

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 84 of 1989(1)

APPELLANT
APPLICANT

M. Chauravorth

VERSUS

DEFENDANT
RESPONDENT

U.S.

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
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27/9/09

Hon. Justice K. Nath, V.C.
Hon. K. Oberoi, J.

This is an application to reserve 01 posts of Khalasis out of 150 posts which are sought to be filled by constituting a panel in accordance with a notice Annexure-I. The notice, inter alia, requires candidates to make the application by 7-10-09. Process of empanelment will take place thereafter. The applicant's case is that in view of the orders in the earlier litigation leading to S.L.P., the applicants should not be required either to make an application or to appear at a selection test. That is a question which has to be decided on the merits of the case and it is not proper to prejudge that claim by passing any interim order in that regard; but it appears to be fair that the posts of 01 Khalasis may not be filled ~~interim~~ for the time being. ~~disposal of the case.~~ The opposite parties may proceed to frame a panel in accordance with law, and the applicant will be at liberty to make applications and also to take part in the selection test, but we direct that till further orders of this Tribunal in this case, 01 posts of Khalasis shall remain unfilled. The application is disposed of accordingly. Copy of this order may be given to the learned counsel for both the parties within twenty four hours.

Am.

V.C.

17.4.89

List before court on 09.5.89

17/4/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD ADDITIONAL BENCH, LUCKNOW.

Registration No.

MAHABIR CHAKARVERTI & OTHERS .. APPLICANTS
VERSUS
UNION OF INDIA AND OTHERS .. RESPONDENTS

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Lucknow.

Dated : 7.4.1989.

Paras Nath Singh.
(PARAS NATH SINGH) 10/4

ADVOCATE

COUNSEL FOR APPLICANTS.

Mahabir Chakraverty

(140)

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

MAHABIR CHAKRVERTI & OTHERSAPPLICANTS

VERSUS

UNION OF INDIA & OTHERSRESPONDENTS

APPLICATION FOR PERMISSION TO FILE JOINT PETITION

That the applicants above named respectfully submits as under :-

1. That above all applicants related to Railway Department and also selected in one panel.
2. That the applicants have same cause of action and same relief, hence applicants want to file joint application before Hon'ble Tribunal.

It is prayed that your honour may kindly be allowed the permission for filing joint petition in interest of justice.

Dated : -4-1989.


COUNSEL FOR APPLICANTS.

Mahabir Chakraborty

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FORM - 1

(See Rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATION

TRIBUNALS ACT, 1985

For use in Tribunal's office

Date of filing

or

Date of receipt by post

Registration No.

Signature

Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT LUCKNOW.

- 1) Mahabir Chakravarti, S/o K.G. Chakravarti.
- 2) Mahesh Gurnani, S/o Parmanand
- 3) Uma Shankar Gupta, S/o L.N. Gupta.
- 4) Suchir Kumar, S/o Babu Lal
- 5) Ram Krishna, S/o Brij Kishor.
- 6) Gopal Ji Sharma, S/o Basudev Sharma.

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Mahabir Chakravarti

- 7) Uma Singh Pal, S/o Arjun Singh.
- 8) Suchil Kumar Nigam, S/o Nalika Pd. Nigam.
- 9) Badrioh Kumar Michro, S/o Sri G.P. Michro.
- 10) Arun Kumar Vorma, S/o Sri Krishan.
- 11) Raj Kumar Shukla, S/o Hori Ram Shukla.
- 12) Satya Narain, S/o Har Har Shoh
- 13) Akhilesh Singh, S/o Suroj Doo Singh
- 14) Narendro Nath Vorma, S/o Sidhnath Vorma
- 15) Sont Ram, S/o Jagannath
- 16) Hanumam Prasad Tewari, S/o S.P. tewari.
- 17) Dharmondro Kumar Nigam, S/o Bhaguti Prasad Nigam.
- 18) Arun Kumar Shukla, S/o Jagdish Prasad.
- 19) Dovi Prasad Sharma, S/o Sarju Prasad.
- 20) Subol Das Rai, S/o Shyam Das Rai.
- 21) Khurshid Anwar, S/o Mirzo Kadir Beg.
- 22) Bhowani Din, S/o Baiju.
- 23) Remooh Prasad Yodav, S/o Dhani Ram Yodav.
- 24) Doya Sagar, S/o Brij Lal .
- 25) Narosh Kumar Sharma, S/o Rache Shyam
- 26) Umar Ahmad, S/o Dobir Ali
- 27) Rajiv Trivodi, S/o Ashwani Kumar
- 28) Bal Krishan Pal, S/o Suroj Bali
- 29) Harish Chandra, S/o Amrit Lal.
- 30) Uma Kant Tewari, S/o J.P. tewari.

