

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ..... O.A. 185 OF 1989 .....

NAME OF THE PARTIES ..... Suraj Bax ..... Applicant

Versus

..... Union of India ..... 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)

Dated ..... 09/6/11 .....

Counter Signed.....

Section Officer in charge

Signature of the  
Dealing Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 185 of 1989

APPELLANT  
APPLICANT

Suraj Bux and ors

VERSUS

DEFENDANT  
RESPONDENT

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
18.9.1989	<p>Hon'ble Mr. D.K. Agrawal, J.M.</p> <p>The application No. 230/89(L) to join the applicants together is allowed.</p> <p><u>ADMIT.</u></p> <p>Issue notice to respondents to file counter affidavit within 6 weeks to which the applicant may file rejoinder, if any, within two weeks thereafter.</p> <p>List this case on <u>29.11.1989</u> for <u>orders/final hearing</u> as the case may be.</p> <p>(rrm) J.M.</p>	<p>OR</p> <p>Notice issued 21/9/89</p> <p>Neither reply nor any answer repd. since has been return back.</p> <p>S. F. order</p> <p>Dep. J. already fixed as 29.11.90</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. No. 185/89  
REGISTRATION No. \_\_\_\_\_ of 198

APPELLANT  
APPLICANT

Suraj Bux and ors

VERSUS

DEFENDANT  
RESPONDENT

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
22/8/89	<p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>The applicants 7 in number, have not made any application for permission to join together.</p> <p>Counsel for the applicant seeks time to prefer such an application. Allowed.</p> <p>Put up for orders/admission as and when the application is received.</p> <p><i>J.M.</i></p> <p>(sns)</p> <p><u>Hon. Mr. D.K. Agrawal.</u></p> <p>Admit.</p> <p>hit the case on 29.11.09</p> <p>No sitting. Adv to 13.90.</p> <p>Counsel for applicant is present.</p> <p><i>h 9/11/09</i></p>	<p><i>on</i></p> <p>The learned/counsel for the applicant has filed application Submitted for order</p> <p><i>h 18/9</i></p>

*noted for 18/9/89 KPS*

*18.9.09*  
*See original order for main order*

*29.11.09*

7/12/92  
 5 f 4  
 10044141  
 10044141  
 10044141

2

Mr.  
 Mr.

be no further time  
 by the date fixed. There will  
 the applicant may file a response  
 11-12-5. The respondent may file  
 a brief for final hearing  
 around No. 3 is rejected. The  
 up most. The fringe is respect of  
 on the date when the case is  
 at St. No. 1 & 2 of the applicant  
 to produce the other mentioned  
 documents. We direct the respondent  
 the respondent to produce certain  
 filed an application for summary  
 However, the applicant had also  
 to be the last opportunity  
 indicated by the Tribunal  
 one of which was also  
 had a number of opportunities  
 points out that the respondents  
 The applicant's counsel correctly  
 opportunity to file counter.

a request for one more  
 present for the respondents

13-11-9. The Mr. Justice McEachie.  
 The Mr. Justice McEachie.  
 The Mr. Justice McEachie.

10044141  
 10044141  
 10044141  
 10044141  
 10044141

CA 105/82

2-4-82

No filing of D.B. adjournment

27-5-82

2 A3

27-5-82

Cox and roads adjourn

31-5-82

Boe

D.R. 31-5-82

Cox and roads adjourn

15-9-82

Boe

CA/RA have been exchanged.

S.F.O. 15-9-82

Cox and roads adjourn

30-10-82

Boe

8  
30/11/82

Due to Autumn vacation case is shifted on

12-1-83

12-1-83

S.F.O.

No filing of D.B. adjournment

23-2-83

2

8

23-2-83

Hon. Mr. Justice B.C. Smith  
Hon. Mr. K. Gajra

Diff. by tomorrow

Boe

Boe

OK

S.F.M.

Boe

my

24-2-83

Hon. Mr. Justice B.C. Smith  
Hon. Mr. K. Gajra

Diff. by tomorrow

Boe

Boe

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW

J.A. NO 185/87 199 (L)

J.A. NO \_\_\_\_\_ 199 (TL)

Date of Decease \_\_\_\_\_

Sri J. B. Singh - - - Petitioner.

Mr. K. P. Singh - - - Advocate for the  
Petitioner(s)

VERSUS

Union of India - - - Respondent.

Mr. J. B. Singh - - - Advocate for the  
Respondents

C O R A M

Hon'ble Mr. Justice C. Singh, J.C.

Hon'ble Mr. K. Singh, J.C.

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

95

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Original Application No. 185/89

Suraj Bux and others

Applicants.

versus

Union of India & others

Respondents.

Shri K.P. Srivastava, Counsel for Applicant.

Shri Arjun Bhargava, Counsel for Respondents.

Coram:

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

Hon. Mr. K. Obayya, Adm. Member.

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

The applicants who were engaged as casual labour /Substitutes in October, 1979, worked upto 31.8.1981 and they were orally asked not to come on duty while the juniors to the applicants were given duty from July, 87, and that is why they have approached this Tribunal.

2. The applicants have contended that they have worked for 240 days of continuous service and as per provisions of Industrial Disputes Act, they have attained the status of temporary government servant after completion of 120 days of continuous service.

3. The respondents have resisted that none of the applicants have worked for 120 days and as such they have no right to claim any re-engagement or any regularisation and the question of seniority does not arise.


4. Alongwith Rejoinder certain documents have been filed to indicate that the applicants have worked for


6

26

for many days. If that be so, all these applicants to approach the Divisional Railway Manager, Northern Railway, Lucknow with the prior intimation who himself will / nominate some officer to look into the matter and in case papers are found correct and they are satisfied that the applicants have worked for 120 days, they will be given engagement and will re-engaged if similar other persons have been engaged. Applicants will approach Divisional Railway Manager, Northern Railway, Lucknow within 2 months and he will try to dispose of the matter within another two months.

5. Application stands disposed of as above. No order as to costs.

  
Adm. Member.

  
Vice Chairman.

Shakeel/-

Lucknow: Dated: 25.2.93.



IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD LUCKNOW CIRCUIT.

.....

APPLICATION UNDER SECTION 19 of the ADMINISTRATIVE  
TRIBUNAL'S ACT 1985.

Case No: 185/89 (L).

Suraj Bux ~~Singh~~ and others ..... Applicants.

Versus

Union of India and others. .... OPP. Parties.

COMPILATION NO. 1.

INDEX.

Sl.No;	Description of documents relied upon.	Page Nos.
1.	Application.	1 to 7
2.	Vakalatnama.	8

*Suraj Bux*

SIGNATURE OF THE APPLICANT.

For use in Tribunal's Office.

Date of filing 3/8/89.

Registration No. 185/89 (L).

Signature of  
Registrar.

*Noted for  
22/10/89  
Kash  
Rash*

*May be placed before the  
Hon'ble Court on 22/10/89.*

*Abhimishra  
3/10/89.  
P.S. for Hon'ble C.*

A8

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNALS ~~ALLAHABAD~~  
ALLAHABAD BENCH LUCKNOW CIRCUIT.

Case No: 185/89(2)

~~Suraj~~

Suraj Bux ~~Singh~~ and others.

.... Applicants.

Versus

Union of India and others.

.... OPP. Parties.

COMPILATION NO.2.

INDEX.

Sl.No:	Description of documents relied upon.	Page Nos.
1.	<u>Annexure No.A-1.</u> Photo-stat copies of pay envelopes and casual Labour Cards.	9 to 15
2.	<u>Annexure No.A-2.</u> Photo-stat copies of the representations made by the applicants.	16 to 22
3.	<u>Annexure No.A-3.</u> Photo-stat copy of Acknowledgement Due Receipts and Postal receipts.	23 to 25
4.	<u>Annexure No.A-4.</u> Photo-stat copies of the P.S.No:7677 issued by the General Manager, N.Rly., New Delhi for engagement of Senior Retrenched Workmen.	26 to 28
5.	<u>Annexure No: A-5.</u> Photo-stat copies of the P.S.No:7850 regarding reengagement of Senior Retrenched workmen.	29 to 36

22/10/89  
SIGNATURE OF THE APPLICANT.

For use in Tribunal's Office.

Date of filing.

Registration No.

Signature of  
Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
(LUCKNOW BENCH)

BETWEEN

Suraj Bux Singh son of Shri Maikoo Lal and others

----- Applicants

AND

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

DETAILS OF THE APPLICATION

1. Particulars of the applicants.

1. Sh. Suraj Bux ~~Singh~~ S/O Maikoo Lal

2. " Ram Shanker s/o Madar.

3. " Baba Deen s/o Sia Ram

4. " Bharat s/o Shri Bhagwan Deen

5. " Dashrath s/o Ajodhya Prasad

6. " Hari Ram s/o Jagdeo

7. *Baboo Ram s/o Raja Ram*  
All Casual labourers/Substitutes under Loco Foreman  
Northern Railway, Runningshed, Alambagh, Lucknow.

2. PARTICULARS OF THE RESPONDENTS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager, Northern Railway, Lucknow.

3. Loco Foreman, Northern Railway, Runningshed, Alambagh, Lucknow.

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

Relief is not being sought against any order but for a direction to the Respondents to re-engage them in the Locoshed, Alambagh, Lucknow or any other unit as my juniors have been engaged. The respondents may be further directed to regularise their services

शुभचक्र A

after screening.

(iv) Subjects in brief :-

(i) That the applicants from Sl.No 1 to 7 were engaged as casual labourers/Substitutes in October/79 and worked upto 31.8.1981. In September/1981, the applicants were asked verbally by Respondent No. 2 and 3 not to come on duty. The photo-stat copies of some of the pay envelopes available with the applicants are annexed as Annexure A-1.

(ii) That the applicants acquired the status of temporary Railway servant after completion of 120 days continuous service and have also completed 240 days in a preceeding year. Photo-stat copies of the Pay envelopes are annexed as Annexure-A-1.

(iii) THAT when the applicants came to know that the juniors to the applicants were given duty by respondent No. 2 and 3 from July, 1987 to till date and did not call the seniors. They sent their representations to the respondent No.2.

(iv) That the applicants had applied for their re-engagement in the office of the Loco Foreman, Northern Railway, Lucknow or any other unit on 15.9.88, 26.9.88 and 28.9.88 but they were not re-engaged by the respondents.

(v) That the respondents No. 2 and 3 have not intimated to the applicants, the senior retrenched workmen for re-engagement by Registered post thereby the respondents No. 2 and 3 have violated the provisions of the Industrial Dispute Act, 1947 and Rule 78 of Industrial Dispute Central Rules.

22/9/87

(vi) That the respondents No. 2 and 3 have not considered their applications inspite of their representations.

(vii) The applicants are entitled to be re-engaged as their juniors have been engaged as required under the statutory rules.

4. JURISDICTION OF THE TRIBUNAL

The applicants declare that the subject matter of the order against which he wants redressal is within the jurisdiction of the tribunal.

5. LIMITATION:

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

6. FACTS OF THE CASE

The facts of the case are as under:-

1. That the applicants from 1 to 7 were appointed as casual labourers/substitutes by Loco Foreman/Northern Railway, Lucknow (respondent No.3).

2. That the applicants from 1 to 7 have acquired the status of temporary Railway servant after working 120 days continuously and have also completed 240 days in a preceeding year.

3. That the applicants worked as casual labourers substitutes from October/1979 to August/1981 and were retrenched verbally by Loco Foreman, Northern Railway, Lucknow (respondent No.3).

