

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CA No. 18/88 (4)

CAUSE TITLE OF

NAME OF THE PARTIES ... *Hari Prasad* Applicant

Versus

..... *U.P.E. Secy* Respondent

Part A.

Sl.No.	Description of documents	Page
1	<i>Order sheet</i>	<i>A1 to A5</i>
2	<i>Judgment order dt 26.8.92</i>	<i>A6 to A7</i>
3	<i>Writ Petition/Annexure</i>	<i>A8 to A27</i>
4	<i>Lawyer</i>	<i>A28 to A30</i>
5	<i>Any other letter</i>	<i>A31</i>
6		
7		
8		
9		
10		
11		
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17		
18		

CERTIFICATE

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

Rechecked Dated *19-9-11*

Counter Signed.....

Agast
21/09/11
Section Officer/In charge

m
Signature of the
Dealing Assistant

4/6

O.A. No. 18/88(L)

Hari Prasad Applicant

Vs.

Union of India & Others ... Respondents

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

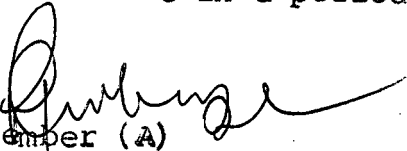
Hon. Mr. K. Obayya, A.M.

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

The applicant was allegedly employed as a casual labour from 28-7-1976. According to him he worked from 28-7-76 to 1-11-77, 16-11-82 to 14-4-82 to 14-9-83, 15-3-84 to 14-4-84 and 15-11-83 to 30-6-84 in broken periods for a total number of 834 broken days, under PWI Hardoi, Sandila and Balamau and from 1-12-84 to 31-3-85 for 121 days under PWI Sandila. As such, according to the applicant, he attained a temporary status and therefore, he is entitled for regularisation in accordance with the provisions of paras 2501 and 2511 of Railway Establishment Mannual. According to the applicant his name was again entered on 1-5-87 amongst the casual labours ^{with} ~~by~~ Assistant Engineer with the assurance that he will be regularised and he worked upto 3-5-87. On 4-5-87 he was not allowed to work. The applicant made representation, but he was not regularised nor he was allowed to work, though, some of his juniors were regularised.

2. The respondents have not admitted the facts as stated by the applicant. According to them the applicant worked under Permanent Way Inspector, Safipur from 28-7-76 to 1-11-77. After verification of working days of permanent way Inspector, Safipur, the signature of Permanent Way Inspector, Safipur, was found forged and fabricated.

The petitioner was not sent for medical examination on the basis of forged and fabricated Casual Labour Card. Thus, according to the respondents, the applicant's case was considered for the period before 1980, but his case for regularisation was not considered in the light of the fact that he worked for 454 days continuously in the year 1985 to 1987. If it was a case of forged labour card and the applicant was taking benefit of the same, the applicant having attained a temporary status he should have been associated with an enquiry. An exparte decision should not have been taken on the ground that the alleged labour card was forged and fabricated. Accordingly the decision taken was not in conformity with law and it is in violation of the principles of natural justice. As such the respondents are directed to reconsider the position and in case they are also to consider the earlier working days of the applicant, they will associate the applicant with the enquiry and conclude the enquiry within a period of 3 months. In case the earlier period of the working of the applicant is not to be taken into consideration and the applicant's claim of benefit of subsequent working during the period of 1982 to 85, is to be considered on par with the employees who worked with him during this period. He will be also given the desired relief, ^{if} there is no bar in granting such relief. The decision on this behalf may also be taken within a period of 3 months. No order as to the cost.


Member (A)


Vice-Chairman.

Dated: 26th August, 1992, Lucknow.

(tgk)

Order Sheet

Order on main Petition

GA. No-18 of 1988 (C)

1) Hon. Ajay Johri, AM
Hon. G. S. Sharma, JM

No reply has been filed so far.
Sri A. K. Dixit has sent his application for
adjournment. The case is accordingly
adjourned to 21-7-1988 for admission. By that
time, reply may be filed.

Am
26.5.88
KMB

21.7.88 Hon. A. Johri, AM.

Sri R. C. Banartha files an Vakalatnama
on behalf of S. A. K. Gaur, learned counsel
for the respondents and prays for, and is
allowed one month's time to file a reply
to the notice issued on 29-4-88 to
show cause as to why the petition
be not admitted.

List this case on 22.8.88
for admission.

Am.

16/10/88

SR In compliance of Hon'ble Tribunal
order dated 21-7-88, no reply has
been filed by the respondents so far.
Submitted for admission orders.

Am
KMB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT BOMBAY.

O.A./F.A. No. 10 198 8(2)

Hari Prasad

Applicant(s)

Versus

D. S. 4 or

Respondent(s)

No.	Date	Orders
	24/11/88	<p>Hon. D.S. Mishra - AM Hon. G.S. Sharma - JM</p> <p>On the request of Shri A.K. both the parties, the case is adjourned to 25/11/88 for hearing on admission.</p> <p><i>[Signature]</i> <i>[Signature]</i> JM AM</p>
	25.11.88	<p>Hon. D.S. Mishra, AM Hon. G.S. Sharma, JM</p> <p>Shri A.K. Dixit for the applicant requests 15 days time to file rejoinder. He may do so. Shri A.K. Chaur for the respondents v. present. List this case for hearing on 23.12.88.</p> <p><i>[Signature]</i> <i>[Signature]</i> JM AM</p> <p>25.11.88 <i>[Signature]</i></p>

4/12/88

OR

No Counter & Rejoinder have been filed so far.

