

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

C M (Contempt) 8/09(L)

REGISTRATION No. 2 of 1989(L)

APPELLANT
APPLICANT

Ram Kr

VERSUS

DEFENDANT
RESPONDENT

S Gupta

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
12.9.89	Hon. Justice K. N. Malik, v.c. Hon. K. J. Raman, A.M. Issue notice to the respondents to explain within a month as to why the case of the applicants was not considered for screening within a period of six months from 23.2.89 when the judgment of this Tribunal was delivered in O.A. No. 17 of 1988. They will particularly explain as to why the applicants have not so far been considered when screening of some persons were done on 25/26.4.89, as alleged in para 11 of the application. List this case for orders on 24.10.89. AM. v.c.	CR - In Ram Kr applica has filed C M (Contempt) An No 8/09(L) for violating the previous order for contempt of Court against three persons for wilfully disobedience of Honble Tribunal Judgment dt 23.2.89 passed by Hon. Mr. D. S. Mishra, J. & Hon. Mr. G. S. Sharma, J. on 17/09(L) Submitted for order 11/5 CR - Notice issued dt 19/9/89 CR - As directed by the Court's order dt 12.9.89, notices were issued on 19.9.89. Neither reply nor any appearance had been received since. Submitted for order 25/11

C.M. (contenb) 0/09(L)

17/09(L)

24/11/89

Hon Justice K. Vath, VC.

An application has been received from the ^{learned} counsel of the opposite parties for time till 1/11/89 to file reply. Put up on 1/11/89 for orders by which date the opposite parties will file reply.

VC

VC

072

No reply filed
Submitted for
order

Hon Justice K. Vath, VC.

27/11

1-11-89

Now appears for the applicant.
is A.K. (learned counsel for the ~~applicant~~ ^{respondent})
respondent files counter reply. Keep it on
record. List the case on 1-12-89
for orders.

7/11

(145)

1-12-89

No Sillij. Adj 23.2 90
Both the counsel are present.

2/1/90 on

No RA filed.
S for order

22/1

(AM)

13-1-92 No sell, of A/A. Ref to 13-2-92

13-2-92 No singing to 3-3-92

3-3-92 Hon Mr Justice V.C. Gorman J.C.
Hon Mr A.B. (now C.J. AM)

or
applicant has
financially solvent
S.P.
26-2-92

See A.E. Jones for ^{independently} ~~affidavit~~ -
affidavit. Indemnity
doctorial responsibility

AM

V.C.

1 Q

15.10.91

Cont- 8/894

No Siding going to 11.91
EC

4-10-91

Hon. Mr. Justice V.C. Srinivasan, V.C.

Hon. Mr. A.B. Gupta, A.M.

Shri A.K. Gaur, learned counsel for
the respondents moved an application
~~stating~~ stating that the opposite party's contemner
has gone to Pune in connection
with the fly training. The opposite
parties stated that the concerned ~~stated~~
has come

The contemner for today's appearance
is exempted.

List this case for orders on 9-12-91

AM

A.M.

V.C.

9.12.91

Hon. Mr. Justice V.C. Srinivasan,

Hon. Mr. A.B. Gupta, A.M.

The learned Counsel for the
applicant is directed to include
the record before the Tribunal one
who is appeared today need not
appeared on the next date but
will appear as and when
devised by the Court List this
Case for orders on 9.12.91

AM

V.C.

9/12
21/12/91
15/1/92

6.9.1991

Hon. Mr. D. K. Mishra, J.

Hon. Mr. K. Chatterjee, J. (A)

Shri A. K. Dixit for the applicants.

Shri A. K. Sanyal for the opposite parties.

In this Contempt Petition, the grievance expressed is that the opposite parties have failed to comply with the order of the Tribunal inasmuch as screening was not done within six months of the receipt of the copy of the judgement and secondly that a finding has not been recorded that they are suitable to be absorbed. A Bench of this Tribunal during the Contempt proceedings passed an order on 24.7.90 directing the opposite parties concerned to undertake the screening of the applicants and thereafter proceed to implement the judgement dated 23.2.89 of this Tribunal. An order was also passed on 24.7.90 that the Asst. Engineer, Northern Railway, Haridwar shall appear in person on 25.9.90. However, no sitting took place on 25.9.90. Thereafter, on 13.12.90 the learned counsel for the opposite parties informed the Bench of this Tribunal that the order had been complied with on 24.10.90. Therefore a direction was given to produce the order dt. 24.10.90. The same has been produced before us today by means of a Supplementary Affidavit. We have seen carefully. We have also heard the learned counsel for the parties.

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We have no doubt in our mind that the order dated 24.10.90 is not sufficient compliance. The reason is that although applicants 1 to 6 have been declared fit but there is a proviso added that their fitness is subject to the verification of number of working days. On perusal of the petition, we find that a statement was contained in para 6.1 about the number of days on which the applicants worked with the Department. The reply to the pleadings contained in para 6.1 as contained in para 4 of the Counter Affidavit leaves little scope for verification of the number of days' working. Yet we would not mind if the verification is done again. However, on the pretext that verification to be done, the matter cannot be prolonged indefinitely. The verification, if any, is

be done in accordance with the pleadings as contained in the Original Petition or availability of some authenticated documents which is not a matter of dispute within a reasonable time. We cannot appreciate that we have not been told as to when the verification was done after 24.10.90 or that it has not been done at all. The negligence to take action may amount to willful disobedience. We can also understand, as urged by the learned counsel for the opposite parties, that the absorption of the applicants will be done in accordance with their seniority. But the question of seniority is also a matter of record. What ~~are~~ ^{is} the problems in placing before us the correct state of affairs. The Contempt Application is pending since last two years. The Competent Authorities should have been cautioned as soon as the application for contempt was filed. Ordinarily, we ignore the genuine delays on the part of the statutory authorities but the statutory authorities have no licence to ignore the rule of law. In our opinion, this case ^{now} ~~was~~ is a serious question. Therefore, we would still like the opposite parties to take note of their conduct in pursuance of the judgment of the Tribunal and place before us the correct facts. In the interest of justice, we do not want this matter to prolong any further. Therefore, we order Asstt. Engineer, Northern Railway, Bardoli to appear in person with all the relevant records on 15.10.91 to satisfy us that the compliance has been made or to face the consequences flowing from the provisions of law.

Copy of this order shall be supplied at cost to Shri A.L. Gaur for official use.

AS

13.11.91.

No sitting case is adjourned for
final hearing on 30.12.91.

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30.12.91.

No sitting case is adjourned
to 25.2.92 for
hearing.

25.2.92

No sitting of D.B. & P.
2.3.92

&

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Case is ready for
order
S.P.H.
P. 27.2

3-3-92.

Hon Mr Justice U.C. Shinderman, V.C.
Hon. Mr. A.B. Gorth, A.M.

Heard the learned Counsel for
the Parties. Judgment dictated
separately.

(ug)

A.M.

V.C.

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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUGGON

Contempt Case No. 8 of 1989 (2)

In re:

O.A. No. 17-L of 1989 (Decided on 23-2-1989)

Ram Kumar and 5 others

... Applicants

Vs.

Sukhdev Gupta and 2 others

... Respondents

24-7-1990:

Hon'ble Mr. Justice K. Nath, VC,
Hon'ble Mr. K. Obayya, AM

(Delivered by Hon'ble Mr. Justice K. Nath, VC)

This is an application to take action against the opposite parties for committing contempt of this Tribunal by refusing to comply with the judgment dated 23-2-1989 in O.A. No. 17-L of 1989. In reply to the show-cause notice, the opposite parties filed their reply dated 15-10-1989.

2. While deciding the original application, this Tribunal had directed the respondents to make screening of the applicants within a period of six months and on finding them suitable to absorb them according to rules. The applicants allege that despite clear orders, the opposite parties have not done any screening of the applicants, leave alone their absorption.

3. The reply of the opposite parties in paras 3, 4 and 10 is that the last screening of casual labours followed by a panel was done in the year 1981 and the panel has not yet been exhausted because there are three persons of that panel yet to be employed. It is stated that unless the panel is exhausted, the applicants cannot be screened as per rules.

4. The allegation of the applicants that some screening was done on 26th April 1989 has been specifically denied. Nevertheless, it is emphasised that in the light of the principles laid down by the Hon'ble Supreme Court in Indra Pal Yadava's case, it is not possible to take up the screening without exhausting the panel of 1981.

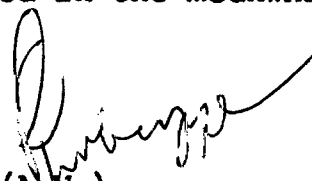
5. We have heard Sri A.K. Dixit for the applicant. The respondents' pairakar has made an appearance and says that the counsel has not come because of having

*Recd copy
to Mins
for A.K. Dixit
24/7/90*

some difficulty.

6. We find that the stand of the respondents that screening cannot be done unless the panel of 1981 is exhausted is in violation of the directions given by this Tribunal in its judgment dated 23-2-1989. The respondents appear to be confused over two different situations; (1) screening and (2) absorption after the screening. Clear mandate in the judgment was that the screening must be done within six months; it is no excuse that three persons of the earlier panel are yet to be absorbed because those concern with the absorption and not with the screening. If the posts do not exist or there is no vacancy, immediate absorption may not be possible and this Tribunal had directed that the applicants, if found suitable, may be absorbed, according to rules. The said absorption, therefore, has not yet arrived.

7. The respondents say that they have not disobeyed the order of the Tribunal wilfully. We cannot appreciate that stand because failure to screen the applicants is in clear violation and the justification given is wilful. The respondents are, therefore, in contempt, but we would give them last opportunity to do the needful before we punish them. We, therefore, direct that within a period of one month from the date of receipt of a copy of this order, the respondents must undertake the screening of the applicants and thereafter proceed to implement the judgment dated 23-2-1989 of this Tribunal. In the interest of speedy disposal of this matter, we direct the applicants to appear before the Assistant Engineer, Northern Railway, Hardoi, on 21-8-1990 on which date the Assistant Engineer may fix a date for screening of the applicants. This case will be listed for further orders on 25th September, 1990, on which date the Assistant Engineer, Northern Railway, Hardoi, shall be present in person before this Tribunal alongwith report unless the order has already been implemented in the meanwhile.


(A.T.)


24.7.90
(V.C.)

ES/

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CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

Contempt Petition No. 8/79

In re

O.A. 17/89

4
Ram Kumar

Petitioner.

versus

S. Gupta & others

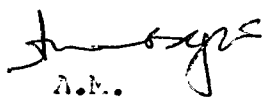
Respondents.

Shri A.K. Gaur, learned counsel for the respondents
is present.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Sorthi, Adm. Member.

In the Supplementary Affidavit filed by the
respondents, it has been stated by the respondents
that the applicant has been screened and found fit
vide order dated 24.10.90 and he will be given
appointment.

In view of the Affidavit and statement made by
the learned counsel for the Respondents, the notice
is discharged and the case is consigned to record.


A.M.


V.C.

Lucknow: Dated: 3.3.92.

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Main Copy (A9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH

LUCKNOW.

CONTEMPT CASE NO.

8

OF 1989 (2)

INRE:

O.A. NO. 17-L OF 1989

DECIDED ON 23.2.1989

Ram Kumar & 5 others..

..Applicants.

Vs.

Sri Sukhdev Gupta & 2 others..

..Opp. Parties.

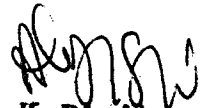
I N D E X.

Sl.No.	Description of documents	Page No.
1.	Application	1-2
2.	Annexure No. 'A' order dt. 23.2.1989	7-13
3.	Annexure No. 'B' Application dt. 18.3.1989	14
4.	Annexure No. 'C' Reminder dt. 22.7.1989	15
5.	Affidavit.	3-6
6.	Power	16

filed by:-

Lucknow:

Dt. Sept. 8, 1989.


A.X. Dixit,
Advocate.

Noted for 12/9/89

8/9

Put up before
the Hon'ble
Court on 12/9/89.
Done
8/9/89
R.S. D.V.C.

File ①

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH
LUCKNOW.

