

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE OF

NAME OF THE PARTIES..... *Raj Ballabh Pandey* Applicant

Versus

..... *Ministry of India Govt.* Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	<i>Check list A1 to A2</i>	
2	<i>order sheet A3 to A6</i>	
3	<i>Judgment order dt. 18-5-92 A7 to A8</i>	
4	<i>Copy of Petition / Annexure / Order A9 to A24</i>	
5	<i>Counter reply A25 to A29</i>	
6	<i>Rejoinder affidavit A30 to A34</i>	
7	<i>Notes - Power, others paper A35 to A49</i>	
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11		
12		
13		

CERTIFICATE

Certified that no further action is required to taken and that the case is fit for consignment to the record room (decided).

weeded out / Destroyed
Dated... *29-5-12*

Counter Signed.....



Section Officer / In charge

M
Signature of the
Dealing Assistant

Particulars to be Examined

Endorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ?
- 8. Has the index of documents been filed and paging done properly ?
- 9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?
- 10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?
- 11. Are the application/duplicate copy/spare copies signed ?
- 12. Are extra copies of the application with Annexures filed ?
 - (a) Identical with the original ?
 - (b) Defective ?
 - (c) Wanting in Annexures

yes

yes

of no representation has been made.

no

only 2 copies meant to the Bench have been signed.

yes

yes

-

-

Nos...../Pages Nos..... ?

- 13. Have file size envelopes bearing full addresses, of the respondents been filed ?
- 14. Are the given addresses, the registered addresses ?
- 15. Do the names of the parties stated in the copies tally with those indicated in the application ?
- 16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
- 17. Are the facts of the case mentioned in item No. 6 of the application ?
 - (a) Concise ?
 - (b) Under distinct heads ?
 - (c) Numbered consecutively ?
 - (d) Typed in double space on one side of the paper ?
- 18. Have the particulars for interim order prayed for indicated with reasons ?

of no

N.A.

yes

N.A.

yes

yes

yes

yes

no

19. Whether all the remedies have been exhausted. It has been stated under Cal. 9 of the app. that no remedies have been provided under laws.
 If agreed to case may be listed before the Hon'ble Tribunal
 on 21-07-2017. *[Signature]*

21/07

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

X (A)

Registration No. 61 of 198 D(L)

APPLICANT (s) R. B. Pandey

RESPONDENT(s) U. of Ind. & Lab. through Secy. Ministry of Rly. & 2 others.

X

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 ?	5 copies of the application have been filed.
3. (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient case for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	Yes DD 5 067 016 dt. 18/7/88
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
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 ?	Yes

6 22.12.89 No sitting Adj. to 24.1.89.

h
24/12

7 24.1.89 D.R.

As prayed by counsel for respondents, reply can be filed by 23.2.89.

DR

8 23.2.89 D.R.

As prayed by counsel for respondents, reply can be filed by 30-3-89.

DR

9 30.3.89 DR

~~No one is present.~~

Last opportunity is given to respondent to file the reply. They can file the same on 28/4/89.

Maharaja
FDR

CR
Despite of the last opportunity granted for filing reply has expired but no reply has so far been filed on behalf of respondents.
Submitted for orders

10 28.4.89

Hon. D.S. Misra, A.M.
Hon. D.K. Agarwal, J.M.

Counter reply has been filed today on behalf of the respondents. The applicant may file rejoinder affidavit, if any, within a month from now.

List is for final hearing on 3rd August, 89.

J.M.

DR No rejoinder filed submitted for hearing

6/11/44

(14)

27.2

Hon Justice K. Nath. LC
Hon Mr. K. J. Ramu AM

On the request of both parties the case is adjourned to 28.4.90 for hearing

AM

LC

S A H

24/4

(B)

24.4.90

Hon Mr. D.K. Agarwal - J.M.
Hon Mr. K. Obayya - A.M.

On the request of Sri P.K. Srivastva, Counsel for the applicant, the case is adjourned to 14.12.90 for hearing.

AM

J.M.

Case not reached. Adj to 11.2.91 for hearing

No sitting Adj 2.5.91

Beo

No sitting Adj to 19.8.91

J

Hon Mr. Justice K. Nath - ve.
Hon Mr. K. Obayya - AM

None present for both the parties due to strike of U.P. Bar Council case is adjourned to 21.10.91 for hearing

AM

ve

(16)

12.90

(17)

2.5.91

(18)

10.8.91

(A/B) P/K

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...

Registration O.A. No. 61 of 1988 (L)

Raj Ballabh Pandey and others Applicants.

Versus

Union of India and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Member (A)

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

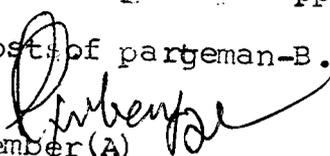
The applicant no. 1 was initially appointed on the post of 'Skilled Workman on 25.2.1965 and was given promotions on the post of Fitter Grade-C, Fitter Grade-II and Fitter Grade -I on 25.2.1966, 14.11.1967 and 1.2.1974 respectively, likewise, the applicant no. 2 was initially appointed on the post of Khalasi in the North Eastern Railway on 1.2.1956 and was given promotions on the post of Basic Fitter, Skilled Fitter-C, Fitter Grade-II and Fitter Grade-I in the year 1968, 1978 and 1984 respectively. The applicant no. 1 belongs to Electrical Branch and applicant no. 2 belongs to Mechanical Branch. For preparing a panel for the post of Chageman-B, a written test took place. The applicant no. 1 was not included in the interview since he had failed in the written examination. ^{on} Mechanical side, 3 persons were screened against one post of Scheduled Cast but this was not done in the case of electrical side. According to the applicants, the result has not yet been declared and although, they have succeeded but they have not been appointed.

