

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *T.A. 809/82*
W.P. 1382/81 OF

NAME OF THE PARTIES *Mohammad Kaleem* Applicant

Versus

Union of India and ors. Respondent

Part A.

Sl.No.	Description of documents	Page
1	<i>Index sheet</i>	<i>A1 to A2</i>
2	<i>order sheet</i>	<i>A3 to A4</i>
3	<i>Judgment order dt. 22-2-90</i>	<i>A5 to A6</i>
4	<i>Writ Petition with Annexure</i>	<i>A7 to A21</i>
5	<i>Power</i>	<i>A22 to A25</i>
6	<i>Affidavit</i>	<i>A26 to A29</i>
7	<i>Counters Affidavit</i>	<i>A30 to A34</i>
8	<i>Rejoinder Affidavit</i>	<i>A35 to A40</i>
9	<i>order sheet H.C.</i>	<i>A41 A41</i>
10	<i>any others Paper / Books</i>	<i>A42 to A51</i>
11		
12		
13		
14		
15		
16		
17		
18		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Re check on Dated *8/9/11*.....

Counter Signed.....

[Signature]
19/10/11

Section Officer/In charge

[Signature]

Signature of the
Dealing Assistant

ANNEXURE - A

CAT

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

INDEX SHEET

CAUSE TITLE 247/875 of 19

NAME OF THE PARTIES _____

Shri Mohd. Kaleem Applicant

Versus

Union of India & Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1	General Index	A1
2	Order Sheet	A2 to A3
3	Judgement	A4 to A6
4	Petition Copy	A7 to A14
5	Affidavit	A15 to A20
6	Power	A21 to A24
7	Affidavit	A25 to A32
8	Counter	A33 to A37
9	Reparals	A38 to A43
10	Order Sheet (H.C.)	A44
	(B)	
11	Bench Copy	B45 to B81
	(C)	
		C82 to C92

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 1382-81

Name of parties..... Mohd. Kaleem vs. Union of India

Date of institution..... 26/8/81 Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs.	P.		
	1	General Index	1					
	2	Order sheet	1					
	3	Writ-Ref Affidavit	13	7	102			
	4	Process	2	2	10			
	5	Order sheet	1					

I have this day of 198 , examined

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

Signature.....

Munsarim Clerk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 809 of 1989 (-6)

APPELLANT
APPLICANT

Mohd. Kaleem

VERSUS

DEFENDANT
RESPONDENT

U.O. 3

A/12

A/3

Sl. No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	<p><u>OR</u> This case has been received from C.A.T. And. No C.A. & RA filed.</p>	
	<p><u>OR</u> Notices issued to the respondents through regd. post on 2/5/89. The applicant has received notice.</p>	<p><u>OR</u> Notice of O.P. No 3 has been return back. h 3/5-</p> <p><u>OR</u> No C.A. & RA have been filed so far. Submitted for order. 2/17</p> <p><u>OR</u> Notices were issued to the applicants. Notice of O.P. No 3 has been return back with remark "not known". Submitted for order. 2 3/5</p>

①
श्रीमान अहमद अली, 21575, 12/2/89
Pp. 22-2-90
Recd
A/3

1/5

1/5

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration T.A. No.809 of 1987

(W.P. No.1382 of 1981 of the Hon.High Court)
(of Judicature at Allahabad, Lucknow Bench, LKO)

Mohd. Kaleem Petitioner

Versus

Union of India & Others Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

Hon. K.Obayya, Member (A)

(By Hon. Justice K. Nath, V.C.)

The Writ Petition described above is before this Tribunal under Section 29 of the Administrative Tribunals Act, 1985 for quashing an order dated 8.12.80, Annexure-2 by which the applicant-petitioner's services were terminated.

2. The facts are not in dispute. The applicant Mohd. Kaleem was appointed as Substitute Khalasi on 27.7.79 and had served upto 8.12.80 without any break. On that date, however, an adverse report, Annexure-C1 of Character Verification of Mohd. Kaleem to the Department was issued by the Addl. District Magistrate of Lucknow mentioning that according to the enquiry report of the Senior Supdt. of Police, Lucknow a case under Section 324, Indian Penal Code of Police Station, Wajirganj was pending trial against Mohd. Kaleem. On the basis of that report the impugned termination order, Annexure-A2 was passed on that very date i.e. on 8.12.80.

3. The applicant's simple case is that Character Verification Report, Annexure-C1 did not concern him at all and although it concerned one Mohd. Kaleem that

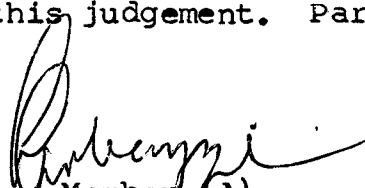
2

(4/5)

being made in accordance with the Confidential G.O. dated 28.4.58, the Character of the applicant was found to be good and that there was nothing adverse in the Police Record on account of which he could be considered to be unsuitable for Govt. employment. It may also be mentioned that alongwith the Writ Petition itself, the applicant had filed a copy of the same report, Annexure-I. There is no rebuttal of this material.

5. It is clear from the above that the Character Verification Report dated 8.12.80, Annexure-C1 does not concern the applicant at all, and therefore the services of the applicant could not have been terminated on that basis. The impugned termination order suffers from the vice of arbitrariness and non-application of mind by the competent authority. It deserves to be quashed.

6. The petition is allowed and the impugned order dated 8.12.80, Annexure-2 terminating the services of the applicant is quashed. The applicant shall be deemed to have continued in service as Substitute Khalasi. The opposite parties are directed to allow him to resume duty and to pay full arrears of his salary ^{according to Rules.} from the date of termination i.e. 8.12.80 within a period of three months from the date of receipt of a copy of this judgement. Parties shall bear their costs.


Member (A)


Vice Chairman

Dated the 22nd Feb., 1990.

RKM

Mohd. Kaleem is described in the report to be son of Gulam Ali resident of Aminabad, Lucknow. The applicant Mohd. Kaleem's father's name, on the contrary is Abdul Jalil and he is resident of Kurmi Tola, Risal Das Park, Magboolganj, Lucknow. It may be mentioned that although the full particulars of the applicant were given in the title of the Writ Petition and his statement in the petition that he had been appointed on 27.7.79 as Substitute Khalasi is admitted in the Counter, the opposite parties have not specifically directed themselves to the question whether or not the applicant Mohd. Kaleem is the son of Abdul Jalil. We therefore required the applicant to produce the copy of his High School Examination certificate. The applicant filed a copy attested by his counsel Shri T.N.Tiwari and has also produced the original certificate before us; he also annexed an affidavit in support of the certificate which is Annexure-A1 to the affidavit. This certificate describes Mohd. Kaleem to be the son of Abdul Jalil and having passed the High School Examination in 1973.

4. In addition thereto the applicant has also filed attested copy of Annexure-R1 (alongwith his rejoinder) of the Character Verification Certificate issued by the Additional District Magistrate, Lucknow on 24.8.79, i.e. within one month of the date of the appointment of the applicant. The report bears No.2034/1979 dated 24.8.79 and relates to Mohd. Kaleem son of Abdul Jalil. It mentions that on an enquiry

3198

B/C

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

Group : 14(a) 2047
12.3.81.
Writ Petition No. 1382 / 81.

Mohd. Kaleem. Petitioner.

Vs.

Union of India and others. Opp. Parties.

8

I N D E X

<u>Sl.No.</u>	<u>Particulars.</u>	<u>From Page</u>	<u>to Page.</u>
1.	Writ Petition	1	7
2.	Affidavit.	8	9
3.	Annexure No.1 (report of Distt. Magistrate Lucknow in respect of Mohd. Saleem.	10	11
4.	Annexure No.2 (copy of order dt. 8.12.80 Asstt. Personal Officer N.Rly. Locoworkshop through his order service terminated.	12	13
5.	Vakalathama.	14	

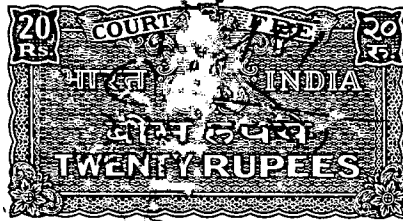
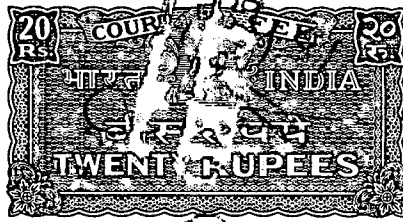
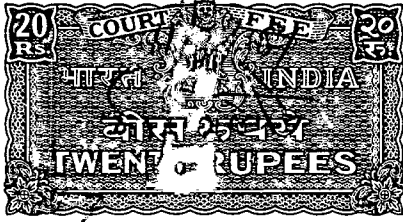
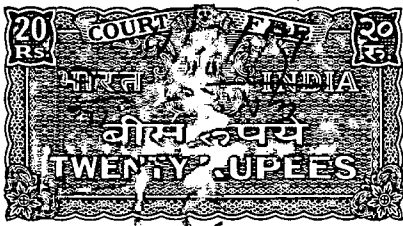
12.3.81.

Mohd. Wasim
Mohd. Wasim
Advocate
Counsel for the Petitioner.

N.B:

A court fee of Rs.100/- is being paid and power is stamped of Rs.5/-.

Mohd. Wasim



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

Writ Petition No. 1382 of 1981.

Writ Petition under Article
226/227 of the Constitution
of India.

SCF 2100-01
AMV
12387

Mohammad Kaleem , aged about 23 years, son of
Late Mohammad Abdul Jalil, resident of 86/117,
Kurmi Tola, hisaldar Park, Maqboolganj,
P.S. Qaiserbagh, Lucknow.

== PETITIONER .

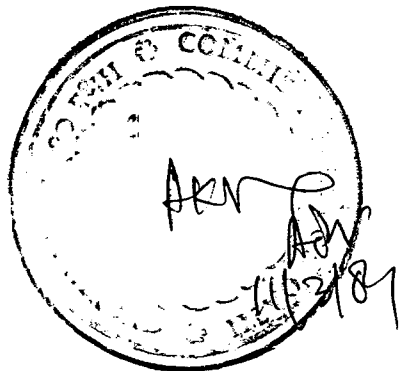
Versus

1. Union of India, through the Secretary,
Ministry of Railways, Rail Bhawan, New Delhi.
2. Sahayak Karamik Adhikari, Loco - Workshop,
Northern Railway, Charbagh, Lucknow.
3. Sri L.N. Bajpai son of not known, Personal
Officer, Loco-Workshops, Northern Railways,
Charbagh, Lucknow.

== OPPOSITE PARTIES.

contd...2..

Mohd Kaleem

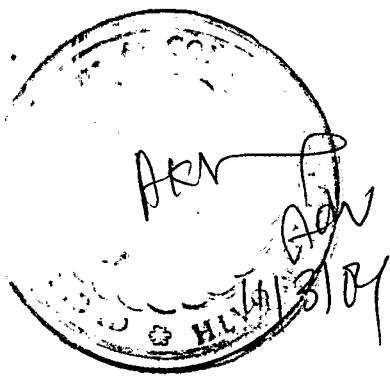


56/131/84

The Hon'ble Chief Justice And His
companion Judges of this Court.

