

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA 1081/87

CAUSE TITLE. W.P. NO 4305/87 OF

NAME OF THE PARTIES Ramnathwar 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 upon received from record room without Boston

Check on Dated 08/10/11.....

Counter Signed.....

Rajeshwar Prasad

Signature of the
Dealing Assistant

Section Officer/In charge

Annexure - A
CAT - 82
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

TA 1001-07 7

CAUSE TITLE

OF 198

Name of the Parties

Ramdev Pet

Versus

ODT

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
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Serial
number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

30-11-89

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.

OR
replied to

1
28/11/90

27.2.90

Hon. Justice K. Nath v.c.
Hon. K. J. Rawal, A.M.

30/11/89

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. Bhagwani has made
appearance on behalf of the respondents.

List for further orders on
17.4.90.

OR
Counsel been
replied 20.11.90.
for CAT, A.M.

Case is admitted
CA/RA not filed
Notices were issued
on 20/11/90.

Notices of
applicant No. 42
have been issued
with
S. F. order

1
20/11

OR
replied to
S
21/11/90

OR
Notices were
issued.

No appearance
reqd. Counsel has
been called back
S. F. O

13/11

Recd copy
of judgment
25/11/90

1815/90

Dinesh/

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH AT LUCKNOW

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

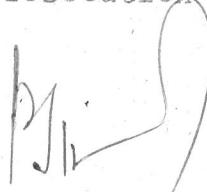
Rameshwar Prasad & others	Petitioner.
	Versus	
Union of India & Others	Opp. Parties.

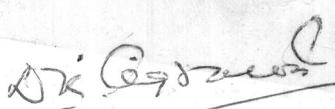
Hon. Mr. D.K. Agrawal, J.M.

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 ... Kaweshwar Lal 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 affidavits 18- and Answer		—	20/- 00			
2.		Power	1-	—	5/- 00			
3.		C.m.A. 8947(w) 882 for 82	4-	—	7/- 00			
4.		C.m.A. 9738(w)-82-5- for 82		—	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. 7/- 00 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)

(A)
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BEFORE THE HONORABLE HIGH COURT OF JUDICATURE AT ALLAHABAD,

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO.

U305
OF 1982

20th
1982
21-7.
1982
and 20th
and 21-7.

Rameshwar Prasad & others Petitioner

Versus

Union of India and others Opp. Parties.

INDEX

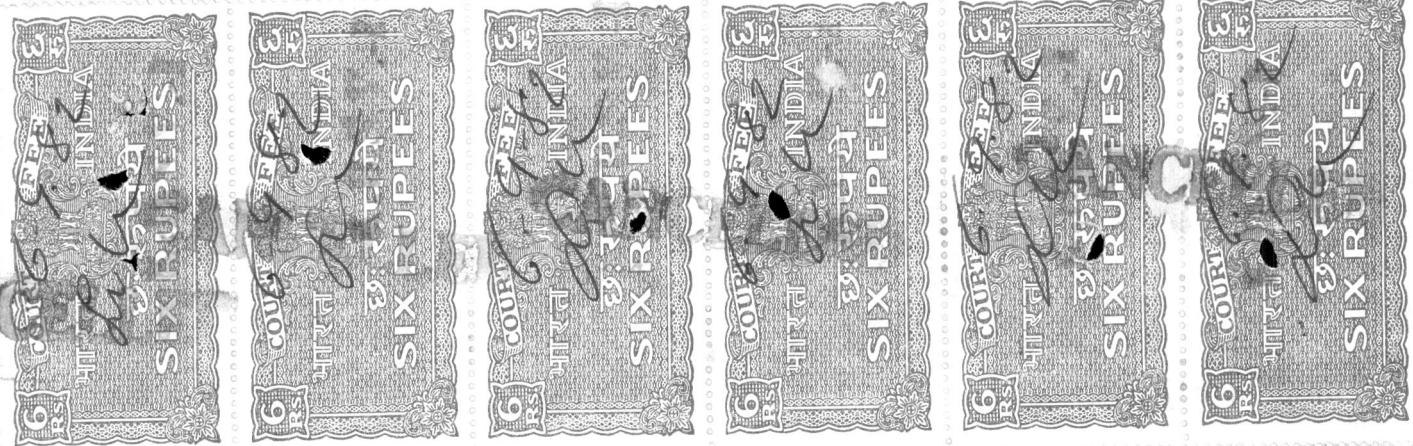
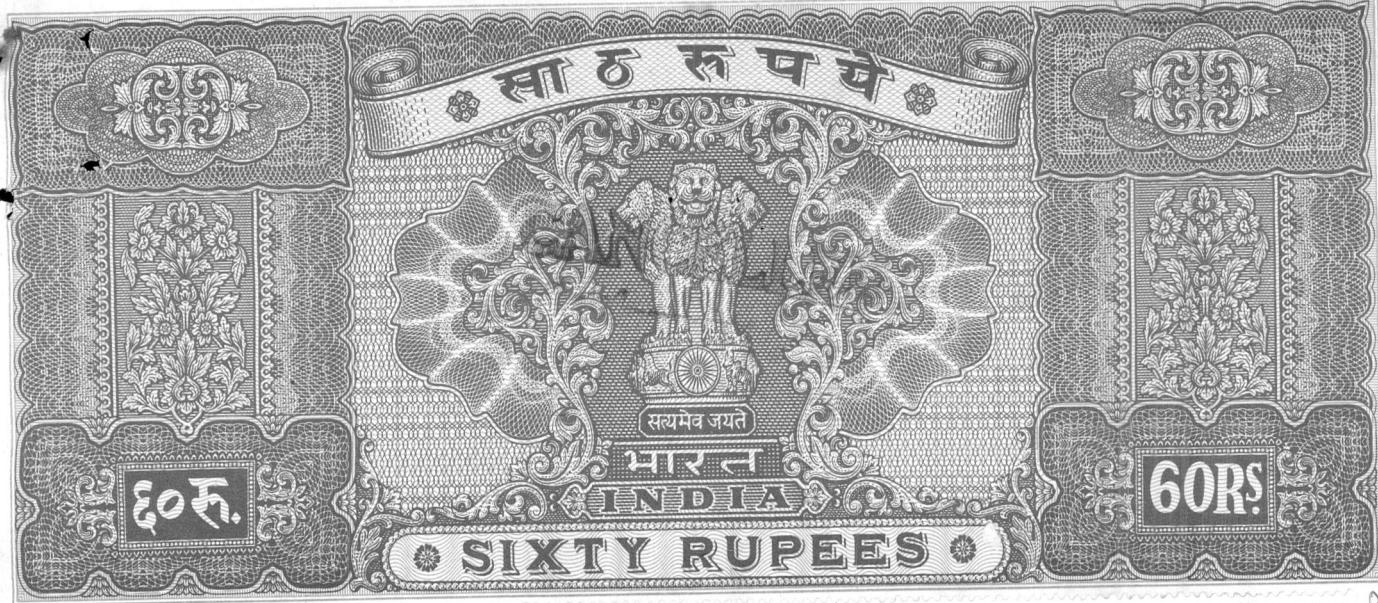
SL. NO.	PARTICULAR	PAGE NO.
1.	Writ Petition ..	1 to 12
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8.	Stay application —	20

