

(A1)
Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 29/8/90
Date of Receipt by Post
21/8
Deputy Registrar (I)
54/29/8

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 289 of 1989 90 (L)

APPLICANT(S) Shri. Dhanraj Prasad

RESPONDENT(S) Sr. Divisional Accounts Officer and others.

<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 ?	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 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 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

~~2~~ A-2

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? x
 - b) Defective? x
 - c) Wanting in Annexures x
13. Are the three copies of the application bearing full addresses of the respondents been filed? N.A.
14. Are the given address the respondents address? yes
15. Are 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) Correct? yes
 - b) Not correct? yes
 - c) Ambiguous? yes
 - d) Double space on one side of the paper? yes
18. Are the particulars for interim order prayed for indicated with reasons? yes
19. Whether all the remedies have been exhausted? yes

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Per up. paper
Hanku Bench
11.9.90 for
29.8.80

229/90 ©

(S3)
R

11-9-90

Hon'ble Justice K. Math v.c

" Mr. M. M. Singh A.M.

Due to sad demise of
Hon'ble Justice Kaul case is
adjourned to 12-9-90

AM, @L v.c
B.O. C

Received by
Ashok Kumar
Adv.

(8-4) 13

Central Administrative Tribunal, Circuit Bench,

Lucknow.

Registration (O.A. No. 289 of 1990.)

Dhanai Prasad

... Petitioner

Vs.

Sr. Divisional Accounts Officer,
Northern Railway, Lucknow, & others

Opp. Parties

Hon'ble Mr. Justice K. Nath, VC,

Hon'ble Mr. M.M. Singh, AM

J U D G M E N T


(Delivered by Hon'ble Mr. Justice K. Nath)

We have heard the learned counsel for the applicant. It appears that in the matter of rotational transfer of the staff, orders were issued on 28-6-1990 (Annexure-1), whereby the applicant was posted to another seat in the same office. The applicant made a representation on 5-7-1990 which was disposed of by an order dated 25-7-90 (Annexure-6) and thereafter reconciliation proceedings under the Industrial Disputes Act were started. The Assistant Labour Commissioner, who drew the conciliation proceedings issued notice dated 23-7-1990 to the respondents for conciliation on 13-8-1990. The learned counsel for the applicant says that those conciliation proceedings are still pending. However, according to para VIII (7) of the petition, the applicant has approached this Tribunal because according to him, the conciliation proceedings before the Assistant Labour Commissioner are time consuming process. We are not satisfied that it would be a proper action for ignoring the conciliation proceedings and approach

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this Tribunal. The settled law is that the petitioner should exhaust the alternative remedy. Since the conciliation proceedings are pending, it is premature for this Tribunal to act in the matter. The petition is dismissed as premature.

M. H. Sinc.
(A.M.)


(V.C.)

Dated : Lucknow

September 12, 1990.

ES/

(A6)

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

O.A. No. 289 of 1990.

Central Administrative Tribunal
Lucknow
Date of Filing 29.8.90
Date of Receipt by Post
Deputy Registrar (J)
29/8

Dhanai Prasad ...

.. Applicant.

Versus

Sr. Divisional Accounts Officer,
Northern Railway, Lucknow & Ors.

... Respondents.

I N D E X

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Lucknow ;
Dated ; 29.8.90

Applicant: Dhanai Prasad
Counsel for the Applicant.

(A7) 10/11/90

IN THE HONBLE CENTRAL ADMINISTRATIVE TRIBUNAL
AT ALLAHABAD, LUCKNOW BENCH, LUCKNOW.

O.A. No. 289 of 1990. (L)

Dhanai Prasad , aged 57 years , Son of Late Shri
Sukh Ram , Resident of

employed at Northern Railway,
as accounts asstt. in 'E' Section, under Divisional
accounts Officer, Northern Railway, Lucknow.

... .. Applicant.

Versus

1. Sr. Divisional Accounts Officer, Northern
Railway , Lucknow.
2. Divisional Railway Manager , Northern Railway,
Lucknow.
3. Financial Advisor and Chief Accounts Officer,
Northern Railway , Baroda House, New Delhi.
4. Union of India through , General Manager, Northern
Railway , New Delhi.

... Respondents.

DETAILS OF APPLICATION

- Dhrasad
1. That the applicant is working as Accounts Asstt.
in 'E' Section under Divisional Accounts Officer,
Northern Railway, Lucknow. Contd. on p. 2..

