

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE TA 47 of 1980

Name of the parties

N. Rly Men's Union Applicant.

Versus.

Union of Indus Respondents.

Part A.B.C.

S.No.	Description of documents	Page
1.	Order Sheets	A1 - A3
2.	Judgment	A4 - A6
3.	Petition	A7 - A19
4.	Amendments	A20 - A50
5.	Affidavit	A51 - A52
6.	Power	A53
7.	Stay Application	A54 - A65
8.	Power	A66
9.	Amendment Application	A67 - A72
10.	Application for I.R. with affidavit	A73 - A77
11.	Amendments	A78 - A79
12.	Also order sheet of H.C.	A80 - A81

B - File

B1 - B62

C - File

C1 - C3

ANNEXURE - B

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

Application No. _____ of 19
Transfer Application No _____ of 19
Old Writ Petition No. _____ of 19

C E R T I F I C A T E
S - - - - -

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

Date :

Countersigned

Signature of the
Dealing Assistant.

Section Officer/ Court Officer.

.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

C.A./T.A. No. 47 1988

H Rly Mian Union (Chhapra) Applicant(s)

Versus

Union of India. Respondent(s)

Sl. No.	Date	Orders
25 x 00	01	<p>N.P.No. 15-2/85 has been transferred from Lucknow High Court Lko.</p> <p>Noted to both parties were issued for 25 x 00. No continuation notes has been issued back any of o/o attached.</p> <p>C.A./R.H. has not been filed.</p> <p>In view of office reply. Air-lane has been linked for 25.11.88 & reply.</p> <p><i>[Signature]</i></p> <p>25/11/88</p>
25.11.88	25.11.88	<p>L. Veerendra Mishra</p> <p>Advocate for applicants' present & Dr. V.K. Chowdhury for respondents' present. Reply not filed. 23.1.89 & reply <i>[Signature]</i></p>

TA 47/00

23/09

DR

No reply filed. Reply may filed by 23/10/09.

DR

23-2-27

DR

No reply filed. Reply may filed by 10-3-29

DR

10/3/89

DR

Counsel for the applicant must

be able to give evidence

to file reply. Fixed for

31/3/89 & last opportunity

for filing reply.

31-3-89

Hen in 12.30 AM.
Hen in DR 8.30 AM.

DR

None is present for the applicant and as such

as for respondents. No reply has been filed

by the respondents. One respondent has given

one more opportunity to file reply within

three weeks, failing which the case

will proceed ex parte. After hearing

on 16-5-89.

9 AM.

9 AM.

DR

Despite of one more
opportunity given to respondents
for filing reply, they have
failed to file the same
Submitted for ex parte
last

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

T.A. No. 47/88 (T)
REGISTRATION No. _____ of 198 .

APPLICANT
RESPONDENT

N.R. U. & Ors

VERSUS

APPLICANT
RESPONDENT

Union of India & ors

	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
13/5/89	<p>Hon' Mr. K.J. Raman, A.M.</p> <p>Shri A. Srivastava, ^{or} is brief holding of Shri L.P. Shukla, learned counsel for the applicant is present. None is present for the respondents. This case be listed for <u>hearing on 29-5-89.</u></p> <p><i>[Signature]</i> A.M.</p> <p>(sns)</p> <p><i>29/5</i> No sitting. Adjourned to 24/7/89 for hearing</p> <p><i>24/7/89</i> No sitting. adj to 11.9.89.</p> <p><i>22/7/89</i> माननीय - जयप्रकाश के. नाथ, उपाध्यक्ष माननीय के. जे. राम, सदस्य</p> <p>प्रार्थी और प्रतिवादी के अधिवक्ताओं के अनुरोध पर 22-7-89 23-11-89 में सुनवाई के लिए सूचीबद्ध किया जाता है।</p> <p><i>[Signature]</i> उपस्थ (50)</p> <p><i>[Signature]</i> आयुक्त</p>	<p><i>OR</i> In spite of me more opportunity given to reports. for filing reply they have failed to fail the same. as directed by the court order dt. 31.3.84. Submitted for con- sideration.</p> <p><i>h</i> 26/5/89</p> <p><i>OR</i> Case is submitted for consideration as directed by the Court's order dt. 31.3.84.</p> <p><i>h</i> 26/5/89</p>

47/00(7)

5-11-94 No Satdy - Adj. to 9-1-50

23/11/94

No Satdy Adj. to - 9-3-90

9/11/90

Adj. to 8-5-9

6/9/3

Hon. Mr. D.K. Agrawal, U.M.
Hon. Mr. K. O. Bhatnagar, A.M.

8/5/90

A request on behalf of
the respondent is made, for
to file Court affidavit. Allowed
Brief holder of San L.P. S. K. R. R.
Court for the applicant is present
let, Court be held within 4 weeks
kind and response, if any, within
2 weeks thereafter.

Let it be for hearing on 19/10/90.

SA

AM

Dec
J-N

19/11/90 No Satdy Adj. to 23/11/90

19/11/90

93.11.90

Case not presented. Adj. to

10.1.01

000
A

(A3)

10.1.91

No sitting Adj to 16.4.91.

✓

16.4.91

No sitting Adj to 11.7.91

2

11.7.91

No sitting Adj to 20.9.91

2

29.9.91

For Hon. Justice V. C. Srinivasan - VC.
Hon Mr A. B. Sastri AM

Argument heard.

Judgment ~~separately~~ dictated
separately.

Sharma
13/11/91

✓
AM

VC

dictated
16/11/91

✓
M.P. 218/92 @
faced for
extension of time
for completion
of judgment &
20.9.91.
SPO
28.9

30.4.92.

Hon'ble Mr. Justice V.C. Srivastava - V.C.
Hon'ble Mr. A. M. Chait - A.M.

This is an application for extending the time for compliance of the order of this Tribunal dated 20.11.91. The application has been moved on 10th April, 1992. The applicant prays that two months' further time may be granted. No explanation has been given as to why the order has not been complied with. The explanation is not sufficient and is rejected. and granted one weeks' time to file supplementary affidavit. List 22x the case on 20.5.92 for orders.

[Signature]
A.M.

[Signature]
V.C.

20.5.92.

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

Learned counsel for the respondent states that he was under the impression that the prayer for extension of time had been granted and the case is listed for disposal. He was not aware of the fact that the application has been rejected. Further opportunity is given to file the supplementary affidavit within two weeks, giving the reasons as to why the order of this Tribunal has not been complied with so far. A copy of the same will be given to the learned counsel for the applicant. The applicant has a right to file the objection within two weeks. List his case on 13.7.92 for orders.

[Signature]
A.M.

[Signature]
V.C.

*No objection filed
by applicant.
SFO
10/5/92*

(D.D.)

Hon'ble Mr. Justice V.C. Srivastava
Hon'ble Mr. K. Chavva A.M.

The learned counsel for the respondent requests for adjournment and states that let this case may be taken up on 17.7.92. ~~Let~~ this case be listed on 17.7.92 for orders.

[Signature]
A.M.

[Signature]
V.C.

Date
13/7/92

(54)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

T.A. No. 47/88

(W.P. No. 1596/85)

Northern Railwaymen's Union
and others

Petitioners.

versus

Union of India & others

Respondents.

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

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

The applicants 2 to 36 who have joined the Railwaymen's Union, have ^{initially} ~~unnecessary~~ approached the High Court through the above writ petition, which stood transferred to this Tribunal by virtue of the operation of section 29 of the Administrative Tribunals Act, 1985. The prayer is for issue of a mandamus commanding the respondents to ⁴ ~~absorb~~ the applicants in service as substitutes in the Loco Running Shed of Northern Railway, Alambagh, Lucknow. All the applicants have stated that before filing of this petition they have put in more than 120 days of service and in terms of working days they were paid monthly salary from the pay slips and most of them were given PTOs to which they were entitled. They were laid off in September/October/81 in an arbitrary manner without any prior notice and without even ~~without~~ assigning any reasons and ignoring the fact that they had attained the status of a temporary railway servant. The Railway Administratic

4

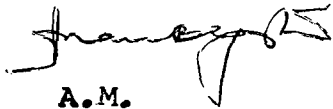
(A5)

started re-employment of retrenched workmen w.e.f. August 1982 and 305 persons retrenched were issued letters in this behalf. In the said letter the number of working days for ex-casual labours for assessing seniority was also mentioned. Thereby, the seniority list of Loco Shed was also prepared and verification and thumb impression was also done on pay bills. The letter dated 24.2.84 was issued stating that after scrutiny of the records the genuine employees should be engaged and if they were not bonafide they should be discharged after following the procedure of Industrial Disputes Act. The seniority of the employees was assessed on the basis of total continuous service. A list of casual labours was accordingly prepared but according to the applicants 23 persons were not traceable. Arbitrarily, some of the petitioners were shown to have put in ^{less} ~~more~~ than 120 days in the said list with the result that they have not been absorbed. L

The application has been opposed by the Railway Administration but no counter has been filed. The question is more or less that the applicants have given the details of working days and accordingly, the respondents should have given an opportunity to the applicants to prove ^{the} ~~that~~ fact that they have worked [✓] for 120 days ~~for~~ and that they are entitled for regularisation. The respondents are directed to dispose of the representation filed by the applicants giving them opportunity and to decide

(P6)

that those who had worked for 120 days are entitled for absorption and in case ~~ax~~ the applicants are successful in their claim, they may be given appointment in terms of Inderpal Yadav vs. Union of India and the Railway Board Circular issued thereafter. Let ~~x~~ it be done within a period of six months.



A.M.



V.C.

Lucknow. Dated: 20.9.91

CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI Rules 2, 9 and 15)

Nature and number of Case..... W.P. No. 1596 of 1985

Name of parties The N. Ry. Union & Co. vs. Union of India

Date of institution 10-4-85

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
	1.	Index -	1-2		Rs. P.			
	2.	Memo of W.P.	3-28					
	3.	Annex. - 1	29-52					
	4.	Annex. - 2	53-56					
	5.	Annex. - 3	57-76					
	6.	Annex. - 4	77-80					
	7.	Annex. - 5	81-82					
	8.	Annex. - 6	83-84					
	9.	Annex. - 7	85-90					
	10.	Annex. - 8	91-92					
	11.	Affidavit -	93-96					
	12.	Power	97-98					
	13.	Stay of W.P.	99-100					
	14.	Appn to Hon. G. J. J.	101-104					
	15.	Power.	105-106					
	16.	Amendment of W.P. with Affidavit	107-118					
	17.	Appn for Interim Relief with Affidavit	119-128					
	18.	Annex. - 9	129-132					
	19.	Index sheet	133-136					

I have this 21/3 day of Nov 1985 examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

[Date

Munsarim

Clerk

21.11.85

2504.

Group A-14 (J.) (k)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALMAHABAD

SITTING AT LUCKNOW

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union
and others Petitioners

Versus

Union of India & another Opposite Parties

I N D E X

	<u>Pages</u>
1. Writ petition.	.. 1 to 13
2. Annexure No.1- Letter dated 5.10.1983 alongwith the list showing number of working days of each employee.	.. 14 to 25
3. Annexure No.2- Letter dated 24.2.1984 for re-employment of class IV employees in the available vacancies.	.. 26 & 27
4. Annexure No.3- List dated 20.11.1984 of casual labours.	.. 28 to 37
5. Annexure No.4- Pay slip of Subodh Kumar.	.. 38 & 39
6. Annexure No.5- Pay slip of Sheo Lal Frasad Tewari.	.. 40
7. Annexure No.6- Working days certificate of Ram Preet.	.. 41
8. Annexure No.7- Representation dated 7.12.1984 along with the list of junior persons.	.. 42 to 44
9. Annexure No.8- Employment notice dated 24.1.1985.	.. 45
10. Affidavit.	.. 46 & 47
11. Vakalatnama.	.. 48
12. Stay Application (Separate)	

Lucknow Dated:

April 5 , 1985.

L.P. Shukla
(L.P. Shukla)
Advocate,
Counsel for the petitioners.



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. 1596 of 1985

1. The Northern Railwaymen's Union, through the Divisional Secretary, Northern Railwaymen's Union, Near Guards Room, Charbagh, Lucknow.
- ✓ 2. Ram Deo, aged 26 years, son of Sri Ishwar Din, resident of C/o Shri T.P. Trivedi, LD14H R/Shed Colony, Alambagh, Lucknow.
3. Mangal, aged 24 years, son of Sri Sada Shiv, resident of C/o Sri T.P. Trivedi, LD 14 H R/Shed, Colony, Alambagh, Lucknow.
4. Jagan Nath Dutt Trivedi, aged 26 years, son of B.N. Dutt Trivedi, resident of C/o Sri R.N. Tripathi, LD 80 R/Shed Colony, Alambagh, Lucknow.
5. Ravi Shanker, aged 24 years, son of Sri Sada Shiv, resident of C/o Sri T.P. Trivedi, LD 14 H, Rly. Shed Colony, Alambagh, Lucknow.
6. Indra Deo, aged 22 years, son of Mansha Ram, resident of C/o Sri T.P. Trivedi, LD 14 H R/Shed Colony, Alambagh, Lucknow.
7. Suresh Kumar, aged 25 years, son of Bhagwati Prasad, resident of C/o Sri Triveni Prasad, LD 55 R/Shed Colony, Alambagh, Lucknow.
8. Gulam Mohammad, aged 28 years, son of Mohd. Ayub, Resident of Qr. No. 50 Budhu Lal Tiwari Road, Mehndi Ganj, Lucknow.
9. Krishna Chand Tripathi, aged 25 years, son of R.N. Tripathi, LD 80 R/Shed Colony, Alambagh, Lucknow.
10. Chandra Shekhar Shukla, aged 29 years, son of Shiv Narain Shukla, resident of C/o R.P. Shukla, LD 21 H R/Shed Colony, Alambagh, Lucknow.
11. Shiv Mol Prasad Tiwari, aged 23 years, Son of Chandrika Prasad Tewari, resident of C/o R.P. Shukla, LD 21 H R/Shed Colony, Alambagh, Lucknow.
12. Subodh Kumar, aged 22 years, son of Hirday Nath, resident of C/o Triveni Prasad Trivedi, LD 55 R/Shed Colony, Alambagh, Lucknow.

M

5 10/10/85 Protocol,

10/10/85
Court of Final Court for report
made on receipt of 10/10/85
court record.

~~10/10/85~~

~~10/10/85~~

~~10/10/85~~
Court of Final Court for report
made on receipt of 10/10/85
court record.

This is a joint W.P. on
behalf of 36 persons on a
Single Set of Court for
May 10/10/85
if it is mandamus on a
Single Set of Court.

10/10/85

5

9/4

Hon. S. S. Ahmad, J
Hon. B. Kumar, J

Disr this petition
for orders on 17th
April, 1985. Learned

2 -
Counsel for the
petitioner undertakes
to serve opposite
party no. 2 outside
the Court. The
office shall issue
Dasti notice for
the purpose indicating
therein that the
petition shall be
taken up for orders
on 17th April, 1985.

10/10/85
10-4-85

HS

S

13. Krishna Kumar Pandey, aged 24 years, son of R.S. Pandey, resident of C/o B.K. Pandey, A II 6A LD Colony, Alambagh, Lucknow.
14. Krittunjay Prasad, aged 23 years, son of Gajadhar Prasad Tripathi, resident of C/o Harish Chand Misra, Qr. No. T 4 H Control Power House, Alambagh, Lucknow.
15. Jamuna Prasad, aged 25 years, son of Ram Swarup resident of village Gohra Mau, Post Kakori, Distt. Lucknow.
16. Raj Kumar Singh, aged 25 years, son of Nankoo Singh, resident of village Shah Pur Ka Khera, post Kakori, distt. Lucknow.
- ✓ 17. Waheed, aged 25 years, son of Amir Hassan, resident of C/o Faqir Mohammad, RPF Armed Wing Line, Alambagh, Lucknow.
18. Rahman, aged 28 years, son of Amir Hassan, resident of C/o Faqir Mohammad, RPF Armed Wing Line, Alambagh, Lucknow.
19. Shanker Sahai Tripathi, aged 24 years, son of R.N. Tripathi, resident of C/o R.N. Tripathi, LD 8 O R/Shed Colony, Alambagh, Lucknow.
20. Krishna Kumar Dwivedi, aged 22 years, son of Radhey Shyam Dwivedi, resident of C/o Ayodhya Prasad Dwivedi, LD 2 L R/Shed Colony, Alambagh, Lucknow.
21. Lodheyshwar Pandey, aged 26 years, son of Ram Kholawan Pandey, resident of C/o Ayodhya Prasad Dwivedi, LD 2 L R/Shed Colony, Alambagh, Lucknow.
22. Raj Kumar Dwivedi, aged 27 years, son of Mata Pd. Dwivedi, Resident of C/o Maqbol Ganj, Sarojni Devi Line, Lucknow.
23. Ram Kishor, aged 27 years, son of Ram Gorimal, resident of C/o Sri R.N. Misra, LD 52 H R/Shed, Colony, Alambagh, Lucknow.
24. Bal Ram Singh, aged 24 years, son of Raj Narain Singh, resident of C/o Amar Bahadur Singh, LD 19 A R/Shed Colony, Alambagh, Lucknow.
25. Devendra Kumar, aged 25 years, son of Shri Ram, resident of C/o Om Prakash Verma, 556/75 Sujana Pura, Alambagh, Lucknow.
26. Shyam Nath Shukla, aged 24 years, son of Ram Krishna Shukla, resident of village Aurawa, post Aurawa, district Lucknow.
27. Pursottam Rai, aged 26 years, son of Sidh Nath Rai, resident of C/o B.K. Pandey, Qr. No. A 26 A R/Shed Colony, Alambagh, Lucknow.

37

- (AG)
28. Raghu Nath, aged 25 years, son of Khub Lal, resident of C/o Vishwa Nath Prasad Verma, 556/75 Sujan Pura, Alambagh, Lucknow.
 29. Parmeshwar Dayal, aged 24 years, son of Mahesh Prasad, resident of C/o Mahesh Prasad, LD 28 P R/Shed Colony, Alambagh, Lucknow.
 30. Ram Preet, aged 28 years, son of Shri Oree, resident of C/o Cm Prakash Verma, 556/75 Sujan Pura, Alambagh, Lucknow.
 31. Radhey Lal, aged 28 years, son of Shiv Narain Shukla, resident of c/o R.P. Shukla, LD 21 H/ R/Shed Colony, Alambagh, Lucknow.
 32. Sabhajeet Pandey, aged 27 years, son of Ram Harsh Pandey, resident of C/o Munni Lal Pandey, Central Power House Colony, Alambagh, Lucknow.
 33. Surendra Kumar Dixit, aged 24 years, son of Ravi Shanker, resident of C/o Ram Prasad, LD 56 R/Shed Colony, Alambagh, Lucknow.
 34. Sant Raj, aged 24 years, son of Oree, resident of C/o D.N. Verma, 556/75 Cha/1 Sujanpura, Alambagh, Lucknow.
 35. Deo Narain Yadav, aged 27 years, son of Khedu Yadav, resident of C/o R.N. Singh, LD 44 F R/Shed, Alambagh, Lucknow.
 36. Bal Karan, aged 28 years, son of Kaloo, resident of C/o C.P. Yadav, ~~res~~ LD 33 J R/Shed Colony, Alambagh, Lucknow.

..... Petitioners


Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

..... Opposite Parties

Writ Petition under Article 226 of
the Constitution of India.

The petitioners most respectfully beg to
submit as under :-



(A10)

-4-

1. That the above writ petition is filed in representative capacity by the Northern Railwaymen's Union, petitioner No.1, on behalf of petitioners 2 to 36 who are its members. Petitioner No.1 (hereinafter referred to as Union) was also pursuing the case of the petitioners through reconciliation machinery under the Permanent Negotiation Machinery meetings with the railway administration against the illegal retrenchment of the petitioner nos. 2 to 36 who were working as casual labours/substitutes having put in more than 120 days of service.

2. That petitioner No.1 is a recognised union while petitioners 2 to 36 are its members. The petitioners 2 to 36 were working as substitutes in the Loco Shed, Northern Railway, Alambagh, Lucknow. They have attained the status of temporary staff and consequently entitled to all the benefits under the rules applicable to them. The names of the petitioners are borne on the muster roll under the Loco Foreman of the Loco Running Shed, Northern Railway, Alambagh, Lucknow. The petitioners have put in more than 120 days of service. On the basis of muster roll and the paybill entries the petitioners in terms of the number of working days were paid their monthly salary through pay slips issued to them. Most of the petitioners after having completed 120 days were given the privilege passes and PTOs to which they were legally entitled.



(AII)

3. That the conditions of the service of petitioners as casual labour/substitutes are regulated by the provisions contained in Chapter XXV of the Indian Railway Establishment Manual and also on the basis of the Railway Board's Circulars issued in this connection. The Railway Board's circular in the form of printed serial no.7850 consolidates the various instructions issued by the Railway Board from time to time regulating the service conditions of casual labour. They have the force of law.

4. That the petitioners along with other substitutes were laid off in September/October 1981 in an arbitrary and illegal manner without prior notice and without assigning any reasons. In view of the fact that the petitioners had attained the status of temporary staff according to rules it amounted to large scale termination of their services without following the procedure laid down under the law.

5. That the petitioners continued to attend their place of work for being assigned respective duties since October 1981 and they were always ready and willing to work but they were refused to resume duties despite repeated representations and reminders to this effect.

6. That under Section 149 of the Railway Establishment Code the petitioners having attained temporary status are entitled to notice in writing but the same was not given nor have they been paid their wages in

37

A 12

lieu of such notice.

7. That the aforesaid matter of large scale discontinuation of service of the petitioners and other employees was taken up by the Northern Railwaymen's Union with the railway administration at the Permanent Negotiation Machinery meetings. After protracted negotiations with the railway administration it was decided to take back in service bonafide employees, that is, casual labours/substitutes after thorough scrutiny of the record and the number of actual working days put in by such persons.

8. That the railway administration started re-employment of retrenched workmen w.e.f. August 1982. The persons thus re-employed included retrenched employees whose cases were sponsored by one or the other Railwaymen's Union, namely the petitioner Union, i.e., the Northern Railwaymen's Union and the Uttar Railway Karamchari Union. The latter is not a recognised union.

9. That on the basis of the letter dated 1.10.1983, along with a list of 305 persons illegally, retrenched, from the Divisional Secretary, Northern Railwaymen's Union, Lucknow, the Divisional Railway Manager, Lucknow, by his letter dated 5.10.1983 indicated the number of working days of the ex-casual labour for the purpose of assessing the seniority for re-employment. A true copy of the letter dated 5.10.1983 from the Divisional Railway Manager, Lucknow,




Annexure No.1

along with the list showing number of working days of each employee is filed as Annexure No.1 to this writ petition.

10. That on the basis of the above letter the Railway administration started preparing list of workmen who had worked in the Loco Shed and also started verification of thumb impressions of the workmen, as available on the muster roll and paybill, to verify the genuineness of the concerned railway employees. In terms of the letter from the office of the General Manager (Personnel) to the Divisional Railway Manager, opposite party No.2, dated 24.2.1984 it was specifically pointed out that after scrutiny of the records, finger prints etc. the genuine employees should be engaged and if they are not bonafide they should be discharged after following the procedure of the Industrial Disputes Act. It was further stated in the said letter that seniority of the employees should be assessed on the basis of total number of days of service continuous or intermittent and preference should be given on the basis of seniority. A true copy of the letter from the General Manager, Lucknow, dated 24.2.1984 for re-employment of class IV employees in the available vacancies in the division is filed as Annexure No.2 to this writ petition.

