

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW**

**INDEX SHEET**

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

NAME OF THE PARTIES *Ram Nath Singh* Applicant

Versus

*Union of Indig* Respondent

**Part A.**

Sl.No.	Description of documents	Page
1	<i>Order sheet</i>	<i>A-1 to 3</i> ✓
2	<i>Judgment of 15-3-93</i>	<i>A-4 to 5</i> ✓
3	<i>General Index</i>	<i>A-6</i> ✓
4	<i>petition copy</i>	<i>A-7 to 25</i> ✓
5	<i>power &amp; stay Application</i>	<i>A-26 to 27</i> ✓
6	<i>counter Affidavit</i>	<i>A-28 to 37</i> ✓
7	<i>power</i>	<i>A-38</i> ✓
8	<i>Affidavit</i>	<i>A-39 to 42</i> ✓
9	<i>Vakalatnama</i>	<i>A-43 to 44</i> ✓
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13		
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15		
16		
17		
18		

**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 *7/4/2011* File B/C destroyed on *09-5-12*

Counter Signed.....

*[Signature]*

Section Officer/In charge

*[Signature]*  
Signature of the  
Dealing Assistant

AN

22/12/09

Hon Justice K. Nath, VC

No one is present for the applicant. Sri 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

This case has been need from CAT, And. on Aug 1908.

Case is admitted & stay is granted.

Counter on behalf of a p. No 1 to 4 have been filed.

No rejoinder filed.

Date was fixed from CAT, And.

Submitted for order

21/12

OR  
neetoo Gussay  
8/11/90

OR

Notice was issued to the applicant as well as counsel.

No unserved repd. Case has been return back

S. F. hearing

20/12

OR

No RA filed  
SFH

13/1

27.2.90

Hon Justice K. Nath V.C.  
vs Mr. K. J. Ramon A.M

On the request of both the parties. Case is adjourned to 17.4.90 for hearing  
A.M

VC

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. Sri A. Bhargava, is present for the respondent. Sri A. Bhargava, wants adjournment. Allowed,

list it for hearing on 21/8/90

A.M

J.M

T.A. 1059/87

8.8.91  
D.R.

(A-2)

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 2/4/92.

Abdi  
50

2.4.92  
D.R.

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

✓

(A3)

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD LUCKNOW  
BENCH

T.A. 1059 / 07 (7)

NO

OF 19

W.D. 2927 / 02

VS

No. Date

Office report

Years

17/12/93

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 Bar F.H.

OR

SFM

17/2/93

*Lucknow Bench*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ~~ALLAHABAD BENCH~~ ) ~~ALLAHABAD~~

*Lucknow* A-11

T.A.No.1059/87

OF 199

J.A.NO.

T.A.NO.

Date of decision: 15th March, 1993.

R.K. 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. Chayya, A.M.

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

NAQVI/

  
Signature

CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH, LUCKNOW.

T.A. No.1059/87

AS

R.N.Singh

:::::

Applicant

Vs.

Union of India &  
Others.

:::::

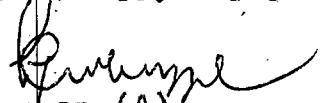
Respondents.

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, Uttariya 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.

  
Member (A)

  
Vice-Chairman.

Date: 15th March, 1993, Lucknow.

(tgk)

CIVIL                      SIDE  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 2927-82  
Name of parties..... Ram Nath Sarda 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 Annex and affidavit	15	—	102.00			
	2	Comd 5991(W) 82 in early listy	2	—	2.00			
	3	Power	1	—	5.00			
	4	Comd 5993(W) 82	1	—	5.00			
	5	Comd 7086(W) 82	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 order have been carried out, and that the record is complete and in order up to the date of the certificate

Munsarim  
Clerk

Date.....

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.
1.	Writ Petition.	1 to 6.
2.	Annexure No.1	7 to -
3.	Annexure No.2	8 <del>to 9</del>
4.	Annexure No.3.	<del>10</del> 9.
5.	Annexure No.4.	10 to 12.
6.	Affidavit.	13 to 15.
7.	Power.	16

LUCKNOW DATED:  
JUNE 28, 1982.

