

Central Administrative Tribunal
Lucknow Bench

Cause Title

OA 154 of 88 (U)

1993

For Petitioner

Bhagwan Das

Applicant.

For Respondents

Union of India

Respondents.

No.	Description of Documents	Page
1.	Check List	
2.	Order Sheet	A1 - A5 ✓
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6.	Power	
7.	Counter Affidavit	
8.	Rejoinder Affidavit	
	Supplementary Affidavit	A27 - A30 ✓ A31 - A34 ✓
	B- File	Pages A35

Set-B Attached

C- File

lost 13. we had out destroyed

for
GOC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUGANO.

O.A./T.A. No. 154 1980(L)

Bhagwan Das

Applicant(s)

Versus

U.O.L

Respondent(s)

Sr. No.	Date	Orders
	22-11-89	No sitting. Adjourned to 21-12-89 for admission.
	21/12	No sitting - Adjourned to 27-1-89 for admission. h 21/12
	27/1/89	No sitting. Adjourned to 21/2/89 for admission. h 21/12
	21/2/89	No sitting. Adjourned to 9-3-89 for admission. Rm 27/1
	9/3/89	Hon. Justice Kamleshwar Nath, VC. Hon. Ajay Kumar, HC. The learned counsel for the applicant requests for an opportunity to file supplementary affidavit to elucidate the facts of the case. List for orders on 11-4-89. Rm 21/2 VC

31

Am.

V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

(A2)

REGISTRATION No. 154 of 1980(17)

APPELLANT
APPLICANT

Bhepparam Das

VERSUS

DEFENDANT
RESPONDENT

V.O. 2

Sl. no. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	---	--

3/7/89

Hon' Mr. Justice K. Nath, J.C.
Hon' Mr. K. T. Ramam, A.M.

None is present for the parties.
List this case for admission on
~~27~~ 26-7-89

h
A.M.

OR
No document
have been filed as
directed by the court's
order dt. 26.4.89
Submitted for admission
on 26/6

26.7.89

(S.H.S.)
No sitting Adj. to 30.8.89

30/8/89

Hon. Justice K. Nath, J.C. 26/7

The applicant's learned counsel
Shri P. N. Bajpai requests for
and is allowed a week's
time to file documents as
already ordered in the past.
List for admission on 11/9/89.

h
V.G.

OR
No documents
has been filed by the
learned counsel for
applicant, as directed
by the court's order dt.
26.4.89.
Submitted for
admission on 29/8

OR
In compliance of
Court's order dt. 30.8.89
no documents has been
filed so far.
Submitted for admission
on 01/9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 0A 154/88(L) of 1988.

(A3)

APPELLANT
APPLICANT

Bhagwan Das

VERSUS

DEFENDANT
RESPONDENT

Union of India 203

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
18-10-89	Hon' Mr. D.K. Agrawal, J.M. Hon' Mr. K. Bhayya, AM. Adjourn^{ed} on the request of counsel for the applicant conveyed through Shri K. Bapai, Advocate to <u>8-11-89</u> for admission. <u>De</u> J.M. (SWS) Hon' Mr. D.K. Agrawal, J.M. Hon' Mr. K. Bhayya, AM.	Submitted for admission 7/11 or not suggested 10/11/89
01/11	Hon D.K. Agrawal, J.M. Hon K. Bhayya, AM. <u>Admit</u> Issue notice but the case for on 19-1-90	

See
original
order on
the main
petition

O.A. 154/88 L,

30.1.91

D.R.

(AD)

Both the parties
are absent today.

C.A. has not been
filed till today.

Respondent to

file counter by

11/2/91.

✓

11.2.91

D.R.

Applicant is
present. This is
the 4th date for
filing counter
Reply but the
Respondent is
not present.

Can be again
listed for filing
counter on 8.3.91

✓

[Signature]

8.3.91

D.R.

Applicant's side is

present. No appearance
has been made on
behalf of the respondent
counter has not been
filed till today.

Respondent to file
counter by 3/4/91.

✓

0.4.154/88 (5)

22.11.91

D.R.

(AS)

Both the parties
are present today.
Counter to be filed
on 22.11.91

13/2/92.

13.2.92

D.R.

Both the parties
are absent. Counter
has not been filed
so far. Respondent
to file counter by
4/5/92.

4.5.92

Both the parties
are absent.
Counter has not
been filed so far.
Respondent to file
counter by 15.7.92

D.R.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

(A6)

O.A. No. 154/1988

Bhagwan Das

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. K. Obayya, Adm. Member.
Hon. Mr. S.N. Prasad, Judl. Member.

(Hon. Mr. K. Obayya, Adm. Member.)

The applicant served the Indian Navy during the period 1958 to 1968 and thereafter ~~and thereafter he~~ was kept in reserve in the Navy till 1978, whereafter, his pension and other retiral benefits were settled. He

sought employment in Railways and accordingly, he was appointed in class IV post of Khalasi on 15.5.1975.

He represented the authorities that in view of his special qualification and higher status enjoyed in the

Navy and being a Petty officer, he should be given a

class III post. The applicant is aggrieved that his various representations in this regard were not

considered and has approached this Tribunal with the prayer that the respondents be directed to promote the applicant on the post of class III cadre in the quota

reserved for class IV employees and also to consider

for appointment in class III cadre on the basis of

his qualification and trade certificate issued by the authorities of the Indian Navy.

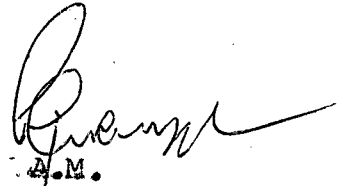
2. We have heard the learned counsel for the applicant and also carefully perused the averments made in the claim petition. Admittedly, the applicant has not appeared at any selection for Class III post in the Railways. There is direct recruitment at various levels and also promotion from one cadre to other cadre. Having joined the class IV post, the applicant could only look for promotion in the channel which was available to him, i.e. from class IV to class III which is also by selection through the test. The applicant has not come up with a specific case as to whether there was any promotion from class IV to class III post and whether he offered his candidature at any selection. His prayer is that he should be provided with a job equivalent to his qualification. There is nothing wrong in such a prayer but the fact and promotion is that the appointments in the railway administration are based on suitability tests and also through selection by competitive examination. Having not utilised the avenue of selection and also direct recruitment the applicant is only eligible for promotion in his channel from class IV post. The applicant also appears to have crossed the age of 50 years now. However, the respondents may consider his case for promotion to class III post in the

AD

vacancies reserved for such promotion from class IV in accordance with law, if the applicant comes out successful in the qualifying tests and is found suitable.

