

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

TA NO. 835/87 INDEX SHEET
CAUSE TITLE OF NO 41/00/87 OF

NAME OF THE PARTIES..... Ram Chandra Dixit

..... Applicant

Versus

..... Soni of Sudhir Baru

Respondent

Part A, B & C

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3	Judgment sheet at 03-8-92	A7 to A9
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5	C.M.A. NO 7143/81 dt 13-8-81	A33
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7	C.M.A. NO 1364/82 early application/apply	A35 to A49
8	Rejoinder affidavit	A50 to A54
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10	Any other papers with notice	
11		
12		
13		

CERTIFICATE

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

Dated 17-1-12.....

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

INDEX SHEETCause Title T.A. 835/87 of 1987Name of the parties R. C. Dixit Applicants.

Versus

U.O. 5

Respondents.

Part B.C.

Sl. No. Description of documents Page

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2	Judgement	A ₈ to A ₁₀
3	Petition	A ₁₁ to A ₁₈
4	Annexure	A ₁₉ to A ₃₂
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6	M. P. J. Reply	A ₃₄ to A ₄₄
7	Rejoinder	A ₄₅ to A ₅₄
8	<u>B. File</u>	
	Petition, Annexure	B ₅₅ to B ₉₆
	CA and RA and	
	Power	

(This file open without costs)

Certified that no further action is required to be taken and that the case is fit for assignment to the recorders (D)

SOL(5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 035 of 1987 (J)

(1) A1

APPELLANT
APPLICANT

R. C. ~~Dasmal~~ Dixit

DEFENDANT
RESPONDENT

VERSUS

U.O.L

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

(1) 15.9.89

Hon. Justice K. Nath, V.C.
Hon. K. J. Raman, A.M.

On the request made
on behalf of the learned counsel
for the applicant, who is out of
station, list this case for
orders on 8.9.89

W.M.C.

OR

V.C.

A.M.

OR

Case has been
referred to Alld.
on 19.7.89
W.P. is Admitted
CA./RA. has not
filed.
Notices issued
from C.A.T. Alld.
OC attached
Submitted for
order.

8.9.89

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

Sri M.R. Mishra, learned counsel for
the applicant and Sri Arjun Bhargava, holding
the brief of Sri Umesh Chandra, learned counsel
for the respondents are present. Sri Bhargava
says that the brief of Sri Umesh Chandra contains
a copy of the counter affidavit, but Sri Mishra
admits that he has not received any copy of the
counter affidavit. There is, of course, no counter
affidavit on the record of the case. The learned
counsel for the respondents may check up and
arrange to file a counter affidavit within four
weeks. Rejoinder affidavit, if any, may be filed
within two weeks thereafter.

Learned counsel for the respondents point
out that on 18.8.1981 an interim order was passed by

OR

Case is submitted
for order

L
7/9

(P.M.)
the Hon'ble High Court preventing the eviction of the applicant from a certain accommodation which he had occupied in his capacity as a Railway employee, but on the own case of the applicant, regarding his date of birth, he has crossed the age of superannuation and, therefore the interim order should no longer remain in force. The learned counsel for the applicant says that the interim order dated 18.8.81 was only for two months, which has lapsed, as it was not extended. The learned counsel for the respondents point out that by an order dated 19.10.1981 of the Hon'ble High Court the interim order was confirmed. According to the learned counsel for the applicant, the confirmation enures only for the period of two months from the date of the order.

Be it as it may, we are satisfied that since the applicant had crossed the age of superannuation quite sometime back, there is no further justification for continuance of the interim order, which consequently is vacated.

List this case for final hearing on 17.11.1989.

A copy of this order may be given to the learned counsel for the respondents within two days.

(P.M.)

A.M.

(P.M.)
V.C.

pg.

(3)
17-11-89

No sitting Adj. to 10-1-90
Counsel for applicant is present

17-11-89

(4)
10-1-90

No sitting Adj. to 7.3.90

10/1/90

(2)
N.C. 41/1
S.K. 1
L
6/1

⑤

②

T.A

(7)

Hon. J. P. Sharma, J.M

A₂

No one is present for the applicant. The brief holder for the respondent, shri A. Bhargava, wants time to file counter affidavit. He is allowed 2 weeks time.

The matter be listed on 4/5/90.

⑥ 8

4-4-90

Hon. K. S. Math, V.C.

Hon. K. J. Ramaan, A.M.

J.M.

OR

No CA filed
S.P.O
30/4

Shri R.C. Dixit present in person.

Shri A. Bhargava appears on behalf of the opposite parties and says that he received brief from ~~Shri~~ the earlier counsel only recently. His request to file counter within one week is allowed. Rejoinder may be filed within 3 weeks thereafter. List for final hearing on 17-5-90.

AB

LCR
H.M.A.M

OR
V.C.

OR
No CA filed
S.P.O

h
16/5-

835/87(7).

17-5-90 Hon. Mr. Justice K. Nach, v.c.
Hon. Mr. K. T. Raman AM

(P)

Shri Arjun Bhargava files
counter on behalf of all the respondents.
Learned counsel for the applicant
requests and is allowed two weeks
time to file rejoinder. List for
final hearing on 25/7/90

AM

AM

(P)

V.C.

OR NO RA filed

S. P. H.

23/7/90

(A)

25-7-1990:

Hon'ble Mr. Justice K. Nath, VC,
Hon'ble Mr. K. Obayya, AM

Sri M.R. Mishra for the petitioner and Sri Arjun
Bhargava for the respondents are present. Learned
counsel for the petitioner files rejoinder. The
case is listed for final hearing on 23rd October, 1990.

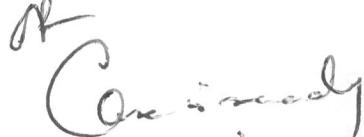

(A.M.)


(V.C.)

ES/

23.10.90

No sitting Adjudged to 5.12.90


C. Kennedy
for hearing
S.P.H.

5.12.90

No sitting Adjudged to 25.1.91.


L
17/K

25.1.91

No sitting Adjudged to 7.2.91

7/2/91

Hon. Mr. Justice K. Nath, VC
Hon. Mr. K. Obayya, AM

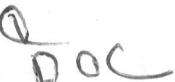
On the request for adjournment made
on the behalf of applicant's counsel
Sri M.R. Mishra on the ground of his
being out of station the case is adjourned
and listed for final hearing on 5/4/91. It
is hoped that no further adjournment
will be sought.


A.M.


V.C.

5.4.91

case not reached case is
adjudged to 27.6.91


D.O.C.

(Pb)

27.6.91.

Hon. Mr. K. Obayya. OM
Hon. Mr. S. N. Prasad. J.M.

On the request of counsel for
applicant, case is adjourned
to 9.9.91 for hearing.

E

J.M.

B

ARM.

9.9.91 No sitting adj. to 13.11.91

h

13.11.91. No sitting adj. to 3.1.92.

h

3.1.92 No sitting adj. to 13.2.92

h

13.2.92 No sitting adj. to 7.4.92

h

7.4.92 No sitting adj. to 13.5.92

h

13.5.92 No sitting of D.B.
adj. to 20.7.92

h

20.7.92

No sitting adj.
3.8.92

h

OB
Case is ready
for hearing
31.7.92

(A7)

%

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH : LUCKNOW.

ORDER SHEET NO. --

OFFICE REPORT

ORDER

C.A.T.A. NO. B35/870

Date
38.92

Han. Bh. V.C.
Han. Bh. Mr. K. Obays. A.M.

Heard the Counsel for the
Parties. Judgment dictated
separately.

A.M.

V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO _____ 199 (L)

T.A. NO _____ 835 of 1987(L)

Date of Decision _____

R.C. Dixit

PETITIONER.

Advocate for the Petitioner(S)

VERSUS

Union of India & Others

RESPONDENT.

Advocate for the Respondent(S)

CORAM

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

The Hon'ble Mr. K. Obayya, Member (A)

1. Whether Reporter of local papers may be allowed to see the Judgment?
2. To be referred to the reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether to be circulated to other benches ?

Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transfer Application No. 835 of 1987(L)

Versus

Union of India & Others Respondents

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

Hon'ble Mr. K. Obayya, Member (A)

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

This transfer application has been filed under section 29 of the Administrative Tribunals Act, 1985. The applicant has prayed that issue a writ in the nature of certiorari quashing the order passed by the respondent no. 3, retiring him from service and they may be directed to treat the applicant in continuous service taking his date of birth as 16.7.1925 and his further prayer was made that the appeal be decided which was never decided.

