

A6

Serial
number
of
order
and dateBrief Order, Mentioning Reference
if necessaryHow complied
with and
date of
compli21.12.89

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K. Obayya, A.M.

Admit.

Issue notice to respondents of the
amended application. Counter may be filed
within four weeks to which the applicant may
file rejoinder within two weeks thereafter.
List for further orders on 8.2.1990.

A.M.

V.C.

rim/

8.2.90

No. Silling, Adl. to 19.4.90

19.4.90

Lawyers on strike

Case is adjourned to 30/4/90

5.11.90

Due to Adl. adjourned to
12/11/90

B.O.C.

Dinesh

OR
amendment
made todayar
note agreed
at 1.32 PM
22/11

OR

Notice
He for the
applicant has
more
sets, 1 copy
notice could
be issued to OP
3.

Notices were
issued to ops in 12-2

No answer
sepd. cover has
been returned back

S.F.O.

CA filed

CA filed along with
application for
continuation of delay

No R.A. filed.
S.F.O.

OA 114/88

D.K. Verma

Union of India

① — A1 — A2

② — A3 — A7

③ — Page no. 7 self order sheet. $24 \frac{8}{92}$

④ — A8 — A18

⑤ — A19 — A26

⑥ — Final Judgment. A27 — A29 $30 \frac{4}{92}$

⑦ — B 30 — B 55

⑧ — C 55 — C 68

Cante said that the file fit for.
B/C needed out 23-5-12
destroyed.

Sign
S.O. (S)

Chaitanya Prasad
Chait
05/10/93

CENTRAL ADMINISTRATIVE TRIBUNAL

~~Circuit~~ **ADDITIONAL BENCH,**

~~23-A, Thornhill Road, Allahabad-211001~~

~~Gandhi Bhawan Lucknow~~

Registration No. **GA 114** of 1988

APPLICANT (s) **Dakip Kumar Varma**

RESPONDENT (s) **General Manager N. Routledge
Baroda House New Delhi**

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? **(only 2 set application is filed)**
3. (a) Is the appeal in time? **No.**
(b) If not, by how many days it is beyond time? **01 days. (no application for condonation of delay filed.)**
(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 $\frac{P.O.D.}{5}$ 065103 dt. 4.9.88**
6. Has the certified copy/copies of the order (s) against which the application is made been filed? **—**
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed? **yes.**
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly? **yes (By advocate)**

Particulars to be ExaminedEndorsement as to result of Examination

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

Let case be listed on

20.9.06
 Dular
 19/9/88

114/800(L)

20/9/08

(1)

Hon. D-S. Mishra, Jm.

on behalf of

On the request of the learned
counsel for the applicant, the case is
adjourned to 25-10-08.

bl

Am.

10/4

Order No 2,34
see next Page
of order sheet

(5)

23-2-89 D.R.

no reply Filed. Reply may
be filed by 10-4-89

(6)

10.4.08

Reg. The learned counsel for the applicant D.R.
~~The~~ ~~and~~ is present. The case
is adjourned to 25.5.09 for reply.

10/4/89
V Registrar

OR

No reply filed by
the learned counsel
for the respondent.
Submitted for order

OR 1.5.09

11/5/09

In this case counsel
for applicant has not filed any
amendment application so far.

However due to some inadvertence
this case has been adjourned
for filing reply twice by
Registrar even in the absence of any
show cause notice to the respondent.

Submitted for order
and

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T.A. No. 114 198 (U)

Applicant(s)

Versus

Respondent(s)

Sr.No.	Date	Orders
②	25/10/08	<p><u>Mem. of S. Mitra, Am.</u></p> <p>On the request of the learned Counsel for the applicant Sh. T.H. Nagri, he is allowed one month's time to file an amendment application of the claim petition. Registry to fix a date for admission after the amendment application is filed.</p> <p><u>be</u> <u>Am.</u></p>
	28/11/08	<p><u>DR</u></p> <p>No amendment application filed Submitted for order ^{19.10.08} before D.R.(J)</p>
③	19/12/08	<p>No sitting. Adjourned to 25.1.09.</p>
④	25.1.09	<p><u>DR</u></p> <p>amendment application No copy filed. ^{Application} copy may be filed by 23.2.09.</p> <p><u>DR</u></p>

AY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. CA 114 of 1988(L)

APPELLANT
APPLICANT

Deelip Kumar Varma

VERSUS

DEFENDANT
RESPONDENT

Union of India & Ors.

For date and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
① 2-5-89	<p>Hon' Mr. Justice K. Nath, V.C. Hon' Mr. D.S. Misra, A.M.</p> <p>Shri G.H. Nagri, learned counsel for the applicant requests for a short date to file amendment application. He is allowed to do so. List this case for <u>orders</u> on <u>12-5-89</u>.</p> <p><i>h</i> A.M.</p> <p>(Sns)</p>	<p><i>GR</i></p> <p>The learned counsel for the applicant has not filed any amend- ment application Submitted for order by 11/5</p>
② 12/5/89	<p><u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>On the request of the learned counsel for the applicant, the case is adjourned to <u>29-5-89 for orders.</u></p> <p><i>h</i> A.M.</p> <p>XsnsX</p>	<p><i>OR</i></p> <p>The learned counsel for the respondent has not filed any amendment application Submitted for order by 26/5</p>
③ 29/5	<p>No Sitting. Adjourned to 27/7/89 for orders</p> <p><i>h</i> B.O.C</p>	<p><i>OR</i></p> <p>C.M. No. 185/ has filed by the learned counsel for the ap- plicant for amendment Submitted for order by 26/5</p>
④ 27.7.89	<p>No Sitting. Adj. to 11.10.89</p> <p><i>h</i> 27/7</p>	<p><i>h</i> 27/7</p>
⑤ 11.10.89	<p>No Sitting. Adj. to 21.12.89</p> <p>Counsel for applicant is present</p> <p><i>h</i></p>	<p><i>h</i> 21/12 5/8</p>

No. 24, 8.9.92 J

Hon'ble Mr. Justice U.C.Srivastava-V.C.
Hon'ble Mr. K. Obayya - A.M.

Vice Chairman.

in color One
K.B. Price
37992

114/1938 (L)

Before The Central Administrative Tribunal, Allahabad
Camp at Lucknow.

Dalip Kumar Verma

Vs

Union of India Through
General Manager & others

Application No. 114 of 1938. (L)

Class IV Employee

Loco Work Shop. N.Rly., Lucknow.

In The Central Administrative Tribunal,

Additional Bench, Allahabad.

Camp at Lucknow.

Between

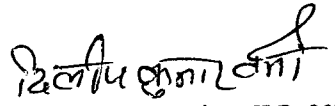
Dalip Kumar Verma & Union of India, N.Rly., Lucknow.

I N D E X

S.No.	Details of Documents relied upon.	Pages
1.	Application dated 19-9-88	1 to 4
2.	Representation to G.M	5
3.	Opp. Parties	6 to 7
4.	Order Dated 12-12-86	8
5.	Postal Receipt	9
6.	power	10

Lucknow:

Dated : 19-9-88


(DALIP KUMAR VERMA)

In The Central Administrative Tribunal,
Additional Bench, Allahabad,
Camp at Lucknow.
Between

Dalip Kumar Verma & Union of India, N.Rly., Lucknow.

Details of the Application.

1. Particulars of the applicant:

- (i) Dalip Kumar Verma, aged about 24 years,
son of Girja Shanker Verma,
Temporary Employee, under
The Asstt. Works Manager, N.Rly.,
Loco Work Shop, Lucknow.
Resident of Dila Aram Baradari,
Chaupatian P.S Saadatganj, Lucknow.

2. Particulars of Respondants:

- (i) General Manager, N.Rly, Baroda House,
New Delhi, for and on behalf of Union of India.
- (ii) Dy.C.M.E., N.Rly., Charbagh, Lucknow.
- (iii) Asstt. Works Manager, N.Rly., Loco Shop,
Charbagh, Lucknow.

- 3. The application is against the order ^{Amended} No.948, dated 12-12-86 passed by Asstt. Works Manager, terminating the services of the applicant without notice.
- 4. The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.
- 5. The applicant further declares that the application is within limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

For Applicant

AG

.2.

6. The facts of the case are given below : -

In 1932, the applicant was taken as casual labour. The father of the applicant Sri Girja Shanker, who was working in FOUNDRY PATTON SHOP, LOCO WORK SHOP, Charbagh, Lucknow. He was about to retire and he actually retired on 31-7-84. It was in his place that the applicant was taken. No other son of the father of the applicant in is Rly. service. After having completed the period, the application was taken as Temporary Government servant. He was getting P.T.O and passes. The L.I.C was also deposited. The applicant was receiving wages @ Rs. 1013/- p.m. All of a sudden without a notice, the Asstt. Works Manager, N.Rly., Loco Shop, Charbagh, Lucknow issued an order Annexure-1 No. 948, dated 12-12-86 terminating the services of the applicant and caste aspersions and stigma without giving any opportunity to the applicant of being heard. The order was not passed by the competent authority. The applicant made representations to the General Manager, New Delhi, and Dy. C.M.E., and also to the Asstt. Works Manager. These representations were sent on 2-1-88. Earlier two representations were sent to the General Manager and the Dy. C.M.E.; but they were not acknowledged. ~~XXXX~~ The copy of representation dated 2-1-88 is Annexed as Annexure No. 2. and a photostat copy of Post Office Receipt is Annexure-3. The order of removal is against the principles of natural justice. The applicant was not given any notice. That the order of removal from service was illegal, unconstitutional and arbitrary. The order of reinstatement is contrary to the provisions of Sections 25F and 25G of the Industrial Disputes Act (1947). The opposite parties have also obtained removal from service and reinstatement services of the petitioner who is senior.

(Signature)
20/11/87

(Signature)
20/11/87

.3.

