

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No.----- 601 190.6...

...S. A. N. Ahmad..... (W.P. 1918(B))..... Applicant.

Versus

.....V. Respondents.

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

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Nil

Dealing Clerk

RN)

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50(5)

ANNEXURE -A

CAT

1

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

INDEX SHEET

CAUSE TITLE TA 681 of 1987 (T)
W.P 1978/80

NAME OF THE PARTIES

Sulthan Ahmed & others Applicant

Versus

U.O.I. (N.I.E. Rly) & others Respondent

Part A, B & C

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17/6/1980
One imprecess Re 50. - cop
Five Adhesive Re 50. - cop
Final Re 100. - cop
Correct but ~~3~~ ~~Court fee report~~
will be ~~receipt of labor~~
~~Court room~~

Writ Mandamus
Recd
5/5/80

17/6/1980

Hon.ble D. N. Thakur
Hon.ble K. S. Varma, I

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

17/6/1980

17/6/1980

Received
Affidavit
17/6/1980
17/6/1980
17/6/1980
17/6/1980
17/6/1980
17/6/1980
17/6/1980

(3)

Hon. T. S. Burgess.

Hon. Warren S.

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

ORDER SHEET

REGISTRATION NO. 681 of 1987.(T)

Sultan Ahmad.

APPELLANT
APPLICANT

DEFENDANT
RESPONDENT

VERSUS

U.O.C.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complie with anddat of compliar
<u>26.11.07</u>	<p>Hon. Mr. D.K. Agarwal, J.M. Hon. Mr. K. Obayya, A.M.</p> <p>Applicant is present. Advocate Sri A. Bhargava, counsel for the respondents is also present. The case is adjourned to 16.11.07. for order.</p> <p><i>P</i> A.M.</p>	<p>This case has received for adjd. on 13. Case is adjd. Court has filed. No reporter Notices in form CAT, A submitted o</p>
<u>11-11</u> noted for adjournment, + Smt. 16/11/07 A.M.	<p>No sitting. Adj. to 16.11.07. Counsel for applicant is present.</p>	<p>L 16/11/07</p>
<u>5/1/08</u> Hons. Majid A.M.	<p>Hon. Justice K. Prithi, V.C. Hon. K. Obayya, A.M.</p> <p>Rebukalastmanam of Smt A.N. Verma was filed on behalf of opposite parties 1 & 2. Rejoinder has not been filed. Dis. the case for final hearing on 5/3/08.</p> <p><i>P</i> A.M.</p>	<p>Submitted order 9/11</p>
		<p>No R.A.T. S.E.H.</p>

TA 681/67 ①

6.9.90

No sitting adj to 26.9.90

②

OR

S.F.Y. L 13/11/90

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

⑩

OR

S.F.Y.

L 13/11/90

16.11.90

No sitting adj to 20.12.90

⑪

20.12.90

Adj to 7.3.91.

⑫

(46)

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1978 of 80 of 197

Sultan Ahmad & Others vs. Union of India & Anr.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	<p style="text-align: center;">Hon. & N. Jha 9/</p> <p style="text-align: center;">Hon. K. S. V. 9</p> <p style="text-align: center;">The learned Counsel for the N.E.Railway is allowed six weeks time to file a Counter affidavit.</p> <p style="text-align: center;">not thereafter for orders</p>	
		SD & A 2
		SD K.S. V.
		Q. 7.80
	D. 9. 80 for	13
	order	
2-9. 80	writ for order.	
		Hon. Misra J.
	<p style="text-align: center;">A due time notice for 11/29/80</p> <p style="text-align: center;">A due time notice for 11/29/80 should deposit sum amount of</p>	
		15.9.80
	Service report.	2-9-80
	<p style="text-align: center;">All the opp.-parties are served</p> <p style="text-align: center;">through of Standing Counsel, Office</p> <p style="text-align: center;">to proceed in Ordinary Course.</p>	
		S.P.M.
		16.12.80
		S.O.G.J.B)

free BLC

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 Brahma 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 ~~Eastern~~ ¹ 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 "Essential Intermittant" was not acceded to by the respondents who held on to the view that the nature of duty being essentially intermittent 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 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 Member's 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 ^{as of September 1976,} after working out the full details of the overtime allowance earned by the petitioner in accordance with the extant rules. The will be no order as to costs.

Amir Syed
Member (A)

U
Vice Chairman

Dated the 19 Sept., 1991.

RKM

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

Writ Petition No. 1970 of 1980.

WIT PETITION

UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

Sultan Ahmad and others. . . . Petitioners.

Versus.

Union of India and others. . . . Opposite partie

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6.	Annexure No. 4.	18 to 20
7.	Power.	21.

Presented by:

*T.N. Gupta
Advocate*
(T.N. Gupta)
Advocate,
April 29, 1980.

Lucknow, Dated: Counsel for the petitioners
April 29, 1980.