CONTEMPT CASE NO. 8

OF 1989 (2)

IN RE:

OA NO. 17-L OF 1988

DECIDED ON: 23.2.1989

1. Ram Kumar son of Sri Rupan resident of village Pratappur, Post Baghauli, District HARDOI.
2. Israj son of Sri Madari Village Terwa, Post Baghauli, District HARDOI.
3. Fakirey son of Sri Jhamma, Village Terwa, Post Baghauli, District HARDOI.
4. Indira Raj Singh son of Sri Gauri Singh, Village Bakhapurwa Post Baghauli, District HARDOI.
5. Sishupal Singh son of Sri Muneshwar Singh Village Pratappur, Post Baghauli, Distt. HARDOI.
6. Babu Lal son of Sri Hajari Village Paharpur, Post Baghauli, District HARDOI.

..

..Applicants.

Vs.

1. Sri Sukhdev Gupta Posted as Divisional Rail Manager, N.Rly. Mooradabad.
2. Sri Vijai Sharma, Posted as Assistant Engineer, N.Rly. HARDOI.
3. Sri R.N. Sharma, Posted as INSPECTOR OF WORKS, N.Rly. HARDOI.

..

.. Opp. Parties.

राम कुमार .. / 2.

Application for initiating proceedings for
Contempt of court.

Sir,

On account of facts and circumstances stated in the affidavit accompanied with this application it is desirable that opposite parties be called upon and dealt with for having committed contempt of this Hon'ble Tribunal's Order Dated 23.2.1989.

Prayed accordingly.

Applicants,

Lucknow:

Dt. Sept. 8, 1989

(Ram Kumar & others)

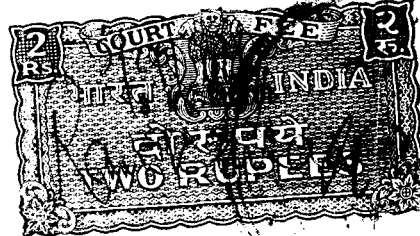
Through their counsel:-

A. K. Dixit,
Advocate.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH

LUCKNOW.



Ram Kumar & 5 others..

..Applicants.

Vs.

Sri Sukhdev Gupta & 2 others..

..Opp.Parties.

AFFIDAVIT in support of application for
initiating proceedings for contempt of court.

I, Ram Kumar aged about 30 years son of Sri Rupan
resident of Village Pratappur, Post Bagnauli, District HARDOI
do hereby solemnly affirm and state on oath as under:-

1. That the deponent being petitioner No. 1 of O.A.
claim No. 17-L of 1988 and being one of the applicant in
the present application, on being authorised and instructed
on behalf of remaining applicants, files this affidavit for
and on behalf of all others.
2. That the deponent and other applicants had completed
more than 120 days of continuous working under Inspector of
Works , N. Rly. Hardoi were called upon on 10.3.87 for being
appointed in regular revised scale and for screening on that
day.
3. That though applicants went on 10.3.87 but they
were not process for screening/regularisation and were asked
to ~~come~~ come subsequently.
4. That when case of applicants including deponent
was not considered they moved representation which two were
not responded. Ultimately applicants filed O.A. No. 17-L
of 1988 before this Hon'ble Tribunal praying that they be

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held entitled to be treated as regular temporary class IV staff of Railway Administration w.e.f. 10.3.1987 and entitled to all service benefits.

5. That in the counter affidavit filed on behalf of Railway Administration it was also stated that since petitioners have not appeared for their absorption against the existing vacancy and hence their claims were not considered by the answering respondents.

6. That on behalf of respondents it was also said in their counter affidavit that since petitioners have failed to apply in the general advertisement asked by the department for absorption against the existing vacancies. Since they did not apply, their claims were not considered by the answering respondents.

7. That during the course of arguments it was further argued on behalf of the respondent that the applicants were called for screening and absorption on 10.3.1987 but none of them appeared and the others who appeared were screened.

8. That this Hon'ble court after considering the entirety of circumstances ordered that simply by absenting themselves on 10.3.87 for screening, and absorption the applicants missed their first available train but did not forfeit their rights for ever. It was accordingly ordered that since screening for absorption is a routine feature in the railways and as such the respondents have not refuted the claim of the applicants for screening on any other grounds it was directed to respondents to give one more opportunity to the applicants for screening within a period of six months and on finding them suitable to absorb them according to rules.

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2. A True copy of this Hon'ble Tribunal's order dated 23.2.1989 is attached herewith as Annexure 'A'.

9. That order of this Hon'ble Tribunal dated 23.2.1989 was communicated to the opposite parties by an application dt. 18.3.1989 despatched under registered postal receipt No. 074, 075 and 076.

A True copy of aforesaid application dated 18.3.1989 along with above postal receipts is attached here with as Annexure 'B'.

10. That when nothing was ~~kk~~ done again a reminder was sent on 22.7.1989 under registered postal receipt No. 301, 302 and 303.

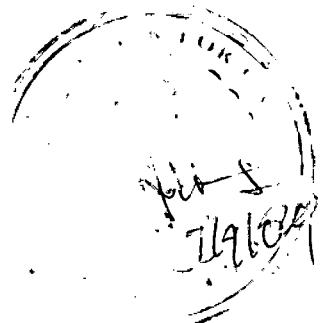
A True copy of reminder dated 22.7.1989 along with the register d postal receipts is attached here with as Annexure 'C' to this affidavit.

11. That on 25/26.4.1989 the opposite parties have done screening of about 80 persons without considering the claim of applicants and even without taking any care of even replying anything about the representations of applicants and have taken no regard to the orders of this Hon'ble Tribunal Dated 23.2.1989 which has been communicated to them on 18.3.1989.

12. That in this way it is clear that opposite parties are not inclined to give due respect to the orders of this Hon'ble Tribunal and they have so far taken no steps to make compliance of the Hon'ble Tribunal's order in any manner whatsoever.

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13. That from sequence of events stated above it is clear that opposite parties are will fully and ~~an~~ intentionally avoiding to make compliance of this Hon'ble Tribunals order and are there by committing contempt of court.

Lucknow:
Dt. Sept. 7th, 1989.

Deponent,

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(Ram Kumar)

Verification.

I, deponent named above do hereby verify the contents of para 1 to 11 of this affidavit to be true from personal knowledge and paras 12 and 13 are belived to be true by me.

No Part of it is false and nothing material has been concealed. So help me God.

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Deponent.

I know and identify the deponent who has signed on this affidavit in my presence.

A.K. Dixit,
Advocate.

Solemnly affirmed before me on this 7th day of Sept. 1989 by the deponent Sri Ram Kumar who is identified by Sri A.K. Dixit, Advocate, High Court, Lucknow Bench Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.

Oath Commissioner.

Received

Central Administrative Tribunal, Allahabad
Circuit Bench-Lucknow.

Registration C.A.No.17 of 1988 (1)

Ram Kumar and 5 others Applicants
Vs.

General Manager, Northern
Railway and 3 others Respondents.

Hon. J.S.Misra, Jm
Hon. G.S.Sharma, Jm

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

This petition u/s.19 of the Administrative Tribunals Act Xlil of 1985 was filed before the Allahabad Bench of the Tribunal by 6 applicants, for a declaration that the applicants having put in requisite period of continuous working as casual labourers are entitled to be treated as regular temporary class IV staff of the railway administration w.e.f. 10.3.1967, ~~on 27.4.1967~~ and was later on transferred to the Lucknow Circuit Bench on the request of the applicants. It was alleged by the applicants that they are all jointly interested in the cause of action giving rise to this petition and identical questions of facts and law are involved in this case, and, therefore, they be permitted to file this petition jointly. A notice was issued to the respondents to show cause as to why this petition be not admitted.

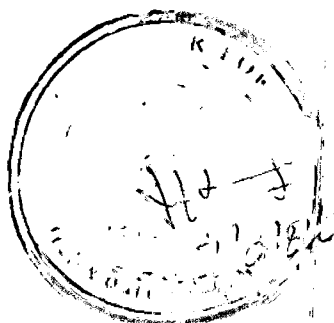
2. In short, the case of the applicants is that they had worked as casual labourers continuously for more than 120 days under the Inspector of Works, Northern Railway Hardoi- respondent no.4 for different periods between 31.1.1972 to 14.12.1984, as detailed in para 0 (1) of the petition and under para 2011 of the Railway Establishment Manual (hereinafter referred to as the Manual) they are

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Attaching Copy

14/12/88

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to be treated as temporary class IV staff. It is further alleged that according to the provisions of para 2512 of the Manual, the railway administration has to maintain a live register at Division, District or at other convenient unit level of all such casual labourers who have not completed 120 days of continuous working according to their seniority. This para further provides that casual labourers acquiring temporary status shall be considered for regular employment. For judging the suitability of the working casual labourers for absorption and regular service, arrangement for screening committees are made according to the instructions of the Railway Board.

3. The applicants have further alleged that a list of 71 casual labourers who had completed continuous working of 120 days was prepared by the respondent no.4 on 1.3.1987 and they were required to appear for screening on 10.3.1987. The names of the applicants appeared in the said list but when they appeared before the respondent no.4 on 10.3.1987, no screening was done and they were asked to appear again on 27.3.1987. Even on 27.3.1987 when nothing was done, the applicants made a representation on 20.4.1987 to the respondent no.4 but when no heed was paid and some persons shown below the applicants in the aforesaid list of 71 persons got regular appointment, the applicants made a representation to the Divisional Railway Manager, Moradabad, respondent no.2 on 23.7.1987 and then filed the present petition on the ground that there has been a discrimination in contravention of Articles 14 and 16 of the Constitution.

4. On behalf of the respondents, a reply has been filed by the Asstt. Engineer Northern Railway, Haridwar-respondent no.3 and it has been stated therein that the joint petition filed by the applicants is not maintainable as all of them have separate causes of action and have also

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Attested In Court

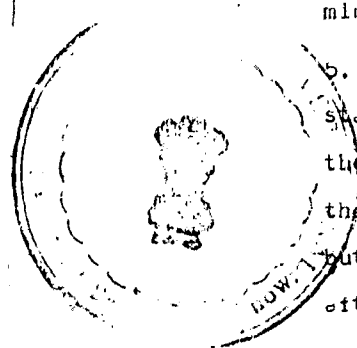
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not paid separate court fee and it is liable to be dismissed on this ground alone. It has also been stated that the petition is wholly misconceived and highly time barred. Regarding merits of the case, the respondent no.3 has stated in the reply that the applicants were called for screening and absorption on 10.3.1987 but none of them appeared and the others who appeared, were screened. The applicants were not required to appear on 27.3.1987 for screening and the allegations to the contrary are incorrect. The applicants did not prefer any departmental appeal or representation and the allegations made by them to the contrary in this connection are also incorrect. The applicants' names have been registered for future appointments by the respondent no.3 and as the applicants themselves did not avail the opportunity of screening they cannot complain of any discrimination and their petition is liable to be dismissed.



5. In the rejoinder filed by the applicants, it was stated by them that the joint petition is maintainable under the law and reiterated the fact they had appeared before the screening committee on 10.3.1987 and then on 27.3.1987 but they were not screened and the petition having been made after due representations is well within time.

6. The arguments of the parties were heard on the maintainability of the joint petition as well as on merits. The provisions contained in the Administrative Tribunals Act XI of 1985 and the Central Administrative Tribunals (Procedure) Rules, 1987 (hereinafter referred to as the Rules of Procedure) clearly go to show that before the Tribunal each individual has to place his grievance and he is not permitted to join together ^{even the several} causes of action which may be available to him. In other words, two individuals having two different causes of action or a single individual having two or more ~~unconnected~~ causes of action cannot file a joint petition.

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7. In case the names of the applicants had not appeared in the list of 71 candidates, i.e. really, the requirement no. 3 for screening and they had not been called for screening on 20.3.2007 they could not have a common cause of action or a common interest in the subject matter. It was incumbent for him to prove the fact that in this case as in that event each applicant to prove the past service rendered by him separately. As the question of past service of the applicants is not in dispute in the

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present case and all of them were carried for screening on a common date, although none of them was screened, we are of the view that the case of the applicants is fully covered by clause (c) of rule 4(3) of the Rules of Procedure and we, therefore, permit them to file this joint petition. The petition is not admitted for hearing on merits.