3. The application is disposed of as above with no order as to costs.


J.M.


A.M.

Shakeel/-

Lucknow: Dated 20.10.92.

Filed today

1
8/10/88

(A9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDL
BENCH: ALLAHABAD.

Application No. 154 of 1988. (4)

Bhagwan Dass.

Applicant.

And

The Union of India and others.

Respondents.

INDEX.

S. No.	Description of document relied upon.	Page no.
1.	Application.	1 to 10.
2.	Trade Certificate.	11 to 14.
3.	Application dated 15.5.75.	15-16
4.	Application dated 26.5.87.	17-18
5.	Application dated 1.10.87.	19-20
6.	Reminder dated 26.3.88.	21.
7.	Power.	22.

LUCKNOW DATED:

SIGNATURE OF THE APPLICANT

AUG 5/1988.

For use in Tribunals office

Date of filing or date of
receipt by post:

Registration No.

[Signature]
for applicant.

SIGNATURE
FOR REGISTRAR.

(A/c)

In the Central Administrative Tribunal
Addl. Bench - Allahabad.

Application no. 154 of 1988 (L)

Bhagwan Dass, aged about 48 years S/O Late Rama
-nand R/O, Village, Sulaman Pur, P.O. Mukallipur,
Distt. Azamgarh

... Applicant

AND

1. The Union of India, through the Secretary
Ministry of Railway, New Delhi.

2. The Divisional Rail Manager, Northern R
Railway, Hazratganj, Lucknow.

3. The Divisional Mechanical Engineer, Loco
Running Shed Alambagh, Lucknow.

... Respondents

DETAILS OF APPLICATION

1. Particulars of the Applicant.

(i) Name of the Applicant : Bhagwan Dass

(ii) Name of Father : Late Ramanand

(iii) Age of Applicant. : 48 years.

(iv) Designation and par- : Call Man, Disassl
ticular of office : Lovvy, Charbagh Sta-
(Name and Station in : Station, N.Rly.
which in which employed : Lucknow.
or was last employed
before ceasing to be in
Service.

(v) Office Address

(vi) Address for Service
of notices.

(All)

2.

(vi) Address for service : Callmann, Loco Running Shed, Alambagh, Lucknow.
of notices.

2. Particulars of the Respondent

- | | |
|--|---|
| (i) Name of the respondent | 1. The Union of India, through the Secretary, Ministry of Railway, New Delhi. |
| (ii) Name of Father | |
| (iii) Age of the Respondent. | 2. The Divl. Rail Manager, N.Rly; Hazratganj, Lko. |
| (iv) Designation and particulars of office (Name and station) in which employed. | 3. The Divisional Mechanical Engineer Loco, Running Shed Alambagh, Lucknow. |
| (v) Office address | |
| (vi) Address for service of notices. | |

3. Particulars of the order against which Application is made.

The application is against the following order

- | | |
|--|-----------------|
| (i) Order no. with reference to Annexure | Not applicable. |
| (ii) Date | |
| (iii) Passed by | |
| (iv) Subject in Brief | |

4. Jurisdiction of the Tribunal

The Applicant declares that the subject matter of the order against which he wants to file this application is within the jurisdiction of the Tribunal.

5. Limitation.

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1965

6. Facts of the case.

The facts of the case are given below:

(A) That the applicant was originally appointed in the month of Dec. 1958, in the Indian Navy and worked as such till Dec. 1968 in the L.M.E. Rank-Grade - II. He qualified for the post of Petty Officer which is a Grade-1 post.

Bhagwan Das

Am

(B) That the Applicant was kept in reserve upto the year 1978. The Applicant was granted the Reserved Pension.

(C) That the Applicant was entitled to get the benefit of quota reserved for Ex-Military Service man. In the appointment in the Office of the Central Govt. & the Provincial Govt. The Applicant accordingly requested to the Hon'ble Rail Minister for getting the suitable job in the Railway Department. The Application was sent to the Respondent no. 2 who had called the Applicant and gave him the appointment in the class 4th Cadre.

(D) That the Education qualification of the applicant is High School and he is entitled to get the post of Class 3rd cadre. The special remark has been given in the trade Certificate issued by the Indian Navy for Civilian services. It is also mentioned the types of the services for which the applicant is qualified. The copy of the Certificate is Annexure-1 to this application.

(E) That the Applicant was not given the post according to his qualification.

(F) That the Applicant requested for the post of class - III on 15.5.75 to the Hon'ble Rail Minister. The copy of the Application is Annexure-2 to this Application.

(G) That the applicant had submitted several reminders to the authorities including the Respondent no. 1 & 2, but no fruitful result could come up till now.

Chagwan Jale

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(H) That the Applicant was informed through the letter no. 2208/II/I dt. 27.12.75 that the Applicant is getting hte promotion in Class-III Cadre. The Appplicant in response to the letter contacted the O.P.No.2, but the promotion / appointment in class-III cadre has not been given.

(i) That the Applicant was regularly requesting to the Authorities. In the last he had requested for the post of Non-Technical nature but nothing has been done.

(J) That the applicant remained ill from the year 1981 to the year 1984. The Applicant was declared as fit for light duties. The post of the petitioner was as Khallasi helper which has been changed as call man under the orders of the respondent no. 2.

(K) That as already stated above the applicant is entitled to get the post of Class -III cadre. The light duties could be taken on the post of Ticket Collector, clerk and in the Enquiry office. In fact the respondents are not ready to give the post of class III cadre to the applicant.