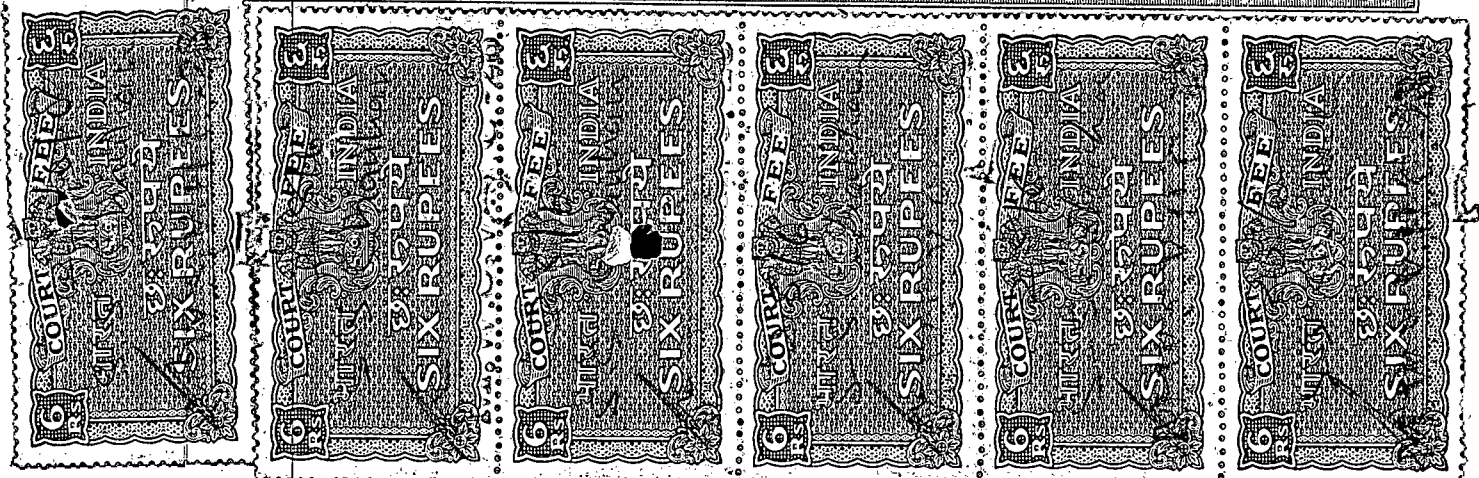
( S.S. CHAUHAN )  
ADVOCATE.  
COUNSEL FOR THE PETITIONER.



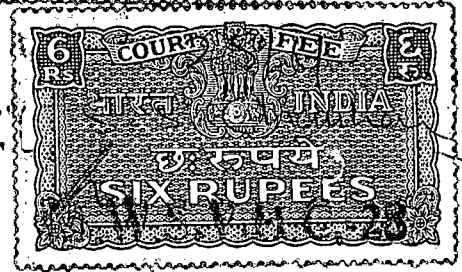
# INDIA COURT FEE

②

60RS.



ANICE



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

W. P. No. of 1984

Ram Nath Singh

Petitioner

vs

Union of India & Ors

opp. Parties

(S.S. Chauhan)  
Advocate

(Counsel for the Petitioner)

Lucknow. Dated  
June 7 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, R/O Railway Quarter.  
Number LD-44 F, Tehri Pulia, Alambagh,  
Lucknow.

... Petitioner

versus

1. Union of India, through its Secretary  
Ministry of Railway, New Delhi.

2. Divisional Railway Manager, Lucknow,  
Norther Railway, Hazratganj, Lucknow.

3. Divisional Personal Officer, Northern  
Railway, Divisional Office, Lucknow.

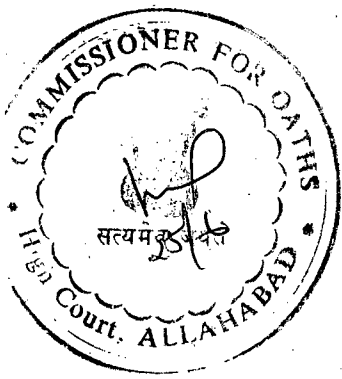
4. Loco Foreman, Northern Railway,  
Almambagh, Lucknow.

.. 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.



रामनाथ सिंह

-2-

2. That the petitioner was appointed as Cleaner 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 was never been awarded or communicated any adverse entry.

5. That the petitioner became member of the Union on the very beginning 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.



21/1/82 142

Contd...3.

8. That thereafter the petitioner took medical leave and since then he is on leave uptill 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)/NDLS'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/O/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



- 4 -

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.

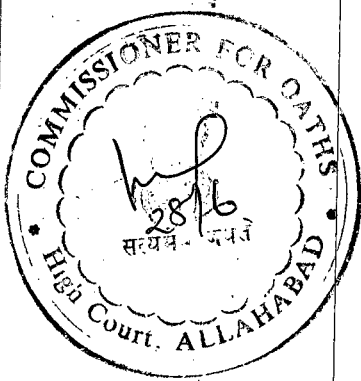
14. That the order of transfer has been passed by the Divisional Personal Officer(I), Lucknow wherein it ought to have been passed by the General Manager after discussing with the Union.

