

:: 2 ::

A6

Serial  
number  
of  
order  
and date

Brief Order, Mentioning Reference  
if necessary

How complied  
with and  
date of  
compli

21.12.89

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.

rmm/

8.2.90

No. Sittings adjl. to 19.4.90

19.4.90

d  
lawyers on strike

Case is adjourned to 30.4.90

5.11.90

Due to strike adjourned to  
12.11.90

B.O.

Dinesh

CA filed  
CA filed along with  
application for  
continuation of delay

No R.A. filed

S. to

CA filed  
CA filed along with  
application for  
continuation of delay

No R.A. filed

S. to

OA 114/88

D.K. Verma

Union of India

①

—

A1 — A2

②

—

A3 — A7

③

—

Page No. 9 Self order Sheet 24  $\frac{8}{92}$

④

—

A8 — A18

⑤

—

A19 — A26

⑥

—

A27 — A29

30  $\frac{4}{92}$

⑦

B 30 — B 59

ENT.

⑧

C 55 — C 60

Carted and that the file fit for

B/C to be deal out 23-5-92

destroyed

So (S)

Carries 2014/88  
C 6028

05/10/93

A1

# CENTRAL ADMINISTRATIVE TRIBUNAL

*Circuit ADDITIONAL BENCH,*

23 A, Thornhill Road, Allahabad-211001

*Gandhi Bhawan Lucknow*

Registration No. OA 114 of 1988

APPLICANT (s) Dabir Kumar Varma

RESPONDENT(s) General Manager N. Railways  
Bandra Station 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 sets 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 cause for not making the application in time, been filed ?	
4. Has the document of authorisation Vakalat-nama been filed ?	yes.
5. Is the application accompanied by B.D./Postal Order for Rs. 50/-	yes <sup>P.O. DD</sup> 065103 dt. 4.9.88 5
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Y.
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 20.9.88  
Rishabh 19/9/88

114/88(L)

①

20/9/88

Hon. D. S. Phirre, Am.

on behalf of

On the request of the learned  
counsel for the applicant, the case is  
adjourned to 25-10-88.

SL

Am.

Am

⑤

23-2-89 D.R

No reply filed. Reply may  
be filed by 10-3-89

⑥

10.4.09

Reg.  
The learned counsel for the applicant  
No one is present. The case  
is adjourned to 25.5.09 after reply.

10/4/89  
V. Registration

OR

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

OR 1.5.89

In this case counsel  
for applicant has not filed any  
written application so far.  
However due to some inadvert-  
ence this case has been adjourned  
for filing reply twice by  
Registry even in the absence of any  
show cause notice to the respon-  
dents.

Submitted for order

1.5.89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LUCKNOW.

AY

\*\*\*

O.A./T.A. No. 114 1988 (U)

Applicant(s)

Versus

Respondent(s)

Sr.No.	Date	Orders
②	25/10/08	<p><u>Non ad S. Mysra, Am.</u></p> <p>On the request of the learned Counsel for the applicant Shri G.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>be Am.</p> <p><i>28/10/08</i></p> <p><i>DR</i></p> <p>No amendment application filed before D.R. (J) 19/10/08 submitted for order.</p>
③	19/12/08	<p>No sitting. Adjournced to 25.1.09.</p> <p><i>DR</i></p>
④	25.1.09	<p><i>DR</i></p> <p>amendment application filed by 23.2.09. Registry may be filed by 23.2.09.</p> <p><i>DR</i></p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

AS

ORDER SHEET

REGISTRATION NO. CA 114 of 1988 (L)

APPELLANT  
APPLICANT

Delip Kumar Varma

DEFENDANT  
RESPONDENT

Union of India & Ors.

Order Date and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
9-5-89	<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 12-5-89.</p> <p>bl A.M.</p> <p>(sns)</p>	<p>GR V.C.</p> <p>The learned Counsel for the applicant has not filed any amendment application. Submitted for order.</p> <p>1115</p>
12/5/89	<p><u>Hon' Mr. K.J. Ranjan, A.M.</u></p> <p>On the request of the learned counsel for the applicant, the case is adjourned to 29-5-89 for orders.</p> <p>GR A.M.</p>	<p>GR The learned counsel for the applicant has not filed any amendment application. Submitted for order.</p> <p>1115</p>
29/5	<p>No. Siting Adjourned to 27/7/89 for orders</p> <p>GR B.O.C.</p>	<p>GR C.M. Bn. No. 185 has filed by the learned counsel for the applicant for amendment submitted for order.</p>
27.7.89	<p>No Siting Adj. to 11.10.89</p> <p>GR B.O.C.</p>	<p>GR 20/9/25/89</p>
11.10.89	<p>No Siting Adj. to 21.12.89 Counsel for applicant is present</p> <p>GR B.O.C.</p>	<p>GR 20/9/25/89</p>

23.7.92

No. 81/92 of D.B. order  
to 24.8.92

A7.

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.

(DPS)

*R. Subramanian*  
Member (A).

*✓*  
Vice Chairman.

In order Date  
K. Subramanian  
3/9/92

114/1938 (U)

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. (U)

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.

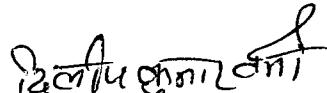
I N D E X

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 )

A8

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 Respondents:**

(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 <sup>Annexure A</sup> No. 948, dated 12-12-36 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.

*Signature*

.2.

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

In 1982, 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 is in 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. 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 retirement is contrary to the provisions of Sections 25F and 25G of the Industrial Disputes Act 1947. The opposite party have also retained him in service and rehired him in service of the petitioner who is ZCTU C.G.M.C.M. Recd. of M.L.A.

•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. <sup>order dated 12/9/88</sup> ~~order dated 12/9/88~~ <sup>Term by the same</sup> <sup>2/2</sup> ~~the application~~ <sup>2/2</sup> ~~was filed~~

8. Pending the final decision on the application, the applicant seeks that either the application be 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., <sup>new post</sup> ~~Lucifer~~ against the order, but with no effect. He sent representations to all the opposite parties by post, but to no help.

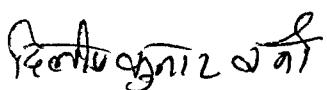
10. The applicant further declares that the matter regarding which this application is being made is not pending before any court of law or any other authority or any other ~~Debch~~ of the Tribunal.

