

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Mahadeo Prasad - vs - UOI & Al

FORM OF INDEX

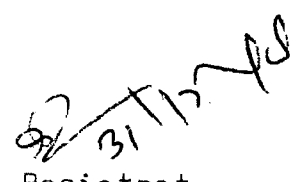
~~P.A.~~ / T.A. / ~~P.A.~~ / ~~C.C.P.~~ / No.

673/87

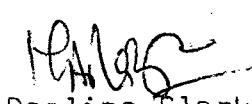
(WP-1249/80)

PART - I


- | | | | | |
|----|------------------|----|---------|------------|
| 1. | Index Papers | :- | 1 ✓ | 2 to 20 ✓ |
| 2. | Order Sheet | :- | 19 ✓ | |
| 3. | Any other orders | :- | — Nil — | |
| 4. | Judgement | :- | 2 | 21 to 22 ✓ |
| 5. | S.L.P. | :- | Nil | — |


Dy. Registrar


Supervising Officer


Dealing Clerk

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


SOL 3


Dealing Clerk

11/9/12

①

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 673/02 of 199
W.P. 1249/80

Name of the parties

Mahadeo Prasad

Applicant.

Versus:-

U.O. Indlie Others

Respondents.

Part A.B.C.

Sl No.	Description of documents	Page
	<u>A-file</u>	
1-	Order Sheet.	A1 - A8
2-	Judgment Dated. 11 Nov. 1991.	A9 - A10
3-	High Court writ. Petition & Power and Notice with Affidavit	A11 - A40
4-	Counter Affidavit with Power	A41 - A50
5-	Rejoinder Affidavit	A51 - A61
6-	High Court order Sheet.	A62 - A70
7-	Counter Affidavit No. 1 & 2	A71 - A74
8-	Rejoinder Affidavit	A75 - A81
	<u>B-file</u>	
9-	Bench Copy	B82 - B122
	<u>C-file</u>	
10-	Misc. Papers.	C123 - C132

Extra Copy of Rejoinder Affidavit
one copy

Chaitanya
25/3/92



A62 8/1
(2)

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
wf No. 1249 of 1978
vs.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	Jen. Mathur J	
	Issue notice	
	admitted	
	2 S C Mathur	
	12.5.80	
	CMA 1-3-80	
		16.5.80
		<u>Byd</u>
	N.J. to 2/5/80 then	
	Rel. J	
	13.5.80	
		Shoren in the Court led
16.5.80	was with C.A. no 2215	
	(w) 80 hrs	
	Jen Mathur J.	
	Put up on 19.5.1980	
	Boo etc	
	8	
	16/5/80	

A64
8/1
2
(4)

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
No. 1249 of 1972

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
	23-5-80	<p>low int cm A 2715 (4288)</p> <p>for order</p> <p>Hon. M. K. Singh</p> <p>Put-up on 26.5.1980</p> <p>23.5.1980</p>	
	26-5-80	<p>low int cm A 2715 (4288)</p> <p>for order</p> <p>Hon. Gopal S</p> <p>Put-up on 2nd June, 1980.</p> <p>27-5-80</p>	
	2-6-80	<p>low int cm A 2715 (4288)</p> <p>for order</p> <p>Hon. V. K. Singh</p> <p>Admitted.</p> <p>stay granted.</p> <p>26/6/80</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 197

vs. _____

A66

(6)

8/3

Date	Note of progress of proceedings and routine ordrs	Date to which case is adjourned
1	2	3
30.9.06	<p>CM No 2715(W) Oo for orders.</p> <p>for VESS</p> <p>learned counsel for the app. parties pray for and is allowed two days time to file counter affidavit. Rejoinder affidavit may be filed within three weeks thereafter. List it thereafter for orders.</p> <p>for</p>	
30.9.06		
3.11.06	<p>for in cor</p> <p>2715(W) Oo</p>	27/11
4.11.06	<p>CM No 2715(W) Oo for orders.</p> <p>Am H.S.G.</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

of 198

vs.

A68
8/4
(8)

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
14.1.81	<p>Com. No. 2715 (W) 80 7a order.</p> <p>Hon. v. a J.</p> <p>I learned counsel for the petitioner prays for and is allowed ten days time to file reply. List- Thereafter.</p> <p>KS</p> <p>14.1.81</p> <p>4</p>	
6.2.01	<p>6.2.</p> <p>30 81 JHD and Ch.</p> <p>On 2715 (W) 80 for</p> <p>ord</p> <p>Hon. v. a J.</p> <p>Heard counsel for the parties. Stay order dated 2.6.80 is confirmed. In view of the questions involved in this case and also the financial liability which the Railway may have to incur this case may be listed for early hearing and parties are as such directed also to file the same as such this case may be</p>	

A70°

85

(10)

12-49

-of 1980 .

-45.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	Fixed for May	Early

CAT/J/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

O.A./T.A. No. 673/07 198

Applicant(s)

Versus

Respondent(s)

Sr. No.

DATE

Orders

10000 Office report

An application has been received in this Tribunal for transferring the case to Lko Circuit Bench, U.P.

If approved 23-8-08 may kindly be fixed for attendance before Registrar/DR(S)

Notice has been sent to the applicant and respondents fixing 23-8-08 at Lko Circuit Bench.

Submitted for order.

Done
16/07/08

List this case before Circuit Bench on 23-8-08 before Registrar/DRS.

Done
DRS.

9-3-89 D.R

counsel for the applicant present.
Last opportunity for the prayer.
The case is adjourned to
10/4/89 for Reply.

D.R

10.4.89 Registrar

Both the parties are present. Respondents' Advocate requests for further time to file reply. He is allowed to file reply by 15.5.89.

10/4

Registrar

OR

Counter & Reply is in the file.

Case is ready for hearing.

12/5

Hon. K.J. Raman. AM

15.5.89

Due to sudden death of Srs Jagdish Swarup. Ex-Solicitor General of India - the Lawyers have abstained from attending Court.

The case is accordingly by Adjourned to 10-7-89 for orders.

AM

OR
C.A. & R.A. is in the file. The case is submitted for order.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

(15)

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

2/11/89

Shri M. Arif Khan appears for the ~~applicant~~ respondents. The petitioner is present in person. Respondents files counter affidavit. The applicant wants time to file rejoinder. Allowed. Rejoinder be filed within one week hereof. List this case ~~on~~ on 18-1-90 for order / hearing as the case may be.

JF
T.M.

(SNS)

10/1/90

Hon J. P. Sharma, J.M.

On the request for the applicant, the case is adjourned to 7.3.90

le
JM

7380

Hon J P Sharma JM

The applicant wants time. to file rejoinder. Allowed. Rejoinder be filed within two weeks hereof. List this case on 1-5-90 for order

OR
No RA filed
17/1/90

Dinesh

Leavey as the case may be

JF

JM

OR

No RA filed
S.F.O
26/1

13.9.90

Honible Mr. Justice K. Nath V.C.
" M.M. Singh A.M.

AD (17)

This case was taken-up ^{Today} after having been adjourned yesterday to enable the Counsel for the applicant to make appearance. Today also the Counsel for the applicant is not present. The applicant is, however, present in person and requests for time to enable his Counsel to put in appearance. Sri Arjun Bhargava appears for the respondents. List for final hearing on 15.11.1990.

M. M. Singh
(A.M.)

(V.C.)

CA/RA have been exchanged.
S.F. 4

15.11.90

Hon. Mr. Justice K. Nath V.C.
Hon. Mr. M.Y. Pralokar A.M.

13/11/90

On the adjournment application of Sri A. Bhargava on account of his mother's death case is adjourned to

17.1.91.

Am.

V.C.

12.1.91

No sitting adj to 22.2.91

22.2.91 -

No sitting adj to 31.5.91. J

31.5.91

No sitting adj to 11.7.91. J

11.7.91

No sitting adj to 16.9.91. J

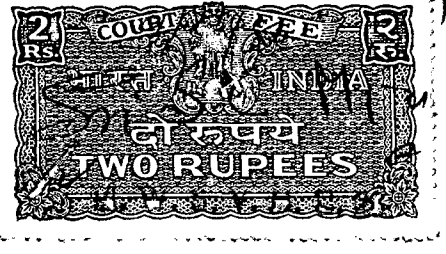
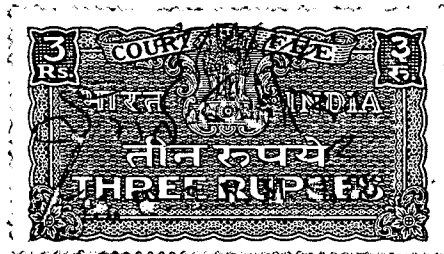
A13 A1
19

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

Civil Misc. An. No. 275 of 1980

Inre:

Writ Petition No. 1249 of 1980. *referred*



Mahadeo Prasad aged about 55 years, son of Ram
Abhilakh, resident of 567/183, Anand Nagar, Barha,
P.S. Alambagh, Lucknow.

.... Applicant

VERSUS

1. Divisional Railway Manager, Hazratganj, Mahatma
Gandhi Marg, Lucknow.
2. Senior Divisional Personnel Officer (Sr. D.P.O.)
Northern Railway, Hazratganj, Mahatma Gandhi Marg,
Lucknow.

.... Opp. Parties.

Stay Application

On the basis of the facts and circumstances disclosed
in the accompanying Writ Petition it is most respectfully
prayed that the operation and implementation of the order
dated 16.1.80 contained in Annexure No.1 , so for it
provides the petitioner shall be retired from 30.6.80
may be stayed, until the disposal of the writ petition
and the Opposite Party may be directed not to give effect
to the said order against the petitioner and direct
him to continue to work in his post which he is holding
at present until the final disposal of the writ petition
Such other orders as this Hon'ble Court deems fit and
Proper in the facts and circumstances of the case also
be passed.

Lucknow: Dated:

May 9, 1980.

S. C. Misra
(S. C. Misra)
Advocate

Counsel for the applicant.

Office, Northern Railway, Lucknow, as Dastari in the year 1963. In 1973 he was promoted and was posted as Record Officer in the Office of the Opposite Party no. 1. He has been working since then in the said post till the date with utmost efficiency.

2. That the petitioner was born on 30.6.1925 and the above said date of birth was given by him at the time of his initial appointment in year 1945 before Opposite Party no. 2. In the service record of the petitioner which is with the Opposite Party on the above said date of birth i.e. 30.6.1925 is recorded.
3. That the retirement age of the petitioner who is a Class IV employee is 58 years and ^{he} ~~the~~ will be completing his 55 years on 30.6.80.
4. That the Opposite Party no. 1 has published a list on 16.1.80 vide No. E/Settlement/Retirement 1980 of the employees who were to be retired in the year 1980 having completed their age of Superannuation. ^{relevant - Extracting the} The original copy of the said list dated 16.1.80 published by ~~the~~ ^{the} ~~Opposite Party no. 1~~ ^{the} ~~is being annexed herewith~~ ^{as Annexure No. 1} with this writ petition. The petitioner's name was also published in the said list at Serial No. 72 and mentioned that he would be retired on 30.6.80.

79/1336

20/9/80

अ. ए. ए. ए. ए.

Reserved
(21) AP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
CIRCUIT BENCH: LUCKNOW.

Registration T.A.No.673 of 1987

Mahadev Prasad Applicant
Vs.
Union of India & Others Respondents.

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

(By Hon'ble Mr.A.B. Gorthi, A.M.)

The Writ Petition No.1249 filed by Shri Mahadeo Prasad in the High Court of Judicature at Allahabad in the year 1980 has now come up for hearing after passage of almost 11 years as a transferred application to this Tribunal. The simple request made by the petitioner in the Writ Petition was that he should not be retired from service w.e.f. 30.6.1980 as was being contemplated by the respondents. The contention of the applicant was that his date of birth as recorded in the Service Book was 30.6.1925 and accordingly he was due to retire only on 30.6.1983.

