

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title O.A. 99 of 1989 (4)

Name of the parties Nagendra Singh

Applicant.

Versus

Union of India

Respondents.

Part A.E.C.

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Description of documents

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Part - B

B1 - B30

Part - C

C1 - C3

Certified that no further action is required to be taken and the case is fit  
for consideration to the next session (O.P.)

Check on  
19/1/2012

50157

# CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

99 of 1989 (L)

(A)

Regulaisati  
of Sinc

APPLICANT (s) ..... Nagendra Singh .....

RESPONDENT(s) ..... U.O.G & others (N.Rly.)

### Particulars to be examined

### Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
3. (a) Is the appeal in time ?
- (b) If not, by how many days it is beyond time ?
- (c) Has sufficient cause 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 ?

Y

Y

Y

Five sets

Y

—

Y

Y DD 841317 dt. 25.4.89  
(50/-)

Y

Y

Y

Particulars to be ExaminedEndorsement as to result of Examination

(P)

(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 ? *yes*

12. Are extra copies of the application with Annexures filed ? *yes*

(a) Identical with the original ? *yes*

(b) Defective ? *—*

(c) Wanting in Annexures *—*

Nos...../Pages Nos..... ?

13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No.*

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 ? *NA*

17. Are the facts of the case mentioned in item No. 6 of the application ?

(a) Concise ? *yes*

(b) Under distinct heads ? *yes*

(c) Numbered consecutively ? *yes*

(d) Typed in double space on one side of the paper ? *yes*

18. Have the particulars for interim order prayed for indicated with reasons ? *Nil*

19. Whether all the remedies have been exhausted. *yes*

May be listed  
before Court  
on 18.5.89.

D.S. Dabney  
..... 05/5/89  
S.O. (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

99/89(L)

REGISTRATION NO. of 198

APPELLANT  
APPLICANT

Nagendra Singh

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
18/5/89	<p>No sitting. The case is adjourned to 28/6/89 for admission.</p> <p>(sns) CM.</p> <p>Hon' Mr. Justice K. Nath, V.C. Hon' Mr. K.J. Raman, A.M.</p>	
28/6/89	<p>Shri K.P. Srivastava, learned counsel for the applicant is present.</p> <p>Issue notice to respondents to show cause why the petition be not admitted.</p> <p>In particular the opposite parties may indicate whether or not the applicant was treated to posses the status of temporary railway servant.</p> <p>List this case for admission on 31/7/89.</p>	<p><i>Copy Notice issued Shri 6/5/89</i></p>

A.M.

V.C.

(sns)

31/7/89.

Hon' Justice K. Nath, V.C.

Shri S. Chatterjee Verma makes appearance on behalf of opposite party. Requests for and is allowed two weeks time to file reply. List for admission on 14-8-89.

*M.  
V.C.*

*OK  
Notices were issued  
to the resp'ts. Through  
regd Post on 6/7/89.  
Neither reply nor  
any undelivered regd  
Copy have been return  
back so far in the office  
delivered for adm.*

*OK  
No reply has been  
filed by resp'ts. as  
directed by the court's  
order dt. 31/7/89  
Subm'd for adm.*

*Reply filed today (17/7/89)*

*Recd  
K.T. 20/7/89  
PC  
S. Chatterjee  
25/7/89*

16. 4. 1990 Hon. D.K. Agrawal, JM  
Hon. P.S. Habib Mohammad, AM

Sri K.P. Srivastava, learned Counsel for the Applicant and Sri Siddhartha Varma, learned Counsel for the Respondents are present and heard. Learned Counsel for the Respondents wanted time to produce original documents but learned Counsel for the Applicant contended that no documents have been referred to in the Counter Affidavit and, therefore, the case be heard. We agreed to the opinion of learned Counsel for the Applicant.

Arguments of both the parties have been heard. Judgment reserved.

PKH  
AM

De  
JM

16.4.90  
a.m.

19.4.90 Hon. D.K. Agrawal, JM.  
Hon. P.S. Habib Mohammad, AM.

O.A. has been disposed  
of by a separate order.  
No. order as to costs.

PKH  
AM

De  
JM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

A L L A H A B A D

.....

CIRCUIT BENCH LUCKNOW

O.A. NO. 99 1989 (L)

DATE OF DECISION 19 April, 1990.

Nagender Singh PETITIONER

Advocate for the  
Petitioner (s)

VERSUS

Union of India RESPONDENT  
Others

Advocate for the  
Respondent (s)

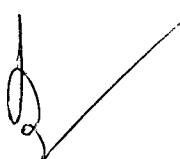
CORAM :

The Hon'ble Mr. D. K. Agarwal, Judd. Member.

The Hon'ble Mr. P. S. Habeeb Mohammad, Adm. Member.

1. Whether Reporters of local papers may be allowed  
to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair  
copy of the Judgement ?
4. Whether to be circulated to other Benches ?

.....



(AS)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH  
LUCKNOW

Original Application 99/89(L)

Nagendra Singh

...Applicant.

versus

Union of India & ors

...Respondents.

Hon. Mr. D.K. Agrawal, Judl. Member.  
Hon. P.S. Habeeb Mohammad, Adm. Member.

(Hon. P.S. Habeeb Mohammad, A.M.)

Nagendra Singh, who was working as casual labour, wireman under Signal Inspector, Northern Railway, Lucknow, has filed this Application under section 19 of the Administrative Tribunals Act, 1985 with the prayer for the issue of the directions by the Tribunal to respondent No. 2 to take him back to duty, as he is a temporary railway servant and is governed by the service rules and orders of the Railways, Code from time to time and has preference over his juniors, who have been engaged later on and he has further prayed for directions to the respondents to pay him his back wages from the day he had given an application to the Signal Inspector on. 5.8.87 for taking him back to duties as per his request vide Annexure A-4.

2. His case is that he was appointed as casual labour Wireman under the Signal Inspector, Northern Railway, Alambagh on 3.12.84 and worked upto 4.8.86. The total number of working days comes to 604 days vide the photo-stat copy of the casual labour card and he had acquired status

✓

for temporary railway servant and was governed by the Railway Servants (Discipline & Appeal) Rules, 1968. He was drawing C.P.C. scale in the regular scale of pay. He had given an application on 4.8.86 for grant of leave without pay from 5.8.86 to 4.8.87, as he had been selected for training in the trade of Electrician under the Principal, Northern Railway System Technical School, Lucknow. When he reported for duty after completion of the training on 5.8.87 to respondent No.2, he refused to take him on duty. The applicant has met the authorities for redressal but he has failed to obtain any redress from the department so far.

3. The contention of the respondents, ~~as far~~ the reply, is that the petitioner was working as a casual labour and on completion of 180 days continuous service as Assistant Wireman, he was being paid minimum pay scale plus Dearness Allowances as admissible under the rules, but he did not acquire the temporary status. He had not applied for leave for the purpose of any training, nor was any application for leave received in the office and he was never granted any leave for attending any training course. He had already passed the course of Electrician from I.T.I. prior to his engagement and it was on this basis that he was engaged as casual labour Wireman. He underwent on similar training for one year from 5.8.86 to 4.8.87 in the same trade from the System Technical School, Charbagh, Lucknow but this later training from August 86 to August 87 had been undergone by him without any leave or authorization and he had ~~therefore~~, absconded from duty. In the circumstances,

the department did not consider it possible to retain him on the ~~casual~~<sup>pay</sup> roll. The plea of the department is that no one ~~has to~~<sup>can &</sup> undergo any such training ~~as to take~~<sup>without</sup> leave or authorization from the department. Though, the applicant claims that he was at Dilawar Nagar on the 4th of August, 1986 to send his application, he was really present at Lucknow on that date. ~~Therefore, their~~ contention is that he had not acquired temporary status and he ~~is~~<sup>was</sup> absconding from duty.