7. In view of the facts mentioned in para 6 , the applicant prays that the applicant be taken back in service with back wages, because he was not given any opportunity of being heard. *order dated 12/12*
terminating the service of the applicant has been passed
8. Pending the final decision on the application , the applicant seeks that either the application be ^{21/12} disposed of as early as possible or as an interim relief , the applicant be absorbed in service, till the disposal of the application.
9. The applicant declares that he has availed of all the remedies open to him. He sent representations to the General Manager, N.Rly., ^{Lucknow} ~~Lucknow~~ against the order, but with no effect. He sent representations to all the opposite parties by post , but to no help.
10. The applicant further declares that the matter regarding which this application is being made is not pending before any court of law or any other authority or any other Bench of the Tribunal.
11. In respect of the application fees, an Indian Postal Order No. ^{DD} ₅ 065103, dated 14-9-88/1s enclosed ^{for Rs. 50/-} herewith.
12. An Index in duplicate containing the details of documents to be relied upon is enclosed.
13. List of documents:
- i. Application sent to G.M. *together with P.O. receipt dated 1/11/87 1A*
 - ii. Representation again sent to G.M and others.
 - iii. Post Office Receipt.
 - iv. Postal order for Rs. 50/- as detailed above.

For the applicant

Verification

I, Dalip Kumar Verma, son of Sri Girja Shanker Verma aged about 24 years, a retrenched employee of Carriage & Wagon Shop, Charbagh, Lucknow with Ticket No. LM 5-513 resident of Dilaram Baradari, Chaupatian P.S Saadatganj, Lucknow, do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Lucknow:

Dalip Kumar Verma
Signature of Applicant.

Dated : 19-9-88

The Registrar,

The Central Administrative Tribunal, Allahabad, camp office
at Lucknow.

Attested
[Signature] AD
19/9/88

S.No. (110)

Dated, 12, December, 1986.

Sri Dilip Kumar Verma

son of Sri Pragya Shanker Verma Casual

Labour (Temporary status) T.No. LM-513,

Shop LM, N.Rly., Locomotive Workshops,

Charbagh, Lucknow, was engaged as Casual Labour on

daily rate or production of educational certificate

as Class VIII passed and attained temporary status

with effect from 26.7.84. The educational

certificate of Class VIII passed submitted by him

has been found to be false.

Sri Dilip Kumar Verma, therefore,

discharged from service on and from 13.12.86.

He is given one month's wages amounting to Rs. 1013/-

in lieu of notice period together with attachment

compensation amounting to Rs. 1519-50

as admissible under the Industrial Disputes Act,

1947, alongwith his monthly wages for the period

1.12.1986 to 13.12.1986 amounting to Rs. 438-70.

D.A/1 Cheque No.

0570305/011468

Dv. 12-12-86

Assistant Works Manager (),
N.Rly., Locomotive Workshops,
Charbagh, Lucknow.

Copy to :-

1. OS/PB, TO. SAO(W)/CB, SS/LMS, for attention,
HC/PLS for inf. & n/action.

2. Sri Dilip Kumar Verma T.No. LM-513 along with Cheque

Asstt. Works Manager (M)
N.Rly., Loco shops/CB/LKO.

SN/11.12.86

Signature

Alleged
19.9.88

Before: Central Administrative Tribunal at
Allahabad. Camp at Lucknow

Dilip Kumar Verma vs Union of India

Annexure No A1

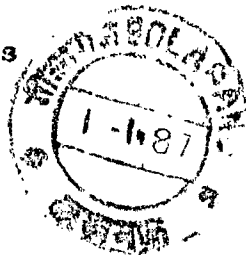
A13

6

UNDER CERTIFICATE OF POSTING

1. Env : The General Manager, N.R. Baramda House
New Delhi.
2. 1 Env : Dy. C.M.E., C&W, Northern Railway, Lucknow
3. 1 Env : A.C. M.E., C&W, Northern Railway, Lucknow.

Total articles
3 Envelopes



दिलीप कुमार वर्मा

A14

In The Central Administrative Tribunal,
Additional Bench, Allahabad.
Camp at Lucknow.

7

Between

Dalip Kumar Verma Vs Union of India through G.M., N.Rly.

ANNEXURE NO.I

From Dalip Kumar Verma, son of Girja Shanker Verma, F/o
Dilaram Baradari, Chaupatian P.S Saadatganj, Lucknow.
To The General Manager, N.Rly., Baroda House, New Delhi.

Dated: 1-1-87.

Respected Sir,

Respectfully I beg to lay the following few lines :

1. That in 1982 I was taken as casual labour in Carriage & Wagon, N.Rly., Lucknow. I was sent to various department for work. I was given temporary status, after completing necessary days L.I.C dues were deducted. I was given passes and P.T.O. The only drawback is that I am not of high caste and I am ^{in backward class} SC and the Brahmin officers have been trying to eliminate schedule caste employee. I enclose herewith a photostat copy of the order dated 12-12-86. I have been retrenched and I was never given an opportunity of being heard. In fact I was taken in place of my father, who was in Rly. An early disposal of this representation is requested, so that I may not die of starvation.

Sd. Dalip Kumar Verma.

Copy to: Dy.C.M.E., C & W, N.Rly., Lucknow.

A.C., M.E., C & W., N.Rly., Lucknow.

रहित गुजरान्त

19/1/87

A/S

In The Central Administrative Tribunal,
Additional Bench, Allahabad.
Camp at Lucknow.

Between

Dalip Kumar Verma VO Union of India through E.M,

ANNEXURE No. II

From Dalip Kumar Verma, son of Girja Shanker Verma r/o
Dilaram Baradari, Chaupatian P.S Saadatganj, Lucknow.

To The General Manager, N.Rly., Batoda House, New Delhi.
Mechanical.

Dated: 1-1-88

Respected Sir,

1-1-88

It is just to inform you that I submitted a representation on 1-1-87 regarding my retrenchment from the Rly. service. The fact of the matter is that I was employed in 1982 as a casual labour. I was sent for the purposes of works in various sections and my work ^{was} appreciated. I never submitted any School Certificate and the allegation in this respect are absolutely wrong and they are denied.

The fact of the matter is that step motherly treatment is being given to the employees who belong to S.C. I also belong to ^{Backward Class} S.C. The officials belonging to higher class have tried to eliminate ^{Backward} S.C. as much as possible.

That my work throughout was satisfactory and all my superiors were happy with my work, but the superiors could not be satisfied so far as my position as ^{Backward} S.C. is concerned. The officials concerned without looking onto the merits, retrenched a number of ^{Backward} S.C. employees. This order is without any foundation, but the services have been terminated, without notice.

That ^{my work} the work and the working days were taken together and I was treated as temporary employee. L.I.C benefit was

(Signature)

available to me and I used to pay Rs.10/- p.m. I used to get passes and P.T.O. Union people also took Rs.10/- p.m. At the time of termination of service I was getting Rs.1013/- p.m

That all of a sudden order No.948 dated 12-12-86 was passed retrenching me from service and the order is without jurisdiction. The authorities gave any notice to me nor they called for any explanation. The order or retrenchment has been passed without hearing me and the order is without jurisdiction.

In case I do not get any reply from your side I shall presume that my representation has been rejected and I shall seek my remedy ^{through} to the hon'ble Administrative Tribunal.

A line in reply is awaited.

yours faithfully,

Sd. Dalip Kumar Verma

Copy to :

1. Dy.C.M.E., Loco Work Shop, Charbagh, Lucknow.
2. Asstt. Works Manager, N.Rly., Loco Shop, Charbagh, Lcknow.

प्रतिष्ठित वी
A. K. Verma
[Signature]

Before the Central Administrative Tribunal
Allahabad - Camp at Lucknow
Salip Kumar Verma v. Union of India & Ors.
Annexure III,

A17

Certificate of Posting

10

Three envelopes addressed to:

1. General Manager, N.Rly
Baroda House, N.Delhi.
2. Dy.C.M.E
Carriage & Wagon, N.Rly.,
Charbagh,
Lucknow.
3. A.C.M.E.,
N.Rly.,
Charbagh
Lucknow.



Total: Three envelopes.

दिवाकर माला

Handwritten signature

In the District Administration Office
Lucknow.

A18

पञ्चायत प्रमाण

महोदय

[वादी] अपीलान्त

प्रतिवादी [रजिस्ट्रार]

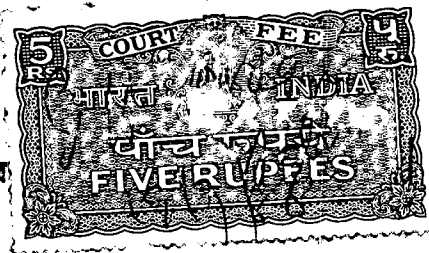
Claim No.

बकालतनामा

4/1988

दिनांक
Delip Kumar Verma

पापी (अ)



पनाल

प्रतिवादी (रजिस्ट्रार)

Union of India and others

नं० मुकद्दमा

सम्

पेशी की ता०

१९ ८०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

G. H. NAQVI

वकील

महोदय

Sunder

एडवोकेट

नाम अदायत
मुकद्दमा नं०
नाम फरीफ्त

जो अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं, और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेशी व जवाब देही व प्रश्नोंत्तर करें या कोई कामकाज वाखिल करें या जोटावें या हमारी ओर से टिगरी चारी करावे और खर्चा बसूल करें या मुलहनामा व इकबाल दावा तथा अपनी निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से वाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई खर्चा जमा करें या हमारी बिपक्षी (फरीफ्तानी) का वाखिल टिखा हुआ खर्चा अपने या हमारे हस्ताक्षर युक्त (बस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वक्त सच कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेशी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पञ्चायतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

हस्ताक्षर दिनेश कुमार वर्मा

साक्षी (पद्याह)

साक्षी (गवाह)

दिनांक

19

महोदय

9

सं. १९८८ ८०

In The Central Administrative Tribunal,
Circuit Bench, Lucknow.

Civil Misc. Petition (M.P.) No. 650 of 1990 (L)

In Re:

Registration (O.A.) No. 114 of 1988

Dilip Kumar Verma and Others.....Applicants.

Versus

U.O.I. and Others.....Respondents.

APPLICATION FOR CONDONATION OF DELAY IN FILING

COUNTER REPLY.

That delay in filing Counter Reply is not intentional or deliberate but due to administrative and bonafide reasons which deserves to be condoned.

