

(See rule 114)

QA/TA/RA/CP/MA/PT 1141/88.....of 20.....

*Versus*

# INDEX SHEET

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13/c. Weeded out/dirt rained.

Signature of Deal. Hand

A3  
Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No.141 (L) of 1988

B.B.Ojha                      ...                      Applicant

Vs.

General Manager, Northern

Railway and others ..                      Respondents.

Hon.D.S.Misra, AM

Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

The applicant has filed a petition u/s.19 of the Administrative Tribunals Act XIII of 1985 for quashing the order dated 23.7.1987 of the Divisional Railway Manager, Northern Railway Jodhpur informing him that the selection process for his appointment as Khalasi has been cancelled and he cannot be given any appointment and has sought his appointment on the post of Khalasi or on some other suitable job. The applicant had first approached the Lucknow Bench of the High Court of Judicature at Allahabad for this relief by filing a writ petition but on his writ petition being dismissed, he filed the present petition on 5.10.1988. In para 5 relating to limitation, it was stated that the petition is within the prescribed time and in case the Tribunal feels otherwise, the delay may be condoned in view of the circumstances mentioned in paras 6(19) and 6(20) of the petition. In para 6(19), it was alleged that since the applicant was not a person appointed in civil post or service, he was legally advised to prefer a writ petition under Art.226 of the Constitution, which was filed by him on 27.11.1987 but when the writ petition came up for hearing on 20.9.88, it was rejected by the Division Bench with the observation that it was not cognizable by the High Court. In our opinion, these paragraphs simply give the history of the case and do not satisfactorily explain the delay for not preferring this petition within the statutory period of one year from the date of the impugned order. The petition also does not explain the delay

as to why soonafter 20.9.1988 the applicant did not approach the Tribunal. The provisions of the Limitation Act do not apply before the Central Administrative Tribunal and the time spent by the applicant in prosecuting any other remedy in a wrong forum, therefore, cannot be taken to be a sufficient cause for explaining the delay.

2. On the date of hearing of this petition, for admission, the applicant moved a separate application for condonation of delay with the allegations that the aforesaid writ petition was filed by the applicant under the bonafide belief and on legal advice that the writ petition was maintainable and the delay thus occurred due to this bonafide belief of the applicant.

3. We have very carefully considered the contentions raised before us and are of the view that the cause shown by the applicant for condoning the delay is not sufficient. Clause (a) of sub-section (1) of S.14 of the A.T.Act clearly provides that the Central Administrative Tribunal shall exercise all the jurisdiction, powers and authority exercisable by all Courts (except the Supreme Court) in relation to recruitment and matters concerning recruitment to any civil post under the Union etc. In view of this clear provision, the applicant should not have wasted any time in filing the writ petition and as his claim related to his recruitment or a matter concerning his recruitment to the railway service, he should have straightaway filed a petition u/s.19 of the A.T.Act. There is yet another reason for discarding the contention of the applicant. Rule 8(4) of the Central Administrative Tribunal (Procedure Rules 1987 provides that where the applicant seeks condonation of delay he shall file a separate application supported by an affidavit. The applicant did not support his application by an affidavit to prove his bonafides and as such, his application for condonation of delay cannot be accepted in the absence of an affidavit.

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4. The application for condonation of delay is accordingly rejected and the petition is dismissed as time barred.

*[Signature]*

MEMBER(J)

Dated: Nov. 30, 1988  
kkb

*[Signature]*

MEMBER(A)

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16

AI  
1

Annexure - A  
CAT - 82

Circuit CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD LUCKNOW  
\*\*\*\*

INDEX-SHEET

CAUSE TITLE O.A. 141 - OF 1988.

Name of the Parties B. B. Gha

Versus

G. M. N. Rly & others

Part A, B & C

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A2	order Sheet	1
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B1	Vakalatnama	1
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B3	Photo state letter of 7-10-88	1
	File 'B'	

Lal Chandel Prasad  
24-1-89

Order Sheet  
OA 141-88(L)

(A2)

7.10.88

On the adjournment application of  
Sri A.K. Dixit Counsel for applicant the  
case is adjourned ~~for~~ to 24-11-88  
for admission.

DKG  
7.10.88

BOC

24.11.1988

Hon. D. S. Mook. Am  
Hon. G. S. Sharma, JM

Heard learned Counsel for the  
applicant. Put up document (25.11.88)  
for hearing on admission.

JM

Am

24.11.88

Am

25.11.88

Hon. D. S. Mook, Am.  
Hon. G. S. Sharma, JM.

Sri A.K. Dixit files an application  
for condonation of delay to the claim  
petition. He has been heard on  
the question of limitation.  
Order reserved.

Am

JM

Am

Judgment reserved  
25.11.88

Appointment

8/6

# CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit- ~~ADDITIONAL BENCH,~~

23-A, Thornhill Road, Allahabad-211001

Gandhi Bhawan, Lko.

Registration No.

141

of 1988 (L)

APPLICANT (s)

B. B. Ojha.

RESPONDENT(s)

G. M. N. Rly & Co

## Particulars to be examined

## Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?  
(b) Is the application in paper book form ?  
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?  
(b) If not, by how many days it is beyond time ?  
(c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?  
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

yes

yes

yes.

No

(Two sets)

yes.

yes (I.P.O. No. 50085-142) Rs 50/-  
dt. 5.10.00.

yes.

yes (by Counsel)

Particulars to be ExaminedEndorsement as to result of Examination

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



(A4)  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH  
AT ALLAHABAD.

B E T W E E N

Bipin Behari Ojha..

..Applicant.

A N D

General Manager N. Ry. & others..

.. Respondents.

DETAILS OF APPLICATION

1. Particulars of Applicant :-

- (i) Name of applicant :: Bipin Behari Ojha.
- (ii) Name of Father/Husband :: Sri Deo Kumar Ojha.
- (iii) Age of the applicant :: 26 years.
- (iv) Designation and  
Particulars of office  
in which employed :: Seeks employment with  
Divisional Rail Manager  
N. Railway, Jodhpur  
(Rajasthan)
- (v) Office Address :: - DO -
- (vi) Address for service  
of Notice :: Bipin Behari Ojha  
s/o Sri Deo Kumar Ojha  
E-12A Railway Colony  
Balamau N. Railway,  
District Haridwar (U.P.)

2. Particulars of the Respondents ::

- (i) Name of respondent. )
- (ii) Name of father/husband )
- (iii) Age of the respondent ) As per details
- (iv) Designation & particulars ) given below.
- of office (Name & station) )
- in which employed. )
- (v) Office Address )
- (vi) Address for service of )
- NOTICE. )

*[Handwritten signature]*

1. General Manager ( Establishment ) Railway Board's  
Head Office, Baroda House, New Delhi.
2. Divisional Rail Manager, Northern Railway, Jodhpur  
(Rajasthan).

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

The application is against the following  
order :-

- |                              |     |  |
|------------------------------|-----|--|
| (i) Order No.                | ... | 220 E/E-II/Khalasi/Sidhi Bharti/X              |
| (ii) Date                    | ... | 23 July 1987 (Annexure No. A - 8)              |
| (iii) Passed by              | ... | Divisional Rail Manager Jodhpur<br>(Rajasthan) |
| (iv) <u>Subject in brief</u> |     |  |

The applicant while working on the post of Fitter Helper in Spinning Mill Sandila District Hardoi applied for Post of Khalasi with respondent no.2 whereon 28.8.86 he was ordered to undergo Medical Examination after submitting relieving certificate from the existing employer (Annexure A-1). Accordingly applicant resigned from services of Sandila Spinning Mill and submitted the relieving certificate to the respondents. Subsequently when applicant was not given appointment inspite of his passing Medical Examination he preferred representations in response of which on 23.7.1987 respondent no.2 informed the applicant that since applicant has not submitted his relieving certificate and he has not been successful in interview and process of selection has also been cancelled,

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therefore no question of appointment arises.

Aggrieved from order dated 23.7.87 applicant preferred a writ petition No.7987 of 1987 before Hon'ble High Court, Lucknow Bench on 27.11.87. On 20.9.88 Hon'ble High Court has been pleased to direct the applicant to file a claim petition before this Hon'ble Tribunal and rejected the writ petition as non cognizable by Hon'ble High Court.

Hence present claim is filed for quashing of order dated 23.7.87 (Annexure A-8) and for a direction to respondents to the effect that they should employ the applicant.

