

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CA No 281/89

CAUSE TITLE OF

NAME OF THE PARTIES... Chhatra Pol

Applicant

Versus

Union of India Org.

Respondent

Part A, B & C

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CERTIFICATE

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

Dated... 18-4-12 File B/C destroyed on 09-5-12

Counter Signed.....



Section Officer / In charge



Signature of the
Dealing Assistant

D.V.R.S.G. DATTATREYULU

MEMBER(J)

To

Shri S. MANICKAVASAGAM

MEMBER(A)

Pre-delivery order in OA No.281/89 is sent
herewith for consideration.

S. Manickavasagam

4.5.2000

415
(D.V.R.S.G. DATTATREYULU)
MEMBER(J)

CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW BENCH

Friday the 5th day of May 2000

PRESENT

The Hon'ble Shri D.V.R.S.G.DATTATREYULU, MEMBER(J)

and

The Hon'ble Shri S.MANICKAVASAGAM, ADMINISTRATIVE MEMBER

O.A.No. 281 of 1989

1.Chhatra Pal

2.Balramji

.. Applicants

Vs.

1.Union of India through the
General Manager
North Eastern Railway, Gorakhpur

2.The Divisional Railway Manager
North Eastern Railway, Ashok Marg,
Lucknow

3.The Sr.Divisional Railway Manager(P)
North Eastern Railway, Ashok Marg, Lucknow

4.The Divisional Railway Manager(P)
North Eastern Railway, Ashok Marg, Lucknow..Respondents

Mr.K.R.Ahirwar .. Advocate for the applicant

Mr.B.K.Shukla .. Advocate for the respondents

Order:Pronounced by the Hon'ble Shri D.V.R.S.G.DATTATREYULU
MEMBER (J)

Since the applicants are similarly placed they have joined together praying for the following reliefs:-

"To hold that the applicants are entitled for regular appointment on Class IV posts under the respondent No.2 on the basis of panel dated 18.4.1983 contained in enclosure No.A-3 with effect from the date on which the candidates shown next below the applicants in the panel dated 18.4.1983 were appointed with all consequential benefits of salary and seniority, etc. directing the respondents to appoint the applicants accordingly".

2. The case of the applicants briefly stated^{is} that they were working as casual labourers with different numbers allotted to them for a long time. The first applicant states that he was working so from 16.1.1978 to December 1982 and the second applicant from 16.10.1976 to December 1982. According to^{them} they have worked for more than the required period for being considered for the Class IV post on a regular basis. It is also their case that by the select list dated 18.4.1983 they were selected after necessary screening for the post of Class-IV- Vide Annexure A-3. It is also their case that they were asked to undergo the medical examination and were found fit, but neither they were absorbed nor given appointment orders. Therefore the applicants made representations, but the result~~was~~ not in favour of the applicants. Therefore the applicants have moved^{the Allahabad Bench of} this Tribunal in OA No.747/86 for necessary directions to the respondents. This OA was disposed of by an order of the Tribunal dated 24.9.1997 (Annexure A-9) directing the respondents

therein to verify the genuineness or otherwise of the certificates produced by the applicants afresh, after giving due opportunity to them and to take necessary action subsequently. But inspite of the above directions, the respondents have not moved in the matter except further stating that the certificates produced by the applicants ^{are not genuine and} did not contain adequate details. Hence the applicants have come before this Tribunal for a direction to the respondents to appoint them against Class IV posts on a regular basis.

3. In the counter affidavit filed by the respondents they have denied the allegations made by the applicants, para-wise, stating that the department had enquired into the matter and the inquiries revealed that the certificates produced by the applicants are found to be fake ones and therefore the applicants are not entitled for any kind of relief .

4. The applicants have filed a rejoinder contesting the allegations made in the counter-affidavit filed by the respondents. At the time of arguments an additional reply to the rejoinder was filed by the respondents denying the various contentions raised in the rejoinder filed by the applicants.

5. We have heard the learned counsel for both sides and perused the various annexures filed on both sides.

6. The point for consideration is as to what kind of directions can be given in the given facts and circumstances of this case to meet the ends of justice.

7. The contention put forward by the applicants is that as per the earlier orders passed by this Tribunal in OA No.747/86, the respondents were directed to make necessary enquiries and to take action with regard to appointment, followed by the selection of the applicants. According to the applicants, this was not done by the

respondents and the respondents have only reiterated time and again that the certificates produced by the applicants were found to be fake and forged ones and cannot be accepted. On the other hand it is the contention of the respondents that they have enquired into the whole matter and found the certificates produced by the applicants to be incorrect and therefore no action could be taken in pursuance of the panel of selection made earlier. In this connection it is necessary to refer to the judgment of the Tribunal rendered in OA 747/86 (Annexure A-9). A perusal of Annexure A-9 would go to show that the present applicants, viz. Mr. Chatra Pal was also the applicant in the said OA. The operative portion of the order passed by ^{The} this Tribunal on OA 747/86 is material for decision of the present OA, which reads as follows:-

24. In 1983 screening was done and the applicants along with others were approved for appointment. It appeared that some enquiry was made and it was found that the certificates filed by the applicants were forged and so they were not given any appointment. The applicants were never told that they were not given the appointment for the aforesaid reasons. In this connection they made a representation but no reply was given. So naturally they could not deny the alleged forgery. When the counter affidavit was filed they came to know that there was a charge of forgery and now they are denying the same. This finding of forgery was given behind the back of the applicants and they were not communicated. So this action of passing an ex parte finding is violative of the principles of natural justice. The authorities are directed to hear the applicants regarding the alleged charge of forgery and thereafter pass suitable order. The petition is disposed of accordingly with costs on parties". "

An analysis of the above operative ~~part~~ portion of the order would go to show,

(a) that the applicant and some others were approved for

appointment,

(b) some enquiries were made and it was found that the certificates produced by the applicants were found to be forged and that was the reason that appointment was not given,

(c) this fact was not informed to the applicants as the reason for not giving appointment;

(d) the applicants made representations, but no replies were given;

(e) the applicants were not given an opportunity to show that the documents produced by them are genuine;

(f) the finding of forgery was behind the back of the applicants, which is violative of the principles of natural justice.

8. The most vital and important points which arise for consideration ^{in the order is:} ~~are~~,

'that the authorities were directed to hear the applicants, and with regard to what? The answer is regarding the alleged charge of forgery. After that what was to follow is passing of suitable orders. Now the investigation that is required to be done is whether ^{the} ~~the~~ order of the Tribunal has been implemented or not. The authorities in the counter have nowhere stated that they made the enquiries as contemplated and directed in the orders of this Tribunal in OA No.747/86. What all they say in the reply is that they have asked the applicants to produce the certificates regarding their educational qualifications and their work, but the applicants have not complied with. But it is the case of the applicants that they have submitted the original certificates at the time of selection, i.e. during 1983, ^{when} that the panel was prepared in the year 1983 (Annexure A.3) and that they are not having the original certificates with them.

9. Per contra it is the stand taken by the respondents that the concerned Executive Engineer had stated that the applicants had not worked as stated by them and that the particular division was not in existence at the time when they have alleged to have worked. But the learned counsel for the applicants refuting the above contention would submit that the Executive Engineer who made the investigation are not the persons concerned with the division where the applicants ~~had~~ were stated to have worked at the relevant point of time. The learned counsel for the applicants drew our attention to Ex.R-2 to columns 3, 5 and 7 where the remarks would go to show that they pertained to some other places, but not to the applicants.

10. The crux of the case is that the Tribunal has already directed the respondents to make a thorough enquiry with regard to the documents produced by the applicants after giving due opportunity to them. Whereas the opportunity that was extended to them was only to produce the documents. It is the case of the applicants that the documents have already been scrutinised at the time of preparing the panel for the post and therefore they are not in possession of any document. This statement of the applicants has considerable force, since the panel was prepared only after going through the documents to show that they are eligible for appointment to Class IV posts and in pursuance of which appointment has to follow and it has to be noted that the selection can be done only after verifying the documents. It is also pertinent to mention that this was not the stand of the respondents in the earlier OA, viz. OA 747/86 and nowhere the respondents have asked the applicants to produce the original certificates before filing of the counter in OA No. 747/86. Actually this stand of the respondents was negatived by the earlier orders of the Tribunal in the OA No. 747/86. That would go to show that the authorities must have had already the documents with them and based on

those documents only the respondents ought to have conducted an enquiry and came to the conclusion that the documents are not genuine documents. Otherwise how the department can come to the conclusion that the documents produced by the applicants are not genuine. The department has taken a particular stand that they made enquiries on the basis of the documents produced by the applicants. Therefore the documents must be with the department and the department has to swallow this stand. Therefore the blame as to non-production of the documents cannot now be thrust or shifted to the applicants. This stand is totally unacceptable.

11. It may also be noted that when the department came to know that the applicants have produced a fake document, why the department has not taken any criminal action against them and as to why it chose to keep quite. It is the bounden duty of the department under such circumstances to put the criminal law in motion when there is forgery and cheating if the applicants had produced false certificates. But this was not done by the respondent department.

12. The above analysis would go to show that the stand of the department is unsustainable in law for the reason that the enquiry was not conducted as per the directions of this Tribunal in its order in OA 747/86. The stand of the respondents in the present reply is the same as the one taken in the earlier OA 747/86.

13. A perusal of the above discussion would go to show that there is total non-compliance with the orders passed by this Tribunal in OA 747/86 and therefore the applicants are constrained to approach this Tribunal for a judicial remedy.

14. Now in the peculiar circumstances of this case, what type of orders are to be passed by this Tribunal is the anxiety that is felt by this Tribunal. The dictum of

law that 'justice delayed is justice denied' is patently apparent in this case. It may be noted that the earlier orders of this Tribunal was passed long back (Annexure A-9). We hold that the applicants were taken for a ride so long, that they have been tossed to approach this Tribunal by way of a second round of litigation for a judicial remedy of their grievances.

15. In the light of the discussion above we hold that the applicants succeed and the following orders are passed:-

(a) The respondents are directed to appoint the applicants against Class-IV posts within three months from the date of receipt of a copy of this order by them.

(b) The respondents are at liberty to make a ~~thru~~ thorough enquiry with regard to the certificates produced by the applicants and also the department is further directed to make a through and fresh inquiry into the whole matter regarding the educational qualification, date of birth and the nature of service alleged to have been rendered by the applicants. This inquiry has to be done by placing the entire material before the applicants and give them the opportunity of producing the necessary material and hear them and come to the conclusion whether the stand taken by the applicants regarding their educational qualification, date of birth, ~~ex~~ service rendered by them are correct or false.

(c) In case if the information furnished by the applicants are found to be correct, applicants must be deemed to be in service and this should be connected back to the date with reference to the date of their juniors who were appointed as per the panel prepared earlier in 1983 (Annexure A-3).

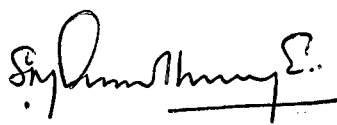
However the applicants will be entitled to seniority only and not for backwages. The seniority will be reckoned for all service and attendant benefits, including pension etc.


(d) If the information furnished by the applicants are found to be incorrect or false, the department ^{shall} ~~will~~ frame

necessary charges against the applicants, for taking action against them not only departmentally, but also shall initiate criminal action against the applicants.

16. The OA is allowed to the extent indicated above with no order as to costs.

17. Before parting with the case we would like to ~~express~~ express our displeasure ~~in~~ that the authorities have not properly complied with the earlier orders of the Tribunal made in OA 747/86 in its letter and spirit and according to law. This non-compliance of the orders of ^a the Tribunal by the respondents appears to be/clear case of giving rise to the doubts as to whether the respondents have committed any contempt in the matter. We trust and hope that this kind of laps will not occur in the future.


(S. MANICKAVASAGAM)
MEMBER (A)


(D.V.R.S.G. DATTATREYULU)
MEMBER (J)

5-5-2000

nks:

19/04/2000

OA 281/89

No sitting of D.B. Adm to 02/05/2000
for hearing

J
BSC

2/5/2000

Hon Mr D.V.R.S.G. Dattatreya, J.M.
Hon Mr. S. Manickavasagam, Am.

On the request of the respondent's
advocate, put the case on 3/5/2000.

J.
Am.

✓
J.M.

3/5/2000

Hon Mr. D.V.R.S.G. Dattatreya, J.M.
Hon Mr. S. Manickavasagam, Am.

Sh. K.R. Aliswar, learned advocate
for applicant Sh. B.K. Shukla, learned
advocate for respondent.
Heard. Orders reserved.

J.M.

Am.

05.5.2000

Hon'ble Mr. D.V.R.S.G. Dattatreya, J.M.
Hon'ble Mr. S. Manickavasagam, A.M.

Judgment pronounced today -
in the open court.

J.
A.M.

✓
J.M.

01/5
Order dated 5.5.2000
made on 15.5.2000
by Hon'ble J.M.
in the case of
Sh. B.K. Shukla vs
Sh. K.R. Aliswar
15.5.2000

07-10-99,

Honble Mr D.C Verma - JM


Honble Mr A.K. Mishra - DM

Sr K.R. Sharma Counsel for applicant

None for respondents

List for hearing on 16-11-99.


DM


JM

16-11-99

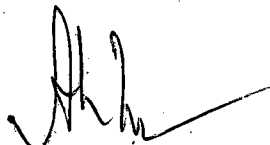
Hon Mr D.C. Verma JM.

Hon Mr A.K. Mishra DM

None for applicant.

Shri B.K. Shukla for respondents
states and is allowed one week
to file Supp. Counter, as according
to him some new facts have
been mentioned in the RA. The case
has already become very old.
However, in the interest of
justice, one week's time is granted.

List for hearing on 29-11-99


DM


JM

29-11-99

D.R. None for parties.

List on 16-3-2000
for hearing.

27/30/11/99
DR.

16/03/2000

Lawyers abstained from full
work case adjn to 19/04/2000

OR
Pleadings are
complete
12/11/99

OR
Supp. CA has
yet not been filed
submitted for hearing
on 16.3.2000
re

at 281/89

2-9-98 - 4th sitting of Q.B. adj
to 25-11-98

Boe

25-11-98

No sitting of D.B. Court is
advised 12-4-99 for hearing.

12/4/99

12-04-99

Due to special D.B. the case
is adjourned to 29-06-99.

Boe

29.6.99

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

M.P. 774/99 is by applicant No. 2 to
include the name of 8 persons mentioned in para
7 of the M.P. as applicants.

Heard the learned counsel for applicant
Shri K.R. Ahirwar. It is not at all necessary to
include these 8 persons as applicants in the
present O.A. If these 8 persons have any
grievance they would be free to file fresh O.A.
as may be permissible under the rules. M.P.
774/99 is therefore, rejected.

In this case C.A. was filed by the
respondents in 1992, but R.A. thereto has not
been filed till date. However, by way of last
opportunity 2 weeks time is granted to file the
R.A. In case the R.A. is not filed within 2
weeks, right to file R.A. shall stand forfeited.
List for admission on 11.8.99.

MEMBER(A)

MEMBER(J)

PA not filed
till today
22/11/98

PA not filed
for incorporation
of amendment
28/6/99

PA has not been
filed till today
09/8/99

PA not filed
on 09.8.99 with
MP 1552/99
09/8/99

9

02 28/1/83

23.5.96

Due to Sad Lamey J. M. Jackson adv.
confer to 08.7.96

Doc

or
PA not filed
31/8/96

No sitting on D.M. adjourn.
13.7.96

Doc

17.7.96

Hon Mr Justice B.C. Sakseng, V.C.
Hon Mr. V.K. Selt. A.M.

Learned counsel for respondents
has sought adjournment on the
ground of illness. but on 1.8.96.
Since it is an old case, no
further adjournment shall be
granted and the Off. shall be
decided on the basis of pleadings
on the next date.

or
PA not filed till
26/7/96

LV
AM

Doc
V.C

1.8.96

Hon Mr Justice B.C. Sakseng v
Hon Mr. V.K. Selt. A.M.

None responds either side.
parties adjourn 20.8.96

2

LV
A.M.

Doc
V.C

20.8.96

Hon Mr. V.K. Selt. A.M.
Hon Mr. B.C. Sakseng

None responds either side.
parties adjourn 09.10.96

1
J.M.

LV
A.M.

24-11-95

Hon Mr. V.K. Seth A.M.
Hon Mr RK Sadarang JM

4/16

or
PA not filed
13/12/95

None for the parties
list on 20-12-95

JM

V.K.
AM

10

20-12-95

Honorable Mr. V.K. Seth A.M.
Honorable Mr. D.C. Verma, J.M.

Learned Counsel for
the applicant seeks adjourn-
ment.

list on 17-1-96 for
hearing.

J.M.

V.K.
J.M.

10

17.1.96

Hon Mr V.K. Seth A.M.
Hon Mr D.C. Verma J.M.

None for the applicant. Sri
B.K. Shukla Counsel to respondent.
is present. list on 11.3.96 for
hearing

J.M.

V.K.
A.M.

11.3.96 - No setting of PB adj. to
25.4.96

25.4.96

Cite an. - reached adj. on
25.5.96
Bee

10

or
PA not filed
SFH
7/12/96

7-8-95 Hon. Mr. Justice B.C. Sakarya V.C.
Hon. Mrs. V.K. Shetty A.M.

CA was filed on behalf of
respondents through Sri B.K. Shetty,
Advocate. He also appeared
on 29-4-94 as indicated in the
CA sheet of that date.
His name has not been
shown in today's cause list.
List on 31-8-95.

V.S.
A.M.

Back
V.C.

31-8-95
J.R.

Appropriate Bench is not
available. Learned
counsel for the applicant
is not present. Sri. B.K. Shetty
learned counsel for the res-
pondents is present. Place
before the Hon'ble Bench on
15-9-95 for hearing if
concerned bench is avail-
able.

J.R.

J.R.

PA not filed
12/9/95

(6)

P/A

9.12 AM

No sitting at D.B. adjn 31.1.95
M

3/1-95 Hon Mr Justice B.C. Saksoni V.C.
Hon Mr. V.K. Selk A.M.

Put up know how a
part heard.

L.S.
A.M.

Boh
V.C.

B

~~1/2/95~~
1/2/95 Hon. Mr. Justice B.C. Saksoni, V.C.
Hon. Mr. V.K. Selk, A.M.

Learned Counsel for the
applicant is not present.
List on 13/3/95 for
hearing.

L.S.
A.M.

Boh
V.C.

(draw)
or
P.A. not filed

13.3.95 - No sitting of D.B. adjn to
9.5.95

J
Boh

29/4/84

Hon. Mr. Justice R.K. Varma, J.
Hon. Mr. V.K. Seth, J.M.

Shri K.C. Sharma Counsel for the
Petitioner has sent illness
slip. Shri B.K. Shukla Counsel
for the Respondents states
that he filed the copy of
C.A. in duplicate along with
Power on behalf of respondent
one copy of C.A. & Power
is not on record. The office
is directed to trace the
same & placed on record.
List on 23/5/84

L.S.
A.M.

R/K
V.C.

23/5/84

Hon. Mr. Justice B.C. Saxena, J.
Hon. Mr. V.K. Seth, J.M.

The learned counsel for the
respondents has sent illness slip
& Prays for adjournment. List
on 15/7/84 for hearing.

L.S.
A.M.

Bd
V.C.

15.7.84 Lawyers absent. An order will
be made on 25.8.84

of
copy of C.A.
attached
along with
the B. and
the Power
is on record
23/5/84

ok
copy of C.A. & Power
attached
RA no. 141
S. 141

(4)

018 28/1/83 L
A

11.1.93

No sitting of D.M. colln
8.2.93

h

8.2.93

No sitting of D.M. colln
to 3.3.93

pro

OK
C/Hled Rand
Hled FH

3.3.93

No sitting of D.M.
colln to 12.3.93

h

OK
05/3/93

OK
C/Hled AA not filed
only one copy
C/Hled been
04/3/93
C/Hled not
is being

Date
12.3.93

Horible Mr. Justice V.C. Srinivas
Horible Mr. K. Obayya A.M.

So R.C. saving Prays time to
File A.A. Ten days time is
granted to file R.A. List 4/93
case for hearing on 31.3.93.

h
A.M.

h
V.C.

OK
C/A copy incupile 002
Hled Rand Hled

OK
06/3/93

31.3.93

Horible Mr. Justice V.C. Srinivas
Horible Mr. K. Obayya A.M.

Date the case 13.5.93

h

h

OK
R.A. not filed
06/3/93

29/3/93 13.5.93

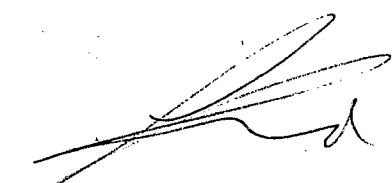
No sitting of D.M.
colln 5.4.93

h

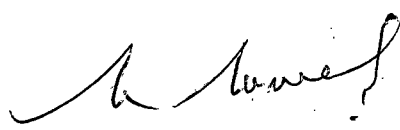
A/12

23.10.91

Shri R. C. Sarda Counsel for applicant.
 Mr. Sanjay Kumar, proxy Counsel of
 Shri A. N. Varmg, on the prayer of
 learned proxy Counsel for Mr. A. N. Varmg
 Counsel for respondents, may be lifted for
 hearing on 8.11.92


 (S. N. Prasad)

Member, Judd.


 (K. Kumar)

Vice Chairman

8.1.92

No Sitting off to 3.3.92

3-3-92

Hon. Mr. Justice U-C. Srinestana, V.C.
 Hon. Mr. Justice A.B. Gorti, A.M.

learned Counsel for the respondents
 states that he has not received
 full instructions from the railway
 administration and only a part of
 instruction has been received.
 In this case, the applicant has been
 removed from service and the old
 Counsel for the applicant states that
 the applicant has acquired temporary
 status. This fact has been rebutted
 by the respondents. The case is ~~fixed~~
 adjourned to 29.4.92 for hearing, ld.
 Counsel may produce record regarding
 days of working by that date.

(149)

A.M.

V.C.

12390

from D. K. Agrawal Jm.
from K. Dugga Jm.

Shri A. C. Saxena for Applicant. X/M
The more for respondents.

Despite opportunity, respondents
have not filed counter affidavit.
Last opportunity is given to
the respondents. Counter, if
any, be filed within 4 weeks
hereof, rejoinder within
2 weeks thereafter, list
for hearing/ex. parte hearing
on 10-7-90.

Jm.

Jm.

⑦

10-7-90

No sitting Adj to 31/1/90

R

31-10-90

Due to Holiday case is
Adjourned to 3-1-91.

3-1-91

⑧

No sitting Adj to 11-3-91

W

3-91

No sitting adj to 1-5-91

W

No sitting adj to 22-8-91

d

2

No sitting adj to 23-10-91

on

2

No CA filed
S.P.H/Er Na

ON 20/02/19

6/12/89

(3)

Hon Justice K. Rath, VC
Hon. K. J. Roman, Jm.

Issue notice to opposite parties to show Cause why this application may not be admitted. In particular they will indicate what action has been taken and what orders have been passed in compliance of this Tribunal's judgment dated 24/5/07 in O.A. No. 747/06 Chhatrapal & others vs. General Manager, Gorakhpur (Copy Annexure-A.9) List for admission on 5/1/90.

The application has to be signed by applicant No. 2 also and a separate application for permission to make this application jointly should also be made. List for orders on the date fixed.

VC
Am.

VC

VC
notice filed
11/12/09

on
Notices were issued on 11/14/09.
No undeleted copy cover has been returned back, submitted.
No separate applications have been submitted for order.
4/1

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
Are the application/duplicate copy/spare copies signed ?	Yes
12. Are extra copies of the application with Annexures filed ?	Yes
a) Identical with the Original ?	Yes
b) Defective ?	—
c) Wanting in Annexures	—
Nos. _____ pages Nos _____ ?	—
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	—
14. Are the given address the registered address ?	Yes
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	Yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	—
17. Are the facts of the case mentioned in item no. 6 of the application ?	Yes
a) Concise ?	Yes
b) Under distinct heads ?	Yes
c) Numbered consecutively ?	Yes
d) Typed in double space on one side of the paper ?	Yes
Have the particulars for interim order prayed for indicated with reasons ?	Yes
Whether all the remedies have been exhausted.	Yes

13/10/89

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 221 of 1989 (A)

APPLICANT(S) Chhabra Dal & Anothers.

RESPONDENT(S) Union Of India & Anothers.

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	Yes
c) Have six complete sets of the application been filed ?	Yes
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time ?	-
c) Has sufficient case for not making the application in time, been filed ?	-
4. Has the document of authorisation Vakalatnama been filed ?	Yes Five Rupees pocket not Appixed.
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	-
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and paging done properly ?	Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	-

Deputy Registrar(I)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

L U C K N O W

O.A. NO. 201 OF 1989 (C)

CHHATRA PAL & ANOTHER

... APPLICANTS

V E R S U S

UNION OF INDIA & OTHERS

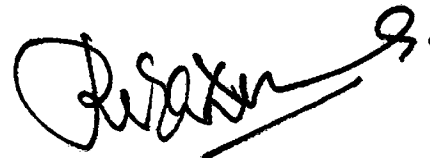
... RESPONDENTS

COMPILATION NO.1

S.No.	Description of Documents impugned	Page Nos.
1.	Application under section 19 of the Administrative Tribunals Act, 1985.	1 - 15
2.	Vakalatnama	

DATED: OCTOBER 12, 1989

LUCKNOW:



SIGNATURE OF THE APPLICANT

For use in the Tribunal Office.

Date of Filing


Or

Date of Receipt by Post:

Registration No.

(Signature)
The Registrar.

Noted for
20.10.89


Advocate
13.10.89

1/26

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, (LUCKNOW BENCH)

L U C K N O W

O.A.NO. 201 OF 1989 (L)

1. CHHATRA PAL, aged about 30-years, son of
Shri Ram Ratan, resident of Village Beldiha,
Post Charu, District Gonda;
2. BALRAMJI, aged about 38 years, son of
Shri Lallan, resident of Village Semara
Danuman, Post Barh-gaon, District Gonda.

... APPLICANTS

V E R S U S

1. UNION OF INDIA, through the General Manager,
North Eastern Railway, Gorakhpur;
2. THE DIVISIONAL RAILWAY MANAGER, North-
Eastern Railway, Ashok Marg, Lucknow;
3. THE SENIOR DIVISIONAL RAILWAY MANAGER, (P),
North Eastern Railway, Ashok Marg, Lucknow;
4. THE DIVISIONAL RAILWAY MANAGER (P), North-
Eastern Railway, Ashok Marg, Lucknow.

... .. RESPONDENTS

DETAILS OF APPLICATION

1. PARTICULARS OF ORDER AGAINST WHICH THE APPLICATION
IS MADE :

1413

The grievance of the applicants is that inspite of the fact that they were selected/empanelled for appointment on Class IV posts vide select list/Panel published

on 18.4.1983, the respondents are deliberately, without any legitimate cause, are avoiding to appoint the applicants on regular basis according to the panel position against the available vacancies.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declares that the subject matter of order/grievance against which they want redressal is within the jurisdiction of this Tribunal.

3. LIMITATION :

The applicants further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

(i) That the educational qualification of the applicants is as under and they are fully legible for appointment on Class IV posts under the respondent No.2:-

Applicant No.1 -	Class VIII
Applicant No.2 -	High School.

(ii) That the applicant No.1, for the period from 16.1.1978 onwards till December, 1982, had worked intermittently as casual labour on the post of Khalasi under P.W.1 (Construction), MFP/GKP for a total number of days i.e. 1542. The applicant No.2, for the period from 16.10.1976 to December, 1982, had intermittently worked as casual labour on the post of Khalasi under P.W.1 (Construction), Palia Kal for a total number of days i.e. 338.

(iii) That as per provisions of para 2513 of the Indian Railway Establishment Manual every casual labour is supplied with a casual labour card showing his name, designation, date of birth and number of days worked by him under the concerned senior subordinate duly stamped and signed by

the concerned senior subordinate. A true photostat copy of the casual labour cards issued to the applicants are filed herewith as ENCLOSURE NOS. 1 & 2 respectively to this application.

(iv) That sub-section IV of Section 'B' of Chapter I of the Indian Railway Establishment Manual deals with the procedure for recruitment of Class IV Railway Servants while para 2512 of the said Manual deals with the absorption of casual labour against the existing vacancies of Class IV.

(v) That under para 2512 of the Indian Railway Establishment Manual a casual labour, who has worked for more number of days continuously or intermittently has a preferential claim for absorption on regular basis against Class IV posts with reference to those who have worked for lessor number of days for those who are outsiders.

(vi) That in the month of January, February and March, 1983 a screening of eligible casual labour working under the respondent No.2 was held to fill up the existing and anticipated vacancies.

(vii) That the names of the applicants too were sent by the concerned senior subordinates under whom they were working for including their names in the list of eligible candidates for the screening test. The names of the applicants were sent by the concerned senior subordinates after certifying their total number of days worked by them as casual labour.

(viii) That the applicants' screening for absorption against the Class IV posts was held on 4.3.1983, on which date their original cards and other testimonials were got deposited with the members of the screening committee.

(ix) That on 18.4.1983 a list of the selected candidates was published by and under the signatures of Divisional Railway Manager (P), North-Eastern Railway, Lucknow under the approval of the Divisional Railway Manager, North-Eastern Railway, Lucknow, respondent No.2, in which name of the applicant No.1 is shown at serial number 61 while that of the applicant No.2 at serial number 409 in order of merit. The list contained the names of 448 selected candidates towards the general side whereas 17 as S.C. and 26 as of Managing and Personnel Department. A true copy of the relevant extract of the said select list commonly known as "penal" dated 18.4.1983 is filed herewith as ENCLOSURE NO.A-3 to this application.

(x) That thereafter in the month of May, 1983, the applicants were required to undergo medical examination, in which they were examined and were found fit for regular absorption against Class IV posts. In medical examination the applicants were found fit for Category 'A-1'.

(xi) That thereafter the applicants remained waiting for their regular appointment but when the same was not made, they met the authorities concerned several times but without any result.