11. In respect of the application fees, an Indian Postal Order No. <sup>DD</sup> 5 065103, dated 14-9-88, is enclosed herewith. <sup>for Rs.50/-</sup>

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

13. List of documents:

- Application sent to G.M. <sup>other with Post office dated 11/87</sup> 1A
- Representation again sent to G.M and others.
- Post Office Receipt.
- Postal order for Rs.50/- as detailed above.



DII

•4•

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 S-513 resident of Dilaram Baradari, Shaupatian P.S Saadatganj, Lucknow, do hereby verify that the contents from 1 to 13 are true to my personal knowledg end belief and that I have not suppressed any material facts.

Lucknow:

Dated : 19-9-88

*Dalip Kumar Verma*  
Signature of Applicant.

The Registrar,

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

*Attested  
19/9/88*

Central Administrative Tribunal, Chandigarh or wherein  
Dilip Kumar Verma vs Union of India & others

NORTHERN RAILWAY, Locomotive Workshops, Lucknow, dated 12.12.1986 A12

Section 19(1) Dated, 12.12.1986.

Sri Dilip Kumar Verma son of Sri Shankar Verma Casual Labour (Temporary status) T.No. L-102-512,

Shop L-102, 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 is 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 arrearsment 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. 138.70/-.

D.A/1 Cheque No.

0070905 (011468)

DN. 12.12.86

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

Copy to :-

1. OS/PB, TO. SAO(W)/SB, SS/LMS, 1. Settlement,  
HC/PLZ for inf. & n/action.

2. Sri Dilip Kumar Verma T.No. L-102-512 along with Cheque

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

SN/11.12.86

Recd on 12.12.86

Alka

12.12.86

Before: Central Administrative Tribunal  
Allahabad Camp at Lucknow

AB

Dilip Kumar Verma vs Union of India

Annepure No A1

6

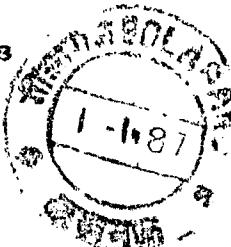
UNDER CERTIFICATE OF POSTING

1. Env : The General Manager, N.R. Railway 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



Paratya gml 20

A14

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

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, r/o  
Dilaran 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 <sup>in backward class</sup> SC and the Brahmin officers have been trying to aliminate 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.

राजीव गोपनी

19/1/87

AIS

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

Between

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

ANNEXURE No.II

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

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

Mechanical.

Dated: 1-1-88

Respected Sir,

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 <sup>was</sup> 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 <sup>of Backward class</sup> is being given to the employees who belong to S.C. I also belong to <sup>Backward class</sup> S.C. The officials belonging to higher class have tried to eliminate <sup>Backward</sup> 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 <sup>Backward</sup> S.C is concerned. The officials concerned without looking onto the merits, retrenched a number of S.C employees. This order is without any foundation, but the services have been terminated, without notice.

That 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 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, Lucknow.

*Dalip Kumar Verma*  
*Alma*  
*Verma*

Before the Central Automotives Technical  
Allahabad - Camp at Lucknow  
Delip Kumar Verma v. Minister of State for  
Ammunition  
Annex III

AD

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.H.,  
N.Rly.,  
Charbagh  
Lucknow.



Total: Three envelopes.

Setting out

Alleged  
Date

In the Court of Session  
before  
the Hon'ble Mr. Justice  
J. S. Verma  
on the 18th day of August, 1988

महाराष्ट्र विभाग

महोदय

[ वादी ] अपीलान्ट

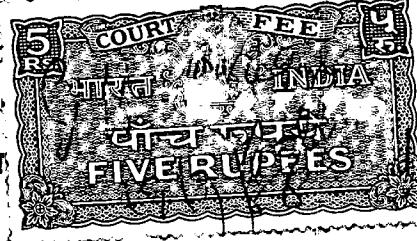
प्रतिवादी [ रेस्पाइंट ]

Case No. 1281

लिपिमार्ग विवाह विवाह विवाह

पिप्पणी

पापी (म)



पत्राल

प्रतिपादी (रेस्पाइंट)

न० मुकद्दमा

सम्

पेशी की ता०

१० ६०

छपर लिखे दुक्कहास ये अपनी ओर से श्री

9-H-NA-QV1

वकील  
महोदय  
एड्सेट

Sundar P

पापी का नाम	मुकद्दमा का नाम
पापी की उम्र	मुकद्दमा की उम्र

ये अपना वकील नियुक्त करके प्रतिज्ञा (इस्ताक्षर) फरता हूं, और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ प्रेरणी व जवाब देही व प्रश्नोत्तर करें या पोई जाएं वाखियाँ करें या जौटावें या हमारी ओर से उग्री चारी फराबे और व्यवहार वसूल दरें या मुलहनामा व दुक्काल दावा तथा अधील निमरानी हमारी ओर से हमाली या अपने हस्ताक्षर से वाजिल करें और ससदीज दरें युक्तमा उठावें या कोई संघर्ष यमा दरें या हमारी विषयी (फरीदसाती) फा वाखियाँ दिया दुआ दिया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या वंच नियुक्त करें—वकील महोदय हारा की गई बहु संघ कार्यवाही हमको सर्वदा स्वीकार है और होणा में यह जी स्वीकार फरता हूं कि मैं हर पेशी पर स्वयं या किसी अपने परोक्षार जो मेरता रहेंगा अगर मुकद्दमा अदम प्रेरणी में एक तरफा मेरे जिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह विकास न करा लिख दिया प्रमाण रहे और समय पर जाम आये।

मुख्यालय  
दिल्ली पुकुर नगर

साक्षी (प्रधान)

साक्षी (गवाह)

प्रिन्टिंग

19

प्रहीना

9

ल. १०४८ ००

A19

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.

*R filed today*  
*SSR*  
*8/11/90*

Lucknow.

Dated: 8/11/90

*Anil Srivastava*  
( ANIL SRIVASTAVA )  
ADVOCATE

*Ran 2-nd*  
*21/11/90*

Counsel for Respondent,

A20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNO.J.

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

Dilip Kumar Verma ..... Applicant.

