

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

TA NO 793/87
CAUSE TITLE W.P. No 62/87 OF

NAME OF THE PARTIES *Gaya Prasad*

Applicant

Versus

Union of India and

Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	<i>Index sheet</i>	<i>A1</i>
2	<i>order sheet</i>	<i>A2</i>
3	<i>Judgement order dt 26-11-96</i>	<i>A3 to A6</i>
4	<i>Writ petition / annexure</i>	<i>A7 to A17</i>
5	<i>Power</i>	<i>A18 to A20</i>
6	<i>Notices</i>	<i>A21 to A28</i>
7	<i>order sheet dt 05-1-87</i>	<i>A29</i>
8	<i>Caution Depty</i>	<i>A30 to A37</i>
9	<i>Rejoinder Affidavit</i>	<i>A38 to A49</i>
10	<i>order sheet dt 11-4-90</i>	<i>A50</i>
11	<i>Notices</i>	<i>A51 to A56</i>
12	<i>Power</i>	<i>A57 to A59</i>
13	<i>Application</i>	<i>A60</i>

CERTIFICATE

~~This sheet is~~ Certified that no further action is required to be taken and that the case is fit for consignment
~~without cost~~ to the record room (decided)

Check on Dated... 27-1-12

Check on Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

FA 29307 (T)

8/50

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

21/1/4

No sitting - Adj. to 9.2.90

This case has been received on transfer. Notice were issued to the Counsels by the Office at Allahabad... None... present... for the parties... Let notice be issued again to the parties as directed by Honble Mr. D.K. Agarwal, J.M.

L
21/11

CR notes issued 15/12/11

9.1.90

No sitting - Adj. to 11.4.90

11/4/90

Hon. Mr. P.S. Habib Mohammad, A.M.
Hon. Mr. J.P. Sharma, J.M.

Shri B.K. Shukla files power and request for 4 weeks to file counter. Allowed, let rejoinder be filed within 2 weeks, there after.

List for order/hearing on 8/8/90

J.M.

A.M.

OR
Case has been on 20.0.04 for CAT, A.M.
Case admitted CA/RA not
Notices were issued on 15.12. to the parties
Notice of applicant has been received with post remark.
S.F.O

82

8/8/90

No sitting Adj. to 20/9/90.

8/8/90

9.9.90

No sitting Adj. to 30.9.90.

10.9.90

Due to Holiday Adj. to 30.11.90

11.90

No sitting Adj. to 8.1.91

CR
Not a filed S.F.O

SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

number of case..... Writ Petition No. 62 of 1981.

parties.....

institution.....

Date of decision.....

Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admis- sion of paper to record	Condition of document	Remarks including date of destruction of paper, if any
			Number of stamps	Value			
2	3	4	5	6	7	8	9
				Rs.	P.		
1	Gen. Index.	1	-	-	-		
2	Ordersheet	1	-	-	-		
3	Pot. Annexures & Affidavit	11	4	102	-		
4	Stay Order	1	3	5	-		
5	Copy of 114(4) 1981 for stay	1	3	5	-		
6	Power	2		10	00		
7	order sheet	1	-	-	-		
8							

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

Munsarim

Clerk

$\frac{A}{2}$

TIA 793/87

26-11-96

Hon Mr. V. K. Seth. A.M.
Hon Mr DC Waring J.M.

Shri Anil Kumar for applicant.
Shri B K Shukla for respondents.
Hear the argument.
Orders dictated separately.

$\frac{A}{2}$
J.M.

B

$\frac{A}{2}$
J.M.

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3

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 26th day of Nov., 1996

T.A. no. 793/87

HON. MR. V.K. SETH, MEMBER(A)

HON. MR. D.C. VERMA, MEMBER(J)

1. Gaya Prasad aged about 21 years, son of Shri Devi resident of village Rampur Garhi, Post office Nigoh, District Lucknow.
 2. Ram Sanahi, aged about 31 years, son of Sri Balak, resident of village Surajbali Khera, Post office Nigohan, District Lucknow.
 3. Bhikha Lal aged about 23 years, son of Shri Jagannath resident of village Ranjit Khare, Post office Kankaha, District Lucknow.
 4. Jag Mohan, aged about 27 years, son of Shri Nankau, resident of village Surajbali Khera Post office Kankaha, District Lucknow.
 5. Kalloo, aged about 27 years, son of Shri Maiku, resident of village Madahpur, Post office, Dayalpur, District Lucknow.
 6. Mahadeo, aged about 27 years, son of Shri Ram Dayal, resident of village Ranjit Khera, Post office Kankaha, District Lucknow.
 7. Ram Prasad, aged about 23 years, son of Shri Ausan, village Daulatkhera, Post Office Kankaha, District Lucknow.
 8. Satya Narain, aged about 20 years, son of Shri Maiku, resident of Rampur Gari Jamini, Post office Nigohan District Lucknow.
 9. Mohan, aged about 27 years, son of Shri Dhingur, Resident of village Ranjit Khera, Post office Kankaha, District Lucknow.
 10. Ram Khilawan, aged about 25 years, son of Shri Ghasitey, resident of village Fatte Khera, Post office Kankaha, District Lucknow.
- L X

11. Dwarika, aged about 26 years, son of Shri Pooran, resident of Fatte Khera, Post office Kankaha, District Lucknow.
12. Barati Lal, aged about 23 years, son of Shri Ram Aasrey, resident of village Ranjit Khera, Post office Kankaha, District Lucknow.
13. Poolranmasi aged about 29 years, son of Shri kashi, resident of village Matipur, post office Nigohar district Lucknow.
14. Rajaram, aged about 23 years, son of Shri Maiku lal resident of village Chotti Khera, Post office, Garhi District Lucknow.
15. Ram Kewal, aged about 23 years, son of Shri Fatte, resident of Chotti Khera, Post office, Garhi, district Lucknow
16. Shri Ram aged about 25 years, son of Shri Maiku, resident of Rampur Garhi Post office, Mirakh nagar, District Lucknow.

Applicants.

By Advocate Shri Anil Kumar.

versus

1. Union of India through the General Manager, Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Lucknow.
3. The Assistant Engineer, II, Northern Railway, Charbagh, Lucknow.
4. The Permanent Way Inspector, Northern Railway Barabanki.

Respondents.

By Advocate Shri B.K. Shukla.

O R D E R (ORAL)

HON. MR. V.K. SETH, MEMBER(A)

The subject matter of the T.A. was initially agitated before the High Court where it was registered as Writ Petition No. 62/1981 and after the constitution of the Tribunal the writ petition has been transferred to the Tribunal and registered as T.A. no. 793/1987.

2. The applicants numbering 16 have prayed for issue of mandamus to the opposite parties to treat the petitioners as temporary railway servants continuing in service without break and to pay them salary and allowances and arrears arising therefrom. It is also prayed that the intervening period be treated to be in continuous service for the purposes of section 25-F of the Industrial Disputes Act and further a prayer has been made for quashing of the order of termination if existing after summoning the original records.

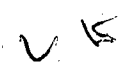
3. The respondents have resisted the claim of the applicants and pleadings have been exchanged. We have also heard the learned counsel for the two sides.

4. As Annexure to the O.A. the details of number of working days put in by each of the applicants have been mentioned. In the Counter reply it is inter alia stated by the respondents that the petitioners 1 to 13 were engaged against temporary sanction and the petitioners Nos. 14 to 16 are fraudulent persons and that they have never worked under the opposite party No. 4.

5. Since the dispute has been raised about the facts, we are of the considered view that this matter can be more appropriately, in the first instance, examined and decided by the appropriate forum constituted under the I.D. Act with reference to the record and other evidence that may be available with the two sides. We are fortified in our view, particularly because in terms of the provisions of section 28 of the A.T. Act, the jurisdiction ^{of} /the authority constituted under the I.D. Act has not been ousted. The applicants may, therefore, approach the respondents by making a representation in the matter for resolving the dispute in terms of provisions of I.D. Act, 1947. The representation in the matter shall be made by the applicants within two months from today. After receipt of the said representation, further action in terms of I.D. Act shall be initiated by the respondents within two months from the date of representation.

6. The O.A. stands disposed of in the above terms. No order as to costs.


MEMBER (J.)


MEMBER (A.)

Lucknow; Dated:

Shakeel/

Group 14 (a)

14

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

WRIT PETITION NUMBER 62 OF 1980.

Gaya Prasad and Others.

Petitioners

Versus.

The Union of India and Others. ...

Opposite Parties.

I N D E X.

Particulars.

Page Number

1. Writ Petition.

1 to 6

2. Affidavit.

7 to 8

3. Annexure No. 1 (Details of services rendered by the Petitioners).

9 to 11

.....

DATED: LUCKNOW:
JANUARY 2, 1981.

A. Praman

Counsel for the Petitioners

जय श्री गुरु

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

WRIT PETITION NUMBER OF 1981.



1. Gaya Prasad, aged about 21 years, Son of Shri Devi;
Resident of Village - RAMPUR GARHI, Post Office - NIGOHAN,
District - Lucknow;
2. Ram Sanahi, aged about 31 years, Son of Shri Balak,
Resident of Village - Surajbali Khera, Post Office -
Nigohan, District - Lucknow;
3. Bhikha Lal, aged about 23 years, Son of Shri Jagannath
Resident of Village - Ranjit Khera, Post Office - KANKAHA,
District - Lucknow;
4. Jag Mohan, aged about 27 years, Son of Shri Nankau,
Resident of Village - Surajbali Khera, Post Office -
KANKAHA, District - Lucknow;
5. Kalloo, aged about 27 years, Son of Shri Maiku, Resi-
dent of Village - MADAHFUR, Post Office - Dayalpur,
District - Lucknow;
6. Mahadeo, aged about 27 years, Son of Shri Ram Dayal,
Resident of Village - Ranjit Khera, Post Office -
KANKAHA, District - Lucknow;
7. Ram Prasad, aged about 23 years, Son of Shri Ausan,
Village - DAULATKHERA, Post Office - KANKAHA, District
Lucknow;

3/11/81

8. Satya Narain, aged about 20 years, Son of Shri Maiku,
Resident of Rampur Gari Jamini, Post Office - NIGOHAN
District - Lucknow;
9. Mohan, aged about 27 years, Son of Shri Dhingur,
Resident of Village - Ranjit Khera, Post Office - KANKAHA,
District - Lucknow;
10. Ram Khilawan, aged about 25 years, Son of Shri Ghasi
tey, Resident of Village - FATTE KHERA, Post Office -
KANKAHA, District - Lucknow;
11. Dwarika, aged about 26 years, Son of Shri Pooran,
Resident of Fatte Khera, Post Office - Kankaha,
District - Lucknow ;
12. Barati Lal, aged about 23 years, Son of Shri Ram
Aasrey, Resident of Village - Ranjit Khera, Post
Office - Kankaha, District - Lucknow;
13. Pooramasi, aged about 29 years, Son of Shri Kashi,
Resident of Village - MASTIPUR, Post Office - Nigoha
district - Lucknow;
14. Rajaram, aged about 23 years, Son of Shri Maiku Lal
Resident of Village - Chotti Khera, Post Office -
GARHI, District - Lucknow;
15. Ram Kewal, aged about 23 years, Son of Shri Fatte,
Resident of Chotti Khera, Post Office - Garhi,
district - Lucknow; and 1
16. Shri Ram, aged about 25 years, Son of Shri Maiku,
Resident of Village - Rampur Garhi, Post Office -
Mirakh Nagar, District - Lucknow.