(xii) That the applicants then on 20.2.1985 made representation to the General Manager, North Eastern Railway, Gorakhpur requesting him to intervene in the matter and issue orders for their appointment. The copies of the said representations were also sent to respondent No.2 and 3. The applicants again on 10.5.1985 made another representation to the Senior Petitions Officer, R.M. Office, Rail Bhawan, New Delhi, copies of which were endorsed to Railway Minister, State Minister For Railways and the

Chairman, Railway Board, Rail Bhawan, New Delhi. The true copies of the aforesaid representations dated 20.2.1985 and 10.5.1985 are filed herewith as ENCLOSURE NOS.A-4 & A-5 respectively to this application.

(xiii) That the representation dated 10.5.1985 contained in Enclosure No.A-5 was received by the Petitions Officer, in the Priminister's Office on 13.5.1985 as a result of which some enquiries were made from the General Manager and other authorities, who, in turn, held meeting at the Headquarters at Gorakhpur, consequently whereof the Deputy Chief Mechanical Engineer, Izzatnagar (P) in compliance of the letter dated 27.5.1985 issued by General Manager (Me-ch.), North Eastern Railway, Gorakhpur issued a letter dated 5.6.1985 to the respondent No.4 requesting him to send the list of casual labour/substitutes, who were empanelled but could not be absorbed in Lucknow Division so that they may be absorbed in Izat Nagar Division. A true copy of the aforesaid letter dated 5.6.1985 is filed herewith as ENCLOSURE NO.A-6 to this application.

(xiv) That the respondent No.4, vide order dated 16.12.1985, sent the list of empanelled/selected candidates for their absorption at Izatnagar in pursuance to letter dated 5.6.1985 contained in Enclosure No.A-6. The applicants' names were included in the list attached with letter dated 16.12.1985. A true copy of letter dated 16.12.1985 along with the list of selected candidates is filed herewith as ENCLOSURE NO.A-7 to this application.

(xv) That since the respondent No.4 sent the list of selected/empanelled candidates to the Deputy Chief Mechanical Engineer, Izat Nagar after a long delay, the candidates shown in the list were returned back to Lucknow and could not be absorbed at Izat Nagar.

(xvi) That it so transpires that the General Manager, North Eastern Railway, Gorakhpur, in pursuance to the applicants' representation dated 20.2.1985, contained in Enclosure No.A-4, held a meeting with the Divisional Railway Manager at Headquarters and decided for absorption of the empanelled candidates at Izat Nagar, for which the Divisional Railway Manager, Izat Nagar agreed, as is evident by the letter dated 8.8.1986 written by Divisional Railway Manager, North Eastern Railway, Lucknow, respondent No.2, to Divisional Railway Manager, North Eastern Railway, Izatnagar. A true copy of the letter dated 8.8.1986 containing the list of the selected candidates sent to Izat Nagar for absorption is filed herewith as ENCLOSURE NO. A-8 to this application.

(xvii) That inspite of all the above, the applicants and other selected candidates could not be absorbed either at Izat Nagar or at Lucknow, as a result of which the applicants and 8 others, having no other way, moved an application under section 19 of the Administrative Tribunals Act, 1985 claiming the relief for their absorption on regular basis on the basis of the select list/panel dated 18.4.1983 contained in Enclosure No.A-3 to this application. The said application - Chhatra Pal and 8 others Versus General Manager, N.E.Railway, Gorakhpur and others was registered ✓ as O.A.No. 747 of 1986 at Allahabad.

(xviii) That the respondents, having no legitimate reason to defend the case before the Tribunal, set-up an absolutely incorrect and false defence that the applicants produced forged and fake certificates relating to their education and experience, as such, they could not be absorbed.

(xix) That the said application O.A.No. 747 of 1986 after contest was decided by the Division Bench of the

Tribunal, vide judgment and order dated 24.9.1987, in which the respondents were directed to decide about the genuineness or otherwise of the certificates after giving opportunity to the candidates including the applicants. A true copy of the aforesaid judgment and order dated 24.9.1987 is ✓ filed herewith as ENCLOSURE NO.A-9 to this application.

(xx) That inspite of the decision the respondents did not take proper steps to ascertain the genuineness or otherwise of the certificates. Consequently one Sri Deep Narain Bun, Member of Parliament, on 14.3.1988 wrote a letter to respondent No.2 requiring him to absorb the selected candidates, failing which, he would be compelled to refer the matter to the Vigilance Department. A true copy of the letter dated 14.3.1988 referred to above is filed herewith as ENCLOSURE NO.A-10 to this application.

(xxi) That the applicants and few other selected candidates again on 29.3.1988 made representation to respondent No.2, copies of which were endorsed to the General Manager, North Eastern Railway, Gorakhpur and respondent No.4 requesting him to absorb the selected/empanelled candidates. A true copy of the aforesaid representation dated 29.3.1988 is filed herewith as ENCLOSURE NO. A-11 to this application.

(xxii) : That the applicants and other selected candidates again on 8.8.1989 made a representation to the Prime Minister of India, copies of which were endorsed to Railway Minister and Chairman, Railway Board, requesting them to do the needful in the matter. A true copy of the aforesaid representation dated 8.8.1989 is filed herewith as ENCLOSURE NO.A-12 to this application.

(xxiii) That it is not irrelevant here to mention that the respondent No.4 on 16.5.1988 issued a letter to the

applicant No.1 referring to his previous letter dated 8/11.4. 1988 and requiring him to produce the originals of the certificates etc. regarding his educational qualification and experience etc. on 3.6.1988. Similar letters were issued to the applicant No.2 and other selected candidates. A true copy of the aforesaid letter dated 16.5.1988 is filed herewith as ENCLOSURE NO.A-13.

(xxiv) That the respondent No.4 again on 22.9.1988 issued a similar letter to applicant No.1 requiring him to produce the originals of the certificates/testimonials on 30.9.1988. Similar letters were issued to the applicant No.2 and other selected candidates. A true copy of the aforesaid letter dated 22.9.1988 is filed herewith as ENCLOSURE NO.A-14.

(xxv) That in response to the letters, contained in Enclosures Nos.A-13 and A-14, the applicants explained their position and submitted reply dated 10.5.1988 and 30.8.1988 respectively and stated that their original cards relating to working days were got deposited with the members of the Screening Committee at the time of screening and from them their number of days can be verified. The applicant No.2 also submitted photostat copies of the certificates/casual labour card along with his reply dated 30.8.1988 and explained his position. A true copy of reply dated 10.5.1988 and 30.8.1988 submitted by the applicants No.1 and 2 are filed herewith as ENCLOSURE NOS.A-15 & A-16.

(xxvi) That the applicants also met the respondent No.4 and verbally informed him that they do not possess the original casual labour cards, as they were already deposited with the members of the screening committee at the time of screening and their cards/other testimonials submitted by them are genuine and can not be declared as forged or fake.

(xxvii) That the applicants have not yet been appraised

of any decision taken by respondent No. 4 about the genuineness or otherwise of the certificates/testimonials produced at the time of screening.

(xxviii) That the applicants again submit that they had worked for 1542 days and 338 days respectively as casual labour under P.W.1/Construction, MFP/GKP and P.W.1 Palia Kalan till December, 1982 and their working days shown in the casual labour and contained in Enclosure No.A-1 and A-2 respectively are correct.

(xxix) That the applicants further respectfully submits that they did not use any forged or fake certificates or testimonials at the time of screening and their original casual labour cards were got deposited with the members of the Screening Committee at the time of screening.

(xxx) That besides the above, the respondents have no legitimate and just cause for asserting that the certificates and the testimonials deposited by the applicants at the time of screening were forged or fake.

(xxxi) That under the facts and circumstances of the case, the respondents ought to have enquired about the genuineness or otherwise of the testimonials before the publication of the panel dated 18.4.1983.

(xxxii) That it is strange that the respondents at no stage prior to the filing of the counter affidavit before the Tribunal in O.A.No. 747-86 ever disclosed that the applicants used forged and fake certificates at the time of screening. They also did not enquire about the said matter from the applicants prior to 16.5.1988.

(xxxiii) That the omission on the part of the respondents

about the matter stated in para (xxxii) above in itself establishes that the charge for use of forged and fake certificates is an after-thought to escape from their responsibility to absorb the applicants and other selected candidates.

(xxxiv) That the respondents did not act fairly and did not appoint the selected candidates in order of merit shown in the select list/panel dated 18.4.1983 instead adopted a pick and choose policy and absorbed those selected candidates who had the capacity to fulfil the illegal demands of the authorities concerned and ignored the applicants and other selected candidates, who had no capacity to satisfy the concerned authorities.

(xxxv) That it is relevant here to submit that the candidates shown below, the names of the applicants in the select list dated 18.4.1983 have been absorbed on Class IV posts but the applicants have been ignored without any just and reasonable cause.

(xxxvi) That the applicants have a legal right for their appointment on regular basis against the vacancies in preference to the candidates shown below, their names in the panel/list of selected candidates dated 18.4.1983 and there exists no legitimate reason to deny them such appointment.

(xxxvii) That the applicant No.1 has been authorised by the applicant No.2 to verify this application on his behalf.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

(I) Because the applicants did not use any forged/fake certificates or testimonials at the time of screening and the respondents legally could not have denied them appointment for that reason particularly when their names were included in the panel list of selected candidates.

(II) Because the respondents have no legal, valid and just material to establish that the applicants did not work for the days shown in their casual labour cards produced by them at the time of screening.

(III) Because the respondents have no legitimate and just cause for asserting that the certificates and testimonials produced at the time of screening were forged and fake.

(IV) Because the fact that the respondents at no stage prior to the filing of the counter affidavit before the Tribunal in O.A. Case No. 747 of 1986 ever asserted about the genuineness or otherwise of the certificates produced by the applicants itself establishes that the same was after-thought and purposely prepared by the respondents to save their skin.

(V) Because inclusion of the names of the applicants in the select/panel list vest them with the right to get the appointment and the same can not be denied in the manner and way in which it has been done in the present case.

(VI) Because the omission on the part of the respondents to appoint the applicants on the basis of select list is the sole result of the reason stated in sub-para (xxxiv) of para 4 above.

(VII) Because the act of the respondents in giving appointments to the candidates, shown below, the names of the applicants in select list ignoring the applicants is arbitrary, malafide, hit by Article 14 and 16 of the Constitution of India.

(VIII) Because the applicants have a legal right for

their appointment on regular basis against the vacancies in preference to the candidates shown below their names in the select list and there exists no legitimate reason to deny them such appointment.

(IX) Because all the original certificates/testimonials were got deposited with the members of the Screening Committee at the time of screening.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants declares that they have availed of all the remedies under the relevant Service Rules etc. The applicants initially preferred representations on 20.2.85 and on 10.5.1985 to General Manager, North Eastern Railway, Gorakhpur and to the Prime Minister of India respectively and later on preferred an application under section 19 of the Administrative Tribunals Act, 1985 (O.A.No. 747 of 1986) for redressal of their grievance which, vide judgment and order dated 24.9.1987 was decided with observations that the respondents may hold enquiry after giving opportunity to the applicants regarding genuineness of the certificates etc. produced at the time of screening. The applicants on 29.3.1988 and also on 8.8.1989 preferred representations to Divisional Railway Manager, North Eastern Railway, Lucknow, Respondent No.2 and the Prime Minister of India respectively, yet the respondents till date have not appointed the applicants.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :

The applicants further declares that with the exception of O.A.No. 747 of 1986, details of which are given below, they had not previously filed any applications, writ petition or suit regarding the matter in respect of which this application has been made before any court or

A
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any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them:-

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

O.A.No. 747 of 1986 at Alld. Chhatra Pal and 8 others

Versus

The Union of India and others:

Decided on 24.9.1987.

8. RELIEF SOUGHT :

✓ The Hon'ble Tribunal may be pleased to held the applicants entitled for regular appointment on Class IV posts under the respondent No.2 on the basis of panel dated 18.4.1983 contained in Enclosure No.A- 3 with effect from the date, on which the candidates shown next below to the applicants in the panel dated 18.4.1983 were appointed, with all consequential benefits of salary and seniority etc. directing the respondents to appoint the applicants accordingly.

9. INTERIM ORDER, IF ANY, PRAYED FOR :

N I L.

10. The application is personally presented through counsel.

11. PARTICULARS OF POSTAL ORDER FILED IN RESPECT OF THE APPLICATION FEE:

Postal Order No. DD 777/94

Dated:

4
11-10-1987

Issued by : High Court Bench, Post Office, Lucknow.

In favour of : Registrar, CAT, Allahabad.

Contd...14

Ee 714/17

12. LIST OF ENCLOSURES :

- S.No.1 - Enclosure No.1 : Casual labour card of applicant No.1.
- S.No.2 - Enclosure No.2 : Casual labour card of Applicant No.2.
- S.No.3 - Enclosure No.3 : Select/Panel list dated 14.4.1983.
- S.No.4 - Enclosure No.4 : Representation dated 20.2.1985 to General Manager.
- S.No.5 - Enclosure No.5 : Representation dated 10.5.1985 to the Petitions Officer to P.M.
- S.No.6 - Enclosure No.6 : Letter dated 5.6.1985 by Deputy Chief Mechanical Engineer (P), IZN to D.R.M.(P), Lucknow.
- S.No.7 - Enclosure No.7 : Letter dated 16.12.1985 by D.R.M. (P), Lucknow to Deputy Chief Mechanical Engineer(P), IZN.
- S.No.8 - Enclosure No.8 : Letter dated 8.8.1986 by D.R.M./LJN to D.R.M./IZN.
- S.No.9 - Enclosure No.9 : Tribunal's judgment and order dated 24.9.1987.
- S.No.10- Enclosure No.10 : Letter dated 14.3.1988 by Shri Deep Narain Bun, M.P.
- S.No.11- Enclosure No.11 : Representation dated 29.3.1988 to D.R.M./LJN.
- S.No.12- Enclosure No.12 : Representation dated 8.8.1989 to Petitions Officer of P.M.
- S.No.13- Enclosure No.13 : Letter dated 16.5.1988 by D.R.M. (P), LJN to applicant No.1.
- S.No.14- Enclosure No.14 : Letter dated 22.9.1988 by D.R.M. (P), LJN to applicant No.1.
- S.No.15- Enclosure No.15 : Reply of Applicant No.1 dated 10.5.1988.
- S.No.16- Enclosure No.16 : Reply of Applicant No.2 dated 30.8.1988.

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VERIFICATION

I, Chhatra Pal, aged about 30 years, son of Ram Ratan, resident of Village Beldiha, Post Office Charu, District Gonda, do hereby verify that the contents of paragraphs 1, 4 including sub-paras of para 4, 6, 7 and 8 to 12 are true to my personal knowledge and those of paragraphs Nos. 2, 3, 5, 8 and 9 are believed to be true on the legal advice and that I have not suppressed any material facts.

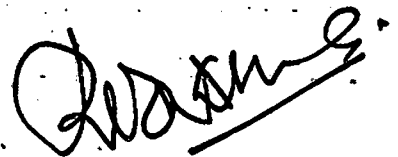
LUCKNOW:

DATED: 12.10.89

सुप्रतम

APPLICANT NO.1

THROUGH



R.C. Saxena

Advocate, High Court

8-3665, Rajajipuram, Lucknow

Before the Central Administrative Tribunal
(Lucknow Bench), A.O. महोदय

[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेन्ट]

श्री

का

वकालतनामा

(टिकट)

वादी (अपीलान्त)

Chhatra Pal and another

Union of India & others

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

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अपर लिखे मुकदमा में अपनी ओर से श्री

R C Saxena

Advocate, High Court

वकील

महोदय

E-3665, Raja Sirpuram, A.O.

एडवोकेट

नाम बरखास्त
मुकदमा नं० नाम
फरीकन बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज़ दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा और मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

६२५/८१

वलरायजी

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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महीना

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW

O.A. NO. OF 1989

CHHATRA PAL & ANOTHER

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APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

...

...

RESPONDENTS

COMPILATION NO.2

S.No.	Description of Documents impugned	Page Nos.
1.	<u>Enclosure No.A-1</u> - Casual labour card of applicant No.1.	16-18
2.	<u>Enclosure No.A-2</u> - Casual labour card of applicant No.2.	19-20
3.	<u>Enclosure No.A-3</u> - Select/Panel list dated 14.4.1983.	21-24
4.	<u>Enclosure No.A-4</u> - Representation dated 20.2.1985 to General Manager.	25-27
5.	<u>Enclosure No.A-5</u> - Representation dated 10.5.1985 to the Petitions Officer to P.M.	28-29
6.	<u>Enclosure No.A-6</u> -Letter dated 5.6.1985 by Deputy Chief Mechanical Engineer(P) IZN to D.R.M.(P), Lucknow.	30--
7.	<u>Enclosure No.A-7</u> - Letter dated 16.12.1985 by D.R.M.(P), Lucknow to Deputy Chief Mechanical Engineer(P), IZN.	31-34
8.	<u>Enclosure No.A-8</u> - Letter dated 8.8.1986 by D.R.M./LJN to D.R.M./IZN.	35-38
9.	<u>Enclosure No.A-9</u> - Tribunal's judgment and order dated 24.9.1987.	39-42
10.	<u>Enclosure No.A-10</u> - Letter dated 14.3.1988 by Shri Deep Narain Bun, M.P.	43-44
11.	<u>Enclosure No.A-11</u> - Representation dated 29.3.1988 to D.R.M./LJN.	45-47
12.	<u>Enclosure No.A-12</u> - Representation dated 8.8.1989 to Petitions Officer of P.M.	48-50
13.	<u>Enclosure No.A-13</u> - Letter dated 16.5.1988 by D.R.M.(P), LJN to applicant No.1.	51-52
14.	<u>Enclosure No.A-14</u> - Letter dated 22.9.1988 by D.R.M.(P), LJN to applicant No.1.	53--
15.	<u>Enclosure No.A-15</u> - Reply of Applicant No.1 dated 10.5.1988.	54-55
16.	<u>Enclosure No.A-16</u> - Reply of Applicant No.2 dated 30.8.1988	56-58

LUCKNOW:

DATED: October 12, 1989.

SIGNATURE OF THE APPLICANT

of 1989 (L)

Chhatra Pal and another

Applicants.

Versus.

Union of India and others

Respondents.

Enclosure No. A-1

Instructions

- ### Instructions
1. जिस व्यक्ति के नाम यह कार्ड जारी किया गया है, इसे सुरक्षित रखने की जिम्मेदारी भी उसी की है।
The person to whom this card is issued is responsible for its safe custody.
 2. किसी जो स्थिति में इस कार्ड की अनुकृति (डुप्लीकेट) जारी नहीं की जा सकती।
No duplicate card can be issued under any circumstances.
 3. इसके खो जाने पर, कोचम रिपोर्ट करना चाहिए।
In case of loss, the fact should immediately be reported.
 4. प्रत्येक नई नियुक्ति के समय इस कार्ड को नया अवसर ही प्रस्तुत करना चाहिए।
This card should invariably be produced at the time of every fresh appointment.
 5. इस कार्ड के बिना स्थायी नियुक्ति के लिए किए गए दावे पर विचार नहीं किया जायगा।
No claim for permanent absorption will be entertained without this card.
 6. नियुक्ति के संबंध में प्रस्तुत किये गये किसी अन्य प्रकार के प्रमाण को नहीं माना जायगा।
Any other form of evidence in support of his employment will not be taken cognisance of.
 7. इस कार्ड के दुरुपयोग होने पर चारक रेल की सभी तरह की नीकियों के लिए दायरदार कर दिये जाने का माग्य होगा।
Any misuse of this card shall render its owner liable for being disqualified from railway service of all kinds.



Name in full

(in Block letters)

2. पिता का नाम रामचंद्रन

1. क्या अनुसूचित जाति के हैं
Scheduled Caste or not..... **नहीं**

मधीनस्थ कार्यकारी के हस्ताक्षर
Signature & Designation
of Subordinate Incharge

ATTESTED

High Court
Rajajipuram, Lucknow

प्रथम नियुक्ति के समय भरे जाने वाले
व्यक्तिगत ध्योरे
Personal details to be filled in on
first appointment

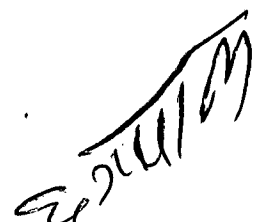
1. पूरा नाम
Name in full.....**इन्द्रपाल**.....
(in Block letters)
2. पिता का नाम
Father's name.....**रामरतन**.....
3. जन्म तिथि
Date of birth.....**6-10-1959**.....
4. नैमित्तिक नियुक्ति के समय आयु
Age at initial Casual Employment.....**18 वर्ष**.....
5. शैक्षिक योग्यता
Educational Qualification.....**हाई स्कूल**.....
6. पहचान के व्यक्तिगत चिह्न
Personal marks of identification:—
को निशान
(i) बायें पैर के ऊपर $\frac{1}{2}$ " का निशान
(ii) दाहिने गाल पर $\frac{1}{2}$ " का दो कटे का निशान
7. प्रारम्भिक नियुक्ति किस प्रकार की
Nature of employment on initial employment } **आकारिसेक श्रमिक**

8. स्थायी पता
Permanent address:.....**नाम - इन्द्रपाल, पत्नी - सुनीता**.....
- डाकघर
Post office.....**नाम -**.....**पाना**.....**Police Station**.....
- तहसील
Tahsil.....**जिला गढ़वा**.....**Dist. & State**.....**मेरठ**.....
9. वारिस का पूरा नाम
Name in full of heir.....**रामरतन**.....
10. सम्बन्ध
Relationship.....**पिता**.....
11. वारिस का स्थायी पता
Permanent address of heir.....**इन्द्रपाल**.....

इन्द्रपाल
नैमित्तिक श्रमिक के हस्ताक्षर अथवा
बायें अंगुठे का निशान
Signature or LTI of the Casual Labour.

TRUE COPY
ATTESTED


P.C. Saxena
Atteste, High Court
8-3665, Rajajipuram, Lucknow



1/5

नैमित्तिक श्रमिक के रूप में सेवा-बुल
Record of Service as Casual Labour

प्रारम्भिक नियुक्ति का तिथि
Date of initial employment.....16-1-78.....

नियुक्ति की अवधि Period of employment.		कार्यभार की किस्म Nature of Assignment.	पर्यवेक्षक के हस्ताक्षर एवं पदनाम तिथि सहित Signature and designation of the supervisor with date.
किस तिथि From	किस तिथि तक To...		
16-1-78	15-3-78	C. Khatala	59
16-3-78	15-12-78	"	75
16-1-79	31-12-79	"	340
16-1-80	15-2-80	"	31
16-2-80	15-5-80	"	86
16-6-80	15-9-80	"	75
21-9-80	15-12-80	"	80
16-1-81	30-6-81	"	160
Total-1100 Days			
P. W. I. (Const.) M.E.R. Mansaffarpur			

नैमित्तिक श्रमिक के रूप में सेवा-बुल
Record of Service as Casual Labour

प्रारम्भिक नियुक्ति का तिथि
Date of initial employment.....1-1-81.....

नियुक्ति की अवधि Period of employment.		कार्यभार की किस्म Nature of Assignment.	पर्यवेक्षक के हस्ताक्षर एवं पदनाम तिथि सहित Signature and designation of the supervisor with date.
किस तिथि From	किस तिथि तक To		
15-7-81	30-6-81	C. खताला	78
5-10-81	31-12-81	"	88
16-1-82	30-4-82	"	105
5-5-82	13-8-82	"	102
1-8-82	8-11-82	"	63
कुल मोजुद			442
P. W. I. (Const.) M.E.R. Mansaffarpur			

TRUE COPY
ATTESTED


Q.C. Saxena
Advocate, High Court

U-2335, Rajajipuram, Lucknow

चक्रपात्र

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

TRUE COPY
ATTESTED

[Signature]

R.C. Chandra
Advocate
Bajajpur, Lucknow

Chhatra Pal and another

...

Applicants.

Versus.

Union of India and others

...

Respondents.

Enclosure No. A-2

सत्यमेव जयते

संख्या
No.

राज्य
Railway

वर्ग
(वर्ग)

के सिद्धे सेवा-पुस्तिका
SERVICE BOOK FOR CASUAL LABOUR

1. पूरा नाम
Name in full
(In block letter)

2. पिता का नाम
Father's name

3. जन्म तिथि
Date of birth

4. पहली अनियत नियुक्ति के समय आयु वर्ष महीना
Casual employment age at initial Years Months

5. पहचान के निशान
Personal mark of identification

- (1) बायें हाथ के चूरे पर 'म' का निशान
- (2) दाहिने हाथ के चूरे पर 'म' का निशान

6. पहली नियुक्ति में कार्य का विवरण
Nature of job on initial employment

बायें घण्टे का निशान
L.T.L.

पहले नियुक्ति का स्वर परीक्षा के निशान
Signature of the
First Appointing Senior Supervisor

बलिम वल. (सिरी)

अनिमित्त मजदूरों का
RECORD OF SERVICE

क्रमा संख्या Sl. No.	नौकरी की अवधि Period of employment	
	प्रारम्भ तिथि From	समाप्ति तिथि To
1	2	3
16-4-76	31-12-76	45 दिन
5-1-77	26-2-77	53 दिन
16-3-77	15-5-77	61 दिन
17-5-77	31-7-77	76 दिन
20-8-77	30-11-77	163 दिन
		कुल - 338 दिन

बालिका मकान

सेवा-अभिसेक
AS CASUAL LABOUR

कार्यभार की क्रम Nature of assignment	पर्यवेक्षक के हस्ताक्षर पद तथा तिथि Signature and designa- tion of the supervisor with date.
	5

TRUE COPY
ATTESTED



D.C. Saxena

Advocate, B.N. Road

B-2665, Rajajipuram, Lucknow

६२१५१५

21

A/S

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(LUCKNOW BENCH), LUCKNOW.

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

Chhatra Pal and another ... Applicants.

Versus.

The Union of India & others ... Respondents.

Enclosure No. A-3

NORTH EASTERN RAILWAY

Result of screening of casual labours/Substitutes
of Mechanical Dept. (Loco) & Managing & Personnel
Branches 1982-83 - L.J.N. Division.

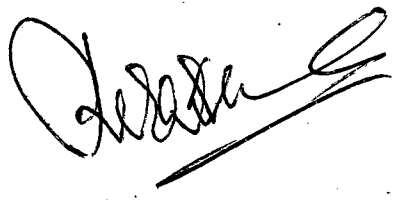
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As a result of the screening of the casual labours/
substitutes of Mechanical Dept. (Loco) and Managing
& personnel branches held at Gorakhpur, Gonda, Lucknow,
Mailani, Kanpur Anwarganj and absentees test at L.J.N.
in the month of Jan., Feb., & March, 1983, the
following candidates have been declared suitable for
recruitment to the ~~ex~~ class IV service of Mech.
Dept./L.J.N. Divi.

It is very necessary that the dates of birth
and SC/ST certificates should be rechecked by the
dealing section of Personnel Branch at the time of
appointment, completion of service records and initial
medical examination etc. and other procedures laid
down in Estt. Codes in this regard.

The competent authority (DRM) has been
pleased to accord his approval to this panel on
14.4.83.

TRUE COPY
ATTESTED


P.C. Saxena
Advocate, High Court
E-3665, Rajajipuram, Lucknow

List 'A' General Candidates.

S. No.	Names	Father's name	DOB	Total service on 30.6.1981
1.	Zamil	Khalil	5.11.47	5222
61.	Chhatrapal	Ram Ratan	6.10.59	1542
62.	Uday Shanker	Ram Ayodhya	15.6.55	1537
409.	Balramji	Lallan	6.11.51	250
410.	Ravindra Rai	Hari Shanker Rai	10.5.60	249
448.	Ram Shanker Singh	Ram Chandra	1.1.59	120

Four hundred and forty eight names only.

SC/ST/Mg. 'P' Lists
attached.

Sd/- Illegible
18.4.83
for Divl. Rly. Manager (P)
NER/LJN.

No. E-227/Scrg/8/Mech. (LOCO/M&P).88. Dt. 18.4.83

Copy to OS(P) Cadre Mech. Loco, He will please arrange for the medical exam. and other formalities and post these men against ready vacancies.

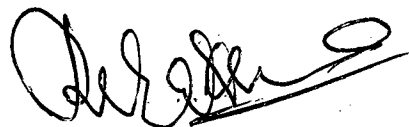
SDME/,LJN. GM(P)/GKF for information.

All concerned for information and necessary action.

All LPs and notice boards for information. Recognised Unions for information.

TRUE COPY
ATTESTED

Sd/- Illegible,
18.4.83
for Divl. Rly. Manager (P)
NER/LJN.



P.C. Saxena
Advocate, High Court
E-3665, Rajajipuram, Lucknow

दत्तपाल

**LIST 'B' - Reserved Communities
Mechanical (LOCO.) CL/Substts.
found suitable for class IV.**

A. Scheduled Caste.

1- Jagat Ram	Ram Purai	27-3-49	3634
2- Chhingur Prasad	Bipat	19-12-50	3145
3- Sri Pal	Thakur Prasad	28-12-52	1640
4- Kanak Singh	Rikhi Muni	15-1-59	1530
5- Shyam Lal	Budhani	14-11-51	1504
6- Suresh Chandra	Maikoo	16-11-57	1429
7- Ram Shanker	Chaturdeen	1-1-57	1385
8- Baboo Lal	Ram Surat	9-7-59	704
9- Suresh Kumar	Mool Chand	5-5-55	675
10- Ram Prasad	Chheddi	15-3-55	576
11- Lal Bachhan	Chhottoo	14-4-60	490
12- Ayodhya Pd. Dhani Lal	Ayodhya Pd.	5-2-62	351
13- Krishna Kishore	Noti Lal	3-12-62	351
14- Rudal	Dal Singar	2-7-57	351
15- Bhagwati Prasad	Devi Deen.	7-4-56	310
16- Ram Prasad	Baboo Lal	10-3-62	250
17- Ram Pal	Dev	15-7-53	249

Sd/- Illegible
18-4-83

Seventeen names only.

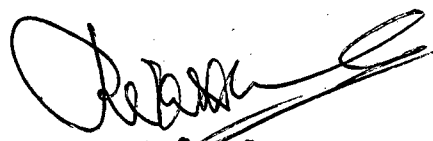
List 'B' Scheduled Tribes

1- Sahtoo	Bhooleet	12-8-54	1313
-----------	----------	---------	------

Sd/- Illegible
18-4-83

ONLY ONE NAME

TRUE COPY
ATTESTED


R.C. Saxena
Advocate, High Court
E-3665, Rajajipuram, Lucknow

42147m


List 'C' - Managing & Personnel Dept.
CL/Substts. screened and found
suitable for class IV service.

