

Central Administrative Tribunal
Lucknow Bench

INDEX SHEET

Cause Title 271 of 1990 (C)

Name of the Parties Mamul Bui Applicant

Versus
Union of Indias Respondents..

Part A.E.C.

Sl. No.	Description of documents	Page
	<u>A-File</u>	
1.	check list	A1 - A2 ✓
2.	Order Sheet	A3 - A4 ✓
3.	Judgment 25-6-92	A5 - A6 ✓
4.	Petition	A7 - A21 ✓
5.	Annexures	A22 - A23 ✓
6.	Proer (Applicant)	A24 ✓
7.	Annexures	A25 - A40 ✓
8.	written Statement	A41 - A45 ✓
9.	Refund in Affidavit	A46 - A62 ✓
10.	M.P. 612/92 (C) 1- Notice, Power, others papers	A63 to A66 ✓ A67 to A72 ✓
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~~File~~ File B/C weeded out / destroyed

[Signature]

30/10/

So (5)

(A)

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 24/8/90

Date of Receipt by Post.....

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

Deputy Registrar(J)

Registration No. 241 of 1989 90 (L)

24/8

APPLICANT(S) Shri Manni Lal and another

RESPONDENT(S) N.O. 9.

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	yes
2. a) Is the application in the prescribed form ?	
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 case 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 paging done properly ?	yes
9. Have the chronological details of representation made and the out come 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 original signed? yes
12. Are extra copies of the application with Annexures filed? yes
 - a) Identical with the Original? yes
 - b) Defective? yes
 - c) Missing in Annexures
- How many pages? No
13. Are 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
18. Are the facts? yes
19. Are the distinct heads? yes
20. Numbered consecutively? No
21. Written in double space on one side of the paper? yes
22. Are the particulars for interim order proved for indicated with reasons? yes
23. Whether all the remedies have been exhausted. yes

Remarks

Put up on 29/8/90
 Of before the
 Bench
 24.8.90

O.K.
 24/8

(P3)
O.A.No. - 71/50

17.7.92

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member.

respondents
Learned counsel for the ~~applicants~~ prays
for two weeks time to file reply. Rejoinder if any be
filed within 2 weeks thereafter. List for orders on
26.8.92.

for
A.M.

V.C.

OR
S.F.C.

P.
25-8-92

26-8-92 Hon. Mr. Justice U.C. Srivastava - V.C.
Hon. Mr. K. Obayya - A.M.

(DPS)

Judgment dated 23.6.92 is
quite clear and so far as relaxation
in Medical examination stand and
as prescribed by the Railway Board
is concerned. The same finds place
in the judgment, therefore this
application is rejected.

for
A.M.

V.C.

Done
for
for
for
12/10/92

(45)

THE CENTRAL ADMINISTRATIVE TRIBUNAL-LUCKNOW BENCH,
LUCKNOW.

O.A. NO. 271 of 1990.

Munni Lal & others..... Applicant.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava-V.C.
Hon'ble Mr. K. Obayya- Member (A).

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

The applicants started their services under respondents no. 2 and they were decasualised in the year 1984 after serving for several years. They were medical examined in 1984 and were screened in 1988-89. Their case is similar to the case of O.A. No. 313/90 Gaya Prasad & others Vs. Union of India and others. According to them they were medically examined in 1987 and without prior show cause notice their services have been terminated vide notices dated 3.9.89 and 9.9.89. According to them they were declared subsequently medically unfit without examining them for other lower category and even without examining them under relaxed medical standard as per standing orders. They have been permitted to perform their duties on 20.7.90. Specific orders for termination of service of applicant no. 1 and 3 have been issued while the other applicants have been orally asked not to come. Thus according to them even they have medically been examined and they cannot ~~be~~ be examined again and even if they are medically unfit, they cannot be terminated ~~and~~ from the service and they are to be examined for other category. According to the respondents applicant no. 1 was allowed for re-medical examination on his own request, but ^{he} ~~they~~ failed to attend and so was the case of applicant no. 2. In

h

29.8.90

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

Heard. Admit. Issue notice to the respondents.
Counter affidavit may be filed within eight weeks hereof.
Rejoinder affidavit may be filed within two weeks thereafter.

As regards the interim matter, issue notice return returnable as to why the interim prayed for be not granted.
Listed for hearing on 13.9.90.

Sd/

A.M.

Sd/

J.M.

Sd/

Notices served
Sub
4/9/90

OR

Notices were
issued on 13.9.90
4.9.90

Neither reply
nor any answer
reqd. - clear has
been return back
submitted to
adv along with on
27/1/90 L4

CM 520/90 L4
is also pending

Wt filed + day
L
20/9
12/9

13/9/90
Hon. Mr. Justice K. Ratha, VC.
Hon. Mr. M. M. Singh, Am.

Shri D.C. Saranya makes appearance
on behalf of respondents. He requests
for and is allowed two weeks
time to file reply to which the
applicant may file rejoinder
within one week thereafter.
The case be listed for final
hearing on 8/10/90.

M. H. . . . VC.
Am.

Re

8.10.90

No sitting Adj to 20.12.90

20.12.90

No sitting Adj to 19.3.91

Wt
L

(B)

THE CENTRAL ADMINISTRATIVE TRIBUNAL-LUCKNOW BENCH,
LUCKNOW.

O.A. NO. 271 of 1990.

Munni Lal & others..... Applicant.

Versus

Union of India & others..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava-V.C.
Hon'ble Mr. K. Obayya- Member (A).

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

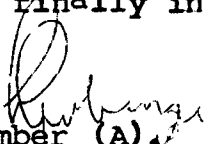
The applicants started their services under respondents no. 2 and they were decasualised in the year 1984 after serving for several years. They were medical examined in 1984 and were screened in 1988-89. Their case is similar to the case of O.A. No. 313/90 Gaya Prasad & others Vs. Union of India and others. According to them they were medically examined in 1987 and without prior show cause notice their services have been terminated vide notices dated 3.9.89 and 9.9.89. According to them they were declared subsequently medically unfit without examining them for other lower category and even without examining them under relaxed medical standard as per standing orders. They have been permitted to perform their duties on 20.7.90. Specific orders for termination of service of applicant no. 1 and 3 have been issued while the other applicants have been orally asked not to come. Thus according to them even they have medically been examined and they cannot ~~to~~ be examined again and even if they are medically unfit, they cannot be terminated ~~and~~ from the service and they are to be examined for other category. According to the respondents applicant no. 1 was allowed for re-medical examination on his own request, but ^{he} ~~they~~ failed to attend and so was the case of applicant no. 2. In

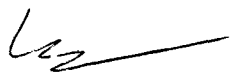
h

1984 they were found medically unfit and have managed to continue to service with the help of Asstt. Superintendant.

2. Similar matter came up for consideration before us in O.A. No. 29/92 & 31/92. and in this case also the applicants are prepared to offer themselves for medical examination. Let the applicants be medically examined again within a period of three months from today and may be provided an alternate job, in case they are medically unfit for the category, in which they were working.

3. As both the parties are responsible to some extent, the respondents to decide the intervening period as to whether the applicant should be granted leave without pay or the entire period should be treated as dies-non. In case they are continued in service, it is open for the respondents to declare the entire period beyond the date of memo was served as dies-non. The application is disposed of finally in these terms. No order as to the costs


Member (A).


Vice Chairman.

Dt: June 25, 1992.

(DPS)

(A7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW:

FORM I
(See Rule 4)

Central Administrative Tribunal
Lucknow
Date of filing 24/8/90
Date of Receipt by Post
24/8/90
Registrar (J)
24/8

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNALS ACT, 1985.

Manni Lai & Others.

...Applicants

Versus.

Union of India & Others.

...Respondents

CLAIM AGAINST TERMINATION OF N. RAILWAY EMPLOYEES

Compilation No: I

I N D E X

S1. Descriptions of documents. Page nos. Remarks.

1- Memo of application 1 to 14

2- Termination notices
dt: 6-8-90 Annexures A-1 15 16
& A-2.