....

Petitioners.

Versus.

1. The Union of India, through the General Manager,
Northern Railway, Baroda House, New Delhi;



31/12/00

2. The Divisional Railway Manager, Northern Railway, Lucknow;
3. The Assistant Engineer II, Northern Railway, Charbagh, Lucknow;
4. The Permanent Way Inspector, Northern Railway, Barabanki

.... Opposite Parties.

WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA.

The above named Petitioners most respectfully submit as under :-

1. That all the Petitioners were working as Gang men (Casual Labourers) in the Northern Railway, under the Opposite Party Number 4.
2. That the Petitioners were working on the open permanent lines on regular posts and not upon any project or not upon any short term or fixed term work.
3. That all the Petitioners worked as Casual Labourers from August to ~~November~~⁴ December, 1980 having different dates, their details of the duty are given in Annexure Number 1 to this Writ Petition.
4. That all the Petitioners were asked by the Opposite Party number 4, not to come on duty after performing their duties on 14th December, 1980 and in this manner they were ousted from the service.
5. That no reason of their termination was disclosed to them nor they were paid any compensation nor they were given any notice or salary in lieu of the notice and



31/12/80

nor any order of termination. ~~XXXXXXXXXX~~

6. That the work assigned to the Petitioners was on permanent open lines and the work still continue to exist as it can't be over.

7. That all the Petitioners have completed 120 days or more in service and thus have completed four months and have acquired the temporary status in view of the provisions of para 4501 of the Railway Establishment Manual, originally the period was, ~~20000000~~ of six months but subsequently the same was amended and in accordance with the recommendations of the Railway Labour Tribunal the requisite period for the attainment of temporary status was reduced to four months vide Railway Board's letter dated 12th July, 1973.

8. That the Petitioners work is not over, the posts and the vacancies still continue and the Petitioners could not be ousted from the services as under sub-Section 4 of para 162, the Petitioners have prior claim on their regular absorption and in order to defeat their such claim they have been ousted from the services.

9. That under para number 511 of the Railway Establishment Manual, the casual labourer when acquires the temporary status are entitled to all rights, privileges admissible to temporary railway servants as laid down in Chapter XXIII of the Railway Establishment Manual.

10. That under para 2302 (Chapter XXIII) of the Railway Establishment Manual, a temporary Railway Servant is liable to 14 days notice for the termination of the services or salary in lieu of the notice. None of



2/12/02

Petitioners were given 14 days notice nor they were offered the payment of salary for the 14 days in lieu of the notice, as such the ouster of the services ⁴ ~~fr~~ of the Petitioners was wholly illegal.

11. That the ouster of the Petitioners from the service is wholly illegal and unwarranted as neither the Petitioners were given any notice of termination of 14 days nor they were paid salary in lieu of the notice, as the language of para 2303 (2) of the Railway Establishment Manual stands, the payment of salary at the time of the termination is necessary to waive off the 14 days notice.

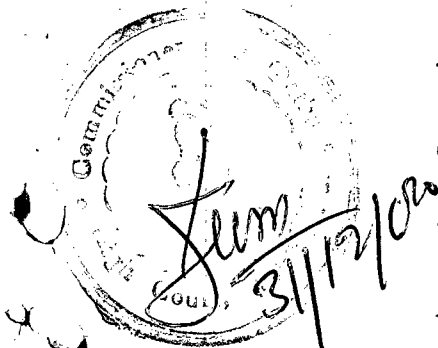
12. That in this manner the Petitioners have been ousted from their services in a most mala fide and arbitrary manner.

13. That in the circumstances of the present case the Petitioners have no any other equally effective remedy but to evoke the jurisdiction of this Hon'ble High Court among others on the following -

G R O U N D S :-

(a) Because, the Petitioners are the temporary railway servants within the meaning of the provisions of the Railway Establishment Manual referred above, and they could not be ousted from the service in this manner.

(b) Because, the services of the Petitioners could not be terminated without the compliance of the requirements for such termination contained in para 2302 of the Railway Establishment Manual.



Sum

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(c) Because, the termination of the services of the Petitioners is wholly arbitrary and mala fide, and amounts to the punishment in utter violation of the provisions of Article 311 of the Constitution of India.

(d) Because, the termination of the services of the Petitioners is wholly arbitrary and violative of the provisions of Article 14 and 16 of the Constitution of India, the Fundamental Rights.

THEREFORE, it is most humbly prayed that this Hon'ble High Court may be pleased to issue :-

(i) A Writ, Order or Command in the nature of Mandamus, commanding the Opposite Parties to treat the Petitioners as Temporary Railway Servants, continuing in service without any break and to pay them all salary, allowances and arrears arising thereof. The intervening period be treated to be in continuous service for the purposes of Section 25 F of the Industrial Dispute Act.

(ii) A Writ, Order or Directions in the nature of Certiorari, quashing any order of termination if exists, after summoning their originals from the records of the Opposite Parties.

(iii) Any other order deemed proper.

(iv) To waive off the notice to the standing counsel.

(v) To allow the Writ Petition with costs.

DATED: LUCKNOW:
JANUARY 2, 1980.

A. Praman
Counsel for the Petitioners.

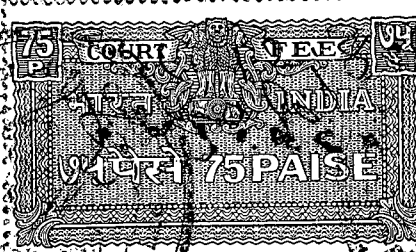
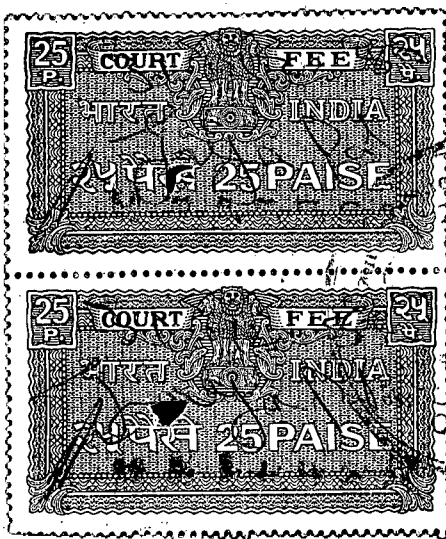
*There is no defect
in this writ Petition*
A. Praman

- : 7 : -

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

WRIT PETITION NUMBER

OF 1981.



1980
AFFIDAVIT
38/892
HIGH COURT
ALLAHABAD

Gaya Prasad and Others.

Petitioners.

Versus.

The (State) Union of India and Others. Opposite Parties.

A F F I D A V I T.

I, Gaya Prasad, aged about 21 years, Son of Shri Devi, Resident of Village - RAMFUR GARHI, Post Office - NIGOHAN, District - Lucknow, states on oath as under :-

1. That the deponent is the Petitioner number 1 in the above mentioned Writ Petition and is also doing 'Pairvi' on behalf of the other Petitioners, as such he is fully conversant with the facts and the circumstances stated in the said writ petition.

2. That the contents of paragraph number 1 to 12 of the Writ Petition are true to my own knowledge.

3. That the deponent, himself, has compared the Annexure Number 1 to 2, either with the copies maintained by the Petitioners, or served upon them, or as could be fetched by them and they are their true copies.

DATED: LUCKNOW:

JANUARY 31, 1981.
Dec.

(Gaya Prasad)
Deponent.

38/892

Sworn on Oath
31/1/81

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VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph number 1, 2 and 3 of this affidavit are true to my own knowledge. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATED: LUCKNOW:

~~JANUARY 31~~, 1980

Dec

(Gaya Prasad)

Deponent.

I know the deponent, identify him, who has signed before me.

DATED: LUCKNOW:

~~JANUARY 31~~, 1980

Dec

D. N. Tewari
Clerk to Shri Abdul Mannan, Advocate
Counsel for the Petitioners.

Solemnly affirmed before me on this the 31st day of ~~January~~ December, 1980, at 11.00 a.m./p.m., by Shri Gaya Prasad, the deponent, who has been identified by the Clerk to Shri Abdul Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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

L. K. Kumar

JOINT COMMISSIONER

High Court, Allahabad

Lucknow Bench

No. 38/392

Date 31.12.00

A/B

- 9 : -

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

WRIT PETITION NUMBER OF 1981.

Gaya Prasad and Others.

Petitioners.

Versus.

The Union of India and Others. ... Opposite Parties.

ANNEXURE NUMBER 1.

RECORD OF SERVICE OF THE CASUAL LABOURS (PETITIONERS).

Sl. No.	Names/ Petitioners.	Designation	Period From.	TO	No. of days./ Grand total.
1.	2.	3.	4.	5.	6.
1.	Gaya Prasad.	Gangman.	01.08.80	14.08.80.	14 days
			16.08.80	19.09.80	30 ,,
			05.09.80	14.10.80	30 ,,
			15.10.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>135</u> ..
2.	Ram Sanehi.	,,	01.08.80	14.08.80	14 ,,
			17.08.80	14.09.80	29 ,,
			15.09.80	14.10.80	30 ,,
			15.10.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>133</u> ,,
3.	Bhikha Lal.	,,	01.08.80	14.08.80	14 ,,
			17.08.80	14.09.80	29 ,,
			15.09.80	14.10.80	30 ,,
			15.10.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>134</u> ..

