

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Mahadeo Prasad - vs - UO/2/Alr

FORM OF INDEX

~~PA~~ / T.A. / R.A. / G.E.P. / No. 673/87

(WP. 1249/80)

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

D.Y. Registrat

Supervising Officer

Dealing Clerk

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

Dealing Clerk

V.K. Mishra

(1)

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 673/82 of 199
W.P. 1249/80

Name of the parties

Mahadeo Prasad

Applicant.

Versus

U.O. India & others

Respondents.

Part A.B.C.

Sl No.	Description of documents	Page
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2	Judgment Dated 11 Nov. 1991.	A ₉ - A ₁₀
3	High Court writ. Petition & Power and Notice with Affidavit	A ₁₁ - A ₄₀
4	Counter Affidavit with Power	A ₄₁ - A ₅₀
5	Rejoinder Affidavit	A ₅₁ - A ₆₁
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B. file

9.	Bench Copy	B ₈₂ - B ₁₂₂
10.	<u>C. file</u> Misc. Papers.	C ₁₂₃ - C ₁₃₂

Extra Copy of Rejoinder Affidavit
one copy

Court's Seal
25/3/92

R62/8
2

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Wt

No.

1249

of 1978

vs.

Date of progress of proceedings and routine orders

Date to which case is adjourned

1

2

3

Mr. Mathur J

Issue notice

admitted

Mr. S.C. Mathur

12.5.80

Cr. A.

1-80

16.5.80

By cl

Note & file for the

Mr. Jit

13.5.80

Shri in the
Court

16.5.80 was with Crim 2715
(W) 80 from

Mr. Mathur J.

Put up on 19.5.1980

Bo. 80

8

16/5/80

A64
8
25
14

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

	Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
	1	2	3
	23-5-80	Writ Pet. C.M.A. 2715 (428) for orders Hon. Mitter	23-5-1980 8
		Put up on 26.5.1980	
	26-5-80	Writ Pet. C.M.A. 2715 (428) for orders Hon. Gayal J	
		Put up on 2nd June, 1980.	27-5-80
	2-6-80	Writ Pet. C.M.A. 2715 (428) for orders Hon. Venkatesh	
		Admitted. Stay granted.	
			BSC 28/6/80

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 197

vs. _____

R66

(b)

8/3

Date	Note of progress of proceedings and routine ords	Date to which case is adjourned
1	2	3
30.9.00	Cm no 2715(W) No for orders.	
4.	Learned counsel for the opp. parties pray for	
5.	and is allowed two days' time	
6.	to file counter affidavit.	
7.	Rejoinder affidavit may	
8.	be filed within three weeks thereafter. List	
9.	it thereafter for orders.	
10.	30-9-00	8/19
11.	3.11.00 hearing on	
12.	2715(W) No	
13.	4.11.00 Cm no 2715(W)-No for orders.	
14.	Am H.S.J.	

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

A68 8/11

No. _____ of 198

—vs.—

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
14-1-81	C.W.-A.R. 2715 (2) - 2nd 2nd order.	
	Hear. v. a. T. 1 learner. Counsel for the petitioner (or any for and) followed (on 6 days time to file application. List there of). HS	
6-2-81	361-81 2nd and 3rd. on 2715 (2) 80 for cost	14.1.81 4
	Hear. v. 2nd. 6-2-81 Heard counsel for the parties. Stay order dated 26.80 is confirmed. In view of the questions involved in this case and also the financial liability which the Railway may have to incur if the case may be listed for early hearing and parties are as such directed also direct the same as such the case may be	

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Wk No. 1219

-of 1980.

A7°

8

8/15.

CAT/J/11
11
A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

O.A./T.A. No. 673/87 198

Applicant(s)

Versus

Respondent(s)

Sr. No.	DATE	Orders
	<u>10.8.88</u>	<p><u>Office report</u></p> <p>An application has been received in this Tribunal for transferring the case to L.C.C. Circuit Bench, Lucknow.</p> <p>If approved 23rd August 1988 may kindly be fixed for attendance before Registrar.</p> <p>D.R.(C)</p> <p>Notice has been sent to the applicant and respondents fixing 23-8-88 at L.C.C. Circuit Bench.</p> <p>Submitted for orders.</p> <p>From <u>6/8/88</u></p> <p>List this case before Circuit Bench on 23-8-88 before Registrar/ D.R.S.</p> <p>l/c D.R.S.</p>

TA-No 673/81(i)

AB

(B)

9.3.89 DR

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

DR

10.4.89 Registers 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

Registers

OR
Counter & Respondents
is in the file.
Case is ready
for hearing.

DR

Hon. K. J. Raman - AM

15.5.89

Due to sudden death of
Sri Jagdish Swarup, Ex-Solicitor
General of India - the Lawyer have
abstained from attending Court.

The case is accordingly
adjourned to 10.7.89 for
order.

OR
C.R. & R.D. is
in the file. The
case is ready
for order.

DR
AM

AS

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
2/11/89	<p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>Shri M. Arif Khan appears for the applicant respondents. The petitioner is present in person. Respondent files counter affidavit. The applicant wants time to file rejoinder. Allowed. Rejoinder to be filed within one week hereof. List this case on <u>on 18-1-90 for order/</u> hearing as the case may be.</p> <p style="text-align: right;">J.M.</p>	(S)
10/1/90	<p><u>(SNS)</u></p> <p><u>Hon' S. P. Sharma, J.M.</u></p> <p>On the request for the applicant, the case is adjourned to 7-3-90.</p> <p style="text-align: right;">J.M.</p>	<p><u>OR</u> No R.A filed 17/1/90</p>
7380	<p><u>Hon' S. P. Sharma, J.M.</u></p> <p>The applicant wants time to file rejoinder. Allowed. Rejoinder to be filed within two weeks hereof. List this case as 15-2-90 for order hearing as the case may be.</p> <p style="text-align: right;">J.M.</p>	<p><u>OR</u> No R.A filed S.F.O 16/4</p>

Dinesh

Hearing on the case may be

13.9.90

Hon'ble Mr. Justice K. Math V.C.
" " M. M. Singh, A.M.

