

Central Administrative Tribunal
Lucknow Bench

Cause Title O.A. 1121/CS of 1993

Name of the Parties 31 Krishnai. Q. Ch. Applicant
versus

22. M. N. Raghavay 13/1/93 Respondents.

Part A. P.C.

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6.	Power	Above
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		<u>13105</u>
		<u>C 10</u>
		C - File

Part B/C Compendium / Distroyed

20/5

on

①

11/11/88

①

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

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

b/s

JY

AM.

AM

②

29-11-88Hon D.S. Misra - AM
Hon G.S. Sharma - TM

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

TM

b/s

AM

OR ~~29/11/88~~ ~~29/11/88~~
~~29/11/88~~
G.I.-89

Order sheet 3 O.A. No. 1131/88.

(5)

Hon. D. S. Mora, A.M.

Hon. D.K. Agarwal, J.M.

In this Miscellaneous Application a
Request has been made for
impleading the Owner of Isoka
as respondent No. 5. The application
is allowed and may be incorporated
with the claimants petitions within a
week.

list it for hearing on

27. 3. 89.

✓

J.M.

A.M.

27. 3. 89.

On

(6)

Hon. Kamleshwar Nath, V.C.

Hon. K. J. Ramzan, A.M.

27. 3. 89.

Shri. A. K. Dixit learned
Counsel for the applicant has applied
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
07-11-89-88

(5)

(A3)

21.8.89. Hon'ble K. Nath, V.C.
Hon'ble K. J. Ramenathan

(9)

None is present for the
case due to lawyers strike.
List for admission

on 27.9.89.

10 AM

of
ve.

27.9.89. Hon'ble K. J. Ramen, A.M.
Hon'ble K. Agrawal J.M.

(10)

Due to lawyers strike
case is adjourned to 30.10.89
for admission.

from
B.C.

30-10-89

Court No I

R
8/11/89

(11)

No sitting, adjn to 8/11/89.

B.C.
R

27-11-89

RE-ADVISORY REPORT: 13th & 14th NOV 1989
GIVING DATE 15th NOV 1989: LIST OF 31st NOV 1989

5. In view of above report, file
is placed before Dy. Reg. (J.) for making
order impacting preparation of supplementary
Cause List. D. 11-12-89
Submitted.

27
07/11/89
S. (J.)

Office to be careful in
future. Let see for
08.11.89. though supplementary Cause-
list as ordered by Hon'ble court see
07.11.89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

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

Sukreshwar others ⁹ ^(P.W.) Applicant(s)

Verse

G.M. N.R. Baroda House

Respondent(s)

A.D.

S.L. No.	Date	Orders
⑯	4-8-90 DR	Adjourned to 7-9-90 before DR(D) for fixing a date for hearing
OR		DR(D)
⑰	7-9-90 DR	The case is ripe for hearing but as of the year 1988, adjourned sine die
OR		DR(D)
		Consequent upon reservation for my 'kin' counsel for applicant and obtaining of approval by Hon'ble Vice Chairman, the case is transferred to Circuit Bench Lucknow on 11.9.91.
OR		
		This case has been transferred to C.B. Lucknow on 30/10/91 vide Hon'ble V.C's order dt 30-9-91 passed in New Application 1601/91.

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 them ^{as per} ~~applicants~~ in regular Class IV services of Rly. Administration. The applicant thus approached this Tribunal for declaration and direction ~~order~~ to the effect ~~he is~~ ^{he has} 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 ~~and~~ ^{and} Balamau on 11.8.78. He was again engaged in 1983 and was called on 18.6.87 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)
Member (A)

V.C.
V.C.

Lucknow
dt. 26th May, 1992

111
Regd No. 1131/88 Memorandum Copy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

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

Sri Krishna and others...

...Applicants.

vs.

N. R. J.
General Manager and others...

...Respondents.

Regis. No.

of 1988.

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.H.Y. and others... ...Respondents.