Annexure No.2

11. That from the aforesaid letter dated 24.2.1984 it is evident that the seniority of the bonafide casual labour for purpose of scrutiny has to be made on the basis of the printed circular No.7850



and the criteria shall be on the total number of days of casual labour service, continuous or intermittent, that the person has to his credit.

12. That by means of letter dated 20.11.1984 from the Divisional Railway Manager, Lucknow, a list of casual labours, whose claim for re-employment was rejected on the ground of putting in less than 120 working days or on the ground of non-verification of their thumb impression or on the ground that they were not traced, was announced. According to this list there are nearly 112 employees whose case has been rejected on the ground that they have put in less than 120 working days while 38 employees have been rejected as their thumb impressions were not genuine and they were not bonafide employees. Case of 23 persons was not traceable. A photostat copy of the list dated 20.11.1984 is filed as Annexure No.3 to this writ petition.

Annexure No.3

13. That the aforesaid list dated 20.11.1984 in respect of the number of working days of the respective petitioners is contradictory to the earlier list dated 5.10.1983 showing the working days of ex casual labour issued by the office of the Divisional Railway Manager, Lucknow. The following petitioners as per list dated 5.10.1983 have been shown to have put in more than the required 120 days: Ram Deo (petitioner No.2) 609 days, Mangal (petitioner No.3) 264 days, Jagan Nath Dutt Trivedi (petitioner No.4) 164 days, Ravi Shanker (petitioner No.5) 190 days,

(AIS)

19

Indra Deo (petitioner No.6) 417 days, Suresh Kumar (petitioner No.7) 218 days, Gulam Mohammad (petitioner No.8) 469 days, ~~Sarvendra Kumar Dwivedi (petitioner No.9) 1240 days~~ and Bali Karan (petitioner No.36) 140 days.

14. That all the casual labour/substitutes, who have put in more than 120 days of service, are entitled to passes and PTOs. The following petitioners actually availed these passes and PTOs: -

<u>Petitioner's Name</u>	<u>Pass No.</u>
1. Ram Deo	559983 864225
2. Jagan Nath Dutt Trivedi	222055
3. Gulam Mohammad	222097
4. Krishna Chandra Tripathi	699001
5. Chandra Shekhar Shukla	863448 222194
6. Shiv Mol Prasad Tewari	222637
7. Krishna Kumar Pandey	699381
8. Mirtunjay Prasad	962385
9. Jamuna Prasad	864473
10. Raj Kumar Singh	962145
11. Waheed	463500 864685
12. Rahman	222488
13. Shanker Sahai Tripathi	222056
14. Krishna Kumar Dwivedi	699002
15. Lodheshwar Pandey	222489
16. Raj Kumar Dwivedi	222579
17. Ram Kishore	863711 221719

(A16)
21

18. Bal Ram Singh	222107
19. Devendra Kumar	962205
20. Shyam Nath Shukla	864442
21. Puroshattam Rai	558340
22. Surendra Kumar Dixit	252883
23. Dev Narain Yadav PTO NO.439737	

15. That in accordance with the list dated 20.11.1984, 23 persons are not traceable. These include Shiv Mol Prasad Tewari, Subodh Kumar and Ram Preet among the petitioners. This fact is totally false inasmuch as all the petitioners had actually worked for more than 120 days. Subodh Kumar has put in 300 days, Shiv Mol Prasad Tewari has worked for 130 days and Ram Preet has worked for 249 days. This fact will be evident from the muster roll and the pay bill. All the aforesaid 3 persons were issued pay slips and received salary on the basis thereof. The number of days put in by them will be evident from the monthly pay slips issued to them. Shiv Mol Prasad Tewari was also issued a pass No.22637 by the railway administration. Photostat copies of the ^{First and Last} pay slips of Subodh Kumar, Shiv Mol Prasad Tewari and ^{Loco Foreman's} certificate showing actual working days of Ram Preet are filed as Annexure Nos. 4, 5 and 6 respectively to this writ petition.

16. That the following petitioners were arbitrarily shown having put in less working days in the list dated 20.11.1984 although they had put in more than 120 days:-



(H17)
23

<u>Name of the petitioner</u>	<u>Days shown in the list</u>	<u>No. of days actually worked</u>
1. Krishna Chandra Tripathi	46	146
2. Krishna Kumar Pandey	36	300
3. Jamuna Prasad	88	300
4. Shanker Sahai Tripathi	86	180
5. Krishna Kumar Dwivedi	82	165
6. Devendra Kumar	72	249
7. Raghunath	53	131
8. Parmeshwar Dayal	161	138

All the aforesaid petitioners except Raghunath and Parmeshwar Dayal were also issued passes by the railway administration.

17. That against the aforesaid arbitrary action of the opposite parties discriminating the petitioners in service and absorbing others, who had worked for less than 120 days and were consequently junior to the petitioners, a representation was made to opposite party No.2 by the Divisional Secretary, Northern Railwaymen's Union on behalf of the petitioners. Alongwith the said representation a list was attached showing that persons junior to the petitioners having put in less than 120 days have been absorbed while the case of the petitioners has been rejected. The Railway authorities concerned were also personally approached by the Union Secretary to get justice for the petitioners but no action has been taken by the railway administration in the matter of the petitioners so far. A true copy of the representation dated 7.12.1984 along with the list of junior persons is filed as Annexure No.7 to this writ petition.

A18
28

18. That it is evident that the petitioners who have actually worked for more than 120 days in the Loco Running Shed have been illegally retrenched from service while persons junior to them with less than 120 days have been absorbed. Further by notice dated 24.1.1985 applications have been invited for drawing up a fresh panel of khalasies in Loco Chagbagh Lucknow in the grade of Rs.196-232(RS). This amounts to discrimination of the petitioners. A true copy of the employment notice dated 24.1.1985 is filed as Annexure No.8 to this writ petition.

Annexure No.8

19. That the petitioners, having no alternative efficacious and speedy remedy available to them, have preferred to file this writ petition on the following amongst other :

G R O U N D S

- (A) Because the action of opposite parties in not absorbing the petitioners in service, although they have put in more than 120 days, is wholly illegal, arbitrary and without jurisdiction.
- (B) Because the opposite parties have taken contradictory stand to absorb persons junior to the petitioners while denying them the same benefit which amounts to hostile discrimination in violation of Articles 14 and 16 of the Constitution of India.
- (C) Because the opposite parties have acted in

Vaibhava Sharma

14
(H2) 73

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & another Opp. Parties

Annexure No.1

NORTHERN RAILWAY

No.E/WB/ID/Conciliation/83

DIVISIONAL OFFICE
LUCKNOW

Dated 5th Dec., 83.

Divl. Secretary,
N.R.M.U.
Lucknow.

Dear Sir,

Reg:- Your letter No.Nil
dated 1.10.83.

The working days of each ex-casual labour
as referred to in your letter quoted above are
shown against each for your information.

Yours faithfully,

Sd/-

for Divl. Railway Manager
Lucknow.

DA: as above.

True Copy



S.N.	Name	Father's name	Working days as per office record
	S/Sri	S/Sri	
1.	Aziz Zafar	Shaid Ahmad	-
2.	Awadh Naresh	Bhulai	132
3.	Ajai Dutt Dixit	Maheshwar Dtt Dixit	-
4.	Awadh Raj Yadav	Ram Saran Yadav	-
5.	Avnis Kumar	Prem Shanker	526
6.	Ambika Singh	Baij Nath Singh	432
7.	Atiq Ahmad	Mohd. Tahir	150
8.	Anil Kumar Dubey	Ram Babu Dubey	208
9.	Alla Karam	Baban Lal	156
10.	Awadesh Kumar Bajpai	B.D. Bajpai	122
11.	Anil Kumar Gupta	R.S. Gupta	-
12.	Anand Kumar Misra	Ambika Pd. Misra	240
13.	Amber Singh	Ram Autar	134
14.	AliKausar	Aboo Zafar	129
15.	Ashok Kumar	Shiv Kumar	618
16.	Ashok Kumar	Aditya Pd.	454
17.	Awadhesh Kumar Misra	Gurdeo Pd. Misra	129
18.	Amar Nath	Parmeshwar	-
19.	Ashok Kumar	Yugul Kishore	182
20.	Aziz Ahamad	Munier	-
21.	Ashok Kumar	Gaya Pd.	-
22.	Anoop Mukar	Bhagwan Dass	170
23.	Abbas Hussain	Kishwar Hussain	-
24.	Amar Nath	Misri Lal	-
25.	Ab. Zahid	Ab. Wafati	143
26.	Arun Kumar	Durga Pd. Dixit	-
27.	Ashok Kumar	Nanhey Lal	245
28.	Ashok Kumar	Hukum Chand	464
29.	Abad Ali	Kausar Ali	-
30.	Ajit Kumar	Mohan Lal	-

S.No.	Name	Father's name	Working days as per office record
31.	Aftab Alam	Mahboob Alam	417
32.	Ashok Kumar	Sri Krishan Shanker	155
33.	Arun Pratap Singh	Bans Raj Singh / Bans Raj Singh	-
34.	Ashok Kumar Singh	Bans Raj Singh	310
35.	Anil Kumar	Beni Madho	275
1.	Bharat Singh	Nankao Singh	-
2.	Bhajan Singh	K.K. Singh	-
3.	Bipin Kumar	Mahan Ji	239
4.	Bechey Lal	Mangoo Lal	164
5.	Balwant Pd.	Shiv Nath	-
6.	Babban Singh	Kalloo Pd.	669
7.	Bali Karan	Kalloo	140
8.	Bindra Pd.	Banshi Lal	406
9.	Phim Pd.	Sardar	269
10.	Bhupendra Kumar	Madho Ram	-
11.	Brahma Din	Cheda Lal	-
12.	Brij Bhusan Pathak	Jagannath Pathak	232
13.	Bashis	Jai Shree	-
14.	Bhogai Pd.	Sri Ram Krishan	-
15.	Babban Ram	Balraj Ram	-
16.	Bhagwati Pd. Verma	Basudev	155
17.	Baboo Lal	Sita Ram	-
18.	Balmukund	Shiv Baran	-
19.	Brahma Lal	Ram Awadh Lal	-
20.	Brij Kishore	Balram	458
(C)			
1.	Chandra Shekhar	Shiv Marain	-
2.	Cheda Lal	Ram Swaroop	-
3.	Chabiley Yadav	Nanga Lal Yadav	-

4.	Chandrika	Nanda	260
		(D)	
1.	Durga Pd.	Bhallar	406
2.	Dinesh Kr. Nigam	Harswaroop	-
3.	Durga Pd.	Tribhikeshwar	-
4.	Dinesh Singh	Ram Prasad Singh	-
5.	Dirganj Singh	Baba Din Singh	-
6.	Dilip Kumar	Gyaneshwar Pd.	124
7.	Dharam Raj Singh	Badri Singh	-
8.	Devendra Kumar	Sri Ram	-
9.	Daya Nand	Ram Jee	335
10.	Dhirendra Pratap Singh	Surya Nath Singh	677
11.	Dev Narain Yadav	Khadoo Yadav	-
12.	Dilam Ram	Chutti Ram	-
13.	Dev Datt	Brij Mohan	123
14.	Devi Dayal	Krishna Kamal	-
15.	Desh Raj	Baij Nath	282
16.	Dina Nath Pd.	Pari Khan	200
17.	Dinesh Kumar	V.N. Pd.	367

(E)

1.	Eleven Mahesh	Edved Mahesh	-
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(G)

1.	Gopal Krishna Sinha	Laxmi Narain Sinha	478
2.	Gopal Singh Yadav	Basawan	-
3.	Gur Charan Singh	Pritam Singh	213
4.	Ghanshyam Tripathi	Bhagwati Pd. Tripathi	-
5.	Gaya Bux Singh	Ram Bahadur Singh	-
6.	Gulam Mohd.	Mohd Ayub	469
7.	Gaj Raj	Maikoo Lal	-
8.	Girja Shanker	Jagdeo Pd.	126
9.	Culab Chand	Jagannath	-

(214)

37

-4-

(H)

1.	Habibar Rahman	Abdul Jabbar Khan	142
2.	Harendra Pratap Singh	Ram Nath Singh	777
3.	Haider Abbas	Nazar Hussain	126
4.	Hira Lal Shukla	Vidya Prakash Shukla -	
5.	Hari Shanker Verma	Shyam Lal	142
6.	Har Dayal	Ramnool	265

(I)

1.	Indra Jeet Singh	Amar Singh	-
2.	Indra Dev	Mansa Ram	417
3.	Iqbal Ali	Sham Shad Ali	271
4.	Israr Khan	Rahim Khan	-
5.	Inder Soen Singh	Abhai Dutt Singh	161
6.	Inder Lal	Perma Nand	219
7.	Inder Jeet	Noti Lal	267

(J)

1.	Jai Lakhan Dixit	Manna Lal	185
2.	Jai Gopal Singh	Janarden Singh	424
3.	Jamesh Sushil Sarla	S. Barla	222
4.	Joginder Singh	Shiv Kumar Singh	-
5.	Jai Nath Singh	Manokarmma Singh	241
6.	Jamal Alam	Mehboob Alam	480
7.	Jabeer Singh	Bhagwant Singh	-
8.	Jay Prakash	Gur Prasad	474
9.	Jitendra Pratap	Ram Samujh	464
10.	Jaggannath Dutt Trivedi	B.N. Dutt Trivedi	164
11.	Jagdish Pd.	Ram Dayal	172
12.	Jhagroo	Pujan	339
13.	Jamuna Pd.	Ram Suroop	-
14.	Jagdish Pd.	Cheda Lal	180

-5-

15.	Jai Shyam Dwevedi	Radhey Shyam	-
16.	Jata Shanker Dewari	Ram Pal Tewari	149
17.	Jawahar Lal	Asarfee	196
18.	Jitendra Singh	Har Bachan Singh	-
19.	Jaggannath	Ram Lout	-

(K)

1.	Krishna Naresh Singh	Devi Bux Singh	-
2.	Krishna Kumar	Shiv Harakh	164
3.	Kamlesh Kumar	Chotey Lal	184
4.	Kamlesh Bahadur Singh	Shyam Pati Singh	-
5.	Kishan Lal	Nanda	222
6.	Krishna Chandra Tripathi	Ram Narain Tripathi	-
7.	Linkar Dass	Pearey Lal	-
8.	Krishna Kumar Pandey	R.S. Pandey	-
9.	Krishna Kumar Tripathi	Chandra Dutt Tri- pathi	523
10.	Kailash Chand	Katwaroo Lal	-
11.	Kailash Nath Tripathi	Sheo Murti	158

(L)

1.	Laxmi Kant	Shyam Sunder	264
2.	Leyakat Ali	Amir Ali	-
3.	Lal Chand Yadva	Ram Krishna Yadava	154
4.	Lal Mani Ram	Devki Ram	-
5.	Laxmi Pd.	Ram Lakhan	-

(M)

1.	Mohd. Sakeel	Abdul Khalik	288
2.	Mohd. Raiyaz	Mohd. Ishaq	149
3.	Mohd. Azeem	Mohd. Anis	295
4.	Madan Gopal Misra	S.P. Misra	147
5.	Mohd. Aslam	Mohd. Saleem	325

6.	Mahipal Singh	Nihal Singh	-
7.	Mohiuddin Khan	Shareef Ahmad Khan	163
8.	Mohd. Saleem Khan	Mohd. Yaseen Khan	-
9.	Mashroor Ahmad	Shabir Ali	-
10.	Mool Chand	Raj Kumar	137
11.	Mool Chand	Moti Lal	159
12.	Mohd. Yar Khan	Allhyar	248
13.	Mohan Lal	Ram Autar	-
14.	Mukesh Bhatia	Pretam Dass	232
15.	Mritunjai Pd. Tripathi	Gajadar Pd. Tripathi	-
16.	Mahesh Dayal Verma	Gaya Pd.	531
17.	Mohd. Saleem	Jamaluddin	170
18.	Moti Lal	Baojoo	-
19.	Mahendra Singh	Ram Swaroop	423
20.	Mohd Arif	Iftikhar Husain	406.
21.	Mohd. Ujear	Mohd. Saber	-
22.	Mangal	Sada Shiv	264
23.	Mohd. Shakir	Firoz Ahmad	233
24.	Madan Lall	Uma Shankar	140

(N)

1.	Warendra Singh	Nirmal Singh	242
2.	Naresh Kumar Mehtya	Dharam Prakash Mehta	237
3.	Naresh Kumar	Ram Autar	428
4.	Nand Lall Prasad	Gabboo Pd.	579
5.	Nazir Raza	Mohd Raza	-
6.	Nand Kishore	Jagdeo Pd.	372
7.	Nawal Kishore Yadav	Prabhoo Singh Yadav	-
8.	Nanhoo	Rameshwar	163
9.	Nawal Kishore	Munni Lal	-
10.	Naveen Chand Pathak	Satish Chand Pathak	143
11.	Nipati Singh	Ram Karan Singh	547



-7-

(O)

1.	Onkar Nath Misra	Vidur Lal Misra	351
2.	Om Prakash	Sunder Lal	676
3.	Onkar Lal Srivastava	Ram Harakh Lal	190

(P)

1.	Patrick Kumar Dass	V.K.Dass	-
2.	Pratap Narain	Gokul Pd.	219
3.	Parmeshwar Dayal	Mahesh Pd.	-
4.	Pradeep Kumar Nigam	Tej Kishan Nigam	-
5.	Pradeep Pandey	Shes Dutt	221
6.	Parshottam Rai	Sidh Nath Rai	-
7.	Prayag Narain	Suraj Pd.	-
8.	Phool Chand Ram	Hari Dass Ram	282

(R)

1.	Radhey Shyam	Ram Lal	719
2.	Ram Asrey	Gajraj	-
3.	Raj Kishore Yadav	Nand Gopal Yadav	-
4.	Raj Kishore	Bala Deen	-
5.	Rahwane Dubrey	Babu Lal	334
6.	Raj Kishore	Ram Pearey	128
7.	Ram Narain	Bal Karan Ram	-
8.	Raja Ram	Ram Chander	216
9.	Raj Kumar	Ram Asrey	510
10.	Ram Sewa Agnihotiri	Bal Kishan	-
11.	Ram Gopal	Mewa Lal	129
12.	Rishi Kumar	Ganga Pd.	-
13.	Ram Kishore	Sita Ram	321
14.	Raj Kumar Gupta	Ram Pher Gupta	-4
15.	Raj Bahadur Singh	Singar Singh	-
16.	Rajesh Kumar Shukla	Hari Narain Shukla	611



17. Ram Pd. Yadav	Chandrika Pd. Yadav	-
18. Ram Kumar	Baboo Lal	603
19. Rajesh	Udha Ram	468
20. Rakesh Kumar	Tilak Raj	341
21. Ram Pall Yadava	Ram Dass	-
22. Raj Kumar Singh	Nanhoo Singh	-
23. Ram Sagar	Sri Ram	268
24. Ram Chander Singh	Mahadeo Singh	-
25. Ram Nihor	Jai Lal	251
26. Ram Asrey	Maikoo Lal	-
27. Ram Kumar Verma	Laxmi Narain	975
28. Rajendra Pd.	Bhagwan Lux	356
29. Ram Ji Chaubey	Bhagwan Choubey	-
30. Ram Deo	Ishwar Deen	609
31. Ram Kapil Yadava	Sheo Pujan Yadav	-
32. Rama Pati	Sheo Murti	460
33. Ram Dass	Gomto Pd.	-
34. Raj Kahjer	Dharma Ram	-
35. Radesh Chand Misra	Rajnikant Misra	-
36. Ram Dayal Singh	Praven Singh	-
37. Ram Chander	Ram Shanker	211
38. Ram Chander	Sahdeo	-
39. Ramesh Chander	Ram Shanker Verma	211
40. Raj Narain Misra	Sheo Kumar Misra	171
41. Rama Pati Pd.	Janardhan Pd.	-
42. Ram Preet	Ori	-
43. Raghu Math	Khub Lal	-
44. Rajendra Bahadur Singh	Surat Pratap Singh	317
45. Ram Narain	Ram Khelawan Pd.	-
46. Ram Prakash Misra	Raja Ram Misra	-
47. Rajendra Pd.	Shri Pal	-

-9-

48.	Ravi Shanker	Sada Shiv	190
49.	Ram Naresh Singh	Sita Ram Singh	-
50.	Ram Bali Yadava	Ram Dev	139
51.	Ram Sagar	Ram Jag	-
52.	Ram Ujagar	Ram Jag	-
53.	Ram Singh	Swambar	-
54.	Ram Shanker	Ram Harakh	-
55.	Rajesh Kumar	Sheo Ratan Lal	170
56.	Ram Prakash Singh	Bhagwan Singh	-

(S)

1.	Sri Ram	Madhi Lal	-
2.	Sushil Kumar	Ram Murti	-
3.	Suresh Kumar	Chunni Lal	-
4.	Shailendra Kumar	Shiv Govind Shukla	313
5.	Suraj Prasad	Dwarika Pd.	-
6.	Simon Dass	V.K. Dass	506
7.	Sahib Lal	Gomto Pd.	-
8.	Shiv Kant	Ram Bharosey	209
9.	Shakil Khan	Mohd. Khan	-
10.	Shakeel Khan	Maifooz Ali	138
11.	Shanker Dayal	Radhey Shyam Pandey	138
12.	Surendra Kumar	Gaya Pd.	-
13.	Suraj Kumar	Gursaran Lal	-
14.	Sant Lal	Suraj Pal	223
15.	Shiva Nand	Dukh Haran	306
16.	Suraj Pal Singh	Sri Ram Yadav	138
17.	Suresh Kumar	Laksmi Narain	332
18.	Suresh Kumar	Bhagwati Pd.	218
19.	Surendra Kumar Dixit	Ravi Shanker Dixit	-
20.	Shyam Singh	Sant Ram	611
21.	Shiv Ram	Ram Lal	-
22.	Shyam Lal Misra	Tribhuvan Nath Misra	334

23.	Shri Pal	Sukh Din	-
24.	Sarwan Kumar	Ram Pher	309
25.	Shyam Lal	Manohar Lal	514
26.	Shri Krishna Yadav	Kashi Ram	-
27.	Suresh Chandra Sharma	Thakur Pd. Sharma	-
28.	Sundarshan Kumar	Tilak Raj	192
29.	Subash Chander	Dina Nath	-
30.	Sushil Kumar	Minni Lal	205
31.	Sheo Shanker Misra	Vishwa Nath Misra	-
32.	Suresh Kumar	BK Awasthi	-
33.	Shree Bhagwan Dass	Mahavir Singh	-
34.	Shiva Mal Pd. Tewari	Chandrika Pd. Tewari	-
35.	Shri Chand Ram	RamDeo Ram	-
36.	Sunder Lal	Pragi	-
37.	Saravjit Yadav	Ram Baban Yadav	366
38.	Shyam Narain Pd.	Bachhoo Pd.	366
39.	Subood Kumar	Harday Nath	-
40.	Surya Pratap Lal	Ram Naresh	299
41.	S.R. Nigam	K.S. Nigam	-
42.	Sushil Singh	Jagdamba Singh	-
43.	Sudhir Kumar	Raj Kumar	279
44.	Sri Ram	Ram Ujagar	149
45.	Shajad Ali	Shamshad Ali	-
46.	Sukh Dev Singh	Ram Harakh	-
47.	Santosh Kumar	Nand Kishore	-

(T)

1.	Tarun Pandey	Hardev Pandey	-
2.	Tek Chand	Manna Lal	408
3.	Tej Pall	Chottey Lal	288

(U)

1.	Upendra Nath	Pashupati Sharma	-
2.	Umesh Kumar	Gaya Pd.	-

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & another Opp. Parties

Annexure No.2

The Divl. Rly. Manager,
Northern Railway,
Lucknow.

