

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No.-----601 190.4...

.....S. Anand (W.P. 1918/80)..... Applicant.

Versus

..... Respondents.

1. Index Papers : 1
2. Order Sheet : 2 to 9
3. Any other orders " Nil
4. Judgment " 10 to 12 dt 19-4-91
5. S.L.P. " Nil

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Nil

Dealing Clerk

RN)

1. Index sheets A13
2. The letter/annexure A14 to A34
3. Power at 35
4. Affidavit A36 to A37
5. Counter affidavit A38 to A49
6. Supplemental reply A50 to A57
7. Rejoinder affidavit A58 to A63
8. Power A64 to

50(5)

CENTRAL ADMINISTRATIVE TRIBUNAL  
Circuit Bench, Lucknow  
Opp. Residency, Gandhi Bhawan, Lucknow  
\*\*\*\*\*

## INDEX SHEET

CAUSE TITLE TA 681 of 1987 (T)  
WP 1978/80

NAME OF THE PARTIES

Sultan Ahmed & others Applicant

Versus

U O I (NE Rly) & others Respondent

Part A, B &amp; C

Sl. No.	Description of documents	PAGE
4	A file	A1
1	General Index	2-5
2	Order Sheet	6-8
3	Judgement	9-16
4	Petition	17-18
5	Affidavit	19-20
6	Annexure	29
7	Index	30-31
8	Application for stay	32-33
9	Affidavit in support of stay	34-
10	Application for condonation of delay in filing counter affidavit	35-43
11	Counter affidavit	44-45
12	Annexure	46
13	Order Sheet of high court	<del>1-48</del>
	B file	1-13
	C file	

14

One impressed Re 50. cop  
Five Adhesives Re 50. cop  
Enval Re 100. cop  
Correct but a Court fee receipt  
will be receipt of letter  
Court fee.  
Copy of D.O

Writ Mandamus  
Recd  
51.5.80

Hon.ble D.M. Thakur  
Hon.ble K.S. Varma, J

The learned counsel  
for the N.E. Railway is  
allowed six weeks' time  
to file a counter affidavit.  
List thereafter for orders.

Ks JH  
9.7.1980.

814

Received  
Certificate  
[Signature]

Examined  
Dec 2.5.80  
[Signature]

Noted for  
9.7.80.  
[Signature]  
9.7.80.

Hon. T. S. Muskar.

Hon. Varma.

\* Admit. In re notice.

The opp. parties are represented by Mr. Umesh Chandra. They may file a counter affidavit within four weeks. The petitioners will have two weeks thereafter to file a rejoinder affidavit.

KS  
2.9.80  
2.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

JOER SHEET

REGISTRATION No. 601 of 1987(T)

APPELLANT  
APPLICANT

Sultan Ahmad.

VERSUS

DEFENDANT  
RESPONDENT

GOL

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

20.11.07

Hon. Mr. D.K. Agarwal, J.M.  
Hon. Mr. K. O'Byrne, AM

Applicant is present. Atone  
Sr A. Bhargava counsel for the respondents  
is also present; the case is adjourned  
to 16.11.07 for order.

*[Signature]*  
AM

*[Signature]*  
J.M.

OK This case has  
received for  
filed on 13/11/07  
Case is adjourned  
to 16.11.07  
No response  
Admission of  
form CAT, A  
submitted

No sitting. Adj. to 5/11/07  
Counsel for applicant is present

L  
16/11/07

Submitter  
Order

5/11/07

Hon. Justice K. Nath, VC  
Hon. K. O'Byrne, AM

Vakalatnama of Smt A.N. Verma  
is filed on behalf of opposite  
parties 1 & 2. The joint order has  
not been filed. List the case  
for final hearing on 5/3/08.

*[Signature]*  
AM

*[Signature]*  
VC

No RA  
B.F.H.

11-07  
noted for  
Mr. Bhargava  
+  
Sub  
16.11  
order  
notified  
16/11/07

TA 681/67 ①

④

⑥

6.9.90

No sitting adj to 26.9.90

②

OR

SFH

13/9

26.9.90

Due to sad demise of Hon'ble  
Chief Justice of India Mr.  
S.S. Mukherji the case is  
adjourned to 16.11.90

A

③

OR

SFH

13/11/90

13/11/90

16.11.90

No sitting adj to 20.12.90

④

20.12.90

Adj to 7.3.91

⑤

# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.B. No. 1978 of 80 of 197  
Sultan Ahmad & Others vs. Union of India & M

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	Hon. K.N. Jha J. Hon. K.S. V. J.	
	The learned Counsel for the U.E. Railway is allowed six weeks time to file a counter affidavit. Cost thereafter for orders	
	Sd. K.N. J. Sd. K.S. V. 9.7.80	
	D.A. Do per. for work	
2-9.80	writ for order. Hon. Misra J. Hon. Verma J. Admt. & Misc. Notice <del>Admt. &amp; Misc. Notice</del> <del>should deposit entire amount</del> Service repat. All the opp. parties are served through of standing Counsel. Office to proceed in ordinary Court. SPM 16.12.80 S.O. (J.B.)	

Free BLC

6

10

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration T.A. No.681 of 1987(L)

(W.P. No. 1978 or 1980)

Sultan Ahmad & Others ..... Petitioners

Versus

Union of India & Others ..... Respondents

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

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

(By Hon.Mr.A.B. Gorthi, Member (A) )

Sultan Ahmad, Kamla Prasad Tiwari and Brama Dutta Pandey filed a Writ Petition numbered as 1978/80 in the Lucknow Bench of the High Court or Judicature at Allahabad claiming overtime allowance on the ground that as Cabinmen at Gola Gokarannath Railway Station or <sup>Eastern 1</sup> Northern Railway, they were performing duties for 12 hours a day. The said Writ Petition, on being transferred to this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 is before us. Petitioner No.2, Kamla Prasad Tiwari died in 1987 and for certain other reasons claim on behalf of petitioner No.3 also has not been pressed before us. The petition is therefore being considered in respect of Sultan Ahmad only.

2. The short point involved in this case is whether the petitioner was entitled to any overtime allowance while working as Cabinman. His tenure of duty admitted was for 12 hours a day. The petitioner's case is that he had performed duty for 12 hours continuously and that the nature of duty was intensive as defined in "Hours of Employment Rules". Several representations made by him

from time to time went unheeded. Even a recommendation made by the Labour Enforcement Officer, Lucknow for classifying the duty of Cabinman at Gola Gokarannath Railway Station as "continuous" instead of "Essentially Intermittant" was not acceded to by the respondents who held on to the view that the nature of duty being essentially intermittant only, there was no justification for the petitioner to claim overtime allowance.

3. In a Supplementary reply, the respondents have now stated that a factual job analysis was done for 72 hours jointly by the representatives of Personnel, Operating and Accounts Departments from 8.3.86 to 11.3.86 and it was found that the classification of the nature of duty of the Cabinman at Gola Gokarannath Railway Station should be changed from "Essentially Intermittant" to "Continuous". Consequently, the respondents have paid to the petitioner No.1 the overtime allowance of Rs.36,121/- for the period 16.3.86 to 24.9.88. The factual job analysis carried out indicated the nature of the work of Cabinman as ~~that of~~ "continuous". There is therefore no justification why the respondents should not have paid the petitioner overtime allowance from September 1976 onwards. As the nature of duty remained the same ever since, the factual job analysis carried out by the three Members Committee merely confirmed that the claim of the petitioner for overtime allowance was fully justified. Under these circumstances, the petitioner No.1 is entitled to overtime allowance for the period commencing from September, 1976. The exact amount however will have to be calculated by the respondents.

after verification of all the factual details of the overtime duty performed by the petitioner.

4. The petition is allowed and the respondents are directed to grant overtime allowance to Sultan Ahmad, petitioner No.1<sup>W. of September 1976,</sup> after working out the full details of the overtime allowance earned by the petitioner in accordance with the extant rules. There will be no order as to costs.

  
Member (A)

  
Vice Chairman

Dated the 19 Sept., 1991.

RKM

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

Writ Petition No. 1978 of 1980.

WRIT PETITION  
UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Sultan Ahmad and others. ... Petitioners.  
Versus.

Union of India and others. ... Opposite parties.

I N D E X.

S.No.	Description of papers.	Pages.
1.	Writ Petition.	1 to 8
2.	Affidavit.	9 to 10
3.	Annexure No. 1.	11 to 13
4.	Annexure No. 2.	14 to 15
5.	Annexure No. 3.	16 to 17
6.	Annexure No. 4.	18 to 20
7.	Power.	21.

Presented by:

( T.N. Gupta )  
Advocate,

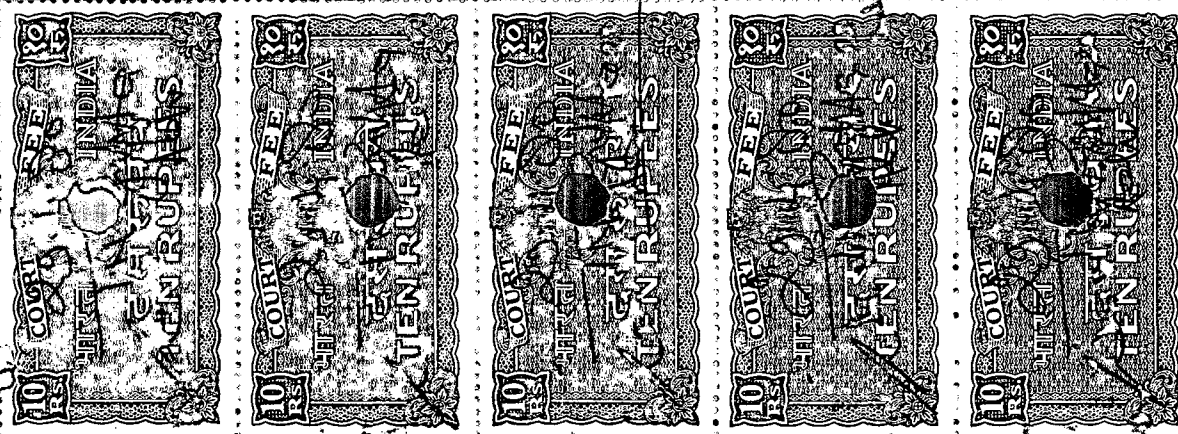
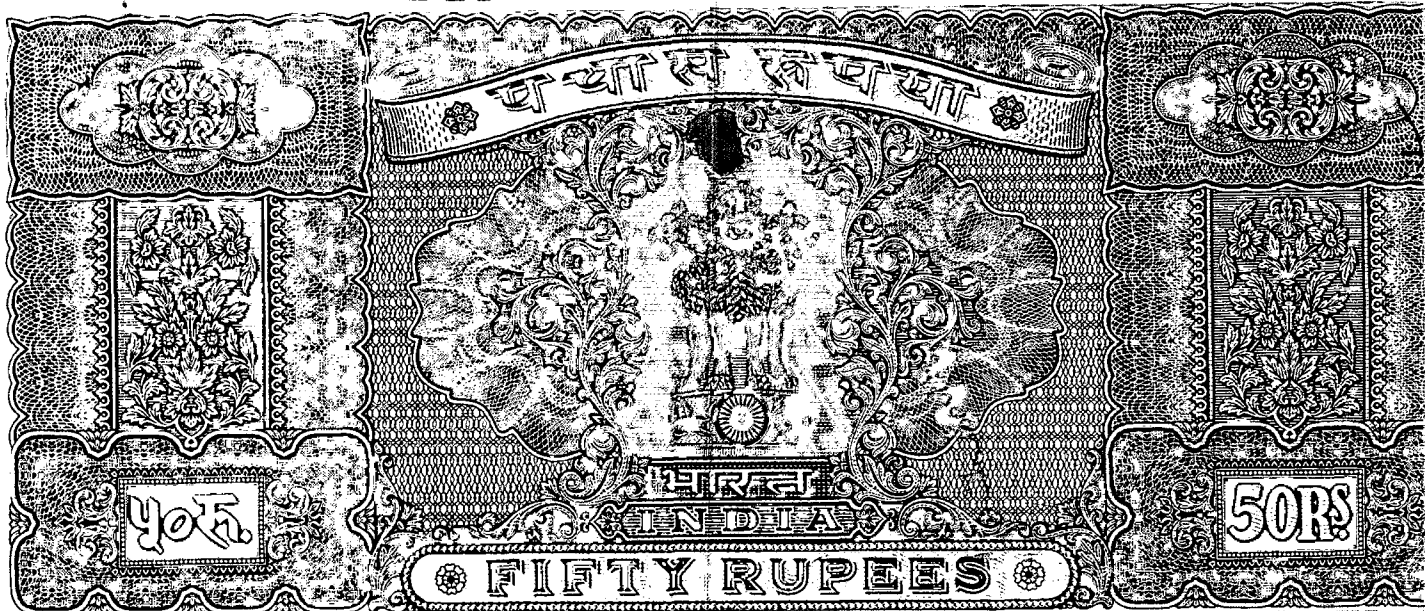
Lucknow, Dated :  
April 29, 1980.

Counsel for the petitioners

9/7

Date.....

PSUP—L. 4 H.C.—1973—15,000.



