

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

**** (Circuit Bench)

Lucknow

B/1

INDEX-SHEET

CAUSE TITLE Reg. No. 193 OF 1988 (L)

Name of the Parties Chandra Bhan

Versus

Union of India and others

Part A, B & C

S.No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - - - - -	1
A2	Order sheet - - - - -	1
A3	Judgement dated 24/11/1989	4
A4	Petition alongwith annexures (dated 27/X/88)	22
B1	Wakatnawa (Romey)	1
B2	Office Memo - - -	1
	(A + B)	
so (5)	Log	
	D/C 04/04/2012	

(A2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T.A. No. 193 1988(L)

Chandra Bhan

Applicant(s)

Versus

O.A.R.

Respondent(s)

Sr. No.	Date	Orders
	21.11.80	No sitting. Adjourned to 20.12.80 for admission. Jish 21/11
	20/12/80	No sitting. Adjourned to 23.12.80 for admission. h 20/12
	23/12	No sitting, Adjourned to 27/1/81 for admission. Ran 23/12
B-1-09		<p><u>Hon. 27/2/81, A.M</u></p> <p>In this application a prayer is being made for the execution of Judgements dt. 19.10.85. Given by the IVth Addl. Civil Judge, Lucknow allowing the appeal of the plaintiff in suit no. 162 of 1982. The application is in nature of execution proceedings. The learned Counsel wants time to study law in regard to consideration of the Tribunal of such application for entertaining is allowed conscientability. This application Put up this case for hearing on admission on 23.1.89.</p> <p style="text-align: right;">31 A.M</p> <p style="text-align: center;">h</p>

A3

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW.

Registration O.A.No.193 of 1988(L)

Chandra Bhan Applicant

Vs.

Union of India and another Respondents

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

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

The only relief claimed by the applicant in this petition under Section 19 of the Administrative Tribunals Act (XIII of 1985) (hereinafter referred to as the Act) is that the respondents be directed to implement and comply with the judgment dated 19.10.1985 passed by the IVth Additional Civil Judge, Lucknow in Civil Suit No.18 of 1985 within the time allowed by this Tribunal with all consequential benefits of seniority, promotion and arrears of pay. The question arising for consideration before us is whether such a petition is contemplated u/s.19 of the Act or is maintainable.

2. The learned counsel for the applicant was heard at length and his contention is that it is yet doubtful whether this Tribunal can initiate action against the contemner under the Contempt of Court Act read with S.17 of the Act for the disobedience of the decree passed by the Civil Court and placing reliance on Baldeo Singh Vs. Chabi Shyam Tripathi (1988 Local Bodies and Educational Cases-411) and Ram Lal Kapoor Vs. Union of India (2 (1988) A.T.L.T. (CAT)-203) it was urged that as conflicting

A3
2

views have been expressed on this point by a Bench of this Tribunal and the Lucknow Bench of the High Court of Judicature at Allahabad, this matter should be thrashed out after issuing notice to the respondents.

3. We have very carefully considered the contentions raised before us and have also gone through the two decisions cited above. In our opinion, it is not necessary to decide the question posed on behalf of the applicant before us in this case as the application before us is not an application for action under the Contempt of Court Act but is an application u/s.19 of the Act. Whatever may be the views of the Tribunal and the High Court regarding the contempt proceedings in the event of the disobedience of the orders passed by the Tribunal, High Court or other Civil Courts, the simple question before us is that the present petition is in the nature of an application for execution and it has to be seen whether such an application is maintainable under any provision of the law. The relevant provision is contained in S.27 of the Act, which runs as follows :-

"27. Execution of orders of a Tribunal- Subject to the other provisions of this Act and the rules, the order of a Tribunal finally disposing of an application or an appeal shall be final and shall not be called in question in any court (including a High Court) and such order shall be executed in the same manner in which any final order of the nature referred to in clause (a) of sub-section

.3.

(2) of Section 20 (whether or not such final order had actually been made) in respect of the grievance to which the application relates would have been executed."

4. Section 27 provides that the orders passed by the Tribunal are not to be executed by it and they are to be executed in the same manner in which any final order passed by the concerned competent authority would have been executed. Thus, there is no doubt about the fact that the Tribunal is not required under any provision of law to execute even its own orders and we are of the view that on this ground alone, the Tribunal cannot be asked to execute the orders or decrees passed by the Civil Courts. This Bench while sitting at Allahabad has repeatedly taken the view that execution applications contemplated by O.XXI of the Code of Civil Procedure could neither be transferred by the Civil Courts to the Tribunal u/s.29 of the Act nor can such applications be filed afresh before the Tribunal. A careful study of the provisions of Ss.14 and 28 of the Act will go to show that there is no bar to the jurisdiction of the Civil Courts to execute their decrees passed in service matters before the establishment of the Tribunal and the remedy of the applicant, if at all, lies before the Court passing the decree sought to be implemented and not before this Tribunal. Assuming for the sake of argument, this petition is entertained and a

AB
4

final order is passed by the Tribunal directing the respondents to implement the decree of the Civil Court and if the respondents still fail to comply with the same, the Tribunal has no machinery of its own for executing its order and the ultimate remedy will lie only under the Contempt of Court Act. It is needless to consider the scope of the powers of this Tribunal under that Act for the disposal of this petition. We are clearly of the view that such a petition is not contemplated by S.19 of the Act and is not maintainable.

