

ANNEXURE - A

RECEIVED AT CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW 2020-07-06

(Received)

INDEX SHEET

CAUSE TITLE TA 47 OF 1980

Name of the parties

N. Rly. Min's Env't. Tntr. Applicant.

Versus.

Union of India Respondents.

Part A.B.C.

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3.	Petition	A7 - A19
4.	Amendments	A20 - A50
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ANNEXURE - B

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUC NOW.

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

Certified that no further action is required to
take 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 LOCHNO.

D.A., T.A. No. 47 1988

H.R. & Others vs. Union of India ^{Applicant(s)}

Versus

Union of India ^{Respondent(s)}

Serial.	Date	Orders
	<u>25-X-88</u>	<p><u>04</u></p> <p>W.P.No. 15-2/88 - for transfer from Noida to Court. Cost L.50.</p> <p>Notices to both parties were issued for 25-X-88. No communication letters have yet received back except 0/2 attached.</p> <p>C.A.T.H. has not been filed.</p> <p>Answered <u>25-X-88</u></p> <p>In view of Office ref. L.</p> <p>Case has been listed for 25.11.88 for reply.</p> <p><u>Dec</u></p>
	<u>25.11.88</u>	<p><u>25-X-88</u></p> <p>Dr. Deepak Mehta, Advocate for applicants present in Sr. V.C. chamber for respondents' present. Reply on 23.11.88 & reply Dec</p>

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2. *Scaphium affine* for *S. luteum*
3. *Scaphium affine* for *S. luteum*
4. *Scaphium affine* for *S. luteum*
5. *Scaphium affine* for *S. luteum*

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Then on 129th Avenue AM.

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Appendix 2818.12

223 P. 2 x 1.5. Figure 223 of
this paper is reproduced in Figure 1.

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concern for the welfare of the people.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

T.A. No. 47/88(T)

REGISTRATION No. _____ of 198.

(H)

APPELLANT
REPRESENTANT

N.R. U. & ors

DEFENDANT
REPRESENTANT

VERSUS

Union of India & ors

Date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
16/5/89	<p><u>Hon' Mr. K.J. Raman, A.M.</u></p> <p>Shri A. Srivastava, is ^{or} 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 hearing on 29-5-89.</p> <p style="text-align: center;">A.M.</p>	
29/5	<p>(sns)</p> <p>NO SITTING. Adjourned to 24/7/89 for Hearing.</p>	<p>OR In spite of one more opportunity given to respondents to file their reply they have failed to file the same. As directed by the court's order dt. 31.3.89. Submitted for hearing.</p>
24/7/89	<p>NO SITTING. adjd to 11.9.89.</p>	<p>OR 26/5/89</p>
22 (22)	<p>NO SITTING. adjd to 11.9.89.</p>	<p>OR Case is permitted for ex parte hearing as directed by the court's order dt. 31.3.89.</p>
	<p>OR</p> <p>प्राप्ति नाम- प्राप्ति नाम- नाम- नाम- प्राप्ति नाम- नाम- नाम- नाम-</p>	
	<p>OR</p> <p>प्राप्ति नाम- प्राप्ति नाम- नाम- नाम- प्राप्ति नाम- प्राप्ति नाम- नाम- नाम- प्राप्ति नाम- प्राप्ति नाम- नाम- नाम-</p>	
	<p>OR</p> <p>(A.M. T.G.)</p>	

Acc
A

11.1.01

case next to ~~accident~~ to ~~accident~~

06/11/90

93/11/90

06/11/88 to 06/11/90 No. 06/11/90

11/11/90

11/11/90

PS

~~Let it for journey on 11/11/90~~

2 weeks therefore

hence add 2 weeks, if any, until
11/11/90, (not to be paid until 11/11/90)
cost for all officials is paid
80% of total cost of this L.P.S.L.C.R.
as per contract stipulated. Allowed
the compensation is needed, for same
to be paid in behalf of B.I.

815/90 Mr. D. K. Agarwal, U.M.
Mr. K. D. Bhatia, A.M.

11/11/90

11/11/90 11/11/90

815/90

815/90

06/11/90

06/11/90 - 06/11/90

No. 544-1

93/11/90

06/11/90

06/11/90 No. 544-1

11/11/90 (1)

(13)

10.1.91

No sitting Adj to 16.4.91.

2

16.4.91

No sitting Adj to 11.7.91

2

11.7.91

No sitting Adj to 20.9.91

2

20.9.91For Hon. Justice V. C. Bhagwandas - V.C.
Hon Mr. A. B. Gorde - A.M.

Argument heard.

Judgment ~~dictated~~ dictated
separately. See back
13/11/91L
to M

V.C.

Recd.
G.M.
11/11/91

(2)
M.P. 218/91
fixed for
extension of time
for compliance
& judgment
29.9.91.
S.P.O
29.9

30.4.92.

Hon'ble Mr. Justice V.C. Srivastava - V.C.
Hon'ble Mr. A.M. Chaturvedi - 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 17th April, 1992. The applicant prays that two more weeks' 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 week's time to file supplementary affidavit. List ~~22x~~ the case on 20.5.92 for orders.

S.
S.M.

L
V.C.

20.5.92.

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

Learned counsel for the respondent states, that he was under the impression that the prayer for extension of time has 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 them 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.

S.
S.M.

L
J.C.

Hon'ble Mr. Justice V.C. Srivastava - V.C.
Hon'ble Mr. K. Charyya - 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.

A.M.

L
V.C.

*No objection filed
by applicant.
SFO
10/7/92*

*Date
13/7/92*

(AU)

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
Northern Railwaymen's Union, have ~~initially~~ ^{initially} 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 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 a 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 Administratio

(AS)

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 ¹²⁰ ~~more~~ than 120 days in the said list with the result that they have not been absorbed.

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} fact that they have worked ^{for} ~~for~~ 120 days ^{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

(pt)

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.

francis

A.M.

bc

V.C.

Lucknow. Dated: 20.9.91

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

(Chapter XLI Rules 2, 9 and 15)

Nature and number of Case.....W.P. N.O. 1596 of 1985

Name of parties The N.Rly. Union ~~and~~ vs. Union of India

Date of institution10-4-85

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. - 4		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 Execution		99-100					
14.	Application for Stay of Execution		101-104					
15.	Power -		105-106					
16.	Amendment of W.P. 107-118 under Rule 107							
17.	Application for Interim Relief under Rule 119-128 with Affidavit							
18.	Annex - 9		129-132					
19.	Order Sheet		133-136					

I have this 21/3/85 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. 100/- 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

Group A-14 (J.) (k)

IN THE NORTHERN HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. 1598 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:

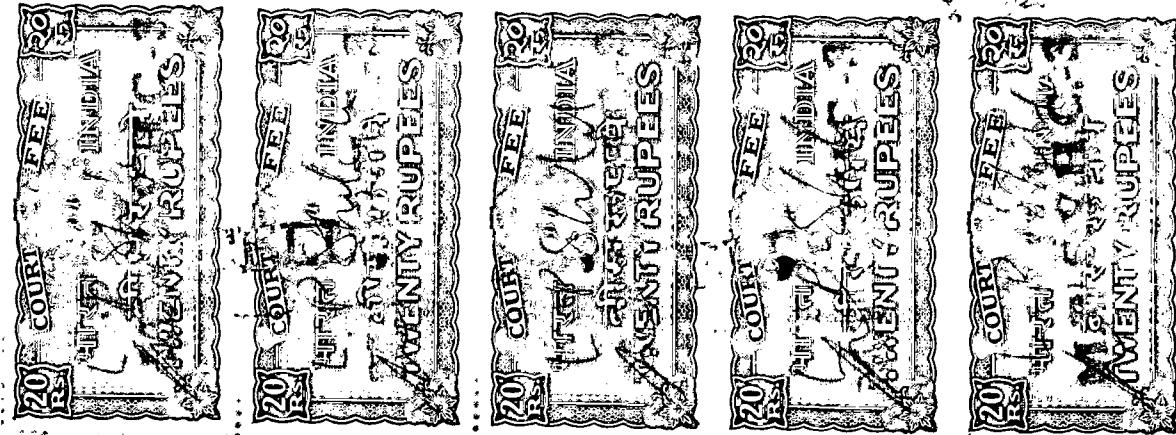
April 5, 1985.

(L.P. Shukla)

Advocate,

Counsel for the petitioners.

Yashwantrao Shukla,



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. 1516 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.

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 19th April, 1985.

5th floor, Post Office

High Court Final Court for expeditious disposal of receipt of petition record.

~~Post Office~~

~~Post Office~~

Director of Public Works (Acting)

This is a joint petition on behalf of 36 persons on a single set of documents.

May the District Court if it is manageable on a single set of documents.

Subd. 8.118

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Pls. (J) 10-4-85

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

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

HS

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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. Kritunjay 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 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 19 A R/Shed Colony, Alambagh, Lucknow.
25. Devendra Kumar, aged 25 years, son of Ram, resident of C/o Om Prakash Verma, 556/75 Sujan Pura, Alambagh, Lucknow. Shri
26. Shyam Nath Shukla, aged 24 years, son of Ram Krishna Shukla, resident of village Aurawa, post Aurawa, district Lucknow.
27. Fursottam 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.

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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 Kunni 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, 556/75Gha/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 :-



(AIO)

-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.



(AU)

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

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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,



along with the list showing number of working days

Annexure No.1 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

Annexure No.2 vacancies in the division is filed as Annexure No.2 to this writ petition.

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.

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, Suresh Kumar (petitioner No.7) 218 days, Gulam Mohammad (petitioner No.8) 469 days, ~~Suresh Kumar Singh (petitioner No.9)~~ ~~and 220 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 Doo	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

18.	Bal Ram Singh	222107
19.	Devendra Kumar	962205
20.	Shyam Nath Shukla	864442
21.	Furoshattam 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 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:-



<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	101	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.

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.

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 C 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

14
(H.P) 231

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
DA: As above. Lucknow.