Mahabir Chakraborty

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- 31) Harindor Jeot Singh, S/o Sukhwant Singh.
- 32) Milan Dorkar, S/o R. Sarkar.
- 33) Ram Kumor Michro, S/o Mem Ram.
- 34) Dinooh Kumar, S/o Gajraj Singh.
- 35) Joi Shankar Sharma, S/o Ram Lal.
- 36) Kapeer Chand, S/o Maju Lal.
- 37) Pormanand, S/o Ram Singh
- 38) Anil Kumar Pal, S/o Chouhary Lal
- 39) Pradeep Kumar Chowla, S/o Ram Chandra Chowla.
- 40) Mohd. Solim, S/o Abdul Hamid.
- 41) Guru Baksh Singh, S/o Preetam Singh.
- 42) Basant Lal, S/o Babu Lal
- 43) Brijesh Chond, S/o Choda Lal
- 44) Pyoroy Lal, S/o Chote Lal
- 45) Abhok, S/o Lolla
- 46) Rajendro Kumar, ^{Shukla} S/o Shyam Sundor
- 47) Raju Gupta, S/o Radha Shyam Gupta.
- 48) Sheel Kumar, S/o Bishambhor Doo.
- 49) Z. Ahmad, S/o Z. Husain.
- 50) Shyamol Dutta, S/o K.P. Dutta.
- 51) Sochichidonond, S/o Sunder Sharma .
- 52) Dilip Kumar Singh, S/o Koder Singh.
- 53) Madan Lal Yadav, S/o Hanuman Prasad.
- 54) Vijai Kumar Michro, S/o Brij Mohan.
- 55) Arvind Kumar, S/o Shotondro Noroin.
- 56) Norondro Kumar Verma, S/o Ram Nath.

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- 57) Trilochan Singh, S/o Mohan Singh
- 58) Uma Shanker Yadav, S/o S.R. Yadav
- 59) Rama Sufol Mourya, S/o Payara Lal
- 60) Anish Ahmad, S/o Muahir Khan
- 61) Mangoo Lal, S/o Ravi Das Pal.
- 62) Ashok Kumar, S/o Ram ~~Sharma~~ ^{Chhetri Jull}
- 63) Shiv Mangal Prasad, S/o Sukhai Ram
- 64) Gauri, ^{Shankar} ~~Singh~~, S/o ~~Gauri Shankar~~ ^{Shiv Ram}
- 65) Pramod Kumar Srivastava
- 66) Ashok Kumar Tewari, S/o Tej Narain Tewari
- 67) Rajesh Kumar Awasthi, S/o Ayudhya Prasad Awasthi
- 68) Vir Pratap Singh, S/o Dinesh Pratap Singh
- 69) Krishna Kant Srivastava, S/o Ramach Shankar Srivastava.
- 70) Mahesh Kumar Sharma, S/o Shiv Ram Sharma.
- 71) Taufiq Ahmad, S/o Mohd. Safiq.
- 72) Kamal Kumar, S/o Harishchand.
- 73) Umash Sov, S/o Bangali Sov.
- 74) Norettem Lal Sharma, S/o Sengam Lal.
- 75) Mohd. Shvash Qidwai, S/o Mohd. Idris
- 76) Abdul Kholiq, S/o Abdul Sckur.
- 77) Basudco, S/o Kamol Kumar.
- 78) Bal Bhadra, S/o Kunj Bihari.

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(A/S)

- 79) Rckoooh Singh, S/o Guru Charon Singh
- 80) Nishar Khan, S/o Abdul Majid Khan.
- 81) Subhooh Chandra Schu, S/o Indra Lal.

All Applicants collected in panel
post of Casual Khalsol in the office
of Assistant Personnel Officer (W)
Carriage & Wagon Workshop, N. Rly.,
Almabogh, Lucknow, now present
Residential Address :- C/o Sri Parag
Neth Singh, Advocate, Block E-3086,
Rajajipuram Colony, Lucknow.

.....Applicants

VERSUS

1. Union of India through General Manager, N. Rly.
Baroda House, New Delhi.
2. Dy. Chief Mechanical Engineer (W), Carriage
& Wagon Workshop, N. Rly. Almabogh, Lucknow.
3. The Assistant Personnel Officer (W) Carriage
& Wagon Workshop, N. Rly., Almabogh, Lucknow.

.....RESPONDENT

DETAILS OF APPLICATION :

1. Particulars of the order against
which application is made :-

1) Order No.

CMP No. 20951/88

Mahabir Chakraborty

ii) Date 8.9.88
iii) Passed by Lordship Supreme Court
of India.

2. 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.

3. Limitation :-

The applicants further declared that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :-

4-1. That by way of the instant application the applicants seek to challenge the illegal and arbitrary action of the respondents in calling upon the candidates for the post of Khulocio vide letter dated 5.5.86 and thereafter, clandestinely holding the selection and declaring the panel of successful candidates vide letter dated 12.9.1986, depriving the applicants of their rights of being appointed against the said post. The action of the respondents is highly discriminatory besides being illegal and arbitrary which

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to the representation made by the applicants to them
in the light of observations of the Lordship
Supreme Court of India.

4. 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.

5. Limitation:

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

6. Facts of the case:

6-1 That by way of the instant application the
applicants seek to challenge the illegal and
arbitrary action of the respondents in calling
upon the candidates for the post of Khalasis vide
letter dated 5.5.86 and thereafter, clandestinely
holding the selection and declaring the panel
of successful candidates vide letter dated
12.9.1986, depriving the applicants of their
rights of being appointed against the said post.
The action of the respondents is highly discriminatory
besides being illegal and arbitrary, which has

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jeopardised the future of the applicants along-
with the other similarly situated candidates.

6-2 That the applications were invited for formation
of a panel of Casual Labour Khalasis vide letter
dated August 19, 1983 issued by the Respondent no.2.