S.No.	Name & father's name	Date of birth	Total No. of wks. days as on 30-6-81
1-	Ram Deo Kandhai	25-2-53	1856
2-	Mustaque Ahmed Rajjab Kahan	27-8-46	1848
3-	Frem Nath Janki Prasad	3-9-54	1068
4-	Jagdish Pd. Shanker Dutt Devrani	16-12-55	874
5-	Raj Kumar Nankoo	21-2-55	847
6-	Nand Lal Nathuni Ram	1-7-58	827
7-	Jangali Yadav Dehari	17-2-54	791
8-	Vijaya Bhadur Harkhoo Raja Ram	20-1-55	762
9-	Jagat Narain Harkhoo Lal	20-1-56	753
10-	Munna Jangali	30-4-56	754
11-	Om Prakash Raghunandan	10-10-57	575
12-	Krishna Kumar Mohan Lal	1-7-57	572
13-	Bachoo Lal Ram Bhawan	19-9-58	570
14-	Bisheshwar Chhedi Yadav	15-12-58	569
15-	Mainudin Ansari Mohamad	-62	528
16-	Lalji Yadav Balgovind Yadav	3-5-62	515
17-	Dhani Phool Chand	15-2-61	442
18-	Ram Dularey Kanta Prasad	1-1-57	414
19-	Dhani Ram Santoshi	1-7-59	400
20-	Mahadeo Paltey	10-2-47	386
21-	Jai Prasad Lallan Prasad	8-4-63	330
22-	Om Prakash Sheo Prasad	1-4-57	253
23-	Swami Nath Jay Shri	3-1-59	237
24-	Nanney Chheda	20-3-57	207
25-	Vinod Kumar Hargovind Dayal Srivastava	6-8-60	144
26-	Ram Bilas Rangi Prasad	1-1-57	144

Twenty Six names only.

Sd/- Illegible
18-4-83

TRUE COPY
ATTESTED


Q.C. Sarana
Advocate, High Court
E-3665, Rajajipuram, Lucknow

27/4/83

25

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

8/5

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

Ghhatra Pal and another --- Applicants
Versus
Union of India & others --- Respondents.

Enclosure No. A-4

To,

The General Manager,
N.E. Railway,
Gorakhpur.

Respected Sir,

Subject: RECRUITMENT OF CLASS IV STAFF IN
MECHANICAL BRANCH OF N.E. RAILWAY
LUCKNOW DIVISION.

Reference Results of written test published vide No. E/227/Scrg/5/Mech(Loco/M&P) 83 dated 18.4.83.

We the following staff beg to bring to your kind notice for favourable consideration as under :-

1- That we worked as casual labourers in BG construction project in North Eastern Railway, Lucknow, Division and were subsequently called for screening test held at Gonda and some other places in Jan, Feb & Mar 1983.

2- As per notification published vide DRM(P)'s letter No. E/227/scrg/8/Mech (Loco/M&P) 83 dated 18-5-83 we were duly screened and approved for appointment as class IV staff in the Railway.

3- That subsequently we were called for medical examination and were duly found medically

TRUE COPY
ATTESTED


R.C. Saxena

Advocate, High Court

G-2455, Rajajipuram, Lucknow

27/4/83

fit for appointment in the month of May, 1983.

4- That all the medical fit certificate have been duly deposited in office of the DEM(P) NE Railway, Lucknow so that early appointments can be made.

5- That members junior to us have already been appointed and posted at various places in supersession and ignoring our seniority but unfortunately we have not yet been appointed for which we are suffering badly.

6- That we have represented to the concerning officers repeatedly but with no results.

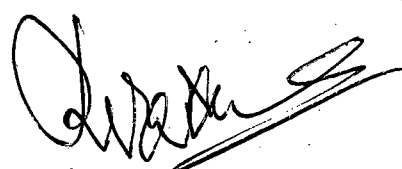
We, therefore, fervently pray that your kindness may please intervene the matter and issue suitable orders so that we are appointed without any further delay.

We are at present out of job and facing extreme hardship financially.

Thanking your

Yours faithfully,

T. T. O. Y
ATTESTED



R. C. Saxena
Advocate, High Court

E-3655, Rajajipuram, Lucknow

Copy forwarded to the following for information and early necessary action. If no suitable reply is received in 15 days from the receipt of this letter, we the undersigned will be obliged to take the recourse of legal action to have our rights established for appointment.

1- Divisional Railway Manager,

NE Rly, Lucknow.

2- Senior Division Personnel Officer,

NE Rly, Lucknow.

24/1/83

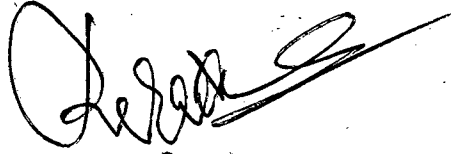
-- 3 --

<u>Sl. No.</u>	<u>Name</u>	<u>Father Name</u>
1- 58	Ram Dayal	Banaras
2- 61	Chhatrapal	Ram Ratan
3- 66	Dhruv Chandra	Sheo Pujan
4- 68	Rama Shanker	Bans Raj
5- 71	Girish Chandra Sharma	Bachhan Sharma
6- 73	Shyam Manohar	Ram Dhiraj Sharma
7- 193	Vinod Kumar Sh- arma	Ram Gopal Sharma
8- 194	Ashok Kumar Gupta	Babu Lal Gupta
9- 318	Krishna Dev Singh	Tej Bahadure Singh
10- 319	Hriday Narain Misra	Chandra Dev Misra
11- 320	Lalji	Ram Swarath
12- 332	Shyam Manohar Sharma	Ram Dhiraj Sharma
13- 409	Balram ji	Lallan

Address.

Ram Dayal S/O Banaras
 Village - Balaiya
 Post - Chharu
 Distt - Gonda
Dated - 20-2-85

TE COPY
 ATTESTED


 P.C. Saxena
 Advocate, High Court
 E-3665, Rajajipuram, Lucknow

2741M

**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.**

O.A. No. of 1989 (L)

Chhatra Pal and another Applicants.

Versus.

The Union of India & others Respondents.

Enclosure No. A-5

To,

The Sr. Petitions Officer,
Prime Minister's Office,
Rail Bhawan,
NEW DELHI.

Respected Sir,

With due respect and humble submission, we beg to submit that we were selected for the class IV posts vide DRM(P)/LJN's Panel No. E/227/Screening/8/Mech/Loco/M&P) dt. 18-4-83. The Panel was approved by the competent authority i.e. DRM/LJN on 14-4-83. In question selected candidates contains 448 names (copies of screening list are enclosed herewith).

The Sr. DPO/N.E.Rly./LJN has issued appointment letters in favour of candidates placed at following S.Nos. of the panel.

1,2,5,9 to 13,16,18,23,32,34 to 37, 39 to 41,
47,48,69,72,76,79,82,88 to 89,98,103 to 104,
106,111,116,118 to 119, 136,143,145,147,152,4
154,156,162,173,175,178,192,217,242,247 to
248, 252 to 253,270,292,302,317,362 to 373.

Although we are placed at S.Nos. 58,61,66,
68,71,73,193,194,197,234,235,236,237,238,293,297,318.

TRUE COPY
ATTESTED

[Signature]
R.C. Saxena
Advocate, High Court
E-3555, Rajajipuram, Lucknow

E-214129

319, 320, 326, 332, 356, 357, 367 ;

and are senior but we are still denied appointments as though we have approached to GM/NE.Rly./G.K.P. vide our application dated 20-2-85 (copy enclosed).

In view of the above we would request your kind honour to look into the matter so that we may get justice and livelihood as we have no other source of income.

We hope your honour will do the needful for which we shall be highly grateful for ever.

Thanking you in anticipation please.

Yours faithfully,
Sd/- Ram Dayal,
Sl. No. 58
S/O Banaras,
Vill. Beldhia,
Post Charu,
Dist. GONDA.

Copy forwarded to the following for information and necessary action please :

- 1- Sri Bansi Lal, Hon'ble Minister for Railway, Rail Road Bhawan, New Delhi.
- 2- Sri Madho Rao Sindhiya, Hon'ble State Minister for Railway, Rail Bhawan, New Delhi.
- 3- The Chairman, Railway Board, Rail Bhawan, New Delhi.
- 4- Sri Anand Singh, M.P. 17, Tilak Marg, New Delhi.

Yours faithfully,

356- Sheo Prasad S/O
Dhan Raj

357- Bajrang Bahadur S/O
Sheo Kumar

367- Rajendra Pr. S/O
Kripa Shanker Lal

- 58- Ram Dayal S/O Banaras
- 61- Chatra Pal S/O Ram Ratan
- 66- Dhruv Chandra S/O Shiv Pujan
- 68- Rama Shanker S/O Bans Raj
- 71- Girish Chandra Bhatt S/O Bachhan Sharma
- 73- Shyam Manohar S/O Ram Dhiraj Sharma
- 193- Vinod Kumar Sharma S/O Ram Gopal Sharma
- 194- Ashok Kumar Gupta S/O Babu Lal
- 197- Onkar S/O Daya Ram
- 234- Ram Narayan S/O Patarai
- 235- Ganga Ram S/O Baij Nath
- 236- Komal Prasad S/O Bhagwan Dass
- 237- Ram Laut S/O Ram Dukarey
- 238- Mahant Lal S/O Ram Dhani
- 293- Ram Kewal S/O Shitla Prasad
- 297- Satya Prakash S/O Shiva Prasad
- 318- Krishna Dev Singh S/O Tej Bahadur Singh
- 319- Hriday Narain Misra S/O Chandra Dev Misra
- 320- Lalji S/O Ram Swarath
- 326- Parashu Ram S/O Bal Chand
- 332- Shyam Manohar Sharma S/O Ram Dhiraj Sharma

[Handwritten signatures and marks]

तमसा माननीय प्रशासनिक अधिकरण : लखनऊ डेन्यः, लखनऊ ।

ओ००२० नं०

आफ 1989 : एतः

उत्तरवात तथा अन्य

वादी

बनीम

भारत तरफार तथा अन्य

प्रतिवादीगण

स्वकृत्र नं० ए-6

पूर्वोत्तर रेलवे

कार्यालय
उप मुख्य प्रौढिक इज्जतनगर
: कार्यालयः
इज्जतनगर दिनांक 5-6-1985

बत्र नं० बो/का/227/1/भर्ती

तेवा में,

मण्डल रेल प्रबन्धक : कार्यालयः
पूर्वोत्तर रेलवे-इज्जतनगर
मण्डल रेल प्रबन्धक : कार्यालयः
पूर्वोत्तर रेलवे, लखनऊ एवं इज्जतनगर

विषयः- कार्यालय इज्जतनगर में प्रौढिक विभाग
द्वारा रिक्त स्थानों की पूर्ति करना ।

कृपया अपने मण्डल के प्रौढिक विभाग में छानबीन
परीक्षा उत्तीर्ण किये हुए केवल लेबर/तबस्टीच्युट अभ्यर्थियों के डेनल
की सूची अतिशरीर इत कार्यालय में भेजने की कृपा करें ताकि उन
अभ्यर्थियों में चयन करके कार्यालय इज्जतनगर में रिक्त स्थानों को महा-
प्रबन्धक प्रौढिक के गोपनीय बत्र नं० एम/एत एत/10/ती०एत/10/
दिनांक 27-5-1985 के निर्देशानुसार भरा जा सके ।

इतक अति आवश्यक समझे ।

ह/०

कृते उप मुख्य प्रौढिक इज्जतनगर
: कार्यालयः
इज्जतनगर ।

TRUE COPY
ATTESTED

Q.C. Saxena
Munshi High Court
C-2222, Rajajipuram, Lucknow

द गजपाल

तमसा माननीय प्रशासनिक अधिकरणः लखनऊ बेंचः, लखनऊ ।

ओ०ए०नं०

आफ 1989 : एलः

उत्तरपाल तथा अन्य

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादी गण

सनकज़र नं० स-7

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पूर्वोत्तर रेलवे

कार्यालय
मण्डल रेल प्रबन्धक : का:

बत्र तं० ई/227/स्क्रोनिंग/8/यांत्रिक: लोको: /एम एण्ड बी/83
दिनांक 16-12-85

उष मुख्य यांत्रिक इंजीनियर: का०:
इज्जतनगर ।

विषयः :- यांत्रालय इज्जतनगर में यांत्रिक विभाग द्वारा
रिक्त स्थानों की पूर्ति ।

CCCCCCCC

तदर्थ :- आबका बत्र तं० या/का०/227/1/भर्ती दिनांक
5-6-85 एवं तकाधि: डब्लू: का अ०त०ब० तं०
एम/ई/227/1/स्क्रोनिंग दिनांक 26-7-1985

CCCCCCCC

आबके उपरोक्त बत्र के अनुसार इत मण्डल में लोको विभाग
में स्क्रोनिंग अभ्यर्थियों को नामिका जो आबके कार्यालय द्वारा मांगई
गई है भेजी जा रही है । यह अभ्यर्थी चतुर्थ प्रेणी में चयनित तालिका
में है जिनकी छावत इत मण्डल में नहीं की जा सकी है । क्योंकि
डीजल इंजन से लोको ताइड में स्वीकृत कम कर दी गई है ।

2- इत मण्डल में यांत्रिक विभाग में रिक्त स्थानों की पूर्ति हेतु
एक चयन किया गया था जिसकी तालिका 18-4-1983 को मं०रे०
के अनुमोदन से निकाली गई थी उनमें से बहुत से अभ्यर्थियों की खवत
इत मण्डल में डिजिलाइजेशन होने के कारण नहीं की जा सकी है ।

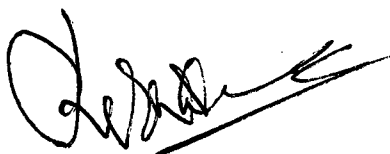
3- 62 चयनित अभ्यर्थियों को एक नामिका भेजी जा रही है ।
जिसमें अभ्यर्थियों का पूर्ण विवरण है । अभ्यर्थियों के तार्वीफिकेड एवम
डाक्टरों प्रमाण बत्र इत कार्यालय में उपलब्ध है जो आब द्वारा
मांगि जाने पर भेज दिये जायेंगे ।

4- यह तालिका अ०म०रे०ब० के अनुमोदन से भेजी जा रही है ।

तलपनक: 1- लिस्ट अभ्यर्थी
2- स्क्रोनिंग डेनल

ह/० x x x
कुते मण्डल रेल प्रबन्धक: का:
लखनऊ

TRUE COPY
ATTESTED



R.C. Saxena

Advocate, High Court

E-3665, Rajajipuram, Lucknow

देखपाल

प्रस. क्र. ०
अवधि का नाम

पिता का नाम

उपरोक्त पिन
क्रमांक

जन्मतिथि

पता

15/1

संख्या	विधवा का नाम	पिता का नाम	उपरोक्त पिन क्रमांक	जन्मतिथि	पता
1-	सुखी विधवा का नाम	रामचन्द्र सिंह	38	18-1-54	रेलवे कम्पलाइस कन्सुमर्स कोऑपरेटिव सोसाइटी को-ऑपरेटिव
2-	अयोध्या प्रसाद	महाजन सिंह प्रसाद	39	02-7-48	को-ऑपरेटिव
3-	सुखपाल	रामरत्न	61	06-10-59	बी/1 ग्राम विवाहिता पो 0 चारु, बिना गोपडा
4-	प्रसन्न चन्द	श्री प्रसन्न	66	12-8-58	बी/1 ग्राम विवाहिता पो 0 चारु, बिना गोपडा
5-	रमाकिशोर	सुखराज	68	1-1-61	बी/1 ग्राम कोडरी पो 0 विधानापुर, बत्ती
6-	विजय चन्द भद्र	बच्चन शर्मा	71	2-1-52	बी/1 ग्राम बडडाक पो 0 मिथरहा, बत्ती
7-	श्याम सुन्दर	रामधीरज	73	01-7-57	बी/1 टटार वीथ मार्ड मास्टर, रनडरहेल्ले/नोरकुल
8-	सुखमल बत्तीस चौ	सुखमल हनीष चौ	158	01-7-58	- ग्राम विवाहिता पो 0 चारु, गोपडा
9-	अजय के रत्न चौ	अमिताभ	160	20-10-60	बी/1 पो 0 व पो 0 बडगांव - गोपडा
10-	लक्ष्मी प्रसाद	रामभद्र	164	10-10-57	बी/1 रल/18/ई बडगांव रेलवे कालोनी गोपडा
11-	दीपिका लाल	कामाजी प्रसाद	172	01-1-60	बी/1 रल/18/ग्राम व पो 0 कन्सुमर विवा गोपडा
12-	रामलाल	रामलाल	177	01-8-54	- रेलवे कोपरेटिव सोसायटी गोपडा
13-	राम चम	राम देव तिलवारी	179	05-1-60	-
14-	बीरेन्द्र पाल राय	सुखीपाल राय	180	18-12-55	बी/1 ग्राम देरी पो 0 बडगांव - गोपडा
15-	श्याम प्रकाश सिंह	लदानन्द सिंह	184	26-12-58	बी/1 ग्राम महरापुर पो 0 कन्सुमर-बत्ती
16-	सुभा राम	सुखल किशोर पाण्डे	188	15-1-60	बी/1 ग्राम व पो 0 रलक पिप बिलवा
17-	अनिल लाल शर्मा	भीमा प्रसाद	190	1-9-58	बी/1 ग्राम देरी पो 0 बडगांव गोपडा
18-	विनोद कुमार शर्मा	रामचन्द्र शर्मा	193	14-5-59	बी/1 ग्राम देरी पो 0 बडगांव गोपडा

TRUE
ATTESTED

Dr. C. Sankar
Secretary, Sahasr
Co-Operative, Sahasr

Dr. C. Sankar

Dr. C. Sankar

37

== 2 ==

TRUTH ATTESTED

Dr. C. S. Srinivasan
Dr. C. S. Srinivasan
Dr. C. S. Srinivasan

Dr. C. S. Srinivasan
Dr. C. S. Srinivasan
Dr. C. S. Srinivasan

Dr. C. S. Srinivasan
Dr. C. S. Srinivasan
Dr. C. S. Srinivasan

Dr. C. S. Srinivasan
Dr. C. S. Srinivasan
Dr. C. S. Srinivasan

19-	अशोक कुमार गुप्ता	बाबू लाल गुप्ता	194	06-7-61	बी/1 एल/101-स सेमरा कालोनी बड़गाँव गोन्डा
20-	रामप्रकाश सिंह	मदन मोहन सिंह	199	15-10-55	बी/1 रेवडे कोळकोठी गोन्डा
21-	रामधेर	नौधर	201	15-7-57	-बडी-
22-	राममनोहर पाण्डे	राममनोहर पाण्डे	200	11-4-51	-बडी-
23-	जोगा कुमार सिंह	रामबल्लभ सिंह	202	10-2-63	बी/1 रेवडे कोळकोठी गोन्डा
24-	बुध्द	भयम	203	1-12-54	-बडी-
25-	कन्हैया लाल	देवरा दीन	211	06-5-62	-बडी-
26-	रामबल्लभ सिंह	भयम बिहारी सिंह	212	01-9-61	-बडी-
27-	रामकेवल	लाल	215	08-1-55	-बडी-
28-	जगत नारायण सिंह	रामगरीब सिंह	216	08-5-57	-बडी-
29-	ईश्वरदीन	रामदास	220	16-8-59	बी/1 ग्राम दत्तनगर बिजेन पोठ बड़गाँव गोन्डा
30-	गुलतीराम	दामोदर	262	5-3-58	बी/1 ग्राम दत्तनगर बिजेन पोठ बड़गाँव गोन्डा
31-	मुहम्मद इमहाक	हल्लहाक	267	04-2-60	बी/1 ग्राम बिस्मापुर पोठ लल्लपुर- गोरखपुर
32-	मिर्जेश कुमार श्रीवास्तव	गया प्रताप	269	30-12-58	
33-	रामधुरत	कामता	294	07-5-60	ग्राम बारारराय पोठ हौदियाथोक गोन्डा
34-	हरिश चन्द	रामदास	295	8-6-61 ए/1	ग्राम हुदी रायपुर पोठ हरपुर तिवारी मोरखुर
35-	भगवान दीन	रामदास	310	02-3-60	बी/1 ग्राम दत्तनगर बिजेन पोठ बड़गाँव गोन्डा
36-	दयानन्द सिंह	बडी नारायण सिंह	312	01-5-62	बेरा रेवडे कालोनी बड़गाँव गोन्डा
37-	हृदय नारायण मिश्रा	चन्द देव मिश्रा	319	10-6-61	बी/1 ग्राम आहिरपापुर पोठ देवीरया मोर, देवीरया
38-	लाल जी	रामरवारय	320	26-7-54	बी/1 ग्राम बिन्डीडा पोठ चारु बिन्डी गोन्डा
39-	कृष्णदेव सिंह	तेज बहादुर सिंह	318	3-12-58	बी/1 ग्राम लिंगवा पोठ चारु बिन्डी गोन्डा
40-	सिद्धेश्वर	समभूषण	322	3-12-58	ग्राम पन्डे सुन्दर पोठ मोहरीसराय बड़गाँव गोन्डा

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40-	11 भागिकर	राममनोहर	322	3-9-58	ग्राम पाई गुरवा पो० लोहीरयाँव बहराव
41-	रामनेबाब	राबाराम	323	17-11-55	बी/1 ग्राम व पो० हारगुर मोन्डा
42-	सुरज नारायण	गुरदयाल	324	04-7-60	बी/1 ग्राम लालपुर अलारास पो० बारालाया वि० मोन्डा
43-	श्याम मनोहर	रामधीरज राय	332	01-1-57	बी/1 ग्राम लेमरा टन्मन पो० बड़गाँव मोन्डा
44-	परमेश्वरी सिंह	नन्दन सिंह	341	12-9-58	बी/1 ग्राम मुन्ना सिंह तरक पो० मानकरामपुर बहराव
45-	जलील अहमद	अहमद लालार	366	18-4-58	र/1 ग्राम बरुआ पो० बरुआ पो० बरुआ पो० बरुआ पो० बरुआ पो०
46-	अशोक कुमार	श्याम बिहारी	369	18-4-58	बी/1 ग्राम गुरवा पो० बरुआ पो० बरुआ पो० बरुआ पो०
47-	आलमा नू राम	राम हेरे तिलवारी	370	16-12-59	बी/1 ग्राम गुरवा पो० बरुआ पो० बरुआ पो० बरुआ पो०
48-	राम अमल	बिन्देश्वरी प्रताप	372	01-2-57	बी/1 ग्राम गुरवा पो० बरुआ पो० बरुआ पो० बरुआ पो०
49-	कुशी राम	पारत नाथ	385	01-7-57	बी/1 ग्राम गुरवा पो० बरुआ पो० बरुआ पो० बरुआ पो०
50-	विजय प्रताप सिंह	जानकी सिंह	390	30-8-58	ग्रामकोडरी नाथीपुर पो० हुरगुर बहराव
51-	भानु प्रताप सिंह	परम हंस सिंह	395	30-5-60	ग्राम व पो० गुरवा पो० बरुआ पो० बरुआ पो०
52-	राम बल तिलवारी	अयोध्या प्रताप	398	01-1-60	बी/1 ग्राम गुरवा पो० बरुआ पो० बरुआ पो० बरुआ पो०
53-	दिनेश कुमार	रामआलरे लाल	400	07-1-62	ग्राम बेरी पो० बड़गाँव मोन्डा
54-	अलमाक अहमद	महमूद	401	01-7-60	बी/1 बल/35 रेववे कालोनी मोन्डा
55-	समयल हुसैन	महमूद हुसैन	402	01-6-60	बी/1 बल/31 रेववे कालोनी मोन्डा
56-	बलराम जी	लालन	409	6-11-51	बी/1 ग्राम लेमरा टन्मन पो० बड़गाँव मोन्डा
57	अभुददीन अन्तारी	मुहम्मद लदीक प्रताप	416	01-1-58	बी/1 ग्राम मुलीरया पो० बरुआ पो० बरुआ पो०
58-	ओम प्रकाश	रामधारी प्रताप	419	02-1-61	बी/1 ग्राम मुलीरया पो० बरुआ पो० बरुआ पो०
59-	रबीन्द्र प्रताप	भरत किशोर	418	1-1-59	बी/1 ग्राम मुलीरया पो० बरुआ पो० बरुआ पो०
60-	दीनानाथ सिंह	गया प्रताप सिंह	437	20-7-57	रेववे कोआओली मोन्डा
61-	मदन मोहन	आदीत प्रताप	438	10-6-62	बी/1

सुनील

28/08/20

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तमक़ा माननीय प्रशासनिक अधिकरण: लखनऊ बेंचः, लखनऊ ।
ओ०ए०नं० आ० 1989 :सलः

उम्मेदवार तथा अन्य

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बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

सनक़ज़र नं० ए-8

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अ०शा०पत्र नं० ई/227/स्कीनिंग/8/यांकि लोको दिनांक 8-8-86
:एम०एण्ड बो: 83

विषय:- चतुर्थ श्रेणी में रिक्त स्थानों के तमक़ा निश्चित-।

प्रिय शर्मा,


महा प्रबन्धक-मोरखुर के साथ दिनांक 8-7-1986 को मण्डल रेल प्रबन्धकों की बैठक के अवसर पर आपने जो बात क़िया था कि आपके मण्डल में चतुर्थ श्रेणी अभ्यर्थी उपलब्ध नहीं है और इत श्रेणी में जगह रिक्त है इत तम्बन्ध में यही उपलब्ध स्कीनिंग अभ्यर्थी जिनको चिकित्ता परीक्षा तम्बन्न हो चुकी है के विवरण तलम्न पत्र के साथ भेज जा रहे हैं । इन्हें आप अपने मण्डल में जहाँ भी उचित तमक़ा क़िया ख़त करें । इन अभ्यर्थियों से तम्बन्धित पत्रावली भी भेजी जा रही है । क़िया इत पर जो कार्यवाही हो मुझे अवगत कराने की कोशिश करें ।

आपका

श्री एत०डी०शर्मा,
मण्डल रेल प्रबन्धक,
पवाँतार रेलवे,
इज्जतनगर ।

ह/० अजुब्द मित्तल,
मण्डल रेल प्रबन्धक,
पवाँतार रेलवे लखनऊ ।

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Q.C. Saxena
Advocate, High Court
E-3665, Rajajipuram, Lucknow

नोट:- यह पत्र दिनांक 21-8-1986 को मण्डल रेल प्रबन्धक-इज्जतनगर ने प्राप्त क़िया है ।

६७/पाल

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क्रमांक	अभ्यर्थी का नाम	पिता का नाम	रजिस्ट्रेशन नं०	जनमतिथि	भैडिकल पास	पता
1	सर्वश्री शिवभूजन शुक्ला	सर्वश्री अवल जी	36	1-7-53	बी/1	ग्राम बेलडिहा पो० चारु जिला गोण्डा
2	छत्रपाल	रामरत्न	61	6-10-59	बी/1	ग्राम कोइरी पो० विषमनाथपुर जिला बरती
3	भूष चन्द	शिवभूजन	66	12-8-58	ए/1	ग्राम बड़डाड़ पो० भिदिहरा जिला बरती
4	रमारांकर	बंराराज	68	1-1-61	ए/1	व्दारा चीफ वाई मास्टर, पूर्वोत्तर रेलवे/गोरखपुर
5	गिरिशा चन्द भट्ट	बल्लभ शर्मा	71	2-1-52	ए/1	ग्राम बेलडिहा पो० चारु जिला गोण्डा
6	रघुपति मनोहर	रामधीरज शर्मा	73	1-1-57	बी/1	
7	शत्रुघ्न तिव्हा	जितेन्द्र सिंह	157	30-7-55	बी/1	
8	मुनेवर सिंह	शिवमोहन सिंह	161	10-1-59	ए/1	
9	सरजू प्रताप	राम लाल	164	10-10-57	बी/1	ग्राम व पो० छरगपुर गोण्डा
10	हीरा लाल	काशी प्रताप	172	1-1-60	रेलवे को०आ०तो० गोण्डा	
11	रामलाल	रामलाल	177	1-8-54	ए/1	
12	रामचरण	राम हेरे तिवारी	179	5-1-60	ए/1	ग्राम बैरा पो० बड़गाँव गोण्डा
13	विरेन्द्र लाल राय	गुणवीरलाल राय	180	18-12-55	ए/1	ग्राम बारापुर पो० हनुमानगंज बरती
14	ओम प्रकाश सिंह	लदानन्द सिंह	184	26-12-58	ए/1	ग्राम व पो० रतनगढ़ जिला धरमिया
15	रामबहादुर सिंह	रघुपति सुन्दर सिंह	185	10-1-60	बी/1	
16	अनोदी लाल वर्मा	भीला प्रताप	190	1-9-58	बी/1	ग्राम बण्डी पो०आ० देवरिया रामपुर गोण्डा
17	विनीत कुमार शर्मा	रामगोपाल शर्मा	193	15-4-59	बी/1	ग्राम तेमरा दम्पत पो० बड़गाँव जिला गोण्डा
18	अमोक कुमार गुप्ता	बाबूलाल गुप्ता	194	6-7-61	बी/1	आवात नं० 181 तेमरा कालीनी बड़गाँव गोण्डा
19	सरमलदेव रघुनाथ शर्मा	रामनोहर शर्मा दत्त शर्मा	200	11-4-58		

THE
ATTESTED

Dr. D. D. Sharma
M. A. B. S. High School
Dharmapuri, Lucknow

4/1/61

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20-	रामधर	नोहर	201	16-6-57	रेलवे सी० बङ्गांव गोण्डा
21-	मुधई	भगन	203	1-12-54	रेलवे सी० बङ्गांव गोण्डा
22-	रामबनरा सिंह	श्याम बिहारी सिंह	212	1-9-61	वही-
23-	रामकेवल	तिलई	215	8-1-55	वही-
24-	अब्दुल बाहिद	अब्दुल खलील	210	2-2-54	
25-	ईशवर दीन	रामदास	220	16-8-59	सी/1 ग्राम दत्त नगर बिलेन पी० बङ्गांव गोण्डा
26-	तुलसी राम	दममोदर	262	5-3-58	वही-
27-	मिथेशवर श्रीवास्तव	गयाशलाद श्रीवास्तव	269	30-12-58	
28-	रामतुरत	कामला	294	6-5-50	ग्राम नारा सराय पी० इंदिया थोक गोण्डा
29-	भगवान दीन	रामदास	310	2-3-60	ग्राम दत्तनगर बिलेन पी० बङ्गांव गोण्डा
30-	दयाशंकर सिंह	बद्रीनारायन सिंह	312	1-5-62	बैरा कालोनी गोण्डा
31-	हुदय नारायन सिंह	चन्द्र देव मिश्र	319	10-9-61	ग्राम आदिलपुर पी० देवरिया मोर देवरिया
32-	लाब जी	रामस्वारथ	320	26-7-54	ग्राम बैलडिहा पी० चारु बिला गोण्डा
33-	कृष्णदेव सिंह	तेज बहादुर सिंह	318	20-6-62	ग्राम तंयवा पी० चारु बिला गोण्डा
34-	नन्त सरन भट्ट	आशुभनभट्ट	321	1-7-57	
35-	सूर्य नारायन	गुरदयाल	324	4-7-60	ग्राम बेलमरखदमनखदमनखदमनखदमन
36-	श्याम मनोहर शर्मा	रामधीरज शर्मा	332	1-1-57	ग्राम बेमरा दमन पी० बङ्गांव गोण्डा
37-	परमेश्वरी सिंह	नन्दन सिंह	341	12-9-58	बी/1
38-	हेदद	गुरदद	343	1-2-59	
39-	रामजीतार	बाबुराम	345	23-4-54	
40-	अशोक कुमार	श्याम बिहारी	369	18-8-58	ग्राम गरीबी गुरवा पी० कसनी बिला गोण्डा

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41-	आत्मा राम	रामदेरे	370	16-12-59	बी/1	ग्राम बैरोय पो० बड़गांव जिला गोण्डा
42-	रामानुज	विन्देववरी	372	1-2-57	बी/1	ग्राम बैरजुरवा पो० झररी जिला गोण्डा
43-	झुगिराम	पारस नाथ	386	1-7-57	बी/1	ग्राम बिरजू पुरवा पो० गोविन्दवारा गोण्डा
44-	महराज दत्त	हरिदत्त	388	6-7-53		
45-	राममन विवारी	अयोध्या विवारी	398	1-7-60		
46-	दिनेश कुमार श्रीवा० रामआतरे लाल		400	9-7-62		ग्राम बैरा पो० बड़गांव गोण्डा
47-	असफाक अहमद	महबूब अली	401	1-7-60	बी/1	आवात तं० 33 रेलवे कालोनी गोण्डा
48-	सैयद तोयब हुसैन	मुहम्मद हुसैन	402	1-6-60		आवात तं० यल/3। रेलवे कालोनी गोण्डा
49-	बलराम जी	लल्लन	409	6-11-51	बी/1	ग्राम बैमरा दम्न पो० बड़गांव गोण्डा
50-	अकर इलाही	इलाही	415	23-11-60	बी/1	
51-	अनुमनदीन अन्तारी	हादिसा अन्तारी	416	1-1-58	बी/1	
52-	ओम प्रकाश राम	रामधरो प्रसाद	419	2-6-61	बी/1	
53-	विरेंद्र प्रसाद	बच्चा प्रसाद	418	1-7-59		
54-	रामाधार	जमारी	433	5-4-60		रेलवे को० आ० बड़गांव गोण्डा
55-	प्रेम लाल	प्यारे लाल	430	1-1-61		
56-	मदन मोहन	आदित्य प्रसाद	438	10-6-62		रेलवे को० आ० बड़गांव गोण्डा

Q. C. Saxena
Advocate, Slight Court
B-3665, Rajajipuram, Lucknow

APPEARED

49/11/27

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH), LUCKNOW.

