

(See rule 114)

OA/~~TA/RA/CP/MA/PT~~ 198188 of 20.....

.....Applicant(S)

*Versus*

univ. of malis Respondent(S)

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7.	Rejoinder Affidavit	

Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: 21/1/93

1981/88  
O.A. 108

Title

Name of Parties.

K. Kumar

Applicant

versus  
Union of India

Respondents.

PART - A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
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PART - B

B101

B202

Part - C C203 - C222

Certified that no further action is required. The case is fit for consignment to record room.

Section Officer

Court Officer

Incharge

Signature of Deal Assistant.

(RN)

SM  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Corrected  
Date of F.  
A.

Registration No. 198 of 1988 (L)

APPLICANT (s) ..... Krishna Kumar .....

RESPONDENT(s) ..... U.O. (N. Rly) .....

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 ?	only two sets.
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 S.P.O. 50 020884 dt. 17/8
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 the Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT BANGALORE.

\*\*\*\*

O.A./T.A. No. 190 1988 (1)

Krishna Kr.

Applicant(s)

Versus

U.O. &

Respondent(s)

Sr. No.

Date

Orders

21-2-09

No sitting. Adjourned to 9-2-09  
for orders.

*h*  
*mk*

A 2

C.A.No.198 of 1988(2)

27.12.88.

Hon'ble G.S.Sharma - J.M.

Heard Sri L.P.Shukla and Sri Siddhartha Verma. A reply has been filed on behalf of the respondents. The grievance of the applicant is that the Railway Administration itself had asked the applicant to go to Lahore to obtain the record pertaining to his date of birth and to apply for no objection certificate. The applicant is shown to have applied for 'no objection certificate' for obtaining the pass port for Lahore (Pakistan) in January, 1987 but since then no objection certificate has been issued as a result the applicant could not obtain the pass port nor could go the Lahore (Pakistan) to obtain the require record.

The applicant has to retire on 31.12.88. The respondents are required to issue the 'no objection certificate' to disclose the reasons for not issuing the same to the applicant within 10 days. The applicant will take necessary steps for obtaining the Passport and shall produce the required record as may be available within the next one month.

Put up on 21.2.1989 for further orders. In the meantime the respondents shall allow the applicant to continue on his post. In case, the applicant ultimately fails to establish his claim and his petition is dismissed, he will not be entitled to get any benefit of the extention in service under this order except

A3

- 2 -

for the pay for the period he actually works.

*[Handwritten signature]*  
MEMBER (J)

Dated: 27.12.88.

ha.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LACHO.

\*\*\*\*

O.A./T.A. No. 198 1988(L)

Kishan kr.

Applicant(s)

Versus

U.O.I

Respondent(s)

Sr. No.	Date	Orders
21-11-88		No. Sitting .. Adjourned to 24-11-88 for admission - frish 21/11/88
24-11-88		Hon. D.S. Mishra, A.M. Hon. G.S. Sharma, J.M. Admit Issue notice. one month for C.A & 14 days thereafter for P.A. As regards prayer for interim relief, notice be issued to the respondents to show cause within 3 weeks as to why the prayer for interim relief be not granted. List this case for order on interim matter on 22-12-88. sd/- sd/- J.M. A.M. frish 30/11
30-11-88		OR Notices issued to respondents No 142 through regd. post. fixing 22-12-88 to consider the interim matter -
22-12-88		No sitting, Adjourned to for order. 23-12-88 frish 30/11
23-12-88		File has been sent to Adm. for order. o.o.c. Rem 22/12
Received Copy of order dated 27.12.88 Guesse		

21/2

~~No sitting, Adjourned to 9-3-89  
for order.~~

Rem

21/2

GA 198/0015

Hon'ble Justice K. Nath, V.C.  
Hon'ble K.J. Ramon AM

A 6

5-7-89  
on the request of learned counsel for  
the respondents, the case is listed  
for final hearing on 28-8-89.

Interim order dated 27-12-88 shall  
continue till that date.

[Signature]  
A.M.

[Signature]  
V.C.

OR

Case was adjourned  
to 20.0.09 for hearing  
Submitted for hearing  
L  
25/8

(SHS)

20.0.09  
No sitting. Adj to 25.0.09.  
Both the counsel are present.

L  
20/0

25/8/09 Hon. Justice K. Nath, V.C.

OR

No RA filed  
submitted for  
hearing.

L  
24/8

On the ground of illness  
of Sh. Sidhartha Varma for  
the opposite parties the case  
is adjourned to 23-1-90 for  
final hearing. The interim  
order will continue till  
then.

[Signature]  
V.C.

[Signature]  
23-1-90

No sitting. Adj to 04.90  
Sh. L.P. Shukla, J.C. for the applicant  
& Sh. S. Varma J.C. for the respondents.  
are present.

L  
28/1/90



D.A. 198/88

8.4.91  
D.R.

A 1

Both the parties are  
absent today. Respondent  
has not been filed.  
Applicant to file it  
by 26.6.91 ✓

26.6.91  
D.R.

Both the parties are  
present today. Applicant  
did not file R.A. till  
today. Applicant to file  
it by 3/9/91. ✓

3.9.91  
D.R.

Respondent has not been  
filed. On the request  
of Applicant case is  
listed on 29/11/91 for  
filing Respondent. O.P.  
is absent. ✓

29.11.91  
D.R.

Respondent's side is present.  
Applicant to file Respondent  
by 4/3/92.

AKS  
29/11/91  
+ 50.

OA 19821988

11

29-5-92

Hon. Mr. Justice V.C. Srivastava V.C.  
Hon. Mr. A.B. Goethel, A.M.

This is an application for  
substitution of heirs and legal  
representative of the applicant.

In this application, it has  
been stated that the applicant  
had died on 11.3.92 leaving  
behind his two heirs, his  
widow and one son. The  
cause of action has already  
survived. Accordingly the  
name of the applicant has  
been struck off from the  
array of the applicant and  
the names of his legal  
heirs and representative  
may be recorded in his  
place. This order will be

subject to any objection  
raised by the Counsel  
for the respondent according  
to the claim of the applicant.  
13.8.92  
for hearing.

2  
Amr

13

V.C.

(Amr)

13.8.92

No. 2.11.19 of D. M. adjourn

17.9.92

case is  
S. F. H.

1

16/9/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

A. NO. O.A. No. 199/80 199 (L)

T.A. NO. 199 (TL)

Date of Deceasion 4.2.93

Krishan Kumar - - - - - Petitioner.

- - - - - Advocate for the  
Petitioner(s)

V E R S U S

-Union of India & Others - - - Respondent.

- - - - - Advocate for the  
Respondents

A C C O R D

Hon'ble Mr. Justice U.C. Srivastava, VC

Hon'ble Mr. K. Obayya, Member (A)

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 Lord Ships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to other benches ?

Vice-Chairman / Member

A9

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 198 of 1988(L)

Krishan Kumar . . . . . Applicant

Versus

General Manager (P) and another . . . . . Respondents

Hon'ble Mr. Justice U.C.Srivastava, VC

Hon'ble Mr. K. Obayya, Member (A)

( By Hon'ble Mr. Justice U.C.Srivastava, VC)

The applicant who had to migrate from Pakistan to India as a result of partition of this country and he was born on 19.3.1934 in Lahore, Pakistan and there he allegedly studied in Sat Sabha School where his date of birth was recorded 19.3.1934 and when after partition of this country when the family migrated to India and the family settled at Lucknow and because of the poverty, the applicant had to enter in the service. On 9.12.1950, when the applicant was below 17 years of age, the applicant was taken in service as a Cleaner in class IV post and later on he was promoted. According to the applicant, his date of birth was wrongly recorded as 20 years on appointment in his service record, and in the medical examination also, the same date was given. But, while in the year 1954, he filled up High School Examination form as a private candidate and in that he gave his correct date of birth as 19.3.1934. He passed the High School and thereafter, he moved an application for his appointment in class III post and according to him in the application, the correct date of birth was mentioned. The applicant later on was promoted to the said post. In the year 1971, coming to learn that he has been shown as 20 years of age. The applicant moved a representation for correction of

Contd.2/-

W

:: 2 ::

his date of birth. Ultimately, he was informed on 26.7.85 that " Proof of registration of age in Pakistan, if any, available should be shown. The others cannot be considered as reliable document." According to the applicant he made various efforts, although he filed the Horoscope and other documents, which indicate that he was born on a particular date and he tried to contact this plea in Pakistan, but no reply was given. He has also filed the copy of the letter, which during the pendency of this case was sent by him to Pakistan and which returned back without any reply and as such according to the applicant it became impossible task to produce the documents from Pakistan fromwhere he migrated without any documents etc. The applicant also <sup>Gave</sup> certain others documents regarding no objection certificate etc. <sup>in</sup> ~~gave~~ were given but the correct date of birth, which recorded in Pakistan could not be <sup>found</sup> ~~find~~ and he was retired taking his age of 20 years, when he entered the service. Feeling aggrieved against the same, the applicant has approached this tribunal for correction of his date of birth.

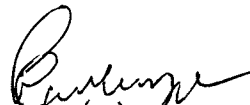
2. The respondents have opposed the application and have stated that <sup>if</sup> ~~he~~ was minor, he could not have been taken in service, in the year 1950 he was major, that's why his correct date of birth was recorded as 20 years and his thumb impressions were also taken on a token of acknowledgement of correctness of the said declaration, which was given by him. According to the applicant, only thumb impressions were taken. It appears that the respondents have over looked the fact that various concessions were accorded by the government of India, to those who were displaced person from Pakistan for whom many concessions were given. It may be that the applicant's case

Contd..3/-

A 11

:: 3 ::

is also a case of relaxation and tthats' why he was taken in service being a minor. Obviously, in the High School certificate in the year 1954 there was no dispute regarding the date of birth and if he has given the date of birth 1934, the same could not have been disallowed in such manner as has been shown in this case. It may be true and the background in which he shifted to India and the manner in which service was given to him and the purpose of service. The application should have been accepted. May be because in his service record 20 years was recorded and ~~were and were~~ <sup>he same was</sup> ~~given which is a must.~~ <sup>recorded.</sup> In view of the fact that when he was major, was taken in service and put thumb impression that would not stand <sup>in</sup> his way for rejecting the same. Accordingly, this application deserves to be allowed and the applicant is to be treated to be in service as his correct date of birth as given by him as per High School certificate is 19.3.1934, which may be corrected. The applicant will be deemed to be continuing in service and did not attain the age of superannuation taking his date of birth as corrected above and the consequential benefits will also be given to the family of the applicant. Let it be done within a period of three months from the date of communication of this order. No order as to costs.

  
Member (A)

  
Vice-Chairman

Lucknow Dated: 4.2.1993.

(RKA)

In the Central Administrative Tribunal, Allahabad,  
Circuit Bench, Lucknow.

A-12

Krishan Kumar

..

Applicant.

Versus

~~Union of India through~~  
General Manager, Northern -  
Railway, New Delhi & 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 -----

of

Date of receipt by post. -----

Registration No. -----

Filed on 28.X.88  
To be listed on 21.11.88

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

28/11/88  
DR(J)

O. A. No. 198 of 1988(4)

A 12

Krishan Kumar

...

Applicant.

Versus

General Manager (P)  
and another.

...

Respondents.

I n d e x.

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5.	<u>Annexure No. A-4.</u> Photo stat copy of letter No. 758E/E-6/1 Janam Tiithi dated 16.5.1985 of respondent no. 2 giving the facts to respondent no. 1.	27
6.	<u>Annexure No. A-5.</u> Photo stat copy of letter No. 522E/41/1009 (Eiid) dated 26.7.1985 of respondent no. 1 containing his observations with regard to documents filed by the applicant for correc- tion of his date of birth.	2 8
7.	<u>Annexure No. A-6.</u> Photo stat copy of applicant's represen- tation dated 30.6.86 to respondent no. 1.	29
8.	<u>Annexure No. A-7.</u> Photo stat copy of affidavit dated 10.10.85 of applicant's mother.	30
7.	<u>Annexure No. A-8.</u> Photo stat copy of letter No. 758E6/1 dated 25.9.1986 <del>xxx</del> of respondent no. 1 alongwith	31 to 32

...2.

Co. We are

Filed today  
Noted for  
21/11/88  
28/11/88



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18.	<u>Annexure No. A-9.</u> Photo stat copy of letter No. 522E/41/1009/ (EiiD) dt. 29.10.1986 of respondent no. 1 asking the applicant to apply for 'No - Objection certificate' for visiting to Pak- istan to bring the proof of his age.	33
91.	<u>Annexure No. A-10.</u> Photo stat copy of letter No. 758E/6-1 dt. dated 29.12.1986 of respondent no.2 commu- nicating the orders of respondent no. 1 as contained in Annexure No. A-9.	34
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15.	<u>Annexure No. A-14.</u> Photo stat copy of reminder dated 13.10.87 to respondent no.2 for issue of 'N.O.C.'	38
16.	<u>Annexure No. A-15.</u> Photo stat copy of Notice No. 342E/Niptan/ Sewa Nirvit/1988 dated 29.9.87 with rele- vant pages ordering the retirement of the applicant on the basis of disputed date of birth.	39 to 42
17.	<u>Annexure No. A-16.</u> Photo stat copy of representation dt. 6.11.1987 against the orders contained in Annexure A-15.	43 to 45
18.	<u>Annexure No. A-17.</u> Photo stat copy of receipt dated 21.12.87 regarding purchase of Pass Port Form for Rs. 60/- by the applicant.	46
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*to wear*

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30.	<u>Annexure Nos. A-32, A-33 &amp; A-34.</u> Photo stat copies of two postal receipts & two acknowledgments of the respondent in respect of Annexure No. A-31.	74 to 76

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C. M. an

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33.	<u>Annexure No. A-37.</u> Photo stat copy of Postal Receipt in respect of application dated 12.9.88 directly sent to Mayor, Lahore Municipal Corporation, Lahore.	79
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*G. K. S. S.*

Signature of the applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALMAHABAD.

Circuit Bench, Lucknow.

O.A. No.                      of 1988

A 16

Krishan Kumar                      ..                      Applicant.

Versus

*General Manager*  
~~Union of India~~ & another                      ..                      Respondents.  
*General*

Application under section 19 of the  
Administrative Tribunals Act, 1985.

-----

DETAILS OF APPLICATION:

1. Particulars of the applicant:

- (i) Name of applicant : Krishan Kumar.
- (ii) Name of father : Late Amar Nath.
- (iii) Designation and : Head Clerk, Pay Bill Sec.,  
office address in Divisional Railway Manager's  
which employed. Office, Northern Railway,  
Hazratganj, Lucknow.
- (iv) Office Address : - as above -
- (v) Address for service: 2/5 A, Lajpat Nagar,  
of all notices. opp. Nibu Park, Chowk,  
Lucknow.

...2.

*General*

2. PARTICULARS OF THE RESPONDENTS.

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

3. PARTICULARS OF ORDERS AGAINST WHICH APPLICATION IS MADE.

Order No. 342 E/Niptan/Sewa Nirvit/1988  
dated 22.9.1987 issued by the respondent  
no. 2 ordering the retirement of the appli-  
cant with effect from 31.12.1988 (A.N.)  
on the basis of incorrect date of birth  
without finally disposing of his case still  
pending with the respondents.

