

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE OA 6 OF 89

NAME OF THE PARTIES Mahabir Applicant

Versus

C.M. Northern Railway & others. Respondent

Part A.

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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Checked as Dated 28/12/11

Counter Signed.....



Section Officer/In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

O.A. No. 6/1989

Mahabir

Applicant

versus

O.A. Northern Railway
and others

Respondents.

Shri A.K. Dixit
Shri V.K. GoelCounsel for Applicant
Counsel for Respondents.CORAMHon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

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

The applicant was engaged as casual labour under Permanent Way Inspector N. Railway, Safipur, Distt. Unnao and he was again engaged as casual labour under P.W. I Hardoi and worked continuously for about 9 months without break. While performing duties at Misrikh, the applicant met with an accident on 21.5.87 and he was hospitalised. One finger of foot was totally cut off due to the accident and he received other injuries in connection with which he remained in the Railway Hospital for about three months. He received full wages during the period he was hospitalised and he joined his duties in August, 1987. After being fit from the hospital he was sent to Suratgarh (Rajasthan) where he worked upto 3.1.88 and again worked under AEN Hardoi from 19.1.88 to 30.1.88 and paid wages. Thereafter,

he was not allowed to work. According to the applicant, as he has worked for more than 120 days, he is entitled for regularisation and had attained temporary status. The applicant was medically examined and was declared medically fit but even then appointment was not given to him despite representations after representations moved by him. Then he approached the Tribunal.

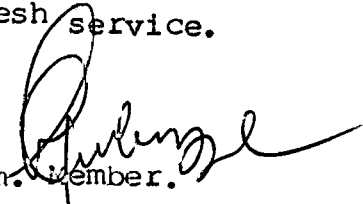
2. The respondents have opposed the application stating that he received simple injuries and was examined and declared unfit and was declared fit for category 'C'-1 and C-2 and as such he was not entitled to any compensation. It has been stated that he has been taken back on duty in the lower category but on behalf of the applicant it has been contended that he has been taken on lower category and the entire period be treated as on duty. In this connection he made reference to para 304 of the Railway Establishment Code:

"A railway servant who fails in vision test or otherwise becomes physically incapable of performing the duties of the post which he occupies but not incapable of performing other duties, should not be discharged forthwith but should be granted leave in accordance with rule 522. During the period of leave so granted such a railway servant must be offered some alternative employment on reasonable emoluments having regard to his former emoluments.

W

Further, the extraordinary leave portion of the leave granted in accordance with rule 522 should not be cut short purely on account of his refusing the first offer which is made during the period of his leave."

3. In ~~the~~ case the applicant was a casual labour and is entitled to the benefit of para 304 of Railway Establishment Code and had attained the temporary status, the respondents shall consider his case for treating the period as Extraordinary leave and let a decision in this behalf be taken within a period of 3 months. In case the applicant is entitled to leave, the same may be granted to him and in case he is ^{not} entitled of being a railway servant, his services will be deemed to be fresh service.


Admin. Member.


Vice Chairman.

Shakeel/

Lucknow: Dated 26.8.92

Central Administrative Tribunal
Bucknow Bench.

GA. NO. 6/89

Mahabir

^v
U.O. 2.

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
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Part - B.

B1 - B32

Part - C.

C1 - C7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
SALICUT DISTRICT COURT INC..

D.A./Tr. No. 6 1981 (C)

Mahabui

Applicant(s)

Verdict

G. M. N. & Co, 4 vs

Respondent(s)

Date	Orders
12/1/89	Hon A. John, A.M. Admit Issue notice to the respondents to file reply by the 13/2/89. Responses can be filed within one week. Put up this case for final hearing on 23/2/89
16/1/89	A.K. ER Notices issued to the respondents through Rpt Post fixing 23/2/89 for final hearing.
16/2/89	ER Notices were issued to the respondents fixing 23/2/89 for final hearing. No conditional resp. cases have been return back. No reply on behalf of respondent have been filed. Submitted. 16/2/89

Hon' Mr. D.S. Misra, A.M.
Hon' Mr. D.K. Agrawal, J.M.

28/4/89

Shri A.K. Dixit, learned counsel for the applicant is present. No counter has been filed by the respondents and none is present for them. The respondents are given one last opportunity to file reply within 4 weeks, failing which the case will proceed ex-parte. The applicant may file rejoinder, within 10 days of the receipt of the counter reply. List this case for final hearing/ ex parte hearing on 14-8-1989.

J.M.

A.M.

(sns)

OR No reply filed submitted for ex-parte hearing
10/4

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

14/8/89

None is present for the applicant. Shri V.K. Goel learned counsel for respondents is present and files counter affidavit. Keep it on record. The applicant may file rejoinder, if any, within two weeks hereof. List this case on 24/11/1989.

J.M.

(sns)

No Sitting. Adj. to 1.3.90.

27.11.01
24.11.01 was
holiday (election)

27-11-89

OTL

No RA filed
S.P. hears
10/11

1/3/90

Hon. Justice K. Math, Jr.
Hon. K.J. Raman, Am.

Shri A.K. Dixit for the applicant files rejoinder. He also files an application no. CM. 122/90 for requiring the opposite parties to produce four papers referred to in the application. Let the case be adjourned for hearing on 10/3/90 on which date the OPs shall also produce the records sought for by this application.

A.M.

ve.

S.F.H
10/11

(A3)

1.11.91No settip of D.B. case is adjourned
for hearing on 21.1.9221.1.92No Settling adj 27.3.92
2

2

-7.3.92

No Settling adj 12.5.92
4

12.5.92

No Settling adj 2.7.92
2

2.7.92

No Settling adj 26.8.92
2O.R.CA/RA have
already been
exchanged.