The petitioner most respectfully submit as under:-

1. That the petitioner was appointed on 27.7.1979 by the Assistant Chief Mechanical Engineer as a substituted Khalasi in the foundry shop of the Loco-Workshops, Northern Railway, Charbagh, Lucknow, in the scale of Rs. 196-232 and along with allowances, and thereafter he was transferred to the Machine shop of the said work-shop in the same scale of pay and he was assigned ticket No.M.S. 145.
2. That since then the petitioner had been working continuously without break, as such till 8.12.1980.
3. That on 8.12.1980 the petitioner received a notice terminating his services on the ground that the report of the District Magistrate, Lucknow, as regards his character verification was adverse. The copy of the report is herebeen filed as ANNEXURE NO. I.
4. That as a matter of fact the petitioner is a peaceful and law-abiding citizen and throughout his life he was neither challened nor was involved in any criminal case. The petitioner has no criminal antedcedents whatsoever.
5. That as a matter of fact the A.P.O.



Mahd Kalam.

...3..

(opposite party no.3) had asked the petitioner to attend his house in the morning as well as in evening. He was some times asked to even during duty hours to attend his house and do his personal work, which the petitioner was unable to do.

6. That on account of the petitioner's refusal to do the house-hold work of the opposite party no.3, the latter was annoyed and in a fit of wrath he maliciously terminated the services of the petitioner by order dated 8.12.1980 , the copy of which is filed herewith as ANNEXURE NO.II to this writ petition.

7. That a perusal of the impugned order dated 8.12.1980 (Annexure no.II) would show that the services of the petitioner have been terminated on the ground that the Additional District Magistrate, Lucknow, had adversely reported against the petitioner. The petitioner has already filed a copy of the report as Annexure No.I , in which it has been clearly stated that the petitioner's character was good and there was nothing adverse against him in the records of the local police or D.I.G.(C.I.D.).

8. That the petitioner submits with respect that the opposite party no.3 was so blinded by reasons of malice that he completely mis-read the said report (Annexure No.I) of the Additional District Magistrate, Lucknow, and illegally made

Alex
Adv
4/3/89
Mahesh Kalem -

contd..4..

it a ground for terminating the services of the petitioner.

9. That the impugned order is thus wholly void, arbitrary and it has been passed maliciously against the principles of Article 14 and 16 of the Constitution of India.

10. That the impugned order contained in Annexure No.II is stigmatic in nature as such it is violative of the Article 311 of the Constitution of India, in as much as the petitioner was not afforded any opportunity of hearing before passing the impugned order.

11. That the petitioner having been appointed as substitute Khalasi in Loco-workshops, Northern Railway, Charbagh, Lucknow, was a "workman" within the meaning of the Industrial Dispute Act.

12. That the impugned order dated 8.12.1980 by which the services of the petitioner was terminated amounts to an order of "retrenchment" as defined in the Industrial Dispute Act and since the required notice contemplated by section 25-F of the Industrial Dispute Act was not given to the petitioner and he was also not paid any retrenchment compensation, the impugned order for which this reason also is bad in law and is liable to be quashed.



Mohd. K. R.

..5..

13. That the authority who passed the impugned order is not only another authority other than the appointing authority but also much below in rank and status, from the appointing authority, as such too the impugned order deserves to be set aside and quashed.

14. That having no other alternative remedy the petitioner is filing the present writ petition on the following, amongst other :-

G r o u n d s

- a) Because the impugned order dated 8.12.1980 (Annexure No.II) is punitive in nature and since it has been passed in complete violation of Article 14 and 16 of the Constitution of India.
- b) Because the opposite party no.3 has acted maliciously and has totally misread the report of the Additional District Magistrate, Lucknow, which is said to be the basis of the impugned order.
- c) Because the report of the Additional District Magistrate, Lucknow, is clearly in favour of the petitioner, his services could not be terminated in an arbitrary manner without looking into the contents of the said report.

Mohd. Kalam

contd..6..

R/M
A
1/2

- d) Because the impugned order has been passed in violation of the specific provisions of Section 25-F of the Industrial Dispute Act.
- e) Because the impugned order is violative of Rule 149(6) of the Railway Establishment Code Volume I as the requisite notice or retrenchment compensation contemplated by the Industrial Dispute Act was neither given nor paid to the petitioner.
- f) Because the impugned order having been passed in violation of the principles of natural justice, is liable to be quashed.

Wherefore, it is respectfully prayed
as under :-

- i) That the order dated 8.12.1980 passed by the opposite party no.3 may kindly be quashed.
- ii) That the opposite parties may be directed by a Writ of Mandamus to treat the petitioner as continuing in service and not to interfere with the discharge of his duties as a substitute Fhelasi in the Loco-Workshops, Northern Railway, Charbagh, Lucknow, and to pay the petitioner all the arrears of salary in the scale of

Alh
no

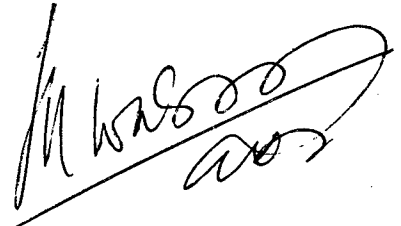
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..7..

Rs. 196-232 with effect from 8.12.1980
upto date.

Lucknow:

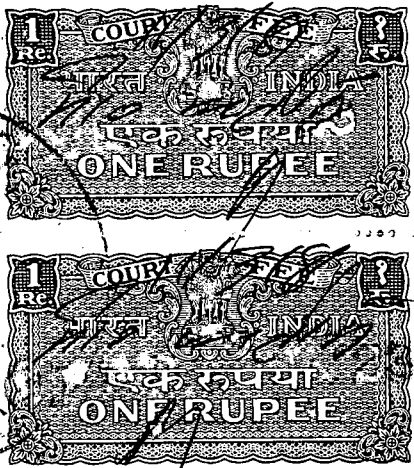
Dated : 12.3.81


Advocate.
COUNSEL FOR THE PETITIONER.

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

Writ Petition No. _____ of 1981.

1981
AFFIDAVIT
56
HIGH COURT
ALLAHABAD



Writ Petition under
Art. 226/227 of the
Constitution of India.

Mohammad Kaleem.

== Petitioner.

Versus

Union of India and two
others.

== Opp. Parties.

AFFIDAVIT

I, Mohammad Kaleem aged about 28 years,
son of late Mohammad Abdul Jalil, resident of
86/117, Kurmi Tola, Risaldar Park, Maqboolganj
Police Station Qaiserbagh, Lucknow, do hereby
solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the
above noted writ petition, hence fully conversant
with the facts of the case deposed to hereunder.
2. That contents of paras 1 to 14 of the
annexed writ petition are true to my own knowledge.

Mohd. Kaleem.

contd....2..

..2..

3. That Annexures No I and II of the annexed writ petition are originals and their copies have been compared by the deponent and are the true copies, of the same.

Lucknow:

dt: 11.3.81

Deponent.

Mohd Kaleem
(Mohd. Kaleem)

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge. Nothing material has been concealed therein and no part thereof is false. So help me God.

Signed and verified today the 11th day of March 1981 in the court compound at Lucknow.

Deponent.

Mohd Kaleem
(Mohd. Kaleem)

I identify the deponent who has signed before me.

Advocate
Advocate.

Solemnly affirmed before me on 11.3.81 at 4.15 am/pm by the deponent Mohd. Kaleem who is identified by Sri Mohd. Waseem Adv. Advocate High Court Allahabad. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.



OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench.

No..... 56/131/81
11/3/81

1/17/81

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

Writ Petition No. /81.

Mohammad Kaleem.

Petitioner.

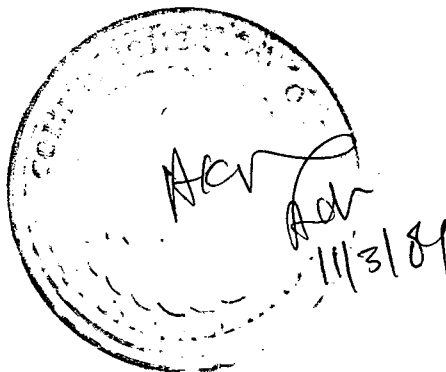
Versus

Union of India and two others.

Opp. Parties.

ANNEXURE NO. I

Report of the District Magistrate,
Lucknow. -- Attached.



18/11/79

रिपीट जिला मैजिस्ट्रेट - लखनऊ

उप मुद्दे का नैतिक अधिनियम उत्तर प्रदेश रेल रुक बन कर रूकाना
कारण - लखनऊ ।

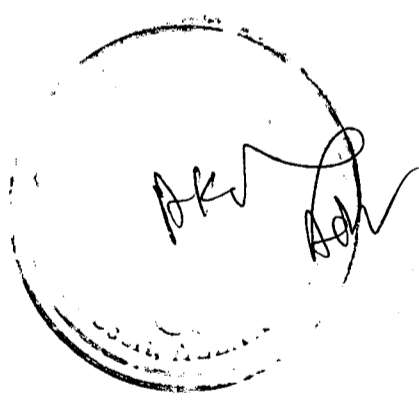
रिपीट संख्या-2034/1979

मोहम्मद कलीम पुत्र स्वर्गीय अब्दुल जलिल

उपरोक्त विधायक आपके पत्र संख्या- 245/स्वर्गीय 6 तारीख दिनांक
31-7-79 के संदर्भ में यह सूचित करता हूँ कि गैरस्थायी गाराना संख्या
4694 जे पी 0 -321-1947 दिनांक 20 अगस्त 1990 के अतिरिक्त पर जमानत
की गई तो उपरोक्त जमानत का बरिफ अलग है और उसके विरुद्ध स्थानीय कोषाध्यक्ष
कल्याण स्थानीय पुलिस एवं उप महाशेरिफ (गुफा वार्ता) उत्तर प्रदेश
के अधिकारों में कुछ नहीं है जिससे वह सरकारी नौकरी के लिये जब तक लखनऊ
में रहे ही अनुपयुक्त घोषित किया जा सके ।

उप अधिनियम

जति 0 जिला मैजिस्ट्रेट
लखनऊ



GAATH COMMISSIONER
High Court, Allahabad.
Lucknow Bench.

56/131/81
11-3-81

12/12

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

Writ Petition No. /81.

Mohammed Kaleem.

Petitioner.

Versus

Union of India and two others.

Opp. Parties.

ANNEXURE NO. II

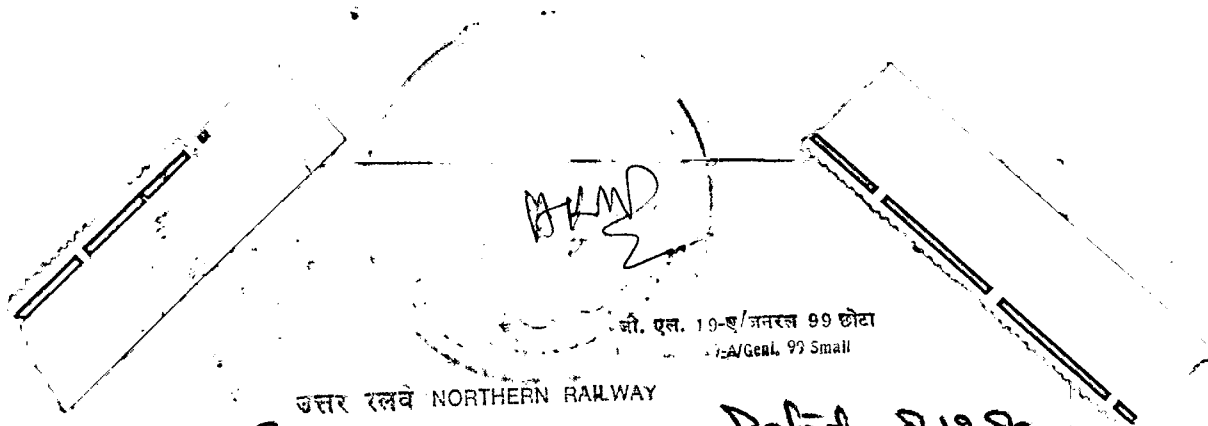
Copy of order dated 8.12.80.