4. That the respondent No. 2 and 3 have re-engaged the workmen juniors to the applicants in the same unit as well as in other unit from July/1987 till

DrV

-4-

date ~~date~~ and did not call the seniors first nor intimated the applicants by Registered post as provided in Rule 78 of the I.D. Central Rules, 1957. and Para V of the Circular issued by General Manager, Northern Railway, New Delhi under P.S. NO. 7677. Photo-stat copy of the letter is annexed as annexure No. A-2. The Rule 78 of I.D. Central Rules are reproduced below:-

" Rule 78- At least 10 days before the day on which vacancies are to be filled the employer shall arrange for the display on the notice board in a conspicuous place in the premises of the Industrial Establishment, details of those vacancies and shall also give intimation of those vacancies by Registered post to every-one of all the retrenched workmen eligible to be considered therefore to the addresses given by him at the time of retrenchment or at any time thereafter.

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior most retrenched workman in the list referred to in Rule 77 the number of such senior most workmen being the double the number of such vacancies."

5. That the applicants submitted their applications to the respondent No. 2 on 15.9.88, 26.9.88, 28.10.88 and 16.1.89 respectively. Photo stat copies of the applications are annexed as annexure A-3.

contd 5...

22.4.94

6. That the respondent No. 2 did not consider the representations as yet, though it is not obligatory on the part of the applicants to represent their cases because under the Law they are the retrenched senior workmen and they should have been called by the respondent No. 2 and 3 for re-engagement. The respondents have not considered their applications.

7. The respondents <sup>have</sup> ~~are~~ not called the seniors retrenched workmen even after the representations thus the respondents have violated the section 25-H of the I.D. Act, 1947. Section 25-H is reproduced below:-

" Re-employment of retrenched workmen

Where any workmen are retrenched and the employers propose to take into his employ any person, he shall in such manner as may be prescribed give an opportunity (to the retrenched workmen who are citizens of India to offer themselves for re-employment and such retrenched workmen ) who offer themselves for re-employment shall have preference over other persons".

8. The applicants are entitled to be re-engaged and to be screened as they are eligible under the Rules.

7. DETAILS OF REMEDIES EXHAUSTED

The applicants represented their cases for re-engagement on 15.9.88, 26.9.88, 28.10.88 and 16.1.89 though they are not obliged to make such representations but the respondents have neither replied to the representations nor re-engaged them (Annexure A-3)

22/4/2011

8. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT

The applicants further declare that they 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. RELIEF(s) sought

In view of the facts mentioned in para 6 above, the applicants pray for the following relief(s).

The respondents No. 2 and 3 may be directed to re-engage the applicants and their services may be regularised after screening as they are entitled for the same under the Rules and Law.

GROUND(S)

1. Because the applicants have acquired the status of temporary Railway servants having been worked for more than 120 days continuously.
2. Because the respondents have re-engaged the retrenched junior workmen and did not engage the senior retrenched workmen as required under Law.
3. Because the respondents have violated the provisions of I.D.Act, 1947, Rule 78 of the Industrial Dispute Central Rules, 1957 and Para V of printed serial NO. 7677.
4. Because the respondents have violated the rules laid down by the Railway Boards issued under General-Manager/Northern Railway/New Delhi printed serial NO. 7850 photo copy attached.

रूपेण



5. Because the respondents No. 2 and 3 have not observed the principle of last go first come in the matter of re-engagement of the retrenched workmen.

6. Because the respondents No. 2 and 3 have acted contrary to the provisions of statutory rules and Law.

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 (s) *DD 783-26*
2. Name of the issuing Post Office *Ch. Anb. ngl Lucknow*
3. Date of issue of postal order *2-8-1989*
4. Post Office at which payable - Head Post Office, Allahabad.

12. LIST OF ENCLOSURES

- i. Photo-state copies of pay envelopes.
- ii. Photo-stat copies of the representations.
- iii. Photo-stat copy of P.S. NO. 7850

VERIFICATION

I Suraj Bux Singh aged about 28 years S/O Shri Maikoo Lal Ex substitute/Casual labourer under Loco-Foreman/Northern Railway, Lucknow R/O Pateh Khera Distt. Lucknow do hereby verify that the contents of paragraphs 1 to 10 of the application are true to my personal knowledge and belief and that I have not suppressed any material fact.

DATE *3/8/1989*

PLACE: LUCKNOW

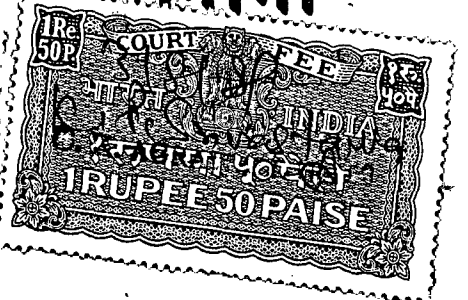
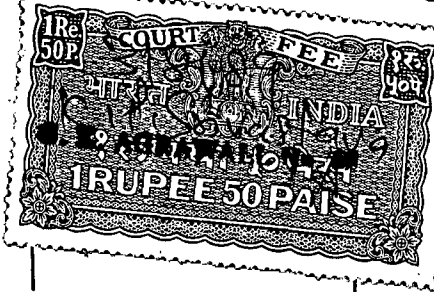
*(Signature)*  
SIGNATURE OF THE APPLICANT

In the Court of Central Adm. Tribunal AGC  
ब अवालत भीमान् *Mahabharat - The Court* महोदय

[ वादी ] अपीलान्त

प्रतिवादी [ रैस्पान्डेंट ]

## वकालतनामा



*Sury Bahadur and others*

वनाम *Union of India and others* प्रतिवादी (रैस्पान्डेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

*K. P. Srivastava Advocate*

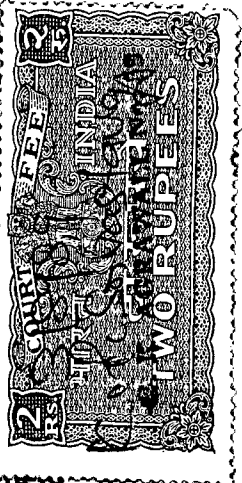
वकील

*Note given to DA during the hearing*

महोदय एडवोकेट

नाम अदाकार	मुकद्दमा नं०	नाम फरीकस

को अपना वकील नियुक्त करके प्रतिज्ञा ( इकरार ) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कामज करें या लीटावें या हमारी ओर से डिगरी जारी करावे और रुपया करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मु उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्त) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की ग सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वाकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा 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।



हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

बिलाक

महोना

सं० १९

ई०

*बाबा दीन*  
*भारत*

*दशरथ लाल*

*गजराकर*

*Accepted*  
*Kash*

*Advocate*

AD

Before Central Adm Tribunal, New Delhi  
Bench Allahabad  
Suraj Bux vs. Union of India  
Date: 24/6/79  
Page: 40  
Case No: 1007/6-1979-5,00,000 Nos.

कारखाना/WORKSHOP  
कोटि का वेतन लिफाफा  
Pay Envelope for.....12  
टिकट नं./Ticket No.....  
24/6/79  
वेतन/Pay  
समयाति/Overtime  
महंगाई भत्ता/Dearness Allowance  
मकान भत्ता/House Allowance  
नगर भत्ता/City Comp. Allowance  
कोई अन्य भत्ता/Any other Allowance  
कुल मजदूरी/Gross Wages  
कटौतियाँ/Deductions  
निवर्तन निधि/Provident Fund  
निवर्तन निधि अधिम की वापसी/Refund of P.F. Adv.  
विजली प्रभार/Electric Charges  
किराया/Rent  
संस्थान/विश्वविद्यालय/Institute/Sports Club  
साइकिल अधिम/Cycle Advance  
त्योहार अधिम/Festival Advance  
सहकारी कृषि समिति/Co-op. Credit Society  
अधिम वेतन/यात्रा भत्ता/Advance of Pay/T.A.  
राष्ट्रीय रक्षाकोष/National Defence Fund  
मजदूरी की अधिक प्रदायगी समयाति अधिम  
Excess payment of wages O.T. etc.  
अन्य कटौतियाँ जैसे अनिवार्य जमा योजना  
Other deductions e.g. C.D.S.  
कुल कटौतियाँ/Total deductions  
शुद्ध देय रकम/Net amount payable  
भरने वाला  
Filed by  
सत्यापन करने वाला  
Verified by  
N.R.—1007/6—June, 1979—5,00,000 Nos.

कारखाना/WORKSHOP  
कोटि का वेतन लिफाफा  
Pay Envelope for.....19  
टिकट नं./Ticket No.....  
24/6/79  
वेतन/Pay  
समयाति/Overtime  
महंगाई भत्ता/Dearness Allowance  
मकान भत्ता/House Allowance  
नगर भत्ता/City Comp. Allowance  
कोई अन्य भत्ता/Any other Allowance  
कुल मजदूरी/Gross Wages  
कटौतियाँ/Deductions  
निवर्तन निधि/Provident Fund  
निवर्तन निधि अधिम की वापसी/Refund of P.F. Adv.  
विजली प्रभार/Electric Charges  
किराया/Rent  
संस्थान/विश्वविद्यालय/Institute/Sports Club  
साइकिल अधिम/Cycle Advance  
त्योहार अधिम/Festival Advance  
सहकारी कृषि समिति/Co-op. Credit Society  
अधिम वेतन/यात्रा भत्ता/Advance of Pay/T.A.  
राष्ट्रीय रक्षाकोष/National Defence Fund  
मजदूरी की अधिक प्रदायगी समयाति अधिम  
Excess payment of wages O.T. etc.  
अन्य कटौतियाँ जैसे अनिवार्य जमा योजना  
Other deductions e.g. C.D.S.  
कुल कटौतियाँ/Total deductions  
शुद्ध देय रकम/Net amount payable  
भरने वाला  
Filed by  
सत्यापन करने वाला  
Verified by  
N.R.—1007/6—June, 1979—5,00,000 Nos.

कारखाना/WORKSHOP  
कोटि का वेतन लिफाफा  
Pay Envelope for.....19  
टिकट नं./Ticket No.....  
24/6/79  
वेतन/Pay  
समयाति/Overtime  
महंगाई भत्ता/Dearness Allowance  
मकान भत्ता/House Allowance  
नगर भत्ता/City Comp. Allowance  
कोई अन्य भत्ता/Any other Allowance  
कुल मजदूरी/Gross Wages  
कटौतियाँ/Deductions  
निवर्तन निधि/Provident Fund  
निवर्तन निधि अधिम की वापसी/Refund of P.F. Adv.  
विजली प्रभार/Electric Charges  
किराया/Rent  
संस्थान/विश्वविद्यालय/Institute/Sports Club  
साइकिल अधिम/Cycle Advance  
त्योहार अधिम/Festival Advance  
सहकारी कृषि समिति/Co-op. Credit Society  
अधिम वेतन/यात्रा भत्ता/Advance of Pay/T.A.  
राष्ट्रीय रक्षाकोष/National Defence Fund  
मजदूरी की अधिक प्रदायगी समयाति अधिम  
Excess payment of wages O.T. etc.  
अन्य कटौतियाँ जैसे अनिवार्य जमा योजना  
Other deductions e.g. C.D.S.  
कुल कटौतियाँ/Total deductions  
शुद्ध देय रकम/Net amount payable  
भरने वाला  
Filed by  
सत्यापन करने वाला  
Verified by  
N.R.—1021/6—August, 1980—5,00,000 Nos.

कारखाना/WORKSHOP  
कोटि का वेतन लिफाफा  
Pay Envelope for.....19  
टिकट नं./Ticket No.....  
24/6/79  
वेतन/Pay  
समयाति/Overtime  
महंगाई भत्ता/Dearness Allowance  
मकान भत्ता/House Allowance  
नगर भत्ता/City Comp. Allowance  
कोई अन्य भत्ता/Any other Allowance  
कुल मजदूरी/Gross Wages  
कटौतियाँ/Deductions  
निवर्तन निधि/Provident Fund  
निवर्तन निधि अधिम की वापसी/Refund of P.F. Adv.  
विजली प्रभार/Electric Charges  
किराया/Rent  
संस्थान/विश्वविद्यालय/Institute/Sports Club  
साइकिल अधिम/Cycle Advance  
त्योहार अधिम/Festival Advance  
सहकारी कृषि समिति/Co-op. Credit Society  
अधिम वेतन/यात्रा भत्ता/Advance of Pay/T.A.  
राष्ट्रीय रक्षाकोष/National Defence Fund  
मजदूरी की अधिक प्रदायगी समयाति अधिम  
Excess payment of wages O.T. etc.  
अन्य कटौतियाँ जैसे अनिवार्य जमा योजना  
Other deductions e.g. C.D.S.  
कुल कटौतियाँ/Total deductions  
शुद्ध देय रकम/Net amount payable  
भरने वाला  
Filed by  
सत्यापन करने वाला  
Verified by  
N.R.—1007/6—June, 1979—5,00,000 Nos.