4. During the course of arguments of the case, the learned counsel for the applicant drew attention to the fact that he had really applied for the leave without pay for the period from 5.8.86 to 4.3.87 but since the second respondent had failed to take the application, the same was sent under certificate of posting on 4.8.86 and therefore, it was not correct that no such application was sent by him prior to going for the training, though he could not produce any record to show that the leave applied for had been granted. He re-iterated that under the rules, the applicant had become eligible for acquiring the temporary status, even though the respondents claim that he had not acquired temporary status, but the legal position being that he had acquired temporary status, any action ~~to~~<sup>by</sup> be taken against him under the relevant rules, <sup>and</sup> there was no justification for failing to take him to duty when he reported in 1987, after his training, which in any case was connected with his duties and had further improved his efficiency ~~for~~ his engagement under the railways.

5. After going through the documents filed by the parties and giving our anxious consideration to the points advanced by the learned counsel for the parties, we find that there is no dispute on the fact that the applicant had completed 180 days of continuous service under the respondents. Not only 180 days then but the work card as casual labour produced by the applicant shows that he had continuously worked for the period from 3.12.84 to 4.8.86; a total period of 604 days.

6. In Chapter XXV on casual labour in the Railway Establishment Manual (Second Edition), 1968, published by the Railway Board, defines the casual labour and states that the periods after which they will acquire temporary status. Rule 2501 states as follows:

"(a) Casual labour refers to labour whose employment is seasonal, intermittent, sporadic or extends over short periods. Labour of this kind is normally recruited from the nearest available source. It is not liable to transfer, and the conditions applicable to permanent and temporary staff do not apply to such labour.

(b) The casual labour on railways should be employed only in the following types of cases, namely:

(i) Staff paid from contingencies except those retained for more than six months continuously: Such of those persons who continue to do the same work for which they were engaged or other work of the same type for more than six months without a break will be treated as temporary after the expiry of the six months of continuous employment.

(ii) Labour on projects, irrespective of duration, except those transferred from other temporary or permanent employment.

(iii) Seasonal labour who are sanctioned for specific works of less than six months duration. If such labour is shifted from one work to another of the same type e.g. relaying and the total continuous period of such work at any one time is more than six months' duration they should be treated as temporary after the expiry

of six months of continuous employment. For the purpose of determining the eligibility of labour to be treated as temporary, the criterion should be the period of continuous work put in by each individual labour on the same type of work and not the period put in collectively by any particular gang or group of labourers.

Note-1. A project should ..... capacity of/railway

2. Once any individual acquires temporary status, after fulfilling the conditions indicated in (i) or (iii) above, he retains that status so long as he is in continuous employment on the railways. In other words, even if he is transferred by the administration to work of a different nature, he does not lose his temporary status.

3. Labour employed against regular vacancies whether permanent or temporary shall not be employed on casual labour terms. Casual labour should not be employed for work on construction of wagons and similar other work of a regular nature.

4. Casual labour should not be deliberately discharged with a view to causing an artificial break in their service and thus prevent their attaining the temporary status.

5. The term "same type of work" should not be too rigidly interpreted so as to cause undue suffering to casual by way of break in service because of a slight change in the type of work in the same unit. The various types of work to be considered as same type of work may be grouped as under."

7. It is therefore, clear that such casual labour who have been engaged for the six months' period, will be treated as temporary. In this case the applicant had not only worked for 180 days but he had worked for more than 600 days. Even if a formal order had not been issued treating him as temporary, the rules entitle him to be treated as temporary, as the six months' period has been completed, and therefore, we have to negative the contention of the respondents that he had not acquired the temporary status. As per rules, Rule 2511 in the same Establishment Manual, <sup>1/2</sup> are entitled to the rights and privileges admissible to temporary railway servants as laid down in Rule XXV of the Railway Establishment Manual and the rights and

privileges admissible to such labour also applies to Discipline & Appeal Rules, 1968. Therefore, while it was open to the respondents to take disciplinary action, if he went for training without proper authority or without the leave being sanctioned, it was not in order, if they refused to take him on duty when he reported after undergoing the training. Matters like whether he had applied for leave and other incidental matters, can be gone into as per the provisions of Railway Servants (Discipline & Appeal) Rules, 1968. Therefore, a model employer like the Railways, instead of treating him as ~~an~~ absconding, should have, while taking action for breach of the rules, ~~should~~ have dealt with him only under the rules. In the circumstances, since he has acquired the temporary status, there is no escape from the fact that he is an employee of the railway who has not been taken back to duty when he reported after the training, however, ~~is~~ <sup>is</sup> unauthorised and without permission, his absence might have been. This does not mean that breach of discipline should be looked upon leniently. <sup>As</sup> ~~At~~ that is said is that since he <sup>had</sup> acquired temporary status under the rules, it is open to the respondents to proceed against the applicant under the Railway Servants (Discipline & Appeal) Rules, 1968. However, since he ~~had~~ applied for leave without pay for one year and has not subsequently worked upto date, he is not entitled to any back wages for the period till he is taken back to duty.

8. The respondents are directed accordingly, to take him back on duty and if they want to proceed against him under

(PM)

the Railway Servants (Discipline & Appeal )Rules, 1968, they are at liberty to do so. However, as mentioned in paragraph, he will not be entitled to any back wages. The order will be complied with within a period of one month from the date of receipt of the copy of this Order. There will be no order as to costs.

ADM. MEMBER. 19/4/1990

JUDL. MEMBER.

Lucknow dated the April, 1990.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.  
CIRCUIT LUCKNOW. (bx)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL ACT 1985.

Nagendra Singh vs Union of India and others.

INDEX.

Compilation No.1.

Sl. No:	Description of Documents relied upon.	Page No.
---------	--	----------

1.	Application	1 to 5
2.	Vakalatnama.	6

For use in  
tribunal's Office.

SIGNATURE OF THE APPLICANT.

Date of filing.

Registration No. 99/89 (L)

Signature  
for Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
CIRCUIT LUCKNOW.

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNAL'S ACT 1985.

Nagendra Singh vs Union of India and others.

Central Administrative Tribunal

Circuit Bench, Lucknow

INDEX.

Date of Filing ..05.. 5.. 89

Date of receipt by Post.....

List before contan 18-5-89

Compilation No.2.

1/2 : Deputy Registrar, 05/5

Sl. No.	Description of documents relied upon.	Page No.
1.	<u>Annexure No.A-1.</u> Photo-stat copy of the casual Labour Card No.34645 issued by Signal Inspector, Construction Lucknow.	7 to 9
2.	<u>Annexure No: A-2.</u> Photo-stat copy of the application dated 4.8.1986 for grant of leave.	10.
3.	<u>Annexure No.A-3.</u> Photo-stat copy of the U.P.C. dated 4.8.1986.	11.
4.	<u>Annexure No.A-4.</u> Certificate of Training(Photo-stat)	12.
5.	<u>Annexure No.A-5.</u> Photo-stat copy of the application dated 5.8.1987 for duty.	13.
6.	<u>Annexure No.A-6.</u> Photo-stat copy of the representation dated 23.8.1988.	14.

