

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 119 of 1989(L)

APPELLANT
APPLICANT

Hari Prasad Tewari

VERSUS

DEFENDANT
RESPONDENT

Union of India and Others

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

22.8.89.

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

Sri C.A.Baseer learned counsel for the applicant is present and heard.

ADMIT.

Issue notice to respondents to file counter affidavit within six weeks to which the applicant may file rejoinder affidavit, if any, within two weeks thereafter.

List this case on 15.11.1989 for orders/hearing as case may be.

As regards interim prayer, since the order dated 1.5.1989 has already be implemented no case for passing on interim order is made out.

Sd/-

J.M.

Notices issue
28.8.89.

15.11.89

No Sitting. Adj. to 12.90
Counsel for applicant is present

12.90

Hon. Justice K. NARAYAN, V.C.
Hon. K. J. Rawan, A.M.

15/11/89

Sri Anil Srivastava files his vakalatnama on behalf of all the respondents. Learned counsel for the applicant, Sri C A Basir is present. Counter affidavit may be filed within four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List for further orders on 30.3.90.

In case no counter affidavit is filed within the time allowed, the case will be taken up for expedite final hearing.

A.M.

V.C.

See original order on the main petition

over
30/11/89

GR
Notices were issued a 28.8.89. Neither any nor any counter affid. order has been return back. Submitted order

31/11/89

(A6)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O.A.No. 119 of 1989

Hari Prasad Tewari

Applicant

versus

Union of India & others

Respondents.

Shri C.A.Basir Counsel for Applicant

Shri Anil Srivastava, Counsel for Respondents.

CORAM

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant who started as class IV as L/R porter in the railways, was posted as Ticket Collector, in the year 1983/for⁴⁵ days (and again as Ticket Collector), his position being at serial No. 3 at Lucknow in the grade of 260-400 vide D.R.M.office order dated 21.7.84. He also filled up the application form for the departmental selection for the post of Ticket Collector and was called for interview. According to the applicant he was ill and he could not appear in the examination. It appears that in the mean time the selection took place. The applicant was reverted. The applicant was waiting for the supplementary examination. The supplementary examination did not take place and in the mean time the applicant became a victim of Hepatitis, Jaundice and later on while the applicant was sick his father died. He could not attend his duties. He came to

V

(A6)

CENTRAL ADMINISTRATIVE TRIBUNAL
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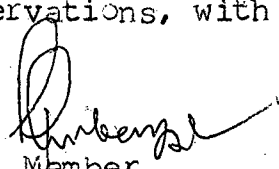
(Hon. Mr. Justice U.C.Srivastava, V.C.)

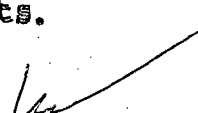
The applicant who started as class IV as L/R porter in the railways, was posted as Ticket Collector, in the year 1983 / ^{for 45 days} and again as Ticket Collector, his position being at serial No. 3 at Lucknow in the grade of 260-400 vide D.R.M.office order dated 21.7.84. He also filled up the application form for the departmental selection for the post of Ticket Collector and was called for interview. According to the applicant he was ill and he could not appear in the examination. It appears that in the mean time the selection took place. The applicant was reverted. The applicant was waiting for the supplementary examination. The supplementary examination did not take place and in the mean time the applicant became a victim of Hepatitis, Jaundice and later on while the applicant was sick his father died. He could not attend his duties. He came to

✓

know of the reversion order when he resumed his duties after illness and he was reverted as Porter, although he has been working as Ticket collector. He had worked for so many days and he was entitled for regularisation. Applicant did not appear in the examination and that is why he was not promoted. The applicant worked as Ticket Collector for years. It was not possible for him to appear in the examination ^{due to illness}. At least two opportunities would have been given to him and then he would have been reverted. It is expected that whenever the vacancy arises, he may be given appointment on adhoc basis and at least two opportunities may be given to him as early as possible and in case the applicant succeeds, in any of this attempt, he will be promoted as Ticket Collector.

2. The application is disposed of with the above observations, with no order as to costs.


Adm. Member.


Vice Chairman

Shakeel/

Lucknow: Dated: 15.7.92

Central Administrative Tribunal
Lucknow - Bench.

CA. 119 of 1989 (C)

H.P. Tewari _____ Applicant
versus

Union of India _____ Respondent

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Check list	A1 - A2
2.	Order sheet	A3 - A5
3.	Judgment dt. 15-7-92	A6 - A7
4.	Petition	A8 - A21
5.	Miscell. Application No. 47490	A22 - A24 A24
6.	Amendments	A25 - A40
7.	Counter Affidavit	A41 - A56
8.	Respondent Affidavit	A57 - A63
	Power of Attorney	A64

Part B.
B1 - B56
Part C.
C1 - C2

Certified that no further action is required to be taken and that the case is fit for award of compensation to the respondent (C).

Checked by
09/11/12
[Signature]

File B/C destroyed
dt. 09-5-12.

Rgani
[Signature]

[Signature]
26/6/11

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 119 of 1989(L)

APPLICANT(S) H. P. Treason

RESPONDENT(S) Union of India

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
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 ?	Five sets have been filed
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time?	No
c) Has sufficient case for not making the application in time, been filed?	Yes
4. Has the document of authorisation/ Vakalatnama been filed ?	Yes
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 ?	Yes
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 out come 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?	No

(A2)

<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 ?	NO
c) Wanting in Annexures	NO
Nos. _____ pages Nos _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	NO
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 ?	yes
17. Are the facts of the case mentioned in item no. 6 of the application ?	yes
a) Concise ?	yes
b) Under distinct heads ?	yes
c) Numbered consecutively	yes
d) Typed in double space on one side of the paper ?	yes
18. Have the particulars for interim order prayed for indicated with reasons ?	Nil
19. Whether all the remedies have been exhausted.	yes

Signed/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 119 of 1989 (L)

APPELLANT
APPLICANT

A. P. Tewari

VERSUS

DEFENDANT
RESPONDENT

Union of India

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<u>3/7/89</u>	<p>Hon' Mr. Justice K. Nath, J.C. Hon' Mr. K. J. Ramani, J.M.</p> <p>The applicant's counsel is not present, - this case on <u>27-7-89</u> for admission.</p> <p><u>AM</u> <u>AM</u> A.M. V.C.</p> <p>(S.H.S.)</p> <p>No Sllty. Adj. to 10.0.89.</p> <p>No Sllty Adj. to 22.0.89 Counsel for applicant is present.</p>	<p>OR Case is submitted for admission. L L/D</p> <p>"</p> <p>Case is submitted for admission L 21/6</p>
<u>17.7.89</u>		
<u>10/8/89</u>		

CA 1191 BCL

28.10.94

No sitting of D.B. adj to 2.1.92

AS

2.1.92

No sitting adj to 20.2.92

20.2.92

No sitting adj to 27.4.92

27.4.92

No sitting of D.B. adj to 9.7.92

By order of
done by
2

~~scribbled out~~

~~scribbled out~~

~~scribbled out~~

~~scribbled out~~

9.7.92

No sitting adj to 15.7.92

CA, RM have over
done get
stop
19/7/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,

LUCKNOW BENCH.

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing ... 19/5/89 ...

Date of Receipt by Post ...

Between

Deputy Registrar (J)

Shri Hari Prasad Tewari

.. Applicant

And

Union of India and Others

.. Opposite Parties

Case Number: 119 of 1989. (L)

I N D E X

S.No.	Description of Papers	Page No
1.	Application	1 to 10
2.	Copy of the order	10 A
2.	Bank Draft No. 6807/KSB/11/73 dated 6.5.89 of Bank of India, Qaiserbagh Branch, Lucknow in favour of Registrar, CAT, Allahabad.	
3.	Power	12
4.	stay application	11 to 12

C. A. Basir

(C. A. Basir)

Counsel for
Applicant.

Dated at Lucknow:

18/5 May, 1989.

Filed today
C. A. Basir
30/5
Noted L.A.
H

(14)

In the Hon'ble Central Administrative Tribunal,
at Allahabad, Additional Bench,
Lucknow.

Case No. 119 of 1989. (2)

Sri Hari Prasad Tewari Applicant.

Versus

The Union of India and others Opposite Parties.

Details of application:

1. Hari Prasad Tewari son of late Sri Ram Prasad Tewari, aged about 35 years working as T.C., Northern Railway, resident of B/1, Fateh Ali Colony, Jail Road, Charbagh, Lucknow.

2. Office Address for the purposes of services c/o Mr. C.A. Basir, Advocate, 152, Ghasiyari Mandi, Lucknow.

3. Particulars of opposite parties / respondents.

(a) The Union of India, through the Divisional Railway Manager, N.Rly., Hazratganj, Lucknow.

(b) The Divisional Commercial Supdt., N.Rly., Office of the Divisional Rly. Manager, N.Rly., Hazratganj, Lucknow.

Contd..P.2.

(c) The Divisional Personnel Officer, Divisional Railway Manager's Office, Northern Railway, Hazratganj, Lucknow.

1 3. Particulars of the orders against which this application is made.