Tom  
Kish  
narsah

Before Central Adm. Tribunal Mr. A. (14)  
 Maheshwari Benwaila  
 SII (313) Surj Bux vs. Govt. Punjab - A1  
 and the  
 A10

कारखाना/WORKSHOP  
 Pay Envelope for 1981  
 टिकट नं०/Ticket No. 31

	Rs.	P.
वेतन/Pay		
समयोपरि/Overtime		
मंहगाई भत्ता/Dearness Allowance		
मकान भत्ता/House Allowance		
नगर भत्ता/City Comp. Allowance		
कोई अन्य भत्ता/Any other Allowance		
कुल मजदूरी/Gross Wages		
कटौतियाँ/Deductions		
निवोह निधि/Provident Fund		
निवोह निधि प्रतिशत की वापसी/Refund of P.F. Adv.		
बिजली प्रभार/Electric Charges		
किराया/Rent		
संस्थान/खेलकूद क्लब/Institute/Sports Club		
साइकिल प्रभार/Cycle Advance		
सोहारा प्रभार/Festival Advance		
सहकारी श्रम समिति/Co-op. Credit Society		
प्रभार वेतन/वाला भत्ता/Advance of Pay/T.A.		
राष्ट्रीय रक्षा कोष/National Defence Fund		
मजदूरी की अधिक भुगतानी समयोपरि आदि		
Excess payment of wages O.T. etc.		
अन्य कटौतियाँ जैसे मनवायु जमा योजना		
Other deductions e.g. C.D.S.		
कुल कटौतियाँ/Total deduction		
कुल देय रकम/Net amount payable		

Surj Bux 870 Mail 00 Lal

137-0

कारखाना/WORKSHOP  
 Pay Envelope for 1981  
 टिकट नं०/Ticket No. 19

	Rs.	P.
वेतन/Pay		
समयोपरि/Overtime		
मंहगाई भत्ता/Dearness Allowance		
मकान भत्ता/House Allowance		
नगर भत्ता/City Comp. Allowance		
कोई अन्य भत्ता/Any other Allowance		
कुल मजदूरी/Gross Wages		
कटौतियाँ/Deductions		
निवोह निधि/Provident Fund		
निवोह निधि प्रतिशत की वापसी/Refund of P.F. Adv.		
बिजली प्रभार/Electric Charges		
किराया/Rent		
संस्थान/खेलकूद क्लब/Institute/Sports Club		
साइकिल प्रभार/Cycle Advance		
सोहारा प्रभार/Festival Advance		
सहकारी श्रम समिति/Co-op. Credit Society		
प्रभार वेतन/वाला भत्ता/Advance of Pay/T.A.		
राष्ट्रीय रक्षा कोष/National Defence Fund		
मजदूरी की अधिक भुगतानी समयोपरि आदि		
Excess payment of wages O.T. etc.		
अन्य कटौतियाँ जैसे मनवायु जमा योजना		
Other deductions e.g. C.D.S.		
कुल कटौतियाँ/Total deduction		
कुल देय रकम/Net amount payable		

Some Copy attached

Handwritten signature/initials

Before Central Adm. Tribunal

Ann. A-1 (9)

उ०रे०/N.R.

कारखाना/WORKSHOP

महीने का वेतन निकाला

Pay Envelope for 19

टिकट नं०/Ticket No.

आबु राम १० राजा राम

	र० Rs.	प० P.
वेतन/Pay		
समयाति/Overtime		
महंगाई भत्ता/Dearness Allowance		
मकान भत्ता/House Allowance		
नगर भत्ता/City Comp. Allowance		
कोई अन्य भत्ता/Any other Allowance		
कुल मजदूरी/Gross Wages		
कटौतियाँ/Deductions		
निवर्तन निधि/Provident Fund		
निवर्तन निधि अधिम को वापसी/Refund of P.F. Adv.		
विजली प्रभार/Electric Charges		
किराया/Rent		
संस्थान/वेलकड क्लब/Institute/Sports Club		
साइकिल अधिम/Cycle Advance		
त्योहार अधिम/Festival Advance		
सहकारी कृषि सहिति/Co-op. Credit Society		
अधिम वेतन/वादा भत्ता/Advance of Pay/T.A.		
राष्ट्रीय रक्षाकोष/National Defence Fund.		
मजदूरी की अधिक प्रदायगी समयोपरि प्राप्ति Excess payment of wages O.T. etc.		
अन्य कटौतियाँ जैसे अनिवार्य जमा योजना Other deductions e.g. C.D.S.		
कुल कटौतियाँ/Total deductions		
कुल देय रकम/Net amount payable		

भरने वाला

सत्यापन करने वाला

भ.र.—1021/6—August, 1960—8,50,000

उ०रे०/N.R.

कारखाना/WORKSHOP

महीने का वेतन निकाला

Pay Envelope for 19

टिकट नं०/Ticket No.

एम्.ई० 240/M.E. 240

लोको शेड/Loco Shed

	र० Rs.	प० P.
वेतन/Pay		
समयाति/Overtime		
महंगाई भत्ता/Dearness Allowance		
मकान भत्ता/House Allowance		
नगर भत्ता/City Comp. Allowance		
कोई अन्य भत्ता/Any other Allowance		
कुल मजदूरी/Gross Wages		
कटौतियाँ/Deductions		
निवर्तन निधि/Provident Fund		
निवर्तन निधि अधिम को वापसी/Refund of P.F. Adv.		
विजली प्रभार/Electric Charges		
किराया/Rent		
संस्थान/वेलकड क्लब/Institute/Sports Club		
साइकिल अधिम/Cycle Advance		
त्योहार अधिम/Festival Advance		
सहकारी कृषि सहिति/Co-op. Credit Society		
अधिम वेतन/वादा भत्ता/Advance of Pay/T.A.		
राष्ट्रीय रक्षाकोष/National Defence Fund.		
मजदूरी की अधिक प्रदायगी समयोपरि प्राप्ति Excess payment of wages O.T. etc.		
अन्य कटौतियाँ जैसे अनिवार्य जमा योजना Other deductions e.g. C.D.S.		
कुल कटौतियाँ/Total deductions		
कुल देय रकम/Net amount payable		

भरने वाला

सत्यापन करने वाला

भ.र.—

उ०रे०/N.R.

कारखाना/WORKSHOP

महीने का वेतन निकाला

Pay Envelope for 19

टिकट नं०/Ticket No.

एम्.ई० 240/M.E. 240

लोको शेड/Loco Shed

	र० Rs.	प० P.
वेतन/Pay		
समयाति/Overtime		
महंगाई भत्ता/Dearness Allowance		
मकान भत्ता/House Allowance		
नगर भत्ता/City Comp. Allowance		
कोई अन्य भत्ता/Any other Allowance		
कुल मजदूरी/Gross Wages		
कटौतियाँ/Deductions		
निवर्तन निधि/Provident Fund		
निवर्तन निधि अधिम को वापसी/Refund of P.F. Adv.		
विजली प्रभार/Electric Charges		
किराया/Rent		
संस्थान/वेलकड क्लब/Institute/Sports Club		
साइकिल अधिम/Cycle Advance		
त्योहार अधिम/Festival Advance		
सहकारी कृषि सहिति/Co-op. Credit Society		
अधिम वेतन/वादा भत्ता/Advance of Pay/T.A.		
राष्ट्रीय रक्षाकोष/National Defence Fund.		
मजदूरी की अधिक प्रदायगी समयोपरि प्राप्ति Excess payment of wages O.T. etc.		
अन्य कटौतियाँ जैसे अनिवार्य जमा योजना Other deductions e.g. C.D.S.		
कुल कटौतियाँ/Total deductions		
कुल देय रकम/Net amount payable		

भरने वाला

सत्यापन करने वाला

भ.र.—1007/6—June, 1977—3,00,000 Nos.

Advocate

Amc-H-1 (10)

एम्. ए. एम. ए. एम.  
साका शिवाजी

..... नजीके का चेतन लिखाका  
Pay Envelope for.....19

टिकट नं०/Ticket No.....

[illegible]

N.F.—1021/6—August. 1980—6.50.000 F

ए-एनएनएन एन. एन. एन.  
1 एन.ए. एन

Love story  
or a story

~~1000~~  
1000

Ref. 24171. E. 210

सर्वोत्तम/Local Blend

क. ५४८१ - क. क. विभागा

233 Envelope for ..... 19

[illegible]

Filled by

1579-1600 Nos.

Verified by

13  
I

Prof. David A. L. Jones  
1911-12

.....

एस०ई० 240/N.E. 340

સૌથી શ્રેષ્ઠ/Best Friend

Pay Envelope for 2781.19

Here you go  
\$5.00  
P.P.

वेतन Pay ...

**सुदृढ प्रतिबद्धता/Dearest Alliance ..**

सका संत/ House Allowance

	...
शहर भत्ता/City Comp. Allowance	६८.३२०००

[illegible]

...  
क्रॉसिंग/ Deductions  
क्रॉसिंग/ Cross wages

निर्वाह निधि/Provident Fund

निवाह निधि प्रथम की वापसी/Refund of F.F.  
A/c

194-00

क्र.सं.	विवरण	प्रमाणित	दिनांक
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१००	...	...	...

सम्मान/बैलकुद फलव/Institute/Sports Centre  
सम्मान/बैलकुद फलव/Institute/Sports Centre

**संगीत दिवस/Festival Advance**

सहकारी ऋण समिति/Co-op. Credit Society

प्रतिपद वर्तन/प्राप्त शता/Advance of P. & T. A. ....

राष्ट्रीय रक्षा/ National Defence रक्षा  
मंत्रालय की सैनिक प्रशासक  
संस्थाओं में

.....  
Excess payment of wages O.T. etc.

.....

कुल कटौतियाँ/Total deductions

कुल देय रकम/Net amount payable

परने वाला.....

Filed by \_\_\_\_\_  
\_\_\_\_\_

NK-106, June, 1979-5,00,000 NCS.



Before Certificate All T.M. bonds  
being by means of the V.S. and 19. and 20. and 21.

Ann. A-1

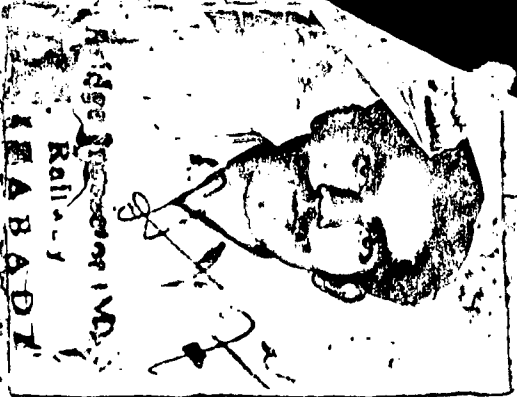
(1)

RECORD OF SERVICE AS  
CASUAL LABOUR

RECORD  
CASUAL  
SERVICE AS  
LABOUR

RECORD OF SERVICE AS  
CASUAL LABOUR

Genl-



1. Name in full (in Block Letters) **HARI RAM**  
2. Present Name: **Si Jagdeo**  
3. Date of Birth: **30-6-1956**  
4. Age at initial casual employment: **18 Years 10 Months 2**  
5. Personal marks of identification:  
**(1) Pencil on rt. leg**  
**(2) Mark on chest**  
6. Nature of job on initial employment: **Casual labourer**

Verified.