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	Frem 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.	Ali Kausar	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	Ehagwan 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	Ram Singh 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.	Erij Kishore	Balram	458
(C)			
1.	Chandra Shekhar	Shiv Narain	-
2.	Cheda Lal	Ram Swaroop	-
3.	Chabiley Yadav	Nanga Lal Yadav	-



(A²³)

35

4.	Ghandrika	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	Khedoo Yadav	-
12.	Dilam Ram	Chutti Ram	-
13.	Dev Datt	Brij Nohan	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	-
----	---------------	--------------	---

(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	-



(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	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 Lakhon 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



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 Dux 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 Tripathi	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-

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 Fd.	531
17.	Mohd. Saleem	Jamaluddin	170
18.	Moti Lal	Baojoo	-
19.	Mahendra Singh	Ram Swaroop	423
20.	Mohd Arif	Iftikhar Husain	406.
21.	Mohd. Ujeer	Mohd. Saber	-
22.	Mangal	Sada Shiv	264
23.	Mohd. Shakir	Firoz Ahmad	233
24.	Madan Lall	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 Lall Prasad	Gabboo Pd.	579
5.	Nazir Raza	Mohd Raza	-
6.	Nand Kishore	Jagdeo Pd.	372
7.	Nawal Kishore Yadav	Prabhu 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 LalL Misra	351
2.	Om Prakash	Sunder Lall	676
3.	Onkar Lal Srivastava	Ram Harakh Lall	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.	PradeepPandey	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.	RajKishore 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.	RamAsrey	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 Kirti	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	-

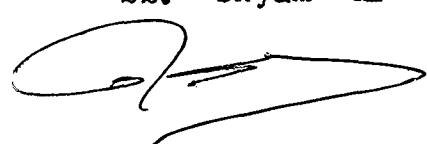


-9-

48.	Ravi Shanker	Sada Shiv	190
49.	Ram Naresh Singh	Sita Ram Singh	-
50.	Ram 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 Kurti	-
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. Mly. 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 bona-fide 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 bona-fide 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 bona-fide 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.



214/4/25

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD SITTING AT LUCKNOW
Writ Petition No. of 1985

The Northern Railwaymen's Union
and others

(P.34)
Petitioners

vs.

Union of India and another

(S)
Opp. Parties

ANNEXURE No. 3

DISPENSATION.

No. 52/17/conciliation/83.

Divisional Office,
Lucknow. 20.11.84.

Dear Sir,

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

Off:- Your letter No. 52/17/conciliation/83 dt.
18.7.84.

For dispensation of claims exercised by this
Office to the list submitted by you. The result is
given below:-

Total	Rejected	Cases to be Rejected	To Trace	Less 7/8 days	(%)
on.	sent in	(a).	(b).	(c).	
305	27	61	28	20	99
64	2	36	10	3	13

total 70 - List of A B & C attached.

Yours faithfully,

Malay
for Civil Railway Lawyer,
Lucknow.

Shri V.N. Trivedi,
Civil Secy.,
C.R.I.,
Dear Guards Room,
C.R. Lucknow.

SMR
S. M. R.

(P.S)

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WESTERN RAILWAY.W.R.W.U. (64).List of Sub/Casual Labour who has completed 120 days.

S.No.	Sub/Casual Labour	not been Father's name	working days.	Remark
1.	Shri Ajit Kumar	Sri Mohan Lal	68	
2.	" Lal Yukund Panday	" Sheo Baran	84	
3.	" Devendar Kumar	" Sri Ram	72	
4.	" Krishan Chand Tripathi	" S.M. Tripathi	46	
5.	" Krishan Kumar Mivedi	" Radhey Shyam	82	
6.	" Nabi Lal Singh	" Nihal Singh	51	
7.	" Masoor Ahmed	" Sabir Ali	70	
8.	" Panneshwar Doyal	" Mahesh Pd.	101	
9.	" Baalu Nath	" Khub Lal	63	
10.	" Raj Kishore	" Tallji	91	
11.	" Rajendra Pd.	" Naraswak	86	
12.	" Shankar Shai Tripathi	" R.N. Tripathi	86	
13.	" Karan Panday	" Hardeo Panday	99	

M.D.
5-7-22

(A36)

61

list of C.L who have not completed 120 days
and above - - - NRCM U

S.No.	S.No. of list.	Name	Father's Name	W/days.	Result.
1.	4	Audh Raj Yadav	Ram Saran Yadav	61	
2.	11	Anil Kumar Gupta	R.S. Gupta	78	
3.	18	Amar Nath	Parmeshwar	75	
4.	20	Aziz Ahmed	Muneer	63	
5.	23	Abbas Hussain	Kisanwali Hussain	82	
6.	24	Amar Nath	Mishri Lal	68	
7.	25	Arun Kumar	Durga Pd. Dixit	91	
8.	29	Abad Ali	Kausar 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	Brahma Lal	Ram Audh Lall	117	
19.	C/2	Chanda Lal	Ram Swaroop	62	
20.	3	Chabilay Yadav	Changa Lal Yadav	109	
21.	D/2	Dinesh Kumar	Har Swaroop	16	
22.	5	Dirgaj Singh	Babadin Singh	75	
23.	7	Dharam Raj Singh	Badri Singh	35	
24.	8	Devendra Kumar	Sri Ram	72	
25.	11	Deo Varain Yadav	Kheda Yadav	105	
26.	12	Dolam Ram	Chatte Ram	17	
27.	14	D vi Dayal	Krissna Kumar	10	
28.	E/1	Elven Manesh	Edwed 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	

(132)

63

S.No.	S.No. of list.	Name	Father's Name	W/Days	Result.
		<u>S/Shri</u>			
32	G/7	Gaj Raj	Maikoo Lal	114	
33.	H/4	Hira Lal Snukla	Vidya Pd. Snukla	50	
34.	J/4	Jogendra Singh	Shed 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 Rux Singh	83	
41.	4	Kamlesh 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	Lisqat Ali	Amir Ali	89	
46.	4	Lalwani Ram	Deoki Ram	85	
47.	5	Laxmi Pd.	Ram Lekhan	35	
48.	M/6	Mahipal Singh	Nenal Singh	51	
49.	8	Mond. Saleem Khan	Mond. Yasin Khan	37	
50.	9	Masroo Ahmed	Sabir Ali	70	
51.	13	Monen Lal	Ram Autar	35	
52.	18	Moti Lal	Baijoo	10	
53.	N/5	Nasir Raza	Mond. 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	

(N.B.)

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S.No.	S.No. of list.	Name.	Father's name.	W/days.
60	8/7	Shri Ram Narain.	Shri Bal Karan Ram	83
61	10	" Ram Sewak Agnihotri.	" Bal Krishan	50
62	12	" Rishi Kumar	" Ganga Pd. *	17
63	14	" Raj Kumar Gupta	" Ram Pher Gupta	20
64	15	" Raj Bahadur Singh	" Singer Singh	17
65	22	" Raj Kumar Singh	" Nanha Singh	90
66	24	" Ram Chandra Singh	" Mehdoo Singh	108
67	26	" Ram Ashray	" Maikoo Lal	24
68	29	" Ramjee Chauhan	" Bhagwan Chauhan	100
69	35	" Ramesh Chand Mishra	" Rajni Kant Misra	25
70	36	" Ram Dayal Singh	" Prawan Singh	113
71	43	" Raghu Nath	" Khub Lal	53
72	45	" Ram Narain	" Ram Khulawan Pd.	27
73	47	" Rajendra Prasad	" Sripal	62
74	49	" Ram Narash 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 Horakh	80
78	S/1	" Sree Ram	" Madhi Lal	86
79	2	" Sushil Kumar	" Ram Murti	6
80	7	" Sahib Lal	" Gomti 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 Yedev	" 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



cont d.

(A59)

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S.No.	S.No. o the list.	Name.	Father's Name.	W/days.
88	45	Sri Saeed 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	" Gaya Prasad	20
98	10	" Vijay Pal Singh	" Raj Bahadur Singh	37
99	7/1	" Yogesh Kumar	" Ram Kishore	80

1940

17, C

NO. 3. THE N. N. RAILWAY.

N.R.M.U. (64)

List of C.L. whose cases has been rejected as a result of
T.T. verification.

100

T.No.	Name	Father's Name	Working	Remarks
1.	Shri Jagannath Dutt	Shri V.D. Dutt	164	Rejected.
2.	Trivedi	Trivedi		
3.	Dakkak Mangal	" Sudashao	264	Rejected.
4.	" Md. Shakil	" Abdul Khlik	288	Rejected.
5.	" Mohd. Aseem	" Mohd. Anis	295	Rejected.
6.	" Omkar Lal Srivastava	" Rabigopal	20	Rejected.
7.	" Ram Chander	" Ram Chander	211	Rejected.
8.	" Suresh Kumar	" Bhagwati Rd.	218	Rejected.
9.	" Sudhir Kumar	" Ram Kumar	279	Rejected.
10.	" Pushil Kumar	" Inoo Lal	162	Rejected.
	" Umesh Kumar	" Ray Rd.	307	Rejected.

(P.D.L)

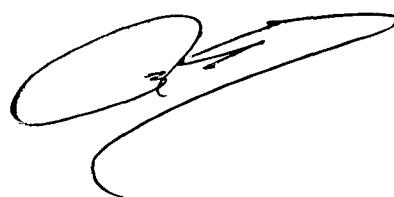
71

NORTHERN RAILWAY.N.R.I.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 Bhosay	-	
3.	" Subodh Kumar	Shri Virda Nath	-	

Rejected List of NRMU

NO.	Sh. List	Name	Father's Name	W/Day	Result
1.	2.	Sh. Awadh Naresh	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	Madauji	239	"
6.	G/6	Gulam Mehd	Mohd Ayub	469	"
7.	H/I	Hamibur Rahman	Ab Jabbar Khan	142	"
8.	6	Hardayal	Ramnoe	265	"
9.	9/1	Indra dev	Mansa Ram	417	"
10.	4	Israr Khan	Rahim Khan		Rejected
11.	3	Inder Lall	Parma Nand	219	"
12.	7	Inderjeet	Moti Lall	267	"
13.	J/10	Jegamath Butt trivedi	B.N.Batt Trivedi	164	"
14.	M/1	Mehd Sakeel	Abdul Khalik	288	"
15.	3	Mohd Azeem	Mohd Avis	295	"
16.	7	Mehinddin Khan x x x	Shareef Ahmad Khan	163	"
17.	22	Mangal	Sada Shiv	264	"
18.	N/3	Naresh 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/8	Surech 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	"




N R O M U

SNO.	Sl No. of List	Name	Father's Name	Result
1.	B/10	Sh. Bhupendra Kumar	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	Pearay 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.	S/9	Shakil Khan	Mohd Khan	"
13.	13	Suraj Kumar	Gur Sharai Lal	"
14.	31	Sheo Shanker Miera	Vishwa Nath Mishra	"
15.	33	Shri Shagwan Das	Mahavir Singh	"
16.	34	Shiva Mal Pd Tewari	Chandrika Pd Tewari	"
17.	35	Sri 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	"




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IN THE Hon'ble High Court of Judicature at Allahabad sitting
at Lucknow
Writ Petition No. of 1985 (P.M.)