6-3 That as the applicants were keeping all the
requisite qualifications and were fully eligible
in terms of the aforesaid letter dated 19.3.1983,
they were called upon to appear in person
before a duly constituted Selection Committee
for interview. The said Selection Committee
having found the applicants meritorious recommended
their names to be appointed. Consequently a panel
of successful candidates to be appointed against
the said post was declared vide letter dated 22nd
May 1984 under the signatures of the respondent
no.3.

6-4 That while the applicants were awaiting for an
order of appointment, they shocked to know
that the aforesaid panel of candidates dated
22.5.84 was cancelled vide order dated 3.1.1985
issued by the Respondent no. 2 without disclosing
any rhyme and reason.

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6-4A. That the said pannel has cancelled without giving opportunity. In April 1988 about 100 persons were appointed on the post of Regular Khalasi. At the time of appointment the said 100 persons, the name of the all applicants could not consider yet the applicants are entitled their appointment. The said 100 persons were appointed when the special leave appeal is pending before Hon'ble Supreme Court. According to law the said 100 persons were appointed wrongly. The Special Appeal is admitted on 28th March 1988 and said Special Appeal is decided on 8.9.1988, in this circumstances the said 100 persons were wrongly appointed and several representations were made by the applicants but applicants could not given opportunity. The several representations are given by the petitioners but respondents could not pay any honour to the representations made by the applicants in the light of the observations of the Hon'ble Supreme Court of India.

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6-5 That it was to the utter surprise of the applicants that simultaneously on the same date of cancellation of the said panel i.e. 3.1.85, the respondent no.2 issued another notification inviting applications to empanel 127 candidates to fill up the vacancies of Khalasis.

6-6 That being aggrieved ^{by} of the cancellation of the panel dated 22.5.1984 and inviting the applications vide notification dated 3.1.1985, the applicants Sarva Sri Mohd. Ashfaq and Jai Shanker Sharma filed a writ petition no. 590 of 1985 at High Court, Lucknow Bench, which ~~was~~ pending . The above applicants have also filed an application before this Hon'ble Tribunal being case no. 500 of 1986. The respondents having receiving the notices of the case postponed the interview , which was scheduled to be held from 22.7.1985 to 3.8.1985 vide letter dated 22.7.1985.

6-7. That in the meantime the Administrative Tribunal's Act 1985 came into force and consequently, the Hon'ble High Court ceased its powers to entertain the matter and the pending cases stood transferred to this

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Administrative Tribunal by virtue of Section 29 of the Administrative Tribunal Act, 1985.

- 6-8 That suddenly in the mean time the respondent no.2 issued a fresh notification dated 5.5.1985 illegally and arbitrarily inviting applications to form the panel of Khalasis in Carriage and Wagon Workshop in the scale of Rs. 196-232.
- 6-9 That being aggrieved of the aforesaid notification dated 5.5.1986 the petitioners of the aforesaid Writ Petition no. 590 of 1985 moved an application for ~~pru~~ staying the selection and appointment of the Khalasis in pursuance of the said notification, but as the Hon'ble High Court was not competent to exercise the powers with regard to service matter of the Union Government, the application could not be entertained and is lying pending to be transferred to the Administrative Tribunal.
- 6-10 That the petitioners of the said writ petition also made a representation to the opposite-party no.2 endorsing a copy of the same to the General Manager, N.Railway requesting that the

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applicants, who have already been selected and empanelled be given appointment first and then the other panel may be formed and appointment be made. The applicants further pleaded that they were entitled for the preferential treatment on the principles of 'First empanelled First appointed.'

6-11 That it would not be out of place to mention here that a Counter Affidavit has been filed in the above noted writ petition on behalf of the Respondents before the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in which it has been stated that the panel of the Casual Khalasis was formed as usual on 22.5.84, but in view of the ban on filling of the vacancies as notified by the Railway Board vide their letter No. E(G)84/RC 2-1, dated 15.3.1984 the selected candidates of the panel including the petitioners could not be engaged as Casual Labours. In the meantime directives were also received from the Railway Board vide letter dated 7.6.1984

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that the strength of the Casual Labours as existing on 1.1.1984 should be frozen and that this strength of Casual Labours be absorbed in regular service against vacancies arising from time to time. In view of these instructions of the Railway Board dated 7.6.1984 a panel of the Casual Khalasis as declared on 22.5.1984 became irregular which was subsequently cancelled.

6-12 That even if the respondents are going to make regular appointment on the post of Khalasis, the candidates who have been empanelled having been duly selected by the Respondents are entitled to be regularised first before a person, who has not empanelled so far. The letter dated May 22, 1984 issued by the Opposite party no.3 as contained the versions obviously reveals that the empanelled candidates have got a right for regular absorption against the vacancies of the Khalasis after being screened by the Screening Committee on completion of 120 days continuous service as a Casual Labour. Had the panel of the selected candidates dated

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22.5.1984 was implemented and the candidates were given appointment, all the candidates would have become eligible to be regularised on the said post. The applicants who were looking for the appointment as they stood empanelled vide letter dated 22.5.1984 fall into surprise when after about eight months the said panel was declared as cancelled. In the meantime various applicants became over age and now they have no other alternative for their livelihood if they are not given appointment on the post of Khalasis.