5. The petition is accordingly dismissed in limine.

J. Narula

MEMBER (J)

N. Bhattacharya

MEMBER (A)

Dated: 24.1.1989
kkb.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

Chandra Bhan

• • •

Applicant.

Versus

Union of India & another ..

Respondents:

FORM - I
(See rule 4)

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

For use in Tribunal's Office:

Date of filing _____

OFF

Date of receipt _____
by post.

Registration No. -----

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

Chandra Bhan ... Applicant.

Versus

Union of India & another ... Respondents.

INDEX:

Sl. No.	Particulars	Page nos.
1.	Application	1- 10
2.	<u>Annexure No. A-1.</u> Photo stat copy of judgment dated 19.10.1985 passed by IVth. Additional Civil Judge, Lucknow in Regular Civil Appeal No. 18 of 1985 (Chandra Bhan Versus Union of India).	11- 17
3.	<u>Annexure No. A-2.</u> Representation dated 24.12.1987 (photo stat copy).	18- 19
4.	<u>Annexure No. A-3.</u> Postal Receipt (Photo stat Copy).	20
5.	<u>Annexure No. A-4.</u> Photo stat copy of reminder dated 24.5.1988.	21
6.	Vakalatnama	22

Chandra Bhan
Signature of the Applicant:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW.

O. A. No. 193 of 1988.

File No 27-X-88

To be listed 24.11.88

on 27/11/88
DR(T)

Chandra Bhan

...

Applicant.

Versus

Union of India & another ..

Respondents.

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNALS ACT, 1985.

DETAILS OF APPLICATION:

1. PARTICULARS OF THE APPLICANT:

(i). Name of the applicant : Chandra Bhan.

(ii). Name of father : Sri Setu.

(iii). Name & official address in which employed and designation. : Fireman grade 'C' under Loco Foreman, Northern Railway, Alambagh, Lucknow.

(iv). Office address : as given above.

(v). Address for service of all notices. : r/o L.D. 7F, Running - Shed Colony, Alambagh, LUCKNOW.

...2.

Chandra Bhan

(By
2)

2. PARTICULARS OF RESPONDENTS:

(i). Name/or designation :)	1. Union of India,
of respondents.)	through the General -
	Manager, Northern -
	Railway, Baroda -
	House, <u>NEW DELHI</u> .
(ii). Office address of :)	2. The Divisional -
respondents.)	Railway Manager,
	Northern Railway,
	Hazratganj,
	<u>LUCKNOW</u> .
(iii). Address for service :)	
of all notices.)	

3. BE PARTICULARS OF ORDERS AGAINST WHICH APPLICATION IS MADE.

Since the applicant's representation dated 24.12.1987 has not been decided and the judgment dated 19.10.1985 passed by the IV th. Additional Civil Judge has not been implemented, there is no impunged order.

4.

SUBJECT IN BRIEF:

For implementation of judgment and decree dated 19.10.1985 passed by the IV th. Additional Civil Judge, Lucknow in Regular Civil Appeal No. 18 of 1985 (Chandra Bhan Versus Union - of India) decreeing the suit of the applicant.

5. JURISDICTION OF THE TRIBUNAL:

Chandra Bhan
The applicant declares that the subject matter against which he wants redressal is within the

jurisdiction of this Hon'ble Tribunal.

5. LIMITATION:

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

6. FACTS OF THE CASE:

(i) That in the year 1982, the applicant had filed a Regular Suit (Suit No. 102 of 1982 Chandra Bhan Versus Union of India) in the Court of Munsif - Haveli, Lucknow for the reliefs re-produced below :-

" (a). A decree declaring the imposition of para 410 of the Northern Railway Medical Manual on the plaintiff in terms of Letter No. 99 Med./O/M dt. 4.3.1971 issued by DMO/LKO as illegal, unconstitutional, void and in-operative in law and that the plaintiff is entitled to full benefits of promotion, seniority, pay and allowances etc which would have accrued to him had he not been declared a case of schizomaphine under para 410 of the Northern Railway Medical Manual be passed in favour of

Chander Bhan

the plaintiff and against the defendant.

(b). Cost of the suit be awarded to the plaintiff and against the defendant.

(c). Any other relief which this Hon'ble court may deem fit and proper in the circumstances of the case be awarded to the plaintiff and against the defendant."W

(ii). That under the orders of the District Judge, Lucknow, the aforesaid suit was transferred in the Court of VIII th. Additional Munsif, Lucknow, who by his judgment and decree dated 17.12.1984, dismissed the suit.

(iii). That aggrieved by the judgment and decree mentioned above, the applicant, in the year 1985, filed Regular Civil Appeal (R.C.A. No. 18 of 1985- Chandra Bhan Versus Union of India) in the Court of District Judge, Lucknow and the same, under the orders of the District Judge, Lucknow, was transferred in the Court of IV th. Additional Civil Judge, Lucknow for decision.