The application is being filed to challenge of the arbitrary and illegal orders of reversion of the applicant dated 1.5.1989, passed by the opposite parties, from the post of Ticket Collector, to the the post of Porter at HARAUNI, vide Annexure No. 1.

2 4. Jurisdiction of the Tribunal:

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

3 5. Limitation:

That the applicant further declares that the application is within limitation prescribed order under section 21 of the Central Administrative Tribunal Act 1985.

4 6. Facts of the Case :

(i) That the applicant was appointed on 2.1.1978 in Class-IV service as L/R Porter.

(ii) That by dint of hard-labour and good work, he was posted as Ticket Collector for Kumbh Mela Duty at Allahabad for about 45 days in the year 1982 and 1983 (Vide annexure No.2) The post of Ticket Collector is a Class-III post.

(iii) That the applicant was again appointed tempo-

AM

(3)

temporarily as Ticket Collector against Class-IV quota, on Ad-hoc basis, his position being at No. 3 at Lucknow in the grade of 260-400, vide DRM Office order No. 2/OM/6-8 dated 21.7.1984, this had the approval of DCS/DPO, i.e. opposite parties No. 2 & 3 vide Annexures No. ³...

- (iv) That the applicant filled up the application form for the departmental selection for the post of Ticket Collector, vide (Annexures No. ^{4, 5}) for ^{which} ~~which~~ the applications were invited.
- (v) That on 19.11.1985 the applicant was called for interview for the ~~st~~ selection to the post of Ticket Collector, but due to sudden illness, the applicant could not appear, for ^{which} ~~which~~ he remained under the treatment of Railway Doctor, who advised treatment and rest vide Medical Certificate for sickness and fitness, which are annexed herewith as (Annexure No. ^{6, 7}.)
- (vi) That thus due to sickness and treatment under the Railway Doctor, the applicant could not appear for selection, for ^{which} ~~which~~ the applicant was very keen and had duly applied but could not unfortunately appear due to sickness, (vide Annexure No. ^{4, 5, 6, 7})
- (vii) That the applicant waited for further call thereafter for supplementary session of the Selection Board, which as per rules of Selection is mandatory and the applicant having joined duty after sickness was available for being called for test/ interview. But there was no call, for reasons best known to the Administration.

Handwritten signature and initials.

- (viii) That the rules also provide for holding the supplementary selection Board meeting, as far as possible within one month of the meeting of the first selection Board on the return to duty of the employee concerned. The result could be declared only after the meeting of the selection Board, as above, is held, provided it is held within three months (vide Annexure No. 8....)
- (ix) That the applicant continued to work as Ticket Collector upto 6.7.1986 without break, to the entire satisfaction of the officers.
- (x) That the rules provides that only those absentees at the selection will be given a second chance in whose cases the Administration is satisfied that their absence was beyond their control. If a candidate who is at the selection does not represent for his claim to appear at the supplementary selection it is, to be assumed that he is not willing for the same (vide Annexure No. 9....)
- (xi) That the rule also provides that when an employee is unable to appear in the selection Board due to T.B. Leprosey or Cancer, he should be allowed to appear at the other selection namely within one month from the date of resuming duty provided he returns to duty within one year from the date of original selection board (vide Annexure No....)
- (xii) That having not been called for the supplementary test, the applicant represented to the Divisional Railway Manager for being called for supplementary test on 22/1/85 but no reply was given by the respondent (vide Annexure No. 9....)

(A3)

~~Thereafter in terms of rules 6(vii) to 6(xi)-~~
 the applicant continued to perform his duties to
 the entire satisfaction of his superiors ~~upto~~ upto
 15.7.1986(~~vide annexure No.....~~)

(xiii) That on 15.7.1986 unfortunately the applicant
 had an attack of Hepatitis, Jaundice and later on
 while the applicant was sick his father also expired
 and this gave such a big mental shock that the
 applicant suffered from Pulmonary Tuberculosis and
 was advised complete rest ^{by applicant's Dr} which continued upto
 5.1.1989, (vide Annexure No. 10, 11 and 12)

(xiv) That the applicant felt better and was advised by
 the private doctor under whom he was receiving the
 treatment, that he could join duty and the applicant
 thereafter reported for duty to the Chief Inspector
 of Tickets along with his sick and fitness certifi-
 cates of the private doctor on 5.1.1989 (vide
 Annexure No. 10, 11, 12)

(xv) That the Chief Ticket Inspector forwarded the
 applicant's sick and fitness certificate to the
 Divisional Railway Manager for orders and the
 applicant was given the medical fitness by the
 Railway Division on 18.2.1989 (vide Annexure No. 13, 14)
 During this period the applicant was ~~re~~ running daily
 in Divisional Rly. Manager's Office for expediting
 the posting order.

(xvi) That instead of posting me as Ticket Collector,
 after Medical Fitness, the applicant was served
 with orders of reversion as a ^{Porter} ~~Porter~~ in Class-IV
 Service with posting at HARAUNI Station (vide
 Annexure No. 15...).

114

(6)

- (xvii) That the order of reversion does not assign any reasons for the reversion nor mentions any ^{thing} ~~they~~ about regularization of pay for the period of sickness, ^{and persons junior to me are continuing}
- (xviii) That during the period when the applicant was sick his name was struck off from the register of Ticket Collector, and the applicant's ^{name} ~~s~~ did not figure in pay sheets as well.
- (xix) That the order of reversion of the applicant ^{the} is illegal, arbitrarily and unjust for following reasons.
- (a) that the applicant worked on the post of Ticket Collector in 2 spells-in- Kumbh Meela Duty in the year 1981-82. Again after adhoc selection against Class-IV quota vacancies he worked as Ticket Collector from 21.7.1984 to 15.7.1986 without break, when due to his sickness he could not work and reported for duty after fitness as on 5.1.1989.
- (b) that the applicant having worked for more than eighteen (18) months against the vacancies of Class-IV quota after proper selection without break from the year 1984 to 1986, he acquired a right to hold the post in accordance with the Railway Administration's directive that nobody could be demoted from the post, if he has worked for eighteen (18) months, such demotion being possible only after procedure as envisaged in D.A. Rules is followed for un-satisfactory work. The work of the applicant was never found un-satisfactory and so the order is illegal.

Elphinstone

114

(15)

(7)

- (c) that the applicant having worked for more than two(2) years after having been selected along with others on adhoc basis and having performed his duties without any complaint, from the Administrative for two(2) years, there was no necessity to call him for oral interview for evaluation of his diverse qualities for promotion to the post against.
- (d) that opposite parties failed to call suo-moto the applicant for supplementary test and even after representing for the same, the applicant can not be penalized for administrative lapses.
- (e) that the orders of reversion of the applicant is illegal as the applicant having worked for more than two(2) years without any break had acquired a right to hold the post in accordance with the Railway Board's letter, that no body could be demoted for the particular post if he has worked for eighteen (18) months, such demotion being possible only after procedure as envisaged in D.A. Rules is followed for un-satisfactory works. The work not being un-satisfactory, the order is illegal.
- (f) that no opportunity was given to the applicant before reversion nor he was heard, nor any reasons was assigned, so the reversion is illegal.

7. Relief Sought:

- (a) That in view of the facts mentioned in para 6-i to (xix) the applicant prays for issue the necessary order forth-with for quashing the orders of reversion (Annexure No. 1) with consequential benefits including regularization of period of sickness.

(Signature)

(Signature)

- (b) Issue any other order or direction as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

8. Details of Remedies exhausted:

The applicant has made representation to the Divisional Railway Manager, under the service rules against the order of reversion but the representation has not yet been decided by the Administration.
vide Annex 15

9. Matter not Pending in any court :

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

G R O U N D S :

- i) Because the law laid down by the Hon'ble Supreme Court as well as by the Hon'ble High Courts and Hon'ble Central Administrative Tribunal is universally applicable to all the employees of that category and therefore the applicant is also ^{entitled} ~~notified~~ to get protection of law.
- ii) Because the law laid down by the Hon'ble Supreme Court as well as by Hon'ble High Court is universally applicable to all the ~~xx~~citizens of India, including the opposite parties and as such the applicant is entitled after ^{he} ~~being~~ denied justiciable relief from the opposite parties by this Hon'ble Tribunal by means of direction issued to them.
- iii) Because the applicant has got every right to continue as Ticket Collector as per rules, directives of the Railway Board and Rulings of the Hon'ble High Co

Court and Supreme Court.

iv) Because the Hon'ble Supreme Court has held that when the persons have been allowed to function in the higher posts for a large number of years on an ad-hoc basis, it would be unjust to hold that they have no short of ~~claim~~ claim to such posts and could be reverted unceremoniously or treated as person not belonging to the service at all particularly when the Government is endowed with the powers to relax the ~~xx~~ rules--Narindra Chaddha Vs. The Union of India, ATR 1986/50 Supreme Court.

v) Because the Central Administrative Tribunal has held that it is well established the continuous and un-interrupted officiation in a post for a long time even though an ad-hoc basis and against short term vacancies, confers a right for regularization of Seniority from the date of continuous officiation in the grade and for promotion to the next higher grade when the junior was promoted to such higher grade- ATR 1986 (2) page 265.

vi) Because the continued and un-interrupted service of the applicant on ad-hoc basis entitled him to the benefit of eighteen (18) months rule as contained in Director Establishment DO No. E/55-6-26 dated 21.5.56.

vii) Because the applicant having worked satisfactory for a number of years in same post in an ad-hoc basis, oral interview for evaluation of his diverse qualities for promotion to the post was not necessary-Kanhaiya Lal and others...Versus...The Union of India and Others-----1983-----L/C(2) N.O.C.-----125/

110

(10)

10. Particulars of Bank Draft in respect of the application fees.

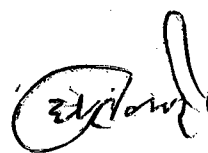
Bank Draft No. 6807/KSB/11/73 dt. 6.5.1989
for Rs 50/- (Rupees fifty only).

