

(Ab)

Hon' Mr. D.S. Mishra, A.M.

Hon' Mr. D.K. Aggarwal, J.M.

(11)

30/3/89

None is present for the applicant.

No rejoinder has been filed by him, in spite of lapse of more than 2 months time given to him. List the case for final

order on ~~2-5-89~~ 31-3-89

J

J.M.

KL

A.M.

(sns)

(12)

31/3/89

Hon' Mr. D.S. Misra, A.M.

Hon' Mr. D.K. Aggarwal, J.M.

None is present for the applicant.

None was ^{present} even on the last date ~~present~~.

The applicant has not also cared to file rejoinder in spite of lapse of more than 2 months. It appears the applicant is not interested in prosecuting the case.

The case is dismissed on the part of applicant's default.

De

J.M.

✓

A.M.

(sns)

3/4/89

O/R.

Copy issued to the learned counsel for the applicant.

2/4/89

OR

This case was dismissed for default of the applicant on 31-3-89 by the Bench consisting of Hon. D.S. Misra, A.M. and Hon. D.K. Aggarwal, J.M.

In E.P. Sanyal, Advocate files an application for restoration of the case today. Restoration application is submitted for order.

3/4

2/4

CAT

INDEX SHEET

CAUSE TITLE 102 of 19 0000

NAME OF THE PARTIES W. E. RUSSELL

Applicant

Versus

8 Respondent

Part A, B & C

Sl.No.	Description of documents	PAGE
		A1 to A2
		A3 to A7-
		A8 to A14
		A15 to A20
		A21 to A37
		A38
		A39 - A55
		A56 - A89
		B1 - B70
		C1 - C14

Central Library

DB. Registration of Service
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 04 105 of 198 B.L.

APPLICANT (s) R.L. Tewari, Son

RESPONDENT(s) U.O. Secy, Govt

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	2 Sets filed
3. (a) Is the appeal in time ?	Yes
(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 ?	Yes
5. Is the application accompanied by B. D /Postal-Order for Rs. 50/-	Yes APC. DD 057913 @ 28.8.08 for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes (By Advoct)

John A. John SM
 John F. S. Thomas SM (H3)

① 3/4/18

On the request of
 Council for application
 of the [unclear] to
 [unclear] for [unclear]

2
 [unclear] [unclear] [unclear]

2. 59.00 Hon. Chas. B. C. Mather, V.C.

L. C. of [unclear] is present for
 application.

The [unclear] is put up before
 Council on 13.1.18 on 19.5.00

12.00
 5.00

[unclear]
 [unclear]

29.00 Fund for [unclear]

③ 19.1.18

[unclear] 61.00

Order sheet.

OA No. 105/88 (L)

6-10-88

Hon. K. S. Puttaswamy, v.c.
Hon. A. Johri, A.M.

(A)

Case called on two occasions.

On every occasion the applicant and his
learned counsel are absent.

Call this case on 7.10.88.

✓

A.M.

✓
v.c.

m.

For Call
22/4/90

C.A. 105 of 2000 (C)

ORDER

7.12.00

Hon. K. S. Pattapawamy, V.C.
Hon. A. Debn. J.M.

Applicant by Sri S.P. Inuvastara
Admit.

Issue Emergent Notice on the main &
interim prayers. to file their reply.

Call on. 25.10.00 to consider the
interim prayers.

Sd/-

A.M.

Sd/-

V.C.

Just

12.10.00

OR

Notices issued to respondents Nos 1 to 3
through Regd. Post. Fixing 25.10.00 to consider
the interim prayer

Just
12/10/00

(6) 25/10/00.

Hon. S. S. Mura, J.M.

Sri S.P. Inuvastara for applicant.
Sri Arjun Bhargava for respondents.

On the request of the parties
the case is adjourned to 26.10.00.

(7) 26/10/00.

Hon. S. S. Mura, J.M.

Sri S.P. Inuvastara for applicant
Sri Arjun Bhargava for respondents.

On the request of the learned
counsel for the respondents he is
allowed time to file reply to the
show cause notice today with a
copy to the learned counsel for
the applicant. List this case for
hearing on interim matters on
27-10-00.

bc

Just

Am.

5-12-19

Hon Justice K. Nair, VC
Hon. Mr K S Ramani, AM

(On the request of both the parties,
the case is adjourned to 23.2.90


A.M.


V.C.

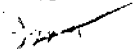
(12)

23.2.90

Hon Justice K. Nair, VC
Hon. Mr K. Obayya, AM

On the request of Mr. O.P. Srinivasulu Reddy,
Counsel for the applicant, the case is adjourned
to 17.4.90 for final hearing of the application
to CP No 105/00 L

h.





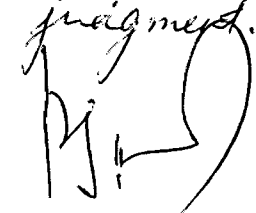
M
S.F.M

17-4-90

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. P.S. Habibullah, A.M.

h
146

NO one appears for the applicant
heard by Mr Arjun Bhargava. Reserved for
judgment.


A.M.

Dec
J.M.

23/4/90

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. Obayya, A.M.

Misc Appl. 265/90(1) was
filed by the counsel for the applicant.
However, judgement has already been
~~made~~^{signed} by Hon. Administrative Member.
Therefore, the same has been delivered
on merits.

The application is ~~being~~ dismissed.

Sd


A.M.


J.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

A L L A H A B A D

CIRCUIT BENCH LUCKNOW

GA. NO. 105 1988 (L).

DATE OF DECISION 19 APRIL 1990.

RAM LAKHAN TEWARI & OTHERS PETITIONER

Shri. C.P. SRIVASTAV. Advocate for the
Petitioner (s)

VERSUS

UNION OF INDIA & OTHERS. RESPONDENT

Shri. ARJUN BHARGAV. Advocate for the
Respondent (s)

CORAM :

The Hon'ble Mr. D.K. AGRAWAL, Judge Member.

The Hon'ble Mr. P.S. HABIBU MACHAMMAD, ADDL. MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement ? ☒
2. To be referred to the Reporter or not ? ☒
3. Whether their Lordships wish to see the fair copy of the Judgement ? ☒
4. Whether to be circulated to other Benches ? ☒

CENTRAL ADMINISTRATIVE TRIBUNAL, DELHI

CIRCUIT BENCH, LUCKNOW

79

Original Application 105/88(L)

Ram Lakhan Tewari & Others

...Applicants

versus

Union of India & Others

...Respondents

Hon. Mr. S.K. Agrawal, Judl. Member.

Hon. Mr. P.S. Habib Mohammad, Adm. Member.

(Hon. P.S. Habib Mohammad, Adm. Member.)

Ram Lakhan Tewari and 5 others, who were working as Substitute Porters under the control of Station Superintendent, Northern Railway, Lucknow, ^{have} filed this application under section 19 of the Administration of Tribunals Act, 1985 with the prayer that the Tribunal may issue directions to the respondents to allow them to continue to work as Substitute Porters and restrain the respondents from giving effect to the orders given by the Station Superintendent, Lucknow from 25.7.88 by which they were not allowed to continue to work as Substitute Porters. There is also a prayer for a grant of recognition of their services and to treat them as regular employees in continuous service without any break and to allow the consequential benefits of this post.

2. Their case is that they were initially appointed from various periods as Substitute Porters; first applicant from 23.12.77, second applicant from 14.1.78, fourth applicant from 20.4.75, fifth applicant from 21.9.77 and sixth from 14.4.1977, and all are being treated

2/10

given by the applicants in respect of applicant No. 3. They are continuously working from the years 1983-84 and had completed more than one year of continuous service within the meaning of section 25-B of the Industrial Disputes Act and their work has been found satisfactory, therefore, the restraining order by the respondent No. 3 under which they were not allowed to work, is against law. They also appeared for the screening test for regularisation of their services in May 1987. The respondents have resorted to pick and choose policy while allowing ^{persons engaged later} ~~letters~~ to continue to work as Substitute Porters. ~~Since~~ They have completed 120 days continuous work as per the provisions of Rule 12 of Establishment Manual; Industrial Disputes Act is also applicable to them in that they have completed more than one year of continuous service; the applicants have prayed for the relief ^{fs} in the application indicated earlier.

3. Reply on behalf of respondent is that their services could not be utilised because no casual vacancies were occurring and whenever such casual vacancies were occurring, they were not vigilant enough to offer themselves for duty. It is stated that the applicants are not Substitute Porters, but casual labourers under the control of Station Superintendent, Northern Railway, Lucknow. According to the reply, it is incorrect to say that they were restrained from doing work by the Station Superintendent from 25.7.83. There was nothing to show that they were initially appointed as Substitute Porters. It is true that they worked in casual vacancies ^{but} ~~and~~ their have been no artificial breaks created by the administration. The details of the working of the applicants have been given by the respondent as Annexures to the reply. None of the applicants had completed 120 days of continuous service.

(211)

The details are that in case of the first applicant he had worked for 47 days in the year 1984, 177 days in 1985, 42 days in 1986, 126 days in 1987 and 43 days in 1988. In case of applicant No. 2, he had worked for 100 days in 1985 and for 63 days in the year 1987. In case of applicant No. 3 he had worked for 55 days in the year 1984, for 163 days in 1985, 134 days in 1986, 101 days in 1987 and 47 days in 1988. Applicant No. 4 had worked for 163 days in the year 1986, 180 days in 1987 and 127 days in 1988. Applicant No. 5 had worked for 18 days in 1984, 61 days in 1985, 37 days in 1986, 133 days in 1987 and 34 days in the year 1988. In case of applicant No. 6 he had worked for 140 days in the year 1986, for 98 days in 1987 and for 55 days in 1988. Since they had not completed 120 days of ^{continuous} working, they will not be entitled to any temporary status or other regularisation.

4. In the absence of learned counsel for the applicant we had to peruse the records and go by the merits of the case. We heard the learned counsel for the respondents. He argued his case on the lines indicated in the reply.

5. After hearing the applicants and perusing the records, we find that applicants were casual labourers and service conditions of casual labour are explained in Chapter XXV of the Railway Establishment Manual. There is nothing to indicate that any of the applicants had worked continuously for 120 days and this is the requirement for regularisation ~~for considering regularisation~~. The rules make it clear that casual labour should not be deliberately discharged with a view to causing artificial break in their service and preventing them from attaining temporary status. Rule 2504 makes it clear what constitutes

✓

712

2/
the break in service and Rule 2504 in Chapter XXV states as follows: (Railway Establishment Manual (Second Edition) 1968)

"Breaks in Service: The following cases of absence will not be considered as breaks in service for the purpose of determining six months' continuous employment referred to in para 2501 viz:

(a) The periods of absence of a Workman who is under medical treatment in connection with injuries sustained on duty covered by provisions under the Workmen's Compensation Act.

(b) Authorised absence not exceeding 15 days during the preceding six months.

Note: Unauthorized absence or stoppage of work or the intervening period when the workman on his own changes from one work to another will be treated as a break in continuity of employment.

(c) Non-performance of work on days of rest given under the Hours of Employment Regulations or under the Minimum Wages (Central) Rules, 1950 and on days on which the establishment employing the labour remains closed does not constitute a break nor will it be counted against the limit of fifteen days referred to in (b) above. The term "authorised absence" for this purpose covers permission granted by the supervisory official in charge to be away from work for the period specified."

Railway Establishment Manual (By M.L. Jand) a Bahri Brothers publication, second Edition 1986) has also a chapter on casual labour at page 764 to 775. This also makes it clear that temporary status will be given to casual labour on 120 days of continuous working:

(a)
"Temporary status. Casual labour who have worked for a continuous period of 120 days will be granted temporary status. Such status will also be granted to the C.L. working on Projects on completion of 180 days of continuous service. The service may be either in the same work or the same type of work. In no case they should be discharged deliberately to cause an artificial break in their service. They shall also be entitled to 20 days authorised break which will not be counted while determining continuous service."