6-13 That it is pertinent to mention here that in the mean time the Respondents clandestinely interviewed the candidates and thereafter suddenly made a panel dated 12.9.1986 and are trying to give them appointment illegally with a view to jeopardise the future of the applicants. The respondents have played with the future of the applicants in such a callus manner and thereby they have thrown them into dark.

6-14 That the matter of the appointment of the applicants on the post of Khalasis is subjudiced and the

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Respondents cannot make appointment against the post of Khalasis unless and until the matter is finally decided by the competent Court. This action of the Respondent is not only arbitrary but is also illegal and unwarranted.

6-15 That the civil rights accrued in favour of the applicants after being empanelled to be appointed and the said right cannot be abridged or taken away without affording proper and reasonable opportunities to the applicants and the candidates empanelled. The action of the respondents has seriously infringed the doctrine of natural justice, which has vitiated the entire activities of the Respondents right from 3.1.1985. The applicants were entitled for an opportunity before the panel dated 22.5.1984 is cancelled.

6-16 That it is not the case of the Respondents that the vacancies are not lying with them but they are technically proceeding in most arbitrary and illegal manner depriving the applicants of their right to be appointed. All

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the applicants are fully eligible and have been duly selected by the Respondents and as such they are entitled to be appointed against the vacancies of Khalasis.

6-17 That the action of the Respondents is tantamounting to victimisation and unfair labour practice as on the one hand they are not giving the appointment to a duly selected and eligible candidate, while on the other hand they are inviting applications for filling the said posts. The Respondents have snatched the source of livelihood of the applicants particularly when some of them have become over age.

6-18 That the respondents have got no reasonable basis to form a fresh panel and then make appointment on the post of Khalasis from that panel ignoring the panel of the candidates who have already been selected, empanelled and who are fully eligible to be appointed. This action of the Respondents is neither based on any intelligible differentia nor it has got any nexus with the object sought to be achieved.

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6-19 That the foregoing facts have already been disclosed in the joint case no.206 of 1987 before this Hon'ble Tribunal, which has been pleased to dismiss the same through a common judgement passed in Registration (O.A) No.500 of 1986 Mohd. Asfaq and others relying in Subhash Chander Marwaha's Case (A.I.R. 1973 S.C. 2216) filed by the Respondents. In that very judgement the Hon'ble Tribunal has observed that the applicants were only selected for the post of Casual Khalasis and if there were no posts they couldnot say that they should have been considered for absorption against regular vacancies and that there was anything illegal or unreasonable in the orders of the respondents cancelling the notification and the panel.

6-20 That the applicants approached the Hon'ble Supreme Court of India against the order / judgement 26.11.87 passed by this Hon'ble Tribunal requesting that when the applicants were kept on the panel list for appointment as Khalasis, the posts were of casual nature for recruitment and the said posts were in fact changed by the Respondents for filling the same in regular capacity. Thus the posts of Khalasis just formation of

Mohabir Chakraborty

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8.9.88 granted by the Hon'ble Supreme Court of India, but the respondents did not pay any heed to the grievances of the applicants.

6-23. That in these hard days the applicants have become over age and they are facing several familiar as well as financial difficulties to feed himself and family and as such they are of nowhere to stand upon their feet and their future is totally full of darkness.

4-24. That the respondents did not pay any regard to the order of the Hon'ble Supreme Court of India for consideration of the applicants on the posts of regular Khaleasis, which have only been changed in their status, but are existing since their placement of names on the panel list and they are fully eligible to be considered. A true copy of the representation dated 5.1.89 alongwith order dated 8.9.88 granted by the Hon'ble Supreme Court of India is being filed herewith as Annexure No. 1 and 2 to this application for kind perusal of this Hon'ble Tribunal.

5. Grounds for relief with legal provisions :

1) BECAUSE, the respondents cannot make a fresh

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panel and give appointment to the candidates on the post of Khalasia unless and untill the panel which has already been formed, is not exhausted.

(ii) BECAUSE, the candidates who have been empanelled are entitled to be appointed first in preference to the candidates who have been empanelled subsequently.

(iii) BECAUSE, the matter of cancellation of the panel dated 22.5.1984 is already adjudiced and unless and untill the matter is not finally decided the appointment on the post of Khalasia cannot be made.

(iv) BECAUSE, in case the appointment on the said post of Khalasia is made, the vacancies which

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are presently lying vacant shall become fulfilled and the case of the applicants will become infructuous in as much as even if the case is not decided in favour of the applicants on the basis of observations of the Hon'ble Supreme Court.

v) BECAUSE, the respondents cannot ignore the already selected candidates from appointing them on the regular posts of Khalasia in view of observations of the Hon'ble Supreme Court of India.

vi) BECAUSE, there is no order or instructions from Railway Board which has prevented the Respondents from making the regular appointments of the applicants, who have already been empanelled having been found meritorious and eligible for the post.

vii) BECAUSE, the action of the respondents is highly discriminatory, illegal and unwarranted. Once the applicants have been found fully eligible and meritorious, they are not entitled to be given regular appointments.

viii) BECAUSE, the respondents have flouted the orders/ observations of the Hon'ble Supreme Court of India without any rhyme and reason with an ulterior motive.

ix) BECAUSE, the various applicants who were duly selected and empanelled were awaiting for their appointments without applying for the job anywhere else

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under the impression that they have been empanelled and now they have become over ago and thus become illegible to seek any Government job in other departments.

x) BECAUSE, the respondents cannot move at their sweetwill in appointing their well wishers ignoring the fundamental rights of the applicants.