911

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9

I have this

day of

197

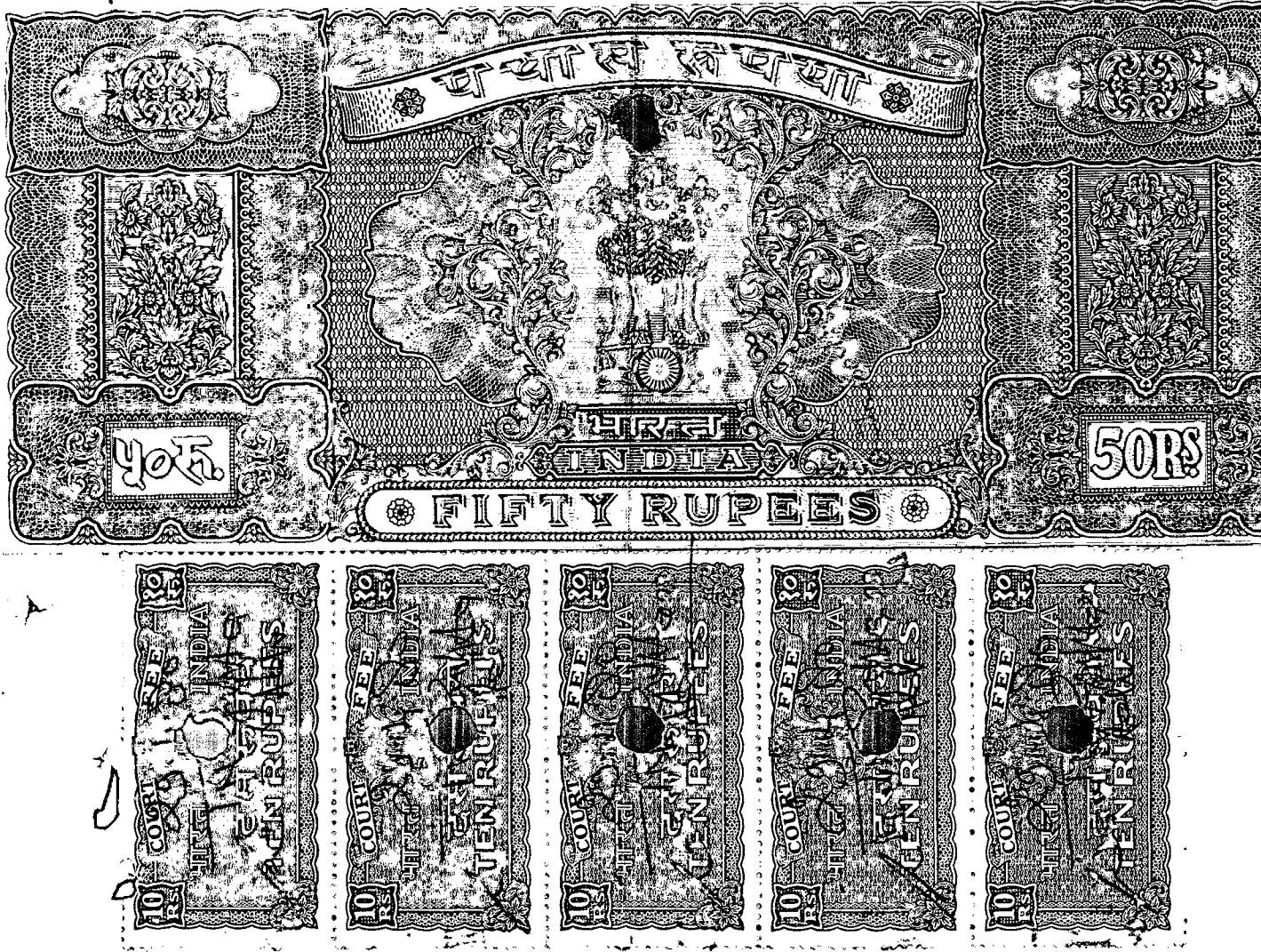
examine the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. , that all orders have been carried out, and that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

Date.....

Munsarim
Clerk.

INDIA COURT FEE

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

Writ Petition No. 1978 of 1980.

WIT PETITION

UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

1. Sultan Ahmed, 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. 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.R. Gorakhpur.

Cont - 2



Solemnly affirmed before me on 29.4.80
at 9.00 a.m./p.m. by Sri Sultan And.

the deponent who is identified by

Sri T. N. Gupta

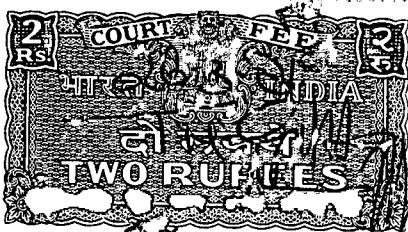
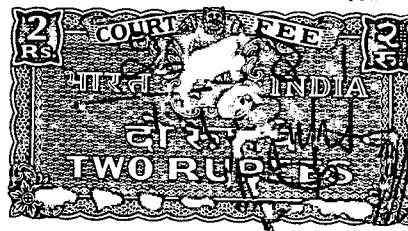
clerk to Sri

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. D. K.

SRI K. K. KALIAWALI	
Advocate, M.A., LL.B.	
1653 - 1655, Allahabad,	
Lalbagh, Allahabad	
No.	226/180
Date.	29/4/80



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

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

In re:

Writ Petition No. 1978 of 1980.

1. Sultan Ahmad, son of Abdul Ghani, Cabinman, Gola Gokaran Nath, N.E.Railway, District Lakhimpur Kheri.
2. Kamla Prasad Rewari, 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. Divisional Railway Manager, N.E.Railway, Lucknow.
3. The T.I. Railani, N.E.Railway, Railani, District Lakhimpur Kheri.
4. Labour Enforcement Officer (Central) Lucknow.

... Opposite parties.

APPLICATION FOR STAY

The humble petitioners above named most respectfully showeth:

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

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-451(50)/78 dated 16th August, 1978 to the Divisional Superintendent, N.E.Railway Ashok Nagar, 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-451(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.

K. Dutt
29/1

29/1/80

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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.



ग्रन्थ 31293

Cont - 6

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 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

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 continuous duty from the petitioners.
- III. Because the petitioners have been denied

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 :-

ग्रन्ती द्वारा

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

Cont.-D

- (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 3 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.

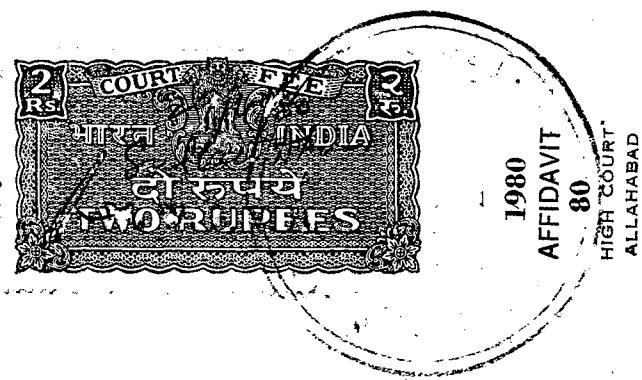
Lucknow, Dated :
April 29, 1980.

Counsel for the petitioners.

(T.N. GUPTA)

Advocate,

T.N. Gupta
Advocate
29/4/80



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

Writ Petition No. of 1980.
AFFIDAVIT.
In
WIT PETITION

UNDER ARTICLE 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 Gokrannath, 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
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.

ज्ञान अमृत

इन दि जानरेबुल हाई कोर्ट आफु जुडिकेवर एट इलाहाबाद,
लखनऊ बैन्च, लखनऊ ।

प्रिट पिटीशन नम्बर आफु १६८०

सुलतान गहमद तथा अन्य --- पिटीशन
बनाम

यूनियन आफु इण्डिया तथा अन्य --- अपोजिट पाटीज
सनेक्जर नम्बर १

श्रीमान् जनरल मैनेजर गोरखपुर,
पूर्वोंपर रेलवे ।

दारा - उचित मार्यम

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

तेवा में स्विनय निवेदन है कि हम प्रार्थीगणों से जो बारह घटे डियूटी लिया जा रहा है ।

(१) कैविन फै स्टेशन से दूर रहता है और वह डियूटी के अन्दर कैविन नहीं छोड़ सकता है । क्यों कि कैविन मैन की सहायता करने वाला कोई नहीं है । सिवार स४० रम० के ।

(२) बारह घटे डियूटी में प्रार्थी को कामया जावे कि वह हैः वजे सुबह ६, १८ वजे शाम तक कैसे वह खाना बना सकता है । सेफूटी के कूली से बारह घटे खाना न बनाने से हेल्प द्वारा हो जाएगा तथा एक्सीडेंट और डिटेन्शन होने की सम्भावना है ।

