

(See rule 114)

OA/TA/RA/CP/MA/PT2/7/90.....of 20.....

.....Applicant(S)

Versus

..... Respondent(S)

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Certified that the file is complete in all respects.

Signature / of S.D

Signature of Deal. Hand

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CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

O. A. No. 217/90

Thursday this the 10th day of February, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

Sajeevan Lal

R/o Village Mardan Khera PO

Rajajipuram Distt. Lucknow. ... Applicant

(By Advocate Mr. Neeraj Chaurasia)

V.

1. The Union of India through the Secretary, Ministry of Railways, Rail Bhavan, New Delhi.
2. The Dy. Chief Mechanical Engineer, Carrage and Wagon Workshop Alambagh, Lucknow.
3. Sri. Zamir Hasan Ticket No. 557A Fitter Grade II lifting Shop Carrage and Wagon Workshop, Alambagh Lucknow.
4. Sri Mujtaba Ali Ticket No. 541A Welding Shop working as Fitter Gr. II Carrage and Wagon Workshop Alambagh, Lucknow. ... Respondents

(By Advocate Mr. A.K. Chaturvedi for R. 1 & 2)

The application having been heard on 10.2.2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The grievance of the applicant who has since been promoted as Fitter Gr. II w.e.f. 4.12.88 is that though he had successfully completed the trade test for promotion to that grade, he was denied promotion with effect from 1.1.84, that even in the year 1987 when he was promoted he was not relieved by his superior and that he has been promoted only after two of his juniors were promoted in the year 1988. With these allegations, the applicant has sought a declaration that he should be

contd...

✓

deemed to have been promoted to the post of Fitter Gr. XI with effect from 1.1.84, the date of promotion of other selected persons or from the date of order of promotion passed to join the fitter grade. II in Welding Shop or from 1.1.85 when the post became available in Shop A under respondent No2nd with all consequential benefits.

2. The respondents have in their reply statement indicated that the applicant could not be promoted with effect from 1.1.84 for want of vacancy, that those promoted were senior to him, that though the applicant was promoted by order dated 10.7.87 as the applicant did not join the promoted post by order dated 7.1.89 the promotion of the applicant was cancelled and he was promoted with effect from 4.12.88. The juniors of the applicant were promoted in June, 1988 as the applicant had not accepted the promotion made by order dated 10.7.87. Since the order passed by the respondents cancelling the promotion has not been so far challenged by the applicant, the respondents contend that the applicant is not entitled to any relief.

3. On a careful consideration of the pleadings and materials, we find that the applicant does not have a legitimate cause of action. Though the applicant might have been successful in the trade test as on 1.1.84 he could not have been promoted for want of vacancy because all the persons promoted with effect from that date were his seniors. As the applicant did not carry out his promotion made by order dated 10.7.87 it has been taken as refusal to carry out the promotion, juniors of the applicant had been promoted in June,

contd...

1988. As the applicant has declined to accept promotion ordered on 10.7.87, the respondents debarred him from promotion for one year within which his juniors were promoted in 1988. We do not find violation of any rule or any irregularity in the action. The applicant has now been promoted w.e.f. 4.12.88 also.

4. In the result, in the light of what is stated above finding no merit the application is dismissed leaving the parties to bear their own costs.

Dated this the 10th day of Feb., 2000



J.L. NEGI
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

s.

08/02/2000.

case is adjourned to 10-02-2000
for hearing

Y
Boe

10/2/2000.

Bench: Horibla vs (AVH)
Horibla vs (JLW).

Mr. Neeraj Chaurasia for Pw Bajpai.
Mr. A.K. Chaturvedi.

Heard. Orders dictated in open court.

By order
Y
Co. 18
192

S.

Order 10-2-2000
prepared on 24/4/2000
Q

28.6.93

Hon'ble Mr. B.K. Singh, A.M.

Learned counsel for the applicant and learned counsel for the respondent Shri A.K. Chaturvedi are present. Record is complete in all respects. List this case on 30.8.93 for hearing and disposal.

[Signature]
A.M.

(g.s.)
C.A. 20893
S.D. 20893
S.D. 20893

NO sitting 21.10.93
15.10.93
A.M. Singh
D.M. Singh
D.M. Singh

15.10.93

NO sitting 21.10.93
A.M. Singh
D.M. Singh
D.M. Singh

CA 20893
S.D. 20893
S.D. 20893
S.D. 20893
S.D. 20893

03.12.98
D.R.

Case closed before me. Today.
From office report. Please
before 05-1-99 for hearing.

03.12.98
D.R.

05.1.99

No sitting of D.B. case is
adj. to 06.4.99 for hearing.

[Signature]
D.R.

Section of
case 20893
D.R.
D.R.
D.R.
D.R.

Case closed

06.4.99

19.12.91
D.R.

Both the parties
are present. Sri
A.K. Chaturvedi has
filed his valuation
return on behalf of
O.P. No. 2 today. He
is ordered to file counter
by 13/3/92.

13.3.92
D.R.

Counsel for the applicant
is present. Respondent
did not file counter
today. He is further
ordered to file it by
29/5/92.

29.5.92
D.R.

Both the parties are
present. CA/RD have
been exchanged. Now
this case may be listed
for final hearing before
the Hon. Bench on 10/8/92.

21/8/92

(2)
Hon'ble Mr. Justice K. Nith, V.C.
Hon'ble Mr. M.M. Sanch, J.M.

ADMT.

Issue notice to file counter
within 4 weeks, rejoinder within 2
weeks thereafter. List on 15.01.91
before D.A. for fixing a date if
possible, after completion of record.

Ms/

sd/-
A.M.

sd/-
V.C.

Noting issued

9-12-90

15.1.91
D.R.

Respondent is
not in the
court.
is more than
a week in
court.

15/2/91
R

15.2.91
D.R.

Mr. P.N. Bagpor, C/A
is present. No

appearance has been
made on behalf
of the respondent's
side. Counter has
not been filed till
today so, respondent
is directed to file
it by 8/4/91

IN THE CENTRAL ADHOC TRIBUNAL ADOL BENCH
ALHAB. AND CIRCUIT BENCH LUCKNOW.

Case no. 217/90 of 1989.
(L)

Sejavan Lal.

Applicant.

Versus.

The Union of India and ors. Respondents.

f.T.
S.S.
9/7/90

COMPILATION

COMPILATION

B

May be
put up on
1-8-90
J. B. B. B.
1-8-90

DAILED: 3-7-90

(P. B. B. B.)
ADVOCATE.

Court for the applicant.
Bhawanji Road; Lucknow.

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INTRA CENTRAL ADMN TRIBUNAL ADDL: BENCH
ALLAHABAD: CIRCUIT BENCH LUCKNOW.

O.A. no. 217 of 1989a (4)

Sajeevan Lal.

Applicant,

Vs.

The Union of India and ors.

Respondents.

COMPILATION A.

S.no. Particulars of document relied. Page no
on.

1. Application u/s 19 of the
Central Administrative Act
1985. 1-10.
 2. Annexure no. 1.
Promotion order of O.P.no.
3 to 5. 11.
-

Lucknow Dated:
July 3, 1990.

(P.N. Bajaj)
Advocate,
Counsel for applicant.

8/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALAMBAGH:
CIRCUIT BENCH LUCKNOW.

O.A.NO. 217 of 1990(L).

NAMES OF PARTIES.

Sajeevan Lal aged about 40 years s/o Sri
Hari Ram r/o village Lardan Khara P.O.
Rajajipuram Distt. Lucknow.

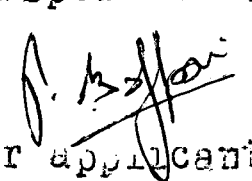
...applicant.

Versus .

1. The Union of India through the
Secretary, Ministries of Railways Rail
Bhawan New Delhi.
2. The Dy. Chief Mechanical Engineer,
Carrage and Wagon Workshop Alambagh
Lucknow.
3. Sri Zamir Hasan Ticket No. 557 A, Fitter
Grade II lifting shop Carrage and Wagon
workshop Alambagh Lucknow.
4. Sri Mujtaba Ali Ticket no. 541-A,
Welding shop working as Fitter Grade II,
Carrage and Wagon workshop Alambagh
Lucknow.

Respondents.

DATE: 3-7-90


Counsel for applicant.

In the Central Administrative Tribunal
Additional Bench Allahabad
Circuit Bench , Lucknow.

O.A. No. of 1990, (L)

Sajeevan Lal, aged about 40 years S/O Sri
Hari Ram, R/O, Village, Mardan Khera, P.O.
Rajajipuram, Distt. Lucknow.

... Applicant.

Vs.

1. The Union of India, through the
secretary, Ministries of Railways, Rail Bhawan
New Delhi.
2. The Dy. Chief Mechanical Engineer,
Carrage and Wagon Workshop, Alambagh, Lucknow.
3. Sri Zamir Hasan, Tikat No. 557 A, Fitter
Grade -II, lifting shop, Carrage & Wagon
Workshop, Alambagh, Lucknow.
4. Sri Mujtaba Ali, Tikat no. 541-A,
Welding Shop, Working as Fitter Grade -II,
Carrage & Wagon Workshop, Alambagh, Lucknow.