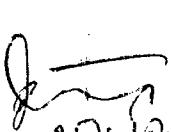
Versus

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

  
29/6/1988  
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

By. Chief Mech. Engineer (W)  
N. R. v., Locomotive Works  
Churbagh, Lucknow.

25/6/90

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 Sansthan 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 25 F of the 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 ~~applicant~~ 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.

Dy. Chief Mech. Engineer (W)  
N. R. Govt. Works  
Gorakhpur Lucknow

25/6/90

- 4 -

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

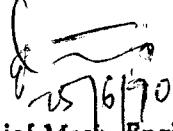
  
25/6/90  
Dy. Chief Mech. Engineer (W)  
N. Rly., Locomotive Works  
Charbagh, Lucknow

#### 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  
Charbagh, Lucknow

A24

Int he 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) <sup>1/2</sup> 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 bona fide reasons which  
deserves to be condoned. The respondent did not explain  
as to why they submit <sup>1/2</sup> 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 applica-  
tion is due to the fact that a reply was awaited . When

....2

*Signature*

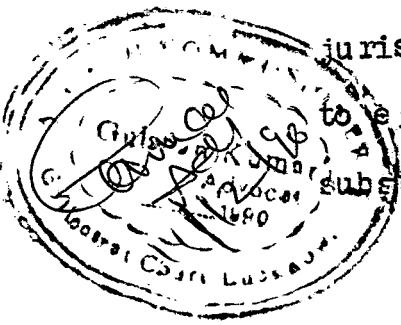
2.

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 son 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 grievance 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 <sup>with</sup> ~~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.

.....



25 Aug 2012

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 Secondary 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 Dispute Act should have been applied. The deponent was eligible candidate the representations 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.



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 11th day of Decr. 1990 at Lucknow.

Deponent.

I identify the deponent who has signed before me.



( G.H. Naqvi )  
Advocate.

CAC 837

Deponent identified before me to be  
today 4/12/90 Dileep Kumar  
the is identified by me  
I have satisfied myself by examining  
the deponent that he has read and understood the  
contents of this affidavit which have  
been read out to him explained to me.  
Mr. George R. 11/12/90.

GULSHAN GUPTA  
O.O. COMM. FOR  
CIVIL LITIGATION

11/12/90

P D A27

IN THE CENTRAL 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.orthi-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.P.O. and passes and I.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 T.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 Sansthanik Exam Pradheyak of Sarvodaya Higher Secondary School that the T.C. was forged and accordingly the services of the applicant was

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 although he 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 of 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~~ one month herein-after 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/the respondent for holding an enquiry in the matter and association

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 (6)*  
Member (6).

*U*  
Vice Chairman.

Dt: April 30, 1992.

(DPS)

CA. 114/88

12-12-96

Hon Mr V. K. SETH, A.M.  
Hon Mr D. C. WONG JY

02

This CA was decided  
On 30-4-92 Letter  
On a m.p. has been  
filed for procedure  
rules. (9-87.  
MP No 2398/96

67  
No. Objected  
Cav. filed  
of TUP 197

10-4-97  
and 1087/97  
and 1089/97  
STAT/97

Smt V. D. Bandy has applied  
for Baneen Kumar brief  
holder for Shri Anil Swaraj.  
As prayed for by the learned  
counsel for the respondents,  
they were allowed 3 weeks  
time to file objections  
against MP 2398/96.  
List on 5-2-97.

JY

LK  
AM

5-2-97

No 311611. B-adjoin  
10-4-97  
BSC

10-4-97

Dear Mr. Sadanand of Justice S. M. Tiwari  
and for 09-7-97  
BSC

9-7-97

No 311611. B-coppy  
11-4-97  
BSC

11-9-97

Hon Mr V. K. SETH, A.M.  
Hon Mr D. C. WONG JY

Smt V. D. Bandy has applied pray for  
and is allowed one week, for filing RA  
after serving a copy of RA on the  
opposite side.

On 14-10-97 for objection MP 2398/96

JY

LK  
AM

07.11.4/88

22-9-98 - Ho setting of Q.B. and  
to 07.12.98

Q  
Bol

7-12-98

C.P. was filed on  
21st 97 but Ho.  
P.R. has been filed  
till today

16/3/99

No suit in 2nd D.B. case is  
up to 18.3.99 for orders

7-12-98

10-3-99

Hon. Mr. D.C. Verma, J.J.  
Hon. Mr. A.K. Riera, A.J.J.

Learned Counsel for  
applicant seeks adjournment.

Li. Anil Srivastava, learned Counsel  
for the respondents is on sanctioned  
leave. ST was filed after H.L. 1087/97  
for condonation of delay in filing  
the same. H.L. is allowed. Delay is  
condonced. H.L. 1088/97 is also allowed  
and ST is taken on record.

~~As prayed 3 weeks time is  
granted for filing R.A.~~

W.R. on 01-6-99 for orders.

A.J.J.  
A.J.J.

J.J.  
J.J.

2/46  
Central Administrative Tribunal  
Delhi Bench  
Date of Filing - 27.11.96  
Date of Receipt by Pet. 27.11.96  
IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, U.P.,

OA 116/88 LUCKNOW

Misc. Petition No. 2388 of 1996.

Dilip Kumar Varma

Petitioner

Versus

Union of India and others

Opp. Parties.

I N D E X

<u>S. No.</u>	<u>PARTICULARS</u>	<u>PAGE NOS.</u>
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1-	MEMO OF PETITION	1 to 7
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2-	<u>Annexure no.-1</u>	8-10
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The photostat copy of the judgement and order dated- 30-4-1992.

3-	<u>Annexure no.-2</u>	11
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The photostat copy of the judgement and order dated- 24-8-1992.

4-	<u>Annexure no.-3</u>	12
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The photostat copy of the application dated- 2-9-1992.

5-	<u>Annexure no.-4</u>	13
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The photostat copy of the reminder dated- 17-9-1992.

6-	<u>Annexure no.-5</u>	14
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The photostat copy of the reminder dated- 3-10-1992.

7-	<u>Annexure no.-6</u>	15
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The photostat copy of the letter dated- 28-10-1992.

8-	<u>Annexure no.-7 &amp; 8</u>	16-17
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The photostat copies of the representation dated- 20.9.96 and its registered receipt.

