

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW**

**INDEX SHEET**

CAUSE TITLE T.A. 1059..... OF 1987.....

NAME OF THE PARTIES ... Rgm. Nath. Singh..... Applicant

Versus

..... Union of India..... 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 2/4/2011..... File B/C destroyed on 09-5-12

Counter Signed.....

Section Officer/In charge

Signature of the  
Dealing Assistant

22/12/89

Hon. Justice K. Naith, V.C.

No one is present for the applicant. Shri Arjun Bhargava makes appearance on behalf of opposite parties. The case is ready. Issue notice to the applicant as well as to his counsel & list for final hearing on 27/2/90.

OR

VC.

OR  
Notice given  
18/1/90

P.S.

27.2.90

Hon. Justice K. Naith, V.C.  
trai Mr. K. J. Roman A.M.

OR notice required of both the parties.  
Case is adjourned to 17.4.90 for hearing.

OR

A.M.

OR  
V.C.

OR

Notices issued  
to the applicant as  
well as counsel.No unsworn  
repd. copy has  
been return back  
S. F. hearingL  
20/2

17/4/90

Hon. Mr. D.K. Agrawal, J.M.  
Hon. Mr. P.S. Habib Mohammed, A.M.

No one is present for the applicant. Shri A. Bhargava, is present for the respondents.  
Shri A. Bhargava, wants adjournment.  
Allowed.

L  
13/5

List it for hearing on 21/8/90.

A.M.

OR  
J.M.

SI

T.A. 1059/87

8.8.91

D.R.

AKD

Both the parties  
are absent today.

Applicant to file  
Rejoinder by

28/10/91.

28.10.91

D.R.

Respondent is present.

Applicant is absent.

Applicant to file

Rejoinder by 31/12/91.

31.12.91

D.R.

Both the parties are

absent. Applicant  
to file Rejoinder

by 24/4/92.

AKD

2.4.92

D.R.

SD

Both the parties are absent  
today. Applicant to  
file Rejoinder on or  
before 6/7/92

R

A3

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD / LUCKNOW

BENCH

T.A. 1059 / 87 (T)

NO.

OF 19

W.D. 2927 / 82

VS

No. Date

Office report

17/2/93

D.R.

Both the parties are absent.

R.A. has not been filed.

Applicant to file R.A. on  
the date fixed. List on

15/3/93, for F.H.

DR

Kash

SAN

mp216

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ALLAHABAD BENCH ) ALLAHABAD

T.A. No. 1059/87

D.A.NO.

OF 199

T.A.NO.

*Luelsenow Bench*

*Luelsenow*

*R.D.*

Date of decision:

15th March, 1993.

R.N. Singh ..... Petitioner

Shri S. S. Chauhan ..... Advocate for the petitioner.

Versus

Union of India & Others ..... Respondents.

Shri S. Bharghav ..... Advocates for the Respondent(s)

\*\*\*\*\*

CORAM :-

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

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

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

*W*  
Signature

NAQVI

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

T.A No.1059/87

AS

R.N.Singh ::::: Applicant

vs.

Union of India &  
Others. ::::: Respondents.

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

Hon. Mr. K. Obayya, A.M.

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

This is a transfer application under section 29 of the Administrative Tribunals Act, 1985. The applicant filed a Writ Petition before the High Court challenging the transfer order passed by the respondents on the ground that it was in utter disregard of the Court order that he will have to resign from the post of Assistant Branch Secretary, Utteriya Railway Mazdoor Union, Loco Shed Branch, Lucknow. The transfer order was passed earlier on 11-1-82. A period of 11 years have passed. It appears that no order has been passed vacating the interim order. The said application filed by the applicant has been transferred to this Tribunal by operation of law. Even if the interim order is not vacated, the said interim order is hereby vacated as it appears that the transfer order was passed in the normal course and no mandatory orders contained in any Circular of the Railway Board has been contravened and it appears that, that is why the applicant is not appearing for the last several occasions. There is no merit in the application and accordingly the same is dismissed. No order as to the costs.

*Khurana*  
Member (A)

*u*  
Vice-Chairman.

Date: 15th March, 1993, Lucknow.

(tgk)

CIVIL SIDE  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

W.P. 2927-82

Nature and number of case.....

Name of parties..... Ram Nath Sayad vs. Union of India

Date of institution..... 28.8.82.....

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 Answer and affidavit	15-	—	10/- 00			
2.		Comd. 5991(w) 82 for early listing	2	—	2/- 00			
3.		Power	1-	—	5/- 00			
4.		Comd. 5993(w) 88	1-	—	5/- 00			
5.		Comd. 7086(w) 882	1-	—	5/- 00			
6.		Power	1-	—	5/- 00			
7.		Comd. 11278(w) 85 with C.A.	11-	—	7/- 00			
8.		Power	1-	—	5/- 00			
9.		Comd. 5297(w) 84	6-	—	7/- 00			
10.		Power	1-	—	5/- 00			

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

Date.....

Munsarim

Clerk

14 (11)

(580)

(7)

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

WRIT PETITION NO. 2927 OF 1982.

(DISTRICT & LUCKNOW)

Ram Nath Singh.

.... PETITIONER.

Versus

Union of India and others. .... OPPOSITE PARTIES.

I\_N\_D\_E\_X.

Sl. No.	Description of Papers.	Page No.
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4.	Annexure No.3.	10 to 9.
5.	Annexure No.4.	10 to 12.
6.	Affidavit.	13 to 15.
7.	Power.	16

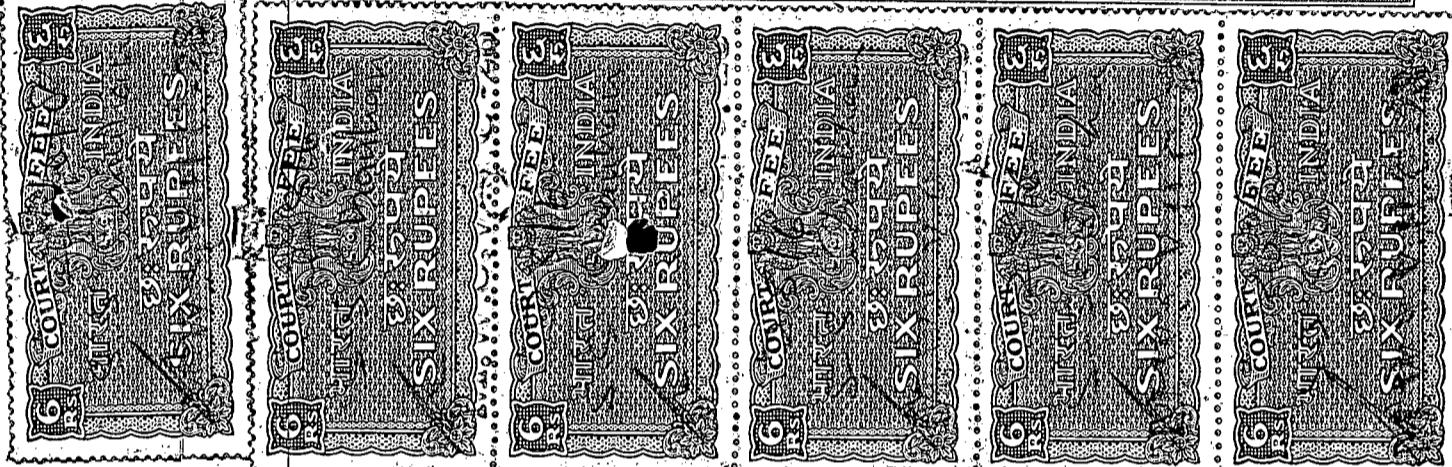
LUCKNOW DATED:

JUNE 28, 1982.

(S.S. CHAUHAN)  
ADVOCATE.  
COUNSEL FOR THE PETITIONER.

INDIA COURT FEE

60Rs.



In The hon'ble High Court of Judicature at  
Alahabad sitting at Lucknow

w. P. No.

of 1984

Ram Nath Singh

Petitioner

vs

opp. Party

Union of India Tax

(S. S. Chauhan)

Advocate

Counsel for the Petitioner

Lucknow. Dated  
June 1984

(9)

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

Writ Petition No. of 1982

District - Lucknow.

