

(See rule 114)

OA/TA/RA/CP/MA/PT 246 of ~~20~~ 90

Ram Naval

.Applicant(S)

Versus

U. Og Ven

Respondent(S)

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
	Order Sheet	1 to 3
	Judgment 21-10-92	4 to 6
	Petition Reur Amey	7 to 40
	C.A.	41 to 46
	R.A.	47 to 52

Certified that the file is complete in all respects.

Signature of S.O. *W. J. Brown*

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Date of
Date of

11/8/90

Registration No. 246 of 1989-1990 (L)

APPLICANT(S)

Shri Ram Prasad

RESPONDENT(S)

D.R.M. (P) Lucknow N.E.R.

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 case 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 pagination 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

yes

yes

N.A.

yes

yes

yes

yes

yes

yes

yes

yes

yes

NO



particulars to be Examined

Endorsement as to result of examination

1. Are the application/duplicate copy/spare copies signed ?
2. Are extra copies of the application with Annexures filed ?
 - a) Identical with the Original ?
 - b) Defective ?
 - c) Wanting in AnnexuresNos. _____ pages Nos. _____ ?
3. Have the file size envelopes bearing full addresses of the respondents been filed ?
4. Are the given address the registered address ?
5. Do the names of the parties stated in the copies tally with those indicated in the application ?
6. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
7. 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 ?
8. Have the particulars for interim order prayed for indicated with reasons ?
9. Whether all the remedies have been exhausted.

dinesh✓

13.8.1990

Hon'ble Mr. P. Srinivasan, A.M.

Hon'ble Mr. J.P. Sharma, J.M.

Mr. S.S. Roy for applicant.

His name may be shown properly
in the cause list in future.

Heard.

Admit.

Issue notice to the respondents to
file reply to the application within
one month from the date of service
thereof. Applicant to file rejoinder
within 2 weeks thereafter. Call on
3.10.1990 before D.R. (J).

Sd/-

J.M.

rrm/

Sd/-

A.M.

notice given
to
24/8/90

1-11-90

28-9-91 - No sitting A.M. to 5.3.91

4/10/90

D.R.

Case has been

taken up today,
because 3.10.90
was declared
holiday.

Counter
rejoinder has
been
not filed yet

He is further directed
to file counter
rejoinder
by 1.11.90

5/3/91

Hon. Mr. Justice K. Raghav,
Hon. Mr. A.B. Tawari, A.M.

Case called. No one is present
on behalf of the respondents. Notices
of the case were sent to the
respondents by registered post
on 22/8/90; they are presumed
served. No reply has been filed.
We direct the case to be listed
for ex parte final hearing
on 16/4/91.

[Signature]
A.M.

[Signature]
V.C.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

AM

MA

No.

246

OF

1991

Vs.

Sl.No.	Date	Office Report	Orders
		<p><u>OR</u></p> <p>He for the applicant has C.M. No NIL for nor serving of C.A. S. P.O.</p> <p align="right">L 20/12</p> <p>No unserved repd. ever have been seen here.</p> <p>S. P.O.</p> <p align="right">L 20/12</p> <p align="center"><u>16.4.91</u></p> <p>CA filed No RA filed</p> <p align="right">L 2/10/91</p>	<p>No sitting adj to 5.8.91</p> <p align="right">2</p> <p align="center"><u>5/8/91</u></p> <p>Counter has been filed and copy has also been served on Applicants. Applicant is file rejoinder by</p>

QA. No 246/90.

15892

Hon. Mr. A. B. Gorthi A.M.

Hon. Mr. S. N. Prasad J.M.

AS

One on the request of learned
Counsel for the respondents.

↙ adjourned to 26892 for hearing.

J.M.

l
A.M.

26-5-92

Case no. reached adj to
10-8-92

2
Boe

10-8-92

No sitting of D.M. adj to
14.10.92

14.10.92

2
No sitting of D.M.
adj to 21.10.92

2

case is

S. F. H.

21-10-92

20/10/92

20/10/92

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

Hon. Mr. S. N. Prasad, J.M.

Heard the learned
Counsel for the Parties.
Judgment dictated
separately.

J.M.

h
A.M.

16

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

O.A.NO.246 of 1990

Ram NawalApplicant

Versus

DRM(P)N.E.Railway, Lucknow & others...Respondents

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

Hon'ble Mr.S.N.Prasad,J.M.

(By Hon'ble Mr.K.Obayya,A.M.)

The applicant, who was employed as Gangman in N.E.Railway, was found medically unfit for A-3 Category but was found fit for C-1 Category in the medical examination. Thereafter, he was asked to report to Divisional Railway Manager (P), Lucknow as there was no post vacant in A-3 Category. Vide order dated 4.3.87, he was offered the post of Cleaner Jamadar and the applicant gave his acceptance on 25.3.87. Then by order dated 30.11/3.12.87, the applicant was appointed as Cleaner Jamadar in Gonda in the pay scale of Rs.775-1025/- and the applicant proceeded to Gonda but he found that one Mr.Somai was already working on the said post. He was told to report back to DRM(P) Office and since then he is knocking the door of DRM without any order. The applicant also made representation on 10.5.88 but that has also not been disposed of. Feeling aggrieved by the same, the applicant approached this tribunal for direction to the concerned authorities to comply with orders contained in Annexure A-5. The applicant has also prayed that throughout this period ever since the applicant was decategorised, he was entitled to receive half pay which was not paid to him.

2. The respondents have resisted the case.

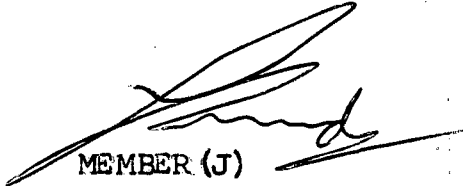
They have raised a plea of limitation inasmuch as the applicant is seeking implementation of the order passed in 1987. It has also been pointed out that after medical decategorization, option was given by the applicant along with another candidate namely Ashiq Ali and both of them were posted as Cleaner-Jamadars. Shri Ashiq Ali reported his duties at Lucknow but the applicant failed to turn-up at Gonda. It is also stated that the applicant never reported back to DRM .


3. We have heard the learned counsel for the parties. Apart from the technical plea of delay, there appears nothing else against the applicant. The facts are admitted. The applicant was to be absorbed on the alternative post which was offered. However, the controversy is that when he went to report the duties, one Somai was already working on the post. Consequently, he came back and reported to the DRM. The respondents denied that the applicant had come back and reported to DRM. However, it is considered that in case the applicant is found suitable for lower category, he will be absorbed on the said post. It appears improbable that the applicant failed to report at DRM Lucknow. We would not like to go into this controversy and further we direct the respondents to provide an alternative employment to the applicant within one month from the date of receipt of copy of the order. The applicant is also entitled to get the salary and wages for the intervening period when he was not absorbed elsewhere in accordance with law. The application is disposed

A8

-3-

of. in above terms. No order as to costs.


MEMBER (J)


MEMBER (A)

DATED: OCTOBER 21, 1992.

(ug)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT LUCKNOW BENCH, LUCKNOW

ORIGINAL APPLICATION NO.

246

OF 1990

(2)

BETWEEN

Ram Nawal

..... Applicant

AND

D.R.M. (P), NER Lucknow and others Respondents

I N D E X

Srl. No.	Description	Page No.
1.	Application	1 - 9
2.	Office Order of D.R.M. (P) N.E.R. Lucknow No. E/11/205/Mech/MA/87 dated 30.11.87/3.12.87. <u>ANNEXURE A-1</u>	10
3.	Office Order No. E/7(R) dated 24.1.75 issued by Asst. Engineer West Office Gorakhpur, N.E.R. <u>ANNEXURE A-2</u>	11-12
4.	P.W.I. (1) Gorakhpur letter No. WW/4 dated 27.6.1986. <u>ANNEXURE A-3</u>	13
5.	Letter No. E/1/227/CP-IV/L/III dated 4.3.1987 issued by D.R.M. (P) Lucknow. <u>ANNEXURE A-4</u>	14
6.	Acceptance letter from Ram Nawal dated 25.3.1987 to D.R.M. (P) N.E.R., Lucknow <u>ANNEXURE A-5</u>	15
7.	Letter from the applicant dated 10.5.1988 to D.R.M., N.E.R., Lucknow. <u>ANNEXURE A-6</u>	16
8.	Photo copies of various gate passes issued by the office of D.R.M. (P) Lucknow. <u>ANNEXURE A-7</u>	17 - 27

Filed today
1/8/90

Noted for
13/8/90
10-90

A10

Srl. No.	Description	Page No.
-------------	-------------	----------

9. Notice from the applicant dated
31.5.1990 to Chairman N.E.R. Board
Varanasi (U.P.) alongwith postal
receipt No. 3548 dated 31.5.1990.