9-	<u>Annexure no.-9</u>	18
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The photostat copy of the acknowledgement.

10-	AFFIDAVIT	19-20
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11-	<u>VAKALATNAMA</u>	21
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PLACE: LUCKNOW

DATED: 15-11-1996

*Sub. Bhanu Pande*  
( BANU PANDA )  
ADVOCATE

COUNSEL FOR THE PETITIONER

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

LUCKNOW

MISC. PETITION NO. 2398/96

In re:

Place before the  
Hon'ble Bench  
for order on 5.12.96.

By Registrar

O.A. NO. 114 of 1988

(Central Administrative Tribunal)

Lucknow Bench

Date of Filing .....

Date of Receipt by Post .....

27/11/96

PL

By Registrar (P)

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.

Central Administrative Tribunal  
Delhi  
Date of REC'D  
( Date of Receipt by Post )

MISCELLANEOUS PETITION UNDER ~~Rule 24~~ 10  
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- 12.12.1986 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

*R.C. Jhunjhunwala*

( 3 )

Ex. No. 100

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 petition.

6<sup>3</sup> 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

*Petty grant*

*Dy. Registrar (D)*  
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 is 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.

*2nd copy sent*

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 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

its compliance till date and ~~they have not~~ whether allowed to join the petitioner nor salary being paid till date ~~and they have not~~ ~~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~~ <sup>prevent</sup> the abuse of the ~~process~~ <sup>process</sup> of the Hon'ble Tribunal.

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

19- That ~~where~~ 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.

*Copy given and*

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

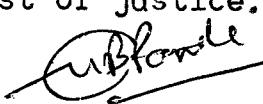
WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to issue an order or direction to the opposite parties to comply the judgement and orders dated- 30-4-1992 and 24-8-1992 passed by this Hon'ble Tribunal in O.A. No.114 of 1988 contained as Annexure nos,-1 and 2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

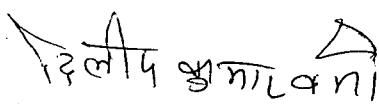
It is further prayed that this Hon'ble Court may kindly be pleased to pass any other order or direction which deems just and proper under the circumstances of the case to secure the ends of justice and to prevent the abuse of its process in the interest of justice.

PLACE: LUCKNOW

DATED: 15-11-1996

27

  
( UDAI BHAN PANDE )  
ADVOCATE  
COUNSEL FOR THE PETITIONER



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.

C.A. No. 114 of 1988 <sup>Central Administrative Tribunal</sup>  
Lucknow Bench  
Date of Filing  
Sri D.K. Verma..... Date of Receipt of Application  
Vergus

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

hon'ble Mr. Justice U.C. Srivastava-V.C.  
Hon'ble Mr. A.B. Chisti-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 12.12.1986 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 educational qualification for the said post was VIII passed. Accordingly he submitted VIII Class pass P.C. which was filed by him in the name of his son. The scrutiny committee placed the name of applicant in the panel, but later on verification of the educational qualification was made which was revealed by the Sasthakar Bham Prashikshan of Service which is Secondary School that the P.C. was forged and accordingly the services of the said son was

12/11/1996

9

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

It appears that the applicant retained 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 of 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 the one month herein-after 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 the respondent for holding an enquiry in the matter and associating

W

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

- 3 -

10  
-ing the applicant in the same. The applicant will not  
be entitled to back wages.

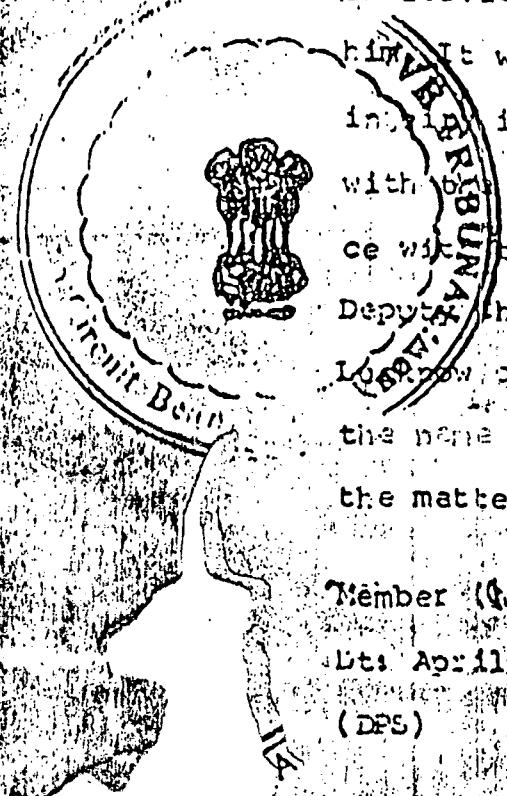
The applicant will be deemed to be continue  
in service even if, even if work is not taken from  
him. It will be open for the respondent to hold an  
inquiry into the matter associating the applicant  
with the same and thereafter pass an order in accordance  
with the law. The applicant shall appear 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 (Q).

Vice Chairman.

Dt: April 30, 1992.  
(DPS)

Cite  
Deputy Registrar  
Central Administrative Trib.  
Lucknow Bench  
Lucknow



20/4/92

In the Hon'ble Administrative Tribunal, Lucknow  
Misc. Petition No. 1996  
M/s. No. -

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

Central Administrative Tribunal,  
Lucknow Bench  
Date of Filing  
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CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

D. Registrar (D)

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

Dilip Kumar Verma

..... Applicant.

U.O.I. and Others

Versus

..... 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.

11 True Copy 11

11/9/92

Certified Copy

11/9/92  
Incharge  
Judicial Section  
C. A. T.  
LUCKNOW.

