

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

All

ORDER SHEET

REGISTRATION No. 119 of 1989(L)

APPELLANT  
APPLICANT

Hari Prasad Tewari

DEFENDANT  
RESPONDENT

VERSUS  
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 been implemented no case for passing on interim order is made out.

Sd/-

J.M.

Notices issued  
28.8.89.

15/11/89

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

12.90

Hon. Justice K. NAIK, V.C. 15/11/89  
Hon. K. J. Ramam, A.M.

Sri Anil Srivastava files his representation 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 exparte final hearing.

OR

Notices issued on 28.8.89.  
Neither any  
counsel nor any  
respondent  
has been  
return back.

Submitted  
order

30/11/89

A.M.

V.C.

(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 / 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 Hapatitis, Jaundice and later on while the applicant was sick his father died. He could not attend his duties. He came to

Ver

(A6)

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

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Hari Prasad Tewari

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versus

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Shri C.A.Basir Counsel for Applicant

Shri Anil Srivastava, Counsel for Respondents.

CORAM

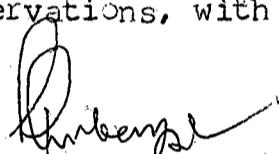
Hon. Mr. Justice U.C.Srivastava, V.C.  
Hon. Mr. K. Obayya, Adm. Member.

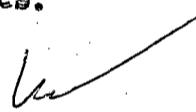
(Hon. Mr. Justice U.C.Srivastava, V.C.)

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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 (W)

H. P. Rewari ————— 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.	Judgement dt. 15-7-92	A6 - A7
4.	Petition	A8 - A21
5.	Miscell. Application No. 476/90	A22 - <del>A24</del> A24
6.	Answerable	A25 - A40
7.	Counter Applicant -	A41 - A56
8.	Respondent Affidavit - Petition	A57 - A63

A 64

Part - B.

B1 - B56

Part - C.

C1 - C2

Certified that no further action is required  
to follow and that the case is fit for  
compliance to the record room (W)

Check on  
09/11/12  
or

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

Dg  
67

29/6/11

(P)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

F.R. 86

Registration No. 119 of 1989(L)

APPLICANT(S) H. P. Telecom

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 cause 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.O./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 outcome of such representation been indicated in the application ?	Yes
10.	Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	No

(A2)

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
1. Are the application/duplicate copy/spare copies signed ?	YES
2. Are extra copies of the application with Annexures filed ?	YES
a) Identical with the Original ?	YES
b) Defective ?	NO
c) Lanting in Annexures	NO
No. _____ pages Nos. _____ ?	
3. Have the file size envelopes bearing full addresses of the respondents been filed ?	NO
4. Are the given address the registered address ?	YES
5. Do the names of the parties stated in the copies tally with those indicated in the application ?	YES
6. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	YES
7. 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
8. Have the particulars for interim order prayed for indicated with reasons ?	Nil
9. Whether all the remedies have been exhausted.	YES

Dinesh/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 CIRCUIT BENCH, LUCKNOW

(b)

ORDER SHEET

REGISTRATION No. 119 of 1989 (L)

APPELLANT  
 APPLICANT

H. L. Tevaria

DEFENDANT  
 RESPONDENT

VERSUS

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, V.C.  <u>Hon' Mr. K. J. Ramam, A.M.</u></p> <p>The applicant's counsel is not present,      in this case on 20/7/89 for  <u>admission</u>.</p> <p><i>W.M.</i> <i>Ch</i>      A.M. V.C.</p> <p>(SNS)</p>	<p><i>Ch</i>      Case is submitted      for admission  <i>W.M.</i></p>
<u>17.7.89</u>	<p>No Sitter. Adj to 18.8.89.</p> <p><i>W.M.</i> <i>27/7</i></p> <p>No sitter Adj to 22.8.89      Counsel for applicant is present.</p> <p><i>W.M.</i></p>	<p><i>W.M.</i></p> <p>Case is submitted      for admission  <i>21/8</i></p>
<u>18.7.89</u>		

CA 119/84 L

28/10/94

No Siting of D.P. adj to 2.1.92

(P)

28/10/94

No Siting adj to 28.2.92

(L)

28/10/92

No Siting adj to 27.4.92

28/10/92

No Siting adj to 27.4.92

9.7.92

~~No Siting~~ ~~No Siting~~ ~~No Siting~~

~~No Siting~~

9.7.92

No Siting adj to 15.7.92

By order of  
deputy  
commissioner  
of  
police

CA, RM or  
deputy  
commissioner  
of  
police  
15/7/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,

LUCKNOW BENCH.

Central Administrative Tribunal

Circuit Bench, Lucknow

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

Date of Receipt by Past.....

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 application 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: <u>Stay application</u>	11 to 12

Dated at Lucknow:

10th May, 1989.

C. A. Basir

(C. A. Basir)

Counsel for  
Applicant.