3- Vakalatnama. 17

Lucknow;

dt: 24 Aug, 1990:

Signatures of applicants

For use in tribunal's office

Date of filing

or

Date of Receipt by post

Registration No.

(7) of Mannu Lal

Signature of Registrar.

Noted for 24/8/90
Simp
for A.K. Dinesh
24/8/90

(p6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW

- 1- Manni Lal, aged about 30 years, Son of Sri Bhagga, resident of Village Raghunath Purwa, Post Baghauli, District Hardoi.
- 2- Daya Ram, aged about 38 years, Son of Sri Jai Lal, R/o Village Chirai Purwa, Post Baghauli, District Hardoi.
- 3- Shakir Ali, aged about 38 years, S/o Sri Munney, R/o Village Lalta Khera, Post Hathaura, District Hardoi.
- 4- Ram Singh, aged about 37 years, S/o Sri Kalika, R/o Village Lalla Purwa, Post Kaurha, District Hardoi.
- 5- Alladin, aged about 38 years, S/o Sri Rasool, R/o Village Khatuai, Post Nayagaon, Mubarakpur, District Hardoi.
- 6- Ram Shankar, aged about 35 years, S/o Sri Ganga, Prasad, R/o Village Tirwa, Post Barwa Sarsand, District Hardoi.
- 7- Misri Lal, aged about 29 years, S/o Sri Behari, R/o Village Tirwa, Post Barwa, Sarsand, District Hardoi.

.....Applicants

.....2/

(7106) M. S. D. S.

(A4)

-: 2 :-

V E R S U S

- 1- Union of India, through Secretary to Department of Railways, Ministry of Railways, Rail Bhawan, NEW DELHI.
- 2- Assistant Engineer, N. Railway HARDOI.
- 3- Permanent Way Inspector, N. Railway, HARDOI.
- 4- Permanent Way Inspector, N. Railway, Sandia, District HARDOI.
- 5- Permanent Way Inspector, N. Railway, Safipur, Distt. UNNAO (U.P)
- 6- Asstt. Engineer, N. Railway, Sitapur City Rly. Station SITAPUR. Respondents

DETAILS OF APPLICATION:

- 1- Particulars of the order against which application is made -

(i) Order No.	..	E/6-Vividh/6.8.90.
(ii) Dated	..	6-8-90.
(iii) Passed by	..	Asstt. Engineer N. Railway HarDOI (Respondent no. 2)

Specific order in writing which has been passed in respect of applicants no. 1 and 3 is attached here-with as Annexure A-1 and A-2. Since no order in writing has been passed in respect of other applicants same is not attached.

- 2- Jurisdiction of Tribunal.

The applicants declare that the subject matter of orders against which they want redressal is within the jurisdiction of the Tribunal.

Copy of Annexure

contd.....3/

A10

-: 3 :-

3- Limitation:

The applicants further declare that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act 1985.

4- FACTS OF THE CASE:

4.1 That applicants started their services under Administrative Control of Respondent no.2 and were discasualised, medically examined and screened as per biodatas given below -

S1. NO.	Name	Year of engagements as Causal	Year of discaus- lisation	Medical Exam. done in	Screening done in
1 -	Manni Lai	1978	Oct. 84	1984	Jan.88
2 -	Daya Ram.	1971-72	Oct. 84	1984	Jan.88
3 -	Shakir Ali.	1971-72	Oct. 84	1984	Jan.88
4 -	Ram Singh.	1978	15-11-84	1984	10-5-89
5 -	Alladin	1971-72	15-10-84	1984	Jan.88
6 -	Ram Shanker.	1978	1985	1984	May 89.
7 -	Misri Lai.	1978	3-10-84	1984	May 89.

Q.2

4.2 That prior to their discasualization the casual labour cards of all the petitioner were checked, verified and were got deposited, thereafter they were sent for Medical examination the last quarter of year 1984 and thereafter given DCL (Discasualisation) Scale and are working since then, with no sort of complaint.

.....4/

(71 of 116) of 11/11/2018

(111)

4 :-

4.3 That since the date of their being DCL, applicants no.1 to 4 are posted under direct subordination of Permanent Way Inspector Hardoi. Petitioner no. 5 under Permanent Way Inspector Sandila and petitioner no.6 & 7 under Permanent Way Inspector Safipur, Distt. Unnao. It is necessary to point out that P.WIs, Hardoi, Sandila and Safipur are under Administrative Control of Asstt. Engineer N. Railway Hardoi, respondent no.2.

4.4 That petitioner no.1 and 2 belong to Scheduled Caste (Raidas) community.

4.5 That Railway Board vide its circular No.76-E (SCT)15/5 of 13-2-76 and 78/H/6/9 dt: 7-7-78 have prescribed that in case of Medical Examination of SC/ST it should also be mentioned in the form (directing for medical examination) that in case they fail in requisite medical category, they may be examined in other category too for appointment in other category.

4.6 That Railway Board vide its circular No.79H/5/11 dt: 22-8-79 and 19-11-79 have also prescribed periodical medical re-examination of serving Railway Employees.

True extract of all the above circulars (referred in para 4.5. and 4.6 as published on pages 543 to 544 of Railway Establishment Manual 1985 Ed. by Sri M.L. Jand is reproduced below:-

1.71 of Manual

.....5/

(A12)

-: 5 :-

While directing the candidates for Medical Examination a duly filled inform containing all particulars should be given. In case of ~~S/O/SF~~ Sc/SF it should also be mentioned that in case they fail in the requisite medical category, ~~they may be mentioned~~ ~~that in case they fail in the requisite medical~~ category. A representative of the department may accompany to identify him if the candidate (a) has no distinguishable mark, or (b) he has a large number of scars, moles etc. and it will not be possible for the medical Officer to identify him (Bd.No.76-E(SCT)15/5 of 13-2-76 and 78/H/5/9 dt: 7-7-78).

Periodical re-examination of serving Railway Employment

In order to ensure the continued ability of Railway Employees in Classes A-2, A-3, B-1 and B-2 to discharge their duties with safety, they will be required to appear for re-examination at the following stated intervals, throughout their service as indicated below:-

Classes A-1, A-2, and A-3. At the termination of every period of three years calculated from the date of appointment until they attain the age of 45 yrs, and thereafter annually until the conclusion of their service. For footplate staff of High Speed Trains, PME will be once in 2 years upto 40 years and annual thereafter.

(79 H/5/11 dt: 22-8-79 and 19-11-79).

.....6/

(71 of 21 on 12-11-79)

-: 6 :-

4.7 That as stated above petitioner were medically examined in the year 1984 and again re-examined in the year 1987, their medical examination Report was sent directly to the office of Respondent No.2, they were never told that they have not been found fit in medical examination or re-examination.

4.8 That petitioners were never charged to have committed any sort of negligence in discharge of their duties nor any hurdle came in their way on account of their physical /Health Condition.

4.9 That petitioners were never issued with any sort of Notice to the effect that any of them was declared medically unfit and on their ground why their services be not dispensed with.

4.10 That one Sri Pratap Son of Sri Brij Lal a DCL Gangman under P.W.1 Sandila was also said to have been medically unfit for which a show cause notice and there after an order under Railway Servants (Punishment and Appeal Rules 1968 was passed against him.

4.11 That without servicing any sort of prior show cause notice or resorting to prescribed procedure, all the petitioners were served with Termination Notices dt: 3-9-89 on 9-9-89.

(T) at 11 am 12/

contd..... 7/

(DM)

-:: 7 ::-

4.12 That so far as petitioner know they were found medically fit otherwise how could they have been permitted to continue for about 5 years in service and were also screened in the year 1988 and 1989 as indicated in para 1 above.

4.13 That Railway Board vide its circular No.E(NG) 11-7/CL/84 dt: 31-12-1972 and E(NG) 11-89/CL/29 dt: 29-8-83 have ordered that casual labour with 6 years of service should be medically examined with relaxed standards.