Dated 24.2.1984

Sub:- Engagement of substitutes in the
Lucknow Loco Shed.

Ref:- Your Office letter No.432-E/WB/PWA/81
dated 29.1.1984.

It is noted that the required checks for verifying the genuineness of casual labour is in progress and is expected to be completed shortly. Please arrange to have these checks carried out as early as possible preferably by 1.3.1984.

2. Only such of the Casual Labour/Substitutes, who after thorough scrutiny of the records, finger prints, etc., are found to be genuine, should be engaged and/or continued. Out of 151 Casual Labour who were re-appointed some months ago, if some are not found bonafide persons on check and finger prints scrutiny etc. these should be discharged after following the provision of Industrial Dispute Act. In this connection, Law Officer has opined that under Section 33 of the Industrial Dispute Act, no such workman shall be discharged or dismissed, save with the express permission in writing of the authority before which the proceeding is pending. Therefore, the persons who are not found genuine after exercising the check, such as thumb impression etc. can be discharged after obtaining the permission from the Tribunal by moving an application under Section 33 of the Industrial Dispute Act.

3. Seniority of the bonafide casual labour for purpose of screening should be as per the Printed Circular No.7850 and the criteria shall be on the total number of days of casual labour service, continuous or intermittent, that the persons has at his credit. While screening the bonafide casual labour, this aspect will be kept in view and those who are

senior, given preference over others, apart from other standard considerations such as health, fitness, etc.

4. You can re-engage these bonafide casual labours in Class IV against available vacancies on your Division.

Sd/-M.M. Agarwal,
for General Manager (P)

True Copy



214/1-23

Writ Petition No.

of 1985

The Northern Railwaymen's Union
and others

Petitioners

vs.

Union of India and another

Opp. Parties

ANNEXURE No. 3

NOTIFICATION.

No. E/17/Conciliation/83.

Divisional Office,
Lucknow. 20.11.84.

Dear Sir,

Re:- Restoring of Casual Labourers of Running shed Lucknow.

Ref:- Your letter No. 52/17/Conciliation/83 dt. 18.7.84.

For your information, the following exercise by this office to the list submitted by you. The result is given as under:-

Total on.	Cleared	Cases to be sent to	Rejected. (A).	No Trace. (B).	Less 7 Days. (C).
305	37	61	28	20	99
64	2	36	10	3	13

Total 70 List of A B & C attached.

Yours faithfully,

for Divl. Railway Manager,
Lucknow.

Shri V.P. Trivedi,
Divl. Secy.,
Northern Railway,
Lucknow.

547
5485

P.S.

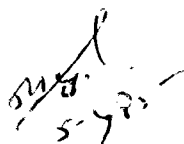
59

NO. 1000 RAILWAY.N.R.V.U. (64).

not been

List of Sub/Casual Labour who has completed 120 days.

S.No.	Name	Father's name	Working days.	Remark
1.	Shri Ajit Kumar	Shri Mohan Lal	68	
2.	" Bal Mukund Panday	" Sheo Baran	84	
3.	" Devendar Kumar	" Sri Ram	72	
4.	" Krishan Chand Tripathi	" R.N. Tripathi	46	
5.	" Krishan Kumar Mivedi	" Radhay Shyam	82	
6.	" Mahi Pal Singh	" Nihal Singh	51	
7.	" Masoor Ahmad	" Sabir Ali	70	
8.	" Parmeshwar Dayal	" Mahesh Pd.	101	
9.	" Raghu Nath	" Khub Lal	63	
10.	" Raj Kishore	" Lallji	91	
11.	" Rajendra Pd.	" Harrowak	86	
12.	" Shankar Shal Tripathi	" R.N. Tripathi	86	
13.	" Karan Panday	" Hardeo Panday	99	

(H36)

6

List of C.L. who have not completed 120 days
and above - - - N RCU

S.No.	S.No. of list.	N a m e	Father's Name	W/days.	Result.
		<u>S/Shri</u>			
1.	4	Audh Raj Yadav	Ram Saran Yadav	61	
2.	11	Anil Kumar Gupta	K.S. Gupta	78	
3.	18	Amar Nath	Parmeshwar	75	
4.	20	Aziz Ahmed	Muneeb	63	
5.	23	Abbas Hussain	Kishwai Hussain	82	
6.	24	Amar Nath	Mishri Lal	68	
7.	25	Arun Kumar	Durga Pd. Dixit	91	
8.	29	Abad Ali	Kauser Ali	36	
9.	30	Ajeet Kumar	Monan Lal	68	
10.	33	Arun Pratap Singh	Shanker Singh	78	
11.	B/1	Bharat Singh	Jankau Singh	30	
12.	2	Bhajan Singh	K.K. Singh	57	
13.	5	Balwant Pd.	Ono Nath	50	
14.	14	Bhogai Pd.	Sri Ram Krishna	28	
15.	15	Babban Ram	Balraj Ram	53	
16.	17	Baboo Lal	Sita Ram	51	
17.	18	Bal Mukund	Sneo Baran	34 ✓	
18.	19	Brarna Lal	Ram Audh Lall	117	
19.	C/2	Chanda Lal	Ram Swaroop	62	
20.	3	Chabiley Yadav	Changa Lal Yadav	109	
21.	D/2	Dinesh Kumar	Har Swaroop	16	
22.	5	Dirgaj Singh	Babadi Singh	75	
23.	7	Dharam Raj Singh	Badri Singh	35	
24.	8	Devendra Kumar	Sri Ram	72	
25.	11	Deo Warain Yadav	Kheda Yadav	105	
26.	12	Dolan Ram	Chatte Ram	17	
27.	14	D vi Dayal	Krishna Kumar	10	
28.	E/1	Elven Manesh	Adwed Manesh	40	
29.	G/2	Gopal Singh Yadav	Basawan	85	
30.	4	Gnan Snyam Tripathi	Bhagwati Pd. Tripathi	88	
31.	5	Gaya Bux Singh	Ram Bahadur Singh	35	

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837

63

S.No.	S.No. of list.	N a m e	Father's Name	W/Days	Result.
		<u>S/Smt</u>			
32	G/7	Gaj Raj	Maikoo Lal	114	
33.	H/4	Hira Lal Snukla	Vidya Pd. Snukla	50	
34.	J/4	Jogendra Singh	Sheo Kumar Singh	61	
35.	7	Jabir Singh	Bhagwant Singh	109	
36.	13	Jamuna Pd.	Ram Swaroop	88	
37.	15	Jai Shyam Dwivedi	Radhey Shyam	21	
38.	18	Jitendra Singh	Har Bachan Singh	117	
39.	19	Jagannath	Ram Lout	40	
40.	K/1	Krishna Naresn Singh	Devi Pux Singh	83	
41.	4	Kamlash Br. Singh	Shyam Pati Singh	62	
42.	6	Krishna Chandra Tripathi	Ram Narain Tripathi	46	
43.	8	Krishna Kumar Pandey	R.S. Pandey	36	
44.	10	Kailash Chandra	Katwaru Lal	20	
45.	L/2	Liaqat Ali	Amir Ali	89	
46.	4	Lalwani Ram	Deoki Ram	85	
47.	5	Laxmi Pd.	Ram Lakhan	35	
48.	M/6	Mahipal Singh	Nehal Singh	61	
49.	8	Mohd. Saleem Khan	Mohd. Yasin Khan	37	
50.	9	Masroo Ahmad	Sabir Ali	70	
51.	13	Mohan Lal	Ram Autar	35	
52.	18	Moti Lal	Baijoo	10	
53.	N/5	Nasir Raza	Mohd. Raza	102	
54.	N/7	Nawal Kishore Yadav	Prabhu Singh Yadav	47	
55.	9	Nawal Kishore	Munni Lal	72	
56.	P/1	Patrik Kr. Dass	V.K. Das	5	
57.	3	Parmeshwar Dayal	Manesh Pd.	101	
58.	7	Prayag Narain	Suraj Pd.	90	
59.	P/3	Raj Kishore Yadav	Nand Gopal Yadav	24	



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(135)

68—

Page -3-

S.No.	S.No. of list.	Name.	Father's name.	W/days.
60	R/7	Shri Ram Narain.	Shri Bal Karon Ram	83
61	10	" Ram Sewak Agnihotri.	" Bal Krishan	50
62	12	" Rishi Kumar	" Ganga Pd. x	17
63	14	" Raj Kumar Gupta	" Ram Pher Gupta	20
64	15	" Raj Bahadur Singh	" Singar Singh	17
65	22	" Raj Kumar Singh	" Nanhoo Singh	90
66	24	" Ram Chandra Singh	" Mahadoo Singh	108
67	26	" Ram Ashray	" Maikoo Lal	24
68	29	" Ramjee Chaubey	" Bhagwan Chaubey	100
69	35	" R mesh Chand Mishra	" Rajni Kant Mishra	25
70	36	" Ram Dayal Singh	" Prawn Singh	113
71	43	" Raghu Nath	" Khub Lal	53
72	45	" Ram Narain	" Ram Khelawan Pd.	27
73	47	" Rajendra Prasad	" Sripal	62
74	49	" Ram Narish Singh	" S.K. Ram Singh	102
75	51	" Ram Sagar	" Ram Jag	45
76	52	" Ram Ujagar	" Ram Jag	50
77	54	" Ram Shankar	" Ram Harakh	80
78	S/1	" Sree Ram	" Madhi Lal	86
79	2	" Sushil Kumar	" Ram Murti	6
80	7	" Sahib Lal	" Gombi Pd.	56
81	10	" Sakeel Khan	" Mahfooz Ali	118
82	11	" Shankar Dayal	" Radha Shyam Pdy	111
83	23	" Sreepat	" Sukh Din	24
84	26	" Sree Krishna Yadav	" Kashi Ram	26
85	27	" Suresh Chandra Sharma.	" Thakur Pd. Sharma	61
86	36	" Sunder Lal	" Pragi	50
87	42	Sushil Singh	" Jagdamba Singh	69

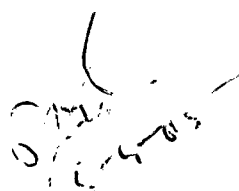
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(151)

67

Pag -4-

S.No.	S.No. of the list.	Name.	Father's Name.	W/days.
88	45	Sri Sazed Ali	Sri Shamshad Ali	96
89	46	" Sukhdeo Singh	" Ram Harakh	41
90	47	" Santosh Kumar	" Nand Kishore	60
91	T/1	" Tarun Pandey	" Hardeo Pandey	99
92	U/1	" Upendra Nath	" Pashupati Sharma	60
93	U/3	" Uma Kant Singh	" Ram Dularey	46
94	V/4	" Vaid Prakash Chaudhary.	" Har Bhagwan	86
95	5	" Vimal Kumar Tiwari	" Ganga Bishun	65
96	7	" Vidya Prakash	" Lal Bahadur Singh	68
97	8	" Vijay Bahadur	" Ganga Prasad	20
98	10	" Vijay Pal Singh	" Raj Bahadur Singh	37
99	7/1	" Yogesh Kumar	" Ram Kishore	80

(140)

69

NORTHERN RAILWAY.

List of C.L. whose cases has been rejected as a result of N.R.M.U. (64)
T.T. verification.

T.No.	Name	Father's Name	Working days.	Remarks.
1.	Shri Jagan Nath Dutt Trivedi	Shri V.R. Dutt Trivedi	164	Rejected.
2.	Daxak Mangal	" Sadasheo	264	Rejected.
3.	" Md. Shakil	" Abdul Khlik	288	Rejected.
4.	" Mohd. Aseem	" Mohd Anis	295	Rejected.
5.	" Rasool Ahmad Anwar Lal Soodhwa	" Rabie Ali Kam. Hishdal	70 190	Rejected.
6.	" Ram Chander	" Ram Shankar	211	Rejected.
7.	" Suresh Kumar	" Bhagwati Pd.	218	Rejected.
8.	" Sudhir Kumar	" Ram Kumar	279	Rejected.
9.	" Sushil Kumar	" Inoo Lal	162	Rejected.
10.	" Umesh Kumar	" Ray Pd.	307	Rejected.

6/1/20

(1211)

71

NORTHERN RAILWAY.N.R.M.U (64).List of Sub/Casual Labour who has not been traced out.

S.No.	Name	Father's Name	Working days.	Remarks.
1.	Shri Ram Preet	Shri Ori	-	
2.	" Sheo Kant	Shri Ram Bhariosay	-	
3.	" Subodh Kumar	Shri Virda Nath	-	



Shri
S. No. 1

(242)

73

Rejected List of NRMU

NO.	Sl. No.	Name	Father's Name	W/Day	Result
1.	2.	Sh. Awadh Nareesh	Sh. Bhulai	132	Rejected
2.	5	Avnish Kumar	Prem Shankar	526	"
3.	25	Ab Zahid	Ab Wafati	143	"
4.	28	Ashok Kumar	Hukum Chand	464	"
5.	B/3	Bipin Kumar	Madanji	239	"
6.	G/6	Gulam Mohd	Mohd Ayub	469	"
7.	H/1	Hagibur Rahman	Ab Jabbar Khan	142	"
8.	6	Hardayal	Rammoo	265	"
9.	9/1	Indra dev	Mansa Ram	417	"
10.	4	Israr Khan	Rahim Khan		Rejected
11.	3 6	Inder Lall	Parma Nand	219	"
12.	7	Inderjeet	Moti Lall	267	"
13.	J/10	Jegamath Butt trivedi	B.H.Datt Trivedi	164	"
14.	M/1	Mohd Sakeel	Abdul Khalik	288	"
15.	3	Mohd Azeem	Mohd Avis	295	"
16.	7	Mohinddin Khan x x x x	Shareef Ahmad Khan	163	"
17.	22	Mangal	Sada Shiv	264	"
18.	N/3	Nareesh Kumar	Ram Avtar	428	"
19.	O/3	Onkar Lal Srivastava	Ram Harakh Lal	190	"
20.	R/9	Raj Kumar	Ram Ashrey	510	"
21.	37	Ram Chander	Ram Shankar Verma	211	"
22.	S/18	Suresh Kumar	Bhagwati Prasad	218	"
23.	22	Shyam Lal Mishra	Tribhuwan Nath		"
24.	30	✓ Sushil Kumar	Muni Lal	182	"
25.	37	Sarvjeet Yadav	Ram Baban Yadav	366	"
26.	38	Shyam Narain Pd	Bachoo Pd	366	"
27.	43	✓ Sudhir Kumar	Raj Kumar	279	"
28.	U/2	Umesh Kumar	Gaya Prasad	307	"




SNO.	SNo. of List	Name	Father's Name	Result
1.	B/10	Sh. Bhupendra Kumar	Sh. Madho Ram	Not trac
2.	11	Brahma Din	Chema Lal	"
3.	D/3	Durga Prasad	Trbhi Keshwar	"
4.	G/9	Gulab Chand	Gagan Nath	"
5.	K/7	Kinkar Dass	Pearey Lal	"
6.	M/21	Mohd Ujeer	Mohd Saber	"
7.	R/17	Ram Pd Yadav	Chandrika Pd Yadav	"
8.	31	Ram Kapil Yadav	Sheo Pujan Das Yadav	"
9.	34	Raj Kahjer	Dharma Ram	"
10.	42	Ram Prit	ORI	"
11.	53	Ram Singh	Swambar	"
12.	B/9	Shakil Khan	Mohd Khan	"
13.	13	Suraj Kumar	Gur Sharan Lal	"
14.	31	Sheo Shanker Misra	Vishwa Nath Mishra	"
15.	33	Shri Bhagwan Das	Mahavir Singh	"
16.	34	Shiva Mal Pd Tewari	Chandrika Pd Tewari	"
17.	35	Gri Chand Ram	Ram Deo Ram	"
18.	39	Subodh Kumar	Hardya Nath	"
19.	41	S.R.Nigam	K.S.Nigam	"
20.	U/4	Univlla	Hafizullah Khan	"

of 1985

- Petitioners

opp. Parties

(First Pay slip of Subodh)

१८-१५

मुद्रा

०.२०/N.R. ०.२०/N.R. 18

कारखाना/WORKSHOP पेडा तट, Lucknow

०.२०/N.R. ०.२०/N.R. 18

Pay Envelope for.....19

टिकट नं./Ticket No.....

बेतन/Pay समयोपरि/Overtime ... महंगाई भत्ता/Dearness Allowance ... मकान भत्ता/House Allowance ... नगर भत्ता/City Comp. Allowance ... कोई अन्य भत्ता/Any other Allowance ... कुल मजदूरी/Gross Wages ...	०.२० R. 18 १५६ १३७५ १००५० २५७६
कटौतियाँ/Deductions	
निर्वाह निधि/Provident Fund ...	९७३०
निर्वाह निधि प्रथिम की वापसी/Refund of P.F. Adv. ...	८१४३०
बिजली प्रचार/Electric Charges ...	८१४३०
किराया/Rent ...	८१४३०
संस्थान/खेलकुद क्लब/Institute/Sports Club ...	८१४३०
साइकिल प्रथिम/Cycle Advance ...	८१४३०
त्यौहार प्रथिम/Festival Advance ...	८१४३०
सहकारी ऋण समिति/Co-op. Credit Society ...	८१४३०
प्रथिम बेतन/यात्रा भत्ता/Advance of Pay/T.A. ...	८१४३०
राष्ट्रीय रक्षाकोष/National Defence Fund. ...	८१४३०
मजदूरी की अधिक प्रदायगी समयोपरि प्रादि Excess payment of wages O.T. etc.	८१४३०
अन्य कटौतियाँ जैसे प्रतिवार्षिक जमा योजना Other deductions e.g. C.D.S.	८१४३०
कुल कटौतियाँ/Total deductions ...	८१४३०
कुल देय रकम/Net amount payable	८१४३०

भरने वाला.....

File by स्थापन करने वाला

Verified by

Part of Annexure No. 4

(Last Pay Slip of Subodh)

उ० रे० N.R. एम० ई० 240/M.E.240
 कारखाना/WORKSHOP लोको मोटर/Loco Shop
 Pay Envelope for 146
 टिकट नं०/Ticket No. 510 300 0102

वेतन/Pay	510 300 0102
समयोपर/Overtime	196
मंहवाई भत्ता/Dearness Allowance	15
मकान भत्ता/House Allowance	15
नगर भत्ता/City Comp. Allowance	15
कोई अन्य भत्ता/Any other Allowance	15
कुल मजदूरी/Gross wages	357 70
कटौतियाँ / Deductions	
निर्वाह निधि/Provident Fund	
निर्वाह निधि अग्रिम की वापसी/Refund of P.F. Adv.	
विजली प्रसार/Electric charges	
किराया/Rent	
संस्थान/संस्थान क्लब/Institute/Sports Club	
साइकिल अग्रिम/Cycle Advance	
त्योहार अग्रिम/Festival Advance	
सहकारी बचत संस्थान	
Co-op. Credit Society	
अग्रिम वेतन/अग्रिम वेतन	
Advance of Pay/T.A.	
राष्ट्रीय रक्षा कोष	
National Defence Fund.	
मजदूरी की अधिक अदायगी समयोपरि आदि	
Excess payment of wages O.T. etc.	
अन्य कटौतियाँ जैसे धनवाय योजना	
Other deduction e.g. CDS.	
कुल कटौतियाँ/Total deductions	
शुद्ध देय राशि/Net amount payable	
भरने वाला.....	संस्थापन करने वाला.....
Filled by	Verified by

01/12/2012

[Signature]

In The Hon'ble High Court of Judicature at Allahabad sitting at Lucknow
W.P. No. of 1985

The Northern Railwaymen's Union - Petitioner
and others

Union of India and another - Opp. Party
(First Pay Slip of Shiv Moh Tiwari)

Annexure No. 5

४०२०/N.R.

कारखाना/WORKSHOP

एम० ई० २४०/११.१२.२४०

लोका संड/Loco Sued

के० ५/३१ महीने का वेतन लिफाफा
Pay Envelope for.....19

194

टिकट नं०/Ticket No.....

शिव मूल मोतीवारी २४ सितंबर १९८५

वेतन/Pay	...	...
समयापार/Overtime	...	...
महंगाई भत्ता/Dearness Allowance	...	...
बकान भत्ता/House Allowance	...	...
नगर भत्ता/City Comp. Allowance	...	...
कोई अन्य भत्ता/Any other Allowance	...	...
कुल मजदूरी/Gross Wages	...	...
कटौतियां/Deductions	...	...
निर्वाह निधि/Provident Fund	...	...
निर्वाह निधि प्रथिम की वापसी/Refund of P.F. Adv.	...	...
विजली प्रभार Electric Charges	...	...
किराया/Rent	...	...
संस्थान/संस्कृत क्लब/Institute/Sports Club	...	...
साइकिल प्रथिम/Cycle Advance	...	...
सोहोहार प्रथिम/ Festival Advance	...	...
सहकारी सहज समिति/Co-op. Credit Society	...	...
प्रथिम वेतन/वादा भत्ता/Advance of Pay/T.A.	...	...
राष्ट्रीय रक्षाकोष/National Defence Fund	...	...
मजदूरी की अधिक प्रदायगी समयापार प्राप्ति	...	...
Excess payment of wages O.T. etc.	...	...
अन्य कटौतियां जैसे प्रतिवार्य भत्ता योजना	...	...
Other deductions e.g. C.D.S.	...	...
कुल कटौतियां/Total deductions	...	...
कुल देय रकम/Net amount payable	...	...

भरने वाला.....
Filled by

सत्यापन करने वाला.....
Verified by

N.R.—1021/11—August, 1980—5,50,000 F.

40

(Last Pay Slip of Shiv Moh Tiwari)

४०२०/N.R.

कारखाना/WORKSHOP

एम० ई० २४०/११.१२.२४०

लोका संड/Loco Sued

के० ३१८ महीने का वेतन लिफाफा
Pay Envelope for.....19

टिकट नं०/Ticket No.....

वेतन/Pay	...	...
समयापार/Overtime	...	...
महंगाई भत्ता/Dearness Allowance	...	...
बकान भत्ता/House Allowance	...	...
नगर भत्ता/City Comp. Allowance	...	...
कोई अन्य भत्ता/Any other Allowance	...	...
कुल मजदूरी/Gross Wages	...	...
कटौतियां/Deductions	...	...
निर्वाह निधि/Provident Fund	...	...
निर्वाह निधि प्रथिम की वापसी/Refund of P.F. Adv.	...	...
विजली प्रभार Electric Charges	...	...
किराया/Rent	...	...
संस्थान/संस्कृत क्लब/Institute/Sports Club	...	...
साइकिल प्रथिम/Cycle Advance	...	...
सोहोहार प्रथिम/ Festival Advance	...	...
सहकारी सहज समिति/Co-op. Credit Society	...	...
प्रथिम वेतन/वादा भत्ता/Advance of Pay/T.A.	...	...
राष्ट्रीय रक्षाकोष/National Defence Fund	...	...
मजदूरी की अधिक प्रदायगी समयापार प्राप्ति	...	...
Excess payment of wages O.T. etc.	...	...
अन्य कटौतियां जैसे प्रतिवार्य भत्ता योजना	...	...
Other deductions e.g. C.D.S.	...	...
कुल कटौतियां/Total deductions	...	...
कुल देय रकम/Net amount payable	...	...

भरने वाला.....
Filled by

सत्यापन करने वाला.....
Verified by

N.R.—1007/16—June 1970—5,00,000 Nos.