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

Writ Petition No. 1978 of 1980.

WRIT PETITION

UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

1. Sultan Ahmad, son of Abdul Ghani, Cabinman, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur-Kheri.
2. Kamla Prasad Tewari, son of Kanhaiya Lal, Cabinman, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur-Kheri.
3. Bramha Dutta Pandey, son of Ram Lal Pandey, Cabinman, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur-Kheri.

... Petitioners.

Versus

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.

Solemnly affirmed before me on 29.4.80  
at 9.00 a.m./p.m. by Sri Sultan Ahmad  
the deponent who is identified by  
Sri T. N. Gupta  
clerk to Sri

Advocate, High Court, Allahabad.

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

K. Devi

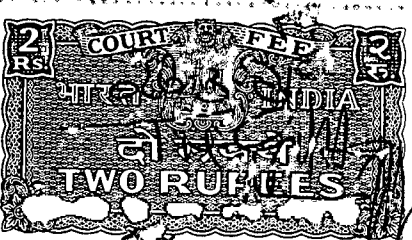
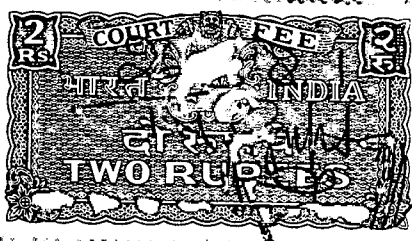
K. KIRAN DEVI	
JUDGE, HIGH COURT, ALLAHABAD,	
Lucknow Bench	
No.	226/80
Date	29/4/80

322544  
34852  
28381

File

(30)

3/1



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

C.M. Application No. 2390 (A) of 1981.

In re:

Writ Petition No. 1978 of 1980.

1. Sultan Ahmad, son of Abdul Ghani, Cabinman, Gola Gokaran Math, N.E. Railway, District Lakhimpur Kheri.
2. Kamla Prasad Tewari, son of Kanhaiya Lal, Cabinman, Gola Gokaran Math, N.E. Railway, Station District Lakhimpur Kheri.
3. Brahma Dutta Pandey, son of Ram Lal Pandey, Cabinman, Gola Gokaran Math, N.E. Railway Station, District Lakhimpur Kheri.

... Petitioners.

Versus

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Lucknow.
3. The T.L. Mailani, N.E. Railway, Mailani, District Lakhimpur Kheri.
4. Labour Enforcement Officer ( Central ) Lucknow.

... Opposite parties.

APPLICATION FOR STAY

The humble petitioners above named most respectfully sheweth:

For the facts and reasons stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble court be pleased to order the opposite parties to pay overtime allowance to the petitioners

Cont - 2

Lakhimour Kheri. The true copy of the said application dated 6.1.1977 is filed herewith as ANNEXURE No.1 to this writ petition.

7. That on the representation of the petitioners the Labour Enforcement Officer ( Central ) Lucknow Sri R.K.Shukla wrote a letter No. Lko-45/1(50)/78 dated 16th August, 1978 to the Divisional Superintendent, N.E.Railway Ashok Karg, Lucknow, for examining the cases of the petitioners. The Labour Enforcement Officer ( Central ) Lucknow has found out that the claim of the petitioners are justified. The true copy of the letter No. Lko-45/1(50)/78 dated 16th August, 1978 is filed herewith as ANNEXURE No. 2 to this writ petition.

8. That again the Labour Enforcement Officer ( Central ) Lucknow wrote a letter to the Divisional Superintendent, N.E. Railway, Lucknow on 27.11.1978 suggesting that joint job analysis may be conducted in the cases of the petitioners. The true copy of this letter dated 27.11.1978 is filed herewith as ANNEXURE No. 3 to this writ petition.

9. That the petitioners inspite and despite their legitimate requests and application and letters of Labour Enforcement Officer ( Central ) Lucknow could not get justice in terms of 8 hours duty, then they sent a legal memorandum by way of registered post on 29.1.1980 to the opposite party No.1 to 3 which is still pending for disposal.

and no reply in this regard has been given by the opposite parties No. 1 to 3 though now one Sunder Shiva Das Pandey has been retired from his services. The true copy of this legal memorandum dated 29.1.1980 sent to the opposite parties No. 1 to 3 is filed herewith as ANNEXURE No. 4 to this writ petition.

10. That the opposite parties are not providing equitable and legal relief to the petitioners, consequently the health of poor petitioners is deteriorating and there is danger of reducing the efficiency which may result in accident or detention of trains.

11. That the petitioners have been denied the protection of equality of opportunity relating to employment under Railway Administration and have also been illegally discriminated in the matter of Public employment.

12. That the petitioners are workmen being Industrial workers and their duty hours in a day should not be more than 8 hours including rest or lunch.

13. That the opposite parties have no legal right to take 12 hours continuous duty from the petitioners under the law and while taking 12 hours duty the opposite parties are not acting in accordance with the provisions of law.



दिनांक 31/1/80

Cont - 6

(14) 20 2

14. That inspite of the Annexures No.1 to the petitioners have not been given legal and equitable justice and the petitioners are still doing 12 hours duty and said Annexure No.1 to are still pending, they have not been disposed off according to the law and due to having wait and suffering contineous injustice the petitioners have lost the hopes that their representation contained in Annexures No. 1 to 4 will be disposed off and opposite parties will act according to law.

15. That there is no other alternative, efficacious adequate and speedy remedy available except to invoke the inherent jurisdiction of his Hon'ble Court under Article 226 of the Constitution of India, hence the petitioners prefers this writ petition on the following amongst other

b. Dec 29/18

GROUND S :-

- I. Because under the law the working hours of the petitioners are 8 hours in a day and in a week should not be more than 48 hours in all.
- II. Because the opposite parties No. 1 to 3 are taking illegally 12 hours contineous duty from the petitioners.
- III. Because the petitioners have been denied

सुप्रीम 31294

Cont. 7

the equality of opportunity in matter of public employment under the State.

- IV. Because the other colleagues of the petitioners are working 8 hours duty whereas the petitioners have been compelled to do 12 hours continuous duty and thus they have been discriminated illegally.
- V. Because the opposite parties No.1 to 3 being model employer should act with bonafide, reasonably and with fair play in the welfare State of India.
- VI. Because the Annexure No.1 and Annexure No. 4 are still pending, they have yet not been disposed off according to law.
- VII. Because the petitioners neither paid extra allowance of 4 hours duties nor still they are getting extra allowance under the law.
- VIII. Because taking 12 hours intensive work without any allowance is bad in law and also injurious to health.

P R A Y E R :-

Therefore, the petitioners most respectfully prayed that this Hon'ble court may be pleased to:

सुलतान उद्दीन

Cont. - 8

- (i) issue a writ, order or direction in the nature of mandamus commanding the opposite parties No.1 to 3 to dispose of expeditiously the Annexures No.1 to 4 to this writ petition according to law.
- (ii) issue a writ, order or direction commanding the opposite parties No. 1 to to take 8 hours duty from the petitioners and to pay extra allowances or salary for extra 4 hours work done as per Schedule of work.
- (iii) any other writ, order or direction which this Hon'ble court may deem just, fit and proper in the circumstances of the case may kindly be passed in favour of the petitioners and against the opposite parties.
- (iv) cost of the writ petition be awarded to the petitioners.

Lucknow, Dated:  
April 29, 1980.

T.N. Gupta  
Advocate  
( T.N. GUPTA )  
Advocate.  
Counsel for the petitioners.  
29/4/80



1980  
AFFIDAVIT  
80  
HIGH COURT  
ALLAHABAD

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

Writ Petition No. of 1980.

A F F I D A V I T.

In

WRIT PETITION

UNDERARTICLE 226 OF THE CONSTITUTION OF INDIA:

Sultan Ahmad and others. ... Petitioners.

Union of India and others: ... Opposite parties

I, Sultan Ahmad, aged about 40 years, son  
of Abdul Ghani, Cabinman, Gola Gokranmath, N.E.Railway  
Station, District Lakhimpur-Kheri, do hereby solemn  
affirm and state on Oath as under:

1. That the deponent is petitioner No.1 and  
pairokar on behalf of the other petitioners and  
as such he is fully conversant with the facts of  
the case deposed to herein.

2. That the deponent has been read over  
and explained the contents of the accompanying  
writ petition and he has understood the same.

4. Dli  
29/11

सुल्तान अहमद

इन दि आनरेबुल हाई कोर्ट आफ जजिकेवर रेट इलाहाबाद,  
लखनऊ बेंच, लखनऊ ।

---

रिट पिटीशन नम्बर आफ १६८०

सुलतान अहमद तथा अन्य

---

पिटीशनर्स

बनाम

यूनियन आफ इण्डिया तथा अन्य ---

अपोजिट पार्टीज़

रनेक्ज़र नम्बर १

श्रीमान् जनरल मैनेजर गोरखपुर,

पूर्वोत्तर रेलवे ।

द्वारा - उचित माध्यम

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विषय :- बारह घंटे डियूटी करने के बारे में प्रार्थना-पत्र ।

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सेवा में सविनय निवेदन है कि हम प्रार्थीगणों से जो  
बारह घंटे डियूटी लिया जा रहा है ।

( १ ) कैबिन में स्टेशन से दूर रहता है और वह डियूटी के  
अन्दर कैबिन नहीं छोड़ सकता है । क्योंकि कैबिन में  
की सहायता करने वाला कोई नहीं है । सिवार रस०  
रम० के ।

( २ ) बारह घंटे डियूटी में प्रार्थी को बताया जावे कि वह  
है: बजे सुबह से १८ बजे शाम तक वैसे वह खाना बना  
सकता है । सेफ्टी के क्यूज़ी से बारह घंटे खाना न  
खाने से हेल्थ प्रभाव हो जाएगा तथा रेक्सीडेन्ट और  
डिटेन्शन होने की सम्भावना है ।

( ३ ) कांटा वाला जो बारह घंटा डियूटी देता है वह स्टेशन  
पर रहता है उस के सहायता या खाना बनाने खाने का  
समय मिलता है क्योंकि कांटा वाले के सहायता के

--२ पर

सुलतान अहमद

(12)

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25 43A

वास्ते स्टेशन मास्टर हमबाल वाटर में तथा सफाई वाला भी रहता है। सिर्फ जॉहन कैलियर देना तथा कुछ चिटिंग रहता है। जॉहन कैलियर रस० रम० बुद दे देता है। यह उपरोक्त आदमियों से दिया जाता है।

( ४ ) इस हम प्राथमिकों का काम ऐसा है कि कोई दूसरा नहीं कर सकता है। ऐसी हालत में प्राथमिकों की डि्यूटी आठ घंटा करने के वास्ते आज्ञा प्रदान करें। मेरे और रस० रम० के काम में थोड़ा सा अन्तर है। लेकिन उन से आठ घंटा डि्यूटी लिया जाता है। और प्राथमिकों से डि्यूटी बारह घंटे लिया जा रहा है।

( ५ ) जब कि सवारी गाड़ी बारह, माल गाड़ी आठ, गन्ना गाड़ी बारह कुल बीस गाड़ियाँ हैं। बाया रूप गोंडा से गोरखपुर कैबिन में आठ घंटा डि्यूटी करता है। उतने ही गाड़ियों पर मुफ्त से बारह घंटे डि्यूटी लिया जा रहा है। जब कि रूलिंग कहता है कि बारह घंटा डि्यूटी करने वाले को दो घंटा छुट्टी खाना खाने बनाने के लिए मिलता है। या तो छुट्टी दो घंटा दिया जाए या तो दो घंटा का ऊपर समय दिया जाए। नहीं तो प्राथमिकों की डि्यूटी आठ घंटा करने के वास्ते आज्ञा प्रदान करें।

( ६ ) कहने के वास्ते, प्राथमिकों को परमोशन दिया गया क्या यही परमोशन है कि हम लोगों के न तो तन्ख्वा में रद्दी-बदल ही दिया गया है न तवाकला इलाउन्स दिया गया। जबकि वस्ती स्टेशन से २१५ किलो मीटर पर भेजा गया। उसी तन्ख्वाह पर और आठ घंटे की जाह पर बारह घंटा डि्यूटी लिया जा रहा है। इस परमोशन इसी को कहते हैं।

मुत्तान 31/5/24

(21)

(43)

1/26

2/26

( ७ ) उपरोक्त बातों पर ध्यान देते हुए मेरे तन्त्रवाह में रदो-  
किया जाए । तथा बाठ घटे जियूटी करने की आज्ञा प्रद  
करें । अतः उपरोक्त बातों पर ध्यान नहीं दिया गया  
हम प्रार्थना एकतीडेन्ट या डिटेन्शन के जिम्मेदार नहीं  
हैं ।

६-१-७७

प्रार्थना,

- १- ह० ब्रम्हदश पाण्डेय कैविन मेन  
गोला गोकर्णनाथ,
- २- कमला प्रसाद तिवारी कैविन मेन,  
गोला गोकर्णनाथ,
- ३- शिव दास पाण्डेय कैविन मेन,  
गोला गोकर्णनाथ,
- ४- सुलतान अहमद कैविन मेन, गोला
- ५- द० बलदेव प्रसाद कैविन मेन

प्रतिलिपि (१) श्री० जी० जी० पी० एस० यादव, एन० ई० आर०  
गोरखपुर ।

(२) श्री डी० एस० साहव, एन० ई० आर०, लखनऊ ।

(३) श्री डी० एस० ओ० साहव एन० ई० आर०, लखनऊ

(४) श्री डेवर कमिश्नर कानपुर ।

(५) श्री डी० आई० साहव एन० ई० आर०, मेलानी ।

कमलारित

आवश्यक कार्यवाही हेतु

शा प्र०

-----

सत्य प्रतिलिपि

मुलानि अहमद

(14) 22 480

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

Writ Petition No. of 1980.