O.A. No. 114 of 1988  
Dilip Kumar Varma vs. Union of India (et al.)  
Annexure No. - 3

General Administrative Tribunal

Adv. Regd. Bond

Date of Filing

Date of Receipt by Post

मैंने मान मुरल यांनेक द्वारा दिया गया दस्तावेज़ लोगों का दावा करना चाहता हूँ  
लोगों का दावा, वारकरा,  
लखनऊ

विषय :- दियुनल का नियम ग्रन्त दस्तावेज़ देने वाले जाने के विषय में विवाद है।

दिलीप कुमार बर्मा S/o Mr. मिशन रामरत्ना रवाला L.M.S. 513 है। मेरे विषय में शहरी एडमिनिस्ट्रेशन दियुनल ने केस संख्या O.A. No. 114/88(L) के अन्तर्गत 24-8-92 को जो नियम दिया है वह यह दिन 01-9-92 को उसकी Certified Copy प्राप्त कराया है। तुपया उसकी एक उप वार लेता है। मुझ स्वीकृत करने की तुपया नहीं की। मुझ केस शास्त्र अधृत पर आपने लगाया है जिससे मेरी राजू की सेवा लपना योगदान कर सकूँगी तो मुझे दियुनल का आदेश प्राप्त हो गया है, केवल आपके आदेश की पूरी करवाई है।

दिलीप कुमार बर्मा

D. A. - (दो)

- 1 - शहरी एडमिनिस्ट्रेशन दियुनल (प्री-भाषा) के आदेश की एक संलग्न हाईकोर्ट में तथा 2 - द्वारा लेखा प्राप्त व T.C. (प्राप्तिशास्त्र-प्राप्ति) की प्राप्तिशास्त्र

दिनांक 02-9-92

मतदीय  
दिलीप कुमार बर्मा  
L.M.S. 513

(दिलीप कुमार बर्मा)  
L.M.S. - 513  
रवाला स्टी.

In the Hon'ble Administrative Tribunal, Lucknow  
Muse. Petition No. 9/1996

13

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

Insurance for  
जीवा शुद्धि  
Insurance for  
जीवा शुद्धि

रिमान्डर से.-।

Central Administrative Tribunal

Lucknow Bench

Date of Filing

Date of Receipt by Post

लखायैं,

₹. 50/- (50)

श्री मान मुख्य पांत्रिक अधिकारी  
सौना शाप, भारताम,  
लखायैं,

विषय - 24, 8-92 से अब तक जौर आगे भी छेने देने और तुरन्त  
पानी पर लाने के विषय में प्रार्थना पत्र।

महोदय,

मैं छह आषर पूर्व के प्रार्थना करता हूँ कि मैंने दिनांक  
2-9-92 को आप से ड्यूटी मांगा था किन्तु आप ने मुझे कोई उत्तर  
नहीं दिया। सेन्ट्रल द्रिल्यूनल के 24-8-92 के फैसले के अनुसार आप  
मुझे मेरा धतन 24-8-92 से अब तक तुरन्त भेजने की कृपा करें तथा  
भठिश्य में भी व्यापक वेतन मुझे भेजते रहे जिससे मैं अपना गुजार कर सकूँ  
ज्योंकि फैसले में द्रिल्यूनल ने आपको मुझे तुरन्त ड्यूटी पर लाने को बताया  
है तथा यदि मुझे ड्यूटी पर आप नहीं लेते हैं तो भी मुझे वेतन यह  
समझ कर दें रहे कि मैं सातातार आप के आधीन ड्यूटी कर रहा हूँ।

सेन्ट्रल द्रिल्यूनल के फैसले की प्रति मैंने रविष्टी हारा आप को  
दिनांक 2-9-92 को आप के विवारार्थ तथा मुझे ड्यूटी पर तुरन्त  
रखने के लिए भेज दिया है जो आप को प्राप्त हो गया है।

यदि आप मुझे शीघ्र ही ड्यूटी पर लाकर तादा बताया  
24-8-92 से अब तक का वेतन तुरन्त भेजने की कृपा करें तो मैं आप  
की महान कृपा का आजीक्षन आभारी रखूँगा।

धन्यवाद।

११/८/१९९२

प्रार्थना  
दिलीप कुमार वर्मा

211-5-513

Muse. Petition No. 9/1996

14

Dilip Kumar Varma vs. Union of India & others  
O.A. No. 114 of 1988  
Annexure No. 5

Kind REMINDER

To,

Central Administrative Tribunal,  
Lucknow Bench  
The C.A.T.,  
Loco Shop, Charbagh, Lucknow  
Date of Filing .....  
Date of Receipt by Post .....

Sub.: REQUEST FOR 'DUTY'.

Ref. 1. To my registered letter dated 2.9.1992  
2. My registered letter dated 10.9.1992

Respected Sir,

Most humbly and respectfully I, Dilip Kumar Verma, I.M.S. have already given two letters to you requesting sincerely kindly to allow me duty and put me on any job under your kind control so that I may earn bread to eat in this very hard period.

copy of the  
The Central Administrative Tribunal's report and judgement have already been sent to you through registered post on 2.9.1992 for your kind perusal and accordingly to issue necessary staff order to post me in the Loco Shop under your kind control. The court orders are also very clear that even if work is not taken from me, I will be paid salary after the judgment dated 24.8.1992.

I, therefore, beg to request your honour kindly to show your mercy on me by putting me on the job at the earliest and kindly to inform the date of joining also for which I shall feel ever ever grateful to you.

Thanking you,

LUCKNOW: DATED;  
63 Oct 10 / 1992.

Yours faithfully,  
Dilip Kumar Verma

(DILIP KUMAR VERMA)  
I.M.S.-63, KHALLAS.

Dilip Kumar Verma

S/O Shri, Girja Shambhu Verma  
H.NO: 416/20, Pahar Ganj  
Delhi 110016  
Date 10/10/1992

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

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

उत्तर रेलवे

Lucknow Bazaar

Date of Filing

Date of Receipt by Post

28.10.92

U.P.C.

NORTHERN RAILWAY D. Docket No. 100  
Northern Railway Locomotive Works, Charbagh Lucknow  
No. 1120 E Legal Gt. Date 28.10.92

Sri Dilip Kumar Varma  
60 Gaya

Re: Mr. Dilip Kumar Varma, Charbagh Lucknow

DISPOSED of misc appeal O.A 114/88 (c)

On Dilip Kumar Varma — Applicant

Union of India and others — Respondent

re: CAT 11104 orders dated 01.9.92

The Senior Accounts Officer (S.A.O) Northern (Charbagh) Lucknow (U.P.) has passed your payment of Salary of Sum Rs 534/- 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 this workshop for payment.