The Northern Railwaymen's Union
and others

vs.
Union of India and another

- Petitioners

- opp. Parties

Annexure No. 4

(First Pay slip of Subodh)

SC-PT-U

मुद्रा/Pay

१९८५/१९

१००/N.R.

कारखाना/WORKSHOP

कृष्णनगर भूमि का देन निकाल

Pay Envelope for..... 19

टिकट नं./Ticket No.....

	रु. R.	%
वेतन/Pay		
समयावधि/Overtime	19/-	
दर्हाई यस्ता/Dearness Allowance	12/-	
घरकान यस्ता/House Allowance	12/-	
नगर यस्ता/City Comp. Allowance	10/-	
दूसरी यस्ता/Any other Allowance	10/-	
कुल मजदूरी/Gross Wages	74/-	
कटौतियाँ/Deductions		
निर्बाह निधि/Provident Fund	7/-	
निर्बाह निधि प्रदायन की वापसी/Refund of P.F.		
Adv.		
विजली प्रशार/Electric Charges	614.30	
किराया/Rent		
संस्थान/बेलकद स्लब/Institute/Sports Club		
सार्किल यात्रिम/Cycle Advance		
त्योहार यात्रिम/Festival Advance		
छहकारे शृण समिति/Co-op. Credit Society		
प्रदायन वेतन/यात्रा यस्ता/Advance of Pay/T.A.		
राष्ट्रीय रकाकोष/National Defence Fund.		
बदबुदी की घायिक पदायनी समयोपरि प्राप्ति		
Excess payment of wages O.T. etc.		
अन्य कटौतियाँ जैसे प्रतिवार्ष बमा योजना		
Other deductions e.g. C.D.S.		
कुल कटौतियाँ/Total deductions	614.30	
कुल देय रकम/Net amount payable		
भरने यस्ता.....		
Filled by.....		
	संतापन संकालन बाबू	
	Verified by	

5/1/85

Signature

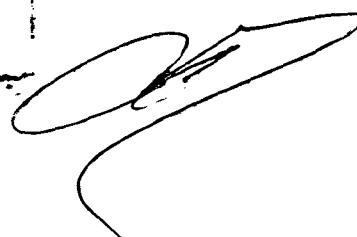
Part of Annexure No. 4

(Last Pay Slip of Subodh)

30 रो. N.R. एवं ₹ 240/M.E. 240
 वर्कशॉप/WORKSHOP लोगो शेड/Log Shed
 Pay Envelope for 146
 टिकट नं. /Ticket No. १४६

510	५००	००
देतना/Pay		
समयोत्तर/Overtime	196	00
महाराई भत्ता/Dearness Allowance	15	00
घर भत्ता/House Allowance	15	00
स्टार्ट भत्ता/City Comp. Allowance	15	00
दूसरे भव्य भत्ता/Any other Allowance	5	00
इत्तम् भत्ता/Gross wages	500	00
कटौतियाँ / Deductions	357	76
निवाह निधि/Provident Fund		
निर्वाह निधि अवैध की कारसी/Refund of P.F.		
Adv.		
विजली प्रधार/Electric charges		
डिराय/Reef		
संस्थान/स्पोर्ट भवन/Institute/Sports Club		
सांस्कृतिक अधियय/Cycle Advance		
स्पेशल अधियय/Festival Advance		
सहकारी बऱ्ह समिक्षा ...		
Co-Op. Credit Society		
अधियय बेतन/एका बऱ्ह		
Advance of Pay/T.A.		
राष्ट्रीय रक्षाकोष		
National Defence Fund.		
प्रत्यक्षी की अधिक भवावनी सम्बोधित भारि		
Excess payment of wages O.T. etc.		
भव्य कटौतियाँ तेरे अनिवार्य भत्ता योजना		
Other deduction e.g. CDS.		
इत्तम् कटौतियाँ/Total deductions		
शुद्ध देय रकम/Net amount payable		
करने वाला.....	सरकार ने करवे वाला.....	
Filled by.....	Verified by.....	

6/1/2012



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

The Northern Railwaymen's Union - Petition
and others

Union of India and another - Opposite

Annexure No. 5

(First Pay Slip of Shiv M. Tiwari)

F III

रारखाना/WORKSHOP	पम्र० ई० २४०/१. प. २४०
के... ३१/८ महीने का वेतन लिफाका	लोका गोड़/Loco Shed
Pay Envelope for..... 19	194
टिकट नं०/Ticket No.....	1217-21
वेतन/Pay	60. R.S. 60. P.
वेतनापार/Overtime	...
महानाई भत्ता/Dearness Allowance	...
बसान भत्ता/House Allowance	...
नगर भत्ता/City Comp. Allowance	...
कोई अन्य भत्ता/Any other Allowance	...
कुल मजदूरी/Gross Wages	...
कटौतियाँ/Deductions	
निवाह निधि/Provident Fund	...
निवाह निधि प्रग्राम की वापसी/Refund of P.F.	...
Adv.	...
दिनांक प्रमाण/Electric Charges	...
किराया/Rent	...
संस्थान/इन्स्टीट्यूट क्लब/Institute/Sports Club	...
साइकिल प्रग्राम/Cycle Advance	...
स्थीराम भत्ता/Festival Advance	...
चुकाई बहु समिति/Co-op. Credit Society	...
प्रग्राम वेतन/वाता भत्ता/Advance of Pay/T.A.	...
राष्ट्रीय रक्षाकाष्ठ/National Defence Fund	...
मजदूरी की समिक्षक वेतनापारी समयापरी भावि	...
Excess payment of wages O.I. etc.	92-70
शाय कटौतियाँ जैसे प्रतिवार्ष जमा योजना	...
Other deductions e.g. C.D.S.	...
कुल कटौतियाँ/Total deductions	...
कुल देय रक्षम/Net amount payable	...
माने जाते.....	संस्थापन करने वाला.....
Filled by	Verified by

R.R. 1021/1 - August, 1980 - 6,50,000 P.

(Last Pay Slip of Shiv M. Tiwari)

40

रारखाना/WORKSHOP

पम्र० ई० २४०/१. प. २४०

लोका गोड़/Loco Shed

के... ३१/८ महीने का वेतन लिफाका

Pay Envelope for..... 19

टिकट नं०/Ticket No.....

वेतन/Pay	60. R.S. 60. P.
वेतनापार/Overtime	...
महानाई भत्ता/Dearness Allowance	...
बसान भत्ता/House Allowance	...
नगर भत्ता/City Comp. Allowance	...
कोई अन्य भत्ता/Any other Allowance	...
कुल मजदूरी/Gross Wages	...
कटौतियाँ/Deductions	
निवाह निधि/Provident Fund	...
निवाह निधि प्रग्राम की वापसी/Refund of P.F.	...
Adv.	...
दिनांक प्रमाण/Electric Charges	...
किराया/Rent	...
संस्थान/इन्स्टीट्यूट क्लब/Institute/Sports Club	...
साइकिल प्रग्राम/Cycle Advance	...
स्थीराम भत्ता/Festival Advance	...
चुकाई बहु समिति/Co-op. Credit Society	...
प्रग्राम वेतन/वाता भत्ता/Advance of Pay/T.A.	...
राष्ट्रीय रक्षाकाष्ठ/National Defence Fund	...
मजदूरी की समिक्षक वेतनापारी समयापरी भावि	...
Excess payment of wages O.I. etc.	...
शाय कटौतियाँ जैसे प्रतिवार्ष जमा योजना	...
Other deductions e.g. C.D.S.	...
कुल कटौतियाँ/Total deductions	...
कुल देय रक्षम/Net amount payable	...
माने जाते.....	संस्थापन करने वाला.....
Filled by	Verified by

R.R. 1021/1 - June, 1980 - 5,00,000 P.M.

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

W. P. No. of 1985

The Northern Railwaymen's Union — Petitioner (पक्ष)

vs

Union of India and others — opp. Parties (83)

Annexure No. 6

जी० एल० १९-ए/G.L. 19-A
जनरल ९९-छोटा Genl. 99 Small

उत्तर रेलवे NORTHERN RAILWAY

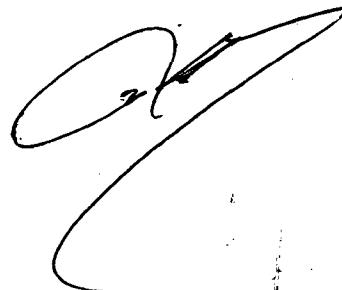
दिनांक: ६/१०/८१

कार्यालय लोको फोरमैन
उत्तर रेलवे लखनऊ।

विषय:- सडस्टीचौट क्ल्युअल लेबर में कार्यरत कार्य दिवस का
प्रमाण पत्र।

प्रमाणित किया गया है कि श्री राम चंद्र
पुत्र श्री अमर सिंह स्टेटीचौट लेबर
में दिन ५ नवंबर क्ल्युअल में मात्र २४।। तिथि १९८१
ते वार्ड ४/१० नं १९८१ तक तुम २५९ दोस्री अंतरास
दिन पारित हो।

लोको फोरमैन
LOCO FOREMAN
८० रें लखनऊ N.R. Lko.



Pur

65

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.

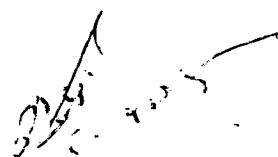
LIST OF CASUAL LABOUR'S COMING LESS. 120 DAYS.

S. No.	Sarvsri	Father's Name
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 Haleem	Abdul Azez
16.	Ajai Kumar	Khuse Ram
17.	Hari Kishan Chand	Sheo Nandan
18.	Jagdesh 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.	Leheruddin	Naseruddin
29.	Nand Kishore	Durga Pd.

(AUG)

S9

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	Kunshi
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 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.8

Northorn Railway

Addl.C.M.E.(W)'s Office CB/LKO
Dt. 24th January, 1985
No.105E/Khallasie/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. Rs.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 applies afresh on the prescribed proforma in response to this notice.

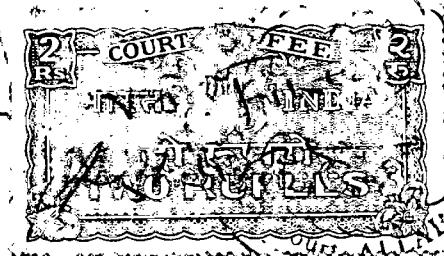
DA/As above.

