

A-7.

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW.

T.A. No.813 of 1987.

Badri PrasadApplicant.

Versus

Union of India & 2 others Respondents.

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

This is a transferred case under section 29 of the Administrative Tribunals Act.

2. The applicant filed a writ petition before the High Court in which the pleadings were exchanged by the parties. Subsequently, a supplementary counter-affidavit was filed by the respondents. The applicant did not file rejoinder affidavit even though time for the same was given to the applicant and as such it is being taken that he is not interested in filing rejoinder affidavit and the case is being heard and disposed of in respect of which a prayer has been made by the applicant himself.

3. The dispute in this case is that the applicant retired from service in the year 1981 and according to him, he should have been retired in the year 1991 and on the basis of wrong date of birth so taken by the respondents, he has been retired ten years prior to the actual date on which he attained the age of superannuation. In the writ petition, the relief prayed for by the applicant was that a certiorari be issued quashing the said order and that a mandamus be also issued commanding the respondent no.3 to decide and dispose of the applicant's representation in accordance with law and in the mean time he should not be retired on 30.4.81. Earlier a relief for a short period was

granted to the applicant by the High Court and the operation of the order was stayed and the applicant continued in service. It appears that the said order was not continued and the applicant was retired from service in the mean time and as such a part of relief claimed by the applicant has become infructuous. According to the applicant, he was an illiterate person and when he entered the service of the Railway Administration as Substitute Porter on 30.11.48, he gave his age as 18 years. He was sent for medical-examination and a fitness certificate was also given in which his age was shown as 18 years and the copy of the said certificate has been placed on the said record. He was again sent for medical-examination on 3.4.52. According to him, his age was reported to be 22 years. He was sent for medical-examination and in the memorandum issued to the Yard Master, his date of birth was shown as 3.4.33 and the date of appointment as 8.3.53. It was only from a general notice that the applicant could learn that he was also to be retired in the year 1981. He filed a representation in this behalf and prayed that his date of birth may be corrected as per original certificate of 1948 or the latest certificate showing 46 years age in 1979 or to send the applicant for re-medical examination for assessing his age but nothing in this behalf was done. The applicant also pointed out that the date of birth of his elder brother Jangoo was entered as 20.2.23 and in between him and his elder brother Jangoo, there are two sisters and by no stretch of imagination it can be said that the applicant is older than his elder brother Jangoo

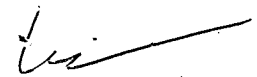
As the applicant could not get any relief from the department despite representations, ultimately he filed the writ petition in the High Court on 22.4.81.

4. The Railway Administration in the pleadings has pointed out that the applicant was appointed on 8.3.53 and his thumb impressions were also taken and this is also evident from the certain documents; namely, service-records, leave account, pay-fixation documents, loan applicants, medical-certificate, provisional seniority-list. In accordance with the Indian Railway Establishment, the age of the applicant was assessed by the Railway Medical Officer as 29 years when he was medically examined and granted a certificate of fitness which also bears his thumb impressions. When seniority-list in which the date of birth of the applicant was given, was circulated, the applicant did not file any objection to the same. No clear-cut explanation has been given by the Railway Administration as to how he joined the service in the year 1953. The applicant could have been sent for medical-examination in the month of April, 1952. According to the applicant, if the respondents' version is accepted, the applicant was allowed to enter in service at the age of 29 years which was not possible and permissible. The respondents have stated that the date of birth of the applicant was entered as 3.4.23 ~~xxx~~ in accordance with law and there is no record in the office to indicate that he was sent for medical examination for confirming his date of birth but no reply as to the certificate which was filed by the applicant, has been given, although it has been denied that the thumb

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In case it is found that the date of birth of the applicant was correctly written in the Railway records on the basis of which the applicant was retired, the applicant's claim shall stand rejected altogether. No order as to costs.



VICE CHAIRMAN.

DATED : MARCH 18, 1992

(ug)

A-1

8/1

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1991 of 1981

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
22/4/81	<p>Hon. T.S. Mishra J.</p> <p>Hon. S. Zahoor Husain J.</p> <p>Native is served on Mr. Rohan Mitra, he wants to take instructions from the opposite parties. Put up tomorrow.</p> <p>Sd/- T.S.M.</p> <p>Sd/- S.Z.H.</p> <p style="text-align: right;">22/4/81</p>	
S.F.	<p>Hon. T.S. Mishra J.</p> <p>Hon. S. Zahoor Husain J.</p> <p>The opposite parties may file their counter affidavit by 22-4-1981 lest the writ-petition, presently on stay-date along with the stay applications.</p> <p>Sd/- T.S.M.</p> <p>Sd/- S.Z.H.</p> <p style="text-align: right;">22/4/81</p>	
S.C.	<p>C.M.M. 36(3)(a) for stay.</p> <p>Hon. T.S. Mishra J.</p> <p>Hon. S. Zahoor Husain J.</p> <p>Put up for order along with the writ-petition.</p> <p>Sd/- T.S.M.</p> <p>Sd/- S.Z.H.</p> <p style="text-align: right;">23/4/81</p>	

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ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1881 of 1981

vs.

Date 18-5-81	Note of progress of proceedings and routine orders Hon. T. S. Mian J., Hon. S. C. Mathur J.	Dated of which case is adjourned
1	2 -	3
	<p>Sri D. L. Mitr produced certain documents. However in order to give an opportunity to the petitioner to meet to these documents it is necessary that the Union of India should file a supplementary affidavit enclosing therein copies of the documents on which it wants to rely. The Union of India is accordingly allowed two days time to file a supplementary affidavit serving a copy of the same on the learned counsel for the petitioner out of Court. The petitioner may file a rejoinder by 22nd of May 81. List the stay application on 22nd.</p> <p>Meanwhile the operation of the impugned order shall remain stayed till 22nd May 81.</p> <p style="text-align: right;">18.5.81 u.</p>	

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ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1881 of 198 1

vs. _____

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
6.7.81	<p>Writ of a hearing</p> <p>Hon. T. S. M. J.</p> <p>Hon. R. C. D. Sharma J.</p> <p>A supplementary counter-affidavit has been filed to delay but no documents along with the same have been filed though there was an order to that effect. Sri Robin Mitra learned counsel for the respondents, prays for and is allowed three days time to file extracts of the relevant documents referred to in the supplementary counter-affidavit. A supplementary rejoinder-affidavit may be filed within four days from the date of the service of the copies of extracts of the relevant documents. Meanwhile the operation of the impugned order shall remain stayed until further orders. It is also ordered that the demand of India shall pay the outstanding salary to the petitioner within 72 hours. Fix the writ petition for hearing on 15-7-1981.</p> <p>A copy of this order shall be given to the petitioner free of charge by tomorrow.</p> <p>MD5</p>	

6.7.1981

ORDER SHEET

B - Pd.

VERSUS

6.04

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
3/9/89	<p>Hon. Justice K. Nath, VC. Hon. K. J. Raman, Am.</p> <p>The learned counsel for the applicant is present; no one is present for the opposite parties. This is the first date since the receipt of the record from Allahabad. Re issue notices ^{to the parties} fixing 20-10-89 for orders.</p> <p>LRA Am.</p> <p style="text-align: right;">VC.</p> <p>Hon. D.R. Agarwal, JM Hon. K. Ojha, AM</p> <p>Sr. A. Matien Counsel for the applicant. Sr. A. Margam, counsel for the repth. are present - On the request of the learned Counsel for the applicant, the case is adj. to. 21.12.04.</p>	<p>मे रिज 11-7-04 अतः श्लोकाव ल आप्री है। रिज कोर्ट में है प्रत्युता समय पर कोर्ट प्रतिशमय पर करी अट क्षीतयापी न० 3 की तरफ से दाखिल हैं। गिरिज जरी-है स्लोकाव ल। अति आफी के फॉ एल 12</p>
103		<p>notice gassed 17/9/89</p> <p>Notice were issued on 19.9.04. No undelivered kept cover has been return back submitted for order L VLC</p> <p>notice of applicant has been return rec. L or</p> <p>Notice of applicant has been return base with postal remand अर्थात् कौट एत पठा यती है परिशिष्ट पर अत गाम अत करिता रई नर कायत L JM to adv.</p>

8/3/90

Hon. J. P. Sharma, J.M.

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Shri A. Mateem, learned counsel for the applicant is not present. Last time on 5/3/90, the learned counsel got a date fixed, for today, but again, there is an adjournment. Mr. A. Bhargava, learned counsel for the respondent, pointed out that the papers, desired by the applicant are not available on records.

List for order on 27/3/90.

27/3/90.

J.M.

No sitting adj. 9-8-90

9-8-90.

No sitting. adj. to 21/11/90

27/3/90

31.10.90

Due to Holiday Case is Adjourned to 13.12.90.

@

No RA filed

S. P. O.

14/2/90

13.12.90

D.R.

Both the parties are present today. R.A. has not been filed by the applicant. Case is listed before me on 28.1.91

16/1/1991

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8.11.91

D.R.

Rejoinder has not
been filed. Applicant
to file Rejoinder by

7/1/92.

7.1.92

D.R.

Both the parties are
absent. Rejoinder
has not been filed.
Applicant is directed
to file Rejoinder
by 18/3/92.

18-3-92

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

Heard learned Counsel
for the parties. Judgment
dictated separately.

(ug)

V.C.



5 of 200
22/10/81

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Petition under Article 226 of the Constitution of India

Writ Petition no. 1991 of 1981

Badri Prasad, son of Ram Saroop, aged about 50 years,
at present working under Yard Superintendent, Northern
Railway, Lucknow.

... Petitioner

V e r s u s

1. Union of India, through the Secretary, Ministry of
Railways, Railway Board, Rail Bhawan, New Delhi.
2. ~~Union of India~~, through the General Manager,
Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow.

Amteer

... Opposite Parties

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To

Hon'ble the Chief Justice and
his other Companion Judges of
aforesaid the Hon'ble Court.

This humble petition of the above named
petitioner most respectfully sheweth as under :-

1. That the petitioner is at present posted as
Shunting Jamadar under the Yard Superintendent, Alambagh
Northern Railway, Lucknow in the pay scale of Rs. 350-
450.
2. That the petitioner was initially recruited as
a Substitute Porter against a vacancy of Porter by the
Station Master, Varanasi, E.I. Railway on 30.11.1948 in
the pay scale of Rs. 30-35.
3. That at the time of his appointment, the
petitioner gave his age as 18 years.
4. That the Station Master, Varanasi in order to
confirm the petitioner's age, the petitioner not having
passed from any school, sent the petitioner for medical
examination to the then Divisional Medical Officer of
Ex. E.I. Railway who vide his fitness certificate no.
699 dated 25.11.1948 verified and assessed the age of



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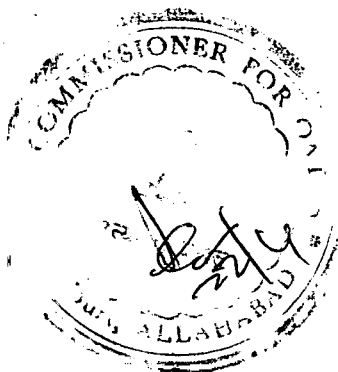
the petitioner to be 18 years vide Annexure No. 1 to this writ petition.

5. That ~~the~~ in terms of Rule 144² (2), Indian Railway Establishment Code² when the person concerned is unable to state his age, it should be assessed by a Railway Medical Officer and the age so assessed entered in his record of service in the manner prescribed above.

6. That thus the declaration of age given by the petitioner was confirmed by the Divisional Medical Officer, Lucknow of the then E.I. Railway vide Annexure No. 1.

7. That the petitioner's thumb impression only was taken on a blank service roll by the dealing assistant and the petitioner was told that the necessary particulars in the service roll including that of date of birth would be filled in after completion of the petitioner's medical examination.

8. That the petitioner was again sent for medical examination on 3.4.1952 by the then Station Master, Varanasi for opening service record² and at that time ^{on his Confirmation}



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-: 4 :-

the age of the petitioner was ^{reported by Medical Officer as} 22 years ^{which is in conformity} as indicated in

with para 4 above.

9. That while working as shunting Janadar in Lucknow Yard of Northern Railway, the petitioner was sent for medical examination and in the memorandum issued the Yard ~~Master~~ Master, Lucknow showed his date of birth as 3.4.1935 and the date of appointment as 8.3.1953, vide Annexure No. 2 to this writ petition.

10. That a general notice indicating the names of staff who are likely to be retired in 1980-81 was circulated by the Northern Railway Divisional Office, Lucknow dated 3.11.1980. This notice contained the names of Railway employees to be retired on reaching age of super annuation. It indicated the petitioner's name also at item 36 of the list vide Annexure No. 3 to this writ petition.

11. That on perusal of the same, the petitioner immediately prepared a representation to the Divisional Railway Manager, Lucknow of Northern Railway against the incorrect and unwarranted ~~and incorrect~~ entry of the petitioner's name and in support ^{thereof} the petitioner gave full facts about the petitioner's declaration



D-15

-: 5 :-

age at the time of his first appointment, viz., 18 years, duly confirmed by the then Divisional Medical Officer, Lucknow of E.I. Railway. The petitioner also mentioned in this representation full details of all medical examinations and also attached a medical certificate of Railway Doctor certifying his age to be 46 years in 1979. The petitioner prayed in this petition to correct his date of birth as per original certificate of 1948 or the latest certificate showing 46 years age in 1979 or to send the petitioner for re-medical examination for assessing his age vide Annexure no. 4 to this writ petition.

12. That in reply to the above representation the Senior Divisional Personell Officer, Lucknow vide his letter dated 18.2.1981 asked the petitioner to submit documentary evidence in support of the petitioner's date of birth.

13. That in reply to the above the petitioner vide his representation dated 28.3.1981 brought to the notice of the Divisional Railway Manager, Lucknow, Northern Railway the wrong entries of date of birth of the petitioner viz., three different dates which is obviously incorrect, particularly irregular and a case

of clerical error.

The petitioner further in support of the clerical error cited the case of his eldest real brother Sri Jangoo, son of Shri Ram Saroop working as Shunting Jamadar, Northern Railway, Lucknow who retired on 28.2.81 and the date of birth of Shri Jangoo petitioner's eldest brother was entered as 20.2.23 (vide Annexure No. 3, Serial No. 29). Further in between Shri Jangoo, son of Ram Saroop, the petitioner had two elder sisters, the petitioner being the fourth child of his parents. As such by no stretch of imagination the petitioner's date of birth can be 1923. Details are given in the representation of the petitioner which is annexed hereto as Annexure No. 6 with this writ petition.

14. That entry in Government Service is not possible after the age of 25 years. In case the age of the petitioner as entered in the Railway records is taken to be correct it indicates that the petitioner was 29 years of age at the time of his entry in the Railway Service which is not only against facts but no appointment is possible at that age.

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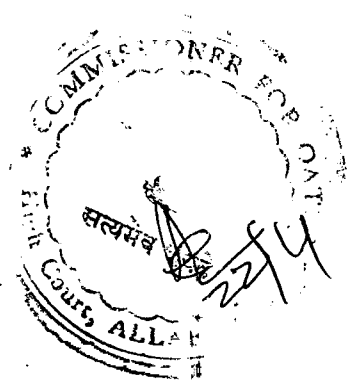
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15. That the petitioner has submitted his representation mentioned above for correction of his date of birth besides reminders but the petitioner has not so far been finally replied about the final orders on the petitioner's representation.

16. That in terms of Rule 144-2(c), of the Railway Establishment Code, 1940 reliance has to be placed on the first medical report with regard to the age of the petitioner and according to the first medical report (Annexure No. 1), the petitioner was 18 years of age in 1948 which is supported by the medical certificate of the Railway Doctor viz., Divisional Medical Officer, Lucknow.

17. That continuance of wrong entry of date of birth in the service roll and non-disposal of the petitioner's representation contained in Annexure No. 4 and 6 of this writ petition casts and cloud on the petitioner's right and title to continue in service till he actually attains the age of superannuation viz., 58 years.

18. That the age of superannuation under the existant rules is 58 years and the petitioner would



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attain the age of superannuation viz., 58 years on 30.11.1988 but according to the entry wrongly made in service roll of the petitioner, he is being retired on 20.4.1981. The petitioner will thus be retired years before his actual age of retirement.

19. That the petitioner learns that the Divisional Railway Manager after perusal of the petitioner's representation has ordered for deputation of staff to verify the ages of the petitioner's sisters and brother and their date of birth.

20. That as the petitioner is to be retired with effect from 30.4.1981 and in view of the overwhelming evidence in support of the petitioner as per the Railways own records also, viz., medical report the entry of wrong date of birth without disposal of petitioner's representation is incorrect and illegal.

21. That the ~~xxx~~ representation dated 14.11.1980 and 28.2.1981 submitted to the Divisional Railway Manager, Lucknow by the petitioner still pending disposal, there is every likelihood in the absence of any order from this Hon'ble Court, to be retired which may throw the petitioner on the road and may adversely



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-: 9 :-

effect his interest and is likely to cause serious financial set back to the petitioner and his dependents.

In the circumstances, being left with no other alternate, efficacious remedy the petitioner seeks to prefer this writ petition and sets forth the following amongst other :-

-: GROUNDS :-

- A) Because the petitioner having not ~~attain~~ attained the age of 58 years, even on the basis of date of birth recorded in his service record, cannot be retired from service on the ground that he has attained the age of superannuation.
- B) Because the proposed retirement of the petitioner from service is in violation of rule 2046 of the Railway Establishment Code Vol II as the petitioner, on the basis of service record even, has not ^{yet} attained ^{at the} ~~time~~ of age of 58 years.
- C) Because the Opposite parties appear to have committed an apparent mathematical error in calculating the age of the petitioner.
- D) Because the petitioners age having already been verified alicie by the Medical Officers concerned, the same should have been taken by the opposite parties to be fixed age and they should have acted on the basis of the said reports.
- E) Because the elder brother of the petitioner

Amateen

Shri Jangoo who was serving in the Northern Railway as shunting Jamadar and who retired on 28-2-1981, the petitioner being seven years younger to him, could not be born on 28-2-1923 and the date of birth of Shri Jangoo is supported by Annexure No. 3.

D
F) Because the opposite party no. 3 is now taking steps for verifying the petitioner's representation, the petitioner's representation made to the opposite party no. 3 should have been decided.

E
G) Because the petitioner's name contained in the list of Railway Staff to be retired (Annexure-3) and as communicated being incorrect and illegal, for reasons set forth in the writ petition and the petitioner's representation dated 14-11-1980 and 28-2-1981 still pending, the order of retirement is premature, illegal and violative of the principles of natural justice.

Therefore it is most respectfully prayed that the Hon'ble Court may be pleased to issue or pass :

- Annexure*
- i) a writ of certiorari or a writ, order or direction in the nature of certiorari to quash the order contained in Annexure No. 3 to the writ petition so far as it relates to the petitioner.
 - ii) a writ of mandamus or a writ, direction or

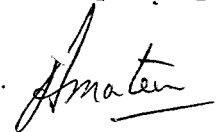
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order in the nature of mandamus commanding the opposite party no. 3 to decide and dispose off the petitioner's representation in accordance with law and meanwhile not to revive the petitioner on 30-4-1981 and till disposal of his writ petition.

ii) such other writ, direction of order as to costs, which in the circumstances of this case this Hon'ble Court may deem just and proper.

Lucknow-dated
April , 1981


Advocate
Counsel for the petitioner

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In the hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Writ Petition No. _____ of 1981

Badri Prasad

... petitioner

V e r s u s

Union of India and others

... Opposite parties

Annexure No. 1

Copy

Form of certificate to be issued when a candidate is medically examined for fitness for appointment to a State managed Railway.

O r i g i n a l

E.I. Railway Hospital/Dispensary

No. 699

I do hereby certify ~~xx~~ that I have examined (Name) Badri aged 18 years a candidate for appointment as (Designation) Porter (Class A2) in the opt_e. branch/Department whose signature/thumb impression has been appended below in my presence.



I consider him fit/unfit for such appointment

Dated: 25./XI/48

Sd- DMO
Signature of Rly. Medical
officer

True copy

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A-24
In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Writ Petition No. _____ of 1981

Badri Prasad

... Petitioner

V e r s u s

Union of India and others

... Opposite Parties

Annexure No. 2

Certified that Shri Badri S/Jamadar is
working here in Lucknow Yard. As per record his date
of birth is 3.4.1933 and DOA 8.3.1953.

sd- illegible
ward Supdt.
N. Rly
Lucknow.

True Copy

बद्री



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In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Writ Petition No. _____ of 1981

Badri Prasad

.... Petitioner

V e r s u s

Union of India and others

... Opposite Parties

—
Annexure No. 3

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NORTHERN RAILWAY
Divisional Office
Lucknow: Dt/- 16/80.

No.E/Settlement/Retirement/1981.

1. Sr.Divl. Accounts Officer, Lucknow(PF) to please see that PF Accounts of the staff are kept ready before their date of retirement.
2. Sr.DAO/N.Railway, Lucknow(Pension) for information and necessary action.
3. The General Manager(P)/N.Railway, Baroda House, New Delhi for information in ref. to his letter No.907E/297(EVA) dated 24.10.64.
4. The Sr.Welfare Inspectors and WLIs on Lucknow Division for information and necessary action. They will please see that complete and upto date SRs are received in the Settlement Section alongwith upto date leave account from the Asstt. Engineer and other exterior Officers who maintain them well in advance before an employee is due to retire. They should also ensure that option from the staff for pensionary benefits are pasted in the SRs where necessary and necessary entries to that effects are also made.
5. The Manager, LPO Bank Ltd; 19A, Vidhan Sabha Marg/Lucknow for information. They will please see that outstanding loan against any of the employees mentioned in the attached lists is cleared before their date of superannuation, failing which the employee will be settled up.
6. Asstt.Engineer I,II,Relaying Spl.LKO FD BSB SLN PBH AND RBL, PRG for information. They will please ensure that SRs of the retiring staff who opted for pension be submitted to this office 15 months prior to their retirement and in the case of SRPF optees one year prior to their retirement to this office with complete settlement papers and leave accounts of the retiring staff.
7. The Station Supt., LKO BSB ALD & PBH for information and necessary action.
8. Station Masters - RBL JBP ON SAGR AND LBH FD RS JLL BRK JFG BOY POF CIL MOP KEI SLN JNH PRG JPD SYK GANG ML JNU SHG KVG RMNR SIQ SOP MAY KHL AKJ PFM DYD ARP SHNG TKRP VYN AY JGJ PPU RDL AMG SPT GGJ TMD LLJ RMC FTG PLP UBN AJ.
9. PWIs - PWI-I-LKO, PBH JNU FD BBK PRG SAW PWI-I/SLN UCR BCN JNH SKN RDL CIL RBL DMW SHG PWI-II-LKO SAW PWI-II/SLN.