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xi) BECAUSE, the respondents have clearly infringed the observations made by the Hon'ble Supreme Court of India in its order dated 8.9.88 (A-1) by way of not considering the representation sent by the applicants contained in Annexure no. 2.

6. Details of the remedies exhausted :

Applicants alongwith 181 persons were duly selected and empanelled to be appointed to the post of Casual Khalasi vide letter dated May 22, 1984, which was subsequently cancelled without any rhyme or reason vide order dated 3.1.1985 and simultaneously on the same date 127 posts of Khalasia were advertised to be recruited against which a Writ petition No. 590 of 1985 was filed before the Hon'ble High Court, Lucknow Bench, Lucknow. Consequently, the said fresh recruitment was postponed. Now again the respondents made regular selection for the post of Khalasia by way of changing the conditions for recruitment and as such declared a panel of successful candidates vide its letter dated 12.9.1986 ignoring the applicants. Though they were legally declared to be appointed through a panel,

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which has already prepared against the same existing vacancies, which in fact have been changed into regular appointments as Khalasia intentionally by the respondents only for the purposes to deprive the applicants for getting their legal appointments. The respondents did not pay any honour to the representation made by the applicants to them in the light of observations of the Lordship Supreme Court of India.

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

The applicants had previously filed an application which was finally decided by the Supreme Court. The judgment of order of Supreme Court is annexed as Annexure No. 1 to the application.

8. Reliefs sought :-

In view of the facts mentioned in para 6 above the applicants pray for the following reliefs:-

Relief No. 1

To pass appropriate orders directing the Respondents to make the appointment of the applicants on the post of regular Khalasia from the panel of the candidates dated 22.5.1984 on the basis of observations laid down by the Hon'ble Supreme Court of India in its order dated 8.9.88 (A-1) relaxing the bar

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of age in their appointments in the interest of justice.

Relief No. 2

To pass such any other appropriate order which is found just and proper in the circumstances of the case.

Relief No. 3

To allow the application with costs.

9. Interim order, if prayed for :

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

To pass appropriate orders for appointing the applicants of the impugned panel dated 22.5.84 as regular Khaleasis with immediate effect and stay the appointment orders, which are made after the observations of the Hon'ble Supreme Court (A-1) sent to the Respondents in the interest of justice.

10. xx

11. Particulars of Bank Draft/Postal Order in respect of the application fee.

1. Number of Indian Postal Order - $\frac{DD}{4}$ 838006

2. Name of the issuing Post Office - G.P.O. Lucknow

3. Date of issue of Postal Order - 3.4.1989.

4. Post Office at which payable -

12. List of enclosures : As per Index.

VERIFICATION

I, (1) Mahabir Chakravarti, S/o K.N. Chakravarti aged about 23 years. *See on last page*

(2) Mahesh Gurnani, S/o Parmanand, aged about 31 years.

Mahabir Chakravarti
1 -
Mahesh Gurnani

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- (3) Uma Shankar Gupta, S/o L.N. Gupta, *Uma Shankar Gupta*
aged about 23 years.
- (4) Sudhir Kumar, S/o Babu Lal, *Sudhir Kumar*
aged about 35 years.
- (5) Ram Krishna, S/o Brij Kishor, *रामकृष्ण*
aged about 30 years.
- (6) Gopal Ji Sharma, S/o Babudev Sharma, *गोपाल शर्मा*
aged about 30 years.
- (7) Uma Singh Pal, S/o Arjun Singh aged about *उमा सिंह पाल*
30 years.
- (8) Suchil Kumar Nigam, S/o Kalika Pd. Nigam, *सुशील कुमार निगम*
aged about 31 years.
- (9) Bodrish Kumar Mishra, S/o G.P. Mishra, *बोडरीश कुमार मिश्रा*
aged about 33 years.
- (10) Rajn Kumar Vorma, S/o Sri Krishan, *राजन कुमार वर्मा*
aged about 33 years.
- (11) Raj Kumar Shukla, S/o Hari Ram Shukla, *राज कुमार शुक्ला*
aged about 31 years.
- (12) Satya Narain, S/o Hari Her Shah, *सत्य नारायण शाह*
aged about 32 years.
- (13) Akhilooch Singh, S/o Suraj Dev Singh, *अखिलेश सिंह*
aged about 30 years.