For use in Tribunal's Office.

*Nagendra Singh*  
SIGNATURE OF THE APPLICANT.

Date of filing.

Registration No. 99/89(4)

Signature  
for Registrar.

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412

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
CIRCUIT BENCH LUCKNOW  
BETWEEN

Nagendra Singh - Applicant

AND

Union of India & others - Respondents

DETAILS OF THE APPLICATION:

1. Particulars of the applicant:

- i) Name of the applicant- Nagendra Singh
- ii) Name of father - Shri Maharaj Singh
- iii) Age of the applicant- About 29 years
- iv) Designation and particulars of office ( name and station) in which employed or was last employed before ceasing to be in service-  
Casual Wireman.
- v) Office address - Signal Inspector/Construction,  
Alambagh, N.Railway, Lucknow.
- vi) Address for service of notice:  
Village-Ishapur  
P.O. - Maithabad  
Distt- Lucknow

2. PARTICULARS OF THE RESPONDENT

- i) Name of the respondent- i) Union of India through General Manager, N.Railway, Baroda House, New Delhi.
- ii) Signal Inspector (Construction) N.Railway, Alambagh, Lucknow.
- iii) Dy.Chief Signal and Telecom Engineer (C), Northern Railway, Charbagh, LUCKNOW.

3. PARTICULARS OF THE ORDER  
AGAINST WHICH APPLICATION  
IS MADE:

The application is not being made against any order

*Nagendra Singh*

contd 2..

but a direction to the respondents to take the applicant on duty.

Subject in brief :- The applicant was working as Casual labour Wireman under Signal Inspector (C), Northern Railway, Alambagh, Lucknow. The applicant gave application to the respondent No. 2 on 4.8.86 to grant him leave without pay for a year from 5.8.86 to 4.8.87 as the applicant had to undergo training under the Apprentice Act under Principal, N.Railway System Technical School, Charbagh, Lucknow. After completion of training the applicant reported for duty on 5.8.87 in the same pay scale. The applicant was drawing CPC scale of pay. The respondent No. 2 and 3 neither took the applicant on duty nor any reply to my representation dated 5.8.87 and 23.8.87 were given. The applicant is entitled to be taken on duty being a temporary Railway servant.

4. Jurisdiction of the tribunal:-

The applicant declares that the subject matter of the order against which he wants redressel is within the jurisdiction of the tribunal.

5. Limitations:

The applicant further declares that the application is within the limitations prescribed in section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case

The applicant was appointed as casual labour Wireman under Signal Inspector/Construction/N.Railway, Alambagh, Lucknow on 3.12.84 and worked upto 4.8.86. The total number of working days come to 604 days (photo-stat copy of casual labour card is annexed as Annexure No. A-1)

Nageshwar Singh

contd 3

2. That the applicant has acquired the status of temporary Railway servant and is governed under D&AR rules, 1968. The applicant was drawing CPC scale i.e. regular scale of pay.

3. That the applicant gave an application on 4.8.86 for grant of leave without pay from 5.8.86 to 4.8.87 as the applicant was selected for the training in the Trade of Electrician under Principal, Northern Railway System Technical School, Charbagh, Lucknow. (Photo-stat copy of the application is annexed as Annexure No. A-2).

4. When the respondent No. 2 refused to take the application the same was sent under posting certificate on 4.8.86 (photo-stat copy of the under posting certificate is annexed as Annexure A-3).

5. That the applicant under-gone the training in the trade of Electrician under the Apprentice Act from 5.8.86 to 4.8.87. A photo-stat copy of the certificate issued by the Principal, N.Railway, System Technical School, Charbagh, Lucknow is annexed as Annexure- A-4.

6. Just after completion of training, the applicant reported for duty on 5.8.87 to the Respondent No. 2 the Signal Inspector/Construction/N.Railway, Alambagh, Lucknow but the respondent No. 2 was silent on the issue (photo stat copy of the application is annexed as Annexure No. A-5).

7. The applicant again after meeting the respondent No. 2 several times the applicant gave his representation to the Senior Signal & Telecom Engineer/Construction for taking him on duty but there was no response.

*Nagendra Singh*

(photo-stat copy of the representation is annexed as Annexure No. A-6).

8. That the respondent No. 2 recruited new faces as is shown in the representation of the applicant in Annexure No. A-6 )

9. The applicant is entitled to be back on duty being the temporary Railway servant and he has better claims over his juniors. Moreover the applicant is now better qualified in the field of electricity.

7. Details of the remedies exhausted

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

The applicant gave his representation to the Senior Signal & Telecom Engineer/Construction /N.Railway, Lucknow for taking him duty on 23.8.88 but there was no response (please see Annexure No. A-6).

8. Matters not previously filed or pending with any other court

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

9. Reliefs sought

In view of the facts mentioned in para 6 above, the

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applicant prays for issue of direction in the nature of mandamus to the respondent No. 2 to take the applicant on duty because the applicant is a temporary Railway servant and is governed by DAR rules and other benefits as per orders of Railway Board from time to time and he has preference over his juniors who have been engaged lateron. The applicant has already exhausted the remedies. The Hon'ble Court is prayed further to direct the respondents to pay him the back wages from the day the applicant gave an application to Signal-Inspector/Construction/Alambagh, Lucknow on 5.8.87 for taking him on duty as per annexure NO. A-5.

10. Interim order if any prayed for:- NIL

11. Particulars of postal order in respect of the application fee:-

1. Number of Indian Postal order 4841317 for Rs 50/-
2. Name of the issuing Post office H.P.O Lucknow
3. Date of issue of postal order(s) 25-4-1989
4. Post office at which payable- Head Post office, Allahabad.

12. List of enclosures - Six  
*Ann A-1 to A-6*  
VERIFICATION

I Nagendra Singh S/O Sh. Maharaj Singh aged about 28 years R/O Ishapur, Malihabad, Lucknow do hereby verify that the contents of paras 1 to 12 are true to my personal knowledge and on legal advice and that I am not suppressed any material fact.