गंगाधर

A/16

- : 10 : -

1.	2.	3.	4.	5.	6.
4. Jagmohan.	Gangman.	01.08.80	14.08.80	14	day
		17.08.80	14.09.80	29	,,
		15.09.80	14.10.80	30	,,
		15.10.80	14.11.80	31	,,
		15.11.80	14.12.80	30	,,
				<u>134</u>	,,
5. Kalloo.	,,	01.08.80	14.08.80	14	,,
		17.08.80	14.09.80	29	,,
		15.09.80	14.10.80	30	,,
		15.10.80	14.11.80	31	,,
		15.11.80	14.12.80	30	,,
				<u>134</u>	,,
6. Mahadeo.	,,	01.08.80	14.08.80	14	,,
		16.08.80	14.09.80	30	,,
		15.09.80	14.10.80	29	,,
		15.10.80	14.11.80	31	,,
		15.11.80	14.12.80	30	,,
				<u>134</u>	,,
7. Ram Prasad.	,,	01.08.80	14.08.80	14	days.
		16.08.80	14.09.80	30	,,
		15.09.80	14.10.80	30	,,
		15.10.80	14.11.80	31	,,
		15.11.80	14.12.80	30	,,
				<u>135</u>	,,
8. Satya Narain.	,,	01.08.80	14.08.80	14	,,
		16.08.80	14.09.80	30	,,
		15.09.80	14.10.80	30	,,
		15.10.80	14.11.80	31	,,
		15.11.80	14.12.80	30	,,
				<u>135</u>	,,
9. Mohan.	,,	01.08.80	14.08.80	14	,,
		16.08.80	14.09.80	30	,,
		15.09.80	14.10.80	30	,,
		15.10.80	14.11.80	31	,,
		15.11.80	14.12.80	30	,,
				<u>135</u>	,,
10. Ram Khilawan.	,,	01.08.80	14.08.80	14	,,
		17.08.80	14.09.80	28	,,
		15.09.80	14.10.80	30	,,
		15.10.80	14.11.80	31	,,
		15.11.80	14.12.80	30	,,
				<u>133</u>	,,

31/12/80

31/12/80

.....					
1	2	3	4	5	6
11.	Dwarika.	Gangman.	01.08.80	14.08.80	14 days
			17.08.80	14.09.80	28 ,,
			15.09.80	14.10.80	30 ,,
			15.10.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>133</u> ,,
12.	Ram Kewal	Barati Lal.	01.08.80	14.08.80	14 ,,
			16.08.80	14.09.80	30 ,,
			15.09.80	14.10.80	29 ,,
			15.10.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>134</u> ,,
13.	Pooranmasi.		01.08.80	14.08.80	14 ,,
			17.08.80	14.09.80	28 ,,
			15.09.80	14.10.80	30 ,,
			15.10.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>133</u> ,,
14.	Raja Ram.		01.08.80	14.08.80	14 ,,
			16.08.80	14.09.80	30 ,,
			15.09.80	14.10.80	30 ,,
			15.10.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>135</u> ,,
15.	Ram Kewal.		01.08.80	14.08.80	14 ,,
			16.08.80	14.09.80	30 ,,
			15.09.80	14.10.80	30 ,,
			15.10.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>135</u> ,,
16.	Shri Ram.		01.08.80	14.08.80	14 days
			16.08.80	14.09.80	30 ,,
			15.09.80	14.10.80	30 ,,
			15.11.80	14.11.80	31 ,,
			15.11.80	14.12.80	30 ,,
					<u>135</u> ,,

.....

31/12/80

व अदालत श्रीमान

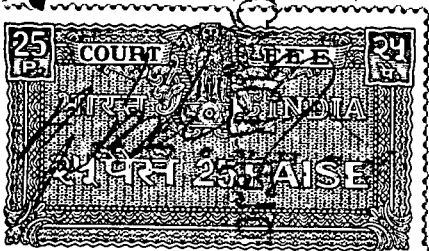
High Court Lucknow महोदय

(वादी) अपोलान्ट

प्रतिवादी (रेस्पान्डेन्ट)

श्री

का वकालतनामा



Jaya Prasad

वादी (अपीलान्ट)

बनाम

The Union of India Post.

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकद्दमा

सन १९

पेशी की ता०

१९

ई०

ऊपर मुकद्दमा में अपनी ओर से श्री

A. M. Manman

एडवोकेट

महोदय

वकील

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

③ जगमोहन

④

साक्षी (गवाह)

L.T.I. १००

हस्ताक्षर ① गंगाधर ④ श्रीराम लाल

② श्रीराम ⑤ पुनवसि

साक्षी (गवाह)

⑥

दिनांक

महीना

सन १९८०

ई०

⑩

⑪

⑫

⑬

Ram Saubhi Kullor

Burati Lal

Mohan

Burika

8. Satya Narain, aged about 20 years, son of Shri Mohan,
Resident of Rampur Gari Janini, Post Office - SIGGHAH-
District - Lucknow;
9. Mohan, aged about 27 years, son of Shri Bhingar,
Resident of Village - Banjit Khara, Post Office - KAN-
KANA, District - Lucknow;
10. Ram Khilsan, aged about 25 years, son of Shri Shank-
ar, Resident of Village - FATE KHARA, Post Office -
KANANA, District - Lucknow;
11. Durika, aged about 26 years, son of Shri Pawan,
Resident of Fate Khara, Post Office - Kanana,
District - Lucknow;
12. Baroti Lal, aged about 23 years, son of Shri Ram
Agray, Resident of Village - Banjit Khara, Post
Office - Kanana, District - Lucknow;
13. Pawanram, aged about 29 years, son of Shri Kashi,
Resident of Village - KASTHUR, Post Office - Sigghah
District - Lucknow;
14. Rajaram, aged about 23 years, son of Shri Mohan Lal,
Resident of Village - Chetti Khara, Post Office -
GAMHI, District - Lucknow;
15. Ram Kunal, aged about 23 years, son of Shri Panna,
Resident of Chetti Khara, Post Office - Gamhi,
District - Lucknow; and
16. Shri Ram, aged about 25 years, son of Shri Mohan,
Resident of Village - Rampur Gari, Post Office -
Mirza Nagar, District - Lucknow

....

Petitioners

Verus.

1. The Union of India, through the General Manager,
Northern Railway, Baroda House, New Delhi;

000000

Page Three and there. ... Petitioner/ Agent: ncr.
Verona.

Values of Bonds and Others: ...	Corporate Author:
---------------------------------	-------------------

The above named settlements - apply at next
payoff and submit as under 1-

4. But the defendant - defendant have filed
the other action in the district, and, in the
other I understand the service. They have over, they
of course.

Therefore, it is most humbly prayed that leave
for the Petitioner's reply be granted in the first instance
and, on affidavit, the translation of the evidence of
the collection of signatures may kindly be stayed, pending
the disposal of the first petition in the interest of
justice.

100

James. Cor. Co. 700 Lincoln/
Apt. 1. N.Y.

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

WRIT PETITION NUMBER OF 1981.

One's Friend and Others: Petitioners:
Versus:
The Union of India and Others: ... Opposite Parties.

INDEX.

<u>Particulars.</u>	<u>Page Numbers</u>
1. Writ Petition.	1 to 6
2. Affidavits.	7 to 8
3. Annexure No. 1 (Details of services rendered by the Petitioners).	9 to 11

DATED LUCKNOW:
JANUARY , 1981.

Counsel for the Petitioners

IN THE HONORABLE HIGH COURT OF JUDICATURE, AT ALLAHABAD,
LUGENOW BENCH, LUCKNOW.

WRIT PETITION NUMBER OF 1931.

1. Gays Prasad, aged about 21 years, Son of Shri Devi,
Resident of Village - RAMPUR GANHI, Post Office - BIGHA,
District - Lucknow;
2. Ram Samphi, aged about 31 years, Son of Shri Balak,
Resident of Village - Surajbali Khara, Post Office -
Bighan, District - Lucknow;
3. Bhikha Lal, aged about 23 years, Son of Shri Jagannath,
Resident of Village - Benjit Khara, Post Office - KANA,
KANA, District - Lucknow;
4. Jey Kahan, aged about 27 years, Son of Shri Kothan,
Resident of Village - Surajbali Khara, Post Office -
KANKANA, District - Lucknow;
5. Kallan, aged about 27 years, Son of Shri Kallu, Resident
of Village - KADANUR, Post Office - Dargapur,
District - Lucknow;
6. Mahadeo, aged about 27 years, Son of Shri Ram Rayel,
Resident of Village - Benjit Khara, Post Office -
KANKANA, District - Lucknow;
7. Ram Prasad, aged about 23 years, Son of Shri Anan,
Village - BAULAKHARA, Post Office - KANKANA, District
Lucknow;

nor any order of termination in any manner.

6. That the work assigned to the Petitioners was on permanent open lines and the work still continues to exist as it can't be over.

7. That all the Petitioners have completed 120 days or more in service and thus have completed four months and have acquired the temporary status in view of the provisions of para 4501 of the Railway Establishment Manual, originally the period was, however, of six months but subsequently the same was amended and in accordance with the recommendations of the Railway Labour Tribunal the requisite period for the attainment of temporary status was reduced to four months vide Railway Board's letter dated 12th July, 1973.

8. That the Petitioners work is not over, the posts and the vacancies still continue and the Petitioners could not be ousted from the services as under sub-section 4 of para 162, the Petitioners have prior claim on their regular absorption and in order to defeat their such claim they have been ousted from the services.

9. That under para number 911 of the Railway Establishment Manual, the casual labourer when acquires the temporary status are entitled to all rights, privileges admissible to temporary railway servants as laid down in Chapter XIII of the Railway Establishment Manual.

10. That under para 2302 (Chapter XIII) of the Railway Establishment Manual, a temporary railway servant is liable to 14 days notice for the termination of the services or salary in lieu of the notice. None of the

Petitioners were given 14 days notice nor they were offered the payment of salary for the 14 days in lieu of the notice, as such the order of the services stop of the petitioners was wholly illegal.

