...1.1.0.....under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 346/89  
of 19.....  
of the Court of A.C. 110.....  
.....arising out of  
order dated.....  
ssed by.....in

The Tribunal has fixed date of 11.11.1990. The hearing of the matter, if no appearance is made on your behalf by our some one duly authorised to Act and Plead on your behalf.

The matter will be heard and decided in your absence. Given under my hand and seal of the Tribunal this ..... day of ..... 1990. 22

DEPUTY REGISTRAR

Bhartiya

(iii) ← Cuzi Amisullah 177 Phezi Manli  
Malvi jang Lucknow

① T. 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928,

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/ 34095 date the 22.3.90  
T.A.No. 1579/87.....of 1990 (T)

K. P. Singh.....Applicants.

Versus.

Union of India.....Respondents.

To (1) Syed Iqbal Alam, S/o Late Syed Kahir  
Alam Resident C/11/7 Kali Mahel Varansi  
(11) Ranjeet Singh S/o Deota Prasad Singh Resident  
Alampur, Po. Jhangir gang Faizabad

Whereas the marginally noted cases has been transferred  
by H.C. Lko.....under the provision of the Admini-  
strative Tribunal Act 13 of 1985 and registered in this Tri-  
bunal as above.

Writ petition No. 3046/89..  
of 19.....  
of the Court of H.C. Lko.....  
arising out of  
order dated.....  
passed by.....in

The Tribunal has fixed date  
of 11.4.90....1990. The  
hearing of the matter.  
if no appearance is made  
on your behalf by our some one  
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 22.  
.....day of 3.....1990.

DEPUTY REGISTRAR

Bhartiya

(11) Quzi Anis ullah 177 Bheri Mandi  
Malvi gang Lucknow

(4) Tara Prasad S/o Late Sri Bhogwan Prasad  
Resident 244/15 Yahiya gang Road  
Rakab gang Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
23-A Thornhill Road, Allahabad-211 001

o/c

T.A.No. 1579 of 1987

No.CAT/Alld/Jud

dated the

Keshav D. Singh

APPLICANT(S)

VERSUS

Union of India

RESPONDENT(S)

41035 f  
41322

TO

- 1- Shri Vinay Shanker, Advocate, Lucknow High Court  
Lucknow.
- 2- Chief Standing Counsel(C.S.) Lucknow High Court  
Lucknow.

Whereas the marginally noted cases has been transferred by

H.C. UD

Under the provision of the

Administrative Tribunal Act XIII of 1985 and registered in this Tribunal  
as above.

Writ Petition No. 3046  
of 1984  
of the Lucknow High Court, Lucknow

The Tribunal has fixed date of

12-12-1989 1989. The

hearing of the matter at Gandhi  
Bhawan, Opp. Residency, Lucknow.

If no appearance is made on your  
behalf by your name one 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 25th

day of August 1989.

dinesh/

DEPUTY REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *T.A. No. 523/1987*  
*W.P. No. 474/85* OF .....

NAME OF THE PARTIES *Karni Lal Dhebia* Applicant

Versus

*V.O.T. 8028* Respondent

Part A.

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| 17     |                             |            |
| 18     |                             |            |

CERTIFICATE

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

*This file closed recorded from record room without back*

Checked on Dated *12.9.11*

Counter Signed.....

*12/9/11*

Section Officer/In charge

*[Signature]*  
Signature of the  
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

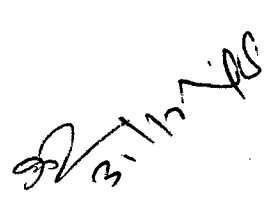
FORM OF INDEX

~~O.A./T.A./C.C.P./No.~~ 523/80 199.....

..... Kesri Lal Dhusia, ..... Applicant.

..... G.O. 1 ..... Versus ..... Respondents.

1. Index Papers : 1 to 2
2. Order Sheet : 3 to 11
3. Any other orders " NIL
4. Judgment " 12 to 16
5. S.L.P. " NIL

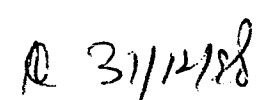
  
Dy. Registrar

  
Supervising Officer

  
Dealing Clerk

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

NIL

  
Dealing Clerk

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

INDEX SHEETCAUSE TITLE 7A-523187 of 1987 (P)

NAME OF THE PARTIES \_\_\_\_\_

Sar Keshi Lal Dhanig Applicant

Versus

Union of India Respondent

Part A, B & C

| Sl. No. | Description of documents | PAGE |
|---------|--------------------------|------|
| A-1     | Order Sheet              | 4    |
| A-2     | Judgement                | 4    |
| A-3     | Hgh. Court order sheet   | 4    |
| A-4     | Perison copy             | 4    |
| A-5     | Annexure                 | 7    |
| A-6     | Extra Addition copy      |      |
| A-7     | Power                    |      |
| A-8     | Application              | 3    |
| A-9     | Power                    | 1    |
| A-10    | Counter                  | 11   |
| A-11    | Rejoinder                | 12   |
| B-1     | Center                   |      |
| C-1     | Notice, Rejoinder        |      |
|         | Application              |      |
|         | Order Sheet              |      |
|         | Power                    |      |

Undersigned  
8.7.91



साधारण सूची (अध्याय 4, नियम 4)

51  
2

पं 197 ०. 28 No. 474/08

राज्य सरकार बनाए

आलय

आदि

पदाधिकारी

निवासी

भावा

जिला

निर्णय का दिनांक

अध्याय 12 नियम 1 के अनुसार पदावली का प्रकार

| क्रम की संख्या | पदावली का प्रकार | शर्ती (क) या नली (ख) | सम्मिलित किये गये पदावली के पक्षों की सं. | न्यायालय शुल्क              |       | पदावली को सम्मिलित किये जाने का दिनांक | अन्युक्ति |
|----------------|------------------|----------------------|-------------------------------------------|-----------------------------|-------|----------------------------------------|-----------|
|                |                  |                      |                                           | दिकों (स्टाम्पों) की संख्या | मूल्य |                                        |           |
| 1              | 2                | 3                    | 4                                         | 5                           | 6     | 7                                      | 8         |
| 1              | का. सं. 1/1/1    | 1                    |                                           |                             |       | 27/1/15                                |           |
| 2              | का. सं. 2/1/1    | 3                    |                                           |                             |       | 2                                      |           |
| 3              | का. सं. 3/1/1    | 4                    | 01                                        | 27:30                       |       |                                        |           |
| 4              | का. सं. 4/1/1    | 11                   |                                           |                             |       |                                        |           |
| 5              | का. सं. 5/1/1    | 1                    |                                           |                             |       |                                        |           |
| 6              | का. सं. 6/1/1    | 1                    | 3                                         | 7:52                        |       |                                        |           |
| 7              | का. सं. 7/1/1    | 1                    |                                           |                             |       | 22-10-86                               |           |
| 8              | का. सं. 8/1/1    | 1                    | 2                                         | 3.00                        |       | 22-10-86                               |           |
| 9              | का. सं. 9/1/1    | 1                    | 2                                         | 1.50                        |       | "                                      |           |
| 10             | का. सं. 10/1/1   | 2                    |                                           |                             |       | 17-2-87                                |           |
|                |                  | 19                   | 15                                        | 33.00                       |       |                                        |           |

Certified that the fee is complete

Filed today.

D. W. Zacks  
Advocate.

14.9.85.

Counsel for the Plaintiff.

3

Filed by S. & K. Dargatzis Adv. today  
18500-

The claim as alleged is within  
time and jurisdiction of the  
Court. It constitutes a cause  
of action <sup>not</sup> inherently barred  
Poorly ~~valued~~ <sup>valued</sup> comb bees have  
been observed.

The claim bears the following defects:-

1. The L. Counsel may kindly be asked to  
satisfy the Court as to how the plaintiff  
is properly valued and comb bees have  
is inherently

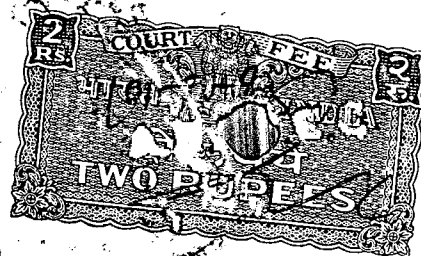
2. Compliance of Rule 112 G.C. not  
made.

over 200  
18500

Sum  
Defects removed  
D. W. Zacks  
8.10.85

Defendant's  
J. W. Zacks

Subscribed  
18500



27/9/85

## भाग

| क्र.सं. | 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 |
|---------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------------------------|
| 1       | 2              | 3                                                                                                                                                                                                                                         | 4                                                               | 5                                                                        |
|         |                | <p>शिवराम Plea is being put up with Mr. ...<br/>Report for ...</p> <p>or</p> <p>Armed. Register Issue. Summons to<br/>defendants fixed 14/11 for ...<br/>and 22/11 for ... . slip ...<br/>... . slip ... will be taken<br/>forth with</p> |                                                                 |                                                                          |
|         |                | <p>14-11-85 Case put up today. Process not<br/>issued back. Lawyers on strike.<br/>ORDER</p>                                                                                                                                              |                                                                 |                                                                          |
|         |                | <p>Put up on the date fixed<br/>22/11/85</p>                                                                                                                                                                                              |                                                                 |                                                                          |

Q2 no. 474/16

52

$\frac{A^3}{2}$

~~A~~  
b

*Robert*

Received by Transfer  
Register.



~~पत्रिका पर~~ <sup>मामा</sup>

[illegible]

बिक्री

3.3.86

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*[Handwritten signature]*

$$\frac{7}{4}$$

बोकर

11.3.86

Called out. Parties present.  
Copy of W8 filed by deflt no. 3,  
given to the Counsel for plff.

fix 7.4.86 for W.S.  
of 183ms.

W. M.

7-11-86 Bill. Conf. ~~over~~ Co

an ~~ausser~~ la nete

500. ਅੰਤਰ ਰਾਸ਼ਟਰੀ

26/11/2020

*[Handwritten signature]* 11-6-86 *[illegible]*

for Defendant  
11-3-86

As per 7/15

$$\frac{11}{4}$$

*noted / 11/14/26*

22.9.86

(A3)  
3

(6)

सारा मास (अक्टूबर) क 2  
श्री मोर सि बंग सारा  
कोस का दफा  
सोनुत प्रमानी दोर  
9.10.86 को बोलने तक सीह  
पि. दे कस का

9  
10  
9/10

10/10

9/10/86  
Case called out. Present  
Plaintiffs counsel. None  
for defendant.  
Case is fixed on 22/11/86  
for WS and issues. 22/11  
9/10/86

9/10/86

22/10/86  
11/11

22.10.86 Case called out. Present  
parties counsels. 2-8 application  
for adj by plff. which is not  
opposed by defdt.  
asch

Allowed. Fix 10.11.86 for  
WS and issues.

10  
11

10.11.86

WS/sem 25/11/86  
25/11/86  
25/11/86  
25/11/86  
25/11/86

शं. 3.87

(A3/4)

474-85

(7)

(8)

क 2/3

इस वाद के अवलोकन से यह ज्ञात होता है कि यह वाद सेवा मार्ग से संबंधित है जो कि केन्द्रीय न्यायाधीशद्वारा नियंत्रित होता है। अतः इस वाद के नियंत्रण का कोमावे कर इस न्यायाधीश से नहीं होना चाहिए। अतः मांगीय जिला न्यायाधीश को यह अधिकार प्राप्त होना चाहिए कि वह इस वाद का नियंत्रण कर सके।  
वाद दि. 16.4.87 को  
F. O. हेतु ज्ञात 21.3.87

✓

16/4/87

for

for

(A1) (11)

(A1)  
1

आ० अ० अ-18  
I. A. T-1

आदेश पत्रक  
ORDER SHEET

अपील  
निर्देश आवेदन रजिस्टर में सं०  
No. in Reference Application Register  
Appeal

T.A. No. 523/87

R.S. 474-85  
(8)

अपील अनिकरण  
Appellate Tribunal

अपीलार्थी  
आवेदक

Appellant  
Applicant

अपीलार्थी  
आवेदक द्वारा

बनसम

प्रत्यर्थी

Appellant  
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा  
Respondent

| आदेश की क्रम संख्या<br>और तारीख<br>Serial number of<br>order and date | संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो<br>Brief order, mentioning reference, if necessary                                                                                                                                                                                                                                                                                      | पालन कैसे हुआ और पालन<br>करने की तारीख<br>How complied with and<br>date of compliance |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 152/88                                                                | <p><u>Office report</u></p> <p>Suit No. 474-85 has been<br/>received on transfer from Munsif Magistrate<br/>Lucknow.</p> <p>W.S. not filed.</p> <p>Suit for possession.<br/>Notices issued to both the<br/>parties fixing 10-2-88.<br/>No undelivered reply<br/>Cover has been returned back.</p> <p>Submitted for order.</p> <p><u>Done</u><br/>15/1/88</p> <p><u>Regd</u> 15/1/88</p> |                                                                                       |
| 167/2185                                                              | <p><u>Regd</u> 15/1/88</p> <p>Sri Prashant Mathur and Sri Anand<br/>Present and filed their valuation for P.C.S. proceedings<br/>in G.E. Gahraha Dossal for Application (No. 100/80/P.T.O.)<br/>in this case on 16/3/88 as prayed.</p> <p>Registered.</p>                                                                                                                               |                                                                                       |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUGANO.

\*\*\*\*

~~C.A.~~/T.A. No. 523 198 7 (T)

K. L. Chozig

Applicant(s)

Versus

U.O.L.

Respondent(s)

| Sr.No. | Date     | Orders                                                                                                                                                                                                                                                                                                                                             |
|--------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|        | 10.11.89 | <p><u>OR</u></p> <p>No rejoinder has been filed by the counsel for the applicant as directed by the Court's order dt. 27.8.89 submitted</p> <p style="text-align: right;">Jish<br/>10/11/89</p>                                                                                                                                                    |
|        | 25.11.89 | <p>Hon. D. S. Mishra, Jm.</p> <p>Hon. G. S. Sharma, Jm.</p> <hr/> <p>Rejoinder has been filed on behalf of the learned counsel for the applicant. On the request of Sri Arjun Bhargava, the learned counsel for the respondents the case is adjourned to 25-1-89.</p> <p style="text-align: center;">Jm.</p> <p style="text-align: right;">Jm.</p> |



T.A. No. 523/87(T)  
(R.S. No. 474/85)

Hon' Mr. Ajay Johri, A.M.  
Hon' Mr. D.K. Agrawal, J.M.

⑧-1  
4

13/4/89

Due to Lawyers strike at Lucknow today,  
the case is adjourned to 18-5-89 for hearing.

⑪

J.M.  
(sns)

3  
A.M.

OK  
Case is ready  
for hearing.  
Submitted for hearing  
17/5

18/5/89

No sitting. The case is adjourned to 3/7/89.

S  
(sns)  
CM

OK  
Case was adj. to  
for hearing  
Submitted for hearing  
20/5

Hon' Mr. Justice K. Neth, V.C.  
Hon' Mr. K.G. Ramam, A.M.

3/7/89

on the request of Shri D.K. Raizada,  
learned counsel for the applicant  
the case is listed ~~for~~ on 2-8-89  
for final hearing.

OK  
V.C.

(sns)

OK  
V.C.

OK  
Case was adj. to  
for hearing  
Submitted for hearing  
21/7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD

\*\*\*\*\*

CA. NO. 523 1987.  
T.A. NO.

(12)

DATE OF DECISION \_\_\_\_\_

Kesri Lal Shukla PETITIONER

M. K. Rizada Advocate for the  
Petitioner(s)

VERSUS

Union of India & others RESPONDENT

Bashant Mathur Advocate for the  
Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Nath, J.C.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? NO
2. To be referred to the Reporter or not ? NO
3. Whether their Lordships wish to see the fair copy of the Judgement ? NO
4. Whether to be circulated to other Benches ? NO

Dinesh/

\*\*\*\*\*

Ms  
28/89

(A2)  
1  
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CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD  
Circuit Bench at Lucknow.

Registration T.A. No.523 of 1987  
(R.S.No.474/85 of the Court of Munsif Havali, Lucknow)  
Kesri Lal Dhusia ..... 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 (Wagon) belonging to class III service in the office of the Director General, RDSO, Lucknow, Opposite Party No.2. Bungalow No.ID-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.289-W/4 (out house)

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.

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~~<sup>met</sup> 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~~<sup>that</sup> 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~~<sup>law</sup> of ~~the~~ rent is that in respect of a composite accommodation, covered by a composite rent, the occupant cannot be deprived of a part, either without agreement or ~~by~~ sanction of law. Be that as

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.

10. 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 this order,</sup> ~~service~~ 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.

*RM*  
Vice Chairman

Dated the 2nd August, 1989.

