

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

Cause Title O.A 237 of 1989 (C)Name of the parties Hira Lal Agnani Applicant.

Versus

Union of India Respondents.

Part A, B, C.

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Bench Copy

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Certificate that no further action is required to be taken
and that case is assigned to the record room (D)

R/C - B. J. 24-6-2011

Recheck
on 2/2/12

20 (5)

(AN)

4/1 A

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 237 of 1989 (L)

APPLICANT(S) H.L. Aggarwal

RESPONDENT(S) Union of India & others

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent?
2. a) Is the application in the prescribed form?
b) Is the application in paper book form?
c) Have six complete sets of the application been filed?
3. a) Is the appeal in time?
b) If not, by how many days it is beyond time?
c) Has sufficient cause for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed?
5. Is the application accompanied by B.D./Postal Order for Rs.50/-
6. Has the certified copy/copies of the order(s) against which the application is made been filed?
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?
c) Are the documents referred to in (a) above neatly typed in double space?
8. Has the index of documents been filed and paging done properly?
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

yes

yes

yes

Two sets filed

yes

yes

yes

yes

yes

yes

yes

yes

(A2)

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
 - a) Identical with the Original ?
 - b) Defective ?
 - c) Wanting in Annexures
- Nos. _____ pages Nos. _____ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed ?
14. Are the given address the registered address ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item no. 6 of the application ?
 - a) Concise ?
 - b) Under distinct heads ?
 - c) Numbered consecutively ?
 - d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

yes

—

yes

No

NO

—

yes

yes

—

yes

yes

yes

yes

yes

yes

yes

dinesh/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 237 of 1989 (1)

APPELLANT
APPLICANT

H. L. Aggarwal

VERSUS

DEFENDANT
RESPONDENT

Union of Godrej

Sl. no. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
5989	<p>Hon Justice K. V. Raman, V.C. Hon Mr. K. J. Raman</p> <p>The applicant files Supplementary affidavit. Issue notice to opposite parties to file reply within three weeks to which the applicant may file rejoinder within ten days thereafter.</p> <p>In the matter of interim relt, it is noticed that, according to the applicant, the post of store clerk which he is presently holding in the scale of RS 975-1540 in a cadre which is altogether different from the clerical cadre which includes the post of a cash clerk in the scale of RS 950-1500 to which the applicant is posted under the impugned transfer order. In the circumstances, we direct notices to be issued fixing 19-9-89 for orders. Till then the operation of the impugned transfer order dt. 29.8.89 continue in Annexure-I so far as it relates to the applicant. Shall remain stayed.</p> <p>A.M.</p> <p>V.C.</p>	<p>Notice issued 5/9/89</p> <p>of Notice were issued on 5.9.89. Neither reply nor any answer recd. Case has been return back to file. Submitted for order. 18/8</p>

Original
order is
in the main
petition.

AM

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

....

October 18, 1989

Registration O.A. No. 237/89(L)

H.L. Agrahari Applicant

Vs.

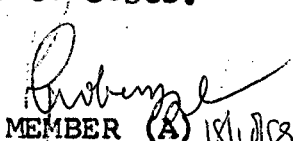
Union of India & ors Respondents

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

Hon' Mr. K. Obayya, A.M.

(By Hon' Mr. D.K. Agrawal, J.M.)

This case was listed today for hearing. However, Shri Arjun Bhargava comes out with an application saying that the impugned transfer order has already been cancelled by railway administration by an order dated 12.10.89. We do not know what has transpired between 27.9.89 (last date) and 12.10.89. However, we are not concerned with it. The present application has become infructuous. Therefore, the same is dismissed as infructuous without any order as to costs.


MEMBER (A) 18/10/89

(sns)

October 18, 1989

Lucknow.


MEMBER (J) 18.10.89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. O.A. 237/89(L)
of 198

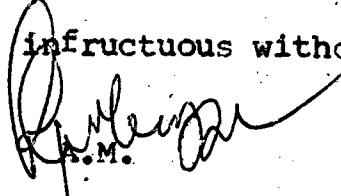

APPELLANT
APPLICANT

H.L. Agrahari

VERSUS

DEFENDANT
RESPONDENT

Union of India & ors

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
18/10/89	<p>Hon' Mr. D.K. Agrawal, J.M. <u>Hon' Mr. K. Obayya, A.M.</u></p> <p>Shri P.S. Mehra counsel for the applicant and Shri Arjun Bhargava, counsel for the respondents are present and heard.</p> <p>This case was listed today for hearing.</p> <p>However, Shri Arjun Bhargava comes out with an application saying that the transfer order has already been cancelled by railway administration by an order dated 12.10.89. We do not know what has been transpired between the last date and the present i.e. 12-10-89. However, we are not concerned with it.</p> <p>The present application has become infructuous now. Therefore, the same is dismissed as infructuous without any order as to costs.</p> <p> A.M. (sns)</p> <p> J.M.</p>	Copy sent to the applicant

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

O.A.NO.237/89(L)

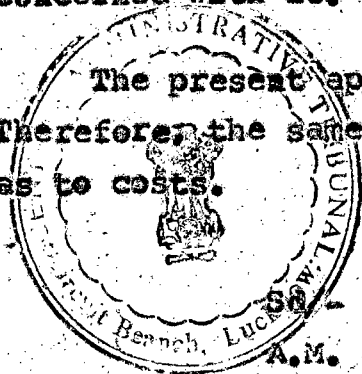
H.L.Agrahari	...	Applicant
	Versus	
Union of India	...	Respondents
Hon'ble Mr. D.K.Agarwal,	...	Judicial Member
<u>Hon'ble Mr. K.Obayya,</u>	...	Administrative Member

Dated:18.10.1989

Shri P.S.Mehra counsel for the applicant and Shri Arjun Bhargava, counsel for the respondents are present and heard.

This case was listed today for hearing. However, Shri Arjun Bhargava comes out with an application saying that the transfer order has already been cancelled by railway administration by an order Dated 12.10.1989. We do not know what has transpired between the last date and 12.10.1989. How ever, we are not concerned with it.

The present application has become infractious no w. Therefore, the same is dismissed as infractious without any order as to costs.



Sd/-
J.M.

// True Copy //

Checked
18/10/89

Shish
10/10
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

Rustey
19/10/89
Rustey
18/10/89

(146)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. No. 237 OF 1989. (L)

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 4/9/89

Date of Receipt by Post.....

Deputy Registrar (J)

Hira Lal Agrahari, aged about 52 years, Son of
Late Sri Sunder Lal Agrahari, resident of 640,
Krishna Nagar Private Colony, P.O. Basarathpur,
District Gorakhpur. Applicant

Versus

1. Union of India through its Secretary in
Railway Department, Rail Bhawan, New Delhi.
2. Chief Commercial Superintendent (Catering),
North-Eastern Railway, Gorakhpur.
3. Senior Divisional Commercial Superintendent,
North Eastern Railway, Lucknow.
4. Chief Catering Inspector, North Eastern
Railway, Gorakhpur.

.... Respondents.

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

DETAILS OF APPLICATION

1. Particulars of the Order against which application
is made :

- | | | | |
|-------|------------------------|---|------------------------|
| (i) | Order No. with | - | C/57/Staff/Catering/81 |
| | reference to Annexure. | | dated 29.8.1989. |
| (ii) | Dated | - | 29.8.1989. |
| (iii) | Passed by | - | Senior Divisional |
| | | | Commercial Superin- |
| | | | tendent, North-Eastern |
| | | | Railway, Lucknow. |

Filed to day
4/9/89

Noted for 5/9/89
4/9/89

Hira Lal Agrahari

A2

(iv) Subject in Brief : Impugned Order of transfer issued by Senior Divisional Commercial Superintendent, North-Eastern Railway, Lucknow, vide his Order No. C/57/Staff/Catering/81 dated 29.8.1989 which was communicated through Chief Catering Inspector, North Eastern Railway, Gorakhpur vide his office Order No. 16 dated 31.8.1989, transferring the applicant from the post of Store clerk to the post of cash clerk at Departmental Catering Unit North Eastern Railway Gorakhpur.

The certified copy of impugned transfer order No. C/57/Staff/Catering/81 dated 29.8.1989 is Annexure 1 to this application.

2. Jurisdiction of the Tribunal. - The cause of action accrued to the applicant for filing this application at Lucknow within the jurisdiction of this Hon'ble Tribunal.

Office Lucknow

AD

3. Limitation - The application is well within limitation as prescribed under section 21 of the Administrative Tribunal's Act, 1985.

4. Facts of the Case :

The petitioner was appointed as Assistant on 1.10.1958 and he was promoted to the post of Sales Incharge on 1.10.1964. The petitioner remained in Mahendru Ghat, Patna, Bihar from 1964 to 1974 from where the petitioner was transferred to Barauni, Bihar. The petitioner worked as Sales Incharge in Catering unit of North Eastern Railway, Barauni, Bihar, from 1975 to April, 1981.

The petitioner was transferred from Barauni, Bihar to Gorakhpur in May, 1981 in the post of Sales Incharge. The petitioner worked as Sales Incharge at Gorakhpur from May, 1981 to November, 1986.

The petitioner was promoted to the post of store Clerk in the month of December, 1986 in the pay scale Rs 260/- - 430/- which is now revised to Rs 975 - 1540/-. The promotion order dated 17.2.1986 is Annexure 2 to this application.

