

Central Administrative Tribunal
Lucknow Bench

Cause Title TA 70 of 1992 (T)

or 1023 of 87 (Meld)

Name of the Parties Tai Ray Kichore Applicant

versus

Case P.L.C. (H.Ly.) Meld Respondents.

Part A. P.C.

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DT/18/2
14 Feb B/C Deed of act/ destroyed

For

(S.O.S)

Appointment on compassionate ground. (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1083 of 1987

APPLICANT (s) ... Jai Raj Kishore

RESPONDENT(s) Divisional Personnel Officer, N. Rly, Allahabad

+ Another

Particulars to be examined

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
- (b) Is the application in paper book form ?
- (c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
- (b) If not, by how many days it is beyond time ?
- (c) Has sufficient cause for not making the application in time, been filed ?
4. Has the document of authorisation/Vakalat-nama been filed ?

Is the application accompanied by B. D./Postal-Order for Rs. 50/-

6. Has the certified copy/copies of the order (s) against which the application is made been filed ?

7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?

(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Endorsement as to result of Examination

~~✓~~ YB

YB

YB

YB, 6 sets filed

YB

—

YB

YB

YB

YB

YB

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? *Ys*

8. Has the index of documents been filed and paging done properly ? *books index not filed, Paging done*

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *Ys*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No*

11. Are the application/duplicate copy/spare copies signed ? *Only 1st copy signed.*

12. Are extra copies of the application with Annexures filed ? *Ys*

(a) Identical with the original ? *Ys*

(b) Defective ? *—*

(c) Wanting in Annexures *—*

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses of the respondents been filed ? *No*

14. Are the given addresses, the registered addresses ? *Ys*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Ys*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *No A*

17. Are the facts of the case mentioned in item No. 6 of the application ?

(a) Concise ? *Ys*

(b) Under distinct heads ? *Ys*

(c) Numbered consecutively ? *Ys*

(d) Typed in double space on one side of the paper ? *Ys*

18. Have the particulars for interim order prayed for indicated with reasons ? *Ys*

19. Whether all the remedies have been exhausted. *Ys*

If approved the Case may be listed
On: 9.12.8

19/11/8

Submitted by
Chandru

9/2
87Hon. D.S. Misra - AMHon. G.S. Sharma - SM

(AB)

(1)

On the request
of learned Counsel for
the applicant, the case
is adjourned to 11/1/88
for admission.

B.R.

SH

(2)

11/1/88. No filing due to adjournment of trial court
Ad. Adj. to 16/2/88.

16/2/88

(3)

Hon. S. Zahoor Hasan - AMHon. D.S. Misra - AM

None is present
for the parties. The
case is adjourned to
26/4/88 for admission.

SH

✓

Vc.

AM.

SH26-4-88Hon. D.S. Misra - AMHon. G.S. Sharma - SM

(4)

On the request of
learned Counsel for the
applicant, the case is
adjourned to 18-7-88 for
admission.

AM

SM

O.A. 1083/88

(AU)

2.1.89 Hon. G.S. Sharma - T.M.

Hon. K.J. Raman - Am.

(10)

None is present for the applicant. The case is adjourned to 4.1.89.

Hon. K.J. Raman }
A.M. }
T.M.

4.1.89 Hon. G.S. Sharma T.M.

Hon. K.J. Raman - Am

(11)

None is present for the applicant, none was even present ^{on} for the last date.

The case is dismissed in default of the applicant.

Hon. K.J. Raman }
A.M. }
T.M.

Argued for
P.C.S.

11-4-89. Hon. Justice K. Nath, V.C.
Hon. D. S. Misra, Adv.

(15)

The learned counsel for the applicant says that the wife of the applicant for whose employment relief has been sought, would like to be impleaded as an applicant in the case. He may make an application for amendment accordingly. He will also consider the necessity of impleading Union of India & D.R.M. as opposite parties in the case. The case be listed for further orders on 28-4-89.

✓

A.M.

H
V.C.

No. 3

28/4/89.

Hon. Justice K. Nath, V.C.
Hon. Ajay Jain, Adv.

We have heard the learned counsel for the applicant. The amendment

(16)

Note - For order at 28-4-89
please see back of
petition.

Amendments have been effected in all the four copies which were filed for O.P.S. and two more amended copies have been supplied for new order parts. Court copies also amended by K. Nath 1-5-89.

Amendment
incorporated
before me
made by
1/5/89

(16)

4.8.89

DR

On the Request of Sri L. P. Agarwal
 (19) Counsel for the Respondents, Reply may
 be filed by 6.9.89

Subd
DR

6.9.89

(20)

On the Request of the
 Counsel for the Respondents
 Reply may be filed by
 29.9.89

Regr

O.R.

No reply had been
 filed so far in the
 office. Submitted

Subd
 27.9.89

29.9.89.

(21)

DR

On the request, Reply
 may be filed by 2.11.89

2.11.89

(22)

DR

Subd
DR

Sri L. P. Agarwal Present
 for the Respondent. Reply may
 be filed by 20.12.89

Subd
DR

Order Sheet

OA 1083/87

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

(27)

OR.

This case has
been received
in the section today
at 12.30 PM from

Hon'ble Court: Cause
list of 12.07.90 (28)
has already been
prepared, right now.

Case is submitted
for orders on expdt
APPL NO 893/90 in OA
NO 1083/87.

Case is submitted
through Suppl. Cause
list.

S.O.D. 21/7

On the request of counsel
for the applicant case is adjm
to 12.7.90 for orders on expdt
appln.

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

On the adjournment application
received from the counsel for the
applicant case is adjm to 26.7.90
for orders on expdt appln.

26.7.90 No sitting adjm to 9/8/90
for orders.

Amul
cc

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

9/8/90 Shri G.Nath, counsel for the applicant
is present. List this case for hearing
on 7-11-90.

V.C.

(sns)

7-11-90 - No sitting. Adjudicated to
22-2-91 for hearing.

JUL

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

OA 1003/87

CHI. LAHABAD.

NO.

OF 19

(P.B.)

J.R. Kishore Seethi vs. M.O.I & others

Sl.No.	Date	Office Report	Orders
1	2	3	4
	18-7-91	Available bench is busy in disposing administration and other cases of CT No. 1. Adjourned to 22-10-91 for hearing.	<i>Surel em</i>
	Dt. 22. 10. 91	Hon'ble Mr. D.K. Agrawal, J.M. Hon'ble Mr. K. Upayya, A.M.	Shri Giridhar Nath learned counsel for the applicant requests for adjourn- ment. It has been stated by learned counsel for the applicant that he has obtained consent of the counsel for & the opposite parties for adjournment. Allowed. List this case for hearing on 13.12.1991. Rejoinder-affidavit may be taken on record.

Dee
J.M.

(RKA)

PANKAJ/

P.T.O.

13.12.91

No sittings. Adjourned
to 17.3.92 for hearing.

(P)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

T.A. No. 70/92

Registration O.A. No. 1083 of 1987

Sri Jai Raj Kishore Applicant.

Versus

The Divisional Personnel Officer,
Northern Railway, Allahabad and others ... Respondents.

