

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 8/89 OF

NAME OF THE PARTIES Union of India Applicant

Versus

Deesho Ram and others Respondent

Part A.

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CERTIFICATE

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

Dated 08-06-11

Counter Signed.....



Signature of the
Dealing Assistant

Section Officer/In charge

A3

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.8 of 1989 (L)

Bodh Raj and Applicants
six others

Versus

Permanent Way Inspector
Northern Railway, Balamau
and Others Respondents

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

Hon. Mr. A.B. Gorthi, Member (A)

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

The applicants were engaged as Casual Labours by Permanent Way Inspector, Northern Railway, Balamau, Distt. Hardoi. They worked for various periods during the year 1984. The Casual Labour Cards of the applicants were taken by the P.W.I Balamau as such the same are not in the custody of the applicants. However, their working days as given by the office are available which they have filed. It has been stated by them that those casual labours who have worked prior to 1.8.78 and 14.10.78, their names were sent by the P.W.I for registration, an extract of which has been filed by the applicants alongwith the rejoinder affidavit. The case of Casual Labour Cards has also been decided by the Allahabad Bench in O.A. No.267 of 1986 Naresh Singh and Others Vs. Union of India & Others on 18.3.87. The applicants have stated that the Casual Labours who have not completed the requisite period of continuous working are entitled to be included in the list/register prepared for the purpose and they have a prior claim of job over the outsiders as has been provided in para 2512(i) of the Railway Establishment

Manual. Keeping in view the service rendered by such casual labours in broken period the Railway Administration placed a ban on recruitment of Casual Labours and in a phased manner chalked out programme for regularisation. It was laid down as a matter of policy that only those casual labours will be engaged in future whose names appeared in the list in the order of seniority. The Railway Board issued a circular dated 22.10.80 that in case any person complains about his non-engagement his record of service should be checked and engaged in preference to junior if his claim is found correct. But despite efforts nothing was done and with the result they have been compelled to approach this Tribunal. It has also been stated that number of complaints in this behalf has been made but nothing has been done.

2. In the Counter Affidavit filed on behalf of the Railway, it has been stated that the Railway Board vide letter dated 22.11.84 had decided that if a casual labour who was earlier discharged from service on completion of work or for want of further productive work, has not worked on the Railway again for the two calendar years, his name should be struck off from the live casual labour register. In view of the Supreme Court directions that a Casual labours both on project, open line who have been discharged before 1.1.81 may also be given opportunity to be considered and placed on the live casual labour register provided they represent to Administration on or before 31.3.87. So far as non-inclusion of the name of the applicants in the live

AS

- 3 -

casual labour register is concerned, it was a matter which is exclusively in the hands of the respondents. In case the respondents preferred not to include their names, the applicants are not responsible for the same. The applicants cannot be made to suffer for the acts of omission and commission on behalf of the Railway Administration. It was the duty of the respondents to include the names of the applicants in the register who apparently had worked and started working from year 1978. The direction given by the Supreme Court will not stand in the way of the applicant. Accordingly, this application deserves to be allowed and the respondents are directed to collect the papers and associate the applicants with the same and include their names in the register of such live casual labour register within a period of three months from the date of the communication of this order and provide employment as and when their turn comes after giving due consideration to the position of seniority to those who were employed earlier or retrenched. There will be no order as to costs.


Member (A)


Vice Chairman

Dated the 5 July, 1991

RKM

(16) → (21) → (19) → (16)
 8/89
 C.A. 8/89 Q2
 (16)

Beeth Raj
 vs.

B-6
 8/89

P. W. J. N. Rly and others
 (N.Rly)

C/Adn A K Desai + Ato

e/a - G P Agarwal, As

13-1-89 (Admitted)

24-2-89 FH

10-4-89 FH

23-4-89 AO

1-5-89 AO

2-6-89 AO

24-7-89 AO

5-8-89 FH

1-9-89 H

7-12-90 FH

29-1-91 FH

22-2-91 FH

3-7-91 H

J. M. E.
 384
 18/7

D 5-7-91

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW .

INDEX SHEET

CAUSE TITLE C.A. 8 of 1929 (U)Name of the parties Bench Reg Applicant.

Versus.

Respondents Respondents.

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Checked

23/6/2011

It is found that no further action is required to be taken and the same is to be returned to the record room (D).

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 EXECUTIVE DEPARTMENT, INDIA.

C.A. No. 8 1939 (C)

Bach Raj

Applicant(s)

Versus

U. O. 2 & 08

Respondent(s)

Date

Orders

13/1/09

Hon. A. John, A.M.

Admit

Issue notice to the respondents to file reply by 13/2/09. Replies can be filed within 10 days.

Put up 24/2/09 for final hearing

A.M.

16/1/09

GR

Notice issued to the respondents through Regd Post dated 24/2/09 for final hearing.

17-2-09

GR

Notices have been issued through Regd Post on 16/1/09.

No undelivered Regd covers have been returned back.

No reply filed so far
 Submitted

Insb
 16/1/09

22/2/09

Insb

17/2/09

See the list of the respondents and the replies filed by them. The respondents have been given 10 days to file their replies. The respondents have been given 10 days to file their replies. The respondents have been given 10 days to file their replies.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 0 of 198 9(1)

Bodh Raj

APPELLANT
PETITIONER

VERSUS

1352

RESPONDENT
DEFENDANT

Sl. No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	---	--

218 of

Hon. Mr. D. K. Agarwal, J.M.

No one is present. The case
is adjourned to 24.10.89 for order

Reply filed today

24/10/89

Hon. Justice K. Math, J.C. J.M.

This is an application for
implemment of Union of India as
opposite party No. 4. The application
is allowed.

Secy. to P. Agarwal takes notice
on behalf of Union of India and
says that the counter affidavit
has already been filed on behalf
of other opposite parties may also
be treated to be the counter on
behalf of Union of India. List
for final hearing on 5/12/89.

Case is now
to be on 5/12/89, the
implemment of
C.O. 2.

23h

V.C.

Hon. Justice K. Math, J.C.
Hon. Mr. D. K. Agarwal, J.M.

In the report of 10/11/89 the further,
the case is adjourned to 23/12/89

No response filed.
Case is submitted
for hearing.

9/12

No RA filed
S. F. Hearn

24/12

AK

Claim No. 21892 of 1889

Form No. 1 (see page 4) Invt. On. January, 1889

REGISTRATION UNDER THE 19 OF THE ADMINISTRATIVE
TERRITORIAL ACT, 1885.

IN THE CRIMINAL ADMINISTRATIVE TRIBUNAL,
CHIEF JUSTICE LUCAS

Book No. 1 & 2...

.. Applicant..

V..

.. ..
.. ..
.. ..
.. ..

.. ..

Compilation No. 1

INVT. NO.

.. ..
.. ..
.. ..

1. Application for Compilation No. 1

1-12

2. Vokladnaya

13

3. Index of compilation No. 2

14

Date: Jan. 1889

Signature of Applicant

Use in Tribunal's Office

(Bureau & other)

Date of filing

Through the Council...

Date of receipt by post

Signature
.. ..
.. ..

Registration No.

2. Assistant Engineer, Northern Railway, Baroda.
3. ~~Assistant Engineer~~, Northern Railway, Baroda House
New Delhi

.. PERSONS ETC

ARTICLE OF PETITION

1. Particulars of cases against
which application is made

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

Application is not moved against any particular order, instead it is moved merely for a relief in the nature of Mandamus that respondents to 7 are entitled to inclusion of their names in the list of persons engaged in Group IV services of Railway Administration.

2. Jurisdiction of the Tribunal

The applicants declare that the subject matter of the action against which they want relief is within the jurisdiction of this Tribunal.

3. Limitation:

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

(Signature)

Applicants, be entitled to relief in the nature of Mandamus in the above said matter.

PM

..3.

upon issuance of Railway Board's letter number: W/P.12/
Personnel/IV 18.8/86 dt. 1-6-87. In view of such orders
and some situations when applicant Nos. 1 to 7's names
have not been included in the list now they have been
given employment, for their representation for the
necessity for filing of the present claim petition for
relief. Since relief claimed is in the nature of Minimum
and for performance of statutory obligation of
action is remaining and continuing.

4. Acts of the Cases:-

4.1. That applicant Nos. 1 to 7 were engaged as
casual labourer by Government of India for the
Northern Railway Boardmen Jn. District Varanasi
(hereinafter referred to as NRT) in permanent
type of open line works. They have put in a
considerable period of faithful employment in both
periods under Government No. 1 from time to
time as indicated below:-

No.	Names of the petitioners:	Period of work:	Total days
1.	Both Raj	15.3.84 to 14.7.84	122
2.	Balk Ram	15.2.78 to 14.8.84	323
3.	Mishra	14.5.84 to 13.7.84	62
4.	Ram Kishore	15.5.84 to 14.5.85	150
5.	Gutti Lal	15.3.84 to 14.7.84	122
6.	Jagdish Prasad	15.6.84 to 14.5.85	150
7.	Ram Mohan	14.4.84 to 14.7.84	90

C-11 Bockhrey

210

4.2. That during above period all the applicants have worked at STD 42 Km. on Balaram Sitour Branch Line between Balaram and Neemara Railway station.

4.3. That as indicated hereunder General Labour cards in respect of all the applicants were taken by the PWI Balaram as such same are not in custody of applicants. However in respect of applicant No. 1 and 2 their working days as given by office are available.

Two photo copies of working days of applicant Nos. 1 and 2 are herewith as Annexure No. A1 and A2 of this petition.

4.4. But in case documents of any applicants working same may be verified from relevant pay sheets of Madgaon Bul of place specific in para 4.2. above.

4.5. That General Labour who have not completed requisite period of continuous working are entitled to be included in the list/register prepared for the purpose and they have a valid claim of job over outsiders. Employment should be given to them strictly in accordance with their seniority of working days, relevant provisions of rule 2512 (1) to 14 way Establishment Manual are contained below:

2512: Absorption of General Labour in regular

vacancies

L1 Doc 14/2/21

...

PH

..5.

(i) Casual labour who acquire temporary status as a result of having worked on other than projects for more than 6 months or who have worked for more than 6 months, shall be considered for regular employment without having to go through Employment without having to go through employment Exchanges. Other Casual labour who have not completed six months, will, of course, be required to get themselves registered in the relevant Exchanges before they are considered by the Selection Board. They will have a prior claim over outsiders. In order to ensure this, the names of all casual labour wherever employed, should be entered in the registers maintained by division or district or by any other convenient unit of recruitment strictly in the order of their taking up casual appointment at the initial stage, and for the purposes of empanelment for regular Class IV posts they should, as far as possible be selected, in order maintained in the aforesaid registers while showing preference to Casual labour over other outsiders in the matter of recruitment to regular Class IV establishment, due consideration and weightage should be given to the knowledge and experience gained by them, other conditions being equal, total length of services as Casual labour, either continuous or in broken periods irrespective of whether they have attained the temporary status, should be taken into account so as to ensure that casual labour who are senior by virtue of longer service, are not left out.

(71) Dada H. Raj

A12

- 6 -

'11)

[illegible][illegible]

4.7. That according to time to time Railway Administration will be in position to engage such G.M. and to employ a list of such persons for employment in future.

Three copies of each administrative
direction of July 1985, 12-11-85, 4-3-87, and
11-6-87, are attached herewith as Appendixes No. A3
to A5 to this claim.

4-8. That brought in another 100 to 125 the benefit of which I can not say. I have by time to every 5000 I have made. I have been making a very large quantity of new ones. I have also introduced a new type of...

(71 Bac 412a.)

..7..

genuinely.

4.9. That Railway Board vide its circular number (WG) 11-80/61/25 dt. 28.10.80 has issued positive instructions that in case any person complaining about his non-engagement has reported if service be checked and engaged in preference to junior, it will be in conformity with the rule.

4.10. That because of annexure A-4 goes to show that it was required to be widely advertised so that every body may know it.

4.11. That since the applicants were keen and anxious about their engagement they were maintaining constant touch with the person in no. 1 where office is kept. From that matter of acquisition of such a man, labourer like applicant is a time and consideration of Railway Board and when first notice is received their cases will be considered.

4.12. That on April, 1987 applicants when contacted to respondent No. 1 for their engagement their original labour card were taken in his office and applicants were told that further information will follow.

4.13. That since then applicants have been waiting from here and there making enquiries and the respondent has been trying to get the cases of the applicants.

..8..

LT Bodh Ray

214

returned nor they have been given any intimation about a date of hearing/alignment for the job.

True copies of such communications dt. 16.7.87, 27.10.87 and 9.3.88 are attached herewith as annexures 6 to 8 to this petition.

4.14. That so far nothing has been done in the representation of applicants though the respondents are assuring that matter is being inquired into.

4.15. That by overlooking the claim of applicants, the respondents have failed to perform statutory duties imposed upon them.

4.16. That there has been general complaint of non-preparation/illegal preparation of list or illegal commission of claims of eligible candidates in preparation of lists/register in respect of which various claims such as Nos. 937.87, 1109.87, 1111.87, 1139.87, 87(L), 88(L), 90(L), and 91(L) of 1988, and others have been admitted for hearing by this Hon'ble Tribunal and are pending for disposal.

4.17. That in view of the facts above this claim petition is warranted on the following grounds:

27/10/88

AIS

5. GROUND FOR CHALLENGING THE LIST

- A) Because respondents having failed to give required due publicity to the offer of engagement/selection of list, have acted mala fide.
- B) Because the list/register of engagement of casual labourers has to be prepared unit wise according to seniority based on working days of casual labourers and not a mixed one.
- C) Because inclusion of workers of only one or more particular units in the list, to the exclusion of workers of other units amounts to discrimination in violation to Art. 14 and 16 Constitution of India.
- D) Because action of respondents in not preparing the list of casual labourers in accordance with having regard to their working days, is arbitrary and mala fide.
- E) Because applicants are legally entitled to get their names included in the list and to have an engagement according to their seniority to the exclusion of out-caste juniors.
- F) Because applicants have a legal right and respondents have a legal obligation, to get them included in para 4-5 above.
- G) Because action of respondents in ignoring the claim of applicant and even non

L71 Bachray

AK

-10-

disposal of their representations is highly arbitrary, illegal and violative of principles of equity and natural justice.

6. Retaining of Remedies exhausted

The applicants declare that they have availed of all the remedies available to them under the relevant service rules. The representations detailed below have been moved but none of them have been considered far.

(i) Representation dt. 16.7.88 px. 46

(ii) Representation dt. 27.10.87 px. 47

(iii) Representation dt. 9.3.88 px. 48

7. Matter not previously filed or pending with any other court.

The applicants further declare that they have not filed previously 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 them.

8. Relief sought.

In view of the facts mentioned in para 4 above the applicants pray for the following reliefs:-

....//....

LTi Doodh Ray

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(i) a resolution, if action on other in favour of applicants in the nature of Mandamus/ command that applicants are entitled for inclusion of their names in the list which should be prepared by respondents within a time to be fixed by the Tribunal, and are further entitled to be engaged on casual work in accordance with their seniority for which respondents are ordered to comply.

(ii) Costs of the petition and such other relief may be deemed fit and proper in the circumstances of the case, be also granted to applicant.

9. Interim Order, if any prayed for

N I X.

A.O. Application is presented through Mr. A. S. I
ABHAYA KUMAR TIXIT, Advocate resident of
609/26 K. M. N. Yashwantrao, Lucknow.

A. or tion of Bank Draft/Postal order filed in
respect of application fee.

- (i) Postal Order No. DD 807103
- (ii) Issued at Lalbagh Lucknow Post Office
- (iii) Date of Issue 12-1-89
- (iv) Whose payable, Allahabad

LTi Daulatpur 12-1-89

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2. List of enclosures

- 1. Remon - Left/Right/Other
- 2. Index of compilation No. 1
- 3. Paper Book of Compilation No. 1
- 4. Index of compilation No. 2
- 5. Paper Book of Compilation No. 2
- 6. Vaka sthema.

नि.क. अ.अ.अ.अ.

पुलवाल

Applicants

LTJ Bockary

(Each set & etc)

पुलवाल
नि.क. अ.अ.अ.अ.

नि.क. अ.अ.अ.अ.

अ.अ.अ.अ.

Verification.

नि.क. अ.अ.अ.अ.

We, Poo Bhai, Bunkiam, Mahesh, Ram Narain, Putti Lal, Jagdish Prasad and Ram Shankar whose names, parentage and addresses are given in array of parties do hereby verify that the content of para 1 to 4, 6, 7, 10, 11 and 12 are true to our personal knowledge and para 5, 8 and 9 are believed to be true on legal advice and that we have not suppressed any material fact.

Date: 12 Jan. 1989

Signature of applicants.

Place: Lucknow.

पुलवाल

नि.क. अ.अ.अ.अ.

LTJ Bockary

अ.अ.अ.अ.

नि.क. अ.अ.अ.अ.

नि.क. अ.अ.अ.अ.

नि.क. अ.अ.अ.अ.

अदालत श्रीमान

महोदय

[वादी] अपीलान्त

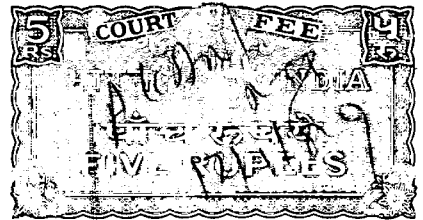
प्रतिवादी [रेस्पान्डेन्ट]

Booth Raj soth

का वकालतनामा

Booth Raj soth

(टिकट)



P.W. 3 n. Raj Balaman soth

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

507/20 k old Hyderabad
Lucknow

वकील

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं०
फरीकन

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

हस्ताक्षर

पुनर्जा

राजेश्वर

साक्षी (गवाह)

साक्षी (गवाह)

राजेश्वर

(A20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH,
LUCKNOW.

Both Sd/- & 6 others.

..Applicant..

Vs.

Permanent Way Inspector Northern Railway
Baramou & others.

..Respondent..

Compilation No. II

I N D E X.

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Dated: 12 Jan. 1989

Place: Lucknow.

L71
Applicant,

(B) Sd/- & 6 others

94783

15

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH LUCKNOW.

Boch Raj & 6 others..

Vs.

Permanent Way Inspector Northern Railway
Bachman & others..

..Applicants..

..Respondents..

Annexure No. A B

श्री मेरी बचमन

ME 16/7/84 = 30

14/6/84 = 21

14/1/84 = 21

OK done

Permanent Way Inspector

Northern Railway

Bochman & others..

Bochman & others..

LT. Beech Raj

ATTESTED: 30.7

LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH LUCKNOW.

Booth & Co. others.

V.

Parliamentary Inspector Northern Railway
Balkrishna & Co. others.

..Applicants.

..Respondents.

Annexure No. **A2**

The Court has been pleased to allow the application of the respondents for the purpose of the above mentioned application.

15/1/84 to 10/7/84 = 30 days

15/1/85 to 1/7/85 = 31 "

15/2/85 to 10/8/85 = 26 "

15/3/85 to 14/4/85 = 31 "

15/4/85 to 15/5/85 = 30 days

150 days

[Signature]
for the respondents

ATTEST

CTI Bockhraj

(A27)

17

•• Applicants:

• • Respondent •

Annexure No. **A3**

TOP PRIORITY

Sut: Regularisation of casual labour, appointed 1st
1.1.70.

