

C.A.No. 227 of 1988

Central Administrative Tribunal  
Lucknow Bench  
Date of filing - 27.2.01  
Date of receipt by post -

*[Signature]*  
Deputy Registrar

.....Ram Tej & others.....

Applicant

.....U.O. I.....

-Vs-

Respondents.

APPLICATION FOR GRANT OF CERTIFICATE COPY

1. Name & Address of the applicant.
2. Whether the applicant is a party to the case. If not whether an application under rule 119 is filed.
3. Whether the case is pending or disposed of.
4. Description with date of the documents of which copy is applied for.
5. No. of copies required and nature of application (Whether Urgent or ordinary).
6. Details of the fee remitted alongwith the application

*Sharanesh Singh Adv.*

*Decided*

*Judgement/Order dated 22.6.92*

*one (Urgent)*

*10/- (Rs. Ten) in cash.*

Date: - 27.2.01

*Sharanesh Singh Adv.*  
*(Sharanesh Singh)*  
Signature of the applicant Adv.

*02/2/2001*

*D.R.*

*We may accept in cash -*

*[Signature]*  
*2/7/2001*

*Received copy,*  
*[Signature]*  
*4.7.2001*

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title CA 227/88 (A) of 199

Name of the parties Dam Tej Applicant.

Versus

Union of India Respondents.

Part A.B.C.

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- ④ Petition copy with Annexure. A13 - A47
- ⑤ Application for withdrawal A48 - A49
- B File
- B 50 - B 92

C File

n.c. no 926/92/Pathoolahy judgement

~~C 93 - C 103~~  
~~C 104~~

B/c. were del out / destroyed

S 45/92

28/8/12

20/10/92

23/12  
 (41) filed  
 h  
 23

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Registration No. 227 of 198 0(L)

APPLICANT (s) ..... Ram Tej .....

RESPONDENT(s) ..... U.O.L .....

Particulars to be examined

Endorsement as to result of Examination

- |   |  |
|---|--|
| 1. Is the appeal competent ?  | Yes  |
| 2. (a) Is the application in the prescribed form ?  | Yes  |
| (b) Is the application in paper book form ?   | Yes  |
| (c) Have six complete sets of the application been filed ?  | No (only two sets)                                 |
| 3. (a) Is the appeal in time ?  | Yes  |
| (b) If not, by how many days it is beyond time ?  | -  |
| (c) Has sufficient case for not making the application in time, been filed ?  | -  |
| 4. Has the document of authorisation, Vakalatnama been filed ?  | Yes  |
| 5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-  | Yes L.P.O. NO. DD 065177 Rs. 50/-<br>dt. 21-10-88. |
| 6. Has the certified copy/copies of the order (s) against which the application is made been filed ?                | The order dt. 25-7-88<br>is said to be verbal.     |
| 7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? | -do-   |
| (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?      | Yes (by Counsel)                                   |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT BOPNO.

\*\*\*\*

O.A./T.A. No. 227 1988

(1/5)

Applicant(s)

Versus

Respondent(s)

Sr. No.

Date

Orders

23-1-89

Hon. D. S. Mishra, Jm.  
Hon. T. S. Sharma, Jm.

On the request of the learned  
Counsel for the applicant  
Shri S. P. Srivastava the case  
is adjourned to 25-1-89.

Jm.

Am.

Am

23/2/89

Hon. D. S. Mishra, Jm.  
Hon. T. S. Sharma, Jm.

Shri S. P. Srivastava for the applicant  
is present.

There are several applicants  
in this case. The respondents  
to those cases why the  
joint petition be not  
admitted. Put up on  
03-89.

Am

Jm

Am

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT BANGALORE.

(4)

\*\*\*\*

O.A./T.A. No. 227 1988

Ram Tej

Applicant(s)

Versus

U. O. & Co

Respondent(s)

Sr. No.	Date	Orders
	25/1/09	<p>Hon. D. S. Misra, Jm. Hon. P. S. Sharma, Jm.</p> <hr/> <p>No one is present for the applicant. The case is adjourned to 23-2-89.</p> <p style="text-align: center;">Jm. <span style="float: right;">Am. ✓</span></p>
Key	23/2/09	<p>Hon. D. S. Misra, Jm. Hon. P. S. Sharma, Jm.</p> <hr/> <p>There are several applicants in this case. No permission for filing joint petition has been sought. But the applicant should show cause by 8/3/09 as to how their petition is maintainable in the present form.</p> <p style="text-align: right;">Am.</p>

Key

Jm.

Am.

5-4-89

(5)

Hon Justice K Nath - VC  
Hon DS Misra - AM

CM An no. 58 of 1989 (L)

Sufficient cause is shown for failure to appear on 30-3-89. The learned counsel for applicant says that he is filing the extra copies meant for opposite parties today. The dismissal order dated 30-3-89 is set aside and the case is restored. The petition was admitted by an order dated 8-3-89. Shri A Bhargava, Adv who represents all the opposite parties in the connected case says that opposite parties in this case may be given notice directly and it may be possible for him for appearance only if instructed by the opposite parties. Issue notice, counter affidavit may be filed within four weeks, rejoinder may be filed within ten days thereafter. List for final hearing on 22-5-89.

BV  
AM

Jh  
VC

7/4 R

OR

Notices issued to the respondents through regd. post. fixed 22-5-89 for final hearing.

No sitting. Adjourned to 28/7/89

22/5/

For [unclear] [unclear]

22/5

7/4

24.4.91

D.R.

(46)

Applicant's side  
is present. O.P. is  
absent. In this call  
counter has not been  
filed till today. O.P. to  
file counter by 28/5/91.

✓

29.5.91

D.R.

None is present for  
the both parties. counter  
has not been filed till  
today. Opposit parties is  
directed to file counter  
by 12.7.91.

✓

12.7.91

D.R.

Both the parties are  
absent today. counter  
has not been filed.  
Respondent to file  
counter  
~~by 9/9/91.~~  
case is listed on 9/9/91  
for filing counter.

✓

(47)

9.9.91

D. R.

20/9/91

Hon. Mr. Justice U.C. Sinhasava, vs.  
Hon. Mr. B.B. Goshal, Am.

Counsel for the  
applicant is  
present. He files  
two applications  
M.P. No. 535 and  
M.P. No. 536 for  
orders. Hence,  
this case is listed  
before the Hon.  
Bench on 20/9/91  
for orders.

The learned counsel for the  
applicant states that the applicant  
has become infirm in respect  
of the applicants except those  
mentioned in para 3 of M.P. No. 535/91.

The application is required to be  
pursued further only in respect  
of those mentioned in para 3.

The prayer is allowed. The  
learned counsel for the respondents  
requests for and is allowed  
four weeks time to file  
reply, which the applicant  
may file rejoinder, if any,  
within two weeks thereafter.

List for hearing on 20/12/91.

In the meantime, it is open  
for the respondents to consider  
the case of the remaining  
applicants also with a  
view to see whether similar  
relief can be given to them  
also.

Am.

ve.