....2/-

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It is once again emphasised that senior subordinates concerned must spare the retiring staff on their due date of retirement even in absence of relief, failing which they will render themselves liable to disciplinary action. All Subordinates should also note that in future, gratuity (SC to PF) bills of all the staff must bear clear, rolled LTI duly attested on the top of the form G-101 by the subordinate incharge concerned before sending the same to this office for arranging payment. They will also invariably furnish the present home address of the staff retiring. They are also instructed, once again to clearly mention on SRs, SRPF optee or pensionary optee under clear signature of the competent authority.

Amesh
3-11-50
for Divl. Railway Manager,
Lucknow.

Note:- All the senior subordinates are required to give wide publicity amongst the retiring staff and also the name of the retiring staff be exhibited on the Notice Board.

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1	2	3	4	5	6	7	8	9	10	11
27. Jago	S/Sgt	Marat	Ch.	507786/40057	TCI (C) LKO.	30.4.81	"	"	SRF	
28. Jago			Ch.	515156	ELC/T/L LKO.	30.4.81	"	CTC	-do-	
29. Jago			Ch.	514834/90042	ELC-LR LKO.	30.4.81	"	"	SRF	
30. Jago			Ch.	191546/51557	SEFO-BSB	30.4.81	"	"	SRF	
31. Jago			Ch.	184969	SN/ED	30.4.81	"	"	SRF	
32. Jago			Ch.	181606	SS/LVO SM/SVK	30.4.81	"	"	SRF	
33. Jago			Ch.	181606	SM/SVK	30.4.81	"	"	SRF	
34. Jago			Ch.	181606	SM/SVK	30.4.81	"	"	SRF	
35. Jago			Ch.	181606	SM/SVK	30.4.81	"	"	SRF	
36. Jago			Ch.	181606	SM/SVK	30.4.81	"	"	SRF	
37. Jago			Ch.	181606	SM/SVK	30.4.81	"	"	SRF	
38. Jago			Ch.	181606	SM/SVK	30.4.81	"	"	SRF	
39. Jago			Ch.	181606	SM/SVK	30.4.81	"	"	SRF	
40. Jago			Ch.	181606	SM/SVK	30.4.81	"	"	SRF	

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	2	3	4	5	6	7	8	9	10	11
	S/Shri	S/Shri								
25. Ram Charan	Gulzari	S/vala	503547/1 173166	ADMO-C&W AMV-LKO.	28.2.81	"	-	-	SRPF.	
26. G.S. Lal	Ram Bodh Lal	Olerk	189660	LF/LKO	28.2.81	"	CPC	-do-		
27. V.L. Chandwani	-	Hd. Clerk 'C'	5004786	DR/- Office, Lko	28.2.81	"	-	-	Pension	
28. Gunesh Ram	Behari Lal	Office	190775/ Khalasi 272605	SEFO/TL/ LKO.	28.2.81	"	CPC	SRPF.		
29. Mangoo	Ram Swarup	Shuht- man.	186701	SC/BSB	28.2.81	"	"	-do-		
30. R.S. Mehta	Ram Rattan Mehta.	Guard 'C'	61835	CR/SAN	28.2.81	"	MLR	Pers on		
31. R.S. Jakhwarwal	-	ASM	183172/ 103219	SC/LKO	28.2.81	"	-	-do-		
32. Ved Prakash	-	Section Controller.	509575	DRM Office/Lko	28.2.81	"	-	-do-		
33. R.S. Tewari	-	SM.	130783	SM/JNH	28.2.81	"	-	-do-		
34. Ram Kumar Singh	C. Singh	Tele. Peon.	296564	SM/PHG	28.2.81	"	-	-do-		
35. R.R. Pandey	R.S. Pandey	Hd. TNC	510362/ 106439	SM/BBK	28.2.81	"	-	-do-	SRPF.	
36. Jag Narain	Luchai	F/Mistry	122567/ 65103	LF/ED	28.2.81	"	RS	Pension		
37. Bideshi	Nidhi	Fitter	501261/ 63190	LF/LKO	28.2.81	"	RS-CFC	-do-		
38. K.D. Pd.	-	Yard Supdt.	00074690	LKO	28.2.81	"	LLR	-do-		

...4/-

D-29

19 A30

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Writ Petition No. _____ of 1981

Badri Prasad

... Petitioner

V e r s u s

Union of India and others

... Opposite parties

Annexure No. 4

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Sir,

Reg: Appeal against wrong recording of date of
birth in the Service Record and discrepancy
in causing violation of natural justice.

Reference above, I the undersigned beg to
submit the following few lines for your judicious
consideration and kind orders please :-

1. That my revised date of birth was brought to
my knowledge when the notice indicating the names of
staff who are likely to retire in 1980-81 was
circulated. Immediately I had submitted an appeal which
has not yet been decided.

2. That under the same administration and same
department 3 different date of births can never come on
the records but in my case it has happened as would be
seen from the following records :-

29
A-31

-: 2 :-

a) The Station Master, Varanasi now SS/BSB who had appointed me as a substitute porter under the schedule of power of Ex. E.I. Rly and sent me for medical examination to DMO Ex. E.I. Rly LKO who vide his fit certificate no. 699 dated 25.11.48 verified my age as 18 years and I continued to work and was posted permanently. I was again sent for medical examination on 3.4.52 by the then SM/BSB for opening service record and at that time also my age was 22 years but the then dealing clerk without taking into consideration my verified age from the records of SM now SS/BSB wrongly indicated my age as 29 years which goes to prove that I was overage and should have ^{not} been appointed at all. This fact was not known to me till your retirement notice was circulated.

4

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22/4

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3. That while working as a Shunting Jamar in Lucknow Yard I was sent for medical examination in medical Category A-2 and DMO/Lucknow vide his fit certificate no. 59913 dated 14.9.79 had declared me fit and my age was shown as 46 years.

4. That from the above facts it would be seen that during 1948 I was 18 years and after the lapse of 3-4 years my age became 29 years and during 1979 I was 46 years. Even if your honour kindly takes notice

21 8-32
-: 3 :-

of simple mathematical calculations such serious lapses in recording my age can be very easily set aside as such occasion has arisen simply because of clerical error which is always subjected to correction by the competent authority.

5. That since 5 months have been left before my retirement, your honour may very kindly after taking into consideration all the facts related to this case give a judicious decision at very early date so that I am not forcibly retired from service and become unemployed which may cause serious set back to my dependents as they shall be thrown on the street for the clerical error of your office.

6. That in case of delay in disposal of my representation I may kindly be permitted to seek redressal through any competent court of law and for that purpose this representation shall have to be considered as a notice under Section 80 of C.P.C.

7. That in the end once again I pray that your honour would be gracious enough to consider this representation with unbiased judicious thinking and issue orders for -

a) Correction in the date of birth as per original medical certificate of 1948, or



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22 A-33

-: 4 :-

b) The latest medical certificate verifying my age as
46 years, or,

c) Sending me for re-medical examination for verifying
my age,

so that no injustice is meted out to me nor I am
forcibly retired from service declining principles
of natural justice and rules ~~etc~~ of law otherwise I
have to seek redressal through the competent court of
law.

In the end once again I pray that your honour
would be gracious enough to order for expeditious
disposal of this representation.

Thanking you,

Yours faithfully
Sd- Badri
s/o Ram Saroop
Shunting Jamadar/LAO Ya.

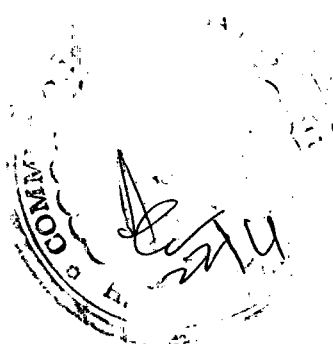
Lucknow: 14.11.1980.

Recd. one copy to
send office

Sd- Illegible
Sr. Clerk
19.11.1980

True copy

[Signature]



23 A-34

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Writ Petition No. _____ of 1981

Badri Prasad

... Petitioner

V e r s u s

Union of India and others

... Opposite parties

Annexure No. 5

Northern Railway

No. 239-E/5-4/Service particular

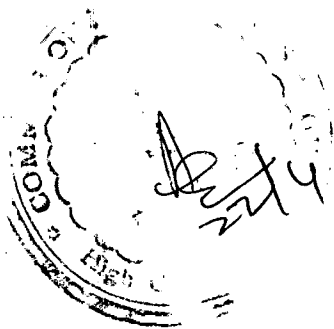
Divl. Supdt.
Lucknow. Dt. 18.2.81

The Station Supdt.
N. Railway
Lucknow.

Sub: Change of date of birth.

Shri Badri Shitg master/Lucknow may be asked
to submit any documentary evidence in support of his
date of birth so that his case for change of date of
birth may be examined.

Sd- K.K. Mehta
Sr. Divl. Personnel Officer
Lucknow.



True Copy

बदे

24 A-35
In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Writ Petition No. _____ of 1981

Badri Prasad

... Petitioner

V e r s u s

Union of India and others

... Opposite Parties

Annexure No. 6

To

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Subject :- Change of date of birth.

Reference :- Your letter no. 239-E/5-4/Service
Particulars dated 19.2.1981.

Sir,

Reference above I beg to say that following
documents may kindly be called for which shall prove
my date of birth :-

1. Original medical fit memo no. 699 dated
25.11.1948 from SS/BSB wherein my age was shown as 18
years.
2. The copy of the medical fit memo no. 29912
of 14.9.79 from office of Yard Superintendent, Lucknow
in which my age has been shown as 46 years.
3. That my eldest brother Shri Jangoo S/o Shri

95- A-36
-: 2 :-

Ram Saroop (my father) has retired from service as Shunting Jamadar on 28.2.1981 and his date of birth as per service record is 20.2.1923 whereas by a clerical error my date of birth has been shown as 2.4.1923 which is absurd. After my eldest brother 2 sisters were born and I was the fourth child. This fact may be verified from the SR of my eldest brother and from the village pradhan.

4. That as requested in my application dated 14.11.1980 the case may kindly be decided expeditiously before my retirement otherwise I have to seek redressal through a competent Court of Law.

Thanking You,

Yours faithfully

Sd- Badri
S/O Ram Saroop
Shunting Jamadar
Under Yard Superintendent
Lucknow.

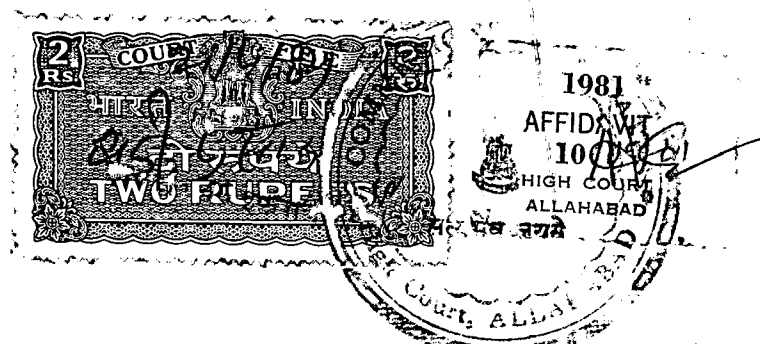
Dated :- 28.3.1981
Lucknow.

True copy

22/4
TAT

A-37

22



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

Writ Petition No. _____ of 1981

Badri Prasad

... petitioner

V e r s u s

Union of India and others

... Opposite parties

A f f i d a v i t

I, Badri Prasad, aged about 50 years, son of Shri Ram Saroop, at present working under Yaro Suprintendant, Northern Railway, Lucknow, the deponent, do hereby make oath and state as under :-

1. That the deponent is the petitioner himself in the above noted writ petition and as such he is fully conversant with the facts of the case.

2. That the contents of paras 1 to 21 are true to the knowledge of the deponent and those of

अर्दी

-: 2 :-

paras 1 to 2 are believed by the deponent to be true.

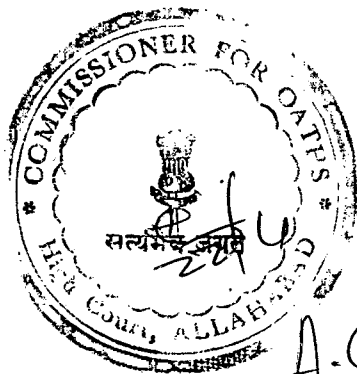
3. That the deponent has examined Annexure nos. 1, 2, 4, 5 and 6 and has found them to be true copies of their respective originals and has also examined Annexure no. 3 and has found it to be true photostat copies of its respective original.

Lucknow: Dated:
April 21, 1981

Deponent

Verification

I, the deponent aforesaid, do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my personal knowledge and nothing material has been concealed. So help me God.



Oath Commission
High Court, Allahabad
Lucknow Branch

Date

Deponent

I identify the deponent who has signed before me.

S. C. Srivastava

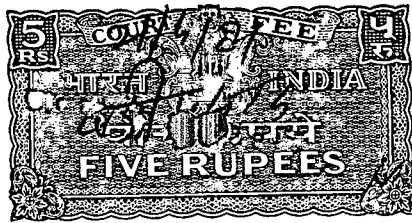
Clerk Sri Vishal Singh

Advocate

Solemnly affirmed before me on 22/4/81 at 8.40 a.m.

by the deponent who is identified by Sri S. C. Srivastava, Advocate to High Court of Allahabad, Lucknow Bench, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained

Date	22/4/81
No.	10202/81
Lucknow Branch	
High Court, Allahabad	
Oath Commissioner	
Signature	



In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

C.M. Application No. 3430 (W) of 1981

In re:

Writ Petition No. 1991 of 1981

Badri Prasad

... Petitioner

V e r s u s

Union of India and others

..... Opposite party

~~XXXXXXXXXXXX~~

Application for stay

The above named petitioner most respectfully
showeth as under :-

1. That for the facts and circumstances contained in the accompanying writ petition and affidavit supporting the same, it is necessary in the ends of justice to the petitioner that the Hon'ble Court may be pleased to stay the operation, enforcement and implementation of the impugned order dated 3.11.1980 contained in Annexure no. 3 to

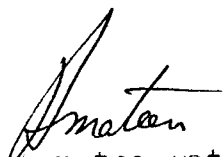
29 A-46
2/5/

-: 2 :-

writ petition in respect of the petitioner and further restrain the opposite parties from retiring the petitioner with effect from 30.4.1981.

Wherefore it is most respectfully prayed that the Hon'ble Court may be pleased to stay the operation, enforcement and implementation of the impugned order dated 3.11.1980, Annexure no. 3 to the writ petition in respect of the petitioner and further restrain the opposite parties from retiring the petitioner with effect from 30.4.1981 till disposal of this writ petition.

Lucknow: Dated:
April 21, 1981

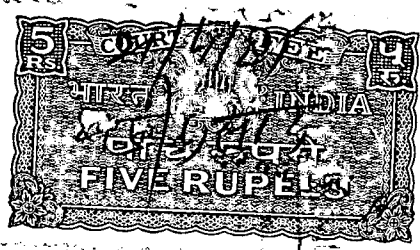

Counsel for the petitioner

३०

P-41

व अदालत श्रीमान उच्च न्यायालय लखनऊ

वादी (मुद्दई) प्रतिवादी (मुद्दाअलैह) का वकालतनामा



10/- 5/-
22/4/81

Badr Prasad

वादी (मुद्दई)

बनाम

Union of India and others प्रतिवादी (मुद्दाअलैह)

नाम अदालत	नाम मुद्दई	नाम फरीकैन
.....

नं० मुकदमा सन् १६ पेशी की ता० १६ ई०
 उपर लिखे मुकदमा में अपनी ओर से श्री Abdul Mateen
Schwartz, Sayed Hussain एडवोकेट महोदय
 वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और
 लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य
 वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
 कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी
 जारा 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 मुकदमा उठावें
 या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का
 दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती]
 रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की
 गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए
 यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर
 काम आवे।

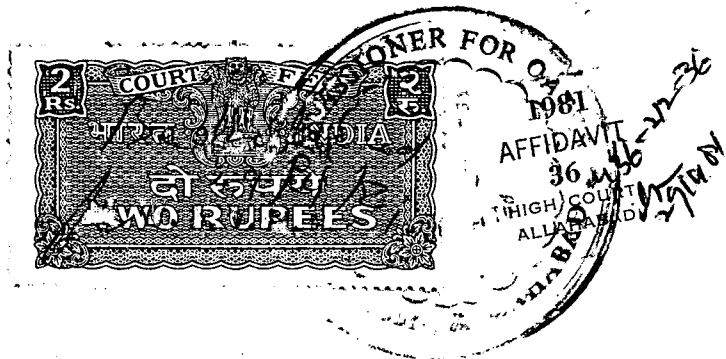
Accepted
 Amateen
 22/4/81

हस्ताक्षर अद्वै

accepted साक्षी (गवाह) साक्षी (गवाह)
 दिनांक महीना १६ ई०

A-42 4/1

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



Rejoinder affidavit to the counter
affidavit filed on behalf
opposite party no.3

Inre:

Writ Petition no.199I of 1981

Badri Prasad

(Petitioner)

Vs.

Union of India and others

(Opp.Parties)

I, Badri Prasad, son of Ram Saroop,
aged about 50 years, at present working
under Yard Superintendent, Northern
Railway, Lucknow, do hereby solemnly
affirm and state as follows;-

I) That the deponent is petitioner
in the above writ petition and is fully conversant
with the facts deposed to below.

2) That the contents of paras I and 2
of the counter affidavit need no reply.

3) That the statement made in para 3
of the counter affidavit is denied and in reply thereto
the contents of pra 2 of the petition are reiterated.



बद्री

A-43
WZ

(2)

The answering opposite party no.3 denies the fact that the petitioner was appointed on 30.II.1948 at Varanasi and instead it has been alleged that the petitioner was appointed as Shunting porter on 8.3.1953 at Jannpur, but no such document has been annexed with the counter affidavit, which falsifies the contention of the opp.party no.3. It may kindly noted that according to answering opposite party, the date of appointment has been mentioned as 8.3.1953 whereas in para 9 of the counter affidavit it has been stated that on 3.4.1952 the petitioner's age was found to be the age of 29 years and not 22 years. As such, the date of appointment and the place of posting mentioned by the petitioner cannot be said to be incorrect.

4) That in reply to para 4 of the counter affidavit, it is submitted that it is quite incorrect that the averments of para 3 of petition are vague. It is a matter of common knowledge that before appointment of government servant, the application form etc. are submitted to the Competent authority in which the date of [✓]age [✓]birth is generally mentioned alongwith other requirements. This record is maintained in the office of the appointing authority.

5) That the contents of para 5 of the ²counter affidavit ^Ware wrong and denied. The contents of para 5 of the ~~counter~~ ^Wwrit petition are reiterated as correct. The date of birth of the petitioner has been shown as 23.4.1923.

OT&1



(3)

But it is significant to note that in order to substantiate the contention, no document showing the said date of birth has been annexed with the counter affidavit. A false plea about the non-availability of record has been taken in order to suppress the truth and material facts. The genuineness of Annexure I to the writ petition has neither been denied nor disputed. According to Medical Fitness memo no. 3913 dated 14.9.1979 issued by the office of Yard Superintendent, the age of the petitioner has been shown as 46 years.

6) That in reply to para 6 of the counter affidavit, it is stated that the opposite party no. 3 has made vague allegation that petitioner's age in compliance of Rule 144 of Indian Railways Establishment Code was recorded, which was 3.4.1923. The opposite party is put to strict proof. It may be stated that on 3 occasions, the petitioner was medically examined and the certificates were issued on 25.11.1948, 2.12.1977 and the last 14.9.1979, and on this basis the age was determined as 18 years in 1948, 44 years, in 1977 and 46 years in 1979.

7) That the contents of para 7 of the counter affidavit are wrong and incorrect and in reply thereto the contents of para 6 of the writ petition are reiterated as correct.



27/11

B 45

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(4)

8) That the contents of para 8 of the counter affidavit are denied and the contents of para 7 of the petition are reiterated. It is a usual practice that the thumb impression of government servants, who are illiterate, is taken. In the case of petitioner, he being illiterate, the thumb impression was taken on a blank paper in good faith.

9) That in reply to the contents of para 9 of the counter affidavit, it is stated that paras 3 and 9 of the counter affidavit are contradictory, hence denied. There was no occasion for the opp. parties to medically examine the petitioner on 3.4.1952, when according to answering opp. party the petitioner's appointment was made on 8.3.1953. In view of the above facts, a copy of the Medical certificate has not been deliberately filed, which is admittedly in the records of the office of the opp. party.

10) That in reply to para 10 of the counter affidavit, the contents of para 9 of the petition are reiterated as correct.

II) That the statement made in para II of the counter affidavit is not correct.

The deponent is advised to state that there is no relevancy about the circulation of provisional seniority list on the basis of which it may be said that the petitioner had full knowledge that his date of birth was 3.4.1923. There is no such rule that the date of birth of Railway employee



at (C)

A-46

4/5

(5)

be determined and judged on the basis of a Seniority List. The Seniority List of Government servants of the same cadre is made by the department for the purposes of confirmations and promotions from amongst the same class of persons and no objections are invited about determination of the date of birth. As such it cannot be said that the petitioner is not entitled to make or raise any objection for correction of his age.

I2) That the contents of para I2 of the counter affidavit are emphatically denied and the contents of para II of the writ petition are reiterated as correct. It is, however, stated that it is quite false that the age of the petitioner was recorded on 2.3.1955. As a matter of fact, the petitioner was appointed in 1948 and his age was determined and recorded vide Annexure I to the writ petition. As has been stated earlier the date of birth is not 3.6.1923. ^{his appointment} At the time of ~~him~~ in the year 1948, the date of birth was 25.II.1930 and he was 18 years of age at that time. The date of birth of petitioner's elder brother, who was also Railway employee and retired vide Annexure 3 to the writ petition, was 1923 .



01/4/1

I3) That the contents of para I3 of the ~~petitioner~~ counter affidavit are not admitted. The correct facts are stated in para I2 of the writ petition. It may be stated that the petitioner made representation to the competent authority on the basis of Retirement List circulated to Government servants, which is still pending and has not been disposed of. All the documents concerning to petitioner are in possession of the opposite parties .

I4) That the contents of para I4 of the counter affidavit are denied and the contents of para I3 of the petition are reiterated. The averment of the petitioner is that it was all done on the basis of medical examination, but in the earlier paragraphs the reference of Seniority List has been made, which shows that the date of birth 3.4.1923 was mentioned in that list and all was done on that basis. When the petitioner was aggrieved, he protested about correction of age by means of the representation. The petitioner was not aggrieved by the provisional seniority list as he name found place at a correct position, and, therefore, no objection was made.



