

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 319 OF 1989

NAME OF THE PARTIES G.N. Tiwari Applicant

Versus

Union of India Respondent

Part A.

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CERTIFICATE

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

Dated

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

9-11-09

h L (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 319 of 1989 (L)

APPLICANT(S)

G. N. Tewari

RESPONDENT(S)

Union of India & Ors. (INR)

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ?
2. a) Is the application in the prescribed form ?
b) Is the application in paper book form ?
c) Have six complete sets of the application been filed ?
3. a) Is the appeal in time ?
b) If not, by how many days it is beyond time?
c) Was sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/ Vekalatnama been filed ?
5. Is the application accompanied by B.D./Postal Order for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
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 ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

Yes

Yes

Yes

Five sets filed

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

12

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
 - a) Identical with the Original ?
 - 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 ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
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 ?
 - a) Concise ?
 - b) Under distinct heads ?
 - c) Numbered consecutively ?
 - d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

dinesh/

Yes

Yes

No

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

9/10/87

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How with date compl
---------------------------------	------------------------------------------------	---------------------

10-11-89

Hon'ble Mr. D.K. Agrawal, J.M.

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

Heard Sh L.P.Shukla counsel for the applicant.

ADMIT.

Issue notice to respondents to file counter reply within 6 weeks to which the applicant may file rejoinder within 2 weeks thereafter.

List for orders / hearing on 15-2-90 as the case came. As regards interim relief

we hereby order that the applicant be permitted to appear in the test to be held on 18-11-Subject to the final decision of Tribuna The competent authority shall be entitled to withhold the result of the said candidate till further orders from this Tribuna

M.

J.M.

rmv/

15.2.90

No sitting to 19.4.90

19.4.90

Lawyer strike.

is adjourned to 6/7/90

N

B.O.C

6-7-90

No sitting to 27/8/90

B

Dinesh/

OR
Noted

OR
Sh. R.V. Sinha
filed vakalatnama
on behalf of O.B.
No CA filed
& fo

h
17/4

O.A. 312/89 C

(AM)

12.9.91

D.R.

Both the parties
are present.

Counsel for the

O.P. desires to

file counter by

22/11/91.

22.11.91

D.R.

Both the parties

are absent today.

Counter to be

filed by O.P. On

or before 12/2/92.

12.2.92

D.R.

Both the parties are

absent. Respondent

to file counter by

20/4/92.

20.4.92

None Parties are
present. Respondent to file
counter by 13/7/92.

Dy. Registrar.

AF

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/LUCKNOW
BENCH

O.A. 319 NO. / 09 (4) OF 19

G.N. Tewari vs U.O. 1200.

Sl.	No.	Date	Office report	Orders
-----	-----	------	---------------	--------

15/2/93
D.R.

Applicant is present. C.A.
has not been filed till
today. List on 5/5/93.

CP
M/P 178/93 M/P 179/93
with CA/178 Shor Counter

SFP

2

2/5/93

M/P 178/93 M/P 179/93
with CA/178 Shor Counter

SFP

2

12/11/93

Not filing at D.M. cell
to 13.5.93

13/7/93

Hon.Mr.S.N.Prasad, J.M.

Hon.Mr. B.K.Singh, A.M.

Shri L.P. Shukla, learned Counsel for the applicant and Shri A.K.Chaturvedi, learned Counsel for the respondents are present. CA has been filed and a copy of which has been furnished to the learned Counsel for the applicant. Learned Counsel for the applicant seeks time for filing RA. R.A. may be filed within 2 weeks. List this case on 4/8/1993 for hearing/disposal.

A.M.

J.M.

4.8.93

Mr Singh at D. Prasad
on 24.9.93

Note

OR

RA in file

SFH
JH

24/9/93

Hon'ble Mr. S.N. Prasad - J.M.

Hon'ble Mr. V.K. Seth - A.M.

None responds on behalf of either of the parties. List this case on 19/11/93.

A.M.

J.M.

19-11-93

Hon.Mr.S.N.Prasad, J.M.

Hon.Mr.V.K.Seth, A.M.

None responds on behalf of the applicant Shri A.K.Chaturvedi, learned counsel for the respondents is present. No R.A. has been filed. R.A. be filed within two weeks. List this case on 10-1-94 for hearing/disposal.

A.M.

J.M.

RA in file

SFH

JH

(K)

27/10/94

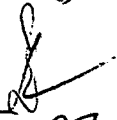
OR

Short Counter
Reply filed.
No RA has
been filed.

S. F. H
th
5/10/94.

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

None for the applicant.
Dr. A. K. Chaturvedi Counsel
for the respondent is present.
Judgment is reserved.



J.M.

u.k.
A.M.

0.11.94

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

Judgment pronounced today
with open Court.


J.M.

A.M.

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Lucknow this the 8th day of November, 94.

O.A. No. 319 of 1989.

HON. MR. V.K. SETH, MEMBER(A)

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

Gopi Nath Tewari, son of late Paras Nath Tiwari, aged about 42 years resident of Manas Nagar, P.S. Krishna Nagar, Alambagh, Lucknow.

Applicant.

versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Lucknow.
3. Dy. Chief Mechanical Engineer, Carriage and Wagon Shop, Northern Railway, Alambagh, Lucknow.

Respondents.

By Advocate Shri A.K. Chaturvedi.

O R D E R

HON. MR. V.K. SETH, MEMBER(A)

In this O.A. the applicant has prayed for the following relief:

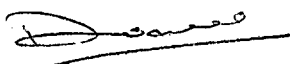
"....to regularise the applicant on the post of Welfare Labour Inspector in Lucknow Division(of the Northern Railway), in terms of various decisions of General Manager(P) on the basis of his continuous and satisfactory working on the post of Adhoc Welfare Labour Inspector."

2. The respondents have filed Short Counter Reply dated 22.10.92. No Rejoinder has been filed on behalf of the applicant despite ample time and opportunity having been afforded for the same. Also nobody has put in appearance on behalf of the applicant when the case was
- u k

29

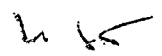
called out on 25.4.94 and again on 27.10.94.

3. A perusal of enclosure dated 27.5.91 filed with the Short Counter reply filed by the respondents reveals that the name of the applicant has been interpolated below Shri S.C. Srivastava and above Shri Basant Lal Shah in the panel of W.L.Is announced through their office letter of 1.4.85 and the applicant has been regularised as W.L.I. with effect from 18.5.85. Proforma promotion, seniority and fixation of pay has also been allowed to him. Apparently therefore, the grievance of the applicant has already been redressed by the respondents. This O.A. has, therefore, become infructuous and is accordingly dismissed as such. Parties will bear their own costs.


MEMBER(J)

Lucknow: Dated; 8-11-94

Shakeel/


MEMBER(A)
8-11-94

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 9-11-89
Date of Receipt by Post

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

Deputy Registrar

Gopi Nath Tiwari.

-----Applicant

Versus

Union of India and others.

