

Central Administrative Tribunal
Lucknow Bench

Cause Title O.A. 1121/88 of 1993

Name of the Parties M. K. Sharma Applicant

Versus

U.M.N. Railway Board Respondents.

Part A. P.C.

Sl. No.	Description of documents	Page
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B - File

225 B105

110

C - File

Part B/C completed and integrated.

50/53

(1)

11/11/88

(1)

Hon. D.S. Misra - AM.
Hon. G.S. Sharma - JM

On the request of
learned counsel for the
applicant, he is allowed
two weeks time to seek
necessary amendment in
the claim petition. Fix
29/11/88 for hearing on
admission.

JM

AM

AM

dep

(2)

29-11-88

Hon D.S. Misra - AM
Hon G.S. Sharma - JM

On the request of
learned Counsel for
the applicant, the
Case is adjourned.

JM

AM

AM

OR sent miss 14 of 89 dated 21-1-89
JMS 21-1-89

(12)

(5)

Hon. D.S. Mirra, A.M.
Hon. O.K. Agarwal, J.M.

In the Miscellaneous Application a request has been made for impleading the Union of India as respondent No. 5. The application is allowed and may be incorporated with the claims petition within a week.

list it for hearing on
27.3.89.

J.M.

J.M.

A.M.

A.M.

27.3.89

On

(6)

27.3.89.

Hon. Kamleshwar Nath, V.C.
Hon. K. J. Ramani, A.M.

Shri. A.K. Dixit learned Counsel for the applicant has applied for adjournment on the ground that he is unable to attend the Court today.

list it for hearing on
24.4.89.

A.M.

V.C.

Order sheet
07-1131-88

(5)

(A3)

21.8.89.

Honble K. Nath, J.C.

Honble K.J. Ramani, J.M.

(9)

None is present for the
parties due to lawyers strike.

List for admission

on 27-9-89.

Am.

Am.

ve.

ve.

27.9.89 Hon K. J. Ramani, A.M.

Hon D.K. Agrawal J.M.

(10)

Due to lawyers strike
Case is adjourned to 30-10-89
for admission.

30-10-89

Court No I

(11)

No sitting, adjn to 8/12/89. 8/11/89

How
Boz

Br
R

गौतम

|||

नए अर्जाएँ जमा: 13th 6-11-22 31
गौतम गौतम गौतम नए. List for admission

In view of above report, file
is placed before Dy. Dy. (J.) for making
order regarding preparatory
mentary cause list.
Submitted.

Office to be careful in
future. List case for
08-11-89. though supplementary cause -
list as ordered by honorable court -

07/11/89
So (J.)

07-11-89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

O.A./T.A. NO. 1131... 19 88

Sri Krishnarath Illus Applicant(s)

Verse

Gm. N.R. Baroda House Respondent(s)

A.D.

S.L. No.	Date	Orders
(16)	4-8-90	DR
(17)	7-9-90	DR

4-8-90 DR

Adjourned to 7-9-90 before
DR(5) for fixing a date for hearing

for
DR(5)

7-9-90 DR

The case is ripe for hearing but as
of the year 1988, adjourned sine die.

DR(5)

Consequent upon requisition for lay
counsel for applicant and obtaining of approval by
Honble Vice Chairman, the case is transferred to
Circuit Bench Lucknow on 11.8.91.

O.R

This case has been
transferred to C.B. Lko
on 30/10/91 vide Honble
V.C's order dt 30-9-91
passed in Misc Application
1601/91

(AS)

THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW

O.A. No.1131/88

Sh

Sri Krishna & ~~others~~ ... Applicant

Vs.

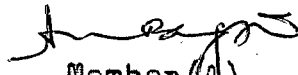
General Manager, N. Rly. & others Respondents


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

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

This application is directed ^{against} the illegal and arbitrary conduct of respondents in not screening and regularising ^{applicants} them in regular Class IV services of Rly. Administration. The applicant thus approached this Tribunal for declaration and direction ~~order~~ to the effect ^{that he is} he is entitled for inclusion in the live register and for consideration of screening and absorption for Class IV service in the N. Rly. The applicant allegedly was engaged in Loco Maintenance ~~at~~ Balamau on 11.8.78. He was again engaged in 1983 and was called on 12.6.87 for verification for checking of record which was being done for regularisation. But it appears no action was taken thereafter and the enlistment was kept in the case of applicant who is a member of S.C. Community. Rule 2 of the order in the name of the applicant was not entered in the live register after his appointment vide Para 251 (ii) of Railway Establishment Manual. The applicant made representation against the same but no result came out of it, that is why he has approached

His name shall also be entered in the live register so that he may get re-employment when his turn comes. No order as to costs.


Member (A)


V.C.

Lucknow

dt. 26th May, 1992

1/11

Reg. No. 1131/88 Main Copy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CLAIM U/S 19 of Central Adm. Tri. Act.

Sri Krishna and others...

...Applicants.

vs.

N. Fly.

General Manager/and others...

...Respondents.

Regis. No.

of 1988.

148
Claim No. _____/88

Instt.on Sept. 88

FORM I

(See Rule 4)

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT

ALLAHABAD.

Sri Krishna and others... ..Applicants.

Versus.

General Manager N.Rly. and others... ..Respondents.

.....
Sl. Description of documents Pages No.
No. relied upon
.....

1. Application

1-12

2. ANNEXURE A-1

13

Photocopy of letter
dt.11/12.5.81 of DFM Moradabad.

3. ANNEXURE A-2

14

Photocopy of Respondent no.3's
letter dt.12.12.85.

4. ANNEXURE A-3

15

Affidavit of applicants.

