

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE T.A. 1077 OF 87 W.P. 3965/82

NAME OF THE PARTIES..... Seemla Singh

Applicant

Versus

..... Union of India & others Respondent

Part A, B & C

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CERTIFICATE

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

Dated... 22-3-11

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

Check on
31-7-12
m

(1)

CAT/J/11

A1,2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

.....

O.A./T.A. No. 1077 1987

Sundera Singh Applicant(s)

Versus

Union of India Respondent(s)

Sr. No.	DATE	Orders
(1)	7/10/08	OR W.P. No. 3965/08. has been transferred from Hon'ble High Court Lucknow. W.P. is Admitted. C.A. has been filed. Notices were issued to both parties for 17.10.08. On the date of appearance moved by Sri Sadumand Shukla, Counsel for the applicant. (W.P. & C.A.) order dated 5.9.08. No additional notice was issued. He attended. Sri A.V. Srivastava, counsel for the respondent. Submitted 7/10/08
(1)	17.10.08	OR No one appears for applicant Send fresh notice to the applicant as well as to the counsel for the respondent. 22.12.08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

T.A. No. 1077 of 1987
REGISTRATION No. _____ of 198.

APPELLANT
APPLICANT

S.S. Eden


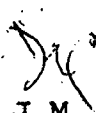
VERSUS

DEFENDANT
RESPONDENT

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
(3) 11/5/89	<p><u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>This application has been represented by the learned counsel for the applicant. The case was heard on 9.5.89 inst. and the judgment was reserved. Yesterday (10-5-89), the learned counsel for the applicant, came and requested that before the case is actually decided and the judgment passed, he wanted to make certain further submissions and cite certain authorities in the interest of his client. He, therefore, made a request that the judgment in this case be kept pending, till ^{further} submissions are made by him. After hearing him yesterday ^{as} mentioned as above, it was suggested to him that he should make an application in this regard. Today the learned counsel for the applicant has made an application in this regard. Since the Bench, which was sitting yesterday, may not sit for a long time to rehear this case, therefore, this case is hereby released for hearing by another bench, in view of the special request made by the learned counsel for the applicant. List this case on ^{on} 10-7-89, for final hearing and inform the parties accordingly.</p> <p><i>[Signature]</i> A.M.</p> <p>(sns)</p>	<p>CR case is submitted for hearing. 7/3 Notice issued on 15.5.89</p>

AS

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>(7) 6/11/89</p>	<p>Hon' Mr. D.K. Agrawal, J.M. <u>Hon' Mr. K. Obayya, A.M.</u> Shri S.N. Shukla counsel for the applicant has sought adjournment on personal ground. Shri A.V. Srivastava counsel for the respondents has no objection. List this case on <u>22-1-90</u> for hearing.</p> <p style="text-align: center;">  A.M.  J.M. (sns). </p>	
<p>(8) 22¹/₉₀</p>	<p>No sitting. Adj to 16.3.90. On the request of Sr S Shukla, Adj to 16.3.90</p>	
<p>(9) 16-3-90</p>	<p>No sitting of D/B, 24/1/90 Adjourned to 20-7-90</p>	
<p>(10) 20-7-90</p>	<p>No sitting. Adj. to 26/x. B.O.C. 29/7.</p>	
<p>(11) 26.10.90</p>	<p>No sitting Adj. to 9.11.90</p>	
<p>(12) 9.11.90</p>	<p>Hon. Mr. M.Y. Pawalker AM Hon. Mr. D.K. Agrawal JM. On the request of both the parties case is Adjourned to 18.1.91</p>	<p>OR RA has not filed. S.F.H. H. H. H.</p>

Dinesh

D

JM

AM

OR

(13) 18.1.91

No sitting Adj to 2.4.91

RA not filed
 S.F.H.
 H.
 11/4.

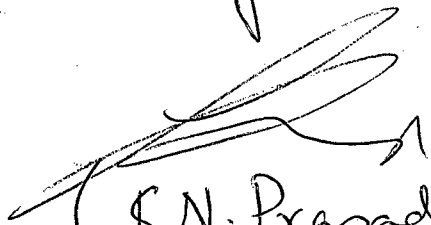
1077-077


23-10-91.

Mr. S. Shukla — Counsel for the Applicant.

Mr. A. Srivastava — Counsel for the respondents.

On the prayer of the learned Counsel for the respondents, may be listed for hearing on 27/11/91.


(S.N. Prasad)
Member (Judl.)


(Kaushal Kumar)
Vice Chairman.


27.11.91


No. Sittings adj. 28.1.92

28.1.92 -

Hon. Mr. Justice U.C. Sinha - v.c.
Hon. Mr. A.B. Gopinath - Am.

put up tomorrow. case will not be adjourned.



Am.



v.c.

29.1.92 -

Hon. Justice U.C. Sinha - v.c.
Hon. Mr. A.B. Gopinath - Am.

on the request of Counsel for respondents case is adjourned to 6.3.92 for hearing.


Am.


v.c.

or
RA fore been
changed
SA
5.3.92

AG T.A. - 1077/87

28.8.92

Hon. Mr. Justice U.C. Srivastava - VC.
Hon. Mr. K. Obayya - A.M.

No one present. Adjourned

(DPS)

To 4.11.92 for orders.

A.M.

V.C.

4.11.92

No adj. of D.M. adj.
to 7.12.92

O/R.
Case is
ready for
hearing
2/12/92

Dated: 7.12.1992.

Hon'ble Mr. Justice U.C. Srivastava, VC
Hon'ble Mr. K. Obayya, Member (A)

As the counsel for the applicant is within
the curfew area, the case is adjourned to 8.1.1993.

A.M.

V.C.

8-1-93

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

Heard the learned Counsel
for the parties. Judgment
dictated separately.

A.M.

V.C.

O.R.
Submitted
for hearing
9/1/93

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

T.A.No.1077 of 1987

S.S.EdinApplicant

Versus

Union of India & othersRespondents

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

Hon'ble Mr. K. Chavva, A.M.

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

Terminating the probationary period of the applicant who was in employment of R.D.S.O, the reversion order was passed. Against the reversion order, the applicant filed a writ petition before the High Court which stayed the operation of the reversion order. The writ petition has been transferred to this tribunal by operation of law. As probationary period of the applicant had ended and the applicant continued to remain in service, the reversion order dated 5.5.82 has automatically vanished. It is not necessary to quash the said order as it will not be looked into or given any recognition to. The salary has not been paid to the applicant. Let it be paid within a period of three months from the date of communication of this order. With these observations, the application stands disposed of finally. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.
DATED: JANUARY 8, 1993.

(ug)

CIVIL _____ **SIDE**
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

Name of parties.....

Date of institution.....

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admis- sion 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.			

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 papers 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

Comp A(14) R (14) 6511
In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Sujinder Singh Eden.

.. Petitioner.

Versus

The Union of India and
others.

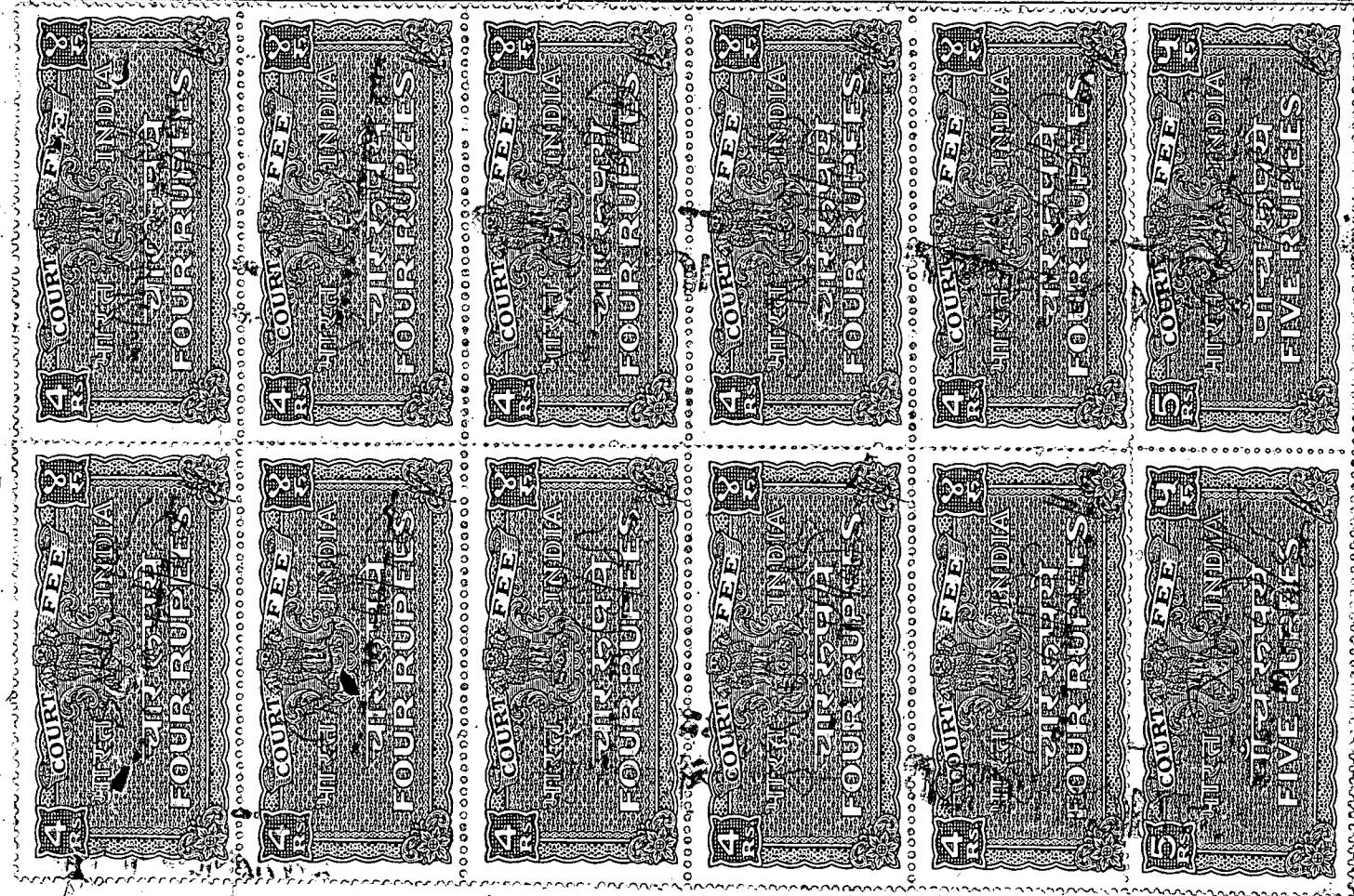
.. Opp. Parties.

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Lucknow, dated :
-8-1982.

Singh (Sadanand Shukla)
Advocate,
Counsel for the petitioner.



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The union of India and others - Referendum

June 29
 (Saturday)
 Council for the 1st time

57-18/2/8 ✓

(12)

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

Writ Petition No. of 1982.

3962

Sujender Singh Edin, son of J.S.

Edin s/o J.S. Edin 12/6 Lur C Manak Nagar

.. Petitioner.

Versus

1. The Union of India through
the Director General, R.D.S.O.
Manak Nagar, Lucknow.
2. The Joint Director, R.D.S.O.,
Manak Nagar, Lucknow
3. Sri K.L. Sehgal, A.D.E. (Research
Designs and Standard Organisation,
Manak Nagar, Lucknow.

.. Opposite parties.

Writ Petition under Article 226 of the
Constitution of India.

The humble applicant begs to submit as under :-

1. That the applicant was appointed as a Tracer in the Wagon Directorate of the Research Designs and Standards Organisation in the scale of Rs. 260-430 P.M. in the year 1977 and since then has been working in the said organisation without a break and has been confirmed.



Sujender Singh Edin

2. That the R.D.S.O. is an organisation which does research work in the field of Design of the different fields of Railway including wagons, track and engineering etc.

3. That after the tracer, the promotion channel is as follows :

Tracer, Draughtsman, senior Draughtsman and D.A.A. and thus the post of D.A.A. is two steps up from the post of tracer, which the petitioner is at present holding.

4. That the petitioner's work and conduct has always been found to be good and no adverse remark has ever been communicated to him so far.

5. That this organisation has three sections namely, the motive power section, the carriage and wagon section and the research design section and transfer from one section to the other according to the administrative need is not only possible but also permissible.

6. That in August, 1980, there was an advertisement for direct recruitment to the post of D.A.A. The advertisement as usual had laid down certain qualifications and the selection was to be made on all India basis. The cutting of the paper giving advertisement is annexed as Annexure no. 1 to this writ petition.

7. That the petitioner fulfilled all the qualifications essential and preferential and so also applied for the post as an outsider for the departmental promotion

Spinder Singh
HABAD
14/8/80

would have taken at least 15 years.

8. That the petitioner along with the other candidates was issued a call letter for appearing in the test and to undergo other formalities for the post. A true copy of the call letter is annexed as Annexure no. 2 to this writ petition.

9. That after a preliminary weeding of the applications about 130 candidates were called for a written test which was held on 16-8-1981 and later interview of the successful candidates took place on 18-8-1981.

10. That on the basis of the rigorous test and interview 21 candidates, out of nearly a little more than one thousand applicants, were selected and a panel of these 21 candidates was drawn strictly in order of merit and they were to be appointed accordingly. A true copy of the said letter is annexed as Annexure no. 3 to this writ petition.

11. That the petitioner was issued an appointment letter as D.A.A. Wagon as a result of his successfully competing the test on 19-12-1981. The scale of the post was 550 - 750. A true copy of the appointment ~~letter~~ letter is annexed as Annexure no. 4 to this writ petition.

12. That the appointment letter laid down certain conditions which were to be accepted by the candidates before joining the important conditions laid down are on Sl. No. 2, 3, 6, 9, 10, 11 and 14. The petitioner accepted the terms and conditions as laid down in the appointment

under High Court

Handwritten signature and stamp

(16)

appointment letter and joined his duties in the forenoon of 23-12-1981 on one year probation which could be extended beyond one year, if necessary.

13. That the selected candidates were distributed to the different wings of the R.D.S.O. and the petitioner was put into the wagon wing of the said organization.

14. That the authorities of this section started a training for the candidates who were allotted to their section. It is worth mentioning here that training was not a condition in the appointment letter issued to the candidates. It is also more-worthy that no training of any kind was started for the candidates posted to the other two wings of the organization, though they were selected through the same precedent, on the basis of the same advertisement and were issued the same appointment letters laying down the same conditions and terms for the probationary period. The petitioner and other candidates of his batch were put under training under Sri K.L. Sehgal, the respondent no. 3 who was next in command to Sr. Mudgill who was ~~the~~ incharge.

15. That Sri K.L. Sehgal and the petitioner's father Sri J.S. Eden, who recently retired from the R.D.S.O. were not only not on good terms but were also at daggers drawn to each other, since 1949 when they were working together in Ordnance factory at Amritsar.

16. That in the year 1948 Sri Sehgal was removed from his service due to his political affiliations and

Registrar Singh
MISSIO
HIGH
10/12/81

the petitioner's father being next to him in the cadre was promoted in his place.

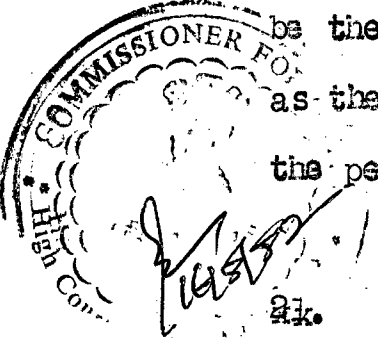
17. That as the officer incharge who was responsible for the removal of Sri Sehgal from the service unfortunately happened to be a Sikh so, Sri Sehgal thought he was removed by a Sikh to accommodate another Sikh, the petitioner's father, and thus he bore a permanent grudge to the petitioner's father.

18. That Sri Sehgal after some time of his removal managed to get an appointment in the C.S.O. at Baroda House, New Delhi as a refugee. It is worth mentioning here that Sri Sehgal had completely concealed the fact of his dismissal from the government service, otherwise he would not have got the appointment.

19. That it was after some time that ~~the~~ Sri Sehgal and the petitioner's father again came together in the R.D.S.O. and Sri Sehgal was always in search of some opportunity to harm the petitioner's father which he could not do and the petitioner's father retired from service in September, 1981.

20. That after the retirement of the petitioner's father Sri Sehgal anxiously levelled for some opportunity to harass the petitioner because he happened to be the son of his so-called staunch enemy, ~~and~~ and as the ill luck would have it, he got the same when the petitioner was put under him for training.