Signature & designation of subordinate in charge.

A.P.W. Modinagar-1968-17,732-1,00,000 C.



S. No.	Period of employment		Nature of assignment	Signature and designation of the Supervisor with date.
	From	To		
1	2	3	4	5
30-6-74	14-9-74	2-10-74	...	...
19-8-74	16-11-74	...	...	...
6-1-75	14-2-75	...	...	...
15-2-75	25-3-75	...	...	...
24-4-75	7-5-75	...	...	...
25-6-75	9-7-75	...	...	...
24-8-75	19-9-75	...	...	...
22-9-75	14-11-75	...	...	...
17-11-75	24-2-76	...	...	...
24-2-76	8-4-76	...	...	...
16-4-76	20-5-76	...	...	...
8-7-76	6-8-76	...	...	...
10-8-76	14-10-76	...	...	...

Signature of Subordinate in Charge  
N. Railway  
PAIZABAD

S. No.	Period of employment		Nature of assignment	Signature and designation of the Supervisor with date.
	From	To		
1	2	3	4	5
17-10-76	14-12-76	2-1-77	...	...
4-1-77	4-4-77	...	...	...
2-4-77	10-6-77	...	...	...
15-6-77	19-8-77	...	...	...
24-9-77	1-12-77	...	...	...

Signature of Subordinate in Charge  
N. Railway  
PAIZABAD

*Refuge Centre at Bellur Taluk  
 Bangalore and Mrs V. S. Rao*

*Amree. H-1 (15)*

RECORD OF SERVICE AS  
CASUAL LABOUR

RECORD OF SERVICE AS  
CASUAL LABOUR

RECORD OF SERVICE AS  
CASUAL LABOUR  
Genl-8

1. Name in full (in Block Letters) **BABURATHI**
2. Father's Name. **S. S. R. R.**
3. Date of Birth. **1.1.1951**
4. Age at initial casual employment. **18 Years. Months. 4**
5. Personal marks of identification. **(i) Scar on the right arm  
(ii) Scar on the left arm**
6. Nature of job on initial employment. **General labourer**

Signature & designation of  
subordinate in charge.

**L. T. I.  
of Casual Labourer**

A.P.W. Madanagar. - 1969-17, 732-1, 00, 000 C.

S. No.	Period of employment		Nature of assignment	Signature and designation of the Supervisor with date.
	From	To		
1	1.1.1951	1.1.1951	General labourer	
2	1.1.1951	1.1.1951	General labourer	
3	1.1.1951	1.1.1951	General labourer	
4	1.1.1951	1.1.1951	General labourer	
5	1.1.1951	1.1.1951	General labourer	
6	1.1.1951	1.1.1951	General labourer	
7	1.1.1951	1.1.1951	General labourer	
8	1.1.1951	1.1.1951	General labourer	
9	1.1.1951	1.1.1951	General labourer	
10	1.1.1951	1.1.1951	General labourer	
11	1.1.1951	1.1.1951	General labourer	
12	1.1.1951	1.1.1951	General labourer	
13	1.1.1951	1.1.1951	General labourer	
14	1.1.1951	1.1.1951	General labourer	
15	1.1.1951	1.1.1951	General labourer	
16	1.1.1951	1.1.1951	General labourer	
17	1.1.1951	1.1.1951	General labourer	
18	1.1.1951	1.1.1951	General labourer	
19	1.1.1951	1.1.1951	General labourer	
20	1.1.1951	1.1.1951	General labourer	
21	1.1.1951	1.1.1951	General labourer	
22	1.1.1951	1.1.1951	General labourer	
23	1.1.1951	1.1.1951	General labourer	
24	1.1.1951	1.1.1951	General labourer	
25	1.1.1951	1.1.1951	General labourer	
26	1.1.1951	1.1.1951	General labourer	
27	1.1.1951	1.1.1951	General labourer	
28	1.1.1951	1.1.1951	General labourer	
29	1.1.1951	1.1.1951	General labourer	
30	1.1.1951	1.1.1951	General labourer	
31	1.1.1951	1.1.1951	General labourer	
32	1.1.1951	1.1.1951	General labourer	
33	1.1.1951	1.1.1951	General labourer	
34	1.1.1951	1.1.1951	General labourer	
35	1.1.1951	1.1.1951	General labourer	
36	1.1.1951	1.1.1951	General labourer	
37	1.1.1951	1.1.1951	General labourer	
38	1.1.1951	1.1.1951	General labourer	
39	1.1.1951	1.1.1951	General labourer	
40	1.1.1951	1.1.1951	General labourer	
41	1.1.1951	1.1.1951	General labourer	
42	1.1.1951	1.1.1951	General labourer	
43	1.1.1951	1.1.1951	General labourer	
44	1.1.1951	1.1.1951	General labourer	
45	1.1.1951	1.1.1951	General labourer	
46	1.1.1951	1.1.1951	General labourer	
47	1.1.1951	1.1.1951	General labourer	
48	1.1.1951	1.1.1951	General labourer	
49	1.1.1951	1.1.1951	General labourer	
50	1.1.1951	1.1.1951	General labourer	
51	1.1.1951	1.1.1951	General labourer	
52	1.1.1951	1.1.1951	General labourer	
53	1.1.1951	1.1.1951	General labourer	
54	1.1.1951	1.1.1951	General labourer	
55	1.1.1951	1.1.1951	General labourer	
56	1.1.1951	1.1.1951	General labourer	
57	1.1.1951	1.1.1951	General labourer	
58	1.1.1951	1.1.1951	General labourer	
59	1.1.1951	1.1.1951	General labourer	
60	1.1.1951	1.1.1951	General labourer	
61	1.1.1951	1.1.1951	General labourer	
62	1.1.1951	1.1.1951	General labourer	
63	1.1.1951	1.1.1951	General labourer	
64	1.1.1951	1.1.1951	General labourer	
65	1.1.1951	1.1.1951	General labourer	
66	1.1.1951	1.1.1951	General labourer	
67	1.1.1951	1.1.1951	General labourer	
68	1.1.1951	1.1.1951	General labourer	
69	1.1.1951	1.1.1951	General labourer	
70	1.1.1951	1.1.1951	General labourer	
71	1.1.1951	1.1.1951	General labourer	
72	1.1.1951	1.1.1951	General labourer	
73	1.1.1951	1.1.1951	General labourer	
74	1.1.1951	1.1.1951	General labourer	
75	1.1.1951	1.1.1951	General labourer	
76	1.1.1951	1.1.1951	General labourer	
77	1.1.1951	1.1.1951	General labourer	
78	1.1.1951	1.1.1951	General labourer	
79	1.1.1951	1.1.1951	General labourer	
80	1.1.1951	1.1.1951	General labourer	
81	1.1.1951	1.1.1951	General labourer	
82	1.1.1951	1.1.1951	General labourer	
83	1.1.1951	1.1.1951	General labourer	
84	1.1.1951	1.1.1951	General labourer	
85	1.1.1951	1.1.1951	General labourer	
86	1.1.1951	1.1.1951	General labourer	
87	1.1.1951	1.1.1951	General labourer	
88	1.1.1951	1.1.1951	General labourer	
89	1.1.1951	1.1.1951	General labourer	
90	1.1.1951	1.1.1951	General labourer	
91	1.1.1951	1.1.1951	General labourer	
92	1.1.1951	1.1.1951	General labourer	
93	1.1.1951	1.1.1951	General labourer	
94	1.1.1951	1.1.1951	General labourer	
95	1.1.1951	1.1.1951	General labourer	
96	1.1.1951	1.1.1951	General labourer	
97	1.1.1951	1.1.1951	General labourer	
98	1.1.1951	1.1.1951	General labourer	
99	1.1.1951	1.1.1951	General labourer	
100	1.1.1951	1.1.1951	General labourer	

*Signature of Supervisor  
 Date 1.1.1951*

*For CM  
 at Bellur  
 Taluk  
 Bangalore*

Before Central Adm Tribunal  
Lucknow Bench

Amr A 2

Enquiry and this is to be done

A 24

To

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

Sir,

Re:- Re-engagement under Loco Foreman, N.R., Lucknow.  
=====

With due respect I beg to say that I have worked as casual labour/substitute under Loco Foreman, N.R., Alambagh, Lucknow from July, 1979 to July, 1981. I have completed 240 days in a preceding year. I was verbally retrenched by your order as well as the order of Loco Foreman, N.Rly., Lucknow without complying the provisions of I.D. Act 1947. I also acquired status of Temporary Railway Servant. The records of the working days are available in your office as well as in the Office of Loco Foreman, N.Rly., Lucknow.

I have come to know that my juniors who put in less number of working days than the applicant, have been re-engaged/reinstated since 1983 to date without calling the applicant, and thus the Railway Administration has violated the mandatory provisions of the I.D. Act 1947 and Central Rules of the I.D. Act. My date of birth as on record is 12.1.1959.

I, therefore, request you to kindly direct Loco Foreman, N.Rly., Alambagh, Lucknow or any other Unit to re-engage the applicant at an early date as the applicant's family is starving.

Thanking you,

Yours faithfully,

Enclosed copies of  
some of the pay envelopes  
and certificate of date of  
birth.

Address: Dasrath Lal  
s/o Ajodhya Prasad,  
Village Gauriya Khurd,  
Post Office Deoti,  
Distt: Lucknow.

Dated: 16.9.1988.

*Tom Cogan*  
*attested*  
*K. S.*  
*for*

Before Central Adm Tribunal  
Lucknow circuit. Arhe. Ar2 (15/17)  
Gang Bx and others vs Ar2 and others  
Ar2

Dated 15/9/88

To

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

Sir,

Re: Re-engagement as Khallasi/Substitute Casual Labour  
under Loco Foreman, N.R. Railway, Lucknow.

With due respect I beg to say that I had worked for more than 240 days in a calendar year from September, 1979 to August, 1981. I was verbally retrenched by the Loco Foreman, without observing norms and rules provided in the I.D. Act as well as rules laid down by the Railway Board.

In this connection I have come to know that my juniors who have worked even for more than a week have been engaged re-engaged since 1982 to date. Your attention is invited towards Section 25 CRH and 77 and 78 of Central Rules of I.D. Act, 1947 in which the senior person has to be called even by giving registered notice to the applicant to the address given in the Office, which has not been done.

I shall be highly obliged if you very kindly arrange to re-engage me under Loco Foreman, N.R. Ry., Lucknow for which I shall be thankful. Photo-stat copies of the pay envelopes are enclosed herewith.

Thanking you,

Yours faithfully,  
15/9/88

Vijaya Mohan Khanna  
P.O. - Araha  
District - Unnao

True Copy  
attested  
KAB  
M. V. Chatterjee

Before Centre Adm. Tribunal  
Lucknow Circuit.

Smr Bix and others vs UoG and others

Ankur A-7

A76

To

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

Sir,

Re: Engagement under Loco Foreman, N.R., Lucknow.

With due respect I beg to say that I have worked as Casual Labour/Substitute under Loco Foreman, N.Rly., Alambagh, Lucknow from October, 1979 to August, 1981. On 31st August, 1981 I was verbally retrenched by your order as well as the order of the Loco Foreman, N.Rly., Lucknow without complying the provisions of I.D. Act 1947.

I have come to know that my juniors who have less number of days working, have been re-engaged without calling the applicant and thus the Railway Administration has violated the mandatory provisions of the ~~Central Industrial Disputes Act, 1947~~ I.D. Act, 1947 and Central Rules of the Industrial Disputes.

I, therefore, request you to kindly direct the Loco Foreman, Northern Railway, Alambagh, Lucknow to re-engage the applicant at an early date as the applicant is without job these days.