20.12.91

No sitting adj 27.2.92

7.2.92

No sitting adj 20.10.92

16.3.92

No sitting adj 10.11.92

23.11.92

Handwritten notes and signatures in the bottom left corner.

20-10-92

Admission 20-11-92

u  
bse

S.F.O.

20-11-92

8  
18/11/92

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

This is an application for correction.  
Accordingly, the application is allowed  
as prayed for. Let necessary correction  
be made as prayed for. Certified  
copy may also be corrected.

(Sgs) A.M.

V.C.

4/103

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

O.A. No. 227/1988

Ram Tej and others

Petitioners

versus

Union of India & others

Respondents.

Shri Ajmal Khan  
Shri A. Bhargava

Counsel for petitioners  
Counsel for Respondents.

CORAM:

HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.  
HON. MR. K. OBAYYA, ADM. MEMBER.

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

184 Substitute Porters have filed this application praying that the respondents be directed to allow them to work as substitute porters as usual and regularise their services and to treat them in continuous service without interruption with all subsequential benefits.

An application has been moved on behalf of the applicants in which it has been stated that out of 184 persons the application should be deemed to be allowed in respect of the applicants Nos. 7, 8, 21, 22, 23, 25, 26, 28, 29, 31, 33, 34, 35, 36, 40, 41, 42, 52, 57, 62, 83, 93, 94, 104, 106, 114, 115, 116, 124, 130, 134, 140, 141, 144, 146, 147, 149, 150, 171, 172, 173, 176, and 177.

2. The applicants came forward with the allegation that they were appointed as substitute porters against short term vacancies some time between 1975 to 1977 and are continuing as such with interruptions, which has been created artificially. From the year 1983-84 they are continuing without any interruption and have

*Correct*  
*2/11/92*

completed more than one year of continuous service within the meaning of Section 25-B of the Industrial Disputes Act, 1947. It has been stated that there was some pick and choose and they have also completed 120 days of continuous service and are enjoying the pay scale and all other benefits available to a regular porter of N.E. Railway, and they have been treated as such and have become railway servants. Their contention is that arbitrarily, some of the substitute porters by adopting the policy of pick and choose, were allowed to continue while the applicants' services have been terminated and although certain rights accrued to them, but they have been deprived of their rights. On behalf of the applicants a reference has been made to para 2318 of the Railway Establishment Manual which reads as follows:

"2318. Rights and privileges admissible to the Substitutes: Substitutes should be afforded all the rights and privileges as may be admissible to temporary railway servants, from time to time on completion of six months continuous service. Substitute school teachers may, however, be afforded temporary status after they have put in continuous service of three months and their services should be treated as continuous for all purposes except seniority on their eventual absorption against regular posts after selection."

NOTE: The conferment of temporary status on the Substitutes on completion of six months continuous

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service will not entitle them to automatic absorption/appointment to railway service unless they are in turn for such appointment on the basis of their position in select lists and/or they are selected in the approved manner for appointment to regular railway posts."

Reference has also been made to the Railway Board Circular dated 16.1.86 issued by the Divisional Railway Manager, Lucknow in which it has been stated that the substitute porters who came before 1.4.78 should be allowed to continue in case they have completed 120 days of continuous working till some legal order has not been passed in this behalf. On behalf of the applicant it has been contended that this circular has not been followed. The services of the applicants have been orally terminated in this manner. Shri Arjun Bhargava appearing on behalf of the Railway Administration prepared states that Counter has not been received, the comments have been received and it has been stated that no artificial interruption was given. Only 3 or four persons whose names have been given have completed 120 days of continuous service in a calendar year. The applicants were casual labours, their services have<sup>not</sup> been terminated and they were never demanding compensation of broken periods. This much has been denied that no telegraphic message has been received not to permit the casual labours to work at Lucknow Station without the written permission of Sr. Divl. Optg. Supdt/Lucknow. They are casual labours and are being treated as such. Letters

U

issued directing  
were/~~issuing~~ them to appear in the medical examination  
to appoint them as casual labours. They have been casual  
labours and their services were utilised against  
casualties. It appears that there is no surplus staff  
at present.

3. From the facts stated it is clear that all the  
194 persons were appointed as substitute. As vacancies  
occured some of them <sup>were</sup> regularised and the policy of  
pick and choose was adopted. No seniority list was  
prepared and the principles of natural justice were  
violated. Substitute-s are appointed in respect of  
casualties occured now and then. Thus, the applicants  
were working from 1983, why not they be given the work.  
The casualties appear off and on, there appears  
to be no reason why they should not be given preference  
and priority on the post, even though the applicants  
have worked with broken periods, the applicants have  
completed 120 days. No certain direction has been given ,  
that is why their services were terminated. ~~THE TERMINATION~~  
~~ORDER IS ANNIHILATED BY THIS ORDER.~~ The respondents are directed  
to give priority and preference in the matter of  
appointing substitute porters or casual labours in  
preference of casual labours over those who were allowed  
to  
subsequent / their termination, Their cases for  
regularisation will also be considered alongwith  
similarly placed persons keeping in view that some  
persons have already been regularised.

u

4. The application is disposed of as above. No order as to costs.

Adm. Member.

Vice Chairman.

Shakeel/

Lucknow: Dated 22.6.92.

LUCKNOW:

Deputy Registrar (I)

Misc. Petition No.

926

of 1992

In re:

O.A. No.227 of 1988

*Decided on 22/6/92*

Ram Tej & others..... Applicant.s.

Versus

Union of Indian and others.....Respondents.

Application for correction of clerical error in judgement and order dated 22.6.92.

1- That the aforementioned original application was decided by Hon'ble Mr. Justice U.C. Srivastava V.C. and Hon'ble Mr. K. Obayya A.M. on 22.6.92.

2- That in last but one line of para-1 of the aforesaid judgement 106 has been typed in place of 105. Therefore it is requested that the aforesaid correction may kindly be made.

P R A Y E R

Therefore, it is most respectfully prayed that in para-1 of the judgement 106 should be typed as 105 in the interest of justice otherwise the applicant at Serial No.105 will suffer irreparable loss and injury.

*Place before Hon'ble Justice for orders on 23.10.92*

PLACE:LUCKNOW:

OCTOBER 21, 1992

*Ajmal Khan*

(Ajmal Khan)  
Advocate,

Counsel for the Applicants.

*[Handwritten signature]*

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

O.A. No. 227/1988

Ram Tej and others

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Shri A. Bhargava Counsel for Respondents.

CFRAM:

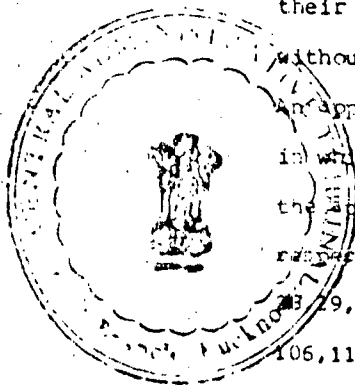
HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.  
HON. MR. K. ORAYYA, ADM. MEMBER.

