

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, 160...BENCH

OA/TA/RA/CP/MA/PT 246 of 2090

Ram Mehta Applicant(S)

Versus

U. S. g. Ven

....Applicant(S)

..Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

5 & C file w/ end of card & circ file

Signature of S.O. 16/205

.....
Signature of Deal. Hand

Signature of Deal. Hand

GENERAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Date of filing _____ Date of hearing _____

11/2/96

711

Registration No. 246 of 1996-1996 (C)

APPLICANT(S) Shri Ram Patel

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 ? yes
2. a) Is the application in the prescribed form ? yes
b) Is the application in paper book form ? yes
c) Have six complete sets of the application been filed ? yes
3. a) Is the appeal in time ? yes
b) If not, by how many days it is beyond time ? N.A.
c) Has sufficient cause for not making the application in time, been filed ? yes
4. Has the document of authorisation/ Vakalatnama been filed ? yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/- yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ? yes
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ? yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? yes
c) Are the documents referred to in (a) above neatly typed in double space ? yes
8. Has the index of documents been filed and paginated properly ? yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ? yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ? No

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?

yes

12. Are extra copies of the application with Annexures filed ?

yes

a) Identical with the Original ?

yes

b) Defective ?

x

c) Wanting in Annexures

Nos. _____ pages Nos. _____ ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ?

yes

14. Are the given address the registered address ?

yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ?

yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?

yes

17. Are the facts of the case mentioned in item no. 6 of the application ?

yes

a) Concise ?

b) Under distinct heads ?

c) Numbered consecutively ?

d) Typed in double space on one side of the paper ?

yes

18. Have the particulars for interim order prayed for indicated with reasons ?

yes

19. Whether all the remedies have been exhausted.

yes

dinesh

2/10

13.8.1990

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

AB

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.

1-11-90

✓
notice given
to
22/8/90



281-91 - No setting adj'g to 5.3.91.

4/10/90

P.R.

case has been
taken up today,
because 3.10.90
was declared
holiday.

5/3/91
Hon. Mr. Dandekar, K. Prath, etc.
Hon. Mrs. A.B. Tiwari, etc.

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 16/11/91.

Counter
rejoinder has
been
not filed yet
He is further directed
to file counter
rejoinder
by 1.11.90

A.M.

V.C.

J.P.S.

ORDER SHEET

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

AY

OR

No.

246

OF 1991 O/L

Vs.

Sl.No.	Date	Office Report	Orders
		<p><u>OR</u></p> <p>4/c for the applicat h/c CA No NIL for nor serving of C.A.</p> <p>S. FO</p> <p>L 20/2</p> <p>No unsworn repd. Cover letter been return there.</p> <p>S. FO</p> <p>L 20/2</p>	
	16.4.91		<p>No Sittings adj to 5-8-91</p> <p>Q</p>
	27/8/91	<p>CA filed No RA filed</p> <p>L 5/8/91</p>	
	27/8/91		<p>Counter has been filed and copy has also been served on Applicant. Applicant to file rejoinder by 12.9.91</p>

GHANSHYAM/

12.9.91

OA. 06 246/90

15892

Hon. Mr. A. B. Goradia A.M.

Hon. Mr. S. N. Basad J.M.

AS

One on the request of learned
counsel for the respondents.

Adjourned to 26892 for hearing.

J.M.

A.M.

26892

Case not reached adj to
10-10-92

2
Poe

10-10-92

No. 51/92 of D.M. adj to
14.10.92

14.10.92

No. 51/92 of D.M.
adj to 21.10.92

case is

2

S. f. H.

21-10-92

1
20/10/92

Hon. Mr. K. Obayya, A.M.
Hon. Mr. S. N. Basad, J.M.

Heard the learned
counsel for the parties.
Judgment dictated
separately.

J.M.

6
A.M.

P6

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.

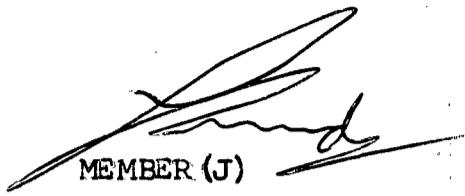
They have raised a plea of limitation inasmuch as the applicant is seeking implementation of the order passed in 1987. It has also been pointed out that after medical decategorization, option was given by the applicant along with another candidate namely Ashiq Ali and both of them were posted as Cleaners-Jamadars. 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 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 months 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

AS

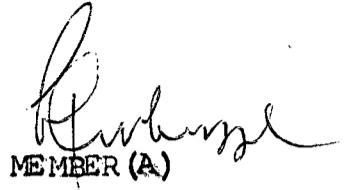
-3-

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



Handwritten signature of a member, appearing to read "John" or "Johns".

MEMBER (J)



Handwritten signature of a member, appearing to read "John" or "Johns".

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.
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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. W/W/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

AIO

Srl. No.	Description	Page No.
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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 ... 11.8.1990

Date of Receipt by Part.