2/

(AB)

(b) The following will not be considered as break in their service:

(i) Absence due to medical treatment for injuries sustained on duty.

(ii) Authorised absence with the permission of the supervisor, upto 20 days;

(iii) Non performance of work in days of rest;

(iv) Nonperformance of work when the establishment remains closed (2504 (EM)

(v) 3 days unauthorised absence on personal reasons of the worker may not be computed in 20 days authorised absence and to constitute a break (2504 EM) (E(NG) ii/79/CL/26 dt. 26.7.79

(vi) When sent for medical examination, the absence may be reckoned towards 20 days authorised absence. If the worker has attained temporary status, this period may also be adjusted against his leave due. (E(NG) ii-79/CL/43 dt. 8.11.79 & 24.11.79)

(vii) Absence upto 4 weeks (in addition to 20 days) may be permitted to female employees for maternity purposes (E(NG) ii-77/CL dt. 30.4.77, No 6770)

(viii) If the sanction of work which typically expires on 31st March and the work is not done later on, it will not cause a break in service, if the work is given to the same casual labour.

(20-72/CL/69/3(i) dt. 2.7.73)

(ix) On completion of work or for non availability of further Productive work when C.A. on daily wages or in regular scale of Pay of 1/30 of the minimum scale plus D.A. is discontinued and employed later when work is available, such gaps in the service will not count as breaks for the purpose of continuous service of 120/180 days. This is applicable w.e.f. 21.10.80.

(E(NG) ii/80/CL/25 dt. 21.10.80/NA 7677, LA 169(80)

In case of Substitutes the gaps that occur between 2 engagements should be ignored for the purpose of grant of temporary status.

(E(NG) ii-82/53/8 dt. 6.1.83)

It is clear that though the applicants have been engaged in casual vacancies, they cannot be considered substitute which has special meaning in terms of Railway rules. As per their definition, substitutes are persons engaged in regular scales of pay and such persons are not considered

the railway servants being on leave or due to non-availability of the permanent railway servants.

6. While, therefore, it is not possible for us to come to the conclusion that any of the Applicants has worked for 120 days continuously to enable them to be considered for the conformant of temporary status or other benefits, we are clear in our mind that the Applicants had worked for long periods. Whether the breaks as indicated in Annexures to the reply are authorised breaks or not authorised breaks in terms of railway rules, will be a matter for the Respondents to consider. In the circumstances, while we are unable to give the reliefs prayed for to the Applicants, we would direct the Respondents to sympathetically consider the cases of the Applicants, the periods for which they have worked, vide details as disclosed in the Annexures to the reply by the Respondents and arrive at a conclusion as to what benefits can be given to the Applicants. This should be done within a period of two months from the date of receipt of a copy of this order.

7. The Original Application is disposed of accordingly. There will be no order as to costs.

MEMBER (A)

Dated: 23rd April 1990

MEMBER (J)

A39

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

5

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

NOTE: It is noted that the above information is not available in the files of the FBI, and that the information is not available in the files of the FBI, and that the information is not available in the files of the FBI.

[illegible][illegible]

Q

10 - 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846,

a vision of China is to be filled with
 sent violence and all the political and
 caused by the Chinese. The Chinese
 are allowed to work against the people of
 and the other is to be a day, the Chinese
 of equal labor to work and to be the

2.5 Co-Applicant Requested that the name of the applicant be removed from the application.

... B.B.: In a ...
...
...
...
...
...
...
...
... times

Times

442

[illegible]

1. S.S. 100 is not a valid title. This is a
document within the National Archives and
Records Administration. It is a document
dated 1947. However, the title, "S.S. 100",
is a very poor title. It is a very poor

[illegible]

G

[illegible]

G

[illegible][illegible]

(445)

Para 3.15: This statement in reply to the question of 3.15, it is submitted that the situation occurs in the category of non-physical and non-physical room barriers, there are not of the same kind as the one not willing to work. The only person willing to take up the work is not willing to take on casualties ignoring the situation. The situation is not arbitrary, valid or not.

Para 3.16: The allegations of last at 3.16 being scandalous are vehemently denied. It is not wrong to treat the applicants as a group. It is possible to treat them as a group of applicants or a group of applicants, but it is due to non-availability of a suitable and whatever conditions are existing, but it is in the category of non-physical and non-physical barriers where the applicants are not interested to work.

Para 3.17: This is reply to the question of 3.17 of the applicant. It is noted that for appointment of a person to a project no project no project is not a project, but it is a point of view which is not a project and it is not a project. It is noted that the applicant's name is not a project and it is not a project. They have not yet been appointed, hence the question of their appointment is not a project and it is not a project. The applicant has no lien on any post, which is a liability of the government, hence the liability is not a project and it is not a project.

E

1146

- 3 -

Para 3.13 : Reply to the preliminary of answers can be given only after the same has been processed. In fact the process is in fact a process to be considered on the completion of the work of the Commission in the field of the same.

Para 3.14 : The Commission is in fact a process to be considered on the completion of the work of the Commission in the field of the same. The Commission is in fact a process to be considered on the completion of the work of the Commission in the field of the same.

Para 3.15 : The Commission is in fact a process to be considered on the completion of the work of the Commission in the field of the same. The Commission is in fact a process to be considered on the completion of the work of the Commission in the field of the same.

Para 3.16 : The Commission is in fact a process to be considered on the completion of the work of the Commission in the field of the same. The Commission is in fact a process to be considered on the completion of the work of the Commission in the field of the same.



(H47)

- 2 -

1. 1. 1. The first part of the report is devoted to a general description of the work done during the year.
2. 2. 1. The second part of the report is devoted to a detailed description of the work done during the year.
3. 3. 1. The third part of the report is devoted to a detailed description of the work done during the year.
4. 4. 1. The fourth part of the report is devoted to a detailed description of the work done during the year.
5. 5. 1. The fifth part of the report is devoted to a detailed description of the work done during the year.
6. 6. 1. The sixth part of the report is devoted to a detailed description of the work done during the year.
7. 7. 1. The seventh part of the report is devoted to a detailed description of the work done during the year.
8. 8. 1. The eighth part of the report is devoted to a detailed description of the work done during the year.
9. 9. 1. The ninth part of the report is devoted to a detailed description of the work done during the year.
10. 10. 1. The tenth part of the report is devoted to a detailed description of the work done during the year.
11. 11. 1. The eleventh part of the report is devoted to a detailed description of the work done during the year.

G

.....

44-2

- 10 -

12. The Director of the Bureau of Prisons, Department of Justice, is directed to prepare and submit to the Commission a report on the progress of the work of the Bureau in the field of the study of the individual in the group.

13. The Commission is directed to prepare and submit to the Bureau of Prisons, Department of Justice, a report on the progress of the work of the Commission in the field of the study of the individual in the group. This report shall be submitted to the Bureau of Prisons, Department of Justice, by the Commission on or before the 1st day of January, 1934. The Commission is directed to prepare and submit to the Bureau of Prisons, Department of Justice, a report on the progress of the work of the Commission in the field of the study of the individual in the group. This report shall be submitted to the Bureau of Prisons, Department of Justice, by the Commission on or before the 1st day of January, 1934.

14. The Commission is directed to prepare and submit to the Bureau of Prisons, Department of Justice, a report on the progress of the work of the Commission in the field of the study of the individual in the group. This report shall be submitted to the Bureau of Prisons, Department of Justice, by the Commission on or before the 1st day of January, 1934.

15. The Commission is directed to prepare and submit to the Bureau of Prisons, Department of Justice, a report on the progress of the work of the Commission in the field of the study of the individual in the group. This report shall be submitted to the Bureau of Prisons, Department of Justice, by the Commission on or before the 1st day of January, 1934.

16. The Commission is directed to prepare and submit to the Bureau of Prisons, Department of Justice, a report on the progress of the work of the Commission in the field of the study of the individual in the group. This report shall be submitted to the Bureau of Prisons, Department of Justice, by the Commission on or before the 1st day of January, 1934.

17. The Commission is directed to prepare and submit to the Bureau of Prisons, Department of Justice, a report on the progress of the work of the Commission in the field of the study of the individual in the group. This report shall be submitted to the Bureau of Prisons, Department of Justice, by the Commission on or before the 1st day of January, 1934.

18. The Commission is directed to prepare and submit to the Bureau of Prisons, Department of Justice, a report on the progress of the work of the Commission in the field of the study of the individual in the group. This report shall be submitted to the Bureau of Prisons, Department of Justice, by the Commission on or before the 1st day of January, 1934.

Aug

- 1 -

Radio Log

2, C. S. Pandey Station Superintendent

... ..
of
... ..
... ..

... ..

Station Superintendent
N. R.

AST

1984-1985

1985	01/3/85	to	15/3/85	=	08	Days
	17/3/85	to	15/3/85	=	02	
	20/3/85	to	01/4/85	=	10	
	01/4/85	to	15/4/85	=	06	
	15/4/85	to	25/4/85	=	08	
	07/5/85	to	17/5/85	=	07	
	15/5/85	to	-	=	01	
	17/5/85	to	19/5/85	=	03	
	21/5/85	&	26/5/85	=	02	
	28/5/85	to	31/5/85	=	04	
	03/6/85	to	07/6/85	=	05	
	27/6/85	to	-	=	01	
	30/6/85	to	07/7/85	=	08	
	10/7/85	to	12/7/85	=	03	
	14/7/85	to	-	=	01	
	25/7/85	to	05/8/85	=	10	
	21/8/85	to	-	=	01	
	11/9/85	to	17/9/85	=	07	
	20/9/85	to	30/9/85	=	10	

100 Days

1986-1987

1987	01/5/87	to	04/6/87	=	04	Days
	09/6/87	to	10/6/87	=	02	Days
	22/6/87	&	07/7/87	=	02	
	21/7/87	to	22/7/87	=	02	
	24/7/87	to	29/7/87	=	06	
	31/7/87	to	04/8/87	=	03	
	07/8/87	to	08/8/87	=	02	
	30/7/87	to	-	=	01	
	05/8/87	to	06/8/87	=	01	
	09/8/87	to	15/8/87	=	07	
	19/8/87	to	-	=	01	
	21/8/87	to	22/8/87	=	02	
	29/8/87	to	-	=	01	
	08/9/87	to	11/9/87	=	04	
	15/9/87	to	17/9/87	=	02	
	08/10/87	to	15/10/87	=	06	
	17/10/87	to	-	=	01	
	25/10/87	to	04/11/87	=	41	Days
	05/11/87	to	-	=	01	

65 Days.

No working after 05/11/87

1988-1989

...