Attached.

ARV
AOW
11/31/80

Mand. Kaleem _____ - Petitioner
Union Jindia Path ^{vs} _____ - Opp.

11/3/81



जी. एन. 19-ए/जनरल 99 छोटा
A/Genl. 99 Small

उत्तर रेलवे NORTHERN RAILWAY

Dated 8.12.80

S.O. No. 990

Consequent up on a adverse report from District Magistrate. The services of Sri Mahd. Kaleem S/O Lali Sri Abdul Jalil T.No. MS. 1457, Khallasi of Machine Shop Loco CB, Uko is here by terminated w.e.f. 8.12.80 A.M. under rule 149 R.I allowing 14 (fourteen) days wages in lieu of the "Notice period".

sd/-
Asstt. personal officer
N.Rly Loco CB, Uko

Copy to: D.C. Tr., H.C. (P.B. ~~Part~~) ^{Settlement}

SAO/CB and SS/MS for information and n/a
① Mahd. Kaleem MS. 1457-Cross/MS

Asstt. personal officer
N.Rly Loco CB, Uko

Agai Kumar
COMMISSIONER
High Court, Allahabad,
Lucknow Bench.

46... 86/131/80
11/3/81

व अदालत श्रीमान Honble High Court of Judicature At
Allahabad, Lucknow Bench महोदय 14

वादी मुद्दई

प्रतिवादी (मुद्दालेह)

का

वकालतनामा



2 of 25
12.3.87

Mohammed Kaleem

वादी (मुद्दई)
(अपीलान्त)

बनाम

Union of India and two others प्रतिवादी [मुद्दालेह]
(रिस्पॉण्डेंट)

ने मुद्दमा सन् १६ पेशी फी ता० १६ ई०

ऊपर लिखे मुद्दमा में अपनी ओर से श्री M. Waseem, Advocate

H. Y. Khan & N. A. Khan

एडवोकेट
वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व जबाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इफबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकलामी] का दाखिल फिया रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखती] रसीद में लेवें या पेच नियुक्त करें। वकील महोदय द्वारा की गई वह सब कार्यवाही हमको स्वयं स्वीकार है और होगी में यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पंरोकार को भेजता रहूंगा अगर मुद्दमा अदय पंरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा दिया कि प्रमाण रहे और समय पर फाम आवे।

Mohd. Kaleem

हस्ताक्षर १

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

माह

सन् १९

११/३/८७ ई०

नाम अदालत
नं० मुद्दमा
नाम फरीकैन

Accepted
M. Waseem
Adv.
Accepted
M. Waseem
Adv.

के समक्ष
के न्यायालय में

वादी
प्रतिवादा
प्रतिवादी
वादी

वनाम

दावेदार
अपीलार्थी
अर्जीदार
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री.....

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने, और उन्हें अनुदेश देने, रूपया वापिस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की आनुषंगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यार्थी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा न उसका अभिव्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समाप्त की जाये और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समाप्त हो जाए और ऐसे प्रत्येक मामले में उक्त काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री.....

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख.....
को सम्यक् रूप से निष्पादित किया जाता है।

तारीख19.....

निष्पादन करने वाले अधिकारी का पदनाम

व अदात श्री मात केंद्रीय प्रशासनिक न्यायाधीश रणजित पोड लालकि
 मोहोदय
 वादी। अपीलान्ट श्री मो० कलौय
 प्रतिवादी। रेस्पान्डेन्ट।

बनाम वादी। अपीलान्ट।
 प्रतिवादी। रेस्पान्डेन्ट।
 सं० मुकदमा TA No-809 सन। 9 87 (D) पेजी की ता० 10 7. 19 89 ई०
 ऊपर मुकदमा में अपनी ओर से श्री आनिल क्षीवास्तव रेल ठाणे वस्ता

एप्रडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ और
 लिखे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ
 पेश की व जवाब दे ही व प्रश्नोत्तर करे व कोई कामज दाखिल करे या लौटाये
 या हमारी ओर से डिमरी जारी करावे आर रुपया सख्त करे या सुलहनामा
 या इकबाल दावा तथा अपील व निर्गमना हाजिरी आर हमारे या अपने हस्ताक्षर
 से दाखिल करे आर तसदीक करे व मुकदमा उठावे या कोई रुपया जमा करे या हमारी
 विपक्षी पपरीकसाती। का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर मुक्त
 इस्तफती। रसीद से लेवे का पत्र नियुक्त करे
 वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है आर होगी
 इसलिए यह वकामत नाम लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted
 Anil K. Vastav
 Adv.
 11-4-89

हस्ताक्षर अनुपम कोठिके यधिपति
 On रोजे. ११.४.८९.

समती। गवाह।
 दिनांक-.....महीना.....सन। 9...ई०

नाम अदालत
सं० मुकदमा
नाम फरी कैस.....बनाम.....

मुकदमा/21488

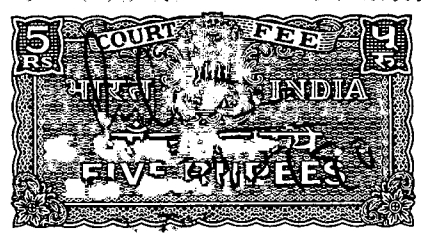
001
 26-25-4-89

8/24

In the Hon'ble Court of Sessions, Saharanpur
which Court file No. 1382/81
Justice का बकालतनामा

ब अदालत श्रीमान
[वादी अपीलान्ट]
प्रतिवादी [रेस्पाडेन्ट]

Page No - 809 of 1987 (T)



1382/81

वादी (अपीलान्ट)

Mohd Keisam - Vers

- Applicant -

Umm of India - प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा सन् पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री T.N. Tiwari, Advocate

व श्री V.S. Tripathi, Advocate बकील
महोदय एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकत

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील एहोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारो विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होमा में यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर श्री T.N. Tiwari

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... सन् १६ ई०

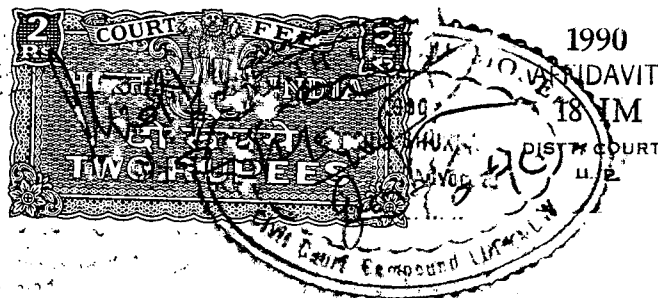
एकीकृत

V.S. Tripathi

(T.N. Tiwari)

(V.S. Tripathi) Advocate

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench, Lucknow.



T.A./809/87
(Writ Petition 1382 of 1981)

Mohd. Kaleem ... Applicant/petitioner.

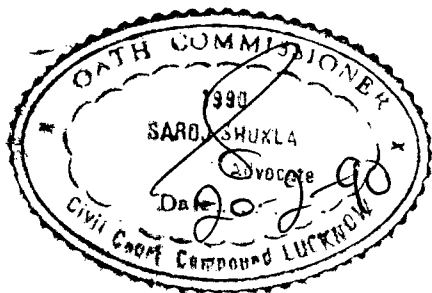
Versus

Union of India & others ... Respondents.

Affidavit for filing High School-
Certificate.

Before

The Hon'ble the Vice Chairman
and other Members of the
aforesaid Tribunal.



I, Mohd. Kaleem aged about 32 years, son
of late Sri Abdul Jalil, resident of 86/117,
Karam Tola, Raisaldar Park, Maqboolganj, P.S.
Qaf sarbagh, Lucknow, do hereby solemnly affirm
and state on oath as under :-

1. That the deponent's applicant/petitioner
in the instant case and as such he is fully
conversant with the facts of the case and with
those deposed here below.

नमो नमो नमो

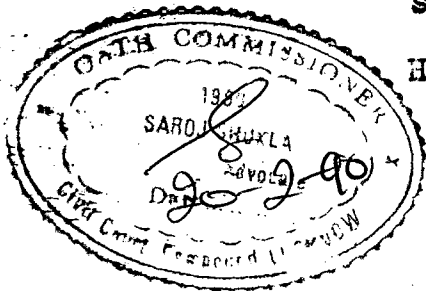
B/26

2. That the deponent was wrongly terminated from service w. e. f 8-12-1980 by the N. Railway and being aggrieved he filed instant writ petition in the Hon'ble High Court Lucknow Bench.

1/27

3. That the writ petition was transferred in 1987 to the Hon'ble Tribunal for disposal and accordingly on 19-2-1989 the arguments were concluded by both the parties and judgment was reserved.

4. That during arguments it was observed by the Hon'ble Bench that to verify the submissions of the applicant/petitioner his High School Certificate be produced.



5. That deponent's High School passed and a photocopy of his certificate is annexed herewith as Annexure A-1 to this affidavit.

6. That in the circumstances aforesaid

Handwritten signature/initials

It is very much expedient in the interest of justice and to satisfy the Hon'ble Tribunal that the affidavit along with photo copy of High School certificate is taken on record.

Lucknow, dated;
February 20, 1990.

Mohd. Kaleem
Deponent

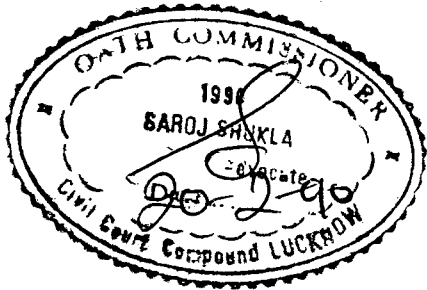
Verification

I, Mohd. Kaleem aged about 32 years, son of late Sri Abdul Jalil, do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my personal knowledge and those of para 6 on legal advice which I believe to be true. No part of it is false and nothing material has been concealed.

So help me God.

Lucknow, dated;
February 20, 1990.

Mohd. Kaleem
Deponent



BM
Solemnly affirmed before me in office to day at...*10-40*... by *Mohd. Kaleem* who is identified by Shri *T. N. Jeyan* clerk to Shri
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained by me. Fee Charged Rs 1-50/-200

Saroj Shukla
Oath Commissioner
Civil Court Compound Lucknow

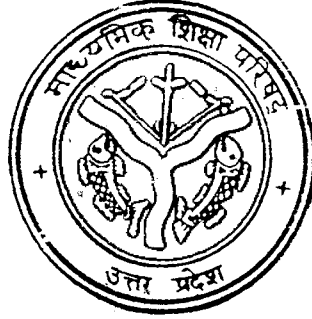
Answer-A-1

संख्या 26324

क्रम-संख्या

03989

माध्यमिक शिक्षा परिषद
उत्तर प्रदेश



हाई स्कूल परीक्षा, १९७३

प्रमाणित किया जाता है कि परीक्षार्थी/परीक्षार्थिनी जिसका अभिलेखानुसार विवरण निम्नवत् है, ने मार्च/अप्रैल, १९७३ को हाई स्कूल परीक्षा तृतीय श्रेणी में उत्तीर्ण की है और X में विशेष योग्यता प्राप्त की है।

नाम मौहम्मद कलीम

पिता का नाम श्री अब्दुल जलील

जन्म-तिथि सक मार्च उन्नीस सौ सत्तावन (१-३-१९५७)

विद्यालय/केंद्र का नाम व्यायज सेंग्लो बंगाली इण्टरमीडिएट कालेज,

लखनऊ

परीक्षा-विषय :-

१-हिन्दी

२-गणित/संज्ञान

३-नागरिक शास्त्र

इलाहाबाद

४-चित्रकला (आवैधिक)

५-अंग्रेजी

६-X

दिनांक ३० जून, १९७३ ई०।

(आत्म प्रकाश)

सचिव।

T. N. Tripathi

T. N. Tripathi
शुभक

IN the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench, Lucknow.