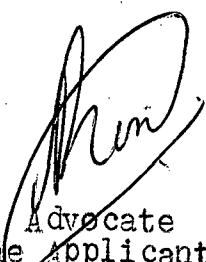
ANNEXURE A-8 28-30

10. Power

31

Lucknow :

Dated :


Advocate
Counsel for the Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT LUCKNOW BENCH

ORIGINAL APPLICATION NO.

OF 1990

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 11/8/90
Date of Receipt by Post
Deputy Registrar (J)
21/8

BETWEEN

Ram Nawal, S/O Ram Dularey, resident of village
~~Kamhariya~~ ^{ra} Kamhariya, P.O. Sillow, P.S. Lalganj, District Basti.
..... Applicant

AND

1. D.R.M.(P), North-Eastern Railway, Lucknow
Junction, Lucknow.

2. Assistant Engineer/P.W. I/West/G.K.P., ~~N.E.R.~~ ^{N.E.R. GORAKHPUR}

3. Union of India, the Secretary, Ministry of
Railways, New Delhi.

..... Respondents

DETAILS OF APPLICATION

1. Particulars of the Applicant:

- (i) Name of the applicant : Ram Nawal
- (ii) Name of father : Ram Dularey
- (iii) Age of the applicant : 42 years
- (iv) Designation and particulars of office
(name and Station) in which employed or
was last employed before ceasing to be
in service -

The applicant was last employed as cleaner Jamadar in Gonda and has never ceased to be in service. At least he has received no notice to that effect. He was previously employed as a Gangman in P.W. 1 (West) Gorakhpur.

.....2

21/8/90

A12

(v) Office address - The office address of the applicant is Ram Nawal, Cleaner Jamadar, Gonda, North-Eastern Railway.

vi) Address for service - Ram Nawal
of notices. R/O Village Kamhariya
P.O. Sillow
P.S. Lalgunj,
Distt - Basti.

1. Particulars of the respondent :

(i) Name of the respondent. - ~~XXXXXXXXXXXXXXXXXXXX~~
1. D.R.M. (P), North-Eastern Railway, Lucknow Junction, Lucknow.
2. Asst. Engineer/P.W. 1/ West/G.K.P., N.E.R.
3. Union of India, the Secretary, Ministry of Railways, New Delhi.

(ii) Name of the father/husband. - N.A.

(iii) Age of the respondent. - N.A.

(iv) Designation and particulars of office (name and station) in which employed -

(a) The Divisional Railway Manager (Personnel) North-Eastern Railway, Lucknow Junction, Lucknow.

(b) Asst. Engineer/P.W. 1/West/G.K.P., N.E.R.

(c) Union of India, the Secretary, Ministry of Railways, New Delhi.

रामनवल

A13

- (v) Office address -
1. Divisional Railway Manager (P), North-Eastern Railway, Lucknow Junction, Lucknow.
 2. Asst. Engineer/P.W. 1/ West/G.K.P., N.E.R.
 3. Union of India, through the Secretary, Ministry of Railways, New Delhi.

(vi) Address for service of notices -

- (a) Divisional Railway Manager (P), North-Eastern Railway, Lucknow Junction, Lucknow.
- (b) Asst. Engineer/P.W. 1/West/G.K.P., N.E.R.
- (c) Union of India, through the Secretary, Ministry of Railways, New Delhi.

4. Particulars of the order against which application is made -

The application is against the following order :-

- (i) Order No. - E/11/205/Mech/M.A./87 with reference to Ann. A5.
- (ii) Date - 30.11/3.12.1987.
- (iii) Passed by - Divisional Railway Manager (Lucknow).
- (iv) Implementation of - Order No. E/11/205/Mech/M.A./87 with reference to Ann. No. ~~A5~~. A1

4. Jurisdiction of the Tribunal -

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

रामनयन

5. Limitation :

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

6. Facts of the Case :

The facts of the case are given below :

- (i) The applicant was working as a Gangman under P.W. 1 (West)/Gorakhpur. He had been working in the Railway since 1967, but by Office Order dated 24.1.75, he was officially confirmed. This order is annexed to this application as Annexure No. A-1.
- (ii) The applicant had to undergo certain medical tests which he did ~~and~~ which was necessary for continuation of service.
- (iii) In 1986, the applicant failed in the A-3 category but passed the C-1 medical examination and on 27.6.86 he was told to report to the D.R.M. (P) Lucknow as there was no post vacant in A-3 category for him in Gorakhpur. The copy of this order is attached herewith as Annexure No. A-2.
- (iv) Then by order dated 4.3.1987 the applicant was offered the post of cleaner Jamadar and the applicant gave his acceptance on 25.3.1987. The photostat copies of the Office Order and the applicant's acceptance is attached herewith as Annexures No. A-3 and A-4.
- (v) Then by office order dated 30.11/3.12.1987 the applicant was appointed as Cleaner Jamadar in Gonda in the pay scale of Rs 775 - 1025. A copy of this order is attached as ANNEXURE A5

.....5

रामगण

AKS

(vi) Therefore the applicant in good faith proceeded to Gonda, but found that one Mr. Somai had already been appointed. Furthermore, he was told to report back to the office of The D.R.M. (P), Lucknow.

(vii) After reporting back to the office of The D.R.M. (P), Lucknow, the applicant found that the concerned department was showing the least interest towards him for reasons best known to them.

(viii) Then on 10.5.1988, the applicant made a representation to the department but till today has received no reply. The copy of this representation is annexed herewith as Annexure No. A-5.

(ix) Therefore, the applicant made various visits to the concerned officials but received no positive reply.

(x) The applicant is a poor man, he has no recourse but to approach the precincts of this Court so that justice is meted out to him.

7. Details of the remedies exhausted :

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

(a) The applicant on 10.5.1988 made a representation to the D.R.M. (P), Lucknow to know the reasons as to why the applicant's case was not being considered but received no reply. A photostat copy of this representation is attached herewith as Annexure No. A-6.

(b) The applicant made various visits, he being illiterate and poor to various categories of

A/6

officials in the N.E.R. office based in Lucknow but to no avail. A copy of the various gate passes by which the applicant was allowed to enter the premises of The N.E.R. Office is annexed herewith as Annexure No. A-7.

- (c) The applicant has also sent a notice before filing this application in this Hon'ble Court to the Chairman N.E.R. stating the entire case and praying for a reply within 30 days but has received no reply. A photostat copy of this notice is attached herewith as Annexure No. A-8.

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

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court 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 them.

9. Relief(s) sought :

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs:-

- 1) Any order, writ or direction to the concerned authorities to comply with orders issued by him, annexed herewith as Annexure A-5. The applicant invokes the jurisdiction of this Hon'ble Court to secure

रामगोपाल

the ends of justice, for years the applicant has witnessed the utter misery of his family and his unemployed situation which is solely the creation of the above mentioned authorities. The concerned authorities have not even bothered to reply to any of the representations of the applicant, at least they should have issued a final order whether the petitioner should be absorbed or not, but they have done nothing. The applicant seeks the implementation of the office order attached to this application as Annexure No. A-5. The ground for relief is clearly, the Annexure in question where the concerned authority had themselves issued orders for the applicant's absorption but due to reasons best known to the administration have failed to do so.

- ii) Throughout this period ever since the applicant was decategorised the applicant was entitled to receive half pay which he did not. The applicant seeks the payment of the arrears of his pay during the entire period.

10. Interim Order :

Pending final decision on the application, the applicant seeks issue of the following interim order -

That the Court should direct the authorities to give the applicant half pay till the final disposal of his application. The applicant is a man of humble means, he has

A18

no other resource to fall back upon to feed his family which is composed of grown up children.