(L) That the applicant was entitled to get the post of class -III cadre on the basis of his qualifications.

(M) That the Applicant is suffering a great irreparable loss since the date of appointment in Class-IV cadre.

(N) That the Applicant has already suffered a great loss, but he may not suffer further.

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-5-

(o) That there is provision to give the promotion to the class IVth employees in Class IIIrd. upto 15% of the total posts. The ~~xxxx~~ applicant is entitled to get the benefit of this quota.

(P) That the applicant is entitled to get the class IIIrd. post according to his qualification. A number of persons have been promoted on class IIIrd. post but the applicant has been ignored.

(Q) That the action of the respondents is arbitrary and against the principle of natural justice.

7. ~~xxxx~~ Details of the remedy exhausted:

(i) That the applicant requested for promotion on 15.5.75 to the Hon'ble Rail Minister. The application was sent to the authorities concerned which is still pending and nothing has been done.

(ii) That the applicant has requested the authorities several times and also given the reminders but no attention has been paid. The copies of the applications and reminders have been lost, hence he is unable to file the copies thereof.

(iii) That the last application which is available with the applicant is dated 26.5.87 which was submitted to the Rail Minister. The copy of the application is filed herewith as Annexure-3 to this application.

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-6-

(iv) That the applicant requested to the Respondent No. 2 on 1.10.87 and given the reminder on 26.3.88. The copies of the applications and reminders are filed herewith as Annexures-4 and 5 to this application.

~~xxx~~8. ~~That~~ Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed 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.

9. Reliefs sought :

- (A) That the respondents may kindly be directed to promote the applicant on the post of Class IIIrd. Cadre in the quota reserved for class IVth employees and also to consider for his appointment in the same cadre on the basis of his qualifications and trade certificate issued by the authorities of the Indian Navy.
- (B) That the cost of the petition may kindly be allowed to the ~~xxx~~ applicant.
- (C) That any other, directions and reliefs which are just and proper in the circumstances of the case may be allowed to the applicant.

10. Interim Order, if any, prayed for.

Shagun Jais

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-9-

No interim order is prayed for.

11. In the event of application being sent by Registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Post Card/Inland Letter, at which intimation regarding the date of hearing could be sent to him.

The application is presented through the Council.

12. Particulars of Bank Draft/Postal Order in respect of the Application Fee:

1. Number of Indian Postal Order: *DD 065143*
2. Name of issuing Post Office *High Court Branch Lucknow*
3. Date of issue of Postal Order *5-10-88*
4. Post Office at which payable. *G. P. O. Allahabad.*

13. List of enclosures:-

1. Certificate issued by the Indian Navy.
2. Application dt. 15.5.75
3. Application dt. 26.5.87
4. Application dt. 1.10.87
5. Reminder dt. 26.3.88

VERIFICATION

I, Bhagwan Das, Son of Late Ramanand, age 48 years working as Call Man Ticket No. 872 in the office of the Divisional Mechanical Engineer, Loco Running Shed, Alambagh, Lucknow resident of Vill Sulamapur, P.O. Mutkallipur, District Azamgarh,

Bhagwan Das

A17

- 10 -

do hereby verify that the contents of paras
to are true tmy personal knowl dge and the
contents of paras believed
to be true on legal advice and that I have
not suppressed any material fact.

Dated: July , 1988
Place: Lucknow.

Rhagun Bag
Applicant.

In the Central Administrative
Tribunal Bench Allahabad

Bhagwan Das

Applicant

I. N. 343 Union of India

Respondent

Annex N/1



A18

TRADE CERTIFICATE
AND
ENGINEERING EXPERIENCE

INDIAN NAVY

Engine Room Branch

ENGINEERING MECHANIC

Bhagwan Das

1. Name SHAGWAN D.S.
 Rating at the time of discharge LM(R)
 O. No. 66335
 Served in Indian Navy from 30-12-58
 To 29-12-68 Date of Birth 3rd JULY, 1940 (Third - July Nineteen Forty)
 2. Character and Efficiency Assessment at the time of discharge: VERY GOOD / MCDEBATIN
 3. Remarks: Compiled from Divisional, Officer's Records—Trustworthiness, Leadership, Personality, Intelligence, Initiative, Medals, Awards or any special educational attainments.

In strange sailor. Though he is not so intelligent, he does things in a cautious manner so that safety is not endangered by him. Had sufficient attention been given to him in starting of his career much reflection would have been occurred in the sailor. What I personally feel is that he was left unnoticed. I recommend for his resettlement.

SPECIAL REMARKS: The reason for discharge of this sailor activities him to be classified as a candidate eligible for priority in the matter of Government employment.

4. Career History:

Years Months		Certificates	Date
3-0	Engineering Mechanic 2nd Class	(See paras 6 and 9)	
3-6	Engineering Mechanic 1st Class		
3-6	Leading Engineering Mechanic	Auxiliary Machinery watchkeeping.	21-10-64
	Petty Officer Engineering Mechanic	Boiler Room watch-keeping.	
	Chief Engineering Mechanic		
5	Special Service Employment, e.g., Coastal Forces, Repair Ships, Instructional, etc.		
6	Specialised qualifications, e.g., Welder, Refrigeration, Diver, Fire Fighting, Engineers, Writer.		
7	Non-Service Attainments, e.g., Certificates and examinations, Athletic achievements, Amateur Theatricals, etc.		

Shagwan D.S.

CERTIFICATES

8. Auxiliary watchkeeping.—Competent to start, stop and tend the various auxiliaries machinery, e.g., evaporating and distilling plants, electric generating machinery (Turbo and I. C. E.) Power driven boats, Refrigerating, Air Conditioning Plants, Air pressure, Steering Gear, Capstan Engines. This certificate is essential before Advancement to Leading Engineering mechanic.

9. Boiler Room watchkeeping.—Competent to take charge of a Boiler Room, controlling high Powered Water Tube Boilers and all the associated machinery in the Boiler Room, when steaming at full power and manoeuvring. This certificate is essential before confirmation as Petty Officer Engineering Mechanic.