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.

Contd....5.



21/11/1972

18. That the petitioner is on leave and has not joined in the office of Divisional Railway Manager (Power Section) uptill 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 uptill 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 punitive affect and amounts to reduction in rank.

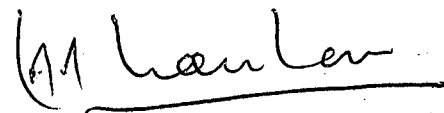
Contd.....6.



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 certiorari 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.



( S.S. Chauhan )  
Advocate.

F1

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

C.M. Application No. 5991 (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 taken up in the early morning.

2. That the Counsel also enquired from the Bench Secretary, at which time fresh civil petitioners will be taken up ; and it was replied that no time is fixed .

3. That under the circumstances of the case, the abovenoted 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

M. K. Kaul

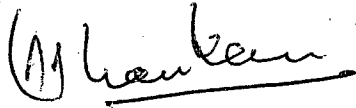


7/2 16  
:: 2 ::

-: 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 .

Lucknow dated,  
28th June, 1982.

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

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(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. 1-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 IV/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  
Divl. 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.



(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)MDLS's letter No. 940E/8-III(EIV)  
dated 7.8.1964 (S.No. 2777).

Reg: Transfer of employees who are Trade Union Officials.

Reference D.O.letter No.E/1160/TU dt.5th Oct.  
1964 from Shri M.A.Ashouff, the Board deside 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/O-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)60UT1-31 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.

श्रीमान सिंह

19

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. -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.



राम नाथ सिंह

**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 252257  
Rly. 87-343  
CEG Office, Baroda House  
Rly. Tala : 83-742  
P&T. 385990

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

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



Ref. No. URNU/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 officer-bearers of the recognised Unions.

I have to your attention to Ministry of Railways letter No. E(L)6OUTI/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/UTF/21 dated 4.3.82.

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

Contd.....2/-

रामनाथ सिंह

# 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 252257  
Riv. 87-343  
CEG Office, Baroda House  
Rly. Tele : 83-742  
P&T. 385990

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

Yashpal Kapoor  
Ex. M.P.  
President  
Res. 8-A/B, Pandara Road  
New Delhi  
Phone : P&T. 384013 Res.  
387444



Ref. No.

Dated

19

*Sir,*  
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 vide 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 DO 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 officer/bearer, sufficient notice is to be given to the Union 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 officer/bearer of this Union has been made at the

Cont.....3/-

25/6

92

11/11/1982

Post Phone 384013  
Rly. Secy. 384014

# Uttariya Railway Mazdoor Union

(Registered, Recognized)

Affiliated to National Federation of Indian Railwaymen

Indian Nation Trade Union Congress

H.O. 166-2, Panchkum Road,  
NEW DELHI

Yashpal Kapoor

Ex. M.P.

Pres. Secy

Res. B.A.B. Pandara Road  
New Delhi

Phone 384013 Pex  
387444

P. N. Sharma

General Secretary

Res. T-80, Naya Bazar,

Rly. Colony, Delhi

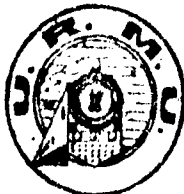
Phone, P & T 352767

Rly. 87-243

CEG Office, Bouda House

Rly. Tele 381747

PBT 384014



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 ~~Committee~~ 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 any where.