Sejinder Singh Eder



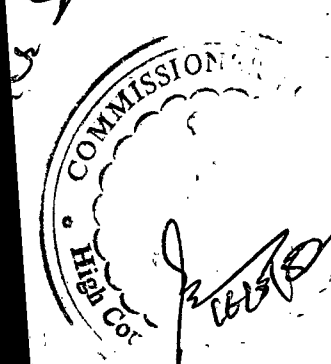
21. That Sri K.L. Sehgal was somehow sore on the point that the petitioner was only a diploma holder, got admission due to direct selection in which many B. Techs and M. Techs. had appeared and so from the very first day he started abusing and cursing the petitioner. To quote some of his actual words, " You bloody tracer how could you dare to apply for a post for which graduates and post-graduates are candidates. I shall see that you are out within no time. "

22. That Sri Sehgal, respondent no. 3, made some adverse report to Dr. Mudgill within 3 or 4 days of the petitioner's joining the training with the result that the petitioner got a warning signed by Sri Mudgill before he (Dr. Mudgill) left for abroad. The warning letter is dated 2-1-1982. A copy of the same is forwarded to Sri Sehgal. Naturally the report about the petitioner appears to have been made before 2-1-1982 to Dr. Mudgill i.e., hardly within a week's time after the petitioner joined his new assignment. A true copy of the warning letter is annexed as Annexure no. 5 to the writ petition. All the assertions made in the warning letter are x false, fabricated, coloured and malicious in fact.

23. That after issue of this letter, Sri Sehgal had made it a point to start his work after cursing and showering abuses on the petitioner and clearly announced that the petitioner's days were numbered in the department.

24. That Sri Mudgill returned from his tour abroad some time in the month of April and immediately after his arrival Sri Sehgal succeeded in putting

Sri Singh Lal



the last nail in the petitioner's coffin in the shape of termination letter dated 5-5-1982. Regarding this termination letter it is respectfully submitted that the contents of the letter are wrong and malicious. The petitioner, except the letter dated 2-1-1982, was neither given any warning verbal, or written, nor he was ever communicated his marks of any test. The respondents are challenged to produce in proof any further averments that are made in the appointment letter. The letter dated 5-5-1982 (a certified copy) is annexed as Annexure no. 6 to this writ petition.

25. That the petitioner after the receipt of the letter dated 5-5-1982 made representation to the higher authorities for a reconsideration of the case which was rejected. A true copy of the petitioner's representation and reply thereto are annexed as Annexure No. 87 and 8/A to this writ petition.

26. That later on the petitioner's father also made representation to the authorities concerned regarding the sad plight of the petitioner, but his representation was also rejected. A true copy of the representation and reply to that is annexed as Annexure no. 8 and 8/A to this writ petition.

27. That petitioner's services were terminated due to a clear malice that Sri Sehgal bore against the petitioner and it is not to be sustained.

28. That the petitioner having no other remedy invokes the pious and extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution

Jaginder Singh Edoor

16/3/82

on the following amongst other grounds :-

GROUNDS :

xxx

- A) That by arranging for a training for the petitioner, the authorities acted against the terms and the conditions of the appointment letter which is illegal.
- B) That by making provisions for a training against the terms and the conditions of the appointment for a set of candidates and leaving the others, though all of them were selected by the same process and the same appointment letter was issued to all the 21 candidates, the ~~xxxx~~ authorities have made discrimination between the like people which is hit by Article 14 of the Constitution, of India.
- C) That the act of respondent no. 2 in terminating the appointment of the petitioner is not only arbitrary but perverse, malafide and irrational and it is the arbitrariness, perversity and malafides that renders the act unsustainable in the eyes of law.
- D) That the period within which the respondents judged the merit of the petitioner and arrived at an adverse conclusion is too short in face of the minimum of one year provided for the same.
- E) That the removal of the petitioner with a definite charge of unsuitability amounts to a virtual dismissal and this comes within the category of a panel action and is thus hit by Article 311 (2) of the

Defuncta Singh & Co.

(21)

- 9 -

Constitution.

F) That actually this act of removal of the petitioner is due to active interference of the respondent no. 3 and is thus liable to be quashed.

G) That the petitioner has exhausted all the remedy available to him and now there is no other remedy left to him except to move this Hon'ble Court under Article 226 of the Constitution of India.

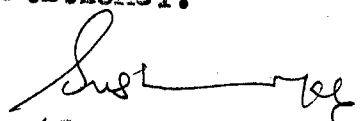
H) That even in the administrative orders the authorities should not be allowed to play fast & loose.

Wherefore it is most respectfully prayed that this Hon'ble Court be graciously pleased to grant the following reliefs to the petitioner :-

- i) to quash the impugned order dated 5-5-82 (Ann.5) terminating the probationary period of the petitioner through a writ of certiorari ;
- ii) to issue a writ in the nature of Mandamus directing the respondents not to interfere with the petitioner's period of probation and allow him to continue in the same for which he has been selected by a duly constituted Selection Committee;
- iii) to grant any other relief that this Hon'ble Court may deem fit by issuing a suitable writ, or direction that the court deems fit;
- iv) to award cost of to the petitioner.

Lucknow, dated :

18-8-1982.


(Sadanand Shukla)
Advocate,

Counsel for the petitioner.

Spinder Singh & Co.

Amc I-10

Employment Notice

No. Rectt / Advt / Tech / 80-1.

(22)

DIRECTOR GENERAL, RESEARCH DESIGNS AND STANDARDS ORGANISATION (MINISTRY OF RAILWAYS) MANAK NAGAR, LUCKNOW-226011 invites applications for the following categories of posts to reach latest by 30-9-1980 complete with attested copies of certificates in support of age, qualifications, detailed experience and caste on any Railway Service Commission forms obtainable from important railway stations. The prescribed age limits and period of experience are applicable as on 30-9-80. Upper age limits are relaxable as per rules. Candidates on appointment are liable to serve in Territorial Army as per extant orders. Separate applications should be submitted for each category of post and photographs affixed thereon should bear full signature of candidates. On appointment candidates can be posted in any branch of RDSO in India. Requisite experience would count after the date of acquiring basic technical qualifications. Qualifications/experience relaxable at discretion of Selection Board in the event of poor response. While calling for written test preference will be given to candidates possessing higher qualifications. Candidates belonging to underserved communities will also be considered in case suitable Scheduled Caste/Tribe candidates do not become available. The vacancy position is likely to increase or decrease and consequentially the reservation position. Successful completion of 5 years approved apprenticeship course on Zonal Railways/Railway Production Units will be taken as equivalent to Diploma.

CATEGORY-1: Chief Research Assistant (Metallurgical)/Senior Inspector (Metallurgical); scale Rs. 650-960 (RS). One vacancy reserved for Scheduled Caste. AGE LIMIT: Between 25 to 35 years. QUALIFICATIONS: Degree in Metallurgy or its equivalent or degree of Master of Science in Physics/Inorganic Chemistry/Physical Chemistry, followed by 2 years' experience, including period of training, if any in an approved establishment in the field of Metallurgy or allied fields OR 1st class B.Sc. (Hons) in Chemistry or Physics with 3 years' experience including period of training, if any, in an approved establishment, in the field of metallurgy or allied fields OR B.Sc. with Physics and Chemistry as compulsory subjects and with not less than 55% marks in aggregate followed by 4 years' experience including period of training, if any, in an approved establishment in the field of metallurgy or allied fields.

CATEGORY-2: Chief Research Assistant (Instrumentation); scale Rs. 650-960 (RS) Four vacancies (One each reserved for Scheduled Caste and Scheduled Tribe). AGE LIMIT: Between 25 to 35 years. QUALIFICATIONS: Degree or its equivalent in Telecommunication or Electronics Engineering from a recognised institute with two years' suitable experience or Master's degree in Telecommunication or Electronics engineering from a recognised institution.

CATEGORY-3: Statistician, scale Rs. 700-900 (RS) One vacancy reserved for Scheduled Caste. AGE LIMIT: Between 20 to 35 years. QUALIFICATIONS: First or Second class Master's degree in Statistics and One year's experience in collecting, analysing and interpreting statistical data. The candidate with knowledge of Psychometry will be preferred.

CATEGORY-4: Design Assistant 'A' (Mechanical), scale Rs. 550-750 (RS) Five vacancies (one each reserved for Scheduled Caste and Scheduled Tribe) AGE LIMIT: Between 20 to 30 years. QUALIFICATIONS: Diploma in Mechanical Engineering from a recognised Institution with a minimum of 3 years' suitable experience in an engineering organisation OR Degree or its equivalent in Mechanical engineering from a recognised Institution.

CATEGORY-5: Junior Research Assistant (Civil), scale Rs. 425-700 (RS) Five vacancies (2 posts reserved for Scheduled Caste and one post reserved for Scheduled Tribe). AGE LIMIT: Between 20 to 30 years. QUALIFICATIONS: Diploma in Civil Engineering with one year's suitable experience or B.Sc. with Physics, Mathematics as compulsory subjects and minimum of 55% marks in the aggregate with one year's experience.

CATEGORY-6: Junior Documentation Assistant, scale Rs. 425-700 (RS) Three vacancies (One each reserved for Scheduled Caste and Scheduled Tribe). AGE LIMIT: Between 20 to 30 years. QUALIFICATIONS: B.Sc. in Physics/Chemistry/Mathematics and Degree/Diploma in Library Science from a recognised institute/organisation/University. Experience in documentation work will be treated as an additional qualification.

NOTE-1) The candidates who are awaiting result in

उत्तम जेष्ठ १९८०

16/8/80

Supd to Supd

In the Honble High Court under Bench Amy 2

W.P. No. 41982
Appln. No. Surinder Singh vs The Union of India and others Roll No. 27

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION
MANAKNAGAR, LUCKNOW-225011.

(23)

No. Rectt/Advt/DAA(Mech.)/80.

Dated: 21.7.1981.
22

Sub: Recruitment to the post of Design Asstt. 'A'
(Mech.) scale Rs. 550-750(RS) for RDSO to be
held on 16.8.1981(Written test) and 18.8.1981
(Interview).

Ref: His application for the above mentioned post.

It is requested that Shri Surinder Singh, E. Eder, who
is working under you may please be directed to appear in the test
for the post of Design Assistant 'A' (Mech.), scale Rs. 550-750(RS)
to be held in the office of the RDSO, Lucknow on 16.8.1981(Sunday)
at 10.00 hrs. and Interview on 18.8.1981.

In
Original,

2. He should bring with him(both on the day of the written test
and interview) his certificates and testimonials, in support of
proof of his age, academic and technical qualifications, experience
etc. failing which he will not be allowed to appear in the test. He
should also bring with him instruments box, Set square, scale and
rubber etc. except paper which will be supplied by this office.

3. This office will not be responsible for any delay in transit
of the communication despatched in this connection. In case, he
fails for any reason to attend the aforesaid selection on the
appointed date and time, no supplementary selection will be held
thereafter.

4. No travelling allowance, daily allowance or any other inciden-
tal charges will be paid by this office in connection with the test
and interview. The recruitment will be on provisional basis.

DA:Nil.

(R.P. Jetley)
for Director General.

The A. C. E. (Wagon), DTC R.D.S.O., Lucknow.

Shri Surinder Singh Eder, RDSO, LKO. in ref to his
application.

TENTATIVE PROGRAMME
Date: 16-8-1981(Sunday)

1. Candidates should report at AUDITORIUM, RDSO, Lucknow for
verification of particulars with original certificates....10.00 hrs.

2. Candidates should report at Examination hall for Written test

12.45 hrs.

3. Written test.

14.00 hrs.

Date: 18-8-1981.

Candidates should report at RDSO Auditorium for declaration
of the result of Written test and announcement of the time
of interview. 14.00 hrs.

NB: If necessary, interview will continue on 19.8.1981 also.

Surinder Singh Eder

18/8/81

Ann 3

In the Hon'ble High Court of Judicature at Lucknow (12)

W.P. No. _____ of 1982

Surginder Singh - Petitioner

The Union of India and other Respondents

(24)

**GOVERNMENT OF INDIA-MINISTRY OF RAILWAYS
RESEARCH DESIGN & STANDARDS DEPARTMENT**

NOTICE

In supersession of Notice No. Reott/Advt/DAA(Mech.)/80 dated 5-2-1981, the following twentyone (21) candidates have been placed on the panel for the post of Design Assistant 'A' (Mech.), scale Rs. 520-740 (Rs) in the order of merit.

A/Short

1. Rajvir Singh S/o. Sh. Gita Singh.
2. Deepak Malik S/o. Sh. L. D. Malik.
3. Surya Kumar Singh S/o. Sh. T. S. Dhotary.
4. Niraj Kumar Sharma S/o. Sh. J. C. Sharma.
5. Manjit Singh S/o. Sh. S. S. Manjal.
6. Channu Lal Malik S/o. Sh. H. L. Malik.
7. Satinder Pal Singh S/o. Sh. G. S. Marwah.
8. Rajeeva Diba S/o. Sh. J. S. Diba.
9. Ramchand Mandal S/o. Sh. Ram Dhar Mandal.
10. Satish Chandra S/o. Sh. R. S. Sarma.
11. Abhash Chandra Sati S/o. Sh. T. D. Sati.
12. On Prakash Chaudhary S/o. Sh. R. S. Chaudhary.
13. Ashil Kumar Khullar S/o. Sh. Y. R. Khullar.
14. Arun Kumar Saksona S/o. Sh. J. P. Saksona.
15. Phool Chand Yadav S/o. Sh. Mata Prasad Ram Yadav.
16. Ajinder Singh Meen S/o. Sh. Jit Singh Meen.
17. Pradeep Rastogi S/o. Sh. K. K. Rastogi.
18. G. S. Matharu S/o. G. Mohan Singh.
19. Abhash Chandra Shalla S/o. Sh. B. D. Shalla.
20. Mohan Lal S/o. Sh. Mevalal (S.H. Challa).
21. Govind Sahai S/o. Sh. Tara Chand (S.H. Challa).

2. The above panel is provisional subject to the decision of the writ petition pending with the Hon'ble Supreme Court.

3. This has the approval of DS(W).

DASHIL.

(R. P. Jetley)
DY. Director (Adm.)

Lucknow-11.

Dated 12-10-1981.

(File No. Reott/Advt/DAA(Mech.)/80.)

RECOMMENDATION

1. C.O.E.T.

8. Notice Board.

Surginder Singh

16/8/82

In the Honble High Court of Judicature at Lucknow

(13)

W.P.No

of 1982

(25)

Surginder Singh — Plaintiff

The Union of India and others Respondents

Government of India
Ministry of Railways
(R.D.S.O.)Lucknow, Lucknow-11.
Dated: 17-12-1981

No. 1337/35, L.R. / C.M. / C.M.

MEMORANDUM

With reference to his application dated 16-12-81 on the basis of the selection held in this office on 11-12-81, Shri. Surginder Singh is offered a temporary post of Sub-Divisional Executive Magistrate on Rs. 554 per month in scale Rs. 475-726 in the of this office. In addition, he will be entitled to draw other allowances admissible under the Railway Board's rules from time to time.

1. His appointment is purely temporary in the first instance. He will be on probation for a period of one year which will run concurrently with the date of his joining the appointment. The probationary period can be extended by the Administration. During the probationary period his services are liable to be terminated with one month's notice on either side and without any reasons being assigned. The condition regarding the 'Notice Period' stipulated in the joining report to be signed by him on his taking up duty in this office will become operative on his successful completion of the probationary period.

2. His appointment will be subject to his being declared fit for Government service by the Divisional Medical Officer, N.Rly. Physical and medical examination will be arranged by this office. A sum of Rs. 12/- will be charged from the candidate before he is sent for medical examination. He will have to take an oath of allegiance to India and to the Constitution of India as by law established before taking up the appointment in this office.

3. It will not be possible for this office to arrange any residential accommodation (Government or Private) for him on appointment and he will, therefore, have to make his own arrangements in this respect at Lucknow.

4. No travelling or any other incidental charges for joining the post will be given to him by this office.

5. This offer is also subject to the condition that he has not more than one wife living.

6. He should bring with him certificate in original testifying to his age, educational qualifications and experience, being within the limits stipulated in the advertisement. He should also bring the original certificate issued by the District Magistrate certifying to his belonging to Scheduled Caste/Tribe, if applicable to his case. In the absence of these certificates, he will not be permitted to join duty in this office and this offer of appointment may be treated as cancelled in such an event. He should bring one certificate from Head of educational Institution last attended by him, or attested by stipendiary 1st Class Executive Magistrate (District Magistrate or Sub-Divisional Magistrate).

8. If the offer is acceptable to him on the above terms and conditions, he should report to this office in Lucknow on or before 1/1/52. He should intimate his acceptance or otherwise of the offer of appointment by 1/1/52.

9. He may please note that his seniority in the category of DA will be fixed in the DA Dte. according to his merit position on the panel provided he joins duty by the due date.

