

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCH

OA/TA/RA/CP/MA/PT 313 of 20-90

Gaya Pet- 8/22.....Applicant(S)

Versus

V.O.I. 8/22.....Respondent(S)

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Certified that the file is complete in all respects.

B 8 C file weeded out & destroyed. Am 6-12

Signature of S.O.

Signature of Deal. Hand

AM

THE CENTRAL ADMINISTRATIVE TRIBUNAL—LUCKNOW BENCH
LUCKNOW.

O.A. NO. 313 of 1990.

Gaya Prasad & others..... Applicants.

Versus

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

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

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

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

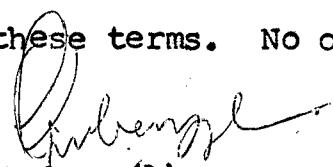
The applicants entered in the services of the Railway Administration as Khallasies and after serving about 5 to 6 years they were given status of decasualised Khallasi in 1984. Their Casual Labour Cards were deposited, their service & antecedents ~~was~~ were checked and verified and was medically examined. and were issued Leave Book in which their status was mentioned. They have been contributing Provident Fund also. The Members of Scheduled Castes and Back Ward classes were required to get themselves medical examined and they were relieved for the same. According to them they were declared medically unfit without being subjected to medical test and they have been orally ordered to seek the work thereafter w.e.f. 28th July, 1990. According to the respondents they were declared medically unfit when examined in 1984, but with the collusion of the official of the Railway Department they continued to work. They were sent for medical examination in the year 1990 and were found medically unfit and they not having been absorbed and regularised, their services were terminated on one months' notice.

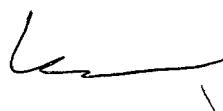
2. Similar matter came up for consideration in O.A. No. 29/92 & 31/92 and after taking into consideration the respective pleas, we have passed the following orders in the said case. After taking into consideration to the effect that the applicants

are prepared to offer himself 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 respondent to declare the entire period beyond the date ^{the} ~~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)

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET (4)

Cause Title OA 313/90 of 1993

Name of the Parties Crayon Paradise & Others Applicant

Union of India (N.Rly.) Versus Respondents.

Bart A.E.C.

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File B

B58-B106

File C

C107 C111

DA

Central Administrative Tribunal
Circuit Bench, Lucknow

Case No. 1319/90
Date of filing 21/7/1990
Date of hearing 13.7.90

Registration No. 313 of 1989 A.C.L.

APPLICANT(S) Shri Gaya Prasad and 3 others 1319

RESPONDENT(S) U.C.I. & 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 cause for not making the application in time, been filed?	yes
4.	Has the document of authorisation/ Vakalatnama been filed?	yes
5.	Is the application accompanied by B.D./Postal Order for Rs.50/-	yes Postal order 50/-
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

Particulars to be ExaminedEndorsement as to result of examination

Only Plais and Bonds copy

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

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

- Identical with the Original ? *yes*
- Defective ? *x*
- Wanting in Annexures

Nos. pages Nos. ?

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

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 ? *N.A.*

17. Are the facts of the case mentioned in item no. 6 of the application ? *yes given very*

- Concise ? *yes*
- Under distinct heads ? *yes*
- Numbered consecutively *yes*
- Typed in double space on one side of the paper ? *yes*

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

19. Whether all the remedies have been exhausted. *yes*

dinush/

date
13/4/90

Pls update
the file
in D. 10.70
orders 21/4
13/4/90

AB

313/90 (1)

CW

271/90 (1)

8.10.90

No sitting adj to 6.11.90

(1)

6.11.90

Hon'ble Mr. M.V. Prakash A.M.
MR. D.K. Agrawal - Y.M.

Due to resolution of Bar Association
Case is adj to 28.11.90.

20.11.90

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

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

(1)
B.O.C.

Admit.

Issue notice to respondents to file
a counter within four weeks to which the
applicant may file a rejoinder within two
weeks thereafter and Connec~~Y~~ with O.A.NO.
271/90. List for final hearing on 15.1.91
premptorily.

Shri D.C.Saxena accepts notice on
behalf of respondents. Copies of the notice
meant for the respondents may be delivered
to Shri D.C.Saxena by the office.

Sd/

A.M.

Sd/

V.C.

OR

As per V.C. order
dt 15.11.90, this case
is fixed a 20.11.90

19.11

Recd 3 sets of
copies on behalf
of respondents
D.C. faxed

Court for
Union of India
23/11/1990
carried

15/11

15.1.91 - No sitting adj to ~~25.1.91~~ 19.3.91

19.3.91 - No sitting adj to 29.5.91.

29.5.91 - No sitting adj to 9.9.91

8

AB

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW:

FORM I
(See Rule 4)

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

Gaya Prasad & 3 Others.

....Applicants:

Versus.

Union of India & Others.

....Respondents:

CLAIM AGAINST TERMINATION OF N. RAILWAY EMPLOYEES

Compilation No: I

I N D E X

Sl. no.	Description of documents.	Page no.	Remarks.
---------	---------------------------	----------	----------

1- Memo of application 1 to 12

2- Vakalatnama 13

*Filed today
5/10/90
13/9*

*Noticed for
8/10/90
13/9/90*

Lucknow:

dt: 13 Sept. 90,

For use in Tribunal's office.

Date of filing

or

Date of receipt by post

Registration No.