8. The only dispute between the parties is whether the applicants appeared before the screening committee on 10.3.1967 ^{as stated} indicated by the respondents. The applicants have not furnished any documentary proof of their appearance before the screening committee on 10.3.1967. It is alleged that on 10.3.1967 no screening was made and they were asked to appear again on 27.3.1967 and when nothing was done even on that date they had made a representation to the respondent no.3 on 28.4.1967. The copy of the representation dated 28.4.1967 has been filed by the applicant on record as annexure 8 to the petition and annexure 1 to the respondent no.3. This representation does contain the allegation that the applicants had appeared in the office of the respondent no.4 on 10.3.1967 and then on the 20th but nothing was done and they were informed that they will be intimated again. The respondents have disputed the allegations made by the applicants in this connection and their clear stand is that the applicants were required to appear only on 10.3.1967 and not on 27.3.1967 and they, in fact, did not appear on any date nor had made any representation. The respondents could not produce a negative evidence and we are of the view that it is for the applicants to establish that in fact they had appeared on the date fixed for screening. In our opinion, they have failed to establish the same and as such their grievance is not genuine. What appears to us is that when on the basis of the screening made on 10.3.1967 certain persons were absorbed in regular service, the applicants who had not worked for any period after 1964 became vigilant.

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27/9/67

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[Signature]
[Signature]

and they made a false representation on 20.4.1967 about their having a period for screening on 10.3.1967. Usually the attendance of the persons called for any test, interview or screening is noted and there is no reason as to why the attendance of the applicants would have been noted on 10.3.1967, if they had presented themselves on that day. When no further date for screening was fixed, we fail to understand as to why the applicants reported again on 27.3.1967. The allegations of the applicants made in this connection are, therefore, liable to be turned down and they thus having themselves committed the default in appearing for screening cannot blame the railway administration and are not entitled to the relief claimed.

9. The respondents have clearly stated in para 10 of the reply that the names of the applicants have been registered in live register for appointment against the future vacancies by the respondent no.1. This is in accordance with the decision of the Hon'ble Supreme Court and the circular letter of the Railway Board regarding the absorption of the casual labourers. The interest of the applicants has, thus, already been safeguarded by the respondents to some extent. We, however, further feel that by absenting themselves on 10.3.1967 for screening and absorption the applicants missed their first available train but did not forfeit their rights for ever. Screening for absorption is a routine feature in the railways and as the respondents have not refuted the claim of the applicants for screening on any other ground, we direct the respondents to give one more opportunity to the applicants for screening within a period of six months and on finding them suitable to absorb them according to rules.

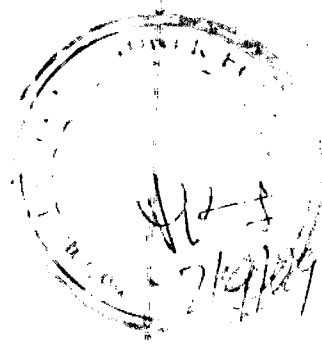
10. Regarding the plea of limitation raised by the respondents, we are of the view that on reckoning the time

रामकुमार

Attestation - by

Signature

Ad



of limitation from 28.4.1987 when a representation was made by the applicants, the petition filed on 27.4.1988 was within time.

ii. The petition is disposed of accordingly without any order as to costs.

MEMBER (J)

MEMBER (J)

Dated: 23.2.1989
knb.

True copy

Just

Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

रामकुमार

Attested True Copy

Signature

9/11/89
7/11/89

सेवा में,

- 1- श्रीमान मण्डल रेल प्रबन्धक महोदय,
उत्तर रेलवे, मुरादाबाद।
- 2- असिस्टेंट इंजीनियर महोदय,
उत्तर रेलवे, हरदोई।
- 3- निर्माण निरीक्षक महोदय,
उत्तर रेलवे, हरदोई।

श्रीमान जी,

विषय:- माननीय केन्द्र सेवा अधिकरण, लखनऊ द्वारा

याचिका संख्या 17-स्त-88 निर्णित दिनांक 23-2-89

के अनुपालन में प्राथमिकता को सेवा में लिया जाना।

विनम्र निवेदन है कि हम प्राथमिकता ने 1978 से पूर्व श्रीमान आई०ओ०डब्ल्यू० हरदोई के अधीन निरन्तर 120 दिन से अधिक कार्य किया था। हम लोगों को स्लीपिंग के लिये बुलाया गया था, परन्तु स्लीपिंग नहीं की गई तब हम सभी ने माननीय केन्द्र सेवा अधिकरण के समक्ष उपरोक्त वर्णित याचिका प्रस्तुत की, जिसमें दिनांक 23-2-89 को आदेश हुआ है कि सभी प्राथमिकता को 3 मास के अन्दर पुनः स्लीपिंग करके तत्पश्चात् निम्नानुसार सेवा में लिया जाय। माननीय न्यायालय के उपरोक्त आदेश को फोटो कापी संलग्न है जिसके प्रस्तर 9 को अन्तिम 11 लाइनों में उक्त आदेश स्पष्ट रूप से लिखा है।

अतः हम लोग श्रीमान जी से उक्त आदेश की प्रतिलिपि संलग्न करते हुए निवेदन करते हैं कि हमें न्यायालय के आदेशानुसार सेवा का अवसर दिये जाने की कृपा की जाय।

दिनांक:- 18 मार्च, 1989

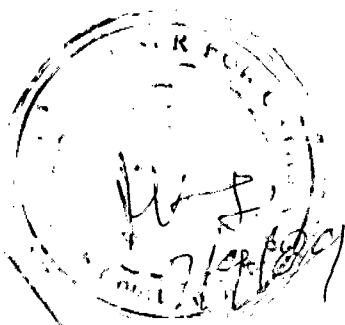
प्राथमिकता,

1- रामकुमार पुत्र श्री स्वान

ग्राम गौरीपुरा जिला मुरादाबाद

2- सराज पुत्र मदार्य निवासी
रेवा, पुरी बजासी जिला
हरदोई।

3- फकीर पुत्र शमा निवासी रेवा
पुर्व बजासी जिला हरदोई।



Attest to the above

Signature

रामकुमार

क. नाम 10000

- 2 बा ल मारा 8
- 3 सुपरी 68
- 4 मारा 83
- 5 बा ल मारा 111
- 6 सुपरी 111 85
- 7 बा ल मारा 86

-2-

- 4- रामाव सिंह पुत्र गौरी सिंह
निवासी गुरवा डाकघरवासरस
जिला हरदोई
- 5- शिशुपाल सिंह पुत्र मुनेश्वर सिंह
निपरतापपुर मजरा गुरवा
डाकघरवासी जिला हरदोई
- 6- बाबू लाल पुत्र हजारी निदेश
डाकघरवासी जिला हरदोई

रामकुमार

No. 074
20

अपने पुत्र सुपरी
हरदोई
28/4/39

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

हरदोई

2/2/39

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

हरदोई

(A24)

श्रीमान,

1. श्रीमान यण्डल रेल प्रबन्धक महोदय,
उत्तर रेलवे, उरादाबाद ।

2. असिस्टेंट इंजीनियर महोदय,
उत्तर रेलवे, हरदोई ।

3. निरीक्षण निरीक्षक महोदय,
उत्तर रेलवे, हरदोई ।

श्रीमानजी,

विषय : माननीय कर्म सेवा अधिनियम 1947 के
प्रमाणित संख्या 17 एवं 88 द्वारा दिनांक
23.2.89 के अधिनियम में प्राप्ति प्राप्त होने
परिणत जाय ।

निम्नलिखित शेष प्राप्तिगत में उपरोक्त विषय के अन्तर्गत अन्तर्गत है
में एक प्राप्तिगत रजिस्टर्ड डाक संख्या = 074, 075, 076, द्वारा भेजा
उस सम्बन्ध में निवेदन है कि माननीय अधिनियम द्वारा निर्धारित अवधि
23.2.89 से 6 माह के लिए है दिनांक 23.8.89 को समाप्त हो रही है। अतः
सक की प्राप्तिगत के विषय में न्यायालय के आदेश के अधिनियम के अन्तर्गत
कर्मकारी नहीं की गयी है। न्यायालय के आदेश की प्रति प्राप्तिगत द्वारा
रजिस्टर्ड पत्रों के अन्तर्गत भेज भी चुके है।

अतः वह स्वीकार्य है कि न्यायालय के आदेश का
अधिनियम कर्मकारी करे की वृत्ति की जाय ।

राम कुमार

दिनांक 22 अक्टूबर 1989 ई०

प्राप्तिगत

4. इच्छा सिंह पुत्र गौरी सिंह
नि० उरादाबाद जिला हरदोई ।

5. शिवप्रसाद सिंह पुत्र सुमेश्वर सिंह
निवासी मस मपुर मजरा उरादा
डा० बघौली जिला हरदोई ।

6. बलदेव सिंह पुत्र हजारी नि० देवपुर,
डा० कछौना जिला हरदोई ।

1. राम कुमार पुत्र श्री रामराम (मद०)
मस मपुर मजरा उरादा जिला
हरदोई

2. बलदेव सिंह मजरा नि० देवपुर
डा० कछौना जिला हरदोई

3. पदारी पुत्र रामा नि० उरादा
बघौली जिला हरदोई



क्रमांक/No. 501

R. P. 51

लगाए गए डाक टिकटों का मूल्य

Amount of stamps affixed

एक रुपैयाँ

Received and insured

प्राप्त किया

Addressed to

भेजने वाले का नाम

Insured for Rs. (in figures)

बोमा मूल्य रु.

Insurance fee Rs.

बोमा मूल्य का नाम

Name and address of sender

प्रेषक का नाम और पता

Issued subject to terms and

conditions in P. O. guide

P.

प्राप्त किया

तारीख-मार्क

Date-stamp

प्राप्त करने वाले का नाम और पता
Signature of Receiving Officer

क्रमांक/No. 392

लगाए गए डाक टिकटों का मूल्य

Amount of stamps affixed

एक रुपैयाँ

Received and insured

प्राप्त किया

Addressed to

भेजने वाले का नाम

Insured for Rs. (in figures)

बोमा मूल्य रु.

Insurance fee Rs.

बोमा मूल्य का नाम

Name and address of sender

प्रेषक का नाम और पता

Issued subject to terms and

conditions in P. O. guide

P.

प्राप्त किया

तारीख-मार्क

Date-stamp

प्राप्त करने वाले का नाम और पता
Signature of Receiving Officer

क्रमांक/No. 393

लगाए गए डाक टिकटों का मूल्य

Amount of stamps affixed

एक रुपैयाँ

Received and insured

प्राप्त किया

Addressed to

भेजने वाले का नाम

Insured for Rs. (in figures)

बोमा मूल्य रु.

Insurance fee Rs.

बोमा मूल्य का नाम

Name and address of sender

प्रेषक का नाम और पता

Issued subject to terms and

conditions in P. O. guide

P.

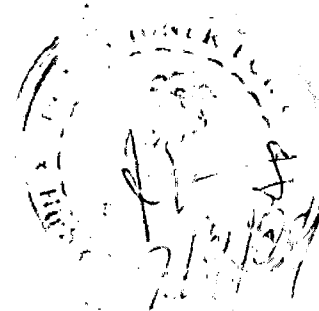
प्राप्त किया

तारीख-मार्क

Date-stamp

प्राप्त करने वाले का नाम और पता
Signature of Receiving Officer

राम कुमार





न्यायालय श्रीमान ... Central Administrative Tribunal Lucknow.

Ram Kumar & others Vs Sukhdeo Gupta & others.

स्मृति ... नाम ... 50/28K, old Hyderabad ... Application ...