(iv). That the aforesaid appeal was contested by the respondent no. 1 and after hearing the parties, the learned IV th. Additional Civil Judge, Lucknow, by his judgment and decree dated 19.10.1985, allowed the appeal and quashed the orders dated 17.12.1984 passed by the learned Munsif. Accordingly the plaintiff

(A4
6)

was also made entitled to all consequential benefits of promotions, seniority and arrears of pay. A true photo stat copy of judgment dated 19.10.1985 of the learned IV th. Additional Civil Judge, Lucknow is being filed herewith as ANNEXURE NO. A-1 to this application.

Annexure A-1.

v). That after awaiting a long when no orders were passed by the respondents implementing the judgment dated 19.10.1985 (Annexure No. A-1), the applicant contacted the office of the respondent no. 2 and other concerning authorities several times, but all the times, he was told that a second appeal had already been filed by the Railway Administration in the higher court and the applicant placed reliance thereon.

when
vi). That/no notice for second appeal alleged to have been filed was received from any court for a considerable period, the applicant, by means of a representation dated 24.12.1987 sent under registered on 25.12.87 post, requested the respondent no. 1 to pass orders for implementation of judgment dated 19.10.1985, but no action was taken thereon. A true photo stat copy of the said representation dated 24.12.1987 and postal receipt are being filed herewith as ANNEXURE NO. A-2 and A-3 respectively to this application.

Annexure nos.
A-2 and A-3.

vii). That thereafter, the applicant also gave a reminder dated 24.5.1988 to the respondent no.2

Ends Here

(A)
2

alongwith a photo stat copy of the judgment dated 19.10.1985 for implementation. A true photo stat copy of the said reminder received in the office of the respondent no. 2 on 25.5.1988 is being filed herewith as ANNEXURE NO. A-5 to this application.

Annexure A-5.

(viii). That till today, the respondents have neither implemented the judgment dated 19.10.85 (Annexure no. A-1) nor decided the applicant's representation dated 14.12.1987 followed by reminder. They have been maintaining complete silence over the matter and are continued in disobeying and disregarding the court's orders without any ground or justification.

(ix). ^{for second appeal} That no notices/alleged to have been filed by the respondents have yet been served on the applicant nor any such appeal is pending in any court as per information of the applicant. The delay on the part of the respondents is deliberate and motivated.

(x). That the applicant has still been utilised as Fireman on open lines and no promotions, seniority and arrears of pay as ordered by the Hon'ble Court have yet been given to him by the respondents.

(xi). That the applicant had already suffered substantial loss and further losses are continued due to non implementation of the court's orders.

Chandu Bala

(xii). That the acts of the respondents in not implementing the Court's Judgment/Orders contained in Annexure no. A-1 are wholly illegal rather arbitrary and contemptuous.

7. RELIEF SOUGHT:

In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs :-

(a). That this Hon'ble Tribunal be pleased to direct the respondents to implement and comply with the judgment dated 19.10.1985 (Annexure No. A-1) faithfully within a reasonable time of one month from the date of such order as sought for with all consequential benefits of seniority, promotions, and payment of arrears of pay as ordered by the Hon'ble Court.

(b). Cost of this application may also kindly be awarded to the applicant.

Grounds:

(i). That the acts of the respondents in not implementing the judgment (Annexure

ex ante Blr

No. A-1) are wholly illegal, without authority and arbitrary in law.

(ii). That the acts of the respondents are also contentious of the Court's orders contained in Annexure No. A-1.

8. INTERIM ORDER, IF PRAYED:

In the facts and circumstances of the case, no interim order is prayed for.

9. DETAILS OF THE REMEDY EXHAUSTED:

The applicant declares that he has availed of all remedies available to him under the relevant service rules.

10. OTHER MATTER NOT PENDING IN ANY COURT e.t.c.

The applicant further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

11. PARTICULARS OF THE POSTAL ORDERS IN RESPECT OF THE APPLICATION FEE.

(1) Indian No. of Postal Order (s) DD 822092
 (2) Name of issuing post - G.P.O. LKO
 Office.

enclosed Bl

(By
10)

(3). Date of issue of Postal ** 24/10/88
Order.

(4) Post office at which
payable. _____

12. DETAILS OF INDEX:

A index in duplicate containing the details
of documents to be relied upon is enclosed.

13. LIST OF ENCLOSEDERS:

(1). Photo stat copy of judgment dated
19.10.1985 passed by IV th. Additional
Civil Judge, Lucknow in Regular Civil
Appeal No. 18 of 1985 (Chandra Bhan
Versus Union of India).

(2) Photo stat copy of representation dated
24.12.1987.

(3) Photo stat copy of Postal Receipt.

(4) Photo stat copy of reminder dated
24.5.1988 with acknowledgment of
respondent no. 2.

Verification :

I, Chandra Bhan, aged about 49 years ,

...10.