A2

2. That the Divisional Accounts Officer issued an order for rotational transfer of the applicant vide it's letter No. 130 dated 28.6.1990 ,without consenting the applicant.
3. That the Divisional Accounts Officer issued an order vide letter No.82 / Adm./ 63 dated 25.7.90 while an application is pending under Assistant Labour Commissioner , Under Section 12 Industrial Dispute Act, 1947 and the Commissioner ordered for concilliation and maintaining the Status and as per Section 33 , Industrial Dispute Act, -1947.

ANNEXURE (2)ANNEXURE (2)

4.

II

JURISDICTION OF THE TRIBUNAL

1. That the application declares that subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

III.

LIMITATION .

1. That the applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

IV.

FACTS OF THE CASE .

1. That the applicant is working on the post of Accountants Assistant under the Divisional

D. Prasad

(3)

Accounts Officer in 'E' Section, Northern Railway, Lucknow.

2. That the date of birth of the applicant is 13.7.1933 hence applicant achieved the age of on date 57 years, One month and 10 days. The Photostatic copy of the Certificate is attached.

Annexure (3)

- Annexure (3)

3. That the date of appointment is 25.9.1958 in the Railway Service.

4. That the date of retirement of the applicant under age Limit is 31.7.1991.

5. That the applicant is working in 'E' Section since June, 1986 and transferred to the present post in 'E' Section on April, 1988 that is why the applicant is working on the present post since April, 1988 till now without any complaint.

6. That the applicant represented to the order issuing authority vide his application dated 18.4.90 before issue of this very impugned order letting whisper about such order not to transfer him as per extent rules. In spite of request as indicated in para . the Divisional Accounts Officer issued the rotational transfer Order.

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7. That the applicant has been transferred from 'E' Section to Suspence Accounts Section by Divisional Accounts Officer vide letter No. 500, No. 130 Dated 28.6.1990.

Annexure 1 ()

8. That the abovesaid order transferring the applicant from 'E' Section has been made without consent of the applicant from 'E' Section has been made without consent of the applicant who is going to retire within a year i.e. on 31.7.1991.

9. That the applicant has been performing his duties satisfactorily without any complaint on the present seat, and there was, therefore, no justification to transfer him when he is on verge of retirement as per extent orders.

Annexure 4 ().

Annexure 4 ()

10. That the transfer of the applicant has been made on the basis of rotational transfer as he has been on the present seat for more than two years. It is relevant to submit that the present rotational transfer is not applicable in the case of the applicant particularly because :-

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- (a) Firstly he is not on Public Dealing Seat and ;

Contd. on 5..

(b) Secondly that he is going to retire within a year on 31.7.1990.

11. That according to the Settlement arrived at by Financial Advisor and Chief Accounts Officer and recognised Union (Copy of the Settlement is filed as Annexure - 4) , the rotatory transfer should be effected from Public Dealing Seats after 3 years and for other seats after a period of 5 years . The settlement also provides that " No transfer of staff who have attained the age of 55 years or above be ordered without his consent . (True copy of the Settlement is filed annexure -4) vide Letter No. 83/C/13/14 /IRLU/ URMU/ Joint Meeting dated 25.6.84.

12, That the date of birth of the applicant is 13.7.1933 as per High School Certificate and he attained the age of 56 years 11 months and 17 days on the date of issue of transfer order and now he is age of 57 years on 12.7.1990.

13. That the impugned order was issued by the Divisional Accounts Officer on 28.6.90 before 13 days of his attaining the age of 57 years that is indicator of prejudicial attitude.

Annexure (1) (1)

14. That by said Transfer , the applicant is being put to monetary loss of Rs.4000/- to 5000/- per Annum because by his hard work and experience he is getting honorarium at the present post, Honorarium is permanent feature of the post of the Section.

As per

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15. That the applicant again requested the Divisional Accounts Officer vide his application dated 5.7.90 not to transfer him . Annexure (5)
16. That after failure of departmental changes² the applicant sought help of Union.
17. That the Uttar Railway Karmchari Union protested the order of Divisional Accounts Officer and they demanded to cancel the order of said order - Annexure 7.
18. That the union of failure of conciliation with the Administration, went to Asstt. Labour Commissioner , Lucknow for redressal of the grievance.
19. That the Asstt. Labour Commissioner , Lucknow fixed conciliation / Proceeding Under Section 12 of Industrial Dispute Act, 1947 on 13.8.90 and issued restrictive Order staying ~~of~~ operation of the transfer / rotational transfer on dated 23.7.1990. Annexure (2)
20. That in-Violation of the instruction of the Hon'ble Assistant Labour Commissioner Lucknow on receipt of its order the Divisional Accounts Officer issued order vide his letter No.82 / Adm. /63 dated 25.7.90 ordering the applicant to effect the transfer orders , Annexure (6)