Relevant extract of above circular(as published on page 549 of 1988 U.P.LAEC 17 M.L.Jand's Book)is reproduced below:-

Medical Examination of Casual Labour-relaxed standard:

It was given in Boards No.F(NG.11-71/CL/84 dated: 31-12-72 and 10-5-73 that Casual Labour with 6 years service when sent for medical examination for absorption in regular service should be examined with relaxed standard as for 'reexamination during service'. It has now been decided that those casual labours who had already been examined for appropriate medical category need not be examined any further. However they may be sent for periodical medical re-examination as is required in their regular service (FG 11-80/CL-29-8-83).

contd.....8/

(T) of Medical

(115)

-: 8 :-

4.14 That after passing of termination notices dt: 3-9-89 (as mentioned in para 4.11. above) all the applicants preferred a claim petition O.A.No.257 of 1989(L) before this Hon'ble Tribunal, in which by means of an Interim order dt: 21-9-89 respondents were restrained from ceasing services of the applicants in pursuance of Termination Notices.

4.15 That without going into other details of case, this Hon'ble Tribunal was pleased to allow O.A.No:257 -89 (L) on the only ground that whatever may have been the result of that Medical Examination (of 1984) ~~that~~ ~~that~~ they continued in employment till 3-9-89, they at the most could have been subjected to fresh Medical Examination.

A True copy of Judgement dt: 6-4-90 is attached herewith as ANNEXURE No.A-3.

4.16 That on 20-7-90 applicants were ordered to undergo Medical examination for Medical Category A-3 to B-1 and were relieved on the same day.

True photocopies of few such medical Memo Form No. 6-1 indicating that applicants were sent for testing in category A-3 to B-1 are attached herewith as ANNEXURES A-4 to A-7.

4.18 That applicant No.3 Shakir Ali was found fit was sent for X-ray examination which was also found clear (NAD) .

.....9/

(7) of Manual

(A16)

-: 9 :-

A True copy of X-ray reference and its report dt: 24-7-90 is attached herewith as ANNEXURE A-8.

4.18 That subsequently all the applicants including applicant no.2 were got declared as Medically unfit, without examining them for other lower medical medical Categories and even without examining them under relaxed Medical standards as per standing orders of Railway Administration.

4.19 That all the applicants are not being permitted to perform their duties from 20-7-90, the date on which they were sent for Medical Examination. In respect of applicants no.1 and 3 specific orders of Termination have been issued, while other applicants have been orally ordered not to join their duties any more.

4.20 That all the applicants have submitted their representations/Appeal for Re-Medical examination.

True copies of such representations dt: 6-8-70, 13-8-90, and 22-8-90 are attached herewith as ANNEXURES A-8, A-9 and A-10.

4.21 That since applicants services have been put to an end forthwith without having any regard to mandatory provision of para 304(Old 152) Railway Establishment Code and Para 2609 Railway Establishment Manual, whereas applicants are capable and willing to perform their duties (as they are performing from last several years), the applicants have been left with

.....10/-

(7) of M. M. Lal

(A12)

-:: 10 ::-

no option but to prefer this claim petition before
this Hon'ble Tribunal.

5- GROUND FOR RELIEF WITH LEGAL PROVISION:

- A) Because applicants having put in about 10 years unblemished service can not be deemed to be Medically unfit.
- B) Because applicants are to be subjected to relaxed standards of Medical examination as provided in Rly. Board Circular dt: 29-8-83 as referred in para 4.13 above, and not to the norms of same Medical Examination which is applicable for fresh hands.
- C) Because in view of mandatory provision of para 304 (Old 152) of Railway Establishment Code and para 2609 of Railway Establishment Manual even if applicants are Medically unfit their employment can not be ceased forthwith, particularly when they have been performing their duties satisfactorily and are willing, ready and capable to perform their duties as usual.
- D) Because in view of Hon'ble Supreme Court's verdict delivered in case of Mohd. Sagiuddin Versus. N.E. Railway, and judicial verdict of Hon'ble Allahabad and Delhi High Court, reported in cases of Union of India Versus Chaturi Prasad and Ikbai Singh Versus D.S. N. Railway without providing alternate employment on

-----11/-

[710/2000-10]

(15)

-: 11 :-

reasonable emoluments to Medically failed employees, to dispense with services of petitioners is highly illegal.

E) Because action of opposite parties is arbitrary, unjust and unfair.

6- Details of Remedies exhausted

Since Termination notices/oral orders of cessation of employment have been issued without following prescribed procedure and no remedy is prescribed under the relevant service rules, and as the impugned notices of termination are clearly in violation of principles of Natural justice, no departmental remedy has been availed, neither it is permissible to be availed.

7- Matters not previously filed on pending in any Other Court.

~~XXXXXXXXXXXXXXXXXXXX~~

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority, or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8- Reliefs Sought

In view of the facts mentioned in para 4 of
-----12/-

(11) of Memorial

(A19)

the above the applicants pray for the following
reliefs: -

- (i) Notices of Termination dt: 6-8-90 contained in Annexures A-1 and A-2, as well as oral orders of Cessation of employment be declared null and void as a necessary consequence of which applicant-s be permitted and deemed to have continued on the posts of Gangman or on some alternate post on reasonable emoluments with entire and usual service benefits of salary etc.
- (ii) If deemed necessary respondents be ordered to get the petitioners medically re-examined under relaxed standards of Medical Examination as prescribed by Railway Boards Circulars No. E(NG 11-71/CL/84 dt: 31-12-72, and E(NG 11-80/CL/29 dt: 29-8-83 and on being found fit in any category, to continue their engagement in appropriate post of that medical category.
- (iii) Cost of this petition, and such other relief as may be deemed fit and proper in the circumstances of the case be also awarded to the petitioner as against the opposite parties.

9-Interim orders if any Prayed for: -

Pending final decision on the application,
the applicants seek the following Interim reliefs: -

-----13/-

enclosure to

(A72)

:- 13 :-

- (i) Implementation and operation of Termination Notices dt: 6-8-90 Annexure A-1 and A-2 be stayed and all the applicants be permitted to continue on their posts/alternate post and be continued to get their wages.

10- Application is presented by:- SRI ABHAYA KUMAR DIXIT, Advocate, 509/28Ka, Old Hyderabad, Lucknow.

11- Particulars of Bank Draft/Postal order filed in respect of the application fee.

- 1) No. Of postal order/Bank Draft. C2 4/4771
- 2) Date of Postal order/Bank Draft. 24/8/90
- 3) Post Office/Bank by which issued. High Court Branch Lucknow
- 4) Payable at post office/Bank at Alcahara

12- List of Enclosures

- 1) Demand Draft/postal order.
- 2) Index of Compilation no.1
- 3) Paper Book of Compilation no.1
- 4) Paper Book of Compilation no.1.
- 5) Paper book of compilation no.2.
- 6) Vakalatnama.

Lucknow.

dated: 21 Aug. 90.

Signature of Applicants:

(Signature of Applicant)


(A21)

~: 14 :-

VERIFICATION:

WE, MANNI LAL & Others do hereby verify that the contents of paras 164, 7, 9, 10^{1st} are true to our knowledge, and paras 5, 6 & 8 are believed to be true on legal advice and that we have not suppressed any material fact.

Lucknow;

Signatures of applicants:

dt: 4 Aug, 1990.