श्रीमान ABHAYA KUMAR Dixit एडवोकेट वकील साहब

को व जिन वकील साहब को श्रीमान वकील अपनी ओर से भेजे उनको अपना वकील नियत करके बचन देता हूं और प्रतिज्ञा करता हूं कि उल्लिखित वकील साहब उपरोक्त मुकदमे व अपील व निगरानी में जो कुछ पंरवी या उत्तर प्रयुत्तर करे या दावा व वकील निगरानी व बयान तहरीर दाखिल करें या कोई काम-जात या सनद इत्यादि पेश करें या वापस करे या हमारी ओर से इजराय डिगरी करके या रुपया जो हमें मिलने को है वसूल या राज नामा इकबाल दावा हमारी ओर करे या दाखिल करे या प्रतिवादी द्वारा दाखिल किया हुआ रुपया स्वयं अपने हस्ताक्षरों से वा हमारी दस्तखत की हुई रसीद लेवे या जिम्मेदारी मुआवजा बाड या पुनर्वासि भत्ता एग्योटी अर्धवासी या बद्ध जोतकार एक्ट आदि के बाँड लेवे तथा किसी मुकदमे पक्ष आदि धियत यह सब मय हानि लाभ के जो मिसिल में कार्यवाही करेगे हमें स्वीकार होगा और नियत मेंहनताना न मिलने पर वकील साहब को अधिकार होगा कि वह उपरोक्त मुकदमें में अपील या निगरानी पंरवी न करे इस लिए वकालतनामा लिख दिया कि सनद रहे और आवश्यक समय पर काम आवें ।

राम कुमार

गवाह ... हस्ताक्षर ...
गवाह ... हस्ताक्षर ...

1826

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, LUCKNOW.

CONTUMPT CASE NO. 8 OF 89 (I.)

Ram Kumar ----- petitioner.

Versus.

Sukhdeo and others ----- respondents.

Affidavit of Suraya Prakash,
aged about 29 years son of Shri
Hira Singh designation A.E.N.,
Hardoi .

(Deponent)

I , the deponent abovenamed do hereby
solemnly affirm and state on oath as under :-

1. That the deponent has been working as A.E.N.
Northern Railway, Hardoi and am fully conversant with
the facts of the case deposed to below .
2. That the supplementary affidavit filed by
Ram Kumar has been readover to the deponent and he

p. 1 of 2

A.27

- 2 -

is in position to reply the same .

3. That a contents of para 1 of the affidavit call for no comments .

4. That the contents of paragraph no. 2 of the affidavit are matters of record and call for no comments.

5. That the contents of paragraph no. 3 of affidavit are wholly false and are denied . The result of Screening has already been declared on 24.10.90 and the applicants have been screened and shall be appointed , when their seniors are duly absorbed as per seniority . A photo copy of the result of Screening dated 24.10.90 , is being filed herewith and marked as Annexure no. I .

6. That the contents of paragraph no.4 of the affidavit are misconceived and are denied . The order of this Hon'ble Tribunal has been complied with by the respondents and the allegations contrary to it are an after- thought and have been made with a view to give colour to the Case . The applicants have

p. 12

NORTHERN RAILWAY

DIVL. RLY. MANAGER'S OFFICE
NORTHERN RAILWAY MORADABAD.

No. APO-III/Misc/Screening/HRI.Sub. Divn./90 dt. 24/10/90.

The Asstt. : Engineer,
Northern Railway,
HRI & HPU.

C/- Divl. Secretaries URMU & WRMU/MB.

Sub : Screening of casual labour of Sub. Divn. HRI & HPU.

Ref : CAT's (LKO) O.A. No. 17 of 1988(I) dt. 23/2/89 & CAT's (NDLS)
O.A. No. 831/89 dt. 17/4/90.

In compliance of honourable CAT's (LKO) order passed under O.A. No. 17 of 1988(I) dt. 23/2/89 candidates mentioned at SL. no. 01 to 06 and CAT's (NDLS) O.A. no. 831/89 dt. 17/4/90 candidate enlisted at SL. no. (7) were screened on 22/10/90 in the Asstt. Engr. Office HRI, by screening committee consisting of AEM/HRI Shri Surya Prakash and APO-III/MB Shri Jhannan Lal. The Candidates were found suitable for the post of Khallashi (Engr. Deptt.) Gr. Rs. 750-940/- and are placed on the provisional panel, subject to clearance of remarks mentioned against their name and passing prescribed Medical Examination. Candidates enlisted at SL. no. 01 to 06 shall be absorbed, when their seniors are duly screened and absorbed as per seniority, as and when vacancies arise.

The candidate mentioned at SL. no. (7) shall be regularised immediately and post facto approval of Hd.Qr Office for over age relaxation shall be obtained.

No.	Name	Father's Name	Under IOW	Remarks
2		3	4	5
1.	Israj	Shri Madari	HRI	Fit Subject to
2.	Shri Ram Kumar	" Roopan	"	verification
3.	" Inder Raj Singh	" Gauri Singh	"	of working days
4.	" Shishoo Pal	" Muneshwar Singh	"	-do-
5.	" Singh	" Jha jha	"	-do-
6.	" Phakirey	" Hajari	"	-do-
7.	" Baboo Lal	" Manua	HPU	Fit.

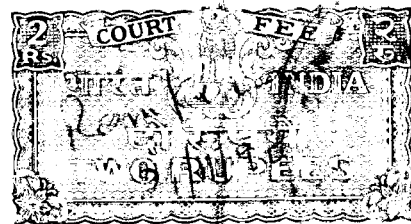
Handwritten: 24/10/90
Asstt. Personnel Officer,
Northern Railway, MB

Handwritten: 16/11
Asstt. Engineer
N. Ry. Morad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Contempt Case No: 8 of 1989(L)

Fixed on 22.11.90/7.12.90.



Ram Kumar & Others.

.....Applicants.

Versus.

Sukhdeo Gupta & Others.

.....Respondents

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF
APPLICANTS:

I, RAM KUMAR, aged about 36 years, Son of
Sri Rupan, resident of Village Pratap-Pur, Post
Baghauji, District Hardoi, do hereby solemnly
affirm on oath as under:-

1- That deponent being applicant No: 1 is
fully conversant with the facts of the
case.

contd.....2/

13.12.90
22.11.90



14/11/90

fmo

- 2 : 2 :-

2- That subsequently to the order dt: 24-7-90 all the applicants have been screened on 22-10-90 and their documents, i.e. C.L. Card, proof of age, etc. have been got deposited in the office of Asstt. Engineer Northern Railway Hardoi and are said to have been despatched to the office of Divisional Rail Manager/ Divisional Personnel Officer.

3- That neither the result of screening has been declared nor applicants have been given appointment and they have been orally informed by the Asstt. Engineer Northern Railway, Hardoi that since Hon'ble Tribunal has only ordered for screening and not for any subsequent act of declaration of result or engagement untill further specific orders of court matter will be kept in obeyance .

4- That since orders of Hon'ble Tribunal dated 23-2-89 and 24-7-90 are clear and specific over the topic, all the applicants have accordingly again reminded the ABN Hardoi vide their application dt: 12-11-90 despatched under registered Postal Receipt No: 66, to which no response has been received.

21/11/90

A True photo copy of aforesaid application dt: 12-11-90 alongwith relevant postal receipt is attached herewith as Annexure "A" to this affidavit.

रामेश्वर

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3 :-

5- That as already stated in para 6.6 and 6.10 of concerned O.A.NO: 17 of 1988 (I) decided on 23-2-89 several persons Junior than applicants have been regularised after screening and are still working.

Lucknow;
dt: 21/11/90.

DEPONENT:
राम कुमार
(RAM KUMAR)

VERIFICATION:

I, deponent named above do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my personal knowledge. No part of it is false, nothing material has been concealed. So help me God.

Lucknow.
datd: 21/11/90;

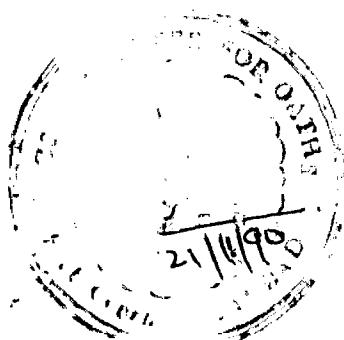
DEPONENT:
राम कुमार
(R M KUMAR)

3 So solemnly affirmed before me this 21/11 day of Nov. 1990, at 11:00 a.m./p.m. by Ram Kumar, the deponent is identified by A.K. Dixit, Advocate, High Court Lucknow, I have satisfied by myself examining that he understands the contents of this affidavit which has been explained by me.

I identify the deponent
who has signed
before me.
(A.K. Dixit)
Advocate

OATH COMMISSIONER:

21/11/90



2
21/11/90

38/1285
21/11/90

सेवा में,

श्रीमान् ऑसिस्टेंट इंजीनियर महोदय
उत्तर रेलवे,
हरदोई-1

श्रीमान् जी,

निवेदन है कि हम प्राथमिक के लिये माननीय केन्द्र सेवा अधिकरण लखनऊ द्वारा याचिका संख्या 17-88 एल0 में दिनांक 23.2.89 तथा इससे संबंधित कन्टेम्प्ट वादसंख्या 8-89 एल0 में पारित आदेश दिनांक 24.7.90 के अनुसार हम लोगों को स्लीनिम करके योग्य पाये जाने पर सेवा में लिये जाने का आदेश हुआ है ऐसा स्पष्ट आदेश निर्णय दिनांक 23.2.89 के पैरा 9 के अंतिम भाग में स्पष्ट रूप से दिया है।

हम लोगों की स्लीनिम 22.10.90 को कर ली गई है तथा हमारे सभी कागजात भी ले लिये गये हैं परन्तु न तो स्लीनिम का निर्णय ही बताया गया है और न सेवा में लिया गया है और काथील्य में यह बताया जाता है कि जिस तरह अदालत से स्लीनिम का आदेश दिनांक 24.7.90 को कराया था वैसे ही नियुक्त का आदेश जब तक अदालत से नहीं होगा नियुक्त नहीं कन जायेगी।

निवेदन है कि अदालत द्वारा नियुक्त का आदेश निर्णय दिनांक 23.2.89 के पैरा 9 में तथा आदेश दिनांक 24.7.90 के पैरा 7 में स्पष्ट रूप से दिया है।

अतः प्रार्थना है कि हम लोगों को दिनांक 22.10.90 को हुई स्लीनिम के आधार पर नियुक्त प्रदान करने को कार्यवाही की जाय ताकि न्यायालय के आदेश का पालन हो सके।

प्राथमिक

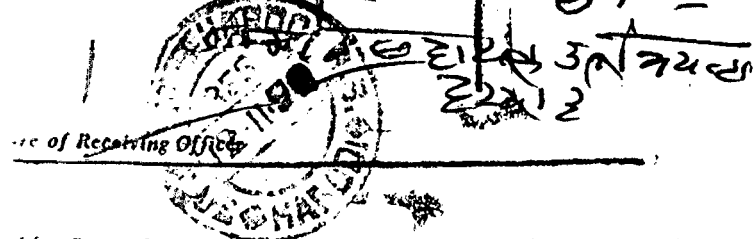
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- 3- इन्दुराज सिंह
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- 5- कबीरे
- 6- बाबू

दिनांक :- 12.11.90

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NORTHERN RAILWAY

DIVL. RLY. MANAGER'S OFFICE
NORTHERN RAILWAY MORADABAD.

No. AFO-III/Misc/Screening/HRI.Sub. Divn./90

dt. 24/10/90.

The Asstt. : Engineer,
Northern Railway,
HRI & HPU.

C/- Divl. Secretaries URMU & NRMU/MB.

Sub : Screening of casual labour of Sub. Divn. HRI & HPU.

Ref : CAT's (LKO) O.A. No. 17 of 1988(I) dt. 23/2/89 & CAT's (NDLS)
O.A. No. 831/89 dt. 17/4/90.

In compliance of honourable CAT's (LKO) order passed under O.A. No. 17 of 1988(I) dt. 23/2/89 candidates mentioned at SL. no. 01 to 06 and CAT's (NDLS) O.A. no. 831/89 dt. 17/4/90 candidate enlisted at SL. no. (7) were screened on 22/10/90 in the Asstt. Engr. Office HRI, by screening committee consisting of AEW/HRI Shri Surya Prakash and AFO-III/MB Shri Jhannan Lal. The candidates were found suitable for the post of Khallashi(Engr. Deptt.) Gr. Rs. 750-940/- and are placed on the provisional panel, subject to clearance of remarks mentioned against their name and passing prescribed Medical examination. Candidates enlisted at SL. no. 01 to 06 shall be absorbed, when their seniors are duly screened and absorbed as per seniority, as and when vacancies arise.

