

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE *TA 1045* OF *1987*

NAME OF THE PARTIES.....

Herra Lal.....Applicant

Versus

Union of India.....Respondent

Part A,B & C

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1	Order sheet	A1 to A2 ✓
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CERTIFICATE

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

Dated *15-3-11*..... *File B/C destroyed on 09-5-12*

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

10/

Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

Hon' Mr. Justice Kamleshwar Nath, V.C.
Hon' Mr. K. Obayya, A.M.

21/12/89

None appears for the applicant.
Notices again be issued (by name) to the
applicant and his counsel as well.
Shri Arjun Bhargava counsel for the respondents
is present.
Respondents are directed to file counter
affidavit within four weeks to which the
applicant may file rejoinder within two weeks
thereafter.
List this case for further orders on 8-2-90.

[Signature]
A.M.

[Signature]
V.C.

(sns)

No. Siting. Adj. to S. 4. 90

Hon K. Nath, V.C.
Hon K. J. Ramani, A.M.

Shri Himachal, applicant No 1
is present in person. Notice issued
to applicant No. 2 has been returned
with the remark that the applicant
has died; Shri Himachal also says
that the applicant No 2 has died.
Notice issued to applicant No 3
has been served. Shri A. Bhargava
requests for and is granted 3 weeks
time to file counter affidavits may
be filed within one week. List for
final hearing on 24.5.90

Dinesh

Case has been
recd. from CAT, M.D.
on Aug. 09.

Case is admitted.
CA/RA has not
filed.

Date was fixed
from CAT, M.D.

Submitted
for order.

20/12

Notice issued
12/11/90

Notice were
sent to the ap-
plicant & his counsel.
Notice of
applicant has
been returned
with the
remark illegible
S.F.O.

31/12/89

As per court's
order dt. 5.2.90.
no reply has been
filed.
Submitted for
hearing.

18/5/90

(2)

$\frac{+}{2}$

T.A no. 1045/87

(W.P. 2128/82)

(8)

3.12.90

No sitting adj to 11.12.90.

L

(9)

11.12.90

case not reached Aajournment
to 13.12.90

OR

No CA filed

S.F.H/Ex parte

(10)

13.12.90

case not reached Aaj
to 23.1.91

Q
BOC

L
8/12

(11)

23.1.91

- No sitting adj to 19.3.91.

Q
BOC

(12)

19.3.91

- No sitting adj to 1.4.91.

Q

(13)

1.4.91

Standl. Mr. Justice K. Math. vs
Standl. Mr. A.B. Govil. A.M.

OR

No CA filed

S.P.H/Ex parte

L
27/3/91

on the request of applicant -
case is adjourn to 2.4.91

1

A.M.

Q
VC

Q

(14)

2/4/91

Hon. Mr. Justice K. Math, vs.
Hon. Mr. A.B. Govil, Am.

The applicant No. 1, Hira Lal is present in person and
files a copy of the judgement dt. 12/12/90 in T.A. no. 1521/87
of this Bench. Shri. Arjun Bhargava files Coram
along with the application for condonation of delay; the
delay is condoned, ~~and a copy~~ ^{required} copy has been
delivered to the applicant in person. The applicant
may file rejoinder within two weeks and the
case may be listed for final hearing on 19/4/91.

1
Am.

Q
VC

3

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

....

Registration T.A. No.1045 of 1987(T)

(Writ Petition 2128 of 1982)

Hiralal and others Petitioners
versus

Union of India and others ... Respondents

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

Hon'ble Mr A.B. Gorthi, A.M.

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

The Writ petition No. 2128 of 1982 filed before the High Court of Judicature at Allahabad, Lucknow Bench was received on transfer to this Tribunal under Section 29 of the Administrative Tribunals Act No. XIII of 1985. The petitioner has sought relief against his reversion order dated 26-4-1982 (Annexure-4 to the writ petition). The writ petition was admitted and interim order staying the operation of reversion order was passed. Out of 3 petitioners, petitioners no. 2 and 3 have retired from service, out of whom petitioner no.2 is reported to have died. The petitioner no.1 is still in service.

2. Briefly, the facts are that the petitioner no.1 was initially appointed as Khallasi on 15-10-1958 and subsequently was promoted as Tele-Com Maintainer in the scale of Rs.260 - 400 and thereafter promoted to the post of Cable Jointer in the scale of Rs.380 - 560. He was put to officiate on the Grade III of Tele-com Inspector in the grade of Rs.425-700 on ad-hoc basis, in view of the fact that the posts were created

and no selection had taken place. It is said that he appeared in the prescribed test for the post of T.C.I. Grade III in the grade of Rs.425-700, but was declared unsuccessful consequently the petitioner was reverted and the person who got success in the test got appointed in place of the petitioner. The petitioner has placed reliance on the Railway Board circulars i.e. the persons who have worked on the higher posts for 18 months or more cannot be reverted and had to be treated as permanent for all practical purposes. Rather more reliance has been placed on the latest circular Annexure-R-2 dated 29-7-1985 in which it was specifically provided that all the 3 categories whether T.C.I, Head T.C., and Conductor in the grade of Rs.425-640 who were on ad-hoc basis against the regular vacancies during the period 1979 to 31st December, 1983 pending the finalisation of the selection/suitability/viva voce test may be regularised from the date of their completing ad-hoc service for 18 months and also may be considered for seniority and promotion in the next higher grade. Now the petitioner placed reliance on the said circular, but he was out of these categories as he was appointed on ad-hoc basis as T.C.I. Grade III which is not covered by that circular. It is strange that the persons of similar categories were included in that circular, but the T.C.I. Grade III was not considered. It may be that the union did not raise their

case or it was a case of mere omission, whatever it may be the persons of this category were not included and it is desirable that their cases for regularisation like the other three categories may be considered.

3. In view of the fact that the applicant has been working against the said post and he appeared in the said test, he should not have been reverted out right. In this connexion, we may refer the Full Bench Judgment of Jethanand's case , in which it was directed that the person concerned may be given two more opportunities to appear in the test, in case he even then fails, only then he may be reverted and till then he may be allowed to continue on the post held by him. The similar situation arises in this case. Accordingly , we direct that the applicant shall be given two opportunities to appear in the test and in case he fails in both, only then he may be reverted, otherwise he has to be allowed to continue to hold the post of T.C.I. Grade III. We also direct that the Railway Board should consider as to whether the T.C.I. Grade III in the scale of Rs.425 - 700 could also be included within the ambit of Circular dated 29-7-1985, copies of which are Annexure-RA-2 to the rejoinder affidavit. In case the Railway Board takes a decision that they may also be included within the ambit of that Circular, obviously, there is no necessity of asking the petitioner to appear in the test. With the above directions and orders, the application is disposed of finally.

lv

4. Parties to bear their own costs.


MEMBER (A)


VICE CHAIRMAN

(sns)

May 8, 1991.

Lucknow.

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

W.P. 2128-82

Name of parties.....

H. V. Lal

vs.

Union of India

Date of institution.....

10-5-82

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with Annex and affidavit	34	-	102 00			
	2	Power	1	-	5 00			
	3	Comm. 4658(0) 82	2	-	5 00			
	4	Supplying affidavit	3	-	2 00			
	5	Power	1	-	5 00			
	6	Arch Steel	2	-	-			

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

Date.....

group A 14.1.82

3543 4/8

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

Writ Petition No. 2128 of 1982.

District: Lucknow.

Hiralal and others Petitioners.

Versus.

Union of India and others. Opposite Parties.