I5) That the contents of para I5 of the counter affidavit are not admitted and in reply thereto the contents of para I4 are reiterated. This is no reply that records are not available in the office of the answering opposite party and on this basis no reliance can be placed on the contention made in the para under reply.

2/9/1

A-48
5/7

(1)

I6) That in reply to para I6 of the counter affidavit the contents of para I5 of the petition are reiterated.

I7) That the averments of para I7 of the counter affidavit are denied and in reply thereto the contents of para I6 of the petition are reiterated. The answering opposite party is deliberately concealing the true facts by not producing the documents on which they put their reliance.

I8) . That the averments of para I8 of the counter affidavit are false and unfounded, and in reply the contents of para I7 of the petition are reiterated. The answering opposite party has come to a wrong conclusion that the petitioner was attained the age of superannuation of 58 years on 30.11.81 while according to petitioner the age of superannuation is 29.11.88 ✓ of 58 years/and he cannot be retired earlier than 29.11.88. ✓
1988 ✓

I9) That in reply to para I9 of the counter affidavit, the contents of para I8 of the petitioner are reiterated.

20) That para 20 of the counter affidavit needs no reply.

21) That the contents of para 21 of the petitioner affidavit are not admitted. The answering opposite party has got no right under the rules to retire the petitioner before the age of superannuation i.e. 30.11.1988.



29/11

22) That in reply to para 22 of the counter affidavit, the deponent is advised to state that the grounds taken by the petitioner are tenable in law. There is a prima facie case of the petitioner and it is wrong to say that the writ petition is misconceived. It may be noted that aggrieved by the order of Retirement list, the petitioner immediately made representation, but no decision was taken on it. The petitioner having no other alternative and efficacious approached this Hon'ble court to take relief under Article 226 of the Constitution and for which the petitioner deserves to get remedy.

23) That it may further be noted that the Assistant Personal Officer Sri K.K.Mehta has wrongly sworn the affidavit, as he has concealed the facts which are in the possession of the answering opposite party and if the court desires, the original record of the opposite party no.3 may be called for perusal. The last para 22 of the counter affidavit is purely legal while the officer concerned has sworn it from his personal knowledge.

24) That it may be further stated today that ~~at~~ ^{at Zero hours} 29.4.1981 when the deponent went on duty ~~early in~~ ^{the morning} he was not allowed by the Yard Master to do his duty and he showed the order of A.O.S. saying that Sri Adhar ^{will} do duty in his place and the deponent will not be given duty till further orders.



at 4/

(9)

This clearly shows that on account of the filing of the writ petition by the deponent, the authorities concerned have become prejudice and are adamant to retire the petitioner compulsorily against the provisions of law, which is a punishment.

Lucknow Dated:

April 29, 1981

[Signature]
Deponent

I, the above named deponent do hereby verify that the contents of paras I~~xx~~ to 10, 12, 13, 14, 15, 16, 17, 18, to 20, are true to my own knowledge and those of paras 11, 21 to 24 are based on legal advice. No part of it is false and nothing material has been concealed, so help me God.

Lucknow Dated:

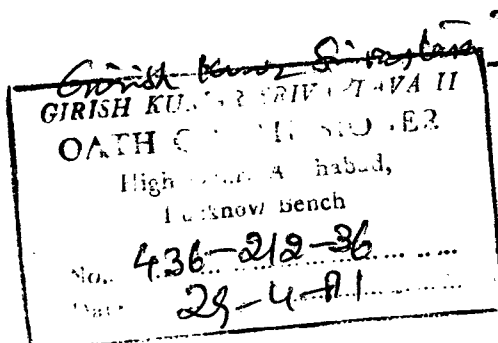
April 29, 1981

[Signature]
Deponent

I identify the deponent who has signed before me.

[Signature]
Advocate

Solemnly affirmed before me on 28-4-81 at 8-40 a.m./p.m. by Sri Badri the deponent who is identified by Sri Abdul Matin, ~~XXXXXX~~ Advocate, High Court Allahabad, at Lucknow Bench, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

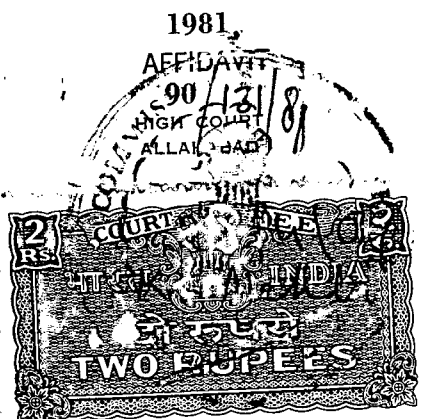


A-51

5/9

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

Writ petition No. _____ of 1981.



In re:

Badri Prasad

... Petitioner

Versus

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

Counter-Affidavit
on behalf of Opp-Party No.3

I, K.K.Mehta, aged about ⁵² years, son of
Shri *B.L. Mehta* Assistant Personnel Officer,
in the Divisional Railway Manager's Office Railway,
Lucknow, do hereby solemnly affirm and state on
Oath as under:-

1. That the deponent is the Assistant Personnel Officer, in the Divisional Railway Manager's office Railway, Lucknow, and as such is fully conversant with the full facts of the case.
2. That the deponent has read the affidavit filed along with the writ petition by the petitioner and understood its contents and in reply to the same are deposed as under.
3. That the contents of Paragraph-1 of the affidavit need no reply, but in regard to paragraph

cancel

A-52
S/N

2 of the affidavit, it is stated that the petitioner was appointed as shunting porter on 8.3.1953, at Jaunpur. It is incorrect to state that he was appointed on 30-11-1948 at Varanasi, by the Station Master. The ~~Annexure-I to this Counter-Affidavit,~~ which is the particular of service of the petitioner maintained in the Office of the Railways would show that the petitioner's date and place of appointment and it also bears the thumb impression of the petitioner, which was ^{also} witnessed by Railway Official.

4. That regarding Para-3 of the affidavit, it is denied that the ~~xx~~ petitioner gave his age at 18 years at the time of his appointment. There is no such record in the Office of the Railways - ~~off~~ opposite-party. This averments is also vague as the petitioner has not given any particular as to whom which place and ~~at~~ to which officer he gave his date of birth or age.

5. That in regard to paragraph-4 of the affidavit, it is stated that the date of birth of Sri Badri Prasad, the petitioner is 3rd April, 1923, ~~as~~ noted in the ~~Annexure-I to this counter-affidavit.~~

AKW
28/4/81

There is no record in the Office of the opp-party to show that the petitioner was sent for medical examination for confirming his date of birth as asserted by him in this paragraph. The opp-party has no knowledge or record of Annexure-I filed along with the writ petition.

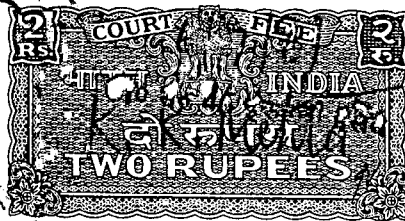
mech

A 60
7/1

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

Writ Petition No. 1991 of 1981.

1981
AFFIDAVIT
98
HIGH COURT
ALLAHABAD



In re:

Badri Prasad .. Petitioner
Versus
The Union of India & others .. Opp. Parties.

Supplementary Counter-Affidavit
on behalf of Opp. Party No. 3.

I, K.K. Mehta, aged about 52½ years, son of Shri B.L. Mehta, Asstt. Personnel Officer, in the Divisional Railway Manager's Office, Northern Railway, Lucknow, do hereby solemnly affirm and state on oath as under :-

- 98/92
6.7.81
1. That the deponent is the Assistant Personnel Officer in the Divisional Railway Manager's Office, Northern Rly., Lucknow and as such is fully conversant with the full facts of the case.
2. That the deponent has read the Rejoinder Affidavit filed by the petitioner and understood its contents and in reply to the same are deposed as under :-
3. That the contents of paras 1 and 2 need no reply.
4. That contents of para 3 are not correct.

meel-

That the petitioner filed the writ that he was appointed in the year 1948, but he has not cared to show, ~~that he~~

A-61

7/2

~~he was appointed. It was his duty to produce and file~~
in support of his claim
documents. Documents with the Railway show that he was appointed on 8th March, 1953 at Jaunpur, and the particulars of service bear his signatures and thumb impressions. The facts stated in paras 3 & 9 of the counter affidavit are re-affirmed. Moreover, the following additional points will substantiate that Shri Badri Prasad was appointed on 8th March, 1953.

- (i) Service records;
- (ii) Leave Account;
- (iii) Pay Fixation documents;
- (iv) Loan applications;
- (v) Medical certificates;
- (vi) Circulation of Provisional Seniority list; no documents are available with the Railway to indicate that Shri Badri was appointed earlier to 8th March, 1953. The following are amongst others some of the clarifications :-

(A) Service Records:

That the service records which bear signature and thumb impressions of Shri Badri show that the date of ^{appointment} ~~appt.~~ was 8th March, 1953 and this record was duly authenticated by the Asstt. Personnel Officer, Northern Railway, Lucknow. The date of birth was recorded as 3rd April, 1923. Service record will be produced before the Hon'ble Court ~~on demand~~ *at the time of hearing*

(B) Leave Account :

That the Leave Account authenticated by Railway Officers of Sri Badri Prasad also confirm that entitlement of leave commenced from 8th March, 1953 and that he was availing leave but the same was never objected to.



mueller

Leave account will be produced before the Hon'ble Court ~~on demand~~ ^a at the time of hearing ^a

(C) Pay Fixation:

That the pay fixation w.e.f. 1-7-1959 and 1.1.1973 which was based on the length of service was accepted and never objected to by Sri Badri Pd. Pay Fixation documents will be produced before the Hon'ble Court ~~on demand~~ ^a at the time of hearing ^a

(D) Loan Application:

That ^a the loan application dated 6-4-1972 to O & R Rly. Employees Primary Cooperative Bank Ltd., Lucknow, date of birth was shown as 3-4-1923. This independently confirms the stand point of Railway that the date of birth was 3-4-1923. This application bears Shri Badri Prasad's own signatures. Loan application will be produced before the Hon'ble Court ~~on demand~~ ^a at the time of hearing ^a

(E) Medical Certificates:

That the medical certificates dated 3-4-1952, granted by the Divl. Medical Officer, Lucknow to Shri Badri Prasad which bears thumb impression of Shri Badri Prasad shows age as 29 years. The contention of the petitioner is, therefore, incorrect. The Medical Certificate will be produced before the Hon'ble Court ~~on demand~~ ^a at the time of hearing ^a

(F) Seniority List:

That the Provisional Seniority Lists were circulated twice in 1975 which show date of birth of Shri Badri Prasad as 3-4-1923 and that the same was never objected to by him. Date of birth made date of superannuation very apparent. Provisional Lists will be produced before the Hon'ble Court ~~on demand~~ ^a at the time of hearing ^a

A-63 7/2

6. That, in accordance with the Indian Railway Establishment Code Volume I, Rule 145(2), age of Shri Badri was assessed by the Railway Medical Officer (Divisional Medical Officer, Lucknow) as 29 years, When Shri Badri Prasad was medically examined and granted a certificate of fitness which also bears his thumb impressions. The certificate will be produced before the Hon'ble Court ~~on demand~~ ^{at the time of hearing}
7. That the contention of the petitioner in para 13 of the Rejoinder affidavit has already been elucidated in para 13 of the Counter affidavit. No representation was made by Sri Badri Pd. when seniority list with date of birth was circulated which would obviously make superannuation date very apparent.
8. That the petitioner has admitted in para 14 of the Rejoinder affidavit that he did not make any objection to the seniority list which included date of birth. So, his plea is now belated. Moreover, the Hon'ble High Court directed on 29th April, 1981 for the disposal of his pending representation for correction of his age. Shri Badri Prasad did not present himself before the Railway authorities about his representation, and the Railway authorities disposed off his representation rejecting his contentions.
9. That in regard to para 15 of the Rejoinder affidavit, the position in para 15 of the Counter affidavit is re-affirmed.
10. That in regard to para 21 of the Rejoinder affidavit, superannuation of any employee ~~engaged~~ is based on his date of his birth which is 3-4-1923 in the case of Sri Badri Pd.

Lucknow:

Date: 6-7-1981.

meeli-

Deponent.

....5.



meeli-

5.

VERIFICATION

I, the above named deponent, do hereby verify
& 2
that the contents of paras 1/of this affidavit are true
to my own knowledge and those of paras 3 to 10, of this
Supplementary Counter Affidavit are based on official records
and are believed by me to be true, and that no part of it
is false and that nothing material has been concealed. So,
help me God.

Lucknow:

Dated: 6-7-1981.

meeli-
Deponent.

I identify the deponent who has signed
before me.

A.K. Verma
Advocate. *Adv*
6/7/81

Solemnly affirmed before me on 6-7-1981.

at 11.00 AM/~~PM~~ by Sri K.K. Mehta, the deponent,
who is identified by Sri *A.K. Verma* ~~Robin Mitra~~, Advocate,
High Court, Allahabad, Lucknow Bench, Lucknow.

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.

Ismaul
(~~Ismaul~~ *Ismaul*)
OATH COMMISSIONER
High Court Allahabad.
Lucknow Bench
Ismaul 98/172
6-7-81

98/172
6-7-81

9-65

BEFORE THE HON'BLE central ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

CM 128/80 LS
T.A. No. 813 of 1987

Badri

..

Petitioner /
Applicant.

Versus

Union of India & others ..

Opp. parties.

Application for summoning the
documents from the opp. parties

PT
L
5/3/90

The petitioner/applicant, above named, most respectfully submits as under:-

1. That the above noted petition was filed challenging the date of birth of the petitioner which has wrongly been recorded in the service record of the petitioner as 3.4.1923 while on the other hand it ought to have been as 3.4.1933 at the notice of retirement given to the petitioner informing that the petitioner will be retiring on 30.4.1981 is wrong.
2. That it was also indicated that the petitioner entered into the railway service after being appointed as Porter by the Station Master Varanasi on 3.11.1948 and since the petitioner being illiterate as such he was medically examined for determination

A-66

of his age.

3. That it was also pleaded that not only at the time of entry into the service of the railway but on several other occasions thereafter too whenever the petitioner was medically examined by the doctors of the opposite parties his date of birth was reported as 3.4.1933.

4. That it was also pleaded that the date of birth of the elder brother of the petitioner namely Sri Jangoo son of Sri Ram Swaroop, who was also working in the railways was recorded as 1923 and as such he was also ordered that he will be retiring in the year 1981 as it will be clear from Annexure-3 to this petition in which his name finds place at Sl.No.29 and in between the elder brother Sri Jangoo and the petitioner there were 2 sisters and as such in no circumstances the petitioner could be retired in the year 1981 alongwith his elder brother but actually he should retire in the year 1991.

5. That the opposite parties be directed to produce the Fit Certificates and the Medical Certificates of the medical examinations done by the opposite parties with regard to the age of the petitioner :-

1. Fit Certificate No.699 dated 25.11.48.
issued by E.I.Railway Hospital/Dispensary
by Railway Medical Officer.



In the Central Administrative Tribunal.

Lucknow Bench

2-1 T.A 813/87/1

Badri Poursad - - - - - Appellant
v

Union of India - - - - - Respondent

In the above noted case it is most respectfully prayed,

As I am not well and hence unable to attend this Honble Court today, I pray my case may kindly be adjourned for today.

8.3.90

A. Moteen

Adv

Recd
23/1/89

C-2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/ 1031

Dated the 19/1/89

T.A.No. of 813 1977

Badri Prasad APPLICANT'S

Versus
Union of India RESPONDENT'S

Q To Badri Prasad S/o Ram Saraf
at Present working under yard
Subdt, N Rly, Lko

Whereas the marginally noted cases has been transferred by

Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 1991/01
of 198

of the Court of High Court

arising out

of Order dated Lko

passed by

The Tribunal has fixed date of

20-12-1989 The hearing for order

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
19 day of 9 1989.

dinesh/

DEPUTY REGISTRAR

- (2) Union of India through the Secretary, Ministry
of Railway Board, Rail Bhawan New Delhi
- (3) The G.M. N Rly Baroda House New Delhi
- (4) The D.R.M. N Rly, Hazratganj
Lucknow

C-3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/ 1831 to 1834

Dated the 19/1/89

T.A.No. of 445 182 (T)

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 1985 and registered in this Tribunal as above.

Writ Petition No. 1991/ALT

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.

dinesh/

DEPUTY REGISTRAR

C-4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A, Thornhill Road, Allahabad- 211 001

No. CAT/Alld/Jud/

Dated the _____

T.A. No. 813 19 87

Badri Prasad

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

- 1- To Badri Prasad S/o. Ram Saroop
at present working under yard
Superintendent, Northern Railway
Lucknow.

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

Writ Petition 1991/81 \$
of 198 \$
of the Court of High Court \$
Lko arising out of order \$
dated _____ \$
passed by _____ in \$
_____ \$

The Tribunal has fixed
date of 13-9-1989 The
hearing of the matter in
Circuit Bench, C.A.T.,
Gandhi Bhawan, Lucknow.

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

10th day of July 1989.

Amit/

Devi Mahandri
DEPUTY REGISTRAR

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)

EG-

No. E (G) 89 ~~113~~ LL3— 3 (233) New Delhi, Dated.. 26-9-1989

To,

The Registrar, Central Administrative Tribunal,

Lucknow

Sub :— T.A. No. 813/87

Budhi Prasad

Sir,

I am directed to refer to your summons/orders dated... 19-9-89 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,

DA : Nil.

Shawd
for Secretary, Railway Board.

No. E (G) 89 LL3—3

New Delhi, Dated.. 26-9-1989

Copy together with the summons/orders received from the Tribunal/ Court are forwarded in original to the General Manager... *Northern*... Railway for further necessary action.

The next date of hearing is... 20. 10. 89

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 1991-81

Name of parties Badri Pr. V. Union of India

Date of institution 22-4-81

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-	Ind. with Domes and affidavit.	27-		102-00			
	2.	Comd-3430(W) of 81	2-		5-00			
	3.	Powr	1-		5-00			
	4.	Rajash affidavit	9-		2-00			
	5.	Carhi affidavit	7-	-	2-00			
	6.	Powr	1-		5-00			
	7.	Supplement C.A.	5-		7-00			
	8.	over Sheet	3-	-	-			
	9.	Budget Copy	1-	-	-			

I have this day of 197 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date.....

Munsarim.

Clerk.

(3142)

(Group A14P)

11
4644 (1)

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

Lucknow Bench, Lucknow

Writ Petition No. 1991 of 1981

Badri Prasad

... petitioner

V e r s u s

Union of India and others

... Opposite party

I n d e x

<u>Sl. No.</u>	<u>P a r t i c u l a r s</u>	<u>Pages</u>
1.	Writ Petition	1 - 11
2.	Annexure no. 1. Fitness Certificate of the petitioner dated 25.11.1948	12 -
3.	Annexure no. 2 Certificate of Yard Supt., N.Rly., Lucknow.	13
4.	Annexure no. 3 Impugned order dated 3.11.1980	14-18
5.	Annexure no. 4 Representation of the petitioner dated 14.11.80	19-22
6.	Annexure no. 5 Reply to the above representation dated 18.2.81	23
7.	Annexure no. 6 Representation of the petitioner dated 28.3.81.	24-25
8.	Affidavit	26-27
9.	Application for Stay	28-29
10.	Power.	30

Lucknow: Dated:
April 21, 1981

Counsel for the petitioner

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title T.N. 1029 of 1987 (T)
W.P. - 531/82.Name of the parties H.K. Bivedi

Applicant.

Versus

Union of India & (P.T.)

Respondents.

Part A.L.C.

S. No.	Description of documents	Page.
(1) Index Sheet.	<u>A file</u>	A-1 to A-4
(2) Preamble		A-5 to A-6
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(5) Annexure		A-20 to A-29
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(7) Application		A-31 to A-32
(8) Counter Affidavit on behalf of a Party.		A-33 to A-54
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(10) Rejoinder Affidavit in reply to the Counter Affidavit		B-1 to B-5
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(11) Misc papers		C-1 to C-8

Order Sheet
w.p. 931-82

A-1

National Trineedi vs Union of India

200

24-2-82

Hon M. N. Sella, J
Hon S. S. Anand, J

Learned Standing Counsel

appearing on behalf of the respondents
prays for and is granted 15 days time
to obtain necessary instructions for
this petition for orders immediately
thereafter.

Sd M. N. Sella
Sd S. S. Anand
24-2-82

C.M. An. No 9471-(C) 1982

Hon M. N. Sella, J
Hon S. S. Anand, J

put up along with the writ
petition.

Sd M. N. Sella
Sd S. S. Anand

17.3.82 per min am. 9971-82 was
delivered
d. 8.3

A-2

W

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 931 of 1982

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
29/3/82	<p>Hon. K. S. Verma J.</p> <p>Hon. S. S. Ahmad J.</p> <p>List after a week</p> <p style="text-align: right;">25.3.82</p> <p>Let off</p> <p>Hon'ble K. S. Verma J.</p> <p>Hon'ble S. S. Ahmad J.</p> <p>Put up tomorrow.</p> <p style="text-align: right;">Cogn Ks</p> <p style="text-align: right;">29.3.1982</p> <p>Sax</p>	
30/3/82	<p>Don't know</p> <p>Don't know</p> <p>Admitted</p> <p>Refr</p>	
6.5.82	<p>motion on behalf of opp.</p> <p>Parties 1 & 2 have been</p> <p>accepted by Mr. B. L. Shukla</p>	

①

4-9-91 Hon Mr. D. K. Agarwal, JY
Hon Spt K. Chatterjee, AM

Sr N. P. Srivastava
learned counsel for the
applicant is present.

Xlone is present for
replets.

Pleadings are complete
& the case is ripe for
hearing. As perusal of the

order sheet shows that replets
have not appeared as the Tripartite

in this case. Learned counsel for
applicant undertakes to furnish

a copy of petition to Office within
due time. On receipt of the same

the Office will issue notice along with
a copy of petition to Sr. Standing

Counsel, Central Govt, intimating the
date for hearing. But the case for

hearing on 22 x 91. If the replets
do not appear on the date fixed, the

case shall be proceed ex-parte. Such a
fact shall be stated clearly in the notice to Sr Standing Counsel

AM

Dr
JY

OR
Notice issued
18/9/91

OR

Sr B. D. Chadda brief holder of
Sr D. S. Ramlal leaves notice
of a behalf of replets along with
a petition of copy.
S/A & R/A have been
submitted. exchanged
S. P. Y. with

Received by
with notice
for S/D S. Ramlal
18/9/91

A-5

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

...