Chandra Bhan

- - C

(10)

(A4
11)

son of Sri Shetoo, resident of LD, 7F,
Running Shed Colony, Alambagh, Lucknow,
do hereby verify that the contents of
para 1 to 13 of this application are
true to my knowledge and belief and that
I have not suppressed any material fact.

✓ Place: Lucknow.
Dated: -10-1988.

Signature of the applicant:

To ,

The Registrar,
Central Administrative Tribunal,
Allahabad, Circuit Bench, Lucknow.

Copy of Judgment ANNEXURE NO. A-1. 11
dated 19.10.85 — passed by Sir
C.B. Pandey, D.L.C., No. in List No. 18/85
Chandra Bhaw vs Union of India

Urgent
No. 1
19/10/85

Folio Cancelled
Copy enclosed



Chandra Bhaw

Attested/True Copy

Vishwanath Shukla

L. P. SHUKLA
Advocate



Date of application for the copy.	Date fixed for notifying the requisite number of stamps and folios.	Date of delivery of the requisite stamps and folios.	Date on which the copy was ready for delivery.	Date of making over the copy to the applicant.
24.10.85	24.10.85	24.10.85 S.4-575-2	24.10.85	24.10.85

12

Chand Bhawan

Attested/True Copy

Vishwanath

L. P. SHUKLA
Advocate

P.50

४५ उपस्थितिः सौभाग्यं अव्याहृत्य वित्तीं सौख्यं जज्ञ लज्जनं त।

आरोग्योदाय के संना-१४ अक्टूबर १९८५।

प्रद्विभान् ॥ ०१॥ अस्ति त्वं तद्विभृति ॥ त्वं तद्विभृति ॥ अस्ति त्वं तद्विभृति ॥ अस्ति त्वं तद्विभृति ॥

बनाम

१५०८० यु. अप्रैल १९८० विद्यालय के लिए विद्युत विभाग
१५०८० विद्युत विभाग के लिए विद्युत विभाग

W. Smith's Test of the U.S. Steel Company, for the
Manufacture of a new type of steel.

କାହାରେ କାହାରେ କାହାରେ କାହାରେ କାହାରେ କାହାରେ କାହାରେ କାହାରେ କାହାରେ

प्राप्ति अपेक्षा अधिक विविध सम्बन्धों के विषय में

दिनांक 17-2-84 जिसमें उन्होंने बादी का बाद आरंज कर दिया

था, के विस्तु इस्तुति विवरा गया है। जिस विवरा के अन्तर्गत विवरा

12- तदीम भें तांचे इस्तीनुकारे हैं जूँ, तो इस्तीन की दिलाव जाए

Urgent नियमित नाथों का क्षम है। किंवद्दन उत्तरी रेलवे ने दितोय कार में

२०० के पद पर रायबरेली में कार्रवाई थी। दिनांक २४-१३-६७ असिस्टेंट

प्रियजनल मैक्रोनेट इन्जीनियर्स के यहाँ बर्मील की सो दिनांक 12-2-71

को अंग्रेज ने इन लोगों के लिए अपनी विशेष विधि का उपयोग किया।

आलभिंग के अधीन पुनः लेवा वै रथि लिया गया लेकिन उसे आदेश दिया

गुरु कि वह उत्तरी रेलवे के डॉक्टर के बहुत चर्चित की बरीकम हैतु। अतिं अस्थान है। उस आदेश के बनारास बहुत उत्तरी रेलवे के डॉक्टर के समक्ष

उसी स्थित हुआ तो शक्तर के उसे तो जो धूँनेवाला का शरोज पाया, कल स्वरूप

* उन्होंने रेलवे मेनुकल के वेरा-410 के अधीन इन्हटों के लिए अंस्तुति की।

डॉक्टर को उक्त 'रिपोर्ट' के बाधार पर 'दिनांक' 19-3-71 को लोका
मन्त्रीलाल मुख्यमंत्री को आदेश दिए गये तिथि उसके बोक्समेन के रूप में केबिल मेड में

काम से तथा लोकों को भी निर्देश दिया गया था कि वह

५०१४-१४४३ वर्ष के अन्त में इन्होंने अपनी विद्या का अध्ययन अपनी जनता के लिए लिया। उत्तरी रेलवे, लाहौर के विद्यालय समेत

तीम शाह के अन्दर इस्तुत करें, फिर स्वरूप जून, 1981 में अधिलांडी को उत्तरी रेलवे लाइन उ के छह पर्सेक्शन के

लिए भी गया गया लेकिन उसका कोई परोक्ष नहीं फ़िक्षा गया और उसे

बापत कर दिया गया अमृलथान का यह भी कहना है निकटी-
Attested/True Copy,

Attested/True Copy


-:3:-

Attested/Take Copy अनुसन्धान

V. Anjumawali - इन अन्न रेलवे ब्रेफ़ अल मेनुबल के बेरा 587 से 593 तक मानसिक

31.8.1948। किया जाता है तो वह सावधानी
युर्ज किया जाएगा और तभी तुलसि बिन्दुओं को स्पष्ट रूप से बनेक्षर-
31.8.1948 में दिए गए दोफामें पर्याप्त किया जाएगा।