Sultan Ahmed and others. ... Petitioners.

Versus

Union of India and others. ... Opposite parties.

ANNEXURE No. 2.

Telephone : Karyaley.  
Grah.

Telephone : Office  
residence.

Bharat Sarkar  
Sharam Landaliya  
Kariyeley Sharma  
Parvartan Adhikari  
(Kendriya)  
(Hindi)

GOVERNMENT OF INDIA.  
( BHARAT SARKAR )  
MINISTRY OF LABOUR/SHRAM  
KANTRALAYA.

OFFICE OF THE  
LABOUR ENFORCEMENT OFFICER (CENTRAL)  
SHRAM. PARVARTAN ADHIKARI ( KENDRIYA )  
KAKARYALAYA.

Asthan/Place:

Diqak/ated: 16 August, 1978.

Sankhiya/No. No. Lko. 45/1 (50)/78.

The Divisional Superintendent,  
North Eastern Railway,  
Ashok -arg,  
Lucknow.

Sub: Charge of classification of cabinmen of Gola  
Gokarannath Station from "EI" to "C".

Dear Sir,

From the perusal of the present working  
time table it is evident that the running of train  
in MB-Lailani Section is so much heavy and a  
due to Sugar Mills at Hargaoon, Gola and Lakhimpur  
the Cabinmen are awafully busy in passing the  
trains, shunting of goods trains, involving perio  
of action for more than six hours. I feel that "E

सुल्तान अहमद

(23)

760

- 15 -

classification of cabinmen of Gola Gokaran Nath Station is quite unjustified and they should be re-classified as "C".

Will you please examine the cases of above cabinmen and upgrade their classification from "EI" to "C" at an early date.

In case you do not agree with my contention joint job analysis may be conducted at an early date.

Yours faithfully,

( Sd/- )

( R.K.Shukla )  
Labour Enforcement Officer (Central)  
Lucknow.

Copy to :

Sri Brahma Patt Pandey etc.  
Cabinman, Gola Gokaran Nath, Station N.E. Railway,  
District Lakhimpur Kheri for information.

Sd/- Illegible.

LEO (C) Lucknow.

16.8.78.

True copy.

सुब्बान अहमद

-16- (24)

270

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

Writ Petition No. of 1980.

Sultan Ahmed and other. ... Petitioners.

Versus

Union of India and others. ... Opposite parties.

ANNEXURE No. 3.

Telephone. ... Telephone.

Bharat Sarkar.  
Sharan Aur Purvas Mantralaya  
( Sharan Aur Rozgar Vibhag )  
Kariyalay Sharan Parvartan  
Adhikari ( Kentriya )  
( In Hindi )

GOVERNMENT OF INDIA.  
MINISTRY OF LABOUR & REHABILITATION  
( Department of Labour & Employment )  
OFFICE OF THE  
LABOUR ENFORCEMENT OFFICER (CENTRAL)  
Lucknow.

Sankhya/No. Lko 45/1 (50) /78

Dinak/Dated the 27.11.78.

The Divl. Supdt (P)  
N.E. Railway, Lucknow.

Sub: Change of classification of Cabinmen of Gola  
Gorakarannath Station from "EI" to "C".

Dear Sir,

Please refer to your letter No. E/VII/230/  
JA/EX 78 dated 7/13.9.78 on the above subject.  
I do not agree with your views communicated in your  
letter under reference. I, therefore, suggest that  
the joint job analysis may be conducted in the above  
case. The date for conducting joint job analysis  
may kindly be intimated so that I can finalise  
my programme accordingly.

Yours faithfully,

Labour Enforcement Officer (C)  
Lucknow.

सुल्तान अहमद

(19)

Copy with a copy of letter No. E/VII/230/  
JA/78 dated 7/13-9-79 from DS(P) N.E.R. Lucknow,  
addressed to LEO(C), Lucknow forwarded to Sri  
Brahma Dutt Pandey, Cabinman, Gola Gokarannath  
Station, N.E. Railway, District Lakhimpur Kheri  
for information.

Sd/- Illegible.

L.E.O.(C) Lucknow.

27.11.78.

KS/

True copy.

h. dev  
29/11

सुलान अद्वय

(18) 26

र. १५५

इन दि आनरेबुल हाई कोर्ट आफ़ बुडिजेवर रेट इलाहाबाद,  
लखनऊ बेंच, लखनऊ ।

---

रिट पिटीशन नम्बर आफ़ १६८०

सुलतान अहमद तथा अन्य --- पिटीशनर

बनाम

यूनियन आफ़ इण्डिया तथा अन्य -- अपोजिट पार्टीज

एनेक्जर नम्बर ४

ज्ञापन

- |                                                 |                   |
|-------------------------------------------------|-------------------|
| १- कमला प्रसाद तिवारी पुत्र कन्हैया लाल         | कैबिन में एन० ई०  |
| २- सुलतान अहमद पुत्र अब्दुल ग़नी                | रेलवे स्टेशन गोला |
| ३- शिव दास पाण्डेय पुत्र श्री राम लाल पाण्डेय   | गोकर्णनाथ ज़िला   |
| ४- ब्रह्मदास पाण्डेय पुत्र श्री राम लाल पाण्डेय | जीरी ।            |

बनाम

- १- भारत सरकार द्वारा जनरल मैनेजर एन० ई० रेलवे, गोरखपुर
- २- मण्डल अधीक्षक महोदय, एन० ई० रेलवे, लखनऊ ।
- ३- श्रीमान् रोकेशन टी० बाई० महोदय, मैजानी, एन० ई० रेलवे, मैजानी ज़िला लखीमपुर-खीरी ।

नोटिस अन्तर्गत धारा ८० ग्रा० ८० ।

महोदय,

मुझे मेरे मोवदिल्लगण उपरोक्त ने निदेश दिया है  
तथा अविकृत किया है कि मैं, आप को निम्न विषय का नोटिस  
प्रेषित करूँ :-

०  
धारा १- यह कि मेरे उपरोक्त मोवदिल्लगण एन० ई० रेलवे विमान  
में रेलवे स्टेशन गोला के अन्तर्गत कैबिन में के पद पर कार्य  
रत हैं तथा विभागीय नियमानुसार अधिकारियों के  
निर्देशानुसार कर्तव्यों का निर्वाह करते हैं ।

--२ पर

सुलतान अहमद

(19)

धारा २- यह कि उपरोक्त कैबिन में को कैबिन व ब्रासिंग गेट पर सम्बन्धित अधिकारियों द्वारा १२ बारह घंटे की ड्यूटी लगाई जाती है तथा इस प्रकार का कार्य लगभग ३ वर्षों से अधिक अवधि से उन से लिया जा रहा है जब कि नियमानुसार उन्हें पारीश्रमिक वेतन ८ घंटे का ही दिया जाता है तथा शेष ४ घंटों का कोई भी अतिरिक्त मुआवजा उन्हें नहीं दिया जाता है ।

धारा ३- यह कि उपरोक्त लोगों को १२ घंटे की ड्यूटी लगाता करने के मध्य कोई भी रिलीफ नहीं दी जाती है तथा कोई अन्य सहायक भी नहीं रहता है । इस बीच भोजन व लंच का अवकाश भी नहीं दिया जाता है । समय समय पर इन कठिनाइयों को ओर उच्चाधिकारियों का ध्यान इस ओर दिलाया जाता रहा है किन्तु कोई भी उचित कार्यवाही अभी तक नहीं की गई है । इस संवैधानिक उल्लंघन व मानवाधिकारों के उल्लंघन के कारण निरन्तर शोषण की प्रक्रिया जारी है जिस से व्यक्तिगत हानियों के साथ साथ राष्ट्रीय हानि व दुर्घटनाओं की सम्भावनाएं बनी हुई हैं तथा किसी भी समय कोई क्षति पहुंच सकती है जिस की सम्पूर्ण जिम्मेदारी सम्बन्धित विभागीय उच्चाधिकारियों पर होगी ।

धारा ४- यह कि रेलवे विभाग के नियमों के अनुसार बी० क्लास गेट कीपरों व कैबिन में से केवल ८ घंटे की ही ड्यूटी ली जानी चाहिए तथा इस से अधिक समय तक काम लेने पर उन्हें उक्त समय का अधिक पारीश्रमिक दिया जाना चाहिए किन्तु उक्त शोषण व भ्रष्ट अफसर शाही की तरफ से मोवविकलों ने समय समय पर उच्चाधिकारियों का ध्यान आकृष्ट कराया तथा पंजीकृत प्रार्थना-पत्र भी दिए गए किन्तु अभी तक कोई भी सन्तोष जनक उचित कार्यवाही नहीं की गई जो कि नियम विरुद्ध है ।

मुस्तान अहमद

(20)

धारा ५- यह कि नैतिक व कानूनी दृष्टि से ४ घंटे अतिरिक्त डि्यूटी देने की अवधि का पारिभ्रमिक पाने का मेरे उक्त मोवविकलों को संवधानिक अधिकार है तथा गत एक वर्ष की अवधि में जब से उपरोक्त व्यक्ति अपनी डि्यूटी कर रहे हैं उस बकाया को प्राप्त करने का उन्हें अधिकार है ।

अतः इस शापन द्वारा आप को सूचित किया जाता है कि शापन पाने की ६० दिन की अवधि के अन्दर नियमानुसार मेरे उपरोक्त मोवविकलों को ४ घंटे अतिरिक्त डि्यूटी के वांछित प्रतिफल का भुगतान तुरन्त कर दें तथा भविष्य में भी अतिरिक्त डि्यूटी लेने पर उन्हें उस का पारिभ्रमिक देने की गारन्टी प्रदान करें वना शापन की अवधि समाप्त होने पर उचित न्यायालय में आप के व सरकार के विरुद्ध वाद प्रस्तुत किया जाएगा तथा उस के सम्पूर्ण हर्जे व हर्जे के जिम्मेदार आप होंगे ।

शापन दाता :-

ह०।- श्रीजी अपठनीय

२६-९

( कमला प्रताप तिवारी )

द्वारा - श्री रविशरण सिंह खरे,  
एडवोकेट

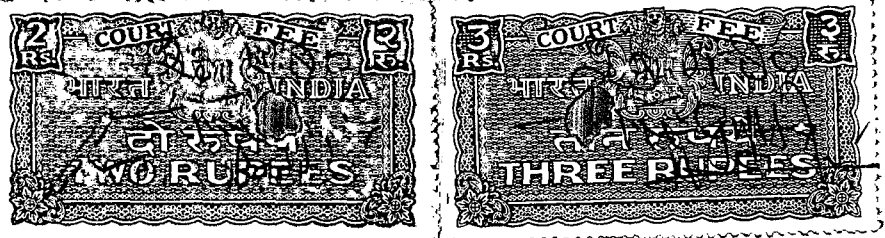
दिनांक २६-९-८० ई० ।

सुलता १ ४६५५ सत्य प्रतिलिपि



(21) 29 - 28

वकालतनामा व अदालत श्रीमान  
Sult High Court of Lucknow - Allahabad  
Sultan Ahmad 28/1/80



Two  
Best  
29/5/80

Sultan Ahmad 28/1/80

बनाम

वादी/अपीलान्त

याददाश्त

Among g dindia 28/1/80  
29/5/80

प्रतिवादी/रेस्पान्डेंट

न्यायालय का नाम  
नगर स्थिति  
असकारों के नाम

व मुकदमा व मुन्दर्जे उनवान में Shri T. N. Gupta, Advocate एडवोकेट  
को वकील अपना मुफरर करके इकरार करता हूं और लिखे देता हूं कि वकील साहब  
ममदूह मुकदमा मजकूर वाला में जो कुछ पंरवीइ जवाब देही करें या सवाल जवाब करें  
या कोई कागजात सनद असनद वगैरा पेश करें या मिनजानिव हमारे इजराय डिग्री  
क्राके रुपया या फितनी वसूल करें या राजीनामा अकबाल दावा मिनजानिव हमारे  
दाखिल करें या तसदीक करें या रुपया दाखिल किया हुआ फरीकसानी को वजरिये  
खुद दस्तखत हमारे या अपने दस्तखत से लेवे या किसी मुकदमा में पंच मुकरर करें या  
मिनजानिव हमारे अपील दायर करें ब बहस करें वह सब साख्ता या परदाख्ता उनका  
किसल करदाजात हमको कबूल व मन्जर होगा लिहाजा वकालत नामा लिख दिया कि  
सनद रहे और वक्त जरूरत काम आवे ।

अललब्द सुल्तान अहमद अललब्द अमल अहमद अललब्द अमल अहमद अललब्द अमल अहमद

गवाह.....गवाह.....

