

A7

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

- (1) O.A. No. 364/88
Udai Kant Pathak & others Vs. Union of India
- (2) O.A. No. 1138/87
Sudhakar Pandey & others. Vs. Union of India.
- (3) O.A. 578 of 88
Sunt Kumar Singh & others vs. Union of India.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

As the common questions of law and facts are involved in these above three cases, they are being disposed of together. In the two cases, counter rejoinder have been filed, in the first counter has not been filed. As the facts are identical, it is not necessary to file counter by the respondents in that case, as the counter filed by them will be treated as the counter filed in the first case also.

Admit.

The applicants were engaged as casual labours from time to time by the respondents No. 1. They were engaged as Watermen in hot season in the year 1985-86. They have been engaged on various dates from 78-82 and others from April 78 to June 83 and so on. According to the applicant the casual/labours who have worked for a continuous/requisite period are entitled to the inclusion in the register prepared for the purpose and have a claim over the outsiders, as per para 2512(i) of the Railway Establishment Manual. The applicants have

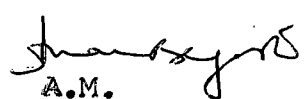
also placed reliance on the Railway Board circular No.E(NG) 11/13/DL/117 dt. 25.1.85 which provides that various spells of engagement may be aggregated for counting 120 days. The gap between two spells due to season being over, or there being no work, will be ignored. Thus, according to the applicant, they were entitled for inclusion in the Register and they should have been provided absorption or regularisation or appointment but the same was not done. The applicants made representations also but the same bore no fruitful result.

It has been stated by the respondents that these applicants had stated that they were engaged prior to 4.10.78 and that is why they were engaged in the year 1985-86, but later on it was found that the statement was not correct and they never worked prior to 4.10.78 and in this connection regarding maintenance of casual labour register, they made a reference P.S. which reads as under:

"While maintaining the live casual registers, those casual labour who had worked prior to 4.10.1978 but discharged prior to 1.1.81 and had not worked for 2 years, their name should be deleted except such casual labours who had made special representations in terms of P.S. No. 9191 & 9195 and were considered eligible".

According to the applicant, no such enquiry was made and they were not associated with the enquiry

Accordingly, in case their names are not taken in the live register or they have not been given the benefit, an enquiry should be held associating them, and in case it is found that they have given wrong information/date, they will suffer consequences but in case they are found to have been working prior to 1978 they will be given the benefit. Obviously, in case the casual labours who have worked like the applicants but were taken as casual labour subsequent to the applicants, have been allowed to continue, the respondents will also take care that the applicants also get the same opportunity and for giving this opportunity, let a live register be maintained by the respondents giving the dates of such appointments for the period they have worked. The above directions, ie. the enquiry and the entering of names in casual labour register be made within a period of three months from the communication of this order to the respondents.


A.M.


V.C.

Lucknow Dated: 28.1.92.

Shakeel/

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

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C.A. 1130/87 S. Pandey
C.A. 570/80 Sant Kumar
 Name of the parties V. K. Pathekar Applicant.

Versus

G. M. No E. Rly (New Delhi) Respondents.

Part A.B.C.

SI No.

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So (5) Rg

①

A-1

6.7.88

OR

①

On the request of applicants
counsel, left before court
for admission in 11.8.88. No any
amendment application have yet been
moved vide its order 12.5.88. *[Signature]*

Q12.

श्रीमान श्री एस विनोद कुमार कौशिक
वगैरे एतद् दस्तावेजों के माध्यम से
22.9.88

28/7/88

②

Hon. D.S. Mishra - Am.
Hon. G.S. Sharma - Jm

on the request
of learned counsel for
the applicant, the case
is adjourned to 30/8/88
for hearing.

[Signature]
Jm

[Signature]
Am.

30.8.88

Hon. D.S. Mishra A.M.
Hon. G.S. Sharma - J.M.

③

Sri R.K. Tiwari files the Vakalatnama
on behalf of petitioner. On his
request the case is adj. to
22.9.88 for order.

[Signature]
J.M.

[Signature]
A.M.

④

22.9.88. No sitting Adj to 10.11.88
10.11.88 No sitting. Adj. to 1-12-88 *[Signature]*

O.A.364-88

(3)

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1.12.88 No sitting adj. to 19.12.88

① 19.12.88 No sitting adj. to 31.1.89 B

31.1.89

Hon. G. S. Sharma, J.M.

Hon. K. J. Raman, AM

The case taken again after the amendment of this application and has been heard the learned counsel for the applicant. On his application, the same is allowed to file a joint petition on behalf of the applicant. Let a notice be issued to the respondents to show cause by 7-3-89 as to why the petition be not admitted.

AM.

J.M.

(4)

O.A. 364/88

ordersheet

A-3

(10)

31.1.89 Hon. G.S. Sharma, J.M.
Hon. K.J. Raman, AM

Heard the learned counsel for the applicant on the amendment application. The amendment is allowed and it be incorporated today. Put up in the revised list.

h

AM.

}
J.M.

(11)

31.1.89 Hon. G.S. Sharma, J.M.
Hon. K.J. Raman, AM.

The case taken again after the amendment of ^{in me} ~~this~~ application. ~~and has~~ ^{been} Heard the learned counsel for the applicant. The applicants ^{are} ~~has~~ allowed to file a joint petition on behalf of all the applicants. Let the notices be issued to the respondents to show cause by 7-3-89 as to why the petition be not admitted.

h₂

log
AM.

}
J.M.

Order sheet

C.A. 364 / 88

(6)

A-4

(14)

19.5.89.

Regr

On the request of the
Counsel for the applicant - list
before court for order on

10.7.89

Regr.

10.7.89.

Hon. G. S. Shanmugam. J.M.
Hon. N. V. Krishnam. A.M.

None is present for
the applicant. Adjourned to
28.8.89 for order.

Regr.
A.M.

}
J.M.

(16)

Don

28.8.89 Due to lawyer's strike
the case is adj. to 9.11.89

(17)

9.11.89 No sitting adj. to 21.2.90 for order.

(18)

21.2.90 Honk. Ramen AM / Honk. Agawal SM

Adj. to 30.4.90

for order.

Don
to
Box

(B)

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ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD.

OA No. 364 OF 1988

Vs.

Sl.No.	Date	Office Report	Orders
--------	------	---------------	--------

(21) 5-10-90

OR
Pending Misc.
Appr. No. 692/90 is
put up for orders
before the court
on 15.11.90.

OR
14/11/90

(22)

OR
As directed copies
of petition is served.

OR
T

DR
There is an Exptt. appln.
pending for disposal. List
the appln before court
for orders on 15-11-90.

DR(J)

15.11.1990
Hon. D.K. Agrawal, J.M.
Hon. K. Obayya, A.M.

None appears for the appli-
cant. Sri A.K. Dixit, learned counsel
for the applicant has prayed
adjournment on the ground of
illness. Sri P. Mathur is directed
to take notice of this case. Let
a counter affidavit be filed within
eight weeks hereof. Rejoinder affi-
davit, if any, may be filed within
two weeks thereafter.

In OAs No. 578/88 and
1138/87, connected with this case,
counter affidavits have been filed.
Let rejoinder affidavit, if any, be
filed within four weeks hereof.

List this case before the
DR(J) on 18.3.1991 for completion
of pleadings and thereafter let
it be kept in the sine die list for
listing it for hearing according
to its Sl.No.

Office shall deliver, on
demand, copies of the petition to
Sri P. Mathur.

OR
A.M.

OR
J.M.

pg.

ORDER SHEET

A-6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

OA

No.

364

OF 19

00

Vs.

Sl.No.	Date	Office Report	Orders
--------	------	---------------	--------

OR

This file has
been sent on
31-2-91. from
CAT, Allah. by
S. Shiv Kumar
S. Kumar DK

5/1/91

1/11/91

D.R.

Applicant's side is

present. Case is listed
for filing counter
on the date fixed
28/11/91. ✓

28.11.91

D.R.

counsel for applicant

is present. No appears

for O.P. This case is

listed for admission

and orders on 28/1/92.

As per D.R.(2) (C.A.T. Allah.)

order dt. 30.7.91. case

is listed before the Hon. Bench

on 28/1/92. ✓

Main Copy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

ADDITIONAL BENCH

AT

ALLAHABAD

G. A No 364/88

B E T W E E N

Udai Kant Pathak and 6 oths..

..Applicants.

Versus

Divisional Rail Manager & others.

..Respondents.

Allahabad: Dated

18 March, 1988

Filed by

Abhaya Kumar Dixit,
Advocate,
509/28Ka Old Hydera-
bad, Lucknow.

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CLAIM NO . _____ 88

Instt. on March 1988.

FORM I

(See Rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH

AT

ALLAHABAD.

Udai Kant Pathak & 6 others..

..Applicants.

Versus.

Divisional Rail Manager etc..

..Respondents.

I N D E X

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of claimant no.
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ALLAHABAD :

Signature of Applicants.

Dated: 18 March. 1988.

(Uday Kant Pathak & 6 others.

Through their counsel :-

(A.K. Dixit)

Advocate.

509/28K, Old Hyderabad

Lucknow.

FOR USE IN TRIBUNAL'S OFFICE :

Date of filing

or

Date of Receipt by Post

Registration No.

signature
for REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

ADDITIONAL BENCH

AT

ALLAHABAD

Reg. No. 364 of 1988
Centre: Allahabad Tribunal

Addition: Allahabad

Date of filing: 10/3/88

Date of receipt:

by Post

Registrar.

B E T W E E N

Udai Kant Pathak and 6 oths..

.. Applicants.

A N D

Divisional Rail Manager & oths..

.. Respondents.

DETAILS OF APPLICATION:

1. Particulars of Applicants:-

- (i) Name of the Applicant:-)
(ii) Name of father/Husband:-) As per details given
(iii) Age of the applicant:-) below:-

1. Udai Kant Pathak aged about 28 years son of Sri A.V.Pathak, Railway Colony, Post Kachhona Balamau District Hardoi.
2. Khub Lal aged about 27 years son of Sri Sitaram Prasad, Village Kadir Chak, Post Jagdishpur Kothi Distt. Siwan (Bihar)
3. Pramod Kumar aged about 27 years son of Sri Raja Ram, Village Gyanpur, Post Kachhowa Distt. Hardoi.
4. Ram Sewak aged 27 years son of Sri Jalim Village Terwa Post Barwa Sarsand Distt. Hardoi.
5. Rakesh Pal aged about 28 years son of Sri Mata Prasad 52/2 Udaiganj Lucknow.
6. Ashok Kumar aged about 28 years son of

filed today
and noted for
23/4/88
Gom's
10/3/88

अनुमोदित

Sri Ratan Lal, resident of Mohalla Aimanjai Post
Jalalnagar Distt. Shahjehanpur.

8. Virendra Singh aged about 27 years son of Sri Ramodra
Bahadur, Village Kukhi, Post Kachhona, Distt.
Hardoi.

(iv) Designation & Particulars	Assistant Personnel
of office in which	Officer(III)Office
employed:	of Divisional Rail
	Manager, Moradabad.

(v) Office Address:-

--do--

(vi) Address for service
of notice:-

Udaikant Pathak s/o
Sri A.V. Pathak
Railway Colony, Balamau
Post Kachhona, District
Hardoi (U.P.)

2. Particulars of the Respondents:

- | | |
|----------------------------------|------------------|
| (i) Name of respondent |) |
| (ii) Name of father/Husband |) |
| (iii) Age of the respondent |) As per details |
| (iv) Designation and particulars |) given below. |
| of office) Name and station) |) |
| in which employed. |) |
| (v) Office Address: |) |
| (vi) Address for service of |) |
| Notices |) |

1. General Manager, Northern Railway, Baroda House,
New Delhi.
2. Divisional Rail Manager, Northern Railway, Moradabad.
3. Assistant Personnel Officer (III) Office of Divisional
Rail Manager, Moradabad.