-11-

16
12

रोग से बौमार कवितारियों के परीक्षण के तैयारी में उत्तराधिकार देने का
प्राविधान है। दोनों वक्तों के विद्वान् विकल्पकार्यों से स्वीकार किया
कि वाद पर्व वा विचारित व्यापार में जो पेरा-410 त्रुट्टि रेलवे में उक्ल
मेनुबल का उल्लेख आया है, वह हिन्दू उत्तराधिकार के पेरा-
593 है तथा पेरा-587 से 592 ही विकल्पकार्यालय पक्ष जारी करने
के लिए नार्दन रेलवे कम्युनिटी रखने के लिए भी लागू होते हैं। पेरा-589 & 20
में अगर कोई व्यक्ति का प्रभावित बौमारी का विकल्पकार्यालय पक्ष
प्रस्तुत करे तो वह तम्बन्धत विभाग के ऊपर निर्भर है कि वह उसे
माने या विकल्पकार्य विभाग की राय ले। पेरा-590 & 21 के अधीन
यह प्राविधान है कि यदि तम्बन्धत विभाग नहीं मानता है, तो ऐसे
मामलों में भी उक्ल लोडुका गठन करायें खाली हिन्दू उत्तराधिकार का नहीं है तो
विकल्पकार्यालय में भी उक्ल आपीलर के तमाद प्रस्तुत करे। हिन्दू उत्तराधिकार
मेनुबल के पेरा-587 के अन्तर्गत यह प्राविधान है कि तानचिक बौमारी
का परीक्षण बनिय रेलवे आवटर द्वारा किया जाता है तो वह सावधानी
युर्ज किया जाएगा और तभी तुलसि बिन्दुओं को स्पष्ट करने से बनेक्षर-
31.8.1948 में दिए गए दोफामें पर्याप्त किया जाएगा।

8- स्वीलाधी के मामले में उसके विभाग ने प्राप्तवेत् विकल्पकार्यालय
को न मानकर रेलवे आवटर से उत्तराधिकारी लिया गया है कि
रेलवे आवटर द्वारा किया गया परीक्षण वहाँ तक नियमानुतार है। प्रतिबादी-
प्रत्यक्षी को लोडुके लो-38 लोड दाखिल किया गया है। यह कागज
दाखिलों जेनल भी उक्ल आपीलर द्वारा नीलीजनल तुम्हारी देखें को लिया गया
विवर है, जिसमें वह उल्लिखित है कि स्वीलाधी वक्तव्यान का उद्देश्य परीक्षण
किया और पायारीक वह सौजन्यवान है, अनुबरूप वह नार्दन
रेलवे भी उक्ल मेनुबल के पेरा-410 के अन्तर्गत इक्की करने के लिए प्रष्ट हैं।
इस प्रति लेखन में वह विदित नहीं होता कि स्वीलाधी को पर्याप्त इन्हिन्दू उत्तराधिकार
रेलवे भी उक्ल मेनुबल के अनेकवार न-33 के लोडुका में लिया गया है।
इस प्रति के अलावा विकल्पकार्यालय परीक्षण के संबंध में वह मुख्योद्देश उस्तावेज
प्रतिबादी-प्रत्यक्षी की ओर से दाखिल जाएगी, किया गया है। इस प्रकार
पेरा-587 इन्हिन्दू रेलवे भी उक्ल मेनुबल का आलन होना प्रतीत नहीं
होता। इसके अतिरिक्त प्रत्यक्षी-प्रतिवादी लोडोर से लिखित कथ के
पेरा-28, 29, 30 में वह स्वीकारी निया गया है विकल्पकार्यालय के द्वारा
बचाव करने पर उसे चोक भी उक्ल आपीलर नहीं दिल्ली के पास विकल्पकार्य

Attested/True Copy

E. P. SHUKLA
Advocate

परीक्षण कराने के लिए भेजा गया। लिखित कथन, में यह कहा गया है कि चौक भैंडल आफौलर ने पाथा कि अपौलाधी को सौजोक्षिण्या की बौमारी है। चौक भैंडल आफौलर के द्वारा किये गये परीक्षण को रिपोर्ट प्रतिबादी-प्रत्यक्षी की ओर से दालिल नहीं की गयी है। यह रिपोर्ट अत्यन्त ही सहत्यापूर्ण रिपोर्ट थी और इससे चौक भैंडल आफौलर के द्वारा किये गये परीक्षण की अहीं जानकारी हो सकती थी लेकिन ऐसे सहत्यापूर्ण दस्तावेज को प्रतिबादी द्वारा न प्रस्तुत करने से उपधारणा उनके विरुद्ध ही जाती है। विशेषतः तब जबकि अपौलाधी ने भैंडल कालेज की एक विकासकौशिक रिपोर्ट प्रस्तुत की, जिसमें उसे सौजोक्षिण्या का सरोज नहीं बताया गया, फलस्वरूप भैंडल मुनितक की इस राय से कि अपौलाधी का विकासकौशिक परीक्षण उड्डीजनल भैंडल आफौलर के द्वारा कराया गया है और उनके द्वारा सौजोक्षिण्या की बौमारी पायी गयी इतनी झूटी पर ऐरा-410 इण्डियन नाईन रेलवे भैंडल मेनुबल का प्रतिबन्ध लगाना ठीक है, में सहमत नहीं हूँ तथा इस विवार का हूँ कि इण्डियन रेलवे भैंडल मेनुबल के अनुलार अपौलाधी का विकासकौशिक परीक्षण नियमानुसार न कराये के कारण उन पर लगाया गया नाईन रेलवे भैंडल मेनुबल के ऐरा-410 का प्रतिबन्ध निरस्त होने थोरा है।