In The Hon'ble High Court of Judicature at Allahabad sitting
at Lucknow

W. P. No. of 1985

The Northern Railwaymen's Union
and others

Petitioner

vs

Union of India and others

Opp. Parties

83

Annexure No. 6

जी० एल० 19-ए/G.L. 19-A
जनरल 99 छोटा Genl. 99 Small

उत्तर रेलवे NORTHERN RAILWAY

दिनांक: 6/10/81

कार्यालय लोको फोरमैन
उत्तर रेलवे लखनऊ

विषय:- सबस्टीचूट कैजुअल लेबर में कार्यरत कार्य दिवस का
प्रमाण पत्र

प्रमाणित किया जाता है कि श्री राम प्रीत
पुत्र श्री उत्तर सबस्टीचूट कैजुअल लेबर
में दिन 5/10/81 से माउ 28/1 तक 1981
से माउ 4/10 तक 1981 तक कुल 249 घंटे कार्य
दिन कार्यरत रहे।

लोको फोरमैन
LOCO FOREMAN
उ० रे० लखनऊ N.R. Lko.

(p47)

85

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & another Opp. Parties

Annexure No.7

52/ID/Conciliation/83

7/12/84

The Divisional Rly. Manager,
Northern Railway,
Lucknow.

Dear Sir,

Reg: Restoring of Casual Labourers
of Running Shed/Lucknow.

Ref: Your letter No.E/WB/ID/Conciliation/83
dated 20.11.1984

.....

In reference to above I would like to know
that what happened to 61+36 cases which were sent
to Hqrs.

2. Union would also like to know the reasons for
rejecting 28+10 cases as these employees have worked
in R/Shed. They have been issued slips for payment,
passes & PTOs, medical card and identity cards etc.
as per rules.

3. You have mentioned that no trace is for
20+3 which is not understood.

4. You have also mentioned that you have shown
99+13 less working days. In one list working days
have been shown quite sufficient and subsequently
you have shown less working days.

Since hundreds of men are waiting for
engagement your parawise reply is requested to avoid
litigation.

Yours faithfully,

Sd/- Illegible
(V.P. Trivedi)
Divisional Secretary.

True Copy

AUS

87

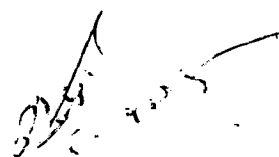
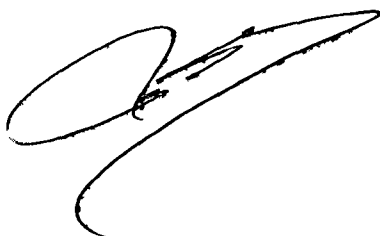
LIST OF CASUAL LABOUR'S WORKING LOSS 120 DAYS

<u>S. No.</u>	<u>Sarvsri</u>	<u>Father's Name</u>
1.	Ahmad Ali	Peer Ali
2.	D.S. Tewari	Fuleshwar
3.	Dharam Pal	Sheo Bahadur
4.	Hari Lal	Harkhoo Ram
5.	Hari Lal	Lalsa Ram
6.	Jagan Nath	Putti Lal
7.	Jagannath Prasad	Dedeshi
8.	Kishan Singh	Hukum Singh
9.	Narain Dutt	Sitla Prasad
10.	H.C. Nigam	H.S. Nigam
11.	S.B. Pandey	C.C. Pandey
12.	Girshish Chandra	Lila Dhar Johsi
13.	Sushil Kumar Srivastava	G.K. Srivastava
14.	Mithla Saran	Giriza Pd. Tewari
15.	Abdul Halem	Abdul Azez
16.	Ajai Kumar	Khuse Ram
17.	Hari Kishan Chand	Sheo Nandan
18.	Jagdesb Sharma	R.S. Sharma
19.	Jagtar Singh	Mohendra Singh
20.	Khalel Ahmad	Masok Ali
21.	Lal Chandra	Ludur
22.	Md. Same	Md. Shafe
23.	Narayan Singh	Pratap Singh
24.	Fanna Lal	Kashe Prasad
25.	Surendra kumar	Putte Lal
26.	Satesh Chandra	Lakhem
27.	Umesh Shah	Firange Shah
28.	Zeheruddin	Naseruddin
29.	Nand Kishore	Durga Pd.

(449)

89

30.	Md. Rasol	Md. Rahman
31.	Ghan Shyam	Ayudhya Pd.
32.	Naimulla	Habibulla
33.	Shamem Raja	Atar Raja
34.	Maqbul Ahmad	Ab. Rauf
35.	Girija Shankar Khare	Sheo Mohan Khare
36.	Abdul Aziz	Sabit Ali
37.	Baljore	Britanti
38.	Chandra Pal	Ghasti
39.	Fazalur Rahman	Munawar Ali
40.	Gyan Chand	Jagjeewan Shukla
41.	Gajodhar Nath	Mata Sadal
42.	Kalika Prasad	Shiv Narain
43.	Kailash Nath	Sarjoo Prasad
44.	Matalu Ram	Birju Ram
45.	Furan Masi	Sri Ram
46.	Ram Deo	Parmeshwar
47.	Ram Nath	Ausan
48.	Ravindra	Thakur Prasad
49.	Safiullah	Munshi
50.	Suraj Pal	Bhagu Singh
51.	Mohd. Adam	Saleem Khan
52.	Mohd. Hafeez	Sher Ali
53.	Jitendra Singh	Radhey Shyam
54.	Om Prakash	Chet Ram



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & anotherOpp. Parties

Annexure No.8

Northern Railway

Addl.C.M.E.(W)'s Office CB/LKO
Dt. 24th January, 1985

No.105E/Khallasi/Rectt.

All Shop Supdt., ASS, and
Incharges of all Sections
Loco Charbagh, Lucknow.

Sub: Formation of the panel of Khallasies in Loco CB/
LKO, in Gr. Ps.196-232 (RS).

It has been decided to form a panel of Khallasies in Loco Shop CB/LKO in grade Rs.196-232(RS) Employment Exchange Lucknow has been asked vide this office Notice of even No. dt. 24.1.85 (Copy enclosed) to send us 400 applications by 15.2.1985 in the prescribed proforma. Serving employees of this Workshop may also submit applications in favour of their sons in the prescribed proforma i.e. Annexure 'A' of the notice and they should fulfil the requisite conditions laid down in the notice. The service employees must also attach their declarations in the prescribed form duly countersigned by their Branch Officers under whom they are working. The serving employees must submit the applications of their sons duly completed in all respect in the prescribed proforma to their respective Shop Supdts./Incharge by 15.2.85 who will forward the same alongwith duplicate list to CS/E on 15.2.85. Applications received after 15.2.1985 will not be considered.

Applications submitted prior to issue of this notice shall not be considered unless the serving staff of this Work-Shop apply afresh on the prescribed proforma in response to this notice.

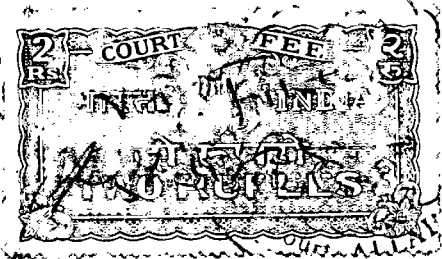
DA/As above.

Sd/- Illegible
Addl. C.M.E.(W)
N. Rly. Loco CB/LKO.

C/ to the Secretary NRMU/UR U CB/LKO for inf. & N/ac.

True Copy

163
1985
AFFIDAVIT
95
HIGH COURT
ALLAHABAD



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Affidavit

In

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & another Opp. Parties

A F F I D A V I T

I, V.P.Trivedi, aged about 50 years, son of
Late K.P.Trivedi, Divisional Secretary, Northern
Railwaymen's Union, near Guards Room, Charbagh, Lucknow,
do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Divisional Secretary
of the Northern Railwaymen's Union, petitioner No.1,
which is a recognised Union. He has been duly autho-
rised to file this affidavit by petitioner Nos. 2
to 36. He is fully conversant with the facts deposed
to herein.

2. That the deponent has read the accompanying
writ petition along with the annexures, the contents
of which he has fully understood.

3. That the contents of paragraphs 1 to 17 of

the writ petition are true to my own knowledge.

4. That Annexures 1 to 7 to the writ petition are the true and photostat copies duly compared from their duplicates and originals.

Dated Lucknow:

April 5, 1985.

Deponent.

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Dated Lucknow:

April 6, 1985.

Deponent.

I identify the above-named deponent who has signed before me.

Advocate.

Solemnly affirmed before me on 5-4-85

at 4 a.m./p.m. by Sri V.P. Trivedi

the deponent who is identified by

Sri Laxmi Prasad Adv. Clerk

Clerk to Sri

Advocate, High Court, Allahabad.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.

15/2/85 - 1/2/85

163/45
- 5 - 4 - 25

In The Hon'ble High Court of Judicature at Allahabad sitting at Lucknow

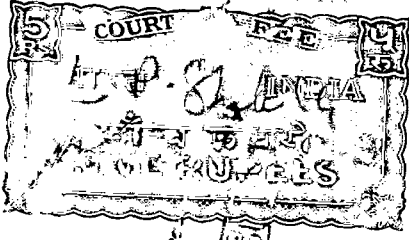
व अदालत श्रीमान

महोदय

वादी (मुद्दे)

प्रतिवादी (मुद्दे)

का वकालतनामा



19/9/54

The Northern Railwaymen's Union and others

वादी (मुद्दे)

बनाम

Union of India and others

प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

L. P. Shukla & K. D. N.

एडवोकेट

महोदय

C-700, Mahanagar
LU

Adv.

कलकत्ता

नाम अदालत	नाम मुकद्दमा	नाम फरीकन
.....
.....
.....

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपोल व निगरानो हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसोद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं अब भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

साक्षी (गवाह).....साक्षी

दिनांक.....महीना

हस्ताक्षर

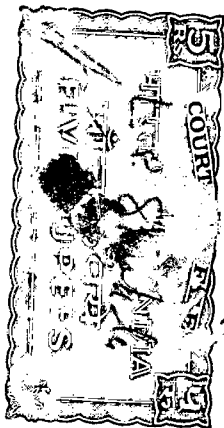
(Signature)

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4- जगन्नाथ दत्त तिवारी

Accepted
Vaidya
Accepted
Kishor Moh



ASU

14/4/85

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITING AT LUCKNOW

C.N. Application No. ~~159~~ 4428(u) of 1985

In

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union
& others.Petitioners/
Applicants

Versus

Union of India & another Opposite Parties

Stay Application

The applicants most respectfully beg to
submit as under :-

That for the facts and circumstances stated
in the accompanying writ petition it is most respect-
fully prayed that the case of the petitioners/applicants
Nos. 2 to 36 may be duly considered at the time of mak-
ing appointments under Annexure No.8 to the writ
petition.

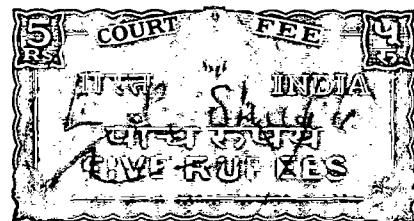
L.P. Shukla

Dated Lucknow:
April 8 , 1985.

(L.P. Shukla)
Advocate,
Counsel for the applicants.

10/ (A-56) Service - Bench.

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow



The Senior Judge,
Hon'ble High Court,
Lucknow.

10/4-85 S/1-

Subject :- F.P.No. 1500 of 1985
The Northern Railwaymen's Union
VS
Union of India, and others

The undersigned begs to submit as under :-

1. That the above noted writ Petition was filed on 10-4-1985 on behalf of the 30 petitioners for issuing a writ ~~Writ~~ of Mandamus to the Northern Railway Administration.
2. That the opposite parties in the writ Petition are represented by their Counsel Sri Siddhant Verma, Advocate.
3. That the aggrieved petitioners the workmen are claiming their right for absorption as labour and their right is protected by Industrial Disputes Act 1947 as well as by Railway Establishment Rule.
4. That the above noted case is not covered by the Administrative Tribunals Act, 1985 and in terms of section 2(a) the provisions of the Act do not apply to them.
5. That on account of certain new developments in the Railway Administration, the petitioners filed an application for interim relief (C.A. Application No. 1500 of 1985) on 30-1-1986. On 30-1-1986 Hon'ble Judge

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was, leased to fix the Application for next week
along with record.

c. That despite order of the Hon'ble Court the
application could not be listed with the record
although there is no restriction of Administrative
Tribunal's Act in this case.

Therefore, it is respectfully prayed that the
above noted writ Petition be listed along with the
Certificate filed with it. Dated 25.2.1986 for orders of
the Hon'ble High Court.

Witness my hand
Feb. 25, 1986

Naresh Kumar Sharma
(L. P. Shukla)

Advocate
Counsel for the Applicant

SIDDHARTH VERMA

Advocate


8-6 Dated :19.4.19.

COURT No.1

AFO

ENGAGEMENT SLIP

It is most respectfully prayed that my ~~Case/s.~~
~~Listed at Serial No.~~ in today's Cause list/
Unlisted Case may kindly be passed over as I am
presently busy in Court No.4 before Hon'ble Mr.
Justice Z.Hasan in State Cases.


(Siddharth Verma)
Advocate.

W.P.No. 1596 of 1985

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No.1596 of 1985.

1859

Northern Railway Men's Union
and ~~xxxxxx~~ others

.... Petitioners

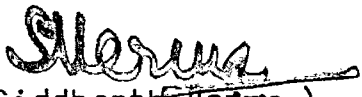
Versus

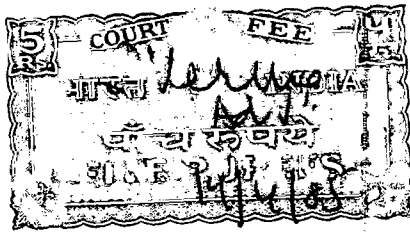
Union of India and another.

It is most respectfully submitted as under :-

1. That the undersigned has been instructed by the opposite parties to appear on their behalf in the above mentioned writ petition.
2. That accordingly, the undersigned is filing his power herewith, which may kindly be taken on record.
3. That this power is being filed in Hon'ble Court on 19.4.1985 as the above mentioned writ petition is fixed for 19.4.1985, but the case is not listed in the Cause List.

Lucknow,
Dated : 19.4.1985.


(Siddharth Verma)
Advocate,
Counsel for opposite parties.



466
105

Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.
Writ Petition No. 1596 of 1985
वकालतनाम

Northern Railway Men's Union
and others

आवेदनकर्ता/अपीलकर्ता Petitioners

वकालत

Union of India and another

प्रतिवादी/रिप्टडेन्ट Opp. Parties

W.P.No.1596

संख्या मुकदमा सन 1985

पेशी की तारीख 19.4.1985

अपर मुकदमा में अपनत और से श्री Siddharth Verma, Advocate, C-106
K-Road, Mahanagar Extension, Lucknow

वकील महोदय को अपनत वकील नियुक्त करके इकरार करता हूँ
और लिख देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील
द्वारा जो कुछ पैरवी व जवाब व प्रश्नोत्तर करें या कोई कागज दाखिल करें
या लौटवा या हमारी ओर से डिग्री जारी करा दें और स्वयं वसूल करें
या सुनहना या इवानु दावा तथा अपील व निगरानी हमारी ओर से
हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक किया मुकदमा उठावें
या कोई स्वयं जमा करें या हमारी विपक्षी परीक्षा की दाखिल
किया हुआ स्वयं अपने या हमारे हस्ताक्षर मुक्त दस्तखती रसीद से लेने का
विनियमित करें वकील महोदय द्वारा की गई वह
जब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकालत

Accepted
Siddharth Verma
(Siddharth Verma)
Advocate

हस्ताक्षर
Divisional Railway Manager,
Northern Railway,
LUCKNOW.

स.टी. गवत स.टी. गवत

दिनांक महीना

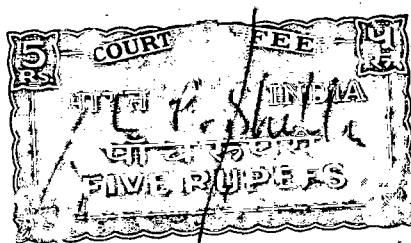
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107
In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Abt
C. M. Application No. 3366 (W) of 1986.

In re:

Writ Petition No. 1596 of 1985.



14th 56
15-11-85

The Northern Railwaymen's Union
and others

-----Petitioners/
Applicants

Versus

Union of India and others.

-----Opp-parties.

Amendment Application

14256 The applicants most respectfully beg to submit as under :-

That for the facts and circumstances stated in the accompanying affidavit, it is necessary in the interest of justice to incorporate the amendments indicated in paras 4, 5 and 6 of the affidavit.

Wherefore, it is most respectfully prayed that the amendments indicated in paras 4, 5 and 6 of the affidavit may be allowed to be incorporated in the above writ petition.

Lucknow, dated,
15.11.85

L.P. Shukla
Advocate. (L.P. Shukla)
Counsel for the applicants.

(1668)

109

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

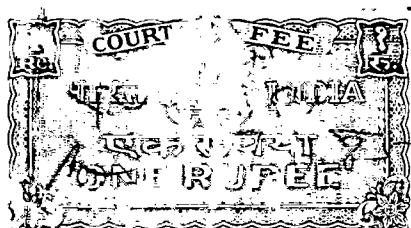
Affidavit

In:

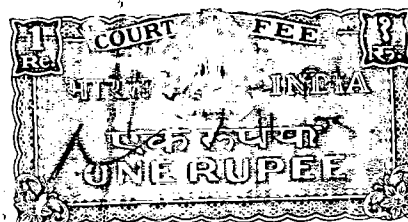
C.M. Application No. (W) of 1985

In re:

Writ Petition No. 1596 of 1985



1985
AFFIDAVIT
20/10/85
HIGH COURT
ALLAHABAD



The Northern Railway men's Union &
others -

-----Petitioners

Versus

Union of India and others.

-----Opp-parties.

A F F I D A V I T

I, Yamuna Prasad, aged about 25
years, son of Sri Ram Swaroop
resident of Village - Gohra Mau, Distt - Lucknow
do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above writ petition and is fully conversant with the facts deposed to herein.
2. That the Administrative Tribunals Act, 1985 (Act No. XIII of 1985) provides for setting up of Administrative Tribunals with respect to disputes regarding recruitment and conditions of service of employees in the service of Union.
3. That under the relevant provisions of the Administr-

व. 20/10/85

(269)

11

ative Tribunals Act large number of cases relating to service matters pending before the various Courts including the High Court and the Supreme Court in the form of writ petitions under Article 32 and 226 of the Constitution shall stand transferred to the Tribunal.

4. That in the circumstances the following amendments in the above writ petition are necessary :-

18-A That in terms of the Administrative Tribunals Act, 1985 (Act No. XIII of 1985) notification has been issued by the Central Government to establish the Bench of the Tribunal relating to the service matters under the Union of India in the State of Uttar Pradesh at Allahabad.

18-B That in terms of the qualification for appointment of Chairman, Vice-Chairman or other members as provided in Section 6 of the Act the said posts can be filled up by the Secretary, Additional Secretary or Joint Secretary to the Government of India to the exclusion of a person possessing judicial experience.

18-C That Section 28 provides for exclusion of all courts except the Supreme Court under Article 136 of the Constitution and Section 29 provides for transfer of all pending cases including suit or other proceedings pending before any court or other authority immediately before the date of establishment of a Tribunal. Section 28 and 29 thus imply exclusion of the jurisdiction of High Court under Article 226 of the Constitution and of the Supreme Court under Article 32 of the Constitution and the transfer of all the aforesaid pending petitions in the High Courts and Supreme

पुनर्निर्देशित

11/11/85

(82)

113

Court to the Tribunal and such transferred cases may, at the discretion of the Tribunal, be heard from the stage which was reached before such transfer or from any earlier stage or denovo as the Tribunal may deem fit.

18-E That the aforesaid provisions of the Act alter the basic structure of the Constitution by disturbing the balance between the Executive and the Judiciary by curtailing the independence of the Judiciary under the Constitution. The Act as framed is also beyond the legislative competence as it abrogates/^{amends,} by an ordinary legislative process, the provisions of Article 32 and Article 226 of the Constitution, which form the basic structure of the Constitution. Lastly the provisions of the Act are discriminatory as they deprive the employees covered by the Act from exercising their constitutional rights under Article 32 or Article 226 of the Constitution without any rational basis, as compared to other employees of the State under Article 13(2) of the Constitution including armed forces or persons governed by the Industrial Disputes Act or any officer or servant of the Supreme Court or High Court or any persons appointed to the Secretarial Staff of either House of Parliament or of State Legislature.

18-F That Section 46 of the Forty Second Amendment Act 1976 amending the provisions of Article 323-A of the Constitution inasmuch as it enables the enactment of the aforesaid Act is ultra vires of the Constitution.

5. That the following grounds be added :-

राज्य प्रशासक

(121)

118

E Because the Administrative Tribunals Act, 1985 alters the basic structure of the Constitution and disturbs the balance between the Executive and the Judiciary by curtailing the independence of the Judiciary in violation of Articles 32, 50 and 226 of the Constitution of India.

F Because the Act is beyond the legislative competence of the Parliament as it abrogates/amends Articles 32 and 226 of the Constitution which form the basic structure of the Constitution by ordinary legislative process.

G Because the provisions of the Act are discriminatory as the employees covered by the said Act are deprived of the due process of law guaranteed under Articles 32 and 226 of the Constitution in relation to other employees under Article 13 without any rational basis. This amounts to violation of Articles 14, 16 and 19 of the Constitution.

H Because the provisions of Section 46 of the Forty Second Amendment Act 1976 are ultra vires of the Constitution.

6. That the following reliefs be added :-

IV to issue a writ or direction holding the provisions of the Administrative Tribunal Act, 1985 ultra vires;

V to issue a writ or direction holding Section 46 of the Forty Second Amendment Act, 1976 as ultra vires;

VI to issue a writ, direction or order in the nature of mandamus directing that the aforesaid writ petition be

म मना प्रशाप

(A72)

117

not transferred to the Tribunal as constituted under the Administrative Tribunals Act, 1985.

Lucknow, dated,
7.11.85

यशु माधुसूदन
Deponent.

Verification

I, the deponent abovenamed do hereby verify that the contents of paras 1 to 6 _____ are true to my own knowledge and those of paras _____ are believed by me to be true on legal advice and no part of it is false and nothing material has been concealed so help me God.

Lucknow, dated,
7.11.85

यशु माधुसूदन
Deponent.

I identify the deponent who has signed before me.

Kuldeep Singh
Advocate.

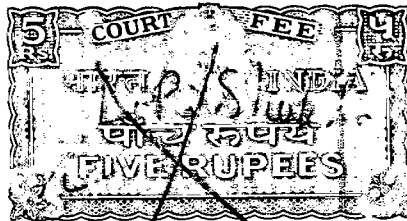
Solemnly affirmed before me on 7.11.85 at 2.00 a.m./p.m. by Sr. Yashwantrao Prasad the deponent who is identified by Shri K. D. Nayak, Clerk to Shri Advocate High Court Allahabad.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.

20/10/86
7.11.85

873

SERVICE - BENCH



10/11/86
30/1/86

119

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 1188 (W) of 1986

In Re:

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union &
others Petitioners/Applicants

Versus

Union of India & others Opp. Parties

Application for interim relief

The applicants most respectfully beg to submit
as under :-

That for the facts and circumstances stated in
the accompanying affidavit and the writ petition, it is
most respectfully prayed that the petitioners/applicants
be provisionally absorbed in the Loco Shed Lucknow
pending disposal of the writ petition in the existing
vacancies as indicated in Annexure No.9 to the accompany-
ing affidavit.

Lucknow Dated:

January 30, 1986.

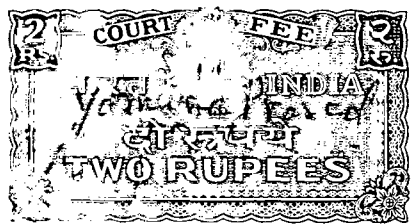
L.P. Shukla
(L.P. Shukla)

Advocate,
Counsel for the applicants.