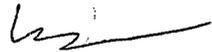
2. The respondents in their written statement have stated that a panel of selected candidates who have qualified

(A/10)
A

in both written as well as viva-voce test was prepared but the applicants name was not in the panel of selected candidates as they did not qualify in the same. A selection was held for 6 posts of Chargean-B (Mechanical) including one post reserved for schedule caste candidate and 4 posts of chargeman-E (Electrical) including one post reserved for scheduled caste candidate. The applicants could not be empanelled as they did not secure minimum qualifying marks needed for empanelment, and that is why those who were empanelled, may be juniors, were appointed. As it was a selection post and the applicants could not be empanelled, the applicants obviously, could not have been given appointment. But, merely because once their names could not be included in it, they can not be deprived of the further chances for this post.

3. Accordingly, the application is dismissed with this observation that the respondents shall give two more chances to the applicants to appear in the test for the posts of partgeman-B. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 18.5.1992

(n.u.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD
CIRCUIT. LUCKNOW.

(11)

original app NO $\frac{P}{A}$ 71988(L).

Raj Ballabh Pandey
another

Ret

versus

Union of India etc — OP's

APPLICATION FOR PERMISSION TO MOVE
JOINT PETITION

The applicant submits as under:

1. That the cases of the two applicants are identical both as regards facts & law
2. That in view of above, it will also be convenient to decide the case by a single judgment. It would then be in the interest of justice to permit joint petition.

WHEREFORE it is prayed that this Honble Tribunal may be pleased to permit ^{the applicant to} joint petition / Application

PK
(P.K. SRIVASTAVA)
ADVOCATE
Counsel for App

A/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

A/10

Additional Bench at Allahabad

Lucknow Circle, Lucknow

Application No. of 1988

Raj Ballabh Pandey & anr. .. Petitioners
V/s.

Union of India & anr. .. Opp. Parties

I N D E X

<u>Sl.No.</u>	<u>C o n t e n t s</u>	<u>Annexure No.</u>	<u>Pages</u>
1.	Application of petitioners		1-9
2.	Select list of candidates for promotion to the post of Chargeman Grade B (M&E)	1	10-11
3.	List of persons promoting to the post of Chargeman Gr B (M&E)	2	12-13

Dated, Lucknow,
the 18th July, 1988.

P.K. Srivastava

(P.K. Srivastava)
Advocate

MS-151 Sector D Aliganj Extn
Lucknow-226 020

List of cases on 21.07.88

P.K. Srivastava
19/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Lucknow Circle

Lucknow

Application No. 61 of 1988 (C)

1. Raj Ballabh Pandey,
aged about 45 years,
son of Pt. Devta Pandey,
resident of 403K Girija Colony,
District Gonda;

2. Hazari Lal,
aged about 52 years,
son of Sri Fursat Ram
resident of 413 Simra Colony,
District Gonda

.. APPLICANTS

V/s.

1. Union of India
through the Secretary
Ministry of Railways (Railway Board)
Government of India, New Delhi;

2. North-Eastern Railway
through its General Manager,
Gorakhpur;

राज बल्लभ पांडेय

(114)

12

3. The Deputy Railway Manager(P)
Lucknow Junction,
Lucknow

OPPOSITE PARTIES

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985

DETAILS OF APPLICATION

1. Particulars of the applicants:

i) Name of the applicants: 1. Raj Ballabh Pandey
2. Hazari Lal

ii) Name of the applicants' father/husband: 1. Pt. Devta Pandey
2. Sri Fursat Ram

iii) Designation and office in which employed: Fitter Grade-I in
Diesel Workshop,
N.E. Rly., Lucknow.

iv) Office address : Diesel Workshop, N.E., Rly., Lucknow.

2. Particulars of the respondent:

1) Name and/or designation of the respondent: 1. Union of India through the
Secretary, Ministry of Railways
(Railway Board), Govt of India,
New Delhi.

2. North Eastern Railway
through its General Manager,
Gorakhpur;

3. The Deputy Railway Manager(P)
Lucknow Junction, Lucknow

राज बल्लभ पांडेय

- ii) Office address of the respondents: as above
- iii) Address for service of all notices: as above

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

- i) Order No. E/II/210 Chg Man/Dsl/GG/88
- ii) Date 11. 5. 1988
- iii) Passed by D.R.M(P)
- iv) Subject in brief : Relating to supersession for promotion to the post of Chargeman "B"(Mechanical) and (Electrical).