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21. That in the order vide letter No. 82 / Adm./63 dated 25.7.90 the Divisional Accounts Officer mentioned that when the rotational transfer order was issued the applicant was not of 57 years, but on the day i.e. 28.6.90 when the rotational transfer order was issued the applicant was only 13 days behind to attain the age of 57 years.
22. That the applicant again requested to cancel the Order vide letter No. 82 / Adm. / 63 and also requested to keep him on the seat on which he was, and not to transfer him to the other seat because he is to retire on 31.7.1991. Through Registered letter.
23. That from this it is evident that the Divisional Accounts Officer is in no need to obey the instructions of Assistant Labour Commissioner Lucknow. Keeping in mind the lengthy procedure of conciliation the matter is referred to to the Ministry of Labour Govt. of India for further action i.e. time consuming procedure and since then the applicant will get retired.
24. That the applicant also represented against the order issued vide letter No. 82/ Adm./ 63 dated 25.7.90 through registered letter dated 6.8.90.

Annexure (8)D. Prasad.

25. That the applicant since the issue of this order had been indulged with anxiety and is in sicklist of railway doctors.

Contd. 8..

V.

RAILWAY ON THE SHOULD OF :

1. As per decisions taken by Financial Advisor and Chief Accounts Officer, New Delhi in the joint meeting with recognised Union Northern Railway Mens Union and Uttar Railway Mazdoor Union and Communicated vide letter No.83/4.dmn./C/13/ 14 / NRMU. / URMU dated 25.6.1984.
2. That this mandatory force, an employee who has attained the age of 57 years should not be given rotational transfer without his consent.
3. That the applicant whose date of birth is 13.7.1933 was to attain age of 57 years on 12.7.1990. The Sr. Divisional Accounts Officer out of prejudice, ignoring the spirit of order issued rotational transfer of the applicant on 28.6.1990 i.e. 13 days only to attain the age of 57 years.
4. That the seat on which the applicant presently is working is an seat where some works are done on non-rararium basis. Thus if the applicant is rotated from the present seat there shall be monetary loss to the applicant about Rs.4000/- Rs.5000/- per annum.
5. That since the applicant is to retire he should not be disturbed and there is no need to rotate him on other seat only for one year i.e. his working joined in the Railway because his retirement date is 31.7.1991.
6. That the settlement arrived at in between Financial

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12/10/90

Advisor and Chief Accounts Officer, New Delhi and recognise Union and circulated vide letter No.F.A.& Co. 83 / C / 13/14 / NRLU / URLU, has got mandatory force.

7. That the Sr. Divisional Accounts Officer is adamant not to follow the order on technicality of less than 57 years of age ignoring the spirit of the letter.

8. Since now on date the age of the applicant is more than 57 years.

VI. DETAILS OF THE REMEDIES EXHAUSTED.

1. That the applicant represented against the order to Sr. Divisional Accounts Officer, Lucknow on 5.7.90.
2. That the applicant through the Uttar Railway Karmchari Union pressed the Sr. Divisional Accounts Officer to cancel the order.
3. That the Uttar Railway Karmchari Union went to the Assistant Labour Commissioner, Lucknow for conciliation of the orders on which the Hon'ble Assistant Labour Commissioner issued Notice vide Letter No.8(1/-27) / 90 Assistant Commissioner dated 23.7.90 to hold conciliation 13.8.90 in Office ~~impr~~ imposing the obligations under Sec.22(1) (d) for worker

D. Prasad.

and 22(2) (B) for employees and Sec. 33 of the Industrial Dispute Act, 1947.

4. That in defence of the Assistant Labour Commissioner Order the Sr. Divisional Accounts Officer issued order No. 82/ Adm. /63 dated 25.7.90 asking the applicant to take charge of seat where he has been transferred / rotated .
5. Thus all available chances to the applicant has been exhausted.

VII. MATTERS NOT PREVIOUSLY FILED OR PENDING
WITH ANY OTHER COURT :-

1. That the Union filed an conciliation application with the Assistant Labour Commissioner.
2. That the conciliation / proceeding was fixed on 13.8.90 the respondent did not reply.
3. That the next date for conciliation / proceeding has been fixed for 3.9.90.
4. The issue is in the State of Conciliation under Industrial Dispute Act, 1947 with Asstt. Labour Commissioner, but there is no evidence that the conciliation will take place only.