A (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 Counsel for the respondent is 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.)

OB
CA/RA have been exchanged
S.C. 4
13/11/90

15.11.90

Hon. Mr. Justice K. Math V.C.
Hon. Mr. M. Y. Patelkar A.M.

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

17.1.91

YMC
A.M.

JK
V.C.

17.1.91 No Sittings adj. to 22.2.91

22.2.91 No sitting adj. to 31.5.91

31.5.91 No Siting adj. to 11.7.91

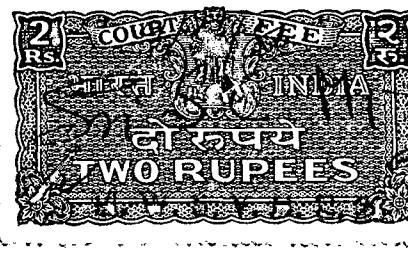
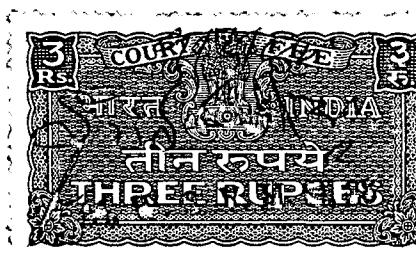
11.7.91 No Siting adj. to 16.9.91

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

Civil Misc. An. No. 2715 of 1980

Inre:

Writ Petition No. 1249 of 1980. *re R.P. 1249*



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 far as 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, Northone Railway, Lucknow, as Daftari in the year 1963. In 1973 he was promoted and was posted as record clerk 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 no. 2 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} 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 ^{Retirement Extract of the} The original copy of the said list dated 16.1.80 published by ^{the} ~~Opposite~~ No. 1 ^{dated upon the} ~~Opposite~~ ^{petitioner 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.

79/36

Sb
9/5/80

S. E. G. & T. D. H.

Reserve at
21 AF

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

Registration T.A.No.673 of 1987

Mahadeo 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 came 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 serve 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(I) 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.

Shanbagh
Vice-Chairman.

Memoir (A)

11 November, 1991, Lucknow.

(sph)

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

AM

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.L. 1249-8

Name of parties Maladee Prasad vs. D.R.M. Adan

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
1	12	Conn. 2715 (W)-88 Ground Ammonia affidavit	1-	18	Rs. 5.00 102.00			
2	3	Power	1					
3	4	Conn. A 2715 (-88)	1	2	0.50			
4	5	Affidavit of En' Maladee Pr.	2-		2.00			
5	6	Cocler affidavit	2-		2.00			
6	7	Power	1-		5.00			
7	8	Reorder affidavit	11-		2.00			
8	9	order sheet	5-		-			
9		Branch 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 _____

22/9/

3693

AP

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.
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5.	Annexure No. 4	13
6.	Annexure No. 5	14
7.	Annexure No. 6	15
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Lucknow Dated:

May 9, 1980.

S. C. Misra

(S.C. Misra)

Advocate.

Counsel for the petitioner.

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.

Mehadco 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.

*SLB
9/1/80*
The humble petitioner named above beg to submit
as under:-

REDACTED

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-Jawadars under Station Master Pratapgarh. After that he was again posted back in the Divisional Superintendent's



Four Indian 10 rupee banknotes from 1937, featuring a portrait of Mahatma Gandhi, arranged horizontally. The notes are identical in design, with the text '10 RUPEES' and '10' at the top, 'COURT FEE' and 'INDIA' in the center, and '10 RUPEES' and '10' at the bottom. The background features a repeating floral or geometric pattern.

W.R.N. — of 1980

ନାନ୍ଦିନୀ ପ୍ରକାଶ — — — ଫୁଲିଗୁଡ଼ିକ

Orin

ବାହାର ରତ୍ନାନ୍ଦିନୀରାୟ - - ନିଜାବା

George

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 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 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 Capricious and arbitrary and violative of Article 311 of the Constitution of India.
9. That the petitioner is being illegally retired

at the age of 55 years when the age of retirement is 58 years. The petitioner is being discriminated from the similarly placed employees who are being permitted to work until they attain the age of 58 years. ^{when while} 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 Opposite 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

79/36

Sb
9/15/80

REDACTED

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 p/ 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 to the Opposite Party have failed to take any decision ~~upon~~ or action upon the same and if no ~~decision is taken before~~ 30.6.80, the petitioner will be retarded thereby causing him irreparable loss and injury ^{after} and which any action taken by him in the court will render infructuous and will be ineffectiv~~es~~ therefore, he compelled to file the present writ petition.

*Sub
a/s/ Poo*

8/3/80 A.D. 1980

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

he will be deprived of to work on the said post for another 3 years.

Stated before
7/3/80

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

Grounds

See 915780
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 Suppuration.

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.

Same
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 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 ~~was to~~ 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.

-8-

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

Lucknow: Dated:

May 9, 1980.

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

There is no defect in the last petition

S. Misra
Adv

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

79/06

Sir
9/5/80

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

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

..... Applicant

Versus

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

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

Mahatma Gandhi Marg, Lucknow.

..... Other Parties.

P
2/11

Statement showing particulars of staff due retirement in JUNE 1980 for the purpose of initiating preparation work in A/Cs offices 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	Designstion PF & CS and Folio No.	Date of worked retirement	Cause of governed	Rule of pension	Rem.
72.	Maladeo Pd.S/o Ran Abhilakh	Record Sortor	512442	During underage the pro limit. ceeding 6 months	Termination of service of pay p. Optee ice. 3.I.A./a.	DR.1 office 30.6.1980 -do- - pension.

78/336

Soh
9/5/80

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

79/326
The Divl. Rly. Manager,
Northern Railway,
Lucknow.