11. That the order of the Petitioners from the service is wholly illegal and unwarranted as neither the Petitioners were given any notice of termination of 14 days nor they were paid salary in lieu of the notice, as the language of para 2303 (2) of the Railway Establishment Manual stands, the payment of salary at the time of the termination is necessary to waive off the 14 days notice.

12. That in this manner the Petitioners have been ousted from their services in a most mala fide and arbitrary manner.

13. That in the circumstance of the present case the Petitioners have no any other equally effective remedy but to invoke the jurisdiction of this Hon'ble High Court among others on the following -

CAUSES:

(a) Because, the Petitioners are the temporary railway servants within the meaning of the provisions of the Railway Establishment Manual referred above, and they could not be ousted from the service in this manner.

(b) Because, the services of the Petitioners could not be terminated without the compliance of the requirements for such termination contained in para 2303 of the Railway Establishment Manual.

(c) Because, the termination of the services of the Petitioners is wholly arbitrary and mala fide, and amounts to the punishment in utter violation of the provisions of Article 311 of the Constitution of India.

(d) Because, the termination of the services of the Petitioners is wholly arbitrary and violative of the provisions of Article 14 and 16 of the Constitution of India, the Fundamental Rights.

THEREFORE, it is most humbly prayed that this Hon'ble High Court may be pleased to issue :-

(i) A Writ, Order or Command in the nature of Mandamus, commanding the Opposite Parties to treat the Petitioners as Temporary Railway Servants, continuing in service without any break and to pay them all salary, allowances and arrears arising thereof. The intervening period be treated to be in continuous service for the purposes of Section 25 F of the Industrial Dispute Act.

(ii) A Writ, Order or Directions in the nature of Certiorari, quashing any order of termination if exists, after summoning their originals from the records of the Opposite Parties.

(iii) Any other order deemed proper.

(iv) To waive off the notice to the standing counsel.

(v) To allow the writ Petition with costs.

DATED: LUCKNOW;
JANUARY , 1969.

Counsel for the Petitioners.

IN THE HONORABLE HIGH COURT OF JUDICATURE, AT ALLAHABAD,
JUDGES SEEN, LUCKNOW.

WRIT PETITION NUMBER OF 1981.

Gaya Prasad and Others. Petitioners.

Verant.

The State/Union of India and Others. Opposite Parties.

AFFIDAVIT.

I, Gaya Prasad, aged about 21 years, son of Shri
Davi, Resident of Village - RAMPUR GABRI, Post Office -
SICCHRA, District - Lucknow, states on oath as under :-

1. That the deponent is the Petitioner number 1 in
the above mentioned writ Petition and is also doing
'Puirvi' on behalf of the other Petitioners, as much he
is fully conversant with the facts and the circumstances
stated in the said writ petition.

2. That the contents of paragraph number 1 to
of the writ Petition are true to my own knowledge.

3. That the deponent, himself, has compared the
Annexure Number 1 to , either with the copies maintain-
ed by the Petitioners, or served upon them, or as could
be fetched by them and they are their true copies.

DATED: LUCKNOW:
JANUARY , 1981.

(Gaya Prasad)
Deponent.

 10-----30-----40-----50-----60-----

11. Dwarika	Dangsan	01-08-80	14-08-80	14 day
		17-08-80	14-09-80	28 "
		15-09-80	14-10-80	30 "
		15-10-80	14-11-80	31 "
		15-11-80	14-12-80	30 "
				<u>133</u> "

12. Ram Karyak	"	01-08-80	14-08-80	14 "
Borati Lal		16-08-80	14-09-80	30 "
		15-09-80	14-10-80	29 "
		15-10-80	14-11-80	31 "
		15-11-80	14-12-80	30 "
				<u>135</u> "

13. Poonmachi	"	01-08-80	14-08-80	14 "
		17-08-80	14-09-80	28 "
		15-09-80	14-10-80	30 "
		15-10-80	14-11-80	31 "
		15-11-80	14-12-80	30 "
				<u>133</u> "

14. Raja Ram	"	01-08-80	14-08-80	14 "
		16-08-80	14-09-80	30 "
		15-09-80	14-10-80	30 "
		15-10-80	14-11-80	31 "
		15-11-80	14-12-80	30 "
				<u>135</u> "

15. Ram Kaula	"	01-08-80	14-08-80	14 "
		16-08-80	14-09-80	30 "
		15-09-80	14-10-80	30 "
		15-10-80	14-11-80	31 "
		15-11-80	14-12-80	30 "
				<u>135</u> "

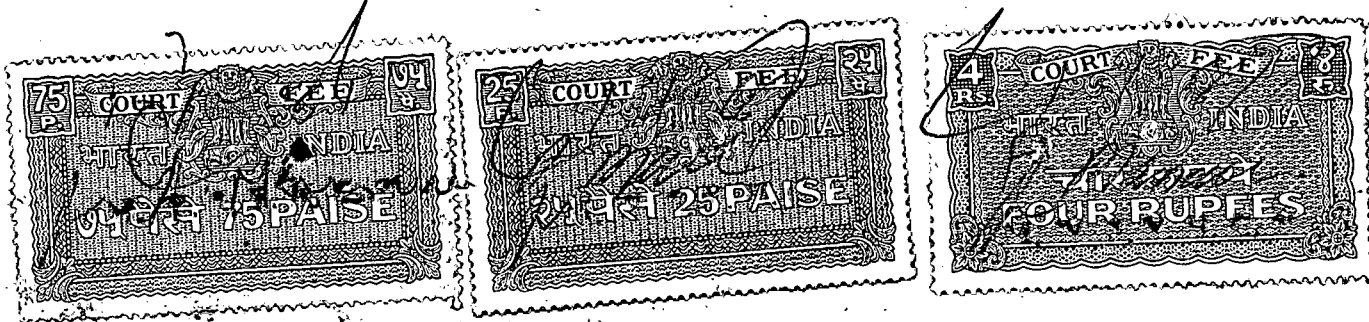
16. Shri Ram	"	01-08-80	14-08-80	14 day
		16-08-80	14-09-80	30 "
		15-09-80	14-10-80	30 "
		15-11-80	14-11-80	31 "
		15-11-80	14-12-80	30 "
				<u>134</u> "

26
IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

Civil Miscellaneous Application No. 114 (W) of 1981:

In Re :

WRIT PETITION NO. 62 OF 1981.



Gaya Prasad and Others. ... Petitioners/ Applicants.

Versus.

Union of India and Others. ... Opposite Parties.

30/1/81
5/1/81
AN APPLICATION FOR THE INTERIM RELIEF.

The above named Petitioners - Applicants most respectfully submit as under :-

1. That the Petitioners - Applicants have filed the above mentioned Writ Petition, challenging their illegal ouster from the service. They have every hope of success;

THEREFORE, it is most humbly prayed that ~~that~~ for the reasons already disclosed in the Writ Petition and the affidavit, the termination of the services of the Petitioners/ Applicants may kindly be stayed, pending the disposal of the Writ Petition in the interest of justice.

DATED: LUCKNOW:
JANUARY 2, 1981.

A. Mannan
Counsel for the Petitioners/
Applicants.

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

LUCKNOW BENCH, LUCKNOW.

Civil Miscellaneous Application No.

(W) of 1981:

In Re :

WRIT PETITION NO.

OF 1981.

Gaya Prasad and Others. ... Petitioners/ Applicants.

Versus.

Union of India and Others. ... Opposite Parties.

AN APPLICATION FOR THE INTERIM RELIEF.

The above named Petitioners - Applicants most respectfully submit as under :-

1. That the Petitioners - Applicants have filed the above mentioned Writ Petition, challenging their illegal ouster from the service. They have every hope of success.

THEREFORE, it is most humbly prayed that ~~this~~ for the reasons already disclosed in the Writ Petition and the affidavit, the termination of the services of the Petitioners/ Applicants may kindly be stayed, pending the disposal of the Writ Petition in the interest of justice.

DATED: LUCKNOW;
JANUARY , 1981.

Counsel for the Petitioners/
Applicants.



N.R.

VAKALATNAMA

G.V. 3.

Before
In the Court of High Court of Judicature at Lucknow
W.P. No 62 of 31

A/19

Gaya Prasad.

Plaintiff
Defendant

Claimant
Appellant
Petitioner

Versus

Union of India

Defendant
Plaintiff

Respondent

The President of India do hereby appoint and authorise Shri... Ramesh D. Bhatta Adv.

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

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

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the... day of ... 19 ..

Dated.....197 ..

Accepted
Ramesh D. Bhatta
Adv

.....
Designation of the Executing Officer



W.P. No. 62 of 81

6/2

N.R.

VAKALATNAMA

G.V. 3.

Before
In the Court of

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

Sri Baya Prasad

Plaintiff
Defendant

Versus

Claimant
Appellant
Petitioner

Union of India

Defendant
Plaintiff

Respondent

The President of India do hereby appoint and authorise Shri... S. Sagher Ahmed
Advocate

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

The President hereby agrees to ratify all acts done by the aforesaid Shri... S. Sagher Ahmed in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the... day of ... 19 ..

Dated... 6/2/81

Accepted
S. Sagher Ahmed

Designation of the Executing Officer

दिवानी विभाग

प्रकीर्ण (मुतफरिफ) प्रार्थना-पत्र सं० - 114 - - - - - सं० १६ ४१

म.प. सं० - 62 - - - - - सं० १६ ४१

४/२१

Jaya Parbad & Co.

प्रति
The Union of India & Co.
The Divisional Railway
Manager, N. R. Lucknow.