... Respondent.

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDERS AGAINST
WHICH THE APPLICATION IS MADE

The Present application is made against
the orders dated 8.11.89, 1.1.90, 27.3.90, and
11.5.1990. Issued by the O.P. no. 2 / Respondent
no. 2, by which the promotion of the applicant

Handwritten signature/initials

W.E.F.I.L.1984 on the post of Fitter Grade-II in the 65% of upgrading, and against the orders dated 9.8.88, the dated of promotion of respondent no.3 & 4. The copies of these orders are filed herewith as Annexure-1 to this application.

The applicant declared that the subject matter of the order against which he wants redressal is within the Jurisdiction of the Tribunal.

The Applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunals Act, 1985.

The facts of the case are given below:-

(1) That the Applicant was appointed as skilled Fitter in the Machine Shop of the O.P.Np.2 on 23.2.79. He was transferred in the lifting shop A.W.e.f. 1.3.79. He has been promoted on the post of Fitter Grade -II A.W.e.f Feb.1989. He is still working on this post.

(2) That the promotion of the Petitioner became due on the post of ~~Station~~ Fitter Grade-II, in the 65% upgrading of the Posts. He was directed to appear in the test which was held for purposes of promotion. The Petitioner was successful in the examination.

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§ 3.

(3.) That the Applicant was not given the promotion but all other successful candidates were given the appointments. The reasons of not giving the promotion to the applicant were not disclosed.

(4) That all the successful candidates except the applicant were given the benefit of promotion w.s.f. 1.1.84. The Petitioner was waiting for the orders of his promotion in the 65 % upgrading of the post, but nothing was done and an order no.284 /88 dated 13.6.88 was issued by the O.P.No.2 in which the Opp. Parties nos. 3 to 5 were promoted on the post of Fitter, Grade-II. The copy of the relevant order is filed herewith as Annexure-1 to this Petition.

(5) That the applicant on getting the information of illegal promotion of O.P. No.3 to 5, represented to the O.P.No.2 on 22.9.88, The copy of the Representation is filed herewith as Annexure-2 to this Petition.

(6) That the matter remained pending with the O.P.No.2 till 1.1.90, when he was informed that the Position could not be changed. The copy of the letter is filed herewith as Annexure-3 to this Petition.

(7) That the applicant wants to point out that he was given the promotion on the post of Fitter, Grade-II in the welding shop and was ordered to be transferred there, but the shop officer of shop-A did not spare applicant and

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requested to the authorities concerned to promote the applicant against the vacancy of Sri Ramesh Chander , Fitter- Grade-II of Shop-A, which was lying vacant since 13.1.85.

(8) That the Applicant was not at fault in not joining on the post of fitter grade-II in the welding shop. The copy of the promotion and transfer order was not served on the applicant. It was received by the Foreman and was returned by him after making the note on it.

(9) That the Petitioner/ Applicant regularly represented and submitted the reminders on 17.4.89, 20.7.89, 19/21.2.90, but no fruitful result could come out. He was served with a letter dated 27.2.90 in which he was informed that the benefit of upgrading could not be given w.e.f. 1.1.84. The copies of the representation, reminders and the letter are filed herewith as Annexure- 4 to 7 to this Petition.

(10) That it is clear from the aforesaid circumstances that the post was vacant since 13.1.85 and the applicant being qualified and successful in the examination was entitled to get this post since this date.

(11) That the Applicant lastly represented to the O.P.No.2 on 17.5.90, but this representation has been rejected vide order dated 26.5.90. The copy of the representation and its result is filed herewith as Annexure-8 & Annex-9 to this Petition.

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(12) That the Petitioner has been given the promotion on the post of Fitter Grade-II vide order no.16 dated 7.1.89, The applicant could join on 1.2.89. The Petitioner is entitled to get the benefit of promotion w.e.f. 1.1.84 or 13.1.85 or from the date of promotion and transfer in welding shop.

(13) That the Opp. parties nos. 3 to 5 are junior to the applicant and they could not be promoted prior to the applicant.

(14) That no reasons of superceding the Petitioners in comparison to O.P.No.3 to 5 has been given The applicant could not know his fault of not getting the promotion earlier.

(15) That the petitioner is entitled to get the salary of the post of Fitter Grade-II w.e.f. 1.1.84 alongwith the due increments.

(16) That the Petitioner/ applicant will suffer a great loss in his future promotion as he will be treated as junior to the O.P.No. 3 to 5 .

5. GROUND FOR RELIEF WITH LEGAL PROVISION

(1) That the applicant was declared successful in the examination held for promotion in the 65% upgraded post.

(11) That all the successful candidates were given the promotion as fitter Grade -II w.e.f. 1.1.84, but the applicant was not

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given the appointment due to the reasons known to the opp. parties concerned.

(iii). That the applicant was given the appointment as fitter grade II in welding shop but he was not relieved by his Foreman in shop A. He requested to the authorities to post the applicant against the vacant post in the same shop since 13.1.1985. but the authorities have failed to pass the suitable orders. There was no fault on the part of the applicant in not joining in welding shop.

(iv). That the applicant being selected candidate was entitled to get the post on priority basis but the juniors i.e. O.P.no. 3 to 5 were promoted and the applicant was superseded.

(v). That the discriminations have been done with the applicant and the provisions of article 14 and 16 of the constitution of India have been violated.

(vi). That all the orders passed by the opp. parties are non speaking orders. They have not been signed by the proper authorities.

(vii). That the applicant has been given the promotion in Feb. 1989 on the basis of the selection made in the year 1984.

(viii). That the applicant is entitled to get the salary and other benefits of the post of Fitter grade II w.e.f. 1.1.1984 the date

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of promotion of other selected persons.

(ix). That the applicant is further entitled to get the salary of the post of Fitter Grade II w.e.f. 13.1.1935 when the post become available in the ~~xxxx~~ shop of the petitioner.

(x). That the principle of natural justice have been violated as the applicant has not been given any opportunity to explain his conduct in respect of superseding him in the matter of promotion.

(xi). That the orders of the promotions of O.P.no. 3 to 5 are liable to be quashed and the applicant is entitled to be treated as promoted before the date of promotion of O.P.no. 3 to 5.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that he has availed of all the remedies available to him under the relevant rules. The orders are already referred above which has been passed on the representations. The last order is dated 26.5.1990.

7. MATTER IF PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicant further declares that he has not previously filed any application with petition or suit regarding the matter in respect of which this application has been made before any court or any other

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authorities or any other bench of the Tribunal and not any such application, writ petition or suit is pending before any of them.

3. RELIEFS SOUGHT:

In view of the facts, mentioned in paragraphs above the applicant prays for the following reliefs :-

(a). That the applicant may be declared as promoted on the post of fitter grade II w. .f. 1.1.1984 the date of promotion of other selected persons or from the date of order of promotion passed to join as Fitter Grade II in welding workshop or from 13.1.1985 when the post become available in shop A under the O.P.no. 2. He may be further allowed the salary and other benefit since that date.

(b). That the orders of promotion of O.P.no. 3 to 5 may be quashed and the applicant may be treated as promoted on the post of Fitter grade II before the promotion of O.P.no. 3 to 5. The applicant may be treated as senior than the O.P.no. 3 to 5 in the cadre of Fitter grade II.

(c). That the cost of the applicant may be awarded to the applicant.

(d). That any other reliefs which this Hon'ble Tribunal deems fit and proper in the circumstances of the case may also

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be awarded to the applicant.

9. INTERIM RELIEF IF ANY PRAYED FOR:

Pending final decision of the application the applicant prays for the following reliefs:-

The further promotion of O.P.No. 3 to 5 from the post of Master Grade II may kindly be stayed during the pendency of the application.

10. PARTICULARS OF THE POSTAL ORDER FILLED IN IN RESPECT OF THE APPLICATION FEE.

- i. No of Indian Postal order: 802 43886
- ii. Name of issuing post office: Aminabad LKO
- iii. Date of issue of postal order: 3.7.90
- iv. Post office at which payable.: G.P.O

IN VERIFICATION.

I Sajeevan Lal aged about 40 years s/o Sri Hari Rao village Mardan Kheda P.O. Rajajipuram district Lucknow do hereby verify that the contents of paras from 1 to 10 are true to my personal knowledge and belief and that I have no suppressed any material facts.

सजीवन लाल

PLACE: Lucknow.