Almgs Signatures of applicants;

2/1 Mukherjee

Signature of Registrar;

AF

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW

Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 13/9/90

Date of Receipt by Post 13/9/90

7/11/13/9/90

Deputy Registrar (J)

OSM
13/9

- 1- Gaya Prasad, aged about 37 years, S/o Sri Sundar Lal, R/o Village Bahar, Post Kantha Thok, District Hardoi.
- 2- Mangoo, aged about 35 years, Son of Sri Iddu, resident of Village Paharpur, Post Baghauri, District Hardoi.
- 3- Ramma, aged about 36 years, S/o Sri Nathha, resident of Village Tirwa, Post Baghauri, Distt. Hardoi.
- 4- Murli, aged about 36 years, S/o Sri Lochan, resident of Village Tirwa, Post Baghauri, District Hardoi.

..... Applicants:

Versus.

- 1- Union of India, through General Manager, Northern Railway, Northern Railways Quarters, Baroda House, New Delhi.
- 2- Divisional Rail Manager, N.Railway, Mooradabad.
- 3- Assistant Engineer, N.Railway Hardoi.
- 4- Inspector of Works, N.Railway, Hardoi.

..... Respondents:

W.M. 21

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DETAILS OF APPLICATION

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

(i) Order No. Nil.

(ii) Dated - 28-7-90.

(iii) Passed by:- Asstt.Engineer N.Rly.
Hardoi, IOW, N.Rly.
Hardoi.

Since no specific order in writing has been passed the description of same is not possible to be given.

2- Jurisdiction of Tribunal:-

The applicants declare that subject matter of 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 Sec. 21 of the Administrative Tribunal's Act, 1985.

4- FACTS OF THE CASE

4.1 That all the applicants after having put in about 5 to 6 years service as Casual labour under IOW Hardoi - the respondent no. 4, all of them have

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been given status Decasualised Khallasi (DCL Khallasi) in the year 1984.

4.2 That prior to giving Decasualised (DCL) status to applicants in the year 1984 their Casual labour Cards were got deposited, their service antecedents were checked and verified, medically examined in the year 1984 (the result of which was not apprised to them).

4.3 That all the applicants have been issued with the Leave Book, over which their status as DCL Khallasi is entered.

True copies of relevant pages "Leave Book" are attached herewith as Annexures A-1 to A-4.

4.4. That all the applicants have been working as DCL Khallasi from 1984 to the complete satisfaction of their superiors, with no complaint from any corner.

4.5. That all the applicants are contributing to Provident Fund, the numbers of which are P.F. No. 645280/20653, 645281/20654, 545283/20656, and 654284/20659 Respectively in respect of applicants nos. 1, 2, 3 & 4.

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4.6 That petitioner=applicant no.1 is "Maali" by Caste, No.2 is "Pakeer" (both Backward Class) petitioner No.3 and 4 are "Chamar" and "Paasi" by Caste (both Scheduled Caste).

4.7 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.

4.8 That Railway Board vide its circular number 79H/5/11 dt: 22-8-79 and 19-11-79 have also prescribed periodical medical re-examination of serving Railway Employee.

True extract of all the above circulars (referred in para 4.7 and 48 as published on pages 543 to 544 of Railway Establishment Manual 1985 Ed. by Sri M.L.J and is reproduced below:-

While directing the candidates for medical Examination a duty filled inform containing all particulars should be given. In case of SC/ST it should also be mentioned that in case they fail in the requisite medical category, they may be examined in other category too. A representative

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of the department may accompany to identify him if the candidate (a) has no distinguishable mark, or (b) he has a large number of scares, moles etc. and it will not be possible for the medical Officer to identify him (Ex.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).

4.9 That as stated above petitioners were medically examined in the year 1984 and again re-examined in the year 1987 and their medical examination report was sent directly to the office of the respondent no.2, they were never told that

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they have been found fit in medical examination
or re-examination.

4.10 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.

4.11 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.

4.12 That so far as petitioners 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
NoE(NG) 11-7/CL/84 dt: 3,1-12-1972 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:-

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It was given in Boards No.P(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 're-examination during service'. It has now been decided that those Casual labour 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).

4.14 That on 25-7-90 all the applicants were relieved for getting themselves ,Medically examined for Category B-1, as evident from perusal of respective Medical Memos issued to them.

True copies of Medical Memos in respect of applicants nos.1,3 and 4 are attached herewith as Annexures A-5, and A-6, and A-7. Applicant no.3 has misplaced photocopy of his Medical Memo which has for category B-1 quite alike to other applicants.

4.15 That all the applicants have been declared medically unfit without subjecting them to Medical Test under Relaxed Medical Standards,nor applicant have been examined under any lower Medical Category than B-1,for which they were legally entitled.

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4.16 That after Medical examination, all the applicants have been orally ordered to cease with the work with effect from 28-7-90. No order in writing has been served or issued to the applicants have been running and contacting the offices of Respondents no. 3 and 4 for about a month during which they were being assured to wait for further orders.

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

5- GROUNDS 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 relieved 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

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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 Iqbal Singh Versus, D.S. N. Railway without providing alternate employment on 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

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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 or pending in any Other court:-

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 above the applicants pray for the following reliefs:-

(i) Ceasation of employment of applicants from the post of D.C.L. Khallasi under IOW Rly.

Hardoi be declared illegal, null and void as a necessary consequence of which all the applicants be permitted and be deemed to have continued on their posts or on some alternate post on reasonable emoluments with entire usual service benefits of salary etc.

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(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 petitioners 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:-

(i) Respondents be ordered to let all the applicants to continue on the posts of DCL Khallasi/or on same other alternate post and be paid their wages. This Hon'ble Tribunal may also be pleased to pass/grant such other Interim reliefs to applicant as may be deemed fit and proper in the circumstances of this case.