Attention is invited to this office letter of even number
dated 29.9.62 and telegraphical reminders dated 11.12.62,
11.1.63 and 11.8.63 but the information has not so far been
furnished by you. The matter is pressing and is
regularisation of non-1 labour appointed after 8.13.1.8.
between 1.8.60 to 4.10.78. It is, therefore, requested to
furnish the information in the following telegraphic list.

As per letter of (Amulid B)

7 21

for Divl. Highway Manager,
Northfield.

AGNEA, A

S.No.	Name	Father's name.	Design	Station	Date of engagement.	Reasons due to which engaged.
1	2	3	4	5	6	7

Authority (for assignment)	Temporary sanction if any (No. and date should be given)	Date of discharge
		10

CONFIDENTIAL that all C/ins in substitute who have been engaged
in 1.8.78 and 4.10.78 who had not worked prior to 1.8.78
are included and no one have been left out, b

LT1 Beach 2.)

11/11/68

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHAMBER AT BEICH LUGNON.

Re: ...

V.

Personnel Way Inspector Northam Railway
Bureau ...

... Appliances

... Recommendations

Annex No. 44

विषय: ...

...

...

...

...

...

...

LTID 11049

44-5-11

(A) 19

• • Applicants •

• • R e c o m m e n d e n t s • •

Annexure No. 45

ਸਦਾ ਤੇ ਪ੍ਰਾਣੀ ਹੋ ਜਾਵੇ।

दिनांक: 1-6-1987,

सुभाषचन्द्र बोस की १०० वर्ष जयन्ती ।

विज्ञान मास्टर, वास्कोवत निधि व रां गणिम निधि ।

॥ ५ ॥ कन्दील, रोज, गुरादाबाद ।

कायस्थिपुत्रिका कथञ्च कायस्थिपुत्रिका ।

विषय:- परिवहन और याचिकाएँ विभागी में खपती तथा कार्यरत रिक्तियों को निम्नलिखित ।

परिवहन एवं वाणिज्य विभाग के कर्मियों के रिक्त स्थानों की
 भर्ती हेतु सेवा कागजों के लिए इन विभागों का जेनरल लेटरों एवं एप्लिकेशनों
 के अतिरिक्त वाणिज्य विभाग के दिनांक 31/03/87 का इन विभागों
 में 100 दिनों का समय, 100 दिनों का समय कागजों की 100 दिनों का सील कलम
 में 3/10/78 से शुरू हो जाएगा। 100 दिनों का सील कलम दिनांक 3/10/78
 से शुरू कलम के दिनांक विभाग में 100 दिनों का सील कलम दिनांक 3/10/78
 का दिनांक का सील कलम।

कैलाश चिन्मय, जो कि प्रलय के क्षणों में ही प्रकट होता है।

[illegible]

ATTEST

ADP
LIG
LTIB-11209

(A22) 21

IN THE ORIGINAL ADMINISTRATIVE TRIBUNAL,
FIRST BENCH LUCKNOW.

... ..
Vs.
... .. Inspector Northern Railway
... ..
Annexure No. A6

.. Applicants.
.. Respondents.

श्रीमान श्री,
श्रीमान पीठरुद्रनाथ शर्मा,
सहायक जवान ।

श्रीमान जी,
निवेदन है कि हम प्रार्थना में आपके विभाग में काफी दिन
कार्य किया है लेकिन हम लोगों का नाम भी डायरीकरण के लिए नहीं
लिखा गया है और न लिस्ट में नाम रखा गया है और न लाइव
लिस्ट में रखा गया है ।

हम: प्रार्थना है कि हम लोगों को डायरीकरण व लिस्ट में
नाम रखने की कार्यवाही हो जाय ।

दिनांक:- 16-7-68

प्रार्थना:-

श्रीमान श्री, श्रीमान,
कर्मचारी प्रसाद, रामनरेश ।

L71 Badhraj

177200

177200

177200

ADMINISTRATIVE FORM,
OF THE NORTH RAILWAY.

No. ...

V.

Presenting Inspector Northam Railway
Dalhousie P.O.

..Applicant's

..Respondent

Annexure No. **A7**

अज्ञात

जीमाना श्री. ... आदि महोदय
लोला गुरु

महोदय

हम लोगो ने आपकी मदद करने में
बहुत दिनों तक कोशिश करी है।
हम लोगो से काम किया है। लेकिन स्क्रीनिंग
और टेस्ट के लिये हम लोगो का नाम लिस्ट
में नहीं रखा गया है। जबकि हमारे ही
आदमियों के कदम दूसरे लोगों का नाम लिस्ट
में रखा गया है।

हम सरकार में हम लोग कई
बार अपने अधिकार में गये और कहा है कि
गिले-तो आप में कहा कि हम लोगो
का नाम भी लिस्ट में रखा जायेगा लेकिन
आज तक हमारा लोगो का नाम लिस्ट में
नहीं रखा गया है। अतः धरिना है कि
हम अभी कोशिश कर रहे हैं कि
लिस्ट में रखा जाये।

26-10-26

...

...

सम गुरु
...

ATTEST COPY

...

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH LONDON.

Both A & B others.

Applicants.

Permanent Way Inspector Northern Railway
Birmingham & others.

Respondents.

Annexure No. A8

श्रीमान

श्रीमान राधाचरण आर्यभट्ट
उपर निलये, बम्बई

श्रीमान

हम लोगो के बी इन्सु आरि बालमर
की मांगोनी मे बहुत धनी तक बालमराले
का सका जोग है, तैरि एक आरि के को
संश्लेषित और देर के लिये निरंतर के गरी रखा
गया जोगी तमक इन्सु के लिये के को का
बालमराले के रखा गया है, ३६ सप्ताह के
हम लोग जोगी का बी इन्सु आरि बालमराले
के लिये तमक है और तमक नारीन २६-१०-७६
का उहे लिये का गरी दिवा देरि तमकाले
का गरी लिये के गरी रखा गया।

आरि श्रीमान बी से प्रिय है
के हम लोगो का तमक की लिख के
बालमराले।

६-३-८८

श्रीमान राधाचरण आर्यभट्ट
उपर निलये, बम्बई
६-३-८८

श्रीमान राधाचरण आर्यभट्ट
उपर निलये, बम्बई
६-३-८८
LTI Bauli Ray

A2E

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

CIRCUIT BECOM GANSHI BHADRA

LUCKNOW.

Reg. No. 8 of 1989 (L)

Bodh Raj .. Applicant.

Vs.

F.U.I. V.I. and others --- Respondents.

COUNTER on behalf of the respondents is
as under :-

Before replying the peravise reply of the petition
the respondent put forth its case as under :-

- 1- That the petitioners by para 8 of the petition
want two reliefs .. that his name be listed in live
register and consequential benefit thereof.
- 2- That this relief is available as per para 6 of
Circular No. 220E/1985-XIIIa/STW dated 20.2.87 wherein
para 6 says ..

As per Railway Boards letter No. E(VC)11/78/CL-2
dated 22.11.84 (P.S.No. 8634), Board had decided that
if a Casual labour, who was earlier discharged from
service on completion of work or for want of further
productive work, has not worked on the railway again
for the two calendar years, his name should be struck
off from the live Casual labour register.

Further para 3 says -

Again as a result of Hon'ble Supreme Court's
order dated 23.2.1987, Railway Board vide their
letter No. E(VC) 11/86/CL/41 dated 2.3.87 (PS No. 8104)

Filed today
Cm. J
10/4/89

Recd. Subordinate
S. K. D. J.
10/4/89

Signature

-2-

and dated 4.3.87 (PS No. 9195) directed that casual labour both on projects, and open line who have been discharged before 1.1.81 may also be given opportunity to be considered and placed on the live casual labour registers provided they represent to the Administration on or before 31.3.87"

3- That with a view to avoid further complication and to give employment to the oldest first and retrenched employees, the above live register was maintained and engagement was done on the basis of said register. In the present case there are 7 petitioners ^{se} whose alleged date of appointments and other matters are ⁴ different, so they cannot be joined under one petition.

4- That no statutory right has been denied so the petition as filed is not maintainable. In other words if the petition is allowed, it means to deprivation of the senior most and legally entitled labourer which shall also be against the provisions of Circulars and the verdict of the Hon'ble Supreme Court.

5- That the petition is barred by time.

6- That the petition is not maintainable for want of impleading Union of India as a party.

7- That the petition is not maintainable to join two persons in one petition.

Parwise reply of the petition is as follows :-

CA 102
Wye

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-3-

1- That the contents of para 1 to 3 of the petition are not admitted.

2- That para 4(1) of the petition need no comments. Applicant no.2 has not worked in 1978.

3- That para 4(2) of the petition need no comments.

4- That the contents of para 4(3) of the petition are incorrect and denied. It is further stated that no casual labour cards has been taken by PVI-BLM and rest need no comments.

5- That para 4(4) of the petition need no comments.

6- That para 4(5) to 4(1) of the petition need no comment. ~~xxxxxxx~~ are ~~xxxxxxxx~~ 1

7- That the contents of para 4(11) of the petition are incorrect and denied. It is further stated that the applicants are not entitled for enlistment for re-engagement because all applicants have not worked prior ^{to} 1978 as per rules. Applicants failed to show the authenticity of his working in 1978;

8- That the contents of para 4(12) of the petition are incorrect and denied. It is further stated that no casual labour cards has been taken in office of respondent nos. 1 and 2 and assurance has not been given to the applicants for re-engagement.

9- That the contents of para 4(13) of the petition

[Handwritten signature and initials]

A33

-4-

are incorrect and denied. It is further stated that no representation received by the respondent no.1 and 2. The signature on the representation on Annexure 7 and Annexure 8 are forged.

10- That para 4(14) and 4(15) of the petition are denied.

11- That para 4(16) of the petition need no comments.

12- That para 4(17) of the petition is denied.

13- That the petition is liable to be dismissed with costs.

Chd

I, Krishan Gopal, Asstt. Engineer/Hardoi, do hereby verify that the contents of paras 1 to 13 of this Counter are based on perusal of the record which I believe to be true. Verified on 30.3.59 at Hardoi.

अहाबक अभियन्ता
उत्तर मेन्वे, हरदोई
Asstt. Engineer
H. Kly. Hardoi

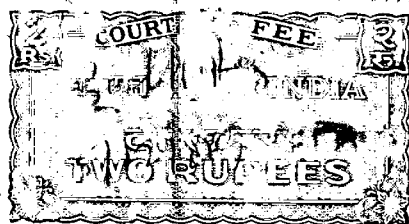
A24

In The Central Administrative Tribunal, Lucknow.

O.A. No. 8 of 1989 (L)

Fixed on 5.12.89

1989
AFFIDAVIT
31/295
HIGH COURT
ALLAHABAD



Rejoinder Affidavit on behalf of Applicants.

Bodh Raj And oths..

..Claimants.

Vs.

P.W.I., N.Rly, Balamau and oths..

..Respondents.

AFFIDAVIT.

I, Bodhraj aged about 30 years son of Sri Jarakhan resident of Village, Ganeshpur, Post Barwa Sarsand District Hardoi, do hereby solemnly affirm and state on oath as under:-

Rev a
5/12/89

1. That deponent being claimant No. 1 in the aforesaid petition, is fully conversant with the facts of case. He has been authorised and instructed on behalf of remaining claimants to file this affidavit.

2. That in view of specific provisions contained in para 2512 of Railway Establishment Manual (re-produced under para 4.5 of claim petition) which has statutory force any decision of Railway Boards which is contrary to such statutory rules & is not legal so far as Railway Boards Letter Dt. 2.3.87 is concerned in view of Annexures A-4, and A-5, the bar of date 31.3.87 can not be taken to be correct, particularly in the circumstances when case of respondents is not to the effect that petitioners have not cared to join the work inspite of its offer. Since

3
5/12/89

बोधराज

A35

respondents have failed to perform statutory duty conferred upon them, and have discriminated the applicants (as disclosed hereunder) they can not be permitted to take advantage of their own wrongful act.

3. That contents of para 3 of counter reply are denied. All the claimants are aggrieved by the common act of Respondents and are claiming identical nature of relief and common interest in the matter the joint petition is maintainable as held by this Hon'ble Tribunal in O.A. No. 17 of 1988 (L) Ram Kumar in G.M. N.Rly. decided on 23.2.89.

4. That contents of para 4 of counter reply are not admitted as written. In view of the facts and circumstances of the case and principle of law laid down by Hon'ble Supreme Court in 1988 LIC 942, the applicants are entitled for the reliefs claimed.

5. That contents of para 5 of counter reply are denied. In view of facts stated in para 3 of claim petition, same is well in time.

6. That contents of para 6 of counter Reply are denied. Union of India stands impleaded in the claim petition as Respondent no. 4.

7. That contents of para 7 of counter Reply are denied. Regarding maintainability of joint petition detailed reply has already been given in para 3 above.

PARAWISE REJOINDER OF COUNTER REPLY (with
===== reference to paras 1 to 13 of Counter
===== reply's pages 3 and 4).
=====

1. That contents of para 1 of counter Reply are

कोचराज

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-3-

denied and facts stated in claim petition are re-iterated to be correct.

2. That contents of paras 2 to 8 of counter are not admitted. Apart from the dates of engagement given in para 4.1 of claim petition it is submitted that all the applicants have worked prior to 4.10.78 but as stated in para 4.12 of claim petition casual Labour cards were taken by respondents. In 1984 applicants were engaged on the basis of their earlier working. Names of applicant no. 1, 5, 6 and 7 (Bodhraj, Putti Lal, J gdisn and Ram Shankar) find place at Sl.No.50,51, 64 and 89 of the list of casual Labourers of PWI Balamau prepared on 11.3.86. A True extract of this list is attached herewith as Annexure K-1. This list has been scrutinized by this Hon'ble Tribunal in O.A. No. 267-86 Naresh Singh and oths. decided on 19.3.87 at Allahabad. It is also necessary to point out that names of all the applicants also find place in the relevant pay sheets as were produced before this Hon'ble Tribunal in above mentioned case of Naresh Singh & oths. referred to above, as the applicants had worked in the same Gang in which Naresh Singh & oths. were working. It is also necessary to point out that all most all the persons mentioned in list (Anx. K-1) have been engaged with exception of applicants of this claim petition.

3/12/88

3. That contents of para 9 of counter reply are denied and those stated in relevant para of claim are reiterated to be correct.

4. That contents of paras 10 to 13 of counter reply are denied and those stated in claim petition are

बोधराज

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re-iterated to be correct.

Lucknow: Dated 5/12/89
Dec., 1989

Deponent
बोधराज
(Bodharaj)

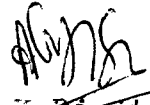
Verification.

I, above named deponent do hereby verify that the contents of paras 1 to 3 to be true from my personal knowledge and para 4 to be true from my belief. No part of it is false and nothing material has been concealed. So help me God.

Lucknow: Dated 5/12/89
Dec., 1989

Deponent,
बोधराज
(Bodharaj)

I know and identify the deponent who has signed on this affidavit in my presence.


A.K. Dixit,
Advocate.

5/12/89

Solemnly affirmed before me by the deponent Sri Bodh Raj on 5/12/89 day of Dec., 1989 at 11-00 a.m./p.m. who is identified by Sri A.K. Dixit, Advocate of this court. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.

5/12/89

Cath Commissioner

5/12/89

31/295
5/12/89

A 38

समस्त केन्द्रीय लोक सेवा अधिकारण, बलामऊ ।

कोटारराज आदि..

पनाम

पी. डब्ल्यू. आर्. एन० रेसो बालामऊ आदि..

..पालीगा

..सिपसिगा

Hotel Tugur
15/11/86

एनेसवर न० ८८१०-१

अस्माई अधिकारी की सूची अगि-नरेस एव निरीगाक बालामऊ / ये कर्मागरी जिन्दगीने १/८/७८ व १४/१०/७८ के पहले देखने में आयें किया है उनका नाम पालीगागा देतु दिया जा रहा है।

क्र०स०	नाम	पिछा नाम	एच.सी. एच.एस/सी०	जन्म तिथि	नियुक्त की तिथि	कुल दिन	ग्रा.	अनार	बिल
५०-	कोथरराज	श्री करामत	एच./सी.	२/३/५९	८/१२/७७	२६१	मोनोपुर	करमा	हकोई
५१-	पुल्लीलाल	श्री श्रीज	एच./सी.	३/५/५८	३/९/७७	१०३	मोनोपुर	करमा	हकोई
६५-	कालीराजराज	श्री सुभाष प्रसाद	एच.एस/सी.	१५/८/५६	१०/८/७८	६११	पुरा	कोमारा	हकोई
८९-	राजराज	श्री छोडेराज	"	२/८/५८	११/७/७७	३२१	मिनिगा रेनीम	हकोई	हकोई

1/11/86

कोटारराज

एनेसवर x x x
११.३.८६
सुई
Perma post-Way बेलामऊ
Northern Roadway, Belamau.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title

of 199

Name of the parties

B. D. L.

Applicant.

Versus

Shri. Shyamsunder Prakash

Respondents.

Part A.E.C.

Sl No.

Description of documents

Page.

- | | | |
|---|---|-----------|
| 1 | Order Sheet - | A1 |
| 2 | Judgement - | A2 - A3 |
| 3 | Petition Copy - | A4 - A12 |
| 4 | Memorandum - | A13 - A16 |
| 5 | Proposition for dismissal of contempt - | A17 - A24 |
| 6 | Power with sheet center | A25 |

B. D. L.

Checked
23/6/2011Petition Copy
Annexes.M.P. for dismissal of contempt
with sheet center

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

Chakraborty
28/7/11

9/11/11

Contempt No 1/92
C-A 8/89

23.1.92

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

(A)

Heard the learned counsel for the
applicant. Issue notice to the opposite party
contemnors as to why the proceedings for committing
contempt should not be initiated against them.
Reply to be filed by 13.4.92, on which date the
opposite party contemnors may appear in person
or through some Advocate.

J
A.M.

V
V.C.

Shakeel/

13-4-92

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member

OR

Notice Issued

5/2

but on 30.4.92

J
A.M.

V
V.C.

Notices were issued
on 5.2.
unswear
has been
back.
J
SPO

A



Contempt Petition No. 1 of 1992

In

C.N.No. 8/89

Bodh Raj and 6 others

Petitioners.

versus

Lurya Prakash and 2 others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member

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

The above contempt petition has been filed by the petitioners for initiating contempt of court proceedings under the Contempt of Courts Act. The petitioners came forward with the case that although the Tribunal vide its order dated 5.7.91 directed the respondents to collect the papers and associate the applicants with the same and include their names in the register of such live casual labour register within a period of three months and provide employment as and when their turn comes after giving due consideration to the position of seniority to those who were employed earlier or retrenched. According to the applicant the respondents have not implemented the order at all. The notices were issued and the respondents put in appearance and in their reply stated that the order of the Tribunal has been fully complied with vide order dated 17.3.92 passed by the competent authority and a copy of the order has been enclosed.