SUBJECT IN BRIEF:

For correction of applicant's date of birth  
wrongly recorded in his Service Record without  
any basis or support.

4. JURISDICTION OF THE TRIBUNAL.

The applicant declares that the subject matter  
against which he wants redressal is within  
the jurisdiction of this Hon'ble Tribunal.

...3.

6. 6. 6. 6. 6.

A 187

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:

(a). That the applicant, according to the verdicts of his parent, was born on 19th. March, 1934 in LAHORE now in Pakistan. His birth was registered in the Municipal Board of Lahore.

(b). That for receiving primary education, the applicant was got admitted by his father in SAT SABHA SCHOOL then situated in Gali Shami Hukan, Chowk Matti, Lahore and according to his Late father, the very same date of birth viz 19th. March, 1934 was got recorded in school records.

(c). That thereafter, the applicant, on the basis of school leaving certificate issued by the afore-said Sat Sabha School, was got admitted by his father in D.A.V. School, Lahore in the year 1946 for further education.

(d). That 14/15th. August, 1947, when the applicant had been studying in D.A.V. School, Lahore, India

6.6.2000

A 23

between the respondents and on a query, the respondent no. 2, by his letter No. 758E/E-6/1 Janam Tith dated 16.5.1985, clarified the position of applicant's date of birth to the respondent no. 1. A true photo stat copy of the said letter dated 16.5.1985 is being filed herewith as ANNEXURE NO. A-4 to this application.

Annexure A-4.

(r). That thereafter, the respondent no. 1, by his letter No. 522E/41/1009 (Elid) dated 26.7.85, got the applicant informed through respondent no. 2 as under :-

" Proof of registration of age in Pakistan, if any, available should be shown. The others cannot be considered as reliable document."

A true photo stat copy of letter dated 26.7.1985 of the respondent no. 1 is being filed herewith as ANNEXURE NO. A-5 to this application.

Annexure A-5.

(s). That thereafter, the applicant, by means of a representation dated 30.6.1986, requested the respondent no. 2 to correct his date of birth on the basis of Horoscope, which was prepared on his birth in Lahore by the religious Pandit and also on the basis of affidavit dated 10.10.1985 of his mother. It may be mentioned that these two documents viz the Horoscope and the affidavit of applicant's mother had already been filed for consideration. In the said representation dated 30.6.1986, the applicant again

6. 600000

Annexure A-6 & A-7.

~~again~~ expressed his difficulty in getting the desired document from Pakistan at that belated stage. A true photo stat copy of representation dated 30.6.1986 and affidavit dated 10.10.1985 of the applicant's mother are being filed herewith respectively as ANNEX-URE NOS. A-6 and A-7 to this application.

Annexure A-8.

(t). That thereafter, the respondent no.2, by his letter No. 758E6/1 dated 25.9.1986, informed the applicant that in terms of Letter No. 522E/41/1009 (EiID) dated 28.8.1986 issued by the respondent no.1, his date of birth can be corrected only on production of reliable document. A true photo stat copy of letters dated 25.9.1986 <sup>be 20-0-06 co</sup> of the respondent, no.1 <sup>be 2 are co</sup> is being filed herewith <sup>collectively co</sup> as ANNEXURE NO. A-8 to this application.

(u). That there being no alternative, the applicant. by means of an application dated 8.10.1986, requested the respondent no. 1 either to allow him to go to Pakistan to bring the desired proof of his date of birth or depute some one of his own accord to visit Pakistan for the said purpose.

(v). That in response to above, the respondent no. 1, by his letter No. 522E/41/1009(EiID) dated 29.10.1986 communicated by the respondent no. 2 under his letter no. 758E/6-1 dated 29.12.1986, informed the applicant that it was for him to produce the documentary evidence asked for to substantiate his claim and in case, he intends <sup>to visit - co</sup> to Pakistan, he should apply ~~for~~



A25

for ' NO OBJECTION CERTIFICATE ' for securing a Pass Port on his own risk and cost. True photo stat copies of letter dated 29.10.1986 of the respondent no. 1 and communication letter dated 29.12.1986 of the respondent no. 2 are being filed herewith respectively as ANNEXURES NOS. A-9 and A-10 to this application.

Annexure A-9 & A-10.

(w). That on 21.1.1987, the applicant, in terms of instructions contained in Annexure A-9 and A-10, applied for ' No objection certificate ', a true photo stat copy of the application dated 21.1.1987 is being filed herewith as ANNEXURE NO. A-11 to this application.

Annexure A-11.

(x). That on receipt of no ' No Objection Certificate ' or any reply in response to application dated 21.1.1987 ( Annexure A-11), the applicant gave reminder dated 11.5.1987 received in the office of the respondent no. 2 on 14.5.1987 and again on 20.7.1987 for issue of the said certificate without delay so as to enable him to apply for Pass Port. True photo stat copies of the said reminders dated 11.5.1987 and 20.7.87 are being filed herewith as ANNEXURE NO. A-12 and A-13 to this application.

Annexure A-12 & A-13.

(y). That on receipt of no response to the aforesaid application and reminders ( Annexures A-11 , A-12 and A13 ) and the ' No Objection Certificate ', the applicant further gave a reminder dated 13.10.1987 requesting the respondent no. 2 to issue the said certificate, but invain. A true photo stat copy of the said reminder dated 13.10.1987 duly received by the office of

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the respondent no. 2 is being filed herewith as

Annexure A-14.

Annexure No. A-14 to this application.

(z). That in the month of October, 1987, the applicant came to know that ~~that~~ the respondent no. 2, by means of notice bearing No. 342E/Niptan/ dated 22.9.1987 Sewa Nirvit/1988/ had ordered the retirement of the applicant on the basis of disputed date of birth as recorded in his service record and accordingly he has to retire from service in the after-noon of 31.12.1988. The name of the applicant in the said notice has been shown at Serial No. 15 of the list of staff retiring in the month of December, 1988. A true photo stat copy of the said notice dated 22.9.1987 alongwith the relevant pages are being filed herewith collectively as ANNEXURE NO. A-15 to this application.

Annexure A-15.

(aa). That since the aforesaid notice ( Annexure A-15 ) ordering the retirement of the applicant was issued without finally disposing of <sup>the</sup> ~~his~~ <sup>applicant's</sup> case <sup>to</sup> after giving an opportunity to him to visit Pakistan for bringing the proof of his age as desired by the respondent no. 2, the applicant preferred a detailed representation to the respondent no. 2 requesting him either to correct his date of birth in the special circumstances attached to his case or immediately issue ' No Objection Certificate ' to enable him to apply for Pass Port, Visa for visiting to Pakistan to bring the proof of his age from the institution in which he <sup>had</sup> read or from the Municipal Board of Lahore.

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6/12/88

Annexure A-16.

The validity of the said notice of retirement (Annexure A-15) was, thus, challenged. The said representation dated 6.11.1987 was received in the office of the respondent no.2 on the same date. A true copy of the said representation dated 6.11.1987 together with the acknowledgement of respondent no. 2 thereon is being filed herewith as ANNEXURE NO. A-16 to this application.

Annexure A-17.

(bb). That on 21.12.1987, the applicant also purchased Pass Port Form for Rs. 60/- so as to apply for issue of Pass Port as soon as the 'No - Objection Certificate' is received from the respondent no.2. A true photo stat copy of receipt regarding purchase of Pass Port Form is being filed herewith as ANNEXURE NO. A-17 to this application.

Annexure A-18.

(cc). That on receipt of no response to the aforesaid representation and reminders, the applicant gave further reminders even by Registered Post to the respondent nos. 1 and 2 on 24.12.1987, 17.2.1988, - 8.4.1988 and 8.5.1988 for issue of 'No Objection - Certificate' so as to enable him to apply for Pass - Port for visiting to Lahore to obtain proof of his date of birth. True photo stat copies of the said reminders together with the Postal Receipts and the acknowledgements of the respondents are being filed herewith collectively as ANNEXURE NO. A-18 to this application.

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(dd).

6/10/88

(13).

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(dd). That on account of complete silence being maintained by the respondents on the matter of despite issue/various reminders even by registered post, the applicant was constrained to send an application dated 8.5.1988 to the Head Master/Principal, Sat Sabha School, Lahore ( Pakistan ), Principal D.A.V.-School, Lahore ( Pakistan ) and the Inspector of - School, Lahore ( Pakistan ) requesting them all to send a certificate regarding the date of birth of the applicant. True photo stat copies of the said application dated 8.5.1988 and the Postal Receipts are being filed herewith collectively as ANNEXURE NO. A-19 to this application.

Annexure A-19.

(ee). That on the same date that is 8.5.1988, the applicant also sent registered letters to one Shri - Shaukat Ali Siddiqui, a citizen of Pakistan to whom he had met in India in the month of January, 1988 as he had come to India in connection with the marriage of his son. On request made by the applicant, the said Sri Shaukat Ali Siddiqui had promised to help the applicant on his visit to Lahore in getting the certificate of his date of birth from the schools e.t.c. A true copy of the postal receipt under which the letters dated 8.5.1988 were sent to the said Sri Shaukat Ali Siddiqui on his address of Karachi and Lahore ( Pakistan ) are being filed herewith collectively as ANNEXURE NO. 20 to this application.

Annexure A-20.

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(ff). That the registered letters dated 8th. - May, 1988 sent to the Head Master, Sat Sabha School, Lahore, Principal, D.A.V. School, Lahore and Sri Shaukat Ali Siddiqui at his Karach address have been received back un-delivered for want of full address whereas the letter sent to the Inspector of School, Lahore and Sri Shaukat Ali Siddiqui at his Lahore address have been delivered, but the Inspector of Schools, Lahore has sent nothing to the applicant as yet. The three original letters received back by the applicant are being filed herewith as ANNEXURES NOS. A-21, A-22 and A-23 to this application.

Annexure A-21  
to A-23.

(gg). That thereafter on 5.7.1988, the applicant <sup>CO</sup> again required to fill up a form in connection with issue of 'No Objection Certificate'. A true copy of the said form is being filed herewith as ANNEXURE NO. A-24 to this application.

Annexure A-24.

(hh). That when the applicant, even after filling up the aforesaid form, did not receive the 'No Objection Certificate' from the respondent no. 2, a representation dated 20.7.1988 was sent to the respondent no. 1 under registered post and a copy of which was also delivered to the respondent no.2 on the same date requesting them all to correct his date of birth as per circumstances of the case or to issue 'No objection certificate' atonce to enable him to apply for Pass Port for visiting Lahore. But it was also not taken into consideration. A true copy of the said representation dated 20.7.1988 and the

6/10/88

Annexure nos.  
A-25 & A-26.

postal receipt are being filed herewith as ANNEXURE  
No. A-25 and A-26 to this application.

(ii). That in the month of September, <sup>6/1988</sup> the applicant, in response to his letter, received reply from the aforesaid Sri Shaukat Ali Siddiqui ( citizen of Pakistan ) whereby the applicant was required to visit Lahore in connection with his case. The applicant was also advised to send an application through Embassy to the Mayor of Lahore requesting for issue of desired document. He further advised the applicant to send a letter of authority in his favour so as to enable him to make efforts on that basis. The original letter and the postal envelop of the said Sri Shaukat Ali Siddiqui are being filed herewith as ANNEXURE No. A-27 and A-28 to this application.

Annexures  
A-27 & A-28.

(jj). That on 12.9.1988, the applicant sent his authority letter under registered post to aforesaid Sri Shaukat Ali Siddiqui as desired by him. A true photo stat copy of the authority letter dated 9.9.1988 duly attested by the Public Notary and the postal receipt are being filed herewith as ANNEXURES  
Nos. A-29 and A30 to this application.

Annexures  
A-29 & A-30.

(kk). That on the same date that is 12.9.88, the applicant sent a registered letter dated 12.9.88 alongwith an application dated 12.9.1988 addressed to the Mayor, Municipal Corporation, Lahore (Pakistan), to the respondent no. 1 requesting him to forward the

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same to the said authority through Embassy for verification of his date of birth. With the same request, a copy of the said application was also sent under registered cover to the respondent no.2. True photo stat copies of the said letter dated 12.9.1988 along with an application dated 12.9.1988 addressed to the Mayor, Municipal Corporation, Lahor ( Pakistan ) postal receipts and the acknowledgements of the respondents nos. 1 and 2 are being filed herewith respectively as ANNEXURES NOS. A-31, A-32, A-33 and A-34 to this application.

Annexures nos.  
A-31 to A-34.

(11). That on the same date that is 12.9.88, the applicant also sent a copy of the aforesaid application dated 12.9.1988 addressed to the Mayor, Municipal Corporation, Lahore ( Pakistan ) to the Ambassador, Embassy of Pakistan, New Delhi and the Mayor, Municipal Corporation, Lahore under registered covers for verification of his date of birth from Municipal records. A true photo stat copy of the covering letter dated 12th. September, 1988 sent to the Ambassador and the postal receipts <sup>to</sup> <sup>bt</sup> <sup>ie</sup> and the acknowledgement of the Ambassador are being filed herewith respectively as ANNEXURES NOS. A-35 A-36, A-37, A-38 ~~xxxxxx~~ A-39 to this application.

Annexure nos.  
A-35 to A-38.

(mm). That till today, the applicant has neither received the 'No objection certificate ' nor his representation made against the order of his retirement disposed of by the respondents.

(nn). That till to day, the applicant <sup>to has</sup> <sup>co</sup> not received any response to his applications directly

10.11.88

sent to the Inspector of Schools, Lahore, Mayor of Lahore Municipal Corporation, Lahore and Ambassador of Pakistan Embassy, New Delhi for verification of his date of birth. The aforesaid Sri - Shaukat Ali Siddiqui ( citizen of Pakistan ) to whom the applicant had sent his authority letter has also not communicated any thing.

(oo). That due to non-receipt of the ' no objection certificate ' from the respondents, the applicant neither could apply for Pass Port nor could visit to Lahore to bring the proof of his date of birth as desired by the respondent no.1.

(pp). That from the facts mentioned above, it will be seen that the respondents have deprived the applicant of his right to bring the proof of his date of birth <sup>if as to</sup> ~~was~~ desired by them; and as such the order of his retirement in the after-noon of 31st. - December, 1988 on the basis of incorrect date of birth is arbitrary, against the Principles of Natural Justice violative of Articles 14 and 16 of the Constitution of India.

(qq). That from the facts mentioned in the foregoing paras, it will also be seen that the applicant in the event of non-receipt of ' no objection certificate ' from the respondents, made all possible efforts within his capacity to obtain additional proof of his date of birth through various agencies of-Pakistan



of Pakistan directly and also through Embassy as well as through respondents, but since he was prevented from visiting Lahore by the respondents, no such proof could be obtained, which fault is directly attributable on the part of the respondents.

(rr). That in the circumstances mentioned above, the retirement of the applicant on the basis of incorrect date of birth amounts to punishment without being given him a reasonable opportunity to substantiate his claim.

(ss). That in the circumstances mentioned above, the applicant is entitled to correction of his date of birth on the basis of affidavit of his mother and High School Certificate.