10- Application is presented by:- SRI A BHAYA KUMAR DIXIT, Advocate, 509/38Ka, Old Hyderabad, Luckn

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

- 1) No. of postal order/Bank draft no. 802 41477
- 2) Date of postal order/Bank draft. 23/01/80

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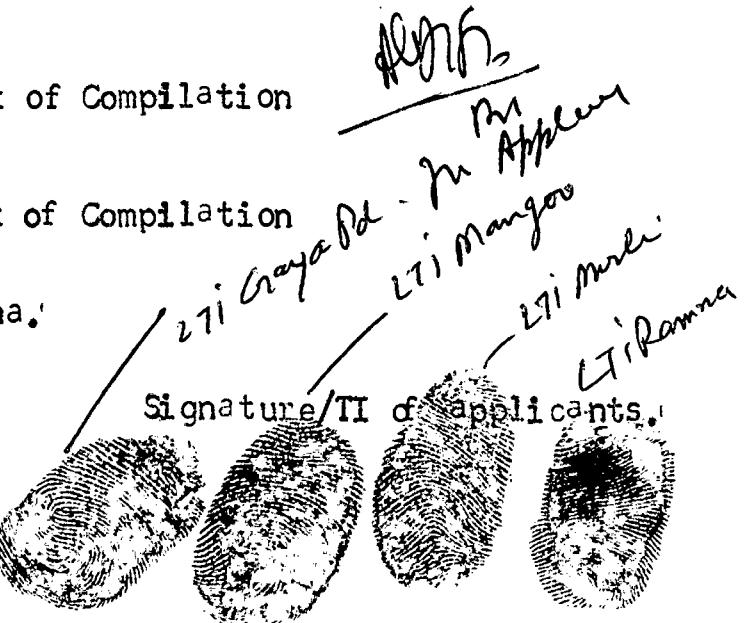
3) PostOffice/Bank by which issued. H. C. Govt. Bank
Muzaffarnagar
4) Payable at post office/Bank at. Muzaffarnagar/Aligarh

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;

dt: 13 Sept. 90;



VERIFICATION:

We, Gaya Prasad and others the applicants whose address is given above, do hereby verify that the contents of paras 1 to 4, 6, 7, 10 and 12 are true to our knowledge, and contents of paras 5, 8, and 9 are believed to be true on legal advise and that we have not suppressed any material fact!

Signature/TI of applicants:

Lucknow;

dt: 13 Sept. 90;



In the Central Administrative Tribunal
Lucknow

ब अदालत श्रीमान

[वादी] अपीलान्ट

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महोदय

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Gaya Based 80th.

वकालतनामा

Gaya Rd. 80th.

वादी (अपीलान्ट)

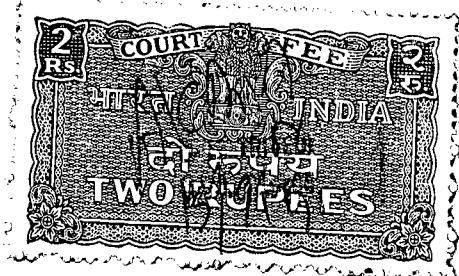
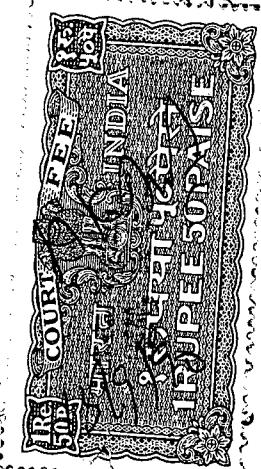
Union of India 80th.

प्रतिवादी (रेस्पान्डेन्ट)

सन्

पेशी की ता०

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बनाम

ऊपर लिखे मुकदमा में अपनी ओर से श्री

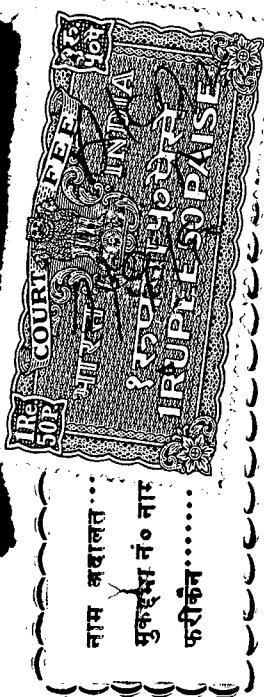
A. C. Dixit Advocate

509/20 K old Hyderabad
Nelamuru

वकील

महोदय

एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (हस्तखती) रसीद लेवें या एच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अपर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी हसलिए यह पालतनामा लिख दिया प्रमाणित हो और ममता पर काम आये।

2/1 Gaya

हस्ताक्षर

Accepted.
A. C. Dixit

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

2/1 of March

2/1 of
Ramsey

A2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW;

Gaya Prasad & Others.

....Applicants:

Versus.

Union of India & Others.

....Respondents:

Compilation No: II

I N D E X

Sl. No.	Description of Documents:	Page no.	Remarks:
1.	Annexure No.A-1 to A-4 Leave Books of applicants.	1-4	
2.	Annexure No.A-5 to A-7 Medical Memos of applicants no.1, 2, and 4.	5-7	

Lucknow;

dated: 13 Sept. 1990

Applicants:

Vijaypal
Gaya Prasad & Others

through their counsel

AKD
(A.K. Dixit)
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW
No. 1

Gaya Prasad and 3 others

VS.

Union of India & others

Applicant

Respondent

Annexure No. A-1

क्रि. शिल्प उत्तर रेलवे	
मुरादाबाद मंडल	
नाम:	गया उपाधी
पिता का नाम:	पुरुष
पद नाम:	क.क.क.क.
विभाग:	कार्यालय
स्टेशन:	मुरादाबाद
जन्म तिथि:	18/11/1948
नियुक्ति की तिथि:	18/11/1948
सेवा निवृति तिथि:	
भविष्य निधि खाता संख्या:	

Aftered truly
26/11/1986
26/11/1986
of Mr.