O.A. No. of 1989 (L)

Chhatra Pal and another --- Applicants.
Versus.
Union of Inida & others --- Respondents.

Enclosure No. A-9

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No. 747 of 1986

Chatra Pal & 8 Others --- Applicants
Versus
General Manager, N.E. Railway
Gorakhpur & Others. --- Respondents.


Hon. S. Zaheer Hason, V.C.
Hon. Ajay Juhri, A.R.

(By Hon. S. Zaheer Hasan, V.C.)

This is an application under Section 19 of the Administrative Tribunals Act XIII of 1985. Chatra Pal and 8 others have filed this petition for direction to the opposite parties to decide the representation of the applicants dated 2.8.1985 and to appoint them to class IV in accordance with the seniority list of the result of the test published vide notification dated 18.4.83.

2. The applicants' case is that they were working as casual labourers in B.G. Construction

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Q.C. Suman
Assistant High Court
C-3235, Rajajipuram, Lucknow


27/4/89

- 2 -

project of N.E.R. Lucknow Division from a long period. ^A screening test was held in 1983 in which the applicants alongwith other casual labourers appeared. On 18.4.83 the result of the test was notified and the applicants were approved for appointment as class IV staff in the Railway. Subsequently they were medically examined and found fit. After medical examination the applicants were waiting for the appointment letter but they have not received any appointment letter and on the other hand the persons junior to him in the aforesaid list were appointed. In this connection they made a representation on 2.8.1985 but no reply was given. In April, 1986 the applicants came to know that on 14.4.1986 six persons were appointed in class IV vacancy though they were put in list prepared in 1983.

3- The defence is that the list was prepared in 1983 in which the applicants and others were approved for appointment. They did not submit original certificates from the concerned Loco Foreman under whom they were working and the certificates produced at the time of screening were subsequently found to be forged and fake. It was further alleged in the Counter Affidavit that the applicants never worked in the Loco Shed and as such they were not given the appointment and they were put to strict proof of allegation with regard to the fact that they have worked in B.G. (Construction). The applicants are also required to show their original working certificate. The only point argued before us was as to whether

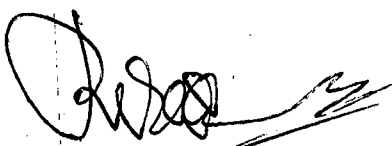
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Q.C. Sharma
Advocate, High Court
B-3665, Rajajipuram, Lucknow

2/21/4/87

the applicants' name was rightly dropped and they were not appointed because they had submitted forged and fake certificates. The contention of the applicants is that the representation was sent by post which was received by the respondents on 26.2.1985 as is evident from the Postal Acknowledgement Receipt (Annexure-I). In response to the representation made by the petitioner he received a communication from the office of Prime Minister dated 13.5.1985. The letter of Sri Satya Prakash Malviya, M.P. addressed to the Railway Minister also suggests that in 1985 some complaints were made regarding selection out of the panel. The applicants were never informed that the certificates were forged and fake. So it was ~~maintain~~ contended that any finding regarding forgery behind the back of the applicants is bad in law.

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R.C. Saxena
Saxena High Court
E-2635, Rajajipuram, Lucknow

4. In 1983 screening was done and the applicants alongwith others were approved for appointment. It appeared that some enquiry was made and it was found that the certificates filed by the applicants were forged and so they were not given any appointment. The applicants were never told that they were not given the appointment for the aforesaid reason. In this connection they made a representation but no reply was given. So naturally they ~~may~~ could not deny the alleged forgery. When the Counter Affidavit was filed they came to know that there was a charge of forgery and now they are denying the same. This finding of forgery was given behind the back of the applicants and they

42/4/23

were not communicated. So this action of passing ex parte finding is violative of the principles of natural justice. The authorities are directed to hear the applicants regarding the alleged charge of forgery and thereafter pass suitable order. The petition is disposed of accordingly with costs on parties.

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Vice Chairman

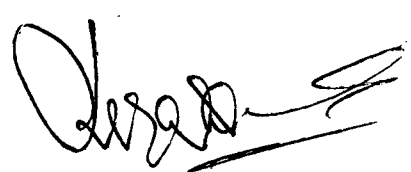
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Member (A)

Dated the 24 Sept., 1987

True copy

Sd/- D.S. Dubey
28.9.87.
Section Officer
Central Administrative Tribunal
Allahabad.

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D.S. Dubey
Section Officer
Central Administrative Tribunal
Allahabad.

द. त. पा. म.

सन् १९८८
तमसा माननीय प्रशासनिक अधिकरण: लखनऊ वेन्च: लखनऊ ।

ओपण्डो

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उत्तरपाल तथा अन्य

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एनकज़र नं० ए-10

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दीप नारायण कन
तत्तद तदस्य
: लोक तथा:

"तील"

तीविल लाइन, गोण्डा

दिनांक : 14-3-88

प्रिय मित्रपल,

कृपया मेरे पत्र दिनांक 8-10-87 को देखने का कष्ट करें जिसके द्वारा मैंने आपको लखनऊ मण्डल के लोको तथा केरज विभाग में हुई अधिका नियोक्तियों की ओर आकृष्ट करते हुए वर्ष 1983 में लोको विभाग में स्लीन्ड कर्मचारियों को जिनका सेवा तत्पापन के बाद आपने लखनऊ मण्डल में जगहें न होना बताकर नियोक्त हेतु उनका नाम इज्जतनगर मण्डल भेजा था जहाँ पर एक भी व्यक्ती की नियोक्त नहीं दी गई। पुनः आपने उनकी नियोक्त लखनऊ मण्डल के विद्युत विभाग में करने हेतु आदेशित किया परन्तु वहाँ पर भी उन व्यक्तियों की अब तक नियोक्त नहीं दी गई, के तम्बन्ध में लिखा था नियोक्त करना तो दूर रहा अब तक आपने पत्र का उत्तर देना भी उचित नहीं समझा।

आपके ही मण्डल में आप द्वारा लोको विभाग में तमाम नियोक्तियाँ वर्ष 1987 के स्लीन्ड लोगों में से की गई है तथा की जा रही है जो उन कर्मचारियों से बहुत ही जूनियर है। इस तरह तीनियर पुराने स्लीन्ड कर्मचारियों को जगह न होने का बहाना बताकर इधर-उधर भुसाया जा रहा है तथा जूनियर की नियोक्तियाँ की जा रही हैं जो घोर अव्यवहारिक तथा नियमों के प्रतिकूल है।

इस तम्बन्ध में आपको यह भी अवगत कराना चाहूँगा कि इस तम्बन्ध में तत्तद में पूछे गये प्रश्न के उत्तर में

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R.C. Sharma
Member, High Court
Lucknow, Rajajipuram, Lucknow

दस्तावेज

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संसद में बताया गया था कि जिन कर्मचारियों का सेवा तत्पादन कराया गया है तथा लखनऊ मण्डल में जगह न होने के कारण नियुक्ति नहीं किया जा सका है उन्हें इज्जतनगर मण्डल में नियुक्ति दी जा रही है। संसद में जवाब देने के बाद भी उनकी नियुक्ति न करके संसद को गुमराह किया गया है तथा संसद की अमानता की गई है।

मुझे जानकारी मिली है कि जिन लोगों का नाम आपने इज्जतनगर मण्डल भेजा था उनमें से कुछ की नियुक्ति विद्युत विभाग में करने हेतु अतिरिक्त सम्बन्धित अधिकारी द्वारा आदेश तथा पोस्टिंग स्टेशन होना कर दिया गया है जिसपर आपका अनुमोदन होना था परन्तु अतिरिक्त बीच में ही फाइल प्रवर मण्डल कार्मिक अधिकारी द्वारा अपने आत्मसारी में बन्द कर ली गई है।

मैं आपसे पुनः कहना चाहूंगा कि अविलम्ब उन सभी कर्मचारियों को जिनका नाम आपने इज्जतनगर मण्डल भेजा था की नियुक्ति अपने मण्डल में किसी भी विभाग में एक सप्ताह के अन्दर कर दें। तथा सब तक इन लोगों की नियुक्ति नहीं कर दी जाती है वर्ष 1987 के स्टीन्ड कर्मचारियों की नियुक्ति न की जाय। अन्यथा मुझे सम्पूर्ण प्रकरण को संसद पटल पर ले जाने तथा पूरे मामले की जाँच मुख्य तर्कता आयुक्त, भारत से कराने हेतु बाध्य होना पड़ेगा।

आशा है आप अविलम्ब नियुक्ति आदेश जारी करके मुझे इस मामले को आगे ले जाने हेतु बाध्य नहीं करेंगे। तथा कृत कार्यवाही से मुझे अविलम्ब अवगत करावेंगे।

सादर।

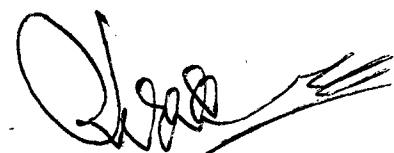
आपका,

सेवा में,

ड/0 दीपनरायन बन

श्री अनिल मिश्र,
मण्डल रेल प्रबन्धक,
पुनर्निर्माण रेलवे,
लखनऊ।

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R.C. Sharma
Additional Secy. Genl.
E-3663, Rajajipuram, Lucknow

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8/2

तमस माननीय प्रशासक अधिकरण : लखनऊ बेंचः, लखनऊ ।

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आफ 1989 : एलः

उत्तरपाल तथा अन्य

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

सनकज़र नं० ए-11

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तेवा में

मंडल रेल प्रबन्धक महोदय,
पूर्वोत्तर रेलवे, लखनऊ ।

विषयः- तेन्दल स्टेशन मिनिस्ट्रीटिव ट्रिभिनल इलाहाबाद रजिस्ट्रेशन
केस नं० 747 तन् 1986 ।

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उत्तरपाल आदिः 8ः

प्राथी

बनाम

महाप्रबन्धक पूर्वोत्तर रेलवे --- गोरखपुर/आदि

अन्य

महोदय,

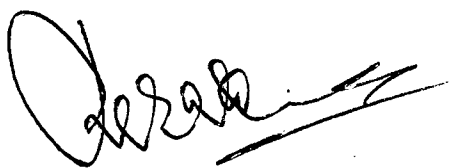
तेवा में तविनय निवेदन है कि हम प्राथीगण का नियुक्ति फैसला आदेशा उपरोक्त फैसला दिनांक 24-9-1987 द्वारा श्रीमान जी एवं अन्य सम्बन्धित अधिकारीगणों को फैसला आदेशा की प्रतिलिपि न्यायालय द्वारा भेजी गयी, तथा हम प्राथीगणों के मिलने पर मंडल रेल प्रबन्धक : कार्मिकः लखनऊ द्वारा आश्वस्तन भी मिला कि शीघ्रता-शीघ्र नियुक्ति कर दी जायेगी ।

किन्तु उपरोक्त न्यायालय के फैसला आदेशा दिनांक 24-9-1987 के आधार पर आज तक हम प्राथीगणों की न कही नियुक्ति हो सकी और न कोई तन्तोषजनक उत्तर ही श्रीमान जी द्वारा मिला ।

चुनाव पत्र तं० 227/स्क्रॉन/8/या०/लोको/एम०एचएम वी०/983 दिनांक 18-4-83 के आधार पर हम प्राथीगणों के रिकार्डों का बार-बार तत्पावन ही ही कार्यवाही चलती रही, किन्तु तत्पावन की पुष्टि बार-बार होने पर भी नियुक्ति से वंचित ही रह गये ।

जैसे प्रथम बार लखनऊ मण्डल में स्थान रिक्त न होने पर आदेशा पत्र ई/227/स्क्रॉनिंग/8/या०/लोको/एम०एचएम वी० 83 लखनऊ

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Q.C. Saran

Advocate, High Court

E-3665, Rajajipuram, Lucknow

दस्तावेज

दिनांक 16-12-1985 को उस मुख्य यांत्रिक इंजीनियर :का०: इज्जतनगर मंडल में नियुक्ति हेतु भेजा गया वहाँ भी जाने पर हम प्रार्थीगणों की नियुक्तियाँ न करके वापस कर दिया गया ।

बुन: मंडल रेल प्रबन्धक कार्मिक लखनऊ ने इंजन क्लीनर के पद पर नियुक्ति करने हेतु दुबारा बुन: एवन का चिकित्सा परीक्षण कराने का आदेश अप्रैल 1986 में किया हम प्रार्थीगणों का मेडिकल परीक्षा अधिकारी मंडल चिकित्साधिकारी गोण्डा के अधीन हुआ तथा उसका फिट प्रमाण पत्र मंडल कार्यालय लखनऊ :कार्मिक: श्रीमान जी की सेवा में प्रेषित किया गया फिर भी अभाग्यवशा नियुक्ति से वंचित रह गए ।

बल्कि 1987 के स्कीनिंग अभ्यर्थियों की नियुक्ति की गयी । तथा वर्तमान काल में भी 1987 के शेष स्कीनिंग अभ्यर्थियों की नियुक्तियाँ जारी है किन्तु हम प्रार्थीगणों की तरफ कोई ध्यान नहीं दिया जाता है ।

अतः श्रीमान जी से ताग्रह निवेदन है कि उपरोक्त कथनों पर ध्यान देते हुए न्यायालय के आदेशानुसार हम प्रार्थीगणों की नियुक्तियाँ शीघ्रतिशीघ्र करने की कृपा करें अन्यथा विवशता बुन: न्यायालय का शरण लेना पड़ेगा क्योंकि आज तक श्रीमान जी द्वारा दिए गए छानबीन में हम प्रार्थीगणों के प्रमाणों का तत्वावन गलत नहीं साबित हुआ है । ऐसी दशा में हम प्रार्थीगण अपने उच्च अधिकारी हेतु श्रीमान जी के शरण में लगे रहेंगे तथा आशा है कि श्रीमान जी हम मरीबों की तरफ दया दृष्टि अवश्य डालेंगे ।

दिनांक 29-3-1988

प्रतिलिपि आवश्यक कार्यवाही एवं तृचनार्थ हेतु प्रेषित :-

- 1- महाप्रबन्धक पूर्वोत्तर रेलवे, गोरखपुर
- 2- मंडल रेल प्रबन्धक:कार्मिक: लखनऊ

प्रार्थीगण

:1: अभ्यर्थी स्कीनिंग, वरिणाम
त० ई/227 स्कीनिंग यांत्रिक
लो०एम०एड० 1983 दि०
18-4-83 के आधार पर
क्रम त० एवं नाम इस प्रकार
है :-

- | | | |
|----------------------------------|----------------|-----------------|
| 1-उत्तमाल पुत्र श्री रामरतन | क्रम त० नं० 58 | ह/० उत्तमाल |
| 2-ध्रुवचन्द्र पुत्र श्री शिवबूजन | " 66 | ह/० ध्रुवचन्द्र |
| 3-रमाशंकर पुत्र श्री बंशराज | " 68 | ह/० रमाशंकर |

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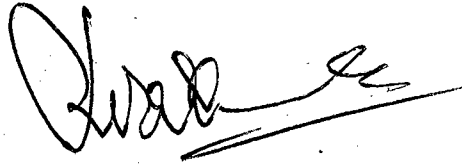
Q.C. Saxena
Advocate, High Court
E-2665, Rajajipuram, Lucknow

दृ. ग. पाल

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4- श्याम मनोहर पुत्र श्री रामतागर	73	ह/0 श्याम मनोहर
5- कृष्णदेव तिहं पुत्र तेजबहादुर तिहं	318	ह/0 कृष्णदेव तिहं
6- हृदय नारायण मिश्रा पुत्र चंद्रदेव मिश्र	319	ह/0 हृदय नारायण
7- लालजी पुत्र श्री रामतोहरत	320	ह/0 लालजी
8- बलराम जी पुत्र श्री लल्लन	409	ह/0 बलराम जी
9- विनोद कुमार पुत्र श्री रामगोपाल शर्मा	193	ह/0 विनोद कुमार शर्मा

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Q.C. Saxena

Advocate, High Court

E-2655, Gajajipuram, Lucknow

दशपाम

केन्द्रीय
समक्ष माननीय/प्रशासनिक अधिकारण: लखनऊ बेंच: , लखनऊ ।

ओएचओ नं०

अप्रै 1989 :एल:

उत्तरपाल तथा अन्य

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बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

एनकुर नं० ए-12

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सेवा में,

श्रीमान माननीय प्रधान मंत्री महोदय,
लोक तथा नई दिल्ली ।

विषय:- मण्डल रेल प्रबन्धक : कार्यालय: पूर्वोत्तर रेलवे लखनऊ
द्वारा स्क्रीन पाठ अभ्यर्थियों की नियुक्ति आदेश
न देने के सम्बन्ध में ।
=====

1- यह कि हम प्राथमिकताओं का मण्डल रेल प्रबन्धक काओओ
30 रेलवे लखनऊ के पत्र संख्या एनओओ/ईओ/227/:स्क्रीनिंग:/8/
मार्गिक :लोको-एमएचओपीओ: 88 दिनांक 18-4-83 के आधार
पर कुल 448 अभ्यर्थियों को चुना गया था ।

2- यह कि उक्त अधिकारी उपरोक्त चुनाव के चुने
अभ्यर्थियों में से अक्रमोंक व मनमानी हंग से अधिकारों अभ्यर्थियों
की नियुक्ति समयानुकूल करते गये हैं ।

3- यह कि जब हम प्राथमिकता काफी अधिक विलम्ब
नियुक्ति होने में देखा तथा सम्बन्धित अधिकारियों से मिला तो
अविलम्ब नियुक्ति कर देने का आश्वासन दिया गया ।

4- यह कि नियुक्ति में पुनः विलम्ब न होने पर हम
प्राथमिकता को बार-बार सम्बन्धित अधिकारियों द्वारा बताया
गया कि इत मण्डल में स्थान रिक्त नहीं है, तुम लोगों की
नियुक्तियों दूतरे मण्डल में की जायेगी ।

5- यह कि उपरोक्त मण्डल में स्थान रिक्त न होने के
कारण हम प्राथमिकताओं को इज्जतनगर मण्डल में पत्रोंक ई/227/स्क्रीन/
8/पांओ:लोको:/एमएचओपीओ 83 दिनांक 18-12-85 उप मुख्य
मार्गिक ईजीओ :काओ: इज्जतनगर के आधार पर इज्जतनगर मंडल
में नियुक्ति हेतु भेजा गया किन्तु अभाग्यवशा हम प्राथमिकताओं को

P.C. Saxena

Member, P.C. Saxena

Deputy, P.C. Saxena, Lucknow

दस्तावेज

वहाँ स्थान रिक्त न होने के कारण पुनः हम लोगों को इती मंडल में वापस भोज दिया गया फलस्वरूप पुनः आश्वासन मिला कि समयानुसार यही पर नियुक्ति कर दी जायेगी ।

6- यह कि लखनऊ मण्डल में नियुक्ति न करके कुछ समय पश्चात् अोगाओपत्र संख्या ई/227/स्त्री/8/यांत्रिक लोको:एम0एण्ड पी0 83 दिनांक 8-8-86 के आधार पर हम प्रार्थीगणों का नाम पुनः मण्डल रेल प्रबन्धक लखनऊ द्वारा मण्डल रेल प्रबन्धक पूर्वांचल रेलवे इज्जतनगर के पास नियुक्ति हेतु भेजा गया जबकि हम प्रार्थीगणों को इसके पूर्व दिनांक 28-4-86 को मण्डल इंजन क्लीनर के पद पर नियुक्ति करने हेतु ए0-बन की चिकित्सा जो मण्डल चिकित्साधिकारी प्र0उ0 रेलवे मोन्डा के द्वारा कराई गयी । जो निरर्थक रही एवं परेशान करने की निमत में की गयी ।

7- यह कि प्रशासन के तः 11 नियमों का पालन करने के साथ-साथ हम प्रार्थीगणों ए-बन चिकित्सा में तपस होने के बावजूद तः 11 नियुक्ति में विलंब रहे जबकि नये एवं अनुशासन व्युक्ति अर्थात् बनकर नियुक्ति पा गये जो कि 1अन्स्कीन्ड। एवं अनुभाव-हीन हैं ।

8- यह कि तत्पश्चात् हम प्रार्थीगण निराशा एवं विवश होकर उचित न्याय पाने हेतु केन्द्रीय प्रशासकीय ट्रिब्यूनल इलाहाबाद में याचिका दी, जो रजिस्ट्रेशन नं0-डी0ए0एन0 747 आफ 1986 के द्वारा छत्रपाल बनाम यूनियन आफ इण्डिया के द्वारा निस्तारित की गयी तथा दिनांक 24-9-87 को उक्त न्यायालय द्वारा आदेश दिया गया कि हम तः 11 कर्मचारियों के नियुक्ति के विषय में पुनः तहानुभूतिपूर्वक निस्तारण कर दियत करें ।

9- यह कि उक्त माननीय न्यायाधीश के तहानुभूति आदेश पर भी आज तक मण्डल रेल प्रबन्धक लखनऊ के द्वारा कोई ध्यान नहीं दिया गया एवं हम प्रार्थीगणों द्वारा बार-बार पूछने पर यह बताया जा रहा है कि आप लोगों के अनुभाव कार्य दिनों की पुनः जांच की जायेगी जब कि उक्त जांच वर्ष 1983 में स्त्रीन कमेटी द्वारा कर ली गयी थी, तथा पुनः 1985 में भी अनुभाव कार्य दिवस की मूल प्रमाण पत्रों की जांच कराई व

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तही पाई गयी तथा हम लोगों को निष्पत्ति के लिये इधर-उधर भ्रमते रहे तथा नये अनुभावहीन अकृत अभ्यर्थियों की निष्पत्ति करते रहे ।

अतः श्रीमान जी से निवेदन है कि उपरोक्त कथान पर ध्यान देकर हम प्रार्थीगणों के निष्पत्ति के विषय में नियमानुसार निष्पत्ति करने की आज्ञा प्रदान करें जब कि हम प्रार्थीगणों के साथ के अन्य कनिष्ठ अनुभवशील अभ्यर्थी की निष्पत्ति उनके व्यक्तिगत अत्रोद्योगों पर की गयी है जबकि हम लोगों को विभिन्न-विभिन्न कारण व अनुभव कार्य दिवसों को अमान्य बताया जा रहा है जो कि न्याय संगत नहीं है केवल हम लोगों को उत्पीड़ित एवं परेशान करने का धोतक है ।

आशा है कि श्रीमान जी हम प्रार्थीगणों की गरीबी एवं उम्र की व्यक्तता तथा परिवार के भरण-पोषण को ध्यान में रखाते हुए न्यायसंगत आदेश देने की कृपा करेंगे ।

प्रतीतिनीप :-

श्री माधव राव त्रिपाठा, रेल मन्त्री,
भारत सरकार, नई दिल्ली ।

2- अध्यक्ष रेलवे बोर्ड नई दिल्ली । को इस प्रार्थना के साथ प्रस्तुत की हम प्रार्थीगणों के उत्पीड़न एवं परेशानी को ध्यान में रख कर उचित आदेश देने की कृपा करें ।

प्रार्थीगण

दिनांक/- 8-8-89

- 1- छत्रपाल पुत्र रामलाल
 - 2- बलराम जी पुत्र लालन
 - 3- विनोद कुमार पुत्र रामा पुत्र रामगोपाल
 - 4- लाल जी पुत्र रामचन्द्र
 - 5- कृष्णदेव सिंह पुत्र तेजबहादुर सिंह
 - 6- रमाशंकर पुत्र बंगराज
 - 7- भुवनेश्वर पुत्र शिवपूजन
 - 8- राम मनोहर पुत्र रामधीरज
 - 9- कृष्णदेव सिंह पुत्र चन्द्रदेव मिश्रा
- पदारा-विनोद कुमार रामा
मुकाम-तेमरा, दम्भन,
पोस्ट-बडगांव,
जिला-गान्धी ।

TRUE COPY
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Q.C. Sanyal
Member Secy Genl
Railway Administration, Lucknow

छत्रपाल

51

केन्द्रीय
तमसा माननीय/प्रशासनिक अधिकरण : लखनऊ बेंचः, लखनऊ ।
ओएसओ नं० आफ 1989:रलः

उत्तरपाल तथा अन्य --- वादी
बनाम
भारत सरकार तथा अन्य --- प्रतिवादीगण

एनकपुर नं० ए-13
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प्रबोत्तर रेलवे

रजिस्टर्ड ए०/डी०
अनुत्तरक

नं० ई/11x227/स्त्रीनिग/लोको/83
मेवा में,

कार्यालय
महल रेल प्रबन्धक: का०:
लखनऊ दिनांक 16-5-88

श्री उत्तरपाल,
पुत्र श्री रामरतन,
ग्राम - बेलडीहा,
पो० - चारु,
जिला - गोरखपुर ।

विषय:- रजिस्ट्रेशन नं० 747/86 तमसा केन्द्रीय
प्रशासनिक अधिकरण, इलाहाबाद बेंच
उत्तरपाल एवं अन्य बनाम महाप्रबन्धक,
प्रबोत्तर रेलवे, गोरखपुर एवं अन्य ।

संदर्भ :- इत कार्यालय का तत्संबन्धक पत्र दिनांक
1988.
=====

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R.C. Sharma
Advocate, High Court
E-5160, Rajajipuram, Lucknow

उत्तरपाल

माननीय केन्द्रीय प्रशासनिक अधिकरण इलाहाबाद
के दिनांक 24-9-87 के आदेश के अनुपालन में इत कार्यालय के
तत्संबन्धक पत्र दिनांक 8/11-4-88 द्वारा आपको सूचित किया
गया था कि आप रेल प्रशासन के अधीन कार्य करने तम्बन्धक
एवं जन्मतिथि तथा शिक्षा तम्बन्धी मूल प्रमाण पत्र के साथ
दिनांक 25-4-88 को इत कार्यालय में उपस्थित हों किन्तु आप
उक्त तिथि में उपस्थित नहीं हुए और अपने आवेदन पत्र दिनांक
10-5-88 द्वारा सूचित किया है कि आपके कार्य दिवस के त-म
मूल प्रमाण पत्र जमा करा लिए गए हैं । इत प्रकार का आपका
जमा करा लिए गए हैं । इत प्रकार का आपका कथान अतत्य एवं
निराधार है, अतएव आपको एक अवसर और दिया जाता है
ताकि माँगे गये त-म मूल प्रमाण पत्रों के साथ एक तप्ताह में