41

12/12/92

2. Thus, no contempt subsists and even if some delay has been caused, that will not be a ground for contempt. Accordingly, notices are discharged and the case is consigned.


Adm. Member.


Vice Chairman.

Lucknow Dated 30.4.92.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; LUCKNOW BENCH

L U C K N O W .

Contempt Case No. \ of 1992 (L,

Inre

O A No. 8 of 1989 (L)

Dec. on 5.7.1991

22/1/92
[Signature]

1. Bodh Raj aged about 30 years son of Sri JaraKhan
village Ganesh pur , Post Barwa sarsand Distt. Hardoi.
2. Balak Ram aged about 28 years son of Sri Karhiley
r/o village Govindpur , Post Hathaware, Distt. Hardoi.
3. Mahesh aged about 26 years son of Sri Shyam Sunder
r/o village Chandpur, post Neemsar, Distt. Hardoi.
4. Ram Naresh aged about 26 years son of Sri Lakshmi
Narain r/o village Gajapur Post Mutia Kail
Distt. Sitapur.
5. Putti Lal aged about 31 years son of Sri Bhikham Lal
r/o village Ganeshpur , Post Barwa sarsand Distt.
Hardoi.
6. Jagdish Prasad aged about 27 years son of Sri Subedar
Prasad r/o village Pura , Post Lonhara, Distt. Hardoi .
7. Ram Shanker aged about 29, years son of Sri Chhotey Lal
r/o village Neemdanda Post Beniganj Distt. Hardoi.

...

...

... Applicants.

Versus

1. Sri Surya Prakash posted as Assistant Engineer ,
Northern Railway , HARDOI.

बोधराज

Filed today
22/1/92
[Signature]

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Through their counsel

Advocate

22 Jan 1992.

3
In the Central Administrative Tribunal, Allahabad Bench
Lucknow

Bodh Raj

Applicant

vs

Surya Prakash

Respondents

Ann NO 1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.8 of 1989 (L)

Bodh Raj and Applicants
six others
Versus

Permanent Way Inspector
Northern Railway, Balamau
and Others Respondents

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

Hon. Mr. A.B. Gorthi, Member (A)

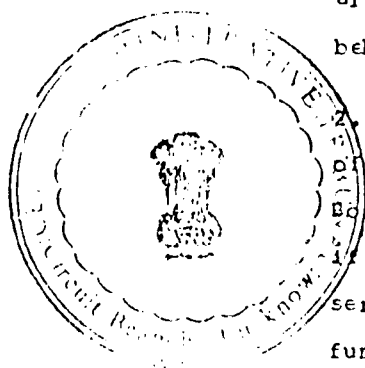
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicants were engaged as Casual Labours by Permanent Way Inspector, Northern Railway, Balamau, Distt. Hardoi. They worked for various periods during the year 1984. The Casual Labour Cards of the applicants were taken by the PWI Balamau as such the same are not in the custody of the applicants. However, their working days as given by the office are available which they have filed. It has been stated by them that those casual labours who have worked prior to 14.8.78 and 14.10.78, their names were sent by the PWI for registration, an extract of which has been filed by the applicants alongwith the rejoinder affidavit. The case of Casual Labour Cards has also been decided by the Allahabad Bench in O.A. No.267 of 1986 Nareish Singh and Others Vs. Union of India & Others on 18.3.87. The applicants have stated that the Casual Labours who have not completed the requisite period of continuous working are entitled to be included in the list/register prepared for the purpose and they have a prior claim of job over the outsiders as has been provided in para 2512(i) of the Railway Establishment



10/11/89

Manual. Keeping in view the service rendered by such casual labours in broken period the Railway Administration placed a ban on recruitment of Casual Labours and in a phased manner chalked out programme for regularisation. It was laid down as a matter of policy that only those casual labours will be engaged in future whose names appeared in the list in the order of seniority. The Railway Board issued a circular dated 22.10.80 that in case any person complains about his non-engagement his record of service should be checked and engaged in preference to junior if his claim is found correct. But despite efforts nothing was done and with the result they have been compelled to approach this Tribunal. It has also been stated that number of complaints in this behalf has been made but nothing has been done.



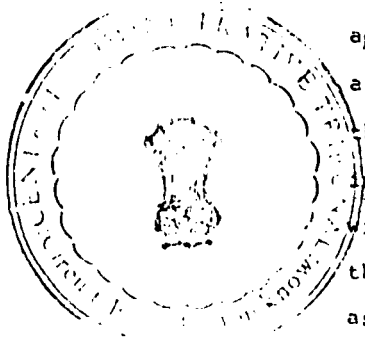
In the Counter Affidavit filed on behalf of the Railway, it has been stated that the Railway Board vide letter dated 22.11.84 had decided that if a casual labour who was earlier discharged from service on completion of work or for want of further productive work, has not worked on the Railway again for the two calendar years, his name should be struck off from the live casual labour register. In view of the Supreme Court directions that & Casual labours both on project, open line who have been discharged before 1.1.81 may also be given opportunity to be considered and placed on the live casual labour register provided they represent to Administration on or before 31.3.87. So far as non-inclusion of the name of the applicants in the live

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casual labour register is concerned, it was a matter which is exclusively in the hands of the respondents. In case the respondents preferred not to include their names, the applicants are not responsible for the same. The applicants cannot be made to suffer for the acts of omission and commission on behalf of the Railway Administration. It was the duty of the respondents to include the names of the applicants in the register who apparently had worked and started working from year 1978. The direction given by the Supreme Court will not stand in the way of the applicant. Accordingly, this application deserves to be allowed and the respondents are directed to collect the papers and associate the applicants with the same and include their names in the register of such live casual labour register within a period of three months from the date of the communication of this order and provide employment as and when their turn comes after giving due consideration to the position of seniority to those who were employed earlier or retrenched. There will be no order as to costs.



SP
Member (A)

SP
Vice Chairman

Dated the 5 July, 1991

RIM

Attested

True copy

AKS
Section Officer

C.T.C. Central Administrative Tribunal
Circuit Bench
LUCKNOW

AKS

11/7/91

बोधराज

AKS

सेवा में,

- 1- श्रीमान् मण्डल रेल प्रबंधक महोदय,
उत्तर रेलवे मुरादाबाद ।
- 2- श्रीमान् असिस्टेंट इन्जिनियर महोदय,
उत्तर रेलवे, हरदोई ।
- 3- श्रीमान् असिस्टेंट इन्जिनियर महोदय,
उत्तर रेलवे, सीतापुर ।
- 4- श्रीमान् पी०डब्ल्यू आर्क महोदय,
उत्तर रेलवे बालामऊ ।
जनपद, हरदोई ।

श्रीमान् जी,

विषय :- माननीय केन्द्र सेवा अधिकरण सदन के आदेश
दिनांक 5-7-91 के अनुसार सेवा में लिये जाने
के संबंध में कार्यवाही

निवेदन है कि प्रार्थीगण ने श्रीमान् पी०डब्ल्यू आर्क महोदय बालामऊ के अधीन 1-8-78 के पूर्व व बाद में केपुअल सेबर के पद पर कार्य किया है । प्रार्थीगण के केपुअल सेबर कार्ड व अन्य कागजात श्रीमान् पी० डब्ल्यू आर्क बालामऊ महोदय के कार्यालय में वर्ष 1984 में ही ले लिये गये थे ।

प्रार्थीगण बोधराज, पुस्तीलाज, जगदीश प्रसाद व रामशंकर का नाम श्रीमान् पी०डब्ल्यू आर्क महोदय बालामऊ द्वारा जारी सूची दिनांक 11-3-86 में उपलब्ध भी है । प्रार्थीगण रामनरेश, मधेश तथा बालकराम का नाम किस सूची में है यह ज्ञात नहीं है ।

जब सभी प्रार्थीगण से कनिष्ठ लोगो को स्वीकृति करके नियमित कर दिया गया और प्रार्थीगण के लिये कोई कार्यवाही नहीं हुई तो प्रार्थीगणों ने माननीय केन्द्र सेवा अधिकरण सदन के समक्ष याचिका संख्या 8-1989 प्रस्तुत की जिसमें माननीय न्यायालय ने उभय पक्षों को बुनने व सभी अभिलेखों के अवलोकन के उपरान्त प्रार्थीगण को याचिका दिनांक 5-7-91 को स्वीकार करते हुये आदेश दिया है कि 3 माह के अन्दर प्रार्थीगण का नाम लाइप रजिस्टर में उनके कार्य दिवसों पर आधारित वरिष्ठता के आधार पर सम्मिलित करके उन्हें सेवायाचित किया जाय ।

माननीय न्यायालय के आदेश दिनांक 5-7-91 की प्रतिलिपि की फोटोकॉपी संलग्न है ।

बोधराज

- 2 -

चूंकि प्रार्थीगण से अनियत व्यक्ति पहले ही काम पर लगाये जा चुके हैं अतः प्रार्थना है कि प्रार्थीगण को भी म्यादालय के आदेश के आधार पर निर्धारित अधि में अन्दर कार्य पर लिये जाने की कृपा की जाय ।

दिनांक :- 15-7-91

प्रार्थीगण,

- 1- बोधराज पुत्र जरादन ग्राम गन्धपुर
पो बरवा तरसडा जिला, हरदोई
- 2- रामशंकर पुत्र शोटेनाथ
ग्राम नीमडा
पो बेनीगंज, हरदोई
- 3- सुत्तीलाच पुत्र श्री भीष्म
ग्राम गन्धपुर
पो बरवा तरसडा, हरदोई
- 4- महेश प्रसाद पुत्र इषामसुन्दर
ग्राम दोदपुर पो अटना नीमसार
सीतापुर ।
- 5- रामनरेश पुत्र लक्ष्मोनरायन
ग्राम जंगापुर पो मुडियाकेल,
सीतापुर ।
- 6- बाताराम पुत्र कीटले
ग्राम गोविंदपुर पो हथोडा,
हरदोई ।
- 7- जगदीश पुत्र श्री तूबेदार प्रसाद
ग्राम पूरा पो लोन्हरा,
जिला, हरदोई ।

Handwritten signature

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8

In the Central Administration Tribunal Lucknow Bench

Booth Raj vs Applicant

Surya Prakash Respondents
Ann No Part of Ann (B)

NOT INSURED

कमक No. 207

आवेदन का मूल्य रु. 8/-

Assist. Engineer
Uttar Railway
Moradabad

15.7.91

प्राप्त अधिकारी के हस्ताक्षर

NOT INSURED

कमक No. 208

आवेदन का मूल्य रु. 8/-

Assist. Engineer
Uttar Railway
Moradabad

15.7.91

प्राप्त अधिकारी के हस्ताक्षर

NOT INSURED

कमक No. 209

आवेदन का मूल्य रु. 8/-

Assist. Engineer
Uttar Railway
Hardai

15.7.91

प्राप्त अधिकारी के हस्ताक्षर

NOT INSURED

कमक No. 210

आवेदन का मूल्य रु. 8/-

Assist. Engineer
Uttar Railway
Bulandshahr

15.7.91

प्राप्त अधिकारी के हस्ताक्षर

बाधराज

15/7/91

प्राप्त अधिकारी के हस्ताक्षर

15/7/91



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL Lucknow Bench

Bodh Raj - - - - - Applicant

vs

Surya Prakash

Respondents

Annex No C

(15)

उत्तर रेलवे
NORTHERN RAILWAY

No lit S-CA/LKong Dt-25-8-81

(1) The AEN/HRI - 3-9-91

(2) The AEN/SPE

(3) The PLOI/BM 3/9/91

Subj: - Bodh Raj e/LKONG -
Regn No 8/1388 (L), CA/K

The above mentioned case has been decided on 5/7/81. A photo copy of the court's order dt 5-7-81 is sent to you for compliance.

Please comply with the court's order under advice to this effect so that the H.R. may be terminated.

This is proposed to be implemented.

IA Asst Secy

28/8

बोधराज

10

THE CENTRAL ADMINISTRATIVE TRIBUNAL , LUCKNOW BENCH
LUCKNOW

Affidavit in support of Application for
initiating Contempt Proceedings

Inre

Contempt Case No. of 1992

(O A No. 8 of 1989)



1991
AFFIDAVIT
39 SPG
HIGH COURT
ALLAHABAD

Bodh Raj and oths. ...

... Applicants

Versus

Surya Prakash and oths.

... Opp. Parties

A F F I D A V I T

I, Bodh Raj aged about 32 years son of Sri Jarakhan village Ganesh pur , Post Barwa Sarsand, Distt. Hardoi, do hereby solemnly affirm and state on oath as under in the name of Almighty God:-

1. That deponent being applicant No. 1 of present application for initiating contempt proceedings as well as in Original Application is fully conversant with the facts of Case.

2. That deponent has been instructed and authorised on behalf of remaining applicants to file and swear this affidavit .

3. That all the applicants (of O A No. 8 of 1989)

... 2/-

including deponent on account of their earlier working were entitled for engagement and regularisation on post of gangmen under Permanent way Inspector Balamau Distt. Hardoi But when same was not done they filed aforesaid claim petition before Hon'ble Court .

4. That this Hon'ble Court on 5.7.1991 allowed the claim petition and ordered the respondents (i.e. Northern Railway Administrative through its concerned officials) to collect the papers and associate the applicants with the same and to include their names in the live Casual Register within a period of three months from the date of communication of order and to provide employment according to their turn after giving due consideration to the position of seniority to those who were employed earlier or retrenched.

A True Photocopy of judgment Dt. 5.7.91 passed by this Hon'ble Tribunal is attached as annexure No. A .

5. That aforesaid decision of the Hon'ble court has been communicated to all the concerned opp. parties by means of Registered letter No. 3207, 3208, 3209 and 3210 Dt. 15.7.91 .

A True Photocopy of such application along with Regd. Postal receipts is attached as Annexure B.

6. That the office of Divisional Rail Manager , N. Rly., Mooradabad vide its letter Dt. 3.9.91 directed the Assistant Engineers N Rly Hardoi and Sitapur as well as to PWI Balamau to comply the order of the court.

A True copy of aforesaid letter Dt. 3.9.91 is attached as Annexure C.



7. That since then deponent and his colleagues (applicants of O A No. 8 of 89) are rushing and approaching to A E N Hardoi, Sitapur and PWI Balamau who are doing nothing but are shifting their responsibilities upon each other.

8. That so far except issuance of a formal letter as contained in Annexure C nothing effective step has been taken to comply the order of this Hon'ble Tribunal.

9. That all the persons of list contained in Annexure R 1 (of claim petition) have been re-engaged and regularised (as already stayed in para 2 of Rejoinder affidavit of O A) except, deponent and his colleagues.

10. That opp. Parties No. 1 to 3 are equally responsible for compliance of Hon'ble Tribunal's judgement as also evident from perusal of Annexure C.

11. That thus sequence of events goes to establish that opp. Parties 1 to 3 are willfully, knowingly and intentionally flouting the compliance of Hon'ble Tribunal's order Dt. 5.7.1991 for which they deserve to be suitably dealt with .

Deponent

बोधराज

LUCKNOW

Dt. 22 Jan. 1992.

(Bodh Raj)

VERIFICATION

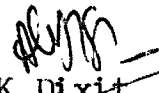
I, deponent named above do hereby verify contents of paras 1 to 10 of this affidavit to be true from personal knowledge and contents of para 11 are believed to be true by me . No part of it is false and nothing material has been concealed. So help me God.

Deponent

बोधराज

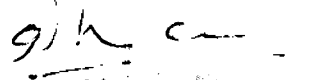
(Bodh Raj)

I know and identify the deponent who has signed on this affidavit in my presence .


A K Dixit
Advocate

Solemnly affirmed before me by the deponent Sri Bodh Raj on 22nd day of Jan. 1992 at 2.30 a.m./p.m. who is identified by Sri A K Dixit, Advocate of this court. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.

OATH COMMISSIONER.



39-1/509
22-1/92

वधदालत श्रीमान

CAT Lucknow

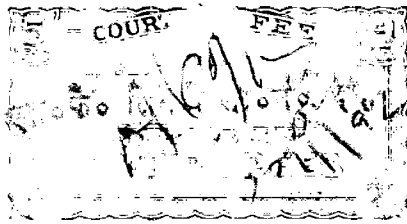
महोदय

वादी (मुद्दई)

मुद्दई (मुद्दालेह)

का

वकालतनामा



बनाम

प्रतिवादी रेस्पान्डेन्ट

नं० मुकद्दमा

सन्

पेशी की ता०

१९

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

509/20 K. Lal Hyderabad

वकील

Lucknow

महोदय

एडवोकेट

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर - युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने परोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरबी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

हस्ताक्षर

30/1/15

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

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19

IN THE COURT OF THE HON'BLE JUDGE, DISTRICT JUDICIAL MAGISTRATE

LUCKNOW DISTRICT, LUCKNOW,

Civil Misc. Petition No. 372/1992(L)

In Re:

Contempt No. 1 of 1992 (L)

Bodh Raj & Others Applicants.

Versus

Gurpreet Singh & Others Respondents.

Application For Dismissal of Contempt Application
and Discharge of Contempt Notices.

That for the facts and reasons stated in
the accompanying short counter reply, it is
most respectfully prayed that this Hon'ble Tribunal
may graciously be pleased to dismiss the contempt
application and discharge the notices for contempt.

?
Filed today

30/4/92

Lucknow:

Dated: 30-4-1992,

Anil Srivastava
(ANIL SRIVASTAVA)
Advocate

Counsel for the Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCION. S. CH. LUCION,

Contempt No. 1 of 1992 (L)

Bodh Raj & Others

Applicants.

Versus

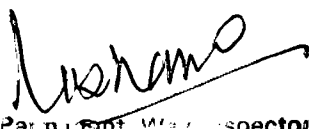
Surya Prakash & Others

Respondents.

Short Counter Reply.

I, Ram Khilari Sharma, at present working as Permanent Jay Inspector, Northern Railway, Balawan, District HarDOI do hereby dolempnly offirm and state as under:-

1. That the Official above named has been implended as respondent No.3 in the contempt application, as such fully conversant with the facts stated hereinbelow:-
2. That Respondent No.1 has already been transferred to New Delhi and he has left HarDOI, while respondent No.3 has beenretired in the month of February 1992.
3. That it may be stated at the very outset that judgement dated 5-7-91 pas on by this


Chief Permanent Jay Inspector
Northern Railway, Balawan

(19)

Hon'ble Tribunal in Original Application 3/91 stood fully complied with vide order dated 17-3-92 passed by the competent authority. Sri Jagdish Prasad has received the order in person on 30-3-92 while rest of the applicants were served with the copy of order through registered post with acknowledgement due dated 31.3.92. A copy of order dated 17-3-92 and the copy of registry receipts are being filed herewith as annexures .o. C-1 and C-2 and C-3 to this reply.

4. That however , as per directions of the Hon'ble Tribunal dated 13-4-92, a ~~separat~~ compliance order has also been passed by the competent authority disclosing the serial number and page number of the live casual labour register through which their names have been included in the said register. A copy of said order dated 15-4-92 is being filed herewith as " Annexure No. C-4 to this reply.