१५
४२७

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Sugya Prasad and 3 others

VS.

Abhishek

Union of India & others

Respondent

Annexure No. A-2

प्रिय श्रियों उत्तर रेलवे
मुरादाबाद मंडल

अवकाश पैजिका

नाम... श्री भूषण

पिता का नाम... श्री शुभेश

पद नाम... डॉक्टर

विभाग... रेलवे

स्थेशन... श्री लखनऊ

जन्म तिथि.....

नियुक्ति की तिथि... १५/११/८५

सेवा निवृति तिथि.....

भविष्य निधि खाता संख्या.....

Affidavit

Vi Shri
Alka

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Shayya Prasad and others

vs.

Union of India & others

Attorneys

Advocates.

Annexure No. A-3

उत्तर रेलवे
मुरादाबाद मंडल

अवकाश पंजिका

नाम शुभी राजप्रसाद

पिता का नाम शुभी राजप्रसाद

पद नाम डिक्टी. K.H.

विभाग उत्तर प्रदेश

स्टेशन दूर्गा मंडल

जन्म तिथि

नियुक्ति की तिथि १५/१०/८५

सेवा निवृत्ति तिथि

भविष्य निधि खाता संख्या

1/1/1985
Held true
Copy
15/10/85
R.P.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Shyam Prasad and 3 others

V.S.

Applicant

Union of India & others

Respondent

Annexure No: A-4

उत्तर रेलवे
मुरादाबाद मंडल

अवकाश पाँजिका

नाम श्री शुभेंदु

पिता का नाम श्री देवेन्द्र

पद नाम डॉ. K.H.

विभाग लोकल

स्थेशन लोकल एक्स्प्रेस

जन्म तिथि 10.4.1960

नियुक्ति की तिथि 10.4.1984

सेवा निवृति तिथि

भविष्य निधि दाता संख्या

Attested from Copy
B
U. Muli

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow 895 5

मुख्या प्राप्ति का रेकॉर्ड

No.

दिनांक तिथि

फॉर्म नं. A-5

87550

बो.एम.००१/एक्स.बार.सी./आर.१४२/SC/R-१६२

स्विकृति/Medical

दाक्तरी प्राप्ति/MEDICAL MEMO

इस रूपमें उत्तम समर्थ घरा जाना चाहिये जब किसी उम्मीदवार को नियमिता के लिये योग्य ठहराने के लिये इस आवश्यक का प्रतिक्रियापत्र दिया जाता है कि वह अपने दाक्तरी परीक्षा के लिए प्रस्तुत करे।
Form to be used when a candidate is granted authority to present himself for medical examination for fitness for appointment.

विभाग/Department..... कार्यालय/Office/अनुभाग/Section..... A/27/HR

सेवा नं/No..... D.T.C./B.L. No/No..... E/6

पर्व-दाहक, (नान)..... ८५/१५४५७८८

पिता का नाम..... श्री तुलसीलाल

उम्र १५-२-५२ (३५६२ वर्ष) (पद सज्जा) (वैदेय) के रूप में
नवजाति के लिये उम्मीदवार है, को वर्ग..... में दाक्तरी परीक्षा के लिये
प्रपत्ने दाक्तरों प्रस्तुत करने के लिए प्रविष्टि किया गया है।

The bearer (Name).....

Father's name.....

Age..... a candidate for appointment as
(designation)..... in class.....
is authorised to present himself for medical examination.

उसके स्वायी जारीरिक पहचान चिन्हों की सूची दी गई है:—

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

One cut mark/Scar

One cut mark/Scar

हस्ताक्षर/Signature.....

दस्तावेज/Designation.....

मुख्या प्राप्ति का रेकॉर्ड

दिनांक तिथि

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IN THE CENTRAL ADMINISTRATIVE REGIONAL, Leningrad

Geoffrey Fraenkel and Georges

Union of *Grindelia* with

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4. $\frac{1}{2} \times 10^{-3} \text{ sec.}$

18. 1. 1952

Armenia No. 1 - 7

17/12/1972
MEDICAL MEMO
Dr. S. S. D. Office/प्रभुदास/Section:

प्रेता मिति ।

त्रिविक्रीला विविक्रीला विविक्रीला विविक्रीला विविक्रीला विविक्रीला

be bearer (Name) Date

mother's name. *[Signature]*

resignation, authorized the candidate for appointment to

authorised to present himself for medical examination.

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स्वतंत्र/Signature:

11. **Designation:** *257/369*

True copy *[Signature]* *[Signature]*

Fixed for 19-3-91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH AT
LUCKNOW

M.P. NO. 24/91(C),
MISC. APPLICATION NO. OF 1991

(On behalf of Respondents)

IN

O.A.NO. 313 of 1990(L)

Gaya Prasad & others Applicants

versus

Union of India & others Respondents.

To,

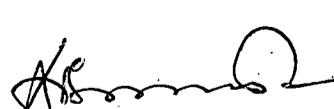
The Hon'ble the Vice-Chairman and his other
Companion Members.

The humble application of the abovenamed
Respondents Most Respectfully Showeth as under:-

1. That for the facts and circumstances of the
case accompanying with instant reply it is expedient
in the ends of justice that this Hon'ble Court be
graciously pleased to dismiss the aforesaid case with
casts.

P R A Y E R

It is, therefore, Most Respectfully prayed
that this Hon'ble Court be graciously pleased to
dismiss the aforesaid case with casts.


(A.V. Srivastava)
Advocate,

Dt. 15-1-1991.

Counsel for the Respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT
BENCH AT LUCKNOW

REPLY ON BEHALF OF RESPONDENTS.

IN

O. A. NO. 313 OF 1990(L)

Gaya Prasad and others Applicants

versus

Union of India and others Respondents.