9- उपरोक्त के बाद यह पर में इस निष्कर्ष पर पहुँचता हूँ कि ऐरा-410 उत्तरी रेलवे भैंडल मेनुबल जो इण्डियन रेलवे मेनुबल के ऐरा-593 द्वारा कि उभय दर्दी के लिदान अधिकृतामों ने स्वीकार किया है वह प्रतिबन्ध नियमानुसार नहीं लगाया गया, फलस्वरूप वह क्षेत्र एवं शुन्य पौधों पर करने थोरा है।

आदेश

अपौलाधी वन्द्र भूमि की अपौल सव्यव स्वीकार की जाती है और विद्वान मुनितक के निर्णय एवं आदेश दिनांक 17-12-84 को निरस्त किया जाता है। विष्टी द्वारा ऐरा-410 नाईन रेलवे भैंडल मेनुबल

TRUE COPY जो अब ऐरा-593 इण्डियन नाईन रेलवे भैंडल मेनुबल का है, के अन्तर्गत लगाये गये प्रतिबन्ध को अधिकारिक एवं शुन्य करार दिया जाता है। अ-व तदनुलार अपौलाधी को लेहा भैंडल नियमानुसार अधिकार दिया जाता है।

दि. 19-10-85
लालू बौद्ध पाण्डित
चन्द्र अतिथि लिबल जज,
लालू बौद्ध पाण्डित

दिनांक: 19-10-85.

Attested/True Copy

दिनांक: 19-10-85.

म. P. SHUKLA
Advocate

दि. 19-10-85
लालू बौद्ध पाण्डित

6
18
Registed:
14.12.1987.

The General Manager,
Northern Railway,
Baroda House,
New Delhi:

Reg: Regular Civil Appeal No. 18 of 1985
(Chandra Bhan Versus Union of India)
decided by the IV th. Additional Civil
Judge, Lucknow on 19.10.1985..

Representation for implementation
of Court's judgment/Orders mentioned
above.

Sir,

I have to bring your kind notice that the above-mentioned appeal has been decided in my favour and your counsel has also received the copy of judgment from the court.

In terms of the judgment mentioned above, I am entitled to all promotions, seniority and arrears of pay etc etc over and above my juniors already promoted, which have still have not been given to me.

I, several times, contacted the Office of the Divisional Railway Manager, Northern Railway, Lucknow and other concerning authorities and also delivered a photo stat copy of the judgment for implementation. All the times, I have been told by that office that some appeal had been filed in the higher court against the said judgment. Even till today, I have not received any notice of the higher court regarding the said appeal which is said to have been filed.

I have also made enquiry and have come to know that no such appeal is pending in any court. Thus the court's orders are being flouted and I am made to suffer.

Sir, I am a very poor man and do not think it better to start further litigations. I have already suffered because of the wrong orders of the DMO/Lko declaring me unfit for the post.

Sir, like before, I am still being taken duty on

Chander Bhan , Attested/True Copy

...2.

Chander Bhan

L. P. SHUKLA

Advocate

(2)

19
19

open lines as Fireman, which is self explanatory
that the order of DMO/LKO was wrong.

Sir, many persons junior to me, because of the
said wrong order, have superceeded and they have
even been promoted as Driver. Thus they are getting
more pay, but I am still a fireman despite the
court's verdicts.

You are, therefore, requested to kindly
look into the matter and necessary orders for
implementing the Court's judgment may kindly be
issued directing the Divisional Railway Manager,
Lucknow to promote me above my juniors with re-
trospective effect giving me seniority over them
and also the arrears of pay as per orders of the
court.

Thanking your.

Yours Sincerely,

Chandra Bhan
(Chandra Bhan),
Fireman 'C' under LF/LKO.

Dated 24.12.1987.

Chandra Bhan
Attested/True Copy
Vishwanath Shukla
L. P. SHUKLA
Advocate

20

5/70

दोस्ता नहीं NOT IN USE

संताये गये डाक टिकटों का मूल रु. 60
Amount of postage stampPost No. 4936
Date Stamp

एक संग्रहीय प्राप्ति

Received a registered

पात्रनाम का नाम

Addressee

पात्रवाले अधिकारी के हस्ताक्षर
Signature of Receiving OfficerBy
21

Chander Bhushan

Attested/True Copy

Chander Bhushan

L. P. SHUKLA
Advocate

Y
Jnu
25/5/88

The Divisional Railway Manager,
Northern Railway, Hazratganj,
Lucknow.