P R A Y E R

Wherefore, it is most respectfully prayed.
that in the interest of justice, delay in
filing counter reply may kindly be condoned and
counter reply may be taken on record.

Lucknow.

Dated: 8/11/90

Anil Srivastava
(ANIL SRIVASTAVA)
ADVOCATE

Counsel for Respondent,

Filed today
8/11/90

Run by
21/11/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Registration (Q.A.) No. 114 of 1988 (L)

Dilip Kumar **Verma**Applicant.

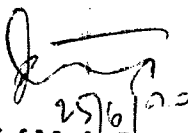
Versus

Union of India & others Respondents.

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, HEMANT KUMAR working as Dy. CME
under the office of the Chief Works Manager, Northern
Railway, Locomotive Works, Charbagh, Lucknow do
hereby solemnly affirm and state as under:-

1. That the official above named is working under the respondents as such he is fully conversant with the facts and circumstances of applicant's case and has been authorised by all the respondents to file this counter reply on their behalf.
2. That the contents of paras 1 and 2 of the original application do not call for reply.
3. That the contents of para 4 of the original application do not call for reply.
4. That in reply the contents of paras 3 and 5 of original application, it is stated that


29/6/88
Dy. Chief Mech. Engineer (W)
N. Rly., Locomotive Works
Charbagh, Lucknow

Contd....2

that as per applicants own admission the cause of action accrued to the application in the year 1986 and the applicant seeks to challenge the order passed in the year 1986 in this application while this application itself appears to have been filed in the month of September 1988, i.e. after delay of about more than one year nine months without explaining the cause of delay in filing the application within the limitation period as prescribed in section 21 of the Central Administrative Tribunal Act, 1985. Thus this application deserves to be dismissed on this ground alone.

5. That the contents of para 6 of the original application are not admitted as alleged. The correct facts are as follows:-

In pursuance of Notice No. 105 E/A dated 4.12.1982 the applications were invited from the sons of the staff of this workshop and P.S.T.S. who were retiring in the years, 1984, 1985, 1986 to form a panel of Casual Labourers. The father of Sri Dilip Kumar i.e. the applicant son of Sri Girja Shanker Verma Ex. E-186 under shop Superintendent FDY applied for the above post through Shop Superintendent Foundry under whom the father of applicant was working. The Educational qualification for the said post was VIII passed. The applicant also applied for the said post and accordingly submitted his application alongwith VIII class pass T.C. According to T.C. submitted by the

[Handwritten signature]
15/6/90

Dy. Chief Mech Engineer (W)
N. Ry. Locomotive Works
Gurgaon, Lucknow

applicant through his father, he was passed class VIII. After screening by duly constituted Screening Committee, the applicant was placed on the panel. (Panel enclosed). During the verification of the Educational qualification certificate submitted by the applicant, it was revealed by the Sansthapak Evam Pradhanadhyapak, Sarvodaya Higher Secondary School, Hardoi Marg, Thakurganj, Lucknow that the T.C. was forged and false. Accordingly services of Shri Dilip Kumar Verma (Applicant), Casual labour was terminated after complying with the provision of the 25 F Industrial Disputes Act, 1947. The applicant was discharged from service w.e.f. 13.12.1986 (AN) and the applicant was given one month wages amounting to Rs. 1013.00 in lieu of Notice period together with retrenchment compensation amounting to Rs. 1519.50 paise, as admissible under the Industrial Disputes Act 1947 alongwith his monthly wages for the period from 1.12.1986 to 13.12.1986 amounting to Rs. 439.90 Paisa. The applicant was not a regular appointee hence there was no need to provide an opportunity to the ~~petitioner~~ applicant as per para 25 F of Industrial Disputes Act. Since the Educational Certificate of the candidates who have been retained in service were found genuine hence they have been retained in service whereas the applicant's claim is not tenable as he was engaged as Casual Labour on a false educational certificate whereas as per the conditions of the post, applicant was not an eligible candidate for the said post.

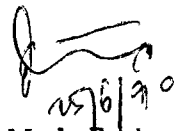
25/6/90
 Dy. Chief Mech. Engineer (W)
 N. Ry. Co. motive Works
 Gorakhpur Lucknow

That no representation as alleged has been received by the answering respondents hence there is no question of replying the same.

6. That in reply to the contents of paras 7 and 8 of original application, it is stated that the applicant is not entitled to any relief and this original application itself is liable to be dismissed against the applicant and in favour of the answering respondents with costs.
7. That in reply to the contents of para 9 of the original application, it is stated that office records of the respondents does not show that the applicant has preferred any representation as alleged, as such, this application is premature.
8. That the contents of paras 10 to 13 of the original application do not call for reply.

LUCKNOW.

DATED: 25-6-90

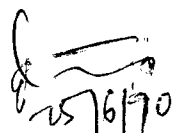

25/6/90
Dy. Chief Mech. Engineer (W)
N. Rly., Locomotive Works
Gharbagh, Lucknow

VERIFICATION

I, the official above named do hereby verify that the contents of para 1 of this application are true to my personal knowledge and paras 2 to 8 are true on the basis of records and legal advice.

LUCKNOW

DATED: 25-6-90


25/6/90
Dy. Chief Mech. Engineer (W)
N. Rly., Locomotive Works
Gharbagh, Lucknow

A24

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

Rejoinder Affidavit (M.P.) 1990 .

Inre:-

Registration (O.A.) NO. 114 of 1988.

Dilip Kumar Verma and others ...Applicants

Versus

U.O.I. and others.

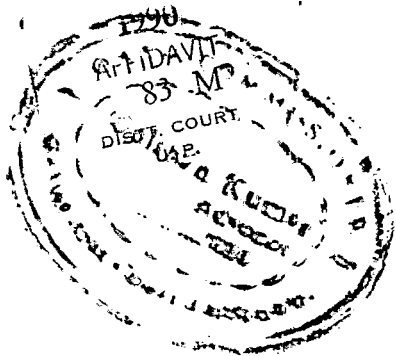
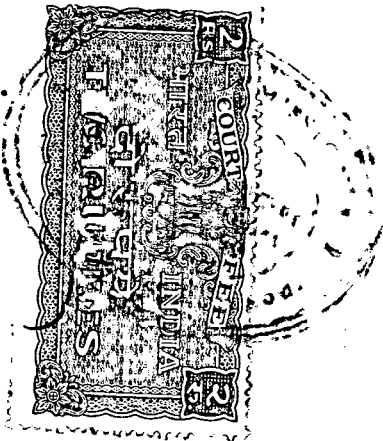
...Respondents.

I, Dilip Kumar Verma, aged about 26 years son of
Girja Shanker Verma, Temporary Employee under the Loco
Workshop (Assistant Works Manager)^{Lko} resident of Dil-Aaram
Baradari, Chaupatiyan, P.S. Saadatganj, Lucknow, do hereby
solemnly affirm and state as under:-

1. That since Para 1,2 and 4 have not been replied.
The contents of these paragraphs are reiterated as correct.
2. That para 4 which is in relation to Para 3 and 5
of the original application it is submitted that the cause
of action accrued in December 1986 .. The respondents
were informed on 1-1-87, the reply was awaited . No reply
was received and hence on 2.1.1988 an other representation
was sent . Both the representations have been annexed with
the original application. The delay is not deliberate
and intentional but it is due to bonafide reasons which
deserves to be condoned. The respondent did not explain
as to why they submit^{Ted} a Counter reply so late , the copy
of which was available to the Counsel of the deponent
on 21.11.90. The delay in filing the original applicat-
ion is due to the fact that a reply was awaited . When

....2

[Handwritten signature]



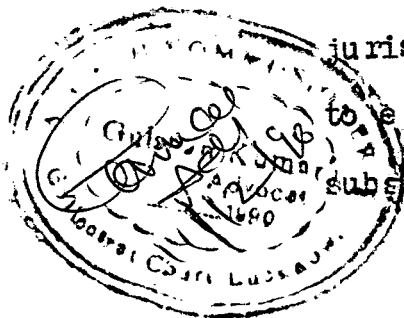
2.

no reply was received the Second representation was sent and after waiting for several months ^{protection} of this Hon'ble Tribunal was sought. The deponent regrets for the delay but in the circumstances there was no way out. The respondent did not submit a reply in time and he they want to blame the deponent for the delay. The delay has been explained and it is hoped that the same would be accepted and the delay be condoned.

3. Regarding to the contents of Para 5 of the Counter reply it is submitted that the deponent was a xson of Retiring Railway employee and the work of the deponent was satisfactory throughout. At that time the deponent was taken and he ~~had~~ worked continuously for the period necessary for the deponent to become a temporary employee. The ^{gr}evance of the deponent is that his services were terminated all of a sudden without any notice and without giving the deponent an opportunity to explain his position. The order terminating the services of the temporary employee did not conform with the existing rules and hence the order of termination is without jurisdiction.

4. The termination of the deponent from service all of a sudden ^{with} ~~is~~ stigma was not warranted and the order ~~is~~ without jurisdiction. The respondent did not allow the deponent to explain the stigma or aspersions and the deponent suffered substantial miscarriage of justice.

.....



दिलीप कुमार वर्मा

3.

5. That the alleged T.C. was not given in the office by the deponent. Why he has been punished. In relation to Higher Scondry School the deponent could say that without giving any opportunity he has been punished since the deponent was a temporary employee his services could not be terminated arbitrary and the Provision of Industrial the ~~xxxxx~~ Dispuyte Act should have been ^{applied} ~~afforded~~. The deponent was eligable candidate the representation were sent and the relief sought in the original application should be available to the deponent and hence the deponent be allowed to join services with all back wages.

Lucknow
Dated 11.12.90.

[Signature]

Deponent.

Verification.

I, the abovenamed deponent do hereby verify that the contents of above affidavit are true to my personal knowledge. Verified and signed this 11 th day of Decr.1990 at Lucknow.

[Signature]

Deponent.

I idenfity the deponent who has signed before me.

[Signature]

(G.H. Naqvi)
Advocate.

Case 8307

deponent appeared before me in office
today on 11.12.90. *[Signature]*
who is identified by me *[Signature]*
I have satisfied myself by examining
the deponent that he is the same person
as mentioned in this affidavit. I have
read and understood the contents of the
affidavit and the deponent has signed
before me.