I, Surya Prasad ----- Son of
Shri Hari Singh aged about 28 years,
HARI SINGH
Presently posted as Assistant Engineer Northern
Railway, Hardoi, Most Respectfully Showeth as
Under:-

- That I am respondent no.3 in the afore-mentioned case and is duly authorised to file the instant reply on behalf of Respondents No. 1, 2 & 4. I have carefully perused the relevant record relating to the instant case and is thus fully acquainted with the facts deposed to below.

S. Prasad
सूर्योदय अधिकारी
प्रदेश रेलवे, लखनऊ
Asst. Engineer
N. Rly. Hardoi

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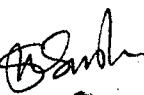
2. That I have gone and understood the contents of the application alongwith annexures under reply.

3. That the contents of paras 1 and 2 of the application being matter of record need no comments.

4. That the contents of para 3 of the application are denied as stated that the instant application is not within the period of limitation as presenibed under section 21 of Act 13 of 1985 and the same is liable to be dismissed on this Score alone.

5. That before giving parawise reply to the facts of thecase the answering respondent craves the leave of this Hon'ble Court to place certain relevant facts which are just essential in appreciating the controversy involved in the instant case they are as under:-

(4) That the applications no.1 to 4 were initially engaged w.e.f. 12.2.77, 19.12.76, 2.8.76


प्राप्ति अधिकारी
एवं विवरण
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and 6.4.74 respectively as Casual Labour's under the answering respondents.

(B) That the applicants worked under the respondents as casual labours in broken periods and it was on completion of 120 days of continuous working in the year 1984. Were to be given De-casualised Khalasi status and for that as per Rule they were sent for Medical Examination under B-1 category. True copy of the extract of the said Rule regarding Medical Examination is enclosed herewith and marked as ANNEXURE-C.A.-1 .

(C) That the applicants alongwith other candidates were sent for Medical Examination in the year 1984 and applicants no. 1 to 4 were medically examined by the Divisional Medical Officer, Northern Railway Moradabad for B-1 category where upon they were declared Medically unfit vide Medical Examination Memos Nos. 74849 dated 20.10.84, 75089 dated 27.8.84, 75058 dated 27.8.84 and 75076 dated 28.8.84.

(D) That alongwith the applicants some other casual labour's who were also sent for Medical Examination were declared unfit. However,

Barkha
प्रायक अधिकारी
कर्म विभाग, उत्तर
Asstt. Engineer
N. Rly. Hande

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due to deliberations and manipulations of late Shri U.L.Verma who was then working as Assistant Superintendent in the Officer of Respondent No.3 all such casual labours inclusive of the applicants who were sent for medical examination in the year 1984 and were found unfit were not only given de-casualised Khalasi status but also they continued to work as such.

(E) That in this regard it is relevant to point out here that in the year 1989 when the records were being verified for screening for regular absorption of casual labours it was detected that in most of the cases medical reports of the medical examination of the casual labours inclusive of the applicants conducted in the year 1984 as stated above were found missing. In order to ascertain the correct position respondent no.3 vide letter No. E/6-CL dated 15.9.89 made an enquiry from the office of Divisional Medical Officer Northern Railway Moradabad, who vide letter dated 27.9.89 intimated the correct position. True copies of the letters dated 15.9.89 and 27.9.89 are enclosed herewith and marked as ~~Exhibit 2x and Exhibit 3x~~
ANNEXURES C. A-2 & C. A-3 respectively.

Barkha
स्वायत्त अधिकारी
र. न. र. वर्षा
Asst. Superintendent
N. Rly. Board

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(F) That on receipt of the letter dated 27.9.89 it transpired that the applicants were in fact medically examined and declared unfit in the year 1984 it self. Thereafter the applicants were again sent for medical examination in B-1 category on 25.7.90 where they were again Medically examined on differenct dates by Divisional Medical Officer Bareilly and were again found unfit. As the applicants were only casual labours and having not been yet absorbed on regular basis after screening, having been again found unfit, their services were terminated on one month notice dated 27.8.90 to be effive from 27.9.90. The copies of the said notices were duly sent to the applicants by post and in the said notice it was specifically mentioned that against the said termination notice an lies before D.E.N. (ii) Moradabad with in 45 days true copies of the medical examination report of the applicants alongwith true copy of the notice dated 27.8.90 and the posted receipts are enclosed here with and marked as ANNEXURES C.A-3, C.A-5, C.A-6, C.A-7, C.A-8, C.A-9, C.A-10 and C.A-11 respectively.

(G) That in this regard it is relevant to point out here that after medical examination held in year 1989 the applicants did not famed up for

Abdul
एश्युल अफियतु
उत्तर प्रदेश
Asstt. Engineer
N. Rly. Haldwani

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duties as a result of which the termination of notices were sent by post. However, as contemplated in the termination notices the applicants did not prefer any appeal. However it is further stated that as the applicants services have been terminated by separate notices, they have neither common cause of action nor joint interest in the matter. and as such the instant application is not legally maintainable and is liable to be rejected on that score alone.

6. That the contents of para 4(1) to 4(6) of the application are denied and in reply the contents of para 5(A) to 5(G) of the instant reply are reiterated. However it is further stated that as the applicants were purely casual labours and not regular Railway Employees, on being declared Medical unfit their services were liable to be terminated in the year 1984 it self. However due to deliberations and manipulations of Late Sri U.L. Verma Assistant Superintendent who was at the relevant time working under Respondent no.3, all such casual labours inclusive of the applicants who were declared medically unfit in the year 1984

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राज्यक अधिकारी
राज्य रेल्वे, राज्य
ASST. INSPECTOR
N. Rly. Board

R.S

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continued to work and on detection of this anomaly the applicants alongwith others who were still working as de-casualised Khalasi and having not been absorbed on regular basis were again sent for fresh medical examination in B-1 category in the years 1989 and on being again found medically unfit, their services were terminated on one month notice.