10. Every individual appointed to the posts shall, if so required, be liable for military service in the Railway Engineering Units of the Territorial Army for a period of seven years, in the Territorial Army Service and 5 years in the Territorial Army Reserve or such period as may be laid down in this behalf from time to time.

11. He is liable to be transferred to any other place where this Organisation may have an office or sub-centre.

12. He is required to supply three extra copies of his own recent photograph as also one copy of the photograph of each of his family members before he is appointed.

13. A 1st Class Free Railway Pass No. is enclosed for covering his journey to Lucknow. In case he is unable to undertake the journey, the unused pass should be immediately returned to this office by registered post.

14. In all matters not specifically provided for herein, or in the recruitment rules, he will be governed by the provisions of the Indian Railway Codes and other extant orders as amended/issued from time to time.

DA:

(K. G. Soni)
for Jt. Director General
Wagon-5/

Shri Suryendra Singh
General Manager, R.D. & L. Lucknow

(K. G. Soni) (M. A. T.) R.D. & L.

Suryendra Singh General Manager
Wagon-5/

Suryendra Singh
General Manager

K. G. Soni
16/8/52

In the Honble High Court of Judicature at Allahabad
 W D N O Lko Burel Lko
 Surinder Singh - Plaintiff vs The Union of India and others
 15 27
 Aug. No. 5
 1992

COMMON DISCUSSION

Notes for Staff

Date: 2.1.1992

Shri Surinder Singh Eden, BSc was recently recruited in DAA. He was given specific assignments to acquaint himself with available basic information relating to track which is functional to design design. He was interviewed on 20.12.1991 after having been given adequate notice to prepare himself.

2. His knowledge was most unsatisfactory. He had not acquainted himself. And this in spite of the fact that he had been given this specific assignment. He has been seriously warned.

3. 1 copy of this note should be placed on his personal file.

DA/WIL.

(Dr. P. Houdgill)

19/Sept.

Copy to: 1. Shri Surinder Singh Eden, DAA.
 2. Shri K. M. Singh, ADG-VII.

Surinder Singh

19/9/92

In the Honble High Court of Judicature at Allahabad
Like Bench LKO
W/NO
Surginder Singh -
The Union of India and others. Respondents

Page 6
16
28

Telegram: 'KAILMANAK' LUCKNOW



Telephone: 50567 & 50917

भारत सरकार के रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन

Government of India—Ministry of Railways

RESEARCH DESIGNS & STANDARDS ORGANISATION

Our Reference No. EPB-1645

संख्या-226011-दिनांक 5/5/82
LUCKNOW

MEMORANDUM

Ref: This office Memo No. A/RT/DAA/C&W dt. 19.12.81.

Shri Sujinder Singh Eden whose appointment as DAA scale Rs. 550-750(RS) was made as purely temporary w.e.f. 21.12.81 on probation for a period of one year, is informed that his performance during the probationary period in Wagon Directorate has been most unsatisfactory. He and other DAAs recruited with him were given extensive opportunity to acquaint themselves with information relevant to DAAs in Wagon Dte. for efficient discharge of their duties. Shri Sujinder Singh Eden is informed that he has failed singularly in applying himself and has failed all the tests and interviews. He was warned in writing under this office Note No. MW/Staff dated 2.1.82 to improve his working. Besides, five other formal verbal warnings have also been communicated in the context of his poor performance in the above tests.

2. In view of his unsatisfactory performance during the probation period, the temporary appointment of Sh. Sujinder Singh Eden as DAA, scale Rs. 550-750(RS) is terminated with one month's notice from the date of receipt of this memo in terms of para 2 of the terms and conditions regulating his temporary appointment as DAA stipulated in the offer of appointment referred to above. He will be reverted to his original post of Tracer in scale Rs. 260-430(RS) on the expiry of one month's notice from the date of receipt of this memo.

DA/N11

(K.B. Srivastava)
Jt. Director Stds. Wagon (15)

Shri Sujinder Singh Eden,
Ty. Design Asstt. 'A',
Wagon Dte. RDSO, Lucknow.

Sujinder Singh Eden

16/5/82

Reti ho

The union of India an other Respon-

In reference to Jt. Director Standards (Wagon)/HDSO's Memo. No. EPB-1645, dt. 5.5.1982, I may state that I was appointed in this office as Design Assistant 'A' (Wagon) as per appointment letter No. A/RT/DAA/C&W, dt. 19.12.1981 against Direct Recruitment Quota through the competitive examination. I am a diploma holder from the recognised Institution. Prior to my joining Wagon Dte., I was working the Motive Power Directorate. So far, I did not receive any warning from any of the officers under whom I served except the one served on me by the Wagon Directorate. It therefore, amply shows that my working had all along been satisfactory.

2. Subsequent to the

2. Subsequent to the receipt of only one warning, I have been served with the Memo. mentioned above stating that my services would stand terminated on 4.6.1982 due to unsatisfactory performance. As you are aware Sir, that it is very difficult these days to get a job, if after due selection and appointment his services are terminated on stray incidence, theref would be no other major punishment to the serving government employee. It will surely curb my aspiration and thus create life long tension in my mind. Kindly save me from this dreadful end. I assure you Sir, that I will give my best to the Administation. I will definitely come up to your expectation by dint of my utmost hard-work and sincerity. My father has already retired from Rly. Service and as such I am to bear the burden of my parents also. If I am thrown out of the present employment, my financial stringency will increase my mental agony and adversely affect my health. It will surely ruin my family life as well as my future. I will not be able to withstand this irreparable loss. Secondly, it is also prayed that my immeidate suprior (Chief Design Assistants) and co-workers may kindly be called in your room and inquire about my performance. I think that they will surely ~~XX~~ enlighten you ~~XXXX~~ of the truth behind this conspiracy.

3. In the end, I request your honour Sir, that my appeal may be considered sympathetically and extend my probation period for another period of 6 months.

4. Hoping for a sympathetic consideration and early reply please.

Yours faithfully,

Sydney & George Cohen

(Sujinder Singh EDSn)
SDA (Wagon)/RDSO, Lucknow.

Dt :-

Dr:-
Jyender Singh Eder

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W A No

Sargisder Seth-

✓ 1972

9014
Petitioner

The sum of 244 and other telephone



भारत सरकार - रेल मंत्रालय
अनुसंधान अभिकल्प और मानक संगठन
GOVERNMENT OF INDIA - MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

सूचना-226011, दिनांक
UNKNOWN-226011, Dated..... 16.12.2001

With reference to his representation to Shri C. J. Egan, he informed that after going through his appeal and giving due consideration to his representation it has been decided that there is no further revision of the decision already communicated to him under this office letter No. 20 of 1982, dated 06.5.82. As such Shri C. J. Egan stands reverted on the post of Prisoner in Senior Rs. 200 (L) with effect from 01.6.82, that is, expiry of one month's notice.

2. Re: 101, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 9

D/EL.

16/6/72
(H. R. Lord)
Dir. Director Standards
(Heron)

John F. Sison,
Hymnographer,
1884-1968

(10-100) Wagon Director Co,
July 16 1938 (Sat) / New York.

Agnes Jones

[Handwritten signature]

In the humble (8) High Court of India at New Delhi
W.D.No. of 1902

The Director General,
R.D.S.O.,
LUCKNOW.

Sujinder Singh Pabla

The - coming of Sudev - Respondent

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Sir,

With due respect I want to lay the following points for your kind perusal and favourable consideration :-

I retired from Service in Sept 1981 and was holding that of Assistant Research Engineer before ~~my~~ retirement on Sept. 81.

My son, Shri Sujinder Singh Eden was selected as DAA and appointed in Wagon Directorate on 21.12.81 and was served with a memo on 2.1.82 (after 10 days). A training Scheme was introduced for two months which was not mentioned in the appointment letter. Shri KL Sehgal was looking after the training programme and he was not in good terms with me while I was in service and started poking Shri Moudgill JDS and harassing my son.

On 5.1.82 Shri Moudgill went abroad for three months. During this period, the training boys were put under the charge of Shri VK Sharma, JDS(W) where my son worked very hard and honestly.

On the arrival of Shri Moudgill JDS(W) from abroad, a termination notice was served on my son on 5.5.82 to the effect that after expiry of one month my son will be reverted back. On this my son made an appeal not to take harsh step. It is a matter of one's career and life. On 16.6.82, his appeal was rejected.

Shri Sehgal was working with me in Ordnance Factory at Amritsar in 1944 and his service was terminated in 1948 for having taken active part in RSS activities which was a banned communal party. He got the appointment in CSO later at Baroda House, New Delhi, not mentioning his past Government experience. Enquiry about this fact may also be made before retirement. Some group photographs are available that he had worked in Ordnance Factory in Amritsar.

Mr. Moudgill was not supposed to issue a termination notice because he was not available in India at the time and he was quite unaware of the facts of the case. I may further point out to you that the rest of DAA was not trained and examined. It was bad luck that my son got appointment in Wagon Directorate. Had it been known to my son that he will be kept on training for 2 months under Mr. Sehgal, he would not have opted for wagon Training.

The revelation of my son from DAA post scale Rs.550-750 (HS) selected against the outside recruitment of DAA to traces scale Rs.260-480 is not done on the actual basis his actual working of the candidate but prejudice mind by Shri K.L. Sehgal (ADE-W). The reason of prejudice mind with Shri Sehgal with my son has already been mentioned under para

Contd. on P. 2

My son was selected by the same Joint Director (Shri Moudgill) in the outside selection of DAA held in 1981 and worked under another Joint Director Shri VK Sharma during the period of Shri Moudgill remained outside India. Within a period of 4½ months of appointment, Shri Moudgill remained outside India from 15.1.82 to 17.4.82 (12 weeks) sick leave from 20.4.82 (3 days from 20.4.82) to 22.4.82, 27.4.82 to 13.5.82 and 15.5.82 to 29.5.82. The judgement of Shri Moudgill is also seems to be prejudiced and not actual.

I, therefore, request your good selves to reconsider my appeal and appoint my son in carriage directorate or Motive Power Directorate rather than spoil career and future. It may be given 2 months time to improve his working.

It may also add that invariably retired railway officials' sons are given preference in the Railways, but my son was already in service and still mercilessly he was terminated. It is also earnestly requested that instead of termination, my son's probation period can be extended by another 6 months for which act of kindness I will be extremely grateful to you.

Thanking you,

Yours faithfully,

Dated 21/8/82

Sejinder Singh
de



21-6-82

R E (OT)

Manak Nagar

Lucknow

No No 07A

In the Stable High Court of India at Allahabad

W.N. No

Lko Bench 420

of 1982

(21)

Singh, Smt -

Deputy

of

of India in

Respect

22507

50367 0.50017

TELEPHONES

(33)

TELEGRAMS

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
RESEARCH DESIGN & STANDARDS ORGANISATION

पञ्जाब-226011, दिनांक

LUCKNOW-226011, Dated..... 02.02.1982.

Our Reference No. R.D. 1015

Memorandum

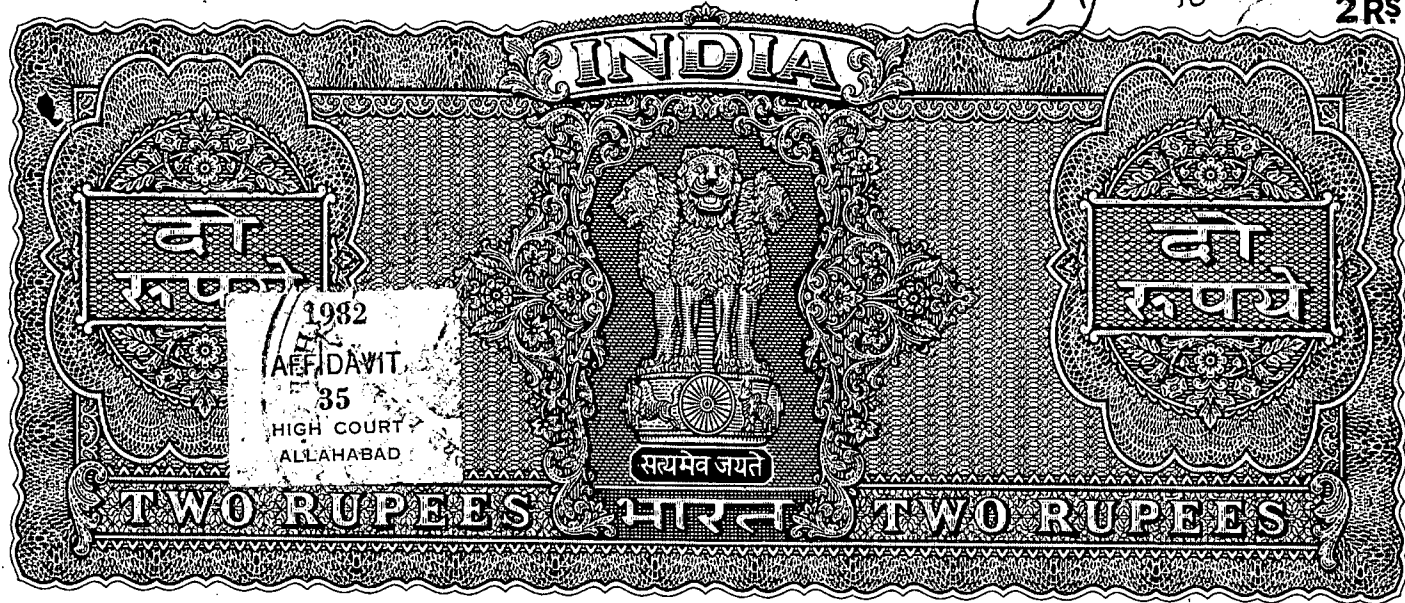
With reference to his representation dated 21.6.82
Shri J. S. Eden, ex. 1007 is informed that after going through
his appeal and after the consideration to his representation
it has been decided that there is no ground for further revision
of the decision already communicated to his son under this
office memorandum of even number dated 21.6.82. As such Shri
J. S. Eden shall revert to the post of Tracer in grade
E. 200-400 (70) A.S.F. 1.0.00 (AM) and is on expiry of one month's
notice. Posting of Sh. J. S. Eden as Tracer in E.P. Directorate
has already been done vide Staff Posing Order No. 311 of 1982.

DA: ML

(K. K. Soni)
for Director General

Shri J. S. Eden,
ex. 1007,
C-100/8,
Hauz Khas,
Lucknow-11

Singh, Smt



In the Honble High Court of Judicature
at Allahabad

Lawyer Barch Lho

W P No

11/11/82
of 1982

Surginder Singh Puhon

The union of India and others
Respondents

Su- de
me
Counsel for the petitioners

14/11/82

d



(35) 23

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

Writ Petition No. of 1982.

Sujinder Singh Eden

.. Petitioner.

Versus

The Union of India and others.

.. Opposite parties.

Affidavit.

I, Sujinder Singh Eden, aged about 34 years, son
of Sri J.S. Eden, resident of 106/2 Sector C Manak Nagar Lucknow
do hereby
solemnly affirm and state as under :-

1. That the deponent is himself the petitioner in
the above noted writ petition and as such he is fully
conversant with the facts of the case.
2. That contents of paras
of the accompanying writ petition are true to my own
knowledge and the contents of paras
are believed by me to be true on the basis of legal
advice.
3. That Annexure no. 1 to the writ petition is the
cutting of the paper giving advertisement and annexures
no. 2, 3, 4, 5, 7, 7/A, 8 and 8/A have been compared with
their originals and it is certified that they are true

Sujinder Singh Eden
an

(36) 12
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- 2 -

copies of their respective originals whereas Annexure no. 6 is the certified copy.

Lucknow, dated :
16-8-1982.

Sujinder Singh Eden
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 own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :
16-8-1982.

Sujinder Singh Eden
Deponent.

I identify the deponent who has signed before me.

Sush
Advocate.

Solemnly affirmed before me on 16-8-82 at 9.30 a.m/p.m. by Sri Sujinder Singh Eden, the deponent, who is identified by Sri Sadanand Shukla Advocate, High Court, Lucknow.

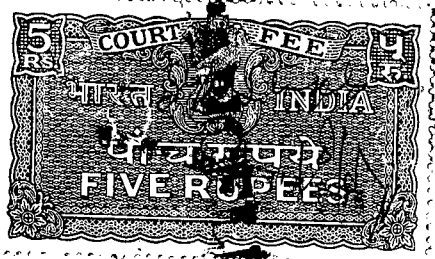
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read over and explained to him by me.