T.A./809/87
(Writ Petition 1332 of 1981)

Mohd. Kaleem ... Applicant/petitioner.

Versus

Union of India & others ... Respondents.

Affidavit for filing High School-
Certificate.

Before

The Hon'ble the Vice Chairman
and other Members of the
aforesaid Tribunal.

I, Mohd. Kaleem aged about 32 years, son
of late Sri Abdul Jalil, resident of 86/117,
Kurm Tola, Raisaliar Park, Maqboolganj, P.O.
Wasarbagh, Lucknow, do hereby solemnly affirm
and state on oath as under :-

1. That the deponent's applicant/petitioner
in the instant case and as such he is fully
conversant with the facts of the case and with
those deposed here below.

2. That the deponent was wrongly terminated from service w.e.f 8-12-1980 by the N.R. Railway and being aggrieved he filed instant writ petition in the Hon'ble High Court Lucknow Bench.

3. That the writ petition was transferred in 1987 to the Hon'ble Tribunal for disposal and accordingly on 19-2-1989 the arguments were concluded by both the parties and judgment was reserved.

4. That during arguments it was observed by the Hon'ble Bench that to verify the submissions of the applicant/petitioner his High School Certificate be produced.

5. That deponent's High School passed and a photocopy of his certificate is annexed herewith as Annexure A-1 to this affidavit.

6. That in the circumstances aforesaid

It is very much expedient in the interest of justice and to satisfy the Hon'ble Tribunal that the affidavit along with photo copy of High School certificate is taken on record.

Lucknow, dated;

February , 1990.

Deponent

Verification

I, Mohd. Kaleem aged about 32 years, son of late Sri Abdul Jalil, do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my personal knowledge and those of para 6 on legal advice which I believe to be true. No part of it is false and nothing material has been concealed.

So help me God.

Lucknow, dated;

February , 1990.

Deponent

Answer - A-I

संख्या 26324

संख्या

974

माध्यमिक शिक्षा परिषद,
उत्तर प्रदेश



हाई स्कूल परीक्षा, १९७३

प्रमाणित किया जाता है कि परीक्षार्थी/परीक्षार्थिनी जिसका अभिलेखानुसार विवरण निम्नवत् है, ने मार्च/अप्रैल, १९७३ को हाई स्कूल परीक्षा तृतीय श्रेणी में उत्तीर्ण की है और X में विशेष योग्यता प्राप्त की है।

नाम मोहम्मद कलीम

पिता का नाम श्री अब्दुल जलील

जन्म-तिथि सक मार्च उन्नीस सौ सत्तावन (१-३-१९५६)

विद्यालय/केंद्र का नाम व्यायज सेंग्लो बंगाली-इण्टरमीडिएट कालेज, लखनऊ

परीक्षा-विषय :-

१-हिन्दी

२-गणित/संज्ञितान

३-नागरिकशास्त्र

इलाहाबाद

४-चित्रकला (आवैधिक)

५-अंग्रेजी

६-X

दिनांक ३० जून, १९७३ ई०।

(आत्म प्रकाश),
सचिव।

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow

Registration No. 809 of 1987 (T)
(Writ Petition No. 1382 of 1981)

Mohd. Kaleem Petitioner/Applicant

Versus

Union of India & Others Opposite Parties/
Respondents.

Fixed for 24.10.1989

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, Babu Ram Tewari working as Assistant
Personal officer in the office of Chief Works Manager,
Northern Railway, Locomotive Workshop, Charbagh, Lucknow,
do hereby solemnly affirm and state as under:-

1. That the official above named is working under the respondents and is fully conversant with the facts of the case and has been authorised by the respondents Nos. 1 to 3 to file this reply on their behalf.
2. That the contents of para 1 of the petition/application are not denied except that he was appointed by as Substitute Assistant ^{PERSONAL} Mechanical Officer, Loco, Charbagh, Lucknow, on 27.7.1979.
3. That the contents of para 2 of the petition/application are not denied.
4. That in reply to the contents of para 3 of the petition/application, it is stated that the services

Challenged by



ALL ...
N.R.

4/1/89

1/20

FT
+
24/10

of the petitioner were terminated with effect from 8.12.80 under rule 149 R.I. because his character verification report and antecedents were not found favourable and ~~and~~ also he was not certified as 'FIT FOR EMPLOYMENT UNDER GOVERNMENT' by the concerned District Magistrate, hence action as per extant orders were taken against him. A copy of report dated 21.11.80 is being filed herewith as Annexure No. C-1.

5. That the contents of para 4 of the petition/application are denied for want of knowledge.
6. That the contents of paras 5 and 6 of the petition/application are categorically denied, and the petitioner is called upon to prove the same.
7. That the contents of para 7 of the petition/application are not admitted as stated. The correct position has already been explained in para 4 of this reply.
8. That the contents of para 8 of the petition/application are categorically denied. The petitioner be put to strict proof for the same.
9. That the contents of paras 9 and 10 of the petition/application are categorically denied. The petitioner was only a temporary Khallasi and his services could have been terminated any time under para 149 R.I., allowing him 14 days' wages in lieu of the notice.



Asstt. Personal Officer,
N. R. L. Loco. C.B., Lko

10. That the contents of para 11 of the petition/application~~xxxxxx~~ do not call for remarks.
11. That the contents of para 12 of the petition/application are not admitted as stated. The services of the petitioner were terminated under Rule 149 R.I. and he was allowed 14 days wages in lieu of notice as per rule.
12. That the contents of para 13 of the petition/application are not admitted. The appointing authority of the applicant was Assistant ^{PERSONAL} Mechanical Officer, Loco, Charbagh, Lucknow who is equal in rank with the authority who terminated the services of the petitioner as he was fully competent to do so under para 149 R.I.
13. That the contents of para 14 of the petition/application are also denied. The petitioner did not prefer any representation, whatsoever, against his alleged impugned order. He had an alternative departmental remedy by way of making representation against the order but he did not avail the same, hence this petition is not maintainable on this ground.

Lucknow :

Dated : 24.10.89



Asstt. Personal Officer,
N. Ely. Loco. C.B., Lk.
contd...4

2/26

4/27

VERIFICATION

I, the official above named do hereby verify that the contents of para 1 of this reply are true to my personal knowledge and those of paras 2 to 13 of this reply are believed by me to be true on the basis of records and legal advice.

Lucknow :

Dated : 24.10.1989



Asstt. Personal Officer,
N. R. S. S. C. B. L. K.

Annexure No C-1

Ref No 327 = 21/11/80

1/3

कार्यालय जिलाधिकारी, लखनऊ

संख्या: - 1432(2)सेलह-रा0स0(3)

दिनांक नवम्बर 21, 1980

विषय: - श्री मो0 कलीम पुत्र श्री गुलाम अली निवासी जमीनाबाद लखनऊ के चरित्र एवं पूर्ववृत्त सत्यापन की जाँच के सम्बन्ध में ।

=====

1/3

सेवा में,

Michael Mech. Engr (w)
Leeco Shop. N.R.C.B.
Lucknow.

उपरोक्त विषय आपके पत्र संख्या

211E/Sab/Challan

दिनांक 1-7-80 के संदर्भ में मुझे यह कहना है कि चरित्र पुलिस अधीनस्थ लखनऊ की जाँच आख्या के अनुसार अभ्यर्षी के विरुद्ध प्रसंग संसो 20 धारा 324 आई0पी0 सी0 का मुकदमा विचाराधीन है ।



कृतिकृत जिलाधिकारी (प्र0),
लखनऊ।

Attested
True Copy

Handwritten signature and text at the bottom right, including 'श्री' and some illegible text.

Handwritten signatures and initials on the left side of the page.

8

12/3/86

35

IN the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench at Lucknow.

Registration No. 809 of 1987 (J)

(Writ Petition No. 1382 of 1981)

Mohd. Kaleem

...Petitioner/Applicant.

Versus

Union of India & others

...Respondents.

REJOINDER

1. That para 1 of the counter affidavit is formal and calls for no reply.

2. That in reply to para 2 of the counter affidavit, the contents of para 1 of the writ petition are hereby reiterated and it is further submitted that the respondents by way of denial are concealing the facts.

3. That para 2 of the counter affidavit is not disputed.

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12/3/86

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Recd duplicate
of the writ
petition
Adv
06/02/90

4. That in reply to para 4 of the counter affidavit it is submitted that the respondents have misunderstood the contents of the adverse reports and wrongly applied on the petitioner-applicant. In fact, from the alleged report (Annexure C-1) itself it can be easily seen that the said report is in respect of some Mohd. Kaleem son of Sri Gulam Ali, Resident of Aminabad, Lucknow, whereas the applicant's particulars are as follows :

Mohammad Kaleem son of late
Sri Mohammad Abdul Jalil, Resident
of 86/117, Kurma Tola, R'saldar-
Park, Maqboolganj, Police Station
Qasrbaugh, Lucknow.

As such the alleged report did not apply on the petitioner/applicant.

5. That para 6 of the counter affidavit is denied and it is submitted that from the contents of alleged adverse report and correct particulars stated in writ petition as well as in para 4 above and also the police report in respect of the petitioner-applicant it automatically stands proved that the contents of para 5 and 6 of the writ petition as well as the conduct of the respondent no.3. A true copy of police report in respect of the petitioner is annexed herewith as ANNEXURE RA-1 to this rejoinder.

निसंख्या संख्या

P/10

6. That in reply to para 5 of the counter affidavit the contents of para 4 of the writ petition/application are hereby reiterated.

1/3

7. That para 7 of the counter affidavit is denied and in reply the contents of para 4 of this rejoinder are hereby reiterated.

8. That in reply to para 8 of the counter affidavit the contents of para 4 of this rejoinder are hereby reiterated.

9. That para 9 of the counter affidavit is denied and in reply the contents of para 9 of the writ petition are hereby reiterated and it is further submitted that the applicant petitioner had already completed 240 days Service ~~possess~~ in one calendar year and as such as held by Hon'ble Supreme Court, he could not be thrown out in the acted manner.

10. That in reply to para 10 of the counter affidavit, the contents of para 11 of the

interim order

writ petition/application are hereby reiterated.

11. That in reply to para 11 of the counter affidavit it is submitted that the respondents without applying their mind and by misreading the adverse report of some one Mohd. Kaleem son of Shri Gulam Ali had made applicable to the petitioner where as it was well within their knowledge that the petitioner was inducted in service on the ground of indigenous circumstances i.e. on demise of his father Shri Mohd. Abdul Jalil and there was absolutely no adverse report against him.

12. That para 12 of the counter affidavit is denied and the respondents are put to strict proof in support of their contention stated in this para under reply.

13. That para 13 of the counter affidavit is denied and it is submitted that there was no efficacious and alternative remedy available to the applicant/petitioner but to prefer the

निवेदन अर्ज

P/2

instant writ petition before the Hon'ble High Court for proper judicial intervention.

X/29

14. That in the circumstances aforesaid the writ petition/application of the petitioner/applicant being full of merits and based on cogent grounds is liable to be allowed and the same may graciously be allowed by reinstating the applicant/petitioner in the interest of justice, otherwise the applicant shall suffer irreparable loss and injury.

Lucknow, dated;
February 05, 1990.

Handwritten signature
petitioner/applicant.

Verification

I, Mohd. Kaleem son of late Mohd. Abdul Jalil, resident of 86/117, Kurm Tola, Rasal-dar Park, McAbadganj, P.O. at sarbagh, Lucknow, do hereby verify that the contents of paras 1 to 8 and 10 to 13 are true my personal knowledge and para 9 and 14 on legal advice which I believe to be true and that I have not suppressed any material fact.