Ram Nath Singh aged about 40 yrs.  
S/o R.K. Singh, R70 Railway Quarter  
Number LD-44 F, Tehri Pulia, Almabagh,  
Lucknow. ... Petitioner

versus

1. Union of India, through its Secretary  
Ministry of Railway, New Delhi.
2. Divisional Railway Manager, Lucknow,  
Northern Railway, Hazratganj, Lucknow.
3. Divisional Personal Officer, Northern  
Railway, Divisional Office, Lucknow.
4. Loco Foreman, Northern Railway,  
Almambagh, Lucknow. .. Opp. Parties.

The humble petition of the above named petitioner  
most respectfully sheweeth as under :-

1. That the petitioner is at present posted as Clerk  
in the office of Foreman Northern Railway, Lucknow  
and is also Assistant Branch Secretary of Uttariya  
Railway Majdoor Union (hereinafter referred to as the  
Union) of Loco Shed Branch, Lucknow which is a regis-  
tered Union and affiliated to Indian National  
Congress.

Contd...2.



21/11/1982

2. That the petitioner was appointed as Clerker on 20.10.1957 in the scale of Rs. 196-232 and worked to the entire satisfaction of his superiors.

3. That after passing the departmental examination the petitioner was appointed as material clerk on 31.12.1972 in the pay scale of Rs. 269-400.

4. That thereafter the petitioner was promoted to the post of Office Clerk on 24.6.1975 and since then he is working to the entire satisfaction of his superiors and he has never been awarded or communicated any adverse entry.

5. That the petitioner became member of the Union on the very begining and thereafter he was elected as Assistant Branch Secretary of Loco-Shed Branch, Lucknow.

6. That it is pertinent to note here that there is another opposite Union in the Railways and there is competition and rivalry between the two Unions.

7. That Divisional Personal Officer (I) is highly interested from the side of rival Union and in order to diminish the strength of the Union he passed a transfer order vide letter No. 752E/E-6/1 (Power)8 transferring the petitioner from Loco-Shed to Divisional Railway Manager Office, Power Section stating therein that he is being transferred on administrative ground. A true copy of the order dated 17.1.82 is being annexed herewith as Annexure No-I with this writ petition.



214/11/14  
17/1/82

8. That thereafter the petitioner took medical leave and since then he is on leave upto now.
9. That the petitioner approached the higher authorities and at the same time to the transferring authority and told them that this transfer order is in violation of the Railway Board's letter No. E(L) 64-UTL 113 dated 21.11.1964 Circulated vide G.M.(P) NDLS's letter No. 940 E/6-111(EIV) dated 7.8.1964 (S.No. 2777) and proper procedure should be followed. A true copy of the letter is annexure-2 with this writ petition.
10. That it was further clarified by Railway Board's letter No. E (L/64 UT-1-113 dated 2.2.1965 circulated vide G.M.(P)/NOLS's letter No. 961E/D-V(E-Union) dated 15.2.19 that transfer of trade union office bearers from the administrative jurisdiction to another for example workshop establishment to a loco-shed, at the same station proper procedure is to be followed.
11. That proper procedure which is to be followed has been clarified in Railway Board's No. (E)L 60 UT1-31 dated 19.2.60 circulated by G.M.(P) NDLS Nos. 961-E/0/E-VI Union dated 14.3.66 . A true copy of this letter is being filed herewith as Annexure No. -3 with this writ petition.
12. That thereafter a letter dated 2.4.1982 was written by the Secretary of the Union to the General Secretary, NFIR New Delhi to the effect that proper procedure for transfer of trade union office bearers



11/11/1982

must be followed and notice should be given to the Union and thereafter consulting the Union settlement should be made and if no settlement is reached at then the matter shall be referred to the General Manager whose decision shall be final. A photostat copy of the said letter is being filed herewith as Annexure No-4 with this writ petition.

13. That since then the Railway Administration is keeping mum and not replying to the letter of the Union.

14. That the order of transfer has been passed by the Divisional Personal Officer(I), Lucknow wherein it aught to have been passed by the General Manager after discussing with the Union.

15. That no notice has been given to the Union which was mandatory upon the transferring authority.

16. That if the petitioner is transferred to Power Section in Divisional Railway Manager's office he will have to resign from the post of Assistant Branch Secretary of Loco Shed Branch, Lucknow creating thereby a great hinderence in the working of the Union.

17. That the Divisional Personal Officer is interested from the side of rival Union and therefore without following the proper procedure the transfer order has been made.



*21/7/1955 P.R.*

Contd... 5.

(B)

18. That the petitioner is on leave and has not joined in the office of Divisional Railway Manager (Power Section) upto till now and his special casual leave on May 17, 1982 and June 18, 1982 has been sanctioned from the Loco Shed.

19. That feeling aggrieved by the order dated 11.1.82 the petitioner files this writ petition under Article 226 of the Constitution of India on the following amongst other

G R O U N D S

- i) Because the transfer order has been passed in utter disregard of the Board's letters issued on different dates.
- ii) Because no notice has been given upto till now to the Union according to the Railway Board's instructions.
- iii) Because irreparable loss and injury will be caused to the petitioner because he will have to resign from the post of Assistant Branch Secretary in Loco Shed Charbagh Branch causing thereby great hinderence in the working of the Union.
- iv) Because the transfer order has been passed by the authority lower in rank, than the authority competent to pass the order.
- v) Because the transfer order also carries a punictive affect and amounts to reduction in rank.

Contd.....6.



vi) Because the transfer order is hit by article 14 of the Constitution of India in view of the fact that other office bearers are continuing whereas the petitioner has been transferred.

Wherefore the petitioner claims for the following reliefs :-

- (1) That a writ in the nature of certiarari be passed quashing Annexure No-1 to this writ petition.
- (2) That a writ in the nature of mandamus be issued directing the opposite to allow the petitioner to work on the said post.
- (3) That any other writ, order or direction deemed to fit in the circumstances of the case may also be passed.
- (4) That the costs of petition be awarded to the petitioner.

(M. Hanuman)

( S.S. Chauhan )  
Advocate.

15

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

C.M. Application No. 5991 (C.W.) of 1982

In re:  
Writ Petition No. 2927 of 1982

Ram Nath Singh ---Petitioner  
Versus  
Union of India & others ---Opp-Parties

Application for early listing

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

1. That the above-noted writ-petition was filed to-day in the morning but due to the fact that the criminal fresh matters were being taken, the civil petitions could not be taken up in the early morning.
2. That the Counsel also enquired from the Bench Secretary, at which time fresh civil petitions will be taken up ; and it was replied that no time is fixed .
3. That under the circumstances of the case, the above-noted writ-petition which has been ordered to be listed in ordinary course, may kindly be taken up by to-morrow, which has been ordered to be listed in ordinary course due to counsels absence .

(16)  
~~25~~

:: 2 ::

-: P r a y e r :-

Wherefore, it is most respectfully prayed  
that this Hon'ble Court be pleased to order  
the above noted writ-petition may kindly be taken  
up by to-morrow.

(S. S. Chauhan)

Lucknow dated,  
28th June, 1982.

( S.S. Chauhan )  
Advocate,  
Counsel for the Petitioner

\* \* \* \*

(17)

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

Writ Petition No. of 1982

Distt. Lucknow.

Ram Nath Singh .. Petitioner

Vs.

Union of India and others .. Opp. Parties.

ANNEXURE NO. -I

Northern Railway

Divisional Office,  
Lucknow.

No. 752 E/E6/1(Power)8  
Dated 11.1.1982

NOTICE

Shri Ram Nath Singh, Clerk Gr. Rs. 260-400(SS)working under LV/LKO is transferred and posted in Power Section DRM's Office, Lucknow against an existing vacancy on administrative ground on same pay, grade and capacity. He should be spared at once to report in this office for duty.

Sd/- Illegible  
Divil Personnel Officer(I)  
Lucknow.