(tt). That the order of applicant's retirement as contained in Annexure A-15, in the facts and circumstances mentioned above, therefore, is illegal, unconstitutional rather arbitrary.

#### 7. RELIEF SOUGHT:

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

- (a). That this Hon'ble Tribunal be pleased to direct the respondents to <sup>record</sup> ~~correct~~ the applicant's <sup>actual</sup> date of birth as 19th. March, 1934

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wrongly recorded in his service record as ' 20 years on appointment ' without any basis or proof, by treating his High School Certificate and the affidavit of his mother as authentic proof of his age; or in the alternative, the respondents may be directed to issue ' No objection certificate ' to the applicant for visiting Lahore ( Pakistan) to bring further proof of his age as desired by them and till that time, he should not be retired from service on the basis of disputed date of birth.

- (b) In view of the above relief, the order of applicant's retirement from service as contained in Annexure no. A-15 may be quashed.
- (c) Cost of the application may also kindly be awarded to the applicant.

G r o u n d s.

- (i). That the order of applicant's retirement from service issued on the basis of disputed date of birth without finally disposing of his case and without affording him an opportunity to visit Lahore to bring further proof of his age as desired by the respondents is illegal, unconstitutional violative of Articles 14 and 16 of the Constitution of India and it amounts to punishment.

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- (ii). That there being no proof in support of the recorded date of birth, which <sup>be</sup> ~~is~~ <sup>was</sup> required under the rules and in terms of offer of appointment ( Annexure A-1), the recorded date of birth of the service record is not authentic and the applicant cannot be retired from service on that basis.
- (iii). That in the circumstances of the case, the affidavit of the applicant's mother is an authentic document in respect of the applicant's age.
- (iv). That the appointment of the applicant as a clerk on the basis of High School certificate, which indicates his correct date of birth, is a sufficient proof that the said certificate was fully relied upon and accepted as correct <sup>by the respondents</sup>. Thus the High School Certificate is a reliable document for correction of the applicant's date of birth.
- (v). That the respondents, by not issuing the ' no objection certificate ' deprived the applicant of his right to bring the desired proof from Lahore ( Pakistan ). Therefore, the order of his retirement is in violation of the Rules of Natural Justice.

6-11-2000

8. INTERIM ORDER, IF PRAYED FOR:

In the facts and circumstances of the, case, the respondents may be restrained from retiring the applicant from service on the basis of disputed date of birth pending disposal of this application.

9. DETAILS OF THE REMEDY EXHAUSTED:

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

10. MATTER NOT PENDING WITH ANY OTHER COURT ETC.

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 bench of the Tribunal.

11. PARTICULARS OF THE POSTAL ORDER(S) IN RESPECT OF APPLICATION FEE.

- (i). No. of Indian Postal Order DD 020884  
(ii) Name of issuing Post office G.P.O Lucknow  
(iii) Date of issue of Postal Order 17/10/88  
(iv) Post office at which payable \_\_\_\_\_

12. DETAILS OF INDEX.

An index in duplicate containing the details

verified

of the documents to be relied upon is enclosed.

13. LIST OF ENCLOSURES:

- (1). Photo stat copy of offer of appointment dated 17/24.10.1950.
- (2). Photo stat copy of High School Certificate.
- (3). Photo stat copy of application dated 31.8.55 for appointment as clerk.
- (4). Photo stat copy of letter No. 758E/E-6/1 Janam Tithi dated 16.5.1985 issued by respondent no.2.
- (5) Photo stat copy of Letter No.522E/41/1009(Eiid) dated 26.7.1985 issued by respondent no.1.
- (6)Photo stat copy of representation dated 30.6.86.
- (7) Photo Stat copy of affidavit dated 10.10.85 of of applicant's mother.
- (8) Photo stat copy of letter No. 758E/6/1 dated 25.9.1986 of respondent no.2.
- (9) Photo stat copy of Letter No. 522E/41/1009(Eiid) dated 28.8.1986 of respondent no.1.
- (10)Letter dated 29.10.86 ( Photo stat copy ) of respondent no. 1.
- (11)Photo stat copy of letter dated 29.12.1986 of respondent no.2.
- (12)Photo stat copy of application dated 21.1.87.
- (13)Photo stat copy of reminder dated 11.5.87.
- (14)Photo stat copy of reminder dated 20.7.87.
- (15)Photo stat copy of reminder dated 13.10.87
- (16)Photo stat copy of Notice No. 342E/Niptan/ Sewa Nirvit/1988 dated 22.9.87 issued by respondent no.2.
- (17) Photo stat copy of representation dated 6.11.1987.
- (18) Photo stat copy of receipt dated 21.12.87 for purchase of Pass Port Form.
- (19) Photo stat copies of reminders dated 24.12.87, 17.2.88, 8.4.88 and 8.5.88, postal receipts and acknowledgement.

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- (20). Photo stat copy of application dated 8.5.1988 and Postal receipts.
- (21). Postal receipt <sup>to</sup> receipt <sup>to</sup> dated 8.5.1988 in respect of letter sent to Sri Shaukat Ali Siddiqui.
- (22). 3 Original letters sent to Head Master Sat - Sabha School, Lahore, Principal D.A.V. School, Lahore and Sri Shaukat Ali Siddiqui returned by the post office.
- (24). Photo stat copy of form filled up by the applicant for issue of 'No objection Certificate'
- (25). Photo stat copy of representation dated 20.7.88 and postal receipt.
- (26). Original letter of Sri Shaukat Ali.
- (27). Original Postal envelop <sup>in</sup> under which the letter of Sri Shaukat Ali Siddiqui was received. <sup>to</sup> <sup>of</sup> <sup>to</sup>
- (28). Photo stat copy of authority letter dated 9.9.88 with postal receipt.
- (29). Photo stat copy of letter dated 12.9.1988 with and application dated 12.9.1988 addressed to the Mayor, Lahore Corporation sent to respondents with postal receipts & acknowledgments.
- (30). Photo stat copy of covering letter addressed to Ambassador, Pakistan Embassy, New Delhi with postal receipt and acknowledgment.
- 31). Postal receipt in respect of application dated 12.9.1988 sent to Mayor, Lahore Municipal Corporation, Lahore.

Verification:

I, Krishan Kumar, son of Late Amar Nath, aged 54yrs resident of 2/5 A, Lajpat Nagar, Chowk, Lucknow, do hereby verify that the contents from paragraphs 1 to 13 are true to my knowledge and belief and that I have not suppressed any material fact.

  
Signature of the applicant.

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

ANNEXURE NO A-1

27

A3C

EAST INDIAN RAILWAY

EI-G96

No. ED/121-111

Office of the Secy

Station 17-1-50

Dated 24

To Mr. Amar Nath Dabgung

Name Mr. Amar Nath Dabgung  
Address Gujarat Duramula

Regarding temporary appointment

Nature of appointment 2535

Grade 2535

Rate of pay per mensem

1. I am prepared to offer you a post in Grade and rate of pay specified, plus usual Dearness Allowance subject to your passing the prescribed examination by an authorized Medical Officer of this Railway and (for subordinate staff only) production of your original certificates and satisfactory proof in support of your age, such as a birth or Matriculation certificate, &c.
2. It must be clearly understood that the appointment is terminable on 14 days' notice on either side except that no such notice will be required on return to duty of the absentee in whose place you may be engaged in which case your service will automatically terminate from the day the former resumes duty. Also no such notice will be required if the termination of service is due to your mental or physical incapacity or to your removal or dismissal for serious misconduct.
3. You will not be eligible for any pension nor any benefit under the State Railway Provident Fund or Gratuity rules or to any absentee allowances beyond those admissible to temporary employees under the rules in force from time to time during such temporary service.
4. You will be held responsible for the charge and care of Government goods and stores and all other property that may be entrusted to you.
5. You will be required to take an oath of allegiance to the Indian Empire in the form prescribed below—  
"I Thirumala Kumar do swear/solemnly affirm will be faithful and bear true allegiance to India and to the Constitution as by law established and that I will loyally carry out the duties of my help me God."
- Note.—Conscientious objectors to oath taking may strike out "swear" from the above declaration
6. You will conform to all rules and regulations applicable to you.

Attested/True Copy

L. P. SHUKLA  
Advocate

डिप्टी सचिव


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हाई स्कूल एण्ड इंटरमीडिएट प्रवेशाज्ञा

ANNEXURE NO. 2

हाई स्कूल परीक्षा, १९५५



प्रमाणित किया जाता है कि कृष्ण कुमार

मार्च/अप्रैल, १९५५ की एण्ड स्कूल परीक्षा में

सेट जोजेफ इंटरमीडिएट कालेज, लखनऊ, केन्द्र

एच/एच और उन्होंने

पोम्बता प्राप्त की।

एवपी वन्य-चिह्न

परीक्षा विषय:—

१-सामान्य ज्ञान

२-सामान्य हिन्दी/उर्दू-लिखित

३-सामान्य अंग्रेजी/उर्दू लिखित

४-सामान्य गणित

५-नागरेक शास्त्र

६-अर्थशास्त्र

प्रमाणित:

दिनांक १० मई, १९५५ (१०)

निम्नलिखित प्रमाणित किया जाता है कि

मार्च/अप्रैल, १९५५

में प्रवेश परीक्षा में

१० मई १९५५

०९५५

०९५५

Original Send to H.O. office  
encl. letter No. 14.

Attested/True Copy

*(Signature)*

L. P. SHUKLA  
Advocate



ANNEXURE NO. A-3 26

To,  
The Divisional Superintendent(Power),  
Northern Railway, Lucknow. A 411

Sir,

Sub: Appointment for the post of 'CLERK'.

Having come to know that some posts of 'CLERK' have fallen vacant under your kind control. In this connection I have to mention that I am an employee in Running Shed, Alambagh, Lucknow and working there as a Cleaner. Ticket No. is 1220. I have been working nearly for the five years on the said post.

Further I beg to state that I passed my High School examination in the year 1954-55 from U.P. Board, Allahabad. I, therefore, request you to kindly give me a chance to serve under you as a 'CLERKS' in any office under your kind control .....

I am a youngman of 20 years old possessing sound physique and active habits.

If given a chance, I assure you sir, that I shall leave no stone unturned to satisfy you from my work and integrity.

Hope that your goodself would be kind enough to give me a chance for which I shall ever remain grateful.

Thanking you in anticipation.

Yours faithfully,

*Krishan Kumar*  
(KRISHAN KUMAR)  
T.NO.1220, Loco Foreman,  
Running Shed Office,  
Northern Railway,  
Alambagh, Lucknow

*Dr/...*  
Dt: 31st Aug. '55

*...*  
CCOC FORMERLY  
N. R. LUCKNOW.

Attested Copy

*...*  
L. P. SHUKLA  
Advocate

पत्र संख्या 758/ई-6/1 जन्मतिथि

दिनांक 16-5-85

मना बन्धु मित्र  
उत्तर रेलवे बोर्ड काउंसिल  
नई दिल्ली

विषय:- श्री कृष्ण कुमार व लिपिक की जन्मतिथि बदलने हेतु।

संदर्भ :- पत्र संख्या 922 ई/41/1009/ई-11-डी, दिनांक

विचारण- उपरोक्त पत्र के सन्दर्भ में मांगी गयी विवरणों में निम्नलिखित है:-

- 1- उस समय कर्तुर् श्रेणी के कर्मचारियों के भरती करने की कोई निर्धारित पालिसी नहीं थी। तथापि श्री कृष्ण कुमार की भरती सेवा नियोजन कार्यालय द्वारा विद्यार्थियों के कोटे के अन्तर्गत की गई थी जिसकी पुष्टि में श्री कुमार ने फोटो स्टेट प्रतिलिपि प्रस्तुत की है।
- 2- सेवा पत्रिका का अवलोकन करने से प्रतीत होता है कि निम्नलिखित के समय एन्वॉनि बासु संद्वी कोई प्रमाण प्रस्तुत नहीं किया था, वह सार्वजनिक प्रमाणपत्र में उल्लिखित जन्मतिथि के आधार पर एन्वॉनि अपनी जन्मतिथि में सुधार का दावा किया है।
- 3- जिस समय श्री कृष्ण कुमार की भरती हुई थी उस समय व्यायसर्स का प्राविधान था और उस समय के नियमों के अनुसार 18 वर्ष से कम की आयु में भरती हो सकती थी।
- 4-3- उस सम्बन्ध में यह कहना है कि पहले श्री कृष्ण कुमार ने अपना प्रार्थना पत्र 19-3-71 को दिया था जिस पर कुछ जानकारी प्राप्त चाही गई थी परन्तु इसके बाद यह नहीं मिला चल रहा है कि उस पत्रावली में क्या आदेशावली बाद में फिर कर्मचारी में 1983 में यह मसला नियोजन के द्वारा बनाया गया अपने प्रार्थना पत्र की कापी श्री दिनांक 19-3-71, 18-4-76 व 7-3-80 को दी, जिसे आप के कार्यालय में अग्रिम कार्यवाही हेतु इस कार्यालय के एक संयुक्त पत्र दिनांक 21-8-84 के द्वारा सर्विस पत्रिका सहित भेजी जा चुकी है इस मामले पर परमनल फाईल का चलन नहीं है।

र. 74/14/0785

कोई मंडल रेलवे प्रबंधक,  
नई दिल्ली

Attested/True Copy

*(Signature)*

L. P. MEHTA  
Advocate

ANNEXURE NO

A-5

28

Northern Railway

Headquarters Office,  
Baroda House, Row Dohri.

D. 3221/41/1009 (R110).

Dated: 26-7-1985

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

Sub:- Shri Krishan Kumar Sr. Clerk P. Branch. On leave in date of  
Birth.

Ref:- Your letter No. 758E/E-6/1 date of birth dated 16.5.85.

...

The case of Shri Krishan Kumar was put up to Chief Personnel  
Officer for decision.

The Chief Personnel Officer has minuted as under:

" Proof of registration of age in Pakistan, if any,  
available should be shown. The others cannot be  
considered as reliable document."

Shri Krishan Kumar may please be advised accordingly.

( J.L. Bhatnagar ) 25/7  
for General Manager (P)

...

Attested/True Copy

L. P. SHUKLA  
Advocate

To,

ANNEXURE NO. *A-6*

The General Manager (P),  
HQ Office, N.Rly.,  
Baroda House,  
New Delhi.

Thru Proper Channel.

ooo

Sub: Change in date of birth.

Ref: Your letter No. 522E/41/1009/EIID dt. 26.7.85.

REMINDER IN REF. TO MY LETTER DT. 30.10.85 ADDRESSED TO DRM/LKO  
Sir,

HQ Office <sup>waited</sup> certain correspondence vide letter No. dated 11.2.85 and reply of the same are sent to Baroda House vide DRM letter No. 738E/SVI/1 dt. 16.5.85, which covers all the points raised by HQ Office. But the observation made by the CPO communicated to DRM/LKO vide letter dated 26.7.85 needs some document <sup>substantive</sup> of Pakistan and no other documents can be relied upon as per his observation.

