

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH

OA/TA/RA/CP/MA/PT 71 of 20 09

Harendra Yadav Applicant(S)

Versus

U. O. I. & others Respondent(S)

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Certified that the file is complete in all respects.

B.C. file Bedded out & ditto

Signature of S.O.

Signature of Deal. Hand

(A1)

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing ... 21/3/89 ...

Date of Receipt by Post ...

Registration No. 71 of 1989 (4)

Deputy Registrar (J)

APPLICANT (s) Harendra Yadav

RESPONDENT (s) U. O. & Govt

Particulars to be examined

Endorsement as to result of Examination

- | | |
|---|-------------------|
| 1. Is the appeal competent ? | yes |
| 2. (a) Is the application in the prescribed form ? | yes |
| (b) Is the application in paper book form ? | yes |
| (c) Have six complete sets of the application been filed ? | only Bench Copy |
| 3. (a) Is the appeal in time ? | yes |
| (b) If not, by how many days it is beyond time ? | - |
| (c) Has sufficient case for not making the application in time, been filed ? | - |
| 4. Has the document of authorisation, Vakalat-nama 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 (By Advocate) |

Particulars to be Examined

Endorsement as to result of Examination

A-2

- (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 representations 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*
- 11. Are the application/duplicate copy/spare copies signed ? *N.A.*
- 12. Are extra copies of the application with Annexures filed ? *N.A.*
 - (a) Identical with the original ?
 - (b) Defective ?
 - (c) Wanting in Annexures

Nos...../Pages Nos..... ?
- 13. Have file size envelopes bearing full addresses, of the respondents been filed ? *N.A.*
- 14. Are the given addresses, the registered addresses ? *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~~ NO*
- 17. Are the facts of the case mentioned in item No. 6 of the application ? *yes*
 - (a) Concise ?
 - (b) Under distinct heads ?
 - (c) Numbered consecutively ?
 - (d) Typed in double space on one side of the paper ? *✓*
- 18. Have the particulars for interim order prayed for indicated with reasons ? *yes*
- 19. Whether all the remedies have been exhausted.

the applicant declares that he has availed of all the remedies available to him under the rules. He has not attached the copies of the representation/appeal in this report.

A. G. Mishra
21/3/09
to Hon. J.C.

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

GA 71/89

Lucknow this the 16 th day of March, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J).

Hon'ble Shri A.K. Misra, Member(A).

1. Harinder Yadav,
S/o Shri Devanand Yadav,
R/o Gr.No.416-A, Diesel Colony,
Gonda.
2. Madan Murari,
S/o Shri Shyam Nath Shukla,
R/o Gr.No.204-D, Semra Colony,
Road No.9, Gonda.
3. Anil Kumar Srivastava,
S/o Shri Ram Autar Lal Srivastava,
Gr. No.418-A, Diesel Colony,
Gonda.
4. Shafiq Ahmed,
S/o late Shri Rafiq Ahmed,
R/o Gr.No.85-D, Badgaon,
Gonda.

... Applicants.

(By Advocate Shri L.P. Shukla)

Versus

1. Union of India through the
General Manager,
North-Eastern Railway,
Gorakhpur.
2. Divisional Railway Manager,
North Eastern Railway, Ashok Marg,
Lucknow.
3. Sr. Divisional Mechanical,
Engineer (Diesel), Gonda.

... Respondents.

(By Advocate Shri Anil Srivastava)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J):

This application has been filed by four applicants in which they have stated that although they are senior most casual labourers entitled for regularisation and consequential

...2....

Am

benefits of seniority and promotion, etc., they have not been declared successful in the screening held on 7.10.1988 for which the results were published on 23.1.1989. They have accordingly prayed that these results may be set aside and they be declared entitled for regularisation as Khalasis from the date their juniors were regularised with all consequential benefits.

2. In the amended O.A., the applicants have submitted that in the screening held for regularisation of Khalasis on 18.12.1985 and the supplementary screening held on 31.1.1986, applicants 1,2 and 4 appeared and applicant 3 appeared in the supplementary screening. According to them, the Screening Committee had held the selection for 43 casual labourers/ substitutes of Diesel Shed, Gonda, and applicants 3 and 4 were declared fit, applicant 2 was declared fit subject to production of General Manager's approval and applicant 1 was declared unfit on the ground of being under-age at the time of appointment.

3. We have heard the learned counsel for the parties and perused the records. The learned counsel for the applicant has drawn our attention to the Tribunal's order dated 23.4.1998 in which reference has been made to Annexure 9-A. The respondents in their supplementary counter affidavit to the amendment in the O.A. have denied the authenticity of ~~this~~ document but it is stated that they have admitted the approval of the General Manager having been sought in the case of the applicants to treat the initial appointments as authorised, for the purposes of their regularisation. During the course of hearing, Shri Anil Srivastava, learned counsel has submitted that this approval has been obtained from the General Manager in 1996, that is during the pendency of this O.A. for ex-post facto approval of the initial appointments of the applicants in 1980-81.

13

AS

4. Learned counsel for the respondents has, however, submitted that Annexure 9-A filed by the applicants is not an authentic document because it was never issued/published by them. He has also submitted that the authentic document is the result/panel which was issued vide letter dated 28.2.1986 in which the applicants did not find a place because they were not found suitable. He has also pointed out that as the applicants were engaged as casual labourers after 31.12.1980, the prior approval of the General Manager for their engagement was necessary, as they could not have been engaged as fresh casual labourers without such approval. The respondents have submitted that the General Manager had accorded his post-facto approval for regularising the services of only 20 casual labourers/substitutes, who were screened on 27.8.1984 and the applicants were not among those persons. However, Shri L.P. Shukla, learned counsel has disputed these facts stating that the respondents were required to keep the results of the screening done in 1984-1985 in the personal custody of at least their three different offices, that is DRM, DPO/SPO and CPO. According to him, the respondents cannot, therefore, state that they were not able to produce the results of the screening. He has submitted that copies of the results were shown to the applicants, who had in turn copied them and filed in the applications. The respondents have submitted that the results are, however, not traceable in the offices of the respondents, and the document relied upon by the applicants is not authentic.

5. The respondents in their replies have submitted that as the applicants were never declared suitable, their names

B=

...4....,

A6

did not find place in the select panels of candidates declared and they were given another chance to appear in the screening vide letter dated 23.1.1989. They have also taken the plea that the O.A. has been filed in 1989 and as per the provisions of Section 21 of the Administrative Tribunals Act, 1985, their claims relating to December, 1985 and January, 1986 are, therefore, barred by limitation. We see force in this submission made by the respondents. Besides, the applicants in Paragraph 1 of the O.A. as well as in the relief clause, which they had filed in March, 1989, had ^{be} impugned the results dated 23.1.1989 of the screening held in October, 1988 and had prayed for a direction to the respondents to have them declared entitled for regularisation as Khalasis from that date. Therefore, in the facts and circumstances of the case, the later claims made by the applicants based on subsequent documents which they have filed in the O.A., which have been denied to be authentic by the respondents pertaining to the earlier selection are rejected on the ground of limitation. If the applicants were aggrieved by the screening held in 1986 or earlier, as contended by them, they ought to have filed the O.A. in accordance with the provisions of Section 21 of the Administrative Tribunals Act, 1985 and, therefore, their claims based on the earlier selections are belated and are accordingly liable to be rejected. They have also not filed any miscellaneous petition praying for condonation of delay and taking into account the prayers made in the OA filed in 1989 the delay in filing the application with respect to screening results of 1984, 1985 and 1986 are rejected.

6. Besides, if as now claimed by the applicants, they were already declared successful in the screening held in 1986, they need not have appeared in the subsequent screening, where they have not been declared successful which has been impugned in the present application. The contentions of the

18

A7

learned counsel for the applicants that in case the applicants knew that they were declared successful earlier, they would not have appeared in the subsequent screening test in 1989 appears to be an after thought and in the circumstances of the case cannot be accepted. The learned counsel for the applicants wanted to file another supplementary affidavit at the time when the case was fixed for final hearing. Considering the facts and issues involved in the case and the several opportunities which have already been given to the applicants to bring on record the relevant documents, it was not found necessary to grant a further adjournment for this purpose.

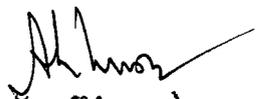
7. As mentioned above, during the arguments learned counsel for the parties have submitted that approval of the General Manager was sought in the case of the applicants for treating their initial appointments as authorised which has been agreed to by the General Manager in 1996, that is during the pendency of the O.A. Shri Anil Srivastava, learned counsel has relied on a list of cases, copy placed on record, and Rules 220 and 302 of IREM Vol.I. He has vehemently submitted that the applicants can be regularised in the posts only after they have been selected and declared passed in the selection. The respondents have submitted that even in the screening test conducted on 7.10.1988, the applicants were found unsuitable as per the results dated 23.1.1989. No documents have been placed on record to controvert the averments made by the respondents that the applicants have not been declared successful in the 1989 screening, although they had participated in it. We do not find any good grounds to set aside those selections as prayed

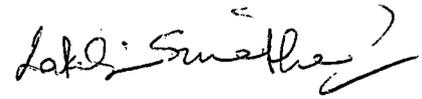
....6....,

A.S.

for by the applicants. In this view of the matter, we also find no good grounds to declare that the applicants are entitled for regularisation as Khalasis from 1989 or from the earlier date as it is settled law that the Courts/Tribunal cannot substitute their findings for the recommendations of a duly constituted Selection/Screening Committee which has been held in the present case at the relevant time. We have also considered the other submissions made by the learned counsel for the applicants, but in the circumstances of the case, do not find any merit in the same.

8. In the result, for the reasons given above, the O.A. fails and is dismissed. No order as to costs.


(A.K. Misra)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice Chairman(J)

'SRD'

ORDER SHEET

REGISTRATION No. 71 of 1989 (L)

49

APPELLANT
APPLICANT

Harendra Yadav and others

VERSUS

DEFENDANT
RESPONDENT

Union of India and others

Brief Order, Mentioning Reference
if necessary

Do
order
in date

of

1989

Hon'ble Mr. Justice Kamleshwar Nath, V.C.,
Hon'ble Mr. Ajay Johri, A.M.,

Heard.

Admit. Issue notice to opposite parties to file reply within four weeks. Rejoinder may be filed within ten days thereafter. List for hearing on 1.5.89.

C/R 31-3-1989

Notices issued to the opposite parties by Reg post.

Hon' Mr. Justice K. Nath, V.C.
Hon' Mr. D.S. Misra, A.M.

Shri Anil Srivastava, learned counsel, files his Vakalatnama on behalf of all the Opp.Ps. and request for two weeks time to file counter reply. The request made for is allowed. The applicant may file rejoinder, if any, within 2 weeks thereafter. The case be listed for final hearing on 6-7-1989.

*Neither copy
undelivered
nor any reply
has so far
received in the
line as per
order*

A.M.
(sns)

V.C.

O.P.
No objection
bar
order

7/1/04 (C)

(3)

(All)

Justice K. Neth, V.C

Mr. K. J. Ramen AM

On the request of both the parties,
the case is adjourned to 30-1-90.

WOL

A.M

J
V.C

OR

No

Sabin

ex Parte

30-1-90 Case not reached. Adj. to 29-3-90

L
29/11

29-3-90

No sitting Adj. to 25-9-90

L
B.O.C

25-9-90

No sitting Adj. to 26-11-90

29/3

26-11-90

Case not reached, case is
Adjourned to 28-1-91.

W

28-1-91

No sitting Adj. to 16-11-91.

B.O.C.

16-11-91

No sitting Adj. to 19-7-91

2

OR

Counter filed after
expiry of time granted
to the court, that too
no application for
condonation of delay.

RA filed.

for ex-parte
court's order

91

L
17/7/91

CA filed without application
for condonation of delay.
also delay same as the
application of 7-2-91

No RA filed

S. Per ex-parte

dearly a per
Court order do B.O.C.

L
17/7

(5)

GA 7/1/89

27.52

Case no. read of 27 1572

(A12)

15-7-92

Hon. Mr. Justice V. S. Sarin, J.
Hon. Mr. K. G. B. J. J.

EA, RA
13/7/92

This is an application for amendment. The applicant states that the screening has taken place. Application for amendment is allowed. Amendment to be incorporated within 3 days. Receipt of if may be filed within 3 weeks thereafter. List for hearing on 27-8-92

[Signature]

[Signature]

[Signature]

OR
S.F.H
26-8-92

A13

O.A - No. 71/89(L)

27/8/92/

Hon. Mr. Justice U. C. Sinistera, V.C.
Hon. Mr. K. Obayya, A.M.

Learned Counsel for the ~~op~~
respondents seeks 3 weeks time
to file counter-affidavit.
Set counter-affidavit-lee
filed within 3 weeks and
rejoinder, if any, within
9 weeks thereafter. List this
case on 18/10/92 for a hearing
in admission.

(cont)

NOC A has been
filed:


A.M.


U.C.

S.F.O.


19/10/92


4/12

19.10.92

Case set. read adj 20

4.12.92



51-3-93

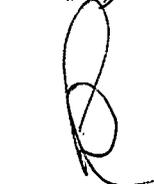
(AM)

EA 7/83

Hon Mr Justice U.C. S.V.C.
Hon Mr. K. O'Byrne J.P., AM

3 weeks time to file
objection to amendment
application, as proposed
for, is granted. Trust

on 13-5-93


AM





13.5.93

No sitting of D.M. only
on 5.8.93

objection to amendment
application
CP 1/1/93

5.8.93

No sitting of D.M. only
on 30.9.93

objection to amendment
application
CP 1/1/93

objection to amendment
application
CP 1/1/93

No sitting of D.M. only
on 25.11.93

objection to amendment
application
CP 1/1/93

25.11.93

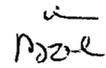
No sitting of D.M. only
on 16.12.93

objection to amendment
application
CP 1/1/93

16.12.93

No sitting of D.M. only
on 14.1.94

14.1.94



[O.A. 71/89]

(A15)

26-9-94

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

On behalf of respondents, counter
reply to the amended paras
of the O.A has been filed
today. The learned counsel for
the applicant indicates that due
to inadvertent mistake in the
returns to the C.A. copy of
Annexure has not been annexed.
Returns has been returned
to the applicant to be filed
along with Annexure.

but on 25-10-94,

bc

VC

VC
AM

26

OR

Vide order of Hon
VC. Submitted
by 26-9-94
for F.H.

OR

CA, RA &
SCR ~~at~~ filed.
S.F.H.

22/9/94.

MP 2152/94 Date of
SFC CA, RA Recd
15/10/94

25-10-94

wrongly listed here.

list this case before

Hon. Bench on 8-11-94.

8-11-94

Hon. Mr. V.K. Seth, J.M.
Hon. Mr. D.C. Vermania, J.M.

DK

On the request of Counsel
for applicant. Case adjourned to 16-12-94.

J.M.

J.M.

VC
AM

of
able
Sir,
Pleadings have
already been
completed.
The case was
made W.D. on
16-12-93.
MP. 7391/94
moved for E.H.
The same is submitted
for order

26/10/94

A16

O.A.No. 71/89(L)

19.5.95

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

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

Applicant:- Sri L.P. Shukla, Advocate.

Respondents:- Sri Anil Srivastava, *Adv.*

Sri Anil Srivastava prays for adjournment on account of non-availability of results of verification of the document submitted by the applicant's counsel.

List for further hearing on 24-7-95.

*Pleadings are certified
SfH
8/8/95*

K.N.

[Signature]
J.M.

[Signature]
A.M.

24.7.95

*No thing at 11.0.95
[Signature]
[Signature]*

*Reply filed with
MP. 140384/95 by opp party
12/9/95*

11/8/95

Hon. Mr. V.K. Seth, A.M.
Hon. Mr. D.C. Verma, J.M.
for applicant: Sh. L.P. Shukla
for respondents: Sh. A. Srivastava
The respondents filed reply to the misc application of the applicant filed in Jan 95 along application for condonation of delay. The delay is condoned & the reply is taken on record. As requested Sh Shukla today's time is granted to file reply for the same.

List on 15/8/95

[Signature]

[Signature]
J.M.

[Signature]
A.M.

A17

O.A. No. 71/89

1-11-95

Honble Mr. Justice B.C. Saxena - V.C.

Honble Mr. V.K. Sethi - J.M.

1 or
Read to are
Completed
29/11/95

The learned Counsel for
the applicant has sought
adjournment on personal grounds.

List on 28-11-95.

Z.N.

W.S.
A.M.

Boh
V.C.

28/11/95

Hon. Mr. Justice B.C. Saxena, V.C.
Hon. Mr. V.K. Sethi, A.M.

M.P. No 2381 has been filed
today. It is taken on record &
it shall be considered at the
time of final hearing of the
M.P. It has been indicated
in the Pleadings of the Parties
that ~~the~~ ^{the} ~~entire~~ approval has been
accorded by the General
Manager through the letter
dt. 01/11/92 pursuant thereto
the applicant has been subjected
to screening. The result of the
applicant's have not been
declared so far. We, therefore
adjourn of this case.

Decided by
Oodm
K.R. Singh
for J.M. & V.C.
S/12/95

List on 15/11/95
In the meantime
the results of the applicant's
be announced.

W.S.
A.M.

Boh
V.C.

2

15-1-96

Case not recorded as per W
01.3.96
M.S.

(A18)

02/1/89

Hon. Mr. Justice B. C. Saksena v.
Hon. Mr. V. K. Sethi - D.M.

Dist. in case before appropriate
Bench on 17.7.96

h
L.K.
A.M.

h
h

order are
D

17-7-96
D.R

Appropriate Bench is not available.
dist on ~~13-8-96~~ 12-8-96

D.R

12-8-96

Hon. Mr. V. K. Sethi, A.M.
Hon. Mr. D. C. Verma, D.M.

H.S. Sethi
H.S. Sethi
H.S. Sethi

Dr. L. P. Shukla, learned
counsel for applicant. Sri Anil
Srinivasa, for respondents.

list for further hearing
on 29-8-96.

learned counsel for appli-
cant seeks & is allowed
one week time to file supp.
Applicant.

h
J.J.
L.K.
A.M.

29-8-96 Hon. Mr. V. K. Sethi, A.M.
Hon. Mr. D. C. Verma, D.M.

None for applicant.
list on 24-9-96 for hearing.

h
D.M.
L.K.
A.M.

(A19)

0A71/89

19-2-97

Hon Mr V. K. Seth AM
Hon Mr D. C. Verma JM

Shri L.P. Shukla for applicant.
Shri Anil Swastika for respondent
Prays for order is allowed & order
to file reply to the Supplementary
Affidavit filed by the applicant
on 5-12-86 after serving a copy
of the same on the learned
Counsel for applicant.

List on 3-4-97 for hearing

A JM

AM

3-4-97

Mr. Srinivasan B. ...
13-4-97
Doc

17/1/87

Hon. Mr. V.K. Seth, AM
Hon. Mr. D.C. Verma, JM

None for the applicant.
Shri A. Srivastava is on
leave today.
List on 1/5/87

JM

AM

e

(A20)

02/11/89

18.9.92

Case and - or admit offer to
18.10.92

J
Boc

the Bench as approved,
earlier was not
appropriate for this
case. Hence the case was
listed before PR on
15/10/92
4/0/92

20-10-92
D.R.

Place before me for
fixing the date today.
List before appropriate
Bench on 15-12-92.

DR
or
pleadings are
complete
20/10/92

or
D.R.

15-12-92

110 Salimpur B. offer to
29.1.98
J
Boc

29-1-98

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

S. L. P. Shukla, learned
counsel for applicant, Dr. Anil
Srivastava, is on leave.
List on 05-2-88 for
hearing.

J
D.M.
U.S.
A.M.

5/2/98

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

List on 15/3/98 for
hearing.

J
D.M.
A.M.

16.3.98

No sitting of D.B. Bench
admitted

or
in this file Record
in Commercial Sect on
2/2/98
2/2

A

A

Contd./23.4.98

which selection approval was sought for treating their appointments as authorised from General manager. Because the respondents have admitted that approval was sought and was given but they were regularised only after the approval given by the General Manager.

Copy of this order may be furnished to the learned counsel for the respondents.

List for further hearing on 30.7.98.


MEMBER(A)


MEMBER(J)

*Recd
21/5/98
P.B.
20/5/98*

*8/6/98
Narendra/-*

30-7-98

No sitting of D.B. case is adj. to 11-0-98,

*VAM
BSC*

11-0-98

No sitting of D.B. case is adj. to 17-9-98.

*VAM
BSC*

17-9-98

No sitting of D.B. case is adj. to 15-10-98.

*VAM
BSC*

15-10-98

No sitting of D.B. case is adj. to 22-12-98.

*VAM
BSC*

*Pleadings are
complete
11/3/99*

A22

O.A. 71/89

18.5.99

Case not reached
list on 5.7.99.

B.O.C.

05-7-99

Hon'ble Mr. D.C. Verma, J.M.
Hon'ble Mr. A.K. Misra, A.M.

Sri L.P. Shukla for applicant.
Sri A. Srivastava for respondent is on leave.

List for hearing on 01-9-99,
A.M. J.M.

01-09-99

case not reached. Adjn to
11-11-99, for hearing.

02
Pleadings
are complete
20/12/99

11-11-99

No sitting of D.B. Adjn to
22-12-99 for hearing.

B.O.C.

B.O.C.

22/12/99

Due to port heard cases, adjn. to
12/01/2000 for hearing.

12/01/2000

No sitting of D.B. case was adjn to
25/01/2000 for hearing.

B.O.C.

B.O.C.

C.A. 71/89

16.5.2000

Honble Mr. D. V. R. S. a Dattatreya, J.M
Honble Mr. S. Manickavasagam, A.M

Since the counsel for respondent is not present, postponed for Monday 22-5-2000 for fresh hearing before the regular Bench or this Bench does not have time to hear this case.

Since, the counsel for applicant states that the case is very old, but the case at top in the list

2

A.M

J.M

A24

OA 71/89

27.03.2000

Lawyers obtained free legal work
Case adjn to 12/04/2000

OR

Pleadings are
complete. Sub.
for hearing
on 12-4-2000
R

13.5.2000
SP1-DB

Case not reached.

Adj. to 15-5-2000.

4
B.S.

H
B.D.

OR

on account of
National holiday
on 12-4-2000, submitted
for hearing on 13/5/2000
R

15-5-2000

Hon'ble Mr. D.N. R. S. Dattatreya, J.M.
Hon'ble Mr. S. Manickavelu, J.M.

Heard the Advocate for applicant.
For respondents post for tomorrow
to 16-5-2000 as requested.

A.M.

J.M.

2

A25

Date: 22/5/2000

Hon. Mr. D.C. Verma JM.
Hon. Mr. A.K. Misra Am.

For applicant Sri. L.P. Shukla.
 For respondents Sri. Anil Srivastava.
 Learned Counsel for the respondents had stated that the Tribunal vide order dated 23.4.98 directed respondents to file Supp. Affidavit in respect of the points ~~appointments~~ mentioned in the order. Heard. The ^{appointments} ~~Supp.~~ has not been filed till date ~~as~~ ^{on the ground that} some of the documents are not available. The respondents should file the affidavit indicating the points and also indicating the facts "as to how their names and with what context and with reference to which selection approval was sought for treating their appointments as authorised from General Manager. Because the respondents have admitted that approval was sought and was given but they were regularised only after the approval given by the General Manager." We are were however, inclined to summon the General Manager ^{or DRM} in person with all the relevant records and to reply to the queries of the Tribunal, as the Supp. Affidavit has not been filed by him in spite of taking some of time, but on the request of learned counsel for the respondents, by way of last opportunity, two weeks time is granted to the respondents to file the affidavit. In case the same is not filed, the concerned officer will be summoned by the Tribunal. List for hearing on 20 July. Copy of this order by given to the learned counsel for the respondents.

OK
 Copy of order dated
 22-5-2000 filed
 today 26-5-2000

26/5/2000

Issued for ~~respondent's~~ ~~affidavit~~
 by Registrar on
 2/7/2000

Am

JM

20/07/2000

Hon'ble Mr. D.C. Verma, Jm
Hon'ble Mr. A.K. Mishra, Am

DT No. 711/89

For applicant Sn. Son Kantik P/N

Sn. L.P. Shukla

For respondent Sn. Aareen Kuma

B/N for Sn. A. Swastika

Copy of the Supple affidavit
& filed has been served today. As prayed
2 weeks time is granted to the
applicant to file Supple. R-A.
List for hearing on 8.8.2000.

Am
8/8/2000

Hon'ble Mr. D.C. Verma, Jm
Hon'ble Mr. A.K. Mishra, Am

For applicant Sn. Son Kantik P/N

for Sn. L.P. Shukla

For respondent Sn. Anil Swastika

As for applicant request for time
to file Supple. rejoinder.

List for hearing on 29.8.2000.

OR
Supp. RA has
been filed in
Court on 20/7/00

Am

Am

Jm

29/08/2000

Due to post heard cases, order
to 12/09/2000 for hearing

J
Boe

12/09/2000

due to post heard cases
case not reached to 25/09/2000
for hearing

Boe

13.3-2001

(A27)

O.A. 71/88

Present:- Shri L.P. Shukla, ld. Counsel
for the applicant.
Shri Anil Srivastava, ld.
counsel for the respondents.

Heard both the learned counsel
for the parties. Orders reserved.

A.K.M.
(A.K. Misra)
M(A)

J.S.
(Smt. Lakshmi Swamathan)
VC (S)

LSRD'

16-03-2001

Honble Smt Lakshmi Swamathan VC (S)
Honble Mr A.K. Misra - AM

order pronounced in open
court today.

319

order
paid
26/3/01

AM

J.S.
VC (S)

(A22)

20/2/01

Hon. Mr. Rafiquddin, J.M.
Hon. Mr. M.P. Singh, AM.

Sh. Son Kartik for Sh. K.P. Shukla for applicant mentions that Sh. Shukla is out of station and would return to Lucknow tomorrow & seeks adjournment on this ground. This is a very old case. The request of the applicant is allowed.

The case be kept on ~~selected~~ Board.

M.P. Singh
AM.

Rafiquddin
J.M.

21-2-2001 No sitting of D.B. Can adj to 22-2-2001.

22-2-2001 No sitting of D.B. Can adj to 23-2-2001.



ASD

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

Date of filing

Registration No. 71.909661

Signature

Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Between

Harinder Yadav & three others Applicants

AND

Union of India & another Respondents

DETAILS OF APPLICATION

I. Particulars of the applicants :

1. Harinder Yadav (1),
Son of Sri Devanand Yadav,
Casual Labour, Diesel Shed
North Eastern Railway Gonda
Qr. No. 416-A Diesel Colony, Gonda.

2. Madan Murari,
Son of Sri Shyam Nath Shukla
Casual Labour, Diesel Shed
North Eastern Railway Gonda
C/o Sri Vibhuti Prasad,
Qr. No.204-D, Semra Colony,
Road No.9, Gonda.

3. Anil Kumar Srivastava,
Son of Sri Ram Autar Lal Srivastava
Casual Labour, Diesel Shed
North Eastern Railway Gonda
Qr. No. 418-A, Diesel Colony,
Gonda.

20/04/99

A 31

-2-

4. Shafiq Ahmed,
Son of late Sri Rafiq Ahmed
Casual Labour, Diesel Shed
North Eastern Railway, Gonda
Railway Khaira Colony,
Qr. No.85-D, Badgaon, Gonda.

II. Particulars of the Respondents :

1. Union of India through the
General Manager,
North Eastern Railway,
Gorakhpur.
2. Divisional Railway Manager,
North Eastern Railway, Ashok Marg,
Lucknow.
3. Sr. Divisional Mechanical
Engineer (Diesel), Gonda.

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

The application is directed against the result dated 23.1.1989 of the screening held on 7.10.1988 declaring the applicants unsuccessful although they are senior most casual labourers entitled for regularisation and consequential benefits of seniority and promotion etc. from the date on which their juniors were regularised and also against subsequent appointments of Khalasies on the basis of notice dated 13.1.1989 issued by the DRM(P) Lucknow.

IV. Jurisdiction of the Tribunal:

The applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of the Tribunal.