-----Respondents

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

For use in Tribunal's Office :

Date of filing : _____

Registration No.: _____

Noted for
10-11-89
GAS
9-11-89 AS LPSWICK

Central Administrative Tribunal
Circuit Bench, Lucknow

Date of Filing 9-11-89 ..

Date of Receipt by Post

Deputy Registrar(J).

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

Deposited Register

O.A.No. 219 of 1989 (L)

Gopi Nath Tiwari. -----Petitioner

Versus

Union of India and others. -----Opp-parties

I N D E X

S.No.	Description of papers.	Page Nos.
1.	Application	1 To 12
2.	Letter of successful candidates dt.25.3.85 who successfully completed the written test held on 3.2.1985.	13
3.	Copy of Notice dated 1.4.85 drawing up a Panel of 9 for the post of Welfare Labour Inspector.	14- 16
4.	Copy of applicant's promotion as adhoc Welfare Labour Inspector by letter dated 22.5.85.	17
5.	Copy of applicant's representation dt.10.7.85 to Divisional Railway Manager, Northern Railway, Lucknow.	18
6.	Copy of General Manager (P) decision in case of regularisation on the post of Senior Clerk of incumbent working on adhoc for more than 3 years.	19
7.	Copy of identity slip dated 13.10.89 for appearing in written test on 14.10.89.	20
8.	Copy of list of persons eligible to appear in written test on 18.11.89 as circulated by the Dy.Chief Mechanical Engineer on 8.11.89.	21- 22
9.	Copy of representation dated 9.10.89 to Divisional Railway Manager, Northern Railway, Lucknow.	23

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

O. A. No. 319 of 1989 (L)

Gopi Nath Tiwari. -----Applicant

Versus

Union of India and another. -----Respondents

DETAILS OF APPLICATION

I. Particulars of the applicant :

- (i) Name of the applicant : } Gopi Nath Tiwari, son
- (ii) Name of father : } of Late Paras Nath
- (iii) Age of the applicant : } Tiwari, aged about 42
- (iv) Designation and office : } years, Adhoc Welfare
- in which employed. } Labour Inspector,
- (v) Address for service of : } Carriage & Wagon Shop,
- notices. } Alambagh, Northern Rly.
- Lucknow, resident of
- Manas Nagar, P.S. Krishna
- Nagar, Alambagh, Lucknow

II. Particulars of the respondents:

- (i) Name or designation of the } 1. Union of India
- respondents. } through General
- (ii) Office address of } Manager, Northern
- respondents. } Railway, Baroda
- House, New Delhi.
- 2. Divisional
- Railway Manager
- Northern Railway,
- Lucknow.
- 3. Dy. Chief Mechanical
- Engineer, Carriage
- & Wagon Shop,
- Northern Railway,
- Alambagh, Lucknow.

Amalendu

III. Particulars of the order against which
application is made :

AB

The application is directed against the non-regularisation of the applicant on the post of Welfare Labour Inspector in the existing vacancy and also by his exclusion from the list of candidates eligible to appear in the written test for the post of Welfare Labour Inspector to be held on 18.11.1989.

IV. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order is within the jurisdiction of the Tribunal.

V. Limitation :

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

VI. Facts of the case :

The facts of the case are given below :-

1. That the applicant is at present working on adhoc basis as Welfare Labour Inspector in the Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow, since 18.5.1985.

2. That the applicant was appointed as Clerk in Carriage & Wagon Shop on 19.8.1971 on the basis of suitability test held by General Manager (P), Northern Railway, Baroda House, New Delhi.

Alambagh

7/11

3. That the applicant was originally appointed as Clerk in Saharanpur Shahdra Light Railway under the then Martin & Burn Company in 1969 on account of the take over of the aforesaid Railway being run by Martin & Burn Company. The applicant alongwith other employees were absorbed in the Northern Railway, accordingly the applicant was selected and posted as Clerk in Carriage & Wagon Shop, Northern Railway, Alambagh, Lucknow.

4. That the applicant was promoted from the post of Clerk to Senior Clerk on 1.10.1980.

5. That the applicant appeared in selection test for the post of Welfare Labour Inspector in Lucknow Division held by the Divisional Railway Manager, Lucknow. The applicant was spared for the written test held on 3.2.1985 by Deputy Chief Mechanical Engineer by order dated 2.2.1985. He accordingly appeared in written test on 3.2.1985 and was declared successful by the notice of Divisional Railway Manager, Lucknow, dated 23.3.85 and the applicant's name alongwith other successful candidates was circulated in Carriage & Wagon Shop by letter dated 25.3.1985 for appearing in the oral test to be held on 26.3.1985. A photostat copy of letter dated 25.3.1985 is being annexed as Annexure No.1.

Maharaj

6. That the sanction strength on the post of Welfare Labour Inspector in Lucknow Division

15

is 15, out of which 5 persons were already working as Welfare Labour Inspector in Lucknow Division. Thus 10 vacancies were to be filled on the basis of selection test.

7. That the applicant was successful in written and oral test and on the basis of Divisional Railway Manager's letter dated 23.3.85 circulating the names of successful candidates in the written test, the applicant's seniority position as evident from the date of appointment, is at Sl.No.9 among the 12 successful candidates.

8. That inspite of the fact that 10 vacancies on the post of Welfare Labour Inspector in Lucknow Division were to be filled up on the basis of aforesaid selection test. A Panel of only 9 names was declared by notice dated 1.4.1985 by Divisional Personnel Officer. This included a Schedule Caste candidate. A photostat copy of the notice dated 1.4.1985 drawing up a Panel of 9 for the post of Welfare Labour Inspector is being annexed as Annexure No. 2.

9. That on the resulting one vacancy the applicant was appointed as Welfare Labour Inspector on adhoc basis by the order of Divisional Railway Manager dated 8.5.1985, which was circulated by the Dy.Chief Mechanical Engineer, Carriage & Wagon Shop, Alambagh, Lucknow by his letter dated

Noted

22.5.1985. A photostat copy of the application applicant's promotion as adhoc Welfare Labour Inspector by letter dated 22.5.1985 is being annexed as Annexure No.3.

10. That the applicant continues to discharge his duties efficiently and satisfactorily as Welfare Labour Inspector with effect from 18.5.1985 on the basis of order of Divisional Railway Manager dated 8.5.1985 as evident from the aforesaid letter of Dy.Chief Mechanical Engineer dated 22.5.1985.

11. That the applicant by his representation dated 10.7.1985 to the Divisional Railway Manager, Northern Railway, Lucknow, pointed out that on the basis of his seniority he was entitled to be placed on the Panel of Welfare Labour Inspectors in the existing 10 vacancies, whereas actually only 9 vacancies were filled-up on the basis of the Panel declared by notice dated 1.4.1985. The applicant accordingly requested that his name be included in the aforesaid Panel and his adhoc promotion as Welfare Labour Inspector be regularised. A photostat copy of the applicant's representation dated 10.7.1985 is being annexed as Annexure No.4.