7. That in reply to the contents of paras 4(7) and 4(8) of the application it is stated that the circulators referred in paras under reply pertains to Railway Employee and not with respect to casual labours and as such they are not applicable in the instant case. However, the answering responder reserves their right to suitably reply the same at the time of hearing of the instant case.

8. That the contents of para 4(9) to 4(12) of the application are denied and in reply the contents of para 5(A) to 5(G) and para 6 of the instant reply are reiterated.

9. That in reply to the contents of para 4(13) of the application it is stated that the

D. S. D.
राजक अधिकारी
कृष्ण राज, उत्तराखण्ड^{१०८}
प्रभाली, लखनऊ
प्रभाली, लखनऊ

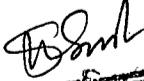
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circular referred to is not at all applicable in the instant case as it refers to about relaxed standard of Medical Examination at the time of absorption of casual labours in ~~regular~~ regular service and any allegations to the contrary are denied.

10. That the contents of para 4(14) to 4(17) of the application are denied and in reply to the contents of para 5(A) to 5(G) and para 6 of the instant reply are reiterated. However it is further stated that on being declared medically unfit the applicants never requested for being examined on relaxed standards for other categories.

11. That the contents of para 5 of the application are denied. In reply it is stated that the ground put forth are not only devoid of any merit but also not sustainable in law and the same are liable to be rejected.

12. That the contents of para 6 of the application are denied. In reply the contents of para 5(A) to 5(G) of the instant reply are reiterated.


द्रष्टव्यक अधिकारी
अधिकारी: हर्गोविन्द
Asstt. Engineer
N. Riv. Hargovindas

ABX

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However it is further stated that as the applicants did not prefer any appeal within the stipulated period as contemplated in the termination notices the instant application is not legally maintainable and is liable to be rejected on that score alone.

13. That in reply to the contents of para 7 of the application it is stated that the applicants are put to strict proof regarding the averments therein.

14. That the contents of para 8 of the application are emphatically denied. In reply the contents of paras 5(A) to 5(G), 6, 11 and 12 of the instant reply are reiterated. However it is further stated that there had been no illegally or violation of any Rules committed by the answering Respondents and as such the applicants are not legally entitled for any reliefs claimed and the instant application is liable to be dismissed with costs.

15. That the contents of para 9 of the application are denied. In reply it is stated that neither any valid, cogent and legal grounds have been put forth by the applicants for grant of any

R. S. Hardoi
रामेश्वर हार्डोई
दस्तावेज़ अधिकारी
Asstt. Engineer
N. Rly. Hardoi

B. Vision tests required in the interests of the employees himself, his fellow-workers, or both.

B-1. Such station and yard non-supervisory, shed and other staffs are engaged on duties where failing eye sight may endanger themselves or other employees from moving vehicles, Permanent Way Mistries, Gang Mates, Keymen, Assistant Medical Officers and Staff of the Railway Protection Force.

B-2. Certain staff in Workshops and engine rooms engaged on duties where failing eye sight may endanger themselves or other employees, from moving parts of machinery and Crane Drivers on open line, TTEs.

C-1. Other Workshops and engine room staff, Ship stokers, and other staff in whom a higher standard vision than it required in clerical and kindred occupation is necessary for reasons of efficiency and others not coming under Group A or B.

C-2. Staff in clerical occupations not included in Groups A, B and C-1.

2.2. As a result of the review undertaken, some relaxations have been agreed to, in respect of categories of Railway posts under each of the groups/classes mentioned above as given in Annexure I.

2.3. For the purpose also of general physical examination of candidates and general physical re-examination of serving Railway employees, the above classification holds good.

2.4. As the foot plate staff of high speed trains (running at more than 100 KMPH) have to pay sustained attention for long period at a stretch at high speeds, it is necessary to have separate standard for these staff. These are enumerated in Para 13 below.

3.1. The cases, of *physically handicapped persons*, when sponsored by either the Special Employment Exchanges or even the ordinary Employment Exchanges, should be viewed sympathetically. No relaxation should be made in visual standard except in the category of clerks (C/2) (79/H 5/10 dt. 28-6-79).

4.1. There is no bar to the admission into non-gazetted clerical service of a candidate who is blind in one eye. The guiding consideration in such cases should be whether the candidate's vision is adequate for the performance of the duties attached to the service or post to which he is proposed to be appointed, and whether undue risk attaches in his being accepted. The Medical Officer while examining such cases should take into account the cause of blindness in relation to its possible effect on the sound eye in course of time.

4.2. Glasses m for A/1 &

4.3. A1, A2, A perception. Fail to employ

4.3.1 attractive attraction test d more attr It must be retains su conditions colour bl conditions amination malingering concerned unattracti taken ver fit to rem

4.3. be exami suffer from A-1, A-2, examiner, order like duties, he

5. Time

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True Copy, Attached

दृष्टि विभाग

उत्तर रेल

Asstt. Engineer

N. R. Hasdeo

Dated

27/9/89

सं. क आमपढता
उत्तरी रेलवे हरदोई

प्रप्ति - निम्नलिखित नियमित छर्वोई के आन्तरिक वाग्वारी को गोपनीय
स्थापित करता

कि - आपके आधिकारिक सत्यां नं ० E/6 C2 dated 15-9-89-

निम्नलिखित वाग्वारी के गोडकल परीक्षा रिपोर्ट द्वारा दिया जाता है। - कि सभी
की उपरान्त निम्नलिखित रूप से उपकृत द्वारा गोडकल अवृत्ति नहीं है।
Bee one नहीं Unfit है।