Prepared by

Lucknow
Dated 5.9.82

Rameshwar Prasad

Surya Kant
(Surya Kant),
Counsel for the Petitioner



Before - the High Court of Judicature
at Allahabad, Mr. Bawali

Raneshwar Rd

Union of India & others

Swami K.





Before the Hon'ble High Court of Judicature at
Allahabad, Lucknow, Benaras, etc.
C. P. No. 282

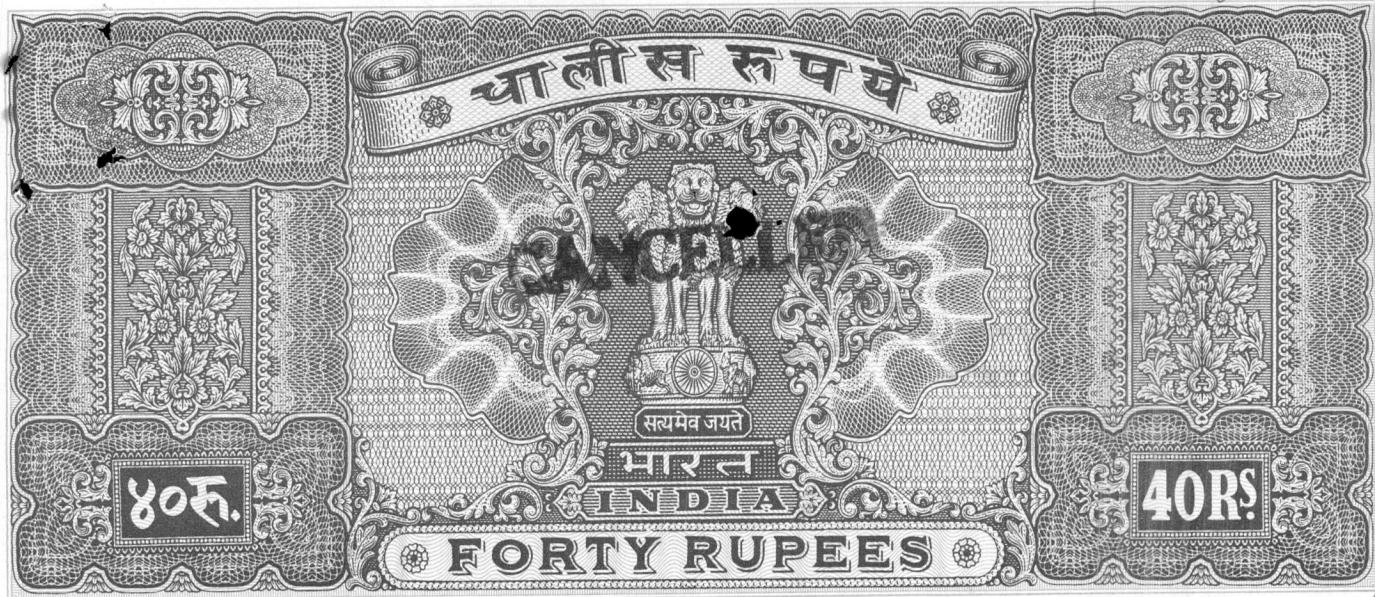
Ramchandran Rd

Union of India & others

S. J. K. Signature

INDIA COURT FEE

40 RS.



Before the Hon'ble High Court of Judicature at Aligarh

Jackman Beach Jor

6. P. No

282

Ramchwan ¹⁶ ₁₆ Ltd

Union of India Cotton

Singhania

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

WRIT PETITION NO.