GENERAL INFORMATION FOR PROSPECTIVE EMPLOYERS

10. This sailor has been familiar with Boilers of varying powers with pressures and temperatures ranging up to..... P. S. I and..... Controlled superheat.

EX-ENGINEERING MECHANIC SAILORS ARE SUITABLE FOR THE FOLLOWING TYPES OF CIVILIAN EMPLOYMENT

11. Engineering Mechanic 1st and 2nd Class.—As crane or Loco Driver (Steam or I. C. E.), Fireman, skilled labourer, watch keeper on Refrigerating, Distilling, Compressing, Air conditioning and Pumping plants, Motor vehicles or Power Board Drivers, Lagger, Slagger, Fire Fighter, equipment maintainer (under supervision), semi-skilled machinist for semi-automatic machine tools, etc., General Handyman.

12. Leading Engineering Mechanic.—As for Engineering 1st Class but more suitable for watchkeeping on isolated plants, Lead or charge jobs with labourers, and for positions of Trust and limited responsibility, e.g., Issue and care of tools, materials, etc., Lagger, Brick layer, mate to skilled craftsman.

13. Chief Engineering Mechanic and Petty Officer Engineering Mechanic.—As above and, in addition, especially suitable for positions of considerable trust and responsibilities in charge of men and materials, e.g., as main tool or spare Part watchkeeper, charge of Boiler cleaning or tank cleaning Parties, Fire Prevention Duties (Operation and Maintenance of all types First Aid and Fire Fighting equipment), suitable as machinist for all types of semi-automatic machine tools.

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In the Central Administrative Tribunal,
Addl. Bench, Allahabad.

Application No. of 1988

Bhagwan Dass Applicant
Versus
Union of India & Others Respondents.

ANNEXURE-2

To,

Shree Chandrajit Yadav,
Honourable Minister,
Government Of India,
New Delhi.

Respected Sir,

Subject: Request for reconsideration of my
10 years Mechanical Service of
Indian Navy.

I would draw your attention on my application dated 10. July, 1974 for the post of Signal Fitter in Lucknow Division which was forwarded By you for suitable post to the Deputy Railway Minister Shree Mohammad Safi Qureshi, New Delhi. Refer your D.O. letter No. 0-4/OG/6611 dated 24 July, 1974.

Regarding above application, I was informed with D.S. Officer letter No. 220 E/II 9 dated 19.1.75 for the appointment. When

Bhagwan DSS I report to this office the dealing Clerk has asked for another application for necessary action because he told me the previous application has been lost. Thus my educational qualification, and Naval service and experience has not been considered by D.S.

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and I was appointed as substitute Khalasi. Forcibly I was engaged for duty with Mason in Varasi which is not suitable to my Naval Service and experience.

I am still attached with Indian Fleet Reserve and recommended by Commanding Officer for the Government service. By above recommendation I should get direct post of permanent in place of substitute. Sir, again I would draw your attention here that 10% class III posts are reserved in Central Government as well as in State Government for Ex-servicemen by Defence Ministry.

I was released at the respective Bank of leading Engineering Mechanic and also qualified for Petty Officer Engineering Mechanic. Thus my Rank is equal to the Chargeman in class III but I am utter surprise that I am appointed at the post of substitute Khalasi. My service certificate has been filed in D.S. office and also passed the Medical Examination.

Therefore I request you to consider my above service and make necessary arrangement for training in Ghaziabad for Mechanical Signal Maintainer Grade I.

Yours faithfully

Bhagwan Dass

Dated: 15.5.75

Encl: 1. High-School Certificate

2. Service Extract.

(Bhagwan Dass) -
Substitute Khalasi
Northern Railway
Varanasi East.

TRUE COPY.
TR

M. B. Bhatnagar

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माननीय केन्द्रीय प्रशासनिक अधिकरण इलाहाबाद जलखाना पोठ लखनऊ

भगवान दास

दावेदार

बनाम

यूनियन आफ इण्डिया आदि

विपक्षीगण।

अनेकर नं०-3

सेवा में,

माननीय रेल मंत्री महोदय,
रेल भवन, नई दिल्ली।

मान्यवर,

सविनम्र निवेदन है कि प्राथी निम्नलिखित सहानुभूतिपूर्वक विचार करने हेतु प्रेषित कर रहा है।

प्राथी सन् 1957 में हाई स्कूल पास करने के बाद सन् 1958 में भारतीय नौ सेना में भर्ती हुआ और 10 साल देश की सेवा करने के बाद सन् 1968 में लीडिंग इन्जिनियरिंग मैकेनिक रैंक पर रिजर्व में आ गया। प्राथी का रैंक सिविल सर्विस में क्लास तृतीय के बराबर है। प्राथी पेटो आपोसर इन्जिनियरिंग मैकेनिक परीक्षा भी पास कर चुका है जो डिस्चार्ज सर्टिफिकेट में अंकित है। प्राथी सन् 1978 तक रिजर्व में था।

रिजर्व आने के समय प्राथी कौर्वनमेंट सर्विस के लिए रिक्मेंड किया गया था, जो ट्रेड सर्टिफिकेट में अंकित है तथा सिविल सर्विस के लिए भी अंकित है। प्राथी सन् 1974 में एक प्रार्थना पत्र रेल मंत्री के पास दिया था, जिसमें प्राथी लखनऊ डिविजन में सिग्नल पिक्टर के लिए प्रार्थना किया था। प्राथी को 3.3.1975 को छलासी के पद पर नियुक्त किया गया।

इससे लेने के बाद प्राथी पुनः रेल मंत्री के पास लिखा था कि प्राथी को किस आधार पर क्लास चतुर्थी श्रेणी में रखा गया है, जबकि प्राथी क्लास तृतीय से रिटायर्ड है। प्राथी को डी०पी०ओ० लखनऊ का लेटर नं० 220इ/11/1 दिनांक 17-12-1975 को प्राप्त हुआ, जिसमें प्रमोशन के लिए प्राथी से कागजात मांगा गया था। प्राथी प्रापर चैनल कागजात भेजा किन्तु डी०आर०एम० ऑफिस से कुछ पता नहीं चला कि वह कागजात कहाँ गया।