Dear Sir,

Reg: Early retirement of Sri Mahadeo P.d.,
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 P.d.,
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.

27/3/80


9/5/80

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 Dv'l Rily. Manager,
Northern Railway, Lucknow.

Dear Sir,

Reg: Early retirement of Sri Mahadeo P.d.,
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.

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

79/336

Yours faithfully,

(Div'l. Secy.)

Sd/
9/5/80

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 Div. 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,

Subhadra Singh
(SWL)/ Union,
For Divl. Rly. Manager.

True copy.

29/3/86

Subhadra Singh
9/5/86

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 RAILWAYENS' UNION

(Registered and Recognised)

AFFILIATED: ALL INDIA RAILWAYENS' FEDERATION AND
HIND MAZDOOR SABHA

NEAR GUARD'S RUNNING ROOM
CHARBAGH LUCKNOW.

Dated April 26 1980.

No.

Ref. No. NRMU/54/198/325

Dear Sri Gupta,

Re: Early retirement of Sri Mahadeo
Pd., Record Sorter, D.R.M. Office, Lko.

I would like to invite your kind attention to this
office letter of even no. dated 18.3.80 duly regd. B.M.
at Sl. No. 340 / March / 80 in union coll to which no
action has been taken despite reminder of even 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.

79/336

Yours sincerely,

(V.P. Trivedi)

Sri R.K. Gupta,

Sr. Divl. Personnel Officer,
Northern Railway, Lucknow.

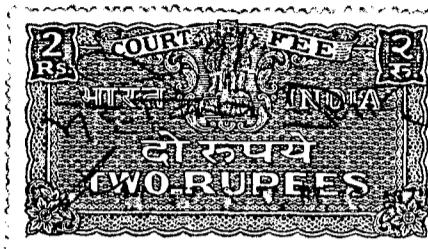
True copy.

9/5/80

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

Writ Petition No. of 1980.

1980
AFFIDAVIT
79
HIGH COURT
ALLAHABAD



Mahadoo Prasad ... Petitioner

Versus

Divisional Railway Manager,
and another Opp. Parties.

Affidavit

I, Mahadoo Prasad aged about 55 years, son of Ram Abhilakh, 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.

79/336
2. That the contents of the accompanying writ petition are true to my own knowledge.

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

STEG OF URG

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

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

H. Z. M. A. G. C. H.

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 Moshadeo Prasad, the
Syan Krishan Singh, Advocate,
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 over and
explained to him.

79/336

S. C. Misra
9/5/80

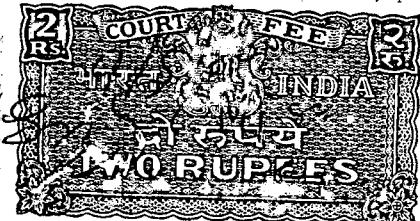
S. C. Misra

79/336
9/5/80

ब अदालत श्रीमान २०२२ रेप उच्चाप्रमहोदय नं०

२०२२

बादी (मुद्रा)
प्रतिवादी (मुद्राभेद)



ब्रह्मगंगालतनामा
महादेव पुस्तक

बादी (मुद्रा)

बनाम

डिन जनत इत्वेप्रतिवादी (मुद्राभेद)

नं मुकद्दमा सन १९ पेशी की ता १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री २१ बड़ी

एडवोकेट महोदय
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता है
और लिखे देता है इस मुकद्दमा में वकील महोदय स्वयं
अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व
प्रश्नोंतर करें या कोई कागज दाखिल करें या लौटावें या हस्तारी
ओर से डिगरी जारी करावें और रुपया वसूल करें या
सुलहनामा या इकबाल दावा तथा अपील व निगरानी हस्तारी
ओर से दाखिल करे और तसदीक करें या मुकद्दमा उठावें या
कोई रुपया जमा करें या हस्तारी या विपक्षी (फरीकसानी)
का दाखिल किया हुआ रुपया अपने या हस्तारे हस्ताक्षर
युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें या
कोई वकील महोदय द्वारा की गई वह सब कार्यवाही हस्तक्षे
हस्ताक्षर है और होगी इसलिए यह वकालतनामा
लिखा दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर महादेव प्रसाद
साक्षी (गवाह) — साक्षी (गवाह) —
दिनांक ५ महीना ५ सन् १९८० ई०

Accepted
Seni
Ahu

लोकतानि विभाग

हाई कोर्ट छत्तीसगढ़

(बच्चाय १२, नियम १ और ७)

प्रक्रमांक (फूटफार्म) प्राधीन-पत्र संख्या - २७४८ (८७) - दिन १५८८

W.P.N. - १२८५९ - सन १९८८ होमें

महादेव शुभ्र

विधायक राज्यपाल

प्राधीन

प्रत्यधी

स्त्रीजिपर विधायक पुलिस आपीयर

(S.M.D. P.D.) ज्ञानिकरश्वर - हाई न्यायालय में उपस्थित मुकदमे के सम्बन्ध में

जापकी आगी

प्रत्यधी के नाम

चूंकि आपर लिखे प्राधीन में हस न्यायालय में उपस्थित मुकदमे के सम्बन्ध में

ले लिये प्राधीन-पत्र दिया है, अतः आपको हृतिया दिया जाता है कि आप दिनांक - १६ - मास - ५ - सन ८० को या उससे

पहले उपस्थित होकर कारण बतलायें कि प्राधीन-पत्र कर्त्ता न स्वोकार लिया जाय।

उस प्राधीन-पत्र की सुनवाई उपर्युक्त बाद नियमानुसार विज्ञापित कियी और दिन हीरामें।

दिवित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं ज्ञाता लिखी रखतोक्त या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कामना भेजिकूत हो, उपस्थित न होतो उक्त प्राधीना पत्र को सुनवाई और नियाय आपकी बुपस्थिति में हो जायें।

प्राधीना पत्र और प्राधीन द्वारा दिए गए शपथ-पत्र की एक-एक प्रतिलिपि उसी के साथ लिखी है।

भौतिक दावा और न्यायालय की मौहर संबाज दिनांक - १३ - मास ५

सन १९८८ को जारी किया गया।

A. J. S. 2/2

के राज्यपाल

तात्पर्य

डिप्टी. राज्यपाल

इलाजनामा

सूचना - इस न्यायालय की १९८८ को नियमानुसार नियम ३६, नियम २ के बाधीन प्राप्त तत्त्वाना मिल गया।



तात्पर्य दाने वाले लक्ष के हस्ताक्षर

Baile M A35

35/35

દ્વારાની વિદ્યા

हाई कोर्ट लाइव ब्रॉडकास्ट

(अध्याय १२, नियम १ और ७.)