12. That in terms of the various decisions of the General Manager, Northern Railway, Baroda House, New Delhi, Railway employees working

continuously on a post on adhoc basis for more than 3 years are entitled for regularisation on that post. These decisions of the General Manager are equally applicable in the case of the applicant, who has been working for more than 3 years as Welfare Labour Inspector on adhoc basis since 18.5.1985. A photostat copy of the General Manager (P) decision in case of regularisation on the post of Senior Clerk of incumbent working on adhoc for more than 3 years is being annexed as Annexure No.5.

13. That in terms of aforesaid decisions which are applicable and binding in the case of the applicant, he is entitled for regularisation on the post of Welfare Labour Inspector as already stated above, the applicant is also entitled for regularisation in the existing vacancy on the basis of the selection test, which entitled him to be placed on the Panel declared on 14.4.1985 in accordance with his seniority position.

14. That 5 vacancies on the post of Welfare Labour Inspector have arisen due to retirement and promotions on the next higher post of senior Welfare Labour Inspector to fill-up these 5 vacancies, The Divisional Railway Manager by his letter dated 18.9.1989 notified the written test to be held on 14.10.1989. The applicant

710

was eligible for the said test and accordingly the applicant was spared to appear in the said written test and identity slip was issued to the applicant to enable him to appear in the written test on 14.10.1989. A photostat copy of the identity slip dated 13.10.89 is being annexed as Annexure No.6.

15. That the written test scheduled to be held on 14.10.89 was however postponed. Thereafter by another notice dated 25.10.89, which was circulated in the office of Dy.Chief Mechanical Engineer, Alambagh, Lucknow on 8.11.89, the written test is now fixed for 18.11.89. The applicant's name however has not been included in the said list of persons eligible to appear in the said written test to be held on 18.11.89. A photostat copy of the list of persons eligible to appear in written test on 18.11.89 as circulated by the Dy.Chief Mechanical Engineer on 8.11.89 is being annexed as Annexure No.7.

16. That the exclusion of the applicant's name from the list of persons eligible to appear in the written test on 18.11.89, is wholly arbitrary and malafide. The applicant as already stated above, was eligible to appear in the same written test earlier scheduled to be held on 14.10.89, when it was postponed and as such the applicant cannot be excluded from the same written test to be held on 18.11.89.

Noted

17. That the applicant made another representation dated 9.10.1989 to Divisional Railway Manager, Northern Railway, Lucknow, through proper channel, claiming regularisation on the post of Welfare Labour Inspector from which he was wrongly excluded from the Panel declared on 14.1.1985 and was thereafter appointed in the resulting vacancy on adhoc basis with effect from 18.5.1985. The applicant has continued to work as adhoc Welfare Labour Inspector continuously and satisfactorily for more than 4½ years. He is, therefore, entitled for regularisation as Welfare Labour Inspector in terms of various decisions of General Manager (P) particularly vide item No.215/88 of N.R.M.U./P.N.M. (Annexure No.5). A photostat copy of applicant's representation dated 9.10.1989 is being annexed as Annexure No.8.

18. That aggrieved by the non-regularisation of the applicant on the post of Welfare Labour Inspector in the existing vacancy and also by his exclusion from the list of candidates eligible to appear in the written test for the post of Welfare Labour Inspector to be held on 18.11.1989, the applicant having no other alternative efficacious remedy available to him has preferred this application on the following amongst other,

- G r o u n d s -

- (A) Because the applicant is entitled for the appointment as Welfare Labour Inspector

on the basis of his selection and placement in the Panel dated 1.4.1985.

- (B) Because the applicant is entitled for regularisation on the basis of his continuous and successful working on the post of adhoc Welfare Labour Inspector since 18.5.1985 in terms of various decisions of General Manager (P).
- (C) Because the applicant has been illegally and arbitrarily excluded from the written test for selection in the existing vacancy of Welfare Labour Inspector to be held on 18.11.1989 for which he is eligible.

VII. Details of the remedies exhausted :

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

VIII. Matters not previously filed or pending with any other court :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

Handwritten signature/initials

IX. Reliefs sought :

In view of the facts mentioned in Para VI above the applicant prays for the following relief :-

- (i) To regularise the applicant on the post of Welfare Labour Inspector in Lucknow Division in terms of various decisions of General Manager (P) on the basis of his continuous and satisfactory working on the post of adhoc Welfare Labour Inspector.

X. Interim order, if any prayed for :

Pending final decision on the application, the applicant seeks issue of the following interim order :-

This Hon'ble Tribunal may be pleased to direct the respondents that the applicant may be allowed to appear in the written test for the post of Welfare Labour Inspector to be held on 18.11.1989 for which he is eligible.

XI. Particulars of postal order in respect of the application fee :

1. No. of Indian Postal Order: 6 10 35-8931
7 04 036789
7 04 036788
2. Name of the issuing Post Office: Golagan Branch
3. Date of issue of Postal Order: 9-11-89
4. Post Office at which payable: Allahabad

XII. List of enclosures:

1. Letter of successful candidates dated 25.3.85 who successfully completed the written test held on 3.2.1985.
2. Copy of Notice dated 1.4.1985 drawing up a Panel of 9 for the post of Welfare Labour Inspector.
3. Copy of applicant's promotion as adhoc Welfare Labour Inspector by letter dated 22.5.85.
4. Copy of applicant's representation dated 10.7.85 to Divisional Railway Manager, Northern Railway, Lucknow.
5. Copy of General Manager (P) decision in case of regularisation on the post of Senior Clerk of incumbent working on adhoc for more than 3 years.
6. Copy of identity slip dated 13.10.89 for appearing in written test on 14.10.89.
7. Copy of list of persons eligible to appear in written test on 18.11.89 as circulated by the Dy.Chief Mechanical Engineer on 8.11.89.
8. Copy of representation dated 9.10.89 to Divisional Railway Manager, Northern Railway, Lucknow.

o/m Rail

1723

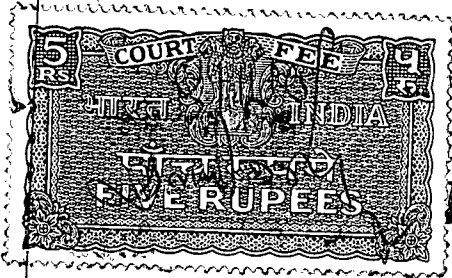
Verification.

I, Gopi Nath Tiwari, aged about 42 years, son of Late Paras Nath Tiwari, posted as adhoc Welfare Labour Inspector, Carriage & Wagon Shop, Alambagh, Northern Railway, Lucknow, resident of Manas Nagar, P.S. Krishna Nagar, Alambagh, Lucknow, do hereby verify that the contents of paras are true to my personal knowledge and paras believed to be true on legal advice and that I have not suppressed any material fact.

Dated: .11.1989.

Signature of the applicant.

Place: Lucknow.