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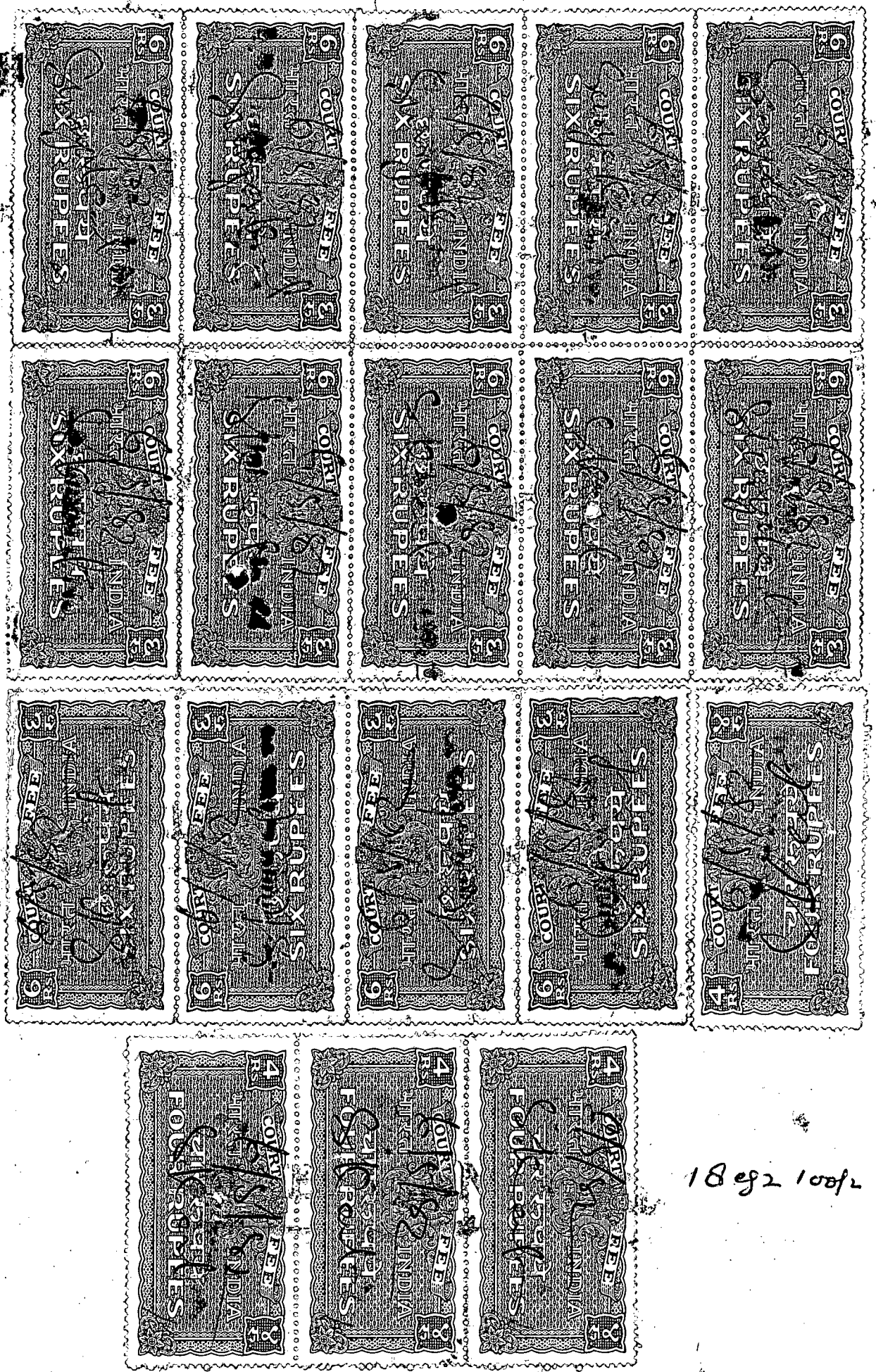
PRESENTED BY

PETITIONERS

Surya Kant
(SURYA KANT)
ADVOCATE

DATED: 5.5.1982.

COUNSEL FOR THE PETITIONERS.



1892 100/2

In the Honble High Court of Judicature at Allahabad
 Lucknow Bench (Lucknow)

W. P. No. 6/1982

Hira Lal and others — Petitioners

Union of India and others — Opposite parties

Singh Kaur
 Counsel for Petitioners

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

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA.

Writ Petition No. **2128** of 82
District: Lucknow.

1. Hiralal, aged about 45 years son of ^uLate Badri Pd.
resident of *Medai Ko. Purwa Daligan, Lucknow*
2. R.L.Sharma, aged about 56 years son of Late Pt.
Lachman Prasad, resident of Ram Shankar Bajpai Lane,
House No.41/477, Narhi Bazar, Lucknow.
3. Shri B.K.Banerjee, aged about 53 years son of
Shri A.K.Banerjee, resident of L.D.Railway Colony,
Alambagh, Lucknow.

.... PETITIONERS.

VERSUS.

1. Union of India ^uthrough *General Manager, N. Rly. N. Delhi.*
2. The General Manager, Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager, Northern Railway,
Lucknow.
4. The Divisional Personnel Officer, Northern Railway,
Lucknow.
5. The Senior Divisional Tele-com Engineer, Northern-
Railway, Lucknow.

.... Opposite Parties.

BEFORE THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUDGES
OF HON'BLE HIGH COURT SITTING AT LUCKNOW.

The humble petitioners submit as under :-

1. That the petitioners are holding the post of
Tele-com Inspector Grade III under the opposite party.

Contd.....



No:1 and are posted at Lucknow under the direct control of the Opposite Party No.5. He always worked with honesty in a most efficient manner to the entire satisfaction of his superiors and as such he was gradually promoted as Tele-com Maintainer in the scale of Rs. 260-400 (Revised Scale) and then he was again promoted to grade of Rs. 380-560 (Revised Scale) as a cable Jointer, temporarily and on adhoc basis and since then he has been working in a most efficient manner and with utmost honesty and efficiency etc. to the entire satisfaction of his superiors and as such the petitioner No.1 was found extra-ordinary and very efficient so he was considered by the opposite party No.1 for the cash reward and on 15th April, 1982 he has been awarded with a cash award of Rs. 100/- for his extra-ordinary work.

3. That the petitioner No.2 Sri R.L.Sharma was initially appointed on 27.12.1948 on the post of Khallasi and he also worked in a most efficient manner with honesty and to the entire satisfaction of his superiors and gradually he has been promoted and worked in various posts.

4. That the petitioner No.2 after the said post was promoted to the post of Block fitter in the scale of Rs.60-130 (Authorised Scale) then he was promoted as a Block Maintainer in the scale of Rs.100-185 (Authorised Scale) and then considering his efficiency and honesty etc. the petitioner No.2 was given a promotion to the post of Tele-com-Maintainer grade I in the scale of Rs.380-560 (Revised Scale) and on this post the petitioner



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No. _____ of 198

-VS.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p><u>Rem Am No 4658 @ 02</u></p>	
	<p>Rem R.C.D. Sharma, <u>Rem S Saghar Ahmad,</u></p>	
	<p>Put up along with this p. Sd R.C.D. Sharma Sd S Saghar Ahmad 10-5-82</p>	
	<p>Rem R.C.D. S, <u>Rem S Ahmad</u></p>	
	<p>Issue notice. Meanwhile the petitioner shall not be reverted in pursuance of the order dated 26-4-82 contained in Annexure 4. Sd R.C.D.S. Sd S Ahmad</p>	

Always showed his honesty and hard work to the satisfaction of his superiors and for his extra-ordinary work he was considered and was again promoted to the post of Tele-com Inspector Grade III in scale Rs. 425-700 (Revised Scale) and this promotion has been given to the petitioner No.2 on 1.1.80 and since then the petitioner No.2 has been working on the said post without any interruption. It would not be out of place to mention that petitioner No.2 has also been awarded with a Merit Certificate for his extra-ordinary work by the Railway authorities.

5. That Sri B.K.Banerjee, petitioner No.3 was also initially appointed on the post of Khallasi and gradually he was given promotion to higher posts due to his extra-ordinary meritorious work, hard labour and honesty upto the satisfaction of his superiors and ultimately he was promoted on ad hoc basis to the post of Tele-com Inspector Grade III in scale of Rs.425-700 (Revised Scale) in the year of 1978-79 and since then the petitioner No.3 has been working without any interruption and to the satisfaction of his superiors.

Hindal

6. That the promotion to the petitioners have been given in clear vacancies against the permanent posts.

7. That the petitioners are hereby filing a true and typed copy of letter No.E/210/0/Con. dated 31.1.1966 as Annexure No.1 to this writ petition and a perusal of this annexure clearly shows that the Railway Board has already settled



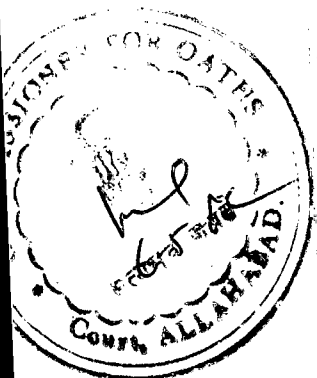
the principles for the persons officiating on higher posts.

8. That the petitioners are also filing herewith a true and typed copy of the circular No. E-254/2 Pt.6/IV dated 30.9.1980 as Annexure No.2. to this writ petition which has been circulated by the General Manager (P), Northern Railway, Baroda House, New Delhi in which various directions of the Railway Board have been quoted and again it has circulated the decision of the Railway Board that the persons who are officiating in the higher grade posts in clear vacancies and those who have completed 18 months or reasonable period efforts should be made to confirm them.

9. That in the light of the above two annexures, it is clear that the petitioners who are working for more than 18 months on their continuous service against clear vacancies are deemed to have been confirmed on the said higher posts.

10. That the opposite party No.1 inspite of his above two cited circulars directed the petitioners to appear for the examination for the said post, but petitioners No.2 and 3 did not appear on the ground that after expiration of 18 months from the date of promotion on the said higher post against a clear and permanent vacancy they are practically confirmed on the said posts and hence there was no necessity for them to appear in any examination for the said post.

Contd....5....



11. That the petitioner No.1 is a Scheduled caste and he in ignorance of the said rules etc. appeared in the examination but he unfortunately was declared unsuccessful.

12. That the petitioners submit that since they are working as Tele-com Inspector Grade III continuously and without any break from the year 1980 they cannot be reverted to the post of Wireless Maintainer. It is submitted that from time to time the Railway Board has issued instructions in the nature of circulars which had the force and authority of Law. The persons who have worked on the higher posts for 18 months or more cannot be ~~x~~ reverted and had to be treated as permanent for all practical purposes.