11. This para is not applicable.

12. Particulars of postal order in respect of the application fee :

- i) Number of Indian Postal Order(s) - 7 03 957750, 703957751, 6 11594595
- ii) Date of issue of Postal Order. - 11/7/90
- iii) Name of issuing Post Office - High Court Post office
- iv) Post Office at which payable - G. P. O. Allahabad

13. List of enclosures :

1. Application.
2. Office order No. E/7(R) dated 24.1.75 issued by Asst. Engineer West office Gorakhpur N.E.R.
3. PWI(i) Gorakhpur letter No W/E/4 dated 27.6.1986
4. Letter No. E/1/227/CP-IV/L/III dated 4.3.1987 issued by D.R.M. (P) Lucknow
5. Acceptance letter from Ram Nawal dated 25.3.1987 to DRM (P) N.E.R. Lucknow
6. Office order of D.R.M (P) N.E.R. Lucknow No. E/11/205/Mech/MA/87 dated 30.11.87/3.12.87
7. Letter from the applicant dated 10.5.89 to D.R.M. N.E.R. Lucknow
8. Photo copies of various gate passes issued by the office of DRM (P) Lko
9. Notice from the applicant dated 31.5.1990 to Chairman N.E.R. Board Varanasi (G.O) along with postal receipt No 3548 dated 31.5.1990
10. Power

रामनारायण

VERIFICATION

I, Ram Nawal, S/O Ram Dularey, working as Cleaner Jamadar in the office of North - Eastern Railway, Gonda, resident of village Kamhariya P.O. Sillow, P.S. Lalganj, District Basti, do hereby verify that the contents of paras 1 to 6 are true to my personal knowledge and paras 7 to 13 believed to be true on legal advice and that I have not suppressed any material fact.

Lucknow :

Dated : 31/7/90

(Ram Nawal)

Applicant

राम नवल

IN THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL at Lucknow BENCH

Ram Naval ——— ~~petitioner~~ Appellant (10)

DRM(P) MER and others ——— ~~Opponent~~ Respondent

ANNEXURE No 5 AS

कार्यालय आदेश

निम्नलिखित बिशेषीकृत कर्मचारियों को सी-1 वन की मेडीकल परीक्षा उत्तीर्ण करने के बश्चात स्टैंडिंग कमेटी के चयन के अनुसार कैज विभाग में क्लीनर जमादार वेतनमान (775-1025) के पद पर इनके नाम के सामने लिखे वेतन एवं स्टेशन पर बदासीन किया जाता है। यह आदेश तुरंत से प्रभावी होगा।

यह मण्डल यांत्रिक अभियंता (समाहि) के अनुमोदन से जारी किया जाता है :-

क्रमिक	कर्मचारी का नाम	वर्तमान पद एवं वेतनमान	बदलावित पद एवं वेतनमान	वेतन निर्धारण	नियुक्ति स्टेशन
1	श्री आशिक अली	गैंगमैन	क्लीनर जमादार	983/-	लखनऊ
		(800-1150)	(775-1025)		
2	श्री राम नवल	गैंगमैन	वही	907/-	गोण्डा
		(775-1025)			

कृते मण्डल रेल प्रबंधक(का०),
लखनऊ

सं० ई/11/205/मेक/एम स /87

दिनांक 30-11-87

3-12

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- प्रमर्लध/लखनऊ
- 2- समाहि अवीक्षक/गोण्डा, लखनऊ
- 3- कार्यालय अवीक्षक/बिल/गोण्डा/लखनऊ
- 4- वेतनबृद्धि लिपिक एवं फोल्डर
- 5- मण्डल मंत्री/पी०आर०के०एस०/नर्म
- 6- कार्यालय अवीक्षक(रित) मंत्री०अ०(का)लखनऊ
- 7- सम्बोधित कर्मचारी
- 8- स्वेयर कपी

सत्यापित - प्रतिलिपि

कृते मण्डल रेल प्रबंधक(का)
लखनऊ

Handwritten signatures and notes at the bottom of the page, including "A. H. Hester" and "26.11.87".

Ram Nawal

DAM(P) Luykrow NER

Ann I

Respondent

ANNEXURE A2(1)

North Eastern Railway

No. 3/7(R)

Asstt. Engineer/Inst's office,
Gorakhpur, Dt.

Office Order

The undernoted candidates who have been declared fit in A/3 category are hereby engaged as substitute on revised scale of pay plus usual allowance as admissible under rules against the existing vacancies. This engagement can be terminated at any moment without any notice or any compensation.

This engagement will not confer any claim for absorption against regular class IV post in future.

Candidates will be appointed only after submission of temporary character certificate as under rules.

1. Sri Hasmillah S/O Sri Lala posted provisionally as substitute in gang No.10/GG under PWI/BNY.
2. Sri Ram Nachhattar S/O Sri Jilnak posted provisionally as substitute in gang No.50/under PWI/W/GKP.
3. Sri Swarn Kumar S/O Sri Sukhari posted provisionally as substitute in gang No.57 under PWI/W/GKP.
4. Sri Ram Srinath S/O Sri Jagdishar posted provisionally as substitute in gang No.61 under PWI/W/GKP.
5. Sri Rajdeo S/O Sri Jag Mohan posted provisionally as substitute in gang No.21/GG under PWI/BNY.
6. Sri Ram Nawal S/O Sri Ram Balaray posted provisionally as substitute in gang No.60 under PWI/W/GKP.
7. Sri Adya S/O Sri ... posted provisionally as substitute in gang No.55 under PWI/W/GKP.
8. Sri Ram Kewal S/O Sri Tilakdhari posted provisionally as substitute in gang No.8 under PWI/W/GKP.
9. Sri Ram/Kishun S/O Sri Jekhan posted provisionally as substitute in gang No.59 under PWI/W/GKP.
10. Sri Lal Bahadur S/O Sri Ram Asray posted provisionally as substitute in gang No.61 under PWI/W/GKP.
11. Sri ... Singh S/O Sri Surajpal Singh posted provisionally as substitute in gang No.60 under PWI/W/GKP.
12. Sri ... S/O Sri Jag Mohan posted provisionally as substitute in gang No.58 under PWI/W/GKP.

P.T.O.....2

Handwritten signature and text:
Mishra
H. Healed

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT Lucknow
GA. No. — 1990

Ram Kaul — Applicant

vs.

DAM(P) Lucknow. NER

Respondent

ANNEXURE No 2(2)

13. Sri Ram Trath S/O Sri Jokhoo posted provisionally as substitute in gang No. 17/GG under PWI/BNY.
14. Sri Chand Ram S/O Sri Gaya Pd. posted provisionally as substitute in gang No. 56/A under PWI/WGKP.
15. Sri Phool Chand S/O Sri Kanta posted provisionally as substitute in gang No. 59/A under PWI/WGKP.
16. Sri Radhey Shyam S/O Sri Lalli posted provisionally as substitute in gang No. 58 under PWI/WGKP.
17. Sri Salim S/O Sri Faridan posted provisionally as substitute in gang No. 55 under PWI/WGKP.
18. Sri Mahad S/O Sri Ramshar posted provisionally as substitute in gang No. 57 under PWI/WGKP on existing vacancy due to not resumption of duty by Sri Ram Lakhan Chaudhary.
19. Sri Kishore S/O Sri Dularay posted provisionally as substitute in gang No. 55 (Points & Xing) under PWI/WGKP.
20. Sri Ramgati S/O Sri Baljnath posted provisionally as substitute in gang No. 59/A under PWI/WGKP.
21. Sri Sri Ram S/O Indal posted provisionally as substitute in gang No. 61 under PWI/WGKP.
22. Sri Birendra Mani Tripathi S/O Sri Dwi Dutt Tewari posted provisionally as substitute Odd Job Khilasi under IOB/WGKP.

Asstt. Engineer/West
Gorakhpur.

Copy forwarded for information and necessary action to:-

1. DS(P) & DAO/LJN
2. PWI/WGKP & BNY, IOB/WGKP with the instructions that only those persons be allowed duty who have been granted certificate from this office for submission of their temporary character certificate.
3. Persons concerned. They should report for duty within 15 days from the date of issue of this letter failing which they will lose their claim.
4. Spare copies for folders and P.cases.

Asstt. Engineer/West
Gorakhpur.

Attested

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD at LUCKNOW BENCH

Ram Narain

VS

DRM(P) LUCKNOW, N.E.R and others

~~petitioner~~ Applicant (14)
Respondent-
~~op parties~~

मार्गदर्शक दोनों तरफ लिखें
Use both side if required.