Thanking you,

Yours faithfully,

*attat dta*

(Baba Deen)

s/o Sri Siya Ram,

Address: Village- BeWahiya Khara,  
Post Office: Mohanlalganj,  
Distt: Lucknow.

Enclosed some of the  
photostat copies of  
the Pay Envelopes.

Dated: 26.9.1988.

*Tom Chy*  
*attat*  
*Koh*  
*Barwala*

Before Central Adm Tribunal,  
Lucknow Bench.

Gujar Singh and others vs Wg and others

Anke. A-2

(19)

pg 27

To

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

Sir,

Re:- Re-engagement under Loco Foreman, N.R., Lucknow.

.....

With due respect I beg to say that I have worked as casual labour/substitute under Loco Foreman, N.Rly., Alambagh, Lucknow from July, 1978 to 31st July, 1981. On 31st July, 1981 I was verbally retrenched by your order as well as the order of Loco Foreman, Lucknow without complying the provisions of I.D. Act 1947. The records of the working days are available in your office as well as in the Office of Loco Foreman, N.Rly., Lucknow.

I have come to know that my juniors who put in less number of working days than the applicant have been re-engaged/reinstated since 1983 without calling the applicant and thus the Railway Administration has violated the mandatory provisions of the I.D. Act 1947 and Central Rules of the Industrial Disputes. My date of Birth is 20.10.1959.

I, therefore, request you to kindly direct the Loco Foreman, N.Railway, Alambagh, Lucknow to re-engage the applicant at an early date as the applicant's family is starving.

Thanking you,

Yours faithfully,

M. R. S.

Enclosed some of the photo-stat copies of pay envelopes and the certificate of date of birth.

(Pharit)

S/o Phagwan Deen.

Address: Belahiya Khara,  
Post Office - Bhaulganj,  
Distt: Lucknow.

Dated: 7/9.1988.

True copy  
attested  
Koh  
Barnes

Before Central Adm Tribunal  
Lucknow Circuit

(18)  
20

Shri B. and Mrs. vs No 9 and others

Annex-A-2

Ans

To,

(1) The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

(2) Loco Foreman  
N.R. Alambagh - Lucknow

Sir,

Re:- Re-engagement under Loco Foreman, N.R.  
Lucknow.

With due respect I beg to say that I have worked  
as casual labours/substitute under Loco Foreman, N.R.  
Alambagh, Lucknow from

I have completed 240 days in a preceding year. I was  
verbally retrenched by your order as well as the order  
of Loco Foreman, N. Ry. Lucknow without complying the  
provisions of I.D. Act 1947. I also acquired status of  
temporary Railway servant. The records of the working  
days are available in your office as well as in the  
office of Loco Foreman, N. Ry, Lucknow.

I have come to know that my juniors who put in  
less number of working days than the applicant, have  
been re-engaged/reinstated since 1983 to date without  
calling the applicant, and thus the Railway Administration  
has violated the mandatory provisions of the I.D. Act  
1947 and Central Rules of the I.D. Act. My date of birth  
as on record is 30.6.56.

I therefore, request you to kindly direct Loco  
Foreman, N. Ry, Alambagh, Lucknow or any other Unit to  
re-engage the applicant at an early date as the applicant  
financially is straining.

Thanking you

Enclose copies of  
some of the pay  
envelopes and certificate  
of date of birth.

Date:- 18.11.88

Yours faithfully  
Hari Ram S/o, Jagdev  
Vill, Sarosa, Tikra  
Po, Moada, Lucknow.

True copy  
attached  
K. S. S. S.  
S. S. S. S.

Before Central Adm Tribunal  
Lucknow Bench

(19/21)

Singh and others vs. UOI & others  
Ankur. Anr

A29

To

Dated 15/9/88

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

19/9/88  
C.R. Singh  
DRM  
NRWLO

Sir,

Re-engagement as Khallas/ substitute Casual Labour  
under Loco Foreman, N.R. Lucknow.

With due respect I beg to say that I had worked for more than 240 days in a calendar year from September, 1979 to August, 1981. I was verbally retrenched by the Loco Foreman, without observing norms and rules provided in the I.O. Act as well as Rules laid down by the Railway Board.

In this connection I have come to know that my juniors who have worked even for more than a week have been engaged re-engaged since 1982 to date. Your attention is invited towards Section 25 (3) and 77 and 78 of Central Rules of I.O. Act, 1947 in which the senior person has to be called even by giving registered notice to the applicant to the address given in the Office, which has not been done.

I shall be highly obliged if you very kindly arrange to re-engage me under Loco Foreman, N.R. Lucknow for which I shall be thankful. Photo-stat copies of the Pay envelopes are enclosed herewith.

Thanking you,

Yours faithfully,

Yours faithfully,

True Copy  
attached  
to  
Memo



Before Central Adm Tribunal  
Lucknow Bench.

Jay Bue and others vs Uprant this

Annex. A-2

(22)

A30

To

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

Sir,

Re: Re-engagement as Khallasi/Substitute Casual Labour  
under Loco Foreman, N.Rly., Lucknow.

With due respect I beg to say that I had worked for more than 240 days in a calendar year from September, 1979 to August, 1981. I was verbally retrenched by the Loco Foreman, without observing norms and rules provided in the I.D. Act as well as Rules laid down by the Railway Board.

In this connection I have come to know that my juniors who have worked even for more than a week have been re-engaged since 1982 to date. Your attention is invited towards Section 25 GSH and 77 and 78 of Central Rules of I.D. Act, 1947 in which the senior person has to be called even by giving registered notice to the applicant to the address given in the Office, which has not been done.

I shall be highly obliged if you very kindly arrange to re-engage me under Loco Foreman, N.Rly., Lucknow for which I shall be thankful. Photo-stat copies of the Pay envelopes are enclosed herewith.

Thanking you,

Yours faithfully,

Tommy  
Mishra  
Kad  
Bawala

Yours faithfully,  
16/1/89  
(Babu Ram)  
Shri Raja Ram  
Varaha Chavhi Ka  
Purwa  
P.O. Aima Man  
Sarban  
Arjun Singh  
Bhim Lucknow

*Before Control Board* *4-}*  
*Sanjiv and others vs. State of U.P.*  
 RECEIPT (7414) ACKNOWLEDGMENT *(23)*

RECEIVED  
 1974

RECEIVED

Received by *48*  
 The Divisional Railway Manager,  
 Northern Railway, Hazratganj,  
 Lucknow. *P31*

Received by *48*  
 The Divisional Railway Manager,  
 Northern Railway, Hazratganj,  
 Lucknow.

RECEIVED

RECEIVED (7414) ACKNOWLEDGMENT

RECEIVED  
 1974

RECEIVED

Received by *48*  
 The Divisional Railway Manager,  
 Northern Railway, Hazratganj,  
 Lucknow.

Received by *48*  
 The Divisional Railway Manager,  
 Northern Railway, Hazratganj,  
 Lucknow.

RECEIVED

*Sanjiv*  
*Advocate*

23  
(23)

Ann-A-3  
Before Curban Allen Tombarney,  
Lacrosse, Calicut,  
Gum' Breant the 15 1877 and the 1878

A37

ACKNOWLEDGMENT

RECEIVED BY THE DIVISIONAL RAILWAY MANAGER,  
NORTHERN RAILWAY, HAZRETGANJ,  
LUCKNOW.

Addressed to (name) \_\_\_\_\_

Enclosed: Registered Letter/Patent/Packet/Parcel \_\_\_\_\_

Insured for Rupees \_\_\_\_\_

Received on \_\_\_\_\_ Date of delivery \_\_\_\_\_

Remarks: \_\_\_\_\_

Signature of the Receiver: \_\_\_\_\_

Date: \_\_\_\_\_

True Copy  
Attached  
Adavala

25

Rev. A-3

A33

Tom Croy  
attester  
Koh  
David Croy

Before Central Adm. Tribunal (26)  
 Labour & Civil  
 Gang Box and others vs. Urgent others  
 Adv.-A-4

उत्तर रेलवे ।

234

मण्डल रेलवे प्रबन्धक कार्यालय ।

लखनऊ दिनांक : 1/1/81 ।

70-220-1190-N (E II-6)

लखनऊ मण्डल पर सम्बन्धितों को ।

लखनऊ मण्डल पर सभी अधिकारी ।

लखनऊ मण्डल पर सभी सम्बन्धित स्टेशन मास्टर, ए.ई. एन... एच. एस. लखनऊ

बनारस, सभी लोको फोरमैन ।

मण्डल कार्यालय के सभी अनुभागों के अधीक्षक, सहायक अधीक्षक तथा प्रधान लिपिक  
 कार्मिक शाखा के प्रधान लिपिक तथा कार्मिक शाखा तथा वेतन अनुभाग के सभी लिपिक  
 प्रधान गोपनीय आशुलिपिक

वरिष्ठ हित निरीक्षक, मुख्य कार्मिक निरीक्षक कार्मिक निरीक्षक यूनियन सेल,

वरिष्ठ मण्डल लेखा अधिकारी, जन सम्पर्क अधिकारी ।

विषय :- Casual Labour.

महाप्रबन्धक (कार्मिक) उत्तर रेलवे बडौदा हाउस नई दिल्ली के पत्र संख्या 220ई/190-XI (ईआईवी) दिनांक 22-10-80 क्रमांक 7677 की प्रतिलिपि उसके संलग्नक को सहित सूचना मार्ग दर्शन तथा आवश्यक आ कार्यवाही के लिए भेजी जा रही है ।

कृते वरिष्ठ मण्डल कार्मिक अधिकारी

लखनऊ

तिथि जारी :-

1.1.81

True Copy

attested

K. S. Ch

Advocate

Before Central Adm. Tribunal  
Income Circuit

Singh and others vs. 15/11/80 and others

Annex A-4

A35

NORTHERN RAILWAY.

Headquarters Office,  
Baroda House,  
New Delhi.

No. 220E/190-XI(EIV).

The Divisional Railway Manager,  
and Extra Divisional Officers,  
Northern Railway,

FA: CAO(C)

Director Audit H.Q. Office,

S.P.O. (HQ) Baroda House,

A.S. to G.M. (D) New Delhi.

S.No. 7677.

Sub: Casual Labour.

A copy of Railway Board's letter No. E(NG) II-80/CL/25 dated 21.10.80 is forwarded for information and immediate implementation of Board's instructions.

Hindi Version will follow.

Sd/-  
( H.L. Bhatia )  
for General Manager(P)

Copy of Railway Board's letter No. E(NG) II-80-CL/25 dated 21.10.1980 from Dy. Director, Establishment(N), Railway Board, New Delhi to the General Managers All Indian Railways, etc. etc.

Sub: Casual labour.

The problems of Casual Labour have been engaging the attention of the Ministry of Railways (Railway Board) and instructions have been issued from time to time to improve their service conditions. In order to ameliorate their lot further, following instructions should be implemented immediately in supersession of any instructions to the contrary:

- 1) Instructions already exist that Casual labour on completion of 120 days continuous service on Open line should be given regular scale of pay. Similarly, Casual labour employed on project should be remunerated @ 4/30th of the minimum of the scale plus Dearness Allowance on completion of continuous service of 180 days as daily wages. These orders should be scrupulously observed and no deliberate break should be caused in the service of casual labour when work for their continued service is available.

The copy  
attached

contd. .... 2/-

K. S. Kale

Ann-H-4 (28)  
Before Carbone Adm Tribunal.  
Lyon now circled.  
Suraj Bns and others vs No 9 and others

A36

-2-

11) Unauthorised absence upto 3 days and authorised absence upto 20 days will not constitute a break in the employment of Casual labour.