4. Jurisdiction of the Tribunal:

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

5. Limitations:

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

6. Facts of the case:

The facts of the case are given below:-

(1) That the petitioner no.1 was initially appointed on the post of skilled workman and he joined as such with effect from 25th February 1965, given promotion on the post of Fitter Grade C, Fitter Grade II and Fitter Grade I with effect from 25.2.66, 14.11.67 and 1.2.74 respectively. The petitioner No.1 belongs to Electrical Branch.

(2) That likewise, the petitioner No.2 was initially appointed on the post of Khalasi in North Eastern Railway and joined as

such on 1st February 1956, given promotion on the post of Basic Fitter, Skilled Fitter C, Fitter Grade II and Fitter Grade I in the year 1968, 1978 and 1984 respectively. The petitioner No.2 belongs to Mechanical Branch.

- (3) That both the petitioners are presently working as Fitter Grade-I in Diesel Shed under North Eastern Railway, Gonda.
- (4) That the next post available to Fitters Grade-I for promotion is the post of Chargeman "B" which is filled in based on seniority subject to the rejection of the unfit.
- (5) That for preparing a panel of persons for promotion to the post of Chargeman 'B', the management conducted a written test on 21. 1. 1988 in which the petitioners alongwith some others passed out.
- (6) That the said written test was followed by an oral test held on 29. 1. 1988 in which the persons who passed the written test were interviewed.
- (7) That thereafter nothing happened for a long time although immediately thereafter a Select List ought to have been declared as has been the practice in the Railways. The petitioners failed to understand as to how and why and under what circumstances declaration of penal was delayed for a considerable time.
- (8) That it would not be out of place to mention here that the aforesaid selection was made for filling 11 posts of Chargeman 'B' in Electrical side including 2 posts reserved for Scheduled Caste candidates while in the Mechanical side 4 posts were vacant for general candidates and 1 post for S.C.

A/17
A/15

candidate.

- (9) That, however, on 11. 5. 1988, the impugned order, declaring a select list was passed and pasted on the Notice Board on 17. 5. 1988.
- (10) That in the aforesaid list 5 persons were declared successful and empanelled in Mechanical side including one post against the quota of Scheduled Caste while in Electrical side 4 persons were empanelled including one scheduled caste for promotion to the post of Charge Man 'B'.
- (11) That in the aforesaid order of the empanellment, all the persons except Sri R.B.Roy are junior to the petitioner No.1 while in Mechanical side, the lone S.C. candidate empanelled is also junior to the petitioner No.2.
- (12) That in this way, the persons juniors to the petitioners have been given empanelment for promotion on the post of Charge Man B while the petitioners/are senior have been left out although the record of service of the petitioners is not in any way inferior than those selected for promotion.
- (13) That it is respectfully submitted that even in case where the promotion is based on merit, then also a senior person cannot be superseded until any of the junior within the filed of eligibility is found to possess better merits. In the present case it is not so as the persons junior to the petitioners have been selected for promotion although they do not possess better merits than the petitioners.
- (14) That further the marks obtained in written examination were not disclosed nor the result of written examination was ever declared.

- (15) That further one Sri Raj Ballabh Das was not included in the interview since he had failed in the written examination.
- (16) That in the Mechanical side, 3 persons were screened against the lone post of Scheduled caste. but this was not done in the case of electrical side.
- (17) That it may further be added here that although the petitioners have not been selected for promotion on the post of Chargeman B but on the other hand both the petitioners have been performing the duties of Chargeman B for the last 2 years without having been formally promoted on this post. It is, therefore, clear that although the petitioners have been found to be suitable to discharge the duties of Chargeman B but when their turn came for formal promotion, then persons junior to them superseded the petitioners.
- (18) That further the petitioners have come to know that they have failed good in written examination but they have been deliberately given less marks in the oral test just to promote junior persons on the post of Chargeman. The petitioners have also come to know that for viva voce test, the percentage of marks was above 15% and thus exceeded the marks allowed under law and not provided under Rules.
- (19) That from the facts and the circumstances stated above, it is very much clear that the case of the petitioners has been discriminated with those equally placed in utter violation of Articles 14 and 16 of the Constitution of India.

राज बल्लभ दास

7. RELIEFS SOUGHT

In view of the facts mentioned in paragraph 6 above, the applicants pray that the Hon'ble Tribunal be pleased -

(i) to declare the petitioners entitled for promotion to the post of Chargeman B and directing the opposite parties to give the said promotion alongwith all benefits of service like pay and allowances, seniority etc.

(ii) the opposite parties may also be given any other direction or order as this Hon'ble Tribunal deems fit and proper in the circumstances of the case on the following amongst other grounds:-

(I) Because the work and conduct of the petitioners have been good throughout.

(II) Because the petitioners have done extremely well in the written test and as such there is no justification for not selecting them for promotion to the post of Grade B chargeman.

(III) Because the percentage of marks in the oral test should not exceed the prescribed limit of 15%.

(IV) Because the service record and merit of the petitioners are not inferior to those who have been selected including junior to them.

(V) Because the opposite parties have violated the provisions of Articles 14 and 16 of the constitution of India in discriminating their case.

(VI) Because the petitioners cannot be superseded by junior for promotion to the post of Chargeman B.

8. Interim orders, if prayed for:

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

-NIL-

9. Details of remedies exhausted.

Not provided under laws.

10. Matter pending with any other court etc.

The applicants further declare that the matter regarding which this application has been made is not pending before any other Bench of the Tribunal.