1984 5/3/84 to 11/3/84 = 6 days
 6/10/84 to 10/10/84 = 10 "
 11/10/84 to 12/10/84 = 1 "
 12/10/84 to 12/11/84 = 14 "
 12/10/84 to 12/10/84 = 4 "
 12/11/84 to 12/11/84 = 4 "
 12/11/84 to 12/11/84 = 2 "
 01/12/84 to 6/12/84 = 6 "
 14/12/84 to 20/12/84 = 7 "

1987 09/1/87 to 13/1/87 = 11 Days
 13/1/87 to 13/1/87 = 01 "
 29/1/87 to 03/2/87 = 06 "
 09/2/87 to 11/2/87 = 03 "
 12/2/87 to 17/2/87 = 05 "
 20/2/87 to 26/2/87 = 06 "
 12/3/87 to 03/3/87 = 04 "
 12/3/87 to 14/3/87 = 02 "
 18/3/87 to 20/3/87 = 11 "
 18/4/87 to 26/4/87 = 07 "
 24/4/87 to 27/4/87 = 04 "
 06/5/87 to 2/6/87 = 03 "
 06/5/87 to 9/7/87 = 02 "
 13/7/87 to 5/1/87 = 31 "
 11/1/87 to 2/2/87 = 02 "
 26/2/87 to 2/3/87 = 04 "
 22/3/87 to 0/4/87 = 06 "
 12/4/87 to 2/9/87 = 13 "
 2/10/87 to 04/10/87 = 3 "
 08/10/87 to 23/10/87 = 6 "
 26/10/87 to 04/1/87 = 12 "
 09/11/87 to 15/1/87 = 13 "
 11/12/87 to 12/2/87 = 32 "
 19/12/87 to 24/2/87 = 01 "
 21/12/87 to 24/2/87 = 02 "
 26/12/87 to 30/2/87 = 05 "

1985 01/1/85 to 05/1/85 = 35 days
 03/1/85 to 20/1/85 = 12 "
 24/1/85 to 27/1/85 = 4 "
 29/1/85 to 04/2/85 = 7 "
 14/2/85 to 25/2/85 = 12 "
 09/3/85 to 21/3/85 = 13 "
 24/3/85 to 06/5/85 = 44 "
 22/5/85 to 29/5/85 = 08 "
 07/6/85 to 12/6/85 = 06 "
 16/6/85 to 27/6/85 = 12 "
 01/7/85 to 06/7/85 = 06 "
 01/8/85 to 15/8/85 = 06 "
 16/8/85 to 16/8/85 = 01 "
 29/8/85 to 31/8/85 = 03 "
 06/9/85 to 09/9/85 = 04 "
 11/9/85 to 13/9/85 = 03 "
 16/9/85 to 18/9/85 = 03 "
 19/9/85 to 20/9/85 = 02 "
 30/9/85 to 30/9/85 = 01 "
 07/10/85 to 07/10/85 = 01 "
 11/10/85 to 14/10/85 = 04 "
 25/10/85 to 30/10/85 = 06 "

1988 01/1/88 to 01/1/88 = 01 Days
 25/2/88 to 01/3/88 = 06 "
 04/3/88 to 04/3/88 = 01 "
 07/3/88 to 08/3/88 = 02 "
 12/3/88 to 14/3/88 = 03 "
 16/3/88 to 25/3/88 = 10 "
 29/3/88 to 30/3/88 = 02 "
 02/4/88 to 02/4/88 = 01 "
 04/4/88 to 04/4/88 = 01 "
 07/4/88 to 08/4/88 = 02 "
 12/4/88 to 20/4/88 = 08 "
 26/4/88 to 26/4/88 = 0 "
 16/5/88 to 16/5/88 = 0 "
 20/5/88 to 05/6/88 = 0 "
 18/6/88 to 19/6/88 = 2 "
 30/6/88 to 30/6/88 = 1 "
 02/7/88 to 02/7/88 = 01 "

1986 13/2/86 to 04/3/86 = 12 Days
 10/3/86 to 24/3/86 = 15 "
 09/4/86 to 11/4/86 = 03 "
 16/5/86 to 11/6/86 = 17 "
 26/6/86 to 01/7/86 = 13 "
 03/8/86 to 04/8/86 = 02 "
 06/8/86 to 06/8/86 = 03 "
 21/8/86 to 22/8/86 = 2 "
 02/9/86 to 06/9/86 = 02 "
 09/9/86 to 12/9/86 = 04 "
 24/9/86 to 01/10/86 = 08 "
 14/10/86 to 14/10/86 = 01 "
 21/10/86 to 29/10/86 = 09 "
 04/11/86 to 06/11/86 = 03 "
 09/11/86 to 17/11/86 = 09 "
 19/11/86 to 25/11/86 = 05 "
 27/11/86 to 28/11/86 = 02 "
 01/12/86 to 28/12/86 = 28 "

154 Days.

No working after 02/7/88.

Station Superintendent
 N. RYAN, JACKSON.

1984 06/9/84 to 12/9/84 = 05 Days
 08/10/84 to 11/12/84 = 04 " "
 05/12/84 to 12/12/84 = 06 " "
 15/12/84 to 21/12/84 = 05 " "

18 Days

1985 23/1/85 to 29/1/85 = 05 Days
 10/2/85 to 12/2/85 = 03 " "
 21/2/85 to 24/2/85 = 04 " "
 28/2/85 to - = 01 " "
 04/3/85 to 06/3/85 = 03 " "
 08/3/85 to - = 01 " "
 12/3/85 to 13/3/85 = 02 " "
 16/4/85 to 26/4/85 = 10 " "
 30/4/85 to 04/5/85 = 05 " "
 06/5/85 to 15/5/85 = 10 " "
 05/5/85 to 06/6/85 = 04 " "
 15/5/85 to 15/6/85 = 05 " "
 15/6/85 to 20/6/85 = 02 " "
 24/6/85 to - = 01 " "
 26/6/85 to 28/6/85 = 03 " "
 01/7/85 to 11/7/85 = 10 " "

61 Days

1986 16/11/86 to 15/12/86 = 30 Days
 30/12/86 to 31/12/86 = 02 " "

32 Days

1987 01/1/87 to 05/1/87 = 05 Days
 06/1/87 to 07/1/87 = 02 " "
 08/2/87 to 04/2/87 = 02 " "
 10/2/87 to 20/2/87 = 10 " "
 26/2/87 to 05/3/87 = 08 " "
 07/3/87, 10/3/87, 23/3/87 = 3 " "
 25/3/87 to 27/3/87 = 03 " "
 30/3/87 to 02/4/87 = 04 " "
 04/4/87 to 07/4/87 = 04 " "
 10/4/87 to - = 01 " "
 13/4/87 to 17/4/87 = 02 " "
 19/4/87 to 25/4/87 = 07 " "
 27/4/87 to - = 01 " "
 01/5/87 to 04/5/87 = 04 " "
 07/5/87 to 08/5/87 = 02 " "
 12/5/87 to 14/5/87 = 03 " "
 16/5/87 to 24/5/87 = 07 " "
 05/6/87 to 06/6/87 = 04 " "
 08/6/87 to 10/6/87 = 02 " "
 20/6/87 to 29/6/87 = 10 " "
 01/7/87 to 04/7/87 = 04 " "
 07/7/87 to - = 01 " "
 15/7/87 to 14/7/87 = 02 " "
 15/7/87 to 15/7/87 = 04 " "
 24/7/87 to 26/7/87 = 02 " "
 04/8/87 to 05/8/87 = 02 " "
 07/8/87 to 09/8/87 = 03 " "
 26/8/87 to 28/8/87 = 02 " "
 01/9/87 to 05/9/87 = 04 " "
 09/9/87 to 11/9/87 = 03 " "

15/9/87 to - = 01 Days.
 22/9/87 to 27/9/87 = 04 " "
 05/10/87 to - = 01 " "
 08/10/87 to 5/10/87 = 02 " "
 16/11/87 to 4/11/87 = 10 " "
 24/12/87 to 25/12/87 = 02 " "
 28/12/87 to - = 01 " "

153 Days

1988 06/1/88 to 08/1/88 = 03 Days
 10/1/88 to 15/1/88 = 03 " "
 28/1/88 to 29/1/88 = 02 " "
 27/3/88 to - = 01 " "
 16/3/88 to 17/3/88 = 02 " "
 25/3/88 to 25/3/88 = 01 " "
 18/4/88 to 25/4/88 = 06 " "
 15/4/88 to 27/4/88 = 05 " "
 05/5/88 to 10/5/88 = 02 " "
 24/5/88 to 25/5/88 = 02 " "
 31/5/88 to 01/6/88 = 02 " "
 15/6/88 to 16/6/88 = 04 " "
 06/7/88 to - = 01 " "

45 Days

No working after 08/7/8

Station Superintendent
 M. Riy., LUCKNOW.

ASS

1984-----1L

1983 04/4/85 to 04/5/85 = 02 Days 1986
 11/5/85 to 19/5/85 = 09 "
 26/5/85 to 15/7/85 = 51 "
 20/7/85 to 20/8/85 = 31 "
 16/9/85 to 25/9/85 = 10 "
 29/9/85 to 05/10/85 = 07 "
 24/10/85 - = 01 "
 27/10/85 to 01/11/85 = 06 "

140 Days

1985-----NIL

1987 05/6/87 to 6/6/87 = 02 Days
 09/6/87 to 11/6/87 = 03 "
 21/7/87 to 28/7/87 = 08 "
 01/8/87 to 05/8/87 = 05 "
 09/8/87 to 12/8/87 = 04 "
 17/8/87 to 18/8/87 = 02 "
 21/8/87 to 25/8/87 = 05 "
 25/8/87 to 27/8/87 = 03 "
 29/8/87 to 31/8/87 = 03 "
 02/9/87 - = 01 "
 05/9/87 to 08/9/87 = 04 "
 12/9/87 to 14/9/87 = 03 "
 16/9/87 - = 01 "
 20/9/87 to 24/9/87 = 05 "
 28/9/87 to 30/9/87 = 03 "
 05/10/87 to 20/10/87 = 16 days
 22/10/87 to 27/10/87 = 06 days
 28/10/87 - = 01 "
 30/10/87 to 03/11/87 = 05 "
 05/11/87 to 07/11/87 = 03 "
 24/11/87 to 30/11/87 = 07 "
 10/12/87 to 11/12/87 = 02 "
 15/12/87 - = 01 "
 18/12/87 & 20/12/87 = 03 "
 24/12/87 - = 01 "
 26/12/87 to 31/12/87 = 06 "

55 Days

05/1/88 & 08/1/88 = 02 Days
 10/1/88 to 15/1/88 = 06 Days
 17/1/88 to 24/1/88 = 08 "
 10/3/88 to 21/3/88 = 12 "
 24/3/88 to 26/3/88 = 03 "
 28/3/88 to 29/3/88 = 02 "
 05/4/88 to 05/4/88 = 01 "
 26/4/88 to 27/4/88 = 02 "
 30/4/88 to 01/5/88 = 02 "
 02/5/88 to 04/5/88 = 03 "
 09/5/88 to 11/5/88 = 03 "
 14/5/88 to 25/5/88 = 12 "
 31/5/88 to 01/6/88 = 02 "
 10/6/88 to 15/6/88 = 06 "
 02/7/88 tax - = 01 "

55 Days

No work after 28/7/88, 08/7/88.

Station Engineer
 M. T. ...

Filed today
2/5/54

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

C.A. No. 105 OF 1938 (L)

Ram Laxhan Tewari and Applicant
others

Versus

Union of India and others respondents.

RECOINDER REPLY IN REPLY OF THE RESPONDENTS

1. That the contents of para 1 of the Written Reply are not denied to the extent they are in consonance with the contents of para 1 of the application. Rest contents of para 1 of the application are reiterated as correct. It is further stated that the applicants were appointed as 'Substitute Porters' and they were paid salary in the regular pay scale with all consequential benefits. They were neither appointed as casual labours nor were paid salary as a casual labour nor were treated as casual labours as alleged in para under reply.
2. That in reply to the contents of para 2 of the Written Reply it is stated that owing to inadvertent mistake the address of the General Manager has been typed as N.E. Railway, Nazratganj, Lucknow in place of N.E. Railway, Gorakhpur

Keep on record

राम लखन तिवारी
गंगा चरण
हरि शंकर प्रसाद
राम कुमार
राधेलाल
25/5/54

(PST)

Through whom the Union of India has been represented. For all purposes the correct address of the General Manager may be taken into account.

3. That the contents of para 3 of the Written Reply are denied as incorrect while the contents of para 3 of the application are reiterated as correct. It is further stated that the applicants are the substitute porters and they have been restrained from functioning as usual. It is clearly incorrect and ridiculous that a workman is to look after the work and then snatch it from the department. It is the duty of the employer to provide job to the workmen unless the workmen are discharged in accordance with Law. The respondents have not followed the provisions of law before restraining the applicants from functioning ensuing termination of service tantamount to retrenchment. The names of the applicants are borne on the muster rolls but the respondents have restrained the applicants from functioning and deleted their names from the said muster rolls.

4. That the contents of para 4 of the Written Reply are misconceived hence denied while those

20/01/2019 दिवसी
जोगा चरण
हरिश्चन्द्र पाण्डेय
रामकुमार
राधिका
रामकिशोर

(H56)

contents of para 4 of the application are reiterated as correct.