51084/9

V. Limitation :

The applicants further declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

VI. Facts of the case :

The facts of the case are given below :-

1. That the applicants are working as casual labourers at Diesel Shed Gonda of Northern Eastern Railway under the Divisional Railway Manager, Lucknow.
2. That Harinder Yadav, applicant No.1, joined as casual labourer at Diesel Shed Gonda on 9.11.1982 and has been continuing as such without break. He was given time scale from 9.3.1983 and has been getting regular increments after getting time scale from 9.3.1983. He is also getting the benefit of 3 passes and 6 P.T.Os after having completed 5 years of continuous service as casual labourer.
3. That Madan Murari, applicant No.2, joined as casual labourer at Diesel Shed Gonda on 19.4.1983. He was given time scale from 19.4.1983. He has been getting all the benefits of Khalasies including regular increments after getting the time scale. He is also getting 3 passes and 6 P.T.Os.
4. That Anil Kumar Srivastava, applicant No.3, joined as casual labourer at Diesel Shed Gonda from 19.4.1983. He is also getting all the benefits of

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regular Khalasies, that is, regular increments, after getting time scale from 20.8.1983. He is also getting 3 passes and 6 P.T.Os.

5. That Shafiq Ahmed, applicant No.4, joined as casual labourer at Diesel Shed Gonda from 4.5.1983 and worked as such upto 7.6.1986. Thereafter he worked under the Station Master, Gonda, from 8.9.1983 to 19.11.1983. He again worked at Diesel Shed Gonda from 17.5.1984 and is still continuing. He is also getting all the benefits of regular Khalasies, that is, regular increments, after getting time scale from 14.9.1984. He is getting 3 passes and 6 P.T.Os.

6. That the applicants have been medically examined by the Divisional Medical Officer, North Eastern Railway, Gonda. Applicant No.1, Harender Yadav, was medically examined on 1.2.1984, applicant No.2 Madan Murari was medically examined on 3.2.1984, applicant No.3 Anil Kumar Srivastava was medically examined on 5.9.1984 and applicant No.4 Shafiq Ahmed was medically examined on 2.12.1985. Photostat copies of the certificates of medical examination of the Annexure Nos.1,2,3 and 4 are filed as Annexure Nos. 1,2,3 and 4 respectively to this application.

7. That all the applicants, as already stated above, are getting benefits of regular Khalasies, that is, regular increments, passes and PTOs. LIC and provident fund deduction are also being made from their salary and they are also getting the leave benefits.

21-8-84

A34

8. That as per seniority list of casual labourers as on 31.7.1983 applicant No.1 Harinder Yadav is shown at serial No.112 and applicant No.2 Madan Murari is shown at serial No.101. A photostat copy of the seniority list of casual labourers as on 31.7.1983 is filed as Annexure No.5 to this application.

Annexure-5

9. That on the basis of the screening of casual labourers held on 31.7.1983, 56 persons were regularised by notice of the Divisional Railway Manager (Personnel) dated 21.1.1984. A photostat copy of the notice dated 21.1.1984 regularising 56 persons is filed as Annexure No.6 to this application.

Annexure-6

10. That the aforesaid notice dated 21.1.1984 regularising 56 persons shows the date of appointment of the persons regularised from which it is evident that many were appointed after the applicant Nos. 1 and 2.

11. That by notice dated 13.6.1984 issued by the Divisional Railway Manager (P) 29 more persons were regularised on the basis of the screening of casual labourers held on 31.7.1983. As already mentioned above, even in terms of the aforesaid notice dated 13.6.1984 many persons were junior to the applicants. Thus it is evident that the applicants were illegally and arbitrarily excluded from regularisation although persons junior to them and subsequently appointed were regularised. A photostat copy of the notice dated 13.6.1984 regularising 29 more persons on the

20/4/84

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Annexure-7

basis of screening held on 31.7.1983 is filed as Annexure No.7 to this application.

12. That subsequently another screening for regularisation of casual labourers was held on 27.8.1984. In this screening Anil Kumar Srivastava, applicant No.3, appeared. The seniority list drawn for the purpose of aforesaid screening shows Anil Kumar Srivastava at serial No. 49.

13. That by means of notice dated 29.8.1984, on the basis of the above screening held on 27.8.1984, 66 persons were declared successful and were regularised while Anil Kumar Srivastava, although senior to many persons, was illegally and arbitrarily excluded. A photostat copy of the notice dated 29.8.1984 regularising 66 persons is filed as Annexure No.8 to this application.

Annexure-8

14. That another screening was held on 18.12.1985 in which Applicant No.4 Shafiq Ahmed appeared for regularisation alongwith applicant No.1 Harender Yadav and applicant No.2 Madan Murari. Anil Kumar Srivastava, applicant No.3, who was absent for screening on 18.12.1985, appeared in the supplementary screening on 31.1.1986. By notice dated 28.2.1986, on the basis of the aforesaid screening, 44 persons were declared successful and were regularised. The applicants were again illegally and arbitrarily excluded from regularisation although persons junior to them and subsequently appointed were regularised. A photostat copy of the notice dated 28.2.1986 regulari-

20/11/85

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14C - Para 14C is incorporated on the back of page No - 4 and B.
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Annexure-9

sing 44 persons is filed as Annexure No.9 to this application.

14A- Para 14A is incorporated at the back of page No- 6 and para 14B is incorporated at the back of page No- 7.
and 14B
and 14C

15. That from the aforesaid screenings held on various dates, that is, 31.7.1983, 27.8.1984 and 18.12.1985, it is evident that 195 persons have been regularised, many of whom are junior to the applicants. These persons junior to the applicants have also been subsequently promoted as fitters Grade III and Grade II. Thus the applicants have been discriminated in service while persons junior to them have been regularised and given further promotions.

16. That the applicants made a representation dated 14.4.1988 to the Divisional Railway Manager, North Eastern Railway, Lucknow, against their non regularisation on the basis of the screening held on 18.12.1985 which covered all the casual labourers who were continuing without break but had not been regularised despite assurance that they shall be regularised on the basis of the screening held on 18.12.1985. A photostat copy of the applicants' representation dated 14.4.1988 is filed as Annexure No.10 to this application.

Annexure-10

17. That a seniority list of 15 casual labourers for the purpose of screening to be held on 20.9.1988 was released. This screening was postponed and was subsequently held on 7.10.1988. It shows applicant No.1 Harinder Yadav at serial No.1, applicant No.2 Madan Murari at serial No.2, applicant No.3 Anil Kumar Srivastava at serial No.3 and applicant No.4 Shafiq Ahmed at serial No.4. Thus the applicants were senior most among the 15 casual labourers eligible for screen-

25/4/88

ing on 7.10.1988. The date of joining as casual labour of all the 15 persons is also indicated in the said

A photostat copy of the seniority list seniority list of 15 casual labourers eligible for screening on 7.10.1988 is filed as Annexure No.11 to this application.

Annexure-11

18. That all the applicants appeared for screening held on 7.10.1988. The result of the screening was, however, deliberately withheld with ulterior motive. As already stated above, the applicants are senior most persons among the remaining 15 casual labourers who are yet to be regularised. The applicants have already been subjected to screening more than once but their regularisation has been illegally withheld. All the applicants were earlier subjected to screening on 18.12.1985 but they were not regularised. The applicants are continuing to work as casual labourers and they made a joint representation dated 14.4.1988 against their illegal and arbitrary exclusion from the list of successful persons for regularisation on which no decision was communicated. The applicants on the basis of their continuous service for more than five years are entitled for regularisation without being subjected to any further screening. Their non regularisation as Khalasies, although they are continuously working without break, is, therefore, illegal, arbitrary and discriminatory in violation of Articles 14 and 16 of the Constitution of India.

19. That the applicants are getting all the benefits of regular Khalasies, that is, regular increments, benefits of passes and PTOs, LIC and provident fund

22/11/89

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deductions and leave benefits. The applicants have also been medically examined and have been found fit. The applicants should, therefore, be deemed to have been regularised on their posts and entitled to all the benefits.

20. That persons appointed Khalasies in 1983 along with applicant Nos. 2 and 3 were screened in 1986 and were declared successful. They were given seniority w.e.f. 21.1.1984 by the order of the DRM(P) dated 27.9.1988. A photostat copy of the order of the DRM dated 27.9.1988 is filed as Annexure No.12 to this application.

Annexure-12

21. That by notice dated 13.1.1989 issued by the DRM(P) Lucknow the Employment Exchange was required to furnish names of eligible candidates for appointment as Khalasies. This notice was issued in spite of the fact that 15 persons including the applicants were screened on 7.10.1988 ^{but} ~~and~~ the results had not yet been announced and the same had been deliberately withheld. The action of the DRM in issuing notice dated 13.1.1989 for further appointments as Khalasies while withholding the results of the applicants who had already been screened on 7.10.1988 and are the senior most Khalasies in accordance with the seniority list is wholly illegal, arbitrary, malafide and discriminatory. A photostat copy of the notice dated 13.1.1989 is filed as Annexure No.13 to this application.

Annexure-13

ed of 11/11/89

22. That on the basis of notice dated 13.1.1989 screening was held for fresh appointments of Khalasies.

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on 21.2.1989 and 22.2.1989 and the result thereof was declared on 10.3.1989. The action for making fresh appointments of Khalasies to the exclusion of the applicants, who had been working for more than 5 years as casual labourers, is wholly malafide, arbitrary and amounts to discrimination of the applicants in service. If appointments are made on the posts on which the applicants are working, they shall suffer irreparable loss and injury.

23. That the applicants filed an application O.A. No.55 of 1988(L) before this Hon'ble Tribunal against withholding of the result of screening held on 7.10.1988 and claimed regularisation as Khalasies on the basis of their continuous working for more than 5 years and also against subsequent notice dated 13.1.1989 for fresh appointments of Khalasies. The said application was filed jointly under Rule 5-A of the Rules and this Hon'ble Tribunal directed notices to be served personally on opposite party No.2. The application was listed for admission and orders on 14.3.1989. When appearance was made on behalf of opposite parties, a notification No.E/11/227/Diesel/Kan/Gonda/Pt.11 dated 23.1.1989 was produced indicating that as a result of screening on 7.10.1988 the casual labourers concerned had failed. It was also stated by the counsel for the opposite parties that the notification dated 23.1.1989 was published. It was, however, admitted by the counsel for opposite parties that the applicants are still working on their jobs. In the circumstances the application was rejected with the

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observation that the applicants will be at liberty to file a fresh properly constituted application. A photostat copy of the order dated 14.3.1989 in O.A. No.55 of 1988(L) is filed as Annexure No.14 to this application.

Annexure-14

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24. That from the aforesaid order dated 14.3.1989 it is evident that the earlier application was rejected because the result of the screening was dated 23.1.1989 while the application was filed on 24.2.1989. It was, however, incorrectly stated that the notification dated 23.1.1989 was published. It is stated that the said result dated 23.1.1989 was not published or put up on the notice board in the office of the Senior Divisional Mechanical Engineer (Diesel) Gonda till the date of the filing of the application, that is, 24.2.1989. In fact the said result dated 23.1.1989 was received in the office of the Senior Divisional Mechanical Engineer (Diesel) Gonda on 9.3.1989 at 13.30 hrs. (1.30 p.m.). The notice of the earlier application O.A.No.55 of 1988 (L) was served on opp. party No.2 as per order of this Hon'ble Tribunal on 27.2.1989. Thus the result dated 23.1.1989 of the screening was received by the Senior DME(Diesel) Gonda after service of the notice of the aforesaid application. The said result dated 23.1.1989 was put up on the notice board in the office of the Loco Foreman (Time Office Diesel Shed) Gonda in the afternoon of 9.3.1989. Thus it was wrongly stated before this Hon'ble Tribunal on 14.3.1989 on behalf of the opposite parties that the result of the screening was published on 23.1.1989. It is categorically stated that the

22/02/89

aforesaid result dated 23.1.1989 had not been published or notified by the time of the filing of the application on 24.2.1989; hence the applicants had no knowledge of the same.

25. That the aforesaid fact of non publication of the result is further evident from the letter of the Senior DME(Diesel) Gonda dated 9.3.1989 according to which the result dated 23.1.1989 was received in his office on 9.3.1989. It was further pointed out in the letter of the Sr.DME(Diesel) Gonda to the Divisional Railway Manager (Personnel) Lucknow that if the result dated 23.1.1989 had been received earlier it would not have been the subject matter of dispute in the application. It was further pointed that necessary enquiry be made in the matter so that such mistake is not repeated in future. A true copy of the letter of the Sr. DME(Diesel) Gonda dated 9.3.1989 to the DRM(F) Lucknow is filed as Annexure No.15 to this application.

Annexure-15

26. That the result dated 23.1.1989 of the screening held on 7.10.1988, which was put up on the notice board in the office of the Loco Foreman (Time Office Diesel Shed) Gonda in the afternoon of 9.3.1989 shows that all the casual labourers who appeared for the screening held on 7.10.1988 have been unsuccessful. A photostat copy of the result dated 23.1.1989 as notified on 9.3.1989 is filed as Annexure No.16 to this application.

Annexure-16

27. That it is for the first time that result of unsuccessful persons in the screening for regularisation

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has been notified. In the past the result of successful candidates on the basis of screening held from time to time was announced. The action is motivated and malafide.

28. That the screening held on 7.10.1988 for 15 casual labourers, who are still working in the Diesel Shed Gonda and who remain to be regularised, was a mere eye wash. No test as such was held and the applicants were only asked to show certificates pertaining to their qualifications, experience, etc. There was nothing in the screening by which the applicants could have been failed. The additional factor in favour of the applicants was that they had been working continuously ^{and satisfactorily for over} ~~for~~ 5 years and there was nothing in their service record on the basis of which they could have been failed in the screening. Thus the action of the opposite party No.2 in declaring the applicants unsuccessful by result dated 23.1.1989 was arbitrary, malafide and without jurisdiction.

29. That the result dated 23.1.1989 declaring the applicants unsuccessful was in contravention of the prescribed procedure. The applicants could not be declared unsuccessful in screening time and again although they are continuously working for over five years.

30. That the applicants on the basis of their ^{good and satisfactory} service record are entitled for regularisation from the date on which their juniors have been regularised without being subjected to any further screening. The

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result of the screening dated 23.1.1989 is, therefore, illegal and without jurisdiction and deserves to be set aside.

VII. Relief sought :

In view of the facts mentioned in para VI above, the applicants pray for the following relief:-

That the result dated 23.1.1989 of the screening held on 7.10.1988 be set aside and the applicants be declared entitled for regularisation as Khalasies from the date on which their juniors were regularised and entitled to all the consequential benefits of seniority and promotion on the basis of their continuous and uninterrupted working as casual labourers from the dates of their respective appointments. Any other relief deemed just and proper in the circumstances of the case may also be granted.

VIII. Interim order :

Pending final decision on the application, the applicants seek issue of the following interim order :-

That no adverse action on the basis of the result dated 23.1.1989 be taken against the applicants and further appointments of Khalasies on the basis of the result dated 10.3.1989 of the screening/test held on 21.2.1989 and 22.2.1989 be made on the posts on which the applicants are working.

IX. Details of the remedies exhausted :-

The applicants declare that they have availed

22/02/89

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of all the remedies available to them under the relevant service rules, etc.

X. Matter not pending with any other court, etc.:

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

XI. Particulars of Postal Order in respect of the application fee:

- 1. Number of Indian Postal Order *DD 088989*
- 2. Name of the issuing Post Office *High Court Branch*
- 3. Date of issue of Postal Order *21-2-89*
- 4. Post Office at which payable.

XII. Details of Index :

An index in duplicate containing the details of the documents to be relied upon is enclosed.

XIII. List of enclosures:

- 1. Certificate of medical examination of applicant No.1.
- 2. Certificate of medical examination of applicant No.2.
- 3. Certificate of medical examination of applicant No.3.
- 4. Certificate of medical examination of applicant No.4.
- 5. Seniority list of casual labourers as on 31.7.1983.
- 6. Notice dated 21.1.1984 regularising 56 persons.
- 7. Notice dated 13.6.1984 regularising 29 more persons.
- 8. Notice dated 29.8.1984 regularising 66 persons.

22/08/89 4/97

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9. Notice dated 28.2.1986 regularising 44 persons.
10. Applicants' representation dated 14.4.1988.
11. Seniority list of 15 casual labourers including the applicants.
12. Order of the DRM(P) dated 27.9.1988 .
13. Notice dated 13.1.1989 for appointment as Khalasied.
14. Order dated 14.3.1989 passed by C.A.T. in earlier application.
15. Letter of the Sr. DME(Diesel) Gonda dated 9.3.1989 to the DRM(P) Lucknow.
16. Result dated 23.1.1989 as notified on 9.3.1989.

In verification :

I, Harender Yadav (1), aged about 24 years, son of Sri Devanand Yadav, working as casual labourer, Diesel Shed, NER, Gonda, resident of Qr. No.416-A Diesel Colony, district Gonda, do hereby verify that the contents from paras I to XIII are true to my personal knowledge and belief and that I have not suppressed any material facts.

Handwritten signature

Place :Lucknow.

Signature of the applicant.

Date : 20.3.1989.

AUS

वादी (मुद्दे)

का

वकालतनामा

प्रतिवादी (मुद्दे)

Registration No — 1989 (L)



वादी (मुद्दे)

Harendera Yadav and others

Applicants बनाम

Union of India and others

Respondents

प्रतिवादी (मुद्दे)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से

Sri L. P. Shukla

एडवोकेट महोदय वकील

C-700 Sector C

Maha Nagar Lucknow

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देना हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करे या अन्य कोई कागज दाखिल करे या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करे या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करे और तसदीक करे या मुकद्दमा उठावे या कोई रुपया जमा करे या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाणा रहे और समय पर काम आवे।

Accepted
Union of India

हस्ताक्षर ①

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन्

- ②
- ③
- ④

Auto

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No.. /1989

Harinder Yadav & others Applicants

Versus

Union of India & others Respondents

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3. Certificate of medical examination of applicant No.3. 19
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5209419d

In the Central Administrative Tribunal
 Circuit Bench Lucknow
 Registration No. of 1989
 Harendra Yadav & others - Applicants
 vs
 Union of India & others - Respondents

(17)

AMZ

ANNEXURE NO 1

26

N. E. RAILWAY
 MEDICAL DEPARTMENT

N.E.-M. 2
 R.B. Med./C-3

CERTIFICATE—PHYSICAL FITNESS OF CANDIDATE
 (Certificate to be used when a candidate is medically examined for fitness for appointment to a Railway.)

SECOND

Third Foil
 Original

(COPY FOR PAY SHEET)

Hospital/Diagnosary No. 60

I do hereby certify that I have examined (Name) Harendra Yadav
 (Age) 34 years a candidate for appointment as (designation) Sr. J.C. & S.
 (Class) in the branch/department, whose
 Signature/Thumb Impression has been appended below in my presence.
 I consider him fit for such appointment. (Fit for appointment)

Signature of Railway Medical Officer

Designation

Signature/Thumb Impression of Candidate

Office Seal

Date 1/7/89

Strike out where applicable

208/4/89

Copy
 L. P. ...
 Advocate

In the Central Administrative
Circuit Bench Lucknow

10
Tribunal
AND

Registration No 1989

Harendra Yadav & others ----- Applicants
vs
Union of India & others ----- Respondents

ANNEXURE No 2

15

N. E. RAILWAY
MEDICAL DEPARTMENT

N.E.—M. 2
R.B. Med./C-2

CERTIFICATE—PHYSICAL FITNESS OF CANDIDATE SECOND

(Certificate to be used when a candidate is medically examined
for fitness for appointment to a Railway.)

(COPY FOR PAY SHEET)

Third Foil
Original

Hospital/D near by.....

I do here by certify that I have examined (Name).....

(age)..... candidate for appointment as (designation).....

(Class)..... in the..... branch department, whose

*Signature/Thumb Impression has been appended below in my presence.

I consider him fit/unfit for such appointment. (Fit for age - one)
3/2/84

Remarks:-

- ① one scar on $1\frac{1}{4}$ " x $3\frac{1}{4}$ " on lateral aspect upper 1/2 of right leg.
- ② one scar on $3\frac{1}{4}$ " x $1\frac{1}{8}$ " on left eye brow.

Signature of Railway Medical Examiner. 3/2/84

Designation.

*Signature/Thumb Impression of Candidate.

Office Seal.....

Signature of Candidate
Madan M Mani

Date 30/1/84

*Strike out where inapplicable



Tested/True Copy

Signature of Advocate
L. P. SHUKLA
Advocate

2/2/84

In the Central Administrative Tribunal
Circuit Bench Lucknow **Aug** (19)
Registration No 41989

Harendra Yadav & others - - - - - Applicants
Union of India & others - - - - - Respondents

ANNEXURE No 3

57

N. E. RAILWAY
MEDICAL DEPARTMENT

N. E.—M. 2
R. B.—Med. C-8

CERTIFICATE—PHYSICAL FITNESS OF CANDIDATE SECOND
(Certificate to be used when a candidate is medically examined for fitness for appointment to a Railway.)

(COPY FOR PAY SHEET) Third Foil Original

Hospital/Dispensary: No. 120

I do hereby certify that I have examined (Name) Harendra Yadav
No. 164/62 a candidate for appointment as (Designation) ...
in the ... branch, department, whose
Thumb Impression has been appended below in my presence.

I consider him fit and for such appointment. (Signature) [Signature]
579/84
Signature of Railway Medical Examiner.

Designation.

Signature/Thumb Impression of Candidate. [Signature]

197

Strike out where inapplicable.

4285 9149

Attested/True Copy
[Signature]
L. P. SINGH
Advocate

Harendra Yadav & others - - - - - Applicants
 Union of India & others - - - - - Respondents

ANNEXURE No 4

00277

पूर्वोत्तर रेलवे N. E. RAILWAY

सं. १०-एन० २
 N. E.-M. 2

आर० बी० मेडि०/सी० ४
 L./B. Med./C. 8

चिकित्सा-विभाग/MEDICAL DEPARTMENT

प्रमाण-पत्र-अभ्यर्थी की शारीरिक आरोग्यता
CERTIFICATE-PHYSICAL FITNESS OF CANDIDATE

द्वितीय
SECOND

(रेलवे में नियुक्ति के लिये, आरोग्यता के लिए अभ्यर्थी की शारीरिक-परीक्षा के समय प्रयुक्त प्रमाण-पत्र)
 (Certificate to be used when a candidate is Medically examined for fitness for appointment to a Railway.)

33

(वेतन-पत्र के लिये प्रति)
(COPY FOR PAY SHEET)

तीसरी पत्रा Third Foil

मूल Original

प्रत्यक्ष/औषधालय
 Hospital/Dispensary

सं.
 No.

ने प्रमाणित करता हूँ कि मैंने (नाम) श्री शशि रंजन झा को
 आर० बी० मेडि०/सी० ४ श्रेणी
 पर पर नियुक्ति के लिये अभ्यर्थी की परीक्षा की है। इनका हस्ताक्षर/अंगूठा निशान* नीचे दिया गया है।

I do hereby certify that I have examined (Name) _____
 a candidate for appointment as (designation) _____
 (Class) _____ in the _____ branch/department whose

*Signature/Thumb impression has been appended below in my presence.

इस प्रकार की नियुक्ति के लिये मैं उन्हें आरोग्य/अनारोग्य समझता हूँ।
 I consider him fit/unfit for such appointment.

Signature of Railway Medical Examiner
 B. C. Bhowmik

1. दाहिने पैर की एडी के अंगूठे का निशान
 2. बायें हाथ की कोठली के पास का निशान

अभ्यर्थी का हस्ताक्षर/अंगूठा निशान
Signature/Thumb Impression of Candidate.

कार्यालय मुहर
 Office Seal

दिनांक/Date

21.12.1985
 *जिसे लागू न हो, काट दें।
 Strike out where inapplicable.



श्री १११/३१६५६

All India Copy

L. P. SHUKLA
 Advocate

21/12/85

ASI

21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. /1988

Harinder Yadav & others Applicants

Versus

Union of India & another Respondents

ANNEXURE No 5

3-2-88 916d

Attested True Copy

L. P. Shukri

L. P. SHUKRI
Advocate

Sl. No.	Name	Father's name	Date of Birth.	Date of 1st engagement in DSLI	Total No. of days.	Qualifications.	Remarks.
1.	Ram Preet Pandit	Dhola Pandit	31.12.51	22.11.82	3528	High School Passed & I.T.I.	
2.	Rachey Shyam Tewari	Ran Bihar Tewari	15.8.48	18.11.82	2795	B.A. Passed and Steno/Typist (Hindi).	
3.	Ram Prabodh Singh	Ran Dulari Singh	10.8.49	18.12.82	2690	Pre-University Exam. Passed and I.T.I.	
4.	Ashok Kumar Srivastava	Lal Dhar Lal Srivastava.	15.3.54	22.11.82	2580	H.School/I.T.I. (Fitter)	
5.	Ravindra Kumar Saxena	Uma Pd. Saxena	17.11.47	10.11.82	3504	E.A./I.T.I. (Turner)	
6.	Allauddin Siddiqui	Faramul Haq	15.1.52	8.2.83	2385	High School/I.T.I. (Electrician)	
7.	Upendra Pd. Srivastava	Balban Pd. Srivastava.	1.8.49	19.11.82	4132	B.A.-Pt./I.T.I. (Wired)	
8.	Rohd. Allauddin	Hafiz Nizamuddin	3.5.54	12.11.82	3527	High School/I.T.I. (Turner)	
9.	Anil Kumar Rai	Prem Nath Rai	15.9.58	6.11.82	3158	I.T.I. Passed	

Advocate
 S. S. DUKIA
 Advocate

11-75-5011

No.	Name	Age	DOB	Roll No.	Education
22	Yadav	Ram Pyarey	1.7.55	18.11.82	1262 Intermediate / I.T.I. (Electrician)
23	Yadav	Ram Lochan Singh	1.1.55	20.1.82	1129 High School / I.T.I. (Welder)
24	Yadav	Jindra Singh	3.6.60	1.12.82	1108 High School
25	Yadav	Sha Ram	8.2.58	18.11.82	1091 High School
26	Yadav	Vishwanath Yadav	1.7.55	8.3.83	1052 High School / I.T.I. (Welder)
27	Yadav	Chandra Han Singh Bindeshwari	5.10.57	6.2.83	996 Inter / I.T.I. (Elec.)
28	Yadav	Abdul Rahq	6.7.56	30.10.82	983 H.S./I.T.I. (Elec.)
29	Yadav	Ram Rojan Yadav	15.1.54	5.2.83	959 " " "
30	Yadav	Imtlaz	1.2.57	21.1.83	945 " " "
31	Yadav	Radhay Pyam	18.1.58	3.3.83	926 Inter / I.T.I. (Elec.)
32	Yadav	Jai Bijal Singh	5.7.59	18.1.83	920 Intermediate
33	Yadav	Banwari Pd. S/T.	15.10.14	8.3.83	916 H.S./I.T.I. (Welder)
34	Yadav	Om Prakash Vishwa-karma	1.7.5	3.3.83	913 " " "

16-3-77
Public/BSR

22/4/84

Advocate
L.P. SHUKLA
Centre

13/11/84

7. 1984 ... Diploma (Automobile).

46. (Site) Ram (S/C) P. Kallioo 25.5.55 10.11.82 / 17351. H.3. T.I. (Teacher).