Filed today  
C. A. Basir  
30/5  
Notified  
M

(24)

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

Case No. 119 of 1989.(C)

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/l, 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.

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

1 2. 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)

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 the applications were invited.

(v) That on 19.11.1985 the applicant was called for interview for the ~~xx~~ selection to the post of Ticket Collector, but due to sudden illness, the applicant could not appear, for ~~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~~ the applicant was very keen and had duly applied but could not unfortunately appear due to sickness, (vide Annexure No. 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.

(AM)

*Copy*

*ABV*

(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...)

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 15.7.1987 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 <sup>by applicant</sup> 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 certificates 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 ~~not~~ 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 <sup>Porter</sup> ~~Porter~~ in Class-IV Service with posting at HARAUNI STATION (vide Annexure No. ....).

24/02/89

24/2

(xvii) That the order of reversion does not assign any reasons for the reversion nor mentions any <sup>thing</sup> they about regularization of pay for the period of sickness, and persons, junior to me ~~are continuing~~ <sup>are</sup>

(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 <sup>name</sup> did not figure in pay sheets as well.

(xix) That the order of reversion of the applicant <sup>the</sup> is illegal, arbitrary and unjust for <sup>the</sup> following <sup>my</sup> 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.

(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-ward for quashing the orders of reversion ( Annexure No. 1) with consequential benefits including regularization of period of sickness.

(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 ~~notified~~ <sup>entitled</sup> 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 <sup>after having</sup> 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 C

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 sort of ~~mix~~ 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 a 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/

2/21

10/2

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.

*Hari Prasad*  
Applicant.

Lucknow Dated:

The 16<sup>th</sup> May, 1989.

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.

*Hari Prasad*

Lucknow Dated:

The 16<sup>th</sup> May, 1989.

Signature of the applicant

*CW*

उत्तर रेल्वे

...  
...  
...  
...

मुमुक्षु भावालय

मुमुक्षु भावालय 4-87

-: सूचना :-

1- 5-89

मुमुक्षु भावालय के प्रमाणी भावालय :-

श्री छटी पुरावे भिवारी जो फि तक्ष चा के ~~प्रियो~~ 2  
 अंतर्गत के पर पर एटोल्डी/लेवल के उपीक भावालय के, श्री ~~प्रियो~~ (प्रियो) 2  
 उपीक भावालय के पर एटोल्डी/लेवल भावालय के उपीक भावालय  
 पर भिवा भावालय के । एटोल्डी/लेवल भिवालय के प्रियो  
 उपीक भावालय के उपीक भावालय के प्रियो भावालय के प्रियो  
 परिवाप्त भावालय के ।

पर परिवर्तन कि तिथि के इस भावालय को श्री अवधत  
 भावालय ।

मुमुक्षु भावालय  
 लेवल

पर ४०९४/६/५-९/एटोल्डी/82-87

मुमुक्षु भावालय के प्रमाणी भावालय के प्रमाणी :-

- 1- एटोल्डी उपीक भावालय
- 2- एटोल्डी उपीक भावालय का प्रमाणी भावालय परिवाप्त की तिथि  
 भावालय प्रमाणी भावालय के उपीक भावालय के उपीक भावालय के ।
- 3- उपीक भावालय का प्रमाणी । एमोल्लवल
- 4- वरिट भावालय के प्रमाणी भावालय के उपीक
- 5- उपीक भावालय के प्रमाणी

५/

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 fax fact that the order is illegal ~~xxx~~ 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.

*(Signature)*  
(C. A. Basir)

Counsel for the applicant.

Dated: 18/3/89

*260275*

17/11/13

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 \_\_\_\_\_ 198 .

Dinesh/

For DEPUTY REGISTRAR

Reception 23/10/00

End. Copy of order of 22/10/00

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 ~~now~~ 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)

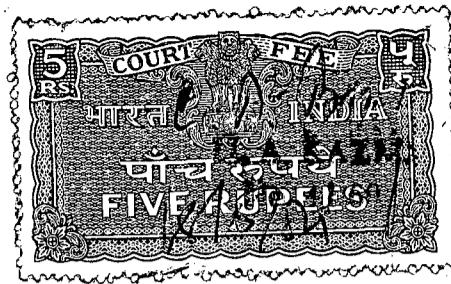
*Chetan*  
(rrm)

//True Copy//

*RCW 28/10/89*

*DR*

# वकालतनामा



बअदालत श्रीमान Central Administrative Tribunal Allahabad  
Lokendra Bawali

वाद संख्या... ... ... ... ... ... ...