Ex-Brasao  
30/10/92  
for Cashier works manager  
N.R.L., Charbagh Lucknow

दस्तावेज़ ग्राहक

In the Hon'ble Administrative Tribunal, Lucknow  
Misc. Petition No. 9796

16

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

To,

The Deputy Chief Mechanical Engineer (W)  
Central Administrative Tribunal  
Northen Railway,  
Locomotive Works Charbagh, Filling  
Lucknow.

Copy 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 Cancellation 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. 52/- 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-13  
R/C H. No. 416/20 Kha  
Bilkaum Bara Gari Chauraha  
Lucknow.

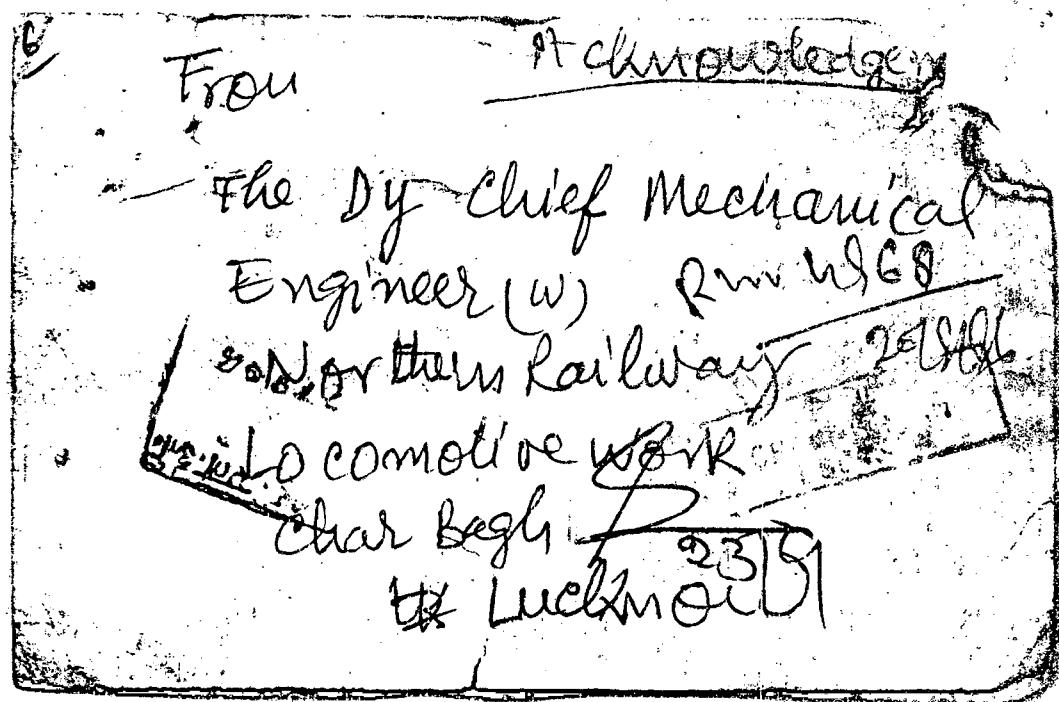


18  
In the Hon'ble Administrative Tribunal - Lucknow  
Misc. Petition No. 11521- of 1996

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

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

Dr. Lucknow 100



100  
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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, U.P.,

LUCKNOW

O.A. NO. 114 of 1988

Central Administrative Tribunals  
Lucknow Bench  
Date of Filing .....

Date of Receipt by Post .....

Dr. Baghban (S)

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

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

20

copies of their originals. ~~.....~~ 17

20/11/96

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

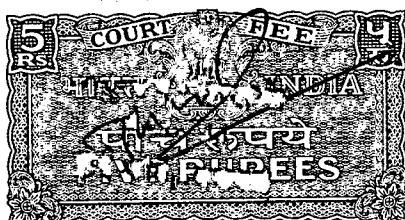
DATED: 14-11-1996

DEPONENT

I, identify the deponent who has signed before me.

  
( UDAI BHAN PANDE )  
Advocate  
COUNSEL FOR THE PETITIONER

मानसी १० दिन प्रिन्टिंग इन्डिया  
 प अदालत शोभाना लाल लिखा-३ पृष्ठ महोदय  
 (वादी अपीलान्ट) ✓ लाल प्रिंटिंग  
 प्रतिवादी (रेस्टेंडेन्ट) लाल प्रिंटिंग वकील वकालतनामा



(वादी अपीलान्ट)

बनाम

(प्रतिवादी रेस्टेंडेन्ट)

वं. मुक्तदा सच् पेशी की ता० १६ ई०

छपर स्थिते मुक्तदा वं अपकी ओर से श्री २५ अक्टूबर २०१५ पा०

(Mukund Bhan Pandit) वकील  
 महोदय  
 एडवोकेट

जो इनका वकील नियुक्त करके प्रतिशा (इकरार) करता हूं और लिखे देता हूं इस मुक्तदा में वकील महोदय स्वयं व्यथवा अन्य वकील द्वारा जो कुछ पैत्ती व ज्वाबदेही व प्रस्तुत्तर करें या कोई कागज दाखिल करें या लेखांखें या हमारी ओर से डिपरी जारी करावें और रक्ष्या बस्तु करें या मुलमामा व इकबाल दावा तथा अपील विधरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तस्वीक करें मुक्तदा उठावें या कोई इनका जमा करें या हमारी विषक्षी (फरीक्सानी) का दाखिल किया हुआ रक्ष्या 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 स्वयं या किसी पैरोकार को भेजता रहूँगा अगर मुक्तदा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर वहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और स्वयं पर छाप आवे।

हस्ताक्षर दिलीप कुमार वकील

साक्षी (रहाहु) (गवाह) ——————

दिनांक —————— सहीमा —————— सच् १०१६

पंवित  
 ३ दिसंबर २०१६

Central Administrative Tribunal  
Lucknow Bench  
Date of Filing 21/9/92  
Date of Receipt by Post  
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D. D. D.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

C.M.P.NO. 108) 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 necessary 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 .....

W. Dated 10-10-97

( 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

*Anil*  
(ANIL SRIVASTAVA)  
ADVOCATE.

COUNSEL FOR THE RESPONDENTS.

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

D. Dated (D)

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  
(ANIL SRIVASTAVA)  
ADVOCATE.