SIGNATURE OF APPLICANT

DATED:

In the Central Admn. Tribunal, Addl. Bench,
Allahabad (Circuit Bench), Lucknow.
Sajjan Lal Applicant.
Versus
The Union of India & others Respondents
Annexure No. 1

उत्तर देवदे कार्यालय ५५ मुख्य धर्मिक अधिपति(कर्म०) सचिवालय एवं मान दिव्य कार्यालय अलग्गले तखत, ।
 शा सं० २८५ १९८८, दिव्य

लिम बलिष्ठित कर्मावारी लेक भेड ॥ फिटर वेतलमात्र सो १५०-१५०० (आट.मी.) को वर्तमान रिफ्ट स्थान सिद्ध भेड ॥ फिटर वेतलमात्र सो १५०० (आट.मी.) के पद पर उथार्ड स्र से विर्वाक ०९ ५६ ५८३ (पूर्विक) से पदोळति किया जाता है । जैसा कि प्रत्येक कर्मावारी के सामान शिष्टित है ।

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॥ शिष्ट पद पर प्रतीति करके

॥ श्रीगणेशाय नमः ॥

श्री ॥ अत्र के पद पर प्रदीप्ति के

कार्यकारियों को यह मला भीति समझ लेना चाहिए कि उलकी यह पदोन्नति अस्थायी आधार पर है । यदि भविष्य में उलसे कोई वरिष्ठ योग्य पद मिलेता है, तो उलकी पदव्यवृत्ति कर दी जायेगी और ये किसी भी प्रकार का वेतन बढ़ाई कर सकते हैं ।

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५. निम्नलिखित (कर्मो) उपरि

अस्मिन् नमः ।

— शाप ३८ पीक बी. ए. तथा के शाप. ओ एस समय पा.न. वेतल. वरिष्ठ लेखाधिकायी (कर्म०) अलमबान तथा इन्ट्रिब को मुखार्य एव

અર્થગત કાર્યોની રીતિ

कविचारियों को यह बात देना चाहिए कि यदि वे अपने पदोन्नति पद के वेतन का किन्हेवल भाग सवर्द्धन में अपने वेतन मुक्ति को जमाने के लिये दे दें तो इस पत्र के पाले में एक महीने के अंदर अपना हस्ताक्षर इस कालिका में भेजना चाहें । अथवा यदि वे चाहें तो इस पत्र के पाले में एक महीने के अंदर अपना हस्ताक्षर इस कालिका में भेजना चाहें ।

कविचारियों को यह बात देना चाहिए कि यदि वे अपने पदोन्नति पद के वेतन का किन्हेवल भाग सवर्द्धन में अपने वेतन मुक्ति को जमाने लिये से वादने लगे हव पत्र के पाले में एक मही के अंदर अपना हानिबल हव कल्लव नो जना करे । अथवा साधन को

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDL.
BENCH ALLAHABAD CIRCUIT BENCH LUCKNOW.

C.A.No. 217/96 of 1990.
(2)

Sajeevan Lal.

Applicant.

Vs.

The Union of India and ors. Respondents.

COMPILATION B.

S.no.	Particulars of document relied on.	Page no.
-------	---------------------------------------	----------

1. Annexure no. 2.

Application dated 22.9.38. 1-2.

2. Annexure no. 3.

Order dated 1.1.90. 3.

3. Annexure no. 4.

Application dated 17.4.89 4-9.

4. Annexure no. 5.

Order dated 20.2.39. 6.

5. Annexure no. 6.

Order dated 19.2.90. 7.

6. Annexure no. 7.

Order dated 27.3.90. 8.

7. Annexure no. 8.

Order dated 17.3.90. 9-10.

8. Annexure no. 9.

Order dated 26.5.1990. 11.

9. Annexure no. 10.

12.

Lucknow Dated;

July, 1990.

Signature of the Officer
(Signature)
Secretary to the Tribunal

2/21

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477.

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विष्णुः प

निजनाम निम्न- "२"

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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श्री. अन. डि. ० स. १० ए. ० ५० ५०

विशेष:- सो नियार्टी लिस्ट में डेर-फेर।

॥ १॥

[illegible]

प्राथमिक जो गांव ए से किंठर ग्रेड विद्यालय के नद पर कांठिया तट पर
 प्रान्तकर के लाया दिये जो केविन गांव अधि 140 विविधित गांव ए के गांव
 ए से लोपर नदी किमा अतके अको ग्रेडोन बार 13 किं कर दिया 10 अतके
 गांव गांव ए से 13.1.85 के गांव गांव जो गांव ए से रेखा कन्न डि0न0
 690 ए का ग्रेड विद्यालय का स्थान दिखत पता 10 गांव प्राथमिक जोई दोन
 गांव के प्राथमिक के अको गांव के अको 100 जोई 100 नदी जाने दिया।

डि० नं० 541ए/46 जो० के पुनितर है दोनों को लेकर उसे जो वरिष्ठ...

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जानूरी में निर्माण कार्य करके ग्रेड निर्माण फिल्टर बनाकर 9.8.83 में जाप ए के उ
 उत्तम धीमा भी लगवा दिया परंतु अलग 557ए/के जोना कागजियर लोगों
 को अभी स्टेल्ड फिल्टर के पद पर लागू नहीं होने तक वीरेन्द्र जानू
 अपने छेरकेर से काम करने दें।

अतः प्रोमानजी से अनुरोध है कि इसका उचित धार्मिकी रहे प्रायः
 को 1.1.84 से 65% से अपग्रेडिंग करके फिल्टर ग्रेड निर्माण का काम दिना
 का पूर्ण हो तथा 1.1.84 से जो भी पैसा का हो उसे गाँव की सुविधा
 करने को पूरा करें तथा इस प्रकार से होने वाले पुणित कार्य अविज्ञान होने
 से होते हिससे इस कार्यवाहियों को प्रभावित नहों।

धन्यवाद।

दिनांक 22.9.88

प्रायः,

₹0/-

१ सजोवन गाँव

दिनांक 540ए/45 जोना

सत्य प्रतिलिपि

सजीवन लाल

True copy
 attested.
 P. M. [Signature]
 3-7-90

Page 2

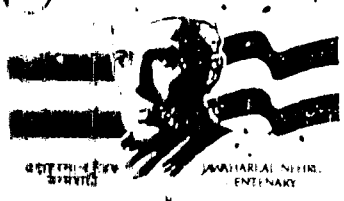
In the Central Admin. Tribunal, Addl. Bench,
Allahabad (Circuit Bench), Lucknow.
Sajjan Lal Applicant.
Versus
The Union of India & others ... Respondents
Annexure No. 3

(1/1)

6/2/90

13/1/90 Sheet A

26/8/81
11-1-81



उत्तर रेलवे
NORTHERN RAILWAY

कार्यालय उपमुख्य संचिक अभियन्ता -
आलमगढ़, लखनऊ

दिनांक :- 01/01/90 / 22/01/90
दिनांक :- 1-1-90

आदेशिका संख्या 5402/45
दिनांक 28/12/89
आदेशिका संख्या 5402/45

संज्ञित :- सी. गे. ए. रेलवे के संचालन में,
कोटवा :- आलमगढ़ आलमगढ़ दि. 22-9-89

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J. S. Rao
3-7-90

8/6

इन दि तैन्दा सुविधिकिसे सुविमेलेटिव दिव्याना एडिशन बैन्वताहावा
तार्ति बैन्व तवनउ।

संजीवन तात

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धावेदार

बनाये

बैन्वत सरकार आदि

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विपक्षीय

तैन्वत संख्या-" 4 "

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तेवारे,

प्रोगान उप मुख्य यैन्विक अधिकनता हतोवा,
उरेठत एवं मात डिब्बा कारवाना विपिउत ताप ए
आतमवाग, तवनउ।

प्रसंग:- दिनांक 22.9.83 व 9.12.88

होव,

निवेदन यह है कि:-

1. प्रार्थी ने उपरोक्त प्रसंग में अन्तर्गत क्षेत्रों में प्रार्थनापत्र में अनवीतारी
तात्काली का उल्लेख कर दिया थाउत पर जो विपक्षीय वस्तु की देवते हुए
प्रार्थी को सि० तापए के अन्तर्गत ही फिटर ग्रेड-2 का स्थान 1.2.89 से
दे दिया गया है।
2. उस पर के आधार पर प्रार्थी को फिटर ग्रेड-2 बनाने के स्पष्ट आदेश
दिनांक 4.12.88 से थे उस प्रकार जो दो सहोनों का अन्तराल है उस पर
प्रोगान ध्यान देकर हमें दिखाने।
3. इसी प्रकार प्रार्थी विपिउत ताप ए के फिटर ग्रेड पर कार्य करता है
और वरिष्ठता की सुची में भी ताप ए के आधार पर अग्रणी की जाती है।
4. प्रार्थी के साथ सहोनों ताप के अर्थात् रिफ्रे को 1.1.84 से ग्रेड-2 बना
कर वर्तमान समय में 1220/- रुपये का वेतन दिया जाता है और प्रार्थी को
1200/- रुपये।
5. प्रार्थी ने तत्कालीन अधिकारी के आदेश को मानकर ताप ए के काम
करना शुरू किया था।
6. आज के सबसे अधिकारी प्रार्थी का उर बार स्थानान्तरण अवसर
के तत्कालीन अधिकारी कात व और यह अधिकारी प्रार्थी को प्रार्थी से पूर्ण रूप से
संबंधित रहे हैं।

अजीत लाल
The City
Att. Ed.
3-2-92

7. जो दुष्ट के साथ जुड़ा हुआ रहता है कि जिसका अच्छा प्रार्थी कार्य को करें उसको ही अपनी उन्नति के मार्ग से दुर्दशा करवाता फिरे।