29/4/80

तारीख.....



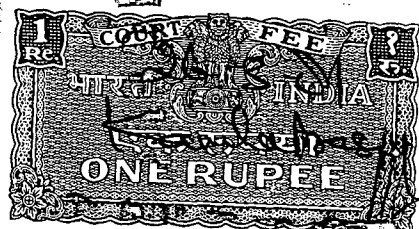
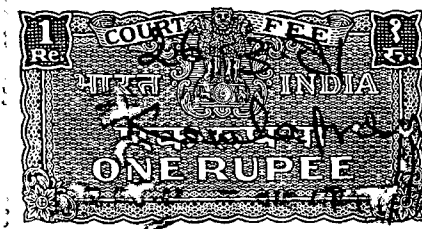
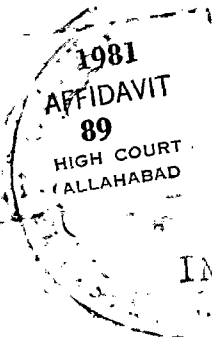
[ सरोज प्रेस लखीमपुर ]

Accepts  
T. N. Gupta  
(T. N. GUPTA)  
Advocate

pending disposal of the writ petition and an  
ad interim order to this effect may kindly be  
granted for seeking the ends of justice and  
equity.

Lucknow, Dated:  
March 22, 1981.

T.N. Gupta  
( T.N. Gupta )  
Advocate, 28/3/81  
Counsel for the petitioners.



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

C.M. Application No. (W) of 1981.

In re:

Writ Petition No. 1978 of 1980.

Sultan Ahmad and others. ... Petitioners.

Versus

Union Of India and others. ... Opposite parties.

A F F I D A V I T

In Support of Application for stay.

I, Kamla Prasad Tewari, aged about 50 years, son of Kanhaiya Lal, Cabinman, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur Kheri, do hereby solemnly affirm and state on Oath as under;

1. That the deponent is petitioner No.2 in the above noted writ petition and as such he is fully conversant with the facts of the case deposed to herein.
2. That the above noted writ petition was admitted on 2.9.1980 but till date no counter-affidavit has been filed by the opposite parties.
3. That the petitioners are doing 12 hours continuous duty without any interval or rest since 1976 and hence



*Handwritten note:* V. minor Gauri Prasad

the are goind 4 hours extra duty without any overtime payment.

4. That the petitioners are sustaining loss and als injury of a substantial nature.

5. That it is necessary that the petitioners be pai overtime allowance in the circumstances of the case.

6. That the opposite parties are causing delay so they are not filing the counter-affidavit as directed by this Hon'ble Court.

7. That it would be expedient in the interest of justice and equity that this Hon'ble Court be pleased to order the opposite parties to pay overtime allowance to the petitioners pending disposal of the writ petition and an ad interim order to this effect may kindly be passed meanwhile.

Lucknow, Dated:  
March 26, 1981.

*[Signature]*  
Deponent.

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 6 of this affidavit are true to my own knowledge and contents of paragraph 7 are believed by me to be true. No part of it is false and nothing material has been concealed so help me God.

Lucknow, Dated:  
March 26, 1981.

*[Signature]*  
Deponent.

I identify the deponent who has signed this affidavit before me.

*[Signature]*  
( T.N. Gupta )  
Advocate 26/3/81

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITING AT LUCKNOW

C.M.A.N. (11).

OF 1984.

The Union of India through Govt.

.. Applicant



In re

Writ petition No. 1978 of 80

Sultan Ahmad & others.

.. Petitioners.

Versus

Union of India and others.

..... Opp. Parties

APPLICANT FOR CONDONATION OF DELAY IN FILING COUNTER

AFFIDAVIT

Applicant respectfully states as under:-

1. That in the above mentioned case counter affidavit could not be filed on behalf of the Opp. Parties within time in this Hon'ble Court.
2. That the counter affidavit was prepared but the same was misplaced in chamber of the counsel.
3. That the filing of counter affidavit is necessary and is being filed herewith.
4. That the delay in filing counter affidavit is genuine and bonafide.

PRAYER

WHEREFORE, it is respectfully prayed that the delay in filing counter affidavit may kindly be condoned and the counter affidavit may be brought on record.

Lucknow:

Dated:- April 13 1984

Counsel for Applicant/Opp.

Parties.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:

LUCKNOW BENCH:LUCKNOW.

COUNTER AFFIDAVIT ON BEHALF OF THE  
OPPOSITE PARTIES NO.: 1 TO 3.

INRE:

WRIT PETITION NO.: 1978 of 1980.



SULTAN AHMAD AND OTHERS. .. PETITIONERS.

VERSUS

UNION OF INDIA & OTHERS. .. OPP. PARTIES.

\*\*\*\*\*

Counter Affidavit on behalf of the  
Opposite Parties no.1 to 3.

I <sup>"</sup>N.G. Pandalai, son of <sup>"</sup>Lale Ravi Verma  
aged about <sup>"</sup>51 years, resident of <sup>"</sup>R.A. Kidwai Road  
<sup>"</sup>Lucknow, Assistant Personnel Officer, N.E.  
Railway, Lucknow, do hereby solemnly affirm and state  
as under:-

1. That the deponent is working as Assistant Personnel Officer, N.E. Railway, Lucknow and is conversant with the facts of the case.

2. That the deponent has read the contents of the

Contd.....

Writ Petition and has understood the same.

3. That the deponent has been advised to <sup>by</sup> raise <sup>or</sup> ~~make~~ the following preliminary objections to the Writ Petition:
4. That the matter covered in the Writ Petition under reply and the relief claimed therein do not fall within the scope of Article 226 of the Constitution of India. Even other-wise the petitioner has no cause to involve the extra ordinary jurisdiction of this Hon'ble Court under the said Article.
5. That no legal right of the petitioner has been infringed. So as to invoke the indulgence of this Hon'ble Court in those extra ordinary proceedings. The claim of the petitioner is not justifiable <sup>in this</sup> writ petition and the same is, as such, wholly misconceived.
6. That the petitioners have filed the present writ petition on the ground that the job held by them should be declared as "continuous" and not as "essentially intermittent" under hours of employment regulations on the basis of the other staff of the categories of the petitioners working on other sections and stations carrying greater work load. The petition under reply therefore raises disputed question of facts which, it is not proper to go into and adjudicate upon in those extra ordinary proceedings under Article 226 of the Constitution. More so in the present writ petition, the relief sought by the petitioners necessarily involves the facts as to whether the petitioners are entitled

(37)

4/4

-: 3 :-

11

to the classification as "continuous" or not. This Hon'ble Court will not sit to re-call evidence in order to decide as to whether or not the job and work load of the petitioners entail classification as "continuous" and from what date.

7. That the competent authority has declared the posts held by the petitioners as "essentially intermittent" on the ground that the daily hours of duty of the Railway servant ~~working~~ normally include period of inaction aggregating six hours or more. The posts held by the petitioners was so declared in terms of powers conferred on the competent authority under section 71-A(b) of the Indian Railways Act and it is not open to the petitioners to challenge the said declaration made by the competent authority. The writ Petition, is therefore, not competent.
8. That the posts of Cabinmen at Golagokarannath was classified as "essentially intermittent". The appeal against the said classification should have been made by the incumbents of the said posts before the authority. No appeal was filed against the said classification of job of Cabinmen at Golagokarannath Railway station. The present writ petition, is therefore, wholly belated one and premature and merits dismissed on this score itself.

63/228  
H  
10/2/22

*[Signature]*

That in accordance with the instructions contained

in Railway Boards letter no.E(CC)73/NER/24 dated 13.5.74 about computation of sustained attention in the case of Cabinmen, practical portion and work load at the stations were examined and re-considered and it was not found justified to change the classification of Cabinmen from "essentially intermittent" to "continuous" at Golagokarannath, Lakhimpurkheri and Hargaoon stations

10. That the petitioners are not entitled to overtime allowance on their present classification of post as "essentially intermittent" and their application dated 26.3.81 praying for directions from this Hon'ble Court for interim order for payment of over time allowance is misconceived and not maintainable.
11. That the contents of paragraph 1 of the writ petition are not disputed.
12. That the contents of paragraph 2 of the writ petition are admitted except that the employment of the petitioners is intensive in nature. The category of the petitioners at their station of posting has been rightly classified as "essentially intermittent" under the rules of House of employment regulations by the competent authority and their roster for duty has been correctly made out by the Railway administration considering their nature of duty.
13. That in reply to para 3 of the writ petition, it is stated that the petitioners have not stated

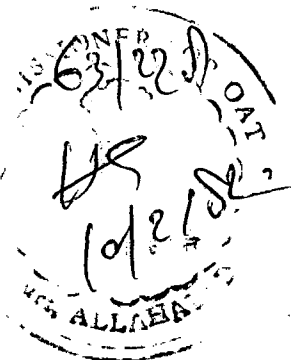


*Handwritten signature*

the names of the stations to enable the deponent to give specific reply. It is however, submitted that classification of employment and roster for duty hours are dependent upon the work load at a particular station and cabin keeping in view, the period of inaction (non-working) during the hours of the duty of staff. According to the rules, the roster of duty hours of "essentially intermittent worker include a minimum of 6 hours period of in-action in which there is an interval of an hour or two period of half-an-hour between the two periods of work. The petitioners are not doing continuous duty for 12 hours as alleged and the statement contrary to it are denied.

14. That the contents of paragraph 4 of the writ petition are admitted except that of running of 4 Sugar cane trains every day. It is submitted that running of sugar cane trains are confined during the cane <sup>in season</sup> session from November to April each year and this aspect was considered at the time of classification and preparation <sup>of</sup> rosters for duty.

15. That the contents of para 5 of the writ petition are denied being not correct. On Golagokarannath line (MBP-MLN station), except Mailani station all other stations for Cabinmen have been classified as Essentially intermittent as that of the petitioner. Mailani station is a junction station and has greater work load and its classification is not applicable for other stations having lesser work.



*Lawrence*

(u)  
u/11  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:

LUCKNOW BENCH:LUCKNOW. ~~8/8~~

WRIT PETITION NO.: 1978 of 1980.

SULTAN AHMAD AND OTHERS. .. ..PETITIONERS.

VERSUS

UNION OF INDIA & OTHERS. .. ..OPP.PARTIES.

\*\*\*\*\*

ANNEXURE NO.: A-1

NORTH EASTERN RAILWAY

OFFICE OF THE SUPDT.

MANAGER(P):GORAKHPUR.

SC\_/3178

DATED: 25.6.74.

NO.:E/123/2-PT-I(IV)

All Heads of Departments,

All Divisional Supdts.,

All Personnel Officers,

All Extra Divisions,

North Eastern Railway.

Sub: Computation of sustained attention  
in the case of Cabinmen under the hours  
of employment regulations.

A copy of Railway Board's letter no.E(LL)/73/NER/24  
dated 13.5.74 is forwarded for information guidance and  
necessary action.

Sd/-

for General Manager(P)

Contd ..... 2

Copy of Railway Board's letter no.E(LL)73/NER/24  
dated 13.5.74 addressed to the General Managers,  
All India Railways including CLW,DLW and ICF.

Sub: Computation of sustained attention  
in the case of Cabinmen under the  
hours of employment regulations.

As a result of discussions held with the  
organised labour the Board have decided that the  
Cabinmen will be considered to be on sustained attention  
from the time the line clear is given till the time  
of arrival of the train.

2. If a different procedure is in vogue on your  
railway, necessary action may accordingly be taken to  
give effect to the above decision.

3. The above decision has the approval of the  
President.

4. Please acknowledge receipt.



\*\*\*\*\*

True copy

*[Handwritten signature]*

(1) (B)

In the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

T.A.No.681 of 1987.

A/c

Sultan Ahmad. -----Petitioner  
Versus  
Union of India and others. -----Opp-parties

--  
Supplementary Reply on behalf  
of opposite parties No.1 to 3.

I, **S.M.H. Rizvi** aged about 57 yrs  
years, son of Sri **S.S.H. Rizvi**  
working as **Asstt. Personnel Officer** in the office  
of **Divl.Rly.Manager, N.E.Rly., Lucknow** do hereby  
state as under :-

1. That following representation made by Cabin-men of Gola Gokaran Nath on 20.12.1985 for classification of their services from "Essentially Intermittent" to "Continuous" category, factual job analysis was done for 72 consecutive hours jointly by the representative of Personnel/Operating and Accounts Department from 8.3.1986 to 11.3.1986. It was found that the classification from "Essentially Intermittent" to "Continuous" for Cabin-men at Gola Gokaran Nath Railway Station was justified.

सहायक

मंडल कार्यालय अधिकारी  
पूर्वोत्तर रेलवे, लखनऊ

2. That the proposal was accordingly made

सहायक कार्यालय अधिकारी /  
पूर्वोत्तर रेलवे, लखनऊ

and was sent to General Manager, Gorakhpur for approval. The approval has accordingly been accorded and Station Superintendent Gola Gokarannath (GK) was directed to implement continuous classification of Cabinmen vide Memo. No.E/II/123/JA/QM/GK dated 17.6.86. A true copy of Memo. dated 17.6.88 is being filed as Annexure S-1.