पूर्वोत्तर रेलवे
N. E. RAILWAY

Annex 2

N. E.-G. 40
RB-GL. 19

संख्या (No.) W/E/14

दिनांक (Dated) 27-6-86

अपेक्षक (From) रेल पथ निरीक्षक (1)
जोरखपुर

सेवा में To श्री रागनवल पुत्र रामकुमार
जोगबैन

विषय (Sub:) श्री रागनवल जोगबैन के सम्बन्ध में

संदर्भ (Ref:) जोरखपुर रेलवे जोगबैन के सम्बन्ध में
जि. 8/3/86
जि. 8/3/86

श्री रागनवल पुत्र श्री रागदुलारे जोगबैन जोगबैन 15
आपकी सूचना कि आपका है कि आपका मजदूर में कोई
जो स्थान में न न हो। इ. कटिघटी के लिये रिक्त नहीं है।

आपकी सूचना कि आपका है कि आपका
जोरखपुर जोगबैन के लिये रिक्त नहीं है।
जोरखपुर जोगबैन के लिये रिक्त नहीं है।
जोरखपुर जोगबैन के लिये रिक्त नहीं है।

आपकी सूचना कि आपका है कि आपका

(1) जोरखपुर रेलवे जोगबैन के सम्बन्ध में
जि. 8/3/86

रागनवल

5/7/86

मुख्य निरीक्षक
जोरखपुर

Attested

ANNEXURE NO 143

IN THE HON'BLE (CENTRAL ADMINISTRATIVE
TRIBUNAL AT LUCKNOW BENCH

(13)

Ran. nawal

Applicant

DRM (P) over and over

Respondent

ANNEXURE No 14

जहरत पर दोनों तरफ लिखें
Use both side if required.

पूर्वोत्तर रेलवे
N. E. RAILWAY

N. E. - G. 40
RB - GL. 19

संख्या (No.) 5/1/227/CP-IV/ले. 1/III

दिनांक (Date) 4-3-87

प्रेषक (From) म. ई. प्र. (का.)
निरवजक

सेवा में To श्री. राम नवल

ग्राम - कन्हैया

विषय (Subject) श्री. निरवजक पदा का समावेश पोस्ट - निरंजनपुर

संदर्भ (Ref.) 1

स्टेशन कमेटी के समक्ष दिनांक 20-2-87 को होने वाले साक्षात्कार में आप को क्लीनर-जमादार का पद आफर किया गया था उसके बिना अभी तक आप को सहमति प्राप्त नहीं हुई। कृपया अपनी सहमति या असहमति लिखित रूप में इस कार्यालय में प्रेषित कर ताकि मैकालेक पद पर आप को पोस्टिंग का कार्यवाही की जा सके।

श्री. मंडल रेल प्रबन्धक (का.)
निरवजक

in Adm
is Heated

IN THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL AT LUCKNOW. BENCH

Ram Prasad — ~~petitioner~~ Applicant (16)
vs
DRM(P) NER and others — ~~opponent~~ Respondent

ANNEXURE No. ~~44~~ 43

सेला में

मंत्रालय (का)

प्रवर्तन सेला में

नगरपालिका

Ann 4

विषय: वैकल्पिक पदों का समावेश

नम्रता का पत्र सं. डी/1/ 227/CL-W/3/II
दि. 4.3.87.

उपरोक्त नम्रता में सूचित किया जाता है

कि मैं मन्त्रीनर समाचार के पद पर
कार्य करने के लिए ~~सिद्धांत~~
इच्छुक हूँ और मन्त्रीनर समाचार
के पद पर तैनात किया जाय।

दिनांक 28/3/87

साधु

नाम: रामनवल

श्री. — कमलेश

पति — निरंजन

कि. — बरतो (सहायक)

Thir
Pdr
Attached

IN HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL AT LUCKNOW BENCH

Ram Nawal

VS.

~~petitioner~~ Applicant

~~Respondent~~

DRM(P) NER and others — ~~app p. 6/85~~

ANNEXURE NO A6

To
The Divl. Railway Manager,
N.E. Railway,
Lucknow Jn.

Sir,

Ann 6

Subj:- Absorption of De-categorised staff.

Most respectfully I beg to state that I was working under PWI/West/GKP as a Gangman. I was directed for periodical medical test in A-3 but could not pass. I passed C-1 medical and my case was referred to your office for further absorption.

On 20.2.87 I appeared before Standing Committee who offered myself for absorption as Cleaner Jamadar. Again I was asked to offer myself for the same post in writing which I personally submitted on 20.3.87.

I am still waiting for the orders but the same has not been issued as yet due to the reasons best known to the administration.

However, I came to know that my posting order has been issued vide your office order No.E/11/205/Mech/HA/87 dt. 30-11/3-12/1987 as a Cleaner Jamadar at Gonda but the copy of the order has not yet been given to me neither in the office nor by post, which was issued after nine months.

I resumed my duties at Gonda and was directed to report to your office for further orders since the post was filled up by your office by the posting of Shri Somai as Cleaner Jamadar. I am waiting for orders. I have not been paid my salary for the waiting period for duty either by your office or by Mechanical Deptt. at Gonda.

It is requested that my case may kindly be decided for absorption elsewhere if there is no vacancy in Mechanical Deptt. at Gonda. In this connection I would like to mention that I may kindly be returned to my original Engg. Unit under AEN/West/GKP for further absorption as de-categorised staff where a vacancy exists at present of the post of Chowkidar under PWI/East/GKP.

You are requested to kindly look into the matter personally and issue my posting orders at the earliest.

Thanking you,

Yours faithfully,

Dated 10-5-1988

(RAM NAWAL)
Gangman

Waiting for orders in office.

Copy forwarded to Divl. Rly. Manager(Engg.)/N.E.Railway/Lucknow Jn for information please. He is requested to kindly arrange my posting under his kind control.

(RAM NAWAL)

21/7/91

Min. Adv.
Affected

DRM(P) NER
16/5/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Bam Nawal OA No 110 of A 1990
vs Appellant

DRM(P) LKO, WER and others Respondent

ANNEXURE A (1)
(GATE PASSES)

प्रवेश पत्र

मण्डल रेल प्रबंधक कार्यालय

पूर्वोत्तर रेलवे,

लखनऊ

क्र. सं. 151

दिनांक

श्रीमती, श्री

पद स्थान

विभाग

प्रयोजन

कृते मण्डल रेल प्रबंधक (का),

पूर्वोत्तर रेलवे,

प्रवेश पत्र

मण्डल रेल प्रबंधक कार्यालय

पूर्वोत्तर रेलवे लखनऊ

क्रम सं. 150

दिनांक

श्रीमती, श्री

पद स्थान

विभाग

प्रयोजन

कृते मण्डल रेल प्रबंधक (का),

पूर्वोत्तर रेलवे,

लखनऊ

Bam Nawal
Affected

THE CENTRAL ADMINISTRATIVE TRIBUNAL at Lucknow BENCH

O A No 51990

Ram Nawal _____

Applicant (19)

vs
DRM(P) NER, LKO and others _____

Respondent
ANNEXURE A (2)
(CITE PASS)

उस
अन्य अंतर्गत

विशेष विचार

अन्य
विचार

217

अ 2 म अंतर्गत

विशेष विचार

704

7/6/97 अंतर्गत

अ 2 म अंतर्गत

विशेष विचार

7/6/97 अंतर्गत

अंतर्गत

१९९०

RAM NAWAZ

appealant

ARM (P), NEZ, 1020 1021

Respondent

ANNEXURE NO A-7(3)

(GATE PASS)

169

২৭-২১৭৭৭৭

১৯৮০/৮১

08/11/2014

8.3.80

16-08

जिंश पत्र

महाराष्ट्र शासन
महाराष्ट्र शासन
महाराष्ट्र शासन

94. 82.

द्वितीय

श्री/गोमती/कुं = २२/०१/२०२०
 द/स्टेशन ११/०१/२०२०
 दिनांक ११/०१/२०२०
 दिनांक ११/०१/२०२०

3071 21

[illegible]

2007 11-1

कायदिलाल नेहरू प्रबन्धक,
पूवीतर गेटे,
लखनऊ

541

14.5

निर्वाक

9-5-88

[Faint handwritten notes at the bottom of the page]

13 6 11 15 0

कृते ॥ १७ ॥ ॥ प्रजापति (कार्मिक)

2.8

Adm.
Husted

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW BRANCH.

CA NO.

07 1990

FAM NUMBER

— applicant

VS.

DRM(P), MER, CKO & OWS — Respondents.