T.A. No. ~~1029~~ 1029 of 1987

(W.P. No. 931 of 1982)

Nathu Lal Trivedi. Applicant/
Petitioner.

Versus

Union of India
and others ... Respondents.

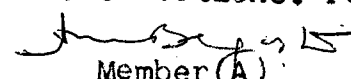
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant having learnt that his date of birth has been mentioned in the service book as 31.3.1924 and according to him, the same being incorrect as his date of birth was 7.7.1926 which was the date mentioned in his Middle School Certificate, He moved a representation before the authorities and from the averments made by him, and from the representation which is on record, it appears that the applicant sent a copy of the medical certificate also with the said representation and a reference to the same was also made by him in the subsequent representation. It appears that the said representation did not find favour with the respondents who rejected the same and the applicant was retired. According to the applicant, he did sign the service book, but when he signed the service book no date of birth was mentioned in the service record and he never gave out his date of birth as the year 1924 which was obviously not correct and was even against the recorded date of birth. In the year 1944, when the applicant appeared in the examination on 30.4.1944 as per his certificate, he has already crossed the 18 years of age but when he was appointed, he had already reached the age of 18 years. Now when the applicant raised a dispute three years prior to his retirement and a certificate was also filed

Contd ...

the respondents, before rejecting his representation, should have made an enquiry into the matter ^{by} and associating the applicant with the same and such a controversial question was raised which was supported by a particular document, prima facie supported the case of the applicant, and in rejecting the representation without holding an enquiry, the respondents ~~have~~ failed to perform their duties. Undoubtedly, the entry in service ^{new} is normally to be accepted but when a challenge is made ^{by} and there is no other proof ~~for~~ making such an entry can not be treated to be secret ~~and secrecy~~ for all times to come. The respondents by rejecting his representation without making an enquiry and deprived the applicant from reasonable opportunity to serve or establish his correct date of birth. In view of the fact that the principles of nature justice ^{have been} ~~is not~~ violated, the application deserves to be allowed and the order dt. 7.1.1982 rejecting the representation of the applicant is quashed, and the respondents are directed to dispose of the representation ^{tion of the} applicant ~~as~~ afresh after making due enquiry in the matter and associating the applicant with the same. Let the enquiry be completed within a period of 6 months. In case the result of the enquiry is found that the applicant's date of birth is correctly recorded in the service, the applicant may be given the benefit of the same, otherwise, his application shall be deemed to have been dismissed. The applicant shall report to the Superintendent of Post Offices along with the copy of this order within 17th February, 1992 and the superintendent of post Offices, thereafter proceed and the enquiry is completed within the period mentioned in this judgment. The application is disposed of with the above observations. Parties to bear their own costs.


Member (A)
Dt: 13.12.1991
(n.u.)


Vice-Chairman

A-7

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....931-82.....

Name of parties....Nathan J. J. Trinecki vs Union of Indicators

Date of institution.....24.2.82.....

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.			
A	1	G. Index	1					
A	2	or sheet	1					
A	3	w. P. Affid Annex w/	19	3	103 -			
B	4	Power	1	1	5			
A	5	Comm. 1971 by govt And stay	1	1	5			
	6	Comm. 796a by of govt w/CA	11	-	7.00			
	7	arch steel	2	-	-			
	8	Beresty	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 order have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....

Munsarim

Clerk

Group A15 (J)

A-8

1537

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

WRIT PETITION NUMBER OF 1982.

931

Nathu Lal Trivedi.

....

Petitioner.

Versus.

Union of India and another.

...

Opposite Parties.

I N D E X.

Particulars.

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3. Annexure No. 1 (Copy of Vernucal Certificate)	10 to 10
4. Annexure No. 2 (Copy of letter dated. 3.11.50)	11 to 11
5. Annexure No. 3 (Copy of letter dated 27.5.58)	12 to 12
6. Annexure No. 4 (Copy of application Dt.14.7.79)	13 to 14
7. Annexure No. 5 (Copy of letter dated 20.7.79)	15 to 15
8. Annexure No. 6 (Copy of letter dt. 21.11.79).	16 to 16
9. Annexure No. 7 (Copy of application dt. 21.11.79)	17 to 17
10. Annexure No. 8 (Copy of letter dated 29.9.79).	18 to 18
11. Annexure No. 9 (Copy of letter dated 7.1.82)	19 to 19

..-.-.-

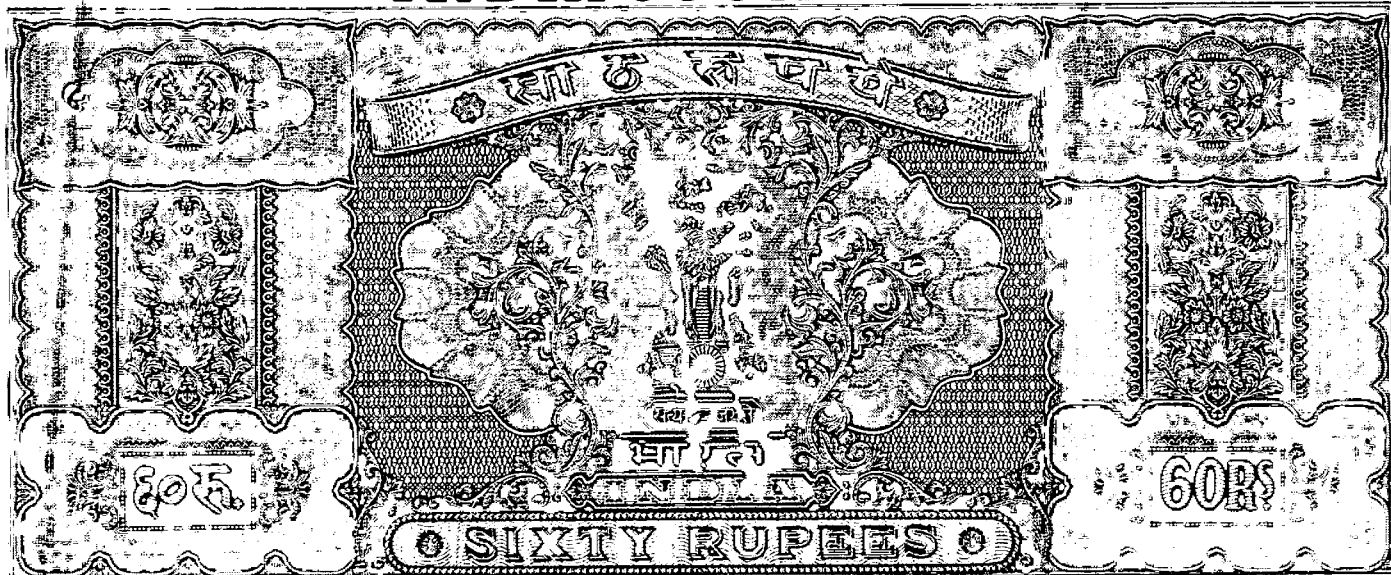
DATED: LUCKNOW:
FEBRUARY 23, 1982.

A. Praman
Counsel for the Petitioner.

INDIA COURT FEE

A-5

60 Rs.



In The Honble High Court Lucknow

Benich, Lucknow

931-02

1 Dup 260-00
2/29/2

~~Dr~~ Nathu Lal Trivedi - -

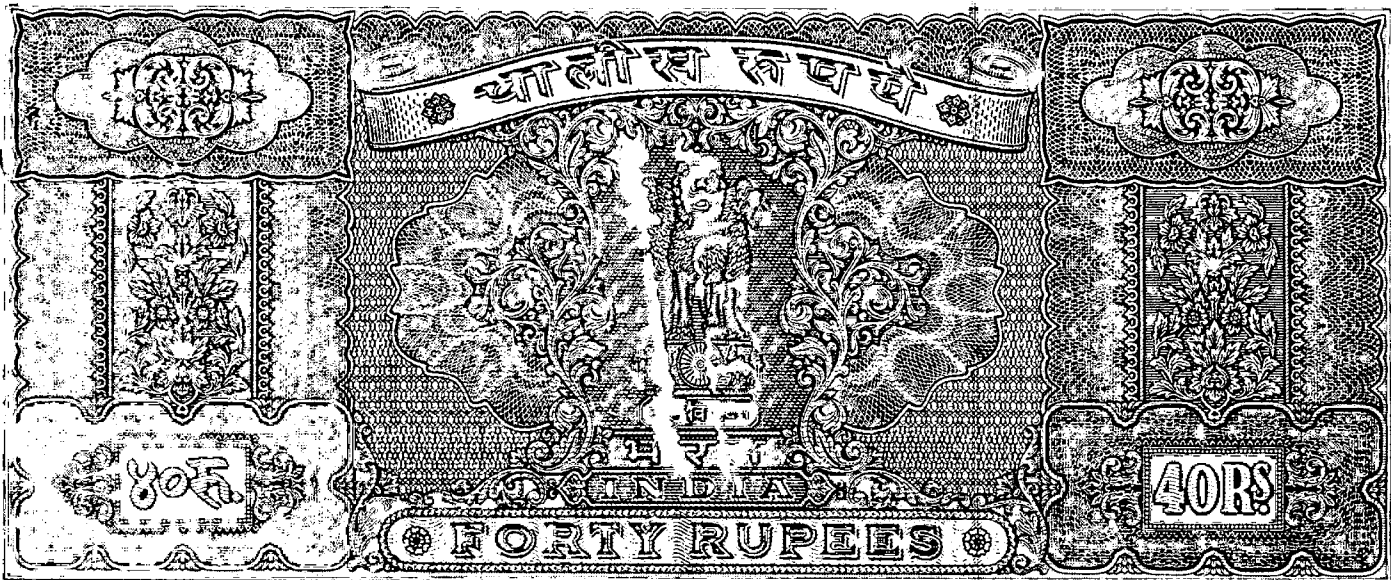
vs.

Petitioner

Union of India & Co. - - off.

A. Chandra

Adm



(2)

1 Dup 240/-
23/2

931-M

Nathulal Trivedi -- Petitioner
VS.

Union of India + ors. -- app.

A. Channan
Adv

A-11

IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALAMABAD;
LUCKNOW Bench, LUCKNOW.

WRIT PETITION NUMBER OF 1982.

931

Nathu Lal Trivedi, aged about 56 years, Son of Shri (late)
Bal Govind Trivedi, Resident of House No. 2064, Lakhimpur-
Kheri, District Kheri, @ Petitioner

Versus.

1. Union of India, through the Director-General, Post &
Telegraphs, New Delhi;
2. The Superintendent of Post Offices, Lakhimpur-Kheri
Division, Kheri. Opposite Parties

WRIT PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA.

The above named Petitioner most respectfully
submits as under :-

1. That after passing the examination of Vernacular
Middle in the year 1942, from the Department of Public
Instructions, Government of Uttar Pradesh, the Petitioner
appeared and also passed the examination of Mail Peonship
of the Post & Telegraph Department, Govern-ment of India,
held on 30th April, 1944 and thereafter he was appointed
as Mail peon in the Post Office Kheri (Uttar Pradesh), he
performed his duties honestly and efficiently and was
confirmed on the post of the Mail Peon with effect from
1st October, 1948 and remain as such, till his next
promotion.

23.2.82

नथुलाल त्रिवेदी

A-12

- : 2 : -

2. That the next promotion for which the Petitioner could look forward was to the post of Postman and was promoted to the said post of the Postman in the Post Office, Kheri, itself with effect from 16th July, 1964.

3. That the Petitioner was promoted to the post of the Mail Overseer, in the year 1979 (with effect from 1979) and since then he is holding the said post of the Mail Overseer, and is posted in Lakhimpur-Kheri.

4. That the Petitioner was also confirmed on the post of the Postman.

5. That in the year 1946, the service-book of the Petitioner was prepared after obtaining the required certificates from the Petitioner that is to say certificate of the Vernacular Final Examination, the Medical Certificate and the Character Certificate. It may be pointed out that the Vernacular Middle Certificate furnished by the Petitioner also contained the date of birth of the Petitioner as 7th JULY, 1926 (07.07.1926).

6. That when the service-book of the Petitioner was prepared, the signature of the Petitioner was obtained from him, but the column of the date of birth was unfilled as it was mentioned at that time that the same will be filled from the Vernacular Middle Examination Certificate, which was also furnished by the Petitioner at that very time, and an attested copy of the same was furnished and submitted to the officer concerned. A copy of the said certificate is annexed as Annexure number 1 to this Writ Petition.

7. That through a direction dated 3rd November, 1950, the Petitioner was again required to furnish certain

23.7.82

सहायक पोस्टमैन

A-3

- : 3 : -

informations and certificates, such as the date of birth, and the certificate regarding the educational qualification. A copy of this direction is annexed as Annexure Number 2 to this Writ Petition.

8. That in pursuance of this direction, the Petitioner again furnished the copy of the Vernacular Middle Examination Certificate and other relevant documents, it is relevant to mention that the Vernacular Middle Examination Certificate also contained the date of birth of the Petitioner, which is 7th July, 1926.

9. That through a direction dated 27th May, 1958, the Petitioner was also required by the Inspector of the Post Offices, Kheri, to submit relevant information on the proforma addressed to the Superintendent of Post Offices, Sitapur for his absorption as Post Man. This also contained a column for the date of birth, and also a column for the educational qualification, the Petitioner submitted the relevant information on the basis of the same proforma, through his application dated 28th May, 1958, the other day. A copy of this letter of the Inspector of Post Offices, dated 27th May, 1958, is annexed as Annexure Number 3 to this Writ Petition.

10. That in the year 1979, the Petitioner came to know that his date of birth has been wrongly entered in the service-book as 31st March, 1924, instead of 7th July, 1926. the Petitioner moved an application on 14th July, 1979, for the correction of the date of birth, alongwith this application, the Petitioner also furnished the copies of all the relevant documents and certificates, including the copy of the Vernacular Middle Examination Certificate containing the date of birth. A copy of this application is annexed

23.2.82

Handwritten signature and date: 23.2.82

A-14

as Annexure Number 4 to this Writ Petition.

11. That in pursuance of the application of the application of the Petitioner dated 14th July, 1979, the Petitioner was required by the Opposite Parties through a letter dated 28th July, 1979, to furnish the original certificates in the matter, a copy of this letter dated 28th July, 1979 is annexed as Annexure number 5 to this Writ Petition. The Petitioner in pursuance of the directions contained in Annexure number 5, shown the original certificates and filed the attested copies (Photostats) including the Vernacular Middle Examination Certificate to the Opposite Party number 2, there remain a lot of correspondence in the matter, however, through a letter dated 21st November, 1979, the Petitioner was again required to explain the delay caused in the matter of correction of his date of birth, a copy of which is annexed as Annexure number 6 to this Writ Petition.

12. That through his application dated 6th December, 1979, the Petitioner submitted the reply to the query regarding delay made in Annexure number 6, and explained that in spite of the efforts the Petitioner could not see the date in the service-book² of birth/for a sufficiently long time, he could see it only in the year 1979 and then moved the application (referred above). A copy of this reply of the Petitioner dated 6th December, 1979 is annexed as Annexure number 7 to this Writ Petition.

13. That the matter remain pending for a long time and the Petitioner was intimated through a letter dated 29th September, 1981, that his representation regarding date of birth has been rejected. A copy of this is annexed as Annexure Number 8 to this Writ Petition.

23-2-82

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14. That the Petitioner on 7th January, 1982, again made a representation to the Post Master General, U.P. Lucknow, A copy of this representation is annexed as Annexure Number 9 to this Writ Petition.

15. That the Petitioner has not received any reply of his representation, contained in Annexure Number 9, however, the Petitioner has to retire from service, according to the wrong date of birth on 31st March, 1982,.

16. That the alleged date of birth recorded by the Opposite Parties arbitrarily as 31st March, 1924, is wholly without any foundation or evidence and neither any foundation or material has been disclosed by the Opposite Parties to the Petitioner at any stage.

17. That the so-called date of birth of 31st March, 1924 is also against the entire evidence and material available on record with the Opposite Parties, but the Opposite Parties have arbitrarily refused to examine the evidence furnished by the Petitioner and have also refused to look into the evidence and consider the evidence available with the Opposite Parties on their records.

18. That it may be further pointed out that the order by which the representation of the Petitioner has been rejected contains no reasons, it does not recites as to why the proofs and evidence furnished by the Petitioner has been rejected and what is the basis of the so-called date of birth of 31st March, 1924, t

19. That the pre-mature retirement of the Petitioner will cause irreparable loss to the Petitioner.

FOR O.

Huf

23.2.82

महाराष्ट्र सरकार

20. That the Opposite Parties acted malafidely without applying mind upon the facts and the circumstances of the case, it was binding upon them to hold proper enquiry in the matter and the public documents such as the Vernacular Middle Examination Certificate could not be rejected by them in the summary manner.

21. That in this view of the matter the Petitioner is not left with any other 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 date of birth of the Petitioner fixed by the Opposite Parties, that is 31st March, 1924, is not based upon any material or evidence, as such it is wholly arbitrary and malafide on their part.

(B) Because, the evidence produced by the Petitioner of the nature of the Public Document could not be rejected by the Opposite Parties, in a summary manner specially in the circumstances of no evidence against it.

(C) Because, the Opposite Parties were under duty to assign reasons for rejecting the representation of the Petitioner, but they have passed the summary and casual order without intering into the matter and merits of the case.

(D) Because, the Opposite Parties did not apply mind into the merits of the case and decided the things casually.

(E) Because, the premature retirement of the Petitioner is wholly arbitrary and malafide and will cause irreparable loss to him.

23-2-52
[Signature]

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

- (i) A Writ, Order or Directions in the nature of Certiorari, quashing the orders contained in Annexure Number 8 to the Writ Petition after summoning the original from the records of the Opposite Parties and any other order if there in this respect.
- (ii) A Writ, Order or Command in the nature of Mandamus commanding the Opposite Parties to allow the Petitioner to continue on the post of the Mail Overseer till 7th July, 1984, with all consequential benefits in respect of pay, allowances and arrears arising thereof with all other benefits.
- (iii) Any other writ, order or directions deemed proper.
- (iv) To waive off the notice to the Opposite Parties as the matter is MOST URGENT.
- (v) Allow the Writ Petition with costs.

DATED: LUCKNOW:
FEBRUARY 23, 1982.

नम्र प्रार्थना के साथ

A. Praman
Counsel for the Petitioner.

*There is no defect in
this writ Petition*

A. Praman
Adv

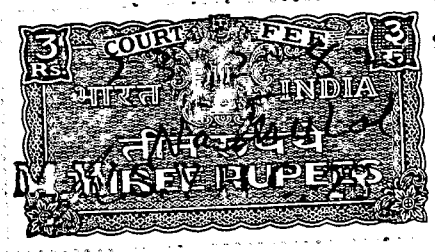
A-18

- : 8 : -

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

WRIT PETITION NUMBER OF 1982.

1982
AFFIDAVIT
50
HIGH COURT
ALLAHABAD



Nathu Lal Trivedi. Petitioner.

Versus.

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

A F F I D A V I T.

I, Nathu Lal Trivedi, aged about 56 years, Son of late (Sri) Bal Govind Trivedi, Resident of House No. 2064, Lakhimpur-Kheri, States on oath as under :-

1. That the deponent is the Petitioner in the above mentioned Writ Petition, 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 2⁰ of the Writ Petition are true to my own knowledge.
3. That the deponent, himself, has compared the Annexure Number 1 to 9^A, either with the copies maintained by him, or served upon him, or as could be fetched by him, and they are their true copies.

FOR
23.2.82

DATED: LUCKNOW:
FEBRUARY 23, 1982.

नथु लाल त्रिवेदी
(Nathu Lal Trivedi)
Deponent.

A-18

- : 9 : -

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:
FEBRUARY 23, 1982.

Nathu Lal Trivedi
(Nathu Lal Trivedi)
Deponent.

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

DATED : LUCKNOW: *D.N. Tewari*
FEBRUARY 23, 1982. Clerk to Shri Abdul Mannan, Advocate,
Counsel for the Petitioner.

Solemnly affirmed before me on this the 23rd th day of February, 1982, at 10.50 a.m./p.m., by Shri Nathu Lal Trivedi, the deponent, who has been identified by the Clerk to Shri Abaul 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.

Nathu Lal Trivedi *Unawd*

50/243
23.2.82

A-20

- : 10 : -

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

LUCKNOW BRANCH, LUCKNOW.

WRIT PETITION NUMBER OF 1982.

Nathu Lal Trivedi.

....

Petitioner.

Versus.

Union of India and another.

....

Opposite Parties.

ANNEXURE NUMBER 1.

DEPARTMENT OF PUBLIC INSTRUCTION, UNITED PROVINCES.

VERNACULAR FINAL EXAMINATION.

SEAL.

1942.

(Instituted by G.O.No. 317-A, dated September 11, 1877)

Roll No. 30939

CERTIFIED that Nathu Lal Son of Bal Govind, born on July 7, 1926, passed the Vernacular Final Examination (in curriculum II) held in the month of March, 1942, from Kheri district and that he was placed in the Third Division and ~~and~~ He obtained Distinction in Nil. He passed in the following subjects:-

First Language - HINDI; Second Language - URDU, ARITHMETIC, GEOMETRY, HISTORY, GEOGRAPHY.

SEAL.

(Department of Public Instruction
United Provinces).

Sd/- Illegible.

B.A., L.T., RAI SAHAJUR,
REGISTRAR,

Departmental Examinations,
United Provinces.

ALLAHABAD:
JULY 1, 1942.

23.2.82
रजिस्ट्रार साहाजूर

A-21

- : 11 : -

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

WRIT PETITION NUMBER OF 1982.

Nathu Lal Trivedi. Petitioner.
Versus.
Union of India and another. ... Opposite Parties

ANNEXURE NUMBER 2.

INDIAN POSTS AND TELEGRAPH DEPARTMENT.
INSPECTOR OF POST OFFICES, KHERI SUBDIVN.

To
Nathu Lal Candidate,
L. Box Peon,
Lakhimpur-Kheri.

B/Nathu Lal. DATED : 3-11-1950.

Please submit within three days the following documents to enable me to fix your seniority and issue orders of permanency if due.

If no reply is received within three days, the case will be decided from my office records and no appeal in this respect will be entertained in future:-

1. Date of submitting application for appointment.
2. Name of Post ~~22222~~ for which applied.
3. Date and year of passing the test or tests with copy of certificate.
4. Date of birth and age at the time of first appointment.
5. Copy of first charge report.
6. Educational qualifications and name of languages known.
7. Copy of any other documents that may be in your possession in support of your claim may also be submitted.

Sd/- Illegible.
Inspector of Post Offices,
Kheri-Sub-Dvn.