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

(By Hon. Mr. A.B. Gorthi, Member (A))

Sri Jai Raj Kishore and his wife Smt. Savitri Devi have jointly filed this application aggrieved by order dated 16.4.1987 passed by the respondent no. 2 refusing to give employment to Smt. Savitri Devi on compassionate ground. The applicant Sri Jai Raj Kishore joined the Railway Protection Force on 16.9.1967 and discharged his duties satisfactorily till 25.8.1981. His services were terminated on the ground that he was declared medically unfit and his medical category was lowered on account of his deteriorating eye sight. The respondents, however, wrote to the applicant that he should send a letter from his wife expressing her willingness to accept the employment, which was sent. After some correspondence vide letter dated 16.4.1987, the respondents have rejected the request of Smt. Savitri Devi for appointment on compassionate ground on the ground that the matter became 5 years old, therefore, cannot be considered.

2. Without disputed the essential facts of the case, the respondents, in their counter affidavit, have reiterated that Smt. Savitri Devi was refused the appointment on compassionate ground and she was above 40 years of age at the relevant time.

2

Contd 2p/-

Atto

- 2 -

3: We are of the view that keeping in view of the fact that Sri Jai Raj Kishore was discharged from duty on 25.8.1981 and that the delay in considering the request of Smt. Savitri Devi for appointment on compassionate ground was mainly due to failure of the respondents to act promptly in the matter, the respondents cannot be allowed to take the plea that the applicant came late, ^{and} that as she had crossed above 40 years of age, her request for appointment cannot be conceded. The cases for appointment on compassionate ground are required to be dealt with promptly and sympathetically. The failure of the respondents to do so would negative the very concept of giving appointment on compassionate ground.

4. In these circumstances, we quash the order passed by the respondent no. 2 dated 16.4.1987 (Annexure-A 7). The respondents are directed to reconsider the case of the applicant no. 2 for suitable appointment on compassionate ground giving her relaxation of age as per extant instructions within a period of 3 months from the date of communication of this judgment. The application is disposed of with the above directions. Parties to bear their own costs.

Anand Singh
Member (A)

✓
Vice-Chairman

Dated: 27.5.1992

(n.u.)

Reg. No. 1083 of 1987
Central Administrative Tribunal

AIR

Additional Bench

ALLAHABAD, PATNA, JABALPUR

Date of Filing..... 11/11/87 OR

Date of Receipt by Post

By Hand
By Deputy Registrar.

IN THE HON'BLE ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

I N D E X

DIST. BARABANKI

IN

PETITION NO. OF 1987.

(Under section 19 of the Administrative Tribunal (Act 1985)

BETWEEN

Sri Jai Raj Kishore, Rakshak/Allahabad

Coy 46 in RPF (discharged) resident of
village Damodarpur, Post Jahangirabad Raj,

District : Barabanki.

Smt. Savitri Devi w/o Tariq Khan

Petitioner No 1
Petitioner No 2

A N D

1. The Divisional Personnel Officer,

Northern Railway, Allahabad.

Petition No 1

2. The Commandant Railway Protection

Petition No 2

Force, Northern Railway, Allahabad

Union of India
3. *Divisional Railway Manager N.P.F.*

Petition No 3
Petition No 4

4. *Divisional Railway Manager N.P.F.*

Respondents.

Sl. No. Particulars.

Page No.

1. Petition

1 - 14

2. Annexure Nos. 1 to 7.

15 - 26

3. Vakalatnama

27

4. Crossed Indian Postal Order

No. DD 533275 dt. 16.10.87 for Rs.50/-.

2

5

ANV-10

Dated: October

1987.

S. Prakash Singh
Advocate

Counsel for the Petitioner

(P1)

IN THE HON'BLE ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

PETITION NO.

OF 1987.

DIST. BARABANKI

(Under Section 19 of the Administrative Tribunal (Act 1985))

Date of Filing :

Registration No.:

Signature
REGISTRAR.

In the Central Administrative

Tribunal Additional Bench at

Allahabad.

BETWEEN

Sri Jai Raj Kishore, Rakshak /

Allahabad Coy 46 in R.P.F.)

(discharged) resident of

village Damodarpur, Post

Jahangirabad Raj,

District Barabanki.

Smt Sunita Devi w/ Jangirabare

Petitioner No. 1
Petitioner No. 2

A.N.D.

1. The Divisional Personnel

Officer, North Railway,

Allahabad.

Respondent No. 1

2. The Commandant Railway

Protection Force, Northern Railway,
Allahabad.

Respondent No. 2

DR
List this Case
before Court
on 9/12/87

JRCW
10/11/87

812

- 2 -

To

The Hon'ble Chairman and his other Companion
Hon'ble Member of the Tribunal at Allahabad.

Details of the Petition.

1. Particulars of the petitioner.

(a) (i) Name of the Petitioner : Sri Jai Raj Kishore.
(ii) Name of Father : Sri Nand Kishore.
(iii) Designation and Office. Water Garter in the Rakesh / RPF (Discharged) : DRM. Office at Allahabad.
(iv) Office Address. RPF Office, Allahabad.
(v) Address for service of all notices. Shri Jai Raj Kishore Village - Damodarpur Post - Jahangirabad Raj,

(b) Name and Address of the respondents. District - Barabanki. Smt. Subodh Devi, Jangladesh, Address as of Jangladesh

2. Particulars of the respondents.

(i) Name and designation of the respondents.

(a) The Divisional Personnel

Officer DRM Office,

Northern Railway,

Allahabad.

812 27/10/2024

(PLB)

- 3 -

(b) The Commandant RPF

Northern Railway,

(i) (a) Allahabad,
(b) Divisional Railway Manager N. Rly.
(ii) Office address of the : As given in 2(i) (a) &

Respondent : 2(i) (b).

(iii) Address for service : As given in 2(i) (a) and
of all notices. 2(i) (b).

3. Particulars of the order against which

the petition is made.

(i) Order : Order contained in
Annexure No. 7 contained
in document No. 220-E/RPF/
Anu/31/86 dated 16.4.1987.

(ii) Date : 16.4.1987.

(iii) Passed by. : The Commandant RPF

Northern Railway,

Allahabad.

(iv) Subject in brief. : Refusing to consider the
appointment of the
petitioner^{is wife} on the ground
of the lapse of a period
of five years.

61218 (5) Tlu

(P.M.)

- 4 -

4. Jurisdiction of the
Tribunal.

: The petitioner declares
that the subject matter
of the order against
which he wants redressal
is within the jurisdiction
of the Tribunal.

5. Limitation :

The petitioner further declares that the
petition is within the limitation prescribed in
Section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the Case :

(A) That the petitioner served the Northern
Railway as Rakshak / Allahabad Coy 46 in
Railway Protection Force from 16.9.67 to
25.8.1981 and discharged his duties to the
satisfaction of his superior officers.