3. That as a result of change of classification of Cabinman at Gola Gokarannath Railway station from E.I. to continuous with effect from 11.3.86, 8 hours duty of the petitioners has been implemented and the payment of over time allowance for Rs.36,121.00 for the period 16.3.86 to 24.9.88 has been made to petitioner No.1 Shri Sultan Ahmad, Sri Kamta Prasad Tiwari, (Petitioner No.2) <sup>who</sup> has retired from service w.e.f. 30.6.87 and Shri B.D. Pandey (Pet.No.3) have not submitted their O.T. sheets for payment.

4. That in view of the aforesaid to its the relief claimed by the petitioners has since become ~~infructuous~~ and as such the petition is liable to be dismissed.

Verification

I, the official above named do hereby verify that the contents of para 2 to 4 of this supplementary reply are believed to be true on the basis of records and legal advice.

Lucknow.

Dated. 9.8.80

Asstt. Personnel Officer  
North Eastern Railway,

Lucknow.

सहायक कार्मिक अधिकारी  
पूर्वोत्तर रेलवे, लखनऊ

3

In the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

R. A. No. 681 of 1987.

--

1/52

Sultan Ahmad.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties

--

Annexure No. S-1

N. E. Railway.

MEMORANDUM.

GM has accorded sanction to the change of classification of Cabinman at Gola Gokaran Nath Satation from E. I. to continuous with effect from 11.3.86 as communicated vide GM(P)/GKP's Memorandum No. E/230/HER/JA-8/GK(IV) dated 4.1.88.

Two permanent posts of Cabinman/Maijapur Station of GD-BUW section have been re-deployed at GK Station for implementation of continuous classification in the East and West Cabins of Gola Gokaran Nath Station with Sr. DAO/LJN's concurrence and DRM's sanction vide Memo No. E/ITI/59/4/Pari/Gyapan dated 12.5.88. Adjustment in the BOS has also been done accordingly.

21/6/88  
महल कार्यालय अधिकारी  
पूर्वांचल रेलवे, लखनऊ

Sd/-  
for Divl. Rly. Manager (P)  
Lucknow.

पहायक कार्यालय अधिकारी /  
पूर्वांचल रेलवे, लखनऊ

No. E/VII/123/JA/GM/GK. L J N Dated 13.6.88


Copy forwarded for information and necessary action to :-

1. GM(P)/GKP. Two posts of Cabinman and (not one post mentioned in his memo No. E/III/59/4/Pari/Gyapan dt. 2.5.88) were required for implementation of continuous classification in East and West Cabins and redeployed accordingly.
2. FA & CAO/GKP
3. Sr. DAO/LJN
4. Sr. DOS/LJN
5. Sr. DSO/LJN
6. OS/BOS
7. OS/Cadre/Optg. Two posts of Cabinman redeployed from Maijapur shall be filled at GK Station at once.
8. OS/Bill/Traffic.
9. CS/GK to implement continuous classification of Cabinman at once. Duty Rosters are enclosed.
10. TI/LMP.
11. Staff concerned.

Sd/-  
for Divl. Rly. Manager(P)/LJN.

~~सहायक मंडल कार्यालय अधिकारी~~  
~~पूर्वोत्तर रेलवे, लखनऊ~~

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सहायक मंडल कार्यालय अधिकारी  
पूर्वोत्तर रेलवे, लखनऊ

(5)

In the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

T.A.No.681 of 1987. A/24

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Sultan Ahmad. -----Petitioner  
Versus  
Union of India and others. -----Opp-parties

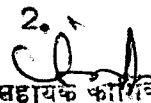
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Supplementary Reply on behalf  
of opposite parties No.1 to 3.

I, S.M.H. Rizvi aged about 5  
years, son of Sri S.S.H. Rizvi  
working as Asstt. Personnel Officer in the office  
of Divl. Rly. Manager, N.E.Rly., Lucknow, do hereby  
state as under :-

1. That following representation made by Cabin-men of Gola Gokaran Nath on 20.12.1985 for classification of their services from "Essentially Intermittent" to "Continuous" category, factual job analysis was done for 72 consecutive hours jointly by the representative of Personnel/Operating and Accounts Department from 8.3.1986 to 11.3.1986. It was found that the classification from "Essentially Intermittent" to "Continuous" for Cabin-men at Gola Gokaran Nath Railway Station was justified.

सहायक मंडल कार्यालय अधिकारी  
पूर्वोत्तर रेलवे, लखनऊ

2. That the proposal was accordingly made  
  
सहायक कार्यालय अधिकारी /  
पूर्वोत्तर रेलवे, लखनऊ

and was sent to General Manager, Comptroller for approval. The approval has accordingly been accorded and Station Superintendent Coln Colamannath (CI) was directed to implement continuous classification of Cabinmen vide Memo. No. 1/11/123/8A/CI/CI dated 17.6.83. A true copy of Memo. dated 17.6.83 is being filed as Annexure B-1.

3. That as a result of change of classification of Cabinmen at Coln Colamannath Railway Station from B.I. to continuous with effect from 11.3.86, 8 hours duty of the positioners has been implemented and the payment of stop time allowance for Rs. 121.00 for the period 16.3.83 to 24.9.88 has been made to positioner No. 1 Mr. Sultan Ahmad, Sr. Santa Prasad Tiwari, Positioner No. 2 <sup>who</sup> has retired from service v.o.f. 30.6.87 and Mr. D.D. Pandey (Pos. No. 3) have not submitted their O.T. Memo for payment.

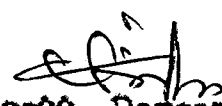
4. That in view of the aforesaid to its the relief claimed by the positioners has since become infructuous and as such the petition is liable to be dismissed.

#### Verification

If the official above named do hereby verify that the contents of para 2 to 4 of this supplementary reply are believed to be true on the basis of records and legal advice.

Lucknow.

Dated. 7-8-80

  
Asstt. Personnel Officer  
North Eastern Railway,  
Lucknow.  
उहायक कामिक अधिकारी /  
पूर्वोत्तर रेलवे, लखनऊ

54/26

(2)

In the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

I. A. No. 681 of 1987.

Sultan Ahmad.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties

Annexure No. S-1

N. E. Railway.

MEMORANDUM.

GM has accorded sanction to the change of classification of Cabinman at Gola Gokaran Nath Satation from E.I. to continuous with effect from 11.3.86 as communicated vide GM(P)/GKP's Memorandum No. E/230/HER/JA-8/GK(IV) dated 4.1.88.

Two permanent posts of Cabinman/Maijapur Station of GD-BUW section have been re-deployed at GK Station for implementation of continuous classification in the East and West Cabins of Gola Gokaran Nath Station with Sr.DAO/LJN's concurrence and DRM's sanction vide Memo No. E/IT: 59/4/Pari/Gyapan dated 12.5.88. Adjustment in the BOS has also been done accordingly.

Sd/-  
for Divl. Rly. Manager (P)  
Lucknow.

सहायक  
स्टेशन कार्यालय अधिकारी  
पूर्वोत्तर रेलवे, लखनऊ

सहायक कार्यालय अधिकारी /  
पूर्वोत्तर रेलवे, लखनऊ

No.E/VII/123/JA/GM/GK. LJJN Dated 13.6.88

Copy forwarded for information and necessary action to :-

1. GM(P)/GKP. Two posts of Cabinman and (not one post mentioned in his memo No.E/III/59/4/Pari/Gyapan dt.2.5.88) were required for implementation of continuous classification in East and West Cabins and redeployed accordingly.

2. FA & CAO/GKP

3. Sr. DAO/LJJN

4. Sr. DOS/LJJN

5. Sr. DSO/LJJN

6. OS/BOS

7. OS/Cadre/Optg. Two posts of Cabinman redeployed from Maijapur shall be filled at GK Station atonce.

8. OS/Bill/Traffic.

9. CS/GK to implement continuous classification of Cabinman atonce. Duty Rosters are enclosed.

10. TI/LMP.

11. Staff concerned.

Sd/-  
for Divl.Rly.Manager(P)/LJJN.

सहायक मंडल कार्यालय  
पूर्वोत्तर रेलवे, लखनऊ

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सहायक कार्यालय  
पूर्वोत्तर रेलवे, लखनऊ

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW  
BENCH, LUCKNOW.

T.A. No. 681 of 1987

SULTAN AHMAD & OTHERS. ----- Petitioners

Versus

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

Rejoinder reply on behalf of  
Petitioner to the Counter-Affidavit  
and supplementary reply filed on  
behalf of opp. party no. 1 to 3

I, SULTAN AHMAD, aged about 59 years ;

retired Cabman, Railway Station Gola Gokran Nath

District Kheri, N.E. Railway, do hereby solemnly

and state as under:-

1- That the contents of Counter affidavit  
and Supplementary reply filed on behalf of  
opposite parties no. 1 and 2 has been  
read over and explained to the applicant.

सुलतान अहमद

2;

who has understood its contents thereon and  
is in a position to reply the same.

- 2- That the contents of para 1 and 2 of the Counter Affidavit needs no reply.
- 3- That the contents of para 3 to 25 of the Counter Affidavit are denied and the facts stated in para 1 to 15 of the writ petition (now claim in application) are re-iterated.
- 4- That the contents of para 1 to 3 of the Supplementary reply are not denied.
- 5- That the contents of para 4 of the Supplementary reply are specifically denied being incorrect and wrong and it is stated that overtime allowance w.o.f. September 1976 to 15.3.1986 to the petitioners have yet not been paid and the opposite party no. 1 to 3 are legally duty bound to pay said amount of overtime allowance.
- 6- That Hon<sup>ble</sup> High Court, Allahabad, Lucknow Bench, Lucknow in U.P. No. 1978/1980 has ordered the Opp. parties to pay the overtime allowance to the petitioners vide its order dated 2.4.

सुलतान अहमद

which is as follows:-

Hon'ble U.C. Srivastava J.

"Hoard, In case any overtime work is being done by the Petitioner, the opp. parties are directed to pay him overtime allowance."

Sd/- U.C. Srivastava

dt. 2.4.1981

- 7- That the opp. parties have yet not paid the overtime allowance to the petitioners for the period of September 1976 to 15.3.1986 even after the orders of the Hon'ble High Court dated 2.4.1981.
- 8- That petitioner No.2 Kamalu Prasad Tiwari has died in the year 1987 and his legal heirs have yet not been substituted, hence at present no claim for late Smt. Tiwari is being made at present by the deponent.
- 9- That the post of Cabinman has been classified as

-4/

सुखतान अहिर

intensive under the Hours of Employment Rules 1931 read with the Indian Railway Act 1930 which is reproduced below:

Classification

The Railway employees are classified as under:-

(1) Intensive.

(ii) Essential Intermittent.

(iii) Excluded Staff.

(iv) Continuous.

(1) INTENSIVE: Only that Staff is declared to be "intensive" whose work is of strenuous nature involving continuous concentration of mind or hard manual labour with little or no periods of relaxation. The Staff covered by this class includes Signallers, Wireless Operators, Cabinman, Section Controller etc.

13

8/2

; 5 ;

made in the relevent Railways

Hours of Employment Rules 1931

the Opposite parties are duty

bound to pay the petitioner

over time allowance with effect

from September 1976 to 15.3.1986

11- That in view of the aforesaid

facts it is quite clear that

the opposite parties No. 1 to

3 have yet not paid the just

and legal overtime allowance

to the petitioner with effect

contd--6/

सुलतान अहमद

(14)

86;

1/63

September 1976 to 15.3.1986

LUCKNOW:

DATED: 24.4.91

सुलतान अहमद

Petitioner

VERIFICATION

I, Sultan Ahmad, do hereby  
verify that the contents of  
para 1 to 11 of this Dejoinder  
reply are believed to be true to  
my own knowledge and legal advice.

Signed and verified this day  
of April 1991 within Court Compound  
at Lucknow.

LUCKNOW:

DATED: 24-5-91

सुलतान अहमद

Petitioner.

T.M.

T.N. Singh  
Advocate  
Counsel for  
Petitioner.

Best Copy (15)

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

Writ Petition No. of 1980.

WRIT PETITION  
UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Sultan Ahmad and others. ... Petitioners.

Versus. ....

Union of India and others. ... Opposite parties.

I N D E X.

S.No. Description of papers. Pages.

1.	Writ Petition.	1 to 8
2.	Affidavit.	9 to 10
3.	Annexure No. 1.	11 to 13
4.	Annexure No. 2.	14 to 15
5.	Annexure No. 3.	16 to 17
6.	Annexure No. 4.	18 to 20
7.	Power.	21.

Presented by:

( T.M. Gupta )

Advocate,

Lucknow, Dated:  
April 29, 1980.

Counsel for the petitioners.

TZ

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

Writ Petition No. of 1980.

WRIT PETITION

UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

1. Sultan Ahmed, son of Abdul Ghanf, Cabinman, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur-Kheri.
2. Kamla Prasad Tewari, son of Kanhaiya Lal, Cabinman, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur-Kheri.
3. Brahma Dutta Pandey, son of Ram Lal Pandey, Cabinman, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur-Kheri.

...  
... Petitioners.

Versus

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.