11. Particulars of Bank Draft/Postal order in respect of Application fee:

1. Name of the Bank on which drawn.

2. Demand Draft No.

or

1. Number of Indian postal order(s)

2. Name of issuing Post Office

3. Date of issue of Postal order(s)

4. Post office at which payable

12. Details of Index:

An index in duplicate containing the details of the documents to be relied upon is enclosed.

राजवेल्लम वाड्डु

13. List of Enclosures.

IN VERIFICATION:

I, Raj Ballabh Pandey, Applicant No.1, son of Pt. Devta Pandey, resident of 403 K Girija Colony, Gonda, do hereby verify that the contents of paragraphs 1 to 13 above are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place: Lucknow

Date: 18-7-88

राजबल्लभ पाण्डेय
Signature of the Applicants

To,

The Registrar
Central Administrative Tribunal
Lucknow Circle
Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Lucknow Circle, Lucknow

Application No. of 1988

Raj Ballabh Pandey & anr. .. Petitioners
V/s.

Union of India & anr. .. Opp. Parties

ANNEXURE-1

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N. E. RAILWAY

For the Formation of Panel of 6 posts of
Chargeman 'B' (Mech) (Elect) & Loco Shed
4 posts of Chargeman 'B' (General) in the scale
of Rs. 1400-2300

Written test on 21.1.88

22.1.88

Viva voce test on 28.1.88

Viva voce test on 28.4.88 was conducted and the
following candidates were declared selected:

Mech

General

1. Sri L.B. Rai	DSI (Mech) / Gr. I	
2. " Nageshwar Pd	-do-	
3. " Sri Ramayadav	-do-	
4. " B.K. Agnihotiri	-do-	5 only

Sch. Caste

1. Sri Ram Prasad	Dsl / Mech / Gr. I	
-------------------	--------------------	--

Electrical

General

1. Sri R. B. Roy	DSL Elect / Gr. I	
2. " Sita Ram Yadav	-do-	4 only
3. " S.P. Bhatnagar	-do-	

Sch. Caste

1. Sheo Dahin Ram	-do-	
-------------------	------	--

Sd/-Illegible

11 (A 23)
A/2

- 2 -

No. /210/Chargeman/DSL/3D/88 Dated 11.5.88

Copy for information and necessary action to:-

1. Sri D.M. E/DSL/Gonda
2. /DSL/Gonda
3. G.P.O.(BILL)/Gonda
4. P.A.O./Gonda
5. Person concerned
6. Copy for P case and folder
7. DY/Secy NERMRI/LJN

Sd/-Illegible

For DRM(P)/LJN

**TRUE COPY
ATTESTED**


P. R. Srivastava
Advocate

12 A/24
A/22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional bench at Allahabad
Lucknow Circle
Lucknow

Application No. of 1988

Raj Ballabh Pandey & anr. .. Petitioners

V/s.

Union of India & anr. .. Opp. Parties

Annexure 2

NOTICE

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SELECTION OF CHARGEMAN 'B' IN SCALE OF Rs.1400-2300

A. List of candidates from Mech. Side (General);

S/Shri

1. P.A. Roy
2. Prithvi Nath
3. L.B. Roy
4. Mageshwar Prasad
5. Sri Ram Yadav
6. Chhatrapal Singh Yadav
7. Sheo Narain Singh
8. Murli Dhar Yadav
9. R.M. Tripathi
10. P.K. Agnihotri
11. Gayan Yadav
12. Gaya Prasad
13. Bhanu Pd. Upadhaya
14. Bahu Ram 'C'
15. Bansidhar

B. List of S/C candidates for Mech. Site

1. Sri Raj Ballabh Dass
2. " Hazari Lal
3. " Ram Prasad

C. List of candidates from Electrical side(General)

- 1. Sri P.B. Roy
- 2. " R.B. Pandey
- 3. " Shiva Nand Srivastava
- 4. " Sita Ram Yadav
- 5. " Bhagirathi Prasad
- 6. " B.D.Pathak
- 7. " J.K.Tewari
- 8. " S.P.Bhatnagar
- 9. " A.B.Tripathi

D. List of S/C candidates from Electrical Side:-

- | | | |
|-----------------------|---------|--|
| 1. Sri Sheo Dahin Ram | 14.2.86 | Completing two years either
after 14.2.88. |
| 2. " Juthai Ram | 14.2.86 | |

No.M/DSL/B/26 - Dated: 06.11.1987

F.O/DSL/GD to please get it noted by the staff concerned.
If any representation against it, the same should be
forwarded to this office by 9.11.87 positively.

Sd/-Illegible

Sr. DME/DSL/Gonda

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TRUE COPY
ATTESTED

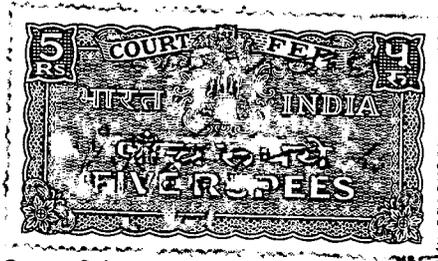

P. R. Srivastava
Advocate

ब अदालत श्रीमान् Central Administrative Tribunal महोदय
Additional Bench at Allahabad
 LUCKNOW CIRCLE, LKO

14
 11/26
 A
 24

वादी अपीलान्त
R. B. Pdy & Others का
 प्रतिवादी रेस्पान्डेन्ट

वकालतनामा



Raj Ballabh Pandey & Others

(वादी मुद्दाई)

बनाम

Union A Daria & Others.

