

(27)

13/9/90

D/C

13/9

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 312 of 1989 of 90

APPLICANT(S) Sh. S.K. Banerjee and others

RESPONDENT(S) U.C.I.

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
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- | | |
|---|------------------|
| 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? | |
| 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 Postal order |
| 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 sapce ? | 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 |

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Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed?
12. Are extra copies of the application with Annexures filed?
 - a) Identical with the Original?
 - b) Defective?
 - c) Wanting in Annexures
Nos. _____ pages Nos. _____?
13. Have the file size envelopes bearing full addresses of the respondents been filed?
14. Are the given address the registered address?
15. Do the names of the parties stated in the copies tally with those indicated in the application?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true?
17. Are the facts of the case mentioned in item no. 6 of the application?
 - a) Concise?
 - b) Under distinct heads?
 - c) Numbered consecutively?
 - d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for indicated with reasons?
19. Whether all the remedies have been exhausted.

yes Main and Bench copy

yes

yes

x

N.A.

yes

yes

yes N.A.

yes given Neg

yes

yes

yes

dinesh

54/13/9

For up
page see
Kaula Bench
14-9-90
for order
13-9-90

14.9.90

O.A.NO. 312/90(L)

Hon'ble Mr. Justice K.Nath, V.C.

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

See
original order
on
main petition

Issue notice to the respondents to show cause why this petition may not be admitted. In particular they may show whether or not they gave any opportunity to the applicant before passing the impugned order dated 4.9.90 (Annexure -1). The case is listed on 10.10.1990 when it is likely that it may be disposed of finally. In the matter of interim relief also issue notice.

Sd/
A.M.

Sd/
V.C.

Notices issued
21-9-90

Sd/

10.10.90

No sitting Adj to 19.11.90

19.11.90

Hon Mr Justice K.Nath, V.C.
Hon M.M.Singh, A.M.

OR

Notices were issued
on 21.9.90.
Neither reply nor
any unperturbed reply
has been received till
3.10.90.

Shri Rajin Bhargava
files power ~~and~~ ~~the request~~
~~for~~ adjournment application
has been filed
on the ground of ~~illness~~ ^{maternity leave}.

Answers may be filed within
4 weeks ~~thereafter~~ and the
objections may be filed
within 2 weeks thereafter.
Wait for further orders on
~~the 14.1.91~~ 14.1.91

M M L
AM

V.C.

No sitting Adj to 11.3.91

No sitting adj to 25.3.91.

11.3.91

5.5.92. Hon'ble Mr. Justice U.C.Srivastava- V.C.

vide

In ~~view of~~ the order dated 18.2.92 the respondents are directed to file their reply as the ~~last~~ opportunity and 6.4.92 was fixed for hearing. ~~As each~~ The counter has not yet been filed. Therefore it ^{is now to} will be presumed that the respondents are not interested to file the same. List this case for tomorrow for hearing.

(DPS)

lu

V.C.

18-592 - Hon Mr Justice VC S, VC
Hon Mr K. Bagehall

D-A 312/90

(2)

Shri Dym Bhangar,

Learned counsel for respondent-
state, ^{payment of} refund has already been
made to the applicant and the
application has become infructuous.

The learned counsel for the
applicant states that the refund
has not been made. The
application has become infructuous;
in as much as the desired
relief has been granted to the
applicant. The application is
dismissed as infructuous.

In case the refund has not
been made, it will be open
for the applicant to revive the

Drw
6/12/92

Case

to
Drw

VC

VC

8/6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. 312 of 1990(1)

S.K. Banerjee and 16 others ... Applicants

Versus

Union of India and others Respondents.

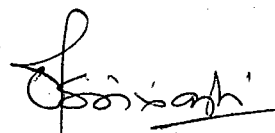
~~ANNEXURE~~

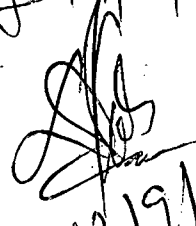
COMPLIATION NO. I

Sl. NO.	Description of papers	Page No.
1.	Application	1 - 14
2.	Annexure - 1 Order dated 4.9.90 reg. deduction of one day's salary from Applicants' salary.	15 - 16
3.	Power.	16 - 17

Filed today
by
13/9/90

Lucknow Dated:
Sept. 14 1990.


