

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 1109 OF 1987

NAME OF THE PARTIES Chinnu and 12 others Applicant

Versus

Divisional Railway manager and others Respondent

Part A.

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CERTIFICATE

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

Dated 06-06-88

Counter Signed.....

Check on
02-12-12
m


Signature of the
Dealing Assistant

Section Officer/In charge

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD (Circuit Bench)
Lucknow

B/II

INDEX-SHEET

CAUSE TITLE Reg. OA 1109 OF 1987 (L)

Name of the Parties Chinna and 11 others

Versus

Divisional Railway Manager
and others

Part A, B & C

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Order Sheet
OA 1109 (S)

4/1/88 DR

On the request of Counsel for
repsdt, he is allowed to file reply
by 25/1/88.

DR (J)

25/1/88

Registration

Reply filed today. Rejoinder
can be filed by 17/2/88 as prayed

Registration

17-2-88 DR

On the request of Counsel
for the applicant, he is allowed
to file rejoinder by 18-3-88

DR (J)

14/3/88

DR

Rejoinder not filed so far.
Submitted for orders.

R

18-3-88

DR

for the rejoinder affidavit
to be filed by 12-4-88

6/4/88 DR

Rejoinder not filed so far.
Submitted for orders.

R

A2

C.A.T. Circuit Bench at Lucknow

15-7-00

Non. Ajay Dalmi, Adv.

Sri A.K. Dixit for applicant
Sri S.P. Srivastava for respondents.

Sri Dixit has given an application for summoning complete seniority list in respect of the casual labour as prepared on the basis of like registered as indicated in paras

5, 6 & 7 of the reply of the respondents. Sri S.P. Srivastava undertakes to produce the relevant records at the time of hearing. The case be listed for final hearing on 21-9-00.

33

A.M.

1/65

21-9-00. No sitting. On the request of both the parties the case is adjourned to 24-11-00. for hearing.

33

Central Administrative Tribunal, Allahabad.

Registration O.A.No. 1109 of 1987 (L)

Chinna and 11 others Applicants

Vs.

Divisional Railway Manager
and others Respondents.

Hon. D.S.Misra, AM
Hon. G.S.Sharma, JM

(By Hon. G.S.Sharma, JM)

This is a petition u/s.19 of the Administrative Tribunals Act XIII of 1985. It is alleged that the applicants had worked as casual labourers for different periods from 1971 to 1985 in the Northern Railway under the Inspector of Works Hardoi in para 6(1) of the petition and the details were noted in the casual labour cards issued to them. It is further alleged that the casual labourers who have not completed the requisite period of continuous working for absorption in the regular railway service are entitled to get their names included in the live list/register prepared for the purpose to have a prior claim of job over outsiders. Some of the applicants were not given any work after 1979 while others were not given any work for over 2-3 years. The representations made by the applicants for their engagement did not bear any fruit. They accordingly filed this petition for the only relief that the applicants are entitled for the inclusion of their names in the list to be prepared by the respondents within specified time and they are further entitled to be engaged as casual labourers in accordance with their seniority.

2. In the reply filed on behalf of the respondents, the allegations made in para 6(1) of the petition were not denied and it was stated that the applicants were engaged to discharge their duties of Khalasis merely as casual labourers on daily wage basis. It was further very clearly stated in para

5 of the reply that the names of all the 12 applicants have been entered in the live register and in the seniority list for future engagement.

3. In their rejoinder, it was stated by the applicants that it is not sufficient to say that names of the applicants have been included in the list. The necessary details, such as, number, date of issue, gradation number of applicants etc., should have been disclosed by the respondents and without the necessary details the applicants are not in a position to know their exact position. It was also stated that 8 persons mentioned in para 6 of the rejoinder are junior to the applicants who have not only been engaged but have also been regularised and the full justice has not been done to the applicants.

4. The applicants had also summoned record from the respondents to show their position in the live list/register and at the time of hearing, much emphasis was laid on behalf of the applicants that they should be given an opportunity to set up the case regarding their seniority as the relief claimed in this petition is comprehensive enough for entering into the question of seniority. The record brought by the respondents on the request of the applicants was permitted to be seen by the applicants for their information. After a very careful consideration of the whole matter, we are, however of the view that the purpose of the applicants has been served and after their names were included in the live register/list, the petition became infructuous. The question of seniority cannot be gone into in this petition. For raising such question, the applicants have to give the necessary details of the persons against whom they claim seniority and they are also to be impleaded as parties to the petition. The relief regard-

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ing the future engagement of the applicants according to their seniority does not include the relief, the applicants have tried to urge before us, as such questions are to be first raised before the railway administration and when the railway administration fails to satisfy the applicants, they may approach the Tribunal for the proper relief by filing separate petition (s). The live register is maintained only for the purpose of giving employment to the persons entered in the register in future according to the seniority shown in the said register and this having been done now, nothing remains to be adjudicated upon so far as the present case is concerned. The applicants cannot be allowed to raise the question of seniority in this petition and after getting their names included in the register, they are not entitled to any other relief.

5. The petition is disposed of accordingly without any order as to costs.

S. Bhattacharya
MEMBER (J)

B. Bhattacharya
MEMBER (A)

Dated: 25th Nov. 1988
kkb

7- ANNEXURE A-6. -18
Photocopy of casual labour Card of Claimant
No.6.

8- ANNEXURE A-7. 19
Photo copy of casual labour card of
claimant no.7.

9- ANNEXURE A-8. 20
Photo copy of casual labour card of
claimant no.8.

10- ANNEXURE A-9. 21
Photo copy of casual labour card of
claimant no.9.

11- ANNEXURE A-10 22
Photo copy of casual labour card of
claimant no.10.

12- ANNEXURE A-11. 23
Photo copy of casual labour card of
claimant no.12.

13- ANNEXURE A-12 24
Respondents letters dt: 11/12.5.81.

14- ANNEXURE A-13 25
Respondents letters dt: 19.11.83.

15- ANNEXURE A-14 26
Respondents letters dt: 4-3-87.