(B) That the petitioner was laid up with fever
and on 29.5.1981 ~~and~~ was admitted in the
Railway Hospital in the care of Dr. K.G. Misra
who was incharge of the indoor patients. That
The petitioner was cured and at the time when
he was being relieved from the hospital after

G.M. 27717 (92)

(A5)

- 5 -

his treatment of fever, Dr. Barni who was incharge of outdoor patients pointed out redress in his eyes and referred him to Dr. N.K. Bhatnagar (eye specialist) for treatment. Dr. Bhatnagar kept the petitioner as an outdoor patient for treatment.

(C) That the petitioner's eye sight deteriorated very fastly by the treatment of the Railway Hospital and ultimately on 25.8.1981 Dr.N.K. Bhatnagar declared him medically unfit for any Railway work.

(D) That on the medical report of Dr. N.K. Bhatnagar the petitioner was discharged from the service without any notice or opportunity to explain his position, with effect from 26.8.1981, vide order No. 65 of 18.9.1981 which was issued on the basis of the order dated 7.9.1981 signed for Sri R.K. Ahuja, Security Officer, Allahabad. The Copy of the order is Annexed with this petition as Annexure No. I.

RECEIVED
GATEWAY TO INDIA

PLB

- 6 -

(E) That after being declared as a hopeless case in Railway hospital, the petitioner immediately started treatment of State Institute of Ophthalmology at M.D. Eye Hospital at Allahabad from 26.8.1981 where he was cured and ultimately Dr. S.K. Sachan of State Institute of M.L.N. Medical College, Allahabad gave him a certificate that he could move around and perform his duties which did not require specified visual standards. Copy of the certificate is annexed as Annexure No. 2.

(F) That in the light of the above mentioned improvement in his eye sight, the petitioner tried through various Railway Authorities to reassess his fitness for service but his efforts were all invain and he was directed to collect all his due amounts. It is pointed out that the petitioner lost his service due to negligent treatment of doctors in Railway Hospital so he deserves to be recompensated.

12/21/10 24

(P.P)

- 7 -

(G) That the petitioner was the only earning member of his family and his discharge from the service put him in great calamity and distress and when he found that ~~great~~ his own absorption in service is not given any consideration, he availed a provision of Railway Rules and gave an application in 1984 that his wife may ~~kindly~~ be provided suitable employment in Railways on compassionate ground.

(H) That the petitioner received a letter No. RPF/A-II/JK/85 dated 24.12.85 from Assistant Commandant RPF Northern Railway, Allahabad directing the petitioner to send a letter of his wife expressing her willingness to accept employment, which was sent. Copy of letter is annexed herewith as Annexure No. 3 to this petition.

(I) That in pursuance of the abovementioned correspondence the wife of the petitioner (Smt. Savitri Devi) received letters from Assistant Personnel Officer and Commandant RPF, both, to appear at interview for selection and appointment.

(PMS)

(J) That it appears that there was some confusion between the two officers (Office of DPO and the Office of Commandant RPF) of the Northern Railways which ultimately resulted in the negation of employment to the petitioner's wife.

(K) That the petitioner's wife received letter No.220-E/RPF/Anu/31/86 dated 18.4.86 from the office of Assistant Commandant RPF Northern Railway, Allahabad, intimating her that she should send the discharge notice and unfit certificate of her deceased husband to enable the office to forward the matter of her employment to DRM office. The copy is annexed as Annexure No. 4 to this petition.

(L) That it is relevant to mention here that although the petitioner is alive but all the letters received from the office of the Commandant RPF, Allahabad always mentioned his wife as widow of her deceased husband.

(M) That it appears from letter No.CS/DPO/AA/Class IV/W/ 448 dated 14.7.86 issued from the office of

GURU GOVIND SINGH

- 9 -

DRM, Allahabad that petitioner's wife was called for interview on 3.7.86 but she could not appear on that date. The said letter is annexed herewith as Annexure No. 5.

(N) That the petitioner's wife was again called for interview on 29.9.1986 on which date the interview was postponed to 30.9.1986. On 30.9.1986, the petitioner's wife appeared in the interview and was declared selected for employment as Water Caterer. It is noteworthy that the interview letter issued to her was (relinquished in the office) collected and she was made to sign the Register to record her presence. She was further informed that her appointment would follow in due course.

(O) That although the petitioner's wife was already selected and assured employment yet she continued to receive letters from the office of Commandant RPF, Allahabad to appear for interview. One of such letters dated 31.12.1986 is annexed herewith as Annexure

No. 6.

5122 (MTO 21)

420

- 10 -

(P) That the petitioner's wife abruptly received letter No. 220-E/RPF/Anu/31/86 dated 16.4.87 from the Commandant RPF, Allahabad intimating her that she can not be employed because her case has become five years old. The copy of the said letter is annexed herewith as Annexure No. 7 .

(Q) That it is noteworthy to mention that the petitioner had applied for the employment of his wife very much within five years of his discharge and even the interview letters were issued considering all the attending facts and circumstances.

(R) That the petitioner's wife succeeded in interview on 30.9.1986 and no ^{new} factor has intervened since then.

(S) That it is learnt that now there does not exist any bar of five years for the appointment on compassionate grounds and the said order mentioned in the said letter is devoid of any substance.

51221(5)21

6123121072

correspondences with all the concerned

directed to rectify its documents and

(b) The Commandant RPP Northern Railway be

for which she was interviewed and selected.

petitioner be retained in the employment

petition be quashed and the wife of the

document annexed as Annexure No.7 with this

(a) The order dated 16.4.87 contained in the

of this petition -

In view of the facts mentioned in para 6

7. Relief sought.

suitably compensated.

the petitioner deserves to be redressed and

which the respondents are responsible and

his fitness for work has been ignored for

employment and his request to ascertain

deceased person, his wife has been denied

(u) That the petitioner has been described as a

should not be made to suffer.

to the fault of the office for which she

petitioner's wife has been mainly due

(T) That the delay in the appointment of the

(b) The petitioner sent a notice under

acknowledged.

Dated on 29.5.1987 which was not received

post to the Minister of Railways, New

(a) The mercy appeal was sent by registered

available of all the remedies available to be him.

The petitioner declares that he has

9. Details of the remedies exhausted

available for personal in the Hon'ble Tribunal.

extracts and make all the relevant documents
if available

to supply the copy of the relevant Rules and

The respondent Nos. 1 and 2 be directed

8. Interim order if prayed for :

petitioner.

(c) Award suitable damages and costs to the

respondents.

which has been affected by the fault of the

and provide the petitioner with the information

deceased person and take steps to register

has described the petitioner as the

departments and authorities, where ever he

Section 80 C.P.C. to the Commandant RPF,

Northern Railway and the DRM Northern

Railway, Allahabad.

10. Matter not pending with any other Court etc. :

The petitioner further declares that the matter regarding which this application has been made, is not pending before any Court of law or any other authority or any other Bench of the Tribunal.

11. Particulars of Bank Draft / Postal order in respect of the petition fee ; Crossed Indian Postal Order payable to the Registrar.

(1) Number of Indian Postal Order: DD 533275
5

(2) Name of issuing Post Office : C.P.O.Allahabad.

(3) Date of issue of Postal Order: 16.10.87.

12. Details of Index :

(1) Petition.