2. According to the applicant he was appointed as a 'Marks Man' in the Lucknow Division of North Eastern Railway on 1.7.1945 at an age of 20 years. According to the applicant he never gave-out his date of birth as 16.7.1919. As a matter of fact, his date of birth was 16.7.1925. At that age he could not have been taken in service as the minimum age of appointment was 18 years and maximum was 25 years and assertion which has already been admitted by the respondents that the maximum age was 25 years. On 16.7.1919 he became 26 years old, in the year 1945 i.e. he has crossed the maximum age. He put thumb mark though, he was a literate person. According to the applicant he submitted his School Leaving Certificate which indicates that the date of birth was 16.7.1925.

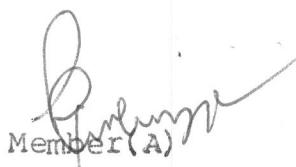
:: 2 ::

A representation was filed by the applicant, was not disposed of and his date of birth was not corrected, with the result, the applicant was retired from service on 31.7.1977.

3. The respondents have stated that while giving him appointment on 16.7.1945, his past services were also taken into consideration. Which is also evident from the facts of the Board's letter dated 16.10.1955 written with reference to Oudh & Trihut Railway seeking correction of his fathers' name to be Shri Jagannath Prasad, although the applicant has denied the correctness of the said letter which is on record, indicates that an application was moved by one Sri Ram Chandra that his fathers' name has wrongly been entered as Shiam Lal, it should be entered as Jagannath Prasad. The respondents have not admitted the correctness of Gram Pradhan Certificate regarding his date of birth. The respondents have stated that copy of School Leaving Certificate did not bear the School Seal. After 15 years there is no question of age of birth and as such the application of the applicant deserved to be dismissed. However, In case the applicant still furnishes cogent evidence and proof that his date of birth was incorrectly recorded and that as a matter of fact he was born in the year 1925, the applicant may approach the Chief Personal Officer North Eastern Railway within the period of two months and in case he is satisfied from any such evidence which is furnished, which indicates that in fact his date of birth was earlier is incorrectly recorded @XXXXXX-X@XXX

Alo
AK
:: 3 ::

then necessary order will be passed. No order as to costs.


Member (A)


Vice-Chairman

Lucknow dated 3.8.1992.

(RKA)

VIL

SIDE

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

ure and number of case..... W.P. 4100-81
 Name of parties..... Ram Chander Dixit v. S. Mohan 82nd
 Date of institution..... 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
A 1		Civil decree	1					
A 2		Order sheet	1					
A 3		Writ Pet- and officer	23	4	102 -			
B 4		Power -	1	1	5 -			
A 5		C.M.A. 7143 Q.D. 1	1	1	5 -			
B 6		Ex C.M.A. 1364 W-82	3		7.00			
7		order sheet	3-	-	-			
8		Bench Copy.	1-	-	-			

I have this

day of

198

examined

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

Munsarim

Clerk

group-A14(C)

627

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

Lucknow Bench, Lucknow.

4100

X

Writ Petition No. 4100 of 1981

27

Ram Chander Dixit Petitioners.

Versus

Union of India and Others Opposite- Parties.

I N D E X

S.No.	Description of documents	Pages
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2.	Affidavit i	6-7
3-	Annexure No.i	8-9
4-	Annexure No. 2	10-11
5-	Annexure No. 3	12-14
6-	Annexure No. 4	15-16
7-	Annexure No. 5	18-19
8-	Annexure No. 6	20-21
9-	Annexure. No. 7	22
10-	Vasalatnama.	29
ii-	Application for Stay.	24

CAIRN

M. R. Munir

Advocate

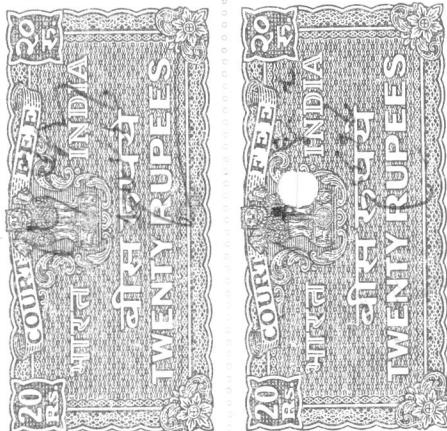
Lucknow, dated
13.8.1981.

Counsel for the Petitioners

INDIA COURT FEE

60RS.

AII



One Draft Rs 60/-
Draft Rs 40/-
10/-
168/-

In The Hon'ble High Court of Judicature at Allahabad before
Bench Lucknow.

W.P. No. 4100 of 1981

Ram Chandar Dixit — — — — Petitioners.

vs

Union of India & others — — — — opp. Parties.

13. 8. 1981

M. R. Muni

Schoekli
counsel for the petitioners.

A12

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

Writ Petition No. 4100 of 1981.

Ram Chander Dixit, son of Sri Jagannath Prasad,
resident of Block No. T/19/R Railway Quarter,
Railway Colony, City Station, Lucknow.

... Petitioner.

Versus

36-81

36-81

1. Union of India through General Manager, North Eastern Railway, Gorakhpur.

2. The Railway Board through the Chairman, Rail Bhawan, New Delhi.

3. The General Manager, North Eastern Railway, Gorakhpur.

4. Chief Personal Officer, North Eastern Railway, Gorakhpur.

... Opposite-Parties.

Writ Petition under Article 226 of the
Constitution of India.

The above-noted petitioner begs to submit as follows :-

1. That the petitioner was initially appointed as a 'Marks Man' in the Lucknow Division of North Eastern Railway on 1st July, 1945 at an age of 20 years.

2. That for the first time the seniority list 'Marks Man' was prepared from the year 1973 and on its perusal it was found for the first time that the date of birth of the petitioner has been incorrectly entered in it as 16-7-1919 instead of 16-7-1925. On a probe being made by the petitioner he was informed that this incorrect date has been mentioned in his Service Book as well.

3. That this date of birth i.e. 16-7-1919 was apparently incorrect as under the prevalent Service Rule the minimum age of entering into service was 18 years and maximum was 25 years as such by the age entered in the

AA
A12/81

District: Gorakhpur

MEMO.

One Impressed Rs 60/- or
Two Adhesive Rs 40/- or
Total 100/-

~~Correct but final Court-fee report
will be made on receipt of lower
Court record.~~

~~In time up to~~

~~Papers filed. Copy of P, C
should also be filed.~~

~~W.M. - Bench.~~

Last unexpired order
Annexure 1 - 25.4.77
Audited
14.8.87

Am T.S.M.J
Am R.C.S.S.J

Admit. Issue notice

T.S.M.J

M/S 18.8.1981

A13

X3

Service Record, that is 16-7-1919 he would have been of 26 years, in the year 1945 and would have been of over age for the service, as such several representations were sent against this entry to the opposite-party no. 3 for correcting this entry.

4. That the petitioner is a literate person but this entry in Service Book has been found to be thumb marked under a scored writing, which writing appeared to be of some other person. The date of birth had not been entered by the petitioner by his own hand-writing.
5. That in support of his contentions the petitioner had submitted to the opposite-party no. 3 his School Leaving Certificate where his age is entered as 16-7-1925. He had also submitted a certificate from Pradhan of the Village where the petitioner was born. He had also certified that the date of birth of the petitioner was 16-7-1925.
6. That the opposite-party no. 3 never decided any representation of the petitioner and it was the opposite-party no. 4 who took the matter in his hand and without applying his mind to this controversy and the evidence on the record rejected all the representations of the petitioner without communicating any reasons for rejection.
That against this decision as such, a representation had been filed on 5-4-1977 to opposite-party no. 2 where it had been made clear that his representations were not being decided by the ~~General~~ General Manager and they were being rejected by the opposite-party no. 4, who had no authority under law to decide that matter.
8. That this representation was sent to the opposite-party No. 3 for being decided afresh and this time he also rejected it by his order dated 25-4-1977. A ~~true~~ true copy of this order is filed as Annexure-1.



13/10/81

P.P
36-81/2/1919

9. That taking it to be an order passed by the opposite-party no. 3 an appeal was filed against it to the Railway Board, the opposite-party no. 2 and in the meantime the petitioner was retired from Service on 31-7-77. This time an enquiry was started and a Railway Officer was deputed to get the matter enquired. He made an enquiry and submitted his report to his immediate superior officer who submitted the whole record to the Head Office for being sent to the opposite-party no. 2 so that the appeal of the petitioner be decided by it. A true copy of the letter dated 13-5-1980 with which the record had been submitted is filed herewith as Annexure-2.

10. That inspite of such report and that the record having been ~~sent~~ submitted in May 1980 no decision is being taken by opposite-party no. 2, as such, reminders were sent on 19-8-1980, 4-4-1981 and 23-7-1981, true copies of which are filed as Annexures- 3, 4 and 5 respectively.

11. That no decision in this respect is taken by the opposite-party no. 2 and having retired the petitioner from service the opposite-parties are not paying any heed to his miserable plight on account of which the petitioner is facing starvation and misery to an extreme.