In this connection it is brought to your kind notice that I have given a photostat copy of my horoscope and affidavit of my mother, which are available with us and the same have been forwarded to the G.M.(P) vide DRM LKO letter dated 5.12.85. Since it is a case of more than 30 years old it is impossible to obtain any documents even in India, what to talk of Pakistan. And I am not sure whether school in which I read (Satsabha School) Lahore exist in the Pakistan. Besides I migrated in 1947 and no my relation are available there to whom I contact. Moreover my horoscope is ~~more~~ more than sufficient to reality as authoritative document for the purpose.

It is brought to your notice that the case of Sri Sitaram Sharma of LKO Divn. was quite similar to me and he was allowed the benefit of change of birth date on the simple certificate giving by Head Master of Ballia but justice is denied to me even on production of horoscope which is treated as very authentic document in every purpose. Moreover the document is prepared at Lahore not in India.

In my opinion this ~~fact~~ should be taken as proof of registration of age in Pakistan as desired by CPO and it is evident that no other document can be obtained at this stage.

It is worth to mention that the merit of the case even in High Court and Supreme Court are decided on the basis of affidavit. Its mean that affidavit has got some cogence in the court so the affidavit given in my case may also be treated as authentic for the purpose there is no man on the earth to toll the correct date of birth and my mother is the only person whom is alive on date for interrogation, if required by the Administration.

Under the circumstances explained above it is construed that my date of birth can be changed by CPO on the authority of horoscope and affidavit of my mother without any hitch as there are more than sufficient document to believe for the purpose.

Thanking you, Sir,

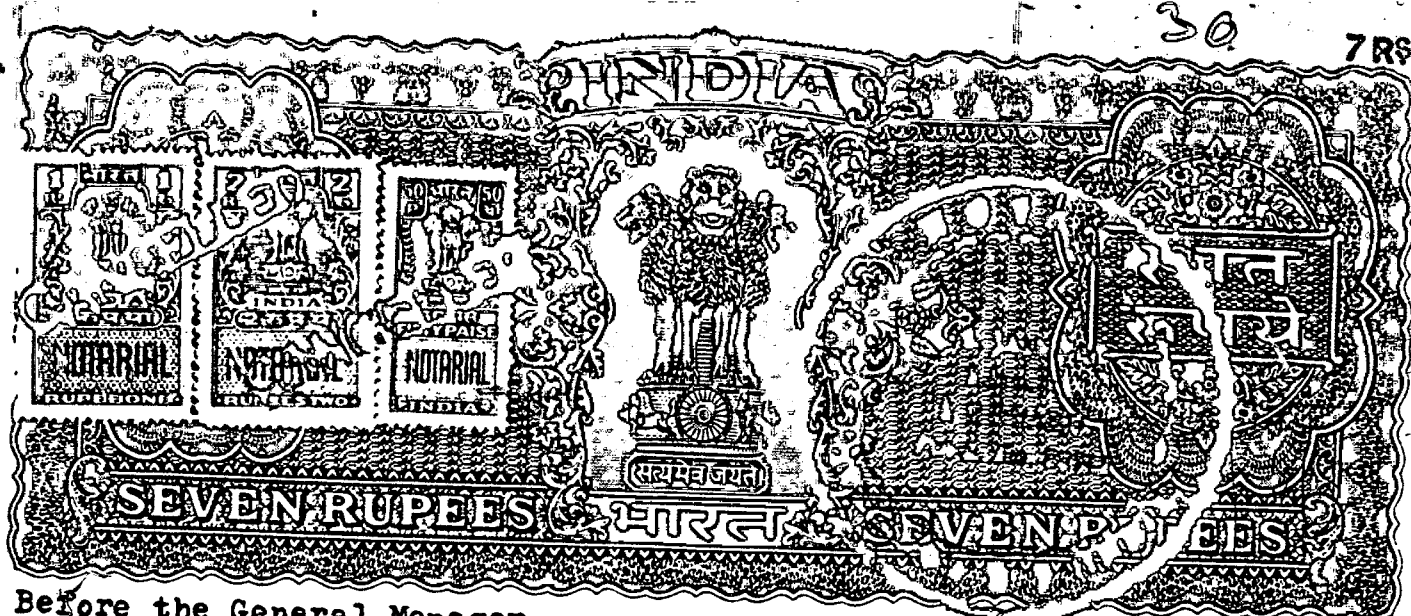
Dt. 30.10.86

Yours faithfully,

*Pradyumn Kumar*  
*Pradyumn*

Attested/True Copy

*L. P. Shukla*  
L. P. SHUKLA  
Advocate



Rs. 350 Stamps Affixed

Before the General Manager,  
N.Rly., Baroda House, HQ Office, New Delhi.

ANNEXURE NO. A-7

AFFIDAVIT OF SMT. PRAKASHVATI WIDOW OF LATE SRI AMARNATH.

I, Prakashvati widow of Late Sri Amarnath, aged about 72 years R/O 2/5A Lajpat Nagar, Chowk, Lucknow, do hereby solemnly affirm and depose as under :-

1. That I, Prakashvati is a deponent in this affidavit.
2. That the deponent was resident of Mori Gate, Sutarmandi, Lahore prior to migration to India in 1947 from Pakistan on account of partition.
3. That the deponent was married sometime in the year 1930 at Lahore.
4. That the deponent gave birth to the second male child in Sambat 1991. March, 1934.
5. That the name of the second male child born to the deponent is Kishan Kumar, who is now working as Senior Clerk in the Office of Divisional Railway Manager, Lucknow (N.Rly.)
6. That the deponent is the mother of Sri Kishan Kumar, Senior Clerk, D.R.M. Office, Northern Railway, Lucknow.
7. That the deponent's son whose name is Kishan Kumar got his admission in D.A.V. School, Lahore and his date of birth was recorded in that school as 19.3.1934.
8. That the deponent's son read upto the V class in that school.
9. That the deponent could not get the school leaving certificate of my son Sri Kishan Kumar, the senior Clerk of D.R.M. Office, Northern Railway Lucknow because the deponent had to leave Pakistan during disturbance on account of partition of India in 1947.
10. That the deponent's son passed his High School Examination in 1955 and the date of birth of the deponent's son was recorded in High School certificate as the basis of affidavit given by the deponent's husband.
11. That the deponent also got the horoscope of Sri Kishan Kumar the deponent's son by a pandit of Lahore, the photostat of which is also enclosed in support of deponent's declaration.

Lucknow  
Dated: 10/10/85

प्रकाशवती  
DEPONENT

Verification

I, Smt. Prakashvati, the deponent, do hereby verify that the contents of paras from 1 to 11 of the affidavit are known to my personal knowledge and belief and no part of it is false. Nothing material has been concealed, so help me god.

Verified and signed this day of 10th October, 1985 in Civil Court compound.

प्रकाशवती  
DEPONENT

I identify Smt. Prakashvati who has signed before me.

SWORN & VERIFIED  
BEFORE ME

Advocate  
Advocate.

(S. S. JAISWAL)  
NOTARY PUBLIC  
LUCKNOW.

Attested/True Copy  
Advocate  
L. P. SINGH  
Advocate

ANNEXURE NO A-8

AGC

સ્તર રતો

નં. 75826/

મહત્ત ધા વાંતવ,  
સ્તર

વિધા: 25-9-86

શ્રી હરના હમાર  
પ્રજાવ તિપિ,  
પેતલ પ્રજાવ

વિષય: :- સ્તર તિપિ ઠે પરિવર્તવ હેલુ ।

...

પ્રજાવ અવર્તવ ઠે ગરો વા વંતવા 5226/41/1009/૬૫૭  
વિધા 25-8-86 ઠે પ્રજાવ વા પ્રવિત રિયા ઠે ઠિ ગરો સ્તર સિધિ  
હેલુ સ્તર પ્રજાવવંતે પર હી રિયા ચા વંતવા ઠે ।

ગત: ગાપ ગરો સ્તર તિપિ ઠે પરિ વર્તવ હેલુ ઠેલડવિત પ્રજાવા ઠે  
વધિ ઠે કો ઠે રિધે પ્રજાવ અવર્તવંતે પ્રજા ચા વંતે ।

25/9/86  
શ્રી સ્તર રતો પ્રજાવ  
સ્તર

Attested/True Copy

*L. P. Shukla*  
L. P. SHUKLA  
Advocate

A47

उत्तर रेलवे  
NORTHERN RAILWAY

5-7/20/85  
Genl. 99/L

No-522E/14/1009/E11D  
The Div Railway Manager,  
Northern Railway  
Lucknow.

Head quarters office  
Benoda House  
New Delhi  
Dt 28-8-86

Sub:- change in date of birth of Shri Krishan Kumar  
Sr. Clerk 'P' Banned LHO

Ref:- your letter No-758E/E-611/DOB dt 13.12.85.

Documents submitted by the employee cannot  
be taken as reliable document for change in recorded  
date of birth. He should submit proof of registration of  
age, if any, available as already advise vide this office  
letter of even number dated 26.7.1985.

He may be advised accordingly.

RL Nanda

(R. Nanda)  
for General Manager (P)

Attested/True Copy

Witnessed -  
L. P. SHUKLA  
Advocate

ANNEXURE NO

A-9

प्रीतपुर 28-4/पंरत 99 पेट

CL 12-4/3-1. 12-1-11

33

उत्तर पेशी NORTHERN RAILWAY

N-528E/10/1009 (E118)

The Divl. Railway Manager

Northern. Railway

Lucknow.

Head qrs. office

Barada House

New Delhi

Dt 29.10.86

Sub: change in date of birth of  
Shri Krishan Kumar Sr Clerk  
IP Bomeh LHO

Ref: your letter N-528E/C-6/1  
dated birth Dt 13.10.86

It is for the employee to produce  
the documentary evidence asked for  
to substantiate his claim.

In case he intends to visit  
Pakistan, he should apply for "No objection  
certificate" for securing a passport  
his own risk and cost.

advised accordingly

R. L. Nanda

(R. L. Nanda)  
for General Manager

Attested/True Copy

L. P. SHUKLA

Advocate



ANNEXURE NO

A-10

34

पत्र सं० 758 ई/6-1

मण्डल कार्यालय

श्री विशान कुमार  
प्रधान लिपिक  
वेतन अफिस

लखनऊ  
दिनांक 29-12-86

विषय:- जन्म तिथि के परिवर्तन हेतु।

प्रधान कार्यालय ने अपने पत्र सं० 522ई/41/1009/ई-11-डी० दिनांक  
29-10-86 के द्वारा आपको यह बताने हेतु लिखा है कि यदि आप पाकिस्तान अपने  
जन्मतिथि प्रमाण के बारे में जानना चाहते हैं तो नो०आपेकान साटीरिफिकेट हेतु प्रार्थना  
पत्र दे सकते हैं जिसके लिये स्वयं आपने ही प्रयास करना होगा तथा धन आदि की  
व्यवस्था स्वयं वहन करना होगा। पाकिस्तान यात्रा विशुद्ध आपकी व्यक्तिगत  
यात्रा होगी जो आपके (पर्यटन) तथा आपके अक्काशपुर होगी।

हृते मण्डल रेलवे प्रबंधक,

लखनऊ

Attested/True Copy

*L. P. Shukla*

L. P. SHUKLA  
Advocate

35

2

ANNEXURE NO. A-11

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

A 49

Ref: Your letter No. 525E/41/1009E(11d)  
dated 29th October, 1986.

---

Sir,

I may kindly be granted no objection certificate for visiting Pakistan to obtain a Certificate from the school where I had my primary education initially before partition. This is required as desired in your above mentioned letter in support of my date of birth which has incorrectly been recorded in my Service Record.

It is therefore, requested that no objection certificate may kindly be issued immediately to enable me to get my passport prepared for the purposed <sup>THE</sup> necessary form in triplicate are enclosed.

*Recd  
21/11/87*

Thanking you,

(3 enclosures).

Yours faithfully,

*Kishan Kumar*  
(Kishan Kumar)

Attested/True Copy

*W. P. S. H.*

*W. P. S. H.*

L. P. S. H.  
Advocate

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

Dated 11.5.1987.

Sub: Issue of no objection certificate  
for visiting Pakistan to obtain  
a certificate in support of my date  
of birth from the Institution where  
I prosecuted my education before  
Partition.

Ref: 1. ~~Your~~ Letter No. 525-E/41/1009E(11D)  
dated 29.10.1986 issued by Headquarters  
Office/NDLS.

2. My application dated 21.1.1987.

....

Sir,

Please call for my application referred to above.  
I regret to say that no action has <sup>yet</sup> been taken thereon  
with the result that I have been still awaiting your  
no objection certificate required in connection with  
the matter referred to above.

It is, therefore, requested that the matter may  
kindly be looked into at your earliest and I may be given  
' No Objection Certificate ' to enable me to apply for  
Pass Port.

Thanking You.

Yours faithfully,

*Krishan Kumar*  
( Krishan Kumar ),  
Head Clerk,  
Pay Bill Section,  
DRM's Office/NR/LKO.

Attested/True Copy

*L. P. Shukla*

L. P. SHUKLA  
Advocate

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

32  
Dated -7-1987.

ANNEXURE NO

A 13

Sub: Issue of No Objection Certificate  
for visiting Pakistan to obtain a  
certificate in support of my date  
of birth from the institution where  
I prosecuted my education before  
partition. A 51

Ref : 1. Your Letter No. 525-E/41/1009E(11D)  
dated 29.10.1986 issued by the Head-  
quarters Office/NDLS.

2. My representation dated 21.1.1987.
3. Reminder dated 14.5.1987.

\*\*\*\*

Sir,

I regret to write that according to wrong date  
of birth written in my service record, I will be  
retired from service in the month of December, 1988.  
In order to get a certificate of my date of birth  
from the institution where I had studied which is  
in Pakistan, I applied for 'No Objection Certificate'  
in pursuance of your Letter No. 758E/6-1 dated 29th.  
December, 1986. Despite reminder dated 11.5.1987  
and personal approaches, the said certificate has  
yet not been issued to me with the result I could  
not apply for issue of Pass Port.

Recd  
KMD  
20/7

Sir, time is very short and as such any more  
delay in the issue of 'No objection Certificate'  
at your end will cause serious prejudice to my case  
which shall make me handicap in obtaining the said  
certificate.

You are, therefore, requested to please look  
into the matter and be pleased to issue me the  
said certificate without any further delay so as

Attested/True Copy

L. P. SHUKLA

The Divl. Railway Manager,  
Northern Railway,  
Lucknow

ANNEXURE NO

38  
A-14

AS2

Sub : Issue of 'No Objection Certificate' for visiting Pakistan to obtain a certificate in support of my date of birth from the institution where I prosecuted my primary education before partition.

- Ref: 1. Your Letter No. 758E/6-1 dated 29.12.86.  
2. My representation dated 21.1.1987 followed by reminders dated 14.5.1987 and 20.7.1987.

ooo

Sir,

Recd  
13/12/87

Please call for my representation followed by reminders referred to above. It is regretted that till date the certificate of no objection applied for has yet not been issued in my favour with the result no application for issue of pass port could be moved before the competent authority. It is reiterated that abnormal delay will cause serious prejudice to my case and there will be every likelihood of the justice being defeated merely on the ground of delay.

It is, therefore, respectfully prayed that the matter may kindly be looked into seriously and the certificate applied for may immediately be issued in my favour so as to enable me to take further action in the matter.