23.2.82

रजिस्ट्रार-लखनऊ

इन दि आनरेबुल हाई कोर्ट आफ जुडीकियर सेट इलाहाबाद ,
लखनऊ बेंच लखनऊ

रिट पिटीशन नं० _____ /1982
नयू लाल त्रिवेदी _____ पिटीशनर

बनाम _____
यूनियन आफ इण्डिया आदि _____ अपोजीट पार्टीज
अपेक्चर नं०-3 _____

**INDIAN POST & TELEGRAPH DEPARTMENT.
EXPRESS LETTER.**

No. Or/Absorption/Kheri Sub-Division, Kheri. 27-5-1958.
To

The EDBr.P.M., NIGHASAN.

VPM Cadre.

SUBJECT:- Absorption of Unapproved candidates in the

सुपरिन्टेन्डेन्ट पोस्ट ऑफिसर सीतापुर डिवीजन के यहाँ से हुकम आया है कि जो मेल पियोन 2 साल तक पोस्ट मैनी का काम कर चुके हैं , उनको बिना इम्तहान लिये पोस्ट मैने कैंडीडेट बना दिया जाय । इसलिये श्री नयू लाल से दरखास्त लेकर भेजिये कि उन्हें भी इस अह्रा के अनुसार पोस्टमैनी दी जाय दरखास्त सुपरिन्टेन्डेन्ट साहब के नाम होनी चाहिये । और बजरिये मेरे (इन्स्पेक्टर) भेजी जाय 3 दिन के अन्दर यह दरखास्त भेजी जाय । दरखास्त के साथ अंग्रेजी में निम्नलिखित सूचनायें अलग कागज पर भेजी हयः:-

H.D. CHAKRAWARTHY.

Inspector,

1- Name and Designation of the Class IV official.

2- Community.

3- Date of Birth

(साथ में उम्र की सर्टिफिकेट भेजिये)

4- Educational Qualifications.

(कहाँ तक तालीम पाई है-साथ में स्कूल का खारजा भेजे)

5- Particulars of services rendered in the Postman cadre (give details).

6- Remarks.

DATE.....

Signature of Applicant.
and Designation.

AGAR SAMAJH MEN NA AAYRE TO EK DIN KI CHHUTTI
LEKAR ITWAR 1-6-58 KO MERE DAFTAR ZARUR AA JAYEN.

नयू लाल त्रिवेदी

(सत्य प्रतिलिपि)

23.2.82

A-23

- : 13 : -

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

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NUMBER OF 1982.

Nathu Lal Trivedi. ... Petitioner.

Versus.

Union of India and another. ... Opposite Parties.

ANNEXURE NUMBER 4.

To

The Post Master General,
U.P. Circle, LUCKNOW.

THROUGH : PROPER CHANNEL.

Sir,

As per your kind permission, dated 5.2.79, I saw my service-book and noticed the following irregularities:-

1. The service-book shown to me is not the same which was prepared in the 1944 when I entered the Department as Class IV Official or 1948 when I was confirmed as Class IV Official.
2. The date of birth shown in this service book is 31.3.1924 (31.3.1924), which is wrong, the correct date which was entered in the original service book is 7.7.1926.

MS
23.2.82

I, therefore, request you kindly to mention the correct date of birth in the service book.

In this connection I beg to invite your kind attention to my application for appointment as candidate class IV, my application dated 28.5.58 submitted in compliance of Superintendent, Post Offices, Sitapur Memo No. B-4/

नथु लाल त्रिवेदी

A-24

- : 14 : -

Absorption dated 12.5.58 and also copy of Vernacular Final Examination Certificate dated 1.7.1942.

An attested copy of the last document is enclosed herewith afresh for ready reference.

Thanking you in anticipation.

Yours faithfully,
Sd/-
(NATHU LAL TRIVEDI)
14.7.79.
Overseer Kheri HO.

Copy to :-

1. The Superintendent of Post Offices, Kheri Division, for information.
2. Post Master, Kheri for information and necessary action.

नथुलाल त्रिवेदी

Sd/- NATHU LAL TRIVEDI
14.7.1979

23.2.82

- : 15 : -

A-25

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

WRIT PETITION NUMBER OF 1982.

Nathu Lal Trivedi. ... Petitioner.

Versus.

Union of India and another. ... Opposite Parties.

ANNEXURE NUMBER 5.

INDIAN POSTS AND TELEGRAPH DEPARTMENT.

OFFICE OF THE SUPERINTENDENT OF POST OFFICES, KHERI DIV.

To

Shri Nathu Lal,
Post Man,
Kheri Head Office.

No. R-II/Misc./79-80, DATED AT KHERI, the 20.7.1979.

SUBJECT:- Discrepancy in the Service-Book.

Please refer to your letter No. Nil dated 14.7.79
on the subject cited above. The original certificate may
please be sent to this office early.

Sd/- Illegible.
SUPERINTENDENT OF POST OFFICES,
KHERI SUBDIVISION.
262734.

नथुलाल त्रिवेदी

23-2-82

इन दि आनरेबुल हाई कोर्ट आफ गुड्रीवेचर सेट इलाहाबाद ,
लखनऊ बेन्च लखनऊ

रिट पिटीशन नं०

/1982

श्री नत्थू लाल त्रिवेदी

पिटीशनर

बनाम

यूनियन आफ इण्डिया आदि

अपोजीट पार्टीज

अनेक्चर नं०-6

सेवा में ,

श्री नत्थू लाल त्रिवेदी,
हाऊ अविपर्शक बीरी-11
बीरी ।

पत्रांक: बी/11/मिस/

दिनांक : बीरी: 21-11-79

विषय:- आपकी ' सेवा पुस्तिका ' में विवादित गलत जन्म तिथि का
लिखा जाना ।

संदर्भ :- आपका प्रार्थना - पत्र दिनांक : 14-7-79

कृपया यह बतायें कि आपने जन्म तिथि से संबंधित मामले
को इतनी अधिक देर से क्यों उठाया ? कारण करते हुए ठोस
प्रमाण प्रस्तुत करें ।

ह०- अमठनीय
सुपरीन्टेन्डेंट पोस्ट आफिस
बीरी दिवीज़न

नत्थू लाल त्रिवेदी

(सत्य प्रतिलिखि)

23-11-82

इन दि आनरेबुल हाई कोर्ट आफ जुडीचर सेट इलाहाबाद ,
लखनऊ बेंच लखनऊ

रिट पिटीशन नं० _____ /1982
नत्थू लाल त्रिवेदी _____ पिटीशनर
बनाम

यूनियन आफ इण्डिया आदि _____ अपोपाटीज़
अनेक्ज़र नं०-7

श्रीमान डाक अवीक्षक महोदय,
जीर- प्रखण्ड ।

सेवा में ,

विषय:- सेवा पुस्तिका में जन्म तिथि का गलत लिखा जाना ।

संदर्भ :- आपका पत्र बी/11 मिस दिनांक 21-11-79

श्रीमान जी ,

आपके उपरोक्त विषयक पत्र के संदर्भ में निवेदन है कि
प्रार्थी 1946 से विभाग की सेवा में कार्यरत है , प्रार्थी की वास्तविक
जन्म तिथि 7 जूलाई सन् 1926 है । जिसका स्कूल के प्रमाण पत्र
की प्रमाणित प्रतिलिपि श्रीमान जी को प्रार्थी अपने उपरोक्त विषयक
पत्र दिनांक 14-7-79 के माध्यम से प्रेषित कर चुका है ।

2- प्रार्थी ने जब से विभाग में सेवा कार्य आरम्भ किया है ।
तब से फरवरी सन् 1979 के प्रथम सप्ताह तक कभी भी अपनी
सेवा पुस्तिका देखने को नहीं दी गई ।

प्रार्थी ने जब , जब इसे देखने की तत्कालीन डाक निरीक्षकों
स्वं डाकपालों से प्रार्थना की तो उसे यही उत्तर मिला कि यह कर्मचारी
का गोपनीय अभिलेख है , यह दिखाया नहीं जा सकता है ।

जब प्रार्थी ने अपनी सेवा पुस्तिका में लिखित अपनी जन्म
तिथि गलत अंकित देखी, तब श्रीमान जी की सेवा में विवाद प्रस्तुत
किया ।

श्रीमान जी से प्रार्थना है कि प्रार्थी की जन्म तिथि सेवा
पुस्तिका में सही अंकित कर दी जाय ।

महान कृपा होगी ।

प्रार्थी

ह०- अपठनीय
नत्थू लाल त्रिवेदी
डाक अविदशक जीर-11
6-12-79

(सत्य प्रतिलिपि)

नत्थू लाल त्रिवेदी

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

LUCKNOW Bench, LUCKNOW.

WRIT PETITION NUMBER OF 1982.

Nathu Lal Trivedi. ... Petitioner.

Versus.

Union of India and another. Opposite Parties.

ANNEXURE NUMBER 8.

OFFICE OF THE SUPERINTENDENT OF POST OFFICES,
PIN NO. 262701.

RJD.

To

Shri Nathu Lal Trivedi,
Rail O/S. Kheri (C).

No. B/II/Lisc.

DATED : AT : KHERI the 29.9.1981.

SUBJECT:- Your representation regarding discrepancy
in date of birth entered in Service-Book.

Your representation regarding correction in date
of birth noted in Service Book has been considered and
rejected by the J.P.S., Lucknow, vide his letter No. RDL/
Rectt./M-4/1/1, dated 23.9.1981.

Sd/- Illegible.
29/9/81.

SUPERINTENDENT POST OFFICES,
PIN 262701.

22.2.82
नथुलाल त्रिवेदी

इन दि आनरेबुल हाई कोर्ट आफ जुडीकिर एट इलाहाबाद ,
लखनऊ बेन्च लखनऊ

रिट पिटीशन नं० /1982
नरसु लाल त्रिवेदी _____ पिटीशनर
बनाम

यूनियन आफ इण्डिया _____ सिटीजनर ओपी० पार्टीज
अनैड्जुर नं०-9

सेवा में ,
श्रीमान डाकमहाध्यक्ष ,
उ०प्र०, परिमंडल , लखनऊ ।

द्वारा:- अधीक्षक डाकघर श्री प्रखण्ड श्री ।

महोदय,

प्रार्थी आपके विभाग में लाइन ओवर सियर के पद पर
श्री प्रखण्ड में कार्यरत है । प्रार्थी की जन्म तिथि 7-7-1926
(सात जुलाई सन् उन्नीस सौ बब्बीस) है । जब कि प्रार्थी की
सर्विस बुक में 31-3-1934 दर्शायी गयी है जो गलत है । मैं
हमेशा ऐसी जगह पर तैनात रहा जहाँ मुझे सम्बन्धित कोई कागजात
मुझे देखने को नहीं मिला । जब मुझे सन् 1979 में पता चला
कि मेरी जन्म तिथि गलत दर्ज की गयी है तो मैंने काफी लिखा
पढ़ी की परन्तु माननीय क्षेत्रीय निदेशक डाक सेवा लखनऊ ने मेरे
प्रार्थना पत्र पर कोई ध्यान न दिया और मेरी बातों को अमान्य
कर दिया तथा मेरी फर्जी जन्म तिथि जो 31-3-1924 है । बहाल
रखी । इस प्रकार 31-3-82 में मेरा रिटायरमेंट भी किया जा
रहा है । अतः आपसे नम्र निवेदन है कि प्रार्थी पर कृपा करके
जन्म तिथि सर्विस क्रम में सही दर्ज करने के अदेश देवे तथा प्रार्थी
को समुचित न्याय दिलाए ।

महति कृपा होगी ।

प्रार्थी
नरसु लाल त्रिवेदी
मेल ओवरसियर
श्री - सेन्ट्रल 7-4-82

नरसु लाल त्रिवेदी प्रतिलिपि :-
अधीक्षक डाकघर श्री , प्रखण्ड श्री की सूचनार्थ प्रेषित ।
नरसु लाल त्रिवेदी ।

(सत्य प्रतिलिपि)

50/243

23-2-82

A-30

ब प्रदालत श्रीमान

High Court Lucknow Bench,
महोदय

Lucknow,

वादी(मुद्दे)

प्रतिवादी (मुद्दालेह)

का वकालतनामा



Nathu Lal Trivedi

वादी (मुद्दे)

बनाम

Union of India

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Sri A. Mannan

एडवोकेट

महोदय

Sri Adarsh Mohan Dhowal Adv.
को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और
लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य
वकील द्वारा जो कुछ पैरवी व जवाबदेही 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 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 या विपक्षी [फरीकसानी] का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती]
रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह
स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरो
को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मोरे
खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मोरे वकील पर
न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण
रहे और समय पर काम आवे।

नत्थु लाल त्रिवेदी

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

21

महीना

2

१६ ४ ई०

नाम अधालत
मुकद्दमा
फरीकन
नाम

Accepted

A. Mannan Adv.

A-815

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

Civil Misc. Application Number

1971 (6)
931
(W) of 1982:

In Re :

WRIT PETITION NUMBER

OF 1982.



Nathu Lal Trivedi.

.....

Petitioner/ Applicant.

Versus.

Union of India and another.

... Opposite Parties.

AN APPLICATION FOR THE INTERIM RELIEF.

The above named Petitioner - Applicant most respectfully submits as under :-

1. That the applicant through the above mentioned Writ Petition, has challenged the validity of the impugned order of rejection of his representation with the result that he will be compelled to retire at premature stage, contained in Annexure Number 8, and will suffer irreparable loss, if the applicant is pre-mature retired on 31.3.1982, while he is entitled to continue upto 7.7.1984.

THEREFORE, it is most humbly prayed that for the reasons already disclosed in the Writ Petition and the affidavit, the opposite parties be directed to allow the applicant to continue, on the post of Mail Overseer, pending the decision of this Writ Petition, in the interest of justice.

DATED: LUCKNOW:
FEBRUARY 23rd 1982.

H. Gnanan
Counsel for the Petitioner/
Applicant.

A-325

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

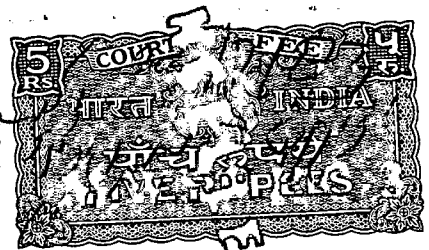
Lucknow.

Civil line. Application for 7969 (C) 1983.

Filed at

the 1st day of September 1983

12049



14/9/83
25723

Nathu Lal. Petitioner.

Versus.

Union of India and others. CPP Parties.

Application for condonation of delay.

Be

That due to inadvertance of the opposite party's counsel the counter affidavit could not be filed in time as such it is most humbly prayed that delay in filing the counter affidavit may be condoned and counter affidavit filed herewith may be kindly be taken on record. Bench copy is also attached herewith

Lucknow dated:-
July 18, 1983.

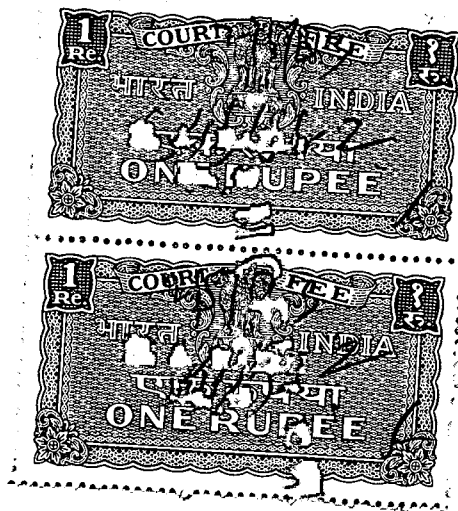
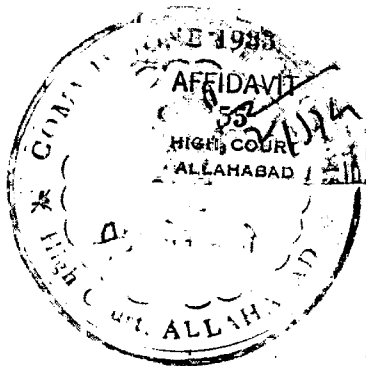
Hari Nath Tilhari
(Hari Nath Tilhari)
Advocate.
Central Govt. Standing Counsel.

6A-33
✓

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

I u c k n o w .

Writ Petition No. 951 of 1982.



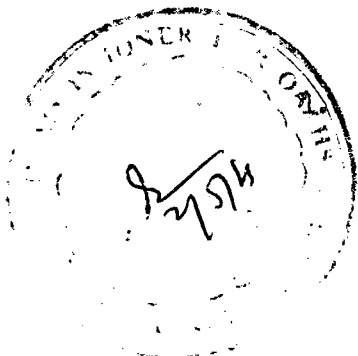
Fathu Lal. Petitioner.

vs.

Union of India and others. Opp-parties.

Counter Affidavit on behalf of Opposite Parties.

I, J.N. Srivastava, aged about 50 years,
son of Late Shri Jagdish Prasad, Superin-
tendent of Postoffices, Kheri Division,
Kheri do hereby solemnly affirm and state
on oath as under:-



That the deponent is the Superintendent of
Postoffices, Kheri Division, Kheri and is well
conversant with the facts of the case and
deposes to hereunder.

2. That in reply to Para 1 of the writ petition

Sd/- J.N. Srivastava
2.5.83

6 A-34
3

-2-

it is submitted that the petitioner appeared in the Mail Peon examination held on 30th April, 1944. There is nothing on record of the Department to show that the petitioner passed Vernacular Middle School Examination, 1942. Annexure No.1 filed by the petitioner is not on record. The petitioner was confirmed with effect from 18th of November, 1948. Rest of the contents of this Paragraph are not denied. A copy of Annexure 1 was filed by the petitioner along with his representation for correction of his age in the service book.

3.

That in reply to para 2 of the writ petition it is submitted that the petitioner was promoted to the cadre of Postman with effect from 10th May, 1957 and now with effect from 16th July, 1964 as alleged by him.

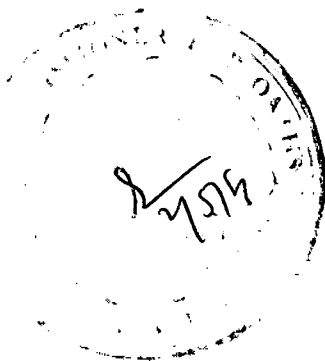
4.

That the contents of para 3 and 4 of the writ petition are admitted.

5.

That in reply to Para 5 and 6 of the writ

Dr. H. A. W.
2.5.82



A-35

4

-3-

petition, it is submitted that when the petitioner was taken in service, Lucknow Division exercised jurisdiction over Sitapur, Hardoi, Lakhimpur Kheri and Lucknow Districts. In the year 1955, Sitapur Division was formed which exercised jurisdiction over Lakhimpur Kheri and Hardoi Districts. In February 1977 a separate Division with headquarter at Lakhimpur Kheri was formed. Thus the service records of the petitioner were moved from place to place and his personal file is not traceable. Only his service book is available which shows the petitioner's date of birth as 26th March, 1924. The petitioner has signed just below his date of birth. The petitioner does not carry his signatures on the service-book but his case is that when the service book of the petitioner was prepared his signatures had been obtained and he furnished the certificates required from him including the Vernacular Middle Examination certificate. As such it is obvious that the date of birth was recorded in the presence of the petitioner in accordance with the certificate furnished by him. It is denied that the



Dr. H. A. Chaudhary
2-5-82

column of the date of birth was left unfilled.
✓ That the photostatic copy of the Service Roll of the
petitioner is being annexed as Annexure 2
A-1.

6. That the contents of para 7 of the writ
petition are not denied.

7. That in reply to para 8 of the writ petition
it is submitted that the contents thereof
cannot either be admitted or denied in view of
the fact that his personal file is not available.

8. That in reply to para 9 of the writ petition,
it is submitted that the petitioner has filed
Annexure 3 which is only a proforma it does
not contain the date of birth. His allegation
that he had submitted the relevant information
through his application dated 28th May, 1958
cannot be admitted or denied as his personal
file is not available.

8-77b
9. That in reply to para 10 of the writ petition,
it is submitted that it was open to the petitioner
to examine his service ^{Roll} ~~book~~ at any time. It is
surprising that he came to know of the alleged
discrepancy in his date of birth in his service

Sd/-
2.5.63

Roll
~~book~~ only in the year 1979.
L

10. That the contents of para 11 of the writ petition are admitted.
11. That in reply to para 12 of the writ petition, it is submitted that the petitioner does not state that he made a request for seeing his service book at any time and his request was not allowed. Rest of the contents of this Paragraph are not denied.
12. That the contents of para 13 and 14 of the writ petition are admitted.
13. That in reply to para 15 of the writ petition, it is submitted that the petitioner was intimated by letter dated 29th September, 1981 that his representation had been rejected. No further reply is needed.
14. That in reply to para 16 of the writ petition, it is submitted that the date of birth of the petitioner was entered in the service ~~book~~ ^{Roll} on the basis of the material supplied by him and

Dr. H. V. Rao
2-5-82

in his presence. It may further be pointed out that if the petitioner's date of birth as claimed by him is deemed to be 7th July, 1926 he could not have appeared at the Mail Pon's examination on 30th April, 1944 as on the basis of his date of birth of 7th July, 1926 his age on that date would be less than 18 years and he would not have been eligible to appear in the said examination. The deponent is advised to state that the petitioner in equity cannot be permitted to take advantage of his own wrong and to take a double advantage at the cost of others.

15. That the contents of para 17 of the writ petition are denied.

16. That in reply to para 18 of the writ petition it is submitted that the officer passing order has agreed with the note put up on representation of the petitioner. It is that the order is not a speaking order.

17. That in reply to para 19 and 20 of the petition, it is submitted that the

2-5-53

2-5-53

A-uc 8

-7-

date of birth was recorded in his presence and his signatures were obtained on the service book on the basis of information furnished by him. Further, the date of birth recorded in his service book is also consistent with his having appeared in Neil Peon's examination held on 30th April, 1944. He could not have appeared in the examination if he was under 18 years of age at the time.

18. That contents of para 21 of the writ petition are not admitted.
19. That the petitioner is not entitled to the reliefs claimed in the prayer clause and the writ petition is liable to be dismissed with costs.

Lucknow dated:-

may
April 2, 1983.

Deponent.

Verification.

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

A-41 9

whereas the contents of Paras 2 to 18 are believed to be true on the basis of information derived from perusal of record and those of para 19 are true to my belief on the basis of legal advice. No part of it is false or nothing material has been concealed so help me God.

Lucknow dated:-

^{May}
~~April~~ 2, 1983.

Deponent.