प्रतिवाद मुद्दाअलेह

न० मुकद्दमा सन् १९ पेशी की ता० १० ई०

नाम अदालत	नाम फरीकान
न० मुकद्दमा	

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री **पी० के० श्रीवास्तव**, एडवोकेट

स्वयं एम० एस-१५१, सेक्टर-डी, अलीगंज विस्तार, लखनऊ महोदय
 श्री जी० राम० गुप्त के
 को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखति] रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदस पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

राजबल्लभ म पाण्डेय

हस्ताक्षर ए. जारा लाल डि० न० पुष्पम
 डि० २१३ गोडा - इकबाली लय

साक्षी [गवाह] _____ साक्षी [गवाह] _____
 दिनांक _____ महीना _____ सन् १९ २२

Accepted

Govt. Adm.

Shri Ram Lal

In the Central Administrative Tribunal at Allahabad,
Circuit Bench Gandhi Bhawan/Lucknow.

Reg.No. 61 of 1988.

Raj Ballabh Pandey & others Petitioners.

v/s

Union of India & other Opp parties.

1. P. C. BUDHAKAROTI s/o. S. D. BUDHAKAROTI aged
about 30 years presently posted as Sv.D.M.E.(Diesel)
in the office of the Sv.D.M.E.(Diesel) N.E.Rly., Gonda.

- 1) That the deponent has been authorised to file the reply on behalf of the opposite parties.
- 2) That the deponent has read and fully understood the petition.
- 3) That the contents of paragraph I of the application are not denied except the contents of paragraph (III & IV) in which the applicant has wrongly mentioned that his office address is Diesel Workshop, N.E.R., Lucknow. The applicant's office address is Diesel Shed, N.E.R/Gonda.
- 4) That the contents of paragraph 2 to 5 are not denied.
- 5) That the contents of paragraph 6(1) to 6(3) are admitted being matter of record.
- 6) That the contents of paragraph 6(4) are not correct the next promotion of Diesel Mech. Fitter Gr.I & Diesel Elec. Fitter Gr.I is chargeman 'B' but the promotion is made by means of selection amongst eligible persons according to formula laid down.

That the post of chargeman 'B' is a selection post as provided in the list of selection post notified in the annexure No.1 of Rules for Promotion and Selection of non-gazetted Railway employees. Extract of which is annexed as Annexure I to this reply.

Contd. ... 2.

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र मण्डल यंत्रिक इन्जी (सहायक)
पूर्वोत्तर रेलवे, 27/4

(123)
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7. That in reply to the contents of paragraph 6(5) & 6(6) it is stated that the written test for the selection of chageman 'D' was held on 21.1.88 and the absentee written test was held on 27.1.88. The applicants appeared in the written test held on 21.1.88. The viva-voce test was held on 29.1.88 and the absentee viva-voce test was held on 28.4.88 of those candidates who have qualified in the ~~written~~ written test by securing 60% marks of the total marks of written test. The applicants also appeared in the viva-voce test.
- 8) That in reply to the contents of paragraph 6(7) it is stated that the panel was prepared of selected candidates who have qualified in both the written and viva-voce test. But the applicants name was not in the panel of selected candidates as they did not qualify in viva-voce test. The panel of selected candidates was approved by Additional Divl. Rly Manager on 5.5.88 and the same was published on the notice board on 11/16.5.88. Thus there was no delay in publication of panel as alleged by the applicant.
- 9) That in reply to the contents of paragraph 6(8) it is stated that the selection was held for 6 posts of chageman 'B' (Mech.) including one post reserved for schedule cast candidate and 4 posts of chageman 'B' (Elect.) including one post reserved for scheduled caste candidate and not for 11 posts as stated by the petitioner in para 6(8) of the petitioner.
- 10) That in reply to the contents of paragraph 6(9) & 10 it is stated that the panel of selected candidates was approved by ADRM on 5.5.88 and the same was published by pasting it on notice board on 11/16.5.88 and the name of the candidates as mentioned were notified.

Contd. ... 3.


27/4
CS (Mee)
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- 11) That in reply to the paragraph 6(10) it is stated that one post of chargeman 'B' (Mech.) could not be filled as one Sr. incumbent was on long sickness (leave).
- 12) That the contents of paragraph 6(11) & 12 are not denied. It is further submitted that the promotion on the post of chargeman 'B' is made by means of selection and not on the basis of seniority subject to rejection of unfit.