Deputy Registrar (J)
S.M.R

BETWEEN

Ram Nawal, S/O Ram Dularey, resident of village
Kamhaviya, P.O. Sillow, P.S. Lalganj, District Basti.
Kamhaviya Applicant

AND

1. D.R.M.(P), North-Eastern Railway, Lucknow Junction, Lucknow. N.E.R. Gorakhpur
2. Assistant Engineer/P.W. I/West/G.K.P., N.E.R.
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. I (West) Gorakhpur.

21/01/90

....2

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. - ~~XXXXXXXXXXXXXX~~
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.

...3

21/01/01

AB

(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. ~~5~~. 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.

रामगढ़ी

5. Limitation : R/TY

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

RTI 9/1/17

(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

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:-

i) 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

(A)

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

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 - 703957750, 703957751
Postal Order(s) 611594595
- ii) Date of issue of - 11/7/90
Postal Order.
- iii) Name of issuing - High Court Post office
Post Office
- iv) Post Office at - G. P.O. Allahabad
which payable

13. List of enclosures :

1. Application.
Office order no. E/7(R) dated 24.1.75
issued by Asst. Engineer Work office Gorakhpur
N.E.R.
2. PWI(i) Gorakhpur letter No W/E/4 dated
27.6.1986
3. Letter no. E/1/227/CP-IV/L/III dated 4.3.1987
issued by D.R.M.(P) Lucknow
4. Acceptance letter from Ram Naval dated
25.3.1987 to DRM(P) N.E.R. Lucknow
5. Office order of D.R.M.(P) N.E.R. Lucknow No.
E/1/1205(Mech)/MA/87 dated 30.11.87/3.12.87
6. Letter from the applicant dated 10.5.88
to D.R.M., N.E.R. Lucknow
7. Photo copies of various gate passes
issued by the office of DR M(P) Lucknow
8. Notice from the applicant dated 31.5.1990
to Chairman W.E.R. Board Varanasi (i.e.) along with
postal receipt no 3548 dated 31.5.1990
9. Power

2127997

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 :

(Ram Nawal)

Dated : 31/7/90

Applicant

214090107

IN THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL AT LUCKNOW BENCH

Ram naval — ~~posters~~ Appheant (10)

DR. M(P) VER and others — ~~App. p. 202~~ Respondent

ANNEXURE IV 5 AS

June

निम्नलिखित बिश्वाकृत कर्मचारियों को सी-। वन की ऐडीक्ल धरीक्षा उत्तीर्ण करने के अस्थात स्टैंडिंग कमेटी के चयन के अनुसार कैज विधाग में क्लीनर जमादार वेतनमान (775-1025) के अद अर इनके नाम के साथने लिखे वेतन सर्व स्टैंडेन अर बदासीन किया जाता है। यह अदेश तुरंत से प्रभावी होगा।

यह अफल यांत्रिक अधिष्ठाता (समाज) के अनुसोदन से जारी किया जाता है :-

क्रमाव॑ कर्मचारी का नाम । वर्तमान षष्ठ् । षष्ठ्याष्टुत । वैतन । नियन्ति
स्व वैतनमान । षष्ठ् एव । वैतनमान । निर्धारण । स्तैरैन

1	श्री अश्विक मत्ती	गैगमैन (800-1150)	क्लीनर जमादार (775-1025)	983/-	लखनऊ
2	श्री राम नवल	गैगमैन (775-1025)	वही	907/-	गोपालगढ़

कृते शप्तल लैल ध्रुवंधक(का०),
लघुन्तु ५७

सं० ई/११/२०५/प्र०/स्प० स/८७ दिनांक ३०-११-८७

3-12

प्रतिलिपि सूचनार्थ एवं प्रावस्थक कार्यवाही

हेतु प्रोधत :-

।- ਪ੍ਰਬਲੋਧ/ਲਹਨਤ

2- समाजिक अवीक्षक/गोणडा, लखनऊ

३- कायलिय अवक्ष क/बल/गाण्डा/

4- वतनवृद्धि के लिखित एवं काल्पनिक
5- अन्तर्राष्ट्रीय सम्बन्धों के अध्ययन/राष्ट्रीय

5- कठिन पत्रा/पाण्डा ८५५५५५५५०/नम्
6- लास्ट ऑफिस (हिन्दी) संस्कृता ८०/ला) वार्ता

६- काबी अपक्षपक् । इति
७- सर्वोभ्यु त्वं त्वं त्वं

१२ स्त्रीवस कन्दा १
१३ स्त्रीवा काषी

संस्कृत-विद्यालय

ਹੋਮ ਕੂਤੇ ਘਣਲ ਸੇਤ ਬੁਂਧਕ (ਕਾ) ਲਖਨਊ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (12)

OA No

190

Applicant (12)

Ram Nawal

vs

DRM(P) Lucknow NER

Respondent

Min. I

ANNEXURE A2(1)

North Eastern Railway

No. 57(R)

Ass't. Engineer/Inst's office,
Corakhpur, Dt.