GULSHAN KUMAR
O.P. Choudhary
[Signature]
11/12/90

P
A27

IN THE GENERAL ADMINISTRATIVE TRIBUNAL-CIRCUIT BENCH
LUCKNOW.

O.A. No. 114 of 1988.

Sri D.K. Verma..... Applicant

Versus

The Union of India & others..... Opp. Parties

Hon'ble Mr. Justice U.C.Srivastava-V.C.
Hon'ble Mr. A.B. Sorthi-V.C.

(By Hon'ble Mr. Justice U.C.Srivastava-V.C.)

The applicant was appointed as Casual Labour before the retirement of his father who was working in the said department. According to the applicant after having completed three years service, he was taken as Temporary Government Servant and was getting P.F.O. and passes and L.I.C. was also deposited. and he was receiving Rs. 1013/- per month. as wages. without any intervening circumstances, he received a notice dated 12.12.1986 terminating his service which he has been challenged by this application. But the facts stated by the party it appears that on 4.12.82 the applications were invited from the sons of the staff of this workshop and P.S.I.S. who were retiring in the years, 1984, 1985, 1986 to form a panel of Casual Labourers. The applicant's father who was also working there also applied for the same. The educational qualification for the said post was VIII passed. Accordingly he submitted VIII Class pass F.C. which was filed by him through his father. The screening committee placed the name of applicant in panel, but later on verification of the educational qualification was made which was revealed by the Sansthapak Evam Pradhayapak of Sarvodaya Higher Secondary School that the F.C. was forged and accordingly the services of the applicant was

A28

Casual Labour was terminated after complying with the provisions of 25 F of the Industrial Dispute Act, 1947 and that is why his services was terminated. It appears that the applicant ^{although} worked as casual labour but about two years continuously as casual labour.

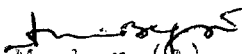
It appears that the applicant attained the temporary status, there is no denial of the said fact in the copy. Again the temporary status, there is no denial of this assertion made by the applicant in the counter-affidavit. Having a temporary status the services of the applicant would not have been terminated by way penalty on the ground that he submitted progress certificate. In case of course a report is received and submitted for progress certificate and an inquiry ought to have been made associating with the same, and thereafter in case it was found that he submitted a progress certificate to take the charge, his service could have been terminated but in this case nothing has been done and accordingly this application deserves to be allowed, and the order dated 12.12.86 is ~~quashed~~ quashed. However it makes it clear that applicant will also be responsible for what has happened and the applicant will not be entitled for back wages from the termination upto ~~the~~ one month hereinafter though he will be deemed to be continue in service. It is open for the respondent to hold an inquiry in the matter and the proceedings in the case and thereafter pass an order in accordance with the law up to 31st of May 1992. Whereafter the applicant will be deemed to be in service even if the work is not taken however ^{this will not stop} the respondent for holding an enquiry in the matter and associating with the same.


A29

- 3 -

-ing the applicant in the same. The applicant will not be entitled to back wages.

The applicant will be deemed to ~~be~~ continue in service even if, ~~even if~~ work is not taken from him. It will be open for the respondent to hold an inquiry into the matter associating the applicant with the same and thereafter pass an order in accordance with the law. The applicant shall appear before Deputy Chief Mechanical Engineer Northern Railway Lucknow on 15.5.1992, on which date he will give out the name of the officer who will make the inquiry in the matter.


Member (W).


Vice Chairman.

Dt: April 30, 1992.

(DPS)

CA 114/88

12-12-86

Hon Mr V. K. Seth, AM.

Hon Mr D. C. Wagh, JM

Shri V. B. Pandey has applied for
for Praveen Kumar brief
holder for Shri Anil Kumar.
As prayed for by the learned
counsel for the respondents,
they are allowed 3 weeks
time to file objections
against MP 2398/86.
Ld on 5-2-87.

JM

LC
AM

5-2-87

No. 21/10/87. B. copy in
10-4-87
BOL

10-4-87

Dear Mr. Sadashiv of Justice S. M. Tiwari
ad for 09-5-87
BOL

9-7-87

No. 21/10/87. B. copy in
11-9-87

11-9-87

Hon Mr V. K. Seth, AM.
Hon Mr D. C. Wagh, JM

BOL

Shri V. B. Pandey has applied for
and is allowed one week, for filing RA
after serving a copy of RA on the
opposite side.
Ld for objection MP 2398/86
on 14-10-87

JM

LC
AM

02

This CA was decided.
On 30-4-92 latter
On a MP. has been
filed for procedure
rules 1987.
MP NO 2398/86

No Objection here
Cw filed
3/4/97

filed with
MP No 1087/1988
and 1089/97
3/9/97

OP 114/28

22-9-98 - No setting of AB order
to 07-12-98

BoL

7-12-98

CP was filed on
21/5/97 but NO
RA has been filed
till today
16/3/99

No suit in 20th D.B. case is
only to 18.3.99 for withdrawal

16/3/99

10-3-99

Hon. Mr. D.C. Verma, J.N.
Hon. Mr. A.K. Nigra, A.N.

Learned Counsel for
applicant seeks adjournment.
Sh. Anil Bivertans, learned Counsel
for respondents is on sanctioned
leave. SA was filed with N.L. 1007/97
for condonation of delay in filing
the same. N.L. is allowed. Delay is
condoned. N.L. 1008/97 is also allowed
and SA is taken on record.
~~SA is taken on record.~~

As prayed 3 weeks time is
granted for filing RA.

Let on 01-6-99 for orders.

A.N.

J.N.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL U.P.,

CA 114/88 LUCKNOW

Misc. Petition No. 2288 of 1996

Dilip Kumar Varma

----- Petitioner

Versus

Union of India and others

----- Opp. Parties.

I N D E X

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PLACE: LUCKNOW

DATED: 15-11-1996

(Udai Bhan Pande)
ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, U.P.

LUCKNOW

MISC. PETITION NO. 2398/96 OF 1996

In re:

O.A. NO. 114 of 1988

Central Administrative Tribunal

Lucknow Bench

Date of Filing

Date of Receipt by Post

27/11/96

Place before the
Hon'ble Bench
for order on 5.12.96

By Registrar

Dilip Kumar Varma

----- Applicant

Versus

Union of India and others

----- Opp. Parties.

Dilip Kumar Varma aged about- 32 years,
Son of- Sri Girja Shankar Varma, Temporary employee
under the Assistant Works Manager, Northern Railway,
Loco Workshop Lucknow, Resident of- Dile Ram
Baradari, Chaupatia, Lucknow.

----- Petitioner

Versus

- 1- Union of India through General Manager,
Northern Railway, Barauda House, New Delhi.
- 2- Deputy Chief Mechanical Engineer(W),
Northern Railway, Locomotive Workshop,
Charbagh, Lucknow.
- 3- Assistant Works Manager, Northern Railway
Loco Shop, Charbagh, Lucknow.

----- Opp. Parties.

दिलीप कुमार वर्मा

MISCELLANEOUS PETITION UNDER ~~Section 11~~ 110
OF THE CENTRAL ADMINISTRATIVE TRIBUNAL
(PROCEDURES) RULES 1987

The petitioner submits as under:

- 1- That the petitioner filed an original application no.-114 of 1988 against the termination order dated- 12.12.11986 passed by opposite party no.-3
- 2- That on 30-4-1992 this Hon'ble Tribunal allowed the application of the petitioner by quashing the said order of termination. The photostat copy of the said judgement and order dated- 30-4-1992 is being annexed herewith as Annexure no.-1 to this petition.
- 3- That however the petitioner moved an application for clarification and correction of the said judgement and order before this Hon'ble Tribunal. The Hon'ble Tribunal decided the said application on 24-8-1992 and ordered that the applicant would be deemed continuing in services and even if work is not taken from him he will be paid salary. The photostat copy of the said order dated- 24.8.1992 is being annexed herewith as Annexure no.-2 to this petition.
- 4- That the petitioner submitted the copy of the said both orders to the opposite party no.-2 with an application requesting him to allow him

12/14 3/11/2011

(3)

By ~~Signature~~ DD

to join the duty and make the payment of salary as per orders of the Hon'ble Tribunal. The photostat copy of the said application dated- 2-9-1992 is being annexed herewith as Annexure no.-3 to this petition.

5- That on 17-9-1992 the petitioner submitted a reminder requesting the opposite party no.-2 to make the payment of salary and allow him to join duty. The photostat copy of the said reminder dated-17-9-1992 is being annexed herewith as Annexure no.-4 to this ~~wx~~ petition.

~~6-~~³ That the petitioner submitted another reminder on 3-10-1992 to opposite party no.-2 to do the needful in the matter. The photostat copy of the said reminder dated-3-10-1992 is being annexed herewith as Annexure no.-5 to this petition.

7- That however the petitioner received a letter dated 28-10-1992 issued by Chief Works Manager Charbagh, Lucknow by which the petitioner was directed to receive his salary Rs. 524/- as per order of the Hon'ble Tribunal. The petitioner received the said amount of salary. The photostat copy of the said letter dated- 28-10-1992 is being annexed herewith as Annexure no.-6 to this petition.

8- That after 28-10-1992 the petitioner has neither

रक्षा गुप्तानि

been taken in service nor payment of salary has been made to him till date. While in the order the Hon'ble Tribunal has directed to the opposite parties to make the payment of salary during future period after its judgement regularly either work in taken or not.

- 9- That in the month of January, 1993 the petitioner went to the office of opposite party no.-2 and requested him to allow to work and make the payment of salary. The petitioner was given assurance in the office that in near future he would be called for. The petitioner requested the opposite parties no.-3 again and again fruitlessly.
- 10- That the petitioner often went to the office of opposite parties nos.-2 and 3 in the year 1994 and 1995 but except assurance and sympathy nothing has been done by them till date.
- 11- That however due to inaction of the opposite parties the petitioner is in great financial hardship and the opposite party nos.-2 and 3 have done nothing inspite of delaying the justice on one pretext or the other during this period. However ultimately the petitioner being disappointed by the deliberate inaction and omission of opposite parties nos.- 2 and 3, approached his Counsel namely Uday Bhan Pande on 15-9-1996 who advised the petitioner to move a fresh application to the opposite parties again.