(2) Annexures Nos. 1 to 7

(3) Vakalatnama

(4) Crossed Indian Postal Order for Rs.50/-

No. DD 533275 issued on 16.10.1987.
5

13. List of Enclosures:

(1) Annexure Nos. 1 to 7.

(2) ~~22 Kt 143~~

(P24)

- 14 -

- (2) Vakalatnama.
- (3) Indian Postal Order.

Verification :

I, Jai Raj Kishore, aged about 35 years, resident of village Damodarpur, Post Jahangirabad Raj, District Barabanki do hereby verify that the contents from paragraph Nos. 1 to 13 are true to my personal knowledge & belief and that I have not suppressed any material fact.

G212/5/4/2/1

PLACE : ALLAHABAD.

SIGNATURE OF THE PETITIONER.

Girdhar Nath Adwals
(Petitioner's Counsel)
10-11-87

G212/5/4/2/1

IN THE HON'BLE ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

ANNEXURE NO. 1

IN
PETITION NO. OF 1987.

DISTRICT : BARABANKI.

Sri Jai Raj Kishore - - Petitioner.

Versus.

The Divisional Personnel Officer,

North Railway , Allahabad. - - Respondents.

Divl. Order No. 65 of 18.9.81.

After being declared Medically infit for all
coligious for further railway service by Assistant
Divisional Medical Officer N. Railway, Allahabad we
from 25.8.81 Sri Jai Raj Kishore s/o Sri Nand Kishore
Rashak RPF / Allahabad Coy No. 46 discharged from service
we from 26.8.81.

Sd/- For R.K.Ahuja,

Security Officer

Allahabad.

*Lalit Kumar Singh
A.S.O.*

GURGAT Singh

A28

IN THE HON'BLE ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

ANNEXURE NO. 2

IN

PETITION NO. OF 1987.

DISTRICT : BARABANKI.

Sri Jai Raj Kishore -- Petitioner.

Versus.

The Divisional Personnel Officer,

North Railway, Allahabad. -- Respondents.

STATE INSTITUTE OF OPHTHALMOLOGY
AT
M.D.EYE HOSPITAL ALLAHABAD.

DATED 22.12.1982.

This is to certify that Sri Jai Raj Kishore whose signature is attested below has been under treatment of this hospital since 26.8.81 for Chronic Bilateral Uveitis (Anterior & Posterior). He has also been operated for Cataract in right eye on 11.10.82. At present his condition is established and he does not require any further treatment. He is having vision in Right eye 6/60 (with +10 D.P.Y) and in left eye 6/60 (unaided). He can move around and perform duties which do not require specified visual standards.

Sd/-S.K.Sachan

Jai Raj Kishore

Dr.S.K.Sachan.
Lecturer.

State Institute of Ophthalmology
M.L.N.Medical College.
Allahabad.

Signature
Attested.
Sd/-S.K.Sachan.

Dr.S.K.Sachan

Lecturer,

State Institute of Ophthalmology
M.L.N.Medical College

61222101211

इन दिवाई हानेबूल एडमिनिस्ट्रेटिव ट्रिब्युनल एट इलाहाबाद ।

एनेकजर न० ३

51

सिविल मिसो रिट पिटीशन नं० - - - - - - आफ १९८७

जिला :: बाराबंकी

जय राज किशोर - - - + - - - - - - - - - पिटी शनैर् ।

ବନ୍ଦମ

दि डिवीजन परनस्ल छाकीसर

द्वारा पत्रालय

पत्रांक आर पी एफ / ए स्केप्ट / मै0 कि0 / 85 दिनांक
24-5-85

जैराज किशोर पृत्र श्री नाथ किशोर

ग्राम - दामोदर पूर

पत्रालय - जहाँगीरा बाद बी ए डी राज

जिला - बारांबकी

विषय :- नौकरी हेतु प्रार्थना पत्र

आपको सूचित कि जाता है कि आप अपनी

पत्नी से एक अर्जी लिखकर ऐत्रि भेजे कि वह नौकरी करने को

-25

इच्छुक या करना चाहती है जिससे अधिकतम कार्यवाही
अविलम्ब हो सके ।

ह०/ अपठनीय

४ सील ४
असिस्टेण्ट कमान्डेन्ट
रोम्योबल उत्तर पेलवे
इलाहाबाद ।

४ सत्य प्रतिलिपि ४

*Govindarao Patil
Assitant Commandant*

नाम (जामिर)

इन दि हानेबूल एडमिनिस्ट्रेटिव द्रिबूनल ऐट इलाहाबाद ।

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एनेक्सर नं० ॥ ४ ॥

इन

सिविल मिस० रिट पिटीशन नं० ----- आफ 1987-

॥ जिला :: बाराबंकी ॥

जैराज किशोर ५--- पिटीशन ।

बनाम

दि डिवीजन परनस्ल आफीसर

एण्ड अदर्स -----

रेस्पोडेन्ट्स ।

::::::::::: ::::::::::::: ::::::::::::: ::::::::::::: :::::::::::::

नं० 220-इ/आर पी एफ/एवीयू/३१/८६

दि०: 18-4-86

सहाय कमाण्डेण्ट / रे०स०ब०

उत्तर रेक्ले इलाहाबाद ।

विषय :- श्रीमती सावित्री देवी की अनुकम्पा के आधार

पर नियुक्ति के सम्बन्ध में :-

सीनियर डी०वी०ओ० के पत्र दिनांक 10-५-८६ के संदर्भ

में आपसे कहना है कि श्री स्वर्णीय जय राज किशोर का मैडिकली

अनफिट सार्टीफिकेट एवं डिस्वार्ज नोटिस संलग्न करने की कृपा

(5/2/86 द्वा०)

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करे ताकि मामले में पूर्णरूप से विवार करके मामला मण्डल
रेल प्रबन्धक के पास प्रेषित किया जा सके ।

। हस्ताक्षर ।

कमाण्डेण्ट / रे० स० ब०

इलाहाबाद ।

४ सी ल ४

असि० कमान्डेण्ट रे० स० ब०

उत्तर रेलवे ।

इलाहाबाद ।

४ सत्य प्रतिलिपि ४

(ग्राहक नाम) २०११

Mr. A. H. D. M.
A. H. D. M.
A. H. D. M.

183

इन दि हानेबूल एडमिनिस्ट्रेटिव ट्रिबूनल ऐट इलाहाबाद ।

.....