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

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completed more than one year of continuous service within the meaning of Section 25-B of the Industrial Disputes Act, 1947. It has been stated that there was some pick and choose and they have also completed 120 days of continuous service and are enjoying the pay scale and all other benefits available to a regular porter of N.E. Railway, and they have been treated as such and have become railway servants. Their contention is that arbitrarily, some of the substitute porters by adopting the policy of pick and choose, were allowed to continue while the applicants' services have been terminated and although certain rights accrued to them, but they have been deprived of their rights. On behalf of the applicants a reference has been made to para 2318 of the Railway Establishment Manual which reads as follows:

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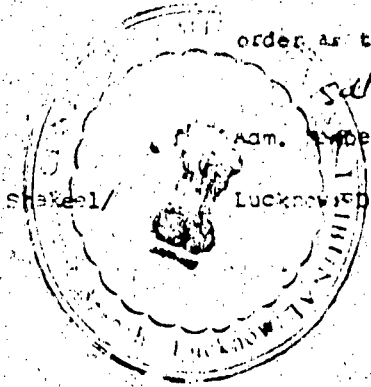
Reference has also been made to the Railway Board Circular dated 16.1.86 issued by the Divisional Railway Manager, Lucknow in which it has been stated that the substitute porters who came before 1.4.78 should be allowed to continue in case they have completed 120 days of continuous working till some legal order has not been passed in this behalf. On behalf of the applicant it has been contended that this circular has not been followed. The services of the applicants have been orally terminated in this manner. Shri Arjun Bhargava appearing on behalf of the Railway Administration <sup>prepared</sup> states that Counter has not been ~~examined~~, the comments have been received and it has been stated that no artificial interruption was given. Only 3 or four persons whose names have been given have completed 120 days of continuous service in a calendar year. The applicants were casual labours, their services have <sup>not</sup> been terminated and they were never demanding compensation of broken periods. This much has been denied that no telegraphic message has been received not to permit the casual labours to work at Lucknow Station without the written permission of Sr. Divl. Optg. Supdt/Lucknow. They are casual labours and are being treated as such. Letters

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subsequent /their termination, their cases for  
regularisation will also be considered alongwith  
similarly placed persons keeping in view that some  
persons have already been regularised.

4. The application is disposed of as above. No order as to costs.



Adm. Officer.

*Secy*  
Vice Chairman.

*Shakeel* Lucknow Dated 22.6.92.

Certified

*Madh...*  
Incharge

Judicial Secretary

C. A. I.

LUCKNOW

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(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

BETWEEN

Ram Tej and others

.....

Applicants

AND

Union of India and others

.....

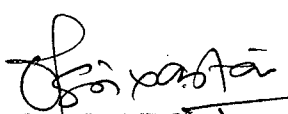
Respondents.

I N D E X

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Noted for  
23-1-89

Lucknow Dated:  
23/1/1988.

  
(O.P. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR THE APPLICANTS.

(A/T)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

BETWEEN

Ram Tej and 182 others ... .. APPLICANTS

AND

Union of India and others ... .. Respondents

DETAILS OF APPLICATION

- |  |  |
|--|--|
| 1) Particulars of the applicants   | 1) Ram Tej, son of Sri Harish Chandra.             |
| i) Name of the applicant.  | 2) Ram Naresh, son of Sri Prem Chandra             |
| ii) Name of Father   | 3) Rakesh Kumar Pal, son of Sri Dularey Pal, ag    |
| iii) Age of the applicant.   | 4) Ram Lumiran, son of Sri Hari Ram.               |
| iv) Designation and particulars of office (name and Station) in which employed or was last employed before ceasing to be in service. | 5) Radhey Shyam, son of Sri Sukkha Prasad.         |
|  | 6) Dubari Prasad, son of Sri Sukkha Prasad         |
|  | 7) Rameshwar Yadav, son of Sri Poodan Yadav.       |
|  | 8) Nand Kishore, son of Sri Chandrika Prasad.      |
|  | 9) Munna Lal, son of Sri Shani Saran.              |
|  | 10) Arvind Kumar, son of Sri Rati Ram.             |
|  | 11) Rameshwar Singh, son of Sri Shiv Baksh Singh.  |
|  | 12) Ram Ketar, son of Sri Cheddi Lal.              |
|  | 13) Nar Singh, son of Sri Ram Sagan.               |
|  | 14) Amar Nath Pandey, son of Sri Ram Sagar Pandey. |

21403/4140

- 15) Shyam Behari, son of Sri Seetu Pd.  
16) Jagdish, son of Sri Ram Das  
17) Deep Chand, son of Sri Baij Nath  
18) Uma Shanker Tewari, son of  
Sri Jagat Narain Tewari.  
19) Hari Narain Singh, son of  
Sri Hausla Baksh Singh.  
20) Harish Kumar Singh, son of  
Sri Hausla Baksh Singh.  
21) Suraj Lal, son of Sri Ram Harsh.  
22) Raj Kumar, son of Sri Chotey Lal.  
23) Vijay Kumar, son of Sri Buddhu Lal.  
24) Ram Tej, son of Sri Ram Parag.  
25) Om Prakash, son of sri Gaya Prasad  
Sharma.  
26) Mani Ram, son of LalBahadur.  
27) Om Prakash, son of Sri Babu Lal.  
28) Jay Pal, son of Sri Chandrika.  
29) Meva Lal, son of Sri Buddhy Lal.  
30) Vijay Kumar, son of Sri Avodhya Pd.  
31) Umesh Chandra, son of Sri Chedi Lal.  
32) Vijay Singh, son of Sri Ambika Singh.  
33) Rajjan Lal, son of Sri Gurai.  
34) Bachan Singh, son of Sri Radhey Lal.  
35) Bhaiya Lal, son of Sri Ram Nath.  
36) Ranjan Lal, son of Sri Mohan Lal.  
37) Ram Ashrey, son of Sri Chottey Lal.  
38) Shiv Kumar, son of Sri Surya Pal.  
39) Ramanuj Pandey, son of Sri Keshav  
Pandey.  
40) Rajpal Singh, son of Sri Teeka Ram.  
41) Avadh Naresh, son of Sri Sunder Lal  
42) Ramesh Kumar, son of Sri Hari Babu  
43) Ram Sunder, son of Sri Ram Samujh.

21/11/51 21/11/51

- 44) Bharat Lal, son of Sri Ram Samujh.  
45) Rajesh Kumar, son of Sri Chotey Lal.  
46) Ramesh Kumar, son of Sri Chotey Lal.  
47) Shiv Shanker, son of Sri Ram Singh.  
48) Cheda Lal, son of Sri Surji.  
49) Raja Ram, son of Sri Surjee.  
50) Pyare Lal, son of Sri Rajjoo.  
51) Hari Om Yadav, son of Sri Devi Prasad Yadav.  
52) Sher Bahadur, son of Yadu Nath.  
53) Nar Singh Yadav, son of Sri Shree Kisan Yadav.  
54) Siya Ram, son of Sri Shree Kisan Yadav.  
55) Ram Kishore, son of Sri Hari Das.  
56) Raj Narain Tewari, son of Sri Thakur Prasad.  
57) Hridesh Kumar, son of Sri Bihari Lal  
58) Rajendra Prasad, son of Sri Ganga Ram  
59) Ram Nihor Shukla, son of Sri Ram Dularey.  
60) Nanhey Singh, son of Sri Raj Pal Singh.  
61) Radhey Krishna Singh, son of Sri Ram Shanker Singh.  
62) Shatrughan, son of Sri Ram Harsh.  
63) Ram Kumar, son of Sri Ghasitey.  
64) Mewa Lal, son of Sri Ghasitey.  
65) Ramesh Tiwari, son of Sri Hira Tewari.  
66) Ramesh Kumar, son of Sri Bodhi Lal  
67) Shiv Kumar, son of Ram Ratan.  
68) Jagat Pal, son of Sri Chandra Pal.  
69) Durga Baksh Singh, son of Sri Lalta Baksh Singh.