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

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

True Copy

1985
163
AFFIDAVIT
11/95
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 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

(A-7)

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 5, 1985.

Deponent.

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

Vishwanath
Advocate.

Solemnly affirmed before me on 5/4/85

at 10 A.M./P.M. by Sri V.P. Trivedi

the deponent who is identified by

Sri Dayami Lal Shukla Advocate

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.

Signature of Deponent

163/45
-5-4-28

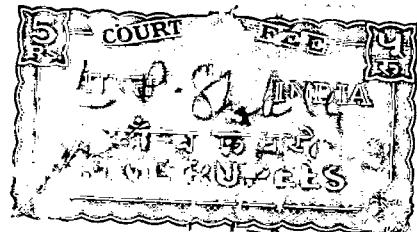
In The Hon'ble High Court of Judicature at Allahabad sitting at Lucknow

ब अदालत श्रीमान

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दा प्रत्येक)

का वकालतनामा



1925
1925

The Northern Railwaymen's Union and others

— वादी (मुद्दे)

बनाम

Union of India and others

— प्रतिवादी (मुद्दा प्रत्येक)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

एडवोकेट

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

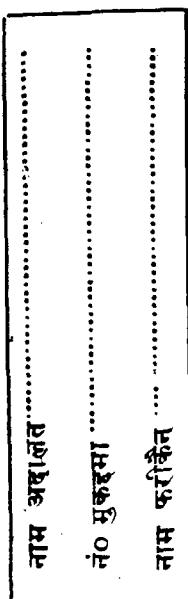
ADVOCATE

Badli.

महोदय

C-700, Mahanagar

LU



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 निरामो 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 करे - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
बह भी स्वीकार करता हूँ कि मैं हर प्रेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मे-
दारा मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम जावे।

हस्ताक्षर

(लिखित)

..... (.....) 1925 A.D.

2 - प्राप्त देव
3 - मग 11

4 - जगन्नाथ दत्त लिखे

Accepted
Date _____

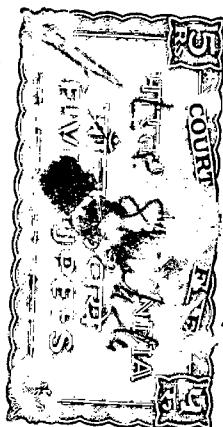
Accepted
Rukundo Hg

साक्षी (गलाह)..... साक्षी (.....)

दिनांक महीना

2 - प्राप्त देव
3 - मग 11

4 - जगन्नाथ दत्त लिखे



ASU

14/4/85

99

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

4428(a)

C.M. Application No. ~~1596~~ 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.

Valmiki Shukla

Dated Lucknow:

(L.P. Shukla)

April 8, 1985.

Advocate,

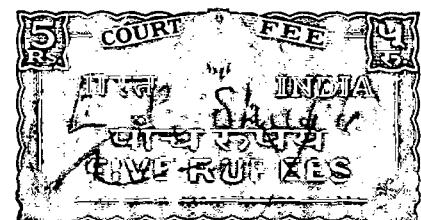
Counsel for the applicants.

10

AS

service - bench.

In the Hon'ble High Court of Judicature at Allahabad
LUCKNOW BENCH, LUCKNOW



S.O.(s)
Part of with file
M
75/2

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

Subject :- F.M. 150 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 36 petitioners for issuing a writ of Mandamus to the Northern Railway Administration.
2. That the opposite parties in the writ Petition are represented by their Counsel Sri Siddhanta Verma, Advocate.
3. That the aggrieved petitioners the workers 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 Industrial Tribunals Act, 1985 and in terms of a section 2(b) the provisions of the Act do not apply to them.
5. On account of certain new developments in the Railway Administration, the petitioners filed an application for interim relief & application on 15-4-1985 for a stay on 20-4-1985. On 30-4-1985 Hon'ble

(RST)

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-:- :-:-

was, pleased 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 S. Misc. Civil No. 1100, dated 25.2.1986 for hearing in the Hon'ble High Court.

Kanhaiya Pathan

(L. P. Shukla)

Advocate

Counsel for the applicant

McKnew dated
Feb. 25, 1986

SIDDHARTH VERMA

Advocate

G-6 Dated : 19.4.19..

COURT No.1

AFD

ENGAGEMENT SLIP

It is most respectfully prayed that my ~~Cases/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.

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

.... Petitioners

Versus

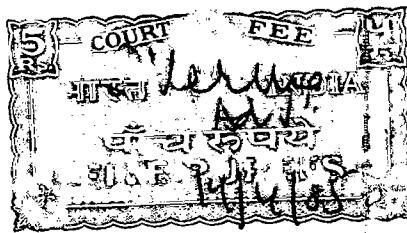
Union of India and another.

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.



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

वकालतबाजार

Northern Railway Men's Union
and others

प्रतिवादी/प्रतिवादित Petitioners

वकाम

Union of India and another

प्रतिवादी/प्रतिवादित Opp. partie

W. P. No. 1596

संख्या मुकदमा

सन् 1985

प्रेषी फी ता 19.4.1985

अपर मुकदमा में अपना और से श्री Siddharth Verma, Advocate, C-16
K-Road, Mahanagar Extension, Lucknow
एक्वोफेट/वर्गील महोदय फा अपना वर्गील बियुक्त करके इफरारा फरता हूँ
और लिखे देता हूँ कि मुकदमा में वर्गील महोदय स्वयं अथवा अन्य वर्गील
द्वारा गोप्य वर्गील महोदय स्वयं अथवा अन्य वर्गील
या लौटावा या हमारी ओर से डिग्री जारी करावें और स्वया वसूल करें
या युल्हबाना या इमानु द्वारा तथा अपील व बिनरानी हमारी ओर से
हमारे या अपने हस्ताक्षर से दाखिल करें और तस्वीर इफ्रया मुकदमा डालें
या कोई स्वया जमा करें या हमारी विपत्ति परीक्षानी फा दाखिल
या हमारे हस्ताक्षर कुपत्ति इकट्ठतानी रसीद से लेजे फा
विनियुक्त करें वर्गील महोदय द्वारा को गई वह
उष फार्माहो हमारे सर्वया द्योकार है और हेतु इसालये यह वकालता

Accepted

Sidhu

(Siddharth Verma)

Advocate

S.A. (मवारा)

दिनांक

सन् 19. हूँ।

हस्ताक्षर

Divisional Railway Manager,
Northern Railway,
LUCKNOW.

साही गवाह

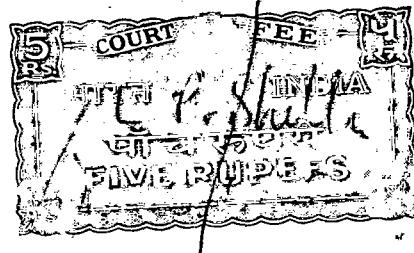
महोदय

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

C. M. Application No. 336 (W) of 1985.

In re:

Writ Petition No. 1596 of 1985.



15/11/85

15-11-85

The Northern Railwaymen's Union
and others

-----Petitioners/
Applicants

Versus

Union of India and others.

-----Opp-parties.

Amendment Application

14/2/86 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

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

(168)

1596

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

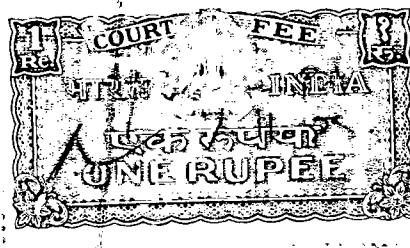
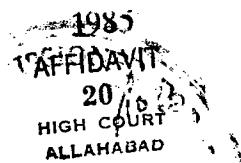
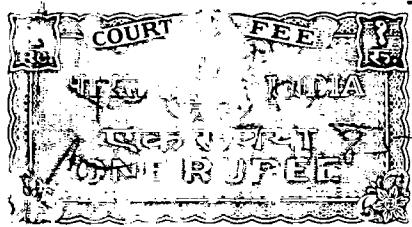
Affidavit

In:

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

In re:

Writ Petition No. 1596 of 1985



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 - Gokha Mau, Pali Kakori, Dist - 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-

1596/1985

(269)

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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 82 of the Constitution and the transfer of all the aforesaid pending petitions in the High Courts and Supreme

12/01/9214

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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 *de novo* 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 :-

~~AT 2501 921G~~

2/1/18
2/1/18

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

REHELD

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

Lucknow, dated,
7.11.85

21230192-119

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

21230192-119

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 Shri Yamuna Prasad
the deponent who is identified by

Shri K. D. Nag,
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.

20/10/85
7.11.85

(A23)

SERVICE - BENCH



119

1 C.P.W.D.
30/1/86

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

C.M. Application No. 1180 (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

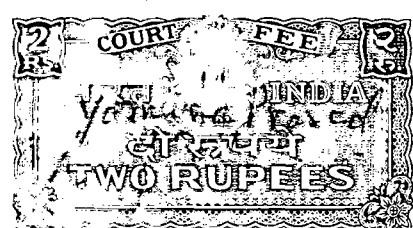
The applicants most respectfully beg to submit
as under :-

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.



(A24)
121

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

1985

AFFIDAVIT

53/6

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 Nau,
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

24/04/2016

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 Dispute

25/04/2014

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

21
D

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:

January 27, 1986.

27/1/86

DEPONENT.

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

Kuldeepah Nag
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~~
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.

S. C. Ray

27/1/86
86

(R.A)

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

129

W.P. No. 1596 of 1985

The Northern Railwaymen's Union
and others

— Petitioner

v/s.