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

मुलाकात अद्यम

वास्ते स्टेशन मास्टर इम्बाल बाटर में तथा सफ्टार बाला भी रहता है। सिफ़े उड्ढन केलियर देता तथा हुश क्लिंग रखता है। उड्ढन क्लियर रस० रम० हुद के देता है। यह उपरोक्त आदमियों से दिला देता है।

(४) इस प्राथीगणों का काम ऐसा है कि कोई दूसरा नहीं कर सकता है। दोनों हालत में प्राथीगणों की डियूटी आठ घंटा करने के बास्ते आज्ञा प्रदान करें। मेरे और रस० रम० के काम में थोड़ा जा अन्तर है। लेकिन उन से आठ घंटा डियूटी लिया जाता है। और प्राथीगणों से डियूटी बारह घटे लिया जा रहा है।

(५) जब कि उडारी गाड़ी बारह, माल गाड़ी आठ, गन्ना गाड़ी बार हुआ चौबीसि गाड़ियाँ हैं। बाया रूप गोड़ा से गोरखपुर कैबिन में आठ घंटा डियूटी करता है। उसने ही गाड़ियों पर मुक्के ते बारह घटे डियूटी लिया जा रहा है। जब कि रुलिंग कहता है कि बारह घंटा डियूटी करने वाले को दो घंटा हुटी साना साने कराने के लिए मिलता है। या तो हुटी दो घंटा दिया जास या तो दो घंटा का ऊपर तम्य दिया जाए। नहीं त प्राथीगणों की डियूटी आठ घंटा करने के बास्ते आज्ञा प्रदान करें।

(६) कहने के बास्ते, प्राथीगणों को परमोर्शन दिया गया क्या यहीं परमोर्शन है कि इस लोगों के न तो तन्त्रबा में रद्दी-बदल ही किया जाया है न तबादला इलाउन्स दिया जाया। बल्कि उसी स्टेशन से २१५ किलो मीटर पर भेजा जाया। उसी तन्त्रबाह पर और आठ घटे की जाह पर बारह घंटा डियूटी लिया जा रहा है। क्या परमोर्शन इसी को कहते हैं।

(21)

(43)

१०

१०

(७) उपरोक्त बातों पर व्यान केते हुए मेरे तन्त्रवाह में रद्दी-
किया जाए । तथा बाठ घटे डियूटी करने की जाज्ञा प्रद
करें । और उपरोक्त बातों पर व्यान नहीं किया गया
हम प्राधीनिक एक्टिवेन्ट या डिटेन्शन के विमेदार नहीं
हैं ।

६-१-७७

प्राधीनिक,

- १- ३० ब्राह्मदेव पाण्डेय कैविन नैन
गोला गोकर्णनाथ,
- २- कमला प्रसाद तिवारी कैविन नैन,
गोला गोकर्णनाथ,
- ३- शिव दास पाण्डेय कैविन नैन,
गोला गोकर्णनाथ,
- ४- सुलतान बहमद कैविन नैन, गोला
- ५- ३० बलदेव प्रसाद कैविन नैन

प्रतिलिपि (१) श्री० जी० जौ० पी० रत्न० यादव, दन० ई० आर०
गोरखपुर ।

- (२) श्री० डी० रत्न० राहव, दन० ई० आर०, लखनऊ ।
- (३) श्री० डी० रत्न० बी० राहव दन० ई० आर०, लखनऊ
- (४) श्री० ईवर कमिल्लर कानपुर ।
- (५) श्री० डी० बाई० राहव दन० ई० आर०, भैलानी ।

क्रान्ति

आव्यक कार्यालय हेतु

शा प्र०

सत्य प्रतिलिपि

मुलाय औहम

22
140
JSD

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.

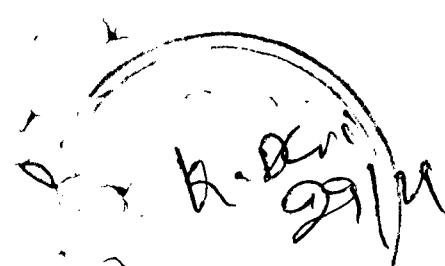
Telephone : Karyaley. Telephone : Office
Grah. residence.

Bharat Sarkar GOVERNMENT OF INDIA.
Sharam Mandaliya (BHARAT SARKAR)
Kariyaley Sharam MINISTRY OF LABOUR/SHRAM
Parvartan Adhikari PRANTRALAYA.
(Kendriya)
(In Hindi) OFFICE OF THE
LABOUR ENFORCEMENT OFFICER (CENTRAL
SHRAM PRAVARTAN ADHIKARI (KENDRIYA
KAKARYALAYA).

Asthan/Place:

Dinak/Tated: 16 August, 1978.

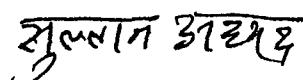
Sankhiya/No. No. Lko. 45/1 (50) /78.


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

Sub: Change of classification of cabinmen of Gola
Gokaran Nath Station from "EII" to "O".

Dear Sir,

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



(23)

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- 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 "E1" 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 Pardey etc.
Cabinman, Gola Gokaran Nath, Station N.E.Railway,
District Lakhimpur Kheri for information.

Sd/- Illegible.

LEO (C) Lucknow.

16.8.78.

True copy.

मुख्यमंत्री

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. 3.

Telephone. Telephone.

Bharat Sarkar.
Sharan Aur Purvas Mantralaya
(Sharam 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 45/1(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 "E1" to "G".

Dear Sir,

Please refer to your letter No.E/VII/230/
JA/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.

(25)

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(17)

Copy with a copy of letter No. E/VII/230/
JN/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.

LEO(C) Lucknow.

27.11.78.

KS/

True copy.

K. Dutt
29/4

कृष्णगढ़ अस्ट्रेटीज

(18)

(26)

इन दिन गान्धीजी कोटे आफू जुड़िकेर सेट छलाहाबाद,
लखनऊ बैन्च, लखनऊ ।

सिटी पिटीसन नम्बर आफू १६८०

सुलतान बहमद तथा अन्य --- पिटीसन
वनाम

पूनियन आफू इण्डिया तथा अन्य -- अपोजिट पाटीज़
सेक्युरिटी नम्बर ४

शापन

- | | |
|--|-------------------|
| १- कमला प्रसाद तिवारी पुत्र कन्हैया लाल | कैबिन नैन एन० ६५ |
| २- सुलतान बहमद पुत्र अब्दुल गुनी | रेलवे स्टेशन गोला |
| ३- तिव दात पाण्डेय पुत्र श्री राम लाल पाण्डेय | गोकर्णनाथ ज़िला |
| ४- ब्रह्मदत्त पाण्डेय पुत्र श्री राम लाल पाण्डेय | जीरी । |