12th July 1996

- 12- That as such on 20-9-1996 the petitioner submitted a representation to the opposite parties no. 2 through registered A.D. post. A copy of the same has been also sent to the opposite parties nos. - 1 and 3. A photostat copy of the said representation dated- 20-9-1996 and its regd. receipts are being annexed herewith as Annexure no.-7 and 8 to this ~~writ~~ petition.
- 13- That the petitioner received the acknowledgement receipt from opposite party no.-2. The photostat copy of the acknowledgement is being annexed herewith as Annexure no.-9 to this petition. As per receipt the opposite party no.-2 received the ~~writ~~ said registered letter on dated- 23-9-1996 but nothing has been done till date.
- 14- That as such the petitioner has been compelled to file this miscellaneous petition under Rule 24 of the Central Administrative Tribunal (Procedure) Rule 1987 (hereinafter referred as rules) which is as follows:
- 24- ORDERS AND DIRECTIONS IN CERTAIN CASES:- The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice."
- 15- That under these circumstances it is submitted that the Tribunal has allowed the claim of the petitioner but opposite parties have successfully denied

13/09/96

(6)

its compliance till date and ~~they have~~ ^{as} neither allowed to join the petitioner nor salary being paid till date ~~and they have neither~~ [^] allowed to join the petitioner in gross violation of the order dated- 30-4-1992 and 24-8-1992 passed by this Hon'ble Tribunal.

16- That as such the petitioner has not been allowed to enjoy the fruits of the said judgement and order and opposite parties are denying material justice on one technical ground or the others. As such irreparable loss and damage is being continuously done to the petitioner.

17- That as such it is expedient in the interest of justice to issue an order or direction to the opposite parties to give effect to the aforesaid orders passed by this Hon'ble Tribunal to secure the ends of justice and to ^{prevent} ~~payment~~ the abuse of the ^{process} ~~process~~ of the Hon'ble Tribunal.

18- That under these circumstances the petitioner is pursuing his remedy to the best of his ability and ^{for} ~~of~~ the delay if any the opposite parties are fully responsible as they have committed ~~a~~ wilful disobedience of the orders passed by this Hon'ble Tribunal.

19- That ~~under~~ the petitioner is a poor innocent class IVth employee of the opposite parties and ~~they~~ has been refused his justified claim which was allowed by this Hon'ble Tribunal.

हस्ताक्षर अर्थात्

20- That as such petitioner is preferring this Misc. petition under rule-24 of the aforesaid Rules and the same may kindly be allowed to secure the ends of justice.

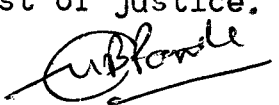
P R A Y E R

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to issue an order or direction to the opposite parties to comply the judgement and orders dated- 30-4-1992 and 24-8-1992 passed by this Hon'ble Tribunal in O.A. No.114 of 1988 contained as Annexure nos,-1 and 2 to this petition respectively.

It is further prayed that this Hon'ble Court may kindly be pleased to pass any other order or direction which deems just and proper under the circumstances of the case to secure the ends of justice and to prevent the abuse of its process in the interest of justice.

PLACE: LUCKNOW

DATED: 15-11-1996
27


(UDAI BHAN PANDE)
ADVOCATE

COUNSEL FOR THE PETITIONER

रितीय अमानि

in the Central Administrative Tribunal, Lucknow
Misc. Petition No. 2/1996
O.A. No. 114 of 1988
Dilip Kumar Varma vs. Union of India & others
Annexure No. - 1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - CIRCUIT BENCH
LUCKNOW.

O.A. No. 114 of 1988 Central Administrative Tribunal
Lucknow Bench

Sri D.K. Verma..... Date of Filing
Date of Receipt of Applicant

Versus

The Union of India & others..... Opp. Parties.

Hon'ble Mr. Justice U.C. Srivastava-V.C.
Hon'ble Mr. A.D. Chaudhary-V.C.

(By Hon'ble Mr. Justice U.C. Srivastava V.C.)

The applicant was appointed as Casual Labour before the retirement of his father who was working in the said department. According to the applicant after having completed three years service, he was taken as Temporary Government Servant and was getting P.T.O. and passes and L.I.C. was also deposited. and he was receiving Rs. 1013/- per month as wages. Without any intervening circumstances, he received a notice dated 12.12.1985 terminating his service which he has been challenged by this application. By the facts stated by the party it appears that on 12.82 the applications were invited from the sons of the staff of this workshop and P.S.T.S. who were retiring in the years, 1984, 1985, 1986 to form a panel of Casual Labourers. The applicant's father who was also working there also applied for the same and educational qualification for the said post was VIII passed. Accordingly he submitted VIII Class pass P.O. which was filed by him through his father. The screening committee placed the name of applicant in panel, but later on verification of the educational qualification was made which was revealed by the Superintendent Exam Preparation of Service for Higher Secondary School that the P.O. was forged and accordingly the services of the applicant was

डिलीप कुमार वर्मा



9

Casual labour was terminated after complying with the provisions of 25B of the Industrial Dispute Act, 1947 and that is why his services was terminated although it appears that the applicant worked as casual labour but about two years continuously as casual labour.

Date of Receipt by Post _____

It appears that the applicant obtained the temporary status, there is no denial of the said fact in the copy. Again the temporary status, there is no denial of this assertion made by the applicant in the counter-affidavit. Having a temporary status the services of the applicant would not have been terminated by way penalty on the ground that he submitted progress certificate. In case of course a report is received and submitted for progress certificate and an inquiry ought to have been made associating with the same, and thereafter in case it was found that he submitted a progress certificate to take the charge, his service could have been terminated but in this case nothing has been done and accordingly this application deserves to be allowed, and the order dated 12.12.86 is quashed. However it makes it clear that applicant will also responsible for what has happened and the applicant will not be entitled for back wages from the termination upto one month hereinafter though he will be deemed to be continue in service. It is open for the respondent to hold an inquiry in the matter and the proceedings in the case and thereafter pass an order in accordance with the law of 31st of May 1992. Whereafter the applicant will be deemed to be in service even if the work is not taken however the respondent for holding an enquiry in the matter and associating



हिलीप कुमारा वर्मा

ing the applicant in the same. The applicant will not be entitled to back wages.

The applicant will be deemed to continue in service even if, even if work is not taken from him. It will be open for the respondent to hold an inquiry into the matter associating the applicant with the same and thereafter pass an order in accordance with the law. The applicant shall appear before Deputy Chief Mechanical Engineer Northern Railway Lucknow on 15.5.1992, on which date he will give out the name of the officer who will make the inquiry in the matter.

Member (Q).

vice Chairman.

Lt: April 30, 1992.

(DPS)

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench

Lucknow

दीर्घपुष्पमाला

In the Hon'ble Administrative Tribunal, Lucknow
Misc. Petition No. 2/1996

O.A. No. 114 of 1988
Dilip Kumar Varma vs. Union of India & others
Annexure No. - 2

Central Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by Post

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

Cy. Register (DD)

O.A.No.114/88 (L)

Dilip Kumar Verma Applicant.
Versus
U.O.I. and Others Respondents.

24.8.92

Hon'ble Mr. Justice U.C. Srivastava - V.C.
Hon'ble Mr. K. Obayya - A. M.

Perused the judgment. We find that there is no typographical mistake in view of the order passed by this Tribunal. The applicant will be deemed to be continuing in service and even if work is not taken from him after the judgment, he will be paid salary, but in the earlier part of the judgment it has been stated that the applicant is not entitled to back wages. This is inconsistent with the subsequent part of the order. In our opinion there is no inconsistency as we have not awarded back wages to the applicant that is the period during which he did not work. But in our observation that even if work is not taken from him, he will be paid salary. During his future period starting from the date of our judgment. Accordingly this application is rejected with the above observations.

Sd/-
A.M.

Sd/-
V.C.

// True Copy //

Certified Copy

Incharge
Judicial Section
C. A. T.
LUCKNOW.

O.A. No. 114 of 1988
Dilip Kumar Varma vs. Union of India & others
Annexure No. - 3

Central Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by Post

श्री मान मूल्य धार्मिक आयोग
लोक सेवा, चारबाग,
लखनऊ

विषय :- दिव्यनल का निर्णय मुझे तुरन्त ड्यूटी
देये जाने के विषय में सूचना हेतु

महोदय :-
विनम्रतापूर्वक निवेदन करना चाहता हूँ कि मैं
दिलीप कुमार वर्मा S/O श्री गोरजा शंकर वर्मा, खलासी
L.M.S. 513 हूँ। मेरे विषय में सेन्ट्रल एडमिनिस्ट्रेटिव
ट्रिब्यूनल ने केस संख्या O.A. No. 114/88(L) के
अन्तर्गत 24-8-92 को जो निर्णय दिया है वह मैंने
दिनांक 01-9-92 को उसको Certified Copy प्राप्त
कर लिया है। कृपया उसकी एक प्रति प्राप्त कर लें तथा
मुझे सूचित करने की कृपा करें कि मुझे किस शाप में
ड्यूटी पर आपने लगाया है जिससे मैं राष्ट्र की सेवा में
तपना योगदान कर सकूँ क्योंकि मुझे दिव्यनल का
आदेश प्राप्त हो गया है, केवल आपके आदेश की पूर्ति
कर रहा हूँ।

दिलीप कुमार वर्मा

D.A.-(दो)

- 1- सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल (कोटि-
कापी) के आदेश की प्रती संलग्न है चार पेजों में
तथा 2- दस्तखत लिखा फनक व T.C. (प्रादेशी-फन)
लखनऊ की कोर्टी कापी

दिनांक 02-9-92

भवदीय
दिलीप कुमार वर्मा
L.M.S. 513

(दिलीप कुमार वर्मा)
L.M.S. - 513
खलासी

O.A. No. 114 of 1988
Dilip Kumar Varma vs. Union of India & others
Annexure No. 4