In the Central Administrative Tribunal
Lucknow Bench Lucknow महोदय

वादी (मुद्दै)
मुद्दै (मुद्दालेह)

का
O.A.N.

वकालतनामा

1989 (L)

Grobby North Tawani ————— Petitioner

Union of India & others ————— off. Petitioner

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुद्दमा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

L. P. Shukla, Advocate वकील

एडवोकेट महोदय

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

हस्ताक्षर

Signature

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

9

महीना

10

सन् १९८९ ई०

Accepted
Vanamangarshu

(A21)

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

O.A.No. 319 of 1989(L)

Gopi Nath Tiwari.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties

List of Enclosures.

<u>S.No.</u>	<u>Description of papers.</u>	<u>Page Nos.</u>
1.	Letter of successful candidates dt.25.3.85 who successfully completed the written test held on 3.2.1985.	13 -
2.	Copy of Notice dated 1.4.85 drawing up a Panel of 9 for the post of Welfare Labour Inspector.	14 - 16
3.	Copy of applicant's promotion as adhoc Welfare Labour Inspector by letter dt.22.5.85.	17 -
4.	Copy of applicant's representation dt.10.7.85 to Divisional Railway Manager, Northern Railway, Lucknow.	18 -
5.	Copy of General Manager (P) decision in case of regularisation on the post of Senior Clerk of incumbent working on adhoc for more than 3 years.	19 -
6.	Copy of identity slip dated 13.10.89 for appearing in written test on 14.10.89.	20 -
7.	Copy of list of persons eligible to appear in written test on 18.11.89 as circulated by the Dy.Chief Mechanical Engineer on 8.11.89.	21 - 22
8.	Copy of representation dated 9.10.89 to Divisional Railway Manager, Northern Railway, Lucknow.	23 -

Ankush

NORTHERN RAILWAY

OFFICE OF THE DY.C.M.E.(W), C & W SHOPS, AMV. LUCKNOW.

No. DOME/742/Pt.VII

Dated 25.3.85.

The Office Suptd. Estt. (I)&(II),
The Office Suptd. Pay Bill Section,
C & W shops, Amv. Lucknow.

Reg:- Selection of W.L.I grade RS.425-640(RS).

Ref:- DRM/Lko.'s letter No. 752E/IA/WLI/Selection/
dated 23.3.85.

.....

The following staff of this workshop have been passed written test of WLI grade RS.425-640(RS) vide DRM/Lko.'s letter under reference. The oral test, in this regard is scheduled to be held on 26.3.85. Accordingly under noted staff are required to be spared well in time to enable them to attend the same.

S/Shri Ram Pher
S.C.Srivastva
G.N.Tewari
S.P.Singh

HC/EI
HC/EII
Sr. Clerk/PB.
HC/Shop C

for Dy.C.M.E.(W),
C & W shops, Amv. Lucknow.

Copy to :-

SS/Shop C and OS/Time Office, Amv.Lko. for information and n/action.

2. CA/Dy.C.M.E.(W), Amv. for information and n/action. Please send the CRS of the above named employees to the DRM/Lko. before 26th March '85 in connection with the selection of WLI. to be held on abovesaid date.

Attested/True Copy

L. P. SHUKLA
Advocate

Shukla

In the Central Administrative Tribunal
Lucknow Bench, Lucknow.

Gopi Nath Tiwari.

Vs.

Union of India & others.

-----Applicant

-----Respondents

Annexure No.

2

NORTHEN L.A.W.I.

No. 752E/IA/WLIs

Divisional Office
Lucknow
Dt. 1st April '85

N O T I C E

As a result of selection held for the post of Welfare Inspectors Gr. 425-640 (RS), the following persons have been placed on the panel:-

- | | |
|-----------------------------------|-------------------------|
| 1. Sh. Virendra Pratap Srivastava | Sr. Clerk/ACMO/LKO |
| 2. Sh. Ketil Lal (SC) | Sr. Clerk/CHI/CB |
| 3. Sh. Sukhendra Pal Singh | Hd. Clerk/Dy. CME/W/AMV |
| 4. Sh. Ram Sewak Bajpai | Ad-hoc WLI/ACME/CB |
| 5. Sh. Ram Pher | Hd. Clerk/Dy. CME/AMV |
| 6. Sh. Tej Bahadur Singh | Sr. Clerk/DEFO/BSP |
| 7. Sh. Suresh Chandra Srivastava | Hd. Clerk/Dy. CME/AMV |
| 8. Sh. Basant Lal Shah (ST) | Ad-hoc PI/LKO. |

2- Shri Sita Ram, a SC candidate for the above selection has also been approved for being promoted on ad-hoc basis as Welfare Inspector for six months in service training against the reserved roster point for SC. Accordingly, the following posting orders are made for immediate compliance:-

- 3- (1) Shri Virendra Pratap Srivastava is promoted and posted as Welfare Inspector Gr. 425-640 (RS) at Lucknow. He will look after the following staff- Loco Shed/LKO, C&W/LKO, RBL-PBH Sec., PBH PRG/PYG Sec., PBH SLN (Encl.) Section.
- (2) Shri Ketil Lal (SC) is promoted and posted as Welfare Inspector (Postal, Borden & Secy. Handicrafts Centre). He will also look after the local Railway Schools, Literacy Centre, and Handicrafts Centre (Training Wing) Fateh-ali-ke-Talab. He will relieve Shri AC Misra, who is posted as Hd. Clerk Gr. 425-700 (RS) in Pay Bill Section according to his seniority.
- (3) Shri Sukhendra Pal Singh is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in C&W Shop/AMV reversing local arrangement.
- (4) Shri Ram Sewak Bajpai working as ad-hoc WLI Grade Gr. 425-640 (RS) in CB Workshop is regularised on the same post.

contd.....2/-

Attested/True Copy

L. P. SHU

Admission

- (5) Shri Ram Pher is promoted and posted as W.L.I. in Gr. 425-640 (RS). He will look after the following staff - Civil Engg., S&T Staff, Dm office, Relieving staff, LKO (Excl.)-CPB, CPB-PBM(excl.), HSB-PBM(excl.), UCH-PBM(excl.), Dm-PBM(excl.).

He will relieve Shri SD Sharma who is posted as Hd. Clerk/Litigation Cell. He will be especially Incharge for dealing with the Labour Tribunal cases. He will also deal with the cases of conciliation with ALQ/100s under I.D. Act.

- (6) Shri Tej Bahadur Singh is promoted and posted as Welfare Inspector Gr. 425-640 (RS) with HQ at BSB. He will look after Diesel Shed/MGS and staff of the Sections WH-PBM (excluding PBM & BSB Area).
- (7) Shri Suresh Chandra Srivastava is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in Dy. CO's office retaining local arrangement.
- (8) Shri Basant Lal Shah (ST) is posted as Welfare Inspector Gr. 425-640 (RS). He will look after the Medical/Sanitation and Electric staff posted at LKO and staff of the Section LSA-SHG (Excl.) and FL-SLM(Excl.).
- (9) Shri Sita Ram (SC) is promoted on ad-hoc basis for six months in service training as Welfare Inspector Gr. 425-640 (RS) and is posted under Dy. CO's office retaining local arrangement.