Submitted

[Signature]

0/10/08(2)

6A

Incorporation for the impleadment of the newly added party has not so far been made by the learned Counsel for the applicant hence notice could not be issued.

Submitted for order.

fnsh
29/3/89

Hon' Mr. D.S. Misra, A.M.
Hon. Mr. D.K. Agrawal, J.M.

30/3/89

None is present for applicant, and the amendment ^{which} was allowed by us, has not been incorporated in the petition. Shri A.K. Gaur learned counsel for respondents files reply to the petition filed earlier. The applicant is given one more opportunity to carry out amendment approved by us. After the amendment ^{is} carried out, fresh notices will be issued to the respondents to file ~~supplementary~~ counter within 4 weeks and the applicant may file rejoinder if any within two weeks thereafter. List the case on 26-589 for final hearing.

ly added

J.M.

A.M.

(sns)

31/2/89

6B

As directed by the court Counsel for applicant has incorporated amendment & impleaded the necessary party today.

Notice issued to the newly added party through regd. post today.

26-5-89

No sitting. Adjourned to 1-8-89 for hearing.

fnsh
31/3/89

No fee was received by regd. post. Next reply morning reply has been filed.

SPH

B.O.C.

B.A. 18/88(L)

3.12.90

No setting adj to 22.2.91

1/4

22.2.91

No setting Adj to 11.3.91.

11.3.91

No setting adj to 3.5.91.

3.5.91

No setting adj to 26.8.91

26.8.91

No setting adj to 26.9.91

26.9.91

No setting adj to 26.11.91

26.11.91

No setting adj to 10.1.92

10.1.92

No setting adj to 24.2.92

24.2.92

No setting adj to 24.2.92

9.4.92

No setting of D.M. adj to 14.5.92

14.5.92

No setting of D.M. adj to 24.7.92

24.7.92

No setting of D.M. adj to 26.8.92

OK

S.F.H

25.8.92

O.A. No. 18/88 (L)

26/8/92

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

Heard. Judgment has been dictated in
the open Court.

(P.G.)

A.M.

V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO 18/88 (L) ~~XXXXXXXXXX~~

T.A. NO -

Date of Decision 26-8-92

Hari Prasad

PETITIONER.

Shri A.K.Dixit

Advocate for the Petitioner(S)

VERSUS

Union of India & Others

RESPONDENT.

Shri A.K. Gaur.

Advocate for the RESPONDENT(S)

CORAM

The Hon'ble. Mr. Justice U.C. Srivastava, V.C.

The Hon'ble. Mr. K. Obayya, A.M.

1. Whether Reporter of local papers may be allowed to see the Judgment? ✓
2. To be referred to the reporter or not? ✓
3. Whether their Lordships wish to see the fair copy of the Judgment? ✓
4. Whether to be circulated to other benches? ✓

Vice-Chairman/Member

CLAIM NO: 10800(1) /88:

Instt. On _____:

FORM I

(See Rule-4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH ALLAHABAD CIRCUIT BENCH

AT

LUCKNOW

Hari Prasad.

-----Applicant:

Versus.

Gen. Manager, Northern Rly.

& Others.

-----Opp. Parties:

I N D E X :

S1. No.	DESCRIPTION OF DOCUMENTS RELIED UPON:	PAGES NOS.
---------	---------------------------------------	------------

- | | | |
|----|--|---------|
| 1- | Application | 1 to 12 |
| 2- | Annexure No: A-1
Photo copy of Casual labour Card
of Claimant. | 13 |
| 3- | Annexure No: A-2 True copy of
Application dt: 25-7-85. | 14 |
| 4- | Annexure No: A-3 True copy of
Application dt: 19-12-85. | 15 |
| 5- | Annexure No: A-4 True copy of
Application dt: 6-2-88: | 16 |
| 6- | Annexure No: A-5 True copy of
Certificate dt: 8-2-88. | 17 |

7- Annexure NoA-6

True copy of representation

dt: 14-3-1988.

18

Lucknow:

Signature of the Applicant

dated: -27-4-88:

(HARI PRASAD)

27/4/88

through Counsel.

A.K. DIXIT

(A.K. DIXIT) Advocate,

R/O 509/28-Ka Old Hyderabad,

Lucknow;

Steps for Resubmission No 6 filed on 31.3.89.

31.3.89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

CIRCUIT BENCH

AT
LUCKNOW

B E T W E E N

Hari Prasad, -----APPLICANT:

Versus.

General Manager N.Rly.
& Others. -----RESPONDENTS:

DETAILS OF APPLICATION:

1- Particulars of applicants:

- (i) Name of the Applicant: - 0
(ii) Name of father/husband: 0 As per details
(iii) Age of the applicant: - 0 given below: -

Hari Prasad, aged about 30 years, Son of Sri
Fakirey Lal, R/o Burha Khera, Post Sandila,
District HARDOI.