DATE 26-4-1989

PLACE Lucknow

*Nagendra Singh*  
SIGNATURE OF THE APPLICANT

(6)

Before Central Policy Tribunals Allahabad  
Circuit Lucknow

ब अधिकालत खोलाम्

ज्ञाहोपल्य

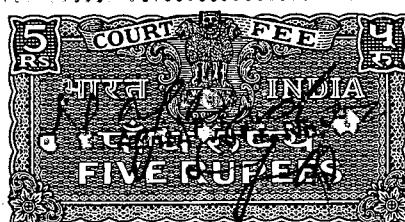
[ वादी ] अपीलान्ट

श्री

प्रतिवादी [ रेस्पाइट ]

(AP)

बहुलतानामा



रुपी (अधीक्षण)

Nagendra Singh

प्राप्त अनुमति अधिकारी (रेस्पाइट)

द० मुकद्दमा

सम्

पेशी की सं०

१० रु०

ठिकाना लिखे मुकद्दमा में अपनी ओर से श्री

R. F. Niravlalra. Advocate

वकील

महोदय

एडवोकेट

प्राप्त अनुमति  
मुकद्दमा द० फॉर्म  
नाम फॉर्म

जो अपना वकील नियुक्त फरके प्रतिज्ञा (इकरार) फरता है और लिखे देता है इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज पालिये फरे या लौटावें या हमारी ओर से छिगरी दारी परावे और रुपया वसूल उरें या सुलहनामा व हकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दालिये करें और तसदीक फरे मुकद्दमा उठावें या कोई सवाल उसा करें या हमारी विपक्षी (फरीदसानी) का वालिये छिया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (हस्ताक्षरी) रसीद से लेवे या पंच नियुक्त फरे—वकील महोदय हारा की गई वह सर कार्यवाही हमको सर्वेषा स्वीकार है और होगा मैं यह भी स्वीकार फरता है कि मैं हर पेशी पर स्वयं या किसी अपने पेरोकार को मेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे छिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह प्रकारतनामा लिख दिया प्रमाण रहे और समय पर फाम आये।

Accepted

लाला (पंचाह) Niravlalra

M. 123 Block (C)  
Moti Ghee Colony  
Lucknow

पिनपो

प्राप्त अनुमति  
Nagendra Singh

गो-इस्पुर नू-मालिहाबाद, काटौली  
साक्षी (पंचाह)

लम्प्यू

सं० १० रु०

Before Central Eden Tribunals Allahabad  
Nagendra Singh V/s ~~Berehly & Son and  
Regions of Lucknow~~

Antr. A-1

(6) (7)

### हिन्दीयते/INSTRUCTIONS

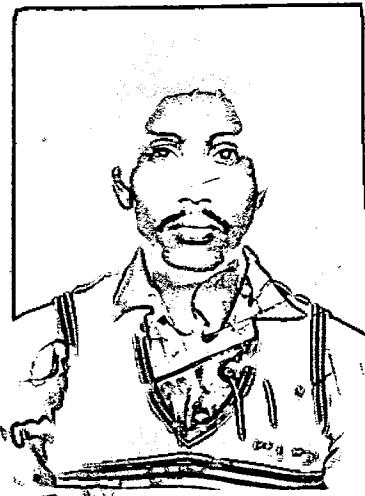
34643

- जिस व्यक्ति को यह कार्ड जारी किया जाता है, वह इसकी अभिरक्षा के लिये उत्तरदायी है।  
The person to whom this card is issued is responsible for its safe custody.
- किसी भी हालत में दोहरा कार्ड जारी नहीं किया जायगा।  
No duplicate card can be issued under any circumstances.
- कार्ड खो जाने की स्थिति में इसकी सूचना तुरन्त दी जानी चाहिए।  
In case of loss, the fact should be immediately reported.
- प्रत्यंक नयी नियुक्ति के समय इस कार्ड को निश्चित रूप से प्रस्तुत किया जाना चाहिए।  
This card should invariably be produced at the time of every fresh appointment.
- इस कार्ड के बिना, स्थायी नियुक्ति के सम्बन्ध में किये गए दावे पर कोई विचार नहीं किया जायेगा।  
No claim for permanent absorption will be entertained without this card.
- रेल सेवा में रहने के समर्थन में किसी अन्य साक्ष्य पर कोई व्यापार नहीं दिया जायेगा।  
Any other form of evidence in support of his employment will not be taken cognisance of.
- इस कार्ड के दुरुपयोग किए जाने पर कर्मचारी को सभी प्रकार की रेल सेवा के लिये अयोग्य घोषित किया जायेगा।  
Any misuse of this card shall render its owner liable for being disqualified from Railway service of all kinds.

प्रथम नियुक्ति

Particulars to be

फोटो  
(अधीनस्थ कर्मचारी  
द्वारा प्रमाणित)  
Photograph  
(Attested by the  
Subordinate)



Sh. NAGENDRA SINGH

पूरा नाम

Name in full

Sh. Mahraj Singh

पिता का नाम

Father's Name

अनुसूचित जाति का सदस्य है अथवा नहीं

Scheduled caste or not

अधीनस्थ इंचार्ज के हस्ताक्षर  
और पदनाम

Signature & Designation  
of Subordinate Incharge

Shri. M  
16.12.5

Time  
Allahabad

Kash  
Parwale

Before Central Adm. Tribunal, Alkashadh, Nos. A-1  
Lumbini Ranch

Nafneet Singh vs Union of India  
and others

(2)

प्रथम नियमित के समय भरा जाने वाला धैर्यवित्तक व्यौरा

**Personnel Details to be filled in on first appointment**

1. पूरा नाम (बड़े अक्षरों में) ..... S. NAGENDRA SINGH  
Name in full (in Block letters)

2. पिता का नाम ..... S. Malraj Singh  
Father's Name

3. जन्म तिथि ..... Date of Birth 15-8-1960

4. प्रारम्भिक अनियत नियुक्ति के समय आयु ..... 24 yrs & 4 months  
Age at initial casual employment

5. शैक्षिक योग्यता ..... High School Passed & I.T.I  
Educational Qualification Electrician

6. व्यक्तिगत पहचान चिन्ह } (i) Boil mark on the right  
Personal marks of identification } (ii) Boil mark on the left

7. प्रारम्भिक नियुक्ति के समय किस प्रकार का कार्य दिया गया ..... Uncert. Man (Semi Skilled)

Nature of job on initial employment

8. स्थायी पता ..... Vill. S. Sharif  
Permanent address Malihabad

Post Office — do —

आना ..... — do —

Police Station — do —

तहसील ..... — do —

Tehsil Lucknow (U.P.)

जिला और राज्य ..... — do —

District & State

( 3 )

9. उत्तराधिकारी का पूरा नाम ..... *Sh. Malraj Singh*  
 Name in full of heir

10. सम्बन्ध ..... *Father*  
 Relationship

11. उत्तराधिकारी का स्थायी पता ..... *Shown as Column no. 9*  
 Permanent address of heir

1753 de  
Kagendra Singh  
Nagindar  
Singh

अनियत मजदूर क हस्ताक्षर या  
बाय अंगूठे का निशान  
Signature or L. T. I.  
of the Casual Labour

Brussels  
Belgium

~~John~~  
Barocalti

Before Central Adm. Tribunals ~~Under~~ <sup>All India</sup> Lucknow Bench  
Nagendra Singh vs Union of India  
and others 69

( 4 )

**श्रनियत मजदूर के रूप में काम करने का रिकार्ड**  
**RECORD OF SERVICE AS CASUAL LABOUR**

प्रारम्भिक नियुक्ति की तारीख 03-12-84  
Date of initial employment

## 22. MR. LUCKNOW.

( 5 )

**अनियत मजदूर के रूप में काम करने का रिकार्ड**  
**RECORD OF SERVICE AS CASUAL LABOUR**

प्रारम्भिक नियुक्ति की तारीख  
Date of initial employment

नौकरी की अवधि Period of employment	कार्य का स्वरूप Nature of assignment	पर्यवेक्षक के तारीख सहित हस्ताक्षर और पदनाम Sig. & Desgn. of Supr. with date
कब से From	कब तक To	