प्राथमिक (प्राथमिक) प्राथमिक संख्या - १ २ ३ ४ ५ ६ ७ ८ ९ १०

W.P.N - सं० - १२६८ - सं ११८० ३०

Mohadeo Rd

Divisional Railway Manager
Divisional Railway Manager Hajratjony
Mahatma Gandhi Marg Lucknow

प्रत्यक्षी के नाम

चौंक ऊपर लिखे प्राची में हस न्यायालय में उपर्युक्त मुद्राएँ के सम्बन्ध में

दिया जाता है कि आप दिनांक - 16 - मास - 5 - - सन १९४० को था जरूरी

परहें उपस्थित होकर कारण बतलायें कि प्रार्थना-मन्त्र क्यों न स्वोकार लिया जाय ।

यिदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वर्यं बधवा
मि स्टम्पोफेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानून
हो, उपस्थित न होतो उक्त प्रार्थना पत्र को सुनवाह और निर्णय लानकी
ति थे हो जायें ।

और प्राप्तीं द्वारा दिए गए शपथ-पत्र की एक-एक प्रतिलिपि उसी के हाथ

भाक्ति और न्यायालय की मौहर सेवा दिनांक - 13 - 2005

को जारी किया गया ।

— — के एडवॉकेट



ठिप्पदी R. Dinkar
मुख्यमंत्री उद्घाटन

की दृष्टिपूर को नियमांकला के अध्याय ३६, नियम ३ के आधीन
गया।

११४ वेत्याना पाने वाले कर्क के हस्तान्तर

कानूनी विभाग

हाई कोर्ट इलाहाबाद
(बच्चाय १२, नियम ४ और ७)

प्रक्रीणक (मुकाफिक) प्रार्थना-पत्र संख्या - २२-८५ (८५) - दर ३८०/-

W.P.W. - सं० - - १२८४ - सन १६ अग्र ६० में

सदाद - स्वति
सदाद

प्रत्यधी

बिलालुल रेत नैवेद्य

बिलाल - रेत नैवेद्य इजरायल नहीं का

कानूनी नीति १२९१

प्रत्यधी के नाम

बूँदि ऊपर लिखे प्राधी भै हस न्यायालय में उपस्थित मुकदमे के सचिवन्द में
ले लिये प्रार्थना-पत्र दिया है, अतः आपको सूचित
दिया जाता है कि आप दिनांक - १६ - - पास - ५ - - सन ४७ को या उससे

पहले उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वोकार लिया जाय।

उक्त प्रार्थना पत्र भी सुनवाहें उत्तर बाहे नियमानुसार विज्ञापित किसी और दिन हीमें

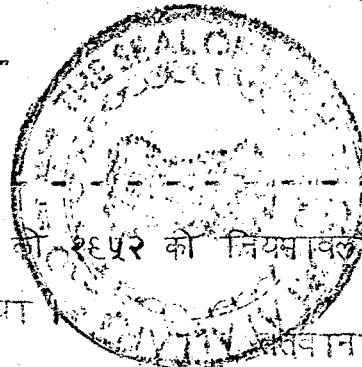
विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वर्य बधावा
किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनी
बधिकूल हो, उपस्थित न होते हो उक्त प्रार्थना पत्र को सुनवाहें और निपाय आपको
ब्लूअस्थिति में हो जायें।

प्रार्थना पत्र और प्राधी द्वारा दिए गए शपथ-पत्र की एक-एक प्रतिलिपि उसी के साथ
लो है।

भै हस्ताकार और न्यायालय की मोहर सेबाज दिनांक - १३ - - पास ५

सन १६ अग्र ६० को जारी किया गया।

J. P. M.
तिथि - - - - -
के एडवोकेट



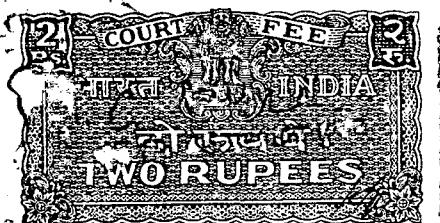
हिन्दी रजिस्टर
इलाहाबाद उत्तराखण्ड

सूक्ता - हस न्यायालय द्वारा १९४२ की नियमावली के अध्याय ३६, नियम २ के बाधीन
प्राप्त तत्वाना मिल गया।

सूक्ता प्राप्त तत्वाना प्राप्त वाले ज्ञाके के हस्ताकार

R37 U

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



In re:

Mahadeo Prasad

---Petitioner.

Versus

Divisional Hly. Manager and another

---Opp-parties.

Writ Pet. No. 1249 of 1980.

Affidavit.

I, Mahadeo Prasad, aged about 55 years, son of Ram Abhilakh, 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 Amanullah, 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.

-2-

STRICTLY EIGHT

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.

STRICTLY EIGHT

Lucknow, dated,

2.6.80

STRICTLY EIGHT

Deponent.

I identify the deponent who
has signed before me.

S. C. Misra
Advocate.

251/0
Solemnly affirmed before me on 21/6/80
at 1.45 P.M. by *Mahadev 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.