प्रतिवादी के बाद

चूंकि ऊपर लिखे प्रार्थनों में इस न्यायालय में उपरोक्त मुकदमें के सम्बन्ध में

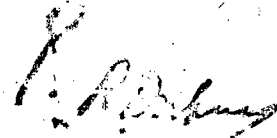
दिया है कि आपको आदेश दिया जाता है कि आप दिनांक 9/7/01 माह
सं० १६ को या उससे पहले उपस्थित होकर बतायें कि प्रार्थना
पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना पत्र की सुनवाई उसके बाद
नियमानुसार विज्ञापित किसी और दिन होगी।

दिनांक १०/७/०१ को ऊपर लिखे दिनांक पर या उसके पहले स्वयं
तो या जो आपकी ओर से काम करने में
होगी जो उस प्रार्थना पत्र की सुनवाई करे
गें।

रा दिये गए पत्र की एक प्रतिलिपि इसी

य की मोहर से आज दिनांक - 13/5/01
गरी किया गया।

रखवाते



डिप्टी रजिस्ट्रार

इलाहाबाद, तत्काल

सूचना इस न्यायालय में १६५२ के नियमावली के अध्याय ३७, नियम २ के अधीन
प्राप्त तत्त्वाना मिल गया।

तत्त्वाना पाने वाले पक्षी के हस्ताक्षर

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

दिवानी विभाग

प्रकीर्ण (मुतफरिफ) प्रार्थना-पत्र सं० - - - - - सन १६ - - - -

सं० - - - - - सन १६ - - - - - ई० में

५/२

- - - - - प्राणी

प्रति

- - - - - प्रत्यागी

प्रतिवादी के वाद

वृत्ति ऊपर लिखे प्राणी ने इस न्यायालय में उपरोक्त मुकदमें के संबंध में
- - - - - के - - - - - लिखे प्रार्थना पत्र

दिया है मतः आपको आदेश दिया जाता है कि आप दिनांक ११/२/१६ माह
- - - - - सन १६ को या उसके पहले उपस्थित होकर बतायें कि प्रार्थना
पत्र क्यों न स्वीकार कर लिया जाय । उक्त प्रार्थना पत्र की सुनवाई उसके बाद
नियमानुसार विज्ञापित किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वतः
स्थित किसी एडवोकेट या ऐसे व्यक्ति द्वारा जो आपकी ओर से काम करने के
लिए कानूनन अधिकृत हो, उपस्थित न हों तो उस प्रार्थना पत्र की सुनवाई और
निर्णय आपको अनुपस्थित में हो जायेंगे ।

प्रार्थना पत्र और प्राणी द्वारा दिये गए स्पष्ट प - की एक प्रतिलिपि हर
के साथ लगी है ।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १४/२/१६

माह - - - - - सन १६ को जारी किया गया ।

- - - - - के एडवोकेट

तिथि:- - - - -

हिप्पी रजिस्ट्रार

इलाहाबाद, लखनऊ

सूचना इस न्यायालय की १६५२ की नियमावली के अध्याय ३७, नियम २ के अधीन
प्राप्त तत्वाना मिल गया ।

तत्वाना पाने वाले पक्षी के हस्ताक्षर

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

Dr (M) 1450
145-4

दिवानी विभाग

प्रकीर्ण (मुतफरिफ) प्रार्थना-पत्र सं० - 114 - - - - - सन १९८१ - - - - -

* W.P. - सं० 62 - - - - - सन १९८१ ई० में

Gaya Prasad & Co

प्रति
Union of India & Co. - प्रत्याग्नी
The Union of India
Through The General
Manager, N. R. Barada House
New Delhi प्रतिवादी के पास

पुंजि ऊपर लिखे प्रार्थनों में इस न्यायालय में उपरोक्त मुकदमें के सम्बन्ध में

1450
सं०/No. 0656
Amount of Stamp affixed Rs. 3.25
एक रजिस्ट्री बीमा*
Received a Registered Insured
पानेवाले का नाम The Union of India
Addressed to N. R. Barada House
बीमा की रकम (अंकों में)
Insured for Rs. (in figures) New Delhi
बीमा शुल्क Rs.
Insurance fee Rs.
प्रेषक का नाम व पता
Name and address of sender
हस्ताक्षर निर्देशिका में दी गई
शर्तों के अधीन जारी की गई
Issued subject to terms and conditions in P. O. guide
प्राप्त किया
Date-stamp
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

लिखे प्रार्थना पत्र
9/7/81 मार
र जवाब दें कि प्रार्थना
सुनवाई उत्तर के बाद

या उसके पक्ष में खर्च
र से काम करने में
मित्र की सुनवाई कर

एक प्रतिलिपि को

दिनांक 13/5/81

तिथि:-



डिप्टी रजिस्ट्रार

इलाहाबाद, तहजीब

सूचना इस न्यायालय की १९५२ की नियमावली के अध्याय २०, नियम २ के अधीन
प्राप्त तद्वताना भित गया।

तद्वताना पाने वाले पक्षी के हस्ताक्षर

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

दिवानी विभाग

प्रकीर्ण (मुतफरिफ) प्रार्थना-पत्र सं० - - - - - सन १६ - - - -

सं० - - - - - सन १६

ई० में

१२५

प्राणी

प्रति

प्रत्यक्षी

प्रतिवादी के नाम

जुनि ऊपर लिखे प्राणी ने इस न्यायालय में उपरोक्त मुकदमें के सम्बन्ध में

कै - - - - -

लिखे प्रार्थना पत्र

दिया है वतः आपको आदेश दिया जाता है कि आप दिनांक ११/११/८१ सन १६ को या उसके पहले उपस्थित होकर बतायें कि प्रार्थना पत्र क्यों न स्वीकार कर लिया जाय । उक्त प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं हवा किसी इच्छोकेट या ऐसे व्यक्ति द्वारा जो आपकी ओर से काम करने के लिए कानूनन अधिकृत हो, उपस्थित न करेंगे तो उस प्रार्थना पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेगा ।

प्रार्थना पत्र और प्राणी द्वारा दिये गए स्पष्ट पत्र की एक प्रतिलिपि बरत के साथ लगी है ।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १३/११/८१

सन १६ को जारी किया गया ।

के इच्छोकेट

तिथि:-



हिप्पी रजिस्ट्रार

इलाहाबाद, तत्काल

सूचना इस न्यायालय की १६५२ की नियमावली के अध्याय ३७, नियम २ के अधीन प्राप्त तत्त्वाना मिल गया ।

तत्त्वाना पाने वाले कर्मी के हस्ताक्षर

(अध्याय १२, नियम १ और ७)

Dr
145-3 N
1450
2

दिवानी विभाग

प्रतीण (मुतफरिफ) प्रार्थना-पत्र सं० - 114 - सन १४८१ - १०

w.p. सं० - 62 - सन १४८१ ई० में

Gaya Prasad & Co.

Union of India & Co. प्रति प्रत्यानी

The Assistant Engineer,
II, Northern Railway,
Char bagh, Lucknow.
प्रतिवादी के बाद

पुंति ऊपर लिखे प्राथनी ने इस न्यायालय में उपरोक्त मुकदमें के सम्बन्ध में

लिखे प्रार्थना पत्र
दिया है कि: आपको आदेश दिया जाता है कि आप दिनांक 9/7/81
सन १४८१ को या उससे पहले उपस्थित होकर बतायें कि प्रार्थना
मुन्दाई उसके बाद

1450 क्रमांक/No. 655

लगाए गए डाक टिकटों का मूल्य Rs. 3 पं० 25

Amount of Stamps affixed Rs. P. प्राप्त किया

एक रजिस्ट्री बीमा Received a Registered Insurance

पानवाले का नाम Addressed to

बीमे की रकम (अंकों में) Insured for Rs. (in figures)

बीमा शुल्क Rs. P. वजन (शब्दों में) Weight (in words)

भेजनेवाले का नाम व पता Name and address of sender

डाकघर निदेशिका में दी गई

शर्तों के अधीन जारी की गई Issued subject to terms and conditions in P. O. guide

पानेवाले अधिकारी के हस्ताक्षर Signature of Receiving Officer



उसके पत्रों स्वयं से काम करने के का सुन्दाई बार

एक प्रतिलिपि हस्ते

मांक 13/5/81



हिप्पी रजिस्ट्रार
इलाहाबाद, तहसील

इसका हर न्यायालय में १४५२ के नियमावली के अध्याय २०, नियम २ के अधीन प्राप्त तलवाना भित गया।

तलवाना पाने वाले पत्नी के हस्ताक्षर

दिवानी विभाग

प्रकीर्ण (मुतफरिफ) प्रार्थना-पत्र सं० - - - - - सन १६ - - - - -

सं० - - - - - सन १६

ई० में

१२/७

प्राणी

प्रति

प्रत्याणी

प्रतिवादी के बाव

चूंकि ऊपर लिखे प्राणी ने इस न्यायालय में उपरोक्त मुकदमें के सम्बन्ध में
के - - - - - लिखे प्रार्थना पत्र

दिया है वतः आपको आदेश दिया जाता है कि आप दिनांक ११/७/०१ माह
- - - - - सन १६ को या उससे पहले उपस्थित होकर बतायें कि प्रार्थना
पत्र क्यों न स्वीकार कर लिया जाय । उक्त प्रार्थना पत्र की सुनवाई उसके बाद
नियमानुसार विज्ञापित किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं
हवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा जो आपकी ओर से काम करने में
आप मान्यता विहित हो, उपस्थित न हों तो उक्त प्रार्थना पत्र का सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायेंगे ।

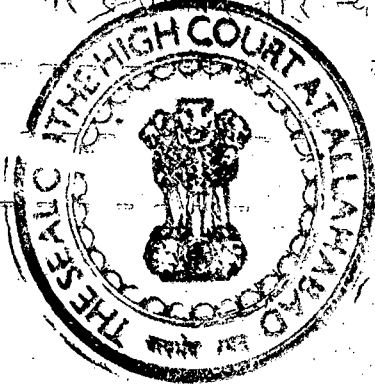
प्रार्थना पत्र और प्राणी द्वारा दिये गए स्पष्ट पत्र की एक प्रतिलिपि हफ्ते
के साथ लगी है ।

मेरे हुतात्मन और न्यायालय की मोहर है आज दिनांक १३/७/०१

माह - - - - - को जारी किया गया ।

- - - - - के एडवोकेट

लिखितः



डिप्टी रजिस्ट्रार

इलमदाबाद, लखनऊ

सूचना इस न्यायालय की १६५२ की नियमावली के अध्याय १७, नियम २ के अन्तर्गत
प्राप्त तत्वाना मिल गया ।

तत्वाना पाने वाले पक्षी के हस्ताक्षर

हार्ड कोट इलाहाबाद
(अध्याय १२, नियम १ और ७)

4 N
1450
Pr 145 1

दिवानी विभाग

प्रकीर्ण (मुतफरिफ) प्रार्थना-पत्र सं० - 114 - - - - - सं० १६ ४१ - - - - -

* - - - - w.p. सं० - 62 - - - - - सं० १६ ४१ - - - - -

Gaya Rd. - - - - -

Union of India for प्रति
The Permanent way Inspe- प्रत्यक्षी
ctor, N.R. Barabanki
Distt Barabanki
प्रतिवादी के नाम