The heirarchy and cadre of Store Clerk was created on 31.1.1989 vide Order No. Personnel/210/15/C-R/Bhag - 11/VI dated 31.1.1989 passed by General Manager (Personnel), North Eastern Railway Gorakhpur. To understand the heirarchy from the post of Store Clerk to the post of Chief Catering Inspector, the following is relevant :

A.V.C. of Stores Clerk (Rs 975-1540)
of Catering Unit (Commercial Department)

Atto Cal Agnabans

189

Store Clerk
(975-1540)

Asstt. Manager
(975-1540)

(75% Direct
recruitment &
25% by Promo-
tion from
Class IV Staff
of Catering)

Catering Manager
(1200-2040)

Selection

Catering Inspector
(1400-2300)

Selection

Chief Catering Inspector
(2000 - 3200)

A true copy of letter No. Personal/210/15/C.R./
Bhag-11/6 dated 31.1.1989 is being filed as Annexure
No. 3 to this application.

The applicant was ordered to work as Cash Clerk
vide Office Order No. C/57/Staff/Cat./31 dated
20.7.1989 and one Mr. Akhtar Alam was ordered to
resume the charge of store clerk in place of the
applicant though Sri Akhtar Alam is not from the
store clerk cadre.

A true copy of Office Order dated 20.7.1989
passed by Divisional Commercial Superintendent
(Catering) North Eastern Railway is being filed as
Annexure No. 4 to this application.

The applicant made a representation against
the aforesaid transfer order on 24.7.1989 stating

Official Signature

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therein that Sri Akhtar Alam is working in the pay scale of Rs 1200 - 2040 and presently he is posted as Senior Clerk and there are also complaints against Akhtar Alam and he is not entitled for the post of Store Clerk while on the other hand the applicant is being shifted to another cadre of cash clerk which is a different cadre. The seniority as well as promotion of the applicant will be effected by execution of above mentioned order.

The true copy of applicant's representation dated 24.7.1989 to the Divisional Commercial Superintendent (Catering) is being filed as Annexure No. 5 to this application.

The Divisional Railway Manager (Catering) Lucknow was pleased to cancel the transfer order dated 20.7.1989 vide his order No. C/57/Staff/Cat./81 dated 25.7.1989 and the applicant was allowed to continue as Store Clerk in the Catering Unit of North Eastern Railway, Gorakhpur.

The true copy of order dated 25.7.1989 passed by Divisional Railway Manager (Catering) Lucknow is being filed as Annexure No. 6 to this application.

The petitioner is working continuously on the post of Store Clerk since last 3 years and no adverse entry has ever been communicated to the applicant. The work and conduct ~~has~~ of the petitioner has always been good and no departmental proceedings are pending against the applicant.

The applicant was taken by surprise when he learnt that the Divisional Manager Railway (Commercial) Lucknow vide his Order No. C/57/Staff/Cat./81 dated 29.8.1989 has again shifted the applicant from the post of store clerk to the post of cash clerk, without

File Cal Agn

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being given an opportunity of being heard, on the initiation of Sri Akhtar Alam. The transfer order of the applicant is the result of personal enmity between applicant and Sri Akhtar Alam.

A certified copy of impugned transfer order No. C/57/Staff/Cat./81 dated 29.8.1989 passed by Divisional Railway Manager (Commercial) Lucknow is being filed as Annexure No. 1 to this application.

The applicant again made a representation dated 1.9.1989 to the authority concerned but nothing has been done till now. Thus, the transfer order is malafide and is challenged through this application.

A true copy of the representation dated 1.9.1989 is being filed as Annexure No. 7 to this application.

5. Grounds for Reliefs :-

The applicant is now left with no alternative than to seek his remedy from this Hon'ble Tribunal. He is entitled to his reliefs on the following among other,

G R O U N D S

- A - Because the work and conduct of the petitioner has always been good.
- B - Because no departmental proceedings are pending against the petitioner and the Divisional Railway Manager (Commercial) Lucknow has no jurisdiction to shift the applicant from the post of store clerk to the post of cash clerk.
- C - Because the transfer order is obscure and was passed without scrutinising the facts.

Office of Applicant

AK

- D - Because the order of transfer is punitive and has been passed without any enquiry.
- E - Because the impugned order is arbitrary and violates Articles 14 and 16 of the Constitution of India.
- F - Because the impugned order has been passed without giving an opportunity of being heard and there has been utter disregard of the principles of natural justice.
- G - Because the impugned order of transfer has been passed without considering the fact that the applicant is working in Store Clerk Cadre and his career will be seriously effected by the order of transfer.

6. Details of Remedies Exhausted :-

The applicant had represented to the higher authorities to cancel the impugned transfer order vide Annexure No. 7 but the same is pending without any disposal.

The applicant has been left with no other alternate or efficacious remedy than to approach this Hon'ble Tribunal.

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

The applicant has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court of law or any other authority or any other bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

Attn: Al Bazar

8. Reliefs sought :

WHEREFORE, the applicant most humbly and respectfully prays that this Hon'ble Tribunal be pleased to quash the order of transfer dated 29.8.1989 passed by the Divisional Railway Manager (Commercial) Lucknow contained in Annexure No. 1 to this application.

AND to grant the costs and such other relief as the applicant may be found entitled to and for which the applicant shall ever pray.

9. Prayer for Interim Relief :

The applicant most humbly and respectfully prays that the Hon'ble Tribunal be graciously pleased to stay the operation of impugned order No. C/57/Staff/Cat./81 dated 29.8.1989 shifting the applicant from the post of Store Clerk to the post of Cash Clerk contained in Annexure No. 1 to this application as otherwise the applicant shall suffer irreparable injury.

10. The applicant is filing this application through his Counsel.

11. Particulars of Postal Order filed in respect of application fee :-

- (i) No. of Indian Postal Order : DD/4-783545
- (ii) Name of issuing Post Office: R.M.S. Charbagh.
- (iii) Date of Issue : 4.9.1989
- (iv) Post Office at which payable : G.P.O., Lucknow.

Shri Lal Singh

Anu

12. Details of Index :

An index in duplicate containing the details of documents is enclosed.

13. List of Enclosures :

1. Certified copy of impugned transfer order No. C/57/Staff/Cat./81 dated 29.8.1989. ... ANNEXURE 1
2. Promotion Order dated 17.2.1986. ANNEXURE 2
3. True copy of letter No. Ppersonnel/210/15/C.R./Bhag - 11/6 dated 31.1.1989, showing heirarchy of store clerk to Chief Catering Inspector's post. ... ANNEXURE 3
4. True copy of Office Order dated 20.7.1989 passed by Divisional Commercial Superintendent (Catering) North Eastern Railway, Lucknow. ANNEXURE 4
5. True copy of applicant's representation dated 24.7.1989. ANNEXURE 5
6. True copy of order dated 25.7.1989 passed by Divisional Railway Manager (Catering) Lucknow. ANNEXURE 6
7. True copy of applicant's representation dated 1.9.1989. ANNEXURE 7

Lucknow :

Dated : 4.9.1989

Shri Lal Aggarwal
Applicant

VERIFICATION

ARS

I Hira Lal Agrahari, Son of Late Sri Sunder Lal Agrahari, aged about 52 years, resident of 640 Krishna Nagar Private Colony, Post Office Basarathpur, District Gorakhpur, working as store clerk in the office of Chief Catering Inspector, North Eastern Railway, Gorakhpur, do hereby verify that the contents of paras 1 to 13 of this application are true to my personal knowledge and I have not suppressed any material fact.

Lucknow :

Dated : 4.9.1989

Hira Lal Agrahari

Applicant

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. NO.

OF 1989.

Hira Lal Agrahari

.... Applicant

Versus

Union of India and others

.... Respondent

ANNEXURE - 1

पूर्वोक्त रेलवे
=====

कार्यालय - आदेश

महा प्रबन्धक(वा), गोरखपुर के पत्र सं०-सी/एस०एस०/उपसुवाधी-आहार /वा०/
88 दिनांक 3/8/89 के अनुसार निम्नलिखित स्थानान्तरण एवं पोस्टिंग आर्डर तत्काल
प्रभावी हेतु जारी किये जाते हैं :-

- 1- श्री हीरा लाल अग्रहारी, स्टोर क्लर्क 975-1540 जो इस समय धानपान
इकाई गोरखपुर के स्टोर में काम कर रहे हैं को शिफ्ट करके कैश क्लर्क के
पद पर श्री अक्षर आलम की जगह काम करने के आदेश दिये जाते हैं। श्री
अक्षर आलम/श्री अग्रहारी से स्टोर का चार्ज लेकर उन ही जगह में काम करेंगे।
सुबोध कुमार
- 2- श्री एस०के० मोर्य, प्रवर लिपिक 1200-2040 जो इस समय धानपान इकाई
लखनऊ ज० के स्टोर में काम कर रहे हैं को शिफ्ट करके प्रवर मंडल वाणिज्य
अधीक्षक कार्यालय, लखनऊ में काम करने के आदेश दिये जाते हैं। श्री सुबोध कुमार
चौधरी, लिपिक (950-1500) वाणिज्य विभाग लखनऊ की पोस्टिंग धानपान
इकाई लखनऊ ज० में श्री मोर्य की जगह पर की जाती है जो पहले स्पेयर होंगे।
और श्री मोर्य से स्टोर का चार्ज लेंगे।

यह आदेश प्रमवधी के आदेशों से जारी किया जाता है।

संख्या- सी/57/स्टाफ/पेट/81.

मंडल रेल प्रबन्धक(वा)
दिनांक 25/8/89.

P. Agrahari
प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु निम्न को प्रेषित :-

- 1- धानपान निरीक्षक, लखनऊ ज० एवं गोरखपुर।
क्षेत्रीय अधीक्षक, गोरखपुर।

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

NEW DELHI, ADDL. BENCH AT LUCKNOW.