16- ANNEXURE A-15 27-28
Respondents letters dt: 1-6-87.

17- ANNEXURE A-16 29
Representation dated: 15-5-85.

18- ANNEXURE A-17 30
Photo copy of regd. postal receipts
dt: 15-12-86.

31
~~AM 3~~
-:: 3 ::-

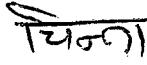
19. Nakalatnama.

31

ALLAHABAD:

Signature of the Applicants:

dated: 18-11-1987:


(Chinna & Others)

Through their counsel.


(A.K. DIXIT)

Advocate

509/28Ka, Old Hyderabad,
Lucknow:

FOR USE IN TRIBUNAL'S OFFICE:

Date of filing

or

Date of Receipt by Post

Registration No:

Signature:

for REGISTRAR:



(Ry 4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH AT ALLAHABAD

B E T W E E N

Chinna and 12 Others.

-----Applicants:

And

Divisional Rail Manager
& Others.

-----Respondents:

DETAILS OF APPLICATION:

1- Particulars of Applicants:-

(i) Name of the Applicant:-

(ii) Name of father/husband:

(iii) Age of the Applicant:

As per details

given below:-

- 1- Chinna, aged about 27 years, Son of Sri Hansa, R/O Village Terwa, Post Kachhauna, Distt. Hardoi.
- 2- Ram Bharosey, aged about 36 years, Son of Sri Salik Ram Village Purwa Post Barwa District Hardoi.
- 3- Ram Prasad, aged about 32 years, Son of Sri Tikai, R/O Village Terwa, Post Baghuli, District Hardoi.
- 4- Ram Bhajan, aged about 33 years, Son of Sri Gayadin, R/O Village Khuddi, Post Pachkohra, District Hardoi.
- 5- Rais Ahmad, aged about 27 years, Son of Sri Nanhey, R/O Village & P.O. Khajurahra, District Hardoi.
- 6- Subedar, aged about 28 years, Son of Sri Gokul, R/O Village Terwa P.O. Baghuli, District Hardoi.
- 7- Munna, aged about 23 years, Son of Sri Bacchu, R/O Village Gednapur P.O. Baghuli, Distt. Hardoi.

Ans

-----contd. 12/-

-:: 2 ::-

(A/C)

8- Mahadeo, aged about 24 years, Son of Sri Behari,
R/O Village Paharpur, P.O. Baghauri, Distt. Hardoi.

9- Ram Chandra, aged about 33 years, Son of Sri Champa,
R/O Village Paharpur, P.O. Baghauri, Distt. Hardoi.

10- Bodh Lal, aged about 32 years, Son of Sri Lachhaman,
R/O Village Terwa, P.O. Maholi, District Hardoi.

11- Laltoo, aged about 35 years, Son of Sri Har Sahaya,
R/O Village Paharpur, P.O. Baghauri, District Hardoi.

12- Chhotey Lal, aged about 29 years, Son of Sri Mohkam,
R/O Village Khatara, P.O. Tondali, Distt. Hardoi.

(iv) Designation & Particulars of office in which employed.	Inspector of Works. Northern Railway Hardoi.
(v) Office Address:-	-do-
(vi) Address for service of notice:-	Chinna, Son of Sri Hansa, R/O Village Terwa, P.O. Kachhauna, District Hardoi.

2- Particulars of the
Respondents:

(i) Name of respondent.)
(ii) Name of father/Husband.)
(iii) Age of the respondent.) As per details
(iv) Designation and particulars
of office (name and station)
in which employed.) given below:
(v) Office Address:)
(vi) Address for service of
Notices.)

12-01

.....3/-

RG
G

- 1- Divisional Rail Manager, Northern Railway,
Mooradabad.
- 2- Assistant Engineer, Northern Railway, Hardoi.
- 3- Inspector of Works, Northern Railway, Hardoi.

3. Particulars of order against which application is made.

The application is against the following order:-

(i) Order No. Nil.

(ii) Date Nil.

(iii) Passed by .. Applicants have Worked as casual Labour under Inspector of Works, Northern Railway, Hardoi prior to 1-8-78 for a very long time under broken periods. They are legally entitled for inclusion of their names in the register/list for employment in future. Since no action for entering up their names has been taken by the I.O.W., Northern Railway, Hardoi, this claim is preferred.

(iv) Subject in

Brief:-

All the applicants have worked as Casual labours i.e. Mason, Khallasi etc. for very long duration in broken periods under Inspector of Works Hardoi much prior to 1-8-78. Under Para 2512 of Railway Establishment Manual and according to the direction of Railway Administration applicants are entitled to the

(A4)
2

inclusion of their names in the register/list for providing employment in future. Applicants names have not been included in such list/ Registers and as a matter of fact no such list has been prepared, for which respondents have statutory liability, as such applicants are preferring the present claim for issuing a command, direction or order in the nature of Mandamus that respondent be ordered to prepare such list by including names of applicant in accordance with seniority keeping in view the duration of their working period and to provide them with the suitable jobs strictly in accordance with such list.

Since right of relief arises from the same type of act or transaction, the applicant are jointly interested in the same cause of action and identical question of controversy with regard to fact and law is involved; applicants being unemployed persons belonging to Weaker Section of Society and financially unable to prefer separate claims, beg to seek leave of Hon'ble Tribunal to protest this joint application on single set of fee.

**4- Jurisdiction of
the Tribunal:**

The applicants declare that the subject matter of the action against which they want redressal is within the jurisdiction of this Hon'ble Tribunal.

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5- Limitation:

The applicants further declare that the application is within limitation prescribed in Sec. 21 of The Administrative Tribunal's Act 1985. In any case if Hon'ble Tribunal feels ~~is delayed then~~ that application ~~in view~~ the circumstances mentioned in paras _____ of this petition, the Hon'ble Tribunal may be pleased to Condone the delay. Under Section 21(3) of the Administrative Tribunal's Act, Condonation of delay is prayed only when Hon'ble Tribunal feels that claim is not within time.