युक्ति ऊपर लिखे प्राथी में इस न्यायालय में उपरोक्त मुकदमें के सम्बन्ध में

दिवा
पत्र
निर

1450 कमांक, No. 654
3-25
Amount of Stamps affixed Rs. P.
एक रजिस्ट्री बीमा*
Received a Registered Insurance प्राप्त किया।
पानेवाले का नाम The Permanent way
Addressed to Inspector N.R.
बीमे की रकम (अंकों में) Barabanki
Insured for Rs. (in figures) (शब्दों में)
बीमा शुल्क Rs. १० वजन (शब्दों में)
Insurance fee Rs. Weight (in words)
भेजनेवाले का नाम व पता
Name and address of sender
हार्ड कोट इलाहाबाद में जो गई
शर्तों के अधीन जारी की गई
Issued subject to terms and
conditions in P.O. guide
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

लिखे प्रार्थना पत्र
9/7/81
तलाय कि प्रार्थना
वाह उसके बाद

उसके पत्रों स्वतः
नाम करने के
का सुनवाई और

क प्रतिलिपि इसी

13/5/81



के हस्ताक्षर

हिस्ट्री रजिस्ट्रार
इस न्यायालय, लखनऊ

सूचना इस न्यायालय की १६५२ के नियमावली के अध्याय २०, नियम २ के अधीन
प्राप्त तत्वाना मिल गया।

तत्वाना पाने वाले पत्रों के हस्ताक्षर

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

दिवानी विभाग

प्रकीर्ण (मुतफरिफ) प्रार्थना-पत्र सं० - - - - - सन १६ - - - - -

सं० - - - - - सन १६ - - - - - ई० में

५/५

प्राणी

प्रति

प्रत्यक्षी

प्रतिवादी के नाम

युक्ति ऊपर लिखे प्राणी ने इस न्यायालय में उपरोक्त मुकदमें के सम्बन्ध में
के - - - - - लिखे प्रार्थना पत्र

दिया है तब: आपको आदेश दिया जाता है कि आप दिनांक 9/7/81 सन १६ को या उससे पहले उपस्थित होकर बतायें कि प्राणी पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना पत्र को सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होगा।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं या किसी एडवोकेट या ऐसे व्यक्ति द्वारा जो आपको और से आम कराने में लिखे आनून अधिकृत हो, उपस्थित न करें तो उस प्रार्थना पत्र की सुनवाई और निर्णय आपको अनुपस्थित में हो जायेंगे।

प्रार्थना पत्र और प्राणी द्वारा दिये गए स्पष्ट पत्र की एक प्रतिलिपि को के साथ लगे है।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 13/5/81

सन १६ को जारी किया गया।

के एडवोकेट

तिथि: - - - - -



डिप्टी रजिस्ट्रार

इलाहाबाद, लखनऊ

यचना इस न्यायालय की १९५२ की नियमावली के अध्याय १०, नियम २ के अधीन प्राप्त तस्वाना मिल गया।

तस्वाना पाने वाले पक्षी के हस्ताक्षर

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

62

of 1981

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
5-1-81.	Hon. K.S.V., J. Hon. U.C.B., J. Admit. Issue notice. S.D. K.S.V. S.D. U.C.B. 5-1-81.	
-Do-	CMA 114(W)-81 (5 Key) I.N. If the petitioner's services have already been not terminated it shall not be terminated till further orders. S.D. K.S.V. S.D. U.C.B.	
9.7.81	Fixed with C.M. App No. 114/81 for attendance. 13/5	
	Notices issued to O.P. No. 1 to 4 through Regd. post for filing etc. 13/5	
13.1.82		

NO
21/1/82

1/29

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

T. A. No.: 793 of 1987

Gaya Prasad & others ... Petitioners

Vs.

Union of India & others ... Opp. Parties

COUNTER REPLY ON BEHALF OF THE
OPPOSITE PARTIES.

I, R. P. Misra working as
~~an~~ Asstt Engineer II Chhatrapati resident
of Lucknow.

do hereby solemnly affirm and state as under:-

1. That I am working as Asstt Engineer II N. Rly.
D.R.M. Office, Northern Railway, Lucknow. I have
been duly authorised on behalf of the Opposite

Filed today

o/h

11/12/91

21/11
ASSISTANT ENGINEER, II
N Rly., LUCKNOW

Parties to file the instant reply on their behalf. I have gone through the contents of the petition and have perused the official record of the case and as such I am fully conversant with the facts and circumstances mentioned hereinafter:

2. That the contents of Para-1 of the writ petition are admitted to the extent that the petitioner no. 1 to 13 were engaged as casual labourers. It is further submitted that the petitioner no. 14 to 16 are fraudulent persons and they have never worked under the Opposite Party No. 4. The petitioners No. 14 to 16 are required to give strict proof regarding their engagement under the Opposite Party No.4.

3. That the contents of Para-2 of the writ petition are wrong, hence denied. In reply thereto it is stated that the petitioners no. 1 to 13 were engaged against the temporary sanction for completing the work as labourer was required for high bank settlement due to heavy rain in the section of permanent Way Inspector, Barabanki on the forced circumstances and after the completion of the work and also the expiry of the

✓ 210
ASSISTANT ENGINEER, I.
N. Ry., LUCKNOW


A/32/

temporary sanction, their services were automatically ceased. It is further submitted that they were never engaged against the regular post and under the Railway Establishment Code Vol. II. The petitioners are not covered under the definition of Railway Servant and as such they have no legal right to claim any relief under the Article 226 of the Constitution of India or before this Hon'ble Tribunal.

4. That the contents of Para-3 of the writ petition are not admitted as alleged, hence denied. In reply thereto it is stated that the petitioners no. 1 to 13 had been engaged against the temporary sanction received from time to time to ~~xxx~~ meet the exigencies of the services during emergency with a view to maintain the safety of the track. The details of the sanction are as under :

- (i) 213/DRM/AEN-II/LKO/80-81 dt.21.7.80 for 30 days.
- (ii) 248/DRM/AEN-II/LKO/80-81 dt.14.8.80 for 30 days.
- (iii) 291/DRM/AEN-II/LKO/80-81 dt. 15.9.80 for 30 days.
- (iv) 321/DRM/AEN-II/LKO/80-81 dt. 14.10.80 for 30 days.
- (v) 361/DRM/AEN-II/LKO/80-81 dt. 14.11.80 for 30 days.

The rest of the petitioners no. 14 to 16 are fraudulent persons and they had not worked at all


ASSISTANT ENGINEER, 11
N Ry., LUCKNOW

as per the office record.

5. That in reply to Para-4 of the writ petition it is stated that the petitioners were engaged for a fixed period on ELA (Essential Labour Acquisition) basis and when the period expired, the contract of their engagement as Casual Labour stands ceased. It is further clarified that such Casual Labourers are engaged with full knowledge that the engagement would be ceased on the date when the sanction expired. Accordingly, the engagement of the petitioners no. 1 to 13, on expiry of sanction, stood ceased automatically as such no notice was required to be given to them.

6. That the contents of Para-5 of the writ petition are wrong, hence denied in view of the facts mentioned in the foregoing paras of this counter reply.

7. That the contents of Para-6 of the writ petition are wrong, hence denied. In reply there-to it is stated that the petitioners were never engaged on permanent open line. The work and sanction for which the petitioners no. 1 to 13 were engaged, already finished and expired. The petitioners are required to give strict proof of the allegation made in para

✓ 21/11
ASSISTANT ENGINEER, I.E.
N. Ry., LUCKNOW

under reply.

8. That the contents of Para-7 of the writ petition are wrong, hence denied. In reply thereto it is stated that the engagement of the petitioners was on contract basis for a certain period for which the sanction was accorded by the Competent Authority, the question of acquiring the temporary status after completing 120 days does not arise. In view of this, the averments made in p-ara 7 of the Writ Petition are misleading.

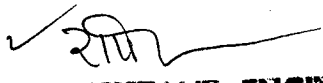
9. That the contents of Para-8 of the writ petition are wrong, hence denied. In reply thereto it is stated that the petitioners have not given the full particulars of the Casual Labourers who are said to have been engaged in their places, The allegations made in para under reply are false, frivolous and concocted. It is further submitted that this Hon'ble Tribunal may direct the petitioners to submit the details of such Casual Labourers who are junior to such labourers but had been engaged in their places so as to enable the answering opposite parties to give specific comments on the point.

10. That in reply to Para-9 of the writ petition

it is stated that the provisions of the Railway Establishment Manual referred to in the para under reply are not applicable in the instant case as the petitioners' engagement as Casual Labourers was purely on contract basis for which the sanction was accorded by the Competent Authority time to time. The petitioners have not come with clean hands before this Hon'ble Tribunal as they have deliberately concealed the actual facts to mislead the Hon'ble Court.

11. That in view of the submissions made in foregoing paras of this counter reply, the averments of the para under reply i.e. of Para-10 of the writ p-etition are denied as those are not correct. The rule related in para under reply is not applicable in the case of the petitioners.

12. That the contents of Para-11 of the writ petition are baseless, false and misleading and, hence denied. In reply thereto it is stated that the petitioners have put a misleading picture before this Hon'ble Court with wrong facts and non-applicable rules just to cover up their case in field of eligibility for which they are not at all entitled because their engagement was for


ASSISTANT ENGINEER. II
N Ry., LUCKNOW

12/3/28

VERIFICATION

I R. P. Misra _____, do
 hereby verify that the contents of paras _____
 of the instant reply are based on personal knowledge
 and belief and those of paras 1 to 14 are
 based on knowledge derived from the perusal of
 records of the instant case kept within the official
 custody of the answering opposite parties, nothing
 material has been concealed and nothing stated
 therein are false.

Verified on 4th the day of
Oct. 1991 at Lucknow.

[Signature]
 ASSISTANT ENGINEER, II
 N. Ry., LUCKNOW.