Lucknow, dated;
February 05, 1990.

Handwritten signature
Petitioner/applicant.

Identified Shr: Mohd. Kaleem s/o late Sr: Mohd. Abdul Jalil who has signed before me.

Handwritten signature
(T.N. Tiwari)
Advocate
counsel for the applicant.

इन दी आनरौबुल सेन्टल एडीमनिस्ट्रेटिव द्यूबनल ,
अडीशनल बेन्च इलाहाबाद,
सर्किट बेन्च लखनऊ ।

8/5

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केस नं० 809 सन 1987 T
डब्लू.पी. 1382 सन 1981

मोहम्मद कलीम -- अपलीकान्ट
बनाम
यूनियन आफ इण्डिया - रिसपान्डेन्टस

एनेक्जर - 1

रिपोर्ट जिला मजिस्ट्रेट लखनऊ

उप मुख्य यान्त्रिक अभियन्ता, उत्तर प्रदेश,
रेल इंजन कारखाना - चारबाग ।

रिपोर्ट संख्या ॥ 2034/1979 ॥ 24-8-79 ॥ लखनऊ

मोहम्मद कलीम पुत्र स्वर्गीय अब्दुल जलील

उपरोक्त विषयक आपके पत्र संख्या 245/एवजी
खलासी दिनांक 31-7-79 के सन्दर्भ में यह सूचित करता
हूँ कि गोपनीय शासनादेश संख्या 4694/2-पी. 321-
1947 दिनांक 28 अप्रैल 1958 के आधार पर जांच की गई
तो उपरोक्त अभ्याधी का चरित्र अच्छा है और उसके बिस्व
स्थानीय अभिसूचना कार्यालय, स्थानीय पुलिस एवं उपमहा-
निरीक्षक ॥ गुप्त वार्ता ॥ उत्तर प्रदेश के अभिलेखों में
नहीं है जिससे यह सरकारी नौकरी के लिए जब तक लखनऊ
में रहे हो अनुपयुक्त घोषित किया जा सके।

ह. अठनीय

अति. जिल. मजिस्ट्रेट,
लखनऊ।

for the undersigned
M. K. Jain

5/1

(A/4)

5/1

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.D. No. 7302

of 1981

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
28/3/28	<p>माननीय न्यायं श्री अशोक कुमार शर्मा</p> <p>माननीय न्यायं श्री भद्रवीर सिंह</p> <p>विचारार्थ स्वीकार है।</p> <p>नोटिस जारी है।</p> <p style="text-align: right;">Sc. 2002.</p> <p style="text-align: right;">Sc. M.S.</p> <p style="text-align: right;">26.3.81</p>	
	26-11-87 fixed for attendance	N to 20/1/83
	<p>No. 15 opp. parties ma</p> <p>153 by Reg. Post.</p> <p style="text-align: right;">12/10/87</p>	
	<u>Service report in wd.</u>	
	<p>O.P. No 1 - Represented by B.M.N. Kacker</p> <p>O.P. No 2003 - Regd cover have not been returned.</p> <p>A Notice like receipt has been received, attached here with.</p>	<p>Submitted</p> <p>S.M. Misra</p> <p>13.4.82</p>

26.3.81

21-10-81

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राज्य नैतिक विभाजन (अध्याय १२, नियम १ और ०)

P. प्रमोद (मुद्रापरिक) प्राधिका-सं- - - - - सं १६-१०

W.P. सं- 1382 सं १६०/६० में

Mohd. Kaleem

प्रति

Union of India others
Union of India Through Secretary
Ministry of Railway Rail Board
New Delhi

A/42

प्रतिवादी के नाम

वृत्ति ऊपर लिखे प्राधिका-ने इस न्यायालय में उपरोक्त मुद्दों के सम्बन्ध में
Copy attached - लिखे प्राधिका पत्र दिया है तब आपकी कार्यवाही में
जाता है कि त्रान दिनांक- 26 - मास 11 - - - - - सं १६१ को या उसके पहले उपरोक्त
दोषर तत्काल कि प्राधिका पत्र यों न खोकार कर लिया जाय । उक्त प्राधिका पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं या किसी
एजेंट या ऐसे व्यक्ति द्वारा जो आपको और है काम करने के निमित्त आपको तदुपस्थित
में हो जायें ।

प्राधिका पत्र और प्राधिका द्वारा लिखे गये पत्र को एक प्रति लिखि रखी है साथ
ली है ।

3699

आर/No. 0592

300

Amount of Stamp affixed

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Insured Rs (in words)

Insurance fee Rs.

Name and address of sender

Delhi

Signature of Secretary

12-10-81



रजिस्ट्रार
लॉड सुबनऊ
किस २० के अधीन प्राधिका
के हावादार

21-10-81

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विद्यार्थी विभाग (अज्ञात १२, विभाग १ कोर ०)

पूरी (मुक्त रिफ) प्राथना पत्र सं- - - - - सं १६ ६०

W.P. सं- 1302 सं १६ ०६० में

Mohd Kaleem

A/43

प्रति

Union of India & others

प्रत्यार्थी

Sahayak Karamik Adhikari

Loco, Book Shop North Eastern Railway

Charbagh Lucknow

प्रतिवादी के नाम

चूंकि ऊपर लिखे प्राथना पत्र के अन्तर्गत में उपरोक्त मुद्दामें के सम्बन्ध में

copy sent

लिखे प्राथना पत्र दिशा है अतः आपको आदेश दिया

जाता है कि आप दिनांक- 26 - मार्च - 11 - - - - - सं १६ ९ को या उसके पहले उपस्थित

होकर बतलायें कि प्राथना पत्र क्यों न रद्दिकार कर लिया जाय । उक्त प्राथना पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं या किसी एजेंट या ऐसे व्यक्ति द्वारा जो आपकी ओर से काम करने के निष्पक्ष आपको अनुत्स्थित में हो जायेंगे ।

प्राथना पत्र और प्राथना द्वारा दिये गये स्पष्ट पत्र को एक प्रतिष्ठित हकी के साथ लगी

2

आस/No. 581

10-8

मास-

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तिथि

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बीमा शुल्क
Insurance fee Rs. Sahayak Karamik
प्रेषक का नाम व पता
Name and address of sender



सूचना

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निर्वाह अधिकारी के हस्ताक्षर
Signature of Receiving Officer

तलवार

एक बागा पाने वाले क्लक के हस्ताक्षर

21-10-81

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भारतीय रेलवे विभाग
अध्याय 12, नियम 1, 7

विधानो विभाग

पत्रिका (सुपरकार्ड) संख्या 138-2 दिनांक 26 अक्टूबर 1981 ई० में

सं. 138-2

Mohd. Kaleem

Union Traders & others

Sr. L. N. Bappa & Co. Not Known
Personal Officer, Loco work shops
North Western Railway Charbagh Lucknow

Copy Attached

आपको सूचित किया जाता है कि आप दिनांक 26 अक्टूबर 1981 ई० को या उससे पहले उपरोक्त नोट कर बताना कि प्रार्थना पत्र की न एवीकार कर लिया जायत प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विहित किसी और दिन होगी।

विहित हो कि यदि आप उपर लिखे दिनांक पर या उसके पहले स्वयं अथवा एडवोकेट या ऐसे व्यक्ति द्वारा को आवेदन और से कार्य करने के लिए कानूनन अधिकृत बचाई और निर्णय आपकी अनुमति में हो

ये पत्र को एक प्रतिनिधि इसी के साथ

12-10-81 से जारी दिनांक 26 अक्टूबर 1981 ई० में

एडवोकेट

डॉ. राजेंद्र प्रसाद
इलाहाबाद/उत्तर प्रदेश

संख्या
जारी
दिनांक

कंपानियों का
Insurance for its
Employees का
Name and add
वर्षों से
issued subject
conditions in

सूचना इस न्यायालय की 1952 की नियमावली के अध्याय 37, नियम 2 के अधीन प्राप्त

तलाशता करने वाले कर्मियों के हर साक्षर

भारत सरकार
रेल मंत्रालय (रेलवे वीर)

1/5

सं० ई० (जी०) 11 एल० एल० 3 3

नयी दिल्ली, दिनांक 11-11-1987

सेवा में,

44

डिप्टी रजिस्ट्रार
इलाहाबाद हाई कोर्ट
लखनऊ

विषय.— W.P. No. 1382/87

Mohd. Kalam

197
11/11

महोदय,

उपर्युक्त विषय पर आपके तारीख 17-10-87 के सम्मन/आदेश के सम्बन्ध में मुझे यह सूचित करने का निर्देश हुआ है कि महाप्रबन्धक Northern RJ इस मामले को निबटाने में सक्षम प्राधिकारी हैं। इसलिए विचाराधीन सम्मन/आदेश आवश्यक कार्रवाई हेतु उन्हें भेज दिये गये हैं।

भवदीय

11/11/87

कृते सचिव, रेलवे वीर

संलग्न: कुछ नहीं।

सं० ई० (जी०) 11 एल० एल० 3 3

दिनांक 11-11-1987

अदालत के सम्मन/आदेशों सहित एक प्रति महाप्रबन्धक, Northern RJ को आवश्यक कार्रवाई हेतु अभिषिक्त।

इस मामले में सुनवाई की तारीख है।

संलग्न: यथोक्त।

कृते निदेशक, स्थापना
रेलवे वीर

Before the Honble Joint Registrar

Honble High Court of Judicature
at Allahabad, sitting at
Lucknow Bench, Lucknow

W. R.
29/4/82

Mohd. Kaleem _____ Petitioner
vs

Ministry of Railways & Others — Respondents
Writ Petition No 1382/81

So (Writ)
A. Case report

Sir, The petitioner most respectfully
submits as under:-

1) That the petitioner moved an
urgent application for the inspection
of the above noted writ-petition
on 20.4.82. But unfortunately
the file cannot be put up for
the inspection as not have been
sent by the writ petition office
upto 28.4.1982.

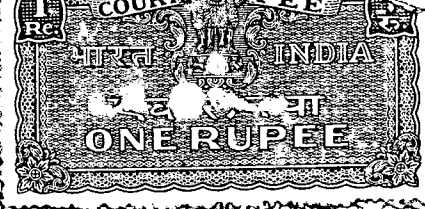
Therefore it is requested that
some appropriate orders be
passed and directions be issued.

Lucknow
Dated 26.4.82
29.4.80

(Counsel for the
petitioner)

Urgent → 47

46



APPLICATION FOR INSPECTION
(Chapter XXIX Rule 2)

The Deputy Registrar,
High Court of Judicature
at Allahabad.

Please allow inspection of the papers named below. The application is urgent/Ordinary. The applicant is/is not a party to the case.

Full description of case	Whether case pending or decided	Full particular of paper or papers of which inspection is required	Name of person who will inspect records	If applicant is not a party reason for inspection	Officer to whom report to be made
<p>Mohd. Kaleem vs. Ministry of Railways & others — Respondents Writ Petition No. 392 of 1981 (Queens Bench)</p>	<p><i>Pending</i></p>	<p>Petitioner — Ministry of Railways & others — Respondents Full File Required</p>	<p>Mohd. Wassem Advocate Counsel to petitioner</p>	<p>Petitioner's Counsel</p>	<p><i>Pleem Vast</i> Officer report</p>

Order for inspection

Deo
Deputy Registrar

Date

Inspection commenced at 15.1.82 on 19

Inspection concluded at

Inspection fee already paid with application Rs.

Additional fee, if any paid Rs.