Benchmal Lal
BENCHMAL LAL
Oath Commissioner
625/35/399
16/8/82

2

In the Honble High Court of Judicature
ब अदालत श्रीमान Leish Beech महोदय

वादी (मुद्दै) का वकालतनामा
प्रतिवादी (मुद्दालेह)



1951-52
2/5/52

Suzinder Singh Eala

वादी (मुद्दै)

बनाम

The Union of India प्रतिवादी (मुद्दालेह)

WONO
नं० मुकद्दमा सन् १६८२ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री
Sadarnand Shukla Adv. एडवोकेट

21/10/52 (Lupa Ashram, Chash Bawan, ... महोदय
को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और
लिखे देता हूँ इस मुकद्दमा 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 निगराना हमारे ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें
या कोई रुपया जमा करें या हमारी या विपक्ष (फरोकसानी) का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)
रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा का
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह
भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरो-
कारको भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा
मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील
पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि
प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Suzinder Singh Eala

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

18/12
Sadarnand Shukla

S.M. Husam,
Adv.

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

Sujinder Singh Eden.

.. Petitioner.

versus

The Union of India and

others.

.. Opp. Parties.

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2.	Annexure no. 1 - Cutting of the paper giving advertisement.	..
3.	Annexure no. 2 - Copy of the Call letter.	..
4.	Annexure no. 3 - Copy of the letter showing the panel of 21 successful candidates	..
5.	Annexure no. 4 - Copy of the appointment letter.	..
6.	Annexure no. 5 - Copy of warning letter dt. 2-1-82	..
7.	Annexure no. 6 - Certified copy of termination letter dated 5-5-82.	..
8.	Annexure no. 7 - Copy of representation made by the petitioner.	..
9.	Annexure no. 7/A - copy of the letter rejecting the representation.	..
10.	Annexure no. 8 - Copy of representation made by the father of the petitioner.	..
11.	Annexure no. 8/A - copy of reply to the above representation	..
12.	Affidavit.	..
13.	Power.	..

Lucknow, dated :
-8-1982.

(Sadanand Shukla)
Advocate,
Counsel for the petitioner.

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

Writ petition No. of 1982.

Sanjender Singh Edin, son of J.S.

Edin S/o J.S. Edin 120/6 Sub C Manak Nagar Lucknow

.. Petitioner.

Versus

1. The Union of India through
the Director General, R.D.S.O.
Manak Nagar, Lucknow.
2. The Joint Director, R.D.S.O.,
Manak Nagar, Lucknow
3. Sri K.L. Sehgal, A.D.E., Research
Designs and Standard Organisation,
Manak Nagar, Lucknow.

.. Opposite parties.

Writ petition under Article 226 of the
Constitution of India.

The humble applicant begs to submit as under :-

1. That the applicant was appointed as a Tracer in
the Wagon Directorate of the Research Designs and
Standards Organisation in the scale of Rs. 260-430
P.M. in the year 1977 and since then has been working
the said organisation without a break and has been
confirmed.

21. That Sri K.L. Sehgal was somehow sore on the point that the petitioner was only a diploma holder, got admission due to direct selection in which many B. Techs and M. Techs. he appeared and so from the very first day he starts abusing and cursing the petitioner. To quote some of his actual words, " You bloody tracer how could you dare to apply for a post for which graduates and post-graduates are candidates. I shall see that you are out within no time. "

22. That Sri Sehgal, respondent no. 3, made some adverse report to Dr. Mudgill within 3 or 4 days of the petitioner's joining the training with the result that the petitioner got a warning signed by Sri Mudgill before he (Dr. Mudgill) left for abroad. The warning letter is dated 2-1-1982. A copy of the same is forwarded to Sri Sehgal. Naturally the report about the petitioner appears to have been made before 2-1-1982 to Dr. Mudgill i.e., hardly within a week's time after the petitioner joined his new assignment. A true copy of the warning letter is annexed as Annexure no. 5 to the writ petition. All the assertions made in the warning letter are false, fabricated, coloured and malicious in fact.

23. That after issue of this letter, Sri Sehgal had made it a point to start his work after cursing and showering abuses on the petitioner and clearly announced that the petitioner's days were numbered in the department.

24. That Sri Mudgill returned from his tour abroad some time in the month of April and immediately after his arrival Sri Sehgal succeeded in putting

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

writ petition No. of 1982.

Sujinder Singh Eden

.. Petitioner.

versus

The Union of India and others.

.. Opposite parties.

Affidavit.

I, Sujinder Singh Eden, aged about years, son
of Sri J.S. Eden, resident of

do hereby

solemnly affirm and state as under :-

1. That the deponent is himself the petitioner in
the above noted writ petition and as such he is fully
conversant with the facts of the case.

2. That contents of paras
of the accompanying writ petition are true to my own
knowledge and the contents of paras
are believed by me to be true on the basis of legal
advice.

3. That annexure no. 1 to the writ petition is the
cutting of the paper giving advertisement and annexures
no. 2, 3, 4, 5, 7, 7/A, 8 and 8/A have been compared with
their originals and it is certified that they are true

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copies of their respective originals whereas annexure no. 6 is the certified copy.

Lucknow, dated :

-8-1982.

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 own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :

-8-1982.

Deponent.

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on at a.m/p.m. by Sri Sujinder Singh Eden, the deponent, who is identified by Sri Advocate, High Court, Lucknow.

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

TS

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

Lucknow Bench, Lucknow.

C.M. Application No. of 1982.

In
Writ Petition No. of 1982.

Sujinder Singh Edan

.. Applicant/
Petitioner.

Versus

Union of India and others.

.. Opp. parties.

Application for Stay.

The above named applicant/petitioner most respectfully
begg to submit as under :-

That for the facts and reasons stated in the
accompanying affidavit duly supported by an affidavit, it
is most respectfully prayed that this Hon'ble Court may
be pleased to stay the operation of the impugned order
dated 5-5-1982 (Answare no. 6) to the writ petition)
during the pendency of the writ petition.

Lucknow, dated :

-8-1982.

(Sadanand Shukla)
Advocate,

Counsel for the applicant/
Petitioner.

No. Recd. Adv. Tech / 80-1.

DIRECTOR GENERAL, RESEARCH DESIGNS AND STANDARDS ORGANISATION (MINISTRY OF RAILWAYS), MANAK NAGAR, LUCKNOW 226011 invites applications for the following categories of posts to reach latest by 30-9-1980 complete with attested copies of certificates in support of age, qualifications, detailed experience and caste on any Railway Service Commission forms obtainable from important railway stations. The prescribed age limits and period of experience are applicable as on 30-9-80. Upper age limits are relaxable as per rules. Candidates on appointment are liable to serve in Territorial Army as per extant orders. Separate applications should be submitted for each category of post and photographs affixed thereon should bear full signature of candidates. On appointment candidates can be posted in any branch of RDSO in India. Requisite experience would count after the date of acquiring basic technical qualifications. Qualifications/experience relaxable at discretion of Selection Board in the event of poor response. While calling for written test preference will be given to candidates possessing higher qualifications. Candidates belonging to un-reserved communities will also be considered in case suitable Scheduled Caste/Tribe candidates do not become available. The vacancy position is likely to increase or decrease and consequentially the reservation position. Successful completion of 5 years approved apprenticeship course on Zonal Railways/Railway Production Units will be taken as equivalent to Diploma.

CATEGORY-1: Chief Research Assistant (Metallurgical)/Senior Inspector (Metallurgical), scale Rs. 650-960 (RS). One vacancy reserved for Scheduled Caste. AGE LIMIT: Between 25 to 35 years. QUALIFICATIONS: Degree in Metallurgy or its equivalent or degree of Master of Science in Physics (Inorganic Chemistry) Physical Chemistry, followed by 2 years' experience, including period of training, if any in an approved establishment in the field of Metallurgy or allied fields OR 1st class B.Sc. (Hons) in Chemistry or Physics with 3 years' experience including period of training, if any, in an approved establishment, in the field of metallurgy or allied fields OR B.Sc. with Physics and Chemistry as compulsory subjects and with not less than 55% marks in aggregate followed by 4 years' experience including period of training, if any, in an approved establishment in the field of metallurgy or allied fields.

CATEGORY-2: Chief Research Assistant (Instrumentation), scale Rs. 650-960 (RS) Four vacancies (One each reserved for Scheduled Caste and Scheduled Tribe). AGE LIMIT: Between 25 to 35 years. QUALIFICATIONS: Degree or its equivalent in Telecommunication or Electronics Engineering from a recognised institute with two years' suitable experience or Master's degree in Telecommunication or Electronics engineering from a recognised institution.

CATEGORY-3: Statistician, scale Rs. 700-900 (RS) One vacancy reserved for Scheduled Caste. AGE LIMIT: Between 20 to 35 years. QUALIFICATIONS: First or Second class Master's degree in Statistics and One year's experience in collecting, analysing and interpreting statistical data. The candidate with knowledge of Psychometry will be preferred.

CATEGORY-4: Design Assistant 'A' (Mechanical), scale Rs. 550-750 (RS) Five vacancies (one each reserved for Scheduled Caste and Scheduled Tribe) AGE LIMIT: Between 20 to 30 years. QUALIFICATIONS: Diploma in Mechanical Engineering from a recognised Institution with a minimum of 3 years' suitable experience in an engineering organisation OR Degree or its equivalent in Mechanical engineering from a recognised Institution.

CATEGORY-5: Junior Research Assistant (Civil), scale Rs. 425-700 (RS) Five vacancies (2 posts reserved for Scheduled Caste and one post reserved for Scheduled Tribe). AGE LIMIT: Between 20 to 30 years. QUALIFICATIONS: Diploma in Civil Engineering with one year's suitable experience or B.Sc. with Physics, Mathematics as compulsory subjects and minimum of 55% marks in the aggregate with one year's experience.

CATEGORY-6: Junior Documentation Assistant, scale Rs. 425-700 (RS) Three vacancies (One each reserved for Scheduled Caste and Scheduled Tribe) AGE LIMIT: Between 20 to 30 years. QUALIFICATIONS: B.Sc. in Physics/Chemistry/Mathematics and Degree/Diploma in Library Science from a recognised institution or organisation. Experience in documentation work will be treated as an additional qualification.

Note: 1) The candidates who are awaiting result of the final examination should...

Superior Supply Center

Appln. No. 57

Roll No. 24

GOVERNMENT OF INDIA-MINISTRY OF 3 TIMES
RESEARCH DESIGNS & STANDARDS ORGANISATION
MAN AGAR, LUCKNOW-226011.

No. Rectt/Advt/DAA(Mech.)/80.

Dated: 21.7.1981.

Sub: Recruitment to the post of Design Asstt. 'A' (Mech.) scale Rs. 550-750 (RS) for RDSO to be held on 16.8.1981 (Written test) and 18.8.1981 (Interview).

Ref: His application for the above mentioned post.

It is requested that Shri. Sunder Singh, E. E. E., who is working under you may please be directed to appear in the test for the post of Design Assistant 'A' (Mech.) scale Rs. 550-750 (RS) to be held in the office of the RDSO, Lucknow on 16.8.1981 (Sunday) at 10.00 hrs. and Interview on 18.8.1981.

2. He should bring with him (both on the day of the written test and interview) his certificates and testimonials, in support of proof of his age, academic and technical qualifications, experience etc. Failing which he will not be allowed to appear in the test. He should also bring with him instruments box, Set square, scale and rubber etc. except paper which will be supplied by this office.

3. This office will not be responsible for any delay in transit of the communication despatched in this connection. In case, he fails for any reason to attend the aforesaid selection on the appointed date and time, no supplementary selection will be held thereafter.

4. No travelling allowance, daily allowance or any other incidental charges will be paid by this office in connection with the test and interview. The recruitment will be on provisional basis.

DA:ML.
(R.P. Jetley)
For Director General.

The H. P. E. (Mech.), D/G, R.D.S.O., Lucknow.
Shri. Sunder Singh, E. E. E., RDSO, LKO. in ref to his application.

DATE: 16-8-1981 (SUNDAY)
TENTATIVE PROGRAMME

1. Candidates should report at AUDITORIUM, RDSO, Lucknow for verification of particulars with original certificates. 10.00 hrs.
2. Candidates should report at Examination hall for written test 13.45 hrs.
3. Written test. 14.00 hrs.

DATE: 18-8-1981.
Candidates should report at RDSO Auditorium for declaration of the result of written test and announcement of the time of interview. 14.00 hrs.
NB: If necessary, interview will continue on 19.8.1981 also.

Sunder Singh E. E. E.

James Earl Ray

Page 10 of 10

INDEX

~~TOP SECRET~~

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*TEST OF ...

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• LINDA AND JIM

2. The above panel is classified as Confidential subject to the provisions of Executive Order 11652 and is to be controlled and handled in accordance with the provisions of the above cited Executive Order.

1. Robert Smith 2/0. 2. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838.

In reclassification of Holt as No. 60247/447/DVA (Kash.)/00 dated 9-8-1987, the following conditions (CT) candidates have been placed in the panel for the post of Dentist Assistant, V. (Group 1), Serial No. 60247/447/DVA (Kash.)/00 in the order of merit.

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Government of India
Ministry of Railways
(R.D.S.O.)

Wardman, Lucknow-11.
Date: 12-12-1981

MEMORANDUM

With reference to his application dated 16/12/81 and on the basis of the selection held in this office on 14/12/81, it is offered a temporary post of Station Master on R.D.S.O. pay scale Rs. 1000/- per month in scale Rs. 1000/- in the 1st Class Executive Magistrate (including District Magistrate or Sub-Divisional Magistrate) to time.

2. His appointment is purely temporary in the first instance. He will be on probation for a period of one year which will run concurrently with the date of his joining the appointment. The probationary period can be extended by the Administration. During the probationary period his services are liable to be terminated with one month's notice on either side and without any reasons being assigned. The condition regarding the 'Notice Period' stipulated in the joining report to be signed by him on his taking up duty in this office will become operative on his successful completion of the probationary period.

His appointment will be subject to his being declared fit for Government service by the Divisional Medical Officer, M.H.Y., known and medical examination will be arranged by this office. An amount of Rs. 12/- will be charged from the candidate before he is sent for medical examination. He will have to take an oath of allegiance to India and to the Constitution of India as by law established before taking up the appointment in this office.

It will not be possible for this office to arrange any residential accommodation (Government or Private) for him on appointment and he will, therefore, have to make his own arrangement in this respect at Lucknow.

3. No travelling or any other incidental charges for joining the post will be given to him by this office.

4. This offer is also subject to the condition that he has not more than one wife living.

7. He should bring with him certificate in original testifying to his age, educational qualifications and experience, being with the limits stipulated in the advertisement. He should also bring the original certificate issued by the District Magistrate or the District Magistrate to his belonging to Scheduled Caste/Tribe, if applicable to his case. In the absence of these certificates, he will not be permitted to join duty in this office and this offer of appointment may be treated as cancelled in such an event. He should bring one certificate from Head of Educational Institution last attended by him duly attested by a Sub-Divisional Magistrate or District Magistrate (including District Magistrate or Sub-Divisional Magistrate).

Handwritten signature

F.T.O.

40

John Edgar Hoover

Mr. J. Edgar Hoover,
Director, FBI,
Washington, D.C.

Mr. J. Edgar Hoover,
Director, FBI,
Washington, D.C.

DA/111

of one month's notice from the date of receipt of this memo.
appointment referred to above. He will be reverted to his
original post of Agent in Charge, 250-130(NC) on the expiry

John Edgar Hoover

Copy to: 1. Mr. J. Edgar Hoover, Director, FBI,
2. Mr. K. L. ...

DA/111

(Mr. J. Edgar Hoover)

3. A copy of this memo should be placed on his personnel file.
4. His knowledge was not confidential. He had not been
given advance notice of his departure.
5. He was interviewed on 12.12.1951 after having
been given advance notice of his departure.
6. He was interviewed on 12.12.1951 after having
been given advance notice of his departure.
7. He was interviewed on 12.12.1951 after having
been given advance notice of his departure.

Date: 2.1.1952

DA/111

WAGON BY RAIL

Yours faithfully,
 Engr. Singh Egan
 (Engr. Singh Egan)
 DDA (Engr.)/1050, Lucknow.

4/11/82
 3/4/82
 H.R.

4. Hoping for a sympathetic consideration and early reply please.

3. In the end, I request your honour Sir, that my appeal may be considered sympathetically and extend my probation period for another period of 6 months.

2. Subsequent to the receipt of only one warning, I have been served with the Memo. mentioned above stating that my services would stand terminated on 4.6.1982 due to unsatisfactory performance. As you are aware Sir, that it is very difficult these days to get a job, if after due selection and appointment his services are terminated on stray incidence, there would be no other major punishment to the serving Government employee. It will surely curb my aspiration and thus create life long tension in my mind. Kindly save me from this distressful end. I assure you Sir, that I will give my best to the adaptation. I will definitely come up to your expectation by dint of my utmost hard-work and sincerity. My father has already retired from RLY. Service and as such I am to bear the burden of my parents also. If I am thrown out of the present employment, my financial stringency will increase my mental agony and adversely affect my health. It will surely ruin my family life as well as my future. I will not be able to withstand this irreparable loss. Secondly, it is also prayed that my immediate superior (Chief Design Assistant) and co-workers may kindly be called in your room and inquire about my performance. I think that they will surely be enlightened you with of the truth behind this conspiracy.