The candidate mentioned at SL. no. (7) shall be regularised immediately and post facto approval of Hd.Qr Office for over age relaxation shall be obtained.

S.No.	Name	Father's Name	Under ICW	Remarks
1	2	3	4	5
1.	Shri Israj	Shri Madari	HRI	Fit Subject to
2.	Shri Ram Kumar	" Roopan	"	verification
3.	" Inder Raj Singh	" Gauri Singh	"	of working days
4.	" Shishoo Pal	" Muneshwar Singh	"	-do-
5.	" Phakirey	" Jha jha	"	-do-
6.	" Baboo Lal	" Ha jari	"	-do-
7.	" Balloo Singh	" Vanua	HPU	Fit.

11/10/90
24/10/90
Asstt. Personnel Officer,
Northern Railway, MB

1989
AFFIDAVIT

10-07
HIS HONOURABLE
ALLAHABAD
01/12/89

Am

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

SUPPLEMENTARY AFFIDAVIT

IN

CONTENT PETITION NO. 8 OF 1989.

(DISTRICT: HARDOI)

Ram Kumar-----Applicant.

Versus

Shri S. Gupta and others -----Opposite parties.

Affidavit of Surya Prakash
son of Shri Hari Singh, aged
about 30 years, designation
Assistant Engineer, Northern
Railway, Hardoi.

(Deponent)

I, the deponent abovesigned do hereby solemnly
affirm and state on oath as under:-

1. That the deponent is working as Assistant
Engineer, Northern Railway, Hardoi and as such he
is fully acquainted with the facts of the case deposed
to below.

7/5/89

2. That the applicants have already been screened and declared fit vide order dated 24.10.90.

3. That as in the letter dated 24.10.90 there was a condition that the fitness of the applicants is subject to verification of number of working days. This Hon'ble Tribunal directed that Assistant Engineer, Hardoi shall present in person/~~on~~ on the date fixed. Assistant Engineer, Hardoi is physically present today in compliance of this Hon'ble Tribunal's order.

4. That it is significant to mention here that verification of the applicants was done on 3.2.91 and all of them have been found to be fit.

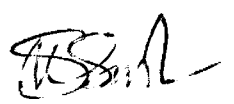
5. That it will not be out of place to mention here that seniority of a casual labour is maintained Sub Division wise/ Unit wise and the services of the applicant shall be regularised as per their seniority. As Baboolal (item no.7) belongs to Assistant Engineer, Hardoi Sub Division which is a separate Sub division, he being the senior most, his services have been regularised forthwith.

B.S. Singh

AM

I, the deponent abovesigned do hereby solemnly
 affirm and swear that the contents of paragraph nos.
 no 1 — of this affidavit are true
 to my personal knowledge and those of paragraph nos.

2 to 5 — of this affidavit are based on perusal of
 papers and
 /legal advice ~~xxx~~ received which all I believe to be true
 and nothing material has been concealed. So help me God.



 (Deponent)

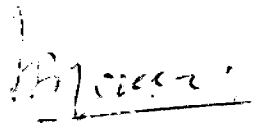
I, A.A.Gaur, Advocate, High Court of Judicature
 at Allahabad do hereby declare that the person making
 this affidavit and alleging himself to be Shri Surya
 Prakash is known to me personally.

 (Advocate)

Solemnly affirmed before on this -----
 day of December, 1991 at about ----- a.m./p.m. by
 the deponent who has been identified by the aforesaid
 Advocate.

I have satisfied myself by examining the deponent
 that he is the same person and fully understands the
 contents of this affidavit which have been read over and
 explained to him by me.

Oath Commissioner.



14/10/91
 11/12/91



1314

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH

UNKNOWN.

COMPLAINT CASE NO. 8 OF 1939 (L)

IN RE:

C.O. NO. 17-1 OF 1939

REGISTERED ON 20.1.1939

Respondent C. B. ...

...Applicants.

vs.

And ... and others...

...Parties.

INDEX.

Description of documents		Page No.
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2.	Annexure No. 'A' dated dt. 23.1.1939	7-13
3.	Annexure No. 'B' Application dt. 10.5.1939	14
4.	Annexure No. 'C' dated dt. 23.7.1939	15
5.	NOTICE.	3-6
6.	POWER	16 (in Main Copy) only

Filed by:-

UNKNOWN

Dt. Sept. 8, 1939

[Signature]

Advocate.

Dy6 ①

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH

UNKNOWN.

CONTEMPT CASE NO.

8

OF 1989

(2)

IN RE:

SA NO. 17-L OF 1988

DECIDED ON: 23.2.1989

1. Ram Kumar son of Sri Kupan, resident of village
Motappur, Post Baghauli, District HARDOI.
2. Israj son of Sri Madari Village Terwa, Post
Baghauli, District HARDOI.
3. Fakirey son of Sri Jhamma, Village Terwa,
Post Baghauli, District HARDOI.
4. Indra Raj Singh son of Sri Gauri Singh, Village
Bakhtapurwa, Post Baghauli, District HARDOI.
5. Gopal Singh son of Sri Laxeshwar Singh
Village Motappur, Post Baghauli, Distt. HARDOI.
6. Babu Lal son of Sri Majari Village Bahapur,
Post Baghauli, District HARDOI.

..

... Applicants.

Vs.

1. Sri Shankar Gupta Posted as Divisional Rail Manager,
N.Rly. Meerutabad.
2. Sri Vijai Sharma, Posted as Assistant Engineer,
N.Rly. HARDOI.
3. Sri M.N. Sharma, Posted as INSPECTOR OF WORKS,
N.Rly. HARDOI.

..

.. Opp. Parties.

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../2.

Application for initiating proceedings for
Contempt of court.

Sir,

On account of facts and circumstances stated
in the affidavit accompanied with this application it
is desirable that opposite parties be called upon and
dealt with for having committed contempt of this Hon'ble
Tribunal's Order Dated 23.2.1989.

Prayed accordingly.

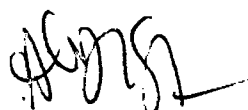
Applicants,

Lucknow:

Dt. Sept. 8, 1989

(Ram Kumar & others)

Through their counsel:-


A. Dixit,
Advocate.

राम कुमार

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(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH

A U G K N O W.

Man Kumar & 5 others..

..Applicants.

Vs.

Sri Kundev Gupta & 1 others..

..Opp. Parties.

AFFIDAVIT in support of application for
initiating proceedings for contempt of court.

I, Man Kumar aged about 34 years son of Sri Nagan
resident of Village Katappur, Post Bagauli, District BUDOL
do hereby solemnly affirm and state on oath as under:-

1. That the deponent being para 1 of G.O. No. 17-L of 1982 on being one of the applicant in the present application, on being authorised and instructed on behalf of remaining applicants, filed this affidavit for and on behalf of all others.
2. That the deponent and other applicants had completed more than 120 days of continuous working under Inspector of Works, E. M. Mandal were called upon on 10.3.87 for being appointed in regular revised scale and for screening on that day.
3. That though applicants went on 10.3.87 but they were not processed for screening/regularisation and were asked to ~~come~~ come subsequently.
4. That when case of applicants including deponent was not considered they moved representation which too were not seen or ed. Ultimately applicants filed G.O. No. 17-L of 1982 before this Hon'ble Tribunal, praying that they be

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held entitled to be treated as regular temporary class IV staff of Railway Administration w.e.f. 10.3.1987 and entitled to all service benefits.

6. That in the counter affidavit filed on behalf of Railway Administration it was also stated that since petitioners have not appeared for their absorption against the existing vacancy and hence their claims were not considered by the answering respondents.

6. That on behalf of respondents it was also said in their counter affidavit that since petitioners have failed to apply in the general advertisement asked by the department for absorption against the existing vacancies. Since they did not apply, their claims were not considered by the answering respondents.

7. That during the course of arguments it was further argued on behalf of the respondent that the applicants were called for screening and absorption on 10.3.1987 but none of them appeared and the others who appeared were screened.

8. That this Hon'ble court after considering the entirety of circumstances ordered that simply by absenting themselves on 10.3.87 for screening, and absorption the applicants missed their first available train but did not forfeit their rights for ever. It was accordingly ordered that since screening for absorption is a routine feature in the railways and as such the respondents have not refuted the claim of the applicants for screening on any other grounds it was directed to respondents to give one more opportunity to the applicants for screening within a period of six months and on finding them suitable to absorb them according to rules.

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8. A True copy of this Hon'ble Tribunal's order dated 23.2.1989 is attached herewith as Annexure 'A'.

9. That order of this Hon'ble Tribunal dated 23.2.1989 was communicated to the opposite parties by an application dt. 18.3.1989 despatched under registered postal receipt No. 074, 075 and 076.

A True copy of aforesaid application dated 18.3.1989 along with above postal receipts is attached herewith as Annexure 'B'.

10. That when nothing was ~~td~~ done again a reminder was sent on 22.7.1989 under registered postal receipt No. 301, 302 and 303.

A True copy of reminder dated 22.7.1989 along with the registered postal receipts is attached herewith as Annexure 'C' to this affidavit.

11. That on 25/26.4.1989 the opposite parties have done screening of about 30 persons without even filing the claim of applicants and even without taking any care of even replying anything about the representations of applicants and have taken no regard to the orders of this Hon'ble Tribunal dated 23.2.1989 which has been communicated to them on 18.3.1989.

12. That in this way it is clear that opposite parties are not inclined to give due respect to the orders of this Hon'ble Tribunal and they have so far taken no steps to make compliance of the Hon'ble Tribunal's order in any manner whatsoever.

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-4-

13. That from sequence of events stated above it is clear that opposite parties are will fully and ~~an~~ intentionally avoiding to make compliance of this Hon'ble Tribunal's order and are there by committing contempt of court.

Deponent,

Lucknow
Dt. Sept. 10, 1939.

राम कुमार
(Ram Kumar)

Verification.

I, deponent named above do hereby verify the contents of para 1 to 11 of this affidavit to be true from personal knowledge and para 12 and 13 are believed to be true by me.

No Part of it is false or anything material has been concealed. So help me God.

राम कुमार
Deponent.

I know and identify the deponent who has signed on this affidavit in my presence.

A.K. Dixit,
Advocate.

Solemnly affirmed before me on this day of Sept. 1939 by the deponent Sri Ram Kumar who is identified by Sri A.K. Dixit, Advocate, High Court, Lucknow Bench Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.

Oath Commissioner.

Reserved

Central Administrative Tribunal, Allahabad
Circuit Bench-Lucknow.

Registration C.A.No.17 of 1988 (1)

Ram Kunar and 5 others Applicants
Vs.

General Manager, Northern
Railway and 3 others Respondents.

Hon. D.S.Misra, Jm
Hon. G.S.Sharma, Jm

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

This petition u/s.19 of the Administrative Tribunals Act XIII of 1985 was filed before the Allahabad Bench of the Tribunal by 6 applicants, for a declaration that the applicants having put in requisite period of continuous working as casual labourers are entitled to be treated as regular temporary class IV staff of the railway administration w.e.f. 10.3.1987. ^{on 27.4.1988} and was later on transferred to the Lucknow Circuit Bench on the request of the applicants. It was alleged by the applicants that they are all jointly interested in the cause of action giving rise to this petition and identical questions of facts and law are involved in this case, ^{therefore}, they be permitted to file this petition jointly. A notice was issued to the respondents to show cause as to why this petition be not admitted.

2. In short, the case of the applicants is that they had worked as casual labourers continuously for more than 120 days under the Inspector of Works, Northern Railway Hardoi- respondent no.4 for different periods between 31.1.1972 to 14.12.1984, as detailed in para 6 (1) of the petition and under para 2511 of the Railway Establishment Manual (hereinafter referred to as the Manual) they are

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Attorney to

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to be treated as temporary class 17 labourers. It is further alleged that according to the provisions of para 2012 of the Manual, the Railway Administration has to maintain a live register at Division, District or at other convenient unit level of all such casual labourers who have not completed 120 days of continuous working according to their seniority. This para further provides that casual labourers acquiring temporary status shall be considered for regular employment. For judging the suitability of the working casual labourers for absorption and regular service, arrangement for screening committees are made according to the instructions of the Railway Board.