11. List of Enclosures:

As per the Index.

Lucknow Dated:

The 16th May, 1989.



Applicant.

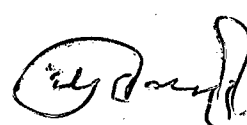
Verification

I, Hari Prasad Tewari aged about 35 years son of late Sri Ram Prasad Tewari, working as Ticket Collector, Northern Railway, resident of B/1, Fateh Ali Colony, Jail Road, Charbagh, Lucknow, do hereby verify that the contents of paras 1 to 11 are true to own knowledge and paras (i) to (vii) are believed to be true on legal advice..

Signed and verified of this.....day of May 1989
at Lucknow.

Lucknow Dated:

The 16th May, 1989.



Signature of the applicant



10 A

A/9

उत्तर रेलवे

मण्डल कार्यालय

जनसम्पर्क विभाग 4-89

-:सूचना :-

1-5-89

निम्नलिखित आदेश तत्काल से प्रभावी माना जाय :-

श्री हरी प्रसाद तिवारी जो कि तथ्य से कि टिकट
 संग्रह के पक्ष पर स्टेशन/तत्काल के अधीन कार्यरत थे, की नियुक्ति (नियुक्ति)
 उनके मूल पक्ष (पोर्टर) पर स्टेशन मास्टर हरीजी के अधीन रिक्त स्थान
 पर किया गया है। स्टेशन/हरीजी की सूचित किया जाता है कि
 उन्हें पोर्टर पक्ष का कार्य शीघ्र ही पूर्व द्वारा परिचय काल विधि
 परिचय अवश्य करा है।

पक्ष परिवर्तन कि तिथि से इस कार्यालय को भी अवगत
 कराये।

कुते मण्डल रेलवे प्रमुख
 तत्काल

सं० 941ई/5-9/पोर्टर/82-87

प्रतिलिपि: सूचनायें एयम अग्रिम कार्यवाही हेतु प्रेषित है :-

- 1- स्टेशन अधीक्षक हरीजी
- 2- स्टेशन अधीक्षक तत्काल ज्ञात इसकी स्वास्थ्य परीक्षा की तिथि
 तथा प्रमाण-पत्र संख्या स्टेशन अधीक्षक हरीजी को तुरन्त भेजे।
- 3- सहायक परिचालन अधीक्षक। एमओ तत्काल
- 4- वरिष्ठ मण्डल सेवा अधिकारी तत्काल
- 5- अधीक्षक वेतन प्रणाली

A20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ALLAHABAD:
LUCKNOW BENCH.

Case No. of 1989.


Shri Hari Prasad Tewari ...Applicant

VERSUS

Union of India and Others ..Opp. Parties

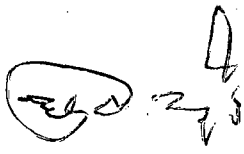
Stay application under Section 151, CPC

In the above noted case, for detailed reasons set forth in the application, and the fact that departmental appeal filed against the order of respondent to the appellate authority i.e. respondent No. 1 is pending and prayer for it's stay of operation of order of reversion was also made to opposite party No. 1 who should have ordered for stay as he is authorised to exercise quasi judicial power and the ~~fact~~ fact that the order is illegal ~~beside~~ besides the applicant is suffering loss of pay and loss of status, the order of demotion may kindly be stayed till further orders and also meanwhile, quick disposal of appeal by opposite party No. 1.


(C. A. Basir)

Counsel for the applicant.

Dated: 18/3/89



1711-13

Registered A/D

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow - 226 001

(Registration No. _____ of 198)

No. CAT/LKO/Jud/CB/

dated . _____

APPLICANT(S)

VERSUS

RESPONDENT(S)

Please take notice that the applicant above named
has prescribed an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and has
fixed _____ day of _____ 198 .
for _____

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 _____ day of _____ 1981.

Dinesh/

Recorded
22/10/80
For DEPUTY REGISTRAR

Send: Copy of order dt 22/10/80

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. No.119 of 1989 (L)

Hari Prasad Tewari Applicant.
Versus
Union of India Respondents.

22-8-89

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

Shri C.A. Baseer learned counsel for the applicant is present and heard.

ADMIT.

Issue ~~xxx~~ notice to respondents to file counter affidavit within six weeks to which the applicant may file rejoinder affidavit, if any, within two weeks thereafter.

List this case on 15-11-89 for orders/hearing as case may be.

As regards interim prayer, since the order dated 1-5-89 has already been implemented no case for passing on interim order is made out.

MEMBER (J)

(rrm)

//True Copy//

28/10/89

o/c

वकालतनामा



बअदालत श्रीमान Central Administrative Tribunal Allahabad
Lucknow Bench.

वाद संख्या...

वाद संख्या

न्यायालय

पक्षकारों का नाम

नियम तिथि

Hari Prasad Tiwari

वादी अधीलकर्ता प्रार्थी-अभियोग

बिरुद्ध

Amangalpur

वाद संख्या

प्रतिवादी उत्तर दाता विपक्षी अभियुक्त

वाद का प्रकार

Hari Prasad Tiwari

में

मुकदमा मुद्दे

का मिनजानिब अपने वकील मुकर्रर करके यह इकरार है कि वकील मौसूक बजात खुद ख्वाह बजरिये किसी दूसरे अपील अदालत के जिसका मिनजानिब अपने वकील मौसूक मुकदमा हाजा सुपुर्द करके गवाह अर्जी दावा बयान तहरीर जवाबुल जवाब या कोई दरख्वास्त किसी किस्म गुजारने या जो कुछ पैरवा या जवाब देही तहरीर व तकरीर करे या राजी नामा या कोई तप्रनाद व दस्तावेज पेश करे या वापस ले या कोई नकल हासिल करे या राजीनामा करे या मुनहसि इलैह मुर्रर करे या जरे डिग्री में खर्चा कीई जरे अमानत किसी किस्म का दाखिला किया हुआ हकारा फरोकसानी का मिनजानिब हमारे बजरिये रसीद दस्तखत अपने के बजरिये अदालत या किसी दीगर तौर पर वसूल करे या कोई रुपया किसी मुगलिजा की बाबत मिनजानिब हमारे दाखिल करे जो और कार्य वही जरूरी हो असल में लावे यह सब खासका उसका मिसल करना जात ख्वाब अपने के हमको कबूल या मंजूर है ओ होगा और वसूरत बदम अदाई मेहनताना वकील साथ मुकदमा की पैरवी के जिम्मेदार न होंगे।

लिहाजा चंद कलमात बतीरवकालत लिख लिए कि सनद रहे वक्त जरूरत के नाम आये।

Accepted

Pleader
Advocate

C. A. Tiwari
Amangalpur
19/5/89
for applicant
Ranjit Singh

S. L. Tiwari
Advocate
19/5/89

A22

In the Hon'ble Central Administrative Tribunal,
Allahabad, Lucknow Bench, Lucknow.

C.A.T. Case No. O.A. 119/89/L.

Misc - Application No. 476 of 1990 (2)

Hari Prasad Tewari ...Applicant

Versus

Union of India and Others ...Opposite Parties.

Application for disposal of stay application under
Section 151 CPC.

In the above noted case, the applicant
respectfully submits as under:-

1. That the above noted application was filed
in the Hon'ble Court on 30-5-89 challenging the
order of reversion passed by Opposite party No.2
reverting the applicant from the post of Ticket
Collector, a Class III post to the post of porter,
a Class IV post, after 5 years of working as
Ticket Collector, without show cause notice, charge
sheet and also without pointing out any deficiency
in his work, along with an application for stay
of operation of reversion. (Annexure I)

2. That the applicant filed an appeal along
with an application for stay of the order vide
Annexure 15 and 16 of the application to the
appellate authority i.e. Divisional Railway Manager
Northern Railway, Lucknow praying for stay of the

Filed today
syul
7/8/90

Copy

4/2

operation of order of reversion during pendency of appeal and despite the fact that the appeal was duly sent under registered cover and the fact that the appellate authority in exercise of quasi judicial powers should have considered the fact of illegal malafide and wrong orders of reversion, the appellate authority did not even acknowledge the letter. Even the counter in reply to the application has not so far been filed despite the fact that more than 14 months have passed.