16

5. ANNEXURE A-4

Representation dt.14.12.85
of applicant no.1.

17

6. ANNEXURE A-5

Photocopy of letter dt.
29.5.87.

AGN

7. ANNEXURE A-6 to A-8

18-20

Photocopies of Postal Receipts
with representation dt. 20.6.88

8. Vakalatnama

21

ALLAHABAD :

DT. 26 Sept. 1988.

Signature of the applicants.

(Sri Krishna and others)

Through their counsel:

(A. K. DIXIT)

ADVOCATE

509-28Ka, Old Hyderabad,
Lucknow.

*Steps for Referral
No. 5 filed today,
24/4/89*

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

Control Administrative Tribunal
Additional Bench At Allahabad
Date of Filing... 26.9.28
Date of Receipt
by Post
By Registrar
26/9

B E T W E E N

Sri Krishna and others-

-Applicants.

A N D

General Manager N. Rly. and others-

-Respondents.

DETAILS OF APPLICATION

1- Particulars of Applicants :-

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

1- Sri Krishna Verma aged about 30 years son of Sri Saktey village Shakoorpur, Post Victrolaganj, District Hardoi.

2- Kalloo aged about 31 years son of Sri Hem Nath Village Shankar Khera, Post Gaju, District Hardoi.

3- Sundar aged about 27 years son of Sri Dayal village Jamuhi, Post Roza, District Shahjahanpur.

- (iv) Designation and Particulars of Office (name and station) in which employed or was last employed before ceasing to be in service.
- Loco Shed Rosa Jn.
N. Railway, District
Shahjahanpur.

521

(2)

(v) Office Address

-do-

(vi) Address for service of
Notices :

Sri Krishna Verma

s/o Sri Saktey Village

Shakarapur, Post Victoriaganj

District HarDOI (U.P.)

2- Particulars of the

Respondents :-

~~(i) General Manager~~

(i) Name of respondent

(ii) Name of father/husband.

(iii) Age of the respondent

(iv) Designation & particulars
of office (Name & station)
in which employed.

(v) Office Address:

(vi) Address for service of
Notices

As per details
given below :

1- General Manager, Northern Railway, Baroda House,
New Delhi.

2- Loco Foreman, Loco Shed, Roza Jn. N. Ry.,
District Shahjahanpur.

3- Divisional Rail Manager, Northern Railway,
Moradabad.

4- Loco Shedman, Loco Shed, Balamau Jn. N. Railway,
District HarDOI.

5. Union of India, The Secy of Railways
Ministry of Railways New Delhi. *Alm*

3- Particulars of order against which
application is made.

27/3/49

The application is against the following -

4-2

Alm

112

(3)

(i) Order No.	..	NIL
(ii) Date	..	NIL
(iii) Passed by.	..	NIL

Application is not directed against any particular order. Instead it is in the nature of relief a Mandamus against the illegal and arbitrary conduct of respondents in not screening and regularising them in regular class IV services of Railway Administration.

(iv) Subject in brief.

and his few other colleagues
All the applicants ^{and his few other colleagues} having engaged as Casual Labour in Loco Maintenance Section at Loco Shed Balamau under administrative control of Loco Foreman Roza Jn. as well as under Loco Shed Roza for several days prior to 1.8.78. Applicants ^{was} were again engaged in the year 1983 at Loco Shed Roza Jn. for a good deal of time. In order of being regularised / enlistment applicants ^{and his few other colleagues were} ~~were~~ called upon on 18.6.87 for verification and checking of their records. Applicants have submitted their records but so far nothing has been done. Applicants belong to scheduled caste community. Their matter of screening / enlistment has been kept in abeyance. Several Representation moved on the topic have also not been replied in any manner.

J-2
Alm

143

(4)

~~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 separate claims, beg to seek leave of Hon'ble Tribunal to prefer this joint application on single set of fee.~~

Hence this claim is preferred for seeking a relief in the nature of Mandamus, command or direction to be issued to respondents that they should enlist / screen and give regular appointment to applicants.

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 in sec. 21 of The Administrative Tribunal's Act 1985. Cause of action for the present claim arose on 18.6.87 the date on which applicants upon direction of respondents submitted their records for enlistment /

5-52

Amrgh

(5)

screening and since then no progress has been
intimated categorical representation have
been kept pending without reply as such
cause of action still continues day to day. *7.3.89*

6- FACTS OF THE CASE.

- 6-1 That ~~all the~~ applicants ^{and his other colleagues} were engaged as casual labour in Loco Maintenance Section of Northern Railway under Loco Foreman Loco Shed Roza, prior to 1.8.78 and have worked continuously for about 60 to 119 days. Applicants were again engaged on 1.5.83 at Loco Shed Roza where they worked for another 60 days each.
- 6-2 That according to statutory provisions contained in para 2512 Railway Establishment Manual and different circulars of Railways the name of every casual worker has to be kept in the live register in accordance with the seniority of their working days, according to which they are screened / absorbed in Regular service.
- 6-3 That in pursuance of such policy the D.R.M. Moradabad vide his letter No. 1114-E/NMU/911/11/80 dated 11/12.5.81 ordered for preparation of list of all such casual labour of Loco Maintenance Section who have worked for even a single day prior to 1.8.78.

7.3.89

7.3.89

A15

(6)

A true copy of aforesaid letter dated 11/12.5.81 is attached herewith as Annexure A-1 to this claim petition.

6-4 That in accordance with the aforesaid statutory provisions contained in para 2512 Railway Establishment Manual and Annexure A-1, the respondents called upon the records of applicants for screening / enlistment. But nothing was done.

