

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA 1081/87

CAUSE TITLE WP No 435/87 OF

NAME OF THE PARTIES Rameshwar Prasad Applicant

Versus

Union of India & Ors Respondent

Part A.

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CERTIFICATE

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

This file is now received from record room without Boster

Checked on Dated 08/10/11

Counter Signed.....

Rg
11/10/2011

cm
Signature of the
Dealing Assistant

Section Officer/In charge

Annexure - A
CAT- 02
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

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TA 1001-077

CAUSE TITLE

OF 190

Name of the Parties

Ramkrishna Patel

Versus

007

Part A, B and C

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| Serial number of order and date | Brief Order, Mentioning Reference if necessary | How complied with and date of compliance |
|---------------------------------|--|--|
|---------------------------------|--|--|

| | | |
|----------|--|--|
| 30-11-07 | No Sitting Adj. to 27.2.90 This case has been received on transfer. Notice were issued to the counsels by the Office at Allahabad..... None is present for the parties. Let notice be issued again to the parties as directed by Hon'ble Mr. D.K. Agarwal, J.M. | |
|----------|--|--|

| | | |
|---------|---|----------|
| 27.2.90 | Hon. Justice K. Nalk, V.C. Hon. K.J. Raman, A.M. | 30-11-07 |
|---------|---|----------|

The notices, which were issued to the applicants by Registered post, have been received back without any report of the postal department. Notices be reissued to the applicants by Registered post. Further notice be issued to the counsel for the applicants.

Sri A. Bhargava has made appearance on behalf of the respondents.
List for further orders on 17.4.90.

[Signature]
A.M.
[Signature]
V.C.

see copy of judgment
Sd/-
25/4/90

Post
523
1815190

or
reissued
28/11/90
CR

Case has been heard 20.0.09.
In CAT, Allahabad
Case is admitted
CA/RA not filed
Notices were issued on 20/1/90.

Notices of applicant No 1 & 2 have been issued with S.F. order

or
reissued
21/3/90

Notices were issued.
No amendment sept. order has been taken back
S.F.O

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2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH AT LUCKNOW

T.A. NO. 1081/87 (T)

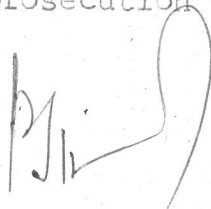
| | | |
|---------------------------|--------|---------------|
| Rameshwar Prasad & others | | Petitioner. |
| | Versus | |
| Union of India & Others | | Opp. Parties. |

Hon. Mr..D.K. Agrawal, J.M.

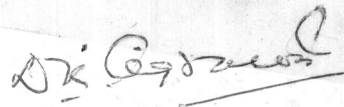
Hon. Mr. P.S. Habib Mohammad, A.M.

(By Hon. Mr. D.K. Agrawal,
J.M.)

The petitioners has not appeared despite notice. Shri. S. Verma, appear for the respondents. It appears that the petitioners have lost interest in persuing the matter. The petition is therefore, dismissed for want of prosecution without any order as to costs.



ADM. MEMBER



JUDICIAL MEMBER

Dated: 17.4.1990.

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. No. 4305-82
Name of parties Kameshwar Pr. vs. Union of India
Date of institution 2-9-82 Date of decision.....

| File no. | Serial no. of paper | Description of paper | Number of sheets | Court-fee | | Date of admission of paper to record | Condition of document | Remarks including date of destruction of paper, if any |
|----------|---------------------|----------------------------------|------------------|------------------|--------|--------------------------------------|-----------------------|--|
| | | | | Number of stamps | Value | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | Rs. P. | | | |
| | 1- | W.P. with affidavit and Annexure | 18- | - | 202-00 | | | |
| | 2 | Power | 1- | - | 5-00 | | | |
| | 3- | C.M.A. 8947(W) 882 for stay | 4- | - | 7-00 | | | |
| | 4- | C.M.A. 9738(W)-82-5 for stay | - | - | 7-00 | | | |
| | 5- | C.M.A. 10282(W)-5-882 | - | - | 7-00 | | | |
| | 6- | Power | 1- | - | 5-00 | | | |
| | 7 | Order sheet | 2 | - | - | | | |

I have this day of 198 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date.....

Munsarim

Clerk

group A 14(h)

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BEFORE THE HONABLE HIGH COURT OF JUDICATURE AT ALLAHABAD,

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. 4305 OF 1982

Rameshwar Prasad & others

.....Petitioner

Versus

Union of India and others

.....Opp. Parties.

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Prepared by

Lucknow
Dated

5.9.82

Rameshwar Prasad

Surya Kant

(Surya Kant)
Counsel for the Petitioner



Before the Honble High Court of Judicature
at Allahabad, Mr. Bencher

Rameshwar Rd

Union of India & others

Surgee Kant



INDIA COURT FEE

60 Rs.



Before the Honble High Court of Judicature at
Allahabad, Lucknow Bench, Jan
w. P. No. 182

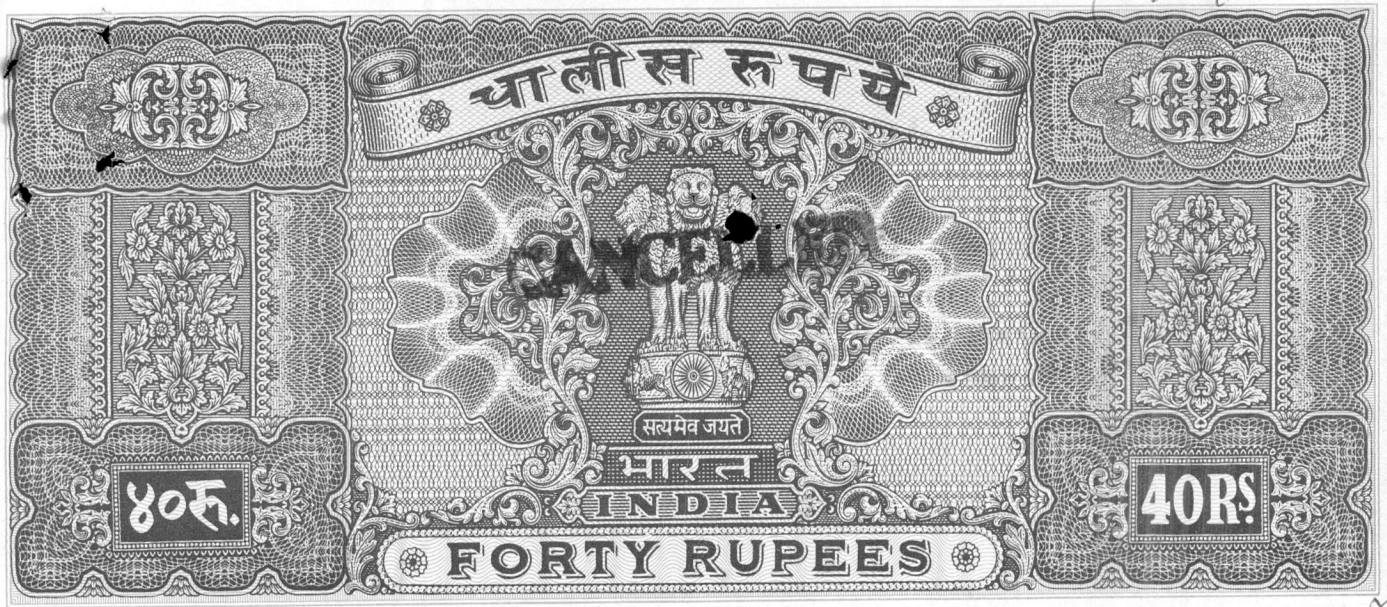
Rameshwar Red

Union of Labor & Others

Singh Kaur

INDIA COURT FEE

40 Rs.



Before the Hon'ble High Court of Judicature at Allahabad
Lokman Behari Jais
C. H. No 282

Rameshwar Lal
vs

Union of Indira Cloth

Singhania

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

WRIT PETITION NO. 4305- OF 1982 A/g

1. Rameshwar Prasad, aged about 54 years, son of
Late Ram Kishan Sahay, resident of 179 E-A.E.N.
Colony N.Railway, Varanasi.
2. Ash Mohmood, aged about 50 years, son of Mohd.
Suleman resident of C/O Ikbal Ahmed CK 67/35,
Razbi Gali, Varanasi.