Copy for information and necessary action to :-

Loco Foreman, N.Rly., AMV, LKO.  
SR. DME/LKO  
Sr.DAO/LKO  
AS(PAR)/DRM Office LKO.

21/1/1982



(18)

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

Writ Petition No. of 1982  
Distt.- Lucknow.

Ram Nath Singh .. Petitioner

Vs.

Union of India and others .. Opp. Parties.

ANNEXURE NO. -2

Copy of Rly. Bd's letter No. E(L)64-UTL-113 dt. 21.11.1964 circulated vide G.M.(P)NOL's letter No. 940E/8-III(EIV) dated 7.8.1964 (S.No. 2777).

Re: Transfer of employees who are Trade Union Officials.

Reference D.O. letter No. E/1160/IU dt. 5th Oct. 1964 from Shri M.A. Ashouff, the Board decide to clarify as under :-

(i) If a Trade Union official has to be transferred because of being involved in a special police Establishment case, the union concerned may be advised of the transfer, it is not necessary to give notice for this purpose. Any representation he Union makes may be considered but it is not necessary to keep the transfer in abeyance for this purpose.

(ii) In case of transfer of a Trade Union official from one Section/department to another in the same office, there is no need to give notice to the Union before hand. However, the union may be informed about the transfer at the time of effecting such transfers. In the case of transfer to another office located at a distance but within the same area at the same station, usual procedure may be followed.

-----  
Copy of Railway Board's letter No. E(L)64UT-1-113 dt. 2.2.1965 circulated vide G.M.(P)/NOL's letter No. 961E/0-V (E-Union) dated 15.2.1965 (SN. 2860)

Sub: Transfer of Railway employees who are office bearers of recognised trade unions.

Reference Board's letter No. E(L)64UTI-113 dt. 21.11.64 on the above subject. A question has been raised whether in terms of para (ii) of the above letter read with letter no. E(L)60UTI-31 dated 19.2.60, it would be necessary to follow the usual procedure in regard to transfer of a trade Union Official from the administrative jurisdiction to another (for example workshop establishment a loco shed) at the same station. It is clarified that the usual procedure is required to be followed in such cases also.

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21/11/1982

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

Writ Petition No. of 1982

Dis tt. Lucknow.

Ram Nath Singh .. Petitioner  
Vs.

Union of India and Others .. Opp. Parties.

ANNEXURE NO. - 3

Railway Board No. E(L)60UTI-31 dated 19.2.60 circulated by  
G.M.(P)NDLS Nos. 961-R/O/E-VI Union dated 14.2.60

Reg: Transfer of Trade Union Officials.

In regard to the transfers of Trade Union officials, there must be a definite procedure on each Railway man for giving intimation to the union concerned. The Board have decided, that in future when it is proposed to transfer a trade union official from one station to another, the proposal for transfer should be communicated to the union concerned by the officer transferring.

The Union should be allowed to bring to the notice No. D.O./R.S. and if necessary later to the general Manager. Any objection that they have to urge against the proposed transfer.

If there is no agreement at the lower levels, the G.M. would consider the question and his decision would be the final.

The Board have also decided that sufficient notice should be given to the union of the transfer of the union official, to enable the union either to represent the case to the authority or to arrange for the work of the union official to be change of.

Please acknowledge receipt. These instructions are similar to the one informed vide O.G.M.(P)D.O. No. E/444/o dated 25.3.54.

Sd/- Illegible.



21/11/1972

सत्यमेवजयते

P. & T. Phone : 344081  
Rly. Phone : 81/2214

## Uttariya Railway Mazdoor Union

( Registered, Recognized )  
Affiliated to National Federation of Indian Railwaymen  
&  
Indian Nation Trade Union Congress

P. N. Sharma  
General Secretary  
Res. T-80, Naya Bazar,  
Rly. Colony, Delhi  
Phone : P & T 252267  
Rly. 87-343  
CEG Office, Baroda House  
Rly. Tela : 83-742  
P&T. 385990

H.O. 186/2, Panchkun Road,  
NEW DELHI

Yashpal Kapoor  
Ex. M.P.  
President  
Res. S-A/B, Pandra Road  
New Delhi  
Phone : P&T. 384013 Res.  
387444 "

Ref. No. URMU/LKO-DVN/II/82/169

Dated

2.4.1982. 19



The General Secretary,  
N.F.I.R.,  
3, Chelmsford Road,  
New Delhi.

Sub: Transfer of railway employees who are office-bearers of the recognised Unions.

I have to your attention to Ministry of Railways letter No. E(L)60UTI/31 dated 19.2.1960 under which the instructions on the subject matter referred above were issued to the General Manager of All Indian Railways and copies endorsed to NFIR and AIR. The said letter is reproduced below:

"In regard to transfers of trade Union officials there must already be definite procedure on each Railway for giving intimation to the Unions concerned. The Board have decided that, in future, when it is proposed to transfer a trade Union Official from the station to another, the proposal for transfer should be communicated to the union concerned by the officer ordering the transfer. The Union should be allowed to bring the matter to the notice of the D.O./RS/DS and if necessary later to the General Manager, any objection that they have to urge against the proposed transfer. If there is no agreement at the lower levels, the General Manager would consider the question and his decision would be final. The Board have also decided that sufficient notice should be given to the Unions of the transfer of a Union official to enable the Union either to represent the case to the authority or to arrange for the work of the Union official to be taken charge of.

Please acknowledge receipt."

You will remember that I had brought to your personal notice that on the NR, the transfers of the officer-bearers are being ordered without following these rules and you were kind enough to raise this issue in the INM meeting held with the Railway Board on 23rd and 24th December, 1981. After the detailed discussion in the said meeting the Railway Board agreed to re-circulate the instructions issued in their letter dated 19.2.1960 which was done vide their letter No. E(LR)III/81/UTP/21 dated 4.3.82.

I am sorry to bring to your notice that all such letter & instructions of the Railway Board are being violated on the Northern Railway, particularly.

Contd....2/-

21/11/82  
RTE

# Uttariya Railway Mazdoor Union

( Registered, Recognized )

Affiliated to National Federation of Indian Railwaymen

&  
Indian Nation Trade Union CongressH.O. 166, 2, Panchkun Road.  
NEW DELHI

P. N. Sharma  
General Secretary  
Res. T-80, Naya Bazar,  
Rly. Colony, Delhi  
Phone : P & T 252257  
Rly. 87-343  
CEG Office, Baroda House  
Rly. Tele : 83-742  
P&T. 385990

Yashpal Kapoor

Ex. M.P.  
President  
Res. B-A/B, Pandara Road  
New Delhi  
Phone : P&T. 384013 Res.  
387444 ..

Dated

19

Ref. No.

Shri Ram Nath Sharma, Clerk, Loco Running Shed, Lucknow is Asstt. Branch Secretary of this Union. He is duly recognised as such. His transfer orders were issued on 11.1.82 transferring him from Loco Running Shed to DRM Office, Lucknow. These orders have adversely affected the Loco Running Shed Branch and the DRM Office is outside of the jurisdiction of the said Branch hence an irreparable injury was caused to the Branch of this Union in Loco Running Shed, Lucknow. Shri M.H. Khan, Divl. Secretary of this Union, immediately protested against this transfer and tried to satisfy the DRM on various grounds and produced before him the above orders of the Railway Board with their letter dated 4.3.82. No prior reference was or intimation was ever given to the Union and its branch. No prior opportunity has been given to this Union to defend the office-bearer.

The matter was brought to my notice and I, immediately, sent a DG letter to the General Manager, NR, on 19.3.82 (copy enclosed for your information and ready reference). In the said letter I requested the General Manager to cancel this transfer and observe the procedure laid down by the Railway Board. You will be surprised to know that in spite of the fact that our office-bearer is actually sick, he has been shown as having been relieved ex parte and that his Last Pay Certificate has also been sent to DRM office and this is the height of injustice done to the office-bearer of this Union. On the contrary, the Railway Board's instructions are that in case it is finally decided by General Manager after observing the procedure at the branch level to transfer such an office-bearer, sufficient notice is to be given to the Unions and the transfer of Union officials to enable the Union either to represent the case to the authorities or to arrange for the work of the Union official to be taken charge of.