#### 4-Jurisdiction of the Tribunal.

The applicants declare that the subject matter of the action against which they want redressal is within the jurisdiction of this Hon'ble Tribunal. Since order dated 23.7.87 contained in Annexure A-8 has been received at Balamau District Hardoi cause of action arose within territorial jurisdiction of this court.

#### 5-Limitation.

The applicants further declare that the application is within limitation prescribed in Sec.21 of the Administrative Tribunal's Act 1985. In any case if Hon'ble Tribunal

*[Signature]*

feels that application in view the circumstances mentioned in paras 6198620 of this petition, the Hon'ble Tribunal may be pleased to condone the delay under section 21(3) of the Administrative Tribunal's Act. Condonation of delay is prayed only when Hon'ble Tribunal feels that claim is not within time.

6. FACTS OF THE CASE:

- 6.1 That the petitioner after passing I.T.I. (Machinist) Trade in I Division, on 1.7.83 joined as Fitter Helper in spinning Mill Sandila District Hardoi ( U.P.) in its Maintenance Carding Department, in regular and clear vacancy.
- 6.2 That while petitioner was working at Spinning Mills Sandila, on 6.5.88 the Opposite Party No.3 advertised certain posts of Khallasis in the pay scale of Rs.196-232 as may be revised from time to time. As usual selected candidates were first to receive training and then actual posting.
- 6.3 That having regard to the petitioner's academic record and experience it transpires + that he was otherwise found fit and selected for medical examination.
- 6.4 That according to the standing orders of the Railway Board in its Circular No.76-ET(Stt)/15/6 of 15.2.1976 and circular No. 78/4/5/9 dated 7.7.78 medical examination

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of the candidates selected for appointment against post for which initial training has been prescribed should be conducted immediately prior to their being deputed for training.

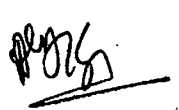
Relevant true extract of aforesaid letter dated 7.7.78 (as printed in Railway Establishment Manual by M.L.J. and 1985 Ed. at page 543) is reproduced below in verbatim :-

"The Medical examination of candidates selected for appointment against posts for which initial training has been prescribed should be conducted immediately prior to their being deputed for training. "

6.5 That by way of general practice in granting appointment to any job a candidate is required to undergo Medical Examination only when he is first selected for the job.

6.6 That there is no provision in any rules of Railways that one should be first medically examined and if he possess it, only then he should be called for interview for selecting him.

6.7 That on 28.8.1986 the petitioner was called upon by opposite party no.3 to get himself medically examined by depositing necessary fee etc. at Jodhpur.



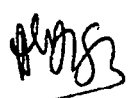
~~for~~ A true copy of the letter dated 28.8.1988 issued by opposite party no. 1 on the subject above is attached herewith as ANNEXURE A'1' to this petition.

6.8. That persual of Annexure No. A '1' also goes to show that it was mentioned that petitioner on being found fit in Medical examinations was required to appear in office with certain certificates including discharge certificate in case already employed also where.

6.9. That the petitioner accordingly appeared and passed the medical examination, on 17/19.9.1986 at Jodhpur ( Rajasthan ).

A photo copy of Medical Certificate No. 072200 dated 17/19.9.1986 is attached herewith as ANNEXURE NO. A'2' to the writ petition.

6.10. That according to the instructions contained in Annexure No. A'1' petitioner after passing medical examination went to the Office of Opposite Party no. 3 where his documents as mentioned in Annexure No. 1 were checked. Since by that time petitioner was not ready to take risk of giving up his job at Sandila spinning Mills, he expressed his doubts with office of opposite party no. 3 where he was told that when he has been medically examined and found fit, there remains nothing but a formal interview his appointment. Petitioner was asked to furnish ' discharge Certificate from existing employer as a necessary condition before further action.



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6.11. That accordingly petitioner as directed by opposite party no. 3 submitted his resignation at Sandila spinning Mill which was accepted on 25.9.1988.

True copies of 'Discharge Certificate' and 'clearance slips' dated 23.9.1988 issued by Sandila spinning Mills are attached herewith as ANNEXURE 'A 3', A4, A 5 to this petition.

6.12. That opposite party no. 3 vide its letter dated 12.9.1988 asked the petitioner to appear for interview at Jodhpur on 23.9.1988.

True copy of aforesaid letter dated 12.9.1986 is attached herewith as ANNEXURE No. A 6 to this petition.

6.13. That petitioner accordingly appeared before in interview on 28.9.1986 and submitted 'Discharge Certificate' and 'clearance slips' etc. issued by Sandila spinning Mills as contained in Annexure Nos. A 3 to A 5 of this petition. Petitioner was told at the time of interview that he will receive appointment letter after few days.

6.14. That in this way on assurances and direction given by opposite party no. 3 the petitioner was deprived off with his existing Regular job at Sandila spinning Mills, in order to secure a job in Railways.

6.15. That when nothing was heard for a

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long time from opposite party no. 3 about appointment letter, he started to make personal approaches and representations with deposit party no. 3 but no response was made.

6.16. That ultimately petitioner presented a representation on 2.3.1987 to Hon'ble Minister for Railways, Government of India.

A true copy of representation dated 2.3.1987 submitted to Hon'ble Minister for Railways, Government of India, is attached herewith as Annexure No. A 7 to this petition.

6.17. That on 4.8.1987 petitioner was shocked to receive a letter dated 23.7.1987 from opposite party no. 3 containing incorrect facts regarding submission of his 'Discharge slip' and its contents. It was also mentioned in aforesaid letter that petitioner has not been able to have succeeded in interview and process of selection has been cancelled. However no reasons were assigned or mentioned for cancellation of selection nor it is mentioned that as to if entire selection has been cancelled, if so why?

A true copy of aforesaid letter dated 23.7.1987, received on 4.8.87 by post at Balamau, District Hardoi is attached herewith as ANNEXURE A '8' to this petition.

6.18. That petitioner who has been "made unemployed and out of job" by the opposite

*[Signature]*



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of petitioner as contained in Annexure A  
8 and consequently to appoint him on the  
post of Khallasi OR to provide and  
absorb him with some other suitable  
alternate job.

(ii) Costs of the claim petition and such  
other relief as may be deemed fit  
and proper in the circumstances of  
the case be also granted to the claimant.

10. Interim order, if any prayed for

N I L .

11. Application is presented through Counsel SHI ABHAYA  
KUMAR DIXIT, Advocate, 509/28 Ka, Old Hyderabad, Lucknow.

12. Particulars of Bank Draft/Postal order in respect  
of the application fee.

1. Name of the Bank on which drawn.

2. Demand Draft No :

Or .

1. No. of Indian Postal order. DD 065142

2. Name of Issuing Post office :- High Court Bench Lucknow

3. Date of Issue of Postal order : 5-10-1908

4. Post office at which payable :-

13. List of enclosures :-

1. Demand draft/postal order.

2. Index of documents.

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long time from opposite party no. 3 about appointment letter, he started to make personal approaches and representations with depositary party no. 3 but no response was made.

6.16. That ultimately petitioner presented a representation on 2.3.1987 to Hon'ble Minister for Railways, Government of India.

A true copy of representation dated 2.3.1987 submitted to Hon'ble Minister for Railways, Government of India, is attached herewith as Annexure No. A 7 to this petition.

6.17. That on 4.8.1987 petitioner was shocked to receive a letter dated 23.7.1987 from opposite party no. 3 containing incorrect facts regarding submission of his 'Discharge slip' and its contents. It was also mentioned in aforesaid letter that petitioner has not been able to have succeeded in interview and process of selection has been cancelled. However no reasons were assigned or mentioned for cancellation of selection nor it is mentioned that as to if entire selection has been cancelled, if so why?

A true copy of aforesaid letter dated 23.7.1987, received on 4.8.87 by post at Balamba District Hardoi is attached herewith as ANNEXURE A '8' to this petition.

6.18. That petitioner who has been "made unemployed and out of job" by the opposite

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parties is almost in a starving position for no fault of theirs, and arbitrariness of opposite parties.

6.19. That since petitioner was not " a person appointed to any civil post or service" and neither he was " member of any service of Central Govt. " he was legally advised to prefer a writ petition under Art 226 constitution of India, which petitioner preferred as writ petition no. 7587 of 1987 before Hon'ble High Court, Lucknow Bench on 27.11.87 praying for following reliefs .