The applicants could not be empanelled as they did not secure minimum qualifying marks needed for empanelment.
- 13) That paragraph No. 6(13) are not admitted. The persons junior to petitioners have secured requisite qualifying marks in written and viva-voce test hence were declared suitable for the post of chargeman 'B' and empanelled accordingly as this was a selection post and not a seniority cum-suitability post.
- 14) That in reply to the paragraph 6(14) it is stated that there is no provision for declaration of marks obtained by the candidates in written & viva-voce test. It is incorrect to say that result of written test was not declared.
- 15) That in reply to the contents of paragraph 6(15) are not denied as he had failed in the written test itself.
- 16) That in reply to the contents of paragraph 6(16) it is stated that three eligible candidates were called in viva-voce test in Mech. side where as on electrical side only two candidates were available and they were tested.
- 17) That the contents of paragraph 6(17), 18 & 19) are denied.
- 18) That in reply to the contents of paragraph 7 of the application it is submitted that the applicant is not entitled for any relief on the grounds mentioned in the paragraph under reply.

The applicants could not be promoted ^{on} the post of chargeman 'B' as both of them did not secure minimum qualifying marks needed for empanelment. Thus the applicant's name could not be included in the panel of selected candidates for promotion on the post of chargeman 'B'.

Moreover the applicants are not entitled ~~the material~~

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A/B

for any relief from the Honourable Court as they have concealed the material facts i.e. the basis of selection and promotion.

- 19) That in regard to the contents of paragraph 8 of the applicants it is stated that the applicants are not entitled for any interim order for the reasons mentioned in the instant reply.
- 20) That the contents of paragraph 9 to 12 do not call any reply by the opposite parties.

Lucknow
Gonda.
Dated: 27. 4. 1989


Deponent (S/100)
जय महाराज सिंह
गौरी

Verification

I, G. C. Bushlakoh do hereby verify that the contents of paras 1 & 2 of the instant reply are the true by personal knowledge and belief and those of para 3, 4 & 20 are based on knowledge derived from perusal of the official records kept in the official custody of answering relating to the instant case. Nothing natural has been concealed and nothing stated therein are false.

Verified 27. th the day of April 1989.

Lucknow
Gonda.


Deponent

for Union of India.
जय महाराज सिंह
(S/100)
गौरी

ANNEXURE I—(Contd.)

ANNEXURE I—(Contd.)

1. स्थान मास्टर/सहायक स्थान मास्टर	455-700
2. स्थान अधीक्षक	700-900
3. Station Superintendent	700-900
4. यार्ड मास्टर	455-700
5. मुख्य यार्ड मास्टर	700-900
6. परिवहन निरीक्षक ग्रेड I	700-900
7. परिवहन निरीक्षक ग्रेड III	700-900
8. परिवहन निरीक्षक ग्रेड III	455-700
9. परिवहन निरीक्षक ग्रेड III	550-750
10. Chief Telegraph Inspector	455-700
11. वागन चालन निरीक्षक ग्रेड II	455-700
12. क्षेत्र नियन्त्रक	455-700
13. गाड़ी चालक	550-750
Trains Clerk	550-750

वर्णिज्य विभाग
COMMERCIAL DEPARTMENT

1. सहायक आरक्षण पर्यवेक्षक	700-900
2. आरक्षण पर्यवेक्षक	455-700
3. Reservation Supervisor	330-560
4. Enquiry-cum-Reservation Clerk	455-700
5. मुख्य कोचिंग/माल पर्यवेक्षक ग्रेड I	700-900
6. Chief Goods Superintendent Gr. I	425-640
7. चल टिकट परीक्षक ग्रेड I	700-900
8. Travelling Ticket Examiner Gr. A	700-900
9. मुख्य टिकट निरीक्षक	700-900
10. Chief Ticket Inspector	700-900
1. सहायक दाया/वर्णिज्य निरीक्षक	425-700
2. Asstt. Claims/Commercial Inspector	700-900
3. दाया/वर्णिज्य निरीक्षक ग्रेड I	700-900
4. दाया/वर्णिज्य निरीक्षक ग्रेड I	700-900
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13. दाया/वर्णिज्य निरीक्षक ग्रेड I	700-900
1. चांजमन 'बी'	425-700
2. Chargehand 'B'	700-900
3. सहायक कारखाना अधीक्षक	840-1040
4. Asstt. Shop Superintendent	425-700
5. लोको कारखाना/अभ्युत्थान निरीक्षक	700-900
6. Loco Foreman/Maintenance Inspector	425-700
7. गाड़ी परीक्षक	700-900
8. Train Examiner	425-700
9. मुख्य गाड़ी परीक्षक	700-900
10. Chief Train Examiner	425-700
11. ड्राइवर-बी	530-750
12. Driver 'B'	530-750
13. इनन नियंत्रक	530-750
14. Power Controller	530-750
15. सहायक लोको कारखाना	530-750
16. Asstt. Loco Foreman/R	840-1040
17. लोको इंजन/स्टीम/डीजल/लोको ग्रेड	840-1040
18. Loco Inspector/Steam/Diesel/Loco Shields	700-900
19. ब्वायलर निरीक्षक	700-900
20. Boiler Inspector	700-900

सिबिल इन्जिनियरिंग
MECHANICAL DEPARTMENT

True Copy Attached

(1/1/58)

A/32

12/30

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

Circuit Bench, Lucknow

O.A. No. 61 of 1988

Raj Ballabh Pandey and another .. PETITIONERS

V/s.