In view of the above facts, I have to request you kindly represent this case to the Railway Board and get the orders issued from the Board that: -

- (i) This transfer should be cancelled for the time being.
- (ii) Procedure laid down by the Railway Board should be properly followed.
- (iii) In case the General Manager, NR, feels not satisfied with the grounds of representation at the Central level, then sufficient notice should be given to the Union to arrange for the work of Union official to be taken charge of.

Lastly, I may bring to your notice that the transfer of the office-bearers of this Union has been made at the

Cont.... 3/-

21/3/1982  
25/6

# ★ Uttariya Railway Mazdoor Union

( Registered, Recognized )

Affiliated to National Federation of Indian Railwaymen

Indian Nation Trade Union Congress

**P. N. Sharma**  
General Secretary  
Res. T-80, Naya Bazar,  
Rly. Colony, Delhi  
Phone: P. B. T. 382367  
Rly. 87-343  
CEG Office, Bawali, Hauz  
Rly. Tele: P. C. 141  
PBT 382367

H.O. 166/2, Panchkula Road,  
NEW DELHI

**Yashpal Kapoor**  
Ex. M.P.  
President  
Res. B.A.B. Panchkula Road  
New Delhi  
Phone: P. B. T. 384013 Pex  
387444

Ref. No.

Dated

19



-----

instance of our rival Union, because one of their office-bearer was also transferred from Loco Running Shed, Lucknow to Partap-garh, who has since carried out the transfer. I learn that the transfer has been made on certain allegations regarding appointment of cleaners in Loco Running Shed, Lucknow, wherein my office-bearer is not at all involved and his name never figured in the Fact Finding Enquiry Report. His name is being brought in only at the instance of our rival Union and there is no other evidence on record against our office-bearer. I can assure you that when the enquiries are finalised our office-bearer will not figure anywhere.

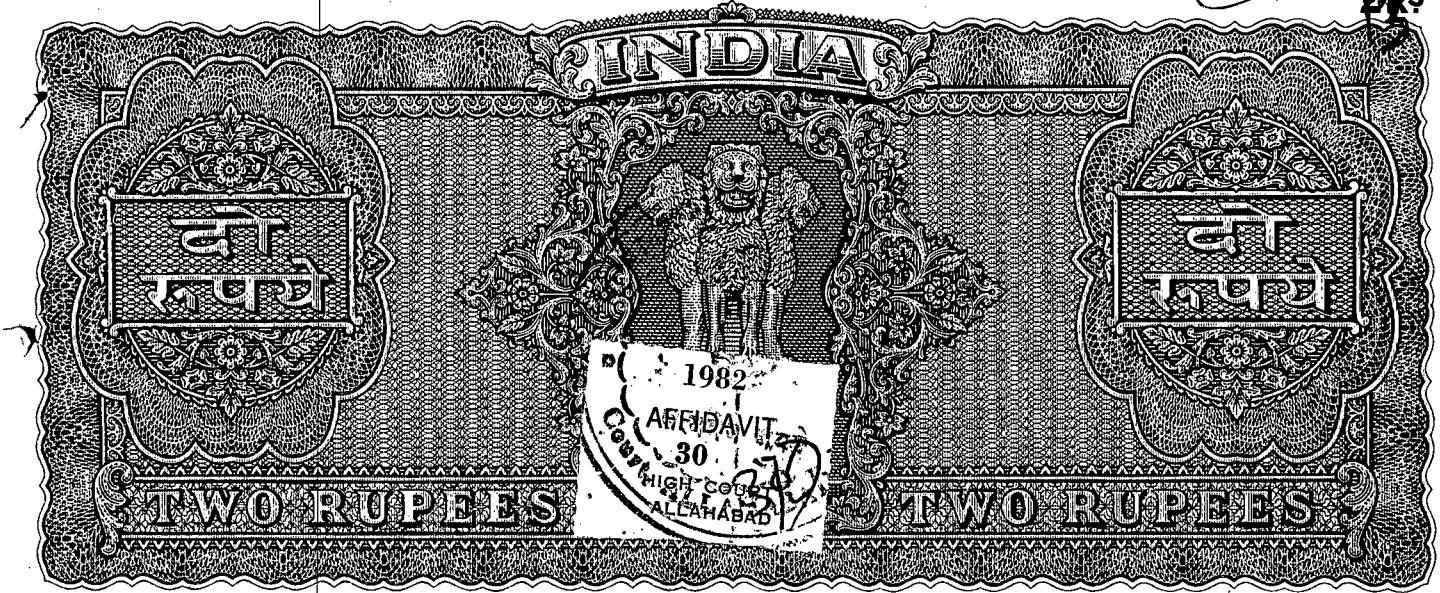
Since this transfer has created agitation in our workers at Lucknow and they protested in the PIM meeting held on 4th & 5th March, 82 which was postponed to 17th March, 82 giving an opportunity to DRM, Lucknow to review this matter. Meanwhile, when the PIM meeting was held on 17th March, 1982 DRM could not make out his mind and the meeting was postponed to 3rd April, 82. The said meeting is also likely to be postponed further because the DRM is not prepared to observe the procedure laid down by the Railway Board in connection with the transfer of the railway employees who are office-bearers of the recognised Unions.

I, therefore, request you kindly take this matter at your level and get some orders issued from the Railway Board at least for pending this transfer till this matter is finally discussed and decided.

Yours sincerely,

(P. N. Sharma)  
General Secretary.





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

W.P. No

of 1982

Ram Nath Singh

Repetition

vs

Union of India & Ors

opp. Parties

AFFIDAVIT



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

SITTING AT LUCKNOW

WRIT PETITION NO.

OF 1982.

Ram Nath Singh

....

Petitioner

Versus

Union of India and others

...

Opp. Parties.

A F F I D A V I T

I, Ram Nath Singh, aged about 44 years, son of Sri R.K.Singh, resident of Railway Quarter No.LD-44 F, Tehri Pullia, Alambagh, Lucknow, at present posted as Clerk under Loco Shed, Northern Railway, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above noted Writ Petition and is fully conversant with the facts of the case.
2. That the contents from para 1 to 18 of the accompanying Writ Petition are true to my personal knowledge except the legal averments which are believed by me to be true on the basis of legal advice.
3. That the Annexures are photostat/true copies of the originals.

Lucknow  
Dated: June 25, 1982.

25/6/82

Deponent



VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this Affidavit are true to my knowledge. Nothing material has been concealed and no part of it is false. So help me God.

25/6/82

DEPOENT

Lucknow:  
Dated: June 25, 1982

I identify the deponent who has signed before me.

M. Hanuman  
Sicumar  
Advocate.

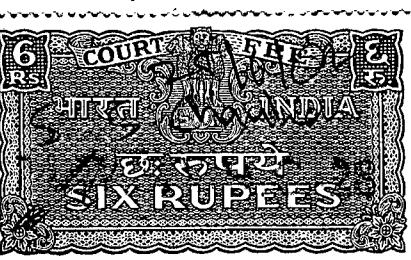
Solemnly affirmed and stated on oath on 25-6-82  
at 12<sup>00</sup> A.M./P.M. by the deponent who has  
been identified by Sri S.S. Chhunbar Aoh.

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.

M. Hanuman  
OATH COMMISSIONED  
High Court, Allahabad,  
Lucknow Bench.  
No. 30/307  
Date - (26/6/1982)

Honourable High Court of Judicature  
ब अदालत श्रीमान at Allahabad महोदय

वादी (मुद्रा) Ram Nath Singh का वकालतनामा 3  
प्रतिवादी (मुद्राबलह)



1982/6  
25/6.

Ram Nath

वादी (मुद्रा)

बनाम  
Union of India & others

प्रतिवादी (मुद्राबलह)

नं० मुकदमा सन् १९... पेशी की ता० १९ ई०  
ऊपर लिखे मुकदमा में अपनी ओर से श्री

S. S. Chauhan

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया 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 रूपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रूपया 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 रामनाथ

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

२५

महीना

६

१९८२/६०

C.M.A. No 59936/27

(27)

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

Writ Petition No. 2927 of 1982

District - Lucknow.