2. In the written statement the respondents have stated that the Service Book of the petitioner was lost. They however, could lay their hands on the leave account in respect of the petitioner and a seniority list ^{wherein} in the name of the petitioner also figured. Both the said documents indicated that the date of birth of the petitioner was 1.7.1922. The respondents further alleged that in some loan applications also the petitioner mentioned his date of birth as 1.7.1922, but the said

loan applications were not annexed.

3. The petitioner alongwith his Rejoinder produced a certificate of registration of birth showing his date of birth as 30.6.1925,

4. When this case came up before the High Court the retirement order in respect of the petitioner was stayed; consequently he continued to serve till 30.6.1983 based on his contention that his date of birth as recorded in the service book was 30.6.1925.

5. The respondents having lost the Service Book, the petitioner should not be made to suffer on account of the resultant ambiguity as regards his correct date of birth. In view of the fact that he produced a birth certificate which showed his date of birth as 30.6.1925 and that he did accordingly served his full tenure, though on the strength of an interim order passed by the High Court, it would be in the interest of justice if the petition is allowed.

6. Learned counsel for the respondents relied on the judgment of this Tribunal in the case of M.L. Srivastava Vs. Union of India & Others, C.A.No. 144 of 1989 (L) which ^{related} ~~relied~~ to the question of date of birth of a 'Trains Clerk'. In that case the Service Book was available and the employee was literate. The said case will be of no help, as in the present case the Service Book of the petitioner, an illiterate, was lost.

7. The petition is accordingly allowed, with no order as to costs.

Sham Singh
Member (A)

4 November, 1991, Lucknow.

(sph)

Dr. K.K. Singh
13/2/92

AM

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case

W.P. 1249-82

Name of parties

Mahadeo Prasad.

vs. D. R. M. ad an

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	Com. 2715 (W)-82.	1-		Rs. P.			
	12	Ground	18		5.00			
		Amoyani and aff. dat.			102.00			
	3	Power	1					
	3	Com. A 2715	1		2.05			
		(W) 82						
	4	Affidavit of	2-		2.00			
		for Mahadeo Pr.						
	5	Counter affidavit	7-		2.00			
	6	Power	1-		5.00			
	7	Rejoinder affidavit	11-		2.00			
	8	order sheet	5-					
	9	Bank Copy.	1-					

I have this _____ day of _____ 197 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear court-fee stamps of the aggregate value of Rs. _____, that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Munsarim.

Clerk.

Date—

3693

A12

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

Writ Petition No. 1249 of 1980.

17

Mahadeo Prasad ... Petitioner

Versus

Divisional Railway Manager,
and another. ... Opp. Parties.

I N D E X

S.No.	Particulars	Page No.
1-A - Stay Application	...	A-1
1. Writ Petition	...	1 to 8
2. Annexure No. 1	...	9 to 10
3. Annexure No. 2	...	11
4. Annexure No. 3	...	12
5. Annexure No. 4	...	13
6. Annexure No. 5	...	14
7. Annexure No. 6	...	15
8. Annexure No. 7 Affidavit	...	16-17
9. Vakalatnama	...	18

Lucknow Dated:

May 9, 1980.

S. C. Misra

(S.C. Misra)
Advocate.

Counsel for the petitioner.

AIS 2/2
(Signature)

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

Writ Petition No. 1249 of 1980

Writ Petition under Article 226
of the Constitution of India.

Mahadeo Prasad aged about 55 years, son of Ram
Abhilash, resident of 567/183, Anand Nagar Barha,
P.S. Alambagh, Lucknow.

.... Petitioner

Versus

1. Divisional Railway Manager, Hazratganj, Mahatma
Gandhi Marg, Lucknow.
2. Senior Divisional Personnel Officer (Senior D.P.O.)
Northern Railway, Hazratganj, Mahatma Gandhi Marg,
Lucknow.

.... Opposite Parties.

The humble petitioner named above beg to submit
as under:-

1. That the petitioner was appointed on 8.7.45 in
the post of Lamp-man in the Northern Railway,
Charbagh, Lucknow, by Station Superintendent
Northern Railway, Charbagh, Lucknow. Thereafter
he was promoted as Lamp-Janadar under Station
Master Pratapgarh. After that he was again
posted back in the Divisional Superintendent's

79/336

Sub
9/5/80

महोदय महोदय

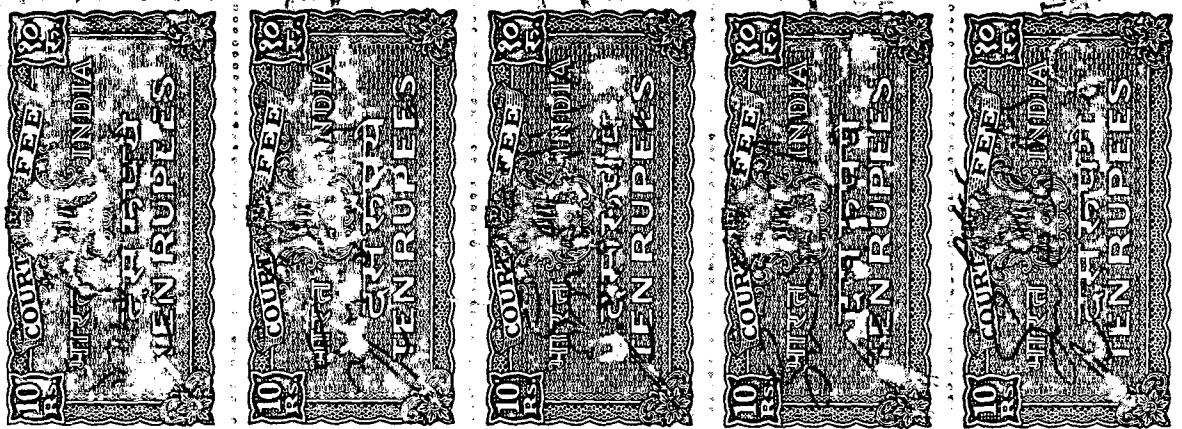
INDIA COURT FEE

114 2

50RS.



श्री मंगल मठ गुरुद्वारा नमस्कार



W. R. No. — of 1980

महोदय प्रसाद — — — श्रीशिवर
अनाई

विजयलक्ष्मी देवी मंगलमठ — — अय्यंगर

Seems

5. That as already stated earlier the petitioner would be completing only 55 years on 30.6.80 and would be completing 58 years on 30.6.83 and thus he could be retired only on 30.6.83 and not on 30.6.80 as has been ordered by the Opposite Party No. 1. The above said order thus is illegal.

6. That the above said order of retiring the petitioner dated 16.1.80 has been passed without giving any notice whatsoever to the petitioner. This is in contravention to the Establishment Rules of the Railway Board No. E(G)61 Pt 11/10 of 2.1.62 which provide that in case the Class IV staff a notice to each individual employee should be issued one year advance of the date of Superannuation.

7. That the above said order dated 16.1.80 is absolutely illegal, arbitrary and against the principle of natural justice as neither any notice had been served before passing the said order upon the petitioner nor any opportunity of hearing was provided to him and the same has been passed without considering or looking into the service record of the petitioner at all.

8. That the said order of retirement is illegal, and arbitrary and violative of Article 311 of the Constitution of India.

9. That the petitioner is being illegally retired

A18

2/5

at the age of 55 years when the age of retirement is 58 years. The petitioner is being discriminated from the similiary placed employees who are being permittted to work untill they attain the age of 58 years, ^{when while the} ~~the~~ petitioner is being retired at the age of 55 years.

10. That the petitioner after having received the impugned order dated 16.1.80, personally met the Opposute Party No. 1 and made representation before him, and bringing ~~him~~ the above said fact in his knowledge, but nothing was done on the same by Opposite Parties.
11. That the petitioner thereafter on 18.3.80 made representation to the Opposite Party No. 1 with regard to the above said illegal order of retirement through the Northern Railway Union which is a registered body. The true copy of the said representation is being annexed herewith as Annexure No. 2.
12. That in reply of the above said representation a letter was received from the office of the Opposite Party no. 1 acknowledging the receipt of the above said representation. A true copy of the said letter is being annexed herewith Annexure No. 3.
13. That as no action was taken to the above said representation of the petitioner by the Opposite Party no. 1 except acknowledging the receipt of

Sub
9/15/80

HEH a GULL

79/136

A18

2/6

the same vide Annexure No. 3. The petitioner once again gave a reminder to the Opposite Party No. 1 through its union vide letter dated 1.4.80. The receipt of the same was again acknowledge by the office of the Opposite Party through a letter dated 2.4.80. A true copy of the petitioner's reminder dated 1.4.80 is being annexed herewith as Annexure No. 4 and the letter of the Opposite Party dated 1.4.80 is being annexed herewith as Annexure No. 5.

14. That once again as nothing was done on the said representation a reminder of the petitioner was sent to the Opposite Party on April 26/80. The true copy of which is being annexed herewith as Annexure No. 6.

15. That inspite of the above said representation and reminders after reminders sent by the petitioner, the Opposite Party have failed to take any decision upon or action upon the same and no decision is taken before 30.6.80, the petitioner will be retired thereby causing him irreparable loss and injury and which any action taken by him in the court will render infructuous and will be ineffectives therefore, he compelled to file the present writ petition.

16. That if the impugned order dated 16.1.80 issued by the Opposite Party no. 1 is not stayed till the disposal of the present writ petition, the petitioner shall suffer irreparable loss and injury which cannot be compensated in terms of money and

79/336

Sub
a15/80

81/336

no will be deprived of to work on the said post for another 3 years.

17. That having no other alternative and efficacious remedy, the petitioner is filing the present Writ Petition amongst other on the following grounds:-

Grounds

- I. Because the order of retiring the petitioner dated 16.1.80 has been passed without giving any notice whatsoever to the petitioner. This is in contravention to the Establishment Rules of the Railway Board No.E(G) 61 RT 11/10 of 2.1.62, which provide that in case the class IV staff a notice to each individual employee should be issued one year advance of the date of Suppression.
- II. Because the above said order dated 16.1.80 is absolutely illegal, arbitrary and against the principle of natural justice as neither any notice had been served before passing the said order upon the petitioner nor any opportunity of hearing was provided to him and the same has also been passed without considering or looking into the service record of the petitioner at all.
- III. Because the said order of retirement is illegal and arbitrary and violative of Article 311 of the Constitution of India.

IV. Because the petitioner is being illegally retired at the age of 55 years only when the age of retirement is 58 years. The petitioner is ~~big~~ being discriminated from similarly placed employees who are being permitted to work until they attain the age of 58 years when the petitioner is being retired at the age of 55 years.

V. Because the impugned order is violative under Article 14, 16 and 19 and 311 of the Constitution of India.

Wherefore the petitioner respectfully prays for the following remedies:-

- (a) That a writ or order in the nature of Certiorari be issued quashing Annexure No.1 dated 16.1.80, issued by the Opposite Party No. 1, by which the petitioner ^{is to} ~~was~~ retire on 16.6.80.
- (b) That a writ or order in the nature of Mandamus be issued directing the Opposite Party not to give effect to the said order dated 16.1.80 contained in Annexure No. 1, so far as against the petitioner.
- (c) Any other writ, order or direction as this Hon'ble Court deem just and proper in favour of the petitioner.
- Saw*

A22

2/19

(d) Cost of the petition be awarded to the petitioner against the Opposite Parties.

Lucknow:Dated:

May 9 , 1980.

S. C. Misra

(S.C. Misra)
Advocate
Counsel for the petitioner.

There is no defect in the last petition

S. C. Misra
Adv

Annexure No 1

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Civil Misc. an. No. OF 1980

In re:

Writ Petition No. OF 1980

79/836

9/5/80

Mehadeo Prasad aged about 55 years, son of Ram Abhilash, resident of 367 / 183,

Anand Nagar, Barha, P.S. Alambagh. Lucknow.