S.F.C.

8
25/8/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO 6 1987 (L)

T.A. NO _____

Date of Decision _____

Mahabir PETITIONER.
Shri A.K. Dixit Advocate for the Petitioner(S)

V E R S U S

G.M. N. Pathy & Co. RESPONDENT.
Shri V.K. Patel Advocate for the RESPONDENT(S)

CORAM

The Hon'ble. Mr. Justice O.C. Sircar, Jc
The Hon'ble. Mr. K. Sanyal, A.M.

- 1, Whether Reporter of local papers may be allowed to see the Judgment?
- 2, To be referred to the reporter or not?
- 3, Whether their Lordships wish to see the fair copy of the Judgment?
- 4, Whether to be circulated to other benches?

Vice-Chairman/Member

FORM-1
(1938) Claim No. _____ of 1949
Inst. Co. _____ January, 1939.

OFFICE OF THE COMMISSIONER OF THE ADMINISTRATIVE
INVESTIGATION, 1935

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT COURT,
L U C K N O W

Respondent..

..applicant.

Vs.

General Manager, L. Railway & others..

..respondents.

Compilation No. I

I N D E X .

1. Description of Documents relied upon Page No.
10.

1. Application as Compilation No. I.

1-17

2. Vakalatnama.

12

3. Index of compilation No. II.

13

Dated: 12 Jan. 1949

Signature of the applicant.

श्री नारायण

Signature

Through his counsel..

Signature

A. S. Dhillon,
Advocate.

For Use in District's Office

Date of filing

or

Date of receipt by Post

Registration No.

Signature

for Registrar.

Steps filed
for DEI app No 6
S. S. Dhillon
29/3/49

AP

IN THE GENERAL ADMINISTRATIVE COURT,
Circuit Bench, Lucknow.

Khan Bahadur aged about 31 years son of Miri Lokai resident of
village Kharim Ali Khara, Post Safipur Distt. UNAO.

..Applicant.

Versus.

1. General Manager, N. Railway, Barcha House NEW DELHI.
2. Divisional Rail Manager, N. Railway, MOORADABAD.
3. Assistant Engineer, N. Railway HAZRO.
4. Permanent Way Inspector N. Railway HAZRO.
5. Permanent Way Inspector, N. Railway Safipur Distt. UNAO.
6. Union of India through Secretary to Dept of Railways
Railways Ministry NEW DELHI. RESPONDENTS.

Amplification ..
by Court order
Sermis
2.

DETAILS OF APPLICATION.

=====

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

(i) Order No..	..	Nil.
(ii) Date ..	..	Nil.
(iii) Passed by..	.	Nil.

Application is not made against any specific order as the same has not been passed by any authority.
Instead it is with regard to relieve in the matter of
Instants, direction for performance of statutory duties.

3 30 1947

cont....

2. Jurisdiction of the Tribunal :-

The applicants declare that the subject matter of the action against which they want redressal is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicant further declares that the application is within limitation prescribed in Sec. 21 of the Administrative Tribunals Act 1985.

Cause of action for the present claim arose on 5.12.83 the date on which applicant received reply dt. 30.11.83 with regard to his notice in which respondents for the first time refused to grant appropriate reliefs to the applicant. Reply of notice is filed as Annexure A to this claim petition.

4. Facts of the Case.

4.1. That applicant was initially engaged as casual labour under permanent way Inspector M. Railway Safipur Distt. Unnao at Madhogarj where he worked for more than 7 years.

4.2. That in March 1987 applicant was again engaged as casual labour under P.W. 1 Hardoi and worked continuously for about 9 months without break.

4.3. That applicant remained on duty at Ballabau, Beemser, Misrikan, Atwa, Madhogarj, Unnao, Safipur, Hallelwan, Ganj Mooradabad, Bakhi, and Unnao.

13. 11. 1987

(11)

- 5 -

4.4. That while performing duties at M/s. [illegible] applicant met with an accident on 21.5.37 during the course and in connection with his duties.

4.5. That intimation of the accident and for receiving compensation under provisions of Workmen's Compensation Act on prescribed Form No. 1A6/W-14 was sent to the concerned authorities through proper channel.

True photocopy of such intimation is attached herewith as Annexure A 1 to this claim petition.

4.6. That applicant's one finger of foot was totally cut off due to the accident and he also received other injuries in connection with which he remained in the Railway Hospital for about three months.

True photocopy of Railway Hospital's out patient record is attached herewith as Annexure A2 to this petition.

4.7. That applicant received full wages during his hospitalisation and illness and joined his duties in the later part of August 1937.

4.8. That after being let from hospital on 11.8.37 he was sent to [illegible] (Najdhan) where he worked upto 3.1.38 and then [illegible] again worked under [illegible] from 19.1.38 to 30.1.38 and paid wages.

contd..4

17 20 17/47

112

- 4 -

4.9. That since 1.2.53 applicant has been not permitted to work without any work of prior notice and compensation, where as juniors than him are still working.

4.10. That as applicant had performed requisite period of continuous duties (for much more than 120 continuous days) he had become entitled for being treated as regular/Temporary (Class IV employee of Railways as per statutory provision of para 2501 and 2511 Railway Establishment Manual and Industrial dispute Act.

4.11. That in order of being regularised as Temporary Class IV employee of Railways the applicant's casual labour card was taken by respondent No.2 and an affidavit in the nature of declaration of his age etc. was also taken on 29.3.57;

True photocopy of such an affidavit is attached herewith as Annexure 28 to this claim petition.