10/12/82  
10/12/82  
26/12/82

Ram Nath Singh .. Petitioner

Versus

Union of India and others .. Opp. Parties.

STAY APPLICATION

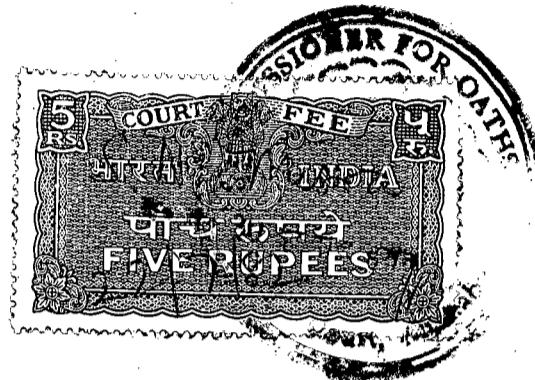
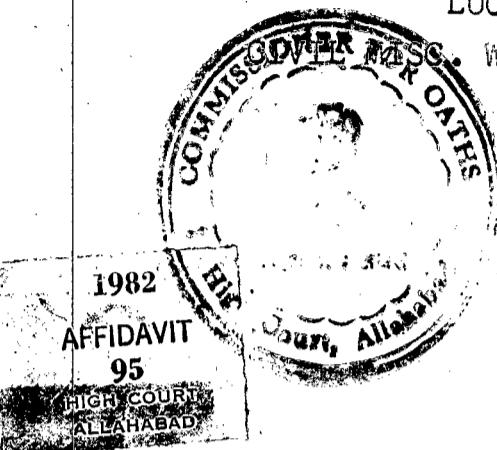
On the grounds and facts mentioned in  
the accompanying writ petition it is most respectfully  
prayed that this Hon'ble Court may be pleased to stay  
the operation of the order contained in Annexure No-I  
during the pendency of the writ petition.

S.S. Chauhan  
( S.S. Chauhan )  
Counsel for the Petitioner  
Advocate.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

W.RIT PETITION NO. 2927 OF 1982



RAM NATH SINGH

..... PETITIONER

VERSUS

UNION OF INDIA &  
OTHERS

..... OPP-PARTIES.

1951321  
COUNTER AFFIDAVIT  
ON BEHALF OF  
OPPOSITE PARTIES 1 TO 4

SHRI S.N. MISRA, AGED ABOUT 56 YEARS  
SON OF LATE SHRI M.L. MISRA, RESIDENT  
OF RAILWAY COLONY, LUCKNOW.

..... DEPONENT.

I, S.N. Misra, deponent do hereby declare  
on oath as under:

1. That the deponent is respondent no.3 in the  
abovenoted writ petition and is looking after the  
case on behalf of other respondents as well and  
as such is fully acquainted with the facts deposed  
hereunder. The deponent has been authorised to  
file this affidavit on behalf of opposite parties  
no.1, 2, and 4, on their behalf.

*S. N. Misra*

2.

2. That the writ petition and the stay application have been perused by the deponent and understood by him.

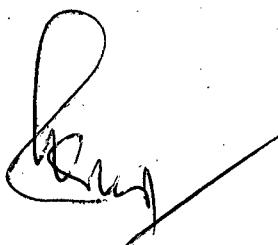
3. That the contents of paragraph 1 of the writ petition are admitted to the extent that the petitioner was working in the Time Office under Loco Foreman, Northern Railway, Lucknow. He was transferred and posted in Power Section in Divisional Railway Manager's Office, Lucknow by an order dated 11.1.1982, a copy of which <sup>is</sup> already attached to the writ petition as annexure I. In compliance to the same, he was also spared from the office of Loco Foreman, Lucknow on the afternoon of 20.1.1982 in terms of Assistant Mechanical Engineer (Loco)'s letter No. EG/3/82 dated 20.1.1982, a true copy of which is being annexed herewith as Annexure-C-I. Since he had reported sick, he was being paid the salary from the Loco Shed, Lucknow. However, as the Petitioner had been spared from the office of Loco Foreman, Northern Railway, Lucknow, he should have reported in Divisional Railway Manager's Office, Lucknow. However, the petitioner reported in the Loco Shed and with the collusion with the Time Keeper in Loco Shed, Lucknow, he signed on the attendance register without approval of the competent authority which is Senior Divisional Mechanical Engineer, Lucknow. It is admitted that the petitioner is the Assistant Branch Secretary of Uttariyah Mazdoor Railway Union.

30

3.

4. That the allegations made in paragraph 2 and 3 of the Writ Petition are not relevant for the purpose of the controversy involved in the present writ petition and hence denied.
5. That the contents of paragraph 4 of the Writ Petition are not admitted. In the year 1981, there were serious complaints of fraudulent transactions by the petitioner and a Central Bureau of Investigation Enquiry is going on against the petitioner and some other staff.
6. That the contents of the Paragraph 5 of Writ Petition are admitted to the extent that the petitioner is the Assistant Branch Secretary, Uttariya Railway Mazdoor Union, Loco Shed Branch, Lucknow.
7. That as regards the competition and rivalries between the two Unions, as alleged in paragraph 6 of the writ petition, the deponent is not in a position either to admit or deny the same.
8. That the allegations made in paragraph 7 of the writ petition, are absolutely incorrect and are denied. (The deponent is not interested in any of the Unions as alleged). The petitioner has been transferred from Loco Shed, Lucknow to the Divisional Railway Manager's Office, Lucknow (Power Section) on administrative grounds as Central Bureau of Investigation enquiry is going on into the affairs of Loco



A handwritten signature in black ink, appearing to read 'R. K. Singh'.

4.

Shed in which the petitioner and some other persons are involved. It may be stated here that four other persons including the petitioner from the Time Office, Loco Shed, Lucknow have been transferred on administrative grounds in connection with the same case and one of them, viz. Sh. O.P. Sharma belongs to rival union and as such the allegation that the deponent is interested in the rival union is wholly baseless and are denied.

9. That in reply to contents of paragraph 8 of the writ petition, it is stated that the petitioner was spared from Time Office, Loco Shed, Lucknow on 20.1.82 (afternoon) and from 21.1.82 he reported sick with the Railway Doctor. He started signing the attendance register in the Loco Shed, Lucknow without sanction of the competent authority from 2.7.82.

10. That in reply to contents of paragraph 9 of the writ petition, it is stated that the petitioner approached through his union regarding his transfer but they were informed that since he was transferred on administrative ground, there had been no violation of the Railway Board Circular dated 21st November, 1964 or 7th August, 1964.

11. That in reply to contents of paragraph 10 and 11 of the writ petition, it is stated that the petitioner has been transferred from Loco Shed, Lucknow to Divisional Railway Manager's office because of his involvement in a Central Bureau of Investigation



case which was under investigation. It was not necessary to give any notice to the Union and the transfer of the petitioner was in accordance with paragraph (i) of the Circular dated 7.8.1964 which has been filed as Annexure 2 of the writ petition. There has been no violation of the Circular dated 19.2.60 in as much as, the petitioner, has not been transferred from one station to another. The petitioner has been transferred from one office to another office at the same station.

12. That the deponent is not in a position to admit or to deny the contents of paragraph 12 of the writ petition.

13. That in reply to contents of paragraph 13 of the writ petition, it is stated that the petitioner has already been advised through his Union that since the petitioner has been transferred in administrative interest in terms of paragraph 1 of circular dated 21.11.64 which is attached to the writ petition as Annexure 2, there was no question of consulting the Union and there has been no violation of any of the provisions of the Railway Establishment Code or Manual or Circulars of the Railway Board.