Insurance for
मीमा शुभ र
Insurance for
मीमा शुभ र
मीमा शुभ र

रिमान्डर सं.-1

General Administrative Tribunal

Lucknow Bench

Date of Filing

Date of Receipt by Post

सुभाष,

Dr. Dinesh 100

श्री मान मुख्य यांत्रिक अभियन्ता

लोको शाप, कारवाग,
लखनऊ,

विषय - 24.8.92 से अब तक और आगे भी खेतन देने और वरन्त
प्रकार पर लगाने के विषय में प्रार्थना पत्र।

महोदय,

मैं बहुत आग्रह पूर्वक प्रार्थना करता हूँ कि मैंने दिनांक
2-9-92 को आप से छूटी मांगा था किन्तु आप ने मुझे कोई उत्तर
नहीं दिया। सेंट्रल ट्रिब्यूनल के 24-8-92 के फैसले के अनुसार आप
मुझे मेरा खेतन 24-8-92 से अब तक वरन्त भेजने की कृपा करें तथा
भविष्य में भी मेरा खेतन मुझे भेजते रहे जिससे मैं अपना गुज्जर कर सकूँ
क्योंकि फैसले में ट्रिब्यूनल ने आपको मुझे वरन्त छूटी लगाने को बताया
है तथा यदि मुझे छूटी पर आप नहीं लेते हैं तो भी मुझे खेतन यह
समझ कर देते रहे कि मैं लगातार आप के आधीन छूटी कर रहा हूँ।

सेंट्रल ट्रिब्यूनल के फैसले की प्रतीति मेंने रजिस्ट्री द्वारा आप को
दिनांक 2-9-92 को आप के विचारार्थ तथा मुझे छूटी पर वरन्त
रखने के लिए भेज दिया है जो आप को प्राप्त हो चुका है।

यदि आप मुझे शीघ्र ही छूटी पर लगाकर तय्या बसाया
24-8-92 से अब तक का खेतन वरन्त भेजने की कृपा करें तो मैं आप
की महान कृपा का आजीवन आभारी रहूँगा।

धन्यवाद।

दिनांक 17.9.92

प्रार्थी

दिलीप कुमार वर्मा

214-S-513

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Lucknow Bench

Date of Filing

of Receipt by Post.....

By, Lighting (DD)

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दिलीप कुमार वर्मा

63

ਪ੍ਰਤਿਪਤਿਤਾ ਕਰੀ

Delip Kumar Verma

At/No: 416/20 श्री दिग्वाराम वाराह

$\frac{21}{1141211}$ $\frac{91}{115}$ $\frac{1}{11413}$ 11

In The Hon'ble Administrative Tribunal, Lucknow
Misc. Petition No. 2 of 1996

O.A. No. 114 of 1988
Dilip Kumar Varma vs. Union of India & others
Annexure No. - 6

उत्तर प्रदेश लोक सेवा आयोग
Lucknow Bench
Date of Filing
Date of Receipt by Post

उत्तर रेलवे

NORTHERN RAILWAY

Dr. Lucknow 100

Northern Railway Locomotive Works, Charbagh, Lucknow

Vol. 120 E Legal Cell

Date 28.10.92

Sri Dilip Kumar Varma

60/60/92

Sri Dilip Kumar Varma's Cheque

DISPOSAL of Misc appeal O.A. 114/88(L)

Dilip Kumar Varma

Applicant

Union of India & others

Respondent

for CAT / Locomotive works dated 01.9.92

The Senior Accounts officer (W) N.R.W. Charbagh, Lucknow has passed your payment of Salary of Rs. 5341/- under C.O. 7 No 130 dated 21.10.92 as per direction / orders by Hon.ble Court, under reference.

Kindly contact to concerned Cashier of the work shop for payment.

E. Prasad
30/10

for Chief works manager

N.R.W. Charbagh, Lucknow

दिलीप कुमार वर्मा

In The Hon'ble Administrative Tribunal, Lucknow
Misc. Petition No. 2/1996

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O.A. No. 114 of 1988
Dilip Kumar Varma vs. Union of India & others
Annexure No. 7

To,

The Deputy Chief Mechanical Engineer (M)
Northorn Railway,
Locomotive Works Charbagh,
Lucknow.
Central Administrative Tribunal
Lucknow Bench
Date of Receipt by Post

Re: Compliance of the order dated

30.8.1992 and 24.8.1992 passed by the
Hon'ble Central Administrative Tribunal
Lucknow.

Respected Sir,

Kindly peruse the said orders, a copy of
which is being enclosed herewith. As per said orders of
the application of the applicant was allowed and
the termination order was quashed. And the Hon'ble
Tribunal has also directed to make the payment of salary
to the applicant and also allow to work.

The petitioner has already submitted the copy of the
said order with the application dated 2.9.92, 17.9.92
and 3.10.1992. But nothing has been done positive so far
inspite of the payment of Rs. 524/- vide letter dated
28.10.1992.

As such the orders of the Tribunal are being disobeyed
causing irreparable loss to the applicant who is in
great financial hardship.

Hence this application with the request to allow to
work to the petitioner and pay him salary till date in
the interest of justice.

Lucknow;

Dated: 20.9.96

(Dilip Kumar Varma)
Khalasi LMS-513
R/O H. No. 416/20 Rha
Dilaram Baradari Chauratia
Lucknow.

17

दिल्ली का माह व भा

In The Hon'ble Administrative Tribunal, Lucknow
Misc. Petition No. 2/1996

O.A. No. 114 of 1988
Dilip Kumar Varma vs. Union of India & others
Annexure No. - 9

Control Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by Post

Dr. Engineer (DD)

From - Acknowledged
The Dy Chief Mechanical
Engineer (W) Rm 4868
Northern Railway
Locomotive work
Char Bagh
Lucknow

दिलीप कुमार वर्मा

19

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, U.P.,
LUCKNOW

O.A. NO. 114 of 1988

Central Administrative Tribunal,
Lucknow Bench
Date of Filing
Date of Receipt by Post

Dr. Dogra (11)

Dilip Kumar Varma ----- Petitioner

Versus

Union of India & Others ----- OPPOSITE PARTIES

AFFIDAVIT

I, Dilip Kumar Varma aged about- 32 years,
Son of- Sri Girja Shankar Varma, Temporary employee
under the Assistant Works Manager, Northern Railway,
Loco Workshop, Lucknow, Resident of- Dile Ram Baradari
Chaupatia, Lucknow, the deponent do hereby solemnly
affirms and state on oath as under:

1- That the deponent is the petitioner himself
in the above petition and as such he is well conversant
with the facts of the case deposed hereunder:

2- That the deponent verifies that the contents
of paras- 1 to 13 & 15 to 19 of the petition are true to
my personal knowledge, those of paras- 14 & 20 -
_____ are believed to be true by me based on legal
advice.

3- That the contents of Annexures are photostat

डिलीप कुमार वर्मा

copies of their originals. Dr. [Signature]

दिलीप कुमार पण्डे

PLACE: LUCKNOW

DATED: 14-11, 1996

DEPONENT

VERIFICATION

I, the deponent named above do hereby verify that the contents of paras- 1 to 3 of this affidavit are true to my personal knowledge. No part of it is false and nothing material has been concealed. So help me God.

PLACE: LUCKNOW

DATED: 14-11-1996

दिलीप कुमार पण्डे

DEPONENT

I, identify the deponent who has signed before me.

[Signature]

(UDAI BHAN PANDE)
Advocate

COUNSEL FOR THE PETITIONER

माननीय जे. एल. एडवोकेट्स लि. दिल्ली

प अदालत धीमान् ~~महोदय~~ महोदय

(वादी अपीलान्त)

प्रतिवादी (रेस्पाडेंट)

दीलीप कुमार वर्मा वकालतनामा



(वादी अपीलान्त)

बनाम

(प्रतिवादी रेस्पाडेंट)

बं. मुकद्दमा

सच्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री दीलीप कुमार वर्मा

(Under Bhram Parde)

वकील

महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

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 कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिमरी जारी करावें और खर्चा वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तत्सदीक करें मुकद्दमा उठावें या कोई खर्चा जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ खर्चा अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें- वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर खर्च या किसी पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और सचय पर दाय्य आवे ।

हस्ताक्षर दीलीप कुमार वर्मा

साक्षी (गवाह) ----- (गवाह) -----

दिनांक ----- वर्ष ----- मस ६०१६

परीक्षित

दीलीप कुमार वर्मा
हस्ताक्षर

Central Administrative Tribunal.
Lucknow Bench
Date of Filing... 21/9/97
Date of Receipt by Post...
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Dr. Dogra

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

C.M.P.NO. 1087 OF 1997.

Inre;

MISC. PETITION NO. 2398 OF 96.

(O.A.NO. 114/1988).

Dilip Kumar Verma ---

APPLICANT.

Vs.

Union of India and others---

RESPONDENTS.

APPLICATION FOR CONDONATION OF DELAY

It is most respectfully submitted on behalf of respondents:-

1. That some delay has been occurred in filing counter reply to the Misc.petition due to want of nedessary instructions and records.
2. That now the counter reply is ready and the same is being filed herewith.
3. That the delay in filing counter reply on behalf of respondents is bonafide, inadvertently and without ~~jurisdiction~~ intention.
4. That it would be expedient in the interest of

Central Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by Post.....

By, Dated 10/4/97

(2)

justice that this Hon'ble Tribunal may kindly
be pleased to condone the delay in filing
counter reply on behalf of respondents.

Wherefore, it is most respectfully prayed
that this Hon'ble Tribunal may kindly be pleased
to condone the delay in filing counter reply
on behalf of respondents.

LUCKNOW: DATED:

10/4/1997.
21/5/97

An
(ANIL SRIVASTAVA)
ADVOCATE.

COUNSEL FOR THE RESPONDENTS.

✓
Central Administrative Tribunal,
Lucknow Bench
Date of Filing.....
Date of Receipt by Post.....

C. No. 1088/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

C.M.P. NO. 1088 OF 97.

Inre;

MISC. PETITION NO. 2398 OF 96.

(O.A.NO. 114/1988).

Dilip Kumar Verma ---

APPLICANT.

Vs.