251/0
COMMISSION
OF
HON. MR. JUSTICE
Affidavit
26/6/80

नियमिती विभाग

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

प्रार्थना (मुतकारिक) प्रार्थना-पत्र संख्या - - - - - सन १९८६ दर्ता

W. R. No. - - - सं ० - - - १२६६ - - सन १९८६ दर्ता में

नियमिती विभाग
प्रार्थना-पत्र संख्या १२६६
नियमिती विभाग
नियमिती विभाग

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

ले लिये प्रार्थना-पत्र दिया है, अतः आपको मुश्ति
दिया जाता है कि आप दिनांक २३ - मास - ५ - सन १९८६ को या उसके
पहले उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र कर्यान्वयन स्वोकार लिया जाय।
उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विशापित किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं अधिक
किसी रुक्षोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानून
अधिकृत हो, उपस्थित न होतो उक्त प्रार्थना पत्र को सुनवाई जौर निर्णय आपको
अनुपस्थिति में हो जायेगी।

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

W. R. No. - - - सं ० - - - १२६६ - - - १९८६ को जारी किया गया।

तिथि - - - - -

लिटी रजिस्ट्रार

हाई कोर्ट इलाहाबाद

सूचना - इस न्यायालय की १९८२ को नियमावली के अध्याय ३६, नियम २ के आधीन
प्राप्त तत्त्वाना मिल गया।

तत्त्वाना पाने वाले कर्के के हस्ताक्षर

By: *[Signature]*

4740

१९५८

हाँडे कौट छलाहावाद (अध्याय १२, नियम १ और ७)

W.P.W. No. - 1249 - - Date 18 86 60

नवरात्रि देवी पति

प्रति

• Batwa-2-24-27-28-29

~~Off the Bank~~ 100-49173

महाराजा (Sh. D. P. D.) नाना राजा. इन्हें पूर्वी के नाम
के लिए गांधी जीके उस प्राथी भवेसे न्यायालय में उपयुक्त घुमें के सम्बन्ध में

— — — — — ले लिये प्रार्थना-पत्र दिया है, अतः आपको सूचित
दिया जाता है कि आप दिनांक -२६ - - पास - - ५ - - सन् १९५५ को या उसी
पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र कर्यों न स्वोकार लिया जाव।
उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होनी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं अथवा किसी स्टेटमेंट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानून अधिकृत हो, उपस्थित न होतो उक्त प्रार्थना पत्र को सुनवाई और निर्णय आपकी अनुस्थिति भै हो जायें।

परस्यंता पत्र और प्रार्थी छारा दिस गर शपथ-पत्र को एक-एक प्रतिलिपि उसी के साथ लिखा जाता है।

भै इस्ताद्दार और न्यायालय की मौहर सेबाज दिनांक - २८ - वास ५
से गत ११ ई. से जारी हितमा गया।

ଶିଖିତିକାରୀ ପାତାଗାସାମାନ୍ୟ



को जारी किया गया ।

P. P. B. B.
पिंडी अधिकारी
इलाहाबाद । उत्तराखण्ड

सूक्ता - इस न्यायालय की विधि की विवरणों के अध्याय ३६, नियम २ के आधीन प्राप्त तत्त्वाना मिल गया ।

तत्त्वज्ञाना प्राप्ते वाले कल्कि के हस्ताद्या

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

PAW

(804)
7/10/80.

Mahadeo Prasad — Petitioner

v

Union of India & others — Respondents
W.P. No. 1249 of 1980.

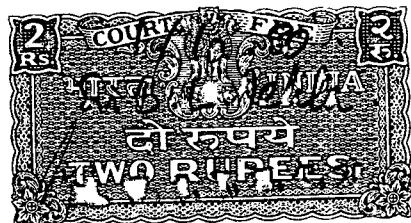
Counter affidavit on
behalf of Opp. parties is being
filed herewith. It is within
time as on 30. 9. 80, the Hon'ble
Court had granted 'two days'
time for filing the Counter affidavit
(2. x. 80 was a holiday).

Dated: 3. x. 80.

S. Sagar
^{Advocate}
Counsel for Opp. parties

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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. Mehta, aged about 54 years,
son of S. L. Mehta, 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 before.

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.

Unsw.

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 200-250) was prepared in which the date of birth of the petitioner was mentioned as 1.7.1922. 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 1.7.1922. 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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~~transacted~~

he had ~~demanded~~ 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, ² 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. ^{so}

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 attain^{ed} the age of superannuation in the year 1980 were mentioned. Since the petitioner was to attain^{ed} 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) ✓

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.

(5)

I2) That para I0 of the petition is denied.

I2) 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 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 I6 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 or 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:

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 I7 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 I8 are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated:

10
Aug., 1980

Deponent

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.

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

Sl.no.	Name	Desig.	Date of birth	Date of apptt.	Date of confir.	Sanctioned strength	Perm. Temp.	Total
1	Sri Mahadeo	Daftari	1.7.22	28.8.55	-	6	6	6
2.				8.7.45				
3.								
4.								

Sl.no.	Name	Desig.	Date of birth	Date of apptt.	Date of confir.	Sanctioned strength	Perm. Temp.	Total
1	Sri Mahadeo	Daftari	1.7.22	28.8.55	-	6	6	6
2.				8.7.45				
3.								
4.								

Prov. as R/S

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.....

True copy
J. M. N. S.
H. D. P. M.

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

Ex. No. 8
238

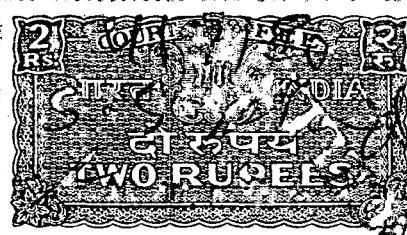
Ad

W.P. No 1249/80

N.R.

Before

In the Court of



MA

Defendant

Defendant

Plaintiff

Mahabir Prasad

Claimant

Appellant

Petitioner

Union of India Respondent

106b 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 Executing 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.