OF 1982 A

ITION NO. 4305

1. Rameshwar Prasad, aged about 54 years, son of Late Ram Kishan Sahay, resident of 179 P-A.E.N. Colony N.Railway, Varanasi.
2. Ash Mohmood, aged about 50 years, son of Mohd. Suleman resident of C/O Iqbal 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

Ramashwar das g.

The humble petitioners submits as under :-

Petitioner

1. That the ~~Exxty~~ 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.

Petitioner

2. That the ~~Exxty~~ 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.

Petitioner

3. That the ~~Exxty~~ No. 1 was promoted on the post of Sr. Telephone Operator in the grade 330-560 and since ~~the~~ ^{in 1972} working under the direct Control of Opposite Party No. 1 to 3 with atmost honesty and labour, that no complaint or any charge sheet or any adverse remark has been given to ~~Exxty~~ a petitioner.
4. That the Petitioner no.2 was appointed as Signal Khalasi on 8.4.1953 and ~~their~~ 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 ~~now~~ absorbed in the lowest grade 260-400 ^{as} ~~Exxty~~ 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.



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Cont....3

Hon'ble K.S. Varma, I
Hon'ble S.S. Ahmad, I

Adm't. 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.

Qan ¹⁸
27.9.1982

Exy

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-3-

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 ~~christian~~ 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 ~~set that~~ at the time of the appointment ~~that~~ 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 ~~christian~~ gent-
leman and according Chirshan religion a person can only be treated as Chrishan even infant, when ^{too} his Baptism ~~ma~~ cerimoney has been formed in the Church and as regards to ^f 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 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 ~~she~~ educational certificate 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) CHIKBARAIA (10) GOND (11) GORAIT (12) HO
 - (13) KARMAIT (14) KHARIA (15) KHARWAR



Rameshwar Basad

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(16) KHOND (17) KISAN (18) KORA (19) KORWA
(20) LOHARA OR ~~KOXXXX~~ LOHRA (21) MAHLI
(22) MAL PAHARIA (23) MUNDA (24) ORAON
(25) PARHATIYA (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 Christian in Bihar has ~~not~~ 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 ~~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 ~~doxmatxagxx~~ 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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solumnization 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



Ramashwar Basad

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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~~ departmental test ^{or} either by scrutinizing the relevant 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 ~~caused~~ discrimination has been ~~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, the suitabbility of junior most Telephone Operator i.e. Opposite Party No.4 have alone been judged the different remarks ^{i.e. Petitioner No. 1.} ~~of o.f. No. 4.~~ 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. X
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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 ~~non~~ speaking order, without applying its mind and without any reason.

26. That the Petitioners submits that two ways ~~one~~ 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 unfatigued 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 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 ultre virous.

Cont....9

Rameshwar Pasad



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 victimized 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 C} though her fitness has already been certified for the said post. Hence having no alternative the Petitioners prefers this writ petition on the grounds inter alia.

G R O U N D 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

Ramashwarbosed

(ix) ~~the examination of~~ of the fraud of Opposite Party No. 4.

(x) 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.

(xi) 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 Petetion .

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

(xiii) 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

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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 22x11x 22.1.1960 as unconstitutional and ultra vires.

(vi) to issue a suitable order direction or writ in the nature of madamus commanding the Opposite Party No. 1 to 3 to treat the petitioners as senior to Opposite Party No. 4.

Ramashwar Prasad.

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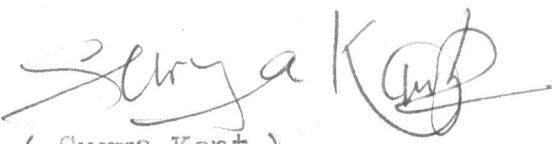
-12-

(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)

Counsel for the Petitioners

Ramchandrasad

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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. 1

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 classification of posts as selection 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

Cont.....2



(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 comparative 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 ~~XXXXXX~~ vacancies anticipated to occur during the next three months due to retirement or creation of new posts plus 20% thereof.

Rameshwar Prasad (Railway Board's No. E(NG) 1/76/HMI/21)

Dated 15.1.80) (NRSN 7492)

-X-X-X-X-X-

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

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22

-2-

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
Hectorow Beck Hectorow

Writ Petition No. 1982

Rameshwar Prasad son of ————— Petitioner
versus

Union of India son of ————— opp. party

Affidavit of Rameshwar Prasad



— Cart

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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 ~~12, 14, 15, 19, 20, 23 to 28, 30~~ to ~~12, 14, 15, 19, 20, 23 to 28, 30~~ 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

15.8.82

5-9-82

Rameshwar Prasad

Rameshwar Prasad

Deponent

Cont...2

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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 p.m. 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. H. Tewar

129.

OATH COMMISSIONER

High Court, Allahabad.