Placed

VIII. RELIEF(S) SOUGHT :

(11)

1. That the applicant represented against the Order to Sr. Divisional Accounts Officer, Lucknow on 5.7.90.
2. That the applicant through the Uttar Railway Karmchhari Union pressed the Sr. Divisional Accounts Officer to Cancel the Order.
3. That the Uttar Railway Karmchhari Union went to the Asstt. Labour Commissioner for conciliation of the orders on which the Hon'ble Asstt. Labour Commissioner issued notice No. 84-1-27 / 90 ALC dated 23.7.90 to hold conciliation 13.8.90 in his Office imposing the obligations Under Section 22(1)(d) for worker and Section 33 of the Industrial Disputes Act, 1947.
4. That in difference of the Assistant Labour Commissioner's order is the Sr. Divisional Accounts Officer issued order No. 82 / Adm. / 63 dated 25.7.90 asking the applicant to take charge of the seat where he has been transferred/rotated.
5. That the applicant also represented against the vide letter No. 82 / Adm. / 63 dated 25.7.90 through registered letter dated 6.8.90.
6. Thus all available chances² to the applicant has been sought.

D. Prasad:

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7. As concilliation proceedings through Assistant Labour Commissioner is a time Consuming process, the applicant seeks redressal from the Hon'ble Central Administrative Tribunal to save the Applicant for the irreparable loss as the Applicant will retire from service on _____ and from 31.7.91 and any relief granted after that will not be beneficial to the applicant.

IX. INTERIM ORDER ,IF ANY PRAYED FOR ;

- (a) That the rotational transfer order should be quashed.
- (b) That the order vide letter No. 82 / Adm./ 63 dated 25.7.90 to take charge on the transferred seat , should be stayed till the decision/ Concilliation result of the Assistant Labour Commissioner in the form of immediate / Interim relief.
- (c) Tha applicant be allowed to work ~~at~~ his original seat i.e. in 'E' Section till the case is decided.

D. Prasad.

(13)

BY REGISTERED POST

Filed by me today.

XI. PARTICULARS OF BANK DRAFT / POSTAL ORDER
FILED IN RESPECT OF THE APPLICATION FEE.

1. Number of the Indian Postal Order 02 414772
_____.
2. Name of the issuing Post Office; High Court
Branch Lucknow
_____.
3. Date of the issue of the 24.8.90
Indian Postal Order .
4. Post Office at which payable Allahabad

_____.
5. Amount Rs. 50=00 only (Rupees _____
_____).

D Prasad.

Contd. on 14..

(14)

XII.LIST OF THE ENCLOSURES

1. Power
2. Postal order
3. Letter of Transfer order
4. Order of Sr. DAO
5. Age Certificate
6. Representation of Applicant
7. Notice of the order of ALC.
8. Letter of Settlement
9. Representation of Union
10. Copy of registered letter

Lucknow ;

Dated ; 23. 8. 1990.

D. Prasad :
Applicant.

Contd. on 15..

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

~~16~~

Dhanai Prasad Applicant.

Vs.

Sr.Divisional Accounts Officer

N.Railway & Others Respondents.

S.C.O. No.130

ANNEXURE No.1(1)

Dated 28.6.1990

NORTHERN RAILWAY-LUCKNOW DIVISION

ACCOUNTS DEPARTMENT

The following rotational transfer of staff are made with immediate effects since they have approximately completed four years and above:-

1. Shri Dhanai Prasad A.A. Vice Versa Smt. Sheela Srivastava A.A. (Susp.)
2. " R.P. Singh , A.A. -do- "A.J. Prare, A.A. (Secy)
3. " G.M. Molvi, A.A. -do- "Chandra Shekhar, A.A.(py)
4. "S.K. Singh , A.A. working P.F. Section is transferred to 'E.' Sec. Vice Shri S.C. Sonkar , A.A..
5. "S.C. Sonkar, A.A. working in 'E' Section is transferred in Admn. Eng. Vice Shri Rakesh Srivastava, A.A. .
6. "Rakesh Srivastava , A.A. working in Adm. Section is posted vice vacancy of Sri V.S. Yadava , in 'X' Sec. (who was presented earlier as S.C.).
7. "Rakesh Kumar Srivastava , OGII in P.A. To C.A. / Sr.D.A.O. is posted in PF Sec . Vice Sri S.K. Singh A.A. .

Contd. on 2..

(2)

N.B.1. Since Smt. Neelam Malkotra, AA/ WR is likely to proceed on maternity leave, her posting will be done on her return free leave.

2. Since Sri S.M.James ,EG II has been newly appointed and has completed times of 9 months only , he is not considered for posting elsewhere.

3. Since case of Smt. K.K.Tayal , A.A. is subjudice under Labour Court , her posting will be made on decision of Court .

(Authority: Approval DAO / LKO at PO No.81

File No.63/ Rotational Transfer.

Sd/- Illegible

Copy to;

Divisional Accounts Officer,
Northern Railway, Lucknow.