Sl. No.	Description of documents relied upon	Pages No.
1.	Application	1-12
2.	ANNEXURE A-1 Photocopy of letter dt. 11/12/81 of D.M. Moradabad.	13
3.	ANNEXURE A-2 Photocopy of Respondent no. 3's letter dt. 12.12.85.	14
4.	ANNEXURE A-3 Affidavit of applicants.	15
5.	ANNEXURE A-4 Representation dt. 14.12.85 of applicant no. 1.	16
6.	ANNEXURE A-5 Photocopy of letter dt. 29.5.87.	17

Almara

7. ANNEXURE A-6 to A-9

18-20

Photocopies of Postal Receipts
with representation dt. 20.6.88

8. Vakalatnama

21

ALLAHABAD :

Signature of the applicants.

DT. 26 Sept. 1988.

(Sri Krishna and others)

Through their counsel:

A. K. DIXIT

ADVOCA TE

509-28Ka, Old Hyderabad,

Lucknow.

Steps for Filing
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

Central Administrative Tribunal

Additional Bench At Allahab

Date of filing..... 26/9/28

Date of Receipt..... 1.XI.28

by Post

By Registered

26/9/28

PLH/81

26/9

B E T W E E N

Sri Krishna and others -

-Applicants.

A N D

General Manager N.H.Y. and others -

-Respondents.

DETAILS OF APPLICATION

1- Particulars of Applicants :-

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

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

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

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.

PLH/81

5-22

(v) Office Address

- do -

(vi) Address for service of
Notices :

Sri Krishna Venka

s/o Sri Saktey Village

Shakarpur, Post Victoria ganj

District Hardoi (U.P.)

2- Particulars of the

Respondents :-

11 General Management

(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.Rly.,
District Shahjahanpur.

3 - Divisional Rail Manager, Northern Railway,
Mumbai.

4 - Loco Shedman, Loco Shed, Balasore Jn., N. Railway

5. Union of India, Through Secretary of Railways
District Hardi.

3- Particulars of order against which 273/99

application is made.

The application is against the following -

452

Aug 5th -

(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.

All the applicants 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 ^{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 ^{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.

15/5/2

Alm

(4)

~~Since right of relief arises from the same type of fact 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 /

5-2

Alm78

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. *AMR*

7.3.89

6- FACTS OF THE CASE.

6-1 That all the applicants 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.

*Page 2**AMR*

R/S

(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

JGD2

R/S

RAB

(7)

herewith as ANNEXURE 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 ANNEXURE A4 to this petition.

6-7 That applicant 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.220 E/0-111(EMC-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.

J-22

Alm

(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.

25-62

25-62

B10

(9)

6-16 That since the action of respondents is 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-6 are true copies of representation which have not been replied in any manner.

JGK2

Algo76

(10)

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 ~~they are~~ ^{they} are entitled for inclusion of ^{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.

J. S. L.

A. C. M. G.

R/S/

(11)

10- Interim order, if any

Prayer for :-

Nil

11- Application is presented through Counsel

SHRI ABHAYA KUMAR NIXIT 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: $\frac{D0}{4}$ 227944

2. Name of Issuing Post Office: Head 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.

5-22

10/78

(12)

Verification.

9
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.

Ambedkar Hall
Central Hall
7.3.88

Regd

45-22

45-22

To,

The Registrar,
Central Administrative Tribunal,
Additional Bench, Allahabad.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

SRI KRISHNA AND OTHERS... Applicants.

Versus.
GENERAL MANAGER N.RLY & OTHERS. RESPONDENTS.
ANNEXURE NO. A

लौ. एम. 19/G. U-19-
बनरेस 99-पटा/गेल. 99-लार्ग

DIVD Rly. Manager's Office

Mosadabod.
उपर लेटर/NORTHERN RAILWAY.

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

Dt. 12-12-1985

To, The Loop foreman/ Rroo.

Sub:- On beholding of Sh. Krishan sto.
Sakley.

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

Sh. Krishan & Sh. Sakley has represented to this office for his becoming 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 whether he has shown his name as 'Shreshth Krishan' in some of his documents where as in the certificates issued by the Board and the school authority as Shreshth Krishan Verma? An affidavit to this effect is required to be submitted by the candidate. You are also required 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 under you. The documents so furnished may reach this office very early.