Lucknow Bench

No. 2020182

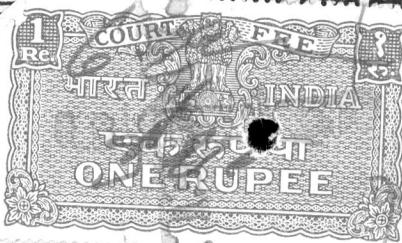
11th September 1982

Rameshwar Prasad

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High Court of Judicature at Allahabad
ब अदालत श्रीमान Buddha Bench महोदय

वादी (मुद्रा)
प्रतिवादी (मुद्रावाल)



Ramkumar (d) 20/10/1971

वादी (मुद्रा)

बनाम
Chiranjit Singh

प्रतिवादी (मुद्रावाल)

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 हूँ और लिखे देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और 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 based
हस्ताक्षर Al Matin M&M

Accepted

साक्षी (गवाह)

साक्षी (गवाह)

Suryakant

दिनांक

महीना

१९ ई०

cm. No. 8947/9/02 420
3

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

WRIT PETITION NO. 4202 OF 1982



4202

4202

Rameshwar Prasad & others Petitioners

Versus

Union of India & others Opp. parties.

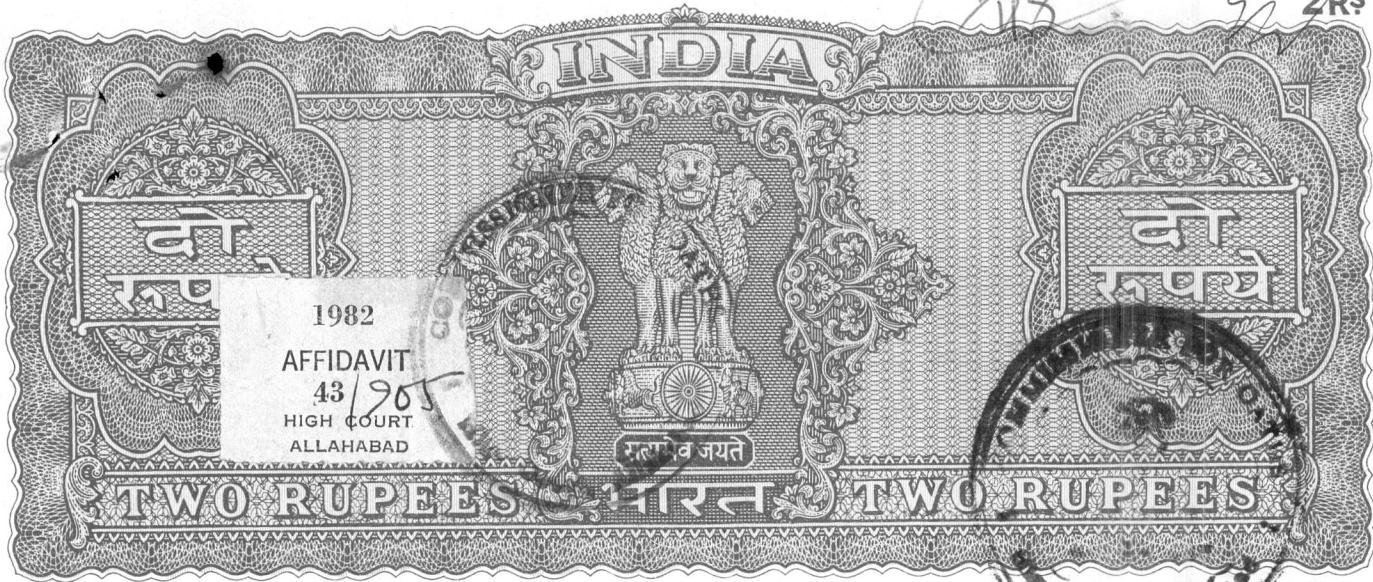
APPLICATION FOR STAY

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 intum order to this effect may kindly be granted mean while.

Lucknow.

Dated

Surya Kant
(Surya Kant)
Counsel for the Petitioner



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

W.P. No 4305 of 1982

Rameshwar Basad — Petitioner
9

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
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
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. P. 20-9-82
OATH COMMISSIONER
High Court (Lucknow Bench)

LUCKNOW

No. 45/12078
Date 20-9-82

By CL
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हाई कोर्ट इलाहाबाद, लखनऊ बैन्च लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफर्क) प्रार्थना सं० — सन १९८१ — ई०

W.P. सं० ४३०५ सन १९८२ ई० में

Raneshwar Basad & an

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प्रार्थी

प्रति

Union of India vs.

• Sr. Divisional Engineer and Telecise (Engineer)
Northen Railway, Hazratganj
due to

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुद्रित में सम्बन्ध में —
— लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि अपना
दिनांक —१०— माह —९— सन — १९८१ — ई० को या उससे पहले उपस्थिति को कर
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 एडबोकेट
वा ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों, उपस्थिति 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।

Suryak. I के एडबोकेट

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 कल्की के हस्ताक्षर

8/9/82
at 16.45 P.M.
S.Ry. Lucknow.
अधीक्षक (स०. ५वं दू० स०.)
दस्तावेज़, लखनऊ

57

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

दीवानी विभाग

प्रकीर्णक (मुतफर्क) प्रार्थना सं० ————— सन १९८२ ————— ५०

W.P. सं. ४३०५ सन १९८२ ५० मे

182 २० नं
Rameshwar Basad and others प्रार्थी

प्रति

Chairman of Indian Govt. — प्रत्यार्थी
Smt. Aspin Athro Major w/o Madan Mohan Negam
at present residing at 205 A New Loc.
Colony, Varanasi — प्रत्यार्थी

चूकि ऊपर लिखे प्रार्थी ने इस व्यायालय में उपर्युक्त लिखे प्रार्थने के

— — — — — लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि अपनांक 20 माह — 9 — सन ६१ १९ — — ई० को या उससे पहले उपस्थिति बोकर 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 एडबोकेट 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 इस्तान्तर और न्यायालय की मोहर से आज दिनांक सन् १९—१२ को जारी किया गया।