प्राथी सन् 1979 में टिकट कलेक्टर के पद के लिए पुनः एक

Bhagwan Das

॥२॥

प्रार्थना पत्र रेल मंत्री के पास दिया था। उस सन्दर्भ में प्रार्थी को डी०पी०ओ० लखनऊ का लेटर नं० 220/ई-टो०सी०॥॥ दिनांक 3.1.1980 को प्राप्त हुआ, जो इस प्रार्थना पत्र के साथ संलग्न है।

प्रार्थी सन् 1982 में गम्भीर रथ से बीमार हुआ। जून सन् 1984 में सी०एम०ओ० लखनऊ प्रार्थी को लाइट इयुटो दिये। प्रार्थी को ढाई साल तक वेतन भी नहीं मिला। प्रार्थी को स्पेशल मेडिकल इन्कामि-नैशन दिनांक 25.3.87 को किया गया और प्रार्थी को मेडिकल वी०वन के स्थान पर मेडिकल सी०वन पास करके डी०आर०एम० के पास कटेगरी बदलने के लिए कागजात भेजा गया है।

प्रार्थी को दिनांक 25.3.87 से वेतन नहीं मिल रहा है जिसके कारण से प्रार्थी को पारिवारिक परेशानी काफी बढ़ रही है। प्रार्थी का ये ग्रेड 850 से 1150 है। मूल वेतन 905 है।

अतः सरकार से विनम्र प्रार्थना है कि प्रार्थी के 10 साल नेवल सर्विस तथा 12 साल रेलवे सर्विस पर सहानुभूतिपूर्वक विचार करके टिकट कलेक्टर पद के लिए शीघ्र प्राथमिकता दे। उपरोक्त पद के लिए मेडिकल सी०वन लिए जाते हैं।

दिनांक 26.5.87

प्रार्थी,

ह०/-

॥भगवान दास हेल्पर॥
क० ट० नं० 1738 आई०
ए०ई०न०एम० का सी०पी०
30र० वाराणसी।

संलग्न प्रतिलिपि :-

- 1- हाई स्कूल सर्टिफिकेट की फोटो कापी।
- 2- भूतपूर्व सैनिक सर्टिफिकेट की फोटो स्टेट कापी।
- 3- डी०पी०ओ० लेटर दिनांक 3.10.80 की फोटो कापी।

सत्य प्रतिलिपि

Bhagwan Das

TRUE COPY

[Signature]
26/8/88

A23

समक्ष माननीय केन्द्रीय प्रशासनिक अधिकरण इलाहाबाद लखनऊ पर ७ लखनऊ

भगवान दास

दावेदार

बनाम

यूनियन आफ इण्डिया व अन्य

विपक्षीयगण

अनेकजर नं०-४

रजिस्टर्ड ए/डी

सेवा में,

श्रीमान् मण्डल रेलवे प्रबन्धक महोदय,
उत्तर रेलवे,
लखनऊ

महोदय,

सविनय निवेदन है कि प्रार्थी का क्रिकेटग्राइज दिनांक 25.3.87 को डी०एम०ओ० लखनऊ ने करके पिस्ट मैदान के साथ कागजात आप के पास भेजे थे। इसके पहले प्रार्थी अस्थायी लाइट झूटी में चल रहा था। प्रार्थी के पैर में बोमारी के कारण कमजोरी है जिसके कारण से दाढ़-धूम तथा विशेष चलने फिरने में असमर्थ है।

प्रार्थी दिनांक 11.8.87 को एक प्रार्थना पत्र सौनियर डी०एम०ओ० के पास दिया था। उस प्रार्थना-पत्र पर स्क्रोनिंग तारीख 25.8.87 डाला गया। प्रार्थी अपना पूरा विवरण लिखने के साथ वह प्रार्थना किया था कि यहाँ वाराणसी में मार्क मेन का एक पद रिक्त है। उसके लिए प्रार्थी को प्राथमिकता दिया जाये।

प्रार्थी का स्क्रोनिंग दिनांक 25.8.87 को काल मेन पद के लिए किया गया। प्रार्थी स्क्रोनिंग ए०एम०ओ० से प्रार्थना किया कि प्रार्थी के पैर में साहब का पद कमजोरी है। साईकिल चलाने से बिल्कुल असमर्थ है। किन्तु ए०एम०ओ० साहब कुछ ध्यान नहीं दिये और कहे कि झूटी मेरे मजो से मिले जो, झूटी करो या सर्विस से बाहर जाओ।

प्रार्थी मजबूर होकर काल मेन पद के लिए आर्डर लेटर दिनांक 21.9.87 को लिया क्योंकि अभी प्रार्थी का सर्विस 10 साल बाकी है। प्रार्थी दिनांक 24.9.87 को लोको परीस मेन लखनऊ के पास गया और वहाँ पर प्रार्थी को दोबारा नियुक्त किया गया है।

प्रार्थी सन् 1957 में हाई स्कूल पास करके सन् 1958 में भारतीय नौसेना में भर्ती हुआ था। 10 साल देश की सेवा करने के बाद लौटि आइन्जोनियरिंग मैकेनिक रैंक पर 1968 में 10 साल के लिए

Shagwan Jese

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॥ 28 ॥

प्लोट रिजर्व में आ गया । प्राथी पेटो आपसोर इन्जिरियरिंग मैकेनिक इक्जामिनेशन भी पास कर चुका था किन्तु इयूटो कनफर्मेशन होने के पहले ही प्राथी का नाम रिजर्व लिस्ट में आ गया । प्राथी क्लास III से रिटायर्ड है।