111) On completion of works or for non-availability of further productive work when casual labour on daily wages or in regular scale of pay or 1/30th of the minimum of scale plus Dearness Allowance is discontinued and employed later when work is available, such gaps in the service will not count as break for the purpose of reckoning of continuous service of 120 days or 180 days as the case may be.

iv) Before giving regular scale of pay or 1/30th of the minimum scale plus Dearness Allowance on completion of 120 days or 180 days continuous service as the case may be, a preliminary verification in regard to age and completion of requisite number of days of continuous service will be done by the Asstt. Officer.

v) If any person having worked as a Casual labour in the past and presently out of employment due to break in his service because of non-availability of work approaches an appropriate Railway Authority, his record should be checked and at the opportunity of next recruitment for a casual labour work, he should naturally be given preference over his juniors.

2. Special steps should be taken to ensure that the work of making preliminary verification and giving of regular scale of pay or 1/30th of minimum scale plus Dearness Allowance wherever admissible is taken up in hand forthwith on top priority and completed within a period of 3 months.

Hindi Version will follow.

\* Tewari \*

True Copy  
attested  
Kohli  
Havvahi

Before Central Admin Tribunal  
Lucknow Bench  
Eng Br and Shs VS 1149 and Shs

Northern Railway.

Divisional Office.

Lucknow. Dt: 13.7.1981.

NO:

To

All Asstt. Engineers, X

All ICWs X

All PWIs X

Lucknow Division.

SEN/BSB, SEN-LKO.

DEN-I, DSE-II, DSE-I

Reg:- Casual Labour.

A copy of Printed Serial No. 7850, Railway Board's letter NO. (NO) II-77/C.L./46 dated 8.6.1981 forwarded vide GM(P)'s letter NO. 22C-E/190-XII(B-4) dated 30.6.1981 is sent herewith for guidance and necessary action.

DA: AS BELOW.

for Divisional Rly. Manager,  
Lucknow.

Copy of Railway Board's letter NO. E(NG) II-77/CL/46 dated 8.6.1981 addressed to the General Managers, All Indian Railways, Baro and others

Sub:- CASUAL LABOUR.

Various instructions have been issued from time to time regulating the service conditions of casual labour. It was found necessary to consolidate the various instructions issued by Board from time to time. The engagement of casual labour on the Railways, their absorption in regular Class IV posts and the entitlement and privileges admissible to them will be regulated as under:-

A. Definition of Casual Labour:

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. They are not ordinarily liable to transfer and the conditions applicable to permanent and temporary staff do not apply to casual labour.

b) The casual labour on Railways should be employed only in the following types of cases :-

1) Staff paid from contingencies except those retained for more than four 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 120 days without a break will be treated as temporary after the expiry of the 120 days continuous employment. Casual Labour on projects who have put in 180 days continuous service on the same type of work are entitled for 1/10th of the minimum of the appropriate revised scale plus Dearness Allowance. Before giving regular scale of

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For the Officer

Attested by

Signature

Advocate



Before Central Police Tribunal  
Lucknow High Court

Shri Bax and others vs. Union and others

Ann - A 5

pg 8

pay or 1/30th of the minimum of the scale plus Dearness Allowance on completion of 120 days or 180 days continuous service as the case may be, a preliminary verification in regard to age and completion of requisite number of days of continuous service should be done by the Assistant-Officer.

(ii) Labour on projects irrespective of duration except those transferred from other temporary or permanent employment: As far as possible casual labourers required for new projects must be taken from amongst those casual labourers, who have worked on the open line/Project in the past in preference to outsiders.

(iii) Seasonal labour sanctioned for specific works of less than 180 days 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 time is more than 180 days duration, they should be treated as temporary after the expiry of 120 days continuous employment.

Note (1): The project should be taken as construction of new lines, major bridges, restoration of dismantled lines and other major important open line works like doubling, widening of tunnels etc. which are completed within a definite time limit. The General Manager/Head of Deptts., concerned, in consultation with the FA & CAO, will decide whether a particular open line work is a "Project" or not. If the "through Track Renewals" included replacement of lighter section of rails by a heavier section or increasing density of sleepers or provision of additional depth of ballast etc., these should be treated as works leading to an improvement in the carrying capacity of the railway and as such irrespective of any financial limit they should be treated as 'Project'. 'Casual renewals' or other "through renewals" which do not lead to any improvement in the carrying capacity of a railway will, however, not fall within the definition of 'Project'.

Note (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 the temporary status.

Note (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. Works of a regular nature cover workshops, locosheds, train lighting establishments, carriage & wagon depots, yards and stations but exclude labour employed for loading and unloading. As regards civil engineering, signal and bridge maintenance, casual labour will not be employed except for seasonal, fluctuating works, casual renewals and occasional renewals.

Note (4): The term 'same type of work' should not be too rigidly interpreted so as to cause undue suffering to casual labour by way of break in service because of a slight change in the type of work in the same unit. The term 'same type of work' should be implemented in spirit as well as in letter and no casual labour should suffer in this matter by rigid interpretation of the term. The various types of works to be considered as same type of work may be grouped as under:-

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Harsh

Before Central App Tribunal (29)  
Lucknow Bench  
Surya Prasad Singh vs Union of India  
Ann-A-5

- 3 -

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- (a) Track renewals and linking:- Ballasting, resleepering, relaying etc.
- (b) Masonry and concrete work:- Work on buildings, bridges, quarters, platforms etc.
- (c) Steel work:- Erection of bridge girders, sheds, shelters, etc.
- (d) Earth work:- Foundation, banks, platforms, etc.
- (e) Fitting, smithy, carpentry and such other artisan work and helpers.
- (f) All work performed by the unskilled casual labour working under the same I.O.M., P.W.I. and Bridge Inspector etc. should be treated as the same type of work.
- (g) casual labour should not be employed/retained in service beyond the age of 58 years.

Note (5): On the open line, the trollymen should not be casual labour. In railway printing press, casual labour should not be engaged.

Note (6): Staff employed in unskilled categories for examining the wagons for water-tight repairs during the monsoon season should be treated as casual labour.

2. There is no ban on employment of casual labour required for execution and implementation of the expansion and modernisation projects of the Railways. Should it become necessary to engage fresh casual labour, discharged casual labour, who have not been re-employed will be re-engaged against future requirement in the order of priority on the basis of their total period of service prior to their discharge. The intake of fresh casual labour should be resorted to only after obtaining prior personal approval of the General Manager, this authorisation not being delegated to a lower level.

3. In the applications for employment as casual labour, essential data with name, father's name, age, educational and technical qualifications, experience and area in which employment is sought should be mentioned. The application should be sent to the Personnel Officer of the Division for enlisting these candidates for employment. The Personnel Officer in charge will send these applications to the Inspectors of Engineering, Signalling and Electrical Department of the open line as well as construction work in the area where employment is sought. The particulars of the applications sent by the Personnel Officer will be entered in a register called 'Waiting Register'. This will be separate from the 'Seniority Register' of casual labour already in employment being maintained. Departments other than Civil, Signalling and Electrical for their requirement of casual labour should take candidates from these three departments who have received applications from DPO, especially from those having longest list of candidates.

4. Information regarding the number of men required and the day on which they should present themselves will be given through a notice on the Notice Board. This day will be the first day of the Wage period, those who come on the day of recruitment will be re-employed against fresh needs. If none is available on the day

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K. S. Singh  
General Manager

Before Central Adm Tribunal  
Lucknow Circuit

(32)

Employment and other rules and this

Annex-A-5

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senior most from the waiting list who turns up and is readily available will be employed.

Page

5. As far as possible, casual labour should be engaged only upto the age of 28 years; except for SC/ST candidates where higher age is prescribed in rules. The percentage of reservation for SC/ST laid down for Class IV categories should be followed for engagement of casual labour except in the case of those who are required for emergencies like flood relief work, accident, restoration and relief etc.

6. In order to provide documentary proof of service a casual labour should be given a card to be retained by himself. A person wanting to be appointed as a casual labour should be asked to supply to the administration one passport size copy of his photograph duly attested by the competent authority. This should be pasted on his service card. Casual labour should be asked to deposit Re.1/- towards the cost of service-book. The following particulars should be indicated by the concerned supervisory official in the service card:

1. Name of the Employee (in block letters)
2. Father's name (in block letters)
3. Date of birth.
4. Age of initial casual employment, year; month.
5. Personal mark/s of identification.
6. Date of engagement.
7. Date of termination.
8. Nature of job in each occasion.
9. Signature of the Supervisor.
10. Name in full (in capital letters) & designation of the supervisor.

The service cards should be in the form of a booklet like a Passport Book of the size 4" x 6". It should have a card board binding. On page 1 on the left side detailed instructions should be printed for the guidance of casual labourers. These instructions should be in bilingual form both in English and Hindi. In addition, Railways may add a local language, if it is found subject to convenience. The service book should be maintained and kept in Divisional offices.

5.1. Loss of the card should be reported to the nearest police station and a copy of the report should be given to the nearest Railway Station. A duplicate card may be issued on receipt of the report. The issuing authority should satisfy himself that the card was issued to the same person to whom the original was issued and failure on his part on this score would be punishable under D & A Rules.

B. Entitlements and privileges admissible to Casual Labour:

Casual labour are not eligible for entitlements and privileges other than those statutorily admissible under the various Acts, such as, Minimum Wage Act, Workmen's Compensation Act, etc. or those specifically sanctioned by the Railway Board from time to time.

C. Breaks in Service:

The following cases of absence will not be considered as breaks in service.

Tom C. M.  
Attended  
K. S. S.  
Advocate

in service for the purpose of determining 120 days continuous employment:-

- (a) The period of absence of a workman who is under medical treatment in connection with injuries sustained on duty covered by provisions under the Workmen's Compensation Act.
- (b) Authorised absence not exceeding 20 days including 3 days unauthorised absence for personal reasons. Absence of half a day should be reckoned as half a day only. In the case of female casual labour a period of absence of 4 weeks (in addition to 20 days authorised absence) may be allowed for maternity purposes.
- (c) On completion of works or for non-availability of further productive work when casual labour on daily wages or in regular scale of pay or 1/30th of the minimum of the scale plus Dearness Allowance is discontinued and employed later when work is available such gaps in service will not count as breaks in service for the purpose of reckoning of continuous service of 120 days or 120 days as the case may be.
- (d) Non-performance of work or days of rest given under the Hours of Employment Regulations or under the Minimum Wages (Central) Rules, 1950 and on days on which the establishment employing the labour remains closed does not constitute a break nor will it will be counted against the limit of twenty days referred to in (b) above. The term "authorised absence" for this purpose covers permission granted by the supervisory official in charge to be away from work for the period specified.

D. Notice of Termination of Service:

Except where notice is necessary under any statutory obligation no notice is required for termination of service of the casual labour. Their services will be deemed to have been terminated when their services will be deemed to have been terminated immediately when they absent themselves or on the close of the day.

Casual labour should not be deliberately discharged with a view to causing an artificial break in their service. Where casual labour have to be terminated due to non-availability of work for them the unit for their retrenchment will be that of an Inspector. Casual labour diverted from one unit to another will rank junior most in the new unit. On projects, the Executive Engineer will be the unit for retrenchment.

E. Entitlements and Privileges admissible to Casual Labour who are treated as temporary after the completion of 120 days continuous service:

a) Casual labour given temporary status are eligible for all the entitlements and privileges admissible to temporary railway servants as laid down in Chapter XXIII of the Indian Railways Establishment Manual. The entitlements and privileges admissible to such labour also include the benefits of the Discipline and Appeal Rules. Their service, prior to the date of completion of 120 days continuous service will not, however, count for any purposes like reckoning of retirement benefits, seniority etc. Such casual labour will also be allowed to carry forward the leave at their credit to Contd....

T. M. Chatterjee  
M. K. Chatterjee  
K. S. Chatterjee  
K. S. Chatterjee

Before Central Adm Tribunal (34)  
Lunham Circuit  
Surya B. and others vs UOI and others  
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the new post on absorption in regular service.