12. That the petitioner is filing a true copy of the School Leaving Certificate and the certificate of the Pradhan for the perusal of the Hon'ble Court as Annexures-6 and 7 which evidences go to show that the correct date of birth of the petitioner is 16-7-1925 and not 16-7-1919 and that he had been quite illegally retired on 31-7-77.

13. That a Writ Petition against this order passed by the opposite-party no. 3 dated 25-4-1977 had been filed before this Hon'ble Court- Writ Petition No. 2084 of 1977 which had been dismissed on the ground of alterna



13/8/81

म

tive remedy of Civil Suit, but on new circumstances this Writ Petition is filed again for the kind consideration of the Hon'ble Court.

14. That the opposite-party no. 3 has now served a notice over the petitioner to vacate the Railway Quarter in which the petitioner is at present residing with his family and in case of default, to charge penal rent from the petitioner.

15. That the petitioner has now no hope of any Judicial decision from the opposite-parties and there being no other alternative remedy against their such arbitrary action this writ petition is being filed on the following

G R O U N D S

(a) That the order passed by the opposite-party no. 3 (Annexur I) is apparently illegal as it is based upon a decision of another officer who was not competent to decide this ~~matter~~ ⁱⁿ ~~in~~ matter under Rule 145 of the Indian Railway Establishment Code. His order as such without his own application of mind to the present dispute is quite illegal.

(b) That against this order an appeal had been filed before the opposite-party no. 2 which is still pending but is, not being decided although atleast four years have passed, which action of the opposite-party no. 2 is quite illegal.

(c) That even on merits there is the evidence of School Leaving Certificate (Annexure-6) Birth Certificate by Pradhan based upon birth entry in Register of Births and Deaths maintained in the official course of business (Annexure-7) supported by the enquiry report of the Railway Official and the report of the concerned official (Annexure-2) there is no doubt in the assertion of the petitioner that his date of birth is actually 16-7-1925, which stands proved still no decision is being taken on ~~the~~ ⁱⁿ his appeal ~~against~~ which action of the opposite-party no. 2 is arbitrary.

(d) That there is no evidence on the record to show and establish that the date of birth of the petitioner is 16-7-1919

36-81

13/8/81



21842181

still the opposite-parties have taken this date of birth as conclusive and have retired him from service which action is nothing but arbitrary.

(e) That under Rule 145(1) of the Indian Railway Establishment Code the entry in Service Book could be binding only when it had been ^m written by the petitioner in his own hand writing and signature, but in the instant case the entry is thumb marked which thumb mark is alleged to be that of the petitioner, under a scored name- which is quite suspicious and in this view of the matter this entry is not to be relied upon- the action of the opposite-parties no. 3 and 4 in taking it to be conclusive is arbitrary and quite illegal.

Under the circumstances it is most respectfully prayed that the Hon'ble Court be pleased to -

- (i) Issue a Writ in the nature of certiorari quashing the order passed by the opposite-party no. 3 copy of which is Annexure I, after summoning the original from him.
- (ii) Issue a Direction to the opposite-parties to treat the petitioner in continuous service taking his date of birth as 16-7-1925 and entitling him to his full pay and allowances to which he would have been otherwise entitled had he not been retired.
- (iii) In the alternative a Direction may be issued to the opposite-party no. 2 to decide his appeal within a time fixed by this Hon'ble Court.
- (iv) Such other relief may also be allowed to which the petitioner may be found entitled with cost of this petition.

Lucknow dated

August 13, 1981.

M. R. Misra
Advocate
Counsel for the Petitioner.

6

Am

In the Hon'ble High Court of Judicature of Allahabad:

Lucknow Bench : Lucknow

A F F I D A V I T

In re:

Writ Petition No. ----- of 1981

Ram Chander Dixist ----- Petitioners-

Versus

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

I Ram Chander Dixist aged about 56 years son Sri Jagannath Prasad resident of Block No. T/19/D Railway Quater Railway Coloney City Station Lucknow take ~~on~~ and ~~state~~ as under ;-

I That the deponent is the petitioner in the above noted Writ petition.

2- That the contents of paras 1 to 14 of this writ petition ^{my} ~~are~~ true to ^{my} own Knowledge.

राम चंद्र दिखिल

Lucknow dated

Deponent

13-8-1981

my

I, ~~Identify~~ the abovenamed deponent, do hereby verify that the contents of paras 1 and 2

my

13/8/81



13/8/81

To my own knowledge 1981
of this affidavit are true, nothing material
has been concealed, so help me God.

13/8/81

13/8/81

A/8

13/8/81

Date /13-8-81

13/8/81

13/8/81

Deponent

I identify the deponent, who has signed in
my presence.

M. R. Misra
(Raja Ram) ~~Shah~~
Clerk to (Sri M.R. Misra,
Advocate.)

13

Solemnly affirmed before me on 13/8/1981 at
5.15 ~~A.M.~~ P.M. by Sri Ram Chander Dixit, the
deponent, who is identified by Sri Raja Ram, Clerk
to Sri M.R. Misra, Advocate, High Court, Allahabad.
13/8/81 Lucknow Bench, Lucknow.

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

Rasasad

(Signature of Deponent)

Date: 13/8/1981
High Court, Allahabad

Lucknow Bench.

No. 36 of 81

Date: 13-8-81

इन दिन आनंदेश्वर हाई कोर्ट आप चुडीकेवर एट इताहाबाड़,

लखनऊ बैच्च, लखनऊ।

रिट पिटीशन नं०

आप 1981.

राम चन्द्र दीक्षित - - - - - पिटीशन

बनाम

यूनियन थाप इण्डिया आदि , , , , , अप० ०- पाठीज़

अनैम्यर नं०- २

पूर्वितर रेतवे

कायांलय महात्र प्रबन्धक है कामिकू,

म० का०/७१/४ है नवम् है

गोरखपुर।

दिनांक 25/4/1977.

श्री राम चन्द्र दीक्षित,
माक्समैन, ऐश्वार्यमार्पण स्टेशन मास्टर,
पूर्वितर रेतवे, ऐश्वार्य,
लखनऊ।

विषय: - जन्म तिथि के सम्बन्ध में।

सन्दर्भ: - आपका आवेदन पत्र जो रेतवे बोर्ड के पत्र संब्या
इरीरिप० ११-७७ ई० ११-७४ सामान्य है दिनांक ५.४.७७.
साथ प्राप्त हुआ है।

आपकी जन्म तिथि आपके सेवा कार्ड पर 16.7.1919 शक्ति

है जिसका आपने अपना अंगूठा निशान देकर स्वीकार किया है। आपके

अनुरोध पर सक्षम अधिकारी ने आपके जन्म तिथि पर विचार का नियंत्रण
किया था कि इसमें संशोधन का कोई जाँचित्य नहीं है।

25 वर्ष से अधिक आयु पर नियुक्ति के प्रश्न पर केवल यही

कहना है कि इस रेत पर बहुत सी मिसांते ऐसी हैं जहाँ कर्मचारी 25

एन यूट डिक्षित

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वर्ष से अधिक आयु पर रेत सेवा में उन दिनों भी हुई है।

ग्राम सभापति के प्रमाण पत्र तथा स्कूल प्रमाण पत्र जो आपने प्रस्तुत किया था उस पर सक्षम अधिकारी ने निर्णय रेते समय विवार किया था।

पुनः मैत्रिक परीक्षा कराने का प्राविधान नहीं है।

६०- अपठनीय।

महा प्रबन्धक रू कामिकू।

चौथरी 123477.

सत्य- प्रतिज्ञिपि

36-81



BNK
13/10/81

ग्राम पट्टरादिकार

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ਇਨ ਦਿ ਆਨਰੈਬੁਲ ਹਾਈ ਕੋਰਟ ਅਤੇ ਯੁਡੀਕੇਚਰ ਏਟ ਵਿਤਾਵਾਦ,

ਲਾਨਮਤੇ, ਬੈਨਕ, ਲਾਨਮਤੇ।

रिट पिटीशन नं०

अटप 1981.

କଣାମ

यूनियन आफ इण्डिया आदि - - - - - - - - - - - अपौ०- पाटीजि

अनैग्जर नं०- २

आरो सी० माध्य

कायर्त्तिय मण्डल रेत पवन्धुका 10

सहायक कार्मिक अधिकारी

द्वितीय मण्डल रे० प्र० ४ का०

ੴ ਸਤਿਗੁਰ

अ० श० पत्रोक है/ आर स०/ म० पर्व माकमैन/80.

मिश्रिय श्री भसीन,

विषय: - श्री राम दन्दर दीक्षित् ५० प० मार्क मैन लॉनेंज
सिटी के जन्म तिथि के संशोधन के सम्बन्ध में।

सन्दर्भ : - आपका आरोपित पत्रोंक इ/71/4/ 111 नमूने लुक
दिनोंक 23, 26, -11- 79, 1.2.80.