6-5 That after waiting for a considerably long time when applicants represented, respondent no.2 on 12.12.85 asked the applicant no.1 to furnish further information regarding difference in his name " Sri Krishna " and " Sri Krishna Verma " and to furnish an affidavit to this effect. In compliance of such direction applicant No.1 submitted the required affidavit.

True Photo copy of respondent no.2's letter dated 12.12.85 and applicant's affidavit is attached herewith as Annexure A2 and A-3 to this petition.

6.6 That apart from submitting his affidavit applicant no.1 also sent a representation to the D.R.M. Moradabad on 14.12.85 under Registered Post.

A true copy of aforesaid respondent's no.3's letter dated 12.12.85 and applicant's affidavit is attached

5-22

A15

A16

(7)

herewith as ANN EXURE A2 and A-3 to this petition.

- 6-6 That apart from submitting this affidavit applicant no.1 also sent a representation to the D.R.M. Moradabad on 14.12.85 under ~~order~~ registered post.

A true copy of aforesaid representation dated 14.12.85 alongwith registered postal receipt under which it was despatched is attached herewith as ANN EXURE A4 to this petition.

- 6-7 That applicants thereafter moved several representations on which they were assured that they will be called for screening subsequently.

- 6-8 That respondent no.2 vide his letter No.2204/0-111(MC-2)87 dated 29.5.87 called upon the applicants to send their documents by 18.6.87 for the purposes of screening / enlistment.

A true ~~copy~~ Photo copy of one of such letter dated 29.5.87 is attached herewith as Annexure A5 to this petition.

- 6-9 That in pursuance of such orders as contained in Annexure A-5 applicants submitted their records with respondent no.2.
- 5-52 Alm62

177

(8)

6-10 That when nothing came out after submission of records applicants moved representation.

True copies of two such representation dated 20.6.88 sent under registered post alongwith Photocopies of Postal Receipts are attached herewith as Annexures A-6 to A-8 to this petition.

6-11 That inspite of these representations so far respondents have taken no step to screen / enlist the applicants.

6-12 That not only this several persons junior than applicants whose names are mentioned in Annexure A-6 and even having less working days have been taken into regular job ignoring the claim of applicants.

6-13 That applicants belong to scheduled caste community for which there is provision of reservation to the extent of 17% in direct recruitment in class IV services of Railway Administration.

6-14 That respondents have also taken no step to consider the claim of applicants on the basis of Reservation Quota.

6-15 That action of respondents in not considering the claim of respondents for not screening / enlisting them is violative to statutory provisions and settled policy of Railways.

5-82

Alm

MD

(9)

6-16 That since the action of respondents in highly arbitrary and unfair, and they have also taken no care to decide claim of applicants, they having left with no alternate beg to prefer this claim on and amongst other the following -

G R O U N D S .

- (A) Because applicants have a statutory right to get their names included in the list and accordingly screened by respondents in order to provide them regular job.
- (B) Because respondents have statutory obligation to consider applicants for screening and regularisation.
- (C) Because action of opposite parties in not considering the rightful claims of applicants is arbitrary, unjustified and unfair.
- (D) Because engagement of juniors in discrimination of applicants in violative to Art. 14 and 16 Constitution of India.

7. Details of remedies exhausted -

The applicants declare that they have availed all the remedies available to them under relevant rules. etc. Annexures A-6 to A-9 are true copies of representation which have not been replied in any manner.

25.2.2

Alm

8- Matter 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- Relief Sought

In view of the facts mentioned in para 6 above the applicants pray for the following reliefs :-

- (i) a declaration, direction or order in favour of applicants be granted to the effect that ^{the} ~~they~~ ^{is} are entitled for inclusion of ^{the} ~~their~~ names in the life register and accordingly entitled for consideration of screening and absorption in class IV services of Northern Railways. Respondents be accordingly commanded to enlist / screen and employ/absorb the applicant~~s~~ within a specified time as may be fixed by the Hon'ble Tribunal.
- (ii) Costs of the claim petition and such other relief as may be deemed fit and proper in the circumstances of the case be also awarded to the applicant as against the respondent.

5-22

ALM

A50

(11)

10- Interim order, if any
prayer for :-

N I L

11- Application is presented through Counsel
SHI ABHAYA KUMAR M XIT 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: $\frac{10}{4}$ 227944

2- Name of Issuing Post Office: Heal Post office
Allahabad

3- Date of Issue of Postal order: - 26.9.88

4- Post Office at which payable: - Allahabad

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.

J-22

Alm

(12)

Verification.

We, Sri Krishna Verma, Kalloo, ~~Sundar~~ 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 and 7 to 13 are believed to be true on legal advice and that we have not suppressed any material facts.

1. Sri Krishna

2. Kalloo

3. Sundar

Allahabad:

Dated: 26 Sept. 1988.

Applicants.

Amended order
C.A. 15 order dt. 31.1.89
2.3.89

[Signature]

5-42 नमः

[Signature]

To,

The Registrar,

Central Administrative Tribunal,

Additional Bench, Allahabad.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

SHI KRISHNA AND OTHERS... .. Applicants.

Versus.
GENERAL MANAGER N.HLY & OTHERS... .. RESPONDENTS.
ANNEXURE NO. A 2

जी. एम. 19/G. L-19-
बनारस 99-बडा/Gedl. 99-Large

Divd Rly. Manager's Office
Meerabad उतर रेलवे/NORTHERN RAILWAY.

NO. 727 E/EP-2/SK/85L

Dt. 12-12-1985

To, The Locoforman / Roro.

Subj: - Non screening of Sh. Krishan s/o Sakley.