A29

23
(21)

ANNEXURE NO. A-7(4)

(GATE PASS)

कार्यालय मण्डल रेल प्रबंधक
पूर्वांचल रेलवे
लखनऊ

आगत

105

दिनांक

27/7/88

श्री/श्रीमती/कु

21 म लखनऊ

पद/स्टेशन

जग 80/2000

विभाग

कर्मचारी

प्रयोजन

18/7/88
27/7/88
मण्डल रेल प्रबंधक
लखनऊ

कार्यालय मण्डल रेल प्रबंधक
पूर्वांचल रेलवे
लखनऊ

आगत

87

दिनांक

16/6/88

श्री/श्रीमती/कु

21 म लखनऊ

पद/स्टेशन

जग 80/2000

विभाग

कर्मचारी

प्रयोजन

18/7/88

मण्डल रेल प्रबंधक
लखनऊ

16/6/88

May Adv.
Attested

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW BENCH
ON NO 1930

RAM NARAYAN ——— applicant

PRM (P) NER, Udo & sons — Respondents

A30

(22)

ANNEXURE NO. A-7 (S)

GATE PASS

प्रवेश पत्र

कार्यालय मण्डल रेल प्रबन्धक
पूर्वोत्तर रेलवे
लखनऊ

15.6.88

क्रमांक 76

दिनांक

श्री/श्रीमती/कु

श्रीमती/कु

पद/स्थान

श्रीमती/कु

विभाग

अनुमति

प्रयोजन

15.6.88

कार्यालय मण्डल रेल प्रबन्धक
लखनऊ

15/6/88

पत्र

कार्यालय मण्डल रेल प्रबन्धक
पूर्वोत्तर रेलवे
लखनऊ

15.6.88

क्रमांक: 85

दिनांक:

श्री/श्रीमती/कु श्रीमन्मथ

पद/स्थान श्रीमन्मथ

विभाग श्रीमन्मथ

प्रयोजन श्रीमन्मथ

Attested

O A No of 1990

Room Number _____ Applicant

DRM (A) NER LKO
(GATE PASS)

Respondent

DRM (A) NER LKO (G)

831

पत्र

कार्यालय, जल संयंत्र प्रबंधन
पूर्वार्द्ध, रेलवे,
लखनऊ २० ५ ४४

क्रमांक: १०

दिनांक:

श्री/श्रीमती/कुल २१०१/१००

पद/स्थिति/श्री/श्रीमती/श्री/श्रीमती/श्री/श्रीमती

विभाग- कार्यालय
प्रमाण- १०५/४४ के संकेत

जसे जल संयंत्र रेलवे

प्रवेश

कार्यालय, जल संयंत्र प्रबंधन
पूर्वार्द्ध, रेलवे,
लखनऊ १० ५ ४४

क्रमांक: ४६

श्री/श्रीमती/कुल

पद/स्थिति/श्री/श्रीमती/श्री/श्रीमती/श्री/श्रीमती

विभाग- कार्यालय

प्रमाण- १०५/४४ के संकेत

१५२

DRM (A) NER LKO
A. H. H. H.

कार्यालय, जल संयंत्र प्रबंधन
पूर्वार्द्ध, रेलवे,
लखनऊ १० ५ ४४

क्रमांक: १०

श्री/श्रीमती/कुल २१०१/१००

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW Bench
C.A. No. 1920

RAM SAHAI -- Applicant
vs
DPM (P) NICK, Lko 2024 Respondent

A32

(24)

ANNEXURE No. A-7/71
(GATE PASS)

मंडरेप्र० (का) पूर्वोत्तर रेलवे/ लखनऊ
प्रवेश पत्र 94.6.87
क्रम संख्या - 17 - - - - दिनांक -
नाम श्री एवं श्रोमती - राजेश कुमार
पद एवं स्टेशन - जूनियर क्लर्क / जूनियर क्लर्क
विभाग - - - -
प्रवेश पत्र का प्रयोजन - - - -
हरे मोहन रेल प्रबंधक (का)

पूर्वोत्तर रेलवे/ लखनऊ
प्रवेश पत्र

क्रम संख्या 17 - - - - दिनांक -
नाम श्री एवं श्रोमती - राजेश कुमार
पद एवं स्टेशन - जूनियर क्लर्क / जूनियर क्लर्क
विभाग - - - -

प्रवेश पत्र

क्रम संख्या - 93 - दिनांक - 30/7/87
नाम श्री एवं श्रोमती - राजेश कुमार
पद एवं स्टेशन - जूनियर क्लर्क / जूनियर क्लर्क

विभाग -

प्रवेश का प्रयोजन -

हरे मोहन रेल प्रबंधक (का)

Handwritten notes in the bottom left corner, possibly indicating a date or reference.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW BENCH.

C.A NO. 1990

RAM NAWAZ

Applicant

vs.

DRM (P), NER, Lucknow Respondents

ANNEXURE NO. A-2 (8)
CREATE PASS

पूर्वोत्तर रेलवे/लखनऊ प्र

क्रमांक 171 दिनांक 19.6.87

नाम श्री एवं श्रीमती

पद एवं स्थान (अथवा पद) और

विभाग

प्रवेश करने का प्रयोजन

कृते मंडल रेल प्रबन्धक का

द्वारे/7587

पूर्वोत्तर रेलवे/लखनऊ

प्रवेश पत्र

क्रम संख्या 192 दिनांक 19.6.87

नाम श्री एवं श्रीमती- श्रीमती

पद एवं स्थान (अथवा पद) और

विभाग - आर्थिक से

प्रवेश करने का प्रयोजन - इष्ट

विभाग -

प्रवेश करने का प्रयोजन -

कृते मंडल रेल प्रबन्धक का
मंडल रेल प्रबन्धक का 19.6.87
पूर्वोत्तर रेलवे/लखनऊ

क्रम संख्या - 83 दिनांक

श्रीमती

नाम श्री एवं श्रीमती

पद एवं स्थान (अथवा पद) और

Not
Admitted

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL DELHI

O.A. No of 1990

Ram Nawal

vs

Applicant

A34

(26)

ORM(A) NER, LKO and others

respondent

ANNEXURE 14 (9)
(GATE PASS)

मोरोप्र०(का) पूर्वोत्तर रेलवे/ लखनऊ

प्रवेश पत्र

क्रम संख्या 131

दिनांक 23/6

नाम श्री एवं श्रीमती

राम नवल

पद एवं स्टेशन

जोड़ नगर जोड़ नगर

विभाग

कर्मिक

प्रवेश करने का प्रयोजन

राम नवल

23/6

मोरोप्र०(का) पूर्वोत्तर रेलवे/ लखनऊ

प्रवेश पत्र

क्रम संख्या

131

दिनांक

23/6

नाम श्री एवं श्रीमती

राम नवल

पद एवं स्टेशन

जोड़ नगर जोड़ नगर

विभाग

कर्मिक

प्रवेश करने का प्रयोजन

राम नवल

23/6

Copy Held
Attested

IN THE CENTRAL HOSPITALITY DEPARTMENT OF THE GOVERNMENT OF INDIA

O.A No of 1990

Ram Nawal

vs

Applicant

AS

(27)

DRM(P)NER, LKO and others

Respondent

(STATE PASS)

ANNEXURE NO A-7 (10)

कायु. रा. मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे,
लखनऊ

क्रमंक: 64 दिनांक

श्री/श्रीमती/कु-

पद/स्टेशन

विभाग

प्रयोजन

वृत्त मण्डल रेल प्रबन्धक
कायु. रा. मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे,
लखनऊ

19/5

प्रवेश पत्र

कायु. रा. मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे,
लखनऊ

क्रमंक: 101

श्री/श्रीमती/कु-

पद/स्टेशन

विभाग

प्रयोजन

वृत्त मण्डल रेल प्रबन्धक
कायु. रा. मण्डल रेल प्रबन्धक,
पूर्वोत्तर रेलवे,
लखनऊ

Noted
Attended

CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW.
OA No. _____ of 1940
Ram Narain _____ Applicant

(28)
30

vs
DRM (P), LKO and others — Respondent A36

ANNEXURE A8 (II)
(CREATE PASS)

पुनर्वास पत्र

कार्यालय नल-रेल प्रवन्धक
पूर्वांतर लखनऊ
क्रमांक 1301 दिनांक: 0
श्री/श्रीमती/श्रीमान/श्रीमती/श्रीमान/श्रीमती
पद/पद/पद/पद/पद/पद
विभाग/विभाग/विभाग/विभाग/विभाग/विभाग
प्रयोजन/प्रयोजन/प्रयोजन/प्रयोजन/प्रयोजन/प्रयोजन
1-5-3

कार्यालय नल-रेल प्रवन्धक
पूर्वांतर लखनऊ
क्रमांक 136 दिनांक: 0
श्री/श्रीमती/श्रीमान/श्रीमती/श्रीमान/श्रीमती
पद/पद/पद/पद/पद/पद
विभाग/विभाग/विभाग/विभाग/विभाग/विभाग
प्रयोजन/प्रयोजन/प्रयोजन/प्रयोजन/प्रयोजन/प्रयोजन
1-5-3

May 1940
Affected
H. K. K. K.