3- Existing Sr. W.L.I.s namely, S/Shri ML Gupta, M.P. Nigam and SK Gupta will henceforth perform the following duties -

- 1- Shri ML Gupta, SWLI in Gr. 700-900 (RS) with HQ at BSB will look after the staff of BSB Area and staff of the sections COP-SHG and SWLI-SHG (Excl.). He will also supervise the working of SWLI, Shri TB Singh, newly promoted.
- 2- Shri MP Nigam, SWLI Gr. 550-750 (RS)/HQ/LKO. He will be the Coordinating SWLI. He will deal with the Cooperative Stores, supervise the working of Welfare Sec., look after the functioning of Institutes and Recreation Clubs apart from working as Secretary Staff Benefit Fund. He will also coordinate in non-payment meetings.
- 3- Shri S.K. Gupta, SWLI in Gr. 550-750 (RS) - He will look after the Transportation & Comml. staff posted at LKO (Station Yard and Goods Shed, City offices) and staff of LKO-Alamnagar, LKO-PBM(excl.) and UCH-PBM(excl.) sections.

contd....3/-

Attested/True Copy

Verdhamint Mehta

L. P. SHUKLA
Advocate

4- Promotions to Gr.550-750 (RS) & 700-900 (RS) against upgraded posts due to cadre re-structuring will be ordered separately.

5- Ministerial staff being relieved by the above promotions will also be promoted against the upgraded posts due to cadre restructuring according to their seniority separately which case is under process.

[Signature]
DIVISIONAL PERSONNEL OFFICER (C)
LUCKNOW.

Copy forwarded for information to:-

- 1- All Officers and Sr. Subordinates on LKO Divn.
- 2- Addl. C.M.O./CB/Lucknow
- 3- Addl. C.M.E./Loco Workshop/CB/Lucknow
- 4- Dy. C.M.E./C&W Shops/Alambagh/Lucknow
- 5- Dy. C.C.S./AMV/Lucknow
- 6- Principal, System Technical School/CB/Lucknow
- 7- C.R.I./CB/Lucknow.
- 8- Sr. Elect. Foreman/Varanasi.
- 9- C.P.I./Lucknow.
- 10- Principal, JR RPF Trg. Centre/Tal Katora/Lucknow.
- 11- Sr. D.A./Hq. SAs/AMV + CB/LKO
- 12- Supdt. 'E' (Cond. & Bills in office)
- 13- Sr. S.D. Sharma. Offg. W.L.I.
- 14- Sr. A.C.T. Sharma. Offg. W.L.I.

Attested/True Copy

[Signature]

L. P. SHUKLA

Adv. Secy

Gopi Nath Tiwari.

-----Applicant

Vs.

Union of India & others.

-----Respondents

Annexure No.

3

232

3

उत्तर रेलवे
कार्यालय उप. मुख. यांत्रिक अभियंता, ज. मा. डि. कारखाना, आलमबाग, लखनऊ ।
का. आ. सं० 354
दिनांक 22-5-1985.

Received on
20/5/85

1. मंडल रेलवे प्रबंधक/3020/लखनऊ की नोटिस संख्या 752ई/ए/111/डब्ल्यू.एन.आई दिनांक 8.5.85 के आधार पर श्री गोपी नाथ तिवारी, वरिष्ठ लिपिक, वेतन बिल अनुभाग वेतन रु 0380/- प्लस 35/- विशेष वेतन वेतनमान रु 330-560 (परि०) में हित निरीक्षण के पद पर वेतन रु 425/- पर वेतन मान रु 425-700 (परि०) में वित्तीय तदर्थ आधार पर वेतन तय ना हो की अवधि के लिए दिनांक 18.5.85 (पूर्वदि) से पदोन्नत किया जाता है तथा इनकी वेतनांश इसी कार्यालय के हित निरीक्षण के रिक्त स्थान पर की जाती है। श्री तिवारी को दिनांक 17.5.85 (अपराह्न) से वेतन अनुभाग से कार्यमुक्त किया जाता है।
 2. श्री निरंजन कुमार सिन्हा, वरिष्ठ लिपिक वेतन रु 380/- वे० मा० 330-560 (परि०) को इस समय इसी वेतन तथा वेतनमान पर तदर्थ आधार पर आयुलिपिक के पद पर कार्य कर रहे थे। उनकी वेतनी प्राप्ति पर उन्हें अपने वैलिड कैडर में वापस लिया जाता है तथा उन्हें उपरोक्त (1) के स्थान पर वेतन दिया जाता है तथा दिनांक 18.5.85 (पूर्वदि) से रु 35/- का विशेष वेतन प्रदाय किया जाता है।
 3. श्री बिस्फी तिवारी की पदोन्नति वित्तीय तदर्थ आधार पर अस्थाई रूप से केवल स्थायी विज्ञापन के अंतर्गत की गई है और उनकी यह अधिकार बंटा हुआ है अतः वे यह अपने को वरिष्ठ पर कोई भी अपील कर सकते हैं।
- श्री सिन्हा को अब देना चाहिये कि उनको भी उपरोक्त विशेष वेतन का मुकदमा वित्तीय अस्थाई वेतन तय करने के लिये है। श्री तिवारी के पदावकाश होने पर उनकी प्रगत विशेष वेतन पद पर दिया जाएगा।

सं० डी.सिएमई/742/6

द्वितीय उप० मु० 05/03/80 (कर्म०) आलमबाग
दिनांक 22-5-1985.

- प्रतिनिधि पेशित:-
1. मंडल रेलवे प्रबंधक/3020/लखनऊ को उनके नोटिस सं० 752ई/ए/111/डब्ल्यू.एन.आई दिनांक 8.5.85 के तदर्थ में सूचनाएं।
 2. 31030 (वेतन बिल) स्थापना । वरिष्ठ हित निरीक्षण, प्रथम लेखिका (पल) को सूचनाएं एवं कार्यवाही हेतु।
 3. वरिष्ठ लेखा अधिकारी/आलमबाग को सूचनाएं।

Attested/True Copy

L. P. SH

Advocate

21/6/85

In the Central Administrative Tribunal
Lucknow Bench, Lucknow.

Gopi Nath Tiwari.

Vs.

Union of India & others.

-----Applicant

-----Respondents

Annexure No.

4

16
A33

To,

The Divisional Railway Manager,
N.Rly, Lucknow.

Respected Sir,

Through:-Proper Channel

Sub:-SELECTION FOR THE POST OF WLI.Gr.425-640(RS).

....

Ref:-Your notice No.752E/1A/WLI,dt.1.4.85.

....