RKM

83/✓  
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2. That the plaintiff was allotted the Bungalow No. LD 105/C, alongwith two out houses in Manak Nagar, Lucknow by the allotment order dated 20.6.1981.
  3. That the plaintiff was served with a memorandum dated 16.4.1984, requesting him to handover the vacant possession of the house no. 'E' attached with his bungalow.
  4. That the plaintiff represented against the memorandum dated 16.4.1984 to the defendant no.2 regarding the detachment of one of the out houses of his bungalow, which was in his possession since the date of allotment and occupation.
  5. That the defendant no.2 did not reply the said representation of the plaintiff and issued allotment letter dated 17.9.1984, to Sri Shanker, Son of Sri ~~the defendant no.3.~~ Ram Lal, in respect of the out house no. 'E' of the bungalow of the plaintiff w.e.f 14.9.1984.
- It is however noted here that the allotment letter dated 17.9.1984 specifically mentioned the allotment of the out house no. 'E' of the bungalow of the plaintiff but instead of it, he was given possession of the out house no. 'D' of the bungalow of the plaintiff.
6. That the plaintiff again represented by his representation dated 19.11.1984 against the detachment of one of the out house of his bungalow to which the plaintiff

Dr. Am

(A4)  
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was replied by the letter dated 19.1.1985 by the deputy Director of Administration referring the letter no. 289-W/4, (Out houses) dated 17.8.1977 of the General Manager N.R. Head quarters.

7. That the rent of the Out houses alongwith the bungalow is still being ~~fit~~ realized from the salary of the plaintiff, and there is no default in payment of rent on the part of the plaintiff.
8. That the cause of action accrued to the plaintiff against the defendants on 16.4.84 when the plaintiff received the aforesaid memorandum dated 16.4.1984 requesting him to handover the vacant possession of the out house no. 'E' attached with his bungalow and again on 14.9.1984 on which date the defendant no. '3' was given possession of the out house no. 'D' attached with the bungalow of the plaintiff and against on 17.9.1984 when the allotment letter in respect of one of the out houses was issued, in Manak nagar , Pargana Tehsil and District Lucknow within the Jurisdiction of this Hon'ble Court Lucknow
9. That the annual rent of the bungalow of the plaintiff which is realized from his salary is Rs. 780/- being montly rent of Rs. 65/- ( including the out-houses detached) and as such the valuation of the suit for the purposes of the Jurisdiction and court for the purposes of the Jurisdictional court fee is Rs. 144/- being the annual rent of the detached out house, (the monthly rent of the detached outhouse Rs. 1 house, hence the court fee of Rs. 27-50 is being p

22/11/85



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19

10. That the plaintiff is entitled for the following reliefs :

(a) That a decree for possession in respect of the outhouse No. 'D' attached with the bungalow of the plaintiff described at the foot of the plaint, be passed in favour of the plaintiff against the defendants and the possession of the outhouse 'D' be delivered to the plaintiff.

(b) That the costs of the suit be awarded to the plaintiff against the defendants.

(c) That anyother relief which this Hon'ble Court may deem fit and proper be also awarded to the plaintiff against the defendant

Boundaries of the Outhouse No. 'D'.  
North :- Compound of Bungalow No. L.D. 105/C. of the Plaintiff.

South :- Back side Service Lane.

East :- Motor Garrage occupied by I.O.W. Staff.

West :- Outhouse No. 'E'.

Lucknow, dated;  
17.9.1985.

19

Caran  
Plaintiff.

Verification.

I, the abovenamed plaintiff do hereby verify that the contents of paras 1 to 7 of the plaint are true to my personal knowledge and those of paras 8, 9 and 10 are believed by me to be true.

Signed and verified this 17th day of September, 1985 within the Civil Courts Compounds at Lucknow.

Lucknow, dated;

Lucknow, dated;  
17.9.1985.

19

Caran  
Plaintiff.

Through :-

D.K. Raizada  
(D.K. Raizada) 19.9.85.

Advocate.

Counsel for the Plaintiff.

A  
22

AS  
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GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION.

AS.A/AT/S.

REVENUE

Dated: 17-9-1984.

In this office no. of rev number dated 16.4.84, it was directed to handover the vacant possession of the out-house attached to quarters No. 12-15C within a period of 60 days. Since the allottee has failed to handover the vacant possession of the said unit 'Out-House', the same has been detached and is allotted to Sri [Name] [Address].

S/o [Name] working as [Designation] in the [Department] [Address] [City] [State] [Pin Code] 14.9.84 who is presently in occupation of the said unit.

2. Sri [Name] further informed that no addition/alteration will be made in the out-house so allotted to him.

DA/IR.

(K. Kumar)

for Director General.

Sri [Name]

[Address]

[City] [State] [Pin Code]

Copy forwarded for information and necessary action to:

1. Sri [Name] S/o [Name]. He is informed that the out-house attached to the quarters No. 12-15C is detached w.e.f. 14.9.84. As such, the rent of the quarters shall be reduced accordingly.
2. T&R/RDSO. It is requested that the rent of the quarters which stands allotted to the staff as per Annexure 'A' may be recalculated and advised to SO/D-III for further necessary action.
3. SO/D-IV- the rent of the out-house allotted in the name of staff as per Annexure 'A' may be recovered at the rate of Rs. 11.20 per month.
4. SO/D-III/RDSO
5. JDE/RDSO
6. DPSF/IR (Finance)
7. Sr. Elec. Foreman and Elect. Chargehand (Meter Sec.). It is requested that necessary electric connection along with the metre may be provided in the out-house as per Annexure 'A' attached herewith.

(K. Kumar)

for Director General.

DA/ANNEXURE 'A'.

IN THE COURT OF MUNSHI MAHALI, LUCKNOW

R.S. No. OF 4740/85

135  
19  
3

Keshi Lal Dhucia, S/o. Late Shri Durgan Prasad.....Plaintiff

Verdict

1. Union of India, through Chairman, Railway Board
2. Director General, RDSO, Manak Nagar, Lucknow
3. Shankar, son of Ram Lal, Manak Nagar, Lucknow ...Defendants

I, SHANKAR, S/o. Shri Ram Lal Resident of Manak Nagar, staying Qts.No.LD-105/C(outhouse), beg to submit that:

I have been duly allotted house attached to Qts.No. LD-105C by Director General/RDSO/Lucknow who is the competent authority to allot this Qts. The copy of the allotment order is given in Annexure-I. Since I have been allotted this Qts. officially by the competent authority vide letter No.A/AT/NS dated 17.9.1984, I am in the occupation of the same.

It may be relevant to mention that some of the outhouses were to be offered to Class-IV employees as residential quarters on the basis of the orders of the Railway Board, vide their letter No.ERB/1/01/46/2 dated 3.9.1981. It was on the basis of this letter that I was allotted the outhouse by DG/RDSO. As such, I am a lawful occupant of the house in which I have been staying and sum of Rs.11.70 per month is being recovered from my salary as rent of the quarters.

LUCKNOW

Date: 8th March 1986

शंकर  
RESPONDANT

IN THE COURT OF MUNSHI HAWALI, LUCKNOW

R.S. NO. OF 4740/85

4/24  
85/4

Kesri Lal Dhucia, S/o. Late Shri Durgan Prasad.....Plaintiff

Versus

1. Union of India, through Chairman, Railway Board
2. Director General, RDSO, Manak Nagar, Lucknow
3. Shankar, son of Ram Lal, Manak Nagar, Lucknow ...Defendants

I, SHANKAR, S/o. Shri Ram Lal Resident of Manak Nagar, staying Qts.No.LD-105/C(Outhouse), beg to submit that:

I have been duly allotted house attached to Qts.No. LD-105C by Director General/RDSO/Lucknow who is the competent authority to allot this Qts. The copy of the allotment order is given in Annexure-I. Since I have been allotted this Qts. officially by the competent authority vide letter No.A/AT/NS dated 17.9.1984, I am in the occupation of the same.

It may be relevant to mention that some of the outhouses were to be offered to Class-IV employees as residential quarters on the basis of the orders of the Railway Board, vide their letter No.ERB/1/81/46/2 dated 3.9.1981. It was on the basis of this letter that I was allotted the outhouse by DG/RDSO. As such, I am a lawful occupant of the house in which I have been staying and sum of Rs.11.70 per month is being recovered from my salary as rent of the quarters.

LUCKNOW

Date: 8th March 1986

शंकर  
RESPONDANT

x/5

(AS)  
5

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION.

No. A/AT/NS.

MEMORANDUM

Dated: 17-9-1984.

In this office memo. of even number dated 16.4.84, it was directed to handover the vacant possession of the out-house attached to Quarters No. LD-1052 within a period of 60 days. Since the allottee has failed to handover the vacant possession of the said unit of 'Out-House', and the same has been detached and is allotted to Shri Shankar.

S/o Shri Ram Lal, working as Khadda in the Reg. Civil Directorate w.e.f. 14.9.84 who is presently in occupation of the said unit.

2. Shri Shankar is further informed that no addition/alteration will be made in the out-house so allotted to him.

DA/Nil.

Shri Shankar  
S/o Ram Lal, Khadda,  
Reg. Civil, RDS JK

(K. Kumar)  
for Director General.

Copy forwarded for information and necessary action to:

1. Shri K. L. Dhawan, SDA/Cash. He is informed that the out-house attached to the quarters No. LD-1052 is detached w.e.f. 14.9.84. As such, the rent of the quarters will be reduced accordingly.
2. TWN/RDSO. It is requested that the rent of the quarter which stands allotted to the staff as per Annexure 'A' may be recalculated and advised to SO/E-III for further necessary action.
3. SO/E-IV - the rent of the out-house allotted in the name of staff as per Annexure 'A' may be recovered at the rate of Rs. 11.70 per month.
4. SO/E-III/RDSO
5. JDF/RDSO
6. DDSE/Maintenance
7. Sr. Elec. Foreman and Elect. Chargeman (Meter Sec.). It is requested that necessary electric connection along with the metre may be provided in the out-house as per Annexure 'A' attached herewith.

DA/ANNEXURE 'A'.

(K. Kumar)  
for Director General.



In the Court of Muzif Kowchi, Lucknow  
R-S-N. of 1985.

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32/85  
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010005

Keswul Dhuria ————— Plaintiff.

Versus.

Union of India & others ————— Defendants.

Application on behalf of the Plaintiff No. 151 G.P.C.

The Applicant begs to submit as follows:

1. — That the Applicant has filed the aforesaid suit for possession of one of the ~~and~~ outhouses, which has been given by the opp. party no. 2 to the opp. party no. 3.

— That the rate of rent of the said outhouse is Rs. 11,700; and as such the Applicant has paid Rs. 16.25 paise on Rs. 144/- having agreed rent of Rs. 121/- p.m., which is correct.

Wherefore, it is most respectfully prayed that the objection, which has been put up in the plaint be removed, and delay in removing the defects may kindly be condoned.  
Lucknow, Dated,  
8.10.85.

Dhruv Jais  
Advocate.

8.10.85.

Counsel for the Plaintiff



GOVERNMENT OF INDIA  
MINISTRY OF RIVS  
( R.D.S.O. )

For Submission in Const

Lucknow-11.  
Dated 30/9/1985.

1/24

Certified that Shri K. L. Dhurua, Son  
is drawing Pay & Allowances as under:-

|      |            |                         |
|------|------------|-------------------------|
| PAY  | RS. 725.00 | Revised -               |
| D.D. | RS. 308.00 | (1) SRF/OTC = 60        |
| D.A. | RS. 717.70 | (2) H. Rent = 64.00     |
| CCA  | RS. 46.50  | (3) Leave In = 3.50     |
| RA   | RS. 78.00  | (4) Stallowance = 56.15 |
| I.P. | RS. 73.00  | (5) MCT = 198.00        |
| M.A. | RS. 00.00  | (6) G.I.S. = 20.00      |

401.65

Grand Total RS. 1940.40

Net Payable Rs. 1538.75

DA/NIL  
SSR

(M. Subhakar Singh)  
For Director (Accounts)

# वादी/प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

आदेश १३, नियम ९  
न्यायालय Musafir Hamlet, Musafir स्थान Musafir जिला Musafir

वाद संख्या R-S-16 सन् १९८५ ई०  
..... Musafir Hamlet, Musafir ..... वादी

बनाम

..... Union of India & others .....  
..... Musafir Hamlet, Musafir ..... वादी/प्रतिवादी की ओर से वाद-पत्र के साथ पेश किये गये दस्तावेजों की सूची

प्रथम सुनवाई के समय

इस सूची को Musafir Hamlet ने आज सन् १९८५-१ के ..... १९ ..... दिवस को पेश किया

| १        | २                                                               | ३                                                                    |                                                                                                             |                                                                                                                                             | ४       |
|----------|-----------------------------------------------------------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|---------|
| क्र० सं० | दस्तावेज का अभिवर्णन और उसकी तारीख यदि कोई हो                   | कागज क्या हुआ                                                        |                                                                                                             |                                                                                                                                             | टिप्पणी |
|          |                                                                 | यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उस पर डाला गया | यदि नामजद हुआ तो पक्षकार को लौटाये जाने की तारीख और पक्षकार या उसके अभिवक्ता के हस्ताक्षर जिसको कागज लौटाया | यदि वाद के विनिश्चय के पश्चात कागज अधिनियम में रह जाय और अध्याय ३ तियम २४ के अधीत लिफाफा में बन्द किया गया तो लिफाफा में बन्द करने की तारीख |         |
| 1-       | Copy of the Notice No. 80 C.P.C.                                |                                                                      |                                                                                                             |                                                                                                                                             |         |
| 2-       | Postal Receipt of the Notice No. 80 C.P.C. sent to Dept. No. 1. |                                                                      |                                                                                                             |                                                                                                                                             |         |
| 3-       | Acknowledgment of the Notice No. 1.                             |                                                                      |                                                                                                             |                                                                                                                                             |         |
| 4-       | Postal Receipt of the Notice No. 80 C.P.C. sent to Dept. No. 2. |                                                                      |                                                                                                             |                                                                                                                                             |         |
| 5-       | Acknowledgment of the Notice No. 2.                             |                                                                      |                                                                                                             |                                                                                                                                             |         |

सूची पेश करने वाले पक्षकार या अभिवक्ता के हस्ताक्षर

19-9-85  
Counsel for the Plaintiff



True Copy

8/29

51 9/4

Letter No. 1001 dated 20.6.31 to  
the Chairman, Railway Board,  
Allahabad, U.P., India.

Dear Sir,

55/21, Chhatrapati Nagar,  
Lucknow.

To,  
The Chairman,  
Railway Board,  
All India,  
Allahabad.

Lucknow dated:-

28.4.1935.

Dear Sir,

Under the instructions from my client  
Shri Hari Lal Chudhry son of Late Sri Durga  
Prasad resident of Bungalow No. LD-105/C,  
Chhatrapati Nagar, Lucknow, I hereby serve upon you  
the following notice:-

1. That my client was allotted the bungalow  
No. LD-105/C, along with two out houses in  
Chhatrapati Nagar, Lucknow by the allotment letter  
dated 20.6.1931.

2. That my client was served with notice  
dated 13.4.1934 requesting him to  
hand over the vacant possession of the out

Deputy  
Adv.

Encl. at page 2.

NY 5

my client attended with his burglar.

3. That my client represented against the notification dated 16.4.1984 to the Director, Tamil Nadu, P.W.D., regarding the detachment of one of the out house attached to his bungalow, which was in his possession since the date of allotment and occupation.

4. That the Director General P.W.D., Madras did not reply the said representation. My client sent some illustrated letter dated 17.9.1984 to the Director Gen of P.W.D. Madras about the out house No. 2 of the bungalow of my client with effect from 14.9.1984.

As the Director Gen P.W.D. Madras that the illustrated letter dated 17.9.1984 specifically mentioned the detachment of the out house No. 2 of the bungalow of my client, but instead of this, he was giving the name of the out house No. 3 of the bungalow of my client.

5. That my client again represented by a letter dated 19.11.1984 against the detachment of one of the out house of his bungalow to which my client was replied by the Director Gen P.W.D. Madras by the Deputy

*Debaraj*

22-8-85 Adm.

20724-88 page 3.

22504 Abu

100

1. The first part of the document is a letter from the President of the United States to the Secretary of the Navy, dated 18th March 1881. The letter is signed by the President and is addressed to the Secretary of the Navy. The letter is a copy of a letter from the President to the Secretary of the Navy, dated 18th March 1881. The letter is signed by the President and is addressed to the Secretary of the Navy.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal communication, and it is written in a very formal and dignified style. The President begins by addressing the Congress, and then he proceeds to discuss the state of the Union. He mentions the progress of the country, and he also mentions the difficulties that the country is facing. He then goes on to discuss the policy of the administration, and he concludes by expressing his confidence in the future of the country.

[illegible]

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For the service of this notice upon you,

Yours faithfully

*W. J. G. J. 21.5.85*

( *W. J. G. J. 21.5.85* )

W. J. G. J.

21/5/85, W. J. G. J. 21.5.85

W. J. G. J. 21.5.85

For the service of this notice upon you,

W. J. G. J. 21.5.85

W. J. G. J. 21.5.85

*W. J. G. J. 21.5.85*

( *W. J. G. J. 21.5.85* )

W. J. G. J.

21/5/85, W. J. G. J. 21.5.85

W. J. G. J. 21.5.85

In the Court of Munsif Nawab, Lucknow  
R.S. No. of 1925.