21/2/51 21/49



- 70) Amar Singh, son of Sri Tej Bahadur Singh.
- 71) Shiv Kumar, son of Sri Raghu Nath.
- 72) Ram Chandra, son of Sri Ghotey Lal Gupta.
- 73) Guru Prasad, son of Sri Ram Lal.
- 74) Ram Achal, son of Sri Mani Ram.
- 75) Shree Ram Pandey, son of Sri Hare Ram Pandey.
- 76) Mathura Prasad, son of Sri Jiya Lal.
- 77) Shiv Kumar, son of Sri Nanha Prasad.
- 78) Ram Naresh, son of Sri Shiv Ram.
- 79) Ganga Prasad, son of Sri Mahaveer.
- 80) Shyam Sundar, son of Nanha Prasad.
- 81) Rajendra Prasad, son of Sri Pyare Lal.
- 82) Devi Prasad, son of Sri Maiku Lal.
- 83) Devki Nandan, son of Sri Kailash Chandra.
- 84) Markendey Singh, son of Sri Ram Chandra Singh.
- 85) Uma Shanker, son of Sri Murlidhar.
- 86) Ram Cheej, son of Sri Jagar Nath.
- 87) Nasim Ahmad, son of Abdul Gaffar.
- 88) Ram Naresh, son of Sri Ganga Ram.
- 89) Lal Bahadur, son of Sri Ram Laut.
- 90) Ram Prakash, son of Sri Baba Deen.
- 91) Ram Dheeraj, son of Sri Chanuka Pd.
- 92) Vishv Nath, son of Sri Ram Jaman.
- 93) Harish Chandra, son of Sri Sukhkha.
- 94) Tribhuvan Singh, son of Raj Pati Singh.
- 95) Shatroghan, son of Sri Videshi.
- 96) Deen Dayal, son of Sri Thakur Prasad.

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- 97) Makar Dhuj, son of late Bhagwan Singh.
- 98) Mewa Lal, son of Sri Chheta Lal.
- 99) Ram Kishore, son of Sri Chhambhoo Dayal.
- 100) Desh Raj, son of Sri Shiv Mangala.
- 101) Ram Pal, son of Sri Gauri Shanker.
- 102) Ashoka Kumar, son of Sri Lalla.
- 103) Om Prakash, son of Sri Duryodhan.
- 104) Bholu Ram, son of Sri Budha Prasad.
- 105) Phool Chand, son of Sri Bhagwan Deen.
- 106) Ram Narayan, son of Sri Mata Prasad.
- 107) Chandan Lal, son of Sri Bhavani.
- 108) Shobh Nath Sharma, son of Sri Raghav Ram Sharma.
- 109) Ram Tej, son of Sri Ram Parag.
- 110) Ram Naresh, son of Sri Prem Chand.
- 111) Ranjeet, son of Sri Sarju.
- 112) Nankhoo, son of Sri Mata Badal.
- 113) Lalji, son of Sri Meva Lal.
- 114) Ram Kesari, son of Sri Sundar Lal.
- 115) Suresh Kumar, son of Sri Asharfi Lal.
- 116) Naval Kishore, son of Sri Manu Datt.
- 117) Ram Padarath, son of Sri Ram Sharan Shukla.
- 118) Prakash Chand Sharma, son of Sri V.D. Sharma.
- 119) Ram Shankar, son of Sri Nanha Prasad.
- 120) Umerika Prasad, son of Sri Ram Nath.
- 121) Pratap Bahadur, son of Sri Mata Deen.
- 122) Vijay Bahadur, son of Sri Ram Pali.
- 123) Manohar Lal, son of Sri Ram Ashrey.
- 124) Ram Kumar, son of Sri Mahaveer.
- 125) Narendra Kumar Tripathi, son of Sri Vishnu Datt Tripathi.

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- 126) Vishwa Nath, son of Sri Ram Janam.
- 127) Guru Prasad, son of Shambhoo Dayal.
- 128) Jamuna Prasad, son of S-hambhoo.
- 129) Kamlesh Kumar, son of Sri Mohan Lal.
- 130) Radhey Shyam, son of Sri Sukkha.
- 131) Amar Bahadur, son of Mata Deen.
- 132) Ram Kishore, son of Sri Jaggan Nath.
- 133) Mool Chand, son of Jagat Kishore.
- 134) Guru Prasad, son of Sri Malaney.
- 135) Hari Bhajan, son of Sri Ram Sumiran.
- 136) Rakesh Kumar, son of Sri Rahu.
- 137) Sahab Deen, son of Rahu.
- 138) Raja Ram, son of Sri Ram Avtar.
- 139) Chatra Pal, son of Sri Ram Dayal.
- 140) Ram Kumar, son of Sri Jag Mohan.
- 141) Kedar Nath Sharma, son of Sri Ram nand
- 142) Shiv Shanker, son of Sri Lajja Ram.
- 143) Radhey Shyam, son of Sri Ram Ratna.
- 144) Uma Shankar, son of Sri Gaya Prasad.
- 145) Pratap Singh, son of Sri Avadh Lal.
- 146) Ram Prasad, son of Sri Kripa Shanker.
- 147) Jai Narain, son of Sri Ram Sewak.
- 148) Ram Parvesh, son of Sri Ram Naresh.
- 149) Arun Kumar, son of Sri Shambhoo Dayal.
- 150) Ghirau, son of Sri Pyare Lal.
- 151) Shree Chandra, son of Sri Babu Lal.
- 152) Ram Lakhan, son of Sri Babu Lal
- 153) Mata Pher, son of Sri Likhari.
- 154) Ram Kishan, son of Sri ~~xxx~~ Aganoo.
- 155) Om Prakash, son of Sri Ram Ashrey.
- 156) Ramesh Chandra, son of Sri Shiv Dayal  
Maurya.
- 157) Mahendra Pratap, son of Sri Swaroop.
- 158) Mishri Lal, son of Sri Mulhey.