ATTESTED

Abhaya Kumar Dixit
Advocate
HIGH COURT
LUCKNOW.

4-12

for DIVD Rly. Manager
N. Rly. Manager

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD.

SHRI KISHORE AND OTHERS...Applicants.

VERSUS
GENERAL MANAGER N.HLY & OTHERS. v. RESPONDENTS
ANN EXURE NO. A 4

प्रियांग इंसोलिन रुपीले १०८०.८०.
कृष्णन लोका पुरुषा राजा
अताह- निवेदन है कि पुरुषी लोका श्री राजा के आदीनात
लोकों द्वारा फ्रेंच राज्यालय के पद पर १०८.७.२०२५
१०८.२३२५ तक काम नहीं की तो पुरुषी का उपायकरण
काम करने का सामना नहीं पुरुषन किया गया इसी के पुरुष
जी मन जी के सामाजिक अंतर्गत समर्थन समिति के द्वारा
कोटी लाख दारिद्र्यालय की पुरुषी पर्वती पुरुषी का इस
श्रीकृष्णनगर १०८ श्री मंकट जीवित है। पुरुषी की जीवनी
इसकूल के उत्त्यार ५.१-१०८५२४ है। पुरुषी का नाम
कृष्ण नाना नाम पर गोपनीय जीवन १०८ श्री मंकट ही डॉ.
किया गया, और जाष्ठी का उपनाम नाम भौंकिन स्थिति
गया, जाष्ठी की इस विवाह का पता नहीं चला कि पुरुषी की
जाति के ठोगे वर्मा श्राव्य लिखने से कैरे रह गया।
पुरुषी के दिनोंके ५.११-१०८५० को डिवी जनन रत्नाल
भैंचंडर जुगलकुमार के दफ्तर में डिवी जनन का वहाँ
के लिए पुरुषीना पत्र के साथ जीवन १.१.०.३०८८
वाद के सम्बन्ध उपर्युक्त होकर भाजे सम्पत्त प्रमाण पत्र
पत्र किये। लोर पत्रांक २२७ E/EP. 215A/1852 दिन-
१२.१९.४६ है। जो इहाँ कि पुरुषी को आदेश हुआ तो को पुरुष
जा के सम्बन्ध उपर्युक्त दफ्तर उक्ता संतुति कराकर उ
क्ता कृष्ण ५० श्री राजी तकी कृष्ण वसे। १०८५० सकाहे रक्ष
की व्यक्ति है। कि अंतति दफ्तर की कृष्ण दफ्तर पुरुषी इस ज्ञान
लिए पुरुषीना पत्र के माध्यम से नाम को खोटाजटह करनी पुरुष
कर रहा है।
कृष्णन लोका पुरुषा जी के प्राचीन तौर पर्याप्त करना

पर्वत की छलांकन करके अतिरिक्त दूरी की कृपा कर
पुरुष की उपर्युक्त यज्ञ विधि करके कामुक: उत्तमर प्राप्त
करके उत्तम श्रुति गान श्रुति महाम कृपा होगी ।

प्राप्ति अंकण वर्जा 5/50
IX. डा. डॉल फ्लूल क्लिनिक

अमृतपत्र वर्जा १९७४

IX. डी जल फ्लूट स्टेल्स

IX. डॉ उल्ला फ्लूल व्हाल्ल

Abhaya Kumar Dutt
Advocate

27th 1922.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

SRI KRISHNA AND OTHERS... Applicants.