4.12. That after scrutiny and verification of his continuous working days of more than 120 days between March 1957 to August 1957, applicant was directed to appear for medical examination.

to be...

१०/४/५७

(MS)

- 5 -

4.13. That accordingly applicant was medically examined on 19.2.83 and was declared fit vide Medical fitment Memo No. 134180/80 Dt. 19.2.83.

True photocopy of such Medical Memo is attached herewith as Annexure 4 to this claim petition.

4.14. That after 19.2.83 i.e. the date of Medical fitment, the applicant was given to understand that he will be issued with an appointment letter duty memo shortly after some time for which applicant continued to contact the respondents from time to time.

4.15. That applicant was neither given appointment order nor duty memo. He was also not awarded any compensation for his injury, loss of finger of foot on account of having met with an accident during the course of his duties.

4.16. That inspite of representations and personal approaches applicants's case for award of compensation and his engagement as regular, temporary class IV employee was not considered by the Railway Administration nor he was served with any sort of reply in lar or against with reference to his representations.

True copy of one of such representation is attached herewith as Annexure 5 to this petition.

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contd..6

14

- 6 -

4.17. That applicant on account of loss of his finger of foot during the course of employment and performance of duties has become physically Handicapped.

4.18. That when applicant's matter was not attended, he through his counsel served a notice to the respondents on 16.11.33.

True copy of aforesaid notice dt. 16.11.33 is attached herewith as Annexure A 6 to this claim petition.

4.19. That on 5.12.33 applicants counsel received reply of notice in which fact of continuous working of requisite period was not disputed but it was disclosed that since applicant has failed in the Medical Examination for the post of Gangman and as such his name has been entered in list for appointment in lower medical category i.e. peon, Mali, Chalkidar etc.. It was further revealed in reply of notice that applicant is not authorised for compensation.

True copy of reply of notice dt. 30.11.33 received on 5.12.33 is attached herewith as Annexure A7 to this petition.

4.20. That thus it was only on 5.12.33 (i.e. the date of receipt of reply of notice dt. 30.11.33) that applicant came to know that respondents are not ready to pay compensation to him and are

70 5 14/12/33 contd. 3

also not willing to engage and treat him as regular/temporary class IV employee as such applicant has been left with no option but to prefer this claim petition on and amongst the other :

6. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS.

- A) Because admittedly applicant having completed much more than requisite period of continuous working of 120 days he can not be ousted from the job outrightly and totally instead he should have been kept in employment.
- B) Because without complying provisions of ID Act and Railway Establishment Manual, Services of applicant can not be dispensed with.
- C) Because applicant as a result of accident has become a physically handicapped person during employment is entitled to get benefits of relaxed Medical standards and tests .
- D) Because applicant is entitled to reservation facilities as provided for physically handicapped employees as per Railway Board's Circular No.2(MG, III/73-RC-1/54 Dated 26.10.79 and 2 (MG) 11-30 RC 1/37 Dt. 22.3.80, the relevant extract of which (as published at page 782 of Railway Establishment Manual of 1.1.80) is

reproduced below:-

"15 % of vacancies in Class III and class IV in nominated categories (shown below) should be reserved for them. Attempts should be made to recruit equally (e.g. 5%) from among Deaf, blind and Orthopaedically handicapped persons. If it is not possible to do so, then shortage in one may be made good from the other category.

E(MG)III/73/AC 1/54 Dt. 26.10.79 and E(MG)II-30 R.C. 1/67 Dt. 23.3.80.

Sources:- Special Employment Exchanges, Ordinary Employment Exchanges, nearest Rehabilitation Centres for physically handicapped persons may be approached to sponsor candidates for recruitment.

(E(MG)II-30/AC-1/69 Dt. 23.3.81)

3. Nominated categories for appointment of Physically Handicapped persons.

Deptt.	Category
Administration	Office clerks, typists, stenos, Messis, safaiwalla Peons.
Operating	Telegraph signallers.
Commercial	Commercial Clerks Announcers, Asstt. Cooks, Bearers, Indicator Peons, Waterman, Waiting room bearers, Reading Room Attendants.
Electrical	Life attendants, Amature Inspectors, Window for Bench jobs.

24/12/80

.../...

A17

-9-

Mechanical Coneman, trimmer, Tracer, Machine Operator, Pump Driver.

Civil Engineering Tracer, Design Asst. Painter.

However if the railways feel that they can appoint the physically handicapped persons in other categories suitable for them, they may do so also.

- E) Because Railway Board vide its Circular No. 2 (RG) 1-3 D.C. 1/67 dt. 27.3.30 have provided that cases of physically handicapped have to be viewed with utmost sympathy.
- F) Because in view of legal & statutory position indicated above applicant can not be treated as an General employee or candidate for appointment / regularisation instead he is entitled to the benefits of handicapped reservation quota rule.
- G) Because applicant having suffered permanent partial disability is entitled to get compensation from railway administration according to the provisions of Workmen's compensation Act.
- H) Because action of respondent in ceasing employment of applicant and his non engagement and non payment of compensation is arbitrary unjust and manifestly unfair.

6. Details of the remedies exhausted:

The applicant declared that he has availed of all the remedies available to him under the relevant service rules, etc.

Bo. 28197

...

AKB

-10-

Details of representations and their replies are given under:

Annexure A-5 Representation Dt. 1928
Annexure A-6 Notice Dt. 16.11.33
Annexure A-7 Reply of Notice Dt. 30.11.33

7. Matters no 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 or any other authority or any other bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought:

In view of the facts mentioned in para 4 above the applicant prays for the following relief(s):-

- i) a declaration or direction be issued in favour of applicant against respondent to the effect that applicant continues to be class IV employee of railway administration and cessation of his employment as such is bad and he is entitled to full benefits of salary etc. from 1.8.1933 to onwards. Applicant be also held entitled to compensation under provisions of Workmen's compensation Act and entitled to the reservation benefits with regard to the matters of employment. Respondent's be accordingly directed to keep and employ the applicant giving him benefits of handicapped reservation rules in matters of employment.