47. Rama Nand Bhatnagar Shyamraj. 7.56 15.7.55 10.11.82 / 17241. H.3. T.I. (Teacher) & (Teacher).

48. Ram Dhan Mahipal Mahipal. 2.59 3.10.53 31.11.82 / 17241. H.3. T.I. (Teacher) & (Teacher).

49. Charman Mohd. Raza Mohd. Raza. 63 24.12.53 26.11.83 VII Passed.

50. Anurabhira P. Sankaralingam P. Sankaralingam 22.2.43 21.10.82 / 17101. H.3. T.I. (Teacher) & (Teacher).

51. Varendra Kumar Pathak Surya Deo Pathak 1.191.8.60 10.11.82 / 17021. H.3. T.I. (Teacher) & (Teacher).

52. Mahatan P. Gupta Ram Das. Gupta 13.10.56 18.11.82 / 17381. H.3. T.I. (Teacher).

53. Balram Singh Bhawani P. Singh 23.11.54 9.11.83 1.2.66. S. Passed.

54. Sathakar Dabey Ram Deo Dabey 9.28.7.59 9.11.82 / 17651. H.3. T.I. (Teacher).

55. Shambhu Nath Yadav Krishna Yadav 12.10.52 10.10.82 / 17651. H.3. T.I. (Teacher).

56. Samsul Hasan Shahid 11.1.52 8.11.82 / 17421. H.3. T.I. (Teacher).

57. Parvan Hans Singh Ragneshwar Singh 1.7.59 20.11.82 610 / 17351. H.3. T.I. (Teacher).

58. Rajendra Kumar N.P. Silvekraya 5.15.54.59 5.10.82 610 / 17351. H.3. T.I. (Teacher).

Handwritten signature and date: 13/6/84

14/6/84

13/6/84

13/6/84

13/6/84

Handwritten number: 2084144

74.	Harna Rao Shukla	Ram Bilash Shukla	1.5.60	4.2.63	517	H.S./T.I. (Elect.)	13/6/69
65.	Ashok Kumar Srivastava I	Shyam Bihari Srivastava	30.8.54	10.12.82	514	B.A./Diploma in Refrigeration & Air-Conditioning.	13/6/69
66.	Koor Mohammad	Mahmoodul Hasan	14.12.55	2.12.82	504	H.S./T.I. (Welder).	13/6/69
67.	Kamad Aziz	S.M.A. Rizvi	1.2.59	31.12.82	497	V.I.I. Passed (Motor Driver).	13/6/69
68.	Hazwan Din	Ginni	9.7.56	17.1.83	493	H.S. Passed.	13/6/69
69.	Mhendra Singh	Shiv Moorat Singh	1.8.55	19.11.82	489	Intermediate.	13/6/69
70.	Raj Suresh	Yamuna Pd.	19.1.54	31.3.83	473	I.T.I./Pitter.	13/6/69
71.	Shri Ram II	Dularay Pd.	10.1.55	18.11.82	470	H.S./T.I. (Tech.)	13/6/69
72.	Suresh Kumar Nayak	Ganga Saran Nayak	1.1.56	16.3.83	470	V.I.I. Passed.	13/6/69
73.	Tej Narain Singh	Brilj Bihari Singh	1.1.56	17.1.83	468	H.S./T.I. (Pitter)	13/6/69
74.	Ram	Piyarey Raj	3.8.61	27.9.82	462	H.S./T.I. (Pitter)	13/6/69
75.	Rakesh Bhushan Mani	Ram Bilch Mani	1.1.60	9.11.82	453	Inter/T.I.	13/6/69
76.	Shri Pkash Raj	Ram Lakhnan Raj	1.10.56	10.1.83	433	H.S./T.I. (Pitter).	13/6/69
77.	John Yoward	R.A. Yoward	23.10.61	4.11.82	433	Inter.	13/6/69
78.	Prem Sagar Shah(S/T)	Ganpat Shah	31.1.61	25.4.83	383	Inter.	13/6/69
79.	Bhagwan Singh	Sukhraj Singh	15.2.60	9.2.83	379	High School.	13/6/69
80.	Vijai Pkash Srivastava	K.N. Srivastava	15.6.58	27.8.82	369	BSc	13/6/69

L.P. SHUKLA
Advocate

copy

2 of 4/1/69

S/SHRI	S/SHRI	4	5	6	7	8	9
61. Satish Chandra Sivastava.	Raja Ram Lal	10.5.58	3.1.82	369	B.A./T.2 Lunvego	1966m	
82. Habib Ahmad	Habib Ali	1.3.55	5.5.83	349	B.S./T.1 Lunvego	1966m	
83. Raghvendra Singh	Jaganmoh Singh	1.1.60	10.12.62	360	T.1/T.1 Lunvego	1966m	
84. Harjai Kant Tewari	Jai Jai Ram Tewari	22.11.58	10.1.63	37	Inter/A.J. Lunvego	1966m	
85. Gauri Shanker Sivastava.	Fateshwar Pr.	17.8.58	6.11.62	35	Inter.	1966m	
86. Ghyas Narain Vishwakarma	Rankoo Vishwakarma	19.10.61	7.11.82	16	VIII Paid.	1966m	
87. Lal Ji Mautraya	Ram Babad	2.1.60	11.82	14	Inter.	1966m	
88. Vinod Kumar Sivastava	Budhai Lal Sivastava.	15.4.56	14.83	14	Inter/Dilomava (Code 198)	1966m	
89. Shriv Kumar Yadav	Ram Jeyy Yadav	4.7.62	2.83	14	Inter.	1966m	
90. Jagdishwar Singh	Deo Rai Singh	2.9.57	1.83	14	Inter.	1966m	
91. Ashok Kumar Gupta	Keshav Kumar Gupta	1.6.63	9.1.63	14	Inter.	1966m	
92. Mohd. Hussar	Mohd. Hussar	1.1.63	2.1.83	14	Inter.	1966m	
93. Rashid Hafez	S.A. Hafez	15.7.55	29.1.83	272	Inter.	1966m	
94. Ferozu Ram Misra	Jagdish Misra	15.11.56	19.11.82	267	Inter.	1966m	
95. Kana Prasad Chand	Shivaji Chand	14.7.53	23.1.83	267	Inter.	1966m	

100. Nathaniel Cornelious Samuel Cornelious

301. Madan Mohan

Shyam Nath Shy

11. Yashad

Rajendra Nath Rai

Dr. Nath Rai (S/C)

Sanjay (S/C)

Ram Siddhi Pd. (S/C)

Bismillah Ali

Uma Shanker Singh

Rajendra Yadav

Motour Rai

Jodha Rai

Sardoo Rai

Idoo Nian

Deo Nandan

10.57

10.57

21.7.50

15.7.57

17.7.57

10.10.53

22.11.82

211

19.4.83

11.1.83

4.4.83

1.6.83

3.6.83

6.6.83

6.5.83

6.11.82

278

212

219

INCDV

KATSV

N.4

22/9/84

5/10/85

red five copies
24/10

[Handwritten signature]

Divisional Magistrate
G.D.

Advocate

ACO

dt 21-1-84

RAILWAY OFFICE ORDER

Result of the Screening of the casual labour/subst... of Dr. .../Gond... held at Gond... month of August... following candidates hav... suitable for recruitment to the Class IV service in the .../Gond...

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

The competent authority (DM) has been pleased to record his approval to this span 1 on 21-1-1984.

1	2	3	4	5
Name	Father's name	Date of birth	Total No. of days of working	
S/Shri ... (S.G)	S/Shri ...	25-5-59	735	
2. R. Vindya Kumar	Uma Prasad Saxena	17-11-47	3846	
3. R. Pr...	...	31-12-51	3528	
4. Pr...	...	31-1-61	484	
5. R. Shyam Tewari	Ramesh Chari Tewari	15-4-48	3436	
6. D. P. ... (SC)	...	28-2-57	129	
7. ... Singh	Ram Dulr y Singh	10-3-49	2490	
8. ...	Iltaf Hussain	3-1-56	2423	
9.	15-1-52	2209	
10. ...	Rajendra Yadav	22-5-54	2181	
11. ... (SC)	Mattur Ram	1-4-57	118	
12. ...	Babbar Prasad Srivastava	1-8-49	2132	
13. ...	Pran Nath Rai	15-9-58	1828	
14. ...	Abdullah	6-10-59	1697	
15. ...	Rajni Vishwakarma	3-8-51	1424	
16. ... (SC)	Johar Ram	21-7-60	59	
17. ...	Bhikhari	10-11-57	1416	
18. ...	Shobhan Misra	16-1-51	1378	
19. ...	Rajni Meena	15-7-51	3338	
20. ... Singh	Bhishwari Singh	5-10-57	1087	
21. ... (SC)	Sarjoo Ram	15-7-57	59	
22. ...	Ajit Chandra Doo	5-5-56	1066	
23. ...	Ashok Ram	8-2-58	1049	
24. ... Singh	Ramesh Chary Singh	5-7-59	1042	
25. ...	Ramesh Chary Sharma	20-1-60	991	

Parate

Handwritten notes at the bottom right of the table.

AGI

(2)

2	3	4	5
26. Chander Mohan Y. d. v	B. Moh. R. I.	5-12-56	985
27. Abdul R. Fiq	H. S. M. T. Ali	6-7-56	983
28. Abdul Mujid	Abdul M. J. d.	5-7-57	955
29. Abha Singh	Indu Singh	3-6-60	952
30. Iqbal	M. W. S. Ali	1-2-57	945
31. S. S. R. (S.)	Vishwanth Y. d. v	1-7-55	941
32. Mohi	R. M. Kishan	1-5-58	886 -
33. Abhinet Y. d. v	Krishna Y. d. v	10-3-60	822
34. Jai Mohan Kumar R. i	J. W. H. R. R. i	5-1-56	818
35. Harin Kumar Y. d. v	Dh. Anp. t. R. m. Y. d. v	8-7-58	813
36. Moh. Pr. d. Shukl	Shiv Mangal Pd.	3-1-61	795
37. Moh. t. Pd. Gupta	R. m. Das Gupta	3-10-56	788
38. Anand Pd. S. d. Shukl	Durga Pd. Shukl	2-2-53	771
39. R. t. Dhan	M. Bipal	10-2-59	701
40. R. t. P. S. Y. d. v	Govind R. i	15-1-54	587
41. Sub. M. m.	Sh. R. i. Mohand	1-1-60	540
42. Gop. L. J. Y. d. v	Sulochan L. L. S. P. i. v.	3-10-54	536
43. J. H. n.	Mohd. R. z.	1-12-63	531
44. Moh. R. i. Singh	Shiv Mohan Singh	1-8-55	480
45. R. t. M. v. Y. d. v	Piy. v. y. Y. d. v	1-7-55	417
46. R. t. M. v. Singh	J. g. n. t. h. Singh	1-5-59	340
47. R. t. R. v. T. R. i	J. i. J. i. R. m. T. R. i	22-1-58	337
48. L. J. K. M. v. Y. d. v	R. m. S. d. d.	2-1-60	319
49. R. t. M. v. Singh	Chand. Pd. Singh	20-7-61	292
50. R. t. M. v. Singh	K. S. v. Pd. Gupta	1-6-60	259
51. R. t. M. v. Singh	M. S. Ali	1-3-65	249
52. R. t. M. v. Singh	M. Moh. R. i. L. i.	2-3-61	216
53. R. t. M. v. Singh	R. m. Moh. L. i.	1-6-60	111
54. R. t. M. v. Singh	Roop Mohan L. i.	1-9-57	111
55. R. t. M. v. Singh	Id. M. m.	17-7-57	56

For information only

MCO 11194

for Divl. Rly. Manager (P)/LJN

D. t. d. 21-1-1964

Copy forwarded for information & necessary action to :-

- 1. D.M.E./DRI/Engg.,
- 2. Sr. D. O./LJN,
- 3. D.M.O./LJN,
- 4. O.S./DRI/Engg./Bill/Pass(DRM(P))
- 5. For copy for P/c.s.s. office/LJN.

MCO 11184

for Divl. Rly. Manager (P)/LJN

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ET

N. E. RAILWAY

Result of Screening of Casual labours/substitutes of Diesel Shed/Gonda, held in August, Sept. & October/1983 at Gonda for appointment to Class IV services in scale Rs. 196-232 in Diesel Shed/ Gonda.

The following casual labours/substitutes have been found suitable for appointment to Class IV services in scale Rs. 196-232 in Diesel Shed/Gonda :-

Sl. No. of Merit List.	Name	Father's name	Date of Birth
1. 35	S/Sri On Prakash Vishwakarma	S/Sri- Ram Pd. Vishwakarma	1-7-54
2. 36	Harish Chandra	Jhinkoo	1-6-57
3. 44	Ajai Kumar Misra	Suresh Ch. Misra	11-1-58
4. 47	Rana Nand Pd.	Shyam Raj	15-7-56
5. 51	Virendra Kumar Pathak	Surya Doo Pathak	19-8-60
6. 54	Sudhakar Duboy	Ram Doo Duboy	23-7-59
7. 56	Shamsul Hassan	Sahid	1-1-58
8. 58	Rajender Kumar Srivastava	N. P. Srivastava	15-5-59
9. 60	Mohd. Yaqoob	Late Md. Lateef	15-7-58
10. 64	Inder Doo Shukla	Ram Bilas Shukla	1-9-60
11. 65	Ashok Kumar Srivastava	Shyam Behari Lal	30-8-64
12. 66	Noor Haid	Mahmudul Hassan	14-12-55
13. 70	Bhagwan Doo	Ginni	9-1-56
14. 71	Sita Devi, II	Dulacoy Pd.	10-1-55
15. 74	Ram Jag	Pyare Lal	2-5-61
16. 75	Rakesh Bhushan Mani	Ram Briksh Mani	1-1-60
17. 80	Vijay Prakash Srivastava	K. N. Srivastava	15-6-58
18. 85	Gauri Shanker Srivastava	Patoshwar Pd.	17-7-58
19. 88	Vinod Kumar Srivastava	Budhai Lal Srivast.	15-5-46
20. 89	Shoo Kumar Yadav	Ram Jagay Yadav	4-2-63
21. 90	Jagdeedar Singh	Doo. Raj Singh	2-9-57

STAFF LIST
 2-20-27-1983
 H. K. B. S. S. S.
 1983

120/116

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(2)

22.	92	Mohd, Muneez	Sukurat Khan	1-1-56	21-81
23.	93	Rashed Hafeez	S.A. Hafeez	15-7-55	
24.	94	Parsu Ram Mishra	Jagdish Mishra	15-1-56	
25.	95	Rana Pratap Chand	Shivlo Chand	1-7-55	
26.	96	Abdulullah	Shafiqullah	2-9-60	
27.	97	Jag Ram	Bhanuahi	1-7-59	
28.	99	Uttam Nath Dubey	Kanta Pd. Dubey	18-10-53	
29(102)		Vijay Kumar Khatri	Purni Chand Khatri	8-6-62	

Date of birth, educational qualifications and S.C/S.T. certificates should be re-checked by the dealing section of Personnel Branch at the time of appointment, completion of service records, initial medical examination etc. and the procedure laid down in Estt. Codes in this regard.

This issues with the approval of DRM/LJN.

MO 12/6/84

for Divl. Rly. Manager (P)
Lucknow.

No. E/II/DSL/CL.IV/Screening. Dated: 13-6-1984.

Copy forwarded for information & necessary action to:

1. OS(P)/Mech. Cadre- DSL Shed/GD.
2. DME/DSL/GD.
3. APO/GD.
4. GM(P)/Gorakhpur.
5. Sr. DAO/LJN.
6. A.A.O./GD.
7. OS(P)/ Mech. Cadre in office.
8. OS(P)/Mech. Bill- DSL Shed/GD.
9. OS(P)/Mech. Bill in office.
10. Spare copies for P/Case & S/Folder.

MO 12/6/84

for Divl. Rly. Manager (P)
Lucknow.

13/6/84

20/4/84

(34)

Ministry of Railways
Director General of Mechanical Department
New Delhi

North Eastern Railway

Report of Screening of Casual Labours/Substitutes of
Diesel Shed/Gonda - 1984 - LJM Division.

As a result of screening of Casual Labour/Substitutes of Mechanical (Diesel) Department held at Gonda (Diesel Shed) on 27th August, 1984, the following candidates have been declared suitable for recruitment to the Class IV Service of Mechanical (Diesel) Department.

It is very necessary that the dates of birth and SE/ST certificates should be re-checked by the Dooling Section of Personnel Branch at the time of appointment, completion of service records and initial medical examination etc. and other provisions laid down in the Establishment Code in this regard.

The competent authority i.e. D.R.M. has been pleased to accord his approval to the panels of General candidates and SC candidates on 28-8-84 including Safaiwala candidates.

LIST 'A' - SAFAIWALA.

Sl. No.	Name of candidates	Father's name	Date of birth.	Total No. of days.
	S/Sum			51.2.04.
1.	Ram Lal	Mangloo	01.3.52	1447
2.	Loharsi	Binoswar	20.9.58	1359
3.	Mohan Lal	Jhallan	01.05.59	1135
4.	Rajjan	Mangroo	05.01.56	985
5.	Moharran Ali	Chinkoo	15.01.56	953
6.	Rajesh Kumar	Jhallan	05.01.62	719
7.	Ram Ujjagar	Hibbar	11.03.61	663
8.	Ram Lochan	Ram Asrey	15.01.62	449
Total (Eight Names only).				

LIST 'B' - GENERAL CANDIDATES.

1.	Shodhan	Bakriadi	05.01.56	2060
2.	Narain Das	Baboo Lal Das	11.09.50	2499
3.	Mohd. Allauddin	Hafiz Hizamuddin	03.05.54	2053
4.	Kop. Sr. Narain	Mahabir Pd.	01.07.55	1541
5.	Nar Narain Lal	Jwala Pd.	07.07.53	1484
6.	Darvidy Nat N. Srivas tava	Baij Nath Sri vestava.	15.05.55	1450
7.	Murli dhar	Orri Ram	01.10.53	1177
8.	Lakshmi Narain Lal Gupta.	Ram Das Gupta	29.10.55	1138

27/8/84
Checked/True
L. P. SINGH
ADJUTANT

AGS

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Sl. No.	Name of Candidates	Father's name	(date of birth)	Total No. of days as on 31.5.54.
	S/Sr.:			
9.	Ravi Bhushan Dwivedi	Sarvanand Dwivedi	30.06.59	1063
10.	Dinesh Pd. Yadav	Swarath Pd. Yadav	31.12.53	1030
11.	Masib Ahmad Khan	Habib Ahmad Khan	20.07.51	930
12.	Ram Singh-I	Ram Narain Singh	25.05.64	888
13.	Suresh Kumar Naik	Ganga Saron Naik	01.07.56	776
14.	Vijay Kumar Pandey	Bharat Pandey	01.01.56	753
15.	Surendra Nath Lal	Uma Shanker	01.03.54	723
16.	Prakoch Kumar Pandey	Kailash Pandey	15.01.58	708
17.	Raj Nath Sharma	C.L.Sharma	31.08.56	607
18.	Sobha Ram Sharma	Chitno	01.03.59	564
19.	Mohd. Shanin.Khan	Tajamaul Hussain	13.10.60	551
20.	Gaya Pd.	Abhiraj	01.01.57	515
21.	Jalil Ahmad Ansvari	Abdul Razzak	05.11.59	509
22.	Ram Singh-II	Ram Avadh Singh	05.10.59	504
23.	Mohd. Mustafa	Shabir Ahmad Siddiqi	01.05.58	503
24.	Uma Shanker Tiwari	Mata Pd.Tiwari	01.01.59	501
25.	Rajendra Pandey	Avadesh Pandey	03.02.56	483
26.	Parag Nath Malviya	T.N.Tiwari	05.06.61	485
27.	Satendra Kr. Sharma	Prabhu Nath Sharma	11.12.60	471
28.	Brijchand Dubey	Nadha Dubey	01.03.58	459
29.	Bansidhar	Ram Narain	01.07.59	453
30.	Ajit Kr. Srivastava	Baij Nath Sriyas.	05.07.57	449
31.	Jitendra Pd. Singh	Ram Komal Singh	01.01.58	448
32.	Mohar Lal	Bhawani Pd. Wlkarani	02.06.57	436
34.	Narendra Pd. Tripathi	Kalika Pd.Tripathi	01.06.56	429
35.	Ram Kutar Chowdhary	Sugriv	05.01.59	423
36.	Mukhtar Ahmad Khan	Gulam Mohd. Khan	07.02.61	415
37.	Ram Chander Lal	Bajrang Lal	01.07.56	413
38.	Surendra Kr. Singh	Purshottan Singh	03.03.56	383
39.	Sheo Pujan Rai	Yaruna Rai	08.11.56	382
40.	Krishn Kumar Sharma	Haribans Pd. Sharma	15.06.56	371
41.	Chanshyam Sharma	Srinath Sharma	25.10.59	371
42.	Deo Prat Banorjee	Rishikesh Banorjee	08.07.55	363
43.	Doopak Kr. Srivastava	Parvata Pd.Sriyas	30.06.58	354
44.	Prakash Kr. Singh	Surendra Singh	01.01.63	345
45.	Mahendra Pratap Singh	Ram Singh	01.07.60	330
46.	Dhury Chand Gupta	Mithai Lal	01.12.57	320
47.	Hari Pd.	Ram Lagan	07.04.56	295
48.	Ahsan Ali	Garjan Ali	01.07.60	289
49.	Mohd. Hayim Siddiqi	Mohd. Kaiser Siddiqi	30.06.59	200
50.	Ram Sagar Sharma	Hari Sharma	16.10.60	168

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Sl. No.	Name of candidates	Father's name	Date of birth.	Total No. of days as on 31-5-84.
57.	S/Shri Mawa Ram	S/Shri Jagai Ram	02.03.51	135

57 names only. (Fifty one names only).

LIST '01' - S.O/S.T.

1.	Kanhya Lal	Sant Bali	01.01.63	468
2.	Kharbhan Ram	Budhai Ram	20.01.52	341
3.	Prom Prakesh	Sarju Ram	24.07.53	241
4.	Ram Hit Ram	Roop Narain	10.12.55	247
5.	Hakoudr. Pd.	Khodan Pd.	15.07.55	235
6.	Kishori Lal Kshyap	Jaggu Lal	18.08.53	207
7.	Lallan Shah	Ranjit Shah	12.11.61	436 (ST)

7 names only (Seven names only).

DIVL. RAILWAY MANAGER (P)
N.E. RAILWAY, LUCKNOW.

No.E/II/227/Screening/DSL/GD LJM Dated- 29th August, 1984.

Copy to:-

- 1. O.S./Cadre (Moch)(DSL) He will please LJM & GD.
- 2. Sr.D.M.E.(Diseo 1)/Gouda.
- 3. G.M.(P)/GKP.
- 4. All concerned for information & necessary action.
- 5. Notice Boards concerned.
- 6. Recognised Unions concerned.

DIVL. RAILWAY MANAGER (P)
N.E. RAILWAY, LUCKNOW.

Attested Copy
L.P. SINGH
Advocate

Marendra Yadav & others
vs
Union of India & others

Applicants
Respondents

ANNEXURE No 9

AGT

N. E. Railway

As a result of the screening of Casual Labours/Substitutes of Diesel Shed/Gonda held at Gonda on 18.12.85 & 31.1.86, the following candidates have been declared suitable for their posting to class IV services in Diesel Shed/Gonda.

It is very necessary that the date of birth and SC/SF certificate should be rechecked by the dealing section of P/Branch at the time of appointment, completion of service records and initial medical examination etc. and other procedures laid down in Estt. Codes in this regards.

It has been approved by the competent authority.

The names have been arranged in order of seniority on the basis of total number of working days.

Name	Father's name.	Date of birth.	Total No. of working days.
S/Sri	S/Sri		3134
Hirday Kumar Gaur.	H.M.S. Gaur.	10.6.56	2764
Bahau Prasad.	Vij ee	15.1.52	2387
Ram Hit Pd. Yadav	Ram Bharosey	1.12.53	2200
Lal Chand	Ram Nain	1.5.59	2084
Raj Kumar	Tilak Ram	1.4.61	1848
Ram Prast	Ram Daun	5.1.56	1750
Mani Ram	Bhagwati	1.7.60	1700
Chandra Shekhar Rai	V.D. Pd. Rai	1.7.51	1609
Virendra Prasad.	Mangali Pd. Srivastava	1.11.52	1577
Prabhu Nath Pandey.	Sital Pandey	5.6.53	1483
Tej Narain Singh.	Brij Behari Singh	1.1.55	1457
Balram Singh	Bhawani Pd. Singh	31.10.54	1434
Awadhesh Singh	Triveni Singh	1.6.57	1340
Ram Suresh	Yamuna Prasad	10.1.56	1225
Sri Prakash Rai	Ram Lakhan Rai	1.10.56	1224
John Yeoward.	R.A. Yeoward	23.10.61	1074
Yogendra Pandit	Kallar Pandit	15.3.57	1032
Nathaniel Comallous	S. Comallous	16.9.57	1032
Bhagwan Singh	Sukhraj Singh	15.2.60	1031
Marendra Nath Singh	Vishwa Nath Singh	9.12.59	1010
Shyam Narain	Ram Sahai Lal	1.1.52	1007
Krishna Deo Upadhyay	Dwani Nath Upadhyay	1.1.58	952
Shitla Prasad	Ram Pati Verma	10.10.56	658
Babu Lal	Chunnu	1.8.62	636
Sobha Ram Verma	Ram Pati Verma	27.1.55	635
Dr. Chandra Srivastava	Gulab Chand Srivas- -tava.	21.8.62	573
Raghuveer Singh	Mohan Singh	4.5.49	567
Sami Ahmad Siddiqui	Siraj Ahmad Siddiqui	27.7.57	562
Rajendra Prasad	Fakhandi Ram	15.7.55	518
Krishna Kumar Srivas- -tava	Sheo Poojan Lal Srivastava	23.3.59	373
Onkar Nath Tripathi	Subhwant Tripathi	1.7.56	310
Salik Ram Pandey	G.P. Pandey	1.4.59	210
Uma Shanker Yadav	Kedar Prasad	20.1.62	
Ram Krishna Sharma	Ram Rang Sharma	1.10.62	
Akhilesh Kumar	Ram Bahadur Lal	5.8.58	

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Advocate

AGS

Name of Safaiwala :-

1.	2	3	4	5
	S/Sori	S/Shri		
1.	Madan	Anirudh	1.1.60	803
2.	Kailash	Mithoo	15.9.60	498
3.	Ali Ahmad	Abdullah	17.2.65	280
4.	Saboo	Mahangoo	1.5.63	266
5.	Fuloo	Jhinkoo	30.1.61	260
6.	Nankoo	Palley	1.3.60	238
7.	Chhotay Lal	Jhinkoo	12.9.59	218
8.	Om Prakash	Assharfi Lal	1.1.62	203
9.	Mohd. Izahar	Mohd. Arbi	9.1.61	167

Forty four names in total.

Sd/-28.2.86
for Divl. Rly. Manager (P),
Lucknow.

No. E/11/227/CL/DSL Shed/GD

Dated: 28-2-1986.

Copy forwarded for information and necessary action to :-

1. Sr. DAO/LJN.
2. Sr. DME(DSL)/Gondal.
3. A.A.O. & NPO/Gonda.
4. OS/Cadre (Mech) & Folder.
5. Notice Board.
6. Divl. Secy./NERU & PRKS/LJN.
7. Spare copy for P/Case.

Sd/- 28/2/86
for Divl. Rly. Manager (P),
Lucknow.

[Handwritten signature]

AG9

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श्रीमान प्रकाश मंडल यात्रिक अभियन्ता(डीजल),
पूर्ववर्तिता रेलवे/गांधी ।

विषय :- पोस्टिंग आदेश एवं वरीयता के संबंध में ।

===

महोदय,

निवेदन है कि हम प्रार्थना सिर्फ़ 1983 के स्टामेन में हम लोगों का परीक्षा ली
गयी थी । 112(स्क सी बाह) अभ्यर्थी में 59 अभ्यर्थी का परिणाम घोषित किया गया । शेष
के लिये बार 2 प्रशासनिक स्मरण पत्रों के आधार पर 29 लड़कों का तथा 6 लड़कों का परिणाम
अलग - अलग 1985 में घोषित किया गया । और उनकी मूल वरीयता दी गयी । परन्तु अभी
तक शेष 18 लड़कों का भी परिणाम घोषित नहीं हुआ ।

विक्रम सुत्री से ज्ञात हुआ था कि कुछ अभ्यर्थी को के विरुद्ध विजलेंस आरोप की जांच
चल रही है । विजलेंस निरीक्षक से संपर्क करने पर ज्ञात हुआ कि विजलेंस विभाग ने अपनी
रिपोर्ट पूर्ण करके 1984 में ही प्रशासन को दे दिया । परन्तु अभी तक हम निदेशी अभ्यर्थियों
का परिणाम घोषित नहीं हुआ जो कि विजलेंस के आरोपों से बरी है ।

यह है कि बहुत से जूनियर कर्मचारियों को वरीयता के आधार पर कुशल प्लेन में
पदोन्नति भी किया जा चुका है ।

अतः श्रीमान जी से कर्कश प्रार्थना है कि हम निदेशी प्रार्थनाओं के साथ भी न्यायोचित
व्यवहार किया जाय । तथा परिणाम घोषित किया जाय साथ ही साथ मूल वरीयता प्रदत्त करने
की कृपा की ।

हम प्रार्थना करते लिये आप श्रीमान जी का आजीवन आभारी रहेंगे ।

14/7/80
18/7/80
14/7/80

प्रार्थना :

- (1) मदन मुरारी
- (2) शम्भू लाल
- (3) अनिल कुमार शर्मा
- (4) राजेश कुमार

attested/True Copy

[Signature]

L. S. S. S. S.
Advocate

In the Central Administrative Tribunal
Circuit Bench Lucknow (43)
Registration No of 1989
Harindar Yadav & others - Applicants
Union of India & others - Respondents
ANNEXURE No 14 (A73) (147)

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No. CAT/CB/LKO/ 1009

Dated : 10.3.89

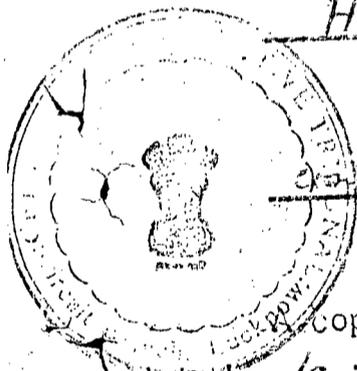
OFFICE - MEMO

Registration No. O.A. O.A. 55 of 1939 (2)
L.A.