3/11/1980 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

Accepted
S. Saghir Ahmad

Designation of the Executing Officer

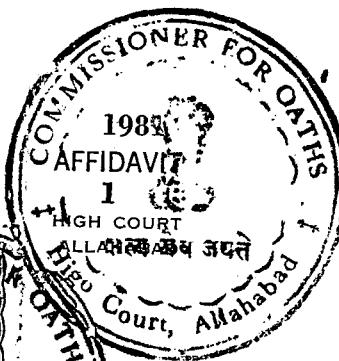
श्री मुख्य कानूनी अधिकारी (S)

प्रधान कानूनी

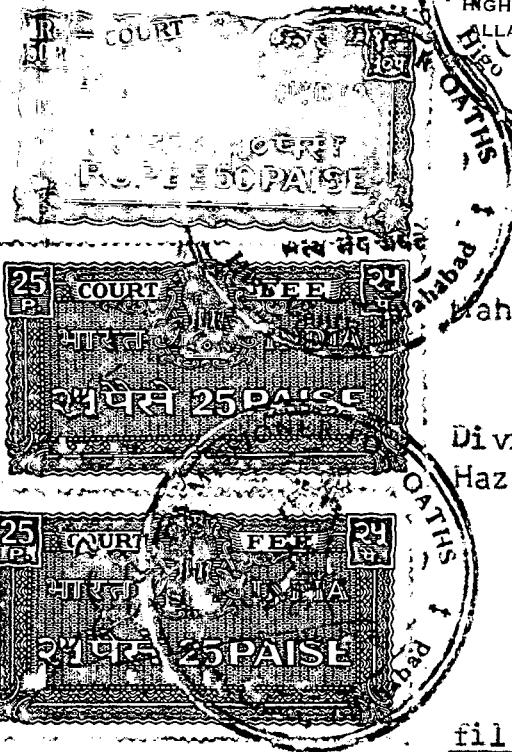
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In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.



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

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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 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~~. ^{Even if such} 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 ~~vide~~ ^{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~~ 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

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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 Behraich 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 9 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 wrong to say that the petitioner had not made any representation in the actual sense ~~of~~ 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 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 ~~are~~ 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 they 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.

14/1/81

Lucknow: Dated:
January 14, 1981.

Deponent

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.

14/1/81

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.

M. L. Prasad
OATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench.
No. 1152
Dated 14/1/81

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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

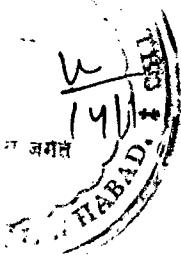
... Petitioner

Versus

Divisional Railway Manager
Hazratgan, & another ..

Opp. parties.

Annexure No. R-1



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CERTIFICATE OF REGISTRATION OF BIRTH

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

2. e. श्री महोदय प्रसाद 20. 2. 1959 लो. लोहाली (y2)
राजस्थान

Name of father/mother	Nationality and religion of father/mother
5	6

5. श्री राम गुरुराम 6. भारतीय (ह-ड)

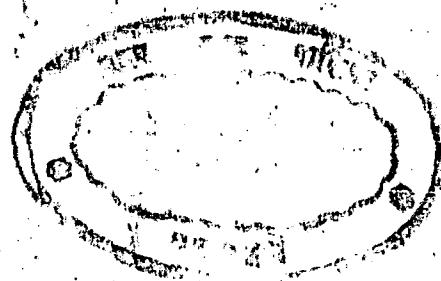
Date of registration of birth.	Rectification of error, if any, since the date of registration.
7	8

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. *गोपनीय सचिव बहराई*

Signed _____ this day of _____ thirteen.

20/8/20
Executive Officer
Municipal Board
Bahraich
27/11

सचिव बहराई



ASR 79

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. 5-2

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./Personnel/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

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14/1/80

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 it 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 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.

NETGA YF16

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.

Thanking 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 P.d.)
Record Shorter,
DRM Lucknow.

True copy.

M
14/1

RECORDED

3/6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKN.

Reg. No. 673 of 1987 (T)

MAHADEO PRASAD

...

PETITIONER

VERSUS

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 ~~xxx~~ 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 ~~30.6.1925~~ 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.

Ass'tt Personnel Offr
N. R. Lk.

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

...2

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.

JW
Asstt Personnel Officer
N. R. Lko

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

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 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

.4.

Blog

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 ~~PAK~~ 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 contention which is liable to be dismissed with costs.

Para 18:- That the writ petition has 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 ~~tactical~~ laches.

VERIFICATION

I, T. N. Gurumal, aged about 54 years, son of ~~now~~ working as Assistant Personal Officer, Divisional Manager 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 19 based on legal advice which are believed by me to be true. Nothing has been concealed. So, help me God.

Asst. Personnel Officer
N. R. Lko

OPPOSITIVE PARTIES.

21

Filed today
13/7

C 124

बदालत घीमान्

(वादी) अपीलान्ट

Central Administrative

Tribunal, 1/16

महोदय

भौतिकादी रेस्पाडेन्ट

का विकलतनामा

HP 1248) 80



Mahadeo per.

वादी (अपीलान्ट)

Min. of India

प्रतिवादी रेस्पाडेन्ट

नं० मुकदमा

सन्

पेशी की ता०

१९

ई०

उधर लिखे मुकदमा में अपनो और से *Sh. Salish Chander*
Min. Advocate

वकील

महोदय

एडवोकेट

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

हस्ताक्षर माना दिया गया

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

13

महीना

7

सन् १९८९

ई०

Before ^{Hon'ble} Central Administrative
Tribunal Lucknow
Bench Mr. J. V.
+

Mehmedo Rd

w.

Union of India.