B. N. Mishra

11.

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-11-

- ii) Costs of the claim petition and such other reliefs as may be deemed fit and proper in the circumstances of the case be also awarded to him against respondents.

9. Interim order, if any prayed for:

Nil.

10. Application is presented through Shri Abnaya Kumar Dixit, Advocate, 509/23 Ka, Old Hyderabad, Lucknow.

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

Postal Order No. DD 807101

Date of Issue. 12-1-89

Issued at Post Office Lalbagh Lucknow

Payable at Post Office Unnao

12. List of enclosures:

1. Postal Order.
2. Index & Paper Book of Compilation No.I.
3. Vakalatnama.
4. Index & Paper Book of Compilation No.II.

[Signature]

Applicant,
(Mahabir)

Verification

I, Mahabir son of Shri Lokai resident of Village Khosim Ali Khara, Post Safipur District Unnao do hereby verify that the contents of paras 1 to 4, 6, 7 & 9 to 12 are true to my personal knowledge and contents of paras 5 & 8 are believed to be true on legal advice and that I have not suppressed any material fact.

Date: 12/1/89
Place: Unnao

[Signature] Sd/- of the applicant,
[Signature]

अदालत श्रीमान

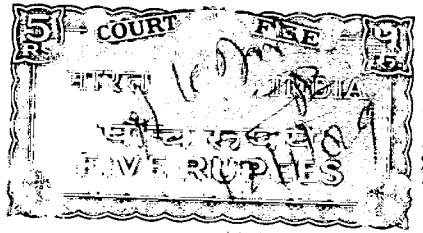
महोदय (2)

[वादी] अपीलान्त

श्री Mahabir

का वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]



Mahabir
G.M. N. P. 80th.
वादी (अपीलान्त)

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

A. K. Dixit Advocate

509/2016 A. K. Dixit Advocate
Lucknow

वकील

महोदय

एडवोकेट

नाम अदालत	मुकदमा नं० नाम	फरीकन
.....		
.....		
.....		

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा खर्च मुकदमा अवम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
12/01/2018

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH-LUCKNOW.

Manabir..

..Applicant.

Versus.

General Manager, N.Rly. & oths..

..Respondents.

Compilation No. II.

I N D E X.

Sl. No.	Description of Annexures	Page No.
1.	<u>Annexure No. A-1.</u> Photo copy of Form No. GA6/WA4.	14
2.	<u>Annexure No. A-2.</u> Hospital slip.	15
3.	<u>Annexure No. A-3.</u> Photocopy of Affidavit Dt. 29.3.37.	16
4.	<u>Annexure No. A-4.</u> Photocopy of Medical Memo.	17
5.	<u>Annexure No. A-5.</u> Representation Dated 15 April, 1938.	18
6.	<u>Annexure No. A-6.</u> Notice Dt. 16.11.1938.	19
7.	<u>Annexure No. A-7.</u> Reply of Notice Dt. 30.11.38.	20

Dated: 12 Jan. 1939

Place: LUCKNOW.

Applicant,

(Manabir)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-10-2001 BY 60322 UCBAW

A. 5.3.3.

Y.

Chicago & North Western Railway,
Room 608-609 Chicago, Ill. 60611

100-441121-7

• the defendant •

Александр Чо. А1

पुणेचा ही पुणे पुणे
NOTICE BOOK OF ACCIDENT

LA 67 CA 4

UNITED STATES DEPARTMENT OF LABOR
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20301

10. *To be filled up by Workmen or on behalf of Workmen*

Name/Address: 7521 E. 1st St.
 City/State: Chicago, Ill.
 Zip: 60649

41-5-87

१ अक्षर उच्चरित

मि निरा मे वन कानि

ॐ श्रीगणेशाय नमः

100-443887-100

574

ਦੇਵ-ਰਾਜ ਸੰਗਤੀ:

‘अन्तर्निहितं’

‘ਤੁਰੰਤ’

पुरुष

18 ਅੰਕ ਪੁਨਿਰੀਤ

७७-७८/५७

100-443887-100

Signature of L.T.L. of person listed

• (संस्थापक अध्यक्ष डा. एम. एस. खन्ना द्वारा प्रारंभ)

(To be filled up by the Employer or his Agent)

"The same date and time reported by country of

1. 1990年12月1日

ACKNOWLEDGMENTS

7. 4. 2013

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

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9. பெரிய தோழி

॥ श्री गणेशाय नमः ॥

ਪੰਥਾਪੀ ਕਰਨਾ ਨਹੀਂ

लक्ष्मीने रुद्र स्वप्नादी

4. 2. 5. 2. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842

ATTEST:

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IN THE SUPREME COURT OF THE UNITED STATES
 Circuit No. 100-100000

Mattix..

v.

General Manager N. Railway,
Baroda House New Delhi & 4 othrs..

• • A P P L I C A T I O N

• • Respondents.

Annexure No. A2

1540 NR

OUT PATIENT RECORD

निदिष्टा सी. ६ मे ३०-३१, ३१ए, ३१बी०
Med. P-६ Med. ३१, ३१A, ३१B.

| | | |
|---|---|---|
| <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> | <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> | <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> |
| <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> | <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> | <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> |
| <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> | <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> | <p>पिन Name</p> <p>Mahabub</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> <p>Relationship & Contact</p> <p>पेशेवर/व्यवसाय/व्यवसाय</p> |

ATTESTED

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27th Dec 1971

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IN THE CENTRAL CRIMINAL COURT
District of Madras

Mahabir..