(b) Such casual labour who acquire temporary status, will not, however, be brought on to the permanent establishment unless they are selected through regular Selection Board for Class IV posts. They will have a prior claim over others to permanent recruitment and they will be considered for regular employment without having to go through employment exchanges. Such of them who join as Casual Labour before attaining the age of 28 years should be allowed relaxation of the maximum age limit prescribed for Class IV posts to the extent of their total service which may be either continuous or broken periods.

(c) It is not necessary to create temporary posts to accommodate such Casual Labour who acquire temporary status for the conferment of attendant benefits like regular scale of pay, increment etc. Half of the service rendered in temporary status after 1.1.1961 by such persons before regular absorption against a regular temporary/ permanent post, will qualify for pensionary benefits, subject to the conditions prescribed in this Ministry's letter NO.E (NG) 1178/CL/12 dated 15-10-1960. Daily rated casual labour or labour employed on projects would not, however, be brought under the purview of the above orders.

(d) Casual Labour who have acquired temporary status and have put in three years continuous service should be treated at par with temporary railway servants and granted Festival Advance/Flood Advance on the same conditions as are applicable to temporary railway servants for grant of such advances provided they furnish two sureties from permanent railway employees.

(e) Casual labour engaged on works, other than projects, who attain temporary status on completion of 20 days continuous service on the same type of work, should be treated as temporary employees for the purpose of hospital leave in terms of Rule 753(1) - RI.

F. Absorption of Casual Labour in regular vacancies.

(i) No outsider should be appointed to Class IV posts which become available upto 31-12-1982 and all such posts should be filled only from amongst casual labour and substitutes. Exceptions may, however, be made for appointment of outsiders, on compassionate grounds or of sportsmen or of artists or where under specific orders of the Board such recruitment as in the case of filling class IV vacancies in workshops is permitted.

NOTE: In the NF Railway, vacancies in Class IV should be filled to the extent of 50% vacancies from amongst casual labour and the rest through the Employment Exchange.

(ii) Casual labour employed on projects should, as a rule be appointed against Class IV posts that may be required for operation and maintenance of new assets created viz. new lines, conversions, doubling, major yard remodelling, etc. i.e. the posts should be filled exclusively from casual labour who had worked at the project stage. An exception can be made only if there are open line vacancies in the area covered by the local recruitment units of the

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Tom C. M.  
all signed  
K. A. J.  
for C. M.

Before Cantonment Adm Tribunal  
Lucknow Civil

Suraybax and others vs UoG and others

Mm-A-5

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Inspector who have worked for longer periods than the casual labour in construction projects.

iii) The casual labour should be screened for employment by Screening Committees and not by Selection Boards, against vacancies to be worked out after providing for anticipated surpluses. Such Screening Committees should include an officer belonging to SC or ST.

iv) For the purpose of screening and empanelment of casual labour a Division should be treated as the unit for all departments.

v) After working out vacancies for recruitment in this unit, all casual labour who have put in a minimum of 120 days continuous service whether on the open line in the Division or on adjacent construction projects, should be listed for screening, the seniority being fixed by reckoning their previous spells of employment on the basis of such cumulative aggregate service. Casual labour who have not been re-engaged will also be considered for empanelment/screening based on the length of their employment prior to the date of discharge if such discharged casual labour who had completed 120 days continuous service, and had been discharged due to the completion of work and has not been offered further engagement, approach the administration at the time of screening.

(vi) Casual labour who have not put in 120 days continuous service but who have over 120 days of service in broken periods may also be screened if in the seniority list of casual labour maintained in the unit, their juniors become eligible and come up for screening.

NOTE: Since casual labour in hot weather establishment such as watermen, punkha-pullers etc. are generally engaged for short durations during summer for period not exceeding 120 days, the question of granting temporary status should not normally arise. For regular absorption, they may be screened along with others based on the total length of their service as casual labour.

vii) As long as it is established that a casual labour has been enrolled within the age limit, relaxation at the time of actual absorption should be automatic and guided by this factor. In old cases where the age limit was not observed, relaxation of age should be considered sympathetically. The DRMs may exercise such powers to grant relaxation in age limit.

viii) Casual labour engaged in workcharged establishments of certain Departments who get promoted to semi-skilled, skilled and highly skilled and highly skilled categories due to non-availability of departmental candidates and continue to work as casual employee for a long period, shall straightaway be absorbed in regular vacancies in skilled grades provided they have passed the requisite test to the extent of 25% of the vacancies reserved for departmental promotion from the unskilled and semi-skilled categories. These orders also apply to the casual labour who are recruited directly in the skilled categories in workcharged establishments after qualifying in the trade test.

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Before Central Adm Enquiry  
Lucknow Circuit

(38)

Engg Wks and other S No 9 and other

Ann-A-5

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qualifying in the trade test.

(ix) a) When casual labour, who have put in six years service whether continuous or in broken period, are included in a panel for appointment to Class IV posts and are sent for medical examination for first appointment to regular service, the standard of medical examination should not be the one that is required for first appointment but should be relaxed standard as prescribed for re-examination during service.

(b) Such of the casual labour as are found, on medical examination, unfit for the particular category for which they are sent for medical examination despite the relaxed standard prescribed for re-examination may be considered for alternative category requiring a lower medical classification subject to their suitability for the alternative category being adjudged by the Selection Committee, to the extent it is possible to arrange absorption against alternative posts requiring lower medical classification.

6. Wages:

a) Except in the case of emergencies like fire or accidents etc., where wages can be paid at a higher rate depending on the availability of labour and other circumstances, the casual labour employed on railways falls in either of the following categories, namely:

- I. Labour governed by the Minimum Wages Act (Central) C.G.
  - i) those who are employed on road constructions or any building operations; and
  - ii) those who are employed in stone-breaking or stone-crushing.

II. Labour, not governed by the Minimum Wages Act (Central) should be remunerated as:-

- (a) Labour governed by the Minimum Wages Act (Central) should be remunerated as:-

- i) a daily rate ascertained from the local authority or the state government concerned, where necessary, or
- ii) If such rates are not available, at 1/30 of the minimum of the scale of pay plus DA, applicable to corresponding categories of railway staff; and
- iii) if either of the rate of wages arrived at in the manner indicated in (i) and (ii) above happens to be lower than the minimum wages fixed under the Minimum Wages Act, then the rates fixed by the appropriate authority under the Act.

(a) Labour not governed by the Minimum Wages Act is to be remunerated on daily rates to be ascertained from the local authorities of the State Governments concerned:

Note: i) where there are municipalities and they have fixed rates.....

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A. K. Chatterjee  
A. K. Chatterjee

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\*IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD  
CIRCUIT BENCH LUCKNOW.

O.A. No:185 / 89 (L)

Suraj Bux Singh and others .... Applicants.

Versus

G.f. 29.5

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

REJOINDER ON BEHALF OF THE APPLICANTS/PETITIONERS.

I, Suraj Bux Singh, Ex Casual Labour under Loco Foreman, N.Railway, Lucknow, resident of Fateh Khera, District- Lucknow, the applicant No.1, has been authorised by the applicants to sign ~~the~~ this rejoinder.

1. That the applicant has gone through the contents of the counter affidavit and being fully conversant with the facts of the case, solemnly depose as under:-

2. That in reply to paragraph no.1 of the counter, its contents are denied and the contents of paragraph no.1 of the application are reiterated. It is further submitted that the opposite parties have admitted in sub-para (iv)(i) of the counter that the applicants from 3 to 7 appear to have worked only in 1981 for 4, 5, 9, 55 and 45 days respectively, and the petitioner No.1 and 2 have worked under Loco Foreman, Running shed, N.Rly., Lucknow as is evident from Annexure No:A-1 to the application.

Filed today  
28/11/89  
u/w/a

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3. That in reply to paragraph no.3 of the counter, it is stated that nothing is missing. It has correctly been shown as 3 as provided in the application form.

4. That the contents of paragraph no 3 of the counter, its contents are denied and the contents of paragraph no.3 of the application are reiterated. It is further submitted that to prove the facts of the case, some letters issued by the Divisional Personnel Officer, N.R., Lucknow, for re-engagement of junior substitutes have been summoned and the court was pleased to direct the counsel/ to submit the original letters of the O.P. mentioned in Miscellaneous Application No.614 of 1990.

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4. That in reply to/paragraph (iv)(i) of the counter, its contents are denied and contents of the sub-para (iv)(i) of the application are reiterated. It is further submitted that the opposite parties have not consulted the paid vouchers and only said that "(Petitioner No.3 to 7 appear to have worked) only in 1981 and petitioner no.1 and 2 had never worked whereas the pay envelopes as prescribed in Workshop Code have been annexed as Annexures No.A-1. These envelopes are the proof that they have worked under Loco Foreman, N.Railway, Lucknow. The casual labour Cards are not issued to the casual labourers engaged by Loco Foreman, N.Railway, Lucknow. The Opposite party No.2 & 3 made the payments to the applicants for the period they have worked

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22/4/92

along with other casual labourers. The Divisional Accounts Officer, N.Railway, Lucknow kept the amount of all the casual labourers under Loco Foreman, N.Rly., Lucknow, paid to them, under objectionable items which was cleared by the Divisional Railway Manager, N.Rly., Lucknow after having approval of the General Manager, N.Rly., New Delhi. The relevant records pertaining to the applicants are available because the court cases are going on since 1981 and these have not been weeded out.

5. That in reply to sub-para (iv)(ii) of the counter its contents are denied, and the contents of sub-para (iv)(ii) of the application are reiterated. The facts could have been verified from the records available in Office.

6. That in reply to sub-para (iv)(iii) of the counter, its contents are denied. The contents of p sub-para (iv)(iii) of the application are reiterated. Those have been re-engaged, their records could have been produced by the Opposite Parties but they have avoided to do so.

7. That in reply to sub-para (iv)(iv) of the counter, its contents are denied and contents of sub-para (iv)(iv) of the application are reiterated. It is further submitted that about 1000 casual labourers were retrenched in 1980 and some of them having less number of working days than the applicants have been re-engaged vide Divisional Personnel Officer, N.Railway, Lucknow letter Nos.EII/ID/RCC dated 3.8.1983,

4.8.1983 and 5.8.1983 and their records relating to working days on the date of re-engagement have been summoned from the Opposite Parties and the Hon'ble Court has directed them to produce the same in the Court.

8. That in reply to sub-para(iv)(v) of the counter its contents are denied and contents of sub-para (iv)(v) of the application are reiterated. There was retrenchment of the casual labourers under Loco Foreman, N.Rly., Lucknow verbally in 1981 and there were re-engagements of the retrenched workers also as stated in para / 7 above and <sup>O.P.</sup>disregarded the provisions of the I.D.Act and Rule 78 of the Industrial Dispute Central Rules.

9. That in reply to sub-para (iv)(vi) of the counter its contents are denied. The contents of sub-para (iv)(vi) of the application are reiterated. The representations have been received by the Opposite Party No.2 as is evident from Annexures A-2 to A-3.

10. That in reply to sub-para (iv)(vii) of the counter, its contents are denied and the contents of ~~para~~ sub-para (iv)(vii) of the application are reiterated. It is further submitted that the applicants have brought out in paras 2 to 7 above the facts. It is denied that the applications have been filed after 9 years. The retrenchment was made in 1981 and the application before this Tribunal was filed on 3.8.89 and the applications/representations were submitted on 15.9.88 to O.P.No:2

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when they came to know that juniors to them have been re-engaged and other retrenched workers were also re-engaged sometimes in the month of July, 1988 on the decision of the High Court and Labour Court. The Opposite Party No.2 never informed the applicants about the re-engagement. The applicants are living at far of places from Lucknow.

11. That in reply to para 4 of the counter, the contents of ~~paragraph no.4 of the~~ this paragraph are denied and the contents of paragraph no.4 of the application are reiterated.