(A74)

121

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW



1985
AFFIDAVIT
53
HIGH COURT
ALLAHABAD

Affidavit

In

C.M. Application No.

(W) of 1986

In Re:

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & others Opp. Parties

A F F I D A V I T

I, Yamuna Prasad, aged about 25 years, son
of Sri Ram Swarup, resident of village Gohra Mau,
Post Kakori, District Lucknow, do hereby solemnly
affirm and state on oath as under :-

1. That the deponent is the petitioner No.15 in
the above writ petition and is fully conversant with
the facts deposed to herein.

2. That the deponent has been authorised by
the other petitioners to file this affidavit on their

Ay.
27.1.86

4/2/86

(A75)

123

behalf also.

3. That the petitioner No.1 is a recognised Union while petitioner Nos. 2 to 36 are its members. The petitioners 2 to 36 were working as substitutes in Loco Shed, Northern Railway, Alambagh, Lucknow and they attained the status of temporary staff and consequently became entitled to all the benefits under the rules applicable to them.

4. That the petitioners, who belong to the category of labour, come within the definition of workman and are governed by the provisions of the Industrial Disputes Act, 1947.

5. That through the above writ petition the petitioners are claiming their right to be absorbed in service as substitutes in the Loco Running Shed where a large number of similar vacancies are proposed to be filled up shortly in pursuance of Employment Notice dated 24.1.1985 contained in Annexure No. 8 to the writ petition.

6. That the notices of the writ petition were served on the Divisional Railway Manager, Northern Railway, Lucknow on 15.4.1985 and thereafter the counsel for opposite parties have put in his appearance

7. That the petitioners' right of absorption in suitable vacancy is protected by the Industrial Disputes

Cky
2.11.86

म २५/११/२०१५

876

125

Act, 1947 as well as by Railway Establishment Rules applicable to the petitioners.

8. That the above noted case is not covered by the Administrative Tribunals Act, 1985 and in terms of Section 2(b) the provisions of the Act do not apply to them.

9. That the vacancy position of substitutes in the Loco Shed Lucknow as existing on 1.7.1985 is 52. These existing vacancies of 52 substitutes in the Loco Shed at Lucknow have not been filled up so far. The petitioners in the above writ petition are accordingly entitled to be absorbed on priority basis in the said vacancies in the facts and circumstances stated in the writ petition. A photostat copy of the official vacancy position of substitutes in the Loco Shed Lucknow as on 1.7.1985 communicated to the Divisional Railway Manager, Lucknow, is filed as Annexure No.9 to this affidavit.

10. That in the aforesaid circumstances it is necessary in the interest of justice that the petitioners be provisionally absorbed as substitutes in the Loco Shed Lucknow pending disposal of the writ petition in view of the vacancy position of substitutes in Loco Shed Lucknow as evident from Annexure No.9 filed with this affidavit.

Lucknow Dated:
January 27th, 1986

27.1.86

9

(A77)

127

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 6 and 9 and 10 of this affidavit are true to my own knowledge and those of paragraphs 7 and 8 are believed to be true by the deponent. No part of it is false and nothing materials has been concealed. So help me God.

Lucknow Dated:

Janaary 27th, 1986.

M 2/11/86

DEPONENT.

I identify the above-named deponent who has signed before me.

Kuldeepak Nay
Advocate.

Solemnly affirmed before me on January 27, 1986

at 2.00 a.m./p.m. by Sri Yamuna Prasad

The deponent who is identified by

Sri K. D. NAG

~~Advocate, High Court, Allahabad.~~

Advocate, High Court, Allahabad.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.

Kuldeepak Nay

No. 3/1000

27/1/86

Cy.
27/1/86

(178)

In The Hon'ble High Court of Judicature at
Allahabad Sitting at
Lucknow

129

W.P. No. 1596 of 1985

The Northern Railwaymen's Union
and others

— Petitioner

vs.

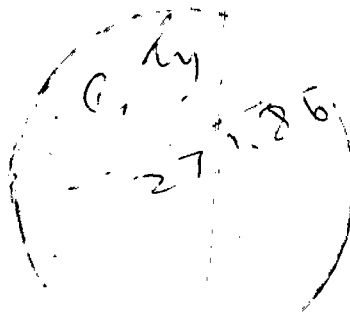
Union Of India and others

— off-Parties

ANNEXURE No. 9

(Summary of Staff Position of Loco Shed Lucknow as on 1-7-1985)

मजुनप्रसाद



(A7)

STATE OF THE POSITION OF LAGOON REEF STATION AS AT 1-7-1935

Sl No	Category	Sanct	On Roll	Vac	Excess	Substitute engaged
1	Supervisory staff	40	39	1	-	-
2	Ministerial staff	108	96	12	-	-
	Total	148	135	13	-	-
3	Fitting Part-I & Machine shops staff	309	310	20	1	-
4	Fitting staff Part-II	235	162	73	-	53
5	Fitting staff Part-III	159	133	26	-	-
6	Shed staff-I & Cleaners	212	184	78	-	75
7	Shed staff Part-II	177	138	33	-	48
8	Running Staff	1061	1035	26	-	-
	Total	2147	1912	235	1	176
	Ministerial and Supervisory staff	148	135	13	-	-
	Net vacancies when substitute engaged	-	-	-	-	-
	still vacancies	-	-	-	-	-

13/

42, 11/2, 11/2

$235 - 176 = 59$
 $59 - 176 = -117$
 $235 - 176 = 59$

42, 11/2, 11/2
 59
 176
 59

42, 11/2, 11/2
 59

ORDER SHEET
IN THE COURT OF JUDICATURE AT ALLAHABAD

(AEO)

133

No. 1596 of 1985

Date of progress of proceedings and routine orders

Date of which case is adjourned

1.

2.

3.

10-4-85 S.S. Ahmad J.

B. Kumar J.

Got the petition for order
14th April 1985

Put up for order on 19th April

Sd. S.S. Ahmad J.
Sd. B. Kumar J.
10-4-85

M.A. 4428 (1985)

10-4-85 S.S. Ahmad J.

B. Kumar J.

Put up along with the

Sd. S.S. Ahmad J.
Sd. B. Kumar J.
10-4-85

85 fix. for attendance
order in court.

9.10.85 approved by D.A. in

M.A. 4428 (1985)

15-4-85

Received Dasti
Sumra for O.P.
only. Shide
15/

19/4/85

HOUANNA

MAKNA

JS

By
M
19/4/85

Date	Note of progress of proceedings and row	Date to which case is adjourned	
1	2	3	
28.9.85	Haw SCN 5 Haw G.B.S.S	to Bah 39lt	
	<p>List in the next</p> <p>Mr Siddhartha has stated that he has filed ^{this} case on behalf of opposites in April 1985 but his has not been published. shall trace out the power and on record and his name shall published in the cause list the case is next listed.</p>		
Rm		9. 85	
7-10-85		fo Bent (Memo + work)	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P. No. 1596 of 1985
vs.

(281)

135

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	H. SC Mathy, 2	
	H. B. Singh, 2	
	List on 14-10-85	
	Kal 7/10/85	
14-10-85	from VCB, J from S.C.M.O.	to Bench (fixed)
	List in the month of November 1985.	
	14-10-85	
20-11-85		to Bench by court.
15-11-85	Case id 1596-3366-86 (amended) Punjab and Haryana	
	3-4-86 fixed for orders	to Bench
	50	

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
17.11.27	H. F. S. H. U. S. J. H. K. K. Singh J <i>(Signature)</i>	
21.10.27	Hon. S. C. Pillai Hon. P. S. Rao	
22.11.27	Hon. S. C. Pillai Hon. P. S. Rao Hon. S. C. Pillai Hon. M. M. Lalit <i>Sir L. S. Chandra, learned</i> Counsel for the petitioner, has stated that the petition was filed before the Enforcement of Central Administrative Tribunal Act and accordingly it is liable to be transferred to the Central Adminis- trative Tribunal. Let the record be transmitted to the Central Administrative Tribunal at Allahabad.	
	<i>2-11-27</i> <i>(Signature)</i>	1

Copy of the Court's order dated 2.11.1987
passed in Writ Petition No. 1596 of 1985.

The Northern Railwaymen's
Union, through the Divisional
Secretary, and others

Vs. Union of India through
G.M., N.R., New Delhi
and others.

HON'BLE S.C. MATHUR, J.
HON'BLE M.M. LAL, J.

Sri L.P. Shukla, learned counsel for the
petitioner, has stated that this petition was filed
before the enforcement of Central Administration
Tribunal Act and accordingly it is liable to be
transferred to the Central Administrative Tribunal.

Let the record be transmitted to the Central
Administrative Tribunal at Allahabad.

Sd. S.C. Mathur.
Sd. M.M. Lal.

2.11.1987

E. Ashok
24/11/87

Seena (Central)

Service Bench

H. C. J. Form No. 89-B Part I

HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH), LUCKNOW

SIDE

APPELLATE JURISDICTION

APPEAL No. *1576* OF 198

Sh. Nathu Ram Singh Appellant

Union of India Respondent

10-4-77 Against the decree

dated

Appeal no.

of 198

Suit no.

for Appellant

for Respondent

result of Appeal

of files

Lower Court

High Court

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P.No. 318 of 1992(L)

In re:

T.A.No.47 of 1988(L)
[Writ Petition No.1596/85]
{Decided on 20.09.1991}

Northern Railwaymen's Union & othersPetitioners

Versus

Union of India and others

....~~Respondents~~
Respondents/Applicants

APPLICATION ON BEHALF OF RESPONDENTS
FOR EXTENSION OF TIME FOR COMPLIANCE
OF JUDGMENT DATED 20.09.1991

That this application on behalf of Respondents above named most respectfully sheweth:-

That for the facts, reasons and circumstances stated in the statement in support of this application, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to extend the time for compliance of its judgment dated 20.09.1991 for a further period of 2 months.

Such other orders which are deemed fit and proper in the circumstances of the case may also kindly be passed.

Siddharth Verma
(Siddharth Verma)
Advocate,
Counsel for Respondents/Applicants.

Lucknow, Dated:
April 16, 1992.

Filed today

cyu

16/4/92

Refused to take notice,
Since the case has
already been decided
~~in the Counsel for the~~
~~Applicant is not available~~
The duplicates could not ~~be~~
be served. Copy is attached

Sherms
16.4.92

16.4.92.
P.A.

List for orders on 30.4.92

before the Hon. Bench
along with file.

Sherms

16.4.92

LUCKNOW BENCH, LUCKNOW.

{Writ Petition No.1596/85}

[Decided on 20.09.1991]

Versus

TIME FOR COMPLIANCE OF JUDGMENT DATED 20.09.1991

Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, solemnly state as under:-

1. That the undersigned is presently posted as *Asst*
Personnel Officer in the Office of the Divisional Railway
Manager, Northern Railway, Lucknow, and is competent and
duly authorised by the respondents to file the present
statement before this Hon'ble Tribunal.

2. That the above mentioned case was decided by this Hon'ble Tribunal on 20.09.1991, and the respondents were directed to dispose of the representation filed by the applicants after giving them opportunity, and to decide that those who had worked for 120 days are entitled for absorption and in case the applicants are successful in their claim, they may be given appointment in terms of Inderpal Yadav vs Union of India and the Railway Board's circular issued thereafter within a period of 6 months.

3. That the above mentioned judgment dated 20.09.1991 was made available to the Respondents on 8.11.1991.

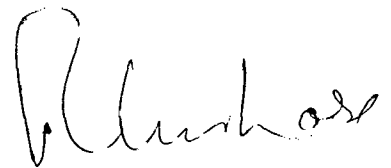
4. That soon after the receipt of the certified copy of the judgment dated 20.09.1991, the respondents made

every possible effort to comply with the judgment of this Hon'ble Tribunal within the prescribed time of 6 months, but despite their best efforts, it can not be complied within time as it involves the question of absorption of 35 persons and the records are not easily forthcoming.

5. That the Railway Administration has constituted a committee to decide the claims of the applicants as per directions of this Hon'ble Tribunal, and it may take about 2 months more to comply the judgment of this Hon'ble Tribunal dated 20.09.1991.

6. That in view of the submissions made in the foregoing paragraphs, the undersigned has been advised to state that it would be expedient in the interest of justice that the time for compliance of the orders of this Hon'ble Tribunal be extended for a further period of 2 months-

Lucknow, Dated:
April 10, 1992.



VERIFICATION

I, *Rajiv Kishore*, presently posted as *Asstt Personnel Officer* in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, hereby verify that the contents of paragraph 1 of this statement are true to my personal knowledge and those of paragraphs 2,3,4 and 5 are based on record and the same are believed to be true. The contents of paragraph 6 are based on legal advice and the same are believed to be true. That no part of it is false and nothing material has been concealed.

Lucknow, Dated:
April 10, 1992.



Bench Copy

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P.No. 318 of 1992(L)

In re:

T.A.No.47 of 1988(L)
[Writ Petition No.1596/85]
{Decided on 20.09.1991}

Northern Railwaymen's Union & othersPetitioners

Versus

Union of India and others

.....~~Respondents~~
Respondents/Applicants

APPLICATION ON BEHALF OF RESPONDENTS
FOR EXTENSION OF TIME FOR COMPLIANCE
OF JUDGMENT DATED 20.09.1991

That this application on behalf of Respondents above named most respectfully sheweth:-

That for the facts, reasons and circumstances stated in the statement in support of this application, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to extend the time for compliance of its judgment dated 20.09.1991 for a further period of 2 months.

Such other orders which are deemed fit and proper in the circumstances of the case may also kindly be passed.

Siddharth Verma

(Siddharth Verma)
Advocate,

Lucknow, Dated:
April 16, 1992.

Counsel for Respondents/Applicants.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

T.A.No.47 of 1988(T)
{Writ Petition No.1596/85}
[Decided on 20.09.1991]

Northern Railwaymen's Union & othersPetitioners
Versus
Union of India and othersRespondents

STATEMENT IN SUPPORT OF APPLICATION FOR EXTENSION OF
TIME FOR COMPLIANCE OF JUDGMENT DATED 20.09.1991

I, RAJIV KISHORE, presently posted as Asst Personnel Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, solemnly state as under:-

1. That the undersigned is presently posted as Asst Personnel Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, and is competent and duly authorised by the respondents to file the present statement before this Hon'ble Tribunal.
2. That the above mentioned case was decided by this Hon'ble Tribunal on 20.09.1991, and the respondents were directed to dispose of the representation filed by the applicants after giving them opportunity, and to decide that those who had worked for 120 days are entitled for absorption and in case the applicants are successful in their claim, they may be given appointment in terms of Inderpal Yadav vs Union of India and the Railway Board's circular issued thereafter within a period of 6 months.
3. That the above mentioned judgment dated 20.09.1991 was made available to the Respondents on 8.11.1991.
4. That soon after the receipt of the certified copy the judgment dated 20.09.1991, the respondents made

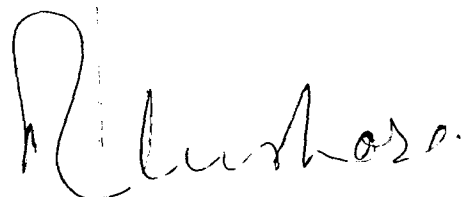
Rajiv Kishore

every possible effort to comply with the judgment of this Hon'ble Tribunal within the prescribed time of 6 months, but despite their best efforts, it can not be complied within time as it involves the question of absorption of 35 persons and the records are not easily forthcoming.

5. That the Railway Administration has constituted a committee to decide the claims of the applicants as per directions of this Hon'ble Tribunal, and it may take about 2 months more to comply the judgment of this Hon'ble Tribunal dated 20.09.1991.

6. That in view of the submissions made in the foregoing paragraphs, the undersigned has been advised to state that it would be expedient in the interest of justice that the time for compliance of the orders of this Hon'ble Tribunal be extended for a further period of 2 months-

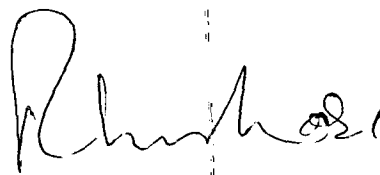
Lucknow, Dated:
April 10, 1992.



VERIFICATION

I, *Rajiv Kishore*, presently posted as *Asst Personnel Officer* in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, hereby verify that the contents of paragraph 1 of this statement are true to my personal knowledge and those of paragraphs 2,3,4 and 5 are based on record and the same are believed to be true. The contents of paragraph 6 are based on legal advice and the same are believed to be true. That no part of it is false and nothing material has been concealed.

Lucknow, Dated:
April 10, 1992.



349

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

C. M. Application No. (W) of 1985.

In re:

Writ Petition No. 1536 of 198 .

--

The Northern Railwaymen's Union and others

-----Petitioners/
Applicants

Versus

Union of India and others.

-----Opp-parties.

--

Amendment Application

The applicants most respectfully beg to submit as under :-

That for the facts and circumstances stated in the accompanying affidavit, it is necessary in the interest of justice to incorporate the amendments indicated in paras 4, 5 and 6 of the affidavit.

Wherefore, it is most respectfully prayed that the amendments indicated in paras 4, 5 and 6 of the affidavit may be allowed to be incorporated in the above writ petition.

Lucknow, dated,
15.11.85

L. P. Shukla
Advocate.
Counsel for the applicants.

(1650)

In the Hon'ble High Court of Judicature at Allahabad,
Sitting at Lucknow.

Affidavit

In:

C.M. Application No. (W) of 1985

In re:

Writ Petition No. 1596 of 198

The Northern Railway men's Union and others

-----Petitioners

Versus

Union of India and others.

-----Opp-parties.

--
A F F I D A V I T

I, Yamuna Prasad, aged about _____
years, son of Sri Ram Suresh
resident of Village - Gohra Mau, Post - Kakrahi, Distt - Lucknow.
do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above writ petition and is fully conversant with the facts deposed to herein.
2. That the Administrative Tribunals Act, 1985 (Act No. XIII of 1985) provides for setting up of Administrative Tribunals with respect to disputes regarding recruitment and conditions of service of employees in the service of Union.
3. That under the relevant provisions of the Administr-

1351

ative Tribunals Act large number of cases relating to service matters pending before the various Courts including the High Court and the Supreme Court in the form of writ petitions under Article 32 and 226 of the Constitution shall stand transferred to the Tribunal.

4. That in the circumstances the following amendments in the above writ petition are necessary :-

18-A That in terms of the Administrative Tribunals Act, 1985 (Act No. XIII of 1985) notification has been issued by the Central Government to establish the Bench of the Tribunal relating to the service matters under the Union of India in the State of Uttar Pradesh at Allahabad.

18-B That in terms of the qualification for appointment of Chairman, Vice-Chairman or other members as provided in Section 6 of the Act the said posts can be filled up by the Secretary, Additional Secretary or Joint Secretary to the Government of India to the exclusion of a person possessing judicial experience.

18-C That Section 28 provides for exclusion of all courts except the Supreme Court under Article 136 of the Constitution and Section 29 provides for transfer of all pending cases including suit or other proceedings pending before any court or other authority immediately before the date of establishment of a Tribunal. Section 28 and 29 thus imply exclusion of the jurisdiction of High Court under Article 226 of the Constitution and of the Supreme Court under Article 32 of the Constitution and the transfer of all the aforesaid pending petitions in the High Courts and Supreme

652

-3-

Court to the Tribunal and such transferred cases may, at the discretion of the Tribunal, be heard from the stage which was reached before such transfer or from any earlier stage or denovo as the Tribunal may deem fit.

18-D That the aforesaid provisions of the Act alter the basic structure of the Constitution by disturbing the balance between the Executive and the Judiciary by curtailing the independence of the Judiciary under the Constitution. The Act as framed is also beyond the legislative competence as it abrogates/amends, by an ordinary legislative process, the provisions of Article 32 and Article 226 of the Constitution, which form the basic structure of the Constitution. Lastly the provisions of the Act are discriminatory as they deprive the employees covered by the Act from exercising their constitutional rights under Article 32 or Article 226 of the Constitution without any rational basis, as compared to other employees of the State under Article 13(2) of the Constitution including armed forces or persons governed by the Industrial Disputes Act or any officer or servant of the Supreme Court or High Court or any persons appointed to the Secretarial Staff of either House of Parliament or of State Legislature.

18-E That Section 46 of the Forty Second Amendment Act 1976 amending the provisions of Article 323-A of the Constitution inasmuch as it enables the enactment of the aforesaid Act is ultra vires of the Constitution.

5. That the following grounds be added :-

353
B

-4-

E Because the Administrative Tribunals Act, 1985 alters the basic structure of the Constitution and disturbs the balance between the Executive and the Judiciary by curtailing the independence of the Judiciary in violation of Articles 32, 50 and 226 of the Constitution of India.

F Because the Act is beyond the legislative competence of the Parliament as it abrogates/amends Articles 32 and 226 of the Constitution which form the basic structure of the Constitution by ordinary legislative process.

G Because the provisions of the Act are discriminatory as the employees covered by the said Act are deprived of the due process of law guaranteed under Articles 32 and 226 of the Constitution in relation to other employees under Article 13 without any rational basis. This amounts to violation of Articles 14, 16 and 19 of the Constitution.

H Because the provisions of Section 46 of the Forty Second Amendment Act 1976 are ultra vires of the Constitution.

6. That the following reliefs be added :-

(IV) to issue a writ or direction holding the provisions of the Administrative Tribunal Act, 1985 ultra vires;

(V) to issue a writ or direction holding Section 46 of the Forty Second Amendment Act, 1976 as ultra vires;

(VI) to issue a writ, direction or order in the nature of mandamus directing that the aforesaid writ petition be

184

-5-

not transferred to the Tribunal as constituted under
the Administrative Tribunals Act, 1985.

Lucknow, dated,
7.11.85

Deponent.

Verification

I, the deponent abovenamed do hereby verify that the
contents of paras 1 to 6
are true to my own knowledge and those of paras
are believed by me to be true on legal advice
and no part of it is false and nothing material has been
concealed so help me God.

Lucknow, dated,
7.11.85

Deponent.

I identify the deponent who
has signed before me.

Advocate.

Solemnly affirmed before me on
at a.m./p.m. by
the deponent who is identified by
Shri
Clerk to Shri
Advocate High Court Allahabad.

I have satisfied myself by examining the
deponent that he understands the contents
of this affidavit which have been read out
and explained by me.

855

1596 - 1596

THE COURT OF THE DISTRICT JUDGE AT LUCKNOW
IN THE MATTER OF

C. . . Application No. () of 1986

In Re:

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union &
others Petitioners/Applicants
Versus

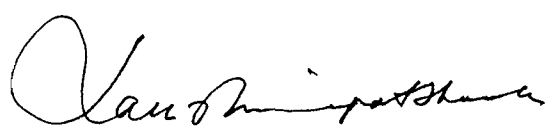
Union of India & others Opp. Parties

Application for interim relief

The applicants most respectfully beg to submit
as under :-

That for the facts and circumstances stated in
the accompanying affidavit and the writ petition, it is
most respectfully prayed that the petitioners/applicants
be provisionally absorbed in the Loco Shed Lucknow
pending disposal of the writ petition in the existing
vacancies as indicated in Annexure No.9 to the accompany-
ing affidavit.

Lucknow Dated:
January 30, 1986.


(L.P. Shukla)
Advocate,
Counsel for the applicants.

856

IN THE HON'BLE HIGH COURT OF JUDICATURE AT LUCKNOW
SITTING AT LUCKNOW

Affidavit

In

C.L. Application No. (1) of 1986

In Re:

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union
and others Petitioners

Versus

Union of India and others Opp. Parties

AFFIDAVIT

I, Yashwanth Prasad, aged about 25 years, son
of Sri Man Swarup, resident of village Gohra Mau,
Post Mokeri, District Lucknow, do hereby solemnly
affirm and state on oath as under :-

1. That the deponent is the petitioner No.15 in
the above writ petition and is fully conversant with
the facts deposed to herein.