In reference to Jt. Director Standards (Wagon)/HDSO's Memo. No. HPH-1645, dt. 5.5.1982, I may state that I was appointed in this office as Design Assistant 'A' (Wagon) as per appointment letter No. A/HT/DAA/C&W, dt. 19.12.1981 against Direct Recruitment quota through the competitive examination. I am a diploma holder from the recognised institution. Prior to my joining Wagon Dte., I was working the Motive Power Directorate. So far, I did not receive any warning from any of the officers under whom I served except the one served on me by the Wagon Directorate. It therefore, amply shows that my working had all along been satisfactory.

(THROUGH PROPER CHANNEL)

The Director-General,
 P.S.O.
 Lu know-226011.

13/3/82

43

Handwritten signature

Shri J. S. Egan,
ex. 43X(0),
C-106/3,
Mahanagar,
Lucknow-11

DA: ML

(K. K. Singh)
for Director General

Reference to his representation dated 21.6.82 and J. S. Egan, ex. 43X(0) is informed that after going through his appeal and giving due consideration to his representation it has been decided that there is no ground for further revision of the decision already communicated to him under this office memorandum of even number dated 6.5.82. As such Shri S. S. Egan stands reverted to the post of Tracer in scale Rs. 200-430(RS) w.e.f. 4.6.82 and that is on expiry of one month's notice. Fording of Shri J. S. Egan as Tracer in M.P. Directorate has already been done vide Staff Posting Order No. 314 of 1982.

Memorandum

Our Reference No. R.R-1045

RECEIVED-226011, PRT*
62.8.1982
LUCKNOW-226011, Dated.....

भारतीय रेलवे और मानक संगठन
GOVERNMENT OF INDIA-MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION



TELEPHONES
30367 & 30017

TELEGRAMS-"RAILMANAK" LUCKNOW

44

The Director General,
R.D.S.O.,
LUCKNOW.

Sir,

With due respect I want to lay the following points for your kind perusal and favourable consideration :-

I retired from Service in Sept 1981 and was holding that of Assistant Research Engineer before my retirement on Sept. 81.

My son, Shri Sujinder Singh Eden was selected as DAA and appointed in Wagon Directorate on 21.12.81 and was served with a memo on 2.1.82 (after 10 days). A training Scheme was introduced for two months which was not mentioned in the appointment letter. Shri KL Sehgal was looking after the training programme and he was not in good terms with me while I was in service and started poking Shri Moudgill JDS and harassing my son.

On 5.1.82 Shri Moudgill went abroad for three months. During this period, the training boys were put under the charge of Shri VK Sharma, JDS(W) where my son worked very hard and honestly.

On the arrival of Shri Moudgill JDS(W) from abroad, a termination notice was served on my son on 5.5.82 to the effect that after expiry of one month my son will be reverted back. On this my son made an appeal not to take harsh step. It is a matter of one's career and life. On 16.6.82, his appeal was rejected.

Shri Sehgal was working with me in Ordnance Factory at Amritsar in 1944 and his service was terminated in 1948 for having taken active part in RSS activities which was a banned communal party. He got the appointment in CSO later at Baroda House, New Delhi, not mentioning his past Government experience. Enquiry about this fact may also be made before retirement. Some group photographs are available that he had worked in Ordnance Factory in Amritsar.

Mr. Moudgill was not supposed to issue a termination notice because he was not available in India at the time and he was quite unaware of the facts of the case. I may further point out to you that the rest of DAA was not trained and examined. It was bad luck that my son got appointment in Wagon Directorate. Had it been known to my son that he will be kept on training for 2 months under Mr. Moudgill, he would not have opted for wagon training.

The reversion of my son from DAA post scale R.550-750(RS) Scale R.260-480 is not done on the actual basis his actual working of the candidate but prejudice mind by Shri K.L. Sehgal (ADE-W). The reason of prejudice mind with Shri Sehgal with my son has already been mentioned under para

Dr. K. S. Singh

(JS Eden)
Ex. A R E (OT)
C/100/8 Manak Nagar
Lucknow

2/6/82

Yours faithfully,

Thanking you,

It may also add that invariably retired railway officials' sons are given preference in the railways, but my son was already in service and still mercifully he was terminated. It is also earnestly requested that instead of termination, my son's probation period can be extended by another 6 months for which act of kindness I will be extremely grateful to you.

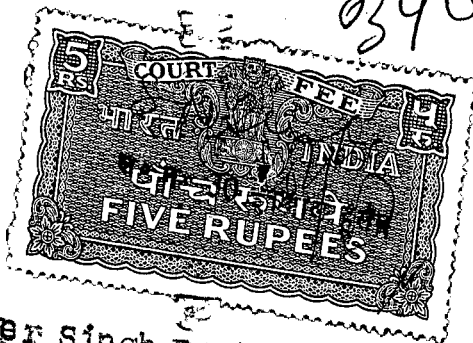
I, therefore, request your good selves to reconsider my appeal and appoint my son in carriage directorate or motive power directorate rather than spoil career and future. It may be given 2 months time to improve his working.

My son was selected by the same joint Director (Shri Moudgill) in the outside selection of DAA held in 1981 and worked under another joint Director Shri VK Sharma during the period of Shri Moudgill remained outside India. Within a period of 47 months of appointment, Shri Moudgill remained outside India from 15.1.82 to 17.4.82 (12 weeks) sick leave from 20.4.82 (3 days from 20.4.82 to 22.4.82, 27.4.82 to 13.5.82 and 15.5.82 to 29.5.82. The judgement of Shri Moudgill is also seems to be prejudiced and not actual.

46

(48)

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow. 8113 (C)
C.M. Application No. of 1982.
In
Writ Petition No. 3965 of 1982.



Sujinder Singh Eden

Versus

Union of India and others.

.. Applicant/
Petitioner.

.. Opp. parties.

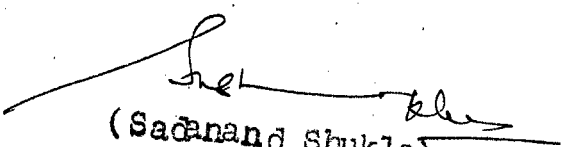
Application for stay.

The above named applicant/petitioner most respectfully
begs to submit as under :-

That for the facts and reasons stated in the
accompanying affidavit duly supported by an affidavit, it
is most respectfully prayed that this Hon'ble Court may
be pleased to stay the operation of the impugned order
dated 5-5-1982 (Annexure no. 6) to the writ petition)
during the pendency of the writ petition.

Lucknow, dated :

-8-1982.


(Sachanand Shukla)
Advocate,

Counsel for the applicant/
Petitioner.

(49)

In the Honble Hgh Court of Judicature at

All
Hrs Bench
Lto

S.O. ^{case}
Refer ^{inter}
file
Mell
4/9

J.R.
This can Refr
was filed for
31-8-82. Adjourned.
As its serial does
not come hence not
filing SP
4-9-82
S.O. (W.R.)

W.O NO 3965/82

See under Smt. Rishi

The return of delin. matters

Sri V.K. Parkey
SP
4-9-82

For list of ^{for} ~~del~~ del The Gravel Register

The case referred to above is a copy
adminis. It is a case of terminal and its
owing to its urgency it was fixed for
31/8. By the honorable Bench consisting of
Honble Justice Singh and Honble Justice
Justice R.L. Datta. On 31/8. it was before
the division Bench consisting of Honble Mr. Justice
Rat. Juel and Honble Justice R.L. Datta. Since
but it could not be taken up. The cause was
set down for ~~on 1/9~~ 1/9 it became a ~~Dr~~
Dr. Shanta. Adv. who is on leave.

As the cause is being called
off by Mr. Adv. Murali Adv. and it was he who
took a week's time on the day of presentation,
and also insists that the case be fixed
31/8, and summons the original records.

I have therefore requested you kindly to
reconsider the light on same date as early as possible.

4/9/82

Yours
Sd/-

In the Honble High Court of Judicature at Alor.
Hko Bench Hko

(50)

W.P. No 3965 of 1982

S.S. Eden vs The Union of India

The J.R.
Hko Bench Hko

Ses.

The afore said W.P. was submitted to the honble court on 23rd Aug 1982 and since then it is pending and missed. It was cited several times but on one pretext or the other it was postponed by the ops.

It was listed on 10.8.82 before the S.B. consisting of Honble Mr Justice Jop Nath and Honble Mr Justice K.N. Mehta. The honble court took a stern view of the postponement but reluctantly adjourned it. The court wanted to list it on 11th Monday but as I was scheduled to be out, hence I requested it to be put up on Tuesday the 12th. The W.P. should have been listed today but it does not appear in the cause list. On inspection of the file I find that inadvertently the word Tuesday is missing the order sheet.

As the matter involves termination and it is getting very late. The petitioners have invested a 2 lakh down payment and the live factor is very important.

I have here request you kindly to look in to the matter and do the needful.

The court list up to 14/15 hadakur
there were 10 cases. It says he
had a 15/10

Yours faithfully
J.R.
(Sadamand Shukla)

18/82

14

In the Honble High Court of Judicature
at Allahabad
Sitting at Hko (51)

Enclosed are all
reports with Sleight Envelop

Memorandum 5/25 is filed here
with for service on OP No 3
in case No 3965/02

Sd/- Chd - B. K. V.
JS

The min of order and other

Respectful vide order
order dt 9/X/02

Ans

The address of the
Respondent is changed
due to his removal.
The present address is
being given in the Envelop

11/X/02

(52)

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

शानी विभाग

रीणांक (मृतफरिफ) प्रार्थना सं० ~~3965~~ सन १९८२ ई०

सं० 3965 सन १९८२ ई० में

Sugumar Singh

प्रार्थी

The Union of India and others

प्रत्यार्थी

Dr K. L. Sehgal

40 E - Greater Kailash I

NEW DELHI

प्रत्यार्थी

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

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

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

..... एडवोकेट

तिथि.....

डि टो रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

53

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

दीवानी विभाग

प्रकीर्णक (मतफरिफ) प्रार्थना सं० सन १९ ई०
सं० 3965 सन १९ ई० में
Suginder Singh Edaru
The Union of India प्रति
Sh. K. L. Sehgal A.D.E. (Relt.)
C/o E - Greater Kailash I
NEW DELHI
प्रत्यार्थी

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

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

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

..... ने एडवोकेट
तिथि:

डि. टी. रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३० नियम २६ के अधीन प्राप्त तलबना
मिल गया।

तलबाना प्राप्त करने वाले बलर्क के हस्ताक्षर

54

तार : रेलमानक-संलग्नक
TELEGRAMS-"RAILMANAK"LUCKNOW



टेलीफोन
TELEPHONES } 30367 & 30017

भारत सरकार-रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन

GOVERNMENT OF INDIA-MINISTRY OF RAILWAYS

RESEARCH DESIGNS & STANDARDS ORGANISATION

Registered Post. A.D.

व्य संख्या

Our Reference... No. EP-B-1645

संलग्नक-226011, दिनांक

LUCKNOW-226011, Dated. 29.10.82

MEMORANDUM

Further to this office Posting Order No.314 of 1982 and his leave application dated 18.6.82 from 17.6.82 to 2-7-82 Shri Sujinder Singh Eden, Tracer M.P. Directorate has not resumed his duties so far in M.P. Dte. after the expiry of his leave nor has he sent any intimation regarding extension of his leave. He is advised to report for duty immediately failing which he will be taken under DEAR Rules for his un-authorised absence from duty. He is further advised that in case he is sick he should report to his authorised medical attendant viz: D.M.O., RDSO Health Unit, A.D.S.O., Lucknow for examination.

D/M1.

Shri Sujinder Singh Eden,
Ex., Tracer, M.P. Dte.,
C/O. C-106/8, Manak Nagar,
Lucknow. 226011.

(K.K.Soni)
for Jt. Dir. (M.P. I.)

Copy to D. I.O., RDSO Health Unit, RDSO,
Lucknow. for information.

D/M1.

(K.K.Soni)
for Jt. Dir. (M.P. I.)

Sujinder Singh Eden

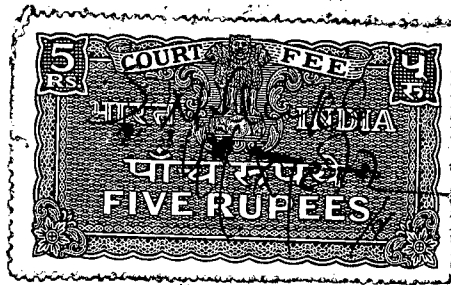
(5)

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

C.M. Application No. 11765/CD of 1982.

In re :

Writ Petition No. 3965 of 1982.



Sujinder Singh Eden, son of Sri
J.S. Eden.

.. Applicant/
Petitioner.

Versus

The Union of India and others.

.. Opposite parties.

Application for interim relief.

The humble applicant/petitioner begs to submit
as under :-

1. That the aforesaid writ petition was admitted by Hon'ble Division Bench consisting of Hon'ble Mr. K. S. Verma, J. and Hon'ble Mr. Syed Saghir Husain, J. on 9-11-1982.
2. That since after admission of the writ petition a new situation has arisen due to the memorandum received fr by the petitioner signed by respondent no. 2 intimating the applicant/petitioner that his services will be liable to disciplinary action under D & A.R. Rules for unauthorised absence unless he joins the post to which he has been reverted by

5th of December, 1982. The letter is annexed as

Sush
Counsel for the Applicant
Sujinder Singh Eden

annexure no. 1 to this application.

3. That due to this memorandum a piquant situation has arisen i.e., if the applicant/petitioner joins the 2 grades lower post to which he has been arbitrarily reverted, his petition becomes infructuous, and in case he does not, his services will be liable to disciplinary action which may amount to termination.

4. That if the applicant/petitioner is allowed to continue his probationary period which has been arbitrarily terminated the respondents will in no way be a loser because in any case the applicant/petitioner will remain a probationer till the expiry of his probationary period or confirmation whichever comes earlier.

5. That by admitting the writ the Hon'ble Division Bench has prima facie been convinced of the merit of the case.

6. That the applicant/petitioner being a victim to the arbitrary, unfair and unreasonable action of the respondents has come to this Hon'ble Court for relief and under the circumstances deserves the use of discretionary power of granting the interim relief to the applicant/petitioner.

Wherefore it is most respectfully requested that this Hon'ble Court be graciously pleased to stay the operation of the impugned order dated 5-5-82 annexed as Annexure no. 6 to the afore said writ petition.

Pushp
Court *into* *the* *Hon'*
Supreme *Court* *Delhi*

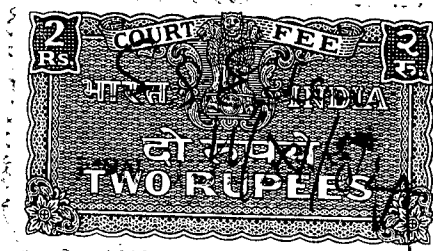
59

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

C.M. Application No. of 1982.

In re :

Writ Petition No. 3965 of 1982.



Sujinder Singh Eden.

.. Applicant/
Petitioner.

Versus

The Union of India & others.

.. Opposite parties.



Affidavit in support of application for
interim relief.

I, Sujinder Singh Eden, son of Sri J.S. Eden,
aged about 29 years, resident of quarter no. 106/2,
Sector -C, Manik Nagar, Alambagh, Lucknow, do hereby
solemnly affirm and state as under :-



1. That the deponent is himself the applicant/
petitioner in the above noted case and as such he is
fully conversant with the facts of the case.

2. That contents of paras 1, 2, 4 and 5 of the
accompanying application for interim relief are true
to my own knowledge, the contents of para 3 thereof
are believed by me to be true on the basis of legal
advice and the contents of para 6 are believed by
me to be true.

Sujinder Singh Eden

60

3. That Annexure no. 1 to the application for interim relief has been compared with its original and it is certified that it is a true copy of its original.

Lucknow, dated :

9-11-1982.

Sri Mohan Singh Eder

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 own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :

9-11-1982.

Sri Mohan Singh Eder

Deponent.

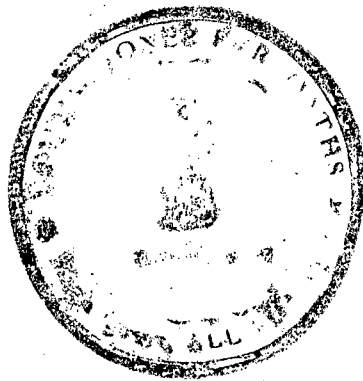
I identify the deponent who has signed before me.