V.

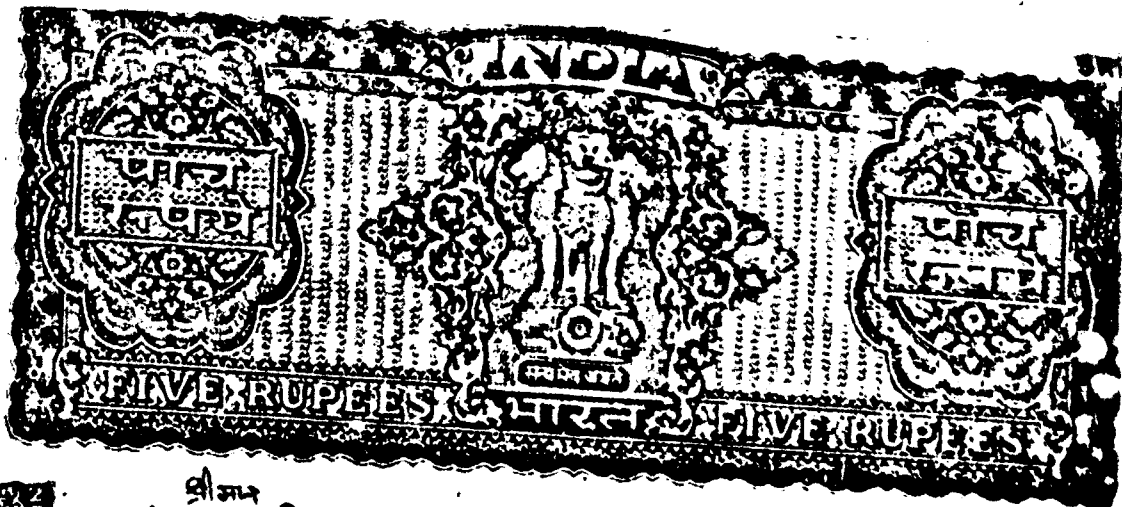
General Manager N. Railway,
Baroda House New Delhi & others..

..APPLICANT

..Respondents..

Annexure No.

A3



श्रीमान

श्रीजनल सुपरि उ-२ महोदय
मुम्बईवाट.

सं. २ ई. २२ महोदय

हल्दोई उत्तर-रेलवे



श्रीमान. फ.

मैं आपकी महावीर उच्च लुप्तम उच्च पुनः शो लोक उच्च
नि. स्वदिम अली खेड मजरा सामीपुर धाना व तहसील व पोस्ट
सामीपुर जि. उन्नाव आपका प्रतिक ध्यान करता हूँ।

पहले आपकी उत्तर-रेलवे में ऑफिस में के पर
५२ मार्च १९८७ से कार्य कर रहा है।

पहले आपकी श्रीमान २ ई. २२ महोदय
हल्दोई के अधीनस्थ मंत्री की निधि से कार्य
कर रहा है।

पहले आपकी की जन्म तिथि १ जनवरी १९५७
(एक जनवरी उन्नीस सौ सत्तर) है।

तहसील

श्रीमान आपका प्रतिक तहसील

व मैं कि आपका प्रतिक तहसील

पहले उन्नीस सौ सत्तर (१९८७) में

तहसील में आने के लिए २९.८.८७

पहले उन्नीस सौ सत्तर (१९८७) में

श्रीमान

Abh...

HIGH...

पि.मं.

म.मं.

मि. के. म.मं.

A24

IN THE MEDICAL DEPARTMENT
HIS HONOUR THE DEPUTY COMMISSIONER

Masbir..

V..

..APPLICANT

General Manager N. railway,
Bamoda House New Delhi & 4 others..

..Respondents..

APPLICANT NO. **A4**

134180

Examinated with both the
of glasses

सर्वो
R.A.
विशेष विभाग
MEDICAL DEPARTMENT
पराजपति रेल वर्कशॉप के रूप में नियुक्ति के लिए
स्वास्थ्य/स्वास्थ्य विभाग
FITNESS/UNFITNESS CERTIFICATE FOR APPOINTMENT
AS A NON-GAZETTED RAILWAY EMPLOYEE
स्वास्थ्य/Hospital
स्वास्थ्य/Health Unit **AS**
स्वास्थ्य प्रमाणित करता है कि मैंने नाम
नाम/विभाग
यदि पर नियमित के लिए उम्मीदवार विभाग में मेरी उपस्थिति में नीचे प्रमाणित
हस्ताक्षर किए हैं/नाम अंगूठे का निशान लगाया है, या परीक्षण किया है।
I do hereby certify that I have examined (Name) **Masbir**
24 (Age) **20** a Candidate for appoint-
ment as (designation) **6/1/1/1** Class **...**
A. 3. 7. 2. 31 in the **...** Branch/Department
whose signature/left thumb impression has been app-
below in my presence. **...**
I consider him **Fit** for such appointment **...**
in Age **...** to be **...**
Signature of **...**
Signature of **...**
Date **...** परमाणु/Designation **...**

ATTACHED COPY

HIC

10 35 54/197

A26

by

A6

ATTN: THE DIRECTOR

3-11-1941



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench: Lucknow

Amble R..

V. S.

.. APPLICANT.

General Manager N. Railway,
Roda House New Delhi & 4 others..

.. Respondents.