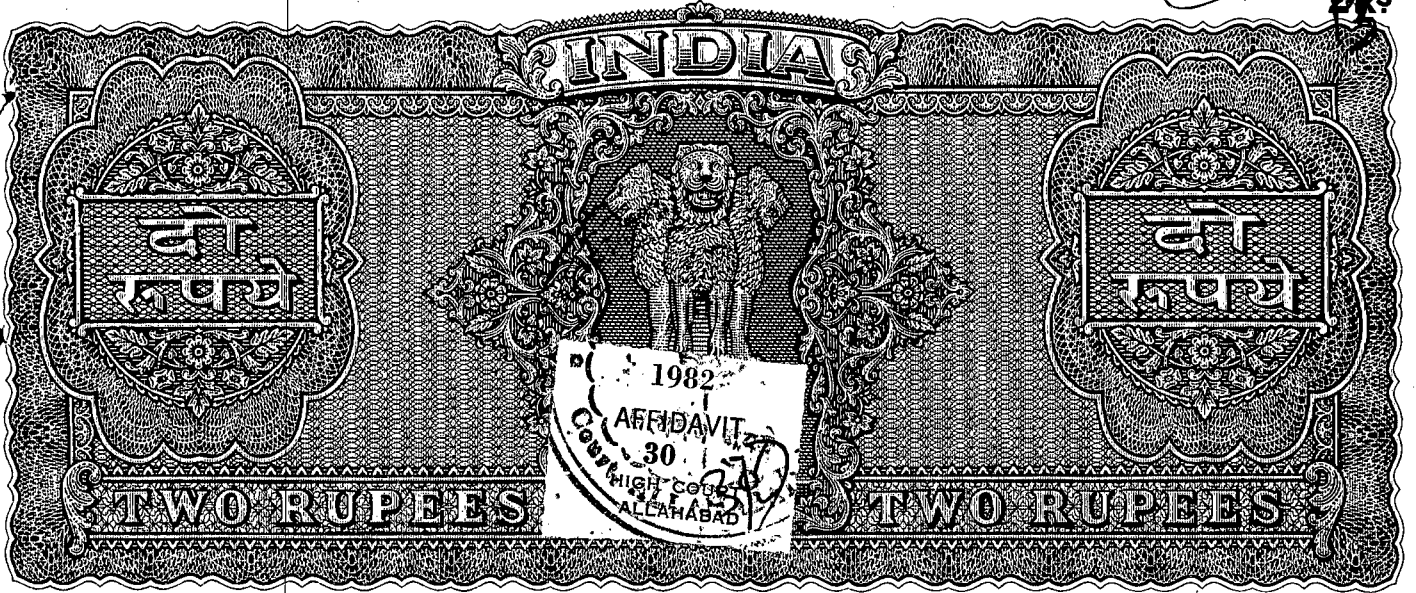
Since this transfer <sup>has</sup> created agitation in our workers at Lucknow and they protested in the PIM meeting held on 4th & 5th March, 82 which was postponed to 17th March, 82 giving an opportunity to DRM, Lucknow to review this matter. Meanwhile, when the PIM meeting was held on 17th March, 1982 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 Rail ay Board at least for pending this transfer till this matter is finally discussed and decided.

Yours sincerely,

(P.N. Sharma)  
General Secretary.





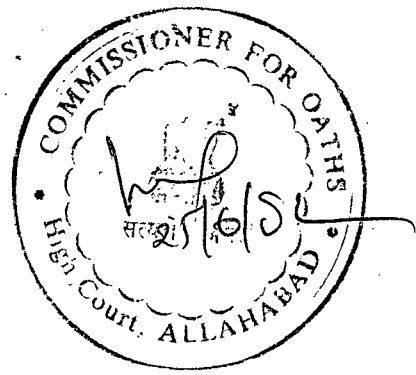
In the Honble High Court of Judicature at  
Allahabad sitting at Lucknow

W.P. No \_\_\_\_\_ of 1982

Ram Nath Singh \_\_\_\_\_ Petitioner

Union of India & ors \_\_\_\_\_ vs \_\_\_\_\_  
\_\_\_\_\_ opp. Parties

AFFIDAVIT





94

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.M.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.

राम नथ सिंह  
Deponent



95  
: 2 :

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 25, 1982

217/1124 रिज  
DEPONENT

I identify the deponent who has signed before me.

*S. S. Chandra Achar*  
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. Chandra Achar

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. D. N. N.*  
OATH COMMISSIONER

High Court, Allahabad,

Lucknow Bench.

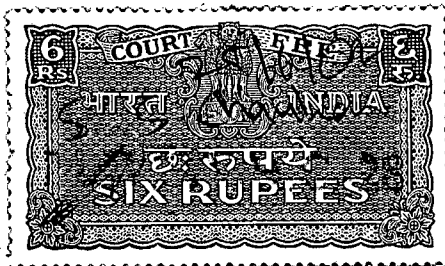
No. 30/207

Date 26/6/82

ब अदालत श्रीमान *Honourable High Court of Judicature at Allahabad* महादय

वादी (मुद्दै) *Ram Nath Singh* का *Sitgory at Kunkner*  
प्रतिवादी (मुद्दाबलेह) **वकालतनामा**

W. P. No - 91982/1



*Ram Nath*

1982/1  
20/6

वादी (मुद्दै)

*Union of India & others* बनाम प्रतिवादी (मुद्दाबलेह)

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

*S. S. Chaudhary* एडवोकेट

महोदय

वकील

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

हस्ताक्षर *Ram Nath Singh*

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

१९८६ ई०

अदालत.....	नं० मुकदमा.....	नाम फरीकस.....
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*Accepted*  
*M. A. Chaudhary*