~~py
22~~

Through : The Proper Channel.

Subject : Implementation of Judgment & decree
dated 19.10.1985 passed by IV Addl.
Civil Judge, Lucknow in Regular Civil
Appeal No. 18 of 1985. Chandra Bhan
Versus Union of India.

Sir,

I regret to write that a considerable period
of more/2 years and 7 months has passed but no action
has yet been taken at your end to implement the jud-
gment and decree of the Hon'ble Court with the result
I have been still suffering.

In the circumstances mentioned above, I will have
no option but to start execution proceedings besides
contempt proceedings as the orders of the Hon'ble
Court are still being disobeyed and flouted.

It is, therefore, requested that your goodself
may kindly look into the matter and make arrangements
to get the orders of the court implemented without
delay so, to avoid un-necessary litigations.

A photo stat copy of the judgment is again being
sent herewith for your perusal and necessary action.

Thanking You.

Enc/Photo stat copy
of judgment.

Yours faithfully,

Chandra Bhan
(Chandra Bhan), F/Mar. c.
under LF/IKO.

Dated 24-5-1988.

Chandra Bhan

Attested/True Copy

Chandra Bhan

L. P. SHUKLA
Advocate

In the Central Administrative Tribunal
Allahabad Circuit Bench Lucknow

22

प्रधानमंत्रीपात्र

[गारी] पर्याप्तात्व

प्रतिपादी [रेस्पोन्स]

O.A. No.

दिक्षालत नामा

1980

महोदय

प्र



शीर्षक

Chandra Bhushan

Union of India

प्रमाण

प्रतिपादी (रेस्पोन्स)

न० सुफद्रमा

लम्

देशी रुपी रु० १०

११ ५०

ठबर सिखे सुफद्रमा में पवनी जोर से थी

Mr. L. P. Shukla, Advocate

220 Mahanagar Lucknow

परीक्षा

महोदय

एसोसिएट



दो घण्टना परीक्षा नियुक्ति प्राप्त हैं अतिथि (इष्टात्मा) प्रताहा हूं और सिखे देता हूं एस सुफद्रमा में परीक्षा भाग्योदय स्थिति अवधार घन्ध परीक्षा हारा जो पुष्ट वैराग्य घ घण्टना यही प्रश्नोत्तर परे यह पोई प्राप्ति प्राप्ति परे या लीटावे या हमारी ओर से उपरी पारी उरावे और उपरा प्रसूल परे या सुलहनामा प्रश्नात्मक दाया सपा अधीक्षि निमरानी हमारी ओर से हमारी या अपने हुस्तात्मक से प्राप्ति परे और सत्त्वात्मक परे सुफद्रमा उठावे या पोई एव्या दाया परे या हुस्तात्मक प्रियती (फरीदसाही) जा तादिक्ष प्रिया तुथा प्रश्ना वजने या हमारे हुस्तात्मक शुल्क (प्रस्तात्मक) रसीद से लेये या पंच प्रियुपत करे—परीक्षा भाग्योदय उरा यो जह पर सप पार्यंगाही हमको लर्यंगा स्पीजार है और होना थे यह यो स्पीजार प्रताहा हूं पि थे दूर पेती घर स्वयं पा प्रियो वर्षोपार को भेजता एहुंगा अगर सुफद्रमा वद्वास वैरायो थे एष सरठा मेरे प्रियात्मक जैसला हो पासा है उसकी प्रियमेतारी वेरे परीक्षा घर पहों होयी हुस्तिए यह प्रधानमंत्रमाला लिख विवा भ्रष्टाप रहे और सम्ब घर पाल आये।

Chandra Bhushan

हुस्तात्मक

साप्तो (प्रधान)

साप्तो (प्रधान)

प्रियात्मक

परीक्षा

लम् १० ००

स्पीजार

Chandra Bhushan

Registered

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

No. CAT/CB/LKO/625

Dated : 25/1/09

OFFICE - MEMO

Registration No. O.A. 193 of 1938(L)
T.A.

Chandra Bhan

Applicant's

Versus

Union of India

Respondent's

A copy of the Tribunal's Order/Judgement
dated 24/1/09 in the abovenoted case is forwarded
for necessary action.

h
For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 24/1/09 Tribunal
Circuit Bench

To.

Chandra Bhan - Applicant

Received one copy.

Chandra Bhan

dated 25/1/09

dinesh/

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW.

Registration O.A.No.193 of 1988(L)

Chandra Bhan Applicant

Vs.

O

Union of India and another Respondents

Hon. D.S.Misra, AM

Hon. G.S.Sharma,JM

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

The only relief claimed by the applicant in this petition under Section 19 of the Administrative Tribunals Act (XIII of 1985) (hereinafter referred to as the Act) is that the respondents be directed to implement and comply with the judgment dated 19.10.1985 passed by the IVth Additional Civil Judge, Lucknow in Civil Suit No.18 of 1985 within the time allowed by this Tribunal with all consequential benefits of seniority, promotion and arrears of pay. The question arising for consideration before us is whether such a petition is contemplated u/s.19 of the Act or is maintainable.