Harindar Yadav Applicant's

Versus

Union of India and others Respondent's



Copy of the Tribunal's Order/Judgement
dated 10.3.89 in the abovenoted case is forwarded
for necessary action.

M. K. Banerjee
15.3.89
For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 10.3.89 (M. K. Banerjee)
Private Secretary
Central Administrative Tribunal
ALLAHABAD

To.

① Shri L. P. Shukla Adv. e/Applicant

②

Shri Anil Srivastava Adv. e/Respondents.

dinesh/

10/3/89

Attested/True Copy

L. P. Shukla
Advocate

A79

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

O.A. No.55 of 1988 (L)

Harinder Yadav

... Applicant.

-Vs-

Union of India

... Respondents.

Dated:10.3.89

Hon'ble Justice Mr. Kamleshwar Nath, V.C.

Hon'ble Member Mr. Ajay Johri, A.M.

Heard the learned counsel for the applicants. This application has been filed for regularisation of the applicants to the post of khalasis with consequential benefits. His admitted that apart from screenings in the past when the applicant were not found suitable, the last screening was done on 7.10.88. The applicants case is that screening results have not been declared.

This application was filed on 24.2.89. Appearance is made by Anil Srivastava for the respondents who produces a notification No.E/11/227/Diesel/Kam/Gonda/Pt.11 dated 23.1.89 indicating that as a result of the screening done on 7.10.88 the casual Labourers concerned had failed in the test. The endorsement mentions that apart from communication to other authorities, it was to be pasted on the Notice Board as well. Shri Anil Srivastava says that accordingly the notification dated 23.1.89 was published and therefore the basis of the petition that the results have not get been announced does not exist.

The learned counsel for the applicant says that despite the alleged result of screening the applicants are still working on their jobs. This fact is admitted by Shri Anil Srivastava. Never the less, we think that the counsel for the application on the basis of non declaration of results does not exist hence the application maintainable on the facts of this case. The application is therefore rejected with the observation that the applicants will be at liberty to file a fresh properly constituted application.

sd/-
A.M.

sd/- Certified copy
V.C.

Continued Copy
sd/-
14.3.89
(K. K. Banerjee)
Private Secretary
Central Administrative Tribunal
Lucknow
A1

इन दि सेंट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल
सरकिट बैच, लखनऊ

A75

रजिस्ट्रेशन नं०

। १७२४

हरिन्दर यादव एंड अदर्स
वर्सस

रप्टीकैट्स

यूनियन आफ इंडिया एंड अदर्स अर्गोजिट पार्टीज

सनेक्चर नं० 15

संख्या : यमाडी/७६। ६१८६

दिनांक ६.३.८६

प्रेषक,

प्र मा या ई (डी) कार्यालय
गौन्डा।

सेवा में,

मंडल रेल प्रबन्धक (का)
लखनऊ।

विषय : रजि०सं० ५५।८६ (एल) समस्त अधिकरण। लखनऊ

संदर्भ : आपका पत्र संख्या दिनांक ८.३.८६

७.१०.८८ को हुई ज्ञान परीक्षा के सम्बन्ध में इस कार्यालय में कोई भी सूचना उपलब्ध नहीं थी। आपके उपरोक्त पत्र के सम्बन्ध में कार्मिक विभाग से पूछने पर बहुत खोज के बाद आपके पत्र संख्या ई।ट।२२७।डी।का।ना।गौन्डा पार्टी ।। दिनांक.२३.१.८६ की एक प्रति श्री जै०पी० पांडेय प्रधान लिपिक (कार्मिक) द्वारा आज दिनांक ६.३.८६ को लगभा १३.३० बजे उपलब्ध कराई गई।

यदि यह परिणाम पत्र जारी करते ही घोषित कर दिया गया होता तो यह वाद का विषय न बनता।

अतः इस सम्बन्ध में आप अपनी ओर से उचित कार्यवाही

.... २.

२३/३/८६

Attest. True Copy

[Signature]

L. K. SINGH
Advocate

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(2)

करने की व्यवस्था करें और यह भी प्रबन्ध करें कि इस प्रकार की घटियाँ दोबारा न हों।

जहाँ तक बाद में पाँच वादियों का सम्बन्ध है वे सभी इस समय हीजल शैड गौडा में कार्यरत हैं।

हो प्रवर मंडल यांत्रिक इंजीनियर

गौडा

६.३.६६

ESTD 1954
AIR MAIL
K. S. Srinivasan
L. S. Srinivasan
A. S. Srinivasan

In the Central Administration - Lucknow
Circuit Bench Lucknow

Registration No 1989

Harendra Yadav & others — Applicants

Union of India & others — Respondents

ANNEXURE No 16

ATX

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अधिसूचना

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डोजल रोड/गोष्ठा के रिक्त खालों के प्रदों को भाने हेतु
दिनांक 7-10-88 को अधिसूचित डोजल रोड/गोष्ठा के कार्यालय आधिकारिक
श्रमिकों की बान परीक्षा में कोर्ष अध्याप्यो सफल नहीं प्राया गया है।

उपरोक्त बा अमीष्ट बा दिनांक 20-1-89 को अनुमोदन
प्राप्त है ।

वृत्त मण्डल रेल प्रबन्धक (कार्यिक)
लखनऊ।

सं० ई/11 /227/डोजल/बान/गोष्ठा-पार्ट-11, दिनांक: 23-1-89

प्रतिलिपि निम्नलिखित दो सूजनार्थ एवं आवश्यक कार्यालयों हेतु प्रेषित :-

- 1- वृत्त मण्डल यांत्रिक इन्जिनियर (डोजल)/गोष्ठा ।
- 2- मण्डल मंत्री/नर्म/लखनऊ ।
- 3- अधिसूचना को प्रति नोटिस बोर्ड के लिए।

वृत्त मण्डल रेल प्रबन्धक (कार्यिक)
लखनऊ।

Attested/True Copy

L. P. SHUKLA
Advocate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Registration (O.A.) No.71 of 1989(L)

Harinder Yadav & others Applicants.

versus

Union of India & others Respondents.

Ex. By 16-4-91

COUNTER REPLY ON BEHALF OF THE RESPONDENTS.

I, S. M. H. Rizvi working as

A. P. O. in the office of Divisional

Railway Manager, North Eastern Railway, Ashok

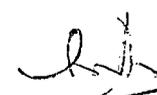
Marg, Lucknow, do hereby solemnly affirm and

state as under -

Filed today
7/2/91

1. That the ~~xxxxxxx~~ official above named is working as A. P. O. in the office of Divisional Railway Manager, North Eastern Railway, Ashok Marg, Lucknow, as such he is fully conversent with the applicant's

Contd.....2


सहायक कांसिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

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case and is competent to fill this reply on behalf of all the respondents.

2. That the contents of paras I to V of the original Application do not call for comments.

That reply to the contents of para VI of the Original Application are as below :-

3. That the contents of para I of the application are admitted .

4. That in reply to the contents of paras 2 to 5 of the application, it is submitted that the applicants were allowed to get benefits as applicable to temporary railway servants as stipulated under Chapter XXIII of the Indian Railway Establishment Manual (IREM). It is further stated that they can not be absorbed/regularised against permanent posts unless they successfully qualify the screening test. Although they were given chances to appear in screening test but each time they failed, hence their services could not be regularised.

5. That the contents of the para 6 of the application

[Handwritten signature]

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are admitted. It is further stated that in terms of Railway Board's letter no. E(NG) II-80/CL/25 dated 21.10.80, the casual labourers and substitutes are to be examined by the Medical Authority before their engagement as casual labour or substitute.

6. That the contents of the para 7 of the application are admitted. All benefits available to a temporary ~~is~~ railway servant as prescribed under Chapter XXIII of IREM were given to the applicant also.

7. That the contents of the paras 8 & 9 of the application are admitted.

8. That the contents of paras 10 to 15 of the application are not admitted as stated. Only those persons who were found suitable by the Screening Committee were regularised. Accordingly only those candidates who were found suitable in the screening test of Diesel Shed, Gonda held on 31.7.83, 27.8.84 and


सहायक कार्मिक अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ

Contd.....4

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.. 4 ..

18.12.85 were absorbed against regular post
of Diesel Khalasi and subsequently their
promotions were regularised as per their
seniority and trade tests. No illegality
or arbitrariness was committed in the said
process. The petitioners were also called
to appear in the said screening tests but
they could not qualify the said screening
test, hence their services could not be
regularised. Their services can not be
regularised unless they are found suitable
by the Screening Committee i.e. unless they
qualify the said screening test. The
Screening Committee so constituted considers
an overall suitability of a candidate i.e.
prescribed educational qualification, age
of a candidate, his physical appearance and
strength reply to positions put by the
Screening Committee etc. besides the
seniority of a candidate.

9-

That the contents of para 16 of the
application are denied. No such represent-



सहायक कामिक अधिकारी,
पूर्वांचर रेलवे, लखनऊ

Contd...5

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ation dated 14-4-88 was received by the answering respondent. The applicant called upon to prove the same.

- 10- That the contents of the para 17 of the application are admitted.
11. That the contents of the para 18 of the application are not admitted as alleged. Since the applicants were not found suitable in the screening test hence their regularisation against permanent post of Diesel Khalasi does not arise.
12. That in reply to the contents of the para 19 of the application, it is stated that the applicants are being given benefits applicable to the temporary railway servant in terms of Chapter XXIII of IREM.
13. That the contents of para 20 of the application are not admitted as it has no relevance with the case of the applicants.


सहायक कामिक अधिकारी,
पूर्वोत्तर रेलवे, जखनऊ

Contd....6

AJMS

Otherwise also the applicants could not qualify screening test till date.

14. That the contents of the para 21 of the application are not admitted as stated. To fill up the vacant posts of Diesel Khalasi in Diesel Shed, Gonda against maintenance side, which are technical in nature, a list of eligible candidates was asked from the Employment Exchange, Gonda on 13.1.1989, with ITI qualification in requisite trades. The said notice dated 13-1-1989 is in no way illegal, arbitrary, malafide or discriminatory as alleged, looking into the technical nature of the job. The applicants alongwith other casual labourers/substitutes, whose screening test was conducted on 7-10.88 were not found suitable as per result dated 23.1.89. Otherwise also the applicants & others were not ITI candidates.

15. That ~~xx~~ in reply to the contents of the para 22 of the application, so far it is matter of record is admitted but rest of the

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:: 7 ::

contents of the para are denied. The selection to fill up the posts of Diesel Khalasis against direct maintenance side was done on the basis of list supplied by the Employment Exchange Gonda and the said result was published on 10.3.89.

16. That in reply to the contents of para 23 of the application so far it is matter of record is admitted. A perusal of Annexure no. 14 will further clarify the position.

17. That in reply to the contents of the paras 24 to 27 of the application so far they are matter of records are admitted but rest of the contents of the paras are denied. The said result dated 23.1.89 was put up on the notice board in the office of Loco Foreman, Diesel Shed, Gonda before the date when the orders in original application No. 55 of 1988 (L) was passed. Since the said result was declared on 23.1.89 and was also put up on the notice board prior


सहायक कामकाज अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ

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to the disposal of Original Application No. 55 of 1988 (L) , hence no wrong statement was made before the Hon'ble Tribunal on 14.3.89.

18. That the contents of the para 28 of the application are not admitted as alleged. The said result was based on the over all performance of the applicants as explained in para 8 of this reply. It is also relevant to mention here that neither the applicants have challenged the constitution of the Screening Committee nor alleged any bias/malafide against it, hence the applicant can not challenge the validity of the result published as a outcome of the same.

19. That the contents of the paras 29 & 30 of the application are not admitted as alleged.

20. That the applicants are not entitled to any relief as claimed rather the original application itself deserves to be dismissed being devoid of merits.

Lucknow.

Dated : 7.2.91


सहायक कांसलर अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

Contd.....9

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:: 9 ::

VERIFICATION

I, the official above named do hereby verify that the contents of para 1 of this reply to true to my personal knowledge and those of paras 2 to 20 of this reply are believed by me to be true on the basis of records and legal advice.

Lucknow.

Dated : 7.2.91



सहायक कांसिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ.

FIXED on 26/1/91

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

M. P. 621/91 (2)

O.A.No. 71 of 1989.(L)

AST

Harinder Yadav and others. -----Applicants

Versus

Union of India and others. -----Respondents.

APPLICATION FOR AMENDMENT.

The applicants most respectfully beg to
submit as under :-

1. That in the above application, the applicants
have prayed for setting aside the results dated
23.1.1989 declaring the applicants unfit on the
basis of Screening held on 7.10.1988 and that
the applicants be declared for regularisation as
Khalasis and entitled to all the consequential
benefits.

2. That during the pendency of the above
application, the applicants have come to know
about the proceedings and results of the Screening,
held on 18.12.1985 and 31.1.1986 in which the
applicants participated. The applicants No.2, 3
and 4 were found fit on the basis of Screening.

Recd
4/10/91

Filed today

4/10/91

208/91/91

ABD

The applicant No.1 was declared unfit only on the ground of being under age, which is wholly arbitrary as he was not under age at the time of Screening and therefore wrongly declared unfit.

3. That the aforesaid Screening proceedings and results go to the route of applicants' claim for regularisation in the above application, hence it is necessary in the interest of justice to make the following amendments in the above application.

4. That after para 14, the following be added as :-

"14A. That on Screening for regularisation of Khalasis was held on 18.12.1985 and a supplementary Screening was held on 31.1.86. The applicants No.1, 2 and 4 appeared for Screening on 18.12.1985 and applicant No.3 appeared for Screening on 31.1.1986. A Screening Committee consisting of Asst. Personnel Officer-I, Lucknow, Asst. Mechanical Engineer Diesel, Gonda, Asstt. Signal and Telecommunication, Gonda and Asstt. Engineer B.G., Gonda, was constituted by the order of ^{-Eastern} Addl. Rly. Manager, Northern/Railway, Lucknow, as contained in the File No. E/227/1 Screening test/Kha/DSL/GD. The Screening Committee held the selection test of 43 casual labourers/ substitutes of Diesel Shed, Gonda, on

E2684/GA

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18.12.1985 and 31.1.1986. In the Screening, applicant No.3, Anil Kumar Srivastava and applicant No.4, Shafiq Ahmad were declared fit. Applicant No.2, Madan Murari Shukla was declared fit subject to the production of G.M.'s approval on his appointment on 1.8.81. Applicant No.1, Harendra Yadav was however declared unfit on the ground of under-age appointment. A true copy of the Screening test result chart duly signed by the four members of the Screening Committee alongwith report of the Screening Committee and list of 33 persons to be regularised on the post of Khalasis is being filed herewith as Annexure No.9-A."

"14B. That from the aforesaid Screening result, it is evident that applicant No.3, Anil Kumar Srivastava shown at Sl.No.16 was declared fit without any other remark and applicant No.4, Shafiq Ahmad at Sl.no.25 was also declared fit without any remark. But in the report, it is mentioned that as the date of first appointment of the aforesaid applicants was between 31.12.1980 ^{to} ~~and~~ 1.6.1981. Approval for relaxation in this regard may be obtained from the Competent Authority. Applicant No.1, Harendra Yadav at Sl.No.15 was arbitrarily declared unfit on the ground of under-age appointment. The applicant No.1 was illegally declared unfit as at the time of Screening,

20/1/86

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he was not under-age. Thus in the circumstances, all the applicants were illegally treated as unfit."

"14C. That by letter dated 12.9.1984 of the Chief Personnel Officer, N.E.Railway, Gorakhpur, to the D.R.M., N.E.Railway, Lucknow, informed that the General Manager has accorded post-facto approval to his proposal of regularising the services of 20 Casual labourers/substitutes, who were screened on 27.8.1984. These 20 Casual labourers/substitutes were like the applicants appointed between 31.12.1980 to 1.6.1981, while approval was taken in the case of 20 Casual labourers/substitutes screened on 27.8.1984. No approval in the case of applicants was taken which amounts discrimination of the applicants in service. A photostat copy of the C.P.O. letter dated 12.9.1984 is being filed herewith as Annexure No.9-B.

- P r a y e r -

Wherefore, it is most respectfully prayed that the amendment as indicated in para 4, may be allowed to be incorporated in the above application.

Lucknow, dated,
14.10.1991

रमेश कुमार

A P P L I C A N T.

चयन समिति द्वारा दिनांक 18-12-85 तथा 31-1-86 को डीजल रोड/गोष्ठा के
एवजी/आकस्मिक (सामान्य तथा सफरईवास्ता) की ली गई बानबीन परीक्षा का कार्य कार्यवृत्ति

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1. डीजल रोड/गोष्ठा में कार्यरत आकस्मिक/एवजी श्रमिकों का बानबीन परीक्षा करने के लिये क्लरम अधिकारी (अर्थ/प्रथम/लखनऊ) द्वारा निम्नलिखित अधिकारियों को भ्रम नामित करते हुये एक बानबीन परीक्षा समिति गठित की गई जिसका आदेश सलमन मिश्र सं०ई/II/227/बानबीन परीक्षा/डीजल रोड/गोष्ठा के टि/2 पर अवलोकित किया जा सकता है

- सदस्य: 1. सहायक कार्मिक अधिकारी/प्रथम/लखनऊ ।
2. सहायक यांत्रिक इंजीनियर/डीजल/गोष्ठा ।
3. सहायक सिग्नल एवं दूरसंचार इंजीनियर/गोष्ठा ।
4. सहायक इंजीनियर/बीजी/गोष्ठा ।

2. प्रवर मंडल यांत्रिक इंजीनियर/डीजल रोड/गोष्ठा के माध्यम से डीजल रोड/गोष्ठा में कार्यरत एवजी/आकस्मिक श्रमिकों की एक सूची जिसमें 45 अभ्यर्थियों के नाम अंकित थे तथा दूसरी सूची जिसमें 10 सफरईवाले अभ्यर्थियों के नाम अंकित थे इस कार्यलय में बानबीन परीक्षा हेतु भेजी गई थी जिससे योग्य अभ्यर्थियों का चयन करके उन्हें डीजल रोड/गोष्ठा में चतुर्थ श्रेणी में नियमित रूप से पोस्टिंग की जा सके । उक्त सूची का अवलोकन पृष्ठ सं० 1 से 4 पर किया जा सकता है ।

3. इन एवजी/आकस्मिक श्रमिकों की बानबीन परीक्षा उपरोक्त बानबीन समिति द्वारा दिनांक 18-12-85 को तथा अनुपस्थिति बानबीन परीक्षा दिनांक 31-1-86 को ली गई तथा इस परीक्षा में योग्य पाये गये एवजी/आकस्मिक श्रमिकों के नाम चयन समिति के सदस्यों द्वारा संबंधित तालिका(सूची) में तदनुसार इंगित कर दिया गया है जिसका अवलोकन पृष्ठ सं० 5 से 8 (सकाधि/प्रथम) पृष्ठ सं० 9 से 12 (सवाई/डीजल) पृष्ठ सं० 13 से 16 (ससिदई/गोष्ठा) तथा पृष्ठ सं० 17 से 20 (सई/बीजी) गोष्ठा पर किया जा सकता है ।

4. उपरोक्त सूची के क्रम सं० 41 (सामान्य अभ्यर्थी) तथा क्रम सं० 9 (सफरईवाला की सूची) अनुपस्थित रहे, अतः अब उनकी बानबीन परीक्षा नहीं हो सकी । इसके अतिरिक्त सामान्य अभ्यर्थियों की सूची में क्रम सं० 15 एवं 35 अव्योम घोषित किये गये हैं । शेष सभी अभ्यर्थी (सामान्य एवं सफरईवाला) बानबीन परीक्षा में योग्य पाये गये । जिन अभ्यर्थियों के संबंध में कोई त्रुटि पायी गई, उसे रिमार्क कलम में अभ्यर्थी के नाम के सामने इंगित कर दिया गया है ।

ह०/०
ससिदई/गोष्ठा

ह०/०
सई (बीजी) गोष्ठा

ह०/०
सकाधि (प्रथम) लखनऊ

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5- इस प्रकार बनबीन परीक्षा में योग्य पाये गये एकजी/आकस्मिक श्रमिकों के नाम संबंधित सूची में निम्न प्रकार सूची के क्रम संख्याओं पर इंगित किये गये हैं :-

सामान्य अभ्यर्थियों की सूची में क्रम सं० 1 से 14 तक, 16 से 34 तक 36, 40 तक एवं 42 तथा 43 -

सफाई वालों की सूची में क्रम सं० 1 से 8 तक एवं क्रम सं० 10 -

उपरोक्त सूची में क्रम सं० 16 पर श्री अनिल कुमार श्रीवास्तव पुत्र श्री राम अवतार श्रीवास्तव, क्रम सं० 25 पर श्री शफीक अहमद पुत्र श्री रफिक अहमद, क्रम सं० 29 पर श्री रू प्रताप सिंह पुत्र श्री चीनी प्रताप सिंह, क्रम सं० 38 पर श्री दीना नाथ शर्मा पुत्र श्री सी०एल० शर्मा की प्रथम नियुक्ति 31-12-80 के बाद और 1-6-81 के पहले की है। अतः इन कर्मचारियों के प्रथम नियुक्ति के संबंध में आवश्यक नियमानुसूल बूट सक्षम अधिकारी द्वारा लिया जाना उचित होगा, जैसा कि पत्रावली सं०ई/227/सी०एल०/या०/सी० एन्ड डब्ल्यू/4 के नोटिंग साइट में 22/एन० पर इंगित किया गया है।

क्रम सं० 17 श्री मदन मुरारी शुक्ला पुत्र श्री श्याम नाथ शुक्ला की प्रथम नियुक्ति 1-8-81 की है। इनकी प्रथम नियुक्ति के संबंध में महाप्रबंधक का अनुमोदन प्रमाणित होने पर इनका नाम संस्तुति किया जा सकता है। इस संदर्भ में प्रथम नियुक्ति स्थान से संबंधित कर्मचारी के केस को संदर्भित किया जायेगा। तब तक अन्य अभ्यर्थियों के परीक्षा फल घोषित किये जा जा सकते हैं।

ह०/-
सदस्य/सयाई/ डीजल

ह०/-
सदस्य/ससिदई/गोष्ठा

ह०/-
सई(निर्माण) गोष्ठा

ह०/- 26-2
सकाधि(प्रथम) लू नउ

ह०/-
प्रमकाधि- 28-2

ह०/-
अमीप्र -28-2

एन.ए.ए.

A-74

LIST OF CASUAL LABOURS/SUBSTITUTES OF DIESEL SHED

Sl. No.	Name	Father's name	Date of birth	Date of initial Apptt.	No. of days	D/of joining Diesel Shed	No. of days
1	2	3	4	5	6	7	8
1.	S/Shri Hirday Kumar Gaur	S/Shri H.M.S.Gaur	10.6.56	25.2.74	2373	1.9.83	76
2.	Bahau Pd.	Wijae	15.1.52	7.3.77	2178	23.1.84	58
3.	Lal Chand	Ram Nain	1.5.59	20.5.79	1168	1.12.82	10
4.	Raj Kumar	Tilak Ram	1.4.61	16.1.80		3.12.82	10
5.	Ram Preet	Ram Daun	5.1.56	21.8.74	818	6.12.82	10
6.	Muni Ram	Bhagauti Pd.	1.7.60	7.7.77	937	1.7.83	81
7.	Chandra Sheshar Rai	F.D.Pd.Rai	1.7.61	31.10.80	667	3.12.82	10
8.	Virendra Pd.	Mangali Pd. Sriva.	1.11.52	16.4.79	1300	16.11.84	
9.	Prabhu Nath Pandey	Shital Pande	5.6.53	16.5.78	597	25.1.83	
10.	Tej Narain Singh	B.B.Singh	1.1.56	2.12.80	364	6.9.82	
11.	Bal Ram Singh	Bhawani Pd.Singh	31.10.54	16.7.80	520	9.3.83	
12.	Awadhesh Sigh.	Tribeni Singh	1.6.57	17.12.80	554	55.88	
13.	Ram Suresh	Yamuna Pd.	19.1.56	16.1.77	342	7.1.83	
14.	John Yeoward	R.A.yeoward	23.10.61	13.6.80	162	4.11.82	
15.	Harender Yadav	Deo Nandan Yadav	1.10.64	21.2.81	145	1.11.82	
16.	Anil Kumar Sriv.	Ram Autar Lal Srivastava	16.4.63	18.4.81	257	19.4.83	896
17.	Madan Murary Shukla	Shyam Nath Shukla	1.12.59	1.8.81	221	19.4.83	896

Item No.16 screend on 31.1.86.

Sd/-
AEN/GD

Sd/-
AEN/DSL/GD
18.12.8

Ed 28/1/89

A95

<u>1.</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>
18.	S/Shri Krishn Deo Upadhyay	S/Shri Swami Nath Upadhyay	1.1.58	16.4.81	544	21.9.84 to 30.9.84 5.11.84 to 30.9.85	463
19.	Yogender Pandit	Kaller Pandit	15.3.57	15.3.57 24.3.80	478	13.2.84	595
20.	Bhagwan Singh	Sush Raj Singh	15.2.60	3.2.77	-	4.12.82	100
21.	Nathenial Coranelleus	S.Cornellous	16.9.57	16.11.78	151	4.5.83	833
22.	Shyam Narai	Ram Sahai Lal	1.1.62	29.11.80	513	25.5.84	497
23.	Shri Prakash Rai	Ram Lakhan Rai	1.10.56	16.10.80	230	101.83	998
24.	Shitala Pd.	Ram Pati Verma	10.10.56	1.6.78	-	25.2.83	97
25.	Shafiq Ahmad	Rafiq Ahmad	1.7.62	16.5.81	179	4.5.83 to 7,8,83 17,5,84	53
26.	Babu Lal	Chummu	1.8.62	16.8.80	107	29.3.84	551
27.	Shobh Ram Verma	Ram Pati Verma	27.1.55	16.6.76	133	16.5.84	500
28.	Dhruv Chand Sriv.	Gulab Chand Sri.	21.8.62	19.6.80	138	22.5.84	49
29.	Rudra Pratap Singh	Chhini Pd. Singh.	1.1.59	20.2.81	148	22.2.84 to 10.8.84 26.11.84	48
30.	Raghuveer Singh	Mohan Singh	4.5.49	16.12.80	244	6.12.84	3
31.	Sami Ahmad Siddiqui	Siraj Ahmad Siddiqui	27.7.57	--	--	13.3.84	56
32.	Rajendra Pd.	Pakhandi Ram	15.7.55	--	--	17.4.84	56
33.	Krishn Kumar Srivastava	Sheo Pujan Lal Srivastava	23.3.58	27.2.81	155	21.5.84 to 30.9.84 5.11.84	363
34.	Narendra Nath Singh	Vishwa Nath Singh.	9.12.59	30.6.78	528	165.84	503
35.	Salik Ram Verma	Ram Pati Verma	26.1.62	1.1.77	257	22.5.84	497

sd/-
APO/I/LJN

sd/-
AME/DSL
18.12.85

22/11/85

A96

1	2	3	4	5	6	7	8
36.	S/Shri Onkar Nath Tripathi	S/Shri Subhwant Tripathi	1.7.56	--	--	24.9.48	
37.	Shalik Ram Pande	G.P.Pande	1.4.59	16.1.80	120	17.5.84 to 31.10.84 & 9.8.85	
38.	Deena Nath sharma	C.L.Sharma	14.1.63	14.4.81	137	21.5.85 to 30.7.85	
39.	Ram Hit Pd.Yadav	Ram Bharoshe	1.12.53	18.2.77	2136	3.5.85	
40.	Umashanker Yadav	Kedar Pd.	20.1.62	15.5.80	120	3.7.85	
41.	Ramanuj Dwivedi	Bramdeo Dwivedi	1.8.59	--	--	19.7.85	
42.	Ram Krishn Sharma	Ram Rang Sharma	1.10.62	20.10.80	--	16.6.83	
43.	Akhilesh Kumar	Ram Bahadur Lal	5.8.58	19.11.78	--	28.2.84	

Sd/-18.12.85
MEMBER/AME/DSL/GD

Sd/- 18.12.85
MEMBER/ASTE/GD

Sd/- 18.12.85
MEMBER/AEN/BS

Checked and verified
the joining of DSL shed
& the period of working in
Diesel shed/Gonda as mentioned
in column No. 7 & 8.