14. That in reply to the contents of paragraph 14 of the writ petition, it is stated that the Railway Administration through Divisional Personnel Officer (I) is

33

6.

fully competent to transfer the petitioner in this case under the circumstances detailed above. It may be stated that the General Manager's sanction for the transfer of the petitioner in view of the seriousness of the matter, would be clear from the following communication from Chief Personnel Officer, Northern Railway, New Delhi, vide his Confidential D.O. No.961E/101/G/OP Speech dated 20.3.1982:

"General Manager has approved your action to transfer Shri Ram Nath Singh and Shri O.P. Sharma from Loco Shed/Lucknow in view of extremely serious allegations which also attracted Parliamentary attention and in respect of which CBI investigation is going on".



22/7/82

15. That the contents of paragraph 15 of the writ petition are denied, it was not necessary to give any notice to the union in view of the fact stated in earlier paragraph.

16. That the allegations made in paragraph 16 of the writ petition are wholly irrelevant. The petitioner can be transferred any where in the exigency of service under the rules. The mere fact that he will have to resign from the Office of Assistant Branch Secretary is of no consequence and the petitioner is bound to carry out transfer order.

17. That the allegations made in paragraph 17 of the writ petition are denied. (The deponent is not interested in any of the Unions as alleged). As a

7.

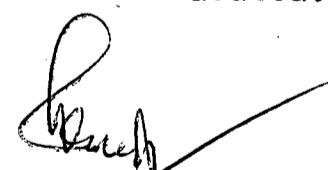
matter of fact, Shri O.P. Sharma, who belongs to the rival Union, has also been transferred and he has been posted at Pratapgarh.

18. That in reply to the contents of paragraph 18 of the writ petition, it is stated that the petitioner started signing on the Attendance Register from 2.7.1982 without the approval or sanction of the competent authority, although he had been spared from duty from the Loco Shed, Lucknow on 21.1.1982 afternoon.

19. That it is most respectfully submitted that the petitioner has obtained ex-parte stay order from this Hon'ble Court without disclosing the correct facts. His continuance in the Loco Shed, Lucknow is causing serious administrative difficulties. Central Bureau of Investigation enquiry is pending against him because of the fraudulent transaction involving huge sums of money and as such in the interest of justice the ex-parte stay order dated 29.6.1982 be vacated.



Lucknow, Dated,  
July 22, 1982.

  
(DEPONENT)

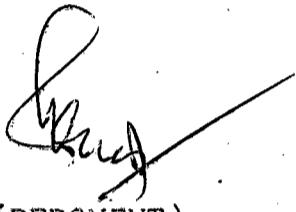
VERIFICATION

I, the deponent abovenamed do hereby verify that the contents of paragraph 1 & 2 and the bracketted portions of paragraphs 8 and 17 are true to my personal knowledge and those

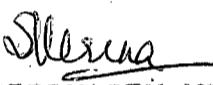
8.

of paragraphs 3,4,5,6,7 , unbracketed portions of para 8,9 to 16 and unbracketed portions of paragraph 17,18 and 19 are based on records and are believed by me to be true. That no part of it is false and nothing material has been concealed, so help me God.

Lucknow, Dated,  
July 22, 1982.

  
(DEPONENT)

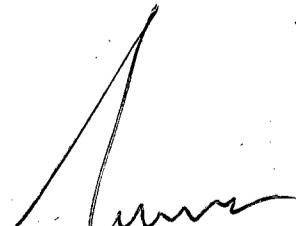
I identify the deponent who has signed before me.

  
(SIDDHARTH VERMA)  
ADVOCATE



Solemnly affirmed before me on 22.7.82  
at 9.30 am/pm by the deponent S. N. Misra  
who is identified by Sri Siddhartha Verma  
Advocate, High Court, Lucknow.

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

  
GATE  
High Court (Bench)

195/321  
22/7/82

36

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

CIVIL MISC. WRIT PETITION NO. 2927 OF 1982.

Sri Ram Nath Singh

----- Petitioner

Versus

Union of India and others.

----- Opp-parties.

Annexure No.C-1

COPY

NORTHERN RAILWAY

No. EG/3/82

A.M.E.(L)'s Office,  
LKO

Dt: 20.1.82.

The Sr. D.M.E.,  
N.Rly., LKO.

Sub: Transfer of Sh. Ram Nath Singh  
Clerk under LF/LKO.

Ref: DPO/LKO's L.No. 752E/E-6/1(Power)80  
dated 11.1.82.

In compliance to the letter quoted above, Sh. Ram Nath Singh, Clerk in Gr. Rs.260-400 (RS) is spared in the afternoon of date to effect his transfer.

His pay has been charged here upto 2/2/82 and onward from 3/2/82 to be charged at yours. His service particulars will follow. His name has been deleted from the roll of this office. Here it is mentioned that Sh. Ram Nath Singh has reported sick from date A.M. under A.D.M.O./Running Shed Dispensary AMV, LKO.

Sd/-M.L. Nayyar,  
for A.M.E. (L)

LKO.

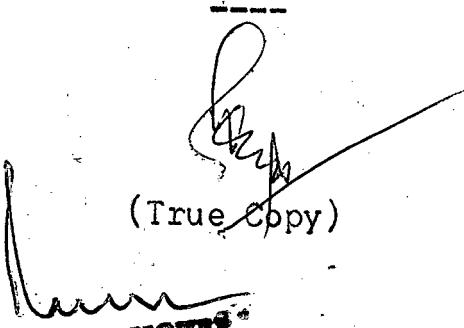
20.1.82

37  
17

2.

Copy forwarded for information  
and necessary action to:

1. Divl. Personnel Officer, LKO
2. Sr. D.A.O/LKO.
3. AS(P.B.) DRM Office LKO.

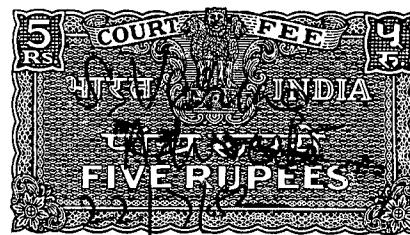
  
(True Copy)

  
OATH COMMISSIONER  
High Court, (Lucknow Bench)

LUCKNOW

No. .... 1951321  
Date ..... 22/7/52





38

व अदालत श्रीमान् जन लाल सिंह कान्ट, लखनऊ महोदय  
वादी अपीलाट श्री बेनेल लखनऊ  
प्रतिवादी रेस्पान्डेन्ट  
जा वालबाम

Ram Nath Singh

वादी अपीलाट

Union of India and others

प्रतिवादी रेस्पान्डेन्ट

सं० २७२७ सं० १९८२ पैशी फी टा० १९ रु०

ऊपर मुझमा में अपनी ओर से श्री- Siddhart - Verma,

एकवोरेट/वर्जीन महोदय को अपना वर्जीन बियुक्त फरफे इकरार फरता हूं और लिखे हेता हूं कि मुझमा में वर्जीन महोदय स्वयं अथवा छून्य वर्जीन द्वारा यो उछ पैरवी व जवाब देही व प्रश्नोत्तर फरे या जोई फारज बाखिल भरे या लौटावें या हमारी ओर से डिनरी जारी भरावें और स्पष्टा सबूल भरें या सुलहगामा या छवाल दावा तथा अपनी व बियरानी हमारी और से हमारे या अपने हस्ताख्यर से बाखिल भरें और तसदीक भरें यां गुजरथा डठावें या जोई स्पष्टा जमा भरें या हमारी विपक्षी फरीक्षावी का दाखिल किया हुआ स्पष्टा अपने या हमारे हस्ताख्यर मुक्त दस्तखती। रसीद से लेवें जा पैर बियुक्त भरें वर्जीन महोदय द्वारा जी वह सब जार्यवाही हमारी सर्वथा स्वीकार है और होनी इसलिये यह वर्जीनामा तिख दिया कि प्रमाण रहे और समय पर जाक आवें

Divisional Railway Manager

Northern Railway

LUCKNOW

FOR AN ON BEHALF OF  
UNION OF INDIA

साथी वाह

19/7/82

हस्ताख्यर

साथी वाह

महीना सं० १९ रु०

2. m. o -

LF/UKO

विज/21.2 19-7-82

Divisional Personnel Office  
Northern Railway, Lucknow

LOCO FOREMAN  
N. R. LUCKNOW

ACCEPTED

S. Verma

(SIDDHARTH VERMA)  
ADVOCATE.