13. That although the petitioners have been promoted and are working as Tele-com Inspector Grade III since 1980 and they have acquired a lien to that promoted post by virtue of the orders passed by the Railway Board yet in order to make room for newly selected persons who appear to have been appointed in April, 1982 much after, the petitioners have been asked to be reverted to the post of Wireless Maintainer.

A list of such newly appointed persons on 5.4.1982 was sent to the various offices and in the remarks column several persons mentioned therein have been transferred to Lucknow because a new incumbent was being posted in his place and therefore the petitioners were to be reverted.

A true and typed copy of the list dated 5.4.1982 sent by the Senior Personnel Officer, Lucknow is annexed as Annexure No.3 to this Writ petition.



14. That the petitioners are on sick X since 20.4.1982 but in the meantime they have come to know that in pursuance of the aforesaid orders petitioners have been asked to be spared from their duties as Tele-com Inspector Grade III and are required to report to join duties as Wireless Maintainer Grade I Lucknow Division. It is mentioned that the posts of Tele-com Inspector Grade III were no longer available in the Unit. This is on account of the position created by the orders contained in the said communication which has come to the knowledge of the petitioners is Annexure No.4, to this writ petition.

15. That the petitioners have not been served actually with the orders and the persons newly selected have also not joined on their posts and therefore effect has not been given to Annexure No.4 to this writ petition. The petitioners apprehend that within a few days when the new incumbents arrive the petitioners would be relieved of the charge of the post. The petitioners have not yet given charge of their posts and they will be required to give charge as soon as the new incumbents arrive.

16. That from time to time Railway Board have issued circular letters which are in the nature of regulations and are binding on the Officers of the Administration as Railway Board is a statutory body and has been vested with powers to issue such circulars on all matters concerning Railway matters. It is submitted that the circular

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letters issued by the Railway Board have the force of law and binding on all concerned and no right which rests out of it are enforceable in the same manner as the rights arising out of a Statute.

17. That the Railway Board issued circular letter No. E/232/7 dated 23.6.1964 on the subject of reversion of the employees officiating in the higher grade. In the said circular the Railway Board has directed that whenever an employee was put to officiate in higher post his superior officer is required to send an assessment report of the employee completing 6 months officiating period. Subsequently other reports were also to be sent and if the work has been satisfactory even if an employee was not confirmed in the higher grade post for want of permanent vacancy, he cannot be reverted if he has completed 18 months of officiating on the higher post. It was specifically provided that even if after that period there was charge of unsatisfactory working, whose procedure for reversion will be as of the confirmed employee. A true and typed copy of the said circular letter dated 23.6.1964 is annexed as Annexure No: 5 to this writ petition.

Hinalal

18. That after issue of the said annexure the Railway Board has again clarified the matter by issuing a circular letter No. E/210/0/Con dated 31.1.1966 on the subject

Contd...8....



of reversion of the employee officiating in the higher grade. In the said letter attention of the authorities was drawn to the earlier orders and directives of the Railway Board. Almost the same principles and procedure which were mentioned in the earlier letter (Annexure No.5) were repeated in this letter also. Under clause 9 of the said circular it was directed in very clear terms that the employees who had been working beyond 18 months in an officiating capacity on a higher post cannot be reverted. The reason was given in this para that since no officiating individual whose working was unsatisfactory could be allowed to continue beyond 18 months, therefore confirmation must be made after two years of the officiating period has been completed, subject to the permanent post being available for the purposes. A true and typed copy of the said circular letter dated 31.1.1966 ^{has already} ~~is~~ annexed herewith as Annexure No. 1 to this writ petition.

19. That the petitioners hereby submit that their working since 1980 to upto date as Tele-com Inspector Grade III was satisfactory and there was no complaint against them, all their superiors are fully satisfied with their work and they were never communicated any adverse entry during this period. The petitioners have never been given any show cause notice or any other communication indicating that they were to be reverted on the lower post.

Contd.....9.....



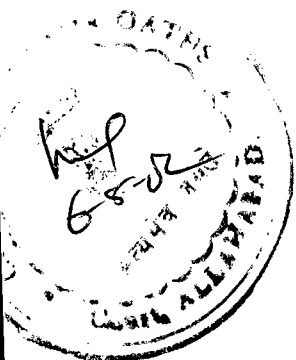
from which they had earlier been promoted and worked in the higher post since 1980 to 1982. The petitioners have acquired the status of permanent servant on the post and they cannot be reverted to the lower post.

20. That the petitioners are advised to state that the effect of the two circulars letters of the Railway Board are that any employee officiating in higher post for more than 18 months cannot be reverted except when he is found to be unsatisfactory and that too can be done only when due process prescribed therefor have been taken namely that the regular procedure of all ~~has~~ show cause notice and holding of enquiry and thereafter proceeding in accordance with natural justice. Since in the case of the petitioners neither all these have ever happened so they have been found to be satisfactorily serving in the higher post; hence it is not open to the opposite parties to revert them now.

21. That it is submitted that the circular letters prescribing the procedure etc. are to be followed and its non-compliance amounts to acting in an arbitrary manner and in disregard of the principles of Article 16 of the Constitution of India.

22. That it is submitted that it is discriminatory to single out the petitioners and subject them to reversion in order to yield place for new incumbents who are new entrants and are juniors to the petitioners as Tele-com Inspector Grade III. This amounts to an arbitrary action.

Contd.....



which is also contrary to the principles of natural justice and in reverting the petitioners every canons of natural justice have been denied to the petitioners. The right to the seniority is a substantial right of a public servant and reversion which would take away several years of meritorious working is unreasonable, illegal and contrary to the established practices.

23. That there were total 60 vacancies for the appointments to the post of Tele-com Inspector Grade III and according to the roster point the opposite parties were bound to fill up 10 posts from amongst Scheduled Castes and they were bound to call atleast 30 persons from below upto 3 grades but in the present selection though it is vitiated on varbus grounds is also bad because of the legal position that only 7 persons from Scheduled Caste quota have been selected. 30 candidates were not called for selection etc. and without assigning any reason the reserve quota of the Scheduled Caste has been filled up by the General Candidates. Hence the roster point formula in selecting the candidates from Scheduled Caste quota has not been followed by the opposite parties and hence the entire proceeding for selection has been vitiated on this ground alone. A true and typed copy of the roster point is annexed as Annexure No. 627 to this writ petition.

Heard

24. ~~That aggrieved by the aforesaid~~

Contd.....



24. That a similar writ petition filed by one Sri S.S.Mathur under writ petition No.1697 of 1982 has already been admitted on 14.4.1982 by Hon'ble Mr. Justice R.C.Dev Sharma and Hon'ble Mr. Justice Syed Shagir Ahmed and they have also granted the Stay Order in that case staying the operation of the reversion order and in the present writ petition too the petitioners are similarly situated and all the facts and circumstances and legal positions stated in the writ petition No.1697 of 1982 are similar in the case of the petitioners.

25. That aggrieved by the aforesaid actions of the opposite parties, petitioners are filing the present writ petition on the grounds interalia:-

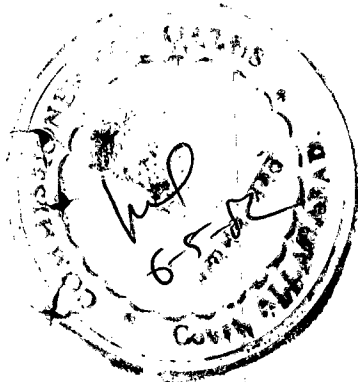
GROUNDS

I. Because the reversion of the petitioners are arbitrary and against the fundamental rights conferred under Article 14 and 16 of the Constitution of India.

II. Because the reversion is contrary to the established procedure and reverting the petitioners in disregard to the rule of law and is also contrary to the principles of natural justice.

III. Because the authorities concerned have acted without jurisdiction.

Contd.....



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IV Because the impugned orders contained in Annexure No. 4 to this writ petition are illegal, unreasonable and cause irreparable loss to the petitioners.

V. Because in the case of the petitioner No.1 the roster point formula has not been followed and out of total 60 vacancies, the opposite parties were bound to have called atleast 30 persons from below upto 3 grades to fill 10 posts from amongst the Scheduled Caste and in not doing so the opposite parties have committed manifest error of law.

VI. Because the actions of the opposite parties are fully malafide, without jurisdiction, most arbitrary and is liable to be set-aside with costs.

PRAYER.

A. WHEREFORE it is prayed that this Hon'ble High Court may kindly be pleased -

A. to issue a suitable order, direction or writ in the nature of certiorari ~~ean~~ quashing the impugned orders contained in Annexure No. 4 to this writ petition.

B. to issue a writ, order or direction in the nature of mandamus, commanding the opposite parties not to revert the petitioners from the post of Tele-com Inspector Grade III to that of the Wireless Maintainer or any other

subordinate post and it may further be
 dired to the opposite parties to act in
 accordance with law as established by the
 Railway Board's circular letters.

C. to issue any other order, direction or
 writ which this Hon'ble Co High Court may
 deem fit, just and proper in the facts
 and circumstances for protecting the
 interest of the petitioners.

D. The cost of the writ petition may be
 allowed to the petitioners and against the
 opposite parties.

LUCKNOW.

DATED: 6 May, 1982.

Surja Kant
 PETITIONERS.

H. Lal

13/1

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

Writ Petition No. of 1982.
District: Lucknow.