With due respect and humbly submission, I beg to lay down the following few lines for your sympathetic consideration:-

1. That as a result of selection held by your office, I qualified in the written test for the same vide your letter No.752E/1A/Hit Nirikshak/Chayan,dt.22.3.85 and also appeared in viva-voce test held on 26.3.85.
2. That as per your notice under reference, a panel of 9 persons was declared as against 10 persons. Thus one vacancy was left unfilled.
3. That I was the 9th candidate in order of seniority.
4. That due the reason best known to your goodself, my name was not placed on panel of WLI,Gr.425-640(RS) although a vacancy still exist and rather promoting me on regular basis, I have been promoted as such on adhoc basis, for a period of 3 months vide your notice No.752E/A.III/SWLI,dt.8.5.85. This adhoc-arrangement is likely to expire on 19.3.85.

Under the circumstances explained above, I request that my name may kindly be interpolated in the panel of WLI,Gr.425-640(RS) already declared and my adhoc promotion be regularised from the very date, it was ordered.

Thanking & oblige.

Yours faithfully,

Dated 10/10/85

G.N. Tewari
(G.N. TEWARI)
W.L.I/Dy.CME's Office,
C&W Shops, Anw/Lko.

Attested/True Copy

[Signature]
L. P. SHUKI
Advocate

Gopi Nath Tiwari.

-----Applicant

Vs.

Union of India & others.

-----Respondents

Annexure No.

5

Asy

2. Item No. 215/88 Reversion from Clerk to Class IV staff under DCOS/AMV/LKO.

....

DCOS/Amv
Lko
SPC(HQ)

The case was reopened again and discussed in the meeting. It was revealed that employees concerned are continuously officiating in Gr.330-560 (RS)/Rs.1200-2040 (RPS) since 3/1982 and therefore it was not considered necessary to subject them again to suitability test for promotion to the same grade. It was further decided that they may be regularised from the date they have completed three years continuous adhoc officiating in Gr.330-560 (RS)/1200-2040 (RPS). However Sri Mauria will remain senior to all these employees in terms of ~~xxxx~~ Supreme Court Judgement (Final).

....

Attested/True Copy

[Signature]

L. P. SHUKLA
Advocate

[Signature]

Gopi Nath Tiwari.

-----Applicant

Vs.

Union of India & others.

-----Respondents

Annexure No.

6

IDENTITY SLIP

In terms of IRM/LKO's letter No. 752-E/6/WLI dated 18.9.89
Shri G. N. Tiwari Designation offg. WLI
whose signature is appended below is allowed to appear in
the written test to be held at 10-00 hrs. on 14.10.89 at
system Tech. School, Charbagh, Lucknow, in connection with
Welfare Inspector Gr. Rs. 1400-2300 (RP).

13-X-89
for Dy.C.M.E. (W),
C&W Shops, Alambagh, Lucknow.

G. N. Tiwari
Signature of the Candidate.

20-9-13/10/89
Caunter signed by OS/SS
concerned.

(A/11.10.89)

-X-X-X-

IDENTITY SLIP

Interms of IRM/LKO's letter No. 752-E/6/WLI dated 18.9.89
Shri G. N. Tiwari Designation offg. WLI
whose signature is appended below is allowed to appear in
the written test to be held at 10-00 hrs on 14.10.89 at
system Tech. School, Charbagh, Lucknow, in connection with
Welfare Inspector Gr. Rs. 1400-2300 (RP).

13-X-89
for Dy.C.M.E. (W),
C&W Shops, Alambagh, Lucknow.

Attested/True Copy

G. N. Tiwari
Signature of the Candidate

20-9-13/10/89
Caunter signed by OS/SS
concerned.

(A/11-10-89)

L. P. SHI
Advocate

1685-4012-10-89

-X-X-X-

Gopi Nath Tiwari.

-----Applicant

Vs.

Union of India & others.

-----Respondents

Annexure No.

7

NORTHERN RAILWAY

Office of the Dy. C.M.E. (W), C & W Shops, Alambagh, Lucknow.

Staff Order No. 60/ of 1989

Dated : Nov. 8, 1989.

In continuation to this office docket No. DCME/748/WLI dt. /11/89
and informs of Sr. Divl. Officer, N.Rly/LKO notice No. 752/E/6/1

(WLI) dt. 25.10.89 the following group-C staff of these works are
being spared for the selection for the post of WLI Grade Rs.
1400-2300 (RPS) to be held on 18.11.89 at 2 P.M. at system Technical
School N.Rly CB/LKO. The staff being directed to appear at the
written test should be given proper identity slips duly signed by
their immediate supervisors/incharge/officers to enable them to
appear at the test. The staff concerned should also be told that no
supplementary test will be held.

to appear

Sr. No.	Name	Designation	Selection.
1.	Shri R.A. Naqavi	Sr. Clerk	Rolling Stock
2.	Shri Mohtashim Abbas	Sr. Typist	Type
3.	Shri J.K.L. Srivastava	Sr. Clerk	E IV
4.	Shri P.K. Ghosh	Sr. Clerk	Welfare
5.	Shri Bhagwan Sahai	Sr. Clerk	Time Office
6.	Shri Prhlad Yadav	Sr. Clerk	Time Office
7.	Shri Swami Saran	Sr. Clerk	Shop-E
8.	Shri Devandra	Sr. Clerk	Settlement
9.	Shri Udai Raj Bharti	Sr. Clerk	E IV
10.	Shri M.K. Sinha	Sr. Clerk	General
11.	Shri Arvind Kumar	Sr. Clerk	Legal
12.	Shrimati K. Jasra	Sr. Clerk	Production
13.	Shri Gopal Shukla	Sr. Clerk	Time Office
14.	Shri Amir Mian	Sr. Clerk	SMDC

Case No. DCME/748/WLI

Dated: 8/11/1989

for Dy. CME 'W' C&W Shops
Alambagh Lucknow.

- C/-
1. Sr. Divl. Personal Officer N.Rly, LKO for information
in reference to his notice No. 752/E/6/1 (WLI) dt. 25.10.89
It is also inform that item No. 8 to 10 of your list
Sri R.S. Sharma, Sri Anil Kumar Singh and Sri N.P. Sexena
have since been promoted as Hd. Clerk in Grade Rs.
1400-2300 (RPS).
 2. OJ/E-1, E-III, E IV Pay Bill, General, Production,
Time Office, SS/ShopE, SMDC Adv for information & n/action.
They will please spare the staff concerned.

1799-25X2-8-11-89

Attested/True Copy

L. P. SHUKI

Advocate

N.R.A.; Office of the Dy.C.M.E. (W), C&W S.rops, AMV/LKO.

Docet No.DCME/748/WLI

Dated 8 Nov'89

The following copy of Senior Divl. Personnel Officer, N.R.A.; LKO 1. No.752/E/6/1(WLI) dt.25.10.89 is hereby sent to all concerned for information and necessary action.

The list of the eligible staff of these works is being issued separately.