उपरोक्त के सन्दर्भ में आपको उचित किया जाता है कि आपके आदेशानुसार श्री राम चन्द्र दोषित भू० प० मार्कमैन की जन्म तिथि उसके द्वारा दी गई स्कूल प्रमाण पत्र की सत्यता की जौच पद्धता व हेतु आरो वी० सहाय, हित निरीक्षण से कराई गई। जौच रिपोर्ट की मूल प्रति तथा स्कूल के प्रधान अध्यापक की रिपोर्ट की मूल प्रति आपके अवसरकनार्थ एवं उचित कार्यवाही हेतु भेजी जा रही है।

सामयिकी

उपर वित्त कर्मचारी को जो स्कूल प्रमाण पत्र यूनियर बेसिक विद्यालय

कौटिल्यारा विकास क्षेत्र कुम्भी ३० गोला ३० जिता लोरी लग्नीमपुर ३० रोप्पी
डारा किया गया है। उसे हित निरीक्षक ने सही माना है तथा साथ ही
साथ उपरोक्त स्कूल के बर्तमान प्रधान अध्यापक ने भी इस बात की पुष्टि
की है कि श्री राम चन्द्र दीक्षित उसी स्कूल के छात्र रहे चुके हैं। स्कूल -
सार्टीफिकेट में उपरोक्त कर्मचारी की जन्म तिथि दिनांक 16.7.25 अक्तित
है जो सत्य प्रतीत होती है परन्तु प्रधान अध्यापक ने यह भी अपने बयान में
लिखा है कि उक्त स्कूल से 1944 से पहले का रिकार्ड चोरी बता गया है
इसलिये उपरोक्त नहीं है।

उपरोक्त कर्मचारी की जन्म तिथि उसके प्रथम रेत में नियुक्ति के समय
दिनांक 16-7-1919 अक्तित की गई थी जो अनुमान पर आधारित थी और
वही उसके रिकार्ड ४० वी कार्ड पर अक्तित किया गया था और बाद में
कर्मचारी ने अपना बाया अंगूठा लगाकर अपनी सहानुभूति में दी थी
कर्मचारी को दिनांक 31-7-77 को सेवानिवृत्ति किया गया था जो उसे
मान्य नहीं था।

अतः कर्मचारी ने अपने सेवा निवृत्ति के विषय में रेत परिष्कृद को अपील
की है जिसका पैसांता वहीं से होना है।

कृपया उचित कार्यवाही करके इस कार्यालय को सूचित करें।

संलग्नक 1- हित निरीक्षक की जोच रिपोर्ट की मूल प्रति

2- प्रधान अध्यापक के बयान की मूल प्रति।

भवदीय,

ह०/ आर ची. माधुर ३०

श्री पी. आर. भसीने.

प्रकापिक ३० रु०

कार्यालय महा प्रबन्धक ३० का०

गोरखपुर।

पू० रेतवे।

सत्य- प्रतिशिष्पि

राम चन्द्र दीक्षित

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इन दिन आनंदेश्वर है इंकोर्ट आफ शुल्केवर एट इताहाबाद,

लखनऊ बैच्व, लखनऊ।

४८

रिट पिटीशन नं

आफ 1981.

राम चन्द्र दीक्षित - -

- - पिटीशनर

बनाम

यूनियन आफ इण्डियन आदि - -

- अपौ०- पाटीर्ज

अनैम्जर नं०- ३

सेवा में,

आदरणीय रेतवे मंत्री,
रेत भावन,
न्यू दिल्ली

सन्दर्भ : - मेरी पूर्व अपील दिन 30.8.79.

विष्य : - जन्म तिथि की अशुद्धिकरण से रेतवे सेवा से निवृत्त होना तथा इसके विरोध में एवं पुष्टिकरण हेतु अकात्य साक्ष्य का प्रस्तुत करना।

श्रीमान् जी,

सेवा में विनम्र निवेदन करते हुये आपका ध्यानाकर्ष अपनी पूर्व अपील की ओर एक बार पुनः ले जाते हुये कुछ आशाजनक शब्दों को प्रस्तुत करता हुआ, प्रार्थी निम्नोक्त संकेत को सहर्ष आपकी सेवा में देते हुये करबद्ध प्रार्थी प्रेक्षि कर रहा है। आशा ही नहीं अपितु पूर्ण विश्वास है कि आप अपनी उदारता पूर्ण लेनी डारा प्रार्थी के कुणी एवं कष्टमय जीवन में आशा एवं हृषीत्वास का संचार करेंगे।

मैं जैसा कि मैंने दिन 30- 8- 79. की अपील डारा आपको पूर्ण रूपेण अवगत कराया था, कि मेरी वस्तुतः जन्म तिथि 16-7- 1925 है, व

16.7.1919 नहीं। यह अशुद्ध जन्म तिथि 16-7- 1919 का प्रार्द्धभाव

राम चन्द्र दीक्षित १० क्यों प्रश्ने हुआ और कैसे हुआ। यही एक समस्या का विष्य बना हुआ है



Kar
13/8/81

बौरे हसी विष्य मे मुझे रेत सेवा से 6 वर्ष पूर्व ही अवकाश ग्रहण करा दिया।

४२४ अनी जन्म तिथि की सत्यता के प्रमाण स्वरूप मेरे डारा विद्यार्थी स्कूल लौरिंग सार्टीफिकेट मूल प्रतिलिपि के स्पष्ट मे ग्राम सभापति का प्रमाण पत्र मी अपनी जन्म तिथि के पुष्टिकरण हेतु मण्डल रेत प्रबन्धक पूर्वान्तर रेतवे लंबनु वो प्रस्तुत किये जा चुके हैं।

४३५ मण्डल कार्मिक अधिकारी लंबनु एवं मुख्य कार्मिक अधिकारी गोरख-पुर के बीच मुझे यह सूचना देकर मेरे प्रार्थनापत्र ढुकरा देते रहे कि जन्म-तिथि मे परिकर्त्ता अथवा परिवर्धन सम्भव नहीं है। अस्तु अवकाश ग्रहण का दृष्टिकोण मेरी अशुद्ध आयु 16-7-1919 को मानकर दि 0-31-7-77

४५८ वर्षोंको रेत सेवा से वित्तग कर दिया जब कि मेरी वास्तविक आयु उस समय मात्र 52 वर्ष की थी।

४५९ जब कही से भी मुझे सच्चे न्याय एवं उचित आशाजनक आदेशों की उपतब्धि नहीं हुई तब विवश होकर आपको मैंने दि 0 30.8.79. को आपके रेत भवन मे स्वयं उपस्थित होकर अपीत डारा न्याय की मील मांगी।

५५० यह भी सत्य है कि आपने मेरी अपीत पर कार्यवाही की मेरी सर्व पर्याप्त घर भी अवसान्न हुआ। आपके रेत भवन ने महा प्रबन्धक कार्मिक गोरखपुर को पत्र डारा विष्य को समुचित जानकारी की भर्तीना की। इस भौति मेरे केंद्रे एक बार पुनः जीवन संबार हुआ। जैसा कि पत्रों के आदान प्रदान से अनुभवन हुआ।

५५१ अब मेरा केस अपने पूर्ण चरम सीमा के स्तर पर पहुँच चुका है।

वयोंकि कायक्ति रेत प्रबन्धक लंबनु मण्डल डारा पूर्ण जोच कराई जा चुकी

है।

राम यद्दप्याकृत



13/8/81

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है। आयु की सत्यता को जोच पद्धति द्वारा निरीक्षा द्वारा भी समाप्त होगी है। इसी जोच के द्वारा न बर्तमान प्रधानाध्यापक महोदय का पुष्टिकरण भी लिया जा चुका है।

२७। उपरोक्त सन्दर्भ में दि ० १३-५-८०, को सब लखनऊ मण्डल रेत प्रबन्धक लखनऊ ने अपने पत्र द्वारा महा प्रबन्धक श्री कामिकृष्ण गोरखपुर को सूचित किया है कि उपरोक्त कर्मचारी की जन्म तिथि उसके प्रथम रेत में नियुक्ति के समय दि ० १६-७-१९१९ अवित की गई थी जो अनुमान पर आधारित है और वही उसके रिकार्ड में वी० कार्ड पर अवित किया गया था।

बाद में कर्मचारी ने अपना बाया थेगूठा लगाकर अपनी सहानुभूति भी दी थी कर्मचारी को दि ० ३१-७-७७ को सेवा निवृत्ति किया गया जो उसे मान्य नहीं था इसी जानकारी के आधार पर महा प्रबन्धक गोरखपुर ने भी दि ० ९.६.८०, को आपके यथावत् सूचित कर दिया है।

उपरोक्त तथ्यों के ध्यान में रखते हुये यह कहना असत्य न होगा कि सत्य की विजय होती है। समूर्ण जोच पद्धति एवं पत्रों का आवागमन का प्रतिपत्ति स्पष्ट होगया है। वूँकि अन्तम आदेश आपकी लेनी द्वारा ही होना है अतएव आपसे नग्न निवेदन है कि प्राथी की अपील का शीर्षातिशीघ्र निवारा कियाजाये। क्योंकि प्राथी रेत सेवा से निवृत्त होकर असहाय अवस्था में रोटी रोजी का शिकार बना हुआ आपके शौहार्द्यपूर्ण आदेशों की प्रतीक्षा कर रहा है।

दिनोंक १९.८.१९८०.