Suryakant के एहवोकेट

तिथि—

डिप्टी रजिस्टर
इलाहाबाद / लखनऊ

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

गावाह

श्रीमद्भा० रसीजन होरे कागज (समाप्त)

भौनोसा इनकार किया

रामहंस

रवलाली

माक्रोवंभ

वराणसी

उत्तर रेखा

गावाह

श्रीमद्भा० रेखा (पत्रिका) कागज (समाप्त)

उत्तर रेखा

लालूपाला-५८

उत्तराली रेखा

उत्तराली रेखा

गावाह

श्रीमद्भा० रेखा (पत्रिका) कागज (समाप्त), लेने शेषकार किया
माद्राम

श्रीमद्भा० रेखा

उत्तराली रेखा

उत्तराली रेखा

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

दीवानी विभाग

प्रक्रिया (मुतारिक) प्रार्थना सं 4305 सन् 1958 द्वा

..... 4305 सन् 1958 2 द्वा में

..... Ramchandra Prasad et al. v/s. others 1 प्रार्थना

प्रति

..... Union of India and others 3 प्रार्थना

..... Smt. Asso. Harr. Major w/o Madan Mohan Nigam
et. present residing at 295-A New Loco,
Colony, Varanasi प्रार्थना

यूक्ति ऊपर लिखे प्रार्थना ने इस चायालय में उपर्युक्त लिखे सुन्दरों के संबंध में.....

..... कि लिखे प्रार्थना का दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 20 मार्च 1952 को या उससे पहले
उपस्थित हो कर कारण बतायें कि प्रार्थना पत्र याँ न संकेत कर लिया जाय। उत्तर
प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विज्ञात किसी और दिन होणी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अधिकार किसी
सडवेंट पा सेसे यात्रा द्वारा, जो आपकी ओर से कार्य करने के लिए कानून अधिकृत
हो, उपस्थित न होंगे तो ऊपर प्रार्थना पत्र की सुनवाई ऐसे नियम आपकी अनुपस्थित में हो
जायेगा।

मेरे हस्ताक्षर और चायालय की मोहर से आज दिनांक 2 माह 4
सन् को जारी किया गया।

..... के सडवेंट
तिथि:.....

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तत्वाना प्राप्त करने वाले लाल के हस्ताक्षर

गवाह

ओमों एसीषन हो स काराज एसमान १८५० से १९५०

न्हुनकार विद्या

रामाणुज

रविमासी

मानोविज

परापरा

उत्तर रेलवे

गवाह

मुख्यानुदास

रामानुज रामानुज

उत्तर रेलवे

गवाह

शीर्षता शीर्षता हारी कोर्जे (समाज) ली से इन कार्र किमा

मुख्यानुदास

उत्तर रेलवे

उत्तर रेलवे वराणसी

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By Carol

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ASY

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

दीवानी विभाग

प्रकीर्णक (मुतफर्रिक) प्रार्थना सं०— — — — सन १९८२ — — ३०

W.P. सं० ४३०५ सन् १९८१ ३० में

Rameshwar Basad Rao प्राथमि

प्रति

Union of India goes _____ प्रत्यार्थी
Smt Asian Haro Major wife Madan Mohan Negam
at present residing at 205 A New Loco
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 अप
दिनांक २० मार्च १ सन — १९०० 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।

विदिव हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडबोकेट 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 ८ माह ९ सन् १९८२ को जारी किया गया।

Surgatedh के ऐडवोकेट

— १८ —

तिथि _____

डिप्टी रजिस्ट्रार
इलाहादि / लखनऊ

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

तेलवाना प्राप्त करने वाले कलर्क के हस्तान्नर

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

दीवानी विभाग

प्रकाशन (कुतारीक) प्राथना सं 4305 सन् 1988 ई०
रु. 4305 सं 1982 ई० में
Kameshwar Prasad and others प्राप्ति

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

यूक्ति ऊपर लिखे प्राप्ति ने इस चायालय में उपर्युक्त लिखे सुन्दरों के संबंध में
के लिए प्राप्ति का पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 20 माह 9 ई० 1982 को या उससे पहले
उपस्थित हो कर कारण बतलायें कि प्राप्ति का पत्र वाँ न स्ट्रिकर कर लिया जाय। उक्त
प्राप्ति की सुनवाई उसके बाद नियमानुसार विज्ञापित कितो और दिन होगी।

विदित हो कि एदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी
सडवोकेट पा एवं यात्रा द्वारा, जो आपकी ओर से कार्य करने के लिए कोन्वेन अधिकृत
हो, उपस्थित न होंगे तो उस प्राप्ति की सुनवाई ऐसे नियम आपकी अनुपस्थित में हो
जायेगा।

मेरे हस्ताक्षर और चायालय की मोहर से आज दिनांक 8 माह 9
सन् 1982 को जारी किया गया।

के सडटोकेट
तिथि:

डिस्ट्री रजिस्ट्रार
इताइ बाजार/लखनऊ

सूचना: इस चायालय की 1952 द्वारा नियमावली के अध्याय 37 नियम 2 के आधीन प्राप्त
तत्वाना मिल गया।