VERSUS
GENERAL MANAGER N.H.LY & OTHERS. RESPONDENTS
ANNEXURE NO. 5

प्रक्रिया नं. 220-क.ट्री-111 (एसटी-2) 37-4
संघर्ष, रेत प्रत्यक्ष विधिविद्या

दिनांक 29/5/87
उत्तर प्रदेश, वृत्तिवाद

श्री कल्पना
दक्षिण

श्री चंकार अंबेला
प्रोटोकॉल शाज़

विधियः वैभिन्न शमिल जीर्णत वैभिन्न विधियां वैभिन्न विधियां

संख्या: रु. 344-1-87-रीज़ा दिनांक 29-5-87

उपरोक्त संदर्भ के अकार्य प्राप्ति आपके उत्तराधिकार के विषय में सूचित किया जाता है कि आप अपना सूत द्वितीय तेबर व्हिक तथा अन्य प्राप्ति पत्रों जी सूत प्रतिया हस्ताधिकार में संखल छोर्गिल विरीक्षण श्री अम्बु प्रकाश द्वारा दिनांक 18/6/87 द्वारा देव द्वारा वैभिन्न विधियां विभिन्न शमिल जीर्णत रजिस्टर द्वारा अपना लाभ पूर्ण रूप से उपर्युक्ती दी जा सकती है यहि दिनांक 18/6/87 तक उपरोक्त प्रमाण पत्र आपके प्रस्तुत वही किए तो आपके मास्ते पर विधार लाई किया जाएगा।

फूल संघर्ष रेत प्रबन्ध

मुरादाबाद

मुक्त वैभिन्न विधियों के संधारणा एवं व्यापारिक विधियों के संधारणा

ATTESTED: ... COPY

Abhaya Kumar Dixit
Advocate
HIGH COURT
LUCKNOW.

सुनील

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

SHRI KISHNA AND OTHERS... ... Applicants.

Versus.
GENERAL MANAGER N.H.Y & OTHERS. ... RESPONDENTS-
ANNEXURE NO. 4

श्रीमान डिवीजनल रेल ब्लैंडर महोदय,
उत्तरी रेलवे मुरादाबाद मण्डल।

आदरणीय महोदय,

सेवा में तीव्रतया निवेदन है कि प्राधीनि ने सन 1973 में 102 दिन कोल कुलौ में कार्य किया था जिसका प्रमाण पत्र भी बनाया गया था औंक लोको फोर्में आर्किस में जमा कर दिया था परन्तु अब यह कि भारी हो रही है मेरे रिकार्ड का कोई पता नहीं और न ही प्राधीनि द्वारा लिस्ट में नाम था फ़ूसे क्या दिन कार्य करने वाले के लिस्ट में नाम थे और वह ले लिए गए और मुझे नहीं लिया गया और कहा गया आप रिकार्ड लेकर आओ जहाँकि प्राधीनि ने पहले ही रिकार्ड आपस में जन्म तिर्थ के प्रमाण पत्र के साथ जमा कर दिया था।

अतः आपसे निवेदन है कि प्राधीनि को भी रेल सेवा में कार्य करने वाले अवसर प्रदान किया जाये आपकी अतिं कृपा होगी। सम्बोधित अधिकारियों ने भी जोई सुनवाई नहीं की अब श्रीमान जी के पास आना पड़ा।

कठर के लिए धान्यवाद।

आपका प्राधीनि

ATTESTED

Abdul Kader Dixit

HIGH COURT
LUCKNOW.

सुन्दर पुत्र दयाल

कौम जाटव

ग्राम जमुही पट्टहजापुर

20-5-88

सुन्दर

1/11/88

Regularisation

D.LY

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 1131 of 1988

APPLICANT (s) Shri Krishna and others

RESPONDENT(s) G. M. Northern Railway, Baroda House

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	yes
2. (a) Is the application in the prescribed form ?	yes
(b) Is the application in paper book form ?	yes
(c) Have six complete sets of the application been filed ?	yes
3. (a) Is the appeal in time ?	yes
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	There is no such order
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Attested by Advocate

19

VERSUS
GE. STATE MANAGER N.H.Y. & CTD S.C.
AND EXHIBIT NO. 1 7 RESPONDENTS

मुख्य विद्यालय (प्राथमिक) (प्राथमिक) १८८१ (प्राथमिक) १८८१

1- अनुद्देश्य लोक रक्षा ।

2- द्वितीय रक्षा ।

3- तीसरी रक्षा ।

4- चौथी रक्षा ।

इन उपरोक्त श्रेणियों के बीच गुप्त विभाग के बीच इन लोकों का भी वायर विचार करना चाहिए और उन्हें अपने लोकों के लिए विशेष विकास करना चाहिए।