- i) issue a writ, direction or order in the nature of certiorari for quashing the decision of opposite party no. 3 regarding cancellation of selection of petitioner, as contained in Annexure No. A'8' to this petition.
- ii) issue a writ, direction or order in the nature of mandamus commanding the opposite parties to employ petitioner on the post of Khallasi in their establishment or to provide him with some other suitable alternate job.
- iii) issue any other suitable writ, direction or order of appropriate nature as may be deemed fit and proper in the circumstances of the case, together with costs, of the petition.

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6.20. That aforesaid writ petition came up for admission hearing on 20.9.88 and after considering the matter in detail, their Lordships of Hon'ble High court Mr. Justice S.K. Dhaon & Brajesh Kumar passed following order in the writ petition which is reproduced below in verbatim :-

" In view of the provisions of Sec. 14 of the Administrative Tribunals Act 1985, this petition is not cognizable by this court. Liberty is given to the petitioner to prefer a claim petition before the Central Administrative Tribunal.

The petition is rejected. "

Dt.

Sd/- S.K. Dhaon

20.9.88.

Sd/- B. Kumar.

6.21. That since order Dt. 23.7.87 contained in Annexure A'8' has been received by applicant at Balamu Distt. Harbri the cause of action for present claim arose at Balamau Distt. Harbri.

6.22. That action of opposite parties is challenged on and amongst other the following:

G R O U N D S

A. Because the petitioner has been dealt

*[Signature]*

in violation of rules of equity and principles of natural justice in as such as he has been forced to submit resignation prior to his appointment.

- B. Because Medical Examination of a candidate can be conducted only after the selection for appointment and not prior to process of selection.
- C. Because action of opposite parties in requiring petitioner to furnish discharge Certificate from existing service and thereafter not providing him with the job is highly arbitrary and mala fide.
- D. Because sole ground for not selecting the petitioner is to the effect that he has not submitted resignation/discharge Certificate on the date of interview is perverse and incorrect in view of Annexure A 3, A 4 and A 5 which were attained on 23.9.1986 well in advance before interview.
- E. Because action of opposite parties has deprived the petitioner from his job amounting to violation of Article 19 and 39, Constitution of India.
- F. Because action of opposite parties in throwing out of job to the petitioner is contrary to the spirit and principles of Constitution, and welfare State.
- G. Because the petitioner is put to face
- Raj

undue hardships for no fault of his own.

H. Because order of cancellation of selection process (As contained in Annexure No. A'8') is non speaking and unreasoned.

7. Details of Remedies exhausted

The applicant declares that he has availed all the remedies available to him under relevant rules. Reply of the representation is Dt. 23.7.87 contained in Annexure A 8 to the claim petition.

8. Matter not previously filed or pending with any other court.

The applicants further declare that they had not filed previously any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them, except that mentioned in para 6.19.2 G.2 of this application.

9. Reliefs sought

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs .

- (i) a declaration, direction or order for quashing the decision of opposite party no. 2 regarding cancellation of selection
- [Signature]*

of petitioner as contained in Annexure A  
8 and consequently to appoint him on the  
post of Khallasi OR to provide and  
absorb him with some other suitable  
alternate job.

(ii) Costs of the claim petition and such  
other relief as may be deemed fit  
and proper in the circumstances of  
the case be also granted to the claimant.

10. Interim order, if any prayed for  
-----

N I L .

11. Application is presented through Counsel SHI ABHAYA  
KUMAR DIXIT, Advocate, 509/28 Ka, Old Hyderabad, Lucknow.

12. Particulars of Bank Draft/Postal order in respect  
of the application fee.  
-----

1. Name of the Bank on which drawn.

2. Demand Draft No :

Or .

1. No. of Indian Postal order. DD 065142

2. Name of Issuing Post office :- High Court Binch under

3. Date of Issue of Postal order : 5-10-1989

4. Post office at which payable :-

13. List of enclosures :-  
-----

1. Demand draft/postal order.

2. Index of documents.

AMG

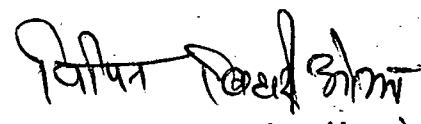
3. papers book having details of Annexures  
as mentioned in the Index.
4. Vaklatnama.

VERIFICATION

I, Bipin Behari Ojha son of Sri Deo Kumar Ojha  
resident of E 12 A Railway Colony Balamau Jn. Distt. Hardoi  
do hereby verify that the contents of paras 1 to 6.21 are  
true to my personal knowledge and contents of paras 6.22 to  
13 are believed to be true on legal advise and that I  
have not suppressed any material fact.

Lucknow :

Dt. 5 Oct. 1988.

  
( Bipin Behari Ojha )  
applicant.



To,

The Registrar,  
Central Administrative Tribunal Allahabad,  
Circuit Bench,  
L U C K N O W.



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8/27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH AT ALLAHABAD  
HIPIN BEHARI OJHA... .. APPLICANT  
VERSUS  
GENERAL MANAGER N.H.Y. & OTHERS... .. RESPONDENTS.

Ann-A-1

रविशर्मा

महान रेल प्रबन्धन कार्यालय,  
उत्तर रेलवे/बोम्बे ।

कम संख्या 2206/6-11/सहायी/बीपी नॉ/358

दिनांक 28-8-1986

श्री विपिन बिहारी बोस पुत्र श्री देव कुमारबोस

रेलवे स्वेत बाताम्ब, सं०

बोस्ट कोना बिना दरपों 10080।

विषय- सहायी भेदनमाम 10 196-232 10080 के पद पर स्थायी

नियुक्ति के सम्बन्ध में ।

1- आपकी सहायी केमटो 196-232 के पद से पहले हाट्टरी बांस  
करवाने का प्रस्ताव है ।

2- आपकी हाट्टरी बांस के लिए आप सब कार्यलय में हाट्टरी बांस  
मीमो देने के लिए जो पत्र को प्राप्ति के 10/8/86 दिनांक के दोसर  
व्यक्ति हो बांस प्रबन्धन बिना बिना पुनरा के आपका नाम  
इस कर दिया जायेगा ।

3- आपकी हाट्टरी पराजा पुनरा के पद में 8/- मर महान सहायी

विपिन बिहारी ओज्जा

ATTESTED TRUE COPY

Abhaya Kumar Dixit  
Advocate  
HIGH COURT  
ALLAHABAD

A4  
16

(16)

8/24

- 2 -

आर केम भारतर जोधपुर के साथ बना रहवाने होगी । इसके लिए  
कतन के पत्र उस अवसर पर आपको भिजा जायेगा ।

4- उपरोक्त मुद्दों को गुरु हस्तों को आप गान्धारी परीक्षा के समय  
पेश करने के साथ लगाकर विनिश्चित काल तक उत्तर देने के साथ  
के अवसर पर प्रस्तुत करेंगे ।

5- हाथगरी जीव में स्थित होगी वर आप गान्धारी अवसर पर उपस्थित हों

6- कृपया निम्नलिखित प्रमाण पत्र आप साथ लेकर जाएं :-

- 1.18 वैदिक देवता का गुरु प्रमाण पत्र जिसमें आपकी वसतिस्थिति अंकित हो
- 1.21 को विभिन्न राज पत्रों में प्रमाणित करें । तब आगे दिए गए को
- आपका प्रमाण पत्र 1.31 वैदिक एवं तन्त्रों को पत्र के सभी
- गुरु प्रमाण पत्र 1.41 नाति प्रमाण पत्र प्रस्तुत कराना/कवाति
- के पत्रों 1.51 देवा निम्नलिखित प्रमाण पत्र यदि नहीं काम लेंगे
- करते हैं ।

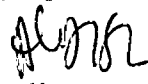
सब पत्र को प्राप्ति के 10 दिनों के भीतर उस अवसर पर  
में उपस्थित होने अनिवार्य आपकी मौजूदगी के सम्पूर्ण कार्यवाही  
करने में ही जायेगी ।

हउ उपजाय  
सहायक कार्यालय अधिकारी  
उत्तरांचल/ जोधपुर

सत्य प्रमाणित

विपिन विहारी/अमर

ATTESTED TRUE COPY

  
Attested Copy

GENERAL MANAGER N. H. LYON & OTHERS

V E R S U S.