Thanking You,

Yours faithfully,

*Krishan Kumar*

( Krishan Kumar )

Head Clerk, Pay Bill Section,  
D.R.M's Office, Lucknow.

Dated 12-10-1987.

Attested/True Copy

*L. P. Sharma*  
L. P. Sharma  
Advocate

-उत्तर रेलवे-

सं० 342ई/निपटान/सेवा निवृत्त/1988 मण्डल कार्यालय/लखनऊ  
दिनांक सितम्बर 22/9/1987

1. वरि० मण्डल लेखा अधिकारी लखनऊ {भविष्य निधि} कृपया यह ध्यान दें कि इस कर्मचारियों का भविष्य निधिका लेखा सेवा निवृत्त होने की तारीख से पहले तैयार है।
  2. वरि० मण्डल लेखा अधिकारी/ उ०रे०/ लखनऊ {पेंशन} को सूचना एवं आवश्यक कार्यवाही हेतु।
  3. महा प्रबन्धक {का०} उत्तर रेलवे, बड़ौदा हाउस नई दिल्ली को उसके पत्र संख्या 907ई/29 {ईवीए०} दिनांक 24.10.84 के सन्दर्भ में सूचनार्थ।
  4. लखनऊ मण्डल के वरि० हित निरीक्षक एवं हित निरीक्षकों सूचना एवं आवश्यक कार्यवाही हेतु। वह कृपया इस बात को ध्यान रखें कि सं० अभियन्ता एवं बाहर के अन्य कार्यालयों से जो कि सेवा पंजिका, छुट्टी का रिकार्ड आदि करते हैं वे कर्मचारियों की सेवा निवृत्त होने से पहले तारी आवश्यक कार्यवाही करते हुये सेवा पंजिका और छुट्टी का रिकार्ड तैयार कराके सेवा निवृत्त अनुभाग में पहले से प्राप्त हो गये हैं ये इस बात का भी ध्यान रखें कि कर्मचारियों के पेंशन विकल्प सेवा पंजिकाओं में संलग्न है और इसआशय की सेवा पंजिकाओं में प्रविष्टियाँ कर दी गयी है।
  5. प्रबन्धक कोआपरेटिव सोसाइटी बैंक 19 ए विधान सभा मार्ग, लखनऊ को सूचनार्थ दें कि वे इस बातका ध्यान रखें कि निम्नलिखित संलग्न सूची में उल्लिखित सेवा निवृत्त होने वाले कर्मचारियों के खिलाफ यदि कोई कर्ज की बकाया राशि हो तो उसकी सूचना सेवा निवृत्त होने से पहले दें अन्यथा कर्मचारियों को उनकी सेवा निवृत्ति का पुनर्गठन कर दिया जायेगा।
  6. मण्डल अभियन्ता/ वाराणसी वरिष्ठ अभियन्ता, लखनऊ, सहायक अभियन्ता -1, लखनऊ, फैजाबाद, प्रतापगढ़, रायबरेली, प्रयाग, लखनऊ को सूचना हेतु।
- {अ} वह कृपया इस बात की सुनिश्चित करें कि सेवा निवृत्त होने वाले कर्मचारी जिन्होंने पेंशन विकल्प का फार्म भर दिया है उनकी सेवा पंजिका सेवा निवृत्त होने के 6 माह के पहले इस कार्यालय को उनकी सेवा पंजिका और छुट्टी का रिकार्ड आदि पूर्ण कराकर इस अनुभाग को भेज दिया जाता है।

---2---

6-11-11-11-11-11

Attested/True Copy

L. P. SHUKLA

Advocate

-3-

23. समस्त स्टेशन अधीक्षक: वाराणसी, लखनऊ, प्रतापगढ़ उन्नाव  
इलाहाबाद अकबरपुर रायबरेली फैजाबाद जंघाहार सुल्तानपुर अयोध्या बाराबंकी  
जौनपुर जंघई फाफामऊ दरियापुर मऊआयमा ।

24. एस0एच0 आई आलमबाग लखनऊ

25. कार्य निरीक्षक सुल्तानपुर रायबरेली वाराणसी जौनपुर प्रतापगढ़ ।

26. स्कूल टीचर फैजाबाद बाराबंकी ।

27. चीफ मेडिकल सुपरिटेन्डेंट चारबागे लखनऊ

28. मण्डल अभियन्ता चारबाग लखनऊ

29. समस्त चीफ रेल पथ निरीक्षक वाराणसी चारबाग लखनऊ

30. समस्त गुप्त अधीक्षक लखनऊ ।

31. हेड क्वार्टर नई दिल्ली बड़ौदा हाउस

32. डी एस ओ वाराणसी

33. एस0आई0ओ0 पम्प चारबाग लखनऊ ।

अधीक्षक कार्मिक सहायक अधीक्षक कार्मिक समस्त प्रधान लिपिक एवं सम्बन्धित लिपिक कार्मिक अनुभाग मण्डल कार्यालय लखनऊ को सूचित किया जा है कि वे सेवा निवृत्त होने वाले कर्मचारीयों के सेवा निवृत्ति तिथि का स्वयं जांच करें और यदि त्रुटि हो तो उसे तुरन्त सूचित करें ।

सहायक वाणिज्य अधीक्षक/लखनऊ । वह कृपया सभी सम्बन्धित कर्मचारियों के वाणिज्य सम्बन्धी सभी बकाया धनराशि को समय रहते हूये चुकता कराने की व्यवस्था करावेंगे ।

कार्मिक शाखा के विभिन्न अनुभागों के प्रभारियों को यह नोट कर ले चाहिए कि एस0आर0पी0एस0एफ0 प्रवृत्ति के अन्तर्गत आने वाले सभी कर्मचारियों की पुस्तिकाएं सेवा निवृत्ति होने की तीन महीने पूर्व वरिष्ठ मण्डल लेखा अधिकारी लखनऊ को सत्यापन हेतु पहले ही भेज दिये जाने चाहिये । पेंशन नियमों के अन्तर्गत सेवा निवृत्त होने वाले कर्मचारियों की सेवा पंजीकाएं अधीक्षक निपटा को तुरन्त दे देनी चाहिए क्योंकि ऐसे सब मामलों में 15 महीने पूर्व कार्यवाही की जानी होती है सेवा निवृत्त होने वालों की सूची में जो पेंशन लेने वालों को दर्शाया गया है तो कि संबंधित लिपिक कार्मिक शाखा ने प्रस्तुत की के पुनः एक बार फिर से जांच कर लेनी चाहिए जिससे कि कोई त्रुटि न रह जाये ।

अतः एक बार पुनः आग्रह किया जाता है कि संबंधित वरिष्ठ अधीक्षक की कार्यरत सेवा निवृत्त होने वाले कर्मचारियों उनकी सेवा निवृत्ति वाली तिथि को अवश्य ही कार्यमुक्त कर देना चाहिये चाहे उनके स्थान पर रिलीफ मिले न मिले अन्यथा जिसके न किये जाने पर वह स्वयं अनुशासन एवं अपील निम्नो अन्तर्गत कार्यवाही किये जाने के लिए स्वयं उत्तरदायी होगा वह यह भी नोट

---47---

Attested/True Copy

6 weeks

L. P. SINGLA

Advocate

The Divl. Railway Manager,  
Northern Railway,  
Lucknow

257

Sub: Issue of 'no objection certificate'  
for visiting Pakistan ( Lahore ) to  
obtain a certificate in support of  
my date of birth from the insti-  
tution where I prosecuted my primary  
education before partition.

Ref: Your Letter No. 758E/6-1 dated 29.12.86.

My representation dated 21.1.1987 followed  
by reminders dated 14.5.87, 20.7.1987 and  
13.10.1987.

Representation <sup>\*\*\*\*</sup> against your Notice no. 342E/Niptan/  
Sewa Nirvit/dt1988 dt. 22.9.1987..  
<sup>\*\*\*\*</sup>

Sir,

I regret to write that despite my representation followed by reminders mentioned above on the above subject, no step has yet been taken with regard to issue of ' No objection Certificate ' at your end to enable me to apply for pass port for visiting to Lahore ( Pakistan ) for obtaining a certificate in support of my date of birth from the institution where I prosecuted my primary education before partition of India in the year 1947. This abnormal delay at your end will defeat my bonafide claim and my retirement, on the basis of incorrect date of birth as recorded in the official records, will amount to my premature retirement as a measure of punishment.

It is reiterated that at the time of partition of India in the year 1947, it was not feasible to obtain T.C. from the institution ( as now desired by the administration ) where I was studying as every thing, at

Attested True Copy

L. P. KLA  
Advocate



that time, was abnormal and we all had to save our lives by way of migration. So in these special circumstances attached to my family members, the demand of producing a certificate of school situated in Pakistan is highly unjustified on the part of the Railway Administration. Despite it being so, I am still prepared to visit Lahore ( Pakistan ) for that purpose and for that I have been requesting the administration to issue me a ' No objection Certificate ' so as to enable me to apply for Pass Port, which will also take some time. It is known to the administration that on the basis of the recorded date of birth ( incorrectly recorded in the official documents/records), I ~~am~~ have to face my retirement in the month of December, 1988 and as such the abnormal delay on the part of the administration in issuing the ' No Objection Certificate ' may cause substantial loss to me.

In the facts and circumstances mentioned above, it is, therefore, most respectfully prayed that your goodself may kindly look into it and immediate steps may be taken in issuing the ' No objection Certificate ' so as to enable me to visit Lahore ( Pakistan ) to ~~am~~ trace out the institution and records for obtaining a certificate in support of my date of birth as demanded by the administration. It is further submitted that my date of birth as mentioned in the High School Certificate issued by the Board of High School and Intermediate Education, Uttar Pradesh, Allahabad already filed by me and on record is the correct date of birth, which, as per verdicts of my parents, is the same which

Attested/True Copy

*[Signature]*

L. P. K. L. A.  
Advocate

(3)

45  
AS 9  
was originally recorded in the institution at Lahore  
at the time of my admission for primary education.

It is further submitted that in the facts and circumstances of the case, the notice for retirement in the after-noon of 31st. December, 1988 based on the disputed date of birth is wholly illegal and against all cannons of justice. It is the administrative fault that I have yet not been granted 'N.O.C.' despite my repeated requests and demands. It is also worth mentioning that my case being a case of migrated person is entirely different to that of those, who originally born in India, prosecuted their education in India and never faced the such circumstances which I and my parents faced in 1947. The affidavit already filed by my mother in support of my date of birth, in the circumstances of the case, is worth reliance.

Your goodself, therefore, is requested that my date of birth may kindly be corrected on the basis of High School Certificate and the affidavit of my mother already filed or in the alternative I may immediately be issued 'N.O.C.' so as to enable me to apply for Pass Port for visiting Lahore to bring the proof of my age either from school or Municipal Corporation. It is further prayed that it would be better if your your goodself, on your accord, arrange a Pass Port for me so as to avoid further delay. The Notice of my retirement referred to above, in such circumstances, may be treated as cancelled.

Thanking You.

Yours faithfully,

*Krishan Kumar*  
( Krishan Kumar ) Head Clerk,  
Pay Bill Section, DRM's Office  
Lucknow.

Dated 6.11.1987.

Attested/True Copy

*L. P. Suckla*  
L. P. Suckla  
Advocate

46

ANNEXURE NO A-12

A 60

14

PASSPORT OFFICE  
REQUISITION FOR BAP(1)  
NAME Kishan Kumar  
FATHER'S/HUSBAND'S NAME Lab S. Kumar  
ADDRESS 2/5 A W. P. Nagar  
FEE PAID RS. 60 70

**DECLASSIFIED**

आरक्षित हट्ट  
देशीय वाणिज्यिक  
वित्तिय प्रणाली  
21 DEC 1960  
141 60

*Green*

Attested/True Copy  
*L. P. Shukla*  
L. P. SHUKLA  
Advocate

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

Sub : Issue of 'No Objection Certificate' for visiting Pakistan (Lahore) to obtain a certificate of school in support of my date of birth.

Ref : 1. Your Letter No. 758E/6-1 dated 29.12.1986.

2. My representation dated 21.1.1987 followed by reminders dated 14.5.87, 20.7.87, 13.10.87 and 6.11.1987.

...

Sir,

Please call for my last representation/reminder dated 6.11.1987 on the subject mentioned above. In this respect, I regret to write your goodself again that no step has been taken on the said representation/reminder and even I have not been obliged by a mere reply with the result no application for issue of Pass Port could be given by me to the Pass Port issuing authority. Under these circumstances and specially when I have to be retired from service in the month of December, 1988 on the basis of incorrect date of birth recorded in the Service Record, I have no alternative but to apply for issue of Pass Port without 'No objection Certificate' and in case the application is rejected and no Pass Port is issued, it would be the sole responsibility of the Railway Administration.

It is, therefore, once again requested that my afore-mentioned representations followed by various reminders may kindly be taken into consideration and a 'No objection certificate' or necessary instructions may be issued to me within a week otherwise I will have no option but to apply for Pass Port without such certificate indicating the facts therein.

Attested/True Copy

*[Signature]*  
L. P. SHUKLA  
Advocate

The Divisional Railway Manager,  
Northern Railway,  
Mezrat-e-Naj,  
Lucknow.

48

A 52

Sub : Issue of 'No Objection Certificate'  
for visiting Pakistan (ashore) for  
obtaining school certificate in support  
of my date of birth.

- Ref 1) Your letter No. 7535/6-1 dated 29.12.86.  
2) My representation dated 21.1.1987 for  
issue of 'No Objection Certificate'.  
3) Reminder dated 14.5.1987 to your goodself.  
4) Reminder dated 20.7.1987 to your goodself.  
5) Reminder dated 13.10.1987 to your goodself.  
6) Reminder dated 6.11.1987 to your goodself.  
7) Reminder dated 24.12.1987 to your goodself  
and copy to G.M.(P)/NRI's under registered  
cover.

\*\*\*\*

Sir,

With reference to above, it is  
again to your goodself for your kind attention and immediate  
action in the matter as indicated below :-

1. That I had applied for correction of my recorded  
date birth, which was incorrectly recorded in my Service  
Record.
2. That after a lengthy correspondence, your goodself,  
on the strength of a letter bearing No. 5223/41/1009/4110  
dated 28.3.1936 issued by the G.M.(P), Northern Railway,  
Readingers Office, Baroda House, New Delhi, intimated  
to the undersigned that his claim was not acceptable for  
want of authentic proof regarding date of birth. Accordingly,  
the undersigned was required to submit authentic proof in  
support of his date of birth.

Attested/True Copy

*[Signature]*

*[Signature]*

*[Signature]*

L. P. SHUKLA  
Advocate

noon of December 31, 1988 but despite it being so, no step is being taken by the administration in issuing the 'No Objection Certificate' to enable the undersigned to obtain a Pass Port for being visited to Pakistan for obtaining the school certificate in support of his date of birth as required. A63

8. That from the aforementioned act and abnormal delay, it is evidently clear that some one is interested to get my bonafide claim defeated by getting me retired from service on the basis of incorrect recorded date of birth so as to create a room <sup>for others</sup> for promotion after my retirement.