..... Applicant

Versus

1. Divisional Railway Manager, Hazratganj, Mehata Gandhi Marg, Lucknow.

2. Senior Divisional Personnel Officer (Sr. D.P. O.) Northern Railway, Hazratganj,

Mehata Gandhi Marg, Lucknow.

..... Opp. Parties.

Shri M. N. M.

2
2/11

A2-5

Statement showing particulars of staff due retirement in JUNE 1980 for the purpose of initiating preparation work in A/Cs Office in regard to payment of Provident Fund Money (Ref. Rly. Bo.'s letter No. 512/ 1/ 28/ 3 Dated 6.9. 1952.)

Sl. No.	Name and farther's Name	Designation PF A/ Cs and Folio No,	Station Date of Cause Rule worked retirement of governed	Pension Rem.
			During underage termination of pay p. SRPF Optee ceeding 6 months of serv F. ice. 3.L.A/o. leave.	
72.	Mahadeo Pd.5/o Ram .bhilakh	Record Sortor	512442	DRM Office 30.6.1980 -do- Pension. LKO.

512442 42114

79/336

9/5/80

A25 11
2/12

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

Writ Petition No. of 1980.

Mahadeo ... Petitioner

Versus

Divisional Railway Manager
and another. ... Opposite Parties.

Annexure No.2

Phone (Office: 396
(Res. 354.

NORTHERN RAILWAYMEN'S UNION.

(Registered and recognised)

Affiliated to: All India Railwaymen's Federation and
Hind Mazdoor Sabha.

Near Guard's Running Room
Charbagh, Lucknow.

Dated 18th March, 1980.

No. NRMU/54/198

The Divl. Rly. Manager,
Northern Railway,
Lucknow.

Dear Sir,

Reg: Early retirement of Sri Mahadeo Pd.,
Record Sorter, DRM Office, Lucknow.

Ref: Your No. E/Settlement/Retirement/
1980, dated 16.1.1980.

Above named is being retired on 30.6.1980 instead
of 30.6.1983. Kindly call for the service record and
do the needful under advice to this Union.

Yours faithfully,

(Divl. Secretary)

True copy.

A26
22
13
12

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

Writ Petition No. of 1980.

Mahadoo ... Petitioner

Versus

Divisional Railway Manager
and another. ... Opp. Parties.

Annexure No. 3

NORTHERN RAILWAY.

No. 961E/NRMU/ Misc./80 Divl. Rly Manager's Office,
Lucknow; Dt. /3/1980

The Divisional Secretary,
N.R.M.U. , Near Guards Rg. Room,
Charbagh, Lucknow.

Reg: Early retirement of Sri Mahadoo Pd.,
Record Sorter, DRM Office, Lucknow.

Your letter No. NRMU/54/198 Dt. 18.3.80.

has been received in Union Cell, DRM office, Lucknow
for necessary action. It has been registered at Sl.
No. 340 NRMU-March/80.

Yours faithfully,
(SELI)/Union,
for Divl. Rly. Manager.

True copy.

7/13/80

9/5/80

महोदय महोदय

A27
2/14
13

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

Writ Petition No. of 1980.

Mahadeo Petitioner

Versus

Divisional Railway Manager,
and another.

... Opposite Parties.

Annexure No. 4

NORTHERN RAILWAYMEN'S UNION.

(Registered and Recognised)

AFFILIATED TO: ALL INDIA RAILWAYMEN'S FEDERATION
AND HIND MAZDOOR SABHA.

NEAR GAURD'S RUNNING ROOM
CHARBAGH LUCKNOW.

DATED 1.4.1980.

No. NRMU/54/198

The Divl Rly. Manager,
Northern Railway, Lucknow.

Dear Sir,

Reg: Early retirement of Sri Mahadeo Pd.,
Record Sorter, DRM Office, Lucknow.

Your kind attention is invited to this office
letter of even number dt. 18.3.80 duly registered in
Union Cell at Sl. No. 340/March/80 to which no action
has been taken so far.

You are therefore requested to take an early
action under advice to this office.

Yours faithfully,

(Divl. Secy.)

79/336

7/5/80

A28

14

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

Writ Petition No. of 1980.

Mahadco ... Petitioner

Versus

Divisional Railway Manager,
and another. ... Opposite Parties.

Annexure No.5.

NORTHERN RAILWAY

No. 961E/NRMU/ Misc./80

Divl. Rly Manager's Office
Lucknow; Dt. 2/4/1980.

The Divisional Secretary,
N.R.M.U., Near Guards Rg. Room,
Charbagh, Lucknow.

Dear Sir,

Reg: Early retirement of Sri Mahadco Pd;
Record sorter, DRM Office, Lucknow.

Your letter No. NRMU/54/198 dated 1.4.80
has been received in Union Coll, DRM Office, Lucknow,
for necessary action. It has been registered at Sl.
No. 387 NRMU/April/80.

Yours faithfully,

(SWLI)/ Union,
For Divl. Rly. Manager.

True copy.

महोदय महोदय

79/336

Sub
9/5/80

A29

15

2/16

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

Writ Petition No. of 1980.

Mahadeo

...

Petitioner

Versus

Divisional Railway Manager,
and another.

....Opp. Parties..

Annexure No. 6

NORTHERN RAILWAYMENS' UNION

(Registered and Recognised)

AFFILIATED: ALL INDIA RAILWAYMENS' FEDERATION AND
HIND MAZDOOR SABHA

V.P. Trivedi
Divl. Secretary.

NEAR GUARD'S RUNNING ROOM
CHARBAGH LUCKNOW.

Dated April 26 1980.

Re.

Ref.No. NRMU/54/198/325

Dear Sri Gupta,

Re: Early retirement of Sri Mahadeo
Pd., Record sorter, DMM Office, Lko.

I would like to invited your kind attention to this
office letter of oven no. dated 18.3.80 duly regd. ERM
at Sl. No. 340/ March / 80 in union coll to which no
action has been taken despite reminder of oven no. dated
1.4.80 regd. at Sl. No. 387/April 80.

Will you look into the matter personally and
issue orders without further delay under an advice to
this union.

With best wishes.

Yours sincerely,

(V.P. Trivedi)

Sri R.K. Gupta,
Sr. Divl. Personnel Officer,
Nothern Railway, Lucknow.

True copy.

79/336

9/5/80

महोदय

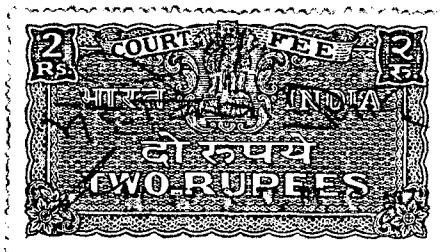
A30

16

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

Writ Petition No. of 1980.

1980
AFFIDAVIT
79
HIGH COURT
ALLAHABAD



Mahadeo Prasad ... Petitioner

VERA

Divisional Railway Manager,
and another Opp. Parties.

Affidavit

I, Mahadeo Prasad aged about 55 years, son of
Ram Abhilash, resident of 567/183, Anand Nagar Barha,
P.S. Alambagh, Lucknow, do hereby solemnly affirm
and state as under:-

1. That the deponent is the petitioner in the above
noted case and is well conversant with the facts of
the case.

paras 1 to 16 of

2. That the contents of/who accompanying writ petition
are true to my own knowledge.

3. That Annexures 1 to 6 of the accompanying writ
petition are true copies and they have been duly
compared with their originals.

महादेव प्रसाद

Lucknow: Dated:
May 9, 1980.

Deponent

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 and no part of it is false and

Sd/-
9/5/80

79/336

A31 2/18 17

-2-

and nothing material has been
concealed, so help me God.

महेश्वर प्रसाद

Deponent

I identify the deponent
who has signed before me.

S. C. Misra
Advocate.

Solemnly affirmed before me on May 9, 1980.

at 12.20 a.m./p.m. by Sri Mahadeo Prasad, the
de onent who is identified by *Sym Krishna Surtan chude to*
Sri S.C. Misra,
Advocate, High Court, Lucknow Bench, Lucknow.

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

79/336

S. H. Dhar
9/5/80

S. H. Dhar

79/336
9/5/80

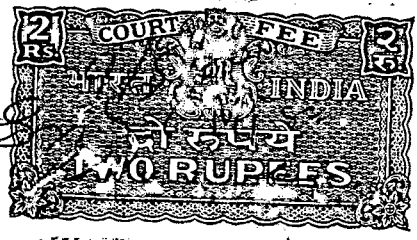
ब अदालत श्रीमान महोदय महोदय

वादी (मुद्दई)

प्रतिवादी

(मुद्दाअलेह)

का



महोदय प्रसाद बकालतनामा

वादी (मुद्दई)

बनाम

डिवीजनल सेल्वे प्रतिवादी (मुद्दाअलेह)

नं मुकद्दमा

सन १९

पेशी को ता

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री रानी शी

एडवोकेट

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 जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हजारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से दाखिल करे और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें या कोई वकील महोदय द्वारा की गई वह सब कार्यवाही हमको हर्षदा स्वीकार है और होगी इसलिए यह बकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

महोदय प्रसाद

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

4

महीना

5

सन्

१९४० ई०

Accepted
Scriber
Adu

तत्त्वज्ञान पाने वाले ज्ञान के हस्तक्षर

हाई कोर्ट कलकत्ता
(अध्याय १२, नियम १ और ७)

प्रतीपद (सुतफारिक) प्रायतः-पत्र संख्या - २७१८ (२७) - पत्र ३६३०

W.P.N. - 12-11-88 80 4

ਮਈ ੧ ੧੯੬੬

विमान रक्षक

स्त्री विधवा विवाह प्रवर्धन आयोग

(~~श्री~~ D.P.D.) श्री नरेश चन्द्र - हेतु गीत महात्मा
असली भाग्य प्रत्यक्ष के नाम
बुकि ऊपर लिखे प्राचीन इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

चूंकि ऊपर लिखे प्रार्थना में इस न्यायालय में उपस्थित मुकदमें के सम्बन्ध में
 - - - - - ले लिये प्रार्थना-पत्र दिया है, अतः आपको सूचित
 दिया जाता है कि आप दिनांक - - - 16 - - मास - - - 5 - - सन 80 को या उसके
 पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार लिया जाय।
 उक्त प्रार्थना-पत्र की मुनबत उक्त बाद नियमानुसार विलम्बित किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हो, उपस्थित न होंगे तो उक्त प्रार्थना पत्र को सुनवाई और निर्णय आपको अनुपस्थिति में हो जायेगा।

प्रार्थना पत्र और प्रार्थों द्वारा दिए गए शपथ-पत्र को एक-एक प्रतिलिपि उसी के साथ रखी है।

भरे हस्ताक्षर और न्यायालय की मोहर संज्ञा दिनांक- 13- - मास 5

1 --- सन १६ ~~१७~~ को जारी दिया गया।

At - - - - के एडवोकेट

तिथि - २ - ११ - ४३ - ४४ - ४५ - ४६

डिप्टी. कमिश्नर

सूचना - इस न्यायालय की १४५२ की नियमावली के अध्याय ३६, नियम २ के बाधोन प्राप्त तत्त्वाना मिल गया ।

संलग्नाने वाले शर्तों के हस्ताक्षर

35/33

A35

आवृत्ति विभाग

हाई कोर्ट इलाहाबाद
(अध्याय १२, नियम १ और ७)

प्रकीर्णक (मुतफारिक) प्रार्थना-पत्र संख्या - - - - - सन १९८०

W.P.N - सं० - 1248 - - - - - सन १९८० ई० में

Mohadeo P.d - - - - - इत्यादि

प्रति
Divisional Railway Manager - - - प्रत्यर्थी
Divisional Railway Manager Hajratganj
Mahatma Gandhi Marg, Lucknow

प्रत्यर्थी के नाम

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में
- - - - - ले लिये प्रार्थना-पत्र दिया है, अतः आपको सूचित
दिया जाता है कि आप दिनांक - 16 - - मास - 5 - - सन 80 को या उसके
पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार लिया जाय।
~~उक्त प्रार्थना-पत्र को सुनवाई उसी दिन नियमानुसार विज्ञापित किसी और दिन होगी।~~

यदिदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं अथवा
एक एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कामयून
हो, उपस्थित न होंगें तो उक्त प्रार्थना पत्र को सुनवाई और निर्णय आपकी
प्राति में हो जायेंगे।

और प्रार्थी द्वारा दिए गए शपथ-पत्र को एक-एक प्रतिलिपि उसी के साथ

साक्षर और न्यायालय की मोहर सवाज दिनांक - 13 - - मास 5
80 को जारी किया गया।
- - के एडवोकेट



डिप्टी जज
इलाहाबाद, लखनऊ

को १९८२ के नियमानुसार के अध्याय ३६, नियम २ के अधीन
गया।
अतः पाने वाले क्लर्क के हस्ताक्षर

दोस्तानी विभाग

हाई कोर्ट इलाहाबाद
(अध्याय १२, नियम १ और ७)

प्रक्रियांक (मुतफरिफ) प्रार्थना-पत्र संख्या - 27-15 (100) - सन १९८०

सं० - 12119 - सन १९८० में
W.P.119 - 80

महोदय प्रति

विजयलाल शर्मा मैन्जर

जाही मोगी - प्रत्यर्थी के नाम

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

ले लिये प्रार्थना-पत्र दिया है, अतः आपको सूचित
दिया जाता है कि आप दिनांक - 16 - मास - 5 - सन 80 को या उसके
पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार लिया जाय।

~~उक्त प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होगी।~~

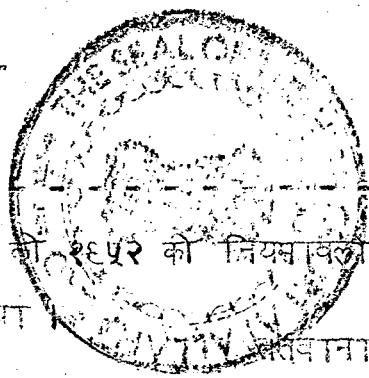
विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं अथवा
किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए काबूतब
अधिकृत हो, उपस्थित न होयेंतो उक्त प्रार्थना पत्र को सुनवाई और निर्णय आपको
अनुपस्थिति में हो जायेंगे।

प्रार्थना पत्र और प्रार्थी द्वारा दिए गए शपथ-पत्र को एक-एक प्रतिलिपि उसी के साथ
लाने है।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक - 13 - मास 5
- सन १९८० को जारी किया गया।

J. S. L. M. 17
तिथि - २ -

- के एडवोकेट

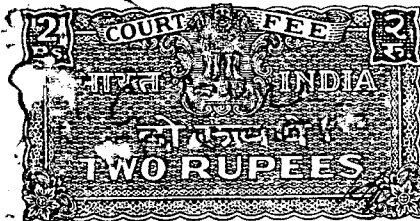


रजिस्ट्रार
इलाहाबाद

सूचना - इस न्यायालय की १९५२ की नियमावली के अध्याय ३६, नियम २ के बाबिन
प्राप्त तत्वाना मिल गया। तत्वाना पाने वाले क्लर्क के हस्ताक्षर

A37 4/1

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



In re:

Mahadeo Prasad

---Petitioner.

Versus

Divisional Rly. Manager and another

---Opp-parties.

Writ Pet. No. 1249 of 1980.

Affidavit.

I, Mahadeo Prasad, aged about 55 years, son
of Ram Abhilash, resident of 567/183, Anand Nagar,
Barha, P. S. Alambagh, Lucknow, do hereby solemnly affirm
and state as under:-

1. That the deponent is the petitioner in the above
noted case and is well conversant with the facts of
the case.
2. That the deponent in compliance with the orders
dated 20.5.80 passed by the Hon'ble Court, had served the
notices of the present writ petition personally through
Dasti summons upon the opposite-parties. The notices
were received by Sri Annullah, who is the clerk in
the receipt section in the office of the opposite-
parties. The dasti summons bearing the signatures
of the aforesaid clerk is being filed along with this
affidavit.

Lucknow dated,
2.6.80

Deponent.

I, the deponent abovenamed verify
that the contents of paras 1 and 2 of this
affidavit are true to my own knowledge and
no part of it is false and nothing material
has been concealed so help me God.

महोदय प्रसाद

Lucknow, dated,
2.6.80

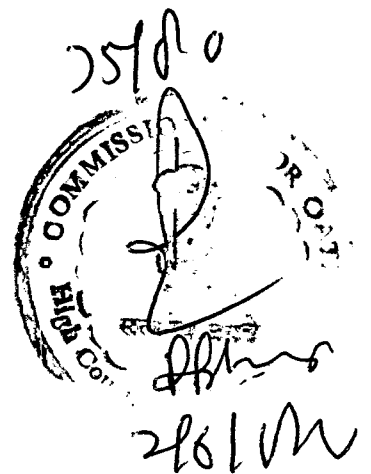
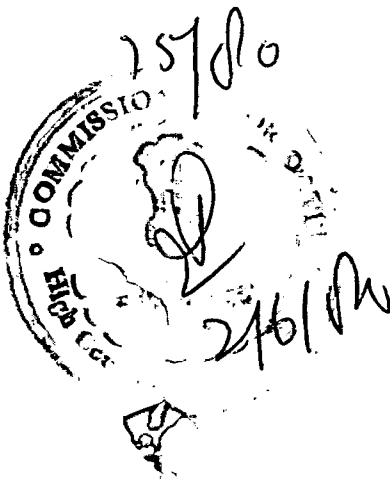
महोदय प्रसाद
Deponent.

I identify the deponent who
has signed before me.

Sawyer
Advocate.

Solemnly affirmed before me on 25/8/80
at 1.45 P.M. by Mahadeo Prasad
the deponent who is identified by
Shri S. C. Misra
Clerk to Shri
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.



प्रार्थना विभाग

हाई कोर्ट इलाहाबाद :
(अध्याय १२, नियम १ और ७)

प्रार्थनांक (मुतफरिफ) प्रार्थना-पत्र संख्या - - - - - सन १६ ६०

W.P.N. - - - सं० - - - 1248 - - - सन १६ ६० ई० में

नवाब मुहम्मद - - - - - प्रार्थी

डिवजनल इल मैनेजर नवाब

डिवजनल इल मैनेजर एजरा गौद

नवाब गौद - - - - - प्रार्थी के नाम

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

- - - - - ले लिये प्रार्थना-पत्र दिया है, अतः आपको सूचित
दिया जाता है कि आप दिनांक- 23 - - मास- - 5 - - सन १६ को या उससे
पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार लिया जाय।
उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं अथवा
किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कागूनन
अधिकृत हो, उपस्थित न होंगे तो उक्त प्रार्थना पत्र को सुनवाई और निर्णय आपकी
अनुपस्थिति में हो जायेंगे।

प्रार्थना पत्र और प्रार्थी द्वारा दिए गए शपथ-पत्र की एक-एक प्रतिलिपि उसी के साथ

लेनी है।
नवाब मुहम्मद और न्यायालय की मोहर सवाज दिनांक- 21 - - मास 5
- - - - - सन १६ ६० को जारी किया गया।

एडवोकेट

तिथि - - - - -

जिस्टी रजिस्ट्रार

इलाहाबाद

सूचना - इस न्यायालय की १६५२ की नियमावली के अध्याय ३६, नियम २ के अधीन
प्राप्त, तत्त्वाना मिला गया।

तत्त्वाना पाने वाले क्लर्क के हस्ताक्षर

Byd

1440

विभाग

हाई कोर्ट इलाहाबाद
(अध्याय १२, नियम १ और ७)

प्रकीर्णक (मुतफरिफ) प्रार्थना-पत्र संख्या - - - - - सन १६

W.P.M. सं० - 1249 - - - - - सन १६ ४० ई० में

महोदय पुष्पाद
प्रति

डिनगर ल. रेल नैनेजं के

श्री नगर डिनगर ल. रेल नैनेजं पुष्पाद

महोदय (जि. डी. डी.) सादर रेलवे डिनगर ल. रेल नैनेजं

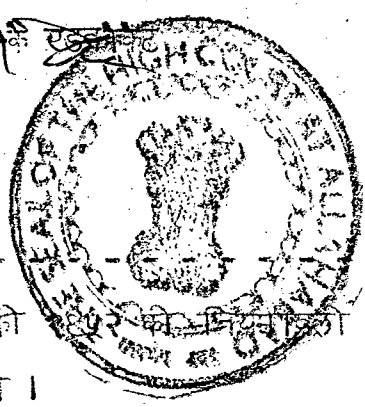
चूंकि ऊपर लिखे प्रार्थना पत्र को न्यायालय में उपयुक्त सुनवाई के सम्बन्ध में

ले लिये प्रार्थना-पत्र दिया है, अतः आपको सूचित किया जाता है कि आप दिनांक - 23 - मास - 5 - सन १६ को या उससे पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कायम अभिभूत हो, उपस्थित न होंगे तो उक्त प्रार्थना पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

प्रार्थना पत्र और प्रार्थना द्वारा दिए गए शपथ-पत्र को एक-एक प्रतिलिपि उसी के साथ भेजा है।
मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक - 24 - मास 5 को जारी किया गया।

Received
Copy
1/25/16
S. S. E. M.



Signature
इलाहाबाद लखनऊ

तिथि - - - - -

सूचना - इस न्यायालय को १९४२ के नियमों के अध्याय ३६, नियम २ के अधीन प्राप्त तत्त्वाना मिल गया।

तत्त्वाना पाने वाले जलक के हस्ताक्षर

In The Hon. High Court of Judicature
at Allahabad (Lucknow Bench)

1741

(804)
3
7/10/80.

Mahadeo Prasad — Petitioner

Union of India & others — Respondents
WP. NO. 1249 of 1980.

3/11/7
Counter affidavit on
behalf of Opp. parties is being
filed herewith. It is within
time as on 30. 9. 80, the Hon'ble
Court had granted 'two days'
time for filing the counter affidavit
(2. x. 80 was a holiday).

Dated: 3. x. 80.

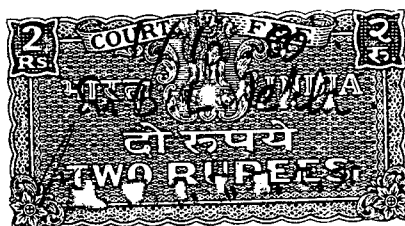
S. S. [Signature]
advocate
Counsel for Opp. parties

A42
5/1

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

....

1980
AFFIDAVIT
11
HIGH COURT
ALLAHABAD



Writ Petition no.I249 of 1980

Mahadeo Prasad _____ (Petitioner)

Vs.

Divisional Railway Manager,
Hazratganj and another.

_____ (Opp.Parties)

Counter Affidavit
on
behalf of opp.parties.

I, K.K. Mehtra aged about 54 years,
son of B.L. Mehtra, Assistant
Personnel Officer, Office of the
Divisional Railway Manager, Northern,
Railway, Lucknow, do hereby solemnly
affirm and state as follows;-

1) That the deponent is Assistant
Personnel Officer in the office of the Divisional
Railway Manager, Northern Railway, Lucknow and is
fully conversant with the facts deposed to below.

2) That the deponent has read the
writ petition filed by the petitioner and has understood
the contents thereof.

3) That the contents of para I of the
petition are admitted.

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1/10/80

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4) That the contents of para 2 of the writ petition are not admitted as stated. It may be submitted that ^{the} Service record of the petitioner has been lost. and in spite of best efforts, it could not be found out. The contention of the petitioner that his date of birth as recorded in his Service Record is 30.6.25, is not correct, as, apart from Service Record, his date of birth is also recorded in other Establishment Records. After petitioner's promotion to the post of Daftari in the year 1963, a Seniority List of Daftaries (grade ^B 200-250) was prepared in which the date of birth of the petitioner was mentioned as I.7.1922. The petitioner who had an occasion to file objections against the entries in the Seniority List, did not challenge the correctness of the date of birth mentioned in the said list. An extract of the Seniority list, relating to the petitioner is filed herewith as Annexure A-I.