इन लोकों पर विशेष विकास करना चाहिए ताकि वे अपने लोकों के लिए विशेष विकास कर सकें।

इन लोकों पर विशेष विकास करना चाहिए ताकि वे अपने लोकों के लिए विशेष विकास कर सकें।

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2011-12 School Year begins 01/09/2016

नियम सं.प्र. ३१। १९८६। मुख्यमंत्री

3314 cont

ATTESTED COPY

Abhaya Kumar Dixit

Advocate

HIGH COURT LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH
AT ALLAHABAD

GENERAL MANAGER H. M. LY & OTHERS. VERSUS. ANNEXURE NO. A. RESPONDENTS.

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परम्परा का एक अठावह के छारिस के जन्म था
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लिया जाता है तो वही अस्तित्व अपना लिया

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सुन्दर पुस्तक दृपाल

નાનાના . પ્રારંભ (અનુષ્ઠાનિક જાહીર)

प्राप्त - गुरुटी - विहारी

ATTESTED TRUE COPY

TRUE COPY
AUG 26

Bhava Kumar Dixit

Advocate
HIGH COURT

5502

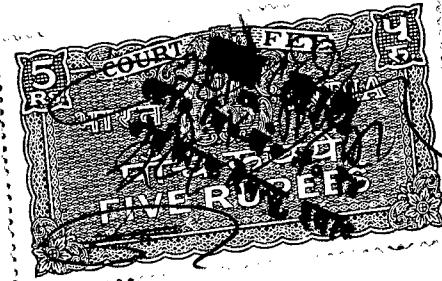
ब अदालत श्रीमान

[वादी] अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]

श्री Sri Krishna Venkatesh

वकालतनामा



वादी (अपीलान्ट)

Sri Krishna Venkatesh

बनाम GMN&P प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

वेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से थी

ABHAYA KUMAR DIXIT

Advocate

509/28 Ka, Old Bazaar

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 बसूल 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

बकालतनामा लिख दिये/प्रमाण रहे और सम्बन्धित काम आवेदन यह

ACCP

लिखित

Abhaya Kumar Dixit
Advocate

HIGH COURT
LUCKNOW.

साक्षी (गवाह)

साक्षी (गवाह)

सुन्दर

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1/11/88

Regularisation

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CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,
23-A, Thornhill Road, Allahabad-211001

Registration No. 1131 of 1988

APPLICANT (s) Shri Krishna and others

RESPONDENT(s) A. M. Northern Railway, Barada House

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	yes
2. (a) Is the application in the prescribed form ?	yes
(b) Is the application in paper book form ?	yes
(c) Have six complete sets of the application been filed ?	yes
3. (a) Is the appeal in time ?	yes
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient cause for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	There is no such order
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Entered by Advocate

No. 1 CA

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

RE. NO. 1131 of 1988

Shri Krishna and others --- Petitioners.

vs -

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

12/1

Counter on behalf of the respondents
is as under :-

1- Before submitting the parawise 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

Subodh Kumar
Principal Personnel Officer
R.R. Railway
Moradabad

D.P.

164

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 noticeable that from 1970 to

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 :-

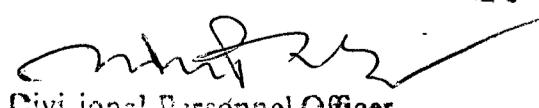
a) The name of office from where he last discharged was not mentioned.

(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 NB division.

(d) The applicants have not given an attested copy of their photographs

But the applicants have failed to comply the


Civilian Personnel Officer
Nathra 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 1965.

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

parawise reply is as under :-

- 1- That paras 1 to 5 of the petition as stand are not admitted.
- 2- That p 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 Saktey had been taken by Confidential Section DPM/RB for enquiry and he was removed from service vide Dr. DME/RB D.O. letter no. VC/Conf/DTSP/1558/1559 dt. 10.8.84 as his documents were found to be false. and hxs working days as pay office are false
- 3- That the record of the working days of the petitioner no.2 Sri Kalloo 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 mark & unsuccessful 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 4 to 9 of the petition are not admitted, hence denied.
- 7- That the contents of paras 7 and 8 of the petition need no comments.