32

574  
79

Kasri Lal Dhuria \_\_\_\_\_ Plaintiff

versus.

Union of India & others \_\_\_\_\_ Defendants.

Postal Receipt of the notice sub. 80 C.P.C. to the Chairman  
Railway Board, Lucknow

बीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु. 3 पैसे 75  
Amount of Stamps affixed Rs. P.

एक रजिस्ट्री\* ..... प्राप्त किया  
Received a Registered\* Chair man

पानेवाले का नाम ..... R. L. B. B. B.  
Addressed to ..... New Delhi

कमाल/No. 1120

तारीख मोहर  
Date Stamp 27.5.85

पानेवाले अधिकारी का हस्ताक्षर  
Signature of Postman Officer

Deputy Sub  
Advocate

19.9.25.

Counsel for the Plaintiff.

$\frac{A}{33}$

574

7

19-9-85

Counsel for Plaintiff

In the Court of Munsif Hawali, Lucknow  
R.S. No. of 1985

A/34

514  
10

Kesari Lal Dhurair Plaintiff.  
Versus,

Union of India & others Defendants.

Postal Receipt of the copy of notice sent to the Defendants. Rs. 80 L.P.C.  
to the Defendants.

|                                                                                |                                                                  |
|--------------------------------------------------------------------------------|------------------------------------------------------------------|
| बीमा नहीं NOT INSURED                                                          |                                                                  |
| लगाये गये डाक टिकटों का मूल्य रु० 3 पैसे 75<br>Amount of Stamps affixed Rs. P. | क्रमांक/No. 11119                                                |
| एक रजिस्ट्री* 2/10/85 प्राप्त किया<br>Received a Registered* 2/9               | तारीख मोहर<br>Date Stamp                                         |
| पानेवाले का नाम R.D.S.O.<br>Addressed to Luo                                   |                                                                  |
| 2                                                                              | पानेवाले अधिकारी के हस्ताक्षर<br>Signature of Receiving Official |

Obdhar Zaid  
Advocate

12.9.85.

Counsel for the Plaintiff.

In the Court of Munsif Hawals, Lucknow  
R-5-16. of 1985.

4/35

74/11

Kesari Lal Pharis Plaintiff.  
Versey.

Union of India Defendant.

Acknowledged - one of the copies of notice no. 80 C.P.C.  
Served upon the defendant no. 2.

|                          |                                 |          |
|--------------------------|---------------------------------|----------|
| भारतीय डाक (भारत)        |                                 | RECEIVED |
| प्रमाणित                 | संख्या/दिनांक/प्राप्त           | कनाक     |
| प्रमाणित न               | Letter/Postcard, Packet, Parcel | No.      |
| पान वाले का नाम          | To, <u>Director General.</u>    |          |
| Addressed to (name)      | <u>R.D.S.O.</u>                 |          |
| बीमे का मूल्य (अथवा बी)  | <u>Hanak Nagar, Lucknow.</u>    |          |
| Insured for (Amount)     |                                 |          |
| वितरण की तारीख           | 198                             |          |
| Date of delivery         |                                 |          |
| प्रभुत्व/वितरण का अधिकार | Signature of addressee          |          |
| प्रिन्ट नाम              | not required                    |          |
|                          | 28/6                            |          |

Deputy  
Advocate.

19.9.85,

Consent for the Plaintiff.



In the Court of Munsif Hawali, Lucknow.

Kesri Lal Dhusia.

...Plaintiff.

Versus.

Union of India & Others.

...Defendants.

NAME & REGISTERED ADDRESS OF THE PLAINTIFF.

Kesri Lal Dhusia, Sonf of Late Sri Durgan Prasad,

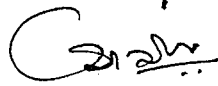
Bungalow No.L.D.105/C, Manak Nagar,

Post Office - Manak Nagar, L U C K N O W -226011.

Lucknow, dated;

31.8.1985.

19-9-85.

  
Plaintiff.

Through :-

  
(D.K. Raizada) 19.9.85.  
Advocate.

Counsel for the Plaintiff.

THE UNITED STATES OF AMERICA, DISTRICT OF COLUMBIA

IN SENATE

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE  
IN RESPONSE TO A RESOLUTION OF THE SENATE  
PASSED MAY 1, 1897

...:...

1. GENERAL LAND OFFICE, DISTRICT OF COLUMBIA, D.C.

2. GENERAL LAND OFFICE, DISTRICT OF COLUMBIA, D.C.

3. GENERAL LAND OFFICE, DISTRICT OF COLUMBIA, D.C.

...:...

...:...

...:...

...:...

...:...

*[Handwritten signature]*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLHABAD.

CIRCUIT BENCH LUCKNOW.

Kes-ri Lal Dhusia .....Applicant.

V E R S U S

Union Of India and others.....Respondents

Case No. 523 of 1987 (T) .

Fixed for 25.11.1988.

COUNTER AFFIDAVIT AGAINST THE REPLY OF  
THE RESPONDENTS NO. 1 AND 2.

I, Kes-ri Lal Dhusia, aged about 48 years, S/O late Shri Durga Pd., r/o Bungalow No. LD-105/C, Manak Nagar, Lucknow, do here by solemnly affirm and state on oath as follows:-

1. That the deponent is the applicant in the aforesaid case and as such he is well versed with the facts here in after deposed. The deponent has read and understood the reply of the respondents no. 1 and 2 and is giving its reply in the following paragraphs:-
2. That the contents of para 2 of the reply of the respondents no. 1 and 2 by way of affidavit ( here in after referred to as reply ) needs no comments.

Contd.....2/-

*C. S. 20*

3. That the contents of para 3 of the reply needs no comments.
4. That the contents of para 4 of the reply are false and mischievous and as such those are emphetically denied. It is submitted that the deponent was allotted the entire bungalow no. LD-105/C which is itself single storied and it includes lawns as well as two Out Houses and the deponent was delivered the possession of the entire accomodation and the rent of the entire accommodation of the bungalow No. LD-105/C including the said two Out Houses is deducted from the salary of the deponent every month as yet. It is further submitted that the Annexure-R-1 filed with the reply by respondents no. 1 and 2 is not disputed.
5. That the contents of para 5 of the reply are absolutely false and baseless and as such those are denied. It is further submitted that the deponent was served with the letter No. A/AT/NS, dated 16.4.1984, contained in Annexure A-I informing the deponent to detach the Out House No. 'E' of the bungalow no. LD-105/C of the deponent. It is wrong to allege in the para under reply that the deponent was served with the said memorandum contained in Annexure. A-I to hand over the vacant possession of the two Out Houses attached with the bungalow no. LD-105/C. It is further submitted that the deponent was never served the standing instructions of the Rly.Bd. dated 3.10.1955 or 17.8.1977 as alleged in the para under reply.

It is further submitted that the deponent reiterated that the date of representation of the deponent is 16.4.1984 which he had made to the respondent no.

*Copy*

2 regarding detachment of one of the out houses of his bungalow which was in his possession since the date of allotment and occupation. The true copy of the said representation dated 21.4.1984 is contained in Annexure A-II to this affidavit.

It is further denied specifically that the department had provided any copy of the standing instructions to the deponent on the subject. The allegation is mischievous, baseless and as such it is denied. It is further submitted that in <sup>spite</sup> of the representation dated 21.4.1984 made by the deponent, the respondent no. 2 issued allotment letter dated 17.9.1984 specifically allotting the out house No. 'E' of the bungalow no. LD-105/C of the deponent to the respondent no. 3, but instead of giving the possession of out house no. 'E', it has given the possession of out house No. 'D' of the bungalow of the deponent to the respondent no. 3.

And as such being aggrieved by unlawful action of the respondent no. 2, the deponent filed the suit for possession in the court of Munsif Hawali, Lucknow with the prayer to pass a decree for possession in respect of out house no. 'D' attached with the bungalow of the deponent, in favour of the deponent and also for delivery of the out house No. 'D' of the said bungalow in his favour, has now been transferred to this Hon'ble Tribunal and as such the present application is maintainable and it deserves to be allowed.

Copy on

Cont.....

It is further submitted that the Annexure R-2, filed with the reply by the respondent no. 1 and 2 has no concern with the deponent nor it was served with the deponent and as such it is denied having no concern with the deponent.

6. That the contents of para 6 of the reply are mischievous, false and as such those are denied. It is further submitted that in Annexure R-3, attached with the reply of the respondents no. 1 and 2 is false and it was never served with the deponent and as such it is denied. It is further submitted that the said Annexure R-3 is fabricated in the aforesaid case and the deponent also denies the Annexure A attached to Annexure R-3, filed by the respondents no. 1 and 2 along with their reply. It is further submitted that the respondent No. 3 (Shanker) has been allotted the out house no. 'E' instead of 'D' as shown in Annexure A, attached with the Annexure R-3.

The deponent further reiterates that the deponent was allotted as well as he was given possession of the said two out houses No. 'D' & 'E' along with his bungalow no. LD-105/2 and since the date of allotment, the deponent is in possession of the same.

It is further submitted that the allegations of the respondents no. 1 and 2 under reply that Town Engineer made the physical verification absolutely false and as such it is denied. The deponent reiterates that the said Town Engineer never got the physical verification of the same of the respondent nor he ever verified the same.

Contd.

out houses, attached with the bungalow of the deponent.

It is further submitted that the respondent no. 3 Shanker is the son of the maid servant of the deponent. The mother of the respondent no. 3 being the maid servant of the deponent has been residing in the out house no. 'D' of the bungalow of the deponent with the consent of the deponent and she has been residing in the said out house no. 'D' since the said bungalow has been allotted to the deponent. However, the respondent no. 3 has got no concern with the deponent, but he being the son of said maid servant of the deponent has been residing with his mother and as such the allotment of the out house no. 'E' to the respondent no. 3 is illegal and unlawful. The deponent further denies the Annexure R-4., filed with the reply, by the respondent no. 1 and 2 nor the deponent was ever served the said letter, contained in Annexure R-4. and as such it is denied.

7. That the contents of para 7 of the reply are baseless and mischievous and as such those are denied. It is further submitted that the deponent was neither informed about the policy of the Rly. Bd. regarding the entitlements of the out houses according to the scale of the concerned officer nor the same has been ever served upon the deponent and as such the deponent has no knowledge about the policy of the Rly. Bd., as has been alleged in para 7 of the reply.

It is further submitted that the contents of sub para of the para 7 are self contradictory

*San 24*

with the allegations of para 6 of the reply. It is further submitted that in para 6 of the reply the respondents no. 1 and 2 alledged that the deponent was not allotted the out houses of the bungalow no. LD-105/C, whereas in the sub para under reply the respondents no. 1 and 2 have alledged a contradictory fact that the deponent was asked to hand over the possession of one of the two out houses attached with the said bungalow of the deponent. This fact is self-contradictory as it, on the one hand, denies the allotment and possession of the deponent in respect of out houses but on the other hand in the sub para under reply the respondents no. 1 and 2 have admitted the possession of the deponent in respect of the out houses. That the fact being contradictory to each other, the allegations of the respondents no. 1 & 2 in para 6 and 7 of the reply can not be sustained.

8. That the contents of para 8 of the reply are also ambiguous and as such those are denied. It is further submitted that again the respondents no. 1 and 2 are not confident about the fact whether the rent of only bungalow is deducted from the salary of deponent or the rent is also deducted of the out houses attached with the said bungalow from the salary of the deponent. It is further submitted that the said bungalow no. LD-105/C was allotted to the deponent vide allotment letter dated 20.6.1981 and as such more than 7 years have elapsed and since then the deponent is in possession of the said bungalow No. LD-105/C along with the out houses No. 'D' & 'E' and the rent of

*Chauhan*



same is being realised by the respondents No. 1 & 2 from the salary of the deponent every month regularly and as such the allegations of the respondents No. 1 & 2 that it was due to the clerical error and it will be adjusted, is fantastic and there is no force in the averments made by the respondents No. 1 and 2 in para 8 of the reply.

9. That the contents of para 9 of the reply are denied. The cause of action accrued to the applicant against the respondent as alleged in para 8 of the application and whatever the respondents No. 1 & 2 have done in allotting the out house no. 'E' in favour of the respondent no. 3 is clearly an unlawful and illegal act. It is further submitted that in respect of the allotment of the said out house no. 'E' to the respondent no. 3, the rent of the house rent is still being deducted from the salary of the deponent at the same rate of rent at which it was before such allotment and this act of the respondents no. 1 & 2 also shows that their act in allotting the out house no. 'E' to the respondent no. 3 is unlawful and illegal.

10. That the contents of para 10 of the reply needs no comments.

11. That the contents of para 11 of the reply are denied. It is submitted that the facility of the bungalow including the out houses is the facility of the service of the deponent and entitles the deponent the said bungalow and said out houses and in view of the said final amenity, the deponent was allotted the said bungalow <sup>No.</sup> LD-105/C along with out houses vide order dated 20.6.1981 which is contained in Annexure R-1 and as such the allegations of the respondents No. 1 and 2 that the deponent

C 21 24

entitled for the relief claimed in the said application without seeking any legal and valid authority, is denied, and the deponent being in lawful occupation of the said bungalow and the out houses since the date of allotment and one of out house having been unlawfully allotted to the respondent no. 3 is itself illegal act on the part of the respondent no. 1 and 2 as the deponent is still pays its rent to the respondents no. 1 and 2.

It is further submitted that the deponent denies the alledged report of the Town Engineer contained in Annexure R-4 attached with the reply.

It is further submitted that the deponent reiterate its case again that the respondents No. 1 and 2 have allotted the out house no. 'E' to the respondent no. 3 illegally and without any legal authority and as such the deponent is entitled for the relief of possession in respect of out house No. 'D' of the bungalow No. LD-105/C as has been prayed in the para under reply of the application (the suit)

12. That the contents of the para 12 of the reply are mischievous and false and as such those are denied. Because the respondents No. 1 and 2 have unlawfully and illegally allotted <sup>the out house no. 'E'</sup> and delivered the possession of the out house no. 'D' of the bungalow LD-105/C to the respondent no. 3 in spite of the fact that rent is still being deducted from the salary of the deponent every month and as such this Hon'ble court has jurisdiction to interfere in the matter and the deponent is entitled for the relief of possession in respect of the out house no. 'D' allotted to the respondent no. 3.

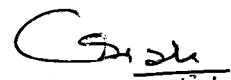
That the sub para of para 12 contains also

Cont...

and irrelevant facts and as such those are denied.  
It is further submitted that in view of the aforesaid  
facts and reasons the application of the deponent  
deserves to be allowed with costs.

Lucknow.

Dt/- 25.11.1988

  
Deponent.

VERIFICATION.

I, the above named deponent do here by verify that  
the contents of paras 1 to 8 of this counter affidavit  
are true to my personal knowledge and those of paras  
9 to 12 are believed by me to be true. No part of it  
is false and nothing material has been concealed in  
it, so help me God.

Lucknow.

Dt/- 25.11.1988

  
Deponent.

I identified the deponent, who has signed before  
me.

( D. K. Raizada )  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

CIRCUIT BENCH LUCKNOW.

Kesari Lal Dhusia.....Applicant.

V/S.

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

Case No. 523 of 1987 (I)

Fixed for 25.11.1988.

ANNEXURE: A-I

Government of India  
Ministry of Railways  
Research Designs & Standards Organisation

No. A/AT/NS

Manak Nagar, Lucknow-11

Dated: 16.4.84.

MEMORANDUM

In accordance with the revised policy of the Railway Board the scale of out-houses attached to the Officer/ staff quarters has been reduced. Accordingly it has been decided to detach 'out-house' No. 'E' attached to quarters No. LD-105 C. which at present stands allotted in his name.

Shri K.L.Dhusia, SDA/case 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.

DA:Nil.

(K. Kumar)  
for Director-General

✓ Shri K.L.D.SIA,  
SDA/casinge, Lucknow  
RDSO/Lucknow.

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.

DA:Nil.

(K. Kumar)

Attested True Copy

Dated 25.11.88. Adv

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

CIRCUIT BENCH LUCKNOW.

Kesari Lal Dhusia.....Applicant.

V/S.

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

Case No. 523 of 1987(I)

Fixed for 25.11.1988.

ANNEXURE: A-II

The Director General,  
R.D.P. O./ Lucknow.

Sir,

Sub: Eviction from a portion of our house.

Ref: Your Memo No. A/AT/NS dt 16-4-84

We the residents of Manak Nagar request you to kindly supply us a copy of "Railway Board's orders revising the number of out-houses to be attached to a house" on the basis which you intend to start eviction proceedings.

*Land also in  
imposed plan  
area of  
different type  
of Qs*

We, further, want to bring to your kind notice that these houses are no more standard type-III or type-IV Quarters & they have already been divided in a very haphazard manner causing discrimination between the residents of same type of quarters and with the so called policy which you are going to follow now (as evident from the Memo issued to only a few of us) that one out-house shall be got vacated from occupant of a quarter who is said to have two out-houses shall further aggravate the discriminations, which is an unconstitutional act.