Office Order

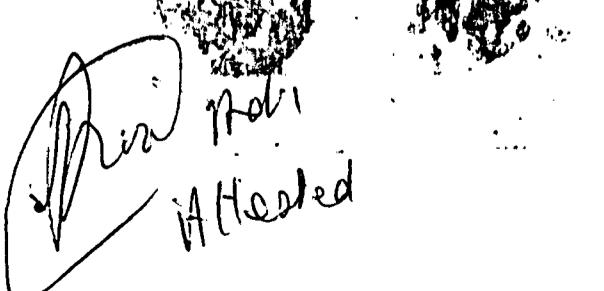
The undesignated candidates who have been declared fit in A/B category are hereby engaged as substitutes on revised scale of pay plus usual allowance asmissible under rules against the existing vacancies. This engagement can be terminated at any moment without any notice or any compensation.

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 Bismillah S/O Sri Lal posted provisionally as substitute in gang No.10/CG under PWI/BNY.
2. Sri Ram Nachhattar S/O Sri Jitnak posted provisionally as substitute in gang No.50 under PWI/WGKP.
3. Sri Swaran Kumar S/O Sri Sukhdev posted provisionally as substitute in gang No.57 under PWI/WGKP.
4. Sri Ram Singh S/O Sri Jagdish posted provisionally as substitute in gang No.61 under PWI/WGKP.
5. Sri Rajdeo S/O Sri Jag Mohan posted provisionally as substitute in gang No.21/CG under PWI/BNY.
6. Sri Ram Nawal S/O Sri Ram Dularay posted provisionally as substitute in gang No.60 under PWI/WGKP.
7. Sri Adya S/O Sri Jag posted provisionally as substitute in gang No.55 under PWI/WGKP.
8. Sri Ram Kewal S/O Sri Tilakdhari posted provisionally as substitute in gang No.8 under PWI/WGKP.
9. Sri Ram Kishan S/O Sri Jit Khan posted provisionally as substitute in gang No.59 under PWI/WGKP.
10. Sri Lal Bahadur S/O Sri Ram Asray posted provisionally as substitute in gang No.61 under PWI/WGKP.
11. Sri Goro Pal Singh S/O Sri Surajpal Singh posted provisionally as substitute in gang No.60 under PWI/WGKP.
12. Sri Partans S/O Sri Jag Mohan posted provisionally as substitute in gang No.58 under PWI/WGKP.

P.T.O.....2


Ram Nawal
Attested

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT Lucknow

OA. No. 1990

Ram Nawal

Applicant

vs

D&M(P) Lucknow, NER

Respondent

- 2 -

(13)

ANNEXURE NO 2(2)

13. Sri Ram Nath S/O Sri Jokhoo posted provisionally as substitute in gang No.17/GG under PWI/BNY.
14. Sri Chand Ram S/O Sri Gya Pd. posted provisionally as substitute in gang No.50/A under PWI/W/GKP.
15. Sri Phool Chand S/O Sri Kanta posted provisionally as substitute in gang No.59/A under PWI/W/GKP.
16. Sri Radhey Shyam S/O Sri Lalji posted provisionally as substitute in gang No.58 under PWI/W/GKP.
17. Sri Salim S/O Sri Faridani posted provisionally as substitute in gang No.55 under PWI/W/GKP.
18. Sri Mahadeo S/O Sri Ramshar posted provisionally as substitute in gang No.57 under PWI/W/GKP on existing vacancy due to non resumption of duty by Sri Ram Lakhani Chauhan.
19. Sri Kishore S/O Sri Dularay posted provisionally as substitute in gang No.55 (Points & Ring) under PWI/W/GKP.
20. Sri Rangnati S/O Sri Baljnath posted provisionally as substitute in gang No.50/A under PWI/W/GKP.
21. Sri Sri Ram S/O Sudal posted provisionally as substitute in gang No.51 under PWI/W/GKP.
22. Sri Birandra Mani Tripathi S/O Sri Devi Dutt Tiwari posted provisionally as substitute Odd Job Khalasi under IOW/W/GKP.

Asstt. Engineer/West
Gorakhpur.

No. 57 (R) - Gorakhpur, Dt.

Copy forwarded for information and necessary action to:-

1. DS(P) & DAO/LJN
2. PWI/W/GKP & BNY, IOW/W/GKP 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. Person 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.

Copy forwarded for information and necessary action to:-
and kindly return.

Revised
Revised

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
~~ALIYAHABAD~~ at LUCKNOW BENCH

Ram Nared _____

~~Settlers~~ Applicant (14)
Add

us

DR M(P) Lucknow, N.E.R and others — 29

~~apparatus~~

202

Respondent
is a ~~parties~~

पारदर्शक दोनों तरफ फिल्म
Use both sides if required.