Hira Lal and others Petitioners.
Versus
Union of India and others. Opposite Parties.

ANNEXURE NO. 1

Railways letter No. E/210/0/Com dt. 31.1.1966.

Subject: Reversion of employees officiating in higher grade.

Attention is invited to this office confidential letter No.E/232/7 dt. 23.6.1964 vide which instructions were issued laying down the procedure to be followed in the matter of reversion of employees officiating in higher grade. The position has been further reviewed and instructions contained in the paragraphs which are issued in supersession of the instructions issued vide letter No. E/232/7 dated 23.6.64.

2. As per Board's directions contained in their letter No. E(D&A) 61-RG-6-30 dated 30.11.1961 efforts are to be made to confirm staff officiating in higher grades in clear vacancies, if they are found suitable, after trial, over a reasonable period not exceeding 18 months. It is, however, observed that in practice no proper system is being followed in this respect with the result that staff continue to officiate in higher grade for long period and in several cases staff who have officiated for a number of years have been reverted on account of inefficient working. Such reversion are contrary to the extent orders.

3. With a view to ensure that a proper assessment of the working of staff officiating in higher grades, is made, and action to revert such employees as are found to be unsatisfactory in work in the higher grade, is taken in time, the following procedure is being introduced for



strict compliance by all concerned.

4. Whenever employee is put to officiate in a higher post which may be a selection post or non selection post, his immediate superior should send an assessment report as soon as the employee has completed 3 months officiating period to the authority who had ordered his promotion. In the case of an unsatisfactory report a warning letter should also be issued to the employee and in which instance of his failure should be pointed out to him. A similar further report should be prepared 3 months later i.e. at the end of 6 months officiating period and sent to the authority who had ordered the promotion. If this report is also unsatisfactory, the employee concerned may be reverted with the personal sanction of a Senior Scale Officer in the case of Class IV employee and of a Head of Department in the case of Class III employee.

If an employee is reverted after 6 months due to his unsuitability, it is to be assumed that either his record of service was not consulted at the time of ordering his promotion or if consulted, it did not give a correct assessment of his abilities and in case of selection posts are the selection committee as an error of judgment to assessing his abilities. The aspect also should be examined by the authority ordering the reversion in every such cases.

6. When an employee is reverted for inefficient working from a selection post, his name will be automatically deleted from the panel. For re-promotion he will have to appear before a selection board afresh. Where an employee is reverted for inefficiency from a non-selection post his case should be reviewed at intervals of six months and if he is considered fit for

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promotion he should be re-promoted against the next vacancy.

7. In the terms of Board's letter No.E(D&A)65-RG6/24 dated 9.6.65 circulated under this office letter No. E/VII/232/7 (Con.) dated 30.6.63, any person who is permitted to officiate beyond 18 months must not be reverted for unsatisfactory work without following the procedure prescribed in the Disciplinary and Appeal Rules.

8. A question may be raised whether the safeguard applies to persons who are officiating on promotion as an ~~stop~~ stop gap measure and not after empanelment in the case of selection posts and after passing the suitability test in the case of non-selection post) it is clarified that the safeguard applies only to those employees who have acquired a prescriptive right to the officiating post by virtue of their empanelment or having been declared suitable by the competent authorities. It does not apply to those officiating on promotion as a stop gap measure and also to those cases where an employee duly selected has to be reverted after a lapse of 18 months because of cancellation of selection and proceedings due to change in the panel position on consequent to rectification of mistake in seniority etc.

9. Since no officiating individual whose working is unsatisfactory could have been allowed to continue beyond 18 months except under very special circumstances confirmation must be made after two years of officiating period has been completed subject to permanent post being available for the purpose. In the case of staff with satisfactory reports, confirmation against available vacancies ---- Contd...

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can be ordered after one year. If it is proposed to defer the confirmation on an individual after 2 years G.M.'s prior sanction should be obtained.

10. The assessment reports referred to above should be marked confidential and a proper record kept of those communication. The Establishment Section should watch the case of each employee and indicate action when the employee completes 3 months of officiating period by putting up a note to the Executive Officer for the purpose.

II. That the above procedure should also be followed in the case of class III employees promoted to officiate in Class II. In their case, the assessment report should be sent to the HOD and where the Officer has been reported on adversely, the papers should be put up to the General Manager personally for his information and orders.

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District: Lucknow.

Versus.

ANNEXURE NO: 2.

It is laid down that there should be no instances when adhoc arrangement continues for long duration. Normally the selection may be finalised within a period of 3 months of adhoc arrangement and regular promotion.

G.M's No. E/232/7 dated 23.6.64 read with his letter No. E/210/0/6 dated 31.1.66 state that efforts should be made to confirm staff officiating in higher grade in clear vacancies over the reasonable **period** but not exceeding 18 months. Staff has taken advantage of the above circular from the court of law in every cases.

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19

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

Writ Petition No. of 1982.

District : Lucknow.

Hiralal and others. Petitioners.

Versus

Union of India and others. Opposite parties.

ANNEXURE NO. 3.

NORTHERN RAILWAY.

Headquarters Office.
Baroda House,
New Delhi.

NOTICE.

has passed the following orders:-

The following staff who have been placed on the panel of Telecom Inspector Grade III Rs.425-700(RS) vide this office letter of even number dated 25.3.82 may be appointed to officiate as such and posted on the Division/Unit indicated against each:-

S.No:	Name.	Present Division.	Division to which posted on promotion as TCI Gr.III Rs.425-700(RS)	Remarks.
1	2	3	4	5
1.	Sh. O.P.Malai TCM Gr.I.	DLI	Delhi.	Against an existing vacancy.
2.	Darshan Kumar TCM Gr.I.	HQ	HQ	Against an existing vacancy.
3.	R.P.Singh, TCM Gr.I.	ALD	ALD	-do-
4.	N.D.Shukla, -do-	LKO	LKO	-do-
5.	T.L.Abrol. TCM Gr.I.	ALD	ALD	-do-
6.	S.K.Wadera -do-	HQ	HQ	-do-

Contd....



1	2	3	4	5
7. Rameshwar Kumar Cable Jointer.	DLI	DLI.	Against an existing vacancy.	
8. O.P.Malhotra, TCM Gr.I.	HQ	HQ	Vice Sh.Prem Lal B... who is posted against temporarily down graded post of TCI Gr.II in HQ against an existing vacancy	
9. Gurbux Singh.	FZR	FZR	Against an existing vacancy.	
10. Ashok Kumar, TCM I.	DLI.	DLI.	-do-	
11. J.L.Jag TCM. Gr.I.	DLI.	DLI.	-do-	
12. Shri Ram TCM Gr.I.	DLI.	DLI.	-do-	
13. K.L. Dhanija, TCM Gr.I.	LKO	Microwave/M	-do-	
14. P.K.Sharma, TCM Gr.I.	JU	JU	-do-	
15. R.K.Upadhyaya	-do-	ALD	ALD	-do-
16. Maroof Ahmad	-do-	AID	AID	-do-
17. S-eev Shiv Om Prakash	-do-	ALD	AID	-do-
18. S.N.Shaha	-do-	ALD	ALD	-do-
19. Rajindar Singh Gr.III	HQ	HQ	-do-	
20. Sh.R.K.Diwan, TCM Gr.I	AID	AID	Against an existing vacancy.	
21. S.K.Mathur. TCM Gr.I.	AID	ALD	-do-	
22. S. Rameshwar Singh	-do-	AID	AID	-do-
23. Usnai Lal (SC)	-do-	-do-	ALD	-do-
24. Rajinder Kumar.	-do-	BKN	BKN	-do-
25. Yoginder Kumar.	-do-	MB	MB	-do-
26. Agha Ahmad Raza	-do-	MB	MB	-do-
27. Kamal Kishore Saxena.	-do-	AID	AID	Vice Anil Kumar Nigam transferred to LKO against an existing vacancy.

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1	2	3	4	5
28.	D.C.Shukla	-do-	ALDMB(M)	Against an existing vacancy.
29.	S.D.Verma.	-do-	ALD MB(M)	-do-
30.	B.K.Dass.	-do-	MB MB(M)	-do-
31.	M.B. Rakesh.	-do-	MB MB(M)	-do-
32.	Sham Lal Goel.	-do-	DLI DLI	-do-
33.	Sukh Dev Kaushik	-do-	DLI DLI	-do-
34.	Vijay Kumar Sharma	-do-	DLI DLI	-do-
35.	Ravi Kumar Kapoor	-do-	DLI DLI	-do-
36.	D.N.Singh	-do-	ALD MW(M)	-do-
37.	O.Dutta.	-do-	ALD MW(M)	-do-
38.	J.M.Singhrana.	-do-	CSTE/C CSTE/C	-do-
39.	V.K.Datta.	-do-	ALD MW(M)	-do-
40.	K.N.Misra.	-do-	RE RE	-do-
41.	Damodar Saran	-do-	GZB GZB	Vice K.K. Ram(SC) transferred to LKO against an existing vacancy.
42.	Shiv Kumar	-do-	-do- GZB	vice Sh.Hemant Kumar trd.to LKO against an existing vacancy.
43.	R.L.Gupta.	-do-	JW JU	Against an existing vacancy.
44.	Baldev.Singh	-do-	FZR FZR	-do-
45.	O.P.Srivastava	-do-	ALD MW(M)	-do-
46.	A.K.Tikka.	-do-	DLI HQ	Against tempo- rarily downgraded post of TCI Gr.II at Mangloi
47.	Ravinder Mohan	-do-	DLI DLI	Against an existing vacancy
48.	Ranjit Singh	-do-	DLI DLI	Against an existing vacancy
49.	Som Dutt Sharma	-do-	DLI DLI	-do-
50.	Shyam Sundar ...	-do-	DLI DLI	-do-
51.	Sh.A.K.Garg TCM Gr.I.	-do-	RE RE	Against an existing vacancy.