Union of India and others---

RESPONDENTS.

APPLICATION FOR TAKING ON RECORDS

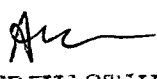
It is most respectfully submitted on behalf of
respondents:-

That for the facts and circumstances disclosed
in the accompanying counter reply to the Misc.Petition,
it is most respectfully prayed that this Hon'ble
Tribunal may kindly be pleased to take on records
the counter reply filed on behalf of respondents.

LUCKNOW: DATED:

10/4/1997.

215/97


(ANIL SRIVASTAVA)
ADVOCATE.

COUNSEL FOR THE RESPONDENTS.

Central Administrative Tribunal.
Lucknow Bench
Date of Filing
Cost of Receipt by Post.....

Dr. Prakash Chandra

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

~~EM~~ C.M.P.NO. 1088 OF 1997.

Inre;

MISC.PETITION NO. 2398 OF 96.

(O.A.NO. 114/1988).

Dilip Kumar Verma ---

APPLICANT.

Vs.

Union of India and others----

RESPONDENTS.

APPLICATION FOR DISMISSAL OF MISC.

PETITION

It is most respectfully submitted on behalf of
respondents:-

That for the facts and circumstances disclosed
in the accompanying counter reply to the Misc.
Petition, it is most respectfully prayed that
this Hon'ble Tribunal may kindly be pleased to
dismiss the aforesaid Misc. Petition in the
interest of justice.

LUCKNOW: DATED:

10/4/1997.

215/97

Anil
(ANIL SRIVASTAVA)
ADVOCATE.

COUNSEL FOR THE RESPONDENTS.

Central Administrative Tribunal,
Lucknow Bench
Date of Filing.....
Date of Receipt by Post.....

17/11/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

XXXXXX

Misc.Petition No. 2398 of 1996. 7

Inre;
O.A.No. 114 of 1988.

Dilip Kumar Verma ---

APPLICANT.

Vs.

Union of India and others ---

RESPONDENTS.

COUNTER REPLY ON BEHALF OF RESPONDENTS:

I, K. K. Bajpai, at present working
as Dy. CME (W) 1/2, Northern Railway, Locomotive
Workshop, Charbagh, Lucknow, do hereby solemnly
affirm and state on oath as under:-

1. That the official above named is working
under the respondents and as such he is fully
conversant with the facts of the case ~~xxx~~ stated
hereinafter. He has gone through the application
moved by the applicant in the aforesaid case and
having understood the contents thereof he is
in a position to submit the following parawise
reply to the same.

उप मुख्य यंत्रिक अभियन्ता
उ०रे० रेल इन्जन कारखाना
चारबाग, लखनऊ
Dy C.M.E. (W)
N R /Loco/C.B./Lko.


(2)

Dy. Registrar 000

2. That the contents of para 1 of the application are admitted.

3. That in reply to the contents of paras 2 and 3 of the application so far it is matter of record are admitted. In compliance of the direction passed by this Hon'ble Tribunal an enquiry was conducted by the competent authority i.e. Works Manager(Plant), Associating applicant also in the enquiry and after holding fair and proper enquiry during which all aspects connected with the case were thoroughly examined and only thereafter it was found that applicant namely Dilip Kumar Verma had no proof of having passed Class-VIII. The applicant had not passed Class-VIII examination.

4. That the contents of paras 4 to 6 of the application are not admitted as alleged. In compliance of the direction passed by the Hon'ble Central Administrative Tribunal, the Enquiry Officer i.e. Works Manager (Plant) enquired into all the aspects connected with this case associating applicant also in the enquiry and has come to the conclusion that applicant has not


उप मुख्य यंत्रिक अभियन्ता
उ०रे० रेल इन्जन कारखाना
बारवाग, लखनऊ
Dy C.M.F. (W)
NR 11 nco/C B./Lko.

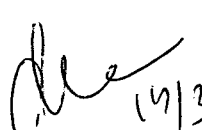
Cy. Docket No. 11

(3)

passed Class-VIII examination. A communication to the said effect alongwith the copy of enquiry report was duly sent to the applicant vide letter no. L/120 E/legal cell/92 dated 11.6.92.

5. That the contents of para 7 of the application are admitted so far it is matter of record. In compliance of the subsequent direction dated 24.9.92 passed by this Hon'ble Court/Tribunal, the salary of Rs. 524/- was duly arranged which has been received by the applicant as has been admitted/him in the para under reply.

6. That the contents of para 8 to 20 of application are not admitted as alleged. The same are denied being misconceived. As already submitted in previous paragraph as per enquiry held in the direction of this Hon'ble Tribunal it was concluded by the enquiry officer that applicant has not passed class-VIII examination. The applicant was duly informed regarding the said fact alongwith the copy of enquiry report vide letter no. L/120-E/legal cell/92 dated 11.6.92 as such there is no question of taking


उप मुख्य यंत्रिक अभियन्ता
ड०रे० रेल इन्जन कारखाना
चारवाग, लखनऊ
By C.M.E. (W)
N.R. / loco/C B./Lko.

Court No. 9

My Lord,

Kindly adjourn my
case at S.No. 16 as due
to illness I am unable to
attend the Hon'ble Court
today

CA No. 166/79

CA No 114/88

Dilip K. Verma

vs
UOI & others

Office
(Udai Bhanu)
Order
for Applicant

Before the Hon'ble Central Administrative Tribunal: Lucknow
Claim No. 114/88

Dilip Kumar - - - - - applicant

Versus

Union of India and others: - - - Respondents.

Application for Correction in the Judgment
dated 30-4-92 - - - - -

The applicant respectfully submits as under: -


- ① That the applicant moved an application for correction of Judgment dated 30-4-92 on 25th May 1992, and the same was fixed for today for disposal. At the time of hearing of the ^{Case} ~~order~~ it was directed to move a detailed application showing the necessary corrections and accordingly the present application is being moved.
- ② That at page no 2 from the bottom of line no. 7 reads as under: -
"It is open for the respondents to hold an enquiry in the matter and the proceedings in the case and thereafter pass an order in accordance with the law upto 31st May 1992."
- ③ That thereafter it was directed that "whereafter the applicant will be deemed to be in service even if the work is not taken however this will not stop the respondent for holding an enquiry in the matter associating the applicant in the case. The applicant will not be entitled to back wages".
- (4) That again it was directed that "the applicant will be deemed to continue in service even if, work is not taken from him". Further again it is observed that "It will be open for the respondent to hold an enquiry into the matter associating the applicant with the same and thereafter pass an order in accordance with the law."
- ⑤ That From the above ^{it is seen that} some repetitions have been occurred in the above lines and the same

may kindly be directed to be corrected.

6. That it was also directed that the applicant be present before the Chief Mechanical Engineer Northern Railway Lucknow on 15-5-1932. But as the application moved by the applicant before this Honble Court he could not appear before the CME, Northern Railway, as directed and the above mentioned date may kindly be extended so as to enable the applicant to appear before the above officer.

It is therefore respectfully prayed that this Honble Court may kindly be passed necessary orders as prayed above.

Dated: 29-5-1932


(SURENDRAN. P.)
ADVOCATE

Counsel for the applicant.

व अदालत श्री नारायण केंद्रीय प्रशासनिक अधिकारी राज्य पीट लखनऊ
वादी अपीलान्त श्री उप मुख्य याचिका अभियन्ता लोकेश चौराग लखनऊ
प्रतिवादी रेस्पान्डेन्ट

दिलीप कुमार वर्मा बलाम वादी अपीलान्त
भारतसंघ व अन्य प्रतिवादी रेस्पान्डेन्ट
सं० मुकदमा CANC-114 सह 1988 (L) पेशी की ता० 8-2-1990 ई०
ऊपर मुकदमा में अपनी ओर से श्री श्री अनिता श्रीनारतन, स्त्री अधिवक्ता
श्रीमती आ. भारती

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ और
बिछे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ
पेशी व जवाब दे ही व प्रश्नोत्तर करे या कोई कागज दाखिल करे या लीटाये
या हमारी ओर से डिग्री जारी करावे आर खपया सबूत करे या सुलहनामा
या इकबाल दावा तथा अपील व लिखराजी हाजिरी आर हमारे या अपने हस्ताक्षर
से दाखिल करे आर तसदीक करे या मुकदमा उठावे या कोई खपया जमा करे या हमारी
विपक्षी उपरीकसाली का दाखिल किया हुआ खपया अपने या हमारे हस्ताक्षर मुक्त
हस्तकृती रसीद से लेवे का पंच नियुक्त करे
वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है आर होगी
इसलिए यह वकालत काम लिख दिया कि प्रमाण रहे आर समय पर काम आवे ।

Accepted
Anteinvall
हस्ताक्षर.....
साजी गवाही.....
दिनांक.....महीना.....सह 19...ई०

नाम अदालत
सं० मुकदमा
नाम फरी केस.....बलाम.....

मुकदमा/21488

56-254-58-95

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Before the Central Administrative Tribunal at Allahabad.
Camp at Lucknow.

Dalip Kumar Verma Vs Union of India through O.M.
and another
C.M. An. No 105/1996
Case No. 114 of 1988.

Application for Amendment.

The applicant respectfully begs to submit as under :-

1. That by an order dated 12-12-86 without any notice Asstt. Works Manager, N.Rly. Loco Shop, Lucknow terminated the services of the applicant with notice.
2. That the applicant filed a case in Tribunal and by a slip of pen it could not be mentioned that the order signature of terminating of services of petitioner be quashed.

Hence, it is requested that in para 7 of the petition after the word "Heard" it may be added as amendment that "order dated 12-12-86, terminating the services of the applicant be quashed."