पूर्वोत्तर रेलवे N. E. RAILWAY

Ann²

N. E.—G. 40
RB—GL. 19

संख्या (No.) ७/१८/८

दिनांक (Dated) २७-६-८६

प्रेषक (From) - रत्न पाण्डि निरीक्षण परिषद्
गोरखपाल

सेपा में १०३ श्री रामनवल उत्तरामद्वारा
जैगर्जैया

विधय (Sub :) — श्री राम-लक्ष्मण डॉ गोपेत के सरकारी अ

मुद्रा (R.R.) : गोप्य द्वारा दिल्ली की दुल्हन होनी जीरकामुक हक्क A/3487/15
जो अपनी हाथ ती-न भरी गोप्य में दोट ।

जी राघवल उन्हें भी रावडुलारे जी गवेन डोगन । १५
आपकी सुनिन किए गए हैं ले इस उप गडल में कोई
जी राघव नहीं नह दी है रावडुली के लिए हैन नहीं है ।

उत्तर: शापनी शैदीय पदिपा जाती है, तो अप
लेखन के अन्तर भारती लोकोत्तरण के पहले लोक
कट्टेधरी के विविध काम के स्तरों पर जग लगी हुत-भरती
और भारतीय संस्कृती के स्तरों पर है इस लोकोत्तरण
के द्वारा लम्बान विवाहित करें।

ଶ୍ରୀରାମପୁରି

कर्मचारी
उत्तर रेत वर्षा नियंत्रण

(1) ग्रेटल रही थी बनाथ थी, लरवाह और रथुर
की दूर्घनाथ हेतु उपीत ।

২১১৭৮৮

5/7/86

मुमुक्षु विद्यां विद्यां विद्या
विद्या विद्या विद्या

Ring Dol
Affectionately

ANNEXURE NO ~~1A~~ 1A3

IN THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL AT LUCKNOW BENCH

Ram. Naval _____ ^{Q27} (13)
Petitioner. Applicant

ARM (P) MVR. and others — ^{Opp. parties} Respondent

ANNEXURE NO 14

Ann. III

जहरत पर दोनों तरफ लिखें
Use both sides if required.

पूर्वोत्तर रेलवे
N. E. RAILWAY

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

संख्या (No.) ६/१/२२७/प्र.वि.प्र. ३३

दिनांक (Date) ४-३-८७

प्रेषक (From) म. ३. प. (मा.)

सेवा में ना. श्री. राम नवल

कर्मचारी

धाम - काशी द्वारा

विषय (Sub.) विभाग विभाग प्राप्ति विभाग प्राप्ति विभाग

मद्दत (Ref.)

कस्ती

स्टेटिंग कमीशन के समक्ष दिनांक ४-३-८७
मैं हमें वाले शाकात्कार में आपको कलीनर-
जमादार का पद आप्सर किया गया था उसके
लिये अभी तक आपको सहमति प्राप्त नहीं
हुई।

मूल्य अपनी सहमति या डरावनी
लिखित रूप में इस कार्यालय में प्रेषित करें
ताकि विभाग प्राप्ति पद पर आपकी पोस्टिंग
की कायदावाली की जा सके।

W.A.S.

पूर्वोत्तर रेलवे प्रबन्धन (पा.)
भरतनगर

✓ Adm
Affected

IN THE HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL AT LUCKNOW BENCH

Ram Naval — ~~petitioner~~ Appellant (16)
vs
P.R.M.(P) NER and others — ~~opposition~~ Respondent (17)
ANNEXURE NO. A4 A5

संलग्न

मोदीनगर (गो)

गोपीलाल रामलाल

लालगढ़

Ann 4

प्रप्ति: विविध प्रकार की विवरण

मुद्रा अदात विवरण दि/1/227/CL-113/III

दिन 4.3.87.

विवरण (मुद्रा) के साथ विवरण दिया गया

मुद्रा के विवरण दिया गया

दिन 25/3/87

मुद्रा

मुद्रा रामनवल

मुद्रा — लक्ष्मीराम

मुद्रा — नरसंगम

मुद्रा — वरदा (366)

Adi
Hastek

17
IR HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL AT LUCKNOW BENCH

Ram Nawal

~~posting~~ Appellant

vs.

R.D. Respondent

DRM(P) NER and others — ~~app parties~~

ANNEXURE NO A6

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

Sir,

Ann 6

Sub:- 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/Mach/MA/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 AEV/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 NAVAL)

Gangman

Waiting for orders in office.