C M An No 599305-12-27  
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

.. 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*

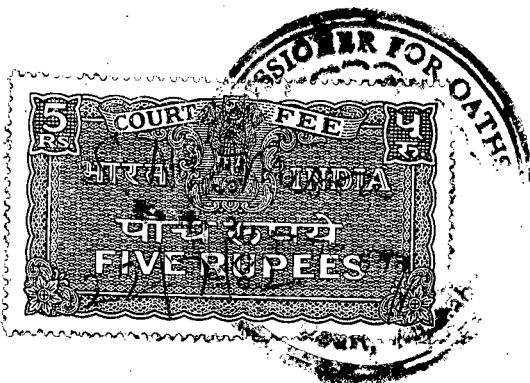
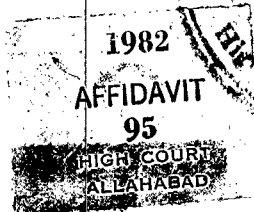
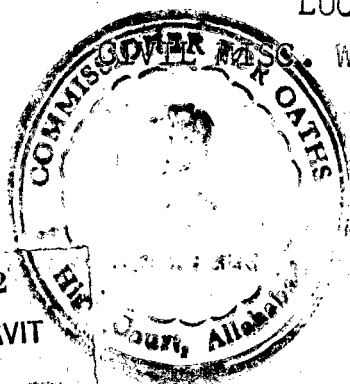
( S.S. Chauhan )  
Counsel for the Petitioner  
Advocate.

28  
✓

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

LUCKNOW BENCH, LUCKNOW

COVER FOR OATHS. WRIT PETITION NO. 2927 OF 1982



RAM NATH SINGH

..... PETITIONER

VERSUS

UNION OF INDIA &  
OTHERS

..... OPP-PARTIES.

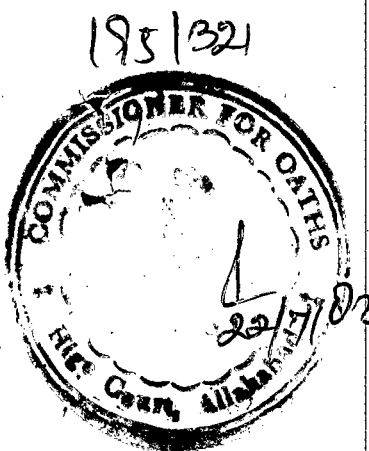
COUNTER AFFIDAVIT  
ON BEHALF OF  
OPPOSITE PARTIES 1 TO 4

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 on 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.~~



*[Handwritten signature]*

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>to</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 Uttariyh Mazdoor Railway Union.



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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



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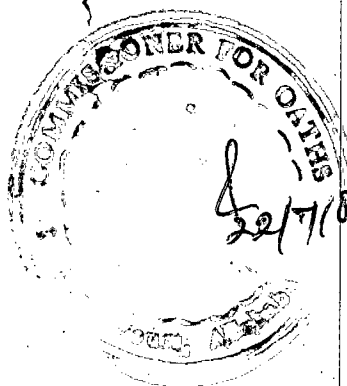
4.

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



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5.

✓  
✓  
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 Mannual 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



*[Handwritten signature]*

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".

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



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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.

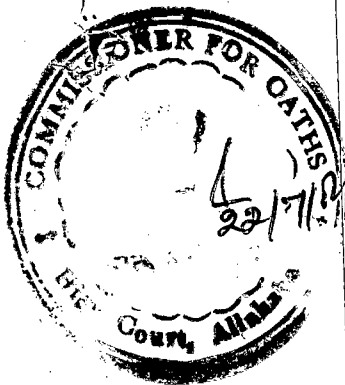
19. That it is most respectfully submitted that the petitioner has obtained ex-parte stay order from this Hon'ble Court without disclosing the correct facts. His continuance in the Loco Shed, Lucknow is causing serious administrative difficulties. Central Bureau of Investigation enquiry is pending against 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

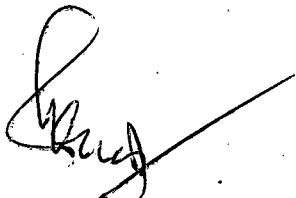
I, the deponent abovenamed do hereby verify that the contents of paragraph 1 & 2 and the bracketted portions of paragraphs 8 and 17 are true to my personal knowledge and those



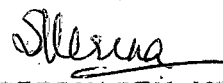
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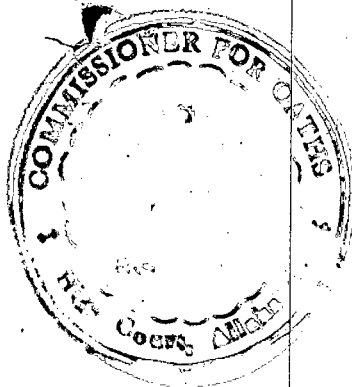
of paragraphs 3,4,5,6,7 , unbracketed portions of para 8,9 to 16 and unbracketed portions of paragraph 17,18 and 19 are based on records and are believed by me to be true. That no part of it is false and nothing material has been concealed, so help me God.