W.P. NO 1249/19

673/87(I)

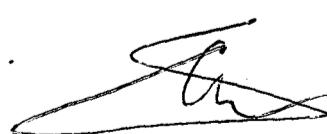
Adjournment Application

Sir

In 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
Mehmedo Rd

128
07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Allahabad Bench Lucknow
23-A, Thornhill Road, Allahabad-213-001
Panjab Bhawan Lucknow

No. CAT/A11d/Jud/31001 dated the 21/1

T.A.No. 673 of 1981 (T)

Mahadeo Prasad Applicant's

Versus

Union of India P. C. S. Respondent's
Mahadeo Prasad, 910 Ram Abhilash, R/o 567/183
To Anand Nagar, Barkha P.S. Alambagh Lucknow.

Whereas the marginally noted cases has been transferred by 11/11/1981 under the provision of the Administrative Tribunal Act (No.13 of 1985) and registered in this Tribunal as above.

Writ Petition No. 12101
of 1981 of the
court of High Court
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
on your behalf the matter will be heard and decided in your absence.

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

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

DEPUTY REGISTRAR (J)

② Senior Divisional personnel officer (Sr. D.P.O.)
N. Railway Hazratganj, Mahatma Gandhi
Marg Lucknow.

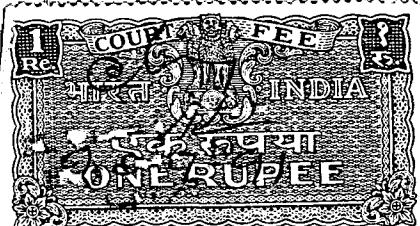
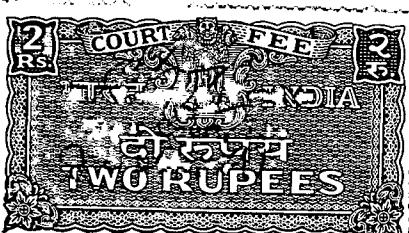
वादी (मुद्दई)

मुद्दई (मुद्दालेह)

Reg. No 673 of 1987 (7)

का

वकालतनामा



Maharashtra - - - - - Applicant

बनाम

Divisional Railway manager & another - off. parties

न० मुकद्दमा Reg. No 673 सन् १९८७ 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 रूपया 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 रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रूपया 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 मेजता रहूँगा । 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 तहाँ परिपूर्ण

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

२०

महीना

७

सन् १९८१ ई०

समाज कीहिंप व्यवासायिक विभाग नं ८७३
Reg No ८७३ of १९८७ (T)

८२८

महादेव प्रभाद — श्राद्धी

बाबा

प्रदेशी रेलवे मन्त्रालय — विपक्षी

प्राचीन प्रवासी स्थानिक लैट्रिक बुकिंग

की जानकी

प्राचीन को विपक्षी रुप १४२ हारा दामिल
लियाव को जवाब देना एवं लैट्रिक बुकिंग
अपनी शहिरा व बुकिंग के लिए
अपनी अधिकारी की एक लैट्रिक
की गई रिल लिया बिल्डर करने
जवाब गयी तीव्र हो रहा, अब
जवाब दामिल होना जावश्वर

ए

ना: की जान की दियें देन
है न अर्थात् कोई कीजुल्लास
जो जल्लिया अन्ते की ज्या
की जान दूरी जनतारी देता,
जो बाह्य राष्ट्र दौड़ा देता

१४१३

१४.१.३०

प्राचीन
महादेव प्रभाद
महादेव प्रभाद

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 pairvi 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.

X34/12/88
(Mahadeo Prasad),
Petitioner/Applicant.

5. No. 19

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

प्रतिवादी अलीलाल्ट श्री

प्रतिवादी अरेस्पान्डेन्ट

का बकाली

Allahadeo Prasad

वादी अपीलांट

बनाम

Dil. Ry. Manager & another

प्रतिवादी अरेस्पान्डेन्ट

T.A. मुकदमा सं 673 य 1987 (T)

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

Railway Advocate

हड्डीले

महोदय

वकील

को अपना वकील नियुक्त करके अड्डकरार छ छरता हूँ और लिखे देता हूँ कि इस मुद्दे में वकील महोदय संघ अधिकारी अन्य वकील द्वारा जो कुछ पैरवी व जवाब देंदी व प्रश्नोत्तर करे या कोई कागज दार्जिल करे या लौटावे या हमारी और से डिगरी जारी करावे और संभग लौल करे या सुलहनामा या इकवाल दावा न करा अपरीक व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करे और तसदीक करे या गुलदमा उठावे या कोई लाभ जड़ा करे या हमारी विपक्षी अपरीकसानी व का दाखिल किया हुआ समय अपने या हमारे हस्ताक्षर युक्त अद्यतनी असीद से लिखे या पैसे अद्युक्त करे — — — वकील महोदय द्वारा ही गई वह सब कार्यबाही हमको रखी कार है और हमें इस लिये यह करालनामा लिख दिया कि अमरपा और अपर समय वह काम आवै।

हस्ताक्षर Mr. Divisional Personnel Officer,
Northern Railway, Lucknow

साक्षी गवाह

साक्षी गवाह

दिनांक

23

महीना

१०

सन् 1988

दू

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

Chand

Accepted

Chand

Counsel for opposite
parties

T.A.No.673-87

Before the Registrar, Central Administrative Tribunal,
Allahabad.

Civil Misc. Writ Petition No. 1249 of 1980

C131

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 pairvi 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),
Petitioner/Applicant.