2. That the deponent has been authorised by
the other petitioners to file this affidavit on their

857

-2-

beheld' also.

3. That the petitioner No.1 is a recognised Union while petitioner Nos. 2 to 36 are its members. The petitioners 2 to 36 were working as substitutes in Loco Shed, Northern Railway, Meerut, Lucknow and they attained the status of temporary staff and consequently became entitled to all the benefits under the rules applicable to them.

4. That the petitioners, who belong to the category of labour, come within the definition of workman and are governed by the provisions of the Industrial Disputes Act, 1947.

5. That through the above writ petition the petitioners are claiming their right to be absorbed in service as substitutes in the Loco Running Shed where a large number of similar vacancies are proposed to be filled up shortly in pursuance of Emplo. and Notice dated 24.1.1985 contained in Annexure No. 8 to the writ petition.

6. That the notices of the writ petition were served on the Divisional Railway Manager, Northern Railway, Lucknow on 15.4.1985 and thereafter the counsel for opposite parties have put in his appearance.

7. That the petitioners' right of absorption in suitable vacancy is protected by the Industrial Disputes

Act, 1947 as well as by Railway Establishment Rules applicable to the petitioners.

8. That the above noted case is not covered by the Administrative Tribunals Act, 1985 and in terms of Section 2(b) the provisions of the Act do not apply to them.

9. That the vacancy position of substitutes in the Loco Shed Lucknow as existing on 1.7.1985 is 52. These existing vacancies of 52 substitutes in the Loco Shed at Lucknow have not been filled up so far. The petitioners in the above writ petition are accordingly entitled to be absorbed on priority basis in the said vacancies in the facts and circumstances stated in the writ petition. A photostat copy of the official vacancy position of substitutes in the Loco Shed Lucknow as on 1.7.1985 communicated to the Divisional Railway Manager, Lucknow, is filed as Annexure No.9 to this affidavit.

10. That in the aforesaid circumstances it is necessary in the interest of justice that the petitioners be provisionally absorbed as substitutes in the Loco Shed Lucknow pending disposal of the writ petition in view of the vacancy position of substitutes in Loco Shed Lucknow as evident from Annexure No.9 filed with this affidavit.

Lucknow Dated:
January , 1986

DEE GIB.T.

(HST)

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 6 and 9 and 10 of this affidavit are true to my own knowledge and that paragraphs 7 and 8 are believed to be true by the deponent. No part of it is false and nothing material has been concealed. So help me God.

Lucknow District:

January , 1906.

DEPONENT.

I identify the above-named deponent who has signed before me.

Advocate.

Solemnly affirmed before me on January , 1906

at a.m./p.m. by Sri Yashwantrao Prasad

The deponent who is identified by

Sri

Clerk to Sri

Advocate, High Court, Allahabad.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.

In The Hon'ble High Court of Judicature
at Allahabad Sitting at
Lucknow

(A60)

W. P. No. 1596 of 1985

The Northern Railwaymen's Union
and others — Petitioner

vs.

Union of India and others — opp. Parties

ANNEXURE No. 9

(Summary of staff position of Loco Shed Lucknow as on 1-7-1985)

STATE OF TEXAS DEPARTMENT OF AGRICULTURE BUREAU OF EXTENSION REPORT OF THE DIRECTOR FOR THE YEAR 1913

Category	Barred	On Roll	Vac	Excess	Substitute engaged
1. Ministerial and Supervisory staff Supervisory staff	40	39	1	-	-
2. Ministerial staff	108	96	12	-	-
Total	148	135	13	-	-
3. Fitting Part-I & Machine shops staff	309	310 500	-	1	-
4. Fitting staff Part-II	235	162	73	-	53
5. Fitting staff Part-III	159	133	26	-	-
6. Shed Staff-I & Cleaners	212	134	78	-	75
7. Shed staff Part-II	174	133	33	-	49
8. Running Staff	1061	1035	26	59	-
Total	2147	1912	236	176	-
Ministerial and Supervisory staff	148	135	13	-	-
Net vacancies where Substitute engaged	-	-	-	235	176
still vacancies	-	-	-	243-173 = 72	-

243-173 = 72
 243-173 = 72
 243-173 = 72

(Ae)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT LUCKNOW
SITTING AT LUCKNOW

C.W. Application No. of 1985

In

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others. Petitioners/
Applicants

Versus

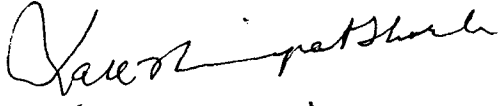
Union of India & another Opposite Parties

Stay Application

The applicants most respectfully beg to
submit as under :-

That for the facts and circumstances stated
in the accompanying writ petition it is most respect-
fully prayed that the case of the petitioners/applicants
Nos. 2 to 36 may be duly considered at the time of mak-
ing appointments under Annexure No. 8 to the writ
petition.

Dated Lucknow:
April 8, 1985.


(L.V. Shukla)
Advocate,
Counsel for the applicants.

Copy for Applicants
through Counsel.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P.No. of 1992(L)

In re:

T.A.No.47 of 1988(L)
[Writ Petition No.1596/85]
{Decided on 20.09.1991}

Northern Railwaymen's Union & othersPetitioners

Versus

Union of India and others~~Respondents~~
Respondents/Applicants

APPLICATION ON BEHALF OF RESPONDENTS
FOR EXTENSION OF TIME FOR COMPLIANCE
OF JUDGMENT DATED 20.09.1991

That this application on behalf of Respondents
above named most respectfully sheweth:-

That for the facts, reasons and circumstances
stated in the statement in support of this application,
it is most respectfully prayed that this Hon'ble
Tribunal may kindly be pleased to extend the time for
compliance of its judgment dated 20.09.1991 for a
further period of 2 months.

Such other orders which are deemed fit and proper
in the circumstances of the case may also kindly be
passed.

Lucknow, Dated:
April ,1992.

(Siddharth Verma)
Advocate,
Counsel for Respondents/Applicants.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

T.A.No.47 of 1988(T)
{Writ Petition No.1596/85}
[Decided on 20.09.1991]

Northern Railwaymen's Union & others Petitioners

Versus

Union of India and others Respondents

STATEMENT IN SUPPORT OF APPLICATION FOR EXTENSION OF
TIME FOR COMPLIANCE OF JUDGMENT DATED 20.09.1991

I, _____, presently posted as
in the Office of the Divisional Railway
Manager, Northern Railway, Lucknow, solemnly state as
under:-

1. That the undersigned is presently posted as
in the Office of the Divisional Railway
Manager, Northern Railway, Lucknow, and is competent and
duly authorised by the respondents to file the present
statement before this Hon'ble Tribunal.
2. That the above mentioned case was decided by this
Hon'ble Tribunal on 20.09.1991, and the respondents were
directed to dispose of the representation filed by the
applicants after giving them opportunity, and to decide
that those who had worked for 120 days are entitled for
absorption and in case the applicants are successful in
their claim, they may be given appointment in terms of
Inderpal Yadav vs Union of India and the Railway Board's
circular issued thereafter within a period of 6 months.
3. That the above mentioned judgment dated
20.09.1991 was made available to the Respondents on
8.11.1991.
4. That soon after the receipt of the certified copy
the judgment dated 20.09.1991, the respondents made

every possible effort to comply with the judgment of this Hon'ble Tribunal within the prescribed time of 6 months but despite their best efforts, it can not be complied within time as it involves the question of absorption of 35 persons and the records are not easily forthcoming.

5. That the Railway Administration has constituted a committee to decide the claims of the applicants as per directions of this Hon'ble Tribunal, and it may take about 2 months more to comply the judgment of this Hon'ble Tribunal dated 20.09.1991.

6. That in view of the submissions made in the foregoing paragraphs, the undersigned has been advised to state that it would be expedient in the interest of justice that the time for compliance of the orders of this Hon'ble Tribunal be extended for a further period of 2 months-

Lucknow, Dated:
April ,1992.

VERIFICATION

I, , presently posted as
in the Office of the Divisional Railway Manager, Northern Railway, Lucknow, hereby verify that the contents of paragraph 1 of this statement are true to my personal knowledge and those of paragraphs 2,3,4 and 5 are based on record and the same are believed to be true. The contents of paragraph 6 are based on legal advice and the same are believed to be true. That no part of it is false and nothing material has been concealed.

Lucknow, Dated:
April ,1992.

(B1)

IN THE CIVIL HIGH COURT OF JUDICATURE AT LUCKNOW

SITTING AT LUCKNOW

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union
and others Petitioners

Versus

Union of India & another Opposite Parties

I N D E X

	<u>Pages</u>
1. Writ petition.	..1 to 13
2. Annexure No.1- Letter dated 5.10.1983 alongwith the list showing number of working days of each employee.	..14 to 25
3. Annexure No.2- Letter dated 24.2.1984 for re-employment of class IV employees in the available vacancies.	..26 to 27
4. Annexure No.3- List dated 20.11.1984 of casual labours.	..28 to 37
5. Annexure No.4- Pay slip of Subodh Kumar.	..38 & 39
6. Annexure No.5- Pay slip of Sheo Lal Prasad Tewari.	.. 40
7. Annexure No.6- Working days certificate of Han Preet.	.. 41
8. Annexure No.7- Representation dated 7.12.1984 along with the list of junior persons.	..42 to 44
9. Annexure No.8- Employment notice dated 24.1.1985.	.. 45
10. Affidavit.	.. 46 & 47
11. Vakalatnama.	.. 48
12. Stay Application (Separate)	

Lucknow Dated:

April , 1985.

(L.P. Shukla)
Advocate,

Counsel for the petitioners.

(62)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. of 1985

1. The Northern Railwaymen's Union, through the Divisional Secretary, Northern Railwaymen's Union, Near Guards Room, Charbagh, Lucknow.
2. Ram Deo, aged 26 years, son of Sri Ishwar Din, resident of C/o Shri T.P. Trivedi, LD14H R/Shed Colony, Alambagh, Lucknow.
3. Mangal, aged 24 years, son of Sri Sada Shiv, resident of C/o Sri T.P. Trivedi, LD 14 H R/Shed Colony, Alambagh, Lucknow.
4. Jagan Nath Dutt Trivedi, aged 26 years, son of B.N. Dutt Trivedi, resident of C/o Sri R.N. Tripathi, LD 80 R/Shed Colony, Alambagh, Lucknow.
5. Ravi Shanker, aged 24 years, son of Sri Sada Shiv, resident of C/o Sri T.P. Trivedi, LD 14 H, Rly. Shed Colony, Alambagh, Lucknow.
6. Indra Deo, aged 22 years, son of Mansha Ram, resident of C/o Sri T.P. Trivedi, LD 14 H R/Shed Colony, Alambagh, Lucknow.
7. Suresh Kumar, aged 25 years, son of Bhagwati Prasad, resident of C/o Sri Triveni Prasad, LD 55 R/Shed Colony, Alambagh, Lucknow.
8. Gulam Mohammad, aged 28 years, son of Mohd. Ayub, Resident of Qr. No. 50 Badhu Lal Tiwari Road, Mehndi Ganj, Lucknow.
9. Krishna Chand Tripathi, aged 25 years, son of R.N. Tripathi, LD 80 R/Shed Colony, Alambagh, Lucknow.
10. Chandra Shekhar Shukla, aged 29 years, son of Shiv Narain Shukla, resident of C/o R.P. Shukla, LD 21 H R/Shed Colony, Alambagh, Lucknow.
11. Shiv Mol Prasad Tiwari, aged 23 years, Son of Chandrika Prasad Tewari, resident of C/o R.P. Shukla, LD 21 H R/Shed Colony, Alambagh, Lucknow.
12. Subodh Kumar, aged 22 years, son of Hirday Nath, resident of C/o Triveni Prasad Trivedi, LD 55 R/Shed Colony, Alambagh, Lucknow.

(103)

13. Krishna Kumar Pandey, aged 24 years, son of R.S. Pandey, resident of C/o B.K. Pandey, A II 6A LD Colony, Alambagh, Lucknow.
14. Writunjay Prasad, aged 23 years, son of Gajadhar Prasad Tripathi, resident of C/o Harish Chand Misra, Qr. No. 1 & H Control Power House, Alambagh, Lucknow.
15. Jamuna Prasad, aged 25 years, son of Ram Swarup, resident of village Gohra Mau, Post Kakori, Distt. Lucknow.
16. Raj Kumar Singh, aged 25 years, son of Nankoo Singh, resident of village Shah Pur Ka Khara, post Kakori, distt. Lucknow.
17. Waheed, aged 25 years, son of Amir Hassan, resident of C/o Faqir Mohammad, RPF Armed Wing Line, Alambagh, Lucknow.
18. Rahman, aged 28 years, son of Amir Hassan, resident of C/o Faqir Mohammad, RPF Armed Wing Line, Alambagh, Lucknow.
19. Shanker Sahai Tripathi, aged 24 years, son of R.N. Tripathi, resident of C/o R.N. Tripathi, LD 2 O R/Shed Colony, Alambagh, Lucknow.
20. Krishna Kumar Dwivedi, aged 22 years, son of Radhey Shyam Dwivedi, resident of C/o Ayodhya Prasad Dwivedi, LD 2 L R/Shed Colony, Alambagh, Lucknow.
21. Lodheyshwar Pandey, aged 26 years, son of Ram Khelawan Pandey, resident of C/o Ayodhya Prasad Dwivedi, LD 2 L R/Shed Colony, Alambagh, Lucknow.
22. Raj Kumar Dwivedi, aged 27 years, son of Mata Pd. Dwivedi, Resident of C/o Maqbol Ganj, Sarojni Devi Line, Lucknow.
23. Ram Kishor, aged 27 years, son of Ram Gorimal, resident of C/o Sri R.N. Misra, LD 52 H R/Shed, Colony, Alambagh, Lucknow.
24. Bal Ram Singh, aged 24 years, son of Raj Narain Singh, resident of C/o Amar Bahadur Singh, LD 19A R/Shed Colony, Alambagh, Lucknow.
25. Devendra Kumar, aged 25 years, son of Shri Ram, resident of C/o Om Prakash Verma, 556/75 Sujan Pura, Alambagh, Lucknow.
26. Shyam Nath Shukla, aged 24 years, son of Ram Krishna Shukla, resident of village Aurawa, post Aurawa, district Lucknow.
27. Purnottam Rai, aged 26 years, son of Sidh Nath Rai, resident of C/o B.K. Pandey, Qr. No. A 26 A R/Shed Colony, Alambagh, Lucknow.

154

28. Raghu Nath, aged 25 years, son of Khub Lal, resident of C/o Vishwa Nath Prasad Verma, 556/75 Sujan Pura, Alambagh, Lucknow.
29. Parmeshwar Dayal, aged 24 years, son of Mahesh Prasad, resident of C/o Mahesh Prasad, LD 28 P R/Shed Colony, Alambagh, Lucknow.
30. Ram Preet, aged 28 years, son of Shri Oree, resident of C/o Om Prakash Verma, 556/75 Sujan Pura, Alambagh, Lucknow.
31. Radhey Lal, aged 28 years, son of Shiv Narain Shukla, resident of c/o R.P. Shukla, LD 21 H/ R/Shed Colony, Alambagh, Lucknow.
32. Sabhajeet Pandey, aged 27 years, son of Ram Harsh Pandey, resident of C/o Munni Lal Pandey, Central Power House Colony, Alambagh, Lucknow.
33. Surendra Kumar Dixit, aged 24 years, son of Ravi Shanker, resident of C/o Ram Prasad, LD 56 R/Shed Colony, Alambagh, Lucknow.
34. Sant Raj, aged 24 years, son of Oree, resident of C/o D.N. Verma, 556/75 Gha/1 Sujanpura, Alambagh, Lucknow.
35. Deo Narain Yadav, aged 27 years, son of Khedu Yadav, resident of C/o R.N. Singh, LD 44 F R/Shed, Alambagh, Lucknow.
36. Bal Karan, aged 28 years, son of Kaloo, resident of C/o C.P. Yadav, LD 33 J R/Shed Colony, Alambagh, Lucknow.

..... Petitioners

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

..... Opposite Parties

Writ Petition under Article 226 of
the Constitution of India.

The petitioners most respectfully beg to
submit as under :-

(b5)

1. That the above writ petition is filed in representative capacity by the Northern Railwaymen's Union, petitioner No.1, on behalf of petitioners 2 to 36 who are its members. Petitioner No.1 (hereinafter referred to as Union) was also pursuing the case of the petitioners through reconciliation machinery under the Permanent Negotiation Machinery meetings with the railway administration against the illegal retrenchment of the petitioner nos. 2 to 36 who were working as casual labours/substitutes having put in more than 120 days of service.

2. That petitioner No.1 is a recognised union while petitioners 2 to 36 are its members. The petitioners 2 to 36 were working as substitutes in the Loco Shed, Northern Railway, Alambagh, Lucknow. They have attained the status of temporary staff and consequently entitled to all the benefits under the rules applicable to them. The names of the petitioners are borne on the muster roll under the Loco Foreman of the Loco Running Shed, Northern Railway, Alambagh, Lucknow. The petitioners have put in more than 120 days of service. On the basis of muster roll and the paybill entries the petitioners in terms of the number of working days were paid their monthly salary through pay slips issued to them. Most of the petitioners after having completed 120 days were given the privilege passes and PTOs to which they were legally entitled.

3. That the conditions of the service of petitioners as casual labour/substitutes are regulated by the provisions contained in Chapter XXV of the Indian Railway Establishment Manual and also on the basis of the Railway Board's Circulars issued in this connection. The Railway Board's circular in the form of printed serial no. 7850 consolidates the various instructions issued by the Railway Board from time to time regulating the service conditions of casual labour. They have the force of law.

4. That the petitioners along with other substitutes were laid off in September/October 1981 in an arbitrary and illegal manner without prior notice and without assigning any reasons. In view of the fact that the petitioners had attained the status of temporary staff according to rules it amounted to large scale termination of their services without following the procedure laid down under the law.

5. That the petitioners continued to attend their place of work for being assigned respective duties since October 1981 and they were always ready and willing to work but they were refused to resume duties despite repeated representations and reminders to this effect.

6. That under Section 149 of the Railway Establishment Code the petitioners having attained temporary status are entitled to notice in writing but the same was not given nor have they been paid their wages in

(b7)

lieu of such notice.

7. That the aforesaid matter of large scale discontinuation of service of the petitioners and other employees was taken up by the Northern railwaymen's Union with the railway administration at the Permanent Negotiation Machinery meetings. After protracted negotiations with the railway administration it was decided to take back in service bonafide employees, that is, casual labours/substitutes after thorough scrutiny of the record and the number of actual working days put in by such persons.

8. That the railway administration started re-employment of retrenched workmen w.e.f. August 1982. The persons thus re-employed included retrenched employees whose cases were sponsored by one or the other Railwaymen's Union, namely the petitioner Union, i.e., the Northern Railwaymen's Union and the Uttar Railway Karamchari Union. The latter is not a recognised union.

9. That on the basis of the letter dated 1.10.1983, along with a list of 305 persons illegally, retrenched, from the Divisional Secretary, Northern Railwaymen's Union, Lucknow, the Divisional Railway Manager, Lucknow, by his letter dated 5.10.1983 indicated the number of working days of the ex-casual labour for the purpose of assessing the seniority for re-employment. A true copy of the letter dated 5.10.1983 from the Divisional Railway Manager, Lucknow,

(p)

Annexure No.1

along with the list showing number of working days of each employee is filed as Annexure No.1 to this writ petition.

10. That on the basis of the above letter the Railway administration started preparing list of workmen who had worked in the Loco Shed and also started verification of thumb impressions of the workmen, as available on the muster roll and paybill, to verify the genuineness of the concerned railway employees. In terms of the letter from the office of the General Manager (Personnel) to the Divisional Railway Manager, opposite party No.2, dated 24.2.1984 it was specifically pointed out that after scrutiny of the records, finger prints etc. the genuine employees should be engaged and if they are not bonafide they should be discharged after following the procedure of the Industrial Disputes Act. It was further stated in the said letter that seniority of the employees should be assessed on the basis of total number of days of service continuous or intermittent and preference should be given on the basis of seniority. A true copy of the letter from the General Manager, Lucknow, dated 24.2.1984 for re-employment of class IV employees in the available vacancies in the division is filed as Annexure No.2 to this writ petition.

Annexure No.2

11. That from the aforesaid letter dated 24.2.1984 it is evident that the seniority of the bonafide casual labour for purpose of scrutiny has to be made on the basis of the printed circular No.7850

(69)

and the criteria shall be on the total number of days of casual labour service, continuous or intermittent, that the person has to his credit.

12. That by means of letter dated 20.11.1984 from the Divisional Railway Manager, Lucknow, a list of casual labours, whose claim for re-employment was rejected on the ground of putting in less than 120 working days or on the ground of non-verification of their thumb impression or on the ground that they were not traced, was announced. According to this list there are nearly 112 employees whose case has been rejected on the ground that they have put in less than 120 working days while 38 employees have been rejected as their thumb impressions were not genuine and they were not bonafide employees. Case of 23 persons was not traceable. A photostat copy of the list dated 20.11.1984 is filed as Annexure No.3 to this writ petition.

Annexure No.3

13. That the aforesaid list dated 20.11.1984 in respect of the number of working days of the respective petitioners is contradictory to the earlier list dated 5.10.1983 showing the working days of ex casual labour issued by the office of the Divisional Railway Manager, Lucknow. The following petitioners as per list dated 5.10.1983 have been shown to have put in more than the required 120 days: Ram Deo (petitioner No.2) 609 days, Mangal (petitioner No.3) 264 days, Jagan Nath Dutt Trivedi (petitioner No.4) 164 days, Ravi Shanker (petitioner No.5) 190 days,

Indra Deo (petitioner No.6) 417 days, Surosh Kumar (petitioner No.7) 218 days, Gulam Mohammad (petitioner No.8) 469 days, ~~Surendra Kumar Dixit~~ (petitioner No.35) 280 days and Bali Karan (petitioner No.36) 140 days.

14. That all the casual labour/substitutes, who have put in more than 120 days of service, are entitled to passes and PTOs. The following petitioners actually availed these passes and PTOs: -

<u>Petitioner's Name</u>	<u>Pass No.</u>
1. Ram Deo	559983 364225
2. Jagan Nath Dutt Trivedi	222055
3. Gulam Mohammad	222097
4. Krishna Chandra Tripathi	699001
5. Chandra Shekhar Shukla	863448 222194
6. Shiv Mol Prasad Tewari	222637
7. Krishna Kumar Pandey	699381
8. Kirtunjay Prasad	962385
9. Jamuna Prasad	864473
10. Raj Kumar Singh	962145
11. Waheed	463500 864685
12. Rahman	222488
13. Shankar Sahai Tripathi	222056
14. Krishna Kumar Dwivedi	699002
15. Lodheshwar Pancey	222489
16. Raj Kumar Dwivedi	222579
17. Ram Kishore	863711 221719

(B)

13. Bal Ram Singh	222107
19. Devendra Kumar	962205
20. Shyam Nath Shukla	864442
21. Puroshattam Rai	558340
22. Surendra Kumar Dixit	252883
23. Dev Narain Yadav PTO NO.439737	

15. That in accordance with the list dated 20.11.1984, 23 persons are not traceable. These include Shiv Mol Prasad Tewari, Subodh Kumar and Ram Preet among the petitioners. This fact is totally false inasmuch as all the petitioners had actually worked for more than 120 days. Subodh Kumar has put in 300 days, Shiv Mol Prasad Tewari has worked for 130 days and Ram Preet has worked for 249 days. This fact will be evident from the muster roll and the pay bill. All the aforesaid 3 persons were issued pay slips and received salary on the basis thereof. The number of days put in by them will be evident from the monthly pay slips issued to them. Shiv Mol Prasad Tewari was also issued a pass No.22637 by the railway administration. Photostat copies of the ^{First and Last} pay slips of Subodh Kumar, Shiv Mol Prasad Tewari and Loco Foreman's certificate showing actual working days of Ram Preet are filed as Annexure Nos. 4, 5 and 6 respectively to this writ petition.