-2-

2. Divisional Railway Manager, N.E. Railway, Lucknow.
  3. The T.I. Mailani, N.E. Railway, Mailani, District Lakhimpur Kheri.
  4. Labour Enforcement Officer ( Central ) Lucknow.
- ... Opposite parties.

The Hon'ble the Chief Justice and his  
Companion Judges of the aforesaid High Court,  
Sitting at Lucknow.

The humble petitioner above named most  
respectfully sheweth:

1. That the petitioners are permanent employee of N.E. Railway and they are working as Cabinman at Railway Station Gola Gokaran Nath, District Lakhimpur-Kheri since 1976 when Cabin System was introduced and they are getting their basic salary about Rs. 240/- , 242/and 245/- respectively.
2. That the petitioners' working conditions are that they work at Cabin which are situated distantly from the Railway Station and in duty hours they can not leave the place of their working as no person can substitute them unless having technical and skilled knowledge and experience and as such the petitioners' employment is intensive in nature.
3. That the petitioners are doing 12 hours continuous duty without any interval, rest or lunch. They work from 6 hours to 18 hours and in shift from 18 hours to 6 hours as there are only two Cabinmen on one Cabin at Gola Gokaran Nath, whereas in other

places on one Cabin three Cabinmen work with additional rest or reliever Cabinman, so on other places in this Railway the working hours of Cabinmen are 8 hours in a day including interval rest.

4. That where the petitioners are working i.e. at Railway Station Gola Gokaran Nath usually 12 passengers trains, 8 goods trains, 4 Sugar Cane trains passing every day and the petitioners remain awafully busy in passing the trains, shunting of goods trains.

5. That on Gola Gokaran Nath line the working hours of Cabinmen are 8 hours on the same work load whereas the petitioners are doing 12 hours continuous duty without any rest or interval and in a week they work more than 72 hours.

6. That the petitioners are doing 12 hours continuous duty in a day without any interval or rest since 1976 and they do 4 hours extra duty without any overtime allowances from the Railway Administration. The petitioners requested the concerned immediate authorities and drawn their attention towards their miserable working conditions but of no avail, then the petitioners sent application in this regard and prayed inter alia for 8 hours work. This application was sent to the General Manager, N.E. Railway, Gorakhpur opposite party No.1 on 6.1.1977 and copy of it were also forwarded to the Labour Commissioner, Kanpur and the T.O. N.E. Railway, Mallan, Distr

Lakhimpur Kheri. The true copy of the said application dated 6.1.1977 is filed herewith as ANNEXURE No.1 to this writ petition.

7. That on the representation of the petitioners the Labour Enforcement Officer ( Central ) Lucknow Sri R.K.Shukla wrote a letter No. Lko-45/1(50)/78 dated 16th August, 1978 to the Divisional Superintendent, N.E.Railway Ashok Barga, Lucknow, for examining the cases of the petitioners. The Labour Enforcement Officer ( Central ) Lucknow has found out that the claim of the petitioners are justified. The true copy of the letter No. Lko-45/1(50)/78 dated 16th August, 1978 is filed herewith as ANNEXURE No. 2 to this writ petition.

8. That again the Labour Enforcement Officer ( Central ) Lucknow wrote a letter to the Divisional Superintendent, N.E. Railway, Lucknow on 27.11.1978 suggesting that joint job analysis may be conducted in the cases of the petitioners. The true copy of this letter dated 27.11.1978 is filed herewith as ANNEXURE No. 3 to this writ petition.

9. That the petitioners inspite and despite their legitimate requests and application and letters of Labour Enforcement Officer ( Central ) Lucknow could not get justice in terms of 8 hours duty, then they sent a legal memorandum by way of registered post on 29.1.1980 to the opposite party No.1 to 3 which is still pending for disposal.

and no reply in this regard has been given by the opposite parties No. 1 to 3 though now one Sunder Shiva Das Pandey has been retired from his services. The true copy of this legal memorandum dated 29.1.1980 sent to the opposite parties No. 1 to 3 is filed herewith as ANNEXURE No. 4 to this writ petition.

10. That the opposite parties are not providing equitable and legal relief to the petitioners, consequently the health of poor petitioners is deteriorating and there is danger of reducing the efficiency which may result in accident or detention of trains.

11. That the petitioners have been denied the protection of equality of opportunity relating to employment under Railway Administration and have also been illegally discriminated in the matter of Public employment.

12. That the petitioners are workman being Industrial workers and their duty hours in a day should not be more than 8 hours including rest or lunch.

13. That the opposite parties have no legal right to take 12 hours continuous duty from the petitioners under the law and while taking 12 hours duty the opposite parties are not acting in accordance with the provisions of law.

14. That inspite of the Annexures No.1 to 4 the petitioners have not been given legal and equitable justice and the petitioners are still doing 12 hours duty and said Annexure No.1 to 4 are still pending, they have not been disposed off according to the law and due to having wait and suffering continuous injustice the petitioners have lost the hopes that their representation contained in Annexures No. 1 to 4 will be disposed off and opposite parties will act according to law.

15. That there is no other alternative, efficacious adequate and speedy remedy available except to invoke the inherent jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India, hence the petitioners prefers this writ petition on the following amongst other

G R O U N D S :-

- I. Because under the law the working hours of the petitioners are 8 hours in a day and in a week should not be more than 48 hours in all.
- II. Because the opposite parties No. 1 to are taking illegally 12 hours continued duty from the petitioners.
- III. Because the petitioners have been der

the equality of opportunity in matter of public employment under the State.

- IV. Because the other colleagues of the petitioners are working 8 hours duty whereas the petitioners have been compelled to do 12 hours continuous duty and thus they have been discriminated illegally.
- V. Because the opposite parties No.1 to 3 being model employer should act with bonafide, reasonably and with fair play in the welfare State of India.
- VI. Because the Annexure No.1 and Annexure No. 4 are still pending, they have yet not been disposed off according to law.
- VII. Because the petitioners neither paid extra allowance of 4 hours duties nor still they are getting extra allowance under the law.
- VIII. Because taking 12 hours intensive work without any allowance is bad in law and also injurious to health.

P R A Y E R :-

Wherefore, the petitioners most respectfully prayed that this Hon'ble court may be pleased to:

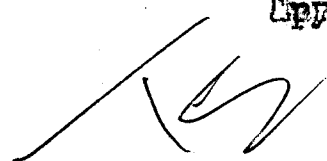
23

-8-

- (i) issue a writ, order or direction in the nature of mandamus commanding the opposite parties No.1 to 3 to dispose of expeditiously the Annexures No.1 to 4 to this writ petition according to law.
- (ii) issue a writ, order or direction commanding the opposite parties No. 1 to to take 8 hours duty from the petitioners and to pay extra allowances or salary for extra 4 hours work done as per Schedule of work.
- (iii) any other writ, order or direction which this Hon'ble court may deem just, fit and proper in the circumstances of the case may kindly be passed in favour of the petitioners and against the opposite parties.
- (iv) cost of the writ petition be awarded to the petitioners.

Lucknow, Dated:  
April 29, 1980.

( T.N. GUPTA )  
Advocate,  
Counsel for the petitioners



(9) (24)

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

---  
Writ Petition No. of 1980.  
A F F I D A V I T.  
In  
WRIT PETITION

UNDERARTICLE 226 OF THE CONSTITUTION OF INDIA.  
Sultan Ahmad and others. .... Petitioners.  
Union of India and others: ... Opposite parties.  
I, Sultan Ahmad, aged about years, son  
of Abaul Ghani, Cabinman, Gola Gokranmath, N.E. Railway  
Station, District Lakhimpur-Kheri, do hereby solemnly  
affirm and state on Oath as under:

1. That the deponent is petitioner No-1 and  
palrokar on behalf of the other petitioners and  
as such he is fully conversant with the facts of  
the case deposed to herein.

2. That the deponent has been read over  
and explained the contents of the accompanying  
writ petition and he has understood the same.

(2)

3. That the contents of paragraphs 1 to 14 of the accompanying writ petition are true to my own knowledge.

4. That the deponent has got compared Annexures No. 1 to 4 with their copies and certifies them to be true copies thereof.

Lucknow, Dated :  
April 29, 1980.

Deponent.

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge.

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

Lucknow, Dated :  
April 29, 1980.

Deponent.

I identify the deponent who has signed before me.

( T.N. Gupta )  
Advocate.

एन पि जानरेबुल हाई कोर्ट आफ् जुडिसेर स्ट इलाहाबाद,  
उत्तरांच केच, उत्तरांच ।

रिट पिटीशन नम्बर आफ् १९८०

सुलतान अस्मद तथा अन्य

---

पिटीशनर्स

वनाम

यूनिवर्सल आफ् एडिड्या तथा अन्य ---

अपोजिट पार्टीज

एनेक्चर नम्बर १

श्रीमान् फारु मोबर गोरखपुर,

पूर्वोत्तर रेलवे ।

द्वारा - उचित माध्यम

विषय :- बारह घंटे डिज्युटी करने के बारे में प्रार्थना-पत्र ।

वेदा में तक्रिय निवेदन है कि हम प्रार्थगिणों से जो बारह घंटे डिज्युटी लिया जा रहा है ।

( १ ) कैबिन में स्टेशन से दूर रहता है और वह डिज्युटी के ऊपर कैबिन नहीं छोड़ सकता है । क्योंकि कि कैबिन में की सहायता करने वाला कोई नहीं है । सिवार एच० एम० के ।

( २ ) बारह घंटे डिज्युटी में प्रार्थी को बताया जावे कि वह छे: बजे सुबह से १८ बजे शाम तक कोई वह खाना बना सकता है । सेफ्टी के कतूली से बारह घंटे खाना न खाने से हेल्थ खराब हो जाएगा तथा स्क्वीडेन्ट जो डिटेन्शन होने की सम्भावना है ।

( ३ ) कांटा वाला जो बारह घंटा डिज्युटी देता है वह स् पर रहता है उस की सहायता या खाना खाने खाने समय मिलता है क्योंकि कि कांटा वाले के सहायता के

वास्ते स्टेशन मास्टर हम्बाल वाटर में तथा सफाई वाला भी रहता है। सिर्फ लाइन कैलियर देना तथा कुछ रिपैरिंग रहता है। लाइन कैलियर एस० एम० सुध दे देता है। यह उपरोक्त जायजियों से दिला देता है।

( ४ ) इस हम प्राथमिकता का काम ऐसा है कि कोई दूसरा नहीं कर सकता है। ऐसी हालत में प्राथमिकता की डिप्टी बाठ घंटा करने के वास्ते आज्ञा प्रदान करें। मेरे और एस० एम० के काम में थोड़ा सा अन्तर है। लेकिन उन से बाठ घंटा डिप्टी लिया जाता है। और प्राथमिकता से डिप्टी बारह घंटे लिया जा रहा है।

( ५ ) जब कि सवारी गाड़ी बारह, माल गाड़ी बाठ, गन्ना गाड़ी चार घंटे चौबीस गाड़ियाँ हैं। बाया रूप गोंड से गोरखपुर कैपिट में बाठ घंटा डिप्टी करता है। उतने ही गाड़ियों पर मुफ्त से बारह घंटे डिप्टी लिया जा रहा है। जब कि रूलिंग कहता है कि बारह घंटा डिप्टी करने वाले को दो घंटा हुट्टी खाना खाने आन के लिए मिलता है। या तो हुट्टी दो घंटा दिया जाए या तो दो घंटा का ऊपर तमाम दिया जाए। नहीं तो प्राथमिकता की डिप्टी बाठ घंटा करने के वास्ते आज्ञा प्रदान करें।

( ६ ) कहते के वास्ते, प्राथमिकता को परमोशन दिया गया है क्या यही परमोशन है कि हम लोगों के न तो तन्ख्या में रद्दी-बदल ही दिया गया है न तबाकला हलाउन्स दिया गया। बल्कि बस्ती स्टेशन से २१५ किलो मीटर पर भेजा गया। उसी तन्ख्या पर और बाठ घंटे की जाह पर बारह घंटा डिप्टी लिया जा रहा है। क्या परमोशन उसी को कहते हैं।

(३)

- ( ७ ) उपरोक्त बातों पर ध्यान देते हुए मेरे तन्त्राह में रसी-  
किया जाए । तथा आठ घंटे छिट्टी करने की आज्ञा प्रदा-  
करें । अगर उपरोक्त बातों पर ध्यान नहीं दिया गया  
हम प्राथमिक एक्सीक्यूटिव या डिटेन्शन के जिम्मेदार नहीं  
हैं ।

६-९-७७

प्राथमिक,

- १- ४० ब्रह्मदत्त पाण्डेय कैबिन में  
गोला गोकर्णनाथ,
- २- कमला प्रसाद तिवारी कैबिन में,  
गोला गोकर्णनाथ,
- ३- शिव दास पाण्डेय कैबिन में,  
गोला गोकर्णनाथ,
- ४- सुलतान अहमद कैबिन में, गोला
- ५- ४० कलदेव प्रसाद कैबिन में

प्रतिलिपि (१) श्री० जी० जी० पी० एस० यादव, एन० ई० बार०  
गोरखपुर ।

(२) श्री जी० एस० साहव, एन० ई० बार०, लखनऊ ।

(३) श्री जी० एस० जी० साहव एन० ई० बार०, लखनऊ

(४) श्री जेकर कमिश्नर ज्ञानपुर ।

(५) श्री जी० आर० साहव एन० ई० बार०, मैलानी ।

कमिश्नर

आवश्यक कार्यवाही हेतु

श्री प्र०

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सत्य प्रतिलिपि

(14)      29

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

-----  
Writ Petition No.      of 1980.