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1	2	3	4	5
52.	S.K.Arora.	-do- ALD	ALD	-do-
53	Suri/Andar Mohan	-do-	-do-
54.	C.N.P.Karta.	-do- BKN	BKN	Vice Sh.P.K. Tripathi tfd. to LKO against an existing vacancy.
55.	Harbans Lal (SC)	-do-		Against an existing vacancy.
56.	Varinder Singh	-do- BKN	BKN	Vice Sh.Dharam Vir TCI Gr.III transferred to Dy CSTE (TW) vice Sh.K.C. Tiwari reverted.
57.	Jai Prakash	-do- AID	Against an existing vacancy.
58.	Ram Dayal Maini (SC)	-do- MB	FZR	-do-
59.	Bhanu Pratap (SC)	-do- DLI		-do-
60.	Pharma Paul Singh	-do- BKN	BKN	Vice Sh.Sewak Ram TCI Gr.III tfd. to LKO under SSTE ACSR LKO vice Sri S.S.Mathur.
61.	Mangal Ram (SC) Cable Jointer.			Against an existing vacancy.
62.	Mangal Singh (SC)			-do-

Advised date of change promptly.

sd/- Illigible.

5.4.82.

Senior Personnel Officer(PC)

No: 754E/168-III(iib)

dated 5.4.1982.

Copy forwarded for information and necessary action to:-

1. DRMS DLI, FZR, ALD, LKO, MB, BKN, & JU.
2. Dy CSTE (MW(M)), Office, NDLS.
3. SSTE/TW DRMS OFFICE, NDLS
4. Chief Engineer/RE/ALD.
5. Dy. CSTE, Main Signal shop, GZB
6. DSTE S& I Training School, GZB.
7. CSTE/Const. Baroda House, New Delhi.
8. APO/HQ

True copy.



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7. Shri B.D.Pandey, officiating TCI Grade III 425-700 (Adhoc) on reversion as TCM Gr.I in grade 380-560 is posted vice Shri K.L.Dhamija.

8. Shri Hemant Kumar, TCI Grade III 425-700 GZB(S&T School) on transfer to this Division is posted vice Shri R.L.Sharma reverted.

9. Shri R.L.Sharma, officiating TCI Grade III 425.700 (Adhoc) is ~~ver~~ reverted as TCM Gr.I 380-560. His posting orders as TCM Gr.I will follow.

The above orders have the approval of Sr DSTE/
Lucknow.

Note: S/Shri B.D.Shukla & K.L.Dhamija will be promoted as TCI Grade III after passing Medical Examination in Category A-3

sd/- Illegible.
for Divisional Railway Manager,
Lucknow.

Copy to: 1. Sr DSTE/Lucknow. 2. Sr DAO/Lucknow.

3. CTI/Lucknow. 4. DRM/N.Rly., Allahabad.

5. Principal, S&T School, Ghaziabad.

6. Dy CSTE/Microwave/M/NDLS.

7. GM(P), New Delhi in reference to his letter

No. 754E/

III(EIIB) dated 5.14.4.82.

TRUE COPY



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(25)

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

Writ Petition No. _____ of 1982.

District: Lucknow.

Hira Lal and others Petitioners.

Versus

Union of India and others. Opposite Parties.

ANNEXURE NO. 5

Railway's letter No. E/232/7 dated 23.6.1964

Sub- Reversion of employees officiating in higher grade.

Under this office letter No. E(45) 19-71 Pt.VI (c) dated 6.2.62, a copy of Board's confidential letter No.E 9D&A061-G/6/36 dated 30.11.1961 was sent to all Officers. As per Board's directions, efforts are to be made to confirm staff officiating in higher grades in clear vacancies, if they are found suitable after trial over a reasonable period of not exceeding 18 months. It is, however, observed that in practice, no proper system is being followed in respect with the result that staff continues to officiate in higher grade for long periods and several cases of staff who have officiated for a number of years have been reverted on account of inefficient working. Such reversion are contrary to the extant orders.

2. With a view to ensure that a proper assessment of the working of staff officiating in higher grades, is made and action to revert such employees, as are found to be unsatisfactory in work in the higher grade, is taken in time, the following procedure is being introduced for strict compliance by all concerned.

3. Whenever an employee is put to officiate in a higher post, his immediate superior should send an assessment report so as the employee has completed 6 months of officiating period. If this report is unsatisfactory a similar further report should be sent three months later i.e. at the end of 9 months ...



Officiating period and again 3 months later i.e. at the end of 12 months officiating period. If the first report is satisfactory further reports need not be sent unless the employee deteriorates in the subsequent months.

4. These assessment reports should be sent on to the authority who had ordered the promotion. In the case of the first and/or second report being unsatisfactory, the employee should be warned that the report on his working has been unsatisfactory and unless he makes a substantial improvement, he will be liable to be reverted.

5. If the third report, at the end of 12 months period is also unsatisfactory, he should be promptly reverted and if he is to be given a further chance even after the third unsatisfactory report, the personal sanction of the Senior Scale Officer in the case of Class IV employee and of a Head of Department in the case of Class III employees should be obtained even after such sanction has been obtained and opportunity given to the employee is of no avail, he must be promptly reverted before completing 18 months of officiating period. Orders for reversion in such cases of officiating ~~period~~ period. Orders for reversion in such cases should not be passed by an authority lower than the authority who had ordered the promotion. When an employee is reverted for inefficient working from a selection ~~Board~~ afresh post, his name will automatically be deleted from the panel. For promotion he will have to appear before a selection Board afresh. When an employee is reverted for inefficiency from a non-selection post his case

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should be reviewed at intervals of six months and if he is considered fit for promotion, he should be repromoted against the next vacancy

6. If it is proposed to revert an employee who had completed more than 18 months of officiating period other than by following the DAR procedure. The personal sanction of a Head of Department must be obtained in the case of Class IV employee and GM's personal sanction must be obtained in the case of class III staff.

7. Since no officiating individual whose working is unsatisfactory could have been allowed to continue beyond 18 months except under very special circumstances confirmation must be made after 2 years of officiating period has been completed subject to permanent post being available for the purpose. In the case of staff with satisfactory reports, confirmation against available vacancies, can be ordered after one year. It is proposed to defer the confirmation of an individual after 2 years, GM's prior sanction should be obtained.

8. If an employee is not confirmed in higher grade post for want of permanent vacancy he cannot be reverted after he has completed 18 months of officiating period on the charge of unsatisfactory working except after the following DAR procedure, the procedure being same for confirmed employees or an officiating employee.

9. The assessment reports referred to above should be marked confidential and a proper record kept of these communications. The Establishment section should watch the case of such employee and

initiate action when the employee completes



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6 months of officiating period by putting up a note to the Executive Officer for the purpose.

10. The above procedure should also be followed in the case of Class III employee promoted to officiate in Class III. In their case, the assessment report should be sent to the Hd. of Deptt. and where an officer has been reported on adversely, the papers should be put up to the GM for his orders.

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29

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

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

Writ Petition No. of 1982.

District: Lucknow.

Hira Lal and others. Petitioners.

Versus

Union of India and others. Opposite parties.

ANNEXURE NO. 6

RAILWAY BOARD'S NO. E(SCT)73 CM 15/6 of 3.2.1974.