16. That the following petitioners were arbitrarily shown having put in less working days in the list dated 20.11.1984 although they had put in more than 120 days:-

(62)

<u>Name of the petitioner</u>	<u>Days shown in the list</u>	<u>No. of days actually worked</u>
1. Krishna Chandra Tripathi	46	146
2. Krishna Kumar Pandey	36	300
3. Jamuna Prasad	88	300
4. Shanker Sahai Tripathi	86	180
5. Krishna Kumar Dwivedi	82	165
6. Devendra Kumar	72	249
7. Raghunath	53	131
8. Parmeshwar Dayal	181	138

All the aforesaid petitioners except Raghunath and Parmeshwar Dayal were also issued passes by the railway administration.

17. That against the aforesaid arbitrary action of the opposite parties discriminating the petitioners in service and absorbing others, who had worked for less than 120 days and were consequently junior to the petitioners, a representation was made to opposite party No.2 by the Divisional Secretary, Northern Railwaymen's Union on behalf of the petitioners. Alongwith the said representation a list was attached showing that persons junior to the petitioners having put in less than 120 days have been absorbed while the case of the petitioners has been rejected. The Railway authorities concerned were also personally approached by the Union Secretary to get justice for the petitioners but no action has been taken by the railway administration in the matter of the petitioners so far. A true copy of the representation dated 7.12.1984 along with the list of junior persons is filed as Annexure No.7 to this writ petition.

213

18. That it is evident that the petitioners who have actually worked for more than 120 days in the Loco Running Shed have been illegally retrenched from service while persons junior to them with less than 120 days have been absorbed. Further by notice dated 24.1.1985 applications have been invited for drawing up a fresh panel of khalasies in Loco Chagbagh Lucknow in the grade of Rs.196-232(RS). This amounts to discrimination of the petitioners. A true copy of the employment notice dated 24.1.1985 is filed as Annexure No.8 to this writ petition.

Annexure No.8

19. That the petitioners, having no alternative efficacious and speedy remedy available to them, have preferred to file this writ petition on the following amongst other :

G R O U N D S

- (A) Because the action of opposite parties in not absorbing the petitioners in service, although they have put in more than 120 days, is wholly illegal, arbitrary and without jurisdiction.
- (B) Because the opposite parties have taken contradictory stand to absorb persons junior to the petitioners while denying them the same benefit which amounts to hostile discrimination in violation of Articles 14 and 16 of the Constitution of India.
- (C) Because the opposite parties have acted in

BM

-13-

an arbitrary manner contrary to the facts and circumstances on record to deny the benefit of employment to the petitioners in accordance with the rules and Railway Board's Circulars having the force of law.

- (D) Because the opposite parties have acted arbitrarily and in a pick and choose manner to reject the case of the petitioners contrary to the service record, that is, muster roll, pay bill and the rights and benefits of service already accrued to the petitioners through pay slips, passes and PTOs.

P R A Y E R

WHEREFORE it is most respectfully prayed that this Hon'ble Court may be pleased to :-

- (i) issue a writ, direction or order in the nature of mandamus commanding the opposite parties to absorb the petitioners in service as substitution in the Loco Running Shed of Northern Railway, Alambagh, Lucknow;
- (ii) issue such other writ, direction or order as deemed just and proper in the circumstances of the case;
- (iii) award the costs of the writ petition to the petitioners.

Dated Lucknow:
April , 1985.

(L.P. Shukla)
Advocate,
Counsel for the petitioners.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Potitioners

Versus

Union of India & another Opp. Parties

Annexure No.1

NORTHERN RAILWAY

No.E/WB/ID/Conciliation/83

DIVISIONAL OFFICE
LUCKNOW

Dated 5th Dec., 83.

Divl. Secretary,
N.R.M.U.
Lucknow.

Dear Sir,

Reg:- Your letter No.N11
dated 1.10.83.

The working days of each ex-casual labour
as referred to in your letter quoted above are
shown against each for your information.

Yours faithfully,

Sd/-

for Divl. Railway Manager
Lucknow.

DA: Ag above.

True Copy

S.N.	Name	Father's name	Working days as per office record
	S/Sri	S/Sri	
1.	Aziz Zafar	Shaid Ahmad	-
2.	Awadh Nareesh	Bhulai	132
3.	Ajai Dutt Dixit	Maheshwar Dtt Dixit	-
4.	Awadh Raj Yadav	Ram Saran Yadav	-
5.	Avnis Kumar	Prom Shanker	526
6.	Ambika Singh	Baij Nath Singh	432
7.	Atiq Ahmad	Mohd. Tahir	150
8.	Anil Kumar Dubey	Ram Babu Dubey	208
9.	Alla Karam	Daban Lal	156
10.	Awadesh Kumar Bajpai	B.D. Bajpai	122
11.	Anil Kumar Gupta	R.S. Gupta	-
12.	Anand Kumar Misra	Ambika Pd. Misra	240
13.	Amber Singh	Ram Butar	134
14.	Alihausar	Aboo Zafar	129
15.	Ashok Kumar	Shiv Kumar	618
16.	Ashok Kumar	Aditya Pd.	454
17.	Awadheesh Kumar Misra	Surdeo Pd. Misra	129
18.	Amar Nath	Parmeshwar	-
19.	Ashok Kumar	Yugul Mishore	182
20.	Aziz Ahmad	Munier	-
21.	Ashok Kumar	Gaya Pd.	-
22.	Anoop Kumar	Enagwan Dass	170
23.	Abbas Hussain	Kishwar Hussain	-
24.	Amar Nath	Misri Lal	-
25.	Ab. Zahid	Ab. Hafati	143
26.	Arun Kumar	Durga Pd. Dixit	-
27.	Ashok Kumar	Monhey Lal	245
28.	Ashok Kumar	Hukum Chand	464
29.	Abad Ali	Laugar Ali	-
30.	Ajit Kumar	Mohan Lal	-

S.No.	Name	Father's name	Working days as per office record
31.	Aftab Alam	Mahboob Alam	417
32.	Ashok Kumar	Sri Krishnan Shanker	155
33.	Arun Pratap Singh	Shankar Singh	-
34.	Ashok Kumar Singh	Ears Ind Singh	310
35.	Anil Kumar	Poul Madho	275
1.	Bharat Singh	Nankao Singh	-
2.	Bhajan Singh	K.K. Singh	-
3.	Bipin Kumar	Mathan Ji	239
4.	Bechey Lal	Mangoo Lal	164
5.	Balwant Pd.	Shiv Nath	-
6.	Babban Singh	Kalloo Pd.	669
7.	Bali Karan	Kalloo	140
8.	Bindra Pd.	Banshi Lal	406
9.	Bhim Pd.	Sardar	269
10.	Bhupendra Kumar	Madho Ram	-
11.	Brahma Din	Cheda Lal	-
12.	Brij Phusan Pathak	Jagannath Pathak	252
13.	Bashis	Jai Shree	-
14.	Bhogai Pd.	Sri Ram Krishan	-
15.	Babban Ram	Dalraj Ram	-
16.	Bhagwati Pd. Verma	Rasudev	155
17.	Baboo Lal	Sita Ram	-
18.	Balmukund	Shiv Baran	-
19.	Brahme Lal	Ram Awadh Lal	-
20.	Brij Kishore	Dalram	458
(C)			
1.	Chandra Chakhar	Shiv Baran	-
2.	Cheda Lal	Ram Swaroop	-
3.	Chabiley Yadav	Nanga Lal Yadav	-

-3-

4.	Chandrika	Nanda	260
		(D)	
1.	Durga Pd.	Bhalla	406
2.	Dinesh Br. Nigam	Harswaroop	-
3.	Durga Pd.	Tribhikoshwar	-
4.	Dinesh Singh	Ram Prasad Singh	-
5.	Dirganj Singh	Baba Din Singh	-
6.	Dilip Kumar	Gyaneshwar Pd.	124
7.	Dharam Raj Singh	Badri Singh	-
8.	Devendra Kumar	Sri Ram	-
9.	Daya Nand	Ram Jee	335
10.	Dhirendra Pratap Singh	Surya Nath Singh	677
11.	Dev Narain Yadav	Khedoo Yadav	-
12.	Dilam Ram	Chutai Ram	-
13.	Dev Datt	Brif Nonga	123
14.	Devi Dayal	Frishna Kamal	-
15.	Desh Raj	Brif Nath	282
16.	Dina Nath Id.	Parl Khan	200
17.	Dinesh Kumar	V.M. Pd.	367
		(E)	
1.	Eleven Mahesh	Edved Mahesh	-
		(G)	
1.	Gopal Krishna Sinha	Laxmi Narain Sinha	478
2.	Gopal Singh Yadav	Basawan	-
3.	Gur Charan Singh	Pritam Singh	213
4.	Ghanshyam Tripathi	Bhagwati Pd. Tripathi	-
5.	Gaya Lux Singh	Ram Mahadur Singh	-
6.	Gulam Mohd.	Mohd Ayub	469
7.	Gaj Raj	Maikoo Lal	-
8.	Girja Shanker	Jagdeo Pd.	126
9.	Gulab Chand	Jagamath	-

-4-

(H)

1.	Habibar Rahman	Abdul Jabbar Khan	142
2.	Harendra Pratap Singh	Ram Nath Singh	777
3.	Haider Abbas	Nazar Hussain	126
4.	Hira Lal Shukla	Vidya Prakash Shukla	-
5.	Hari Shanker Verma	Shyam Lal	142
6.	Har Dayal	Ramnoo	265

(I)

1.	Indra Jeet Singh	Amer Singh	-
2.	Indra Dev	Mansa Ram	417
3.	Iqbal Ali	Gham Shud Ali	271
4.	Israr Khan	Rahim Khan	-
5.	Inder Seon Singh	Ashai Dutt Singh	161
6.	Inder Lal	Perma Rand	219
7.	Inder Jeet	Roti Lal	267

(J)

1.	Jai Lakhon Dixit	Manna Lal	185
2.	Jai Gopal Singh	Janardan Singh	424
3.	Jamesh Sushil Sarla	S. Sarla	222
4.	Joginder Singh	Shiv Kumar Singh	-
5.	Jai Nath Singh	Manokarma Singh	241
6.	Jamal Alam	Mehtab Alam	480
7.	Jabeer Singh	Bhagwant Singh	-
8.	Jay Prakash	Gur Prasad	474
9.	Jitendra Pratap	Ram Samujh	464
10.	Jaggannath Dutt Trivedi	B.N. Dutt Trivedi	164
11.	Jagdish Pd.	Ram Dayal	172
12.	Jhagroo	Fujan	339
13.	Jamuna Pd.	Ram Surcoop	-
14.	Jagdish Pd.	Cheda Lal	180

-5-

15.	Jai Shyam Dwevedi	Radhey Shyam	-
16.	Jata Shanker Tewari	Par Lal Tewari	149
17.	Jawahar Lal	Asarfee	196
18.	Jitendra Singh	Har Bachan Singh	-
19.	Jaggemath	Ram Lout	-

(K)

1.	Krishna Hareesh Singh	Dovi Bux Singh	-
2.	Krishna Kumar	Shiv Harach	164
3.	Kamlesh Kumar	Chetay Lal	184
4.	Kamlesh Sahadur Singh	Shyam Fati Singh	-
5.	Kishan Lal	Narda	222
6.	Krishna Chendra Tripathi	Ram Narain Tripathi	-
7.	Kinkar Pass	Peeroy Lal	-
8.	Krishna Kumar Pandey	P.S. Pandey	-
9.	Krishna Kumar Tripathi	Chendra Dutt Tri- pathi	523
10.	Kailash Chandra	Katwaroo Lal	-
11.	Kailash Nath Tripathi	Shoo Furti	158

(L)

1.	Laxmi Kant	Shyam Sunder	264
2.	Leyakot Ali	Amir Ali	-
3.	Lal Chand Yadva	Ram Prishna Yadava	154
4.	Lal Hari Ram	Leyan Ram	-
5.	Laxmi Od.	Ram Sukhan	-

(M)

1.	Mohd. Sakool	Mohd. Khalik	288
2.	Mohd. Haiyas	John. Ishnaq	149
3.	Mohd. Assem	Mohd. ...	295
4.	Madan Gopal Misra	B.P. Misra	147
5.	Mohd. Aslam	Mohd. Saleem	225

6.	Mahipal Singh	Mihal Singh	-
7.	Mohiuddin Khan	Sharcof Ahmad Khan	163
8.	Mohd. Saleem Khan	Mohd. Yaseen Khan	-
9.	Mashroor Ahmad	Shabir Ali	-
10.	Mool Chand	Raj Kumar	137
11.	Mool Chand	Moti Lal	159
12.	Mohd. Yar Khan	Allhyar	248
13.	Mohan Lal	Ram Autar	-
14.	Mukesh Bhatia	Pretam Dass	232
15.	Britunjai Pd. Tripathi	Gajadar Pd. Tripathi	-
16.	Mahesh Dayal Verma	Gaya Pd.	531
17.	Mohd. Saleem	Jamaluddin	170
18.	Moti Lal	Baojoo	-
19.	Mahendra Singh	Ram Swaroop	423
20.	Mohd. Trif	Iftikhar Husain	406.
21.	Mohd. Ujeer	Mohd. Saber	-
22.	Mangul	Sada Shiv	264
23.	Mohd. Shakir	Firoz Ahmad	233
24.	Madan Mall	Uma Shankar	140

(N)

1.	Narendra Singh	Nirmal Singh	242
2.	Naresh Kumar Mehta	Dharam Prakash Mehta	237
3.	Naresh Kumar	Ram Autar	428
4.	Nand Lal Prasad	Gabboo Pd.	579
5.	Nazir Raza	Mohd Raza	-
6.	Nand Kishore	Jagdeo Pd.	372
7.	Nawal Kishore Yadav	Prabhoo Singh Yadav	-
8.	Nanhoo	Rameshwar	163
9.	Nawal Kishore	Mummi Lal	-
10.	Naveen Chand Pathak	Satish Chand Pathak	143
11.	Nipati Singh	Ram Karan Singh	547

-7-

(O)

1.	Onkar Nath Misra	Vidur Lal Misra	351
2.	Om Prakash	Sunder Lal	676
3.	Onkar Lal Srivastava	Ram Harakh Lal	190

(P)

1.	Patrick Kumar Dass	V.K.Dass	-
2.	Pratap Narain	Gokul Pd.	219
3.	Parneshwar Dayal	Maresh Pd.	-
4.	Pradeep Kumar Nigam	Tej Kishan Nigam	-
5.	Pradeep Pandey	Shes Dutt	221
6.	Parshotam Rai	Sidh Nath Rai	-
7.	Prayag Narain	Suraj Pd.	-
8.	Phool Chand Ram	Hari Dass Ram	282

(R)

1.	Radhey Shyam	Ram Lal	719
2.	Ram Asrey	Oajraj	-
3.	Raj Kishore Yadav	Nand Gopal Yadav	-
4.	Raj Kishore	Bala Deen	-
5.	Rahwane Dubrey	Babu Lal	334
6.	Raj Kishore	Ram Pearoy	128
7.	Ram Narain	Bal Karen Ram	-
8.	Raja Ram	Ram Chander	216
9.	Raj Kumar	Ram Asrey	510
10.	Ram Sewa Agnihotiri	Bal Kishan	-
11.	Ram Gopal	Kewa Lal	129
12.	Rishi Kumar	Ganga Pd.	-
13.	Ram Kishore	Sita Ram	321
14.	Raj Kumar Gupta	Ram Fher Gupta	-4
15.	Raj Bahadur Singh	Singar Singh	-
16.	Rajesh Kumar Shukla	Hari Narain Shukla	611

17.	Ram Pd. Yadav	Chandrika Pd. Yadav	-
18.	Ram Kumar	Baboo Lal	603
19.	Rajesh	Udha Ram	468
20.	Rakesh Kumar	Tilak Raj	341
21.	Ram Pall Yadava	Ram Dass	-
22.	Raj Kumar Singh	Nanhoo Singh	-
23.	Ram Sagar	Sri Ram	268
24.	Ram Chander Singh	Kahadeo Singh	-
25.	Ram Nihor	Jai Lal	251
26.	Ram Asrey	Maikoo Lal	-
27.	Ram Kumar Verma	Laxmi Narain	975
28.	Rajendra Pd.	Bhagwan Lux	356
29.	Ram Ji Chaubey	Bhagwan Choubey	-
30.	Ram Deo	Ishwar Deon	609
31.	Ram Kapil Yadava	Sheo Pujan Yadav	-
32.	Rama Pati	Sheo Kurti	460
33.	Ram Dass	Gomto Pd.	-
34.	Raj Kahjer	Dharma Ram	-
35.	Radesh Chand Misra	Rajnikant Misra	-
36.	Ram Dayal Singh	Praven Singh	-
37.	Ram Chander	Ram Shanker	211
38.	Ram Chander	Sahdeo	-
39.	Ramesh Chander	Ram Shanker Verma	211
40.	Raj Narain Misra	Sheo Kumar Misra	171
41.	Rama Pati Pd.	Janardhan Pd.	-
42.	Ram Preet	Ori	-
43.	Raghu Nath	Khub Lal	-
44.	Rajendra Bahadur Singh	Surat Pratap Singh	317
45.	Ram Narain	Ram Khelawan Pd.	-
46.	Ram Prakash Misra	Raja Ram Misra	-
47.	Rajendra Pd.	Shri Pal	-

-9-

48.	Ravi Shanker	Sada Shiv	190
49.	Ram Naresh Singh	Sita Ram Singh	-
50.	Ram Zali Yadava	Ram Dev	139
51.	Ram Sagar	Ram Jag	-
52.	Ram Ujagar	Ram Jag	-
53.	Ram Singh	Swambar	-
54.	Ram Shanker	Ram Harekh	-
55.	Rajosh Kumar	Shoo Batan Lal	170
56.	Ram Prakash Singh	Bhagwan Singh	-

(S)

1.	Sri Ram	Madhi Lal	-
2.	Sushil Kumar	Ram Murti	-
3.	Suresh Kumar	Chunni Lal	-
4.	Shailendra Kumar	Shiv Govind Shukla	313
5.	Suraj Prasad	Dwarika Pd.	-
6.	Simon Dass	V.K. Dass	506
7.	Sahib Lal	Gomto Pd.	-
8.	Shiv Kant	Ram Bharsey	209
9.	Shakil Khan	Mohd. Khan	-
10.	Shakeel Khan	Maifoon Ali	138
11.	Shanker Dayal	Radhey Shyam Pandey	138
12.	Surendra Kumar	Gaya Pd.	-
13.	Suraj Kumar	Guroaran Lal	-
14.	Sant Lal	Suraj Pal	223
15.	Shiva Nand	Dukh Haran	306
16.	Suraj Pal Singh	Sri Ram Yadav	138
17.	Suresh Kumar	Lakmi Narain	332
18.	Suresh Kumar	Bhagwati Pd.	218
19.	Surendra Kumar Dixit	Ravi Shanker Dixit	-
20.	Shyam Singh	Sant Ram	611
21.	Shiv Ram	Ram Lal	-
22.	Shyam Lal Misra	Tribhuvan Nath Misra	334

-10-

23.	Shri Pal	Sukh Din	-
24.	Sarwan Kumar	Ram Pher	309
25.	Shyam Lal	Manohar Lal	514
26.	Shri Krishna Yadav	Kashi Ram	-
27.	Suresh Chandra Sharma	Thakur Pd. Sharma	-
28.	Sundarshan Kumar	Tilak Raj	192
29.	Subash Chander	Dina Nath	-
30.	Sushil Kumar	Mimi Lal	205
31.	Sheo Shanker Misra	Vishwa Nath Misra	-
32.	Suresh Kumar	EK Awasthi	-
33.	Shree Bhagwan Dass	Mahavir Singh	-
34.	Shiva Mal Pd. Tewari	Chandrika Pd. Tewari	-
35.	Shri Chand Ram	RamDeo Ram	-
36.	Sunder Lal	Pragi	-
37.	Saravjit Yadav	Ram Baban Yadav	366
38.	Shyam Narain Pd.	Eachhoo Pd.	366
39.	Subodh Kumar	Harday Nath	-
40.	Surya Pratap Lal	Ram Laresh	299
41.	S.B. Nigam	K.S. Nigam	-
42.	Sushil Singh	Jagdamba Singh	-
43.	Sudhir Kumar	Raj Kumar	279
44.	Sri Ram	Ram Ujagar	149
45.	Shajad Ali	Shamshad Ali	-
46.	Sukh Dev Singh	Ram Harakh	-
47.	Santosh Kumar	Nand Kishore	-

(T)

1.	Taran Pandey	Hardev Pandey	-
2.	Tek Chand	Manna Lal	408
3.	Tej Fall	Chottey Lal	288

(U)

1.	Upendra Nath	Fashupati Sharma	-
2.	Umesh Kumar	Gaya Pd.	-

-11-

3.	Uma Kant Singh	Ram Dularey	-
4.	Univilla	Hafizullan Khan	-

(B)

1.	Virendra Bahadur Singh	Shiv Bahadur Singh	-
2.	Vijai Kumar Singh	Asarfee Lal	396
3.	Vinod Kumar Kapoor	Rooplal Kapoor	427
4.	Vaid Prakash Chaudhery	Harbagwan	-
5.	Vimal Kumar Tewari	Ganga Bishun	-
6.	Vijai Kishore Srivastav	Gopal Ji Pd. Srivas- tava	211
7.	Vidya Prakash	Lal Bahadur Singh	-
8.	Vijai Bahadur	Gaya Pd.	-
9.	Vinod Kumar	Bramha Din	147
10.	Vijai Pal Singh	Raj Bahadur Singh	-
11.	Ved Prakash	Ram Piarey	282
12.	Virondra Pratap Singh	R.N. Singh	-

(Y)

1.	Yogesh Kumar	Ram Kishore	-
2.	Yugul Kishore	Hira Nand	349
3.	Yogendra Pal Singh	Nankoo Singh	167

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & another Opp. Parties

Annexure No.2

The Divl. Rly. Manager,
Northern Railway,
Lucknow.

Dated 24.2.1984

Sub:- Engagement of substitutes in the
Lucknow Loco Shed.

Ref:- Your Office letter No.432-E/WB/PWA/81
dated 29.1.1984.

It is noted that the required checks for verifying the genuineness of casual labour is in progress and is expected to be completed shortly. Please arrange to have these checks carried out as early as possible preferably by 1.3.1984.

2. Only such of the Casual Labour/Substitutes, who after thorough scrutiny of the records, finger prints, etc., are found to be genuine, should be engaged and/or continued. Out of 151 Casual Labour who were re-appointed some months ago, if some are not found bonafide persons on check and finger prints scrutiny etc. these should be discharged after following the provision of Industrial Dispute Act. In this connection, Law Officer has opined that under Section 33 of the Industrial Dispute Act, no such workman shall be discharged or dismissed, save with the express permission in writing of the authority before which the proceeding is pending. Therefore, the persons who are not found genuine after exercising the check, such as thumb impression etc. can be discharged after obtaining the permission from the Tribunal by moving an application under Section 33 of the Industrial Dispute Act.