We, therefore, again request you to kindly supply us a copy of the Railway Board's orders for our record and revise your decision by removing the existing discriminations as has been done in LD-103/B rather than further enhancing them. Hence we shall not take cognisance of the Memo served by you till the matter remains under dispute.

We may be granted personal hearing to explain our problems in greater detail, if desired.

Thanking you,

yours faithfully,

| S.No. | Name               | Designation | Cr.No.   | Signature          |
|-------|--------------------|-------------|----------|--------------------|
| 1.    | SUBODH BEHARI      | CDA/Wagon   | LD-106/B | <i>[Signature]</i> |
| 2.    | G. VENKATRAMAN     | CDA/CORR.   | LD-106/A | <i>[Signature]</i> |
| 3.    | K. L. DHUSIA       | SDA/WDO     | LD-105/e | <i>[Signature]</i> |
| 4.    | D. S. ARYA         | CDA/CDO     | LD-104-B | <i>[Signature]</i> |
| 5.    | B. K. GROVER       | JDA/CDO     | LD-105/H | <i>[Signature]</i> |
| 6.    | E. S. KUMAR        | SDA/SDN     | LD-104/B | <i>[Signature]</i> |
| 7.    | A. K. SINGH        | SDA/SDN     | LD-105/H | <i>[Signature]</i> |
| 8.    | A. K. SINGH        | SDA/T       | LD-104/B | <i>[Signature]</i> |
| 9.    | KHARAK SINGH       | CDA/SDT     | LD-109/B | <i>[Signature]</i> |
| 10.   | M. P. S. BHATTI    | SDA/MTG     | LD-104/H | <i>[Signature]</i> |
| 11.   | Suresh Prakash     | SDO(D)      | LD-102/B | <i>[Signature]</i> |
| 12.   | A. K. Bhattacharya | Pub/SDN     | LD-107/A | <i>[Signature]</i> |

*True copy*  
*[Signature]*

*Attested True Copy*

*[Signature]*

25.11.88.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH AT ALLAHABAD

R E P L Y

ON

(Behalf of Respondent No. 1 & 2)

IN

(Registration No. 523 of 1987(T)

Kosri Lal Bhusha

.. Applicant

VERSUS

Union of India & others

.. Respondents

---

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

1. That the deponent is Dy. Director/Extt-I in Research, Designs and Standards Organisation, Lucknow and as such he is fully competent to affirm the contents of this written reply.
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. That the contents of para 1 need no comments except that he is presently working as Chief Design Assistant (provisional) in the Hagon Directorate.

b. That the contents of para 2 of the application are not admitted and are denied in the form they stand. In reply thereto it is emphatically submitted that the applicant was allotted only the quarter No.LD-105/C vide allotment order No.A/AT/III dated 20-6-81 and not alongwith the alleged two out-houses as claimed by the applicant. The fact can conveniently be perused from the aforesaid letter and the same is being filed herewith the counter and is marked as Annexure-BI to the counter.

5. That the contents of paras 3 & 4 of the plaint are admitted with a submission that the ~~representation~~ applicant was served with a Memorandum No.A/AT/HS dated 16-4-84 to hand over the vacant possession of the two out-houses attached with the quarter No.105/C on the basis of the standing instructions of the Railway Board letter No.53/H/191 dated 3-10-55 read with GM/H.Rly's letter No.289-H/0 (out-houses) of 17-8-77 regarding the authorisation of the officer to retain quarters according to their scale for their domestic servants. The copy of the aforesaid instructions is being filed herewith the counter and marked as Annexure-BII-2 to the counter.

Further the date of alleged representation dated 16-4-84 is incorrect and the correct date is 21-4-84.

It is worthwhile mentioning here that the department on 19th January, 1985 had provided the

copy of the standing instruction to the applicant on the subject and even then knowing fully well the standing instructions the applicant had filed the present suit No. 4730/85 on 17-9-85 before the learned Munsif Havali at Ichikow which was later on transferred to the Hon'ble Court under registration No. 523/87(T). This assertion can conveniently be established by perusal from the <sup>2</sup>Annexure-12 of the counter. Hence the present application is not at all maintainable and is liable to be dismissed with special cost to the respondent as the applicant had failed to challenge the initial standing instructions of the Railway Board.

6. That in reply to the contents of para 5 of the plaint it is stated that the out-house attached to quarter No. LD/105-C was not specifically allotted to the petitioner, and as such the occupation of the out-house has been treated as un-authorised occupation. Hence the out-house was allotted to Shri Shankar, Khala of this Organisation vide allotment order No. A/AT/HS dt. 17-9-83. The copy of the allotment order is annexed with the counter and is marked as Annexure-R3 of the counter.

It is further submitted that on a physical verification having been got conducted by the Town Engineer vide his letter No. HKS/CH



dated 3-9-84 that the out-house No. 'D' was in occupation of Shri Shankar, Bhalsani and not the house No. 'E'. Accordingly out-house No. 'D' has been detached and allotted to Shri Shankar, Bhalsani in whose favour the initial order was issued. The Enquiry report of the TDI is also being filed herewith the counter and is marked as Annexure-D of the counter.

7. That the contents of para 6 of the application are admitted with a clarification that the applicant was informed about the policy of the Railway Board regarding the entitlements of the out-house according to the Grade and Scale of the concerned officer. Since the same policy had been formed by the Railway Board which is the higher authority in the Railways, hence all the organisations of the Railways have to follow the same guidelines.

Accordingly being a Class III employee the applicant was not entitled even for one out-house; as such he was asked to hand over the vacant possession of one of the two out-houses attached with the quarter so that it can be occupied by the allottee.

8. That in reply to the contents of para 7 of the application it is submitted that the answering respondents have realised the Bungalow rent and in any case if any excess amount is deposited by the applicant will be adjusted in

the said promises, as the same constitute mis-interpretation and clerical error in nature.

9. That in reply to the contents of para 8 of the application it is submitted that no cause of action have ever <sup>occurred</sup> ~~been~~ ~~occurred~~ to the plaintiff, ~~of any of the contents of the~~ ~~application~~. The answering respondents have done everything under the policy framed by the Railway Board and as such have not committed any irregularity in issuing the memorandum of request to hand over the vacant possession or allotting of the out-house to the authorised allottee.

10. That contents of para 9 of the application need no comments as the present reply is being filed before this Hon'ble Tribunal and the valuation of suit and court fee is of no relevancy under present circumstances.

11. That the plaintiff is not entitled for relief as prayed at all as without seeking a declaration of any legal and valid authority. The applicant cannot claim the possession of the out-house No. 'D' which was already in occupation of the respondent No. 3 Mr. Shanker. This fact can be brought out from the report of the Town Engineer which is marked as Annexure-1b to this counter.

It will not be out of place to mention that the respondents have actually in a legal manner complied with the standing instructions of the Railway Board by allotting the out-house to its employee who is legally entitled to get the said out-house allotted in his name.

12. That the contents of para 10-B and 10-C of the application are vague and mis-conceived and the applicant is not entitled for any relief to be granted in his favour. Moreover, the applicant has utterly failed to mention any good ground for the interference of the Hon'ble Court in the instant case.

Further the applicant had failed to point out any legal infirmity, hence the present application is devoid of any merit and is liable to be rejected with special cost to the respondents.

VERIFICATION

*[Signature]*  
Deponent

I the above mentioned deponent do hereby verify that the contents of paras 1, 2 and 3 of this counter are true to my personal knowledge and those of paras 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this counter are true to my knowledge based on the perusal of the relevant available office record and legal advice and no part of it is false and nothing material has been concealed in it.

*[Signature]*  
Deponent

Place: Lucknow  
Dated: 26-10-88

# Annexure I

Annexure B-1

S. No. 11

22/10/80

7

भारत सरकार - रेल मंत्रालय  
अनुसंधान अभिकल्प और मानक संगठन

0 ए/एटी/111

मानक नगर, लखनऊ - 11

दिनांक 20-6-81

विषय:- मानक नगर, लखनऊ में आवासीय क्वार्टरों का आवंटन ।

नीचे लिखे कर्मचारियों को उनके सामने दिये गये क्वार्टर आवंटित किया जाता है :-

| नाम व पदनाम                                                | क्वार्टर सं०                  |
|------------------------------------------------------------|-------------------------------|
| श्री के.एल.धुसिया, अभिकल्प सहायक                           | एल.डी.-105/सी भूतल 51/80      |
| श्री एस.के.मारवाह, अभिकल्प सहायक/विद्युत वी-56/1           | 20/11/80                      |
| श्री शंकरनाथ मुखर्जी, वरिष्ठ अनुसंधान सहायक वी-64/1        | 20/11/80                      |
| श्री एस.ए.दुजाज, वरिष्ठ प्रलेखोपस्था सहायक वी-140/1        | 20/11/80                      |
| श्री एस.के.दत्ता, कनिष्ठ अनुसंधान सहायक/फाउण्ड्री वी-173/1 | 20/11/80                      |
| श्री एन.राघवन, वरिष्ठ वैयक्तिक सहायक वी-157/3              | 20/11/80                      |
| श्री ए.दत्ता, सहायक/स्था०-3                                | वी-136/2 पृथ्वी मंजिल 20/6/81 |
| श्री पी.सी.सरकार, सहायक भांडारी                            | वी-118/2                      |

इस पत्र के जारी होने के आठवें दिन अथवा क्वार्टर के लेने, इनमें से जो पहले हो, तब से क्वार्टर रहने लायक हो जायेगा । यह आवंटनी की जिम्मेदारी कि वह कार्य निरीक्षक [सम्पत्ति] से सम्पर्क करके क्वार्टर के फिट होने की प्राप्ति करें ।

क्वार्टर के लेने की तारीख नगर इंजीनियर द्वारा अनुभाग अधिकारी [मानक] और अनुभाग अधिकारी [स्था०-3] को तुरन्त देनी चाहिए । सम्बन्धित कर्मचारी अपनी लिखित क्वार्टर लेने की इच्छा पैरा-2 में दिये समय के भीतर भेज देनी चाहिए । यदि ऐसा न हो जाता है तो इससे क्वार्टर लेने में अनिच्छा समझा जायेगा तथा इसके कारण सम्बन्धित कर्मचारी एक क्वार्टर पाने के हकदार नहीं रहेंगे ।

यदि सम्बन्धित कर्मचारी इस आवंटन पत्र के जारी होने के 7 दिन के भीतर क्वार्टर नहीं ले लेता है तो उससे पैरा-2 में दिये गये अनुसार क्वार्टर का किराया लिया जायेगा ।

कुछ नहीं ।

वितरण

श्री. प्रमोद 20/6/81  
[राम प्रकाश जेतली]  
उप निदेशक [प्रशासन]

कर्मचारी, वेतन अनुभाग [अनुभाग अधिकारी/स्था०-3], नगर इंजीनियर, [सम्पत्ति], सहायक विद्युत इंजीनियर, विद्युत फोरमैन, उप निदेशक [स्था०-2] अनुभाग अधिकारी [स्था०-1], अनुभाग अधिकारी [स्था०-4] अनुभाग, विद्युत चार्जिन [मीटर अनुभाग]

Attested True Copy  
[Signature]  
22/10/80

# Annexure II

Annexure R-2

36

(8)

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

No. A/AT/NS.

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

Subj: Detachment of out-houses from ID Type &  
C&W Bungalows.

Ldt. 21.4.84 & 18.9.84

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.

*[Signature]*  
Dy. Director (Admn).

DA/One (reproduced below).

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.

*[Signature]*  
Attested To the  
27/10/88

# Annexure III

Annexure R-3.

Inv 32

(9)

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION.

No. A/AT/NS.

## MEMORANDUM

Dated: 17-9-1984.

In this office memo. of even number dated 16.4.84, it was directed to handover the vacant possession of the out-house attached to Quarters No. \_\_\_\_\_ within a period of 60 days. Since the allottee has failed to handover the vacant possession of the said unit of 'Out-House', and the same has been detached and is allotted to Shri As/224 Annexure 'A' S/o Shri \_\_\_\_\_ working as \_\_\_\_\_ in the \_\_\_\_\_ Directorate w.e.f. 14.9.84 who is presently in occupation of the said unit.

2. Shri \_\_\_\_\_ is further informed that no addition/alteration will be made in the out-house so allotted to him.

DA/Nil.

Shri \_\_\_\_\_

(K. Kumar)  
for Director General.

Copy forwarded for information and necessary action to:

1. Shri \_\_\_\_\_ He is informed that the out-house attached to the quarters No. \_\_\_\_\_ is detached w.e.f. 14.9.84. As such, the rent of the quarters will be reduced accordingly.
2. TEN/RDSO. It is requested that the rent of the quarter which stands allotted to the staff as per Annexure 'A' may be recalculated and advised to SO/E-III for further necessary action.
3. DDE-3/ SO/E-IV- the rent of the out-house allotted in the name of staff as per Annexure 'A' may be recovered at the rate of Rs. 11.70 per month.
4. SO/E-III/RDSO
5. JDE/RDSO
6. DDSE/Maintenance)
7. Sr. Elec. Foreman and Elect. Chargeman (Meter Sec.). It is requested that necessary electric connection along with the metre may be provided in the out-house as per Annexure 'A' attached herewith.

DA/ANNEXURE 'A'.

(K. Kumar)  
for Director General.

2e  
17/9  
Attended True Copy  
for Director General  
2/10/84

(10)

ANNEXURE 'A'

| Sl. No.     | Quarter No. | Outhouse No. | Name of occupant   | Father's Name              | Deptt.       |
|-------------|-------------|--------------|--------------------|----------------------------|--------------|
| 1. COW- 11  | 21/2/1948   | C            | S/Sri Ram Prasad,  | S/wala. S/Shri Ram Chulan. | TEN          |
| 2. COW- 13  | 21/2/1948   | C            | Ramadhar ,         | Mali Maharajain            | TEN          |
| 3. COW-24A  |             | A            | Bunnilal ,         | Khalasi Jitten             | TEN          |
| 4. LD-102A  |             | A            | Ratanohand,        | Peon Jagatram              | Res. Civil   |
| 5. LD-104C  | मूल         | D            | Maharajain,        | Peon Badri                 | Elec. Maint. |
| 6. LD-102B  |             | E            | Tikkaram ,         | Khalasi Rajaram            | Res. Civil.  |
| 7. LD-105C  | विकर        | D            | Shankar ,          | Khalasi Ramlal             | -do-         |
| 8. LD-107C  | 21/2/1948   | E            | Rameshwar ,        | Khalasi Shridhar Chowdhary | TEN          |
| 9. LD-109B  | 21/2/1948   | E            | Jamuna Prasad, Car | Shridhar Attenst. Prasad.  | Res. Ins.    |
| 10. LD-105A |             | C            | Smt. Mosla         | S/Wali -                   | TEN          |

15984.

Attached True Copy  
 J. M. Advoca-  
 27/10/80

177  
49

Office of the TEN/RDSO  
Lucknow.

Annexure R-4

# Annexure 4

No. Wks/OH

The DD/Admn  
RDSO, Lucknow.

3.9.84

Sub:- Out houses.

Ref:- Your note No. A/AT/NS dated 31.8.84

11

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 | Father's name   | Deptt.          |
|--------|------------|-----------------|------------------|-----------------|-----------------|
| 1.     | C&W-11     | C               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |
| 2.     | C&W-12     | A               | Outsider         |                 |                 |
| 3.     | C&W-13     | B               | Shri Ramadhar    | Mali            | Shri Maharajdin |
| 4.     | C&W-25A    | A               | Outsider         |                 | TEN/RDSO        |
| 5.     | LD 103 A   | A               | Outsider         |                 |                 |
| 6.     | LD 103 B   | F               | Outsider         |                 |                 |
| 7.     | C&W-24A    | A               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |
| 8.     | LD-102 A   | A               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |
| 9.     | LD 104 C   | D               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |
| 10.    | LD 102 B   | E               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |
| 11.    | LD 105 C   | D               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |
| 12.    | LD 107 A   | B               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |
| 13.    | LD 107 C   | F               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |
| 14.    | LD 109 B   | E               | Shri Ram Prasad  | Shri Ram Ghulam | TEN/RDSO        |

As regards occupation of outhouse C of LD 106 A, Eviction proceedings against Smt Moola, working under Estate Supervisor is in process. She is in occupation of the said outhouse.

The matter regarding the occupation of outhouse D and E of LD-108 is still under investigation and a finally reply in the matter will be issued after the same is sorted out.

Affected True Copy  
Town Engineer (Charm Singh)  
Advocate  
27/10/88

6/8

am

9/9/84



In the court of Additional Munsif, VIII, Lucknow,

5/10  
1

Kesari Lal Dhuria — Plaintiff

v/s.

union of India & others — Defendants

R.S. No. 474 of 1985

fixed for 17.2.1987

objections on behalf of the Plaintiff  
against the Application dt of the  
Defendants

The humble submission of the Applicant  
is as follows:-

1. That the Defendants have failed on Application dt , 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 present Suit a simple suit for the possession and as such it is the simple case of civil nature and it does not concern with the service matter of the Plaintiff and as such it has rightly been filed before this Hon'ble court praying for relief of possession.
3. That it is further submitted that the R.D.S.O. being an Industry, the disputes arising between an employee and R.D.S.O. are not triable by the Central Services Tribunal at Allahabad.
4. That the Defendants have moved the

contd--2

present Application dt only with  
the intention to prolong the case for a  
longer period and thereby to harass  
the Plaintiff.