1. S.S.O.(Adm)
- 2.S.S.O.(X)
- 3.S.S.O(PF)
- 4.SSO(Pen)
- 5.SSO (Books)
- 6.SSO (E)
- 7.SSO(Susp.)

True copy
A. Shrivastava
Adv.

Prasad.



उत्तर रेलवे
NORTHERN RAILWAY

Sr. D.A.O.'s Office,
N.M.Y., Lucknow.

Dated: 25-7-90

No. 82/Adm/63

Shri. Dhanraj Prasad,
AA of Sr. D.A.O.'s Office,
N.M.Y., Lucknow.

Reg:- Your representation dated
5-7-1990 -

The Sr. D.A.O.'s letter No.
83/Adm/C/13/14/NAMU/ORMU/Joint
Meeting dated 25/6/84 quoted by you
in your representation dated 5th 90 has been
superseded by letter of same no. dated
30-1-85 which reads as under:-

- (1) Clause 2 - Rotational transfers between
general seat and staff clerking seat
should be effected after 4 years instead
of 5 years.
- (2) Clause 5 - No transfer of staff who
have attained the age of 57 years
or above be ordered without his
consent, instead of 55 years or above.
Such transfers, if required to be
made will be done with personal
approval of the head of the head of
the office/unit.

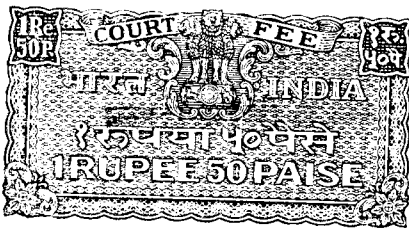
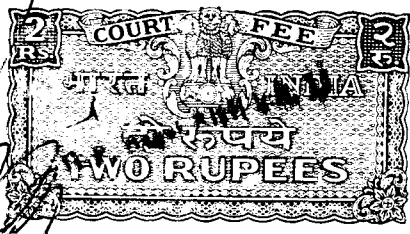
Since you had not completed
57 years on the date of issue of
transfer order from E Sec. to Suspense
Section and your tenure of 4 years
was over there; you were correctly
transferred as per extant orders
contained in above Mdg's letter dt. 30.1.85.
Pl. join Suspense Section at once.

True Copy
Ashok Kumar
Adm.

Recd at
16.45 hrs.

D. Prasad:

For Say
H.N. Rao



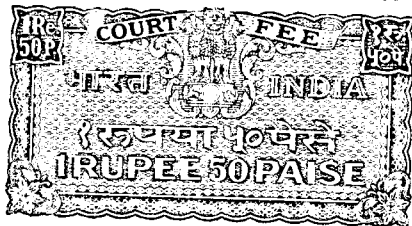
Handwritten marks and signatures in the top right corner.

ब मबालत बीनान *In the Central Adm. Tribunal* महोदय

वादी अपीलान्त *Dhanai Prasad*

प्रतिवादी रंस्पाडन्ट

वकालतनामा



वादी (अपीलान्त)

प्रतिवादी (रंस्पाडन्ट)

S. D. A. O. & others N. K. Lucknow

मं मुकदमा: तय पेश की ला: १६ ६०

इसद लिखे मुकदमा में मकानी को: ये की

Shahab Ahmad and Ashok Kumar वकील
Karori, Chowdahi muhalla L57/0 Kala Mahal
Lucknow. Katalas Jail Rd. Lucknow.

Vertical text on the left margin: १६ ६०

की अपना वकील नियुक्त करके प्रार्थना (इकरार) करता हूँ और लिखे
देता हूँ इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील
द्वारा की मुकदमा में जवाब देना व प्रतीति करें या कोई कागज बाखिल
करें या जोटाव का इमाना आर से लिखी जारी करावे और रुपया वसूल
करें या मुकदमा में जो कागज कागज तथा अपील निगरानी हमारी ओर
से आनी या रुपया हस्तांतरण करें और तसदीक करें मुकदमा
में जो कागज कागज करे या हमारी विपक्षी (फरीकसानी) का
या कागज कागज रुपया उपर या हमारे हस्ताक्षर युक्त (वस्तुखती)
रखेंगे कि जेबे का मुकदमा प्रवृत्त करें-वकील महोदय द्वारा की गई यह
का प्रतीति हुकूमत कागज कागज है और होगा मैं यह भी स्वीकार
करता हूँ कि मैं इस मुकदमा का स्वयं या किसी अपने पैरोकार को भेजता
रखेंगे और मुकदमा का प्रतीति है एक तरफा मेरे खिलाफ फैसला हो
जाता है जेबे की जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह
मुकदमा किन किन प्रमाण रहे और समय पर काम आये।

Accepted for Ashok Kumar

Prasad

साक्षी (गवाह) साक्षी (गवाह)

दिनांक 28 महीना 8 स 1890

Shahab Ahmad

(19)

Annexure 2

REGISTERED

Phone: 72910

Government of India
Ministry of Labour
Office of the Assistant Labour Commissioner (C)
B-12, Sector-B, Aliganj, Lucknow.-226020

No. LKO-814-27/190 DAC.