Koh  
Barcali

Before Central Admin Tribunals Allahabad

Lucknow Bench

Nayendra Singh vs. State and others

Ans. A-2

10

श्री अमित शर्मा विरोधी नियार्थी वकील  
व्यापक आवलगाला लगावा

821

मित्र - अवकाश 2.2.1924 से 8.2.1926 तक

मित्र

मित्र - निवास द्वारा जाकी नामदारी को नाम दिया गया था।  
मित्र नाम नाम दिया गया था। यह दोनों की वृत्तियाँ अलग थीं।  
को वहाँ नाम आया कि वृत्ति अलग थी। अलग वृत्ति थी।  
मित्र एक वर्ष की वृत्ति 8.2.1924 से 8.2.1925 तक थी।  
अब आप से प्रश्न किया 8.2.1924 से 8.2.1926 की वृत्ति क्या है।  
मुझे आवलगाला दोनों की वृत्ति की बात नहीं आयी थी।

मित्र

मित्र

8.2.1924 से

One of  
plaintiff

को

Advocate -

विवर  
प्राप्ति की

प्राप्ति की

प्राप्ति की

प्राप्ति की

प्राप्ति की

Before Central Adm. Tribunals Lucknow Bench Allahabad  
Magendra Singh & Union of India vs. ~~the~~ <sup>Am. A-3</sup>

2. A.D. 2161-25 S.R.I.

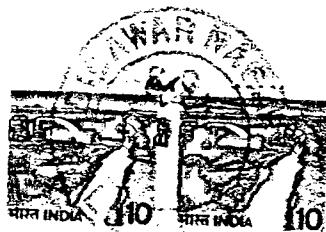
मैसूरु राज्य प्रशासन प्रमोन्त्रिय  
3 अक्टूबर 1999 ग्रामपाली व्यवस्था

8.2.2003

True copy  
Attested

K. A. Singh

Advocate -



222

Before Central Adm. Tribunals Allahabad Lucknow Benaras  
Nagendra Singh vs NDG and others Am. Ady  
12

NORTHERN RAILWAY: SYSTEM TECHNICAL SCHOOL: CHARBAGH: LUCKNOW.

S.No. 2

Dated: 27.2.1988

A23

PROVISIONAL CERTIFICATE.

It is to certify that Shri Nagendra Singh, son of Shri Mahazaj Singh, who was registered as Trade Apprentice in the Trade of Electrician with the Regional Directorate

of Apprenticeship Training, Kanpur under Registration No. KU-1/86/96/1 and who underwent his apprenticeship training at this

Establishment from 05.8.1986 to 04.8.1987 has been

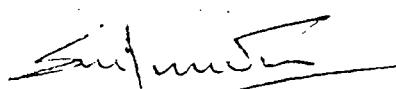
declared passed at the 17th All India Trade

Test conducted by the National Council for Vocational Trades

held from 26.10.87 to 30.10.87 at System Technical School, Charbagh, Lucknow

Centre securing marks 404 out of 650 (Four hundred four out of Six hundred fifty) He has also passed in the subject of Social Study.

This Provisional Certificate is issued pending the award of the National Apprenticeship Certificate by the National Council for Vocational Trades.

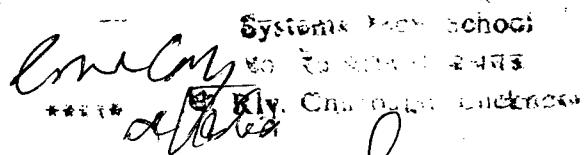


PRINCIPAL

N.Rly. System Tech. School,  
Charbagh, Lucknow.

Nagendra Singh

SIGNATURE OF APPRENTICE.

  
Nagendra Singh  
N.Rly. System Tech. School  
Charbagh, Lucknow

  
Advocate

Before Carlile Adam ~~to him~~ <sup>to him</sup> <sup>Laurens Bach</sup> Anna-Asm  
Narendra Singh ~~was~~ <sup>was</sup> and ~~was~~ <sup>was</sup>

संस्कृत

श्रीमान संकृत विद्यालय भिरापुर  
उत्तर प्रदेश आलमगढ़ २०२०-२१

महान्

सावनम विजयन है कि उत्तर प्रदेश राज्य कर्म<sup>ा</sup>  
उपराज्यकारी है राज्य है! यह कर्म मुझे उत्तर प्रदेश  
को जलानी दी जो आपके पास अपेक्षित नहीं था आप  
पास होगा। अब श्रीमान विद्यालय के उत्तर प्रदेश  
उत्तरी है जो आपकी गांधी विद्यालय के उत्तर प्रदेश  
की ओर से उत्तरी है जो उत्तर प्रदेश की ओर से

जलानी

है।

२.२.१९२६

प्रभु-

इसकी उत्तरी दिल्ली विद्यालय  
आपको आपको आपको आपको  
संस्कृत विद्यालय के लिए उत्तरी दिल्ली विद्यालय

२०२०-२१ रिक्त (राज्यकार्यकालीन)

२०२०-२१ रिक्त (राज्यकार्यकालीन)

K. N.

Barat

Before Central Adm. Tribunal At New Delhi, Form-A-6  
Lok Nayak Bhawan

Narendra Singh (Adv.) and others

(143)

(16)

लेखा प्र.

श्रीमान वरिष्ठ न्यूर संवार अभियन्ता  
। निर्मिति काग। उ०८० यांडल रेल बुखन्दा,  
कार्यालय हजरत गेल लखनऊ।

उचित मालियम लासिय  
=====

महादेव,

मिविदम है कि प्रार्थी शांगेन्द्र तिह पुत्र श्री बहराज तिह निवातो ग्रहम  
इंगासुर डाक्षर कटली गलिहावात जयवार लटन्ड, श्रीमान् जी प्री अधिकारी  
तहायक वायरमेन के पर वर कार्यरत था। प्रार्थी प्री ३. १२. ८४ से  
४. ८. ८६ तक अनिवार्य काम किया। जो कुल मिलाकर ६०४ दिन होते हैं।  
प्रार्थी की सी०शी०सी० ट्केल भी मिल गया था। परन्तु कुछ कारण का  
४. ८. ८६ से प्रार्थी इयूटी पर व आ तका। प्रार्थी रेलवे की रक्षा और टिक्का  
१९६। अधिनियम के तहतलकी पर्कशाप वायरमेन लटन्ड से ५. ८. ८६ से  
४. ८. ८७ तक प्युत ट्रेड से ट्रेनिंग कर अप उत्तीर्ण कर लिया है।

अपने अपने यहाँ बहुत ते मधे सहायक वरपर भूमि को भर्ती किया है  
जो निम्न है।

- 1- गुरेश कुमार सहायक वायरमेन
- 2- धीरेन्द्र कुमार सहायक वायरमेन
- 3- राकेश कुमार सहायक वायरमेन
- 4- आलोक कुमार द्रुष्टवी १५। शीलेन्द्र श्रीवास्तव १६। रक्षीक जहमद
- 7- राम लखन आदि है।

ऐलवे के मियमी के अनुसार वे व्यक्तियर्हे के अर प्रार्थी को व्यक्तिगत  
मिलमी वा डिस प्रार्थी की सी०शी०सी० ट्केल हैं कुमः किरी मिलनी प्राविद्ये,  
वयोंकी प्री उम वे अद्वियर्हे ते तानियर हूँ।

अतः श्रीमान जी से एक सूद्ध अमरीय है कि प्रार्थी को लिंग ते गुप्तः वह  
मियुक्ति का आदेश वारित कर्ती की कृषा करें।

महान लूपा डियी।

True Copy  
After Recd  
K.S.