.....Petitioners

Versus

1. Union of India through General Manager, Northern
Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow.
3. Sr. Divisional Signal & Telecom (Engineer),
N. Railway, Hazratganj, Lucknow.
4. Smt. Asian Haro, major, wife of Madan Mohan Nigam
at present residing at 245-A New Loco, Colony
Varanasi.

.....Opp. Parties.

Before Hon'able Chief Justice & his companion
Judges of the Hon'ble Allahabad High Court Sitting at
Lucknow.

Cont.....2



Rameshwar Prasad

The humble petitioners submits as under :-

1. That the ~~Party~~ ^{Petitioner} No.1 on 24.9.1952, ~~the party~~ was appointed as trains clerk in the grade of 55-130 and in 1959 he became the telephone operator in the grade of 60-130. *
10
2. That the ~~Party~~ ^{Petitioner} always worked to the full satisfaction of the Superiors i.e. Opposite Party 1 to 3 and never served ^{with} any charge sheet etc., and ^{their} CR and Service records are neat and clean.
3. That the ~~Party~~ ^{Petitioner} No. 1 was promoted on the post of Sr. Telephone Operator in the grade 330-560 ^{in 1972} and since then ^a working under the direct Control of Opposite Party No. 1 to 3 with utmost honesty and labour, that no complaint or any charge sheet or any adverse remark has been given to ~~Party~~ ^a petitioner.
4. That the Petitioner no.2 was appointed as Signal Khalasi on 8.4.1953 and ~~there~~ because of the exceptional and hard work he was promoted as Electric Signal Maintainer in different grade and lastly he was in the grade of 380-560.
5. That Petitioner No.2 was medically decategorised and was ~~abs~~ absorbed in the lowest grade 260-400 ^{as} and his salary was fixed on Rs.400/- meaning thereby he was the senior than those who were getting less than Rs.400/-.
6. That the next higher grade for the Petition no.2 ^{is} Rs.330-560 i.e. the grade for the post of Sr. Telephone Operator.



Telephone Operator

Ganeshwar Prasad

Cont....3

Honible K.S. Varma, I
Honible S.S. Ahmad, I

Admt. Notice on opposite
parties 1 to 3 has been served.
An affidavit of service has
been filed. Issue notice to
opposite party no. 4.

The promotion of opposite
party no. 4 will be subject to
the final result of the
petition.

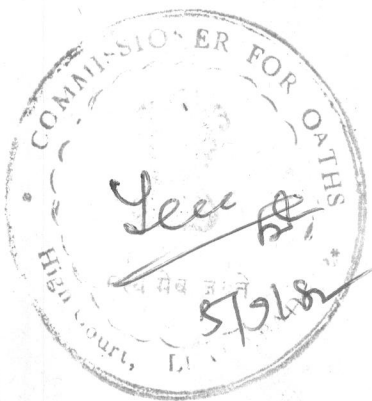
Yours
27.9.1982

Exy

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7. That the next high post and grade for Petitioner No.1 is head telephone operator in the grade 425-700.
8. That both the Petitioners are working hard with the full satisfactions of the superiors and ~~one~~ are fit for the promotions on the basis of the seniority on non-selection post.
9. That the post of Head Telephone Operator and Sr. Telephone Operator are non-selection post and can be only filled by way of promotion on seniority while the post of Telephone Operator can be filled by two ways, by absorption by departmental promotion and by direct recruitment.
10. That the Opposite Party No. 4 was a ~~man~~ Charistian Lady till she married with Sri Madan Mohan Nigam about 2 years back some time in 1980.
11. That the Opposite Party No.4 was directly recruited on the post of Telephone Operator in 1978 in the Grade 260-400.
12. That ~~but that~~ at the time of the appointment ~~then~~ the Opposite Party No. 4 claimed herself as schedule Tribe of Bihar though she was a Chirstan Lady at the time of appointment and her father's name Aloes Horo, a Chirstan gentleman and according Chirshan religion a person can only be treated as Chrishan even infant ^{too} when his Baptisma ceremony has been formed in the Church and as regards to the Opposite Party No.4



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is concern, her Bapriswa ceremony was performed in a ~~ceremony~~ ^{church} at Patna.

13. That the Chrishan relegion has been widely divided into two sets one is ~~catholic~~ ^{orthodox} and another is protestant and none of the Chrishan in the State of Bihar have been declared as Schedule Tribe by the President of India.
14. That it would not out of place of mention that before her marriage with Mr. Madan Mohan Nigam, Opposite Party No.4 was permanent resident of Mohalla Tanka Toli Ranchi City, Bihar. Hence the appointment obtained by Opposite Party No.4 claiming herself to be Schedule Tribe and on the Schedule Tribe quota is based on fraud, mis representation of facts and without any authority, the another example of the fraud of Opposite Party No.4 is that on one hand she is sharing the Railway accomodation with other Railway employee in the Railway Quarter of the Railway employee on the other hand she is charging the House Rent Allowance from the Railway administration. And whatever the educational certificate ^{she} have ~~been produced~~ are forged one.



15. That in the Bihar State the following are the Schedule Tribes :-
- (1) ASUR (2) BIAGA (3) BANJARA (4) BATHUDI
(5) BINJHIA (6) BIRHOR (7) BIRJIA (8) CHERO
(9) CLIKBARAIA (10) COND (11) GORAIT (12) HO
(13) KARMALI (14) KHARIA (15) KHARWAR

Rameshwar Prasad

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- (16) KHOND (17) KISAN (18) KORA (19) KORWA
(20) LOHARA OR ~~KORWA~~ LOHRA (21) MAHLI
(22) MAL PAHARIA (23) MUNDA (24) ORAON
(25) PARHAIYA (26) SANTHAL (27) SAURIA PHHARIA
(28) SAVAR (29) BEDIA

That the above detailed list of Schedule Tribe in Bihar clearly shows that non of the Chrishan in Bihar has ~~non~~ been included in Schedule Tribe ^{list} and in this way the appointment of Opposite Party No.4 on schedule Tribe quota is without any authority and as such a writ of quo-warranto is liable to be issued against the Opposite Party No.4 that under what quthority she is functioning on such post which was the reserve for the Schedule Tribe.