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- 159) Anil Kumar, son of Sri K.V.Lal Srivastava.
- 160) Shayam Kumar, son of Sri Ganga Prasad.
- 161) Shyam Kishore, son of Ganga Prasad.
- 162) Chandra Pal, son of Sri Ram Sewak
- 163) Ram Kewal, son of Sri Ram Charan.
- 164) Sant Ram, son of Sri Ram Kishore.
- 165) Shiv Bahadur, son of Sri Lalloo Singh.
- 166) Ram Shankar, son of Sri Nanha Prasad.
- 167) Abdul Hakim, son of Sri Shah Mohammad.
- 168) Shiv Lal, son of Sri Chatter Pal.
- 169) Mool Chand, son of Sri Aganoo.
- 170) Shree Pal, son of Sri Bechan.
- 171) Ram Sewak, son of Sri Sarjoo.
- 172) Jag Pal, son of Sri Ram Adhin.
- 173) Sukh Deo, son of Sri Radhey Lal.
- 174) Ram Shankar, son of Sri Jag Dev Pal.
- 175) Sant Ram Pal, son of Sri Ram Kishore Pal.
- 176) Shree Krishna, son of Sri Ram Dularey.
- 177) Ram Dularey, son of Sri Bhagauti Pd.
- 178) Abdul Zabir, son of Sri Abdul Wahid.
- ✓ 179) Bharat Kumar, son of Haradaya Narain.
- 180) Ram Bilas, son of Baboo Maurya..
- 181) Radhey Lal, son of Parsadi
- 182) Ravindra Shankar, son of Sri RadheyLal
- 183) Kamakhya, son of Sri Nak Nak Chek.

v) Office address

184) Dan Bahadur Singh Lalai  
all the above noted applicants are adult and working as Substitute Porters under Station Superintendent, Northern Railway, Lucknow Jn.

vi) Address for service of Notices.

C/867, Old Mahanagar, near Fatima Hospital, Lucknow.

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2. Particulars of the Respondents.

- i) Name of the respondent. ) 1. Union of India through )  
 ) General Manager, N.E.Rly )
- ii) Name of the Father ) Baroda House, New Delhi. )
- iii) Age of the Respondent. ) 2. The Divisional Operating )  
 ) Superintendent, Northern )  
 ) Railway, Hazratganj, )  
 ) Lucknow. )
- iv) Designation and particulars of office (Name and station) in which employed or was last employed before ceasing to be in service. ) 3. The Station Superinten- )  
 ) dent, Northern Railway, )  
 ) Lucknow. )
- v) Office address )
- vi) Address for service of notices. )

3. Particulars of the order against which application is made.

The application is against the following order :-

- i) Order No. with reference to annexure. ) No written orders have been )  
 ) passed and served to the )
- ii) Date ) applicants discharging them )
- iii) Passed by ) from service. )
- iv) Subject in brief:- )

The applicants who had initially been appointed as Substitute Porters to work under the Control of Station Superintendent, Northern Railway, Lucknow have been restrained from functioning as such by the Station Superintendent, Lucknow from 25th July 1988 without giving any order/notice to the applicants in writing indicating the reasons for the action taken. The applicants have neither

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been paid one month's salary or compensation in accordance with Industrial Disputes Act of 1947 nor the provisions of Law required to be followed before terminating the services of the applicants who are workmen have been complied with.

4. Jurisdiction of the Tribunal :

The applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of the Tribunal.

5. Limitation:

The applicants further declare that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case :

The facts of the case are given below:-

6.1 That by way of the instant application the applicants seek to challenge the most illegal, arbitrary and callus action of the Respondents No. 3 in not permitting the applicants to perform their duties without any rhyme or reason. No written orders have been issued to the applicants.

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6.2. That the applicants were initially appointed as Substitute Porters against short term vacancies some time between 1975 to 1977 and are continuing as such with interruptions.

6.3 That since their initial ~~ax~~ appointment the applicants are continuing as such with interruption which has been created artificially in the garb of administrative need with the sole purpose to deprive the applicants from due benefits. Any way the applicants are lastly continuing without any interruption from the year 1983-84 and have thus already completed continuous more than one year of service within the meaning of Section 25-B of the Industrial Disputes Act 1947 (hereinafter referred to as 1947 Act).

6.4 That the work and conduct of the applicants have always been found excellent. They have always devoted and dedicated to the work entrusted to them and have never been warned or punished in any manner whatsoever.

6.5 That the applicants have also completed more than 120 days of continuous service and are enjoying the pay scale and all other benefits available to a regular porter of the Northern Railway, Lucknow. The applicants have always

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been treated as regular porter of Northern Railway, Lucknow and have always been given all the facilities and privileges admissible to a railway servant. Practically the applicants are the railway servants as defined in paragraph 102(13) of Indian Railway Establishment Code.Vol.I and as such the applicants' condition of service are governed by the rules and regulations applicable to a holder of that post.

6.6 That the applicants besides being railway servants are also workmen and as such are duly protected by the provisions of 1947 Act read with other labour Laws and Rules.

6.7 That while the applicants were functioning to the entire satisfaction of their superiors they shocked when on 25.7.1988 they were stopped by the Respondent No. 3 from working as Porters without intimating any reason. The applicants have neither been given any notice nor one month's salary in lieu thereof.

6.8 That the ~~xxxx~~ action of the Respondent No. 3 in not allowing the applicants to work is obviously termination of services of the applicants tentatively mounting to retrenchment. As the provisions for terminating the services of temporary railway servants have not been complied with the action

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of the Respondent No. 3 is wholly arbitrary, mala fide and without jurisdiction.

- 6.9 That the applicants while working as substitute Porters acquired the status of a temporary railway servant and as such their services cannot be terminated arbitrarily without complying with the relevant provisions of Law.
- 6.10 That all the applicants have already passed the medical test of category A.2 and have already appeared in screening held for regularisation of the services of the applicants on 26/27th May 1987.
- 6.11 That a list of the employees working as casual employees/substitutes in the Traffic and Commercial Department was prepared for the sake of regularisation of the services. Virtually the list of substitute employees working on Class IV post cannot be prepared jointly with the casual labour staff as the substitutes hold a ~~post~~ post without lien hence the substitute-porters working under Respondent No.3 had requested the Respondents to make a separate list of the substitute-porters and regularise their services.
- 6.12 That all the applicants are fully eligible to

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be appointed on the post of porter and are functioning as substitute-porters to the entire satisfaction of their superiors.

6.13 That the Respondent No. 3 has arbitrarily adopted 'Pick and chose' policy while restraining the applicants from functioning / performing their duty and retaining the juniors. Sarvashri Jain Narain Pandey, Omkar Nath, Om Prakash, Dinesh Pratap Singh, Rajendra Dwivedi, Har Govind, Kali Shanker etc. are the persons who are very much junior to the applicants yet have been retained in service as substitute-porters and have not been restrained from functioning like the applicants.

6.14 That it is categorically stated that there are no administrative reasons which warrant the Respondents to proceed arbitrarily depriving the applicants to work as neither the original holders of the posts against which the applicants have been appointed have come back nor there is any shrinkage in the cadre of posts.

6.15 That no <sup>upto date</sup> seniority list of substitutes working in Establishment has been published nor doctrine of 'Last come first go' has been

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followed. The action of the Respondent No. 3 being fully arbitrary, void and nonest in the eye of Law.