Through
[Signature]
 Rly. Advocate

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

4/5

T.A. No. 793 OF 1987

GAYA PRASAD

... APPLICANT

VERSUS

UNION OF INDIA & OTHERS

... RESPONDENTS

REJOINDER TO THE COUNTER REPLY
ON BEHALF OF THE RESPONDENTS

I, Gaya Prasad, aged about 32 years, S/o Shri Debi, R/o Village Rampur Gaddi, Post - Nigowan, District Lucknow, states as under:-

1. That the Deponent is the Applicant No. 1 in the above Transferred Application and is doing parvy on behalf of the Applicants Nos. 2 to 6 and 8 to 16 except Applicants Nos. 10 & 11. The Applicant No. 7 is already working under Permanent Way Inspector, Lucknow. As such, the Deponent is fully conversant with the facts and circumstances of the Case. The contents of the Counter Reply have been explained to the Deponent and as such, the Deponent states hereinafter.1.

F.T.
22-10-92
✓

20/10/92

2. That the contents of Paragraph 1 of the Counter Reply need no comments.

3. That the contents of Paragraph 2 of the Counter Reply are vehemently denied and the contents of Paragraph 1 of the Transferred Application are reiterated as correct. All the applicants have worked under Respondent No. 4 including Applicants No. 14 & 16. The Hon'ble Tribunal may be pleased to direct the Respondents to produce the complete record pertaining to the engagement under Respondent No. 4, from 01st August 1980 to 14th December 1980 so as to substantiate the facts before this Hon'ble Tribunal that the Applicants Nos. 14 to 16 have never worked. The Respondent No. 4 issued Service Cards to the Applicants. The Service Cards of Applicants Nos. 15 & 16 have been misplaced. However, copy of the Service Card of the Applicant No. 14 is being annexed as ANNEXURE No. R-1 to this Rejoinder.

4. That the contents of Paragraph 3 of the Counter Reply are vehemently denied and the contents of Paragraph 2 of the Transferred Application are reiterated as correct. It is

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stated that the Applicants were engaged on regular posts and not on any Project or any short term or fixed term work. The Respondents are stating false stories so as to mislead this Hon'ble Tribunal. The Applicants are covered under the Railway Servants. The Applicants have attained legal status as such, the Applicants are entitled for the relief of reinstatement in service with full back wages.

5. That the contents of Paragraph 4 of the Counter Reply are vehemently denied and the contents of Paragraph 3 of the Transferred Application are reiterated as correct. The Applicants were engaged against permanent, sanctioned work on a regular post. The Respondents may be put to strict proof so as to demonstrate before this Hon'ble Tribunal that the Applicants Nos. 14 to 16 are fraudulent persons.

6. That the contents of Paragraph 5 of the Counter Reply are denied and the contents of Paragraph 7 of the Transferred Application are reiterated as correct. The Applicants were never engaged for a fixed period. In fact,

..4.

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the Applicants were engaged on regular posts against permanent work under Respondent No. 4. The engagement of the Applicants after 14th December 1980 was done arbitrarily and illegally, in utter violation of the provisions of the Indian Railway Establishment Manual as well as the Industrial Tribunal Act, 1947.

7. That the contents of Paragraph 6 of the Counter Reply are denied and the contents of Paragraph 5 of the Transferred Application are reiterated as correct.

8. That the contents of Paragraph 7 of the Counter Reply are denied and the contents of Paragraph 6 of the Transferred Application are reiterated as correct. All the Applicants have worked and were engaged on permanent Open Line. The Permanent Open Line on which the Applicants were engaged is still in existence. The Respondents to give strict proof of the allegation that the Applicants have not worked on any Permanent Open Line. All the Applicants have worked, even much prior to 01st August 1980 under various Permanent Way

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Inspectors of the Northern Railway at various places, such as Lucknow, Bachrawan, etc.

9. That the contents of Paragraph 8 of the Counter Reply are denied and the contents of Paragraph 7 of the Transferred Application are reiterated as correct. The engagement of the Applicants was never on contract basis for a fixed period, but in fact, on Permanent Open Line. The Applicants attained temporary status after completing 120 days of service.

10. That the contents of Paragraph 9 of the Counter Reply are denied and the contents of Paragraph 8 of the Transferred Application are reiterated as correct. The Respondents have ousted the Applicants after 14th December 1980 in order to defeat their claim of absorption into service. The Respondents have ample of work for engagement of the Applicants as the Railway is a very large Organisation. Several persons have been engaged after 14th December 1980 which shall be evident from the records of the Respondents as it cannot be pleaded under any stretch of imagination that no engagement has been made in the Indian ...6.

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Railways, thereafter. The Applicants are ready to work anywhere in the Indian Railway establishment as Casual Workers as they have already attained the temporary status and they are entitled for regularisation and absorption.

11. That the contents of Paragraph 10 of the Counter Reply are vehemently denied and the contents of Paragraph 9 of the Transferred Application are reiterated as correct. The Applicants have never worked on contract basis. The Respondents are misleading the Hon'ble Tribunal so that the Applicants may not be granted any relief. In fact, all the other persons have been absorbed in the Indian Railways, who were working under Respondent No. 4 from 01st August 1980 to 14th December 1980; except the Applicants.

12. That the contents of Paragraph 11 of the Counter Reply are denied and the contents of Paragraph 10 of the Transferred Application are reiterated as correct.

...7.

5/11/84

13. That the contents of Paragraph 12 of the Counter Reply are denied and the contents of Paragraph 11 of the Transferred Application are reiterated as correct. The Applicants are poor labourers and they have crossed the age of 30 years and are not eligible for any other employment anywhere else. As such, the Applicants have no other hope of employment, except under the Respondents.

14. That the contents of Paragraphs 13 & 14 of the Counter Reply are denied and the contents of Paragraph 12 & 13 of the Transferred Application are reiterated as correct. The Applicants ousted on 14th December 1980 due to malafide reasons as all the other persons who were working alongwith the Applicants as casual labourers have already been engaged and appointed under the Respondents, on date, in regular pay scale. The Applicants Transferred Application is entitled to be allowed with direction to the Respondents to treat the Applicants as Temporary Railway Servants, continuing in service without any break and to pay salary and allowances and arrears arising thereof, after quashing the Termination Order,

...8.

5/11/84

if any, w.e.f. 15th December 1980. The Transferred Application is full of merits and deserves to be allowed with costs to the Applicants.

Place : Lucknow.

DEPONENT

Dated : OCT 1992

V E R I F I C A T I O N

I, the deponent above named, verify that the contents of Paragraphs 1 to 14 of this Rejoinder are true and correct to my own knowledge derived from personal information and records. The legal parts of the Paras are based on legal advice received which is believed by me to be true and correct.

Verified this, the
1992, at Lucknow.

day of October

DEPONENT

Gaya based and others

Applicants

vs

Union of India and others

Respondents

A/46

INSTRUCTIONS

- जिस व्यक्ति को यह कार्ड जारी किया जाता है, वह इसकी अभिरक्षा के लिये उत्तरदायी है।
The person to whom this card is issued is responsible for its safe custody.
- किसी भी हालत में दोहरा कार्ड जारी नहीं किया जायेगा।
No duplicate card can be issued under any circumstances.
- कार्ड खो जाने की स्थिति में इसकी सूचना तुरन्त दी जानी चाहिए।
In case of loss, the fact should be immediately reported.
- प्रत्येक नयी नियुक्ति के समय इस कार्ड को निश्चित रूप से प्रस्तुत किया जाना चाहिए।
This card should invariably be produced at the time of every fresh appointment.
- इस कार्ड के बिना, स्थान पर कोई विचार नहीं।
No claim for permanent absorption will be entertained without this card.
- रेल सेवा में रहने के समर्थन में किसी अन्य साध्य पर कोई भी ध्यान नहीं दिया जायेगा।
Any other form of evidence in support of his employment will not be taken cognisance of.
- इस कार्ड के दुरुपयोग किए जाने पर कर्मचारी को सभी प्रकार की रेल सेवा के लिये अयोग्य घोषित किया जायेगा।
Any misuse of this card shall render its owner liable for being disqualified from Railway service of all kinds.

प्रथम नियुक्ति पर भर्ती होने के बाद ही पहली बार
Particulars to be filled in first appointment.

90393



पूरा नाम
Name in full
Gaya Ram
पिता का नाम
Father's Name
Mankoral

प्रत्युचित जाति का सच्य है अथवा नहीं
Scheduled Caste or not
Pasi
धोतस्य इंचार्ज के हस्ताक्षर पदनाम
Signature & Designation
Subordinate Incharge
Northern Railway
LUCKNOW
5/5/77

गया राय

TANU. 793/87 (T)

Applicants

Respondents

()

वर्तमान के समय भरा जाना वाला व्यक्ति हवीरा
 Personal Details to be filled in by first appointment
 पुरा नाम (बड़े अक्षरों में) **SATARAM**
 Name in full (in Block letters)
 पिता का नाम
 Father's Name **SR Nataraj**

जन्म तिथि
 Date of Birth **1.7.56**

प्रारम्भिक-मनियत नियुक्ति के समय आयु
 Age at initial casual employment
शैक्षिक योग्यता
 Educational qualification
व्यक्तिगत पहचान चिह्न } (i)
 Personal marks of identification
} (ii)

प्रारम्भिक नियुक्ति के समय किस्त-अकार का कार्य दिया गया
 Nature of job on initial employment
स्थायी पता
 Permanent address **KRAH**
डाक घर
 Post Office
पाना
 Police Station **M/LT**

गृहीत
 Total
डिलीटोर राज्य सरकार के पास
 Disposal Government

उत्तराधिकारी का पूरा नाम
 Name in full of heir
Markood
Pally
a Gland

सम्बन्ध
 Relationship
उत्तराधिकारी का स्थायी पता
 Permanent address of heir

Signature or L.T.I.
 of the Casual Labourer
Northern District of Lucknow

1989

Before the Hon'ble Central Administrative Tribunal Lucknow.

TANU - 793/87CTI

Gaya Based and others

Applicants

1/16

vs

Union of India and others

Respondents.