16. That on the ^{falsed} ~~table~~ documents the Opposite Party No.4 got a promotion in 1981 as Sr. Telephone Operator in the Grade 330-560 and the Railway authority treating her Schedule Tribe given her promotion though the Petitioner no. 2 was entitled to get the same according to seniority. It would not out of place to mention that the Opposite Party No.4 herself ~~not~~ married with Mr.Madan Mohan Nigam and she adopted the Hindu Religion and became the kayastya and in any case if for the argument sake it is ~~maxmaxmax~~ taken to be correct(though the petitioners do not agree) That the Opposite Party No. 4 was Schedule Tribe even then she lost all her prevellages being the member of the Schedule Tribe by virtue of the



Rameshwar Prasad

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solomnaziation of her marriage with a Kayastya person and by this way too the promotion which she obtained by playing fraud is also without any authority and the writ of quo-warranto is also liable to be issue to her for the said promoted post of Sr. Telephone Operator in grade 330-560.

17. That on 31st of July 1982 one Shri Chhedi Lal Head Telephone Operator in the Grade 425-700 working under the Sr. D.S.T.(E) Opposite Party No. 3 retired and the said post was fallen vacant.
18. That the Railway Board which is the supreme authority in Railway Administration have issued circulars from time to time regarding promotion which are having force of law and is binding on the Opposite Parties. A true and typed copy of the Railway Boards decision regarding the promotion is filed herewith as Annexure No. 1 to this writ petition. It would not be out of place to mention that the post of Head Telephone Operator is non-selection post and is required to be filled up by promotion on the basis of seniority cum suitability.
19. That ~~the further~~ para 2 of Annexure No.1 shall indicate that two ways have been prescribed, one is from the past records performance of the work as well as CRs and second are by holding



Rameshwar Prasad

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the written departmental tests.

20. That according to para 4 of the annexure no.1, only a senior man declared unfit can be passed over by a junior and a declaration of unfitness should ordinarily been made same time previous to the time of the promotion and para-5 clearly states that the suitability of the candidate shall be judged on the date of the vacancy in the higher grade or as close to it as possible.
21. That the Petitioners submits that it is ^{within} their personal knowledge that their suitability test has never been judged either by holding ~~by~~ ^{or} departmental test ~~either~~ by scrutinizing the relevent records for the post of Head Telephone Operator in Grade 425-700 which is vacant due to the retirement of Shri Chhedi Lal.
22. That by not calling the Petitioners records for considerations nor holding any test, the discrimination has been ^{caused} ~~passed~~ to the petitioners.
23. That for the above post of Head Telephone Operator only the service records of the Opposite Party No. 4 have be scrutinize and instead of scrutinizing the suitability of Senior most person, ^{i.e. petitioner No 1.} the suitability of junior most Telephone Operator i.e. Opposite Party No.4 have ^{and} ~~alone~~ been judged ^{of O.P. No 4.} the different remarks on the service records have been passed regarding the promotion. A true and typed copy of the proceedings for judging the



Rameshwar Prasad

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suitability of the Opposite Party No. 4 is filed herewith as Annexure No.2 to this Writ Petition.

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24. That it appears that on 6.3.1982 the Opposite Party No.3 has passed ~~one~~ line order, that the fitness of the employee for the promotion in grade 425-700 is certified.
25. That the submission of the Petitioners are that the said order are ~~then~~ speaking order, without applying its mind and without any reason.
26. That the Petitioners submits that two ways are given for promotion is wrong since in same cases the authority can judge the suitability by hold the examination and in some cases by parusing the service records only and it might be possible that the person who has got the good service record may not qualified the test so unfettered powers without any reasons have been conferred in the authorities by holding the written examination in respect of one candidate and by examining the service of record in respect of another candidate and as such the arbitrary and discriminatory result are bound to produce hence the method for judging the suitability is hit by Article 14 of the constitution of India and is liable to be declared ultra vires.

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Rameshwar Dasad



27. That whenever there was any promotion then the suitability of the employee ~~has~~ always been judged by holding the oral or written test but in the case of Opposite Party No.4 the ~~short~~ short method has been adopted by Railway Administration.
28. That by not calling the Petitioner No.1 being the Senior Most next to the post of Head Telephone Operator the entire selection which has been made by Opposite Party No. 1 to 3 have victuated in the law.
29. That the Petitioner No.1 on coming to the knowledge of the selection of the Opposite Party No.4 orally requested the Opposite Party No.3 for judging his suitability also but they have refused ~~even~~ ^{hence} the Petitioner No.1 is entitled to get a writ of mandamus.
30. That the Petitioners have heard that on the basis of annexure no.2 the Opposite Parties 1 to 3 are going to issue a formal letter ^{to O.P. No.4 since} though her fitness has already been certified ~~for~~ the said post. Hence having no alternative the Petitioners prefers this writ petition on the grounds interalia.



GROUND S

- (i) Because the Opposite Party No.4 was never the Schedule Tribe candidate and her appointment on the schedule tribe vacancy is without any authority and outcome of

Rameshwar Prasad

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(i) ~~the fraud of Opp~~ of the fraud of Opposite Party No. 4.

(iii) Because the Opposite Party No. 4 was without jurisdiction promoted on the post ^{of} Sr. Telephone Operator when she was already married prior to the promotion on the said post.

(iii) Because on the vacancy caused due to retirement of Shri Chhedi Lal the Petitioner No. 1 being the Senior most person for selection ought to have been called and his suitability ought to have been judged and in not doing so the Opposite Party No. 1 to 3 have committed manifest error of Law and they have violated annexure No. 1 to the Writ Petition .

(iv) Because the provisions of para 2 of Annexure No. 1 creates the discrimination and unfettered uncontrolled arbitrary ~~the authorities~~ powers have been conferred in the authorities hence it is hit by Article 14 of the constitution.

(v) Because the action of Opposite Party No. 1 to 3 are arbitrary without any authority in selection of Opposite Party No. 4 on the said post.

Wherefore it is prayed that this Hon'ble High Court may kindly be pleased :-

(i) to issue a suitable order direction or writ of ~~quo-warranto~~ setting a-side the appointment and promotion of Opposite Party No. 4 as telephone

Rameshwar Das

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Operator and Sr. Telephone Operator.

- (ii) to issue a suitable order direction or writ in the nature of certiorari quashing the impugned selection of the Opposite Party No. 4 on the post of Head Telephone Operator after summoning the original documents from Opposite Party ~~No. 4~~.
- (iii) to issue a suitable order, direction or writ in the nature of mandamus commanding the Opposite Party No. 1 to 3 to judge the suitability of petitioner No. 1 for the post of Head Telephone Operator on the vacancy caused due to retirement of Sri Chhedi Lal.
- (iv) to issue a suitable order direction or writ in the nature of prohibition prohibiting the Opposite Party No. 1 to 3 not to act on the basis of annexure no. 2.
- (v) to issue any suitable order direction or writ declaring the provisions of para 2 of Railway Board's letter No. E(WG)57-PM 1/36 of ~~22.1.1960~~ 22.1.1960 as unconstitutional and ultra vires.
- (vi) to issue a suitable order direction or writ in the nature of madumus commanding the Opposite Party No. 1 to 3 to treat the petitioners as senior to Opposite Party No. 4.

Rameshwar Prasad.

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- (vii) to issue any other order direction or writ
which this Honable High Court ^{may deem} just and proper
in the facts and circumstances of the case and
for protecting the interest of the petitioners.
- (viii) Cost of the petition may also be awarded to
the petitioner and against the Opposite Parties.

Lucknow.