Sultan Ahmad and others. ... Petitioners.

Versus

Union of India and others. ... Opposite parties.

ANNEXURE No. 2.

Telephone: Karyaley.  
Grah.

Telephone : Office  
residence

Bharat Sarkar  
Sharam Mandaliya  
Kariyaley Sharma  
Parvartan Adhikari  
(Kendriya )  
( HIN HINDI )

GOVERNMENT OF INDIA.  
( BHARAT SARKAR )  
MINISTRY OF LABOUR/SHRAM  
SAMTRALAYA.

OFFICE OF THE  
LABOUR ENFORCEMENT OFFICER (CENTRAL)  
SHRAM PRAVARTAN ADHIKARI ( KENDRIYA )  
KAKARYALAYA.

Asthan/Place:

Dinak/Dated: 16 August, 1978.

Sankhya/No. No. Lko. 45/1 (50)/78.

The Divisional Superintendent,  
North Eastern Railway,  
Ashok Marg,  
Lucknow.

Sub: Change of classification of cabinmen of G  
Gokarannath Station from "EI" to "G".

Dear Sir,

From the perusal of the present working  
time table it is evident that the running of trains  
in MBP-Mailani ~~the~~ Section is so much heavy and  
due to Sugar Mills at Hargeon, Gola and Lakhimpur  
the Cabinmen are awafully busy in passing the  
trains, shunting of goods trains, involving per  
of action for more than six hours. I feel that

(15) (30)  
26  
classification of cabinmen of Gola Gokaran Nath.  
Station is quite unjustified and they should be  
classified as "C".

Will you please examine the cases of above  
cabinmen and upgrade their classification from  
to "C" at an early date.

In case you do not agree with my contention  
joint job analysis may be conducted at an early  
date.

Yours faithfully,

( Sd/- )

( R.K.Shukla )  
Labour Enforcement Officer (C)  
Lucknow.

Copy to :

Sri Brahma Datt Pandey etc.  
Cabinman, Gola Gokaran Nath, Station N.E. Rail  
District Lakhimpur Kheri for information.

Sd/- Illeg

LEO (C) Lucknow

True copy.

(16) (31)

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

-----

Writ Petition No.                      of 1980.

Sultan Ahmed and others     ...     Petitioners.

Versus

Union of India and others.     ...     Opposite parties.

ANNEXURE No. 3.

Telephone.                      Telephone.

Bharat Sarkar.  
Sharan Aur Purvas Mantralaya  
( Sharan Aur Rozgar Vibhag )  
Kariyalay Sharm Parvartan  
Adhikari ( Kentriya )  
( In Hindi )

GOVERNMENT OF INDIA.  
MINISTRY OF LABOUR & REHABILITATION  
( Department of Labour & Employment )  
OFFICE OF THE  
LABOUR ENFORCEMENT OFFICER (CENTRAL)  
Lucknow.

Sankhya/No. Lko 45/A (50)/78

Direk/Dated the 27.11.78.

The Divl. Supdt (P) :  
N.E. Railway, Lucknow.

Sub: Change of classification of Cabinmen of Gola  
Gorakharanath Station from "EI" to "G".

Dear Sir,

Please refer to your letter No. E/VII/230/  
JA/EX 78 dated 7/13.9.78 on the above subject.  
I do not agree with your views communicated in your  
letter under reference. I, therefore, suggest that  
the joint job analysis may be conducted in the above  
case. The date for conducting joint job analysis  
may kindly be intimated so that I can finalise  
my programme accordingly.

Yours faithfully,

Labour Enforcement Officer (C)  
Lucknow.

8 Copy with a copy of letter No. E/VII/230/  
JA/78 dated 7/13-9-79 from DS(P) N.E.R. Lucknow,  
addressed to LHO (C), Lucknow forwarded to Sri  
Brahma Dutt Pandey, Cabinman, Gola Gokarannath  
Station, N.E. Railway, District Lakhimpur Kheri  
for information.

Sd/- Illegible.

L.E.O. (C) Lucknow.

27.11.78.

KS/

True copy.

एन दि बानरेखुल हाई कोर्ट बाफा बुजिसेचर स्ट एलासाबाद,  
लखनऊ केन्च, लखनऊ ।

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रिट पिटीशन नम्बर बाफा १६८०

सुलतान अहमद तथा अन्य

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पिटीशनर

बनाम

यूनियन बाफा हण्डिया तथा अन्य --

अपोजिट पार्टीज

एनैक्जर नम्बर ४

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संक्षेप

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- |                                               |                   |
|-----------------------------------------------|-------------------|
| १- कमला प्रसाद तिवारी पुत्र कल्याण लाल        | कैबिन् मेन एन० ई० |
| २- सुलतान अहमद पुत्र बच्चुल गुनी              | रेलवे स्टेशन गोला |
| ३- शिव दास पाण्डेय पुत्र श्री राम लाल पाण्डेय | गोकर्णनाथ जिला    |
| ४- ब्रह्मच पाण्डेय पुत्र श्री राम लाल पाण्डेय | तिरी ।            |

बनाम

- १- भारत सरकार द्वारा अंतरल एन० ई० रेलवे, गोरखपुर
- २- मण्डल अधीक्षक महोदय, एन० ई० रेलवे, लखनऊ ।
- ३- श्रीमान् रेलवे टो० बाई० महोदय, मेराना, एन० ई० रेलवे, मेराना जिला लखिमपुर-सीरा ।

नोटिस अन्तर्गत धारा ८० ज़ा० ६० ।

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महोदय,

मुझे मेरे मोबकिलगण उपरोक्त ने निदेश दिया है तथा अधिकृत किया है कि मैं, जान को निम्न विषय का नोटिस प्रेषित करूँ :-

धारा १- यह कि मेरे उपरोक्त मोबकिलगण एन० ई० रेलवे विभाग में रेलवे स्टेशन गोला के अन्तर्गत कैबिन् मेन के पद पर कार्य रत हैं तथा विभागीय नियमानुसार अधिकारियों के निदेशानुसार कर्तव्यों का निर्वहन करते हैं ।

धारा २- यह कि उपरोक्त कैबिन मैनों की कैबिन व ड्रासिंग गेट पर सम्बन्धित अधिकारियों द्वारा १२ बारह घंटे की ड्यूटी लगाई जाती है तथा इस प्रकार का कार्य लगभग ३ वर्ष से अधिक अवधि से उन से लिया जा रहा है जब कि नियमानुसार उन्हें पारिश्रमिक वेतन ८ घंटे का ही दिया जाता है तथा शेष ४ घंटों का कोई भी अतिरिक्त भुगतान उन्हें नहीं दिया जाता है।

धारा ३- यह कि उपरोक्त जोगों को १२ घंटे की ड्यूटी लगातार करने के मध्य कोई भी रिलीफ नहीं दी जाती है तथा कोई अन्य सहायक भी नहीं रहता है। इस बीच मौज्जा व लंच का अवकाश भी नहीं दिया जाता है। उक्त समय पर उन कठिनाइयों की ओर उच्चाधिकारियों का ध्यान उस ओर दिलाया जाता रहा है किन्तु कोई भी उचित कार्यवाही अभी तक नहीं की गई है। इस संवैधानिक संरक्षण व मानवाधिकारों की सुरक्षा के बजाय निरन्तर शोषण की प्रक्रिया जारी है जिस से व्यक्तिगत हानियों के साथ साथ राष्ट्रीय हानि व दुर्घटनाओं की सम्भावनाएं बनी हुई हैं तथा किसी भी अन्य कोई क्षति पहुंच सकती है जिस की सम्पूर्ण जिम्मेदारी सम्बन्धित विभागीय उच्चाधिकारियों पर होगी।

धारा ४- यह कि रेलवे विभाग के नियमों के अनुसार कोच क्लास के गेट कीपर्स व कैबिन में से केवल ८ घंटे की ही ड्यूटी ली जानी चाहिए तथा उस से अधिक समय तक काम लेने पर उन्हें उक्त समय का अधिक पारिश्रमिक दिया जाना चाहिए किन्तु उक्त शोषण व प्रष्ट अफसर शाही की तरफ से मोकदमलों ने समय समय पर उच्चाधिकारियों का ध्यान आकृष्ट कराना तथा पंजीकृत प्रार्थना-पत्र भी दिए गए किन्तु अभी तक कोई भी सन्तोषजनक उचित कार्यवाही नहीं की गई जो कि नियम विरुद्ध है।

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धारा ५- यह कि नैतिक व क़ानूनी दृष्टि से ४ घंटे अतिरिक्त डिबूटी देने की अवधि का पारिवर्त्मिक पाने का मेरे उक्त मोवदिकों को वैधानिक अधिकार है तथा गत एक वर्ष की अवधि में जब से उपरोक्त व्यक्ति अपनी डिबूटी कर रहे हैं उस क़ाया को प्राप्त करने का उन्हें अधिकार है ।

अतः उस ज़ापन द्वारा आप को सूचित किया जाता है कि ज़ापन पाने की ६० दिन की अवधि के अन्दर नियमानुसार मेरे उपरोक्त मोवदिकों को ४ घंटे अतिरिक्त डिबूटी के वांछित प्रतिलिपि का भुगतान तुरन्त कर दें तथा भविष्य में भी अतिरिक्त डिबूटी लेने पर उन्हें उस का पारिवर्त्मिक देने की क़ारन्टी प्रदान करें क़ा ज़ापन की अवधि समाप्त होने पर उचित न्यायालय में आप के व सरकार के विरुद्ध वाद प्रस्तुत किया जाएगा तथा उस के सम्मुख उसे व उसे के ज़िम्मेदार ज़ाप होंगे ।

ज़ापन दाता :-

ह०।- श्रीजी अपठनीय

२६-१

( कम्ला ज़ाद तिवारी ) ज़ापि

दिनांक २६-१-८० ई० ।

द्वारा - श्री रविशरण सिंह लो,  
रजिस्ट्रार ।

सत्य प्रतिलिपि

(36)

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

Civil Misc.Application No.                      of 1981.

INRE:

WRIT PETITION NO.: 1978 of 1980.

UNION OF INDIA THROUGH ITS GENERAL  
MANAGER & OTHERS.                      .. .. . APPLICANTS.

VERSUS:

SULTAN AHMAD & OTHERS.                      .. .. . PETITIONERS.

VERSUS

UNION OF INDIA & OTHERS.                      .. .. . OPP.PARTIES.

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APPLICATION FOR CONDONATION OF DELAY  
IN FILING THE COUNTER AFFIDAVIT.

The humble applicants named above beg to state  
as under:-

1. That in the above mentioned Writ Petition the Counter Affidavit could not be filed within the time allowed by this Hon'ble Court due to some unavoidable circumstances in collecting the informations from different offices of the Railway administration.
2. That the Counter Affidavit is ready and is filed.

Contd.....2

37

-: 2 :-

herewith. The same may be taken on record.

WHEREFORE, it is, most respectfully prayed that the delay in filing the Counter Affidavit may kindly be condoned and thereafter the same may be taken on record.

LUCKNOW:

DATED: :12.1981.

( UMESH CHANDRA )

ADVOCATE

COUNSEL FOR THE OPPOSITE PARTIES.

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

COUNTER AFFIDAVIT ON BEHALF OF THE  
OPPOSITE PARTIES NO.: 1 TO 3.

INRE:

WRIT PETITION NO.: 1978 of 1980.

SULTAN AHMAD AND OTHERS.      ..      .. PETITIONERS.  
VERSUS  
UNION OF INDIA & OTHERS.      ..      .. OPP.PARTIES.

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Counter Affidavit on behalf of the  
Opposite Parties no.1 to 3.

I \_\_\_\_\_, son of \_\_\_\_\_  
aged about \_\_\_\_ years, resident of \_\_\_\_\_  
\_\_\_\_\_, Assistant Personnel Officer, N.E.  
Railway, Lucknow, do hereby solemnly affirm and state  
as under:-

1. That the deponent is working as Assistant Personnel Officer, N.E. Railway, Lucknow and is conversant with the facts of the case.
2. That the deponent has read the contents of the

Contd.....2

Writ Petition and has understood the same.