ADVOCATE.

Filed today at 3 P.M.
with the permission of
H'sr. Court.
Noted f 14/9/90

12/9/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

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

Central Administrative Tribunal
Circuit Bench, Lucknow

Date of Filing 13/9/90

Date of Receipt by Post -

Deputy Registrar (I)

1. S.K. Banerjee, aged about 51 years son of late R. Banerjee, presently functioning as Chief Electrical Foreman/Air Condition Coaching, Northern Railway, Charbagh, Lucknow.
2. S.S. Srivastava, aged about 45 years, son of late Sri Sheo Shanker Lal, presently functioning as Senior Electrical Foreman/Pump and Oil Engine, Northern Railway, Charbagh, Lucknow.
3. J.N. Tripathi, aged about 30 years, son of Sri M.P. Tripathi, presently functioning as Electrical Chargeman/Air Condition/Stationary Plant, Northern Railway, Lucknow.
4. R.K. Chopra, aged about 39 years, son of Sri Raj Pal Chopta, presently functioning as Electrical Foreman/Air Condition Northern Railway, Charbagh, Lucknow.
5. S.R. Anand, aged about 54 years, son of late M.R. Anand, presently functioning as Electrical Chargeman/Air Condition Coaching, Northern Railway, Charbagh, Lucknow.
6. S.P. Srivastava, aged about 50 years, son late D.V. Srivastava, presently functioning as Senior Electrical Foreman (Train Lighting), Northern Railway, Charbagh, Lucknow.

7. S.C. Tripathi, aged about 37 years son of Sri H.N. Tripathi, presently functioning as Senior Electrical Foreman Planning, Northern Railway, Charbagh Lucknow.
8. P.C. Misra, aged about 33 years, son of Sri R.K. Misra, presently functioning as Divisional Train Lighting Inspector, N.Rly., Charbagh, Lucknow.
9. S. Dixit, aged about 50 years, son of late Sager Dayal Dixit, presently functioning as Electrical Foreman Town Supply, Northern Railway, Charbagh, Lucknow.
10. H. Sinha, aged about 32 years, son of Sri G.P. Sinha, presently functioning as Electrical Foreman, Northern Railway, Charbagh, Lucknow.
11. J.P. Kurel, aged about 45 years, son of Sri Ayodhya Prasad, presently functioning as Chief Electrical Foreman Train Supply, Alambagh, Lucknow.
12. Mohindra Singh, aged about 49 years, son of Sri Meher Singh, presently functioning as Electrical Foreman Head Light, N.Rly., Northern Railway, Charbagh, Lucknow.
13. S.K. Tewari, aged about 31 years, son of B.S. Tewari, presently functioning as Chief Electrical Foreman/Town Supply, Northern Railway, Charbagh, Lucknow.
14. O.P. Sharma, aged about 50 years, son of late J.K. Dass, presently functioning as Electrical Foreman/HZG, Northern Railway, Charbagh, Lucknow.

Specie

4/9

15. N.N. Chaurasia, aged about 50 years, son of late B.L. Chaurasia, presently functioning as Electrical Chargeman, Northern Railway, Station Charbagh, Lucknow.

16. Umesh Parasher, aged about 34 years, son of late Sri K.C. Sharma, presently functioning as Senior Electrical Foreman, Bridge Workshop, Northern Railway, Charbagh, Lucknow.

17. S.R.S. Saxena, aged about 47 years, son of late C.P. Saxena, presently functioning as Head Train Examiner (Electrical), Northern Railway, Charbagh, Lucknow.

... Applicants.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.

2. Divisional Railway Manager, N.Rly., Divisional Office, Hazratganj, Lucknow.

3. Senior Divisional Electrical Engineer, N.Rly., Divisional Office, Hazratganj, Lucknow.

... Respondents.