3. That the applicant has suffered loss of pay, loss of status and his juniors are still working.

4. That as held by the Hon'ble Central Administrative Tribunal, Madras in re - K.G. Rajan Versus Post Master General, Kerala, 1986 (3), SLR, 629 that -

" When departmental appeal against the order of demotion is passed, the appellate authority in the circumstances of the case should have stayed the order of demotion till the disposal of the appeal."

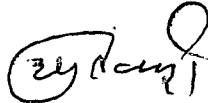
In another case, the Hon'ble Sepreme Court in re - Dr. Mrs. Sumati P. Shere Versus Union of India and Others vide 1989(2) Supreme Court, 142 has held -

A214

" Termination of service -

Applicant appointed on ad hoc basis against substantive vacancy - Termination of service for unsatisfactory performance - Employer must communicate the deficiencies to the employee; otherwise it would be arbitrary to terminate the service on the ground of unsuitability."

It is therefore prayed that the orders of reversion (Annexure I) be stayed forthwith.



Applicant

Dated: 4/8/90

at Lucknow.

1
(A25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
LUCKNOW BENCH.

Between

Shri Hari Prasad Tewari

..Applicant

And

Union of India and Others

..Opposite Parties

Case Number: of 1989.

P A P E R B O O K
- - - - -

S.No.	Description of Papers	Page No.
1.	<u>Annexure No.1</u> Copy of order of reversion dated 1.5.89	3
2.	<u>Annexure No.2</u> Application of applicant for posting as TC on ad hoc basis.	4
3.	<u>Annexure No.3</u> Order of promotion on ad hoc basis as TC dated 21.7.84.	5
4& 5	<u>Annexure No.4& 5.</u> Application for selection examination of TC for 12/21 19/20 Jan., 1985 along with filled form and application.	6 6 7, 7A
6&7	Sick memo <u>Annexure No.6 & 7</u> Sick memo of Railway Doctor dated 19.1.85 and fit memo of Railway Doctor dated 22.1.85	8 6 9
8,	<u>Annexure No.8</u> Rules framed by Railway Board regarding absentee selection vide board's letter of 1976.	10

Copy of

Ch

S.No.	Description of Papers	Page NO.
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- | | | |
|-------------------|--|----------|
| 9. | <u>Annexure No. 9</u>
Applicant's request dated 22-1-85
requesting for being called for
absentee selection. | 11 |
| 10, 11
&
12 | <u>Annexure No. 10 to 12</u>
Sick and Fit certificate from
private doctor from 16-7-86 to
5-1-89 | 12 to 14 |
| 13. | <u>Annexure No. 13</u>
Spare letter from TC Office to DRM
Office dated 18-2-89 | 15 |
| 14. | <u>Annexure No. 14</u>
Fit memo of Railway Doctor dated
18-2-89. | 16 |
| 15. | <u>Annexure No. 15</u>
Appeal against order of reversion
from the post of TC dated 1-5-89
to DRM. | 17 to 21 |
| 16 | <u>Annex No. 16 - Application to DRM
for stay of order of reversion</u> | |

C.A. Basir
(C.A. Basir)

Dated at Lucknow:

Counsel for Applicant

18/5 May, 1989.

(Signature)

Annex A-1

3

127

उत्तर देसवे

.....

मण्डल कार्यालय

समस्त विभाग 4-87

-: सूचना :-

1- 5-89

निम्नलिखित आदेश तत्काल से प्रभावी माना जाय :-

श्री श्री प्रभाव तिवारी जो कि तथ्य का है टिफ्ट
संसाधन के एक पर स्टेशन/तत्काल के अधिकार के, श्री (मि. कर)
उसके एक एक [गोटेर] पर स्टेशन भास्टर करीबी के अधिकार रिक्त स्थान
पर किया गया है। स्टेशन करीबी की सुचित किया जाता है कि
उन्हें गोटेर पर का कार्य भार कोपसे वे पूर्व द्वारा परिचय का विवरण
परिचय प्रदान करा है।

एक परिवर्तन कि तिथि से इस कार्यालय को भी प्रदान
कराये।

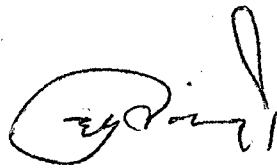
श्री मण्डल देसवे प्रभाव
तत्काल

पत्र सं० 94/ई/5-9/गोटेर/82-87

प्रतिनिधि: सूचनाएं एक अधिकारवादी हेतु प्रेषित है :-

- 1- स्टेशन अधिकार करीबी
- 2- स्टेशन अधिकार तत्काल किया इसकी स्थापना परीक्षा की तिथि
तथा प्रभाव-पत्र संख्या स्टेशन अधिकार करीबी को प्रदान की है।
- 3- स्थापक परिधान अधिकार [एम.ओ. तत्काल]
- 4- वरिष्ठ मण्डल सेवा अधिकारी तत्काल
- 5- अधिकार वेतन अनुमान

प/





The Divisional Railway Manager,
Northern Railway,
Lucknow.

Through : C.Y.M./Lucknow.

Reg: Posting as T.C. on adhoc basis
grade Rs. 260-400(Rs).

Sir,

Respectfully I beg to lay as under for your kind
consideration and orders :-

1. That I am working as Porter under A.O.O. (Yard)/Lucknow.
2. THAT I am working from 2.1.78.
3. That I have also worked as Ticket Collector in
the Ardh Kumbh Mela 1981-82 and was posted under Station
supdt., Lucknow. For the present I am working under
A.O.O. (Yard)/Lucknow.
4. That I have also worked as Substitute Porter
under A.O.O./Dy. Superintendent, SQN from 1972 to 1.1.78.
5. That my date of birth is 10.1.1954.

I, therefore, request your honour to be kind
enough and post me as Ticket Collector under Station
superintendent, N.Wy., Lucknow where it is learnt that
vacancy exists.

Thanking you Sir,

Yours faithfully,

[Signature]

16/1984.

[Handwritten notes and signatures]

[Handwritten notes and signatures]

[Handwritten signatures]

D. R. W. OMO
M. RLY.
LUCKNOW.

Director's Office,
Lucknow, dated 2/7/60.

Subject: *[illegible]*

REPLY.

1) The attached staff may be kept, withdrawn in S.O. No. 100-100/60.

- | | |
|---------------------|----------------|
| 1) Mr. P. V. S. Rao | D. R. W. OMO |
| 2) Mr. Raja Rao | Director/Secy. |
| 3) Mr. R. S. S. Rao | Director/Secy. |
| 4) Mr. R. S. S. Rao | Director/Secy. |

2) The above staff are put to utilization as per policy on local environment on office basis against Class II quota. This will not confer upon them any right or seniority in future promotions in the cadre of S.G. and will have to appear in selection of S.G. when they are called.

3) Item No. 1, 2, 3 are posted at LKO.

4) Item No. 4 Mr. Raja Rao is posted at LKO.

5) Item No. 1, 2, 3, 4 Mr. P. V. S. Rao & R. S. S. Rao are not fit in B-400 and 2nd category. S.G. should personally ensure that they pass the 2nd medical category before they are utilized as S.G. of 210-00 (25) and advise the office accordingly.

This has the approval of D.C.S./D.P.O./Lucknow.

Approved: *[Signature]*

For: *[illegible]*

Copy to:-

- 1) D.O. LKO, SGI.
- 2) D.O. LKO.
- 3) D.O. D.P.O.
- 4) D.O. D.P.O.

[Handwritten signature]

[Handwritten signature]

9/9/84

महाराष्ट्र

कारण कार्य करेगा एवं कार्य प्रोग्राम के कार्या पर कार्य
को सब कार्य का अनुसार प्रशासित किया जाय।

५५-५६१७

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2000, 1999

- रजनीश पता - एका - ५९१३१
 कोसेहा आनी कोसेहा रो. ३
 कोलाणी - नयागा - (१०००००)
 एमर पता - गाव - बरे गंगा १३१
 पोस्ट - २००००
 १३१ - सुलागाव १३१

Division Superintendent
of Rio Pardo

12

23 Oct 19

And

उत्तर देते

संज्ञक कार्यक्रम

संज्ञक विभाग:

संख्या: 220ई 6/8 टी0610/8A

स्टेशन अधीक्षक/संज्ञक एवं वाराणसी ।

संज्ञक मण्डल के संज्ञक स्टेशन मण्डल

संज्ञक विरीचक/ए. डी. वे. हित अनुभाग, वाणिज्य

परि० मण्डल लेखा अधिकारी संज्ञक ।

.....

विषय :- टिकट संज्ञक (वेतन मास 260-400) के प्रव हेतु आवेदन पत्र ।

.....

टिकट संज्ञक वेतनमास 260-400 के रिक्त स्थानों को भरने के लिये वाणिज्य एवं परिवहन विभाग के नावटैकनिकल चतुर्थी केपी कर्मचारियों से प्रार्थना पत्र प्रस्तुत किए जाते हैं । इस याचिका क्रम से कम तीस साल वाणिज्य या परिवहन विभाग में दिनांक 31.8.84.