6- FACTS OF THE CASE:

6.1. That applicants were engaged as Casual Labours by Inspector of Works (hereinafter referred as IOW) Northern Railway Hardoi. They have put in very long period of faithful employment in broken periods under respondent No.3 from time to time as indicated below:-

<u>Name of Petitioner.</u>	<u>Period of Work</u>	<u>Total days</u>
1- Chinna.	23-12-71 to 31-9-86	261
2- Ram Bharosey.	23.1.73 to 31.1.83	588
3- Ram Prasad.	14.4.78 to 31.1.84	415
4- Ram Bhajan.	3.1.72 to 14.3.85	483
5- Rais Ahmad.	16.8.78 to 14.12.84	714
6- Subedar.	16.12.76 to 14.1.83	399
7- Munna.	13.12.72 to 14.3.83	677

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8- Mahadeo.	6.12.72 to 14.12.84	570
9- Ram Chandra	6.9.72 to 30.4.79	377
10- Bodh Lal.	4.12.73 to 14.2.84	863
11- Laltoo.	6.12.72 to 14.12.84	570
12- Chhotey Lal.	25.9.76 to 14.2.84	467

6.2 That above working days are entered in detail over the respective casual labour Cards of Claimants. However it is necessary to point out that casual labour Card of Claimant No: 11 Laltoo could not be traced as yet, and same will be filed subsequently before this Hon'ble Tribunal.

True photostat copies of Casual Labour Card/Certificates in respect of Claimant No: 1 to 10 are filed herewith as ANNEXURES A-1 to A-11 of this Claim. Photo copy of Casual labour Card of Claimant no.12 is also included in ANNEXURES A-1 to A-11 above.

6.3 That casual labours who have not completed requisite period of continuous working are entitled to be included in the list/register prepared for the purpose and they have a prior claim of job over outsiders. Employment should be given to them strictly in accordance with their seniority of working days. Relevant provisions of Para 2512 (i) to Railway Establishment Manual are reproduced below:-

2512. Absorption of Casual Labour in regular vacancies:-

(i) Casual Labour who acquire temporary status a result of having worked on other than projects for more than 6 months or who have worked for more than 6 months, shall be considered for regular employment

- 7 -

without having to go through Employment Exchanges. Other Casual labour who have not completed Six Months, will, of course, be required to get themselves registered in the relevant Exchanges before they are considered by the Selection Boards. They will have a prior claim over outsiders. In order to ensure this, the names of all casual labour, wherever employed, should be entered in the registers maintained by Divisions or Districts or by any other convenient unit of recruitment strictly in the order of their taking up casual appointment at the initial stage, and for the purposes of empanelment for regular Class IV posts they should, as far as possible, be selected in order maintained in the aforesaid registers. While showing preference to casual labour over other outsiders in the matter of recruitment to regular Class IV establishment, due consideration and weightage should be given to the knowledge and experience gained by them, other conditions being equal, total length of service as casual labour, either continuous or in broken periods, irrespective of whether they have attained the temporary status or not, should be taken into account so as to ensure that casual labour who are senior by virtue of longer service are not left out.

(ii) $\begin{smallmatrix} 1 & 0 & 1 & 1 & 0 & 1 & 0 & 1 & 0 & 1 \\ 1 & 1 & 0 & 1 & 1 & 0 & 1 & 1 & 0 & 1 \end{smallmatrix}$

(iii) $\bullet \bullet \bullet \bullet \bullet \bullet \bullet \bullet$

121-071

contd-
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6.4 That from time to time Railway Administration has also issued directions to engage such casual labours and to prepare a list of such persons for employment in future.

True photo copies of direction of Railway Administration dt: 11/12-5-81, 19-11-83, 4-3-87 and 1-6-87, issued from time to time are attached herewith as ANNEXURES A-12 to A-15 to this Claim.

6.5 That perusal of Annexures A-12 to A-15 goes to show that there are positive instruction on behalf of Railway Administration that those Casual Labourers who have been in service prior to 1-8-78 or 4-10-78 should be enlisted and given employment having regard to their seniority of working days.

6.6 That Railway Board vide its Circular number E (NG) ii-80/CL/25 dt: 22-10-80 has issued positive instructions that in case any person complains about his non-engagement his record of service be checked and engaged in preference to juniors if his claim is found correct.

6.7 That applicants on 15-5-85 and constantly thereafter even on 15-12-86 moved representation to respondent for their engagement but of no avail, except oral assurances that list is under preparation and they will be engaged sooner.

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.....9/-

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P2

True copy of representation dt:15-5-85
and Photo copy of Registered Postal receipt
dt: 15-12-86 are attached herewith as ANNEXURES
A-16 and A-17 to this Claim.

6.8 That so far respondent have not prepared any such list as required and at least they have not included names of applicants for employment.

6.9 That having no regard of applicants working days respondent are engaging outsiders and juniors to casual employment with the result that persons having much less working days at their credit have been regularized even.

6.10 That since respondents have failed to perform statutory duty imposed upon them, regarding preparation of list as aforesaid, applicants beg to prefer this claim, on and amongst other the following grounds, Cause of action for which is recurring:-

G R O U N D S

(A) Because respondent have statutory obligation to prepare a list, including the names of applicants for employment in future.

(B) Because action of respondents in not preparing the list of casual laboures in accordance with having regard to their working days, is arbitrary and malafide.

(C) Because applicants are legally entitled to get their names included in the list and

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to have and engagement according to their seniority to the exclusion of outsiders and juniors.

(D) Because applicants have a ~~key~~ legal right and respondents have a legal obligation to perform.

7- Details of Remedies exhausted:-

The applicants declare that they have availed all the remedies available to them under relevant rules. None of the representations have been decided by an order in writing.

True copies of such representation and Postal receipts have been attached as ANNEXURES A-15 and A-16 to this claim petition.

8- Matters not previously filed or pending with any other Court.

The applicants further declare that they had not filed previously any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

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11/-

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9- Reliefs Sought:

(i) a declaration, direction or order in favour of applicants in the nature of Mandamus/Command that applicants are entitled for inclusion of their names in the list which should be prepared by respondents within a time to be fixed by Hon'ble Tribunal, and are further entitled to be engaged as casual labours in accordance with their seniority, for which respondents be ordered to comply.