① The L. D. O.
on P.B.
Lucknow.

Dated the 23.7.90
② The Dist. Secy.
LKO
Lucknow.

Subject: Industrial Dispute between S. D. D. vs. LKO & U.K.V.
our relations: Transfer of Mr. Phana
Prasad.

Dear Sir,

This is to inform you that I shall hold discussions/ conciliation proceedings under Section 12 of I.D. Act, 1947 in my office (address as above) on 24.7.90 at 11.00 hours in the above mentioned dispute with a view to bring about an amicable settlement of the dispute.

You are requested to attend the conciliation proceeding/ discussions in person or through a duly authorised representative with all relevant records and evidence, oral or documentary.

A copy of representation/strike notice dated 16.7.90 from the workman/union is enclosed. You are requested to offer your comments in five copies to this office on or before the date fixed for discussions/conciliation.

Please note that if you fail to attend the proceedings without reasonable cause being shown to me in advance of the aforesaid date, the dispute will be proceeded with ex parte/ closed.

In this connection your attention is also invited to the obligations imposed by Section 22 (1)(c) (for worker) and 22 (2) (b) (for employer) and Section 33 of the Industrial Dispute Act, 1947.

Yours faithfully,

Encl: As above.

"DUA"

(R. M. CHELLANI)
ASSTT. LABOUR COMMISSIONER (C)
LUCKNOW.

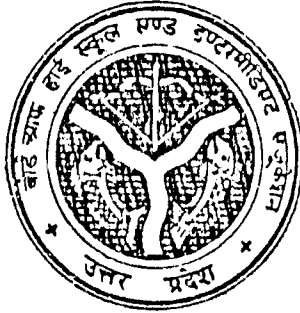
Prasad.

82734

अनुक्रमांक

क्रम-संख्या

हाई स्कूल एण्ड इंटरमीडिएट एजुकेशन
 हाई स्कूल परीक्षा, १९५३



प्रमाणित किया जाता है कि

चौगड़े प्रसाद

मार्च/अप्रैल, १९५३ की हाई स्कूल परीक्षा में

श्री ओ नर नैनू हायर सेकेंडरी स्कूल
 नानपुर क-ड से तृतीय श्रेणी में उत्तीर्ण

हुए/हुईं और उन्होंने

योग्यता प्राप्त की।

१३

१८३३

इनकी जन्म-तिथि

जुलाई

है।

परीक्षा विषय—

१—अन्य ज्ञान

२—प्रारम्भिक हिन्दी/उच्च हिन्दी

३—प्रारम्भिक-अंग्रेजी/उच्च अंग्रेजी

४—जागरिक शास्त्र

५—अन्य शास्त्र

प्रारम्भिक गणित

X

X

इलाहाबाद :

दिनांक १ जून, १९५३ ई०

N. D. G. (नांरायण दास गोठी)

एम० ए०, एल० टी०,
सेक्रेटरी।

३१-३-१९५४

Alvassal

V.P. 2

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

Dhanraj Prasad ... Applicant
Vs.

Sr. Divisional Accounts Officer, ... Respondents.
N.Railway, Lucknow & Ors.

ANNEXURE NO. 4

Copy of letter No. 83 / Adm. / C / 12 / 14 / NE /
Joint meeting dated 25.5.1984 from F.A. & C.O/ Union
addressed to all Accounts Units and copy forwarded to
both Divl. Secys. NRMU (F. / Cs Divn.) & URNU (A/Cs Divn.)

Sub: Rotational Transfer.

copy of agreement executed in the joint meeting with
NRMU & URNU (A/Cs Divn.) held on 25.5.1984 in the
Chamber of Dy. C.A.C.(3) regarding rotational transfer
is hereby circulated for information guidance and strict
compliance.

Sd/-

Sd/- as above.

(Kiren Singh)

/ F.A. & Chief Accounts Officer / Union.

Copy of joint meeting referred to above .

Sub: as above.

In order to give a fresh look to the policy of
Rotational Transfers of staff a Joint Meeting with the

True copy
As per Kiren Singh
Adv.

M.K.

(2)

Recognised Unions was held on 28.5.63 in the Chamber of Dy.C.A.O.(G) . The following decisions were taken.