Ref: - His representation dt. 5-XI-85.

Sh. Krishan s/o Sh. Sakley has represented to this office for his screening and appointment. In this connection it is desired that he may be asked to submit all documents in original. He may also be asked to clarify as to why he has given his name as 'Sh. Krishan' in some of his documents where as in the certificates issued by the board and the school authorities as 'Shree Krishan Verma'. An affidavit to this effect is required to be submitted by this candidate. You are also requested to submit a certificate that Sh. Sh. Krishan s/o Sakley and Sh. Sh. Krishan Verma, Sakley is one and the same man who has worked with you. The documents so submitted may reach this office very early please.

ATTESTED

AMG

Abhaya Kumar Dixit
Advocate
HIGH COURT
LUCKNOW.

for

for Divd Rly. Manager
N. Rly. Meerabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

SHI KRISHNA AND OTHERS... .. Applicants.

Versus.

GENERAL MANAGER N.H.Y. & OTHERS... .. RESPONDENTS.
ANNEXURE NO. A

पुणे २२०-६, थो-१११ (एम्पली-२) ३७

दिनांक २९/५/८७

श्री कलम

पत्र श्री हिमनाथ

द्वारा

कार्टर रो

श्री शंकर खंडा

पोस्ट ऑफिस

आजा

विश्व हार्दिक

विषय : वैयक्तिक श्रमिक जीवन वैयक्तिक श्रमिक जीवन

संख्या : ६ श्रम - १ - ८७ - सीजा दिनांक २९-५-८७

उपरोक्त संदर्भ के अन्तर्गत प्राप्त आपके अधिवक्ता के रिज में सूचित किया जाता है कि आप अपना सारा वैयक्तिक लेबर कांड तथा अन्य प्रमाण पत्रों की सत प्रतियां इस कार्यालय में मजदूर कर्मिक विरीटिक श्री अम्न प्रकाश को दिनांक १८/६/८७ तक दे दें ताकि वह हस्तक्षेप करके वैयक्तिक श्रमिक जीवन रजिस्टर में अंकित कर सकें। यदि दिनांक १८/६/८७ तक उपरोक्त प्रमाण पत्र आपसे प्राप्त नहीं किए तो आपके मामले पर विचार नहीं किया जाएगा।

कृते मजदूर रेल पब्लिक
मुरादवादी

प्रतिनिधि :
मजदूर कर्मिक विरीटिक को संपूर्ण एवं आवश्यक कागजातों को प्रेषित।

ATTESTED COPY

Abhaya Kumar Dixit
Advocate

HIGH COURT
LUCKNOW.

५८८२

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

SHI KRISHNA AND OTHERS... ..Applicants.

Versus.

GENERAL MANAGER N.H.Y. & OTHERS... ..RESPONDENTS-
ANNEXURE NO. A

श्रीमान डिप्टी जनरल रेल निज़र महोदय,
उत्तरी रेलवे मुरादाबाद मण्डल।

आदरणीय महोदय,

सेवा में सर्वप्रथम निवेदन है कि प्राथमी ने सन 1973 में 102 दिन कोल कुली में कार्य किया था जिसका प्रमाण पत्र भी बनाया गया था जोकि लोको फोरमैन आफिस में जमा कर दिया था परन्तु अब जब कि भर्ती हो रही है मेरे रिकार्ड का कोई पता नहीं और न ही प्राथमी का लिस्ट में नाम था। मुझे कम दिन कार्य करने वालों के लिस्ट में नाम थे और वह ले लिए गए और मुझे नहीं लिया गया और कहा गया आप रिकार्ड लेकर आओ जबकि प्राथमी ने पहले ही रिकार्ड आफिस में जन्म तिथि के प्रमाण पत्र के साथ जमा कर दिया था।

अतः आपसे निवेदन है कि प्राथमी को भी रेल सेवा में कार्य करने का अवसर प्रदान किया जावे आपकी अति कृपा होगी। सम्बंधित अधिकाधिकारियों ने भी कोई सुनवाई नहीं की अब श्रीमान जी के पास आना पड़ा।

कष्ट के लिए धन्यवाद।

आपका प्राथमी

ATTESTED

COPY

Abhaya K. Dixit

Associate

HIGH COURT
LUCKNOW.

सुन्दर पुत्र दयाल
कौम जाटव

ग्राम जमुही शाहजहापुर

20-6-88

सुन्दर

11/11/88

Regularisation

Dle

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1131 of 1988

APPLICANT (s) Sri Krishna and others

RESPONDENT(s) G. M. North Railway Bagada House

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(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 ?
5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?

(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

yes

yes

yes

yes

yes

-

-

yes

yes

There is no such order

yes

attested by Advocate

... Applicants.
Versus.
GENERAL MANAGER N. ILY & OTHERS. ... RESPONDENTS
ANNEXURE NO. 7

गंगा नदी (विनागत)
नई दिल्ली

मिना ने सावेनग में बंदन इस्तफा किया है कि प्रार्थना 1977 में जोको शोडालमड में काम किया था उन के बाद 1980 में जोको शोडोजा में काम कि दोनो जगह के दिन मिलाने 119 दिन है मेरे साथ जिन लोगों ने 1983 में शोडोजा में काम किया जिन के नाम नीचे लिखे हैं

- 1- महादेवा लाल राजा 2- शालुल मुशायदा 3- राजा राम राजा
4- दीनार राजा 5- दीनार राजा