C.T. No.

OF 1989

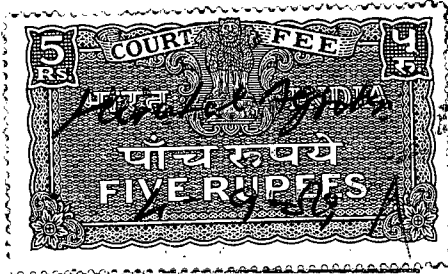
ब अदालत श्रीमान्

महोदय

[बादी] अपीलान्त

प्रतिवादी [रैस्पाडेन्ट]

वकालतनामा



बादी (अपीलान्त)

Hire Lal Agrahari

Versus

Union of India & Others

बनाम

प्रतिवादी (रैस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री पी० एस० मेहरा एडवोकेट

श्रीमती विना मेहरा एडवोकेट

२/२ एल० डी० ए० कालोनी ब्लाक I हाता रसूल खां, स्टेशन रोड,

लखनऊ-२२६००१

वकील

— महोदय

एडवोकेट

नाम अदालत	नाम फरीकित	नाम
मुकद्दमा नं०		

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कायज दाखिल करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावे या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जेम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Hire Lal Agrahari

साक्षी (गवाह)

साक्षी (गवाह)

4th

September

दिनांक

महीना

सन् १९८९

ई०

Accepted.

स्वीकृत

P.S. Mehra
(P.S. Mehra)
Advocate

118

OF 1989.

Hira Lal Agrahari

Versus

Union of India & others.

I N D E X

S. No.	Description of documents relied upon	Page No.
1.	Application	1 to 10
2.	Certified copy of impugned Transfer Order dated 29.8.1989. <u>ANNEXURE 1</u>	11
3.	True copy of Promotion Order dated 17.2.1986. <u>ANNEXURE 2</u>	12
4.	True copy of letter No. Personnel/ 210/15/C.R./Bhag - 11/6 dated 31.1.1989 showing heirarchy of store clerk to Chief Catering Inspector's post. <u>ANNEXURE 3</u>	13 to 14
5.	True copy of office order dated 20.7.1989 passed by Divisional Commercial Superintendent (Catering) North Eastern Railway, Lucknow. <u>ANNEXURE 4</u>	15
6.	True copy of applicant's repre- sentation dated 24.7.1989. <u>ANNEXURE 5</u>	16 to 17
7.	True copy of order dated 25.7.1989 Passed by Divisional Railway Manager (Catering), Lucknow. <u>ANNEXURE 6</u>	18
8.	True copy of applicant's represen- tation dated 1.9.1989. <u>ANNEXURE 7</u>	19 to 20

Lucknow :

Dated : 4.9.1989

FOR USE IN TRIBUNAL'S OFFICE

Applicant

Date of filing

or

Date of receipt by post

Registration No.

Signature

For Registrar

Michael Ogilvie

(119)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. NO.

OF 1980.

Hira Lal Agrahari

.... Applicant

Versus

Union of India and others

.... Respondent

ANNEXURE - 1

पूर्वोत्तर रेलवे
=====

कार्यालय - आदेश

महा प्रबन्धक(वा), गोरखपुर के पत्र सी-सी/एसओएसओ/उपसुवाधी-आधार /वा/ 88 दिनांक 3/8/89 के अनुसार निम्नलिखित स्थानान्तरण एवं पोस्टिंग आदेशों के तत्काल प्रभावी हेतु जारी किये जाते हैं :-

- 1- श्री हीरा लाल अग्रहारी, स्टेशन क्लर्क 975-1540 जो इस समय आनपान इकाई गोरखपुर के स्टेशन में काम कर रहे हैं को शिफ्ट करके क्षेत्र क्लर्क के पद पर श्री अक्षर आलम की जगह काम करने के आदेश दिये जाते हैं। श्री अक्षर आलम/श्री अग्रहारी से स्टेशन का चार्ज लेकर उन की जगह में काम करेंगे।
- 2- श्री एकेएम, प्रचार लिपिक 1200-2040 जो इस समय आनपान इकाई लखनऊ में के स्टेशन में काम कर रहे हैं को शिफ्ट करके प्रचार मंडल वाणिज्य अधीक्षक कार्यालय लखनऊ में काम करने के आदेश दिये जाते हैं। श्री सुबोध कुमार चौधरी, लिपिक (950-1500) वाणिज्य विभाग लखनऊ की पोस्टिंग आनपान इकाई लखनऊ में श्री मोर्य की जगह पर की जाती है जो पहले क्षेत्र में और श्री मोर्य से स्टेशन का चार्ज लेंगे।

यह आदेश प्रमोक्सी के आदेशों से जारी किया जाता है।

संख्या- सी/57/स्टाफ/पेट/81.

दिनांक 25/8/89.

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु निम्न को प्रेषित :-

- 1- आनपान निरीक्षक, लखनऊ में एवं गोरखपुर ।
- 2- क्षेत्रीय अधीक्षक, गोरखपुर ।
- 3- उप-सुवाधी/आधार, पूर्वोत्तर रेलवे/गोरखपुर ।
- 4- प्रमोक्सी/लखनऊ ।
- 5- स्टेशन अधीक्षक/गोरखपुर व लखनऊ में ।
- 6- सहायक लेखाधिकारी(आनपान)/गोरखपुर एवं मलेध/लखनऊ ।
- 7- मंडल मंत्री/नर्मद पीओएसओ/एसओ ।
- 8- सम्बन्धित कार्यालय ।

(4) श्री हीरा लाल अग्रहारी

मोहित खानपान निरीक्षक
गोरखपुर

P. S. Mehara
(Advocate)

पूर्वोत्तर रेलवे प्रबन्धक(वा)
लखनऊ

A20

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. NO.

OF 1989.

Hira Lal Agrahari

.... Applicant

Versus

Union of India and others

.... Respondent

ANNEXURE - 2

पूर्वातिर रितयै
कार्यालय आदेश

इस कार्यालय के आपन संख्या ई/59/सी/मुम्बा/4/ए: दिनांक 29.10.1984 द्वारा बिल नं. 1/10.1984 के रिस्ट्रिक्शन के फादास श्री हीरा लाल अग्रहारी सेल नं. 225-308) गोरखपुर में कैटरिंग स्टोर स्लॉट (260-430) के प्रोन्नति पद पर करके समस्तीपुर मण्डल में नियुक्ति करने संबंधी कार्यालय आदेश संख्या का/210/15/क्लास-III/सी-आर/पार्ट-III/क: दिनांक 25.5.85 द्वारा जारी किया गया था। अब इस कार्यालय के आपन संख्या ई/59/सी/मुम्बा/4/ए: दिनांक 7.2.86 द्वारा कैटरिंग स्टोर स्लॉट (260-430) में एक अग्रणी पद 1.4.84 से लखनऊ मण्डल में स्वीकृत किया (स्टाट) किया गया है। अतः श्री हीरा लाल अग्रहारी, कैटरिंग स्टोर स्लॉट (260-430) जिन्हें समस्तीपुर मण्डल में नियुक्ति दिया गया था, अब लखनऊ मण्डल में कैटरिंग इकाई गोरखपुर में स्टोर स्लॉट (260-430) के अग्रणी स्वीकृत पद पर नियुक्ति किया जाता है।

यह अनुवादी/सा. के अनुमोदन से जारी किया जाता है।

/ महा प्रबन्धक (कार्यिक)

संख्या का/210/15/तु.के/सी-आर/भाग-III/क: गोरखपुर

दिनांक : फरवरी , 1986

प्रतिलिपि सूचनार्थ स्व. अधिकार कार्यवाही हेतु प्रेषित :-

1. मण्डल रेल प्रबन्धक (कार्यिक)/लखनऊ, सीनियर, समस्तीपुर
2. मण्डल लेखा अधिकारी, लखनऊ, सीनियर, समस्तीपुर
3. प्रवाधि/मानमान, मुवादी कार्यालय, गोरखपुर
4. संबंधित कर्मचारी को उनके विभागीय अधिकारी द्वारा
5. अतिरिक्त प्रतियाँ।

/ महा प्रबन्धक (कार्यिक)

संख्या/170286

Hira Lal Agrahari

Atty. Gen.

P. S. Mehara
(Advocate)

(A21)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. NO.

OF 1989.

Hira Lal Agrehari

.... Applicant

Versus

Union of India and others

.... Respondent

ANNEXURE - 3

पूर्वोत्तर रेलवे

कार्यालय महाप्रबन्धक कार्मिक
गोरखपुर दिनांक:-

सं0का/210/15/सी.आर./भाग-11/छ:

भण्डल रेल प्रबन्धक कार्मिक
पूर्वोत्तर रेलवे, इज्जतनगर लखनऊ,
सोनपुर-समस्तीपुर ।

विषय:-वाणिज्य विभाग के अन्तर्गत कैट्रिंग शाखा के कैट्रिंग स्टोर
वर्क 975-1540 का प्रोन्नति सोपान ।

वाणिज्य विभाग के कैट्रिंग शाखा के स्टोर वर्क 975-1540 का
प्रोन्नति सोपान जिसे मु0काधी0 एवं मुख्य कार्मिक अधिकारी ने अनुमोदित
किया है आप के सूचनार्थ एवं आवश्यक कार्यवाही हेतु भेजा जाता है । जो
जारी करने की तिथि से लागू माना जाये ।

सं0 यथापरि-

कृते महाप्रबन्धक कार्मिक

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- उप मुवाधी/खानपान गोरखपुर ।
- 2- प्रकाधि/नियमन भर्ती एवं प्रवाधि/संघ, गोरखपुर ।
- 3- महामंत्री नर्म गोरखपुर को उनके नर्म/ए.पी.सी./2
दिनांक 2-1-89 के सन्दर्भ में ।
- 4- जनवेनर/पी.आर. के यत्न, गोरखपुर ।

सं0 एक राशी को ।

Hira Lal Agrehari
Attested

कृते महाप्रबन्धक कार्मिक

P. S. Mehora
(Advocate)

A22

A.V.C. OF STORES CLERK (Rs 975-1540)
OF CATERING UNIT (COMMERCIAL DEPARTMENT)

Store Clerk (975-1540)	Asstt. Manager (975-1540)	(75% Direct recruitment & 25% by promotion from Class IV staff of catering)
Seniority cum suitability test	Seniority cum suitability test	

Catering Manager
(1200-2040)

Selection

Catering Inspector
(1400-2300)

Selection

Chief Catering Inspector
(200-3200)

Attested

Hare Lal Agarwal

[Signature]
4/9/89
P. S. Mehara
(Advocate)

A.P.O./T
31.01.1989

A23

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. NO.