9. That the aforesaid act of non issue of 'No - Objection Certificate' is highly prejudicial and against the provisions contained under Articles 14 and 16 of the Constitution of India rather it will amount to punishment if the undersigned is retired from service on the basis of incorrect recorded date of birth without being given him a reasonable opportunity to substantiate his claim as prayed and allowed by the administration only on paper.

10. That it is a recorded fact that the undersigned is a displaced person. He migrated from Pakistan (Lahore) in the year 1947 i.e. on partition. At the time of partition, he was of about 13 years of age and was receiving his Primary education in Lahore. At the time of partition, his parents had to save the lives of their children and of their own and that was his primary act. Under that circumstances, it was not possible either for the undersigned or his parents to obtain school certificate from the institution as at that time, every body and every thing was under disturbance. So the undersigned as well as his parents were surrounded by

*Amir A. Mir - 10/11/88*  
*Attested Copy*  
*L. A.*

50  
A64

क्रमांक/No. 735  
भारत सरकार का मूल्य रु. 516 पें.  
Rs. P.  
Date-stamp  
भारत सरकार का नाम व पता  
Name and address of sender  
हस्ताक्षर  
Signature of Receiving Officer

क्रमांक/No. 11746  
भारत सरकार का मूल्य रु. 45 पें.  
Rs. P.  
Date-stamp  
भारत सरकार का नाम व पता  
Name and address of sender  
हस्ताक्षर  
Signature of Receiving Officer

Attached Two Copy  
L. R. KLA  
Advocate

51

A65

# प्राप्ति स्वीकृति ( रसीद ) ACKNOWLEDGMENT

\* एक <sup>रजिस्ट्री</sup> पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

क्रमांक/No.

\* Received a <sup>Registered</sup> <sub>Insured</sub> Letter/Postcard/Packet/Parcel

पाने वाले का नाम  
Addressed to (name)

To. - The General Manager,  
N. Railway, Barodhore  
New Delhi

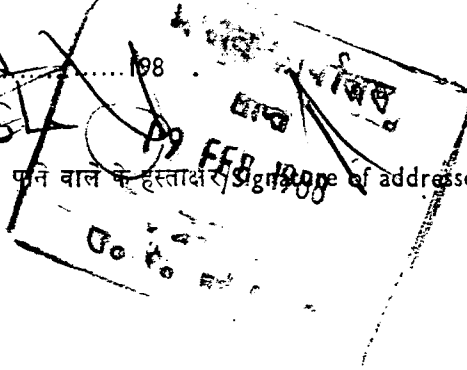
बीमा का मूल्य (रुपयों में)  
Insured for Rupees

वितरण की तारीख/Date of delivery

\* अनावश्यक को काट दिया जाए  
\* Score out the matter not required.

केवल बीमा वस्तुओं के लिए  
For Insured articles only

पाने वाले के हस्ताक्षर/Signature of addressee



Attested/True Copy

*6000000000*

*L. P. Shukla*

L. P. SHUKLA  
Advocate



Registered A/D.

52

A 66

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

Sub: Issue of No objection certificate  
for visiting Pakistan ( Lahore )  
for obtaining School Certificate  
in support of my date of birth.

Ref: 1. Your Letter No. 725E/6-1 dated 29.12.86  
2. My representation dated 21.1.1987 for  
issue of no objection certificate followed  
by various reminders even by registered  
post.

oooo

Sir,

Please call for my representation dated 21.1.1987  
followed by various reminders dated 14.5.87, 29.7.87,  
13.10.1987, 6.11.1987, 24.12.1987 and 17.2.1988. I regret  
to write you again that no action has yet been taken  
on the representation and reminders mentioned above at  
your end with the result I am handicapped to visit Lahore  
( Pakistan ) for obtaining certificate of my date of birth.

It is, therefore, requested that the matter may  
kindly be looked into and the no objection certificate  
may kindly be issued at your earliest so as to enable me  
to apply for Pass Port. It is reiterated that I, as per  
incorrect date of birth as recorded in the Service Record,  
will be retired in the after-noon of 31.12.1988 and as  
such the matter may please be treated as most urgent.

Thanking You.

Yours faithfully,

K. Kumar

( Krishan Kumar )

Hd. Clerk, Pay Bill,  
D.R.M's Office/ lko

Dated 6.4.1988.

Copy forwarded to G.M.(P), N. Railway Baroda House, New Delhi  
for information and similar necessary action. This is in  
reference to my representation/reminder dated 17.2.1988  
already sent under registered post.

Attested/True Copy

L. P. ...  
Advocate

b. Kumar

Insurance fee Rs.

699

Stamps affixed except in case of unregistered letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is required.

Received by P. Registered  
addressed to

*Handwritten signature*

Signature of Receiving Officer

Insured for Rs. (in figures)

(in words)

weight

grams

Insurance fee Rs.

P.

(in words)

grams

53

A 67

701

Stamps affixed except in case of unregistered letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgment is required.

Received by P. Registered  
addressed to

*Handwritten signature*

Signature of Receiving Officer

Insured for Rs. (in figures)

(in words)

weight

grams

(in words)

grams

Attested/True Copy

*Handwritten signature*

L. M. KLA  
Advocate

REMINDER:  
Registered A/D.  
 Dt. 8.5.1988.

54

A 68

The Divl. Railway Manager,  
 Northam Railway,  
 Hazratganj,  
 Lucknow.

SUB : ISSUE OF ' NO OBJECTION CERTIFICATE '  
 FOR VISITING PAKISTAN (LAHORE ) FOR  
 OBTAINING SCHOOL CERTIFICATE IN  
 SUPPORT OF MY DATE OF BIRTH AS DESIRED  
 VIDE YOUR LETTER NO. 758-E/6-1 DATED  
 29.12.1986.

REF : My representation dated 21.1.1987 for  
 issue of ' No objection Certificate '  
 followed by reminders dated :-  
 14.5.1987,  
 20.7.1987,  
 13.10.1987,  
 6.11.1987,  
 24.12.1987,  
 17.2.1988 and  
 8.4.1988.

cccc

Sir,

I regret to write that despite my representation and reminders referred to above and also personal contacts with A.P.O., no action has yet been taken thereon with the result I could not get ' No objection certificate ' and as such I still could not apply for Pass Port.

It is very well known to the administration that on the basis of recorded date of birth, which is incorrect, I will be retired from service in the after-noon of 31.12.1988 and as such the delay on the part of the administration in issuing the ' No objection Certificate ' is highly unjustified rather it amounts to denial of opportunity to me to represent my case for correction of my date of birth.

Since the time is too short, it is requested that the matter may kindly be looked into without any further delay and the 'NOC' already applied for may kindly be issued within 15 days next after the receipt of this reminder. In case, no such certificate is issued within the said period, I shall have no option but to apply for Pass Port without the said certificate and also approach the higher authorities against the injustice meted out to me. In these circumstances, the administration will be itself responsible.

It is hoped that the matter will be looked into without delay.

Thanking You.

Yours faithfully,

*Krishan Kumar*

( Krishan Kumar ),  
 Head Clerk, Pay Bill Section,  
 DRM's Office, N.R./IKO

Registered A/D.  
 Copy to G.M.(P), N.R. Baroda House,

to my previous representations.

*6-11-88*

Attached True Copy

*1. A.P.O.  
 2. G.M.(P)  
 3. N.R. Baroda House*

55

669

क्रमांक/No.

242

610

4



लगाए गए डाक टिकटों का मूल्य रु०.....  
Amount of Stamps affixed Rs. ....

एक रजिस्ट्री बोला\*  
Received Registered Insured\*

प्राप्तकर्ता का नाम  
Addressee's Name

आपके नाम (शब्दों में)  
In words

वजन (शब्दों में)  
Weight (in words)

भेजने वाले का नाम  
Name and address of sender

डाकघर स्थिति  
Issued subject to terms and conditions in the guide

भेजने वाले का नाम  
Name and address of sender

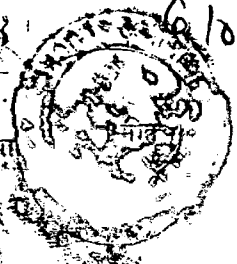
डाकघर स्थिति  
Issued subject to terms and conditions in the guide

प्राप्तकर्ता का हस्ताक्षर  
Signature of Receiving Officer

क्रमांक/No.

243

610



लगाए गए डाक टिकटों का मूल्य रु०.....  
Amount of Stamps affixed Rs. ....

एक रजिस्ट्री बोला\*  
Received Registered Insured\*

प्राप्तकर्ता का नाम  
Addressee's Name

आपके नाम (शब्दों में)  
In words

वजन (शब्दों में)  
Weight (in words)

भेजने वाले का नाम  
Name and address of sender

डाकघर स्थिति  
Issued subject to terms and conditions in the guide

भेजने वाले का नाम  
Name and address of sender

डाकघर स्थिति  
Issued subject to terms and conditions in the guide

प्राप्तकर्ता का हस्ताक्षर  
Signature of Receiving Officer

Attested/True Copy

*L. P. Shukla*

L. P. SHUKLA

Advocate

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A 76

Attested/True Copy

*[Signature]*

L. P. SHUKLA  
Advocate

*was at*

5

22

ANNEXURE NO. A-19 (Collective)

From:-

Dated 18th May, 1988.

Respected Sir,  
 c/o Late Mr. D. D. D.  
 s/o 2/5A, Lajpat Nagar, Delhi.  
 (UP) (India).

To,

1. The Inspector of Schools,  
 Lahore (Pakistan).
2. The Head Master/Principal,  
 Sat Sabha School, Dera Ghokhi Chak,  
 Gali Shahi Poshan, Lahore (Pakistan).
3. The Principal,  
 B.A.V. School, Lahore (Pakistan).

Respected Sir,

Most respectfully, the applicant, under very com-  
 pelling circumstances, approaches your Goodself with the  
 the following facts and request:-

1. That the applicant, before partition in 1947, had  
 been residing with his parents at Meeri Goto, Sahiwal,  
 Lahore and at that time he was about 13 years of age.
2. That the applicant procured his primary education  
 in Sat Sabha School, which was then situated in Dera  
 Ghokhi Chak, Lahore and after passing his class IV from  
 that institution, he was admitted in class V in B.A.V.-  
 School, Lahore in 1946/47 and at the time of partition,  
 he was studying in that school in class V.
3. That the applicant alongwith his parents migrated  
 to India in 1947 but due to circumstances beyond his  
 control, he could not obtain the school leaving certifi-  
 cate showing his date of birth.
4. That the applicant's date of birth, as per his  
 parent's certificate, was recorded as 19th March, 1934 in  
 that institution.
5. That at present, the applicant is employed in the  
 Railway Department and in absence of school certificate,  
 his date of birth has wrongly been recorded in the offi-  
 cial records, and as such he will be retired from service  
 this year on the basis of incorrect recorded date of birth  
 i.e. prior to his actual date of retirement.

In the facts and circumstances mentioned above, it  
 is requested that your Goodself, in the name of humanity  
 and on kind, be pleased to go through the school records  
 and be pleased further to issue me a certificate in support  
 of my date of birth and send the same at the  
 address given above at your earliest possible, so as to  
 enable me to produce the same before the departmental  
 authorities for correction of my date birth wrongly re-  
 corded in my Service Record.

Since the application has not been issued 'NOC',  
 he is unable to visit Lahore personally for the said

B T.O.

Attested True Copy

(Signature)

L. D. D.  
 Advocate



ANNEXURE NO A-20

AFB

आ.स.सि. 3  
2.2.61

क्रमांक/No. 241

लगाए गए डाक टिकटों का मूल्य रु०.....  
Amount of Stamps affixed Rs. ....  
एक रजिस्ट्री बीमा..... प्राप्त किया.....  
Received a Registered Insured\*  
पानेवाले का नाम.....  
Addressed to.....  
बीमे की रकम (अंकों में)..... (शब्दों में).....  
Insured for Rs. (in figures) (in words).....  
बीमा शुल्क रु०..... वजन (शब्दों में).....  
Insurance fee Rs. P. Weight (in words).....  
पानेवाले का नाम.....  
Name and address of sender.....  
डाकघर निदेशिका में दी गई.....  
शर्तों के अधीन जारी की गई.....  
Issued subject to terms and conditions in P. O. guide.....  
पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

क्रमांक/No. 239

लगाए गए डाक टिकटों का मूल्य रु०.....  
Amount of Stamps affixed Rs. ....  
एक रजिस्ट्री बीमा..... प्राप्त किया.....  
Received a Registered Insured\*  
पानेवाले का नाम.....  
Addressed to.....  
बीमे की रकम (अंकों में)..... (शब्दों में).....  
Insured for Rs. (in figures) (in words).....  
बीमा शुल्क रु०..... वजन (शब्दों में).....  
Insurance fee Rs. P. Weight (in words).....  
पानेवाले का नाम.....  
Name and address of sender.....  
डाकघर निदेशिका में दी गई.....  
शर्तों के अधीन जारी की गई.....  
Issued subject to terms and conditions in P. O. guide.....  
पानेवाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

6-6-61

Attested/True Copy

*L. P. Shukla*

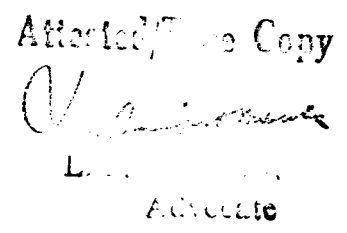
L. P. SHUKLA  
Advocate



25

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 01-11-2001 BY 60322 UCBAW/STP

A 75



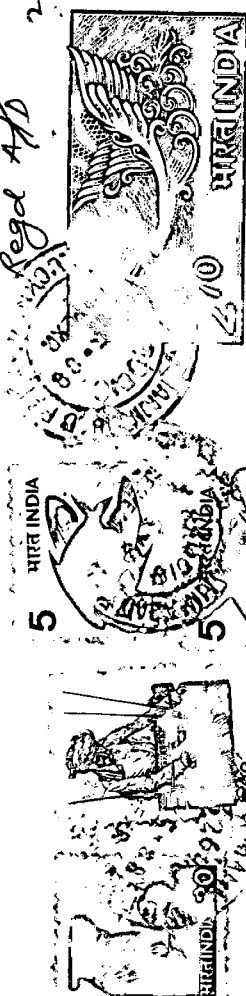
10-12-2020

A-22

A 76

62 ✓

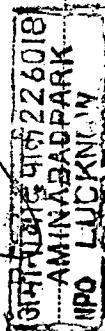
~~हवाई पत्र  
Aerogramme~~



Mr. Shaukat Ali Siddiqui,

C/O Mr. Ashraf Ali,

1-J, 28/2, Nazimabad-I, KARACHI (PAKISTAN).



b.c.e.a.