Mahabir Chakraborty

- (14) Narendra Nath Verma, S/o Sidhnath Verma
aged about 35 years. *नरेंद्र नाथ वर्मा*
- (15) Sant Ram S/o Jagannath *संत राम*
aged about 31 years.
- (16) Hanuman Prasad Towari, S/o S.P. Towari *हनुमान प्रसाद तिवारी*
aged about 35 years.
- (17) Dhormondro Kumar Nigam, S/o Bhaguti Prasad
Nigam, aged about 30 years. *धर्म-कुमार निगम*
- (18) Arun Kumar Shukla, S/o Jagdish Prasad *अरुण कुमार शुक्ला*
Aged about 30 years. *अजय*
- (19) Dev Prasad Sharma S/o Sarju Prasad *देवी प्रसाद शर्मा*
aged about 30 years.
- (20) Subol Das Rai, S/o Shyam Das Rai, *सुबोल दास राय*
Aged about 30 years.
- (21) Khushid Anwar, S/o Mirza Kodir Bog, *खुशीद अनवर*
Aged about 30 years.
- (22) Bhawani Din S/o Baiju *भवानी दीन*
aged about 30 years. *भोहरा प्रसाद यादव*
- (23) Remosh Prasad Yadav, S/o Dhoni Ram Yadav
aged about 33 years. *रमेश यादव*
- (24) Dayo Sagar, S/o Brij Lal *दयानंद*
aged about 32 years.
- (25) Narosh Kumar Sharma, S/o Roche Shyam *नरेश कुमार शर्मा*
aged about 32 years.
- (26) Umar Ahmad, S/o Sobir Ali *उमर अहमद*
aged about 33 years.
- (27) Rajiv Trivodi, S/o Ashwani Kumar *राजिव त्रिवेदी*
aged about 33 years.
- (28) Bal Krishan Pal, S/o Suroj Balia *बालकृष्ण पाल*
aged about 30 years.
- (29) Harish Chandra, S/o Amrit Lal *हरिश् चंद्र*
aged about 33 years.

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- (30) Umof Kant Towari, S/o S.P. Towari,
aged about 33 years. *आमोफ तिवारी*
- (31) Harinder Jeet Singh, S/o Sukhwant Singh
aged about 33 years. *Harinder Jeet Singh*
- (32) Milan Sorkar, S/o K. Sorkar *Milan Sorkar*
aged about 33 years.
- (33) Ram Kumar Mishra, S/o Mom Ram *राम कुमार मिश्रा*
aged about 33 years.
- (34) Dinesh Kumar, S/o Gajraj Singh *दिनेश कुमार*
aged about 33 years.
- (35) Jai Shanker Sharma, S/o Ram Lal *जयशंकर शर्मा*
aged about 35 years.
- (36) Kapoor Chand S/o Manu Lal *कापूर चंद*
aged about 30 years.
- (37) Parmanand, S/o Ram Singh *परमानंद*
aged about 32 years.
- (38) Anil Kumar Pol, S/o Chouhary Lal *आनिल कुमार पाल*
aged about 33 years.
- (39) Prodeep Kumar Chawla, S/o Ram Chandra Chawla
aged about 30 years. *प्रदीप कुमार चवला*
- (40) Mohd. Salim, S/o Abdul Hamid. *Mohd. Salim*
aged about 30 years.
- (41) Guru Baksh Singh, S/o Preetom Singh, *गुरु बख्श सिंह*
aged about 30 years.
- (42) Basant Lal, S/o Babu Lal, *Basant Lal*
aged about 30 years.
- (43) Brijesh Chand, S/o Cheda Lal *ब्रिजेश चंद*
aged about 30 years.

- (44) Pyaroy Lal, S/o Choto Lal *Ram Sufol*
aged about 31 years. *प्यारोय लाल*
- (45) Aohok, S/o Lallo
aged about 31 years. *अहो*
- (46) Rajendra Kumar *Shukla* S/o Shyam Sundar
aged about 32 years. *राजेंद्र कुमार शुक्ला*
- (47) Raju Gupta, S/o Racho Shyam Gupta *राजू गुप्ता*
aged about 33 years.
- (48) Shool Kumar *Sharma* S/o Bichombhar Das *शील कुमार शर्मा*
aged about 33 years.
- (49) E. Ahmad, S/o Z. Joonin *Z. Joonin*
aged about 30 years.
- (50) Shyamol Dutta, S/o K.P. Dutta, *Shyamol K.P. Dutta*
aged about 30 years.
- (51) Sachichidenand, S/o Sunder Sharma, *सच्चिदनन्द*
aged about 30 years.
- (52) Dilip Kumar Singh, S/o Kedar Singh *दिलीप कुमार सिंह*
aged about 31 years.
- (53) Madan Lal Yadav, S/o Hanumar Prasad *मदन लाल यादव*
aged about 30 years.
- (54) Vijai Kumar Mishra, S/o Brij Mohan
aged about 30 years. *विजय कुमार मिश्र*
- (55) Arvind Kumar, S/o Satendra Narain *अरविन्द कुमार*
aged about 30 years.
- (56) Narendra Kumar Verma, S/o Ram Nath *Narender Kumar Verma*
aged about 30 years.
- (57) Trilochan Singh, S/o Mohan Singh *Trilochan Singh*
aged about 30 years.
- (58) Uma Shanker Yadav, S/o S.R. Yadav *उमाशंकर यादव*
aged about 30 years.
- (59) Ram Sufol Mourya, S/o Payary Lal *Ram Sufol Mourya*
aged about 30 years.
- (60) Anish Ahmad, S/o Mushir Khan *अनीस अहमद*
aged about 30 years.
- (61) Manoo Lal, S/o Ravi Das Pol *मनू लाल*
aged about 30 years.