2. The learned counsel for the applicant was heard at length and his contention is that it is yet doubtful whether this Tribunal can initiate action against the contemner under the Contempt of Court Act read with S.17 of the Act for the disobedience of the decree passed by the Civil Court and placing reliance on Baldeo Singh Vs. Chabi Shyam Tripathi (1988 Local Bodies and Educational Cases-411) and Ram Lal Kapoor Vs. Union of India (2 (1988) A.T.L.T. (CAT)-203) it was urged that as conflicting

O views have been expressed on this point by a Bench of this Tribunal and the Lucknow Bench of the High Court of Judicature at Allahabad, this matter should be thrashed out after issuing notice to the respondents.

3. We have very carefully considered the contentions raised before us and have also gone through the two decisions cited above. In our opinion, it is not necessary to decide the question posed on behalf of the applicant before us in this case as the application before us is not an application for action under the Contempt of Court Act but is an application u/s.19 of the Act. Whatever may be the views of the Tribunal and the High Court regarding the contempt proceedings in the event of the disobedience of the orders passed by the Tribunal, High Court or other Civil Courts, the simple question before us is that the present petition is in the nature of an application for execution and it has to be seen whether such an application is maintainable under any provision of the law. The relevant provision is contained in S.27 of the Act, which runs as follows :-

"27. Execution of orders of a Tribunal- Subject to the other provisions of this Act and the rules, the order of a Tribunal finally disposing of an application or an appeal shall be final and shall not be called in question in any court (including a High Court) and such order shall be executed in the same manner in which any final order of the nature referred to in clause (a) of sub-section

(2) of Section 20 (whether or not such final order had actually been made) in respect of the grievance to which the application relates would have been executed."

4. Section 27 provides that the orders passed by the Tribunal are not to be executed by it and they are to be executed in the same manner in which any final order passed by the concerned competent authority would have been executed. Thus, there is no doubt about the fact that the Tribunal is not required under any provision of law to execute even its own orders and we are of the view that on this ground alone, the Tribunal cannot be asked to execute the orders or decrees passed by the Civil Courts. This Bench while sitting at Allahabad has repeatedly taken the view that execution applications contemplated by O.XXI of the Code of Civil Procedure could neither be transferred by the Civil Courts to the Tribunal u/s.29 of the Act nor can such applications be filed afresh before the Tribunal. A careful study of the provisions of Ss.14 and 28 of the Act will go to show that there is no bar to the jurisdiction of the Civil Courts to execute their decrees passed in service matters before the establishment of the Tribunal and the remedy of the applicant, if at all, lies before the Court passing the decree sought to be implemented and not before this Tribunal. Assuming for the sake of argument, this petition is entertained and a

final order is passed by the Tribunal directing the respondents to implement the decree of the Civil Court and if the respondents still fail to comply with the same, the Tribunal has no machinery of its own for executing its order and the ultimate remedy will lie only under the Contempt of Court Act. It is needless to consider the scope of the powers of this Tribunal under that Act for the disposal of this petition.

We are clearly of the view that such a petition is not contemplated by S.19 of the Act and is not maintainable.

5. The petition is accordingly dismissed in limine.

Deputy Registrar
General Ad. & Executive Tribunal
Lucknow Bench
Lucknow

MEMBER (J)

MEMBER (A)

Dated: 24.1.1989
kkb.

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

193 of 1988 (L)

Priority
Seniority

APPLICANT (s)

Chandra Bhan

RESPONDENT(s)

U.O.S. & another (N.Rly.
Lucknow)

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
3. (a) Is the appeal in time ?
4. Has the document of authorisation, Vakalat-nama been filed ?
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
8. (b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

yes

yes

yes

Two sets only.

yes

—

—

yes

yes - S.P.O.m.D.D 4 822092
dt. 24.10.88

yes

yes

yes by the advocate.

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? *yes*

8. Has the index of documents been filed and paging done properly ? *yes*

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *yes*

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No.*

11. Are the application/duplicate copy/spare copies signed ? *yes*

12. Are extra copies of the application with Annexures filed ? *No.*

(a) Identical with the original ? *—*

(b) Defective ? *—*

(c) Wanting in Annexures *—*

Nos...../Pages Nos.....?

13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No.*

14. Are the given addresses, the registered addresses ? *yes*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *—*

17. Are the facts of the case mentioned in item No. 6 of the application ? *yes*

(a) Concise ? *yes*

(b) Under distinct heads ? *yes*

(c) Numbered consecutively ? *yes*

(d) Typed in double space on one side of the paper ? *yes*

18. Have the particulars for interim order prayed for indicated with reasons ? *No.*

19. Whether all the remedies have been exhausted. *yes*

If approved, be listed before the Court on 24. 11. 88. *DSBbby* *27/11/88* *27/11/88*
S.O. (J) *D.R (J)*