तत्वाना प्राप्त करने वाले कार्यक के हस्ताक्षर

I

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81
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X
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हाई कोर्ट इलाहाबाद, लखनऊ बेन्च लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रक्रीणक (मुतफर्क) प्रार्थना सं०-----सन १९-८२-८०

W.P. सं० ५३०५ सन १९-८२-८० में

Ramchandrasabu

प्रार्थी

प्रति

Union of India vs

प्रत्यार्थी

Union of India through Central Menagar

Northern Railway Baroda House

New Delhi

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मध्यमे वे सम्बन्ध हैं — —

— — — — — लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि आप दिनांक २० माह १०९ सन १९-८२-८० को या उससे पहले उपस्थित एक रात्रि कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

किंदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडब्ल्यूकेट 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 निश्चय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १० माह १०९ सन १९-८२-८० को जारी किया गया।

Suryakant के एडब्ल्यूकेट

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 कलर्क के हस्ताक्षर

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

दीवानी विभाग

प्रकीर्णक (मुतफर्कि) प्रार्थना सं०-----सन १९८२ ----- ई०

W.P सं० ४३०५ सन १९८२ ई० में

Rameshwar Basad and others

प्रार्थी

प्रति

Union of India vs

प्रत्यार्थी

Union of India through General Manager

North Eastern Railways, Basoda House

New Delhi

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुद्रित में सम्बन्ध में — — —
— — — — — लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि अप
दिनांक — २० माह — ९ — सन ८२ १९ — — ई० को या उससे पहले उपस्थित दोकर
कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके
बाद नियमानुसार विज्ञति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडबोकेट
वा ऐसे अधिकारी 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 — १ — माह — ९ —
सन १९ — — — ८२ को जारी किया गया।

Sanjay के एडबोकेट

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 कार्यक के हस्ताक्षर

११- हाई कोर्ट इलाहाबाद, लखनऊ बेत्ता लखनऊ
(अध्याय 12, नियम 1 और 7)

दीपानी विभाग

प्रक्रियांक (मुतफरिक) प्राथमा सं 4305- सन् 1982 ई
..... R..... रु. 43.05 सं 1982 ई में
..... Rameshwar Prasad and others प्राथमा

प्राति

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

यौंकि ऊपर लिखे प्रार्थनी ने इस चारालय में उपर्युक्त लिखे मुद्रितों के संबंध में.....
.....के लिए प्रार्थना पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक... 24.....महिना 1982.....को पा उससे पहले
उपस्थित हो कर कारण बतलायें कि प्रार्थना पत्र वाँ न स्वीकार कर लिया जाय। उक्त
प्रार्थना पत्र की सुनवाई उसके बाद नियमानुसार विवादित किया और दिन होगी।

विदित हो कि यदि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या सेसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कोन्सल्टेशन अधिकृत हो, उपस्थित न होंगे तो उस प्राथमा पत्र की सुनवाई और निर्णय आपकी अनुपस्थित में हो जायेगा।

मेरे हस्ताक्षर और चापाल्य की मोहर से आज दिनांक १२ माह ९
तनु १२ को जारी किया गया।

..... के सड़वाकेट
तिधि:.....

ਡਿਪਟੀ ਰੰਜਿਸਟਰ
ਇਲਾਹਾ ਬਾਦ/ ਲਖਨਊ

सूचना : इस चार्यालय की 1952 की नियमावली के अध्याय 37 नियम2 के आधीन प्राप्त तत्वाना मिल गया ।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

II 84

By C

... हाई कोर्ट इलाहाबाद, लखनऊ बैन लखनऊ
(अध्याय 12, नियम 1 और 7)

दीवानी विभाग

प्रकाशित (सुतफरिक) प्राथमा सं 4305 स. 198 ई.
रामेश्वर खान और अन्यों सं 1582 ई में

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

यूके ऊपर लिखे प्राथमी ने इस रायाल्य में उपर्युक्त लिखे सुनदमें के संबंध में.....
.....के लिए प्राथमा पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 20 मार्च 1982 को पा उससे पहले
उपस्थित हो कर कारण बताये कि प्राथमा पत्र द्वारा न स्वीकार कर लिया जाय। उक्त
प्राथमा पत्र की सुनवाई उसके बाद नियमानुसार विज्ञाप्ति दिया और दिन होगी।

विदित हो कि पहिले आप ऊपर लिखे दिनांक पर पा उससे पहले स्वयं अथवा किसी
एडवोकेट पा से स्वीकृत दिवारा, जो आपकी ओर से कार्य करने के लिए कोन्सन अधिकृत
हो, उपस्थित न होंगे तो उस प्राथमा पत्र की सुनवाई और निर्णय आपकी अनुपस्थित में हो
जायेगा।

मेरे हस्ताक्षर और रायाल्य की मोहर से आज दिनांक 22 मार्च 1982
स. 1582 को जारी किया गया।
के एडवोकेट
तिथि:

डिप्टी रजिस्टर दार
इलाहाबाद/लखनऊ

सूचना: इस रायाल्य की 1952 की नियमावली के अध्याय 37 नियम 2 के आधा ने प्राप्त
तत्वाना मिल गया।

तत्वाना प्राप्त करने वाले कर्त्ता के हस्ताक्षर

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



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24.9.82
973d(c)

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 othera Opp. Parties

IIInd Stay application

f.o.
The applicant respectfully sheweths
as under:-

For the facts and reasons disclosed
in the accompanying affidavit, it is most
respectfully prayed that in the ~~anex~~
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

Suryaatal
Counsel for the applicant

Hon K.S. Varma - 5

Hon. S.S. Ahirad - 3

Put up with
record on Monday.