5. That the contents of para 5 of the Written Reply are misconceived hence denied while those contents of para 5 of the application are reiterated as correct.

6. That the contents of para 6.1 of the Written Reply are false, fabricated and misleading hence denied while those contents of para 6 of the application are reiterated as correct. It is further stated that the applicants are substituted porters. They have always been given facilities and privileges admissible to a substitute porter. The applicants have been given the facilities of their free passes medical and all other facilities which are not available to a casual labour engaged to meet the day to day casualties. The term substitute porter has always been used with the names of the applicant indicating the capacity in which they have been engaged. All the passes, P.T.Os and other correspondences referred to the applicants also show candidly that the applicants are substitute porters. The applicants have been restrained to work by the Respondents No. 3 through oral orders.

रम कान विवरी
शंगा चरन
हरि चन्द पाल
राम कुमार
प्राधनान
राम केशी

7. That the contents of para 6.2 of the Written Reply are denied to the extent they are contrary to the contents of para 6.2 of the application while those contents of para 6.2 of the application are reiterated as correct. It is further stated categorically that the applicants were never engaged as casual labours to be utilised against day to day casualties. Indeed they were appointed as Substitute Porters and have always been given the treatment of a substitute porter. It may be the pleasure of this Hon'ble Court/tribunal to direct the Respondents to produce the paysheets pertaining to the applicants which will palpably visualised the facts that the applicants were paid salary in regular scale or pay like a substitute porter and not like a casual labour on per day basis. All the applicants have already passed the required medical test and have also been screened for the purpose of regular absorption. It is further stated that as referred in para under reply the Railway Administration itself could not have engaged casual workers on and from 20.6.1974 owing to some ban imposed to that effect and as such there was no question to engage the applicants as casual workers. Since there was no ban to appoint substitute porters

राम लाल बिहारी
गंगा चरण
हरि चन्द्र चरण
राम कुमार
राधिका
राम किशोर

(HCC)

- 5 -

hence the applicants having been found eligible and fit were appointed as substitute porters.

8. That the contents of para 6.3 of the Written Reply are denied as incorrect while those contents of para 6.3 of the application are reiterated as correct. It is reiterated that the applicants were never engaged as casual labours ~~to~~ but were engaged as substitute ^{ports} and have already completed more than one year of service with-in the meaning of section 25-B of 1947 Act.
9. That the contents of para 6.4 of the Written Reply are denied as incorrect while those contents of para 6.4 of the application are reiterated as correct.
10. That the contents of para 6.5 of the Written Reply are denied as incorrect while those contents of para 6.5 of the application are reiterated as correct. It is further stated that all the applicants have already completed more than 120 days of continuous service. They have always been paid salary like a regular porter is paid. This fact can be ascertained by summoning the concerned paysheets. The applicants have already acquired the status of a temporary railway servant and have also

राम करवडा निवासी
गंगा घाट
हमिरगढ़ पाल्का
रामकुमार
राधावल्लभ
रामकृष्ण

been screened for the purpose of regular absorption. The applicants are railway servants as defined in paragraph 102(13) of the Indian Railway Establishment Code Volume I (Old Edition 1971) which has been renumbered as Paragraph 102(43) in the new edition (vth edition 1985).

11. That the contents of para 6.6 of the Written Reply are denied to the extent they are contrary to the contents of para 6.6 of the application while those ~~ex~~ contents of para 6.6 of the application are reiterated as correct.
12. That the contents of para 6.7 of the Written Reply are incorrect, false and misleading hence denied while the contents of para 6.7 of the application are reiterated as correct. It is further stated that the applicants were never engaged as casual labours nor were paid salary on per day basis like a casual labour. They were engaged as substitute porters and were paid regular salary in regular pay scale along with all admissible allowances and other benefits which are admissible to a temporary railway servant. In all the correspondences the applicants have been designated as substitute porters. The passes, P.T.Os, medical certificat-

रामनाथन सिन्हा
गंगा चरण
हरिचन्द्र प्रसाद
रामकुमार
राधा लाल
रामकिशोर

464

- 7 -

es and the call letters inviting the applicants to appear for screening also contains the same designation as substitute porters. The paysheet also show the payment of the applicant in regular pay scale as contrary to the payment made to a casual labour on daily wages basis. The functioning of the Railway Administration as described in para under reply is in anti thesis with the legal provisions ^{encouraging} ~~permitting~~ the policy of hire and fire, victimisation and unfair labour practice. It is well settled principle of law that even if an industry engages some workmen to meet the casual work, the industry will have to maintain the muster roll, the seniority list and the details of the appointment/payment and ~~will~~ while allowing the work the employer will have to resort to the principles of 'First come last go' meaning thereby that the senior most among the workmen would be entitled to get work earlier to the junior. It is ridiculous to state that those casual labour who could smell the availability of the work and contacted the concerning Opposite Parties were given the work ignoring the others who could not become able to persue the authorities for one reason or the other. A big

श्री गणेश विवाही

गंगा चरन

इंद्रचंद्र चण्डे

रामकुमार

राधेलाल

रामकेश

(PES)

industry like Railways cannot be expected to function in such an arbitrary and illegal manner where the workmen are ordered on jerking basis to those who survive in stampede. The action of the Respondents affecting the life and livelihood of the applicants attracts the provisions of the welfare legislation and as such the applicants cannot be restrained from functioning unless discharged from the service in accordance with law.

13. That the contents of para 6.8 of the Written Reply are denied as incorrect and misleading while those contents of para 6.9 of the application are reiterated as correct. If the services of the applicants have not been terminated ^{then} ~~that~~ why the applicants are not being allowed to function by the Respondents and why the Respondent No. 3 restrained the applicants from functioning by an oral order. The respondents have still not offered any job to the applicants. The respondents are bound to offer the work to its workmen in order of seniority whenever the work is available and they cannot discriminate any one in this regard, unless the work is refused by senior one, the junior cannot get it.

राम लाल बिजारी
गंगा चरन
हरिचन्द्र पांडेय
रामकुमार
राजीव लाल
रामविश्वनाथ

Page 4

14. That the contents of para 6.9 of the Written Reply are denied while those contents of para 6.9 of the application are reiterated as correct. It is further stated that the work is still lying in abundance to be completed, but the respondents are busy in picking and choosing their own men. It is very much unfortunate that such a wrong, false, fabricated and misleading stand has been taken by the respondents before this Hon'ble Tribunal to deprive the applicants from their livelihood even if no work is available, the applicants are entitled for the payment which is not being made by the respondents regularly.
15. That the contents of para 6.10 of the Written Reply need no comments.
16. That the contents of para 6.11 of the Written Reply are denied as incorrect while the contents of para 6.11 of the application are reiterated as correct. The applicants have never been engaged as casual labours as alleged in para under reply. The Respondent No. 3 has himself prepared a list of the candidates working as substitute porters showing the total number of days worked by them.

राम लाल निवासी
गंगा घाट
हरिश्चंद्र बाजार
रामकुमार
राधा लाल
राम लाल

(H6)

17. That the contents of para 6.12 of the Written Reply are denied as incorrect while those contents of para 6.12 of the application are reiterated as correct. It is further stated that the applicants have already been screened and have passed the required medical test for being absorbed as a regular porter in the department.

18. That the contents of para 6.13 of the Written Reply are denied to the extent they are contrary to the contents of para 6.13 of the application. The result of the screening has not yet been declared but the respondents have retained juniors by adopting 'Pick and Choose' policy. The respondents are arbitrarily retaining the persons of their own ^{choice} ~~choice~~ leaving the others to their dislike.

19. That the contents of para 6.14 of the Written Reply are denied as incorrect while the contents of 6.14 of the application are reiterated as correct. It is further stated that the applicants have been functioning as substitute porters and they were not to work against casualty alone as alleged in para under reply.

20. That the contents of para 6.15 of the Written Reply are denied as incorrect and misleading.

रमकान्त बिहारी
गंगा चरण
हरिचन्द्र पाल
रामकुमार
राधेलाल
रामकिशोर

(HCC)

while those contents of para 6.15 of the application are reiterated as correct. The averments made in para under reply reveal the arbitrary functioning of the Respondents who provided job without following any set criteria. Even the casual labours are given benefits in accordance with their inter se seniority and are terminated accordingly. The applicants are the substitute ports² and are therefore entitled to be absorbed against those posts being fully eligible and suitable for the post.

21. That the contents of para 6.15 of the written reply are denied as incorrect while those contents of para 6.16 of the application are reiterated as correct. It is further stated that the message telegraphically passed on to the Respondent No. 3 has been duly incorporated in daily diary dated 18.6.1938. A true copy of the diary given to the applicant on demand by the Respondent No. 3 is being filed herewith as Annexure -RA1 to this Rejoinder reply. A perusal of this letter will obviously reveal that the instructions were issued to discontinue the casual labours and not the substitute ports and therefore the applicants could not have been discontinued on the basis of this

ANNEXURE-RA1

राम लाल शिवोरी
जोगा चरण
हरिश्चन्द्र पालेप
रामकुमार
राधेनाथ
रामकिशोर

(167)

letter.

22. That the contents of para 6.17 of the Written Reply are not denied to the extent they are in consonance with the contents of para 6.17 of the application. Rest contents of para under reply are denied as incorrect.
23. That the contents of para 6.18 of the Written reply are denied to the extent they are contrary to the contents of para 6.18 of the application while those contents of para 6.18 of the application are reiterated as correct. It is further stated that the applicants have filed copies of the genuine documents issued by the Respondent themselves, a perusal of which is itself evident to indicate the status of the applicants. In all the correspondence the applicants have always been named as substitute porters. In the pay sheet prepared by the station superintendent and maintained in the cash office against which the payment of salary is made to the applicants also contains the same reference showing the applicants as substitute porters. The applicants shall produce the originals of the documents filed as Annexure-XX1 to the application.

रामलाल शिवरी
गंगा चरन
हरीश चन्द्र पांडेय
रामकुमार
महोदय
रामकिशोर

10/11/12

24. That the contents of para 6.19 of the Written Reply are denied as incorrect while the contents of para 6.19 of the application are reiterated as correct. It is further stated that the applicants have been restrained from functioning as usual without any rhyme or reason which has virtually amount to termination of their services tantamounting to retrenchment within the provision of 1947 Act and since no condition precedent for effecting the valid retrenchment has been followed by the Respondents hence the action of the Respondents is wholly arbitrary and without jurisdiction. Moreover the Respondent No. 3 is not the employee within the meaning of the 1947 Act and therefore no retrenchment could have been effected by him.

25. That the contents of para 6.20 of the Written Reply need no comments to the extent they are in consonance with the contents of para 6.20 of the application while those contents of para 6.20 are reiterated as correct.

26. That the contents of para 6.21 of the Written Reply are denied as incorrect while the contents of para 6.21 of the application are reiterated as correct. It is further stated that the applicants are not the casual labourers

रम कृष्ण शिवानी
गंगाधर
हारकन्द पन्डे
राम कुमार
पद्मलाल
राम शर्मा

(469)

as alleged in para under reply. The applicants are substitute porters continuing since long back and as such they have acquired the right and status of a temporary railway servant and are also entitled to be absorbed as such. The Respondents have restrained them from functioning unreasonably without making any payment towards salary. If it is not a retrenchment then the Respondents are bound to make payment of the salary to the applicants as a laid off workman as contemplated under the provisions of 1947 Act as the Respondents have failed to provide jobs to these workmen.

27. That the contents of para 22 of the written reply are denied as incorrect while the contents of para 6.22 of the application are reiterated as correct.

6.

28. That the contents of para 23 of the written reply are incorrect and misleading hence denied while the contents of para 6.23 of the application are reiterated as correct. The respondents are proceeding arbitrarily without following the fair norms for providing job and absorbing the workmen working under Respondent No.3. Since the applicants have been functioning as substitute porters and have

रामलाल निवासी
गंगाचरण
हरिचन्द्र पण्डित
रामकुमार
मधुलाल
रामकिशोर

(H7E)

already put in more than 120 days of continuous service hence they have acquired the status of a temporary railway servant and have accordingly become entitled to be absorbed against the post in permanent capacity.