5. That the present suit is a suit for possession seeking only the judicial remedy in respect of a house attached with his Bungalow, 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

Dt. 17.2.1987

D. K. Raizada 17.2.87.

(D. K. Raizada)

Advocate

Counsel for the Plaintiff

In the court of Mr. J. D. Meen

Uttar Pradesh

5-8

1/2

Cesyle Dhuria — P.M.

Union of India — P.M.

R.S. NO 474 of

Pr. 22-10-06

The applicant — D. No 3

Submits as order!

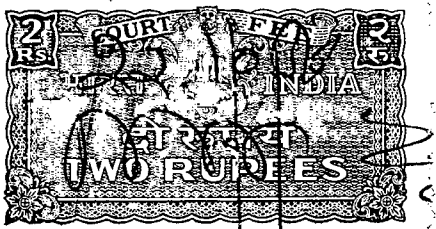
That I have engaged <sup>today</sup> as counsel on behalf of D. No 3 and filing power on his behalf as such in a such short time could not prepare the W.S. and is unable to file today.

It is therefore respectfully prayed that one month time may kindly be granted to the applicant to file W.S.

22-10-06

M.A. ple  
counsel D. No 3

22-10-06



2-3-00  
22/10/06

22/10/06

ca-7  
1/3

In the Court of IV Additional Munsif Lucknow.

Krishna Lal Dhusia

Versus

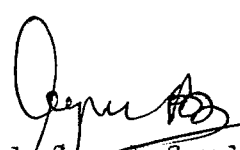
D.P.A.D.S.O.

Sent No 9  
Fixed for 22.9.86

In the above noted suit, it is submitted that I  
the counsel for the defendant is going out of station.  
As such it will not be possible to conduct the case  
today.

It is therefore prayed that today's date may be  
adjourned.

dated: 22.9.'86

  
Counsel for defendant.

fixed for 22-11-2017 14-11-2017

संभन वास्तो करारवाद उभर तनकीह तलब

नं० मुकदमा  
 वजदालत  
 (आई ए. कायदा १ व ५)  
 (i) 4/11/21 जला  
 मुरग Hawabi, साकिन  
 Sharben, Sh. Ram Lal, बनाम  
 Quater No. 10 of Bangalore 16 C.D. 1954. Union of India & others  
 हरगाह- - - - - ने आपके नाम से एक नालिका बनाया है -  
 के दायर की है लिहाजा आपको हुकम होता है कि आप बतारीख माह  
 मुददह

वबकत १० बजे दिन के असलतन या मारफत वकील के जो मुकद्दमा के हालत से वाकई वाकिकार किया गया हो और कुल अहम उमूरत मुतालिक का जबाब दे सके या जिसके साथ और कोई सहज हो कि जो जबाब ऐसे सवाबात का दे सके हाजिर हो और जबाब देही दावा को करे और आपको लाजिम है कि उसी रोष जुमला दस्तावेज पेश करे जिन पर आप बताइद अपनी जबाब जही के इस्तदलाल करना चाहते हों वयान तहरीरी रीनांक को दाखिल करे ।

आपकी इत्तला दी जाती है कि अगर बरोज मजदूर आप हाजिर न होंगे तो मुकद्दमा बर्गर हाजिरों आपके मसमूअ और फैसला होगा ।

मेरे हस्ताक्षर और मोहर आदालत से भाज द्वारा ख ७ माह १८ सित १९२१ ई० का जारी किया गया।

जारी किया गया।  
Duplicate enclosed

**11/15/54**

(१) अगर आपको यह प्रश्न है कि आपके गवाह अपनी प्रज्ञा से हैजिर न होगे तो आप अदालत हुआ से समझ सवाद जमी करा सकते है कि जो गंवाह हाजिर न हो वह जबरन हाजिर करायो जाय और जिस दस्तावेज को किसी गवाह से पेश करने का आप हिस्ते हकीकत रखते हैं वह उस शर्त कराई जाय बगान कि आप खर्चा जरूरी अदालत में दाखिल करके इस अन्यायी दरखावा को जमाने में

(२) अगर आप मुताबिक मुद्दई को तसलीम करते हैं तो आपको लाजिम है कि रुपया मय खर्चा नालिश अदालत में स्वीकृत करें ताकि कारवाई इजराय डिग्री की जो आपको जाना व माल या दोनों पर करेंगे पड़े ।

Fixed for 22-11-21  
14-11-21

सममन् वाहते करारवाद उमर तनकीह

[illegible]

~~उपपन्नी~~ १० बजे दिन के अंमलन या मारफल वकील के लो मुकदमा के हालत मे वाकई वाकिफकार किया गया हो और कुल अहम म्पगन मुताबिक का जबाब दे सक या जियके साथ और कोई सहण हो कि जो जबाब ऐसे मवालान का दे सके हाजिर हो और जबाब देही दावा को करे और आपकी लाजिम है कि उसी रोज जुमला दस्तावेज पेण करे जिन पर आप बनाईद अपनी जबाब देही के उम्मादलाल करना चाहते हो बयान तहरीरो निनाखू को दाखिल कने ।

आपको इतिला की जानी है कि अगर ब्रोज मकजूर आप हजिर न होगे तो मुकनमा बगैर इजिजी आपके संसमूअ और फैसला होगा ।

Subscribers enclosed

मेरे हस्ताक्षर और मोहर अदालत से आज तारिख १२ सन १९८५ ई० को जारी किया गया है

(१) अगर आपको यह अन्वेषण है कि आपके गवाह अपनी मर्जी से हाजिर नहीं होते तो आप अदालत हाजरा से ममत व मुगद जारी करा सकते हैं कि जो गवाह हाजिर नहीं होते वह जाबरन हाजिर कराया जाय और जिस दस्तावेज को किसी गवाह से पिण कराते आप इसे हका कर सकते हैं वह इस मत करायो जाय वगैरत कि आप खर्चा जरूरी अदालत में दखिन करके इस अभकारी दरखास्त मुजगाने ।

(२) अगर आप मालवा मुहई को तसलीम करते हैं तो आपको लाजिम है कि अपनी मय खर्च नानिग अदालत में दाखिल कर ताकि कारवाई इजराय डिप्री की जाय, आपकी जात अ माल या दोनो पर करना पड़े ।

(29) ~~29/11~~

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21-11-11/11

21-11-11/11

In the Court of Muzif Nawal, Unknown

1/16

2

Nawal Lal Phunia

Versus,

Applicant - Plaintiff.

Union of India & others

Opp Parties - Defendants

R.S. No. 474 of 1985.

Filed for 22.12.85.

Sir,

In the above case, the process by both ways is being filed to summon the defendants on the following address

1. Union of India through Chairman, Railway Board, Rail Bhawan, Unknown
2. Director - General, R-D-S-O, <sup>Mand Nagari</sup> Unknown
3. Sri Shankar, 86-Sw Road, Quarter No. 10, 1st Fl. LD/105/12, Mand Nagari, Unknown

Unknown, Dated,

23.11.85.

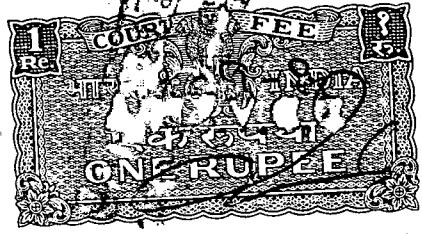
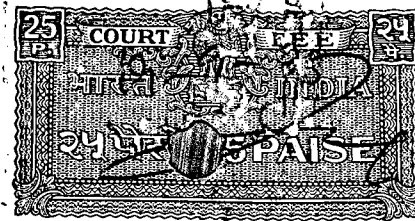
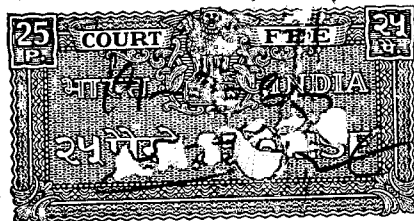
Advocate

23.11.85. Advocate  
Counsel for the Plaintiff

25/11

व अदालत श्रीमान Munshi Kewal Das  
 [वादी] अपीलान्त- Kewal Das वकालतनामा

महोदय



नं० मुकद्दमा

Kewal Das बनाम Union of India

प्रतिवादी (रेस्पाडेन्ट)

पेशी की ता. १५-९-१९८५ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री D. K. Parzade, Advocate

वकील

महोदय

एडवोकेट

|              |            |
|--------------|------------|
| नाम अदालत    | नाम फरीकित |
| मुकद्दमा नं० | बनाम       |

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहमामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किषा हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गयी वह सब कार्यवाही हमको सर्वथा स्वीकार है और होया में यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम 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।

हस्ताक्षर

[Signature]

साक्षी (गवाह)

साक्षी (गवाह)

विनांक

महीना

सन् १९८५ ई०

स्वीकृत

Accepted.  
D. K. Parzade  
 2-9-85



११.९

89/8

1 R. COURT FEE 1 R.  
BRITISH INDIA  
ONE RUPEE

**प्रतियापो  
रेसुपान्पेन्ट**

पीरंक में लिये हुये मुकदमे की परबी हेतु पारिश्रम देकर  
 अपना वचन यह होकर श्रीमान *Shabal Ahmad Alameer*  
*Minister of the Interior* पञ्जाब, पठानकोट

১৫৫৫

10

१०६

Accepted  
Paul A. ...  
[Signature]

M.A. bl

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH AT ALLAHABAD

1910  
1

R E P L Y

ON

(Behalf of Respondent No. 1 & 2)

IN

(Registration No. 523 of 1987(T))

Kosri Lal Dhusia

.. Applicant

VERSUS

Union of India & others

.. Respondents

I, S. Bhatia s/o late Shri U.C. Bhatia 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 Dy. Director/Estt-I in Research, Designs and Standards Organisation, Lucknow and as such he is fully competent to affirm the contents of this written reply.
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. That the contents of para 1 need no comments except that he is presently working as Chief Design Assistant(provisional) in the Wagon Directorate.

  
(S. Bhatia)  
Pw. Director (Estt-I)  
R.D.S.O., Lucknow

AI  
2

4. That the contents of para 2 of the application are not admitted and are denied in the form they stand. In reply thereto it is emphatically submitted that the applicant was allotted only the quarter No.LD-105/C vide allotment order No.A/AT/III dated 20-6-81 and not alongwith the alleged two out-houses as claimed by the applicant. The fact can conveniently be perused from the aforesaid letter and the same is being filed herewith the counter and is marked as Annexure-AI to the counter.

5. That the contents of paras 3 & 4 of the plaint are admitted with a submission that the ~~representation~~ applicant was served with a Memorandum No.A/AT/NS dated 16-4-84 to hand over the vacant possession of the two out-houses attached with the quarter No.105/C on the basis of the standing instructions of the Railway Board letter No.53/H/191 dated 3-10-55 read with GM/N.Rly's letter No.289-H/0 (out-houses) of 17-8-77 regarding the authorisation of the officer to retain quarters according to their scale for their domestic servants. The copy of the aforesaid instructions is being filed herewith the counter and marked as Annexure-BZ-2 to the counter.

Further the date of alleged representation dated 16-4-84 is incorrect and the correct date is 21-4-84.

It is worthwhile mentioning here that the department on 19th January, 1985 had provided the



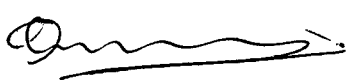
(S. S. S. S.)

81/3

copy of the standing instruction to the applicant on the subject and even then knowing fully well the standing instructions the applicant had filed the present suit No.4740/85 on 17-9-85 before the learned Munsif Haveli at Lucknow which was later on transferred to the Hon'ble Court under registration No.523/87(T). This assertion can conveniently be established by perusal from the Annexure-~~II~~<sup>2</sup> of the counter. Hence the present application is not at all maintainable and is liable to be dismissed with special cost to the respondent as the applicant had failed to challenge the initial standing instructions of the Railway Board.

6. That in reply to the contents of para 5 of the plaint it is stated that the out-houses attached to quarter No.LD/105-C was not specifically allotted to the petitioner, and as such the occupation of the out-house has been treated as un-authorised occupation. Hence the out-house was allotted to Shri Shanker, Khalasi of this Organisation vide allotment order No.A/AT/NS dt. 17-9-84. The copy of the allotment order is annexed with the counter and is marked as Annexure-R3 of the counter.

It is further submitted that on a physical verification having been got conducted by the Town Engineer vide his letter No.WKS/OH



(S. M. J.)  
Dy. Commr. (1)  
R. O.  
Meerut

RA 10  
4

dated 3-9-84 that the out-house No. 'D' was in occupation of Shri Shanker, Khalasi and not the house No. 'E'. Accordingly out-house No. 'D' has been detached and allotted to Shri Shanker, Khalasi in whose favour the initial order was issued. The Enquiry report of the TEN is also being filed herewith the counter and is marked as Annexure-D4 of the counter.

7. That the contents of para 6 of the application are admitted with a clarification that the applicant was informed about the policy of the Railway Board regarding the entitlements of the out-house according to the Grade and Scale of the concerned officer. Since the same policy had been formed by the Railway Board which is the higher authority in the Railways, hence all the organisations of the Railways have to follow the same guide-lines.

Accordingly being a Class III employee the applicant was not entitled even for one out-house; as such he was asked to hand over the vacant possession of one of the two out-houses attached with the quarter so that it can be occupied by the allottee.

8. That in reply to the contents of para 7 of the application it is submitted that the answering respondents have realised the Bungalow rent and in any case if any excess amount is deposited by the applicant will be adjusted in

  
By: \_\_\_\_\_  
R. S. \_\_\_\_\_  
North \_\_\_\_\_

110  
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the said premises, as the same constitute mis-interpretation and clerical error in nature.

9. That in reply to the contents of para 8 of the application it is submitted that no cause of action have every <sup>been occurred</sup> ~~been occurred~~ to the plaintiff. ~~of any of the date mentioned in the~~ ~~instant paragraph~~ The answering respondents have done everything under the policy framed by the Railway Board and as such have not committed any irregularity in issuing the memorandum of request to hand over the vacant possession or allotting of the out-house to the authorised allottee.

10. That contents of para 9 of the application need no comments as the present reply is being filed before this Hon'ble Tribunal and the valuation of suit and court fee is of no relevancy under present circumstances.

11. That the plaintiff is not entitled for relief as prayed at all as without seeking a declaration of any legal and valid authority. The applicant cannot claim the possession of the out-house No. 'D' which was already in occupation of the respondent No.3 Shri Shanker. This fact can be brought out from the report of the Town Engineer which is marked as Annexure-R4 to this counter.



(Sd/-)  
[Illegible text]

It will not be out of place to mention that the respondents have actually in a legal manner complied with the standing instructions of the Railway Board by allotting the out-house to its employee who is legally entitled to get the said out-house allotted in his name.

12. That the contents of para 10-B and 10-C of the application are vague and mis-conceived and the applicant is not entitled for any relief to be granted in his favour. Moreover, the applicant has utterly failed to mention any good ground for the interference of the Hon'ble Court in the instant case.

Further the applicant had failed to point out any legal infirmity, hence the present application is devoid of any merit and is liable to be rejected with special cost to the respondents.

VERIFICATION

(S. S. TIA)  
Deponent-  
R. D. T.

I the above mentioned deponent do hereby verify that the contents of paras 1, 2 and 3 of this counter are true to my personal knowledge and those of paras 4, 5, 6, 7, 8, 9, 10, 11 and 12 of this counter are true to my knowledge based on the perusal of the relevant available office record and legal advice and no part of it is false and nothing material has been concealed in it.