Lucknow, Dated,  
July 22, 1982.

  
(DEPONENT)

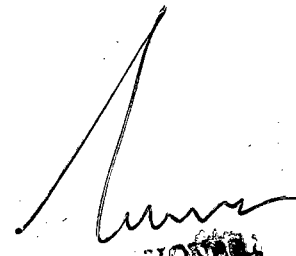
I identify the deponent who has signed before me.

  
(SIDDHARTH VERMA)  
ADVOCATE



Solemnly affirmed before me on 22.7.02 at 9.00 am/pm by the deponent S.N. Mishra who is identified by Sri Siddharth Varma 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.

  
OATH  
High Court (Bench)  
195/32  
22/7/02

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



A handwritten signature in dark ink, appearing to be "S. Nayyar".

17 (38)

2.

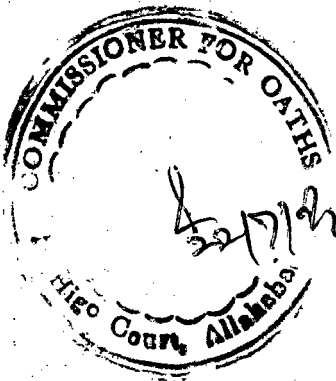
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and necessary action to:

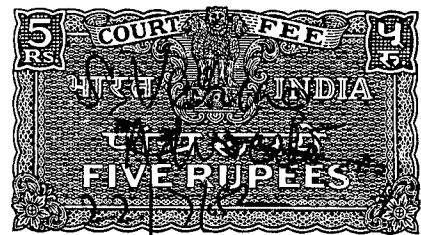
1. Divl. Personnel Officer, LKO
2. Sr. D.A.O/LKO.
3. AS(P.B.) DRM Office LKO.

(True Copy)

OATH COMMISSIONER  
High Court, (Lucknow Bench)

LUCKNOW  
No. 195/82  
Date 22/7/82





38

Hon'ble High Court  
Bench  
29-7-82  
Ram Nath Singh  
Union of India

व अदालत श्रीमात- Hon'ble High Court, Lucknow महोदय  
वादी अपीलान्त श्री Bench, Lucknow

प्रतिवादी/रेस्पान्डेन्ट

Ram Nath Singh

वादी अपीलान्त

Union of India and others

प्रतिवादी/रेस्पान्डेन्ट

सं० मुद्दा 2927 सब 19 म पेची की ततो 19 ई०  
ऊपर मुकदमा में अपनी ओर से श्री- Siddharth - Varma

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ और लिख देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करे या कोई कामज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया सवूल करें या मुतहनामा या इकवाल दावा तथा अपील व निगरानी हमारी और से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी करीकसाना का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर मुक्त दस्तखती रसीद से लेवें का पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकीलतामा लिख दिया कि प्रमाण रहे और समय पर काम आवें

\* Divisional Railway Manager,  
Northern Railway  
LUCKNOW.  
FOR AND ON BEHALF OF  
UNION OF INDIA

19/7/82

\* Divisional Railway Manager,  
Northern Railway  
LUCKNOW.  
19/7/82

सती गवत  
महीन  
सब 19 ई०

m. m. o -  
LF/UKO  
विज/21.2 19-7-82  
LOCO FOREMAN  
M. R. LUCKNOW

Divisional Personnel Officer  
Northern Railway, Lucknow

ACCEPTED

Siddharth  
(SIDDHARTH VERMA)  
ADVOCATE

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



: 2 :

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.

In the Honble High Court of Judicature at  
Allahabad, sitting at Lucknow

No. P. No. of 1982

Ram Nath Singh — Petitioner  
vs.

Munawar & Sons Ltd. —  
— app. party

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

Ld. dated  
20.6.82

(1) Ld. dated  
20.6.82  
Caused for filing  
notice

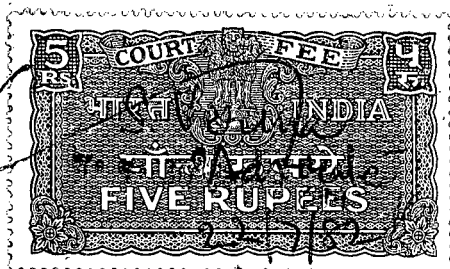
CM An No 7086 @ 82

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

CIVIL MISC. WRIT PETITION NO. 2927 OF 1982.