6.16 That the applicants have come to know that some telephonic message has been passed on to Respondent No. 3 directing him not to permit the casual labours to perform duty without the written permission of the senior Divisional operating superintendent, Lucknow. The Respondent No. 3 has treated the applicants to be casual labours and restrained them from functioning.

6.17. That the applicants have not been engaged for a particular period under the agreement. They have already been screened for being regularly absorbed against the vacancies but have unfortunately been restrained when the result of the screening is awaited.

6.18 That the applicants have not been issued any appointment letter or the service cards as has been issued to the casual labours. The applicants have been issued privilege passes and have also been issued letters directing to appear for medical examination. The photostat copies of some of the privi

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ANNEXURE-1

passes issued to the applicants are being filed herewith as Annexure-1 to this application.

6.19 That the Respondent No. 3 is fully incompetent to retrench the services of the applicants. He has got no authority or jurisdiction under law to effect the retrenchment.

6.20 That for the sake of ready reference the photostat copy of paragraph 2315 to 2319 of the Indian Railway Establishment Manual (old edition) published by the Government of India, Ministry of Railways (Railway Board) and a distinction chart showing different aspects of the substitutes and the casual labours given in Chapter 36 of the Railway Establishment Manual (Latest edition) is being filed herewith as Annexures-2 and 3 to this application respectively.

ANNEXURES-2  
AND 3.

6.21 That the applicants are the poor IV Class employees and have been deprived from their livelihood without any rhyme or reason arbitrarily without any opportunity of being heard in contravention of the provisions of Railway Establishment Code, Railway Establishment Manual and the provisions of 1947 Act along with the Rules. It may be the

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or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

9. Relief(s) sought :

1. The Hon'ble Tribunal may kindly be pleased to direct the Respondents to allow the applicants to work as substitute porters as usual and set aside the order, if any, contrary to it by summoning the same from the Respondents.
2. The Hon'ble Tribunal may kindly be pleased to direct the Respondents to regularise the services of the applicants on the post of porters after preparing a seniority list of the substitute porters separately.
3. The Hon'ble Tribunal may also kindly direct the Respondents to treat the applicants in continuous service without any interruption with all consequential benefits and allow the applicants to work continuously as usual and also pay salary regularly in future.
4. The Hon'ble Tribunal may kindly be pleased

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termination of services.

- vi) Because the applicants being workmen are entitled protection of provisions of Section 25F of 1947 Act.
- vii) Because no seniority list has been published by the Respondents before effecting retrenchment.
- viii) Because no regular person holding a lien on the post has come back and as such the applicants cannot be dis-allowed to work.
- ix) Because the applicants are under process of regularisation and this process cannot be stopped while ousting the applicants from the employment.  
action
- x) Because of the Respondent No. 3 is wholly arbitrary, null and void in the eye of Law and has got no legal existence.
- xi) Because the juniors to the applicants have been retained while the applicants have been thrown away.
- xii) Because the section of the Respondent No. 3 is violative of the provisions of Part III of the Constitution of India.

*Handwritten signature*  
*Handwritten initials*



10. Interim order, if any prayed for :

Pending final decision on the application, the applicants seek issue of the following interim order:-

The Hon'ble Tribunal may kindly be pleased to direct the Respondents to allow the applicants to work as usual and make payment of salary regularly. The other relief which is found just and proper in the circumstances of the case may also be granted. The applicants being poor Class IV employees have got no other means to survive and are facing hardship due to illegal and unreasonable and arbitrary action of the Respondent No. 3 and in case the interim relief is not granted the applicants along with their families will be compelled to starve.

11. In the even of application being sent by Registered post, it may be stated whether the applicants desire to have oral hearing at the admission stage and if so, they shall attach a self-addressed Post Card/Inland Letter, at which intimation regarding the date of hearing could be sent to him.

12. Particulars of Bank Draft/Postal Order in respect of the Application Fee:

*[Handwritten signature]*

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1. No. of Indian Postal Order(s) : DD OBS 177
2. Name of the issuing Post Office : High Court Lucknow
3. Date of issue of Postal Order : 21-10-88
4. Payable at which Post Office : G. P. O. Allahabad.

13. List of enclosures : as per Index.

VERIFICATION

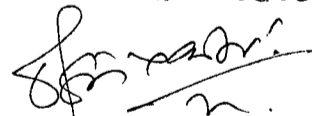
I, Ram Tej, aged about 30 years, son of Sri Harish Chandra, resident of I-13 Railway Colony Baha Alambagh, Lucknow, do hereby declare that I am the applicant No. 1 and Pairokar on behalf of the rest of the applicants on whose behalf the application has been filed in representative capacity and further do hereby verify that the contents of paragraphs 1 to 13 of this application are true to my personal knowledge. No part of it is false and nothing material has been concealed or suppressed.

Date : 23/12/88  
Place : Lucknow.

रामतेज पाण्डे

Signature of the applicant.

Signature of Advocate



(O.P. Srivastava)  
Advocate.









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BETWEEN

Ram Tej and others .....

Applicants

AND

Union of India and others .....

Respondents.

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Annexure - 2

2312. Allotment of residences and recovery of rent. - Subject to the availability of accommodation, a temporary railway servant is eligible for allotment of the same and to pay rent therefor in the same way as a permanent railway servant would.

2313. Passes. - A temporary railway servant is entitled to the same scale of passes as are admissible to a permanent railway servant of the corresponding status.

2314. Advances. - Subject to the conditions laid down in Chapter XVI a temporary railway servant may be granted advances for the purposes mentioned in that Chapter.

(ii) Substitutes

2315. Definition. - "Substitutes" are persons engaged in Indian Railway Establishments on regular scales of pay and allowances applicable to posts against which they are employed. These posts may fall vacant on account of a railway servant being on leave or due to non-availability of permanent or temporary railway servants and which cannot be kept vacant.

2316. Circumstances under which substitutes can be recruited. -

- (i) Ordinarily there should be no occasion to engage "substitutes" having regard to the fact that practically in all categories of railway servants leave reserve has been provided for. However, when owing to an abnormally high rate of absentees the leave reserve may become inadequate or ineffective as in the case of heavy sickness, or where the leave reserve is available but it is not possible to provide the same, say at a wayside station, and it may become absolutely necessary to engage substitutes even in vacancies of short duration.
- (ii) As far as possible Substitutes should be drawn from a panel of suitable candidates selected from Class III and IV posts and should be engaged subject to the observations made in (i) above, only in the following circumstances: -
  - (a) Against regular vacancies of unskilled and other categories of class IV staff requiring replacement for

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which arrangements cannot be made within the existing leave reserve.

- (b) Against a chain vacancy in the lower category of class IV staff arising out of the incumbent in a higher class IV category being on leave, where it is not possible to fill the post from within the existing leave reserve.
- (c) Against posts in categories for which no leave reserve has been provided.
- (d) Against vacancies in other circumstances specified by the Railway Board from time to time.

2317. **Emoluments payable to the Substitutes:**—Substitutes should be paid regular scales of pay and allowances admissible to such posts, irrespective of the nature or duration of the vacancy.