वनाम

- | |
|--|
| १- भारत नारकार द्वारा जनरल मैजर एन० ६०० रेलवे, गोरखपुर |
| २- मण्डल वर्धाक महोदय, एन० ६०० रेलवे, लखनऊ । |
| ३- श्रीमान् रेख्शन टी० बाई० महोदय, मैतानी, एन० ६०० रेलवेके,
मैतानी ज़िला उत्तीनपुर-सीरी । |

नोटिस अन्तर्गत धारा द० बाह० द० ।

महोदय,

मुझे मेरे मोबिलिटी उपरोक्त ने निश्चे दिया है
तथा अधिकृत किया है कि मैं, आप को निम्न विषय का नोटिस
प्रेषित करूँ :-

धारा १- यह कि मेरे उपरोक्त मोबिलिटी एन० ६०० रेलवे विभाग
में रेलवे स्टेशन गोला के अन्तर्गत कैबिन नैन के पद पर कार्य
रत हैं तथा विमानीय नियमानुसार जिक्रारियों के
निर्देशानुसार कर्तव्यों का निवाह करते हैं ।

धारा २- यह कि उपरोक्त कैविन मैलों को कैविन व श्रापिं गेट पर सम्बन्धित जिक्राधिकारियों द्वारा १२ बारह घैट की डियूटी लगाई जाती है तथा इस प्रकार का कार्य लगभग ३ बजे से अधिक जब तक ते उन से दिया जा रहा है जब कि नियमानुकूल उन्हें पारीदृष्टिका वेतन द घैट का ही दिया जाता है तथा शेष ४ घंटों का दोहरी भी अतिरिक्त मुआदान उन्हें नहीं दिया जाता है ।

धारा ३- यह कि उपरोक्त लोगों को १२ घैट की डियूटी लगाता करने के मध्य कोई भी रिलीफ नहीं दी जाती है तथा कोई अन्य सहायक भी नहीं रहता है । इस बीच मौजन व लंबे का अवकाश भी नहीं दिया जाता है । सभ्य सम पर इन कठिनाइयों की ओर उच्चाधिकारियों का व्यापक इस ओर दिलाया जाता रहा है जिन्हें कोई भी उचित कार्रवाई अभी तक नहीं की गई है । इस संविधानिक उरक्षण व मानवाधिकारों-ने की तुरंदाज के बजाए निरन्तर शोषण की प्रश्निया जारी है जिस से अधिक उन्नत हानियों के दाय उपर राष्ट्रीय हानि व दुष्टीयों की सम्भावनाएं बनी हुई हैं तथा फिरी भी उभय कोई साति पुरुष उपती है जिस की सम्मूण ज़िम्मेदारी सम्बन्धित विभागीय उच्चाधिकारियों पर होगी ।

धारा ४- यह कि रेलवे विभाग के नियमों के अनुसार बी० क्लास गेट के परों व कैविन मैल से केवल द घैट की ही डियूटी ली जानी चाहिए तथा इस से अधिक समय तक काम लेने पर उन्हें उक्त समय का अधिक पारीदृष्टिका दिया जाना चाहिए किन्तु उक्त शोषण व प्राप्त अफसर शाही की तरफ़ मेरे मौवकिलों ने समय समय पर उच्चाधिकारियों का व्यापक आकृष्ट कराया तथा पंजीकृत प्राथीना-पत्र भी दिए गए जिन्हें बनी तक कोई भी सन्तोष जनक उचित कार्रवाई नहीं की गई जो कि नियम किस्त है ।

मुल्तान ३ अक्टूबर

(20)

४/३

(20)

धारा ५- यह कि नैतिक व कानूनी दृष्टि से ४ घटे अतिरिक्त डियूटी देने की अवधि का पारीग्रामिक पाने का मेरे उद्दत मोबाइलों को संवेधानिक अधिकार है तथा गत एक वर्ष की अवधि में जब से उपरोक्त व्यक्ति अपनी डियूटी कर रहे हैं उस कानूना को प्राप्त करने का उन्हें अधिकार है ।

अतः इस शापन द्वारा आप को सूचित किया जाता है कि शापन पाने का ६० दिन की अवधि के अन्दर नियमानुकूल मेरे उपरोक्त मोबाइलों को ४ घटे अतिरिक्त डियूटी के वांछित प्रतिफल का मुआतान तुरन्त कर दें तथा भविष्य में सी अतिरिक्त डियूटी लेने पर उन्हें उस का पारीग्रामिक देने की वारंटी प्रदान करें वर्ती शापन की अवधि समाप्त होने पर उचित न्यायालय में आप के व उसकार के किस्से वाद प्रस्तुत किया जाएगा तथा उस के अन्यूण हणे व हृदय के जिम्मेदार आप होगे ।

शापन दाता :-

ह०।- ज्ञे.जी अपठनीय

२६-१

(कमला प्रसाद तिवारी)

दारा - श्री रविसरन सिंह सौ.रे, राजकीय

दिनांक २६-१-८० ई० ।

भुलता १ अट्टम्य अत्य प्रतिलिपि



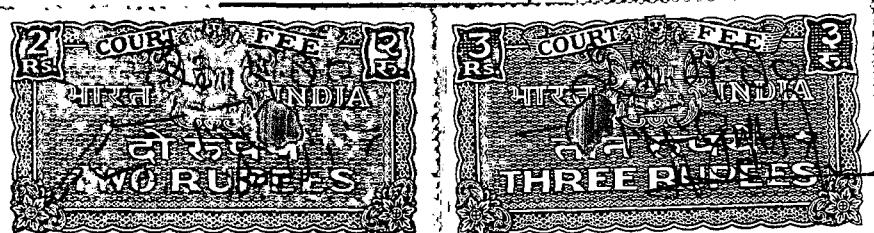
(21)

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वकालतनामा व अदालत श्रीमान
District High Court of Sardarshahar - Bikaner
Filed at Lucknow



Two²
Best
29
5/5/80

Sultani Ahmad 28/1/16

बनाम

वादी/अपीलांन्ट

याददाष्ट

न अग्रिम अद्वितीय सद्वि

प्रतिवादी/रेस्पार्टेन्ट

W. P. F.

9/1983

व मुकदमा व मुन्दर्जे उनवान में *Shri T. N. Gupta, M.A., M.Sc.* एडवोकेट को वकील अपना मुकर्रर 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 बगैरा पेश करें या मिनजानिव हमारे इजराय डिग्री क्राके रूपया या फितनी वसूल करें या राजीनामा अकबाल दावा मिनजानिव हमारे दाखिल करें या तसदीक करें या रूपया दाखिल किया हुआ फरीकसानी को वज्रिये खुद दस्तखत हमारे या अपने दस्तखत से लेवे या किसी मुकदमा में पॅच मुकर्रर करें या मिनजानिव हमारे अपील दायर करें व बहस करें वह सब साखता या परदाखता उनका किसल करदाजात हमको कबूल व मन्जर होगा लिहाजा वकालत नामा लिख दिया कि सनद रहे और वक्त जरूरत काम आवे ।

अललब्द द्वालग्न ताइम् अलब्द व्यालग्न उस्ताद् इलब्द भ्रमदादत्तग्नि लिलग्नि

गवाह.....गवाह.....