1. No new entrant shon be posted an Public or Staff Dealing Seats unless the he no sufficient knowledge of General work seat.
- 2) Rotational tranfers should be effected from Public dealing seats after 3 years and from other seats after a period of 5 years.
- 3) Transfers from one Section to the another section should be encouraged in order to ensure that the staff acquires knowledge of working in various Sections.
- 4) Staff working on public seat should not be posted on seat of similar nature i.e.staff dealing or public dealing seat after his stay on public Seat for 3 years.
5. No transfers of staff who have attained the age of 55 years or above be ordered without his consent.

True copy
As per
M.K.

—

#

14/13

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

AT ALLAHABAD, LUCKNOW BENCH, LUCKNOW .

O.A.No. of 1990.

Dhanai Prasad ..

.. Applicant.

Vs.

Sr. Divisional Accounts Officer, ... Respondents.

N.Railway , Lucknow & Others.

ANNEXURE NO. - 4 (a)वि०स०एवं मु०ले०अ०/यूनियन के पत्रांक: 83 प्रशास/सी/13/14/न०
रे०मे०यू०/उ०रे०/म०यू०/संयुक्त बैठक दिनांक 16-1-1983 की प्रतिलिपि

विषय: चक्रीय स्थानान्तरण

(Rotational Transfers) .

चक्रीय स्थानान्तरण (Rotational Transfers) के सम्बन्ध

में दिनांक 15-10-84 की उप मुख्य लेखाधिकारी { सामान्य } के कक्ष में नार्दन रेलवे मेंस यूनियन { लेखा मण्डल } एवं उत्तर रेलवे मजदूर यूनियन { लेखा मण्डल } के संयुक्त बैठक में हुये निर्णय की प्रतिलिपि आपको सूचना, मार्गदर्शन एवं कठोर अनुपालन हेतु प्रेषित की जा रही है।
हस्ताक्षर/लेखक/संयुक्त अरेऊडा सेलम/यथोक्त
कृत वि०स०एवं मुख्य लेखाधिकारी/यूनियन

Copy of joint meeting referred to above.

Sub: As above." No transfer of staff who have attained the age of 57 years or above be ordered without his consent such transfers if required to be made on administrative ~~grounds~~ grounds will be done with personal approval of the Head of the Office / Unit.D Prasad
Applicant.True copy
Ashok Kumar
Adv.

A31

To

The Sr.D.A.O.,
N.Rly.Lucknow.

Through Proper Channel;

Sir,

Re:- Postponement of Rotational Transfer in ref.
to PA & CAO's letter No.83 Adm/C/13/86/NRMU/PRMU/
Joint Meeting dt. 25.6.86.

With due respect I beg to say that I have already requested vide my application dt. 18.4.90 that I am on the verge of retirement i.e. during the month of 7/91; but it is sorry to point out that my case has not been considered and I have been transferred to Sup.Section vice Smt. Thela Srivastava, A.A.

My case may please be considered keeping in view to the letter of PA & CAO/NRML (attached) As my due retirement is on 31-7-91 and my age is 57 years. It is, therefore, requested that I may not be disturbed for a few period.

Thanking you,

Encl. Two

Yours faithfully,

(D. Prasad)

A.A/Cn.E. Sec.

Sr.DAO's Office/LKO.

True copy
Asst. Secy
Adm.

D. Prasad

A32



८. सामाजिकता का अर्थ के साथ

1. गरीबों की आवाज सुनाना - औसत आदमी
2. " की की निताई - औसत आदमी का आदमी
3. " की आवाज सुनाना - औसत आदमी
4. " की आवाज सुनाना - औसत आदमी
5. " की आवाज सुनाना - औसत आदमी

7-90 1E 13-11-80

31: 11 51.

[illegible]

परा प्रिय,

आध्यात्मिक विवाह अधिनियम 1947 की धारा 2 (1)

अतिरिक्त आपकी रुचिपूर्ण कार्य निम्नलिखित 25-8-90 के दिनांक
के अन्तर्गत है।

21010-1001 :

6123

(औद्योगिक कृषि)
 96/196, औद्योगिक कृषि विभाग
 पंजाब, भारत

True com
As per
Adv.