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

(RAM NAVAL)

21/5/88

Mr. Adv.
R. Herkal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Bam Nawal OA NO of A 1990
vs Appellant AP 26

DRM (P) LKO, NER and others Repondent

ANNEXURE AT (1)
(GATE PASSES)

प्रदेश प्रभु

मण्डल रेल प्रबंधक कार्यालय

पूर्वोत्तर रेलवे

लखनऊ

क्र. सं. 151

दिनांक

कु. श्रीमती, श्री रामनाथ शर्मा

पद स्थेन कृष्ण रामनाथ कृष्ण शर्मा

विभाग

प्रयोजन

कृति मण्डल रेल प्रबंधक (का),
पूर्वोत्तर रेलवे, लखनऊ

प्रदेश प्रभु

मण्डल रेल प्रबंधक कार्यालय

पूर्वोत्तर रेलवे लखनऊ

क्रम सं. 150

कु. श्रीमती, श्री रामनाथ शर्मा

पद स्थेन कृष्ण रामनाथ कृष्ण शर्मा

विभाग

प्रयोजन

कृति मण्डल रेल प्रबंधक (का),
पूर्वोत्तर रेलवे, लखनऊ

Chas Recd.
Affected

THE CENTRAL ADMINISTRATIVE TRIBUNAL at Lucknow
BENCH

O A No 9190

Ram Nawal —

Applicant 19

(19)

DRM(P) NER, LKO and others —

v/s

Respondent

ANNEXURE A(2)
(CREATE PASS)

16

order of date stated

मुक्ति दिनांक

मुक्ति दिनांक

Yashwant Singh

21

12 म अक्ट

Yashwant Singh
मुक्ति दिनांक

104

✓

16/10/97

Ad. 104

15/10/97

Yashwant

16/10/97

Yashwant
Ad.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW BENCH

9. 210

1990

RAM NAWAL

apple mint

120

DRM(D) NFR, 1000 to 2000

Definitions

(23)

ARRANGEMENT NO A-8(3)

(GATE PASS)

169

३९- रामलक्ष्मी

2011/09/04

~~11/1944~~
8.3.49

१८८८ देश पत्र

ନାଥାନାନୀ କୁଳ ରାଜ ପୁରୁଷର,
ପୁରୀଶାର ନାମେ,
ଶବ୍ଦଜୀ

276. 8. 15.

۱۰۷

१०/ नीमती/ कुप्ति - दृष्टि/ लोक
११/ स्वेशन/ कुप्ति - दृष्टि/ लोक
१२/ नीमती/ कुप्ति - दृष्टि/ लोक
१३/ नीमती/ कुप्ति - दृष्टि/ लोक

- २५५ -

कालिनि, देल तेल प्रदनात,
पूर्वोत्तर रोम्बने,
लालनुज

145

19 - 88

१८८५ विद्यालय विद्यालय विद्यालय विद्यालय

लल्ला कृते शिल्प रैल प्रबन्धन (कार्मिक)
लाइन

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW BENCH

CN. NO

of 1990

RAM NAWAL —

Applicant

PRM (P) NLR, LHO & OR — Respondents.

ABD

(22)

ANNEXURE NO. A-9 (5th)

GATE PASS

पुरुष पत्र

कार्यालय, प्रणहल रेल प्रबन्धक

पूर्वोत्तर रेलवे

लखनऊ

15. 6. 88

मात्रक 76

दिनांक

श्री/श्रीमती/कृष्ण देव देव

पद/रेषान —

विभाग

कृष्ण

प्रयोगन —

132 रु

कृष्ण मात्रा रेल प्रबन्धक

लखनऊ

16. 6. 88

पत्र

कार्यालय, प्रणहल रेल प्रबन्धक
पूर्वोत्तर रेलवे, 15. 6. 88
लखनऊ

मात्रक: 85

दिनांक:

श्री/श्रीमती/कृष्ण देव देव

पद/रेषान —

विभाग —

प्रयोगन —

Mr. ABD
Attested.

OA No

of 1990

(23)

Ram Newal

vs

Applicant

DRM (P) NER LKO

(GATE PASS)

Respondent

ANNEXURE A (G)

83

पत्र

पार्श्वी अंडल रो पुष्पन्धन
पूर्वी रोड,
लखनऊ उत्तर प्रदेश

क्रमांक: ०

तिनांक:

श्री/महोपाधी/मुख्यमंत्री/राज्यपाल

पद/सेवानिधि/गोपनीय/विशेषमुख्य

१०.५.८४ मिथान - पालिका भवन
पुराजग-रुद्री को रोकें दर्ज

मते प्रमाण रेत घ

प्रवेश

कार्यालय रोड
पूर्वी रोड,

लखनऊ

१०.५.८४

क्रमांक: ८४

तिनांक:

श्री/महोपाधी

पद/मुख्यमंत्री/राज्यपाल/विशेषमुख्य

मिथान

१०.५.८४

१०३

Chiru Adv.
Attested

Chiru Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW BENCH

C. A. NO

of 1990

RAM CHAWAL

vs. AIR FORCE

DPM (P) NICK, C. No 2022

VS

Respondents

A32

(21)
(22)

ANNEXURE NO. A-7/17
(CRATE PASS)

राम चावल (गा) पूर्वोत्तर लैवी/लड्जनड

प्रवेश पत्र 94-6-87

नाम संख्या - ८५० - -

दिनांक - - -

नाम श्री एवं श्रीमती - - -

पद स्थं स्टेशन - - -

विभाग - - -

प्रयोजन का प्रयोजन - - -

प्रयोजन का प्रयोजन - - -

द्वारा मौल लै प्राप्ति (का)

पूर्वोत्तर लैवी/लड्जनड
प्रवेश पत्र

क्रम संख्या -

नाम श्री एवं श्रीमती -

पद स्थं स्टेशन -

विभाग - - -

प्रवेश पत्र

क्रम संख्या -

नाम श्री एवं श्रीमती -

पद स्थं स्टेशन -

विभाग -

प्रवेश पत्र प्रयोजन -

प्रवेश पत्र प्रयोजन -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW BENCH.