(iv) Designation & particulars of office in which employed Permanent Way
Inspector N.
Rly. Sandila
Distt. HARDOI.

(v) Office Address: - -Do-

(vi) Address for Services of Notices Hari Prasad, Son of
Sri Fakirey Lal,
Village: Burha Khera
Post: - Sandila
Distt: - HARDOI.

2- Particulars of Respondents:

- (i) Name of respondent.
- (ii) Name of father/husband.
- (iii) Age of the respondent.
- (iv) Designation & particulars of office (name & station) in which employed.
- (v) Office Address.
- (vi) Address for service of Notices.

As per details given below -

- 1- General Manager, Northern Railway Head Quarter, Baroda House, New Delhi.
- 2- ~~Chief Permanent~~ Assistant Engineer Northern Railway HARDOI.
- 3- Chief Permanent Way Inspector, Northern Railway Sandila District Hardoi.
- 4- Permanent Way Inspector Northern Railway, Sandila Hardoi.
- 5- Permanent Way Inspector, Northern Railway, Balamau, District Hardoi.
- 6. Union of India, through Secretary of Dept. of Railways, Ministry of Railways New Delhi.
- 3- Particulars of order against which application is made.

Respondent No. 6

implemented under
Conti order dt. 24.2.89
and 30.3.89.

The application is made against following order: -

31.3.89

(i) Order No: - Nil.

(ii) Date - 8-2-88.

(iii) Passed by: - Chief Permanent Way Inspector N.Rly. Sandila District HARDOI.

ET 0575

(iv) Subject in Brief:

Applicant having employed as Casual labour in Northern Railway worked from 28-7-76 to 1-11-77, 16-11-82 to 14-4-82 to 14-9-83, 15-3-84 to 14-4-84 & 15-11-83 to 30-6-84 in broken periods under PWI Hardoi, Sandila and Balamau for a total number of 834 broken days. From 1-12-84 to 31-3-85 applicant worked continuously for 121 days under PWI Sandila .

Applicant is thus entitled to be regularised in accordance with provisions of paras 2501 and 2511 of Railway Establishment Mannual .Applicant has been ousted from his job without complying with the different provision of Railway Establishment Mannual and even without an order in writing against which he preferred several representations. On 1,2 and 3-5-87 applicant was again engaged as casual labour and performed duties but has been put out of job with effect from 4-5-87 without any reason, while juniors than him are still in service.

None of the representations have been responded and on being contacted in the office of Chief Permanent Way Inspector Sandila, applicant was orally informed that his case can not be considered. On 8-2-88 the Office of Chief PWI Sandila

A/14

-: 5 :-

14-4-84 under PWI Balamau and from 15-11-83 to 30-6-84 under PWI Sandila total 834 days in broken periods on non-project works.

6.2- That from 1-12-84 to 31-3-85 applicant has performed 121 days of continuous duties as Casual labour under PWI Sandila- Respondent No:4, under non-project Works.

All there working days are entered in the Casual labour Card of Claimant, A True photostat copy of which is attached as ANNEXURE NO: A-1 to this application.

6.3- That with effect from 1-4-85 applicant was not permitted to work on the ground that he will soon be called for Medical Examination and screening is likely to take place. Applicant started to make efforts and contacts but when nothing was done he moved two representations dated: 25-7-85 and 19-12-85.

True copies of the aforesaid representations dt: 25-7-85 and 19-12-85 are attached herewith as ANNEXURES Nos. A-2 & A-3 to this application.

6.4- That ultimately on 1-5-87 applicant's name was again entered amongst the casual labours with Asstt. Engineer Hardoi with the assurance that he is now being regularised keeping in view the continuous days of his working.

Agta

Applicant was deputed to work with PWI Balamau where he worked ~~upto~~ 2 and 3-5-87 on Railway Line near East Cabin of Balamau Jn. and his name finds place at Sheet No: 27.

6.5- That on 4-5-87 applicant was not permitted to ~~join~~ ^{join} his duties by the PWI Balamau on the pretext that he has worked under PWI Sandila then why he makes a burden on his strength. It was also remarked by the PWI Balamau that applicant has been marked absent.

6.6- That applicant inspite of his best efforts was not attended by any of the officials ~~insip~~ inspite of representations.

A true copy of one of such representation dt: 6-2-88 is attached herewith as ANNEXURE No: A-4 to this application.

6.7- That applicant also tried to contact the office of respondent no.3 for redressal of his grievences where he was orally informed that since his records are not available his case can not be considered.

6.8- That applicant has not been issued with any sort of order in writing rejecting his representation but with considerable efforts it was only on 8-2-88 that office of respondent no.3 issued a certificate to the claimant, which indicates that records of claimant are not available.

A true photostat copy of such certificate dt: 8-2-88 issued by the office of respondent No: 3 is attached herewith as ANNEUXRE NO: -A-5 to this application.

6.9- That several persons Junior than claimant have been regularised and are in regular service .