Attached Copy

Ch. B. Jones

L. ...  
Associate

ANNEXURE NO

ERREERIA

( Issue of NO OBJECTION CERTIFICATE )

1. Name KRISHAN KUMAR
2. Father's name Late Sri Amar Nath
3. Designation A/ Clerk
4. Scale & Rate of Pay 1400 - 2300 Rs @ 165% In
5. Branch (Personnel & Pay Bill Secy)
6. Station of posting Lko
7. ~~Station of posting~~ Date of birth 19.3.1934
8. Date of Appointment 9.12.1955
9. Place of residential during the last 2 years 2/5 Atarke, Lajpota Colony off Neelam Road, Canal Area
10. Permanent residential address As above
11. Country to which Passport is required Pakistan
12. Place of visit LAHORE
13. Purpose for which the Passport is required For obtaining residence in self post of may also as desired by Mr. Dhanu Datta
14. Duration of stay in that country About a week
15. Postal address where the applicant is to stay in that country I will stay in some hotel at Lahore in particular of which will be communicated later on
16. Estimated expenditure involved About Rs 1000/-
17. Source of availability of funds to meet the personal expenditure From personal savings

Date 8-7-1980

Signature

DECLARATION

I hereby declare that I will not undertake any job in Abroad during my stay.

Signature

KRISHAN KUMAR

Wanted to

Amn

Supdt. Btts

5/7/88

Wheew

General Manager,  
Northern Railway, (P),  
Banda Road, Indore.

~~RECEIVED~~ 20/7/54

Regd. 20/7/54

ANNEXURE NO A-25

20/7/54

To The M.L. Mr. Hanger,  
Northern Railway, Bho.

Subject : Correction in date of birth.

64  
A 78

oooo

Respected Sir,

Inviting reference to all my correspondence on the subject mentioned above, it is most respectfully submitted again as under :-

1. That on 19th. March, 1934, I was born in Lohar ( now in Pakistan ) and prosecuted my primary education in Sat Sabha School, Bazar Ghok Gharia, Lohar and thereafter was admitted in class V in D.A.V. School, Lohar in 1944.

2. That at the time of partition of India in 1947, I had been studying in the D.A.V. School, Lohar. It was a period of great disturbance and it was very difficult to carry life. My hon. my parents could be able to migrate <sup>to</sup> India during the period of riots. In such circumstances, it was neither possible nor could be dared to obtain T.C. or any certificate regarding my date of birth from the aforesaid institution or from the Municipal Board of Lohar. However, my 'Jama Bandli' was incidentally available with my parents' luggage which they had brought with them while leaving Lohar.

3. That on the basis of the aforesaid 'Jama - Bandli', I passed my High School Examination from the U.P. Board, Allahabad in the year 1955 giving my date of birth as 19.3.1934 which is available in the High - School Certificate.

Attested True Copy

6/11/54

*[Signature]*  
L. P. SHUKLA

deputes came and on its own accord to visit Lahore  
( Pakistan ) for the said purpose.

A 79

8). That in pursuance of your letter No. 522R/51/  
1002/3-III dated 29.10.1986 communicated by the Div.  
Railway Manager, Northern Railway, Lahore under the  
letter No. 758R/6-1 dated 29.12.1986 <sup>from</sup> permitted me to  
visit Lahore ( Pakistan ) and for that I was directed  
to <sup>issue of</sup> ~~not~~ <sup>to</sup> ~~be~~ <sup>be</sup> objection certificates by the ~~Minis-~~  
terial.

9). That on having received the aforesaid  
letter, I, by means of my representation dated 21.1.87,  
requested the administration for issue of ' No objection  
certificates ' for visiting Lahore to bring the certi-  
ficates regarding my date of birth.

10). That despite reminders dated 14.5.1987,  
20.7.1987, 13.10.1987, 6.11.1987, 24.12.1987, 17.2.88 &  
8.4.1988 own mail under registered covers to the  
Divisional Railway Manager, N. Ry. Lahore and your  
conduct, the aforesaid ' No Objection Certificates '   
has yet not been issued with the result I could not  
move an application before the Pass Port issuing auth-  
ority for issue of Pass Port in my favour.

11. That in the most circumstances mentioned  
above and there being no alternative, I was constrained  
to send registered letters directly to the Inspector  
of Schools, Lahore, Head Master/Principal. Sat Sabhan  
School, Lahore and the Principal V.A.V. School, Lahore  
requesting them to send a certificate regarding my  
date of birth as recorded in their records.

12. That apart from the above, I have also  
sent registered letters to persons residing in Lahore

Attested True Copy

*[Signature]*  
L. A. Advocate

*6-10-88*

now under the definition of 'Date of Birth'. The 'date of birth' always carry the date, month and year, which are absent in the instant case. The age recorded in the service record is apparently wrong/incorrect and liable to be corrected as prayed by me on the basis of High School Certificate.

21. That in terms of appointment letter, it would be seen from the official records, my appointment was subject to production of authentic proof of my date of birth. This, therefore, indicates that the age recorded in the Service Record viz '20 years on appointment', in the opinion of the administration, was not correct and was subject to correction on production of satisfactory proof regarding my date of birth. The denial of making the correction in the recorded date of birth is arbitrary in law and it would be a great injustice rather punishment if I am not retired from service on the basis of incorrect date of birth as recorded in my service record.

In the facts and circumstances mentioned above, it is once again requested that your goodself may be pleased to reconsider my case and pass an order for correction of recorded date of birth as prayed for. In the alternative, I may immediately be issued 'No Objection Certificate' so as to enable me to apply for issue of Pass Port for visiting to Lahore for obtaining certificate of my date of birth as desired by the administration. In every the matter is delayed my case, the case would defeat my genuine claim and for that the administration would be responsible it will.

Thanking You.

Yours faithfully,  
 (Khalid Hussain) H.O. CLERK  
 Prg Bill Section, DEPT's  
 Office.

DATED 26-7-1988.

Approved Copy  
 L. S. SIKHLA  
 Advocate

67

EQ1

ANNEXURE NO 4-26

No. 1955 Stai  
red letters of not more than the initial Stamp  
weight prescribed in the Post and Telegraph  
side on which no acknowledgment is due  
Received by R. Registered  
addressed to  
Signature of Receiver Officer  
Insured for Rs. (in figure) (in words)  
Insurance fee Rs. P. weight rates  
(in words) grams

b. Co. are

Attested/True Copy

*[Signature]*

L. P. SHUKLA  
Advocate



ہمارے کتنے کما رہے۔ ادب

لاہور ۱۹۸۶  
۱۰ اگست

بندہ شہزادہ ہے کہ آٹک مجھے ایک کام کیلئے منور ہے  
کیا تھا جو بڑے ذہن سے نکل گیا جکی صفائی چاہو لگا۔ آٹک  
جب وہ بیویا کو حوالہ آیا۔

A 82

میں نے یہ معلوم ہوا کہ اسکول کے کافتات کہیں ہیں جو وہیں ایلم  
میں سے رکارد میں کہیں میرے پاس آٹک کوئی اعتبار ہے  
میں نے جس میں دریافت کر سکیں۔ مگر وہ کم ہوتا  
اعتبار ہے۔ جب ذیل تفصیل کو دیکھتے ہوئے حیدر از حد ہوا  
مردوں

شوکت علی صدیقی ولد عبدالرزاق رحوم  
سکن سیکٹر ۱۱-B، A5266 نارنگو کراچی ٹاؤن ٹنٹ ٹاؤن  
حال وارڈ الہ جاوید - وائڈا کالونی روڈ  
شاہ مار ٹاؤن - لاہور پاکستان  
سفاتی کارڈ نمبر ۷۱-۷۱

۵۱۸-۵۱۹-۲۲۹-۲۷-۵۰۳

آپ ایک درخواست براہ راست میرے لاہور سوشل کارپوریشن کے نام  
ایم پی سی کے ذریعہ روانہ کریں اور اس کے ایک نقل میرے پاس  
روانہ کریں۔ دریافت کرنے معلوم ہوا کہ کافتات سے اسی درخواست  
پر تصدیق کر دی جارہی ہے۔ یہ کام اب حیدر میں سے کہ  
دن بیان عیام کر رہا اور میرے کراچی حیدر عادی کو دشوار ہوا  
اس کے معلوم کام کو حیدر از حد کر دیں۔ آپ کے کراچی میں یہ  
کافتات قدس کے لیے مل سکتے ہیں۔ یہ بہتر صوبہ بلکہ آپ کے  
مناہ میں صوبہ کے اب خود شریک ہے۔ آپ کے صوبہ کے  
حوتے کو کم آٹک کام حیدر از حد حیدر  
اور تفریق فرشتہ ہے۔ بھون کو رعاس

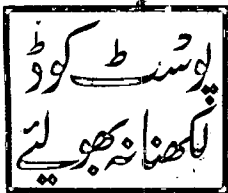
خاندان

شوکت علی صدیقی

Attested True Copy

L. P. Sh  
Advocate

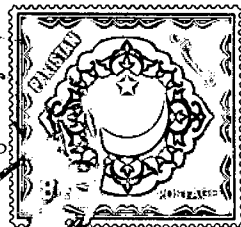
ANNEXURE NO A-28



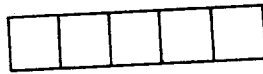
Rs. 3

POSTAGE

96



Mr. Krishan Kumar,  
2/5A, Lajpat Nagar,  
Opp. Nibu Park,  
Chowk, Lucknow,  
U. P.,  
INDIA.



(پوسٹ کوڈ)

From: Shaikh Ali Siddiqi  
Al-Jannah, KAPPA  
Colony, Rasool  
Shalimar Town  
Lahore-9

*bureau*

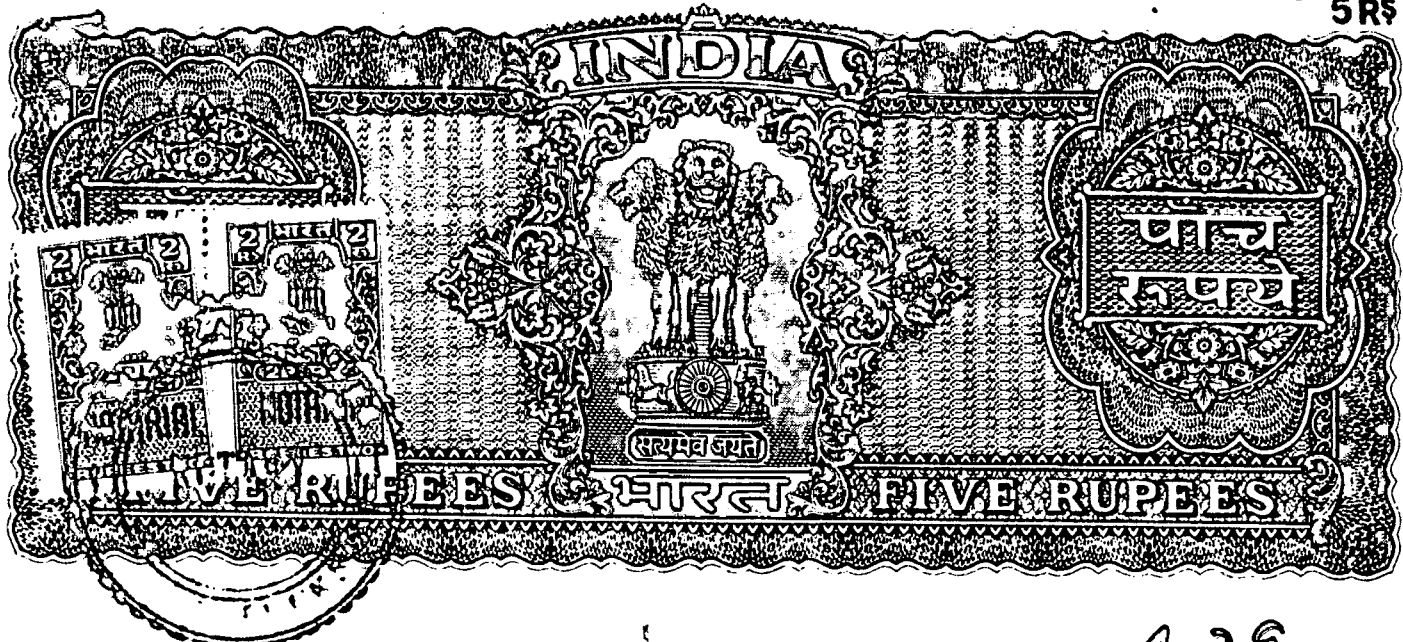
Attested by me Copy

*L. P. Siddiqui*

L. P. SIDDQUI  
Advocate

70

5RS

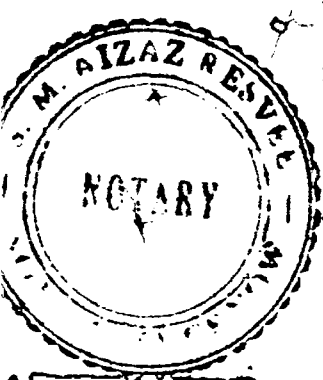


83-

ANNEXURE NO A 29

AUTHORITY LETTER

I, Krishan Kumar, son of late Amar Nath, permanent resident of 2/5A, Lajpat Nagar, opposite Nibu Park, Chowk, Lucknow (UP) (India) originally born in Lahore before Partition of India, do hereby authorise Mr. Shaukat Ali Siddiqui, son of Late Abdur Razzaque resident of Sector 11-B, A-526, North Karachi Township (Pakistan) at present residing at AL - Jawaid, KAPDA Colony Road, Shalamar Town, Lahore (Pakistan) whose Identity Card number is AH 636898 503-27-229-518 to present, pursue, answer, receive documents and deposit fee/charges whatsoever on my behalf in the Lahore Municipal Corporation, Lahore (Pakistan) or before any other authority in connection with my date of birth.



*Amir Singh*

Lucknow

Dated: 9 - 9 - 1988

*Krishan Kumar*  
( KRISHAN KUMAR )  
Authorizer

I know the authorizer, who has signed before me.

*S. M. Aizaz Resver*  
NOTARY PUBLIC  
10, Peer Jaleel Golaganj,  
LUCKNOW Ph. 47337  
(INDIA) 9/9/1988

*[Signature]*  
ADVOCATE, 9.9.1988  
*(Punjabhatten 16)*  
*Patel Jinal Kumar*

*b. v. e. e. e.*

*Devachattan Singh*  
B.A., LL.B. D.P.A. D.L.I.  
ADVOCATE

Attest: True Copy  
*[Signature]*  
L. P. SHUKLA  
Advocate



29  
DT. 12.9.88

The General Manager (P),  
Northern Railway,  
Baroda House,  
New Delhi.

ANNEXURE NO

A-36

989

Through : The Divisional Railway Manager,  
Northern Railway, Meerut,  
Uttar Pradesh.

Sub: Correction in date of birth.

Ref: 1. Your letter No. 522E/41/1009/  
E-IID dated 29.10.1986 com-  
municated through DM/Meerut's letter  
No. 758E/6-1 dated 29.12.1986.

2. My last representation dated  
20.7.1988.

---

Sir,

On having received no response to my various representations including the last representation referred to above and the no objection certificate applied for, I have no alternative but to submit the enclosed application dated 12.9.1988 addressed to the Mayor, Lahore Municipal Corporation, Lahore to be sent through Embassy of Pakistan, New Delhi for verification of my date of birth from his records. Since the matter is urgent especially when I will be retired from service in the afternoon of 31st. Dec., 1988 on the basis of incorrect date of birth recorded in my Service Record and also because of no action on my representation followed by various reminders, an advance copy of the enclosed application, under very compelling circumstances, has been sent to the authorities concerned.