Ram Nawal

Applicant

vs
DRM(P) Lucknow NEP

Respondent

NOTICE UNDER SECTION 80 C. P. C.

ANNEXURE NO. 8

(13)

To:

Mr. Shobh Nath Tewari,
Chairman, N. E. R. Board,
Varanasi,
Lucknow. U. P.

Sir,

Under the instructions of my client, Ram Nawal son of Ram Dularey, aged about 42 years, resident of Village Kamhariya, P. O. Sillow, P. S. Lalganj, Distt. Basti, I send you the following notice :-

1. That my client was working as a Gangman under BWI/West/GKP. that since medical test is essential for permanence of service, he accordingly appeared for medical test in A - 3 but could not pass. He then passed C - 1 Medical and his case was referred to the Office of Liv. Manager, N. E. R., Lucknow, for further absorption.
2. That on 20.2.1987, my client appeared before the standing committee which was appointed by the Equi-site authority, and he was offered the post of Cleaner Jamadar, which he readily accepted on 20.3.1987.
3. That after waiting a long while my client was informed of his posting vide D. R. M. Office, Lucknow, by order no. E/11/205/Mech/MA/87 dated 3.12.1987 as a Cleaner Jamadar at Gonda but the copy of order has not yet been given to my client neither in the office nor by post, which was issued after nine months but even then he was given a true copy not the original which was missing from the file.

4. That it is to be mentioned here that upon de-

Rev. Adv.
Att. eated

the incumbent was still holding but he received no such formal notice but the entire thing was done on the quiet.

5. That however upon information received my client went to Gonda and over there he was told that the post of cleaner Jamadar has already been filled-up by one Shri Somai. Since then my client has just waited for orders from the office of D. R. M. Lucknow and he has not been paid either from the office of D. R. M. Lucknow or from the Mechanical Deptt. in Gonda.

6. That it is to be mentioned here that Shri Somai who had been appointed as cleaner Jamadar in Gonda, was my client's junior and he was also in the A-1 category such manoeuvres are meaningless because one gets fruits while the other is deprived. Needless to mention here that my client suffered grave humiliation.

7. That it is well known to you sir that I am authorized to receive ^{half-pay} ~~half-pay~~ because of my forced leave but till today I have not received any benefit. These are very crucial matters sir, I hope you shall take due notice.

8. That on 20.11.1989 my client sent a written note to the D. R. M. Lucknow for absorption but to no avail. My client here specifically stated his miserable situation and that his family was in dire straits but to no avail. Ever since the despatch of the above mentioned letter my client has been waiting but no response is forthcoming from the other side.

[Signature]
Adv
Attested

(3)

A39

31

9. That my client has still lot of service left which is being wasted because no response is forthcoming from the other side.

10. That it is requested to you sir to make necessary enquiries concerning the matter and expedite the entire matter. It is an appeal to your office from a humble servant of Railways.

THEREFORE, it is enjoined upon you to send a reply to this notice within 30 (thirty) days thereupon which my client will have no recourse but to seek redressal in the court of Law.

REDRESSAL

Lucknow.

Yours faithfully -

Dated : 34.5.90

(RAMA NARAYAN)

From -

S. S. Roy,
Advocate.

B - 219, Indira Nagar,
Lucknow.

बीमा नहीं/NOT INSURED

लगाने गये डाक टिकटों का मूल्य रु० ६/-
Amount of stamps affixed Rs. 6/-

क्रमांक/No.

एक रजिस्ट्री*

प्राप्त किया

3548

Received & Registered

Mr. Shakti Narayan

तारीख-मोहर

पाने वाले का नाम

Addressed to

Vasanth

पाने वाले अधिकारी के हस्ताक्षर

Mr. Adh.
H. Hestad

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
at ALLAHABAD at LUCKNOW

ब अदालत श्रीमान Ram Nawal, s/o Ram Dularey, R/o Village
[वादी अपीलान्त] P.S. Lalgunj, District Basti महोदय Kamhari
प्रतिवादी [रेस्पाडेन्ट] श्री का **वकालतनामा**



बनाम

Ram Nawal - petitioner

वादी (अपीलान्त)

DRM(P) NEA and others
- - - opposites

प्रतिवादी (रेस्पाडेन्ट)

नं० मुकद्दमा

सन्

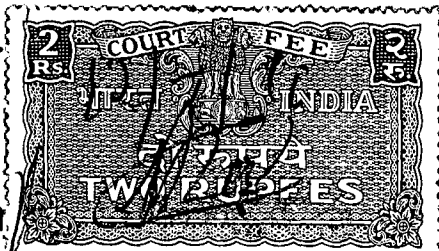
पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री श्री राम नवल अपीलान्त

श्रीम० को० विमलाराम वकील

व



महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

को (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकालत महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पंरोकार को भेजता रहूंगा अगर मुकद्दमा अंदम पंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
[Signature]

Accepted
[Signature]

हस्ताक्षर राम नवल ...

साक्षी (गवाह) ... साक्षी (गवाह) ...

दिनांक ... महीना ... सन् १९०६ ई०

स्वीकृत

BENCH COPY

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No. 364 of 1991

In re:

O.A.No.246/90(L)

C.A. AM

Sri Ram Nawal

....Applicant

Versus

Union of India and others

....Opposite Parties

FIXED ON 5.08.1991

APPLICATION ON BEHALF OF OPPOSITE PARTIES FOR CONDONATION
OF DELAY IN FILING WRITTEN STATEMENT

This application on behalf of the answering Opposite Parties most respectfully sheweth:

1 That written statement on behalf of the answering Opposite Parties in the above mentioned case could not be filed earlier withing prescribed time as the record pertaining to the applicant was misplaced and was not traceable.

2 That the record has now been traced out and the written statement on behalf of the Opposite Parties has now been prepared which accompanies this application.

3. That the delay in filing written statement was not intentional, but was only due to unavoidable circumstanes and has not resulted in the adjournment of hearing of the above mentioned case.

PRAYER

WHEREFORE, it is most respectfully prayed that in the interest of justice, the delay in filing written statement on behalf of the Opposite Parties be condoned and the written statement, which, accompanies this application be directed to be taken on record.

Lucknow Dated:
June 4.7., 1991

Siddharth Verma
(Siddharth Verma)
Advocate

Counsel for the Opposite Parties.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

O.A No.246/90(L)

A42

Sri Ram Nawal

....Applicant

Versus

D R M (P), North Eastern Railway & others

....Respondents

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

I SM N Islam, presently posted as Sr Divisional Personnel officer in the Office of the Divisional Railway Manager, North Eastern Railway Lucknow solemnly state as under:

1. That the undersigned is presently posted as Sr.D.P.O. in the Office of the Divisional Railway Manager North Eastern Railway Lucknow and has been looking after the above mentioned case on behalf of the answering respondents. The undersigned has been duly authorised by the respondents to file this statement on behalf of the respondents and has read and understood the contents of the above mentioned case and is well conversant with the facts stated hereinbelow
- 2 That the contents of paragraphs 1 to 4 of the application moved by the applicant Sri Ram Nawal (hereinafter referred as application) under the provisions of Administrative Tribunals Act, 1985 need no comment from the answering respondents.
3. That the contents of paragraph 5 of the application are denied. The undersigned is advised to state that the present application moved by the applicant under the provisions of Section 19 of the Administrative Tribunal Act 1985 is clearly barred by time as the applicant seeks the implementation of the order dated 30-11-87/3-12-87 passed by the Divisional Railway Manager (P), North Eastern Railway Lucknow, and the representation alleged to have been made on 10 5 88 was never received by the concerned authority nor the same is pending

SM2 wh
नगर मंडल कार्यिक अधिकारी,
पूर्व
Sr. Divisional
Officer.