12. That in reply to paragraph no.5 of the counter, its contents are denied and contents of paragraph no.5 of the application are reiterated. The representation was moved to Opposite Party No.2 when they came to know that their Juniors have been re-engaged by Opposite Party No.2 vide letters stated <sup>in</sup> above paragraphs.

13. That in reply to paragraph no.6 (1) and 6(2) of the counter its contents are denied ~~it~~ and the contents of paragraph 6(1) and 6(2) of the application are reiterated. It is submitted that the applicants were appointed by Loco Foreman in July, 1979 and retrenched by Opposite Party No.2 and 3 in 1981 verbally and the engagement/appointment of the applicants were in the knowledge of the Divisional Railway Manager and the Divisional Accounts Officer, N.R. Lucknow, who made the payments to these workers.

22/9/88

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14. That in reply to paragraph no.6(3) 6(4),6(5),6(6) and 6(7) and 6(8) of the counter its contents are specifically denied and the contents of paragraphs No.6(3),6(4),6(5),6(6) 6(7) and 6(8) of the application are reiterated. It is further submitted that about 1000 casual labourers including the applicants were engaged by the Asstt. Mechanical Engineer, N.Rly., Lucknow, who was sitting in the Office of Running shed, Lucknow. These casual labourers were retrenched in 1981. All the casual labourers have been paid on pay packets proforma approved under the Workshop Code. The Divisional Accounts Officer, N.Rly., Lucknow kept the amount of payment under objectionable items which was cleared by the Divisional Railway Manager, after having the approval of the General Manager. In this way their services were regularised by the General Manager. ~~Some~~ Some of the retrenched workers were engaged from 1983 to 1988 on pick and choose policy and ~~the~~ Opposite Parties No.2 and 3 completely violated the provisions of 25 H of the I.D. Act 1947 and 77 and 78 of the Industrial Dispute Central Rules. Accordingly the applicants were left out because of pick and choose policy. The applicants made representations and came before this Hon'ble Court in 1989 when they came to know that the re-employment of the casual labourers, junior to them are continuing.

15. That in reply to paragraph 6(8)-> 8 of the counter, additional facts, its contents are specifically

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denied. It is submitted that the applicants are Senior to those who have been re-engaged by Opposite Party No.2 for which records have been summoned from the Opposite Parties by the Court and they have also attained the temporary status. The other facts have been brought out in paragraph no.14 above. If the Opposite Party No.2 has re-engaged the junior retrenched persons under Loco Foreman, Lucknow, how the Opposite Party can say that the applicants appointments ~~was~~ were fraudulent. If the appointments of the applicants are fraudulent, the re-engaged retrenched workers were also fraudulently appointed, and in this way the Opposite Parties No.2 and 3 have discriminated the similarly situated and placed workmen and provisions of I.D. Act 1947 and Article 14 and 16 of the Constitution of India are attracted.

16. That in reply to para 9 of the counter, its contents are denied and contents of paragraph no.9 of the application are reiterated.

Lucknow.

*Suraj Bux Singh*

APPLICANT.

Dated: 20/3/91

Verification.

I, Suraj Bux Singh, son of Sri Maikoo Lal, Ex Substitute casual labour under Loco Foreman, N.Rly., Lucknow, resident of Fateh Khara, Distt: Lucknow do hereby verify that the contents of paras 1 to 16 of the rejoinder are true to my personal knowledge and belief and that I have not suppressed any material fact

*Suraj Bux Singh*

Lucknow.

APPLICANT.

Dated: 20/3/91

AUS

In the Central Administrative Tribunal Allahabad  
Circuit Bench Lucknow.

O.A. 185 of 1989

Suraj Bux Singh and others

Applicants

Versus

Union of India and others

Opp. Parties

Counter Reply on behalf of the Opposite Parties.

Para 1: That the contents of paragraph 1 of the application are denied. The applicants are required to prove that they were casual/substitutes labour at or under Loco Foreman Northern Railway Running Shed Lucknow by cogent evidence.

Para 2: Needs no reply.

Para 3: Before replying to the contents of paragraph 3 of the application, it is stated that sub-  
paras are missing e.g. there is para 3.2 and thereafter sub para (IV) and sub para x (L) (vi) to sub para (iv) are shown.

The contents of paragraph 3 of the application are denied. It is stated that the application is vague and contains no specific allegations, rather it is in a general form and unless specific facts with name and date of appointment as casual/substitute labour is disclosed and opportunity is given to the opposite parties to submit their reply, no directions can be issued to the opposite parties.

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Sub Para (iv)(i) Denied. It is stated that petitioner no. 1 and 2 had never worked under Loco Foreman Lucknow. Petitioner no. 3 to 7 appear to have worked only in 1981 for 4, 5, 9, 55 and 48 days respectively, but without being put to engagement by the competent authority. As such even if they had worked, the working was illegal and no advantage can be taken of it by the petitioner no. 3 to 7. It is a concocted story of the applicants working and then being asked verbally by respondent No. 2 and 3 not to come on duty. The photostat copies attached as Annexure No. A-1 to the application are denied in absence of any record to verify their genuineness.

Sub Para(iv)(ii) Denied. The allegations by the applicants about acquiring temporary status for either 120/240 days is totally erroneous, unfounded and specifically denied. The photostat copies attached as Annexure No. A-1 to the application are denied in absence of any record to verify ~~their~~ their genuineness.

Sub Para(iv)(iii) Denied. General allegations cannot be investigated and replied. The allegations about sending representation are specifically denied, as none is available on record.

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Sub Para (iv)(iv) Denied. No such alleged applications are available with the office of Local Foreman. Since there was no appointment nor any termination, hence the question does not arise for re-engagement.

Sub Para(iv)(v) In reply, it is stated that there was no case for re-engagement of the applicants. It is specifically denied that there was any retrenchment. The allegations of violation of the provisions of the Industrial Dispute Act and Rule 78 of Industrial Dispute Central Rules are totally denied.

Sub Para(iv)(vi) No representation is available with the opposite parties. Even otherwise there is no case of the applicants for re-engagement.

Sub Para(iv)(vii) Denied. The allegations are of general nature and are vague. Unless specific information about the applicants or the alleged juniors are spelt out, no enquiry can be nor any reply can be given. The application having been filed more than 9 years after even on their allegations ~~xxx~~ are highly belated and by this time most of the record stand weeded out.

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Para 4: In reply, it is submitted that no order is under challenge before the Hon'ble Tribunal. As such their allegations of redressal against orders are erroneous. Unless the applicants give out a specific order against which the redressal is sought, jurisdiction cannot be assumed by the Hon'ble Tribunal and that too on vague, erroneous and general allegations and grounds, after a lapse of 9 years.

Para 5: In reply, it is submitted that the application is highly barred by time. On their own allegations too the application is highly belated and the application is liable to be dismissed as barred by time.

Para 6(a) Denied. The applicants are specifically required to prove by cogent proof, their appointment with respondent no. 3 by a competent authority.

Para 6(b) Denied. It is specifically denied that the applicants have acquired a temporary status or completed 120 days continuously or 240 days in a year. The applicants are required to prove by cogent evidence about their contentions after they establish their appointment by competent authority at the office of Respondent No. 3.

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Para 6(3) In reply, it is stated that from enquiries made and available material in absence of any record, it is found that applicants no. 1 and 2 never worked with the respondent no.3. Applicants no. 3 to 7 never worked in 1969 and 1980, but in the year 1981 they were found to have been shown working for 4,5,9,55 and 48 days respectively. However their engagement was without the authority of competent authority and it being so their working tentamounts to an illegal entry and the same cannot give any benefit to the applicants no. 3 to 7 of their engagement with opp. party no.3.

Para 6(4) In reply it is stated that the extracts produced from P.S. 7677 and rule 78 of I.D. Central Rules are verifiable from the original one and their interpretation made by the applicants will be duly met at the time of arguments. It is however submitted that the rule or the P.S.No. 7677 do not apply to the applicants. They are applicable to legally appointed persons by competent authority, and not to those who have entered by fraudulent means. First of the allegations are denied. The applicants allegations are not specific. Unless the applicants prove their engagement by a competent authority and thereafter give instance of specific person junior to them having been reengaged in service, no relief can be granted to them.

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Para 6(5) No such representations are available on record. Perusal of the photostats would reveal that there is no indication as to who appointed them and the date of appointment with cogent evidence attached therewith. Facts stated therein are of general nature and as such even if it had come to the opposite parties no enquiry could be made at this stage when 9 years had already passed from the applicant's own admitted allegations that they worked in 1981 and also 3 years having lapsed when they allege that juniors have been re-engaged.

Para 6(6) In reply it is stated that no representation alleged to have been sent are available on the record. It is also stated that the applicants were never retrenched and no question arose for their retrenchment, when they were not appointed and completed 120/240 days in a year. The allegations contrary to this are totally incorrect and denied. When the applicants were neither appointed nor retrenched, there was no cause to call them for re-engagement as alleged.

Para 6(7) In reply, it is stated that there is no violation of section 25-H of the I.D. Act 1947. The relevant section is applicable to a retrenched worker and in the instant case the applicants are not retrenched workers.

  
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Para 6(8) Denied. The applicants are not entitled to be engaged and to be screened under rules.


ADDITIONAL Facts:

In regard to De-casualisation of Casual Labour, Railway Board vide their letter No. E(NG)II-74CL/27 issued certain guidelines in regard to casual labour. The same was circulated by P. serial No. 6167, This circular imposed complete employment ban on ~~recruitment~~ of casual labour.

Thereafter Railway Board on the same subject issued further instructions/~~xxxx~~ in continuation to their letter No. E(NG)II/74/CL27 dated 20.6.'74 and the same were circulated vide P.S.No.6963, No.

220E/190-X(E-iv) dt. 20.3.'78. This circular authorised the Divisional Superintendant (now called Divisional Railway Managers) for employment of casual labour under personal order. The Railway Board further issued instructions in regard to the casual labours, which were circulated under P.S.No.7716 & No. 220-E/190-XI dated 3.1.1981. This circular authorised taking of casual labour under employment only under and after obtaining prior approval of the General Manager.

Any person appointed to work as casual worker in contravention to the instructions contained in the circulars are not legal casual workers and cannot claim to be screened or re-engaged in the railway administration.

  
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The back entry is not permitted under law. As it appears the applicants name have been appearing under a fraud practiced and no employment was given to them to work as casual by the competent authority for the days their working in the office of opp. party no.3 appears. This alleged working cannot give any benefit to the applicants. Thus the applicants having not been appointed by the Competent to work as casual labour, there cannot be no lien of theirs for either screening or appointment. There was no retrenchment made of the applicants by the respondent no. 3 either of its own or upon the instructions of opposite parties no. 1 and 2. Moreover, the applicants have come to the Hon'ble Tribunal after a lapse of 9 years if any and as such their claim/is highly barred by time. The application is thus liable to be dismissed with costs.

Para 7: No representation are available on the record of the opposite parties. As already stated above the applicants are not entitled to any re-engagement. The applicants should have first exhausted alternative remedy under I.D.

Para 8: Needs no reply,. However it is submitted that the applicants should have exhausted the alternative remedy under I.D. Act and then come to the Hon'ble Tribunal.

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Para 9: Denied. The ~~plaintiff~~ applicants are not entitled to any relief. The grounds set out in the application are not tenable under law. The petition is frivolous, misconceived and is thus liable to be dismissed with costs.

Para 10: Needs no reply.

Para 11: Needs no reply.

Para 12: Needs no reply

Lucknow.

dated: 10.12.1990

Opposite Parties  
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Verification.

I, M. K. Chakraverty, working as Loco Foreman in the office of Divisional Railway Manager Lucknow competent and duly authorised to sign and verify, do hereby verify that the contents of paras 1 to 12 of this reply are true to my own knowledge derived from available records and legal advice received. No material fact has been concealed.

LOCO FOREMAN  
N. RLY. LKO