इन उपरोक्त आदिमियों के दिन गुलामि काम थे और इन लोगों ने
मौ स्याथ किया था इनके दिवस के यह है और यह कार्य
कर रहे हैं मैं के लोको-पुत्रों से जा के आदिमियों तथा मंडल
रत्न पुत्रवत्त मुरावावा आदिमियों में जा के आदिमियों पर दिवस
पुत्र वहाँ से नही हुई

इस प्रार्थना पर जो ध्यान करो मेरे अप्स वरदा लाते हुए
डिग्री के लिए आशा है कि जो लुप्त हो अप्स जो महान
लुप्त हो रू

314 enl

प्रति लिपि :- मेडल रेलवे मुरादाबाद
एव ए.पी.ओ. महोदय मुरादाबाद

Charge S. J. [unclear]
Date [unclear]

2015-2016
Enrollment
31/12/15

anindia E

(Handwritten signatures and notes)



ATTESTED TRUE COPY

Abhaya Kumar Dixit
Advocate

सुन्दर

HIGH COURT
LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

SHI KRISHNA AND OTHERS... ..Applicants.

GENERAL MANAGER N. R. L. & OTHERS... ..RESPONDENTS.
ANNEXURE NO. 1

जीमान -

श्रीमान श्री
श्री. एम. ई. महोदय
मुद्राबाद

जीमान की,

सविनय निवेदन है कि प्राचीन
सन १९१३ के १०२ दिन कीला कुली के कार्य
किया था उसका बिल्लाई भी बना था जो कि
लोको कोरेशन अधोदय के कार्यालय में जमा था
परन्तु अब ऐसा बिल्लाई नहीं मिल रहा है तथा
आज के ऐसा बिल्लाई भी देना सिवाजोब और
अभी केलाव बगले की भुजा की जोब और
नरेश के पं. पुत्री रावके का बिल्ला लफ
किया जावे कार्य भी बहुत भुजा होगी।

२०.६.२८

प्राचीन श्री. एम. ई. महोदय
मुद्रा पुत्र दयाल
कोष. जातक (अनुसूचित जाति)
ग्राम - जमुही - शहरजहाँ

ATTESTED TRUE COPY

Advocate
HIGH COURT
LUGAN

मुन्दर

ब अदालत श्रीमान

Central Administrative Tribunal
Allahabad महोदय

(21)

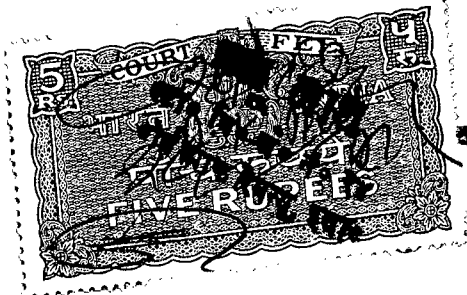
[वादी] अपीलान्त

श्री

Shri Krishna Verma का

वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]



वादी (अपीलान्त)

Shri Krishna Verma

बनाम G.M.N.R. प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

ABHAYA KUMAR Dixit

509/28 Ka, Allahabad
Lucknow

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए

वकालतनामा लिखे बिना प्रमाण रहे और समुदाय पर काम आवे। यह

Abhaya Kumar Dixit

Advocate

HIGH COURT
LUCKNOW.

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

म

सन् १६ ई०

11/11/88

Regularisation

Dey

**CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Registration No. 1131 of 1988

APPLICANT (s) Shikrishna and others

RESPONDENT(s) G. M. Northern Railway Barada House

Particulars to be examinedEndorsement as to result of Examination

1. Is the appeal competent?
2. (a) Is the application in the prescribed form?
(b) Is the application in paper book form?
(c) Have six complete sets of the application been filed?
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(b) If not, by how many days it is beyond time?
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6. Has the certified copy/copies of the order (s) against which the application is made been filed?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?

(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?

yes

yes

yes

yes

yes

-

-

yes

yes

There is no such order

yes

attested by Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

RE. NO. 1131 of 1988

Shri Krishna and others --- Petitioners.

vs-

General Manager, N.R. and others - - Respondents.

Counter on behalf of the respondents
is as under :-

1- Before submitting the perewise reply, the
case of the Railway Administration is as under :-

That the petition as filed is not maintainable
as the petitioners have not disclosed in their
petition any violation of law, rule or directions
of the Railway Board.

That in the petition also there is no
mention that the petitioners ever since the
presenting of the petition acquired any legal,
contractual or any right, hence it is not
maintainable.

That the relief as sought by the applicants
is not within the ambit and jurisdiction of Act 13
of 1985.

That the records of the respondents make it
definite that the petitioners did not work as they
have set up in their petition and by setting up
the working in the Respondents, they want that they

infor
Personnel Officer
Railway
Allahabad


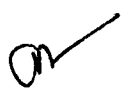
should be given relief is manufactured, incorrect and is denied.

That it is not admitted the period as disclosed by the petitioners in the petition that they worked.

That the petitioners did not work to these period as mentioned in para 6(1) of the petition. The workings as disclosed in this para does not vest any legal right to the petitioners. The working period do not give any right as has been pleaded in the petition.

That a very note worthy point is that the petitioners have pleaded that they worked in 1971 and thereafter, then why and under what circumstances they have been discharged from the work and what they have been doing about 15 years - a gap came from 1972 to 1986 specially in this era of extreme unemployment. The obvious reason is that they have not worked as mentioned in para 6 (1) and they have not produced any casual labour Card which was a condition precedent for the petitioners.

That it is also noteable that from 1970 to


Divisional Personnel Officer
Northern Railway
Moradabad 


1986 the petitioners did not submit any application, representation to the Administration for the job.

That the periods from 1971 to 1986 cannot be looked into and it is useless for any purpose and the petitioners have not worked as set up.