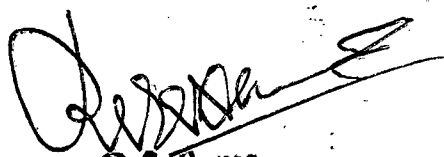
== 2 ==

किती भी कार्य दिवस में इस कार्यालय में उपस्थित हों ।

यदि आप उपरोक्त मूल प्रमाण पत्रों सहित इस कार्यालय में दिनांक 3-6-1988 तक उपस्थित नहीं होते हैं तो यह समझ लिया जायेगा कि उक्त विधाय पर आपको कुछ नहीं कहना है तदुपरान्त नियमानुसार कार्यवाही की जायेगी ।

ह/0 अपठनीय 23/5
कृते मण्डल रेल प्रबन्धक :का.:
लखनऊ ।

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Q.C. Saxena
Advocate, High Court
B-235, Rajajipuram, Lucknow

६७१५/८

53

1/8

केन्द्रीय
तम्र आ माननीय प्रशासनिक अधिकरण: लखनऊ बन्द्य: लखनऊ ।

ओ०ए० नं०

आष 1989 : एल:

उत्पात तथा अन्य

बादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

एन०ए० नं० २-14

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प्रवर्तित रेलवे

रजिस्टर्ड

पत्र नं० ई/11/227/स्कीनिंग/लोको/83

कार्यालय
मण्डल रेल प्रबन्धक : का:
लखनऊ दिनांक: 22-9-88

सेवा में,

श्री उत्पाल,
पुत्र श्री रामरतन,
ग्राम - बलडीहा,
पोस्ट-बारु,
जिला-गोरखपुर ।

विषय:- रजिस्ट्रेशन नं० 747/66 तम्र केन्द्रीय प्रशा-
निक अधिकरण, हलाहाबाद बन्द्य, उत्पाल एवं
अन्य बनाम महा प्रबन्धक, प्रवर्तित रेलवे/
गोरखपुर एवं अन्य ।

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संदर्भ :- इस कार्यालय का तम्रसंबंधक पत्र दिनांक
8-4-88 एवं 16-5-88

कृपया उपरोक्त पत्रों का अवलोकन करें जिसमें आपको
विवृत किया गया था कि आप रेल प्रशासन के अधीन आकीत्मक प्रीमिक
के रूप में कार्य करने तम्बन्धात एवं अ जन्मीतीय तट न मिहता
तम्बन्धी मूल प्रमाण तहिलत इस कार्यालय में उपस्थित हो ।

डोट के साथ लिखा यह रहा है कि आपने अभी तक
अपने मूल प्रमाण पत्र इस कार्यालय को जमा नहीं किये हैं । कृपया
अपने मूल प्रमाण पत्र 30-9-1988 तक इस कार्यालय को जमा करें ।

यदि आप उक्त तिथि तक उपरोक्त मूल प्रमाण पत्रों
तहिलत इस कार्यालय में उपस्थित नहीं होते हैं तो यह तम्र लिया
जायेगा कि उक्त विषय पर आपको कुछ नहीं कहना है तथा
नियमानुसार कार्यवाही की जायेगी ।

ह/० अपठनीय,

22-9,

कृते मण्डल रेल प्रबन्धक : का:
लखनऊ ।

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Q.C. Sarker

Munsif, High Court

G-2235, Rajajipuram, Lucknow

दस्तावेज

54

तमसा माननीय केन्द्रीय प्रशासनिक अधिकरण: लखनऊ बेंच: लखनऊ ।
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ओएसओ

आफ 1989 : एल:

उत्तराखल तथा अन्य

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

एनकजर नं० ए-15

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सेवा में,

मण्डल रेल प्रबन्धक : कार्मिक: अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ ।

विषय:- मार्च 1983 में यांत्रिक विभाग की छानबीन परीक्षा
द्वारा तफल घोषित किये जाने पर नियुक्ति न करना ।
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श्रीमान्,

सेवा में निवेदन है कि प्रार्थी उपरोक्त विषय के सम्बन्ध में आपके विचार निम्न तथ्य प्रस्तुत करना चाहता है । और आशा रखता है कि प्रार्थी के निवेदन पर अवश्य ध्यान दिया जायेगा ।


1- मार्च 1983 में यांत्रिक विभाग द्वारा चतुर्थ श्रेणी के आकस्मिक श्रमिकों में से छानबीन परीक्षा की गयी थी । जिसमें प्रार्थी को तफल घोषित किया गया था । जब प्रार्थी छान परीक्षा में तफल घोषित हुआ तो प्रार्थी को डाक्टररी परीक्षा हेतु बुलाया गया । चूंकि वद यांत्रिक विभाग में खलाती का था, इसलिए बी-1 कटेगरी की डाक्टररी परीक्षा करायी गयी । डाक्टररी परीक्षा से प्रार्थी तफल घोषित हुआ, और नियुक्ति के लिए इन्तजार करने का आदेश दिया गया ।

2- नियुक्ति में देर हो जाने के कारण प्रार्थी ने प्रशासन से मांग की कि प्रार्थी को उसके वद पर नियुक्त किया जाय । तो प्रार्थी से कहा गया कि इस समय वहाँ पर कोई स्थान रिक्त नहीं है । आप लोगों को इज्जतनगर मण्डल भेजा जा रहा है । और इज्जतनगर मण्डल में आपकी नियुक्ति की जायेगी । ~~अब~~ मगर इज्जतनगर में 5 जून, 1985 को आदमियों की मांग की गई थी । परन्तु लखनऊ मण्डल से नाम 16-12-85 को भेजा गया । तब तक इज्जतनगर मण्डल में स्थानीय नियुक्ति कर ली गई ।

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जब प्रार्थी की नियुक्ति नवम्बर, 1986 तक न की जा

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D.C. Sharma
Assistant, High Court
6-3225, Rajghatpuram, Lucknow

६३/५/८७

सकी तो प्रार्थी ने दिसम्बर, 1986 में ट्रिब्यूनल हाई कोर्ट में न्याय हेतु दावा किया कि नियुक्ति हम प्रार्थियों की जाय। मुकदमें के दौरान लखनऊ मण्डल के प्रशासन द्वारा शपथ पत्र के साथ कहा कि प्रार्थी को जो काम करने का प्रमाण पत्र दिया वह गलत है। जबकि सभी सम्बन्धित प्रमाण पत्रों की स्क्रीनिंग के समय ही जाँच कर ली गई थी। और तही पाये गये हैं। इसी के आधार पर ट्रिब्यूनल हाई कोर्ट के आधार पर फैसला हुआ कि प्रार्थी के प्रमाण पत्रों की पुनः जाँच की जाय और अगर तही पाये जायें तो इनकी नियुक्ति की जाये।

4- आपने प्रमाण पत्र जाँच करने की तिथि जो निर्धारित की थी उस सम्बन्ध में प्रार्थी यह प्रार्थना पत्र प्रस्तुत कर रहा है, कि प्रार्थी के कार्य दिवस के सभी मूल प्रमाण पत्र जमा करा लिये गये हैं, जो अब प्रार्थी के पास उपलब्ध नहीं हो पा रहे हैं।

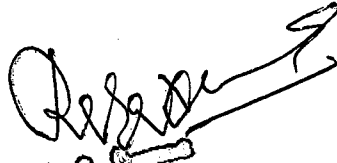
अतः निवेदन है कि प्रार्थी को नियुक्ति देने की कृपा करें और जो प्रशासन के पास प्रमाण पत्र उपलब्ध हों उनकी जाँच यदि कराना चाहें तो स्वयं करें। प्रार्थी को उसमें कोई शरणा नहीं है।

प्रार्थी,

दिनांक: 10-5-88

ह/0 उत्तरपाल

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G-2535, Rajajipuram, Lucknow

६ अप्रैल

56

तमसा माननीय केन्द्रीय प्रशासनिक अधिकरण : लखनऊ बेंच : लखनऊ

ओ 050नं0

आफ 1989 : एल:

उत्तरपाल तथा अन्य

वादी

बनाम

भारत सरकार तथा अन्य

प्रतिवादीगण

एनकज़र नं0 ए-16

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विषय:- पत्र सं0 ई/11/227/स्कीनिंग/लोको/83 लखनऊ दिनांक 22-9-88 का जबाब ।

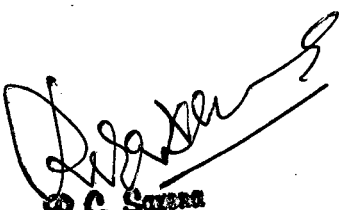
सेवा में,

मण्डल रेल प्रबन्धक : का:
पूर्वोत्तर रेलवे
लखनऊ ।

महोदय,

आपके कार्यालय द्वारा हमें उनकी बार लेकर तीन रजिस्टर्ड पत्र प्राप्त हुए प्रथम 25-4-88, द्वितीय 3-6-88 व तृतीय में 30-9-88 को हमें तभी मूल प्रमाण पत्रों सहित उक्त तिथि को बुलाया गया । परन्तु प्रथम बार हमारे घर में चोट लगी थी उपस्थिति न हो सके मेडिकल भेजा परन्तु किसी ने जमा नहीं किया । दुबारा 3-6-88 को हम और और लोग उपस्थिति हुए परन्तु डी0बी0ओ0 ताहब नहीं थे । इसलिये हम लोगों को फिर 6-6-88 को बुलाया गया उक्त दिन कुछ लोग आपके आफिस गये परन्तु कार्य अरित्र फिर भी नहीं हुआ और फिर आप आज 30-9-88 को कार्यालय बुलाया है । महोदय आपको मालूम है कि हम तमस्त लोगों का जहाँ तक मुझे विश्वास है कि तभी मूल प्रमाण पत्र आपके आफिस में जमा किया था और स्कूल सम्बन्धी कागज वापस कर दिया तथा रेल प्रशासन के अस्थीन कार्य करने सम्बन्धी कार्ड आपके यहाँ पहले ही जमा हो चुका है जितके विषय में आपने इज्जतनगर वाले लिस्ट में स्वयं कह चुके हैं कि इन तभी लोगों के प्रमाण पत्र मेरे आफिस में जमा हैं जरूरत पर दिया जायेगा तो ताहब अब आप ही बतलाये हम कहाँ से फिर लाये और आपने कई बार तय्यापित भी करवा चुके हैं और तथ्य भी बाये हैं परन्तु अभी तक आप तभी लोगों ने हम लोगों को सेवा से वंचित रखा है ।

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Q.C. Saxena
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E-3665, Rajajipuram, Lucknow

उत्तरपाल

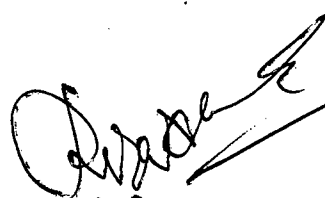
मान्यवर हमारे पिता जी रेल विभाग का 38 व 40

वर्षा तक सेवा करने के उपरान्त 15-10-66 को सेवा से मुक्त हुए और माता जी को बेन्वान मिल रही है पिता जी तब 85 में स्वर्गवासी हो गये हैं। अक्टूबर 66 में गोण्डा के श्री रघुराम डी०एम०ई० थे उन्होंने के चपरासी थे और उन्होंने कहा था कि आपका लड़का हो तो ले आओ हम उसे नौकरी दे दें परन्तु मेरी उम्र कम थी इसलिये न हो सका फिर भी उन्होंने स्कूल की फ्री कीस माफ करवा दिया। तब से पिता जी बराबर आफिस चक्कर लगाते रहे और अफसरों से मिलते रहे व नौकरी हेतु प्रार्थना देते रहे परन्तु अफसरों से आश्वासन ही मिलते रहे व काम कार्य कभी नहीं किया।

ताहब एक जमाना था पिता जी कहते थे कि अफसर अपने अधीनस्थ कर्मचारी का हमेशा खयाल रखते थे व उनके दुख दर्द में हाथ बटाते थे और उनकी आत्माये महान होती थी परन्तु अबके अफसरों को कुछ खयाल नहीं होता है चाहे सामने वाला कितना ही परेशान क्यों न हो वे तिरफ अपने विषय में तोचते हैं।

दुजूर मरीज के लिये डाक्टर व कर्मचारी के लिये अफसर उतका भगवान होता है। यदि आप हम लोगों पर खयाल करके नौकरी दे देते हैं तो हम यही तमझे कि इस भीषण भ्रष्टाचार के युग में भी ईश्वरीय तुल्य व्यवहार करने वाले भी हैं अन्यथा यही तमझे कि कुछ भी हो हम अभागों, किस्मत के मारों को आपके दरबार में भी न्याय नहीं मिलता है। ताहब आपका हमने नाम सुना है कि बहुत तज्जन व न्यायप्रिय अफसर है परन्तु जब मेरे सामने कुछ आये हों तभी हम जान सकते हैं। उसे इस नौकरी व स्त्री निंग के विषय में आपको सब कुछ मालूम है कि सब क्या है। न आपसे कुछ छुपा है।

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Q.C. Sarana
Advocate, High Court
E-3665, Rajajipuram, Lucknow

ताहब यदि आप नौकरी न दे सकते हैं तो इतना कह दें कि हम तमस्त लोग वही लखनऊ में ट्रेन के नीचे लेट कर छूटकसी कर लें ताकि ये बार-बार किराया भाड़ा खर्च करने व दौड़ने से फुर्त मिल जाये।

ताहब मेरे पास वर्तमान समय में स्कूल के योग्यता का मूल प्रमाण पत्र, चरित्र प्रमाण पत्र व जन्मतिथि प्रमाण पत्र मौजूद है। हम हाई स्कूल बात है तथा मेरी जन्म तिथि 6-11-1951 है, जो पूर्ण रूप से सत्य है।

मुझे विश्वास है कि आप हम लोगों के विषय में सच्चे दिल से विचार करके व डूबते हुए का सहारा बनकर एक ईश्वरीय तुल

कार्य करेंगे जैसे ईश्वर अपने बच्चों को कभी कष्ट नहीं देता है। उसी प्रकार आप मेरे भगवान हैं यदि हो सके तो आपके कलम में ताकत है तो वह हम लोगों को सहारा दे दें अन्यथा इन्हीं में से कुछ लोग तब में ही छुटकाशी कर लेंगे। जितने मेरा नाम तबले प्रथम होगा तब आपको जबाब देने भर की देर है क्योंकि हम हर प्रकार हीन हो चुके हैं घबरेले हैं व उग्र हैं अब आपके सहारे व आपके दरबार में बड़े हैं देखाते हैं मेरे सरकार मेरे विधाय में क्या करते हैं। ताहब जिन्दा आप रख सकते हैं तो निराशा करके मौत के लिये भी आप बाध्य कर सकते हैं। अब मुझे आगे कुछ न लिखना है और न कहना है। यदि आप नौकरी दे सकते हैं तो दे दें अन्यथा स्पष्ट शब्दों में लिखकर दे दें कि हम आपको नौकरी नहीं दे पायेंगे ताकि कहीं हम इन परिवारों का गला घोट सके व स्वयं मौत ले सकें।

शेष सब ठीक है।

इति आपका

ह/० बलराम जी,
पुत्र श्री लल्लन,
ग्राम - तमरा, दम्न,
पो० - बडगाँव,
जिला - गोंडा।

नोट :- इस पत्र के साथ हम योग्यता प्रमाण पत्र, चरित्र प्रमाण पत्र व जन्मतिथि प्रमाण पत्र तथा रेल प्रशासन के अधीन कार्य करने का प्रमाण पत्र का फोटो स्टेट कापी भेज रहे हैं। रेल विभाग का फोटो स्टेट पहले ही कई कापी करा चुके थे तो अभी उपलब्ध है, जो सत्य है।

ह/० बलराम जी

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Q.C. Saxena
Advocate, High Court
B-3468, Rajpura, Lucknow

18/8

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. 281 of 1989

Chhatrapal & another

I. Applicant

Versus

Union Of India & others

.. Opposite parties

Counter reply on behalf of the
opposite parties.

I, Chaman Behari Tondon, aged about 51
years, son of Lakshmi S.B.L. Tandon working as
Assistant Personal Officer 1 North Eastern Railway,
Lucknow, I have duly authorised by the opposite
party to file this instant reply on their behalf.

1. That in reply to para 1 of the application
it is stated that the same matter has already been
decided by this Hon'ble Tribunal sitting at Allahabad
vide O.A. No. 747 of 1986 hence, this petition is
not maintainable and deserves to be dismissed. Any
thing contrary to above is denied.

2. That in reply to para 2 of the application
need no comments in view of the facts narrated in

एव वरुन एवै प्रवक्तु (का.)
प्रतिवादी देवदे, लखनऊ

(C.B. Tondon)
वहायक न्यायिक अधिकारी /
प्रतिवादी देवदे, लखनऊ

above paragraphs of this counter reply.

3. That the contents of para 3 of the application are wrong hence denied. In reply thereto it is stated that the present application is barred by time as well as res judicata also applies in the instant case.

4. That the contents of para 4 of the application are being replied as under :

IV.I That the contents of para IV.I of the application are not admitted as alleged hence denied. In reply thereto it is stated that the educational qualification is not only the criteria for appointment in Railway.

IV.II That the contents of para IV.II of the application are not admitted as alleged hence denied. In reply thereto it is stated that the applicants intimated false working days on the basis of forged working certificate which is clear from the judgement and order given by the Central Administrative Tribunal, Allahabd in O.A. No. 747 of 1986. The true copy of said judgement and order is being enclosed herewith as Annexure No. R-1 to this counter reply.

IV.III That in reply to para IV.III of the application it is stated that the casual labour cards as alleged by the applicants, issued to them were doubtful and on verification, it was proved that those were forged and fabricated. The true

C.B. Tandon

महायुक्त कानून अधिकारी /

पूर्वोत्तर रेलवे, लखनऊ

copy of the report submitted by the Executive Engineer (Construction) North Eastern Railway, Barauni dated 6.5.91 clearly reveals that the applicant No. 2 has submitted the forged certificate because the period shown in the certificate is of that time when the concerned department was not established. In the certificate submitted by the applicant, ~~xxx~~ the applicant No. 1 has been shown that he has worked from 16.1.75 to 15.7.75 whereas as per report of the Executive Engineer, the department concerned was established in the year 1978 only. In respect of the applicant No. 2 it is stated that as per certificate submitted by him, there is no record available in the office concerned. The true copy of report dated 6.5.91 is being enclosed herewith as Annexure No. R-2 to this counter reply ✓

IV. IV That the contents of para IV. IV of the application need no comments as the same is not relevant for the instant case.

IV. V That the contents of ~~xxx~~ para IV. V of the application are not admitted as alleged, hence denied. In reply thereto it is stated that the certificate of the working of the applicants as submitted by them were found forged.

C. B. Tandan
नवायक कार्यालय अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

IV.VI That the contents of para IV.VI of the application need no comments as the same are not relevant for the instant case.

IV.VII That the contents of para IV.VII of the application are wrong as ^{alleged} ~~were~~ ^{hence} ~~as~~ /denied.

In reply thereto it is stated that they have worked as casual labour in the Engineering Department as per the certificate submitted by them. On enquiry those certificates were found forged hence there was no question of sending the names of the applicants by the Senior Subordinates of Engineering Department for screening of medical Department. Moreover, it is further submitted that on verification of the ^{working of the} ~~the~~ /applicants as alleged by them by Deputy Chief Engineer (Construction) Gorakhpur, found that the applicants have submitted false certificates.

IV.VIII That the contents of para IV.VIII of the application are not admitted as alleged hence denied. In reply thereto it is stated that the original working certificates have never been deposited ^{to by} ~~by~~ the applicants ~~by~~ ^{to} the Railway Administration.

IV.IX That the contents of para IV.IX of the application are ^{not} ~~are~~ /admitted as alleged hence denied. In reply thereto it is stated that

C.B. Tandon
महायुक्त कांसिक अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

that the pa-nel which was circulated vide DRM(P) No. E/227/Scrg/8/Mech.(Loco)/MSP/83 dated 18.4.83 will prove itself the actual position. It is submitted that later on the certificates submitted by the applicants were found forged and fabricated.

IV.X In reply to para IV.X it is stated that the contents of para under reply are not relevent in view of the facts and circumstances narrated in this counter reply. It is further submitted that the medical fitness only do not confer any right to the applicants.

IV.XI That the contents of para IV.XI of the application are not admitted as alleged hence denied. In reply thereto it is stated that the applicants have claimed for their appointment before Hon'ble Central Administrative Tribunal, Allahabad through an application which has been decided and judgement and order of the same has been enclosed ~~herewith~~ with this counter reply as Annexure No. R-1 to this counter reply.

IV.XII That the contents of para IV.XII of the application need no comments in view of the facts and circumstances narrated above.

IV.XIII That the contents of para IV.XIII of the application need no comments in view of the facts and circumstances narrated above.

C. B. Tadm
सहायक आर्थिक अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

- VI.XIV That the contents of para IV.XIV of the applica-^{18/12/}
tion need no comments in view of the facts and
circumstances narrated above.
- IV.XV That the contents of para IV.XV of the applica-
tion need no comments in view of the facts and
circumstances narrated above.
- IV.XVI That the contents of para IV.XVI of the applica-
tion need no comments in view of the facts and
circumstances narrated above.
- IV.XVII That the contents of para XVII of the application
are not admitted as alleged hence denied. In
reply thereto it is stated that the applicants
working as alleged by them were found false and
the certificates submitted by them were found
forged hence there was no question to ^{any} absorption
or appointment of the applicants.
- IV.XVIII That the contents of para IV.XVIII of the application
need no comments in view of the facts and circum-
stances narrated above in this counter reply. As
such the contents of para under reply a-re denied.
- IV.XIX. That the contents of para XIX IV.XIX of the
application need no comments in view of the facts
and circumstances narrated above.
- IV.XX That the contents of para IV.XX are not admitted
as alleged hence denied. In reply thereto it
is stated that in compliance to the judgement

C B. Tandon
18/12/11

XX

and order of this Hon'ble Central Administrative Tribunal Allahabad, the applicants were asked to submit their original certificates for their date of birth, education and working as casual labour vide office letter No. E/II/227/Screening/Loce/83 dated 8.4.88, sent through Registered A.D., but the applicants have submitted representation stating that the working certificates were deposited ~~by~~ ^{to} the Railway Administration, whereas no original certificates were deposited by the applicants with the Railway Administration hence applicants were again asked to submit their original certificates as desired vide ^{D.V.} Deputy Railway Manager (P) Lucknow's letter No. E/II/227/Screening/Loce/83 dated 16.5.88 and some other letters. The letter dated 8.4.88 and 16.5.88 have been admitted by the applicants in the paragraphs IV.XXIII of the application.

Later on the certificates submitted by the applicants were sent to the Concerning authorities for verification and these were found forged.

IV.XXI That the contents of para IV.XXI of the application need no comments in view of the facts and circumstances narrated above.

IV.XXII That the contents of para IV.XXII of the application need no comments in view of the facts and circumstances narrated above.

IV.XXIII That the contents of para IV.XXIII of the application need no comments in view of the facts and circumstances narrated above.

IV.XXIV That the contents of para IV.XXIV of the application need no comments in view of the facts and circumstances narrated above.

IV.XXV That the contents of para IV.XXV of the application are wrong hence denied. In reply thereto it is stated that the detailed reply has already been given in the foregoing paragraphs of this counter reply.

IV.XXVI That the contents of para IV.XXVI of the application are not admitted as alleged hence denied. In reply thereto it is stated that it is not correct that the original casual cards were deposited by the screening Committee.

IV.XXVII That the contents of para IV.XXVII of the application are not admitted as alleged hence denied. In reply thereto it is stated that the working of applicants, on verification, from concerning authorities from the different departments. It was found that the certificates as annexed by the applicants were found forged.

IV.XXVIII That the contents of para IV.XXVIII of the application are wrong hence denied. In reply thereto it is stated that as the working of the applicant No. 1 has been verified by the Deputy Chief

Engineer (construction), Gerakhpur, and was found that he has not worked under PWI (Construction) Gerakhpur, even for a single day. So as the case of applicant No. 2 also as there is no record available in the department about his working.

IV.XXIX That the contents of para IV.XXIX and IV.XXX & XXX of the application are not admitted as alleged hence denied. In reply thereto it is stated that it is clear that the applicants submitted forged copies of the certificates, giving false working days, for getting employment in the Railway administration and thus they have committed serious misconduct.

IV.XXXI That in reply to para IV.XXXI of the application it is stated that efforts were made to verify the actual working days of the applicants, as alleged by them from the different departments and division of the North Eastern Railway but it has been found that the applicants have submitted forged copies of certificates. Anything contrary to above is denied.

IV.XXXII That in reply to para IV.XXXII of the application it is stated that the facts were disclosed after publication of the panel by the screening Committee, that the applicants used forged and false certificates, in respect of their working as alleged, at the time of screening

C.B. Tandon
बहादुर कामिक अधिकारी,
पूर्वोत्तर रेलवे, इलाहाबाद

which tantamounts serious misconduct and as such ^{1/ab}
the applicants can not be appointed in the Railway
administration. Anything contrary to above is denied.

IV.XXXIII That the contents of para IV.XXXIII of the applica-
tion are wrong hence denied. In reply thereto
it is stated that the omission as alleged has
occured. By chance, the benifits can not be given
to the applicant.

IV.XXXIV That the contents of para IV.XXXIV of the application
are not admitted as alleged hence denied. In reply
thereto it is stated that after the circulation
of the panel, the verifications were made by the
Vigilence Cell of the Railway Administration and
thereafter it was found that the applicants have
given forged copies of certificates.

IV.XXXV That in reply to para IV.XXXV of the application
it is stated that the working certificates given
by the applicants at the time of screening were
forged and false, therefore, they were not appointed
being unsuitable for the appointment in the Railway
administration. Anything contrary to above is denied.

IV.XXXVI That the contents of para IV.XXXVI of the appli-
cation are not admitted as alleged hence denied.)
In reply thereto it is stated that no specific
comments are required in view of the facts and
narrated
circumstances/in this counter reply.

(B. Tandon
सहायक कामक अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ

IV.XXXVII That the contents of para IV.XXXVII of the application need no comments.

5. ^{That} All the contents of para 5 and the grounds taken therein are false, frivolous and concocted. As such those are not sustainable in the eyes of law therefore, the above noted application deserves to be dismissed through out.

6. That all the contents of para 6 of the application need no comments in view of the facts and circumstances mentioned above in this counter reply.

7. That the contents of para 7 of the application need no comments in view of the facts and circumstances narrated in para 4 of this counter reply. However, it is further submitted that this is a second application of the applicants for the same cause.

8. That the contents of para 8 of the application need no comments in view of the facts and circumstances mentioned above it is submitted that applicant does not deserve for any relief as prayed.

9. That the contents of para 9 of the application need no comments.

10. That the contents of para 10 of the application need no comments.

11. That the contents of para 11 of the application need no comments.

12. That the contents of para 12 of the application need no comments.

C.B. Tandon
(Chaman Behari Tondon)

बहायक आमेक अधिकारी:
पूर्वोत्तर रेलवे, नमनड

सहायक कामगार अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

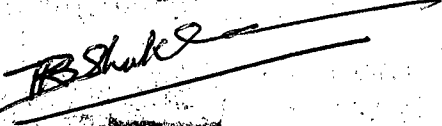
VERIFICATION

I, Chaman Behari Tondon, do hereby verify that the contents paragraphs 1 to 12 of the application are true to my personal knowledge and derived from the perusal of official records, except the legal averments which are believed to be true on the basis of the legal advice.

No matter of this reply is false and nothing material has been concealed.

C.B. Tondon
(Chaman Behari Tondon 3878/9)
सहायक कांसिक अधिकारी /
पूर्वोत्तर रेलवे, बल्लभपुर

Through


(B. K. Shukla)
Counsel of the opposite parties

O.A. No. 281 OF 1989

CHHATRA PAL

UNION OF INDIA

APPLICANT

RESPONDENT

ANNEXURE NO C-1

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALI AHABAD

Registration D.A. No. 747 of 1986.

Chatra Pal & 8 others ...

Applicants

Versus:

General Manager, N.E. Railway
Gorakhpur & Others. ...

Respondents.

Hon. S. Zaheer Hasan, V.C.
Hon. Ajay Johri, A.M.

(By Hon. S. Zaheer Hasan, V.C.)

This is an application under Section 19 of the Administrative Tribunal Act XIII of 1985. Chatra Pal and 8 others have filed this petition for direction to the opposite parties to decide the representation of the applicants dated 2.8.1985 and to appoint them to class IV in accordance with the seniority list of the result of the last published vide notification dated 18.4.83.

2. The applicants' case is that they were working as Casual labourers in B.G. Construction Project of N.E.R. Lucknow Division from a long period. A screening test was held in 1983 in which the applicants alongwith other casual labourers appeared. On 18.4.83 the result of the test was notified and the applicants were approved for appointment as class IV staff in the Railways. Subsequently they were medically examined and found fit. After medical examination the applicants were waiting for the appointment letter but they have not received any appointment letter and on the other hand the persons junior to him in the aforesaid list were appointed. In this connection they made a representation on 2.8.1985 but no reply was given. In April 1986 the applicants came to know that on 14.4.1985 six persons were appointed in class IV vacancy though they were not put in list prepared in 1983.

3. The defence is that the list was prepared in 1983 in which the applicants and others were approved for appointment. They did not submit original certificate from the concerned Loco Foreman under whom they were working and the certificates

C.B. Tandan
सहायक कामिक अधिकारी,
पुर्वोत्तर रेलवे, लखनऊ

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produced at the time of screening were subsequently found to be forged and fake. It was further alleged in the Counter Affidavit that the applicants never worked in the Loco Shed and as such they were not given the appointment and they were put to strict proof of allegation with regard to the fact that they have worked in B.G. (Construction). The applicants are also required to show their original working certificate. The only point argued before us was as to whether the applicants' name was rightly dropped and they were not appointed because they had submitted forged and fake certificate. The contention of the applicants is that the representation was sent by post which was received by the respondents on 26.2.85 (Annexure-I). In response to the representation made by the petitioner he received a communication from the office of Prime Minister dated 13.5.1985. The letter Sri Satya Prakash Malviya, M.P. addressed to the Railway Minister also suggests that in 1985 some complaints were made regarding selection out of panel. The applicants were never informed that the certificates were forged and fake. So it was contended that any finding regarding forgery behind the back of the applicants is bad in law.