3. The applicants have further alleged that a list of 71 casual labourers who had completed continuous working of 120 days was prepared by the respondent no.4 on 1.3.1987 and they were required to appear for screening on 10.3.1987. The names of the applicants appeared in the said list but when they appeared before the respondent no.4 on 10.3.1987, no screening was done and they were asked to appear again on 27.3.1987. Even on 27.3.1987 when nothing was done, the applicants made a representation on 20.4.1987 to the respondent no.4 but when no heed was paid and some persons shown below the applicants in the aforesaid list of 71 persons got regular appointment, the applicants made a representation to the Divisional Railway Manager, Moradabad, respondent no.2 on 23.7.1987 and then filed the present petition on the ground that there has been a discrimination in contravention of Articles 14 and 16 of the Constitution.

4. On behalf of the respondents, a reply has been filed by the Asstt. Engineer Northern Railway, Moradabad, respondent no.3 and it has been stated therein that the joint petition filed by the applicants is not maintainable as all of them have separate causes of action and they

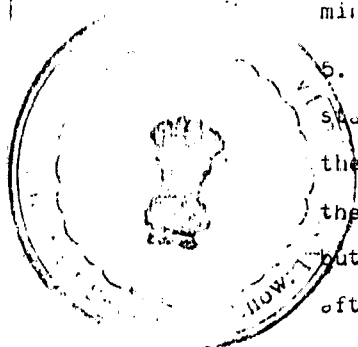
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not paid separate court fee and it is liable to be dismissed on this ground alone. It has also been stated that the petition is wholly misconceived and highly time barred. Regarding merits of the case, the respondent no.3 has stated in the reply that the applicants were called for screening and absorption on 10.3.1987 but none of them appeared and the others who appeared, were screened. The applicants were not required to appear on 27.3.1987 for screening and the allegations to the contrary are incorrect. The applicants did not prefer any departmental appeal or representation and the allegations made by them to the contrary in this connection are also incorrect. The applicants' names have been registered for future appointments by the respondent no.3 and as the applicants themselves did not avail the opportunity of screening they cannot complain of any discrimination and their petition is liable to be dismissed.



5. In the rejoinder filed by the applicants, it was stated by them that the joint petition is maintainable under the law and reiterated the fact they they had appeared before the screening committee on 10.3.1987 and then on 27.3.1987 but they were not screened and the petition having been made after due representations is well within time.

6. The arguments of the parties were heard on the maintainability of the joint petition as well as on merits. The provisions contained in the Administrative Tribunals Act XIII of 1985 and the Central Administrative Tribunal (Procedure) Rules, 1987 (hereinafter referred to as the Rules of Procedure) clearly go to show that before the Tribunal each individual has to place his grievance ^{separately} and he is not permitted to join together ^{even the several} causes of action which may be available to him. In other words, two individuals having two different causes of action or a single individual having two or more ~~unconnected~~ causes of action cannot file a joint petition.

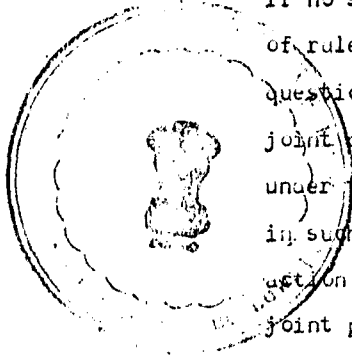
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The underlying idea appears to be that the petitions filed before the Tribunal should not be complicated by the joining of too many parties or causes of action so that they may be expeditiously disposed of. A provision has been made in clauses (a) and (b) of sub-rule (5) of rule 3 of the Rules of Procedure for permitting more than one person or an Association representing certain persons to join together and file a single petition. The first proviso to rule 7 of the Rules of Procedure amply makes it clear that where the Tribunal permits a single application to be filed either by more than one persons or by an Association, the fee payable shall be only one fee of Rs.50. It is, therefore, not correct to say that any two or more persons desirous of paying separate fee may file a joint petition if no such joint petition can be filed under clause (a) of rule 4(5). We are, therefore, of the view that the question of charging or allowing more than 1 fee in any joint petition by more than one person is not contemplated under the Rules of Procedure and the only relevant question in such cases is whether having regard to the cause of action and the nature of the relief prayed for in the joint petition, the applicants have a common interest in the matter.



7. In case the names of the applicants had not appeared in the list of 71 candidates prepared by the respondent no. 3 for screening and they had not been called for screening on 10.3.1967 they could not have a common cause of action or a common interest in the subject matter of this case as it was incumbent for each applicant to prove the past service rendered by him separately. As the question of past service of the applicants is not in dispute in the

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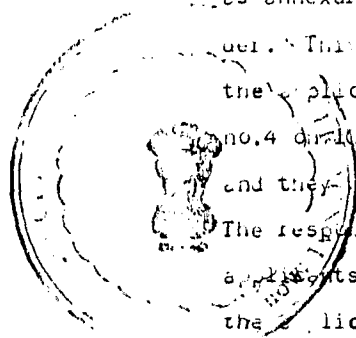
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... although none of them was screened, we are of the view that the case of the applicants is fully covered by Cl. 10.3 (1) of Rule 412 of the Rules of Procedure and we, therefore, permit them to file this joint petition. The petition is not admitted for hearing on merits.

2. The only dispute between the parties is whether the applicants appeared before the screening committee on 10.3.1967 ~~as fixed~~ by the respondents. The applicants have not furnished any documentary proof of their appearance before the screening committee on 10.3.1967. It is alleged that on 10.3.1967 no screening was made and they were asked to appear again on 27.3.1967 and when nothing was done even on that date they had made a representation to the respondent no. 3 on 26.4.1967. The copy of the representation dated 26.4.1967 has been filed by the applicant as record annexure B to the petition and annexure 1 to the respondent.



This representation does contain the allegation that the applicants had appeared in the office of the respondent no. 4 on 10.3.1967 and then on the 26th but nothing was done and they were informed that they will be intimated afresh. The respondents have disputed the allegations made by the applicants in this connection and their clear stand is that the applicants were required to appear only on 10.3.1967 and not on 27.3.1967 and they, in fact, did not appear on any date nor had made any representation. The respondents could not produce a negative evidence and we are of the view that it is for the applicants to establish that in fact they had appeared on the date fixed for screening. In our opinion, they have failed to establish the same and as such, their grievance is not genuine. What appears to us is that when on the basis of the screening made on 10.3.1967 certain persons were absorbed in regular service, the applicants who had not worked for an, period after 1964 became vigilant.

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and they made a false representation on 24.3.1967 about their having appeared for screening on 10.3.1967. Usually the attendance of the persons called for any test, interview or screening is noted and there is no reason as to why the attendance of the applicants would have been noted on 10.3.1967, if they had presented themselves on that day. When no further date for screening was fixed, we fail to understand as to why the applicants reported again on 27.3.1967. The allegations of the applicants made in this connection are, therefore, liable to be turned down on their thus having themselves committed the default in appearing for screening cannot blame the railway administration and are not entitled to the relief claimed.

9. The respondents have clearly stated in para 10 of the reply that the names of the applicants have been registered in live register for appointment against the future vacancies by the respondent no.1. This is in accordance with the decision of the Hon'ble Supreme Court and the circular letter of the Railway Board regarding the absorption of the casual labourers. The interest of the applicants has, thus, already been safeguarded by the respondents to some extent. We, however, further feel that by absconding themselves on 10.3.1967 for screening and absorption the applicants missed their first available train but did not forfeit their rights for ever. Screening for absorption is a routine feature in the railways and as the respondents have not refuted the claim of the applicants for screening on any other ground, we direct the respondents to give one more opportunity to the applicants for screening within a period of six months and on finding them suitable to absorb them accordingly.

10. Regarding the plea of limitation raised by the respondents, we are of the view that on reckoning the time

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of limitation from 23.4.1967 when a representation was made by the applicants, the petition filed on 27.4.1968 was within time.

11. The petition is disposed of accordingly without any order as to costs.

MEMBER (P)
Dated: 23.2.1969
KRB.

MEMBER (J)

True copy

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Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

रामकुमार

Attest of True Copy

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सेवा में,

- 1- श्रीमान मण्डल रेल प्रबन्धक महोदय,
उत्तर रेलवे, मुरादाबाद।
- 2- असिस्टेंट इंजीनियर महोदय,
उत्तर रेलवे, हरदोई।
- 3- निर्माण निरीक्षक महोदय,
उत्तर रेलवे, हरदोई।

श्रीमान जी,

विषय:- माननीय केन्द्र सेवा अधिकरण, लखनऊ द्वारा

याचिका संख्या 17-23-88 निर्णित दिनांक 23-2-89
के अनुमोदन में प्राथमिकता को सेवा में लिया जाना।

विनम्र निवेदन है कि हम प्राथमिकता नै 1978 से पूर्व श्रीमान आर्डीओ0000000 हरदोई के अधीन निरन्तर 120 दिन से अधिक कार्य किया था। हम लोगों को 10-3-89 को स्लीपिंग के लिये बुलाया गया था, परन्तु स्लीपिंग नहीं की गई तब हम सभी ने माननीय केन्द्र सेवा अधिकरण के समक्ष उपरोक्त वर्णित याचिका प्रस्तुत की, जिसमें दिनांक 23-2-89 को आदेश हुआ है कि सभी प्राथमिकता को 3 माह के अन्दर पुनः स्लीपिंग करके उन्हीं नियमानुसार सेवा में लिया जाय। माननीय न्यायालय के उपरोक्त आदेश की फोटो काफी संलग्न है जिसके प्रस्तर 9 को अतिरिक्त 11 लाइनों में आदेश स्पष्ट रूप से लिखित है।

अतः हम लोग श्रीमान जी से उक्त आदेश की प्रतिलिपि संलग्न करते हुए निवेदन करते हैं कि हमें न्यायालय के आदेशानुसार सेवा का अवसर दिये जाने की कृपा की जाय।

दिनांक:- 10 मार्च, 1989

प्राथमिकता,

राम कुमार

1- राम कुमार पुत्र श्री सूर्य
ग्राम पुराणपुराजरा पुरवा
पठोघाती जिला हरदोई।

2- सूरज पुत्र महाशय निवासी
रामा पठोघाती जिला
हरदोई।

3- मन्गीरे पुत्र जन्मा निवासी तेरवा
पठोघाती जिला हरदोई।

Attest the Copy

10/3/89

Q

क. नाम (जि. ए. ए. २०)

१ श्री लाल

४

-2-

४- रामाय सिंह पुत्र गौरी सिंह

निवासी पुरवा डाकघरवासरत

जिला हरदोई

३ सुंदरी

६०

५ लाल

८३

५- शिवापाल सिंह पुत्र मुनेवर सिंह

निवासी तापपुर मजरा पुरवा

डाकघरवाली जिला हरदोई

६ लाल

१११

७ सुंदरी

८५

८ लाल

८६

८- बाबू लाल पुत्र लाल निवासी तापपुर

डाकघरवाली जिला हरदोई

राजकुमार

Hostel for Gen

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Signature of Registrar

सेवा में,

1. श्रीमान मण्डल रेल प्रबन्धक मण्डल,
उत्तर रेलवे, उरादाबाद ।
2. ऑफिसटेंट इंजीनियर मण्डल,
उत्तर रेलवे, हरदोह ।
3. निम्न लिखित निरीक्षक मण्डल,
उत्तर रेलवे, हरदोह ।

श्रीमानजी,

विषय : माननीय कर्म सेवा अधिनियम 1947 द्वारा
प्राप्ति संख्या 17 एल 0 88 दिनांक 17.12.88
23.2.89 के अन्तर्गत में प्राप्ति संख्या 17 एल 0 88
दिनांक 17.12.88

निवेदन हेतु प्राप्ति संख्या 17 एल 0 88 दिनांक 17.12.88
में एक प्राप्ति संख्या 17 एल 0 88 दिनांक 17.12.88
उक्त सम्बन्ध में निवेदन हेतु माननीय अधिनियम 1947 द्वारा
23.2.89 से 6 मास के लिए 23.8.89 को समाप्त हो रही है। उक्त
सक की प्राप्ति संख्या के विषय में न्यायालय के आदेश के अन्तर्गत एक कोर्ट का
कर्मवाही नहीं की गयी है। न्यायालय के आदेश की प्राप्ति संख्या 17 एल 0 88
रजिस्टर्ड पत्रों के अन्तर्गत भीज भी जुके है।

अतः यह स्मरणपत्र देते हुए कि न्यायालय के आदेश का
अन्तर्गत एक मास में करी की वृत्ति की जाय।

रामकुमार

दिनांक 22 अक्टूबर 1989 ई०

प्राप्ति संख्या

Attested by Comr

4. हज्जाम सिंह पुत्र गौरी सिंह
नि० उरवा पु० बरवासरसंड
जिला हरदोह ।

5. शिवप्रसाद सिंह पुत्र सुन्दर सिंह
निवासी मल विपुल मजरा उरवा
हा० बघौली जिला हरदोह ।

6. पांडुराम पुत्र सजारी नि० देवपुर
हा० कडीना जिला हरदोह ।

1. रामकुमार पुत्र श्री रामरामकुमार
माम मल विपुल मजरा उरवा पु० बरवासरसंड
जिला हरदोह

2. हज्जाम सिंह मजरा नि० देवपुर
पु० बघौली जिला हरदोह

3. पदोरे पुत्र सजारी नि० देवपुर
पु० बघौली जिला हरदोह

सं० ५१

No.