A43

before any authority. Even assuming without admitting that the applicant had preferred his representation before the Divisional Railway Manager, North-Eastern Railway, Lucknow on 10-5-88 as alleged by him, then under the provision of Section 20(2)(b) of the Administrative Tribunal Act, 1985, the limitation for moving an application under Section 19 of the said Act would commence from 10-11-88 and would expire on 9-11-89 as provided under Section 21 of the Administrative Tribunal Act, 1985. The service of notice purported to be given under the provisions of Section 80 of the Code of Civil Procedure on 31-5-90 will also be of no avail to the applicant, firstly because it is a defective notice since it is given to Sri Shubh Nath Tewari, Chairman North Eastern Railway, Varanasi, whereas the Chairman, Railway Board sits at Rail Bhawan New Delhi secondly no notice was ever given to the Divisional Railway Manager North Eastern Railway, Lucknow, and thirdly the provisions of the Code of Civil Procedure will not be applicable in the cases covered by the Administrative Tribunal Act, 1985 where there are specific provisions are given in the said Act in as much as the period of limitation is concerned as enshrined in Section 21 of the said Act. In fact, the provisions of the Code of Civil Procedure would be applicable to the cases covered under the Act No.13 of 1985 for a very limited purposes which has been provided in Section 22(3) of the Act No.13 of 1985. Hence the present application is clearly barred by time.

4. That the contents of paragraph 6.1 of the application are admitted only to the extent that the applicant Sri Ram Nawal was provisionally posted as 'Substitute Gangman' under the P.W.I./West, North Eastern Railway, Gorakhpur after being declared fit in Category A/3 after Medical Examination vide Office Order No.E/7(R) GKP dated 24-1-75.

5. That the contents of paragraph 6.2 of the application are admitted only to the extent that as per rules, the applicant was sent for Medical Examination for Category A/3 but was declared unfit. The applicant was, however, found fit for the Category C/One. As there was no vacancy available in the Division for C/One or C/Two Category posts, the applicant was asked to get his name

प्रवर मंडल कार्यालय अधिकारी,

Sr. Divis.

A44

registered with the Divisional Railway Manager (P), North Eastern Railway Lucknow for his absorption in job for C/One Category by means of letter No.W/E/4 dated 27-6-86 issued by the Head P.W.I./W/GKP.

6. That the contents of paragraph 6 3 are admitted It is, however, most respectfully submitted that the Standing Committee offered the post of Cleaner-Jamadar in Scale Rs.775-1025 vide letter No.E/I/227/CP/IV/La/III dated 4-3-87 to the applicant and he was asked to give his willingness for the said post.

7. That in reply to the contents of paragraph 6.4 it is most respectfully submitted that the Divisional Standing Committee considered the option given by the applicant as per recommendation of the Standing Committee, and accordingly, the applicant alongwith one Sri Ashiq Ali were appointed as Cleaner Jamadar in Scale Rs.775-1025 by means of Office Order No.E/II/205/Mech/MA/87 dated 30-11-87/3-12-87 and Sri Ashiq Ali was posted at Lucknow while the applicant was posted at Gonda Station. But the applicant did not turn up and never reported for duty.

A true copy of the Office Order No.E/II/205/Mech/MA/87 dated 30-11-87/3-12-87 is being annexed herewith as ANNEXURE No.C-1 to this statement.

8. That the contents of paragraphs 6.5 and 6.6 are not admitted. It is most respectfully submitted that the applicant never reported for duty.

9. That the contents of paragraph 6.7 are denied. It is most respectfully submitted that the applicant never reported back to the Divisional Railway Manager(P), North Eastern Railway, Lucknow as alleged by him in the paragraph under reply.

10. That the contents of paragraph 6.8 are denied. It is most respectfully submitted that no representation was ever received from the petitioner at any point of time.

11. That the contents of paragraph 6.9 are not admitted.

12. That the contents of paragraph 6 10 need no comment from the answering respondents.

A45

13. That the contents of paragraph 7(a) and 7(b) are denied. As regards 7(c), it is most respectfully submitted that the perusal of the notice purported to have been given under Section 80 of the Code of Civil Procedure contained in Annexure No.A-8 of the application would reveal that it is a defective notice as it is addressed to the Chairman, North-Eastern Railway Board, Varanasi, whereas there is no authority designated as Chairman, North-Eastern Railway Board at Varanasi. Moreover, no notice was given to the Divisional Railway Manager, North-Eastern Railway, Lucknow. Further, as already submitted in the foregoing paragraph 3 of this statement, the present application is barred by time in view of the provisions of Section 21 of the Administrative Tribunal Act, 1985.

14. That the contents of paragraphs 8,9,10,11,12 and 13 of the application need no comment from the answering respondents.

15. That in view of submissions made in the foregoing paragraphs of this statement, the undersigned is advised to state that the present application is devoid of merit and the same is liable to be dismissed with cost.

Lucknow Dated:
June ,1991.

Sm2 Wla
वर मंडल कार्यालय अधिकारी,
पूर्वोक्त रेलवे मंडल
Sr. Divisional Officer,
N. E. R.

VERIFICATION

I *SMN Islam*, presently posted as *Sr. Divisional Personnel Officer* in the office of the Divisional Railway Manager, North-Eastern Railway, Lucknow hereby verify that the contents of paragraph 1 of this reply are based on personal knowledge and those of paragraphs 2,4,5,6,7, 8,9,10,11,12 and 13 are based on record and the same are believed to be true. The contents of paragraph 14 are believed to be true. The contents of paragraphs 3 and 15 are based on legal advice and the same are believed to be true. That no part of this reply is false and nothing material has been concealed.

Lucknow Dated:
June ,1991.

Sm2 Wla
वर मंडल कार्यालय अधिकारी,
पूर्वोक्त रेलवे मंडल
Sr. Divisional Officer,
N. E. R.

समक्ष माननीय केन्द्रीय प्रशासनिक न्यायाधिकरण, लखनऊ पीठ, लखनऊ ।
ओ०ए० नं०-246/90(एल०)

A46

श्री राम नवल

.....आवेदक

प्रति

भारतीय संघ तथा अन्य

.....विपक्षीगण

एनेकजर संख्या-सी।

कार्यालय आदेश

निम्नलिखित विश्रेणीकृत कर्मचारियों को सी-। वन की मेडीकल परीक्षा उत्तीर्ण करने के पश्चात स्टेडिंग कमेटी के चयन के अनुसार कैरज विभाग में क्लीनर जमादार वेतनमान (775-1025) के पद पर इनके नाम के सामने लिखे वेतन एवं स्टेशन पर पदासीन किया जाता है यह आदेश तुरंत से प्रभावी होगा ।

यह मण्डल यान्त्रिक अभियन्ता (समाडि) के अनुमोदन से जारी किया जाता है :-

क्रमांक	कर्मचारी का नाम	वर्तमान पद एवं वेतनमान	पदस्थापित पद एवं वेतनमान	वेतन निर्धारण	नियुक्ति स्टेशन
1.	श्री आशिक अली	गैंगमैन (800-1150)	क्लीनर जमादार 983/- (775-1025)		लखनऊ
2.	श्री राम नवल	गैंगमैन (775-1025)	वही 907/-		गोण्डा

ह०-
कृते मण्डल रेल प्रबन्धक (का०),
लखनऊ

सं० ई/11/205/मेक/एम.ए./87

दिनांक 30-11-87
3-12

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- प्रमलेधि/लखनऊ
- 2- समाडि अधीक्षक/गोण्डा,लखनऊ
- 3- कार्यालय अधीक्षक/बिल/गोण्डा/लखनऊ
- 4- वेतनवृद्धि लिपिक एवं फोल्डर
- 5- मण्डल मंत्री/पी०आर०के०एस०/नर्म
- 6- कार्या०अधीक्षक(हित) मं०रे०अ०(का) लखनऊ
- 7- सम्बन्धित कर्मचारी
- 8- स्पेयर कापी

ह०-
कृते मण्डल रेल प्रबन्धक (का०),
लखनऊ

सत्य प्रतिलिपि

Sm2ule
प्रवर प्रमुख, लखनऊ
Sr. Division
H. E. K.
11/11/87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

BENCH, LUCKNOW

A47

R.A

Sri Ram Nawal

.....

Applicant

versus

DRM(P), N.E.R. and Others

Opposite Parties

REJOINDER AFFIDAVIT OF THE APPLICANT

I, RAM NAWAL, aged about 42 years, son of Sri Ram Dularey, resident of Kamhariya, P.O. Sillow P.S. Lalganj, District Basti, do hereby solemnly ~~Sikha~~ affirm and state on oath as under :-

1. That the deponent is applicant in the above-noted case as such he is well aware with the facts of the case and those deposed hereinafter.