Signature of applicant or his advocate

Wassem
15/1/82
16

Soz pedd
bat
3/13/82
14/82

Transm of 8-12-80

K/107

1/10

27-7-79 Attd Sub Lt Col Khalesi affr Mhd Kaleem s/o ~~Abdul~~ Abdul Jabir,
7/0 Kurmi Tola, Risaldas Park,
Magboolganj District.

Encl aft 8-12-80 - without any breaks

8-12-80 - ~~Some immediate det. advised~~ ^{Advised report of Character verification} ~~rept on Character verification~~

An e,



Re: this refers to one Mhd Kaleem s/o Ghulam Ali
7/0 Amriabad Rko,

Re: see RA1 = AM r/fh

An I dt 24-0-79 of

Character verification of
Mhd Kaleem s/o Abdul Jabir
Govt checked

by ADM :

~~Re: see RA1~~ On an enquiry report of
BSP Section 2 Con up's 324 S/O
of PS Wazirganj under trial of
Mhd Kaleem.....

Trans order

8-12-80 Am 2

Copy of On An e, the files are under ref
8-12-80 Am and sub 149 Railway Inspector
with 14 dyp w/f in lieu of note

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF TRANSPORT (PARIVAHAN MANTRALAYA)
~~DEPARTMENT OF RAILWAYS (RAIL VIBHAG)~~
(RAILWAY BOARD)

X
MB
CSP

No. E(G) 89 -LL3-

3(73)

New Delhi, dated 5/5/89

To, The Registrar, Central Administrative Tribunal,

LUCKNOW.

Sub:

TA-809/89 (T)
mohd. Kalosa - 10 - 1012

Sir,

I am directed to refer to your summons/orders dated 2/5/89 on the subject mentioned above and to state that the General Manager N. Railway is the competent authority to deal with this matter. The summons/orders in-question have, therefore, been sent to that authority for further necessary action.

Yours faithfully,

for Secretary, Railway Board.

DA: Nil.

No. E(G) 89 -LL3-

3(73)

New Delhi, dated 5/5/89

Copy together with the summons/orders received from the Tribunal/Court are forwarded in original to the General Manager N. Railway

Railway for further necessary action.

The next date of hearing is 10/7/89

DA/As above.

Desk Officer, Establishment
Railway Board

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAVAN
LUCKNOW

dc
4/49
LKO

No. CAT/CB/LKO/ 12.17 to 1220.

Dated the 25-1989.

Registration T.A.No. 809 of 198 (T).

mohd Kaleem Applicant's

Versus

Union of India Respondent's

- To
- ① mohd Kaleem, 20/26/17, Kusmi Tola, Raisidhar Park, Makbool gang, P.S. Raiesbagh, LKO.
 - ② Union of India, through secretary, Ministry of Rlys, Rail Bazar LKO.
 - ③ Sahyukt Karamik Adhikari, Loco-workshop, N. Rlys, Charbagh, LKO.
 - ④ Sri L.N. Bazzari, personnel officer, Loco workshops, N. Rlys, Charbagh, LKO.

Whereas the marginally noted cases has been

Transferred by High Court under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 1382/81
 of 198 of the High Court
 Court at Lucknow
 of _____ arising out
 order dated _____ passed by _____
 in _____

The Tribunal has fixed
Date of 10/7 1989 for
the hearing of the matter.

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

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

Given under my hand and seal of the Tribunal
this 2nd day of may 1989.

D.S. Dubey
For Deputy Registrar (J)

dinesh/

Handwritten signature
25.89

श्री मान उच्छी राजस्टर साहब

सी० ए० टी० गांधी भवन

लखनऊ

सेवा में -

श्रीमानच निवेदन है कि मेरा रिट नं -
1382/81 हाई कोर्ट में था जो बाद में डिस्पोज

कोर्ट में भेज दिया गया अब मेरा फाइल नं०
809/87 कोर्ट मुकदमा की जाया कोर्ट के जलदी

सुनवाई करे।

आप से एक प्रार्थना यह भी है कि पहली
दम से 86/117 मुकदमा टाला रि साल दोल पास

लखनऊ में रहते थे अब मेरा पता यह है -

नया पता = श्रीदामदे कलीम
964 मधरसे वाली गली, गोला बाजार
वालियाल मुहल्ल सदर केर

अतः आप से निवेदन है कि कापील के द्वारा
दम से जो भी पत्र व्यवहार किया जाय इसी पते पर करे।

Shri Singh
19/4

श्रीदामदे कलीम प्रार्थना
809/87 (हाई कोर्ट पिटीशन नं० 1382/81)

यूनिभन ऑफ इण्डिया
13.4.89

Handwritten notes:
This does not concern
us. Pl. send to the
Tribunal.

Handwritten: 29/5

Handwritten: 5/51

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAVAN
LUCKNOW

No. CAT/CB/LKO/ 1220

Dated the 25.1989.

Registration T.A.No. 809 of 1987(T)

Mohd Kaleem Applicant's

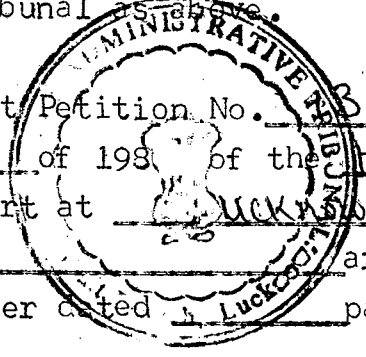
Versus

Union of India Respondent's

To (A) Sri L.N. Baspai,
Personnel officer, Loco workshops,
Northern Railways, Char Bagh,
Lucknow

Whereas the marginally noted cases has been
Transferred by High Court under the provision of the
Administrative Tribunal Act 13 of 1985 and registered in this
Tribunal

Writ Petition No. 382/81
of 1981 of the High Court
Court at Lucknow
of Lucknow arising out
order dated 25 passed by Lucknow
in Lucknow



The Tribunal has fixed
Date of 10/7 1989 for
the hearing of the matter.
If no appearance is made
on your behalf by your some one
duly authorised to Act and

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

Given under my hand and seal of the Tribunal
this 2nd day of may 1989.

Handwritten signature: D.S. Dubey

For Deputy Registrar (J)

dinesh/

W.P. No. - 1382/02

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

Group : 14(a)

2047
12.3.81.

Writ Petition No. /81.

Bench Copy

Mohd. Kaleem.

Petitioner.

Vs.

Union of India and others.

Opp. Parties.

I N D E X

<u>Sl.No.</u>	<u>Particulars.</u>	<u>From Page</u>	<u>to Page.</u>
1.	Writ Petition	1	7
2.	Affidavit.	8	9
3.	Annexure No.1 (report of Distt. Magistrate Lucknow in respect of Mohd. Saleem.	10	11
4.	Annexure No.2 (copy of order dt. 8.12.80 Asstt. Personal Officer N.Rly. Locoworkshop through his order service terminated.	12	13
5.	Vakalatnama.	14	

12.3.81.

M Wasim
Mohd. Wasim
Advocate

N.B:

Counsel for the Petitioner.

A court fee of Rs. 100/- is
being paid and power is stamped
of Rs. 5/-.

M Wasim

13/c.

17/1/81

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

Writ Petition No. 1302 of 1981.

Writ Petition under Article
226/227 of the Constitution
of India.

Mohammed Kaleem , aged about 23 years, son of
Late Mohammed Abdul Jalil, resident of 86/117,
Kurni Tola, Risaldar Park, Maqboolganj,
P.S. Qaiserbagh, Lucknow.

== PETITIONER .

Versus

1. Union of India, through the Secretary,
Ministry of Railways, Rail Bhawan, New Delhi.
2. Sahayak Karamik Adhikeri, Loco - Workshop,
Northern Railway, Charbagh, Lucknow.
3. Sri L.N. Bajpai son of not known, Personal
Officer, Loco-Workshops, Northern Railways,
Charbagh, Lucknow.

==OPPOSITE PARTIES.

contd...2..

The Hon'ble Chief Justice and His
companion Judges of this Court.

The petitioner most respectfully submit as under:-

1. That the petitioner was appointed on 27.7.1979 by the Assistant Chief Mechanical Engineer as a substituted Khalasi in the foundary shop of the Loco-Workshops, Northern Railway, Charbagh, Lucknow, in the scale of Rs. 196-232 and along with allowances, and thereafter he was transferred to the Machine shop of the said work-shop in the same scale of pay and he was assigned ticket No.M.S. 145.
2. That since then the petitioner had been working continuously without break, as such till 8.12.1980.
3. That on 8.12.1980 the petitioner received a notice terminating his services on the ground that the report of the District Magistrate, Lucknow, as regards his character verification was adverse. The copy of the report is herebeen filed as ANNEXURE NO.I.
4. That as a matter of fact the petitioner is a peaceful and law-abiding citizen and throughout his life he was neither challened nor was involved in any criminal case. The petitioner has no criminal antededents whatsoever.
5. That as a matter of fact the A.P.O.

..3..

(opposite party no.3) had asked the petitioner to attend his house in the morning as well as in evening. He was some times asked to even during duty hours to attend his house and do his personal work, which the petitioner was unable to do.

6. That on account of the petitioner's refusal to do the house-hold work of the opposite party no.3, the latter was annoyed and in a fit of wrath he maliciously terminated the services of the petitioner by order dated 8.12.1980, the copy of which is filed herewith as ANNEXURE NO.IX to this writ petition.

7. That a perusal of the impugned order dated 8.12.1980 (Annexure no.II) would show that the services of the petitioner have been terminated on the ground that the Additional District Magistrate, Lucknow, had adversely reported against the petitioner. The petitioner has already filed a copy of the report as Annexure No.I, in which it has been clearly stated that the petitioner's character was good and there was nothing adverse against him in the records of the local police or D.I.G.(C.I.D.).

8. That the petitioner submits with respect that the opposite party no.3 was so blinded by reasons of malice that he completely mis-read the said report (Annexure No.I) of the Additional District Magistrate, Lucknow, and illegally made

contd..4..

it a ground for terminating the services of the petitioner.

9. That the impugned order is thus wholly void, arbitrary and it has been passed maliciously against the principles of Article 14 and 16 of the Constitution of India.

10. That the impugned order contained in Annexure No. II is stigmatic in nature as such it is violative of the Article 311 of the Constitution of India, in as much as the petitioner was not afforded any opportunity of hearing before passing the impugned order.

11. That the petitioner having been appointed as substitute Khelasi in Loco-workshops, Northern Railway, Charbagh, Lucknow, was a "workman" within the meaning of the Industrial Dispute Act.

12. That the impugned order dated 8.12.1980 by which the services of the petitioner was terminated amounts to an order of "retrenchment" as defined in the Industrial Dispute Act and since the required notice contemplated by section 25-F of the Industrial Dispute Act was not given to the petitioner and he was also not paid any retrenchment compensation, the impugned order for which this reason also is bad in law and is liable to be quashed.

13. That the authority who passed the impugned order is not only another authority other than the appointing authority but also much below in rank and status, from the appointing authority, as such too the impugned order deserves to be set aside and quashed.

14. That having no other alternative remedy the petitioner is filing the present writ petition on the following, amongst other :-

G r o u n d s

- a) Because the impugned order dated 8.12.1980 (Annexure No. II) is punitive in nature and since it has been passed in complete violation of Article 14 and 16 of the Constitution of India.
- b) Because the opposite party no.3 has acted maliciously and has totally misread the report of the Additional District Magistrate, Lucknow, which is said to be the basis of the impugned order.
- c) Because the report of the Additional District Magistrate, Lucknow, is clearly in favour of the petitioner, his services could not be terminated in an arbitrary manner without looking into the contents of the said report.