वाद संख्या

नियम तिथि

नियमालय

पक्षकारों का नाम

Hari Prasad Tiwari

वादी अधीलकर्ता प्रार्थी-अभियोग

विशद

वाद संख्या

प्रतिवादी उत्तर दातां विषयी अभियुक्त

वाद का प्रकार

Hari Prasad Tiwari

मैं

मुकदमा मुद्दे

का मिन्जानिब अपने वकील मुकर्रर करके यह इकरार है कि वकील मौसूक बजात खुद खदाह बजरिये किसी दूसरे अधील अदालत के जिसका मिन्जानिब अपने वकील मौसूक मुकदमा हाजा मुपुर्द करके गबाह अर्जी दावा बयान तहरीर जवाबुल जवाब या कोई दरखास्त विसी किस्म गुजारने या जो कुछ पैरबा या जवाब देही तहरीर व तकरीर करे या राजी नामा या कोई तप्रनाद व दस्तावेज़ पेश करे या बापस ले या कोई नकल हासिल करे या राजीनामा करे या मुनहसि इलैह मुर्रर करे या जरे डिग्री में खर्ची कीई जरे अमानत किसी किस्म का दाविला किया हुआ हकारा फरोकसानी का मिन्जानिब हमारे दजरिये रसीद दस्तखत अपने के बजरिये अदालत या किसी दीगर तौर पर वसूल करे या कोई स्पष्टा विसी मुगलिजा की बाबत मिन्जानिब हमारे दाविल करे जो और कार्य वही जहरी हो असल में लावे यह सब खासका उसका मिस्त करदा जात रुबाब अपने के हमको कबूल या मंजूर है औ होगा और वसूरत इदम अदाई मेहनताना वकील साथ मुकदमा की पैरबी के जिम्मेदार न होगे।

लिहाजा चंद कस्तमात वतीरवकालत लिख लिए कि सनद रहे वक्त जरूरत के नाम आये।

Accepted

C-A. Bawali  
Appeal  
for Appeal  
Rajendra Bawali

Pleader  
Advocate

Chalak  
Advocate  
10/5/89

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

APR

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

Case - Application No. 476 of 1990 (L)

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)

*Filed today  
S.P.  
11/8/90*

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

*By*

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 -

*by Ram*

" 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 Supreme Court in re - Dr.Mrs.Sumati P.Shere Versus Union of India and Others vide 1989(2) Supreme Court, 142 has held -

A24

"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.

*Rey dasgupta*

Applicant

Dated: 4/8/90

at Lucknow.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,

LUCKNOW BENCH.

(A25)

Between

Shri Hari Prasad Tewari

..Applicant

And

Union of India and Others

..Opposite Parties

Case Number:

of 1989.

PAPER BOOK

S.No.	Description of Papers	Page No.
-------	-----------------------	----------

1. Annexure No.1

Copy of order of reversion dated 1.5.89

3

2. Annexure No.2

Application of applicant for posting  
as TC on ad hoc basis.

4

3. Annexure No.3

Order of promotion on ad hoc basis as  
TC dated 21.7.84.

5

4& 5 Annexure No.4& 5.

Application for selection examination  
of TC for 19/20 Jan., 1985 along  
with filled form and application.

6 67,71

6&7

Annexure No.6 & 7

Sick memo of Railway Doctor dated 19.1.85  
and fit memo of Railway Doctor dated  
22.1.85

8 69

8,

Annexure No.8

Rules framed by Railway Board regarding  
absentee selection vide board's letter  
of 1976.

10

S.No.	Description of Papers	Page NO.
9.	<u>Annexure No. 9</u> Applicant's request dated 22-1-85 requesting for being called for absentee selection.	11
10, 11	<u>Annexure No. 10 to 12</u> & Sick and Fit certificate from	12 6-14
12.	private doctor from 16-7-86 to 5-1-89	
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 6-2-1
16	<u>Annex No. 16 - Application to DRD for stay of order of reversion</u>	

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

Dated at Lucknow:

Counsel for Applicant

18th May, 1989.

*S. A. Basir*

ગુરત્વ રેન્ડ

卷之三

## —३४८—

## મહાત્મા કાર્યાલય

ଶ୍ରୀନାରାୟଣ ଦିଲ୍ଲି 4-୧୯

1-589

ਪਿਛਲਿਏਤ ਆਦੇਸ਼ ਤਾਨਾਤ ਦੇ ਪ੍ਰਮਾਣੀ ਮਾਤਰਾ ਬਾਅਦ : -

ਸੀ ਫ਼ਰੀ ਪੁਲਾਵ ਲਿਵਾਰੀ ਹੋ ਫ਼ਿ ਤਥੀ ਜਾ ਹੈ ਪਿਛੇ  
ਫੰਗਾਡ਼ ਹੈ ਪਥ ਏਂ ਰਾਹੋਂ ਪੀਂਡੀ/ਤਵਲ ਕੇ ਪਾਂਧੀਂ ਫਾਰੇਤ ਹੈ, ਜੀ ਪੰਡੀਂਵਾਤ (ਮੀਕੁੰਕੁੰ)  
ਹਥੇ ਪੁਲ ਵਾਂ ਪਾਂਟਰ ਏਂ ਰਾਹੋਂ ਮਾਟਟ ਕਟੌਕੀ ਹੈ ਪਾਂਧੀਂ ਰਿਵਾ ਵਾਡਾ  
ਏ ਲਿਵਾ ਬਾਤ ਹੈ। ਰਾਹੋਂ ਪੀਂਡੀ ਦੀ ਸੁਧਿਤ ਲਿਵਾ ਬਾਤ ਹੈ ਫਿ  
ਤੁਝੇ ਪਾਂਟਰ ਏਂ ਹੋ ਗਏ ਹਾਂ ਕਟੌਕੀ ਹੈ ਪੂਰੀ ਝਾਣ ਪੀਵਿਕ ਲਾਲ ਚਿਫ਼ਟਾ  
ਪਾਇਥਾ ਬਾਵਦ ਹੋਵੇ ॥ ।