21/11/90 3/11

(9) Ram Shankar

(7) Mandilun

(11) Mirshulal

(11) Ravi Singh

(11) Daya Ram

In the Central Administrative
 Tribunal Lucknow
 Memorial No. 57th W. Union of India-57th

Annex (A-1)

दिनांक 25/01/77

श्रीमान,

श्री गणेशदास शुक्ल
 90, गीता नगर

ग्राम - रघुनाथपुर
 पो. - ता. -
 जिला - हरदोई

आदेश

कै. 259/77 (4) के आधार पर श्री गणेशदास शुक्ल
 को निलंबित किया गया है। जिसके कारण निम्नलिखित
 प्रमाण-पत्र सं. 134462 दिनांक 25/1/77 को प्रमाणित करने के
 लिए यह हेतु को निलंबित पाया गया है।

आज्ञा को तत्काल दिनांक 6/8/70 से
 रोक दिया जा रहा है।

आज्ञा को तत्काल दिनांक 6/8/70 से
 रोक दिया जा रहा है।

उपरोक्त - रोक दिया जा रहा है।
 आज्ञा को तत्काल दिनांक 6/8/70 से
 रोक दिया जा रहा है।

Chief Clerk Attested 15/01/77
 15/01/77

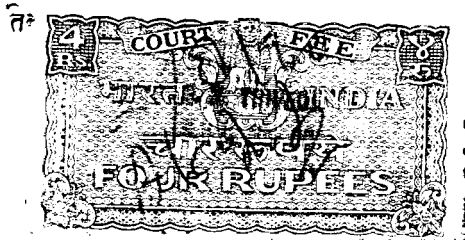
IN the Central Administration
Tribunal Lucknow (17)

अदालत श्रीमान
[नाम] अप्रीजान्ट

महोदय

Mam Lal Sath

वकालतनामा



Mam Lal Sath

(वादीअपीलान्ट)

Owner of India Sath

बनाम

प्रतिवादी (रेस्पान्देन्ट)

पेशी को ता०

१९

ई०

H. K. Didi

H. K. Didi

वकील

509/22 K. Lal Hypharact
Lucknow

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करे या सुलहनामा व इकवालदावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठावे या कोई रुपया जमा करे या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंचनियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वदा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिये यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

(Signature)

हस्ताक्षर

शक्ति अली

साक्षी (गवाह)

(Signature)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

ई०

स्वीकृत

(Signature)

(Signature)

नाम अदालत
मुकद्दमा नं० नम
फरीकत

बनाम

1425

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW:

Manni Lal & Others.

....Applicants

Versus.

Union of India & Others.

...Respondents

Compilation No: 2.

I N D E X

S1. Descriptions of documents. No.	Pages.
1- <u>Annexure A-3</u> Hon'ble Tribunals judgement dt: 6-4-90.	1-2
2- <u>Annexure A-4 to A-7</u> Medical Memo Form 61.	3-7
3- <u>Annexure A-8</u> Application dt: 6-8-90.	8
4- <u>Annexure A-9</u> Application dt: 13-8-90.	9-10
5- <u>Annexure A-10</u> Representation dt: 22-8-90;	11-12

Lucknow;

Applicants:

dt: Aug.1990.

(Manni Lal & Others)

Manni Lal

3 (A28)

87544

Amr A-4

पं.सं. A-4

पं.सं. A-4

पं.सं. A-4

MEDICAL MEMO

Form to be used when a candidate is granted authority to present himself for medical examination for fitness for appointment.

विभाग/Department.....कार्यालय/Office/प्रभाग/Section.....

No.

सेवा में/To.....

पञ्च-नाम, (नाम).....

पिता का नाम.....

उम्र.....

नियुक्ति के लिये उम्मीदवार है, जो वर्ग.....

The bearer (Name).....

Father's name.....

Age.....

Designation).....in class.....

is authorised to present himself for medical examination.

The following is a list of permanent physical marks of identification :-

... One scar on the first finger of left hand.

... One scar on the first finger of left hand.

Signature/Signal.....

Designation.....

Division.....

Copy of Manual

829

48

87517

Ann (A-51

3-1-1970

को प्रम. एम. आर. सी. आर. सी. (M. A. R. S. C. A. R. S. C.)

मिनिस्टर ऑफ़

मेडिकल फॉर्म/MEDICAL FORM

Form to be used when a candidate is granted authority to present himself for medical examination for appointment

विभाग/Departments: कार्यालय/Office/मनुभाग/Section

क्र.सं./No. 876

पद/Post: AMO/1875

पद-वाहक, (नाम) / Name of the holder of the post: अनन्त शर्मा

पिता का नाम / Name of the father: श्री. २९००

उम्र / Age: 16-50 (यु. ए. सी. १६ मई १९५०) को (प्रस्ताव) / For (proposal) / १९७० में के रूप में

नियुक्ति के लिए प्रस्तावित है, को वर्ष / Proposed for appointment, for the year / १९७० में आवेदन पत्रिका के लिए

अपने आपको प्रस्तुत करने के लिए अधिकृत किया गया है। / The bearer is authorized to present himself for medical examination.

The bearer (Name) / Father's name

App. candidate for appointment at

(designation) in class is authorized to present himself for medical examination.

उसके स्थायी शारीरिक लक्षण निम्न की सूची में दी गई हैं: —
The following is a list of permanent physical marks of identification.

① One linear scar mark on the left side of the face.

② One linear scar mark on the right side of the face.

③ One linear scar mark on the left side of the chest.

④ One linear scar mark on the right side of the chest.

⑤ One linear scar mark on the left side of the arm.

⑥ One linear scar mark on the right side of the arm.

⑦ One linear scar mark on the left side of the leg.

⑧ One linear scar mark on the right side of the leg.

⑨ One linear scar mark on the left side of the foot.

⑩ One linear scar mark on the right side of the foot.

⑪ One linear scar mark on the left side of the hand.

⑫ One linear scar mark on the right side of the hand.

⑬ One linear scar mark on the left side of the back.

⑭ One linear scar mark on the right side of the back.

⑮ One linear scar mark on the left side of the neck.

⑯ One linear scar mark on the right side of the neck.

⑰ One linear scar mark on the left side of the head.

⑱ One linear scar mark on the right side of the head.

⑲ One linear scar mark on the left side of the face.

हस्ताक्षर/Signature

पदनाम/Designation

विभागीय अभियन्ता

Divisional Engineer

पुणे २०, मराठी

N. Rly. Harad

स्थान/Station

दिनांक/Date 29/7/70

1710 of Mammul

Part of M2-(A-5)

उम्मीदवार का बयान और घोषणा/CANDIDATE'S STATEMENT & DECLARATION

उम्मीदवार को अपनी डाक्टरी परीक्षा से पूर्व निम्नलिखित बयान देना होगा और इसमें दी गई घोषणा पर हस्ताक्षर करने होंगे। उसका ध्यान दी गई टिप्पणी में निहित इस चेतावनी की ओर विशेष रूप से आकर्षित किया जाना है।

The candidate must make the statement required below, prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to this warning contained in the note below:-

1. (क) क्या आप कभी भी किसी भी प्रकार की बीमारी या अन्य किसी ज्वर, ग्रन्थि वृद्धि या संयुजन, थूक में रक्त, दमा, हृदय रोग, फेफड़ों के रोग, मूत्र, शाल-रोग, उष्णकशीय, या
(ख) किसी अन्य रोग से पीड़ित रहे या दुर्घटनाग्रस्त हुए जिसके कारण आपको रोग प्रवृत्ति पर पड़ा रहना आवश्यक हुआ हो और किसी समय तक चिकित्सा या शल्य चिकित्सा के अधीन रहना पड़ा हो।

(a) Have you ever had small-pox, intermittent or any other fever, enlargement or suppuration of glands, cough of blood, asthma, heart disease, lung disease, febrile attacks, rheumatism, appendicitis,

(b) Any other disease or accident requiring confinement to bed and prolonged medical or surgical treatment?

2. आपको पिछली बार वैक्सीन का टीका कब लगा था/When were you last vaccinated?
3. क्या आप या आपका कोई रिश्ता क्षय, गन्धमाषा, गाठ, दमा, दौरा मित्तं या उन्माद से पीड़ित रहे हैं?

Have you or any of your relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity?

4. क्या आप शारीरिक काम करने के कारण किसी कारण से किसी प्रकार की घमीरता से पीड़ित हुए हैं?

Have you suffered from any form of overwork due to over work or any other cause?

5. क्या पिछले छह वर्षों के दौरान किसी चिकित्सा अधिकारी/चिकित्सा बोर्ड द्वारा आपको डाक्टरी परीक्षा की गई है और आपको डाक्टरी और परामर्श बोर्ड में नियुक्त किया गया है?

Have you been examined and declared unfit for Government service by a Medical Officer/Medical Boards within the last three years.

मैं घोषणा करता हूँ कि उपरोक्त सभी उत्तर मेरे पूर्ण विश्वास के साथ सच और सही हैं।
I declare that all the above answers are to the best of my belief, true and correct.