Zones.	Scheduled Castes.		Scheduled Tribes.	
	Per cent tages	Points of reser- vation in 100 point roster.	Perce ntage.	Points of reservation on 100 point roster.
South Central	11	1,10,19,28,37,47, 57,66,76,87, and 97	5	4,24,44,64 and 84
Central	12	1,10,19,28,37,46, 55,65,73,82,91 and 98.	10.	4,14,24,34,44, 53,63,75,84 and 94.
Eastern.	17	1,7,13,19,24,30, 36,42,48,53,59, 65,71,76,81,87 and 94.	7	4,17,32,46,61, 74 and 89.
Northern.	20	1,6,11,16,21,26, 31,36,41,46,51, 56,61,66,71,76, 81,86,91 and 96.	5	4,24,44,64 and 84.
North Eastern.	19	1,6,11,16,21,26, 31,36,41,46,51, 56,61,66,71,76, 81,86 and 91.	5	4,24,44,64 and 84.
Southern.	14	1,8,15,22,29,36, 43,50,57,64,71, 78,85 and 92.	5	4,24,45,66 and 87.
South Eastern.	14	4,11,19,26,33,40, 47,54,61,68,75, 82,89 and 96.	15	1,8,15,22,29, 36,43,50,57, 64,70,77,84, 91 and 98.
Western.	11	4,13,22,31,40,50, 58,67,75,84 and 94.	14	1,8,16,24,33, 42,48,55,62, 69,77,86,92 and 98.
C.L.W.	17	1,7,13,19,25,31,37, 43,49,54,60,66, 72,78,84,90 and 96.	8	4,16,28,40, 52,64,78 and 88

I.C.F. & Rly.
Rates

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Zones.	Scheduled castes.		Scheduled Tribe.	
	Percen- tage.	Points of reservation in 100 point roster.	Percen- tage.	Points of reser- vation on 100 point roster.
I.C.F. & Rly. Rates Tri- bunal.	18	1,6,11,16,21,26, 31,36,41,46,51, 56,61,66,71,76, 81 and 86.	5	4,24,44,64 and 84
D.L.W.	21	1,6,11,16,21,26,31 36,41,46,51,56,61, 66,71,76,81,86,91, 96 and 99.	5	4,24,44,64 and 84.
N.E.F.	12	4,11,21,28,35,45, 52,59,69,76,83 and 93.	15	1,7,13,19,26,33, 40,47,54,61,67, 74,81,88 and 95.
Rly.staff College.	7	4,18,32,46,60,74 and 88.	14	1,8,15,22,29,36,42, 50,57,64,71,78, 85 and 92.
P.W.Trig. School.	6	1,18,35,52,69 and 86.	6	4,21,38,55,72 and 89.
I.S.Engg. School.	13	1,9,17,26,33,40, 48,56,63,71,78, 85 and 93.	5	4,24,45,66 and 87.

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

Writ Petition No. of 1982.

District: Lucknow.

Hira Lal and others Petitioners

Versus

Union of India and others..... Opposite parties.

ANNEXURE NO: 7

(Railway Board's letter No: E(NG)62 PMI/22 dated
27.5.1963.).

Procedure for holding selections and Rules
regulating promotions to selections and
non-selection posts, 1967.

SECTION III.

4. Eligibility of staff for selections:

(1) Ordinarily men in two grades below the grade for which the selection is held will be eligible for consideration provided such men were promoted against non-fortuitous vacancies in the eligible grades in accordance with the procedure prescribed for regulating promotions to such grades.

(2) Eligible staff upto 3 times the number of existing and anticipated vacancies in the year will be called strictly in the order of their relative seniority in the lower grade(s) for being examined by the Selection Board. If this number can be obtained wholly for the grade immediately lower than that grade of the selection post there would be no necessity to consider men in the next lower grade. If, however, the requisite number of eligible staff is not available even in the two grades below, the eligibility can be extended to the grade still lower down, to make up 3 times the number to be called up for selection.

Where the competent authority permits the man in the third grade below being considered and the number of
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men still remains short of 3 times the number required to appear for selection or where the competent authority desires to confine the selection to the men available in the two grades below the grades for which selection is held, the men so available even though their number be less than 3 times the number of men required to be placed on the panel will be examined for forming a panel for the selection post concerned.

(7) S.C. Candidates will be called for selection to the extent of the number available in the order of seniority of the eligible S.C. candidates irrespective of whether they be in the grade below the grade of the selection post concerned or in the next lower grade and they will then be placed in the list of the other candidates in the relevant order of general seniority. If the total no. of men of this community are not available in the two grades below the grades of the selection post, those in the third grade should only be considered with the approval of the competent authority subject to the provisions of sub-paras 3 & 6 above are fulfilled.

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

Writ Petition No. _____ of 1982.
District: Lucknow.

Hiralal and others. Petitioners.

Versus

Union of India and others. Opposite parties.

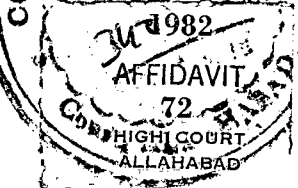
AFFIDAVIT IN SUPPORT OF THE WRIT PETITION.

I Hiralal aged about 45 years son
of Late Badri Pd. resident of Medai Ka Pura
Deliganj Indor.
do hereby solemnly affirm and state on oath as under:

1. That the deponent is himself petitioner in the above noted writ petition and as such he is fully conversant with the facts of the case
2. That the contents of paragraphs 1 to 15, 19²³ & 24²⁴ of the accompanying writ petition are true to my own knowledge and those of paragraphs 16 to 22 & 25 of the writ petition are believed by me to be true.
3. That the deponent do hereby verify that the annexures No. 1 to 7 of the accompanying writ petition are the copies of their respective originals.

LUCKNOW. u
DATED: 6.5.1982.

Hiralal
DEPONENT.



VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph 1 to 3^u of this affidavit are true to my own knowledge, no part of it is false and nothing material has been concealed so help me God.

Hiralal
DEPONENT.

I identify the deponent who has signed before me

Surya Kant
Solemnly affirmed before me on 6-5-1952
at 11-00 a.m./p.m.

by *Hiralal* deponent who has been identified by Sri Surya Kant, Advocate, High Court, Allahabad.

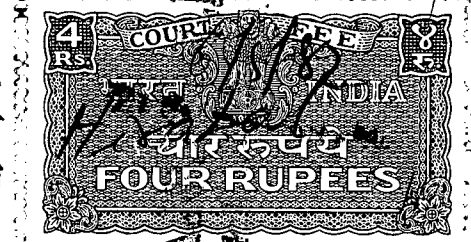
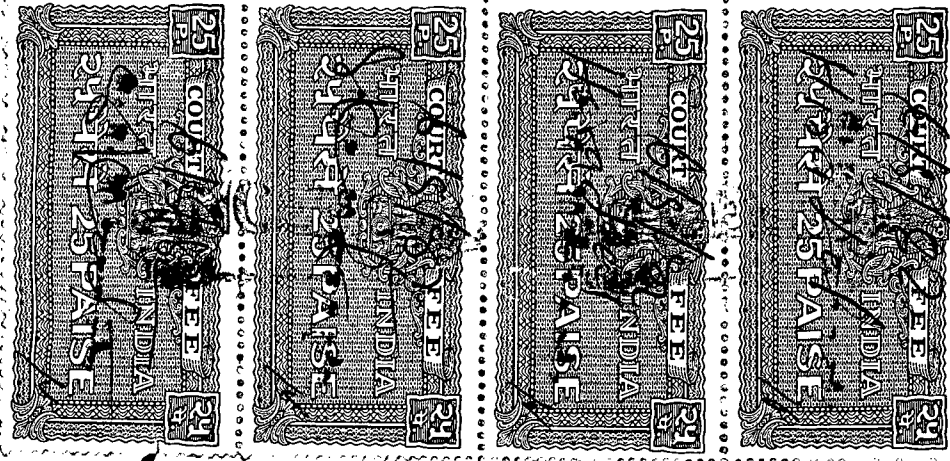
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained to him.



hup
COMMISSIONER
High Court, Allahabad
7/12/52
No. 1340
Date 5-1952

ब अदालत श्रीमान

Hable High Court of Judicature at 38-
Mootabad Juh Beach J महोदय



Heard & Co.

वादी (मुद्दी)

6/5

बनाम

Heard & Co.

प्रतिवादी (मुद्दातह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Surya Kant Advocate एडवोकेट

10-8th June, 1919

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूं और लिखे देता हूं 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 रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

H. Lal

R.L. Sharma

B.K. Banerji

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

१९ ई०

3

2/6

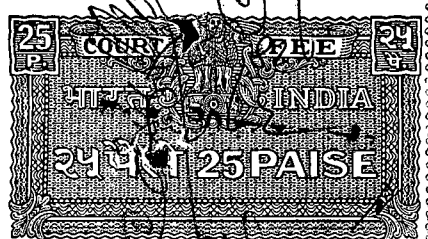
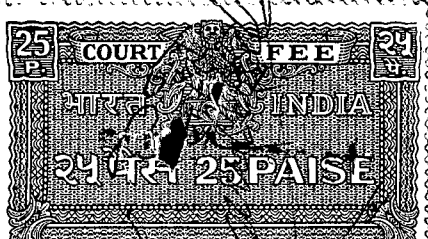
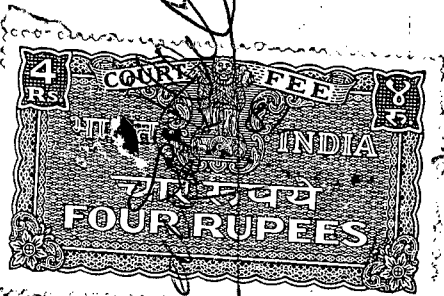
BEFORE THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH LUCKNOW.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF
INDIA.

MBC. *apd* No

4650682

Writ Petition No. 2120 of 1982.
District: Lucknow.



1. Hiralal, aged about 45 years son of
resident of
2. R.L.Sharma, aged about 56 years son of Late Pt.
Lachman Prasad, resident of Ram Shankar Bajpai Lane,
House No: 41/477, Narhi Bazar, Lucknow.
3. Shri B.K.Banerjee, aged about 53 years son of
Shri A.K.Banerjee, resident of L.D.Railway Colony,
Alambagh, Lucknow.

..... Petitioners.