तारीख २९/८/८०

सरोज प्रेस लखीमपुर

Accepted
T. N. Gupta
~~10/10/2018~~
(T. N. Gupta)
Avocet

(31)

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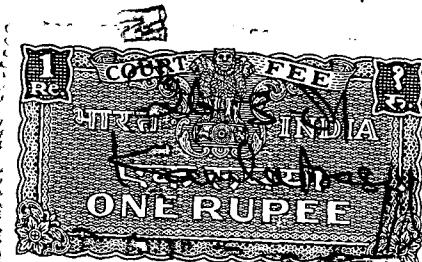
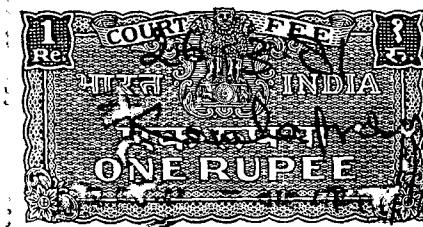
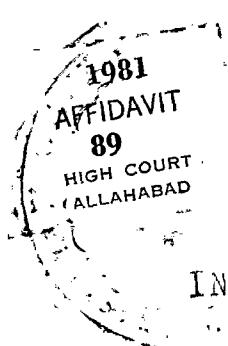
pending disposal of the writ petition and an ad interim order to this effect may kindly be granted for seeking the ends of justice and equity.



(T.N. Gupta
Advocate, 26/3/81

Lucknow, Dated:
March 26, 1981.

Counsel for the petitioners.



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

C.H. Application No. (J) of 1981.

In re:

Writ Petition No. 1978 of 1980.

Sultan Ahmad and others. ... Petitioners.

Versus

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

AFFIDAVIT.

In Support of Application for stay.

I, Kamla Prasad Tewari, aged about 50 years, son of Kanhaiya Lal, Cabinman, Gola Gokaran Nath, N.L. 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

✓: work grille
✓: front

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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.

T. N. Gupta 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.

T. N. Gupta Deponent.

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

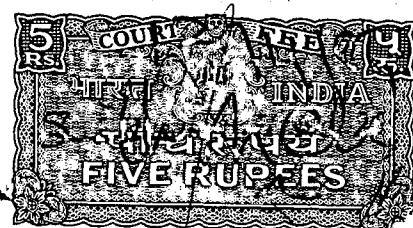
T. N. Gupta
(T. N. Gupta)
Advocate 26/3/81

(54)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW
C.M.A.W. (H). *Y/336/2* OF 1984.

N/A

The Union of India through Govt. Applicant



In re

Writ petition No. 1978 of 80

Shri M. A. Khan 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 filling counter affidavit may kindly be condoned and the counter affidavit may be brought on record.

Lucknow:

Dated:- April 13 1984

Abdul Gani
Counsel for Applicant/Opp.

Parties.

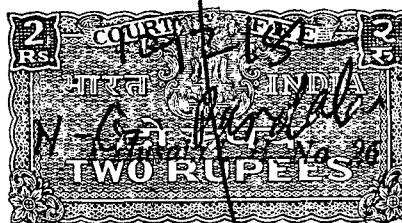
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:

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 N.G. Pandalai, son of Late Ravi Verma
aged about 51 years, resident of R.A. Kichwai Road
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

W. G. Pandalai
Contd.....

- 2 -

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Writ Petition and has understood the same.

- Yours trs

 3. That the deponent has been advised to ~~swear~~ 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 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

Contd.....3

-: 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 ~~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.

That in accordance with the instructions contained

J. S. Hanumantha Rao

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- 4 -

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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.

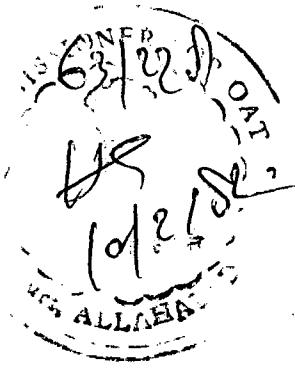
10. That the petitioners are not entitled to overtime allowance on their present classification of post as "essentially intermittent" and their dated 26.3.81 praying for directions application from this Hon'ble Court for interim order for payment of over time allowance is misconceived and not maintainable.
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



H. T. Patel

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 ^{"in season"} session from November to April each year and this aspect was considered at the time of classification and preparation ^{"of"} 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.



J. M. Lawlor

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

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)

(45) U 12
Xa
-: 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.

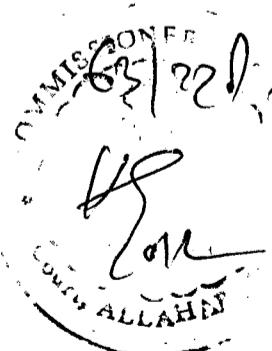
Sub: Computation of sustained attention
in the case of Cabinmen under the
hours of employment regulations.

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 vague 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

T. J. Lawrence



In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

T. A. No. 681 of 1987.

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.

संस्कृत कामिक अधिकारी
प्रशासनिक रेलवे, लखनऊ

संस्कृत कामिक अधिकारी
प्रशासनिक रेलवे, लखनऊ

2. That the proposal was accordingly made

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/CM/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 duly 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) ^{who} 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 became ~~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 boths of records and legal advice.

Lucknow.

Dated. 8.8.90

Asstt. Personnel Officer
North Eastern Railway,
Lucknow.
सहायक कार्मिक अधिकारी
पर्सनल ऑफिसर, लखनऊ

(3)

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

E. A. No. 681 of 1987.

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Sultan Ahmad.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties

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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-BUN 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.

~~महात्मा कामिनी ब्रह्मिकारी
पूर्वोत्तर रेलवे, लखनऊ~~

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


प्रद्यायक कामिनी ब्रह्मिकारी /
पूर्वोत्तर रेलवे, लखनऊ

No. E/VII/123/JA/GM/GK, LJN Dated 13.6.88

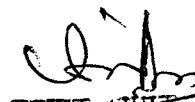
Copy forwarded for information and necessary action to :-

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.

राजस्थान संस्कृत कार्यालय अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

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True-copy.


संस्कृत कार्यालय अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

(5)

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

T. A. No. 581 of 1987.

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 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.