Sd/- G.Pandey
HC
Sr. DME/DSL/GD

25/11/85

A97

ANNEXURE No 9B



C. Chakraborty
C. P. O.

12/11

कार्यालय महाप्रबन्धक
पूर्वोत्तर रेलवे, गोरखपुर
OFFICE OF THE GENERAL MANAGER
N. E. RAILWAY
GORAKHPUR

D.O. No. E/227/2C/2/On (V) (13) Dated : Septr. 12, '84

13/9

My dear Naubat Lal,

94
15-9-84

Sub:- Screening of Substitutes Khalasi
Cleaner in Diesel Shed, Gonda.

Ref:- Your D.O. letter No. E/II/227/Screening/
DSL/GD dated 5.9.84 and earlier D.O.
letter dated 28.8.84.

2/c
2/c

With reference to your above D.O. letters
it is to inform you that the General Manager has
since accorded his post-facto approval to your
proposal of regularising the services of 20 Casual
Labours/Substitutes, who were screened on 27.8.1984.

With best wishes,

Yours sincerely,

(Signature)
(C. Chakraborty)

Shri Naubat Lal,
Divl. Railway Manager,
N.E. Railway,
Lucknow.

db/12.9

Sr BPO
15/9
Pl connect office
DORM/14/9/84
14/9/84

(Signature)
19/9

EX-11111

FIXED on 26/11/91

A98

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

O.A.No.71 of 1989 (L).

Harinder Yadav and others. -----Applicants
Versus
Union of India and others. -----Respondents.

Rejoinder to the Counter.

The applicant most respectfully submits as under:-

1. That paras 1 and 2 of the counter need no comment.
2. That para 3 of the counter needs no comment.
3. That the contents of para 4 of the counter as stated are denied and the averments made in sub-paras 2 to 5 of Para VI of the application are reiterated. It may, however, be submitted that since the applicants have been shown fit in the Screening test held on 18.12.1985 and 31.1.1986, they are fully entitled for regularisation as Khalasis and to all the consequential benefits of seniority and promotion from the date of their respective appointments.
4. That in reply to para 5 of the counter,

Recd
Amal
9/10/91

Filed today

24/10/91

22/10/91

A99

-2-

itis submitted that para 6 of the original application is admitted by the respondents as such it does not require any further comment.

5. That in reply to para 6 of the counter, the contents of para 7 of the original application are reiterated.

6. That para 7 of the counter does not call for any comment.

7. That the contents of para 8 of the counter as stated are denied and the averments made in paras 10 to 15 of the original application are reiterated. On one hand the opposite parties say that only those persons who were found suitable by the Screening Committee were regularised, on the other the applicants have been shown fit in the Screening test held on 18.12.1985 and 31.1.1986 despite that they have not been regularised in their service whereas number of juniors to the applicants have been regularised and given further promotion. On the face of facts stated above, it is evident that the opposite parties are acting arbitrarily, illegally and with a malafide intention. Since the applicants have been found fit in the Screening test held on 18.12.1985 and 31.1.1986, they are entitled to regularisation on the post of Khalasis and accordingly all the consequential benefits.

8. That para 9 of the counter is denied

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A 100

and the averments made in para 16 of the application are reiterated. It is submitted that the representation i.e. Annexure No. 10 to the original application bears the receiving endorsement, so it is proved that the representation i.e. Annexure No. 10 to the original application was received by the respondents.

9. That para 10 of the counter needs no comment.

10. That the contents of para 11 of the counter are categorically denied and the averments made in para 18 of the original application and para 7 of this rejoinder are reiterated. It is further submitted that the applicants have been found fit in the Screening test held on 18.12.1985 and 31.1.1985 as such they are entitled to be regularised against permanent post of Diesel Khalasi. Opposite parties are putting wrong statement right from the beginning before this Hon'ble Court despite the fact that the applicants have been declared fit in the Screening test held on 18.12.1985 and 31.1.1986.

11. That para 12 of the counter as stated is denied and the averments made in para 19 of the application are reiterated.

12. That in reply to para 13 of the counter, it is submitted that the opposite parties are

EX-1111

A102

ase stated are denied and the averments made in paras 24 to 27 of the original application are reiterated. It is denied that the result dated 23.1.1989 was put up on the notice Board in the Office of Loco Foreman, Diesel Shed, Gonda, before the date when the orders in original application No.55 of 1988(L) were passed. In fact the Notification No.E/11/227/DIESEL/Screening/Gonda-Part II, dated 23.1.1989 was received by Sr.DME(G) Gonda on 9.3.1989 at 1.30 p.m., which is evident from Annexure No.15 to the original application, so it ipso facto proves that the result was not pasted on the Notice Board on 23.1.1989. It is pertinent to point out that A.P.O. by whom the counter reply has been given, contradicts the statement of Sr.DME(D),Gonda contained in Annexure No.15 to the original application. According to the letter dated 9.3.1989 of Sr.DME(D),Gonda i.e. Annexure No.15 to ~~the~~ the original application, the result was received in his office on 9.3.1989 whereas the A.P.O. says that the said result was declared on 23.1.1989 and was also put on the Notice Board prior to the disposal of original application No.55 of 1988(L).

17. That para 18 of counter as stated is denied and the averments made in para 28 of the ~~app~~ application are reiterated. If the opposite parties had deliberately not shown failed the result of the applicants of the Screening test held on 18.12.1985 and 31.1.1986, the question of the

22-08-1989

(A/10)

-4-

harping on the same string in most of the paras of the counter that the applicants could not qualify Screening test till date while the applicants have been declared fit in the Screening test held on 18.12.1985 and 31.1.1986. As such they are entitled to be regularised and all the consequential benefits as others similarly placed have been given.

13. That the contents of para 14 of the counter as stated are denied and the averments made in para 21 of the application are reiterated. Moreover the applicants have been found fit in the Screening test held on 18.12.1985 and 31.12.1986 as such they are entitled for regularisation as Khalasis and entitled to all the consequential benefits of seniority and promotion on the basis of their successful in the Screening test held on 18.12.1985 and 31.1.1986 and as well as their continuous and uninterrupted working as Casual labours from the date of their respective appointments.

14. That para 15 of the counter as stated is denied and the averments made in para 22 of the application are reiterated.

15. That in reply to para 16 of the counter, the contents of para 23 of the application are reiterated.

16. That the contents of para 17 of the counter

E 2 9/1/87

A/102

ase stated are denied and the averments made in paras 24 to 27 of the original application are reiterated. It is denied that the result dated 23.1.1989 was put up on the notice Board in the Office of Loco Foreman, Diesel Shed, Gonda, before the date when the orders in original application No.55 of 1988(L) were passed. In fact the Notification No.E/11/227/DIESEL/Screening/Gonda-Part II, dated 23.1.1989 was received by Sr.DME(G) Gonda on 9.3.1989 at 1.30 p.m., which is evident from Annexure No.15 to the original application, so it ipso facto proves that the result was not pasted on the Notice Board on 23.1.1989. It is pertinent to point out that A.P.O. by whom the counter reply has been given, contradicts the statement of Sr.DME(D),Gonda contained in Annexure No.15 to the original application. According to the letter dated 9.3.1989 of Sr.DME(D),Gonda i.e. Annexure No.15 to ~~the~~ the original application, the result was received in his office on 9.3.1989 whereas the A.P.O. says that the said result was declared on 23.1.1989 and was also put on the Notice Board prior to the disposal of original application No.55 of 1988(L).

17. That para 18 of counter as stated is denied and the averments made in para 28 of the ~~app~~ application are reiterated. If the opposite parties had deliberately not shown failed the result of the applicants of the Screening test held on 18.12.1985 and 31.1.1986, the question of the

22-58 u/199

A103

Screening test held on 7.10.1988 would not have arisen and the applicants would have been spared from the mental worries as well financial loss.

18. That para 19 of the counter is denied and the averments made in paras 29 and 30 of the application are reiterated.

19. That para 20 of the counter is denied and on the basis of the averments made in this rejoinder and in the application, the applicants are entitled to the relief claimed therein.

E294149

Lucknow, dated,
.8.1991

Applicant-No.1.

Verification.

I, Harinder Yadav, applicant No.1, aged about 24 years, son of Sri Devanand Yadav, working as Casual Labour, Diesel Shed, NER, Gonda, resident of Qr.No.416-A, Diesel Colony, Distt.Gonda, do hereby verify that the contents from paras 1 to 19 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Signed and verified this day of August,
1991 at Lucknow.

E294149

Applicant No.1.

A101

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

BENCH LUCKNOW

O.A. NO. 71 OF 1989 (L)

Harinder Yadav & others.....

Applicants.

v/s

4-1292

Union of India & others.....

Opp. parties.

SUPPLEMENTARY COUNTER IN REPLY TO THE
REJOINDER FILED BY THE APPLICANT

I, S.M.N. Islam, working as Sr DDO

in the office of Divisional Railway Manager, North-Eastern Railway, Ashok Marg, Lucknow, do hereby solemnly affirm and state as under:

1. That the official above named is working under the respondents and has read the pleadings of the present case and understood the contents thereof as such fully conversant with the facts and circumstances of the present case and is competent to file the present supplementary counter on behalf of all the respondents.

S.M.N. Islam
प्रवर भण्डल कार्यालय अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

.....2/-

A/105

: 2 :

2. That the contents of paras 1 and 2 of the rejoinder affidavit do not call reply.

3. That the contents of para 3 of the rejoinder affidavit are categorically denied. The applicants were never found fit to be appointed on the post on which they were working and accordingly their names do not find place in the panel dt. 28.2.86 issued as a result of screening of substitutes/casual labours/time scale khalasi for the post of Diesel Khalasi in Diesel shed Gonda held on 18.12.85 and 31.1.86.

4. That the contents of para 4 of the rejoinder affidavit do not call for reply.

5. That the contents of para 5 and 6 of the rejoinder do not call for reply.

6. That the contents of para 7 of the rejoinder are categorically denied. The applicants were never fit nor they were ever shown fit in the screening test. It is further clarified that only those casual labours/substitutes/time scale khalasi were regularised whose names were borne in the panel of 28.2.86. Since the applicants were not found suitable hence their names did not appear in the panel dt. 28.2.86 and accordingly they were given next chance to appear in the screening

Sudhakar
प्रवर मण्डल कार्मिक अधिकारी
पूर्वांशर रेलवे लखनऊ

.....3/-

A/06

: 3 :

held on 7.10.88. The applicants again could not qualify and they were again declared unsuitable in the said screening letter dt. 23.1.89. It is further clarified that for the purpose of treating a candidate suitable or unsuitable, only panel is taken as authentic record, because only suitable candidates are brought in the panel and unsuitable candidates are left out. The casual labours/substitutes/time scale khalasi declared unsuitable in the screening are not entitled for the benefits which are otherwise enjoyed by the screening employees such as transfer/promotion/confirmation or their regularisation etc. under the existing rules.

6. That in reply to the contents of para 8 of the rejoinder the paragraph 9 of the counter affidavit is reiterated as correct.

7. That the contents of para 9 of the rejoinder do not call for reply.

8. That the contents of para 10 of the rejoinder are categorically denied and those of paras 11 ~~xxxxx~~ of the counter reply and para 6 of the present reply are reiterated as correct.

SMD
प्रवर अण्डल कामिक अधिकारी
पूर्वांतर रेलवे वृत्तमंड

That the contents of para 11 of the rejoinder

A107

: 4 :

are denied and that of para 12 of the counter reply are reiterated as correct.

10. That the contents of paras 12 and 13 of the rejoinder are denied, and those of paras 13 and 14 of the counter reply and para 6 of the present reply are reiterated.

11. That the contents of paras 14 and 15 of the rejoinder are denied and those of paras 15 and 16 of the counter are reiterated.

12. That the contents of para 16 of the rejoinder are categorically denied, and those of para 17 of the counter reply are reiterated as correct.

13. That the contents of para 17 of the rejoinder are denied and those of para 18 of the counter reply and para 6 of the present reply are reiterated as correct.

14. That the contents of para 18 of the rejoinder are denied as incorrect and para 19 of the counter reply are reiterated.

15. That the contents of para 19 of the rejoinder are denied and those of para 20 of the

Sudhakar counter reply are reiterated.

प्रवर भण्डल कार्यालय अधिकारी

पूर्वोत्तर रेलवे लखनऊ

.... 5/-

Alod

:5 :

It is further stated that the applicants 1,2,3 and 4 were never declared suitable and accordingly their names were ^{not} brought in the panel of suitable candidates which was declared on 28.2.86. They were given another chance but again they were not found suitable vide letter dt. 23.1.89.

16. That even otherwise also, the alleged new case brought by the applicants relate to the year December, 1985 and January, 1986 while the petition was filed in the year 1989 i.e. after delay of about 3½ years, as per section 21 of the Administrative Tribunal Act, 1985 no relief can be granted to the applicants with effect from the year 1985/86. Hence, the petition filed by the applicants is devoid of merits and liable to be dismissed with costs in favour of the answering respondents.

Lucknow;

Dated; 18/9 /1992.

Shri Uli
(*अध्यक्ष* कामिक अधिकारी)
प्रतिर रेलवे, लखनऊ

Verification

I, the above named official do hereby verify that the contents of para 1 of the ~~xxxix~~ supplementary counter is true to my personal knowledge and those of paras 2 to 16 of supplementary/reply are based on legal ^{counter} advice and records. No part of it is false and nothing material has been concealed. So help me god.

Lucknow;

Dated; 18/9 /1992.

Shri Uli
(*अध्यक्ष* कामिक अधिकारी)
प्रतिर रेलवे, लखनऊ

A189

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW,

Civil Misc. Petition No. of 93

In Re:

Original Application No. 71 of 89 (L)

Harandra Yadav Applicant,

Versus

Union of India & Others Respondents,

P.T
26/9

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 the interest of justice, delay in filing counter reply may kindly be condoned and counter reply may be taken on record.

Lucknow:

AS
(ANIL SRIVASTAVA)
Advocate

Dated: 26-9-94

Counsel for the Respondents,

A 110

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW,

Civil Misc. Application No. of 93

In Re:

Original Application No. 71 of 89 (L)

Harendra Yadav Applicant,

Versus

Union of India & Others Respondents,

APPLICATION FOR DISMISSAL OF THE ORIGINAL APPLICATION.

That for the facts, reasons and circumstances stated in the counter reply, supplementary counter reply and the the accompanying reply to the amended paras of Original Application, it is very clear that there is no merit in the original application as such it deserves to be dismissed.

P R A Y E R.

WHEREFORE it is most respectfully prayed that in the interest of justice this Hon'ble Tribunal may very graciously be pleased to dismiss the instant original application against the applicants and in favour of answering respondents.

Lucknow:


(ANIL SRIVASTAVA)
Advocate

Dated: 26-9-94.

Counsel for respondents,

A 111

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

O.A. No. 71 of 1989 . (L)

Harendra Yadav Applicant,

Versus

Union of India & Others Respondents,

COUNTER REPLY TO AMENDED PARAS OF O.A.

I, S. M. M. Islam working as

Sr. Divl. Personnel officer, North Eastern
Railway, Ashoke Marg, Lucknow, do hereby solemnly
affirm and state as under:-

1- That the official above named is working under
the respondents as such he is well conversant with the
facts of this case and is competent to file instant
reply on behalf of all the respondents.

2- That in reply to the contents of amended para
14 A of the Original Application, so far holding of
Screening for regularisation of Khallasi on 18.12.85 and
supplementary Screening on 31-1-86 are concerned, the
same is admitted but rest of the contents of the para are
denied. The Annexure No 9-A filed by applicant is not an
authentic document because it was never issued/published
as an official letter/document. The real, genuine and

S.M.M. Islam
अवर डिविजनल कार्मिक अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ
Sr. Divisional Personnel Officer,
N. E. Railway, Lucknow.

authentic document is the result/panel which was publicly issued and published vide D R M (2) / L J N'S letter No. E/II/227/CL/DSL Shed/G D dated 23.2.86. In the said panel /letter dated 28.2.86, the names of the applicants do not find place because they were not found suitable . A copy of said panel/result dated 28.2.86 is being filed herewith as Annexure No. 3-1 to this reply.

3- That the contents of amended para 14 B of the Original Application are denied. From perusal of records *is very clear that all the applicants were* it engaged as casual labourers after 31.12.80 without any approval by the General Manager. Infact the Railway Board had imposed a complete ban on engagement of fresh casual labourers. The only exception was that until a prior personal approval of General Manager is obtained for such engagements by making a reference to him with full justification by the engaging competent authority, no fresh casual labour should be engaged. The fresh casual labourers are those who were engaged on or after 31.12.80. All the applicants were fresh casual labourers engaged after 31.12.80 but as per Railway Board's order no prior personal approval was obtained from the General Manager for engagement of the applicants. The then General Manager also did not grant any relaxation to the applicants by giving post facts approval for their respective initial engagements after

Said when
31.12.80, As such the names of the applicants could not be placed on the panel. Anything alleged contrary to it
Sr. Divisional Personnel Officer,
U. B. Railway, Lucknow.

A113

are denied.

4- That the contents of amended para 14-C of the Original Application are not admitted as alleged. A perusal of Annexure No 9-B dated $\frac{12}{13}$ -9-84 indicates that General Manager has accorded his post facto approval for regularising the services of only 20 casual labours/substitutes, who were screened on 27.8.84 by the then screening committee. In the present case also the names of the applicants were sent to the then General Manager for post facto approval but the General Manager did not grant any relaxation to the applicants by giving post facto approval as such the names of applicants could not be placed on the said panel. Anything alleged contrary to it are denied.

Lucknow:

Dated: 2 - 12 - 93,

Smt. Ula
 प्रमुख वैयक्तिक अधिकारी,
 पूर्वोत्तर रेलवे, लखनऊ
 Sr. Divisional Personnel Officer,
 N. E. Railway, Lucknow

VERIFICATION

I, the above named official do hereby verify that the contents of para 1 of the counter reply is true to the personal knowledge and those of paras 2 to 4 of this reply are based on legal advice and records.

Lucknow:

Dated: 2 - 12 - 93,

Smt. Ula
 प्रमुख वैयक्तिक अधिकारी,
 पूर्वोत्तर रेलवे, लखनऊ
 Sr. Divisional Personnel Officer,
 N. E. Railway, Lucknow.

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Annexure No S-1

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As a result of the Termination of Casual Labourers/Substitutes at Diesel Shed/Gonda held at Gonda on 18-12-55 & 31-1-56, the following candidates have been declared suitable for their posting to class IV services in Diesel Shed/Gonda.

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

It has been approved by the competent authority.

The names have been arranged in order of seniority on the basis of total number of working days.

Sr.	Name	Father's name	Date of birth	Total No. of working days
1.	S/Shri Hirday Kumar Gaur	H.M.S. Gaur	10-6-56	3134
2.	Bahau Prasad X	Vijaso	15-1-52	2764
3.	Ram Hit Pd. Yadav	Ram Bharesey	1-12-53	2387
4.	Lal Chand ✓	Ram Nain	1-5-59	2200
5.	Raj Kumar ✓	Tilak Ram	1-4-61	2084
6.	Ram Prasad ✓	Ram Dhan	5-1-56	1974
7.	Mani Ram ✓	Bhagwati	1-7-60	1750
8.	Chandra Chokhey	V.D.Pd. Rai	1-7-61	1700
9.	Yogendra Pd.	Mangali Pd. Srivastava	1-11-50	1600
10.	Brahmu Nath Pandey	Sital Pandey	5-6-53	1577
11.	Harain Singh	Brij Behari Singh	1-1-56	1493
12.	Balram Singh	Shawani Pd. Singh	31-10-54	1457
13.	Awadhosh Singh	Triwani Singh	1-6-57	1434
14.	Ram Suresh	Yanuna Prasad	12-1-56	1340
15.	Sri Prakash Rai	Ram Lakhan Rai	1-10-56	1225
16.	John. Yodwand ✓	R.A. Yooward	23-10-61	1224
17.	Krishna Das	Suresh Nath	1-1-52	1008
18.	Yogendra Pandit	Kallar Pandit	15-3-57	1074
19.	Nathanial Cernallous	S. Cernallous	16-9-57	1032
20.	Bhagwan Singh	Sukhraj Singh	15-2-60	1032
21.	Harindra Nath Singh	Vishwa Nath Singh	9-12-59	1031
22.	Sayan Harain	Ram Sahad Lal	1-1-60	1010
23.	Krishna Das Upadhyay	Swami Nath Upadhyay	1-1-58	1007
24.	Shitla Pd.	Ram Jati Verma	10-10-56	952

Smt. W. K.
 Sr. Divisional Personnel Officer
 E. Railway, Lucknow

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No.	S/Sri	S/Sri	Date	No.
24.	Babu Lal	Chunna	1-8-62	658
25.	Sobha Ram Verna	Ram Panna Verna	27-1-55	636
26.	Dhruv Chand Srivastava	Gulab Chand Srivastava	21-8-62	635
27.	Raghuveer Singh	Hohan Singh	4-5-49	573
28.	Sard Ahmad Siddiqui	Siraj Ahmad Siddiqui	27-7-57	567
29.	Rajendra Pd.	Pakhandi	15-7-55	562
30.	Krishna Kumar Srivastava	Shoo Pujan Lal Srivastava	23-3-59	518
31.	Onkar Nath Tripathi	Subhwant Tripathi	1-7-56	273
32.	Salik Ram Pandoy	G.P. Pandoy	1-4-59	310
33.	Uma Shankor Yadav	Kodar Prasad	20-1-62	219
34.	Ran Krishna Sharma	Ran Rang Sharma	1-10-62	
35.	Abdulloah Kumar	Ran Bahadur Lal	5-3-58	

Name of Safaiwala :-

1.	Madan	Ani ruddh	1-1-60	803
2.	Kailash	Mithoo	15-9-60	498
3.	Ali Ahmad	Abdullah	17-2-65	280
4.	Sabboo	Mehangoo	1-5-63	266
5.	Pullooo	Chinkoo	30-1-61	260
6.	Hankoo	Falloy	1-3-62	238
7.	Chhotoy Lal	Chinkoo	12-9-59	218
8.	Om Prakash	Asghari Lal	1-1-62	209
9.	Mohd. Asghar	Mohd. Asbi	9-1-61	167

Fortyfour names in total.

for Divl. Rly. Manager (S)
Lucknow.

No. P/XX/227/CL/201 Shod/CD.

Dated: 22-2-1986.

Copy forwarded for information and necessary action to :-

1. Sr. DMO/LSN.
2. Sr. DME (BSL) Gonda.
3. A.A.C. & SPO/CD
4. OS/Cadru (Moch) & Foldor.
5. Finance Board.
6. Divl. Socy./NERMU & PRKS/LSN.
7. Spare copy for P/227.

Smt. Ula
 व्यवस्थापक कार्यालय,
 पूर्वोत्तर रेलवे, लखनऊ
 Divisional Personnel Officer
 I. E. Railway.

for Divl. Rly. Manager (P)
Lucknow.

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W. date

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW BENCH, LUCKNOW

O.A. No. 71 of 1989 (L)

Harendra Yadav & others Applicants

Versus

Union of India & others Respondents

Rejoinder to the counter reply of
amended paras of the O.A.

The applicants beg to submit as under :

1. That para 1 of the counter reply needs no comments.
2. That the contents of para 2 of the counter reply regarding Annexure 9-A filed by the applicant which has been alleged to be not an authentic document are contrary to the correct and factual position; hence they are denied. The averments made in the amended para 14 A of the original application are reiterated as correct. It is submitted that screening result is the basis of formation of panel. Since the applicants were declared fit in the screening test, there is no justification to delete the name of the applicants from the panel. However, it is submitted that the respondents be directed to produce the original records of the screening results of the tests which were held on 18.12.1985 and 31.1.1986. It is pointed out that the screening result which is to be produced by

~~TSI~~
R. 2/7/84
DR

Handwritten signature
2/10/84

संज्ञा 11/9/84 I

the respondents was signed by 4 officers, namely, A.M.E. Diesel, Goish Chandra Budhala Koji, (ii) A.P.O. Ist, Lucknow Junction, Sri Shiv Murti Lal, (iii) A.S.T.E Gonda and (iv) A.E.N.(C) Gonda.

3. That the contents of para 3 of the counter reply as stated are denied. The averments made in amended para 14 B of the original application are reaffirmed as correct. It is submitted that the applicants were engaged by the Railway administration and it is for the Railway administration to take approval from the General Manager in regard to the engagement of the applicants. Similar 20 casual labours, who were appointed like the applicants after 31.12.1980, were accorded post facto approval and in the case of the applicants no approval was taken which amounts to discrimination of the applicants in service. A list of the casual labours, who were engaged after 31.12.1980 and accorded approval from the General Manager, is filed as Annexure No.1.
4. That para 4 of the counter reply is misconceived and hence denied. The averments made in the amended para 14 C of the original application are reaffirmed. It is submitted that the respondents should have sent the names of the applicants for obtaining approval from the

Annexure-1

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A-112

General Manager alongwith aforesaid 20 casual labours. It is made clear that the names of the applicants were not sent deliberately and with a malafide intention alongwith these casual labours. It is respectfully submitted that since no document has been annexed in support of their contention that the applicants names were sent to the General Manager for obtaining approval, the same is vehemently denied. If it is assumed that the names of the applicants were sent and the post facto approval was not granted, this action of the General Manager is wholly arbitrary and malafide and discriminatory and the same is liable to be set aside. In the aforesaid circumstances and in the light of the facts stated in the amended paras and in the original application, the original application may kindly be allowed and the application for dismissal of the original application moved by the respondents is liable to be rejected.

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Verification

I, Harendra Yadav, aged 26 years, son of Sri Deva Nand Yadav, working as casual labour, Diesel Shed, N.E. Railway, Gonda, resident of Qr. No. 416-A Diesel Colony, Gonda, do hereby verify that the contents of paras are

B-719

true to my own knowledga and the contents of
paras are believed to be
true on the advice given to him and that I have
not suppressed any material fact.

ए. २४५५०१

Date : Dec. , 1993.

Applicant.

Place: Lucknow.

ANNEXURE No 1

A720

List of Substitute/Khalasis of Darsi Shed/Gonda who were initially engaged as Substitute Khalasis after 31-12-1980.

No.	XXXXXXXXXX Name	Father's Name	Category- Initial	Dt. of Apptt.	Dt. of Subs.	Int. of Capptt. Subs.	No. of Days Worked Total	Date of Birth	Educ. Qualification	Techn. Qualification	SC ST
1.	S/ Shri Mohan Lal	S/ Shri Jhallan	Sub/ Safaiwala	10.4.81	6.1.82	185	950	1135 1.5.59	nil	nil	SC
2.	S/ Shri Ujagar	Miber	Sub/ Safaiwala	22.4.81	16.2.82	117	546	663 11.3.61	VIII	nil	
3.	S/ Shri Lachan	Ran Asrey	Sub/ Safaiwala	8.11.82	13.4.83	35	414	449 15.1.62	IX	nil	SC
4.	S/ Shri Singh-I	Ran Lakshin Singh	Sub/ Khalasi	09.01.81	02.04.83	468	426	888 25.03.64	IX	nil	
5.	S/ Shri Kailash K.P. Pandey	Kailash Pandey	Sub/ Khalasi	18.03.81	07.12.83	531	177	708 15.01.58	Inter	nil	
6.	S/ Shri Mehd. Shamim Khan.	Tajamul Rusain	Sub/ Khalasi.	16.04.81	28.08.83	271	280	551 13.11.60	Inter	ITI(Elec).	
7.	S/ Shri Jahid Ahmad Ansari	Abdul Razzak	Sub/ Khalasi.	15.02.81	11.10.83	275	234	509 05.11.59	Inter	ITI(Elec)	
8.	S/ Shri Ran Singh-II	Ran Avadh Singh	Sub/ Khalasi.	01.09.81	30.08.83	228	276	504 05.10.59	Inter	ITI(D/M)	
9.	S/ Shri Rajendra Pandey	Amlesh Pandey	Sub/ Khalasi.	20.01.81	27.08.83	209	279	488 03.2.55	High School	ITI(D.Man)	
10.	S/ Shri Paras Nath Malvia.	T.M. Tewari	Sub/ Khalasi	27.01.81	25.08.83	204	281	485 05.06.61	Inter	ITI	
11.	S/ Shri Mohan Lal	Khavani Pd. Vishkarma	Sub/ Khalasi	19.3.81	18.08.83	148	288	436 02.03.57	B.A.	ITI(Wireman)	
12.	S/ Shri Lachya Lal	Sant Bali	Sub/ Khalasi	10.1.81	23.09.83	216	252	463 01.01.63	High School	nil	SC
13.	S/ Shri Brijchand Dubey	Radha Dubey	Sub/ Khalasi	10.3.81	15.6.83	234	225	459 01.03.50	Inter	Type(HIND ENGLISH)	
14.	S/ Shri Rajsi Shri	Ran Harain	Sub/ Khalasi	18.1.81	27.2.83	174	279	453 02.07.59	High School	ITI(Turner)	
15.	S/ Shri Harendra Pd. Tripathi.	Kalika Pd. Tripathi.	Sub/ Khalasi.	18.12.81	28.08.83	147	280	429 01.03.55	Inter	ITI(Elec.)	