3. Seniority of the bonafide casual labour for purpose of screening should be as per the Printed Circular No.7850 and the criteria shall be on the total number of days of casual labour service, continuous or intermittent, that the persons has at his credit. While screening the bonafide casual labour, this aspect will be kept in view and those who are

senior, given preference over others, apart from other standard considerations such as health, fitness, etc.

4. You can re-engage these bonafide casual labours in Class IV against available vacancies on your Division.

Sd/-M.M. Agarwal,
for General Manager (P)

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28

In The Hon'ble High Court of Judicature at Allahabad Sitting at Lucknow
W.P. No. of 1985
The Northern Railwaymen's Union and others — Petitioners (Bt)
vs.
Union of India and another — Opp. Parties

ANNEXURE No. 3

13.7.84/Cons'd 11/12/84.

Divisional Office,
Lucknow. 20.11.84.

Dear Sir,

Re:- Estimation of Casual Labourers of Junior
Track/Lucknow.

Ref:- Your letter No. 52/17/Consolidation/83 dt.
13.7.84.

In response to the order issued by this
Court to the 1st respondent, the result is
given as under:-

Actual	Estimated	Excess to be	Excess	Less 7 days
		excess	(%)	(%)
100	100	0	0	0
100	100	0	0	0

Yours faithfully,
[Signature]

[Signature]

INDIAN RAILWAY

N. S. U. (64).

not been
List of sub/Casual about who has completed 120 days.

No.		Father's name	Working days.	Remark
1.	Shri. Mit Kumar	Shri. Mohan Lal	68	
2.	" " " " " "	Shri. Mukund Pandey	84	
3.	" " " " " "	Shri. Devender Kumar	72	
4.	" " " " " "	Shri. Krishna Chandra Tripathi	46	
5.	" " " " " "	Shri. Krishna Kumar	82	
6.	" " " " " "	Shri. Mohan Singh	51	
7.	" " " " " "	Shri. Mohan Singh	70	
8.	" " " " " "	Shri. Mohan Singh	101	
9.	" " " " " "	Shri. Mohan Singh	50	
10.	" " " " " "	Shri. Mohan Singh	91	
11.	" " " " " "	Shri. Mohan Singh	86	
12.	" " " " " "	Shri. Mohan Singh	83	
13.	" " " " " "	Shri. Mohan Singh	87	

30

(B31)

Sl. No.		Father's Name		W/dy to Regu
1st.				
1.	4	Amal Yadav	Ram Aron Yadav	61
2.	11	Anil Kumar	R. S. Gupta	78
3.	18	Amar Nath	Parmeshwar	75
4.	20	Aziz Ahmed	Munoor	83
5.	23	Abbas Hussain	Kienari Hussain	82
6.	24	Amar Nath	Kienari Lal	68
7.	25	Arum Kumar	Durga Pd. Dixit	91
8.	29	Ahmed Ali	Kaushar Ali	36
9.	30	Ajeet Kumar	Monan Lal	68
10.	33	Arum Prateep Singh	Shanker Singh	78
11.	3/1	Bharat Singh	K. S. Singh	30
12.	2	Bharat Singh	K. S. Singh	57
13.	5	Balraj Pd.	B. S. Nath	60
14.	14	Bhagat Lal	Sri Ram Krishna	28
15.	15	Babban Ram	Balraj Ram	63
16.	17	Baboo Lal	Sita Ram	61
17.	18	Bala Mukund	Sneo Baran	34
18.	19	Brar Lal	Ram Anand Lal	117
19.	2/2	Chanda Lal	Ram Swaroop	68
20.	3	Chandilay Yadav	Orange Lal Yadav	109
21.	10/2	Pineesh Kumar	Har Swaroop	16
22.	5	Pingaj Singh	Babadi Singh	76
23.	7	Phatam Raj Singh	Badri Singh	35
24.	2	Devendra Kumar	1 Ram	72
25.	11	Devendra Yadav	Knead Yadav	105
26.	12	Dilem Ram	Chand Ram	17
27.	14	D. V. Deyal	K. S. Kumar	10
28.	1/1	Elson Mahesh	M. S. Mahesh	40
29.	1/2	Gopal Mahesh	Baboo	85
30.	1	Gan Snyam Thakur	Phadri Pd. Tripathi	60
31.	5	G. S. Singh	Ram Singh	26

No.	No. of	Name	Father's Name	W/Days	Result
		List			
1	1/1	Shri. Lal	Shri. Lal	114	
2	1/2	Shri. Lal Shukla	Vijaya Pda. Shukla	50	
34	3/4	Jogendra Singh	Shree Kumar Singh	61	
35	7	Jahir Singh	Hiragant Singh	109	
36	13	Jamuna Pda	Ram Swaroop	88	
37	15	Jai Shyam Dwivedi	Radmay Shyam	21	
38	16	Jitendra Singh	Har Preetan Singh	(117)	
39	19	Jagannath	Har Lone	40	
40	K/1	Krishna Krishna Singh	Devi Pux Singh	83	
41	4	Kamlesh Bro Singh	Shyam Pati Singh	62	
42	6	Krishna Chandra Tripathi	Ram Narain Tripathi	56	
43	8	Krishna Kumar Pandey	R.S. Pandey	(30)	
44	10	Kailash Shandra	Kailash Lal	28	
45	1/2	Shree Ali	Shree Ali	39	
46	4	Shree Ali	Shree Ali	30	
47	6	Shree Ali	Shree Ali	30	
48	1/2	Shree Ali	Shree Ali	30	
49	1	Shree Ali	Shree Ali	30	
50	1	Shree Ali	Shree Ali	30	
51	13	Shree Ali	Shree Ali	30	
52	1	Shree Ali	Shree Ali	30	
53	1/2	Shree Ali	Shree Ali	30	
54	1/7	Shree Ali	Shree Ali	30	
55	1/9	Shree Ali	Shree Ali	30	
56	1/1	Shree Ali	Shree Ali	30	
57	1	Shree Ali	Shree Ali	30	
58	1	Shree Ali	Shree Ali	30	
59	1	Shree Ali	Shree Ali	30	
60	1	Shree Ali	Shree Ali	30	

Sl. No.		Name		Page No.	
1	1	Shri. P. N. Singh	Shri. P. N. Singh	1	1
10	10	" " " " " "	" " " " " "	10	10
12	12	" " " " " "	" " " " " "	12	12
14	14	" " " " " "	" " " " " "	14	14
15	15	" " " " " "	" " " " " "	15	15
22	22	" " " " " "	" " " " " "	22	22
24	24	" " " " " "	" " " " " "	24	24
26	26	" " " " " "	" " " " " "	26	26
29	29	" " " " " "	" " " " " "	29	29
35	35	" " " " " "	" " " " " "	35	35
36	36	" " " " " "	" " " " " "	36	36
42	42	" " " " " "	" " " " " "	42	42
43	43	" " " " " "	" " " " " "	43	43
47	47	" " " " " "	" " " " " "	47	47
49	49	" " " " " "	" " " " " "	49	49
51	51	" " " " " "	" " " " " "	51	51
54	54	" " " " " "	" " " " " "	54	54
5/1	5/1	" " " " " "	" " " " " "	5/1	5/1
2	2	" " " " " "	" " " " " "	2	2
7	7	" " " " " "	" " " " " "	7	7
10	10	" " " " " "	" " " " " "	10	10
11	11	" " " " " "	" " " " " "	11	11
23	23	" " " " " "	" " " " " "	23	23
26	26	" " " " " "	" " " " " "	26	26
27	27	" " " " " "	" " " " " "	27	27
36	36	" " " " " "	" " " " " "	36	36

S. No.	Name.	Father's Name.	W/Agree.
46	Sri Sarda, Ali	Sri Chughda Ali	23
47	" Sarda Singh	" Ram Sarda	21
48	" Sarda Kumar	" Ram Sarda	20
49	" Sarda Pandey	" Sarda Pandey	22
50	" Sarda Nath	" Sarda Nath	20
51	" Sarda Singh	" Sarda Singh	20
52	" Sarda Singh	" Sarda Singh	20
53	" Sarda Singh	" Sarda Singh	20
54	" Sarda Singh	" Sarda Singh	20
55	" Sarda Singh	" Sarda Singh	20
56	" Sarda Singh	" Sarda Singh	20
57	" Sarda Singh	" Sarda Singh	20
58	" Sarda Singh	" Sarda Singh	20
59	" Sarda Singh	" Sarda Singh	20
60	" Sarda Singh	" Sarda Singh	20
61	" Sarda Singh	" Sarda Singh	20
62	" Sarda Singh	" Sarda Singh	20
63	" Sarda Singh	" Sarda Singh	20
64	" Sarda Singh	" Sarda Singh	20
65	" Sarda Singh	" Sarda Singh	20
66	" Sarda Singh	" Sarda Singh	20
67	" Sarda Singh	" Sarda Singh	20
68	" Sarda Singh	" Sarda Singh	20
69	" Sarda Singh	" Sarda Singh	20
70	" Sarda Singh	" Sarda Singh	20
71	" Sarda Singh	" Sarda Singh	20
72	" Sarda Singh	" Sarda Singh	20
73	" Sarda Singh	" Sarda Singh	20
74	" Sarda Singh	" Sarda Singh	20
75	" Sarda Singh	" Sarda Singh	20
76	" Sarda Singh	" Sarda Singh	20
77	" Sarda Singh	" Sarda Singh	20
78	" Sarda Singh	" Sarda Singh	20
79	" Sarda Singh	" Sarda Singh	20
80	" Sarda Singh	" Sarda Singh	20
81	" Sarda Singh	" Sarda Singh	20
82	" Sarda Singh	" Sarda Singh	20
83	" Sarda Singh	" Sarda Singh	20
84	" Sarda Singh	" Sarda Singh	20
85	" Sarda Singh	" Sarda Singh	20
86	" Sarda Singh	" Sarda Singh	20
87	" Sarda Singh	" Sarda Singh	20
88	" Sarda Singh	" Sarda Singh	20
89	" Sarda Singh	" Sarda Singh	20
90	" Sarda Singh	" Sarda Singh	20
91	" Sarda Singh	" Sarda Singh	20
92	" Sarda Singh	" Sarda Singh	20
93	" Sarda Singh	" Sarda Singh	20
94	" Sarda Singh	" Sarda Singh	20
95	" Sarda Singh	" Sarda Singh	20
96	" Sarda Singh	" Sarda Singh	20
97	" Sarda Singh	" Sarda Singh	20
98	" Sarda Singh	" Sarda Singh	20
99	" Sarda Singh	" Sarda Singh	20
100	" Sarda Singh	" Sarda Singh	20

NO. THREE HALL

List of C.P. whose cases have been rejected as a result of N.R.M.U. (64)
T.V. verification.

No.	Name	Father's Name	Working days.	Remarks.
1.	Shri Jagan Nath Dutt Trivedi	Shri V.N. Dutt Trivedi	204	Rejected.
2.	Bhaskar Mangal	Ragashen	294	Rejected.
3.	M. Sh. Chel	Abdul Kadir	289	Rejected.
4.	Mohd. Asad	Mohd. Anis	295	Rejected.
5.	Ramesh Chandra Chandra Lal	Ramesh Chandra Ramesh Chandra	290	Rejected.
6.	Ram Chander	Raj Shankar	211	Rejected.
7.	Ramesh Kumar	Ramesh Kumar	218	Rejected.
8.	Ramesh Kumar	Ram Kumar	279	Rejected.
9.	Ramesh Kumar	Ram Lal	262	Rejected.
10.	Omash Kumar	Ram Lal	307	Rejected.

PORTFOLIO MAXIMA

B-1000 (100)

List of Sub/Casual Labour who has not been traced yet.

No.	Name	Father's Name	Working days.	Remarks
1.	Shri Ram Prasad	Shri Ori	"	"
2.	Shri Ram Kant	Shri Ram Pharooy	"	"
3.	Subodh Kumar	Shri Parda. Tash	"	"

NIRMU

No.	Sl. No.	Name	Passport No.	Remarks
	1/10	Matheendra Kumar	Madho Rao	Not seen
	11	Mahesh Dhan	Chand Lal	"
	6/5	Murug Prasad	Prasad Kishore	"
	6/5	Murug Chandra	Chandra Rao	"
	1/7	Murug Dhan	Dhan Rao	"
	6/21	Murug Ujjay	Ujjay Rao	"
	6/16	Murug Yadav	Yadav Rao	"
	31	Murug Yadav	Yadav Rao	"
	32	Raj		"
	33	Ram		"
	34	Ram		"
	35	Ram		"
	36	Ram		"
	37	Ram		"
	38	Ram		"
	39	Ram		"
	40	Ram		"
	41	Ram		"
	42	Ram		"
	43	Ram		"
	44	Ram		"
	45	Ram		"
	46	Ram		"
	47	Ram		"
	48	Ram		"
	49	Ram		"
	50	Ram		"

— opp. Parties

Verified by

Part of Annexure No. 4

(Last Pay Slip of Subodh)

उ० रे० N.R.	एम० ई० 240/M.E.240
कारखाना/WORKSHOP	लोको मोट/Loce Shed
Pay Envelope for	146
टिकट नं०/Ticket No.	...
510 ग्रुप लाइन	
वेतन/Pay	...
समवधि/Overtime	...
मंहगाई भत्ता/Dearness Allowance	...
घरान भत्ता/House Allowance	...
नगर भत्ता/City Comp. Allowance	...
कोई अन्य भत्ता/Any other Allowance	...
कुल मजदूरी/Gross wages	...
कटौतियां / Deductions	387 70
निर्वाह निधि/Provident Fund	...
निर्वाह निधि अधिम की भरती/Refund of P.F. Adv.	...
विजली प्रभार/Electric charges	...
ठिराया/Rent	...
संस्थान/क्लब/Institute/Sports Club	...
साइकिल अधिम/Cycle Advance	...
त्यहार अधिम/Festival Advance	...
सहकारी ऋण संस्था	...
Co-op. Credit Society	...
अधिम वेतन/पत्रा भत्ता	...
Advance of Pay/T.A.	...
राष्ट्रीय रक्षाकोष	...
National Defence Fund.	...
मजदूरी की अधिक भरावगी समथोपरि प्राप्ति	...
Excess payment of wages O.T. etc.	...
अन्य कटौतियां जैसे अनिवार्य जमा योजना	...
Other deduction e.g. CDS.	...
कुल कटौतियां/Total deductions	...
शुद्ध देय राशि/Net amount payable	...
भरने वाला.....	संस्थान भरने वाला.....
Filled by	Verified by

of 1985

Union of India and another

(First Pay Slip of Shiv Mohan)

F III

एम००२५१४४.४.२४६

लोक। संड/LCCO 5680

194

टिकट नं० / Ticket No.....
 1211 युलाल वारी 3/ सप्तम्बर्मा 12/ वारी

Verified by

(Last Pay Slip of Shiv Moh Tiwari)

एम० ई० १४१०१ ए. १४०

लोक। १३, Loco ५५६८

लफाफा

0.000 Nos.

N.R. 10074 June 1970 50,000 Nos.

41

In The Hon'ble High Court of Judicature at Allahabad Sitting
at Lucknow

Writ Petition No.

of 1985

(1342)

The Northern Railwaymen's Union
and others

— Petitioners

Versus

Union of India and others

— opp. Parties

Annexure No. 6

जी० एल० 19-ए/G.L. 19-A
जनरल 99 छोटा Genl. 99 Small


उत्तर रेलवे NORTHERN RAILWAY

दिनांक: 6/10/81

कार्यालय लोको फोरमैन
उत्तर रेलवे लखनऊ

विषय:- सबस्टीच्यूट कैजुअल लेबर में कार्यरत कार्य दिवस का
प्रमाण पत्र

प्रमाणित किया जाता है कि श्री राम जी
पुत्र श्री ओम सबस्टीच्यूट कैजुअल लेबर
में दिन 4/10 से 28/10 तक कार्यरत रहे।
वे माह 4/10 से 28/10 तक कुल 249 घंटे कार्यरत रहे।


लोको फोरमैन
LOCO FOREMAN
उ० रे० लखनऊ N.R. Lko.

(1345)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & another Opp. Parties

Annexure No.7

52/ID/Conciliation/83

7/12/84

The Divisional Rly. Manager,
Northern Railway,
Lucknow.

Dear Sir,

Reg: Restoring of Casual Labourers
of Running Shed/Lucknow.

Ref: Your letter No. L/KB/ID/Conciliation/83
dated 20.11.1984

.....

In reference to above I would like to know
that what happened to 61+36 cases which were sent
to Hqrs.

2. Union would also like to know the reasons for
rejecting 28+10 cases as these employees have worked
in R/Shed. They have been issued slips for payment,
passes & PTCs, medical card and identity cards etc.
as per rules.

3. You have mentioned that no trace is for
20+3 which is not understood.

4. You have also mentioned that you have shown
99+13 less working days. In one list working days
have been shown quite sufficient and subsequently
you have shown less working days.

Since hundreds of men are waiting for
engagement your parawise reply is requested to avoid
litigation.

Yours faithfully,

Sd/- Illegible
(V.P. Privedi)
Divisional Secretary.

True Copy

LIST OF CASUAL LABOUR'S WORKING LOSS 120 DAYS

<u>S. No.</u>	<u>Sarvsri</u>	<u>Father's Name</u>
1.	Ahmad Ali	Peer Ali
2.	D.S. Tewari	Fuleshwar
3.	Dharam Pal	Sheo Bahadur
4.	Hari Lal	Markhoo Ram
5.	Hari Lal	Lalsa Ram
6.	Jagan Nath	Putti Lal
7.	Jagamath Prasad	Dedoshi
8.	Kishan Singh	Hukum Singh
9.	Narain Dutt	Sitla Prasad
10.	H.C. Nigam	H.S. Nigam
11.	S.D. Pandey	C.C. Pandey
12.	Girshish Chandra	Lila Dhar Johsi
13.	Sushil Kumar Srivastava	O.K. Srivastava
14.	Mithla Saran	Giriza Pd. Tewari
15.	Abdul Halem	Abdul Aziz
16.	Ajai Kumar	Khuse Ram
17.	Hari Kishan Chaud	Sheo Mandan
18.	Jagdish Sharma	R.C. Sharma
19.	Jagtar Singh	Mohendra Singh
20.	Khaleel Ahmad	Masok Ali
21.	Lal Chandra	Ludur
22.	Md. Same	Md. Shafe
23.	Narayan Singh	Pratap Singh
24.	Panna Lal	Kashe Prasad
25.	Surendra Kumar	Putte Lal
26.	Satesh Chandra	Lakhem
27.	Umesh Shah	Firange Shah
28.	Zeharuddin	Naseruddin
29.	Nand Kishore	Durga Pd.

30.	Md. Rasol	Md. Rahman
31.	Ghan Shyam	Ayudhya Pd.
32.	Maimulla	Habibulla
33.	Shanem Raja	Atar Raja
34.	Maqbul Ahmad	Ab. Rauf
35.	Girija Shankar Khare	Sheo Mohan Khare
36.	Abdul Aziz	Sabit Ali
37.	Baljore	Britanti
38.	Chandra Pal	Ghasti
39.	Fazalur Rahman	Munawar Ali
40.	Gyan Chand	Jagjeewan Shukla
41.	Gajodhar Nath	Mata Sadal
42.	Kalika Prasad	Shiv Narain
43.	Kailash Nath	Sarjoo Prasad
44.	Katalu Ram	Birju Ram
45.	Furan Mas1	Sri Ram
46.	Ram Deo	Parmeshwar
47.	Ram Nath	Ausan
48.	Ravindra	Thakur Prasad
49.	Safiullah	Munshi
50.	Suraj Fal	Bhagu Singh
51.	Mohd. Alam	Saleem Khan
52.	Mohd. Hafeez	Sher Ali
53.	Jitendra Singh	Radhey Shyam
54.	Cm Prakash	Chet Ram

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALAHABAD
SITTING AT LUCKNOW

Affidavit

In

Writ Petition No. of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & another Opp. Parties

A F F I D A V I T

I, V.P.Trivedi, aged about 50 years, son of
Late K.P.Trivedi, Divisional Secretary, Northern
Railwaymen's Union, near Guards Room, Charbagh, Lucknow,
do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the Divisional Secretary of the Northern Railwaymen's Union, petitioner No.1, which is a recognised Union. He has been duly authorised to file this affidavit by petitioner Nos. 2 to 36. He is fully conversant with the facts deposed to herein.
2. That the deponent has read the accompanying writ petition along with the annexures, the contents of which he has fully understood.
3. That the contents of paragraphs 1 to 17 of

the writ petition are true to my own knowledge.

4. That Annexures 1 to 7 to the writ petition are the true and photostat copies duly compared from their duplicates and originals.

Dated Lucknow:

Deponent.

April , 1985.

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Dated Lucknow:

Deponent.

April , 1985.

I identify the above-named deponent who has signed before me.

Advocate.

Solemnly affirmed before me on

at a.m./p.m. by Sri V.P. Trivedi

the deponent who is identified by

Sri

Clerk to Sri

Advocate, High Court, Allahabad.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.

(1)

/ C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A, THORN HILL ROAD, ALLAHABAD

!!!!!!!

No. CAT/ALLD/JUD/ 33512/2514

DATED 13/X

T.A.NO. 47 OF 1988 (T)

N Rly Men's Union Charbagh Lko 2 ms
Applicants'

V E R S U S

Union of India 2 ms Respondents'

TO ① Sd/- L. P. Shukla, Adv. High Court Lko.
② Union of India through G.M. N. Rly, Baroda House
New Delhi.
③ Divisional Rly. Manager, N Rly, Hazratganj Lko.

WHEREAS the marginally noted case has been transferred by
High Court Lko under the provision of the Administrative
Tribunal Act (No. 13 of 1985) and registered in this Tribunal
as above.

Writ Petition No. 1596
OF 1985 of the
Court of High Court Lko
arising out of order dated
_____ passed by _____
in _____

The Tribunal has fixed date
of 25.10.1988. The hearing
of the matter.

If no appearance is
made on your behalf by your
some one duly authorised to
act and plead on your behalf

the matter will be heard and decided in your absence.

GIVEN UNDER my hand seal of the Tribunal this 12.10.88
day of _____ 1988

J. S. Singh
12.10.88
DEPUTY REGISTRAR

(CV)

A-47/88

To,
The Registrar,
Central Administrative Tribunal
Lucknow Bench, Lucknow.

Subject : T. A. No. 47 of 1988
(Writ Petition 159 6 of 1985

Northern Railway Men's Union Petitioners
Versus

Union of India & others Opp. parties.

The petitioner-applicant respectfully submits

as under :-

1. That originally the above noted case (writ petition)
was filed at the Hon'ble High Court sitting at Lucknow
in accordance with territorial Jurisdiction.

2. That after establishment of Central Administrative
Tribunal at Allahabad, the above noted writ petition
was transferred alongwith other cases to the Tribunal
at Allahabad and the same was recognised as Transfer
application (T. A.) No. 47 of 1988.

3. That after establishment of a bench of Tribunal
at Lucknow the above noted case can only be disposed of
by the Bench at Lucknow in accordance with the terri-
torial Jurisdiction.

Noted as issued 20/10/88

25th Oct. 1988
ACB

(2)

4. That for the facts and circumstances stated in the above noted case be summoned at Lucknow and an early date may be fixed. Information of fixing the date at Lucknow be informed to the petitioner-applicant.

Wherefore it is most respectfully prayed that the above noted case be summoned at Lucknow and an early date may be fixed. Information of fixing the date at Lucknow be informed to the petitioner-applicant.

Lucknow

dated 9.88.

① वहीर अर्चन
② राम कृष्ण
③ राम कृष्ण

Nakhat Shukla

On behalf of petitioner-applicant