Dated

5.9.82

Surya Kant

(Surya Kant)

Counsel for the Petitioners

Rameshwar Prasad

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1319

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

WIRT PETITION NO. OF 1982

Rameshwar Prasad & Others Petitioners

Versus

Union of India Opposite Parties

ANNEXURE NO. /

PROMOTION TO NON SELECTION POST

All those posts which have not been declared as selection posts are called " non-selection post." The latest revision in clasification of posts as slection or non selection has been circulated vide Board's letter No.E(NG) 1-74 PM 1/6 of 6.8.74) (NR, SN 6186) following are the rules for promotion to non-selection posts:-

1. Promotion to non-selection post is a seniority cum suitability basis which means that the senior most employee in the grade below will be promoted provided he is considered fit for the job.
2. Suitability of an employee may be judged either from the past records, performance in the work in which he is employed, confidential reports or by holding a written departmental tests.



Rameshwar Prasad

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- (3) Employees who are selected for a higher selected post within the normal channel of promotion and are on panels will be exempted from suitability tests for their promotion to non-selection posts

(Railway Board's No. E(WG)57-PM 1/36 of 22.1.60)

- (4) A Senior man declared unfit to hold the post in question may be passed over by a junior man. A declaration of unfitness should ordinarily have been made same time previous to the time when the promotion of employee is being considered.

- (5) The suitability of a candidate for promotion should be judged on the date of the vacancy in the higher grade, or as close to it as possible.

(Railway Board's No. E(NG) 55 SR 6/7 of 13.8.59)

- (6) Where a candidates from various categories should be called for a suitability tests, the number of candidates to be consider at such tests should be equal to number of vacancies combined seniority list should be based on the length of the service in comperative grades, without disturbing inter-se-seniority of staff belonging to the same category.

(Railway Board's No. E(NG) 54 PM1/35 of 3.10.61)

(NR SN 1398)



Calculation of vacancies for non selection posts should be made according to the existing ~~vacancies~~ vacancies anticipated to accur during the next three months due to retirement or creation of new posts plus 20% there of.

(Railway Board's No. E(NG) 1/76/EMI/21

Dated 15.1.80) (NRSN 7492)

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Rameshwar Prasad

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

WRIT PETITION NO. OF 1982

Rameshwar Prasad & OthersPetitioners

Versus

Union of IndiaOpposite Parties.

ANNEXURE NO. 2

Copy of the proceedings on file No.561/E/6/2/
TELEOPT

Page No.77- Senior DSTE may kindly certify
the fitness of Smt. Asian Haro Senior T/O
for the pass of head telephone Operator in
grade 425-700(RS)

Sd/- Omkar Singh
Clerk 18/2/82

Please arrange to put up the CRs/Service
records of employee.

Sd/- S.K.Chopra
Sr. DST(E)
22.2.82

DPO I

Page No.78:-

Referred order at PP 77 below.

The last CR & SR of Smt. Asian Haro
Senior Telephone Operator is putup for
parusal as directed please.

Sd/- CA/Sr.DST
5.3.1982.

Cont...2



Rameshwar Prasad

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Fitness of the employee for the promotion
in grade 425-700 is certified.

Sd/- S.K.Chopra

Sr. DST(E)

6.3.82



Rameshwar Prasad



In the Hon'ble High Court of Judicature
at Allahabad
Heard on 13th March 1982

Writ Petition No. ————— 1982

Rameshwar Prasad & others ————— Petitioners
versus

Union of India & others ————— opp. party

Affidavit of Rameshwar Prasad



————— Cont

A
17/24

IN THE HONABLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH LUCKNOW.

WRIT PETITION NO. OF 1982

A
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Rameshwar Prasad & OthersPetitioner

Versus

Union of India & othersOpp. Parties

AFFIDAVIT IN SUPPORT OF THE WRIT PETITION

I Rameshwar Prasad aged about 54 years son of Late Ram Kishan Sahay, resident of 179 E-A.E.N. Colony N.Railway, Varanasi do hereby solemnly affirm and state on oath as under.

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

2. That the contents of paragraph to of the accompanying writ petition are true to my own knowledge and those of paragraphs 12, 14, 15, 19, 20, 23 to 28, 30 of the writ petition are believed by me to be true.

3. That the deponent do hereby verify that the Annexure No. 1 & 2 of the accompanying writ petition is the copy of their respective originals.

Lucknow.
Dated 15.9.82

Rameshwar Prasad
Deponent

Cont...2



Rameshwar Prasad

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VERIFICATION

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

Rameshwar Prasad

Lucknow

Deponent

Dated 6.9.82
5-9-82



I, identify the deponent who has signed before me.

Surya Kant

Solemnly affirmed before so on 5-9-82 at 4 PM a.m./p.m.

by Rameshwar Prasad deponent who has been identified by Shri Surya Kant, Advocate, High Court, Allahabad, Lucknow Bench, Lucknow.

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

L. N. Tewari

OATH COMMISSIONER
High Court, Allahabad.
Lucknow Bench
No. 20/20/82
Date 5-9-82

Rameshwar Prasad

ब अदालत श्रीमान

High Court of Judicature at Allahabad
Buddh Bunch

महोदय

वादी (मुद्दै)

प्रतिवादी (मुद्दै)



Rameshwar Prasad

वादी (मुद्दै)

बनाम

Union of India

प्रतिवादी (मुद्दालह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Surya Kant

एडवोकेट

महोदय

वकील

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

Rameshwar Prasad

हस्ताक्षर

~~Rameshwar Prasad~~

Accepted

साक्षी (गवाह)

साक्षी (गवाह)

Surya Kant

दिनांक

महीना

१९ ई०

em. no. 8947/5/82 420

IN THE HONABLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. 4202 OF 1982



Rameshwar Prasad & othersPetitioners

Versus

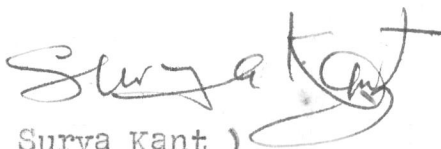
Union of India & others Opp. parties.

APPLICATION FOR STAY

The humble petitioners submit that for the facts and reasons stated in the accompanying writ petition duly supported by an affidavit that the Opposite Party No. 1 to 3 may be restrained not to appoint the Opposite Party No. 4 on the post of Head Telephone Operator and to stay the operation of impugned selection order contained in Annexure No. 2 to this writ petition and on ad intirm order to this effect may kindly be granted mean while.

Lucknow.

Dated


(Surya Kant)
Counsel for the Petitioner



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

W.P. No 4305 of 1982

Rameshwer Basad — Petitioner

Union of India — Opp Parties

Affidavit



(2)

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to accept in presence of Ram Harsha Khalasi, Krishna
Deo Pandey Khalasi and Tira Ram (scheduled caste)
Telephone Operator N.R. of Varanasi hence the same
are submitted for kind perusal of this Hon'ble Court.

Lucknow Dated
September 20, 1982.

Rameshwar Prasad
Deponent.

VERIFICATION

I, Rameshwar Prasad, the deponent named above do
hereby verify that the contents of paras 1 to 4 of this
affidavit are true to my own knowledge. No part of it
is false and that nothing material has been concealed.
So help me God.

Lucknow Dated
September 20, 1982.

Rameshwar Prasad
Deponent.

I identify the deponent who has signed this affidavit
before me.

Surya Kant
Advocate,
High Court, Lucknow.

Solemnly affirmed before me on 20-9-82 at 12 A.M./
P.M. by Rameshwar Prasad the deponent who is identified
by Sri Surya Kant, 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.

K. N. Rawat

OATH COMMISSIONER
High Court (Lucknow Bench)

LUCKNOW

No. 43/207/82

Date 20-9-82



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

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० ————— सन १९८२ ई०

W.P. सं० 4305 सन १९८२ ई० में

Rameshwar Basadran

प्रार्थी

प्रति

Union of India vs

Sr. Divisional Signal and Televisor (Engineer)
Northan Railway, Hazratganj
Lucknow.