APPLICANT

RESPONDENTS.

072200

5050  
YH

प्रमाणित की-8/ प्रमाणित-63  
Med.C-8/Med. 63

विफिल्सा विभाग

MEDICAL DEPARTMENT

प्रशासनिक सेवा कर्मचारी के रूप में नियमित हो सकेगा ।

स्वायत्ता/महत्त्वपूर्ण स्थान-प्राप्त

FITNESS CERTIFICATE FOR APPOINTMENT  
AS A NON-GAZETTED RAILWAY EMPLOYEE

2140-1/1465121

80/No. 369A/VT

परमाणु शक्ति/निर्यात Unit

2/11/62

यव वन भिक्षुओं से ही-ए सम्मनितवाप जिसने मेरी उपस्थिति में नीचे धपते

११. राजा विष्णु विसर्ज्य जगत् का निवास संस्थापित, का परीक्षण किया :

I hereby certify that I have examined (Name)

1480

candidate for appoint-

mal es (denkmal)

**Class:**

..... in the

Branch/Department

whose signature left thumb impres. has been appended  
below in my presence.

श्री १०८ श्री गणेशाय नमः ॥ श्री १०८ श्री गणेशाय नमः ॥ श्री १०८ श्री गणेशाय नमः ॥

I consider him a dangerous person.

fit very well and better

इन्दीवजार सं इन्दीवजार/

बाल्यं व्यपेक्षं नृणां मित्रमिति

Signature/Initial of the  
Candidate

**Candidate**

DATE: 12/4/81

१५०

WATKINS, INC.

[illegible]

ATTESTED TRUE COPY

**Abhaya Kumar Dixit**  
Advocate  
**HIGH COURT**  
**LUCKNOW.**

14/18

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH AT ALLAHABAD

HIPIN BEHARI OJHA..

VERSUS.

.. APPLICANT

GENERAL MANAGER N.H. & OTHERS

.. RESPONDENTS.

Annexure NOA3

**U. P. S. T. C. Spg. Mills, SANDILA**

**Clearance Certificate**

No. 14/18 S/o Secy. P. U. C.  
 Designation Clerk Department Contn.  
 has been Resigned with effect from 23.9.82

The amount of following dues may be deducted from his full and final settlement of claims.

Sl. No.	Department	Medical	Arrears	Signature
1.	Stores	NIL	NIL	
2.	Contn.			
3.	Time Office	NIL	NIL	
4.	Labour Office	NIL	NIL	
5.	L. W. O.	NIL	NIL	
6.	Security Office	NIL	NIL	
7.	Accounts	NIL	NIL	
8.	Ad. E.	NIL	NIL	

*[Handwritten signature]*

**ATTESTED TRUE COPY**

*[Signature]*  
 Abhaya-Kumar Dixit  
 Advocate  
 HIGH COURT  
 LUCKNOW.

AY  
19

(19)

4/27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH AT ALLAHABAD  
 HIPIN BEHAH CJHA... .. APPLICANT  
 .. .. V E R S U S .. ..  
 GENERAL MANAGER N.H.Y. & OTHERS .. .. RESPONDENTS.

**U. P. S. T. C. Spinning Mills  
 SANDILA (Hardoi)**

Ref. P. L. O. C. E. Sand 06

SANDILA (Hardoi)

**FULL AND FINAL PAYMENT ADVICE**

Account officer

Mr. *Vipin Behra* of S. & S. Geo. Hardoi

Designation *Carling* Pass No. .... to be paid on full and

final settlement vide his letter of Resignation / *Termination* order

No. .... Dated *23.9.06*

Please pay him in accordance with the following statement of Accounts

- (I) No. of days worked in current Wage period : -  
 From *1.9.06* To *23.9.06* *with day*
- (II) Rate of Pay Rs. *201/-*
- (III) Amount due Rs. *NIL*
- (IV) Payment due in two of *NIL* days Rs. ....
- (V) Total amount payable Rs. ....
- (VI) Deductions for :-
  - (1) Advances if any ..... Rs. ....
  - (2) M/A ..... Rs. ....
  - (3) ..... Rs. ....
  - (4) Total deductions ..... Rs. ....

Net amount payable Rs. ....

Dated *23.9.06*  
 Prepared by *23.9.06*

Time Office (charge)  
*23.9.06*

Checked by *Personnel/Labour Officer*

A/c Officer C. B.

*23/9/06*

**ATTESTED TRUE COPY**

*Abhaya Kumar Dixit*  
 Advocate  
 HIGH COURT  
 LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH AT ALLAHABAD

ELPIN BEHA RI, OJHA. A

V E R S U S.

**AFFLICTION**

GENERAL MANAGER N. H. Y. & OTHERS

RESPONDENTS.

Annexure No 57

ДОДОСТАВИ СЕГА ПИЧА ПИО, ЗАТЪ ПИО ВОСТАНАВЕ ПИО  
ДНАТА - ПИО

प्रमाणित किया जाता है कि श्री (122/1957)   
 प्र. श्री ... १२२/१९५७ ..... के सम्प्रति ...   
 ... विभाग में विद्यमान है १२२/१९५७ .....   
 प्रमाणित किया जाता है कि उपरि उक्त प्रमाणित होने पर यह प्रमाणित   
 पर यह प्रमाणित करने वाली प्रमाणित ।

*(Handwritten signature)*

Postmaster  
U.P.S.C. Spg.  
**SANDILA**

**ATTESTED TRUE COPY**

*Abhaya Kumar Dixit*  
Advocate  
HIGH COURT  
LUCKNOW.

AY  
21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH AT ALLAHABAD

HUFIN BHARATI CHHA...

V E R S U S.

.. APPLICANT

GENERAL MANAGER N. E. L. &amp; OTHERS

.. RESPONDENTS.

सौभाग्य नम्बर A61

७१

नम्बर

मार्च १९८७

विपिन बिहारी

...

विटीनगर

पुनियन बाप, इण्डिया

....

कोरि वाटी

उपस्थित

मार्च १९८७ प्रथम कार्यदिन,

उत्तर रेलवे/ बीपुर ।

प्रथम पत्र संख्या २२० ई/६-११/रक्षा/बीपी जलियाँ २००३

दिनांक १२.०९.१९८६

श्री विपिन बिहारी जोषा पुत्र श्री देव कुमार जोषा

रेलवे रेलवे बावामु. सं०, पो० कोना कि हरदोई, प्र००००१

विषय :- रक्षा/बीपी केन भाग १० १९६-२३२, सं००००१ के पद पर अस्थाई

नियुक्ति के सम्बन्ध में सहायकार ।

१- वैयक्तिक विभाग की टीका, लोको रसिंग व मेन्टलमेन्ट, रक्षा

व भाग गाँधी विभाग एवं विद्युत विभाग में रक्षा/बीपी केनभा

१० १९६-२३२, सं००००१ के पद पर अस्थाई नियुक्ति हेतु कर्म/

साहायकार के लिए आपकी रेलवे स्टेशन बीपुर में दिनांक

२६.०९.१९८६ को प्रातः ९.०० बजे अपने तहसील पर उपस्थित होना ।

आप अपने साथ निम्न लिखित दस्तावेज साथ रखें।

ATTESTED TRUE COPY

Abhaya Kumar Singh

HIGH COURT  
LUCKNOW.