4. In 1983 screening was done and the applicants alongwith others were approved for appointment. It appeared that some enquiry was made and it was found that the certificates filed by the applicants were forged and so they were not given any appointment. The applicants were never told that they were not given the appointment for the aforesaid reason. In this connection they made a representation but no reply was given. So naturally they could not deny the alleged forgery. When the Counter Affidavit was filed they came to know that there was a charge of forgery and now they are denying the same. This finding of forgery was given behind the back of the applicants and they were not communicates. So this action of passing ex parte finding is violative of the principles of natural justice. The authorities are directed to hear the applicants regarding the alleged charge of forgery and thereafter pass suitable order. The petition is disposed of accordingly with costs on parties.

Sd/-
Vice Chairman

Sd/-
Member (A).

Dated the 24 Sept. 1987.

TRUE COPY

Sd/-
(D. S. Dubey)
Section Officer
Central Administrative Tribunal
Allahabad.

C. B. Tandon
उपहायक कामिक अधिकारी /
पूर्वोत्तर रेलवे, लखनऊ

O.A. No. 281 OF 1989

CHHATRA PAL

UNION OF INDIA

APPLICANT

RESPONDENT

ANNEXURE NO. C-2

प्रधान रेलवे
मंत्रालय

कार्यालय
का.प. डी. (नि.)
वरौनी

पत्र सं. डब्लू/कान/२४७/वरौनी/ई-३५ क्र. १६६ दि. ६-५-९१
२९९०

मंडल रेल प्रबंधक (का.)

वरौनी रेलवे, लखनऊ

विषय :- न्यायालय के निर्णय के अनुसार आकस्मिक
एजेंसी समिती के सेवा विवरण का सत्यापन

संदर्भ :- आपका पत्रांक ई/२२७/स्कीमिंग/ओ.ओ.
/८३ दिनांक १-१-९१

उपरोक्त संदर्भित पत्र द्वारा आपने निम्नलिखित
व्यतूर्व आकस्मिक समिती का कार्य अर्थात् जाँच
हो गेता है। जाँचोपरान्त स्पष्टीकरण आपके
पास प्रेषित किया जाता है।

क्रम सं. नाम एवं पिता का नाम

स्पष्टीकरण

१- श्री हृदय नारायण मिश्र
श्री चन्द्रदेव मिश्र

ई.०.प.० नि. (नि.) एपरा का सहा
मस्टर सीट वरु का कार्य में
उल्लेख नहीं है।

२- श्री धनपाल श/० रामरत्न

इस कार्यलय में उल्लेख
आभिलेख में इन कार्यलयों
का नाम उल्लेख नहीं है।

३- " रमाशंकर श/० चंदा राज

यै ई.०.प.० नि. (नि.) वरौनी में
आधिन १६-१-७५ से १५-७-७५
तक कार्य अर्थात् दर्जा है
जोकि ई.०.प.० नि. (नि.) वरौनी
१९७८ में स्थापित हुआ है। १९७५
का प्रमाण पत्र वरु पास हुआ
जानकारी नहीं है।

(५) " बलराम श/० गेल्लन

आपका कार्य अर्थात् पत्रिका कला
दर्जा है। पत्रिका कला का जोई
में आभिलेख वरु कार्यलय में
उल्लेख नहीं है। उल्लेख जाँच
करता संग्रह नहीं है।

C. B. Tandon
प्रधान कार्यालय अधिकारी,
वरौनी रेलवे, लखनऊ

क्रमांक	नाम व पता	जन्म तिथि	शिक्षा	व्यवसाय	आपत्ति अवधि	व्यय विवरण	विवरण
1	2	3	4	5	6	7	8
1	श्री. हरप. नारायण मिश्र पु. च. नं. देव भि. ज.	10-6-61	हाई स्कूल 1976	रे. प. नि. (निर्माणा) युवा नि. देव कपरा	16-1-80 से 15-4-80 18-4-80 से 15-6-80 16-6-80 से 15-6-81	499 रु. X	
2	श्री. हनुमान पु. रामराम	6-10-59	चार 1975	रे. प. नि. (निर्माणा) युवा नि. देव मु. ल. कर. पु.	16-1-80 से 31-12-79 16-1-80 से 31-12-80 16-6-80 से 15-9-80 31-9-80 से 30-6-81	1100 रु. X	
3	श्री. रमा. अन्न. पु. नारायण	1-1-61	हाई स्कूल 1976	रे. प. नि. (निर्माणा) युवा नि. देव मु. ल. कर. पु.	16-1-80 से 31-12-80 16-1-80 से 31-12-81 16-1-82 से 30-4-82 5-5-82 से 15-8-82 1-9-82 से 8-11-82	449 रु. X	
4	श्री. राम. पु. रामराम	26-7-59	हाई स्कूल 1977	रे. प. नि. (निर्माणा) युवा नि. देव मु. ल. कर. पु.	16-1-80 से 15-2-75 18-2-75 से 15-3-75 21-3-75 से 15-4-75 16-4-75 से 15-5-75 18-5-75 से 15-6-75 21-6-75 से 15-7-75	528 रु. X	

1	2	3	4	5	6	7	8
4	श्री भास जी पुत्र रामस्वामी			देवगंजि (मिमांसा) मुनिवर देवगंज सो-पुर	16-7-75 से 15-8-75 16-8-75 से 15-9-75 16-9-75 से 15-10-75 18-10-75 से 15-11-75 16-11-75 से 15-12-75 16-1-76 से 15-3-76 16-1-77 से 15-3-77 18-3-77 से 15-4-77 16-4-77 से 15-5-77	25.2 मिटर X	
45	श्री नम रामजी पुत्र नारायण	6-11-51	देवगंजि देवगंज निरीक्षण 1969 मुनिवर देवगंज पासिया-बारा (बीह)	16-11-76 से 31-12-76 5-1-77 से 30-2-77 15-3-77 से 4-5-77 17-5-77 से 31-7-77 30-8-77 से 30-11-77	33.8 मिटर X		
46	श्री नारायण रामजी पुत्र रामगुण	12-8-58	देवगंजि देवगंज निरीक्षण 1977 मुनिवर देवगंज बरोनी बारा	16-10-76 से 15-10-76 16-1-77 से 15-4-77 12-4-77 से 15-8-77 16-8-77 से 15-1-77 16-9-77 से 15-12-77 31-12-77 से 15-1-78 16-1-78 से 15-10-78 16-1-79 से 15-4-79 16-4-79 से 15-8-79 18-8-79 से 15-12-79 16-1-80 से 15-4-80 16-1-81 से 15-4-81 31-4-81 से 15-6-81	44.1 मिटर X		
7	श्री रामगुण रामजी पुत्र राम देवगंज	1-1-57	देवगंज	देवगंजि (मिमांसा) मुनिवर देवगंज रामदेवगंज	16-12-75 से 15-4-76 18-4-76 से 15-8-76 31-8-76 से 15-12-76 16-1-77 से 15-4-77 18-4-77 से 15-8-77 31-8-77 से 15-1-77	44.1 मिटर X	

सहायक कार्यालय कार्याकारी,
मुनिवर देवगंज, राजनर

1/10/81

[illegible]

A
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

9-87-99
Date of Filing
Date of Receipt by Post

1791

Chhatra Pal & others

.....

Applicants

In Re :

Original Application No. 281 of 1989

Chhatra Pal and others

.....

Applicants

Versus

Union of India and others

.....

Respondents

APPLICATION FOR CONDONATION OF DELAY IN FILING

REJOINDER AFFIDAVIT

Place before the

Hon'ble

for order & on

The applicants most respectfully beg to submit as

under :-
Dy. Registrar

1. That as per M.P. No. 774/99 which was heard on 29.6.99 the file came to me in the month of May in which I file my power.

2. That in this case R.A. was order to be filed by Hon'ble Tribunal within two weeks time from the date of order dated 29.6.1999.

3. That due to my old age and illness I could not file the Rejoinder Affidavit as ordered but filing before the date fixed for hearing i.e. 11.8.1999.

Therefore, it is most humbly prayed that the Hon'ble Tribunal may be graciously pleased to condone the delay in filing Rejoinder and to take the same on record of the Hon'ble Tribunal in the interest of justice.

Lucknow

Dated : 9-8-99

(K.R. Ahirwar) Advocate
Counsel for the Applicants

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BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL LUCKNOW BENCH, LUCKNOW

O.A. No. 281 of 1989

Administrative Tribunal
Date of Filing
Date of Receipt by Post
No. 281 of 1989

Chhatra Pal and others Applicant
Versus
Union of India & others Respondents

REJOINDER ON BEHALF OF THE APPLICANT

I, Balram Ji aged about 38 years, son of Sri Lallan, resident of village Somara Damuman, Post Barhgoan, District Gonda, do hereby solemnly affirm and state as under :-

That the deponent is the Applicant no.2 and he is fully conversant with the facts deposed to hereunder :-

1. That the contents of para no.1 of Counter Affidavit are misguiding and misinterpreted hence denied and further stated that the applicants were selected and empanelled for appointment as per the select list/Panel published on 13.4.1983. The Respondents are deliberately without any reason are avoiding to appoint the applicants inspite the vacancies are available. The Hon'ble Tribunal at Allahabad vide O.A. No.747 of 1986 has decided the case in favour of the applicants even then the Respondents are not obeying the direction of the Hon'ble Tribunal, hence the O.A. is very well maintainable in the ends of justice.

बलराम जी

2. That the contents of para no.2 of the Counter Affidavit needs no comments. 10/8

3. That the contents of para no.3 of the Counter Affidavit are denied in the manner that the matter was already discussed at the time of admission of the O.A. in 1989. The question of Resjudicata does not apply because the order of Hon'ble Tribunal dated 24.9.1987 disobeyed by the Respondents which has been explain vide para 4.19 of this O.A. page 6.

4. That the contents of para no.4.1 of Counter Affidavit are not admitted and denied in the manner that the educational qualification are every where considered.

5. That the contents of para 4.2 of the Counter Affidavit are false and misguided hence denied in the manner that the applicants were selected and empenalled in 1983 by the duly constituted screening committee. The names of the applicants were included in the select list after examination, concerning certificates by the screening committee. The names of the applicant were sent by Divisional

Railway Manager (P) vide his

the ~~_____~~

4. That the contents of para no.4.1 of Counter Affidavit are not admitted and denied in the manner that the educational qualification are every where considered.

बलराज

cont d.....3.

Serial No. 1000/1987
Date of filing 10/11/87
Date of disposal 10/11/87
By whom disposed of By M.A.

from 1983 to the date Counter Affidavit filed before the Hon'ble Tribunal as observed by the Hon'ble Tribunal vide his judgement dated 24.9.1987. The Hon'ble Tribunal further observed that, "this finding of forgery was given behind the back of the applicant and they were not communicated. So this action of passing ex-parte finding is violative of the principles of natural justice. The authorities are directed to hear the applicants regarding the alleged charge of forgery and thereafter pass suitable orders".

6. That the contents of para 4.3 of the Counter Affidavit are not admitted and denied being misguided and mislead from the facts and stated in the manner that the Casual Labour Cards of the applicants were not doubtful, forged and fabricated since 1978 to 6.5.1991 on the basis of which the applicants were screened by a duly constituted screening committee, in which all the records were seen in original and other performance too. It is further stated in the report of Executive Engineer (Construction) North Eastern Railway Barauni report dated 6.5.1991 that the applicant No.1 has been shown that he has worked from 16.01.1975 to 15.7.1975 whereas, as per report of the Executive Engineer, the department concern was establish in the year 1978 only, but this reason was not given for the applicant no.1 by Executive Engineer Barauni vide his letter dated 6.5.1991. In fact the applicant no.1 has worked under P.W.1 (Construction) Muzaffarpur from 16.1.1978 to 30.6.1981 and under P.W.1 (Construction) N.E. Railway Gorakhpur from 15.7.1981 to 8.11.1982 whereas the report was asked from Executive Engineer Barauni even on 6.5.1991. The Executive Engineer

21/11/87

SECRETARY (AC) - Lucknow
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Barauni has very clearly stated in his report dated 6.5.1991 that no record about applicant no.1 is available in this office. Hence the averments furnished vide para 4.3 of Counter Affidavit are itself forged, doubtful and fabricated with the intention to mislead to the Hon'ble Tribunal. The report submitted by Executive Engineer Barauni dated 6.5.1991 clearly reveals that the applicant No.2 has submitted the forged certificates because the period shown in the certificate is of that time when the concerned department was not established. It is further stated vide para no.4.3 of Counter Affidavit that in respect of the Applicant no.2 it is stated that as per certificate submitted by him, there is no record available in the office concerned whereas the applicant no.2 has submitted the certificate issued by P.W.1 Palia Kalan of Lucknow Division and report was asked from Executive Engineer Barauni on 6.5.1991 that too which has been submitted at the time of Counter Affidavit to this O.A. It is further stated that the department of B.G.Construction has not been established i.e. 1999 at Palia Kalan Station in Mailani Gonda Section of Lucknow Division. Hence the statement submitted here in regard to the applicant no.2 are also false, forged and fabricated with the intention to tense the Hon'ble Tribunal against the applicant.

7. That the contents of para 4.4 of the Counter Affidavit are not admitted as not true. It is stated in the manner that the contents of Original Application are true and correct by which the recruitment of the applicants were made in view of

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the rules mentioned herein.

8. That the contents of para 4.5 of Counter Affidavit are not admitted being misguided and mislead by the opposite parties and explained in the manner that the certificate of the applicants were checked at the time of screening committee duly constituted for the purpose and found correct and valid from all respect hence after being satisfied by the Gazetted officer of screening committee appointed with the approval of Divisional Railway Manager. It is further stated that the certificate never again checked from 18.4.1983 the date of declaration of result of screening committee, to 6.5.1991 letter issued by Executive Engineer Barauni Junction and the Executive Engineer also could not declare that the certificate of the applicants were false and forged.

9. That the contents of para 4.6 of Counter Affidavit needs no comments.

10. That the contents of para no. 4.7 of the Counter Affidavit are not admitted and denied in reply it is stated that the applicants were called by screening committee for screening test because the names along with their working days supported by certificates duly issued by competent authority. The working duly examined by screening committee during the course of screening and accordingly the result of screening was published with approval of the D.R.M. competent to approve the result of screening committee. There was no indication and remarks furnished by the screening committee that

the result of screening will be subject to the verification of working days of each candidates or individual candidates which can be perceive from the result of screening committee published. It is further stated that no verification was made by the Deputy Chief Engineer Construction Gorakhpur that the applicants have submitted false certificate as no such evidence is preferred with their Counter Affidavit by the opposite parties. It is further clarified that ~~last~~ screening was held on 1982 and the absentee test in the month of January, February and March, 1983 at Gorakhpur, Gonda, Lucknow, Mailani, Kanpur, Anwarganj and absentee test at again at Lucknow Junction. The competent authority the D.R.M. has accord his approval to this Panel on 14.4.1983 and this panel was published vide D.R.M. (P) Lucknow Junction letter No. E/227/Screg/8/Mech. (Loco/M and P) 88 dated 18.4.1983. On 16.12.1985 the names of applicants were send to Deputy Chief Mechanical Engineer Izat Nagar for their appointment/absorption. On 8.8.1986 the names of applicants were again sent by the then D.R.M./Lucknow Sri Anrudh Mittal vide his D.O. Letter No. E/227/Scre/8/Mech., Loco dated 8.8.1986 to Sri S.D. Sharma the then D.R.M./Izat Nagar, for the appointment of the applicants along with the List. The Hon'ble Tribunal Allahabad clearly mentioned in their judgement dated 24.9.1987, that the applicants were never informed that the certificates were forged and fake. So it was contended that any finding regarding forgery behind the back of the applicants is bad in law". It is further stated that vide letter of Executive Engineer (Construction) North Eastern Railway Barauni dated 6.5.1991 submitted in support of

Central Administrative Tribunal
New Delhi
Date of filing
Date of Receipt by Dept.

Counter Affidavit is false itself as there was no record available because the applicants have worked some where else and Executive Engineer Barauni has no jurisdiction to verify the records of others.

11. That the contents of para 4.8 of the Counter Affidavit are not admitted and denied. In reply it is submitted that without original certificates no name of any candidates included and published in a select list and Panel because the only working days certificates are the main basic record for selection of the candidates. It is further stated that the working certificates were checked by the screening committee during the course of screening and every officer and member of the duly constituted committee is individually responsible to check the working days certificates of each candidates and after being satisfied furnish the remark on the result sheet available before them whether a candidate is qualified or not. After completion of screening the result was prepared and approved by the competent authority the D.R.M. It is further stated for the kind perusal of this Hon'ble Tribunal that in the result of screening committee finally published on 18.4.1983 it was very clearly mentioned that "It is very necessary that the dates of birth and SC/ST certificates should be rechecked by the dealing Section of Personal branch at the time of appointment.

12. That the contents of para 4.9 of Counter Affidavit are not admitted and denied being false and misleading reply furnished. In the manner it is stated that not yet it has been proved that the certificates submitted by the applicants were forged and fabricated.

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13. That the contents of para 4.10 of the Counter Affidavit are denied in the manner that a letter for medical examination was issued to those candidates who are found suitable in a selection proceeding and screening test conducted by duly constituted committee for the purpose of selecting/screening.

14. That the contents of para 4.11 of Counter Affidavit are denied being not admitted and replied in the manner that the Hon'ble Tribunal Allahabad had decided the case and passed their judgement in favour of the applicant. The certificates submitted by the applicant before the screening committee where, there were properly checked by duly constituted committee not as yet proved as forge and fabricated. The operative portion of the judgement can be perceived.

15. That the contents of para 4.12 of Counter Affidavit not admitted in reply it is stated that the case of the applicants were so genuine and correct as per law for which the representation made to all higher authority over and above the Divisional Railway Manager and General Manager of the Railway concerned.

16. That the contents of para 4.13 of the Counter Affidavit are not accepted and denied in the manner that the facts of the case has been denied in the circuitous manners saying that contents of O.A. para 4.13 need no comments. The facts are also in this reference are stated that on the representation of the applicants to the

20/1/2011

Prime Minister the General Manager of North Eastern Railway has decided in the meeting that the remaining screened candidates will be observed in the workshop Izatnagar for which a letter dated 27.5.1985 was issued by General Manager, N.E. Railway Gorakhpur to Deputy Chief Mechanical Engineer Shop Izat Nagar. In compliance the order of letter dated 27.5.1985 Deputy Chief Engineer Shop Izat Nagar issued a letter dated 5.6.1985 to the Respondent No.4 requesting him to send the list of screened panel who could not be absorbed in Lucknow Division. It is further declared that the question of forge and false certificates was not raised as on 5.6.1985.

17. That the contents of para 4.14 of Counter Affidavit are not admitted and denied in the manner that on the basis of letter dated 5.6.1985 issued by Deputy Chief Mechanical Engineer Shop, Izat Nagar the Respondent no.4 prepared a list of 62 screened and empanelled candidates which was send to Izat Nagar Shop vide Respondent letter dated 16.12.1985. At this stage the question of false and forged certificate was not arise.

18. That the contents of para 4.15 of the Counter Affidavit are not correct and not admitted in the manner that the applicants and other who were sent to Izat Nagar for absorption returned there for want of vacancies as could not be obserbed there.

19. That the contents of para 4.16 of the Counter Affidavit are not admitted and denied in the manner that when the applicants could not be allowed by

Deputy Chief Engineer Shop Izat Nagar, the General Manager Gorakhpur through a meeting again call all the Divisional Railway Manager of N.E. Railway for absorption to the applicants. In the said meeting the Divisional Railway Manager, Izat Nagar agreed to absorb the applicants along with list in his Izat Nagar Division. Therefore a D.O. letter dated 8.8.1986 was sent by D.R.M., Lucknow to D.R.M. Izat Nagar along with the list of 56 screened candidates. At this stage the question of false and forged certificate was not in the subject and quarries.

20. That the contents of para 4.17 of the Counter Affidavit are not admitted and denied being false and misguided in the manner that from the date of the result of screening i.e. 18.4.1983 to the date of D.R.M., Lucknow D.O. letter dated 8.4.1986 no certificate of working found false and forged at any stage.

21. That the contents of para 4.18 of Counter Affidavit are not admitted and it is stated that it was observed by the Hon'ble Tribunal, Allahabad while deciding the case dated 24.9.1987 vide para no.3 last sentence that "The applicants were never informed that the certificates were forged and fake. So it was contained that any finding regarding forgery behind the back of the applicants is bad in law". The operation portion of the said judgement dated 24.9.1987 vide para no.4 is completely in favour of the applicants which clearly speaks that, "When the Counter Affidavit was filed they came to know that there was a charge of forgery and now they

are denying the same. This finding of forgery was given behind the back of the applicants and they were not communicated. So this action of passing ex-parte finding is violative of principles of natural justice".

22. That the contents of para 4.19 of Counter Affidavit are not admitted and replied in the manner that the Hon'ble Tribunal Allahabad while deciding the O.A. No. 747 of 1986 by the Division Bench vide their judgement and order dated 24.9.1987 had observed that "The applicants were never informed that the certificates were forged and fake. So it was contended that any finding regarding forgery behind the back of the applicants is bad in law". The Hon'ble Tribunal further observed that, "This finding of forgery was given behind the back of the applicants and they were not communicated so this action of passing ex-parte finding is violative of the principles of natural justice. The authorities are directed to hear the applicants regarding the alleged charge of forgery and thereafter pass suitable order".

23. That the contents of para 4.20 of Counter Affidavit are not admitted and denied. In this matter the fact has been produced in a circuitous manner to mislead and misguide the Hon'ble Tribunal. Hence the facts are stated here that Divisional Railway Manager, N.E. Railway, Lucknow written a letter dated 16.12.1985 to Deputy Chief Mechanical Engineer Workshop Izat Nagar in reference his letter No. _____ dated 5.6.1985 and dated 26.7.1985

दाली नं ११७

which is annexed as Annexure No. A-7 with the O.A. wherein it is stated in letter dated 16.12.1985 vide para no.3 that the list of 62 screened and empaneled candidates were sent with full details. The certificates, certificate of Medical fitness are available in this office which will be sent to you on demand whenever will required. It can be very well perceived by this Hon'ble Tribunal that all the presumptions pretext and quaries about the availability of the certificate and their genuiness are perverse and the statement about the certificate being fake forged and not available itself a false and forged statement by the opposite parties. The certificates so submitted by the applicants, at no stage found forged and false even on demand from Executive Engineer (Construction) Barauni vide his letter dated 6.5.1991 which have been submitted by the Opposite parties in his Counter Affidavit to O.A. in question. Now at this stage the facts reveals that the certificates were available at the Opposite Parties at the time of screening test and upto 16.12.1985 and again asking the testimonial which may cause to deteriment to the accused is violative the principle of natural justice of Article 20(3) of the Constitution of India. It is the sole responsibility of the Respondent to prove the illegality against the accused.

24. That the contents of para 4.21 of Counter Affidavit are not accepted and denied in the manner that on the basis of the judgement and order of the Hon'ble Tribunal Allahabad dated 24.9.1987 applicants made a representation to D.R.M., North Eastern Railway, Lucknow Opposite party no.2

बलरामजी

dated 29.3.1988 but no response was given neither the question of certificates has arose.

25. That the contents of para 4.22 of Counter Affidavit are not admitted and denied in the manner that again on 8.8.1989 the applicant represented addressing to the Hon'ble Prime Minister copies endorsed to the Opposite parties but no response was given by the Opposite Parties at this stage even on 8.8.1989 and the question of forged and false certificate did not arise.

26. That the contents of para 4.23 of Counter Affidavit are not admitted being misguided and mislead to the Hon'ble Tribunal. The facts are stated here that the opposite parties fail to prove that the certificates were false and forged before the Hon'ble Tribunal Allahabad.

27. That the contents of para 4.24 of Counter Affidavit are not admitted and denied in the manner that the Hon'ble Tribunal Allahabad vide judgement and order dated 24.9. 1987 directed the authorities to hear the applicants regarding the alleged charges of forgery and then after pass suitable order. But the authority fail to decide the case so far inspite of the reasons on records as they have made a commentment vide their letter dated 16.12.1985 para 3 that the certificates and Medical Certificate are available in this office when will be demanded be sent.

28. That the contents of para 4.25 of the Counter Affidavit are not admitted and denied in the manner

that the opposite parties wants to misguide and mislead the Hon'ble Tribunal. The facts produced here are that the opposite parties have already admitted that all the certificates are available with them, vide their letter dated 16.12.1985.

29. That the contents of para 4.26 of the Counter Affidavit are not admitted and it is reiterated that the contents of O.A. are correct as admitted by the opposite parties vide their letter dated 16.12.1985.

30. That the contents of para 4.27 of the Counter Affidavit are not accepted and denied in the manner that the respondent have not yet proved that the certificates so produced by the applicants were false and forged. The reason thereby is that the opposite parties are not preserving any kind of documents and testimonial of any substitute/casual labour and these were destroyed by the Administration and opposite parties the reasons best known to them. The copy of the order is annexed with this Rejoinder Annexure R-1.

31. That the contents of para 4.28 of the Counter Affidavit are not admitted and denied in the manner that no verification of certificates of the applicants was done so far except by Executive Engineer Barauni dated 6.5.1991 which has been submitted by the opposite parties with the Counter Affidavit of this O.A. which are also false.

32. That the contents of para 4.29 and 4.30 of Counter Affidavit are not admitted and denied and stated in the manner that the all certificates and

ACW 1/1757

SECRETARY GENERAL
GOVT. OF INDIA
NEW DELHI

testimonials submitted by the applicants were checked by the screening committee duly constituted for the purpose and there were found valid by the administration which are incorporated by the authority concerned, not only this at the stage even today no records has been furnished by the Respondent that these certificates are false and forged as no vigilance enquiry has been initiated so far in this regard. A case of same list of similar nature of same dispute in O.A. No.577 of 1992 has been decided on 14.9.1998. Copy of judgement is annexed as Annexure R-2.

33. That the contents of para 4.31 of Counter Affidavit are not admitted and denied. It is stated in this reply that the certificates and all testimonials were found correct before the screening committee and the same has been accepted by the opposite parties while sending their name to Izat Nagar for there absorption. The question of false and and fake certificates was not raised by the Opposite parties from 18.4.1983 to the filing of Counter Affidavit in O.A. No.747/1986 decided on 24.9.1987 in the favour of the applicant. The certificates still today cannot be proved false by the opposite parties.

34. That the contents of para 4.32 of the Counter Affidavit are not admitted and denied. In reply it is stated in the manner that as per the averments of opposite parties here it was contended that "the facts were disclosed after publication of the panel by the screening committee that the applicants used forged and false certificates, where as the panel was approved by the Divisional Railway Manager competent

authority to approve the panel on 14.4.1983. The Panel was published vide their letter dated 18.4.1983. The list of 62 candidates were sent to Izat Nagar by D.R.M. (P) on 16.12.1985. The list of 56 candidates were sent by D.O. Letter signed by D.R.M./Lucknow addressed to R.M.M./Izat Nagar vide the D.O. Letter dated 8.8.1986. The D.O. letter was received in the office of D.R.M. Izat Nagar on 21.8.1986. So the question of disclosure of false and forged certificates by the screening committee after publication of panel from where and when arrived and this fact was not produced on record anywhere so far.

35. That the contents of para 4.33 of Counter Affidavit are not admitted and denied in the manner that the screening committee was constituted to examine all the pros and cons for the fitness of the candidates which was done by the screening committee and performed its entire responsibilities. The process of screening of the candidature was started from 1982 when in the test was held at Gorakhpur, Gonda, Lucknow, Mailani, Kanpur, Anwarganj and the absentees list at Lucknow Junction Station in the month of January, February and March 1983. Since then from 1982 to 1988 the omission was remained as omission nowhere it has been corrected in a legal manner. Therefore it is further denied that the omission has occurred by chance.

36. That the contents of para 4.34 of Counter Affidavit are not admitted and denied in the manner that no verification made by the vigilance cell of the Railway Administration so far because no modified list of screened candidates were circulated.

What action taken by the Vigilance of the defaulter officer of screening committee for selection of the forged candidates. No documents were submitted by the opposite parties in the whole mesne from 1983 to 1999 as yet. It is further clarified that the contents of 4.34 of the O.A. is some thing else and the reply by Counter Affidavit is just contrary to mislead the Hon'ble Tribunal.

37. That the contents of para 4.35 of Counter Affidavit are not admitted and denied in reply it is stated that the certificates given by the applicants were found correct and genuine on which basis the applicants were declared empanelled and screened. The Railway Administration send the names to Izat Nagar Division for their absorption vide their letter dated 16.12.1985 and dated 8.8.1986 by the level of D.R.M. of Lucknow Division. It is further stated that the contents of para 4.35 of O.A. is something else and reply in Counter Affidavit is just contrary with the intension to misguide the Hon'ble Tribunal.

38. That the contents of para 4.36 of Counter Affidavit are not admitted and denied. It is replied in the manner that the applicants are screened and empanelled candidates required to be appointed as per the seniority list of the screening list. As such circumstances and controvercies the General Manager, N.E. Railway Gorakhpur had issued D.O. Letter No. E/57/0 (v) dated 1.5.1986 with the guide line that how and by whom the vacancies will be filled up. The copy of letter is annexed as Annexure no. R-3 with this Rejoinder.

control Affidavit - Followed
brother Ji
Date of filing
Filed by
The Advocate
A/24

39. That the contents of para 4.37 of Counter Affidavit needs no comments.

40. That the contents of para no.5 of Counter Affidavit are not admitted and denied and stated that under the facts and circumstances stated vide para no.4 of Rejoinder the applicants to be posted at their turn.

41. That the contents of para 6 of Counter Affidavit are denied and the contents of O.A. are reiterated.

42. That the contents of para 7 of Counter Affidavit are not admitted and denied the contents of para 7 of O.A. are reiterated.

43. That the contents of para 8 of the Counter Affidavit are denied and stated the contents of O.A. of para 8 are reiterated.

44. That the contents of para 9 of the Counter Affidavit needs no comments.

45. That the contents of para 10 of the Counter Affidavit needs no comments.

46. That the contents of para 11 of Counter Affidavit needs no comments.

47. That the contents of para 12 of Counter Affidavit needs no comments.

Lucknow

Dated :

Balram Ji

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.....19

Control Affidavit
Decided by
Date of
Total no. of affidavits

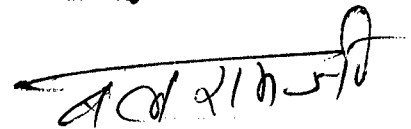
VERIFICATION

I, Balramji, do hereby verify that the contents of paragraphs 1 to 47 of the Rejoinder Affidavit are true to my personal knowledge and derived from the perusal of official records, except that legal averments which are believed to be true on the basis of the legal advice.