5. That now it is very clear that judgement passed by this Hon'ble Tribunal stood fully complied with.

Lushans

Chief Labour Officer
Northern Railway Zone

Contd...3,

48

Lucknow:

Dated: 30-4-92,

[Signature]
Chief Permanent Way Inspector
Northern Railway, Bareilly

VERIFICATION

I, the official named above do hereby
verify that the contents of para 1 of the Present
counter reply is true to my personal knowledge,
and those of paras 2 to 5 are believed by me to
be true on the basis of records and legal advice.

Lucknow:

Dated: 30- 4- 92

[Signature]
Chief Permanent Way Inspector
Northern Railway, Bareilly

17

Annexure No. C-1

उत्तर रेलवे
NORTHERN RAILWAY

3/6
CPWHB/m

दि 17-3-72

लक्ष्मी -

1- श्री बोधराज पुत्र श्री
जगदश्वन

2- 11 बालक राम पुत्र श्री कदिले

3- 11 महेश पुत्र राम सुन्दर

4- 11 रामनरेश पुत्र श्री लक्ष्मीनारायण

5- 11 पुतीलाल पुत्र श्री भीषम

6- 11 जगदीश प्रसाद पुत्र श्री सुख-
दर प्रसाद

7- 11 रामशंकर पुत्र श्री बोटलाल

विषय:- केन्द्रीय प्रशासनात्मक अधिकार लखनऊ के
आदेश का अनुपालन

आप लोग को सूचित किया जाता है कि केन्द्रीय प्रशास-
निक अधिकार लखनऊ के आदेश संख्या O.A. No. 8
1979 (4) दि 5-2-71 के अनुसार आप लोग का
नाम लाइव रजिस्टर (जीवित-पंजीक) में अंकित
कर लिया गया है/ एवं भविष्य में जब रेल विभाग
में आस्थायी-स्थानिक की भर्ती होगी तो वरीयता के
आधार पर रेल सेवा में कार्य करने हेतु बुला लिया
जाएगा।

Chief Person
Northern Railway

8/9

Insurance fee Rs.

No. 170

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8

R. P. - 81 (a)

Received a V. P. registered

addressed to

राजेश्वर प्रसाद शर्मा



Signature of receiving officer with the word insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines
Insured for Rs. (in figure) 50 (in words) Fifty

Insurance fee Rs. 50 Weight 500 Grams

No. 171

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8

R. P. - 81 (a)

Received a V. P. registered

addressed to

राजेश्वर प्रसाद शर्मा



Signature of receiving officer with the word insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines
Insured for Rs. (in figure) 50 (in words) Fifty

Insurance fee Rs. 50 Weight 500 Grams

No. 172

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8

R. P. - 81 (a)

Received a V. P. registered

addressed to

राजेश्वर प्रसाद शर्मा



Signature of receiving officer with the word insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines
Insured for Rs. (in figure) 50 (in words) Fifty

Insurance fee Rs. 50 Weight 500 Grams

ATTESTED

[Signature]

R. P.-51 (c)

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rule, no which no acknowledgement due.

Date-stamp

श्री १०८ श्री गणेशाय नमः



..... *Write here "letters", "parcel or railway 3000g
Signature of receiving officer with the word Insured before it when necessary

To be filled in only when the article is to be insured otherwise crossed out by means of the diagonal lines

Insured for Rs. (in figured)..... (In words).....

Insurance fee Rs.....P.....(In words) Weight 5 Rates
Grams

Weight 3-Rates 2
(in Words) Grams

R. P.-51 (e)

Stamps effixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 2 on which no acknowledgment due

Date-stamp

दा. अ. क. २१६ ४/२ अ. क. १०६

3000 5000 10000 20000 30000 40000 50000 60000 70000 80000 90000 100000

..... *Write here "letters", "parcel" or railway "bag".
Signature of receiving officer with the word Insured before it when necessary.

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines

Insured for Rs. (in figure)..... (in words).....

Insurance fee Rs.....P.....(In words)	Weight Grams	Rates
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Weight (in words)	Rate Grams
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R. P.-51 (a)

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Re. 82 no which no acknowledgement due

Date stamp

दायरा ५७

2000

..... *Write here "letters", "parcel" or "railway receipt"
Signature of receiving officer with the word insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines
Insured for Rs. (in figure)..... (In words).....

.....P.....(in words) Weight Dates
Grams

Weight (words)	Notes Grams
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3	
4	
5	
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प्राति	स. नं.
१२	१२

સાચી જગ્યા Office...
વર્ણન Section...
આજના Subject ...
પ્રકાર કોડ નં. P.

3040/N.R.

2/G.R. 2
/G.R. 97

Ashtam

Inspector

E/6

CPWT/BLM

DP 15-492

TO

Boothraj & others

Subj: - C.A.T. Judgement dated 5 July 1991 passed in
O.A. 8/89.

In compliance of honorable central administrative tribunals
Judgement dated 5 July 1991 passed in O.A. 8/89
following orders were passed by the competent authority:-

1- Your names have been included in the live casual
labour register as per details given below:-

- (a) Shri Balak Ram & Shri Kankey at S.No 6 on page No 384
- (b) " Jagdish Prasad & Sh. Subedar Prasad at S.No. 7 on page No 384
- (c) " Ram Narain & Shri Ravi Narain at S.No 5 on page No 384
- (d) " Boothraj & Shri Jivabhan at S.No 1 on page No 384
- (e) " Pottilal & Shri Bhukhan at S.No 3 on page No 384
- (f) " Ram Shankar & Shri Chhotay Lal at S.No 2 on page No 384
- (g) " Mahesh Prasad & Shri Sanyam Sunder at S.No 4 on page No 384

2- You will be provided employment as and when your
respective turn comes after giving due consideration to the
position of seniority to those who were employed earlier
or retrenched.

Chief Permanent Way Inspector
Northern Railway Balamau

Chief Permanent Way Inspector
Northern Railway Balamau

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; LUCKNOW BENCH
LUCKNOW .

Contempt Case No. / of 1992

Inre

C.A. No. 8 of 1989 (L)

Dec. on 5.7.1991

1. Boddh Raj aged about 30 years son of Sri Jarakhan
village Ganesh pur , Post Barwa sarsand Distt. Hardoi.
 2. Balak Ram aged about 28 years son of Sri Karhiley
r/o village Govindpur , Post Hathawara, Distt. Hardoi.
 3. Mahesh aged about 26 years son of Sri Shyam Sunder
r/o village Chandpur, post Neemsar, Distt. Hardoi.
 4. Ram Naresh aged about 26 years son of Sri Lakshmi
Narain r/o village Gogajaur Post Mutia Kail
Distt. Sitapur.
 5. Putti Lal aged about 31 years son of Sri Bhikham Lal
r/o village Ganeshpur , Post Barwa sarsand Distt.
Hardoi.
 6. Jagdish Prasad aged about 27 years son of Sri Subedar
Prasad r/o village Pura , Post Lonhara, Distt. Hardoi .
 7. Ram Shanker aged about 29, years son of Sri Chhotey Lal
r/o village Neumdanda Post Beniganj Distt. Hardoi.
- Applicants.

Versus

1. Sri Surya Prakash posted as Assistant Engineer ,
Northern Railway , HARDOI.

लोधराज

2. Sri R K Srivastava posted as Assistant Engineer
Northern Railway Sitapur City , SITAPUR.
3. Sri Ram Khilari Sharma posted as Permanent Way
Inspector , Northern Railway, Balamau Distt. HARDOI.
- Opp. Parties.

APPLICATION FOR INITIATING PROCEEDINGS/
ACTION FOR CONTEMPT OF COURT'S ORDER
Dt. 5th July 1991.

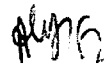
May it Please your Lordships,

On account of facts and circumstances stated
in the affidavit accompanied with this application ,
it is clearly established that opp. parties are knowingly
and intentionally flouting the order of this Hon'ble
Court passed on 5.7.1991.

It is therefore Most respectfully prayed that
opp. parties be called upon and suitably dealt with and
punished for having committed contempt of this Hon'ble
Court's order Dt. 5.7.1991 .

बोधराज

Applicants



Bodh Raj and oths.

Through their counsel

A K Dixit

Advocate

22 Jan 1992.

Bodh Raj Applicant

VS

Surya Prakash

Respondents

Ann No-A

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUGNON CIRCUIT LECH

Registration O.A. No.8 of 1989 (L)

Bodh Raj and Applicants
six others
Versus -

Permanent Way Inspector
Northern Railway, Balmau
and Others Respondents

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

Hon. Mr. A.B. Gorthi, Member (A)

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

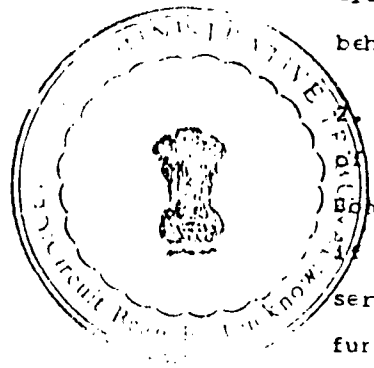
The applicants were engaged as Casual Labours by Permanent Way Inspector, Northern Railway, Balmau, Distt. Hardoi. They worked for various periods during the year 1984. The Casual Labour Cards of the applicants were taken by the PWI Balmau as such the same are not in the custody of the applicants. However, their working days as given by the office are available which they have filed. It has been stated by them that those casual labours who have worked prior to 1.8.78 and 14.10.78, their names were sent by the PWI for registration, an extract of which has been filed by the applicants alongwith the rejoinder affidavit. The case of Casual Labour Cards has also been decided by the Allahabad Bench in O.A. No.267 of 1986 Naresh Singh and Others Vs. Union of India & Others on 18.3.87. The applicants have stated that the Casual Labours who have not completed the requisite period of continuous working are entitled to be included in the list/register prepared for the purpose and they have a prior claim of job over the outsiders as has been provided in para 2512(1) of the Railway Establishment



Alm

लोपराज

Manual. Keeping in view the service rendered by such casual labours in broken period the Railway Administration placed a ban on recruitment of Casual Labours and in a phased manner chalked out programme for regularisation. It was laid down as a matter of policy that only those casual labours will be engaged in future whose names appeared in the list in the order of seniority. The Railway Board issued a circular dated 22.10.80 that in case any person complains about his non-engagement his record of service should be checked and engaged in preference to junior if his claim is found correct. But despite efforts nothing was done and with the result they have been compelled to approach this Tribunal. It has also been stated that number of complaints in this behalf has been made but nothing has been done.



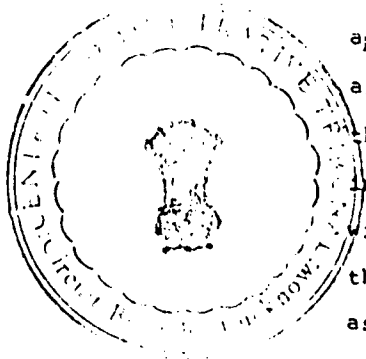
In the Counter Affidavit filed on behalf of the Railway, it has been stated that the Railway Board vide letter dated 22.11.94 had decided that a casual labour who was earlier discharged from service on completion of work or for want of further productive work, has not worked on the Railway again for the two calendar years, his name should be struck off from the live casual labour register. In view of the Supreme Court directions that Casual labours both on project, open line who have been discharged before 1.1.81 may also be given opportunity to be considered and placed on the live casual labour register provided they represent to Administration on or before 31.3.87. So far as non-inclusion of the name of the applicants in the live

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बोधराज

अप्र 18/3

casual labour register is concerned, it was a matter which is exclusively in the hands of the respondents. In case the respondents preferred not to include their names, the applicants are not responsible for the same. The applicants cannot be made to suffer for the acts of omission and commission on behalf of the Railway Administration. It was the duty of the respondents to include the names of the applicants in the register who apparently had worked and started working from year 1978. The direction given by the Supreme Court will not stand in the way of the applicant. Accordingly, this application deserves to be allowed and the respondents are directed to collect the papers and associate the applicants with the same and include their names in the register of such live casual labour register within a period of three months from the date of the communication of this order and provide employment as and when their turn comes after giving due consideration to the position of seniority to those who were employed earlier or retrenched. There will be no order as to costs.



SP
Member (A)

SP
Vice Chairman

Dated the 5 July, 1991

RIM

Attested

True copy

AP
Section Officer

C.T.C. Central Administrative Tribunal
Circuit Bench
LUCKNOW

SP

11/7/91

SP

SP

सेवा में,

- 1- श्रीमान् मण्डल रेल प्रबंधक महोदय,
उत्तर रेलवे मुरादाबाद ।
- 2- श्रीमान् असिस्टेंट इंजीनियर महोदय,
उत्तर रेलवे, हरदोई ।
- 3- श्रीमान् असिस्टेंट इंजीनियर महोदय,
उत्तर रेलवे, सीतापुर ।
- 4- श्रीमान् पी०डब्ल्यू आर्कि महोदय,
उत्तर रेलवे बालामऊ ।
जनपद, हरदोई ।

श्रीमान् जी,

विषय :- माननीय केन्द्र सेवा अधिकरण सखनऊ के आदेश
दिनांक 5-7-91 के अनुसार सेवा में लिये जाने
के संबंध में कार्यवाही

निवेदन है कि प्रार्थीगण ने श्रीमान् पी०डब्ल्यू आर्कि महोदय बालामऊ के अधीन 1-8-78 के पूर्व व बाद में केपुअल सेबर के पद पर कार्य किया है । प्रार्थीगण के केपुअल सेबर कार्ड व अन्य कागजात श्रीमान् पी० डब्ल्यू आर्कि बालामऊ महोदय के कार्यालय में वर्ष 1984 में ही ले लिये गये थे ।

प्रार्थीगण बोधराज, पुस्तीलाज, जगदीश प्रसाद व रामशंकर का नाम श्रीमान् पी०डब्ल्यू आर्कि महोदय बालामऊ द्वारा जारी सूची दिनांक 11-3-86 में उपलब्ध भी है । प्रार्थीगण रामनरेश, मधुसूदन तथा बालकराम का नाम जिस सूची में है यह ज्ञात नहीं है ।

जब सभी प्रार्थीगण से कनिस्ट लोगो को स्वीकृत करके नियमित कर दिया गया और प्रार्थीगण के लिये कोई कार्यवाही नहीं हुई तो प्रार्थीगणों ने माननीय केन्द्र सेवा अधिकरण सखनऊ के समस्त याचिका संख्या 8- 1989 प्रस्तुत की जिसमें माननीय न्यायालय ने उभय पक्षों को सुनने व सभी अभिलेखों के अवलोकन के उपरान्त प्रार्थीगण को याचिका दिनांक 5-7-91 को स्वीकार करते हुये आदेश दिया है कि 3 माह के अन्दर प्रार्थीगण का नाम लाइप रजिस्टर में उनके कार्य दिवसों पर आधारित चरिटरता के आधार पर सम्मिलित करके उन्हें सेवायोजित किया जाय ।

माननीय न्यायालय के आदेश दिनांक 5-7-91 की प्रतिलिपि की फोटोकॉपी संलग्न है ।

बोधराज

- 2 -

चैकि प्रार्थीगण से जूनियर व्यक्ति पहले ही काम पर लगाये जा चुके हैं अतः प्रार्थना है कि प्रार्थीगण को भी न्यायालय के आदेश के आधार पर निर्धारित अधि ले अन्दर कार्य पर लिये जाने की कृपा की जाय ।

दिनांक :- 15-7-91

प्रार्थीगण,

- 1- बोधराज पुत्र जराकन ग्राम गन्धपुर
पोठ बरवा सरसम्हा जिला, हरदोई
- 2- रामशंकर पुत्र शोटेराव
ग्राम नोमडा
पोठ बेनीगम, हरदोई
- 3- पुत्तीलाल पुत्र श्री भीष्म
ग्राम गन्धपुर
पोठ बरवा सरसम्हा, हरदोई
- 4- महेश प्रसाद पुत्र रामसुन्दर
ग्राम दोदपुर पोठ अटवा नीमसार
सीतापुर ।
- 5- रामनरेश पुत्र लक्ष्मोनरायन
ग्राम जंगापुर पोठ मुडियाकैल,
सीतापुर ।
- 6- बाजकराम पुत्र कीटले
ग्राम गौर्विंदपुर पोठ हथोडा,
हरदोई ।
- 7- जगदीश पुत्र श्री लूबेदार प्रसाद
ग्राम पूरा पोठ लोन्हरा,
जिला, हरदोई ।

[Handwritten signature]

बोधराज

IN THE CENTRAL ADMINISTRATION Tribunal Lucknow Bench

Booth Raj

vs

Applicant

Surya Prakash

Respondents

Ann No Part of Ann B

NOT INSURED

आवेदन का मूल्य रु०	पै०	क्रमांक No.
Rs.	P.	

8- प्राप्त किया

Asstt. Engineer
Uttar Railway
Gorakhpur

15.7.91

पानि गले अथि के अधिकारी के हस्ताक्षर

NOT INSURED

आवेदन का मूल्य रु०	पै०	क्रमांक No.
Rs.	P.	

8- प्राप्त किया

Asstt. Engineer
Uttar Railway
Moradabad

15.7.91

पानि गले अथि के अधिकारी के हस्ताक्षर

NOT INSURED

आवेदन का मूल्य रु०	पै०	क्रमांक No.
Rs.	P.	

8- प्राप्त किया

Asstt. Engineer
Uttar Railway
Hardoi

15.7.91

पानि गले अथि के अधिकारी के हस्ताक्षर

NOT INSURED

आवेदन का मूल्य रु०	पै०	क्रमांक No.
Rs.	P.	

8- प्राप्त किया

Asstt. Engineer
Uttar Railway
Bulandshahr

15.7.91

पानि गले अथि के अधिकारी के हस्ताक्षर

4P-51/82

पानि गले अथि के अधिकारी के हस्ताक्षर

बोधराज

In the Centre of Administration Tribunal Lucknow Bench

Bach Ray vs Appellant

Surya Prakash Respondents

Ann No 6

(15)

उत्तर रेलवे
NORTHERN RAILWAY

No lit. S-CH/LK/1000 Dt-25-8-81

- (1) The AEN/HRJ
- (2) The AEN/SPC
- (3) The PLOT/BLM

Subj: - Bach Ray e/LK/1000 -
Regn No 8/1888 (L), CAT/1

The above mentioned case has been decided on 5/7/81. A photo copy of the court's order dt. 5-7-81 is sent herewith for compliance. Please comply with the court's order under advice to this office so that the H.O.s may be intimated.

This is urgent
DA ASabare

plm

बोधरा

10

THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH
LUCKNOW

Affidavit in support of application for
initiating Contempt Proceedings

Inre

Contempt Case No. of 1992

(O A No. 8 of 1989)

Bodh Raj and oths. ...

... Applicants

Versus

Surya Prakash and oths.

... Opp. Parties

A F F I D A V I T

I, Bodh Raj aged about 32 years son of Sri
Jarekhan village Ganes pur , Post Barwa Sarsand, Distt.
Hardoi, do hereby solemnly affirm and state on oath as
under in the name of Almighty God:-

1. That deponent being applicant No. 1 of present
application for initiating contempt proceedings as well
as in Original application is fully conversant with the
facts of Case.