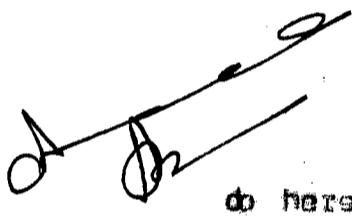
8- That the contents of para 9 of the petition is denied.

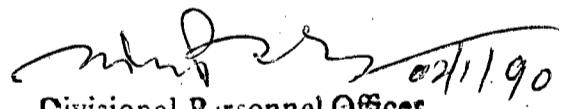
9- That the contents of paras 10 to 13 of the petition need no comments.

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


Divisional Personnel Officer
Northern Railway
Moradabad

12/1/90


I, Gopi Ram Dixit, 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
12/1/90

.....Sri. Krishnam. Varma & Sons ^{Applicant}
Versus
.....G. M. N. R. G. 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 & their counsels can be heard.

The object of the motion is briefly indicated counsel.
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 the 19... day of. 1989.
Ruled today &
Notified for 31.1.89

Aly787

(Signed) Aly787

Advocate for the petitioner/
Respondents/ Appellant

or

Petitioner/Respondent in person.
Advocate on record for the Address;
opposite party/respondent/ defendant.

Yet Not Admitted claim

for. Ac. Pandey

65/2

Viz this new
answer/ notice for
application for
19.1.89

21

19.1.89

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 a m

186

- 5- That in para 6.1 of the claim petition the words 'all the' be deleted and afterward '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

स्वीकृत वर्षी

(Sri Krishna)

19.12.88.

Verification

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

स्वीकृत वर्षी

Applicant.

Allahabad: Dated

Received 8.3.89
8.3.89

8/8

In the Central Administrative Tribunal,
Additional Bench
at
Al shabab.

Msc. Peti. No. 131 of 1989
In O.N. No. 131 of 88

Sri Krishna

Applicant.

Vs.

G M Nilly Gaths

Respondent.

Take notice that court will be moved by the
undersigned on 8/8 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:-

~~REASON FOR MOTION~~

Application for implementation of Uniting 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

Ally

7.3.89

Dated this the 7/8 day of March 1988

Sd/-

Ally
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/defendant.

In The Central Administrative Tribunal

Allahabad.

MS 131 of 89

O.A. No. 131 of 1988

Fixed on 7.3.89 (Ct No. 1)

Sri Krishna

.....Applicants.

Versus.

GM N Rly & oths.

.....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 amending the claim accordingly.

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

SO (J)

7/3/1989

Counsel for Applicants

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

Manuwar

for IDR (J)
7/3/89

Alp 780
A.K.Dixit,
Advocate.

Note.

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

Alp 782

7.3.89

8/2

Bench Copy

In The Central Administrative Tribunal
Allahabad.

O.A. No. 1131 of 1988

Fixed on 7.3.89

Sri Krishna

.....Applicants.

Versus,

G M N Rely & Ors. Respondents.

Application on behalf of Claimants
for impleadment of Union of India

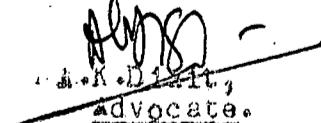
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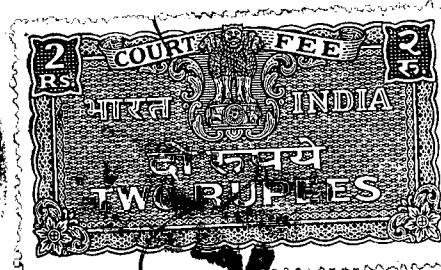
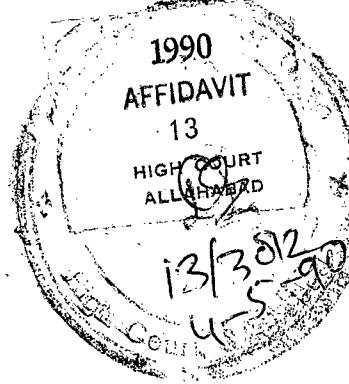
It is therefore most humbly prayed that applicants
be permitted to implead Union of India as Respondent
No. 5 in the following manner in array of Respondents,
by amending the claim accordingly.