Sush
Advocate.

Solemnly affirmed before me on 9.11.82 at 4.00 a.m/p.m. by Sri Suhinder Singh, the deponent, who is identified by Sri Sadanand Shukla, Advocate, High Court, Lucknow.

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

66
V. K. PANDEY
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 939-11
Date 9.11.82



[Signature]

संसार : रेलमानक-संस्थानक
TELEGRAMS-"RAILMANAK"LUCKNOW



टेलीफोन
TELEPHONES } 50567 & 50017

भारत सरकार-रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन
GOVERNMENT OF INDIA-MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

Registered Post. A. D.

संख्या

Our Reference... No. R.B-1645

संस्थानक-226011, दिनांक

LUCKNOW-226011, Dated. 29.10.82

MEMORANDUM

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DA/ML.

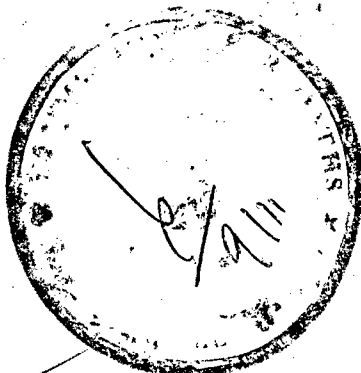
(K.K.Soni)
for Jt. Dir. (M.P. I.)

Shri Sujinder Singh Eden,
Ex., Tracer, M.P. Dte.,
C/O. C-106/8, Manak Nagar,
Lucknow. 226011.

Copy to D. I.C., RDSO. Health Unit, RDSO,
Lucknow. for information.

DA/ML.

(K.K.Soni)
for Jt. Dir. (M.P. I.)



3
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

Civil Misc. Appln. No. 13568 of 1982

IN RE

Writ Petition No. 3965 of 1982



Sujinder Singh Eden

Petitioner

Versus

Union of India and others

Opp. parties

Union of India and others

Applicants

18902

Application for condonation of Delay
in filing the Counter Affidavit on
behalf of the Opposite Parties No.
1 and 2 against the Writ Petition.

The abovenamed applicants respectfully
submit as under:-

1. That during this period there was a change of the Standing Counsel for the Central Government on 1.10.1982 and consequently there was transfer of files to the present Senior Standing Counsel for the Central Government.
2. That this Hon'ble Court was pleased to allow two weeks time on November 12, 1982 to the present Senior Standing Counsel to obtain instructions,

64

but the same could not be obtained before yesterday due to unavoidable circumstances. Accordingly the Counter Affidavit has been prepared and it is being filed to-day.

3. There is no deliberate delay on the part of the applicants or their Counsel.

Therefore, it is respectfully prayed that the delay in filing the accompanying Counter Affidavit may kindly be condoned and this Counter Affidavit be taken on the record of the case.

Lucknow.

Dated: 20-12-1982

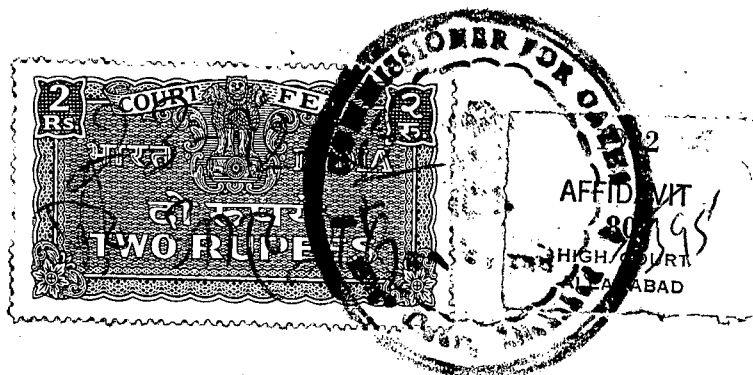
Diwan Singh Randhawa

(DIWAN SINGH RANDHAWA)
Senior Standing Counsel -
(Central Government)
Counsel for the Applicants.

(CA) (65)

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

Writ Petition No.3965 of 1982



Sujinder Singh Eden - - - - Petitioner

Versus

Director General, R.D.S.O.,
Lucknow and others - - - - Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE OPP. PARTIES NO.1& 2.

I, P.R.Rao, aged about 57, son of Late Shri Rama Murthy, resident of B1/35 Manak Nagar, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Joint Director (Establishment) in the Office of the Director General, Research Designs & Standards Organisation (hereinafter referred to as RDSO), Manak Nagar, Lucknow-226011.
2. That the deponent has read the contents of the Writ Petition and has understood the contents of the same and he is well conversant with the case deposed to hereinafter.
3. That the contents of Para (1) of the Writ Petition, as stated by the petitioner, are not admitted. The petitioner was appointed as Temporary Tracer in

.. /2.



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Scale Rs. 260-430 (RS) in the Motive Power Directorate of RDSO on 23.6.1979 and not in Wagon Directorate of R.D.S.O. in 1977 as stated by the Petitioner. He has not been confirmed as Tracer in R.D.S.O. as yet.

4. That in reply to the contents of para 2 of the Writ Petition, it is stated that the Petitioner has mentioned only some of the functions of the RDSO.

5. That in reply to the contents of the paragraph 3 of the Writ Petition, it is stated that the channel of Promotion for a Tracer in the RDSO is as under as per the Recruitment & Promotion Rules for technical Class III Staff applicable in the RDSO:-

Tracer, Scale Rs. 260-430 (RS)

Draftsman 'B' Scale Rs. 330-560 (RS) On completion of 3 years service as Tracer.
(Redesignated as Draftsman)

Draftsman 'A', Scale Rs. 425-700 (RS) On completion of 3 years Service as Draftsman 'B'
(Redesignated as Jr. Design Asstt.)

Design Asstt. 'A' Scale Rs. 550-750 (RS) On completion of 3 years service as
(Redesignated as Sr. Design Asstt.) Draftsman 'A'

Sr. Design Asstt. Scale Rs. 650-960 (RS) On completion of 3 years Service as
(Redesignated as Chief Design Asstt.) Design Asstt. 'A'

The petitioner was selected for the post of Design Assistant 'A', Scale Rs. 550-750 (RS) and joined the Wagon Directorate of the RDSO as Design Assistant 'A' on 23.12.1981. He was however, reverted to the post of Tracer in the Motive Power Directorate on 4.6.1982 during the probationary period due to unsatisfactory working.



Handwritten signature.

6. That the contents of Paragraph 4 of the Writ Petition are denied. The petitioner's work was not found satisfactory during his probationary period as Tracer while working in the Motive Power Directorate of the RDSO and his probationary period was, therefore, extended for another 6 months with effect from 23.6.1980 and the petitioner was informed accordingly vide this Office Memo No. EPB/1645 dated 13.6.1980, a copy of which is annexed hereto as Annexure A-1.

7. That the contents of paragraph 5 of the Writ Petition are denied and it is stated that the inter-directorate transfer of the Technical staff is not permissible as a normal course as all the three directorates viz. Motive Power, Carriage & Wagon, and Research Mechanical Directorates have separate seniority groups for Technical Class III staff.

8. That the contents of paragraph 6 of the Writ Petition are not denied.

9. That in reply to the contents of para 7 of the Writ Petition, it is stated that the Petitioner fulfils the conditions for the post of Design Asstt. 'A' as an outside candidate. It is difficult to confirm that the petitioner would have taken 15 years for departmental promotion as Design Asstt. 'A'. The channel of promotion to the post of Design Asstt. 'A' as per the existing Recruitment & Promotion Rules for Technical Class III staff has been indicated in para 3 above. Departmental promotions are made as per the Recruitment & Promotion Rules subject to availability of vacancies.



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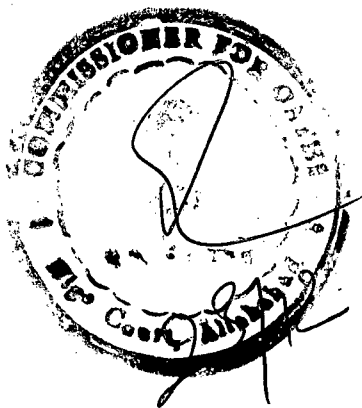
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10. That the contents of paragraphs 8 and 9 of the Writ Petition are not denied.

11. That the contents of para 10 of the Writ Petition are not admitted as stated. It is further stated that only 187 applications were received for consideration and that only 121 applicants were found eligible and therefore were called for Written Test out of which only 55 applicants actually appeared in the Written Test and that 34 candidates qualified for being called for interview out of which as many as 21 applicants were selected for their appointment as a probationary Design Asstt. 'A'. The petitioner ranked 16th. on the panel. It is further pointed out that the petitioner has obviously tried to misrepresent the fact in order to mislead this Hon'ble Court.

12. That the contents of para 11 of the Writ Petition are not denied.

13. That in reply to the contents of para 12 of the Writ Petition, it is stated that as a result of outside recruitment held on 16th. and 18th. August and 5th. September, 1981 for the post of Design Asstt. (A' Scale Rs. 550-750(RS) the petitioner was appointed as such in the Wagon Directorate with effect from 21.12.1981 (Forenoon) and not on 23.12.1981 as stated by the petitioner. As per the terms and conditions of his appointment was purely temporary in the first instance. He was on probation for a period of one year which was liable to be extended by the Administration of the RDSO. One of the conditions regulating his appointment was also that during the probationary period his services



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were liable to be terminated with one month's notice on either side and without any reason being assigned. A copy of the the appointment letter has been annexed with the Writ Petition as Annexure 4.

14. That the contents of para 13 of the Writ Petition are not denied.

15. That in reply to the contents of para 14 of the Writ Petition, it is stated that as and when fresh direct recruits join, it is necessary to train and acquaint them in the technical work which they are to handle in the course of their official duties. It is very essential to impart them some technical know-how of the work for the smooth and efficient working of the directorate. Unless the fresh recruits are trained in their new assignments, the work is bound to suffer. Imparting basic knowledge of the Technical functions which the direct recruits are required to execute in the course of their duties, is very essential for a technical organisation like RDSO. Even though no formal training conditions are stipulated in the appointment letters departmental training is a normal function of any organisation for execution of technical jobs efficiently while inducting fresh candidates in the Organisation.



16. That the contents of paragraphs 15 to 21 of the Writ Petition are not admitted and it is stated that there is nothing on the records of the RDSO Administration to show that the petitioner ~~has~~ or his father has ever made any complaint against Shri K.L. Sehgal.

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The allegations levelled against Shri Sehgal are to the best of knowledge and belief of the deponent are absolutely false.

17. That the contents of para 22 of the Writ Petition are not admitted. It is stated that the newly appointed probationary Design Assistants 'A' were required to familiarise themselves with various aspects of railway working as a necessary pre-requisite to ~~their~~ being able to contribute effectively and efficiently to design work in the Wagon Directorate. According to the informal training schedule worked out by the Directorate, the newly appointed temporary Design Assistants 'A' were required to study different aspects of Railway working according to a phase they would be interviewed or given a written exam to assess whether they had applied themselves to the given programme and acquired the knowledge expected in that phase. The first phase of this informal training finished on 2nd. January, 1982, 13 calendar days after the petitioner reported for duty. All the temporary Design Assistants 'A' were interviewed by Dr. P. Moudgill, Joint Director personally. Dr. Moudgill found that the petitioner had failed to apply himself to the material expected to be learnt during this phase and issued a note of warning signed by him. A copy of this note No. MW/Staff dated 2.1.1982 copy annexed as Annexure-VI to the Writ Petition.



Law

18. The contents of para 23 of the Writ Petition are not admitted and it is stated that the allegations levelled against Shri Sehgal are to the best of the

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knowledge and belief of the deponent are absolutely false.

19. That in reply to the contents of para 24 of the Writ Petition, it is stated that the working of the petitioner as Design Assistant 'A' during his probationary period, was found to be unsatisfactory. In the course of departmental training, he and the other probationary Design Assistants 'A' were required to take a Written examination after completion of each phase of training Shri Eden failed in every single one of the five examinations taken by him. Details of marks obtained are given below:-

<u>Date of Test</u>	<u>Percentage of Marks</u>
7.1.1982	30%
23.1.1982	19.4%
27.3.1982	12%
3.4.1982	24%
19.4.1982	10%

Marks less than 30% indicate extremely poor performance. In the test held on 3.4.1982 Shri Eden was found using unfair means - he was found taking help from a slip of paper containing material to be covered in the test. He was given five formal verbal warnings in the context of his poor performance in the five written tests. In addition he had been given several informal verbal warnings as well as a written warning vide Note No. MW/Staff dated 2.1.1982, copy annexed as Annexure-6 to the Writ Petition. Due to his unsatisfactory performance during the probationary period the temporary appointment of the petitioner as Design Assistant 'A'

.../8.

9/8/12

Law

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was terminated with one month's notice in accordance with the terms and conditions regulating his temporary appointment as Design Assistant 'A' in the Wagon Directorate. He was served the termination notice on 5.5.1982 vide this Office Memo No. EPB-1645 dated 5.5.1982, a copy of which has been annexed as Annexure-7 to the Writ Petition. The notice was received by the Petitioner on 5.5.1982. ~~and, therefore, the petitioner stands reverted to the post of Tracer with effect from 5.5.1982~~

20. That the contents of paragraphs 25 and 26 of the Writ Petition are not denied.

21. That the contents of para 27 of the Writ Petition are denied and it is stated that the temporary appointment of petitioner as Design Assistant 'A' during the probationary period was terminated due to his unsatisfactory performance during the probation period as per the terms and conditions regulating his temporary appointment in the Wagon Directorate of the Organisation.

22. That the deponent has been advised to state that in view of the averments made in the foregoing paras of this counter affidavit, the grounds taken by the petitioner in para 28 of the writ petition are untenable in law and the petitioner is entitled to no relief. The writ petition is devoid of any merit and it is liable to be dismissed with costs.

Lucknow Dated
December 23, 1982.

Deponent.

Continued ... Page 9-



[Handwritten signature]

[Handwritten signature]

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 4, 6, 8, 10, 12, 13, 14, 18, 19, 20, 21 of this counter affidavit are true to my own knowledge and those of paras 5, 7, 9, 11, 15 to 17 are true to my knowledge derived from the office record and those of para 22 are true to my knowledge based on legal advice. No part of it is false and nothing material has been concealed. So help me God.

Lucknow Dated
December 23, 1982.

[Signature]
Deponent.

I identify the deponent who has signed before me.

Lucknow Dated
December 23, 1982.

[Signature]
Advocate. 23/12/82
(S.S. Malin)

Solemnly affirmed before me on 23.12.82 at 5.00 AM.

P.M. by P. R. Rao the deponent who is identified
by Sri J. S. Malik Advocate, High Court, Lucknow.

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



[Signature]
OATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
Date 23/12/82

(74)

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

Writ Petition No.3965 of 1982

Sujinder Singh Eden - - - - - Petitioner
Versus
Union of India & others - - - - - Opp. parties

ANNEXURE No. A-1.

No. EPB/1645

Dated: 13.6.1980

MEMORANDUM

Shri Suninder Singh Eden, temporary Tracer,
M.P. Dte. is informed that his probationary period
has been extended for a further period of 6 months
w.e.f. 23.6.1980 in terms of para 2 of this office
letter No.ART/87 dated 6.6.1979.

Sd/-

(M.L. Bhardwaj)
for Director General

DA:Nil

Shri Sujinder Singh Eden,
Temp. Tracer, M.P. Dte.,
RDSO, Lucknow.



COMMISSIONER
Lucknow Bench
23/12/80

(75)

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

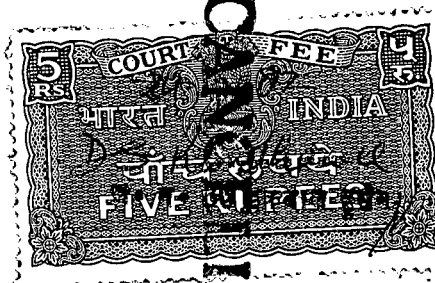
Civil Misc. Appln. 13569 (w) of 1982

INRE

Civil Misc. Appln. No. 11765(W) of 1982

INRE

Writ Petition No. 3965 of 1982



Sujinder Singh Eden

Petitioner

Versus

Union of India and others

Opposite parties

Union of India and others

Applicants

18983

Application for condonation of delay
in filing the Counter Affidavit on
behalf of the Opposite Parties No. 1 & 2
against the application for Stay
dated 12-11-1982.

The abovenamed applicants respectfully submit
as under:-

- B/L
23/12/82
1. That this Hon'ble Court was pleased to
allow two weeks time on November, 12, 1982 to the
present Senior Standing Counsel to obtain instructions,
but the same could not be obtained before yesterday
due to unavoidable circumstance. Accordingly, the
Counter Affidavit has been prepared and it is being
filed to day.