Union of India & ors. .. OPP. PARTIES

REJOINDER AFFIDAVIT ON BEHALF OF THE PETITIONERS
IN REPLY TO THE COUNTER AFFIDAVIT FILED BY THE
OPPOSITE PARTIES

I, Hazari Lal, aged about 52 years, son of Sri Murat Ram,
~~Ex-Head Clerk, District Court, Allahabad~~
resident of 413, Simra Colony, Gonda, do hereby solemnly affirm
and state on oath as under:-

- 1) That the deponent is the petitioner No.2 in the abovenoted case and is as such fully conversant with the facts of the case deposed to hereinafter. The deponent has gone through the counter affidavit and understood the contents thereof. He files this rejoinder affidavit for his own behalf and on behalf of the petitioner No.1.
- 2) That the contents of paragraphs 1, 2, 3, 4 and 5 of the counter affidavit need no reply.

Signature

(17/5/88)

17/5/88

- 3) That as regards the contents of paragraph 6 of the counter affidavit, it is submitted that it is not made out from Annexure-1 to the counter affidavit the post of Chargeman is a selection post. The contents of paragraph 6(4) of the application are reiterated to be true.
- 4) That the contents of paragraph 7 of the counter affidavit needs no reply.
- 5) That as regards the contents of paragraph 8 of the counter affidavit, it is submitted that the opposite parties have not disclosed the marks allotted for viva voce test. It is asserted that the marks allotted for viva voce test was so high that there was every room for the selection Committee to act arbitrarily and choose persons of their choice notwithstanding the marks obtained by candidates in the written test.

In any case, the marks allotted for viva voce test was much higher than prescribed by the Hon'ble Supreme Court.

- 6) That the contents of paragraph 9 of the counter affidavit need no reply.
- 7) That as regards the contents of paragraph 10 of the counter affidavit, it is submitted that the order was pasted in the Notice Board on 17th May 1988.
- 8) That as regards the contents of paragraph 11 of the counter affidavit, it is submitted that there cannot be any reservation of post for alleged senior incumbent who was at Lucknow on long sickness leave, in view of the fact that it has already been stated by the opposite parties that the post was a selection post. The opposite parties thus committed an error

Emilio

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of law leaving the said seat reserved for a particular person who was yet to face selection test.

- 9) That as regards the contents of paragraph 12 of the counter affidavit, it is submitted that had the post left vacant for a particular person been filled and had the marks allotted for viva voce test been not so high, the applicants should have succeeded and empanelled.
- 10) That the contents of paragraph 13 of the counter affidavit as stated are incorrect, hence denied and the contents of paragraph 6(3) of the application are reiterated to be true. The Junior Engineers were given promotion as they must have been favoured in the viva voce test in which marks were deliberately kept high to make room for arbitrary selection. The opposite parties have not annexed anything in support of their plea that the post of Chargeman Grade-B was a selection post.
- 11) That the contents of paragraph 14 of the counter affidavit are incorrect, hence denied and the contents of paragraph 6(14) of the application are reiterated to be true. The opposite parties never declared the marks allotted for written test as well as viva voce test as also the total marks obtained by each contesting candidate.
- 12) That the contents of paragraph 15 of the counter affidavit are incorrect, hence denied and the contents of paragraph 6(15) of the application are reiterated to be true.
- 13) That as regards the contents of paragraph 16 of the counter affidavit, it is asserted that the applicants

Emilia

were available for selection and they possessed better merits than their juniors.

14) That the contents of paragraph 17 of the counter affidavit are incorrect, hence denied and the contents of paragraph 6(17 to 19) of the application are reiterated to be true.

15) That the contents of paragraph 18 of the counter affidavit are incorrect, hence denied and the contents of paragraph 7 of the application are reiterated to be true.

16) That the contents of sub-para under paragraph 18 of the counter affidavit are incorrect as stated. It is asserted that the minimum qualifying marks were never declared and it has still not been declared as to what were the marks for written test, viva voce test and total minimum qualifying marks required for empanelment.

In view of this, it is asserted that the opposite parties deliberately concealed this material facts from this Hon'ble Tribunal so as to cover up their arbitrary action.

17) That the contents of paragraph 19 of the counter affidavit are incorrect, hence denied. The applicants have not moved for any interim order.

18) That the contents of paragraph 20 of the counter affidavit need no reply.

The application deserves to be allowed.

Dated: Lucknow,

the August, 1989.

Shri
DEPONENT

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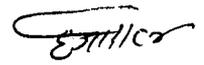
A/34

VERIFICATION

I, the deponent named above, do hereby verify that the contents of paragraphs 1 to 18 above are true to my personal knowledge. No part of it is false and nothing material has been concealed, so help me God.

Signed and verified this the _____ day of August, 1989 at Lucknow.

Dated, Lucknow, the _____ ugust, 1989.



DEPONENT

I identify the deponent who has signed before me



(P.K. Srivastava)
Advocate

162

35

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/202

Dated: 1-9-88

Registration No. 61 of 1988 (L)

Rej Bellebh Pandey Applicant

Versus

Unions of India &c Respondent's

To

③ The Deputy Railway Manager (P)
Lucknow Division, Lucknow

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 24 day of 10 1988 for hearing
To file counter affidavit within one month from dt. 25-11-88
15 days for file Reprovide affidavit

If no, appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal
this 1 day of 9 1988. G

For DEPUTY REGISTRAR

dinesh/

LUCKNOW

UNION PACIFIC RAILROAD COMPANY
GENERAL OFFICE OF ACCOUNTS
CHICAGO, ILLINOIS

Application No. 67/80 of 1924

of \$3000.00 to Mr. & Mrs. J. C. ...
/s/ ...
State of Illinois

No.	Description	Amount	Date
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Account No. 1000000

to the ...