No matter of the Rejoinder is false and nothing material has been concealed.

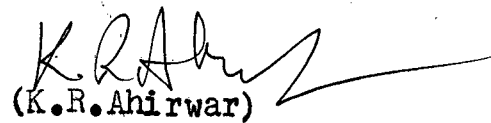
Lucknow

Dated : 9-8-99



Balram Ji

Through



(K.R. Ahirwar)

Advocate

Counsel for the Applicants

OFFICE ORDER No. 293

Office of the
Divl. Railway Manager
Lucknow.

Date: 21.7.98

No. 3, VII, 34 M, Sheet/Bill

G.M. P// GEP

S.A. & C.A.C. GEP

Sr. D.A.C./LJN

Sr.D.E.E./LJN

Sr. L.S.T.E./LJN

C.M.C./BNZ

Sr. D.E.H.

Sr. Divisional Audit Officer, N.E.R./LJN

Dy. C.V.O. GEP

Annexure R-1

Subj: Destruction of Record.

The paid voucher of regular salary Bills Labour pay sheet and other Misc. Bills upto December 1987 are proposed to be destroyed as the maintenance period has since been expired. If any voucher is required to be retained, the same may please be indicated within a month. In case no reply is received within a month from the date of issue of this letter it will be presumed that no record is required to be preserved further.

[Signature]
21/7
Divl. Ry. Manager(P)
Lucknow

Copy to :-

- 2) O.S. Bills, Traffic, Mech. of this office.
- 2) C.S. Comm. Mech, Traffic, Misc.
- 3) O.S. Union, Settlement, Progress
- 4) C.L.A./ Const.
- 5) C.A. to Sr. D.P.O.

[Signature]
21/7
for Divl. Ry. Manager(P)
Lucknow.

[Signature]
21/7

[Signature]
All signed
K.R. Jy
Advocate

Lucknow this the 14th day of Sept., 98.

O.A. No. 577 of 1992

MR. D.C. VERMA, MEMBER (J)

Annexure R-2

1. Ram Bux Singh son of Shyam Behari Singh, resident of village Dutt Nagar, Post Bargaon, District Gonda.
 2. Inswar Deen son of Sri Ram Das
R/O same as applicant No. 1
 3. Bhagwan Deen son of Sri Ram Das, R/o same as applicants 1 & 2.
 4. Raj Bahadur son of Budhu Singh, resident of village Dulari Post Umeri, Beganganj, District Gonda.
 5. Atina Ram son of Ram Pher resident of Dutt Nagar, Post Bargaon District Gonda.
 6. Ram Anuj son of Bindeshwari
 7. Deena Nath Singh son of Ganga Prasad
- Applicants 6 and 7 r/o same as applicant No. 5

Applicants.

By Advocate Shri S.P. Tripathi.

versus

1. Union of India through General manager, N.E. Railway, Gorakhpur, U.P.
2. Divisional Railway Manager, N.E. Railway, Ashok Marg, Lucknow.

Respondents.

By Advocate Shri Sidharth Verma.

ORDER

The applicants numbering 7, have by this O.A., claimed appointment on the basis of the screening list contained in Annexure No. 1. The applicants have also claimed all the benefits of service with effect from the date their juniors were appointed. The applicant's claim is that they have been working as casual labour on daily wage basis at the time of construction of railway work with effect from 1979. The applicants were screened by a committee comprising of 3 officers appointed by the respondent No. 2, i.e. D.R.M. N.E. Railway. The result of the screening committee of casual labour substitutes was published in 1983 (Annexure-1 to the O.A.). All the 7 applicants in this list are as below:

TC
Allesh
K.R.
Adhwa



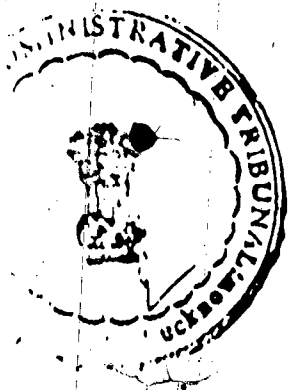
Applicant No. Name

Sl. No.

1.	Ram Bux Singh	212
2.	Ishwardin	220
3.	Bhawandin	310
4.	Raj Bahadur Singh	342
5.	Atma Ram	370
6.	Ram Anuj	372
7.	Deena Nath Singh	437

2. As per the O.A., the applicants were also found fit medically after the medical examination conducted by the D.M.O., Badshah Nagar, Lucknow. On 16.12.85, the Divisional Railway Manager sent a letter to the Dy. Chief Mechanical Engineer, Izatnagar with a list of 62 candidates, including the 7 applicants for absorption because there was vacancy of class IV service at Izatnagar. The names of 7 applicants appeared in the said list (copy Annexure-2). As the applicants were not absorbed at Izatnagar, vide letter dated 8.8.86 (Annexure-3), the D.R.M. Lucknow wrote to D.R.M. Izatnagar with list of 56 candidates including 7 applicants. The applicants were not appointed. Some of the juniors to the applicants were given appointment (as per annexures 4, 5, 6 and 7). It has been also alleged that even some outsiders whose names were not in the screening list, were also appointed to work as appears from Annexure-6.

3. The respondents' case is that those who worked as casual labour in the Broad Gauge construction of Lucknow Division, a seniority list was prepared on 1.4.85 and was published on 4.6.87. As the construction work is always temporary in nature, absorption is done in regular department. For the purpose of absorption, screening is done. As per the respondents, the applicants were screened, as per list Annexure-1. Subsequently, it was found that many persons had submitted false/forged certificate of working and on that basis appeared in the screening test held in the year 1983. Complaints were received from casual labours, who had actually worked. The Vigilance department seized the relevant documents. The Screening list of the year 1983 is therefore, disputed. According to the



TC
A. K. Singh
K. R. Singh
S. R. Singh

Central Administrative Tribunal

Section

Date

respondents, the casual labours who had been working in the department, were allowed to work, but others, even those, whose names including the applicant were in the screening list of 1983, were not given engagement.

4. Heard the learned counsel for the parties and perused the pleadings on record. The Vigilance enquiry, in respect of the screening held in the year 1983, has not been completed so far. As per the recital made in the Supplementary counter reply the result of the Vigilance enquiry is still awaited. Thus, it is not known, when the result of the enquiry would see the light of the day. The Screening list of 1983 (Annexure-1) has not been cancelled so far. Some of the candidates, whose names are in the list, are still working. The applicants have, with their supplementary affidavit annexed a list of 20 candidates (Annexure-7) whose serial numbers, as per screening list Annexure-1 is also given. That shows that these 20 persons who are junior to one or other applicants of the present O.A., have been allowed to work and are still working. Annexure 7 shows and that Tulsiram, Raj Kumar, who stand at serial Nos. 262 and 311 respectively, in the screening list (Annexure-1) were engaged in 1987. As per Annexure 7 to the O.A., similar other juniors were engaged on various subsequent dates. The respondents case is that the screening list (Annexure-1) was not operated and only those who were working, were allowed to work appears to be not correct, as per the documents on record.

5. As the enquiry is still not complete, it cannot be said that the present applicants have committed any fraud or produced forged working certificates. Similar would be the case with the juniors in the screening list (Annexure-1) who have been allowed to work as their case is also under vigilance enquiry. In the circumstances, it would be unjust to exclude the applicants from engagement and would discriminate against those whose names appear in the screening list (Annexure-1) subsequent to the applicant/(s).

6. The learned counsel for the respondents has also submitted that the present O.A. is barred by limitation. I find that the present O.A. is not at all barred by limitation. The O.A. was



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Alleng
K. A. R.
Adm.

Control Administration
Section
Date: 14.9.93
No. 120

-4-

filed in the year 1992. The persons junior to the applicant were appointed in various years vide Annexures 4 to 7 and juniors are still working.

7. The learned counsel for the applicant has submitted that some juniors have been made permanent, but there is no document in support of the same, though the assertion made in the O.A. has not been specifically denied by the respondents. But the respondents' case is that, as the screening list Annexure-1 has not been operated, none amongst the list has been regularised.

8. In view of the discussions made above, it is directed that all the applicants would be engaged in the future vacancy in order of their seniority and would continue to work till the work is available and junior to any of the applicants is working. It is however, made clear that as per result of the Vigilance Enquiry, the department would be free to take appropriate action.

9. The O.A. is allowed as per directions above. Costs easy.

Lucknow; Dated: 14.9.93
Shakeel/

Sd/-
MEMBER (J)

Artified Copy

Member,
Judicial Section
G. A. T.
LUCKNOW

TC
Allex
G. A. T.
Admn

12/17

NORTH EASTERN RAILWAY

OFFICE OF THE GENERAL MANAGER (P)
GORAKHPUR, Dated 1-5-1986.

My dear

(All DRMs/Extra Divl. Officers) &...

Sub:- Engagement of Casual Labour/Substitutes.

In his recent meeting with HODs, G.M. has laid emphasis on strict adherence to the extant instructions in regard to engagement of casual labour/substitutes.

2. The important extant instructions in regard to the engagement of casual labour/substitutes are indicated below:-

- (a) It has been reiterated from time to time that no fresh casual labour substitute is to be engaged without prior personal approval of the General Manager. However, cases continue to come to notice, in which fresh casual labour substitutes have been engaged without personal approval of G.M.

Please take steps to ensure that engagement of fresh casual labour/substitutes without GM's prior personal approval is completely eliminated.

- (b) Vide GM's note No. 2/57/0/V dated 9/10.8.84 (copy enclosed for ready reference), it was directed that the regular vacancies should be arranged to be filled up by screened candidates from the approved panel and not by substitutes.

It was also directed that no substitute should be appointed in any department other than Engineering Dept., till a regular office order is issued by the Personnel Dept. Please ensure that these instructions are strictly followed.

- (c) The substitutes can be engaged in Group 'D' categories, only when the absenteeism at a particular time exceeds the number of leave reserve posts available in that category. Whenever substitutes are engaged, the total number of staff available on duty including the substitutes should not, under no circumstances, exceed the sanctioned strength of staff excluding the leave reserve posts.

- (d) In terms of Railway Board's letter No.E(NG)II/82/G. dated 18.3.82 (circulated vide this office letter No.E/57/1/Pt.II/IV dt. 3.4.82), no substitutes are to be engaged in loco-sheds except without GM's approval.

Contd... 2/-

JC
 Alex
 R. Dr
 Schuck

Continued from pre-page:

3. I shall request you to ensure compliance of the instructions reiterated above. The reply from you in regard to the action taken is solicited, so that the position may be put up to G.M. for his information.

DA/As above.

Yours sincerely,

(Signature)
15.86
(A.S.Gupta)

Shri _____
N.E. Railway,

Copy to all Head of Departments, for information.
Copy to all Personnel Officers, for information and necessary action.

DA/As above.

(Signature)
15.86
(A.S.Gupta)

Chief Personnel Officer.

Copy of G.M.'s Note No. 4/57/0(7) dated 9/10.3.84.

In a recent check made in Division it was noticed that substitutes and casual labour were appointed indiscriminately in all departments. The Divisions are also giving a favourable interpretation for making such appointments by calling them 'substitutes'. This Railway's policy is to give permanent employment to staff and not casual employments.

2. In the Traffic Department particularly, I find that a large number of substitutes are appointed locally at yards and stations. We have a list of screened staff and such other staff like the Transhipment labour at Garhara who have been promised jobs as vacancies arise, and yet I find that substitutes are working merrily at all points.

3. With immediate effect no substitutes or casual labour should be appointed in other than Engineering Department unless a regular office order is issued by the Personnel Department. The Personnel Department also will not issue such an order as long as screened staff are available for absorption on permanent jobs.

4. A list of substitutes on hand should now be prepared by each Division and that list should be screened by the Personnel Department and only the salaries of those staff can be charged and passed by the Accounts Department.

Sd/-

(D. Hariram)
G.M.

- 1) Copy to NER/IZN, LUN, BSB, S&E & SJV.
- 2) Copy to ICDs.

No. E/57/0(7) c.9/10.3.84.

S/- (D. Hariram)
G.M.

(Handwritten signatures and initials)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

BENCH, LUCKNOW

Date of Receipt by Post

Chatra Pal and others

.....

Applicants

Versus

Union of India & others

.....

Respondents

In Re :

O.A. No. 281 of 1989.

APPLICATION FOR INCORPORATION OF AMENDMENTS, FILING
OF ADDITIONAL REPLY, FOR ADDITION OF PARTIES ETC.
OF PRACTICE
UNDER RULE 34/OF ADMINISTRATIVE TRIBUNAL ACT, 1985.

1. That I Balram Ji aged about 38 years son of Sri Lallan, resident of village Semara Danuman, Post Barhgoan District Gonda, am one of the applicant in the above O.A. No.281/89.

2. That the applicant engaged Sri R.C. Saxena as an Advocate in the aforesaid O.A. which was filed in 1989.

3. That the Counter Reply has been submitted by the Opposite parties much earlier but the Rejoinder Could not be submitted by Sri R.C. Saxena upto the end of March, 1999.

4. That the Applicant requested his Advocate to file the Rejoinder so that his case may be decided earlier with the instance that the O.A. No.577 of 1992 has been filed on 1992 has been decided on 14.9.1998 which was similar nature and similar cause of action.

5. That the applicants Advocate Sri R.C. Saxena returned his case file without any objection and refused to proceed further with his case the reason not known to me.

Contd.....2

6. That the applicant under the ~~circumstances~~ ^{known facts} engaged another Advocate whose Wakalatnama ^{is} ~~is~~ enclosed herewith this application.

7. That the following 8 persons who are effected with the same cause of action want to be included in the list of applicant as applicant along with the applicant in the aforesaid O.A.

- (i) Sri Vinod Kumar son of Ram Gopal.
- (ii) Sri Ram Surat son of Kamta.
- (iii) Sri Harish Chandra son of Ram Das.
- (iv) Sri Ashok Kumar son of Shyam Behari.
- (v) Sri Druw Chand son of Sheo Pujan.
- (vi) Sri Rama Shankar son of Bans Raj.
- (vii) Sri Hiraday Narain son of Chandra Deo.
- (viii) Sri Shyam Manohar son of Ram Dhiraj.

8. That the applicant has no objection but willing that they may be included as party with the applicants in the interest of justice.

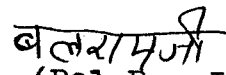
P R A Y E R

Wherefore it is prayed that the Hon'ble Tribunal may pleased be to allow the amendment for addition of the ~~persons~~ aforesaid names in the list of applicant as party along with the applicant in the interest of natural justice

Lucknow

Dated :

Applicant

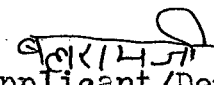

(Bal Ram Ji)

V E R I F I C A T I O N

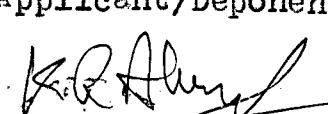
If the above named applicant/deponent do hereby verify that the contents of para 1 to 8 of the application are true to my own knowledge. No part of it is false and nothing has been concealed in it.

Lucknow

Dated :


Applicant/Deponent

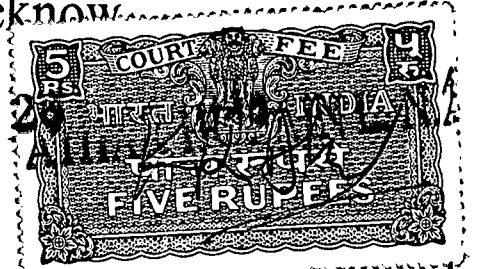
Through:


(K.R. Ahirwar) Advocate
Counsel for the Applicant

Vakalatnama

In the Hon'ble High Court of Judicature at Allahabad
(LUCKNOW BENCH) LUCKNOW.

CENTRAL ADMINISTRATIVE TRIBUNAL
(Lucknow Bench) : Lucknow.



Chatra Pal and others - - - - - Applicants

VERSUS

Union of India and others - - - - - Respondents

Writ Petition No. O.A No. 281 of 1989

I/We the undersigned do hereby nominate and appoint Shri K.R. Ahirwar
Advocate, High Court, 3- Amara Wali Colony, Saroday Nagan, Lucknow

..... Advocate to

be counsel in the above matter and for me / us and on my / our behalf to appear, plead act and answer in the above Court or any appellate Court or any Court to which the business is transferred in the above matter and to sign and file petitions, statements accounts, exhibits, compromises or other documents whatsoever, in connection with the said matter arising there from, and also to apply for and receive all documents or copies of documents, depositions, etc. and to apply for issue of summons and other writs or subpoena and to apply for and get issued any arrest, attachment or other execution warrant or order and to conduct any proceeding that may arise thereout and to apply for and receive payment of any or all sums or submit the above matter to arbitration.

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing of the case or if any hearing of the case be fixed beyond the limits of the town, then, and in such an event my/our said advocate shall not be bound to appear before the court and if my / our said advocate do appear in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc. Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate(s) shall not be held responsible for the same. And all whatever my/our said advocate(s) shall lawfully do I /we do here by agree to and shall in future ratify and confirm,

ACCEPTED :-

1. K.R. Ahirwar Advocate

2. Advocate

3. Advocate

Signature of Client

① दयाल
रामहरा

② बलरामजी

③ विनीत कुमार शर्मा

अशोक कुमार
करीचन्द

Result of screening of casual labour
of Mechanical Dept. (Loco) & Managing
Branches 1982-83 - LJM Division.

As a result of the screening of the casual labour
substitutes of Mechanical Dept. (Loco) and Managing
Personnel branches held at Gorakhpur, Ponda, Lucknow,
Mailani, Kanpur Anwargang and absentee test at LJM
in the month of Jan., Feb., & March, 1983, the following
candidates have been declared suitable for recruitment
to the class IV service of Mech. Dept. /LJM Divn.

It is very necessary that the dates of birth and SC/ST
certificates should be rechecked by the dealing section
of Personnel Branch at the time of appointment, completion
of service records and initial medical examination etc.
and other procedures laid down in Estt. Codes in this
regard.

The competent authority (DLM) has been pleased to accord
his approval to this panel on 14.4.83.

List 'A' General Candidates.

S.No.	Names	Father's name	DOB.	Total service on 30.6.1981.
1.	Ganai ✓	Ganai	5.11.47	5322
2.	Isaraile ✓	Quasim	1.1.44	3624
3.	Labir Ali	Azmer Ali	31.12.50	3402
4.	Sita Ram	Badri	7.7.52	3354
5.	Misri Lal	Chandrika	21.2.52	3323
6.	Sheo Raj ✓	Om Asrey	1.7.52	3323
7.	Udai Raj	Piyarey	3.5.52	3293
8.	Ashok Kumar	Pran Nath	5.2.52	3287
9.	Farmeshwari ✓	Nathura Prasad	10.6.46	3180
10.	Idris ✓	Rahmat Ali	3.9.49	2112
11.	Gulara ✓	Ram Prasad	12.7.46	3099
12.	Sohrat ✓	Bihari	31.12.51	3035
13.	Balibhari Prasad ✓	Sidhoo	15.10.54	2979
14.	Ram Prasad	Mahesh	19.10.49	2951
15.	Shyam Lal	Ram Lal	27.6.48	2932
16.	Giridhari ✓	Tolai	10.11.52	2869
17.	Dukhi	Mangal	1.1.50	2865
18.	Sheo Tahal ✓	Adharey	22.1.48	2844
19.	Mani Ram	Rameshwar	1.1.48	2815
20.	Pati Raj	Ramjee	1.10.53	2814
21.	Rustom	Hasnu	30.1.46	2784
22.	Ram Jatan	Harid Lal	30.2.52	2747
23.	Narain Prasad ✓	Ram Ratan	16.5.52	2669
24.	Narendra Kumar	Durga Prasad	2.6.56	2493
25.	Hanhey Singh	Ram Akshaybar Singh	1.12.50	2240
26.	Ram Milan	Chagroo	7.5.54	2136
27.	Hiaz Ahmad	Hassan Yaar	1.7.55	1836
28.	Sriniwas Yadav	Ram Adharey	1.4.55	1801
29.	Brij Lal	Khedoo	3.7.49	1758
30.	Radhey Shyam	Ram Abhilash	1.7.52	1734
31.	Suber Ahmad Khan	Hazood Ahmad Khan	1.6.50	1729
32.	Tekori Lal ✓	Shakoo Prasad	15.6.54	1721
33.	Chunni Lal	Pahadeo	15.4.53	1714
34.	Dhruv Raj ✓	Ram Gopal	11.4.56	1714
35.	Adesh Shukla ✓	R.H. Shukla	21.2.57	1706
36.	Sheo Gujan Shukla ✓	Achalji	1.1.53	1700
37.	Saniullah Querishi ✓	Chhodi Querishi	10.1.53	1682
38.	Sheo Gopal Singh	Ram Barai Singh	10.1.54	1682
39.	Ayodhya Prasad ✓	Rahajan Prasad	2.7.48	1682
40.	Sukhdeo Sharma ✓	H.N. Sharma	10.7.52	1642

(continued)

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-:3:-

101. Nand Lal Gupta	Bans Raj	1.6.57	1444
102. Radha Badan Ram	Manhit Ram	5.1.59	1444
103. Mohd. Sayed Siddiqui ✓	Mohd. Ismail	8.7.57	1444
104. Jagdeo Singh ✓	Pratap Bahadur Singh	5.10.55	1444
105. Nazir Khan	Imam Ali	23.11.57	1444
106. Chhotak ✓	Nazir Khan	20.4.52	1444
107. Satya Narayan Yadav	Sampat Yadav	1.1.54	1444
108. Sibghatullah	Mohd. Niyamantullah	1.6.57	1438
109. Ashok Kumar	Munna Lal	15.7.56	1438
110. Rajendra Prasad	Ramanand	1.2.59	1437
111. Ali Mohammad ✓	Ibrahim	1.7.55	1437
112. Ram Chandra	Gulab	1.1.59	1433
113. V.P.Mani Tripathi	C.B.Mani Tripathi	10.3.53	1430
114. Radhey Shyam Shukla	Kali Pd. Shukla	1.1.56	1430
115. Mohd. Karimullah	Azimullah	5.6.57	1429
116. Mohd. Amin ✓	Inayatullah	9.12.50	1424
117. Nazeer Ahmad	Basheer Ahmad	1.3.56	1424
118. Ram Sajan ✓	Umrao	15.6.54	1424
119. Omkar Nath ✓	Kedar Nath	2.1.55	1424
120. Akbar Ali	Barket	15.3.55	1423
121. Indrabhan Singh	Bansidhar	1.4.56	1423
122. Ram Shanker Singh	C.P.Singh	1.1.59	1423
123. Mahabir Pd.	Jokhan Ram	1.5.53	1420
124. Ali Hussain	Roshan	4.7.57	1417
125. Sripat Chowdhury	Baleshwar	1.1.52	1411
126. Sakal Deep Ram	Hari Ram	1.6.53	1411
127. Ram Kishun Misra	Rekha Misra	4.3.55	1411
128. Narendra Prasad	Badri Prasad	5.11.56	1411
129. Raiz Ahmad	Mumtaz	1.7.53	1411
130. Jabbar Shakoor Ali	Shakoor Ali	8.8.56	1404
131. Balram Lal Srivastava	R.S.Lal	6.7.58	1400
132. Udai Shanker Tewari	R.N.Tewari	20.12.52	1400
133. Panchanan ✓	C.B.Upadhyaya	1.1.57	1400
134. Raja Ram Upadhyaya	R.R.Upadhyaya	10.1.57	1400
135. J.M.Sawson	B.E.Sawson	28.10.53	1400
136. Mohd. Aziz ✓	Mohd. Zahher Shah	7.6.59	1399
137. Ram Pheran	Sukh Ram	1.1.54	1395
138. Abdul Waheed	Sukrullah	1.9.53	1395
139. Baram Deo Prasad	Sohrat Pd.	1.8.54	1394
140. Gulam Nabi	Jumman	6.11.59	1394
141. Ramjee I	Gajraj	7.7.55	1394
142. Jaleel Ahmad Fateh Mohd	Fateh Mohd.	1.7.53	1385
143. Thakur Prasad ✓	Hankau	25.12.56	1385
144. Syed Sabir Ali	Sabir Ali	3.2.58	1381
145. Pancham ✓	Aherwa Deen	3.1.44	1380
146. Jagadamba Prasad	Atibal Singh	16.8.58	1366
147. Lalta Prasad ✓	Tamby	12.1.49	1366
148. Lalta	Junnoo	1.1.45	1361
149. Raja Ram	Data Deen	27.9.56	1358
150. Ramjeet Sharma	Sheo Pujan	26.4.56	1334
151. Ram Chandra Sharma	Mahadeo	1.5.56	1330
152. Ayodhya ✓	Hitayi	6.6.39	1330
153. Nanhey	Karam Ali	3.2.51	1320
154. Subhash Chandra Ojha ✓	Jagdish Ojha	1.7.54	1320
155. Sibbot Lal	Bachoo Lal	12.6.55	1320
156. Surya Narayan ✓	Mata Prasad	15.7.56	1308
157. Shatrughan Sinha	Zeladar Singh	30.7.55	1308
158. Mohd. Wasim Khan	Hanif Khan	1.7.58	1308
159. Ram Newaj	Ram Kumar Singh	3.7.56	1308
160. Abdul Rahim Khan	Azimullah Khan	20.10.60	1308

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222. Rajjab Ali	Rasool Ahmad	15.8.60	1070
223. Ved Prakash Tripathi	Akhilanand Tripathi	7.1.57	1058
224. Jeet Bahadur	Braj Lal	7.1.57	1058
225. Asha Ram Verma	Hari Pd. Verma	8.2.58	1057
226. Om Prakash	Ram Swaroop	10.12.59	1057
227. Ram Babu	Sukh Ram	10.8.59	1057
228. Rajendra Prasad	Ram Akshaybar	8.11.57	1049
229. Ram Nath Misra	Ram Adhar Misra	1.10.46	997
230. Nirmal Kumar Sharma	Sheo Daras Sharma	3.4.62	997
231. Mohd. Sher Khan	Ahmad Sher Khan	3.3.54	986
232. Nagendra Kumar	Laxmi Prasad	1.7.53	912
233. Siddique Ahmad	Shabir Ahmad	10.7.57	912
234. Ram Narayan	Payarai	22.3.53	911
235. Ganga Ram	Balji Nath	1.1.59	911
236. Komal Prasad	Bhagwan Dass	5.9.58	911
237. Ram Laut	Ram Vilas	1.8.47	911
238. Mahant Lal	Ram Dhani	12.10.57	911
239. Ram Naradsh	Ram Ujagar	20.1.59	908
240. Ram Surat Pandey	Bachhan Pandey	1.1.55	906
241. Anil Kr. Saxena	R.S. Saxena	16.8.58	864
242. Talaq Iqbal	Iqbal Mohd.	12.8.56	787
243. Khalil Ahmad	Abdul Khaliqie	10.3.58	781
244. Nand Kishore Chowbey	Surya Narain Chowbey	1.9.59	781
245. Tasim Hussain Hashmi	SZH Kashmi	9.7.55	781
246. Nazir Hussain	Sajeed Hussain	1.6.56	750
247. Deep Kumar	Prayag Narain	2.8.61	739
248. Gulzar	Budhoo	17.7.55	739
249. Babu Lal Yadav	Kanta Yadav	17.8.56	739
250. Ravindra Kr. Misra	G.D. Misra	18.11.61	739
251. Giridhari Singh	Nankau	4.2.59	739
252. Mohd. Azif Rizvi	Mohd. Nazir Rizvi	5.8.49	737
253. Kamal Shanker Awasthi	K.S. Awasthi	1.12.55	704
254. Manoranjan Prasad	Jaleshwar Pd.	21.1.62	704
255. Ram Bahadur Singh	Jang Bahadur	13.7.59	704
256. Ram Adharye Yadav	Pardeshi Yadav	1.1.58	704
257. Nand Kishore Singh	Jata Shanker Singh	3.1.51	704
258. Mohd. Islam	Mohd. Ghosi	15.9.57	704
259. Jangi Lal	Asharfi Lal	12.1.53	704
260. Devi Saran	Brihaspati	1.11.51	704
261. Mata Prasad	Ram Khelawan	1.5.57	704
262. Tulsi Ram	Damodar	8.3.58	704
263. Ram Nayan	Ram Achal	1.7.54	703
264. Ram Deen	Shanker	4.5.57	703
265. Jameer Ali	Nazcer Ali	12.5.57	703
266. Shah Mohd.	Fateh Mohd.	1.8.55	702
267. Mohd. Ishaque	Md. Ishtahaque.	4.2.60	702
268. Raja Ram	Ram Lakhan	1.1.57	701
269. Mithilesh Kr. Srivastava	Bachha Prasad.	30.12.58	700
270. Kamachha Prasad	Triloki	1.7.55	700
271. Kamalshn Bahadur	Bhagwati Pd.	14.6.68	699
272. Gulzar Ahmad	Niaz Ahmad	15.4.58	699
273. Ram Kumar	Ram Pragat	14.3.55	699
274. Ashok Kumar Sharma	Har Narayan	13.2.56	699
275. Mohan Lal Sharma	Ram Dulare Sharma	15.6.58	699
276. Prem Narain Misra	Lal Behari Misra	7.4.54	698
277. Mohd. Yusuf	Mustafa Hussain	15.8.56	698
278. Maqsood Ali	Nazir Ali	7.7.59	697
279. Mohd. Isaraila	Md. Rafique	15.8.57	697
280. Radhey Shyam	Asha Ram	11.7.57	697
281. Chotto Lal	Ram Lakhan	8.2.59	696
282. Bhagwan Dass	Ram Sewak Yadav	15.8.56	689
283. Hardalsingar Singh	Bansraj Singh	1.2.58	679
284. Rameshwar Pd. Shukla	Laxman Pd.	1.1.59	582
285. Bindeshwari Pd.	Janglin Pd.	1.2.58	582

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347. Banshi Dhar	Gauri Shanker	1.7.60	453
348. Ram Sajeevan	Rameshwar	5.7.57	453
349. V.N.Singh	Paknu Singh	8.8.58	438
350. Ram Lalit	Shyam Deo	12.4.56	435
351. Ashok Kumar	Sita Ram	5.8.60	420
352. Ram Harain	Ram Bachhan	21.12.59	364
353. Jang Bahadur	Dwarika	4.1.62	348
354. Ram Autar	Baboo Ram	23.4.54	348
355. Tej Pratap Singh	Tirath Raj Singh	1.5.60	351
356. Sheo Prasad	Dhan Raj	18.2.56	351
357. Bajrang Bahadur	Sheo Kumar	17.1.58	351
358. Parsons	Lawrence	2.1.59	351
359. Abdul Sajeed	Abdul Majeed	2.5.56	351
360. Ramesh Kr. Yadav	S.P. Yadav	1.1.62	351
361. Chandrabali	Bhagirathi	1.1.62	351
362. Lal Saran	Ram Awadh	3.10.59	351
363. Ramji Sharma	Keshwar Sharma	15.6.54	351
364. Chandra Prakash	K.D. Shukla	7.8.52	351
365. Bans. Raj Misra	Ram Akshaybar Misra	12.3.58	351
366. Jaleel Ahmad	Abdul Sattar	11.4.59	351
367. Rajendra Id.	Kripa Shanker Lal	1.10.56	351
368. Amarendra Kr.	Chandra Bhan	12.6.58	351
369. Ashok Kumar	Shyam Behari	18.8.58	351
370. Yashwantrao Atma Ram	Ram Hearey	16.12.59	351
371. Vishnu Dev Sharma	Asharfi Nath Sharma	12.7.58	351
372. Ram Anuj	Bindeshwari	1.2.57	351
373. Moharuum Ali	Kutub Ali	1.4.57	351
374. Abdullah	Ab. Aziz	28.5.62	351
375. Jhinkoo	Jag. Nath	18.9.58	350
376. Jamuna Prasad	Mukh Lal	26.1.54	344
377. Indu Bhushan Ojha	B.N. Ojha	17.10.46	344
378. Naresh Sheshman	Sheshman	12.12.61	325
379. Moiuddin	Rafiuddin	21.12.62	325
380. Sadhoo	Mithoo Mahto	21.12.61	318
381. Mohd. Saleem	Md. Ishaque	10.8.56	318
382. Raj Kumar Mashyap	Baboo Lal	1.7.60	300
383. Ram Briksh	Ram Lakhan	1.10.60	278
384. Jaswant Singh	Mohan Singh	15.7.56	275
385. Ram Dass Uttam	Ram Dulare Uttam	25.2.62	275
386. Khushi Ram	Paras Nath	1.7.57	275
387. Tung Nath	Someshwar Nath	31.8.59	275
388. Maharaj Dutt	Har Bhan Dutt	6.7.53	275
389. Ram Naresh	Shiv Lal	1.1.59	275
390. Vijay Pratap Singh	Janki Var Saran Singh	30.7.58	275
391. Yadavendra Singh	Y.N. Yadav	3.3.60	275
392. Ram Naresh Yadav	Ram Dass	30.6.56	260
393. K.K. Pal	Bhagwan Deen Pal	1.7.54	250
394. Madhu Sudan Varma	B.L. Verma	14.11.60	250
395. Bhanu Pratap Singh	Paranahans Singh	30.5.60	250
396. Om Prakash Singh	N.B. Singh	15.4.61	250
397. Ashok Kumar Singh	Prithvi Pal Singh	1.8.57	250
398. Ram Bhawan Tewari	Ayodhya Prasad	1.1.60	250
399. Sarjoo Prasad	Ayodhya Prasad	4.7.54	250
400. Dinesh Kr. Sriv.	Ram Asrey Lal	9.7.62	250
401. Asfaq Ahmad	Mehboob Ali	1.7.60	250
402. Syed Tayab Hussain	Mohd. Hussain	1.6.60	250
403. Awaneesh Kumar	Bhagwat Lal	1.1.59	250
404. Brahlad Sharma	B.P. Sharma	16.2.58	250
405. Shiv Kr. Pandey	Shyam Behari Pandey	4.4.58	250
406. Ravindra Kumar	Harijan	8.7.62	250

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18/8/83

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LIST 'B' - Reserved Communities
Mechanical (Loco.) CL/Substts.
found suitable for class IV.