8. प्रार्थी वास्तविक करता है कि जो मान जाता है कि वह नैतिक है जिसके कारण प्रार्थी को अपने साथ के शोचनीय के तत्त्वों से दूरी दिया जाता है। कनिष्ठ माना जाता है और जब भी प्रमोशन का चांस आता है तो प्रार्थी के साथ के शोचनीय के कर्मचारों का शान्ति होते है और प्रार्थी तारे गिनता है।

अतः प्रीमान से करण प्रार्थना है कि इस प्रकार से प्रार्थी को बचाये और उस स्थान पर तत्काल सख्त चेक कर वहाँ काम से जिसके प्रार्थी को अपने तक रीति के समान वेतन एवं सुविधा और सम्मानित हुए प्राप्त कर सके।

सिद्धांत

धन्यवाद,

सिद्धांत,

दिनांक: 17.4.89

80/-

संलग्नक नं०

डिप्ट नं०-540 ए

सत्य प्रतीति

सजीवन लोह

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attested.
J. M. Poo
3-7-90

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संलग्नक संख्या- " 6 "

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प्रोधान उपरुद्ध पान्तिनिक अभिमानता गडोदय,
तबारो एवं माल तिब्बत कारखाना आल म्वाग,
दयनउ।

साध:- साप अचिन्तित भोदा,

ति पिट्य ताप-स

सेवा में,

सविनय निवेदन है कि प्रार्थी के द्वारा जेता प्रार्थना पत्र दिनांक 22.9.83 के संदर्भ में श्रीमान ने दिनांक 8.11.89 को मर्यादित रहे हुए मुझे पत्र जेता कि एस0के0जी011 को पदान्तरित देखा, बरिडमें मान में दो लाख आर प्रेष करने के उपरान्त दो 1.1.84 से ₹ 65/- अपग्रेडिंग आता है प्राप्त कर सफल था। आगे श्रीमान ने यह भी लिख कर जेता है कि जेता सुचना प्रार्थी को दो पा चुकी है।

प्रार्थी निवेदन करते हुए बता है कि उस प्रकार माय्या 1 माय्या
 पैसादि आगो सुविध विभाज कुल में 1.1.34 § 65/§ 66 में सुविधित
 का लाभ प्राप्त करते/अथवा माय्या के नदरि प्रोधान की माय्या नदी देता है।

का प्रमाण यह प्रमाणित करेगा कि प्रार्थी स्वयं द्वारा ही प्रमाणित
 "जा" त इत्यादि अतिरिक्त होकर सिद्धिगत जाप ई ई ई : आया या जा
 जोई अज्ञात अधिकार प्रार्थी को प्राप्त है या सिद्धिगत जाप "र" केउर
 प्रमाणित जाप कहा जाता।

उपरोक्त स्थिति के विरोधकार वादितथों को ओज्ज्वलकर उन्हें दण्डित किया जाय। प्रार्थी के साथ ही जो उपरोक्त स्थिति पैदा हो गयी है विसर्जनादि विधि के साथ धर्मशास्त्रों में जो भी सामान्य प्रवर्तनविधि से प्रार्थी को प्रवृत्त करने को जो सुझाव दिया जा रहा है उसावर्तमान सामान्य हस्त-रूप में प्रवर्तन विरोधकार लोग।

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अतः पुनः निवेदन करते हुए प्रार्थी करता है कि उपरोक्त स्थित
के संबंध में प्रार्थी को बता जाती थी जो प्रार्थी ने जो साथ उन्हाय करके
को भगवतः स्थिति बाहर बनी कर दो मनी है।

सम्पूर्ण न्याय हेतु पुनः याचना को जाता है।

दिनांक 1992.90

प्रार्थी,

30/-
संयोजन माला
टिप्ट न0540 "ए"
फिर सिपिंग माल ए

जरा प्रसिद्धि
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अजीवन लाल

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Adm. Ed.
J. S. M.
3-7-90

8/9

1. Central Admn. Tribunal, Addl. Bench,
Allahabad (Circuit Bench), Lucknow.
Sajwan Lal Applicant.
Versus
The Union of India & others ... respondents
Annexure No. 7

१२/१२

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उत्त. रेलवे NORTHERN RAILWAY

डी सी एस डी/वेल्फेयर/कम्प्लेंट दि० २७.३.९०

श्री राजीव लाल 540A

च/० आप के चीफ
कैरेजिंग/कोलंबाम

विषय- अपग्रेडिंग में परदायगति

आपके प्रार्थनापत्र दिनांक 19-2-90,
जिसमें आपने उप मुख्यां. कमिन्स देय व 20/अप्र
को स्तंभ दिया था, के सम्बन्ध में आपकी
सूचित किया जाता है कि गागले की कार्यवाही
करने के पश्चात् उनमें न कोई कार्य दिया है
कि आप-वेल्फेयर को दिया जाये कि आप-वे
1.1.84 से अपग्रेडिंग का कार्य नहीं दिया
जा सका है। नियमों के अनुसार आपकी
संगत व्योर्डे क-यांय नहीं किया गया है।

को. प्र. म. प.
कुत उप मुख्यां. कमिन्स
कोलंबाम
पल्लव

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J. B. B. B.
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राजीव लाल

हैं।

5. प्रार्थी को यह माध्यम और उपाय पड़ रहा है कि जोक-2 प्राप्त हो सके कि प्रार्थी के चेतने में निर्णय लेने के लिए दितने दिग्ग, दितने क्षमते, दितने यशोने तथा दितने ने नई लगे।

6. प्रार्थी को आर्थिक जानने सुंवाणे, समय का दुर्लभयोग करने सब न्याय के प्रार्थी उत्तरदायित्व उभरता के संबंधित लोग दोषी है।

7. यह प्रार्थी का यह देकर पुनः प्रार्थी निवेदन करता है कि जोमान तारे अन्तः का पर्याप्तता करने हुए स्वरित न्याय देने के लिए जाना पान हः समय अवसर अवसर करें।

दिना 17.5.90

प्रार्थी,

रु०/-
संजीवन लाल
दि० १०-५४० ए

सत्य प्रतीतिप
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True copy
attested.
P. S. G. Hoon
3-7-90

संजीवन लाल

In the Central Admn. Tribunal, Addl. Bench,
Allahabad (Circuit Bench), Lucknow.
Sajwan Lal Applicant: *[Signature]*
Versus
The Union of India & others ... Respondants
Annexure No. 9

(3) 46 11/11/85 28/5

1. श्री साजवान लाल (अपेक्षित) को 11/11/85 को पत्र लिखा गया कि वह 17-5-90 तक अपने पत्रों को जमा कराए।
2. श्री साजवान लाल को 16-5-90 को पत्र लिखा गया कि वह 17-5-90 तक अपने पत्रों को जमा कराए।

3. श्री साजवान लाल को 17-5-90 को पत्र लिखा गया कि वह 17-5-90 तक अपने पत्रों को जमा कराए।

उपरोक्त पत्रों में श्री साजवान लाल को बताया गया कि वह 17-5-90 तक अपने पत्रों को जमा कराए।
श्री साजवान लाल ने 17-5-90 को पत्र लिखा कि वह 17-5-90 तक अपने पत्रों को जमा कराए।
श्री साजवान लाल ने 17-5-90 को पत्र लिखा कि वह 17-5-90 तक अपने पत्रों को जमा कराए।
श्री साजवान लाल ने 17-5-90 को पत्र लिखा कि वह 17-5-90 तक अपने पत्रों को जमा कराए।

LS
Sajwan Lal
11/11/85
28/5

श्री साजवान लाल
(अपेक्षित)

True copy
11/11/85
3-7-90

श्री साजवान लाल

ब. अदालत श्रीमान *In the Central Admnistrative Tribunal,*
वादी अपीलान्त *Adm. Bench Allahabad (Circular Bench)* महोदय
श्री *...* का **वकालतनामा**
प्रतिवादी रेस्पाडेन्ट

Sajwan Lal

टिकट

वादी (अपीलान्त)

The Union of Dehans & others

बनाम

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री प्रयाग नारायण बाजपेई

ऐडवोकेट एवं श्री कार्तिकेय बाजपेई ऐडवोकेट भैरो जी

रोड, लखनऊ महोदय *राकेश कुमार टांडोके*
...

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या हमारी विपक्षी (फरीकसानी) 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 होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

हस्ताक्षर *...* लाता

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 3 महीना 7 सन् १६ १० ई०

Accepted
...
3-7-90

Accepted
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3-7-90

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

M.P. No. 435 of 1992

In Re:

O.A. No. 217 OF 1990(L)

Sajeevan Lal

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

APPLICATION FOR

CONDONATION OF DELAY IN FILING COUNTER REPLY

The Respondent most respectfully begs to submit
as under:

That the Counter Reply in response to the
Notice of this Hon'ble Tribunal could not be filed
within the time specified by this Hon'ble Tribunal
due to reasons beyond the control of the Answering
Respondent. The delay is not deliberate and as
such, the delay may kindly be condoned.

Therefore, it is most respectfully prayed that
this Hon'ble Tribunal may be pleased to condone the
delay in filing the Counter Reply and take the
Counter Reply on record of the Hon'ble Tribunal in
the interest of justice.