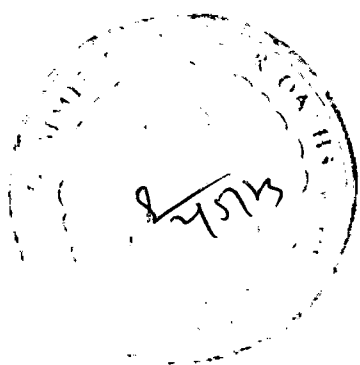
I, Kedar Nath Registered Clerk of Sri Hari Nath Tilhari, Advocate High Court Lucknow do hereby identify the deponent named above who has signed before me on the basis of deponents handing over the file of the case with fee in my office indicating his name to be J.F. Srivastava, that deponent is Sri J.F. Srivastava.

Lucknow dated:-

^{May}
~~April~~ 1, 1983.

clerk to Sri Hari Nath Tilhari,
Advocate.

Solemnly affirmed before me on 2.5.83 at 5.30 a.m./p.m. by J.F. Srivastava the deponent who is identified by Sri Kedar Nath, clerk to Sri Hari Nath Tilhari, Advocate, High Court, Lucknow, I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained by me.



Beban
Commissioner,
Lucknow
24573
2-5-83

A-42

10

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

at

L u c k n o w .

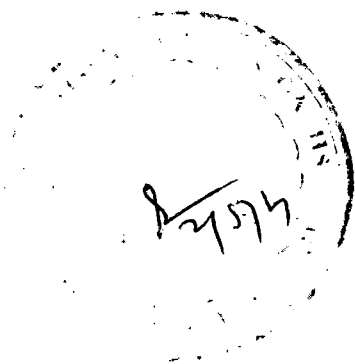
Writ Petition No. 931 of 1982.

Neelu D-1. Petitioner.

Versus.

Union of India and others. Opp Parties.

Annexure-AI.



Dr. K. P. Singh
2.5.83

A-43 11

C. A. C.-10(c)
Article 7-A, C.A.C. I, Vol. I

Service Roll.

[For inferior servants other than members of the constabulary and for those superior servants for whom no service books are maintained].

- 1. Name Thana ... Trivedi
- 2. Race, sect and caste Brakman
- 3. Native place (with name of District, Village, Thana, and Post Office) Secundrapur, Khari, Thana Nimgon, P.O. Secundrapur
- 4. Father's name and residence Pl. Bal Govind
- 5. Date of birth by Christian era as early as can be ascertained 26 March 1924
- 6. Exact height by measurement 5 feet 2 inches
- 7. Personal marks for identification Dark wheat complexion with dark face light
- 8. Signature or mark of Government servant (with date) with 1st
- 9. Signature with date and year and designation of the attesting officer with 1st

Note.—The above entries should be renewed or re-attested at least every 10 years and the signature in lines 8 and 9 should be dated.

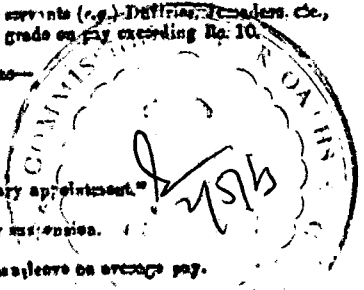
Under Librarian's
pension rules. Grant
of 10% of 29.91
circulation No 34 of 29.91
20.4.46

Left hand thumb and finger impressions
Middle finger
Ring finger
Little finger

Left hand thumb and finger impressions	Signature and designation of officer before whom impression is taken	Date
	<u>with 1st</u>	<u>20.4.46</u>

Be careful about pension, take great care, in the following circumstances, and the Service Book should be renewed in the following circumstances—

- Circumstances.**
- When the inferior servant (e.g., District, Readers, etc.) is in the superior grade on pay exceeding Rs. 10.
 - When the servant commences a new appointment.
 - When the servant is on probation.
 - When the servant is on a temporary appointment.
 - When the servant is on leave after suspension.
 - When the servant is on leave other than leave on average pay.
- What is the nature of the appointment? Is there a full vacancy, or does any other officer count it as more time for pension in the case of appointment? (Article 87, C.S.R.)
- Is it a probationer's appointment? (Article 87, C.S.R.)
- Is the temporary appointment eventually made permanent? (Article 87, C.S.R.)
- Is the period ordered to count for pension and pension? (Article 87, C.S.R.)
- What rules of leave allowances are drawn?



Re-attested
MASTER
S. G. KHERL

A-44

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

at

L u c k n o w.

Civil Misc. Application No. of 1983.

Filed in

Writ Petition No. 931 of 1982.

Rashu Lal. Petitioner.

Versus.

Union of India and others. Opp-Parties.

Application for condonation of delay.

That due to inadvertence of the opposite party's counsel the counter affidavit could not be filed intime as such it is most humbly prayed that delay in filing the counter affidavit may be condoned and counter affidavit filed herewith may be kindly be taken on record.

Lucknow date:-

July
19, 1983.

Hari Nath Lilheri

(Hari Nath Tiliheri)

Advocate.

Central Govt. Standing Council.

A-45

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

at

L u c k n o w.

Writ Petition No. 931 of 1962.

Rashu Lal. Petitioner.

vs.

Union of India and others. Opp-parties.

Counter Affidavit on behalf of Opposite Parties.

I, J.K. Srivastava, aged about 50 years,
son of Late Shri Jagdish Prasad, Superin-
tendent of Postoffices, Meerut Division,
Meerut do hereby solemnly affirm and state
on oath as under:-

1. That the deponent is the Superintendent of Postoffices, Meerut Division, Meerut and is well conversant with the facts of the case and deposed to hereunder.
2. That in reply to para 1 of the writ petition

It is submitted that the petitioner appeared in the 1211 Peon examination held on 30th April, 1944. There is nothing on record of the Department to show that the petitioner passed Vernacular Middle School Examination, 1942. Annexure No.1 filed by the petitioner is not on record. The petitioner was conferred with effect from 18th of November, 1943. Rest of the contents of this paragraph are not denied. A copy of Annexure 1 was filed by the petitioner alongwith his representation for correction of his age in the service book.

3. That in reply to para 2 of the writ petition it is submitted that the petitioner was promoted to the cadre of Postman with effect from 10th May, 1957 and not with effect from 16th July, 1954 as alleged by him.
4. That the contents of para 3 and 4 of the writ petition are admitted.
5. That in reply to para 5 and 6 of the writ

petition, it is submitted that when the petitioner was taken in service, Lucknow Division exercised jurisdiction over Sitapur, Haridwar, Lakhimpur Kheri and Lucknow Districts. In the year 1955, Sitapur Division was formed in which exercised jurisdiction over Lakhimpur Kheri and Haridwar Districts. In February 1977 a separate Division with headquarters at Lakhimpur Kheri was formed. Thus the service records of the petitioner were moved from place to place and his personal file is not traceable. Only his service book ^{or Service Roll} is available which shows the petitioner's date of birth as 26th March, 1924. The petitioner has signed just below his date of birth. The petitioner does not deny his signature on the service book but his case is that when the service book of the petitioner was prepared his signature had been obtained and he furnished the certificates required from him including the Vernacular Middle Examination certificate. As such it is obvious that the date of birth was recorded in the presence of the petitioner in accordance with the certificate furnished by him. It is denied that the

column of the date of birth was left unfilled.
The photo stat copy of Service Roll of the petitioner
is being Annexed herewith as Annexure-A1.

6. That the contents of para 7 of the writ petition are not denied.
7. That in reply to para 8 of the writ petition it is submitted that the contents thereof cannot either be admitted or denied in view of the fact that his personal file is not available.
8. That in reply to para 9 of the writ petition, it is submitted that the petitioner has filed Annexure 3 which is only a proforma it does not contain the date of birth. His allegation that he had submitted the relevant information through his application dated 23rd May, 1958 cannot be admitted or denied as his personal file is not available.
9. That in reply to para 10 of the writ petition, it is submitted that it was open to the petitioner to examine his service ^{roll} book at any time. It is surprising that he came to know of the alleged discrepancy in his date of birth in his service

A-49

^{roll}
book only in the year 1979.

10. That the contents of para 11 of the writ petition are admitted.
11. That in reply to para 12 of the writ petition, it is submitted that the petitioner does not state that he made a request for seeing his service book at any time and his request was not allowed. Rest of the contents of this Paragraph are not denied.
12. That the contents of para 13 and 14 of the writ petition are admitted.
13. That in reply to para 15 of the writ petition, it is submitted that the Petitioner was intimated by letter dated 29th September, 1981 that his representation had been rejected. No further reply is needed.
14. That in reply to para 16 of the writ petition, it is submitted that the date of birth of the petitioner was entered in the service-book on ^{Roll} the basis of the material supplied by him and

in his presence. It may further be pointed out that if the petitioner's date of birth as claimed by him is deemed to be 7th July, 1926 he could not have appeared at the Mail Peon's examination on 30th April, 1944 as on the basis of his date of birth of 7th July, 1926 his age on that date would be less than 18 years and he would not have been eligible to appear in the said examination. The respondent is advised to state that the petitioner inequity cannot be permitted to take advantage of his own wrong and to take a double advantage at the cost of others.

15. That the contents of para 17 of the writ petition are denied.
16. That in reply to para 18 of the writ petition it is submitted that the officer passing the order has agreed with the note put up on the representation of the petitioner. It is denied that the order is not a speaking order.
17. That in reply to para 19 and 20 of the writ petition, it is submitted that the petitioner

Ar-51

date of birth was recorded in this presence and his signatures were obtained on the service book on the basis of information furnished by him. Further, the date of birth recorded in his servicebook is also consistent with his having appeared in Mail Peon's examination held on 30th April, 1944. He could not have appeared in the examination if he was under 18 years of age at the time.

- 18. That contents of para 21 of the writ petition are not admitted.
- 19. That the petitioner is not entitled to the reliefs claimed in the prayer clause and the writ petition is liable to be dismissed with costs.

Lucknow dated:-

April , 1983.

Deponent.

Verification.

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

P-52

-8-

Whereas the contents of Paras 2 to 18 are believed to be true on the basis of information derived from perusal of record and those of para 19 are true to my belief on the basis of legal advice. No part of it is false and nothing material has been concealed so help me God.

Lucknow dated:-

April , 1983.

De Ponent.

I, Kedar Nath Registered Clerk of Sri Hari Nath Tilihari, Advocate High Court Lucknow do hereby identify the deponent named above who has signed before me on the basis of deponent's handing over the file of the case with fee in my office indicating his name to be J.K. Srivastava, that deponent is Sri J.K. Srivastava.

Lucknow dated:-

April , 1983.

Clerk to Sri Hari Nath Tilihari
Advocate

solemnly affirmed before me on at a.m./p.m. by J.K. Srivastava the deponent who is identified by Sri Kedar Nath, clerk to Sri Hari Nath Tilihari, Advocate, High Court, Lucknow, I have satisfied myself by examining the deponent that he understands the contents of this affidavit which been read out and explained by me.

A-53

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

at

L u c k n o w.

Writ Petition No. 931 of 1982.

Nathu Lal. Petitioner.

VERSUS.

Union of India and others. Opp Parties.

A n n e x u r e - A I .

A-54

Service Roll.

[For inferior servants other than members of the constabulary and for those superior servants for whom no service books are maintained].

1. Name Trivedi
2. Race, sect and caste Brahman
3. Native place [with name of District, Village, Thana, and Pargana] Secunderabad
Kheri Thana Amrabad Po. Secunderabad
4. Father's name and residence Al. Ruc Yarnal
5. Date of birth by Christian era as early as can be ascertained 26 March 1924
6. Exact height by measurement 5 feet 2 inches
7. Personal marks for identification Dark wheel complexion with white forehead
8. Signature or mark of Government servant (with date) In the 1st
9. Signature with date and year and designation of the attesting officer 20-4-46

Note.—The above entries should be renewed or re-attested at least once in five years and the signature in lines 8 and 9 should be dated.

Under
pension
of
100

Re-attested
20-4-46

Left hand thumb and finger impressions.

Middle finger. Ring finger. Little finger.

Signature and designation of officer and re-when impression is taken.

Date

20-4-46	20-4-46	20-4-46	20-4-46	20-4-46	20-4-46

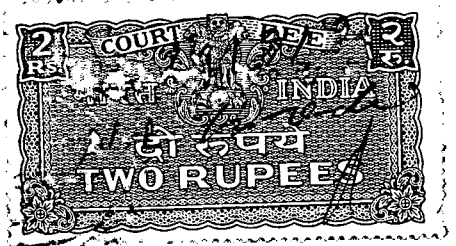
Before attesting, take great care, in the following circumstances, that the Service Book contains the following particulars:—

- Circumstances.
- 1. When the inferior servant (e.g.) Duffice, Jemadass, etc., is in the superior grade on pay exceeding Rs. 10.
 - 2. When the servant commences "probation."
 - 3. When the servant is in a temporary appointment.
 - 4. When the servant is retained after suspension.
 - 5. When the servant is on leave other than leave on average pay.
- What is the nature of the vacancy? Is there a full vacancy, or does any other officer count the same time for pension in the case of appointment? (Article 371, C.S.R.)
- Is it in a probationer's appointment specially allotted (Article 373, C.A.R.)?
- Is the temporary appointment eventually made permanent? (Article 370, C.S.R.)
- Is the period ordered to count for leave and pension?
- What rate of leave allowance was drawn?

SUB-POSTMASTER
S. G. MAILANI, KHERI

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
LUCKNOW BENCH, LUCKNOW
T.A. No. 1029/87 (T)
W.P. No. 931/82

1990
AFFIDAVIT
54 M
DISTT. COURT
U. P.



N.L. Trivedi

...

Petitioner

Versus

Union of India and others ...

Defendant

REJOINDER AFFIDAVIT IN REPLY TO THE
COUNTER AFFIDAVIT FILED BY O.P.No.2

I, N.L. Trivedi, aged about 64 years, s/o. Late Sri Balgovind Trivedi, Resident of house No. 2064 Lakhimpur Kheri, District Kheri, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner in the above mentioned case and is well conversant with the facts of the case as deposed to hereunder.
2. That para 1 of the Counter Affidavit does not call for any comment.

3. That in reply to para 2 of the Counter Affidavit it is stated that the deponent was asked to sign and put his finger prints on the first page of Service Book with date of birth column left blank which was to be filled on his furnishing documentary proof of date of birth. The deponent thereafter furnished an attested copy of certificate filed as Annexure 1 to the petition which appears to have been removed from records deliberately.
4. That the contents of para 3 of the Counter Affidavit matter of record hence need no comments.
5. That the contents of para 4 of the Counter Affidavit, do not need any reply.

6. That in reply to contents of para 5 of the Counter Affidavit, it is stated that the averment that the service records of the petitioner are not traceable because they were moved from place to place due to bifurcation of Lucknow and Sitapur Divisions is not tenable. The deponent has strong reasons to believe that the personal records have been deliberately destroyed by the respondent to prove their case against the deponent. Moreover in the last four lines at the bottom of page 2 of the Counter Affidavit in Opposite Party has alleged that the date of birth was recorded in the presence of the petitioner (deponent) in accordance with the certificate furnished by him but the alleged certificate on the basis of which the date of birth is stated to have been recorded has not been filed along with the Counter Affidavit, The contents of para 5 of the Counter Affidavit are, therefore, denied and contents of para 5 and 6 of the Writ Petition are re-affirmed.
7. That in reply to contents of para 6 and 7 of the Counter Affidavit it is stated that though the Opposite Party has not denied the contents of para 7 of the Writ Petition, they have admitted that they are not in a position to either confirm or deny the contents of para 8 of the petition. The contents of para 8 of the Writ Petition are, therefore, re-affirmed.
8. That from the contents of para 8 of the Counter Affidavit it would appear that the Opposite Party is not in a position to either confirm or deny the averments in para 9 of the Writ Petition because of non-availability of records. The ^{content} ~~extent~~ of para 8 of the Counter Affidavit are denied and the contents of para 9 of the Writ Petition are re-affirmed.

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9. That in reply to para 9 of the Counter Affidavit it is stated that the para is evasive and is emphatically denied. In this connection it is stated that the deponent had no reason to examine the service roll because he did not suspect any foul play and he had no reason to believe that the date of birth recorded in Service book was different from the date of birth mentioned in his certificate of Vernacular Middle Examination (Annexure No.) copies of which had already been furnished by him along with the application in the proforma filled as Annexures 2 and 3 of the Writ Petition. Moreover when the deponent got to know about the discrepancy in his Service Book he sought permission to inspect his Service Book which having been granted he noticed the discrepancy in the date of birth recorded in his Service Book and immediately he submitted a representation together with a copy of certificate of having passed Vernacular Middle Examination for correction of date of birth in the Service Book.

10. That the contents of para 10 of the Counter Affidavit which admit the contents of para 11 of the petition do not call for any reply.

11. That the contents of para 11 of the Counter Affidavit are denied. In this connection it is stated that the deponent while explaining reasons for the delay in submitting his representation for correction of date of birth (Annexure No.) to the Writ Petition has stated concerned Postmasters and Inspectors of Post Offices refused to show the Service Book to the deponent whenever he made a request to be allowed to see the Service Book and that he was refused to see it on the ground that it was a confidential record and could not be shown to the deponent.

12. That the contents of para 12 of the Counter Affidavit

which admit contents of paras 13 and 14 of the petition call for no comments.

13. That in reply to para 13 of the Counter Affidavit it is stated that the representation addressed to the Post Master General was by way of appeal to a higher authority against the orders of a subordinate authority had to be disposed of by the latter and should have not been left unreplied.

14. That the contents of para 14 of the Counter Affidavit are denied and contents of para 16 of the Writ Petition are re-affirmed. The deponent never supplied any material showing his date of birth as 26th March 1926. As regards averment that the deponent would not have been eligible to appear at the examination held for selection of mail peons being less than 18 years of age on the basis of date of birth shown in the Vernacular Middle School Examination Certificate it is submitted that the deponent was told that candidates who are less than 18 years of age by a few months could also appear at the examination for the date was to be computed from the date of appointment and if less than 18 years on the date of appointment by a few months the period below 18 years would be treated as boy service period.

15. That the contents of para 15 of the Counter Affidavit which do not deny the contents of para 17 of the Writ Petition do not call for any comments.

16. That the contents of para 16 of the Counter Affidavit are denied and the contents of para 18 of the Writ Petition are re-affirmed. In this connection it is stated that Office note does not make an order a speaking order unless the order by itself proclaims the grounds on

which the order was passed.

17. That the contents of para. 17 of the Counter Affidavit are evasive hence denied. It is further stated that they re-iterate the averments made in para 15 of the Counter Affidavit which has already been replied in para 14 of this Affidavit.

18. That the contents of para 18 of the Counter Affidavit are denied and contents of para 21 of the petition are re-affirmed.

19. That the contents of para 19 of the Counter Affidavit are denied and the contents of the Grounds and reliefs sought are reaffirmed.

14/9/90
Lucknow : ✓

Dated : 14-9-90

Nathu Lal Lucknow
DEPONENT

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 19 of this Affidavit are true to my knowledge and belief. Nothing in it is wrong and nothing material has been concealed. So help me God.

Signed and verified this the 14th day of September 1990

Lucknow : ✓

Dated : 14-9-90 ✓

Nathu Lal Lucknow
DEPONENT

I identify the deponent who has signed before me.

N. V. Reddy
Advocate.

14. 24/9/90
N. L. Lucknow
N. L. Lucknow
14/9/90
14/9/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/

date the

20/4/90

T.A.No. 1029/1987 of 1990 (T)

N. L. Trivedi

Applicants.

Varsus

Union of India

Respondents.

To

Shri D. S. Randhawa
Senior Counsel
High Court, Lko.

Whereas the marginally noted cases has been transferred by under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ petition No. 931
of 1982
of the Court of
arising out of
an order dated
passed by in
.....

The Tribunal has fixed date
of 14/4/1990. The
hearing of the matter.
if no appearance is made
on your behalf by our 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
20th day of April 1990.

DEPUTY REGISTRAR

Bhartiya

निम्न Petition के
Notice सूत्र- के मा
अनुरोध

23/4/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/

date the 20/4/90

T.A.No... 10.29./1987 of 1990 (T)

M. L. Trivedi..... Applicants.

Varsus.

Union of India..... Respondents.

To

Shri D. S. Randhawa,
Senior Counsel
High Court, Lko.

Whereas the marginally noted cases has been transferred by under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ petition No.... 931.....
of 1982.....
of the Court of.....
..... arising out of
of order dated.....
passed by..... in
.....

The Tribunal has fixed date
of 14/4/90..... 1990. The
hearing of the matter.
if no appearance is made
on your behalf by our 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 April 1990.

DEPUTY REGISTRAR

Bhartiya

N. L. Trivedi - position
v.

union of India and other respondents

Application for adjournment.

My Lady,

I have to know the way that I
will get to the bottom of the
the day due to the illness.

It is therefore, prayed that in above mentioned case be adjourned for some other day.

Luck, W
 dmt 17.2.1990

M. J. Clark, Attorney
C.N.P. 52, Jackson
Counsel for the petition

In the Hon'ble ~~Magistrate~~ Central Administration
ब अदालत श्रीमान Tribunal Circuit Bench महोदय
[रादी] अपीलान्ट Lucknow
प्रतिवादी [रेस्पान्डेन्ट] का वकालतनामा

T.A.N. 1029 of 87.

(टिकट)

वादी (अपीलान्ट)

M. L. Trevedi

Union of India Salt
मुकदमा नं० सन् पेशी की ता०

प्रतिवादी (रेस्पान्डेन्ट)

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री Asit Kumar Chaturvedi, Advocate
Additional Standing Counsel Central Govt (CAT) Lucknow

H. Bashir Building, Pandara, Lucknow

वकील

महोदय

एडवोकेट

Phone No. 52907.

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद 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 छाम आवे।

हस्ताक्षर

Supdt. Post Office, Kheri
PIN-262701

साक्षी (गवाह)

Mohd. Amirkhan

साक्षी (गवाह)

As P.O. (T) Kheri

दिनांक

21-10-91

महीना

सन् १६ ई०

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.
Opp. Residency, Gandhi Bhavan, Lucknow

NO. CAT/CB/LKO/JUDL/

REGISTRATION P.A. NO 1029 OF 19 87 (1)

Date

18/9/91

M. L. Trivedi

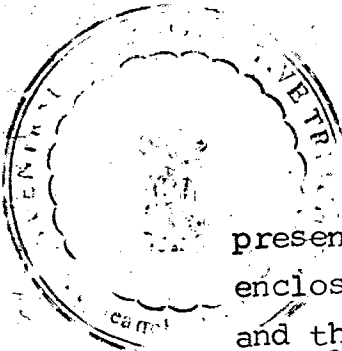
Applicant.

VERSUS

Union of India.

Respondents.