COUNSEL FOR THE RESPONDENTS.

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

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

~~Ex~~ C.M.P.NO. 1089 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 SRIVASTAVA)  
ADVOCATE.

COUNSEL FOR THE RESPONDENTS.

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

D. Dated 10/10/1996

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

8XXXXXX

Misc.Petition No. 2398 of 1996. 7

In re;  
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. Bajpal , at present working as D.Y. C.M.E (W) Ve , 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 ~~dear~~ 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 योग्यिक अभियन्ता  
डॉ. रेन इन कारबाहा  
चारबाग, लखनऊ  
By C.M.E. (W)  
N R / Loco/C.B./Lko.

( 2 )

### Dr. Bagshaw (D)

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

३५ मरुद्य यांत्रिक अभियन्ता  
८० रे० रेल इन कारखाना  
वारावाग, लालनऊ  
By C.M.F. (W)  
N R / / nco / C B. / Lko.

General Administrative Tribunal  
Sanktosh Beach  
Date of Filing.....  
Date of Receipt by Post .....

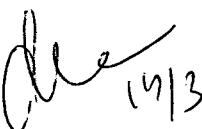
Ex. Registration No. ....

( 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 24.8.92 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.

  
उप मुख्य यांत्रिक अभियन्ता  
ए०रे० रेन इ०न कारखाना  
चारवांग, लखनऊ  
By C.M.E.(W)  
N.R. /Lco/C.B./Lko.  
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

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

OA No. 166/89

OA No. 114/88

Dilip Kr. Verma

401408

Uday Bhanule  
Order  
for Appearance

Before the Hon'ble Central Administrative Tribunal : Lucknow

Claim No. 114/88

Dilip Kumar ----- applicant- 55

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 <sup>Case</sup> 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 respondent to hold an enquiry in the matter and the proceeding 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 away. 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 basic 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.”  
it is seen that some replications have been occurred in the above lines and the same
- ⑤ That from the above, some replications have been occurred in the above lines and the same

- 2 -

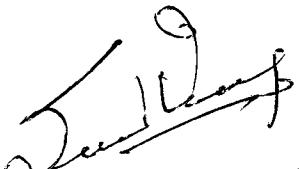
may kindly be directed to be corrected.

(6)

That it was also directed that the applicant be present before the Chief Mechanical Engineer Northern Railway Lucknow on 15-5-1882, due to the application moved by the applicant before this Hon'ble 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 Hon'ble Court may kindly be passed necessary orders as prayed above.

Dated: 29-5-1882

  
(SURENDRANATH P.)  
ADVOCATE

Counsel for the applicant.

द अदाक्षत श्री वाह कौन्द्रीय एशासोनक आपैगरा रोड बीट बरेन्ज महोदय  
म्बादी अधीक्षन श्री उप सुरल्य योग के अधिकारों वारकार बरेन्ज  
प्रतिवादी रेस्पान्डेन्ट ।

दिल्लीप शुभार वर्षो बहाम वादी ॥ अपी लान्टा ॥

भारतसंघ व. डायर प्रतिवादी | रेसपार्लेन्ट |

सं० मुकदमा T.C.A.No. - 114 सं० 1988 (L) पेशी की ता० ४-२-१९९८ ई०

कुपर मुकुद्धमा में अपनी ओर से श्री श्री द्वार्गेत श्रीविरतं पूर्ण ऊष्मावेष्टी।  
— श्रीर्जिं २१, १२११३६—

एप्पुडवोकेट/वर्कील महोदय को अपना वर्कील लियुक्त करके इनरारा। करता है और बिछे देता है कि मुख्दमा में वर्कील महोदय स्वयं भूषण भूष्य वर्कील छारा जो उछ पेरवी व जवाब दे ही व प्रश्नोत्तर करे या तो ईकाग्र दाखिल करे या लैटाये या हमारी और से डिगरी आरी करावे आरे उपया सबूत करे या सुलहतामा या इन्वाल दावा तथा अपील व लिगराली हाजिरी आर हमारे या अपने हस्ताक्ष से दाखिल करें और तसदीक करें या मुख्दमा उठावें या तो ई उपया जमा करे या हम विपक्षी एवं लक्षणी। का दाखिल किया हुआ उपया अपने या हमारे हस्ताक्ष से दाखिल करती। इसी द से लेवें का पंच लियुक्त करें ..... वर्कील महोदय द्वारा नीगई वह सब कायवाड़ी हमसे सर्वथा स्वीकार है आर हो। इसलिए यह वहालत आम लिख दिये कि प्रमाण रहे और समर्थ पर काम आवें।

Accepted

साती शिवाहा ..... दिनांक ..... महीशा ..... संख। १९ ..... ₹०

## त्राम अदालत.

## १० मुक्तमा

जाम फरी लैता..... बलाम.....

450T/21488

Cf  
58

Before the Central Administrative Tribunal at Allahabad  
Camp at Lucknow.

Dalip Kumar Verma Vs Union of India through O.M  
and another  
C.M. A. No. 114/1986  
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 without notice.
2. That the applicant filed a case in Tribunal and by a slip of pen it could not be mentioned that the order exposure of terminating 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

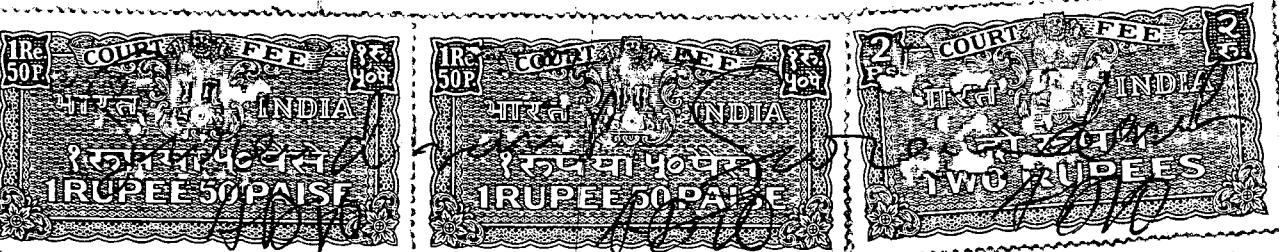
Dated : 26/6/89

*Dalip Kumar Verma*  
( DALIP KUMAR VERMA )