- .29. That the applicant's seniority list which was prepared on the basis of number of working days upto 31.12.1984 indicating the total number of working days is maintained in the office of the Divisional Railway Manager, a perusal of which makes it candidly clear that all the applicants have already completed more than 1100 days of working in the year 1984. The relevant extract of the aforesaid seniority list indicating the number of working days of the applicant is being filed herewith as Annexure-RA2 to this Rejoinder reply.

ANNEXURE-RA2

30. That similarly a list of substitute porters who worked at Lucknow Station between the period ^{was} from 1.1.1936 to 30.6.1937 was also issued by the Station Superintendent, N.E. Railway for the purpose to provide their work. In this list the names of the applicants have been included indicating that the applicants had worked at Lucknow Station in the capacity of substitute porters after 1.1.1936 to 30.6.1937.

श्रीमान श्री
गंगा चरण
हरिश्चन्द्र पंडित
रामकुमार
मधुसूदन
राम प्रसाद

ANNEXURE-RA3

A true copy of this list is being filed herewith as Annexure-RA3 to this rejoinder reply.

31. That for the purpose of screening the list of substitute staff working under the station Superintendent, Lucknow was also prepared on the basis of which the applicants were screened. Before the declaration of the result of screening restraining the applicants to work is obviously arbitrary affecting their future rights of regularisation. The applicants have got the copy of the aforesaid list prepared for the purpose of screening which they shall produce before this Hon'ble Tribunal whenever required.
32. That recently a statement showing engagement of substitutes working under the station Superintendent, Lucknow for the period from 16.5.1988 to 15.6.1988 has been prepared for the purpose to disburse the bonus in which the names of the applicants have been included which abundantly shows the status of the applicants who have always been functioning in the capacity of substitute porters and were also restrained from further working in the same capacity arbitrarily without any reason or reason. A true copy of the aforesaid statement containing the names of the applicants is being

श्री लाल बहादुर शास्त्री
गंगा चरण
हरि चन्द्र पण्डित
राम कुमार
मधुनाथ
21/11/88

(47)

ANNEXURE-RA4

filed herewith as ANNEXURE-RA4 to this Rejoinder reply.

33. That various free passes/privileges passes issued to the applicants from time to time are available with the applicants which they shall produce before the Hon'ble Tribunal for the purpose to establish their status as substitutes. The applicants have never been paid salary on day to day basis like a casual labour is paid. As a matter of fact the applicants have always been paid salary in the regular scale of pay and have always been allowed to enjoy all the benefits admissible to a regular employee and as such the respondents cannot ^{turn} ~~blunt~~ the status of the applicants to the casual labour in any manner whatsoever. The applicants have accrued rights to be absorbed against the permanent posts and they cannot be deprived of this benefit. It may be the pleasure of this Hon'ble Tribunal to summon the paysheets and vouchers of the applicants pertaining to any working period in order to ascertain the truth that the applicants have always been paid salary as a substitute porters and not as a casual labour.

34. That the contents of para 7 of the written reply are denied as incorrect. It is further stated

रामलाल (वर्तमानिकी)
शुभा चरण
हरिश्चन्द्र पाली
रामकुमार
पाद्रीलाल
रामकिशोर

(173)

that the applicants have got no efficacious alternative remedy for redressal of their grievances.

35. That the contents of para 8 of the Written reply need no comments.
36. That the contents of para 9 of the Written reply are denied as incorrect while those contents of para 9 of the application are reiterated as correct. It is further stated that the reliefs sought by the applicants are based on the grounds tenable under law and the application deserves to be allowed with cost.
37. That the contents of para 10 of the Written reply are denied as incorrect while those contents of para 10 of the application are reiterated as correct.
38. That the contents of para 11 of the Written reply need no comments.
39. That the contents of para 12 of the Written reply are denied as incorrect. It is further stated that the applicants have got a jural relationship and the instant application has been filed involving common questions of facts and law and as such the instant application is

रामलाल शर्मा
श्रीगणेश
हरिश्चन्द्र शर्मा
रामकुमार
शर्मा
रामलाल

(174)

well maintainable in the eyes of law.

VERIFICATION

We, Ram Lakhan Tewari, son of Sri Moti Lal Tewari, aged about 29 years, resident of Village Behta, P.O. Dewara Kalan, district Unnao, Ganga Charan, son of Babu Lal, aged about 39 years, resident of Village Shahzadpur, P.O. Rupauo, District Unnao, Harish Chandra Pandey, aged about 29 years, son of Jagat Narain Pandey, r/o Village Lodhey-ka-Purwa, P.O. Sara Gaon, District Faizabad, Ram Kumar, son of Manabir Prasad, aged about 32 years, son resident of Village Mastinapur (Gayadeen Khara), P.O. Masanganj, district Unnao, Radhey Lal, son of Bhagwan Deen, aged about 29 years, r/o V & P Mohai, district Lucknow, and Ramkishore, son of Manabir, aged about 29 years r/o Village Mastinapur (Gayadeen Khara) P.O. Masanganj, Lucknow, all are working as Substitute Porters, do hereby verify that the contents of paras 1 to 39 are true to my personal knowledge and that I have not suppressed any material fact.

Date : March 1989
Place: Lucknow.

Signature of
the applicants

राम लखन तिवारी
गंगा-चरन
हरिश्चन्द्र पण्डित
रामकुमार
पण्डित
रामेश्वर

राम लखन तिवारी

In the Central Administrative Tribunal Lucknow Bench Lucknow

Ram Lakhan Tewari & others - vs -

Applicants

U.O.I. & others

Respondents

ANNEXURE - RA - 1

Page 20

(A75)

• True copy of May 2011 P. Duty from
Bar 17 & 18.6.88

Spt (9)

All casual labourers working at the station, are not permitted to perform duty further viz as per order of 5/2/88 T1/FD being given this message possibly today hence, casual labourers are not required to work without the written permission / there message of 5/2/88 or T1/FD. Worked labourers will be managed by the concerned porter & gateman on duty, accordingly.

For M/prop
22/7
T1/FD

राम लखन तिवारी
भूषण चौरा
हेमचंद्र पाल
राम कुमार
पद्मेश्वर
राम लखन तिवारी

HC
for

ANHEXUR-PA (20)

35

26/1/50

FBI

2007

5

2

9

Photo copy of working
details given.

Photo copy of working
details given.

4557

3,700

3,521

4

30

250

2,415

0-5

23

77 2,5

72,31

2529

20

4-2-2

2,15

ଅଧ୍ୟାୟ (୩୩) ବିଦ୍ୟା

11/11/11

P.T.

३०००
 १०००
 २०००
 ३०००
 ४०००
 ५०००
 ६०००
 ७०००
 ८०००
 ९०००
 १००००

सम लाल निलोमी
गोसायनर
है १२ एकड़ टैक्स
रा. नकुमा
सामानाद
६ गोसायनर

[illegible]

1.	2.	3	4.	5.	6.	7.
196.	1-AY Bux Singh.	Sri Arjun Singh S/O Gurnu	10.10.54	5.3.78	1140	
197.	67-SS/LKO	Sri Ram Chandra Singh Chauhan S/O Mathura Singh Chauhan.	1.2.59	30.6.77	1127	
198.	33- "	Pratap S Singh S/O Juddh Lal Varma,	24.11.55	9.12.76	1123	
199.	110-ADS/LKO	Ram Khandelwal S/O Munt Lal	23.5.55	6.12.76 16.4.77	1122	Working not given prior to 16.4.77
200.	2-JTR	Raja Ram S/O Ranjeet.	10.3.56	29.9.74	1120	
201.	6-ADS/LKO	Om Prakesh Mishra S/O Deo M Mishra.	2.6.57	10.10.77	1120	
202.	19-SS/LKO	Lalji Verma S/O Kawa Lal Verma.	20.5.59	15.12.77	1120	
203.	1-SS/LKO	Ganga Charan S/O Babu Lal	1.1.52	14.4.76	1118	
204.	17-PBH	Radhey S byam Singh S/O Keshi D'n.	9.7.54	10.10.77	1117	
205.	45-JOS/LKO	Ram Dhirend S/O Chandrika Pd.	2.10.53	10.9.77	1117	Working details from 14.10.78 only.
206.	2-GS/LKO	Anandesh Kumar S/O Asharfilal	17.2.59	21.4.78	1116	
207.	77-SS/LKO	Ashok Kumar Pandey S/O Shree Ram Pandey.	30.4.59	15.4.78	1113	
208.	2-TKH	Shyam Lal Shukla S/O Ram Lachan	30.1.60	6.3.77	1109	
209.	3-JNU	Chhedil Lal S/O Hari Lal	5.8.56	27.11.75 28.3.77	1108	(Not to be subject)
210.	13-SIN	Smt. Sugra W/O Lata Sohan	11.4.45	16.4.72	1103	

Contd.../15.

20824

23

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100

Pr

Sl. No.	Name	Age	Sex	Religion	Marital Status	Education	Occupation	Income	Assets	Liabilities	Net Worth
1.	Harsha Lal Prasad S/o. (C) D/o	35	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
2.	Sudh K. S/o. Prasad S/o. D/o	30	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
3.	Sanjay S/o. Prasad S/o. D/o	25	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
4.	Sanjay S/o. Prasad S/o. D/o	25	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
5.	Sanjay S/o. Prasad S/o. D/o	25	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
6.	Sanjay S/o. Prasad S/o. D/o	25	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
7.	Sanjay S/o. Prasad S/o. D/o	25	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
8.	Sanjay S/o. Prasad S/o. D/o	25	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
9.	Sanjay S/o. Prasad S/o. D/o	25	M	Hindu	Married	10th	Teacher	10000	10000	0	10000
10.	Sanjay S/o. Prasad S/o. D/o	25	M	Hindu	Married	10th	Teacher	10000	10000	0	10000

1.	2.	3.	4.	5.	6.	7.
633.	39. RBL	Ram Deo s/o Gajadhar	7.10.59	9.2.78	121	
634.	4. TLKH	Rajendra Prasad s/o Ram Adhar	11.6.57	16.9.77	121	

Page 27

121

No. 121 / 121 / 121

121 / 121 / 121

121 / 121 / 121

121 / 121 / 121

121 / 121 / 121

Raj Lakhan Tewari & Others

Page 28
Applicant to

U.O. 2014/88

ANNEXURE - RA-3

Respectfully

उत्तर हैतवे

(H83)

विश्वविधित एवमि एोटरी ते तद्वत स्टेशन पर दिनांक 1-1-86 से 30/6/87 के मध्य कार्य किया है। इसकी एवमि एोटरी को इस स्टेशन पर हथेली में लगाया जायेगा:-