प्रत्यार्थी

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 — १८ — माह — ९ — सन — १९८२ — ई० को या उससे पहले उपस्थित होकर
कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके
बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत 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।

S. S. S. के एडवोकेट

तिथि —————

डिप्टी रजिस्ट्रार
इलाहाद / लखनऊ

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

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

8/9/82
Shyama 16.45 PM
N. Ry., Lucknow.
अधीक्षक (सं. एवं दू. सं.)
उत्तर रजि. लखनऊ

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफर्रिक) प्रार्थना सं० ————— सन १९४२ — ई०

W.P. सं० 4305 सन १९४२ ई० में

Rameshwer Basad and others ————— प्रार्थी

प्रति

Union of India & Co. ————— प्रत्यार्थी
 Smt Asian Petro Major W/O Madan Mohar Megam
 at present residing at 205-A New Loc
 Colony, Varanasi ————— प्रत्यार्थी

चूकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमे के सम्बन्ध में —
 ————— लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि आप
 दिनांक — 20 — माह — 7 — सन ४२ — 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 आपकी ओर से कार्य करने के लिए कानूनन अधिकृत 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 — 9 — माह — 7 —
 सन १९ — ४२ — को जारी किया गया।

Suryakant के एडवोकेट

तिथि —————

डिप्टी रजिस्ट्रार
 इलाहाबाद / लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के आदेश
 मिल गया।

गवाह

श्रीमती लक्ष्मीन होरु कागज (सम्पन्न)
लेने से इन्कार किया
रामहर्ष
खलसी
माक्रोवैभ
वाराणसी
उत्तर रेलवे

गवाह

श्रीमती लक्ष्मीन होरु कागज (सम्पन्न) लेने से
इन्कार किया
लक्ष्मीदेववा-डर
खलसी
उत्तर रेलवे वाराणसी

गवाह

श्रीमती लक्ष्मीन होरु कागज (सम्पन्न) लेने से इन्कार किया
लीखे म.
रेलीफोन ऑफिसर
उत्तर रेलवे वाराणसी

:- हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय 12, नियम 1 और 7)

X/53

दीवानी विभाग

प्रकीर्ण (मुतफरिफ) प्रार्थना सं. 4305 सं. 198 सं.
... W.P. ... सं. 4305 ... सं. 198.2 ... सं. में
..... Kameshwar Prasad and others ... प्रार्थी

प्रति

..... Union of India and others ... प्रार्थी
Smt. Asian Hero, Major w/o Madan Mohan Nigam
at present residing at 205-A New Loco,
Colony, Varanasi ... प्रार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमों के संबंध में.....

..... के लिए प्रार्थना पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक.... 20 ... माह/सं. 1982 ... को या उससे पहले
उपस्थित हो कर कारण बतलायें कि प्रार्थना पत्र क्यों न स्वीकार कर लिया जाय। उक्त
प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित 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 आपकी ओर से कार्य करने के लिए कांस्लून अधिकृत
हो, उपस्थित न होंगे तो उक्त प्रार्थना पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो
जायेगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 20 ... माह. 4
सन् को जारी किया गया।

..... के एडवोकेट

तिथि:

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना : इस न्यायालय की 1952 की नियमावली के अध्याय 37 नियम 2 के आधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

स. टी. सी. / 23:

गवाह

श्रीमती एसीवन हौर कागज (समन) लेने से

नद्वन्कार किटा

रामाहर्ष

रवलासी

माक्रोवेम

पारापसी

उत्तर रेलवे

गवाह

श्रीमती एसीवन हौर कागज (समन) लेने से

इनका टिकट

रवलासी

उत्तर रेलवे

पारापसी

गवाह

श्रीमती एसीवन हौर कागज (समन) लेने से इनका टिकट

रवलासी

उत्तर रेलवे

पारापसी

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

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दीवानी विभाग

प्रकीर्णांक (मुतफर्रिक) प्रार्थना सं० ————— सन १९४२ — ई०

W.P. सं० 4305 सन १९४२ ई० में

Rameshwar Prasad v. ors

प्रार्थी

प्रति

Union of India v. ors

प्रत्यार्थी

Smt. Asien Hase Major w/o Madan Mohar Megam
at Present residing at 205 A New Loco
Colony Varanasi

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 — 20 — माह — 9 — सन — १९४२ 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 आपकी ओर से कार्य करने के लिए कानूनन अधिकृत 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 — 8 — माह — 9 —
सन १९४२ — को जारी किया गया।

Sargate के एडवोकेट

तिथि —————

डिप्टी रजिस्ट्रार
इलाहाबाद / लखनऊ

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

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

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:- हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय 12, नियम 1 और 7)

दीवानी विभाग

प्रकरण (मुतबारिक) प्रार्थना के सं. 98
..... P के 4305 सं. 98.2 में
..... Rameshwar Prasad and others प्रार्थी

प्रति

..... Union of India and others प्रार्थी
Smt. Asian Hara, Major w/o Madan Mohan Nigam
at present residing at 205-A New Loco,
Colony, Varanasi प्रार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमों के संबंध में
..... के लिए प्रार्थना पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 20 माह 9 1952 को या उससे पहले
उपस्थित हो कर कारण बतलायें कि प्रार्थना पत्र क्यों न स्वीकार कर लिया जाय। उक्त
प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित 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 आपकी ओर से कार्य करने के लिए कानूनन अधिकृत
हो, उपस्थित न हों तो उस प्रार्थना पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो
जायेगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 20 माह 9
सन् को जारी किया गया।

..... के एडवोकेट

तिथि:

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना: इस न्यायालय की 1952 की नियमावली के अध्याय 37 नियम 2 के आधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

स. टी. सी./23:

I

(A)
81
By CC

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

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना सं०-----सन १९८२-----ई०

W.P. सं० 4305 सन १९८२ ई० में

Rameshwar Prasad Rore

प्रार्थी

प्रति

Union of India Rore

प्रत्यार्थी

Union of India through General Manager
Northern Railway Board House
New Delhi

प्रत्यार्थी

चूकि 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 20 माह 10 सन 82 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।

बिदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत 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 2 माह 9
सन १९-----82 को जारी किया गया।

Surya Kant के एडवोकेट

तिथि-----

डिप्टी रजिस्ट्रार
इलाहाबाद / लखनऊ

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

तलबाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

II (A) 82 By C
हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० ————— सन १९८२ ई०

W.P. सं० 4305 सन १९८२ ई० में

Rameshwar Basad and others ————— प्रार्थी

प्रति

Union of India & ————— प्रत्यार्थी

Union of India through General Manager
Northern Railway, Basoda House
New Delhi ————— प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुवदमें के सम्बन्ध में — — —
— — — — — लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि आप
दिनांक — 20 माह — 9 — सन 82-१९ — — 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 आपकी ओर से कार्य करने के लिए कानूनन अधिकृत 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 — 21 — माह — 9
सन १९ — 82 को जारी किया गया।

Sanyal के एडवोकेट

तिथि —————

डिप्टी रजिस्ट्रार
इलाहाबाद / लखनऊ

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

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

I ^A 83 By C

:- हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय 12, नियम 1 और 7)

8/58

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं 4305 सन् 1982 ई०
... P. सं 4305 सन् 1982 ई० में
... Rameshwar Barad and others प्राथी