28/8/84 A70/Gd.....2.

	3	4	5	6	7	8	9	10	11	12	13	14
Shri Suman Rai			05.03.81	25.8.83	101	281	282	02.11.53	High School	ITI (Elec).		
Purshottam Singh		21.04.81	25.03.83	102	281	333	02.03.53	Inter	ITI (Welding)			
Rishikesh Banerjee		05.04.81	28.02.83	82	281	363	08.07.53	Inter	ITI (Turner)			
Surendra Singh		16.01.81	04.10.83	104	241	345	01.04.67	High School	ITI (Turner)			
Chini Pr. Singh		20.02.81	22.02.84	147	100	247	01.01.53	Inter	nil.			

24/8/84
K. S. S. / G. S.

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In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

Misc. Pet. No. 2152 of 1994.

In re:

O.A. No. 71 of 1989.

A122

Harendra Yadav and others. -----Applicants
Versus
Union of India & others. -----Respondents

The applicants beg to submit as under :-

1. That in the above O.A., the applicants have filed the result of the Screening test held on 18.12.1985 and 31.1.1986 as Annexure 9-A, in which all the applicants have been shown fit. The said Screening result was signed by four officers, namely, (1) Sri G. S. Chandra Budhala Koji, A.M.E. Diesel, (2) Sri Shiv Murti Lal, A.P.O. Ist, Lucknow Junction, (3) A.S.T.E., Gonda, and (4) A.E.N.(C), Gonda.

2. That in para 14-C of the Original Application, the applicants have submitted that General Manager has accorded Post-Facto approved for regularising the services of

Place before the
Honble Bench of the
for orders on date 21/1/94.
By Registrar

File today
21/1/94

Asst

AT23

20 Casual labourers/Substitutes, who were screened on 27.8.1984, while in the case of applicants, no approval was taken.

Similarly in para 4 of the reply, the opposite parties have mentioned that in the case of applicants, Post-Facto approval was sought but the same was not granted.

3. That in para 2 of the counter reply to amended paras, the opposite parties admitted the Screening test held on 18.12.1985 and 31.1.1986 but the result sheet, which has been filed as Annexure No.9-A to the Original Application has been alleged to be not an authentic document.

4. That in terms of para 9 of guide-lines referred in General Manager (P)'s, Gorakhpur, Circular letter No.E/227/20/2/V(Con) dated 15.9.1979, one copy of the screened list should always be kept in the personal custody of DRM's/DS's and the DPO/SPO concerned in his personal lock and key and two copies required to be sent to CPO's office. In the aforesaid circumstances, the applicants' screened list will be kept in the personal custody of DRM, DPO/SPO and CPO's. A photostat copy of the para 9 of the guidelines dated 15.9.1979 is being filed herewith as ANNEXURE NO.1.

As per

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5. That in the aforesaid circumstances, the opposite parties may kindly be directed to produce the original record of the Screening test held on 27.8.1984, 18.12.1985 and 31.1.1986 before this Hon'ble Tribunal to find out the truth in the interest of justice.

- P r a y e r -

Wherefore, it is prayed that the opposite parties be directed to produce the original record of the Screening test held on 27.8.1984, 18.12.1985 and 31.1.1986 in the interest of justice.



Lucknow, dated,
.10.1994

Advocate
Counsel for the Applicants.

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Annexure No. 1

N.E. RAILWAY.

No. E/227/20/2/V(Con)

GENL. MANAGER,
GORAKHPUR: DT. 11/11/78.

All Heads of Deptts.
All Divl. Rly. Managers & Divl. Supdt. IEM
All Extra Divl. Officers
All Personnel Officers
N.E. Railway.

Sub: Formation of panel from casual labour/
Substitute for absorption in class IV
categories.

On the subject of formation of panels from Casual
labours/Substitutes for absorption as Class IV categories, the
instructions issued from time to time from are contained in the
following circulars :-

Sl. This office circular
No. No. and date.

Contents in brief.

- | | | |
|----|---|---|
| 1. | E/227/20/2/V(Con)
dt. 19.4.78, 22.4.78 | Method of screening formation of
unit and formation of screening
committee. |
| 2. | E/227/20/2/V(Con)
dt. 27.22.78. | Formation of panel from C.L./
Substitute for absorption in
class IV categories. |
| 3. | E/227/20/2/V(Con)
dt. 27.11.78 | do |
| 4. | E/227/20/2/V(Con)
dt. 3/4.5.79. | Method of screening, formation
of unit, formation of screening
committee. |

2. In modification of all these directives the following
further guidelines are given for formation of the panel from
casual labour/Substitutes for absorption in class IV categories
for future. These guidelines are based upon the past experience
and intended to meet out the largest measures of justice to the
casual labour.

3. Eligibility for screening:

3.1 For the screening of casual labours/substitutes for
the empanelment for appointment in class IV categories the
minimum period of employment of 500 days from 1.5.79 will be
insisted upon so that there may not be wide divergence in periods
of employment between various units of seniority. Where periods
of employment are less, the panel may be prepared after senior
most have completed 500 days.

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13. Divisional units must have casual labour available from the railway...
14. Divisional units must have casual labour available from the railway...
15. In case of any representations or disputes, the decision of DM/DS in consultation with ACPO in case of other will be final for determining the seniority of staff casual labour/substitutes.

14. Divisional units must have casual labour available from the railway...
These units should maintain a complete record of their service and a register of their casual labour/substitutes. In such a register where upto date position of seniority is shown, similar procedure should also be followed in the case of casual labour by the officers who are in charge of such units. Casual labour card should be normally prepared for labour who have put in more than 100 days of service, in case of such men, as experience has shown, in any case do not turn up for Railway job later.

15. In case of any representations or disputes, the decision of DM/DS in consultation with ACPO in case of other will be final for determining the seniority of staff casual labour/substitutes.

16. It may please be noted that there is complete ban on intake of fresh casual labour in open line by the Inspector, ADM etc. except in case of emergency like accident, floods and branches when the casual labour waiting list and also casual labour (as per seniority register) may not be instantaneously available. Automatically this fresh casual labour recruited for emergency should be discharged after the emergency is not with this appointment will only be made with the approval of DM/DS/HQ, the appointment which is not been approved by DM/DS/HQ will be viewed seriously.

17. Regarding engagement of casual labour from the seniority list/waiting list the 15th of every month will be specified date beyond this reason should be recorded in writing by the engaging authority.

18. Against each name in panel, in the remarks column technical educational qualifications, special experience, aptitude should be clearly mentioned. DM/DS's approval for Divl. panels and additional HO's approval for extra Divl. panels should be obtained for deserving men of these panels.

19. It is to be ensured that the screening is just and fair. The approach has to be impartial and not personal oriented. Proper safeguard are required to be taken so that the screened lists are not tampered with. One copy of the screened list should always be kept in the personal custody of DM/DS and the DPO/SPO concerned in his personal book and key and two copies required to be sent to CPO's office.

20. It need not emphasis that conduct, obedience, discipline, efficient and hard work are the qualities to be looked for. These should be continuously present for a casual labour/substitute to be considered for employment. The screening committee will look into these aspects before inclusion in the panel. Even after empanelment at the time of regular absorption continued presence of these good qualities will have to be insisted upon.

21. The above instructions are issued for your guidance and necessary action.

Sd/-
for GENERAL MANAGER(P)

FP-11-8-95

S. 25 11 DB

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Central Administrative Tribunal

Lucknow Bench

Date of Filing

Date of Receipt by Post

R
Dy. Registrar (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

C.M.P.NO. 1483 OF 95.

Inre;

G.A.NO. 71 OF 89.

Harendra Yadav & others---

APPLICANTS.

Vs.

Union of India & others---

RESPONDENTS.

APPLICATION FOR CONDONATION OF DELAY

It is most respectfully submitted on behalf of the respondents:-

1. That some delay has been occurred in filing reply due to want of necessary records and instructions.
2. That now the counter reply is ready and is being filed herewith.
3. That the delay in filing reply is bonafide, inadvertently, and without intention, therefore, the delay in filing reply may kindly be condoned.
4. That it is expedient in the interest of justice that this Hon'ble Tribunal may kindly be pleased to condone the delay

Central Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by Post

Dy. Registrar (J)

(2)

in filing reply to the Misc.application filed
by the applicants in January, 1995.

PRAYER:

Wherefore, it is most respectfully prayed
that this Hon'ble Tribunal may kindly be pleased
to condone the delay in filing the reply on
behalf of the respondents.

Lucknow; dated;
11 / 8 / 1995.

AS
(Anil Srivastava)
Advocate.

Counsel for the respondents.

A/20

A/29

Central Administrative Tribunal IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow Bench
Date of Filing 11-08-95
Date of Receipt by Post

[Signature]
Dy. Registrar (1)

LUCKNOW BENCH LUCKNOW
C.M.P.NO. 1484 OF 95.
Inre;
O.A. NO. 71 OF 89.

Harendra Yadav & others--- APPLICANTS.
Vs.
Union of India & others--- RESPONDENTS.

APPLICATION FOR TAKING ON RECORDS

It is most respectfully submitted on behalf of the respondents:-

That for facts and circumstances disclosed in the accompanying reply, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to take on records the reply filed on behalf of respondents.

Lucknow; dated;
11/8/1995.

[Signature]
(Anil Srivastava)
Advocate.

Counsel for the respondents.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

O.A. NO: 71 OF 89

Central Administrative Tribunal

Lucknow Bench

Date of Filing

Date of Receipt by Post

14-08-85

[Signature]

Dy. Registrar (J)

Harendra Yadav & others---

APPLICANTS.

Vs.

Union of India & others--

RESPONDENTS.

REPLY TO MISC.APPLICATION FILED BY THE APPLICANT IN JANUARY, 1995:

I, *S M N Islam*, working as

S & DPO, North Eastern Railway, Ashok Marg,

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 of the case stated hereinafter. He has read the contents o-f the Misc.application filed by the applicants and having understood the same he submits the following parawise reply to the same which are as under:-

2. That in reply to the contents of the para 1 of the application, it is submitted that it is correct that applicants appeared in the screening test for regularisation held on 18.12.85 and 31.1.86 but it is also correct that their names were not placed in the panel for regularisation

Accordingly, the ~~of~~ services of the applicants

SMN
 उपर्युक्त कार्यवाही के निमित्त,
 प्रमुख कार्यालय, लखनऊ
 Sr. Divisional Personnel Officer
 S. B. Railway, Lucknow.

A/31

(2)

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can not be regularised. As explained in para 4 of the counter reply to the amended paras of original application filed by the respondents, the General Manager has accorded his post facto approval for regularising the services of only 20 casual labours/ substitutes, who were screened on 27.8.84 by the then Screening Committee. In the said screening held on 27.8.84 only Anil Kumar Srivastava amongst the applicants appeared but was not found fit by the Screening Committee. Rest of the applicants did not appear in the said screening held on 27.8.84. Admittedly, the ~~casual labours/substitutes~~ ~~xxxxxx~~ applicants appeared in the screening test for regularisation held subsequently on 18.12.8 and 31.1.86. The names of the applicants alongwith others were also sent to the then General Manager for post facto approval. Now vide order dated 8/9-11-94 the General Manager has accorded post facto approval regarding the number of working days of the applicants alongwith other candidates working in the Diesel Shed, Gonda. Anything alleged contrary to the aforesaid facts are denied.

3. That the contents of para 2 of the

application are not admitted as alleged, except

that the General Manager vide order dated 8/9-11-94

S.M.C.
अवर सहायक कार्यालय अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ
Sr. Divisional Personnel Officer
N. E. Railway, Lucknow.

A132

(3)

has accorded post facto approval regarding the number of working days of the applicants alongwith others. After grant of aforesaid post facto approval by the General Manager now applicants alongwith others (whose post facto approval were also granted by the General Manager) will shortly be called for screening (knowledge test). If they were found fit by the Screening Committee , their services would be regularised in accordance with the law.

4. That it is also relevant to mention here that in the year 1989 the applicants can not challenge the legality and validity of the screenings held in the year 1986, 1985 or before.

5. That in view of the aforesaid facts, the steps regarding holding of the screening test are being taken and applicants alongwith others will be duly called to appear in the screening ~~test~~ and if they were found fit by the Screening Committee, their services will be regularised in accordance with the law.

Lucknow; dated;
11/8/1995.

SHW
प्रवर मंडल कार्यालय, लखनऊ,
पूर्वोत्तर रेलवे, लखनऊ
Sr. Divisional Personnel Officer
R. B. Rolling, Lucknow.

A133

(4)

VERIFICATION

I, the above named official do hereby
verify that the contents of paragraph 1 of this
reply are true to my own knowledge and those of paras
2 to 5 are based on legal advice and records. No part
of it is false and nothing material has been concealed.
So help me God.

Lucknow; dated;
11/8/1995.

Sruj
अवर सहायक कार्यालय अधिकारी,
पुणेकर रेलवे, लखनऊ
Sr. Divisional Personnel Officer
B. T. Railway, Lucknow.

A 134

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

Central Administrative Tribunal
Lucknow Bench

Date of Filing

Date of Receipt by Post

1837

14-9-95
A
By Registrar (1)

O. A. No. 71 of 1989

Harendra Yadav & Others ... Applicants

Versus

Union of India & Others ... Respondants

2nd SUPPLEMENTARY REJOINDER TO THE REPLY FILED IN
SUPPORT OF CIVIL MISCELLANEOUS APPLICATION No. 1483/1995

I, Anand Kumar Srivastava, aged about 32 years, son of Shri Ram Avtar Lal Srivastava, Casual labour, Diesel Shed, N.E. Railway, Gonda, do hereby submits as under:-

- 1) That the deponent is the applicant no. 3 in the above original application. He has read over and understood the reply filed in support of C.M. Application no. 1483 of 1995. He is fully conversant with the facts and circumstances of the case deposed to herein. He is duly authorised to file this supplementary rejoinder on behalf of other applicants also.
- 2) That the contents of para 1 of the reply filed in support of the miscellaneous application no. 1483 of 1995 (Now here-in-after referred to as "Reply") need no comment.

31/7/95 31/7/95

AI 35

Dr. Registrar (J)

3)

That the contents of para 2 of the reply as stated are misleading, hence denied. The averments made in para 1 of the miscellaneous application filed in January, 1995 by the applicants are reiterated. It is submitted that the applicants were found fit on the basis of screening held on 18.12.1985 and 31.1.86 and this fact has been brought on record through amendment of the original application. In reply to the amended paras to the original application respondent has submitted that the copy of the result chart of the screening test held on 18.12.1985 and 31.1.1986 is not an authentic documents. The applicants by application dated October, 1994 have requested this Hon'ble Tribunal to direct the opposite parties to produce the original record of the screening test held on 27.8.1984, 18.12.1985 and 31.1.1986. However, on the said application the Hon'ble Tribunal was pleased to direct the Counsel for the respondents to produce the record of the Screening test held on 27.8.1984, 18.12.1985 and 31.1.1986, but the same has not been produced before the Hon'ble Tribunal till date despite specific direction. It is misleading as alleged by the respondents that names of the applicants were not placed in the panel for regularisation though they appeared in the screening test for regularisation held on 18.12.1985 and 31.1.1986. Since the applicants

Central Administrative Tribunal
State of Punjab
Office of Registrar

श्रीम सुभाष 27/1/85

A/36

were declared fit in the Screening test held on 18.12.1985 and 31.1.1986 and the post-facto approval given by the G.M. vide order dated 8/9.11.1994; the applicants' services stand, ~~if~~ ⁱⁿ fact, regularised from the date, the services of Casual labours who appeared in the Screening test held on 18.12.1985 and 31.1.1986 were regularised. Contrary averments made in para under reply are denied.

Central Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by File

Registrar (J)

- 4) That the contents of para 3 of the reply are misleading, hence denied in the light of the facts and circumstances stated above. The averments made in para 2 of the miscellaneous application filed by the applicants in January, 1995 are reiterated. It is further submitted that the applicants have already screened vide screening test held on 18.12.1985 and 31.1.1986 and were found fit in the said Screening test as such there is no occasion to further call the applicants for Screening test/~~tests~~. It is submitted that the applicants are working on the post of Casual labours/substitutes since 1982, 1983 and 1984 and are getting all benefits of a regular employee, there is no impediment in regularising their services after obtaining post-facto approval from the G.M..

- 5) That the contents of para 4 of the reply are meaningless, hence denied. As soon as the applicants came

अंतिम मुद्रा 28/9/1984

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to know about the result of the Screening test held on 18.12.1985 and 31.1.1986, they immediately brought the same on record.

Central Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by Post
6)
Dy. Registrar (1)

That the contents of para 5 of the reply are misleading, hence denied in the light of the facts and circumstances stated above. In the light of the facts and circumstances stated above, in the O.A. and in rejoinder filed earlier. The relief claimed in the O.A. are liable to be allowed.

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 6 are true to my personal knowledge and those of paras — to — are believed by me to be true on legal advice and that I have not suppressed any material fact.

LUCKNOW:

DATED: AUGUST , 1995.

अभिषेक कुमार
APPLICANT.

A 130

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

M. P. No. 1030 of 1995

In re:

O. A. No. 71 of 1989 (L).

Central Administrative Tribunal
Lucknow Bench
Date of Filing
No. of Receipt by Reg.
1030
1495
R
Regist. (1)

Harindra Yadav & Others ... Applicants

Versus

Union of India & Others ... Respondants.

The applicant most respectfully submits as
under: -

- 1) That in para 14a of the original application it has been mentioned that the applicants appeared in screening test for regularisation held on 18.12.1985 and 31.1.1986. In ~~which~~ ^{the} said screening test applicants were declared fit for the post of Khalasis.
- 2) That in the applicant's case post-facto approval was not taken by the authorities concerned, whereas in that case of 20 Casual labourers/Substitutes ~~was~~ like the applicants appointed between 31.12.1980 to 1.6.1981, were ~~given~~ ^{accorded} post-facto approval from the General Manager. The applicants have

20/11/89

Contd.....2

A139

also been accorded with post-facto approval by the General Manager by his letter dated 8/9.11.94. In the aforesaid circumstances the applicants are entitled to be regularised on the post in question from the date when they were declared fit for regularisation on the post of Khalasis. A photostat copy of the order dated 8/9.11.1994 of the General Manager alongwith the list of Casual labourers/Substitutes working in ~~Daxig~~ Diesel Shed, Gonda who have been given post-facto approval is filed as ANNEXURE - 1 to this application.

WHEREFORE, it is prayed that the aforesaid order dated 8/9.11.1994 alongwith the list of the Casual Labourers/Substitutes, who have been given post-facto approval may be taken on record and the applicants be given benefit of regularisation from the date ~~of~~ they were declared fit for the post of Khalasis.

LUCKNOW:

E255414A
APPLICANT.

DATED: JANUARY , 1995.

VERIFICATION

I, Harindra Yadav, aged about 29 years, son of Deva Nand Yadav, working as Casual Labour, Diesel Shed, N.E. Railway, Gonda, resident of Quarter no.416 A, Diesel Colony, Gonda, do hereby verify that the contents of para 1 and 2 of this application are true to my own knowledge and belief, and I have not suppressed any material facts.

LUCKNOW:

E255414A
APPLICANT.

DATED: JANUARY , 1995.

RECEIVED
 GENERAL MANAGER
 DIESEL SHED
 GONDA
 11/11/94

Also

Order No. 11 of 1989 (L)

Marendra Yadav & others
Union of India & others

Applicants
Respondents

ANNEXURE N-1

पूर्वोक्त रेलवे

कार्यालय

महाप्रबन्धक (कार्यिक)

गोरखपुर।

दिनांक 11-11-94

सं. 1/227/सी.एल./लखनऊ/पेस्टफैक्ट्री/IV

पूर्वोक्त रेलवे, लखनऊ।

विषय: - सुनाडि एवं डोजल रोड गोष्ठा में कार्यरत/स्वजिर्गी का महाप्रबन्धक से कार्योत्तर अनुमोदन।

संदर्भ: - आ.का. सं. 1040/सं. 1/227/सब/सुनाडि/93/पाई-11
दि. 11.8.94 एवं सं. 11/227/सी.एल./डोजल रोड/93-94
दिनांक 14.12.93

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संदर्भित पत्र के माध्यम से प्राप्त समाधि एवं डोजल रोड गोष्ठा के 103 अ. 1030/स्वजिर्गी की सूची में से 93 कार्यरत कर्मचारियों (77+16) के नामों पर महाप्रबन्धक महोदय ने कार्योत्तर अनुमोदन की स्वीकृति प्रदान कर दी है जिसकी सूची संलग्न है।

समाधि की सूची को के क्रम 20 एवं डोजल रोड गोष्ठा के क्रम 17 से 23 (ए. सी. आठ) के अ. 1030/स्वजिर्गी कार्यरत न होने की वजह से इनके मामलों पर विचार नहीं किया गया। समाधि की सूची को के क्रम 3 एवं 22 पर अंकित अ. 1030/स्वजिर्गी को 31.5.83 के बाद निर्धारित आयु सीमा के अंदर कार्य पर नहीं लगाया गया था। इसलिए इनके भी मामलों पर विचार नहीं किया गया जैसा कि रेल परिषद के पत्र सं. 11/83/सी.एल./ए.सी.आठ/39 दिनांक 19.5.83 में निर्दिष्ट किया गया है।

सुनाडि की सूची सं. 1/6 पर अंकित अ. 1030/स्वजिर्गी की जन्मतिथि का उल्लेख नहीं किया गया है अतः उनके मामलों का निष्पत्ति रेल परिषद के दिनांक 19.5.83 के पत्रों के अधार पर किया जाए।

01.01.81 के पूर्व कार्य पर लगाये गये अ. 1030/स्वजिर्गी जिनकी सेवाएं सत्यापित नहीं हो पा रही है उन्हें 31.12.80 के बाद का मानकर महाप्रबन्धक महोदय का कार्योत्तर अनुमोदन प्राप्त हुआ है।

उपरोक्त के अतिरिक्त सभी सामान्य नियमों का भी अनुपालन आवश्यक है।

सिगनक/उपरोक्त

पुत्री महाप्रबन्धक (कार्यिक)

Handwritten signature/initials

LIST OF CASUAL LABOUR/SUBSTITUTES WORKING IN IX DIESEL SEED, GONDA.

Sl.No.	Name	Father's name	Date of birth	Date of engagement
1.	S/SHARENDRA YADAV	S/S D.K.YADAV	01.10.64	01.12.82
2.	Madan Kuzi	S.M.Shukla	01.22.59	19.04.83
3.	Anil Kumar Srivastava	Ram Anwar Lal Srivastava	16.04.63	20.04.83
4.	Shafiq Ahm d	Rafiq Ahmad	01.07.62	17.05.84
5.	Salk Ram Verma	Ram Patel Verma	26.01.62	23.05.94
6.	Ram Anuj DUBEY	E.D.DUBEY	01.09.59	20.07.85
7.	Kedar Nath	Ram Hilt	13.08.63	31.01.96
8.	Ram Ji Yadav	Kahant Yadav	12.12.60	14.02.86
9.	Suresh Yadav	Brahm Deo	09.01.60	14.02.85
10.	Avodhya Chau(SM)	Bhagrasan	12.01.60	14.02.86
11.	Bhagwant Yadav	Bhikka	01.12.60	03.03.85
12.	Deena Nath Sharma	C.L.Sharma	14.01.63	21.02.85
13.	Durga Prasad(SC)	Baboolal	12.05.68	30.10.90
14.	Ram Barell(SC)	Ram Adharyey	29.10.64	30.10.90
15.	Prakash Chandra(SC)	Sita Ram	15.07.65	30.10.90
16.	Gauri Shankar(SC)	Kandamal Prasad	23.01.68	30.10.90

(Sixteen names only)

B. S. U. & A

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Misc. Application No. 3391 of 1995

In the

O.A. No. 71 of 1989(L)

Central Administrative Tribunal
Lucknow Bench
Date of Filing 28.11.95
Date of Receipt by Post

Dy. Registrar (J)

Harinder Yadav & Others ... Applicants

Versus

Union of India & Others ... Respondants

The applicant most respectfully begs to submit
as under:-

- 1) That the undersigned is the applicant no. 3 in the above original application. He is duly authorised to file this application on behalf of other applicants also. He is fully conversant with the facts stated here-in-under.
- 2) That after filing the above application, all the applicants have again been screened though they were already screened in the year of 1984, and thereafter on 18.12.1985 and 31.1.1986 for regularisation as Khalasis.
- 3) That vide letter No. E/II/227/CL/Diese1/Gonda/93-94,

Contd....2

ked duplicate
72
28/11/95

Anil Kr. Jha

Date of Filing
Date of Issue

dated 16.10.1995 of Divisional Railway Manager(P)

Lucknow, Camp Diesel Shed North, Eastern Railway
Gonda, the applicants were subjected for screening
for regularisation on the post of Khalasis. The
list of the employees, who were to be screened was
also attached. A photostat copy of the aforesaid
letter dated 16.10.1995 is filed as ANNEXURE No.1
to this Miscellaneous application.

ANNEXURE No.1

- 4) That in terms of the aforesaid letter dated 16.10.1995 of the Divisional Railway Manager(P), letter no. E/II/227/CL/DSL/94, dated 1.11.1995 was issued by the Assistant Personal Officer, N.E.Railway, Diesel Shed, Gonda by which the applicants along-with others were called for screening test on 21.11.1995.
- 5) That after ^{receiving} ~~screening~~ the aforesaid letter dated 1.11.1995 of the Assistant Personal Officer, N.E. Railway, Gonda, the applicants jointly moved an application dated 6.11.1995 to the Assistant Personal Officer, N.E. Railway, Gonda through Loco foreman(Diesel), N.E.Railway, Diesel Shed, Gonda which was received by him on 9.11.1995. By the aforesaid application, the applicants have pointed out that they have already been found fit in screening test held on 18.12.1985 and 31.1.1986. They further mentioned in the said application that they

Anil K. Saha

AD/44

were appointed as Diesel Khalasi and have been continuously working as such without any break.

They specifically mentioned in the said letter that they may be subjected to screening test without any prejudice to their right and claim in the pending original application no. 71/89(L). A photostat copy of the letter dated 6.11.1995 of the applicants addressed to the A.P.O. is filed as ANNEXURE No. 2 to this Miscellaneous application.

ANNEXURE No.2

6) That the applicants vide letter dated 20.11.1995 of Loco Foreman, General Diesel Shed, Gonda to Divisional Railway Manager(P), Lucknow Junction Camp Diesel Shed, Gonda, were spared to appear in screening test held on 21.11.1995. A photostat copy of the letter dated 20.11.1995 of the Loco

ANNEXURE No.3

Foreman is filed as ANNEXURE No. 3 to this miscellaneous application.

7) That the applicants appeared in the screening test held on 21.11.1995 without any prejudice to their right and claim. However, the result of the screening test held on 21.11.1995 has not been declared so far.

8) That aforesaid recent developments of the case are necessary to be placed on record for proper adjudi-

Anil Kumar Singh

AI 45

Central Administrative Tribunal

Lucknow Bench

-cation the case, hence the present Misc. appli-
Date of Receipt by Post
cation is being filed.

By, Registrar (2)

WHEREFORE, it is prayed that the respondents be directed to regularise the applicants on the post of Khalasis from the date their juniors were regularised and to entitle them to all the consequential benefits of seniority and promotion on the basis of their continuous working as Khalasis from the date of their respective appointment.

Anil Kumar Srivastava
(Applicant)

VERIFICATION

I, the applicant No. 3, Anil Kumar Srivastava, aged about 32 years, son of Shri Ram Autar Lal Srivastava, Casual Labour, Diesel Shet, N.E. Railway, Gonda, Quarter No. 418 A, Diesel Colony, Gonda, do hereby verify that the contents of paragraphs 1 to are true to my personal knowledge and those of paragraphs to are believed by me to be true on legal advice and that I have no suppressed any material fact.