It is, therefore, requested that my enclosed application may kindly be sent to the Mayor, Lahore Municipal Corporation, Lahore through Embassy of Pakistan, New Delhi for verification of my date of birth from his records and necessary action may kindly be taken accordingly.

Thanking you.

Enc./One application.

Yours faithfully,

*Krishan Kumar*

( Krishan Kumar ),  
Head Clerk, Pay Bill Section,  
Divisional Railway Manager's  
Office, Northern Railway, Meo.

Attested/True Copy

*[Signature]*

L. P. SINGH  
Advocate

600000

23

The Mayor,  
Lahore Municipal Corporation,  
LAHORE (Pakistan).

Through : The Embassy of Pakistan, New Delhi.

Respected Sir,

A 85

I, Krishan Kumar, son of Late Amar Nath, permanent resident of 2/5A, Lajpat Nagar, opposite Nibu Park, Chowk, Lucknow (U.P.) (India), most humbly and respectfully beg to submit and request your goodself as under :-

1. That prior to partition of India, I, alongwith my parent, had been residing at Muri Gate, Gali Shami Hukan, Sutar Mandi, Lahore and after partition, migrated to India in 1947.
2. That according to my parent, I was born at the aforesaid place on 19th March, 1934 and my birth was got recorded in the then Municipal Board, Lahore.
3. That I am the first male issue of my parent born in Lahore on the aforesaid date.

It is, therefore, most respectfully prayed that your goodself may be pleased to verify my afore-mentioned date of birth from your record at your earliest possible and, if permissible, a certificate to that effect may kindly be issued and sent to me or delivered to my authorised representative on production of authority letter or through any agency as you may deem fit and proper so as to enable me to use the same as and when required.

It is further prayed that the matter may kindly be treated as most urgent and expedited at your earliest possible.

Thanking you,

Dated: 12.9.1988

Yours faithfully,

*Krishan Kumar*  
( Krishan Kumar )  
S/o Late Amar Nath,  
R/o 2/5A, Lajpat Nagar, Opposite  
Nibu Park, Chowk, Lucknow (U.P.)  
(India)

Attest: Copy

② 60000-

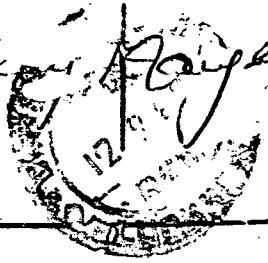
No. 689 R. P. 51 (a) 688  
Stamps affixed except in case of unregistered P.  
red letters of not more than the initial Date-Stamp  
weight prescribed in the Post and Telegraph  
Guide on which no acknowledgment is due. 688

ANNEXURE NO 4-32

A 86

Received a V. P. Registered\*  
addressed to

Shri K. R. Nayak  
LRO



Signature of Receiving Officer

Insured for Rs. (in figures)

(in words)

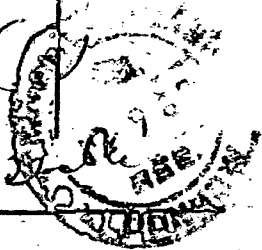
weight rates

Insurance fee Rs.

No. 685 R. P. 51 (a) 688  
Stamps affixed except in case of unregistered P.  
red letters of not more than the initial Date-Stamp  
weight prescribed in the Post and Telegraph  
Guide on which no acknowledgment is due. 688

Received a V. P. Registered\*  
addressed to

Dr. G. M. (P)  
M. Roy



Signature of Receiving Officer

Insured for Rs. (in figures)

(in words)

weight rates

(in words) grams

Insurance fee Rs.

P.

51 (a)

688

Annexure No 4-32

(P)

L. K. Nayak

Associate

75

A87

ANNEXURE NO A-33

060000

Attested/True Copy

*[Signature]*

L. I. ...  
Advocate



76

Adg

ANNEXURE NO A-34

1000000

Attested True Copy

Chapman

L. ...  
 ...

77

Baranwala AD

DT 12-9-88

A 89

From :

Krishna Kumar,  
c/o Late Mr Nath,  
2/5A, Lajpat Nagar,  
Opp. Nibhi Park, Choti,  
Lucknow (UP) (India).

ANNEXURE NO A-35

To,

The Hon'ble Ambassador,  
Embassy of Pakistan,  
New Delhi.

Sub: Enclosed application for  
verification of date of birth  
by Lahore Municipal Corporation,  
Lahore.

ooo

Hon'ble Sir,

Under very compelling circumstances, I  
dare to approach your kindness with the enclosed  
application addressed to Hon'ble Mayor, Lahore -  
Municipal Corporation, Lahore (Pakistan) for  
verification of my date of birth recorded in that  
office. The enclosed application is self explanatory on the subject.

It is, therefore, most respectfully prayed  
that your Goodself may be pleased to forward the  
aforesaid application to the aforesaid Municipal  
Authority for verification of my recorded date of  
birth and the result, for the God's sake, communicated  
to me at your earliest possible at the address men-  
tioned above.

I beg for excuse for the trouble.

Thanking You.

Enc/One application.

Yours faithfully,

*Krishna Kumar*  
( Krishna Kumar ).

Attested/True Copy

*[Signature]*

L. A. S. LA  
12/9/88

*Received*



79

A91

R. P. St (1)  
No 688 Stamps affixed except in case of uninsu-Rs. P  
red letters of not more than the initial Date-Stamp  
weight prescribed in the Post and Telegraph  
Guide on which no acknowledgment is due. 14

Received a V. P. Registered  
addressed to

Mayor  
Signature of Receiving Officer

Insured for Rs. (in figures)

(in words)

Insurance fee Rs.

P.

weight } rates  
(in words) } grams

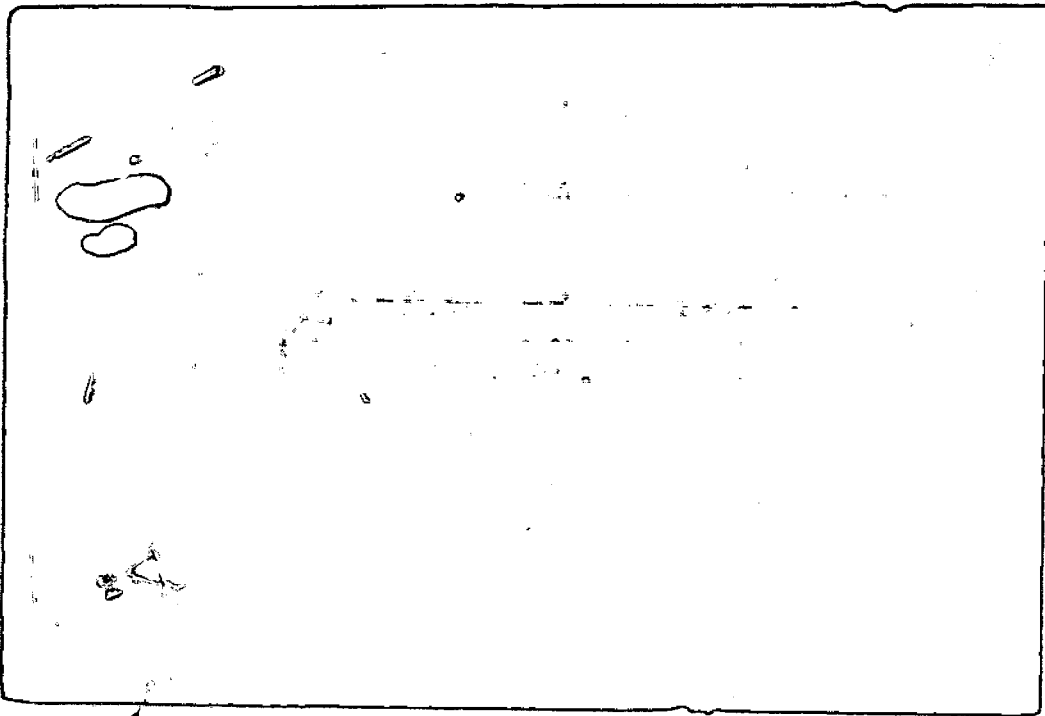
ANNEXURE NO A-32

1000000000

1000000000

A 92

ANNEXURE NO A 30



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6000 0000

Before the Central Administrative Tribunal,  
Circuit Bench, Lucknow.

O.A.No.198/1938 (L).

A 95

--

Sri Krishna Kumar.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties.

--

Written Statement on behalf of Opp-parties.

I, RAHUL JHA

~~aged about~~

~~years, son of Sri S.~~

presently working as *Sr. Deput Personal Officer*  
in the Office of the Divisional Railway Manager,  
Northern Railway, Lucknow, do hereby affirm and  
state as under :-

1. That I am presently working <sup>as</sup> Sr. D.P.O.  
in the Office of the Divisional Railway Manager,  
Northern Railway, Lucknow, is looking after the  
above mentioned case on behalf of the answering  
opposite parties. I am duly authorised and competent  
to file this written statement on behalf of answering  
opposite parties, which is being given hereunder.

2. That the contents of paragraphs (A) to (H) of  
the claim petition are denied for want of knowledge  
and record.

*Rahul Jha*  
*Deput Personal Officer*

AN 6

3. That the contents of paragraph (I) of the petitioner-claimant are admitted only to the extent that the claimant/petitioner was appointed in the Railway Service as Cleaner on 9.12.1950 and his date of birth was correctly recorded as 20 years on appointment according to his own declaration. It is pertinent to note that the applicant had himself signed on the appointment card and had placed his thumb impression as a token of acknowledgement of correctness of the said declaration and recording of the date of birth of the claimant/petitioner. It is also to be noted that the claimant/petitioner was not an illiterate person who could not have understood the nature and implication of his own declaration, which has also been counter signed by him. *The contents of para (IX2) need no comment.*

4. That the contents of paragraph (j) of the claim petition are not admitted for want of knowledge and record. It is most respectfully submitted as per office record available at this end, there is no affidavit sworn by the father of the claimant/petitioner. It is also denied that the date of birth of the petitioner was ever changed or allegedly corrected by the Railway Authorities at any time for the reason that there is nothing on record which would varify or corroborate the averments made in this paragraph.

5. That the averments made in paragraphs (K) to (M) of the claim petition are not admitted for want of

*[Signature]*  
Divisional Engineer  
24

AM 7

knowledge and non-availability of record wherefrom the averments made in the paragraphs under reply can be verified or corroborated.

6. That the contents of paragraphs (O) and (P) are denied. It is further submitted that during the entire tenure of the petitioner in service several seniority lists were published in which date of birth of the petitioner was mentioned but not even once the petitioner made <sup>representation</sup> or objected against the alleged wrong recording of his date of birth.

7. That the contents of paragraphs (Q), (R), (S), (T), (U), (V), (W), (X) and (Y) are not admitted as no such case is available, at least, there is no such record which would be suggestive of the averments made in the paragraphs under reply.

8. That the contents of paragraph (Z) of the petition are admitted only to the extent that as per record the date of birth of the petitioner recorded in his service record, he was aged 20 years at the time of his appointment on 9.12.1950 which means that he attains age of his retirement i.e. 58 years on 31.12.88 and accordingly his name was notified through retirement list of the year 1988 vide letter No.342/E/Niptan/Sevanivrit/1988 dated 22.9.87.

9. That in reply to the averment made in paragraph (aa), the document referred in therein

*[Signature]*

Divisional Officer  
Not  
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is not available on record, hence no comment can be offered.

10. That the contents of paragraph (bb) need no comment from the answering opposite parties as they do not concern their offices.

11. That in reply to the contents of paragraphs (cc) and (dd), only this much is admitted that the petitioner applied for 'No Objection Certificate' for his proposed visit to Pakistan and his case has been referred to <sup>Dir/Inspector, SIB Chumbagh Lho</sup> ~~Security~~ for clearance which is still awaited.

12. That the contents of paragraphs (ee) and (ff) need no comment as they do not relate to the answering opposite parties.

13. That the contents of paragraphs (gg) and (hh) need no comment except that the application for 'No Objection Certificate' has been sent to the Competent Authority whose decision is still awaited.

14. That the contents of paragraphs (ii) to (ll) need no comment as they do not relate to the answering opposite parties.

15. That in reply to the contents of paragraph (mm) it is submitted that the application for 'No Objection Certificate' made by the petitioner has been forwarded to the Competent Authority whose decision is still

~~excited~~. pending for want of residence clearance to be given by the Dir/Inspector / S.I.B Chumbagh Lucknow

*Handwritten signature*  
for Divisional Officer  
Noted  
W.

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16. That the contents of paragraph (nn) need no comment as the same have no concern with the answering opposite parties.

17. That the contents of paragraph (oo) need no comment.

18. That the contents of paragraphs (pp) as stated, are denied.

19. That the contents of paragraphs (qq), (rr), (ss) and (tt) are denied. It is further submitted that the claim petition of the petitioner is liable to be dismissed with costs.

Lucknow, dated,  
21.12.88

*[Signature]*  
Sr Divisional Officer  
Opposite Party No.  
LUCKNOW.

Verification.

I, RAHUL JHA presently working as Sr Secy. Officer in the Office of the Divisional Railway Manager, Northern Railway, Lucknow do hereby verify that the contents of paragraph 1 of this reply are based on my personal knowledge while those of paragraphs 2 to 19 are based on record.

Lucknow, signed dated,  
.12.88

*[Signature]*  
Sr Divisional Officer  
Opposite Party No.  
LUCKNOW

नाम अदालत  
नं० मुकदमा  
नाम परीक्षक

बनाम

Before: the Central Adm Tribunal  
लुकरनवा

वादी अधीनान्त श्री Registration No 198/1988 का बकायनामा

प्रतिवादी रेस्पान्डेंट  
Kishan Kumar वादी अधीनान्त

बनाम Union of India प्रतिवादी रेस्पान्डेंट

मुकदमा सं०

अमर मुकदमा में अपनी और से श्री S. Siddharth Verma  
Advocate Lucknow स्टुडेंट महोदय

वकील

को अपना वकील नियुक्त करके इकरार करता हूँ और निवेदित हूँ कि इस मुकदमे में वकील महोदय स्वयं अथवा अन्य कभीत द्वारा जो कुछ भी करे या जवाब देती व प्रश्नोत्तर करे या कोई कागज दाखिल करे या मौजुदा या हमारी तरफ से डिगरी जारी करावे और स्वयं या हमारी या हमारे हस्ताक्षर से वाकिल करे तथा अमील व निगरानी हमारी और से हमारे या अपने हस्ताक्षर से वाकिल करे और तसदीक करे या मुकदमा उठावे या कोई स्वयं करे या हमारी निषेधी प्रोक्लामेशन् का दाखिल किया हुआ स्वयं अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवे या पंज नियुक्त करे वकील महोदय द्वारा जो गई वह सब कार्यवाही हमको स्वयं स्वीकार है और होगी इस लिये यह बकायनामा तिर दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर ✓ S. Siddharth Verma

साक्षी गवाह साक्षी गवाह

दिनांक महीना सन 198 ई०

Accepted  
Sharma  
27/12/88  
(Siddharth Verma)  
Advocate  
Counsel for O.P.s.