OF 1989.

Hira Lal Agrahari

.... Applicant

Versus

Union of India and others

.... Respondent

ANNEXURE - 4

NORTH EASTERN RAILWAY

Confidential

No. of C/S7/Sect/Cell/81

Office of the
Divl. Railway Manager/C
Lucknow: dt. 20/7/89

The Chief Catering Inspector
North Eastern Railway,
Gorakhpur

Sub: Working of stores clerk of Catering
Unit, Gorakhpur

...

Shri Hira Lal Agrahari who is working as Store clerk
in your unit is shifted to work as cash clerk vice Shri
Akhtar Alam. The latter will take over charge of store
from Shri Agrahari and will continue to work as Store clerk
till another incumbent is posted.

Please ensure that this is implemented w.e.f. 1/8-89
and compliance reported to the undersigned.

[Signature]
Divl. Comm. Supdt/CR
Lucknow

Copy forwarded to:

1. Shri R.K. Tripathi, SGA/GKP in reference to Dy. CCS/CR's
D.O. No. C/SS/Dy. CCS-CR/Con/88 dated 6/7/89 for information
and necessary action.
2. Shri Vijayee Ram, Dy. CCS/CR, N.E. Railway, Gorakhpur
for information in reference to his D.O. No. C/SS/Dy. CCS-CR/
Con/88 dated 6/7/89.
3. Station Supdt., N.E. Railway, Gorakhpur for information
and ensuring compliance.

Hira Lal Agrahari

3 copy given to
Acc/CR pers
sd-
17/89

[Signature]
P. S. Mehara
(Advocate)

Divl. Comm. Supdt/CR
Lucknow

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. NO.

OF 1989.

Hira Lal Agrehari

.... Applicant

Versus

Union of India and others

.... Respondent

ANNEXURE - 5

सेवा में,

श्रीमान् मण्डल वाणिज्य अधीक्षक {खानपान}

पूर्वोत्तर रेलवे,

लखनऊ ।

विषय :- श्री अखतर आलम भूतपूर्व स्टोर लिपिक द्वारा षड़यन्त्र करके मुझे हटा कर पुनः स्टोर लिपिक का पद पुनः हथियाने के सम्बन्ध में ।

महोदय,

मुझे विश्वस्त सूत्रों से ज्ञात हुआ है कि भूतपूर्व स्टोर लिपिक श्री अखतर आलम जिनका मूल पद प्रवर लिपिक का है द्वारा मेरे विरुद्ध सुनियोजित षड़यन्त्र करके मुझे हटा कर पुनः स्टोर लिपिक का पद सम्भालने की योजना बनायी गयी है । इस सन्दर्भ में आप के जानकारी के लिये निम्नलिखित तथ्यों पर मैं आपका ध्यान आकृष्ट करना चाहता हूँ । और निवेदन करता हूँ कि इस मामले पर गम्भीरता पूर्वक विचार करें ।

§ 1§ श्री अखतर आलम जिनका पद प्रवर लिपिक वेतनमान - 1200-1950 का है । वर्ष 1974 से नवम्बर 1986 तक लगभग 12 वर्षों तक गोरखपुर खानपान इकाई में स्टोर लिपिक के पद पर कार्यरत रहे हैं । और इस बीच उनके विरुद्ध कई शिकायतें हुई हैं । साथ ही साथ रेलवे बोर्ड विजिलेन्स दल द्वारा इन्हें पकड़ा जा चुका है और इनके विरुद्ध विजिलेन्स केस भी हुआ है । और इसी पर उन्हें स्टोर लिपिक के पद से तत्कालीन क्षेत्रीय अधीक्षक गोरखपुर के द्वारा स्टोर लिपिक के पद से हटाया गया है ।

§ 2§ मेरा पद स्टोर लिपिक/प्रबन्धक वेतनमान 260-4430 ₹ ₹950-1540 का है । और पद के अनुरूप मुझे 30.11.86 को स्टोर लिपिक का चार्ज प्राप्त हुआ जिसका कार्यकाल अभी दस वर्ष ही पुरा हुआ है । इस बीच मेरे विरुद्ध न तो कोई शिकायत है । और न ही कोई विजिलेन्स केस । अतिरिक्त इसके दस स्टोक सामान मुख्य खानपान निरीक्षक के द्वारा ही खरीदा जाता है । और वितरण के लिये ही मुझे दिया जाता है । इसमें किसी प्रकार की कोई गड़बड़ी नहीं है । अलावे इसके मेरे कार्यकाल में लेखा विभाग द्वारा जब भी स्टोक/स्टोर की जाँच की गई है तो हमेशा सही पाया गया है । जिसका अभिलेख में मौजूद है ।

§ 3§ ऐसी स्थिति में मैं आपसे अनुरोध करता हूँ कि कोई भी निर्णय लिये जाने के पूर्व इस बात का विचार कर लें कि 12 वर्षों तक स्टोर लिपिक के रूप में कार्यरत श्री अखतर आलम को जिनके विरुद्ध काफी शिकायत और विजिलेन्स केस

क्रमाः-----2/-

Hira Lal Agrehari

प्रंजीकृत है। पुनः उसी पद पर क्यों लाया जा रहा है। जबकि उनका पद स्टोर लिपिक का नहीं है।

आपको यह भी सूचित करता हूँ कि लिपिक/प्रवर लिपिक की पदोन्नति का चैनल प्रधान लिपिक एवं कार्यालय अधीक्षक का है। और श्री अखतर आलम उसी कैडर के प्रवर लिपिक है। स्टोर लिपिक के पद पर पदोन्नति किये जाने का न तो इनका कोई चैनल है और न ही कोई अन्य आधार है। इसके विपरीत मेरा पद/कैडर मूल रूप से स्टोर लिपिक/प्रबन्धक का है और उसी कैटेगरी में मेरा पदोन्नति सोपान भी है। यदि मुझे स्टोर लिपिक के पद से हटा दिया जाता है तो हम किस पद पर कार्य करेंगे, जबकि गोरखपुर खानपान इकाई में एक स्टोर लिपिक पद के अलावा दूसरा कोई पद नहीं है। हायर ग्रेड 1200 - 1950 के कर्मचारी को श्री अखतर आलम को निचले ग्रेड के पद पर कार्य करने का क्या औचित्य है। यह सोचने की बात है और यह रेलवे खानपान इकाई पर अतिरिक्त वित्तीय बोझ भी बढ़ेगा, जो रेलवे के हित में उचित नहीं होगा।

मैं श्री मान से नम्रता पूर्वक निवेदन करता हूँ कि श्री अखतर आलम द्वारा मुझे स्टोर लिपिक के पद से हटवा कर पुनः अपने वही पद हथियाने की जो गुप्त योजना बनायी गयी है, उसे रेलवे के हित में सफल न होने दें।

आपके कृपा के लिये हम आजीवन ऋणी रहेंगे।

आपका विश्वास पात्र

दिनांक 24.7.89

श्री लाल अग्रहरी

स्टोर लिपिक

खानपान इकाई

गोरखपुर।

प्रति/लिपि :-

- 1- मुख्य कार्यालय अधीक्षक (सागान्ज) पूर्वी रेलवे क्षेत्र गोरखपुर
- 2- उपा मुख्य कार्यालय अधीक्षक (खानपान) पूर्वी रेलवे क्षेत्र गोरखपुर
- 3- क्षेत्रीय अधीक्षक पूर्वी रेलवे क्षेत्र गोरखपुर

Attested

4/9/89

P. S. Mehara
(Advocate)

श्री लाल अग्रहरी
स्टोर लिपिक
खानपान इकाई
गोरखपुर

A28

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. NO.

OF 1989.

Hira Lal Agarhari

.... Applicant

Versus

Union of India and others

.... Respondent

ANNEXURE - 6

Handwritten

Office of the
Divl. Railway Manager(C)
Lucknow
Dated 25-7-1989

No.C/67/Staff/Cat/81

The Chief Catering Inspector,
M.R.Railway,
Gorakhpur

Subj- Working of Store Clerk of Catering
Unit/Gorakhpur.

Ref- This office letter No.C/57/Staff/
Cat/81, dated 20-7-89.