*Huk L. P. Nar*

ब अदाहत श्रीमान  
(पादी रेस्पोन्डेंट)  
प्रतियादी [रेस्पोन्डेंट]

In the Hon'ble Central Admnistrative Tribunals  
Circuit Bench महादेव भट्टाचार्य  
ज विवालतनामा ३५



Dilip Kumar  
CA No 114/88  
नं० मुकद्दमा सं पेशी की ता० १३-८-१९९०  
अपर लिखे मुकद्दमा में अपवी और से श्री

बनाम Union of India & Others  
(प्रतियादी रेस्पोन्डेंट)

व SURENDRA N. P. A.D.V.  
FAROOQ AHMAD A.D.V.  
वकील  
महोदय  
एडवोकेट

को अपना वकील नियुक्त कराए प्रतिज्ञा (इफरार) करता हूँ और लिखे देता हूँ मुकद्दमा में वकील अहोदय स्पष्ट अधिवा अन्य वकील द्वारा दो कुछ पेरवी व चबायदेही व प्रश्नोत्तर करें या कोई कामज दाखिल करे या लौटाव या हमारी दोर से डिपरी पारी करावें और एप्पा बदूल करे या सुलहनामा व इफबाल दाया तथा अपील निगरानी हपारी और से हमारी या अपने हस्ताक्षर से दाटिल करें और तखतीफ फरे मुकद्दमा उठावे या कोई एप्पा दमा उरे या हमारी विपक्षी (जरीफतानी) का दाखिल दिया हुआ एप्पा अपने या हमारे हस्ताक्षर पुक्त (हस्ताक्षती) रसीद से लेवे या पंच मियुक्त करे—वकील अहोदय द्वारा की बई बह सव छार्चाही हमारो सर्वथा विश्वास है और हेपा मै बह भी स्थीकार करता हूँ कि हर पेशी पर सवयं या जिसी धरमे पैरोकार जो भेजता रहूँपा अपर मुकद्दमा अदाह पेरवी मे एत तरफा मेरे प्रिलाफ कैसल्ला हो जाता है जसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसके एस्ट्रेटज सुनातनामा लिख दिया ग्रामाज रहे और समय पर कोसा अम्बे।

हस्ताक्षर द्वारा लिया गया

प्रतिज्ञा (पवाह) ..... लाज्जी (पवाह) .....  
दिनांक ..... १३ ..... महीना ..... अक्टूबर (सन् १९९०) ई०

स्वीकृत

Farooq Ahmad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIR. 1 BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. C.A.T./114/Jud/

3218 to 3219

dated the 21/12/90

60

Registration No. 114 of 1988 (2)

Darjeet Kumar Verma . APPLICANT

VERSUS

Union of India . RESPONDENT

0. General Manager, N.Ply. Baroda House  
To. Pleader for and behalf of Union of India.

① Dy. C.M.E. N.Ply. Charbagh Lucknow  
3218 to 3219  
3218 to 3219  
Asset Works, Manager N.Ply. Deka Elab.  
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. 1. 1990.

DEPUTY REGISTRAR

End Copy of Petition with court's order  
01-21-12-85 passed there on.

CENTRAL ADMINISTRATIVE TRIBUNAL

C  
61

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. 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~~<sup>two</sup> weeks thereafter.

List for further orders on 8.2.1990.

Sd/-

Sd/-

A.M.

V.C.

// True Copy //

KRM/

V. - J. 2  
Central Admin. Tribunal

Lucknow Bench,

Lucknow

Chetan  
J. 21

C  
62

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

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

Dalip Kumar Verma ..... **Applicant.**

Verma

Union of India & Others ..... **Respondents.**

21.12.1989

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

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

Admit.

Issue notice to respondents of the mentioned application.

Counter may be filed within four weeks to which the

applicant may file rejoinder within <sup>two</sup> two weeks thereafter.

List for further orders on 8.2.1990.

Sd/-

A.M.

Sd/-

V.C.

**// True Copy //**

*Jn*  
✓ *Jn*

Parity Registry

Central Admin. Tribunals

Lucknow Bench,

Lucknow

*checked*  
*1/2/90*

*xxm/*

Claim No. 114/88

C  
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 25<sup>th</sup> May 1992, and the same was fixed for today for disposal. At the time of hearing of the ~~case~~ 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 respondent to hold an enquiry in the matter and the proceeding in the case and thereafter pass an order in accordance with the law upto 31<sup>st</sup> 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 away 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".  
it is seen that  
That from the above, some repetitions have been occurred in the above lines and the same
- ⑤

may kindly be directed to be extended.

C  
by

(6) That it was also directed that the applicant be present before the Chief Mechanical Engineer Northern Railway Lucknow on 15-5-1882. Due to the application moved by the applicant before this Hon'ble Court he could not appear before the C.M.E. 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 Hon'ble Court may kindly be passed necessary orders as prayed above.

S. J. Deep

(SURENDRA N. P.)  
ADVOCATE

Permit for the applicant.

Dated: 29-5-1882

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

No.Po No. 482 of 1992

In 808

O.O.A.O 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 pages i.e. those two pages are contradictory to each other.

Filed today

SP  
25/5/92

Therefore, 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.

Placos Lucknow

May 25, 1992

  
(Surendran P)  
Advocate,  
Counsel for Applicant.

C  
66

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.S. Gorai-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.P.O. and passes and E.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 not called to by this application. But the facts stated by the party it appears that on 12.12.82 the applications were invited from the sons of the staff of this workshop and P.S.P.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. His educational qualification for the said post was VIII passed. Accordingly he submitted VIII Class pass P.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 Sansthanik Exam Prabhyapek of Sarvodaya Higher Secondary School that the P.C. was forged and accordingly the services of the applicant was



Casual Labour was terminated after complying with the provisions of 25 s 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.

It appears that the applicant attained the temporary status, there is no denial of the said fact in the copy. As far as 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 the termination upto ~~one~~ one month herein-after 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 the respondent for holding an enquiry in the matter and association



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 (S).

✓ Vice Chairman.

Dt: April 30, 1992.

(DPS)

C Te  
Signature  
Deputy Registrar  
Central Administrative Tribunal  
Lucknow Bench  
Lucknow