Dr 8/11

Copy of letter No.752/E/6/1(WLI) dt.25.10.89 from Sr.Divl. Personnel Officer, N.R.A.-LKO to the Dy.C.M.E.(W), AMV/LKO, and copy to others.

Sub:- Selection for the post of Welfare Inspector grade Rs.1400-2300 (RPS) in written test to be held on 18.11.89.

.....

The written examination of above selection fixed to be held on 14.10.89 vide letter on even number dated 18.9.89 and postponed till further orders will now be held on 18.11.89 at 2 P.M. at System Tech School, N.R.A.-LKO, Lucknow. The staff being directed to appear in the written test should be given proper identity slips duly signed by their immediate supervisors/incharges/officers to enable them to appear in the test. Instructions contained in this office letter dated 18.9.89 should strictly be adhered to.

Since it is a competitive examination comprising the staff of different units and departments, no supplementary test will be held. Therefore all the incharges/officers are requested to ensure that the date of written test viz. 18.11.89 is noted by all the staff concerned working under them.

It is also desired that the staff who have been promoted in higher grade or similar grade to grade Rs.1400-2300 (RPS) on regular basis may not be directed to appear in the selection (written test) for the post of W.L.I G.A.S.1400-2300 (RPS).

NOTE:- It would be the duty of Senior Subordinates concerned that-

- (i) While issuing 'G.92', it should be mentioned in red ink at the top of the form that employee is due to appear before the selection board on 18.11.89.
- (ii) In case, staff obtain 'G.92' from an office, other than one in which he is employed, the staff will be duty-bound to give declaration that he is not required to attend any selection within the next two weeks.
- (iii) It should also be brought to the notice of Executive Officer under whom the employee is working so that he can ensure that employee is spared well in time.
- (iv) P.M.Cs are not considered sufficient for absence from selection/suitability tests and will be summarily rejected.

Copy to all D.M.Os on Lucknow Division for information. List of staff, required to appear in the selection (written test) is endorsed to all the D.M.Os with the instruction that if any of the employees is referred to them should be examined by the DMO/AMO who should certify as to the genuineness of the sickness and the inability of the employee to appear before the selection board on the prescribed date.

.....

B/81189

Corrected/True Copy

Verdunjit Mehta

L. P. SHUKLA
Advocate

Gopi Nath Tiwari.

-----Applicant

Vs.

Union of India & others.

-----Respondents

Annexure No.

8

23

To,

The Divisional Railway Manager
Northern Railway,
Lucknow.

(Through Proper Channel)

Sir,

Sub:-~~Six~~ Selection for the post of Welfare Insp. Grade Rs.
1400-2300 (RPS).

.....

Respectfully I beg to state that:-

I appeared in the selection for the above post on 3.2.85 in response to your letter No.752E/IA/1/Selection dt.15.1.85 and was declared successful as a result.

I was called for viva voce test on 26.3.85 alongwith other successful candidates.

Against 10 vacancies a panel of 8 men was ~~announced~~ declared vide notice No.752E/TA/WLI dated 1.4.85 but my name was not included.

After a lapse of about 1½ month I was also promoted on adhoc basis as there were 10 vacancies.

As a matter of fact the panel should have been declared for 10 mens not 8 men as done that time. Had the panel been formed for 10 men I would have been included then & there.

Since 18.5.85, I am continuously working as WLI Gr. Rs. 425-640/1400-2300 to the entire satisfaction of my superiors. But I have again been called for written test to be held on 14.10.89.

In this connection, I have to submit that I have already worked as WLI for more then 4 yrs as such I should be regularized in view of G.M's decision vide item No.215/88 of NRMU/PNM (Photo copy attached). There are many other such decision in which the persons who officiated on adhoc basis for more than 18 months have been regularized without subjecting to any test.

In view of the above, it is earnestly prayed that I may be exempted from the test and be regularized as WLI W.E.F. 18.5.85.

Thanking you,

Yours faithfully

Dated 9 Oct '89

G.N. Tiwari
(G.N. Tiwari)
Oftg. WLI/C&W
Shops, Amv/Lko.

Attested/True Copy

L. P. Shukla
L. P. SHUKLA
Advocate

~~10/10/92~~

~~10/10/92~~

F. 515/93

22

11/3/93

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

M.P. No. 178 of 1993

Union of India & Others

... APPLICANTS/
RESPONDENTS

In Re:

Original Application No. 319 of 1989(L)

G.N. Tewari

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

APPLICATION FOR
CONDONATION OF DELAY IN FILING SHORT COUNTER REPLY

The Applicants / Respondents most respectfully
beg to submit as under:-

That the Short Counter Reply could not be
filed in response to the Notice, within the time
specified by this Hon'ble Tribunal due to reasons
beyond the control of the Answering Respondent.
The delay is not deliberate and as such the delay
may be condoned.

Therefore, it is most respectfully prayed that
for the reasons stated above, this Hon'ble Tribunal
may be pleased to condone the delay in filing the
Short Counter Reply and take the Short Counter
Reply on record of the Hon'ble Tribunal in the
interest of justice.

Asit Kumar Chaturvedi
(ASIT KUMAR CHATURVEDI)
Advocate

COUNSEL FOR THE APPLICANTS/RESPONDENTS

Place : Lucknow

Dated : OCT 1992

Place before
the Hon'ble Bench
on due date
11/11/93

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

M.P. No. 179 1992

Union of India & Other

... APPLICANTS/
RESPONDENTS

In Re:
Original Application No. 319 of 1989(L)

G.N. Tewari

... APPLICANT

VERSUS

Union of India & Others

...RESPONDENTS

APPLICATION FOR
DISMISSAL OF THE ORIGINAL APPLICATION

The Applicants / Respondents most
respectfully beg to submit as under:-

That in view of the facts, reasons and
circumstances stated in the Statement, it is
expedient in the interest of justice that the
Original Application filed by the Applicant
before this Hon'ble Tribunal may be dismissed.

Therefore, it is most respectfully prayed
that this Hon'ble Tribunal may be pleased to
dismiss the Original Application filed by the
Applicant in the interest of justice.

Place : Lucknow
Dated : OCT 1992

Asit Kumar Chaturvedi
(ASIT KUMAR CHATURVEDI)
Advocate
COUNSEL FOR THE APPLICANTS/RESPONDENTS

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

ORIGINAL APPLICATION No. 319 OF 1989(L)

G.N. Tewari

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

SHORT COUNTER REPLY
ON BEHALF OF THE RESPONDENTS.

I, P.K. Agarwal, aged about 36 years, S/o Sd/- K.K. Agarwal, presently working as Deputy Chief Mechanical Engineer (W), Northern Railway, C & W Shops, Alambagh, Lucknow, is competent to file Counter Reply on behalf of Respondents, and as such, is fully conversant with the facts and circumstances of the Case. The Deponent has read and understood the contents of the Original Application and states hereinafter.

1. That the Competent Authority has decided that the name of the Application be interpolated at Item No. 8, which is below Shri S.C. Srivastava and above Shri Basant Lal Shah, in

P.K. Agarwal
24/10
Dy. Chief Mech. Engineer (W)
C & W Shops AMV Lko.