(ii) Costs of the claim petition and such other relief as may be deemed fit and proper in the circumstances of the case, be also granted to applicants.

10- Interim order, if any

prayed for:

N I L.

11- Application is presented through Counsel Sri ABHAYA KUMAR DIXIT, Advocate, 509/28Ka, Old Hyderabad, Lucknow.

12- Particulars of Bank Draft/postal order in respect of the application fee:

1- Name of the Bank on which drawn

2- Demand Draft No:

or

1- No. of Indian Postal Order. DD 495611
5

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-: 12 :-

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2- Name of Issuing Post Office. *High Court Bench
Lucknow
Post Office*

3- Date of issue of Postal Order. *17.11.87*

4- Post Office at which payable. *Allahabad*

13- List of enclosures:

1- Demand draft/postal order.

2- Index of documents.

3- Paper book having details of Annexures
as mentioned in the Index.

4- Vakalatnama.

VERIFICATION:

We, Chinna, Ram Bharosey, Ram Prasad, Ram Bhajan, Rais Ahmad, Subedar, Munna, Mahadeo, Ram Chandra, Bodh Lal, Laltoo, & Chhotey Lal, whose names and addresses are given in array of parties do hereby verify that the contents of paras 6.1.1 to 6.9 are true to our personal knowledge and those of paras 6.10 & 7 to 13 are believed to be true on legal advise and that we have not suppressed any material facts.

ALLAHABAD:

7-2-91

Dated: 18-11-1987:

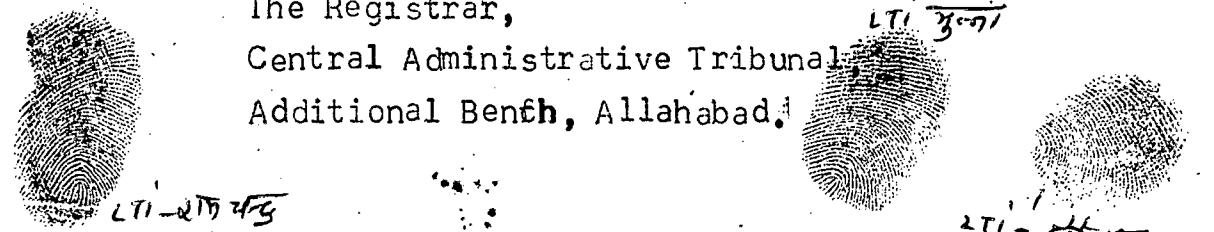
Chinna & Others.

Applicants.

PLAT

To,

The Registrar,
Central Administrative Tribunal
Additional Bench, Allahabad.



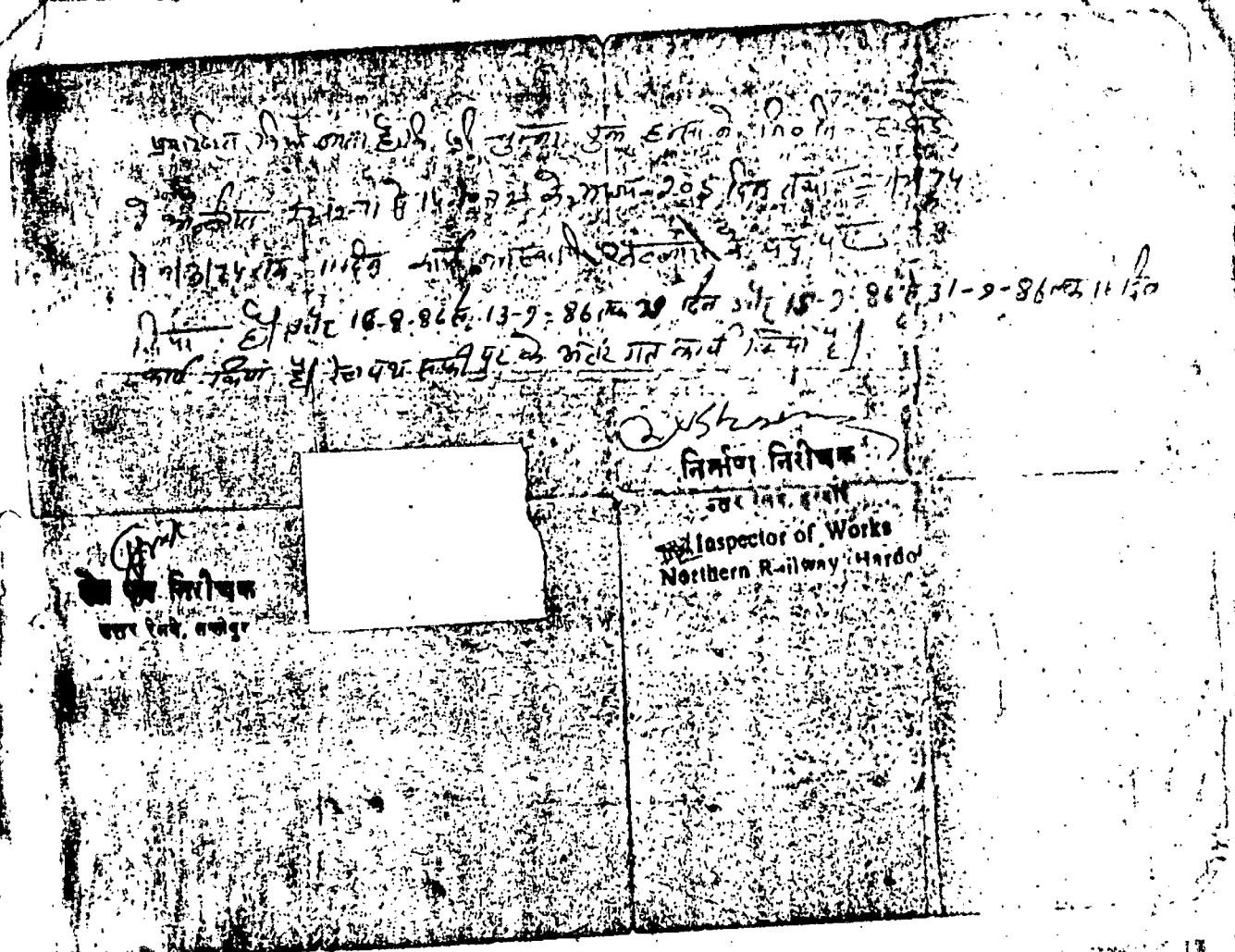
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IN THE CENTRAL ADIVASI LIVELIHOODS DIVISION,
AT ALLAHWAD.