- (62) Ashok Kumar, S/o Ram ~~Ashok~~,
aged about 30 years. 312115 8111
- (63) Shiv Mongol Prasad, S/o Sukhoi Ram ~~Shiv Mongol Prasad~~
aged about 30 years.
- (64) Goori ~~Singh~~, S/o ~~Gori Shankar~~ ~~Sri Ram~~ ~~Shankar~~
aged about 30 years. Gouri Shankar
- (65) Pramod Kumar Srivastava, S/o ~~Pramod Kumar Srivastava~~
aged about 30 years.
- (66) Ashok Kumar Towari, S/o Toj Narain Towari,
aged about 30 years. 312115 8111
- (68) Rajesh Kumar Awasthi, S/o Ayudhya Prasad Awasthi
aged about 30 years. 312115 8111
- (68) Vir Pratap Singh, S/o Dinosh Pratap Singh,
aged about 30 years. Veer Pratap Singh
- (69) Krihnan Kant Srivastava, S/o Ramesh Shankar
Srivastava, aged about 30 years. Krihnan Kant
- (70) Mahesh Bumar Sharma, S/o Shiv Ram Sharma
aged about 30 years. Mahesh Bumar Sharma
- (71) Toufiq Ahmad, S/o Mohd. Dofiq
aged about 30 years. Toufiq Ahmad
- (72) Kamal Kumar, S/o Harishchand
aged about 30 years. Kamal Kumar
- (73) Umesh Sav, S/o Bangali Sav
aged about 30 years. Umesh Sav
- (74) Narottam Lal Sharma, S/o Songam Lal
aged about 30 years. Narottam Lal Sharma
- (75) Mohd. Shoaib Qidwai, S/o Mohd. Idris Mohd Shoaib Qidwai
aged about 30 years.
- (76) Abdul Khaliq, S/o Abdul Sakur
aged about 30 years. Abdul Khaliq
- (77) Basudoo, S/o Kamal Kumar
aged about 30 years. Basudoo
- (78) Bal Bhadra, S/o Kunj Bihari,
aged about 30 years. Bal Bhadra
- (79) Rakesh Singh, S/o Guru Charan Singh,
aged about 30 years. Rakesh Singh
- (80) Nishar Khan, S/o Abdul Majid Khan, Nishar Khan
aged about 30 years.
- (81) Subhash Chandra Sahu, S/o Indro Lal, Subhash Chandra Sahu
aged about 33 years.

A29

Selected in panel dt. 22.5.84 resident of
C/o Sri Paras Nath Singh, Advocate, Block
E-3086, Rajajipuram Colony, Lucknow do
heroby verify that the contents from 1 to
are true to my personal knowledge and belief
and that I have not suppressed any material
facts.

Mahabir Chakraborty
Applicant

Lucknow.

Dated : 7/4/1989.

Paras Nath Singh
Advocate

Signature of Applicant's
Counsel

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 84 of 1989

Name of the parties

Applicant. Mohabbat Choudhary

Versus.

Respondents. Union of India

Part A.B.C.

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2. Order sheet

3. Judgment

4. Petition

5. Annexures

6. Application for vacation of 10

7. C.A.

8. R.A.

9. C.A. Application 261 of 89

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as C.A. not in hand

Court held that no further action is required to be taken and that the case is fit for the record and no further action is required to be taken.

Check on 20/1/89

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

of 1989

Regular
Appointment

APPLICANT (s) Mahabir Chakraverty & others

RESPONDENT(s) U.O. & others (Railways)

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation, Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

yes

yes

yes

Two sets

Premature

—

—

yes

yes

yes

yes

yes

A2

Particulars to be ExaminedEndorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ?
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ?
11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
- (a) Identical with the original ?
- (b) Defective ?
- (c) Wanting in Annexures
- Nos...../Pages Nos..... ?
13. Have file size envelopes bearing full addresses, of the respondents been filed ?
14. Are the given addresses, the registered addresses ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item No. 6 of the application ?
- (a) Concise ?
- (b) Under distinct heads ?
- (c) Numbered consecutively ?
- (d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

yes

yes

yes

No

yes

No

-

-

-

No

yes

yes

NA.

yes

yes

yes

yes

yes

yes

May be listed before
Court on 09-5-1989

h
17/4

S.O. (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. OA.84/89(L) of 198 .

APPELLANT
APPLICANT

Mahabir Chakravarti & ors

VERSUS

DEFENDANT
RESPONDENT

Union of India & ors

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

9/5/89

Hon' Mr. G.S. Sharma, J.M.

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

Heard Shri P.N. Singh, learned counsel for the applicants. The present application is signed by only one applicant. The learned counsel requests for and is allowed one week's time to get the application signed by other applicants. Put up this case on 19-5-89 for admission.

A.M.

J.M.

(sns)

OR In compliance of Court's order dt 9.5.89 the applicants have not ~~been~~ signed by the applicants. Submitted for admission.

19/5/89

No. Sitting Adjourned to 3/7/89 For Admission.

Beo
SR

OR The applicants have signed today with permission of the

OR All the applicants have not signed the petition except the of them. Submitted for admission.

30/6

(H)

O.A. No. 84/89(L)

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

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

3/7/89

This is an application for permission by 81 persons to join in this application. The relief sought is in respect of a panel for appointment as Khalasis. The allegation is that all the applicants had^{was} been placed on a panel which subsequently^h cancelled and a fresh panel is not being framed. The applicants have a common grievance, and, therefore, are permitted to join the application collectively. Thus, those who have not signed the application are permitted to sign the application.