ਪਲ ਪਟਿਆਲਾ ਫਿ ਜਿਧਿ ਦੇ ਹਥ ਕਾਰੀਲਾਵ ਫੋ ਜੀ ਪ੍ਰਦਾਨ  
ਛਦਾਈ ।

ଶ୍ରୀ ମହାତ୍ମା ରମେଶ ପ୍ରଦୀପ  
ପାତ୍ର

परम अंग १५४।५१/८-९/प्रौद्योगिकी/८२-८७

કુશાંતિપિ: કુશાંતાને એવા અર્થાત્ ફર્જબાદી કેવું પ્રેરિત કરું?

- 1- ਰਟੈਲੀਂਡ ਤਥੀਂਲਕ ਫਰੈਂਡੀ
- 2- ਰਟੈਲੀਂਡ ਤਥੀਂਲਕ ਸ਼ਕਲ ਲੁਧਾ ਇਕੀ ਵਾਰਥਾ ਹਰੀਆ ਦੀ ਜ਼ਿਥਿਆ ਪ੍ਰਭਾਵ-ਪਸ ਲੰਘਾ ਰਟੈਲੀਂਡ ਤਥੀਂਲਕ ਫਰੈਂਡੀ ਦੀ ਤੁਹਾਨਤ ਮੈਂਦੇ ।
- 3- ਲਦਾਖ ਰਾਇਧਾਤਾ ਤਥੀਂਲਕ । ਧਮਾਂਲਕਲਤਾ
- 4- ਪਾਇੰਟ ਸਾਂਡਲ ਲੇਹਾ ਤਥੀਂਲਕੀ ਤਥੁਕ
- 5- ਤਥੀਂਲਕ ਲੇਤਾਲ ਮੁਕਾਬਲ

57

John G. Dill

W

(P2)

The Divisional railway m/s G.S.,  
 Northern Railway,  
 Lucknow.

Through : C.Y.M./Lucknow.

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

Sir,

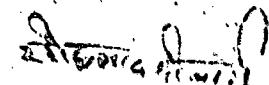
Respectfully I beg to lay as under for your kind  
 consideration and orders :-

1. That I am working as Porter under A.O.O. (S) &  
 Mly./Lucknow.
2. THAT I am working from 2.1.78.
3. That I have also worked as ticket collector in  
 the Arun Kumar 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 R.P.O./L.G. Jhunjpur City, SGN 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, A.Mly., Lucknow where it is learnt that  
 vacancy exists.

Thanking you Sir,

Yours faithfully,



Dtd. 16/1984.

1.1.84

(S)

  
 2/2

D. R. M. O.P.C.O

M. RLY.

LUCKNOW.

Date in dd/mm/yy

Billed date, dd/mm/yy

Billed date, dd/mm/yy

XMAS.

1) The authorized order may be copy, WILLIAMS on 7.0. Cr. 300-100/100.

1) Dr. Dinesh Lal.

D/Doctor/DC.

2) Lt. Col. Raja Rao.

Sant/-/200-300.

3) Lt. Col. B. S. S. S.

Sant/-/100.

4) Dr. K. K. Rayam.

Personnel Booking Officer/100.

2) The above staff are yet to officiate as 70 per cent on local  
concernment on other bands against Class II quota. This will be 3.  
Consider upon them any right or considerity in future promotions in  
the cadre of 70 and will have to agree in selection of 70 when  
they join.

3) Item No. 13.0 are yeated as 210.

4) Item No. 9.0 Lt. Col. Raja Rao be posted at KSI.

27

5) Item No. 11.0. Dr. Dinesh Lal & Rayam Rayam are not fit in  
B-2 medical Category. 28/100 should personally ensure that they  
pass the B-2 medical category before they are utilised in 7.0.  
of 300-100(100) and advise this office accordingly.

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

Advised by me.

For Mys. Personnel Officer  
1/10/1974 (10/10/74)

Sant No. 10

Date 10/10/74

1) 20/100, KSI.

27/100

2) 20/100.

3) Dr. Dinesh Lal 0.

4) 20/0/20/100.

LTC 17/100

By D.P.O.

D.P.O.