218140 मंस्त कार्यिक अधिकारी
पर्वत रेलवे, लखनऊ

2. That the proposal was accordingly made

वहायक कार्यिक अधिकारी /
पर्वत रेलवे, लखनऊ

and was sent to General Manager, Gorakhpur for approval. The approval was accordingly communicated and Station Superintendent Gola Gokaran Nath (G) was directed to implement continuous classification of Cabin crew vis-a-vis Memo. No. 1/18/123/8A/CI/GK dated 17.6.83. A true copy of Memo. dated 17.6.83 is being filed as Annexure 8-1.

3. That as a result of change of classification of Cabin crew at Gola Gokaran Nath Railway Station from B.I. to continuous with effect from 11.3.86, 8 hours duty of the pensioners has been implemented and the payment of extra time allowance for Rs. 3,121.00 for the period 16.3.86 to 24.9.88 has been made to pensioners No. 1 Mrs. Sulochana Choudhary, Sri Rama Prasad Sharma, (Pensioner No.2) has retired from service u.o.f. 30.6.87 and Sri D.D. Pandey (Pst. No.3) have not submitted their O.P. Books for payment.

4. That in view of the aforesaid to it the relief claimed by the pensioners has been fully implemented and no such opposition is liable to be filed.

Verification

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

Lucknow.

Dated. 9.8.90


Addl. Postmaster Officer
North Indian Railway,
Lucknow
पश्चिम काशीक अधिकारी /
पर्वतर रेलवे, लखनऊ

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(2)

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

E. A. No. 681 of 1987.

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Y

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 Station from E.I. to continuous with effect from 11.3.86 as communicated vide GM(P)/GK's Memorandum No. E/230/HER/JA-8/GK(IV) dated 4.1.88.

Two permanent posts of Cabinman/Maijapur Station of GD-BUN 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.

संस्थापक
संस्था कार्यालय अधिकारी
पूर्वोपर रेलवे, लखनऊ

संस्थापक कार्यालय अधिकारी /
पूर्वोपर रेलवे, लखनऊ

No. E/VII/123/JA/GM/GK. LJPN 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/LJPN

4. Sr. DUS/LJPN

5. Sr. DSU/LJPN

6. OS/BOS

7. OS/Cadre/Uptg. 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)/LJPN.

True-copy.

बहायक कामिक अधिकारी
दूसरे रेलवे, लखनऊ

सहायक संस्कृतिक अधिकारी
दूसरे रेलवे, लखनऊ

Bench copy

(9)

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,

20/3/19

-----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 (new 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.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 duty bound to pay said amount of overtime allowance.
- 6- That Hon'ble 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.

20/10/31/24

(11)

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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 Kamal 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-

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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) Centiveous.

(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.

10- That in view of the above clarification

3 5 3

made in the relevant 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 petitioners with effect

contd--6/

अग्रणी बटेंगे

(14)

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September 1976 to 15.3.1986

LUCKNOW:

DATED:

24.4.91

सुल्तान अहमद

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

Petitioner.

~~T.N. Ghosh
Advocate
Counsel for
Petitioner~~

TG

Bench 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 Ahmed and others. ... Petitioners.

Versus. ...

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

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7.	Power.	21.

Presented by:

(T.N.C. Gupta)

Advocate,

Lucknow, Dated: Counsel for the petitioners.
April 29, 1980.



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

Writ Petition No. of 1980.

WIT PETITION
UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

1. Sultan Ahmed, son of Abdul Ghani, Cabianan, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur-Kheri.
2. Kama Prasad Tevari, son of Kanhaiya Lal, Cabianan, Gola Gokaran Nath, N.E. Railway Station, District Lakhimpur-Kheri.
3. Brahma Dutta Pandey, son of Ram Lal Pandey, Cabianan Gola Gokaran Nath, 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.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 showeth:

1. That the petitioners are permanent employees 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. 269/-, 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 of 18 hours to 6 hours as there are only two Cabinmen on one Cabin at Gola Gokaran Nath, whereas in oth-

places on one Cabin three Cabinmen work with additional rest or reliever Cabinman, so on other places in this Railway the working hours of Cabinman 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 awfully 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.I. N.E.Railway, Maujganj, 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 Nagar, 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.

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 his Honourable Court under Article 226 of the Constitution of India, hence the petitioners prefers this writ petition on the following amongst other

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 are taking illegally 12 hours continuous duty from the petitioners.
- III. Because the petitioners have been der

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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:

-2-

- (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

[Signature]

(9)

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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

W R I T P E T I T I O N

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 Gokranath, 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.

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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 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.

(1)

(26)

एन डि बानेश्वर शाही कौटी वाफ़ा जुळिजेर देट छलापावाइ,
छलजा कैच, छलजा ।

ट्रिट प्रिटीशन नम्बर वाफ़ा १६८०

सुरतान लम्ब तथा क्ष्य --- प्रिटीशनसी

प्रामाण

यूनिवन वाफ़ा एण्डिआ तथा क्ष्य --- अमोजिट पार्टीज़

लेटेन्डर नम्बर १

श्रीमान् प्रारुद नैशर गोरखपुर,
पूर्वोद्दर रेलवे ।

प्रारा - उचित माध्यम

विषय :- बारह घटे छिंगुटी लगने के बारे में प्राप्तिनियत ।

लेखा में जक्किय निवेदन है कि हम प्राप्तिनियत से जो बारह घटे छिंगुटी लिया जा रहा है ।

(१) कैबिन फैक्ट्री स्टेशन से दूर रहता है और वह छिंगुटी के अद्दर कैबिन नहीं छोड़ सकता है । क्यों कि कैबिन कैन की सहायता करने वाला नहीं है । सिवार एस० एम० के ।

(२) बारह घटे छिंगुटी में प्राप्ती को लगाया जाते कि वह छेः बजे सुबह से १८ बजे शाम तक कैप्टे वह जाना क्या सकता है । सेफ्राटी के क्षूली से बारह घटे जाना न जाने से ऐत्य दूराव ही जाएगा तथा स्क्रीडेन्ट गो छिंगुटी लगने की सम्भावना है ।

(३) कार्टा वाला जो बारह घंटा छिंगुटी लेता है वह स्टेशन पर रहता है उस की सहायता या जाना जाने समय मिलता है क्यों कि कार्टा वाले की सहायता की

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वास्ते स्टेलन मास्टर इमाल बाटर में तथा सफाई वाला भी रहता है। सिफ़ि लालन कैलियर लेना तथा शुद्ध पिठीं रहता है। लालन किलियर रु००८० रु००९० रु००१० दे देता है। वह उपरोक्त वाक्यों से दिला देता है।

(४) इस घम प्राथीगिणों का काम ऐसा है कि कीड़ी दूसरा नहीं कर सकता है। ऐसी हालत में प्राथीगिणों की छियूटी बाठ धंटा करने के बास्ते आज्ञा प्रदान करें। मैरे बाँर रु००८० रु००९० के काम में थोड़ा सा अन्तर है। लेकिन उन से बाठ धंटा छियूटी लिया जाता है। बाँर प्राथीगिणों ने छियूटी बारह घटे लिया जा रहा है।