प्राथी,

राम चन्द्र दीक्षित ॥ १० पू० मार्क मैनरू।

ठी। १९ डी रेतवे क्वार्टर रेतवे कातोनी, लखनऊ सिटी स्टेन लखनऊ ॥ ३० प्र००।

सत्य- प्रतितिपि



१३/८/८१

राम चन्द्र प्राथी

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इन दिन आनंदबुल हाई कोर्ट आफ जुडीकेर एट हजाहावाद, १५

लखनऊ बैनच, लखनऊ

रिट पिटीशन नं०

आफ १९८१.

राम बन्द्र दीक्षित - -

पिटीशनर

बनाम

दि यूनियन आफ इण्डिया आदि - - - अप००- पाटीज़

अनैजर नं०- ४

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सेवा में,

श्रीमान् चेयर मैन रेतवे बोर्ड,
न्यू दिल्ली।

विष्य : - श्री राम बन्द्र दीक्षित मू० प० मार्क मैन लखनऊ सिटी एन० ३०
रेतवे के जन्म तिथि के सम्बन्ध में।

महोदय,

सविनय निवेदन है कि प्राथी० एन० ३० रेतवे लखनऊ मण्डल में लखनऊ -

सिटी स्टेशन पर मार्क मैन में निपुक्त था प्राथी० की जन्म तिथि १६.७.१९
25

थो परन्तु प्राथी० की जन्म तिथि १६-७-१९१९ दिना कर दिनोक ३१-७-७७

को रेत सेवा से रिटायरमेन्ट के समय प्राथी० ने अपनी अपील डी० आर० एम० ८

एन० ३० को किया प्राथी० की अपील पर डी० आर० एम० एन० ३० रेतवे,

लखनऊ मण्डल ने हित निरीक्ष से जोच कराहै जोच में प्राथी० का कथन सत्य

निकला यानि प्राथी० की जन्म तिथि १६.७.१९१९ के बजाये १६.७.१९२५

सही पाई गई जिसकी जोच रिपोर्ट को सहायक कार्मिक अधिकारी द्वितीय

मण्डल रेत प्र०५ का०५ लखनऊ में अपने पत्र संख्या ३० शा० पत्रोक - टी.आर.

सी.भ०पूर्व मेरकी मैन १८० दिनोक १३.५.८० के अन्तर्गत महा प्रबन्ध एन.ई.

रेतवे गोरखपुर को को परन्तु मैं बार बार लखनऊ मण्डल कायात्य से अपनी



13/8/81

राम बन्द्र दीक्षित

००

झूटी पर वापस आने के लिये पूछ तोछ करता रहा जब जब मैंने पूछा तब तब डी० आर० एम० आपिश लखनऊ से मुझे यही उत्तर मिला कि आप की जोव रिपोर्ट महा प्रबन्धक एन० ८० रेलवे गोरखपुर को अवलोकन के लिये भेजी है अन्त में मैं परेशान होकर गोरखपुर महा प्रबन्धक कायर्त्ति गया वहाँ पहुँचने पर मालूम हुआ कि आपका केस चेयर मैन रेलवे बोर्ड न्यू दिल्ली को पत्र संख्या ८०/७१/४/१११/१ × ३०६४ दिनांक ९.६.८०. के अन्तर्गत भेजा है। परन्तु प्राथी को दुर्बंध के साथ कहना पड़ रहा है कि प्राथी को नौकरी से बैठे लगभग तीन वर्ष होशहा है और क्षण में प्राथी के हक में निकला है परन्तु प्राथी को छिपाई अभी तक नहीं मिली है इस महान्नाई के समय में प्राथी को अपनी गृहस्थी चलाना कठिन हो रहा है।

अतः प्राथी आपसे निवेदन करता है कि प्राथी के इस प्रार्थना पत्र पर ध्यान देकर प्राथी को छिपाई पर वापस आने की शीर्घ्र आज्ञा प्रदान करने की कृपा करें।

प्राथी आशा ही नहीं विश्वास भी करता है कि प्राथी के कथम को सत्य मानकर प्राथी को जीवन प्रदान करने की कृपा करेंगे।

टेल- ४.४.१९८१.

प्राथी.

८०- राम चन्द्र दीक्षित १,
४ राम चन्द्र दीक्षित २,
माकी मैन एन० ८० रेलवे
सिटी स्टेशन लखनऊ मण्डल, लखनऊ युध पी०

सत्य- प्रतिलिपि

एम यट्टपट्टा थर
००

कार
१३१८/८१



18 25
हन दि आनरेबुल हाई कोर्ट आप, जुलाई बर एट इसाहाबाद

लखनऊ बैच, लखनऊ।

.....

रिट पिटीशन नं०

आप 1981.

राम चन्द्र दीक्षित - -

पिटीशन

बनाम

यूनियन आफ हिंद्या - आदि

- - अपौ०-पाठीज़

अनैजर - ५

सेवा में,

माननीय रेत मंत्री जी,
रेत भवन,
नई दिल्ली

विष्य: - राम चन्द्र दीक्षित, मार्क मैन, लखनऊ सिटी के गत जन्म -
तिथि के बैकन के कारण सेवा निवृत्त हो जाने के प्रस्तुत्य
प्रार्थना पत्र।

.....

महोदय,

उर्युक्त विष्य पर मैने ५ राम चन्द्र दीक्षित, मार्क मैन, लखनऊ -

सिटी ५ दिनोंक 30.8.1979. को आपके अधीनस्थ कार्यालय में एक प्रार्थना पत्र दिया था जिसमें मेरा यह निवेदन था कि मेरी जन्म तिथि सेवा रिकार्ड में 16-7-1919 गत अंकित की गई और वास्तव में मेरी जन्म जन्म तिथि 16-7-1925 है, जिसके प्रमाण में मैने बोल्ड प्रमाण पत्र भी संलग्न किये हैं।

उपरोक्त मामले को आप द्वारा महा प्रबन्धक, नारेखपुर,

पूर्वोत्तर रेलवे को भेजा गया तथा उन्हें हस विष्य में जोव कराने के लिये

राम चन्द्र दीक्षित पूर्वोत्तर रेलवे लखनऊ को लिखा गया तथा लखनऊ पूर्वोत्तर रेलवे द्वारा हस

....., १२५ पर



36-81
B/18/81

मामते में सम्पूर्ण जोच कराकर जोच सहित मामता का मिक्रॉ ईंटरॉ कायर्टिय महा प्रबन्धक, ईका००१ गोरखपुर पूर्वोत्तर रेलवे को भेजा। किन्तु दो वर्ष से अधिक का समय हो रहा है इस मामते में कोई अन्तिम निर्णयनहीं हुआ है और मामता पूर्वोत्तर रेलवे गोरखपुर के बहों विवाराधीन / अनिर्णीत पड़ा हुआ है। जिसके पश्चात्वल्प में आर्थिक कठिनाईयाँ का सामना कर रहा है।

अतएव निवेदन है कि हँस मामते को शीघ्र निस्तारित करने के लिये आप महा प्रबन्धक, गोरखपुर पूर्वोत्तर रेलवे, गोरखपुर को निर्देश भेजने की कृपा करें, जिससे मेरे मामते में उचित और शीघ्र निर्णय लिया जा सके और उससे मुझे अवगत कराया जाये।

भवदीय,

हृराम चन्द्र दीक्षित०

मार्क मैन,

दिनांक 23 जूलाई, 1981. लखनऊ रेलवे सिटी स्टेशन, लखनऊ।

प्रतितिपि निम्नोंकि वाक्य का आवश्यक कार्यवाही हेतु प्रेसिस : -

- 1- मण्डल अधीक्षक, श्री एम० एस. भास्कर पूर्वोत्तर रेलवे, लखनऊ।
- 2- महा प्रबन्धक, गोरखपुर पूर्वोत्तर रेलवे, गोरखपुर।
- 3- श्रीमान् रेत मंत्री जी रेत भवन नहीं दिल्ली।

ह०- राम चन्द्र दीक्षित,

हृराम चन्द्र दीक्षित०

सत्य- प्रतितिपि

1318181

राम चन्द्र दीक्षित



20 (A 30)

इन दि आनरेबुल हाई कोर्ट आफ जुडीकेचर एट हलाताबाद,

लखनऊ बैन्च, लखनऊ।

रिट पिटीशन नं०

आफ 1981.