07.22.1982

MS

G K
Guru

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

Guru K

Guru

27.8.1982



To the Hon'ble High Court of India at Allahabad & other
Bench Juchur

W.P. No 4305 of 1982

Rameshwar Basak — Petitioner

Union of India — Opp. Parties

Affidavit

Sajjad Hussain



(A/107) *W.H.*

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

IIInd stay application

A/34

Affidavit
Civil Misc. Appln. no. of 1982
Rameshwar Prasad and anotherApplicant

Inre:
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, PSS Chowk, district Lucknow,
do hereby solemnly affirm and state as
under:-

1- 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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103

(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 Taipal Singh. It has also been settled by the Supreme court that of caste system and tribal system as prevalent amongst Hindus and 1st 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 casted.

6- That inspite of this fact, though the petitioners are seniors, opp. parties I 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

W.P.
24/9/82

Sajjad Hussai

A
109

✓
✓

(3)

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 2nd stay application while the first stay application is pending orders.

Sajjad Haider

Lucknow Dated:

Deponent

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 Haider

Lucknow Dated:

Deponent

Sept. 24, 1982

I identify the deponent who has signed before me.

Emad
Advocate



Solemnly affirmed before me on 24-9-1911

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

the deponent who is identified by

Sri

Clerk of

Person by whom deponed

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.



mf
24/9/18

High No. 100
WITNESS
WITNESS
High Court, Allahabad,
Lucknow Bench.
No. 671920
Date 24/9/1911

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



Writ Petition No. 4305 of 1982

12763 Rameshwar Prasad and Other Petitioner.

12763 Versus *12763*

Union of India Opposite Parties.

Fresh application for stay

12763
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 disposed of writ petition and an ad interim order to this effect may kindly be granted meanwhile.

Surya Kant
(SURYA KANT)

ADVOCATE

COUNSEL FOR THE PETITIONER

Lucknow:

Dated: 4.10. 1982.

SK
20/26

2

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
written petition. The prayer
is that the petitioner may
be allowed to work in the
vacancy caused on the
retirement of Sri Chedilal.

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

(46) for record
Set up with the
record,

6/10/82

the opposite parties to
make arrangements
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.

M. A. M.
20.8.85

From: B. Kumar, I

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. Thereafter, the
petitioner has moved
another application dated
4.10.82 praying that opposite
parties may be restrained
not to interfere ~~with~~ ⁱⁿ the
working of petitioner no. 1
in exercise of his duties as



in the Hon'ble High Court of Judicature at Allahabad
due to new Benihabla case

W.P. No. 4305-C/1982

Ramnath Khasa — Petitioner

Union of India — vs. 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.

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.

Sajjadhusen



Contd.....2

A
113

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

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

Sagfachhus

irreparable loss and injury.

Lucknow:

Dated: 3-9 1982.

Sajjad Hussain
Deponent.

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:

Dated: 3-9 1982.

Sajjad Hussain
Deponent

I identify the deponent who has signed before me.

Suryakant Seth
Advocate.

Solemnly affirmed before me on 30-9-82 at 10-20 a.m./p.m. by the deponent, who is identified by Shri Suryakant Seth

High Court

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

High Court
Lucknow Bench
3-9-1982

.....

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

N.R.

VAKALATNAMA

G.V. 3

✓ 18.25

4305 ST CTO

Writ Petition No. 4302 of 1982

Before
In the Court of

Rameshwar Prasad and
others

Plaintiff
Defendant



✓ 18.25

Claimant
Appellant
Petitioner

Union of India

Defendant
Plaintiff

Versus

Respondent
Opp.-parties

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 pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therefrom to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

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

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 2. 11. 1982

Dated 2. 11. 1982

ACCEPTED.

S. Verma

(SIDDHARTH VERMA)
ADVOCATE

A. J. D. J.
Designation of the Executive Officer
सपर मुख्य कामिक अधिकारी
प्रधान कायलिय
पर्यावरण विभाग

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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120 7

No. 4305

of 1982

—P.S.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
7.9.82	<p><u>Hon' K.H.G. J and</u> <u>Wor' R.C.D.S. J</u></p> <p>Issue notice to O.R.S. returnable by 20.9.82 to show cause. Petitioner's counsel undertakes to serve O.R.S. out of court.</p> <p><u>stay And No. 8947 (C.W.-D2)</u></p> <p>Put up with evt.</p>	X/24
20.9.82	<p>Proceed for attachment and for filing ea in law.</p> <p>11.9.82 O.S. No 1626, by D.C.L. Notices prepared and handed over to Sri Sajjad Hussain clerk to Mr. Surya Kant Deh.</p> <p><u>SN/PL/18</u></p>	01/9/82
		<p>Received and Notices served on 4/9/82</p>

Received Duplicate
and Notices for
Service of C.P. No 160

4 Shrine
G/Songakat
Pdr
8/19/82

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
28.9.82	u.t. with C.M. An 10.8947 82-82 for order.	
	Hon. K. S. V. J. Hon. S. S. A. J.	
21.9.82	Docket no 11 Case No 115 from Dmt by 21.9.82	10
24.9.82	C.M. An No. 9738 (w) 9730 (w) 1021 for D.S.G. applicable Hon. K. S. V. J. Hon. S. S. A. J.	
	Put up with record on Monday.	10
	Sd/- K. S. V. J. Sd/- S. S. A. J.	
	24.9.82	
27.9.82	u.t. with C.M. An 9738 (w) 82 for order.	
	Hon. K. S. V. J. Hon. S. S. A. J.	
	10	
	27.9.82	
	Appn - Singarw	
	27.9.82	