4. Union of India Thick Secretary of Railways
Ministry of Railways New Delhi
31st May 1954
..13.
8/3/89

3
A-15

3. Particulars of order against
which application is made.

The application is against the following order:-

- (i) Order No. .. Nil.
- (ii) Rate .. Nil.
- (iii) Passed by .. Applicants have ~~xxxx~~
worked as Casual Labour from time
to time. Keeping in view their
casual labour they were lastly
engaged as Seasonal waterman by
respondent no. 2 under different
Railway Stations of Moradabad
Division during the period ending on
14.7.86. In the next season i.e.
May 87 to July 87 applicants were
ignored in offering the job and
new hands/juniors were employed
without assigning any reasons.
No specific orders for not
engaging the applicants have been
passed by any authority.

- (iv) Subject in Brief:- All the applicants have worked as
Casual Labours under respondents.
Having due regard to their working
as such all the applicants were
given seasonal engagement (as Hot
season waterman) upto 14.7.86
at different Railway Stations
under Administrative Control of
respondent no. 2. Under para 2501
of Railway Establishment Manual

31/8/87

4 P-16

(hereinafter referred as REM) Casual Labour includes a seasonal employment Under para 2512 of REM, and as well as according to the directions of Railway Administration applicants are not only entitled for inclusion of their names in the Register/List for providing employment in future, but they have a prior claim of job as against outsiders. Such Hbt season Casual workman who complete 120 days of continuous employment are entitled for Temporary Status, without assigning any reasons, and ignoring their seniority applicants were not engaged in season of May 87 to July 87. Representations moved by applicants have not been responded. Under these circumstances applicants are preferring the present ^{claim} praying for issue of a command direction or order in the nature of Mandamus that respondents be ordered to prepare such list of seasonal workers by including names of applicants in accordance with seniority keeping in view the duration of their working period and to provide them with suitable jobs strictly in accordance with such list.

5 A-17

Since right of relief arises from the same type of act or transaction, the applicant are jointly interested in the same cause of action and identical question of controversy with regard to fact and law is involved; applicants being unemployed persons belonging to weaker section of society and financially unable to prefer seperate claims, beg to seek leave of Hon'ble Tribunal to present this joint application on Single set of fee.

4. Jurisdiction of the Tribunal:- The applicants declare that the subject matter of the action against which they want redressal is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation:- The applicants further declare that the application is within limitation prescribed under section 21 of the Administrative Tribunal Act 1985.

6. Facts of the case:-

6.1. That applicants were engaged as Casual labours from time to time under respondent No. 1. Their respective days of employment in broken periods from time to time are indicated below:-

<u>Name of Petitioner</u>	<u>Period of Work</u>	<u>Total Days</u>
1. Udei Kant	12.9.78 to 13.11.79 15.4.80 to 14.10.80	362
2. Khub Lal	28.3.78 to 14.1.80	345

Signature

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A-18

3. Pramod Kumar	3.11.86 to 14.7.86	76
4. Ram Sewak	1.9.79 to 15.2.78 30.4.86 to 14.7.86	90 76
5. Rakesh Pal	25.4.78 to 14.7.79	388
6. Ashok Kumar	21.6.78 to 13.11.79	180
7. Virendra Singh	30.4.77 to 14.7.78	149

6.2. That these working days are entered either in the Casual Labour Card or in the Certificates issued by the Concerned Official of Railway Administration.

True Photo Copies of aforesaid Certificates etc. are attached herewith as ANNEXURE A-1 to A-7 with this petition.

6.3. That casual Labours who have not completed requisite period of continuous working are entitled to be included in the list/register prepared for the purpose and they have a prior claim of job over outsiders. Employment should be given to them strictly in accordance with their seniority of working days. Relevant provisions of para 2512 (i) to Railway Establishment Manual are reproduced below:-

2512. Absorption of Casual Labour in regular vacancies:-

3/11/77

..17.

(i) Casual Labour who acquire temporary status as a result of having worked on other than projects for more than 6 months or who have worked for more than 6 months, shall be considered for regular employment without having to go through employment Exchanges. Other Casual Labour who have not completed six Months, will, of course, be required to get, themselves registered in the relevant Exchanges before they are considered by the Selection Boards. They will have a prior claim over outsiders. In order to ensure this, the names of all casual labour, wherever employed, should be entered in the registers maintained by Divisions or Districts or by any other convenient unit of recruitment strictly in the order of their taking up casual appointment at the initial stage, and for the purposes of empanelment for regular Class IV posts they should, as far as possible be selected in order maintained in the aforesaid registers. While showing preference to casual labour over other outsiders in the matter of recruitment to regular Class IV establishment, due consideration and weightage should be given to the knowledge and experience gained by them, other conditions being

equal, total length of service as casual labour, either continuous or in broken periods, irrespective of whether they have attained the temporary status or not, should be taken into account so as to ensure that casual labour who are senior by virtue of longer service are not left out.

(ii)

(iii)

6.4. That from time to time Railway Administration has also issued directions to engage casual workers and to prepare a list of such persons for employment in future.

6.5. That according to the respective provisions of REM casual labours on completion of 120 days of continuous service are entitled to be treated as Temporary Employees of Railway Administration.

6.6. That particularly for Hot season Waterman (labour) the Railway Board vide its Circular No. E(NG) 11/13/IL/117 Dt. 25.1.85 ER/21/85 have provided that various spells of engagement may be aggregated four counting 120 days. The gap between two spells due to season being over, or there being no work, will be ignored.

True extract of Railway Boards
above circular Dt. 25.1.85 as found

3/2/85

published on page 28 of Railway Establishment Manual (Supplement 1986) in reproduced below:-

"Temporary status to Waterman. Not season those casual waterman who complete 120 days on continuous employment, will be given temporary status. Various spells of engagement may be aggregated for counting 120 days. The gap between 2 spells due to season being over, or there being no work, will be ignored. But where work was offered but he did not avail, he will have to start afresh for counting of service.

Casual waterman employed in 1985 onward only will be entitled to this benefit on completion of 180 days from 1985 onwards.

(E(NG)II/13/ML/117 Dt.25.1.85; ER 21/85)."

6.7. That thus a seasonal worker is also treated as Casual Labour as evident from perusal of language of para 2501 Chapter XXV of Railway Establishment Manual which is reproduced below in verbatim:-

CHAPTER XXV

CASUAL LABOUR

2501 redefinition:-

(a) Casual Labour refers to Labour

.. / 10.

312453

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

(b) The Casual labour on railways should be employed only in the following types of cases, namely:-

(i) Staff paid from contingencies except those retained for more than six months continuously:-

Such of those persons who continue to do the same work for which they were engaged or other work of the same type for more than six months without a break will be treated as temporary after the expiry of the six months of continuous employment.

(ii) Labour on projects, irrespective of duration, except those transferred from other temporary or permanent employment.

(iii) Seasonal labour who are sanctioned for specific works of less than six months duration. If such labour is shifted from one work to another

of the same type, e.g., relaying and the total continuous period of such work at any one time is more than six months' duration, they should be treated as temporary after the expiry of six months of continuous employment. For the purpose of determining the eligibility of labour to be treated as temporary, the criterion should be the period of continuous work put in by each individual labour on the same specify or and no the period put in any particular gang or group of labourer.

- 6.8. That having regard to all these rules and directions all the petitioners were engaged during the season of April-May 86 to June-July 86.

True copies of such engagement slip/Certificates in respect of all the petitioners are attached herewith as ANNEXURES A-8 to A-13 of this claim petition. Engagement slip in respect of claimant No. 3 Pramod Kumar has already been attached as Annexure A-3 to this petition.

- 6.9. That since all the applicants were engaged in 1986 season having regard to their previous working, they were

3/12/86

.. / 12.

hopeful and waiting for their engagement in the season of 1987, but when were not engaged they moved representations and personal approaches with the concerned authorities for their engagement.

True copies of such representation are attached herewith as ANNEXURE A-14 and A-17 to this petition.

6.10. That the gap between various spells of engagement, in the services (working days) of claimants due to season being over, and there being no work, nor the applicants were offered with any work to which they have failed to avail.

6.11. That neither the representations of claimants have been decided nor they were engaged in the season of 1987 even the next season of 1988 has arrived. In these circumstances applicants have been left with no option but to prefer this claim petition, cause of action for which arose in April-May 87 to June-July 87, i.e. the Hot season of 1987.

6.12. That respondents have not only ignored the rightful claim of engagement but outsiders and juniors have been engaged effecting rights of claimants.

6.13. That since respondents have failed to perform statutory duty imposed upon them

अन्तर्गत

regarding preparation of the list as
aforesaid and engaging the applicants,
they beg to prefer this claim on and
amongst other the following:-

For added power 6.14 to 6.18 (See next page
13A813B)
G R O U N D S
21/1/89

- (A) Because it is mandatory requirement of respective provisions of REM that in granting engagement to casual labours due regard shall be given to their seniority/working days.
- (B) Because applicants cannot be ignored in giving casual engagement without some cogent and specific reason to their notice and opportunity to meet the same.
- (C) Because applicants are legally entitled to get their names included in the list in order to have the employment according to their seniority to the exclusion of outsiders and juniors.
- (D) Because applicants have a legal right and respondents have a legal obligation to perform.

7. Details of Remedies
exhausted.

The applicants declare that they have availed all the remedies available to them under relevant rules. None of the representations have been decided by

"6.14- That in this connection it is submitted that according to the procedure and practice prevailing with the respondent for appointment of Hot Season Waterman it is not at all necessary to move an application. Such selection are made according to seniority from amongst the list already maintained for the purpose. None of the claimants have applied for such appointment even in the proceeding seasons.

"6.15- That selection in every season is made after verification of previous working days and application are entertained only in exceptional cases like appointment on compassionate grounds. The fact that appointments are made from amongst the candidates of list is evidenced from perusal of Annexure A-13 already on record and as well as from perusal of Annexure A-14 which is true Photo copy of appointment letter issued to claimant Ashok Kumar.

"6.16- That in evidence of this fact it is relevant to have reference of circular dated 29.12.87 issued by D. R. M. Moradabad, perusal of which goes to show that to send names for such appointment in the duty of concerned PWIs/ Station Masters. Person concerned is not even required to put his signatures over the prescribed form.

True copy of circular dt. 29.12.87 and format attached with it are enclosed as Annexure A-15 and A-16.

"6.17- That circular dated 22.3.88 issued from office of D. R. M. Moradabad specifically provides that only those persons will be engaged as Hot season waterman who are referred by this office

-2-

will only be engaged.

True copy of aforesaid circular dated 22.3.88 is also attached as Annexure A-17.

"6.18- That to quote with another example on the point it is pertinent to point out that Sarvasri Satpal Mitra and 8 others have filed claim No. 856-87 before this Hon'ble Tribunal for their regularisation on account of their continued working as casual labour. These persons have never worked as Hot Season Waterman, nor they have claimed for such part, nor they have ever applied. During the pendency of claim No. 856/87 Satpal Mitra and Jagat Prakash (claimant No. 1 and 8 of claim No. 856/87) have been engaged as Hot Season Waterman and have joined at Sandila and Bhagauli Railway Stations.

True copy of appointment order of Sri Satpal Mitra as Hot Season Waterman is attached herewith as Annexure A-18.

"Para's 6.14 to 6.18 added under Court's order
Dated 31.1.89."

AKM
A. K. Dixit,
Advocate,
for Claimants.

31.1.89

14 p 2
an order in writing. True copies of such representation and postal receipts have been attached as ANNEXURE A-14 to A-13- with this claim petition.

8. Matters not previously filed or pending with any other court.

The applicants further declare that they had not filed previously any application, writ petition 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. Reliefs sought

(i) a declaration, direction or order in favour of applicants in the nature of Mandamus/command that applicants are entitled for inclusion of their names in the list which should be prepared by respondents within a time to be fixed by Hon'ble Tribunal, and are further entitled to be engaged as casual labours (Hot season waterman) in every season in accordance with their seniority, for which respondents be ordered to comply.