राम चन्द्र दीक्षित --

-- पिटीशन

बनाम

यूनियन आफ इण्डिया आदि , , ,

, , , अप००- पाटी०४

अनैम्यर नं०- ६

सत्य- प्रतिलिपि

क्रम संख्या 7,

प्रस्थान प्रमाण पत्र $\#$ लीविंग साटीपिकेट०

स्कूल प्रा० पा० कोटवारा

मण्डल $\#$ जिला $\#$ खीरी।

नाम विद्यार्थी - राम चन्द्र

विवरण

जन्म तिथि - डॉको मै - 16-7-1925,

सौलह चूताईसव उन्नीस सौ पच्चीस

जी नाम कठने का कारण
कक्षा 4 उत्तीर्ण।

वर्ष 14 $\#$ चौदह वर्ष।

बूबू आवरण अच्छा रहा।

पिता का नाम श्री जगन्नाथ प्रसाद $\#$ सूनाम उच्च परीक्षा जो पास की

-- कक्षा 4.

जाति अथवा धर्म - ब्रह्मण्, उत्तीर्ण दिन०५ - 31-5-79

पिता का व्यक्तिय - कृषि, अथवा कक्षा जिससे पृथक हुआ

निवास स्थान ---- देवकली। $\#$ १२० विद्यार्थी की भाषा

- हिन्दी।

राम चन्द्र दीक्षित
१३/८/८१

१० तहसील मोहम्मदी जिला खीरी,

१२०/विद्यार्थी की/।।।

अन्य आवश्यक सूचना

उत्तर प्रदेश में रहने की अवधि - जन्म से

1- क्या वह निश्चिक था नहीं

पृथम स्कूल प्रवेश का दिनोंक 11.7.1931 है।

2- यदि हो तो कब से कब तक

कक्षा पार प्रवेश का दिनोंक

×

3- कोई छात्र वृत्ति मिली या नहीं।

प्रवेश रजिस्टर की क्रम संख्या 119.

स्कूल उपस्थिति का अन्तिम दिनोंक 31-5-1939 है।

स्कूल प्रवेश की पृथम क्रम संख्या यदि हो - × -

प्रथक करने का दिनोंक 10 जून 1939, सन् 1939

दिनोंक 10 मार्च 7 सन् 1939

हो- शिव सरन लाल सरसेनाथ

हस्ताक्षर प्रधान अध्यापक.

प्र.ब. प्रा. पाठ्याला.

कट्टवारा, लीरी।

1- नोट उपरिलिख सब उल्लेख शुद्ध और सुविधिगत है और उस पर प्रधानावार्य के स्पष्ट हस्ताक्षर है।

2- प्रमाण पत्र का लेख प्रवेश पुस्तका ॥ रजिस्टर ॥ के अनुसार होना चाहिये

3- आवरण जहो तक हो सके संकेम में लिखा चाहिये।

4- स्कूल छोड़ते समय की आयु की गणना नाम कटने के दिनोंक तक की जाये

प्रमाण पत्र देने के सदिनोंक तक नहीं।

हो- अपठनीय।



सत्य- प्रतिलिपि

राम यद्दूदाधर



A33

A33

23

1/2

ब अदालत श्रीमान

In the High Court of Judicature
at Allahabad in the year
महोदय
benched 100.

वादी (मुद्दे)

का
प्रतिवादी (मुद्दाब्लेह)

B4/1

4/1

वकालतनामा
 Ram Chander Dixit

वादी (मुद्दे)

बनाम

Union of India & others प्रतिवादी (मुद्दाब्लेह)

नं मुकद्दमा सन १९ पेशी की ता १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री M.R. Mudd

एडवोकेट
 महोदय
 वकील

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

हस्ताक्षर रामचंद्र दिखानासाक्षी (गवाह) साक्षी (गवाह)दिनांक 13 महीना ८ सन् १९८१ ई०

Accepted
 M. R. Mudd

A38

In the Central Adminstrative Tribunal Allahabad
Circuit Bench Lucknow.

W.A. No. 835 of 1987

(W.P. No. 4100 of 1981)

Ram Chandra Dixit

....

Petitioner

Versus

Union of India and others

....

Opp. Parties

Reply on behalf of the Opposite Parties.

Para 1: That in reply to the paragraph 1 of the writ petition, it is stated that the petitioner was appointed on 16.7.1945 (not 3rd. July 1945, as alleged) by Oudh & Trihut Railway (not Lucknow Division of N.E.R. as alleged) at the age of 26 years (not 20, as alleged). It is submitted that N.E. Railway coming into existence, the Oudh and Trihut Railway merged with it. It is also not denied that the petitioner was promoted as marksman on 5.7.1957.

Para 2: That the contents of paragraph 2 of the writ petition as alleged are not admitted. It is submitted that the seniority list of all the categories of staff are published every three years. The seniority list for the year 1973 stated by the petitioner is not the first. The seniority list published from time to time including for the category of marksman containing the date of birth and so the date of birth of the petitioner was shown as 16.7.1919 on the basis of the entries

A39

- 2 -

contained in the service record of the petitioner. The seniority list of the year 1973 was notified on the formation of Divisional System of the North Eastern Railway on 1.5.1969. It is stated that the entries in the service record including the entries regarding date of birth are authentic and correct. Allegations contrary to the same pertaining to service record are incorrect.

Para 3: In reply to paragraph 3 of the writ petition, it is not denied that the minimum and maximum age of entry in service was 18 and 25 years respectively. It is also not denied that according to the service record, the petitioner was 26 years of age at the time of the appointment. Rest of the contents are denied. It appears from the record that while giving the petitioner, an appointment on 16.7.1945 his past service had been taken into consideration. The illustration of his past service is indicative from the petitioner's own letter dated 16.10.1955 written in reference to the Oudh & Trihut Rly. letter No. EO 45 dated 7.7.1945 seeking correction in his father's name to be Shri Jagannath Prasad. A true copy of the letter dated 16.10.1955 is annexed to this reply as Annexure No. C-1. The reference of letter No. EO 45 dated 7.7.1945 is found in letter dated nil (forwarded on 15.9.1945) again written by the petitioner to the

महात कामिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

- 3 -

District Supt. O. & T. Railway Izatnagar. A true copy of the letter dated nil is annexed to this reply as Annexure No. C- 2.

Para 4: That in reply to the contents of paragraph 4 of the writ petition, it is not denied that as per entries in the service record, the petitioner was 6th Fail in education and the date of birth recorded as 16.7.1919 containing thumb impression of the petitioner. Rest is denied. It is stated that the record of service does not indicate a scored writing alongwith thumb impression. The record of service is duly witnessed.

Para 5: That in reply to the contents of paragraph 5 of the writ petition, only the submission of attested copy of certificate issued by the Pradhan of the village vide letter dated 22.4.1973 of the petitioner is not denied, which representation was rejected vide decision taken at the level of the General Manager (P) communicated through its letter No. E/71/40(ix) dated 16.8.73. A true copy of the letter dated 32.4.1973 submitted by the petitioner is filed with this reply as Annexure No. C-3.

महाराष्ट्र कार्मिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

The decision as communicated by the G.M.(P) was passed on to the petitioner on 17.8.73. Against the said decision the petitioner preferred an appeal dated 5.11.'73 wherein he enclosed a true copy of school certificate, a true copy of Gram Sabhapati, which appeal was decided at the level of G.M.(P) that earlier decision communicated stands and no alteration is to be allowed. It is further stated that copy of school leaving certificate did not bear the school seal. Morecever the certificate was for class IV whereas in the service record, the education was declared as 6th. Fail and the certificate of class VI fail was not filed. Even otherwise the school leaving certificate is not an authentic proof of the date of birth.

Para 6: That in reply to the contents of paragraph 6 of the writ petition, it is stated that C.P.O. has rightly taken the decision in the matter of correction of date of birth. However after the receipt of representation dated 1.2.'75 of the petitioner, the case was also seen by the General Manager, who upheld the decision taken and the decision was communicated by G.M.(P) Office ~~was~~ to D.S.(P) vide office order No. E/71/4(ix) dated August 1975.

Para 7: That in reply to the contents of paragraph 7 of the writ petition, it is submitted that though the matter regarding correction of date of birth was correctly decided by C.P.O. ~~MANAGER~~ the representation dated 1.2.75 along with the case was seen by the General Manager, who upheld the decision taken by the C.P.O. earlier and the decision was communicated by G.M.(P) office to D.S.(P) vide office order No. E/71/4(ix) dated August 1975. It is further stated that the representation dated 5.4.77 was disposed off by order as contained in Annexure No.1 to the petition. The decision communicated was taken correctly.