6.10- That on receipt of Annexure A-5 applicant on 14-3-88 sent a letter/notice to the respondents that in case his claim is not settled within 3 weeks he will be compelled to seek redress in court of law. Applicant has received no response of this letter even so far.

A true copy of aforesaid letter/notice dated: 14-3-88 which was dispatched to respondents Nos. 2 & 3 under Registered Postal Receipt No: 1739 and 1740 Sandila Road Post Office is attached herewith as ANNEXURES A-6 to this claim petition.

6.11- That from the requence of events detailed above it is clear that respondents are not inclined to allow the rightful claim of regularisation to the claimant and are not even ready to check and consider his case for which they are duty bound, hence applicant has been left with no option to present this claim, the cause of action for which arose on

A/R

-::8 ::-

3-5-87 (the date of last workin) and 8-2-88
(the date of refusal to consider his claim).

6.12- That present claim is preferred on and
amongst other the following:-

G R O U N D S

A. Because petitioner having completed
more than requisite period of continious work-
king as Casual labour on non-project work has
acquired status of temporary employee under
provision of Paras 2501 (b) and 2502 to the
Railway Establishment Mannual.

B. Because retaing juniors than petitioner
in service ignoring this claim of seniority
amounts to violations of Art. 14 & 16 Constitut-
ion of India.

C. Because petitioner having completed
more than 120 days or continious service other-
wise than on a Railway Project has acquired
status of Temporary employee in view of
provisions contained in paras 2501 (b)(i)(iii),
2503 & 2511 Railway Establishment Mannual.

ET gvt

contd-----9/

4/12

9 :-

D.D. Because Railway Boards Circular No: E (N.G)ii-80/CL-25 dated: 22-10-80 NR 7677 costs a mandatory duty upon respondents to adopt principle of "Last come first go" and to check the records on such complaint and to engage such person.

E. Because action of respondent is not regularising the claimant is highly arbitrary and malafide.

7- Details of Remedies

exhausted :-

The applicant declare that they have availed all to remedies available to them under relevant rules. None of the representations have been decided by any order in writing. True copies of Annexures A-2, A-3, A-4 & A-6 attached herewith this claim petition.

8- Matter not previously filed or pending with any other court :-

The applicant further declare that they had not filed previously any application. Writ-petition or suit regarding the matter in respect of which this application has been made,

ए.एस.एम

-: 10 :-

before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, Writ petition or suit is pending before any of them.

9- Reliefs Sought:

(i) a declaration, direction or order in favour of claimant be made to the effect that he is entitled and be treated as Regular Temporary Class IV employee of Railway with effect from 3-5-87 (or with effect from such a date as Hon'ble Tribunal may deem fit), and as a necessary consequence respondents will pay all consequential benefit of salary, seniority promotion etc. to the petitioner.

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

10- In-terim order if any.

prayed you:

N I L.

11- Application is presented Counsel Sri ABHAYA

contd-----1/-

2 Aug 87

5/20

-: 11 :-

KUMAR DIXIT, Advocate, R/O 509/28Ka, Old Hyderabad, Lucknow.

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

1- Name of the bank on which drawn x

2- Demand Draft No: x

OR

1- No. of Indian Postal order: - DD 829981
24

2- Name of Issuing Post Office: High Court Bench
Lucknow

3- Date of Issue of Postal 27.4.88

Order: -

4- Post Office at which payable: -

13- List of Enclosures: -

1- Demand Draft/postal order: -

2- Index of documents.

3- Paper book having details of

Annexures as mentioned in

the Index.

4- Vakalatnama.

3A 5617

contd. 12/-

- :: 12 :: -

VERIFICATION

I, HARI PRASAD, Son of Fakirey Lal,
 resident of Village Burha Khera, Post Sandila,
 District HARDOI, do hereby verify that the
 contents of paras 6.1 to 6.11 are true
 to my personal knowledge and those of paras
6.12 are believed by me
 to be true on legal advise and that I have not
 suppressed any material facts.

Dated: -

27.4.88.

HA GURZ

(HARI PRASAD)

Applicant:

HA GURZ

27.4.88

To,

The Registrar,

Central Administrative Tribunal, Allahabad

Circuit Bench,

Lucknow;

13

8/2

समक्ष माननीय जज सेवा अधिकरण, उत्तरांचल
सरकिट बेंच, लखनऊ

हरि प्रसाद

विक्रम

कोची

जुकेल मैजिस्ट्रेट, उत्तर रेलवे आदि

विपक्षी

सौजन्य संख्या १५१

131264 (6)

नियत मजदूर का काम करने का रिकॉर्ड
RECORD OF SERVICE AS CASUAL LABOUR

प्रारम्भिक नियुक्ति की तारीख
Date of initial employment

नौकरी की अवधि Period of employment		कार्य का स्वरूप Nature of assignment	पर्यवेक्षक की तारीख सहित हस्ताक्षर Sig. & Design of Supr. with date
कब से From	कब तक To		
15/12/84	15/12/84	15	
15/12/84	11/1/85	31	
11/1/85	4/2/85	31	
4/2/85	12/3/85	38	12/3/85
12/3/85	31/3/85	17	

DR. S. N. L. &

हरि प्रसाद

ATTESTED TRUE COPY
Abbaya Kumar Dixit
Advocate
HIGH COURT
LUCKNOW.