Names of father's Name	Medical Examination Memo. No. & Date	Class
श्री दम्भाड़० नरपा K.H. ✓	७५०५८ द्व २७-८-८४ in Bee I	Unfit
श्री मदुलोरड़० नरापन // +	७५०७९ द्व २८-८-८४. Bee I	
नरपा श० विरचु // ✓	७५१०८ द्व २९-८-८४	Bee I
श्री गापा पुसाद श० सुवरलाल // ✓	७५०४७ द्व २२-१०-८४	Bee I
कल्लू श० जोधा // +	७५७६७ द्व २४-९-८४	Bee I
बोन्दू श० लक्ष्मी // ✓	७५०६० द्व २७-८-८४	Bee I
गगड़ू श० शुक्ल // ✓	७५०४९ द्व २१-८-८४	Bee I
मुरली श० लक्ष्मी // ✓	७५०७६ द्व २४-९-८४	Bee I

True Copy Attest

राज्य प्रशासन
के द्वारा
Acct. Engineer
N. Rly. Com.

Medical Superintendent
N. Rly. Hospital
MOGADABAD

29/3

Annexure A.3

कामों का नियमित विवरण
हरदोष

E/6 लेवल HRI
9/1/90

पर- नियमित विवरण
हरदोष

विषय- नियमित विवरण हरदोष के अन्तर्गत किया जाता है।
प्रत्येक दोष का

कृपया नियमित विवरण का द्वारा दिया गया है।

के लिए हरदोष 25/7/90 को १००० ग्रामों का विवरण
करना के लिए, तो इसे नियमित विवरण का द्वारा
दिया गया है।

1/ नियमित विवरण Del KH

2 " नियमित विवरण Del KHN

3 " नियमित विवरण Del KHN

4 " नियमित विवरण Del KHN

5 " नियमित विवरण Del KHN

6 " नियमित विवरण Del KHN

7 " नियमित विवरण Del KHN

8 " नियमित विवरण Del KHN

True Copy Attest


A. R. K. Rao

इस रेपोर्ट; हरदोष

Ass't. Engineer

A. R. K. Rao


D. B. Rao

महाराष्ट्र विभाग

Divisional Engineer

४० रोड, इंदौर


D. B. Rao

Amrit Singh

14

ई/एस/टी/टी/ए
25/07/90
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कामिनी निवास निवास
दरवार

सो- गांगा गांगा गांगा गांगा
Dec 0

शो- बहु दो गांगा गांगा
दरवार

आदेश

आदेश दिवार के बाहर से कार्रवाई का- वापर की गयी है
भौतिक वस्तुओं के गोपनीय के लिए उत्तराधिकारी के लिए जानकारी
दिलायी गयी है। यह वापर वापर के लिए की जाती है।
वे जाकर वापर करते हैं। अतिरिक्त इस जानकारी के बाहर नहीं।
जानकारी की लिंग विकास वस्तुओं के भौतिक वापर की
जानकारी है। यह दो दो हजार लाख रुपयों की लिंग विकास।
आपको धन्यवाद- 25/07/90 के दिन इसके रूप से दी गयी है।

लिख दाता है। राज्यकालीन आप 45/90 की तारीख

प्रदान करने वाली दिलायी उत्तराधिकारी को दी गयी है।

True Copy Attached

राज्यकालीन आपन्ति

दरवार देव दरवार

Ass't. Engineer

R. K. Hardol

कामिनी निवास- दरवार

कामिनी निवास- दरवार

सहायक अधिकारी

उत्तर देव; दरवार

Ass't. Engineer

R. K. Hardol

Amrit-eA5

प्रकाशन नं. ४/चिकित्सा-६३

Med. C-8/Med. -63

S.R.

134100

स्वास्थ्य विभाग

MEDICAL DEPARTMENT

प्रारंभिक रेल कर्मचारी के रूप में नियमित के सम्बन्ध

स्वस्थता/अस्वस्थता प्रमाण-पत्र

FITNESS/UNFITNESS CERTIFICATE FOR APPOINTMENT

AS A NON-GAZETTED RAILWAY EMPLOYEE

अस्पताल/Hospital

प्र०/No.

स्वास्थ्य केन्द्र/Health Unit

मेरे एतद्वारा प्रमाणित करता हूँ कि मैंने नाम

आय... शास्त्रा/विभाग... में दर्जा... में

पठ पर नियमित के लिए उम्मीदवार जिसने मेरी उपस्थिति में अपने

हस्ताक्षर किये हैं/वायं अंगूठे का निशान लगाया है, का प्रमाणित किया है।

I do hereby certify that I have examined (Name) *S. S. S. P. S.*

Sureshwar Lal (Age) *37 m 7 m* a Candidate for appointment

(situation) *Challakere* Class *B.T. Recom*

in the *F.W.T.* Branch/Department

left thumb impression has been appended

presence.

सी नियमित के *योग्य/*अयोग्य समझता है।
consider him *Fit/*Unfit for such appointment in *Bareilly*
Unfit in Bareilly

उम्मीदवार का हस्ताक्षर

दाय आय अंगूठे निशान

Signature/L.T.I of the
Candidate

तारीख/Date *14.8.90* पदाधिकारी/Medical
Officer/Examiner

BAREILLY

स्थान/Place *B.R.*

* यो प्रावधान म ही उत्तराधार है/Delete whichever is inapplicable.