C.A. NO.

१५९०

(25)

RAM NAWAL

—
vs.

afflaint

133

(22)
(23)

DR. R. N. NAWAL, L.L.B., Respondent.

ANNEXURE NO. A-2 (E)
CREATE PASS

पूर्वोत्तर रेलवे/लखनऊ पुरुष
क्रमांक १/ दिनांक १५.६.७

नाम श्री श्रीमती श्रीमती

पद सर्व स्टेशन (काला बाजार) ०१२०५५५२

विभाग

प्रवेश करने का प्रयोजन

कृते मंडल रेल प्रबन्धकार्यालय

दिनांक १५.६.७

द्वारा/७५०७

पूर्वोत्तर रेलवे/लखनऊ
प्रवेश पत्र

— क्रम संख्या १३२ - - - दिनांक १५.६.७

नाम श्री सर्व श्रीमती- श्रीमती

पद सर्व स्टेशन (काला बाजार) ०१२०५५५२

विभाग- श्रीमती श्रीमती

प्रवेश करने का प्रयोजन- कृष्णगढ़

विभाग- - - - -

प्रवेश करने का प्रयोजन- - - - -

कृते मंडल रेल प्रबन्धकार्यालय

पूर्वोत्तर रेलवे/लखनऊ

क्रम संख्या -१३२- दिनांक -१५.६.७

नाम श्री सर्व श्रीमती- श्रीमती

पद सर्व स्टेशन (काला बाजार) ०१२०५५५२

22
Affested
H. S. H.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLEGATION BLDG.
O. A. No. of 1990
Ram Naval _____ Applicant 834 (26)
vs _____ respondent
ORM (P) NER, LKO and others _____
ANNEXURE AP 97
(GATE PASS)

1102040(का) पूर्वीतार लैबी/ लखनऊ

प्रवेश पत्र

क्रम संख्या 131

क्रियांक 3/6

नाम श्री स्वं श्रीमती शशि लक्ष्मी

पद स्वं स्टेशन नो ४ गेट फॉर्म

विभाग - अमृतपुर

प्रवेश करने का प्रयोजन

834/6

1102040(का) पूर्वीतार लैबी/ लखनऊ

प्रवेश पत्र

क्रम संख्या 131

क्रियांक 3/6

नाम श्री स्वं श्रीमती शशि लक्ष्मी

पद स्वं स्टेशन नो ४ गेट फॉर्म

विभाग - अमृतपुर

प्रवेश करने का प्रयोजन

834/6

Mr. Adv.
Affested

CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW

OA No. 30

of 1940

Application

(28)

Ram Neeru

vs

DRM (P), LKO and others — Respondent

AB 36

30/10/1940
(28)

ANNEXURE A8 (II)
(CRAVE PASS)

प्रमाणपत्र	
I	कायालदा राज्योन्नति प्रबन्ध
I	पूर्णिताह लखनऊ
I	क्रमांक 130
I	श्री/स्त्रीयता दिनांक:
I	गांधी रामनवमि
I	प्रधान — रामनवमि दिनांक
I	१३३
I	कायालदा राज्योन्नति प्रबन्ध
I	पूर्णिताह लखनऊ
I	क्रमांक 136
I	श्री/स्त्रीयता दिनांक:
I	पद्म रामनवमि रामनवमि दिनांक
I	तिथा दिनांक
I	प्रधान — रामनवमि दिनांक
I	१३३

Adv.
Affected
Notarized

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT LUCKNOW (29)

O A

1990

Ram Nawal _____ Applicant

vs
DRM(P) Lucknow NER _____ Respondent

NOTICE UNDER SECTION 80 C. P. C.

ANNEXURE NO. 8

(X3)

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 Dularay, aged about 42 years, resident of Village Kamhariya, P. O. Silow, P. S. Lalganj, Distt. Basti, I send you the following notice :-

1. That my client was working as a Gangman under BWL/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 Ldv. 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 ~~Quasi~~ 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-

Shri Atul
Atul

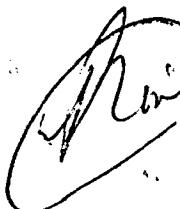
the incumbent was still holding, but he received no such formal notice but the entire thing was done on the quiet.

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 get 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 ~~half-pay~~ authorized to receive ~~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 ~~memorandum~~ 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.


Adv
Attested

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.