VERSUS

1. Union of India through General Manager, N.Railway,
Baroda House, New Delhi.
2. The General Manager, Northern Railway, Baroda House,
New Delhi.
3. The Divisional Railway Manager, Northern Railway,
Lucknow.
4. The Divisional Personnel Officer, Northern Railway,
Lucknow.
5. The Senior Divisional Tele-com Engineer,
Northern Railway, Lucknow.

.... OPPOSITE PARTIES.

Contd.....2.....

5 CF = Rs 5/-
3/10/5/82

APPLICATION FOR STAY.

The humble petitioners beg to submit that for the facts and reasons stated in the accompanying writ petition duly supported by an affidavit that the operation of the impugned order contained in Annexure No. to this writ petition may kindly be stayed till the disposal of this writ petition or any other suitable order which may be deemed fit, just and proper may also be passed meanwhile.

Lucknow.

Surja Kant

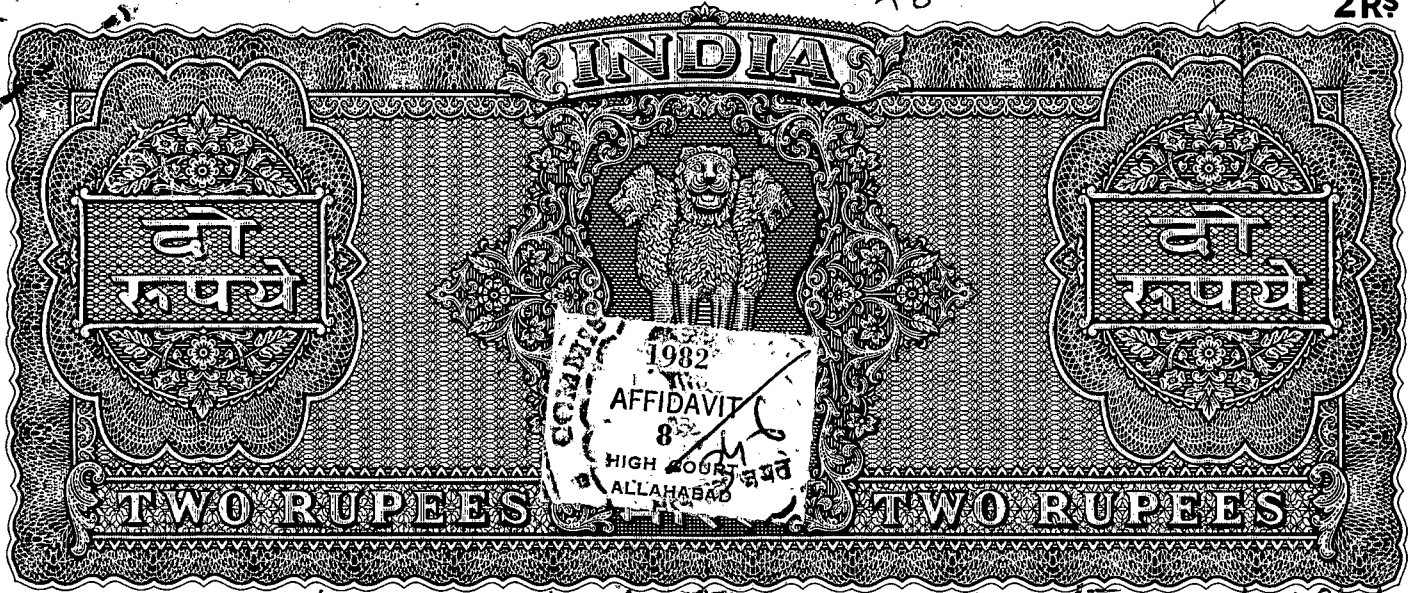
COUNSEL FOR THE PETITIONERS.

DATED: 5.5.1982.

A/46

4

2RS



IN THE HONBLE High Court of Judicature at Allahabad
Lucknow Bench Lucknow

W. P. No.

2/1982

Sri Hiralal Gathers — Petitioners

vs

Union of India Gathers — O. Parties

Affidavit



Hiralal

A
19

Hon K S Mehta
Hon M B Chhaya
Place on no

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow. 17.5.82

4/3

Supplementary-Affidavit

In re:

Writ Pet. No. of 1982.

Sri Hira Lal & others ---Petitioners.

Versus

Union of India and others ---Opp-Parties

I, Hiralal, aged about 45 years, son of
Sri Badri Prasad, resident of Medai Ka Purwa,
Daliganj, Lucknow, do hereby solemnly affirm and
state on oath as under :-

1. That the deponent is the 'Petitioner' No.1' himself
in the above noted writ-petition and as such he is
fully conversant with the facts of the case.

2. That the deponent states that the grade of
Telecommunication Inspector is Rs.425-700/- and the
post is, therefore not a Selection post to be filled
up by empanelment. The post is to be filled up
after judging the suitability test.

3. That the Senior Singal and Telecommunica-
tion Engineer (ACSR), Lucknow had found the
deponent and other petitioners suitable for
promotion to the post of Telecommunication Inspector

(contd.....2)

Hiralal



4/50
43
:: 2 ::

after testing their suitability, and it was only thereafter that the deponent & other petitioners were promoted. The deponent states that the relevant papers are in the custody and power of the opp-parties which would show the aforesaid position.

Lucknow dated,

May 12, 1982.

Himchal

Deponent.

I, the deponent abovenamed verify that the contents of para 1 of this affidavit are verified on information derived from record and believe to be true and those of para 2 are true to my own knowledge and no part of it is false and nothing material has been concealed so help me God.

Lucknow dated,

May 12, 1982.

Himchal
Deponent.

I identify the deponent who has signed before me.

Surya Kant

Solemnly affirmed before me on 12-5-82 Advocate.

at 10-5 A.M. P.M. by Himchal
the deponent who is identified by

sri Surya Kant Advach

Clerk to Shri

Advocate, High Court Allahabad.

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

Imob. 10/11
High Court
12/5/82
Date

#152
In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No.2128 of 1982

Sri Hira Lal and others

... Petitioners

versus

Union of India and others

... Opp-parties

It is most respectfully submitted as under :-

1. That in the above mentioned writ petition, the undersigned is filing his power on behalf of the opposite parties. It is requested that the same may kindly be taken on record.

Lucknow,
Dated : September 6, 1982.

Sherma
(Siddharth Verma)
Advocate.

Recd
22/09/82
9/3/9

1405

1/53

Judicature at Allahabad,
Bench, Lucknow.
No. 2128 of 1982

Trr. Form No. 383

RECEIPT FOR PAYMENT TO GOVERNMENT

(Form no. 1, Chapter II, Paragraph 26 Financial
Handbook) Volume V, Part II

Court of Judicature

(Lucknow Bench)

Place

Department and office

Received from

the sum of Rs.

on account of

Signature of Government Servant
granting the receipt.

Designation

Claimant
Appellant
Petitioner

Off. party
Respondent

Versus

Shri. Siddharth Verma, Advocate
w. Lucknow

described suit/appeal/proceedings on behalf of the
pt processes of the Court, to appoint and instruct
ys and generally to represent the Union of India in the
ings incidental to such appearing, acting, applying
NEVERTHELESS to the condition that unless express
e appropriate Officer of the Government of India, the

Pleader appointed by him shall not withdraw or
withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any
defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise
whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or
in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to
consult such appropriate Officer of the Government of India and an omission to settle or compromise would be
definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter
into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted
and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer
the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. Siddharth Verma
Advocate

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of
India this the 3rd September 1982

ACCEPTED

Siddharth Verma

(SIDDHARTH VERMA)
ADVOCATE

Dated 3/9/1982

N.R.—149/1—June, 1981—75.00 F.

P. J. Dhanraj

Designation of the Executive Officer

सपर मुख्य कामिक अधिकारी

प्रधान कार्यालय

नयी दिल्ली

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 2128

of 1982

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
10-5-82	<p>Men R.C. Dho Sharma, 7 <u>Men S. Sagar Ahmad, 7</u></p> <p>Learned counsel for the petitioner proposes to file a supplementary affidavit. —</p> <p>Writ petition NO-1697 of 1982.</p> <p>Sd R.C. Dho Sharma Sd S. Sagar Ahmad 10-5-82</p>	
12-5-82	<p>Men R.C. Dho Sharma, 7 <u>Men S. S. Ahmad, 7</u></p> <p>Put up to morrow.</p> <p>Sd R.C. Dho Sharma Sd S. S. Ahmad 12-5-82</p>	
13-5-82	<p>Men M.N. Shukla, A.C., 7 <u>Men Gopi Nath, 7</u></p> <p>Put up for admission on 17th May 1982 along with writ petition NO-1697 of 1982.</p> <p>Sd M. N. Shukla, A.C. Sd Gopi Nath 13-5-82</p>	

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. WP. 2128-82 of 198

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p>3-9-82. Fixed wp with em-Au. 4658 (wp) for attendance. N. 8 to op. 1 to 5 through R.P.</p>	
<p>8-9-83</p>	<p>Service by in wp & em-Au. 4658 (wp) 82 of 1. Power filed by Sri Siddharth Verma Advocate. 02 to 5. Not received since 17.7.82</p>	
<p>13-9-83</p>	<p>Ad Regr Seen report dated 8-9-83 Op 1 is now represented by Counsel Service on ops 2 to 5 deemed sufficient under ch VIII rule 12 of rules of Court. Office to proceed</p>	<p>Submitted 13-9-83</p>
	<p>from contd. 16.5.82</p>	

56
4149-27-28

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

दीवानी विभाग

प्रकीर्णक (मतफरिफ) प्रार्थना सं० सन १९८२ ई०

W.P. सं० 2128 सन १९८२ ई० में

Hiralal Goltner प्रार्थी

प्रति
Union of India through प्रत्यार्थी

Union of India through B. M.
Narthan Railway Brooma House
Dehli New Delhi प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक 3 माह 9 सन १९८२ ई० को या उससे पहले
उपस्थित होकर कारख बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

बिदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं उधवा किसी एडवोकेट

बीमा नहीं NOT INSURED

जमाये गये डाक टिकटों का मुख्य ह० 5/-

Amount of Stamps affixed Rs. 5/-

प्राप्त किया

Received a Registered

प्राप्त करने का नाम

Addressed to

Signature of Receiving Officer

क्याद/No.