(39)

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

WRIT PETITION NO. OF 1982.

Ram Nath Singh .... Petitioner

Versus

Union of India and others ... Opp. Parties.

A F F I D A V I T

I, Ram Nath Singh, aged about 44 years, son of Sri R.K.Singh, resident of Railway Quarter No.LD-44 F, Tehri Pullia, Alambagh, Lucknow, at present posted as Clerk under Loco Shed, Northern Railway, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above noted Writ Petition and is fully conversant with the facts of the case.
2. That the contents from para 1 to 18 of the accompanying Writ Petition are true to my personal knowledge except the legal averments which are believed by me to be true on the basis of legal advice.
3. That the Annexures are photostat/true copies of the originals.

Lucknow:  
Dated: June , 1982.

Deponent

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this Affidavit are true to my knowledge. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow:  
Dated: June , 1982

DEPONENT

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed and stated on oath on  
at A.M./P.M. by the deponent who has  
been identified by Sri

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.

On the Mar 26th High Court of Judicature of  
Allahabad, Sitting at Lucknow  
<sup>(91)</sup>

No. P. No. - of 1982

Ram Nath Singh - Petitioner  
vs.

Union of India (Attles)  
- app party

I am filing process  
fee in the above  
noted W.P. slangueth  
registered cover, with  
duplicates and notices

Gov. Dated  
30. 6. 82

61/2nd  
Cause for filing

CM An No 7086 @ 82

42  
S

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

CIVIL MISC. WRIT PETITION NO.2927 OF 1982.

44)



1972  
28/7/82

Sri Ram Nath Singh

---- Petitioner

Versus

Union of India and others

---- Opp-parties.

APPLICATION FOR CONDONATION OF DELAY IN  
FILING COUNTER AFFIDAVIT

The opposite parties in the above mentioned  
writ petition most respectfully sheweth:-

1. That on 29.6.1982, this Hon'ble Court while granting ex parte stay in the favour of the petitioner directed the opposite parties/respondents to file their counter affidavit within 3 weeks of the said order.
2. That the <sup>Copy of writ petition</sup> ~~order~~ dated 29.6.1982 was first received by the opposite parties only on 14.7.1982, therefore the counter affidavit could not be filed within time as was stipulated in the said order of this Hon'ble Court.

N.R.

1149

VAKALATNAMA

W.P. no 2927/82

Before  
In the Court of

Shri Ram Nath Singh

Plaintiff  
Defendant

Claimant  
Appellant  
Petitioner

Versus

Union of India vs

Defendant  
Plaintiff

Respondent

The President of India do hereby appoint and authorise Shri... C. A. Basu... Advocate....

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or 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... C. A. Basu....

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the.....

19

A. S.  
A. S.  
C. A. Basu

Dated 30/7/1982

N.R.—149/1—June, 1982—75,00 F.

P. T. O. D. M. P.

Designation of the Executive Officer

अपर मुख्य कार्यकारी

प्रधान कायलिय

नयी दिल्ली

2.

3. That this delay in filing Counter Affidavit has not occasioned any adjournment of the hearing of the abovementioned writ petition.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be pleased to condone the delay in filing Counter Affidavit and direct that the same may be taken on record.

Lucknow, Dated,  
July 22, 1982.

Siddharth Verma  
(Siddharth Verma)  
Advocate  
Counsel for the opposite parties.

128

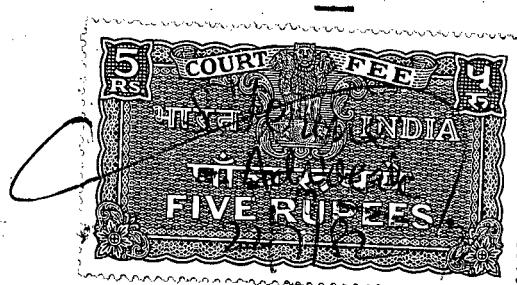
45

C. MISC. APPN NO 11,278 (u)-85

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

CIVIL MISC. WRIT PETITION NO.2927 OF 1982.



(cf. MS 12  
m  
28/7/82)

Sri Ram Nath Singh

..... Petitioner.

Versus

Union of India and others.

..... Opp-parties.

APPLICATION FOR VACATION OF STAY ON  
BEHALF OF OPPOSITE PARTIES NO. 1 TO 4.

It is most respectfully submitted as under:

That for the reasons, facts and circumstances stated in the accompanying Counter Affidavit, it is most respectfully prayed that in the interest of justice this Hon'ble Court may be pleased to vacate the ex-parte stay order granted to the petitioner on 29.6.1982.

Lucknow, Dated,

July 22, 1982.

S. Verma  
(Siddharth Verma)  
Advocate  
Counsel for the opposite parties  
Nos. 1 to 4.

28

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

C.M. Application No. 5927 of 1982,

Writ Petition No. 2927 of 1982.

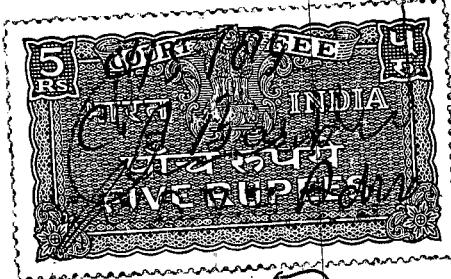
6357  
Ram Nath Singh....

Petitioner

Versus

Union of India & others....

Opp. Parties.



Application under section  
151-CPC- Expedite Application

In the above noted Writ Petition it is  
most respectfully prayed on behalf of the opposite  
parties.

That for the facts and reasons stated in  
the accompanying Affidavit as well as in the Counter  
Affidavit filed in this case before the Hon'ble Court  
in July, 1982 this Hon'ble Court may be pleased to  
order for fixing a very early date for disposal of  
writ petition and vacation of the stay order issued  
in this case.

C. A. Basir

( C.A. Basir ),  
Advocate.

Lucknow:

Dated: ~~May 15~~, 1984.  
May 8/84

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Writ Petition No.2927 of 1982

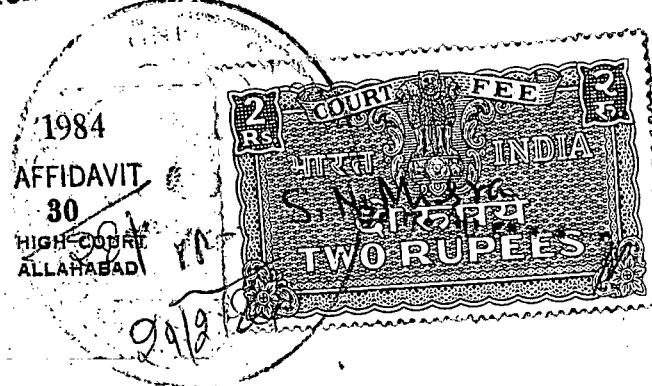
47  
Petitioner

Ram Nath Singh.....

Versus

Union of India & others....

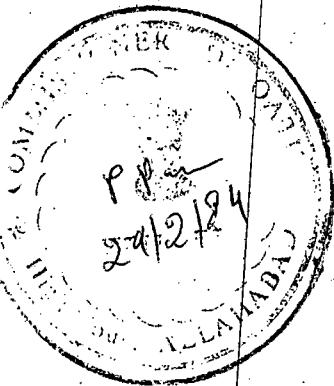
Opp. Parties.



COUNTER AFFIDAVIT ON BEHALF  
of Opp. Parties No.1 to 4

I, S.N. Misra aged about 58 years son of Late Sri N.I. Misra resident of Railway Colony, Lucknow do hereby solemnly affirm and state on oath as under:

1. That the deponent is working in the office of Divisional Manager, Northern Railway, Lucknow and at present is looking after the litigation cases of the said office and as such is fully conversant with the facts and circumstances of the case deposed hereinbelow and has been authorised to file this



Loco Foreman, Northern Railway, Lucknow to Power Section in Divisional Manager's Office, Lucknow. A copy of the said order has already been attached with the writ petition as annexure-1.