Para 8: In reply to the contents of para 8 of writ petition, only the fact that representation dated 5.4.77 was decided by order dated 25.4.77 as contained in Annexure No.1 to the writ petition is not denied.

Para 9: In reply to the contents of paragraph 9₂ of the writ petition, the submission of a representation to the Railway Board by the petitioner, is not denied. It is also not denied that the petitioner was retired from service w.e.f. 31.7.77 on attaining age of superannuation according to the date of birth recorded in the service record.

संहित कार्यिक अधिकारी
पूर्णोत्तर रेतवे, विजयनगर

It is also not denied that the report dated 13-5-1980 as contained in annexure No. 2 to the writ petition was submitted to the administration. Rest is denied. It is stated that nowhere in the rules, such representation to Railway Board is provided. It is stated that rule 145 of Indian Railway Establishment Code clearly specifies under sub clause (3) of the said rule provides that the date of birth as recorded in accordance with these rules shall be held to be binding and no alteration of such date shall ordinarily be permitted subsequently. It shall however, be open to the President in the case of a gazetted railway servant and a General Manager in the case of nongazetted ~~officer~~ railway servant to cause the date of birth altered: The circumstances in which the date can be altered are given rule 145(3) (i) to (iii). The rule makes the decision of the respective authorities final and the said order can be challenged by means of proceedings before a court of law as has been done in the present case which is highly belated. It is stated that the certificate of school leaving submitted by the petitioner was even not in order as it did not bear the seal of the school which is a pre-requisite. Moreover the same is not an authentic document for being considered and the same was never submitted at the time of appointment of the petitioner in the erstwhile Oudh and Trichur.

Railway in proof of his date of birth.

Para 11: In reply to the contents of paragraph 11 of the writ, petition, it is not denied that the petitioner was retired from service w.e.f. 31.7. 1977, after he had attained the age of super-annuation as per date of birth entered in the service record. Other facts alleged are not relevant for the decision of the case.

Para 12: In reply, it is submitted that the school leaving certificate or certificate of Pradhan cannot form the basis for the correction of date of birth. As already stated above, the copy of the school leaving certificate does not bear the seal of the school, which is most essential and thus the same cannot be relied upon by the petitioners. Even otherwise the certificate is not an authentic evidence. More so the said certificate could not be verified as the records were not available with the school institution.

Para 13: In reply, it is not denied that the petitioner filed a writ petition No. 2084 of 1977 before Hon'ble High Court Lucknow Bench Lucknow and the same was dismissed on the ground of alternative remedy of civil suit. It is stated that once the writ petition has been dismissed, no

ffēsh writ petition is maintainable before the Hon'ble High Court and neither the same is maintainable before the Hon'ble Tribunal, which writ has been transferred on coming in force of the Tribunal Act. It is stated that even on the direction of the Hon'ble High Court, no civil suit was filed by the petitioner, as such the present case is not maintainable.

Para 14: In reply, it is stated that the issue of notice to vacate the quarter is in consequence to the petitioner having retired from service and not entitled to retain the same. It is also correct that where the employee does not vacate the quarter so occupied during the service, he is to pay the penal rent.

Para 15: Denied. As already stated above and admitted by the petitioner himself that he had challenged the action of the opposite parties by means of writ petition, which writ was dismissed on the ground of alternative remedy in civil court, the petitioner's present writ pwtition is not mainta-
nable

(AUG)

-- 9 --

and is liable to be dismissed. It is also stated that none of the grounds are tenable under law. The petitioner is not entitled to any relief and the writ petition is liable to be dismissed with costs to the opposite parties.

Lucknow

dated: 15.5.90


Opp. Parties
मंडल कांग्रेस अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

Verification.

I, KM Ali & Trivari working as D.L.O. Personnel Officer in the office of Divisional Railway Manager, N.E. Railway Lucknow and duly authorised and competent to sign and verify the reply, do hereby verify that the contents of paragraph 1 to 15 of this reply are true to my own knowledge being based on information derived from record and legal advice received.

Signed and verified this 15 day of May 1990 at the office D.R.M. N. E. Railway Ashok Marg Lucknow.


मंडल कांग्रेस अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

A-17

In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow

W.A. No. 835 of 1987

(W.P. No. 4100 of 1981)

Ram Chandra Dixit

Petitioner

Versus

Union of India and others

Opp. Parties.

Annexure No. C-1

NORTH EASTERN RAILWAY

Our Reference

Your Reference

No. .

No: EO 45

date: 16.10.1955

date: 7.7.1945

From: Ram Chandra

To: Distt. Traffic Supdt.

Pointsman

IZN

GK(at IZN)

Sub: Reg: Mistake in father's name.

Sir,

With reference to your above, I beg to point out, that the name of my father is Jagannath Prasad but in your letter no. stated above is as Shiam Lal. This is incorrect. Please rectify the same and advice me when done so, so that in future there will be no trouble etc. to settle all cases.

Yours faithfully

Ram Chandra

P.M. G.K.

मंडल कार्मिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

(A48)

In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow.

T.A. No. 835 of 1987

(W.P. 4100 of 1981)

Ra, Chandra Dixit

Petitioner

Versus

Union of India and others

Opp. Parties

Annexure No. C-2

To: Distt. Traffic Supdt.

O. & T Railway

Izatnagar.

Sir,

Re: My ~~posting~~ to RR

I have to bring to your kind notice that I was a candidate P.man and was posted at RR under your letter No. EO 45/1 dated 7.2.45. After 3 months it was cancelled and other Ram Chandar got chance instead of me and I was considered as a C.Pointsman for the whole period I worked at RR as a permanant hand. I was called in office on 3.8.45 and got another letter no. EO/45 of 7.7.45 of my posting at RR.

Under the above circumstance I would therefore request you kindly give me the same number of my posting as in your first letter or I must get the D/A of Izatnagar Rs. 14/- as I got only Rs.12/- over here. Please look into it and oblige

Thanking you,

True (S/P)

मंदल कामिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

Yours ~~faithfully~~ most
obedient servant

Sd/- Ram Chandar
Pointsman RR

Ansersare No - 2/3

NORTH EASTERN RAILWAY.

No. E/71/4/(T.Y.)

OFFICER OF PERSONNEL MANAGEMENT
GKP: DATED: AUGUST 16 1993.

Aug

The n.s.(p),
N. E. R/LTN.

Sub:- Date of birth of grt Ram Chander Marks Mar 13.6.23
Lucknow City.

Ref:- Your letter No. E/R/M.Mar/73 dt. 13.6.23.

150/6

The Chief Personnel Officer after considering the relevant documents concerning to date of birth of the above named has decided that there are no grounds to alter his date of birth 16.7.1919 in the service records.

Please inform the above named accordingly. His P. Case and service folder are returned herewith.

DA/AS above.

sp93.1923. (M/s)

for general Manager

Head Office (Central)
11th Oct 1993

QH
मंदस कार्यक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

True COPY

Also
%

Before the Hon'ble Central Administrative Tribunal,
Allahabad, Bench at Lucknow.

T.A.No. 835 of 1987

(Writ Petition no. 4100 of 1981)

Ram Chandra Dixit .. Petitioner

Versus

Union of India and others .. Opposite Parties

Rejoinder Affidavit

PT
Q287
I, Ram Chandra Dixit, aged about 25 years, son of Late Jagannath Prasad, resident of Rajpukhade Mahalla Shir Nager Lucknow, Lucknow, take oath and state as under;

1. That in reply to the contents of para 1 of the reply on behalf of the opposite parties hereinafter referred as 'reply', it is submitted that the petitioner was appointed at the age of 20 years and not 26 years as alleged. The allegation as such is totally incorrect and baseless.

2. That the contents of para 2 of the reply are not correct and they are denied and those of para 2 of the petition are reiterated. It is asserted that there was absolutely no basis for entering the date of birth of the petitioner as

15/2/1948

ASL

1/3

2.

16.7.1919. This entry of about the date of birth of the petitioner was not at all authentic or correct.

3. That as regards the contents of para 3 of the reply, it is asserted that the petitioner had been appointed only on 16.7.1945 as a Point Man, before that he was not in regular service at all, as such, there was no occasion for giving him benefit of any past service. The letters referred in this para had never been written by the deponent.

4. That the contents of para 4 of the reply are not correct and they are denied. The date of birth of the petitioner has been incorrectly recorded as 16.7.1919. The petitioner has always signed and never thumbmarked any of his writings. The Hon'ble court may kindly examine the document and may kindly see that the entry is scored or not. The assertions contained in para 4 of the writ petition are reiterated.