Place: Lucknow

Deponent

Dated: 26-10-88

# Annexure I

Annexure B-1

21/6/81

भारत सरकार - रेल मंत्रालय  
अनुसंधान अभिकल्प और मानक संगठन

0 ए/एटी/111

मानक नगर, लखनऊ - 11

दिनांक 20-6-81

विषय:- मानक नगर, लखनऊ में आवासीय क्वार्टरों का आडेंटन।

नीचे लिखे कर्मचारियों को उनके सामने दिये गये क्वार्टर आवंटित किया जाता है :-

| नाम व पदनाम                                 | क्वार्टर सं०             |
|---------------------------------------------|--------------------------|
| श्री के.एल.धुसिया, अभिकल्प सहायक            | एल.डी.-105/सी भूखंड 51/4 |
| श्री एस.के.मारवाह, अभिकल्प सहायक/विद्युत    | वी-56/1                  |
| श्री शंकरनाथ मुखर्जी, वरिष्ठ अनुसंधान सहायक | वी-64/1                  |
| श्री एस.एन.दुसाज, वरिष्ठ प्रलेखोपस्था सहायक | वी-140/1                 |
| श्री एस.के.दत्ता, कनिष्ठ सहायक/फाउण्ड्री    | वी-173/1                 |
| श्री एन.राघवन, वरिष्ठ वैयक्तिक सहायक        | वी-137/3                 |
| श्री ए.दत्ता, सहायक/स्था०-3                 | वी-136/2                 |
| श्री पी.सी.सरकार, सहायक भंडारी              | वी-118/2                 |

इस पत्र के जारी होने के आठवें दिन अथवा क्वार्टर के लेने, इनमें से जो पहले हो, तब से क्वार्टर रहने लायक हो जायेगा। यह आडेंटन को जिम्मेदारी कि वह कार्य निरीक्षक [सम्पत्ति] से सम्पर्क करके क्वार्टर के पिट होने की प्राप्ति करें।

क्वार्टर के लेने की तारीख नगर इंजीनियर द्वारा अनुभाग अधिकारी [मानक] और अनुभाग अधिकारी [स्था०-3] को तुरन्त देनी चाहिए। सम्बन्धित कर्मचारी अपनी लिखित क्वार्टर लेने की इच्छा पैरा-2 में दिये पत्र के भीतर भेज देनी चाहिए। यदि ऐसा न हो जाता है तो इससे क्वार्टर लेने से अनिच्छा समझा जायेगा तथा इसके कारण सम्बन्धित कर्मचारी एक क्वार्टर लेने के हकदार नहीं रहेंगे।

यदि सम्बन्धित कर्मचारी इस आडेंटन पत्र के जारी होने के 7 दिन के भीतर क्वार्टर नहीं ले लेता है तो उससे पैरा-2 में दिये गये अनुसार क्वार्टर का किराया लिया जायेगा।

कुछ नहीं।

वितरण

21/6/81  
[राम प्रकाश जेतली]  
उप निदेशक [प्रशासन]

कर्मचारी, केतन अनुभाग [अनुभाग अधिकारी/स्था०-3], नगर इंजीनियर, [सम्पत्ति], सहायक विद्युत इंजीनियर, विद्युत फोरमैन, उप निदेशक [स्था०-2], अनुभाग अधिकारी [स्था०-1], अनुभाग अधिकारी [स्था०-4], अनुभाग, विद्युत चार्जमैन [अनुभाग]

Attended  
[Signature]  
21/6/81



# Annexure II

Annexure R-2

8

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

No. A/AT/RS.

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

11/8

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

L dt. 21.4.84 & 18.9.84

See S No 8, 39

As requested in your representation a copy of  
the G 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.

By: Director (Admn).

DA/One (reproduced below).

Shri C. M. Kuleshreshtha, 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.

Attested True  
By: RE: Admn. Dy. D.  
22/10/85

# Annexure III

Annexure R-3.

17/9

17/9

17/9

17/9

## GOVERNMENT OF INDIA MINISTRY OF RAILWAYS RESEARCH DESIGNS & STANDARDS ORGANISATION.

No. A/AT/NS.

### MEMORANDUM

Dated: 17-9-1984.

In this office memo. of even number dated 16.4.84, it was directed to handover the vacant possession of the out-house attached to Quarters No. \_\_\_\_\_ within a period of 60 days. Since the allottee has failed to handover the vacant possession of the said unit of 'Out-House', and the same has been detached and is allotted to Shri AS/2nd Annexure (A) S/o Shri \_\_\_\_\_ working as \_\_\_\_\_ in the \_\_\_\_\_ Directorate w.e.f. 14.9.84 who is presently in occupation of the said unit.

2. Shri \_\_\_\_\_ is further informed that no addition/alteration will be made in the out-house so allotted to him.

DA/Nil.

Shri \_\_\_\_\_

(K.Kumar)  
for Director General.

Copy forwarded for information and necessary action to:

1. Shri \_\_\_\_\_. He is informed that the out-house attached to the quarters No. \_\_\_\_\_ is detached w.e.f. 14.9.84. As such, the rent of the quarters will be reduced accordingly.
2. TEN/RDSO. It is requested that the rent of the quarter which stands allotted to the staff as per Annexure 'A' may be recalculated and advised to SO/E-III for further necessary action.
3. DDE-3/SO/E-IV- the rent of the out-house allotted in the name of staff as per Annexure 'A' may be recovered at the rate of Rs. 11.70 per month.
4. SO/E-III/RDSO
5. JDE/RDSO
6. DDSE/Maintenance)
7. Sr. Elec. Foreman and Elect. Chargeman (Meter Sec.). It is requested that necessary electric connection along with the metre may be provided in the out-house as per Annexure 'A' attached herewith.

DA/ANNEXURE 'A'

(K.Kumar)

Director General

Attended True Copy

28/10/84

18/9/84

| Sl. No.     | Quarter No.    | Outhouse No. | Name of occupant   | Father's Name              | Deptt.       |
|-------------|----------------|--------------|--------------------|----------------------------|--------------|
| 1. OSW- 11  | RTD/14/2416    | C            | S/Sri Ram Prasad,  | S/Shri S/wala. Ram Chulani | TEN          |
| 2. OSW- 12  | RTD/14/3151    | C            | Ramadhar ,         | Mali Maharajain            | TEN          |
| 3. OSW-24A  |                | A            | Bunnilal ,         | Khalasi Jitten             | TEN          |
| 4. LD-102A  |                | A            | Ratanchand,        | Peon Jagatram              | Res. Civil   |
| 5. LD-104C  | नवेल           | D            | Maharajdin,        | Peon Badri                 | Elec. Maint. |
| 6. LD-102B  |                | E            | Tikkaram ,         | Khalasi Rajaram            | Res. Civil.  |
| 7. LD-105C  | वाकर           | D            | Shankar ,          | Khalasi Ramlal             | -do-         |
| 8. LD-107C  | रामेश्वर चौधरी | E            | Rameshwar ,        | Khalasi Shridhar Chowdhary | TEN          |
| 9. LD-109B  | जमुना प्रसाद   | C            | Jamuna Prasad, Car | Shridhar Attenat. Prasad.  | Res. Inc.    |
| 10. LD-105A |                | C            | Smt. Masla         | S/Wali -                   | TEN          |

/15984.

Affected True Copy  
 Advocate  
 27.10/88

177  
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Office of the TEN/RDSO  
Lucknow.

Annexure R-4

No. Wks/OH  
The DD/Admn  
RDSO, Lucknow.

Annexure 4

29

3.9.84

11

Sub:- Out houses.

Ref:- Your note No. A/AT/NS dated 31.8.84

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.     | C&W-11     | C               | Shri Ram Prasad    | Shri Ram Ghulam | TEN/RDSO      |
| 2.     | C&W-12     | A               | Outsider           |                 |               |
| 3.     | C&W-13     | B               | Shri Ramadhar Mali | Shri Maharajdin | TEN/RDSO      |
| 4.     | C&W-25A    | A               | Outsider           |                 |               |
| 5.     | LD 103 A   | A               | Outsider           |                 |               |
| 6.     | LD 103 B   | F               | Outsider           |                 |               |
| 7.     | C&W-24A    | A               | Shri Ram Prasad    | Shri Maharajdin | TEN/RDSO      |
| 8.     | LD-102 A   | A               | Shri Ram Prasad    | Shri Maharajdin | TEN/RDSO      |
| 9.     | LD 104 C   | D               | Shri Ratanchand    | Shri Jagatram   | TEN/RDSO      |
| 10.    | LD 102 B   | E               | Shri Maharajdin    | Shri Jagatram   | TEN/RDSO      |
| 11.    | LD 105 C   | D               | Shri Tikkaram      | Shri Badri      | Res. Civil    |
| 12.    | LD 107 A   | B               | Shri Shankar       | Shri Rajaram    | Elec maint    |
| 13.    | LD 107 C   | F               | Outsider           | Shri Ram Lal    | Res Civil     |
| 14.    | LD 109 B   | E               | Shri Rameshwar     | Shri Shridhar   | Res. Civil    |
|        |            |                 | Chowdhary          | Chowdhary       | TEN           |
|        |            |                 | Shri Jamuna Prasad | Shri Shridhar   | Res Intrumen- |
|        |            |                 | Prasad             | Prasad          | tation.       |

As regards occupation of outhouse C of LD 106 A, Eviction proceedings against Smt Moola, working under Estate Supervisor is in process. She is in occupation of the said outhouse.

The matter regarding the occupation of outhouse D and E of LD-108 C the matter is still under investigation and a finally reply in the matter will be issued after the same is sorted out.

Attested True Copy

Admn

27/10/84

(Charm Singh)  
Engineer/RDSO

(S. ...)

Dy. ...

M...

59/84

In the Court of Munsif Mawla, Lucknow

(2)

Kesari Lal Dhusia \_\_\_\_\_ Plaintiff.  
Versus.

Union of Indus Brothers \_\_\_\_\_ Defendants.

R.S. No. 474 of 1985.

Fined for 23.1.86 for WS.  
30.1.86 for 958000.

Sir,

In the above cited suit, the process by both  
ways is being filed to summon the Defendants 3  
on the following address:—

Sri Shankar, S/o. Suckradd.

Quarter No. 'D' of Bungalow No. L.D. 105/C,  
Menek Nagar Lucknow - 226007.

Lucknow, Dated,  
1.1.86.

D. D. Jais

1.1.86. Advocate.

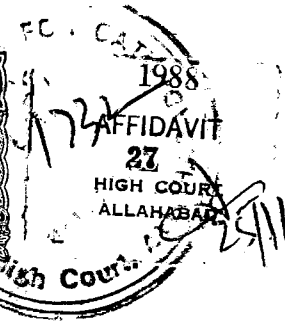
Counsel for the Plaintiff.

J.S.  
13/1/86

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLHABAD.

CIRCUIT BENCH LUCKNOW.

111  
1



Kes-ri Lal Dhusia .....Applicant.

V E R S U S

Union Of India and others.....Respondents

Case No. 523 of 1987 (T) .

Fixed for 25.11.1988.

COUNTER AFFIDAVIT AGAINST THE REPLY OF  
THE RESPONDENTS NO. 1 AND 2.

I, Kes-ri Lal Dhusia, aged about 48 years, S/O late Shri Durga Pd., r/o Bungalow No. LD-105/C, Manak Nagar, Lucknow, do here by solemnly affirm and state on oath as follows:-

1. That the deponent is the applicant in the aforesaid case and as such he is well versed with the facts here in after deposed. The deponent has read and understood the reply of the respondents no. 1 and 2 and is giving its reply in the following paragraphs:-

That the contents of para 2 of the reply of the respondents no. 1 and 2 by way of affidavit

( here in after referred to as reply ) needs no comments.

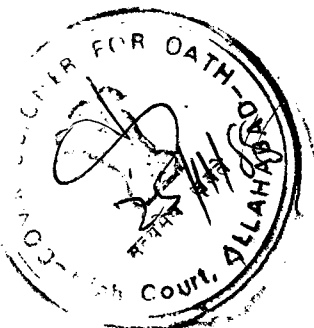
Contd.....2/-



C. Dhusia

L. T. of Sd  
Kes-ri Lal Dhusia

3. That the contents of para 3 of the reply needs no comments.
4. That the contents of para 4 of the reply are false and mischievous and as such those are emphetically denied. It is submitted that the deponent was allotted the entire bungalow no. LD-105/C which is itself single storied and it includes lawns as well as two Out Houses and the deponent was delivered the possession of the entire accomodation and the rent of the entire accommodation of the bungalow No. LD-105/C including the said two Out Houses is deducted from the salary of the deponent every month as yet. It is further submitted that the Annexure-R-1 filed with the reply by respondents no. 1 and 2 is not disputed.
5. That the contents of para 5 of the reply are absolutely false and baseless and as such those are denied. It is further submitted that the deponent was served with the letter No. A/AT/NS, dated 16.4.1984, contained in Annexure A-I informing the deponent to detach the Out House No. 'E' of the bungalow no. LD-105/C of the deponent. It is wrong to allege in the para under reply that the deponent was served with the said memorandum contained in Annexure. A-I to hand over the vacant possession of the two Out Houses attached with the bungalow no. LD-105/C. It is further submitted that the deponent was never served the standing instructions of the Rly.Bd. dated 3.10.1955 or 17.8.1977 as alleged in the para under reply.



*Signature*  
L.T. 1/50  
Keshav Lal Sharma

It is further submitted that the deponent reiterated that the date of representation of the deponent is 16.4.1984 which he had made to the respondent no.

P.11  
3

2. regarding detachment of one of the out houses of his bungalow which was in his possession since the date of allotment and occupation. The true copy of the said representation dated 21.4.1984 is contained in Annexure A-II to this affidavit.

It is further denied specifically that the department had provided any copy of the standing instructions to the deponent on the subject. The allegation is mischievous, baseless and as such it is denied. It is further submitted that in <sup>spite</sup> of the representation dated 21.4.1984 made by the deponent, the respondent no. 2 issued allotment letter dated 17.9.1984 specifically allotting the out house No. 'E' of the bungalow no. LD-105/C of the deponent to the respondent no. 3, but instead of giving the possession of out house no. 'E', it has given the possession of out house No. 'D' of the bungalow of the deponent to the respondent no. 3.

And as such being aggrieved by unlawful action of the respondent no. 2, the deponent filed the suit for possession in the court of Munsif Hawali, Lucknow with the prayer to pass a decree for possession in respect of out house no. 'D' attached with the bungalow of the deponent, in favour of the deponent and also for delivery of the out house No. 'D' of the said bungalow in his favour, has now been transferred to this Hon'ble Tribunal and as such the present application is maintainable and it deserves to be allowed.



*L.T. of S/o Kunal  
Alusia.*

Cont.....



11/4

It is further submitted that the Annexure R-2, filed with the reply by the respondent no. 1 and 2 has no concern with the deponent nor it was served with the deponent and as such it is denied having no concern with the deponent.

6.

That the contents of para 6 of the reply are mischievous, false and as such those are denied. It is further submitted that in Annexure R-3, attached with the reply of the respondents no. 1 and 2 is false and it was never served with the deponent and as such it is denied. It is further submitted that the said Annexure R-3 is fabricated in the aforesaid case and the deponent also denies the Annexure A attached to Annexure R-3, filed by the respondents no. 1 and 2 along with their reply. It is further submitted that the respondent No. 3 (Shanker) has been allotted the out house no. 'E' instead of 'D' as shown in Annexure A, attached with the Annexure R-3.

The deponent further reiterates that the deponent was allotted as well as he was given possession of the said two out houses No. 'D' & 'E' along with his bungalow no. LD-105/C and since the date of allotment, the deponent is in possession of the same.

It is further submitted that the allegations of the respondents no. 1 and 2 under reply that the Town Engineer made the physical verification is absolutely false and as such it is denied. The deponent reiterates that the said Town Engineer never got the physical verification of the bungalow of the respondent nor he ever verified the said



LT. 105/C  
Kamla Devi

out houses, attached with the bungalow of the deponent.

It is further submitted that the respondent no. 3 Shanker is the son of the maid servant of the deponent. The mother of the respondent no. 3 being the maid servant of the deponent has been residing in the out house no. 'D' of the bungalow of the deponent with the consent of the deponent and she has been residing in the said out house no. 'D' since the said bungalow has been allotted to the deponent. However, the respondent no. 3 has got no concern with the deponent, but he being the son of said maid servant of the deponent has been residing with his mother and as such the allotment of the out house no. 'E' to the respondent no. 3 is illegal and unlawful. The deponent further denies the Annexure R-4., filed with the reply, by the respondent no. 1 and 2 nor the deponent was ever served the said letter, contained in Annexure R-4., and as such it is denied.

7.

That the contents of para 7 of the reply are baseless and mischievous and as such those are denied. It is further submitted that the deponent was not informed about the policy of the Rly. Bd. regarding the entitlements of the out houses according to the scale of the concerned officer nor the same has been ever served upon the deponent and as the deponent has no knowledge about the policy of Rly. Bd., as has been alleged in para 7 of the reply.

It is further submitted that the contents of para 7 are self contradictory.



*Handwritten signature*  
L.T.I. of Smt.  
Veer Lal Sharma

(A11/6)

with the allegations of <sup>✓</sup>Para 6 of the reply. It is further submitted that in para 6 of the reply the respondents no. 1 and 2 alledged that the deponent was not allotted the out houses of the bungalow no. LD-105/C, where~~as~~ in the sub para under reply the respondents no. 1 and 2 have alledged a contradictory fact that the deponent was asked to hand over the possession of one of the two out houses attached with the said bungalow of the deponent. This fact is self-contradictory as it, on the one hand, denies the allotment <sup>✓</sup>and possession of the deponent in respect of out houses but on the other hand in the sub para under reply the respondents no. 1 and 2 have admitted the possession of the deponent in respect of the out houses. That the fact being contradictory <sup>to</sup> each other, the allegations of the respondents no. 1 & 2 in para 6 and 7 of the reply can not be sustained.