DETAILS OF APPLICATION :

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

The applicants hereby challenge the validity of the illegal and arbitrary order dated 4th Sept., 1990 issued under the signatures of Respondent No.3 directing to make deduction of one day's salary from the applicants ^{pay} without affording them any opportunity and without intimating them in this regard in any manner whatsoever. A true copy of the aforesaid order dated 4.9.1990 is being filed

[Handwritten signature]

ANNEXURE-1

herewith as annexure-1 to this application.

2. Jurisdiction of the Tribunal :

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

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 the applicants are challenging the validity of the most arbitrary and unwarranted illegal, null and void order dated 4.9.1990 passed by Respondent No. 3 ordering for deduction of one day's salary from the applicants' pay. A true copy of this order dated 4.9.1990 has already been filed as Annexure-1 to this Application.
- 4.2 That so far as the facts of the case are concerned the applicants are functioning under the direct administrative control of Respondent No. 3 on various posts mentioned against their names (Applicants) in the beginning of the application. The Respondent No. 3 is under the administrative Control of the Respondent No. 2.
- 4.3 That it is worthwhile to mention that the offices in the Northern Railway remain closed on every Saturday. The Saturday is working day for the employees posted on stationary ^{field} ~~duties~~ duties.

Recd

4.4 That while functioning as Substantive employees the applicants applied for casual leave for 2.6.1990 on personal grounds by making applications to their Bosses who were competent to sanction leave.

4.5 That as the aforesaid casual leaves were sanctioned by the competent authorities and nothing was communicated to the applicants in this regard hence the salary for 2.6.1990 was paid ~~paid~~ to the applicants in the month of July 1990 as usual.

4.6 That thereafter while every thing was going on placdly, ¹ one day's salary was deducted from the salary bill of August, 1990 of the applicants Nos. 1 to 4 about which the applicants came to know on 6th of September 1990 at the time of receiving the salary for the month of August, 1990

4.7 That as no reasons were communicated to the applicants Nos. 1 to 4 regarding the aforesaid deduction of one day's salary from their pay of August month 1990, the applicants Nos. 1 to 4 made a representation requesting to disclose the reasons for such deductions and to pay back the salary illegally deducted.

4.8 That thereafter a cyclostyled letter dated 10.9. was communicated to the applicants Nos. 1 to 4

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indicating the reasons for the aforesaid deduction from the salary on the representation of the applicants dated 8.9.1990. Through this letter dated 10.9.1990 the applicants Nos. 1 to 4 were apprised that since they had availed mass casual leave on 2.6.1990 without prior sanction of the competent authority hence the said period had been taken as no work no pay. The applicants Nos. 1 to 4 were given the letter dated 10.9.90 containing the something, hence a copy of one of such letters dated 10.9.1990 addressed to the applicants Nos. 1 to 4 is being filed herewith as Annexure-2 to this application.

ANNEXURE-2

4.9 That thereafter the applicants 5 to 17 shocked to know that the Respondent No. 3 has passed some orders dated 4.9.1990 for making deduction of one day's salary from the pay of the applicants. A true copy of the aforesaid order dated 4.9.1990 has already been filed as Annexure-1 to this application.

4.10 That when the applicants Nos. 5 to 17 contacted the ~~Oppor~~ Respondent No. 3 to know the reasons for such deduction, the applicants were apprised ^{by showing} by ~~issuing~~ a copy of the letter dated 10.9.1990, a true copy of which has already been filed as Annexure-2 to this Application.

4.11 That all the applicants are functioning in supervisory capacity at different places. The casual

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leaves were available to their credit and as such the casual leave applied by them was duly sanctioned by the competent authority and accordingly the salary of that day was also paid to them while disbursing the salary for the month of June 1990 in the month of July 1990.

4.12 That the offices were closed being Saturday on 2.6.1990 and as such the applicants Nos. 7, 8 & 11 were not required to perform any duty on 2.6.90 and as such there is absolutely no question of deduction of one day's salary from their pay.

4.13 That it would not be out of place to mention that there is a lis prevailing between the Workers Union and since one of the rival Union has manipulated and pressurised the Respondents hence such illegal deductions from the pay of the applicants are being made. Once it has already been found that the applicants were entitled for the salary of the day and it was accordingly paid to them, the question to recover the said amount by deducting the same from the salary of the applicants does not arise and this is absolutely illegal and malafide.