In supersession to this office letter quoted
above this is to inform you that Shri Hira Lal Agarhari
is allowed to continue as store clerk for the time
being till further arrangement is made.

for DIVL. RLY. MANAGER(C)
LUCKNOW

COPY forwarded to-

- (1)- Shri Rakesh Tripathi, Area Supdt., M.R.R., Gorakhpur
in reference to this office letter referred above.
- (2)- Shri Vijay Kumar, .CC(CI), Gorakhpur for infor-
mation with reference to his D.O. letter No.C/67/
Y.CCS-CI/Con/88, dated 6-7-89 with request to
please replace Shri Agarhari with other store
clerk.
- (3)- Station updt./Gorakhpur for information.

for DIVL. RLY. MANAGER(C)
LUCKNOW

Handwritten: Hira Lal Agarhari

Handwritten: 4/9/89

Handwritten: S. S. Mohan

(327)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

C.T. NO.

OF 1989.

Hira Lal Agrahari

.... Applicant

Versus

Union of India and others

.... Respondent

ANNEXURE - 7

सेवा में,

श्रीमान् प्रवर भण्डार वाणिज्य अधीक्षक,
पूर्वाञ्चल रेलवे,
लखनऊ ।

विषय:- मूल कैडर भण्डार लिपिक के पद से हटाकर श्री अखतर आलम लिपिक के पद पर स्थानान्तरण एवं पद स्थापना के सम्बन्ध में अपील ।

महोदय,

उपरोक्त सन्दर्भ में उत्पन्न ही नम्रता पूर्वक निम्नलिखित निवेदन करता हूँ और अनुरोध करता हूँ कि श्रीमान् वास्तविक तथ्यों पर विचार कर उचित कार्यवाही करें ।

1- यह कि मेरा महा प्रबन्धक कार्मिक गोरखपुर के कार्यालय आदेश सं० का/210/15/तु०श्रो०/सी.आर./भाग-111/छ: दिनांक 17-2-1986 के अनुसार मेरा प्रोन्नति कैडिंग स्टोर क्लर्क वेतनमान 260-430 के स्वीकृत पर पर किया गया तदनुसार मेरा प्रोन्नति सोपान भण्डार लिपिक, कैडिंग मैनेजर, कैडिंग इन्स्पेक्टर, प्रवर कैडिंग इन्स्पेक्टर, चीफ कैडिंग इन्स्पेक्टर की श्रेणी में है । कार्यालय आदेश के अनुसार मैं दिनांक 30-11-1986 को भण्डार लिपिक का पद भार गोरखपुर खान-पान इकाई में ग्रहण कर लिया और तब से कार्यरत हूँ । मेरे विरुद्ध न तो किसी प्रकार की कोई शिकायत है और न ही कोई सतर्कता केश का मामला ही हुआ है ।

2- यह कि मैंने श्री अखतर आलम जिनका मूल पद कार्यालय लिपिक एवं प्रोन्नति सोपान प्रवर लिपिक/प्रधान लिपिक/कार्यालय अधीक्षक की श्रेणी में है, से दिनांक 30-11-86 से जब खान पान इकाई के भण्डार का चार्ज लिया तभी से वे मुझे हटाकर पुनः स्टोर लिपिक का पद स्वयं हथियाने का षडयंत्र करते रहे और कुछ अधिकारियों को गुमराह करके अंत में सफल भी हुये इस सन्दर्भ में मैं श्रीमान् को स्पष्ट कर देना चाहता हूँ कि श्री अखतर आलम 1974 से लेकर 30-11-86 तक गोरखपुर खान पान इकाई-12 वर्षों तक स्टोर लिपिक का कार्य करते रहे और इस बीच इनके विरुद्ध रेलवे बोर्ड सतर्कता जाँच दल द्वारा स्टोर चेक किये जाने पर अधिक स्टॉक पकड़क गया है । जिसे इन्होंने पैसे के बल पर दबा दिया है । आपके कार्यालय आदेश सं० सी. /57/स्टाफ/कैडिंग/81 दिनांक 20-7-89 के अनुसार मुझे स्टोर लिपिक के पद से हटाकर श्री अखतर आलम के स्थान पर लिपिक/केश लिपिक के पद पर किया गया । इस सन्दर्भ में मैंने दिनांक 25-7-89 को जब अमील किया तो उसी तारीख को उक्त आदेश निरस्त किया गया और मुझे पुनः अपने पद पर कार्य करते रहने का आदेश पारित हुआ और डिप्टी सी.सी.यस. कैडिंग से अनुरोध किया गया कि यदि मुझे स्टोर क्लर्क से हटाया जाना आवश्यक है तो किसी अन्य स्टोर लिपिक को ही मेरे स्थान पर लगाया जाय ।

- 3- श्रीमान् के उक्त आदेश की स्याही अभी सूखी ही नहीं थी कि श्री बीच पुनः महाप्रबन्धक वाणिज्य का कार्यालय आदेश सं० सी/57/स्टाफ/कैटिंग/81 दिनांक 28-8-89 के अनुसार पुनः स्टोर लिपिक के पद से छटाकर श्री अखतर आलम को मेरे स्थान पर पद स्थापित किया गया है और मुझे श्री अखतर आलम को ही चार्ज देने का आदेश पारित किया गया है, मैं श्रीमान् से पुनः स्पष्ट कर देना चाहता हूँ कि इस षडयंत्र का रहस्य काफ़ी गहराई तक पहुंच गया है और मेरे स्थान पर श्री अखतर आलम को ही पद स्थापित किये जाने के पीछे जो सुनियोजित षडयंत्र किया जा रहा है वह काफ़ी चिन्ताजनक है मुझे सूचना मिली है कि श्री आलम जो पिछले 12 वर्षों से स्टोर लिपिक के पद पर कार्यरत रहे इस मामले में अर्थाह नाजायज धन खर्च किये हैं और पुनः वही पद हथियाने में तयार हुये हैं ।

उपरोक्त तथ्यों को उजागर करते हुये मैं श्रीमान् से अनुरोध करता हूँ कि इस मामले में श्रीमान् पूरी छानबीन करावें और वास्तविक स्थिति को ध्यान विधि सम्मति आदेश दिये जाने की कृपा करें ।

आप की कृपा के लिये हम आजीवन आभारी रहेगें ।

दिनांक: 1.9.89

आप का विश्वास पात्र

देवाकाश कश्यप
11/9/89

॥ हीरा लाल अग्रहरी ॥

अड्डार लिपिक

खान-मान इकाई, गोरखपुर ।

प्रतिलिपि सूक्तार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- श्री के.सी. वर्मा, महा प्रबन्धक वाणिज्य पूर्वोत्तर रेलवे, गोरखपुर ।
- 2- श्री आई. डी. अमीन, अतिरिक्त महा प्रबन्धक पूर्वोत्तर रेलवे, गोरखपुर ।
- 3- मुख्य सतर्कता अधिकारी, पूर्वोत्तर रेलवे, गोरखपुर ।
- 4- श्री जे. यल. कौल डाइरेक्टर सतर्कता रेल भवन, नई दिल्ली ।
- 5- क्षेत्रीय अधीक्षक, पूर्वोत्तर रेलवे, गोरखपुर ।

Attest

P. S. Mehara
4/9/89
(Advocate)

आप का विश्वास पात्र

॥ हीरा लाल अग्रहरी ॥

Shri Lal Agrawal

A29

In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow.

D.A.No. 237 of 1989

Hira Lal Agreheri

Applicant

Versus

Union of India and others

Respondents.


Supplementary reply of the Respondents:

I, V.K.Tiwari working as Sr. Divisional Commercial Supdt. in the Office of D.R.M.'s Office of N.E.Railway Lucknow is duly authorised to sign and verify the reply on behalf of the respondents.

1. That the applicant has filed the present case against the respondents, which is pending before this Hon'ble Tribunal.
2. That a detailed reply has been already filed on behalf of the respondents in the above case.
3. That certain subsequent ^{events} happened after the last hearing, which are necessary to be brought on record.
4. That by Order No.C/57/staff/Cat/81 dated 12.10.'89 the transfer of shri Haralal Agrehri has been cancelled without prejudice, a copy whereof is made Annexure No. C-2 to this reply.
5. That on the facts and circumstances, the application has become infructuous.

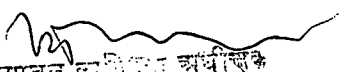
Lucknow

dated 17.10.'89

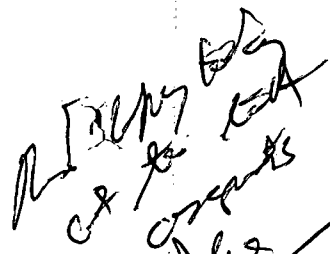

प्रवर मण्डल दायित्व अधिकारी
Respondents

Verification.

I, V.K.Tiwari working as Sr. D.C.S. in the D.R.M.'s Office at Lucknow do hereby verify that the contents of para 1 to 5 is based on information derived from record and legal advice which is believed to be true.


प्रवर मण्डल दायित्व अधिकारी

P.T.
L
10/10/89


C & Co
12/10/89

A30

NORTH EASTERN RAILWAY

OFFICE ORDER

In supersession to this office letter No.C/57/St-off/
cat/81 dated 29.8.1989, the transfer of Shri Hira Lal Agarhari,
store clerk (975-1540) is cancelled without prejudice.

This has the ^{approval} ~~signature~~ of CCS.

For Divl. Rly. Manager(c)

Lucknow.

No.C/57/st off/cat/81

Dated 12.10.89

Copy forwarded to:-

(1) Chief Catering Inspector, Gorakhpur.

(2) SGA/Gorakhpur.

(3) Dy CCS (Catering) N.E.R. Gorakhpur for information in

reference to the letter No. C/78/cat/1248/contal/LJN/89.

Dated 11.10.89 of Law Officer/Gorakhpur.

(4) Sr. DPO? LJN.

(5) Station Master, Gorakhpur.