2. That deponent has been instructed and authorised
on behalf of remaining applicants to file and swear this
affidavit .

3. That all the applicants (of O A No. 8 of 1989)

बोधराज. 2/-

including deponent on account of their earlier working were entitled for engagement and regularisation on post of enggmen under permanent way Inspector Balanau Distt. HarDOI But when same was not done they filed aforesaid claim petition before Hon'ble Court .

4. That this Hon'ble Court on 5.7.1991 allowed the claim petition and ordered the respondents (i.e. Northern Railway Administrative through its concerned officials) to collect the papers and associate the applicants with the same and to include their names in the Live Casual Register within a period of three months from the date of communication of order and to provide employment according to their turn after giving due consideration to the position of seniority to those who were employed earlier or retrenched.

A True Photocopy of judgment Dt. 5.7.91 passed by this Hon'ble Tribunal is attached as annexure No. A .

5. That aforesaid decision of the Hon'ble court has been communicated to all the concerned opp. parties by means of Registered letter No. 3207, 3208, 3209 and 3210 Dt. 15.7.91 .

A True Photocopy of such application along with Regd. Postal receipts is attached as Annexure B.

6. That the office of Divisional Rail Manager , N. Rly., Meeradabad vide its letter Dt. 3.9.91 directed the Assistant Engineers N Rly HarDOI and Sitapur as well as to Mr Balanau to comply the order of the court.

A True copy of aforesaid letter Dt. 3.9.91 is attached as Annexure C.

वोपराज ...3/-

7. That since then deponent and his colleagues (as licensees of C.A. No. 8 of 89) are urging and approaching to Mr. K. J. Sarda, Sitapur and Mr. Beaman who are doing nothing but are shifting their responsibilities upon each other.

8. That so far except issuance of a formal letter as contained in Annexure C nothing effective step has been taken to comply the order of this Hon'ble Tribunal.

9. That all the persons of list contained in Annexure A.1 (of claim petition) have been re-engaged and regularised (as already stayed in para 3 of Rejoinder affidavit of C.A.) except, deponent and his colleagues.

10. That opp. Parties No. 1 to 3 are equally responsible for compliance of Hon'ble Tribunal's judgement as also evident from perusal of Annexure C.

11. That thus sequence of events goes to establish that opp. Parties 1 to 3 are willfully, knowingly and intentionally flouting the compliance of Hon'ble Tribunal's order dt. 5.7.1991 for which they deserve to be suitably dealt with.

Deponent

M. S. C. K. N. S. S.

Dt. Jan. 1992.

(Bodh Raj)

बोधराज

VERIFICATION

I, deponent named above do hereby verify contents of paras 1 to 10 of this affidavit to be true from personal knowledge and contents of para 11 are believed to be true by me. No part of it is false and nothing material has been concealed. So help me God.

Deponent

बोधराज

(Bodh Raj)

I know and identify the deponent who has
signed on this affidavit in my presence .

A K Dixit

Advocate

Solemnly affirmed before me by the deponent
Sri Bodh Raj on day of Jan. 1992 at a.m./p.m.
who is identified by Sri A K Dixit, Advocate of this
court. I have satisfied myself by examining the deponent
that he understands the contents of this affidavit which
have been read out and explained by me to him.

OATH COMMISSIONER.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.

Opp. Residency, Gandhi Bhavan, Lucknow.

No./CAT/CB/LKO/JUDL/ 107/10 1009

Date- 12/12/91

1/92 (L)

CONTEMPT NO. _____ CF 199 (L)

NOTICE OF CONTEMPT

1. Sri Surya Prakash,
To, Posted as Assistant Engineer,
Northern Railway,
Hardoi.
2. Sri K.K. Srivastava,
Posted as Assistant Engineer,
Northern Railway, Sitapur, City.
Sitapur.
3. Sri Ram Khilari Sharma,
as permanent Way Inspector,
Northern Railway
Bakamau Distt.
Hardoi

Whereas information is laid/a petition is filed/motion made by Bodh Raj and others (Applicant that you have ^{not} complied the order of this Tribunal Dt. 5.7.91 passed in O.A.No. 8/89 (L) Bodh Raj and others -Vs- Union Of India

And whereas a petition has been registered against you for action being taken under the contempt of Courts Act, 1971.

You are hereby required to appear in person or through a duly authorised advocate on 13th day of April 92 at CAT/CB/LKO. and on subsequent dates to which the proceedings may be adjourned unless otherwise ordered by the Tribunal and show cause why such action as is deemed fit under the Contem Contempt of Courts Act, 1971 should not be taken against you.

Given under my hand and the seal of this Tribunal, this 29th day of January 92 .

Deputy Registrar
Central Administrative Tribunal

Encl- Copy of petition with cour's order Dt. 28.1.92 put there on.

MANISH/

Central Administrative Tribunal

120/10/1000

28.1.2012 (5)

1001 Rajendra Prasad

..... Applicant.

-Vs-

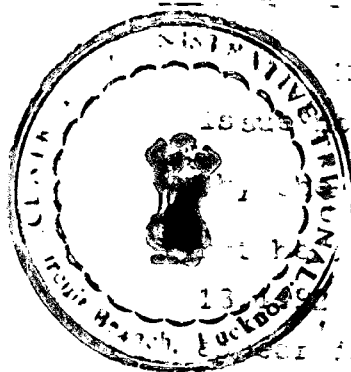
State of Bihar

..... Respondents.

28.1.2012

Hon'ble Justice C.C. Shrivastava V.C.

Hon'ble Justice J.P. Gupta J.C.



Heard the learned counsel for the applicant.

Issues raised to the opposite party contentions as to

whether the applicant is eligible for consideration should

be considered against them. Reply to be filed by

13.1.2012 on which date the opposite party contentions may

be presented in person or through some advocate.

CH
L

28/1

28.1.

1/1/2012

V.S.

[Signature]
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

THE HON. CHIEF JUSTICE OF THE SUPREME COURT

IN THE MATTER OF THE ESTATE OF

JOHN J. HENNESSY, DECEASED. 372 1002 (a)

IN THE

CHANCERY COURT, IN AND FOR THE COUNTY OF

DOCS. NO. 1002 (a) APPLICANTS.

VERSUS

JOHN J. HENNESSY & OTHERS. RESPONDENTS.

Application for Appointment of Executors and Administrators of the Estate of John J. Hennessy, deceased.

That for the facts and reasons stated in the accompanying petition and account, it is now lawfully required that the Honorable Court may graciously be pleased to direct the executor and administrator of the estate of John J. Hennessy, deceased, to be appointed and to be authorized to execute the duties of executor and administrator of the estate of John J. Hennessy, deceased.

Witness

Attest: 20-6-1911.

Ant. Trivelpiece

(S. H. HENNESSY & SONS)
Attorneys

Given for the respondents.

IN THE (COURT OF)

FOR THE DISTRICT OF

Case No. 1 of 1998 (1)

And of a

Application

Under

Order of the Court

Respondents

Shree Gaurang Prasad

1. The Plaintiff herein, at present residing
at Government Jay Narayan, Northern Railway,
Delhi, District of Delhi to hereby solemnly
affirm and state as follows:

2. That the Plaintiff herein has been
employed as Assistant S.D. in the capacity
of Assistant, as such fully conversant with the
facts stated hereinabove.

3. That Assistant S.D. has already been em-
ployed to the Delhi and the Delhi District, while
Assistant S.D. has been employed in the month of
February 1998.


Chief Permanent Way Inspector
Northern Railway, Balaram

4. That it may be stated at the very outset
that judgment dated 3-7-98 passed by this

1. The first copy of the original application of the
 2. 1940-41 season was filed with the office of the
 3. 1940-41 season by the applicant, attorney, and
 4. 1940-41 season was received the office in person
 5. on 10-10-41 with a copy of the application was
 6. received with the copy of the original registered
 7. with the office, and the date 11.3.42. A
 8. copy of the original 11.3.42 with the copy of
 9. registered application was being filed a receipt to
 10. 11.3.42. The original copy of the copy.

4. This however, as per instructions of the Hon'ble Minister, dated 12-4-92, a **separate** compilation order has also been issued by the competent authority directing the audit section and page number of the files (which before migration through which these are to have been migrated in the call logbook.) Copy of call order dated 15-4-92 is being filed herewith as Annexure No. 4 to this report.

3. There was no further check into telephone records by State Police Bureau, dated July 2, 1964.

Chief Permanent Way Inspector
Northern Railway, Bangalore

Page 4 of 5

Page 100

Defect 30-6000

W. H. D.
 Chief Stationery Inspector
 Northern Railway Balance

STATEMENT OF WORKS

To the officials of the State to notify
 verify that the contents of page 1 of the present
 contain nothing to take up by personal knowledge,
 and those of pages 2 to 3 are believed by me to
 be true as the basis of records and legal advice.

Signature

Defect 30-6000

W. H. D.
 Chief Stationery Inspector

Annexure No. C-1

उत्तर रेलवे
NORTHERN RAILWAY

3/6
CPWHB/m

दि 17-3-72

लिये श्री -

1- श्री बोधशंकर प्रताप
जैराखन /

2- ॥ बालक राम प्रताप श्री कंडेल

3- ॥ महेश प्रताप राम सुन्दर

4- ॥ रामनरेश प्रताप श्री लक्ष्मीनारायण

5- ॥ पुतिलाल प्रताप श्री भीषम

6- ॥ जगदीश प्रसाद प्रताप श्री सुख-
दर प्रसाद

7- ॥ रामशंकर प्रताप श्री दौरेलाल

विषय:- केन्द्रीय प्रशासनिक आधिकार्य लखनऊ के
आदेश का अनुपालन /

आप लोगों को सूचित किया जाता है कि केन्द्रीय प्रशास-
निक आधिकार्य लखनऊ के आदेश संख्या O.A. No. 8

1969 (4) दि 5-2-71 के अनुसार आप लोगों का
नाम लाइव रजिस्टर (जीवित-पंजीक) में अंकित

कर लिया गया है / एवं भावश्यक में जब रेल विभाग

में आस्थायी-स्थानिक की भर्ती होगी तो वरीयता के

आधार पर रेल सेवा में कार्य करने हेतु बुला लिया

जाएगा।

Signature

Annexure No C-2

Insurance fee Rs.

No. 170

amps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8

Received a V. P. registered

addressed to राष्ट्रिय सेवा निधि

राष्ट्रिय सेवा निधि

राष्ट्रिय सेवा निधि

Signature of receiving officer with the word insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines

Insured for Rs. (in figure) 3 (in words) Three

Insurance fee Rs. P. Weight 3 Rate 9
(in words) Grams

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8

No. 171

Received a V. P. registered

addressed to राष्ट्रिय सेवा निधि

राष्ट्रिय सेवा निधि

राष्ट्रिय सेवा निधि

Signature of receiving officer with the word insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines

Insured for Rs. (in figure) 3 (in words) Three

Insurance fee Rs. P. Weight 3 Rate 9
(in words) Grams

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8

No. 172

Received a V. P. registered

addressed to राष्ट्रिय सेवा निधि

राष्ट्रिय सेवा निधि

राष्ट्रिय सेवा निधि

Signature of receiving officer with the word insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines

Insured for Rs. (in figure) 3 (in words) Three

Insurance for Rs. P. Weight 3 Rate 9
(in words) Grams

Nisham
Chief Permanent
Northern R.

100-10-11-0-3

No 173

R. P.-51 (a)
Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8 P. no which no acknowledgement due.

Received a V. P. registered.....

Date-stamp

addressed to.....

Signature of receiving officer with the word Insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines
Insured for Rs. (in figure)..... (in words).....

Insurance fee Rs.....P..... (In words) Weight Rates Grams

No 174

R. P.-51 (a)
Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8 P. on which no acknowledgement due

Received a V. P. registered.....

Date-stamp

addressed to.....

Signature of receiving officer with the word Insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines
Insured for Rs. (in figure)..... (in words).....

Insurance fee Rs.....P..... (In words) Weight Rates Grams

No 175

R. P.-51 (a)
Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide Rs. 8 P. no which no acknowledgement due

Received a V. P. registered.....

Date-stamp

addressed to.....

Signature of receiving officer with the word Insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines
Insured for Rs. (in figure)..... (in words).....

Insurance fee Rs.....P..... (In words) Weight Rates Grams

Date S. No

पुष्पती कार्यालय नं. पी.
व्यय Subject
व्यय Section
व्यय Office

उ०००/N.R.

Deesham
Chief Postmaster
Northern Railway

E/6

CPWT BLM

Annexure No C-4

DT 15-4-92

To

Bodhraj & others

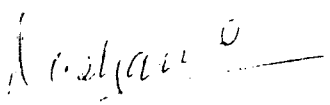
Subj: - C.A.T. Judgement dated 5 July 1991 passed in
O.A. 8/89.

In compliance of Hon'ble central administrative tribunals
Judgement dated 5 July 1991 passed in O.A. 8/89
following orders were passed by the competent authority:-

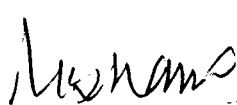
1- Your names have been included in the live casual
labour register as per details given below:-

- (a) Shri Balak ram & Shri Kankey at SNO 6 on page NO 384
- (b) " Jagdish prasad & Sh. Subedar prasad at SNO. 7 on page NO 384
- (c) " Ram Narash & Shri Laxi Narain at SNO 5 on page NO 384
- (d) " Bodhraj & Shri Jivabhan at SNO 1 on page NO 384
- (e) " Pattilal & Shri Bhikham at SNO 3 on page NO 384
- (f) " Ram Shankar & Shri Chhotay Lal at SNO 2 on page NO 384
- (g) " Mahesh prasad & Shri Shyam Sunder at SNO 4 on page NO 384

2- You will be provided employment as and when your
respective turn comes after giving due consideration to the
position of seniority to those who were employed earlier
or retrenched.


Chief Permanent Way Inspector
Northern Railway Balamau

ATTESTED


Chief Permanent Way Inspector
Northern Railway

To,
The Vice Chairman,
Central Administrative Tribunal,
Lucknow Bench,
Lucknow.

Subject :- Judgement in case Contempt No 1 of 1992
Bodh Raj Vs. Surya Prakash & another,
judgement pronounced in open court
on 30-4-92.

My Lord,

The aforesaid contempt case was taken
up for orders on 30-4-92.

Since the judgement of the Hon'ble
Tribunal was complied with hence, this
Hon'ble Tribunal consisting of your lordship
Hon'ble Mr. Justice U.C. Srivastava V.C. and Hon'ble
Mr A.B. Gorthi, A.M. pronounced the judgement
in this case in open court on 30-4-92
in physical presence of Mr A.K. Dixit, the
counsel for applicant.

Unfortunately, the said judgement
could not be written on the order sheet.

It is, therefore, most respectfully
prayed that since the same bench exist
today also, hence the judgement the
said case may again be dictated
today.

Lucknow
Dated 29-5-92

Anil Srivastava
(ANIL SRIVASTAVA
ADVOCATE
Counsel for Respondent.

VAKALATNAMA

In The Central Administrative Tribunal,

Lucknow Bench, Lucknow

Bodh Raj & others

VERSUS

Surya Prakash & others

Contempt No. 1 of 1992

(In OA 8 of 1989)

I/We, the undersigned, do hereby nominate and appoint Shri **ANIL SRIVASTAVA**,
Advocate, Registration (Enrolment) No. U. P. 1208/84, B-9, Sector H, Near Sangam Crossing, Aliganj Ext.,
Lucknow-20 and Shri,.....

..... Advocate(s)

to be counsel in the above matter, and for me/us and on my/our behalf to appear, plead, act and answer in
above Court, Tribunal or any Appellate Court or any Court, Tribunal to which the business is transferred
the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or
documents, whatsoever, in connection with the said matter arising therefrom, and also to apply for
receive all documents or copies of documents, depositions, etc, etc, and to apply for issue of summons
other writs or subpoena and to apply for and get issued any arrest, attachment or other executions, warrants
or orders and to conduct any proceeding that may arise thereout, and to apply for and receive payment of
any or all sums or submit the above matter to arbitration.

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing
of the case or if any hearing of the case be fixed beyond the limits of town; then, and in such an event
my/our said advocate(s) shall not be bound to appear before the court and if my/our said advocate doth appear
in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc.
Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate(s)
shall not be held responsible for the same. And all whatever my/our said advocate(s) shall lawfully do,
I do here by agree to and shall in future ratify and confirm.

ACCEPTED :

Anil Srivastava
(ANIL SRIVASTAVA) Advocate

Signature of Client
Chief Clerk, Lucknow Bench

..... Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

INDEX SHEETCause Title TA 2/89 of 1985 (R.A.M. 13/05)Name of the parties Union of India & Ors Applicants.

Versus

K. S. Rao & Ors

Respondents.

Part B.C.

Sl.No.

Description of documents

Page

Exhibit

- (1) Order sheet - AL
- (2) Judgment dtd 19.5.92. 172 AL
- (3) Complete files of Mux. case no. 2800-C of 1988. In the court of Distl. Judge Lucknow.
- (4) Complete file of R.C.A. No 7/85 Decided 19.12.85

⊖

19.3.1990

Hon. Mr. D.K. Agrawal, J.M.,
Hon. Mr. K. Obayya, A.M.

This Misc. case has been received on transfer from the Court of District Judge, Lucknow. The facts are that the Civil Appeal No. 43 of 1985 was dismissed in default on 19.12.1985. Thereafter, the application was made for restoration of the appeal. The same has been sent to the Tribunal. It is clear that the jurisdiction of the District Judge had ceased on 19.12.1985 to dismiss the appeal on 19.12.1985. However, the notices to all parties, if necessary, be sent before we pass the orders. Shri. A. Bhargawa is appearing for the respondents but he has not filed his power as yet. Let, notices to the parties, who are still in service, be served by the department. Put up for orders on 2.5.1990.

The opposite parties Nos. 5, 11 & 15 have appeared today.

[Signature]
A.M.

[Signature]
J.M.

sd. Hon. Justice K. N. V.C.
Hon. Mr. K. Obayya, A.M.

On the adjournment application

of Sri Arjun Bhargawa, Case is adjourned for orders on 19-7-90

[Signature]
A.M.

Notices were issued on 4.4.90.
No. unseamed repd. cover have been return back.
S.P. O.
11/5/90

[Signature]
V.C.

19.7.90 No setting adj. to 9/8/90

9.10.90 No setting Adj. to 3.12.90

8/89(1)

OR
This case has been received on 6/11/89 from D.J. L.K.O.
Notices of op Nos. 2, 4, 7, 9, 14, 16 & 19 have been return back with postal remark S.F.O.

Notices given 4/4/90
[Signature]

(92)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-LUCKNOW BENCH
LUCKNOW.

T.A. NO. 8 of 1989.

(R.C.A. No. 43/85)

The Union of India & others..... Applicants.

Versus

Kesho Ram and others..... Opp. Parties.

Hon'ble Mr. Justice U.C.Srivastava- V.C.