Chinna & Others. Plaintiffs
Versus.
Divisional Rail Manager &

Others. Respondents

ANNEXURE NO: A-1



Abhay

ATTESTED TRUE COPY

Abhay

HIGH COURT
LUCKNOW.

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH,
AT ALLAHABAD.

Claimant S. 7

CHARTER OF THE STATE OF TEXAS, 1861.

Diplomatic Mail Manager 8

Other

Respondent S.

11

ANEXO: 2

1900

ATTESTED TRUE COPY

Abhaya Kumar D. I.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
AT ALLAHABAD.

Chinna & Others.

Versus:

Divisional Rail Manager &
Others. -

-----Claimant st.

Respondents

ANNEXURE NO: A-3

ANNEXURE NO: A-3
Cornel labour card of Ram Prasad

विनायक देव ने दो बार दो दिन प्रति
दिन दो दसवाह ने CASUAL LABOUR

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HIGH C.C.U.
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ATTESTED 7/3/66 COPY

Abhijit
S. S. S.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH
AT ALLAHABAD.

Chinna & Others, Versus

Divisional Rail Manager

Others.

ANNEXURE NO. A-6

Claimants.

Respondents.

SECOND OR SERVICE AS
CASUAL LABOUR

SECOND OR SERVICE AS
CASUAL LABOUR

SECOND OR SERVICE AS
CASUAL LABOUR

1. Name in full (In Block Letters) **Shivaram**
2. Father's Name. **Shivaram**
3. Date of Birth. **1935**
4. Age at initial
casual employment. **Year. 1955**
5. Personal marks of
identification. (i) **100**
(ii) **100**
6. Nature of job on
initial employment. **as / KEN.**

S. No.	Period of employment		Name of Supervisor in Service	Period of employment	Period of employment		Name of Supervisor in Service
	From	To			From	To	
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, MUMBAI, BOMBAY

AT ALLAHABAD.

Channa & Others, VERSUS
Divisional Rail Manager &
Others.

Re: Specification

AN EXCUSE

RECEIVED

सुना:- प्रदान करने वाले विवर

RECORD OF SERVICE AS
CASUAL LABOUR

Sl. No.	Details of Employment	Details of Casual Labour	Remarks
1.	Name in full (In Block Letters)		
2.	Fathers' Name.	1967/1	
3.	Date of Birth	10-12-53	
4.	Age at initial casual employment	Years. Months 15 00	
5.	Personal marks of identification.	(i) (ii)	
6.	Nature of job on initial employment	Office	

ATTESTED

Abhay
12/10/1968
HIGH COURT
LUCKNOW.

Verified

Abhay
12/10/1968

Signature & designation of
the witness on horse.

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IN THE CENTRAL ADMIN. OF LEVY TRADING LTD., ITALY BLDG.,
AT ALTAIRABAD.

"Chitona & Others,"

Vol. 44.
Divisional Rail Magazine

Others.

111 NEW YORK CITY, - 10

Digitized by srujanika

10
Casual labour card of Boch Lal

2006.73	-	14-2123	- 20
89.73	-	14-2123	- 20
14-172	-	14-2123	- 20
14-173	-	15-032	- 10
14-174	-	14-2123	- 20
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14-195	-	14-2123	- 20

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1-2001 ATTESTED

153 63
flights
~~the~~ KLM B.
HIGH COURT
LUCKNOW.

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(Ay 20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
AT ALAMGARH.

Chinna & Others. Versus
Divisional Rail Manager &
Others.

ANNEXURE NO. A-13

Sl. No. Date (Expt) 29.10.82
i. 220-6, M-1, (S. 43, M. 2) 37 1983 28.12.82
Sl. No. Date (Expt) 29.10.82

Sl. No. Date (Expt) 29.10.82
Sl. No. Date (Expt) 29.10.82
Sl. No. Date (Expt) 29.10.82

Sub: Regularisation of casual labour appointed after
1.8.78.

TOP PRIORITY

Attention is invited to this office letter of even number dated 29.10.82 and telegraphic reminders dated 16.12.82, 21.1.83 and 16.6.83 but the information has not so far been furnished by you. Headquarter is pressing hard for Regularisation of casual labour appointed after 1.8.78 i.e. between 1.8.78 to 4.10.78. It is, therefore, requested to furnish the information on the following proforma immediately.

Separately (Annexure 'A' & 'B')

for Divl. Railway Manager,
Mordubbad.

ANNEXURE 'A'

S.No.	Name	Father's name	Design.	Station	Date of engage- ment.	Reasons due to which engaged.
-------	------	---------------	---------	---------	--------------------------	--

1	2	3	4	5	6	7
---	---	---	---	---	---	---

Authority for engage- ment.	Temporary sanction if any (No. and date should be given).	Date of discharge.
-----------------------------------	---	-----------------------

8	9	10
---	---	----

Certified that all C/ labour/Substitute who have been engaged between 1.8.78 and 4.10.78, who had not worked prior to 1.8.78 have been included and no one have been left out.