प्रार्थी  
पामिक्क तिह लिंग

23/11/87  
Actvcali 23/11/87

१५/८/४८

८८

श्री मान वर्षित संकेत स्वयं द्वारा संचार आविष्यन्ते (मिमांसा)

३०८० लक्ष्मण

महादेव,

(अधिन माध्यम द्वारा)

निवेदन ने कि जापी की अचानक लाभिष्ट आवाज ने जाप के आरण जपी इधरी पर ने तो संका । अतः श्रीमान की निवेदन ने कि जपी के इलाज करवाया । तथा वहां पर जापदा ने लौट के आरण जपी ५.८.२६ से ५.९.२६ तक डॉ. वल्लभ ६.९.२६ से ५.४.२८ तक डॉ. गंगाशा के इलाज करवाया । अतः इस जापदा ने लौट के ६.४.२८ से ६.८.२८ तक डॉ. अटिकोर सेल्सन ने अभी भी इलाज करवाया । अटिकोर सेल्सन ने

अब जपी अब विकुल होने के स्वयं ने आदि जपी की इधरी ती की कृपा की गयी जपी जीवन में आवासी रहता ।

लगातार २-२-२८

जपी

लाग्नु रिह

८३ वर्ष

S.I.C. आलमगढ़ी

लक्ष्मण

उत्तर रेलवे,

रेल इंजन फारखाबा,

वारबांध लखनऊ.

पत्र सं०- टीएएल-मती/८१-८२

दिनांक-२२ नवम्बर-१९८५

नरोन्के लेट ५/० — १९७८

श्री. महाराजा लेट

पता. ग्रा० उश्मासुंपु

पो० कटौली-मालिहाबाद  
ग्रा० लखनऊ

विषय:- ३ बव म्बर को हुये तिथित परीक्षा के आधार पर एक अप्रेनिद्य के अती हेतु साक्षात्कार।

उपरोक्त विषय पर आपको सुचित किया जाता है कि आप साक्षात्कार हेतु दिनांक १७.१२.८५. को ९.०० बजे उत्तर रेलवे प्रशाली तकनीकी स्कूल, वारबांध लखनऊ के प्रशान्ताचार्य के कार्यालय में उपस्थित हो।

इस साक्षात्कार में उपस्थित होने के लिए आपको रेलवे प्रशासन द्वारा फोई यात्रा शुरू की जाएगी आदि देय बहीं होगा और आपको लखनऊ में ठहरने आदि की व्यवस्था स्वर्य करनी होगी। आप अपने साथ जन्मतिथि, शौकिय या ग्रन्थ, खेल-क्रूर आदि प्रसारण पत्र मूल रूप में लायें।

अबुस्थित जाति तथा अबुस्थित जनजाति के अन्यार्थी को जाति प्रमाण-पत्र जिता दिए गये हैं तो उन्हें लागत अति आवश्यक है तभी वे इस आधार पर व्यवहार के अधिकारी समझे जायेंगे।

कृपया अपर मुख्य यात्रिक अभ्यन्तरांत्रिक  
डॉ. र. तोकी वारबांध लखनऊ।

Before the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

O.A.No.99/89(L)

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C.M.An No. 36/80/5

Nagendra Singh.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties/  
Applicants.

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Application for recall of order dated  
27.10.1989 and for taking written  
statement on behalf of opposite  
parties on record.

It is most respectfully submitted as under :-

1. That the above mentioned case was last fixed for 27.10.89 for filing reply/orders but due to mistake, the undersigned erroneously noted the date to be 27.11.1989 and therefore, could not attend the case on 27.10.1989.

2. That the absence of undersigned on 27.10.89 was under mistake and was not deliberate.

3. That on 27.10.89, this Hon'ble Tribunal was pleased to fix the above mentioned case for ex parte hearing on 13.12.89 due to non-submission of written statement on behalf of answering opposite parties, which is ready and is being filed with this application.

Shrivastava

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4. That the undersigned most respectfully prays that the order dated 27.10.89 for ex-parte hearing of the case be recalled and the delay in filing written statement on behalf of answering opposite parties be condoned and the same may kindly be taken on record.

- P r a y e r -

Wherefore, it is most respectfully prayed that the order dated 27.10.89 be recalled and the delay in filing written statement on behalf of opposite parties be condoned and the written statement be ordered to be taken on record.

Lucknow, dated,  
13.12.89  
17.1.90

Siddharth Verma  
( Siddharth Verma )  
Advocate.  
Counsel for the opp-parties/  
applicants.

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Before the Central Administrative Tribunal,  
Lucknow Bench, Lucknow.

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O. A. No. 99/89 (L)

--

Nagendra Singh.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties

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Written Statement on behalf of  
answering opposite parties.

I, S.D. Misra son of Sri  
Late G.D. Misra presently working as  
C.S.I.C.O./ Lucknow in the office of Chief Signal  
Inspector (consti), most respectfully submit as under:-

1. That I am presently working as Chief Signal  
Inspector (consti)/ Lucknow in the Office of Chief Signal Inspector  
(consti)- Lucknow and is looking after the above  
mentioned case on behalf of the answering  
opposite parties. I have read and understood  
the contents of the above mentioned petition  
and is duly authorised by the answering opposite  
parties to file this reply on their behalf. I am  
well acquainted with the facts stated hereunder.

Annex

2. That the contents of paragraph 1 of the  
petition need no comments from the answering  
opposite parties.

3. That the contents of paragraph 2 of the petition are denied. It is most respectfully submitted that the petitioner was working as 'Casual labour'. On completion of 180 days of continuous service as Assistant Wireman, the petitioner was being paid minimum scale of pay plus dearness allowance admissible under law/rules, but he never acquired temporary status.

4. That the contents of paragraphs 3, 4 and 5 of the petition are denied. It is most respectfully submitted that the petitioner never applied for any leave, nor, there is any such application to that effect in the official records. The petitioner was thus never granted any leave. It is further submitted that the petitioner has already passed the course of Electrician from the Industrial Training Institute, of two years' duration vide Certificate No. 3233 under roll No. L-984 from August, 1978 to July, 1980 and on this basis, the petitioner was engaged as <sup>14</sup> 'Casual Assistant Wireman' in this Unit after holding necessary selection. Again, the petitioner had gone for similar training for one year, i.e. from 5.8.86 to 4.8.87 in the same trade i.e. for Electrician from the System Technical School, Charbagh, Lucknow. All such training was received by the petitioner without any leave/authorisation and he absconded from duties for years together. Under these circumstances, it is

Govt

not possible to retain any person (including petitioner) on casual roll. It is further submitted that any person who is engaged in service, is required to take permission from the competent authority to undergo any professional/Educational training, but the petitioner never applied, nor was granted any leave/authorisation to undergo training of Electrician in the System Technical School, Charbagh, Lucknow.

Further, according to the Casual Labour Card of the petitioner, he was present on duty on 4.8.86 at Lucknow from 8.00 a.m. to 5.00 p.m., and it is totally false and baseless that the petitioner was at 'Dilawar Nagar' to send the application under reference under certificate of posting.