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

Counsel for Applicants

7/3 March 1989.


A. K. Dutt,
Advocate.



filed today
14/3/90

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

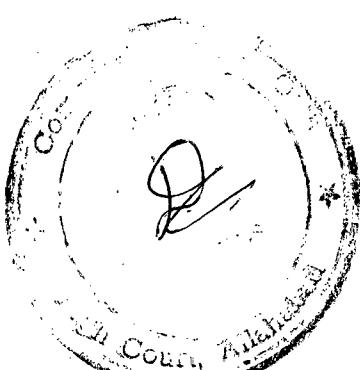
I Sri Krishna Verma aged about 32 years son of Sri Saktey resident of village Shakurpur, Post Victoria-ganj, Distt. Hardoi, do hereby solemnly affirm and state on oath in the name of Almighty God as under:-

*Reel copy:
A
4/5/90*

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

DR(J)
14/3/90

14/3/90 dm

(A)

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 ambit and jurisdiction of Hon'ble Tribunal is perfectly verge. It is a matter relating 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.

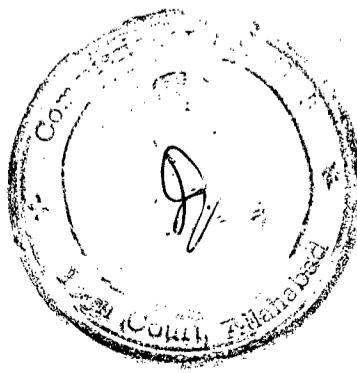
(at Page 3 of C.A.) we replied as under:

(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 cards, affidavits etc. were taken.

(d) Attested copy of photograph was also given.



S/ B. M. D.

X2
X2

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.

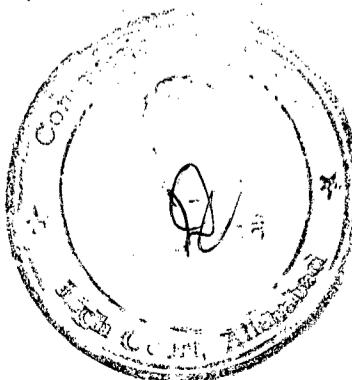
Allegation of claim being barred by time is quite baseless particularly when respondents have specifically pleaded that no refusal for taking deponent in job has been made.

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

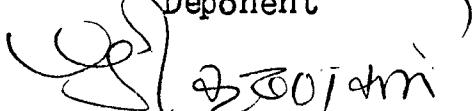


SS Biju

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.

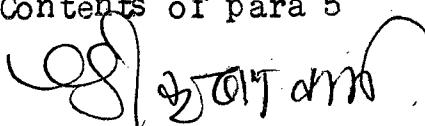
Deponent

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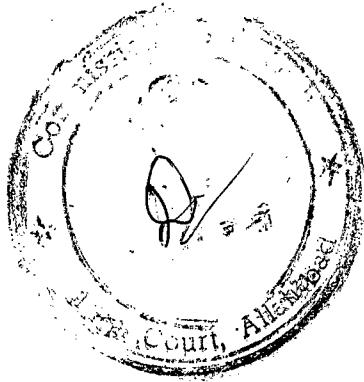
April, 1990

(SRI KRISHNA VERMA)

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


 20/4/90



5 /

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

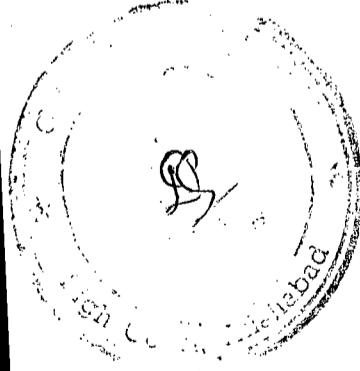
Deponent

DEPONENT

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

(A. K. Divit)
(A. K. Divit)
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. Divit — 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. Srivastava
Advocate

D. 4-5-90
Sr. No. 13/302