2. That paras 1 and 2 of the written-statement require no comments from the answering applicant.

3. That the contents of para 3 are denied and it is humbly submitted here that the respondents have not carefully gone through the Annexures appended to the original application.

4. That undoubtedly the applicant seeks the implementation of the order dated 30.11.1987/9.12.87, but the time limit which is sought to be calculated is not the representation of 10.5.1988, which the respondents allege is not with them. It is reiterated here that the applicant had given a copy of the ..

Filed today
13/2/92

राम नवल

here that the applicant had given a copy of the representation to the concerned authorities . The time limit should be calculated from the Gate Pass which was issued to the applicant which is appended here as Annexure No.A-1 to this Affidavit. This Gate Pass was issued to the applicant, who had gone to the Divisional Railway Manager(NER) to plead his case and should be taken up as proper representation . This Gate Pass was issued to him on 29.9.1989. If this date is taken up as the proper representation then the time limit as provisioned under Section 21 of the Act has not elapsed.

5. That it is humbly submitted here that the applicant is a poor and illiterate man hardly conversant with the brusque ways of beauracracy why they choose not to listen to him is not for him to answer. As is clearly shown by the number of attempts he had made to secure the redressal of his grievances by the number of Gate Passes appended to the application. It is clearly certain that some other forces were at play ^{which} ~~who~~ deprived the applicant of ^a ~~his~~ sincere means of livelihood.

5. That the contents of para 4 are admitted to the extent that the applicant was provisionally posted as substitute gangman by order dated 24.1.1975. But the applicant was serving the Railways in one capacity or the other since 1967.

6. That the contents of para 5 are admitted.

7. That the contents of para 6 of the written statement are admitted but it is most respectfully submitted that the applicant who was offered the post of Cleaner-Jemadar was asked to give his willingness

(3)

A49

on 25.3.1987. The copy of his willingness is attached to the original application as Annexure-A-5.

8. That the contents of para 7 are admitted to the extent that the applicant was posted at Gonda vide Office Order No.E/II/205/Mech/MA/87 dated 30.11.87/3.12.87. The contents of the original application are again reiterated here. The applicant reported for duty but ^{found} one Mr. Somai working in his place over ^{recourse} there. The applicant had no ~~recourse~~ but to report ~~back~~ back to office of DRM(NER) Lucknow, which he was told to do. That the applicant did not report for duty is a travesty of truth. The applicant did so, to do anything otherwise is unthankable for the applicant, where his family might starve to death.

9. That in reply to the contents of para 8, it is most respectfully submitted that the applicant did report for duty but found somebody else there. To do anything otherwise is a travesty of truth and the contents of para 8 of this rejoinder are reiterated here.

10. The contents of para 9 are denied. The applicant after seeing that somebody else was sitting on his place in Gonda, reported back to the office of the DRM(P) Lucknow but found that no one was showing any concern towards him for reasons best known to them.

11. That in reply to para 10 of the written-statement, the contents of the original application are again reiterated here. The true copy of representation was presented to the concerned authority, a copy was taken by the applicant. The fact that the

true copy is missing shows the utter lack of responsibility of the concerned authority. It is but natural that a representation has to be made, the denial of such a step shows the lack of the correct attitude in the concerned department. The applicant made dozens of visits to concerned officials regarding his problem, it is not his fault if the concerned official refuses to see him. The only path open to the applicant was to approach the precincts of this Hon'ble Court.

12. That in reply to para 11, it is again reiterated here that the applicant made various visits to the office of the DRM(P) Lucknow as evidenced by the number of gate-passes he was issued, which are appended with the original application.

13. That in reply to para 12, it is again reiterated here that the applicant did ~~not~~ make a representation dated 10.⁵.1988. That it is not traceable, does not make the applicant responsible for it. It is again reiterated here that the applicant made various visits to categories of officials but to no avail, as is evidenced by the issue of gate-passes, which have been appended to the original application. It is again reiterated here that the application is not barred by time, because the period should be calculated from the gate-pass issued to the applicant on 29.9.1989. Even if this is not taken up as proper representation i.e. if the representation date of 10.5.1988 is taken up, there are enough rulings of High Court, stating that if the delay has been made due to proper reasons that delay can be condoned. The proper reason in this case would be that the applicant is not an educated man conversant with intricate procedure of law. But this is assuming that no proper representation has been made, infact, proper representation had been

(5)

made on 29.9.1989, the date on which the gate-pass was issued.

15. That the contents of paras 14 and 15 require no comments.

16. That it is again humbly submitted here that this Hon'ble Court may grant a decision in favour of the applicant from the abovementioned facts, and granting him monetary relief from which he has been deprived so far.

Lucknow/Dt. /11/1991/

Deponent.

VERIFICATION

I, Ram Nawal, the deponent above named, the applicant in this case, do hereby verify that paras 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 are true to my personal knowledge, and are believed by me to be true. Those of 3, 4, 14 and 15 are based on legal advice and are also believed by me to be true. It is humbly submitted that nothing material has been concealed.

Lucknow/Dt. /11/1991/

Deponent.

Bam Nawal DA No 1990 of Applicant
vs.

DRM(P) LKO, WER and others Respondent

ANNEXURE A (1)

AS

प्रवेश पत्र

मण्डल रेल प्रबंधक कार्यालय

पूर्वोत्तर रेलवे,

लखनऊ

क्र. सं. 151

दिनांक

कु. श्रीमती, श्री

श्रीमती लाल

पद स्टेशन

गौरी गंगा / गौरीगंगापुर

विभाग

आर्थिक

प्रयोजन

उपरी के

29.9.89

कृते मण्डल रेल प्रबंधक(का),

पूर्वोत्तर रेलवे,

लखनऊ

प्रवेश पत्र

मण्डल रेल प्रबंधक कार्यालय

पूर्वोत्तर रेलवे, लखनऊ

क्रम सं. 150

दिनांक

कु. श्रीमती, श्री

श्रीमती लाल

पद स्टेशन

गौरी गंगा / गौरीगंगापुर

विभाग

आर्थिक

प्रयोजन

उपरी के

29.9.89

कृते मण्डल रेल प्रबंधक(का),

पूर्वोत्तर रेलवे,

लखनऊ

ब अदालत श्रीमान

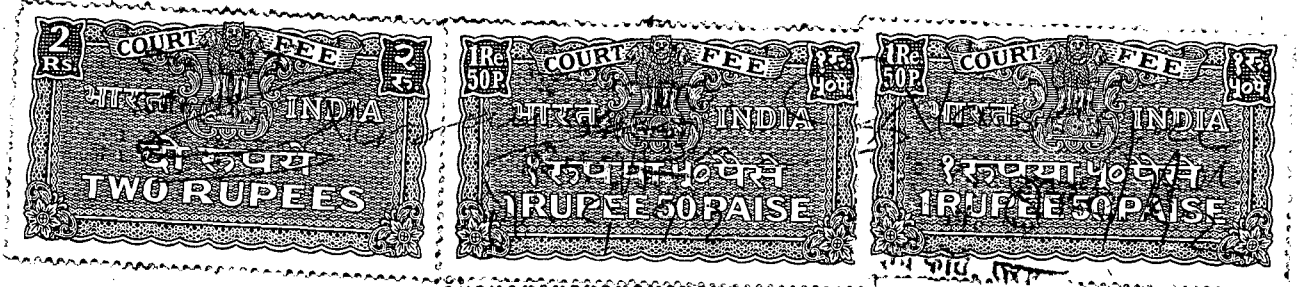
IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNE
LUCKNOW

महोदय

[वादी अपीलान्त]

प्रतिवादी [रेस्पाडेन्ट] :

वकालतनामा



Kaishi Karmachari Sabha Lucknow and another. App.

बनाम

Union of India & ors.

(प्रतिवादी रेस्पाडेन्ट)

O.A No नं. मुकद्दमा 167 फस 1994 पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री SHRI NARAYAN ADVOCATE
वकील
HEMANT KUMAR MISHRA, ADVOCATE, महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

को अपनी 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 शवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिमरी जारी करावें और रुपया बसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करें या हारी बिपक्षी (करीकस्मानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (इस्तखती) रसीद से लेवे या बंध नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फंसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर [Signature]

साक्षी (गवाह)

दिनांक

स्वीकृत

[Signatures and stamps of the court and advocates]

(गवाह)

महोना

सन् १६

ई०