(ii) Costs of the claim petition and such other relief as may be deemed fit and

75 A-30

proper in the circumstances of the case,
be also granted to applicants.

10. Interim order, if any

. prayed for:-

Respondents be directed to engage
claimants as Hot season Watermen in
the Hot season of 1988, having regard
to their previous working.

11. Application is presented through counsel Sri
ABHAYA KUMAR DIXIT, Advocate, 509/28Ka, Old
Hyderabad, Lucknow.

12. Particulars of Bank Draft/Postal order in respect
of the application fee.

1. Name of the Bank on which drawn

2. Demand Draft No.:

or

1. No. of Indian Postal order: DD 829192

2. Name of Issuing Post Office: Mallwiganj Lucknow

3. Date of Issue of Postal order: 17/3/88

4. Post Office at which payable:

13. List of enclosures:

1. Demand Draft/Postal order.

2. Index of documents.

3. Paper book having details of Annexures
as mentioned in the Index.

4. Vakalatnama.

../16.

31/3/88

plm/82

Verification.

We, Udai Kant Pathak, Khub Lal, Premod Kumar, Ram Sewak, Rakesh Pal, Ashok Kumar, Virendra Singh whose names and addresses are given in array of parties do hereby verify that the contents of paras 6.1 to 6.9 are true to our personal knowledge and those of paras 6.10 & 7 to 13 are believed to be true on legal advice and that we have not suppressed any material facts.

ALL AHABAD:

Udai Kant Pathak
and others.

Dated: 18 March, 1988.

Applicants.

प्रेमोद कुमार

वीरेंद्र सिंह

खुब लाल प्रसाद

अशोक कुमार

Uday Kant

Ram Sewak

रकेश पाल

To,

The Registrar,

Central Administrative Tribunal,

Additional Bench, Allahabad.

उप कानून मंत्री के अंतर्गत
 प्रो. कानून के मंत्रालय
 अंतर्गत स 2

प्रो. कानून के मंत्रालय
 अंतर्गत स 2

ATTESTED
 Abhaya Singh
 Advocate
 HIGH COURT
 LUCKNOW.

RECORD OF SERVICE AS
 CASUAL LABOUR

RECORD OF SERVICE AS
 CASUAL LABOUR

RECORD OF SERVICE
 CASUAL LABOUR

1. Name in full (in Block Letters) KNOOBAL PRASHD S. No.
 2. Father's Name Mr. SHIVRAM PRASHD
 3. Date of Birth 1-1-1959
 4. Age at initial employment 19 Years 3 Months
 5. Nature of job or employment
 T.Y. Gangman
 1st mark on back cap
 of slight foot

Period of employment	From	To	Nature of Assignment	Sign. of the	Period of employment	From	To	Nature of Assignment
	1	2	3	4		2	3	4
	28-8-78	5-7-79	6 months	45 days				
	18-8-78	18-8-78	4 "	60 "				
	15-4-79	18-6-79	4 "	60 "				
	TOTAL			165 days				
	15-6-79	14-8-79	Khaddasi	60 days				
	15-7-79	14-1-80	"	120 "				
	TOTAL			345 "				



हमारे पद के लिये सही मीनरेटव दिखाने की उपाय
 उद्योग कानून पाठक व अन्य
 पीडी वलनल रेल मनेजर आदि
 बनाम
 अनेकर स 3
 रेलमनेट

उत्तर रेलवे/NORTHERN RAILWAY

फॉर्म नं० 19/G.L.-19
 बताने 99-कल/Genl 99-कल

Non list

उत्तर रेलवे की ओर से भेजा गया है कि
 दिनांक 1/11/1933 के अन्तर्गत 28/11/1933 के अन्तर्गत
 दिनांक 1/11/1933 के अन्तर्गत 28/11/1933 के अन्तर्गत
 दिनांक 1/11/1933 के अन्तर्गत 28/11/1933 के अन्तर्गत
 दिनांक 1/11/1933 के अन्तर्गत 28/11/1933 के अन्तर्गत

16/7/1933

संस्थापक
 दिनांक (1933)

ATTESTED TRUE COPY

Abhaya Kumar Dixit
 Advocate
 HIGH COURT
 LUCKNOW

अभय कुमार

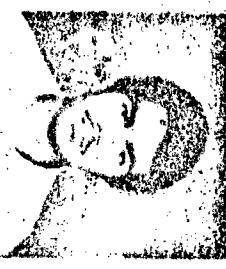
हैन रिद मेनस सडी मीनरीटव रिदकुनर अि डर नल रेव इमरेशन
उदय कान्त पाठक व अन्य
रिडी कानल रेव मेनर अगिद
बनाम
अनेकनर स 5
रेमनानेन्ट

ATTESTED COPY

AB... HIGH COU... LUCKNOW.

RECORD OF SERVICE AS CASUAL LABOUR

RECORD OF SERVICE AS CASUAL LABOUR



RECORD OF SERVICE AS CASUAL LABOUR

Name in full (in Block Letters) **RAKESH PAL**
Father's Name **SH. MATHA PRASAD**

Date of Birth **01-08-1960**

Age at initial casual employment **18 Years 2 Months**

Personal marks of identification. **(Official mark on base of right leg of 15 Secor mark naturally of right leg)**

Nature of job or casual employment **Ty. Khaddar**

S. No.	Period of employment		Nature of Assignment	Signature of Inspector of the Supervision with date	Period of employment		Nature of Assignment	Signature of Inspector of the Supervision with date
	From	To			From	To		
1	25.4.78	25.4.78	10 days					
	27.6.78	27.6.78	20 "					
	27.7.78	28.8.78	25 "					
	19.10.78	20.11.78	50 "					
	1.12.78	11.02.79	74 "					
Total			239 days	N. R. BALMA				
	15.02.79	14.03.79	28 "					
	15.03.79	14.04.79	31 "					
	15.04.79	14.05.79	30 "					
	15.05.79	14.06.79	31 "					
	15.06.79	14.07.79	29 "					
Total			388 days					



अनुरोध

इन दिव सेन्ट्रल सर्विसीज ऑफ इंडिया में
जय कान्त गौतम व अन्य
प्रीति कान्त सेल में जेल ऑफिस

बनाम
अनेकाल स 6
रेखा नं-12

Card No. 138151

ATTES

LUCKNOW

(4)

RECORD OF SERVICE AS CASUAL LABOUR

शारीरिक नियुक्ति की तारीख 16.6.76
Date of initial employment

नौकरी की अवधि Period of employment	कार्य का स्वरूप Nature of assignment	प्रत्येकन के तारीख सहित हस्ताक्षर और प्रदत्त Sig. & Design. of Supr. with date
कब से From	कब तक To	

21-6-78	20-2-78	30.03.78
16.8.78	14.10.78	1.60
15.4.79	14.5.79	30
15.6.79	14.7.79	30
15.10.79	13.11.79	30
Total		150

हस्ताक्षर
11/12

प्रमुख नियुक्ति पर
Particulars to be filled

फोटो
(प्रमाणित करने वाली
फोटो प्रमाणित)
Photograph
(Attested by the
Subordinate)



पूरा नाम ASHOK KAMRAN
Name in full

फिर भी नाम Shagufta Khatun
Further Name

संबंधित व्यक्ति के सदस्य हैं या नहीं No
Scheduled Caste or not

कार्यस्थल के हस्ताक्षर
और प्रदत्त
Signature & Designation
of Subordinate incharge

हस्ताक्षर
11/12

अंतर रेखा

अनवर २७

बैद्य कृष्णदासदा
गुणगोपा

ATTESTED TRUE COPY

Abt. 1082 1082

HIGH NO
LUCK NOW.

[illegible]

अश्वि कुमार

इन दि लेन्डल सडी मीनस्ट्री ऑफ डायनल ऑडिअल बेल डायनल
 उदय कान्त पाठक व अन्य बनोम
 पीडी वजनल रेल मैनेजर ऑफिड अनेकमर स 8
 रेन्धान्हेन्ट

XX

(5)

This is to certify that Shri
 Uday Kant S/o Shri Akshay Palak
 is a honest, hard worker, intelligent
 and devoted to his duties. He worked
 as Sub. Water man in Summer Season
 vide DRM/mis letter NO EM/1 Summer
 Season/Water man/86 dt 28/4/86 from
 01/5/86 to 14/7/86 = 75 (Seventy five)
 days regularly.

Sub. Master
 S. P. Singh
 S. P. Master
 CHANDER
 14-7-86
 CHANDER

अशोक कुमार

A-39

EDITION.

25

A 40

इन दि सैन्ट्रल रडी मीनस्ट्रीट व दि ब्रुनल ओ डायनल वेव इन्फ्राबाद
 उदय कान्त पाठक व अन्य बनाम : प्रयोगिण
 डि विजनल रेल मैनेजर आदि अनेकज र ७ रे पान्डेन्ट

Sm/Dus
 15-7-86

स्थान मास्टर
 ए. रे. दस्त
 Station Master
 M. Rly. DAETARA

It is certified that Shukhbalal
 Sh. Sm. Sici Namal worked
 at Dus station as seasonal water
 man from 01.5.86 to 14/7/86
 i.e. 75 days. During his working,
 He worked hard with great
 honesty and sense of duty.

R. R. Vams
Sm/Dus
 स्थान मास्टर
 ए. रे. दस्त
 Station Master
 M. Rly. DAETARA

अशोक कुमार

ATTN:

15/7/86

8/8/86

LUCKNOW

इन दिने सेन्ट्रल रेलवे मीनिस्ट्री के दिखाने की आज्ञा के तहत जहाँ से
उद्योग कानून पाठक के अन्तर्गत बनाम : रैमण्डेन्ट
हिंदी कानून रेल मीनिस्टर आदि अनेकतर 12

उत्तर रेलवे NORTHERN RAILWAY

सी.एन. 19-A, नमून 99 छोटा
G.L. 19-A/Genl. 99 Small

दिनांक 10/11/86
आज्ञा 3/0 श्री रवि रतन लाल ने वर्ष
1986 में इस दिनांक पर प्रमाणित
प्राप्त करके दिनांक 18/4/86 से 14/5/86
तक कुल (88-3) = 85 दिन (पञ्चमास)
दिन के बराबर कायम किया हुआ वेतन
भुगतान करने का आदेश देकर
आज्ञा के दिनांक पर
नोट - अन्तर्गत में उपरोक्त
दिनांक में तीन दिन अवकाश
मिले हैं जिन्हें तीन दिन का
का दिनांक राखा है
27/11
आज्ञा के दिनांक से अवकाश

Signature
Sd/-
B. Bly, Sr. Engineer

आज्ञा के तहत

ATTESTED TRUE COPY
Abhay Kumar Dixit
Advocate
HIGH COURT
LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

UDAI KANT PATHAK AND OTHERS.....CLAIMANTS.

VERSUS.

G.M. NORTHERN RAILWAY & OTHERS.....OPPOSITE PARTIES

ANN EXHIBIT NO. - 1 -

A/4(I)

उत्तर स्तम्भ

संज्ञा: ईएस-1/सीएम काशी/पाटी वाला/86.

संज्ञा रेल प्रकरण काशी
गुरादाबाद ।

दिनांक: 17/11/1986.