(6) Account Officer (Cat), FA & CAO Office Gorakhpur.

(7) DPO? JR.

(8) Divisional Secretary NERH & PRKS.

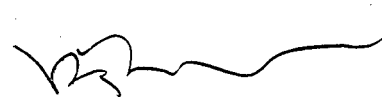
(9) Shri Hira Lal Agarhari C/O Chief Catering Inspector

Gorakhpur.

(10) L/LJN & Law Officer Gorakhpur.

For Divl. Rly. Manager (c)

Lucknow.


प्रवर सम्बल पत्रिका अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

1231

In the Central Administrative Tribunal Allahabad
Circuit Bench Lucknow.

O.A.No. 237 of 1989

Hira Lal Agraheri ... Applicant
Versus
Union of India and others ... Respondents.

Reply on behalf of the Respondents:

F.T.
L
19/5

I, V.K. Tiwari working as Sr. Diol, Commercial Supply
Lucknow
in the Office of D.R.M.'s office of N.E. Railway, is
duly authorise to sign and verify the reply on behalf
of the respondents: I have gone through the contents
of the application and its annexures and under-stood
the same. I am also conversant with the facts stated
below:

Before giving parawaise reply to the application, it
is necessary to give the following facts:-

1. That considering the post of stores-clerk, a
sensitive one, involving material and money
transaction, it was decided by the administration
that the term of store clerk, should be 2 years
only.
2. That in a contemplated enquiry agsint the
applicant, the leadger and a/c books have
been siezed by the department and are being
examined.

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- 2 -

3. That the shifting of the applicant from the post of Store Clerk, has been necessitated in the exigency of service and in administrative interest.
4. That at any rate, for the present, by directing the applicant by means of impugned order dated 29.8.'89 (Annexure No.1 to the application) to the application, to work as xash clerk, there has been no change in status and the applicant would avail all his promotional opportunities as per A.V.C. applicable to Store Clerk, if any, when it becomes due.
5. That on the facts and circumstances stated above, the applicant is not entitled to any relief and the application is liable to be dismissed.

PARAWISE REPLY:

Para 1: The contents of paragraph 1 of the application, needs no reply.

Para 2: In reply, only the jurisdiction of the Tribunal is admitted. Rest is denied. No cause arose to the applicant to file the present application.

Para 3: The contents are denied. The application is premature on the own admission of the applicant, he having made a representation on 1.9.'89.

... 3

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महाराष्ट्र सरकार
महाराष्ट्र सरकार
महाराष्ट्र सरकार

A33

- 3 -

Para 4: Contents of ~~xx~~ first, second and third part of paragraph 4 of the application needs no reply.

In reply to the fourth part of paragraph 4 of the application, only the issue of Order No. Personnel 1/210/15/CR/Bhag-II/8 dated 31.1.1989 issued by the General Manager (Personel) is not denied. The AVC disclosed by the applicant is not correct. Copy of correct AVC is annexed to this reply as ANNEXURE No. C-1. However the copy of letter No. 210/15/CR/BHAG-II/8 dated 31.1.1989 under which AVC was issued is admitted.

Contents of fifth part of paragraph 4 of the application are not denied. The copy of office order dated 20.7.'89 annexed as Annexure No. 4 to the application is not denied.

In reply to the contents of sixth part of paragraph 4 of the application, only the receipt of representation dated 24.7.'89 by

... contained in Annexure No. 5

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- 3 -

Para 4: Contents of ~~xx~~ first, second and third part of paragraph 4 of the application needs no reply.

In reply to the fourth part of paragraph 4 of the application, only the issue of Order No. Personnel 1/210/15/CR/Bhag-II/8 dated 31.1.1989 issued by the General Manager (Personel) is not denied. The AVC disclosed by the applicant is not correct. Copy of correct AVC is annexed to this reply as ANNEXURE No. C-1. However the copy of letter No. 210/15/CR/BHAG-II/8 dated 31.1.1989 under which AVC was issued is admitted.

Contents of fifth part of paragraph 4 of the application are not denied. The copy of office order dated 20.7.'89 annexed as Annexure No. 4 to the application is not denied.

In reply to the contents of sixth part of paragraph 4 of the application, only the receipt of representation dated 24.7.'89 by the applicant as contained in Annexure No.5 to the application is not denied. Rest of the contents are ~~not~~ verifiable from the representation itself. It is however specifically denied that there is any inquiry or action pending against shri Akhtar Alam, as alleged by the applicant.

.... 4

महल नगरपालिका कार्यालय
चौमाला

1734

- 4 -

It is also specifically stated that in view of the facts stated above, the seniority, as well as the promotion avenue will not be effected, as alleged by the applicant.

Contents of seventh part of the paragraph 4 of the application are denied. However, the copy of letter dated 25.7.'89 as contained in Annexure No.6 to the application is not denied. It is submitted that the inference drawn by the applicant that the letter dated 25.7.'89 would amount to cancellation of the order dated 20.7.89 is incorrect.

In reply to the contents of eighth part of paragraph 4 of the application, only the fact that the applicant is working continuously on the post of store clerk since last 3 years is not denied. Rest is not admitted. It is stated that in a contemplated inquiry, the record has been seized by the department and the same is under investigation.

In reply to the contents of ninth part of paragraph 4 of the application, only the issue of Order No. C/57/Staff/Cat/81 dated 29.8.'89 as contained in Annexure No.1 to the application is not denied. Rest of the contents are denied. It is specifically denied that the applicant was

... 5.

बि. मंडल बाणिज्य अधीनस्थ
प्रबन्धन विभाग, अजमेर

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- 5 -

entitled to be given an opportunity of being heard on the question of transfer, which does not amount to punishment. It is also specifically denied that the transfer was made at the initiation of Sri Akhtar Alam or as result of personnel enmity between the applicant and Sri Akhtar Alam, but the transfer was due to the exigency of service and administrative reasons.

In reply to the contents of tenth part of paragraph 4 of the application, only the receipt of applicant's representation dated 1.9.'89 as contained in Annexure No. 7 to the application is not denied.

Para 5: The contents are denied. None of the grounds are tenable under law.

Para 6: In reply, only the submission of the representation as contained in Annexure No. 7 is not denied. Rest is denied. The applicant has to wait for making an application in the Hon'ble Tribunal only after the expiry of 6 months, in case his representation is not decided.

Para 7: Needs no reply.

Para 8: Denied. The applicant is not entitled to any relief. The application is liable to be dismissed with costs.

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प्रमुख मंत्री याचिका संख्या 135
प्रकाशित दिनांक 1.9.89

436

- 6 -

Para 9: The contents are denied. As already stated above, the application is liable to be dismissed. As such the applicant is not entitled to any interim relief.

Para 10 : Needs no reply. However if the application is not signed by the applicant, it is liable to be dismissed as not being legal and maintainable.

Para 11: Needs no reply.

Para 12: Needs no reply.

Para 13: Needs no reply.

14. That for the facts reasons and circumstances stated above the application made by the applicant is liable to be dismissed.

Lucknow

dated: 19 .9.'89

Respondents
प्रतिवादी, उत्तर
[Signature]

VERIFICATION.

I, V. K. Tiwari working as Sr Dwl Commr. Supd in the D.R.M's office of North Eastern Railway, at Lucknow do hereby verify that the contents of paras 1 to 5 of the preliminary facts as well as para 1, 4, bracketed para 6 are based on information derived from record and believed to be true, while those paras 2, 3, 5 and 7 to 14

.... 7

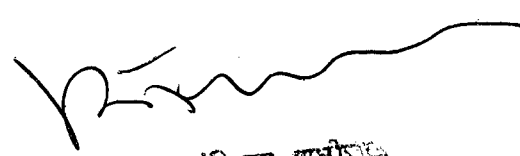
[Signature]
प्रतिवादी, उत्तर
[Signature]

1837

- 7 -

are based on legal advice which is believed to be true.

Signed and verified this day of September 1989
at D.R.H.'s Office Ashok Marg Lucknow.



अवर सहाय वाणिज्य अधिकारी
पूर्वीय रेलवे, लखनऊ

AA No. 237 of 89
Hira Lal Agrahari vs Union of India

A38

AVC of Stores Clerk (975-1540) of
Catering Unit (Commercial Deptt).

Store Clerk
(975-1540)

Asstt. Manager
(975-1540)

75% D.R.
25% by promotion
from Class IV staff
of catering.

Seniority-cum-
suitability test.

Seniority-cum-
suitability test.

Catering Manager
(1200-2040)

Selection

Catering Inspector
(1400-2300)

Seniority-cum-suitability

Sr. Catering Inspector
(1600-2660)

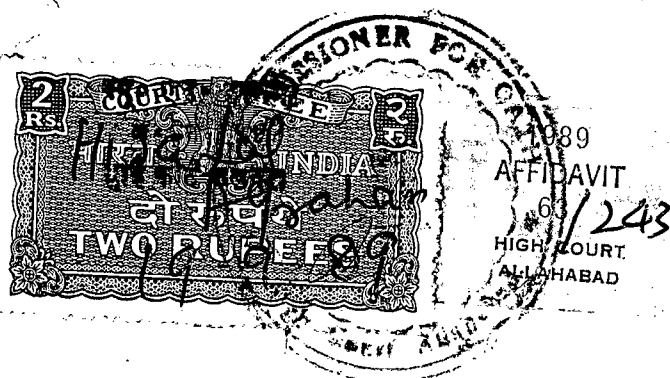
Selection

Chief Catering Inspector
(2000-3200)

K. T. J. J.
मुख्य मंत्री, मंत्रालय
पूर्वोक्त विभाग, कलकत्ता

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI, ADDITIONAL BENCH AT LUCKNOW.