Shri D. S. Rameshwar Adu
Senior Standing Counsel.
High Court, Lucknow



Please take notice that the applicant above named has presented an application a copy Petition here of is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 22 day of 10/9/91 for hearing.

If, no appearance is made on your behalf, your pleader of by some one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this

13 day of 7 1991

Received notice
with Petition copy
B. S. Rameshwar
for Shri D. S. Rameshwar
18/9/91
M. Panda.

AKD
For Deputy Registrar.

Encl copy of Petition with court's
order dt. 21/9/91 passed thereon.

Central Administrative Tribunal
Circuit Bench Lucknow

Q.A.NO 1029 of 1987 (T)

Sri N.L.Trivedi.....Applicant

Union of India.....Respondents.

4.9.91

Hon'ble Mr. D.K.Agrawal J.M.

Hon'ble Mr. K. Obayya A.M.

Shri N.P. Srivastava Learned counsel for
the applicant is present. None is present for
respondents.

Pleadings are complete and ^{the} case is ripe for
hearing. As per copy of the order sheet shows
that respondents have not appeared in the Tribunal
in this case. Learned counsel for applicant undertakes
to furnish a copy of petition of office within ^{one week} ~~one~~ week.

. On receipt of the same the office will issue
notice alongwith a copy of petition to ~~the~~
senior standing counsel, Central Government, intimating
the date for hearing. List the case for ~~hearing~~ ^{hearing}
on 22.10.91. If the respondents do not appear on
the date fixed the case shall be proceed Ex.Party -

Shall be stated clearly in the notice to
Senior standing counsel-.

A.M.

J.M.

True Copy

Secy. to Officer

Central Administrative Tribunal
Circuit Bench
LUCKNOW

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA. 809/82
W.P. 1382/81 OF

NAME OF THE PARTIES Mohammad Kaleem Applicant

Versus

Union of India and ors. Respondent

Part A.

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4	Verit Edition with Annexure	A7 to A21
5	Power	A22 to A25
6	Affidavit	A26 to A29
7	Counter Affidavit	A30 to A34
8	Rejoinder Affidavit	A35 to A40
9	Order sheet H.C.	A41 to A41
10	Any others Paper / Power	A42 to A51
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18		

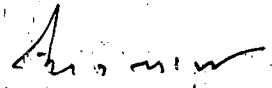
CERTIFICATE

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

Recheck on Dated 8/9/11.....

Counter Signed.....

Section Officer/In charge


Signature of the
Dealing Assistant

ANNEXURE -A

CAT

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

INDEX SHEET

CAUSE TITLE 247/8751 of 19

NAME OF THE PARTIES _____

Shri Mohd. Kaleem Applicant

Versus

Union of India Respondent

Part A, B & C

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		C82 to C-92

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 1302-81

Name of parties..... Mohd. Kaleem 18. 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	1					
	3	Writ-Ref	13	7	102			
		Official						
	4	Process	2	2	10			
	5	Order Sheet	1					

I have this

day of

198 ,

examined

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

Date.....

Munsarim

Clerk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 809 of 1987 (-6)

APPELLANT
APPLICANT

Mohd. Kaleem

VERSUS

DEFENDANT
RESPONDENT

O.C.S.

Sl. No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
	<p><u>OR</u></p> <p>This case has been received from C.A.T. And. No C.A. & RA filed.</p>	
	<p><u>OR</u></p> <p>Notices issued to the respondents through regd. post on 2/5/89. The applicant has been received notice.</p> <p>h 4/5</p>	<p><u>OR</u></p> <p>Notice of O.P. No. 3 has been return back.</p> <p>h 3/8-</p> <p><u>OR</u></p> <p>No. C.A. & RA have been filed so far. Submitted for order.</p> <p>2/5</p> <p><u>OR</u></p> <p>Notices were issued to the respondents.</p> <p>Notice of O.P. No. 3 has been return back with remark "not known".</p> <p>Submitted for order.</p> <p>2 2/5</p>

①
G.M. & A. E. 21/5/89
P. P. & A. E. 22-2-90
Recd
2/5

A/5
8/5

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.

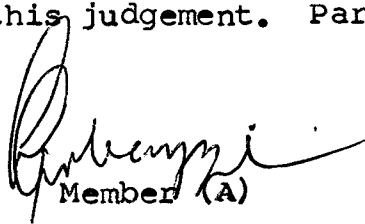
3. The applicant's simple case is that Character Verification Report, Annexure-C1 did not concern him at all and although it concerned one Mohd. Kaleem that

2

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

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.

I N D E X

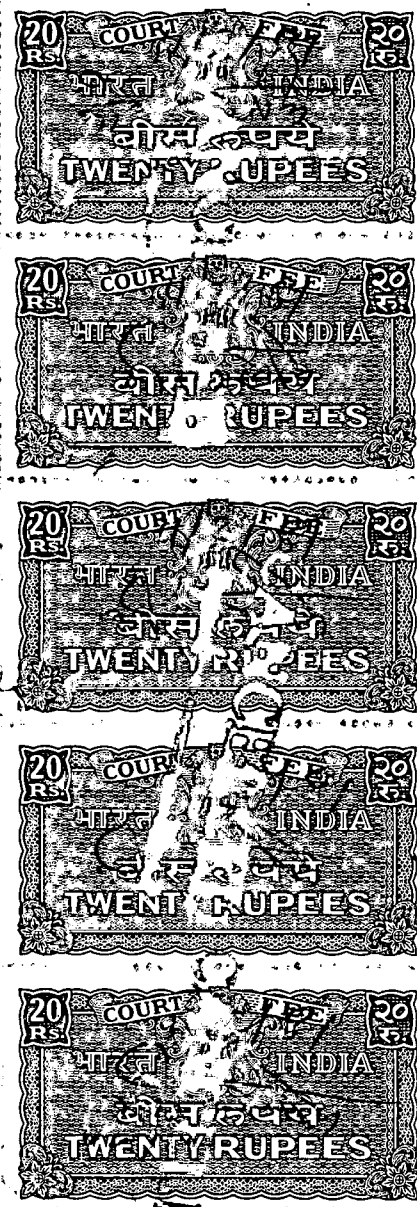
<u>Sl.No.</u>	<u>Particulars.</u>	<u>From Page</u>	<u>to Page.</u>
1.	Writ Petition	1	7
2.	Affidavit.	8	9
3.	Annexure No.1 (report of Distt. Magistrate Lucknow in respect of Mohd. Saleem.	10	11
4.	Annexure No.2 (copy of order dt. 8.12.80 Asstt. Personal Officer N.Rly. Locoworkshop through his order service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

12.3.81.

N.B:

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

Mohd. Wasim
Advocate
Counsel for the Petitioner.



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
any
12387

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

== PETITIONER.

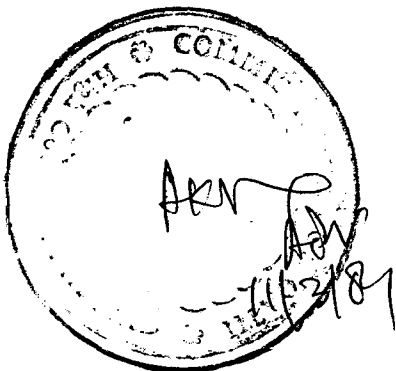
Versus

1. Union of India, through the Secretary,
Ministry of Railways, Rail Bhawan, New Delhi.
2. Sahayak Karamik 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.



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.

Mahd Kaler

...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

Alk V
Adh
4-1-81
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.

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

- 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 Khalesi in the Loco-Workshops, Northern Railway, Charbagh, Lucknow, and to pay the petitioner all the arrears of salary in the scale of

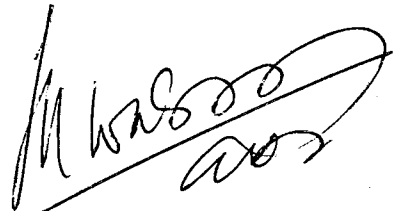
Kth
no

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

Lucknow:

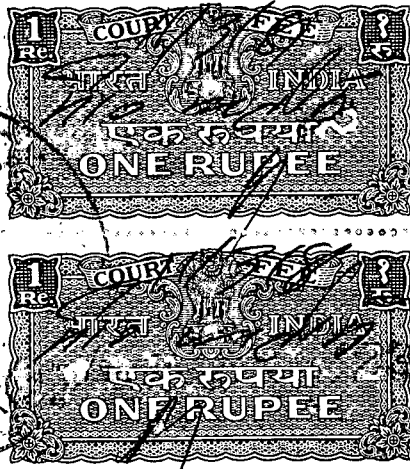
Dated : 12.3.81


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
36
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 26 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..

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3. That Annexures No I and II of the anneded 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.

OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench.

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

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.

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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. I

Report of the District Magistrate,

Lucknow. -- Attached.



रिपीट जिला मैजिस्ट्रेट - लखनऊ

उप मुद्दा या याचिका कीधनता उत्तर प्रदेश रेल रुक जन धरुणा
वारदात - लखनऊ ।

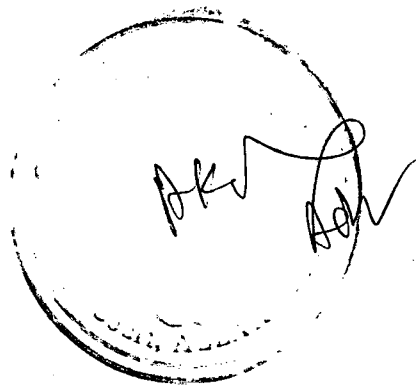
रिपीट सख्या-2034/1979

मोहम्मद कलीम पुत्र स्वर्गीय अब्दुल जलिल

उपरोक्त विधायक आपके पत्र सख्या- 245/स्वर्गीय 6 तारीख दिनांक
31-7-79 के सन्दर्भ में यह सूचित करता है कि गैपनीय शासनादेश सख्या
4694 जो पीठ - 321-1947 दिनांक 20 अप्रैल 1990 के अतिर पर जमि
की गई तो उपरोक्त अध्याधी का वरिष्ठ अध्याधी और उसके विरुद्ध स्थानीय कोषयुक्त
कथित स्थानीय पुलिस एवं उप महानिरीक्षक (गुप्ता वार्ता) उत्तर प्रदेश
के अधिलेखों में कुछ नहीं है जिससे वह सरकारी नौकरी के लिये जब तक लखनऊ
में रहे ही अनुपयुक्त घोषित किया जा सके ।

उ० अफनीय

जति० जिला मैजिस्ट्रेट
लखनऊ



OATH COMMISSIONED
High Court, Allahabad.
Lucknow Bench.

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

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. II

Cop~~y~~ of order dated 8.12.80.

Attached.

ARV
11/31/80

जी. एल. 19-ए/जनरल 99 छोटा
1-A/Genl. 99 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 Mahd. Kaleem
S/o Lali Sri Abdul Jalil T. No. MS.
1457, Khallasi of Machine Shop
Loco CB. Uko is here by
terminable w.e.f. 8.12.80 AM. Under
rule 149 R.I. allowing 14 (Fourteen)
days wages in lieu of the
"Notice period".

sd/-
Asstt. personnel officer
N.Rly Loco CB. Uko

Copy to: D.C. Tr., N.C. C.B. & L. (31)

SAO/CB and SS/MS for
information and n/a
② Mahd. Kaleem MS. 1457-C/SS/MS

Asstt. personnel officer
N.Rly Loco CB. Uko

Agai Kumar
JAIN, COMMISSIONER
High Court, Allahabad,
Lucknow Bench.

46...
Date

86/131/81

11/3/81

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

वादी मुद्दै

प्रतिवादी (मुद्दालेह)

का

वकालतनामा



25/5/87
12.3.87

Mohammed Kaleem

वादी (मुद्दै)
(अपीलान्ट)

बनाम

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

ने मुद्दमा सन् १६ पेशी फी ता० १६ ई०
ऊपर लिखे मुद्दमा में अपनी ओर से श्री M. Waseem, Advocate

H. Y. Khan Adv. 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 जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या सुलहनामा या इफ्बाल 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 [फरीकलाबी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखती] रसीद में लेवें या पेच नियुक्त करें। वकील महोदय द्वारा जो गई वह सब कार्यवाही हमको स्वयं स्वीकार हूँ और होगी में यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार 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 काम आवे।

Mohd Kaleem

हस्ताक्षर १

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हस्ताक्षर

स्वीकृत

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

माह

सन् १९८७

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के समक्ष
के न्यायालय में

वादी
प्रतिवादा

प्रतिवादी
वादी

बनाम

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, रुपया 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 अधिव्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित 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 समायोजित 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।

तारीख 19.....

निष्पादन करने वाले अधिकारी का पदनाम

व अदालत श्री मातु कै. श्रीय प्रशासनिक न्यायाधीशरण रणलड पोस्ट लावनिक

वादी अपीलान्ट श्री मो. कलीम

महोदय

वकासत नामा

प्रतिवादी रेस्पान्डेन्ट

भारतसंघ व नम बहाम वादी अपीलान्ट प्रतिवादी रेस्पान्डेन्ट

सं० मुकदमा ANO-809 सन 1987 (1) पेशी की ता० 01.07.1989 ई०

ऊपर मुकदमा में अपनी ओर से श्री अनिल क्षीवास्तव रेल ठाथी वक्ता

एप्रडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ और
बिछे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ
पेरेवी व जवाब दे ही व प्रश्नोत्तर करे य कोई कामज दाखिल करे या लौटाये
या हमारी ओर से डिगरी जारी करावे आर रुपया सख्त करे या सुलहनामा
या इकबाल दावा तथा अपील व निर्भरानी हाजिरी आर हमारे या अपने हस्ताक्षर
से दाखिल करे आर तसदीक करे य मुकदमा उठावे या कोई रुपया जमा करे या हमारी
विपक्षी प्परीकसाती का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर मुक्त
इस्तफती रखी से लेवे का पंच 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
11-8-89

हस्ताक्षर
रजय क. वशिष्ठी
०१.०७.१९८९

समझी गवाह

दिनांक-.....महीना.....सन 19...ई०

नाम अदालत
सं० मुकदमा
नाम फरी कैस.....बहाम.....

मुकदमा/21488

56-254-888

ब अदालत श्रीमान
[वादी अपीलान्ट]
प्रतिवादी [रेस्पाडेंट]

In the Hon'ble Court of District Judge
[वादी अपीलान्ट] का वकीलतनामा
[प्रतिवादी रेस्पाडेंट]

Page No - 809 of 1987 (T)



11382/81

वादी (अपीलान्ट)

Mohd. Kileem - Vers

- Applicant -

नं० मुकद्दमा सन् पेशी की ता० १६ ई०
बनाम प्रतिवादी (रेस्पाडेंट)
Munir of India - Respondent

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

व Sn. V.S. Tripathi, Advocate वकील
महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय 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 में 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 उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर श्री T.N. Tiwari

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिवांउ ... महीना ... सन् १६ ई०

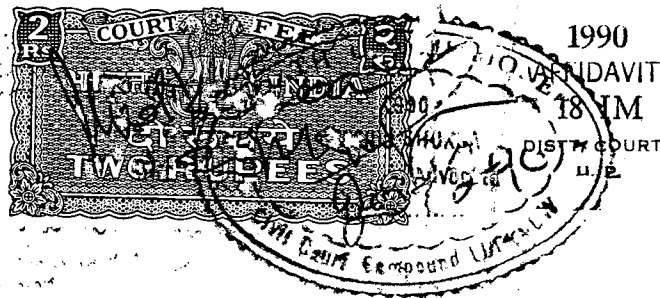
एवीकृत

(T.N. Tiwari)

(V.S. Tripathi)

1/29

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



K/50

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

Mohd. Kaleem

...Applicant/petitioner.

Versus

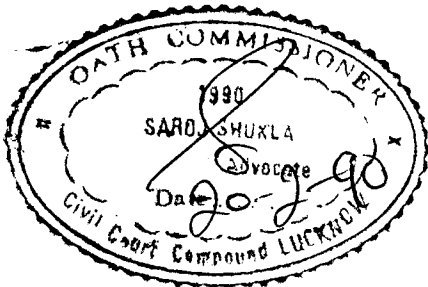
Union of India & others

...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,
Kurm Tola, Risaldar Park, Maqboolganj, P.S.
Qaisarbagh, Lucknow, do hereby solemnly affirm
and state on oath as under :-

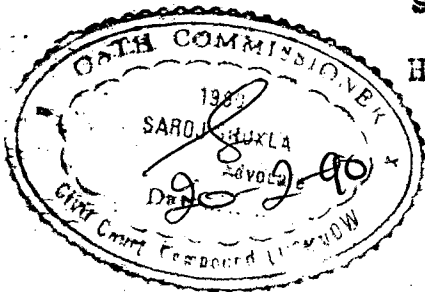
1. That the deponent is applicant/petitioner
in the instant case and as such he is fully
conversant with the facts of the case and with
those deposed here below.

Attested on 20/1/90

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. 8/26

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 judgement was reserved.

4. That during arguments it was observed by the Hon'ble Bench that to ~~verify~~ ^{check} 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

सत्यमेव जयते

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.

Deponent

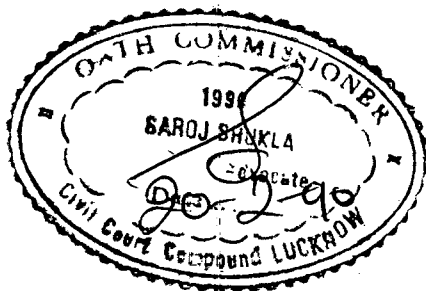
Verification

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.

Deponent



Solemnly affirmed before me in office to day at 10-40 by Mohd. Kaleem who is identified by Shri T. N. Tevar 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

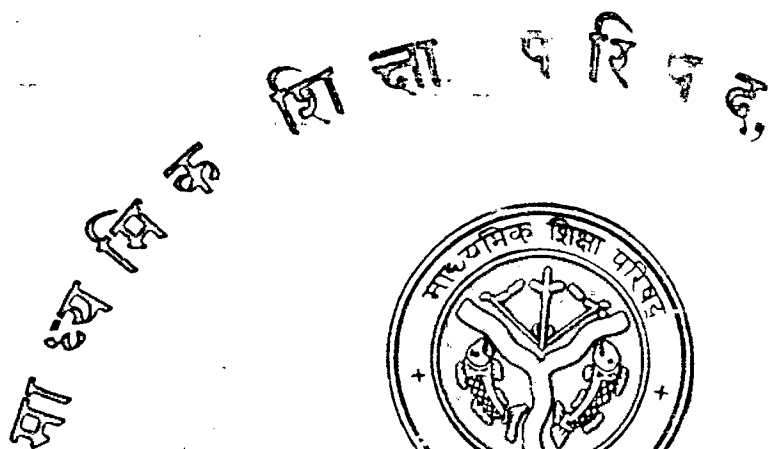
Saraj Shukla
Oath Commissioners
Civil Court

Annexure-A-1

संख्या 263247

क्रम-संख्या

98989



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 — में विशेष योग्यता प्राप्त की है।

नाम — मौहम्मद कलीम

पिता का नाम श्री — अब्दुल जलील

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

विद्यालय/केन्द्र का नाम — व्यायज रंगली बंगाली इण्टरमीडिएट कालेज, लखनऊ

परीक्षा-विषय :-

१-हिन्दी

२-गणित/संज्ञान

३-नागरिक शास्त्र

इलाहाबाद

दिनांक ३० जून, १९७३ ई०।

४-चित्रकला (आवैधिक)

५-अंग्रेजी

६-X

(आत्म प्रकाश)

सचिव।

TH. A. Khan

T.N. Tripathi

Q. 2. 3
+
+
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, Raisaldar Park, Maqboolganj, P.S.
Qasrbagh, Lucknow, do hereby solemnly affirm
and state on oath as under :-

1. That the deponent is 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 M.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 judgement 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

Amixan - A-I

अनुक्रमिक 263242

कम-तक

9:10

माध्यमिक शिक्षा परिषद्, 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/संज्ञा

३-नागरिक शास्त्र

इलाहाबाद

दिनांक ३० जून, १९७३ ई०।

*चित्रकला (आवैधिक)

*अंग्रेजी

*X

(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

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 peition/application are denied for want of knowledge.
6. That the contents of paras 5 and 6 of the peition/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. I. Sec. C.B., Lko

contd...3

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., Lko
contd...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. Seco. C.B., Lko

Annexure No C-1

Ref No 527 - 8.11.80

कार्यालय जिलाधिकारी, लखनऊ

संख्या:- 1432(2)सेलह-राउस(3)

दिनांक नवम्बर 21, 1980

विषय:- श्री मो० कलीम पुत्र श्री गुलाम अली निवासी अमीनाबाद लखनऊ के चरित्र एवं पूर्ववृत्त सत्यापन की जाँच के सम्बन्ध में ।

=====

सेवा में,

Michael Meek Enge (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 अधीनक लखनऊ की जाँच आख्या के अनुसार अध्यर्थी के विरुद्ध पत्र संख्या 20 द्वारा 324 आईपीओ सी० का सुकदमा विचाराधीन है ।



जिलाधिकारी (प्र०),
लखनऊ।

Attested
True copy

धन्यवाद
सदर,
लखनऊ

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.

महेश्वरी अर्जन

Recd duplicate
of the writ
Adv
06/04/90

FT
L
01/2/90

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 :

Mohammed Kaleem son of late
Sri Mohammad Abdul Jalil, Resident
of 86/117, Kurma Tola, Raisaldar-
Park, Maqboolganj, Police Station
Chausarbagh, 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 A-1 to this rejoinder.

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

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 ~~Days~~ 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 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 mis-reading 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 endogent 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

निरन्तर अर्चना

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.

n/entr in ch
petitioner/applicant.

Verification

I, Mohd. Kaleem son of late Mohd. Abdul
Jalil, resident of 86/117, Kurm Tola, Risal-dar
Park, Mubeeiganj, 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.

n/entr in ch
Petitioner/applicant.

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

Shrinani
(T.N.T. wari)
Advocate
counsel for the applicant.

इन दी आनरेबुल सेन्टल एडीमिनिस्ट्रेटिव द्यूबनल ,
अडीशानल बेन्च इलाहाबाद,
सर्किट बेन्च लखनऊ ।

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

मोहम्मद कलीम

-- अपलीकान्ट

बनाम

यूनियन आफ इण्डिया

- रिस्पान्डेन्टस

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।

7/8/80

Signature

5/

A/44

4/41

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

7382

of 198

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
28/3/21	माननीय न्यायं श्री अमृतचन्द्र शर्मा स्वतंत्र	
	माननीय न्यायं श्री मधुवीर सिंह	
	विचारार्थ स्वीकार है।	
	नोटिस जारी है।	
	8th, 2002.	
	8th, M.S.	
	26.3.21	
	26-11-87 fixed for	NTO
	attendance	20/12
	No. 15 opp. parties ma	
	153 by Reg. Part.	
	12/10/87	
	Service report is w/	
	O.P. No 1 - Represented by Mr. BMN Kachar	Ach
	O.P. No 2003 - Regd. cover have not been returned.	
	A Notice like receipt	
	has been received, attach	
	herewith.	
	Submitted	
	Sd/- Mising	
	13.4.82	

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.