प्राथी सन् 1974 में एक प्रार्थना-पत्र रेल मंत्री के पास दिया था और लखनऊ डिविजन में सिग्नल पिटर के लिए प्रार्थना किया था प्राथी को दिनांक 3.3.75 को छत्तासौ पद पर नियुक्त किया गया। इयूटो लेने के बाद प्राथी पुनः रेल मंत्री के पास लिखा कि प्राथी को किस आधार पर चर्चा श्रेणी में रखा गया है, जबकि प्राथी द्वितीय श्रेणी में रिटायर्ड है। और दोनों सर्विस सेन्ट्रल गवर्नमेण्ट के हैं। दिनांक 17.12.75 को डी०पी०ओ० का लेटर नं० 220ई/11/1 प्राथी को प्राप्त हुआ और प्रमोशन के लिए कागजात माँगा था। कागजात भेजा गया, मगर आपके कार्यालय से कुछ पता नहीं चला कि वह कागजात कहाँ गया। प्राथी का मूल सर्विस सर्टीफिकेट भी ए०पी०ओ० के पास से गायब हो गया। जो आज तक प्राथी को न मिल सका।

प्राथी का पूरे समय तक प्रमोशन के लिए इन्तजार किया, किन्तु प्रमोशन नहीं मिला। प्राथी सन् 1979 में टिकट कलेक्टर पद के लिए फिर रेल मंत्री के पास प्रार्थना किया। उस प्रार्थना के सन्दर्भ में प्राथी को डी०पी०ओ० का लेटर नं० 220 ई०/टी०सी०/11 दिनांक 3.1.1980 को प्राप्त हुआ और प्रतिबन्ध लगाया गया कि सिग्नल डिपार्टमेण्ट से नहीं लिए जाते। इस प्रकार आज तक प्राथी क्लास पर्थ में चला आ रहा है और प्राथी का सर्विस में काफ़ी नुकसान किया गया है और भविष्य में भी किया जा रहा है।

अतः आपसे विनम्र निवेदन प्रार्थना है कि प्राथी के उपरोक्त प्रार्थना पर सहाय्यक पूर्वक विचार करके उचित निर्णय करे तथा उसके संबंध में प्राथी को अति शीघ्र सूचित करने को कृपा करे।

प्राथी,
ह०/-

दिनांक 1.10.87

भगवान दास
काल में टिकट नं० 872
लोको रनिंग शिड, लखनऊ

TRUE COPY

[Signature]
for petitioner

सत्य प्रतिलिपि

[Signature]

125

समक्ष माननीय केन्द्रीय प्रशासनिक अधिकरण इलाहाबाद जिल्ला पोस्ट, ४
लखनऊ

भगवान दास

दावेदार

बनाम

यूनियन आफ इण्डिया आदि

विपक्षीयता

अनंकर नं०-५

श्रीमान, सुपुल रेलवे प्रबन्धक महोदय,
उत्तर रेलवे, लखनऊ

सेवा में,

सविनय निवेदन है कि प्रार्थी एक प्रार्थना पत्र दिनांक 1.10.87 को रजिस्टर्ड ए0डो0 द्वारा आप को सेवा में सहाय्यता पूर्वक विचार व निर्णय करने हेतु प्रेषित कर चुका है किन्तु उस संबंध में प्रार्थी को आज तक कोई सूचना श्रीमान जी के द्वारा नहीं प्राप्त हो सका। जबकि प्रार्थी काफी इन्तजारों में हैं।

अतः आप से विनम्र निवेदन है कि प्रार्थी के दिनांक 1.10.87 के प्रार्थना पत्र पर प्रकाश डालें तथा प्रार्थी के नेवल सर्विस के आधार पर हो उचित निर्णय करें। प्रार्थी शीघ्र आप के निर्णय के इच्छुक हैं।

नोट:- यदि एक महीने के अन्दर उपरोक्त प्रार्थना पत्र के संबंध में निर्णय करके प्रार्थी को सूचित नहीं किया गया तो प्रार्थी मजबूर होकर उचित निर्णय के लिए कोर्ट का शरण अवश्य लेगा।

प्रार्थी,

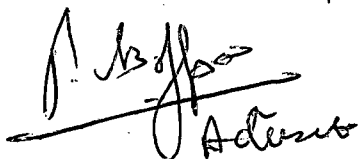
ह0/-

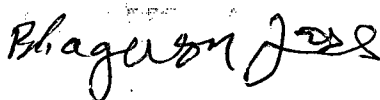
दिनांक 26.3.88

भगवानदास कालमैन
टि० नं० 872
लोको रनिंग शाख
लखनऊ

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सत्य प्रतिलिपि


Bhagwan Das


Bhagwan Das

26/8/88

A26

ब अदालत श्रीमान

वादी अपीलान्त

प्रतिवादी रेंस्पान्डेंट

In the Hon'ble Central Administrative Tribunal
Addl-Bench Allahabad

महोदय

वकालतनामा

Bhagwan Das



(अपीलान्त)

Union of India & others
बनाम

प्रतिवादी (रेंस्पान्डेंट)

नं० मुकद्दमा

सन

पेशी की ता०

१९ ८०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रयाग नारायण बाजपेयी
एडवोकेट एवं श्री कार्तिकेय बाजपेयी एडवोकेट भैरौ जी रोड,
लखनऊ महोदय

नाम अदालत
मुकद्दमा नं०
नाम फरीकान

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 पंरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल
करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल
करें या मुलहनामा व इकबाल दावा 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 (फरीकसानो) का
दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती)
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 पंरवी में एक तरफा मेरे खिलाफ फैसला हो
जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह
वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Bhagwan Das

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन १९ ८८ ई०

In the Central Administrative Tribunal

Additional Bench - Allahabad
Circuit Bench . Lucknow.

O.A. No. 154 - of 1988(L)



Bhagwan Dass

...

Applicant

Vs.

The Union of India & Others...

Respondents

Supplementary Affidavit.

I, Bhagwan Dass, aged about 49 years
S/O Late Ramanand, R/O Suleman pur P.O.
Mukallipur Distt. Azamgarh, do hereby solemnly
affirm as under:-

1. That the above noted application has been moved for getting the promotion on the post of Class 3rd cadre. The applicant was required to produce the appointment order and the proof of working in the Railway Administration at present.
2. That the deponent is filing herewith the copy of the appointment order as Annexure No. 'A' to this Affidavit.
3. That the deponent is filing herewith a notice issued on 21.9.87 in which he has been given the post of Call Man for performing the light duties as suggested by the Medical Officer. The copy of the notice is filed herewith as Annexure 'B' to this Affidavit.