Union Of India and others — off. Parties

ANNEXURE No. 9

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

129/19214

(6, 14, 26)
- 27

SUMMARY OF THE POSITION OF GOCC AND BUREAUS AS ON 1.7.1935

(A)

Sl No.	Category	Sanct	On Roll Vac	Excess	Substitute engaged
1	✓ Existing and existing staff				
1	✓ supervisory staff	40	39	1	-
2	✓ Ministerial staff	108	96	12	-
	Total	148	135	13	-
				310	
3	✓ Fitting Part-I & Machine shops staff	309	300	-	1
4	✓ Fitting staff Part-II	235	162	73	53
5	✓ Fitting staff Part-III	159	133	26	-
6	✓ Shed staff-I & Cleaners	212	154	78	75
7	✓ Shed staff Part-II	177	158	33	40
8	✓ Running Staff	1061	1035	26	20
	Total	2147	1913	236	176
	Ministerial and Supervisory staff	148	135	13	-

4216214
Net vacancies when
Substitute engaged

still vacancies

~~100 100 235~~
100 100 235
176
176
242 173 123
40 100 59
Subsidies
100 100 100 100
100 100 100 100
100 100 100 100

100 100
100 100

(AO)

ORDER SHEET

IN THE COURT OF JUDICATURE AT ALLAHABAD

No. 1596 of 1985

133

Date	Date of progress of proceedings and routine orders	Date of which case is adjourned
1.	2	3
10-4-85	S.S. Ahmed J. B. Keenar J. Sent this petition for orders 14th April, 1985	
	Set up for orders on 19th April	
	Sd/ S.S. Ahmed J. Sd/ B. Keenar J 10-4-85	
	<u>Mol 428 (4) 85</u>	
10-4-85	S.S. Ahmed J. B. Keenar J. Pet up along with the	
	Sd/ S.S. Ahmed J Sd/ B. Keenar J 10-4-85	
	85 fix for attendance order in court	
	9.10.85 adjourned	
	2. May 1985 (4) 85	
	15-4-85	
19-4-85	HOU/NATH MARKET	Received Dashi summa for O.P only under 15
	85	

By me

M 19/4/85

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W. P. No. 1596 of 198 -

—vs.

Date	Note of progress of proceedings and routine orders	Date of	which case is adjourned
1	2	3	
	Hn SC Mather, 2		
	Hn S. B. S. G. 3		
	List on 14-10-85		
	Kd 7/10/85	JN	
14-10-85			
	from V.C. S. 5	to Bench	
	from S.C.M.O.	(fixed)	
	List in the month of November		
	1885.	J. W.	
	Re	14-10-85	
20-11-85			
15-11-85	Cmtd 1586 = 3366-86 (amended)	to Bench	
	about 100 cases	by court	
	8-11-86 fixed for orders	Fr Bench	

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
11/10/07	<p>Hon. S. J.</p> <p>Hon. S. J.</p> <p>Hon. K. C. Singh</p> <p>K</p> <p>(Lokay)</p>	
21/10/07	<p>Hon. S. C. Pillai</p> <p>Hon. P. Goyal</p>	
22/10/07	<p>Hon. S. C. Pillai</p> <p>Hon. P. Goyal</p>	
	<p>Hon. S. C. Pillai</p> <p>Hon. M. Lal</p> <p>Sri Lal. Chheda, learned</p> <p>Counsel for the petitioner, Sri Lal Chheda not as his 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.</p> <p>Let the record be transmitted to the Central Administrative Tribunal at Allahabad.</p> <p>Mr. [unclear] 20/11/07 R</p>	

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.

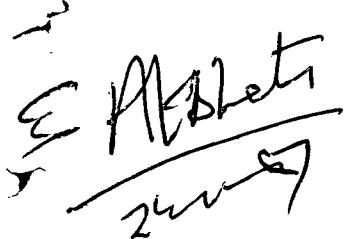
HON'BLE S.C. MATHUR, J.
HON'BLE M.M. LAL, J.

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


2/11/87

Service 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

Appellant

Respondent

Against the decree

dated

Appeal no. 1576 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)

30-4-92
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.

filed today
R
cpr
16/4/92
Lucknow, Dated:
April 16, 1992.

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

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

Sharma
16.4.92

16.4.92.
P.R.

List for orders on 30.4.92

before the Hon. Bench
along with file.

218
16.4.92

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, *Rajir kishore*, presently posted as *Asstt 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 *Asstt 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

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, Rayir Kishore, presently posted as ~~Ass H 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 Kishtore, presently posted as Asstt 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 Asstt 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

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-

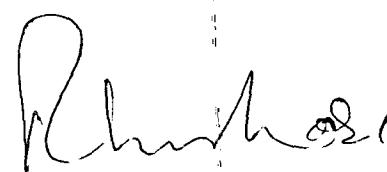
Lucknow, Dated:
April 10, 1992.



VERIFICATION

I, Rayir 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.



Bug

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. 1556 of 1985.

The Northern Railwaysmen'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.

L. P. Shukla

Advocate.

Counsel for the applicants.

Lucknow, dated,
15.11.85

(fbso)

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 Railwaymen'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 Sareerop resident of Village - Gachha Mau, Post - Kakrabi, Dist - 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 Adminis -

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

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 *de novo* 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 :-

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

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.

(B5)

117 - 200

THE HON'BLE THE JUDGE OF LUCKNOW HIGH COURT

OF JUDICATURE

C. o. 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.

Vanashiv Shukla

Lucknow Dated:

(L.R. Shukla)

January 30, 1986.

Advocate,

Counsel for the applicants.

6/6

THE HIGHER COURT OF JUSTICE OF UTTAR PRADESH
SITTING AT LUCKNOW

affidavit

In

C.I. Application No. (.) of 1986

In No:

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union
& others Petitioners

Versus

Union of India & others Govt. Parties

AFFIDAVIT

I, Yamuna Prasad, aged about 25 years, son
of Sri Ram Swarup, resident of village Gohra Kau,
Post Kakeri, 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

below also.

3. That the petitioner No.1 is a recognised Union while petitioners Nos. 2 to 36 are its members. The petitioners 2 to 36 were working as substitutes in Loco Shed, Northern Railway, Jhansi, Lucknow and they retained 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 Empl. &c. Notice dated 24.1.1985 contained in Annexure No. 8 to the writ petition.
6. That the notice 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 Dispute

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

8. That the above numbered 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. Three 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

DBR C.R.I.T.

Verification

I, the above-named deponent, do verily state that the contents of paragraphs 1 to 6 and 9 and 10 of this affidavit are true to my own knowledge. As far as 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, India:

January , 1926.

Advocate.

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

Advocate.

solemnly affirmed before me on January , 1926
at a.m./p.m. by Sri Yamini 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

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)

SUMMARY OF STAFF POSITION AS ON 30th MARCH 1971 AS ON 1st MARCH

1. No.	2. Category	3. Serial	4. On Roll	5. Vacancy	6. Excess	7. Substitute engaged
1.	✓ Supervisory staff	40	39	1	-	-
2.	✓ Ministerial staff	103	96	12	-	-
	Total	143	135	18	-	-
					316	
3.	✓ Fitting Part-I & Machine shops staff.	309	500	-	2	-
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.	Sh'd Staff Part-II	177	138	39	-	49
8.	Running Staff	1061	1035	26	2	-
	Total	2147	1912	335	176	235
	Ministerial and Supervisory staff	143	135	18	-	-
	Net vacancies where Substitute engaged	-	-	300	222	235
	still vacancies	-	-	-	176	176
		-	-	-	248	248
		-	-	-	92	92

~~235~~ - 222 = 176

248 - 92 = 156

176 - 156 = 20

20 - 10 = 10

10 - 5 = 5

5 - 2 = 3

IN THE HON'BLE HIGH COURT OF JUDICATURE OF UTTAR PRADESH
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 Opposing 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 respectfully
prayed that the case of the petitioners/applicants
Nos. 2 to 36 may be duly considered at the time of making
appointments under Annexure No. 8 to the writ
petition.

Yashpat Singh

Dated Lucknow:

April 8, 1985.

(L.R. Mukla)
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~~Applicants~~
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 & 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, , 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.

(P1)

IN THE CIVIL HIGH COURT OF UTTAR PRADESH
SITTING AT LUCKNOW

Writ Petition No. 1596 of 1985

The Northern Railwaymen's Union
and others Petitioners

Versus

Union of India & another Opposite Parties

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Lucknow Dated: (L.P. Shukla)

April , 1985. 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 Budhu Lal Tiwari Road, Nehndi 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.

(b3)

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. Mritunjay 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 23 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 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 Ram, resident of C/o Om Prakash Verma, 556/75 Sujan Pura, Alambagh, Lucknow. Shri
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.

(b) 4

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 Kunni Lal Pandey, Central Power House Colony, Alambagh, Lucknow.
33. Surendra Kumar Dixit, aged 24 years, son of Kavi 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, 556/75Gha/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 :-

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

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 labour/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 Karanchari 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,

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.

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,

Annexure No.3

Indra Deo (petitioner No.6) 417 days, Surosh Kumar (petitioner No.7) 218 days, Gulam Mohammad (petitioner No.8) 469 days, ~~Surendra Kumar Dwivedi~~ (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 864225
2. Jagan Nath Dutt Trivedi	222055
3. Gulam Mohammad	222097
4. Krishna Chandra Tripathi	699001
5. Chandra Shekhar Shukla	863446 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. Wahed	463500 864685
12. Rahman	222488
13. Bharkar Sahai Tripathi	222056
14. Krishna Kumar Dwivedi	699002
15. Lodeheshwar Pandey	222489
16. Raj Kumar Dwivedi	222579
17. Ram Kishore	863711 221719

13. Bal Ram Singh	222107
19. Devendra Kumar	962205
20. Shyam Nath Chukla	864442
21. Kuroshattam 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 First and Last railway administration. Photostat copies of the 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:-

(612)

<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.

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.

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

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 substitutes 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.