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121

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P. No. 4305

of 198 2

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2 C.M.A.N.O 102502 4-10-82 <u>SCU.C.S.</u>	3
	Put up with the warrant S.C.U.C.S. 4-10-82	
16/11/85	6-11-82 21/10/82 <u>Freda Corn</u> cb 10252632 ACROSSY	
5	Put up on 13th Aug 85 as per my 16-7-81	Put up
13/8/82	13.8.82. 10252612 across 10252612	
	CEN CH ACROSSY	

20 UCP Nyaabya - 25-1-85 (210) - 1885 - 20,000 (E) P-A-1621

~~H&B King~~ Stand out
Be the

8/18/05

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
29/8/85.	Sited. in C. H. Ad. no. 5. 10252 (w) of 82.	

(A)
122

ek

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow.

No. CAT/AKO/Jud/3849

date the 6/3/90

T.A. No. 1081/87

of 1990 (T)

Ramgopalwar Passod -

Applicants.

Versus

Union of India

Respondents.

①

To

Shivay 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
pf order dated.....
passed by..... in
.....

The Tribunal has fixed date
of 17/4/90 1990. The ~~and~~
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 sesl of the Tribunal this
..... day of 3 1990.

DEPUTY REGISTRAR

Bhartiya/

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123
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/Alld/Transfer/ TA 1081/8723/1190
3263 to 3268. Dated the 23/11/90

R. Prasad

APPLICANT'S

P.W

VERSUS

RESPONDENT'S

Amrit Singh

① To Ram, Shwar, Prasad, Sto & K. S. Sahay
7/10/179, F. A & N. Colony, Dehradoon Varanasi
② Ash Mahal Sto Mahal Goleman - 7/10/10
8/1/189, Ahamd Ck 67135 Raigad Gali
varanasi
③ Amrit Singh through Dr. M. D. D.
Pandit House, Dehradoon

Whereas the marginally noted cases has been transferred
by _____ under the provision of the Adminis-
trative ~~Act~~ ^{XIII} of 1985 and registered in this Tribunal as above

Writ Petition No. _____ The Tribunal has fixed date of
of 1990. of the Court of ~~15/11/90~~ 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 _____
day of _____ 1990.

dinesh/

DEPUTY REGISTRAR

④ D. R. M. M. Hazratganj Lucknow
⑤ Mr. Dinesh Singh & Telecom (Gangam)
Mr. Railway Hazratganj Lucknow
⑥ Smt. Arsoon Hara Major wife, Modan Nihari
Nigam - 7/10/245 - A. N. C. F. C. Colony
Varanasi

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211-001

No.CAT/Alld/Jud/

No 41170/R

Dated the:

10/5/87

T.A. No. 1081 of 1987

Non-Contentious Proceed.

APPLICANT'S

ARGUS

Union of India

RESPONDENT'S

To

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

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

Writ Petition No. 4305
of 1987
of the Court of H.C.MO
arising out of order
dated _____
passed by _____ in _____

The Tribunal has fixed date
of 22.11.1987, the
hearing of the matter. at C.A.T. Lucknow
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
24th day of August 1987.

dinesh/


DEPUTY REGISTRAR

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125

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

** TA 1081/87

No. C.A.T/Alld/Transfer/3264 Dated the 23/11/90

R. Prasad

APPLICANT'S

VERSUS

Govt of India

RESPONDENT'S

① Rameshwar Prasad. Sl. No. R. K. Sahay
To 9/0 1797 A.E.N. Colony. N. Rly. Varanasi
② Ash Mahtd. Sl. No. Mahtd. Sulaiman 7/0 610
K. Bak Ahmad C.K. 67135 Raizab Gali
varanasi
③ Infra of India through L. M. N. Rly
Barada House Noida

Whereas the marginally noted cases has been transferred
by H.C. 210 under the provision of the Administrative
Tribunal Act XIII of 1935 and registered in this Tribunal as above.

Writ Petition No. 4305/90 the Tribunal has fixed date of
of 1990. of the Court of 27.2.90 1990. The hearing
H.C. 210 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 Dr R. M. N. Rly. Hazratganj Lucknow
⑤ Sri Dineshwar Singh & Telecom Engineer
N. Railway Hazratganj Lucknow
⑥ Smt A. S. Haro major wife Madan Mohan
Nagam 7/0 245-A New Jai Colony
Varanasi

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126

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

No. C.A.T./Alld/Transfer/3268 Dated the 10/8/87

R. P. Goswami

APPLICANT'S

VERSUS

manu and Sonu

RESPONDENT'S

① To Smit Aseem Hara major wife/c
Madan Mohan Negami at 26245-A New Zoco
colony. Karimnagar.

Whereas the marginally noted cases has been transferred
by H.C. 126 under the provision of the Administrative
Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition No. 4325/82 The Tribunal has fixed date of
of 1990, of the Court of 27.2.90 1990. The hearing
H.C. 126 of the matter.

(jud)
Suresh
Rajiv
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 February 1990.

dinesh/

DEPUTY REGISTRAR