१. साहाय्य अग्रारुत्तः (कैनिन्द्य) आजी राज, लखनऊ।
२. शीलय अग्रारुत्तः (कैनिन्द्य) स्तरूप नगर, कलकत्ता।
३. लखनऊ अग्रारुत्तः (कैनिन्द्य) अजय शक्ति अग्रारुत्तः (कैनिन्द्य)।

Olvasat

ABJ

Handwritten signature/initials

आज दिनांक 10-7-90 को यूनिजन के वीर
पदाधिकारियों एवं सदस्यों की एक अति आवश्यक बैठक की
की। श्री निवासी जी की अध्यक्षता में यूनिजन कार्यलय में हुई जिसमें
निम्न प्रस्ताव सर्व सममत से पास हुआ।

प्रस्ताव

" सर्व सममत से तय किया गया कि वीर
जडन ~~का~~ निवासिकारी, 30 रेड, कृष्ण, को वीरों का कल पर
हड़ताल का नोटिस दिनांक 25-8-90 से दिया जाये क्योंकि
उन्होंने रेलवे बोर्ड के नियमों को तोड़ कर श्रमिकों के अधिकारों
पर कुलशायत करके श्रमिक विरोधी कार्यवाही की है। निम्नलिखित
रूप में श्री शर्मा प्रसाद, निवासी सहारा का सेवा निवृत्त के रूप में
पूर्व प्रधानाचार्य हुआ। शर्मा श्री राज कुमार गुहा, श्री बी. डी. निवासी
श्री जीवन कुमार, श्री मोहन कुमार पाठक एवं श्री अविनाश चन्द
आस्थाना जो कि यूनिजन के पदाधिकारी हैं उन्हें अधिकार दिया
जाता है कि वह इस केंद्र का हड़ताल नोटिस दे सकते हैं।
यदि कोई समझौता सम्भव हो तो कर सकते हैं।

Handwritten signature
(श्री. डी. निवासी)
अध्यक्ष

True copy
of the
original
document

Prasad

A36

To,

The Senior D.A.O., N. Rly,
Lucknow.

Ref : My representation dt: 18.4.90 & 5.7.90.

Ref : Your letter No. 82/Adm/63 dt: 26.7.90.

Madam,

With due respect I beg to say that due to my sickness I could not join the suspense section. Moreover neither I have been spared from E-Section nor I have been asked to handover the charge report. It is Reggretted to pointout that inspite of my representation dt: 18.4.90 my rotational transfer from E. Section to suspense Section has been carried out on the plea that I have not completed 57 years on the date of issue of transfer order.

As per High School certificate my date of birth is 13.07.1933. I attained the age of 56 years 11 months and 17 days on the date of issue of transfer order. Now my age is 57 years as on 12.07.90.

As regards F.A. & C.A. O's order at item (2) clause 5, it pertains to the year 1983 which has been superseded by the same no. dated 25.6.84 & not by the same no. dated 30.1.85. Moreover neither

(Contd...2/)

True Copy
As per
Adv.

D. Prasad

(387)
A37
98
[Signature]

:: 2 ::

my consent as provided in the F. A. & C. A. O's letter no mentioned above was taken nor my transfer has been approved by your honour as per authority; on the transfer order.

Further, your honour is informed that I have already worked in suspense Section for the period of 8 years during the years 1964 to 1973 and in P. F. Section for six years during the years 1980 ~~XXXX~~ to 1986. It is not understood as to why the tannure ~~XXXX~~ of 4 years was not considered for my transfer. My previous transfer was done vice Smt. Sheela Srivastava and again this transfer has also been done vice Smt. Sheela Srivastava. Once my transfer was carried out about 2 years ago without completing 4 years tannure.

Your honour is also informed that at about 1700 hours just after receipt of a copy of letter under reference, Mr. Tiwari, S & O./Adm. came to my seat in E section & told "Join the suspense section otherwise you will be punished" in presence of union representative of locoshed & others. It has mentally torched me.

Prasad

(Contd...3/)

(34)

A88

13

11 3 11

Under the circumstances mentioned above I
again request your honour kindly to consider my
case in view of the stay order issued by the Labour
Court. A copy of same has already been submitted
in office on 23.7.90, but your honour has ignored
& issued fresh order on 25.7.90 to join suspense -
Section forcefully, which is not correct.

So, it is ~~now~~ requested that my transfer
order ~~shall~~ may kindly be cancelled.

Thanking You, in anticipation.

Dated : 06.08.1990.

Yours Faithfully,

D Prasad

o/c I Dhanai Prasad

A/c. Asstt.,

E/Section, Sr. D.A.O's.

Office, Northern Railways,

Lucknow.

D Prasad

1/2/91
At Shree K
Aan.

(32)

(A39)

~~MC~~

NOT INSURED

मूल्य Rs. 7/100 P.

रजिस्ट्री*... 44-2... D. A. D. विद्यार्थी

Received & Registered: N. Levy 17-9-92

पति नाम ७

DATE rec'd CO 2/24/2009

RP.-51/RF

Signature of the Officer



True Gier
Aslak
- 200 -

Drasad