4.14 That it is also categorically stated that owing to the aforesaid casual leaves, the work of the Respondents did not suffer at all in any manner whatsoever. The applicants have come to know that on the pressure exerted by the rival Union the

[Signature]

14

the matter was enquired into by the Assistant Electrical Engineer (1), Divisional Office, Lucknow and it was ultimately found that neither the work of the administration suffered any dislocation nor any inconvenience or loss on account of the aforesaid leaves ^{✓ occurred} as most of the offices were already closed being the day Saturday. Any way as nothing has been communicated, the applicants are not in a position to file any thing before this Hon'ble Court.

4.15 ^{✓ one} That ~~the applicant No. 5~~, [✓] Sri Kamal Kishore has now been retired from service on reaching the age of superannuation on 31.8.1990 hence no recovery could be made from him on the basis of impugned deduction order.

4.16 That it is not the case of Respondents that some payment has been made in excess for which deductions are required to be made. The impugned deduction is by way of punishment by treating the casual leave period as absent from duty.


4.17 That the principle of 'No work no pay' is absolutely not applicable in the present facts and circumstances of the case. The applicants were never on strike nor they did anything against the interest of the Railway Administration. The applicants being regular and confirmed employees are entitled to get one day's casual leave which was to their credit and no prior sanction was needed for the same.

[Signature]

4.18 That the deduction of one day's salary from the pay of the applicants without affording them any opportunity and treating them as absent is penal in nature. As neither any charge memo was given nor any notice to recover the pay was ordered nor any office order was passed in accordance with law to deduct the pay nor the procedure contemplated under Railway Servant (Discipline and ~~Rule~~ Appeal) Rules 1968 were followed hence the impugned action of the Respondents are wholly without jurisdiction and null and void in the eye of law.

4.19 That the Respondents never communicated to the applicants that the casual leaves applied by them were not sanctioned. It was also never communicated to the applicants that their applications for casual leave were having any inkling with the strike which was not in existence.

4.20 That the Respondents have no jurisdiction or authority under any provisions of law to make the impugned deduction from the pay of the applicants without following the process of law. As the Respondents have not followed the process of law and the minimum requirement of doctrine of natural justice, fair play, the impugned order is null and void in the eye of law.



A/16

5. Grounds for relief with legal provisions:

- i) Because the applicants were paid x salary for the casual leave applied by them which was sanctioned by the competent authority and hence the same cannot be recovered from the applicants through the impugned order.
- ii) Because the impugned action is penal in nature and as no opportunity was ever afforded to the applicants in this regard, hence the impugned order is void abinitio.
- iii) Because the Respondents cannot deduct any amount from the salary of the applicants without following the provisions of Railway Servant (Discipline and Appeal) Rules 1968.
- iv) Because the Respondents have wrongly applied the principle of 'No work no pay'.
- v) Because the Respondents have got no authority or jurisdiction under the provisions of law to make such deductions without following the provisions of aforesaid 1968 Rules.
- vi) Because ^{in Kamal Kishor} the applicant No. 5 ~~is~~ has retired from service hence no deduction could be made from his pay.
- vii) Because the administration suffered no loss

Heiser

on account of the said casual leave applied by the applicants on personal ground.

viii) Because the day for which the applicants applied for casual leave was Saturday and most of the offices were already closed.

ix) Because the casual leaves were already there to the credit of the applicants and the applicants were never communicated that the applicants made by them for casual leave were rejected by any competent authority. *No prior sanction of casual leave was needed in the eyes of law*

x) Because even if the applicants' applications for casual leave are treated to have been rejected, neither the Respondents could treat the said day without pay nor the applicants can be treated as absent from duty, and in any case if the applicants are treated as absenting from duty, they are entitled to have reasonable and adequate opportunity in this regard ~~but the same~~ to assail the findings and allegations.

[Signature]
6. Details of the remedies exhausted:

The applicants declare that there is no appropriate remedy available to them under the relevant service Rules and as the applicants Nos. 1 to 4

have been replied vide annexure-2 which has been shown to the rest of the applicants, the applicants have been left with no alternative remedy except to take the shelter of this Hon'ble Tribunal.