443
knowledge derived from information and records. The legal parts of the Paras are based on legal advice received which is believed by me to be true and correct.

Verified this, the 20 day of October 1992, at Lucknow.

P. Agrawal
24/10
(DEPONENT)
Dy. Chief Mech. Engineer (W)
C.S. & S. Shops AMV Ltd.


442

Grade of Rs.425-640(RS)/Rs.1400-2300(RPS),
through Order dated 27th May 1991. A copy of
the Order dated 27th May 1991 is being annexed
as ANNEXURE No. 1 to this Short Counter Reply.

2. That consequently the Applicant has been
regularised as Welfare Labour Inspector w.e.f.
18th May 1985. The Applicant has been given
proforma fixation of seniority and pay as
Senior Welfare Labour Inspector in the Grade
of Rs.1600-2600 w.e.f. 29th August 1989.
3. That the Applicant will draw salary in the
Cadre of Rs.1600-2600 w.e.f. 27th May 1991 and
as such, no arrears of pay will be payable to
him for the period from 29th August 1989 to
26th May 1991.

Place : LUCKNOW

Dated : 22nd OCT 1992


(DEPONENT)
Dy. Chief Mech. Engineer (w)
C & W Shops AMV Lko.

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

I, the Deponent above named, verify that
the contents of paragraphs 1 to 3 of this
Short Counter Reply are true and correct to my

knowledge derived from information and records. The legal parts of the Paras are based on legal advice received which is believed by me to be true and correct.

Verified this, the 20 day of October 1992, at Lucknow.

P. Agrawal
24/10
(DEPONENT)
Dy. Chief Mech. Engineer (w)
C.B. I Troops AMV LHM

NORTHERN RAILWAY

No:752E/6/1/WLI

DIVISIONAL OFFICE
LUCKNOW: Dt.27/5/91.

NOTICE

Pursuant to the direction issued by Hon'ble CAT Circuit Bench, Lucknow, in OA No.319 of 1989(L), Copn Nath Tewari versus Union of India & others, the case of Shri G.N.Tewari was considered by the competent authority and accordingly it has been decided that the name of Shri G.N.Tewari may be interpolated at Item No.8, that is below Sri Suresh Chandra Srivastava and above Sri Basant Lal Shah, in the panel of WLI in grade Rs.425-640(RS)/Rs.1400-2300(RPS), announced through this office letter of even number dated 1.4.85.

Consequent on the aforementioned interpolation Shri G.N.Tewari is hereby regularised as WLI in grade Rs.425-640(RS) w.e.f. 18.5.85.

Accordingly by virtue of the aforementioned position Sri G.N.Tewari is allowed proforma promotion seniority and fixation of pay as SWLI in grade Rs.1600-2660(RPS) w.e.f. 29.8.89 i.e. the date of promotion of his junior Shri Sita Ram as SWLI in grade Rs.1600-2660(RPS) w.e.f. 29.8.89 intems of P.S.No.2709. Sri Tewari will, however, draw his pay in grade Rs.1600-2660 (RPS) w.e.f. 27.5.91 only. No arrears will be paid to him for the period from 29.8.89 to 26.5.91.

This has the approval of competent authority.

E. Srivastava
for Sr. Divl. Personnel Officer
Lucknow.

Copy to :-

1. Dy.CME(W), C&W Shops, Alambagh, Lucknow
2. SWLI(C), DRM's Office, Lucknow.
3. Shri G.N.Tewari, SWLI, C&W Shops, Alambagh, Lucknow.

N.R.

VAKALATNAMA

G.V. 3

Before

In the Court of

Before the Honble Central Administrative Tribunal, Circuit Bench,
LUCKNOW

O.A. No. 319 of 1989
Fixed for 23-8-90

Plaintiff
Defendant

Gopi Nath Tewari

Claimant
Appellant
Petitioner

Versus

Defendant
Plaintiff

The Union of India
and others.

Respondent

The President of India do hereby appoint and authorise Shri... K. C. John, Rly. Presenting...

Officer, LKO,

ATUL KEERTI (Adv) (B.H.)

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri... K. C. John, Presenting...

Officer, LUCKNOW

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the.....19

Accepted
Atul Keerti

Dated... 21-8-1980

21/8

Designation of the Executive Officer
सचारी एवं मान दिव्या कर्मशाखा,
६० रे०, आलमबाग, लखनऊ

N.R.

VAKALATNAMA



G.V.

Before the Central Administrative Tribunal, Circuit Bench,
LUCKNOW

Before
In the Court of

O.A. No. 319/89(L)
Fixed for 22-11-91

Plaintiff
Defendant

G.N. Tewari

Claimant
Appellant
Petitioner

Versus

Defendant
Plaintiff

The Union of India
& Others.

Respondent

The President of India do hereby appoint and authorise Shri... Asit Chaturvedi,
Presenting Officer, Lko

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri.....

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the.....19

Filed today
S.N.P.

13/7/92

Dated.....28.11.....1989

N.R.P./R.Rd. (Pb. Rg.), Delhi-35 -2,174/17-02-1989-4000 F.

Accepted
Asit Chaturvedi

28/11
Designation of the Executive Officer
(S.N. LAMBA)
Dy. Chief Mech. Engineer (w)
G & W Shops AMV Lko.

N.R.

VAKALATNAMA

G.V.3

In the Central Administrative Tribunal, Allahabad,
Circuit Bench at LUCKNOW

Before
In the Court of

Regn. No. 319 of 1989 (L)
Fixed for 15-2-1990

Plaintiff G. N. Tewari
Defendant

Claimant
Appellant
Petitioner

Versus

Defendant The Union of India
Plaintiff and others

Respondents

The President of India do hereby appoint and authorise Shri. A. V. Srivastava, Presenting
Officer, Allahabad

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromis where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. A. V. Srivastava, Presenting
Officer, Allahabad
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the.....19

For and on behalf of the U.O.I.

(RAJIV CHANDRA)
उप मुख्य यान्त्रिक अभियन्ता (कर्मो)
सचारी एवं माल दिव्या कर्मशाला,
६० रे०, आलमबाग, लखनऊ

Dated.....1989

N.R.F. No. (Ph. Reg.) Delhi-35 -2,174/17-02-1989-4,000 F.

A. V. Srivastava
Presenting Officer
Indian Railways

Central Administrative Tribunal
Additional Bench at Allahabad

(JAGDISH NARAIN)
सहायक कॉन्सुल अधिकारी (कर्मो)
सचारी एवं माल दिव्या कारखाना
६० रे०, आलमबाग, लखनऊ

Designation of the Executive Officer
(RAJIV CHANDRA)
उप मुख्य यान्त्रिक अभियन्ता (कर्मो)
सचारी एवं माल दिव्या कर्मशाला,
६० रे०, आलमबाग, लखनऊ