सेन्ट्रल सर्टिफिकेट इन्डिया
लैंड्रेज बैंक, लॉण्ड्रेज

W.P. NO 1249/80

132

महादेव प्रसाद काम शून्यता काप्रमिका

प्राप्ति पर वार्ता स्थगित होने

मुद्रा

श्री मानू जी

प्राप्ति/प्राप्ति का निकाल

1. यह कि प्राप्ति/प्राप्ति का उपरोक्त

वाद आज हीमानुजी के समक्ष

मुद्रा पर हु लगा है

2. यह कि प्राप्ति/प्राप्ति के अधिकारी

श्री रस. सी. मिश्रा राज्योदय आज

श्री मानू जी के समक्ष बारे की

उपरोक्तां के बारे उपरोक्त होने

में असमर्पित हैं

3. यह कि उपरोक्त पारिहित्यों के

मुद्रा की सुनवाई स्पष्टित करा

न्याय हित ने अप्रवर्त्तन

निकाल ही कि आज मुद्रा की

मुद्रा स्थगित करने की कृपा की

जाया

लॉण्ड्रेज

10/7/89

प्राप्ति/प्राप्ति

महादेव प्रसाद

(महादेव)

B119

CERTIFICATE OF REGISTRATION OF BIRTH

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

२३६, श्री महेश्वर प्रसाद २०-८-१९६२ जो. श्री लीला पुरी
शहर उत्तराखण्ड

Name of father/mother	Nationality and religion of father/mother
5	6

श्री शशि कामला

भारतीय हिन्दू

Date of registration of birth.	Rectification or error, if any, since the date of registration,
7	8

०२८.२.१९६२

Rectification or error, if any,

since the date of registration,

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 Bahrach for _____ the year kept and maintained in the office of the said Board. *जिनकी श्री लीला पुरी*

Signed _____ this day of _____ nineteen

20/10/1980
Executive Officer
Municipal Board
Bahrach



ਹਿੰਦੂ ਮੁਸਲਿਮ ਦੀ ਸੇਵਾ ਸਾਹਿਬੀਤ
ਪੰਜਾਬ । ੧੯੦੩

Regulations 673 of 1907 (T) 12

ਨੋਟਾਵ

੧੧/੩

ਸਿ. ਬਿ. ਵਾਲ ਜੋਦੇਸ਼
ਦੇਵ ਸਿੰਘ

੧੨

ਗੁਪਤ ਮੁਦੀ ਹੋਰ ਲਿਵੀਂਗ

ਗੁਪਤ ਮੁਦੀ

ਗੁਪਤ ਮੁਦੀ ਹੋਰ ਲਿਵੀਂਗ

੧੧/੩

ਗੁਪਤ ਮੁਦੀ ਹੋਰ ਲਿਵੀਂਗ

ਗੁਪਤ ਮੁਦੀ

ਗੁਪਤ ਮੁਦੀ ਹੋਰ ਲਿਵੀਂਗ

ਗੁਪਤ ਮੁਦੀ ਹੋਰ ਲਿਵੀਂਗ

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ਗੁਪਤ ਮੁਦੀ ਹੋਰ ਲਿਵੀਂਗ

ਗੁਪਤ ਮੁਦੀ ਹੋਰ ਲਿਵੀਂਗ

ਗੁਪਤ ਮੁਦੀ

ਗੁਪਤ ਮੁਦੀ

ਗੁਪਤ ਮੁਦੀ

ਗੁਪਤ ਮੁਦੀ

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 ~~30.6.1925~~ 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, date of birth of the petitioner is 1.7.1922 and had attained the age of 58 years on 3

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

Ass'tt Personne Offic
N. R. Lko

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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.


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N. R. Lko

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

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 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

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 ~~xxx~~ 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 ~~tacities~~ laches.

VERIFICATION

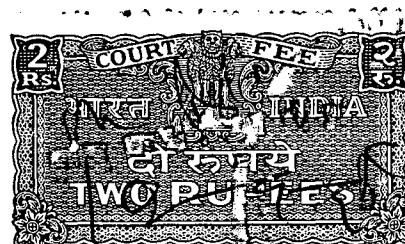
I, J. N. ~~Singh~~ Narain, aged about years, son of ~~Minhaj~~ an, Assistant Personal Officer, Divisional Manager's Office, Northern Railway, Lucknow, do hereby verify that the contents of paras 1 to 7, 9 to 16 as based on record and those of paras 8, 17 to 18 based on legal advice which are believed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

J. N. Narain
Asstt. Personal Officer
OPPOSITE PARTIES
N. R. R. O.

Before the Central Administrative Tribunal

LUCKNOW

Regular No. 673 of 1987 (1)



1990
AFFIDAVIT
89
HIGH COURT
ALLAHABAD

Mohamed Prasad

--- Petitioner

versus

Divisional Railway Engineer

M. A. Ly. Lucknow and others -- Opp. parties

Rejoinder Affidavit to the Counter

Affidavit

I, the deponent Mohamed Prasad aged about 65 years son of Sri Ram Bhilakh, Resident of 567/188 Anand Nagar Bara Bazaar, A.P. Lamaga Lucknow do hereby solemnly affirm and state the facts 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.
2. Counter affidavit has been read over and explained to him in Hindi and as such he is

Mohamed Prasad

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 para 2 to 18 of the Counter affidavit with 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 ~~not~~ denyin^g 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 refuted to be correct. It is further submitted that correct date of birth of the petitioner is 20.6.1925 as is disclosed by document K-1 filed with the rejoinder affidavit which is a certificate of birth issued by the Municipal Board Bhrach. This document was not 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 service book the date of birth was recorded as 1.7.1922 is not correct.

STHAGKUH

The said entry was also not correct and was been prepared subsequently.

4. That in reply to para 3 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 was 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

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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 thei 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 thereto 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 30.5.1925

RECORDED

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 was 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 record 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 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

for A.M.

8/3/1944

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 ~~up~~ 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. 12-4-1990

SIRI LAL
Deponent.

Verification

I, the deponent above named do hereby verify that the contents of paras 47 (Apt 4) 1 to 6 of this rejoinder affidavit are true to my own knowledge, those of

ASL

- 7 -

paras 1 to (2nd) are based on
legal advice and paras 3 to 5 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

13/6/90
Deponent.

Identify the deponent
who has signed before me.

Patelwani
Advocate.

Advocate Patelwani
who is identified as S. N. S. - a friend
Advocate at Bar, Allahabad
I declare on my solemn
the deponent further understands
the contents of this affidavit when
he was read out and explained

Advocate Patelwani
A. D. A. -
WATH COMMENCE
Court Lucknow Bar Office
on 89-11-3-90
12-7-90