44



142 MS/2  
on  
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 exparte 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.

VAKALATNAMA

W.P. No 2927/82

Before  
In the Court of

In the Hon'ble High Court of Judicature at Allahabad

Shri Ram Nath Singh

Plaintiff  
Defendant

Claimant  
Appellant  
Petitioner

Versus

Union of India

Defendant  
Plaintiff

Respondent

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

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..

Dated 30/7 1982.

N.R.—149/1—June, 1981—75.00 F.

P. T. O. M. S. G. L.

Designation of the Executive Officer

प्रवर मुख्य कामिक अधिकारी

प्रधान कार्यालय

नयी दिल्ली

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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.  
rg

Siddharth

(Siddharth Verma)

Advocate

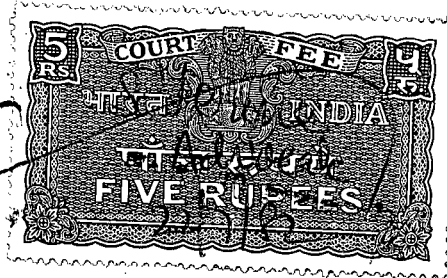
Counsel for the opposite parties.

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.



1st MS/2  
m  
28/7/82

Sri Ram Nath Singh

..... Petitioner.

Versus

Union of India and others.

..... Opp-parties.

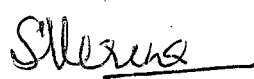
APPLICATION FOR VACATION OF STAY ON  
BEHALF OF OPPOSITE PARTIES NO. 1 TO 4.

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.

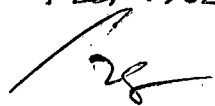
Lucknow, Dated,

July 22, 1982.

  
(Siddharth Verma)

Advocate

Counsel for the opposite parties  
Nos. 1 to 4.



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

Lucknow Bench, Lucknow

C.M. Application No. 5297 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

12 kg 5  
kg  
86V  
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.

OK  
Lucknow:

C. A. Basir  
( C.A. Basir ),  
Advocate.

Dated: 15, 1984.

Mar 8/84

(47)

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

Writ Petition No.2927 of 1982

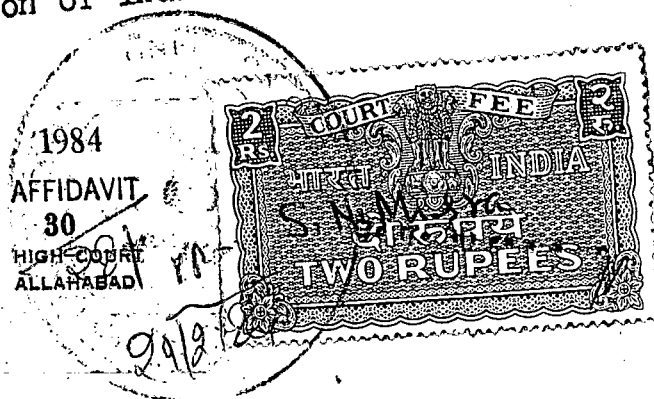
Ram Nath Singh.....

Petitioner

Versus

Union of India & others.....

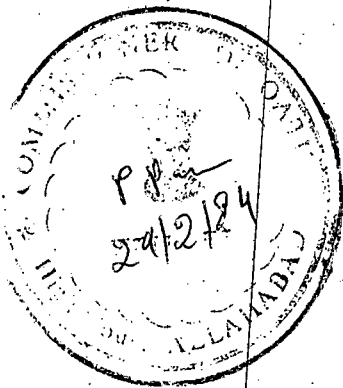
Opp.Parties.



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

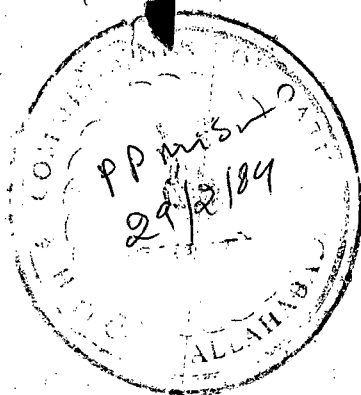




Loco Foreman, Northern Railway, Lucknow to Power Section in Divisional Manager's Office, Lucknow. A copy of the said order has already been attached with the writ petition as annexure-1.

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.