LUCKNOW,

DATED : 19.5 1992

Asit Kumar Chaturvedi
(ASIT KUMAR CHATURVEDI)

Advocate

COUNSEL FOR THE RESPONDENTS

? filed delay

19/5/92

RSP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P. No. 436 1992

In Re:

O.A. No. 217 OF 1990(L)

Sarjeevan Lal

... APPLICANT

VERSUS

Union of India & Others

... RESPONDENTS

APPLICATION FOR
DISMISSAL OF THE ORIGINAL APPLICATION

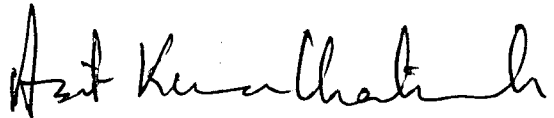
The Respondent must respectfully begs to submit
as under :

That in view of the facts, reasons and
circumstances stated in the accompanying Counter
Reply, it is expedient in the interest of justice
that the Original Application filed by the Applicant
before this Hon'ble Tribunal may be dismissed.

Therefore, it is most respectfully prayed that
this Hon'ble Tribunal may be pleased to dismiss the
Original Application filed by the Applicant, in the
interest of justice.

Lucknow,

Dated : 19.5 1992


(ASIT KUMAR CHATURVEDI)

Advocate

COUNSEL FOR THE RESPONDENTS

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW.

O.A. No. 217 OF 1990(L)

Sajeevan Lal

... APPLICANT

VERSUS

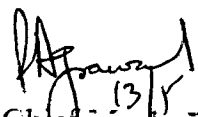
Union of India & Others

... RESPONDENTS

COUNTER REPLY ON BEHALF OF THE RESPONDENTS NOS. 1 & 2

I, P .K.Agarwal Dy. Chief Mechanical Engineer
(C), Northern Railway, C&W Workshops, Alambagh,
Lucknow state as under :-

1. That the Deponent is the Respondent No. 2 in the above Original Application, and has been authorised to file Counter Reply on behalf of Respondent No. 1, as such, fully conversant with the facts of the Case. The deponent has read and understood the contents of the Original Application and states hereinafter.
2. That in reply to the contents of Paragraph 1 of the Original Application it is stated that the Applicant is not entitled for promotion on the post of Highly Skilled Grade - II Fitter w.e.f. 01st January 1984. The Applicant was promoted to the post of Highly Skilled Grade - I Fitter w.e.f. 04th December 1988. The Applicant has refused to proceed on promotion earlier as such, he was not promoted.


Dy. Chief Mech. Engineer (w)
C & W Shops AMV Lko.

...2.

3. That in reply to the contents of Paragraphs 2 & 3 of the Original Application it is stated that the Original Application is barred by limitation keeping in view the relief sought by the Applicant.

4. That the contents of Paragraph 4(1) of the Original Application are denied. The applicant was promoted as Highly Skilled Grade -II Fitter w.e.f. 04th December 1988 and not w.e.f. February 1989. Six candidates were to be promoted w.e.f. 01st January 1984 as Highly Skilled Grade-II Fitter in order of combined seniority of Shop "A" (Carriage,) Shop "K" (Welding) and Shop "G" (Machine). Accordingly, S/Shri Madan Lal, Sheo Das, Joginder Singh, Ram Nath, B.D. Singh and Ghanshyam were promoted w.e.f. 01st January 1984. Against the future vacancies, S/Shri S.B. Pandey, V.K. Shukla and Hakim Khan were promoted w.e.f. 04th May 1994, 01st June 1985 and 01st October 1985 respectively. All the aforesaid Highly Skilled Grade-II Fitters were senior to the Applicant and they were appointed/promoted as Highly Skilled Grade-III Fitters even prior to the appointment of the Applicant on 23.02.1979. The Applicant was promoted as Highly Skilled Grade-II Fitter and transferred to Shop "K" (Welding) vide Staff Order No. 413 of 10 July 1987 in the order of combined seniority as then the post existed in Shop "K" (Welding).

[Signature]
13/5
By: *[Signature]* Engineer (w)
C & W Shops AMV Lko.

...3.

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The Applicant, in compliance of Staff Order No. 413, did not move to join the promoted post of Highly Skilled Grade-II Fitter. The Applicant cannot get the benefits of promotional pay even w.e.f. 10th July 1987 as he did not join on the promoted post nor he shouldered higher responsibilities. The Applicant was given promotion as Highly Skilled Grade-II Fitter w.e.f. 04th December 1988 and posted in Shop "A".

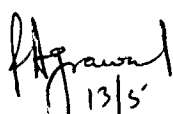
5. That the contents of Paragraphs 4(2), 4(3) & 4(4) of the Original Application are denied. The Applicant was promoted through Staff Order No. 413 of 10th July 1987 as Highly Skilled Grade-II Fitter in the order of combined seniority and transferred to Welding Shop on the promoted post. The Administration treated the Applicant's non-compliance of the Transfer-cum-Promotion Order and his Representations as his refusal for promotion. As such, on occurrence of further vacancies the Applicant's juniors - Respondents No. 3 & 4 - were promoted as Highly Skilled Grade-II Fitter from 09.06.1988 vide Staff Order No. 284 of 13th June 1988 (Annexure No. 1 to the Original Application) as the Applicant was entitled for promotion after a period of one year from the date of his refusal ^{for} ~~from~~ promotion i.e. 10th July 1987.

P. Aggarwal
13/11
By. Chief Mech. Engineer (w)
C & W Shops AMV Lko.

4/50

6. That in reply to the contents of Paragraphs 4(5) & 4(6) of the Original Application it is stated that the Applicant was entitled for promotion w.e.f. 04.12.1986 keeping in view his refusal for Promotion-cum-Transfer w.e.f. 10th July 1987. The Applicant is not entitled to get salary of the promoted post w.e.f. 10th July 1987 as he has not shouldered higher responsibilities nor has complied with the Promotion-cum-Transfer Order No. S.O. 413 of 10th July 1987. No person junior to the Applicant as Highly Skilled Grade-III Fitter was promoted to the post of Highly Skilled Grade-II Fitter prior to 10th July 1987. A copy of the Staff Order No. 413 of 10th July 1987 is being annexed as ANNEXURE No. C-1 to this Counter Reply.

7. That the contents of Paragraphs 4(7) & 4(8) of the Original Application are denied. The Applicant was promoted and transferred to Welding Shop w.e.f. 10th July 1987. The promotions are made in the order of combined seniority of the three shops. No person junior to the Applicant was ever promoted as Highly Skilled Grade-II Fitter prior to 10th July 1987. No post was kept vacant due to up-gradation of posts according to the combined seniority. The Applicant did not join on the promoted post as such, it was treated as his refusal.


13/5
Dy. Chief Tech. Engineer (w)
C & W Shops AMV Lko.

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8. That the contents of Paragraphs 4(9) & 4(10) of the Original Application are denied. The Applicant is not entitled for promotion w.e.f. 01.01.1984. However, the Applicant was promoted w.e.f. ⁽¹⁰⁻⁷⁻⁸⁷⁾ 01.07.1987, but he did not join on the promoted post and at last he was again promoted w.e.f. 04.12.1988. No post was lying vacant as alleged, w.e.f. 13.01.1985.

9. That the contents of Paragraph 4(11) of the Original Application are denied. The Applicant's subsequent Representations reiterated the same facts and it had no new substance.

10. That the contents of Paragraph 4(12) of the Original Application are denied. The Applicant was promoted w.e.f. 04.12.1988 vide Staff Order NO. 164 of 07th January 1989. The Applicant, earlier Promotion Order i.e. S.O. No. 413 dated 10th July 1987 was also cancelled by the Staff Order No. 416 dated 07th January 1989. The Applicant has not challenged the validity of the earlier promotion cancelled order.

11. That the contents of Paragraph 4(13) & 4(14) of the Original Application are denied. The Applicant was not superseded by the Administration as he was promoted prior to the Opposite Parties Nos. 3 & 4. The fact is that the Applicant did not move to join, as

P. Agrawal
13/5
By. Chd. Meth. Engineer (w)
C & W Shops AMV Lko.

✓

such, his earlier Promotion Order was cancelled. The Applicant is not entitled for salary of the Higher Post as he did not join his promotional post.

12. That the contents of Paragraphs 4(15) & 4(16) of the Original Application are denied. All the six posts existing w.e.f. 01.01.1984 were filled in by promotion of seniors to the applicant. The persons junior to the Applicant were promoted only through Staff Order No. 284 dated 13th June 1988 and that too, only after the refusal by the Applicant for not joining on the promoted post in compliance of Staff Order No. 413 dated the 10th July 1987.

13. That the contents of Paragraph 5 of the Original Application are denied. None of the grounds are tenable in the eyes of Law.

14. That the contents of Paragraph 6 of the Original Application need no comments.

15. That the contents of Paragraph 7 of the Original Application need no comments.

16. That the contents of Paragraph 8 of the Original Application are denied. The Applicant is not entitled for any relief claimed in para under reply. The Applicant has not challenged the validity of the Order by which Staff Order

Agarwal
13/5
Dy. Chief Mech. Engineer (w)
C & W Shops AMV Lko.