The petitioner in his capacity as Railway employee had also taken loans from O & R Railway Employees Primary Cooperative Bank Ltd. Lucknow of the Northern Railway and in the application Forms which he submitted for loans, he himself had mentioned his date of birth as I.7.1922. It may be pointed out that the particulars filled in by the employee for loans are verified by the Establishment Department and then ^{the} loan is sanctioned. At least on two occasions in the year 1973 and 1976, when

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he had ~~demanded~~ ^{transacted} loans of Rs.700/- and 400/- respectively
he had mentioned his date of birth as 1.7.1922. This
date of birth i.e 1.7.1922 is also recorded in the
Staff book.

5) That in reply to para 3 of the
writ petition, it is submitted that as per records
in the office of Divisional Railway Manager, Lucknow,
the petitioner attained the age of superannuation
on 30.6.1980.

6) That the contents of para 4 of the
writ petition are not disputed. Since the petitioner
was to ~~attained~~ the age of superannuation on 30.6.80,
his name was included in the Retirement List
issued on 16.1.1980.

7) That the contents of para 5 of the
writ petition are denied. As submitted above, the date
of birth of the petitioner is 1.7.1922. This date of
birth is recorded in the Staff book, and in the Seniority
List and also in other records referred to above.
On the basis of the date of birth as recorded in the
Service book and other official records, the petitioner
attained the age of superannuation on 30.6.80.

8) That the contents of para 6 of the
writ petition are not admitted as stated. It is further

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submitted that Retirement List of Staff who were to be retired in the year 1980 has already been circulated vide this office notice no.M/Establishment/Retirement 1980. It may further be submitted that if Hon'ble court is of the opinion that retirement notice should have been issued one year in advance it would not postpone the petitioner's date of superannuation and as per his service record, the petitioner had attained the age of superannuation on 30.6.1980.

9) That the contents of para 7 of the writ petition are denied. It may be stated that the list was circulated on 16.1.80 in which the names of persons who were to attain² the age of superannuation in the year 1980 were mentioned. Since the petitioner was to attain² the age of superannuation on the basis of his date of birth as recorded in the staff book and other official records, it was not necessary to issue any notice to the petitioner. (The principle of natural justice were not applicable in the instant case and the petitioner's contention to the contrary is not correct) ✓

GP/H 11/1980

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10) That the contents of para 8 of the petition are denied.

II) That the contents of para 9 of the petition are denied. The petitioner had attained the age of 55 years three years ago and in the year 1980 he attained the age of superannuation on 30.6.1980.

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(5)

I2) That para I0 of the petition is denied.

I3) That in reply to the contents of para II of the writ petition, it is submitted that ~~the~~ Union sent a letter to the Divisional Railway Manager, Northern Railway on 18.3.80 in which only this much was stated that the petitioner was being retired on 30.6.1980 instead of 30.6.1983 and that the Service record may be called for and needful may be done. It will be pertinent to note that it was not a representation of the petitioner, and it was not indicated in the said representation that his date of birth was 30.6.25 as pleaded by him in para 2 of the petition.

I4) That the contents of ~~para~~ ² I2 of the petition are admitted.

I5) That in reply to paras I3 and I4 of the writ petition, it is submitted that a reminder was again received from the Union, which was registered in the Union Cell.

I6) That the contents of para I5 of the writ petition as stated are not admitted. It is submitted that petitioner's date of birth as recorded in the Staff Book and other official records is 1.7.22 and on the basis of this date of birth he was notified that he would attain the age of superannuation on 30.6.80. (There was no question of causing any irreparable loss ~~an~~ injury to the petitioner, as the petitioner attained the age of superannuation on the basis of the date of birth

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as recorded in the official records.

I7) That the contents of para I6 of the petition are denied.

I8) That in reply to para I7 of the petition, the deponent is advised to state that the grounds set out by the petitioner in this para of the petition are not tenable in law, the writ petition lacks merit, and is liable to be dismissed with costs.

Lucknow Dated:

1-10 ✓
~~Aug~~, 1980

Deponent

I, the above named deponent, do hereby verify that the contents of paras I and 2 are true to my own knowledge, those of paras 3 to 7, 8 except bracketed portion, 9 except bracketed portion, 10 to 15, 16 except bracketed portion, and para 17 are true to my knowledge based on record, which I believe to be true, and those of bracketed portions of paras 8, 9, and 16 are true to my belief, and those of para 18 are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated:

1-10 ✓
Aug., 1980

Deponent

5/5
A/P

In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.
Writ Petition no. 1249 of 1980
Mahadeo Prasad Vs. Union of India and others.

... Annexure A-1
Extract Seniority List of Daftaries Grade Rs. 200-3-206-4-234-EB-4-250

Sanctioned strength
perm. Temp. Total
6

Sl.no.	Name	Desig.	Date of Birth	Date of appt.	Date of confir.	Date of confirmed as offg.	Remarks	Sanctioned strength
1	Sri Mahadeo	Daftari	1.7.22	Fixed 8.7.45	28.8.55	-	-	Provi. as R/S
2.								
3.								
4.								

.....

True copy
forwarded
12/11/80

12/11/80

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

23/8/80

ASD

W.P. No 1249/80

6

NTR.

Before

In the Court of



MA

Defendant

Defendant

Plaintiff

Mahabir Prasad

Versus

Claimant

Appellant

Petitioner

Union of India Respondent

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

Advocate -

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/apposite 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... S. Saghir Ahmad 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... day of ... 19

Dated... 29/5/1980

R.P.P. Delhi-1979-1/153-7500 F

Designation of the Executing Officer

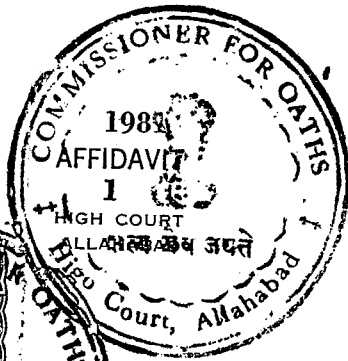
मुख्य कार्यकारी अधिकारी (

प्रधान कार्यालय

दिल्ली

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



Writ Petition No. 1249 of 1980

Mahadeo Prasad

... Petitioner

vs.

Divisional Railway Manager
Hazratganj, and another

.. opp. parties

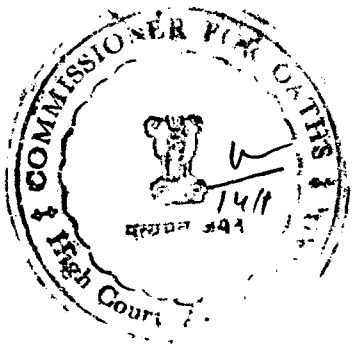
Rejoinder affidavit to the counter affidavit
filed on behalf of the opposite parties by Sri K.K.
Mehta .

1. That I Mahadeo Prasad, aged about 55 years, son of Ram Abhilakh, r/o 567/183, Anand Nagar Barha Road P.S. Alambagh, Lucknow do hereby solemnly affirm and state as under

1. That the deponent is the petitioner in the above noted writ petition and as such is fully conversant with the facts and circumstances of the case. The contents of the counter affidavit have been read over and explained to me him and he has fully understood the same.

2. That the contents of Paragraphs 1 to 3 of the counter affidavit need not reply.

3. That the contents of Paragraph 4 which are contrary to those of paragraph 2 of the writ petition are denied and those of the writ petition are reiterated to be correct. It is once again asserted that date of



महादेव प्रसाद

birth of the petitioner is 30.6.25 and the same date was recorded in the service records of the petitioner which is in the possession of the opposite-parties, and since said — the service record is a clear proof of the date of birth of the petitioner, the opposite-parties are purposely and deliberately not producing the same before this Hon'ble Court and have taken a false plea that the same has been misplaced and lost. It may be mentioned here that the service record of an employee is a very important document which is not kept in such a manner so that the same may be lost. It is correct that the petitioner was promoted to the post of Daftari in the year 1963, but it is wrong to say that the seniority list of Daftaris grade of Rs. 200 - 250 was prepared in which the date of birth of the petitioner was mentioned as 1.7.1922, ^{any} Even if such ^{any} alleged seniority list was prepared, the same was not published or brought to the knowledge of the petitioner and the petitioner has no information till date of any publication of such seniority list, and as such there was no occasion as alleged for the petitioner to file any objections against the said seniority list. The petitioner has for the first time come to know about the said seniority list through the present counter affidavit ^{any} ~~xxxxxx~~ vide annexure No. A1. (The deponent is advised to state that the said date of birth shown in the alleged seniority list cannot form the basis for deciding the date of birth of the petitioner. The date of birth can be only verified and decided through the service record of the petitioner).

It is admitted that the petitioner in his capacity as railway employee had taken loans from the Railway Employees Primary Co-operative Bank Ltd. Lucknow, but it is strongly denied that in the said



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application forms which he had submitted for loans, he had mentioned his date of birth as 1.7.1922. The deponent has not filled the said column about the date of birth as he was ^{told} ~~asked~~ by the loan sanctioning authority that it was not necessary to fill that column and as such he had left the same unfilled. If any such date of birth as alleged in para under reply is mentioned in the said application forms, then the same must have been got filled up by the railway authorities themselves simply for the purposes of retiring the petitioner prematurely, and this fact can be verified by looking the original application form and by comparing the same with the handwriting of the petitioner. The facts contrary to the above stated in the answering paragraph are false and denied.

4. That the contents of para 5 of the counter affidavit are false and denied and the contents of para 3 of the writ petition are reiterated to be correct. It is further submitted that as per record of the petitioner maintained in the office of the opposite-parties the petitioner will be attaining the age of superannuation on 30.6.83.

5. That in reply to the contents of para 6 of the counter-affidavit it is stated that the petitioner was to attain the age of superannuation on 30.6.83 and not on 30.6.80 as alleged by the opposite-party and his name was illegally, arbitrary and mala fide included in the retirement list issued on 16.1.1980.

6. That the contents of para 7 of the counter affidavit are false and are denied and those of para 5 of the writ petition are reiterated to be correct. In view of the facts already stated



महादेव प्रसाद

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earlier in this rejoinder affidavit, the answering paragraph needs no further reply. However, it is further stated that the date of birth of the petitioner as recorded in the records of the Municipal Board Bahreich is also shown as 30.6.25. The deponent has obtained a certified copy of his birth certificate and is filing a Photostat copy of the same alongwith the rejoinder affidavit as annexure no. R-1.

7. That the contents of para 8 of the counter affidavit are false and are denied and those contained in para 6 of the writ petition are reiterated to be correct. The retirement list published on 16.1.81 is illegal and that as the same is in contravention of the established rules according to which the petitioner should have been issued notice one year in advance so as to enable him to file his objections against the same, and this was not done simply with the mala fide intention so as to not give any opportunity to the petitioner for raising his objections against the illegal notice of retirement.

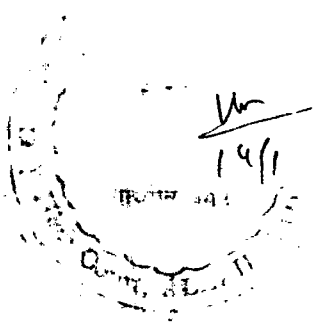
8. That the contents of para 9 of the counter affidavit are wrong and are denied and those contained in para 7 of the writ petition are reiterated to be correct. The submissions made by the deponent earlier in this rejoinder affidavit are relied in reply to the answering paragraph.

9. That the contents of para 10 of the counter affidavit are wrong and are denied and those of para 8 of the writ petition are reiterated to be correct.

10. That the contents of para 10 of the counter affidavit are false and are denied and those of para 9 and 10 of the writ petition are reiterated to be correct.