श्री/श्रीमती Ashok Kumar810 Shiv. Ratan Singh Tal. Ratan Lal Rathi LalTali. K. Bazaria Bara Dera Tal. Tanki KhatDistrict - Shahjahanpurविषय:- श्रीमती/सीएम काशी वाला वर्ष 1986 में वैधित्व भित्त काशी को दे दो
में विद्युत ।

= = = =

महोदय जी/श्रीमती/प्रार्थना पत्र को प्रवर अधिकारियों द्वारा कार्य के दिनों को
सत्यापन करने के लिए प्राप्त हुआ है, के आधार पर वैधित्व भित्त काशी
प्रतीक्षा के लिए रेल मंत्रालय पर Shahjahanpur
स्थान पर विद्युत भित्त काशी है ।

अपने पत्र को लेकर स्थान अधिकार/स्थान मास्टर Shahjahanpur
के पास भित्त काशी । सूचना कोट करें कि इस अधिकार अधिकारियों के दिनों
में 14.7.86 के दिनांक आप दिखी ली कारखाना रेल सेवा के उपयोग को भेजे
आपने रेलों को कार्य के दिनों 14.7.86 समाप्त होने से पहले ली भित्त काशी
उपलब्ध करने का लोचन के समाप्त कर दी लोचन, अर्थात् रेल प्रकरण को लोचन
में दिनांक 14.7.86 को कार्य को समाप्त करने को भेजी ।

उपलब्ध के कारण भित्त सत्यापन विद्युत से पहले नहीं किया जा रहा है ।
अतः यह सत्यापन दिनांक दिनांक द्वारा 14 दिनों के बाद किया जाएगा । अगर भित्त
विद्युत में कोई कमी या अधिकता पाई गई तो उस व्यक्ति को सेवा में तत्काल दिनांक दिनांक
अपने पत्र को लोचन कर दी लोचन ।

TESTED TRUE COPY

Abhaya Kumar Dixit
AdvocateHIGH COURT
LUCKNOW.प्रतिनिधि:- 1. स्थान अधिकार/स्थान मास्टर आदेश जारी होने के बाद दिनांक के उद्देश्य
इस कार्रवाई को सुनिश्चित करें कि उपरोक्त अधिकारों के उद्देश्य के स्थान पर
इससे प्रत्यक्ष कर ली है अर्थात् नहीं । यदि इससे नहीं प्रत्यक्ष ली है
तो उद्देश्य के लिए पर कार्रवाई करने के लिए सुनिश्चित करें और

2. अर्थात्/वैधित्व काशी, गुरादाबाद में कार्य में

Yusuf
वहायद अर्थात् अधिकारी (तुल्य)
उद्देश्य/गुरादाबाद ।

Udai Kant Pathak

जान दि सेन्द्र त छ मिनिस्ट्र दिव दि ब्युनत अडिशनल बैच इलाहाबाद

उदय कान्त पाठक व 6 अन्य --

--प्राथमिक

बनाम

दि विजयत रेल मेजर आदि --

--रेस्पॉण्डेन्ट

अमेकजर २१६

सेवा में,

श्रीमान स्टेशन मास्टर साहब
कलक उत्तर रेलवे

महोदय जी,

प्राथमिक सदैव की भाँति इस वर्ग भी गमी की डिप्टी
के लिये लाजिर है। पिछले साल वह 1-5-86 से 14-7-86 तक काम कर
चुका है। उसका नाम भी लिस्ट में नम्बर 117 पर है।

प्राथमिक को सीजन की डिप्टी दी जाय।

प्राथमिक

19-4-87

उदय कान्त पाठक

अशोक कुमार

ATTESTED TRUE COPY

अमर

Abh...

HIGH COURT
LUCKNOW.

इन दि सेन्द्रल एडमिनिस्ट्रेटिव्हि ब्युनल अडिशनल बैव इला हा बाद

उदय कान्त पाठक व 6 अ-य --

--प्राथमिण

बनाम

हि विजनल रेल मैषर आदि --

--रेस्पान्डेन्ट

अनेकुर ९-१६

श्रीमान स्टेशन मास्टर साहब

उत्तर रेलवे, दबतारा

सेवा सूचना

प्राथमि पिछले गमी के सीजन में 14-7-86 तक डिप्टी करने के बाद आज पनुः इस साल की डिप्टी के लिये हा जिर है।

प्राथमि का नम्बर लिस्ट में III पर है।

तदनुसार सेवा सूचना प्रस्तुत है।

प्राथमि

24-4-87

छाव ताल प्रसाद

अशाक गुजाल

32A

A-49

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

UDAI KANT PATHAK AND OTHERS.....CLAIMANTS.

VERSUS.

G.M. NORTHERN RAILWAY & OTHERS.....OPP. PARTIES

ANL. EXHIB. NO. - 1 -

उत्तर रेलवे,

आपत्ति मण्डल रेल प्रबन्ध,

मुरादाबाद ।

संख्या: ई०एम०-१/ग्रीष्म कालीन/पानीयाता/८८

दिनांक: 29-12-1987.

तमस्त अधीनस्थ इंजीनियर,

मुरादाबाद मण्डल ।

.....

विषय:- पारि एवं वाणिज्य विभाग के अन्तर्गत ग्रीष्मकाल में निमित्तक
श्रमिक पानीयाता के रण में विद्वत्ता ।

ग्रीष्म कालीन निमित्तक श्रमिक पानीयाता की कमी 1988 में निम्नलिखित
हेतु ऐसे सभी निमित्तक श्रमिकों की पूर्ण संलग्न निर्धारित प्रकृति पर हित
निरीक्षक के माध्यम से इस कार्यलय में दिनांक 31-1-89 तक प्रेषित ।

[Signature]

इस मण्डल रेल प्रबन्ध
मुरादाबाद

प्रतिलिपि:

मुरादाबाद मण्डल के तमस्त हित निरीक्षक एवं आर्थिक निरीक्षक की
उपरोक्त तदर्थ में आवश्यक कार्यवाही हेतु । वे अपने पीट के सभी प्रदर
अधोना में से प्रोत्सर्गा भत्ता कर लायेनि । और हित प्रदर अधीनस्थ के वहां
निमित्तक श्रमिक न हों उक्त निम्न ।

Udai Kant Pathak

ATTESTED TRUE COPY

[Signature]
Abhaya Kumar Dixit
Advocate
HIGH COURT
LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

UDAI KANT PATHAK AND OTHERS.....CLAIMANTS

VERSUS. 32

G.M. NORTHERN RAILWAY & OTHERS.....OPP. PARTIES

ANNEXURE NO. - A-16(1) Part

Annex A-16(1) Part

क्र.सं.	नाम	पता	जन्म तिथि	पद	वर्ग	वर्ष
1	श्री. उदय कान्त पथक	...	...	...	...	...
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Advocate
HIGH COURT
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Udai Kant Pathak

इन दि से इत एड मिनिस्ट्रेटिव दि ब्युनल अधिशनल बैच इलाहाबाद

उदय कान्त पाठक व 6 अन्य --

-- प्राथमिण

बनाम

डि विजनल रेल मैजर आदि --

-- रेस्पान्डेन्ट

अनेकर २१७

सेवा में,

श्रीमान उप कार्मिक अधिकारी महोदय
कार्यालय मंडल रेल प्रबंधक महोदय
मुरादाबाद।

आदरणीय महोदय जी,

निवेदन है कि हम लोग फिरोज सीजन में कई साल से लगातार गर्मी में पानी वाला काम आपके अधीन शाहजहापुर, बरेली, चन्डक, गजराौरा, दबतारा, अटवा कस्बठ या जहाँ कहीं आदेश हुआ करते रहे हैं। इस सीजन में भी हम सबने जाकर अपने अपने स्टेशनों पर टाइम से डिप्टी करने गये लेकिन स्टेशन पर बताया गया कि अभी आदेश आपके यहाँ से नहीं आये हैं। हम लोग बराबर जाते रहे। हम लोगों के नाम भी 30-1-87 की लिस्ट में होना कहे जाते हैं। हमें कोई इत्तला भी इस आशय की नहीं दी गई कि लिस्ट से हमारा नाम हटाया जा रहा है लेकिन हमें काम नहीं दिया गया और अब सीजन खत्म हो रहा है। इसके पहले भी जो दरखास्त दी थी उन पर भी कुछ नहीं हुआ। हमारी कोई सुनवाई नहीं हो रही है।

अतः प्रार्थना है कि हम लोगों को काम दिया जाय।

प्राथमिण

11-6-87

सुरेश कट्ट, उदय कान्त पाठक,
वीरेन्द्र सिंह, जूबलात प्रसाद,
अशोक कुमार, राम सेवक,
देवेन्द्र कुमार, राकेश कुमार,

अशोक कुमार

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BUCKNOW.

A-52-
33A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD
UDAI KANT PANTHAK AND OTHERS.....CLAIMANTS

VERSUS.

G.M. NORTHERN RAILWAY & OTHERS.....OPP. PARTIES

ANN. EXHIBIT NO. - A-17(7)

सं० ई एम-1/ग्रीष्मकालीन/पानीवालों/88 मंडल रेल प्रवन्धन कार्यालय,
दिनांक: 22/3/88 मुरादाबाद।

स्टेशन अधिशासक/स्टेशन मास्टर।

काजोरी, मलहवादा, किरापरनगर, सेंडीला, कोलनगर, बालागुड, जालीली, हरदोई,
आँधी शाहवादा, जेठिया, रोजा, शाहजहांपुर, तिलहर, मीरानपुर छतरा, तिसपुर,
तिसुआ, पितामहरपुर, रसुईया, चनहटी, बरेली, जज्जहरनगर, गिहटीरा, नगरियातवादा,
शिला, धागीरा, रामपुर, मुदापडि, कापतपुर, मुरादाबाद, हरधाला, जमानपुर, गतपुर,
गौठ, मेवानवादा, स्योहारा, धामपुर, नगिना, चन्दोली, मेरवादापुर, नजीबाबाद, मीठा-
जमपुर, नरायन, चन्दोली, बालायाली, रायती, लक्षर, लंदोरा, रूखी, कुजवालापुर,
चुडियाला, गलियाखोडी, लोदीपुर मिर्जानपुर, जिला, अमरोहा, कापूरपुर, गजोला,
काँकाटेर, गटमुखेवर, पित्र, गडमुखेवर, तिमली, ज्योतर रोड, हापुड, पितामहर,
बहरोली, बरबोदा, हाफिमपुर, कुआँधी, परास, पुनन्वाहर, गुजरातिटि, गोरपुर,
सेंडी धानीरा, चाँदपुर, शियाऊ, मिसौना, हल्दौर, बारीबालू, पिजनीफरीजितपुर,
कोटद्वार, जवालापुर, हरिद्वार, मोतीपुर, रायवाला, डोईवाला, हरधाला, गिहटीरा,
राजा का सहसपुर, जरगाँव, सम्मल हातिम सराय, गुमथल, चन्दोली, पितामहर,
निसोई, झतरा, रेवती पडोडा खोडा, आसपुर, तिसरठा, जलोई, धनारी, पुराला,
राजघाट नरोरा, डिवाई, अतरौली रोड, उमौरीयाँ, मेजगाँव, नेरी, गहोली, हेमपुर,
तीतापुर, सिटी, रामकोट, मिश्रितीर, नैमीशारणाय, वेनीगाँव, अरौली, अद्यापुरतट,
माधोगँव, वाणरखुड, सफ़ीपुर, माली, रामगंगा, पित्र, धागुड, अफ़्का, तीतापुर जेन्ट,
हरदोई गुडगोड, शाहजहांपुर गुडगोड, बरेली गुडगोड, मुरादाबाद गुडगोड, हापुड
गुडगोड, एवं अमरोहा गुडगोड दिव्यरत्न

प्रतिलिपि प्रेषित/ वाणिज्य निरीक्षक/हरदोई, शाहजहांपुर, बरेली, मुरादाबाद
चन्दोली, हापुड एवं लखनऊ।

प्रतिलिपि प्रेषित:- प्रवर मंडल वाणिज्य अधिशासक/मुरादाबाद
• प्रवर मंडल लेखा अधिशासी/मुरादाबाद
• मंडल सचिव/एन आर एम यू/मुरादाबाद
• मंडल तारिफ/एन आर एम यू-मुरादाबाद।

विषय: ग्रीष्मकालीन वर्षा 1988 में ग्रीष्मकालीन नैमित्तिक द्रव्य पानी वालों
को नियुक्त रिये बूने के तथ्या में।

प्रवर मंडल वाणिज्य अधिशासक के पत्र सं० 9-पानीवाला/88 की दिनांक
7.3.88 के अनुसार मंडल रेल प्रवन्धन मंडलय ने प्रवर मंडल लेखा अधिशासी/
मुरादाबाद की सहमति से कत वर्षा 1988 में 275 ग्रीष्मकालीन नैमित्तिक द्रव्य
पानी वालों की स्वीकृति प्रदान की है।

नैमित्तिक द्रव्य पानी वालों का वेतन नियमित रेकॉर्ड के हारिट में नही
लगाया जायेगा, इनके वेतन का भुगतान मास्टर हारिट द्वारा किया जायेगा, जिसे

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Abhaya Kumar Dixit - Uday Kant Parthak
Advocate

HIGH COURT
LUCKNOW.