...7.

No. 413 of 10th July 1987 was cancelled. As such, the Applicant is not entitled for any relief as claimed in the Application.

17. That the contents of Paragraph 9 of the Original Application are denied. The Applicant is not entitled for any interim relief.

Lucknow,

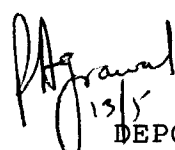
Dated : 13 MAY 1992


13/5
DEPONENT
Dy. Chief Mech. Engineer (w)
C & W Shops AMV Lko.

V E R I F I C A T I O N

I, the deponent above named, verify that the contents from Paragraphs 1 to 19 above are true and correct to the best of my knowledge and belief derived from information and records. The legal parts of the paragraphs are based on legal advice received which is believed by me to be true and correct.

Verified this, the 13 day of May 1992 at Lucknow.


13/5
DEPONENT
Dy. Chief Mech. Engineer (w)
C & W Shops AMV Lko.

उत्तर लेख

286

कार्यालय उप मुख्य अग्नि कर्म सवारी एवं माल डिब्बा कारखाना आलमबाग लखनऊ ।

कार्यालय आदेश सं० 1413

दिनांक 10-6-87

950 इस कार्यालय के कार्यालय आदेश सं० 269 दिनांक 29-4-87 के क्रम में श्री सजीवन लाल टि० सं० 540ए कुशल ।।। फिटर वेतन रा० ।।। 10/- प्र० माह वेतनमान 950-1500। आर पी। को कुशल ग्रेड ।।। फिटर के पद तथा वेतन 1200/- प्रतिमाह वेतनमान 1200-1800। आरपी। पर पदोन्नत तथा कैरिज शाप से वेल्डिंग शाप में श्री श्रीकृष्ण टि० सं० 32 के जिनका स्थानान्तरण मशीन शाप में कुशल ग्रेड । फिटर के पद पर किया जा चुका है के रिक्त स्थान पर दिनांक 10-6-87 से स्थानान्तरण किया जाता है ।

7

वीरसिया/23-6-87

Chief Insp. Engineer (W)

उप मुख्य यांत्रिक अभियंता कर्म

आलमबाग लखनऊ । 26/6/87

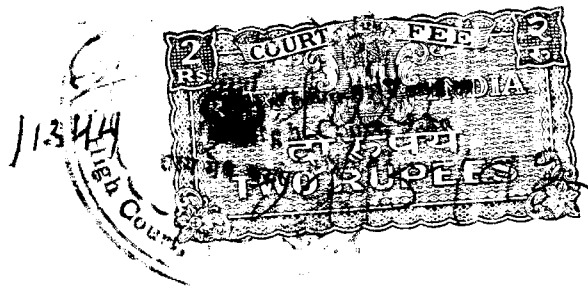
प्रतिलिपि:-

C.B.W. Shops AMV Lko.

- 1। शाप अवी० वेल्डिंग शाप को इस निर्देश के साथ प्रेषित है कि वे श्री श्रीकृष्ण टि० सं० 32 के को अविलम्ब कार्य मुक्त करते हुए मशीन शाप में रिपोर्ट करने का आदेश है ।
- 2। शाप अवी० कैरिज शाप को इस निर्देश के साथ प्रेषित है कि श्री सजीवन लाल टि० सं० 540ए को अविलम्ब कार्य मुक्त करते हुए वेल्डिंग शाप में रिपोर्ट करने का आदेश है ।
- 3। कार्यालय अवी० समय पाल को इस निर्देश के साथ प्रेषित है कि जब तक उपरोक्त कर्मचारी जिनका जिन शापों में स्थानान्तरण हुआ है वहाँ पर अपना कार्यभार न सम्भालें तब तक उनका पदोन्नत पद का वेतन न लगाया जाये ।
- 4। कार्यालय अवी० पेशिल, वरिष्ठ लेखाधिकारी, सम्बन्धित लिपिक शाप ए तथा के । स्थापना अनुभाग को सूचना प्रेषित

Charan Lal Bouch - Allahabad
Charan Lal Bouch - Lucknow.

C.A. No. 217 of 1990 (L)



Charan Lal

... Appl. Pet.

vs

Union of India & Others

... Opp. Parties.

Joint Affidavit

I, Charan Lal, aged about 41 years/C
Charan Lal R/C [REDACTED] Garden Khara, Rajajipura
Lucknow, do hereby solemnly affirm as under.

1. That the contents of para 1 of the Counter reply are admitted.
2. That the contents of para 2 of the Counter reply are denied. The deponent is entitled to get the post of filter grade-II w.e.f. 1.1.34 when the junior were promoted. It is wrong to say that the deponent [REDACTED] refused to proceed on promotion.
3. That the contents of para 3 of the Counter reply are denied. The application is well within time as the [REDACTED] pending with the Departmental Authority.
4. That the contents of para 4 of the Counter reply are denied. The deponent was promoted as Highly skilled Grade filter on 1.1.34 but the promotion

Filed today
21/3/90
Charan Lal

4/16

2.

gives d.d. 4.12.83. The eight persons who
 selected for promotion posts but seven persons
 were in the list. Petitioner alone could not
 get the promotion. In fact the immediate
 superior was not relieved the deponent, hence
 he could not join in the welling shop where
 he was posted after promotion. There was no
 fault on the part of the deponent. The deponent
 was entitled to get the promotion along with
 the others. The promotion of the
 B. Pandey and two others is admitted. It is
 wrong to say that the deponent has not joined
 in the welling shop. In fact he was not
 relieved by the immediate superior to join there.
 The deponent was entitled to get the promotion
 preceding d.d. 1.01.84. Further the deponent
 of para 4 (1) of his application are reiterated.

8. The content of para 5 of the Counter
 reply is correct. The deponent was not relieved
 by the immediate superior to join in the welling
 shop. There was no fault on the part of the
 deponent. It is wrong to say that the
 deponent had not joined knowingly. The C.R. No. 3
 & 4 were illegally promoted prior to him. He
 did not refuse the deponent's promotion.
 He is entitled to get the promotion
 from 1.1.84.

9. The content of para 6 of the Counter
 reply is correct. The deponent was entitled to
 get the promotion w.e.f. 1.1.84. The deponent
 did not refuse the promotion. The deponent is
 entitled to get the salary of the promoted post
 w.e.f. 1.1.84 and not from 10.7.87. The junior's

21/11/87 21/11/87

3.

to the effect that only C.P.No.4 and 5 were promoted. The deponent was not promoted without any fault on his part. The deponent could not comply with the order as he was not relieved.

7. That the contents of para 7 of the Counter reply are denied. As already stated above the deponent never refused to join in the Welding shop. In fact he was not relieved as per the order provided. The C.P.No.4 & 5 who were junior were promoted. The Opp. party has wrongly presented the ~~misstatement~~ refusal of promotion by the deponent.

8. That the contents of para 8 of the Counter reply are denied. The deponent is entitled to get the promotion from 01.01.84. There is no justification of not giving the promotion since then.

9. That the contents of para 9 of the Counter reply are denied. The representation was illegally rejected.

10. That the contents of para 10 of the Counter reply are denied. The deponent never refused his promotion. In fact he was not relieved as per the order provided. The fault was on the part of the authorities.

11. That the contents of para 11 of the Counter reply are denied. The deponent was certainly superior to the juniors who were promoted. The deponent was not relieved hence he could not join. Further the contents of para 4 (13 & 14) are also denied.

21-11-87
17
21-11-87
C.A.C.

12. That the contents of para 12 of the Counter reply are denied. The post is the welding shop was vacated on 1.1.84 which was liable to be closed by the Dependant. but it was not done due to financial motives. The penal was imposed only for the post which were already in existence. The depn. never raised his promotion. He was unable to join without relieving from his original Department.

13. That the contents of para 13 of the Counter reply are denied. The contents of para 5 of the application are reiterated. The ground taken are false, just and proper.

14. That the contents of para 14 & 15 of the Counter reply are admitted.

15. That the contents of para 16 of the Counter reply are denied. The depn. is identified to get a recall is claimed. The order of cancellation of order no. 413 of 10.7.87 was not communicated to the depn. Hence there was no cause to challenge it.

16. That the contents of para 17 of the Counter reply are denied. The depn. is identified to get a recall is claimed.

Dated: 29.5.92

Dependant.

Verification.

I, the above signed, hereby declare that the contents of paras 1 to 16 of the R.A. are true to my knowledge and belief. Nothing has been concealed or part of it is false, do help me God.

5.

31.05.92 and verified today this the 29th day of May, 1992, in the Court at Lucknow.

Dated: 29.05.92

21/5/92
Deposant.

I identify the deposant who has been
deposited as.

(P.N. Bapal)

Solemnly affirmed before me on 29.5.92
at 10.00 A.M./P.M. by Sri Rajwan Lal, the
above named deposant who is a certified copy
P.N. Bapal, Advocate, High Court of Judicature
at Allahabad (Lucknow Bench)

I, having satisfied myself by examining the
deposant that he has related the contents of
this affidavit which has been corroborated
explained by me.