(b5)

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. Njl
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

(pb)

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	Prom Shanker	526
6.	Ambika Singh	Baij Nath Singh	432
7.	Atiq Ahmed	Rohd. 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 Autar	134
14.	Alikausar	Aboo Zafar	129
15.	Ashok Kumar	Shiv Kumar	618
16.	Ashok Kumar	Aditya rd.	454
17.	Awadhesh Kumar Misra	Gurdeo Pd. Misra	129
18.	Amar Nath	Parmeshwar	-
19.	Ashok Kumar	Yugul Kishore	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. Ashid	Ab. Wafati	143
26.	Arun Kumar	Durga Pd. Dixit	-
27.	Ashok Kumar	Kenhey Lal	245
28.	Ashok Kumar	Hukum Chand	464
29.	Abad Ali	Kaucar Ali	-
30.	Ajit Kumar	Pchan Lal	-

-2-

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	Arun Pratap Singh	-
34.	Ashok Kumar Singh	Dars Lal Singh	310
35.	Anil Kumar	Toni Madho	275
1.	Bharat Singh	Nankao Singh	-
2.	Bhajan Singh	K.K. Singh	-
3.	Bipin Kumar	Iahan 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	106
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	Balraj Ram	-
16.	Bhagwati Pd. Verma	Besudev	155
17.	Baboo Lal	Sita Ram	-
18.	Balmukund	Shiv Baran	-
19.	Brahre Lal	Eam. Iwadh Lal	-
20.	Brij Kishore	Lalram	458
(C)			
1.	Chandra Shekhar	Shiv Narain	-
2.	Cheda Lal	Ram Swaroop	-
3.	Chabiley Yadav	Nanga Lal Yadav	-

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4.	Ghandrika	Nanda	260
		(D)	
1.	Durga Pd.	Bhalla	406
2.	Dinesh Kr. Wigam	Narswaroop	-
3.	Durga Pd.	Trikhikoswar	-
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	Chutti Ram	-
13.	Dev Datt	Drij Nanga	123
14.	Devi Dayal	Frishna Kamal	-
15.	Desh Raj	Brij Nath	282
16.	Dina Nath Id.	Pari Khan	200
17.	Dinesh Kumar	V.N. Pd.	367
		(E)	
1.	Eleven Mahesh	Edved Mahesh	-
		(F)	
1.	Gopal Krishna Sinha	Laxmi Narain Sinha	478
2.	Gopal Singh Yadav	Basawan	-
3.	Gur Charan Singi	Pritam Singh	213
4.	Ghanshyam Tripathi	Bhagwati Pd. Tripathi	-
5.	Gaya Dux Singh	Ram Bahadur Singh	-
6.	Gulam Mohd.	Mohd Ayub	469
7.	Gaj Raj	Naikoo Lal	-
8.	Girja Chawker	Jagdeo Pd.	126
9.	Gulab Chand	Jugamath	-

-4-

(H)

1.	Habibor 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	Amar Singh	-
2.	Indra Dev	Mansa Ram	417
3.	Iqbal Ali	Shau Shau Ali	271
4.	Israr Khan	Rahim Khan	-
5.	Inder Seon Singh	Achhai Dutt Singh	161
6.	Inder Lal	Perma Nand	219
7.	Inder Jeet	Roti Lal	267

(J)

1.	Jai Lakhn Dixit	Manna Lal	185
2.	Jai Gopal Singh	Janarden Singh	434
3.	Jamesh Sushil Sarla	S. Sarla	222
4.	Joginder Singh	Shiv Kumar Singh	-
5.	Jai Nath Singh	Manokarma Singh	241
6.	Jamal Alam	Mehboob Alam	480
7.	Jabeer Singh	Bhagwant Singh	-
8.	Jay Prakash	Gur Prasad	474
9.	Jitendra Pratap	Ram Samjh	464
10.	Jaggannath Dutt Trivedi	E.N. Dutt Trivedi	164
11.	Jagdish Pd.	Ram Dayal	172
12.	Jhagroo	Pujan	339
13.	Jamuna Pd.	Ram Suroop	-
14.	Jagdish Pd.	Chedc Lal	180

(B20)

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15.	Jai Shyam Dwevodi	Radhey Shyam	-
16.	Jata Shanker Tewari	Par Lal Tewari	149
17.	Jawahar Lal	Asperfee	196
18.	Jitendra Singh	Har Bachan Singh	-
19.	Jaggannath	Har Lal	-

(E)

1.	Krishna Naresh Singh	Devi Lal Singh	-
2.	Krishna Kumar	Shiv Harakh	164
3.	Kamlesh Kumar	Chotey Lal	184
4.	Kamlesh Schedur Singh	Shyam Patti Singh	-
5.	Kishen Lal	Narca	222
6.	Krishna Chandra Tripathi	Ram Karan Tripathi	-
7.	Kinkar Pass	Pesrey Lal	-
8.	Krishna Kumar Pandey	P.S. Pandey	-
9.	Krishna Kumar Tripathi	Chandra Dutt Tri- pathi	523
10.	Kailash Chand	Kattwaroo Lal	-
11.	Kailash Nath Tripathi	Sheo Kuri	158

(L)

1.	Laxmi Kant	Shyam Sunder	264
2.	Leyakot Ali	Amir Ali	-
3.	Lal Chand Yadav	Ram Krishna Yadava	154
4.	Lal Kuri Ram	Devra Ram	-
5.	Laxmi Ud.	Ram Lukan	-

(M)

1.	Mohd. Sakeel	Mohd. Khilik	288
2.	Mohd. Raiyan	Ishaq Ishaq	149
3.	Mohd. Azeem	Mohd. Azeem	295
4.	Madan Gopal Misra	S.P. Misra	147
5.	Mohd. Aslam	Mohd. Saleem	225

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6.	Mahipal Singh	Nihal Singh	-
7.	Mohiuddin Khan	Shareef Ahmad Khan	163
8.	Mohd. Saleem Khan	Mohd. Yaseen Khan	-
9.	Mashrcor 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	Prem Dass	232
15.	Mritunjai Pd. Tripathi	Gajadar Pd. Tripathi	-
16.	Naresh Dayal Verma	Gaya Pd.	531
17.	Mohd. Saleem	Jamaluddin	170
18.	Moti Lal	Baojoo	-
19.	Marendra Singh	Ram Swaroop	423
20.	Mohd Irfi	Iftikhar Husain	406.
21.	Mohd. Ujeer	Mohd. Saber	-
22.	Mangal	Stada Shiv	264
23.	Mohd. Shakir	Tiroz Ahmad	233
24.	Madanwall	Uma Shankar	140

(2)

1.	Marendra Singh	Kirpal Singh	242
2.	Karesh Kumar Mehta	Dharam Prakash Mehta	237
3.	Karesh Kumar	Hem Autar	428
4.	Nand Lall Prasad	Gabboo Pd.	579
5.	Nasir Raza	Mohd Raza	-
6.	Nand Kishore	Jagdeo Pd.	372
7.	Nawal Kishore Yadav	Prabhoo Singh Yadav	-
8.	Nanhuo	Namashwar	163
9.	Nawal Kishore	Nurmi Lal	-
10.	Naveen Chand Pathak	Satish Chand Pathak	143
11.	Nipati Singh	Ram Karan Singh	547

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(O)

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

(P)

1.	Patrick Kumar Dass	V.K.Dass	-
2.	Pratap Narain	Gokul Pd.	219
3.	Parmeshwar Dayal	Mahech 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 Pearcey	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	Kewa 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 Dux	356
29.	Ram Ji Chaubey	Bhagwan Cheubey	-
30.	Ram Deo	Ishwar Deen	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	Saldeo	-
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.	Rajhu 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	-

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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.	Rajosh Kumar	Sheo Ratan Lal	170
56.	Ram Prakash Singh	Bhagwan Singh	-

(S)

1.	Sri Ram	Madhi Lal	-
2.	Sushil Kumar	Ram Kurti	-
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	Kohd. Khan	-
10.	Shakeel Khan	Maifood Ali	138
11.	Shanker Deyal	Radhey Shyan 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	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	Nanohar 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	Nimmi Lal	205
31.	Sheo Shanker Misra	Vishwa Nath Misra	-
32.	Suresh Kumar	EK Awasthi	-
33.	Shree Bhagwan Dass	Mahavir Singh	-
34.	Shiva Lal 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.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	Shemshed Ali	-
46.	Sukh Dev Singh	Ram Narakh	-
47.	Santosh Kumar	Nand Kishore	-

(T)

1.	Tarun Pandey	Hardev Pandey	-
2.	Tek Chand	Manna Lal	408
3.	Tej Fall	Chottey Lal	266

(U)

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

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3.	Uma Kant Singh	Ram Dularey	-
4.	Univila	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	Bromha 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 bona-fide 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 bona-fide 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 bona-fide casual labour, this aspect will be kept in view and those who are

-2-

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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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 (b)
vs.
Union of India and another — opp. Parties

ANNEXURE No. 3

Divisional Office, Lucknow.

Divisional Office, Lucknow. 20.11.84.

Re: Mr.

Re: Estimating of Casual Labourers of Northern Railway.

Re: Your letter No. 52/17/Complaint/83 dt.

10.7.84.

On receipt of your query exercised by the
Petitioner, the list submitted by you, the result is
given as under:-

NAME	CLASS	AGE	LESS THAN	ONE
1	1	2	3	4
2	2	3	4	5
3	3	4	5	6
4	4	5	6	7
5	5	6	7	8
6	6	7	8	9
7	7	8	9	10
8	8	9	10	11
9	9	10	11	12
10	10	11	12	13
11	11	12	13	14
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25	25	26	27	28
26	26	27	28	29
27	27	28	29	30
28	28	29	30	31
29	29	30	31	32
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185	185	186	187	188
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189	189	190	191	192
190	190	191	192	193
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225	225	226	227	228
226	226	227	228	229
227	227	228	229	230
228	228	229	230	231
229	229	230	231	232
230	230	231	232	233
231	231	232	233	234
232	232	233	234	235
233	233	234	235	236

W.C. BANGLA RAILWAYU.R.W.U. (64).List of sub Casual labour who has completed 120 days.

No.	Name	Father's name	Working days	Remark
1.	Shri Amit Kumar	Shri Mohan Lal	68	
2.	" " N. Yukund Panday	Shree Barai	84	
3.	" " Devendar Kumar	Shri Basu	72	
4.	" " Krishan Chandra Tripathi	Shri Tripathi	46	
5.	" " Kishan Kumar Choudhury	Shukley Choudhury	82	
6.	" " Ramkumar Singh	Shri Ram Singh	51	
7.	" " Nasar Ali	Shabir Ali	70	
8.	" " Om Prakash Panday	Shreshtha	101	
9.	" " Ramlal	Shukley	50	
10.	" " Ramlal	Shukley	91	
11.	" " Ramlal	Shukley	86	
12.	" " R. C. Tripathi	Shri Tripathi	86	
13.	" " Ramlal Panday	Shukley Panday	57	