Annexure No. **45**

सोना में,

श्रीमान खंडूचरण मल्ल
उत्तर लखनौ
हरदोड़

श्रीमान जी

निवेदन है कि प्रार्थी पी.उ.क. में प्रविष्ट होकर
रॉटर हरदोड़ के अण्डरने के सुअल लेवर का काम कर चुका
है। मेरे द्वारा कई सालों से काम किया जा रहा है। मेरे
नाम भी पूरे हो चुके हैं। मेरे काम का कोई बर्गेट भी
नहीं हो चुका है मेरा जेटिकल फिटनेस भी हो चुका है।
मेरी न सुनें उम्मीद नहीं की गई है। मेरा शर्करीट्टेड डायरी
में संख्या २१/४/८७ को हुआ था जिसमें मेरी डंगली पैर
में नोट है उसका भी पैसा नहीं मिला है। मैं बहुत गरीब
आदमी हूँ।

सुरी डंगरी पर लेने की वृत्ता की जाये और
कम्पेयन का भी पैसा मिलाया जाये जो कंटेनर
कोड़ चुका है मेरे अपर वया की भाव।

मेरा पता

प्रार्थी

आपका नाम भी भेज
आपका नाम भी भेज
आपका नाम भी भेज

आपका नाम भी भेज
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Handwritten signature
25/11/88

ATTESTED

Abh...
HIG...
LUCKNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH

20
(A27)
.. APPLICANT.

.. Respondents.

Signature No. A7

Northern Railway

No. E-6/C.L.

Asstt. Engineer's Office
Hardoi. Dated, 30.11.88

Shri. Mahavir Kumar Dixit
Advocate,
500/28-KA, Old Hyderabad
Lucknow.

Sub:- Your notice dated 16/Nov/88 received on 22/11/88 on behalf of Shri Mahavir S/O Shri Lokai C.L./gangman under PWI-HKI.

The written reply on behalf of the respondent, No. 1.2.3 & 4 is as under:-

- 1- That in regard to the allegation made in paragraph No. 1 of the notice is absolutely incorrect and are emphatically denied.
2. That in regard to the allegation made in paragraph No. 2 of the notice need no comments.
3. That in regard to the allegation made in paragraph No. 3 & 4 of the notice is absolutely incorrect and are emphatically denied. It is further stated that Shri Mahavir was sent to medical examination for the post of gangman but he was declared unfit for the post of gangman. Since the applicant failed at initial appointment, the question of absorbing as gangman does not arise.
4. That in regard to the allegation made in paragraph No. 5 of the notice need no comments. It is further stated that the applicant failed in medical examination for the post of gangman, therefore question of junior and senior does not arise.
5. That in regard allegation of paragraph No. 6 of the notice are absolutely incorrect and are emphatically denied. It is further stated that he is not eligible for and compensation as per rules and his name has been included in the list for his absorption else where in lower medical category such as Peon, Mali, Chowkidar etc. and when vacancy arises strictly on the basis of seniority of those who have been declared unfit for gangman prior to applicant.

ATTESTED TRUE COPY
By
Asstt. Engineer
Hardoi.
LUCKNOW.

(O.P. Singh)
Asstt. Engineer
Hardoi.

In The central Administrative Tribunal Allahabad
Additional Bench - Lucknow

Registration No. CA 6 of 1989
Mahabir Applicant

vs
General Manager Northern Railway and
others Respondents

At Lucknow
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4/12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

ADDITIONAL BENCH LUCKNOW.

Registration no. 6 of 1989

Mahabir Applicant.

Versus

General Manager Northern Railway,

and others Respondents.

Written statement on behalf of respondents
no.1,2,3,4,&5 .

1. That the applica^{arranged} t has not engaged the Union of India which is a necessary party. The application as filed is bad for nonjoinder of necessary parties and is liable to be rejected on this count alone.

2. That ~~the~~ with regards to contents of paragraph no. 1 of the application the application filed by the applicant is mis conceived and is liable to be rejected .

3. That the contents of paragraph ~~4(1)(2)&(3)~~^{2 and 3} of

10/8/89

10/8/89

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the application ~~xxx xxx denied~~, need no reply.

4. That the contents of paragraph 4(1) (2) (3) of the application are not denied.

5. That with regards to contents of paragraph 4(4) of the application the applicant on 21-5-87 met with a very minor accident.

6. That with regards to contents of paragraph 4(5) of the application information regarding accident was given by applicant in ~~from~~ form prescribed under Workman Compensation Act, which is only a notice of accident nothing else.

7. That the contents of paragraph 4 (6) of the application are emphatically denied. The injuries caused to the applicant were of simple nature. The doctor who had examined the applicant and treated him has verified the contents of the notice given in prescribed form under Workman Compensation Act by the applicant and had noted on the notice itself ~~not~~ that the applicant had received simple injuries in the accident. A photo state copy of the notice submitted by the applicant and the verification ~~xxx~~

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note dated 1.2.88 given by the Doctor on the form itself is being annexed to this written reply and is being marked as annexure 'I'. It may also be mentioned here that the applicant after accident on 21.5.87 reported to doctor Railway Hospital on 22.5.87. Necessary entries were made in the injury report Register maintained at the Hospital by the Concerned Doctor. Even in the injury report register the injuries of the applicant were noted to be simple in nature. A photostatic copy of relevant extract of Injury Report Register is being annexed to this written reply and is being marked as Annexure 'II'. The outpatient record of the Railway Hospital (Ann. 2 to application) do not indicate that the applicant's one finger of foot was cut off due to accident.