संस्कृत विद्यालय अखण्ड शुद्धिकृत

ठान्ह देल्ही

दास्त गांधी लिंगायत

११/११८४

विषय:- विद्यालय वर्ष १९०५-६/७ विद्यालय के अध्यार्थी लिंगायत लिंगायत (वर्ष वार्ष २६०-४००) के पढ़ने के सम्बन्ध में।

प्राचीन

प्राचीन दृष्टि गति उत्तरुक्ति विद्यालय संस्कृत वर्ष द्वितीय अंक  
विवरण के अनु-जाविदा का विवरण कर रखते/ और उस पढ़ते-  
पढ़ते अपी शाली के अनुसार समझते/ विद्यालय वर्ष के अनुसार  
विद्यालय विद्यालय के अपी लिंगायत लिंगायत पर अधिकृत है/  
लिंगायत अधिकृत लिंगायत के अनुसार पर भी प्राचीन अधिकृत लिंगायत  
लिंगायत के रूप के लिंगायत लिंगायत है।

जितेन्द्र लाल विद्यालय के अधिकृत विद्यालय के अधिकृत पर १९०५-६/७  
वर्ष के अपी लिंगायत लिंगायत लिंगायत के अधिकृत पर १९०५-६/७

संस्कृत विद्यालय

विवरण

- १-कानूनी वर्ष :- विद्यालय वर्ष १९०५-६/७
- २-विद्यालय वर्ष :- विद्यालय वर्ष १९०५-६/७
- ३-विद्यालय वर्ष :- विद्यालय वर्ष १९०५-६/७
- ४-संस्कृत :- लिंगायत
- ५-हिन्दू :- लिंगायत
- ६-द्वितीय वर्ष :- १९०-२३२
- ७-विद्यालय वर्ष :- १९०-१९१२
- ८-लिंगायत विद्यालय :- १९०-१९१२
- ९-विद्यालय वर्ष :- १९०-१९१२
- १०-विद्यालय वर्ष :- १९०-१९१२

संस्कृत वर्ष - वर्ष १९०५-६/७

लिंगायत विद्यालय वर्ष १९०५-६/७

लिंगायत वर्ष - वर्ष १९०५-६/७, १९०६-७/८  
पर्वत - १९०५-६/७

१०- लिंगायत वर्ष १९०५-६/७

विद्यालय विवरण  
१०- विद्यालय वर्ष

१०- विद्यालय वर्ष

१०- विद्यालय वर्ष

१०- विद्यालय वर्ष

उत्तर रेखा

सरकारी विभाग

दृष्टा: 220ई ६/१ दृष्टा/४४.

सरकारी विभाग

टेलिकॉम्पोनेंट वाराणसी ।

सरकारी माल्ट के सभी टेलिकॉम्पोनेंट

वाराणसी विभाग/१.डी.वे. हित उत्तराधिकारी वाराणसी ।

सरिंग माल्ट लेखा अधिकारी वाराणसी । नू० ८४३/ नू० ३८० संख. ३३

नू० ८४३/ नू० ३८० संख. ३३

दिव या:- टिकट दृष्टा (वेतन मात्र 200-400) के लिए देखा जायेगा ताकि ।

टिकट दृष्टा 200-400 के दिव या वारों को टिकट के लिए वापिस दिव वारों के लिए वापिस करना चाहिए। यह वारों के लिए वापिस दिव वारों के लिए वापिस करना चाहिए। यह वारों के लिए वापिस दिव वारों के लिए वापिस करना चाहिए।

वारों के लिए वापिस करना चाहिए।

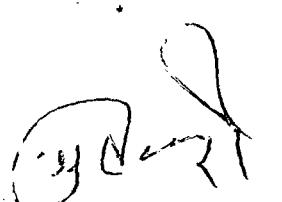
प्राप्ति वारों के लिए वापिस करना चाहिए।

प्राप्ति वारों

टिकट दृष्टा 200-400 के प्राप्ति वारों का इनाम :

१. कर्मचारी वा वाम (वह अवारी में) उत्तराधिकारी/विभाग
२. पिता वा वाम उत्तराधिकारी/विभाग
३. वर्तमान वाम उत्तराधिकारी/विभाग
४. टेलिकॉम्पोनेंट
५. मूल वाम उत्तराधिकारी/विभाग
६. वारों के लिए वापिस करना चाहिए।
७. विवेक वारों के लिए वापिस करना चाहिए।
८. वारों के लिए वापिस करना चाहिए।
९. वारों के लिए वापिस करना चाहिए।
१०. वारों के लिए वापिस करना चाहिए।
११. या उत्तराधिकारी वारों के लिए वापिस करना चाहिए।