Sl. No.	Male Name	Female Name	Wife's Name	Age (in years)
1.	4. Jitender Singh	4. Devi	Paramaran Yadav	61
2.	11. Anil Kumar	11. Rita	K. S. Jyoti	78
3.	18. Amar Nath		Parmanandwar	76
4.	20. Aziz Ahmed		Humera	63
5.	23. Abba Sissain		Kisanai Sissain	82
6.	24. Amar Nath		Misri Lal	68
7.	25. Arun Kumar		Durga P. Dixit	91
8.	29. Ahmad Ali		Kauser Ali	36
9.	30. Ajay Kumar		Ram Lal	68
10.	33. Arun Pratap Singh		Shankar Singh	78
11.	3/1. Bhagat Singh		1. Singh	30
12.	2. Bhag Singh		K. Singh	67
13.	6. Balbir P. D.		2. S. Nath	60
14.	14. Brijpal Lal		Shri Ram Krishna	28
15.	15. Babban Ram		Balraj Ram	63
16.	17. Baboo Lal		Sita Ram	61
17.	18. Bal Mukund		Snoo B. Ram	34
18.	19. Bansi Lal		Ram Audh Lall	117
19.	2/2. Chheda Lal		Ram Swaroop	68
20.	3. Chhilday Yadav		Chhanga Lal Yadav	109
21.	10/2. Dinesh Kumar		Hir Swaroop	16
22.	6. Dinesh Singh		Babu Singh	76
23.	7. Dinesh Raj Singh		Padri Singh	36
24.	2. Dhanwinder Kumar		1. Ram	72
25.	11. Dhanwantrai Yadav		K. Dhan Yadv	105
26.	12. Dileep Ram		Chhili D. Ram	17
27.	14. Duli Dasi		K. Duli Kumar	19
28.	8/1. Elvam Mahesh		Ram. Elvam	49
29.	8/2. Gopal Singh Dikshit		Boparai	85
30.	4. Gyan Bhagwan Tripathi		Bhagwan D. P. Tripathi	86
31.	5. Gyan Singh Dikshit		Khanda Singh	36

Sl. No.	Date	Test Name	Father's Name	U/Days	Result
31.	3/7	Shiv Singh	Maldeo Lal	114	
32.	8/7	Har Lal Singh	Vilaya Pda. Shukla	50	
33.	3/4	Jogendra Singh	Shob Kumar Singh	61	
34.	7	Jahir Singh	Bhagwant Singh	109	
35.	13	Jamuna Pda	Ram Swaroop	88	
36.	15	Dev Shyam Dwivedi	Radhey Dayat	21	
37.	18	Jitendra Singh	Har Preetan Singh	117	
38.	19	Jagannath	Har Lall	40	
39.	K/1	Kristan Kritan Singh	Daval Pux Singh	83	
40.	4	Kamlesh Singh	Shyam Pati Singh	62	
41.	6	Prakash Chandra	Ram Narain Tripathi	66	
42.	8	Krishna Kumar Pansey	R.S. Pandey	136	
43.	10	Kailash Shukla	Kedarnath Lal	80	
44.	5/2	Umesh Ali	Amrit Lal	39	
45.	6	Umesh Singh	Umesh Singh	80	
46.	8	Umesh	Umesh	80	
47.	10/2	Umesh Singh	Umesh Singh	11	
48.	12	Umesh Pati Ram	Umesh Singh	11	
49.	14	Umesh Pati Ram	Umesh Singh	37	
50.	9	Umesh Khand	Sohar Ali	76	
51.	13	Umesh K	Umesh	36	
52.	15	Umesh	Umesh	10	
53.	17/2	Umesh Ram	Umesh Ram	106	
54.	5/7	Umesh Kishore Yadav	Picchu Singh Yadav	41	
55.	9	Umesh Singh	Umesh Lal	72	
56.	10/1	Umesh Singh	Umesh	8	
57.	1	Umesh Singh	Umesh Pda.	101	
58.	3	Umesh Singh	Surej Pda.	89	
59.	5	Umesh Singh	Umesh Singh	26	

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(B31)

Sl. No.	Name	Father's Name	W/Days
the list.			
46	Shri Sardar Ali	Shri Chandresh Ali	83
47	" Gurjeet Singh	" Ram Narayan	01
47	" Balroop Kumar	" Rupinder Singh	60
48/1	" Gurjeet Paday	" Jagdev Kanay	99
49/1	" Upendra Rath	" Panchpat Singh	60
50	" Karti Singh	" Jagdev Kanay	10
51	" Ranjeet Kumar	" Ranjeet	80
52	" Anil Kumar Tiwari	" Lakhbir Singh	35
53	" Daya Prakash	" Jagdev Kanay	63
54	" Jagdev Bahadur	" Gurdip Singh	20
55	" Jagdev Patel Singh	" Baljeet Singh	27
56	" Jagdev Kumar	" Ranjeet Singh	20

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. REJECTION LIST

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

Sl. No.	Father's Name	Working	Remarks
1.	Shri Jayan Nath Putt	Shri V.N. Putt	264 Rejected.
	Trivedi		
2.	Dinkar Nagal	Dagashen	281 Rejected.
3.	Malash K. J.	Abul Khan	282 Rejected.
4.	Yash Asodi	Abdul Anis	295 Rejected.
5.	Deependra Singh	Abdul Ali	296 Rejected.
6.	Ram Chander	Lat Shankar	297 Rejected.
7.	Ram Kumar	Latiti	298 Rejected.
8.	Sukhbir Singh	Ram Kumar	279 Rejected.
9.	Pratilal Patel	Abu Lal	262 Rejected.
10.	Umash Kumar	Abdul	307 Rejected.

(B36)

PRACTICE TESTS OF SWIMMING		TEST	TIME
5	1. Fish 50 m	100	10
22	2. 200 m	320	0
23	3. 400 m	460	0
24	4. 500 m	500	0
25	5. 600 m	530	0
26	6. 700 m	580	0
27	7. 800 m	610	0
28	8. 900 m	640	0
29	9. 1000 m	670	0
30	10. 1100 m	700	0
31	11. 1200 m	730	0
32	12. 1300 m	760	0
33	13. 1400 m	790	0
34	14. 1500 m	820	0
35	15. 1600 m	850	0
36	16. 1700 m	880	0
37	17. 1800 m	910	0
38	18. 1900 m	940	0
39	19. 2000 m	970	0
40	20. 2100 m	1000	0
41	21. 2200 m	1030	0
42	22. 2300 m	1060	0
43	23. 2400 m	1090	0
44	24. 2500 m	1120	0
45	25. 2600 m	1150	0
46	26. 2700 m	1180	0
47	27. 2800 m	1210	0
48	28. 2900 m	1240	0
49	29. 3000 m	1270	0
50	30. 3100 m	1300	0
51	31. 3200 m	1330	0
52	32. 3300 m	1360	0
53	33. 3400 m	1390	0
54	34. 3500 m	1420	0
55	35. 3600 m	1450	0
56	36. 3700 m	1480	0
57	37. 3800 m	1510	0
58	38. 3900 m	1540	0
59	39. 4000 m	1570	0
60	40. 4100 m	1600	0
61	41. 4200 m	1630	0
62	42. 4300 m	1660	0
63	43. 4400 m	1690	0
64	44. 4500 m	1720	0
65	45. 4600 m	1750	0
66	46. 4700 m	1780	0
67	47. 4800 m	1810	0
68	48. 4900 m	1840	0
69	49. 5000 m	1870	0
70	50. 5100 m	1900	0
71	51. 5200 m	1930	0
72	52. 5300 m	1960	0
73	53. 5400 m	1990	0
74	54. 5500 m	2020	0
75	55. 5600 m	2050	0
76	56. 5700 m	2080	0
77	57. 5800 m	2110	0
78	58. 5900 m	2140	0
79	59. 6000 m	2170	0
80	60. 6100 m	2200	0
81	61. 6200 m	2230	0
82	62. 6300 m	2260	0
83	63. 6400 m	2290	0
84	64. 6500 m	2320	0
85	65. 6600 m	2350	0
86	66. 6700 m	2380	0
87	67. 6800 m	2410	0
88	68. 6900 m	2440	0
89	69. 7000 m	2470	0
90	70. 7100 m	2500	0
91	71. 7200 m	2530	0
92	72. 7300 m	2560	0
93	73. 7400 m	2590	0
94	74. 7500 m	2620	0
95	75. 7600 m	2650	0
96	76. 7700 m	2680	0
97	77. 7800 m	2710	0
98	78. 7900 m	2740	0
99	79. 8000 m	2770	0
100	80. 8100 m	2800	0
101	81. 8200 m	2830	0
102	82. 8300 m	2860	0
103	83. 8400 m	2890	0
104	84. 8500 m	2920	0
105	85. 8600 m	2950	0
106	86. 8700 m	2980	0
107	87. 8800 m	3010	0
108	88. 8900 m	3040	0
109	89. 9000 m	3070	0
110	90. 9100 m	3100	0
111	91. 9200 m	3130	0
112	92. 9300 m	3160	0
113	93. 9400 m	3190	0
114	94. 9500 m	3220	0
115	95. 9600 m	3250	0
116	96. 9700 m	3280	0
117	97. 9800 m	3310	0
118	98. 9900 m	3340	0
119	99. 10000 m	3370	0

(BSX)

CHITTRAM BAGHIA

P. R. U. (84)

List of sub/Chap. to your who has not been issued book

Fathers Fatio working ~ Holiavas
day.

1. Sri Ram Preet	2nd Ori	~	~
2. " Chintan Kank	2nd Har Bhagat	~	~
3. " Subodh Kumar	2nd Virat Nath	~	~

NRMU

Sl. No.	Date	Name	Patient's Name	Result
1	9/10	Uttamchandra Kupar	Shashi Ran	Not done
2	11	Shrikant Dabir	Chetan Jali	c
3	9/9	Suraj Prasad	Pradeep Mehta	c
4	9/9	Umesh Chandra	Umesh Naik	c
5	9/7	Shivam Dabir	Shivam Dabir	c
6	8/29	Shivaji Ujwal	Shivaji Ujwal	c
7	8/16	Shivaji Yadav	Shivaji Yadav	c
8	9/1	Shivaji Yadav	Shivaji Yadav	c
9	9/1	Rej	Rej	c
10	9/2	Raj	Raj	c
11	9/2	Ram	Ram	c
12	9/2	Shivaji Dabir	Shivaji Dabir	c
13	9/2	Shivaji Dabir	Shivaji Dabir	c
14	9/2	Shivaji Dabir	Shivaji Dabir	c
15	9/2	Shivaji Dabir	Shivaji Dabir	c
16	9/2	Shivaji Dabir	Shivaji Dabir	c
17	9/2	Shivaji Dabir	Shivaji Dabir	c
18	9/2	Shivaji Dabir	Shivaji Dabir	c
19	9/2	Shivaji Dabir	Shivaji Dabir	c
20	9/2	Shivaji Dabir	Shivaji Dabir	c

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

Writ Petition No. of 1985

85

The Northern Railwaymen's Union
and others)

— Petitioners

vs.
Union of India and another — opp. Parties

Annexure No. 4

(First Pay Slip of Subodh)