- 1- बरही अली कुमार राय पुत्र ए.जी. राय
- 2- अली कुमार रायपुत्री पुत्र सी.एस. भासुदेवी
- 3- अली कुमार रायपुत्री पुत्र आर.डी. पाण्डेय
- 4- अली कुमार पुत्र अली
- 5- अली कुमार पुत्र ए.जी. सिंह
- 6- अली कुमार पुत्र सी.एस. बरहा
- 7- अली कुमार पुत्र रामचंद्र
- 8- अली कुमार पुत्र सिंह पुत्र अली सिंह
- 9- अली कुमार पुत्र एस एस एस अली
- 10- अली कुमार पुत्र एस एस एस एस अली
- 11- अली कुमार पुत्र अली
- 12- अली कुमार पुत्र अली पुत्र अली
- 13- अली कुमार पुत्र अली
- 14- अली कुमार पुत्र अली
- 15- अली कुमार पुत्र एस एस एस
- 16- अली कुमार पुत्र अली पुत्र अली
- 17- अली कुमार पुत्र अली पुत्र अली
- 18- अली कुमार पुत्र अली पुत्र अली
- 19- अली कुमार पुत्र अली पुत्र अली
- 20- अली कुमार पुत्र अली
- 21- अली कुमार पुत्र अली
- 22- अली कुमार पुत्र अली
- 23- अली कुमार पुत्र अली
- 24- अली कुमार पुत्र अली पुत्र अली
- 25- अली कुमार पुत्र अली पुत्र अली
- 26- अली कुमार पुत्र अली पुत्र अली
- 27- अली कुमार पुत्र अली पुत्र अली
- 28- अली कुमार पुत्र अली पुत्र अली
- 29- अली कुमार पुत्र अली पुत्र अली
- 30- अली कुमार पुत्र अली
- 31- अली कुमार पुत्र अली
- 32- अली कुमार पुत्र अली
- 33- अली कुमार पुत्र अली
- 34- अली कुमार पुत्र अली पुत्र अली
- 35- अली कुमार पुत्र अली पुत्र अली
- 36- अली कुमार पुत्र अली पुत्र अली
- 37- अली कुमार पुत्र अली पुत्र अली
- 38- अली कुमार पुत्र अली पुत्र अली
- 39- अली कुमार पुत्र अली पुत्र अली
- 40- अली कुमार पुत्र अली
- 41- अली कुमार पुत्र अली पुत्र अली
- 42- अली कुमार पुत्र अली
- 43- अली कुमार पुत्र अली पुत्र अली
- 44- अली कुमार पुत्र अली पुत्र अली
- 45- अली कुमार पुत्र अली पुत्र अली
- 46- अली कुमार पुत्र अली पुत्र अली
- 47- अली कुमार पुत्र अली पुत्र अली
- 48- अली कुमार पुत्र अली पुत्र अली
- 49- अली कुमार पुत्र अली पुत्र अली
- 50- अली कुमार पुत्र अली पुत्र अली
- 51- अली कुमार पुत्र अली पुत्र अली
- 52- अली कुमार पुत्र अली पुत्र अली
- 53- अली कुमार पुत्र अली पुत्र अली
- 54- अली कुमार पुत्र अली पुत्र अली
- 55- अली कुमार पुत्र अली पुत्र अली
- 56- अली कुमार पुत्र अली पुत्र अली

श्री ल. व. तिवारी,
जंजी चरन
ए.एस.एस. पल्लव
राम कुमार
गोपाल
रामेश्वरी

— 2/2 —
ह. रं. नारायण

2/2

ANINTE XADRE - K A - U
 Isolates, Winkles, leaves, 5/11/11 for the purpose of
 Ran - K A - U - 10/11/11
 St. K A - U - 10/11/11

16/5 to 18/6/88

Concise list

10/11/11

10/11/11

10/11/11

10/11/11

No.	NAME	Father's Name	Physical		Height	Weight	Age	Vice	Remarks
			Height	Weight					
1	Manoj Chandra Sharma	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
2	Kam Kishor	Kam Kishor	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
3	Manoj Chandra	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
4	Manoj Chandra	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
5	Manoj Chandra	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
6	Manoj Chandra	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
7	Manoj Chandra	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
8	Manoj Chandra	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
9	Manoj Chandra	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11
10	Manoj Chandra	Manoj Chandra	16.5-88	9.6-88	25.5-88	01.5	Saligal Manoj Chandra	10/11/11	10/11/11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

No 105/1988
BETWEEN

Ram Lakhan Tewari and others Applicants

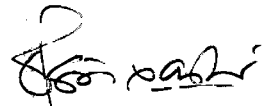
AND

Union of India and Others Respondents

I N D E X

Sl. No.	DESCRIPTION OF PAPERS	PAGE NO.
1.	Application	1 - 14
2.	Annexure - 1 Privilege Passes	15 - 16
3.	Annexure - 2 Para 2315 to 2319 of IREM (Old Edition)	17 - 19
4.	Annexure - 3 Distinct Chart given in Chapter 36 of I.R.E.M. (Latest Edition.)	20 - 22
5.	Annexure - 4 Circular dt. 16.1.86	23 - 24
6.	Power (Vakalatnama)	25 - 26

Lucknow Dated
August 26 . 1988.


(O.P. SRIVASTAVA)
ADVOCATE
COUNSEL FOR THE APPLICANTS.

(HIS)

In the Central Administrative Tribunal
Circuit Bench, Lucknow

SA 105/100(1)

DETAILS

Ram Lakhan Tewari and Others	 Applicants
AND	
Union of India and Others	 Respondents

DETAILS OF APPLICATION

- | | |
|--|--|
| <p>1. Particulars of the application</p> <p>i) Name of the applicant</p> <p>ii) Name of father</p> <p>iii) Age of the applicant</p> <p>iv) Designation and particulars of office (name and station) in which employed or was last employed before ceasing to be in service.</p> <p>v) Office address</p> <p>vi) Address for service of notices</p> | <p>) 1. Ram Lakhan Tewari, son of</p> <p>) Sri Moti Lal Tewari aged</p> <p>) about 20 years, residing at</p> <p>) or Village Dehta, P.O.</p> <p>) Gwara Mahon, District</p> <p>) Unnao</p> <p>) 2. Ganga Charan, son of</p> <p>) Moti Lal, aged about 39</p> <p>) years, s/o village Shal</p> <p>) Badpur, P.O. Badpur,</p> <p>) District Unnao.</p> <p>) 3. Harish Chandra Pandey,</p> <p>) aged about 20 years, son</p> <p>) of Jagat Chandra Pandey</p> <p>) s/o Village Badhey - a -</p> <p>) Kurwa, P.O. Bina Gaon,</p> <p>) District Mirzapur.</p> <p>) 4. Ram Kumar, son of Mah</p> <p>) Prasad, aged about 32</p> <p>) years, s/o village</p> <p>) Hastinapur (Gayadeen</p> <p>) Ahira) P.O. Masanganj,</p> <p>) District Unnao.</p> <p>) 5. Radhey Lal, son of</p> <p>) Mahanandan, aged about</p> <p>) 20 years, s/o V.L.M.</p> <p>) District Unnao.</p> <p>) 6. Ram Lal, son of Ram</p> <p>) Lal, aged about 20 years</p> <p>) s/o village Hastinapur</p> <p>) (Gayadeen Ahira) P.O.</p> <p>) Masanganj, Lucknow.</p> |
|--|--|

All the applicants are sub-judice officers working in the
under the control or station of the Court, Lucknow.

राम लखन तिवारी
श्रीगो चरण
रामकुमार
गंगा चरण
हरिश्चंद्र पण्डे
राम लाल

1. Union of India, through
General Manager, A.R.Ry.
Hazratganj, Lucknow.

2. The Divl. Operating Supt.
Northern Railway, Meerut-
ganj, Lucknow.

3. The Station Superintendent
Northern Railway
Lucknow.

The application is against the following order :-

- no written orders have been
passed and served to the
applicants discharging them
from service.

The applicants who had initially been appointed as Substitutes Porter to work under the control of Station Superintendent, Northern Railway, Lucknow, have been restrained from functioning as such by the Station Superintendent, Lucknow

from 25th July 1953 without giving any order/notice to the applicant in writing, indicating the reasons for the action taken. The applicants have neither been paid one month's salary or compensation in accordance with Industrial Disputes Act of 1947 nor the provisions of law required to be followed before terminating the service of the applicants, who are workmen have been complied with.

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :

२ मां लुग विन सी
गंगा चरक
साम्प्रदायिक
७
१५ नवंबर
१९५६
हवि रच-उपनिषद्

The applicant further declares that the application is within the limitation prescribed in Section 21 Central Administrative Act 1985.

6. facts of the case

The facts of the case are given below -

6.1 That by way of the instant application the applicants seek to challenge the most illegal, arbitrary and callous action of the Respondent No. 3 in not permitting the applicants to perform their duties without any rhyme or reason. No written orders have been issued to the applicants.

6.2 That the applicants were initially appointed as Substitute-Porters against short term vacancies sometimes between 1975 to 1977. The dates of their initial appointments are being mentioned as under -

<u>NAME</u>	<u>DATE OF INITIAL APPT.</u>
1. R.L. Tewari	25.12.1977
2. Janga Charan	14. 4.1976
3. Harish Chandra Pandey	
4. Ram Kumar	20.4. 1975
5. Raghay Lal	20. 9.1977
6. Ram Khore	14. 4.1977

6.3 That since their initial appointment the applicants are continuing as such with interruption which has been created artificially in the gap or administrative need with the sole purpose to deprive the applicants from due benefits. Anyway the applicants are lastly continuing without any interruption from the year 1983-84 and have thus already completed more than one year of continuous service within the meaning of Section

राम लाल तिवारी
जंगा चरण
हरिश्चन्द्र पण्डेय
रघु लाल
राम खोरे
हरिश्चन्द्र पण्डेय

A18

25-B of the Industrial Disputes Act 1947 (hereinafter referred to as 1947 Act).

6.4 That the work and conduct of the applicants have always been found excellent. They have always devoted and dedicated to the work entrusted to them and have never been warned or punished in any manner whatsoever.

6.5 That the applicants have also completed more than 120 days of continuous service and are enjoying the pay scale and all other benefits available to a regular porter of the Northern Railway, Lucknow. The applicants have always been treated as regular porter of Northern Railway, Lucknow and have always been given all the facilities and privileges admissible to a railway servant. Practically the applicants are the railway servants as defined in paragraph 102(13) of Indian Railway Establishment Code Vol. I and as such the applicants' conditions of service are governed by the rules and regulations applicable to a holder of that post.

6.6 That the applicants besides being railway servants are also workmen and as such are fully protected by the provisions of 1947 Act and with other labour laws and rules.

6.7 That while the applicants were functioning to the

रामलाल शर्मा
जगन्नाथ
रामलाल
राजेश्वर
रामलाल
रामलाल
रामलाल

(114)

entire satisfaction of their superiors they shocked when on 25.7.1918 they were stopped by the Respondent No. 3 from working as porters without intimating any reason. The applicants have neither been given any notice nor one month's ^{pay} in lieu thereof.

6.3 That the action of the Respondent No. 3 in not allowing the applicants to work is obviously termination of services of the applicants tantamounting to retrenchment. As the provisions for terminating the services of temporary railway servants have not been complied with, the action of the Respondent No. 3 is wholly arbitrary, haphazard and without jurisdiction.

6.9 That the applicants while working as substitutes Porters acquired the status of a temporary railway servant and as such their services cannot be terminated arbitrarily without complying with the relevant provisions of Law.

6.10 That all the applicants have already passed the medical test of category A.2 and have already appeared in screening ^{test} held for regularization of the services of the applicants on 26/27th May 1937.

6.11 That a list of the employees working as casual employees/substitutes in the Traffic and Commercial department was prepared for the sake of regularization of the service. Virtually the list of

शमलान विचार
जोगा चरन
शमलान

शमलान
शमलान

शमलान 41054

(A2)

substitute employees working on class IV post cannot be prepared jointly with the casual labour staff as the substitutes hold a post without lien hence the substitutes-porters working under Respondent No. 3 had requested the opposite parties to make a separate list of the substitute porters and regularised their services.

6.12 That all the applicants are fully eligible to be appointed on the post of porter and are functioning as substitute-porters to the entire satisfaction of their superiors.

6.13 That the Respondent No. 3 has arbitrarily adopted 'Pick and chose' policy while restraining the applicants from functioning/performing their duty and retaining the juniors. Sarvashri Jain Narain Pandey, Omkar Nath, Om Prakash, Jinesh Pratap Singh, Rajendra Diveedi, Har Govind, Rishi Shanker etc. are the person who are very much juniors to the applicants yet have been retained in service as substitute-porters and have not been restrained from functioning like the applicants.