ATTESTED TRUE COPY

Signature of Sr. Subordinate
Seal/Design/Station and date

Abhaya Kumar

HIGH COURT
LUCKNOW

1983

सम्भासः- केन्द्र सेवा अधिकरण, इलाहाबाद ।

चिन्ना आदि ----- याचीगां ।

विरुद्ध

डिवीजनल रेल प्रबंधक आदि ----- विष्णुगां ।

संलग्नक संख्या- A-14

रेलवे बोर्ड पत्रांक ई०४१६८८०११-७८/सो एल/२/दिनांक ४/३/८७ की प्रतिलिपि

विषय :- नैमित्तिक श्रमिक जीवन्त नैमित्तिक श्रमिक पंजिका मेन्टेन करना ।

रेलवे बोर्ड के पत्र सं०-ई०६८८०११-७८/सो एल/२ दिनांक २५/१/८६ पृष्ठ सं० ८९८९५ द्वारा प्रेषित निर्देशांकों की तरफ द्यान आकर्षित किया जाता है । जहाँ तक परियोजना के नैमित्तिक श्रमिकों का संबंध है निर्देश प्रधान कार्यालय के मु०सं० ९०१८ में उनके बिरच्छता सूची तथा अस्थाई ओहदा देने के निर्देश दिए जा चुके हैं । इसी क्रम में रेलवे बोर्ड से पुनः परियोजना के नैमित्तिक श्रमिक जो ।-।-८। से पहले कार्य कर चुके हैं और काम समाप्त होने पर निकाले जा चुके हैं और उन्होंने पुनः काम पर नहो लगाया गया है । उन्होंने नौकरी में लगाने तथा मु०सं०-९०४८ में दिये गये निर्देशांकों के अनुसार प्राप्त लाभ का अक्सर देने से संबंधित निर्देश इस कार्यालय के पत्र सं० २२०६१९०४११५५५-११५५५ दिनांक ११/३/८७ मु०सं० ९१९१५ द्वारा अभी प्रेषित किया गया है । तदनुसार यह लाभ रेलवे बोर्ड ने ओपेन लाइन के नैमित्तिक श्रमिकों को देने का विनिश्चय किया है इस संबंध में रेलवे बोर्ड के पत्र सं० ई०६८८०११-७८/सोएल/२ दिनांक ४/३/८७ की प्रतिलिपि सूचना मार्गदर्शन एवं आवश्यक कार्यवाही हेतु प्रेषित को जा रही है ।

इस पर तदनुसार व्यपक प्रचार के साथ जारी करे ताकि सबको उसकी जानकारी हो सके तदनुसार आवश्यक कार्यवाही को जाए ।

पत्र का हिन्दू अनुवाद खेजा जायेगा ।

इसको पावती अवश्य भेजि ।

संलग्न प्रयोक्ता नाम :
ATTESTED : *Abdul*

ह०५ राहुल जा०

कृते महाप्रबंधक० का०५

सम्भाः - केन्द्र सेवा अधिकरण, इलाहाबाद ।

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चिन्ना बादि ----- यावीग्रा ।
विष्टु

डिवीजनल रेल प्रबंधक बादि ----- विष्टुग्रा ।

संलग्नक संख्या - - A - 15 -

उत्तर रेलवे,

मण्डल रेल प्रबंधक कायर्लिय,
उत्तर रेलवे मुरादाबाद । दिनांक: 1-6-1987,
पत्र संख्या: ई/ई टी-2/स्क्रीनिंग/वर्तुल फैली/86
मुरादाबाद मण्डल के सभी स्टेशन अधिकृत ।
स्टेशन मास्टर, यातायात नियंत्रक एवं वाणिज्य नियंत्रक ।
मुख्य कन्दौलर, रोजा, मुरादाबाद ।
कायर्लिय अधिकृत मण्डलकायर्लिय, मुरादाबाद ।

विषय :- परिवहन और वाणिज्य विभागों में एकजी तथा कार्यरत श्रमिकों को नियुक्ति ।

परिवहन एवं वाणिज्य विभाग के चर्चा फैली के रिक्त स्थानों को भरने हेतु पैनल बनाने के लिए इन विभागों का कैजुल लेवरों एवं एवजियों से आवेदन पत्र आमंत्रित किए जाते हैं जिन्होंने 31/5/87 तक इन विभागों में 120 दिन लगातार, यदि लगातार न हो तो 121 दिन या अधिक मण्डल में 4/10/78 से पूर्व भी कार्य किया हो । कोई भी कर्मचारी जिसने 4/10/78 से पूर्व मण्डल के किसी विभाग में कार्य नहीं किया है, उनका आवेदन पत्र इस कायर्लिय को न भेजा जाय ।

केवल ऐसे कर्मचारों जो अनुचित जाति/अनुचित जनजाति के अन्तर्गत हैं तथा उनके दिनांक 31/5/87 तक परिवहन व वाणिज्य विभाग में कार्य दिक्षा 120 दिन से कम भी हैं, आवेदन कर सकते हैं लेकिन इन प्रार्थना पत्रों पर किवार बाद में बावश्यकता पड़ने पर किया जायेगा ।

सभी पात्र कर्मचारी आवेदन पत्र संलग्न प्रपत्र "ब" पर पूर्णस्त्री से भरकर दिनांक 15/6/87 तक अपने अन्तिम कार्य किये गये स्टेशन के हन्दार्ज को दे दें एवं उनसे पाक्तो प्राप्त कर लें । कर्मचारों अपने आवेदन पत्रों के साथ सभी प्रमाण पत्रों को सत्यापित प्रतिलिपियों संलग्न करें ।

मण्डल के सभी स्टेशन अधिकृत, मुख्य कन्दौलर तथा कायर्लिय अधिकृत मण्डल कायर्लिय भूरी दरीबीर अपने कर्मचारियों को सूची प्रपत्र "बीरू" पर सीधे ही इस कायर्लिय को श्रीमति के०एल०गोयल वरिष्ठ हित नियंत्रक मण्डल कायर्लिय

मण्डल
अधिकृत
कायर्लिय

लूक्नूपुर
लूक्नूपुर

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मुरादाबाद के नाम से ऐसे । लिफाफे के ऊपर " परिवहन एवं वाणिज्य विभाग में चतुर्थ श्रेणी कर्मचारियों को स्क्रीनिंग" लिखा होना किसी भी दशा में प्रार्थना पत्र सीधे इस कार्यालय को न भेजे जाए ।