को अवसरतः कार्य पूरा कर चुका हो ।

प्रार्थना पत्र संलग्न प्रोपार्ता पर ही है ।

प्रार्थना पत्र

टिकट संज्ञक 260-400 के प्रव हेतु प्रार्थना पत्र :-

1. कर्मचारी का नाम (बड़े अक्षरों में) *उत्तर प्रमोद त्रिपाठी*
2. पिता का नाम *रामजी प्रमोद त्रिपाठी*
3. वर्तमान पद *उत्तर आई टिकट संज्ञक*
4. स्टेशन *उत्तर*
5. मूल पद *टी २२ (उत्तर)*
6. मूल वेतन एवं वेतन क्रम :- *146-232*
7. जन्म तिथि *१० जनवरी उत्तरी सी चौक (10-1-1954)*
8. नियुक्ति तिथि *15-6-1972*
9. स्थायी ठरान की तिथि *2-1-1978*
10. स्थापनापत्र पद *टिकट संज्ञक*
11. स्थापनापत्र वेतन एवं वेतन क्रम *260-400*
12. वेतन योग्यता *मार्गमा ८/८८*
13. क्या अनुसूचित जाति या जनजाति के सदस्य है यदि हाँ तो पूर्ण विवरण दें । *नहीं*

संख्या 2/

प्रमोद त्रिपाठी
उत्तर

432

121

२. न्यायिक व शरियात दायित्वों में अंतर

ਸਾਧਨਾਂ ਦੀ ਸਿਖਿਆ

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 242. 2172-73
 243. 2173-74
 244. 2174-75
 245. 2175-76
 246. 2176-77
 247. 2177-7

SECRET

ਅਧਿਆਪਕ ਜੀ ਦੇ ਹਸਤਾਖਰ

~~पुनः च शेषं~~

ਸ਼ਬਦ ਅਸੀਸਤਾ ਦੀ ਟਿੱਧਾਈ ਪਵੇ

हस्ताक्षर तारीख एवं मोहर के साथ।

अर्थही नो दिव्ही या अजिजी लिखवा एवं दफ्तरा आवा बाहिये ।

माधवा पत्र दिनांक १५-८-३४ तथा प्रमाण ८ नं० की सह यमित प्रतियों सहित २५/८/३४
 माधवा पत्र अवर व्याव तही नियम लगेगी । दिनांक १५-८-३४ के बाद इसके लगे

इस बोटिंग की एक प्रतिनिधि अपने कार्यालय में बोटिंग बोर्ड पर कर्मचारियों के सुव्यवस्थित अवस्थिति का दे और इसका नियमित प्रचार करे।

कोट:- तीव्र गैल । व २ रिडिक्टोरे सेटमेस . शक्तिम जमादार केवल मेस
स्वीचमेस पाइलट जमादार एवं लाइव जमादार जो टेकनिकल कार्यादारी है वे डिप्ट
संसाधन के पक्ष के अधिकारी नहीं हैं एवं वे आवेदन ल करें ।

[Handwritten signature]
श्री व. क.
श्री मन्त्रालय जगति धीमती
[Large handwritten mark]

2003

Q. Q. 100

Annex - A-6

8
(135)

VIA No 474499

Dr. 1./Med. 1.
दि 12/Med C-12

उत्तर रेलवे चिकित्सा विभाग
Northern Railway Medical Department
"बीमारी" प्रमाणपत्र
"SICK" CERTIFICATE

जारी के हस्ताक्षर का पद दर्शाते हैं
Signature or LTI of Applicant

हस्पताल/HOSPITAL
विपरीत/ DISPENSARY

मैं यहाँ द्वारा प्रमाणित करता हूँ कि
I do hereby certify that

नाम/Name
Designation

शाखा का विभाग/Branch or Department
स्थिति का स्टेशन/Station where employed

जिसके हस्ताक्षर ऊपर दिए गए हैं और जो बीमारी से ग्रस्त है
के लिए अयोग्य है।

Whose signature is given above and who is sick and
unfit for duty.

जु के दिनी तक कार्य करने
उपलब्ध है कि लिए अयोग्य नहीं हो सकेंगे।

He is likely to be unfit to perform his duties for
days with effect from (date)

ऑफिस सील
Office Seal

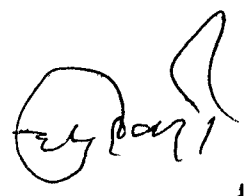
दिनांक
Date

वर्ग
Designation

नोट: प्रमाण पत्र को तोड़ना है।
Strike out inapplicable.

टिप्पणी:
Remarks:

No recommendation contained in this certificate shall be evidence of a claim for any leave not admissible to the Rly. Servant under the terms of his contract or the rules to which he is subject.


13/12

Annex - A-7

9

934

र/ए N° 474499

नं०-1./Med-1
नं०-12./Med C-12

उत्तर रेलवे चिकित्सा विभाग
Northern Railway Medical Department
"स्वस्थता" प्रमाण पत्र
"FIT" CERTIFICATE

आपकी हस्ताक्षर या बायीं छूट का निशान.....

Signature or LTI of Applicant

हस्पताल/HOSPITAL
दिव्यसरी/DISPENSARY
नं०-12./Med C-12

मैं इससे द्वारा प्रमाण करता हूँ कि मैंने

I do hereby certify that I have carefully examined

नाम/Name.....

पदनाम/Designation.....

शाखा या विभाग/Branch or Department.....

नियुक्ति का स्टेशन/Station where employed.....

जिसके हस्ताक्षर ऊपर दिए गए हैं और जो बीमार के रूप में

..... है..... इस उपचार के

राखी जा रही है..... के..... इस उपचार के

तिफारिक पर छुट्टी पर रहे हैं, की सादरवाणी प्रकृत करीब आ कर

की है और मैं उन्हें अपनी छुट्टी देने के लिए स्वस्थ समझता हूँ।

Whose signature is given above and who was Sick

and under treatment from (date).....

to (date)..... and on leave on medical

recommendation from (date).....

to (date)..... is now fit to attend his duties.

कार्यालय मुद्रा.....

Office Seal रेलवे डॉक्टर के हस्ताक्षर

दिनांक..... 22/11/15 Signature of Mty. Doctor

पदनाम.....

Date Designation

अति साधु न हो तो काट दें।

Strike out if inapplicable.

टिप्पणी :— इस प्रमाण-पत्र में की गई तिफारिक से रेल कार्य-

कारी को ऐसी कोई छुट्टी नहीं मिल सकेगी जो उसके साथ

दिए गए नियमों की शर्तों के अधीन या उसे बाधित करने

वाले नियमों के अधीन उसे न मिल सकती हो।

Note :— No recommendation contained in this certi-

ficate shall be evidence of a claim to any leave

not admissible to the Mty. Servant under the terms

of his contract or of the rules to which he is

subject.

Signature

Signature

825

10.05. This acknowledge at the bottom of the call in the proper form and concerned through his in

10.06. The Controlling their remarks immediately suitable remarks in the list for the absence.

10.07. The Controlling if no intimation has been

10.08. An employee inability to appear before advance of the date of se appear and will not be g wait for a subsequent re

10.09. An employee because of the intimation of interview or because i Selection Board, will be the Selection Board.

10.10. The Control should invariably relieve the specified date or date be exceptional) the mat for orders, either by X

✓ 10.11. Only those chance in whose case t beyond the control of t selection does not repre tion, it is to be assumed other staff, a decision by the Controlling Of regard to each candid alckness must be cover Officer. Unavoidable wedding or such simil Decision of the Selecti

10.12. The supp should be as far as p qers of the first Sele yold as far as possibl

10.05. This acknowledgement form should, therefore, be reproduced at the bottom of the call notice so that the acknowledgement may be taken in the proper form and copy returned properly filled in by the employee concerned through his immediate superior to his Controlling Officer.

10.06. The Controlling Officers should pass on this information with their remarks immediately to the Personnel Officer concerned who will make suitable remarks in the list against the employee concerned showing reasons for the absence.

10.07. The Controlling Officer should also inform the Selection Board if no intimation has been received from the employers called up for selection.

10.08. An employee who has not sent the intimation regarding his inability to appear before the Selection Board to his Controlling Officer in advance of the date of selection will be considered as if he is unwilling to appear and will not be given any chance to appear again, he will have to wait for a subsequent selection.

10.09. An employee who is unable to appear before Selection Board because of the intimation being received too late for him to reach the place of interview or because he is so sick as not to be able to appear before the Selection Board, will be permitted to appear at a supplementary session of the Selection Board.

10.10. The Controlling Officer under whom the employees are working should invariably relieve the staff who are to attend Selection Boards on the specified date or dates. In case relief can not be arranged (which should be exceptional) the matter should be referred to the Head of Department for orders, either by XR telegram or on phone.