LUCKNOW:

APPLICANT.

DATED: NOVEMBER 28 1995.

Anil Kumar Srivastava

IN THE HONBLE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

Central Administrative Tribunal

Lucknow Bench

Date of Filing

Date of Receipt

O.A No. of

Harendra Yadav & Others

vs
U.O.I & Others

Applicants

Opp. parties
By Registrar (D)

An-1

पूर्वोक्ता लेख

कर्मचारी,

म०१०प्र०(का०)लखनऊ, केम्प-
डीजल रोड, प०३०१०/गोष्ठा ।

सं०: ई/IV 227/संरक्ष/डीजल/गोष्ठा/93-94, दिनांक: 16-10-1995.

प्रमाण (डीजल)/गोष्ठा ।
लोको फोरमैन (डी) गोष्ठा ।
संरक्ष मंत्री/नर्म/पीआरएस/लखनऊ ।

विषय:- डीजल/गोष्ठा के सवजी/केजुजल लेबर कर्मचारियों की बान परीक्षा ।

डीजल रोड/गोष्ठा में कार्यरत सवजी/आओशमिक कर्मचारियों को चतुर्थ श्रेणी पर नियमित हेतु बान परीक्षा की जानी है । पोस्ट केन्दो अनुमोदन म०प्र०(का०)गोष्ठापुर के पत्रांक सं०: ई/227/संरक्ष/लखनऊ/पोस्ट केन्दो/II, दि०: 08/09-11-94 (12 कालासी एवं 04 स०वाला के नामले में) तथा 02 अथसवजी कालासी के मामले में पत्रांक सं०: ई/227/संरक्ष/लखनऊ/प्रसाद/92/4: दिनांक: 16-06-92 एवं रामसुददीन सवजी कालासी के आविदन पर पर महाप्रबन्धक ने उनकी नियुक्ति 01-01-81 के बाद मानकर दे दिया है ।

उक्त कर्मवाही हेतु इन सवजी/आओशमिक कर्मचारियों को 30-11-94 तक कुल 15 दिनों को आधार मानकर जो लोको फोरमैन (डी) गोष्ठा से प्राप्त हुआ है अनन्तिम वरियता सूची की प्रति संलग्न की जा रही है ।

यूपथा संलग्न सूची का पथन्ति प्रचार करें इसकी एक प्रति नोटिफ जोर्ड पर सभी कर्मचारियों के सुधनार्थ हेतु लगा दें ।

यदि किसी सवजी/आओशमिक कर्मचारी को अनन्तिम वरियता सूची पर किसी प्रकार की आपत्ति हो तो कर्मचारी अपना प्रतिवेदन सक्षय के साथ लोको फोरमैन (डी) गोष्ठा में प्रमाणित करते हुए इस अधिसूचना की जारी होने के 15 दिन के अन्दर पथ आपत्तिक को अक्षय प्रेषित कर दें अथवा इस अधिध के बंति जाने के बाद संलग्न सूची में कोई संशोधन नहीं किया जायगा । इसको जिम्मेदारी सवजी/आओशमिक कर्मचारी एवं सवजी पर होगी ।

केवल ऐसे ही सवजी कर्मचारियों के आविदियों पर विचार किया जायगा जो महाप्रबन्धक से अनुमोदित हेमि जोर इस सूची में नाम बूटे हेमि ।

Anil K. Sult

कुंसे म०१०प्र०(कार्मिक)लखनऊ,
केम्प-डीजल रोड/प०३०१०/गोष्ठा ।

=x=

AI 47

Jr.

The Assistant Personal Officer
N.E. Rly. Diesel Shed - Gonda.

Through: Loco Foreman (Diesel) / N.E. Rly. Diesel Shed / Gonda.

Central Administrative Tribunal

Date of Filing

Date of Receipt by Post

Sub: Reference of your letter NO. E/II/227/CL/DSL/GD/KY
Dt. 1.11.95 calling us again for screening test
Date fixed on: 21.11.95.

Respected Sir!

It is submitted that our application
O.A. No. 71/89(L) is pending in the central
administrative tribunal at Lucknow, in which
we have claimed for regularisation as Diesel
Khalari in Diesel Shed Gonda.

It is further submitted that we have
been already found "fit" in screening test held on
18.12.85 & 31.1.86 (In the case of Harendra
yadav he was found unfit being underage).

We all are appointed as Diesel Khalari
and have been continuously working as such
without any "break". In the aforesaid circum-
stances the applicant may be subjected to
screening test without any prejudice to their
right and claim in the pending application
O.A. No. 71/89(L) at CAT/LKO.

I will be highly obliged of your
this kindness.

Thanking Sir!

Your faithful applicants

Name

Signature

① Harendra Yadav, D/Kh.

T.No. 797 P.F.No. 44002907

E 20/11/95

② Madan Murari, D/Kh.

T.No. 795 P.F.No. 44002592

H 20/11/95

③ Anil Kr. Sivasankar (I), D/Kh.

T.No. 481 P.F.No. 44009069

A 20/11/95

④ Shafiqe Akhman, D/Kh.

T.No. 482 P.F.No. 44002312

S 20/11/95

Copy to Sr DME/
DSL, N.E. Rly./Diesel
Shed, Gonda for
information and
necessary action.

DATE - 6.11.95
Akhman Singh

O.A of
 Harendra Yadav & Others
 vs
 U.O.I & Others

AIMD

Applicants
 Opp. parties

Central Administrative Tribunal
 Lucknow Bench
 Date of Filing
 Date of Receipt by Post
 25-11-95

दोनों तरफ लिखें
 (side if required)

पुस्तिका नं. 100/1995

संख्या (No.)
 100/सि.सं. 112/95

कारिका (Particulars)
 सि.सं. 81/95

विषय (Subj):
 सि.सं. 81/95 के अन्तर्गत सि.सं. 112/95 के अन्तर्गत
 संदर्भ (R.I.):
 दिनांक 01.11.95 के आदेश का विरोध
 प्रस्ताव - शायदा एन.ए.के. सि.सं. 112/95 के अन्तर्गत सि.सं. 112/95 के अन्तर्गत
 1-11-95 तक अन्तर्गत सि.सं. 81/95 के अन्तर्गत सि.सं. 112/95 के अन्तर्गत
 दिनांक 1-11-95

उपरोक्त बातों के अन्तर्गत सि.सं. 81/95 के अन्तर्गत सि.सं. 112/95 के अन्तर्गत
 करके सि.सं. 81/95 के अन्तर्गत सि.सं. 112/95 के अन्तर्गत

- 1- श्री विवेक शर्मा एच/सि.सं. 81/95
- 2- " मदन मुखर्जी "
- 3- " आशुतोष शर्मा सि.सं. 81/95
- 4- " सुनील मुखर्जी "
- 5- " आशुतोष शर्मा सि.सं. 81/95
- 6- " विवेक शर्मा सि.सं. 81/95
- 7- " नंदीश नाथ सि.सं. 81/95
- 8- " राजेश शर्मा सि.सं. 81/95
- 9- " सुरेश शर्मा सि.सं. 81/95
- 10- " अशोक शर्मा सि.सं. 81/95
- 11- " विवेक शर्मा सि.सं. 81/95
- 12- " अशोक शर्मा सि.सं. 81/95
- 13- " अशोक शर्मा सि.सं. 81/95
- 14- " अशोक शर्मा सि.सं. 81/95
- 15- " अशोक शर्मा सि.सं. 81/95

सि.सं. 81/95

संख्या 100/सि.सं. 112/95

अन्तर्गत सि.सं. 81/95 के अन्तर्गत सि.सं. 112/95 के अन्तर्गत

Anil K. Singh

Central Administrative Tribunal

Lucknow Bench

Date of Filing

Date of Receipt by Post

By Registrar (P)

FF 11/4/96

Alug

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

C.M.P.NO. 487 OF 1996.

Inre;

O.A. NO. 71 OF 1989.

Harendra Yadav & others----

APPLICANTS.

Vs.

Union of India & others----

RESPONDENTS.

APPLICATION FOR TAKING ON RECORD

It is submitted on behalf of the respondents:-

That for the facts and circumstances disclosed in the accompanying supplementary applicat, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to take on record the supplementary application filed on behalf of the respondents.

LUCKNOW: DATED:

11/3/1996.

(ANIL SRIVASTAVA)
ADVOCATE.

COUNSEL FOR THE RESPONDENTS.

A T
11/3/96

1900

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A/51

Central Administrative Tribunal
Lucknow Bench
Date of Filing _____
Date of Receipt by Petitioner _____

By: Registrar (DD)

(2)

VERIFICATION

I, the above named ~~deponent~~ official do hereby verify that the contents of para 1 of the supplementary application are true to my own knowledge. Those of paras 2 & 3 are based on legal advice & records. No part of it is false and nothing material has been concealed. So help me God.

LUCKNOW: DATED:
11/3 /1996.

SMD
[Faint text and signature]

A150

Dy. Registrar (J)

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

O.A.NO. 71 OF 1989.

Harendra Yadav & others----

APPLICANTS.

Vs.

Union of India & others---

RESPONDENTS.

SUPPLEMENTARY APPLICATION

I, S.M. N. Islam, at present working as Sr. Divil Personnel officer, North Eastern Railway, Ashok Marg, Lucknow, do hereby solemnly affirm and state as under:-

1. That the official above named is working under the respondents and as such he is fully conversant with the facts of the case stated here-in-after.
2. That in persuant to the order dt. 28.11.95 passed by this Hon'ble Tribunal the result of the screening test held in respect of the applicant and others have been declared a copy of said result/panel dt. 11.1.96 is being filed herewith as Annexure No. SA-1 to this supplementary application.
3. That names of all the applicants as per their respective seniority finds place in the said resolution.

LUCKNOW: DATED:
/1996.

A/51

Central Administrative Tribunal
Lucknow Bench
Date of Filing _____
Date of Receipt by Dept _____

By Registrar (D)

(2)

VERIFICATION

I, the above named ~~person~~ official do hereby verify that the contents of para 1 of the supplementary application are true to my own knowledge. Those of paras 2 & 3 are based on legal advice & records. No part of it is false and nothing material has been concealed. So help me God.

LUCKNOW: DATED:
1/3 /1996.

SM
[Faint text]

on 16/11/96

14/1/96
A15

अध्यापक - जेपेरा, :-

डी.प्र. शैल गोपा ने कार्यरत जाफानका / सवजी श्रमिकों का दिनांक 21-11-95 को सचिव के कार्यालय में निम्नांकित अधिनी वतुर्क श्रेणी के पद पर स्थिति हेतु जनसंख्या सूची नामिका पर जाने की प्रार्थना की है। निम्नलिखित अधिनी वतुर्क श्रेणी के अध्यापकों का जन्म तिथि, अजजा/अजजजा/पिपड़ी जाति के प्रमाण पत्रों को पुनः जाँच करके जिन कर्मचारियों का प्रयत्न न हुआ हो, उनका प्रयत्न किया जाये।

अध्यापकों के नाम उनके लिये गये कार्य दिवसों के परीक्षण प्रश्न में दिया गया है।

क्र.सं.	अधिनी	पिता का नाम	जन्म तिथि	कुल दिवसों का संख्या	जाति
1-	हरेन्द्र यादव	जीएसएन यादव	01-10-64	437	पिपुर्वा
2-	मदन नुराणी	एसएनएन नुराणी	01-12-59	4239	सामाच
3-	अनिल कुमार श्रीवास्तव	रामअंतराज श्रीवास्तव	10-04-63	4236	सामाच
4-	शशिभोज यादव	रफीक अहमद	01-07-62	4215	सामाच
5-	शांतिक राम वर्मा	श राम पति वर्मा	20-01-62	4174	पिपुर्वा
6-	राम नुरा दूबे	जीएसएन दूबे	01-06-66	3414	सामाच
7-	केदार नाथ	राम शिवा	13-08-63	3421	अजजा
8-	राम जी यादव	महेश यादव	12-12-60	3384	पिपुर्वा
9-	सुरेश यादव	शरद देव	09-01-60	3299	पिपुर्वा
10-	अशोक गोपाल	भारतन	12-01-60	2780	अजजजा
11-	भाषावत यादव	श्रीमा	01-12-60	2433	पिपुर्वा
12-	श्रीमा नाथ शर्मा	श्रीएसएन शर्मा	14-01-63	2291	पिपुर्वा
13-	राम नाथ प्रसाद	शंदि कुमार प्रसाद	01-02-66	850	पिपुर्वा
14-	शंदि कुमार	शिराजुद्दीन	02-06-68	211	पिपुर्वा

अध्यापकों की सूची :-

राम नुरा	राम अंधारे	29-10-64	1493
प्रकाश वन्दे	श्रीता राम	12-01-62	1493
दुर्गा प्रसाद	बाबू उच्च	12-02-68	1493

प्रमाण :- पृष्ठ 2 पर।

SWR

CENTRAL ADMINISTRATIVE TRIBUNAL
Date of Filing
Date of Receipt by Post.....

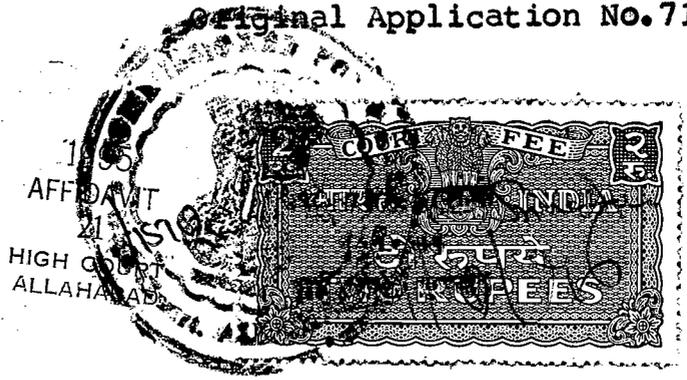
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW.

A153

By, Registrar ()

Original Application No.71 of 1989.

2458



Harendra Yadav and others. Applicants.

Versus

Union of India and others. Opposite Parties.

Supplementary Affidavit.

I, Anil Kumar Srivastava, aged about 33 years, son of Shri Ram Autar Lal Srivastava, Resident of Quarter No.418-A, Deisel Colony, Gonda, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent being one of the applicants in the aforesaid original application and pairokar of the other applicants and as such he is well conversant with the facts of the case stated hereinafter.

2. That the 7 persons who were screened alongwith 2 applicants No.1 and 2, were again called for screening alongwith the applicants. They were, on the basis of their screening in 1986,



Anil Kumar Srivastava

AISU

By, Registrar ()

were declared fit and given regularisation w.e.f. 21.1.1984. Thus these 7 persons who being declared fit on the basis of screening in 1986 were regularised from back date i.e. 21.1.1984.

3. That the applicants are also entitled to the same benefit as they were screened in year, 1986 and were found fit and therefore on the basis of ex-post facto approval as they were engaged after the relevant date i.e. 31.12.80. They are entitled for regularisation from 28.2.86.

4. That Ram Singh II, Narendra Prasad Tripathi, Surendra Kumar Singh, who were called for screening in 1984 were Junior to the applicants both on the basis of initial appointment as they were appointed subsequent to the applicants and also on account of no. of working days as they had put in lesser no. of working days than the applicants. This is evident from the table indicated below:-

Name	date of initial appointment.	No. of working days
	(date of screening in 84)	
a. Ram Singh II	1.9.1981	504 upto 31.5.84
b. Narendra Prasad Tripathi.	18.12.1981	429 upto 31.5.84
c. Surendra Kumar Singh.	21.4.81.	383 upto 31.5.84



Shri K. S. Singh

AKSS

By, Registrar ()

5. That there is nothing on record to show on what date approval was asked for by the Assistant personnel Officer Deisel Shed Gonda, or Senior D.M.E. (Deisel) Shed Gonda, from the G.M. NER, Gorakhpur in respect of the applicants on the basis of result of screening dated 28.2.1986 .

6. That in the case of applicant no.1 Shri Harendra Yadav, he was found under aged which is not factually correct as he was not under- aged at the time of screening on 18.12.1985. This position remained unaltered when he was regularised on the basis of screening and approval in 11.1.1996.

7. That as the opposite parties were seniors on the ~~base~~ basis of working days as well as the date of their initial appointment, they are to be regularised and given seniority from the date their Juniors were regularised as Khalasis and this is ^{evident} ~~under~~ from the letter of the G.M. North Eastern Railway, Gorakhpur lying down the procedure for screening of Khalasis which is filed as Annexure No.1 to this supplementary affidavit.

8. That it is relevant to point out that screening ^{is} ~~is~~ done to ~~is~~ ~~test~~ test the fitness and it is not a selection test. Thus the applicants were wrongly excluded from screening held in 1983 and 1984 and there- after despite their seniority position and persons junior to them were regularised.



Handwritten signature

A156

Dy. Registrar (1)

9. That in the aforesaid circumstances ~~as~~ the applicants are entitled for seniority from the date ~~then~~ juniors were regularise by letter dated 29.8.1984.

10. That as per letter of D.R.M. dated 13.9.1988, 7 persons namely Shri Ram Preet, Shri Raj Kumar, Shri Tej Narain Singh, John Adward, Surendra Yadav, Lal Chand, Chandra Shekhar Rai, who were found fit in the screening held on 18.12.1985/ 31.1.1986 were given regularisation ^{w.e.f.} 21.1.1984. Thus it is evident that there were 7 vacancies still available to be filled on the basis of screening held in 1986, in which the applicants were found fit and became entitled for regularisation.

Lucknow, dated.
August 29, 1996.

Anil Kumar
Deponent.

Verification

I, the deponent, named above, do hereby verify that the contents of paras 1 to 8 & 10 of this supplemental affidavit are true to my own knowledge and those of paras 9 are based on record and those of paras _____ are based on legal advice. No part of it is false and nothing material has been concealed.



A157

Control Administrative Tribunal
Lucknow Bench
Date of Filing
Date of Receipt by Post

So help me God.

Op. Registrar (1)

Lucknow, dated.
August 29, 1996.

Amal Kumar Sinha
Deponent.

I, identify the deponent who
has signed before me.

Son Kantik
Advocate.

Solemnly affirmed before me on 29/08/96
at 1.35- a.m./p.m. by *Amal Kumar Sinha*
the deponent, who is identified by
Shri *Son Kantik*
Advocate, High Court at Allahabad,
Sitting at Lucknow.

I have satisfied myself by examining the
deponent that he understands with the contents of
this affidavit which have been readout and explained
to him by me.

N Khan
(NOORUL HASNAIN KHAN)
Advocate
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench, Lucknow

No. 21 / 1570
Date 29/08/96



A150

Central Administrative Tribunal
Lucknow Bench
Date of Filing _____
Date of Receipt by Post _____

By, Registrar (J)

N.E. RAILWAY.

No. E/227/20/2/V(Con)

GENL. MAN. OFFICER
GORAKHPUR DIV.

- All Heads of Deptts.
- All Divl. Rly. Managers & Divl. Supdt. ICB
- All Extra Divl. Officers
- All Personnel officers
- N.E. Railway.

Sub: Formation of panel from casual labour/
Substitute for absorption in class IV
categories.

On the subject of formation of panels from Casual
labours/Substitutes for absorption in Class IV categories, the
instructions issued from time to time are contained in the
following circulars :-

Sl. No.	This office circular No. and date.	Contents in brief.
1.	E/227/20/2/V(Con) dt. 19.4.78, 22.4.78	Method of screening formation of unit and formation of screening committee.
2.	E/227/20/2/V(Con) dt. 27.22.78.	Formation of panel from C.L/ Substitute for absorption in class IV categories.
3.	E/227/20/2/V(Con) dt. 27.11.78	do
4.	E/227/20/2/V(Con) dt. 3/4.5.79.	Method of screening, formation of unit, formation of screening committee.

2. In modification of all these directives the following further guidelines are given for formation of the panel from casual labour/Substitutes for absorption in class IV categories for future. These guidelines are based upon the past experience and intended to meet out the largest measures of justice to the casual labour.

3. Eligibility for screening:

3.1 For the screening of casual labours/substitutes for the empanelment for appointment in class IV categories the minimum period of employment of 500 days from 1.5.79 will be insisted upon so that there may not be wide divergence in periods of employment between various units of seniority. Where periods of employment are less, the panel may be prepared after seniority most have completed 500 days.



Amrinder Singh

Central Administrative Tribunal

Backlog Bench

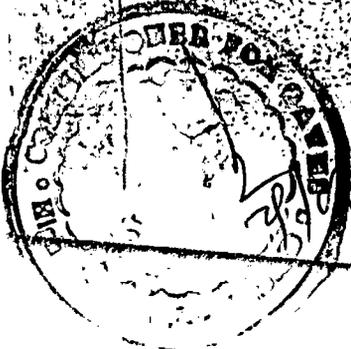
Date of Filing

Date of Receipt by Post

1959

By, Registrar (/)

8. Officers and inspectors should make it a point to check up the basic records and the correctness of the seniority list maintained, in the course of their inspections.
9. The seniority list of casual labour should be published on the 1st of January and 1st of July of every unit in a year.
10. The screening committee will consist of three Asstt. officers including one AFO. The nominating authority will be careful about the choice of the Asstt. Officers.
11. Screening unit and screening committee is shown in Annexure 'A' attached.
12. Note (1) The undernoted officers fill nominat. the screening committee:
 - (a) DPO in divisions.
 - (b) Sr. scale officer in Extra Divisional offices.
 - (c) SPO/T in respect of Hdqrs. offices.(2) In the Engineering Deptt. the respective AENs will arrange screening of casual labours/substitutes separately in their jurisdiction in consultation with D.P.O.
(3) The screened casual labours of the Construction/Survey Organisation will be engaged as under:
 - (a) All the screened class IV staff of Hd. qrs. Construction unit will be engaged against class IV vacancies of Hd. qrs. offices viz. Waterman, Peons, Chowkidar etc.
 - (b) All the screened class IV staff out of the Hd. qrs. unit will be engaged against class IV vacancies absorbed in the respective division/extra divisions.(4) The following procedure should be adopted for conducting the screening test of casual labours/substitutes.
 - (a) The candidates should be called for the screening test strictly on the basis of seniority in respect of the length of service of C.L./Substitute.
 - (b) The panel/screened list should be formed only to the extent of the vacancies as assessed for the current year plus anticipated vacancies of the following year.
 - (c) The number of candidates to be called for the screening test should be such as to get successful candidates equal to the number of vacancies as assessed i.e. the screening test should be stopped when successful candidates are equal to the number of vacancies become available. In case screening is already completed and results are published, the results will be published upto the extent of assessed vacancies as at (b).



[Handwritten signature]

GA 21/89

A160

In screening of 1988 - applicants failed.
(Result u 89)

In 1988 screening applicant found fit
but as papers of applicants not
sent for approval of G.M. - they were not
initially approved.

- Papers of J.T. were sent to G.M. & were
regularised -

See MIM 339/95 - 1986 screening was not challenged as
Supp App filed 5/1/96 that was not communicated.

See para 14A of GA

See Ann 9A - Applicants found fit.
Supp app no. 1 - Harinder

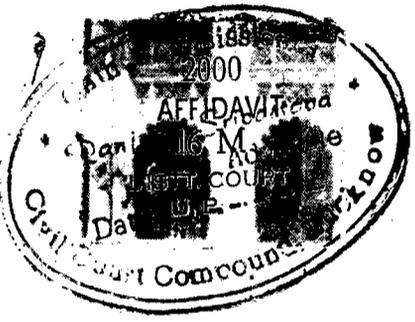
See Ann - 9.

See para 2 of Reply dt. 11.8.75 filed by resp.

filed today
at Sl. No. 31

A/61

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.



O.A. NO. 71 of 1989

Harendra Yadav and ORS

Applicants;

Versus

Union of India

Respondents.

Supplementary Affidavit in compliance to order dated
22.5.2000 passed by this Hon'ble Tribunal.

I, Amitabha Khare, aged about 39 years, son of Shri D.N. Khare, at present working as Senior Divisional Personnel Officer, North Eastern Railway, Ashok Marg, Lucknow do hereby solemnly affirm and state on oath as under.

1. That the deponent above named has gone through the records of the present case, as such he is fully conversant with the facts of the case stated hereinbelow and he is competent to file the present affidavit on behalf of the respondent.

2. That without reference to any selection, the Additional General Manager, North Eastern Railway, Gorakhpur vide his letter dated 5/17.3.93 issued general directions to Divl. Rly. Manager, NER, Lucknow to send a list of casual labours who have been engaged on or after 31.12.80 for obtaining post facto approval from the General Manager. A copy of said letter dated 5/17.3.93 issued by the Additional General Manager, North Eastern



for the office of the
Divl. Personnel Officer,
N. E. Railway, Lucknow.

A163

(3)

endorsed that the aforesaid proceedings are not available.

7. That since the screening proceedings are not traceable with the answering respondent, hence no comments for the same can be offered by the answering respondent.

8. That it may further be clarified that after passing of the order dated 22.5.2000 by this Hon'ble Tribunal, again efforts were made by all concerned to trace out the aforesaid screening proceedings but despite best efforts, the said proceedings could not be traced out even this time also. Accordingly some delay has taken place in filing the present affidavit.



That the delay in filing the present affidavit is neither intentional nor deliberate but only due to bonafide reasons as explained above.

Lucknow
Dated 15.7.2000
I, Amitabha Khare, the deponent above named do hereby verify that the contents of paras 1 to 9 of this affidavit are true to my own knowledge based on records and legal advice.
(Kanishk Srivastava)
Commissioner for Affidavits
Lucknow Civil Court, Lucknow
Dated 15.7.2000

(AMITABHA KHARE)
Sr. D.P.O./N.E. Rly.
Lucknow
Deponent
Divisional Personnel Office
N. E. Railway, Lucknow

Verification

I, Amitabha Khare, the deponent above named do hereby verify that the contents of paras 1 to 9 of this affidavit are true to my own knowledge based on records and legal advice.

(Kanishk Srivastava)
Commissioner for Affidavits
Lucknow Civil Court, Lucknow
Dated 15.7.2000

(Amitabha Khare)
Deponent
Divisional Personnel Office
N. E. Railway, Lucknow

I know the deponent above named who has signed before me.

(ANIL SRIVASTAVA)
Advocate

12979
3x4

143
18/3/93

2
A164

Annexure No. 5

K.C. VARMA
आपर महाप्रबन्धक
पूर्वांचल रेलवे, गोरखपुर
ADJ. GENERAL MANAGER
NORTH EASTERN RAILWAY
GORAKHPUR

CONFIDENTIAL

D.O.No.E/227/CL/Post Facto/IV

Dated 4.3.1993
17

My dear Mahmood.

Sub: Post facto approval of G.M. for Casual Labour/Substitute engaged after 31.12.80 in Open Line and after 30.4.81 in Project.

A number of Casual labour/Substitutes had been engaged after the cut off dates mentioned above without approval of General Manager.

2. A list of all such Casual labour/substitutes may be submitted to Chief Personnel Officer with name, father's name, date of birth, initial date of engagement, purpose for which they were engaged and the authority who engaged them so that General Manager could be approached for his post-facto approval for their appointment. The list should positively reach by 30.4.93 after which no such cases will be considered on the assumption that they do not exist on your Division/Unit.