प्रति

... Union of India and others प्रयाथी
... Union of India through General Manager
Northern Railway, Baroda House
... New Delhi प्रयाथी

चूँकि ऊपर लिखे प्राथी ने इस न्यायालय में उपस्थित लिखे मुकदमें के संबंध में
..... के लिए प्रार्थना पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक ... 20 ... माह 1982 ई० को या उससे पहले
उपस्थित हो कर कारण बतलायें कि प्रार्थना पत्र क्यों न स्वीकार कर लिया जाय। उक्त
प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विनिर्दिष्ट और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी
एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए को नूनन अधिकृत
हो, उपस्थित न होंगे तो उक्त प्रार्थना पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो
जायेगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 8 माह 9
सन् 82 को जारी किया गया।
..... के एडवोकेट
तिथि:

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना : इस न्यायालय की 1952 की नियमावली के अध्याय 37 नियम 2 के आधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

II 84 By C

8/59

:- हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय 12, नियम 1 और 7)

दीवानी विभाग

प्रकरण (मुतफरिफ) प्रार्थना सं. 4305 सं. 198
..... सं. 198 सं. में
Rameshwar Prasad and others प्राथी

प्रति
Union of India and others
Union of India through General Manager
Northern Railway, Baroda House
New Delhi
..... प्राथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपस्थित लिखे मुकदमें के संबंध में
..... के लिए प्रार्थना पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 20 माह 9/198 को या उससे पहले
उपस्थित हो कर कारण बतलाये कि प्रार्थना पत्र क्यों न स्वीकार कर लिया जाय। उक्त
प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किती और दिन होगी।
विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी
एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कौन्सल अधिकृत
हो, उपस्थित न होंगे तो उस प्रार्थना पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो
जायेगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 21 माह 9
सं. 82 को जारी किया गया।
..... के एडवोकेट
तिथि:

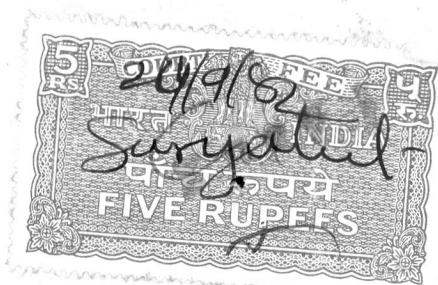
डिप्टी रजि. दार
इलाहाबाद/लखनऊ

सूचना: इस न्यायालय की 1952 की नियमावली के अध्याय 37 नियम 2 के आध. 11 प्राप्त
तत्वाना मिल गया।

तत्वाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

ए. टी. सी. / 23:

17
In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.



12331
C.Misc.Appln.no. of 1982

Rameshwar Prasad and another Applicants

Inre:

Writ Petition no.4305 of 1982

Rameshwar Prasad and another Petitioners

Vs.

Union of India and others Opp.Parties

Ind Stay application

f.o.
The applicant respectfully showeths
as under;-

For the facts and reasons disclosed
in the accompanying affidavit, it is most
respectfully prayed that in the light of the
facts and legal position the impugned
order contained in Annexure 2 may be kindly
stayed in the ends of justice, pending
disposal of the writ petition and an ad-interim
order of stay to that effect be passed.

Lucknow Dated:

Sept.24, 1982

Counsel for the applicant

Hon K.S. Varma-5
Hon. S.S. Bhimad-5

Pull-up in the
record on Monday.

At 22.282
OK

KS
S. Bhim

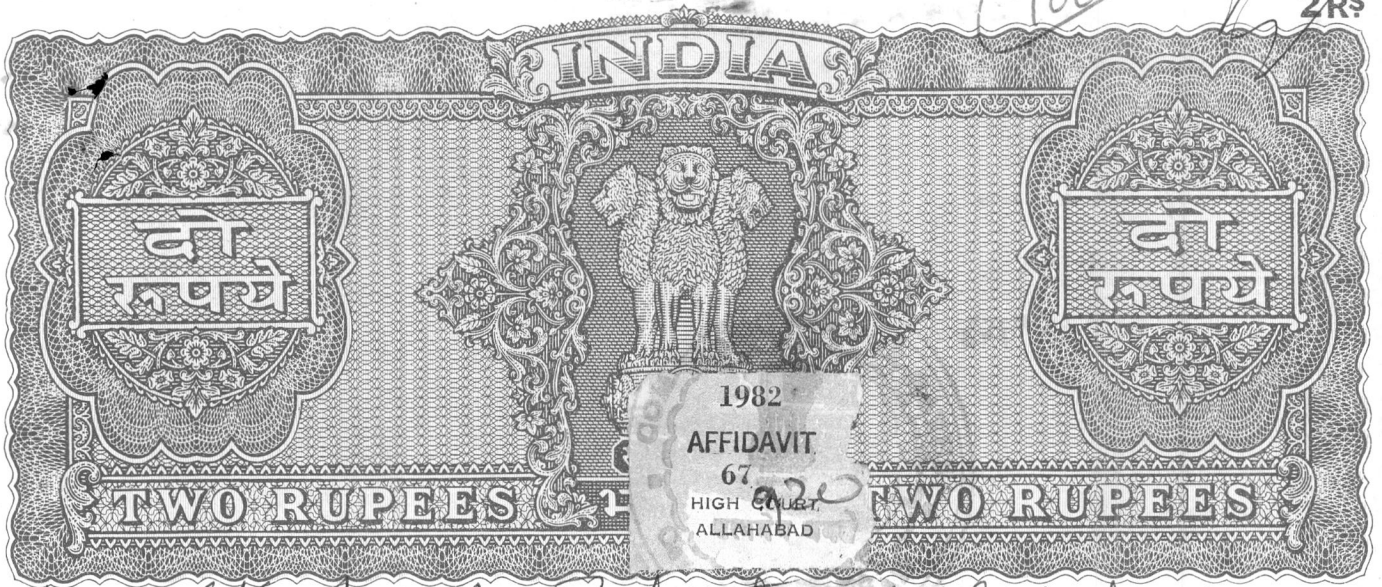
For orders, see our
order of date on the
petition.

BY

S. Bhim KS

27.2.1982

#106 2RS



As the Honble High Court Indication at Allahabad under Bench Justice

W.P. No. 4305 of 1982

Rameshwer Basak — Petitioner

Union of India — Opp. Parties

Affidavit

Sajjad Husain



A
107

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

Ind stay application

A
134

Affidavit
Civil Misc. Appln. no. of 1982
Rameshwar Prasad and another Applicant

In re:
Writ petition no. 4305 of 1982

Rameshwar Prasad another .. Petitioners

Vs.

Union of India and others ... Opp. Parties

I, Sajjad Husain, aged about 20 years,
son of Sri Nizam Uddin, resident of 337/52
Hata Sangi Beg, P.S. Chowk, district Lucknow,
do hereby solemnly affirm and state as
under;-

I- That the deponent is a pairokar
of the petitioners and is fully conversant with the
facts deposed to below.

2- That in the above noted
writ petition, applicants have challenged proposed
promotion of opp. party no. 4 and also petitioners
have challenged authority of appointment of
opp. party no. 4.

3- That opp. party no. 4 sought
appointment on forged certificate that she is
scheduled tribe, though at the time of appointment



Sajjad Husain

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108
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(2)

as Telephone operator she was christian. In 1980, as it appears from a perusal of the petition she married a Kaist person and became kaist. Even then she was given promotion on proposed Sr. Telephone Operator.