8. That the contents of para 8 of the reply are also ambiguous and as such those are denied. It is further submitted that again the respondents no. 1 and 2 are not confident about the fact whether the rent of only bungalow is deducted from the <sup>✓</sup>salary of deponent or the rent is also deducted of the out houses attached with the said bungalow from the salary of the deponent. It is further submitted that the said bungalow no. LD-105/C was allotted to the deponent vide allotment letter dated 20.6.1981 and as such more than 7 years have passed and since then the deponent is in possession of the said bungalow No. LD-105/C alongwith the two out houses No. 'D' & 'E' and the rent of the



*C. M. Singh*  
L. & T. of S. & D.  
Karnal Dist. Division

18/11/77

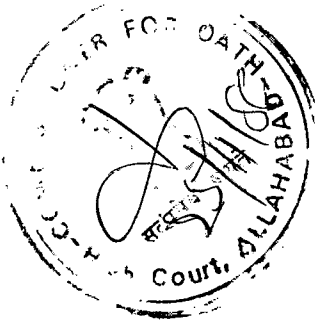
same is being realised by the respondents No. 1 & 2 from the salary of the deponent every month regularly and as such the allegations of the respondents No. 1 & 2 that it was due to the clerical error and it will be adjusted, is fantastic and there is no force in the averments made by the respondents No. 1 and 2 in para 8 of the reply.

9. That the contents of para 9 of the reply are denied. The cause of action accrued to the applicant against the respondent as alleged in para 8 of the application and whatever the respondents No. 1 & 2 have done in allotting the out house no. 'E' in favour of the respondent no. 3 is clearly an unlawful and illegal act. It is further submitted that in respect of the allotment of the said out house no. 'E' to the respondent no. 3, the rent of the house rent is still being deducted from the salary of the deponent at the same rate of rent at which it was before such allotment and this act of the respondents no. 1 & 2 also shows that their act in allotting the out house no. 'E' to the respondent no. 3 is unlawful and illegal.

10. That the contents of para 10 of the reply needs no comments.

11. That the contents of para 11 of the reply are denied.

It is submitted that the facility of the bungalow including the out houses is the facility of the service of the deponent and entitles the deponent of the said bungalow and said out houses and in pursuance of the said final amenity, the deponent was allotted the said bungalow, LD-105/C alongwith two out houses vide order dated 20.6.1981 which is contained in Annexure R-1 and as such the allegation of the respondents No. 1 and 2 that the deponent is not



C. S. 21  
L. T. D. / S. K. S.  
Lal Division

8/11/10

Solemnly affirmed before me on 25.11.1988 at 9.40<sup>2</sup> A.M./P.M.  
by the deponent Sri Kesri Lal Dhusia, who is identified  
by Sri D.K.Raizada, Advocate, High Court, Allahabad, Lucknow  
Bench, Lucknow.

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

Oath Commissioner.

*C. S. 24*

*L. T. Dhusia Kesri Lal  
Dhusia.*



*W. S. / Ahmad*  
WASIF AHMAD  
OATH COMMISSIONER  
High Court Allahabad  
Lucknow Bench Lucknow  
No., 12321.27....  
Date... 25.11.88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

CIRCUIT BENCH LUCKNOW.

18/11/88

Kesari Lal Dhusia.....Applicant.

V/S.

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

Case No. 523 of 1987(F)

Fixed for 25.11.1988.

ANNEXURE: A-I

Government of India  
Ministry of Railways  
Research Designs & Standards Organisation

No. A/AT/NS

Manak Nagar, Lucknow-11  
Dated: 16.4.84.

MEMORANDUM

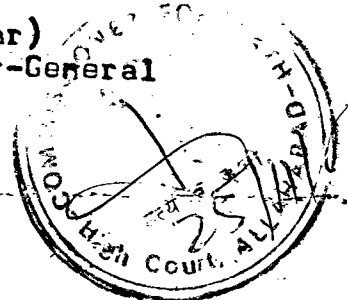
In accordance with the revised policy of the Railway Board the scale of out-houses attached to the Officer/ staff quarters has been reduced. Accordingly it has been decided to detach 'out-house' No. 'E' attached to quarters No. LD-105C which at present stands allotted in his name.

Shri K.L.Dhusia, SDA/case 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.

DA:Nil.

(K. Kumar)  
for Director-General

✓ Shri K.L.Dusia,  
SDA/casualty, RDSO/Lucknow.



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.

Town Eng.

Attested Envelope

DA:Nil.

(K. Kumar)

L.T. of  
Sd/- Kesari Lal  
Dhusia

Dhusia  
Adv.  
25.11.88.

A 11  
12

Kesari Lal Dhusia.....Applicant.

v/s.

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

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

Case No. 523 of 1987 (I)

Fixed for 25.11.1988.

ANNEXURE: A-II

Sir,

Sub: Eviction from a portion of our house.

Ref: Your Memo No. A/AT/NS dt 16-4-84

We the residents of Manak Nagar request you to kindly supply us a copy of " Railway Board's orders revising the number of out-houses to be attached to a house " on the basis of which you intend to start eviction proceedings.

We, further, want to bring to your kind notice that these houses are no more standard type-III or type-IV Quarters as they have already been divided in a very haphazard manner causing discrimination between the residents of same type of quarters and with the so called policy which you are going to follow now ( as evident from the Memo issued to only a few of us ) that one out-house shall be got vacated from occupant of a quarter who is said to have two out-houses shall further aggravate the discrimination, which is an unconstitutional act.

We, therefore, again request you to kindly supply us a copy of the Railway Board's orders for our record and revise your decision by removing the existing discriminations as has been done in LD-103/B rather than further enhancing them. Hence we shall not take cognisance of the Memo served by you till the matter remains under dispute.

We may be granted personal hearing to explain our problems in greater detail, if desired.

Thanking you,  
L. T. of Smt. Kesari  
Lal Dhusia.

True copy  
C. S. M.

Attested True copy

25.11.88. Adv.  
yours faithfully,

| S.No. | Name           | Designation | Gr.No.   | Signature |
|-------|----------------|-------------|----------|-----------|
| 1.    | SUBODH BEHARI  | CDA/Wagon   | LD-106/B |           |
| 2.    | G. VENKATRAMAN | CDA/Carr.   | LD 1 3/A |           |
| 3.    | K. L. DHUSIA   | SDA/WDO     | LD-105/c |           |
| 4.    | D. S. ARYA     | CDA/CDO     | LD-104-B |           |
| 5.    | B. K. GROVER   | JDA/CDE     | LD-105/H |           |
| 6.    | ESSENT KUMAR   | SPA/DRD     | LD-108/B |           |
| 7.    | ...            | D. DR/KS    | LD-105/B |           |
| 8.    | ...            | SDA/T       | LD-104/c |           |
| 9.    | K. T. SINGH    | CDA/SJ7     | LD 109 B |           |
| 10.   | M. P. S. BHATI | SRA/MTC     | LD 104/H |           |
| 11.   | ...            | ADD(CP)     | LD 102 B |           |
| 12.   | ...            | Pub/Inst    | LD 107 A |           |

BENCH OF CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Bench at Lucknow

Misc. application No.-----104-----of 1969. (C)

In Registration No. 523 of 1987(T).

(Arising out of Suit No. 474 of 1985. K.L. Dusia vs. UOI

& others Haveli-- Lucknow)

K.L. Dusia-----Applicant.

Vs.

Union of India & others-----Respondents.

District Lucknow.

Before,

The Hon'ble Vice Chairman & other Companion members  
of the Tribunal.

Humble application on behalf of respondents, Union of  
India & others most respectfully submits as under.

1. That the applicant K.L. Dusia had filed the  
aforesaid suit No. 474 of 1985 before Haveli, Lucknow  
for possession.

2. That virtue of section 29 of the Central  
Administrative Tribunal Act XIII of 1985 the aforesaid  
suit was transferred to this Hon'ble Tribunal & was  
re-registered as Registration No. 523 of 1987(T).

3. That the aforesaid case was dismissed by Hon'ble  
Justice Kamleshwar Nath, Vice Chairman on 2nd August 1989,  
in the direction that the opposite parties must reduce the  
rent of the applicants accommodation on account of allotment  
of the quarter in question to opposite party No. 3 & the  
benefit of reduction must be given to the applicant.

4. That consequent upon the decision of the Hon'ble  
Tribunal, the matter was referred to the Town Engineer/  
MDSO. Lucknow, to calculate the rent on the basis of  
detachment of one of the out houses allotted to Sh. Shankar, opposite  
party  
No. 3 w.e.f. 17/9/84.

P. Mathur



8/20

5. That as per information of the Town engineer the rent of quater No. LD -1050 from Rs. 64/- has already been reduced to Rs. 57/- from September 1984 & the adjustment of excess rent has already been made from his salary. The true copy of memorandum No. LC/CC/CAT/ALD/KLD dated 8-2-90 is enclosed herewith the application & is marked as annexure I to the application.

**Prayer.**

On the facts & circumstances stated above It is most respectfully prayed to the Hon'ble Tribunal to be graciously pleased to pass suitable orders as deemed fit & Proper in the aforesaid circumstances of the case.

*Prashant Mathur*  
Prashant Mathur *Advocate*  
( Advocate )

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS  
RESEARCH DESIGN AND STANDARDS ORGANISATION

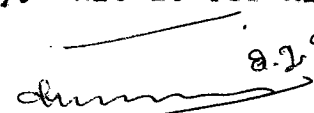
No. LC/CC/CIT/ALD/KLD

Lucknow-226011, Date 9.2.1990

MEMORANDUM

With reference to Hon'ble Central Administrative Tribunal's judgement dated 2.8.1989 on T.A.No.523 of 1987 Sh.K.L.Dhusia is informed that the Town Engineer has already reduced the rent of his quarter No.LD-105C from Rs.64/to Rs.57/- from September 1984 and adjustment of the excess rent has already been made from his salary. This is for his information.

DA/nil.

  
(S.Bhatia)  
for Director General.

Shri K.L.Dhusia,  
SOA/Tagan,  
RDSO/Lucknow.

Copy to JDA-1, TEN.

Filed for 22.12.85

# सम्मेलन वास्ते करारवाद उमूर तनकीह तलब

( आर्डर पू. कायदा १ व ५ )

नं० मुकदमा R-5.86-4740/85 जिला मुद्दई

बअदालत *Munir Chowdhury*, माफिन *Kew Lal Durrani*.

*Shanwar Sh. Ram Lal. Durrani* बनाम *Union of Gachs Bhaters*.

N<sup>o</sup> 10 of Bangalore, L.D. 10/1/85 साकिन

हुरगह *Mandi Meera* - - - - - ने आपके नाम से एक नालिश बावन *Duffrath attached*  
को दाखिल किया है। लिहाजा आपको हुकम होना है कि आप बताई माह *सन १९८६ ई०*  
*बुधवार* १० बजे दिन के असलत या मारफत वहील के जो मुकदमा के हालत से वाकई वाकिफकार

किया गया हो और कुल अहम उमूरान मनाफिक का जबाब दे सके या जिनके साथ और कोई सख्श  
हो कि जो जबाब ऐसे मवालात का दे सके हाजिर हो और जबाब देही दावा को करे और आपको  
लाजिम है कि उसी रोज जुमला दस्तावेज पेश करे जिन पर आप बताई अपनी जबाब देही के  
इसनदलाव करना चाहते हों बयान तहरीरी निनाइ को दाखिल करें।

आपको इत्तिला की जाती है कि अगर बोज मकजूर आप हाजिर न होंगे तो मुकनमा बगैर  
हाजिरी आपके मसमअ और हुकम होगा

*Duffrath attached* इत्तिला

मेरे हस्ताक्षर और मोहर अदालत से आज तारिख 22 माह 11 सन १९८५ ई० को  
जाती किया गया।

(१) अगर आपको यह अन्देशा है कि आपके गवाह अपनी मर्जी से हाजिर न होंगे तो आप  
अदालत हाज्रा से ममन व मुराद जारी करा सकते हैं कि जो गवाह हाजिर न हों वह जबरन  
हाजिर कराया जाय और जिस दस्तावेज को किसी गवाह से पेश कराने आप इस्तेहकाक रखते  
हैं वह उम शत कराया जाय बशर्त कि आप खर्चा जरूरी अदालत में दाखिल करके इस अभकारी  
दरखवास्त गुजराने।

(२) अगर आप मतालवा मुद्ई को तसलीम करते हैं तो आपको लाजिम है कि रुपया मय खर्चा  
नालिश अदालत में दाखिल करें ताकि कारवाई इजराय डिग्री को जो आपकी जात व माल या  
दौतो पर करना पड़े।

In the Court of Munsif Hawali, Lucknow.

R.S.NO. of 1985.

Kesri Lal Dhusia, aged about 45 years, Son of Late Sri  
Dugan Prasad, Resident Bungalow No. LD 105/C, Manak Nagar,  
Lucknow.

...Plaintiff.

Versus,

1. Union of India, through the Chairman Railway Board, Rail Bhawan, New Delhi.
2. Director General R.D.S.D. Manak Nagar, Lucknow.
3. Shanker, Son of Ram Lal, resident of Quarter NO. 'D' of Bungalow NO. LD-105/C, Manak Nagar, Lucknow.

...Defendants.

Suit for Possession

The plaintiff begs to submit as follows:-

1. That the Plaintiff is the Sr. Design Assistant (Wagon) in the office of the Director-General, R.D.S.O. Lucknow.
2. That the Plaintiff was allotted the Bungalow NO. LD 105/C, alongwith two out houses in Manak Nagar, Lucknow by the allotment order dated 20.6.1981.
3. That the Plaintiff was served with a memorandum dated 16.4.1984, requesting him to handover the vacant possession of the house no. 'E' attached with his bungalow.
4. That the Plaintiff represented against the memorandum dated 16.4.1984 to the defendant no. 2 regarding the detachment of one of the out houses of his bungalow, which was in his Possession since the date of allotment and occupation.

5. That the defendant no. 2 did not reply the said representation of the plaintiff and issued allotment letter dated 17.9.1984, to Sri Shanker, Son of Sri Ham Lal the <sup>defendant</sup> ~~deputy~~ NO.3 in respect of the out house no. 'E' of the bungalow of the Plaintiff w.e.f 14.9.1984.

It is however noted here that the allotment letter dated 17.9.1984 specifically mentioned the allotment of the out house no. 'D' of the bungalow of the Plaintiff but instead of it, has given possession of the out house no. 'E' of the bungalow of the Plaintiff.

6. That the Plaintiff again represented by his representation dated 19.11.1984 against the detachment of one of the out house of his bungalow to which the Plaintiff was replied by the letter dated 19.1.1985 by the deputy Director of Administration referring the letter no.289-W/4, (out houses) dated 17.3.1977 of the General Manager U.R. Head Quarters.
7. That the rent of the Out Houses alongwith the bungalow is still being realized from the salary of the Plaintiff, and there is no default in Payment of rent on the Part of the Plaintiff.
8. That the cause of action accrued to the Plaintiff against the defendants on 16.4.84 when the Plaintiff received the aforesaid memorandum dated 16.4.1984 requesting him to handover the vacant possession of the out house no. 'E' attached with his bungalow and again on 14.9.1984 on which date the defendant no. '3' was given possession of the out house no. 'D' attached with the bungalow of the Plaintiff and again on 17.9.1984 when the allotment Letter in respect of one of the out houses was issued, in Manak nagar, Pargana Tehsil and District Lucknow with in the Jurisdiction of this Hon'ble Court Lucknow.
- 2*

9. That the annual rent of the bungalow of the Plaintiff which is realized from his salary is Rs. 780/- being monthly rent of Rs. 65/- including the outhouses detached) and as such the Valuation of the suit for the purposes of the Jurisdiction and Court for the Purposes of the Jurisdiction. Court fee is Rs. 144/- being the annual rent of the detached out house, the monthly rent of the detached outhouse being ~~the~~ Rs. 12/- approx hence the Court fee of Rs. 10-25 is being paid.

10. That the Plaintiff is entitled for the following: <sup>relief</sup>

- (a) That the decree for possession in respect of the out house NO. 'D' attached with the bungalow of the Plaintiff <sup>described</sup> ~~located~~ at the foot of the Plaintiff's Be passed in favour of the Plaintiff against the defendants and possession of the out house 'D' to delivered 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 reliefs which this Hon'ble Court may deem fit and proper be also awarded to the Plaintiff against the defendants.

North:- Compound of Bungalow L.D.105/C.

South:- Back side Service Lane.

East:- Motor Garage occupied by G.O.W. Staff.

West:- Out house 'D'.

Lucknow.

Dated:

17.9.85.

Plaintiff.



Verification

I, the abovesaid Plaintiff do hereby verify that the contents of Paras 1 to 7 of the plaint are true to my personal knowledge and those of paras 8, 9 and 10 are believed by me to be true.

Signed and verified this      day of August, 1985  
within the Civil Courts Compound at Lucknow.  
Lucknow.

Dated:  
19.9.85.

Plaintiff,

Through:

(D. K. NAIRADA)  
Advocate.

Counsel for the Plaintiff.



क्र० पी०-54

R. P.-54

प्राप्ति-सिद्धि (रसीद)

ACKNOWLEDGMENT

\*एक रजिस्ट्री बीमा पत्र/पोस्ट कार्ड/पैकेट/पार्सल प्राप्त हुआ

\*Received a registered Insured/Letter/Post-card/Packet, Parcel

पाने वाले का नाम

Addressed to (name)

Chairman, Railway Board,

'Rail Bhawan,'

बीमा का मूल्य

Insured for Rupees

New Delhi

पाने वाले के हस्ताक्षर

Signature of addressee

RECEIVED

वितरण की तारीख

Date of delivery

१९६०

\*अनावश्यक काट दिया जाय \*Do not cut the matter not required.