इनकी उपस्थिति प्रत्येक माह की 14 तारीख तक लगायी जायेगी, तथा मास्टर शीट पर इस कार्यालय द्वारा जारी किये गये नियुक्ति पत्र संख्या तथा दिनांक आदि का विवरण भी उल्लिखित करना अनिवार्य है, मास्टर शीट में नैमित्तिक श्रमिक पानी वाले की प्रतिदिन की उपस्थिति/अनुपस्थिति पूर्ण रूप से भिन्न होनी अनिवार्य है, तथा मास्टर शीट की 33 तिनपुतियाँ पनापर, अधीक्षक/ईटी-2 अनुभाग के पास भोजी जायेगी, न कि सीधे वेतन अनुभाग को उनमें से दो प्रतियाँ वेरीफाई करके अधीक्षक वेतन अनुभाग को वेतन भुगतान के लिये भोजी जायेगी। अधीक्षक वेतन अनुभाग इन लोगों को कोई भी भुगतान सीधे नहीं करेंगे अन्यथा गलत भुगतान का उलना उत्तरदायित्व होगा।

जिन स्टेशनों पर एक से अधिक नैमित्तिक श्रमिक पानी वालों की नियुक्ति की जा रहा है, वहाँ पर उन्हें साप्ताहिक क्रिआम रेस्ट पीना जिली रेस्टगीघर के दिया जायेगा, तथा जहाँ पर केवल एक नैमित्तिक श्रमिक पानी वाले की नियुक्ति की जा रही है, वहाँ पर प्रत्येक साप्ताहिक नैमित्तिक श्रमिक रेस्ट गीघर वाणिज्य निरीक्षक द्वारा अपने हाँड में लगाया जायेगा, जिसमें मंडल पर 4.10.78 से पूर्व तथा 1.1.81 के बाद भी मंडल पर कार्य किया हो साथ ही अन्य बातों को पूरा करता हो और जिनका भुगतान स्टेशन की आमदनी/स्टेशन अर्निंग में से कर दिया जायेगा।

विधवायें जिनकी नियुक्ति अनुक्रम के आधार पर होनी है का नाम इस कार्यालय में प्रजिकृत है, उन्हें नैमित्तिक श्रमिक पानी वाले पद के लिये प्राथमिकता प्रदान की जायेगी। परिवहन एवं वाणिज्य विभाग के नैमित्तिक श्रमिक जिन्होंने मंडल पर 4.10.78 से पूर्व तथा 1.1.81 के बाद कार्य किया है और जिनको इस कार्यालय द्वारा भोजा जाये केवल उनकी अभ्यर्थियों के नैमित्तिक श्रमिक पानी वालों में रखा जाये। कोई भी अभ्यर्थी स्वीकृत अवधि समाप्त होने अर्थात् दिनांक 14.7.88 के पश्चात कार्य पर नहीं रखा जाये, तथा स्टेशन अधीक्षक/स्टेशन मास्टर तथा वाणिज्य निरीक्षक यह भी सुनिश्चित करें कि उनके स्टेशन पर तथा हाँड में दी गई स्वीकृति से अधिक नैमित्तिक श्रमिक पानी वालों की नियुक्ति न की जाये, यदि कोई सूचना उनके नोटिस में आती है तो वह तुरन्त इस कार्यालय को सूचित करें, इस ओर विशेष ध्यान दिया जाये।

ग्रीष्मकालीन नैमित्तिक श्रमिक पानी वालों के पद पर केवल उनकी अभ्यर्थियों को लगाया जाये जो इस कार्यालय द्वारा जारी नियुक्ति पत्र अपने हाथ में रखें, अन्यथा नहीं। नैमित्तिक श्रमिक पानी वाले के रूप में प्रमाणित हो पूर्व उनकी हाथेली परीक्षा करवाना आवश्यक है, यदि कोई नैमित्तिक श्रमिक पानी वाला जिली स्टेशन अधीक्षक/स्टेशन मास्टर तथा वाणिज्य निरीक्षक द्वारा अनियमित रूप से मगाया जाता है, तो उसके विरुद्ध अनुशासन एवं अपील नियम के अंतर्गत कार्यवाही की जायेगी।

पूरे मंडल रेल प्रवन्धक,

गुवाहाटी।

ATTESTED TRUE COPY Udaai Kant Pathak

Abhaya Kumar Dixit

Advocate

HIGH COURT
LUCKNOW.

33c A-54

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALHABAD

UDAI KANT PETHAK AND OTHERS.....CLAIMANTS

VERSUS.

G.M. NORTHERN RAILWAY & OTHERS.....OPP. PARTIES

ANNEXURE NO. A-_____

1007/885 A 18

उत्तर रेलवे
मण्डल रेल प्रबन्धक कार्यालय,
मुरादाबाद।

पत्र संख्या ईएम-1/ग्रीष्मकालीन/पानीवाला/88

दिनांक अगस्त

31/8/88

(सत्यपाल गिरी) सत्यपाल शिवचरणलाल
श्री/श्रीमती - रेलवे कालीन राजा
पि. शाहजहांपुर

By Post

विषय- ग्रीष्म ऋतु वर्ष 1988 में ग्रीष्म कालीन पानी वाले डे रम में
रिवाइज स्केल/केजुआ लैपर रेट में नियुक्ति।

xxx

आपको स्कीमिंग सूची/ अनुक्रमा के आधार पर/वरीयता सूची जो प्रथम
अधीनस्थों द्वारा प्राप्त हुई है, के आधार पर ग्रीष्म कालीन पानी वाले डे रम में
वैतन 750/- वैतनमान रुपये 750 940 डेली रेट 1 प्रतिदिन पर - 20 डेली -
स्टेशन अधीक्षक स्टेशन मास्टर - 2105 रुपये 2290/- के कालीन ग्रीष्म कालीन
नैमित्तिक क्रमिकर्षाणी वाले डे रम में नियुक्त किया जाता है।

सन्देश

आप इस पत्र को साथ लेकर स्टेशन अधीक्षक स्टेशन मास्टर-
के पास तत्काल पहुँचें ताकि आप भी नोट कर लें कि इस आकस्मिक सेवा अवधि
दिनांक 15-4-88 से 10-7-88 के दौरान आप किसी भी कारणवशा रेल सेवा के उपयोग
पाये गये, तो आपकी सेवायें इस कार्यालय की अवधि दिनांक 14-7-88 समाप्त होने से
पहले बिना किसी कारण बताये/नोटिफिकेशन के समाप्त कर दी जायेगी अन्यथा पद गृहण
करने की तारीख के बाद दिनांक 14-8-88 को स्वयं ही समाप्त समझी जायेगी।

सहायक कार्मिक अधिकारी,
उत्तर रेलवे, मुरादाबाद।

प्रतिलिपि निम्नांकित को सूचनार्थ एवं जानकारी हेतु भेजिए

1. स्टेशन अधीक्षक स्टेशन मास्टर - सन्देश (SAN)
आदेश जारी होने के तात् 17 दिन के अन्दर यह सुनिश्चित करें कि उपरोक्त
अधीनस्थों ने उन के पदों पर जवाब देकर लिया है नहीं तो कन्ट्रोल रूम पर जानकारी
कन्ट्रोलर को सूचना दें।

2. अधीक्षक रेल अनुभाग, मुरादाबाद

ATTESTED TRUE COPY Uday Kant Pethak

xxx

Abhaya Kumar Dixit
Advocate

HIGH COURT
LUCKNOW

C-4 17/5/88

In the Central Administrative Tribunal, Additional Bench
at
ALLAHABAD.

Regis.No. 364 of 1988.

Fixed on 12.5.88.

Udai Kant Pathak and others -----Applicants
Vs.

G.M. N.Rly & others -----Respondents.

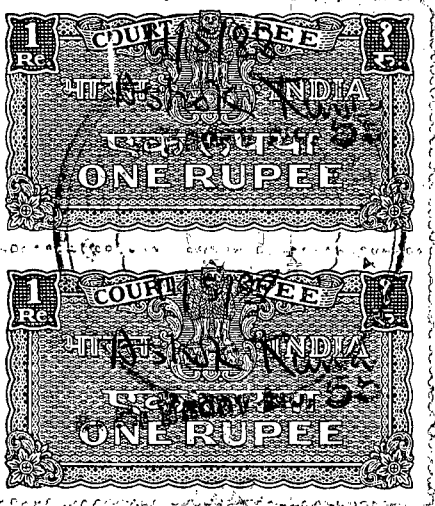
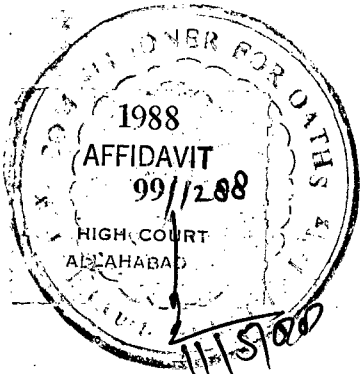
Supplementary affidavit on behalf of applicants.

I, Ashok Kumar aged about 28 yrs, son of Sri
Shiva Ratan Lal resident of Mohalla Aimanazai, Jalalnagar
Distt. Shahjahanpur do hereby solemnly affirm and state
on oath as under:-

1. That deponent being applicant No. 6 is the
aforesaid claim petition is fully conversent
with the facts of the case. He having been
authorised ^{and} instructed on behalf of remaining
applicants is filing this supplementary
affidavit.
2. That on the last hearing i.e. on 13.4.88 this
Hon'ble Tribunal placed gurries to the effect
that since claimants have not moved an application
for appointment as Hot Season Waterman
during seasons of 1987 and 1988 how can they
be considered for such appointment.
3. That in this connection it is submitted that
according to the procedure and practice prev-
ailing with the Respondent for appointment of
Hot Season Waterman it is not at all necessary
to move an application. Such selection are

Ashok Kumar

Cont..2



made according to seniority from amongst the list already maintained for the purpose. None of the claimants have applied for such appointment even in the preceeding seasons.

4. That selection in every season is made after verification of previous working days and application are entertained only in exceptional cases like appointment on compenssionate grounds. The fact that appointments are made from amongst the candidates of list is evidenced from persual of Anx-A 13 already on record and as well as from perusal of Anx. SA-1 to this affidavit.

5. That in evidence of this fact is is relevent to have reference of Circular dt. 29.12.87 issued by D.R.M. Moradabad, perusal of which goes to show that to send names for such appointment is the duty of concerned PWIs/ Station Masters. Person concerned is not even required to put his signatures over the prescribed form.

True copy of circular dt. 29.12.87 and Format attached with it are enclosed as Annexures "SA2" and "SA-3" to this affidavit.

6. That circular dt. 22.3.88 issued from office of DDM, Moradabad specifically provides that only those persons will be engaged as Hot Season Waterman whose are referred by this office will only be engaged.

True copy of aforesaid circular dt. 22.3.88 is also attached as Annexure SA4 to this affidavit.

7. That to quote with another example on the point it is pertinent to point out that Sarvasri Satpal Mitra and 8 others have filed claim

Ashtaklaman

Cont. 3.



c-6
2/58

No.856-87 before this Hon'ble Tribunal for their regularisation on account of their continuous working as casual labour. These persons have never worked as Hot Season Waterman, nor they have claimed for such post, nor they have ever applied. During the pendency of claim No.856-87 Satpal Mitra and Jagat Prakash (claimant No.1 and 8 of claim No.856-87) have been engaged as Hot Season Waterman and have joined at Sandila and Bhagauli Railway stations.