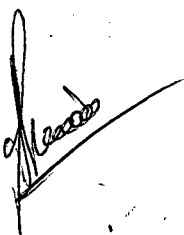
7. Matters not previously filed or pending with any other court:

The applicants further declare that they had not previously filed any application, writ Petition or suit, regarding the matter in respect of which this application has been made, before any court 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. In case the applicants had previously filed any such application, writ petition or suit, the stage at which it is pending, and if decided the list of the decision should be given with reference to the number of annexure to be given in support thereof.

8. Reliefs sought:

In view of the facts mentioned in para 4 above the applicants pray for the following reliefs:

- i) that this Hon'ble Tribunal may kindly be pleased to quash the impugned order dated 4.9.1990 contained in annexure-1 to this application so far as it relates to applicants
- ii) That this Hon'ble Tribunal may kindly be pleased to direct the Respondents to



refund the amount deducted from the salary of applicants Nos. 1 to 4.

iii) ~~That~~ That this Hon'ble Tribunal may also be pleased to pass any other orders which are found just and proper in the circumstances of the case.

Grounds of reliefs are the same as has been given in para 5 above.

9. Interim order, if any prayed for:

Pending final decision on the application the applicants pray that this Hon'ble Tribunal may kindly be pleased to stay the operation of the impugned order dated 4.9.1990 contained in Annexure No. 1 to this application so far it pertains to applicants and also pass such other orders which are found just and proper in the circumstances of of the case.

10. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Postcard or Inland Letter, at which intimation regarding the date of hearing could be sent to him.

11. Particulars of Bank Draft/Post Order filed in respect of the application fee.

12. List of enclosures : As per annexures.

VERIFICATION

I, S.S. Srivastava, aged about 45 years, son of late Sheo Shanker Lal, presently functioning as Senior Electrical Foreman ^{am} in Applicant No.2 and Pairokar on behalf of the rest of the applicants, do hereby veridy that the contents of paras 1 to 12 are true to my personal knowledge and that I have not suppressed any material fact.

Dated: Sept (✓) 1990.

Place : Lucknow.


Applicant.


advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

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

S.K. Banerjee and 16 others Applicants

Versus

Union of India and others Respondents.

एन एल ई
Northern Railway

ANNEXURE-1

NO:- 237-SEC/E/Sr DEE/NA
Dt:- 04.9.90

Divisional and
Headquarters

To
The S.D.AO
NR, Lucknow

Subj:- Deduction of one day salary from 11 Super pay.

Kindly deduct one day salary from the following supervisors pay as they did not performed duty on 6.9.90 by availing mass casual leave. As such principle of no pay will applied in respect of these supervisors.

- | | |
|-----------------------|----------------------|
| 1. Shri R.K. Chopra | EFo/AC/CO/LKO |
| 2. " S.K. Banerjee | CE Fo/AC/CO/LKO |
| 3. " J.N. Tripathi | ELC/AC/CO/LKO |
| 4. " S.R. Arund | ELC/AC/CO/LKO |
| 5. " Kamal Kishore | SE Fo/TS/CO/LKO |
| 6. " S.C. Tripathi | SE Fo/Plg/Sr DEE/LKO |
| 7. " N.N. Chauraniya | Mistry/CO/LKO |
| 8. " Umesh Prastar | SE Fo/Plg/CO/LKO |
| 9. " Sideshwar Dixit | EFo/SE Fo/CO/LKO |
| 10. " M.H. Ansari | CE Fo/CO/LKO |
| 11. " J.P. Kureel | CE Fo/Comp. |
| 12. " G.P. Sharma | EFo/H2G |
| 13. " P.E. Mehta | SE Fo/DTU |
| 14. " S.S. Srivastava | SE Fo/Plmp. |
| 15. " S.P. Srivastava | SE Fo/H2/Plmp/LKO |
| 16. " SRS Saxena | EFo/TL/CO/LKO |
| 17. " Mahindra Singh | EFo/Plmp |
| 18. " St. Tiwari | ELC/TS/Plmp |
| 19. " H.S. Sinha | EFo/SIN |