That 1986 while screening was conducted the applicants were required to submit and fulfil the following condition :-

- a) The name of office from where he last discharged was not mentioned.
- (b) The date and reason for the applicants having discharged and where and how he was employed as casual labour since last discharged have also not been given by the applicant.
- (c) The applicants have also failed to furnish an attested copy of the casual labour Card and other proofs as well as to confirm that he had worked some where else on MB division.
- (d) The applicants have not given an attested copy of their photographs

But the applicants have failed to comply the


Divisional Personnel Officer
Muthra Railway
Moradabad

above requirements, as in fact they did not work, they were not Railway servants, they were not legally and factually entitled for screening and that is why they have not been screened. Since they have no right, no illegality has been committed, so the applicants by back door want some direction from the Hon'ble Tribunal that they may be given job or they may be screened at the cost of other persons who have been regularly working having legal right, hence this relief cannot be granted.

That no junior persons of the petitioners have been given employment so the question of screening did not arise at all.


That it is neither case of retrenchment, nor case of refusal to take in job, hence no cause of action ever arose to the petitioners.

That the petition is also barred by time.

That the petition is also not maintainable as Union of India which is a compulsory party has not been impleaded as a party.

That the petition is also not maintainable u/s 20 of Act 13 of 1925.

That the petition is also not maintainable as 3 persons of different age, shown different period of working have been joined in one petition.


Divisional Personnel Officer
Northern Railway
Moradabad

parawise reply is as under :-

1- That paras 1 to 5 of the petition as stand are not admitted.

2- That the contents of para 6(1) of the petition as it stands is not admitted. The true fact is this that the petitioner no.1 Sri Kishan s/o Sakety had been taken by Confidential Section DM/MB for enquiry and he was removed from service vide Mr. DM/MB D.O. letter no. VC/Conf/DTSP/1558/1559 dt. 10.8.84 as his documents were found to be false, and his working days as per office records

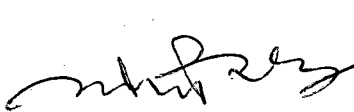
3- That the record of the working days of the petitioner no.2 Sri Kallan is not available in the office, but so far reported he worked only for 59 days upto 1.8.1978.

4- That the petitioner no.3 Sri Sunder completed 101 days and his name was sent for screening but he was not successful in screening.

5- That the contents of paras 6 (2) (3) (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), 15) and (16) of the petition as they stand are not admitted, hence denied being confusing and not clear.

6- That the Grounds A to D of the petition are not admitted, hence denied.

7- That the contents of paras 7 and 8 of the petition need no comments.


Divisional Personnel Officer
Northern Railway
Moradabad


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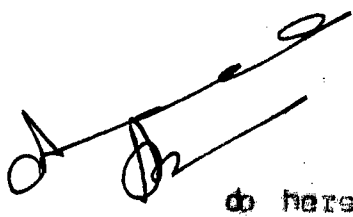
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8- That the contents of para 9 of the petition is denied.

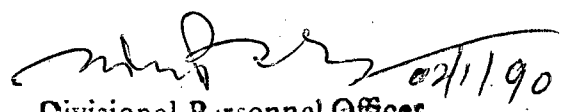
9- That the contents of paras 10 to 13 of the petition need no comments.

10- That the petition is not maintainable and liable to be rejected.


Divisional Personnel Officer
Northern Railway
Moradabad


12/1/90

I, Gopi Ram Dhill, Personnel Officer
do hereby verify that the contents of this
Counter are based on perusal of record and legal
advice which I believe to be true. Signed and
verified on 2nd January 1990 at Moradabad


Divisional Personnel Officer
Northern Railway
Moradabad

.....Sri. Krishna Varma & Co. Applicant.

Versus

.....G.M. N. R. Respondents

Take notice that the court will be moved by the undersigned on...31.1.89... the day of ...Jan... 1989 at 10.30.0'clock in the forenoon or as soon thereafter as the parties or their counsels can be heard.

The object of the motion is briefly indicated counsel. Amcl. application. A copy of the application is enclosed herewith.

Take further notice that meanwhile this court has been pleased to pass the following order, (here quote the interim order of the court).

Dated this the19.... day of ...Dec... 1988.

Filed before
Noted for 31.1.89
Alyy

(Signed).....

Advocate for the petitioner/
Respondents/ Applicant

or

Petitioner/Respondent in person.

Advocate on record for the Address;
opposite party/respondent/ defendant.

Yet Not Admitted claim

for Ac. Pandey
31/1

With this
amendment
application for
31.1.89
19.12.89

inserted. — — —

- 3- That at page 4 first and second paras of the application beginning from words ' since right of set of fee hence this claim to applicants; be deleted.

Letter 's' wheresoever occurs in word applicants be deleted at page 4.

- 4- At page 5 in the end of para 5 words ' day today ' be added.

Left out from

- 5- That in para 6.1 of the claim petition the words 'all the' be deleted and afterword 'applicant' words 'and his other colleagues' be added.
- 6- Letter 's' wheresoever occurs in the claim petition either in word 'applicant' or in word 'claimant' be scored out.
- 7- That in para 9.1 in line 3 words 'they are' be deleted and substituted by words 'he is'. Similarly in line 4 of same para word 'their' be deleted and substituted by word 'his'.
8. That in verification clause only one name of applicant 'Sri Krishna Verma' be kept and those of remaining claimants be deleted. Accordingly signatures of remaining claimants be also deleted. The word 'we' at the beginning of verification clause be substituted by word 'I'.