Dated : 30.5.90

Yours faithfully -

(RAMA NAMBI)

From -

S. S. Roy,
Advocate.

B - 219, Indira Nagar,
Lucknow.

बीमा नहीं/NOT INSURED

जगाये गये आक टिकटी का मूल्य ६० रु. पै.
Amount of stamps affixed R. P.

फ्रांक/No.

एक इंजिस्ट्री*..... ६० प्राप्त निय.

3548

Received a Register.....

तारीख-माह

पाने वाले का नाम.....

Day -

Addressed to.....

Mr. Shastri Na...

पाने वाले अधिकारी के द्वारा दाखिल

*S. S. Roy
Adv.
B-219
Indira Nagar
Lucknow*

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
at ALLAHABAD at LUCKNOW

ब अदालत भीमान Ram Nawal, son Ram Dulrey, P/o village
[वादी अपीलांट] P.S. Lalgarh, District Basti महोदय Kanhari
प्रतिवादी [रेस्पाइंट] श्री

बकालतनामा

PM

Ram Nawal - petitioner

वादी (अपीलांट)

DRM(P) NER and others
- - - opponents

प्रतिवादी (रेस्पाइंट)

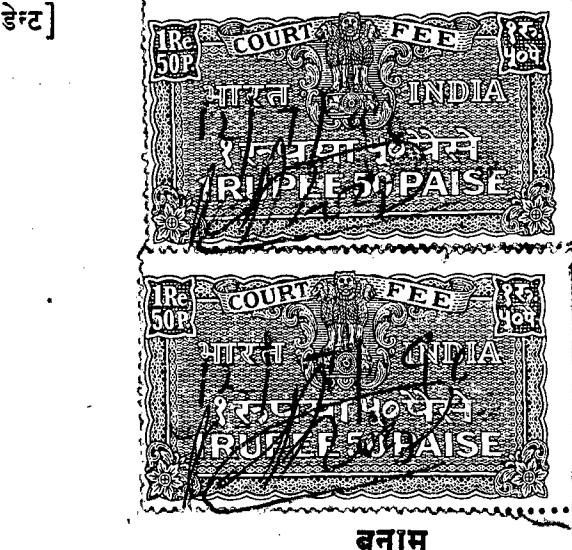
नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री मुकद्दमा वकालतनामा द्वारा जो कुछ पंरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और हप्ता लूप्त 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 रूपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया 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 अंदर पंरवी में एक तरफ मेरे लिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।



बनाम



महोदय

एडवोकेट

नाम बकालतनामा नं०	मुकद्दमा नं०	ताम फैसला
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Accepted
Drs

साक्षी (गवाह)

दिनांक महीना — — — — सन् १६०५०
स्वीकृत

हस्ताक्षर रामनाल्ल ...

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 NawalApplicant
Versus
Union of India and othersOpposite 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 circustanes 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)

842

Sri Ram NawalApplicant
Versus
D R M (P), North Eastern Railway & othersRespondents

WRITTEN STATEMENT ON BEHALF OF THE RESPONDENTS

I S M 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
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

S M N Islam
नियर मैनेजर अधिकारी
Sr. Divisional Manager

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

Shubh
पंडित कामिक अधिकारी

Sr. Div.

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.

S. D. Sr. Division
पश्चिम राज्य विधिकारी

Av

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.

SM2/1a
प्रबंध संचाल कार्यालय अधिकारी,
पूर्वोत्तर रेलवे

Sr. Divisional Manager,
V. E. R.

VERIFICATION

I S MN Islam, presently posted as 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.

SM2/1a
प्रबंध संचाल कार्यालय अधिकारी,
पूर्वोत्तर रेलवे

Sr. Divisional Manager,
V. E. R.

समक्ष माननीय केन्द्रीय प्रशासनिक न्यायाधिकरण, लखनऊ पीठ, लखनऊ ।
ओ०ए० नं०-२४६/१०(एल०)

८४६

श्री राम नवल

....आवेदक

प्रति

भारतीय संघ तथा अन्य

....विष्णवीगण

एनेक्जर संख्या-सी।

कार्यालय आदेश

निम्नलिखित विशेषीकृत कर्मचारियों को सी-। वन की भेड़ीकल परीक्षा उत्तीर्ण करने के पश्चात स्टेंडिंग कमेटी के चयन के अन्सार कैरज विभाग में क्लीनर जमादार वेतनमान (775-1025) के पद पर इनके नाम के सामने लिखे वेतन एवं स्टेशन पर पदार्थीन 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
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1.	श्री आशिक अली	गैगमैन (800-1150)	क्लीनर जमादार (775-1025)	983/-	लखनऊ
2.	श्री राम नवल	गैगमैन (775-1025)	वही	907/-	गोण्डा