11. That the contents of para 13 of the counter affidavit

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are false and are denied and those of para 11 of the writ petition are reiterated to be correct. It is ~~not~~ wrong to say that the petitioner had not made any representation in the actual sense ~~of the~~ to the authorities and had simply got sent a letter to the D.R.M. Lucknow, through its Union. In fact he had made detailed representation personally dated 2.5.80 addressed to the General Manager, Northern Railway, Head Quarters, Office, Baroda House, New Delhi, A copy of which was also forwarded to the Divisional Regional Manager, Northern Railway, Lucknow for information and necessary action. This representation was duly served upon the office of the General Manager, New Delhi, as well as Divisional ~~of~~ Regional Manager, Lucknow. and the petitioner has a receipt of the same, but unfortunately no action whatsoever has been taken on the said representations also till date. A true copy of the said representation dated 2.5.80 is being annexed herewith as Annexure No. R-2.

12. That the contents of paras 14 and 15 of the counter affidavit need no reply.

13. That the contents of para 16 and 17 of the counter affidavit are false and are denied and those of paras 15 and 16 of the writ petition are reiterated to be correct.

14. That the contents of para 18 ~~of~~ of the counter affidavit are wrong and are ~~wrong~~ denied and the deponent is advised to state that the writ petition is full of merits and the same deserves to be allowed

with costs and the stay order passed in favour of the petitioner deserves to be confirmed.

15. That the petitioner could not file the present affidavit within time allowed as he had to collect certain documents and necessary papers and necessary informations for filing the same and the delay was caused due the said reasons which deserve to be condoned.

Lucknow: Dated:
January 14, 1981.

Deponent

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

1
M 149 4 119

Deponent

I identify the deponent who has signed before me.

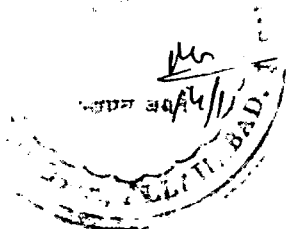
Advocate.

Solemnly affirmed before me on January 14, 1981 at ~~10.00 p.m.~~ by Sri Mahadeo Prasad, the deponent who is identified by Sri S.C. Misra, Advocate, High Court, Lucknow Bench, Lucknow.

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

H. C. Misra
JUDGE COMMISSIONER
High Court, Allahabad,
Lucknow Bench.

Do... 1/1/81
Date 14/1/81



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

Writ Petition No. 1249 of 1980.

Mahadeo Prasad

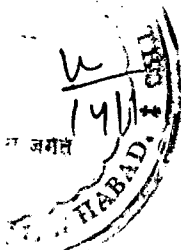
... Petitioner

Versus

Divisional Railway Manager
Hazratgan, & another ..

Opp. Parties.

Annexure No. R-1



14/11/80

ASB 2/8

CERTIFICATE OF REGISTRATION OF BIRTH

No.	Name	Date of birth	Place of birth
1	2	3	4
26	श्री महादेव प्रसाद	20-6-1925	जो. मोहली पुग शहर कलकत्ता
Name of father/mother		Nationality and religion of father/mother	
5		6	
श्री राम अमिलाल		भारतीय 'हिन्दू'	
Date of registration of birth.		Rectification of error, if any, since the date of registration.	
7		8	
20-6-1925			

Certified that the above particulars have been correctly and truly copied from the entries made on page _____ of the birth register of the Municipal Board Bahraich for _____ the year kept and maintained in the office of the said Board. जमबी दे 6 मार्च 1926 तक

Signed _____ this day of _____ nineteen

Executive Officer
Municipal Board
Bahraich

महादेव प्रसाद



RECEIVED
MAY 1925

ASP 7/9

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

Writ Petition No. 1249 of 1980.

Mahadeo Prasad

... Petitioner

Versus

Divisional Railway Manager
Hazratganj and another

.... Opp. Parties.

Annexure No. A-2

To

The General Manager,
Northern Railway,
Head Quarters Office,
Baroda House, New Delhi.

Sub: Illegal Retirement of applicant on 30.6.80
who is a Class IV employee.

Respectful submission is as under:-

1. That applicant was appointed on 8.7.45 in the post of Lampman in the Northern Railway, Charbagh, Lucknow by Station Supdt., N. Railway, Charbagh, Lucknow. Thereafter I was promoted as Lamp Jamadar under Section Master, Pratapgarh. After that he was again posted in the Divisional Supdt's Office N. Rly. Lucknow as Daftari in the year 1963. In 1973 I was promoted and was posted as Record Sorter in the office of the Divisional Railway Manager, N. Rly Lucknow, and at present he is working in the said office with most efficiency.
2. That the applicant was born on 30.6.1925 and this date of birth was given by him at the time of his initial appointment in the year 1945 and this finds place in the service record of the applicant maintained by the D.R.M./Personal/N.Rly. Lucknow.
3. That according to Railway rules the age of retirement of a Class IV employee is 58 years and the applicant will attain the said age on 30.6.83, but through a list issued by D.R.M.N. Rly. Lucknow on 16.1.80, the applicant

NET 45/11

is being retired on 30.6.80 by showing the wrong date of birth of the applicant.

4. That actually the retirement date of applicant is 30.6.83 according to his date of birth i.e. 30.6.1925 which date of birth is recorded in the Municipal records as was as the source records of the applicant maintained by the Railways.

5. That applicant is illegally and wrongfully being retired from his post on 30.6.80 instead of 30.6.83.

6. That retirement list was issued by DRM N.R. Lucknow on 16.1.80 showing the applicant's name at S.No. 72. The applicant on coming to know of it, personally met the DRM N. Rly. Lucknow and made representation about the illegal retirement before 3 years but all effort proved invain.

7. That applicant thereafter on 18.3.80 made representation to the D.RM. N. Rly Lucknow through Northern Railwaymen's Union with regard to the above said illegal order of retirement which was received by DRM Lucknow in reply to was only acknowledged but no action was taken by the concerned authority.

8. That applicant once again gave a reminder to DRM Lucknow through its union vide letter dated 1.4.80 and it was to acknowledged on 2.4.80.

9. That once again nothing was done on the said representation and once again a reminder was sent on 26.4.80 by the said union but no action was still taken by the DRM's office, Lucknow.

10. That inspite of several reminder no decision has been taken regarding the representations in regard to earlier retirement of the applicant.

11. That after being dis-appointed from DRM/LKO, the applicant is submitting the present representation before your honour for suitable necessary action.

12. That applicant is being retired on the age of 55 years i.e. on 30.6.80 whereas his actual retirement date is 30.6.83 in the age of 50 years.

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-3-

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13. That applicant is a class IV employee having a big family and as he is being retired before the age of retirement, his family will be ruined and he will suffer irreparable loss.

14. That if some fast decision is not taken before 30.6.80, the applicant will be retired by the DRM LKO and thus justice would be denied to me.

It is, therefore, respectfully prayed that your honour may kindly be pleased to look into the matter of the applicant and direct the DRM LKO not to retire the applicant on 30.6.80 i.e. before 3 years of the actual retirement on 30.6.83 otherwise the applicant would have no other alternative then to take the shelter of the court of law.

Shanking you,

Yours obediently.

Sd/. Mahadeo Prasad
applicant
Record Shorter

Copy forwarded to Divisional Railway Manager, N.Rly Lucknow for information and necessary action please.

Sd/- Mahadeo Prasad
(Mahadeo Prasad)
Record Shorter,
DRM Lucknow.

True copy.

M
14/11

11/11/80

B/61

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Reg. No. 673 of 1987 (T)

MAHADEO PRASAD

...

PETITIONER

V E R S U S

DIVISIONAL RAILWAY MANAGER & ANOTHER .. OPPOSITE PARTIES

REPLY ON BEHALF OF THE OPPOSITE PARTY NOS. 1 & 2

Para 1:- That the contents of para 1 of the writ petition are not disputed.

Para 2:- That the contents of para 2 of the writ petition, as stated, are not admitted. It is submitted that ~~km~~ since the service record of the petitioner has been lost, hence, the date of birth as entered in the staff book and seniority list etc. is recorded as ^{1.7.1922} 30.6.1925 and not 30.6.1928. The petitioner has not filed any document to corroborate his stand regarding his date of birth on 30.6.1928 and, as such, the allegations made, are denied.

Para 3:- That in reply to para 3 of the writ petition, it is not disputed that the petitioner was a class IV employee and the age of retirement is 58 but it is denied that on 30.6.1980, the petitioner had completed 55 years. As stated above, as per the records maintained, the date of birth of the petitioner is 1.7.1922 and he had attained the age of 58 years on 30.6.1980.

Para 4:- That the contents of para 4 of the writ

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petition are not disputed.

Para 5:- That the contents of para 5 of the writ petition are denied. A detailed reply has already been given above. As per the entries recorded in the seniority list etc., published in 1972, the date of birth of the petitioner was shown as 1.7.1922, therefore, he had completed the age of superannuation on 30.6.1980 and not on 30.6.1983 as alleged.

Para 6:- That in reply to para 6 of the writ petition, it is stated that a list of the staff who were to retire in the year 1980, had already been circulated vide notice No. M/Establishment/Retirement, 1980, hence the allegations as stated are not admitted.

Para 7:- That the contents of para 7 of the writ petition are denied. A detailed reply has already been given above.

Para 8:- That the contents of para 8 of the writ petition are denied being misconceived.

Para 9:- That the contents of para 9 of the writ petition are denied. A detailed reply has already been given above.

Para 10:- That the contents of para 10 of the writ petition, as stated, are not admitted. No such representation, as alleged, was made by the petitioner prior to the filing of the writ petition in the Hon'ble High Court.

Para 11:- That the contents of para 11 of the writ

Asstt. Personnel Officer
N. R. Lko

Contd...3

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.3.

petition are not disputed. A detailed reply was given to the Union with complete and detailed facts.

Para 12:- That the contents of para 12 of the writ petition are not disputed.

Para 13:- That as regards para 13 of the writ petition, it is not disputed that a representation was made through the Union which was received by the answering opposite parties, copies of which have been filed as ANNEXURE NOS. 4 and 5. A detailed reply has already been given the Union about the retirement of the petitioner as mentioned above.

Para 14:- That as regards para 14 of the writ petition, it is not disputed that a reminder, as alleged, was given. As stated above, a detailed reply having already been received by the Union, the sending of reminder after reminders was nothing else but a devise to make out a case for non-disposal of the representation.

Para 15:- That the contents of para 15 of the writ petition, as stated, are denied except that a writ petition was filed by the petitioner.

Para 16:- That the contents of para 16 of the writ petition are denied.

ADDITIONAL FACTS

para 17:- That, as stated above, the service record of the petitioner having been lost, therefore the date of birth as recorded in the staff book and the seniority list etc. was taken

Assn. Pe. Sum.
N. R. Lko.

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.4.

into account and on that basis the date of retirement of the petitioner was 30.6.1925. It is further submitted that at one time the petitioner had availed off the benefit of seniority on the basis of the seniority list ~~was~~ prepared and knowing fully well about the entry made therein about his date of birth much earlier, without leading any evidence about his alleged date of birth as 30.6.1925, he cannot be permitted to say otherwise. There is no merits in the writ which is liable to be dismissed with costs.

Para 18:- That the writ petition has been filed after a lapse of more than eight years from the date of publication of seniority list and, as such, the same is liable to be dismissed on the ground of ~~tactless~~ *laches*.

VERIFICATION

I, *J. N. Gumber*, aged about 54 years, son of *W. N. Gumber* as Assistant Personal Officer, Divisional Manager's Office, Northern Railway, Lucknow, do hereby verify that the contents of paras 1 to 7, 9 to 16 are as based on record and those of paras 8, 17 to 18 are based on legal advice which are believed by me to be true. Nothing has been concealed. So, help me God.