200

- 1- बापू के प्रमाण में वस्तुनिष्ठ बयाना सुन का प्रमाण पर पुनः स्व में
- 2- आपसे अनुसंधान जाति या अन्य जाति के सदस्य होने के प्रमाणों में  
वैधानिक दस्तावेजों के पुनः प्रमाण पर
- 3- पिछले अनुभव, रोज़गार में प्रयोगिता आदि के सम्बन्ध में ज्ञान को  
प्रमाण पर
- 4- शैक्षिक/वैज्ञानिक जानकारी योग्यता सम्बन्धी पुनः प्रमाण पर । आई टी  
आई., ग्रेड डिप्लोमा, डीप्ट डिप्लोमा आदि के ।
- 5- यदि आपने पहले किसी भी वैयक्तिक लेबर/एम्पली के रूप में काम किया हो  
तो तो कृपया प्रमाण पर दें; वैयक्तिक लेबर का सेवा कार्ड की पुनः  
स्व में साथ जिन्हें एम्पलीमेंट प्रॉवर अधिनियम के तहत हस्ताक्षर,  
कारोबार व स्वातंत्र्य की मोहर से और उसमें आपका ही तथा आपकी  
सेवा की अवधि का उल्लेख किया गया हो ।
- 6- यदि आप उपरोक्त दस्तावेजों में से कोई भी दस्तावेज कम नहीं  
हैं के मामले नहीं प्रस्तुत कर रहे तो वेकेशन के लिए आवश्यक सामग्री  
अवश्याकार दिया जाएगा । अतः सभी उपरोक्त दस्तावेजों की  
उत्पादित प्रतिक्रिया किसी राज्य पत्रिका अधिकारी द्वारा उत्पादित  
करा कर साथ लाईं ।

जाय यह बात समझें कि उस पत्र के जारी करने के ही नौजवा  
की गारंटी नहीं होगी जो कि जायके शासक्यार परीक्षा जाहि के  
पास करने पर निर्भर है ।

कृपया/साक्षात्कार प्रथम उपपदव्यभिक्त मामर्हं है कोर्ट पर  
 व्यवहार स्वीकार नहीं किया जाएगा । आपको प्रिचोप प्रेमी का देखने  
 प्री काच नं० ————— दिनांक / / ८६ हे  
 एक का मोबा या रहा है, कृपया कोर्ट को सूचित कर कार्यवाही में का  
 अवश्य करा है

३० अक्टोबर  
सहायक कार्यालय अधिष्ठाता  
उत्तर रेलवे/बोम्बे

**ATTESTED TRUE COPY**

*Abhaya Kumar Dixit*  
Advocate  
HIGH COURT  
LUCKNOW.



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23

1. APPLICANT .. .. .  
 2. RESPONDENTS .. .. .  
 3. VERBALS .. .. .  
 4. MANAGER N. ILY & OTHERS .. .. .

५ नवंबर १९४७

रिट विभाग नं. ४४  
 विधि विचारों को  
 विभाग  
 मुनिम बाप उणिवा फुट अर्द्ध

बापि 1991  
 पिटोमर  
 कोपिट बाटीम

पंजीकृत शां. द्वारा

प्रश्न :- विधिम विधायी जो ग  
 जात्यन हो देखुमार जो ग,  
 देखे स्त्रिम बाजानर, वं रत,  
 कौना, हरकोय, १८८०.

देवा है  
श्रीमान देवदेव श्री गणेशाय नमः  
भारत सरकार, नई दिल्ली ।

विषय :- जोधपुर विधानसभा, 30.05.04 में केवल 196-232 संख्या  
काकाबो के पद पर उपाध्यायों नियुक्ति ।

महोदय,

मैं आई टी आई प्रमाणित, आप दोनों हैं उत्तीर्ण हूँ ।  
 मैं एगोराटव वरस निम्न विनिदेश, आर मि उद्योग-उत्प्रेषण,  
 मैं पिटर के हेल्थ के प्रत्यक्ष प्रमाणित जाति विभाग में निर्दिष्ट  
 1-7-83 है कार्यरत था । उसी समय जोधपुर स्थित है कुछ रिक्वायर्स  
 निम्नलिखित दिनों में जावेदन किया था । अतः आपने मांगभरी उत्तर-  
 देकर जोधपुर [राजस्थान] द्वारा जारी किए गए हैं 202/...

ATTESTED TRUE COPY

*Abhaya Kumar Dixit*  
Advocate

HIGH COURT  
LUCKNOW.

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19/02/87

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समाधी/सीपी आई में दिनांक 28.8.86 को आवेदन दिया  
था। मेरे आवेदन पर कार्यालय द्वारा की गयी कार्यवाही के आधार पर  
मुझे 28-8-86 को डाक्टरों बांब हेतु जोधपुर भुजाया गया जिसमें मैं  
19.9.86 को हजर हुआ। मेडिकल रिपोर्ट कार्यालय में भेजे द्वारा बना  
कर दिया गया।

डाक्टरों बांब के लिए भुजाए गए अपरिचित वन क्षेत्र  
220ई/ई।।/समाधी/सीपी आई/358 दिनांक 28.8.86 पर सर्वेक्षण  
किया गया। काम में लिया जा चुकेवा निवृत्त प्रमाण पत्र  
[यदि आई काम करते हो की आवे को ध्यान में रखी हुए मैं 23-9-86  
को उत्तराखण्ड राज्य वन विभाग लिमिटेड कार्यालय में  
जाने पूर्व पर के प्रमाण पत्र के दिया। जिसे मैं 26-9-86 को सम्मान  
हूए साक्षात्कार परीक्षा में जोधपुर में बनाकर दिया।

उसके बाद मैं कई बार जाऊँगा है जोधपुर अपने लक्ष्य पर गया  
और सभी बार पर मुझे की निजा कि अभी रिजल्ट नहीं निकल है।

वहील में अरुणजी पत्नी व दो बच्चियों के साथ और  
मैं अपना काम करता हूँ। मेरे पास काम का कोईसरा श्रोत नहीं  
है। मैं निरंतर माँझरी के सहारे अपना पुराना परिवार पलाता जा वह भी  
रेसवे को माँझरी के प्रलोभन में गवां बेठा। मैं अपने पूरे परिवार के  
साथ वह घर की ओर लौटता हूँ। मेरे पास अपना हुंदा नहीं है कि  
मैं परिवार को पोषण भीतन दे सकूँ। यदि आप मेरे दोन शोन का  
पर ध्या कर मेरे साथ सम्मान कर सकें तो ठीक हो है नहीं तो मैं  
दिनांक 15-4-87 है। यदि आप उक्तक भुला है पोस्टा बाविल हू

विपिन सिंह

ATTESTED TRUE COPY

Abhaya Kumar  
Advocate  
HIGH COURT  
LUCKNOW.

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हजारों। आपके सम्बन्ध में क्या व्यवहार सम्पन्न हुआ है  
के विरुद्ध कार्य हो रहा है। इसे मेरी ओर से भी कार्य है।

संलग्न - सभी वर्गों की ओर से कार्य सम्पन्न हुआ है।

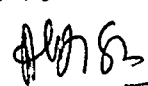
विशेष विचारणीय।

दिनांक 8-3-1987

बत प्रविष्टि

विशेष विचारणीय

ATTESTED TRUE COPY

  
Abhaya Kumar Dixit  
Advocate  
HIGH COURT  
LUCKNOW.

Amx - 0

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH AT ALLAHABAD  
 PETITIONER: J. K. JHA .. .. . APPLICANT  
 VERSUS .. .. .  
 RESPONDENTS: MANMOHAN M. SINGH & OTHERS .. .. .

३०६७ ईस वृषाब्द कार्यालय, श्री गुरु जीवा ना बन्ना  
कलार दिने, वांछुन ।

२२०१/६-१।/सहाजी/बीपी मरी/५

मिनि 23 मय 1982

श्री विविध विद्यार्थी जीका पुत्र श्री देव कुमार मोदी, पिता श्री...

[illegible]

टीकट कोना, थिअर बरकोई 160804  
 थिअर :- बरकोई बर बरकोई थिअर 196-232 160804

के वर वर अर्थात् विपुल के सम्मान है ।

दिनांक :- आषाढ मासा ११ दिनांक २-३-६७

आपने दिनांक 26-2-83 को हुए आश्वासन परीक्षा में 50% उत्तर

આચાર્યશ્રી. આચાર્યશ્રી આચાર્યશ્રી. આચાર્યશ્રી 23. 9. 58

०। पानी कि नम प्रमाण नम की प्रकृत नही थिा था । नम प्रमाण

एक ही छोटी काली कारक प्राप्ति पर दिनांक 2.3.67 के बाप संश्लेष

1. श्री ७ स्वामी देवी के पता पता है कि जयपुर दिनांक 1.7.93 के

१२. १. ६६ तक उनकी पढाई कार्य दिया है तथा कार्य अवधि समाप्त होने

उभाण पत्र पारो जिया गया है । उस प्रकार से वापका पत्र

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**Abhaya Kumar Dixit**  
Advocate  
HIGH COURT  
LUCKNOW.