8. That the contents of paragraph 4(7) and (8) of the application need no reply.

9. That with regards to contents of paragraph no.4(a) of the application the same are emphatically denied. The applicant was medically examined for his ~~fitness~~ fitness to work on 1.2.88 where he remained upto

-4-

20.2.88. The applicant has been declared unfit for ⁱⁿ but has been declared fit for categories C-1 and in essential categories C-2. In view of the fact that

applicant has been declared unfit for essential ^{posting of other persons on essential categories} categories or posts of even junior persons does not violate any legal right of the applicant. The applicant having been declared fit in categories C-1 & C-2 is not entitled for any compensation as alleged.

10. That the contents of paragraph 4(10), (11) & (12) of the application need no reply.

11. That with regards to contents of paragraph 4(13) of the application, vide medical fit memo No. 134185/80 dated 19.2.88 the applicant has been declared fit for ~~original post~~ in the lower categories i.e. C-1 and C-2 categories.

12. That the contents of paragraph 4(14) of the application are denied. The applicant was informed that his name ~~is~~ has been included in the list for absorption in lower medical category post as and when such vacancies arises.

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13. That the contents of paragraph 4(15) of the application are denied. Correct facts in this regard have already been mentioned in preceding paragraph and as such need no repetition.

14. That the contents of paragraph 4(16) of the application are not admitted in the manner in which they have been mentioned. The applicant was informed that he shall be given employment when ever vacancy shall arise in the categories where in the applicant was found fit in medical examination

15. That the contents of paragraph 4(17) of the application are denied. The applicant has not lost his finger or foot during the course of employment and has not become physically handicap. The allegation is contrary to medical reports.

16. That the contents of paragraph 4(18) and (19) of the application are not denied.

17. That the contents of paragraph 4(20)

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According to his own case sheet of the application are denied. The applicant become entitled for compensation as back as 21.5.87. The claim with regards to compensation is barred by time. The applicant is not entitled for any compensation as alleged in as much he had not lost a y finger of foot during course of any employment. ~~xxxxxxx~~ His name has been entered in waiting list for appointment in lower medical category post and shall be absorbed as and when the vacancy arises.

18. That the contents of paragraph 5 of the application are denied. No grounds have been made out by the applicant.

19. That the contents of paragraph (6) of the application need no particular reply.

20. That the contents of ^{para} 7 of the application are not denied.

21. That the contents of paragraph 8 of the application are denied, the applicant is not entitled for any of relief sought.

22. That the contents of paragraphs 9, 10, 11, and 12 of the application need no reply.

[Handwritten signature]
[Faint stamp]

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VERIFICATION

I Vijay Kumar s/o Sri K P Sharma aged
 about 26 yrs R/o Haridwar working as A.E.N.
 in the Office of AEN/HRI verify
 that the contents of paragraphs
 are true to my personal knowledge and contents
 of paragraphs 622 are based on
 perusal of records and that I have not suppressed
 any material fact.

[Signature]
 Signature of Respondents

Date-

place- Haridwar

[Signature]
 Signature of Counsel

100-443887-100

100-443887-100

Dispensary/Hospital.....

[illegible]

(A37)

SPECIAL POWER OF ATTORNEY

In the Court of Central Administrative Tribunal
Allahabad Bench Lucknow

Registration No. 6103 (4)

Mahavir

Plaintiff
Appellant
Petitioner

Versus

Union of India

Defendant
Respondent
Opposite Party

KNOW all men by these present that I S.N. Pandey, DRM/MB
Northern Railway, Moradabad do hereby appoint and authorise
B.K. Shukla to appear, plead,
and do all things jointly or severally in the above noted case
and to take such steps and proceedings as may be necessary
for the prosecution and defence of the said matter, as the
law may require and for the purpose to make sign, verify and
present all necessary plaint petitions, written statements and
other documents to compromise the suit admit the claims and
to lodge and deposit money in court and to receive payment from
the court of money deposited and to file and withdraw comments
from court and Generally to set in the promises and in all
proceedings arising thereout whether by way of execution appeal
or otherwise or in any manner connected therewith as effectually
to all intents and purposes as I could act if personally present
I hereby agree to notify and confirm whatever shall be lawfully
done by virtue of these presents.

24/11/15

In witness whereof I herein to set my hand this 24th day of November 1955

Accepted
for
Advocate

S.N. Pandey
Northern Railway
Divl. Ry. Manager
Moradabad

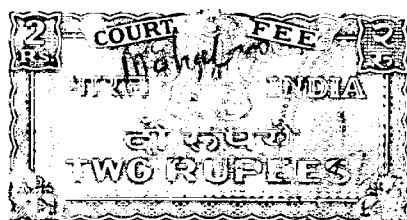
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A38

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

O.A.No: 6 of 1989(L)

Fixed on 1.3.90.



1989
AFFIDAVIT
19
HIGH COURT
ALLAHABAD

Mahabir.....Applicant.

Versus

General Manager, N.Railway & Others.....Respondents.

Rejoinder Affidavit on behalf of Applicant.

I, Mahabir aged about 32 years, ~~said~~ son of
Sri Lokai, resident of village Khadim Ali Khera, Post^L
Safipur, District Unnao, do hereby solemnly affirm and
state on oath as under in the name of Almighty God.

1. That deponent being petitioner is fully conversant
with the facts of the case. He has got read and
understood the contents of written reply filed on
behalf of Respondents. Deponent on account of non
receipt of any information from his counsel, which
occurred due to Postal activities, could not file this
Rejoinder earlier.

2. That contents of paras 1 and 2 of written statement
are denied. Union of India has already been impleaded
as Respondent No: 6.