Wherefore, it is most respectfully prayed that amendments sought for may kindly be allowed to be incorporated in the petition and petition be treated to have been filed on behalf of applicant no.1 only.

Applicant

श्रीकृष्ण वर्मा

(Sri Krishna)

Verification

I, Sri Krishna applicant named above do hereby verify that the contents of this application to be true from my knowledge.

Allahabad; Dated

श्रीकृष्ण वर्मा

Applicant.

Received 8.3.89
28
8.3.89

883

In The Central Administrative Tribunal,
Additional Bench
at
Aligarh.

Mso. Peti. No. 131 of 1988
In O.A. No. 1131 of 88

Sri Krishna

Applicant.

Vs.

G.M. N. Dey & Co.

Respondent.

Take notice that court will be moved by the
undersigned on 8th day of March 1989
at 10.30 O'clock in the forenoon, or soon thereafter as
their counsels can be heard.

The object of motion is briefly indicated below:-

~~Copy of the application~~

Application for implementation of Union of India
as Respondent.

A copy of application is enclosed herewith.

Take further notice that meanwhile this court has
been pleased to pass the following order.

Filed today.
Noted for
8/3/89
7.3.89

Dated this the 7th day of March 1988

sd/- Advocate

Advocate for the Petitioner/
Respondent/
Applicant

OR

Petitioner/Respondent
in person.

To,

No Counsel has been
engaged by Respondent.

Advocate,
on record for the opp. party/
respondent/defendants.

In The Central Administrative Tribunal

Allahabad.

mess 7318 B

O.A.No. 1131 of 1988

Fixed on 7.3.89 (Ct No.1)

Sri Krishna

.....Applicants.

Versus.

GM N Rly & oth.

.....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 e-ending the claim accordingly.

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

Counsel for Applicants

A.K. Dixit,
Advocate.

Note.

Since case is pending for admission - duplicate is not given to any counsel.

7.3.89

SO (J)

Put up the application before court for orders with previous papers - next date.

manantra
for DR (J)
2/3/89

Recd

Bench Copy

A/74

In The Central Administrative Tribunal
Allahabad.

O.A.No. 1131 of 1988

Fixed on 7.3.89

Sri Krishna

.....Applicants.

Versus.

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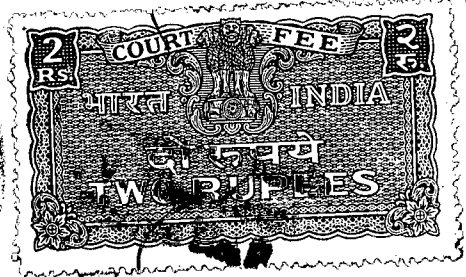
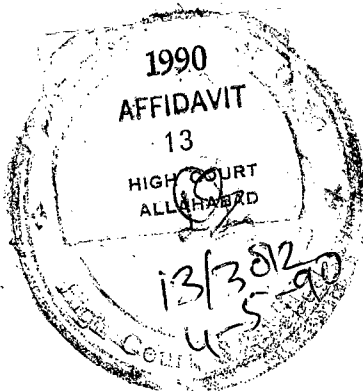
It is therefore most humbly prayed that applicants
be permitted to implead Union of India as Respondent
No. 5 in the following manner in array of Respondents,
by a-mending the claim accordingly.

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

Counsel for Applicants

7/8 March 1989.

A.K. Dixit,
Advocate.



BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Rejoinder Affidavit on behalf of claimant

In re:

O.A. No. 1131 of 1988

Sri Krishna and others - - - - - Applicants

Versus

General Manager N. Rly. & Others - - - - - Respondents

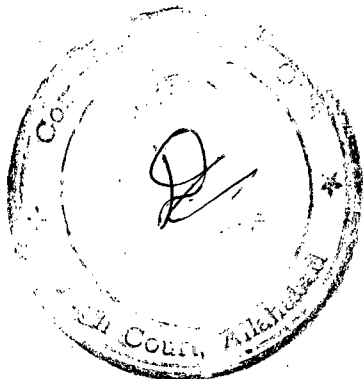
AFFIDAVIT

I Sri Krishna Verma aged about 32 years son of Sri Sakthey resident of village Shakurpur, Post Victoria-ganj, Distt. Hardoi, do hereby solemnly affirm and state on oath in the name of Almighty God as under:-

1- That deponent being claimant is fully conversant with the facts of case. He has got read and understood the contents of Counter Reply filed on behalf of respondents filed on behalf of respondents (hereinafter referred as C.A.).

2- That contents of para 1 of CA (which have not been numbered and find place from page 1 to 4 of CA) are replied as under:

Inclusion of name in life register and to give employment in accordance with order of serial in which name finds place is specifically provided in Railway Establishment Manual. Screening is a continuous process in Railways for which there are existing administrative instruction.



SD(J)
Keep on record

14/5/90
DR(J)

14/5/90

Petitioner have got a vested Civil Right for inclusion of their names.

The allegation of Respondents to the effect that relief sought by applicants is not within amloit and jurisdiction of Hon'ble Tribunal is perfectly verge. It is a matter relating~~gk~~ to recruitment and all such matters are cognizable by Tribunal.

Contention of respondents to the effect that they have not worked is absolutely incorrect, false and contradictory to their own version contained in para 2, 3 and 4 of C.A. Reasons for discharge may better be known by respondents and not by claimants. When it is definite plea of respondents that in 1986 when screening was conducted the applicants were required to submit certain details itself goes to show that claimants had worked. However the quarries raised by respondents.