301

R. P. 51

रक्काय गण्डा टिकटो का मूल्य

Amount of Stamp (Rs.)

एक रक्काय

Received by Registered Insured

प्राप्त किया

Addressed to

भोग्य (अका म)

Insured for Rs. (in figures)

वर्गमा शुल्क

Insurance fee Rs.

प्राप्त करने का नाम

Name and address of sender

प्राप्त करने का नाम

Issued subject to terms and

conditions in P. O. Guide

प्राप्त किया

Date-stamp

प्राप्त करने का नाम

Signature of Receiving Officer

सं०/No.

302

रक्काय गण्डा टिकटो का मूल्य

Amount of Stamp (Rs.)

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Received by Registered Insured

प्राप्त किया

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भोग्य (अका म)

Insured for Rs. (in figures)

वर्गमा शुल्क

Insurance fee Rs.

प्राप्त करने का नाम

Name and address of sender

प्राप्त करने का नाम

Issued subject to terms and

conditions in P. O. Guide

प्राप्त किया

Date-stamp

प्राप्त करने का नाम

Signature of Receiving Officer

सं०/No.

303

रक्काय गण्डा टिकटो का मूल्य

Amount of Stamp (Rs.)

एक रक्काय

Received by Registered Insured

प्राप्त किया

Addressed to

भोग्य (अका म)

Insured for Rs. (in figures)

वर्गमा शुल्क

Insurance fee Rs.

प्राप्त करने का नाम

Name and address of sender

प्राप्त करने का नाम

Issued subject to terms and

conditions in P. O. Guide

प्राप्त किया

Date-stamp

प्राप्त करने का नाम

Signature of Receiving Officer

रक्काय गण्डा

Attested True Copy

W. S.

(2) C. P. No 3 of 89
Ran Kumar
vs.
S. Gupta

II
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

I N D E X

IN

CONTEMPT PETITION NO. 8 OF 1989 (L)

IN

REGISTRATION NO. 17 OF 1989 (L)

Raj Kumar -----Petitioner.

Versus

S.D. Gupta and others -----Respondents.

S.No. Particulars of papers page nos.

1. Written Statement. 1 to 5

(A.K. Gaur)
Advocate
Counsel for the Respondents.

Dated: Oct. 15, 1989.

B.63

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

WRITTEN STATEMENT

On behalf of

S.D.Gupta and others-----Respondents.

IN

CONTEMPT PETITION NO. 8 OF 1989 (L)

arising out of

REGISTRATION NO. 17 OF 1989 (L)

Raj Kumar -----Petitioner.

Versus

S.D.Gupta and others-----Respondents.

The humble reply to the aforesaid contempt
petition on behalf of the abovenamed respondents

Most Respectfully Showeth as under:

1. That before giving parawise reply of
the aforesaid petition it is necessary to mention
certain relevant facts in order to resolve the
question in controversy.
- [Signature]*

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-2-

2. That the contempt petition have been filed for non compliance of order dated 23.2.1989 by which this Hon'ble Tribunal was pleased to direct the respondent to give one more opportunity to the applicant for screening according to rules within a period of 6 months. On finding them suitable to the post.

3. That the last panel after screening of Casual Labours prepared in the year 1981 has not been exhausted as yet. There are still 3 more persons to ^{be} employed in the aforesaid panel and thereafter only as per rules screening of the petitioners will be done and a panel will be ~~formed~~ formed accordingly.

4. That in this respect Hon'ble Supreme Court of India has laid down certain important principles in Indra Pal Yadav's case and as such without exhausting the panel of 1981 the petitioners cannot be screened as per rules. There is ~~not~~ ^{no} willful disobedience of the order and direction issued by this Hon'ble Tribunal vide order dated

[Signature]
23.2.1989

1365

23.2.1989.

5. That the contents of paragraph no.1 of the contempt petition call for no comments.

6. That the contents of paragraph no.2 of the contempt petition as stated are not admitted and are denied and same shall be suitably dealt with at the time of hearing of the case. It is further stated that the petitioners were not called on 10.3.87 for screening but they were called for registration of their names on live Casual Labour register for future engagement.

7. That the contents of paragraph no.3 of the contempt petition as stated are not admitted and denied. Applications of the petitioners were considered and their names were entered in live Casual Labour register.

8. That the contents of paragraph no.4 of the contempt petition call for no comments as these are matters of record.

9. That the contents of paragraph no.5 to 10

[Handwritten signature]

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-4-

of the contempt petition are not disputed as these are matters of record and relates to proceedings of Registration No.17 of 1989.

10. That the contents of paragraph no.11 of the contempt petition are wholly misconceived and are denied. It is significant to mention here that no screening has been done on 25 and 26.4.1989 as alleged in para under reply. The respondents have full faith and regard for any of the order or direction issued by this Hon'ble Tribunal or any court of law. No willful disobedience of the order dated 23.2.1989 has been done by the respondents. The contrary allegations have been made simply with a view to lend colour to the instant case. It is relevant to mention here that in this respect Hon'ble Supreme Court of India has laid down certain important principles in Indra Pal Yadav's case and as such without exhausting the panel of 1981 the petitioners cannot be screened as per rules. There is no willful disobedience of the order and direction of this Hon'ble Tribunal vide its order dated 23.2.1989.

done

Page 1

-5-

11. That the contents of paragraph no.12 and 13 of the contempt petition are wholly misconceived and are vehemently denied. The respondents have not at all willfully and intentionally flouted the order dated 23.2.1989 and in case this Hon'ble Tribunal comes to the conclusion that the respondents have willfully disobeyed the order dated 23.2.1989 they are ready to tender their unconditional apology.

12. That the contempt petition is frivolous, vexatious and liable to be dismissed with cost.

(For Respondents)

Verification

I, Vijai Sharma, Assistant Engineer, Hordoi office of the Assistant Engineer, Northern Railway Hordoi do hereby verify that the contents of paragraph no.1 to 12 of this reply are based on perusal of official record and legal advice received.

Verified on this ⁰²⁻¹⁵ day of September,

1989 at Allahabad.

(For Respondents)

Bench Copy

BEG

IN THE DISTRICT ADMINISTRATIVE TRIBUNAL, DELHI:

Contempt Case No: 8 of 1939(L)

Fixed on: 22-11-90; / 7.12.90.

Ram Kumar & Others. Applicants.

Versus.

Rukhdeo Gupta & Others. Respondents

SUPPLEMENTARY AFFIDAVIT ON BEHALF OF
APPLICANTS:

I, RAM KUMAR, aged about 36 years, Son of

Sri Nupan, resident of Village Pratap-Pur, Post

Baghuli, District Haridwar, do hereby solemnly

affirm on oath as under:-

1. That deponent being applicant No:1 is

fully conversant with the facts of the
case.

contd.....2/

21/12/92

13.12.90

B7D

-4: 2 :-

2- That subsequently to the order dt: 24-7-90 all the applicants have been screened on 22-10-90 and their documents, i.e. C.I. Card, proof of age, etc. have been got deposited in the office of Asstt. Engineer Northern Railway Hardoi and are said to have been despatched to the office of Divisional Rail Manager/ Divisional Personnel Officer.

3- That neither the result of screening has been declared nor applicants have been given appointment and they have been orally informed by the Asstt. Engineer Northern Railway, Hardoi that since Hon'ble Tribunal has only ordered for screening and not for any subsequent act of declaration of result or engagement untill further specific orders of court matter will be kept in abeyance .

4- That since orders of Hon'ble Tribunal dated 23-2-89 and 24-7-90 are clear and specific over the topic, all the applicants have accordingly again reminded the A.E.I Hardoi vide their application dt: 12-11-90 despatched under registered Postal Receipt No: 66, to which no response has been received.

A True photo copy of aforesaid application dt: 12-11-90 alongwith relevant post 1 receipt is attached herewith as Annexure "A" to this affidavit.

Raj Kumar

Mal

7: 3:11-

5- That as already stated in para 6.6 and 6.10 of concerned O.A.NO: 17 of 1988 (L) decided on 23-2-89 several persons Junior than applicants have been regularised after screening and are still working.

Lucknow;

Dt: Nov.90.

DEPONENT:

RAM KUMAR

(RAM KUMAR)

VERIFICATION:

I, deponent named above do hereby verify that the contents of paras 1 to 5 of this affidavit are true to my personal knowledge.No part of it is false, nothing material has been concealed.So help me God.

Lucknow.

dated: Nov.90;

DEPONENT:

RAM KUMAR

(RAM KUMAR)

* So solemnly affirmed before me this _____ day of Nov. 1990, at _____ a.m./p.m. by Ram Kumar, the deponent is identified by A.K.Dixit, Advocate, High Court Lucknow, I have satisfied by myself examining that he understands the contents of this affidavit which has been explained by me.

OATH COMMISSIONER:

सेवा में,

श्रीमान् असिस्टेंट इंजीनियर महोदय
उत्तर रेलवे,
हरदोई-1

श्रीमान् जी,

निवेदन है कि हम प्राथमिक के लिये माननीय केन्द्र सेवा अधिकरण लखनऊ द्वारा याचिका संख्या 17-88 एल0 में दिनांक 23.2.89 तथा इससे संबंधित कन्टेम्प्ट वादसंख्या 8-89 एल0 में पारित आदेश दिनांक 24.7.90 के अनुसार हम लोगों को स्वीनिम्न करके योग्य पाये जाने पर सेवा में लिये जाने का आदेश हुआ है ऐसा स्पष्ट आदेश निम्न दिनांक 23.2.89 के पैरा 9 के अंतिम भाग में स्पष्ट रूप से दिया है।

हम लोगों की स्वीनिम्न 22.10.90 को कर ली गई है तथा हमारे सभी कागजात भी ले लिये गये हैं परन्तु न तो स्वीनिम्न का निम्न ही बताया गया है और न सेवा में लिया गया है और कार्यालय में यह बताया जाता है कि जिस तरह अदालत से स्वीनिम्न का आदेश दिनांक 24.7.90 को कराया था वैसे ही निम्नित का आदेश जब तक अदालत से नहीं होगा निम्नित नहीं कब जायेगी।

निवेदन है कि अदालत द्वारा निम्नित का आदेश निम्न दिनांक 23.2.89 के पैरा 9 में तथा आदेश दिनांक 24.7.90 के पैरा 7 में स्पष्ट रूप से दिया है।

अतः प्रार्थना है कि हम लोगों को दिनांक 22.10.90 को हुई स्वीनिम्न के आधार पर निम्नित प्रदान करने को कार्यवाही की जाय ताकि न्यायालय के आदेश का पालन हो सके।

प्राथमिक

1- रामकुमार

2- इतरान

3- इन्दुराम सिंह

4- शिखरमाल सिंह

5- फकीरे

6- बाबू

दिनांक :- 12.11.90

R. P.-51 (a)

166 Stamps affixed except in case of unusu-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.

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12/11/90

रामकुमार

13/23

6.9.1991

Hon.Mr.D.K.Agrawal, J.J.