J. N. Gumber
Asstt. Personnel Officer
N. R. Lko

J. N. Gumber
OPPOSITE PARTIES
N. R. Lko

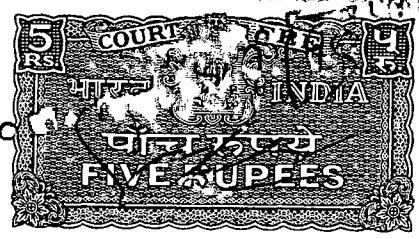
Filed today
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13/7

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बदालत भीमान् महोदय
Central Administration
Tribunal, Lko
(वादी) अपीलान्त

प्रतिवादी रैस्पाडेन्ट श्री का बकालतनामा

Mahadeo Patil



lip. 1248/80

वादी (अपीलान्त)

Union of Gandhi यनाम प्रतिवादी रैस्पाडेन्ट

नं० मुकदमा सन् पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से Sh. Salish chander

Maria Advocate

वकील

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं०
नाम फरीकन

को अपना वकील नियुक्ति फरके प्रतिज्ञा इकसार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल कर या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
An

हस्ताक्षर M. H. Dev Prasad

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 13 महीना 7 सन् १९८९ ई०

Honorable
Before Central Administration
Tribunal Lucknow
Bench LHO. 125

Mehadeo Pat

vs.

Union of India.

W.P. NO 1249/80

673/87(T)

Adjournment Application

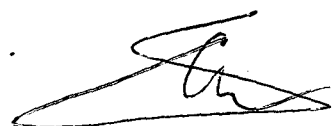
Sir

On the above noted
case I am filing some
today so I could not
prepare the case

wherefore it is respect
fully prayed that your
honor may be pleased
to adjourn the case for
15 days so that I may
prepare the case.

Lucknow.

13.7.89



Counsel for
Mehadeo Pat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Allahabad Bench Lucknow
23-A Thornhill Road, Allahabad-211 001

Gandhi Nagar Lucknow

No. CAT/A11d/Jud/31001 to 82 Dated the 21/1

T.A.No. 673 of 1988 (T)

Mahadeo Prasad Applicant's

Versus

Union of India & others Respondent's

Mahadeo Prasad, 310 Ram Abhilash, R/o 567/183
To Anand Nagar, Barha P.S. Alambagh Lucknow.

Whereas the marginally noted cases has been
Transferred by Mahadeo Prasad under the provision of the
Administrative Tribunal Act (No.13 of 1985) and registered
in this Tribunal as above.

Writ Petition No. 13101/82

of 1988 of the
court of Allahabad Bench

arising out of order dated

passed by

in


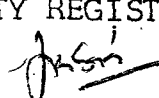
on your behalf the matter will be heard and decided in your
absence.

The Tribunal has fixed date of
23-8-1988. The hearing of
the matter.

If no appearance is ~~made~~
made on your behalf by your some
one duly authorised to Act and pled

Given under my hand seal of the Tribunal this
day of 20/7 1988.

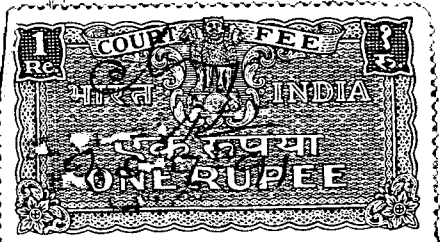
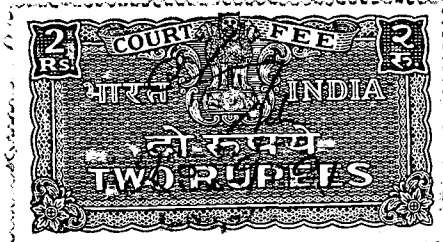
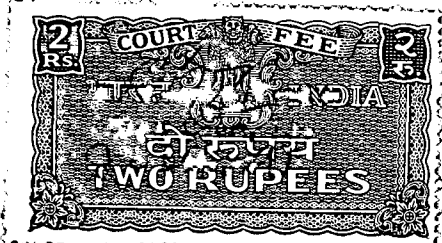
① Divisional Railway Manager,
Hassatganj, Mahatma Gandhi
Nagar Lucknow.


DEPUTY REGISTRAR (J)


② Senior Divisional Personnel officer (Sr. D.P.O.)
N. Railway Hassatganj, Mahatma Gandhi
Nagar Lucknow.

Before The Central Administrative Tribunal, Lucknow
वकालत गीमान महोदय

वादी (मुद्दई) Reg. No 673 of 1987 (7)
मुद्दई (मुद्दालेह) का वकालतनामा



Applicant

Maharao Prasad - - - Applicant

Divisional Railway Manager at Muzaffarpur - - - Opp. Parties

नं० मुकद्दमा Reg. No 673 सन् 1987 पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Shri C. B. Pandey

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही 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 हसारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (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। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने परोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर महोदय

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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महीना

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सन् १९९१ ई०

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महोदय प्रसाद ————— आधी

बलाग

डिप्टी जनरल सेल के मैनेजर आदि — विपक्षी

प्राथमिक पत्र वास्ते स्थगित करने के लिए मुकदमा

की मांग की

पक्षी को विपक्षी खण्ड 182 द्वारा दायित्व
जवाब को जवाब देना था लेकिन वह
अपनी शहिका व बुझा के पक्ष
अपने अधिकार की एस.जे. रिट
से नहीं मिल सका किन्तु कारण
जवाब नहीं ले पाए हों सका, अवधि
जवाब दायित्व होना अवश्य
है

अतः की मांग की है निवेदन
है कि जयराज कल की बुझा
आज स्थगित करने की कृपा
की जाए ताकि अन्य तार्किक पक्षों
पर आधी जयराज दायित्व का
है।

लखनऊ
18.1.80

आधी
महोदय प्रसाद
महोदय प्रसाद

Before the Registrar, Central Administrative Tribunal,
Allahabad.

Civil Misc. Writ Petition No. 1249 of 1980

Mahadeo Prasad

Petitioner

Versus

Union of India & others ..

Opp. Parties.

Application for transfer of case.

The applicant begs to submit as under :-

1. That the applicant has filed the above-mentioned writ petition in the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench), Lucknow and the same stands transferred to Central Administrative Tribunal, Allahabad.
2. That no notice for hearing has yet been issued by this Hon'ble Tribunal in the case.
3. That the cause of action of the case accrued at Lucknow where the applicant resides and the opposite parties hold their office.
4. That since the applicant is a retired person, it is difficult for him to undertake a proper parivoli of his case at Allahabad, and as such it would be in the ends of justice if the case is transferred to Central Administrative Tribunal sitting at Lucknow.

Wherefore, it is prayed that the above-noted case be kindly be transferred to Central Administrative Tribunal sitting at Lucknow for hearing.

(Signature)
 (Mahadeo Prasad),
 Petitioner/Applicant.

Dtd 12.4.1988

S. No. 19

130

Central Administrative Tribunal, Allahabad
व अदालत श्रीमान
Circuit Bench, Lucknow महोदय

वादी अपीलान्ट श्री

का बकाबत

प्रतिवादी रेस्पान्डेंट

Alahadeo Ponnau

वादी अपीलान्ट

बनाम

Dwl. Ry. Manager & another

प्रतिवादी रेस्पान्डेंट

T.A. मुकदमा सं 673 of 1987 (T)

अपर मुकदमा में अपनी और से श्री A. A. Khan

स्टवोकेट

Railway Advocate

महोदय

वकील

को अपना वकील नियुक्त करके इकरार करता हूँ और लिख देता हूँ कि इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देना व प्रश्नोत्तर करे या कोई कागज दाखिल करें या लौटावें या हमारी और से डिगरी जारी करावें और समझा लें या सुनहनामा या इकवात दावा नया अर्जी व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई समझा जमा करें या हमारी विपक्षी परीक्षणों का दाखिल किया हुआ समझा अपने या हमारे हस्ताक्षर युक्त प्रतीति रसीद से लेवे या पैसे नियुक्त करें वकील महोदय द्वारा को गई वह सब कार्यवाही हमसे स्वयं स्वीकार है और होगी इस लिये यह कालतनामा लिख दिया कि समझा रहे और समय पर काम आवें।

हस्ताक्षर Sr. Divisional Personnel Officer,
Northern Railway, Lucknow

साक्षी गवाह

साक्षी गवाह

दिनांक

23

महीना

8

सन् 1988

ई 0

Note. Court fee stamp of Rs 5/- shall be affixed on the next date

Chand

Accepted

Chand

Counsel for opposite parties

Before the Registrar, Central Administrative Tribunal,
Allahabad.

Civil Misc. Writ Petition No. 1249 of 1980

Mahadeo Prasad

...

Petitioner

Versus

Union of India & others ..

Opp. Parties.

Application for transfer of case.

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4. That since the applicant is a retired person, it is difficult for him to undertake a proper parvi of his case at Allahabad, and as such it would be in the ends of justice if the case is transferred to Central - Administrative Tribunal sitting at Lucknow.

Wherefore, it is prayed that the above-noted case may kindly be transferred to Central Administrative Tribunal sitting at Lucknow for hearing.

Dated 12.4.1988

Mahadeo Prasad
(Mahadeo Prasad),
Petitioner/Applicant.

207/80
MOHES KUMAR
23/01/88
JCS
29/7/88

समक्ष सेन्डल सड मिनिस्ट्रीयल डिप्लोमा

लखनऊ बेन्च, लखनऊ

W.P. No 1249/80

1132

महोदय प्रसाद बनाम यूनियन आफ रॉयल

प्राथमिक वास्ते स्थगित करने
मुद्दमा

श्री मान जी,

प्राची/पान्ची का निम्न निवेदन है।

1. यह कि प्राची/पान्ची का उपरोक्त
वाद आज श्रीमान जी के समक्ष
खुनवारी हेतु लगा है।

2. यह कि प्राची/पान्ची के अधिपता
श्री एस. सी. मिश्रा एडवोकेट आज
श्री मान जी के समक्ष कार्य की
व्यस्तता के कारण उपस्थित होने
में असमर्थ है।

3. यह कि उपरोक्त परिस्थितियों के
मुद्दे में श्री खुनवारी स्थगित करना
न्यायहित में आवश्यक है।

अतः श्री मान जी से विनम्र
निवेदन है कि आज मुद्दे में श्री
खुनवारी स्थगित करने की कृपा की
जाय।

लखनऊ
10/7/89

प्राची/पान्ची
महोदय प्रसाद

(महोदय)

B/119

CERTIFICATE OF REGISTRATION OF BIRTH

Sl. No.	Name	Date of birth	Place of birth
1	2	3	4

८३६	श्री महोदय प्रसाद	२०-६-१९२५	मो. मोहोली पुग शहर महाराष्ट्र
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Name of father/mother	Nationality and religion of father/mother
5	6

श्री राम आभिलाष	भारतीय 'हिन्दू'
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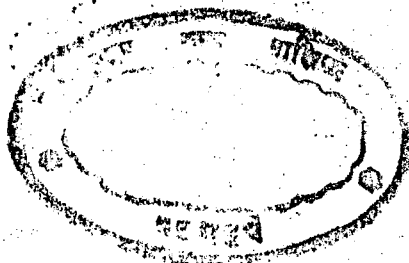
Date of registration of birth.	Rectification or error, if any, since the date of registration,
7	8

४.२.१९२०

Certified that the above particulars have been correctly and truly copied from the entries made on page 20 of the birth register of the Municipal Board Bahraich for जानवरी से ६ अगस्त १९२० तक the year kept and maintained in the office of the said Board.

Signed २० अगस्त १९२० ई this day of अगस्त nineteen

[Signature]
Executive Officer
Municipal Board
Bahraich
[Signature]



समर्था न्यायालय की ओर से न्याय सचिव लिखित
दिनांक २५.७.७३

Regulation 673 of 1907 (T) ८३

महोदय

पत्रिका

डॉ. आर. एम. डॉ. लॉ. २०७३
२०७३

(22)

आपका पत्र वाहो न्याय सचिव लिखित

आपका पत्र

आपका पत्र वाहो न्याय सचिव लिखित

Regulation 673 of 1907 (T) ८३

८३

आपका पत्र वाहो न्याय सचिव लिखित

आपका पत्र वाहो न्याय सचिव लिखित

आपका पत्र वाहो न्याय सचिव लिखित

आपका पत्र वाहो न्याय सचिव लिखित

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आपका पत्र वाहो न्याय सचिव लिखित

आपका पत्र वाहो न्याय सचिव लिखित

आपका पत्र वाहो न्याय सचिव लिखित

25.7.73

महोदय

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Reg. No. 673 of 1987 (T)

A71

MAHADEO PRASAD

...