Lucknow

Dated :

26/6/89

(DALIP KUMAR VERMA)

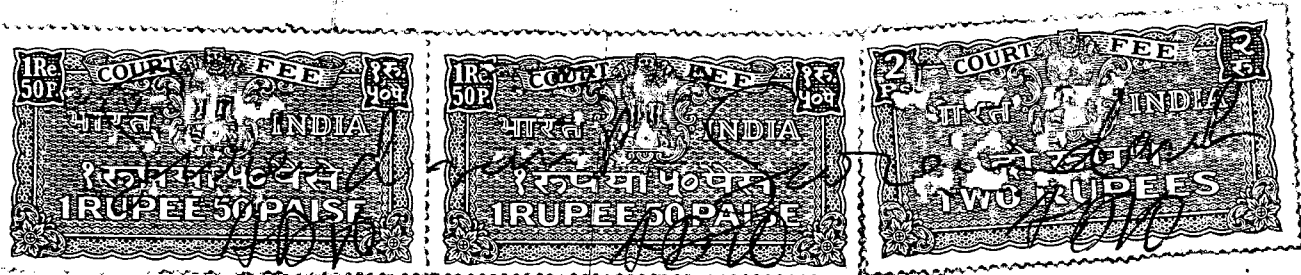
11-7-89 L. P. Nar

ब अदासत धोमान
(पादी जपोलान्ट)
प्रतिवादी [रेस्पॉण्डेंट]

In the Hon'ble Central Administration Tribunal
Current Rule महीदकी

वकालतनामा

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Dilip Kumar
CA No 114/88
नं० मुकद्दमा

बनाय Union of India & others
(प्रतिवादी रेस्पॉण्डेंट)

सन्

पेशी की ता० 13-8-1991 ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

SURENDRAN P. ADVO
FAROOK AHMAD ADVO

वकील
महोदय
एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) 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 कोई कागज दाखिल करें या लौटाव या हजारी ओर से डिपारी पारी करावें और अपना बयान करें या सुलहनामा व इफ्तबाल दावा तथा अपील निगरानी हजारी ओर से हजारी या अपने हस्ताक्षर से दाखिल करें और तलतीफ करे मुकद्दमा उठावे या कोई अपना पुरे या हजारी बिपक्षी (जरीफतानी) का दाखिल किया हुआ अपना अपने या हमारे हस्ताक्षर मुफ्त (एस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई यह सब कार्यवाही हमको सर्वथा स्वीकार है और हमें मालूम है कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजना रहूंगा अगर मुकद्दमा अदालत पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए मुझे ये वकालतनामा लिख दिया प्रमाण रहे और समय पर फौज अदालत

हस्ताक्षर दिलीप कुमार

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... 13 ... महोना ... सन् 1991 ई०

स्वीकृत

Accepted on behalf of Applicant

Farooq Ahmad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. C.A.T./Adm/Jud/

3218 to 3219

dated the 22/2/90

Registration No. 114 of 1988 (1)

Dr. C. P. Kumar Verma APPLICANT

VERSUS

Union of India RESPONDENT

General Manager, N. Rly. Baroda House
To Member for and behalf of Union of India.

By. C. M. E. N. Rly. Charbagh Lko.
Asstt. Secy. Manager N. Rly. Lko & Lko.
Charbagh Lucknow.

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 8 day of 2 1990 for the hearing of the said application.

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

Given under my hand and the seal of the Tribunal this 12 day of 1 1990.

DEPUTY REGISTRAR

End
copy of Petition with court's order
dt- 21.12.89 passed there on.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.114 of 1988 (L)

Dalip Kumar Verma

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

21.12.1989

Hon'ble Justice K. Nath, V.C.

Hon'ble Mr. K. Obayye, A.M.

Admit.

Issue notice to respondents of the amended application.

Counter may be filed within four weeks to which the
applicant may file rejoinder within ^{two} ~~ten~~ weeks thereafter.

List for further orders on 8.2.1990.

Sd/-

A.M.

Sd/-

V.C.

// True Copy //

rim/

Central Administrative Tribunal

Lucknow Bench,

Lucknow

Checked
d22/11

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CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.110 of 1988 (L)

Dalip Kumar Verma

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

21.12.1989

Hon'ble Justice K. Math, V.C.

Hon'ble Mr. K. Obayya, A.M.

Admit.

Issue notice to respondents of the amended application.
Counter may be filed within four weeks to which the
applicant may file rejoinder within ^{two} ~~ten~~ weeks thereafter.
List for further orders on 8.2.1990.

Sd/-

Sd/-

A.M.

V.C.

// True Copy //

checked 22/1

FM/

Jan 2
V
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

Before the Hon'ble Central Administrative Tribunal: Lucknow

Claim No. 114/88

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63

Dilip Kumar - - - - - applicant -

Versus

Union of India and others: - - Respondents.

Application for Correction in the Judgment
dated 30-4-92 - - - - -

The applicant respectfully submits as under: -

- ① That the applicant moved an application for correction of Judgment dated 30-4-92 on 25th May 1992, and the same was fixed for today for disposal. At the time of hearing of the ^{case} ~~matter~~ it was directed to move a detailed application showing the necessary corrections and accordingly the present application is being moved.
- ② That at page no 2 from the bottom of line no. 7 reads as under: -
"It is open for the respondents to hold an enquiry in the matter and the proceedings in the case and thereafter pass an order in accordance with the law upto 31st May 1992."
- ③ That thereafter it was directed that "whereafter the applicant will be deemed to be in service even if the work is not taken however this will not stop the respondent for holding an enquiry in the matter associating the applicant in the case. The applicant will not be entitled to back wages".
- ④ That again it was directed that "the applicant will be deemed to continue in service even if, work is not taken from him". Further again it is observed that "it will be open for the respondent to hold an enquiry into the matter associating the applicant with the same and thereafter pass an order in accordance with the law."
- ⑤ That From the above ^{it is seen that} some repetitions have been occurred in the above lines and the same

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may kindly be directed to be associated.

(6)

That it was also directed that the applicant be present before the Chief Mechanical Engineer Northern Railway Lucknow on 15-5-1932. Due to the application moved by the applicant before this Honble Court he could not appear before the CME, Northern Railway, as directed and the above mentioned date may kindly be extended so as to enable the applicant to appear before the above officer.

It is therefore respectfully prayed that this Honble Court may kindly be passed necessary orders as prayed above.

Dated: 29-5-1932


(SURENDRAN. P.)
ADVOCATE

Counsel for the applicant.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW:

M.P. No.

482

of 1992

In 808

O.A. No. 114 of 1988

Decided on 30.4.92

Dilip Kumar Verma..... Applicant.

Versus

Union of India & others.....Opp. Parties.

Application for correction of judgement dated 30.4.92

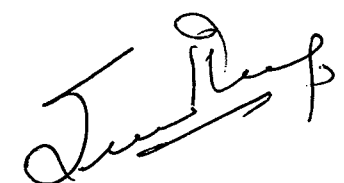
The applicant most respectfully submits as under:-

1. That the applicant filed the above noted case against his termination from service and the same was decided on 30.4.92 by this Hon'ble Tribunal.
2. That on a perusal of the order it is seen that there is some mistake in inadvertently occurred in the last two paras i.e. those two paras are contradictory to each other.

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to go through the judgement and the mistake occurred may kindly be corrected.

Placed Lucknow

May 28, 1992


(Surendran P)
Advocate,
Counsel for Applicant.

Filed today

original

25/5/92

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-CIRCUIT BENCH
LUCKNOW.

O.A. No. 114 of 1988.

Sri D.K. Varma..... Applicant

Versus

The Union of India & others..... Opp. Parties.

Hon'ble Mr. Justice U.C. Srivastava-V.C.

Hon'ble Mr. A.B. Sonthi-V.C.

(By Hon'ble Mr. Justice U.C. Srivastava-V.C.)

The applicant was appointed as Casual Labour before the retirement of his father who was working in the said department. According to the applicant after having completed three years service, he was taken as Temporary Government Servant and was getting P.F.O. and Passes and L.I.C. was also deposited.

and he was receiving Rs. 1013/- per month. as wages.

But on any intervening circumstances, he received a notice dated 12.12.1986 terminating his service which has been challenged by this application.

But the facts stated by the party it appears that

On 12.82 the applications were invited from the sons of the staff of this workshop and P.S.T.S. who were retiring in the years, 1984, 1985, 1986 to form a panel of Casual Labourers. The applicant's father who was also working there also applied for the same. The educational qualification for the said post was VIII passed. Accordingly he submitted VIII Class pass P.O. which was filed by him through his father. The screening committee placed the name of applicant in panel, but later on verification of the educational qualification was made which was revealed by the Sanathapok Evam Pradhyapek of Sarvodaya Higher Secondary School that the P.O. was forged and accordingly the services of the applicant was



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Casual Labour was terminated after complying with the provisions of 25 F of the Industrial Dispute Act, 1947 and that is why his services was terminated. It appears that the applicant ^{although} worked as casual labour but about two years continuously as casual labour.

It appears that the applicant attained the temporary status, there is no denial of the said fact in the copy. As far the temporary status, there is no denial of this assertion made by the applicant in the counter-affidavit. Having a temporary status the services of the applicant would not have been terminated by way penalty on the ground that he submitted progress certificate. In case of course a report is received and submitted for progress certificate and an inquiry ought to have been made associating with the same, and thereafter in case it was found that he submitted a progress certificate to take the charge, his service could have been terminated but in this case nothing has been done and accordingly this application deserves to be allowed, and the order dated 12.12.86 is ~~quashed~~ quashed. However it makes it clear that applicant will also responsible for what has happened and the applicant will not be entitled for back wages from the the termination upto ~~xxx~~ one month hereinafter though he will be deemed to be continue in service. It is open for the respondent to hold and inquiry in the matter and the proceedings in the case and thereafter pass an order in accordance with the law up 31st of May 1992. Whereafter the applicant will be deemed to be in service even if the work is not taken however/this will not ~~stop~~ stop the respondent for holding an enquiry in the matter and associat-



ing the applicant in the same. The applicant will not be entitled to back wages.

The applicant will be deemed to ~~be~~ continue in service even if, ~~even if~~ work is not taken from him. It will be open for the respondent to hold an inquiry into the matter associating the applicant with the same and thereafter pass an order in accordance with the law. The applicant shall appear before Deputy Chief Mechanical Engineer Northern Railway Lucknow on 15.5.1992, on which date he will give out the name of the officer who will make the inquiry in the matter.

Member (C).

vice Chairman.

Dt: April 30, 1992.

(DPS)

C. Te
J. Singh
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench
Lucknow