The learned counsel for the applicant is present. The substance of the case is that the applicants were placed on a panel framed on 2-5-84 for appointment on the post of regular Khalasis and although that panel was cancelled by some order of 3-1-85. The Hon' ble Supreme Court in their order dated 8-9-88 contained in Annexure-I to the application, while dismissing the SLPs, observed that the bar of age of the persons empanelled would not be raised when a fresh panel is prepared. The applicants case is that ever since then, the Opp.Ps. are not constituting any panel at all, with the result that the applicants are not able to get any employment.

Issue notice to the Opp.Parties to show cause why the application may not be admitted. In particular they will indicate whether or not since after 8-9-88 they have formed any panel and whether they have complied with the directions of Hon'ble Supreme Court contained in Annexure-I. The case be listed for admission hearing on 3/8/89.

A copy of this order may be delivered to the learned counsel for the applicant within 24 hours to enable the applicants to serve a copy thereof upon the Opp.Ps. 2 and 3 for expeditious disposal of the controversy.

K.R.
A.M.

(sns)

h
V.C.

OR Sri Anil Srivastava
takes notices on behalf
of O.P No 1 to 3 &
also power filed.

OR

h
11/7

AS A

h
B.O.C

L.
Boc

Changement ~~en~~ copy. v

Wing - 5/2/90

Rec'd Judgment at 2-2-90
David L. Smith
5/2/90

13-3-90

Mon. D-12 Against Jm.
Mon. K Obayrads -

Put up for hearing on admission
on 16/2/90. For detailed order
see the order sheet in TA 1705/89(T)
of 12-3-90.

Dec
Jm.

२०/२०/१८
 श्री नरु ल श्री वाणी लक्ष्मी
 पाटिशन श्री वाणी लक्ष्मी
 १९/५/१२

(46)

Court No. 1.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH AT LUCKNOW.

Registration (O.A.) No. 84 of 1989 (L)

Mahabir Chakravarti & 80 others Applicants.

Versus

Union of India & others Respondents.

Hon'ble Justice K. Nath, V.C.
Hon'ble K.J. Raman, A.M.

This application, under Section 19 of the Administrative Tribunals Act, 1985, is for a direction to the respondents to appoint the applicants on the post of Khalasis from the panel of candidates framed on 22.5.1984 on the basis of observations laid down by the Hon'ble Supreme Court in its order dated 8.9.1988 (Annexure 'A-1' relaxing the bar of age.

2. In this case counter and rejoinder affidavits have been exchanged. Sri P.N. Singh for the applicant and Sri A. Srivastava for the respondents appeared and have addressed their contentions.

3. The dispute in this case is within a very limited compass.

4. Admittedly on 22.5.1984 a panel for recruitment to the post of Khalasis was prepared which included the names of the applicants. On 3.1.1985 that panel was giving any cancelled without opportunity ~~to the applicants and~~ but before any one of the persons on the panel was given appointment. The cancellation was challenged in O.A. No.500 of 1986 and O.A. No.206 of 1987; both the cases were dismissed.

5. In the S.L.P., the matter figured before the Hon'ble Supreme Court on 8.9.1988 ~~together~~ and decided

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-: 2 :-

by the order (Annexure '1'). The petitions were dismissed. The Hon'ble Supreme Court, nevertheless, on the statement of the Additional Solicitor General, directed that the bar of age would not be raised against any of the petitioners at the time of preparation of fresh panel and that the concession would operate in respect of two consecutive advertisements for employment.

6. On 8.9.1989 the respondents issued an advertisement annexed to the applicants' application dated 25.9.1989. That advertisement contemplates preparation of a panel for 150 vacant posts of Khalasi in the scale of Rs.750-940.

7. The claim of the applicants is that all the persons, who were included in the panel on 22.5.1984, may be brought on the contemplated panel. This is not possible. The preparation of panel is an independent activity and has to be done in accordance with the applicable rules, criteria and instructions as may govern the formation of a panel. The only relaxation in this regard is the one specified by the Hon'ble Supreme Court in the judgment dated 8.9.1988 (Annexure '1') viz. relaxation of age.

8. The learned counsel for the applicant urged that all the applicants are dependants or sons of the sitting employees of the Railways and that in accordance with P.S. 8904 of 16/19.10.1987 they ought to be brought on the panel. The learned counsel for the respondents points out that in the advertisement dated 8.9.1989 provision has already been made for relaxation of the age. We also noticed that in para 2 of this advertisement applications have been invited specifically from that category of persons who are sons or dependants of the working employees of the Railways. We do not think that any further direction in this connection is required from this Tribunal.

Q

9. There is no other point involved in this case. The petition is, therefore, disposed of with the direction that the respondents may proceed to form the panel in furtherance of the advertisement dated 8.9.1989 bearing in mind the observations of the Hon'ble Supreme Court as also the applicable provisions in respect of sons and dependants of the working Railway employees. The interim order is vacated.

A copy of this order may be given to the learned counsel for the parties within 24 hours.

K. M. Rawat

MEMBER (A).

R.

VICE-CHAIRMAN.

Dated: February 2, 1990.

PG.