14

समक्ष:- माननीय केन्द्र सेवा अधिकरण इलाहाबाद सर्किट बेंच, लखनऊ ।

हरि प्रसाद

बनाम

जनरल मवेन्ट आदि ।

सैल नम्बर संख्या "ए2"

श्रीमान पी० डब्ल्यू० आर्डासाहब,

सञ्जीला, उत्तर रेलवे ।

सेवा में,

निवेदन है कि प्रार्थी कई जगहों पर सत्र 76 से कैजुअल काम करता रहा है और 834 दिन तक 30/6/84 तक काम किया । इसी कारण से श्रीमान जी ने प्रार्थी को अपने माहवती में 1/12/84 से 31/3/85 तक काम पर लगाया जो 121 दिन होते हैं और उसके कार्ड पर तस्दीक है । प्रार्थी को 1/4/85 से हटा दिया गया कि उसे जल्दी ही मेडिकल भेजा जायेगा लेकिन अभी तक मेडिकल मेमो नहीं मिला है । प्रार्थी मेमो लेने के लिए कई बार जा चुका है ।

इसलिए प्रार्थना है कि प्रार्थी को मेडिकल मेमो दिया जाय और उसे रेगुलर किया जाय ।

आपका सेवक,

हरि प्रसाद

पुत्र श्री फकीरे लाल

ग्राम बूढा खेरा

पो० सञ्जीला

जिला हरदोई ।

25/7/85

सत्य प्रतिलिपि

हरि प्रसाद

ATTESTED TRUE COPY
Abhaya Kanti Das
A. J. V. S. G.
HIGH COURT
LUCKNOW.

15

सम्पत्ति:- माननीय केन्द्र सेवा अधिकरण इलाहाबाद सरकिल ~~मे~~

ATTESTED

Abha

HIGH COURT
LUCKNOW

सम्पत्ति:- माननीय केन्द्र सेवा अधिकरण इलाहाबाद सरकिल बेंच, लखनऊ ।

1/2/85

हरि प्रसाद

बनाम

जसरल मैनेजर आदि ।

संलग्नक संख्या "ए3"

सेवा में,

श्रीमान पोडूबूआई महोदय,

उत्तर रेलवे, सन्डीला

श्रीमान जी,

निवेदन है कि प्रार्थी ने आपके मातहत में 1/12/84 से 31/3/85 तक बिला नागा पूरा ईमानदारी और बगैर किसी शिकायत के काम किया है इसके भी पहले प्रार्थी काफी काम कर चुका है । उसके खिलाफ कभी कोई शिकायत नहीं रही । 1/4/85 से उसे बैठा दिया गया कि मेडिकल भेजा जायेगा आज तक मेडिकल नहीं भेजा गया । प्रार्थी ने दखवास्ते भी दो लेकिन कोई नहीं सुनता है । प्रार्थी गरीबआदमी है वह काम करने के लिए तैयार है । प्रार्थी को मेडिकल न भेजकर उसके साथ नाइंसाफी हो रही है ।

प्रार्थी का मेडिकल कराकर उसे रेगुलर किया जाय क्योंकि अन्य तमाम लोगो को किया जा चुका है ।

19/12/85

प्रार्थी-

हरि प्रसाद

ग्राम बूटा छेरा

पो 0 सन्डीला

कार्ड नं 131264

हरि प्रसाद

ATTESTED

Abha

HIGH COURT
LUCKNOW

समक्ष:- माननीय केन्द्र सेवा अधिकरण इलाहाबाद सरकिल बेंच, लखनऊ ।

1/25

हरि प्रसाद

बनाम

जनरल मैनेजर आदि ।

संलग्नक संख्या "ए 4"

सेवा में,

- 1- श्रीमान् असिस्टेंट इंजीनियर महोदय,
उत्तर रेलवे, हरदोई ।
- 2- श्रीमान् परमानेंट वे इन्स्पेक्टर महोदय,
उत्तर रेलवे, सन्डीला
हरदोई ।

श्रीमान् जी,

विषय: रेल विभाग की सेवा में नियमितोक्ति हेतु प्रार्थना-पत्र

निवेदन है कि प्रार्थी ने 28/7/76 से 1/11/77 तक पी०डब्लू०आई० सफीपुर के अधीन 16/11/82 से 14/12/82 तक पी०डब्लू०आई० हरदोई के अधीन, 15/4/82 से 14/9/83 तक पी०डब्लू०आई० सन्डीला 15/3/84 से 14/4/84 तक पी०डब्लू०आई० बालामऊ 15/11/83 से 30/6/84 तक पी०डब्लू०आई० सन्डीला के अन्तर्गत कुल 834 दिन बीच बीच में छोड़कर तथा 1/12/84 से 31/3/85 तक पी०डब्लू०आई० सन्डीला के अधीन 121 दिन तक निरन्तर कार्य किया है यह दिन उसके कार्ड पर चटे हैं जिसकी फोटोकॉपी संलग्न है ।