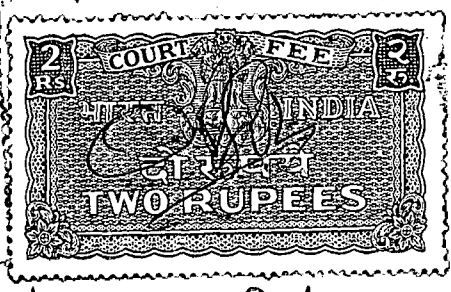
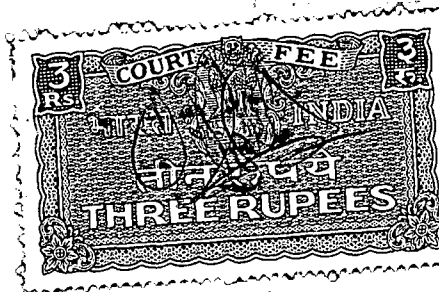
[Signature]

Sr. DEE/NA/LKO

Copy to: ✓ Sr. DAO/NA/LKO for information and n/a place

[Signature]

[Signature]



16

In The Central Administrative Tribunal Ald.
ब मवालत श्रीमान Circuit Bench, Lucknow महोदय

वादी / अपीलान्त
प्रतिवादी / रैस्पॉण्डेंट

S. K. Banarjee for
Applicants

बकालतनामा

O.A.No. 1990(L)

दिफत

वादी (अपीलान्त)

S. K. Banarjee & others

बनाम

प्रतिवादी (रैस्पॉण्डेंट)

Union of India & others

नं० मुकद्दमा

सन

पेशी की ता०

१२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री ओ० पी० श्रीवास्तव एडवोकेट

श्री श्री ओ० पी० श्रीवास्तव एडवोकेट

नं० ६७, पुराना महानगर निकट फातिमा अस्पताल, लखनऊ-२२६००२

महोदय

नाम अदाखत	नाम करीकिन
मुकद्दमा नं०	
नाम	बनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई यह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पंरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसको जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह बकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

(S.K. Banarji)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन १२

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(S. S. Srivastava)

R. K. Chopra

(R. K. CHOPRA)

J. N. Tripathi

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

C.M. AN. NO. M.P. No. 588/90(L)
of 1990

IN

O.A. NO. 312 OF 1990(L)

1. S.K. Banerjee
2. S.S. Srivastava
3. J.N. Tripathi
4. R.K. Chopra
5. S.R. Anand
6. S.P. Srivastava
7. S.C. Tripathi
8. P.C. Misra
9. S. Dixit
10. H. Sinha
11. J.P. Kurel
12. Mohindra Singh
13. S.K. Tewari
14. O.P. Sharma
15. N.N. Chaurasia
16. Umesh Parasher
17. S.R.S. Saxena

... applicants

Versus

1. Union of India through General
Manager, Northern Railway,
Baroda House, New Delhi.
2. Divisional Railway Manager, N.Rly.,
Divisional Office, Hazratganj,
Lucknow.
3. Senior Divisional Electrical
Engineer, N.Rly., Divisional Office,
Hazratganj, Lucknow.

... Respondents.

APPLICATION FOR PERMISSION to FILE
JOINT APPLICATION.

Filed today
5th
13/9

[Signature]

[Signature]

17/24

The humble applicants named above most respectfully submit as under:-

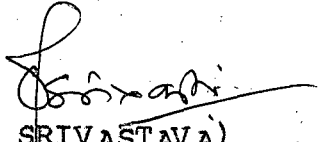
1. That all the applicants are similarly situated against whom one and the same impugned order has been passed as contained in Annexure-1 to this application.
2. That the applicants have filed the above noted application against one and the same cause of action arising out of the common ^{fact and circumstances} ~~notice~~ and they have common interest in the matter.
3. That the applicants have prayed for the common relief and have got jural relationship and as such a single application is maintainable.

P R A Y E R

WHEREFORE it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to permit the applicants to file a single application in behalf of all the applicants for the sake of ends of justice.

For this act of kindness the applicants shall be highly obliged.

Lucknow Dated:
Sept. 12 1990.