S. Singh
(Smt. SAVITRI)
JAN. COMMISSION
High Court at Allahabad
Lucknow Bench Lucknow
No. 10-13/44.
24/5/92

61. The Central Administrative Tribunal

Additional Bench - Allahabad

Circuit Bench - Lucknow.

... 19.12.17 of 1993 (1)

Given that

... April 2001.

... 19.12.17 of 1993 (1)

... 19.12.17 of 1993 (1)

Paragraph 11

1. On 21.12.1993, about 41 years/C
... 19.12.17 of 1993 (1)

2. The contents of para 1 of the Counter
... 19.12.17 of 1993 (1)

3. The contents of para 2 of the Counter
... 19.12.17 of 1993 (1)

4. The contents of para 3 of the Counter
... 19.12.17 of 1993 (1)

5. The contents of para 4 of the Counter
... 19.12.17 of 1993 (1)

3.

to the extent namely C. No. 4 and 5 were promoted. The deponent was disappointed without any fault on his part. The deponent could not comply with the order as he was not relieved.

7. That the contents of para 7 of the counter reply is denied. As already stated above the deponent never refused to join in the siding shop. In fact he was not relieved as borell ver was provided. The C. No. 4 & 5 who were junior were promoted. The Opp. parties however wrongly presumed the guarantee release of promotion by the deponent.

8. That the contents of para 8 of the counter reply is denied. The deponent is entitled to get the promotion from 01.01.84. There is no justification of not giving the promotion since this is.

9. That the contents of para 9 of the counter reply is denied. The representation was illegally rejected.

10. That the contents of para 10 of the counter reply is denied. The deponent never refused his promotion. In fact he was not relieved as no replacement was provided. The fault was on the part of the authorities.

11. That the contents of para 11 of the counter reply is denied. The deponent was certainly not relieved as the juniors were promoted. The deponent was not relieved hence he could not join. The contents of para 4 (and 14) are reiterated.

4.

1. That the Controller of the ... of ...
... are ... The post is ...
... was vacant on 1.1.34 which ...
... to the ... But its ...
... latter motives. The ...
... for the post which ...
... of ...

... the contents of para 15 of the counter-
claim are denied. The contents of para 5 of the
claim are reiterated. The grounds are
... and proper.
... the contents of para 14 & 15 of the
claim are reiterated.

10. The contents of para 16 of the counter-
claim are denied. The deponent reiterates
the reliefs claimed. The order of cancella-
tion of order no. 413 of 10.7.37 was not entered
into the deponent. The deponent is not
to challenge it.

11. The contents of para 17 of the counter-
claim are denied. The deponent reiterates
the reliefs claimed.

29.5.92

I, the undersigned, do hereby certify that
the contents of the above are true to my knowledge and belief.
Dated this 29th day of May 1992 at
New Delhi.

I read and verified today, this the 29th day of May, 1992, in the Court at Lucknow.

Dated: 29.05.92

Deponent.

I identify the deponent who has signed before me.

(P.N. Bajpai)

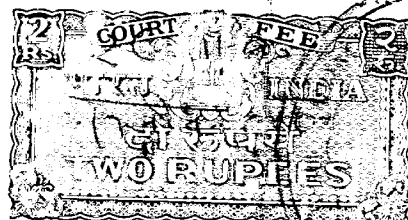
I solemnly affirmed before me on 29.5.92 at 10 A.M./P.M. by Sri Rajwan Lal, the deponent who is entitled by Sri P.N. Bajpai, Advocate, High Court of Judicature at Allahabad (the Bench).

I, having examined myself eye to eye the deponent that he understands the contents of this Affidavit which has been read over and explained by me.

8/30

In the Central Administrative Tribunal
Additional Bench - Allahabad
Circuit Bench - Lucknow.

O.A. No. 217 of 1990



1990
AFFIDAVIT
60/11/90
HIGH COURT
ALLAHABAD

Sajeewan Lal

...

Applicant

Vs.

The Union of India & Others ... Respondents.

Supplementary Affidavit

I, Sajeewan Lal, aged about 40 years,
S/O , Sri Hari Ram R/O Village, Madan Khara,
P.O. Raja Ji Puram , do hereby solemnly affirm
as under:-

- 27/11/90
1. That the above noted application has been moved for getting the promotion on the post of Fitter Grade -2 W.e.f. 1.1.84, and also the seniority in all the cadres above the O.P.No.3 to 5.
 2. That the Hon'ble Tribunal directed the deponent to file the result of the examination held by the Opposites. The same is filed herewith as Annexure-10 to this Affidavit.
 3. That the result of O.P.No.3 & 4 is already on record as Annexure-1 to the application.
 4. That the deponent moved an application on 8.10.90 in which he requested to permit him to appear in the examination but no attention
- 26/11/89
- 7/11/90
- 2/11/90

2.

was paid. The copy of the application is filed herewith as Annexure-11 to this Petition/Affidavit.

5. That the deponent is filing herewith the seniority list ^{as annexure-12} in which the name of the deponent is at Sl.No.10 and the name of the O.P. No.3 & 4 is at Sl.No.11 & 12. Thus both these persons are junior to the deponent.

Dated: 26.11.90

[Signature]
Deponent.

Verification.

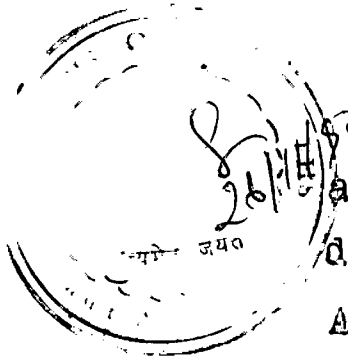
I, the above named deponent do hereby verify that the contents of paras 1 to 5 of this Affidavit are true to my knowledge and. Nothing has been concealed and no part of it is false, so help me God.

Signed and verified today this the 26th day of Nov.1990, in the Compound of the Hon'ble High Court at Lucknow.

[Signature]
Deponent.

I, identify the deponent who has signed before me.

[Signature]
(P.N. Bajpai)
Advocate.

 Solemnly affirmed before me on 26.11.90 at 9.30 A.M./P.M. By ~~xxx~~ the above named deponent who is identified by Sri P.N. Bajpai, Advocate, High Court of Judicature at Allahabad, (Lucknow Bench) Lucknow.

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.

सुजीवन माल

2. In case of admission to the Add. Rank, Mr. (or all) Bar, Sagarwan An
The. In 4 Dec 90
सेवा में, Off. Part

श्रीमान उप मुख्य यान्त्रिक अभियन्ता
सवारी सर्वमाल डिब्बा कारखाना आल-बाग
लखनऊ।

जारा,

शाप अधीकारक

लिफ्टिंग शाप-ए

विषय: प्राथी को परीक्षा को तैयार कर प्राथी में कनिष्ठ
कार्यारियों की परीक्षा क्यों।

महोदय,

निवेदन यह है कि प्राथी सजीवन लाल टि. नं. 45 जी/540ए
फिटर ग्रेड द्वितीय स्थान पर लिफ्टिंग शाप-ए में कार्य कर रहा है।

श्रीमान को विदित हो कि आप श्री मुज्जरा अली टि. नं. 46
/541ए, श्री जमीर हसन टि. नं. 47 जी/557ए तथा श्री लक्ष्मी नारायण
टि. नं. 57 जी को परीक्षा प्रथम के लिए जो हो रही है।

प्राथी का केन अदायत में विचार्यता है उस समय को ध्यान
में रखाते हुये पुनः निवेदन है कि प्राथी को भी वही स्थान से परीक्षा
में सम्मिलित होने का अवसर प्रदान किया जाय।

स्थिति से अवगत कराने के उपरान्त अदालती सीमा का अति
जुम्ला करने के आप उत्तरदायी होंगे। प्राथी का उपरोक्त परिस्थिति
में कोई दोष न होना।

महोदय,

सजीवन लाल
टि. नं. 540H
सजीवन लाल

दिनांक: 8.10.90

टि. नं. 45 जी/540ए

उप-मु. प्रा. श्री (अ.नं.)
अति कार्यवाही हेतु
अवसरित

8-10-90

सजीवन लाल

In the Central Administration Tribunal, Delhi, India
 (Civil Branch)

S. J. K. L. R.
 The Union of India & others

Applicant
 Respondents

No. 12

The Union of India & others (Respondents) vs. S. J. K. L. R. (Applicant)
 The Union of India & others (Respondents) vs. S. J. K. L. R. (Applicant)