Hon'ble Mr. K. Obayya -A.M.

(By Hon'ble Mr. Justice U.C.Srivastava-VC)

The Union of India filed this application against the judgment and decree dated 10.1.1985 passed in Regular Suit No. 249 of 1981 by VIII Addl. Munsif Lucknow. Kesho Ram and others plaintiffs-applicant filed a suit for declaration that they are entitled to be promoted to the post of Mistri Grade-I, highly skilled grade or Grade of Molder on the basis of their seniority and the promotion of defendant no. 2 to 19 ignoring that, the trade test made was illegal.

2. The plaintiff came with the case after entering into the service at the Locomotive Workshop Charbag getting various promotions, they became entitled by virtue of seniority to the post of highly skilled pay Grade-2 Molders, but they were not promoted and as a matter of fact they were not allowed to appear in the trade-test, with the result that the respondents who were junior to them were promoted and for this the Deputy Chief Mechanical Engineer Northern Railway was responsible. According to the applicant the post was Ex-Cadre post.

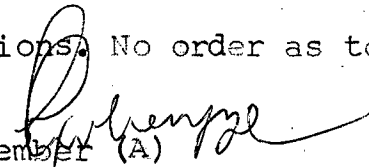
3. The Railway Administration resisted the claim of the plaintiff and pleaded that there is no question of seniority or juniority amongst Ex-cadre

14

posts and the plaintiffs as well as the defendant belong to ~~the~~ the different cadre and their pay scale was different and as such plaintiffs cannot be given seniority over the members of another cadre and the plaintiff even otherwise cannot claim seniority as they have not passed the relevant trade test. After taking into consideration the oral evidence on the record the court came to the conclusion that the posts were Ex-cadre post, but at the same point the plaintiffs were not allowed to participate with the trade test, with the result they were deprived from getting the post in question and according to the court of Munsif by virtue of seniority they were entitled too. Sri Arjun Bhargave learned counsel for the applicant apart from taking difficulties which have got no substance on the merit contended that although the decree so passed by the court. As such such decree is not assailable but the decree is based on the findings which stand against Union of India under Railway Administration. In as much as the court has recorded the finding and set-aside the selection of the respondents, which could not have been done ~~so~~. The court has denied selection of the respondents on the ground that all the candidates who were entitled to the trade-test were not given the opportunity to participate and only some of them i.e. of the other channel were allowed and that is why this finding has been recorded. The finding should have been recorded as such that the selection as already been made, it was still open to the Railway Administration to allow the applicants to take the supplementary test for the applicant and in case they succeed in the same to promote them on the post in question with effect from the same date on which the others

persons were promoted. So far as the question of seniority is concerned, obviously it is governed by the law and the respondent will have to determine the seniority between the plaintiffs and private respondents.

4. Accordingly this appeal is allowed only to the extent that the respondents are directed to hold a trade-test of the plaintiffs within a period of three months and in case they succeed, they will be promoted w.e.f. from the date, the private respondents no. 1 to 19 have been promoted and so far as the seniority is concerned that will also be determined within a period of two months in accordance with law and it is expected that the Railway Administration will adhere to the law and will not create the situation to litigate again between the parties on the question of seniority. The appeal stands disposed of finally with the above observations and directions. No order as to the costs.


Member (A)


Vice Chairman.

Dated May 19, 1992.

(DPS)

From:

The District Judge,
Lucknow.

To

The Chairman,
Central Administrative Tribunal,
Gandhi Bhawan,
Lucknow.

No. 2269/SD - Misc clerk - Misc. Clerk, Lucknow Dated 6/11/89

Subject:-Transfer of Misc. Case No.280-C of 1988
Union of India Vs. Kesho Ram & Ors. U/s.151
C.P.C.

Sir,

I am sending herewith the following file for disposal as per orders dated 4.11.1989 passed by this Court as in accordance with Sec.29 of the Administrative Tribunal Act, 1985, this court has no jurisdiction to pass any order in the case.

Kindly acknowledge the receipt of the files.

Particulars of files

- 1.Complete file of Misc.
Case No.280-C of 1988
Union of India Vs. Kesho
Ram & Ors.
- 2.Complete file of R.C.A.
No.43 of 1985 Union of India
Vs. Kesho Ram & Ors.Decided
on 19.12.1985.

Yours faithfully,

(I.S. Mathur)
District Judge,
Lucknow.
District Judge
LUCKNOW

Read took
6/11/89
1.30 P.M.

प्रारम्भिक न्यायालय का नाम

मामले की रजिस्टर संख्या तथा प्रस्तुत करने का दिनांक

मामले के प्रारम्भिक (मूल) पक्षियों के नाम

वाचक का प्रकार

न्यायालय जिला जज
लखनऊ

Misc Case No. 280-C/88

सुनियन आफ इंडिया
बनारस
के.बी. राय आदि

Restoration
u/s 151C P.C

DO

RCA No. 43/85

Mo. 19-12-85

DO

एच० सी० जे० प्रपत्र सं० 9 भाग IX

सामान्य सूची (अध्याय 4, नियम 4)

यूनिफ़ॉर्म ऑफ इंडिया

न्यायालय

दाद संख्या

संव 197 ई०

राज्य सरकार बनाम

आत्मन

के नाम
केशोराम

ख-1

जबदस्ता

निवासी

धाना

जिला

निर्वाच का दिनांक

अध्याय 12 नियम 1 के अनुसार पदवाचली का प्रकार

पत्र की क्रम-संख्या	पदवाचत का प्रकार	नत्वी (क) या नत्वी (ख)	सम्बिलित किये गये पदवाचत के पत्रों की सं०	न्यायालय शुल्क		पदवाचत को पदवाचली में सम्बिलित किये जाने का दिनांक	अव्युक्ति
				टिकटों (स्टाम्पों) की संख्या	मूल्य		
1	2	3	4	5	6	7	8
1	सूचीपत्र	ख	1	—	—	9-12-88	
2	आदेशपत्र	"	1	—	—	"	
3	पार्थनापत्र पुनर्स्थापन	"	3	—	—	"	
4	शपथपत्र	"	2	—	—	"	
5	पता	ग	1	—	—	"	
6	पार्थनापत्र	"	2	—	—	12-5-89	
7	आदेशपत्र	ख	1	—	—	6-9-89	
8	आदेश	ख	1	—	—	8.11.89	

Misc. Case No. 280-C/88
यूनियन ऑफ इंडिया

वनाभ
केशो राम आदि ख-2.

L.C.J. Form No. 100.

प्रथम संख्या-2
हाउस-प्लस
(अध्याय 3, नियम 145)

प्रारम्भिक वार

संख्या
माननी

सम 19

ई०

समाप्त

अतिरिक्त

भाग

आदेश की संख्या	आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना पत्र अथवा पत्र का जिस पर मूल आदेश किया गया	आदेश के प्रतिपालन से किये गये प्रतिवेदन की संख्या तथा दिनांक का निर्देश
		3	4	
	23.12.88	Application U/s.151 C.P.C. for restoration is being put up with office report.		
	23.12.88.	<u>Order</u> Seen the office report. Before the Application is admitted before which the applicant ^{to} show cause within 15 days as to how the application is maintainable. Datt Judge.		
3 10/2	7.1.89	Other m- Front m. The lawyer are on strike by 10.2.89 for hearing on maintainability Datt Judge.		

6.989 Callie's on-

Judge Lowy's are on
Abritce.

Fr. 4.11.88 for
Recup
D. M. S. J.

4.11.88 Callie's on-

Good - official - Carl.

It is.

Greer's dictation in
Opin Carl-

Greer.

Let the record of
entire proceedings be
sent to Adm. Tribunal
Leo.

Tom S. S.

(22)

24-3
1

In the Court of the District Judge, Lucknow.

Misc Case No. 280-C/88

1. The Union of India, (through the General Manager, Northern Railway, Baroda House New Delhi.
2. Deputy Chief Mechanical Engineer, Northern Railway, Loco Charbagh, Lucknow..... Respondents/ appellants.

Versus

1. Kesho Ram, aged about 45 years, son of Raj Bahadur, R/o House No. 269/350, Birhata Joshi Pota, Lucknow.
2. Ram Bearey, Ex Ticket no. Fdy. 43, aged about 59 years, son of Shri Samai, resident of Mawalya, P. S. Alambagh, near Railway Crossing, Lucknow.
3. Shrimurari U. No. 224, aged about 55 years, son of Shri Ram Baran through the Dy. Chief Mechanical Engineer, Northern Railway, (Loco) Charbagh, Lucknow.
4. Shri Ram Khelawat, U. No. Fdy. 69, aged about 58 years, son of Shri Ram Lakhan, through the Dy. Chief Mechanical Engineer (Loco) Northern Railway, Charbagh, Lucknow.
5. Shri Pirthi Pal, Ex. U. No. Fdy. 50, aged about 59 years, son of Sri Baidloo, resident of village Brahmandas Pur, Nigohan, Lucknow.
6. Sri Ram Dularey, U. No. Fdy. 70, aged about 48 years, son of Sri Mahesh Datt, through the Dy. Chief Mechanical Engineer Northern Railway (Loco) Charbagh, Lucknow.
7. Sri Mohammad Azim, U. No. Fdy. 554, aged about 56 years, son of Sri Khalil Khan, through the D. C. M. E. (Loco) Northern Railway, Lucknow.
8. Shri Sheo Pal U. No. Fdy. 75, aged about 46 years, son of Sri Parmeshwar Din, through the D. C. M. E. (Loco) Northern Railway, Loco Charbagh, Lucknow.

2d-3
2

. 2

9. Shri Baboo Lal, T.No. Fdy/²⁷~~26~~, aged about 53 years, son of Shri Khusiyal, Pandey Tola, Aliganj, Lucknow.
10. Shri Ram Bhop . Ex. T.No. Fdy/52, aged about 59 years, son of Shri Bhawani Bux, r/o village Ishwar Pure, Ram Pure Ram Patti, District Faizabad.
- ✓ 11. Shri S.C. Pathak, T.No. Fdy/76, aged about 44 years, son of Sri Purshotam Das Pathak, through the D.C.M.E. (Loco) Northern Railway, Charbagh, Lucknow.
12. Sri Ram Lal. T.No. Fdy/77 aged about 46 years, son of Sri Durga Prasad through the deputy Chief Mechanical Engineer, (Loco) Northern Railway, Charbagh, Lucknow.
13. Shri Mahadeo. Ex. T.No. Fdy/22, aged about 59 years, son of Shri Ram Nath, resident of Husainganj Bazar, near P. S. Radha Krishna Mandir, Lucknow.
14. Sri Mohammed Hasee, Ex. T.No. Fdy/53, aged about 58 years, son of Shri Ahmed Bux, 68/397, Lakunwa, Bheri Mandi, Chitwa pur Pajawa, Lucknow.
- ✓ 15. Sri Krishan, T.N. Fdy/134, aged about 43 years, son of Sri Aydhya Prasad, through the deputy Chief Mechanical Engineer, (Loco) Northern Railway, Charbagh, Lucknow.
16. Shri Ganga Ram. T.No. Fdy/49, aged about 57 years, son of Shri Prabhoo through the Deputy Chief Mechanical Engineer (W) Northern Railway) Charbagh, Lucknow.
17. Shri Bhagwan Lin. Ex. T.No. Fdy/10, aged about 58 years son of Shri Hub Lal, r/o 332, Nai Basti Udaiganj, Lucknow.
18. Shri Y.P. Kureel. T.No. Fdy/149, aged about 46 years, son of Deoki Nandan, through the Deputy Chief Engineer (W) Northern Railway, Charbagh, Lucknow.
19. Shri Aboul Majid, T.No. Fdy/123, aged about 43 years, son of Shri Karim, through through the Deputy Chief Mechanical Engineer, Northern Railway (Charbagh, Lucknow.
..... Respondents.

SR

29-3
3

-3-

Reg.Civil Appeal No.43 of 1985.

Dismissed on 10-12-1985.

.....

Application Under Section 151 C.P.C.

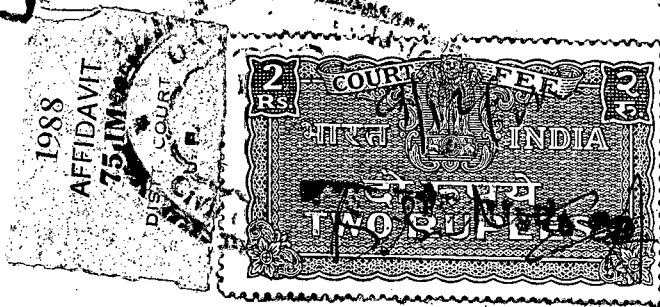
The applicants above named respectfully pray that for the facts and causes stated in the accompanying affidavit of Sri Babu Lal Tewari, an order be passed, setting ^{aside} the order dated 10-12-1985 ^{and} the Regular Civil Appeal No.43 of 1985 be restored to its number.

Lucknow:

Dated : 9/12/88

Counsel for appellant/applicants

In the Court of the District Judge, Lucknow.



29-4
1

Union of India and others.....Appellants
applicants.

Versus

Keshav Ram and others.....Respondents-
opp. parties.

Reg. Civil No. 43 of 1985
Dismissed in default on 10.12.85.

Affidavit

I, Baboo Ram Tiwari, aged about 55 years, son of Shri Bachchoo Tiwari, resident of C-68x 6-A, Charbagh, Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is Asstt. Personal Officer, posted in the office of Dy. Chief Mechanical Engineer, Loco Charbagh Lucknow,

2 That the deponent from the record came to know that Reg. Civil Appeal No. 43 of 85 was dismissed in default on 10.12.85.

3 That the Central Administrative Tribunal has come into existence and was enforced from 2nd November, 1985

4 That the deponent when sought information from the counsel Sri S. S. D. Verma Advocate, the deponent came to know he inadvertently committed to note the date so he could not be present in court.

5 That the deponent also came to know that an application to correct and amend the decree under appeal was filed in the court of VIII Addl. Munsif, Lucknow, which has decided the Reg. Suit no. 249/81.

6 That the deponent also came to know that a copy of

Handwritten signature and stamp.

Handwritten signature and text: "Asstt. Personal Officer Rly. C. B., Lko."

decree was not filed .

7 That the order dated 19.12.85 is without jurisdiction and is liable to be recalled and set aside.

8 That the deponent is advised to state that according to provisions of Central Administrative Tribunal Act all the civil cases including the appeal relating to central employees stood transfer to Central Administrative Tribunal Allahabad.

9 That in view of the order dt. 19.12.1985 the appellants-applicants have been prevented from seeking their reliefs from the above said tribunal.

10 That the order dated 19.12.1985 suffers from error of law and jurisdiction apparent on the face of the records and as such the order dt. 19.12.85 is liable to be recalled and set aside.

Lucknow dated
19.12.1988

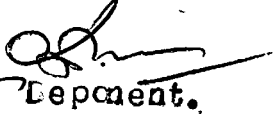

Deponent.

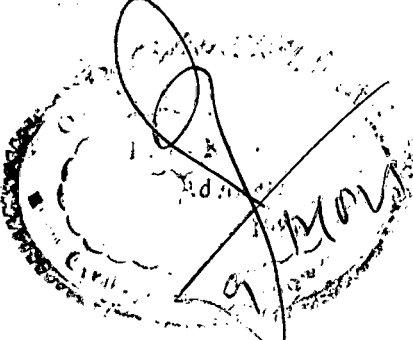
Verification

I the abovenamed deponent do hereby verify that the contents of paras 1 to 6 are true to my knowledge and those of paras 7 to 10 are believed to be true by me.

Signed and verified this 9th day of May. 1988 at Lucknow.

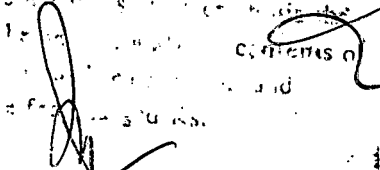
Identified by S. ...


Deponent.




सहायक जजिक अधिकारी
उ० रे० न्यायालय
Asst. District Officer
U. R. N. Y. A.

*In duplicate
deponent who
has signed before
me*
Sd/-
9/12/88


M. A. KHAN
Advocate
Court, Lucknow

B-9

IN THE COURT OF THE DISTRICT JUDGE, LUCKNOW.

Present: Sri I. S. Mathur

Misc. Case No.280-C of 1988

The Union of India ...Appellant

Versus

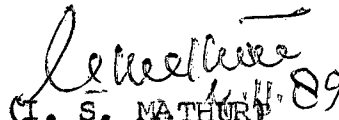
Kesho Ram and others ... Respondents

O R D E R

This Misc. Case No.280-C of 1988 relates to Regular Civil Appeal No.43 of 1985, which was dismissed in default on 19-12-1985. During the pendency of this appeal and even before passing the impugned order dated 19-12-1985, the Administrative Tribunal Act, 1985 came into force on 2-11-1985. According to Sec.29 of the said Act, all these cases shall stand transferred to the Administrative Tribunal ~~and~~ under this Act. It is, thus, clear that this court has no more jurisdiction to pass any order and, in accordance with Sec.29, the entire proceedings have to be sent to the Administrative Tribunal, Lucknow.

Let the record of the entire proceedings be sent to the Administrative Tribunal, Lucknow.

The parties shall appear before the said Tribunal on 5-12-1989.


(I. S. MATHUR)
District Judge,
Lucknow.
4-11-1989

In the Court of District Judge Lucknow

ST-5

The Union of India & others

— Opponents

Kesho Ram & others

— Opponents

REGISTERED ADDRESS OF
UNION OF INDIA (THROUGH GENERAL
MANAGER) BARODA HOUSE, NEW
DELHI.

DEPUTY CHIEF MECHANICAL
ENGINEER, N. RLY. LOCO
CHARBAGH, LUCKNOW

9-12-88

Counsel for
opponents
S. M. W.

In the Court of District Judge. Lucknow

ST-6
1

Union of India & others

Applicant's
Plaintiff

V. S.

Keshu Ram & others

Opp. Party
Defendant

Miss. Case No. 280988

F.F.

The Applicant respectfully submits as under:-

1. That the applicant moved an application for correction of decree ~~in~~ in regular suit No. 249 of 1981, decided by VIII Add. Judge Lucknow dated. 10.1.1985.
2. That the applicant filed the certified copy of the decree for correction. It was registered as Miss. Case.
3. That the Counsel ~~for~~ inspected the file of the regular suit but did not find the file of the miss. case registered for correction of decree.
4. That the Counsel for the applicant wanted to get back the copy of the decree filed for correction but it is not getting the same as the miss. case registered by the VIII Add. Judge Lucknow is not available.

S/S.

Plt (Not page)

5 That in the above circumstances the applicant is unable to file the copy of decree.

6 That the applicant in the above circumstances the applicant needs an opportunity to file the copy of the decree either filed for correction or fresh copy of decree. which will be got from the copying department.

wherefore it is prayed that applicant ^{may} be given two month time to do the needful as stated in para 6 above.

Allowed as prayed.