3. That contents of para 3 of Written Statement need
no reply.

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20/2/90

CTAB Mahabir

4. That contents of para 4 of written statement need no reply.

5. That contents of para 5 of written statement are denied. Annexure A-1, (the genuineness of which is not disputed) is signed and bear seal of P.W.I. which has got mention of nature of injuries as "Grevious" (GAMBHEER).

6. That contents of para 6 of written Statement are not admitted as written and those stated in para 4 5 of claim petition are reiterated as correct.

7. That contents of para 7 of written statement are emphatically denied. Perusal of Annexure A-1 (to the claim petition) and Annexure C-I (to the written statement) go to show that it was only on 1.2.88 (that is after about more than 8 months from date of accident which occurred on 21.5.87) that Assistant Divisional Medical Officer, Malamau deleted word "GAMBHEER" and wrote word "Simple", which appears to have been intentionally got written to procure defence in the present case. Annexure "C II" and Annexure "A.2" do not appear to have been written by same person. Deponent remained hospitalised for more than two months X-ray of his foot was also done which is in custody of Respondents. Annexure A-2 has got mention of deponent's injury in foot and amputation of 5th finger and loss of tip of 3rd. Deponent is ready to produce the persons named as witnesses in Annexure A-1.

28/2/90

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Contention of Respondents in para 7 of written statement is specifically denied.

8. That contents of para 8 of written statement need no reply.

9. That contents of para 9 of written statement are denied. Deponent is physically handicapped due to accidental injuries received during course of employment.

10. That contents of para 10 of written statement need no reply.

11. That contents of para 11 of written statement are denied. Medical Fitment Memo No. is 134180 and not 13418580 as stated by Respondents. Deponent has been found fit in B-2 category.

12. That contents of para 12 of written statement are denied. In absence of non-production of such list contention of respondents is not trust worthy.

13. That contents of paras 13 to 22 of written statement are denied and those stated in claim petition are re-iterated to be correct. Deponent has become physically handicapped on account of injuries sustained by him during the course of performance of duties. Payment of compensation is statutory obligation upon Respondents, which claim has been refused for the first time only on 30.11.88 by means of Annexure A-7 and never earlier to it,

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28/2/90

Uti Mohabib

(AHL)

therefore question of limitation does not arise.

Deponent has been declared fit in B-2 Medical Category and he is entitled for preferential claim of appointment on the ground of "Physically Handicapped Person" Deponent has remained Hospitalised 2 months at Balamau Railway Hospital and for 1 month at Moradabad, he was operated at Moradabad.

Lucknow:

Dated: 18[✓] March, 1990.

Deponent.

(Mahabir).

Verification.

(Ti of Mahabir)

du
20/2/90

I, Mahabir, the deponent do hereby verify that the contents of paras 1 to 13 of theis Rejoinder Affidavit are true to my personal knowledge.

Signed and verified this 28[✓] day of March, 1990

in the court compound, at Lucknow.

Lucknow:

Li of Mahabir

Dated: 28[✓] - 2[✓] - 1990.

Deponent.

(Mahabir).

I identify the deponent who has signed before me.

A.K. Datta
Advocate.

J.P.K. - E
12/11/90

35/14/90
20/2/90

Sl. No. 42 13

SPECIAL POWER OF ATTORNEY.

In the Central Administrative Tribunal Circuit Bench Lucknow

Reg. No. 6/88 (14)

Mahabir

Plaintiff
Appellant
Petitioner

Versus
Union of Inds & others

Defendant
Respondent
Opposite Party

KNOW all men by these present that I S.D. Gupta Dy. Magr Northern Railway, Moradabad do hereby appoint and authorise S/Shri V. K. Goel to appear, plead, and act for me jointly or severally in the above noted case and to take such steps and proceedings as may be necessary for the prosecution and defence of the said matter, as the case may be and for the purpose to make sign, verify and present all necessary plaint petitions, written statements and other documents to compromise the suit admit the claims and to lodge and deposit money in court and to receive payment from the court of money deposited and to file and withdraw documents from court and Generally to set in the premises and in all proceedings arising thereout whether by way of execution appeal or otherwise or in any manner connected therewith as effectually to all intents and purposes as I could act if personally present I hereby agree to ratify and confirm whatever shall be lawfully done by virtue of these presents.

In witness whereof I hereinto set my hand this day of 19.

Signed
(S.D. Gupta)
Northern Railway

Registered

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

No. CAT/CB/LKO/ 1070

Dated : 30.3.89

Registration No. 6 of 193 89 (4)

~~Maharaja~~ Applicant
Versus

~~Union of India~~ Respondent's

To

Union of India through Secretary
of Railway Ministry of Railways
New Delhi

Please take notice that the applicant above
named has presented an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and the
Tribunal has fixed 24th day of 4th 1938 for order
to take reply within a month.

If no, appearance is made on your behalf, your
pleader or by some one duly authorised to Act and plead on
your in the said application, it will be heard and decided in
your absence.

Given under my hand and the seal of the Tribunal
this 30th day of 3 1938.

Maharaja
For DEPUTY REGISTRAR

dinesh/

44 2

Registered

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

No. CAT/CB/LKO/614 to 618 Dated : 1/11/38

Registration No. of 193 . ()

_____ Applicant

Versus

_____ Respondent's

614
615 To
616 618-
617 ->

Please take notice that the applicant above
named has presented an application a copy whereof is enclosed
herewith which has been registered in this Tribunal and the
Tribunal has fixed _____ day of _____ 1938 for

If no, appearance is made on your behalf, your
pleader or by some one duly authorised to Act and plead on
your in the said application, it will be heard and decided in
your absence.

Given under my hand and the seal of the Tribunal
this _____ day of _____ 1938.


For DEPUTY REGISTRAR

dinesh/