5. That the contents of paragraphs 6 and 7 of the petition are denied.

6. That the contents of paragraph 8 are denied being wrong. It is most respectfully submitted that Signal Inspector 'C' is not empowered to recruit any Wireman.

7. That the contents of paragraph 9 of the petition are denied, as the petitioner never acquired status of temporary Railway Servant and the question of his being senior does not arise as he absconded from duties without any intimation/

*Govt.*

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authorisation. The claim of the petitioner that he is better qualified is also not correct and hence, denied.

8. That under the circumstances stated in the foregoing paragraphs, the undersigned is advised to state that the above mentioned petition is liable to be dismissed with costs.

Lucknow, dated,  
13.12.89

Govt. of  
C S I (C) Lucknow

Verification.

I, S. D. Misra presently working as Chief Signal Inspector (e) Lucknow in the office of Chief Signal Inspector (e) Lucknow do hereby verify that the contents of paragraph 1 of this statement is true from my own knowledge and those of paragraphs 2 to 7 are based on record and are believed to be true. The contents of paragraph 8 are based on legal advise and are believed to be true.

Lucknow, dated,  
13.12.89

Govt. of  
C S I (C) Lucknow  
13.12.89

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BEFORE CENTRAL ADMINISTRATIVE TRIBUNALS ALLAHABAD

LUCKNOW CIRCUIT LUCKNOW.

Registration No. OA 99/89 (L).

Nagendra Singh Vs. Union of India and others.

REJOINDER AFFIDAVIT OF NAGENDRA SINGH, APPLICANT.

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PT  
LUCKNOW.

*Nagendra Singh*  
SIGNATURE OF THE APPLICANT

DATED: 27 January, 1990.

22/2/90

AB5  
BEFORE CENTRAL ADMINISTRATIVE TRIBUNALS ALLAHABAD  
LUCKNOW CIRCUIT LUCKNOW.

Registration No OA 99/89 (L).

Nagendra Singh ..... Applicant.

versus

Union of India and others. ..... Opposite Parties.

REJOINDER AFFIDAVIT ON OF SHRI NAGENDRA SINGH,  
APPLICANT.

I, Nagendra Singh, son of Shri Maharaj Singh  
aged about 29 years, resident of Village Ishapur,  
Distt: Lucknow, most respectfully sheweth as under:-

1. That I have gone through the Paras of the counter-reply submitted by the Opposite Parties and under-stood the contents thereof. I have carefully perused the relevant records related to the case and I am thus acquainted with the facts of the case deposed below:-
2. That para 1 of the counter-reply needs no comments.
3. That in reply to para 2 of the counter-reply the contents of paragraph 1 of the application are reiterated.
4. That in reply to para 3 of the counter-reply the contents of paragraph 6.2 of the application are reiterated. It is most respectfully submitted that the opposite parties have admitted that the applicant was being paid minimum scale of pay plus Dearness Allowance admissible under Rules on completion of 180 days of continuous service as Assistant Wireman. The applicant has already completed 604 days continuous service from 3.12.1984 to 4.8.1986. As per extant rules - Printed

*(Signature)*

Serial No: 9544 issued by the General Manager, Northern Railway, Baroda House, New Delhi that the Project Casual Labour shall be granted temporary status after 360 days continuous service. In this way the applicant has acquired the temporary status and will be governed by the D& A Rules like temporary employees as per Para 2511 of Chapter XXV Indian Railways Establishment Manual. Photo-stat copy of P.S.No:9544 is annexed as Annexure No: R-1.

5. That in reply to para 4 of the counter-reply, the contents of the same are denied. The contents of paragraph 6.3, 6.4 and 6.5. of the application are reiterated. It is further submitted that the petitioner applied for leave and on ~~protection~~ <sup>presentations</sup> of the same to the Signal Inspector/Construction he refused to take it and after that the applicant gave the application to his cousin brother to post the same under posting Certificate because the ~~alternate~~ applicant has no other alternative. The applicant was only engaged as casual labour as is being done by the Senior Subordinates. He was not appointed through selection process. The applicant joined the training for one year as an apprentice from 5.8.1986 to 4.8.87 for Electrician Trade from the System Technical School, Charbagh, Lucknow to have <sup>more</sup> some technical and practical knowledge. The applicant was not absconded from duty for years together. If the applicant was absconding the administration would have taken him up under D& A Rules 1968 which was not done because the administration was at fault in every respect..

The Railway Administration could have refused the  
Contd...3.

leave or granted the leave without pay, but showed absconding for no action was initiated under D&A Rules ~~because of their administrative~~ ~~actions~~ It is further submitted that the applicant was not absconding and as soon as the applicant completed his training he gave an application for joining duty on 4.8.1986 5.8.87 (Annexure No: A-5 filed with the application) and the Certificate of training is filed as Annexure A-4 and the leave application is filed as Annexure No.A-2. The applicant himself has not posted the application in the Post Office but it was his cousin brother who posted the same there.

6. That in reply to para 5 of the counter-reply, the contents of paragraph 6<sup>6.7</sup> and ~~6~~ of the petition are reiterated. Its contents have not been denied with specific reasons.

7. That in reply to para 6 of the counter-reply the respondents have engaged fresh cases and the contents of para 6.8 of the petition are reiterated.

8. That in reply to para 7 of the counter-reply, its contents are denied. It is submitted that the applicant has acquired the status of temporary Railway Servant as per extant Rules and he is entitled for back-wages with ~~putting the applicant on Duty~~ ~~reinstatement~~ because he has not been removed from service ~~at~~ by the Railway Administration on the alleged charge of absconding from the duty by the respondents. I D R R also ~~not~~ ~~disagreed~~ Contd.....4.

*No end to duty*

9. That under the circumstances stated in the foregoing paragraphs and the contents of the application the undersigned is entitled for ~~reinstatement~~ <sup>Duty</sup> with ~~reinstatement~~ <sup>Consequential Benefit</sup> back-wages from the date he reported for duty that is on and from 5.8.1987, and the petition may be allowed with cost.

LUCKNOW

*Nagendra Singh*  
APPLICANT.

DATED: 27 January, 90.

Verification.

I, Nagendra Singh, Ex Casual Wireman, do hereby verify that the contents of paragraphs 1 to 9 of this rejoinder is true to my personal knowledge, belief and legal advice. Nothing material has been concealed.

Verified and signed this 27<sup>th</sup> day of January, 1990 at Lucknow.

LUCKNOW.

*Nagendra Singh*  
APPLICANT.

DATED: 27 January, 1990.

*Ans. R.S.*

P.S.9544

*(5)*  
*R.B.*

GM letter NO. 220-E/190-XII-A/EIV dated 24.3.88  
screening of casual labour

### 1. Introduction

Supreme Court in their judgements in case of Inderpal Yadav and others Vs. U.O.I dated 18.4.85 with final modification dated 11.8.86 and in case of Ram Kumar and others Vs. UOI dated 2.12.87 have directed that project casual labour shall be granted temporary status after 360 days continuous service (earlier there was no provision or granting temporary status to project casual labour) and that seniority lists of project casual labour should be an combined Division-wise Departmentwise and category wise. Further, Supreme Court observed that after granting temporary status in open line casual labour after 120 days and to project casual labour after 360 days of continuous service, there shall be no discrimination between these two sets of casual labour in grant of various privileges as admissible as per extent instructions.