4- That now it is well settled law of the Supreme court as reported in 23 Election Law Report 188 and 49 Election Law reports Nirmal Enam Hora Vs. Jahan Ara Jaipal Singh. It has also been settled by the Supreme court that of caste system and tribal system as prevalent amongst Hindus and Ist case which is reported in 19 23 Election Law Report (V.V. Giris case) and the Hon'ble Supreme court scrutinised the matter on principle that caste system and tribal system is prevalent amongst Hindus.

5- That in 49 Election Law Report it has been settled by the Supreme court that once a lady of a tribe marry another person outside tribe she is out caste.

6- That inspite of this fact, though the petitioners are seniors, opp. parties 1 to 3 have selected opp. party no. 4 for promotion on the post of Head Telephone Operator, which infringes the settled norms contained in Annexure I to the writ petition.

7. That the case has been filed on 7.9.82 and it was ordered that it may come up on 20.9.82. On the said date none of the opp. parties appeared before this Hon'ble court and due to heavy rush of work, the present case was not taken up, hence adjourned. The case

mp
29/9/82

Sajjad Husain

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109

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has not yet been listed for hearing .

8- That the opposite parties 2 and 3 are going to pass promotion order of opp.party no.4 today,hence necessity arose to rush before this Hon'ble court and to file fresh IInd stay application while the first stay application is pending orders.

Sajjad Hussain

Deponent

Lucknow Dated:

Sept. 24,1982

I ,the above named deponent,do hereby verify that the contents of paras 1 and 8 are true to my own knowledge,those of paras 3 are true to my knowledge based on documents,which I believe to be true, and those of paras 4 to 7 are based on legal advice,which I believe to be true. No part of it is false and nothing material has been concealed,so help me God.

Sajjad Hussain

Deponent

Lucknow Dated:

Sept. 24,1982

I identify the deponent who has signed before me.

Advocate



Solemnly affirmed before me on 24-9-1941

at 10 a.m/p.m by Sri Sajjad Hussain

the deponent who is identified by

Sri

Clerk of

High Court Allahabad, Lucknow Bench, Lucknow.

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



W. G. N. S. S.
OATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench.
No. 67/1920
Date - 24/9/1941

Memorandum 10252 (C)/M



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

(A)
110

Writ Petition No. 4305 of 1982

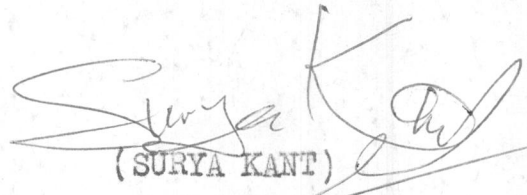
Rameshwar Prasad and Other Petitioner.

Versus

Union of India Opposite Parties.

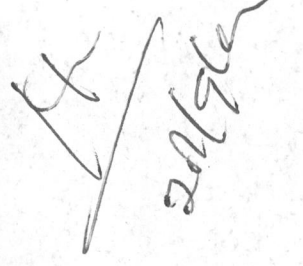
Fresh application for stay

The humble petitioners submit that for the facts and reasons stated in accompanying affidavit and also disclosed in the writ petition, it is therefore prayed that the Opposite Parties may be restrained not to interfere into the working of petitioner No.1 exercising the duties of Head Telephone Operator in the vacancy caused due to the retirement of Shri Chhedi Lal till the disposal of writ petition and an ad interim order to this effect may kindly be granted meanwhile.


(SURYA KANT)
ADVOCATE
COUNSEL FOR THE PETITIONER

Lucknow:

Dated: 4.10.1982.


20/10/82

Head Telephone Operator, I do not think if any case is made out for passing of such order. By means of earlier order dated 27.9.82 it has already been ordered that promotion of opposite party no. 4 shall be subject to the result of writ petition. The prayer is that the petitioner may be allowed to work in the vacancy caused on the retirement of Sri Chhedilal.

It may be noted that it is averred in the application that Chhedilal has retired on 31.7.82 i.e. prior to the order dated 27.9.82 passed

by this Court. This is for

the opposite parties to make arrangements or

to fill up the vacancy as legally

provided under the rules applicable to make such arrangements. No case is made out for issuing any directions to opposite parties as prayed for by the petitioner. The application is rejected.

20.8.85

(46)

In case

put up with the record,

4.10.82

Hon. B. Kumar, J

On the application for interim relief, an order had been passed on 27.9.82 to the effect that promotion of opposite party no. 4 will be subject to final result of the petition. Hereafter, the petitioner has moved another application dated 4.10.82 praying that opposite parties may be restrained not to interfere ^{with} the working of petitioner no. 1 in exercise of his duties as



In the Honble High Court of Judicature at Allahabad
due to new Bench building

W.P. No. 4305 of 1982

Rameshwar Dasal — Petitioner

vs
Union of India — Opp. Parties

Affidavit



(A)
112
6/3

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

Writ Petition No.4305 of 1982.

8/9

Rameshwar Prasad and Others Petitioner.

Versus

Union of India Opposite Parties.

I, Sazad Husain, aged about 20 years,
son of Shri Nizamudin, resident of 337/52, Hata
Sangi Beg Patanala, Lucknow do hereby affirm and
state on oath as under:

1. That the deponent is the parokar of the
petitioner and as such he is fully conversant with the
facts of the case.

2. That one Shri Chhedi Lal, was working
as Head Telephone Operator who retired on 31.7.1982.

3. That the next junior post to the Head
Telephone Operator is Senior Telephone Operator and
the petitioner No.1 being the Senior Telephone Operator
is discharging the duties of the Head Telephone
Operator on the vacancy caused due to the retirement
of Shri Chhedi Lal.

Contd.....2



Sajjad Husain

AF
113

S/v

4. That the post of Head Telephone Operator is non-selection post and is to be filled by the promotion.

5. That in view of annexure No.2 the suitability of petitioner No. 1 was to be judged but his suitability has not been judged and alone the suitability of Opposite Party No.4 has been judged but no promotion has yet been passed. X/uo

6. That the petitioners have challenged the initial appointment of Opposite Party No. 4 and the petitioner No. 1 is Senior Telephone Operator since 1972 while the Opposite Party No. 4 is Senior Telephone Operator since 1981.

7. That the order contained in annexure No.2 to the writ petition judging the suitability of the Opposite Party No.4 has also been challenged.

8. That it is quite possible that during the pendency of writ petition the Opposite Party No.1 to 3 may issue the promotion letter dislodging the petitioner No.1 from discharging his duties as Head Telephone Operator may be passed.

9. That in such circumstances the petitioner No.1 who is the Senior most shall not only be compelled to work under his junior but he shall also suffer

Contd.....3

Sajjad Hussain



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114
S/K

irreparable loss and injury.

X
41

Lucknow:

Sajjad Husain
Deponent.

Dated: 3-9 1982.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 9 of this affidavit are true to my knowledge and those of contents of paras are true to my belief on the basis of legal advice received by me. Nothing stated herein is false and nothing material has been concealed. So help me GOD.

Lucknow:

Sajjad Husain
Deponent

Dated: 3-9 1982.

I identify the deponent who has signed before me.

Surya Kant
Advocate.

Solemnly affirmed before me on 30-9-82 at 10-20 a.m./p.m. by the deponent, who is identified by Shri Surya Kant
high court dkted

I have satisfied myself by examining the deponent that he has understood the contents of this affidavit.

.....

hadi Nayan
31/9/82
Lucknow Bench
30-9-1982

huf
30/6/82

A/119 6/

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

N.R.