ग्र-प्ति	
<u>मुद्रा</u>	
पा.रो/N.R.	प्रा. ०.२०२०/१२ २१
कारखाना/WORKSHOP	भारा ग. १, लखनऊ २६२
कृपया इस बैतन निकालना।	
Pay Envelope for.....	19
टिकट नं./Ticket No.....	
बैतन/Pay	रु. Rs. ४०
समयोपरि/Overtime ...	19.6
महारा भत्ता/Dearness Allowance ...	
मकान भत्ता/House Allowance ...	
मार्ग भत्ता/City Comp. Allowance ...	
छोई भत्ता/Any other Allowance ...	16.9
कुल मजदूरी/Gross Wages ...	47.5
कटौतियाँ/Deductions	
निर्वाह निधि/Provident Fund ...	
निवाह निवि प्रशिक्ष को वापसी/Refund of P.F. Adv.	८.५
विजली प्रशार/Electric Charges ...	114.30
किराया/Rent ...	
संस्थान/बेलकूद क्लब/Institute/Sports Club ...	
चार्सिक अवृत्ति/Cycle Advance ...	
त्योहार अवृत्ति/Festival Advance ...	
सहकारी शृणु समिति/Co-op. Credit Society ...	
प्रशिक्ष बैतन/यात्रा भत्ता/Advance of Pay/T.A ...	
राष्ट्रीय रक्षाकोष/National Defence Fund. ...	
मजदूरी की अधिक पदायी समयोपरि प्राप्ति Excess payment of wages O.T. etc. ...	
अन्य कटौतियाँ जैसे अनियाय जमा योजना Other deductions e.g. C.D.S. ...	
कुल कटौतियाँ/Total deductions ...	114.30
कुल देय रक्षम/Net amount payable ...	
परने दाता.....	संस्थापन दाता
Filled by.....	Verified by.....

Part of Annexure No. 4

(Last Pay Slip of Subodh)

उ० र० N.R. एम० फ० 240/M.E.240
 भरणाल/WORKSHOP लोको गेज/Loco Shed
 Pay Envelope for..... 146
 टिकट न०/Ticket No.....

Sl. No.	Amount	Amount
१. सम्मोहन/Overtime	196	196
२. महगाई नसा/Dearness Allowance	42	42
३. घरन ससा/House Allowance	42	42
४. शहर ससा/City Comp. Allowance	42	42
५. दूसरे अन्य ससा/Any other Allowance	9	9
६. युत सम्मूही/Gross wages	387	387
७. कटौतियाँ/Deductions	70	70
८. निवास निधि/Provident Fund		
९. निवास निधि अवैश्व की वापसी/Refund of P.F.		
१०. Adv.		
११. बिजली प्रभार/Electric charges		
१२. डिराया/Rental		
१३. संस्थान/सेलचर म्हार/Institute/Sports Club		
१४. सांस्कृतिक अवैश्व/Cycle Advance		
१५. लोहर अवैश्व/Festival Advance		
१६. सहजाती वाय समिति		
१७. Go-etc. Credit Society		
१८. अवैश्व वकेन/यात्रा वक्ता		
१९. Advance of Pay/T.A.		
२०. राष्ट्रीय रक्षाकोष		
२१. National Defence Fund.		
२२. मजदूरी की अधिक भदावती सम्मोहन पर आदि		
२३. Excess payment of wages O.T. etc.		
२४. अन्य कटौतियाँ तेजे भानवारे जसा योग्यता		
२५. Other deduction e.g. CDS.		
२६. कुल कटौतियाँ/Total deductions		
२७. युत देय रकम/Net amount payable		
२८. भरने वाला.....	सरपान भरने वाला.....	
२९. Filled by.....	Verified by.....	

In The Hon'ble High Court of Judicature at Allahabad Sitting at Lucknow
 W. P. No. of 1985
 The Northern Railwaymen's Union & and other
 Versus
 Union of India and another

Annexure No. 5

40

(First Pay Slip of Shiv Mol Tiwari)

F III

एम.डॉ. N.R. एम.डॉ. २४०/१८. प. २४०
 कारखाना/WORKSHOP सोमा. गोड. लुकु शुद्ध
 नं. ५१४/४ महीने का वेतन लिफाका १९४
 Pay Envelope for १९
 टिकट नं/Ticket No. १२१९३२५१

वेतन/Pay	रु. Rs.	पैसा P.
समयावधि/Overtime
दूरस्थी भत्ता/Dearness Allowance
घरकान भत्ता/House Allowance
नगर भत्ता/City Comp. Allowance
कोई अन्य भत्ता/Any other Allowance
कुल मजदूरी/Gross Wages
कटौतियाँ/Deductions		
निवृत्ति निधि/Provident Fund
निवृत्ति निधि प्रतिश्वम की वापसी/Refund of P.F.
Adv.
वित्ती प्रभार/Electric Charges
किटाप/Rent
संस्थान/इन्स्टीट्यूट सबूत/Institute/Sports Club
गार्डिकल अधिष्ठम/Cycle Advance
स्वीकार अधिष्ठम/estival Advance
बहुतारी बहुता समिति/Co-op. Credit Society
प्रतिश्वम वेतन/यात्रा भत्ता/Advance of Pay/T.A.
राष्ट्रीय स्वाक्षर/National Defence Fund,
मजदूरी की संधिक प्रदायकी समयावधि भावि
Excess payment of wages O.T. etc.
अन्य कटौतियाँ जैसे प्रतिवार्य जमा योजना
Other deductions e.g. C.D.S.
कुल कटौतियाँ/Total deductions
शुद्ध देय रुपय/Net amount payable
वाले वाला.....
Filled by
संतापन करने वाला.....		
Verified by		

R.P. 1021/8 August, 1980 - ३,60,000 P.

(Last Pay Slip of Shiv Mol Tiwari)

एम.डॉ. N.R. एम.डॉ. २४०/१८. प. २४०
 कारखाना/WORKSHOP सोमा. गोड. लुकु शुद्ध
 नं. ५१४/४ महीने का वेतन लिफाका १९४
 Pay Envelope for १९
 टिकट नं/Ticket No. १२१९३२५१

वेतन/Pay	रु. Rs.	पैसा P.
समयावधि/Overtime
दूरस्थी भत्ता/Dearness Allowance
घरकान भत्ता/House Allowance
नगर भत्ता/City Comp. Allowance
कोई अन्य भत्ता/Any other Allowance
कुल मजदूरी/Gross Wages
कटौतियाँ/Deductions		
निवृत्ति निधि/Provident Fund
निवृत्ति निधि प्रतिश्वम की वापसी/Refund of P.F.
Adv.
वित्ती प्रभार/Electric Charges
किटाप/Rent
संस्थान/इन्स्टीट्यूट सबूत/Institute/Sports Club
गार्डिकल अधिष्ठम/Cycle Advance
स्वीकार अधिष्ठम/estival Advance
बहुतारी बहुता समिति/Co-op. Credit Society
प्रतिश्वम वेतन/यात्रा भत्ता/Advance of Pay/T.A.
राष्ट्रीय स्वाक्षर/National Defence Fund,
मजदूरी की संधिक प्रदायकी समयावधि भावि
Excess payment of wages O.T. etc.
अन्य कटौतियाँ जैसे प्रतिवार्य जमा योजना
Other deductions e.g. C.D.S.
कुल कटौतियाँ/Total deductions
शुद्ध देय रुपय/Net amount payable
वाले वाला.....
Filled by
संतापन करने वाला.....		
Verified by		

R.P. 1021/8 August, 1980 - ३,60,000 P.

41
In The Hon'ble High Court of Judicature at Allahabad sitting
at Lucknow
Writ Petition No. of 1985

The Northern Railwaymen's Union
and others

— Petitioners

(B12)

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: 6/19/81

कार्यालय लोको फोरमैन
उत्तर रेलवे लखनऊ।

किया:- जबस्टीचॉट कैज़ुअल लेबर में कार्यरत कार्य दिवस का
प्रमाण पत्र

प्रमाणित किया गया है कि श्री राम चौहान
पुत्र श्री डॉर्स स्टेंटीचॉट लैन्स नेता
में दिन 5/10/81 तक लैन्स में भाग 241
ते भाग 4/10 तक 1981 का दूज 249 दोस्री अंकारा
दिन कार्यरत है।

U
✓ लोको फोरमैन
LOCO FOREMAN
उ० र० लखनऊ N.R. Lko.

(P.M. 5)

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 & PTGs, 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

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LIST OF CASUAL LABOUR'S WORKING LESS 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.	N.C. Nigam	H.S. Nigam
11.	S.C. Pandey	C.C. Pandey
12.	Girish Chandra	Lila Dhar Johsi
13.	Sushil Kumar Srivastava	O.K. Srivastava
14.	Mithla Saran	Giriza Pd. Tewari
15.	Abdul Haleem	Abdul Aziz
16.	Ajai Kumar	Khuse Ram
17.	Hari Kishan Chandra	Sheo Pandan
18.	Jagdesh Sharma	R.S. Sharma
19.	Jagtar Singh	Mohendra Singh
20.	Khaleel Ahmad	Masok Ali
21.	Lal Chandra	Ludur
22.	Md. Sami	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.	Zehruddin	Naseruddin
29.	Nand Kishore	Durga Pd.

(bus)

30.	Md. Rasol	Md. Rahman
31.	Ghan Shyan	Ayudhya Fd.
32.	Naimulla	Habitulla
33.	Shanom 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 Fal	Bhagu Singh
51.	Mohd. Islam	Saleem Khan
52.	Mohd. Hafeez	Sher Ali
53.	Jitendra Singh	Radhey Shyam
54.	Cm Prakash	Chet Ram

(B47)

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

Affidavit

In

Writ Petition No. of 1.85

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

(B48)

-2-

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.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A, THORN HILL ROAD, ALLAHABAD

NO. CAT/ALLD/JUD/ 33512 to 514

DATED 13/10

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

N Rly Men's Union Charbagh ^{Applicants} _{13/10/88}

VERSUS

Union of India & Ors.

Respondents'

TO ① Smt L. P. Shukla, Adv. High Court Lko.
② Union of India through G.M. M.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 _____
if _____

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 _____ 198

J. Soni
f DEPUTY REGISTRAR
12/10/88

A. 47/88

(C)

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 territorial Jurisdiction.

Auth. As (En) Dated 10/10/88
25th Oct. 1988
Acc'd

(C3)

(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.

① 4/2/88
② 21/1/88
③ 24/1/88

Lucknow

Dated 9.88.

Vasanthi Thakur

On behalf of petitioner-applicant