O.A. No. : 237 OF 1989 (L)



Hira Lal Agrahari

.....

Applicant

Versus

Union of India and others

.....

Respondents

REJOINDER AFFIDAVIT

I, Hira Lal Agrahari, aged about 52 years, son
of Late Sri Sunder Lal Agrahari, resident of 640, Krishna
Nagar Private Colony, Post Office Basarathpur, District
Gorakhpur do hereby solemnly affirm and state on oath
as under :-

1. That the deponent is the applicant himself and
as such he is fully conversant with the facts
deposed.

The contents of para 1 of the reply filed by
the respondents are not correct as stated. The
true fact is that the deponent is a store clerk
and he is responsible only for store. It is wrong
to say that any money transaction is involved in
the duties of the deponent and there is no any
administrative order that the term of store clerk
should be for two years only. As it is evident
from the Annexure 2 to the application, the deponent
was promoted to the post of store clerk in the
month of December, 1986 in the pay scale of Rs 260 -
430 which is now revised to Rs 975 - 1540/-.

200

The Office Memo No. -E/59/C/Chief/4/6 dated 7.2.1986 clearly states that a post of Store Clerk is being allotted to Lucknow Division with effect from 1.4.1984 and the deponent was promoted on that allotted post of store clerk.

2. That in reply to para 2 of the objection filed by the respondent it is stated that no notice has been given to the deponent regarding the alleged contemplated enquiry against the deponent. It is worth mentioning here that the deponent has served a certified copy of this Hon'ble Tribunal's Order dated 5.9.1989 on respondent No. 2, 3 and 4 on 5.9.1989 and 6.9.1989 respectively. After the service of the Hon'ble Tribunal's order dated 5.9.1989 to the respondents, the Assistant Commercial Officer (Catering), Gorakhpur became annoyed with the deponent as he could not achieve his goal to place Mr. Akhtar Alam, Senior clerk on the post of store clerk in place of the deponent. The respondent No. 2 on the initiation of Assistant Commercial Officer (Catering) started to harass the deponent and on 8.9.1989 at about 6.00 P.M. when the deponent had left to his home after performing his duty, the store was sealed by Assistant Commercial Officer (Catering) in presence of Senior Inspector Stores Accounts and Chief Catering Inspector without giving any notice to the deponent. On 9.9.1989 when the deponent resumed his duty, the store was checked by Assistant Commercial Officer (Catering) together with Senior Inspector Stores Accounts. On 12.9.1989 the Issue Book of the stores has been taken by the Assistant Commercial Officer (Catering) and the ledger of the store is still with the deponent.



Shri Lal Singh

Am

A photostat copy of applicant's letter dated 5.9.1989 accompanied by the Order dated 5.9.1989 showing the endorsement of Receipt by the respondents is Annexure R-1 and the paper showing the seal dated 8.9.1989 bearing the signatures of Assistant Commercial Officer (Catering), Inspector Stores Accounts and Chief Catering Inspector is Annexure R-2 to this Rejoinder Affidavit.

3. That the contents of para 3 of the reply filed by the respondent is wrong hence refuted. The shifting of the deponent from the post of store clerk to the post of cash clerk is amount to a punishment as the cadre of the deponent is an store clerk and he can only be transferred to the post of store clerk. The impugned order of transfer contained in Annexure 1 to the application is, thus, malafide.
4. That the contents of para 4 are not correct as stated. The status and duties of the deponent in the post of store clerk is supervisory while the duty and nature of the cash clerk post is purely a ministerial act. The promotional avenue of the deponent will also be defeated by shifting the deponent from the cadre of store clerk to the cadre of clerk. The letter No. Personnel/210/15/C.R./Bhag - 11/6 passed by General Manager (Personnel) clearly states that the heirarchy of the store clerk will be according to A.V.C. of store clerk of catering unit (Commercial Department) and the impugned order of transfer is utter disregard of the departmental instructions itself.



Shri. R. Singh

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5. That the contents of para 5 of the objection are wrong and denied. The deponent is entitled to his relief claimed and the application is liable to be allowed.

APPLICANT'S REPLY TO THE PARAWISE REPLY OF THE RESPONDENT

1. That the contents of para 1 need no comments.
2. That in reply to para 2 it is stated that the cause of action accrued to the deponent for filing the application at Lucknow within the jurisdiction of this Hon'ble Tribunal.
3. That the contents of para 3 are not correct as stated. The application is well within limitation and the application is not pre-mature as the deponent's representation dated 1.9.1989 has not been decided by the respondent upto 4th September, 1989. It is evident that the deponent was previously shifted from store clerk to the post of cash clerk and Sri Akhtar Alam was posted in place of the deponent and the deponent has preferred a representation dated 24.7.1989 which is Annexure 5 to the application and vide Annexure 6 the earlier transfer order dated 20.7.1989 (contained in Annexure 4) was cancelled on 25.7.1989. This time the deponent was expecting the cancellation of the impugned transfer order contained in Annexure 1 but the respondent has not cancelled the impugned transfer order and the deponent was not left with any alternate or expeditious remedy than to approach this Hon'ble Tribunal.
4. That the contents of para 4 of the parawise reply is not correct as stated. The deponent reiterates the averments made in para 4 of the application.



Office of the
Commissioner for Oath

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The deponent has only alleged in the application that Sri Akhtar Alam is working in the pay scale of Rs 1200 - 2040 and presently he is posted as senior clerk and there are also complaints against Akhtar Alam and he is not entitled for the post of store clerk while on the other hand the deponent is being shifted to another cadre of cash clerk which is purely a different cadre. The seniority as well as promotional avenues of the deponent will be seriously affected by the impugned transfer order.

The letter dated 25.7.1989 (Annexure 6) clearly allow the deponent to continue as store clerk in the catering unit of North Eastern Railway, Gorakhpur. The deponent is aggrieved only by changing his cadre. He is entitled for the post of store clerk which is a separate cadre in the Railway Department.

It is wrong to say that any ~~enquiry~~ contemplated enquiry was pending against the deponent prior to impugned order of transfer dated 29.8.1989 and it is only after-thought that the respondent started to harass the deponent when he obtained a stay order dated 5.9.1989 from this Hon'ble Court as it is evident from Annexure R-2 to this Rejoinder Affidavit that the store was sealed on 8.9.1989. No notice has ever been served to the deponent regarding any departmental enquiry against the deponent.

The deponent was not given any opportunity of being heard before passing the impugned transfer order dated 29.8.1989 as the order was passed by the Divisional Manager Railway (Commercial), Lucknow changing the cadre of the deponent which amounts to punishment.

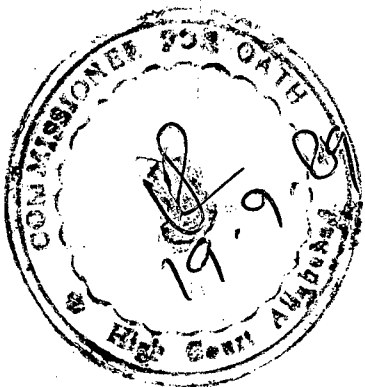


Shri Lal Singh

peru

The order of transfer was made at the initiation of Sri Akhtar Alam as he is in enemical terms with the deponent.

5. The contents of para 5 of the reply are wrong hence denied. The deponent is entitled to his relief on the grounds mentioned in the application and all the grounds are tenable by law.
6. The contents of para 6 of the reply are vague hence denied. The deponent has acted bonafide as he has been left with no other alternate or efficacious remedy than to approach this Hon'ble Tribunal.
7. That the contents of para 7 of the reply needs no comments.
8. That the contents of para 8 of the reply are refuted and those of para 8 of the application are reiterated. The deponent is entitled to his reliefs as prayed and the application deserves to be allowed.
9. That the contents of para 9 of the reply of the respondent are denied and those of para 9 of the deponent's application are reiterated. The deponent is entitled to the interim relief as the prima facie case and balance of convenience lies in favour of the deponent as against the respondent. The application of the deponent will become infructuous in case the stay order dated 5.9.1989 passed by this Hon'ble Court is vacated and the deponent will suffer irreparable injury.
10. That in reply to para 10 of the reply of the respondent it is stated that the deponent has signed the application and the same is well maintainable.



Handwritten signature

Ans

11. That the contents of para 11 of the reply need no comments.
12. That the contents of para 12 of the reply are not disputed.
13. That the contents of para 13 of the reply are not disputed.
14. That in reply to para 14 of the reply given by the respondent it is stated that the applicant's application deserves to be ~~allowed~~ allowed and the order of transfer dated 29.8.1989 passed by the Divisional Railway Manager (Commercial), Lucknow (contained in Annexure No. 1 to the application) deserves to be quashed.

Lucknow :

Dated : 19.9.1989

Hire Lal Singh

Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 5 of the rejoinder affidavit are true to my personal knowledge and those of paras 1 to 4, 6 to 14 of the deponent's reply are true to personal knowledge and those of para 5 are believed to be true on the basis of legal advice tendered to me.

Signed and verified this 19th day of September, 1989 at Lucknow.

Lucknow :

Dated : 19.9.1989

Hire Lal Singh

Deponent

I identify the deponent who has signed before me.

P.S. Mehra
(P.S. Mehra)
Advocate



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI, CIRCUIT BENCH AT LUCKNOW.

O.A. No. : 237 of 1989 (L)
Hira Lal Agrahari Versus Union of India & others

To

ANNEXURE - B-1

The Senior Divisional Commercial Superintendent
North Eastern Railway
Lucknow.