(15)
प्रतिष्ठित मजदूरों के रूप में काम करने का रिकार्ड
RECORD OF SERVICE AS CASUAL LABOUR
प्रारम्भिक नियुक्ति की तारीख
Date of initial employment

नौकरी की अवधि Period of employment		कार्य का स्वरूप Nature of assignment	साहित्य हस्ताक्षर और पदनाम Sig. & Design. of Supr. with date
कब से From	कब तक To		

18-3-77	16-7-77	24/12/76	31-3-77
12-4-77	3-5-77	4-7-77	13-5-77

North India
Lucknow

(4)
प्रतिष्ठित मजदूरों के रूप में काम करने का रिकार्ड
RECORD OF SERVICE AS CASUAL LABOUR
प्रारम्भिक नियुक्ति की तारीख
Date of initial employment

नौकरी की अवधि Period of employment		कार्य का स्वरूप Nature of assignment	साहित्य हस्ताक्षर और पदनाम Sig. & Design. of Supr. with date
कब से From	कब तक To		

27-12-75	26-1-76	220/30	9/10/75
27-2-76	24-3-77	25	24/12/76
27-7-76	25-7-76	25	24/12/76
28/7/76	25-10-76	25	24/12/76
25-12-76	23-1-77	25	24/12/76
10-2-77	17-3-77	25	24/12/76

P.W.L. 11/11/77
23/5/77
24/12/76

गया प्रसाद

Respondents.

१५५२५१५

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/ 262 Dated the : 15/12

T.A.No. of 793 1937 (T)

Gaya Prasad.

APPLICANT'S

Versus

Union of Gondia

RESPONDENT'S

(4)

To

Jag Mohan S/o Hanuman R/o Village
Surajbali Khara P.O. Kankaha
Lucknow

Whereas the marginally noted cases has been transferred by
High Court Under the provision of the Administrative
Tribunal Act 13 of 1925 and registered in this Tribunal as above.

Writ Petition No. 6401
of 198
of the Court of J.C. Lko.

arising out,
of Order dated
passed

The Tribunal has fixed date of
9.2.90 198. The hearing
of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

30 day of 11 1939.

Ginesh/

DEPUTY REGISTRAR

(5) Kallor S/o Moka R/o Village: madah-
pur P.O. Dayalpur, Lucknow.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/ 263/ Dated the : 15/12

T.A.No. of 793 1987 (T)

Gaya Prasad.

APPLICANT'S

Versus

Union of India

RESPONDENT'S

To: Rajaram S/o Manku Lal N/o Village
Chatti Khara P.O. Garhi Lucknow

Whereas the marginally noted cases has been transferred by
H e lko Under the provision of the Administrative
Tribunal Act 13 of 1945 and registered in this Tribunal as above.

Writ Petition No. 62/81
of 198
of the Court of H - e lko

arising out
of Order dated
passed by

the matter will be heard and decided in your absence.

The Tribunal has fixed date of
9.2.90 198 . The hearing
of the matter.

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

Given under my hand seal of the Tribunal this
30 day of 11 1989.

Lingesh/

A/S3

157/1140

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Dep. Residency
Lucknow - 15/12

No. CAT/LKO/Jud/CB/

2632

Dated the

7

T.A.No. of 198 (T)

Prayer Presented

APPLICANT'S

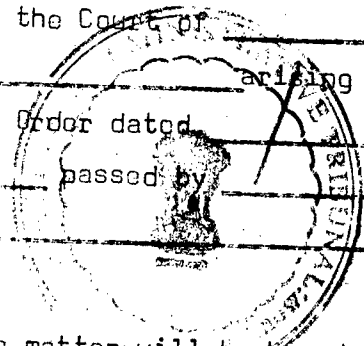
Versus

RESPONDENT'S

To

Whereas the marginally noted cases has been transferred by
Under the provision of the Administrative
Tribunal Act 13 of 1935 and registered in this Tribunal as above.

Writ Petition No. _____
of 198 _____
of the Court of _____
arising out _____
of Order dated _____
passed by _____



The Tribunal has fixed date of _____ 198. The hearing
of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
_____ day of _____ 1989.

Ginesh/

DEPUTY REGISTRAR

16) Ram Kewal Sh. Pathak Chatterjee
K. S. Chatterjee

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/2618 Dated the 10/2/1989

T.A.No. of 1989 (T)

Chand Prasad APPLICANT'S

Versus

State of U.P. RESPONDENT'S

To

Whereas the marginally noted cases has been transferred by
10/1/89 Under the provision of the Administrative
Tribunal Act 13 of 1925 and registered in this Tribunal as above.

Writ Petition No. 62/291

of 198

of the Court of

arising out

of Order dated

passed by

The Tribunal has fixed date of
9/2/89 1989. The hearing
of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of 11 1989.

dinesh/

DEPUTY REGISTRAR

1/55

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211 001

TA*** 793/87

No. CAT/Alld/Jud/ 40222 dated the 13/5

Gaya Prasad Sars

APPLICANT'S

VERSUS

Union of India Sars

RESPONDENT'S

- ① Shri A Mannan, Advocate, Lucknow High Court, Lucknow
- ② Robin Mitra, Advocate, Lucknow High Court, Lucknow
- ③ D Bhatta, Advocate, Lucknow High Court, Lucknow

Whereas the marginally noted cases has been transferred by Lucknow High Court Under ~~Section~~ the provision of the Administrative Tribunal Act, XIII of 1985 and registered in this Tribunal as above.

Writ Petition No: _____
of 198 .
of the Court of _____
arising out of order _____
dated _____
passed by _____ in _____

The Tribunal has fixed date of 21-11-89 1989. The hearing of the matter at Gandhi Bhawan Lucknow (Opp. Shaheed Smarak) If no appearance is made on your behalf by your some one duly authorised to Act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this _____ day of _____ 1989.

dinesh/


DEPUTY REGISTRAR

Legal A
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211 001.

TA 793/87 23
No. CAT/Alld/304/10221 Dated the: 7/1/89

Gaya Prasad & Co. APPLICANT'S

VERSUS
Union of India & Co. RESPONDENT'S

- ① Shri A. Mennan, Advocate, Lucknow High Court, Lucknow
To
② Shri Robin Mitra, Advocate, Lucknow High Court, Lucknow
③ " D. Bhatta, " " " " "

Whereas the marginally noted cases has been transferred by Lucknow High Court Under Section the provision of the Administrative Tribunal Act XIII of 1965 and registered in this Tribunal as above.

Writ Petition No. 62
of 1981)
of the Court of Lucknow High Court
arising out of order

dated _____
passed by _____ in _____

The Tribunal has fixed date of 21-11-89 1989. The hearing of the matter at Landhi Bhawan (Lucknow, Opp. Shaheed Smerak)
If no appearance is made

on your behalf by your some one duly authorised to Act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this _____ day of _____ 1989.

dinesh/

h
DEPUTY REGISTRAR
h
of c

In the Hon'ble ~~High Court of Allahabad~~ Central Administrative Tribunal

ब अदालत श्रीमान

at Allahabad Sitting at Lucknow महोदय

[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेन्ट]

श्री

का

वकालतनामा

T.N.No 793/87(T).

(टिकट)

वादी (अपीलान्त)

Gaya Prasad Eallu

Union of India

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६

१०

में अपनी ओर से श्री

Asit Kumar Chatterjee

वकील

महोदय

एडवोकेट

Bashir Building, Pandara

ना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे

कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील
नो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल
लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल
सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर

रे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा
या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का
किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती)
लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह

सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार
करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा
अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो
जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह
वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

पूरनवासी

श्रीराम

गीरवाली



हस्ताक्षर

LTI

साक्षी (गवाह)

LTI

साक्षी

LTI

साक्षी

दिनांक

6/3/91 महीना

गजाप्रसाद
राजाश्याम
रामशन्दी
जगमोहन

K/58

In the Honble Central Administrative Tribunal
Circuit Bench Lucknow

ब अदालत श्री मान

वादी मुद्दाई

प्रतिवादी मुद्दालय का वकालतनामा

GAYA PRASAD

बनाम

UNION of INCH

वादी मुद्दाई

प्रतिवादी मुद्दालय

T.A.N. 793 of 87

Others

नं० मुकदमा

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उपर लिखे मुकदमा में अपनी ओर से श्री

Ry Advocate - Lucknow
Brijesh Kumar Shukla
वकील

रडवोकेट

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं। लिखें देता हूं। इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिफ्री जारी करावें और खया वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदी करे या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष फरीकसानी का दाखिल किया खया अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं। कि मैं हर पेशी स्वयं या किसी अपने खरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी गवाह हस्ताक्षर.....

दिनांक..... महीना

साक्षी गवाह Division

नाम अदालत

नं० मुकदमा T.A.N. 793 of 87

नाम फरीकन

Accepted
Ry Advocate

ब अदालत श्री मान Before Mr. / Mehmed
(Circuit Bench)
Lucknow

वादी मुद्दई

प्रतिवादी मुद्दालय का कालतनामा
O.A NO 410 of 1990CL) 0.014.4-3-91

Gaya based Union of India वादी मुद्दई
बसात Sahar प्रतिवादी मुद्दालय

नं० मुकदमा सन 19 पेशी की तारीख 19 ई०
ऊपर लिखे मुकदमा में अपनी ओर से भी

Shri Brijesh Kumar Shukla एडवोकेट
महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ। लिखें देता हूँ। इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाब देडी व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिफ्री जारी करावें और रुपया वसूल करेगा मुकदमा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने इस्ताफर से दाखिल करें और तत्सदीक करे या मुकदमा उठाये या कोर्ट में जमा करें या हमारे या विपक्ष फर्रीकसानी का दाखिल किया रुपया अपने या हमारे इस्ताफर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूँ। कि मैं हर पेशी स्वयं या किसी अपने फेरकार को भेजता रहूंगा अगर मुकदमा अदम पेरवी में एक तरफा मेरे खिलाफ फैला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी।

इसलिये यह कालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी गवाह -----
दिनांक ----- महोदय

हस्ताक्षर -----
साक्षी गवाह -----
नाम अदालत -----
नं० मुकदमा -----
नाम फर्रीकन -----

Accepted
15/5/91
Advocate

In the Court of Central Administrative Tribunal
Circuit Bench Lucknow.

O.A No. 410 of 90

Gaya Prasad _____ Applicant

Vs.

Union of India & others. _____ Respondent

Sir,

I beg to say that the case O.A No 410 is listed on 16-5-91. In this case the Counter Affidavit is not ready. So 3 months time may be given for Counter Affidavit.

Thanking you.

Yours Sincerely

B. K. Shukla
(B. K. Shukla)
Counsel for app. party

Lucknow
dt. 16/5/91

Recd 15 6/8/91

Se
16/5/91