VAKALATNAMA

G.V. 3

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4305 5050

Writ Petition No. 4302 of 1982

Before
In the Court of

Rameshwar Prasad and
others

Plaintiff
Defendant



Claimant
Appellant
Petitioner

Versus

Union of India

Defendant
Plaintiff

Respondent
Opp-party

The President of India do hereby appoint and authorise Shri. Siddharth Verma, Advocate,
C-16, K-Road, Mahanagar Extension, Lucknow.....

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondent/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

KW

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

in pursuance of this authority.

22/11/82

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 22.11.1982

ACCEPTED.

Sherma

(SIDDHARTH VERMA)
ADVOCATE

Dated 22.11.1982

P.T. Om

Designation of the Executive Officer
अपर मुख्य कार्यालय अधिकारी
प्रधान कार्यालय
नयी दिल्ली

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ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

4305

of 198

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vs.

| Date | Note of progress of proceedings and routine orders | Dated of which case is adjourned |
|--------|---|----------------------------------|
| 1 | 2 | 3 |
| 7.9.82 | <p>How KH.G. J and How R.C.D.S. J</p> <p>Issue notice to Ols returnable by 20.9.82 to show cause. Petitioner's Counsel undertakes to serve Ols out of Court.</p> <p>stay An. No. 8947 (W)-82</p> <p>Put up with int.</p> <p>20.9.82 Proceed for attahs done and for filing CO in int. N.G. to Ols No. 1 & 2 by Disti. Notices prepared and handed over to Sh. Sajjad Hussain clerk to Sh. Surya Kant J.P.</p> | X 4/4 |

Received Duplicate
and Notices for
Service of O.P. No. 160
4 Sh. S. K.
Sh. Sajjad Hussain
Sh. Surya Kant J.P.
8/9/82

| Date | Note of progress of proceedings and routine orders | Dated which case is adjourned |
|---------|---|-------------------------------|
| 1 | 2 | 3 |
| 20.9.82 | <p>W.P. with C.M. No. 8947 for order.</p> <p>Hon. K. S. V. J. Hon. S. S. A. J.</p> | |
| 21.9.82 | <p>Donk 8 n c Don 85 A h 3 J Hon. M. J. N. 18.82</p> | <p>20</p> |
| 24.9.82 | <p>C.M. No. 9730 CS 9730 CS 9730 CS for II sly applied Hon. K. S. V. J. for S. S. A. J.</p> <p>Put up with record on Monday.</p> <p>Sd/- K. S. Varnu Sd/- S. S. A. J. 24.9.82</p> | |
| 27.9.82 | <p>Writ with C.M. No. 9738 (W) 82 for order.</p> <p>Hon. K. S. V. J. Hon. S. S. A. J.</p> <p>Wd Adm</p> | |

Appn —

Shri V. J.

27.9.82

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- of 198 7.

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PSUP-A.P. 30 Uch Nyalyaya-25-1-85-4510-1985-20,000 (E)

Stand out
Boat

8-2012

| Date | Note of progress of proceedings and routine orders | Dated of which case is adjourned | |
|----------|--|----------------------------------|--|
| 1 | 2 | 3 | |
| 24/8/85. | Filed in C.M. No. 10252 (W) of 82. | | |
| | <u>Hon. B. Kumar, J.</u> | | |
| | Rejected | | |
| | Booked | | |
| | By | | |
| | 27/8/85 | | |
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e/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/3849 date the 6/3/90
1081/87

T.A.No. of 1990 (T)

Rameshwar Pasrood -

..... Applicants.

Varsus.

Union of Ind

..... Respondents.

① To Shurya Kant H.C. LKO

Whereas the marginally noted cases has been transferred by H.C. LKO under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ petition No. 4305/82
of 19..... H.C. LKO
of the Court of
..... arising out of
of order dated
passed by in
.....

The Tribunal has fixed date of 17/4 1990. The hearing of the matter. if no appearance is made on your behalf by our some one duly authorised to Act and Plead on your behalf.

The matter will be heard and decided in your absence. Given under my hand seal of the Tribunal this day of 3 1990.

DEPUTY REGISTRAR

Bhartiya

Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/Alld/Transfer

Deed

~~R. Presad~~

arrived at 10:30

RESPONDENT'S

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To Ram Shivan Prasad. G. K. K. Sahay

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DEPUTY REGISTRAR

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O/C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-201 001

No. CAT/Alld/Jud/

Dated the

10/15
1987

T.A. No. 1081 of 1987

~~Rameshwar Prasad~~

APPLICANT'S

VERSUS

~~Union of India~~

RESPONDENT'S

To

- 1- Sri Surya Kant, Advocate, Lucknow High Court
Lucknow.
- 2- Chief Standing Counsel (C.G.) Lucknow High Court
Lucknow.

Whereas the marginally noted cases have been
transferred by ~~H.C.LKO~~ Under Section the
provision of the Administrative Tribunal Act XIII of 1935 and
registered in this Tribunal as above.

Writ Petition No. ~~4305~~
of 198
of the Court of ~~H.C.LKO~~
arising out of order
dated
passed by in

The Tribunal has fixed date
of ~~20-11-1987~~ 1987 the
hearing of the matter. at C.A.T. Luck

If no appearance is made
on your behalf by your some
one duly authorized to Act and
plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
24th day of August 1987.

dinesh/

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

*** 7A 1081/87

No. CAT/Alld/Transfer/3264 Dated the 23/1/90

R. Prasad.

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

- ① Rameshwar Prasad. S/o R. K. Sahay
To 7/10 179 F A E M Colony. N. Rly. Varanasi
- ② Ash Mahd. S/o Mahd. Sulaiman 7/10 10
Okbat Ahmed CK 67/35 Razia Gali
Varanasi
- ③ Union of India through G. M. N. Rly
Barada House Aligarh

Whereas the marginally noted cases has been transferred
by H. E. L. K. O. under the provision of the Administrative
Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition No. 4305/82 The Tribunal has fixed date of
of 1990. of the Court of 27.2.90 1990. The hearing
of the matter.

arising out of order dated
passed by

in

If no appearance is made on your
behalf by your some one duly authorised
to Act and plead on your behalf.

The matter will be heard and decided in your absence.
given under my hand seal of the Tribunal this 10
day of 1 1990.

dinesh/

DEPUTY REGISTRAR

- ④ D. R. M. N. Rly. Hazratganj Lucknow
- ⑤ Sr. Divisional Engineer & Telecom (Engineer)
N. Railway Hazratganj Lucknow
- ⑥ Smt. A. S. Hara Major wife Madan Mohan
Megam 7/10 245 - A. N. 245 Colony
Varanasi

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

*** - A 1081/87

No. CAT/Ald/Transfer/3268 Dated the 1/5/80

R. Prasad

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

(1)

To Smt. Ajeeta Haro major wife/c.
Madan Mohan Mehta at 21/245 - A New Zoo
Colony. Meerut.

Whereas the marginally noted cases has been transferred
by H C K under the provision of the Administrative
Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition No. 4308/82 The Tribunal has fixed date of
of 1990. of the Court of 27.2.90 1990. The hearing
H C K of the matter.

arising out of order dated
passed by.

in

If no appearance is made on your
behalf by your some one duly authorised
to act and plead on your behalf.

The matter will be heard and decided in your absence.
given under my hand seal of the Tribunal this 6
day of 1 1990.

dinesh/

DEPUTY REGISTRAR

(Jud)
Srish)
Regu