Subject : Application No. C.T. No. 237 of 1989 (L) -

Hira Lal Agrahari Versus Union of India & Others.

Sir,

The Hon'ble Central Administrative Tribunal,
Circuit Bench at Lucknow has been pleased to stay the
impugned order of transfer shifting the applicant from
the post of store clerk to the post of cash clerk.

Certified copy of Hon'ble Tribunal's order dated
5.9.1989 passed in O.A. No. 237 of 1989 (L) H.L. Agrahari
Versus Union of India and others is being enclosed
herewith.

DA-1

Lucknow :

Dated : 5.9.1989

Yours faithfully,

Hira Lal Agrahari

(Hira Lal Agrahari)
Store Clerk - Applicant
Office of the Chief
Catering Inspector,
North Eastern Railway,
Gorakhpur.

o/c

Copy to :-

✓ 1- Dy CCI/ER/918

2- SGA/ER

3- Chief Catering Inspector NER/ER

[Signature]

6/9/89

Hira Lal Agrahari



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CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. No.237 of 1989 (L)

H.L. Agrahari

.....

Applicant.

Versus

Union of India & ors

.....

Respondents.

5-9-1989

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

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

The applicant files supplementary affidavit.

Admit.

Issue notice to opposite parties to file reply within three weeks to which the applicant may file rejoinder within ^{ten} ~~two~~ days thereafter.

In the matter of interim relief, it is noticed that, according to the applicant, the post of Store Clerk which he is presently holding is in the scale of Rs. 975-1540 in a cadre which is altogether different from the clerical cadre which includes the post of a cash clerk in the scale of Rs. 950-1500 to which the applicant is posted under the ^{impugned} ~~impugned~~ transfer order. In the circumstances, we direct notices to be issued fixing 19-9-89 for orders. Till then the operation of the impugned transfer order dated 29-8-89 contained in Annexure-I so far as it relates to the applicant, shall remain stayed.

Handwritten notes and stamps on the left margin, including a circular stamp of the Central Administrative Tribunal, Lucknow Bench.

Checked by
[Signature]

Sd/-
A.M?

Sd/-
V.C.

//True Copy//

[Signature]
Deputy Secretary
Central Administrative Tribunal
Lucknow Bench.
Lucknow

19-9-89

Handwritten notes and stamps at the bottom left, including a date stamp 15/9/89 and a signature.

(410)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL
BENCH, NEW DELHI, CIRCUIT BENCH AT LUCKNOW.

O.A. NO. : 237 of 1989 (L).

Hira Lal Agrahari

.... Applicant

Versus

Union of India and others

.... Respondents

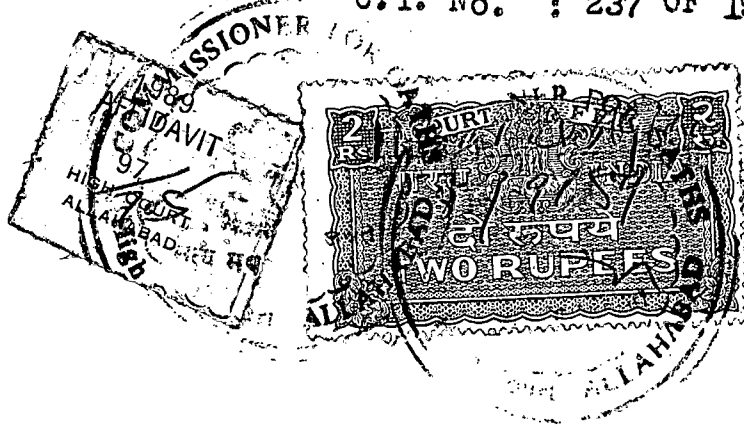
ANNEXURE - R-2



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

NEW DELHI, ADDL. BENCH AT LUCKNOW.

C.T. No. : 237 OF 1989 (L).



Hira Lal Agrahari

.... Applicant

Versus

Union of India and others

.... Respondents

SUPPLEMENTARY AFFIDAVIT

I, Hira Lal Agrahari, aged about 52 years, Son of Late Sri Sunder Lal Agrahari, resident of 640, Krishna Nagar Private Colony, Post Office Basarathpur, District Gorakhpur, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the applicant himself and as such he is fully conversant with the facts of the case.
2. That the deponent is working as Store Clerk in the office of Chief Catering Inspector, North Eastern Railway, Gorakhpur and the scale of store clerk is Rs 975 - 1540. The following heirarchy shows the ~~shows~~ promotional avenue in the cadre of store clerk:-

Store Clerk - Catering Manager - Selection -
(975-1540) (1200 - 2040)

Catering Inspector - Selection - Chief Catering
(1400 - 2300) Inspector
(2000 - 3200)

.....2



Hira Lal Agrahari

A50

3. That the heirarchy and promotional avenue in the clerk grade of the department is as under :-
- Clerk - Senior Clerk - Head Clerk -
(950-1500) (1200-2040) (1400-2300)
- Office Supdt. (Grade II) - Office Supdt. (Grade I)
(1600 - 2660) (2000 - 3200)
4. That the deponent will suffer irreparable injury in case he is shifted from the cadre of store clerk to the post of cash clerk and the charge of store is still with the deponent.

Lucknow :

Dated : 5.9.1989

Hira Lal Agrahari

Deponent

VERIFICATION

I, the above named deponent, do hereby verify that the contents of paras 1 to 4 are true to my personal knowledge. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow :

Dated : 5.9.1989

Hira Lal Agrahari

Deponent

I identify the deponent who has signed before me.

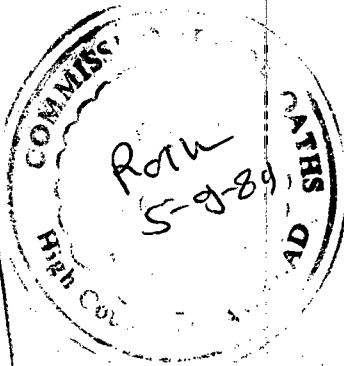
personally known to me.

P.S. Mehra
5/9/89

(P.S. Mehra)
Advocate

Solemnly affirmed before me on 5-9-89 at 12-30 A.M./P.M. by Sri Hira Lal Agrahari the deponent who is identified by Sri P.S. Mehra, Advocate, High Court Allahabad.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read over and explained by me.



Roh 5-9-89
JATH CO. SIONER
High Court Allahabad
Bench

No. *Te-A-97/125*
Date *5-9-89*

वकालतनामा

In the Central Adm. Tribunal circuit
Bench Lucknow के समक्ष

O A No. 237 of 89

वादी
प्रतिवादी

H. L. Agrahari

दावेदार
अपीलाधीप्रतिवादी
वादी

बनाम

U O 9 and others

अर्जीदार
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

Umesh Chandra Railway Advocate Lucknow

PRAMOD KUMAR Advocate

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ को और से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण तिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यासी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिपत्यन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

Umesh Chandra Railway Advocate Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी और से इस विलेख को आज तारीख को सम्यक् रूप से निष्पादित किया जाता है।

तारीख 19

NEB-84850400-8000-4784

Accepted
Pramod Kumar
Adv.

(K. K. Sharma)
निष्पादन करने वाले अधिकारी का पदनाम
जा. कामिक अधिकारी,
पूर्व रेलवे, सचिव

Note: — Mr Umesh Chandra, Senior advocate will also appear in this case. Pramod Kumar Adv.

VAKALATNAMA

Before
In the Court of

The Central Administrative Tribunal
Circuit Bench, Lucknow.

OA No. 237 of 1987 (L)

Hiralal Agrahari

Applicant

Versus

Union of India and others - Respondents

I/We Dharam Nath Prasad, Chief Catering
Inspector, N.E.Rly, Gorakhpur

do hereby appoint and authorise Shri. Arjun Bhargava

Railway Advocate, Lucknow to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Applicaion/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri.

Arjun Bhargava,
Lucknow

Railway Advocate,

in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this.....

.....day of.....198..

(Dharam Nath Prasad)
Chief Catering Inspector
N.E.Rly
Gorakhpur.

O.P. No 4

NS/CCS

34

VAKALATNAMA

Before
in the Court of

In the Central Administrative Tribunal at Allahabad
Circuit - Bench, Lucknow
CA No. 237 of 1989.

Plaintiff
Defendant

Hiralal Agrahari

Versus

Defendant
Plaintiff

Union of Delhi Sahas

Applicant
Claimant
Appellant

Petitioner

Respondent

The President of India do hereby appoint and authorise Shri.....

Ry Advocate, Lucknow

Arjun Bhargava

.....to appear, act, apply, plead in and prosecute the above described suit/appeal/proceeding on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceeding against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate or Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agree to ratify all acts done by the aforesaid Shri.....

Arjun Bhargava
Ry Advocate, Lucknow

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this theday of.....198.

Dated198

NER-84850400-8000-4 7 84

Designation of the Executive Officer,

Sr Divisional Commr. Supdt

NER, Lucknow

for Union of India

Accepted
[Signature]

VAKALATNAMA

Before
In the Court of

In the Central Administrative Tribunal
Lucknow Bench, Lucknow

O A No. 237 of 1989

Shri Lal Agrahari Applicant

Versus

Union of India and others Respondents

I/We V.K. Tewari, Sr. Divisional Commercial
Suptd, M & R, Lucknow

do hereby appoint and authorise Shri Arjun Bhargava

Railway Advocate, Lucknow to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Application/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri Arjun Bhargava

Railway Advocate, Lucknow

in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this

day of 1989

V.K. Tewari
V.K. Tewari
Sr. Divisional Commercial Suptd
M & R
Lucknow

O.P. No. 3