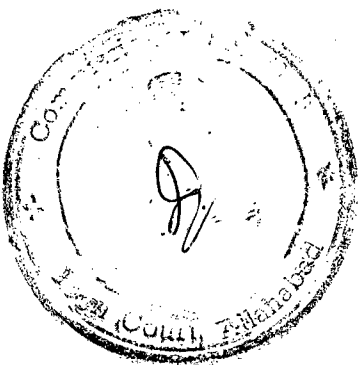
(at Page 3 of C.A.) we replied as under:

(a) All the applicants had worked under Loco Foreman Rosa, as Khalasi. Attendance Register for the period 15-2-83 to 1-5-83 in respect of casual labour at Loco Rosa will prove presence of applicants, which respondents should produce before Hon'ble Tribunal.

(b) Applicants were neither given any order of termination of employment nor reasons were assigned except that to the effect that they were asked to wait for their turn for screening.

(c) All the documents including casual labour card, affidavits etc. were taken.

(d) Attested copy of photograph was also given.



Handwritten signature and date 5/11/11.

Letter of respondents contained in Annexure 'A2' of claim petition itself goes to show that employment to deponent is being denied on flimsy and vague grounds. Even after submission of affidavit (Annexure 'A3') respondents have taken no steps.

It is incorrect and highly irresponsible on the part of respondents to say that in case of non-refusal for job claim is not maintainable. Respondents can not be given liberty to keep the matter pending for indefinite period and an employee can not be expected to wait, indefinitely for the decision of employer which they may or may not take even during life time of employee.

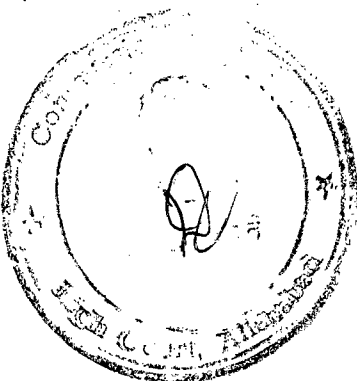
Allegation of claim being barred by time is quite baseless particularly when respondents have specifically pleaded that no refusal for taking deponent in job has been made.

Union of India has been impleaded as respondent No. 5 in the claim petition.

3- That parawise reply of C.A. (pages 5 and 6 of C.A.) is also given as under:-

(1) That contents of para 1 of C.A. are denied and those stated in paras 1 to 5 of claim petition are re-iterated to be correct.

(2) That contents of para 2 of C.A. are denied. Receipt of letter No. VC/Conf/DTSP/1558/1459 dated 10-8-1984 is specifically denied. It is submitted that Annexure No. 'A2' is a letter of subsequent date i.e. 12-12-1985 which has got no description of the aforesaid

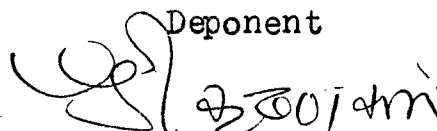


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letter dated 10-8-84. Holding of any enquiry is also specifically denied. No such enquiry took place to knowledge or to the intimation of deponent no he was called upon to participate in any such enquiry. Any enquiry even if held behind the back of deponent is null and void and is in flagrant disregard of principles of Natural Justice, equity and fair play. Respondents are put to strict proof that they ever called upon claimants to participate in such enquiry. The manner in which so called enquiry has been done is in complete violation of principles of law laid down by this Hon'ble Tribunal reported in 1988 UPLBEC 17 and 22.

4- That contents of paras 3 to 10 of C.A. being vague and evasive are denied and those stated in paras 6.1 to 13 of claim petition are re-iterated to be correct.

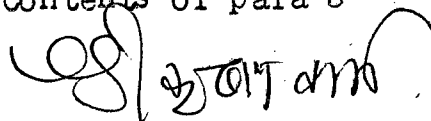
5- That respondents have taken two contradictory defences firstly to the effect that claimants never worked and secondly that some enquiries were made in 1984. Both the pleas are not tenable because of existence of letter dated 12-12-85 (Annexure A2) and that no enquiries were conducted in presence, knowledge and intimation of deponent.

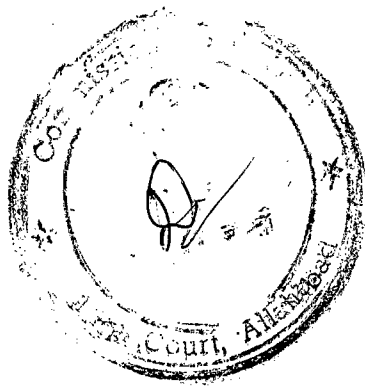
Deponent

(SRI KRISHNA VERMA)

April, 1990

VERIFICATION

I deponent named above do hereby verify the contents of paras 1 to 4 of this affidavit are to be true from my personal knowledge. Contents of para 5





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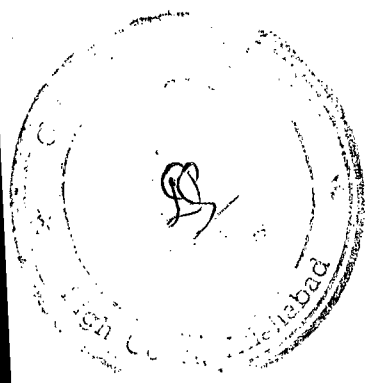
are believed to be true by me. No part of it is false and nothing material has been concealed. So help me God.

DEPONENT

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

(A.K. Dixit)
Advocate

Solemnly affirmed before me by the deponent Sri Srikrishna Verma on 4th day of April, 1990 at 11 a.m./ p.m. who is identified by Sri A.K. Dixit Advocate of this court. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.



OATH COMMISSIONER

D.C. Srinivasan
Admce

D: 4-5-90

Sr. No. 13/302