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- 2 -

कना कि आवेदन करने मात्र है ही वापस की जायेगी, निम्नानुसार नहीं है।

आपका आवेदन का कार्यवाही के क्रम सं० 220/61/आधी/बीपी मर्जी नं० 358 दिनांक 12.9.86 के द्वारा 26 के नीचे दिए गए निम्नलिखित निर्देशों की ओर आकर्षित किया जाता है :-

1- आपका आवेदन संख्या 220/61/आधी/बीपी मर्जी नं० 358 दिनांक 12.9.86 के द्वारा 26 के नीचे दिए गए निम्नलिखित निर्देशों की ओर आकर्षित किया जाता है :-

आपका आवेदन संख्या 220/61/आधी/बीपी मर्जी नं० 358 दिनांक 12.9.86 के द्वारा 26 के नीचे दिए गए निम्नलिखित निर्देशों की ओर आकर्षित किया जाता है :-

प्रति आधी/बीपी मर्जी नं० 358 दिनांक 12.9.86 के द्वारा 26 के नीचे दिए गए निम्नलिखित निर्देशों की ओर आकर्षित किया जाता है :-

23.7.87

आधी/बीपी मर्जी नं० 358 दिनांक 12.9.86 के द्वारा 26 के नीचे दिए गए निम्नलिखित निर्देशों की ओर आकर्षित किया जाता है :-

प्रति: आपका आवेदन संख्या 220/61/आधी/बीपी मर्जी नं० 358 दिनांक 12.9.86 के द्वारा 26 के नीचे दिए गए निम्नलिखित निर्देशों की ओर आकर्षित किया जाता है :-

आधी/बीपी मर्जी नं० 358 दिनांक 12.9.86 के द्वारा 26 के नीचे दिए गए निम्नलिखित निर्देशों की ओर आकर्षित किया जाता है :-

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Abhaya Kumar Dixit  
Advocate  
HIGH COURT  
LUCKNOW.

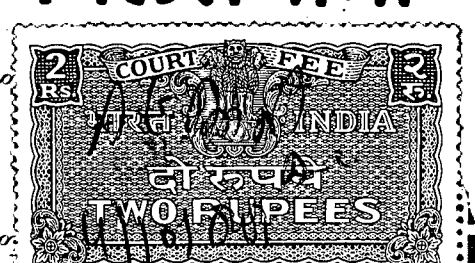
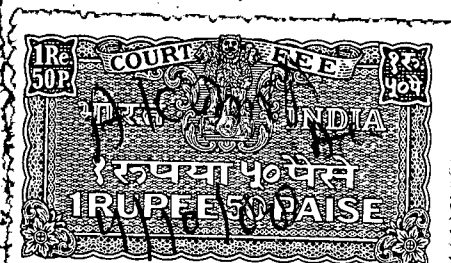
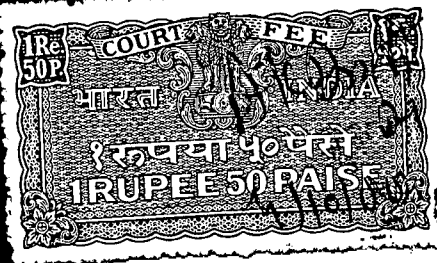
1/1 The Central Administrative Tribunal (20)  
Circuit Bench  
Lucknow

(B1/1)

व अदालत-श्रीमान ..... महोदय

[ वादी ]/अपीलान्ट श्री Bipin Behan Singh

वकालतनामा



नं० मुकद्दमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Abhaya Kumar Dixit Advocate  
509/20 1ca old Hyderabad  
Lucknow

वकील

महोदय

एडवोकेट

नाम अदालत	मुकद्दमा नं०	नाम फरीकेत
.....	.....	.....

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दाबा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखली) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरबी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिमा प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर..... Bipin Behan Singh

साक्षी (गवाह) ..... साक्षी (गवाह) .....

दिनांक ..... महीना ..... सन् १९ ई०

स्वीकृत

Abhaya Kumar Dixit  
Advocate  
HIGH COURT  
LUCKNOW.

(AS)  
137

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH  
LUCKNOW:

O.A.No: 141 (2) of 1988:  
F.F. 25-11-88:

Bipin Behari Ojha. ....Applicant:

Versus.

General Manager N.Rly.& Others. ....Respondents:

APPLICATION FOR CONDONATION OF DELAY  
IN FILING CLAIM:

Stay it please your Lordships,

Abovenamed applicant most humbly begs to  
submit as under:-

1- That aggrieved from order dt: 23-7-87 (Annexure A-8) applicant preferred writ petition No: 7967 of 1987 on 27-11-87 before Hon'ble High Court at Lucknow Bench. At the time of presentation of writ petition Hon'ble Mr. Justices K. Nath and V. Kumar were pleased to issue notice to opposite parties to the effect as to why the petition be not admitted.

2- That applicant filed the said writ petition under bonafide belief and legal advise that since he is not a person appointed to any Civil post or service and neither a member of any service of Central Government, the writ petition is maintainable.

contd.....2/

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-: 2 :-

3- That in the aforesaid Writ petition on 20-9-88 it was ordered that applicant should prefer his claim-petition before this Hon'ble Tribunal.

4- That thus delay caused in presentation of present petition has occurred due to applicant's bonafide belief and persuing of his remedies in another forum under bonafide legal advise.

WHEREFORE it is most respectfully prayed that delay in filing present claim (i.e. from 22-8-88 to 5-10-88) may kindly be condoned and petition be and decided on merits.

Lucknow:

dated: 25-11-88:

Applicant:

*Bipin Behari Ojha*  
(Bipin Behari Ojha)

Through Counsel;

*A.K. Dixit*  
(A.K. Dixit) Advocate;



(See rule 114)

OA/TA/RA/CP/MA/PT .....of 20..... 04-14/88

..Applicant(S)

A. M. N. Rly earl.

..Respondent(S)

# INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1	Index sheet	171
2	index sheets.	A2
3	Judgment order dt 30-1-89	A3 to A4
4	Copy of Petition/Affidavit	A5 to A17.
5		

Certified that the file is complete in all respects.  
*was all of out/distro yet.*

Signature of S.O.

Signature of Deal. Hand

X

~~ALLAHABAD BENCH, ALLAHABAD~~  
(Circuit Bench - Lucknow)

B/1

CAUSE TITLE Reg. 'OA. 141' OF 1938. (L)

Versus

General Manager Northern  
Railway and others

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - -	1
A2	Order sheet - - - -	1
A3	Judgement dated 20-1-89	2
A4	{ Petition along with annexure dated 3/1/89	13
( A + B + C )		

Ar

1/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH AT LUCKNOW.

\*\*\*\*

C.M. (Review) An. No. 1/89(L)

O.A./T.A. No. 141 1988(L)

B B O/Lg

Applicant(s)

Versus

U. O. L. L.

Respondent(s)

Sr. No.

Date

Orders

3/1/89

OR

This Review Petition has been filed against a case which has decided at the Bench and the record of this case is lying there

Just

23.1.89

Hon. D.S. Misra, Am  
Hon. G.S. Sharma, JM

Heard by A.K. Dixit, learned Counsel for the applicant. Order reserved.

JM

23.1.89

Am

Am

Judgment reserved  
31-1-89

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13

.....

Vs.

• • • • •

Hon. D.S.Misra, AM  
Hon. G.S.Sharma, JM

( By Hon. G.S.Sharma, JM)

O.A.No.141 (L) of 1988 as time barred.

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(12/2) P/u

for explaining the delay. The applicant has contended in the review petition that the provisions of Sections 4 to 24 of the Limitation Act do apply to the CAT in view of the provisions of S.29(2) of the said Act and as the petition was filed on 5.10.1988 and rule 8(4) requiring the applicant to support his application for condonation of delay by an affidavit was effective w.e.f.24.10.1988, he could not file the affidavit.

3. We have very carefully considered the contentions raised before us in this review petition and we find that though there was an observation that the provisions of Limitation Act do not apply before the CAT, the petition of the applicant was not dismissed on this ground but it was dismissed on the ground that the applicant should have not wasted any time in filing the writ petition before the High Court after the establishment of the Tribunal and his allegation of taking the proceedings in the High Court under a bonafide belief was not supported by an affidavit. No doubt the amendment in rule 8(4) in the Central Administrative Tribunal (Procedure) Rules, 1987 came into force w.e.f.24.10.88 the application for condonation of delay was filed by the applicant <sup>that</sup> after date and not on 5.10.1988 when the Original Application was filed. In any case, even in the absence of any specific provision for filing an affidavit, we are of the view that a bald statement of the applicant in this respect could not be accepted in the absence of an affidavit which is ordinarily filed whenever a litigant approaches a Court of law with certain allegations of fact. We are, therefore, of the view that there is no good ground for review in this case and the review petition is accordingly dismissed.