Dated: 28.11.88



20/11/88

2,

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4. That the deponent has already filed another Supplementary Affidavit in which the names of the juniors who were promoted in the class 3rd cadre have been given.

4.5 That the promotion of Juniors amounts to discrimination with the Petitioner, and the provisions of articles 14 & 16 of the Constitution of India have been violated.

4.6. That the Application is now liable to be admitted.

Deponent.

Dated 8.11.89

मिशन टिए

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 4 of this Affidavit are true to my knowledge and the contents of paras 5 & 6 are true to my belief. Nothing material has been concealed and no part of it is false so help me God.

Signed and verified today this the 8th day of November, 1989, in the High Court Compound at Lucknow.

Dt. 8.11.89

Deponent.

मिशन टिए

I identify the deponent who has signed before me. Personally known to me.

Advocate.

Solemnly affirmed before me on 8.11.89 at 10-5 A.M. / P.M. By Sri Bhagwan Dass, the above named deponent who is identified by Sri P.N. Bajpai, Advocate, High Court of Judicature at Allahabad (Lucknow Bench) Lucknow.

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



Ran-MS
CO-4 MISCELLANEOUS
Allahabad
8-11-89

68117-8
8-11-89

In the Central Admn. Tribunal Addl. Bench,
Allahabad, Circuit Bench, Lucknow.
Bhagwan Dass Versus Union of India & others
Applicant. Opp. Parties.
Annexure No. 'A' 'B'

KR-1724/17-Avg. 72-230022 P.

जी० एच० 19-ए/GE 19-A

जनरल 99 दाटा/Genl. 99-Small

उत्तर रेलवे

NORTHERN RAILWAY

नम्बर/No. E/I-1 दिनांक/Dated 28-2-75 97.

प्रेषक/From:

सेवा से/To:

51 (N)
N.Ry-BSS

51-(E)
N.Ry-BSS

विषय/Subject:

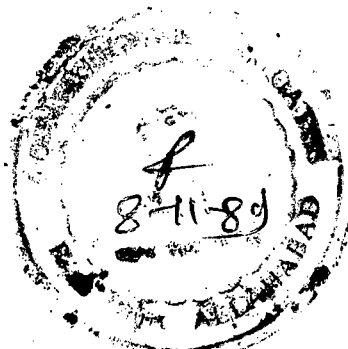
संदर्भ/Reference: Re. Engagement as Subk.

As per APO-Lko letter
No 220 E/II-9 of 25-2-75
Sh. Bhagwan Dass S/o Ram Narain
is engaged as Sub-khatari in
grade 196-232(Rs).

Please spare Sh. Samratul
and post him vice him.
He has passed medical
Examination in class B-1.

28/2
SIGNAL INSPECTOR (WEST)

नमो बा० १२४ & Mr. VALENTIN



In the Central Admn. Tribunal, All India Bench,
Allahabad, Circuit Bench, Lucknow.
Bhagwan Dass
Union of India & others
Versus
Applicant.
Opp. Part
Annexure No. 'A' & 'B'

उत्तर रेलवे
NORTHERN RAILWAY

जनरल 99/बडी
०२१.०९/८

No-561E/1-5/Cleaner (Reconstructing) Divl Office
Lucknow

NOTICE

Date 21.9.87

Shri Bhagwan Dass s/o Shri Rama Narain
Khallasi Helper in Scale Rs 210-290 (RS) under 59/BSB
on being Medically de categorised has been
found suitable for the post of Cleaner
Scale Rs 750-940 (RPS) vide notice No

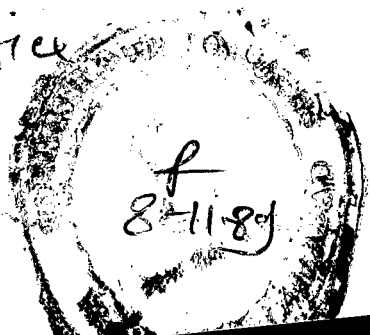
EII E/6-2/MU/CI-IV/11-1 dt. 26.8.87. He has been
declared fit vide fit Memo No 516940 dt. 6.2.87
25.3.87

Shri Bhagwan Dass is posted under Loco
Foreman Lucknow in Scale Rs 750-940
Rs 894/- + R 11/- PP.

Assistant Personnel Officer
Lucknow

Copy to:-

- 1/ Locomotive man Lucknow
- 2/ Dealer EII E/6-2/MU/CI-IV/11-1
- 3/ SD - BSB
- 4/ Sr DAO/HKO
- 5/ Sh Bhagwan Dass in office



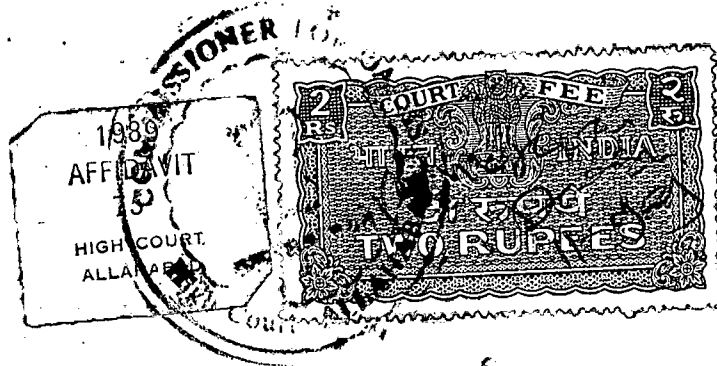
A31

In the Central Administrative Tribunal

Additional Bench Allahabad

Circuit Bench - Lucknow.

O.A. No. 154 - of 1988 (L)



Bhagwan Dass

Applicant
~~Respondents~~

Vs.

The Union of India & Others ... Respondents.

SUPPLEMENTARY AFFIDAVIT.