5. That as regards the contents of para 5 of the reply, it is asserted that the petitioner had submitted his school leaving certificate alongwith the birth certificate given by Pradhan. The petitioner never received any letter from the General Manager (P) communicating his rejection of the representation, the opposite party no. 4 had sent a letter which disclosed no reason at all for such rejection. The rest of the contents of this para are not correct and they are denied. The petitioner had filed the evidence which was available, but without giving any reasons, all this evidence had been rejected.

Debuted

6. That as regards the contents of para 6 of the reply, it is asserted that this C.P.O. had no legal authority to take a decision in this respect. The contents of para 6 of the writ petition are reiterated. It is however reiterated that the General Manager had never taken a decision in this matter and his decision had never been communicated to the petitioner.

7. That as regards the contents of para 7 of the reply, it is asserted that the deponent is repeating the same facts again and again. In view of what has been stated above, the assertion in this respect is not correct and is denied. Whether the decision taken by the authorities was correct or not will ^{not} ~~not~~ be judged by the Hon'ble Tribunal. It will not become correct on the saying of this Railway official.

8. That the contents of para 8 of the reply need no comments.

9. That the contents of para 9 of the reply are denied so far as they are inconsistent with the assertion contained in paras 9 and 10 of the writ petition. The contents of paras 9 and 10 of the writ petition are reiterated.

10. That the contents of para 11 of the reply need no reply in view of what has been stated above. The petitioner has been quite illegally retired. The date of birth as entered in the service record was quite incorrect and had been arbitrarily entered by the authorities without any basis.

८८२८४८

11. That the contents of para 12 of the reply are all incorrect and they are denied. The birth certificate by Pradhan and the School Leaving Certificate were quite relevant to resolve this controversy. There is no provision of any seal for the institution. The Head Master had signed the certificate and had prepared it on the basis of the record maintained at his office - there was no reason to disbelieve it. The authorities have most arbitrarily discarded this evidence against no evidence.

12. That as regards the contents of para 13 of the reply, it is asserted that the previous writ petition had not been decided on merits (as such its decision would not be^h the second writ petition. The present writ petition was as such quite maintainable and had been entertained by the Hon'ble High Court. The other reasons given in this para for treating the writ petition as not maintainable are all incorrect).

13. That the contents of para 14 of the reply are not correct and they are denied. The notice was bad in law as the petitioner had been retired quite illegally. He was entitled to remain in the quarter till this matter was ^h finally decided. The penal rent could not be charged under such circumstances.

14. That the contents of para 15 of the reply are not correct and they are denied. The petition is fit to be allowed with costs to the petitioner on the grounds taken in the writ petition. He is entitled to the relief claimed by him or not

21425421811

ASR

will be decided by the Hon'ble Tribunal.

Lucknow: Dated;
July 25th, 1990.

21/2/1990
Deponent.

Verification

I, the deponent named above, do hereby verify that the contents of paras 1 to 5, 9 to 12 (unbracketted portion) of this affidavit are true to my knowledge and those of paras 6 to 8, bracketted portion of para 12, 13 and 14 are believed by me to be true. No part of it is false and nothing material has been concealed, so help me God.

Lucknow: Dated;
July 25th, 1990.

21/2/1990
Deponent.

I identify the deponent who has signed before me.


Advocate:
(K.L. Vishwakarma)
Adv.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

6-8

—No.:

4100

-of 198

8/5

-vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
19.10.81	CM:An. 7143-81 Jha, Am. Grayal, J.	
	The interim order passed earlier is confirmed as no one has turned up to oppose the same.	
		19.10.81 Jha
		Jha SK
30.4.82	30-4-82 from CRA 1364 (W) for our Pln T.S.M.J.	Td. SG
	dist the mt pln for hearing in September, 1982.	
		SK
	30-4-82	
9.9.82	9. 9. 82 from HOBLESKIN, HOBLESKIN.	SK Grayal

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 4100-81

of 198

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
15-9-82	Writ for orders. Hon. Vorma J. Hon. S. Ahmed J.	3
	Copy 15/9/82	
21-9-82	Writ for hearing Hon. K.S. V.J. Hon. S.A.J.	
	Copy 21/9/82	
27-9-82	Writ for hearing Hon. K.S. Vorma J. Hon. S.S. Ahmed, J.	
	Copy 27/9/82	
4/10/82	Writ for hearing Hoobu Keer Hoobu S.A.	
	Copy 4/10/82	

Copy
4/10/82

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
8/10/82	<p>Wait for hearing</p> <p>Honble Reps J Honble SSAs.</p> <p><u>SD</u></p>	
<p><u>14/10</u> → 82</p>	<p>Wait for hearing</p> <p>Honble K.S.V.J Honble K.N.M.J.</p> <p><u>SD</u> 14/10/82</p>	
<p><u>20/10</u></p>	<p>Wait for hearing</p> <p>Honble K.S.V.J Honble S.S.A.J.</p> <p><u>SD</u> 20/10/82</p>	
<p>2-11-82</p>	<p>Fixed for hearing</p> <p>Hon. K.S.V.J Hon. S.S.A.J.</p> <p><u>SD</u> 2-11/82</p>	
8/11/82	<p>Wait for hearing</p> <p>Hon. K.K. Rayal J. Hon. R.C. Deshmukh J.</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 1100 of 1981

P.S.

1/3
B/N

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
12.11.82	Writ for hearing. Hon. K. S. Verma J. Hon. K. N. Misra J. No adj. so 8/11/82	
22.11.82	Writ for hearing. Hon. K. N. Gayal J. Hon. R. C. Rao, Verma J. G.O. AMZ 22.11.82	
26.11.82	Writ for 2 Sri C. C. Verma J. Listed	
	It appears that duplicates of the writ petition were received by Sri Umesh Chandra Advocate. In today's cause list his name has not been published. The case shall accordingly stand out and shall be listed again with the name of Sri Umesh Chandra. If possible, the case may be listed in the next week.	

H
26.11.1982
V

B/Raf

Date

Note of progress of proceedings and routine orders

Dated
which
case is
adjourned

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3.12.02

~~Re~~ Bte

3.12.02

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de K S V T
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6/20
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3.12.02

~~Re~~ Bte

~~Re~~ Bte

~~Re~~ Bte

~~Re~~ Bte

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CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. No. 835 of 1987 (T)
(W.P. No. 4100/81)

R.C. Dixit

.....

Applicant.

Versus

Union of India & others

.....

Respondents.

8.9.1989

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K.J. Raman, A.M.

Shri M.R. Mishra, learned counsel for the applicant and Sri Arjun Bhargava, holding the brief of Sri Umesh Chandra, learned counsel for the respondents are present. Sri Bhargava says that the brief of Sri Umesh Chandra contains a copy of the counter affidavit, but Sri Mishra admits that he has not received any copy of the counter affidavit. There is, of course, no counter affidavit on the record of the case. The learned counsel for the respondents may check up and arrange to file a counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

Learned counsel for the respondents point out that on 18.8.1981 an interim order was passed by the Hon'ble High Court preventing the eviction of the applicant from a certain accommodation which he had occupied in his capacity as a Railway Employee, but on the own case of the applicant, regarding his date of birth, he has crossed the age of superannuation and, therefore, the interim order should no longer remain in force. The learned counsel for the applicant

says that the interim order dated 18.8.1981 was only for two months, which has lapsed, as it was not extended. The learned counsel for the respondents point out that by an order dated 19.10.1981 of the Hon'ble High Court the interim order was confirmed. According to the learned counsel for the applicant, the confirmation ensues only for the period of two months from the date of the order.

Be it as it may, we are satisfied that since the applicant had ~~xxx~~ crossed the age of superannuation quite sometime back, there is no further justification for continuance of the interim order, which consequently is vacated.

List this case for final hearing on 17.11.1989.

A copy of this order may be given to the learned counsel for the respondents within two days.

cheered
2/29

sd/-
A.M.

sd/-
V.C.

///True Copy///

xxx/

R. Kumar
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A, Thornhill Road, Allahabad- 211 001

A
60

No. CAT/Alld/Jud/

Dated the

T.A. No. 835 19 87

Ram Chander Dixit

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

1- To Ram Chander Dixit, S/o. Sri Jagannath
Prasad, Resident of Block No. T/19/D
Railway Quarter, Railway Colony
city Station - 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 4100/81

of 198 .

of the Court of High Court
Lko arising out of order

dated

passed by

The Tribunal has fixed
date of 6/9/89 198 .
hearing of the matter in
Circuit Bench, C.A.T.,
Gandhi Bhawan, Lucknow.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

29/6 day of JUNE 1989.

Amit/

ms

DEPUTY REGISTRAR

aff

2- Union of India through General Manager, North Eastern Railway Gorakhpur.

3- The Railway Board through the chairman, Rail Bhawan, New Delhi.

4- The General Manager, North Eastern Railway, Gorakhpur.

5- Chief Personal officer, North Eastern Railway, Gorakhpur.