प्रार्थी निरन्तरता के आधार पर रेगुलर होने का पात्र है । प्रार्थी का नाम न तो लिस्ट में अंकित किया गया है और न उसे रेगुलर ही किया गया है जबकि प्रार्थी से जूनियर लोगो को रेगुलर कर दिया गया है और बराबर नई भरती भी हो रही है ।

प्रार्थी इस संबंध में कई प्रार्थना-पत्र दे चुका है लेकिन अब तक उसे न तो कोई उत्तर मिला है और न नौकरी ही दी गयी है ।

प्रार्थी यह प्रार्थना पत्र भेजकर निवेदन करता है कि उसके मामले की फैसला करके उसे रेल की सेवा में नियमित किया जाय ।

ATTESTED TRUE COPY

6/2/88

हरी प्रसाद

सत्य प्रतिलिपि

Abhaya Kumar Dixit
Advocate

HIGH COURT

LUCKNOW

प्रार्थी-

हरि प्रसाद

गाम बुढ़ा छेडा

सन्डीला जिला हरदोई

A/26

समस्त माननीय केन्द्र सेवा अधिकरण, उलाहाबाद
सरमिट बोन्ध, लखनऊ

हरि प्रसाद विक्रम याची
जनरल मैनेजर, उत्तर रेलवे आदि विपक्षी
संलग्नक संख्या " 5 "

प्रमाणित किया जाता है कि हरि प्रसाद पुत्र
जमींदार लाल के पुत्र लाल के कार्य दिवस
कर्मचारी के अंशुल भाई पर चक्र का हरीआ
के कर्तु दे दिया गया था उनके पश्चात् में
नहीं जानता है कि कर्मचारी का कर्तु क्या है।
इसका नाम के पुत्र में मिल गया है।
कई

28-2-88
Chief Inspector
for the railway, Sandwa

ATTESTED TRUE COPY
along -
Abhay Kumar Dixit
Advocate
HIGH COURT
LUCKNOW

हरि प्रसाद

सम्प्रदा- माननीय केन्द्र सेवा अधिकरण इलाहाबाद सरकिल बैंक, लखनऊ ।

हरि प्रसाद

बनाम

जनरल मैनेजर आदि ।

संलग्नक संख्या " ए 6 "

रजिस्टर्ड

सेवा में,

श्रीमान असिस्टेंट इंजीनियर महोदय,

उत्तर रेलवे ॥ हरदोई ॥

श्रीमान जी,

विषय: रेल विभाग की सेवामें नियमतीकरण हेतु प्रार्थना-पत्रों का निस्तारण ।

निवेदन है कि प्रार्थी ने 28/7/86 से 1/11/77 तक पी०डब्लू०आई सफीपुर के आधीन, 16/11/82 से 14/12/82 तक पी०डब्लू०आई हरदोई के आधीन, 15/4/82 से 14/9/83 तक पी०डब्लू०आई सलीला 15/3/84 से 14/4/84 तक पी०डब्लू०आई बालामऊ 15/11/83 से 30/6/84 तक पी०डब्लू०आई सलीला के अन्तर्गत कुल 834 दिन बीच-बीच में छोड़कर तथा 1/12/84 से 31/3/85 तक पी०डब्लू० आई सलीला के आधीन 121 दिन तक निरन्तर कार्य किया है यह दिन उसके कार्ड नं० 131264 पर चढ़ाये गए जिसकी फोटोकॉपी भी प्रार्थी ने आपको भेज दिया है ।

प्रार्थी निरन्तरता के आधार पर रेगुलर होने का पात्र है प्रार्थी का नाम न तो लिस्ट में अंकित किया गया है और न उसे रेगुलर ही किया गया है ।

प्रार्थी ने इस सिलसिले में कई प्रार्थना-पत्र दिए और अन्त में उसे 8/2/88 को श्रीमान मुख्य रेल पथ निरीक्षक सलीला के कार्यालय से यह लिखकर दिया गया कि उसका कार्ड पता नहीं कहाँ पर है और उसका नाम कैजुअल में लिखा है या नहीं ।

इससे यह मालूम होता है कि प्रार्थी को देखवास्ते खारिज कर दी गयी है और उसके मामले में कागजात की जाँच भी नहीं की जा रही है।

प्रार्थी को 1, 2 व 3-5-87 को काम पर भी लगाया गया है ।

प्रार्थी मजबूर होकर यह अंतिम प्रार्थना पत्र इस उद्देश्य से दे रहा है कि यदि उसके मामले का उचित फैसला इस प्रार्थना पत्र के प्राप्त होने से

तीन सप्ताह के अंदर नहीं कर दिया जाता है तो प्रार्थी अपना मामला अदालत में ले जाने को मजबूर होगा ।

दिनांक:-14 मार्च, 1988 सत्य प्रतिलिपि हरिप्रसाद प्रार्थी-
ग्राम बुढ़ाखेडा, सलीला

ATTEST 11/11/88
11/11/88

हरी प्रसाद

ब अदालत श्रीमान

[वादी] अपीलान्त

प्रतिवादी [रिस्पॉण्डेंट]