इस पत्र के तथ्यों का भली प्रकार प्रचार किया जाये । छण्ड के यातायात वाणिज्य निरीक्षक यह सुनिश्चित करेंगे कि उनके छण्ड के प्रत्येक स्टेशन मास्टर ने अपने स्टेशन का विवरण आवेदन पत्र जो १०/६/८६ दिनांक तक प्राप्त किये हैं, सत्यापित करके उन्हे दिनांक १५/६/८७ तक भेज दिया है । दिनांक १०/६/८७ के स्थानात आवेदन पत्र स्वीकार नहीं किए जायेंगे ।

अपूर्ण आवेदन पत्रों पर विवार नहीं किया जायेगा । आवेदन पत्रों के साथ सभी आवश्यक प्रमाणापत्रों को सत्य प्रतिलिपियां संलग्न होनी चाहिए ।

इसे व्यापक प्रचार के लिए नौटिस बोर्ड परभी लगाया जाय ।

कृते मण्डल रेल प्रबन्धक,
उ० र०, मुरादाबाद ।

प्रतिलिपि: मण्डल सचिव एवं समस्त मुख्य सचिव एन०आर०एम०य० एवं य०आर०एम०य० आप सभी से भी अनुरोध है कि इस पत्र का व्यापक प्रचार किया जाय जिससे सभी पात्रता रखने वाले अध्यक्षी आवेदन कर सकें ।

ATTESTED TRUE COPY

Abhaya Kumar

H.C.I.
LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE MINISTERIAL ADDITIONAL DEPT.
AT ALLAHABAD.

Chinna & Others.^v Versus.
Divisional Rail Manager &
Others.^v

AM-EX-101-17

www.CatManit.org

www.Blogspot.com

ATTESTED TRUE COPY

Abhaya ~~16/11/~~ Dixit

Advocates
HIGH COURT
LUCKNOW

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B/2

SPECIAL POWER OF ATTORNEY:

In the Central Administrative Tribunal Allahabad Bench
..... O.A. No. 1109 of 87

Chinnu & Others .. Plaintiff
..... Appellant
..... Petitioner

VERSUS

DRM & others

Defendant
Respondent

Opposite Party.

Sukh Dev Gupta, Div. Rly. Manager.

KNOW all men by these present that I S. P. Sugalsava, Advocate
Northern Railway Moradabad do hereby appoint and authorise
S/ Sri. S. P. Sugalsava, Advocate .. to appear, plead, and
act for me jointly or severally in the above noted case and to
take such steps and proceedings as may be necessary for the
prosecution or defence of the said matter, as the case may be and
for the purpose to make sign, verify and present all necessary plaint
petitions, written statements and other documents to compromise the
suit admit the claims and to lodge and deposit money in Court and
to receive payment from the court of money deposited and to file
and withdraw documents from Court and generally to set in the
premises and in all proceedings arising thereout whether by way of
execution and or others see or in any manner connected therewith
as effectually to all intents and purposes as I could act if
personally present I hereby agree to ratify and confirm whether
shall be lawfully done by virtue of these presents.

In witness where of I hereinto set my hand this
day of 198

(S. P. Sugalsava)
Accepted
S. P. Sugalsava
Court of Law
M.P.O.

S. P. Sugalsava
(Sukh Dev Gupta)
Divisional Railway Manager
Northern Railway
Moradabad

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

WRITTEN REPLY

ON BEHALF OF THE RESPONDENTS No. 1, 2 and 3

IN

REGISTRATION No. 1109 OF 1987

Chinna and others Applicants

Versus

Divisional Rail Manager and others . . . Respondents

The written reply on behalf of the
above named respondents is as under:

1. That in regard to the allegations made in paragraph 3 of the application it is stated that a joint application by 12 persons is not maintainable, as all of them have separate cause of action. It is further stated that the applicants were engaged as casual labourers on daily wage basis to discharge the duties of Khalasi only. Since the applicants have not paid fee separately the application deserves to be rejected on this ground alone.

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2. That in regard to the allegations made in paragraph 5 of the application it is stated that so far as the applicants No. 2 to 12 are concerned, the application is clearly barred by time.

3. That in regard to the allegations made in paragraph 6.1 of the application it is stated that the applicants were engaged to discharge their duties of Khalasi merely as casual labourers on daily wage basis.

4. That in regard to the allegations made in paragraph 6.2 of the application it is stated that casual labourer cards only show that the applicants were engaged as casual labourers on daily wage basis and ceased to work long ago as is apparent from the figures given in paragraph 6.1 of the application itself.

5. That in regard to the allegations made in paragraphs 6.3, 6.4, 6.5 and 6.6 of the application it is stated that the names of all the twelve applicants have been entered in the live register and in the seniority list for future engagements.

6. That in regard to the allegations made in paragraph 6.7 of the application it is

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stated that as has already been indicated above the names of the applicants have been included in the live register and the seniority list.

7. That the allegations made in paragraph 6.8 of the application are absolutely incorrect and are emphatically denied. It is further stated that the names of all these applicants are continuing in the above documents right from the year 1985.

8. That the allegations made in paragraph 6.9 of the application are absolutely incorrect and are emphatically denied. It is further stated that the applicants were work-side casual labourers and they will be considered for employment on the work-side, if any requirement arises.

9. That the allegations made in paragraph 6.10 of the application are absolutely incorrect and are emphatically denied. No ground at all has been made out for any interference by this Hon'ble Tribunal and the application being devoid of merits is liable to be rejected.

VERIFICATION

I, O.P. Singh, Assistant Engineer,

O.P. Singh

AS
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-4-

Northern Railway, Hardoi, do hereby declare
that the contents of this written reply are
true to my knowledge and belief.