Mohd. Wasim
Advocate

H.B:

Counsel for the Petitioner.

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

Mohd. Wasim
Advocate

13/c.

17/11/81

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, Risalder 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 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 challaned 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.

9

..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 :-

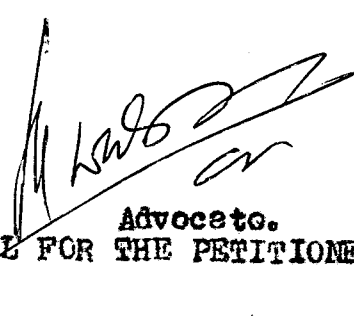
- i) That the order dated 8.12.1980 passed by the opposite party no.3 may kindly be quashed.
- ii) That the opposite parties may be directed by a Writ of Mandamus to treat the petitioner as continuing in service and not to interfere with the discharge of his duties as a substitute Khalesi in the Loco-Workshops,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

..7..

S. 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.

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 Mohammad Abdul Jalil, resident of
86/117, Kurmi Tola, Hisaldar Park, Imbboolganj
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 herounder.

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 Mohd. 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.

ਵਿਸ਼ੇਸ਼ ਵਿਸ਼ਾ ਸ਼ਿਕਸ਼ਾ - ਨਿਮਨ

ਅਪ ਫੂਟ ਬਾਲੀਸਟ ਫੀਲਡਿੰਗ ਅਨੁਸਾਰ ਪ੍ਰਬੰਧ ਪੈਸਾ ੮੦ ਸਮ ਫਾਇਲ ਪੈਸਾ
ਬਾਲੀਸਟ - ਨਿਮਨ ।

ਵਿਸ਼ੇਸ਼ ਵਿਸ਼ਾ-2030/1979

ਸੰਸਥਾਪਨਾ ਕਮਿਸ਼ਨ ਪ੍ਰਮਾਣਿਤ ਪ੍ਰਮਾਣਿਤ ਪ੍ਰਮਾਣਿਤ

ਅਪਰੀਤ ਵਿਸ਼ੇਸ਼ਤਾ ਕਾਰਨ ਪਸ ਕਮਿਸ਼ਨ- 2030/੮੮੮੮ ੦ ਨਿਮਨ ਵਿਸ਼ੇਸ਼ਤਾ
30-7-79 ਦੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਬਦਲ ਦਿੱਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਸੰਸਥਾਪਨਾ ਪੈਸੇ ਕਮਿਸ਼ਨ
4694 ਦੇ ਪੈਸੇ - 221-1987 ਵਿਸ਼ੇਸ਼ਤਾ 20 ਕਮਿਸ਼ਨ 1990 ਦੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ
ਕੇ ਸਾਰੇ ਸਾਰੇ ਅਪਰੀਤ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਕਮਿਸ਼ਨ ਕਮਿਸ਼ਨ
ਕਮਿਸ਼ਨ ਕਮਿਸ਼ਨ ਕਮਿਸ਼ਨ ਕਮਿਸ਼ਨ ਕਮਿਸ਼ਨ (ਕਮਿਸ਼ਨ ਕਮਿਸ਼ਨ) ਅਨੁਸਾਰ ਪ੍ਰਬੰਧ
ਦੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ
ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ ਪੈਸੇ ਕਮਿਸ਼ਨ

੮੦ ਕਮਿਸ਼ਨ

ਕਮਿਸ਼ਨ ਵਿਸ਼ਾ ਸ਼ਿਕਸ਼ਾ
ਨਿਮਨ

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

श्री. प्र. 14-8/मार्च 80 धर
17/अप्रैल, 80 धर

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 Mahd. Kalam
S/o Late Sri Abdul Jalil T. No. MS.
1457, Khallasi of Machine Shop
Loco CG. Ws is here by
terminated w.e.f. 8.12.80 A.D. Under
rule 149 R.I. allowing 14 (fourteen)
days wages in lieu of the
"Notice period".

Asstt. personal officer
N.Rly Loco CG. Ws

Copy to: D.C. Tk., H.C. (P.B. & R.)
SAO/CG and SS/MS for
information and n/a
MS. 1457 C/O SS/MS

Asstt. personal officer
N.Rly Loco CG. Ws

1/2

7

4

TOP SECRET

-

contd...f..

24

1985-1986

1970 Position under
No. 200/177 of the
Constitution of India

1514 - 1519 - 1520

00 001000000

Topic:

Number of letters and two
others

Mr. C. B. Rogers

22200

By the said Nelson and one of you,
one of two named John Bell, partner of
C. W. Bell, for a wife, William Bell, daughter
William Bell & Son, formerly, to have
voluntarily given and made an oral or written

To and the Government is the petitioner in the above captioned petition, hence fully conversant with the facts of the case coming to knowledge.

8. The fact that 100 of every 2 to 14 of the
country will practice the same to 17 are identical.

CC-000000

8/6

2. That pursuant to X and XI of the amended
this petition was assigned and that copies
are now on file by the Government and are the
true copies of the same

In witness

600

Parents

(1884, Volume)

VERIFICATION

I, the above named defendant do hereby verify that
the contents of pages 1 to 10 of this affidavit
are true and correct. Nothing material
has been concealed therefrom and no part thereof
is false or untrue.

Signed and verified before me

by of

1884 in the county of ...

Notary

Signature

(1884, Volume)

I, the above named defendant do hereby verify that
the contents of pages 1 to 10 of this affidavit
are true and correct. Nothing material
has been concealed therefrom and no part thereof
is false or untrue.

Signature

Notary Public for the State of ...
My commission expires ...

Witness my hand and seal this ... day of ... 1884

Annexure 2

नो. दल. 10-ए/ननरन ११ छोटा
Genl. ११ Smu

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 Mahad. Kaleem
S/o Late Sri Abdul Jalil T. No. MS.
1457 Khallasi of Machine shop
Loco CB. Uko is here by
terminable 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. Tk, & C.C.B. (R) ^{with memo}
SAO/CB and SS/MS for
information and n/a
Sd/- Mahad. Kaleem MS-1457 C/O SS/MS

Asstt. personnel officer
N.Rly Loco CB. Uko

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.

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} ~~PERSONAL~~ Assistant Mechanical Officer, Loco, Charbagh, Lucknow. on 27.7.1979.
3. That the contents of para 2 of the petition/application are not denied.

Challan by

Asst. Personal Officer, 45
Rly. Loco. C.R., 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 Khallagi 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. IV

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. Ry. Loco, G.B. 1 k.
contd...4

VERIFICATION

I, the official above named do hereby vorify that the contents of para 1 of this reply are true to my personal knowledge and thoseof 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. Rly. Loco. C.B., Lko

Annexure No C-1

Page No 327 - 327/233
10

5/5

कार्यालय विलायिकारी, लखनऊ

संख्या:- 1432(2)सेलह-राउस0(3)

दिनांक नवम्बर 21, 1980

विषय:- श्री मो० कलीम पुत्र श्री गुलाब अली निवासी जमीनाबाद लखनऊ के वीरत्र एवं पूर्ववृत्त सत्यापन की जांच के सम्बन्ध में ।
=====

सेवा में-

Dy Chief Mech. Engr (10)
Reco Shop - N. R. C. B.
Lucknow

उपरोक्त विषय आपके पत्र संख्या

211 E / Sub / Chhann

दिनांक 1-7-80 के संदर्भ में मुझे यह कहना है कि वीरत्र पुलिस अधीनस्थ लखनऊ की जांच आख्या के अनुसार अव्यर्थी के विरुद्ध प्रमाण सं० 20 धारा 324 आई०पी० सी० का मुकदमा विचाराधीन है ।



विलायिकारी (प्र०),
लखनऊ।

Attested
True copy

Handwritten signature and official stamp of the District Magistrate, Lucknow.

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

4/20

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 अर्पित

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
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.

11/2/22 dt 11/2/22

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

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 ~~Serve~~ ~~Session~~ 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

wr^t pet^t on/applⁱcatⁱ on are hereby
re^terated.

11. That in reply to para 11 of the counter
affⁱ dav^t 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 applic^able
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
indigent 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 affⁱ dav^t
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-dav^t
is denied and it is submⁱtted that there was
no efficacious and alternative remedy available
to the applicant/pet^titioner but to prefer the

निराकरण

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.

petitioner/applicant.

Verification

I, Mohd. Kaleem son of late Mohd. Abdul
Jalil, resident of 86/117, Kurma Tola, Raisaldar
Park, Maaboolganj, P.O. asarbagh, 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.

Petitioner/applicant.

Identified by:- Mohd. Kaleem s/o late
Mr. Mohd. Abdul Jalil who has signed before me.

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

१७/७
एन ही यानरेबुल सेन्ट्रल एडमिनिस्ट्रेटिव दायरान ,
एडीशनल सेन्च एनालवाह,
सर्टिफिड सेन्च लखनऊ ।

केस नं० 809 सन 1987/11
डक्यून्ट्री० 1382 सन 1981

मोहम्मद कलीश

— अपलीकान्ट

बनास

युनिफन आफ हाण्डिया

— रेस्पान्डन्टस

एनेजर् = 1

रिपोर्ट जिला मजिस्ट्रेट लखनऊ

उप मुख्य यांत्रिक अभियन्ता, उत्तर प्रदेश,
रेल इंजन कारखाना - धारावाग ।

रिपोर्ट संख्या ॥ 2035/1979॥24-8-79॥लखनऊ

मोहम्मद कलीश पुत्र स्वर्गीय अब्दुल जलील

उपरोक्त विषयक आपके पत्र संख्या 245/एचजी
छत्तासी दिनांक 31-7-79 के सन्दर्भ में यह सूचित करता
हूँ कि गोपनीय एनालनादेश संख्या 4694/2-पी०-321-
1957 दिनांक 28 अप्रैल 1958 के आधार पर जांच की गई
तो उपरोक्त अभ्याधी का चरित्र अच्छा है और उसके विश्व
स्थानीय अभिसूचना कार्यान्वय, स्थानीय पुलिस एवं उपमण-
निरीक्षक ॥ मृत वाता ॥ उत्तर प्रदेश के अभिलेखों में
नहीं है जिससे यह सकाराती नौकरी के लिए जब तक लखनऊ
में रहे तो अनुपयुक्त धीरे-धीरे किया जा सके।

ए. अठनीय

मजिस्ट्रेट,
लखनऊ।

26.3.81

1

21-10-81

H

4/6

3699

3

सं. नं. १२, दिनांक १ अक्टूबर ८०

विभाग

(संख्या १२, दिनांक १ अक्टूबर ८०)

प्रती (मुक्त रिक्त) प्रान्त-सं. १६, १७

W.P. सं. 1382 सं. १६/८० में

Mohd. Kaleem

प्रति

Union of India others

Union of India Through the Secretary

Ministry of Railway Rail Bhawan

New Delhi

प्रतिवादी के नाम

जुनि ऊपर लिखे प्रान्त ने इस न्यायालय में आरोपित मुकदमे के सम्बन्ध में

Copy attached

लिखे प्रार्थना पत्र दिया है अतः आपको सूचित किया जाता है कि आप दिनांक 26

26

मास 11

सं. १६/८०

को या उसके पहले उपस्थित होकर बतलायें कि प्रार्थना पत्र क्यों न रद्द कर लिया जाय। उक्त प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विस्तारित 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 नियुक्त में हो जायें।

प्रार्थना पत्र और प्रान्त द्वारा लिखे गये स्पष्ट पत्र की एक प्रतिलिपि संलग्न की है।

3699

जॉर/नं.

0592

12-6-81

ज्याए गए पत्र दिवसों का मूल्य

Amount of stamp affixed

एक

Received by the Insured

प्राप्त करने वाले का नाम

Addressed

पीमे का (बको में)

Insured Rs (in figure)

सीमा शुल्क 60

Insurance fee Rs.

बेजनेबाले का नाम व पता

Name and address of sender

पत्र का निर्देशन में दी

पत्रों के बचत जारी की

Issued subject to terms and

conditions in P. O. order



Union of India
Secretary
Ministry of Railway
Rail Bhawan
New Delhi

रजिस्ट्रार

नंद लाल

माम सं. के अधीन प्रान्त

के हस्ताक्षर

21-10-81

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2

कार नोट रजिस्ट्रार

विशेष विभाग

(अध्याय १२, नियम १ और ८)

प्रतीना (मुक्त फिल) प्रतीना-पत्र सं० - - - - - सं० १६ ६०

W.P. सं० 1382 सं० १६०/६० में

Mohd. Kuleem

प्रति

Union of India & others

Sahayak Karamik Adhikari

Loco, Workshop Northern Railway

Charbagh Lucknow

प्रतिवादी के नाम

25 मुक्ति ऊपर लिखे प्रमाणों ने इस व्यापार के उपरोक्त मुद्दों के सम्बन्ध में

copy sent

लिखे प्रमाण पत्र दिनांक 26 मार्च 11 - 1981 को या उसके पहले उपस्थित होकर बतलायें कि प्रमाण पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रमाण 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 विषय आपकी अनुपस्थिति में हो जायेंगे।

प्रमाण पत्र और प्रमाण द्वारा दिये गये स्पष्ट पत्र की एक प्रतिलिपि इसी के साथ

लगी है

2

आवर/No.

591

-10-81

मास-

अमास गण अथ टिकटों का शुल्क

Amount of stamps added

एक रजिस्ट्री सीमा

Received by Registered Insured

मानेवाले का नाम

Address

नाम

Insured for

Insurance fee

सेमनेवाले का नाम पता

Name and address of insured

अफसर के अधिकार में दी गई

जहाँ से प्रमाण जारी की गई

Issued subject to terms and

conditions in P. O. Guide

तिथि

सूचना

तत्काल



LKa

सहायक अधिकारी के हस्ताक्षर

द्वारा

के अधीन प्राप्त

एक बागा माने वाले कर्मी के हस्ताक्षर

21-10-81

N 4/4
3699
1

प्राथमिक न्यायालय
अध्याय 12, नियम 1, 2, 3

निवेदन विषय:

प्रार्थना (पुनर्कार्य) : प्रार्थना पत्र संख्या - 138-2

सं. 138-2

Mohd. Kaleem

Union Indenters

S. L. N. Bapari & Co. Not Known

Personal Officer, Loco. work shops

Northam Railway, Charbagh Lucknow

प्रतिवादी के द्वारा

हो कि अगर लिखे प्राथमिक न्यायालय में उपरोक्त मुकदमे के सम्बन्ध में

Copy Attached लिख प्रार्थना पत्र दिया है अतः आपकी आदेश दिया जाता है कि आप दिनांक 26 मास 11 सन 1981 ई० को या उससे पहले उपस्थित होकर बतलायें कि प्रार्थना पत्र क्यों न स्वीकार कर लिया जाय या त प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विचारित किसी और दिन होगी।

विदित हो कि यदि आप अगर लिखे दिनांक पर या उसके पहले स्वयं अथवा वकील या ऐसे व्यक्ति द्वारा जो आपकी ओर से कार्य करने के लिए अनुमति लब्ध हो, प्रार्थना पत्र न हों तो उस प्रार्थना पत्र की सुनवाई और निर्णय आपकी अनुमति पर ही

प्रार्थना पत्र और प्रार्थना द्वारा दिये गये तथ्य पत्र की एक प्रतिनिधि इसी के साथ

हस्ताक्षर और न्यायालय की प्रतीति से आज दिनांक 12-10-81 सन 1981 ई० में

..... को आवेदक

उपरी उल्लेखित
न्यायाधीश/तलम

सूचना इस न्यायालय की 1952 की नियमावली के अध्याय 37, नियम 2 के अधीन प्राप्त तलबाना मिल गया।

तलबाना देने वाले वकील के हस्ताक्षर

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

सं० ई० (जी०) 10 एल० एल० 3 — 3

नयी दिल्ली, दिनांक 11-11-1987.

सेवा में,

..... डिप्टी रजिस्ट्रार
इलाहाबाद हाई कोर्ट
लखनऊ

विषय.— W.P. No. 1382/87
Mohd. Kalam

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 Rf इस मामले को निबटाने में सक्षम प्राधिकारी हैं। इसलिए विचाराधीन सम्मन/आदेश आवश्यक कार्रवाई हेतु उन्हें भेज दिये गये हैं।

भवदीय

11/11/87
जवाहर लाल नेहरू
कृते सचिव, रेलवे बोर्ड

संलग्न : कुछ नहीं।

सं० ई० (जी०) 10 एल० एल० 3 — 3

दिनांक 11-11-1987.

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

इस मामले में सुनवाई की तारीख है।

संलग्न : यथोक्त।

कृते निदेशक, स्थापना
रेलवे बोर्ड

Before the Honble Joint Registrar

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

1/80

1/81

Mohd. Kaleem

1/83

Petitioner

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

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)

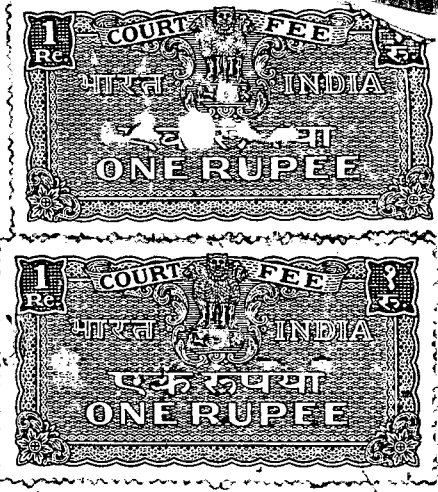
So (Writ)

Please report immediately

Urgent 17/11/82

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.

Sl. No. & Description of case	Whether case pending or decided	Full particulars of papers of which inspection is required	Name of person who will inspect & record	If applicant is not a party, reason for inspection.	Officer to whom report to be made
<i>Mohd. Kaleem — Petitioner vs. Ministry of Railways & others — Respondents</i> <i>Writ Petition No. 302 of 1981 (Cusumwa)</i>	<i>Pending</i>	<i>Mohd. Kaleem — Petitioner vs. Ministry of Railways & others — Respondents</i> <i>Full File Required</i>	<i>Mohd. Wassem Akbar</i> <i>Counsel for petitioner</i>	<i>Petitioner's Counsel</i>	<i>Plamen V. Singh</i> Officer Report Order for inspection <i>Signature</i> Deputy Registrar Date

15.1.82
 Inspection commenced at _____ on _____ 19____
 Inspection concluded at _____
 Inspection fee already paid with Application Rs. _____
 Additional fee, if any paid Rs. _____

Signature of applicant or his advocate
15/1/82
16

Dr. G. S. Singh
3.13.82
20/4/82

Tsmm of 8-12-80

K/10

1/10

27-7-79 Attd Subhul Khaleesi' affl Mhd Kaleem S/o ~~Mhd~~ Abdul Jalil,
7/0 Kurmi Tola, Risaldas Park,
Magboolgang Lucknow.

Enquiry 8-12-80 - without any break

Advers report of Character verification

8-12-80 - ~~Since terminated due to adverse report on Character verification~~

An C,



But this relates to one Mhd Kaleem S/o Ghulam Ali
7/0 Amrabad Rko.

But see RA1 = AM with

An C of 24-0-79 of

Character verification of

Mhd Kaleem S/o Abdul Jalil

Govt checker

by ADM :

~~On an enquiry report of~~
BSP function a copy of 324 SPs
of PS Wazirganj under trial of
Mhd Kaleem - ...

Thence order

8-12-80 Am 2

Copy of An C, the files are under ref
8-12-80 Am and sub 149 Railway Inquiry
with 14 dyp wfs in lieu of note

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

No. E(G) 89 -LL3-3(73)

New Delhi, dated 5/5/1989

To,

The Registrar, Central Administrative Tribunal,

UCCIC NOW.

Sub:

TA-809/89(T)

onhd. Kalappa - 10-10-12

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,

[Signature]

DA: Nil.

for Secretary, Railway Board.

No. E(G) 89 -LL3-3(73)

New Delhi, dated 5/5/1989

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

Railway for further necessary action.

The next date of hearing is 10/7/89

DA/As above.

[Signature]

Desk Officer Establishment
Railway Board

$\frac{A}{49}$

✓ RD

Dated the 25-1989.

Registrartion T.A.No. 809 of 193 (T).

Mohd. Kaleem Applicant's

Versus

Union of India

Respondent's

To

- ① mohd. Kaderi, Ro/ 26/117, Kusmitola, Palsadar park, makbool gang, P.S. Quatibagh, Lko.
- ② Union of India, through Secretary, Ministry of Rlys, Rail Bazar Lko.
- ③ Sahyuk Karamik Adhikari, Loco-Workshop, N. Rlys, Charbagh, Lko.
- ④ Sri L. N. Baidpai, 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 1939 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 199.

D. S. Dubey
For Deputy Registrar (J)

dinesh/

11/21/94 to 11/21/94

2.5.89

150 61

श्री. मान उच्छी राजस्टर सादर

सी. ए. टी. गोंद्वी भवन

लखनऊ

सेवा में -

सावनच निवेदन है कि मेरा रिट नं -

1382/81 हाई कोर्ट में था जो बाद में ~~दिलख~~

कोर्ट में भेज दिया गया अब मेरा फाइल नं०

809/87 को मुकदमा की जाया कर के जलदी

सुनवाई करें /

आप से एक प्रार्थना यह भी है कि पहले

दम ~~में~~ 86/117 कुमारी रीता रिवाज दाल पाक

लखनऊ में रहते थे अब मेरा पता यह है -

नया पता = मोहम्मद कलीम

964 मधरसे वाली गली, गोला बाजार

वालियाली मुहल्ल संघ के

अतः आप से निवेदन है कि कार्यालय द्वारा

दम से जो भी पता उपलब्ध किया जाय इसी पते पर करें

Shi Singh
19/4

मोहम्मद कलीम

809/87 (हाई कोर्ट पिटीशन नं. 1382/81)

युनिवर्सल ऑफ इण्डिया

13.4.89

Registered

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

No. CAT/CB/LKO/ 1220

Dated the 25.11.89.

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

Mohd Kaleem

Applicant's

Versus

Union of India

Respondent's

To (H) Sri L.N. Baspai,
Personnel Officer, Loco workshops,
Northern Railways, Chas 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 as above.

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

For Deputy Registrar(J)

dinesh/