Before Central Administrative Tribunal

Additional Bench

Circuit Bench

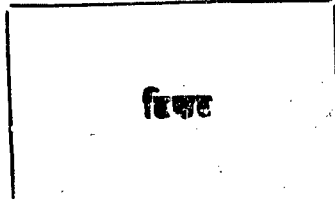
महोदय

Attached

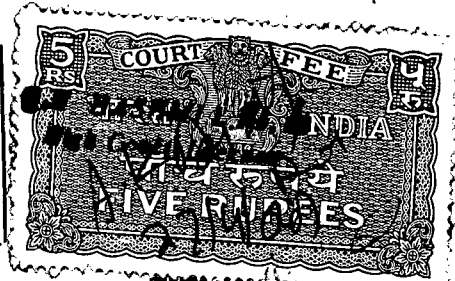
वकालतनामा

8/8

Hardi Prasad
vs.



दिकट



प्रातः १२.००

General Manager W. H. M. N. S.

20/8

नं० मुकद्दमा

सन्

पेशी की ता०

१२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

A. K. D. vs. A. K. D.

वकील

महोदय

509/24 to the Hyderabad Bench

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकस

की अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेंरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई यह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेंरवी 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

दृ. प्रसाद

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

४०

Accepted

27-4-88

for Gaurwss

SPECIAL POWER OF ATTORNEY:

In the Central Administrative Tribunal Circuit Bench
Court of Lucknow
Reg. No. 10/00(L)
Hari Prasad

V E R S U S

Union of India & others

KNOW all men by these presents that I, S.D. Gupta Dy. Manager
Northern Railway Moradabad do hereby appoint and authorise
S/Sri A.K. Gaur Advocate to appear, plead, and
act for me jointly or severally in the above noted case and to
take such steps and proceedings as may be necessary for the
prosecution and defence of the said matter, as the case may be
and for the purpose to make sign, verify and present all necessary plaint
petitions, written statements and other documents to compromise the
suit admit the claims and to lodge and deposit money in court
and to receive payment from the court of money deposited and to file
and withdraw documents from court and Generally to set in the
premises and in all proceedings arising thereout whether by way
of execution, appeal or otherwise or in any manner connected
therewith as effectually to all intents and purposes as I could
act if personally present I hereby agree to ratify and confirm
whatever shall be lawfully done by virtue of these presents.

In witness where of I hereinto set my hand this.....
day of..... 19

S.D. Gupta
(S.D. Gupta)
Dy. Manager
Northern Railway
Moradabad

Before Central Admn Tribunal Addl Bench Lucknow
Regn No 18/0016

Hari Pd

Plaintiff
Appellant
Petitioner

Versus

Union of Inds

Defendant
Respondent
Opposite Party

KNOW all men by these present that I, S. N. Pandey D.R.M. / 1913
Northern Railway, Moradabad do hereby appoint and authorise
S/Shri Asit Kumar Chattervedi to appear, plead,
and act for me jointly or severally in the above noted case
and to take such steps and proceedings as may be necessary
for the prosecution and defence of the said matter, as the
case may be and for the purpose to make sign, verify and
present all necessary plaint petitions, written statements
and other documents to compromise the suit admit the claims
and to lodge and deposit money in court and to receive
payment from the court of money deposited and to file and
withdraw comments from court and Generally to set in the
promises and in all proceedings arising thereout whether by
way of excution appeal or otherwise or in any manner conn-
ected therewith as effectually to all intents and purposes
as I could act if personally present I hereby agree to
notify and confirm whatever shall be lawfully one by virtue
of these presents.

In witness whereof I herein to set my hand this _____

19 _____

S. N. Pandey

S. N. Pandey

(Died. By. Pandey)

Northern Railway

Moradabad

सरकारी कार्यालय

N/13

न्यायालय सी० ए० टी० ~~सी०~~
लखनऊ

विषय - रजि० नं० 18 अग 88
हरी बहादुर कानून
यू० आर० डी०

महोदय,
उपरोक्त वाद में
उत्ति वादी के अधि-वक्तव्य
एवं रैलन के वक्तव्य में
मिस्टर भू जाना है। इसी लिए
न्यायालय में उपस्थित होने
में असमर्थ है।
अतएव निवेदन है कि
उपरोक्त वाद आज के
लिए लक्ष्य गिरावा जाए
जावे, और ता० 8-10-90
निश्चित जाए की जावे।

100
दिनांक 5-10-90

for you
(ए० के० डी०)
पृष्ठ 2

In the Central Administrative Tribunal
Circuit Bench Lucknow.

A/3

Hari Prasad _____ Applicant

vs.

Union of India _____ Respondents

Reg No 12/88

Respected Sir,

In the aforesaid case as the instructions are not complete and certain papers are yet to be filed, it is not possible to the aforesaid case to-day.

Prayer

It is therefore most respectfully prayed that Hon'ble Tribunal be please to allow this application and adjourn the aforesaid case to-day and fix ^{22/12/89} ~~22/12/88~~ ~~22/12/89~~ ~~22/12/89~~ or ~~22/12/89~~ for hearing if possible.