6.14 That it is categorically stated that there are no administrative reasons which warrant the Respondents to proceed arbitrarily depriving the applicants to work as neither the original holder of the posts against which the applicants have been appointed have

रामनाथ तिवारी
गंगा चरण
रामकुमार
राजेश्वर
रामकिशोर
हरिचन्द्र पांडेय

(A21)

come back nor there is any shrinkage in the cadre or post .

6.15 That no seniority list of substitutes working in Establishment has been published nor doctrine of 'Last come first go' has been followed. The action of the Respondent No. 3 being fully arbitrary is void and none t in the eye of law.

6.16 That the applicants have come to know that some telephonic message has been passed on to Respondent No. 3 directing him not to permit the casual labours to perform duty without the written permission of the Senior Divisional Operating Superintendent, Lucknow. The Respondent No. 3 has treated the applicants to be casual labours and restrained them from functioning.

6.17 That the applicants have not been engaged for a particular period under the agreement. They have already been screened for being regularly absorbed against the vacancies but have unfortunately been ^{from continuing on post} restrained when the result of the screening is awaited.

6.18 That the applicants have not been issued any appointment letter or the service cards as has been issued to the casual labours. The applicants have been issued privilege Passes and have also been issued letters directing to appear for medical examination. The photostate copies of one or the

राम लाल बिहारी
गंगा चरण
रामकुमार
राजेश्वर
रामनिहाल
रामचन्द्र पाण्डेय

A22

- 8 -

and the medical slips
Privilege Passes issued to the applicants are
being filed herewith as annexure-1 to this appli-
cation.

6.19 That the Respondent No. 3 is fully incompetent
to retrench the services of the applicants. He has
got no authority or jurisdiction under law to
effect the retrenchment.

6.20 That for the sake of ready reference the photostat
copy of paragraph 2315 to 2319 of the Indian
Railway Establishment Manual (old edition)
published by the Government of India, Ministry of
Railways (Railway Board) and a distinction chart
showing different aspects of the substitutes and
the casual labours given in Chapter 36 of the
Railway Establishment Manual (Latest edition)
is being filed herewith as annexure-2 and 3
to this application respectively.

6.21 That the applicants are the poor Class IV employees
and have been deprived ^{of} their livelihood
without any rhyme or reason arbitrarily without
any opportunity of being heard in contravention of
the provisions of Railway Establishment Code,
Railway Establishment Manual and the provisions of
1947 Act along with the Rules. It may be the
pleasure of this Hon'ble Tribunal to direct the
Respondents to take work from the applicants.

राम लाल शर्मा
गंगाधर
रामकुमार
प्रादीप
रामकिशोर
हरिचन्द्र पांडेय

(423)

make payment of salary during the pendency of the instant applicant/case.

6.22 That the impugned action of the Respondent No. 3 is unfair labour practice and is not tenable in the eye of law.

6.23 That vide circular dated 16.1.1986 it has been instructed that those substitute porter who have already completed 120 days of their continuous service must be allowed to continue till proper orders to that effect are not sent to Senior subordinate and since in the instant case no such proper orders have been passed hence the action of the Respondent No. 3 is ab initio void. For the sake of ready reference a true copy of the said circular dated 16.1.1986 is being filed herewith as Annexure-4 to this application.

7. Details of the remedies exhausted :

The applicants declare that they were availed of all the remedies available to them under relevant service rules etc.

8. matters not previously filed or pending with any other Court.

The applicants further declare that they had not previously filed any application, writ petition or 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 or the Tribunal and nor any such application, writ petition or suit is pending before any of them.

राम लाल बिहारी
जंगा चरण
रामकुमार
राजीव
रामकिशोर
हरिश्चन्द्र पाल

224

9. Relief(s) sought .

1. The Hon'ble Tribunal may kindly be pleased to direct the Respondent to allow the applicants to work as substitute porters as usual and set aside the order, if any, contrary to it by summoning the same from the Respondents.
2. The Hon'ble Tribunal may kindly be pleased to direct the Respondents to regularize the service of the applicants on the post of porters after preparing a seniority list of the substitute porter separately.
3. The Hon'ble Tribunal may also kindly direct the Respondents to treat the applicants in continuous service without any interruption with all consequential benefits and allow the applicants to work continuously as usual and also pay salary regularly in future.
4. The Hon'ble Tribunal may kindly be pleased to pass any such orders which it deems just and proper in the circumstances of the case.
5. to allow the application with cost.

GROUND -

- i) Because the action of the Respondent No. 3 in preventing the applicants from performing their duties is obviously a termination of services or the applicants amounting to retrenchment.

रमेशचन्द्र शर्मा
जगन्मोहन
शर्मा
पुनर्मा
204102112
FIR 2405/1154

(A25)

- ii) because the provisions for effecting retrenchment are totally absenting.
- iii) Because the applicants have being substitute porter are wholly holder of the posts without any lien and as such their services cannot be terminated in such a fashion after several years of their continuous service.
- iv) Because the action of the Respondent No. 3 has deprived the applicants of their livelihood without any opportunity to the applicants and as such the provisions of Article 21 of Constitution of India has been violated.
- v) Because no statutory compliance has been made before effecting the retrenchment/termination of services.
- vi) because the applicants being workmen are entitled protection of provisions of 25A of 1947 Act.
- vii) Because no seniority list has been published by the Respondents before effecting retrenchment.
- viii) Because no regular person holding a lien on the post has come back and as such the applicants cannot be dis-allowed to work.

रामलाल शिवाजी
सांगाचरण
रामकुमार
राजीवराज
रामकिशोर
ह. १२४०५ ५/१२/५१

(A26)

- ix) Because the applicants are under process or regularisation and this process cannot be stopped while ousting the applicants from the employment.
- x) Because of the Respondent No. 3 is wholly arbitrary, null and void in the eye of law and has got no legal existence.
- xi) Because the juniors to the applicants have been retained while the applicants have been thrown away.
- xii) Because the action of the Respondent No. 3 is violative of the provisions of Part III of the Constitution of India.

10. Interim order, if any prayed for

Pending final decision on the application, the applicants seek issue of the following interim order -

The Hon'ble Tribunal may kindly be pleased to direct the Respondents to allow the applicants to work as usual and make payment of salary regularly. The other relief which is found just and proper in the circumstance of the case may also be granted. The applicants being poor class IV employees have got no other means to survive and are facing hardship due to illegal and unreasonable and arbitrary action of the Respondent No. 3 and in case the interim relief is not granted the applicants along with their families will be com-

गंगा चरण
राज कुमार
राजेश्वर
राजेश्वर
राजेश्वर

pelled to starve.

11. In the event of application being sent by Registered post, it may be stated whether the applicants desire to have oral hearing at the admission stage and if so, they shall attach a self-addressed Post Card/Inland Letter, at which intimation regarding the date of hearing could be sent to him.
12. Particulars of ~~Bank draft~~/Postal order in respect of the Application fee .

1. Number of Indian .. D) 567913
Postal order (s) 5
2. Name of the issuing .. Aminabai, Lucknow
Post Office
3. Date of issue of .. 25-8-88
Postal order (s)
4. Post office at .. LUCKNOW
which payable

13. List of enclosures .. as per Index.

VERIFICATION

We, Ram Lakhan Tewari, son of Sri Moti Lal Tewari, aged about 29 years, resident of Village Behta, P.O. Dewara Kulan District Unnao, Ganga Charan, son of Babu Lal, aged about 39 years, r/o Village ShahZadpur, P.O. Rupau, District Unnao, Harish Chandra Pandey, aged about 29 years, son of Jagat Narain Pandey, r/o Village Lodhey-ka-Purwa, P.O. Bara Ban, District Faizabad, Ram Kumar, son of Mahabir Prasad, aged about 32 years, r/o Village Mastinapur (Gayadeen Khera), P.O. Masanganj District Unnao, Radhey Lal, son of Shagun Deen, aged about 29 years, r/o V. & P. Mandi, District Lucknow, and Ram Aishore son of Mahabir, aged about 29 years r/o Village Mastinapur (Gayadeen Khera) P.O. Masanganj, Lucknow, all are working as Substitute Posters, do hereby verify that the contents

राम लखन तिवारी
गंगा चरन
राम कुमार
हाथिलाल
मोतिश्री
डि 2405/11/88

of paras 1 to 13 are true to my personal knowledge
and para _____ believed to be true on legal advice
and that I have not suppressed any material fact.

Date:

Place Lucknow.

राम लाल दिवा
Signature of the applicant.

जगन्नाथ

रामकुमार

अर्जुन

रामकिशोर

विश्वचंद्र पांडे

ATC

65000

17
(H31)

ANNEXURE 2

2312. Allotment of residences and recovery of rent. - Subject to the availability of accommodation, a temporary railway servant is eligible for allotment of the same and to pay rent therefor in the same way as a permanent railway servant would.

2313. Passes.—A temporary railway servant is entitled to the same scale of passes as are admissible to a permanent railway servant of the corresponding status.

2314. Advances.—Subject to the conditions laid down in Chapter XVI a temporary railway servant may be granted advances for the purposes mentioned in that Chapter.

(ii) Substitutes

2315. Definition.—“Substitutes” are persons engaged in Indian Railway Establishments on regular scales of pay and allowances applicable to posts against which they are employed. These posts may fall vacant on account of a railway servant being on leave or due to non-availability of permanent or temporary railway servants and which cannot be kept vacant.

2316. Circumstances under which substitutes can be recruited.—

(i) Ordinarily there should be no occasion to engage “substitutes” having regard to the fact that practically in all categories of railway servants leave reserve has been provided for. However, when owing to an abnormally high rate of absentees the leave reserve may become inadequate or ineffective as in the case of heavy sickness, or where the leave reserve is available but it is not possible to provide the same, say at a wayside station, and it may become absolutely necessary to engage substitutes even in vacancies of short duration.

(ii) As far as possible Substitutes should be drawn from a panel of suitable candidates selected from Class III and IV posts and should be engaged subject to the observations made in (i) above, only in the following circumstances :—

(a) Against regular vacancies of unskilled and other categories of class IV staff requiring replacement for

राम लाल बिहारी
जंगमचरण
रामकुमार
राजमाल
रामकिशोर
हार्दय चंद्र फोडेर

ATC

[Signature]

which arrangements cannot be made within the existing leave reserve.

- (b) Against a chain vacancy in the lower category of class IV staff arising out of the incumbent in a higher class IV category being on leave, where it is not possible to fill the post from within the existing leave reserve.
- (c) Against posts in categories for which no leave reserve has been provided.
- (d) Against vacancies in other circumstances specified by the Railway Board from time to time.

2317. **Emoluments payable to the Substitutes:** - Substitutes should be paid regular scales of pay and allowances admissible to such posts, irrespective of the nature or duration of the vacancy.

2318. **Rights and privileges admissible to the Substitutes:** - Substitutes should be afforded all the rights and privileges as may be admissible to temporary railway servants, from time to time on completion of six months continuous service. Substitute school teachers may, however, be afforded temporary status after they have put in continuous service of three months and their services should be treated as continuous for all purposes except seniority on their eventual absorption against regular posts after selection.

NOTE:—The conferment of temporary status on the Substitutes on completion of six months continuous service will not entitle them to automatic absorption/appointment to railway service unless they are in turn for such appointment on the basis of their position in select lists and/or they are selected in the approved manner for appointment to regular railway posts.

2319. **Breaks in service:** -The following cases of absence will not be considered as breaks in service for the purpose of determining six months' continuous employment referred to in para 2318 above:—

- (a) The periods of absence of a Substitute who is under medical treatment in connection with injuries sustained on duty covered by the provisions under the Workmen's Compensation Act.

कोमलका निवासी
गंगाचरण
राजकुमार
राधेनाथ
रामोकाश
हर्षचंद्र गोस्वामी

ATC
Srinivasan

- (b) Authorised absence not exceeding 15 days during the preceding six months.

NOTE.—Unauthorised absence or stoppage of work will be treated as a break in continuity of employment.