10.11. Only those of the absentees at a selection will be given a second chance in whose case the administration is satisfied that their absence was beyond the control of the employees. If a candidate who is absent at a selection does not represent his claim to appear at the supplementary selection, it is to be assumed that he is not willing for the same. In regard to other staff, a decision is to be taken quickly and an advice should be sent by the Controlling Officer within a fortnight giving detailed position in regard to each candidate with his remarks. Any absence on ground of sickness must be covered by a specific certificate from a Railway Medical Officer. Unavoidable absence will not include (a) absence to attend a wedding or such similar function or (b) absence over which he has control. Decision of the Selection Board on this point will be final.

10.12. The supplementary meeting of the Selection Board for absentees should be as far as possible be attended by the same officers who were members of the first Selection Board. Such supplementary meeting should be held as far as possible, within a month of the meeting of the first Selection Board.

2502

Wm

Board or of the return to duty of the employee concerned, provided the employee returns to duty not later than 3 months after the holding of the first Selection Board. In case the return of the employee is delayed or is likely to be delayed beyond 3 months the result of the Selection Board need not be deferred, the name of the employee being interpolated as if he had appeared at the Selection Board when first held. All supplementary Selection Boards shall be held before the expiry of 6 months from the date of the first Selection Board.

10.13. There shall be only one supplementary selection. When an employee is unable to appear in the Selection Board due to T.B, Leprosy or Cancer, he should be allowed to appear at another selection, normally within one month from the date of resumption of duty, provided he returns to duty within one year from the date of the original Selection Board. He should be given his due position which he would have attained had he appeared at the original Selection Board. Such employees should be promoted against the vacancies occurring after their being declared selected without reverting the juniors if any, promoted earlier.

10.14. It will not be in order to declare provisional panel. It should be possible for the Selection Board proceedings to be drawn up normally in a month or there about by three months maximum time allowing for bonafide absentees who may not be available earlier. Bonafide absentees becoming available after 3 months but before six months of the date of selection can be considered by the Selection Board at a supplementary selection and the result interpolated in the panel already issued.

11. Number to be Placed on the Panel.

11.01. The number of persons to be placed on a panel should be equal to the existing and anticipated vacancies. Anticipated vacancies connotes only those which are likely to arise due to normal wastage during the currency of the panel.

11.02. In no case the number of persons to be placed on panel should exceed the number for which the selection has been ordered.

[Authority.—Railway Board's letter No. ENG 1-76 PM-1/168, dated 3rd September, 1976.]

12. Amendment of Panel.

12.01. Panels for selection posts framed by a duly constituted Selection Board and approved by the competent authority shall not be cancelled or amended without reference to an authority next above the one that approved the panel.

12.02. Deletion of the names of an employee from the panel on a result of disciplinary action does not amount to a amendment of the panel.

1236

पृष्ठ १९

सीमांत सीमांत बांधूँ

नामों की, अलग-अलग

कामों

बांधूँ- सीमांत सीमांत बांधूँ

बांधूँ.

विचारों का है कि प्रत्येक के हटने बांधूँ विचारों
19-1-85 की दृष्टि से बांधूँ बांधूँ में बांधूँ बांधूँ बांधूँ बांधूँ
बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ
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बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ बांधूँ

बांधूँ बांधूँ बांधूँ

बांधूँ बांधूँ बांधूँ

बांधूँ बांधूँ बांधूँ

बांधूँ बांधूँ बांधूँ

बांधूँ बांधूँ बांधूँ

General Manager (Sd.)
B. B. Lakshmi

बांधूँ बांधूँ बांधूँ

बांधूँ बांधूँ बांधूँ

A37

Dr. R. S. Shukla

B. Sc., B. A., M. Sc. (Honors) University,
Medical Examiner, L. I. C. F. Exams.
B. Home Officer,
D. H. Hospital, Salimabad, Lucknow.
L. H. Medical Hospital, 17th B.

Phone : 24

AMRITSAR,
PAKISTAN-220021

Ref No. L-23/2006

Fitness Certificate Dated... 27/02/2006

This is to certify that Mr. Hari Prasad
Tiwari is a member of the Indian Army
Battalion No. 10 (Ganga) (Mishra) (Chandauli)
Battalion, Lucknow. He was
under my treatment from 16th June 1986 to
1st Aug.

He is now quite fit to
continue his duties.

The undersigned Jyoti Hari Prasad Tiwari
is a member of the Indian Army
Battalion No. 10 (Ganga) (Mishra) (Chandauli)
Battalion, Lucknow.

Sd/-
[Signature]
[Stamp]
[Text]

R. S. Shukla
B. Sc., B. A., M. Sc. (Honors) University,
Medical Examiner, L. I. C. F. Exams.
B. Home Officer,
D. H. Hospital, Salimabad, Lucknow.
L. H. Medical Hospital, 17th B.

[Signature]
[Text]

Dr. R. S. Shukla
B. Sc., B. A. M. S. (Banpur University)
Medical Examiner, L. I. C. Fozabad
Ex. House officer,
Dist. Hospital, Sahaspur & Unnao.
L. H. Medical Hospital, Pilibhit.

Phone : 26

AMANIGANJ,
FAIZABAD-224121

II

Ref No. C-33.....

Medical Certificate
II extension

Date Nile 23/02/23
Signed [Signature]

This is to certify that Mr Hari Prasad Tewari
No. 1000, Pal Tewari, Age, about 32 years, Pro
Vice Pres (Group Medical) (Chandani) Pils Kishore
Dist. Hospital, working as T.C. at Charkhagh
Railway Station. He has been under my treatment
from 17th of Jan 1923 till 5.1.29.

During the above period he was suffering
from. Persistent tuberculosis & expectoration and
a complete rest was recommended for the recovery
his health.

The Attached Sig of Mr Hari Prasad Tewari Sec
of the Ram Lal Tewari is given below.

Signature of H.P. Tewari
[Signature]
Attested

R. S. Shukla
[Signature]
B. Sc., B. A. M. S.
Medical Examiner
AMANIGANJ

R. S. Shukla
[Signature]
B. Sc., B. A. M. S.
Medical Examiner
AMANIGANJ

[Signature]

[Signature]

No. CIT-Stm/35/88.

Dt. 18-2-89

CIT-Stm/Hko.

To,

D.R.M.,

Jalgaon.

Subj: Shri H.P. Tiwari adhoc TC

Shri H.P. Tiwari adhoc TC
reverted in his substantive post vide
DRM office letter No. 220 E 6/8-TC/84-II
dated 11/14-7-86.

He remained absent from 16-7-86
to 5-12-89 and submitted P.M.C. Now
he has been fit for duty vide P.M.C. No.
42682 dt. 14-2-89.

For above, he has been directed
to you for further duty.

DA/a above

P.M.C. & medical fitness

(4)

DRM
Jalgaon

DRM
Jalgaon

DRM
Jalgaon

Annex A-14

16

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742082

उ०र०
N.R.

चिकित्सा/की०-३/चिकित्सा-३
MED/C-3/MED-3

प्रदूषण-३, परि०-VI/Annex-3, App-VI
परि०-वी०/परि०-वी०-३-१/GRCA-1

चिकित्सा विभाग/MEDICAL DEPARTMENT

इसूरी प्रमाण-पत्र/DUTY CERTIFICATE

अस्पताल/ओपेराटिंग/Hospital/Dispensary C. B. L. K. O.

सं०/No.

प्रमाणित करता हूँ कि मैंने/ I hereby certify that I have
examined—

नाम/Name..... H. P. T...

पदनाम/Designation..... T. J. A...

शाखा या विभाग/Branch or Department..... CH

नियुक्ति स्थान/Station where employed..... L. K. O.

की परीक्षा की है और कार्य पर आरंभ होने का
प्रमाण-पत्र प्रस्तुत किए जाते हैं कि वह इस प्रकार कार्य में योग्य
समझता हूँ।

and consider him fit to resume duty pending produc-
tion of a fit certificate on form..... 18/4/89

आवेदक के हस्ताक्षर/आवेदक के हस्ताक्षर
Signature/LTI of the applicant

कार्यालय की मोहर/Office Seal

तारीख/Date 18/4/89

Registered

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

Sir,,

Sub: Appeal against the order of reversion
from the post of ticket collector dated
1-5-89.

Respectfully, I beg to lay down the following
facts for your favourable consideration and orders:-

1. That I was given regular appointment in Class IV Service as LR/Porter on 2-1-78 and by dint of hard work, I was posted as Ticket Collector in Kumbh Mela in the years 1982-83 for 45 days.
2. That I was again appointed temporarily and on an adhoc basis as Ticket Collector against Class IV quota, my position being at No. 3, with posting at Lucknow in grade 260-400 vide DRM's Office Order No. 22 O/OM/6/8 dated 21-7-84.
3. That I applied for selection for the post of TC in pursuance of the notification inviting ~~xxxxxx~~ applications for selection and the same was fixed for 19-1-85, but due to sudden illness, I was unable to appear in this selection, my sickness was duly certified by the Railway Doctor ^{vide} ~~by~~/Sick and Fit Certificate for 19-1-85 to 21-1-85.