लिखा दिन: 28/1/1982





133

123

२०. ग्राम्यकां द्वारा विद्युत वित्तनामों परिसे कामाना

## ਕਾਈ ਕਾਈ ਦੀ ਲਿਖਿਆ

2. BPPMS 3551  
1932-326 1931-82

ମୁଖ୍ୟମନ୍ତ୍ରୀ, ବ୍ୟାପକ

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## મશ્વરી દે દ્વારા પ્રેરણ

1998-99  
Bharat 10/10/2000 9/10/2001 10/10/2002

प्राप्त अस्तित्वा । ती दिल्ली पर्व । । १०८ ।  
संताप्त ताजीक थवे ओहर ले सारा ।

2017-03-26 10:51:23.410510 00000 26.01 -32.00

अमर्यादी दो किलो या अमर्याजी लिखवा एवं दर्श

इस लोटिस ने एठ प्रतिलिपि अपने लायलिय/ लोटिस लोई प्रद कर्मधारियो द्वे  
सुवधार्थ अपल्य दिएना के अंतर राक, सिद्धार्थ प्रदाव

कोटः - लीयर रेल्वे । प 2 लिंक पोर्टर ब्रैटमेल्स, शहिंदर उगाछार लैसिल मैल्स

स्थीतियेत प्राप्ति विषयाद्य वापि लाभस ग्राहाद्य तो देवतिकृत दुर्बलयी ते देवता

१५ अप्रैल १९८०  
३० अप्रैल १९८०  
१२१ विद्यालय  
दूसरे अंक दाखिला दिन  
तारीख ।

El Dorado

W. J. H.



N/A NO - 474499 नीट-1/Med-1  
रेडि नीट-12/Med C-12उत्तर रेलवे चिकित्सा विभाग  
Northern Railway Medical Department

"स्वास्थ्यता" विभाग पर्याप्त

## "FIT" CERTIFICATE

आवेदी के हस्ताक्षर वा शाखे अधिकारी का निशान.....

Signature of L.T.I. of Applicant

जल्दीसाल/HOSPITAL

जल्दीसाल/DISPENSARY

मैं इसका राया प्रमाण करता हूँ कि मैंने

मैंने इसका राया प्रमाण करता हूँ कि मैंने

मान्यता/Name.....

पदवारा/Designation.....

शाखा वा विभाग/Department.....

नियुक्ति का स्टेटमेंट/Station where employed.....

जिसके हस्ताक्षर अपर दिए गए हैं जो बीमार हो जाता

..... हो..... इन उपचारों के

साथी अधीक्षक..... हो..... इन उपचारों

सिफारिश एवं दूषीकरण होते हैं, जो साधारणी पूर्ण वर्गीकरण द्वारा

ली है और ये उन्हें अपनी समृद्धि देने के लिए उपचार करता है।

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 चुहर.....

Office Seal रेलवे चालक वा हस्ताक्षर

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

दिनांक..... 19..... पदवारा.....

Date Designation

प्रति लाभ न हो लो काह दे।

Strike out if inapplicable.

टिप्पणी :— इस प्राप्ति-पत्र में कोई गई विभारिता से ऐसा कहना अवश्यीय हो एसी कोई कही नहीं भिन्न विवरणों की उल्लेख आवश्यक है।

लिए गए भवित्व की गती के अधीन वा उन्हें वाचिक फरमे

वाले विवरणों के अधीन उसे न वित्त दिया जाए।

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

(Signature)

(W.W.)

PFS

10.05. This acknowledgement at the bottom of the call notice in the proper form and countersigned concerned through his immediate superior.

10.06. The Controlling Officer will record their remarks immediately and add any suitable remarks in the list of reasons for the absence.

10.07. The Controlling Officer will inform if no intimation has been received.

10.08. An employee will be relieved of his inability to appear before the Selection Board in advance of the date of selection if he fails to appear and will not be given a date to appear again. He will wait for a subsequent selection.

10.09. An employee will be relieved of his absence because of the intimation of an interview or because he has been selected for the Selection Board. He will be relieved of his absence because of the Selection Board.

10.10. The Controlling Officer should invariably relieve the specified date or date of selection (if the date of selection is exceptional) the man concerned of his duty to appear for orders, either by X

✓ 10.11. Only those cases of absence will be relieved of his duty to appear for selection in whose case the absence is beyond the control of the Controlling Officer. In such cases, if the selection does not represent a serious hindrance to the selection, it is to be assumed that the employee is fit for selection. Other staff, a decision by the Controlling Officer in regard to each candidate will be taken. In case of sickness, the Controlling Officer will be relieved of his duty to appear for selection. Unavoidable absence, such as a wedding or such similar cases will be relieved of his duty to appear for selection. Decision of the Selection Board will be taken.

10.12. The supply of the Controlling Officer should be as far as possible to the first Selection Board. The supply of the Controlling Officer should be as far as possible to the first Selection Board.

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 employees 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 present at 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 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.

11. 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.

11. 10.14. It will not be in order to decide provisional panels. It should be possible for the Selection Board proceedings to be drawn up normally in a month, times and by three months maximum time allowing for bona fide absences who may not be available earlier. Bonafide absences 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 general list of the panel.

11. Number to be Placed on the Panel.

11. 10.15. The number of persons to be placed on a panel should be equal to the existing and anticipated vacancies. Anticipated vacancies connote only those which are likely to arise due to normal wastage during the currency of the panel.