5290

परीख मोहर

Date Stamp

17 माह 7

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के आधीन प्राप्त तलवानी
मिल गया।

तलवानी प्राप्त करने वाले क्लर्क के हस्ताक्षर

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

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० सन १९८२ ई०

..... W.P. सं० 2120 सन १९८२ ई० में

Hira Lal Qathar

प्रार्थी

Union of India Qathar

प्रत्यार्थी

Union of India through

C.M. Northam Railway Baroda

House New Delhi

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक 3 माह 9 सन १९८२ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं उधवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानून अकृत हों, उपस्थित न हों तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 17 माह 7
सन १९८२ ई० को जारी किया गया।

..... Suryakul के एडवोकेट

तिथि 14/5/82

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

B

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना
मिल गया।

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

4132-27-28 56

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

दीवानी विभाग

प्रकीर्णक (मृतफरिफ) प्रार्थना सं० सन १९८२ ई०
W.P. 2128 सन १९८२ ई० में

Hera Lal Dethas

प्रार्थी

प्रति
Union of India
of the General Manager
Northern Railway Beroda House
New Delhi

प्रत्यार्थी

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमे के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक ३ माह ७ सन १९८२ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
मुनवाई नमूने के बाद नियमानुसार निलगति किसी और दिन होगी।

बीमा नहीं NOT INSURED
अपने गये डाक टिकटों का मूल्य ५०
Amount of Stamps affixed Rs. 50
एक रजिस्ट्री प्राप्त किया
Received & Registered
आने वाले का नाम
Addressed to
5286
Date Stamp
M.O. N. D. 12.7.82
Signature of Receiving Officer

हले स्वयं अथवा किसी एडवाकट
उस प्रार्थना-पत्र की मुनवाई और
12 माह 7

तिथि.....

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ
B

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

Pin = 46581-02

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० सन १९८२ ई०

..... स० २१२८ सन १९८२ ई० में

..... Hiralal & others प्रार्थी

..... Union of India & others प्रति प्रत्यार्थी

..... The General Manager, Northern Railway

..... Baroda House

..... New Delhi प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक ३ माह १९ सन १९८२ ई० को या उससे पहले
उपस्थित होकर कारखाने बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानून अकृति हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ... १७ ... माह ... ७
सन १९८२ को जारी किया गया।

... Sayabul ... के एडवोकेट

तिथि ... १९/५/८२

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

B

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना
मिल गया।

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

447-22-7-82

59

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

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० सन १९८२ ई०

W.P. सं० 2128 सन १९८२ ई० में

Hisa Lal & others प्रार्थी

Union of India & others प्रति प्रत्यार्थी

The Senior Divisional Tel Cum
Engineer Northan Railway
Lucknow प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक 3 माह 9 सन १९ 82 ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
मुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानून अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की मुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 17 माह 7
..... 82 को जारी किया गया।

..... के एडवोकेट

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

83

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

दीवानी विभाग

प्रकीर्णक (मतफरिफ) प्रार्थना सं० 46581 सन १९८२ ई०

U.P. सं० 2/28 सन १९८२ ई० में

Hira Lal Soltan प्रार्थी

Union of India others प्रति प्रत्यार्थी

The Senior Divisional Tel-Cum Engineer
Nokhas Railway

Chakera प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक ३ माह १ सन १९८२ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
वालेसे व्यक्ति द्वारा जो कानून अकृति हों, उपस्थित न हों तो उस प्रार्थना-पत्र की सुनवाई और
निर्याय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 17 माह 7
सन १९८२ को जारी किया गया।

Suryakant के एडवोकेट

तिथि 14/5/82

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलबाना
मिल गया।

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

4148-27-782

61

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मतफरिफ) प्रार्थना सं० २१ सन १९८२ ई०

W.P. सं० 2128 सन १९८२ ई० में

Hissdal Rathor प्राथी

प्रति Union of India प्रत्याथी

The Divisional Personal Officer

Northam Railway

Lucknow प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक ३ माह १ सन १९८२ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
मुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
आपसे व्यक्ति द्वारा जो कानून अद्विष्ट हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की मुनवाई और
निरणय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 17 माह 7
82 को जारी किया गया।

यह के एडवोकेट

17/82

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

13

यालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के आधीन प्राप्त तलबाना

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

62

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफर्रिक) प्रार्थना सं० 46581 सन १९८२ ई०

..... W.P. सं० 21201 सन १९८२ ई० में

..... Hiralal & others प्रार्थी

..... Union of India & others प्रति प्रत्यार्थी

The Divisional Personal Officer

Northan Railway

Auleron

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक 3 माह 9 सन १९८२ ई० को या उससे पहले
उपस्थित होकर कार्रवाई कर लें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
मुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं उधका किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो कानून अद्विष्ट हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की मुनवाई और
नियम आदमी अनुवस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 17 माह 7
सन १९ ८२ को जारी किया गया।

... Suryakant ... के एडवोकेट

तिथि 17/7/82

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

B

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के आधीन प्राप्त तलबाना
मिल गया।

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

414 - 271

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

दीवानी विभाग

प्रकीर्णक (मतफरिफ) प्रार्थना सं० सन १९८२ ई०
..... W.P. 2/28 सन १९८२ ई० में

Hira Lal Rastogi प्रार्थी

Union of India & others प्रत्यार्थी

The Divisional Railway Manager
Northern Railway
Lucknow प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक 3 माह 9 सन १९८२ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
सुनवाई उसके बाद नियमानुसार विवृति किसी और दिन होगी।

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Guide

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Signature of Rec

Insured for Rs.

Insurance fee f

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address of
Sender.

Amount to be remi

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issue and date of
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that the article is
ed undelivered

Initials of postmaster
examination, or No
of any reference or
issued

पर या उसके पहले स्वयं अथवा किसी एडवांक्ट
स्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
आज दिनांक 17 माह 7

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

69

हार्द कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

Pin- 46581-04

दीवानी विभाग

प्रकीर्णांक (मुतकरिक) प्रार्थना सं० 2/28 सन १९८२ ई०

W.P. सं० सन १९८२ ई० में

Hira Lal Vethar

पक्षी

Union of India Vethar

प्रति

The Divisional Railway Manager,

Northan Railway

Ducknow

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमे के सम्बन्ध में
..... लिखे प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप
दिनांक 3 माह 09 सन १९८२ ई० को यों उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की
मुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उसके पहले स्वयं उधवा विसी एडवोकेट
वा हेतु व्यक्ति द्वारा जो कानून अंकित हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की मुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 17 माह 7
सन १९८२ को जारी किया गया।

Surgallul के एडवोकेट

तिथि 19/5/82

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना
मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

IN THE HONBLE HIGH COURT OF JUDICATURE AT ALLAHABAD
Lucknow Bench Lucknow

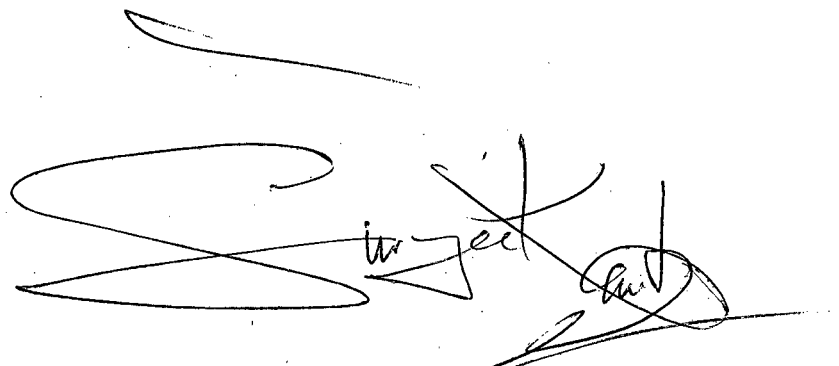
~~A~~
65

W.P. No 2128 of 1982

HIRA LAL AND OTHERS — PETITIONERS
VS

UNION OF INDIA AND OTHERS — OPPOSITE
PARTIES

In the above entitled case
the process fee for
all the five C.B. are
pled herewith


Sanjay Kumar
19.5.82