[Signature]

4. That I was not called thereafter for absentee selection/supplementary ~~examination~~ session of the selection board although I has joined duty on 21-1-85, fit and sick certificate being of the Railway Doctor.

5. That rules framed by the Railway Board provide for holding supplementary selection board meeting as far as possible within a month of first selection meeting or on the return of employee on duty; results to be declared within 3 months after holding supplementary examination vide Railway Board's Letter No. E(NGD) 1-76 PM 1-168 dated 3-2-76. The applicant was present after 21-1-85 upto 16-7-86 i.e. for more than 18 months and despite my reminders dated 22/1/85 for being called for supplementary test, applicant was neither ~~for~~ called for the test nor any reply was received.

6. That applicant was feeling weak and exhausted when on 16-7-86 the Doctor advised that applicant was down with jaundice. While I reached my home for the treatment at my place, my father was seriously ill and he expired some time after. This gave such a mental shock to me that I became ill with tuberculosis and was advised rest for long period. My treatment continued upto 5-1-89, when I was advised by my private Doctor that I was now fit. Thereafter, I reported for duty and after medical examination by Railway Doctor, I was declared fit.

7. That during these 2 years, the administration

lpw

19/10

had treated me to be dead and had struck off my name from the list of employees and my name did not find mention in pay sheets nor I received any salary, etc.

8. That when on 1-5-89, after getting fit memo from the Railway Doctor I attended DRM Office to receive my posting orders I was served with the orders of reversion and my posting as porter at Harauni.

9. That this order of reversion is too cruel, unjust and illegal for reasons given below:-

a) That the order of reversion is prima facie punitive as it assigns no reasons for reversion & nor mentions anything about regularising ~~affix~~ of his pay and leave, etc.

b) That the applicant having worked for more than 18 months without break, he acquired a right to hold the post in accordance with Railway Board's instructions and rulings of the High Court and Supreme Court.

c) That his work being satisfactory, having earned one increment as TC, he was entitled to protection of 18 months rule, and as no opportunity was given to the applicant the order of reversion is illegal.

d) That the applicant having worked for more than 2 years on ad hoc basis at the same post, oral interview for evaluation of his

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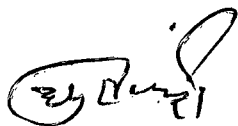
diverse qualities for promotion to that post is not necessary. This is the view of the Karnataka and Gujrat High Court.

e) That the applicant was illegally denied the right to appear in supplementary examination which should have been held and in which he was entitled as of right to claim appearance and did claim the same but he was not replied nor called for test.

f) That the Hon'ble Supreme Court has held that when persons have been allowed to function on the higher posts for a number of years on an adhoc basis, it would be unjust to hold that they have no sort of claim to such post and could be reverted unceremoniously or treated as persons not belonging to the service at all.

g) That it is settled law that continuous and uninterrupted officiation in a post for a long time even though on an adhoc basis and against short term vacancies, confers a right for regularisation and seniority from the date of continuous officiation in the grade.

That for reasons set forth above, it is ~~respectfully~~ respectfully prayed that the orders of reversion





may be withdrawn and quashed and the applicant may please be ordered to be posted as Ticket Collector.

It is also prayed that the entire period of applicant's absence covered by Medical Certificates may kindly be regularised.

For this act of kindness, I shall be highly obliged.

Yours faithfully,



(Hari Prasad Tewari)

Ticket Collector.

Dated: 3-5-89

Copy forwarded to:

1. DCS, Northern Railway, Hazratganj, Lucknow &
 2. DPO, Northern Railway, Hazratganj, Lucknow
- for information and necessary action.



(147)

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

Sir,

Sub: My reversion ~~in~~ order dated 1.5.89
from the post of ticket collector.

Ref: My appeal dated 3.5.89 against
the order of reversion to your honour.

Respectfully, I beg to say that I
have not ~~had any~~ heard anything about orders in my
above mentioned appeal.

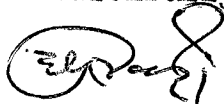
As you know and you are aware, I was
appointed against Clall IV quota ~~xxxx~~ vacancies
along with others junior to me who have not been
reverted. My services continued for more than 2 years
without break and the total period after the order
of promotion comes to about five years. I never
received any adverse comment on my working and
earned one increment also. While reverting me, I have
not been given the reasons for reversion nor any
opportunity of hearing was given to me. At the time
of reversion, I has worked on the post for more than
18 months. In the circumstances, I request you to
please order for the stay of the order of reversion
on grounds mentioned in my appeal dated 3.5.89 till
further orders are passed by your honour. As your
honour have to exercise quasi judicial powers and

23
(AUS)

and as the appeal is against the orders of the Divisional Commercial Superintendent, it is prayed that your honour may kindly be pleased to stay the operation of the order of reversion till disposal of appeal, if for any reasons there is any difficulty in quashing the orders of reversion and ordering status quo ante be maintained as on 31.4.89.

For this act of kindness, I shall be highly obliged.

Yours faithfully,



(Hari Prasad Tewari)

Ticket Collector,

Lucknow.

Dated: 11.5.89



449

In The Central Administrative Tribunal,

Circuit Bench, Lucknow.

Civil Misc. Petition (M.P.) No. 567 of 1990 (L)

In Re:

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

H.P.Tewari and Others.....Applicants.

Versus

U.O.I. and Others.....Respondents.

Fixed For 7.8.90
12-9

APPLICATION FOR CONDONATION OF DELAY IN FILING

COUNTER REPLY.

That delay in filing Counter Reply is not intentional or deliberate but due to administrative and bonafide reasons which deserves to be condoned.

P R A Y E R

Wherefore, it is most respectfully prayed that in the interest of justice, delay in filing counter reply may kindly be condoned and counter reply may be taken on record.

Lucknow.

Dated: 12.9.90

Anil Srivastava

(ANIL SRIVASTAVA)
ADVOCATE

Counsel for Respondent,

Filed today
10/9

Recd
10/9

ASO

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Registration (O.A.) No. 119 of 1989 (L)

Hari Prasad Tewari.....Applicant

Versus

Union of India and Others Respondents.

Fixed For 7.8.90

COUNTER REPLY ON BEHALF OF ALL THE

OPPOSITE PARTIES

I, *Shiv Prasad* working as
Asst. H. Personnel Officer under the
Divisional Railway Manager, Northern Railway,
Hazratganj Lucknow, do hereby solemnly affirm
and state as under:-

1. That the official above named is working under the respondents as such he is fully conversant with the facts and circumstances of the case and has been authorised by all the respondents to file this counter reply on their behalf :-

Shiv Prasad
Asst. H. Personnel Officer
Northern Railway, Lucknow

Contd..2..

BSI

-2-

2. That the contents of Paras 1 to 3 of the original application do not call for reply. That reply to the contents of para 4 of the Original application are as below:-
3. That the contents of Para 4(i) of the application are admitted. It is further stated that the applicant was initially appointed on 26.4.77 as substitutes/CL Porter and further he was empannelled as porter and appointed on 19.11.81 as porter.
4. That in reply to the contents of the paras 4(ii) and 4(iii) of the application it is stated that the applicant H.P. Tewari porter/Lucknow was put to work as Ticket Collector Grade Rs. 260-400 purely on local Ad-hoc arrangement (Annexure III)
5. That in reply to the contents of the paras 4(iv) and 4(v) of the application it is stated that the post of Ticket collector, against class IV quota, is a selection post and is filled by written test and

Elkharad, Officer
Lucknow

written test and

18/11/81

AS2

-3-

Since the applicant did not attend the written test held on 20.1.85, hence he was reverted to the post of porter.

6. That the contention of para 4(vi) of the application is not admitted. It is further clarified that the applicant himself failed to appear in the written test at his own accord.
7. That the contents of Para 4(vii) of the application are not admitted as stated.
After the aforesaid selection, no supplementary selection took place. As and when the Departmental Selection will again be conducted, the applicant is free to apply for the same, if he so desires.
8. That the contents of para 4(viii) of the application are not admitted so far this case is concerned.

9. That in reply to the contents of para/6(ix) of the application, it is stated that to work as a

Elhasan
Asst. Secy. to Govt. of India, Lucknow

Contd...4

ASB

-4-

Ticket Collector on ad-hoc basis in purely Local arrangement would not entitle a candidate to be regularised on the said Post unless he successfully qualify the selection, as the said post is a selection post. Moreover it is clearly mentioned in the promotion order of the applicant (Annexure 3) that the applicant alongwith others were only put to officiate as T.C. Purely on local arrangement on ad-hoc basis against class iv quota and it will not confer upon him any right or seniority in future promotion in the cadre of T.C. and he will have to appear in selection of T.C.. The selection was duly held but the applicant could not appear on his own accord.

10. That the contents of the paras 4(x) and 4(xi) do not call for reply as it is a matter of interpretation.
11. That in reply to the contents of para 4(xii) of the application, it is stated that as

Elbrasad
Ass. H.
...

Contd...5..

ASU

-5-

per Railway Board circular recirculated as P.S. No. 8622 A, there is no provision for supplementary written test.