Counsel for respondents

29/11/89

~~Sri~~ ^{A. C. Jain}
A. C. Jain
Advocate

✓
In the Central Adm. Tribunal, Aeld

Reg. No. 18 of 88

Hari Tel. % Union of India

Sir,

As I am busy in
a part heard case at
Aeld. on 1/8/89, it is
expedient in the ends
of justice & circumstances of
the case that the aforesaid
case may be listed on 7.8.89.

Prayer

It is, therefore, most respect-
fully prayed that this
Hon'ble Court be pleased
to ~~for~~ adjourn the case & may
fix 7.8.89 as next date.

Yours truly

(Signed for Pky)

1.8.89

In the Central Adm. Tribunal, Addl. Bench
(Ancient Bench), Secd.
Lucknow

Reg. NO. 18 of 88

Hari Pd.

Y Union of India
n

X/34

Listed on
26.5.89

Sir,

In the aforesaid Case 26.5.89
has been fixed as date for hearing.
Due to certain unavoidable
reasons, the Counsel for Rly. is
not in a position to attend the
Court on 26.5.89.

A large no. of cases are listed
for hearing on 1.6.89 & as such
it is expedient that the
aforesaid Case be listed for
hearing on 1.6.89.

Prayer

It is, therefore, most respectfully
prayed that this Hon^{ble} Court
be pleased to allow this appln.
& adjourn the case today & further
be pleased to fix the case on
1.6.89 for hearing.

26.5.89

A. K. Gaur
(A. K. Gaur)
Counsel for Rly.

Copy for
Per 15 counsel

In the Central Adm. Tribunal, Addl Bench
(Constit-Bench), Amd.
Lucknow

Reg. NO. 18 of 88

Hari Pd.

Y Union of India

Sir,

In the aforesaid Case 26.5.89
has been fixed as date for hearing.
Due to certain unavoidable
reasons, the counsel for Rly. is
not in a position to attend the
Court on 26.5.89.

A large no. of cases are listed
for hearing on 1.6.89 & as such
it is expedient that the
aforesaid Case be listed for
hearing on 1.6.89.

Prayer

It is, therefore, most respectfully
prayed that this Hon'ble Court
be pleased to allow this appln.
& adjourn the case today & further
be pleased to fix the case on
1.6.89 for hearing.

Anand
(A.K. Gaur)
for Rly.

o/c

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/

1079

Dated :

31/3/09

Registration No. 10 of 1939(4)

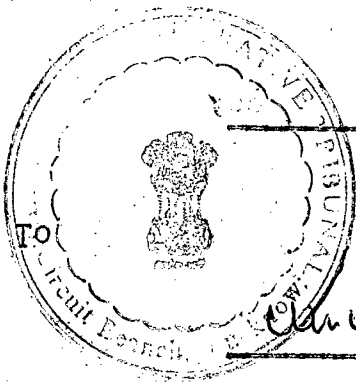
Hari Pd.

Applicant

Versus

U.O.

Respondent's



Min. of India through Secy. of Deptt.
of Railways, Ministry of Railways.
New Delhi

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 26 day of 5 1939 for trial hearing. To file reply within 4 weeks.

If no, appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 21 day of 3 1939.

dinesh/

For DEPUTY REGISTRAR
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

O.A.No: 18-L-of 1988.

Fixed on 23 Feb., 1989.

Harri Masood

...Applicants.

Versus

General Manager N Rly
and othrs

...Respondents.

Application on behalf of Claimants for Impleadment of

Union of India.

It is submitted that in the above noted case Union of India has been left from being impleaded which ought to have been impleaded. An objection to this effect has also been raised by Respondents.

It is therefore most humbly prayed that applicants be permitted to implead Union of India as Respondent No 6 in the following manner in array of Respondents, by amending the claim accordingly.

" 6 Union of India, through Secretary of Railways,
Ministry of Railways, NEW DELHI."

Lucknow:

Dated: 23 Feb., 1989.

Counsel for Applicants.

(A.K. Dixit)
Advocate.

30/3/89

Harri
Masood

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW.

65
No. CAT/Alld/

18/000(L)

12.5
Dated the 1988

Hari Prasad.....Versus.....G.M.N.Railway & ors. *AS*

To.

- 62 ←
1. General Manager, Northern Railway, Head Quarter, Baroda House, New Delhi.
 2. Assistant Engineer, Northern Railway, Hardoi.
 3. Chief Permanent Way Inspector, Northern Railway Sandila District Hardoi.
 4. Permanent Way Inspector, Northern Railway, Sandila Hardoi.
 5. Permanent Way Inspector, Northern Railway, Balamau, District Hardoi.

Please take notice that the applicant above named has presented an application, a copy whereof is enclosed herewith which has been registered in this Tribunal, and the Tribunal has fixed 26/5/88 to show cause as to why this petition be not admitted. -

If no, appearance is made on your behalf, your pleader or by some one duly authorised to act and plead on your in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 12/5/88.

12/5
For DEPUTY REGISTRAR (Jud)

P.T.O.