3. That the petitioner in compliance of the above orders was spared from the Office of the Loco Foreman in the after-noon of 20.1.1982 in terms of Assistant Mechanical Engineer Loco's letter No. EG/3/82 dated 20.1.1982. A true copy of this letter has already been annexed as annexure-C-1 with the Counter Affidavit of the deponent filed in July, 1982.

4. That the petitioner instead of joining on the post, he was transferred, reported sick, he was being paid salary from the Loco-Shed, Lucknow. Moreover, the petitioner having been spared from the Office of Loco Foreman should have reported in the Office of Divisional Manager, Lucknow. The petitioner however reported in the Loco-Shed, Lucknow and with the collusion of Time Keeper of Loco-Shed he signed in the attendance register without approval of the competent authority who is Senior Divisional Manager, Lucknow.

PP mis 20  
29/2/84  
ALAHIA

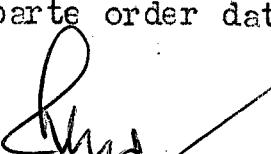
6. That on receipt of the notice of stay order application for vacating stay on behalf of the Opp. parties was moved before this Hon'ble Court in July, 1982.
7. That reasons for transfer of the petitioner have been furnished in detail in the counter affidavit of the opposite parties alongwith application for vacating the Injunction filed in July, 1982. The reasons for transfer relate to serious complaints of fraudulent transactions done by the petitioner and other staff resulting in an enquiry by C.B.I. which is still going on against the petitioner and other staff who were involved in the matter. In the circumstances continuance of the petitioner on his previous place of working is not in administrative interest.
8. That the petitioner has been transferred from the one Office at Lucknow to other office at Lucknow itself on the same pay, grade and capacity.
9. That the petitioner's continuance on the same post despite transfer and pendency of C.B.I. <sup>enquiry</sup> /

in pursuance of the stay order issued by the Hon'ble Court specially when the petitioner did not come with clean hands in as much as that he did not disclose correct facts is causing serious administrative difficulties as his failure to carry on the transfer is not in administrative interest.

10. That this case was listed for hearing on many dates and the last date being 7.9.82 when arguments were heard by Hon'ble Mr. Justice T.S. Misra but due to the petitioner's and his counsel's absence the case could not be disposed off.

11. That for the reasons stated above and the facts that C.B.I. enquiry is pending besides fraudulent transactions to the tune of huge sums of money being involved as such in the interest of administration it is not expedient to allow the petitioner to remain on this post and therefore, in the interest of justice the ex-parte order dated 29.6.82 be vacated.

Lucknow:

  
Deponent

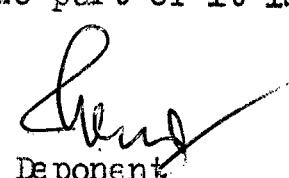
Dated: Feb. 29, 1982

Verification

I, the deponent, named above, do hereby verify that the contents of paras 1 to 9 of this Counter Affidavit are true to my own knowledge,

except the legal averments which are believed to be true on the basis of legal advice. Nothing material has been concealed and no part of it is false, so help me God.

Lucknow:

  
Deponent

Dated: Feb. 29, 1984

I, declare that I am satisfied by the perusal of the papers, records and details of the case narrated to me by the person alleging himself to be Sri S.N. Misra, is that person.

~~S. A. Basir~~ S. M. Verma  
Advocate. (Siddhanta  
Verma)  
Advocate

Solemnly affirmed before me on 29/2/84  
at 12.15 a.m./p.m. by Sri S.N. Misra, the  
deponent who is indentified by Sri ~~C.A. Basir~~, S. M. Verma  
Advocate, High Court, Lucknow Bench, Lucknow.

~~I declare that I am satisfied by the examination~~  
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.

*Ram Prakash* *PCR*  
JATH COMMISSIONER  
HIGH COURT  
LUCKNOW  
No. 36/291  
Date 29/2/84

9

SG  
23

व अदालत श्रीमान् Honourable High Court Judge at Allahabad  
महोदय

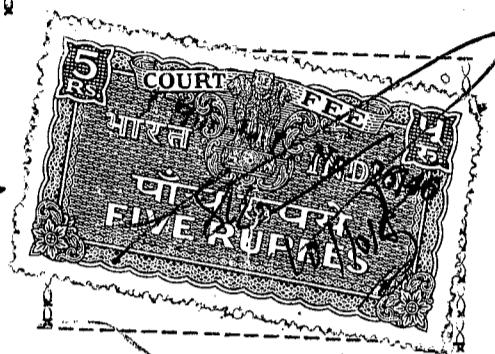
वादी अपीलान्ट

Sitting at the

प्रतिवादी रेस्पांडेन्ट

Shri Ram Nath

कालतनामा



Mr. 5  
10/10/05  
वादी अपीलान्ट

W/2927-82

न० मुकदमा

W. P. N. 5992 अन्तर्गत

जपर लिखे मुकदमा में अपनी ओर से श्री

बनाम

प्रतिवादी रेस्पांडेन्ट

पेशी की ता० 19 ई०

Sushil Kumar Singh

कोल

महोदय

एडवोकेट

को अपना कोल नियुक्त वरके प्रतिज्ञा इकरार द्वारा करता हूं और लिखे देता हूं इस मुकदमा में कोल महोदय स्वयं अथवा अन्य कोल द्वारा जो कुछ पैरवो व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिंगरो जारी करावे और रूपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रूपया जमा करें या हारी विषधी फरीकसानी का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवे या पंच नियुक्त करें-कोल महोदय द्वारा को गयी वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवो में ए तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे कोल पर नहों होगी इसलिए यह कालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

C. A.

अदालत  
नाम  
मुकदमा नं०

साक्षी गवाह

दिनांक

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महीना

१८

सन् १९ १०

हस्ताक्षर --- साक्षी

स्वीकृत  
Signature

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ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2927 of 1982

vs.

Date	Note of progress of proceedings and routine orders		
	1	2	3
28/6/82	M&SK Kaul, J		
	Learned counsel for the petitioner is not present. Let this petition be listed ordinary course.		
		S&SK Kaul 28-6-82	
	28/6/82 (M&SK Kaul, J) (C) P.R.		
	<u>D&amp;</u>		
	Put up with specimens paper papers tomorrow before Senior Master Judge		
		28/6/82 S&SK Kaul, J (C) P.R.	
	29/6/82 M&SK Kaul, J		
	Admit. Issue notice.		
		S&SK Kaul 29-6-82	

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2927

of 1982

vs.

75  
75  
75

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<u>Han. N. C. Srinivasan J.</u>	
	<p>Learned counsel for the petitioner states that the counter affidavit was received by him on 20.7.82. The conduct of the <del>dis</del> administration in filing counter affidavit is not appreciated. The petitioner is granted four weeks' time to file rejoinder affidavit. List after four weeks.</p> <p style="text-align: right;">20.7.82</p>	
	<u>6.9. Mr. Jain</u>	<u>cl</u>
	<u>Cm. 5993(w)</u>	
<u>6.10.82</u>	<u>6.10.82</u>	
	<u>27.9. Mr. Jain</u>	<u>cl 2</u>
	<u>Cm. 5993(w)</u>	<u>5</u>
	<u>Mr. C. G. S.</u>	
	<u>4.11. Mr. Jain</u>	<u>cl 1</u>
	<u>Cm. 5993(w)</u>	<u>6</u>

## ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
 Writ Petition No. 2927 of 1982

25.

Date of  
 which  
 case is  
 adjourned

Date

Note of progress of proceedings and routine orders

2

3

CM A.P. 5297 (W) 84

Hon. Shalma J.  
 Lay before Hon.  
 the Senior Judge.

Sub-shalma J.

Dir-84

20.9.85

fixed in CM A.P. 5297 (W) 84

After Hon. J. C. A.P.

Before senior J.

list appear for  
 vocals of Sh.  
 next week.

By  
 20.9.85

10.10.85

10.10.85 fixed date.

5993 (1412)

the [CVJ]