(Seal of the Union Pacific Railroad Company)
Account No. 1000000
J. C. ...
Chicago, Ill.

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ANN ARBOR, MICHIGAN 48106

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3. The third part of the document is a list of the names of the members of the committee who have been elected to the office of secretary and treasurer.

4. The fourth part of the document is a list of the names of the members of the committee who have been elected to the office of clerk and recorder.

5. The fifth part of the document is a list of the names of the members of the committee who have been elected to the office of auditor and comptroller.

6. The sixth part of the document is a list of the names of the members of the committee who have been elected to the office of assessor and collector.

7. The seventh part of the document is a list of the names of the members of the committee who have been elected to the office of engineer and surveyor.

8. The eighth part of the document is a list of the names of the members of the committee who have been elected to the office of judge and justice.

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BU THE UNITED STATES OF AMERICA

DEPARTMENT OF AGRICULTURE

AGRICULTURAL

REPORT

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- Co. 2nd of Cavalry
- Co. 3rd of Cavalry
- Co. 4th of Cavalry
- Co. 5th of Cavalry
- Co. 6th of Cavalry
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Co. 1st of Cavalry, 1st Air Cavalry Division
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Co. 1st of Cavalry, 1st Air Cavalry Division - 05.24.1967

Co. 1st of Cavalry, 1st Air Cavalry Division
 Co. 2nd of Cavalry, 1st Air Cavalry Division
 Co. 3rd of Cavalry, 1st Air Cavalry Division

05/24/67

Co. 1st of Cavalry, 1st Air Cavalry Division

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Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

OK

200 to 202

No. CAT/CB/LKO/

Dated: 1/9/20
61

Registration No. _____ of 1938.

Applicant

Versus

Respondent's

To

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed _____ day of _____ 1938 for

If no, appearance is made on your behalf or your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this _____ day of _____ 1938.

dinesh/

For DEPUTY REGISTRAR
Deputy Registrar
Central Administrative Tribunal
Lucknow

277

A/47

NS/CCS
64

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW.

Before
in the Court of

Reg. No. 61 of 1988

S No 25

Plaintiff Raj Ballabh Pandey,
Defendant

Claimant
Appellant

Versus

Defendant Union of India & Ors.
Plaintiff

Petitioner
Respondent

The President of India do hereby appoint and authorise Shri. Krishna Chandra,
Railway Advocate/Lucknow. D-1/0 P.W.D. Colony
Rajendra Nagar Lucknow
to appear, act, apply, plead in and prosecute the above described
suit/appeal/proceeding on behalf of the Union of India to file and take back documents, to accept processes
of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and
generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things
incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT
NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained
from the appropriate Officer of the Government of India, the said Counsel/Advocate/pleader or any
Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly
or partly the suit/appeal/claim/defence/proceeding against all or any defendants/respondents/appellant/
plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/
proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein
to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult
such appropriate Officer of the Government of India and an omission to settle or compromise would be
definitely prejudicial to the interest of the Government of India and said Pleader/Advocate or Counsel may
enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or
partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate
forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agree to ratify all acts done by the aforesaid Shri. Krishna Chandra,
Railway Advocate/Lucknow.
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of
India this theday of Sept. 1988.

Dated 198

(A. TEJE)

Dy. Chief Personnel Officer (Gaz)
North Eastern Railway,
Gorakhpur.

NER-84850400-8000-17 84

Accepted
Chandra
Advocate

24.10.88

OA No: 61 OF 1988 (L)

Raj Ballabh Pandey

APP

vs

Union of India & others

OPP Parties

The applicant above named most respectfully submits as under:-

- ① That the above noted case was fixed for final hearing on 21.10.1991.
- ② That counsel for the applicant due to viral fever could not attend the court.
- ③ That the counsel for the applicant came to know from the applicant that case is again fixed for final hearing on 23.10.1991.
- ④ That counsel for the applicant is still unable to attend the court as high fever is continuing.

wherefore it is most respectfully prayed that this Honorable Tribunal may kindly be pleased to adjourn the case to any other date in the interest of Justice.

Lucknow

Dt: 23.10.91

PK

P.K. Sinha
Adv.

(counsel for the applicant)

Before the Honble Central Administrative Tribunal Lucknow

Petition O.A NO 61/80(L)

Raj Ballabh Pandey --- Applicant
versus

Union of India State --- Opp parties
F.F. 8.12.89

Applicant respectfully states as under: -

1. That the applicant is the Counsel for opp parties and is unable to attend this Honble Court today
2. That it will be in the interest of justice to adjourn the case to some other date

Prayer

Wherefore it is most respectfully prayed that the above said case may kindly be adjourned to some other date except on Friday

U/s 8.12.89

Chand

~~Chand~~