*Sharma*  
MEMBER (J)

*Sharma*  
30.1.89  
MEMBER (A)

Dated: 30.1.1989  
kkb

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,  
LUCKNOW:

Review Appli.No: \_\_\_\_\_/1989.

Inre;

O.A.NO: 141 (L) of 1988:

Dec.on 30-11-1988:

Noted for 23/1/89

Aly82

Bipin Behari Ojha.

.... Applicant:

Versus.

General Manager N.Rly.

& Others.

.... Opp.Parties:

I N D E X

Sl. No:	Description of Documents:	Pages no.	Remarks:
------------	---------------------------	--------------	----------

- |    |  |       |  |
|----|--|-------|--|
| 1- | Review application:  | 1-5   |  |
| 2- | Photo copy of order<br>dt: 30-11-88.                                     | 6-8   |  |
| 3- | Application for Condonation<br>of delay.                                 | 9-10  |  |
| 4- | Affidavit in support of Review<br>application & Condonation of<br>delay. | 11-12 |  |

Vakalatnama is already on record of O.A. No:141(L)  
of 1988:

Lucknow:

dated: 3rd Jan.1989:

Counsel for Applicant:

Aly82

3-1-89

(A.K.Dixit) Advocate;

1 (14/2)

A6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH  
LUCKNOW:

Review Appli.No: \_\_\_\_\_ of 1989.

Inre;

O.A.No: 141 (L) of 1988.

Decided on 30-11-88:

Bipin Behari Ojha, aged about 26 years, S/o Sri Deo  
Kumar Ojha, R/O Q.No: E-12-A Railway Colony, Balamau Jn.  
N.Rly. District HARDOI. .... Applicant:

Versus.

1- General Manager (Establishment) Railway Board's Head  
Office, Baroda House, New Delhi.

2- Divisional Rail Manager, Northern Railway Jodhpur  
(Rajasthan). .... Opp. Parties:

Application for Review of order dt: 30-11-88  
(Copy received on 2-1-89\$ passed by Hon'ble  
D.S. Misra A.M. and Hon'ble G.S. Sharma J.M. in  
O.A.No: 141 (L) of 88 "Bipin Behari Ojha Versus.  
General Manager and another:-

May it please your lordships,

The abovenamed applicant most humbly begs to  
submit as under:-

1- That on 5-10-1988 applicant filed O.A.No: 141 (L)  
of 88 before this Hon'ble Tribunal for quashing the  
order dt: 23-7-87 (received on 4-8-87) passed by  
Divisional Rail Manager Northern Railway Jodhpur.

The impugned order was annexed as ANNEXURE A-8 to the



File No. 141/88...2/

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aforesaid original application No: 141 (L) of 1988.

2- That prior to filing of O.A.No: 141 of 88 applicant on 27-11-87 preferred a Writ petition No: 7967 of 1987 before Lucknow Bench of Hon'ble High Court praying for the reliefs as Specified in para 6.19 of O.A.NO: 141 of 88

3- That aforesaid Writ petition was finally disposed off on 20-9-88 and applicant was given liberty to file a claim petition before this Hon'ble Tribunal order passed by Hon'ble High Court was reproduced in verbitum in Para 6.20 of original application.

4- That it was mentioned in para 5 of O.A.No: 141-88 that petition is within time and in case Hon'ble Tribunal feels otherwise the delay may be condoned in view of the circumstances mentioned in para 6.19 and 6.20 of the claim-petition.

5- That aforesaid O.A.NO: 141-88 when came up for Admission hearing on 24-11-88 before this Hon'ble Tribunal the Bench consisting of Hon'ble D.S.Misra A.M and Hon'ble G.S.Sharma J.M. observed that there should be a separte application for Condonation of delay which was moved by applicant on 25-11-88 and arguments were heard on Admission point and order was reserved.

6- That when applicant or his counsel could not receive copy of order, applicant went to Allahabad on 2-1-89 to know about the order, he applied for the certified copy and received it on the same day. Accordingly

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applicant came back to Lucknow in the morning of 3rd Jan.89, handed over certified copy of order dated: 30-11-88 to his counsel.

7- That prior to 2-1-89 applicant & his counsel could not know about the orders dt: 30-11-88 nor they received any information of the same in any way.

8- That from 26-12-88 to 31-12-88 Tribunal remained closed due to Winter/X-mas vacation, 1-1-89 was Sunday and 2-1-89 was spent in obtaining certified copy of order.



9- That in this way the present application for review could not be filed earlier i.e. due to vacation and knowledge of order on 2-1-89 only and not earlier to it.

10- That on perusal of order dt: 30-11-88 it was revealed that while rejecting applicant's application for Condonation of delay in filing O.A.NO: 141 (L) of 1988 there has been following factual and legal errors apparent on record which deserve re-calling and review of order dt: 30-11-88.

GROUND AND FACTUAL AND/OR LEGAL ERRORS APPARENT  
ON FACE OF RECORD

(i) Because this Hon'ble Tribunal has been pleased to consider that as to why soon after 20-9-88 applicant has not preferred the claim and as provisions of Limitation Act do not apply before Central Administrative Tribunal the time spent by applicant in prosecuting any other remedy in a wrong forum cannot be a sufficient cause for explaining the delay.

.....4/

Ref: 100/3120

In this connection it is submitted that O.A. was preferred on 5-10-88 i.e. within a fortnight after the order of Hon'ble High Court dt: 20-9-88 which <sup>not</sup> can ~~High~~ be termed to be unreasonable.

Regarding non-application of provisions of Indian Limitation Act, Sec. 29 (2) of Indian Limitation Act reproduced below goes to show that as there is no express exclusion of Sec. 4 to 24 of Limitation Act, these sections will apply ;

Sec. 29 (2) of Indian Limitation Act:

Where any Special or local law prescribes for any suit, appeal or application a period of limitation different from the period prescribed by the Schedule, the provisions of Section 3 shall apply as if such period were the period prescribed by the Schedule and for the purpose of determining any period of limitation prescribed for any suit, appeal or application by any special or local law, the provisions contained in Sections 4 to 24 (inclusive) shall apply only in so far as, and to the extent to which, they are not expressly excluded by such special or local law.

ii) Because in view of Sec 29 (2) <sup>provisions of</sup> Limitation Act ~~are~~ clearly applicable to Central Administrative Tribunal.

iii) Because next ground considered by Hon'ble Tribunal for non-consideration of application of Condonation of delay is absence of affidavit in support of application.

Rule 8 (4) has been made effective from 24-10-1988 and claim having been instituted on 5-10-88, Rule 8(4) does not apply.

iv) Because in this way this Hon'ble Tribunal has been

Page 41 10/10/88 5/

6 (14) 2

Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A. NO. 141 (L) of 1988

B.B. Ojha

Applicant

Versus

General Manager, Northern  
Railway and others

Respondents.

Hon. D.S. Misra, AM

Hon. G.S. Sharma, JM

(By Hon. G.S. Sharma, JM)

The applicant has filed a petition u/s 19 of the Administrative Tribunals Act XIII of 1985 for quashing the order dated 23.7.1987 of the Divisional Railway Manager, Northern Railway Jodhpur informing him that the selection process for his appointment as khalasi has been cancelled and he cannot be given any appointment and has sought his appointment on the post of Khalasi or on some other suitable job. The applicant had first approached the Lucknow Bench of the High Court of Judicature at Allahabad for this relief by filing a writ petition but on his writ petition being dismissed, he filed the present petition on 5.10.1988. In para 5 relating to limitation, it was stated that the petition is within the prescribed time and in case the Tribunal feels otherwise, the delay may be condoned in view of the circumstances mentioned in para 6 (19), it was alleged that since the applicant was not a person appointed in civil post or service, he was legally advised to prefer a writ petition under Art. 226 of the Constitution, which was filed by him on 27.11.1987 but when the writ petition came up for hearing on 20.9.88, it was rejected by a Division Bench with the observation that it was not cognizable by the High Court. In our opinion, these paragraphs simply give the history of the case and do not satisfactorily explain the delay for not preferring this petition within the statutory period of one year from the date of the impugned order. The petition also does not explain the delay.