3. That the deponent has been advised to <sup>raise</sup> ~~share~~ the following preliminary objections to the Writ Petition:-
4. That the matter covered in the Writ Petition under reply and the relief claimed therein do not fall within the scope of Article 226 of the Constitution of India. Even other-wise the petitioner has no cause to involve the extra ordinary jurisdiction of this Hon'ble Court under the said Article.
5. That no legal right of the petitioner has been infringed. So as to invoke the indulgence of this Hon'ble Court in those extra ordinary proceedings. The claim of the petitioner is not justifiable <sup>cia</sup> in this writ petition and the same is, as such, wholly misconceived.
6. That the petitioners have filed the present writ petition on the ground that the job held by them should be declared as "continuous" and not as "essentially intermittent" under hours of employment regulations on the basis of the other staff of the categories of the petitioners working on other sections and stations carrying greater work load. The petition under reply therefore raises disputed question of facts which, it is not proper to go into and adjudicate upon in those extra ordinary proceedings under Article 226 of the Constitution. More so in the present writ petition, the relief sought by the petitioners necessarily involves the facts as to whether the petitioners are entitled

-: 3 :-

to the classification as "continuous" or not. This Hon'ble Court will not sit to re-call evidence in order to decide as to whether or not the job and work load of the petitioners entail classification as "continuous" and from what date.

7. That the competent authority has declared the posts held by the petitioners as "essentially intermittent" on the ground that the daily hours of duty of the Railway servant ~~marking~~ normally include period of inaction aggregating six hours or more. The posts held by the petitioners was so declared in terms of powers conferred on the competent authority under section 71-A(b) of the Indian Railways Act and it is not open to the petitioners to challenge the said declaration made by the competent authority. The writ Petition, is therefore, not competent.
8. That the posts of Cabinmen at Golagokarannath was classified as "essentially intermittent". The appeal against the said classification should have been made by the incumbents of the said posts before the authority. No appeal was filed against the said classification of job of Cabinmen at Golagokarannath Railway station. The present writ petition, is therefore, wholly belated one and premature and merits dismissed on this score itself.
9. That in accordance with the instructions contained

in Railway Boards letter no.E(CC)73/NER/24 dated 13.5.74 about computation of sustained attention in the case of Cabinmen, practical portion and work load at the stations were examined and re-considered and it was not found justified to change the classification of Cabinmen from "essentially intermittent" to "continuous" at Golagokarannath, Lakhimpurkheri and Hargaoon stations.

10. That the petitioners are not entitled to overtime allowance on their present classification of post as "essentially intermittent" and their application dated 26.3.81 praying for directions from this Hon'ble Court for interim order for payment of over time allowance is misconceived and not maintainable.
11. That the contents of paragraph 1 of the writ petition are not disputed.
12. That the contents of paragraph 2 of the writ petition are admitted except that the employment of the petitioners is intensive in nature. The category of the petitioners at their station of posting has been rightly classified as "essentially intermittent" under the rules of House of employment regulations by the competent authority and their roster for duty has been correctly made out by the Railway administration considering their nature of duty.
13. That in reply to para 3 of the writ petition, it is stated that the petitioners have not stated

the names of the stations to enable the deponent to give specific reply. It is however, submitted that classification of employment and roster for duty hours are dependent upon the work load at a particular station and cabin keeping in view, the period of inaction (non-working) during the hours of the duty of staff. According to the rules, the roster of duty hours of "essentially intermittent" worker include a minimum of 6 hours period of in-action in which there is an interval of an hour or two period of half-an-hour between the two periods of work. The petitioners are not doing continuous duty for 12 hours as alleged and the statement contrary to it are denied.

14. That the contents of paragraph 4 of the writ petition are admitted except that of running of 4 Sugar cane trains every day. It is submitted that running of sugar cane trains are confined during the cane session from November to April each year and this aspect was considered at the time of classification and preparation rosters for duty.
15. That the contents of para 5 of the writ petition are denied being not correct. On Golagokarannat line (MBP-MLN station), except Mailani station other stations for Cabinmen have been classified Essentially intermittent as that of the petition. Mailani station is a junction station and has work load and its classification is not applicable for other stations having lesser work.

16. That the contents of paragraph 6 of the writ petition are not admitted. There is no application of the petitioner on the record of the Railway administration as alleged. The petitioners are not doing 12 hours of duty as classified. As such the question of grant of overtime allowance does not arise.
17. That the contents of para 7 of the writ petition are not admitted as alleged. There is no letter as alleged on the records of the Divisional Superintendent Lucknow.
- ✓ 18. That in reply to para 8 of the writ petition, it is stated that the Railway Board under their letters no.:E(LL)/73/NER/24 dated 13.5.74 made reference to the railway administration for examining the classification. In pursuence of the Railway Boards suggestions, job analysis was conducted for the category of Cabinmen including Golagokarannath station to examine the change in the existing classification and after examining all the factors and circumstances, it was not found justified to make change in the existing classification as Essentially Intermittent to that of "Continuous". A copy of Railway Board's letter dated 13.5.74 is annexed with this Counter Affidavit and marked as Annexure A-1.
19. That the contents of para 9 of the writ petition are denied. No legal memorandum as alleged has been

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NS/CCS

# VAKALATNAMA

Before  
in the Court of

Central Administrative Tribunal Circuit Bench/Lucknow

TAN 689 of 1987 CAT/Lucknow  
681

Plaintiff -  
Defendant

Sultan Ahmad

Claimant  
Appellant

Versus

Defendant  
Plaintiff

Union of India

Petitioner  
Respondent

The President of India do hereby appoint and authorise Shri. A. N. Verma Railway

Advocate/Lucknow

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

The President hereby agree to ratify all acts done by the aforesaid Shri. A. N. Verma Railway

Advocate/Lucknow

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 ..... 198 .

Dated ..... 198

एएच एंड ई कार्यालय अधिकारी,  
प्रबोधिनी, लखनऊ  
Designation of the Executive Officer,  
Gr. Divisional Railway, Lucknow.

NER-84850400-8000-4 7 84

for union of india

0 pro 1

Accepted  
A. N. Verma

VAKALATNAMA

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Before  
In the Court of

central Administrative Tribunal  
circuit Bench Lucknow

T A No. 6012 of 1987

Sultan A. Ahmad Applicant

Versus

Union of India and others

Mr. K. P. Singh Divisional Railway Manager, NER  
Lucknow

do hereby appoint and authorise Shri. A. H. Verma

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

I/We hereby agree to ratify all acts done by the aforesaid Shri. A. H. Verma  
Railway Advocate, Lucknow  
in pursuance of this authority.

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

day of 1987

Accepted  
Sdr.

Sanjay Singh  
Divisional Railway Manager  
N.E. Railway-Lucknow

o p m

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW  
BENCH, LUCKNOW.

T.A. No: 681 of 1987

SULTAN AHMAD & OTHERS. ----- Petitioners

Versus

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

Rejoinder reply on behalf of  
Petitioner to the Counter-Affidavit  
and supplementary reply filed on  
behalf of opp. party no. 1 to 3

I, SULTAN AHMAD, aged about 59 years ,

retired Cabonman, Railway Station Gola Gokran Nath

District Kheri, N.E. Railway, do hereby solemnly

and state as under:-

- 1- That the contents of Counter affidavit  
and Supplementary reply filed on behalf of  
opposite parties no. 1 and 2 has been  
read over and explained to the applicant,

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; 2;

who has understood its contents thereon and  
is in a position to reply the same,

- 2- That the contents of para 1 and 2 of the Counter Affidavit needs no reply.
- 3- That the contents of para 3 to 25 of the Counter Affidavit are denied and the facts stated in para 1 to 15 of the writ petition (now claim ~~as~~ application) are re-iterated.
- 4- That the contents of para 1 to 3 of the Supplementary reply are not denied.
- 5- That the contents of para 4 of the Supplementary reply are specifically denied being incorrect and wrong and it is stated that overtime allowance w.e.f. September 1976 to 15.3.1986 to the petitioners have yet not been paid and the opposite party no. 1 to 3 are legally bound to pay said amount of overtime allowance.
- 6- That Hon'ble High Court, Allahabad, Lucknow Bench, Lucknow in W.P. No. 1978/1980 has ordered the opp. parties to pay the overtime allowance to the petitioners vide its order dated 2.

सुलतान जहांगीर

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;3;

which is as follows:-

Hon'ble U.C. Srivastava J.

"Heard, In case any overtime work is being done by the Petitioner, the opp. parties are directed to pay him overtime allowance."

Sd/- U.C. Srivastava

dt. 2.4.1981

7- That the opp. parties have yet not paid the overtime allowance to the petitioners for the period of September 1976 to 15.3.1986 even after the orders of the Hon'ble High Court dated 2.4.1981.

8- That petitioner No.2 Kamalu Prasad Tiwari has died in the year 1987 and his legal heirs have yet not been substituted, hence at present no claim for late Smt. Tiwari is being made at present by the deponent.

9- That the post of Cabinman has been classified

सुवर्ण डिप्लोमा

intensive under the Hours of Employment Rules 1931 read with the Indian Railway Act 1930 which is reproduced below:

Classification

The Railway employees are classified as under:-

(i) Intensive.

(ii) Essential Intermittent.

(iii) Excluded Staff.

(iv) Continuous.

(i) INTENSIVE: Only that Staff is declared to be "intensive" whose work is of strenuous nature involving continuous concentration of mind or hard manual labour with little or no periods of relaxation. The Staff covered by this class includes Singlers, Wireless Operators, Cabinman, Section Controller etc.

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made in the relevent Railways

Hours of Employment Rules 1931

the Opposite parties are duty

bound to pay the petitioners

over time allowance with effect

from September 1976 to 15.3.1986

- 11- That in view of the aforesaid facts it is quite clear that the opposite parties No. 1 to 3 have yet not paid the just, and legal overtime allowance to the petitioner with effect

सुप्रीम कोर्ट

contd--6/

;6;

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September 1976 to 15.3.1986

LUCKNOW:

DATED: 24.4.91

सुल्तान अहमद

Petitioner

T.N. Gupta  
Advocate  
Counsel for  
Petitioner.

VERIFICATION

I, Sultan Ahmad, do hereby

verify that the contents of

para 1 to 11 of this Rejoinder

reply are believed to be true to

my own knowledge and legal advice.

Signed and verified this day

of April 1991 within Court Compound

at Lucknow.

LUCKNOW:

DATED: 24.4.91

सुल्तान अहमद

Petitioner.

Bencher copy.  
(9)

IN THE HON'BLE COURT OF JUDICATURE AT ALMAD.  
JUDICIAL OFFICE.

O.S. Application No. ( ) of 1981.

In re:

rit Petition No. 1978 of 1980.

1. Sultan Ahmad, son of Abdul Kari, Cabinman, Gola Gokaran Nath, N.E. Railway, District Lakhimpur Khori.
2. Kamla Prasad Tewari, son of Anandiyas Lal, Cabinman, Gola Gokaran Nath, N.E. Railway, District Lakhimpur Khori.
3. Brahma Dutt Pandey, son of Dalal Pandey, Cabinman, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur Khori.

... Petitioners.

versus

1. Union of India, through General Manager, N.E. Railway, Gorakhpur.
2. Divisional Railway Manager, N.E. Railway, Lucknow.
3. The T.L. Mailani, N.E. Railway, Mailani, District Lakhimpur Khori.
4. Labour Enforcement Officer & Central, Lucknow.

... Opposite parties.

APPLICATION FOR STAY

The humble petitioners above named most respectfully sheweth:

For the facts and reasons stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble court be pleased to order the opposite parties to pay overtime allowance to the petitioners

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-2-

pendin disposal of the writ petition and an  
ad interim order to this effect may kindly be  
granted for seeking the ends of justice and  
equity.

Acknow, dated:  
March 26, 1981.

( I. N. Gupta )  
Advocate,  
Counsel for the petitioners.

T. e. g.

(11)

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

---  
C.M. Application No. (W) of 1981.

In re:

Writ Petition No. 1978 of 1980.

Sultan Ahmad and others. ... Petitioners.

Versus

Union Of India and others. ... Opposite parties.

A F F I D A V I T.

In Support of Application for stay.

I, Kamla Prasad Tewari, aged about 50 years,  
son of Kanhaiya Lal, Cabinman, Gola Cokaran Nath, N.E.  
Railway Station, District Lakhimpur Kheri, do hereby  
solemnly affirm and state on Oath as under:

1. That the deponent is petitioner No.2 in the  
above noted writ petition and as such he is fully  
conversant with the facts of the case deposed to herein.
2. That the above noted writ petition was admitted  
on 2.9.1980 but till date no counter-affidavit has been  
filed by the opposite parties.
3. That the petitioners are doing 12 hours continuous  
duty without any interval or rest since 1976 and hence

12

the are goind 4 hours extra duty without any overtime payment.

4. That the petitioners are sustaining loss and also injury of a substantial nature.

5. That it is necessary that the petitioners be paid overtime allowance in the circumstances of the case.

6. That the opposite parties are causing delay so they are not filing the counter-affidavit as directed by this Hon'ble Court.

7. That it would be expedient in the interest of justice and equity that this Hon'ble Court be pleased to order the opposite parties to pay overtime allowance to the petitioners pending disposal of the writ petition and an ad interim order to this effect may kindly be passed meanwhile.

Lucknow, Dated:  
March 26, 1981.

Deponent.

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 5 of this affidavit are true to my own knowledge and contents of paragraph 6 are believed by me to be true. No part of it is false and nothing material has been concealed so help me God.

Lucknow, Dated:  
March 26, 1981.

Deponent.

I identify the deponent who has signed this affidavit before me.

( T.N.Gupta )  
Advocate.

Cabui mau = 8th. - one line

Chyn xv  
Raukey East Heles  
Pore  
Rye  
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