- (c) Days of rest given under the Hours of Employment Regulations or under the Statutory Enactments and the days on which the Establishment employing the substitutes remains closed will not be counted against the limit of 15 days authorised absence referred to above. The term "authorised absence" for this purpose covers permission granted by the Supervisory official in charge to be away from the work for the period specified.
- (d) Periods involved in journey etc., for joining the post on transfer from one station to another station or within the same station itself, in the exigencies of service but not exceeding in any case normal period of joining time permissible under the rules.
- (e) A register should be maintained for recording the names of all "Substitutes" wherever employed according to the unit of recruitment e. g. Division, Workshops, P.W.Is. lengths etc. strictly in the order of their taking up Substitute employment at the time of their initial engagement.

SECTION B

TEMPORARY ASSISTANT OFFICERS

2320. **Definition:**--A temporary assistant officer means an officer who is neither class I nor class II, recruited through the Union Public Service Commission (other than retired/released defence service officers and officers who were already in railway service at the time of their appointment as temporary gazetted officers).

2321. **Termination of service and period of notice:**--Service of a temporary assistant officer shall be liable to termination on 3 months' notice on either side during the period of temporary employment. The Government shall, however, also have the right to pay 3 months' pay in lieu of three months notice.

ATC
Office of the
H. B.

रामबालन हिमारी
गंगा चरन
रामकुमार
प्रद्योतम
21.11.12
ह. 12.9 पण्ड 11/12/11

36

Casual Labour and Substitutes

Sometimes these two types of labour are misunderstood and one is taken for the other in their service rights. We place below in a chart form, different aspects as applicable to each.

Substitutes

Definition. They are persons engaged in regular scales of pay and allowances applicable to posts against which they are employed. These posts may fall vacant due to rly. servants being on leave or due to non availability of permanent or temporary rly. servants and which cannot be kept vacant.

(2315 EM)

Class. They may be in class III or class IV

Payment. They being on regular scale, are paid on monthly basis. They draw pay against the regular sanction irrespective of the duration of vacancy.

(2315 EM)

Vacancy. Vacancy position must be checked before they can be appointed. If there is no vacancy, no substitute can be engaged.

Increment etc. They shall be entitled to yearly increment and shall subscribe to P.F.

Leave Reserve. Where leave Reserve is available no substitute should be engaged unless the absence exceeds the number of 'L Rs or the L.R. is not readily available, vacancy being at a way side station.

2316 (i) EM)

Casual labour

It refers to labour whose employment is seasonal, intermittent, sporadic or extends over short periods. Labour of this kind is normally recruited from the nearest source. It is not liable to transfer and the conditions applicable to permanent and temporary staff do not apply to them.

(2501 EM)

They are normally in class IV.

They are paid on daily basis. They draw wages from contingencies till they get temporary status or are employed on Projects.

No cadre position check may be necessary in this as they are engaged against sporadic requirements.

They will not get any increment etc. till they get temporary status.

No such restriction in this.

ATC

Office Cash
40

राम (गल) मेनर

जंगल चवन

शमकुमार

राजकुमार

रामेश्वर

हरिश्चन्द्र

Panel. As far as possible they should be drawn from a Panel of suitable candidates selected for Class III & IV posts (2316 (ii) EM) Persons not on approved panels may not be engaged for more than 3 months.

(E(NG) ii 69/RE/1/90 dt. 16-3-70)

Temporary Status. They should be given Temporary Status after working for 4 months, except for School Teachers who will be given temporary status after 3 months. (2318 EM) Gap between two engagements may be ignored for the purpose of giving temporary status.

(E(NG) 11-82/SB-8-dt. 6-1-83)

M.W. Act. They are not governed by Minimum Wages Act.

Rly servants. They are rly. servants for all purposes.

Duration. They should normally not be engaged for more than 3 months at a stretch.

Literacy. Normally literacy is one of the qualification for their engagement.

Service Card. No Service Card is given to them.

Notice of discharge. No such notice is required except as given under code rules. However Retrenchment Compensation under I.D. Act will be paid.

Register. A register showing the names of all substitutes employed unit wise as per the order of taking up their substitute employment must be maintained. (2319, EM)

Medical exam. They will be entitled to relaxed standard of Medical examination on empanelment to the regular service. (E(NG) ii/71 CL/84 dt. 1-8-73)

Recruiting Authority. They will be appointed only by the Competent authority.

There may not be any panel, but those discharged earlier must be given preference as per their seniority while re-engaging.

They will also be given Temporary status after working for 4 months. Authorised absence and discontinuance of work for want of productive work will not constitute a break.

Those of them engaged on the Scheduled Trades are governed by M.W. Act.

They are rly. servants under the Railways Act and not for Code Rules. So not entitled to Passes/P.T.O.

They should not be discharged merely with a view to cause an artificial break in their service.

Except in categories where literacy is a prescribed qualification, no literacy should be insisted upon.

They must be given a Service Card.

Notice of 15 days, is required to discharge CPC holders. Also they will be entitled to benefits under I.D. Act.

Similar register must be maintained in their case too.

This is applicable to casual labour too.

Normally Senior Subordinates recruit them.

Handwritten signature and initials

36

tutes

s taken
different

oyment
adic or
bour of
from
able to
licable
aff do
1 EM)

They
as till
emp-

y be
aged

t etc.

श्रीमती वि.मती
जगदीश्वर
श्रीमती वि.मती
श्रीमती वि.मती
श्रीमती वि.मती
श्रीमती वि.मती

Pensionary benefits. Service as substitute rendered after completion of 4 months and followed by regular absorption will be counted for Pension.
(F(E) iii 69/PN 1/21 dt. 22-7-70)
ER 193/80

Not applicable

Medical Treatment. They are entitled to Medical Treatment for self only in the out patient department.
(E(NG) ii-77/CL-2 dt. 16-5-79)

They are also entitled to the similar treatment now. When injured on duty, they will also be entitled to Indoor treatment and $\frac{1}{2}$ monthly payment.
(E(NG) ii-77/CL-2 dt. 3-5-78)

Daily Allowance. They will be entitled to it as per Rules.

They should normally not be sent out of their Hd. Qrs. If sent out, they will be entitled to DA under normal rules at the rates prescribed for them. (Please see chapter on TA/DA)

Break Down Duties. Substitutes allotted to B.D. gangs will be paid BDA and other benefits as admissible.

Casual labour engaged in B.D. duties will be given free food, TA/DA., higher rate of wages as applicable.
(E(NG) ii-69 CL/1 dt. 1-3-71, NR 5324)

Other Provisions. Casual Labour (C.L. In short) may be employed in the following cases—(i) *Staff paid from contingencies.* Such of the persons who continue to do the same work for which they were engaged, on other work of the same type for more than 4 months without a break will be treated as temporary after the expiry of such period.

(ii) Labour on Projects, except those transferred from the temporary or permanent employments.

(iii) Seasonal labour who are sanctioned for specific works of less than 4 months duration.

Note—Once a person attains a temporary status, he retains that status so long he is in continuous employment on the railways.

The term same type of work should not be too rigidly interpreted so as to cause undue suffering to C.L. by way of break in service because of a slight change in the type of work in the same unit.
(2501 EM)

(iv) Following record must be maintained for daily rated & Temporary C.Ls. :—

(a) Retirement Register (b) Left Hand Thumb Register (c) Service cards.

Unit of recruitment.—(i) Senior Subordinates like I.O.W., PWI. Station etc. will be the unit of recruitment of C.L., So also for purpose of discharge Master the Seniority in the respective unit of IOW/PWI/SOM etc. will be followed :

(ii) In Projects the Recruitment unit will be jurisdiction Engineer, so for discharge also the seniority list of Executive Engineer will be followed.

MC
J. S. Chatterjee

ब्रामचारी निधी
गंगाधर
राजकुमार
राजीव
रामेश्वर

हार्दिक शुभ वांछें

ANNEXURE

4

उत्तर देतवे

पत्र संख्या 2205/5-10/एवजी/मुमताज/वि

मुद्रित कार्यालय लखनऊ
दिनांक 16-1-1986

118 समस्त स्टेशन अजीमक तथा स्टेशन मास्टर
लखनऊ महल

121 समस्त यातायात विरीमक टी0आर0
लखनऊ मुद्रित

विषय:- ठेकुवत लेवर/एवजी पोटर की नियुक्ति उज्ज्वल दिव
प्रतिदिन कार्य पर लभाना जाना ।

111 हुपया इस कार्यालय के सम संख्या पत्र 309/85 एवं टी0जी0-74 एवजी/
पालवी/83 दिनांक 16.6.83 का अवलोकन करें तथा निविड आदेशों
का पढ़ाई से पालन करें ।

121 यातायात विरीमक लखनऊ से यह संदेश दिनांक 01.6.85 के पत्र के तहत
उ में अतिरिक्त जा एवजी पोटरस इस मुद्रित में 01.6.1978 के पूर्व कार्य
दिया है और उनकी लभाना कार्य करते की उज्ज्वल 120 दिव से कम है,
को कार्य पर लकी लभाना है यह व्यावहारिक लकी है इस संबंध में फिर
से स्पष्टीकरण निम्नलिखित है :-

जिस एवजी/ठेकुवत लेवर/पोटर के 01.6.1978 के पूर्व/टी0एवजी0
विभाग के इस मुद्रित में कार्य किया है तथा उनके विरुद्ध किसी प्रकार
की प्रभावित बाधा लकी है तथा समय समयपर 01.6.78 के पूर्व से
कार्य करते रहे आ रहे है उन्हें निम्न संकेत दिव प्रतिदिन के विवर
लगाते पर लकी अस्थाई रिक्ति है । निम्नलिखित आदेश पर लभाना
जा लकता है ।

118 जिस एवजी पोटर तथा ठेकुवत लेवर की अतिरिक्त तौर पर 01.6.1978
के बाद स्टेशन अजीमक/स्टेशन मास्टर/यातायात विरीमक तथा किसी अन्य
पदाधिकारी के कार्यपर लभाना लिया है तथा उनके लभाना कार्य करने की
गवधि 120 दिव से अधिक की लकी है उक्त समय तक कार्य करते दिया
जाय जब तक कोई विविधित आदेश इस कार्यालय द्वारा संबंधित सीनियर
सुपरवाइजर को लकी भेजा जाता है ।

इस कार्यालय के लकी लभाना कार्य करने लकी आ रहे है

गंगाधरजी

रामकुमार

राधाकान्त

रामचंद्र

रामचंद्र

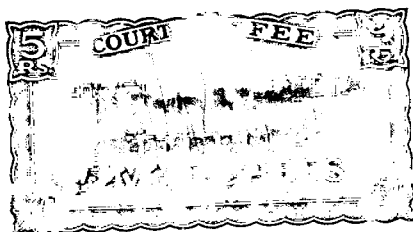
2/-

Handwritten signature and initials.

In the Central Administrative Tribunal, Lucknow
 व. लखनऊ प्रीतिमाद Circuit Bench, Lucknow महोदय

वादी / अपीलान्त

प्रतिवादी / रैस्पॉण्डेंट



वकालतनामा

नामी (अपीलान्त)

Ram Lakshmi

प्रतिवादी (रैस्पॉण्डेंट)

व. मुकदमा

Union of India

पेशी की ला

११ ६

ऊपर लिखे मुकदमा में अपनी ओर से श्री ओ० पी० श्रीवास्तव एडवोकेट
 एडवोकेट श्री ओ० पी० श्रीवास्तव एडवोकेट

८६७, पुराना महानगर निकट फातिमा अस्पताल, लखनऊ-२२६००२

महोदय

नाम अधिवक्ता	पुनः
मुकदमा नं०	
नाम करीबिन	

मैं अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हजारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकदमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (करीबसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लिखें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह 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 हूँ। अगर मुकदमा अबतक पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

श्री राम लक्ष्मी श्रीवास्तव
 ११/११/२०१२
 रामकुमार

साक्षी (गवाह) श्री राम लक्ष्मी

दिनांक

महीना

सन् ११

२१/११/२०१२

लखनऊ