12. That the contents of para 4(xiii) of the application are denied for want of knowledge.
13. That the contents of paras 4(xiv) to 4(xvi) of the application are not admitted. It is submitted that when the applicant came back after long sickness, he was allowed duty by the competent authority, after being declared fit by the Railway doctor and was posted to his substantive post as porter under station Master Harauni (HRN).
14. That the contents of para 4(xvii) of the application are not admitted as stated. As per his promotion order, he has no right to the post of T.C. otherwise also the claim of the applicant to be posted as Ticket Collector does not stand because he did not face proper selection which was held on 20.1.85 and he could not avail the Opportunity to appear

Elhasan
Asst. Secy. to Govt. of India
Ministry of Railways, Lucknow

Contd...6..

Assd

-6-

in the selection on his own accord.

15. That in reply to the contents of the para 4 (xviii) of the application, it is submitted that the claim of the applicant to be retained on the roll of ticket collector after reversion is not maintainable. As a result of his reversion due to non selection for the post of T.C., he was send back to his substantive post as porter.

16. That the grounds mentioned in para 4(xix) of the application are vague, irrelevant, misconceived, illegal and not applicable to this case. The application itself is devoid of merits as such deserves to be dismissed against the applicants and in favour of the answering respondents.

Lucknow

Dated: 12.9.90

Elbrasad
Assd
Lucknow

Verification

I, the official above named do hereby

Contd..7..

6
A36

-8-

that the
verify) contents of para 1 of this application/
reply is true to my personal knowledge and those
of paras 2 to 16 of this application/reply are
believed by me to be true on the basis of records
and legal advice.

Lucknow.

Fullbrassod
Asstt. Secy. to Govt. of U.P.
Lucknow

Dated : 12.9.90

AST

In the Hon'ble Central Administrative Tribunal,

Allahabad, Lucknow Bench, Lucknow.

Case No. 319 of 1989.

Shri Hari Prasad Tewari ...Applicant

Versus

Union of India and Others ...Opposite
Parties.

Fixed for 22-11-90.

Rejoinder reply in reply to the counter.

Fixed for 22-11-90.

I, Hari Prasad Tewari, son of late
Shri Ram Prasad Tewari, aged about 36 years,
reverted Ticket Collector, Northern Railway,
Resident of B/1, Fateh Ali Colony, Jail Road,
Charbagh, Lucknow do hereby state as follows:

That the applicant has read the
counter reply filed on behalf of opposite
party and has to submit in reply thereto
as under:

1. That para 1 of the counter does not
need any reply.
2. That para 2 of the counter needs no
reply.

(Signature)

W

ASS

3. That contents of para 4(i) having been admitted by opposite party, it needs no reply.

4. That para 4(ii) and 4(iii) of the application having been admitted by opposite party, they do not call for any reply.

5. That in reply to para 4(iv) and 4(v) of the counter, it is stated that while all averments made by the applicant have been admitted by the opposite party, they have however ignored the sickness of the applicant and the sick ^{and fit} certificate issued by the railway doctor in x favour of the applicant, and produced by the applicant which resulted in his inability to appear for the test. The rule provided by the Railway Board enjoins that such sickness, if supported by railway doctors certificate, should be accepted vide Annexures A 6, 7 and 8. Thus, the non-appearance of the applicant was beyond his control in view of his sickness.

6. That in reply to para 4(vi) of the counter, this is to state that the applicant

Amend

by

AS9

failed to appear in the examination due to sudden sickness covered by certificates of railway doctors and therefore, it was incumbent on the part of opposite parties to hold absentee selection as per rules, which the opposite parties failed to hold.

7. That averments made in para 4(vii) are not admitted as stated and those of para 4(vii) of the application are reiterated as correct. Selection proceedings cannot be finalised till absentee selection is held as provided by Railway Board's circular and in statements.

8. That averments made in para 4(viii) of the counter by the opposite parties are not admitted as stated and averments made in para ^{4(viii)} of the application are reiterated as correct. No reasons have been assigned as to why it is not admitted for this case.

9. That averments made in reply to para 4(ix) of the counter are not admitted as stated for reasons given below:

a) That applicant having worked for

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more than 18 months, his reversion to a substantive post is illegal without following the formalities of DA rules for unsatisfactory work if ~~any~~ any, as held by the Hon'ble Supreme Court in re - D.B. Jena Vs. Union of India, 1983 (55) CLT 290 and 1987 AT cases, 617 - Kumaram Marmudy and Others Vs. Union of India and Others.

b) That the reversion after working for more than 4 years on the promoted post having continued for more than 18 months in ad-hoc capacity entitles ^{The applicant for} empanelment without test in terms of Railway Board's circulars and the last being of 26-10-88 and the decision of the Hon'ble High Court and the Central Administrative Tribunal.

10. That reply given by opposite parties in reply to para 4(x) shows that the opposite parties have no reply to give. The averments thus made in para 4(x) of the applications are reiterated as correct, based on the circulars of the Railway Board.

11. That reply of para 4(xi) of the counter ~~and xix~~ is not admitted and the averments made in para 4(xi) of the application

(A61)

based on railway circulars are reiterated as correct. The circular relied upon by the opposite parties has not been produced as it has no application in this case. The circular applicable has been filed by the applicant.

12. That reply of para 4(xii) given by the respondent is incorrect and false. The applicants averment being based on Annexure 9 of the application is reiterated as correct. The plea of want of knowledge is totally false.

13. That in reply to para 4(xiv to xvi) the reply furnished by opposite parties in the counter is not correct and the averments made in para 4(xiv to xvi) of the application are reiterated as correct. The order of reversion passed is illegal ^{and} /arbitrary because the applicant has a right to continue as period of his officiating period exceeded 18 months besides even if the applicant was promoted on ad hoc basis, it was incumbent on the part of the opposite parties to assign reasons for reversion, vide 1989(2) Supreme Court, 14 LIC, Dr. (Mrs.) S. Sheroo Vs.

(Signature)

(Signature)

A62

Union of India and Others and 1983, UP LBEC 195.

14. That in reply to para 4(xvii) of the counter, averments made by opposite parties are not admitted. Averments of the applicant as given in para 4(xvii) are reiterated as correct. No opportunity having been given to the applicant to appear in supplementary selection which was mandatory and officiating period by the applicant being over 18 months, the applicant had the right for regularisation without selection, vide 1983 LIC/NOC/Guj 125 - Kanhaiya Lal Vs. Union of India and Others.

15. That reply of the opposite parties in para ~~4~~ 4(xviii) of the counter is not to the point raised. The applicant's name was struck ~~off~~ off when he reported sick and the order of reversion was passed 3 years after in 1989. For non selection of the applicant, it was an administrative lapse for not holding the absentee selection and in clear breach of rules framed and notified by the Railway Board.

curand

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A63

16. That reply furnished by the opposite parties in reply to para 4(xix) of the application is not admitted and that furnished in para 4(xix) is reiterated as correct. The applicant having been promoted on ad hoc basis and having worked satisfactorily for more than 4 years, competent authorities were under an obligation in the light of directives of the Railway Board to regularise his selection on the post from which he was reverted arbitrarily without assigning any reasons and without notice which is illegal vide Kanhaiya Lal and Another Vs. Union of India and Others - 1983 LIC/NOC/Guj 125.

The applicant's appeal to the DRM against his reversion with a prayer for stay of the operation of the order of reversion (Annexure 16) till disposal of the appeal was not even acknowledged. This was a clear breach of rules as the ^{D.R.M.} ~~applicant~~ should have ordered stay which was not done. The Hon'ble Central Administrative Tribunal, Madras in a similar case ordered for stay forthwith, where the DRM failed to exercise his quasi judicial power vide 1986 SLR, Madras, page 629 - K.G. Rajan Versus The PMG, Kerala.

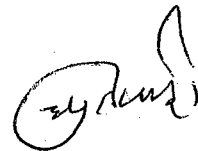
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12/

[Handwritten signature]
Applicant

I, Hari Prasad Tewari, a son of
Late Ram Prasad Tewari, aged about 36 years,
the applicant, do hereby verify that the
contents of paras 1 to 16 of the rejoinder
are true to my knowledge based on records
and para 16 on personal knowledge and
legal advice.

Lucknow:

Dated: 10-10-90



Applicant.

64 12

ब अदालत श्री मान
वादी
प्रतिवादी का वकालतनामा

..... बनाम
.....

नं० मुकद्दमा सन 19... पेशी की तारीख ... 19...
उपर लिखे मुकद्दमा में अपनी ओर से श्री

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वकील

को अपना वकील नियुक्त करके प्रतिज्ञा करता हूं । लिखें देता हूं । इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिक्ली जारी करावें और स्वयं वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष फरीकसानी का दाखिल किया स्वयं अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं । कि मैं हर पेशी स्वयं या किसी अपने कैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी । इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें ।

साक्षी गवाह हस्ताक्षर
दिनांक महीना
साक्षी गवाह
नाम अदालत
नं० मुकद्दमा
नाम फरीकन

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