एनेवजरन्न० ५

५१

सिविल मिसो रिट पिटीशन नं 0 - - - - आफ 1987

४ जिला :: बाराबंकी ४

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जै राज किशोर - - - - - - - - - - - पिटी थेर ।

ଭାରତୀୟ

दि डिवीजन परसनल आफी सुर

एण्ड अदर्स --- --- रेस्पोडेन्ट्स |

उत्तर रेलवे

पञ्च कि सी एस०/की०सी०ओ०/ओआ०/थ्री - फोर्थ/डब्लू /448

दिनांक : 14-7-1986

कायलिय मण्डल रेल पुब0
उ0रे0, इलाहाबाद ।

ਡੀ~~॥~~ ਸ਼੍ਰੀਮਤੀ ਸਾਵਿਤ੍ਰੀ ਦੇਵੀ

पृ७/पत्नी श्री जय किशोर

पता :- गाँव दोमोपूर

ठाकुष्ठर - जहाँगीरा बाद

जिला - बराबंकी

विषय :- अनुकूल आधार पर नियुक्ति

GR 201672

(PP2)

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इस कार्यालय के सम सचियक पत्रांक दि० 23-6-86 द्वारा
 आपको साक्षात्कार हेतु सम कार्यालय में दिनांक 3-7-86
 को बुलाया गया था किन्तु, आप अनुपस्थित रहीं ।
 स्पष्टीकरण करें ।

ह० / अपठनीय

कृते सचिव रेल प्रबन्धक
 इलाहाबाद ।

सत्य प्रतिलिपि
 ज्येष्ठा अधिकारी

Shivkumar Patel
 Revenue

(PBO)

इन दि हानेबूल एड० ट्रिबूनल ऐट इलाहाबाद ।

::::::::::

एनेक्जर नं० ६

इन

सिविल मिस० रिट पिटीशन नं० ----- आफ 1987-

जिला बाराबंकी

=====

जै राज किशोर ----- पिटीशनर ।

बनाम

दि डिवीजन परसनल आफीसर

एण्ड अर्दस --- ----- रेस्पोडेन्ट ।

XXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXX

नं० 220 इ/आरप्र०एफ/86 /8826

दि० 31-12-86.

नाम - श्रीमती सावित्री देवी

विधवा - स्व० जैराज किशोर

ग्राम - दामोदर पूर

जिला - बाराबंकी ।

विषम :- श्रीमती सावित्री देवी की अनुकम्पा के
आधार पर नियुक्ति ।

आपका ध्यान इस कार्यालय के सम संघर्ष पत्र दिनांक

-2-

20-10-86 एवं 27-11-86 की ओर आकर्षित किया जाता है

जिसके द्वारा आपको सूचित किया गया था कि आपको मण्डल

रेल प्रबन्धक द्वारा अनेक बार साक्षात्कार हेतु बुलाया गया किन्तु

आप साक्षात्कार हेतु उपस्थित नहीं हुई न ही आपने कोई जवाब

दिया आपको पूँः सूचित किया जाता है कि साक्षात्कार हेतु

उपस्थित हो अन्यथा जवाब दे । ताकि आपका केस बन्द कर दिया

जाय ।

ह०/ अपठनीय

-सील-

कमाण्डेण्ट

रेलवे प्रोजेक्शन अम्फू इलाहाबाद ।

प्रतिलिपि:- श्री डी. धी. ओ को इस कार्यालय के समसैर्यक पत्र

27-11-86 के संदर्भ में :-

१ सत्य प्रतिलिपि ।
ज्येष्ठ जानवर ।

गुरुवार १० अक्टूबर
प्रबन्धक

82

الله رب العالمين

ਇਨ ਦਿ ਹਾਨੇਬੁਲ ਬੁਡਮਿਨਿ ਸਟ੍ਰੋਟਿਵ ਟ੍ਰਿਬੂਨਲ ਏਟ ਇਲਾਹਾਬਾਦ ।

THE BIRDS OF

एनेकजर नं० ४७ ॥

३१

सिविल मिसो रिट पिटीशन नं० - - - - - आफ । १९८७।

जैराज किशोर बनाम --- पिटिशनर ! जिला :: बारांबकी

दि छिवीजन परस्लन आफीसर -- रेस्पो०

नं०-२२०=ई/रे.सु.व./अन्०/३१/८६ दिन: १६-४-८७

श्रीमती सावित्री देवी विध्वा

स्व० जयराज बिक्री० र

ग्राम - दामोदरपुर

जिला - बाराबंकी

विषय :- श्रीमती सावित्री देवी की अनकम्पा के आधार

पर नियुक्ति के सम्बन्ध में :-

उपरोक्त मामले में आपको सचित करना है।

कि आपका केस पाँच वर्ष पुराना होने के कारण टाइम वार्ड

हो चुका है अतः नियमानुसार-कूल आपकी नियुक्ति करना सम्भव
नहीं है।

३०/ अपठनीय

कमाण्डेण्ट / र० स० ब० /८०रे०

इलाहाबाद ।

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(P.S.)

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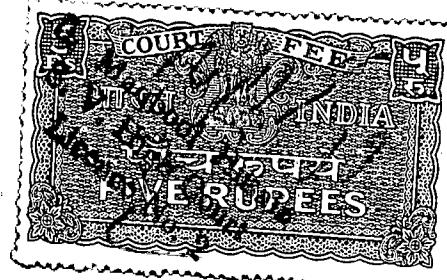
प्रतिलिपि :- महानिरीक्षक रेलवे सुरक्षा बल बड़ौदा हाज़स
 नयी दिल्ली को इस कार्यालय के सम संचयक पत्र
 दिनांक 11-3-87 के क्रम में म०रे०प्र०/उ०रे०/इलाहाबाद
 के पत्र संचया सी०एस०/डी पी ओ 1 क्लास । ।
 उल्लू ॥ 448 दिनांक 31-3-87 की प्रति के साथ सेवा
 में सूचनार्थ प्रेषित है ।

कमाण्डेण्ट/रे०स०ब०
 उ०रे०
 इलाहाबाद ।

॥ सत्य प्रतिलिपि ॥

ग्रामीण ।

मुद्रित पत्र
 दिनांक 31-3-87



IN THE HON'BLE ADMINISTRATIVE TRIBUNAL AT
अधिभाषक पत्र (वकालतनामा) ALLAHABAD

~~हाईकोर्ट आफ बुडीकेचर, इलाहाबाद~~

लो.

सन् १९७

Shri Jairaj Kishore

वादी प्रतिवादी

अपीलान्ट

बनाम

The Divisional Personnel Officer Northern Provinces प्रतिवादी
and others रेस्पान्डेन्ट

मैं/हम कि जियराजाली द्वारा १० धनीनवासी

सौराष्ट्र भारत दूल्होदर्शपुर पोस्ट-जहांगीरकादराज
जिला- बाराबंदी

उपरोक्त प्रकरण में/हम अपनी ओर के पक्ष समर्थन के हेतु

श्री जियराज राजा २४७ गुडगांड इंडियन स्टेट इलाहाबाद

को कानूनी निश्चित शुल्क (मेहनताना) नियत करके अपना अधिभाषक वकील (वकील) नियत करता है/करते हैं। वह स्वीकार करता है/करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अजीदाबा), प्रतिवाद-पत्र (बयान तहोरी), वाद स्वीकार पत्र, विवाद पत्र पुनरुत्थान पत्र पुनर्निश्चय प्रार्थना पत्र (दरख्वास्त) शापियक कथन (हलफनामा) प्रबन्धन पत्र (दरख्वास्त इजराय) मुद्रणात्र अपील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना वादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापियक पुश्टीकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्रायधन को अपने हस्ताक्षरी पावती हैंकर प्राप्त करें हमारी ओर से किसी को यध्य पत्र तथा साज्जी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावे, छोड़े अथवा समझौता करें तथा मुलदूनामा दाखिल करे तथा उसके सम्बन्ध में प्रार्थना पत्र पर दाखिल करके उसका समर्थन करे अथान प्रकरण में सम्बन्ध रखने वाली कुल कार्यवाही डिप्री भर पाई होने के समय तक स्वतः या संयुक्त करे। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करे।