मैं निष्ठापूर्वक यह भी घोषणा करता हूँ कि मुझे किसी रोग या किसी अन्य परिस्थिति के कारण प्रस्तावित प्रमाण-पत्र नहीं मिली है।

I also solemnly affirm that I have not received disability certificate/pension on account of any disease or other condition.

चिकित्सा अधिकारी के हस्ताक्षर
Signature of Medical Officer

उम्मीदवार के हस्ताक्षर
Signature of Candidate

टिप्पणी:- उपरोक्त बयान की सत्यता के लिए, उम्मीदवार को जवाबदार रहेगा। यदि वह जानबूझ कर कोई तथ्य छिपायेगा तो उसे नियुक्त नहीं किया जायेगा और यदि वह नियुक्त हो गया हो तो उसे सभी भविष्यवर्षी सहा या उपदान भत्ता कर लिया जायेगा।

Note:- The candidate will be held responsible for the accuracy of the above statement. By willfully concealing any information he will incur the risk of losing the appointment and if appointed forfeiting all claims to superannuation allowance or gratuity.

(17) of Mann Lal

6

87541

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18

डाक्टरों को भी यह दिखाना पड़ेगा कि

Form to be used when a candidate is granted authority to present him-self for medical examination for fitness for appointment.

DEN/HR

Ref. No. E16

पिता का नाम श्री विहारी

एने घातक तमूल तरने के लिए प्रशिक्षण मिल गया है।
(Signature).....

(Be owner (Name).....

Father's Name.....

Age..... candidate for appointment as

Designation).....in class.....

is authorised to present himself for medical examination.

उसके स्वायत्त शारीरिक पहचान चिह्नों की सूची नीचे दी गई है :—

1. The name is miss on the left line

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As one lens has more on the right eye, but

Print/Signature:

DATE OF Destruction: 11/10/00

.....

STON, A. H. 22.7.80. 1980
Principal Engineer

1950

11/11/11, Harold

112

... ..

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

CANDIDATE'S STATEMENT & DECLARATION

The candidate must make the statement recited below, prior to his receipt of nomination and sign the declaration appended thereto. His attention is specially directed to this warning contained in the notes hereon:-

(a) Have you ever had small-pox, intermittent or any other fever, enlarged liver or spleen, enlarged glands, spitting of blood, and in, heart disease, lung disease, fainting attacks, chloroform, surgery - or

10. Any other disease or accident requiring confinement to bed and prolonged medical or nursing treatment.

2. मायको पिछली बारि चेक का टीका कर लपा था/How were you last month?

3. क्या आप या आपका कोई निकट रिश्तेदार कभी, बंदाबान, बाउट, दमा, शीरा पिर्नी या सन्माद से पीड़ित रहे हैं?

Have you or any of your relations been afflicted with consumption, scrofula, cut, ulcers, fist, or dropsy or insanity?

4. क्या पाठ्य प्रत्यक्षिक काम करने में आपका किसी कारण से किसी प्रकार की बाधा है यदि हाँ तो क्या है ?

Have you suffered from any form of nervousness due to over work or any other cause?

8. कठरी पतीका की गई है और प्रापणी हाथरी तौर पर प्रयोग्य दर्शित किया गया है ? MD

Have you been examined and declared unfit for Government service by a Medical Officer, Member Board, within the last three years. *Yes/No 12/6/1956 d. 2/2/56*

मैं घोषणा करता हूँ कि उपरोक्त सभी उत्तर मेरे पूर्ण विश्वास के साथ सत्य और सही हैं।

I declare that all the above answers are to the best of my belief, true and correct.

मैं निष्ठापूर्वक यह भी बोधना करता हूँ कि मुझे किसी रोष या किसी धन-परिवर्ति के कारण
किसी प्रकार का प्रयास-पत्र पेशन नहीं मिली है।

I also solemnly affirm that I have not received disability certificate/pension or a certificate of any kind or other compensation.

.....
 (Signature of Medical Officer)
 Signature of Medical Officer

मेरे अतिथि के हाताक्षर किए / Signed in my presence

जिम्हीं-साराके ध्यान की वृत्तिमें रहि, साधक स्वयं-सिद्धिमें रह्यो। यदि वह साधक को
कोई अन्य विषयोंको सो उपनिषद् का तर्जुमा साधकों की ओर यदि वह निपुण हो सके
साधक की अधिष्ठाता की सेवा या सम्मान कर कर सिद्ध साधक।

Applicant will be held responsible for the accuracy of the above statement. By submitting any information he will incur the risk of losing the appointment and of forfeiting all claims to superannuation allowance or gratuity.

RULP/R. R8. (PH. Bg.), Delft-35-1210. 2-07-1988-300 Btts.

CTI of Mammal

9

Am2 (A 9)

- १- श्रीमान् मन्त्रालय रेल प्रबन्धक महोदय,
राजपुर रेलवे मुरादाबाद।
- २- श्रीमान् हिंदी जनक प्रेमचंद, बंगाली, ब्रिटेन,
राजपुर रेलवे अस्पताल, मुरादाबाद।
- ३- श्रीमान् महादय अभिनवता महोदय,
राजपुर रेलवे, हरदोई।

7-11

प्रधानी १०७१ के दो विभागों में
 कृष्ण तैलर के पद पर पीछल्लू० गल्ली० हरदोत के प्रभोम चारी
 रण कि उसे ३-९-६० को छस आधार पर पद प्रदत्त किया कि वह
 मेडिकल फ़ै। से प्रशासन के काम आदेश के अनुसार प्रधानों ने अपने
 काम गांधियों के लिए माननीय न्यायालय के समक्ष प्रस्तुत कर २३७-
 ८९ [स्तो०] प्रस्तुत किया जिसमें दिनांक ६-११-६० के आदेश हुआ कि
 प्रधानी को ज्यादा ने ज्यादा दुकान मेडिकल सेवा का प्रदान है।

[illegible]

प्राधान्य अर्थात् तो मेडिकल पैदा हो नहीं है क्योंकि यदि वह
छेद होता तो एचएरे इहाँ कराया जाता। दूसरे दिक्कत यही रहती है कि
रैलेवे इन्स्टीट्यूट कोह के पैरा 304 के अनुसार तब तक पत्राचार न
कराया जायों के अधिनियम 1973 118 एचएरे का पैरा 212 व 1985
एचओके 487 के अनुसार पैदा हो तो एचएरे ही नहीं हो सकता है।

पट्टेदारों के नाम प्रमाणित करने हेतु निम्नलिखित प्रावधानों का पालन किया जायेगा—
पट्टेशा निकास १-३-७ वापस लिया जाय और उसे निकास करके पुनः
स्तूपार नीकरी में तहत रखा जाय।

Handed to Coy

2117 - 2118

10/15/71-2 11

-2-

प्राध्यापक श्री निवेदन करता है कि - दो छात्रों में 15
दिन के अन्तर ही निदान देने की कृपा करें।

दिनांक:- 13-8-99

आचार्य श्री

पुनः श्री पुनः

ग्राम रातारा सोडा.

पोस्ट रातारा सोडा.