(५) जब कि सवारी गाड़ी बारह, माल नाड़ी बाठ, गन्ना नाड़ी चार कुछ चौपाई गाड़ियाँ हैं। बाया रूप गोड़े हैं गोरखपुर कैपिन में बाठ धंटा छियूटी करता है। उन्हें ये गाड़ियाँ पर मुक्त ते बारह घटे छियूटी लिया जा रहा है। जब कि रुहिंग कहता है कि बारह धंटा छियूटी करने वाले को दो धंटा हुट्टी राना साने कार्द के लिए मिलता है। या तो हुट्टी को धंटा दिया जाया या तो दो धंटा का ऊपर बम्ब दिया जाए। नहीं तो प्राथीगिणों की छियूटी बाठ धंटा करने के बास्ते बाजा प्रदान करें।

(६) कल्सी के बास्ते, प्राथीगिणों की परमोशन दिया गया। यहा यही परमोशन है कि हम लोगों के न तो तन्त्वार में रहो-बदल दो दिया गया है न तबाक्का इलाउन्स (इंडिया) दिया गया। बल्कि बस्ती स्टेलन से २१५ किलो मीटर पर भेजा गया। उसी तन्त्वार पर बाँर बाठ धटे की जाह पर बारह धंटा छियूटी लिया जा रहा है। यहा परमोशन इसी को कहते हैं।

(७) उपरोक्त बातों पर ध्यान देते हुए मेरे तन्त्रज्ञान में रखी दिया जाए। तथा आठ घटे छियूटी करने की बाज़ा प्रदा करें। आर उपरोक्त बातों पर ध्यान नहीं दिया गया। इन प्राथीगिण एक्सीडेंट या डिटेन्शन के ज़िम्मेदार नहीं हैं।

६०३-७७

प्राथीगिण,

१- ५० ब्रूम्हदत्त पाण्डेय केविन फैन
गोठा गोकणनिध,

२- कमला प्रसाद तिवारी केविन फैन,
गोठा गोकणनिध,

३- सिव दास पाण्डेय केविन फैन,
गोठा गोकणनिध,

४- हुलतान बस्मद केविन फैन, गोठा

५- ८० वल्देव प्रसाद केविन फैन

प्रतिलिपि (१) श्री० दी० जौ० पी० रक्ष० यादव, एन० ई० बार०
गोरखपुर।

(२) श्री उ० एन० यादव, एन० ई० बार०, लखनऊ।

(३) श्री उ० एस० लौ० साहब एन० ई० बार०, लखनऊ।

(४) प्रो० डैवर कमिल्लर जानपुर।

(५) श्री डी० बाई० साहब एन० ई० बार०, पेलानी।

क्रमागति

आवृत्तक लावीवाही लेख

शा० च०

सत्य प्रतिलिपि

(14) (29)

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

Writ Petition No. 1980.

Sultan Ahmed and others. ... Petitioners.
Versus
Union of India and others. ... Opposite parties.

ANNEXURE No. 2.

Telephone : Karyaley. Telephone : Office residence

Bharat Sarkar GOVERNMENT OF INDIA.
Shram Mandaliya (BHARAT SARKAR)
Karyaley Sharua MINISTRY OF LABOUR/SHRAM
Parvartan Achikari SAMRĀJĀYĀ.
(Kendriya)
(In Hindi)

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

Aastha/Place:

Dinak/Dated: 16 August, 1978.

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

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

Sub: Change of classification of cabinmen of G
Gokarannath Station from "E1" to "G".

Dear Sir,

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

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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 Purwas Mantralaya
(Sharam 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

Dirak/Dated the 27.11.78.

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

Sub: Change of classification of Cabinmen of Gola
Gorakharanath Station from "E1" to "G2".

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.

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

Sd/- Illegible.

L.E.O.(O) Lucknow.

27.11.78.

KS/

True copy.

(18)

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जन दि बानरेखुल हाई कोटी बाफ़ा बुजिलेर रेट छारावाप्र,
उरमजा बैन्च, उरमजा ।

रिट पिटीसन नम्बर बाफ़ा १६८०

सुलतान बस्तुद तथा अन्य --- पिटीसनसी

बनाम

यूनिकन बाफ़ा हण्ड्या तथा अन्य --- बपौजिट पार्टिज़ि
उनेक्ज़र नम्बर ४

रेटमन

१- कमला प्रसाद रिवारी पुन कन्छ्या लाल | कैबिन मैन रु० ६० रु०
२- सुलतान बस्तुद पुन बच्छुल गुरी | रेलवे स्टेशन गोला
३- शिव दास पाण्डेय पुन श्री राम लाल पाण्डेय | गोकर्णनाथ छिला
४- ब्रह्मद्वार पाण्डेय पुन श्री राम लाल पाण्डेय | तिरी ।

बनाम

१- भारत सरकार डारा जारु मौजर रु० ८० रेलवे, गोरखपुर
२० मण्डल अवीक्षण महोदय, रु० ८० रेलवे, उरमजा ।
३- श्रीमान लैक्चर टो० बार्ड० महोदय, बैलानी, रु० ८० रेलवे,
बैलानी छिला लतीमसुर-सीरा ।

नौटिल अन्तर्गत धारा द० बार्ड० ८० ।

महोदय,

मुझे भेरे नीवजिलगण उपरोक्त ने निझें दिया है
तथा अधिकृत किया है कि मैं, बान की नियन्त्रित विषय का नौटिल
प्रैषित द० :-

धारा १- यह कि भेरे उपरोक्त नीवजिलगण रु० ८० रेलवे विभाग
में रेलवे स्टेशन गोला के अन्तर्गत कैबिन मैन के पद पर बार्थ
रत हैं तथा विभागीय नियमानुसार वक्तागरियों के
निझेंनुसार इस्तेव्यों का निवारण करते हैं ।

--२ पर

धारा २- यह कि उपरोक्त कैपिन फैलों की कैपिन व ज्ञासिंग गेट पर सम्बन्धित अधिकारियों द्वारा १२ बारह घटे की छ्यूटी लगाई जाती है तथा इस प्रकार का कार्य लगभग ३ वर्षों से अधिक अवधि से उन से लिया जा रहा है जब कि नियमानुपूल उन्हें पारीक्रमिक वेतन व घटे का ही दिया जाता है तथा शेष ४ घटों का कोई भी अतिरिक्त मुआवान उन्हें नहीं दिया जाता है ।