उक्त भभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँति हमको/मुझको स्वंया स्वीकार होगी अगर मैं/हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दे दे तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करे। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा।

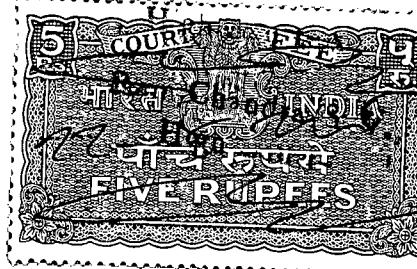
अतएव यह अधिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

वकालतनामा मन्त्रुर है

तिथि

माह

सं०



CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
अधिभाषक पत्र (वकालतनामा)

हाईकोर्ट आफ छुड़ीकेचर, इलाहाबाद
ल० Petition No 1083 of 1987 सन् १६

Jairay Kishore

वादी प्रतिवादी

अपीलान्ट

वनाम

Divisional Personal Officer and others वादी प्रतिवादी

रेसान्डेन्ट

मैं/हम कि सावित्री देवी पन्नी श्रीनगराज विश्वार
साहित्र ग्राम दाखोदरहुर, पोस्ट जाहांगीरावाद राज
स्थान - बारावंकी

उपरोक्त प्रकरण मैं/हम अपनी ओर के पक्ष समर्थन के हेतु

एडवोकेट हाईकोर्ट इलाहाबाद

मैं/हम निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभाषक वकील (वकील) नियत करता हैं। वह स्वीकार करता है/करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अजीदावा), प्रतिवाद-पत्र (विवाद नहारी), वाद स्वीकार पत्र, विवाद पत्र पुनर्वलोकन पत्र पुनर्निशाय प्रार्थना पत्र (दरखास्त) आद्यक कथन (इलफनामा) प्रवन्न पत्र (दरखास्त इजाय) मूलवात अपील, निगमानी इत्यादि वाद-प्रकार के अन्य प्रार्थना वादि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करे अथवा किसी पत्र पर आवश्यकतानुसार शापियक पुश्टीकरण करें और आवश्यक सवाल जवाब करे और लेखादि की प्रतिलिपियां एवं हमारे प्रायधन को अपने हस्ताक्षरी पावती देकर प्राप्त करें हमारी ओर से किसी को यथ्य पत्र तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करे तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावे, छोड़े अथवा समझौता करें तथा मुलहनामा दाखिल करे तथा उसके सम्बन्ध में प्रार्थना पत्र पर दाखिल करके उसका समर्थन करे अथवा अन्य प्रकरण में सम्बन्ध रखने वाली कुल कार्यवाही डिप्पी भर पाई होने के समय तक स्वतः या संयुक्त करे। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करे।

उक्त सभी कार्यवाही जो उक्त सज्जन करे गे प्रश्नेक दशा में अपने किये की भाँति हमको/मैंको स्वयं स्वीकार होगी अगर मैं/हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दे दे तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की दौरधी न करे। उपरोक्त दशा में सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

वकालतनामा मन्त्री

तिथि

माद

सं०

वकालतनामा

के समक्ष
के न्यायालय में

Contract Arbitration Tribunal, AP

Req. No. १४०३/८७ १०८३/८७

Jai Kishore Raw

V.S.

U.O.

वादी

प्रतिवादी

प्रतिवादी

वादी

बनाम

दावेदार
अपीलार्थी
अर्जीदार
प्रत्यार्थी

G. P. Aposeel, Advocate

भारत के राष्ट्रपति इसके द्वारा श्री

की उपर्युक्त बाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिले करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने काउंसेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापिस लेने और उसका निक्षेप करने तथा उपर्युक्त बाद/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 काउंसेल, अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउंसेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्याक्षी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस बाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न ऐसा कोई कारार करेगा यां समझौता करेगा जिसके द्वारा बाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाये और न उससे उद्भुत या उससे विवाद-गत्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परम्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और बाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउंसेल ऐसा कोई कारार या समझौता कर सकेगा जिसके द्वारा उक्त बाद/अपील/कार्यवाही पूर्णत या भागतः समायोजित हो जाएं और ऐसे प्रत्येक मामले में उक्त काउंसेल/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 सक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख की आज तारीख
को सम्पूर्ण रूप से निष्पादित किया जाता है।

(PBM)

इन दि हानेबूल एड० ट्रिबूनल ऐट इलाहाबाद ।

: : : : : :

एनेक्जर नं० ६

इन

सिविल मिस० रिट पिटीशन नं० ----- आफ 1987-

४ जिला बाराबंकी ४

= = = = =

जै राज किशोर ----- पिटीशनर ।

बनाम

दि डिवीजन परसनल आफीसर

एण्ड अदर्स --- ----- रेसोडेन्ट ।

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

नं० 220 इ/आरप्र०एफ/86 /8826

दि० 31-12-86.

नाम - श्रीमती सावित्री देवी

विवाह - स्व० जैराज किशोर

मूल - दामोदर पूर

जिला - बाराबंकी ।

विषय :- श्रीमती सावित्री देवी की अनुकम्पा के

आधार पर नियुक्ति ।

11
10/03/90
Expedite
Expedite Application No - 893/90

100

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT
ALLAHABAD.

MISC. APPLICATION NO. 893 OF 1990.

(Under Section 22(2) of Administrative Tribunal Act,
1985 and Section 151 C.P.C.)

(For expeditious disposal of Petition No. 1083 of 1987,

District Barabanki)

IN

Petition No. 1083 of 1987.

Jairaj Kishore and another. - - Petitioners.

Versus.

D.P.C. Northern Railway and

others. - - - - - Respondents.

To

The humble applicant Most Respectfully
Showeth as f under :

1. That the abovementioned petition was filed on 10th November, 1987 in this Hon'ble Tribunal at Allahabad and several opportunities were given to the counsel for the respondents to file Counter affidavit but nothing has been filed on behalf of any of the respondents.



A/P

2. That in the light of the abovementioned facts the petition is ripe for disposal but it is understood that the petitioner will have to wait for many further more years if his petition is left on its fate to come on the list for hearing in normal course.
3. That although the petitioner is alive and in a fit state of health but in records and correspondence he is described as a dead person and that fact also forms one of the grounds in the petition. Indefinite delay in the disposal of the petition is likely to bring in material charges about the facts described in the petition.
4. That there is no legal impediment standing in the way of the immediate or early disposal of the petition.
5. That there is no interim order in favour of the petitioners and delay in the disposal of the petition will amount to denial of justice and may defeat the very purpose for which the instant petition has been filed.
6. That the petitioner will suffer mentally and physically both so long as the petition will

APR 2

- 3 -

remain hanging for disposal but the respondents will not be affected in any way if it is devided at an early date.