निवा रातारा

रातारा सोडा

रातारा सोडा

17/08/1999

17/08/1999

17/08/1999

11 (A34)

A 702 (A-10)

सेवा में,

1. श्रीमान् मण्डल रेल प्रमुख महोदय,
उत्तर रेलवे, मुरादाबाद।
2. श्रीमान् वरिष्ठ चिकित्सा अधीक्षक महोदय,
मण्डल रेलवे अस्पताल,
मुरादाबाद।

श्रीमान् जी,

विषय: - मण्डल चिकित्साधिकार, रेलवे अस्पताल
दरेली द्वारा किये गये डाक्टरों परीक्षा के
विरुद्ध अपील एवं प्रत्यावेदन।

निवेदन है कि प्रार्थीगणा वर्ष 1971, 1972 व 1978
से पीओ डब्ल्यूओ आई, हरदोई, लण्डीगा एवं लफीपुर के अधी
भूमि के पद पर कार्य कर रहे हैं। प्रार्थी गणा ने सभी चिकित्सा
शिकायत की मौका नहीं दिया। तब 1984 में प्रार्थीगणा का
मेडिकल हुआ उसमें वह पास पाये गये और जान गये रहे कि
अचानक उन्हें माह सितम्बर, 1989 में नौकरी से हटा कारण
हटा दिया गया कि वह 1984 में मेडिकल फेल बताये गये।

प्रार्थीगणा ने अपने को नौकरी से हटाने जाने के
विरोध में माननीय केन्द्र प्रशासनिक अधिकरण, लखनऊ के तब
वाद प्रस्तुत किया जिसमें 6.4.90 को यह आदेश हुआ कि
प्रार्थीगणा को नौकरी से हटाया जाना गलत है ज्यादा
ज्यादा उन्हें पुनः डाक्टरों परीक्षा हेतु भेजा जा सकता है।
तदनुसार हम सभी प्रार्थीगणा को 20.7.90 को पुनः मेडिकल
परीक्षा हेतु भेजा गया जिसमें प्रार्थी शाकिर को फिट पाये
जाने पर एकसरे के लिए भेजा गया जिसमें भी वह पास हो गये

परन्तु जब दरेली में डाक्टर साहब को मालूम हुआ कि प्रार्थी

17/6/91 of Mammalal

Attestal Mammalal

12 (Auo)

1984 में मेडिकल फेल थे तो सभी को कैटागरी ए 3 से बी 9 में फेल कर दिया गया।

इस संबंध में प्रार्थी गण निम्नलिखित निवेदन करते

1. यह कि प्रार्थीगण जब पिछले 18 साल से काम कर रहे हैं वह मेडिकल अनफिट कैसे हैं।
2. प्रार्थीगण को जब तक सारी कैटागरी में अनफिट नपाया जाय उन्हें टोटल अनफिट मानकर नौकरी से कैसे हटाया जा सकत है।
3. प्रार्थीगण रेलवे बोर्ड के सरकुलर सं० ई०एन०जी० 11-71/सी०एल०/84 दिनांक 31.12.72 व 10.5.73 व ई०एन०जी०/11-80/सी०एल० दिनांक 29.8.83 के अन्तर्गत रियायती मानक के आधार पर मेडिकल टेस्ट होना चाहिए न कि उस सखती के स जैसा नये आदमियों के साथ की जाती है।
4. प्रार्थी गण को मेडिकल कहीं भी किसी भी जिले के मुख्य चिकित्साधिकारी से करवा लिया जाय तथा उनकी आँखों की जो किसी भी आँख अस्पताल में करवा ली जाय वह मर्तई अनफिट न है।

अतः प्रार्थना है कि प्रार्थीगण की जाँच जिले के मुख्य चिकित्साधिकारी व आँख अस्पताल के विशेषज्ञों द्वारा करवाने की कृपा की जाय।

दिनांक - 22.8.90. *Attested by* प्रार्थीगण
Chief Medical — *12/8/90*

- | | |
|---------------|-------------|
| 1. मन्ती लाल | 2. दयाराम |
| 3. शाकिर अली | 4. राम सिंह |
| 5. अलादीन | 6. राम शंकर |
| 7. मिश्री लाल | |

ATG

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

L U C K N O W

Rejoinder Affidavit by Applicants

Inre:

O.A. No. 271 - 1990 (L)

Fixed on 6.12.90

Manni Lal & others..

..Applicants.

vs.

Union of India & others..

..Respondents.

I, Manni Lal aged about 30 years son of Sri Shagga, resident of Village Raghunath Purua; Post Baghauli, District Hardoi, do hereby solemnly affirm and state on oath as under:-

1. That deponent being applicant No. 1 is fully conversant with the facts of case. He has got read and understood the contents of Written Statement (hereinafter referred as L.S.) filed by Asst. Engineer N.Rly. Hardoi on behalf of all respondents.
2. That deponent has been instructed and authorised on behalf of remaining applicants to file this Rejoinder Affidavit.
3. That contents of paras 1 to 3 of L.S. need no reply.

(A47)

-2-

4. That contents of para 4 of U.S. need no reply.

5. That contents of para 5 of U.S. are not admitted as written, the allegations of any collusion with late Sri U.L.Verma, Asstt.Suptd. are specifically denied. So far applicants have never been charged with this sort of allegation and such plea is taken only for the first time before Hon'ble Tribunal.

6. That contents of para 6 of U.S. need no reply.

7. That contents of para 7 of U.S. need no reply.

8. That contents of para 8 of U.S. are specifically denied. Concerned applicants were never allowed to be re-examined in any of the lower medical Category- no medical Memo for any such re-examination has been issued.

9. That contents of para 9 of U.S. being argumentative will be suitably dealt with at the proper stage.

10. That contents of para 10 of U.S. are denied and those stated in claim petition are re-iterated to be correct.

11. That contents of para 11 of U.S. need no reply.

12. That contents of para 12 of U.S. are not admitted as written. None of the applicants has received so called notice Dt. 3.9.90 neither such notice has been annexed with the U.S. only notices, contained in Anxs. A-1 and A-2

(A40)

- 3 -

which are Dt. 6.8.90 have been issued in respect of applicants N. 1 and 3. It is submitted that detailed reply as given in para 14 below be also read and considered together with this paragraph.

13. That contents of para 13 are not admitted. However it is stated that this Hon'ble Tribunal on 13.9.90 has been pleased to finally allow the claim of Pratap i.e. U.A. No. 135-90 (L) holding the removal order to be quite illegal, arbitrary and ordered re-instatement of said Pratap with full back wages.

14. That contents of para 14 of U.S. are specifically denied. The receipt of so called notices Dt. 3.9.90 are also specifically denied. Termination/Cessation of employment of all the applicants is quite illegal in view of following admitted facts and circumstances.

(i) There is no dispute that all the applicants who are "Workmen" are continuously working from 1971-72 to 1978. On the basis of their earlier continuous working they have been dis-Casualised in the year 1984 and since then they are also continuously working.

(ii) Being "Workman" and having completed much more than 120 days continuous working all the applicants are entitled to protection of para 2301 (b) (i) read with para 2302 and

Aug

-4-

2318 of Railway Establishment Manual. In view of settled judicial principle reported in 1973 (1) S.L.R. 383, AIR 1975 SC 216, 1982 LIC 173 All, 1982 LIC 811 SC, and 1985 LIC 22 All DB, they have acquired status of Temporary Employee and their services could not have been put to an end except by having recourse to the respective provisions of Industrial Disputes Act.

(iii) Rule 149 of Railway Est. Code which corresponds to Rule 301 of Latest Railway Est. Code Vol. I lays down that-

"Notwithstanding anything contained in Clauses (1), (2) and (4) of this rule, if the Railway servant or Apprentice is one to whom the provisions of the Industrial Disputes Act, 1947, apply, he shall be entitled to notice or wage in lieu thereof in accordance with the provisions of that Act."

(iv) Further in view of principle of law laid down by Hon'ble Supreme Court in case of L. Robert D. Souza AIR 1982 SC 854 since termination is neither by way of punishment pursuant to Disciplinary Action, Voluntary retirement or reaching age of superannuation or on the ground of continued ill health, even if

A50

-5-

retrenchment is by way of automatic discharge provisions of Sec. 25 F of ID Act will have to be followed Admittedly in the present case earlier notices of termination (which were subject matter of U.A. No. 257-89 L) had got mention of Sec. 25 F of ID Act, but at this time no such mention has been made. In view of Full Bench decision of this Hon'ble Tribunal in case of S.K. Bisodia Vs. Union of India it has been held that the services of a workman who is found unfit in Railway Services can not be terminated without giving benefits of Sec. 25 F of I.D. Act, although in view of respective provisions contained in Ch. XXVI of Railway Act. Manual Pages 2601 to 2614, para 334 (old 152) Railway Establishment Code and judicial pronouncements reported in 1973 (1) SLR 712 and 1985 ACJ 497 services of Rly. Employee who becomes Medically unfit are not to be put an end but alternate employment has to be provided.