(O.P. Singh)
Assistant Engineer,
Northern Railway,
Hardoi

Place of verification: Hardoi

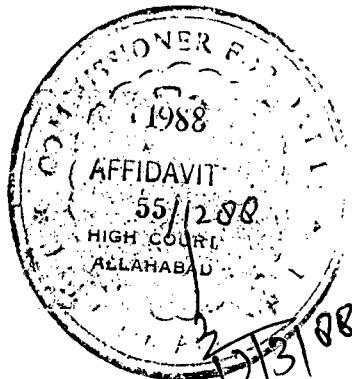
Date of Verification: 24/12/87

(A/C)

In The Central Administrative Tribunal, Additional Bench,
at
ALLAHABAD.



REJOINDER AFFIDAVIT
ON BEHALF OF CLAIMANTS



In re:

Regis. No. 1109 of 1987

Fixed on 18.3.88

oths..

..Applicants.

Vs.

Divisional Rail Manager & oths.. ..Respondents.

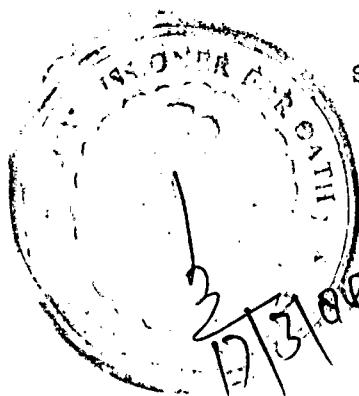
I Chinna aged 28 years son of Sri Hansa,
resident of village Terwa Post Kachhona, District
Hardoi, do hereby solemnly affirm and state on
oath as under:-

1. That deponent is applicant no. 1 in the
above mentioned claim petition and he has been
instructed on behalf of all the claimants to
file this rejoinder in response to the written
reply filed on behalf of respondents No.1,2
and 3.

2. That contents of para 1 of written reply filed
on behalf of respondents No.1,2 and 3,here-
inafter referred as reply, it is submitted that
specific reasons have been given for presenting

..2.

For



*Received Copy
Ravi A.M.A.V
(Ravi A.M.A.V)
B.H.S.S. P.S. Verma*

joint petition on single set of fee in para 3 of the claim. Since claim has been admitted by the Hon'ble Tribunal, respondents have nothing to do with this aspect of case which is a matter between claimants and the court. Apart from it in view of Principle of law laid down in Full Bench decision of Hon'ble Allahabad High Court (Lucknow Bench) reported in 1984 L.L.J. 18, such sort of joint petition on single set of court fee is perfectly maintainable.

3. That contents of para 2 to the reply are denied since relief of Mandamus has been sought for which claimants have got a legal right and respondents have legal obligation to perform, and in view of directions of high level Railway authorities contained in Annexures A-6 to A-9 the cause of action is continuous.
4. That contents of para 4 of reply are matter of records.
5. That contents of paras 5,6 and 7 to the reply being evasive and vague are denied. It is not sufficient simply to say that name of claimants have been included in the list without disclosing the full details of list i.e. its number, date of issue, gradation number of claimants said to have been included in the list. As a

No
3

matter of fact entire list should have been annexed with the reply so that claimants would have been in a position to disclose before this Hon'ble Tribunal as to which person Junior than claimant has been engaged. As a matter of fact such list has never been brought to the notice of claimants nor it has been published or pasted on notice Board. It is highly essential that respondents be ordered to produce the said list before this Hon'ble Tribunal after supplying a copy of the same to the claimants for which a separate application is being moved.

6. That contents of paras 7, 8 and 9 to the reply are denied and those stated in claim petition are reiterated to be correct. Deponent is hereunder giving names of few juniors than claimants who have not only been engaged but regularised. Deponent reserves his right to disclose further names after list is supplied to them:-

17/3/88

महाराष्ट्र

16/4

1. Munshi s/o Rahman Vill. Terwa
2. Bashir s/o Abdulla Vill. Terwa
3. Babu s/o Sumer Vill. Newada
4. Ram Kishor s/o Balak Vill. Terwa
5. Majeed s/o Piarey Vill. Terwa
6. Kamlesh s/o Kashi Nath Vill. Patseni
7. Naseer s/o Subrati Vill. Takia
8. Santosh Vill. Newadia.

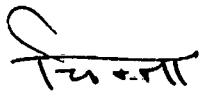
Deponent,

17 March, 1988. (Chinna) applicant No.1

Verification

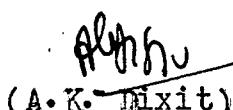
I above named deponent do hereby verify the contents of paras 1 to 8 of this affidavit to be true from my personal knowledge. No part of it is false and nothing material has been concealed. So help me God.

Deponent,


(Chinna)

17 March, 1988.

I know and identify the deponent Chinna who has signed on this affidavit in my presence.


(A.K. Mixit)

Advocate.



Particulars to be ExaminedEndorsement as to result of Examination

✓ (c) Are the documents referred to in (a) above neatly typed in double space ? Yes (Photo Cofs filed)

8. Has the index of documents been filed and paging done properly ? Index filed, Paging done in two copies.

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

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 ? Two Cofs. signed.

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

(a) Identical with the original ? No

(b) Defective ? Yes

(c) Wanting in Annexures

Nos.....12....., Pages Nos. 24....., Wanting.....

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

14. Are the given addresses, the registered addresses ? Yes

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

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? N.A.

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

(a) Concise ? Yes

(b) Under distinct heads ? Yes

(c) Numbered consecutively ? Yes

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

18. Have the particulars for interim order prayed for indicated with reasons ? No

19. Whether all the remedies have been exhausted.

If approved the Case may be listed
on 2.12.83, *26/11/83* Submitter of
Bhandar

Solemnly affirmed before me on 17/3/88
day of March, 1988 at 11-10 a.m./p.m. by the
deponent Sri Chinna who is identified by Sri
A. K. Dixit, Advocate, High Court (Lucknow Bench)
I have satisfied my self my examining the deponent
that he understands the contents of this affidavit
which have been read out and explained by me to
him.

OATH COMMISSIONER.

17/3/88
(R. B. SARKARAVASTAVA)

Advocate Commissioner

Attister High Court

Lucknow, U.P. Lucknow.

No. 55/1288

Date 17/3/88

17/3/88