धारा ३- यह कि उपरोक्त जीवों को १२ घटे की छ्यूटी लगातार करने के मध्य कोई भी रिलीफ़ नहीं की जाती है तथा कोई अन्य सहायक भी नहीं रखा है । इस बीच मौजूद व लंबे का व्यवकाश भी नहीं दिया जाता है । उम्म्य समय पर एन कलिनाइयों की ओर उच्चाधिकारियों का ध्यान एवं ओर दियाया जाता रहा है किन्तु कोई भी उचित कार्रवाई जमी तक नहीं की गई है । इस सर्वेवानिक संरक्षण व मानवाधिकारीलों की सुरक्षा के बजाए निरन्तर शोषण की ब्रह्मिया जारी है जिस से व्यक्ति-गत धनियों के दाघ इधर राझ्य हानि व दुष्टीयों की उम्मा कार्य की हुई है तथा किंतु भी उम्म्य कोई दाति पुँच तक नहीं है किंतु जिस की समूण फ़िल्मेवारी उम्म्यनिधि विभागीय उच्चाधिकारियों पर होगी ।

धारा ४- यह कि रेलवे फिल्म के नियमों के जुपार ली० क्लास के गेट कीपरों व कैपिन के से फेवल व पैटे की ही छ्यूटी ली जानी चाहिए तथा इस से अधिक समय तक काम लेने पर उन्हें उक्त उम्म्य का वीक्षण पारीक्रमिक दिया जाना चाहिए किन्तु उक्त शोषण व प्रष्ट ज़कर शाही की तरफ़ मेरे मौक्कियों ने समय उम्म्य पर उच्चाधिकारियों का ध्यान लाकृष्ण दरावा तथा पंजीदृक्ष प्राप्ति-क्र. भी फिर नह किन्तु दी तक नहीं भी इन्ताज जक्क उचित कार्रवाई नहीं की गई जो कि नियम विषद्द है ।

(20)

(35)

(21)

धारा ५- यह कि नैतिक व कानूनी दृष्टि से ४ घंटे अतिरिक्त छिंटी लेने की अवधि का पारीश्रमिक पाने का ऐरे उत्त मोबद्दिलों को उचितानिक बिधिकार है तथा नत इस वर्जे की अवधि में जब से उपरोक्त व्यक्ति अपनी छिंटी लर रहे हैं उस कानून को प्राप्त करने का उन्हें अविकार है ।

ज्ञान: उस ज्ञान धारा वाप को सूचित किया जाता है कि ज्ञान पाने की ६० घिन को अवधि के अंदर नियमानुकूल मेरे उपरोक्त मोबद्दिलों द्वा ४ घंटे अतिरिक्त छिंटी के वार्तिक्त प्रतिफल का मुआमल तुरन्त कर दें तथा अविष्य में सी अतिरिक्त छिंटी लेने पर उन्हें उस का पारीश्रमिक लेने की कास्टी प्रदान करें कर्ना ज्ञान की अवधि उनाप्त होने पर उचित न्यायालय में जाप के व सरकार के फिल वाद प्रस्तुत किया जाएगा तथा उस के प्रमूण औ उन्हें के निम्नेकार जाप होगे ।

ज्ञान धारा :-

६०- अैजी अपठनीय

२६-१

(कला शाद तिवारी) दापि
किनारा २६-१-८० ई० । धारा - श्री रविसरस सिंह लौह
रवोक्त ।

कल्य 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.

INRE:

SULTAN AHMAD & OTHERS. PETITIONERS.

VERSUS

UNION OF INDIA & OTHERS. OPP.PARTIES.

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.

-: 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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(10)

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.

oooooooooooo

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

-: 2 :-

Writ Petition and has understood the same.

3. That the deponent has been advised to ~~share~~ ^{raise} 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 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 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.
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 Hargaon stations.

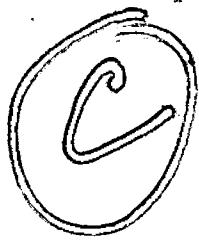
10. That the petitioners are not entitled to overtime allowance on their present classification of post as "essentially intermittent" and their dated 26.3.81 praying for directions application/from this Hon'ble Court for interim order for payment of over time allowance is misconceived and not maintainable.
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.

-: 6 :-

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 pursuance 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



NS/CCS

VAKALATNAMA

Before
in the Court of

Central Administrative Tribunal circuit Bench/Lucknow

T A no 689 of 1987 CAT/Lucknow
681

Plaintiff
Defendant

Claimant
Appellant

versus
Defendant
Plaintiff

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 or 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/Plader 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

NER-84850400-8000-4784

प्रधान पंडित कामिल अधिकारी,
प्रवर्त्तक सदर मुख्यमंत्री
Designation of the Executive Officer,
S. E. Railway, Lucknow.

S. E. Railway, Lucknow.

for union of India

O P W/O

Joseph
Adv.

VAKALATNAMA

(2) 1/65

Before

In the Court of

central Administrative Tribunal

circuit Bench, Lucknow

TIA No. 6012 of 1987

Sultan Ahmad - - - - - Applicant

Versus

Union of India and others

I/WC K. P. Singh, Divisional Railway Manager, N.E.Rly

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/Application/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 198 ..

Counter signed

(K. P. Singh)
Divisional Railway Manager
N.E. Railway-Lucknow

O.P.M.

Accepted
Sdr.

(3)

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 supplimentary 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,

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 b.p.p. parties to pay the overtime allowance to the petitioners vide its order dated 2.

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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

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) Centiveous.

(i) INTENSIVE: Only that Staff is declared
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 Operato

Cabinman Section Controller etc.

RECORDED
10- That in view of the above clarificati

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; 5 ;

made in the relevant 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

ZAMAN STEAM

contd--6/

(8)
; 6;

September 1976 to 15.3.1986

LUCKNOW:

DATED: 24.4.91

SCOTT STETSON

Petitioner

*TN Gupta
Advocate
Court of
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

SCOTT STETSON

Petitioner.

Bench copy.
G

IN THE HIGH COURT OF UTTAR PRADESH,
LUCKNOW.

.....
O.L. application No. () of 1981.

in re:

rit Petition No. 1978 of 1980.

1. Sultan Ali, son of Md. Ali, Sabirpur, Gola Gokaran Nath, P.L. railway, District Lakhimpur Kheri.
2. Kamla Prasad Teheri, son of Md. Ali, Sabirpur, Gola Gokaran Nath, P.L. railway station, District Lakhimpur Kheri.
3. Brahma Dutta Pandey, son of Md. Lal Pandey, Sabirpur, Gola Gokaran Nath, P.L. railway station, District Lakhimpur Kheri.

... Petitioners.

versus

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

... Opposite parties.

APPLICATION FOR PAY

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

(To)

-2-

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.

(R.N. Gupta)
Advocate,
Lucknow, dated : Counsel for the petitioners.
March 26, 1981.

T. N.
/

(11)

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

C.H. 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 Lokaran Nath, N.L. 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

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 oposite 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 oposite 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.

Cabri man = 8 ft. one-half

Chyn ~~to~~ ¹⁰ Raileeg East Nucleus
Pye
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