I, Bhagwan Dass, aged about 49 years S/O Late Ramanand, R/O Village, Sulamanpur, P.O. Mutkallipur, Distt. Azamgarh do hereby solemnly affirm as under.

1. That the above noted application has been moved for getting the promotion on the post of class III cadre.
2. That the applicant could not mention the names of the persons who are junior to him and have been promoted in the class 3rd cadre.
3. That the Senior Divisional personnel Officer, Northern Railway Lucknow had issued an approved list on 19.10.88, in which the names of the juniors are given. Sri Maqsoodan Gupta, Ram Milan Yadava, Rsm Baran & Sri D.N. Pandey. In fact, all the persons mentioned in the list except the persons mentioned at Sl.1

P.T.
11/5/89



11/5/89

are junior to the Deponent. The copy of the list is filed herewith as Annexure-6 to this Supplementary Affidavit.

4. That as already mentioned in the original application the discrimination has been done with the deponent and the provisions of Art. 14 & 16 of the constitution of India have been violated.

5. That the original application was filed on 5.10.88, hence it is within the limitation.

Dated: 8.9.89

महाश्वरूप

Deponent.

Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 4 of this Supplementary Affidavit is true to my knowledge and the contents of para para is true to my belief. Nothing material has been concealed and no part of it is false, so help me God.

Signed and verified today this the 8th day of Sept. 1989, in the Compound of the Hon'ble High Court at, Lucknow.

महाश्वरूप
Deponent.

I identify the deponent who has signed before me. *Personally known* (P.N. Bajpai)
to me. Advocate.

Solemnly affirmed before me on 8.9.89 at 9³⁰ A.M./P.M. by Sri Bhagwan Dass the



A33

3.

above named deponent who is identified by
Sri P.N. Bajpai, Advocate, High Court of
Judicature, at Allahabad (Lucknow Bench)
Lucknow.

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

मिना ५१५



Raj Kumar Mishra
Raj Kumar Mishra
JATH CO-MISSIONER
High Court, Allah. Bad
Lucknow Bench
No. 757173
Date 11-9-83

In the Central Administrative Tribunal

Addl. Bench Alid.

Circuit Bench Lucknow

Bhagwan Das

Applicant

The Union of India & others — Respondents

Annexure No. 5

NORTHERN RAILWAY

No. 2202/11/1/Telented Quota.

Divisional Office,
Lucknow, Dt. 19.10.80.

NOTICE

As a result of selection for the post of ESM/Gr. III in scale Rs. 950-1500 (RPS) against 25% telented quota, the following candidates are placed on the provisional panel of ESM Gr. III in scale Rs. 950-1500 (RPS), on being found suitable in the selection held on 15.5.87, 14.5.87 and 31.8.88, their names are given in accordance of seniority.

1. Shri Chandraika	S/O Shri Doo Narain
2. Shri Shankar Lal (SC)	S/O Shri Manabir Pd.
3. Shri Hari Singh (SC)	S/O Shri Khem Chand
4. Shri Chandramani Singh	S/O Shri Bhuleshar Singh
5. Shri Lanta Prasad	S/O Shri Devi Dayal
6. Shri Ram Prasad Singh	S/O Shri Shoo Joro
7. Shri Sava Ram	S/O Shri Jaganath
8. Shri Raja Ram	S/O Shri Dukhi Ram
9. Shri Mohd. Halim	S/O Shri Mohd. Habib
10. Shri Mahan Jot Singh	S/O Shri Trilek Singh
11. Shri Shiv Narain	S/O Shri Moti Lal
12. Shri Surash Chandr Tewari	S/O Shri Mathura Prasad
13. Shri Ram Haran (SC)	S/O Shri Subal Ram
14. Shri Ram Bilan	S/O Shri Puddi
15. Shri Chhannu Ram (SC)	S/O Shri Kuber Ram
16. Shri Pannu Guman Pd.	S/O Shri Prig monen Pd.
17. Shri Shiv Dayal	S/O Shri Bhatton
18. Shri Gaya Lal Pal	S/O Shri Bhatu Prasad
19. Shri Sat Krishna Rai	S/O Shri Dalal Kai
20. Shri Jindlin	S/O Shri Fakir
21. Shri Sankar Das	S/O Shri Kuber Pandey
22. Shri Prashu Nath Singh	S/O Shri R.K. Singh
23. Shri Balram Yadav	S/O Shri R.A. Yadav
24. Shri Waqar Ahmad	S/O Shri S.M. Hussain

for Sr. Divl. Personnel Officer,
N.Rly., Lucknow.

- Copy to:—
1. S.E. OSTF/LKO,
 2. S.E. I/STI/LKO, CSI/PBH,
 3. S.E. I/STI/LKO, S.E. EXM/FO,
 4. S.I./RRL, CSI/C/LKO,
 5. S.E. C/STP/LKO,
 6. S.E. S. Secy. URMU/URMU/LKO.

22/10/80 20180

11-980

4/25

In The Central Adm.

व अदालत श्री मान ..Circuit Bench

वादी मुद्दाई

प्रतिवादी मुद्दालय का वकालतनामा

वादी मुद्दाई

Bhagwan Das बनाम U.O. D. Lathas प्रतिवादी मुद्दालय

(O.A) नं० मुकदमा 145 सन 1984 (पेशी की तारीख 13 - 3 - 1990) ई०
उपर लिखे मुकदमा में अपनी ओर से श्री

ANIL SRIVASTAVA, ADVOCATE सडवेकेट महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं। लिखें देता मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी डिक्ली जारी करावें और स्पया वसूल करेगा सुलहनामा इकबाल दावा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष फरीकस्तानी का दाखिल किया स्पया अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं। कि मैं हर पेशी स्वयं या किसी अपने खैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी गवाह हस्ताक्षर कामिक जजिया

दिनांक महीना

साक्षी गवाह कामिक जजिया

नाम अदालत कामिक जजिया

नं० मुकदमा कामिक जजिया

नाम फरीकन कामिक जजिया

Accepted
Anil Srivastava
Adv.
13/3/90

(For O.A No 142)