- d) Because the impugned order has been passed in violation of the specific provisions of Section 25-F of the Industrial Dispute Act.
- e) Because the impugned order is violative of Rule 149(6) of the Railway Establishment Code Volume I as the requisite notice or retrenchment compensation contemplated by the Industrial Dispute Act was neither given nor paid to the petitioner.
- f) Because the impugned order having been passed in violation of the principles of natural justice, is liable to be quashed.

Wherefore, it is respectfully prayed
as under :-

- i) That the order dated 8.12.1980 passed by the opposite party no.3 may kindly be quashed.
- ii) That the opposite parties may be directed by a Writ of Mandamus to treat the petitioner as continuing in service and not to interfere with the discharge of his duties as a substitute Khalasi in the Loco-Workshops, Northern Railway, Charbagh, Lucknow, and to pay the petitioner all the arrears of salary in the scale of


52

..7..

§. 196-232 with effect from 8.12.1980
upto date.

Lucknow:

Dated : 12-3-81


Advocate.
COUNSEL FOR THE PETITIONER.

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U

+

94

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

Writ Petition No. _____ of 1981.

Writ Petition under
Art. 226/227 of the
Constitution of India.

Mohammed Kaleem. == Petitioner.

Versus

Union of India and two
others. == Opp. Parties.

AFFIDAVIT

I, Mohammed Kaleem aged about 23 years,
son of late Mohammed Abdul Jalil, resident of
86/117, Kurmi Tola, Hisaldar Park, Daqbooganj
Police Station Qaiserbagh, Lucknow, do hereby
solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the
above noted writ petition, hence fully conversant
with the facts of the case deposed to herunder.

2. That contents of paras 1 to 14 of the
annexed writ petition are true to my own knowledge.

contd....2..

3. That Annexures No I and II of the annexed writ petition are originals and their copies have been compared by the deponent and are the true copies, of the same.

Lucknow:

dt: 11.3.81

Sd/
Deponent.

Sd/
(Mohd. Kaleem)

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge. Nothing material has been concealed therein and no part thereof is false. So help me God.

Signed and verified today the 11th day of March 1981 in the court compound at Lucknow.

Deponent.

Sd/
(Mohd. Kaleem)

I identify the deponent who has signed before me.

Sd/
Advocate

Solemnly affirmed before me on 11.3.81 at 4.15 pm by the deponent Mohd. Kaleem who is identified by Sri Mahd. Wasim Advocate High Court Allahabad.

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

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

Writ Petition No. _____/81.

Mohammad Kaleem.

Petitioner.

Versus

Union of India and two others.

Opp. Parties.

ANNEXURE NO. 1

Report of the District Magistrate,
Lucknow. -- Attached.

146

रिपोर्ट विभा धीकाट्टेट - लमरु

अप सुउ व काभिर टीकाट्टेट अलर प्रथेय रीत एउ वन कारु एना
वाएपम- लमरु ।

रिपोर्ट न्या-२०१०/१९१०

दीख्यत कोय पुम ख्यति वपुन वरीत

उपरीत विषयत कारुते एम न्या- २०१/एपटी ० लमरु रिपोर्ट
१०-१-१० ते सय्यदं रें एउ वृत्त एवता ई रि मीमदीय आउनेय न्या
००१० ले पी० -१०१-१९०१ रिमरि २० वरीत १९१० ते एउ ए पर गति
ले गई ली उपरीत न्याई ए वरीत एउ ई वीर उउते विरुध आदीय कोन्युपम
एकतिर आदीय पुताप एव अप वउदीरिउत (मुजा पाली) अलर प्रथेय
ते कोन्युपम रें वृउ वरी ई रिमरि एउ एउकति कोन्युपम ते रिखे वय लम लमरु
ई एते री कोन्युपुन वीरिण रिना वा एते ।

उ० एउकदीय

दीन० विभा धीकाट्टेट
लमरु

२०२

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

Writ Petition No. _____/81.

Mohammad Kaleem.

Petitioner.

Versus

Union of India and two others.

Opp. Parties.

ANNEXURE NO. II

Copy of order dated 8.12.80.

Attached.

2

ANNEXURE - 2

उत्तर रेलवे नॉर्थवेन रेलवे

Dated 8.12.80

S.O. No. 990

Consequent up on a adverse report from District Magistrate. The services of Sr. Mohd. Kaleem S/o Late Sr. Abdul Jalil T. No. MS. 1457, Khalasi of Machine Shop Loco CG. Wks is here by terminated w.e.f. 8.12.80 A.M. Under rule 149 R.I allowing 14 (fourteen) days wages in lieu of the "Notice period".

Asstt. personal officer
N.Rly Loco CG. Wks

Copy to: D.C. TR, H.C. (P.B.E. ^{Settlement})

SAO/CG and SS/MS for information and n/a
MS. 1457 CG/SS/MS

Asstt. personal officer
N.Rly Loco CG. Wks

2/12

THE GOVERNMENT OF INDIA
MINISTRY OF DEFENCE

CONFIDENTIAL

1. This document is under Article
17(1)(b) of the Constitution
of India.

1. Name of Person, aged about 13 years, son of
Late Subedar Abdul Aziz, resident of C/117,
Main Road, Secunderabad, Hyderabad,
Tel. Secunderabad, Andhra Pradesh.

as PERSONNEL.

Report

- 2. Office of India, through the Secretary,
Ministry of Defence, 11, Lincoln, New Delhi.
- 3. Colonel Abdul Aziz, Late - Secunderabad,
Main Road, Secunderabad, Andhra Pradesh.
- 4. Col. Late Abdul Aziz of late name, Formerly
Officer, Reserves, Northern Railway,
Secunderabad, Andhra Pradesh.

as PERSONNEL.

CONFIDENTIAL

collo

I am writing to you to inform you of the situation
of the ... in the ... of ... in
... to ... to ... to ...
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As a general rule for forming the members of the
Council

1. The Council shall be composed of five members
to be elected by the members of the Council
for the term of office of Article 14 and 15 of
the Constitution of India

2. The Council shall be elected by the members of the
Council for the term of office of Article 14 and 15 of
the Constitution of India, in the manner as the President
may determine by order in writing before
making the Council

3. The Council shall be elected by the members of the
Council for the term of office of Article 14 and 15 of
the Constitution of India, in the manner as the President
may determine by order in writing

4. The Council shall be elected by the members of the
Council for the term of office of Article 14 and 15 of
the Constitution of India, in the manner as the President
may determine by order in writing, and the Council
shall be elected by the members of the Council for the
term of office of Article 14 and 15 of the Constitution
of India, in the manner as the President may determine
by order in writing, and the Council shall be elected
by the members of the Council for the term of office
of Article 14 and 15 of the Constitution of India, in
the manner as the President may determine by order
in writing, and the Council shall be elected by the
members of the Council for the term of office of
Article 14 and 15 of the Constitution of India, in
the manner as the President may determine by order
in writing

35. That the authority who passed the foreign order is not only a judicial authority but also a judicial authority, from the regulating authority, of the law of the foreign order concerned to be the order and order.

36. That under no other circumstances would the authority be liable for the present with protection on the following, or any other, to

Section 11

37. That the foreign order No. 12, 1900 (Foreign No. 1) is liable to notice and also to be read in complete accordance with Article 24 and 26 of the Constitution of India.

38. That the original copy No. 5 has been noticed judicially and is totally correct the contents of the original District Registrar, Madras, which is said to be the basis of the foreign order.

39. That the report of the Additional District Registrar, Madras, is clearly in favour of the assistance, his previous work can be considered as a subsidiary of the original order into the contents of the original order.

The Hon'ble Chief Justice of India
and other Judges of this Court.

The petitioners and respondents consist of persons

to whom the petition was referred on 15.10.1977 by the Hon'ble Chief Justice. In view of a substantial increase in the territory area of the State of Andhra Pradesh, the Hon'ble Chief Justice, in the course of his duties and also with reference, and therefore he was transferred to the Hon'ble Chief of the High Court in the State of Andhra Pradesh and he was assigned the duties of the Chief Justice of the State of Andhra Pradesh.

to whom since then the petitioners have been working continuously under his authority as Chief Justice of the State of Andhra Pradesh.

to whom as a matter of fact the petitioners received a notice transferring the services of the petitioners to the service of the Hon'ble Chief Justice, Andhra Pradesh, and pursuant to the notice the petitioners were transferred to the service of the Hon'ble Chief Justice of the State of Andhra Pradesh.

to whom as a matter of fact the petitioners are a successful and longstanding citizens and throughout the time he was not involved in any criminal case, the petitioners are not an individual or a corporate body.

to whom as a matter of fact the petitioners

80) Because the proposed order has been passed in violation of the specific provisions of Section 237 of the Industrial Disputes Act

81) Because the proposed order is violation of Article 226 of the Indian Constitution that states that the proposed order or other similar order contemplated by the Industrial Disputes Act and other laws are void to the extent that

82) Because the proposed order having been passed in violation of the provisions of Section 237, it is liable to be quashed

Therefore, it is respectfully urged as above

83) And the order dated 02.10.2000 passed by the opposite party shall not stand in force.

84) And the opposite parties try to directed by a class of persons to treat the possession of coalfields in violation and not to interfere with the discharge of his duties as a Director assigned in the Industrial Disputes Act, 1947, (hereinafter referred to as the Act) and to try to nullify all the orders of the law in the name of

13

4

रिपोर्ट विभागा मनिस्ट्रेट - लखनऊ

उप मुख्य कार्य विभाग की कार्यवाही उत्तर प्रदेश के रेल एम्प्लॉय कार्डिनल
कार्यालय - लखनऊ ।

रिपोर्ट संख्या / 2034/1979

गोपनीय राष्ट्रीय सुरक्षा अधिनियम के अन्तर्गत

उपरोक्त विभाग के पास संख्या- 203/ एप्री 5 तारीख दिनांक 30/07/79
31-7-79 के संदर्भ में यह सूचित करता हूँ कि मंडलीय कार्यालय संख्या 6694
डी पी 0 - 381-1987 दिनांक 20 मई 1990 के आधार पर यह कि यह भी उपरोक्त
कार्यालय का एक अधिकारी है और उसके विरुद्ध राष्ट्रीय सुरक्षा अधिनियम - 1949
के अन्तर्गत उप मजारीरक्षण (मुक्त पत्र) उत्तर प्रदेश के अधिकारियों में कुछ नहीं है
विशेष यह सरकारी नीति के तहत यह सफ लखनऊ में रहे ही अनुपयुक्त पीपल
दिया जा सके ।

उ०/- कार्यालय
रिपोर्ट विभागा मनिस्ट्रेट
लखनऊ

2

THE UNITED STATES GOVERNMENT
DEPARTMENT OF JUSTICE

1/28

INVESTIGATION

1938
The following is a
copy of the
report of the
Commission of Inquiry

1. Name of person

as charged

with

2. Name of office and the
office

in the position

CHARGE

1. That said person was found to have
and of late years had been, and is, a member of
of the, and a member of the, and has
been found to have, and to have
secretly received and acted as such as follows:

2. That the defendant in the petition in the
above stated was, and is, a member of
of the staff of the said person to be named.

3. That certain of items 1 to 2 of the
above stated petition are true to the best of the

of the

16

On the 1st day of October 1914 of the aforesaid
year within the aforesaid and these copies
are here certified by the Government and are the
true copies of the same.

Witness

etc

Secretary

(This follows)

THE STATE

By the State of California do hereby certify that
the contents of pages 1 to 10 of this report
are true copies of the original records
and have been examined through and no part thereof
is false or untrue.

Witness my hand and seal this

day of

1914 at the City of Sacramento

California

Secretary

(This follows)

A. S. ...

...

...