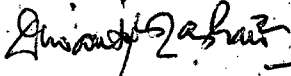
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2. That there is no deliberate delay on the part of the applicants or their Counsel.

Therefore, it is respectfully prayed that the delay in filing the accompanying Counter Affidavit may kindly be condoned and this Counter Affidavit be taken on the record of the case.

Lucknow.

Dated: 20-12-1982


(DIWAN SINGH RANDHAWA)
Senior Standing Counsel
(Central Government)
Counsel for the Applicants.

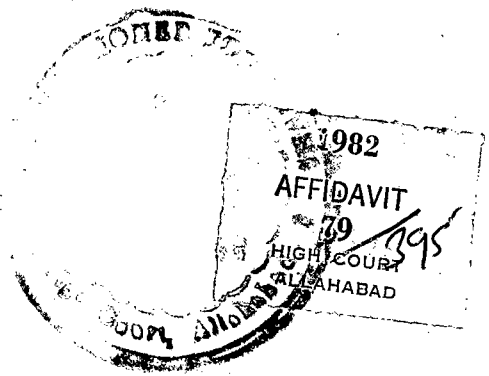
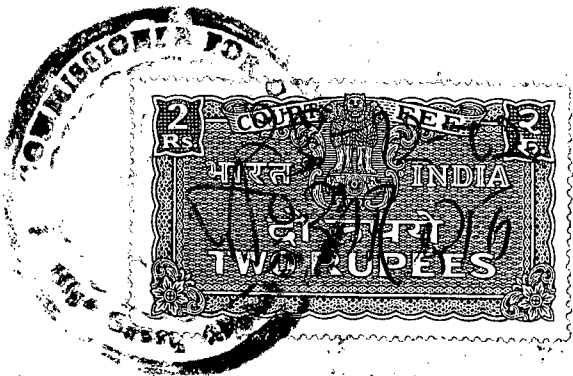
(77)

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

Civil Misc.Appln. No. of 1982

INRE

Writ Petition No. 3965 of 1982



Sujinder Singh Eden - - - - - Petitioner

Versus

Union of India and others - - - - - Opposite Parties

COUNTER AFFIDAVIT

On behalf of the Opposite Parties
No. 1 and 2 against the application for
Interim Relief filed on 12.11.1982.

I, P. R. Rao, aged about 57 years Son of
Late Shri P. Ramamurthy Resident of B 1/3, Manak
Nagar, Lucknow, do hereby solemnly affirm and state
as under:-

1. That the deponent is the Joint Director
Establishment, in the Office of Research Designs
and Standards Organisation, Manak Nagar, Lucknow and
is competent to file an Affidavit on behalf of
Opposite Parties No. 1 and 2.
2. That the deponent has read the contents of
the application for Interim Relief filed on 12.11.82
and has understood the contents of the same; and
he is well conversant with the facts of the case
deposed to hereinafter.

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3. That the earlier application for Interim Relief was rejected on 9.11.1982, when the Writ Petition was admitted by a Division Bench of this Hon'ble Court.

4. That the contents of paragraph 1 of the application need no comment.

5. That the contents of paragraph 2 of the application are denied. It is stated that a copy of Memorandum No. EPB-1645 dated 29.10.1982 issued to the Petitioner is annexed as Annexure A-1. A perusal of Memo will reveal that Shri Eden was directed to resume duty immediately as he had not sent any intimation or leave application from 3.7.1982 onwards. The only application which he had sent to this office is dated 18.6.1982, a copy of which alongwith Medical Certificate is also enclosed. The issue of Memo dated 29.10.1982 was felt necessary as he had absented himself from duty without any intimation to the office and remaining absent from duty by a Government Servant without disclosing his whereabouts is not becoming of a Railway Servant. It may specially be pointed out that the order of the Administration dated 29.10.1982 was issued before the admission of Writ Petition and rejection of the earlier Stay application on 9.11.1982. As such, the Memo dated 29.10.1982 has not been issued to the petitioner with any malafide intention.



6. That the contents of paragraph 3 of the application are denied. It is stated that the Petitioner has been reverted due to his un-satisfactory working during the probationary period in terms of the conditions

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regulating his appointment to the post of Design Assistant 'A' in Wagon Directorate and not arbitrary as alleged by the Petitioner. On reversion he has been posted in the Motive Power Directorate as Tracer in terms of Staff Posting Order No. 314 of 1982 (Copy annexed 'B') and does not face any termination.

7. That in reply to the contents of paragraph 4 of the Application, it is reiterated that the reversion of the Petitioner is not arbitrary, but due to un-satisfactory working during the probationary period.

8. That the contents of paragraph 5 of the application as stated are not correct.

9. That in reply to the contents of paragraph 6 of the application, it is stated that the Application is liable to be rejected, as the reversion of the Petitioner is not arbitrary and is within the terms and conditions stipulated in the appointment letter of the Petitioner.

10. That in compliance of the restraint order dated 12.11.1982 passed by this Hon'ble Court, the Petitioner has been allowed with effect from 17.11.1982 to work as Design Assistant 'A' till the further orders of this Court, although he has no legal claim to work as such after having been reverted from this post during the probationary period on account of unsatisfactory work. Further, the proposed disciplinary action against the petitioner has also been held in abeyance till further orders of this Hon'ble Court.



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11. That in view of the facts and circumstances of the case, the petitioner does not deserve any interim relief and as such the restraint order dated 12-11-1982 is liable to be vacated.

[Signature]

Lucknow.

Deponent

Dated: 23-12-1982

VERIFICATION

I, the abovenamed deponent do hereby verify that the contents of paragraphs 1 to 3 of this Counter Affidavit are true to my own knowledge and those of paragraphs 4 to 11 are true to my own knowledge derived from the office records. No part of it is false and nothing material has been concealed; so help me God.

Lucknow.

[Signature]
Deponent

Dated: 23-12-1982

I identify the deponent who has signed before me.

[Signature] 23/12/82
Advocate (S.S. Malik)

Solemnly affirmed before me on 23.12.82 at 4.55 PM by Shri P.R. Rao the deponent who has identify by S.S. Malik Advocate, High Court, Lucknow.

I have satisfied myself by examining the deponent that *[Signature]* understands the contents of the Affidavit which has been readout and explained by me.

[Signature]

[Signature]
High Court, Lucknow Bench
NO. 79-355



(81)

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

Civil Misc. Appln. No. of 1982

In re:

Writ Petition No 3965 of 1982

Sujinder Singh Eden - - - - - Petitioner

Versus

Union of India and others - - - - - Opposite parties

ANNEXURE NO. A-1.

Registered Post A/D.

No. EPB-1645

Dt. 29.10.1982.

MEMORANDUM

Further to this office Posting Order No. 324 of 1982 and his leave application dated 18.6.1982 from 17.6.82 to 2.7.82 Shri Sujinder Singh Eden, Tracer M.P. Directorate hasnot resumed his duties so far in M.P. Dte. after the expiry of his leave nor has he sent any intimation regarding extention of his leave. He is advised to report for duty immediately failing which he will be taken under D&A.R. Rules for his unauthorised absence from duty. He is further advised that in case he is sick he should report to his authorised medical attendant viz; D.M.O., RDSO, Health Unit, RDSO, Lucknow for examination.

DA:Nil

Sd/- (K. K. Soni)
for Jt. Dir. Stds. M.P.I.

Shri Sujinder Singh Eden,
Ex. Tracer, M.P. Dte.
C/O C-106/8, Manak Nagar,
Lucknow 226011.

Copy to D.M.O., RDSO Health Unit, RDSO
Lucknow for information.

DA:Nil

Sd/- (K. K. Soni)
for Jt. Dir. M.P.I.

23/12
COMMISSIONER FOR CASES
High Court, (Lucknow Bench)
LUCKNOW

No. C-79-386
Date 22-12-82

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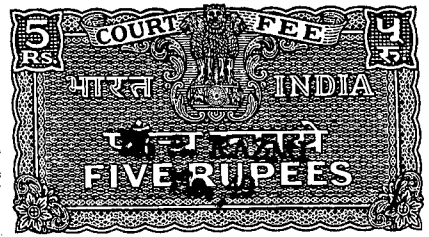
Honble High Court of Judicature at Allahabad
ब अदालत श्रीमान Lucknow Bench, Lucknow. महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दाजलेह)

का वकालतनामा

WP. No. 3965 of 1982

Sujinder Singh Eden



वादा (मुद्दा)

बनाम
Director-General, RDSO, 26th प्रतिवादी (मुद्दाजलेह)

नं० मुकद्दमा 3965 सन् १९८२ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Sivan Singh Baulhawa एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा 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 मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर S. L. Sehgal

साक्षी (गवाह)

Sujan Singh
194

साक्षी

(गवाह)

दिनांक 12.4.83 महीना

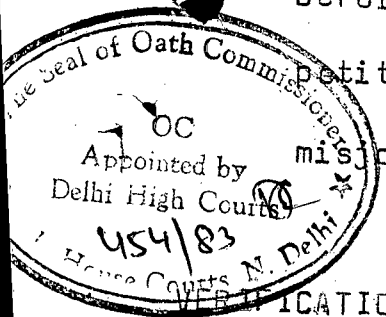
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- 3 -

specifically denies the allegation levelled against him and further states that the allegation is totally false and baseless.

15. That in reply to para 27, the allegation levelled against the deponent is specifically denied and it is further stated that the deponent was neither an appointing authority nor have the authority to terminate any body.
16. That the administrative action taken by the deponent against the petitioner was only in the normal discharge of his duties and in good faith.
17. That the deponent has not the final authority to terminate the services of the petitioner during his probationary period.
18. That it was in fact the Director Stds(Wagon) who had actually passed the impugned order which was duly communicated to the petitioner by Shri K.K. Soni, Section Officer (Estt-I).
19. That the opposite party No.2 also was personally satisfied before taking decision to terminate the services of the petitioner and, therefore, impleadment of the deponent is simply misjoinder of parties.

K. L. Sehgal
DEPONENT



VERIFICATION:-

I, the above named deponent, do hereby verify that the contents of para 1 to 5 of this counter affidavit are true to my own knowledge & those of paras 6 to 19 are true to my knowledge derived from the relevant office record. No part of this affidavit is false and nothing material has been concealed. *So help me God.*

CERTIFIED THAT THE DEPONENT
Shri *K. L. Sehgal* is a *MAN* DEPONENT
Identified by *Shri K. K. Soni* *Advocate*
has solemnly affirmed before me at
New Delhi on *24.5.83*
that the contents of the affidavit which
have been read over & explained to him
are true & correct to his knowledge

Meena Pandey
7.7.83

DATED: *24/5/83*

Dharam Pal Sachdev
Oath Commissioner N. Delhi. DHARAM PAL SACHDEV
Advocate

I identify the Deponent who has signed in my Presence.
Opponent's Advocate

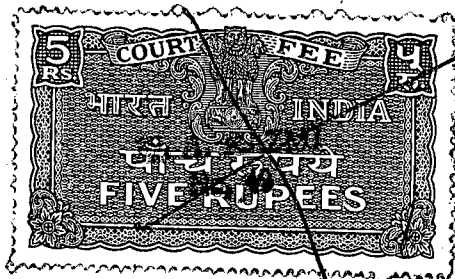
DELHI

M.P.
7.7.83

02

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

C.M. Application No. 72306 of 1983.



Director General, R.D.S.O. & Others ... Applicants

Inre:

W.P.No. 3965 of 1982.

Sujender Singh Eden Petitioner.

Versus

Director General R.D.S.O. Lucknow

And Others Opposite Parties.

APPLICATION FOR VACATION OF STAY ORDER
DATED 12.11.1982.

The applicants above named, respectfully submit
as under : -

That in view of the facts and circumstances
stated in the accompanying Counter Affidavit on behalf
of opposite party No. 3 as well as the counter affidavits
already filed in this Hon'ble Court on behalf of opposite
parties No. 1 & 2 on 24.12.1982, the interim stay order
as passed on 12.11.1982 is liable to be vacated.

Therefore, it is respectfully prayed that the interim
Stay order dated 12.11.1982 may kindly be vacated.

D.S. Randhawa

(D.S. RANDHAWA)
Advocate,

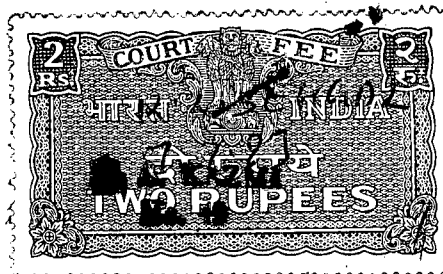
(Senior Standing Counsel
Central Government)
Counsel for the Applicants.

Lucknow:

Dt: July 1st, 1983.

11135

B/f
23/11/82



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

(Lucknow Bench, Lucknow)

Writ Petition No. 3965 of 1982

Sujinder Singh Eden

Petitioner

Versus

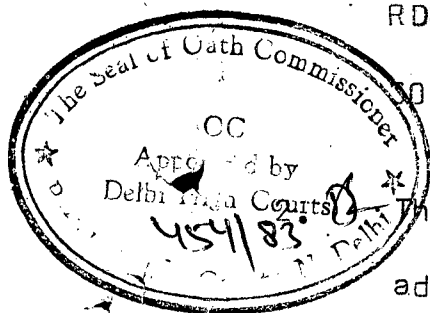
Director General, RDSO, LKO & others

Respondents

COUNTER AFFIDAVIT OF THE OPPOSITE PARTY NO.3

I, K.L. SEHGAL son of SHRI H.N. SEHGAL, resident of Delhi, C-99 Anand Vihar, Delhi, do hereby solemnly affirm and state on oath as under :-

1. That the deponent was the Assistant Design Engineer RDSO, Lucknow and retired from the service w.e.f. 30.9.1982.



That the deponent, purely as a consequence of his administrative action, has been impleaded in the above writ petition by the petitioner and he is not otherwise concerned at all in his personal capacity.

3. That the counter affidavit on behalf of opposite party NO.1 and 2 has already been filed and the deponent has gone through the averments made therein and these averments are found by me to be true.
4. That the petitioner has, in certain paragraphs of the writ petition, levelled certain allegations against the deponent in his personal capacity which are only false and fabricated and are the results of afterthought.

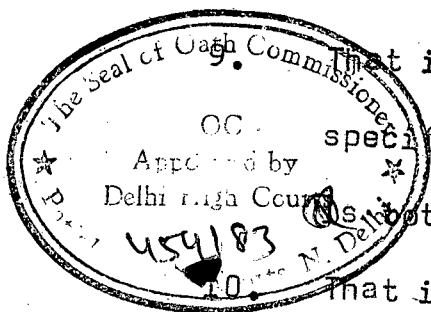
K.L. Sehgal

contd.....2/p

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5. That in reply to para 15 of the writ petition, the deponent specifically denies the allegation levelled against him and further states that there was absolutely no enmity of any sort.
6. That in reply to para 16 of the writ petition, the deponent specifically denies the allegation levelled against him and further states that the allegations is totally baseless.
7. In view of the allegations made in para 16 of the writ petition being baseless, the allegation in para 17 has no meaning.
8. That in reply to para 18 of the writ petition, the deponent specifically denies the allegation levelled against him and further states that allegation is fabricated and baseless.
9. That in reply to para 19 of the Writ petition, the deponent specifically denies the allegation and further states that it is totally fabricated and false.
10. That in reply to para 20 the deponent specifically denies the allegation levelled against him and further states that it is totally fabricated and false.
11. That in reply to para 21 of the Writ petition, the deponent specifically denies the allegations & further states that it is totally false and fabricated.
12. That in reply to para 22, deponent denies the allegation levelled against him and further states that the allegation is totally false, baseless and afterthought.
13. That in reply to para 23 of the Writ petition, the deponent specifically denies the allegation levelled against him and further states that the allegation is false, baseless and fabricated.
14. That in reply to para 24 of the Writ petition, the deponent



MP
7-7-83

A. L. Sehgal

(87)

R.D.

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

Writ petition No. 3965 of 1982.

TA 1077-07 (5)

S.S. Egan

.. Petitioner.

Versus

Union of India and others

.. Opposite parties.

Rejoinder Affidavit.