7. - That in the light of the facts stated above it ^{is} expedient in the interest of justice, equity and good conscience that the abovementioned petition be ordered to be listed for disposal at an early date.

P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble Members of the Tribunal may graciously be pleased to order that the abovementioned petition be listed for hearing and disposal at an early date so that justice be done.



(GIRIHAR NATH)
ADVOCATE
COUNSEL FOR THE PETITIONERS.

Dated: May 2 | 1990.

AMR

HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

REJOINDER

IN

Petition No. 1083 of 1987

DISTRICT: BARABANKI.

Shri Jairaj Kishore. - - Petitioner.

Versus.

The D.P.O. Northern Railway and
others. - - Respondents.

Parawise reply of the petitioner to counter
received on behalf of the respondents is as under :

1. That the contents of the paragraph titled
as 'Brief facts' of the counter are incorrect and
misleading. The dates of appointment and the discharge
of the petitioner are 16.9.1967 and 26.8.1981
respectively and not as averred in the counter. It
is very vehemently controverted that the application
of Smt. Savitri Devi (Petitioner No. 2) who is wife of
petitioner No. 1 was rejected on the ground of her
being aged 40 years. Moreover, there is no provision
refusing appointment (on compassionate ground) on
such considerations. In reply the averments made in
paragraph Nos. 6(A), 6(E), 6 (H), 6 (I), 6(F) and
6 (Q) are reaffirmed.

*Received by
G.T.P.O.
Barabanki
22.10.91*

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AMG

- 2 -

2. That in reply to the contents of paragraph No.1 of the counter, the averments made in paragraphs Nos. 1 to 5 of the petition are reaffirmed.

3. That in reply to the contents of paragraphs 2 and 3 of the counter, the contents of paragraph Nos. 6 (A) and 6 (B) of the petition are reaffirmed.

4. That in reply to the contents of paragraph No. 4 of the counter, the contents of paragraph Nos. 6 (C), 6 (D), 6 (E) and 6 (F) of the petition are reaffirmed.

5. That in reply to the contents of paragraph No.5 of the counter, the contents of paragraphs Nos. 6 (G), 6 (H), 6 (I), 6 (J), 6 (K), 6 (L), 6 (M), 6 (N), 6 (O), 6 (P), 6 (Q), 6 (R), 6 (S), 6 (T), and 6 (U) of the petition are reaffirmed. It is further pointed out that the averments made in paragraph No.5 of the counter are incorrect, against the record and are not in accordance with the documents supplied to the petitioner which has already been filed with the petition as Annexures.

6. That the contents of paragraph No. 6 of the counter are vehemently controverted and in reply the

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Ans

- 3 -

contents of paragraph No. 7 of the petition are reaffirmed. It is further stated that the petitioners are entitled to special costs by way of special relief for suffering mental and physical torture as the respondents have described petitioner No. 1 as a dead person while he is very much alive to day also.

7. That in reply to the contents of paragraph No. 7 of the counter, the contents of paragraphs 8, 9, 10, 11, 12 and 13 of the petition are reaffirmed.

8. That the contents of paragraph No. 8 of the counter are incorrect and misleading. This Hon'ble Tribunal is competent to quash, illegal, improper and inequitions orders falling in its jurisdiction and thereby provide relief to petitioner.

9. That the contents of paragraph No. 9 of the counter are unintelligible and as such it can not be replied.

10. That the contents of paragraph No. 10 of the counter are incorrect. The administration has acted, without jurisdiction, in excess of jurisdiction, in illegal exercise of jurisdiction and has further abstained to discharge its function in accordance with justice, equity and good conscience in causing injury

— 262 (1) 1072

446

- 4 -

to the applicants and depriving them to which each of them was entitled and thus the petitioners are entitled to relief by this Hon'ble Tribunal.

11. That the contents of paragraph No. 11 of the counter are denied and in reply it is stated that the petition is bound to be allowed with costs.

I (Jairaj Kishore) do hereby verify that the contents of paragraph Nos. 1 to 11 of the Rejoinder are based on the record supplied to him and to his beliefs.

GT21250712

(AJR)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Restoration Application No.49 of 1989

IN

O.A.No.1083 of 1987.

Jai Raj Kishore

...

Applicant.

Vs.

Divisional Personal Officer,
Northern Rly.& others

....

Respondents

Hon'ble G.S.Sharma, J.M.
Hon'ble K.J.Raman, A.M.

This application has been moved for restoration of O.A.No.1083 of 1987, which was dismissed in default of the applicant on 4.1.89. The learned counsel contends that on account of his inability the case could not be prosecuted on the last date and he had sought adjournment by sending a slip to the Registrar. The record, however, shows that the applicant was absent even on last several dates. However, in the interest of justice, the last opportunity be given to the applicant and the case is restored to its original number.



MEMBER (A).



MEMBER (J).

Dated:27.1.1989.

ha

ORDER SHEET

Restoration 49/83

O.A Registration No. 1083 of 1987

(P.W.D.)

Appellant
Applicant

Versus

Respondent

Serial number of order and date	Brief Order, mentioning reference, if necessary	How complied with and date of compliance
23-1-89	<p align="center">O.P.</p> <p>Mr. Restoration 49/83 filed D.R.T, has ordered for listing this case on 27-1-89. Submitted.</p> <p align="right"><u>Sharma</u> 23-1-89</p>	
27.1.89	<p align="center">Hon. G.S. Sharma, J.M. Hon. K.J. Raman, A.M.</p> <p align="center">This application has moved for restoration of O.A. No. 1083/87 which is dismissed on 14.1.89. The learned counsel contents that on account of his inability that the case should not be prosecuted on the last date and he sought by writing to the restore, but the record shows that the applicant was absent being on last several dates. But in the interest of justice, the last opportunity be given to the applicant and the case is restored to its original number.</p>	

H.

A.M.

J.M.

Received
on 17-1-89
C.M.

1/1/89

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

MISC. APPLICATION FOR RESTORATION NO. 49 OF 1989.

IN

Registration O.A.No.1083 of 1987.

Shri Jai Roy Kishore. - -

Applicant.

Versus.

Divisional Personal Officer Northern

Railway and others. - - -

Respondents.

The humble petitioner Most Respectfully Showeth as under:

That the abovementioned O.A.No.1083 of 1987, Shri Jai Roy Kishore Vs. D.P.O.N.Rly. & others was fixed on 2nd Jan., 1989 but the petitioner's counsel Sri Girdhar Nath, Advocate had to leave for Delhi on 29th December, 1988 for a personal work and he came back and attended the Court on 5th Jan. 1989.

That Shri Girdhar Nath, Advocate had given an application to the Registrar (J) before leaving Allahabad and had requested him to inform the concerned Hon'ble Members on 2nd January, 89 so that some longer date may be fixed in the case.

That Shri Girdhar Nath, Advocate has enquired through the enquiry register about the next date fixed in the above-mentioned case but nothing could be intimated to him till 12th January, 1989 and all of a sudden Shri Girdhar Nath, Advocate was intimated on 12th January, 1989 through a registered letter that the case was dismissed in default on 4th January, 1989.