श्री. एन. 12-ए/नमन 69 छोटा
Genl. 97 Small

उत्तर रेलवे NORTHERN RAILWAY

S.O. No. 990

Dated 8.12.80

Consequent up on a adverse
report from District Magistrate.
The services of Sri. Mohd. Kaleem
S/O Lali Sri Abdul Jabl T. No. MS.
1457, Khallasi of Machine Shop
Loco CB, Uko is here by
Terminabil w ef. 8.12.80 AM. Under
rule 149 R.I allowing 14 (fourteen)
days wages in lieu of the
"Notice period."

Asstt. personnel officer
N. Rly Loco CB, Uko

copy to: D.C. Th, + C. (P.B.E. ~~RTI~~)

SAO/CB and SS/MS for
information and n/a
MS-145 Class/MS

Asstt. personnel officer
N. Rly Loco CB, Uko

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench, Lucknow

Registration No. 809 of 1987 (T)

(Writ Petition No. 1382 of 1981)

Mohd. Kaleca Petitioner/Applicant

Versus

Union of India & Others Opposite Parties/
Respondents.

Filed for 24.10.1989

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, Babu Ram Tewari working as Assistant
Personal Officer in the office of Chief Works Manager,
Northern Railway, Locomotive Workshop, Charbagh, Lucknow,
do hereby solemnly affirm and state as under:-

1. That the official above named is working under the respondents and is fully conversant with the facts of the case and has been authorised by the respondents Nos. 1 to 3 to file this reply on their behalf.
2. That the contents of para 1 of the petition/application are not denied except that he was appointed ^{By Substituted} Assistant ^{PERSONAL} ~~Mechanical~~ Officer, Loco, Charbagh, Lucknow. on 27.7.1979.
3. That the contents of para 2 of the petition/application are not denied.

Khallan by

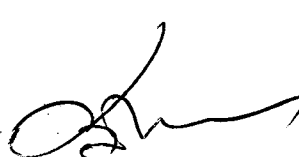


Asst. Personal Officer, 4th
Rly. Loco. C.B., Lko

That in reply to the contents of para 3 of the
petition/application, it is stated that the services

of the petitioner were terminated with effect from 8.12.80 under rule 149 R.I., because his character verification report and antecedents were not found favourable and not also he was not certified as 'FIT FOR EMPLOYMENT UNDER GOVERNMENT' by the concerned District Magistrate, hence action as per extant orders were taken against him. A copy of report dated 21.11.80 is being filed herewith as Annexure No C-1.

5. That the contents of para 4 of the petition/application are denied for want of knowledge.
6. That the contents of paras 5 and 6 of the petition/application are categorically denied, and the petitioner is called upon to prove the same.
7. That the contents of para 7 of the petition/application are not admitted as stated. The correct position has already been explained in para 4 of this reply.
8. That the contents of para 8 of the petition/application are categorically denied. The petitioner be put to strict proof for the same.
9. That the contents of paras 9 and 10 of the petition/application are categorically denied. The petitioner was only a temporary Khallard and his services could have been terminated any time under para 149 R.I., allowing him 14 days' wages in lieu of the notice.


Asstt. Personal Officer,
C.R. 14

10. That the contents of para 11 of the petition/application do not call for remarks.
11. That the contents of para 12 of the petition/application are not admitted as stated. The services of the petitioner were terminated under Rule 149 R.I. and he was allowed 14 days wages in lieu of notice as per rule.
12. That the contents of para 13 of the petition/application are not admitted. The appointing authority of the applicant was Assistant ^{PERSONAL} Mechanical Officer, Loco, Charbagh, Lucknow who is equal in rank with the authority who terminated the services of the petitioner as he was fully competent to do so under para 149 R.I.
13. That the contents of para 14 of the petition/application are also denied. The petitioner did not prefer any representation, whatsoever, against his alleged impugned order. He had an alternative departmental remedy by way of making representation against the order but he did not avail the same, hence this petition is not maintainable on this ground.

Lucknow :

Dated : 24.10.89



Asstt. Personal Officer,
N. Ry. Loco, G.B., Lk.
contd...4

12/2

-4-

VERIFICATION

I, the official above named do hereby verify that the contents of para 1 of this reply are true to my personal knowledge and those of paras 2 to 13 of this reply are believed by me to be true on the basis of records and legal advice.

Lucknow :

Dated : 24.10.1989



Asstt. Personal Officer,
N. Ry. Icco. C.B., Lko

Annexure No C-1

Page No 527

1/5

कार्यालय जिलाधिकारी, लखनऊ

क्रमांक:- 1452(2)सैलह-राउसउ(3)

दिनांक नवम्बर 21, 1980

विषय:- श्री मो० कलीम पुत्र श्री गुलाब उसी निवासी जमीनाबाद लखनऊ के चरित्र एवं पूर्ववृत्त सत्यापन की जांच के लक्ष्य में।
=====

सेवा में-

Dy Chief Mech. Engr (w)
Loco Shop N.R.C.B.
Lucknow

उपरोक्त विषय आपके पत्र संख्या 211E/Sab/Challan

दिनांक 1-7-80 के संदर्भ में मुझे यह कहना है कि चरित्र पुलिस अधीक्षक लखनऊ की जांच आख्या के अनुसार अस्पष्टी के विरुद्ध प्रमाण संख्या 20 धारा 324 आई०पी० सी० का मुकदमा विचाराधीन है।

[Handwritten signatures and initials]



जिलाधिकारी (प्र०), लखनऊ

Attested
Tone copy

[Handwritten signature]
जिलाधिकारी (प्र०)
लखनऊ

14/20

In the Hon'ble Central Administrative Tribunal,
Additional Bench Allahabad,
Circuit Bench at Lucknow.

Registration No. 809 of 1987 (J)

(Writ Petition No. 1332 of 1981)

Mohd. Kaleem

...Petitioner/Applicant.

Versus

Union of India & others

...Respondents.

REJOINER

1. That para 1 of the counter affidavit is formal and calls for no reply.

2. That in reply to para 2 of the counter affidavit, the contents of para 1 of the writ petition are hereby reiterated and it is further submitted that the respondents by way of denial are concealing the facts.

3. That para 2 of the counter affidavit is not disputed.

निवेदन अर्थात्

4. That in reply to para 4 of the counter affidavit it is submitted that the respondents have misunderstood the contents of the adverse reports and wrongly applied on the petitioner-applicant. In fact, from the alleged report (Annexure C-1) itself it can be easily seen that the said report is in respect of some Mohd. Kaleem son of Sr. Gulam Ali, resident of Aminabad, Lucknow, whereas the applicant's particulars are as follows :

Mohammad Kaleem son of late
Sr. Mohammad Abdul Jalil, resident
of 86/117, Kurm Tola, R. saldar-
Park, Maqboolganj, Police Station
Qanbarbagh, Lucknow.

As such the alleged report did not apply on the petitioner/applicant.

5. That para 6 of the counter affidavit is denied and it is submitted that from the contents of alleged adverse report and correct particulars stated in writ petition as well as in para 4 above and also the police report in respect of the petitioner-applicant it automatically stands proved ~~that~~ the contents of para 5 and 6 of the writ petition as well as the conduct of the respondent no. 3. A true copy of police report in respect of the petitioner is annexed herewith as ANNEXURE RA-1 to this rejoinder.

11/2/22 dt/mt/1

6. That in reply to para 5 of the counter aff'davit the contents of para 4 of the writ petition/application are hereby reiterated.

7. That para 7 of the counter aff'davit is denied and in reply the contents of para 4 of this rejoinder are hereby reiterated.

8. That in reply to para 8 of the counter aff'davit the contents of para 4 of this rejoinder are hereby reiterated.

9. That para 9 of the counter aff'davit is denied and in reply the contents of para 9 of the writ petition are hereby reiterated and it is further submitted that the applicant petitioner had already completed 240 days ~~Service~~ ~~Session~~ in one calendar year and as such as held by Hon'ble Supreme Court, he could not be thrown out in the aforesaid manner.

10. That in reply to para 10 of the counter aff'davit, the contents of para 11 of the

निरंतर अर्ज

wr^t pet^tion/applicatⁱon are hereby
re^lterated.

11. That in reply to para 11 of the counter
affⁱdatⁱon it is submⁱtted that the respondents
without applying their mind and by mis-reading
the adverse report of some one Mohd. Kaleem
son of shrⁱ Gulam Alⁱ had made applicable
to the pet^titioner where as it was well
within their knowledge that the pe^t-t^titioner
was inducted in service on the ground of
independent circumstances i. e. on demise of his
father shrⁱ Mohd. Abdul Jalⁱl and there
was absolutely no adverse report against him.

12. That para 12 of the counter affⁱdatⁱon
is denied and the respondents are put to
strict proof in support of their contentⁱon
stated in this para under reply.

13. That para 13 of the counter affⁱ-datⁱon
is denied and it is submⁱtted that there was
no efficacious and alternative remedy available
to the applicant/pet^titioner but to prefer the

निवेदन मंजूर

2/8

instant writ petition before the Hon'ble High Court for proper judicial intervention.

14. That in the circumstances aforesaid the writ petition/application of the petitioner/applicant being full of merits and based on cogent grounds is liable to be allowed and the same may graciously be allowed by reinstating the applicant/petitioner in the interest of justice, otherwise the applicant shall suffer irreparable loss and injury.

Lucknow, dated;

February 05, 1990.

निवेदन
Petitioner/applicant.

Verification

I, Mohd. Kaleem son of late Mohd. Abdul Jalil, resident of 86/117, Kurma Tola, Risaldar Park, Maaboolganj, P.O. at sarbagh, Lucknow, do hereby verify that the contents of paras 1 to 8 and 10 to 13 are true my personal knowledge and para 9 and 14 on legal advice which I believe to be true and that I have not suppressed any material fact.

Lucknow, dated;

February 05, 1990.

निवेदन
Petitioner/applicant.

Identified shri Mohd. Kaleem s/o late shri Mohd. Abdul Jalil who has signed before me.

(T.N.T. var)
Advocate -
counsel for the applicant.

१/७

सन ही गानोबुल सेन्ट्रल एडमिनिस्ट्रीटिव द्युबनल ,
यडीरानल सेन्च एनाएपाद,
सर्टिफिड सेन्च लखनऊ ।

केस नं० ४०७ सन १९४७/१११
डब्ल्यू.एन. १३०२ सन १९४१

मोहम्मद कलीश — अपलीकान्ट
बनाम
युनिश्चन आफ हण्डिया — रेस्पान्डेन्टस

एने-जट = १

रिपोर्ट जिला मजिस्ट्रेट लखनऊ

एय कुय यानिऊ अभियन्ता, उत्तर प्रदेश,
रेल इंजन कारखाना - धारावाग ।

रिपोर्ट संख्या ॥ २०३६/१९७७॥२४-७-७९॥लखनऊ

मोहम्मद कलीश पुत्र स्वर्गीय अब्दुल जलील

उपरोक्त विषयक आपके पत्र संख्या २६५/एवजी
छत्तासी दिनांक ३१-७-७९ के संदर्भ में यह सूचित करता
हूँ कि गोपनीय एनासनादेश संख्या ६६९६/२-सी. ३२१-
१९६७ दिनांक २४ अप्रैल १९५० के आधार पर जांच की गई
तो उपरोक्त अभ्यायी का चरित्र अच्छा है और उसके विश्व
स्थानीय अभिसूचना कार्यालय, स्थानीय पुलिस एवं उपमण-
निरीक्षक ॥ मुक्त वाता ॥ उत्तर प्रदेश के अभिलेखों में
नहीं है जिससे यह साकारो नौकरी के लिए जब तक लखनऊ
धरे एते उपयुक्त धीरगत किया जा सके।

ए. अठनीय

यति:जिल: मजिस्ट्रेट,

लखनऊ।