Hon.Mr.K.Chavva, Member(A)

Shri A.N.Lixit for the applicants.

Shri A.N.Gaur for the opposite parties.

In this Content Petition, the grievance expressed is that the opposite parties have failed to comply with the order of the Tribunal inasmuch as screening was not done within six months of the receipt of the copy of the judgement and secondly that a finding has not been recorded that they are suitable to be absorbed. A Bench of this Tribunal during the Content proceedings passed an order on 24.7.90 directing the opposite parties contemner to undertake the screening of the applicants and thereafter proceed to implement the judgement dated 23.2.89 of this Tribunal. An order was also passed on 24.7.90 that the Asst. Engineer, Northern Railway, HarDOI shall appear in person on 25.9.90. However, no sitting took place on 25.9.90. Thereafter, on 13.12.90 the learned counsel for the opposite parties informed the Bench of this Tribunal that the order had been complied with on 24.10.90. Therefore a direction was given to produce the order dt.24.10.90. The same has been produced before us today by means of a Supplementary Affidavit. We have seen it carefully. We have also heard the learned counsel for the parties.

117

We have no doubt in our mind that the order dated 24.10.90 is not sufficient compliance. The reason is that although applicants 1 to 6 have been declared fit but there is a proviso added that their fitness is subject to the verification of number of working days. On perusal of the petition, we find that a statement was contained in para 6.1 about the number of days on which the applicants worked with the Department. The reply to the pleadings contained in para 6.1 as contained in para 4 of the Counter Affidavit leaves little scope for verification of the number of days' working. Yet we could not mind in the verification is done again. However, on the pretext that verification to be done, the matter cannot be prolonged indefinitely. The verification, if any, is to

B24

- 2 -

be done in accordance with the pleadings as contained in the Original Petition or availability of some authenticated documents which is not a matter of dispute within a reasonable time. We cannot appreciate that we have not been told as to when the verification was done after 24.10.90 or that it has not been done at all. The negligence to take action may amount to willful disobedience. We can also understand, as urged by the learned counsel for the opposite parties, that the absorption of the applicants will be done in accordance with their seniority. But the question of seniority is also a matter of record. What ~~are~~ ^{is} the problem in placing before us the correct state of affairs. The Contempt Application is pending since last two years. The Competent Authorities should have been cautioned as soon as the application for contempt was filed. Ordinarily, we ignore the genuine delays on the part of the statutory authorities but the statutory authorities have no licence to ^{have} ignore the rule of law. In our opinion, this case ^{was} a serious question. Therefore, we would still like the opposite parties to take note of their action in pursuance of the judgement of the Tribunal and place before us the correct facts. In the interest of justice, we do not want this matter to prolong any further. Therefore, we order Asstt. Engineer, Northern Railway, Haridwar to appear in person with all the relevant records on 15.10.91 to satisfy us that the compliance has been made or to face the consequences flowing from the provisions of law.

Copy of this order shall be supplied free of cost to Shri P. D. Gaur for official use.

Sd/- A. M.

C. T. R.

Sd/- J. M.

AKG

Secy to the Court
Haridwar

10/11

II 1379

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
REGIONAL BENCH, LUCKNOW.

COMPLAINT NO. 10. OF 59 (1)

RAM KUMAR ----- petitioner.

Versus.

Guides and others ----- respondents.

Affidavit of Suraj Prakash,
aged about 29 years son of Shri
Mara Singh designation S.A.S.,
Hardoi .

(Deponent)

I, the deponent abovesaid do hereby
solemnly affirm and state on oath as under :-

1. that the deponent has been working as S.A.S.
Northern Railway, Hardoi and am fully conversant with
the facts of the case deposed to below .

2. that the supplementary affidavit filed by
Ram Kumar has been read over to the deponent and he

सहायक अभियन्ता
उत्तर रेलवे, हार्दोई
Asstt. Engineer
N. R. Hardoi

1276

is in position to reply the same .

3. that the contents of para 1 of the affidavit call for no comments .

4. that the contents of paragraph no. 2 of the affidavit are matters of record and call for no comments.

5. that the contents of paragraph no. 3 of affidavit are wholly false and are denied . The result of screening has already been declared on 24.10.90 and the applicants have been screened and shall be appointed , when their seniors are duly absorbed as per seniority . A photo copy of the result of screening dated 24.10.90 , is being filed herewith and marked as Annexure no. I .

6. that the contents of paragraph no.4 of the affidavit are misconceived and are denied . The order of this Hon'ble Tribunal has been complied with by the respondents and the allegations contrary to it are an after- thought and have been made with a view to give colour to the case . The applicants have

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have already been clearly informed vide letter dated 24.10.90 regarding their screening as well as appointment .

7. That the contents of paragraph no.5 of the affidavit are misconceived and or denied . No person junior to the applicants has been regularised after screening at Tirdoi sub-division, where the applicants were working .

8. That the respondents have not at all committed any willful disobedience of the order of this Hon'ble Tribunal and has fully complied with the same .

the contents of paragraph no.1 to 8 of this counter affidavit are based on perusal of the records and local advice received and nothing material has been concealed ,

to help me god .

[Signature]
Asst. Engineer
Tirdoi

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NORTHERN RAILWAY

DIVL. RLY. MANAGER'S OFFICE
NORTHERN RAILWAY MORADABAD.

No. APO-III/Misc/Screening/HRI.Sub. Divn./90

dt. 24/10/90.

The Asstt. : Engineer,
Northern Railway,
HRI & HPU.

G/- Divl. Secretaries URMU & NRMU/MB.

Sub : Screening of casual labour of Sub. Divn. HRI & HPU.

Ref : CAT's (LKO) O.A. No. 17 of 1988(I) dt. 23/2/89 & CAT's (NDLS)
O.A. No. 831/89 dt. 17/4/90.

In compliance of honourable CAT's (LKO) order passed under O.A. No. 17 of 1988(I) dt. 23/2/89 candidates mentioned at SL. no. 01 to 06 and CAT's (NDLS) O.A. no. 831/89 dt. 17/4/90 candidate enlisted at SL. no. (7) were screened on 22/10/90 in the Asstt. Engr. Office HRI, by screening committee consisting of AEW/HRI Shri Surya Prakash and APO-III/MB Shri Jhannan Lal. The Candidates were found suitable for the post of Khallashi (Engr. Deptt.) Gr. Rs. 750-940/- and are placed on the provisional panel, subject to clearance of remarks mentioned against their name and passing prescribed Medical Examination. Candidates enlisted at SL. no. 01 to 06 shall be absorbed, when their seniors are duly screened and absorbed as per seniority, as and when vacancies arise.

The candidate mentioned at SL. no. (7) shall be regularised immediately and post facto approval of Hd.Qr Office for over age relaxation shall be obtained.

S.No.	Name	Father's Name	Under IOW	Remarks
1	2	3	4	5
1.	Shri Israj	Shri Madari	HRI	Fit Subject to
2.	Shri Ram Kumar	" Roopan	"	verification
3.	" Inder Raj Singh	" Gauri Singh	"	of working days
4.	" Shishoo Pal	" Muneshwar Singh	"	-do-
5.	" Singh	" Jha jha	"	-do-
6.	" Phakirey	" Hajari	"	-do-
7.	" Baboo Lal	" Nanua	HPU	Fit.

24/10/90
Asstt. Personnel Officer,
Northern Railway, MB

Asst. Engineer
N. Ry. Moradabad

NORTHERN RAILWAY

DIVL. RLY. MANAGER'S OFFICE
NORTHERN RAILWAY MORADABAD.

CC. APO-III/Misc/Screening/HRI Sub. Divn./90

dt. 24/10/90.

The Asstt. : Engineer,
Northern Railway,
HRI & HPU.

1/- Divl. Secretaries URMU & WRMU/MB.

Sub : Screening of casual labour of Sub. Divn. HRI & HPU.

Ref : CAT's (LKO) O.A. No. 17 of 1988(I) dt. 23/2/89 & CAT's (NDLS)
O.A. No. 831/89 dt. 17/4/90.

In compliance of honourable CAT's (LKO) order passed under C.A. 17 of 1988(L) dt. 23/2/89 candidates mentioned at SL. no. 01 to 06 CAT's (NDLS) O.A. no. 831/89 dt. 17/4/90 candidate enlisted at SL. (7) were screened on 22/10/90 in the Asstt. Engr. Office HRI, by screening committee consisting of ARN/HRI Shri Surya Prakash and APO-III/ Shri Jhannan Lal. The candidates were found suitable for the post Challashi (Engr. Deptt.) Gr. Rs. 750-940/- and are placed on the provisional panel, subject to clearance of remarks mentioned against their name and passing prescribed Medical Examination. Candidates enlisted at SL. no. 01 to 06 shall be absorbed, when their seniors are fully screened and absorbed as per seniority, as and when vacancies arise.

The candidate mentioned at SL. no. (7) shall be regularised immediately and post facto approval of Hd.Qr Office for over age relaxation shall be obtained.

S.No.	Name	Father's Name	Under ICW	Remarks
1		3	4	5
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2.	Shri Ram Kumar	" Roopan	"	verification
3.	" Inder Raj Singh	" Gauri Singh	"	of working days
4.	" Shishoo Pal	" Muneshwar Singh	"	-do-
5.	" Singh	" Jha jha	"	-do-
6.	" Phakirey	" Hajari	"	-do-
7.	" Baboo Lal	" Manua	HPU	Fit.

*Handed copy
B. Singh*

*Handed
24/10/90*
Asstt. Personnel Officer,
Northern Railway, MB

(2)

In the Central Administrative Tribunal, Sec-2.
Circuit Bench at Lucknow.

Content NO. 289

Ram Kumar Vs Union of India
A.E.N & others

In the aforesaid case 24.10.89
has been fixed as date for filing
reply and order. I appear on behalf
of the opposite parties.

As the reply prepared
by the respondents has not been
returned to O.P. Counsel, it is
not possible to file the same
today.

As in other cases of the
undersigned Rly. Advocate 1.11.89
has been fixed, it is expedient
that 1.11.89 be fixed for filing
reply and order.

Prayer.

It is, therefore, most respectfully
prayed that this Hon'ble Tribunal
be pleased to adjourn the
Case today & fix 1.11.89 for
filing reply & order.

In witness whereof
(Signed: O.P.)

24.10.89

Registered A/D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow - 226 001

(Registration No. of 198)

No. CAT/LKO/Jud/CB/ 102 GPO 1828 dated .

APPLICANT(S)

VERSUS

RESPONDENT(S)

Please take notice that the applicant above named
has prescribed an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and has
fixed 24 day of 10 1989
for for order

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

Given under my hand and the seal of the Tribunal
this 19 day of 9 1989

Vinodh

For DEPUTY REGISTRAR

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CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

C.M.(Contempt) 8/89 (L)

in

O.A. No.17 of 1989 (L)

Ram Kuar

.....

Applicant.

Versus

S. Gupta

.....

Respondents.

12.9.1989

H on'ble Justice K. Nath, V.C.

Hon'ble Mr. K.J. Raman, A.M.

Issue notice to the respondents to explain within a month as to why the case of the applicants was not considered for screening within a period of six months from 23.2.1989 when the judgment of this Tribunal was delivered in O.A.No.17 of 1988. They will particularly explain as to why the applicants have not so far been considered when screening of some persons were done on 25/26.4.89, as alleged in para 11 of the application.

List this case for orders on 24.10.89.

Sd/-

A.M.

Sd/-

V.C.

// True Copy //

(rrm)

LUCKNOW