That in the light of the abovementioned facts it is quite evident that the abovementioned dismissal in default has been done in the circumstances beyond the control of the petitioner and his counsel which deserves to be set aside otherwise petitioner will suffer irreparably.

Put up before
bench concerned
on 27-1-89.

DMS

DR

16/1/89

850

- 2 -

P R A Y E R

It is, therefore, most respectfully prayed that the Hon'ble Members may kindly set aside their orders dated 4th January, 1989 and restore the petition to its original number for hearing so that justice may be done.

Girdhar Nath

(GIRDHAR NATH)

ADVOCATE

COUNSEL FOR THE PETITIONER.

Dated: Jan. 16, 1989.

6 THE ADMINISTRATIVE TRIBUNAL (ALLAHABAD)

Min. Appl. No

21988

in

Dist. Barabanki

Petition No 1088 of 1987

Taray Kishore v/s D PO N.R.F. & others

SL-6

To

The Honorable Members of the Tribunal.

The humble applicant most respectfully
showeth as under :-

That the above mentioned case is listed to-day
but the applicant who is counsel for the petitioner has
to appear in his personal case in another court
and is thus unable to attend and argue the above
mentioned petition in the Honorable Tribunal.

That in the light of the aforesaid facts & circumstances
it is expedient in the interest of justice that the aforesaid
petition be adjourned to-day and some other date be being
fixed.

Prayer

It is therefore most respectfully prayed that the
aforesaid petition be kindly adjourned to-day and some
other date be being fixed in it and justice be done.

—Gurdhar Nath
26-4-88 Advocate
(Counsel for the petitioner)

Registered A/D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A, Thornhill Road, Allahabad- 211 001

(Registration No. 1083 of 1907) A6

No.CAT/A11d/Jud/

Dated _____

Tai Pay Kishore and others APPLICANT(s)

Versus

D.P.O. Northern Rly. Peld RESPONDENT(s)
and others

(1) The D.P.O. Northern Rly. Peld.
(2) The Commandant Railway Protection Force
N.P. Peld.
(3) Division Regional Manager of Northern Rly.

Please take notice that the applicant above named
has presented an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and
has fixed 22 day of May 1907 to show cause
for as to why the petition may not
be admitted

If, no appearance is made on your behalf, your
pleader or 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 3 day of 5 1907

FOR Deputy Registrar(Jud)
Sh. 2

O/C

Amit/

754 to 755

(a)

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

No. CAT/CE/1KO/JULL/ TA.70/92 TL

Date :

2/4/92

REGISTRATION NO 1083/87 ~~01/1991/92~~ (L)

Jai Raj Kishore & others & others

Applicant.

VERSUS

D.P.O, Northern Rly. Allahabad & others

Respondents

① S. Jai Raj Kishore, Village - Damodarpur, Post - Jhangirabad Rly
DIST - Barabanki.

② Sri. G. P. Agrawal, C.A.T, B.A.R. Association,
23 - A, Thornhill Road,
Allahabad.



Please take notice that the applicant above named has presented an application a copy _____ thereof is enclosed herewith which has been registered in this Tribunal and the date has fixed 27 day of May, 1992 for hearing.

If, no appearance is made on your behalf, your pleader or 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 01 day of April 1992

For Deputy Registrar.

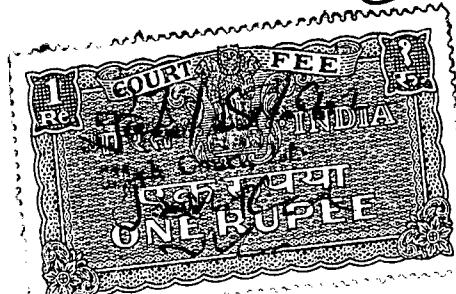
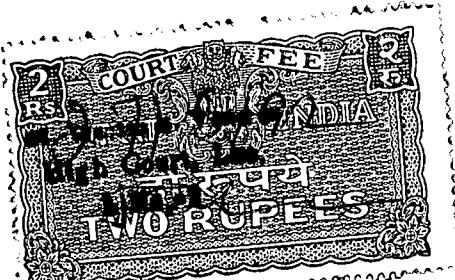
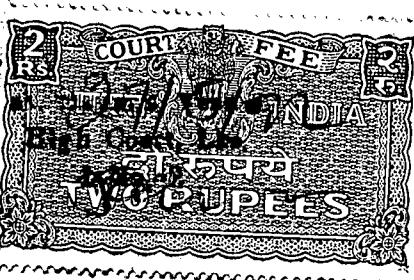
OIC

M. Panda./

Central
Bihar Administration Tribunal, Mhowdy
बअदालत श्रीमान

वादी (मुद्दे) Jai Raj Kishore
प्रतिवादी (मुद्दालेह)

का वकालतनामा



Jai Raj Kishore 2 लाख

petitioner
वादी (मुद्दे)

3.I.O. Northern Railway 2 लाख

प्रतिवादी (मुद्दालेह)

OA No 1083/87
न० मुकदमा सन १६ देशी की ता० ई० ऊपर लिखे मुकदमा में
अपनी ओर से श्री विनय शंकर, एडवोकेट (रजि. सं. यू. पी. १६१३/७६).

१६४, अमीनाबाद रोड, गनेशगंज, लखनऊ महोदय को अपना वकील
नियुक्त करके प्रतिज्ञा (इकाइ) करता है और लिखे देता है 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 जारी करावें और
रूपया वसूल करें या सुलहनामा या इकबाल दावा अपील अथवा
निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें या
और तस्दीक करें या मुकदमा उठावे या कोई रूपया जमा करें या
हमारी वा विपक्ष (फिरकसानी) का दाखिल किया रूपया अपने या
हमारे हस्ताक्षर-युक्त (हस्तखती) रसीद से लेवें या पंच नियुक्त करें।
वकील महोदय द्वारा की गई कार्यवाही हमको सर्वथा स्वीकार है
और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर देशी स्वयं
या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे
वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण
रहे और समय पर काम आवे।

Accepted
Shauq

Advocate

साक्षी (गवाह) साक्षी (गवाह) witness

दिनांक महीना 27/5/92

हस्ताक्षर (अंगदी ८८) २८

10/4/91
Received on 2/4/91
File No. 2/4/91

(C3)
to be kept up before
Court for orders
on 4-4-91
K223

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

2213

NOTICE OF MOTION

com no. 556/91

Misc Petition No 1083 of 1987 of

in O.A./T.A. of

Zaray Kishore and another Applicant/appellant.

Versus

No Fly and another Respondents/Defendant

Take notice that the court will be moved by the order signed on 1-4-91 the day of 1990 at 10.30 O'clock in the forenoon or so soon these after the noticed on their occasion can be heard.

the object of the motion is hereby indicated by

A copy of the Application is enclosed herewith. The further notice that meanwhile this court has been pleased to pass that following orders

Dated this the 22 day of March 1991

Signature



Advocate of petitioner

Applicant/Appellant

or

Petition/Defendant in not

To

Advocate on record for the opposite party

Respondent/Defendant.

See

This case has
been sent court
No (II) on 7-11-90
for F.H.

S. Rao
2-4-91