Yours sincerely,

Shri Aslam Mahmood
DRM/NER
YN

Oath Commissioner
Civil Court Compound, Lucknow
Date: 2-3-93
Advocate

(K.C. Varma)

Sr DPO

R
27-4-93

Please ensure

DRM
18-3-93

78-3-93

Divisional Personnel Officer
N. E. Railway, Lucknow

पत्र संख्या=ई/एसएस-नोट/प्रमंकाध/93

लखनऊ : दिनांक-18-3-1993

प्रीतितीप:- निम्नीलिखत को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. सभी शाखा अधिकारी/पुअरे/लखनऊ मंडल।
2. मकाध/सकाध-1-11-111/लखनऊ मंडल।

Shri Aslam Mahmood
पूर्वांचल रेल प्रबन्धक का लखनऊ

(गोपनीय)

कर्मचारी

मण्डल लि. प्रबन्धक (का०)
लखनऊ, दि० 14-12-93

पूर्वज्ञा रिले

सं० ई/11/227/सी एल/
डी/जोडी/93-94

महप्रबन्धक (का०)
पूर्वज्ञा रिले
गोरखपुरा

विषय :- डीजल रोड गोपठा में दिनांक 31-12-80 के बाद
कार्यवाही लगाने गये अकारिभक्त श्रमिकों के सम्बन्ध
में महाप्रबन्धक के पोस्ट बैकटी अनुमोदन ।

संदर्भ :- ब्रमयार्ड/डीजल रोड गोपठा का पत्र सं० एम/डी/ई/9/93
दिनांक 21-10-93

ब्रमयार्ड डीजल रोड गोपठा में अपने उपरोक्त संदर्भित पत्र द्वारा 23 ऐसे
अकारिभक्त श्रमिकों को सूची इस कर्मचारी की भेजी है जिनको डीजल रोड गोपठा में प्रथम
नियुक्ति 31-12-80 के बाद की है। संलग्न चर्च में अकारिभक्त श्रमिकों का पूरा विवाण
जैसे नाम, पिता का नाम, जन्मतिथि, प्रथम नियुक्ति की तिथि, जिस कार्य के लिए लगाया गया
उसका उद्देश्य एवं कार्यवाही करने वाले अधिकारी का पत्र अंकित है।

इस मण्डल से जित्त विभागों को ऐसे अकारिभक्त श्रमिकों की सूची महाप्रबन्धक
महोदय के पोस्ट बैकटी अनुमोदन हेतु भेजी गयी थी उस समय उपरोक्त संदर्भित सूची
डीजल रोड से प्राप्त नहीं हुई थी, इसी कारण अन्य के साथ इसे नहीं भिजा जा सका।

पूरे विवाण के साथ इस मण्डल से प्रबन्धक महोदय को प्रस्तुत किया
गया था। और उन्होंने उपरोक्त 23 अकारिभक्त श्रमिकों की सूची महाप्रबन्धक के पोस्ट बैकटी
अनुमोदन हेतु मुख्यालय की भेजने का निर्देश दिया, परंतु यह सिद्ध इस अक्षय के साथ
संलग्न कार्य भेजा जा रहा है कि इस या महाप्रबन्धक महोदय का पोस्ट बैकटी अनुमोदन
प्राप्त करके इस कर्मचारी की भेजने की कृपया व्यवस्था करें।

रुक्मिणी - 2

कृते मण्डल लि. प्रबन्धक (कार्मिक)
लखनऊ

प्रतिलिपि :-

द्वारा मण्डल यांत्रिक इंजीनियर (डी)
गोपठा को उनके उपरोक्त पत्र के
संदर्भ में सूचनार्थ प्रेषित।

मह प्रबन्धक (कार्मिक) लखनऊ

मह प्रबन्धक (कार्मिक) लखनऊ

Divisional Personnel Officer
E. Railway, Lucknow

कृते मण्डल लि. प्रबन्धक (कार्मिक)

लखनऊ

15-12-93
Bath Commissioner
* Duniya Srinivastava *
Advocate
Date: 21/12/93
Civil Court Compound, Lucknow

ok

29/12/93

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Central Administrative Tribunal
Date of filing
Date of receipt

16/1/2001

Deputy Registrar

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P. No. 224/201 OF 2001

In re:

O.A. No. 71 OF 1989

Harendra Yadav and 3 Others

.....Applicant.

Versus

Union of India & others

.....Respondents.

Application for condonation of delay in filing the Supplementary
Affidavit on behalf Respondents

The respondents most respectfully beg to submit as under:-

That some delay has occurred in filing the counter reply for want of necessary records and instructions. That now the supplementary affidavit is ready and is being filed herewith. That the delay in filing the supplementary affidavit is bonafied, inadvertent and without intention and, therefore, is liable to be condoned.

That it is expedient in the interest of justice that this Hon'ble Tribunal may kindly be pleased to condone the delay in filing the supplementary affidavit on behalf of the respondents.

PRAYER

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal in the interest of Justice may very graciously be pleased to condone the delay in filing the supplementary affidavit on behalf of the respondents.

Lucknow.

Dated: 16.01.2001

(ANIL SRIVASTAVA)

ADVOCATE.

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Central Administrative Tribunal

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

Date of filing

Date of receipt

LUCKNOW BENCH, LUCKNOW.

Deputy Registrar

M.P. No.

295/24

OF

2008

In re:

O.A. No 71

OF 1989

Harendra Yadav and 3 others

.....Applicant.

VERSUS

Union of India & Others

.Respondents.

Application for taking on records the Supplementary Affidavit.

The respondents most respectfully beg to submit as under:-

That for the facts, reasons and circumstances disclosed in the accompanying Supplementary Affidavit, it is most respectfully prayed that this Hon'ble Tribunal in the interest of Justice may very graciously be pleased to take on record the present Supplementary Affidavit.

Lucknow.

Dated: ~~November~~ 16 | 01 | 2008

(ANIL SRIVASTAVA)

ADVOCATE

Counsel for the Respondents.

Central Administrative Tribunal
Lucknow Bench
Date of filing
Date of receipt

11/6/89

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
Deputy Registrar
LUCKNOW BENCH, LUCKNOW.

O.A. No. 71 of 1989

Harendra Yadav and 3 ORSApplicants;

VERSUS

Union of India and ORSRespondents.

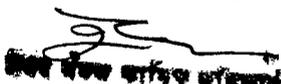
Reply on behalf of all respondents to the supplementary Counter Affidavit as well as Supplementary Affidavit filed by the applicants.

I, Shailendra Kumar, at present working as Senior Divisional Personnel, North Eastern Railway, Ashok Marg, Lucknow do hereby solemnly affirm and state as under.

1. That the official abovenamed as gone through the contents of Supplementary Counter Affidavit (copies served on 29.8.2000) and Supplementary Affidavit filed by the applicants and understood their contents, as such, he is fully conversant with the facts stated hereinbelow and is competent to file the present reply on behalf of all the respondents.

2. That the contents of para 1 of the Supplementary Counter Affidavit do not call for any reply.

3. That the contents of para 2 of the Supplementary Counter Affidavit are categorically denied. Senior D.P.O. being a gazetted class I Junior Administrative Grade


Senior Divisional Personnel Officer,
North Eastern Railway, Lucknow

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Deputy Registrar

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officer, as such he is fully competent to file any reply/affidavit on behalf of Union of India. The competent authority has delegated powers to class I Junior Administrative Officer to file reply/affidavit on behalf of Union of India.

4. That the contents of para 3 of the Supplementary Counter Affidavit are denied and those of paras 2,3 and 4 of the Supplementary Affidavit are reiterated as correct. No misleading or contradictory stand has been taken by the respondents in their counter reply or in the supplementary affidavsit or in the reply to amended paras as alleged by the applicants. A perusal of relevant paras of the relevant pleadings would clarify that no misleading or contradictory statement has been given by the respondents. The seniority of the applicants would be governed as per para 2511(a) of Indian Railway Establishment Manual.

5. That the contents of para 4 of the Supplementary Counter Affidavit are denied and those of paras 5, 6 and 7 of the Supplementary Affidavit are reiterated as correct. The correct facts have been stated in paras 5,6 and 7 as existed. It is surprising that the records regarding screening of the year 1984-85 are not available with the respondents but the copies of the same have been filed by the applicants alongwith their pleadings. It is further more surprising that the official record like screening etc. how applicants were able to copy the same

[Handwritten signature]
G. Divisional Registrar
H. Railway, Lucknow

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(3)

Deputy Registrar

and dared to file the same before this Hon'ble Tribunal and on the other hand teaching lessons to the respondents as to how to ^{maintain} the records. The applicant is called upon to disclose the source to this Hon'ble Tribunal as to how and under which circumstances and from whom they were able to obtain the original confidential records and copied them for the purpose of filing before this Hon'ble Tribunal. They must also state on affidavit that to which of the officials (by name), they have returned the aforesaid confidential documents. It is also doubtful whether they have returned the said confidential documents or not. The answering respondents would welcome any enquiry in this respect. At this stage, it is also relevant to point out that the applicants have been able to obtain the original confidential documents and were able to file the copies of the same before this Hon'ble Tribunal and simultaneously, the said records are not traceable in the office of respondents since then.

6. That the contents of paras 5 and 6 of the Supplementary Counter Affidavit are denied and those of paras 8 and 9 of the Supplementary Affidavit are reiterated as correct. As already explained in the preceding paragraphs, sufficient reasons have been explained why the records are not traceable in the office of the respondents. It is further submitted that active connivance of the applicants for non-traceability of the aforesaid confidential documents can also not be ruled out.

सहायक निदेशक (व्यक्तिगत),
व्यक्तिगत सेवा विभाग,
७१, डिवीजनाल पर्सनल ऑफिस,
११, रेलवे, लखनऊ

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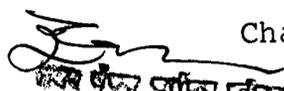
Deputy Registrar

7. That long back, applicants have also filed a Supplementary Affidavit in the month of December, a copy of which was duly served upon the counsel for the respondents in the month of December itself but the same could not be replied at the appropriate time because same was fixed up and misplaced in the records and was overlooked. However, when the counsel for the respondents was preparing the case for hearing, he found out the said Supplementary Affidavit and accordingly comments were sought from the department and same is being replied here under.

8. That the contents of para 1 of the Supplementary Affidavit do not call for any reply.

9. That the contents of para 2 of the Supplementary Affidavit are not admitted as alleged. In the 4th line at page 1 of the said affidavit, the applicant is mentioning regarding screening in the year 1986 while in 3rd line at page 2, they state regarding screening in the year 1985. The Railway Board vide its circular no. E(NG) II/83/CL/SC/9 dated 7.5.83 have issued directions regarding fixation of seniority of casual labours through which para 2511(a) of Indian Railway Establishment Manual has been amended vide advance correction slip no. 135 which states as under.

'Casual labour treated as temporary are entitled to all the rights and benefits admissible to temporary railway servants as laid down in Chapter XXIII of the I.R.E.M. The rights and


विभागाध्यक्ष, पर्सनल ऑफिस,
ए. ए. रेलवे, लखनऊ
Divisional Personnel Officer
A. E. Railway, Lucknow

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(5) Deputy Registrar,

privileges admissible to such labour also include the benefit of Discipline & Appeal Rules. However, their services prior to absorption in temporary/permanent regular cadre after the required selection/screening will not count for the purpose of seniority and the date of regular appointment after screening/selection shall determine their seniority vis-a-vis other regular employees. This is, however, subject to the proviso that if seniority of certain individual employees has already been determined in any other manner either in pursuance of judicial decisions or otherwise the seniority so determined shall not be altered.'

A copy of the said circular dated 7.5.83 is being filed herewith as ANNEXURE no. 1 to this reply.

As regards seniority given to other persons who were screened alongwith applicants no. 1 and 2, the same are being looked into, as to how they have been given seniority with retrospective effect. If anything wrong or against the rules will come into the notice, their respective seniority position would be redetermined in pursuance of the amended para 2511(a) of the Indian Railway Establishment Manual.

10. That the contents of para 3 of the Supplementary


Deputy Registrar,
Lucknow Bench
Central Administrative Tribunal
Lucknow

Central Administrative Tribunal
Lucknow Bench, Lucknow.
Date of filing _____
Date of receipt by post _____

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(6)

Deputy Registrar

Affidavit are denied. Firstly, applicant's name does not find place in the panel declared for regularisation. Besides, if certain persons have been given undue benefits against the rules by certain mistake, the same mistake cannot be repeated again and same benefits cannot be given to other employees like the applicants.

11. That the contents of para 4 of the Supplementary Affidavit are denied. In the screening only suitable candidates who are eligible as per rules are placed on the panel for regularisation. Applicants have not disclosed in para under reply as to from which applicant they were allegedly junior. It is further submitted that if the junior persons are found eligible while a senior person is not found eligible then there is no bar in placing the name of such junior in the panel.

12. That in reply to the contents of para 5 of the Supplementary Affidavit, it is submitted that detailed replies in respect of the same have already been given in the Supplementary Affidavit filed by the respondents in compliance of order dated 22.5.2000 passed by this Hon'ble Tribunal. In this respect, it is further submitted that preventive steps have been taken by the Railway Board against bogus casual labour cards and decasualisation of casual labour for which directives dated 4.2.84, 9.2.84, 21.2.84 and 7.6.84 were given from time to time. A copy of said letters are being filed here with as ANNEXURE no. 2 to this reply. A perusal of para 2


प्रधान न्यायाधीश,
राज्य सेवा आयोग,
Dr. Dinkar Prasad Mishra
1, A. Railway, Lucknow

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Central Administrative Tribunal
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Date of filing
Date of receipt

(7)

Deputy Registrar

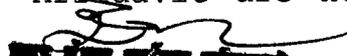
of letter dated 7.6.84 is also very relevant in the present case.

13. That the contents of para 6 of the Supplementary Affidavit are not admitted as alleged.

14. That the contents of para 7 of Supplementary Affidavit are not admitted as alleged. It is further submitted that in the copy given to the counsel for the answering respondent, no annexure no. 1 is annexed with the same as alleged. Now the case is not for regularisation of the applicants but for fixing the seniority of the applicants.

15. That the contents of paras 8 and 9 of the supplementary affidavit are denied. As already explained in the previous paragraphs, only one who is eligible, his name is placed on the panel but one who is not eligible as per the rules, his name is not placed in the panel. It is not that every person who has been screened, his name has to be found in the panel. Anything alleged contrary to the aforesaid facts are denied. Since the applicants hve already been regularised and they are being given seniority from the dates, their names were placed in the panel but the said position is now being challenged by the applicants. Anything alleged contrary to the aforesaid facts are denied.

16. That the contents of para 10 of the Supplementary Affidavit are not admitted as alleged. A copy of DRM's


[Signature]
[Signature]

4. Divisional Personal Officer
A. B. Pathak, Lucknow

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Deputy Registrar

(8)

letter dated 13.9.88 as alleged by the applicants is not available in the office of the respondents at present. The same is being searched out. It is further categorically submitted that if any wrong benefit has been given to certain employee against the rules, same would be rectified as soon as the full facts come into the knowledge of the respondents. However, on the basis of wrong benefits given to certain employees, said mistake cannot be repeated again and said wrong benefits cannot be given to the applicants.

17. That in nutshell, the applicants have already been regularised and posted in Diesel Shed, Gonda. As per rules, their seniority would be assigned as per para 2511 (a) of the Indian Railway Establishment Manual and the Railway Board's instructions on the subject.

Lucknow

Dated January 8, 2001.

(SHAILDENDRA KUMAR)
Respondent
Divisional Personnel Officer
Lucknow

VERIFICATION

That the official abovenamed do hereby verify that the contents of para 1 of this reply are true to my own knowledge and those of paras 2 to 17 are believed to be true on the basis of records and legal advice. No part of it is false and nothing material has been concealed.

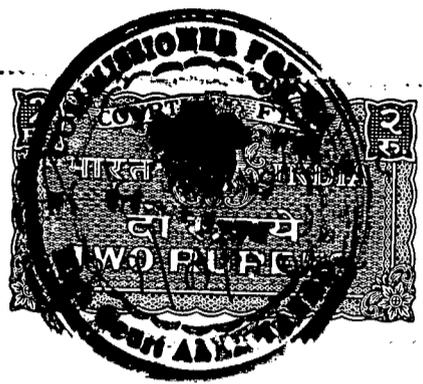
Lucknow.

Dated January 8, 2001.

Respondent
Divisional Personnel Officer
Lucknow

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



O.A. NO.71 of 1989.

HARENDRA YADAV AND OTHERS. APPLICANTS.

VERSUS

UNION OF INDIA AND OTHERS. RESPONDENTS.

SUPPLEMENTARY COUNTER AFFIDAVIT TO THE
SUPPLEMENTARY AFFIDAVIT FILED ON BEHALF
OF THE RESPONDENTS.

I, Harendra Yadav, aged about 36 years,
son of Shri Devanand Yadav, Resident of -Quarter
No.196, Bargaon, District-Gonda, the deponent, do
hereby solemnly affirm and state on oath as Under:-

1. That the deponent is arrayed as applicant
no.1 in the above application and as such he is fully
conversant with the facts of the case stated
hereunder. He has been duly authorised to file
this affidavit on behalf of the other applicants.

2. That in reply to para 1 of the Supplementary
affidavit, it is submitted that the deponent
Shri Amitabh Khare, who is working as a Senior
Divisional Personnel Officer, North Eastern Railway,
Ashok Marg, Lucknow is neither a party in the above
original application nor is competent to file the



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supplementary affidavit as he has been neither authorised nor required to file the supplementary affidavit on behalf of the respondents in compliance with the order dated 22-5-2000 passed by this Hon'ble Tribunal.

- (3) That para 2, 3 and 4 of the supplementary affidavit as stated are denied. It is submitted that the averments made in para under reply are not in compliance with the order dated 22-4-98 of this Hon'ble Tribunal. This Hon'ble Tribunal by its order dated 23-4-98 in reference to the supplementary counter to amendment filed by the respondents has recorded that the respondents have denied the authenticity of Annexure-9-A but they have admitted that approval of General Manager was sought in case of the applicant for treating their initial appointment as authorised for their regularization. This Hon'ble Tribunal accordingly directed the respondents to file a supplementary affidavit to give facts as to how applicants' names and with what context and with reference to which selection approval was sought for treating their appointment as authorised from General Manager, because the respondents have admitted that approval was sought and was given but



22/5/00

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they were regularized only after the approval given by the General Manager. Thus the contrary statement is being made to the one made to the counter reply to amended paras which was based on knowledge derived from records. Thus the averments made in para under reply are misleading and contradictory to the stand taken in the counter reply to amended paras of the O.A. Wherein, it is admitted that in the present case also the names of the applicants was sent to the General Manager for post facto ~~to~~ approval but the General Manager did not grant ~~in~~ relaxation to the applicants by giving post facto approval as such the names of the applicants could not be placed on the said panel. The averments made in the above paras thus contradicts the statement made in para 4 of the counter reply to the amended paras of the original application which is on the basis of the record.

- (4) That the averments made in para 5, 6 and 7 of the supplementary affidavit are false, misleading and motivated, hence denied. An attempt has been made to withheld the screening test record from this Hon'ble Tribunal in terms of para 19 of



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- 4 -

circular letter No. E/227/20/2/V(Con) dated
15-9-79 issued by the General Manager (P),
North Eastern Railway, Gorakhpur:-

" It is to be ensured that the Screening
is just and fair. The approach has to
be 'Principle oriented' and not
'Personal oriented'. Proper safe guard
are required to be taken so that the
empanelled lists are not tampered with.
One copy of the screened list should also
be kept in the personal custody of
D.R.M's./D.S's. and the D.P.O./S.P.O.
concerned in his personal lock and key
and two copies required to be sent to
C.P.O's Office."

From the aforesaid para 19, it is evident
that copies of the screened list are required to
be kept under lock and key of different authorities
of the D.R.M's/D.S.'s and the D.P.O./S.P.O. and
two copies are required to be sent to C.P.O.'s
Office.



E2-2 1164

Thus the averments made in para under
reply are not in conformity with para 19 of the
aforesaid circular and further show that no

Contd..5

1181

- 5 -

attempt has been made to trace the list from the authorities in whose personal custody the copy of the screening list is required to be kept. The Affidavit filed by a senior D.P.O. is therefore misleading and not in conformity with para 19 of the above circular dated 15-9-79. A photostat copy of the circular dated 15-9-79 issued by the General Manager (P), North Eastern Railway, Gorakhpur is filed as ANNEXURE NO.CA-1 to this counter reply.

ANNEXURE NO.CA-1

- (5) That in reply to para 18 it is stated that the supplementary affidavit is not in compliance of the order dated 22-5-2000 there is no indication that any attempt was made to trace the screening list from the personal custody of the authorities concerned as indicated in para 19 of the circular dated 15-9-79.
- (6) That para 9 as stated is denied. It is submitted that in the facts and circumstances stated above, the delay in filing the affidavit is malafide and in contravention of the orders dated 23-4-98 and 22-5-2000 passed by this Hon'ble Tribunal and



Contd...6

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with the malafide intention to circumvent the directions contained in the aforesaid orders of this Hon'ble Tribunal.

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Lucknow:

Dated : 29/01/2000

DEPONENT

VERIFICATION

I, the deponent, above named, do hereby verify that the contents of paragraphs 1 to 6 of this affidavit are true to my own knowledge and the knowledge derives from record and those of paragraphs 1 are believed by me to be true on the basis of legal advice. No part of it is false and nothing material has been concealed, so help me God.



LUCKNOW:

DATED : 29/01/2000

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DEPONENT

I identify the deponent on the basis of papers submitted by him and he has signed before me.

solemnly affirmed before me on at Lucknow the deponent I have satisfied that he understands the contents of this affidavit which has been read to him

29/01/2000
H. Yadav
Ravindra Kumar
Sri L.P. Shukla V.
I identify the deponent on the basis of papers submitted by him and he has signed before me.

(Signature)
(RAVINDRA KUMAR)
Clerk to Sri L.P. Shukla, Advocate

(Signature)
(Em. A. NCOR KHANAM)
Advocate

OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench Lucknow.

No. C.N.A. Dt. 29/01/2000

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ANNEXURE No.1

N.E. RAILWAY.

No. E/227/20/2/V(Con)

GENL. MANAGER (P)
GORAKHPUR. DT. 15.9.78.

All Heads of Deptts.
All Divl. Rly. Managers & Divl. Supdt. IZN
All Extra Divl. Officers
All Personnel officers
N.E. Railway.

Sub: Formation of panel from casual labour/
Substitute for absorption in class IV
categories.

On the subject of formation of panels from Casual labours/Substitutes for absorption as Class IV categories, the instructions issued from time to time ~~fixe~~ are contained in the following circulars :-

Sl. This office circular

No. No. and date.

Contents in brief.

- | | | |
|----|---|---|
| 1. | E/227/20/2/V(Con)
dt. 19.4.78, 22.4.78 | Method of screening formation of unit and formation of screening committee. |
| 2. | E/227/20/2/V(Con)
dt. 27.22.78. | Formation of panel from C.L./ Substitute for absorption in class IV categories. |
| 3. | E/227/20/2/V(Con)
dt. 27.11.78 | do |
| 4. | E/227/20/2/V(Con)
dt. 3/4.5.79. | Method of screening, formation of unit, formation of screening committee. |

2. In modification of all these directives the following further guidelines are given for formation of the panel from casual labour/Substitutes for absorption in class IV categories for future. These guidelines are based upon the past experience and intended to meet out the largest measures of justice to the casual labour.

3. Eligibility for screening:

3.1 For the screening of casual labours/substitutes for the empanelment for appointment in class IV categories the minimum period of employment of 500 days from 1.5.79 will be insisted upon so that there may not be a wide divergence in periods of employment between various units of seniority. Where periods of employment are less, the panel may be prepared after senior most have completed 500 days.



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3.2 For schedule caste and schedule tribe candidates the above criteria will also be applicable. In case where the scheduled caste/tribe candidates having 500 working days are not available in required number the relaxation of 300 days will be given for making up shortfall of SC/ST. If further relaxation is considered necessary it can only be done with personal approval of HODs concerned or DR/DS concerned of the division.

3.4 500 working days from 1.5.79 for staff employed in quasi government administration connected with Railway work:-

- 3x (a) Cooperative Stores/Societies/Canteens.
- (b) Staff canteens (c) Handicraft centre.
- (d) Vendors and commission bearers (e) Sports and cultural organisations.
- (f) Institutes and Welfare Centres, clubs, Homeopathic dispensaries. These quasi government organisations may be attached with the unit of personnel Branch of the Division/Hqrs. The staff canteen attached with the office and the staff canteen attached with shops and Press may be attached with the concerned shops and press.

3.4.1 The calculation for the purpose of assessment of service of 500 days in such cases will be as under :-

One half the number of days is to be taken upto 30.10.79 i.e. the date of Board's letter No. E(NG)III-73RR/27 dt. 30.10.79 and full service thereafter. For calculation of the number of days in their cases it has been decided that the officers concerned will have to ensure that such persons are given cards similar to casual labour cards where the centre service is recorded and as certified that the initial of a gazetted officer-in-charge of such quasi govt. units.

3.5 Those who have failed in any previous panels should not be recommended for screening.

4. Vacancies will be filled up according to seniority unit department wise.

5. The screening would be upto the number required to fill up vacancies during the current year and to a limited extent those anticipated in the course of the following years.

6. The seniority will be reckoned on the basis of total period of employment (Number of days) as on the crucial date fixed for screening.

7. The period of employment should be based upon authentic certificate of senior supervisor in charge and should indicate that it has been prepared with reference to muster rolls, paysheets and C.L. Cards and registers.



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- 8. Officers and inspectors should make it a point to check up the basic records and the correctness of the seniority list maintained, in the course of their inspections.
- 9. The seniority list of casual labour should be published on the 1st of January and 1st of July of every unit in a year.
- 10. The screening committee will consist of three Asstt. officers including one APO. The nominating authority will be careful about the choice of the Asstt. Officers.
- 11. Screening unit and screening committee is shown in Annexure 'A' attached.
- 12. Note (1) The undermentioned officers fill nominate the screening committee :-
 - (a) DPO in divisions.
 - (b) Sr. Scale officer in Extra Divisional offices.
 - (c) SPO/T in respect of Hdqrs. offices.
- (2) In the Engineering Deptt. the respective AENS will arrange screening of casual labours/substitutes separately in their jurisdiction in consultation with D.P.O.
- (3) The screening casual labours of the Construction/Survey Organisation will be engaged as under :-
 - (a) All the screened class IV staff of Hd. qrs. Construction unit will be engaged against class IV vacancies of Hd. qr. offices viz. Waterman, Feons, Chowkidar etc.
 - (b) All the screened class IV staff out of the Hd. qrs. unit will be engaged against class IV vacancies absorbed in the respective division/extra divisions.
- (4) The following procedure should be adopted for conducting the screening test of casual labours/substitutes.
 - (a) The candidates should be called for the screening test strictly on the basis of seniority in respect of the length of service of C.L./Substitute.
 - (b) The panel/screened list should be formed only to the extent of the vacancies as assessed for the current year plus anticipated vacancies of the following year.
 - (c) The number of candidates to be called for the screening test should be such as to get successful candidates equal to the number of vacancies as assessed i.e. the screening test should be stopped when successful candidates is equal to the number of vacancies become available. In case screening is already completed and results are published, the results will be published upto the extent of assessed vacancies as in (b).

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13. In units where there are no casual labour/substitutes, the same should be made available from the nearby panel units in consultation with the divisional units in consultation with the divisional units will not employ any casual labour.

14. Casual labour/substitutes must have casual labour cards which must be maintained by the officers who control these units. These cards should show complete record of their service and must include information regarding various units in which they have worked. Seniority should be determined on the basis of the length of service rendered by the Casual Labour/Substitutes. In addition to the casual labour cards, the Controlling Officer must keep a register where upto date position of seniority is shown. Similar procedure should also be followed in the case of Govt. units by the officers who are in charge of such units. Casual labour card should be normally prepared for labour who have put in more than 100 days of service, in case of below 100 days of service involves unnecessary extra work because such men, as experience has shown, in many cases do not turn up for Railway job letter.

15. In case of any representations or disputes, the decision of DRM/DS in case of Division and of ACPD in case of other will be treated as final for determining the seniority of staff casual labour/substitutes.

16. It may please be noted that there is complete ban on intake of fresh casual labour in open line by the Inspector, ASN etc. except in case of emergency like accident, floods and branches when the casual labour (writing list) and also casual labour (as per seniority register) may not be instantaneously available. Automatically this fresh casual labour recruited for emergency should be discharged after the emergency is not with this appointment will only be made with the approval of DRM/DS/HQ, the appointment which has not been approved by DRM/DS/HQ will be viewed seriously.

17. Regarding engagement of casual labour from the seniority list/writing list the 16th of every month will be specified date beyond this reason should be recorded in writing by the engaging authority.

18. Against each name in panel, in the remarks column technical educational qualifications, special experience, aptitude should be clearly mentioned. DRM/DS's approval for Div. panels and additional HODs approval for extra Divisional/Hqrs's panels should be obtained for deserving men of these panels.

19. It is to be ensured that the screening is just and fair. The approach has to be principia oriented and not personal oriented. Proper safeguards are required to be taken so that the empanelled lists are not tampered with. One copy of the screened list should always be kept in the personal custody of DRM/DS and the LPO/SPO concerned in his personal book and key and two copies required to be sent to CPO's office.

20. It need not emphasize that conduct, obedience, discipline, efficient and hard work are the qualities to be looked for. These should be continuously present for a casual labour/substitute to be considered for employment. The screening committee will look into these aspects before inclusion in the panel. Even after empanelment at the time of regular absorption continued presence of these good qualities will have to be insisted upon.

21. The above instructions are issued for your guidance and necessary action.

SD/
for GENERAL MANAGER(P)



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