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Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A. NO. 141 (L) of 1988

B.B. Ojha

..

Applicant

Versus

General Manager, Northern  
Railway and others ..

Respondents.

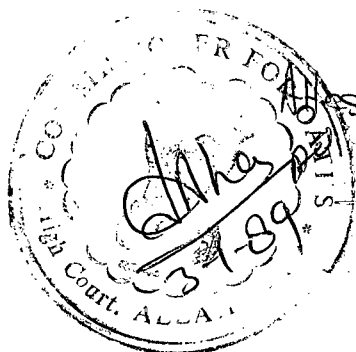
Hon. D.S. Misra, AM

Hon. G.S. Sharma, JM

(By Hon. G.S. Sharma, JM)

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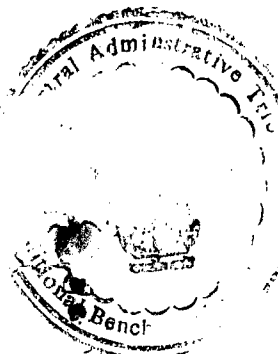
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as to why soon after 20.9.1988 the applicant did not approach the Tribunal. The provisions of the Limitation Act do not apply before the Central Administrative Tribunal and the time spent by the applicant in prosecuting any other remedy in a wrong <sup>forum</sup> ~~forum~~, therefore, cannot be taken to be a sufficient cause for explaining the delay.

2. On the date of hearing of this petition, for admission, the applicant moved a separate application for condonation of delay with the ~~same~~ allegations that the aforesaid writ petition was filed by the applicant under the bonafide belief and on legal advice that the writ petition was maintainable and the delay thus occurred due to this bonafide belief of the applicant.

3. We have very carefully considered the contentions raised before us and are of the view that the cause shown by the applicant for condoning the delay is not sufficient. Clause (a) of sub-section (1) of S.14 of the A.T. Act clearly provides that the Central Administrative Tribunal shall exercise all the jurisdiction, powers and authority exercisable by all Courts (Except the Supreme Court) in relation to recruitment and matters concerning recruitment to any civil provision, the applicant should not have wasted any time in filing the writ petition and as his claim related to his recruitment or a matter concerning his recruitment to the railway service, he should have straightaway filed a petition u/s 19 of the A.T. Act. There is yet another reason for discarding the contention of the applicant. Rule 8(4) of the Central Administrative Tribunal (Procedure Rules 1987 provides that where the applicant seeks condonation of delay he shall file a separate application supported by an affidavit. The applicant did not support his application by an affidavit to prove his bonafides and as such, his application for condonation of delay cannot be accepted in the absence of an affidavit.

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Attested true copy

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4. The application for condonation of delay is accordingly rejected and the petition is dismissed as time barred.

Sd/-  
MEMBER (J)  
Dated: November 30, 1988

Sd/-  
MEMBER (A)

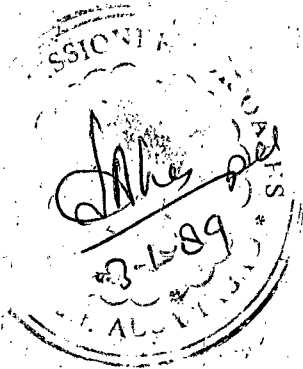


TRUE  
COPY

*R. N. Pandey*  
( R. N. PANDEY ) 24/9/89  
Section Officer  
Central Administrative  
Allahabad.

Attested true copy  
*Alm*  
1989

प्राप्त दिनांक 30/11/88



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,  
LUCKNOW

Bipin Behari Ojha, aged about 26 years, S/o Sri Deo  
Kumar Ojha, R/O Q.No: E-12-A Railway Colony, Balamau Jn.  
N.Rly. Distt. Hardoi. .... Applicant:

Versus.

1- General Manager (Establishment) Railway Board's Head  
Office Baroda House, New Delhi.

2- Divisional Rail Manager, Northern Railway Jodhpur  
(Rajasthan) . .... Opp. Parties:

APPLICATION FOR CONDONATION OF DELAY IN PRESENTING  
REVIEW APPLICATION:

May it please your lordship,

Abovenamed applicant most humbly begs to  
submit as under:-

1- That arguments on Admission hearing were heard  
by the Hon'ble Tribunal on 25-11-88 and order was  
reserved .

2- That when applicant & his counsel could not  
receive copy of order, applicant went to Allahabad on  
2-1-89 to know about the order, he applied for the  
certified copy and received it on the same day. Accordin-  
gly applicant came back to Lucknow in the morning of  
3rd. Jan. 89, handed over certified copy of order  
dt: 30-11-88 to his counsel.



Bipin Behari Ojha .... 2/



-: 2 :-

3- That prior to 2-1-89 applicant & his counsel could not know about the orders dt: 30-11-88 nor they received any information of the same in any way.

4- That from 26-12-88 to 31-12-88 Tribunal remained closed due to Winter/X-mas vacation, 1-1-89 was Sunday and 2-1-89 was spent in obtaining certified copy of order.

5- That in this way the present application for ~~xxxxxxx~~ review could not be filed earlier i.e. due to vacation and knowledge of order dt: 2-1-89 only and not earlier to it.

WHEREFORE it is most respectfully prayed that delay of one day (i.e. 2-1-89) on which applicant applied and obtained certified copy of the order may kindly be condoned and application for review of order dt: 30-11-88 may kindly be heard on merits.



Lucknow;

dated: 3-1-89.

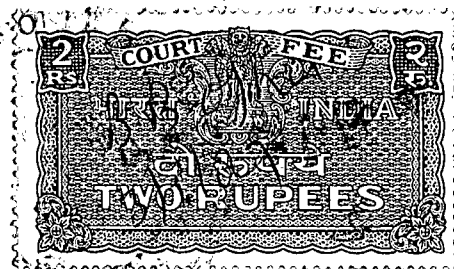
Counsel for Applicant:

(A.K. DIXIT) Adv. 3/1/89  
विपिन बिहारी ओझा  
Applicant:

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A/12  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT,  
BENCH, LUCKNOW:

1988  
AFFIDAVIT  
94/1/15  
HIGH COURT  
ALLAHABAD



Affidavit in Support of Application  
for Review and Condonation of Delay:

Bipin Behari Ojha. .... Applicant:

Versus.

General Manager N.Rly

& Others. .... Opp. Parties:

A F F I D A V I T

I, **BIPIN BEHARI OJHA**, aged about 26 years, S/o  
Sri Deo Kumar Ojha, R/o Q.No: E 12-A Railway Colony  
Balamau Jn. Northern Railway District Hardoi, do  
hereby solemnly affirm & state on oath as under:-

1- That the deponent being applicant is  
fully conversant with the facts of the case.

2- That deponent verifies contents of paras 1  
to 9 of review application to be true from his  
personal knowledge.

विपिन बिहारी ओज्या

.....2/-

3-1-89

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-: 2 :-

3- That contents of paras 1 to 5 of the application for Condonation of delay are also verified from personal knowledge.

4- That deponent verifies contents of paras 10 of Review application to be true from his belief.

Handwritten signature and date 3/1/89 inside a circular stamp.

Lucknow:

dated: 3rd Jan. 1989.

DEPONENT:  
Bipin Behari Ojha  
(BIPIN BEHARI OJHA)

VERIFICATION:

I, abovenamed deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true from my personal knowledge and contents of paras 4 are believed by me to be true.

Signed and verified today at court compound Lucknow.

dt: 3rd Jan. 89.

DEPONENT:  
Bipin Behari Ojha  
(BIPIN BEHARI OJHA)

Solemnly affirmed before me on 3rd day of Jan. 1989 at 11.0 a.m./p.m. by the deponent Bipin Behari Ojha who is identified by Sri A.K. Dixit, Advocate, High Court, Lucknow Bench Lucknow.

I, have satisfied myself by examining the deponent that he understood the contents of this affidavit. I know the deponent who has signed before me.

Hashmat Ali Khan  
HASHMAT ALI KHAN  
CATHOLIC COMMISSIONER  
High Court Allahabad  
Lucknow Bench,  
3.1.89.  
Advocate.

No. 94/1715  
Date 3/1/89