\*केवल बीमा वस्तुओं के लिए For Insured articles only.



Kesri Lal Dhusia Vs. Union of India & Others.  
R.E. No. 474 of 1985: Fixed for 22.12.1985.

22  
12

भारतीय डाक-तार विभाग

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

प्रेम में,  
नज्दें वाले का  
समय पत्रा  
Send name

The Court of Munsif Hawali,  
Civil Courts Building, Opp. L.E.S.U.,  
LUCKNOW

(U.P.)



MG.PAR. 100-6-10-85-85,72,600

[Hindi 10-2/56]  
[C. 40-119,50]

भारतीय डाक-तार विभाग -

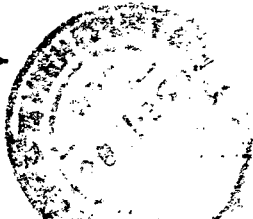
INDIAN POSTS AND TELEGRAPHS DEPARTMENT

प्रेषक में,  
जाने वाले का  
नाम व पता  
To  
Sender's name  
and address

The Court of Munsif Hawali,  
Civil Courts Building, Opp. L.E.S.U.,  
LUCKNOW.

(U.P.)

प्रेषक के  
नाम का मोहर  
Name-stamp of  
Office of posting



[Hindi 10-2/56]  
[C. 40-119/50]

REG. PAID. 5-10-55 85/2,600



22/8  
IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

C.M.Application No. of 1988

Union of India and others .. Applicants

In Re.

Registration No. 523 of 1987 (T)

K.L.Dhusia .. Applicant

Vs.

Union of India and others .. Respondents

Application on behalf of Respondents for grant  
of time.

That the above case has been fixed up for hearing  
on 23-8-88. Since this case is being contested by  
Shri Prashant Mathur, Advocate, CAT/Allahabad and he  
is expected at Lucknow on 26-8-88, it is requested  
that the same may kindly be fixed on 26-8-88 for  
hearing so that the same is contested by Shri Prashant  
Mathur.

Lucknow,  
Dated: 22-8-88

22/8/88  
Deponent  
(S. BHATIA)  
Dy. Director ( Estt. - I )  
R. D. S. O. ( Min. of Rlys )  
Manak Nagar, Lucknow-226011

kel  
22/8/88

By Regd. A/D.

DEFACE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

A/29

Bench at Lucknow

Misc. application No.-----104-----of 1990. (C)

In Registration No. 523 of 1937(T).

(Arising out of Suit No. 474 of 1935. K.L. Dusia vs. UOI  
& others Havali-- Lucknow)

K.L. Dusia-----Applicant.

Vs.

Union of India & others-----Respondents.

District Lucknow.

Before,

The Hon'ble Vice Chairman & other Companion members  
of the Tribunal.

Humble application on behalf of respondents, Union of  
India & others most respectfully submit/s as under.

1. That the applicant K.L. Dusia had filed the  
aforesaid suit No. 474 of 1935 before Havali, Lucknow  
for possession.

2. That virtue of section 29 of the Central  
Administrative Tribunal Act XIII of 1935 the aforesaid  
suit was transferred to this Hon'ble Tribunal & was  
re-registered as Registrati n No. 523 of 1937(T).

3. That the aforesaid case was dismissed by Hon'ble  
Justice Kamleshwar Nath, Vice Chairman on 2nd August 1939,  
in the direction that the opposit parties must reduce the  
rent of the applicants accomodation on account of allotment  
of the quater in question to opposite party No. 3 & the  
benefit of reduction must be given to the applicant.

4. That consequent upon the decision of the Hon'ble  
Tribunal, the matter was referred to the Town Engineer/  
MDO. Lucknow, to calculate the rent on the basis of

detachment of one of the out house allotted to Sh. Shanker, oppo  
party  
No. 3 w.e.f. 17/9/34.

Proclamation

FT  
L  
24/2/90

5. That as per information of the Town engineer the rent of quater No. LD -105C from Rs. 64/- has already been reduced to Rs. 57/- from September 1934 & the adjustment of excess rent has already been made from his salary. The true copy of memorandum No. LC/CC/CAT/ALD/KLD dated 8-2-40 is enclosed herewith the application & is marked as annexure I to the application.

Prayer.

On the facts & circumstances stated above It is most respectfully prayed to the Hon'ble Tribunal to be graciously pleased to pass suitable orders as deemed fit & Proper in the aforesaid circumstances of the case.

Prashant Mathur  
( Advocate )

फॉर्म पी०-51 (क)/R. P.-51 (a) सं /No. 0492

लगाई गई डाक टिकटों का मूल्य रु० ६/१०

Stamps affixed

पंजीकृत मूल्यदेय Received के एल० प्रशासन प्राप्ति किया जा रहा है

पाने वाले का नाम Addressed to

\*इससे पूर्व जब आवश्यक हो, "बीमाकृत" शब्द के साथ यह प्रमाण पत्र अथवा "रेलवे रसीद" लिखें।

\*write here "Letter", "Parcel" or "Railway Receipt" with the word "Insured" before it when necessary.

प्राप्तकर्ता से जो रकम वसूल करनी है Amount to be recovered from the addressee

प्राप्तकर्ता अधिकारी के हस्ताक्षर/Signature of the receiving officer

\*केवल जब डाक वस्तु का बीमा करना हो उसी समय भरा जाय; अन्यथा दो तिरछी लाइनों द्वारा काट दिया जाए।

\*To be filled in only when the article is to be Insured; otherwise to be crossed out by means of two diagonal lines.

रु० (अंकों में) (शब्दों में) के लिए बीमाकृत

Insurance for Rs. (in fig.) (in words)

बीमा शुल्क रु० वजन (शब्दों में) ग्राम

Insurance fee Rs. P. Weight (in words) Grams

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS  
RESEARCH DESIGNS AND STANDARDS ORGANISATION

No. LC/CC/CAT/ALD/KLD

Lucknow-226011, Date 21.11.1990

MEMORANDUM

With reference to Hon'ble Central Administrative Tribunal's judgement dated 2.8.1989 on T.A.No.523 of 1987 Sh.K.L.Dhusia is informed that the Town Engineer has already reduced the rent of his quarter No.LD-105C from Rs.64/- to Rs.57/- from September 1984 and adjustment of the excess rent has already been made from his salary. This is for his information.

DA/nil.

(S.Bhatia)  
for Director General.

Shri K.L.Dhusia,  
SDA/Wagon,  
RDSO/Lucknow.

Copy to JDA-1, TEN.

A/81

9/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Allahabad Bench Lucknow  
23-A Thornhill Road, Allahabad-211 001  
Grandhi Bhawan Lucknow

\*\*\*

No. CAT/Alld/Jud/30140 Dated the 12-5

I.A.No. 523 of 1987. (T)

Keesu Lal Dhusia Applicant's

Versus

Union of India & Lko Respondent's

① Sri K.L. Dhusia, LD-105/c Mansukh Nagar Lucknow  
To  
② Sri Prashant Mathur Advocate (A.T. Allahabad)

Whereas the marginally noted cases has been  
Transferred by Munsif Havel, Lucknow under the provision of the  
Administrative Tribunal Act (No.13 of 1985) and registered  
in this Tribunal as above.

Writ-Petition No. OS M. 474/85 The Tribunal has fixed date of  
\_\_\_\_\_ of 1987 of the 26-5 1988. The hearing of  
court of Munsif Havel, Lko the matter.

arising out of order dated \_\_\_\_\_

passed by \_\_\_\_\_

in \_\_\_\_\_

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

If no appearance is ~~made~~  
made on your behalf by your some  
one duly authorised to Act and pled

12<sup>th</sup> Given under my hand seal of the Tribunal this  
day of May 1988.

DEPUTY REGISTRAR (J)

dk



Before The Central Administrative Tribunal.  
Bench at Lucknow.

26/5/88  
Adj. Summary  
Appn.

Registration No 523 of 1987(T). (All India Registration)  
K. K. Dhwaja — — — Applicant  
vs.  
UOI & others — Respondent.

Humble application on behalf of respondent.  
Union of India is as under.

1. That the above noted case was transferred to Lucknow Bench from Allahabad, & the Hon'ble Court had fixed 26/5/88 for the appearance of both the parties.
2. That the Counsel for the respondent is busy with his personal work. Hence will not be in a position to conduct the above noted case on the date fixed at Lucknow.

It is therefore respectfully  
prayed to the Hon'ble Court to be graciously  
pleased to adjourn the same to some other  
date & inform the next date by post.

Dated 17/5/88.

Rashant Malhotra  
Rly Advocate  
Counsel for the respondent

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

Registration No. Tribunal Administrative 523 of 1987.  
P.F. 17.5.88

K. L. Dinda

Applicant

Verus

Director General,  
HDSO, Lucknow  
& others

Respondents.

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

The application begs to state as under:-

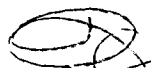
1. That the applicant had filed a Regular Suit against the order dated 16.4.84 of Respondent before the Addl. Munsiff VII, Lucknow on 17.9.85.
2. That the Suit of the applicant has now been transferred to the Central Administrative Tribunal, Allahabad, for further Consideration and orders of the Tribunal on the Suit.
3. That an Additional Bench has already been constituted for hearing the Cases of the area of Allahabad 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.

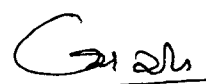
Lucknow  
Dated 26.4.88.

DR (J)

For and



27/4

  
Applicant 26/4

Before the Hon'ble Central Administrative Tribunal,  
Circuit Bench, Lucknow. X/84 (13)

Registration No. Tribunal Administrative 523 of 1987 (T)  
F.F. 17.5.88

K.L. Dhusia

.....

Applicant

Versus

Director General,  
RDSO, Lucknow  
& others

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 Allahabad 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.

Lucknow  
Dated-26.4.88.

*(Signature)*  
Applicant 28/4

(K.L. Dhusia)  
LD-105/C, Manak Nagar,  
Lucknow

~~16/3/88~~  
~~Recd to Secy~~  
~~16/3/88~~

399

15-3-88  
SECRET  
16/3/88

ZCZC UADCCQ264 PPP UADCCQ

X 1920 N 6 55 LUCKNOW 15 34

REGISTRAR CENTRAL ADMINISTRATIVE TRIBUNAL

23 A THGORNS HILL ROAD ALLAHABAD

HELD UP FOR BHARAT BANDH (+) LEAVE NOT SANCTIONED (+) PRAY

POSTPONMENT HEARING NIN TA 523 OF 1987 (+)

DHUSI APPLICANT

COL 6 55 23 A 523 1987 == ULWCCEQ297 ULWSFT0392 NNNN

So (JH) to put  
up before court  
16.3.88

26921 to 26924

80

07

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

No. CAT/ALLD.

DATED 25/1

Transfer Application No 523 of 198 (T)

Kesri Lal Shukla  
VERSUS

APPLICANT

Union at India & others

RESPONDENTS

- To
- ① Kesri Lal Shukla, s/o Late Sri Durgan Prasad  
R/o Bungalow No. LD-105/c Manak Nagar Lucknow.
  - ② Union at India through the Chairman Railway  
Board Rail Bhawan, New Delhi.

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

Written on 14/1/86  
of the Court of Manak Nagar  
arising out of the order dated  
passed by  
in

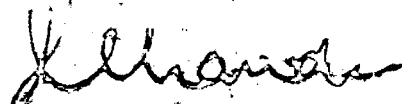
The Tribunal has fixed the date of 18-2-1986 for the hearing of the matter.

If no appearance is made on your behalf by you or 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 20/1/86 day of 1986

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

  
DEPUTY REGISTRAR

④ Shanker, s/o Ram Lal, R/o Quarter No. 'B' at Bungalow No. LD-105/c Manak Nagar Lucknow.

7  
GOVERNMENT OF INDIA (BHARAT SAR 9)  
MINISTRY OF TRANSPORT (PARIVAHAN MANTRI)  
DEPARTMENT OF RAILWAYS (RAIL VIBHAG)  
(RAILWAY BOARD)

No. E(G) 88 -LL3-13(28)

New Delhi, dated 2/2-1988

To,

The Registrar, Central Administrative Tribunal,

Allahabad Bench  
Allahabad.

Sub:

TA 523/87 (T)

Kashi Lal Dhusa - B-10/208

Sir,

He

I am directed to refer to your summons/orders dated 20/12/87 on the subject mentioned above and to state that the General Manager, Northern Railway is the competent authority to deal with this matter. The summons/orders in question have, therefore, been sent to that authority for further necessary action.

Yours faithfully,

DA: Nil.

phand  
for Secretary, Railway Board.

No. E(G) 88 -LL3- 3(28)

New Delhi, dated 2/2-1988

Copy together with the summons/orders received from the Tribunal/Court are forwarded in original to the General Manager

NORTHERN  
Railway for further necessary action.

The next date of hearing is 18/2/88

DA/As above.

Sd/- PT

Desk Officer, Establishment  
Railway Board

SCA 35

88

व अदालत श्रीमान Before the Court Adm. Trial ALL INDIA महोदय

वादी अपीलान्ट श्री प्रतिवादी रेस्पान्डेंट का वकालतनामा  
T.A No. 523/1987

Keshav Lal Sharma वादी अपीलान्ट

बनाम Cum of Order प्रतिवादी रेस्पान्डेंट

मुकदमा सं०

उपर मुकदमा में अपनी और से श्री S. D. C. Saxena  
Adv. एडवोकेट महोदय  
वकील

को अपना वकील नियुक्त करके इकरार करता हूँ और लिखो देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाबदेही व प्रश्नोत्तर करे या कोई कामज दाखिल करे या लोटावे या हमारी ओर से डिमरी जारी करावे और रुपया वसूल करे या सुलहनामा या इच्छाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करे और तसदीक करे या मुकदमा उठावे या कोई रुपया जहा करे या हमारी विपक्षी परीक्षा की दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त दस्तखाती रसीद से लेवे या पंच नियुक्त करे ----- वकील महोदय द्वारा की गई वह सब कार्यवाही हमको स्वयं स्वीकार है और हमी इस लिये यह वकालतनामा लिखा दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर Dr. D. C. Saxena  
Divisional Railway Officer

साक्षी गवाह साक्षी गवाह  
Northern Railway  
GURKUNW

दिनांक ----- महीना ----- सन 198 80

accept &  
De faxing  
Counsel for the respondents.  
18-2-1988

नाम अदालत  
नं० मुकदमा  
नाम परीक्षक  
बनाम

रिट/अपील

523

निगरानी

नम्बर

सन १९८७(T)

जिला

(नरवण 3)

वादी/प्रतिवादी

अपीलान्ट

वनाम

वादी/प्रतिवादी

रेस्पान्डेन्ट

में

कि

हम

इस आदेश के निर्देशक स्थापना I,

महा निर्देशक अ. अ. आ. स. (नरवण 3) की तरफ से

उपरोक्त प्रकरण हम अपनी ओर के पक्ष समर्थन के हेतु

Sri

प्रशान्त माथुर

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 पुनर्निर्णय प्रार्थना-पत्र शापथिक कथन प्रवर्तन-पत्र अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना आदि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें, और आवश्यक सवाल जबाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्त धन 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।

15/2/88

Dr. Director Establishment, I  
A. D. S. O., Ministry of Railways,  
Amroha, LUCKNOW-41



4

A  
90

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REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL  
23A, THORN HILL ROAD  
ALLAHABAD

HELD UP FOR BHARAT BANDH (.) LEAVE NOT  
SANCTIONED (.) PRAY POSTPONMENT HEARING IN  
TA 523 OF 1937 (.)

PHUGIA  
APPLICANT

-----

Not to be Telegraphed  
Dt. 15-3-1938.

(K. L. Phugia)  
Applicant  
T.A. No. 523/87 (T)

-----

Dt. 15-2-1938.

✓  
Copy by post in confirmation to Hon'ble Registrar,  
Central Administrative Tribunal, 23A, Thorn Hill Road,  
Allahabad.

*C. L. Phugia*  
(K. L. Phugia) 5/3  
Applicant,  
T.A. No. 523/87 (T)

*Dr. S. K. Sinhalava  
to take note of  
18/3  
for  
8/3*

Lucknow  
16/3/90

To, The Registrar  
CAT Lucknow.

Reg. Registration No 523 of 1987 (G)  
K.L. Doria vs Union Colleen.

Sir, With reference to the subject noted  
Case I am to state that the respondents  
have moved an application to  
appraise the compliance of the order  
dated 2/7/89.

My other cases are listed on  
27/4/90 before the Hon'ble Bench at  
Lucknow.

Kindly get the application  
registered & put up for orders on  
27/4/90.

In witness  
M. Singh This cert to  
the kind notice of the Bench  
on the date of Reg.  
Sd/-  
M.  
16/3/90

Sd/- Prashant Mallik  
Advocate  
Counsel for Respondent

Sd/- A.V. Srinivasan

19.4.1990  
25.5.1990  
20.7.1990 } 3 dates.