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*[Handwritten signature]*

- 3 -

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>

*[Handwritten signature]*

.....4



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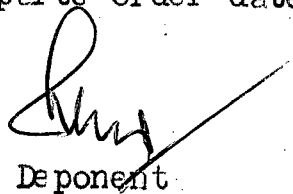
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in pursuance of the stay order issued by the Hon'ble Court specially when the petitioner did not come with clean hands in as much as that he did not disclose correct facts is causing serious administrative difficulties as his failure to carry on the 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~~ 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, 1984

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,



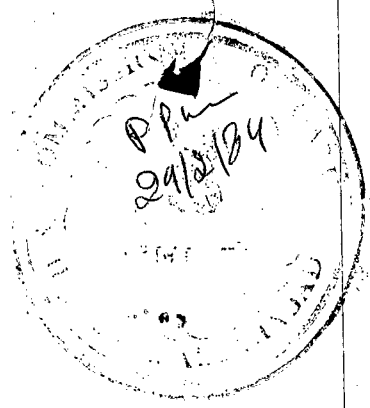
(5/1)

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.

*[Signature]*  
Deponent

Lucknow:

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.

*[Signature]*  
Advocate. (Siddhant 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 G.A. Basir, Advocate, High Court, Lucknow Bench, Lucknow.

*[Signature]* Siddhant Verma

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

*[Signature]*  
OATH COMMISSIONER

10-11-1984  
LUCKNOW

No. 35/29/  
Date 29/2/84

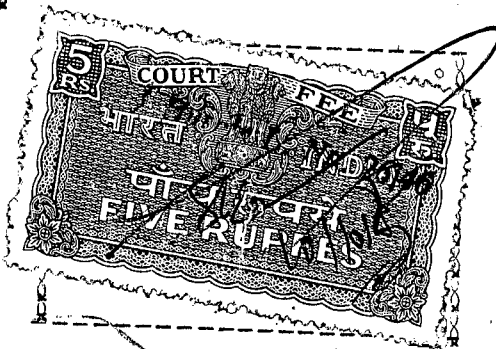
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व अदालत श्रीमान् Honorable High Court Subordinate at Allahabad  
महोदय  
वादी अपीलान्त  
प्रतिवादी रैस्पाडेन्ट श्री Ram Nath

402927-82



वादी अपीलान्त

नं० मुकदमा W.P.N. 5992 of 82  
ऊपर लिखे मुकदमा में अपनी ओर से श्री Sushil Kumar

वकील  
महोदय  
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ  
और लिखें देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा  
अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नों उत्तर  
करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर  
से डिंगरी जारी करावे और रुपया 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 रुपया जमा करें या हारी विपक्षी फरीकसानी  
का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त  
दस्तखती रसोद से लेवे या पंच नियुक्त करें-वकील महोदय  
द्वारा की गयी वह सब कार्यवाही हमको सर्वथा स्वीकार है  
और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर  
स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा  
अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है  
उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह  
वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Ch. A.

Union 22/10/85

नाम	मुकदमा नं०	नाम
अदालत		फरीकसानी

साक्षी गवाह  
दिनांक 10 महीना 10 सन् 19 85 ई०

स्वीकृत  
Suman

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ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WP - No. 2927 of 1982

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
28-6-82	<p>Mem SK Kaushal</p> <p>Learned Counsel for the petitioner is not present. Set this petition to rest ordinary course.</p> <p>Sd/SK Kaushal 28-6-82</p>	
in d-	<p>CM An No 5991 @ 82</p>	
	<p><u>D 8</u></p> <p>Put up with previous paper papers to move on before the Senior Master Judge</p> <p>Shardul Singh 28-6-82</p>	
29-6-82	<p>Mem SK Kaushal</p> <p>Admmt. Issue notice.</p> <p>Sd/SK Kaushal 29-6-82</p>	

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14/2

ORDER SHEET  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2927

of 1982

vs.

26  
Dated of which case is adjourned

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p><u>Han. M. C. Sivaram J.</u></p> <p>Learned counsel for the petitioner states that the counter affidavit was received by him on 20.7.82. The conduct of the railway 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>20.8.82</p> <p>B. G. M. J. for</p> <p>CRN 5993/82</p> <p>6.10.82</p> <p>6.10.82</p> <p>27.9.82</p> <p>CRN 5993/82</p> <p>for C.S.</p> <p>4.11.82</p> <p>for</p>	

CRN 5993/82

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# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Writ Petition No. 2927 of 1982

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	cm App. 5297 (W) 84	
	Hon. Sharma J.	
	Day before Hon.	
	the Senior Judge.	
	Sch Sharma J.	
	05-84	
20905	fixed in cm App. 5297 (W) 84	
	Hon. The I.C. App.	
	Lib. attached for	
	Vocal of Sh.	
	next week.	
	Pro 2999	
10/10/85	10.10.85 fixed. cm.	
	5993 (W) 82	
	du CSVJ.	