It is in this context that the existing instructions on screening require to be reviewed.

2. Since no regular or temporary posts are required for engaging casual labour and for granting temporary status to casual labour, in terms of para 2511 (C) of chapter XXV of IREM and Rule 102 (13) RI casual labour are not to be treated as Railway servants, further various categories of casual labour like casual labour on daily wages, casual labour on scale rate of pay, casual labour attaining temporary status, casual labour appointed as substitutes, in skilled/unskilled categories are treated as casual labour. Such of the casual labour who are posted against post sanctioned for decasualisation under orders of competent authority or absorbed against regular vacancies by conducting screening will be treated as regular ones and after much regularisation, they will be entitled to all privileges as admissible to regular/temporary employees.

### 3. LIVE CASUAL LABOUR REGISTERS

Instructions have recently been issued vide P.S.NO.9191 dated 11.3.1987 PS NO. 9195 dated 12.3.87m P.S. 9349 dated 20.8.87 and P.S. 9438 dated 13.11.1987 elaborating the purpose and manner in which live casual labour registers are to be maintained and as to which of the casual labours are to be borne on the live casual labour register in each seniority unit. It was also stipulated that preferably such live casual labour registers, in each seniority unit, should be maintained in the register, wherein the names of those who were working and those who have been retrenched shall be entered and dates of retrenchment against retrenched labour shall be indicated.

As per provisions of Industrial Dispute Act, the re-engagement in the seniority unit has to be on the principle of last go, first in and for the retrenchment the principle will be last come, first go after complying with the provisions of Industrial Dispute Act. e.g. giving stipulated notices and compensation etc.

*Tom Ghy  
A.M.K.*

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*K.S. Pow*

This casual labour register ~~will~~ shall be maintained by each senior subordinate for open line casual labour and for project casual labour by Sr.DPO for their respective divisions, Department wise and categories wise. Sr.D.P.O.s may note that they are already preparing combined seniority lists for project casual labour of their divisions, department-wise and category wise. These lists itself shall be treated as live casual labour register for the project casual labour on their division.

Heads of construction units CE/Con, CSTE/Con, CEE/Con shall also keep with them copies of consolidated combined seniority list of their project casual labour working on various divisions category wise for skilled/semi-skilled/unskilled for their record and supply copies of the same to Sr.DPOs. They will treat such lists as their live casual labour register for the division, which is not having project casual labour of its division. In any case engagement/retrenchments will be done with approval of Sr.DPO of respective division.

4. Seniority units for the purpose of engagement, retrenchment and re-engagement and maintaining live casual labour register.

For the purpose the seniority units of casual labour engaged on open line are senior subordinate wise (PS.NO. 7850).

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For project casual labour, however, earlier the seniority units used to be senior scale officer wise which have been changed in terms of Supreme Court judgement quoted above and such seniority units of all Project casual labour will be division wise, departmentwise and category-wise for which combined seniority lists are to be prepared for project casual labour working in the division seniority for each department categorywise.

Live casual labour registers are mentioned in para 3 above are to be maintained for these seniority units.

5. Seniority units for the purpose of screening

As per extent instructions from Railway Board, all civil regular vacancies in open line or project (except in works/Electrical Diesel sheds where separate rules exist) are required to be filled by screening of casual labour.

The screening in all the departments including Civil Engg. deptt. should be conducted on divisional basis separately by each department and each category where both open line casual labour as well as Project casual labour working on open line and construction units in that category will be considered in order of their seniority.

To elaborate it is to advise that the seniority lists for the purpose of screening with the different than those mentioned in para 4 above. These seniority lists will be prepared where both sets of casual labour working in open line as well as on Project will be combined.

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and inter-se seniority will be prepared depending upon the total number of working days put in by each casual labour including broken as well as per extent instructions.

Earlier the screening of all departments other than Civil Engineering was being done with division as a unit except for Civil Engineering department where the screening was done with AEMs as a unit and project casual labour was also required to be considered. Now it has been decided that even for Civil Engg. department also the screening will be done division-wise wherein all the casual labour working under various AEMs and open line and the entire project labour working on the division, shall be considered. In Civil Engg. department, it has further been decided by Chief Engineer that the screening will be done separately for P.Way and other than P.Way category-wise (P.S. NO.9489 dt. 19.1.78).

#### SCREENING COMMITTEE

The screening committee shall be constituted in terms of P.S. NO. 9347 dated 17.3.83. They should include a member of SC/ST and one member from the minority community and other member and outsider of repute. The minimum number should be 3. Further the detailed instructions circulated from time to time in this regard should be strictly followed (see P.S. 725C, 8452, 8557, 8678 and 9024).

#### ASSESSMENT OF VACANCIES

The vacancies should be assessed in terms of P.S. No. 8005 and 8632 dated 15.3.82 and 6.12.84 respectively where existing and anticipated vacancies for the next one year should also be counted. The regular vacancies existing /sanctioned for maintenance and operation of the new assets on construction/project units should also be taken into account. The number of candidates should be 85% more than the vacancies/worked out, taken into account unforeseen eventualities.

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#### ELIGIBILITY

The instructions regarding eligibility of casual labour for screening have already been reiterated from time to time. Here it is only to mention that for screening depending upon the number of vacancies, certain minimum number of working days may be stipulated as on a particular nominated date upto which both sets of casual labour working on open line and the projects should be considered. There are also instructions that for screening only those casual labours are to be considered who have put in 120 days continuous service (P.S. 7482 dt. 17.1.70, 7850 dt. 30.6.81 and 6422 dated 22.11.75).

The retrenched casual labour whose name exists on the live casual labour register and who have the requisite number of working days to their credit shall also be considered and they should be informed of the screening in a satisfactory manner.

Tom Crys  
Atul  
Kishan Baru

contd 4..

while forming panel it should be ensured that SC/ST are given the requisite number of seats as per their quota. In case their requisite number is not available from amongst the existing casual labour shortfall will be made good by resorting to direct recruitment from open market. P.S.NO. 6462 dated 7.2.84. For this purpose 100 point roster for SC/ST will be observed (P.S. 2410).

Casual labour engaged after 1.4.78 without the approval of DRMs /IICODs and engaged after 1.1.81 without the approval of G.M. shall not be considered for screening except where post facto sanction have been obtained such labour they can be considered.

Casual labour who have been retrenched and are not on roll may be considered for screening if they approach and apply to the Administration within the stipulated time at the time of screening (P.S.NO. 6546) dated 7.2.76 provided they have the requisite number of working days to their credit.

Casual labour who have not put in more than 120 days in the manner in which as stipulated in P.S.NO. 7045 dated 18.7.78 may also be considered if they are otherwise within the zone of consideration.

Those of casual labour who failed to attend on the previous occasions in the past, should not be called. P.S.NO. 6478 dated 14.3.84.

Casual labour engaged in hot water establishment and establishment of co-operative societies and canteens of Board and division may also be considered for screening depending upon their seniority (P.S.NO. 7382 dated 13.9.79).

#### LIFE OF PANELS

Panels of casual labour prepared for their regular absorption after screening would remain valid till the last person on the panel is absorbed. Regular requirements on open line as well as on projects shall be met with from such screened panels.

This issues after the consultation with both the recognised unions.

( S.S.Bali)  
for General Manager (P)

Tommy  
attested  
K. A. S. D. S. S. Bali