True Photo copies of Earlier Termination Notices (which were subject matter of U.A. No. 257-89-L) are attached herewith as Annexure R-1 to R-7.

(A51)

-6-

15. That contents of para 15 of U.S. are denied and those already stated in claim petition are re-iterated to be correct.

16. That contents of para 16 of U.S. are denied. The rules for Medical examination for under Relaxed Standards are applicable to applicant.

17. That contents of para 17 of U.S. need no reply.

18. That contents of para 18 of U.S. are denied.

19. That contents of para 19 of U.S. are denied.

20. That in view of factual and legal position explained in para 14 above the orders of Termination are quite illegal and ineffective.

21. That contents of para 4.21 are denied. Representation Dt. 6.2.90 contained in Anx. A-8 was handed over personally in office of AEU Haridwar for which no receipt was given Representation Dt. 13.8.90 Anx. A-9 despatched under Regd. Postal receipt No. 301, 302 and 303 Dt. 13.8.90 from Mathura Raja Post Office. Appeal Dt. 22.8.90 was despatched under Regd. Postal Receipts No. 1410 and 1411 Dt. 24.8.90 from Rajkiya Aurvedic College Post Office Lucknow.

True Photo copies of all the above receipts are attached herewith as Anxs. R-8 and R-9.

AS2

-7-

22. That contents of para 22 of U.S. are denied.

x

23. That contents of para 23 of U.S. are denied.

Proper separate application under rule 4 (5) (a) of CAY (Procedure) Rule 1987 has already been moved along with claim petition at the time of its institution.

24. That contents of para 24 are denied. Present claim has been filed against illegal termination which is in violation of Rule 334 Rly. Establishment Code as well as para 2601 to 2614 of Rly. Est. Manual. Termination is also challenged on the ground of non compliance of mandatory provisions of Sec. 25-F of I.O. Act. It may be mentioned that no appeal is provided against such illegal void abinitio and arbitrary action of Termination of Services. So far as Medical Examination is concerned requisite has been preferred by means of Annex. 3-10. Thus these two aspect are not one and same.

25. That on account of factual and legal position narrated in claim petition as well as

.. / ..

(A54)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH LUCKNOW
Manni Lal & oths. Vs. Union of India & others
Annexure No.

5/2 02/9/89

Office of the Asst Engineer
M. R. Jy - Haridwar

Shri. Manohar Lal & Shri. Mohan
Devsang Man. Luck. Prad. S.P.A.

Through: Prad. S.P.A.

Notice

Under clause 1 of Section 25 F of the Industrial
Disputes Act (1947) I have hereby
inform you that I have directed to return
you with a copy of the award for reasons
stated in the award.

(Copy of award is being sent to you by
registered post with acknowledgment)

Signature

Asst Engineer
M. R. Jy - Haridwar

cc. Asst Engineer, S. H. P. City, Haridwar
and/or Prad. S.P.A.

cc. Prad. S.P.A. for information.

Attested by the Com
Alm

E/B Screening
dated 03/10/89

Copy to the Asst Engineer
H.R.G. Hardoi

Dr. Shri Sakhi, AS St-Shri Munnay
for Enquiry from under Pw/11/81

Through :- Pw/11/MRDO1

Notice

Under clause (c) of section 25F of the
Industrial Disputes Act (14 of 1947), I have by
inform you that I have decided to retrench
you with effect from 02/10/89 for reason
stated as under:-

(आवश्यकता के कारण आपका कार्य समाप्त करने का फैसला किया गया है)

Shri
Asst Engineer
H.R.G. Hardoi

For Pw/11/81 for information.

Attest the Copy
Amm

ASB

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH LUCKNOW

Manni Lal & oths. Vs. Union of India & others

Annexure No.

E/S Screening
date: 03/11/09

Office of the Asst Engineer
M Rg. Hardoi

To Shri Mannilal S/o Shri Chandra
Sec. G. Man. Hardoi 11/11/09

Through Post 11/11/09

Notice

Under clause (c) of Section 25 F of the Industrial
Disputes Act (1461967), I hereby informing you
that I have decided to retrench you with effect
from 2/1/10 for reason explained as under:-

(आपके निलंबन के कारण- आपकी कार्य-
क्षमता में कमी है।)

Asst Engineer
M Rg. Hardoi

cf. 11/11/09 for information.

Attested true C74
ASB/782

(A59)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH LUCKNOW
Manni Lal & othrs. Vs. Union of India & others
Annexure No.

C/B Screening
dated 2/2/89

Office of the Asst Engineer
M. R. J. Harnoor

To: Shri Adarsh Lal
Dist. Engineer, Lucknow
Through: Puri/S. D. H. A.
M. R. J. Harnoor

Under Clause (c) of Section 25 F of the
Industrial Disputes Act (14/8/1947), I hereby
inform you that I have decided to release
you with effect from 02/10/89 for reasons
explained under:-

(कर्मचारी अधिनियम के अन्तर्गत
अंग्रेजी में जोर देकर यह है कि कर्मचारी अधिनियम)

medically
unsuitable
- Puri/S. D. H. A.

Yours
Asst Engineer
M. R. J. Harnoor

Cf. Puri/S. D. H. A for information.

Attached Two Copy
Hujr

160

Lt Col. ...
... 10/10/59

Officer in the Asstt Engineer
... Rly. ...

... Station ...
... 10/10/59

Through ... 10/10/59

Notes

Under Clause (1) of 32nd ...
... 10/10/59 ...
... 10/10/59 ...

... 10/10/59 ...
... 10/10/59 ...

[Signature]
Asstt Engineer
... Rly. ...

... 10/10/59 ...
... 10/10/59 ...

Attested to Copy
[Signature]

3. 302 148 70 R. P. 51 (a)

Letters of not more than the initial one-ounce weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due. 7--0

R. P. 51 V. P. registered*
addressed to: W. S. P. 51 V. P. registered*
W. S. P. 51 V. P. registered*
W. S. P. 51 V. P. registered*

*Write here "Letter", "Post" or "Railway Parcel"
Sig. of Insuring Officer with the word "insured" by is a condition

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

Insured for Rs. (in figures) (in words) Rs. 100

Insurance fee Rs. P. (in words) Rs. 100

[illegible]

~~Handwritten text~~
ALICE

Manni Lal & oths.

Vs.

Union of India & others

ANNEXURE NO.

(A62)

बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० पं०
Amount of stamps affixed Rs. P.

क्रमांक/No.

1411

प्राप्त किया
Received & Registered

25/11/75

तारीख/Date stamp

पाने वाले का नाम
Addressed to

पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बीमा नहीं/NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० पं०
Amount of stamps affixed Rs. P.

No.

1410

एक रजिस्ट्री

Received & Registered

20/11/75

तारीख/Date stamp

पाने वाले का नाम
Addressed to

पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

22-11/75



Affirmed by Court
22/11/75

Main Copy

(A63)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH;LUCKNOW.

M P. 612 192

O.A. No. 271 of 1990

Decided on 25.6.1992.

1. Manni Lal, aged about 30 years, son of Sri Bhagga, resident of Village Raghunathpurwa, Post Baghauli District HARDOI.

2. Daya Ram, aged about 38 years, son of Sri Jai Lal, r/o Village Chirai Purwa, Post Baghauli, District HARDOI.

3. Shakir Ali, aged about 38 years, s/o Sri Munney, r/o Village Lalte Khara, Post Hatheura, District Hardoi.

4. Ram Singh aged about 37 years, s/o Sri Kalika, r/o Village Lalla Purwa, Post Kaurha, District HARDOI.

5. Alladin, aged about 38 years, s/o Sri Rasool r/o Village Khetaui, Post Nayagaon, Mubarakpur, District HARDOI.

6. Ram Shankar, aged about 35 years, s/o Sri Ganga Prasad, r/o Village Tirwa, Post Barwa Sarsand, District HARDOI.

7. Misri Lal, aged about 29 years, s/o Sri Behari,

.. / 2.
[Signature]

F.T.
16/7/92

Place before
for
17/7/92

[Signature]

15/7/92

r/o Village Tirea, Post Barua, Sarsand, District
HARDOI..