Note.—In no case the number of persons to be placed on panel should exceed the same for which this selection has been arranged.

[Authority.—Railway Board's letter No. E/NG) 1-76 PM-11/16, 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.

Definition of the terms of an employee from the panel as a result of absence 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

*✓*  
*✓*  
*✓*

*✓*

कृष्ण नारद वाचन

સાધુબાબુની કથા

藏文大藏经

Digitized by srujanika@gmail.com

卷之三

अमृता दासाकारी,

श्रीमद्भागवत

३ एवं द्वादश तिथाती ।  
द्वादश दीपकी० नाईनीति०

## ଅବ୍ୟାକ୍ଷମ ବିଜ୍ଞାନଙ୍କୁ

8  
2000

185

AB?

Dr. R. S. Shukla

B. Sc., B. A. M. S. (Hons) University,  
Medical Examiner, L. I. C. F. L. M.  
L. M. House Officer,  
D. M. Hospital, Sialkot & L. C. F.  
L. M. Medical Hospital, '76 B.

Phone : 26

AMANIGANJ,  
PAKISTAN-226121

Ref No. L. I. C. F. L. M. 6.1

Fitness Certificate Date ~~11/11/1985~~ 27/10/85

This is to certify that Mr. Haider Bawali  
of the above Name, age about  
35 years, son of <sup>late</sup> Ram Ganga Mewati (Chandawali)  
from Bawali village, Sialkot side from P. L. was  
completely fit and (on 16th June 1986) is

S. I. 89

the above now quite fit to

continue with all his

The above is signed by Mr. Haider Bawali

C. S. S. No. P. L. Tawar 10  
given to him

S. I. P. Tawar

Alteration

R. S. Shukla

Date

1986

Signature

R. S. Shukla

R. S. Shukla

Date

Dr. R. S. Shukla

B. Sc., B. A. M. S. (Kangra University)  
 Medical Examiner, L. I. C. Fertilated  
 Ex. House officer,  
 Dist. Hospital, Sushengar & Unnao.  
 L. H. Medical Hospital, Pilkhola.

Phone : 26

AMANIGANJ,  
 FAIZABAD-226121

II

Ref No. 5133..... Medical Certificate dated Nov. 1978 <sup>23</sup>  
 II Extension

This is to certify that Mr. Hari Prasad Tewari,  
 60 years old, Pat Tewari, Age, about 32 years & No  
 wife Purni (Gupta Name) (Chandauli) his Kisan & han  
 dist. Contractor working as T.S. at Chandauli.  
 Recently Sustained fracture hand undergoing treatment  
 from 17th of June 1978 upto 5.1.89.

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

The affected leg of Mr. Hari Prasad Tewari 60  
 years old Pat Tewari is given below.

R. S. Shukla  
 Dr. R. S. Shukla  
 B. Sc. B. A. M. S.  
 Medical Examiner  
 AMANIGANJ

23rd Oct 1978

Attest:

R. S. Shukla

B. Sc. B. A.

Medical Examiner

AMANIGANJ

23rd Oct 1978

DR



No. C IT-5th/35/88. To,  
Dt. 18-2-89 A.R.M.,  
C IT-5th/Hk o. Lucknow.

Subj: - Mrs. H. P. Tiwari ad hoc etc

Shri H. P. Tewari ad hoc &c  
reiterated in his substantive post ride  
DRM office letter No. 220 E 6/8-TC/84-II  
dated 11/14-7-86.

He remained absent from 16-7-86 to 5-9-89 and submitted P.M.C. Now he has been fit for duty vide P.M.C. No. 42621. He is

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

DA / as above

PMC & medical fitness-

40

मातृ विवाह विवरण  
मातृ विवाह विवरण

Ernest Gruening  
Barry

742082

राजस्थान/क्र.6/रेफरेंस-3  
MED/C-6/MED-3प्रक्रम-3, पर्ट-6/अन्तर्गत-3, अप्प-6  
राजस्थानीय सेवा विभाग-1/RCR-1

## चिकित्सा विभाग/MEDICAL DEPARTMENT

## दूर्दण्डी विभाग-3/ DUTY CERTIFICATE

अस्पताल/अधिकारालय/Hospital/Dispensary C. B. L. K. C.

सं. No. ....

मान्यताप्राप्त करता हुआ मैं यहाँ/I hereby certify that I have  
examined—

नाम/Name..... H. P. T. ....

पदाधार/Designation..... D. M. B. ....

माला या विभाग/Branch or Department C. B. ....

नियुक्ति स्थान/Station where employed C. B. ....