True copy of appointment order of Sri Satpal Mitra as Hot Season Water-man is attached herewith as Annexure SA-5 to this affidavit.

8. That in view of judicial pronouncement reported in 1987 LIC 104, 1987 UPLBEC 57 and 141 this Hon'ble Tribunal May grant the reliefs as prayed by the claimants.

Lucknow:
Dated: 11/5/88 May 1988.

Ashok Kumar
Deponent

Verification:

I above named deponent do hereby verify the content of para 1 to 7 of this affidavit to be true from my personal knowledge and content of para 8 are believed to be true by me. No part of it is false and nothing material has been concealed.
So help me God.

Ashok Kumar
Deponent

Dated: - 11/5/88 May 1988.

I know and identify the deponent who has signed on this application in affidavit in my presence.

(A.K. Dixit)
Advocate.

Solemnly affirmed before me on 11 May 1988 at 3-00 A.M./P.M. by the deponent Sri Ashok Kumar who is identified by Sri A.K. Dixit, Advocate, High Court, Lucknow Bench, Lucknow. I have signed myself by examining the deponent that he understood the content of the application which have been put out and explained by me to him.



Satisfied

(K.P. SRIVASTAVA)

Advocate & Commissioner
High Court
Lucknow

OATH COMMISSIONER

No. 99/1288

11/5/88

In The Central Administrative Tribunal, Allahabad Bench Allahabad

Udai Kant Pathak 80th Vs G M N Rly 20th.

Annex SA 1

उत्तर रेलवे

संख्या: ईएम-4/सीएम काजीत/पाटी वाला/86,

महल रेल प्रबन्धक काजीत

गुरादाबाद ।

दिनांक: 17/4/1986.

श्री/श्रीमती Ashok Kumar

80 श्री Shiv Ratan Singh c/o Ratan Lal Rathor Lal

Teli-Ki-Bazaria Bara Dera Tal Tanki Road

Distt - Shahjahanpur

विषय:- ईएम काजीत पाटी वाला वर्ष 1986 में नैमित्तिक श्रमिक पाटी वाले के लो
में नियुक्ति ।

=====

आपने जीमिंग सूची/प्रार्थना पत्र जो प्रवर अधीनस्थों द्वारा कार्य के दिनों को
सत्यापन करने के लिए प्राप्त हुआ है, के आधार पर नैमित्तिक श्रमिक ईएम काजीत
पाटी वाले के पत्र पर रैलिक मजदूरी पर Shahjahanpur
रेलवे पर नियुक्त किया जाता है ।

अपने पत्र को लेकर स्टाव अधीनस्थ/स्टेशन मास्टर Shahjahanpur
के पास तत्काल पहुँचें । कृपया नोट करें कि इस आदेशिक अवधि दिनांक -- 15-4-86
में 14.7.86 के दिनांक आप किसी भी कार्यालय रेल सेवा के अयोग्य पाये गये हों
आपकी सेवाओं का कार्य को अवधि दिनांक 14.7.86 समाप्त होने से पहले ही विज्ञापित
किया जाता है । आप जो नियुक्त के सत्यापन कर दी जायेंगी, अगला पद ग्रहण करने की तारीख
में दिनांक 14.7.86 को स्वयं ही समाप्त समझी जायेंगी ।

तत्काल के कारण सर्जिस सत्यापन नियुक्ति से पहले नहीं किया जा सके है ।
अतः यह सत्यापन दिन दिनांक द्वारा 14 अगस्त के बाद किया जायेगा । अगर सर्जिस
रिफाई में कोई कलह या प्रतिक्रिया पाई गई तो उस व्यक्ति की सेवाओं तत्काल दिनांक किसी
कारण बताये समाप्त कर दी जायेंगी ।

Yusuf

सहायक कार्मिक अधिकारी (तुल्य)

उत्तर रेलवे गुरादाबाद ।

प्रतिक्रिया:- 1. स्टाव अधीनस्थ/स्टेशन मास्टर आदेश जारी होने के सात दिनों के अन्दर

इस कार्यालय को सूचित करें कि उपरोक्त अवधि के उनके स्टाव पर
इसकी ग्रहण कर ली है अथवा नहीं । यदि इसकी नहीं ग्रहण की है
तो कलह में पर कार्यालय कंट्रोलर को तुरन्त सूचित करें ।

2. अधीनस्थ/पत्रित शाखा, गुरादाबाद ।

Ashok Kumar

In The Central Administrative Tribunal, Additional Bench
at
Allahabad

Udai Kant Pathak and othrs
vs
G M N Rly and othrs

Cr. J.
Applicant
Respondents.

Annex 'SA-2'

उत्तर रेलवे,

कायलिंग मण्डल रेल प्रबन्धक,

मुरादाबाद ।

संख्या: ई0एम0-1/ग्रीष्म कालीन/पानीवाला/88

दिनांक: 29-12-1987.

समस्त अधीनस्थ इंचार्ज,

मुरादाबाद मण्डल ।

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विषय:- परि० एवं वाणिज्य विभाग के अन्तर्गत ग्रीष्मकाल में नैमित्तिक
श्रमिक पानीवाला के एस में नियुक्ति ।

ग्रीष्म कालीन नैमित्तिक श्रमिक पानीवालों की वर्ष 1988 में नियुक्ति
हेतु ऐसे सभी नैमित्तिक श्रमिकों की सूची संगत निर्धारित प्रवर पर हित
निरीक्षक के माध्यम से इस कार्यालय में दिनांक 31-1-88 तक भेजा है ।

[Signature]

उत्तर मण्डल रेल प्रबन्धक

प.रे. मुरादाबाद

प्रतिलिपि:

मुरादाबाद मण्डल के समस्त हित निरीक्षक एवं कार्मिक निरीक्षक को
उपरोक्त संदर्भ में आवश्यक कार्यवाही हेतु । वे अपने पीट के सभी प्रवर
अधीनस्थ से प्रो. वर्गा भरकर लावेंगे । और हित प्रवर अधीनस्थ के यहां
नैमित्तिक श्रमिक न हों उचित नि. ॥ Part ॥ लिखा है ।

Ashok Kumar

[Circular Stamp]
[Signature]
11/5/88

In The Central Administrative Tribunal, Additional Bench
at
Allahabad.

C-9

Udaykant Pathak & Co's
GM NREy & Co's

Applicant

Respondent

A/B

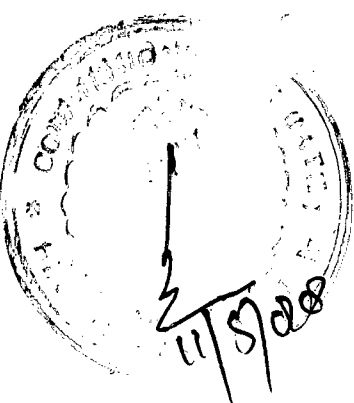
Annex "SA 3"

क्र.सं.	नाम/पद श्री	पिता का नाम/पद श्री	वर्ग/श्रेणी	वर्ग/श्रेणी	वर्ग/श्रेणी	वर्ग/श्रेणी
1	2	3	4	5	6	7
1	श्री. उदयकान्त पथक	श्री. उदयकान्त पथक	03.01.1955	महिला	190/1955	190/1955
2	श्री. उदयकान्त पथक	श्री. उदयकान्त पथक	02.02.1955	महिला	134/1955	134/1955
3	श्री. उदयकान्त पथक	श्री. उदयकान्त पथक	30.01.1957	महिला	97/1957	97/1957
4	श्री. उदयकान्त पथक	श्री. उदयकान्त पथक				
5	श्री. उदयकान्त पथक	श्री. उदयकान्त पथक				
6	श्री. उदयकान्त पथक	श्री. उदयकान्त पथक				
7	श्री. उदयकान्त पथक	श्री. उदयकान्त पथक				

दिनांक

12/11/2000

Ashok Kumar



Udai Kant Pathak and othrs
G M N Reg 9 othrs

Applicants

Respondents

Ans "SA 4"

C-10

उत्तर है

सं० ई एस-1/ग्रीष्मकालीन/पानीवाला/88

मंडल रेल प्रबन्धक कार्यालय,
मुरादाबाद ।

दिनांक: 22/3/88

स्टेशन अधीक्षक/स्टेशन मास्टर ।

काफोरी, मलिहाबाद, किलावरनगर, संडीला, कोलनगर, बालासु, बधावली, हरदोई,
ऑडी शाहबाद, कडेलिया, रोजा, शाहजहाँपुर, तिलहर, मीरानपुर कटरा, पिलपुर,
तितुआ, पितामहरपुर, मुहम्मदियाँ, चन्हेटी, बरेली, कलक्टरकगंज, धाटोरा, नगरियाँसादात,
पिलक, धामौरा, रामपुर, मूढापडि, कपतपुर, मुरादाबाद, हरथाला, अगवानपुर, मरनपुर,
काँठ, मेवानवादा, स्योहारा, धामपुर, नगीना, बुन्दली, मरशादपुर, नजीबाबाद, मौआ-
जम्पुर, नरायन, चन्दोक, बालाबाली, रायसी, लक्षर, लंदौरा, रूकी, इकवालपुर,
चुडियाला, बलियाखोडी, लोदीपुर विमानपुर, कैला, अमरोहा, काफूरपुर, गजरौला,
काँफाटेर, गढमुठेश्वर, प्रिण, गढमुठेश्वर, सिम्हाली, कुयेसर रोड, हापुड, पिलखुआ,
बहरोली, खारखोदा, हाफिमपुर, गुलावठी, परान, फूलन्दाहर, खुर्जासिटि, शेरपुर,
मंडी धानौरा, चाँदपुर, तियाऊ, सिसौना, हल्दौर, खारीझालू, पिजनो, बसीफिरतपुर,
कोटद्वार, ज्वालापुर, हरिद्वार, मोतीचूर, रायवाला, डोईवाला, हरवाला, बडिफेरा,
राजा का सहसपुर, जरगाँव, सम्भाल हातिम सराय, गुमथाल, चन्दौली, विशारतगंज,
निसोई, झपतरा, रेवती बहौडा खोडा, आसपमुर, सिसरका, बहजोई, धानारी, बपराला,
राजघाट नरोरा, डिबाई, अतरौली रोड, उमौलियाँ, मेकगंज, नेरी, गहोली, हेमपुर,
सीतापुर सिटी, रामकोट, मिश्रतीरथा, नैमीशारणाय, वेनीगंज, अरसैनी, अटवाकुरसट,
माधोगंज, बाणरसु, सफीपुर, भाखी, रामगंगा प्रिण, बापूगढ, आँवला, सीतापुर सैन्ट,
हरदोई गुडशोड, शाहजहाँपुर गुडशोड, बरेली गुडशोड, मुरादाबाद गुड शोड, हापुड
गुडशोड, एवं अमरोहा गुडशोड । देहशून्

प्रतिलिपि प्रेषित/ वाणिज्य निरीक्षक/हरदोई, शाहजहाँपुर, बरेली, मुरादाबाद
चन्दौली, हापुड एवं लक्षर ।

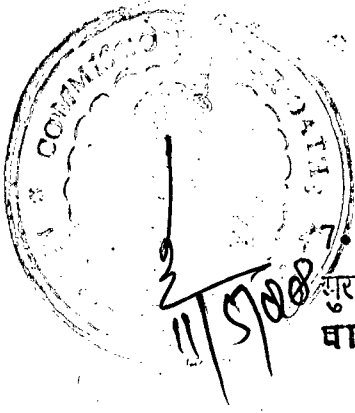
प्रतिलिपि प्रेषित:- प्रवर मंडल वाणिज्य अधीक्षक/मुरादाबाद
" प्रवर मंडल लेखा अधिकारी/मुरादाबाद
" मंडल सचिव/एन आर एस यू/मुरादाबाद
" मंडल सचिव/यू आर एस यू-मुरादाबाद ।