..Applicants.

Versus.

1. Union of India, through Secretary to Department
Railways, Ministry of Railways, Rail Bhawan
NEW DELHI.
2. Assistant Engineer, N.Railway, HARDOI.
3. Permanent Way Inspector, N.Railway, HARDOI.
4. Permanent Way Inspector, N.Railway, Senla,
District HARDOI.
5. Permanent Way Inspector, N.Railway, Safipur,
District UNNAO (U.P.)
6. Asstt. Engineer, N.Railway, Sitapur City Rly. Station
SITAPUR.

..

..Respondents.

Application on behalf of applicants

for Modification/Clarification of

Judgement ~~XXXXXXXXXXXX~~ Dt. 25.6.1992

=====

May it please your Lordships,

Applicants named above most humbly beg to submit
as under:-

1. That in the above noted petition applicants
submission to the effect that since he has completed
more than six years Service he should and ought to

.. / 3.

Handwritten signature

have been medically re-examined under relaxed standards as per Railway Boards Circulars dated 29.8.1983. This plea of applicants was not specifically denied by respondents.

2. That as per observations made in the judgement this Hon'ble court has also not rejected this plea rather reading of judgement as a whole reflects to support this plea.

3. That due to some oversight or otherwise in the operative part of judgement it has not been mentioned that applicants be medically examined again with relaxed Medical examination standards as prescribed by Railway Boards.

4. That in view of facts and circumstances stated above clarification/Modification of judgement dt. 25.6.1992 is necessary and expedient in the interest of justice so that applicants may be sent for medical examination with specific and clear cut directions of this Hon'ble court.

AGM/2007-2008/2.

(A64)

-4-

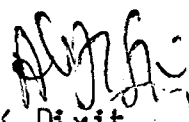
Wherefore, it is most respectfully prayed that your honour may graciously be pleased to make such orders or issue directions by way of modification/clarification of judgement as may be deemed necessary so that applicant may be medically examined under relaxed standards which is the pith and substance of judgement.

Applicants

(Manni Lal & others)

Dt. 15 July, 1992.

Through their counsel:-


A.K. Dixit,
Advocate.

62

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRC II BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/A. 1. JUD 5036-41 dated the 4-9-90

Registration No. 271 of 1990 (4)

d/c f

Mammal Sethers APPLICANT

VERSUS

Union of India RESPONDENT

- ① To the Secy. Indian through secretary to Department of Railways Ministry of Railways, Lucknow.
- ② Assistant Engineer, N.R.G. Haldai.
- ③ Assistant Engineer, N.R.G. Haldai.
- ④ Assistant Engineer, N.R.G. Haldai.
- ⑤ Assistant Engineer, N.R.G. Haldai.
- ⑥ Assistant Engineer, N.R.G. Haldai.

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 13 day of 9 1990 for the hearing of the said application.

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

Given under my hand and the seal of the Tribunal this 3 day of 9 1990.

[Signature]
DEPUTY REGISTRAR

Enclosed copy of application with court's order dated 29-8-90

68

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL

CHARGE SHEET SECTION

NO. 271 OF 1990 (L)

Manni Lal & Others		Applicant.
	Versus	
Union of India & Others		Respondents.

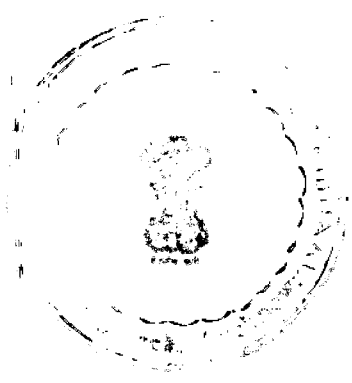
22.3.1990

Hon'ble Mr. D.Y. Agrawal, J.H.

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

Memorandum. Admit. Issue notice to the respondents.
 Counter affidavit to be filed within eight weeks hereof.
 Rejoinder affidavit to be filed in two weeks
 hereafter.

As regards the interim matter, issue notice
 returnable on 13.4.1990. The interim prayed for be not ordered.
 Listed for hearing on 13.4.1990.



*checked
 SGN
 4/4/90*

13/-	13/-
...	J.A.

// True Copy //

MD
 4/9/90
 Central Administrative Tribunal
 Lucknow
 Lucknow

3070

जी०बी०-3

वकालतनामा

Before Central Administrative Tribunal, Central Bench, Lucknow

हे गमना
न्यायालय में

Registration: OA 271 of 1990(L)

Mamulal Pathy

वादी
प्रतिवादी

प्रतिवादी
वादी

वनाम Union

of ...
...

दावेदार
अपीलाधी
अर्जीदार
प्रत्याधी

भारत के राष्ट्रपति इसके द्वारा श्री

D.C. Saxena

Railways Attorneys

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, प्रावेदन करने, अभिवचन करने और भागे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की प्रादेशिका स्वीकार करने काउंसेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, प्रावेदन करने, अभिवचन करने और भागे कार्यवाही करने की प्रावृषणिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउंसेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउंसेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्याधी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समाप्त/समाप्त/समाप्त की जाये और न उक्त उद्देश्य या उद्देश्य विचार पर सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु अपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी ने परामर्श करने के लिए पर्याप्त समय नहीं दे और वाद में समझौता करने में लाप करना निश्चित रूप से भारत सरकार के हित केतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउंसेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समाप्त/समाप्त हो जाए और ऐसे प्रत्येक मामले में उक्त काउंसेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष आर वतान हुए उक्त अधिकारी को तत्काल संमूचित करेगा।

राष्ट्रपति इस प्राधिकार न अनुक्रम में श्री

D.C. Saxena

Railways Attorneys

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

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख की भाव तारीख को तत्पक्ष रूप से निष्पादित किया जाता है।

तारीख

198
D.C. Saxena
for
13.9.1990

सहायक अभियन्ता
उत्तर रेलवे, हरदोई
निष्पादन
N. Rly. Hardoi

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

M. P. No - 528/90 (L)
Misc. Appl. No: of 1990(L)

Inre;
O.A.NO. 27/ of 1990(L)

Manni Lal & 6 Others.Applicants

Versus.

Union of India & Others. ...Respondents

Application under Rule 4 (5)(a) for permission to
Present joint Claim petition.

May it please your Honour,

It is submitted that present application is
filed on behalf of seven persons (as in earlier O.A.
No.257-89 (L)), in which identical question of fact
and law is involved and cause of action is similar.

It is therefore most respectfully prayed that
all the seven applicant be permitted to join in one
claim petition.

Applicants.

Lucknow.

dt: 24 Aug. 1990;

(Manni Lal & Others)

Through Counsel

(A.K. Dixit)

Advocate.

for. P
28/8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Misc. Appl. No: 528 /

of 1990(L)

In re;

O.A. No.

271

of 1990(L)

Mammi Lal & 6 Others.

.....Applicants

Versus.

Union of India & Others.

...Respondents

Application under Rule 4 (5)(a) for permission to
Present joint claim petition.

May it please your Honour,

It is submitted that present application is
filed on behalf of seven persons (as in earlier O.A.
No. 257-89 (L)), in which identical question of fact
and law is involved and cause of action is similar.

It is therefore most respectfully prayed that
all the seven applicant be permitted to join in one
claim petition.

Applicants.

Lucknow.

(Mammi Lal & Others)

Dt: 24 Aug. 1990;

Through Counsel

(A.K. Dixit)

Advocate.

DINESH CHANDRA SAXENA
ADVOCATE HIGH COURT
COUNSEL FOR RAILWAYS

^{8/12} Phone : 604448
'BEHARI KUTI'
LUKERGANJ
(Opp. Milling Company)
ALLAHABAD-211001

Dated.....11.2.91

To

Deputy Registrar (J)
Central Adm. Tribunal
~~CA~~ Circuit Bench Lucknow

Ref: 271(L) of 1990
Mamrail V U.O.I

I may kindly be permitted
to inspect the record of
the above noted case.

D. C. Saxena
Counsel for Union of India
or other respondents

initd
11.2.91

ecpd
D. C. Saxena
11.2.91