(O.P. SRIVASTAVA)
ADVOCATE
COUNSEL FOR THE APPLICANTS.

13

अदालत श्रीमान

Bepse 11e enbal Achmestbedine

वादी मुददई

Tribunal (Circuit Bench,

प्रतिवादी मुददालय का वकालतनामा

Luchan

0 ANO 3127 1990 (L)

वादी मुददई

S.K. Banjee & son

प्रतिवादी मुददालय

वनाम
MS. 01

10-10-96

नं० मुकदमा सन 19 पेसी की तारीख

19

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उपर लिखे मुकदमे में अपनी ओर से श्री

Sh Arjun Bhargava

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ। लिखे देता हूँ। इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करे या लौटा दें हमारी ओर से डिकरी जारी करावे और स्या वसूल करेगा सलहनामा इकवाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने इस्ताक्षर से दाखिल करे और तसदीक करे या मुकदमा उठाये या कोर्ट में जमा करे या हमारी या विपक्ष फरीकसानी का दाखिल किया स्या अपने या हमारे इस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करे वकील महोदय द्वारा की गई वड कर्मचारी हमको सर्वथा स्वीकार है और होगी मैं भी यह कइता हूँ। कि मैं डर पेसी स्वयं या किसी अपने फेरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी।

इस लिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवे।

साक्षी गवाह

इस्ताक्षर

दिनांक

महीना

साक्षी गवाह

नाम अदालत

नं० मुकदमा

नाम परीकन

Accepted
[Signature]

(5)

(2)

व अदालत श्रीमान

वादी {मुददई}

प्रतिवादी {मुददालय} का वकालतनामा

Before the Civil Administrative Tribunal
(Civil Bench) Lucknow

O. No 312 of 1990 (L)

S. K. Banerjee & others

वादी {मुददई}

प्रतिवादी {मुददालय}

V/s

U. O. I. Sahu बनाम

नं० मुकदमा सन 19 पेशी की तारीख

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उपर लिखे मुकदमे में अपनी ओर से श्री

Sh Arjun Bhargava

एडवोकेट

D.O. No. 10.10.90

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा {इकरार} करता हूँ। लिखे देता हूँ। इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करे या लौटा दें हमारी ओर से डिकरी जारी करावे और स्मया वसूल करेगा सलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने इस्ताक्षर से दाखिल करे और तसदीक करे या मुकदमा उठाये या कोर्ट में जमा करे या हमारी या विपक्ष {फरीकतानी} का दाखिल किया स्मया अपने या हमारे इस्ताक्षर युक्त {दस्तखती} रसीद से लेवेगा पंच नियुक्ति करे वकील महोदय द्वारा की गई वह कर्मचारी हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूँ। कि मैं हर पेशी स्वयं या किसी अपने फेरोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी।

इस लिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवे।

साक्षी {गवाह}

इस्ताक्षर

दिनांक

महीना

साक्षी {गवाह}

नाम अदालत

नं० मुकदमा

नाम परीकन

Accepted

(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

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

S.K. Banerjee and 16 others Applicants


Versus


Union of India and others Respondents.

~~ANNEXURE - 2~~

COMPLIATION - II

Sl. No.	Description of papers	Page No.
1.	annexure - 2 Cyclostyled letter dated 10.9.90 communicated to the applicants Nos. 1 to 4 show- ing the reasons for deduction of one day's salary.	1-00


ADVOCATE.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. NO. of 1990(L)

S.K. Banerjee and 16 others Applicants

Versus

Union of India and others Respondents.

ANNEXURE - 2

(Northern Railway)

Divisional Office,
Lucknow

No. *confidential/c no fda/20*
10.9.1990

Shri S.K. Banerjee,
CEFO/AC/CB-LKO

Sub: Deductions from salary bill of August, 1990
in September, 1990

Ref: Your representation dated 8.9.1990

"Mass

Since you had availed casual leave on 2.6.1990
without prior sanction of the competent authority. Therefore,
above period has been treated as "No work no pay".

al es
Sr. Divl. Electrical Engineer,
Northern Railway, LKO

Shree

AT: C
[Signature]