विषय: ग्रीष्मकालीन वर्षा 1988 में ग्रीष्मकालीन नैमित्तिक श्रमिक पानी वालों
को नियुक्त किये जाने के संबंध में ।

प्रवर मंडल वाणिज्य अधीक्षक के पत्र सं० 9-पानीवाला/88 की दिनांक
17.3.88 के अनुसार मंडल रेल प्रबन्धक महोदय ने प्रवर मंडल लेखा अधिकारी/
मुरादाबाद की सहमति से इस वर्षा 1988 में 275 ग्रीष्मकालीन नैमित्तिक श्रमिक
पानी वालों की स्वीकृति प्रदान की है ।

नैमित्तिक श्रमिक पानी वालों का वेतन नियमित रेगुलर पे शीट में नहीं
लगाया जायेगा, इनके वेतन का भुगतान मास्टर शीट द्वारा किया जायेगा, जिनमें
कृ प उ

Ashok Kumar



इनकी उपस्थिति प्रत्येक माह की 14 तारीख तक लगायी जायेगी, तथा मास्टर शीट पर इस कार्यालय द्वारा जारी किये गये नियुक्ति पत्र संख्या तथा दिनांक आदि का विवरण भी उल्लिखित करना अनिवार्य है, मास्टर शीट में नैमित्तिक श्रमिक पानी वाले की प्रतिदिन की उपस्थिति/अनुपस्थिति पूर्ण रम से भरी होना अनिवार्य है, तथा मास्टर शीट की 33 तीन प्रतियां बनाकर, अधीक्षक/ईटी-2 अनुभाग के पास भेजी जायेगी, न कि सीधे वेतन अनुभाग को उनमें से दो प्रतियां बेरीफार्ड कर अधीक्षक वेतन अनुभाग को वेतन भुगतान के लिये भेजी जायेगी। अधीक्षक वेतन अनुभाग इन लोगों को कोई भी भुगतान सीधे नहीं करेंगे अन्यथा गलत भुगतान का उफना उत्तरदायित्व होगा।

जिन स्टेशनों पर एक से अधिक नैमित्तिक श्रमिक पानी वालों की नियुक्ति की जा रहा है, यहाँ पर उन्हें साप्ताहिक विराम रेस्ट गीवर किसी रेस्ट गीवर के दिया जायेगा, तथा जहाँ पर केवल एक नैमित्तिक श्रमिक पानी वाले की नियुक्ति की जा रही है, यहाँ पर प्रत्येक साप्ताहिक नैमित्तिक श्रमिक रेस्ट गीवर वाणिज्य निरीक्षक द्वारा अपने छंड में लगाया जायेगा, जिसमें मंडल पर 4.10.78 से पूर्व तथा 1.1.81 के बाद भी मंडल पर कार्य किया हो साथ ही अन्य बातों को पूरा करता हो और जिनका भुगतान स्टेशन की आमदनी स्टेशन अर्निंग में से कर दिया जायेगा।

विधावार्य जिनकी नियुक्ति अनुक्रमा के आधार पर होनी है का नाम इस कार्यालय में प्रजिकृत है, उन्हें नैमित्तिक श्रमिक पानी वाले पद के लिये प्राथमिकता प्रदान की जायेगी। परिवहन एवं वाणिज्य विभाग के नैमित्तिक श्रमिक जिन्होंने मंडल पर 4.10.78 से पूर्व तथा 1.1.81 के बाद कार्य किया है और जिनको इस कार्यालय द्वारा भेजा जाये केवल उन्ही अभ्यर्थियों के नैमित्तिक श्रमिक पानी वालों में रखा जाये। कोई भी अभ्यर्थी स्वीकृत अवधि समाप्त होने अथवा दिनांक 14.7.88 के पश्चात कार्य पर नहीं रखा जाये, तथा स्टेशन अधीक्षक/स्टेशन मास्टर तथा वाणिज्य निरीक्षक यह भी सुनिश्चित करें कि उनके स्टेशन पर तथा छंड में दी गई स्वीकृति से अधिक नैमित्तिक श्रमिक पानी वालों की नियुक्ति न की जाये, यदि कोई सूचना उनके नोटिस में आती है तो वह तुरन्त इस कार्यालय को सूचित करें, इस ओर विशेष ध्यान दिया जाये।

ग्रीष्मकालीन नैमित्तिक श्रमिक पानी वालों के पद पर केवल उन्ही अभ्यर्थियों को लगाया जाये जो इस कार्यालय द्वारा जारी नियुक्ति पत्र अपने साथ लायें, अन्यथा नहीं। नैमित्तिक श्रमिक पानी वाले के रम में लगाने से पूर्व उनकी डाक्टररी परीक्षा करवाना आवश्यक है, यदि कोई नैमित्तिक श्रमिक पानी वाला किसी स्टेशन अधीक्षक/स्टेशन मास्टर तथा वाणिज्य निरीक्षक द्वारा अनियमित रम से लगाया जाता है, तो उसके विरुद्ध अनुशासन एवं अपील नियम के अंतर्गत कार्यवाही की जायेगी।

कृते मंडल रेल प्रबन्धक,

Ashak Kumar

मुरादाबाद।

28

C-18 1/2

In The Central Administrative Tribunal
Allahabad.

O.A.No. 1013 of 1988

Fixed on 7.3.89 (by order)

Sudhakar Pandey & others Applicants.

Versus.

G M N Rly & others Respondents.

Application on behalf of Claimants
for impleadment of Union of India
=====

It is submitted that in the above noted case Union of India has been left from being impleaded which ought to have been impleaded. An objection to this effect has also been raised by Respondents.

It is therefore most humbly prayed that applicants be permitted to implead Union of India as Respondent No. 5 in the following manner in array of Respondents, by a-mending the claim accordingly.

"-5 Union of India through Secretary of Railway,
Ministry of Railways NEW DELHI."

Counsel for Applicants

7th March 1989.

A.K. Dixit,
Advocate.

*Received
7/3/89*

In the Central Administrative Tribunal ~~Patna~~
Allahabad. C-17

के समक्ष

Reg No. - C.A.T./Alld./ 1138/87

Sudhakar Pandey & others

वादी

दावेदार

प्रतिवादी

बनाम

अपीलाधी

प्रतिवादी

अजीधार

वादी

प्रत्याक्षी

G. M. Northern Railway Baroda
New Delhi & others

भारत के राष्ट्रपति इसके द्वारा श्री

. को उपर्युक्त वाद/अपील कार्यवाही में भारत संघ की ओर से उपप्राप्त होने, कार्य करने आवेदन करने अभिवचन करने और आगे कार्यवाही करने के लिये दस्तावेज दाखिल करने और वापस लेने न्यायालय की आदेशिका स्वीकार करने काउन्सेल, अधिवक्ता या प्लीडर नियुक्ति करने और उन्हें अनुदेश देने, अपना वापस लेने और उसका निषेध करने तथा उपर्युक्त वाद/अपील कार्यवाही से भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिये इस प्रकार उपज जस होने, कार्य करने आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुमति सभी बातें करने के लिये नियुक्त और प्राधिकृत करते हैं, किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर दिया गया है तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता प्लीडर सभी या किसी प्रतिवादी प्रतियाधी/व वाद अपीलाधी/वादी विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दसवा/प्रतिरक्ष कार्यवाही की पूर्णतः या तो वापस लेगा न उसका धित्वजन करेगा न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील कार्यवाही पूर्णतः या भागतः समायोजित की जाय और न उससे उदभूत या उसमें विवाद ग्रस्त सभी या किसी विषय की मध्यस्थ की निर्देशित करेगा, परन्तु आपवादित परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिये पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा जो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार समझौता कर सकेगा जिसे द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में उक्त काउन्सेल/अधिवक्ता प्लीडर करार या समझौता करने के लिये विशेष कारण बताते हुए उक्त अधिकारी की तत्काल से सूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

A. K. Munda . . के द्वारा किए गये भी कार्यों अनुसमर्थन करने को सहमत हूँ। इसके भारत के राष्ट्रपति के और इस विशेष की आज तारीख की सम्मति से निष्ठा निष्पादित है।

निष्पादन करने वाले अधिकारी का
हस्ताक्षर *जगदीश चंद्र*
मंडल रेल प्रबन्धक

पदनाम: - उत्तर रेलवे, इलाहाबाद

==

SL 1
29/11/88

C-18
B-18
KS

SPECIAL POWER OF ATTORNEY:

In the Central Administrative Tribunal Allahabad Bench

Regn. No. G.A. 138/87

Sudhakar Pandey

VERSUS

General manager & others

Plaintiff
Appellant
Petitioner

Defendant
Respondent
Opposite Party

KNOW all men by these present that I S.D. Gupta, Dist. Mgr. Northern Railway Moradabad do hereby appoint and authorise s/sri Prashant Malhotra, Dy. Advo. to appear, plead, and act for me jointly or severally in the above noted case and to take such steps and proceedings as may be necessary for the prosecution or defence of the said matter, as the case may be and for the purpose to make sign, verify and present all necessary petitions, written statements and other documents to compromise the suit admit the claims and to lodge and deposit money in Court and to receive payment from the court of money deposited and to file and withdraw documents from Court and Generally to set in the premises and in all proceedings arising thereout whether by way of execution appeal or others or in any manner connected therewith as effectually to all intents and purposes as I could act if personally present I hereby agree to ratify and confirm whether shall be lawfully done by virtue of these presents.

In witness where of I hereinto set my hand this day of 198

Sd/-
(S.D. Gupta)
Dist. Mgr. Manager
Northern Railway
Moradabad

In the Central Administrative Tribunal (Additional Bench)
At
Allahabad

Claim No. 1138 of 87

8/12
D-19
C-19

Sadhu Ram.

• Applicant.

Vs.

G.M. Northern Railway & others.

• Respondents.

Application for fixing date.

Sir,

It is submitted that in the above noted claim applicants were directed to apply for amendment within 15 days from 2.12.87.

On 12.12.87 I applied through Post that matter be listed on 24.12.87 - the date on which I was to appear before Hon'ble Tribunal in other cases.

Unfortunately on 24.12.87 courts were closed on account of sad demise of Sri Ram Chandran, Hon'ble Chief Minister of Andhra Pradesh, as such on that date whereabouts of cases could not be traced.

From 1.1.88 to onwards till now I could not attend courts due to fracture of my shoulder with which now I feel bit cured and likely to resume working from 26/27.1.88.

It is therefore prayed that matter may kindly be fixed on 29.1.88, the date on which I am appearing before Hon'ble Tribunal in connection with other cases.

Counsel for applicant.

(A.K. Dixit)
Advocate,
Lucknow.

18.1.88.

Order passed
on 29.1.88 by
D.R.G. for listing
this case before
Court on 15/2/88

29/8/91

S O. (1) to keep it with file
and put up before Hon'ble
Court for orders
on 29.8.91.
Pg 518
D. R.

29/8

C-23

Connected with
364/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

NOTICE OF MOTION

Misc Petition 1290 of 1991
in O.A./R.A. 1138 of 1987
Sreedhakar Pandey & others Applicant/Appellant.
Versus
G M N Dey & others Respondents/Defantial

Take notice that the court will be moved by the order
signed on 29.8.91 the day of 1991
at 10.30 O'clock in the forenoon or so soon these after the
noticed on their occassion can be heard.

the object of themotion is hereby indicated by
Application for impleadment.
A copy of the Application is enclosed herewith. The further
notice that meanwhile this court has been pleased to pass
that following orders

Dated this the 5th day of Aug 1991

Signature [Signature]

Advocate of petitioner C.A. D. Dixit

Applicant/Appellant

or

Petitioner/Defandent in not

Shri Prashant Mathur, Advocate.
Advocate on record for the opposite party
Respondent/Defendant.