A. Scheduled Caste.

1. Jagat Ram ✓	Ram Purni	27.3.49	3634	gd shed
2. Chhingur Prasad ✓	Bipat	19.2.50	3145	"
3. Sri Pal ✓	Thakur Prasad	28.12.52	1640	"
4. Kanak Singh ✓	Rikhi Muni	15.1.59	1538	gd shed
✓ 5. Shyam Lal ✓	Budhaai	14.11.51	1504	
6. Suresh Chandra	Maikoo	16.11.57	1429	
7. Ram Shanker	Chaturdeen	1.1.57	1385	
8. Baboo Lal	Ram Surat	9.7.59	704	
9. Suresh Kumar	Mool Chand	5.5.55	675	gd shed
✓ 10. Ram Prasad ✓	Chhedi	15.3.55	576	
✓ 11. Lal Bachhan	Chhottoo	14.4.60	490	
12. Ayodhya Pd. Dhani Lal	Ayodhya Pd.	5.2.62	351	
13. Krishna Kishore	Moti Lal	3.12.62	351	
14. Rudal	Dal Singar	2.7.57	351	
15. Bhagwati Prasad	Devi Deen	7.4.56	318	
16. Ram Prasad	Baboo Lal	10.3.62	250	
17. Ram Pal	Dev	15.7.53	249	

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ONLY ONE NAME.

Belongs to Shyam Manohar Sharma
 C/o N. S. Sharma-332

NOTICE TO THE RAILWAY

Result of screening of casual labours/substitutes of Mechanical Dept. (Loco) and Personnel Branches 1982-83.

As a result of the screening of the casual labours/substitutes of Mechanical Dept. (Loco) and Personnel Branches held at Gorakhpur, Bonda, Lucknow, Ballia, Tanpur Anwargang and absentee test at LDI in the month of Jan., Feb., & March, 1983, the following candidates have been declared suitable for recruitment to the class IV service of Mech. Dept. / LDI Div.

It is very necessary that the dates of birth and DOB certificates should be rechecked by the dealing section of Personnel Branch at the time of appointment, completion of service records and initial medical examination etc. and other procedures laid down in Estt. Codes in this regard.

The competent authority (DM) has been pleased to accord his approval to this panel on 14.4.83.

List 'A' General Candidates.

Sl. No. Name		Father's Name		DOB	Total service on 30.6.1981
1.	Amal	Amal		5.11.47	3552
2.	Taraila	Amal		1.1.44	3524
3.	Labir Ali	Labir Ali		31.12.50	3402
4.	Sita Ram	Satish		7.7.52	3354
5.	Misri Lal	Chandrika		21.2.52	3323
6.	Choo Raj	Choo Raj		1.7.52	3323
7.	Udai Raj	Udai Raj		3.5.52	3293
8.	Ashok Kumar	Ashok Kumar		3.2.52	3287
9.	Chandrawari	Chandrawari		15.3.48	3180
10.	Idris	Idris Ali		3.9.49	3112
11.	Mulari	Choo Raj		12.7.45	3099
12.	Sohrat	Idris		31.12.51	3075
13.	Balibhari Prasad	Choo Raj		15.10.54	2979
14.	Ram Prasad	Choo Raj		19.10.49	2951
15.	Shyam Lal	Choo Raj		27.6.48	2932
16.	Giridhari	Choo Raj		10.11.52	2869
17.	Dukhi	Choo Raj		1.1.50	2855
18.	Choo Tabal	Choo Raj		22.1.48	2844
19.	Lal Ram	Choo Raj		1.1.48	2815
20.	Lal Ram	Choo Raj		1.10.53	2814
21.	Punton	Choo Raj		30.7.45	2784
22.	Choo Raj	Choo Raj		20.3.52	2747
23.	Harain Prasad	Choo Raj		15.5.52	2659
24.	Harendra Kumar	Choo Raj		2.5.55	2493
25.	Hanhey Singh	Ram Chhaybar Singh		1.12.50	2340
26.	Ram Bilan	Choo Raj		3.9.44	2111
27.	Choo Ahmed	Choo Raj		1.7.55	1811
28.	Brindavan Yadav	Choo Raj		1.3.55	1801
29.	Erij Lal	Choo Raj		3.7.49	1758
30.	Radhey Shyam	Choo Raj		1.1.52	1734
31.	Suber Ahmed Khan	Choo Raj		1.1.50	1734
32.	Tokari Lal	Choo Raj		15.5.54	1711
33.	Choo Lal	Choo Raj		19.4.53	1714
34.	Dhruv Raj	Raj Gopal		11.4.55	1714
35.	Adesh Shukla	R.H. Shukla		21.2.57	1706
36.	Shoo Gujan Shukla	Achalji		1.1.53	1700
37.	Saniullah Querishi	Choo Raj		10.1.53	1682
38.	Choo Gopal Singh	Raj Gopal Singh		12.1.54	1682
39.	Ayodhya Prasad	Choo Raj		2.7.48	1682
40.	Choo Sharma	Choo Raj		10.7.52	1642

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101. Nand Lal Gupta	Bans Raj	1.6.57	1444
102. Radha Badan Ram	Manhit Ram	5.1.59	1444
103. Mohd. Sayed Siddiqui	Mohd. Ismail	8.7.57	1444
104. Jagdeo Singh	Pratap Bahadur Singh	5.10.55	1444
105. Nazir Khan	Yous Ali	23.11.57	1444
106. Chhotak	Nazir Khan	20.4.52	1441
107. Satya Narayan Yadav	Sanpat Yadav	1.1.54	1444
108. Sibghatullah	Mohd. Niyamatullah	1.6.57	1438
109. Ashok Kumar	Kamran Lal	15.7.56	1438
110. Rajendra Prasad	Bahmand	1.2.59	1437
111. Ali Mohammad	Ibrahim	1.7.59	1437
112. Ram Chandra	Gavab	1.1.59	1433
113. V.P. Mani Tripathi	C.B. Mani Tripathi	10.3.53	1430
114. Radhey Shyam Shukla	Patil Pd. Shukla	1.1.56	1430
115. Mohd. Karimullah	Azizullah	5.6.57	1429
116. Mohd. Amin	Inayatullah	9.12.50	1424
117. Nawaz Ahmad	Bahadar Ahmad	1.3.56	1424
118. Ram Sajan	Umeno	15.6.54	1424
119. Omkar Nath	Kedar Nath	2.1.55	1424
120. Akbar Ali	Buckel	15.1.55	1424
121. Indrabhan Singh	Abdullah	1.1.56	1423
122. Ram Shanker Singh	C.P. Singh	1.1.59	1423
123. Mahabir Pd.	Jokhan Ram	1.5.53	1420
124. Ali Hussain	Roshan	4.7.57	1417
125. Sripat Chowdhury	Baleshwar	1.1.52	1411
126. Sakal Deep Ram	Bari Ram	1.6.53	1411
127. Rao Kishun Misra	Akha Misra	4.3.55	1411
128. Harendra Prasad	Padri Prasad	5.11.56	1411
129. Raiz Ahmad	Imtiaz	1.7.53	1411
130. Jabbar Shukoor Ali	Shukoor Ali	8.8.56	1404
131. Balram Lal Srivastava	R.N. Lal	6.7.58	1400
132. Uday Shanker Tewari	A.P. Tewari	20.12.52	1400
133. Panchaman	C.B. Upadhyaya	1.1.57	1400
134. Raja Ram Upadhyaya	R.R. Upadhyaya	10.1.57	1400
135. J.M. Sawhon	J.M. Sawhon	28.10.53	1400
136. Mohd. Aziz	Mohd. Zahoor Ghosh	7.5.59	1399
137. Ram Phoran	Sukh Ram	1.1.54	1395
138. Abdul Waheed	Sukrullah	1.9.53	1395
139. Baram Deo Prasad	Sobha Pd.	1.8.54	1394
140. Gulam Nabi	Jumran	6.11.59	1394
141. Ramjee I	Gajraj	7.7.55	1394
142. Jaleel Ahmad Patch Mohd	Katch Mohd.	1.7.53	1385
143. Thakur Prasad	Hankau	25.12.50	1385
144. Syed Sabir Ali	Sabir Ali	3.2.58	1381
145. Pancham	Aherwa Deon	3.1.44	1380
146. Jagadamba Prasad	Atial Singh	16.8.58	1366
147. Latta Prasad	Farby	12.1.49	1366
148. Latta	Jurnoo	1.1.45	1361
149. Raja Ram	Data Deen	27.9.56	1352
150. Ramjeet Sharma	Sheo Rajan	26.4.56	1334
151. Ram Chandra Sharma	Rahadeo	1.5.56	1330
152. Ayodhya	Hidayt	6.6.39	1330
153. Hankey	Yous Ali	3.2.51	1320
154. Subhash Chandra Ojha	Subhash Ojha	1.7.54	1320
155. Sibbot Lal	Bachoo Lal	12.6.55	1320
156. Surya Narayan	Lata Prasad	15.7.56	1308
157. Shatrughan Shukla	Zeladar Singh	30.7.55	1308
158. Mohd. Masim Khan	Hanif Khan	1.7.58	1308
159. Ram Newaj	Ram Kumar Singh	3.7.56	1308
160. Abdul Rahim Khan	Azizullah Khan	20.10.60	1308

(contd.)

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(7)

347. Laxmi Dhar	1.7.50	453
348. Ram Sajeev	5.7.57	453
349. V.H. Singh	8.8.58	438
350. Ram Lalit	12.4.56	435
351. Ashok Kumar	5.6.50	420
352. Ram Harsh	21.12.59	354
353. Jang Bahadur	4.1.62	340
354. Ram Autar	23.4.54	340
355. Tej Pratap Singh	1.5.60	351
356. Sree Prasad	10.2.56	351
357. Brijrang Bahadur	17.1.50	351
358. Parsons	2.1.59	351
359. Abdul Sajood	2.5.56	351
360. Ramesh Kr. Yadav	1.1.62	351
361. Chandrabali	1.1.62	351
362. Lal Saran	3.1.59	351
363. Ramji Sharma	15.6.54	351
364. Chandra Prakash	7.4.58	351
365. Bans Raj Misra	12.3.58	351
366. Jalool Ahmad	11.1.50	351
367. Rajendra S.	12.6.58	351
368. Amarendra	18.8.58	351
369. Ashok Kumar	12.7.58	351
370. Anand	1.2.57	351
371. Vishnu Day Sharma	1.2.57	351
372. Ram Anand	28.5.62	351
373. Moharun	26.1.54	344
374. Abdullah	17.10.46	344
375. Jhinkoo	12.12.61	325
376. Jamuna	21.12.62	325
377. Indu Bhushan Ojha	21.12.61	318
378. Naresh Sheshman	10.8.56	318
379. Moiusdir	1.7.60	300
380. Sadee	1.10.60	278
381. Mohd. Saleem	15.7.56	275
382. Raj Kumar Kashyap	25.2.62	275
383. Ram Sriksh	1.7.57	275
384. Jaswant Singh	21.8.59	275
385. Ram Dass Uttam	6.7.53	275
386. Khushi Ram	1.1.59	275
387. Tung Nath	30.7.58	275
388. Maharaj Dutt	3.3.60	275
389. Ram Harsh	30.6.56	260
390. Vijay Pratap Singh	1.7.54	250
391. Yadavendra Singh	14.11.60	250
392. Ram Harsh Yadav	30.5.60	250
393. K.K. al	15.4.61	250
394. Madhu Sudan Varma	1.8.57	250
395. Bharu Pratap Singh	1.1.60	250
396. On Prakash Singh	4.7.54	250
397. Ashok Kumar Singh	9.7.62	250
398. Ram Bhawan Tewari	1.7.60	250
399. Sarjod Prasad	1.6.60	250
400. Dinesh Kr. Sriv.	1.1.59	250
401. Asfaq Ahmad	10.2.58	250
402. Syed Tayab Hussain	4.4.58	250
403. Awamosh Kurra	7.6.62	250
404. Prahlad Sharma		
405. Shiv Kr. Pandey		
406. Ravindra Kumar		

(cont.)

1808

1951 B.F. Reserved Communities
Mechanical (Loco.) CL/Substts.
found suitable for class IV.

A. Scheduled Caste.

1. Jagat Ram ✓	Jan Lal	27.3.49	3634
2. Chhingar Prasad ✓	Dipat	19.2.50	3145
3. Sri Pal ✓	Thakur Prasad	20.12.52	1640
4. Kanak Singh	Kishu Muni	15.1.59	1538
5. Shyam Lal ✓	Budhadi	18.11.51	1504
6. Suresh Chandra	Madhoo	10.11.57	1429
7. Ram Shankar	Chaturdeen	1.1.57	1385
8. Baboo Lal	Ram Surat	9.7.59	704
9. Suresh Kumar	Mool Chand	5.5.55	675
10. Ram Prasad ✓	Chhodi	15.3.55	576
11. Lal Bachhan	Chhottee	14.4.60	490
12. Ayodhya Lal. Dhand Lal	Ayodhya Lal	5.2.62	351
12. Krishna Kishore	Koti Lal	3.12.62	351
14. Rudal	Dal Singh	2.7.57	351
15. Bhagwati Prasad	Devi Deen	7.4.56	318
16. Ram Prasad	Baboo Lal	10.3.62	250
17. Jan Pal	Dev	15.7.53	249

Seventeen names only.

RAWA

1. Sahtee

ONLY ONE NAME

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW

O. A. 281 of 1989

Chhatra Pal & another

.....Petitioner

Versus

Union of India & others

.....Opposite Parties

SUPPLEMENTARY COUNTER REPLY ON BEHALF OF THE
OPPOSITE PARTIES

I, *Smt. Renu Sharma* aged about 32 years, w/o
Sri. *Radheep Sharma* working
as *Div. Personnel Officer* North Eastern Railway,
Lucknow, having been duly authorised by the opposite parties to
file the instant reply on their behalf, do hereby reply the same as
under :


1. That the contents of para 1 of the rejoinder reply are denied and the contents of para 1 of the counter reply are reiterated as correct. It is evident from Executive Engineer / Construction Barauni JN's letter no *W / CON / 247* Barauni / *E / 35* court case / 2990 dated 06.05.91 that Mr. Chhatra Pal, has never worked as a casual labour under ex-engineer / CON's / Barauni. In fact, Mr. Chhatra Pal and other applicants have managed to get their names included in 1983 Loco panel by producing false and forged working certificates.
2. That the contents of para 2 of the rejoinder reply need no comments, in view of the facts stated above.
3. That the content of para 3 of the rejoinder reply are misleading hence, denied.
4. That the contents of para 4 of rejoinder reply are denied. In reply thereto it is submitted here that

[Signature]
पंजाब कायिक कायदा
पुनर्निर्माण, लखनऊ
Divisional Personnel Officer
N. E. Railway, Lucknow

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746

applicants cannot claim for a job on Railways on the basis of educational qualification alone. It has already been stated in para 1 of this reply as mentioned above that the applicant's have never worked in Railways. Therefore, they cannot be appointed.

5. That the contents of para 5 of the rejoinder reply are not admitted, hence denied. In reply thereto it is stated that select panel of 1983 Loco screening was disputed as many candidates appeared in the said screening on the basis of their forged working certificates. It is also denied that the relevant certificates were examined at the time of screening as applicants produced the working certificates belonging to different Stations, Departments and Divisions, therefore It was not possible to examine and verify all such documents in a short period of time of screening. The applicants have misinterpreted the Hon'ble Court's order dated 29.09.87.
6. That the contents of para 6 of the rejoinder reply are denied. In reply thereto the contents of para 4(3) of counter reply are reiterated as correct. However, it is stated that it is evident from the letter of Executive Engineer / Construction / Barauni Jn's letter No. W / Con / 247 / Barauni E-35 Court case / 2990 dated 06.05.91 that Mr. Lal ji S/o Ram Swarath (Panel position 320 of 1983 Loco Screening) submitted his working certificate issued by DRM / Cons. / Barauni for the period 16.01.75 to 17.07.75, whereas construction unit at Barauni Jn. was established in 1978. In this way, It is proved that the working certificate just mentioned above was false and forged. It is also proved by the above example that the 1983 Loco panel was disputed as many candidates, like Mr. Lal ji, have got their names included in the panel by producing fake working certificates.


पुनर्विचार विभाग,
लखनऊ,
Divisional Personnel Officer
C. B. Railway, Lucknow

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It is also pertinent to point out here that casual labours and substitutes are normally engaged in Railways on local basis through the Supervisors of the concerned departments. But Mr. Chhatra Pal and Mr. Balram Ji who belong to district Gonda of Uttar Pradesh and reported to have worked as Casual Labours some where in Muzaffarpur and Barauni which are distant places from Gonda, In fact, the applicants have produced their alleged working certificates which are shown issued by Railway construction units situated in remote areas like Barauni and Muzaffarpur, so that their working certificates could not be verified easily.

7. That the contents of para 7 & 8 of the rejoinder reply are not admitted, hence denied in view of the contents of the foregoing paragraphs of this reply. However, the contents of the paragraph 4.4 & 4.5 of counter reply are reiterated as correct.
8. That the contents of the para 9 of the rejoinder reply need no comments.
9. The contents of para 10 of rejoinder reply are not accepted because the applicants have misinterpreted the results of 1983 Loco screening in a manner to show his selection, through the disputed panel, as correct. It was not necessary for the administration to intimate the applicants about their forged working certificates as they were not given appointments due to their fake certificates. The applicant's should have understood the consequences of producing false working certificates. The contents of para 4.7 of the counter reply are reiterated as correct.
10. That the contents of para 11 of the rejoinder reply are denied. In reply thereto it is submitted that the applicants have tried to mislead the Hon'ble Court by stating that their working certificates were examined by the screening committee. As has been

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- Divisional Personnel Officer**
F Railway, Lucknow

- A-1
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15. That the contents of this para 17 of the rejoinder reply are denied. In reply thereto it is submitted that the question of absorption of applicants in other units or in the Lucknow Division does not arise as their working certificates are false and forged, hence, they are not entitled for appointment on Railways.
 16. That the contents of para 18, 19 & 20 of rejoinder reply are ^{not} admitted, hence denied in view of the contents of foregoing paragraphs of this reply.
 17. That the contents of para 21, 22 & 23 of the rejoinder reply are denied. In reply thereto it is also denied that the working certificates of the applicants are available in the office. They have no right to be appointed in the Railways as such.
 18. That the contents of para 24 of rejoinder reply are denied. In reply thereto the facts stated in para 4.20 of the counter reply are reiterated as correct. It is further submitted that in compliance of Hon'ble Tribunal order dated 24.09.87 the applicants were asked to submit the certificates regarding date of birth and working as Casual Labour. But the applicants only represented and did not produce any original certificates regarding there, work as a Casual Labour.
 19. That the contents of para 25 & 26 of the rejoinder reply are denied, in view of the contents of the foregoing paragraph of this reply.
 20. The contents of para 27 of rejoinder are denied. In reply thereto it is submitted that the applicants are misleading the Hon'ble Tribunal by reproducing the same false story of their selection, screening and so called absorption in Izzatnagar.
 21. That no further comments are required for rest of the paras of rejoinder reply as the same have been replied in

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the foregoing paras of this reply and in the counter reply filed earlier.

22. That the contents of O.A. are denied again and the contents of counter reply are reiterated as true.
23. That it is not true that the records of substitutes / Casual Labours are destroyed. The charges levelled by the applicants are false and the facts given in the counter reply are reiterated as correct and the contents of the rejoinder are denied.

Lucknow

Dated : 2.5.2000


Deponent

पञ्च कार्यक बाबदार,
प्रतिभा देवदे, लखनऊ
Divisional Personnel Officer
R. Railway, Lucknow

VERIFICATION

I, Sgt. Ram Sharma do hereby verify that the contents of paragraphs 1 to 23 of the application are true to my personal knowledge, ~~and~~ derived from the perusal of official records, except the legal averments which are believed to be true on the basis of the legal advice.

No matter of this reply is false and nothing material has been concealed.

Lucknow

Dated : 2.5.2000


Deponent

पञ्च कार्यक बाबदार,
प्रतिभा देवदे, लखनऊ
Divisional Personnel Officer
R. Railway, Lucknow

To

The Reader

(3)

A/154

EAT, DYN. Bench.

Reg - Case list
abs NO 37

OA 281-88
Chhatra Palvols
VS
Union of India

Sir

✓ AS I am not
✓ feeling well the above
✓ noted case may
be requested to
be adjourned to some
other date.

Dr. 20¹⁰/12
[Signature]
Cand for Applicant

C.A.T.

4/5

SL No. 11, 22, 33

my Lord,

It is very kindly submitted that I am suffering from fever for last two days, as such I am not in a position to attend and assist the Hon'ble court today.

Wherefore it is prayed that the above noted cases may kindly be adjourned today.

I shall be highly obliged.

Yours truly

Dated 1.7.76.

B. K. Shukla
B. K. Shukla
Advocate

R. C. Saxena

Advocate
High Court

Tele : 258568

E-3665, Raja ji Puram

LUCKNOW-226017

Date ... 31.3.93 ...

1/50

(28)

The Bench Secretary

C.A.T. LKO.

Bench, Lucknow.

Reg - 0240381-89 (L)
Chhatrapati S. S. S. S.
Union of India

Sir,

Kindly request the
Hon'ble Tribunal to adjourn
and above noted case
as I am not feeling
well due to cold & fever
and also on account of
high blood sugar.


R. C. Saxena

Brijesh Kumar Shukla

Advocate
High Court

Tel. 245151 Resi.
52828 Chamber

Resi. :-
56, Nazar Bagh
Near Odeon Cinema
Lucknow-226001

26

Ref.....

Your Ref.....

Dated.....

Court No

C.A.T

SL.No. 36-

O.A. No 281 of 1989

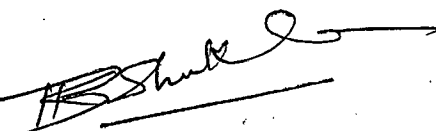
Chhatrapal Sharma Vs Union of India & others

My Lord,

It is very kindly submitted that I am suffering from fever as such I am not in a position to attend the Hon'ble Court today.

Therefore, it is prayed that above noted case/ cases may kindly be adjourned to some other date.

I shall be highly obliged.



(B.K. Shukla)
Advocate

CHAMBER :- 385, Purana Qila, Cantonment Road, Near Railway Crossing P.C.O., Lucknow-226001

Visiting Hours :- 6 P.M. To 9 P.M. on Workingdays & 10 A.M. To 1 P.M. on Holidays

High Court :- Advocates Chamber No. 54

"Correspondance-Residence only"

K/CI

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O.A.NO. 281/89

Chhatra Pal & another Applicant

-Vs-

Union Of India and others Respondents.

29.6.99

Hon'ble Mr. D.C. Verma -J.M.

Hon'ble Mr. A.K. Misra -A.M.

M.P. 774/99 is by applicant No. 2 to include the name of 8 persons mentioned in para 7 of the M.P. as applicants.

Heard the learned counsel for applicant Sri K.R. Ahirwar. It is not at all necessary to include these 8 persons as applicants in the present O.A. If these 8 persons have any grievance they would be free to file fresh O.A. as may be permissible under the rules. M.P. 774/99 is therefore, rejected.

In this case C.A. was filed by the respondents in 1992, but R.A. thereto has not been filed till date. However, by way of last opportunity 2 weeks time is granted to file the R.A. In case the R.A. is not filed within 2 weeks, right of file R.A. shall stand forfeited.

List for admission on 11.8.99.

Sd/
A.M.

Sd/
J.M.

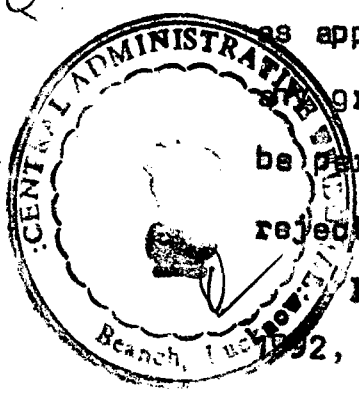
Certified Copy

1014 01/99
Judicial Officer.

G. A. B.

1014 01/99

05/7/99



*Received
K.R. Ahirwar
7/7/99*

Registered A/D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH, LUCKNOW.

Gandhi Bhavan, Opp. Reside

Lucknow - 226 001.

(Registration No. *201* of 19 *89* (1)

NO. CAT/LKO/Jud/CB/ *2300 to 2303*

dated *11/12/89*

Chhatra Pal

APPLICANT(S)

VERSUS

Union of India

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 *11* day of *12* 1989 for *11/12/89*.

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 *11* day of *12* 1990.

For

For DEPUTY REGISTRAR

Union of India

Re: Railway. State of India

D. R. 102 N.F. Railway. State of India

Severely D. R. 102 N.F. Railway. State of India

D. R. 102 (P) N.F. Rly. State of India

Copy of Petition with Court's order

dt- 11/12/89 passed the order

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.281 of 1989 (L)

Chhatra Pal

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

6-12-1989

Hon'ble Justice K. Nath, V.C.

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

Issue notice to opposite parties to show cause why this application may not be admitted. In particular the will indicate what action has been taken and what orders have been passed in compliance of this Tribunal's judgement dated 24-7-87 in O.A. NO.747/86 Chhatra Pal & Others Vs General Manager, Gorakhpur (Copy Annexure-A-9). List for admission on 5-1-1990.

The application has to be signed by applicant No.2 and a separate application for permission to make this application jointly should also be made. List for orders on the date fixed.

Sd/-

A.M.

Sd/-

V.C.

// True Copy //

Central Administrative Tribunal
Lucknow Bench,
Lucknow

वकालतनामा

Central Administrative Tribunal

O.A. No. 281/89 (L)

वादी
प्रतिवादी

Chhatra Pal

प्रतिवादी
वादी

Union of India and others

भारत के राष्ट्रपति इसके द्वारा श्री

A. N. Verma Rly. Advoate A.P. Sen
Road Lucknow

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ को और से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण तिनित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यक्षी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में खझौता करने से लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल या कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और प्रत्येक मजिस्ट्रेट में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को कालांतरित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

A. N. Verma Rly. Advoate
A.P. Sen Road Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी और से इस विलेख को आज तारीख को सम्यक रूप से निष्पादित किया जाता है।

तारीख

19

NER-84850400-8000-4 7 84

निष्पादित करने वाले अधिकारी का पदनाम

प्रवा. कमल कामिक अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