ह०-
कृते मण्डल रेल प्रबन्धक (का०),
लखनऊ

सं० ई/११/२०५/भेक/एम.ए./८७

दिनांक ३०-११-८७
३-१२

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- प्रमलेधि/लखनऊ
- समाडि अधीक्षक/गोण्डा,लखनऊ
- कार्यालय अधीक्षक/बिल/गोण्डा/लखनऊ
- वेतनवृद्धि लिपिक एवं फोल्डर
- मण्डल मंत्री/पी०आ०के०ए०स०/नर्म०
- काया०अधीक्षक(हित) मं०रे०आ०(का) लखनऊ
- सम्बन्धित कर्मचारी
- स्पेयर कापी

ह०-
कृते मण्डल रेल प्रबन्धक (का०),
लखनऊ

सत्य प्रतिलिपि

Shri Ram Naval
प्रपर शिल्प अनुसंधान परिषद्,
गृह-
S. Division
E. B. K.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

BENCH, LUCKNOW

RA
A47

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 ~~sikka~~ 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.
*Filed today
SRI
13/2/92*
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 ..?

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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 beuracracy 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 ^a ~~which~~ ~~who~~ deprived the applicant of ~~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

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 ^{found} duty but ^{one} ^{recourse} Mr. Somai working in his place over there. The applicant had no ~~recourse~~ but to report ~~himself~~ 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)

AS

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.

21/4/91/01

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.

21/4/91/01

Lucknow/Dt. /11/1991/

Deponent.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL at LUCKNOW BENCH

Bam Naval ^{OA No} of 1990 Appellant
vs.

DRM(P) LKNER and others Respondent ^{AI}
ANNEXURE A (1)

AS

प्रवैश पत्र

मण्डल रेल प्रबंधक कार्यालय
पूर्वोत्तर रेलवे,
लखनऊ

क्र. सं. 151

दिनांक

कु. श्रीमती. श्री रामेन्द्रलल
पद स्ट्रेन १९९१ गोविल्लु
विभाग
प्रयोजन ३४२

1990-89 कृते मण्डल रेल प्रबंधक(का),
पूर्वोत्तर रेलवे,
लखनऊ

प्रवैश पत्र

मण्डल रेल प्रबंधक कार्यालय
पूर्वोत्तर रेलवे लखनऊ

क्रम सं. 150 दिनांक -----

कु. श्रीमती. श्री रामेन्द्रलल
पद स्ट्रेन १९९१ गोविल्लु
विभाग
प्रयोजन ३४२

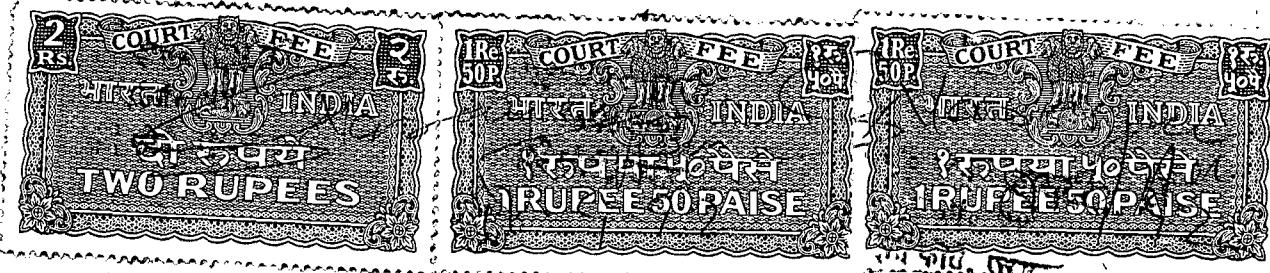
1990-89 -----

कृते मण्डल रेल प्रबंधक(का),
पूर्वोत्तर रेलवे,
लखनऊ

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ब अदालत धीमान सहौदय नाल
LUCKNOW

[वादी अपीलाट]
श्री
प्रतिवादी [रेस्पाडेन्ट] :

वकालतनामा



Koishi Komcham, Sabha Lucknow and others. App.

दनाम

Union of India & others.

(प्रतिवादी रेस्पाडेन्ट)

O.A. No. नं. मुकदमा 167 of सन् 1990 पेशी की ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री SHRI NARAYAN ADVOCATE
व HEMANI KUMAR KISRI, ADVOCATE वकील
महोदय एडवोकेट

नाम अदालत नं०	कंकन
मुकदमा नं०	कंकन

को अपने वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देवा हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व अवाक्देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटाव या हमारी ओर से डिमारी जारी करावें और रुपया बसूल करें या मुलहनामा व इकबाल दाचा तथा अशील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकदमा उठावे या कोई रुपया जमा करें या हारी विपक्षी (करीकस्तानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (हस्तखती) रसीद से लेवे या बंद 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 रहूँगा अगर मुकदमा अदम पैरवी में एक तरफा मेरे खिलाफ फँसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर द्वारा दिया पुंजी (L.)

साक्षी (गवाह) कर्नल कुमार अद्वैत (गवाह) अप्पा ०.२

दिनांक २५.१०.९२ महीना सन् १६ ई०

स्वीकृत

S. Narayan
Adv.

२५.१०.९२