2318. **Rights and privileges admissible to the Substitutes:**—Substitutes should be afforded all the rights and privileges as may be admissible to temporary railway servants, from time to time on completion of six months continuous service. Substitute school teachers may, however, be afforded temporary status after they have put in continuous service of three months and their services should be treated as continuous for all purposes except seniority on their eventual absorption against regular posts after selection.

NOTE:—The conferment of temporary status on the Substitutes on completion of six months continuous service will not entitle them to automatic absorption/appointment to railway service unless they are in turn for such appointment on the basis of their position in select lists and/or they are selected in the approved manner for appointment to regular railway posts.

2319. **Breaks in service:**—The following cases of absence will not be considered as breaks in service for the purpose of determining six months' continuous employment referred to in para 2318 above:—

- (a) The periods of absence of a Substitute who is under medical treatment in connection with injuries sustained on duty covered by the provisions under the Workmen's Compensation Act.

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- (b) Authorised absence not exceeding 15 days during the preceding six months.

NOTE.—Unauthorised absence or stoppage of work will be treated as a break in continuity of employment.

- (c) Days of rest given under the Hours of Employment Regulations or under the Statutory Enactments and the days on which the Establishment employing the substitute remains closed will not be counted against the limit of 15 days authorised absence referred to above. The term "authorised absence" for this purpose covers permission granted by the Supervisory official in charge to be away from the work for the period specified.
- (d) Periods involved in journey etc., for joining the post on transfer from one station to another station or within the same station itself, in the exigencies of service but not exceeding in any case normal period of joining time permissible under the rules.
- (e) A register should be maintained for recording the names of all "Substitutes" wherever employed according to the unit of recruitment e. g. Division, Workshops, P.W.Is. lengths etc. strictly in the order of their taking up Substitute employment at the time of their initial engagement.

## SECTION B

### TEMPORARY ASSISTANT OFFICERS

2320. **Definition:**—A temporary assistant officer means an officer who is neither class I nor class II, recruited through the Union Public Service Commission (other than retired/released defence service officers and officers who were already in railway service at the time of their appointment as temporary gazetted officers).

2321. **Termination of service and period of notice:**—Service of a temporary assistant officer shall be liable to termination on 3 months' notice on either side during the period of temporary employment. The Government shall, however, also have the right to pay 3 months' pay in lieu of three months notice.

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BETWEEN

Ram Tej and others ..... Applicants

AND

Union of India and others ..... Respondents.

Annexure - 3

36

### Casual Labour and Substitutes

Sometimes these two types of labour are misunderstood and one is taken for the other in their service rights. We place below in a chart form, different aspects as applicable to each.

#### Substitutes

**Definition.** They are persons engaged in regular scales of pay and allowances applicable to posts against which they are employed. These posts may fall vacant due to rly. servants being on leave or due to non availability of permanent or temporary rly. servants and which cannot be kept vacant.  
(2315 EM)

**Class.** They may be in class III or class IV

**Payment.** They being on regular scale, are paid on monthly basis. They draw pay against the regular sanction irrespective of the duration of vacancy.  
(2315 EM)

**Vacancy.** Vacancy position must be checked before they can be appointed. If there is no vacancy, no substitute can be engaged.

**Increment etc.** They shall be entitled to yearly increment and shall subscribe to P.F.

**Leave Reserve.** Where leave Reserve is available no substitute should be engaged unless the absence exceeds the number of 'L Rs or the L.R. is not readily available, vacancy being at a way side station.  
2316 (i) EM)

#### Casual labour

It refers to labour whose employment is seasonal, intermittent, sporadic or extends over short periods. Labour of this kind is normally recruited from the nearest source. It is not liable to transfer and the conditions applicable to permanent and temporary staff do not apply to them.  
(2501 EM)

They are normally in class IV.

They are paid on daily basis. They draw wages from contingencies till they get temporary status or are employed on Projects.

No cadre position check may be necessary in this as they are engaged against sporadic requirements.

They will not get any increment etc. till they get temporary status.

No such restriction in this.

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CASUAL LABOUR AND SUBSTITUTES

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Panel. As far as possible they should be drawn from a Panel of suitable candidates selected for Class III & IV posts (2316 (ii) EM) Persons not on approved panels may not be engaged for more than 3 months.

(E(NG) ii 69/RE/1/90 dt. 16-3-70)

Temporary Status. They should be given Temporary Status after working for 4 months, except for School Teachers who will be given temporary status after 3 months. (2318 EM)

Gap between two engagements may be ignored for the purpose of giving temporary status.

(E(NG) 11-82/SB-8-dt. 6-1-83)

M.W. Act. They are not governed by Minimum Wages Act.

Rly servants. They are rly. servants for all purposes.

Duration. They should normally not be engaged for more than 3 months at a stretch.

Literacy. Normally literacy is one of the qualification for their engagement.

Service Card. No Service Card is given to them.

Notice of discharge. No such notice is required except as given under code rules. However Retrenchment Compensation under I.D. Act will be paid.

Register. A register showing the names of all substitutes employed unit wise as per the order of taking up their substitute employment must be maintained. (2319, EM)

Medical exam. They will be entitled to relaxed standard of Medical examination on empanelment to the regular service. (E(NG) ii/71 CL/84 dt. 1-8-73)

Recruiting Authority. They will be appointed only by the Competent authority.

There may not be any panel, but those discharged earlier must be given preference as per their seniority while re-engaging.

They will also be given Temporary status after working for 4 months. Authorised absence and discontinuance of work for want of productive work will not constitute a break.

Those of them engaged on the Scheduled Trades are governed by M.W. Act.

They are rly. servants under the Railways Act and not for Code Rules. So not entitled to Passes/P.T.O.

They should not be discharged merely with a view to cause an artificial break in their service.

Except in categories where literacy is a prescribed qualification, no literacy should be insisted upon.

They must be given a Service Card.

Notice of 15 days, is required to discharge CPC holders. Also they will be entitled to benefits under I.D. Act.

Similar register must be maintained in their case too.

This is applicable to casual labour too.

Normally Senior Subordinates recruit them.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

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BETWEEN

Ram Tej and others .....

Applicants

AND

Union of India and others .....

Respondents.