S. No.		Name of the Person		Date of Birth		Date of Appointment		Date of Termination		Remarks	
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.
1.	B. S. Sheo Pass 2226	19.6.31	19.6.57	Cabliet	19.8.59	8.12.72	Pro. as a Sk. Gr. II Fitter W.e.f. 1.10.85/1.1.84 (65% Upg.)				
2.	Jagendra Singh 893	12.4.34	12.4.57	Khallasi	12.4.60	11.1.74	Pro. as a Sk. Gr. II Fitter W.e.f. 1.10.85/1.1.84 (65% Upg.)				
3.	Laxmi Narain 576	7.1.38	7.12.57	-do-	8.12.60	1.2.75	Pro. as a Sk. Gr. II Fitter W.e.f. 9.6.83/1.1.84 (65% Upg.)				
4.	Ram Nath 2660	2.7.55	14.4.58	-do-	14.4.61	24.7.76	Pro. as a Sk. Gr. II Fitter W.e.f. 1.1.84/4.3.86.				
5.	Brahmdeo Singh 808	15.4.47	8.2.71	-do-	8.2.74	15.9.78	-do-				
6.	Sheo Bahadur Pandey 486	24.12.46	1.1.72	Fitter	1.1.75	15.12.78	-do-				
7.	Ganga Sagar Shukla 320	10.6.47	1.1.73	-do-	1.1.75	-do-	-do-				
8.	Vinod Kumar Shukla 490	15.8.50	1.1.72	-do-	1.1.75	-do-	-do-				
9.	Nakim Khan 27K/1731	19.4.53	27.12.73	-do-	27.12.75	-do-	-do-				
10.	Banjivan Lal Yadav 540A/45G	13.3.51	23.2.73	-do-	23.2.83	27.2.79	Sk. Gr. III Fitter. (Upd)				

Contd...2/-

26/11/80
 25/11/80

24 511007 71107

1.	2.	3.	4.	5.	6.	7.	8.	9.
11. Mista 480/541A	5.7.81	23.2.79	Filter	-	-	23.2.79	Pro. as Sk. Gr. II Filter	
12. Sanyu 470/	5.4.61	23.2.79	-do-	-	-	23.2.79	-do-	
13. Rajest Singh 360	1.7.57	20.9.79	-do-	-	-	23.2.79	Pro. as Sk. Gr. II Filter	
14. Marjee Ram 1180	1.7.43	3.5.53	-do-	-	-	25.8.80	Sk. Gr. III Filter	
15. Ram Kripal Singh	1.4.46	1.1.73	-do-	-	-	-do-	Sk. Gr. III Filter	
16. Kesar Pd. 1376	1.4.6.48	1.1.72	-do-	-	-	24.11.80	Sk. Gr. III Filter	
17. Sanyu 126/363A	10.2.47	0.2.67	-do-	-	-	25.12.81	-do-	
18. Ram Adhar 403A	3.7.48	1.1.72	-do-	-	-	23.12.81	-do-	
19. Mohd. Turid 731A	15.6.53	12.11.72	-do-	-	-	-do-	-do-	
20. Ali Ahamed 1360	25.12.42	1.1.5.55	-do-	-	-	22.4.82	-do-	
21. B.K. Yadav 190/15K	1.1.65	21.7.72	-do-	-	-	-do-	-do-	
22. Sheo Ram Pandey 52K	1.1.47	23.4.83	-do-	-	-	2.2.83	-do-	
23. Surendra Kumar 275A	19.13.51	13.5.73	-do-	-	-	13.1.83	-do-	
24. Sanyu 1202K	10.14.60	24.9.73	-do-	-	-	19.1.83	-do-	
25. Abdul Khalil 322G	13.3.33	9.4.75	-do-	-	-	27.1.84	-do-	
26. Ghanshyam 322G(5C)	15.12.55	19.7.76	-do-	-	-	27.1.84	Pro. as Sk. Gr. II Filter	
27. Sanyu 3650	17.7.48	13.12.79	-do-	-	-	1.5.85	Pro. as Sk. Gr. II Filter	
28. Rajest Kumar Arora 335G	2.8.52	15.9.74	-do-	-	-	1.1.86	Sk. Gr. III Filter	
29. Ram Prasad 3940(8C)	7.1.52	3.12.83	-do-	-	-	1.1.88	-do-	

3/1.9

for Dy. C. H. E. (N), Rev/Lko.

3/1.9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow *****

No. OA/TA/

5472-75
O.A. No. 217/90 (L)

Registration no. ----- of 1990

APPLICANT

SATYEVAN LAL

VERSES

UNION OF INDIA & OTHERS

RESPONDENT

1. UNION OF INDIA THROUGH THE SECRETARY MINISTRIES & OR MINISTERS WITH
BHAWAN NEW DELHI

2. THE DY. CHIEF MECHANICAL ENGINEER CARRIAGE AND WAGON WORKS, LUCKNOW.

3. SRI ZAMIR HASAN TIKAT NO. 557 A FIFTH CROSS II LIFTING SHOP AND WAGON
AND WORKSHOP ALAMBAGH LUCKNOW.

4. SRI MUSTAFA ALI TIKAT NO. 541-A WELDING SHOP WORKING A FIFTH CROSS II
CARRIAGE AND WAGON WORKSHOP ALAMBAGH LUCKNOW.



Please take notice that the applicant abovenamed has
presented an application, a copy whereof is enclosed herewith,
which has been registered in this Tribunal, and the Tribunal
has fixed ----- day of ----- 1990 for the
hearing of the said application.

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

Given under my hand and the seal of the Tribunal this
----- day of ----- 1990.

DEPUTY REGISTRAR

ENCL: COPY OF PETITION WITH COURT ORDER DATED 27.11.90

195

96. 01 9
\$ 17.00
\$ 17.00



• Record

4 weeks, followed by 2 weeks of rest, and then a final 4 weeks of rest.

RECEIVED

1947

NOT TO BE USED

1971 12 22 20:00

11/26/77 12:00

[The following text is heavily obscured by heavy black redaction marks.]

57

45

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

C.A.T. 417/90(L)

Applicant		Applicant
	Various	
Union of India		Respondents

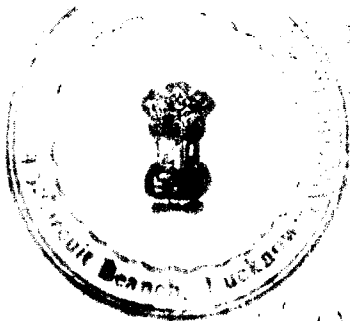
27.11.1990.

Respectable Mr. Justice K. Nath, V.C.

Respectable Mr. M.M. Singh, A.M.

NOTE.

That notice to file counter within 4 weeks, to be filed within 2 weeks thereafter. Date of 15.01.91 is to be taken into account after completion of 4 weeks.



2/-
XV/24
A.M.

26/-
V.C.

// True Copy //

11/2/91
(Mohd Umar Khan)
Joint Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

Handwritten notes:
27.11.90
6.12.90
MS/

Before the Central Administrative Tribunal, Circuit Bench,
LUCKNOW

Before
in the Court of

O.A. No. 2175/1990 (L)

Fixed for 19-12-91

Plaintiff
Defendant

Sajeeran Lal

Claimant
Appellant
Petitioner

Versus

Defendant
Plaintiff

The Union of India &
Others

Respondent

The President of India do hereby appoint and authorise Shri. Asit Kumar Chattervedi,

Presenting Officer, Lko.

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings 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 Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromise where by 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 definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel not 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 agrees to ratify all acts done by the aforesaid Shri.

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the.....19

Dated.....

28.11

198

N.R.P./R.Rd. (Pb. Bg.), Delhi-35-2, 174/172-02-1989-4,000 P.

Designation of the Executive Officer
(S.N. LAMBA)

VAKALATNAMA

859

Before the Honble Central Administrative Tribunal, Circuit Bench,
In the Court of LUCKNOW

C.A No. 217 of 1990 (L)
Fixed for 15-1-91

Plaintiff Defendant Sajeevan Lal

Claimant Appellant Petitioner

Versus

Defendant Plaintiff The Union of India and others.

Respondent

The President of India do hereby appoint and authorise Shri... K. C. John, Rly. Advocate,...

Presenting Officer, Lucknow.

ATUL KEERTI (Adv) (B.H.)

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings 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 Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromise where by 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 of 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 agrees to ratify all acts done by the aforesaid Shri... K. C. John, Presenting...

2
F.T.
C.S.
10/4/91
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the... 19

Dated... 198

N.R.P./R.Rd. (Pb. Bg.), Delhi-35 2/74/17-02-1989-4,000 F.

Designation of the Executive Officer
(RAJIV CHANDRA)
Dy. Chief Mech. Engineer (W)
* W Shops AMV Lko.

Atul Keerti

VAKALATNAMA

13/9

Before the Honble Central Administrative Tribunal, Circuit Bench,
Lucknow

C A No. 217 of 1990 (L)
Fixed for 15-1-91

Plaintiff
Defendant Sajeevan Lal

Claimant
Appellant
Petitioner

Versus

Defendant
Plaintiff The Union of India
and others.

Respondent

The President of India do hereby appoint and authorise Shri... K. C. John, Bly. Advocate...

Presenting Officer, Lucknow.

ATUL KEERTI (Adv) (B.H.)

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings 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 Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise where by 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 of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust 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 agrees to ratify all acts done by the aforesaid Shri... K. C. John, Presenting...

Officer, Lucknow
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the... 19

Dated... 198

N.R.P./R.Rd. (Pb. Bp.), Delhi-35-2, 174/17-02-1989-4,000 P.

Designation of the Executive Officer
(RAJIV CHANDRA)
Dy. Chief Mech. Engineer (W)
G & W Shops AMV Lko.

Atul Keerti