Distt. Judge.
12.5.89

S. J. S. S. S.
Counsel for the Applicant
(Union of India)

प्रारम्भिक न्यायालय का नाम	सामले की रजिस्टर संख्या तथा प्रस्तुत करने का दिनांक	सामले के प्रारम्भिक (मूल) पक्षकारों के नाम	दाचक का प्रकार
जिला जज लाखनऊ	R.C.A. No 43/85 21.2.85	अनियन डाफ डंडिया बनाम केशव राम	ग/ 19.12.85
VIII Addl. Mgr. Lko	R.S. No 249/81		ग/ 10.1.85

In the court of the District Judge, Lucknow

RCA No. 43 of 85

1-4

Union of India Vs. Kesho Ram

1 A Fly List	2	_____	21/7/85
2 A Order Sheet	1	_____	
3 A Affidavit	7	12 - 30.00	
4 C Address	1	_____	
5 C Copy of order	4	3 - 1.50	
6 C Affidavit	1	3 - 1.50	
7 C - a	1	_____	
8 C - a	1	_____	8/7/85
9 C - a	1	_____	7/8/85
10 C - do	1	_____	11/10/85
11 D - do	1	_____	21/11/85
12 A Affidavit	1	_____	
13 D Affidavit	1	_____	
		2	0.20

22 20 33.50

certified that file is complete
& correct having 20 stamps worth
Rs 33.50 p.



copy of decree
afj
no us
notes
H.C.J. Form No. 10, Part VI
duplicates

21/3 22/4 22/5 8/7 8
4/6 24/4 31/2
19/12/1912

प्रथम संख्या—2
आदेश—पल
(अध्याय 2, नियम 143)

प्रतिवेदन
नामका

Court of the District Judge, Lucknow.

2-5

No. Civil Appeal No. 43 of 85

Union of India vs. Kesho Ram

आदेश की संख्या	आदेश का दिनांक	आदेश, अध्याय 2, नियम 143 के तहत हस्ताक्षर सहित	निर्देशों के प्राधान्य-पत्र प्रथम पक्ष का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपालन से किये गये प्रतिवेदन की संख्या तथा दिनांक का निर्देश
1	2	3	4	5
	21.2.85	Appeal Under Section 95 C.P.C. along with stay application is being put up with office report. Order 21-2-85 को याचिका पर पट्टा पारित आदेशागुस्तार न गेला डिग्री - 21.3.85 तक दाखिल हो dm जिला जज -		
	21.3.85	7 को याचिका पर पट्टा पारित आदेशागुस्तार न गेला डिग्री - 22.4.85 तक दाखिल हो dm जिला जज -		
22/5	22.4.85	8 को याचिका पर पट्टा पारित आदेशागुस्तार न गेला डिग्री - 22.4.85 तक दाखिल हो dm जिला जज -		

जिला जज -

प्रपत्र संख्या--2
आदेश-पत्र
(अध्याय 5, नियम 143)

प्रारम्भिक वाद
संख्या
मामला
बनाम

In the court of District Judge Lucknow
R.C.A. 43 of 1985

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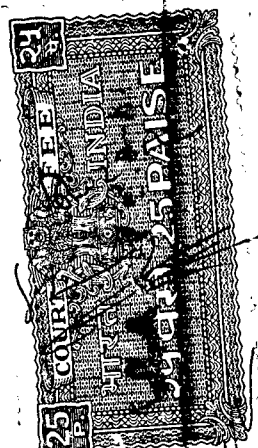
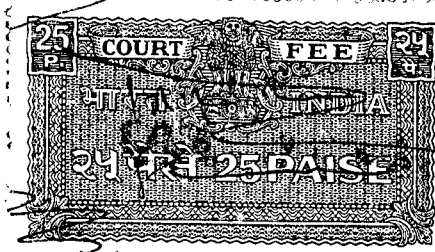
अभिलेख			भाग	
आदेश की संख्या	आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपादन में किये गये प्रक्रिये की संख्या तथा दिनांक का निर्देश
1	2	3	4	5
	2.11.85	D- 11 Application by the appellant for one month's time to file copy of Decree. Allowed. Put up on 3.12.85. I/C Distt Judge		
		3-12-85 Let Copy of Decree be filed within 15 days to Butyga 19-12-85 Copy of Decree not filed 19/12 19.12.85 The appeal is hereby dismissed 21.2.85. The decree has not been filed, hence it is dismissed		

RCA No. 43/85

(18)

3/1 A

IN THE COURT OF THE DISTRICT JUDGE: AT LUCKNOW.



1. The Union of India (through the General Manager Northern Railway Baroda House New Delhi.
2. Deputy Chief Mechanical Engineer, Northern Railway-Loco Charbagh, Lucknow.

... Defendants/Appellants.

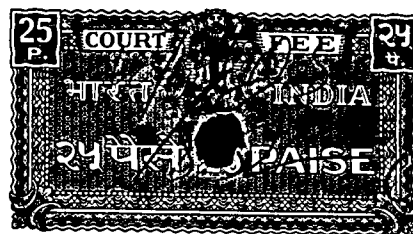
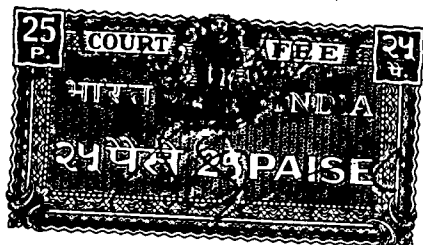
Versus

Kesho Ram aged about years, S/o

3-12/85
18/7/85
Smt

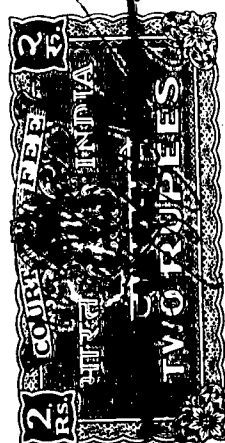
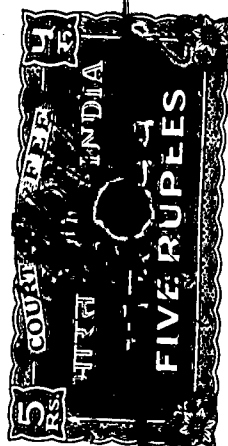
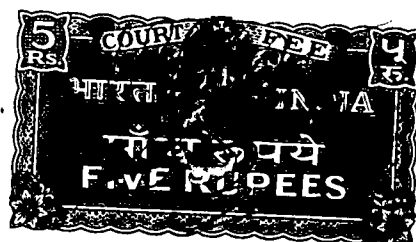
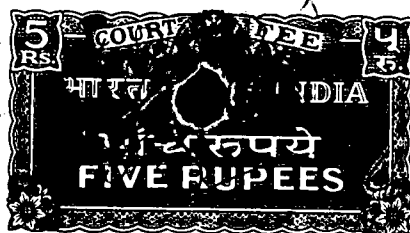
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3/13

IN THE COURT OF THE DISTRICT JUDGE: AT LUCKNOW.



1. The Union of India(through the General Manager Northern Railway Baroda House New Delhi.
2. Deputy Chief Mechanical Engineer, Northern Railway- Loco Charbagh, Lucknow.

9 = 20/12
21/12 Versus

..Respondents/Appellants

1. Kesho Ram aged about 45 years, S/o Raj Bahadur R/o House No. 269/350 Bishana, Joshi Tola Lucknow.
2. Ram Pearey, Ex Ticket No. Fdy. 43 aged about 59 years son of Shri Samai, resident of Mawaiya P.S. Alambagh, near Railway Crossing, Lucknow.
3. Shri Murari, T.No. 224 aged about 55 years, son of Shri Ram Baran Through The Deputy Chief Mechanical Engineer, Northern Railway (Loco) Charbagh, Lucknow.
4. Shri Ram Khelawan, T.No. Fdy. 69, aged about 58 years, son of Shri Ram Lakhan through the Deputy Chief Mechanical Engineer(Loco) Northern Railway, Charbagh Lucknow.
5. Shri Pirthi Pal, Ex. T.No. Fdy/50 aged about 59 years son of Shri Badloo, resident of Village Braham Das Pur, Nigohan, Lucknow.
6. Sri Ram Dularey, T.No. Fdy. 70, aged about 48 years, son of Shri Mahesh Datt. Through The deputy Chief Mechanical Engineer, Northern Railway (Loco) Charbagh Lucknow.
7. Shri Mohammad Azim, T.No. Fdy./54 aged about 56 years, son of Shri Khalil Khan through the Deputy Chief Mechanical Engineer(Loco) Northern Railway, Charbagh, Lucknow.

- 2.3
- 29/3 A
8. Shri Sheo Pal T.No. Fdy/75 aged about 46 years, son of Shri Permishwar Din Through the Deputy Chief Mechanical Engineer (Loco) Norther Railway Charbagh, Lucknow.
 9. Shri Baboo Lal, T.No. Fdy, 27 aged about 58 years son of Shri Khusiyal, Pandey Tola, Aliganj, Lucknow.
 10. Shri Ram Bhoop, Ex. T.No. Fdy/52, aged about 59 years, son of Shri Bhawani Bux, resident of Village Ishwar Pure, Ram Pure Ram Patti, District Faizabad.
 11. Shri S.C. Pathak, T.No. Fdy/76 aged about 44 years, son of Sri Purshotam Das Pathak through the Deputy Chief Mechanical Engineer (Loco) Northern Railway Charbagh, Lucknow.
 12. Shri Ram Lal T.No. Fdy./77 aged about 46 years, son of Shri Durga Prasad Through the deputy Mechanical Engineer (Loco) Norther Railway, Charbagh, Lucknow.
 13. Shri Mahadeo, Ex. T.No. Fdy./22 aged about 59 years son of Shri Ram Nath, resident of Husainganj Bazar Near Police Station, Radha Krishna Mandir, Lucknow.
 14. Shri Mohammad Haneef, Ex. T.No. Fdy/53 aged about 58 years, son of Shri Ahmad Bux, 68/397, Lalkunwa Bheri Mandi Chitwapur Pajawa, Lucknow.
 15. Shri Krishan, Y.N. Fdy/134, aged about 43 years son of Shri Aydhya Prasad through the Deputy Chief Mechanical Engineer (Loco) Northern Railway Charbagh, Lucknow.

- 3/4 A
16. Shri Ganga Ram T.No. Fdy/49 aged about 57 years, son of Shri Prabhoo Through the Deputy Chief Mechanical Engineer(w) Northern Railway Charbagh, Lucknow.
17. Shri Bhagwan Din, Ex. T.No. Fdy/10 aged about 58 years, son of Shri Hub Lal resident of 332 Nai Basti Udaiganj Lucknow.
18. Shri Y.P. Kureel, T.No. Fdy. 149, aged about 46 years, son of Deoki Nandan through the Deputy Chief Mechanical Engineer (w) Northern Railway, Charbagh, Lucknow.
19. Shri Abdul Majid, T.No. Fdy/128 aged about 43 years, son of Shri Karim through the Deputy Chief Mechanical Engineer Northern Railway Charbagh, Lucknow.

.... Respondents.

Appeal under section 96 of the Civil Procedure Code against the Judgment and decree dated 10.1.1985 passed by VIIIth Additional Munsif Lucknow in Regular Suit No. 249/81 (Kesho Ram ..Vs.. The Union of India and other) amongst other on the following grounds:-

Contd.....4..

13-5
page 5
20/5A
Vahabing Subz Rs 1000/
Vahabing Subz Rs 1000/
Carl Jee pends Rs 30/-

Grounds

- 1) That the learned lower court has erred in deciding issue No.2 against the appellant and in holding suit has been rightly valued. The reasons for the said finding are also erroneous.
 - 2) That the learned Lower Court has committed an error of law in deciding issue No. 7 against the appellant and in holding that notice U/S. 80 CPC has been served. The reasons for the said finding are also erroneous.
 - 3) That the learned lower Court has committed an error of law in holding that notice is not invalid.
 - 4) That the learned Lower Court has committed an error of law and of jurisdiction in holding that post of Store Mistri II, is not an ex cadre post. The reasons for the said finding are also erroneous.
 - 5) That the learned Lower Court has committed an error of law in holding that calling of the respondent for test of is highly skilled grade I Moulder is illegal. The reasons for the said findings are also erroneous.
 - 6) That the learned Lower Court has committed an error of law and of jurisdiction in deciding issue No.3 and 4 against the appellant.
 - 7) That the learned Lower court has committed an error of law and of jurisdiction in deciding issue No.1 and 2 against the appellant. The reasons for the said finding are also erroneous.
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8. That the learned lower court has committed an error of law and of jurisdiction in holding that the plaintiff was junior to the defendants number 2 to 8.
 - 9) That the learned lower court has committed an error of law and jurisdiction in holding that the respondent is entitled to set in the test for the promotion of Mistri Grade I.
 - 10) That the learned Lower court has committed an error of law in deciding issue No. 8 against the appellant. The reasons for the said finding are also erroneous.
 11. That the learned lower court has committed an error of law and of jurisdiction in deciding issue no. 6 against the appellants, the reasons for the said finding are also erroneous.
 12. That the learned lower court has committed an error of law in holding that the appellant have not proved that the Post of Store Mistri Grade II is an excadre post. The reasons for the said findings are also erroneous.
 13. That the learned lower court has committed an error of law in holding that the calling of the respondent for test of Highly skilled grade II minlders, is illegal, the said findings are also erroneous.
 14. That the learned lower court has committed an error of law in holding that the respondent No.1 was not Junior to respondents No. 2 to 18. The reasons for the said findings are also erroneous.

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15. That the learned lower court committed an error of law in holding that the respondents No. 2 to 18 have been illegally promoted and without giving an opportunity to the respondent No.1. The reasons for the said finding are also erroneous.
 16. That the learned lower court has misread and misinterpreted the evidence of the appellant and has thus committed an error of law and of jurisdiction.
 17. That the learned lower court has committed an error of law and jurisdiction in decreeing the suit of the respondent.
 18. That the learned lower court has misread and misinterpreted the evidence on record.
 19. That the learned lower court has committed an error of law and jurisdiction in basing the Judgment on his own surmises, conjecture, presumption and assumption.
 20. That the Judgment of the learned lower court is against law and facts and is liable to be set aside.

Wherefore, it is prayed that the appellants' appeal be allowed with costs and the Judgment and decree of the learned VIII th additional Munsif Lucknow be set aside and reversed and the suit of the respondent No.1 (249/81) be dismissed with costs through out.

Lucknow:
Dated: 18.02.1985.

[Signature]
Counsel for the Appellant.

Note: My power is already on the record of the lower Court.

[Signature]
Advocate.
Counsel for the Appellant.

सीन न्यायाधीश के संक्षिप्त
हस्ताक्षर सहित

निर्देश उस प्रार्थना-
पत्र अथवा पत्र का
जिसपर मूल आदेश
लिखा गया हो

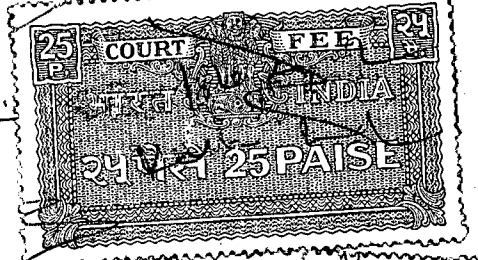
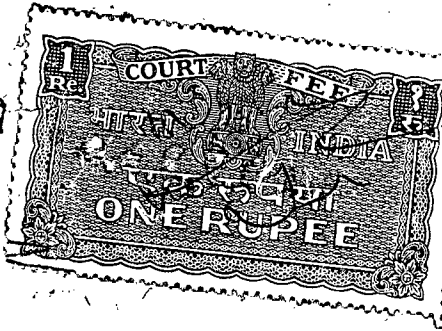
आदेश के प्रतिपालन
में किये गये प्रनिवेद
की सं० तथा दिनांक
का निर्देश

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न्यायालय अफ्टम अतिरिक्त मुसफ, लखनऊ ।

वाद सं० 249 सब 8।

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केशो राम..... वादी

बनाम

यूनियन बैंक आफ इण्डिया आदि प्रतिवादी

नकल निर्णय

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वादी द्वारा यह वाद घोषणा हेतु प्रतिवादी गण के खिलाफ संस्थित किया गया है।

वादी का कथन है कि दिनांक 10.8.79 को उत्तरी रेलवे locomotive works Charbagh Lucknow Foundry Shop में Skilled worker के पद पर नियुक्ति हुई थी। वादी का grade 110-180 था जो अब ~~minimum~~ ^{scale} 260 से 400 है। वादी का कथन है कि स्टोर मिस्त्री ग्रेड 11 के test में भाग मिला हुआ था पास हो गया इसलिए वादी को 16.4.68 से स्टोर मिस्त्री ग्रेड 11 के पद पर पदोन्नत कर लिया गया, जिसका ग्रेड Rs 130 से 212 था जो अब ~~revised~~ ^{scale} 330 से 480 रुपये है। वादी का कथन है कि स्टोर मिस्त्री ग्रेड 11 को ~~master~~ ^{ex-} ~~carriage~~ ^{post} नहीं है। तथा स्टोर मिस्त्री ग्रेड 11 तथा Highly Skilled grade II ~~master~~ ^{machinist} को Seniority आगे पदोन्नति के लिए combined होगी। वादी का कथन है कि Highly Skilled grade II ~~master~~ ^{machinist} तथा स्टोर मिस्त्री ग्रेड 11 की post एक है। Scale को है तथा Highly Skilled grade I ~~master~~ ^{machinist} एक मिस्त्री ग्रेड। की post एक ही वेतन एवं scale का है। वादी का अभिप्राय है कि किसी ग्रेड 11 के पद पर पदोन्नति हो जाने का वाद उसकी Seniority Highly Skilled grade II ~~master~~ ^{machinist} के साथ होनी चाहिए थी तथा वादी को Highly Skilled grade I तथा मिस्त्री grade 1 के पद पर पदोन्नति के लिए उसकी Seniority के आधार पर बुलाया जाना चाहिए था। वादी का कथन है कि वह प्रतिवादी नं० 2 से 19 से Senior है इसलिए पदोन्नति के लिए उसका test होना चाहिए था। वादी का कथन है कि उसे ~~test~~ ^{में} ~~offer~~ ^{कर} देने का अवसर दिये बिना Deputy Chief mechanical ~~engineer~~ ^{engineer} द्वारा प्रतिवादी नं० 2 से 19 तक की पदोन्नति कर दी गयी। जिसका विवरण वादपत्र की धारा 7 में दिया गया है। वादी का कथन है कि प्रतिवादी नं० 2 से 12 तक की पदोन्नति करने के बाद Deputy Chief ~~engineer~~ ^{mechanical engineer} दावा दिनांक 18.12.79 के पत्र द्वारा वादी को मिस्त्री grade 1 के test में ~~offer~~ ^{कर} देने की लिए बुलाया परन्तु test नहीं लिया गया।

वादी का अभिप्राय है कि Deputy Chief mechanical engineer द्वारा 14.1.80 को एक पत्र जारी किया गया कि वादी को Highly skilled grade II ~~master~~ ^{machinist}

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- ① Whether the plaintiff is entitled to be promoted to the misty grade I or highly skilled grade I moulders on the basis of seniority?
- ② Whether the promotion of the defendant No. 2 to 10 ignoring the plaintiff are illegal and void or alleged in para 12 of the plaint?
- ③ Whether post of store misty grade 2 in ~~the~~ cadre post of sorts effect?
- ④ Whether to call the plaintiff in the trade test of highly skilled grade 2 moulder, when he was already working on the post of store misty grade 2 is void and illegal of its effect?
- ⑤ Whether the notice under Section 80 C.P.C. in ~~the~~ illegal and invalid?
- ⑥ Whether the suit is under valued and court fees paid is sufficient?
- ⑦ Whether the Court has no jurisdiction to decide the suit?
- ⑧ Relief if any to the plaintiff?