को एकीकृत की है और..... काले पर आरोग्य दूती का

प्राप्त-प्राप्त प्रस्तुत लिए जाने तक मैं उन्हें अप्रूव नहीं घोषित कर सकता हूँ।

and consider him fit to resume duty pending production  
of a fit certificate on form 18/489

अप्पालय के हुक्मालय/दायरे के द्वारा दिया गया

Signature/ЛТЛ of the applicant 18/489

कार्यालय की लाल/Office Seal

मार्ग/Date 18/489

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 givenbregular 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 ~~xxxix~~ 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 <sup>vide</sup> ~~h~~/Sick and Fit Certificate for 19-1-85 to 21-1-85.

*21/1/85*

*lh*

4. That I was not called thereafter for absentee selection/supplementary ~~exam~~ 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 22/1/86 for being called for supplementary test, applicant was neither fax 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

lw

P.W.D.

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 ~~efficiency~~ 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

By Ramji

Yours

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

*By*  
*Par*

*W*

-5-

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.



P47

To,

The Divisional Railway Manager,

Northern Railway, Hazratganj,

Lucknow.

Sir,

Sub: My reversion to 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.

---

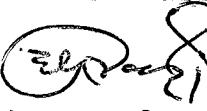
Respectfully, I beg to say that I have not ~~had~~ heard anything about orders in my above mentioned appeal.

As you know and your are aware, I was appointed against Clall IV quota ~~xxx~~ 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

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)

Tickett Collector,

Lucknow.

Dated: 11.5.89



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.

*filed today*  
SRI R  
10/9

Lucknow.

Dated: 12.9.90

*Reed*  
C. Attn  
18/9

Anil Srivastava

( ANIL SRIVASTAVA )  
ADVOCATE

Counsel for Respondent,

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.

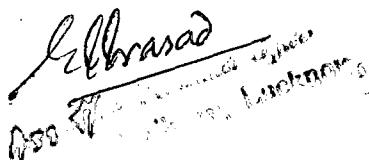
Fixed For 7.8.90

COUNTER REPLY ON BEHALF OF ALL THE

OPPOSITE PARTIES

I, Shir Rojers working as  
Asstt. Personnel of the 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 :-

  
Shir Rojers  
Asstt. Personnel  
Divisional Railway Manager  
Northern Railway  
Hazratganj Lucknow

Contd..2..

PSD

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 empanelled 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 II)

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

Asstt. Commr. (I.A.S.) Lucknow  
written test and is filled by

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

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

*Referred  
Ass'tt  
T. V. Bhattacharya*

Contd...5..

per Railway Board circular recirculated as P.S. No. 8622 A, there in 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

*As per the above, he could not avail the opportunity to appear*

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

*Elphinstone*  
Ass (H) Lucknow

Dated: 12.9.90

Verification

I, the official above named do hereby

Contd..7..

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.

*El Nasar*  
Desist from filing any application

Dated : 12.9.90

In the Hon'ble Central Administrative Tribunal,

ASR

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)*

*b/w*

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 fit and the sick/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

*2nd copy*

*by*

ASG

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

2000

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(P&O)

more than 18 months, his reversion to a substantive post is illegal without following the formalities of DA rules for unsatisfactory work if 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 - Kumaran 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 / 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 ~~xxxxxxxx~~ is not admitted and the averments made in para 4(xi) of the application

(W)

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 and reversion passed is illegal/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 incumbant on the part of the opposite parties to assign reasons for reversion, vide 1989(2) Supreme Court, 14<sup>th</sup> LIC, Dr. (Mrs.) S. Sheroo Vs.

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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(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.

*[Signature]*

*[Signature]*

(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 ~~appellate~~ <sup>D.R.M.</sup> 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 SIR, Madras, page 629 - Versus the PMG, Kerala.

(A63) K. G. Rajan  
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 advise.

Lucknow:

Dated: 10-10-90

*(Signature)*  
Applicant.

ब अदालत श्री मान .....  
वादी ॥मुद्रद्वारा॥  
प्रतिवादी ॥मुद्रालय॥ का वकालतनामा

वाटी वृक्षादि

## प्रैरिपाद विद्यालय।

नं० मुकद्दमा ०/०६ सन १९३७ पेशी की तारिख  
उपर लिखे मुकद्दमा में अपनी ओर से श्री

# एडवोकेट महोदय

ପ୍ରଥମ

को अपना वकील नियुक्त करके प्रतिज्ञा ॥हकरार॥ करता हूँ । लिखें देता हूँ । 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 डिक्टी जारी करावें और स्पष्ट वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारें या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठायें या कोर्ट में जमा करें या हमारी या विषय ॥फरींक्सानी॥ का दाखिल किया स्पष्ट अपनें या हमारे हस्ताक्षर युक्त ॥दस्तखती॥ रसीद से लेवेंगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूँ । कि मैं हर पेशी स्वयं या किसी अपने फैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ पैसला हो जाता है उसकी जिम्मेदारी भेरी वकील पर न होगी । इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें ।

साक्षी श्रगवाहा! ..... हस्ताक्षर! .....

दिनांक.....महीना

## • हस्ताधर •

## साक्षी ॥ गवाह ॥.....

नाम अदालतः.....

## नं० मुकद्दमा.....