Annexure - 4

उत्तर लेख

पत्र संख्या 290ई/5-10/एवजी/मुमताम/1/1

मुद्रित कार्यालय लखनऊ  
दिनांक 16-1-1986

- 11) समस्त स्टेशन अजीलक तथा स्टेशन मास्टर लखनऊ मंडल
- 12) समस्त यातायात निरीलक टीओजी लखनऊ मंडल

विषय: - केजुवल लेवर/एवजी पोटर की नियुक्ति उक्त दिवस प्रतिदिन कार्य पर लगाया जाना।

11) कृपया इस कार्यालय के सम संयक पत्र उद०/85 एवं टीओजी-74 एवजी/पालनी/83 दिनांक 16.6.83 का अवलोकन करें तथा नियुक्ति आदेशों का पता देई से पालन करें।

12) यातायात निरीलक लखनऊ के यह संकेत दिनांक 01.6.85 के पत्र के पेट उ में अंकित की एवजी पोटर इस मंडल में 01.6.1978 के पूर्व कार्य किया है और उनकी लगातार कार्य करने की अवधि 120 दिन से कम है, जो कार्य पर लगी लगाया है यह न्यायाचित नहीं है इस संबंध में फिर से स्पष्टीकरण निम्नवत है :-

*The & Coml.*

जिस एवजी/केजुवल लेवर/पोटर के 01.6.1978 के पूर्व/टीओएलसी मुमताम के इस मंडल में कार्य किया कि तब तक नियुक्ति जारी प्रचार की प्रभावित बात नहीं है तब समय-समय पर 01.6.78 के पूर्व के कार्य करते वैसे आ रहे है उन्हें नियुक्ति संबंधी दिवस प्रतिदिन के दिवस स्थान पर तथा अस्थाई रिक्ति के प्रभावित प्रचार पर लगाया जा सकता है।

13) जिस एवजी पोटर तथा केजुवल लेवर को अनाधिकारी पर 01.6.1978 के बाद स्टेशन अजीलक/स्टेशन मास्टर/यातायात निरीलक तथा किसी अन्य पदाधिकारी के कार्यपर तथा तिया है तथा उनके लगातार कार्य करने की अवधि 120 दिन से अधिक हो चुकी है तो उस समय तक कार्य करके लिया जाय जब तक कोई विविधता आदेश इस कार्यालय द्वारा संबंधित सीनियर सबऑर्डिनेट को नहीं भेजा जाता है।

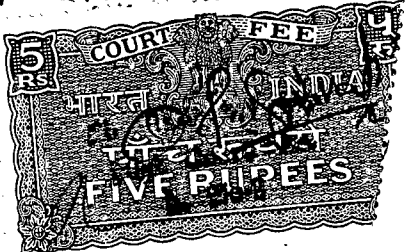
नया लगाया काम करने नहीं आ रहे है

ATC  
Ad.

In the Central Administrative Tribunal, Allahabad  
Circuit Bench, Lucknow महोदय

वादी / अपीलान्त  
प्रतिवादी / रैस्पॉण्डेंट  
Ram Tej & others

वकालतनामा  
C.A. No. - - - - - 11000



वादी (अपीलान्त)

Ram Tej and others

Applicants.

Union of India & others

प्रतिवादी (रैस्पॉण्डेंट)

Respondents

न० मुकद्दमा

सन

पेशी की ता०

१९६०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री ओ० पी० श्रीवास्तव एडवोकेट  
एवम् श्री डी० पी० श्रीवास्तव, एडवोकेट  
द६७, पुराना महानगर निकट फातिमा अस्पताल, लखनऊ-२२६००२ महोदय

नाम अदाबत  
मुकद्दमा न०  
नाम फरीकत

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे  
वेता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील  
द्वारा जो कुछ पेंरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल  
करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल  
करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर  
से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा  
उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानो) का  
दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती)  
रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह  
सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार  
करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता  
रहूंगा अगर मुकद्दमा अदम पेंरवी में एक तरफा मेरे खिलाफ फंसला हो  
जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह  
वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

Accepted

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महोना

सन १९

दि०

रामेश्वर  
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रामेश्वर

जन्पकिशोर  
मुन्नालाल  
अरविन्द कुमार  
रामेश्वर सिंह  
रामेश्वर  
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रामेश्वर

श्यामपिहारी  
जगद्विश  
दीपचन्द्र  
उत्तमशंकर

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

MISC. AN. NO. 535 OF 1991

In Re:

O.A. NO. 227 OF 1988(L)

Ram Tej and others ..... Applicants

VERSUS

Union of India and others ..... Respondents

APPLICATION FOR WITHDRAWAL OF THE APPLICATION  
ON BEHALF OF SOME OF THE APPLICANTS.

The humble applicants most respectfully submit  
as under:-

1. That the above noted application was filed inter alia challenging the retrenchment and for regularisation as the applicants were engaged by the Railway Administration as substitute casual labours and they had completed several years of continuous service .
2. That during the pendency of the above noted application the respondents called some of the applicants to appear in the screening test and thereafter some of the applicants have been declared successful and consequently they have been regularised. As such these applicants do not want to press the application any more and

*Filed today*

*cyw  
9/9/91*

*[Signature]*

(15)

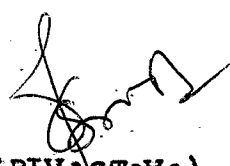
the application may be dismissed as withdrawn.

3. That the applicants Nos. 7, 8, 21, 22, 23, 25, 26, 28, 29, 31, 33, 34, 35, 36, 40, 41, 42, 52, 57, 62, 83, 93, 94, 104, 105, 114, 115, 116, 124, 130, 134, 140, 141, 144, 146, 147, 149, 150, 171, 172, 173, 176 and 177 are now only interested and inclined to pursue the matter as they have not allowed the duty. The application on behalf of rest of the applicants may be dismissed as withdrawn.

P R A Y E R

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to allow the applicants aforesaid to pursue the above noted application and the application may be dismissed as withdrawn on behalf of rest of the applicants for the sake of ends of justice.

Lucknow Dated:  
1991.

  
(O.P. SRIVASTAVA)  
ADVOCATE  
COUNSEL FOR THE APPLICANTS.



Before the Central Patent Tribunal  
व अदालत श्रीमान

Reg No 227/1989  
४वादी४ अधीतान्त श्री

Ram Tej & Sons  
प्रतिवादी ४ रेस्पान्डेंट४  
वादी ४ अधीलांत४

Clinic of India  
बनाम  
प्रतिवादी ४ रेस्पान्डेंट४

सुकदमा सं०

अथर सुकदमा में अपनी और से श्री Dr Arjun Bhargava  
Advocate  
रहवाकेट

महोदय

वकील

को अपना वकील नियुक्त करके ४इकरार४ करता हूँ और लिखे देता हूँ कि इस सुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ और भी व जवाब देही व प्रश्नोत्तर करे या कोई कागज दाखिल करे या लौटावे या हजारी और से डिगरी जारी करावे और रजिस्ट्रार को या सुकदमा या इकबाल दावा तथा अपील व निगरानी हजारी और से हमारे या अपने हस्ताक्षर से दाखिल करे और तसदीक करे या सुकदमा उठावे या कोई आया खर्च करे या हमारी पिसकी ४परोकतानी४ का दाखिल किया हुआ रजिस्ट्रार अथवा हमारे हस्ताक्षर युक्त ४दस्तखती४ रसीद से लेवे या कुछ नियुक्त करे वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सौंप रही हो रही है और हमारे इस लिखे यह वकालतनामा लिख दिया कि प्रमाण सहे और समय पर करे भाई ।

हस्ताक्षर

*Sharma*

साक्षी ४ गवाह४

साक्षी ४ गवाह४

दिनांक

महीना

सन् 199

नं०

Receipt  
*Sharma*

नाम अदालत  
नं० सुकदमा  
नाम पालिका