*to the Court
Affidavit filed in behalf of Respondent No. 1*

I, S.S. Egan, aged about 20 years, son of Sri J.S. Egan, resident of quarter no. 106/2, sector-C Manak Nagar, Alambagh, Lucknow, do hereby solemnly affirm and state as under:-

- Filed today
31/7/91*
1. That the deponent is himself petitioner in the above noted writ petition and as such he is fully conversant with the facts of the case as deposed to hereinafter.
 2. That the contents of paras 1 & 2 need no reply.
 3. 2. That the contents of para 3 of the counter affidavit is admitted to the extent that the petitioner was appointed as a Tracer in the Motive Power Directorate of the R.N.S.O. The rest of the contents are denied.
 4. That the contents of para 4 of the counter affidavit are not denied.
- attested by
S.S. Egan*

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5. That the contents of para 6 of the counter affidavit are admitted as far as it relates to the detailed channel of promotion. It is also admitted that the petitioner was reverted from the post of D.A.A. to the post of Tracer. However, it is submitted that that the post of D.A.A. is a selection post to which the petitioner was selected after undergoing all the necessary formalities. He was not promoted to that post. He could well be terminated but not reverted and reduced in rank. Reduction in rank because of the resultant punishment cannot take place unless provisions of Article 311 of the Constitution of India are complied with. The arbitrary action is clearly hit by the aforesaid Article and cannot be sustained.

6. That the contents of para 6 of the counter affidavit are not relevant to the present writ petition and thus are denied and the contents of para 4 of the writ petition are re-stressed with greater emphasis.

7. That the contents of para 7 of the counter affidavit have also not much relevance to the present writ petition and no detailed reply is needed.

8. That the contents of para 8 of the counter-affidavit are admitted.

9. That the contents of para 9 of the counter affidavit are not denied and so is the case of para 10 of the counter-affidavit.

allotted time 1/3
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10. That the contents of para 11 of the counter affidavit are not denied. However, it is respectfully submitted that the petitioner had no correct figure of the applicants with him. It is also submitted that the number of applicants do not matter much to the cause taken up in the aforesaid writ petition.

11. That the contents of para 12 of the counter affidavit are not denied.

12. That the contents of para 13 of the counter affidavit are not denied. However, it is submitted that the services of the petitioner could not be terminated with stigma.

13. That the contents of para 14 of the counter affidavit are not denied.

14. That regarding the contents of para 15 of the counter affidavit, it is not denied that some kind of routine training to the new entrants in a technical job is essential. Whether it is R.D.S.O. or any other technical department but it is denied that formal tests could be held and the incumbents could be terminated on the basis of the result.

15. That the contents of para 16 of the counter affidavit are not only denied but a strong objection is taken to the fact that the deponent has deposed on the question of malice and revengeful action and a charge pertaining to these two has been levelled

attested (witness)
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against Sri K.L. Sehgal, respondent no. 3. There is no question of anything regarding malice and prejudicial action of Sri Sehgal being in record of R.N.S.O. It is really surprising how could the deponent depose on behalf of Sri K.L. Sehgal, respondent no. 3. It is respectfully submitted that this deposition of the deponent is false and amounts to an attempt to mislead the Hon'ble Court deliberately. The contents of para 15 to 21 of the writ petition are emphasised with greater emphasis.

16. ^{and 18 and 19} That the contents of para 17 of the counter affidavit are not admitted to this extent that all the appointees in all the directorates were given training and tests. The so-called training against the conditions of appointment letter was arbitrarily introduced only in the directorate in which the petitioner was appointed. The deponent in para 15 of the counter affidavit has himself deposed that only some kind of formal training for technical know-how is needed to the new entrants for a technical job. He has not talked of any test or formal training in that para. However, it is admitted that the petitioner was given a signal about his termination and the intentions of the authorities on 2-1-1982. The test and the marks detailed in para 19 are absolutely concoction and deliberate lie on the part of the deponent. It is a fact that on certain dates some informal questions were given to the Design Assistants in this particular directorate, the deponent is free to call them as tests but it is denied that they were actually tests. In any formal test it is essential to intimate the marks of the test to the candidate concerned so

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that he may know his achievements. It is submitted that the concocted marks as detailed in para 19 of the C.A. were never communicated to the petitioner and as such if there is any, it has no validity and no meaning. The charge of using unfair means on 3-4-82 is also wrong, malicious and deliberate attempt to malign the petitioner. If there was any attempt of using unfair means on the part of the petitioner he should have been charged & sheeted then and there. The deponent is strongly challenged to show even an iota of proof to this effect. As according to the theory of criminology every crime however intelligently done, leaves some trace behind it. So has done this action of the respondent no. 3. According to the deponent's own action the tragic drama of test was first staged on 7-1-1982 and the petitioner was given a notice of his work being unsatisfactory on 2-1-1982 i.e., five days before the start of the drama. It appears that this rehearsal was essential before the actual enactment of the drama. One has only to read in between the lines to know the intentions of the respondents in giving a notice condemning the petitioner five days before the first so-called test. The charge of using unfair means is a stigma on the character of the petitioner.

17. That the contents of para 20 of the counter affidavit are not denied.

18. That the contents of para 21 of the counter affidavit are not denied. However, it is submitted that the services of the petitioner were not terminated

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but the petitioner was actually reverted and reduced in rank according to the deponent's own admission detailed in para 5 of the counter affidavit.

19. That the contents of para 22 of the counter affidavit are not admitted. A writ has extraordinary merits and is liable to be allowed with costs.

Additional Pleas:

20. The deponent respectfully begs to summarise the rejoinder affidavit as under :-

i) The post of D.A.A. on which the petitioner was working was a selection post and not a promotion post.

ii) The petitioner was appointed to that post on the basis of competitive test, scrutiny of records, interview and other formalities. He was not promoted to that post from the post of tracer. Reversion of the petitioner to the post of tracer two grades below results in reduction of his rank which is a punishment and thus the petitioner is entitled to protection of Article 311 of the Constitution of India. The reposition of the deponent of the counter-affidavit on behalf of respondent no. 3 is wrong, illegal and liable to be thrown out by the Hon'ble Court.

attested true copy
Shw. [Signature]

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iii) The petitioner was never communicated any result of a so-called test and it was only because that there was no formal test, it is all a deliberate after-thought.

iv) That the petitioner has not been communicated any adverse remark either regarding his work or conduct reporting year ending on 31-3-1983 and this clearly shows that his work and conduct were found to be good.

v) That the petitioner has also been given one increment with effect from 1-6-1983 in the scale of D.A.A. as a probationer and his probation period has not been extended. This is again a proof that his work as a probationer has been found to be good.

vi) That the date of increment of the petitioner should have been 21-12-82 which probably has been shifted because of the fact that the question of intervening period of about 5½ months for which the petitioner has submitted medical certificate, has not been decided so far by the authorities.

vii) That the petitioners put in about one year and 8 months as a probationer in the scale of D.A.A.

attested true copy
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Lucknow, dated ;

-7-1983.

Deponent.

Verification.

I, the above named deponent, do hereby verify that the contents of paras of this affidavit are true to my own knowledge and the contents of paras are believed by me to be true on the basis of legal advice, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :

-7-1983.

Deponent.

I identify the deponent who has signed before me.

A Advocate.

Solemnly affirmed before me on at a.m/p.m by Sri S.S. Eden, the deponent, who is identified by Sri Advocate, High Court, Lucknow.

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

attested true copy
Sd/-
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Rt - 4.11.92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLD.BENCH
ALLAHABAD CIRCUIT BENCH AT LUCKNOW.

T.A.No. 1077 of 1987 (T) Writ Petition 3965 of 1982
(H/C, LKO)

Surjender Singh Edin Petitioner

Versus

The Union of India & Ors. Respondents.

WRITTEN ARGUMENTS

In the year 1979 the petitioner started as a Tracer. Subsequently in the year 1981 he was selected and appointed as Design Assistant "A" grade in the existing pay scale Rs.550/- - 750 of the Wagon Directorate of the Research Designs and Standard Organisation Manak Nagar, Lucknow on 23.12.81. Prior to this selection the petitioner started his service career as a tracer and in the subsequent year he stood confirmed in that cadre.

PROMOTIONAL LADDER

Tracer, Draughts and, Senior Draughtsman and D.A.A. and thus the post of D.A.A. is two steps up from the post of tracer which the petitioner occupied.

The trend of the Appointing Authority in dealing with the services of the petitioner stood overminded and seriously objectionable in as much as the protectional measures should have been applied which could not not be done by unmindful application of administrative exigencies.

The petitioner was put on probation for a period

Surjender Singh Edin

S.No. 47
Case filed 28/8/92

File today
28/8/92

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of one year. This was a selection post and on the basis of some test he was appointed in the grade of Rs.550-750-(R.S.). It is most amazing that on 02-01-1982 during the probation period and such a short time he was found to be not discharging his duties satisfactorily without any occasion of calling for his explanation or inflicting any warning or reprimanding whatsoever. Indeed it is surprising how the calibre of the petitioner who qualified in the test stood adjudged with the help instrument by the Appointing Authority.

The Division Bench of the Hon'ble High Court Lucknow on 9.11.82 admitted the petition but however it rejected the application for Interim relief. The learned Appointing Authority had been probably waiting to see the fate of the stay application and immediately served on the petitioner a letter dated 29.10.1982 transpired from the affidavit dated 9.11.1982 that soon after the orders had been passed by this court prompt action by the Appointing Authority had been taken. Viewing the entire facts & figures including the behaviour of the employer the Lordship of Hon'ble Mr. Justice D.N.Jha deemed it just and proper to restrain the respondents from interfering with the employment of the petitioner until they file Counter Affidavit serving copy thereof outside the court on the petitioner or his learned counsel who may, if he so chooses to file a rejoinder affidavit within a week thereafter and it is thereafter that this application shall be

Synder Singh Ede

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posted in two other wings of the same organisation.

Paragraphs 14 to 23 of the W.P. extends the descriptions of enmity between petitioner's father and Sri K.L. Sehgal which grew revengeful attitude resulting into unbecoming scene of displeasure to the petitioner Annexure No.VI-to the W.P. is a termination order dated 5/5/1982 being wrong and malicious had to be protested so as to secure a judicial verdict u/A226 Constitution of India by application of extra-ordinary jurisdiction Breach and infringement of condition precedents of the appointment order for arranging a training is exercise of arbitrary and discriminatory powers drastically and not otherwise, defeating the norms of principles of equity and equality as referred to above. Demerited termination from service without compliance of Art.311(2) of the constitution such termination order is vitiated in law and not sustainable in the eyes of law. Removal is unjust irrational malafide and full of perversy the ground of unsuitability which the respondents take is not based on service records on the face when at least none of the adverse annual remarks has so far been communicated to the petitioner in the preceding and corresponding year of his selection.

Counter Affidavit of O.P. No. 1 & 2 is dated 23.12.82 while the Counter Affidavit of O.P. No. 3 is dated (without date) which stood

Sujinder Singh Edeer

relief whichever be deemed just proper and necessary in the interest of justice in law.

SUBSEQUENTLY :

In the subsequent events the staff Posting Order No.130 of 1992 as a result of departmental selection for the posts of Chief Design Assistant scale is 2000 -3200 - p.m. in C & W DIRECTORATE held on 9/10-12-91 with the empanelment of S/Shri Ajit Kumar Gupta and Sri P.K.Cuuba as empanelled and next empanelled candidates has been issued ignoring the petitioner who was duly selected SDA for C&W Design Dte. whose name is already existing at serial No.11 of the staff notice dated 24.11.1986 and serial No.5 of Staff Notice dated 9-10-87. The Staff Notice dated 21.6.88 indicates that only 5 candidates excluding the petitioner have been placed on the Panel for the post of senior design Assistant scale Rs.2000/--3200/- p.m. (RPS). The staff notice dated 4.2.88 goes to show that the name of the petitioner is at serial Number 5 is eligible candidate for the post of Senior Design Assistant Scale Rs.2000 - 3200 - P.M. from Rs.1600/- Rs.2660-(RPS). No Unwillingness in had been made over to the S.O. (Rectt). After before no candidates was given any training the Probation Period because there is not.

(1) Termination - reason is only training

(2) Divided in three Directorates. Out

put up for further orders in the meantime the respondents shall be governed by the restraint order passed by this court not to muddle with the services of the petitioner either by compelling him to join on the two-grade-lower post or deal with him under the disciplinary rules.

Sd. D.N.Jha
12-11-1982.

The organisation comprises three sections (i) the motive power section (ii) the Carriage and Wagon section and the (iii) Research and Design Section respectively, therefore, the transfer from one section to other according to the administrative need is not only possible but permissible also.

The employment Notice no. Rectt./advt/Tech/80-1 (Ann.No.I to the W.P.) stood complied with by the petitioner well upto date, the call letter (Ann.No.II- to the W.P) written test and interview took place on 16.8.81 and 18.8.81 respectively of the successful candidates.Out of 1000 candidates only 21 candidates were shown as selected in order of merits strictly (Ann.No.III- to the W.P) .

According to Ann.No .IV- to the W.P. the petitioner's appointment as D.A.A.Wagon, as a successful candidate of the competitive test was offered

It is worthwhile to mention here that the training was not a condition precedent in the appointment order which was started to be given more so such training was not started for the candidates

Seyfideh Syed Eder

relief whichever be deemed just proper and necessary in the interest of justice in law.

SUBSEQUENTLY :

In the subsequent events the staff Posting Order No.130 of 1992 as a result of departmental selection for the posts of Chief Design Assistant scale is 2000 -3200 - p.m. in C & W DIRECTORATE held on 9/10-12-91 with the empanelment of S/Shri Ajit Kumar Gupta and Sri P.K.Cuuba as empanelled and next empanelled candidates has been issued ignoring the petitioner who was duly selected SDA for C&W Design Dte. whose name is already existing at serial No.11 of the staff notice dated 24.11.1986 and serial No.5 of Staff Notice dated 9-10-87. The Staff Notice dated 22.6.88 indicates that only 5 candidates excluding the petitioner have been placed on the Panel for the post of senior design Assistant scale Rs.2000/-3200/- p.m.(RPS). The staff notice dated 4.2.88 goes to show that the name of the petitioner is at serial Number 5 is eligible candidate for the post of Senior Design Assistant Scale Rs.2000 - 3200 - P.M. from scale Rs.1600/- Rs.2660-(RPS). No Unwillingness in writing had been made over to the S.O. (Rectt). After and before no candidates was given any training during the Probation Period because there is not a mention.

(1) Termination - reason is only training.

(2) Divided in three Directorates. Out of 21 the

Sybil Singh

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posted in two other wings of the same organisation.

Paragraphs 14 to 23 of the W.P. extends the descriptions of enmity between petitioner's father and Sri K.L. Sehgal which grew revengeful attitude resulting into unbecoming scene of displeasure to the petitioner Annexure No.VI-to the W.P. is a termination order dated 5/5/1982 being wrong and malicious had to be protested so as to secure a judicial verdict u/A226 Constitution of India by application of extra-ordinary jurisdiction Breach and infringement of condition precedents of the appointment order for arranging a training is exercise of arbitrary and discriminatory powers drastically and not otherwise, defeating the norms of principles of equity and equality as referred to above. Demerited termination from service without compliance of Art.311(2) of the constitution such termination order is vitiated in law and not sustainable in the eyes of law. Removal is unjust irrational malafide and full of perversy the ground of unsuitability which the respondents take is not based on service records on the face when at least none of the adverse annual remarks has so far been communicated to the petitioner in the preceding and corresponding years of his selection.

Counter Affidavit of O.P. No. 1 & 2 is dated 23.12.82 while the Counter Affidavit of O.P. No. 3 is dated (without date) which stood

Supinder Singh Ekeer

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by Rejoinder Affidavit dated July 1983.

The selection and suitability test have been procedurised :-

" The persons who were found suitable on earlier occasion but excluded from the panel should not be called to appear for the ~~near~~ selection/suitability test etc. detailed guide line for the purpose of empanelment, promotion fixation of pay etc. have also been prescribed. Misuse of official position may adversely affect the future fate of promotion etc.

NUCLEUS

Plural remedies applied for.

(i) To quash and set-aside the impugned termination order contained in Annexure No.VI to the Writ petition once for ever.

(ii) Opposite parties may be commanded to allow the petitioner to continue him on the post for which he was selected after test of suitability and appointed on probation for a period of one year after completion successfully of the probation period he may be declared permanent on that post..

Issue the promotion orders for the next grade 2000 - 3200 in C & W Directorate for which the petitioner has already been qualified in test 9.10.87 but not placed on the panel by giving him proforma promotion and arrears of pay.

(iii) Award the costs of the petition and any other

Sydney Singh

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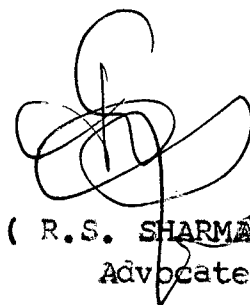
- 7 -

7 candidates appointed in Wagon Directorate ,14
in other Directorates. 14 candidates were not in
training, why ?

Therefore all the benefits so accrued to the
petitioner should also be allowed to be commenced
without fail for the fulfilment of rights of
equalisation under Article 14 and 16 of the
Constitution of India.

Lucknow:

Dated: 28.8.1992



(R.S. SHARMA)
Advocate,

COUNSEL FOR THE PETITIONER.