Recd
Patel
00
5/8/91

This
Case is
connected with
O.A. 364/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLHABAD. C-24

O.A. NO: 1138-87;

Connected with Leading O.A.No: 364-88

Fixed on 24-9-91 (before DR).

Misc no 1290/91

Sadhar Pandey and others.

...Applicants:

Versus.

G.M.N.Rly. & Others.

...Respondents:

Application for impleadment of Union of
India as Opposite party No: 4.

It is submitted that due to inadvertent omission Union of India could not be impleaded as Respondent in the Present claim while it has been so impleaded in all the other connected Claims i.e. O.A.No: 364-88 & 578-88.

It is therefore most respectfully prayed that applicant be permitted to implead "Union of India, though Secretary to Ministry of Railways, Rail Bhawan, New Delhi" as respondent No: 4 and claim petition be permitted to be amended accordingly in array of parties.

Lucknow;

Counsel for applicants:

dt: 5 August, 1991;

(A.K. Dixit)

Advocate;

S O. (J) to keep it with file
and put up before Hon'ble
Court for orders

on 28.8.91
ALLAHABAD.

1518
D. P.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Leading O.A.No.364 of 88
Connected with O.A.No:1138-87, &
O.A.No: 578-88.

8/6

C-25

Udai Kant Pathak and Others.

....Applicants

Ver sus.

G.M.N.Rly & Others.

....Respondents

: APPLICATION FOR EARLY HEARING:

May it please your Lordship,

It is submitted that all the above 3 connected cases relate to Hot Season Workers and involve Common question of fact and law. Applicants are out of job since 1986-87. Counter and rejoinder have been exchanged except in O.A. 364-88 in which so far respondents have choosed not to file (CA). Since connected matter O.A.No:1138-87 pertains to year 1987 which is being taken up, the present petitions also deserve for expediated final hearing.

It is therefore most respectfully prayed that all the three connected matters may kindly be pleased to be expediated for early final hearing on priority basis.

Lucknow;

Counsel for the applicants;

dated - 5 Aug. 1991;

(A.K. Dixit)

Advocate;

To

The Hon'ble Vice Chairman,
Central Administrative Tribunal,
ALLAHABAD

May it please your Lordship!

Subj:- REQUEST FOR EARLY DISPOSAL AND CONSOLIDATION
OF FILES IN O.A. NOS. 364-88 FIXED ON 30-4-90,
1138-87 ~~436-88~~ FIXED ON 4-5-90 AND 578-88 FIXED ON
8-5-1990:

It is humbly submitted that above referred three original applications involve common question of fact and law. In all the claims applicant are Seasonal Employees of Northern Rly. and were lastly engaged in hot season of 1986 between April to July. In all the claim petition, CA/RA have been exchanged and claims are pending for final hearing. In case Final Hearing is postponed, applicants will lose their chance for the whole year.

It is therefore most respectfully prayed that all the OAs, the details of which are also given below may kindly be consolidated and fixed for early hearing on priority basis.

[Signature]
(A.K. DIXIT) Advocate
COUNSEL FOR APPLICANT

26/4/90

DR (J)

The three cases
be placed
together

26/4/90

Dated:- 26 March, 1990
26/4/90-

DETAILS OF CLAIM:

- 1) O.A. No. 364-88 U.K. Pathak
V/s UOI and others
1138-87
- 2) O.A. No. ~~436-88~~ Budhakar
V/s UOI and others
- 3) O.A. NO. 578-88 Sant Kumar
V/s UOI and others

Fixed on 30-4-90 ✓ 11

Fixed on 4-5-90

Fixed on 8-5-90 ✓ 12

A desired by
Ad Counsel let all
three cases be fixed
on 27.6.90 before
DRB Court. *[Signature]*
26/4/90

[Signature]
26/4/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

NOTICE OF MOTION

Misc. Petition 692 of 90
in O.A./T.A. 364 of 88

V. K. Pathak Applicant/Appellant.

Versus

Union of India Respondents/Defendants

Take notice that the court will be moved by the order signed on 26 the day of April 1990 at 10.30 O'clock in the forenoon or so soon thereafter after the notice on their occasion can be heard.

the object of the motion is hereby indicated by A copy of the Application is enclosed herewith. The further notice that meanwhile this court has been pleased to pass the following orders.

Dated this the 29 day of March 90

Signature [Signature]

Advocate of petitioner
Applicant/Appellant

or
Petitioner/Defendant in pet.

To

Advocate on record for the opposite party
Respondent/Defendant.

Put up this appln.
before court of Hon. VC
for orders on 26-4-90.

W
29-3-90
Registrar

SO(J)

To

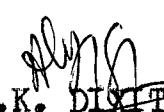
The Hon'ble Vice Chairman,
Central Administrative Tribunal,
ALLAHABAD

May it please your Lordship!

Subj:- REQUEST FOR EARLY DISPOSAL AND CONSOLIDATION
OF FILES IN O.A. NOS. 364-88 FIXED ON 30-4-90,
438-88 FIXED ON 4-5-90 AND 578-88 FIXED ON
8-5-1990:

It is humbly submitted that above referred three original applications involve common question of fact and law. In all the claims applicant are Seasonal Employees of Northern Rly. and were lastly engaged in hot season of 1986 between April to July. In all the claim petition, CA/RA have been exchanged and claims are pending for final hearing. In case Final Hearing is postponed, applicants will lose their chance for the whole year.

It is therefore most respectfully prayed that all the OAs, the details of which are also given below may kindly be consolidated and fixed for early hearing on priority basis.


(A.K. DIXIT) Advocate
COUNSEL FOR APPLICANT

Dated:- 28 March, 1990

DETAILS OF CLAIM:

- | | |
|--|------------------|
| 1) O.A. No. 364-88 U.K. Pathak
V/s UOI and others | Fixed on 30-4-90 |
| 2) O.A. No. 438-88 Sudhakar
V/s UOI and others | Fixed on 4-6-90 |
| 3) O.A. NO. 578-88 Sant Kumar
V/s UOI and others | Fixed on 8-5-90 |

In The Central Administrative Tribunal, Additional Bench
Allahabad

C-12

Udai Kant Pathak, enclaths

G.M. N.R. Railway & others

Annex "SA 5"

Applicant

Respondents

उत्तर रेलवे

मण्डल रेल प्रबन्धक कार्यालय,

मुरादाबाद ।

पत्र संख्या ईएम-1/ग्रीष्मकालीन/पानीवाला/88

दिनांक अप्रैल

13/4/88

(सत्यपाल मिश्रा)

सत्यपाल S/O शिवचरणलाल

श्री/श्रीमती

रेलवे कालीन रोजा

पि. शाहजहाँपुर

By Post

विषय- ग्रीष्म ऋतु वर्ष 1988 में ग्रीष्म कालीन पानी वाले के रम में
रिवाइज स्केल/कैजुअल लेबर रेट में नियुक्ति ।

xxx

आपको स्कीनिंग सूची/ अनुकम्पा के आधार पर/वरीयता सूची जो प्रवर
अधीनस्थों द्वारा प्राप्त हुई है, के आधार पर ग्रीष्म कालीन पानी वाले के रम में
वेतन 750/- वेतनमान रमये 750-940 डेली रेट 8 प्रतिदिन पर - सडिली -
स्टेशन अधीक्षक/स्टेशन मास्टर - सडिली रोजा के आधीन ग्रीष्म कालीन
नैमित्तिक श्रमिकपानी वाले । रम में नियुक्त किया जाता है ।

आप इस पत्र को साथ लेकर स्टेशन अधीक्षक/स्टेशन मास्टर - सडिली -
के पास तत्काल पहुँचें साथ ही साथ यह भी नोट कर लें कि इस आकस्मिक सेवा अवधि
दिनांक 15-4-88 से 10-7-88 के दौरान आप किसी भी कारणावश रेल सेवा के अयोग्य
पाये गये, तो आपकी सेवायें इस कार्यालय की अवधि दिनांक 14-7-88 समाप्त होने से
पहले बिना किसी कारण बताये/नोटिस के समाप्त कर दी जायेगी अन्यथा पद ग्रहण
करने की तारीख के बाद दिनांक 1-8-88 को स्वयं ही समाप्त समझी जायेंगी ।

सहायक कार्मिक अधिकारी,
उत्तर रेलवे, मुरादाबाद

प्रतिलिपि निम्नांकित को सूचार्थ एवं आदेश कार्यालयी हेतु भेजिए

1. स्टेशन अधीक्षक/स्टेशन मास्टर - सडिली -
आदेश जारी होने के तात् 78 दिन के अन्दर यह सुनिश्चित करें कि उपरोक्त
अभ्यर्थी ने उन के यहां जवाब देकर लिया है नहीं तो कंट्रोल फोन पर कामचयीय
कंट्रोलर को सूचना दें ।

2. अधीक्षक वेतन अनुभाग, मुरादाबाद ।

Asst. Secy

xxx

C-13
A/24

SPECIAL POWER OF ATTORNEY.

In the Central Administrative Tribunal Allahabad Bench
Court of

Regn No. 364/88

*filed by
31/5/90*

U.K. Pathak & others Plaintiff
Appellant
Petitioner

Versus
Union of Indus & others

Defendant
Respondent
Opposite Party

KNOW all men by these present that I Yashpal Gupta Adl. Divl. Rly Manager

Northern Railway, Moradabad do hereby appoint and authorise
S/Shri Prashant Maheshwari to appear, plead,
and act for me jointly or severally in the above noted case
and to take such steps and proceedings as may be necessary
for the prosecution and defence of the said matter, as the
case may be and for the purpose to make sign, verify and
present all necessary plaint petitions, written statements
and other documents to compromise the suit admit the claims
and to lodge and deposit money in court and to receive payment
from the court of money deposited and to file and withdraw
documents from court and Generally to set in the premises and
in all proceedings arising thereout whether by way of execution
appeal or otherwise or in any manner connected therewith
as effectually to all intents and purposes as I could act if
personally present I hereby agree to ratify and confirm what-
ever shall be lawfully done by virtue of these presents.

In witness whereof I hereinto set my hand this _____
day of _____ 19____.

SO(3)
Keep on record
K
31/5/90
DR(3)

Yashpal Gupta
Adl. Divl. Railway Manager
Northern Railway
Moradabad

32/134/80
4-88
Regulation of Service C-14
25

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 364 of 1989

APPLICANT (s) Udai Kant Pathak + 6 others

RESPONDENT(s) G. M., N. Rly. New Delhi + 2 others

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Ys
2. (a) Is the application in the prescribed form ?	Ys
(b) Is the application in paper book form ?	Ys
(c) Have six complete sets of the application been filed ?	Ys, 5 sets filed.
3. (a) Is the appeal in time ?	Ys
(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/Vakalat-nama been filed ?	Ys
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Ys
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	The application is not against any particular order
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Ys
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Ys

Subscribed by
Udai Kant Pathak
13/10/89

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space? 48
8. Has the index of documents been filed and paging done properly? 48
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application? 48
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal? No
11. Are the application/duplicate copy/spare copies signed? Two copies signed
12. Are extra copies of the application with Annexures filed? Yes
- (a) Identical with the original? 48
- (b) Defective? -
- (c) Wanting in Annexures -
- Nos...../Pages Nos., ?
13. Have file size envelopes bearing full addresses, of the respondents been filed? No
14. Are the given addresses, the registered addresses? 48
15. Do the names of the parties stated in the copies tally with those indicated in the application? Yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? N.A
17. Are the facts of the case mentioned in item No. 6 of the application? 48
- (a) Concise? 48
- (b) Under distinct heads? 48
- (c) Numbered consecutively? 48
- (d) Typed in double space on one side of the paper? 48
18. Have the particulars for interim order prayed for indicated with reasons? 48
19. Whether all the remedies have been exhausted. 48

If approved, the case may be listed

on 13.04.88
C-13-54-88 2-73

Submitted by
Chander
21/3/88