निष्कर्ष

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वादी द्वारा अपने दाद के तहत सिद्ध करने के लिए मौखिक साक्ष्य के रूप में एक गवाह का गवाह कराया गया है। प्रतिवादी नं० 1 की ओर से मौखिक साक्ष्य के रूप में दो गवाहों के बयान कराये गये हैं। वादी द्वारा दस्तावेजी साक्ष्य के रूप में पेपर नं० ए 6/1 से ए 6/4, ग 21, ग 37 तथा ग 38 ग 31 तथा ग 32 दस्तावेजों प्रस्तुत किये गये हैं। पत्रावली का अवलोकन

कहना गलत है तथा वादी को Highly Skilled grade में बुलाना भी अवैध है।

डीडब्ल्यू. 2 चिन्ता गोसाल ने अपने बयान में कथन किया है कि 'स्टोर मिस्त्री ग्रेड II की पोस्ट Ex-Cadre है। उसकी Post Ex-Cadre post नहीं है।

डीडब्ल्यू. 2 चिन्ता गोसाल ने अपनी प्रतिपक्ष में स्वीकार किया है कि Ex-Cadre की कोई Seniority list नहीं होती है। इस गवाह ने अपनी प्रतिपक्ष में यह भी स्वीकार किया है कि पेपर नं० 22 उसके विभाग द्वारा जारी की गयी है। मिस्त्री Post पर अकेला दिखाया गया है। इससे यह स्पष्ट होता है कि स्टोर मिस्त्री ग्रेड II की पोस्ट एकस केडर पोस्ट नहीं है।

डीडब्ल्यू. 2 चिन्ता गोसाल ने अपनी प्रतिपक्ष में यह भी स्वीकार किया है कि यदि Substantiation पर पदोन्नति होगी तो एकस केडर पोस्ट वाले को भी बुलाया जायेगा। इस गवाह ने अपनी प्रतिपक्ष में यह स्वीकार किया है कि पेपर नं० ए. 6/2 Highly Skilled grade maulders की लिस्ट है। इस लिस्ट के अवलोकन से पता चलता है कि प्रतिवादी नं० 2 से प्रतिवादी नं० 8 सन 72 के बाद Highly skilled grade maulders के पद पर नियुक्ति हुए हैं जबकि वादी सन 68 से स्टोर मिस्त्री ग्रेड II के पद पर तैनात है। यदि स्टोर मिस्त्री grade II को Ex-Cadre होती तो वादी को भी Highly skilled grade maulders में सन 68 से 80 के बीच जोड़ा हुआ है उनमें बुलाया जाना चाहिए था। वादी द्वारा सन 68 से सन 80 के बीच Highly skilled grade maulders ने कहीं नहीं होना बताया गया है जबकि डीडब्ल्यू. 2 ने अपने बयान में कथन किया है कि सन 68 से सन 1979 के बीच Highly skilled grade maulders के जितने Post हुए हैं वह नहीं बता सकता। इससे यह स्पष्ट हो जाता है कि सन 1968 से सन 1979 के बीच Highly skilled grade maulders हुए हैं तथा वादी इस बीच स्टोर मिस्त्री grade II की पोस्ट पर था यदि इस पोस्ट को एकस केडर पोस्ट माना जाता या यह एकस केडर पोस्ट होती तो वादी को इस list के लिए बुलाया जाना चाहिए था इससे भी यह अभिप्राय निकलता है कि स्टोर मिस्त्री grade II की पोस्ट एकस केडर पोस्ट नहीं है तथा न ही एकस केडर पोस्ट उसे Treat किया गया है।

प्रतिवादी नं० 1 की ओर से कोई दस्तावेजी साक्ष्य इस मामले का भी प्रस्तुत नहीं। किया गया है जिससे यह सिद्ध हो कि स्टोर मिस्त्री ग्रेड II की पोस्ट एकस केडर पोस्ट है। निसन्देह यदि यह एकस केडर पोस्ट होती है तो इसका कोई रिकार्ड होता परन्तु प्रतिवादी नं० 1 की ओर से कोई रिकार्ड प्रस्तुत नहीं किया गया है। इससे भी यह inference निकलता है कि यह पोस्ट एकस केडर पोस्ट नहीं है तथा न ही सन 79 तक इसे प्रतिवादी द्वारा Ex-Cadre post माना गया है। वादी द्वारा अपने वादपत्र की द्वारा 14 में कथन किया गया है कि 239 जब 9.7.80 को पास किया गया तब स्टोर मिस्त्री grade की Post को Ex-Cadre पोस्ट घोषित किया गया। प्रतिवादी नं० 1 ने अपने वादोत्तर में स्पष्ट रूप से यह कथन नहीं किया है कि दिनांक 9.3.80 को स्टोर मिस्त्री की पोस्ट को एकस केडर पोस्ट घोषित नहीं किया गया है। उसमें यह अभिप्राय निकलता है कि वादी की पदोन्नति को रोकने के लिए उसे

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इन्होंने एक साथ तय किया जाता है। वादी का अपने वादपत्र की धारा 12 में कथन है कि प्रतिवादी नं० 2 से प्रतिवादी नं० 18 का पदोन्नति *highly skilled grade I* पर वादी से पहले अवैध रूप से की गयी है। प्रतिवादी नं० का कथन है कि प्रतिवादी नं० 2 से 18 की पदोन्नति गलत नहीं है। वादी का यह भी कथन है कि वह अपनी *Seniority* के आधार पर *highly skilled grade I* या *मिस्त्री grade I* के पद पर पदोन्नति प्राप्त करने का अधिकारी है।

डीडब्लू. 2 चिन्ता गोसाला ने अपने बयान में स्वीकार किया है कि *highly skilled grade 2 wouldrs* से *highly skilled grade I* तथा *मिस्त्री grade I* दोनों में पदोन्नति होती है तथा इसमें कर्मचारी से मांगी जाती है। निसन्देह *मिस्त्री grade 2* तथा *highly skilled grade 2 wouldrs* की दोनों पोस्टमान वेतन की है तथा इन दोनों से *मिस्त्री grade I* तथा *highly skilled grade I* दोनों में *test* देकर पदोन्नति *test* पास करने पर की जाती है। वादी को ग० पत्र द्वारा *मिस्त्री grade I* के पद पर पदोन्नति के लिए *test* के लिए बुलाया भी गया था जिसे प्रतिवादी नं० ने वाद में निरस्त करना बतलाया है।

वादी स्टोर *मिस्त्री grade II* के पद पर सन 1968 से कार्यरत है तथा प्रतिवादी नं० 2 से 8 सन 72 से वाद वाद में *highly skilled grade 2* के पद पर नियुक्त हुआ है तथा इससे यह स्पष्ट होता है कि वादी *equal post* पर प्रतिवादी नं० 2 से 8 से पहले में ही कार्यरत है। अतः जब प्रतिवादी नं० 2 से 18 को *highly skilled grade I wouldrs* या *मिस्त्री grade I* की पोस्ट पर पदोन्नति के लिए *test* के लिए बुलाया गया तब वादी को भी उपरोक्त *test* के लिए बुलाया जाना चाहिए था। वादी की ग० पत्र द्वारा बुलाया भी गया तो उसे प्रतिवादी नं० द्वारा वाद में निरस्त किया जाना स्वीकार किया। अतः वादी को *मिस्त्री grade I* या *highly skilled grade I wouldrs* या *trade test* में शामिल होने का अवसर नहीं दिया गया जबकि वादी का पदोन्नति के *test* में शामिल होने का अधिकार था क्योंकि वादी प्रतिवादी नं० 2 से 18 से नियर नहीं था।

डीडब्लू. ने वाद के बारे में कोई साक्ष्य नहीं दिया है केवल सी. 3। पेपर को सिद्ध किया है। उपरोक्त विवेचन के आधार पर मैं इस निष्कर्ष पर पहुंचता हूँ कि प्रतिवादी नं० 2 से 18 की पदोन्नति *highly skilled grade I* या *मिस्त्री grade I* पर वादी को *test* का अवसर दिये बिना गलत रूप से की गई है तथा वादी को *highly skilled grade I* तथा *मिस्त्री grade I* पर पदोन्नति के लिए *test* में शामिल होने का अधिकारी है अतः ये वाद बिन्दु तदनुसार तय किये गये जाते हैं।

वाद बिन्दु नं० 8 :- वाद बिन्दु नं० 7 में यह तय किया जा चुका है कि स्टोर *मिस्त्री grade II* की पोस्ट एक्स केडर पोस्ट नहीं है तथा वाद बिन्दु नं० में यह तय किया जा चुका है कि वादी *highly skilled grade I wouldrs* तथा *मिस्त्री grade I* के पद पर पदोन्नति के लिए *test* में शामिल होने का अधिकारी है तथा उसने *test* में शामिल होने किये बिना प्रतिवादी नं० 2 से 18 की पदोन्नति गलत रूप से की गयी है। अतः वादी *highly skilled grade I wouldrs* या *मिस्त्री grade I* की पदोन्नति के लिए *considered* किया जाने तथा *test*

In the early Dist. Judge Lucknow

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the Union of India ————

Keshab Chandra ————

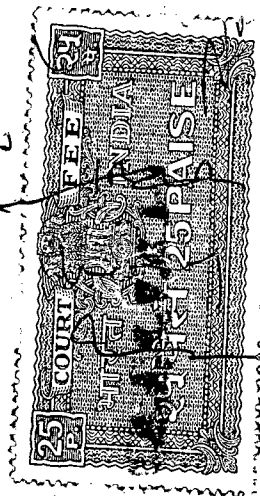
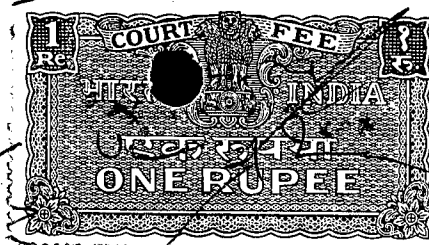
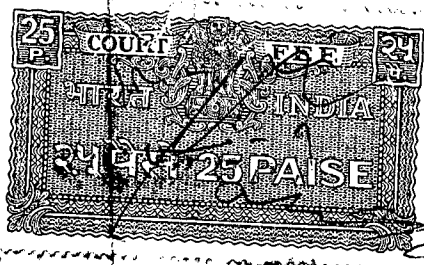
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THE UNION OF INDIA THROUGH
(GENERAL MANAGER)
NORTHERN RAILWAY
BARODA HOUSE.
NEW DELHI.

10/2/85 *Wish*
Cancelled
appealing

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In a Court of District Judge Lucknow



3-11/01
y
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Union of

Appellant

Kesho Ram and others

Respondent

A appellant respectfully submit

or under

1. That a appellant is filing appeal against a judgment and decree passed by Magistrate, Lucknow, No. 249/01 (Kesho Ram is suing and demanding).
2. That a decree was incorrectly prepared by a Court of Magistrate, Lucknow.
3. That a appellant has filed an application No. 151/152 of C.P.C. to correct a decree and a copy of a decree has been filed in a Civil Court for correction.
4. That in a above circumstances a appellant is, not in a position to file a copy of a decree which is in a Court of Magistrate, Lucknow, filed for correction.

Wherefore it is respectfully prayed that a appellant be allowed to file copy of decree, after correction.

[Signature]

Counsel for Appellant

10-11-01

Allowed a month.

[Signature]

21/12

In the Court of District Judge Lucknow

76

The Union of India

Appellant

Kesho Prasad

Respondent

Des. Civil Appeal No. 405

P.F. 21305

The appellant respectfully submits as under

- (1) That the copy of the decree has been filed in the Court VIII Additional Bench Lucknow for correction of the decree
- (2) That the decree in the Court has been in correctly prepared
- (3) That the copy of the decree has not been received back after correction
- (4) That the copy of the decree is likely to be corrected in a month's time
- (5) That in the above circumstances the appellant is unable to file the copy of the decree and for filing the same, the appellant needs a month's time to file the same

Wherefore it is prayed that the appellant be allowed one month's time to file copy of the decree

21385
granted a month
Counsel for appellant
21/3/05
Sd/-
M

In the Court of Dist Judge H.C. 8C

The Union of India ——— Appellants
— + others
vs

Kesho Bauri ——— Respondent

Regular appeal no 85
D.D. 22.4.85

The appellants respectfully submit as under

- (1) That the decree by the trial court was in
correctly prepared, so the appellant has moved
an application for correction of decree.
- (2) That the application for correction is
yet to be decided and decree is yet to
be corrected.
- (3) That the copy of decree has been
filed with the application for correcting
decree.
- (4) That in the above circumstances the
appellants are unable to file the copy of
the decree + read a month in the line for
that purpose.

Wherefore it is prayed that

the appellants be allowed one month
to file copy of decree after correction.

22/4/85

85/4/85
Counsel for
appellants

Allowed

22/4/85

In the County Dist. Judge Lucknow

O.C.

The Union of India ——— Appellant
v
Kesho Ram & others ——— Respondents

Reg. cum appeal no.
PF. 0.285

The appellant respectfully submit as under
(1) That the copy of the decree has not been
received by the Counsel. So the appellant -
is unable to file the same.

(2) That the appellants Counsel unintentionally
omitted to note that ^{the} notes + P.D.
and duplicates were to be filed.

(3) That due to above mentioned cause, the
Counsel could not inform the administra-
tion to send the expenses etc.

(4) That in the above circumstances the Counsel
is unable to file the Process fee etc
for which time is needed:

(5) That the cause interest of the
appellant will be highly prejudiced in
case a month's time for the above
purpose is not given.

Wherefore it is prayed that
the appellants be allowed one month's
time to file copy of decree and to file
P.D. + notes etc.

8.7.85

[Signature]
Counsel for
Appellant

In the Court of DISTRICT JUDGE UCO

9. C

The Union of India —

Appellant

vs

Keshobam —

Respondent

Reg. civil appeal no 43 of 1985

PP. 8.8.85

The appellant respectfully submit

(1) That the Referee's report was decided by

VIII Additional Judge UCO and

at present there is no Presiding Officer

(2) That the appellant has submitted an application for correction of decree in the local court, which has not yet been corrected

(3) That in the above mentioned circumstances the appellant is unable to file the copy of the decree for which he is liable

Wherefore it is prayed

that the appellant be allowed one month's time to file copy of the decree (corrected).

7/8/85 —

Sd/-
Counsel for the
Appellant

In the Court of District Judge Lko

D-11

The Union of India & others

appellants

Kesho Ram

the respondents

Reg. Appeal no of
PR. 24105

The appellants respectfully submit as under

(1) That at present there is no VIIth additional
Judge Lko

(2) That the application for amendment
of decree has not yet been decided due to
non availability of the Presiding Officer

(3) That in the above circumstances the
appellants are unable to file the
Copy of the decree & need a month's
time

(4) That the matter in dispute is service
matter of the Central Government
employees & Administrative Tribunal
has started working from 1.11.85

Wherefore it is prayed that

in the above circumstances the
appellants be allowed one month's
time to file Copy of decree.

2/11/85

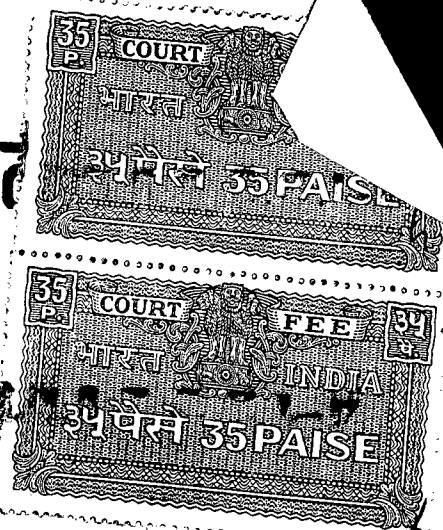
Sd/-
Counsel for
appellants

Received
2-11-85
2-11-85

नमूना नम्बर-२८

दरखास्त नकल

(बाद १० कायदा ३)



- (अ) बराय नकलात जिसमें १,५०० या कम अल्फाज हों।
- (ब) बराय नकल मामूली ख्वाह जरूरी जिसमें १,५०० से ज्यादा अल्फाज हों।
होगी जैसा कि ऊपर मुद्दे है, बादहु हर ३०० या उससे कम अल्फाज के लिए
मामूली और चार आना बास्ते नकल जरूरी की जायेगी।
- (स) बाबत कुतुब व रजिस्टर हाब व नक्शाजात व कागजात और उनके इन्तख
किया जा सकता है, और हाकिम को अख्तियार होगा कि बलिहाज मिकदर व पेचीदगी व दिक्कत काम के हरे भूस्त
खास उजरत मुकरर करें।

अगर सायल एक से ज्यादा नकल की दरखास्त करे और छपी हुई नकुलात दी जा सकती हो तो अव्वल नकल के अलावा
नकल निम्न शरह मुन्दर्जा वाला पर दी जायेगी।

हिदायत बास्ते सायल का नमूना की खानापूरी हस्तुलइककान व सेहत कीजिए :-

बजदालत

*District Judge
Union of India*

बमुकाम

Lucknow

बखिदमत मुस्सरिम

बनाम

Kesho Ram

बराय मेहरबानी एक एक नकल मसिद्दिका हर एक दस्तावेज मुनजकिरा फेहरिस्त जैल की जिसकी नकल के वारते मैं कागजात
स्टाम्प कीमत **5/- URGENT** रूपया हमराह इस दरखास्त के पेश करता हूं मुझे मरहमत फरमाये।

यह दरखास्त मुझी जरूरी है/फरीक मुकदमा हू/नहीं हू।

APPLD
STAMP

नम्बर रजिस्टर
और साल मालिज

नाम फरीकैन

तारीख डिग्री
या हुकूम नाकि
अगर सादिर
हुआ हो

किस दस्तावेज
जिसकी नकल
दरकरार है

किस कुरज के लिए नकल
मतवेब है या वजह जिसकी
बिना दरखास्त मंजूर
हाना चाहिए

*Court of District Judge
Lucknow*

R.C. 4 NO. 43/85

Union of India

13/11

Kesho Ram

19-12-85

*copy of order sheet-50
dt-19-12-85*

6/1/86

For perusal

तारीख

12-24

केशोराम

दस्तखत सालय

हर दरखास्त में जो वजरिए डाक भेजी जाय या खुद हाजिर होगा। पहली सूरत में सायल को निकट चिपका लिफाफा
पता लिखा हुआ दरखास्त के साथ भेजना लाजिमी है। ऐसो न करने पर दरखास्त पर अमल दरामद हस्ब कायदा
किया जायगा।