PETITIONER

V E R S U S

DIVISIONAL RAILWAY MANAGER & ANOTHER .. OPPOSITE PARTIES

REPLY ON BEHALF OF THE OPPOSITE PARTY NOS.1&2:

Para 1:- That the contents of para 1 of the writ petition are not disputed.

Para 2:- That the contents of para 2 of the writ petition, as stated, are not admitted. It is submitted that ~~the~~ since the service record of the petitioner has been lost, hence, the date of birth as entered in the staff book and seniority list etc. is recorded as ^{1.7.1922} 30.6.1925 and not 30.6.1928. The petitioner not filed any document to corroborate his stand regarding his date of birth on 30.6.1928 and, as such, the allegations made, are denied.

Para 3:- That in reply to para 3 of the writ petition, it is not disputed that the petitioner was a class IV employee and the age of retirement 1 58 but it is denied that on 30.6.1980, the petitioner had completed 55 years. As stated above, as per the records maintained, date of birth of the petitioner is 1.7.1922 had attained the age of 58 years on 3

Para 4:- That the contents of para 4 of the w

...2

JW
Asstt Personnel Officer
N. R. Lko

petition are not disputed.

Para 5:- That the contents of para 5 of the writ petition are denied. A detailed reply has already been given above. As per the entries recorded in the seniority list etc., published in 1972, the date of birth of the petitioner was shown as 1.7.1922, therefore, he had completed the age of superannuation on 30.6.1980 and not on 30.6.1983 as alleged.

Para 6:- That in reply to para 6 of the writ petition it is stated that a list of the staff who were to retire in the year 1980, had already been circulated vide notice No. M/Establishment/Retirement, 1980, hence the allegations as stated are not admitted.

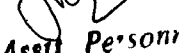
Para 7:- That the contents of para 7 of the writ petition are denied. A detailed reply has already been given above.

Para 8:- That the contents of para 8 of the writ petition are denied being misconceived.

Para 9:- That the contents of para 9 of the writ petition are denied. A detailed reply has already been given above.

Para 10:- That the contents of para 10 of the writ petition, as stated, are not admitted. No such representation, as alleged, was made by the petitioner prior to the filing of the writ petition in the Hon'ble High Court.

Para 11:- That the contents of para 11 of the writ


Asstt Personnel Office
N. R. Lko

Contd...3

petition are not disputed. A detailed reply was given to the Union with complete and detailed facts.

Para 12:- That the contents of para 12 of the writ petition are not disputed.

Para 13:- That as regards para 13 of the writ petition, it is not disputed that a representation was made through the Union which was received by the answering opposite parties, copies of which have been filed as ANNEXURE NOS. 4 and 5. A detailed reply has already been given to the Union about the retirement of the petitioner as mentioned above.

Para 14:- That as regards para 14 of the writ petition, it is not disputed that a reminder, as alleged, was given. As stated above, a detailed reply having already been received by the Union, the sending of reminder after reminders was nothing else but a device to make out a case for non-disposal of the representation.

Para 15:- That the contents of para 15 of the writ petition, as stated, are denied except that a writ petition was filed by the petitioner.

Para 16:- That the contents of para 16 of the writ petition are denied.

ADDITIONAL FACTS

para 17:- That, as stated above, the service record of the petitioner having been lost, therefore, the date of birth as recorded in the staff book and the seniority list etc. was taken

A74

into account and on that basis the date of retirement of the petitioner was 30.6.1980. It is further submitted that at one time, the petitioner had availed off the benefit of seniority on the basis of the seniority list ~~pre~~ prepared and knowing fully well about the entry made therein about his date of birth much earlier, without leading any evidence about his alleged date of birth as 30.6.1925, he cannot be permitted to say otherwise. There is no merits in the case which is liable to be dismissed with costs.

Para 18:- That the writ petition has been filed after a lapse of more than eight years from the date of publication of seniority list and, as such, the same is liable to be dismissed on the ground of ~~tactics~~ *laches*.

VERIFICATION

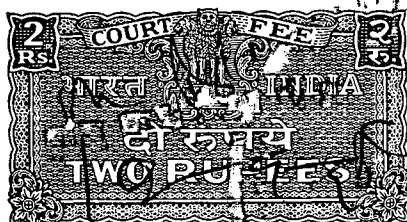
I, J. N. *Sharma*, aged about years, son of *Shri* as Assistant Personal Officer, Divisional Manager's Office, Northern Railway, Lucknow, do hereby verify that the contents of paras 1 to 7, 9 to 16 as based on record and those of paras 8, 17 to 18 based on legal advice which are believed by me to be true. Nothing has been concealed. So, help me God.

[Signature]
Asst. Personnel Officer
OPPOSITE PARTIES
N. R. Lko.

Before the Central Administrative Tribunal

LUCKNOW

Regular No. 673 of 1987 (1)



1990
AFFIDAVIT
89
HIGH COURT
ALLAHABAD

Labadeo Prasad

--- Petitioner

Versus

Divisional Railway Manager

N.W. Lucknow and others -- Opp. Parties

Rejoinder Affidavit to the Counter
Affidavit

I, the deponent Labadeo Prasad aged about 65 years son of Sri Ram Bhilakh, Resident of 567/188 Anand Nagar Jang Road, L.P. Ambaga Lucknow do hereby solemnly affirm and state in oaths under.

1. That the deponent is petitioner in the above noted petition and as such he is well conversant with the facts of the case. The Counter Affidavit has been read over and explained to him in Hindi and as such he

प्रतिभा

understands the contents thereof.

2. That the contents of para 1 of the Counter affidavit does not call for any reply. However it is submitted that paras 2 to 18 of the Counter affidavit the petitioner has already given a detailed reply in his affidavit filed in the month of January 1981 which is on record of the Hon'ble court and he in reply to the present Counter affidavit kept the same denying anything contrary to the petition.

3. That the contents of para 2 of the Counter affidavit are denied and that all para 2 of the writ petition are reiterated to be correct. It is further submitted that correct date of birth of the petitioner is 30.6.1925 as is disclosed by Annexure H-1 filed with the Rejoinder affidavit which is a certificate of birth issued by the Municipal Board, Bhopal. This document was got prepared in ordinary course of business. It is further submitted that for the loss of the service book of the petitioner it is the opposite party themselves who are responsible and they cannot take any benefit of the loss of their own fault. The allegation to the effect that in the State Bank the date of birth was recorded as 1.7.1922 is not correct.

सहायक न्यायाधीश

The said entry is also not correct and has been prepared subsequently.

4. That in reply to para 8 of the Counter affidavit it is submitted that since the date of birth of the petitioner is 30.6.1925, therefore, he reached the age of superannuation in the year 1983 and not in 1980 as alleged. The allegations regarding the date of birth of the petitioner as 1.7.1922 is not correct. As a matter of fact it appears that the said date was arbitrarily been fixed by the opposite parties. Petitioner was not given any opportunity whatsoever in this respect. He was not called upon to submit his correct date of birth on the loss of Service Book and other service record of the petitioner. On the other hand the opposite parties have acted arbitrarily and unilaterally fixing his date of birth without any basis. The petitioner has not given his date of birth to be 1.7.1922. It is the opposite party themselves arbitrarily put in the same. In view of the facts stated above the contents of para s 4,5,6,7,8,9,10,11 and 12 of the Counter affidavit are denied as wrong and incorrect and the facts already stated in the corresponding para's of the petition



सहायक प्रमुख

are reiterated to be correct. .

5. That in reply to the contents of paras 13, 14 of the Counter Affidavit as stated are wrong and incorrect and the same are denied. It is further submitted that although the opposite parties have acknowledged the receipt of the letter and subsequent representations of the petitioner alongwith their reminders but they have not intimated the decision taken thereon to the petitioner. As a matter of fact the petitioner upto the date of filing the petition did not know as to what has happened to his representation and their reminders.

6. That the contents of paras 15 and 16 of the Counter affidavit as stated are wrong and incorrect and the same are denied and in reply thereof the facts already stated in paras 15 and 16 of the petition are reiterated to be correct.

7. That the contents of paras 17 and 18 of the Counter Affidavit as stated are wrong and incorrect and the same are denied. It is further submitted that the date of birth as given by the petitioner was 30.6.1925

5/12/49 4/11/49

and this was recorded in the Service Record of the petitioner. It is further submitted that Service Record of the petitioner was lost due to negligence and fault of the opposite parties. They have not stated the year in which the aforesaid record was lost. As a matter of fact upon the loss of the Service Record of the petitioner his date of birth was arbitrarily put in by the opposite party. The entry made in the Staff book has been made in the similar fashion in an arbitrary manner. It is respectfully submitted that it was incumbent on the opposite parties upon the loss of the service record to have enquired from the petitioner about his date of birth as given by him at the time of entry in the service ~~xxx xxx xxxxx~~ ~~xxxx xxxx~~ but no opportunity was given to him and on the other hand they have got unilaterally and arbitrarily fixed the date of birth of the petitioner ~~xxxxxxx~~ and making the said entry in the staff book. It is further submitted that the petitioner is an illiterate person and cannot read and write. He can only any how sign his name. So far as the taking the benefit of seniority is concerned the petitioner was told by the opposite party that he

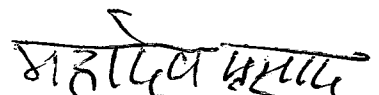
सहायक

A80

has been promoted and without reading anything he accepted the same. The basis for promotion was not known to him and therefore, it could not be said that no knowledge could be imputed about the fact of the record of the staff book. The petitioner has no knowledge about the fact leading to his promotion. Therefore, no benefit can be taken about the ignorance of the petitioner ~~by~~ by the opposite parties. As stated herein above the deponent is an illiterate person and therefore he cannot read or write and also could not go through the seniority list and its entries and therefore, no Capital can be made out by the opposite party out of his ignorance and due to that not making any representation against the entries made in the same.

Lucknow

Dt. 12-7-1990


Deponent.

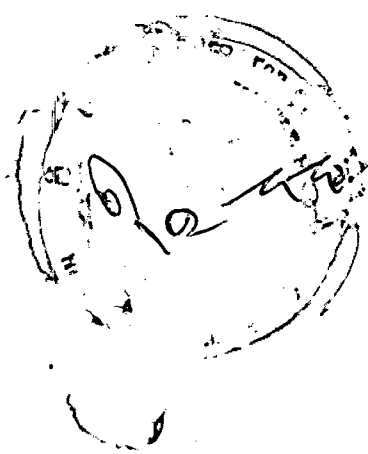
Verification

I, the deponent above named do hereby verify that the contents of paras ~~47~~ 47 (Annex A) 1 to ~~6~~ 6 of this rejoinder affidavit are true to my own knowledge, those of

A81

✓
✓
✓
✓
✓
par as 2/7 to (a party) are based on
legal advice and paras 2 to 4 are
based on record.

No part of it is false and nothing
material has been concealed so help me God. ✓
Signed and verified this 12th day of July ✓
1990 at court's compound, Lucknow.



Lucknow ✓
Dt. 12-7-90 ✓

Deponent..

I identify the deponent
who has signed before me.

Advocate.

2-9-90
Advocate
who is identified by the deponent
Advocate at Court, Allahabad
I have explained the explanation
the deponent has understood
the contents of this affidavit which
has been read out and explained
to him

Advocate
A. D. A.
BATH COMMISSIONER
Court Lucknow Bench Lucknow
89-113-6-9-90
12-7-90