True copy Attest

R. S. S.

प्रावधान विधिवत्ता
सर रेतवे; उ. दाई
Scatt. Engineer
I. Rly. Board

American

134471

नोटिस नं. ४८/मेडिकल-६०

चिकित्सा विभाग Med.C-8/Med.43

MEDICAL DEPARTMENT

श्रावणपवित्र रेल कर्मचारी के लिए नियकित के सम्बन्ध में

स्वस्थता/अस्वस्थता प्रमाण-पत्र

FITNESS/UNFITNESS CERTIFICATE FOR APPOINTMENT

AS A NON-GAZETTED RAILWAY EMPLOYEE

अस्पताल/Hospital

मा०/No.

स्वास्थ्य केन्द्र/Health Unit

मैं एतद्वारा प्रमाणित करता हूँ कि मैंने नाम

आय गांधी/विभाग में दर्जा

पर पर नियकित के लिए उम्मीदवार जिसने मैंने उपलिखित दो नीचे अंदर

हस्ताक्षर किये हैं/वायें अंगूठे का निशान लगाया है, का परीक्षण किया

I do hereby certify that I have examined (Name) ~~Henry~~ 35 yrs. ~~in~~ ~~today~~
S/o/Address (Age) a Candidate for appointment
as (designation). ~~Challaz~~ Class. B.I.
Became in the Branch/Department
whose signature/left thumb impression has been appended
below in my presence.

मैं उसे ऐसी नियकित के *योग्य/*अयोग्य समझता हूँ।

I consider him *Fit/*Unfit for such appointment. in ~~Base on~~
~~Unfit in Base on~~

उम्मीदवार का नाम/Name

आय अंगूठ लगाया गया

Signature/LT of the Candidate

तारीख/Date 14.8.90

दूसरे लिख विभाग अधिकारी

Signature of Medical Officer

पदाधि/Designation

CAREFULLY

True Copy At

स्थान/Place PDR

Signature

• यो प्राविष्टि प. हो उमे काढ दे/Delete whichever is inapplicable.

Ass'tt. Engineer

N. Rly. Hard

Answer - CA 9

134467

उ०८०

N.R.

चिकित्सा वा-8/चिकित्सा-68

चिकित्सा विभाग Med.C-8/Med.63

MEDICAL DEPARTMENT

प्रराजनप्रियता रेस कर्मचारी के रूप में नियुक्ति के सम्बन्ध में

स्वस्थता/अस्वस्थता प्रमाण-पत्र

FITNESS/UNFITNESS CERTIFICATE FOR APPOINTMENT

AS A NON-GAZETTED RAILWAY EMPLOYEE

अस्पताल/Hospital

पा०/No.

स्वास्थ्य केन्द्र/Health Unit

मैं एतद्वारा प्रमाणित करता हूँ कि मैंने जाम

आय गांधा/विभाग में इर्जा

पद पर नियुक्ति के लिए उम्मीदवार जिसने मेरी उपस्थिति में नीचे वर्णन दृस्तावर किये हैं/वायें अंगूठे का निशान लगाया है, का परीक्षण किया है।

I do hereby certify that I have examined (Name) Ramchandra
S/o. Nalchand (Age) 35 a Candidate for appointment
as (designation) Khalasi Class: Bee one
B1 in the Engineering Branch/Department
whose signature/left thumb impression has been appended
below in my presence.

मैं उसे ऐसी नियुक्ति के *योग्य/*अयोग्य सम्बन्ध में
I consider him *Fit/*Unfit for such appointment. Unfit in Bee one

उम्मीदवार द्वारा हस्ताक्षर/

वायें अंगूठे का निशान

Signature/LTI of the

Candidate

तारीख/Date 0 AUG 1999 प्राप्तनाम/Designation R.R.E.

दस्तवेज चिकित्सा परिक्षारा

Signature of Medical Officer

Non-Gazetted Railway

True (C) / After (D)

स्थान/Place

₹/16 2 लाख
25/190

प्राप्ति अनुमति दिनांक
दसवें जून १९८५

६०

मेरा अनुमति अनुमति
दी जाने वा

अनुमति दी जाने वा दी जाने वा

आदेश

३१/४०५) विकास देवरे ने अपनी दूरी की १५०५ कि.
मी. विकास देवरे ने ३१/४०५) की दूरी की १५०५ कि.
विकास देवरे ने ३१/४०५) की दूरी की १५०५ कि.
विकास देवरे ने ३१/४०५) की दूरी की १५०५ कि.

३१/४०५) विकास देवरे ने ३१/४०५) की दूरी की १५०५ कि.
विकास देवरे ने ३१/४०५) की दूरी की १५०५ कि.
विकास देवरे ने ३१/४०५) की दूरी की १५०५ कि.

True & Just Attest

Shankar

A. Singh
विद्यक अधिकारी ३/८

इन रेवें; हरदोई

Asst. Engineer

M. Rly. Hardoi

मेरा अनुमति दी जाने वा
दी जाने वा दी जाने वा

H.S.D

.10.

interim reliefs nor any balance of convenience lies in their favour for grant of any interim reliefs claimed and as such the prayer for interim relief is liable to be rejected.

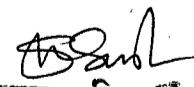
16. That the contents of paras 10, 11 and 12 of the application being matter of record need no comments.

VERIFICATION

I, Surya Baksh do hereby verify that the contents of paragraph nos. 1 and 2 are true to my personal knowledge; and that the contents of paragraph nos. 3 to 16

based on perusal of record relating to the instant case kept from the official custody of the answering respondents. Nothing material has been concealed nothing stated there in are false.

Verified this 12th day of Jan 91
at Hardoi.


सूर्य बाक्श
उप इंजीनियर
As. Engineer
N. & M. Hardoi

उ०र०
N.R.

१३४७४ चिकित्सा विभाग - Med. C-8/Med. A-3

MEDICAL DEPARTMENT

प्रारंभिक रेल कर्मचारी के रूप में नियमित के बन्धनों
स्वस्थता/अस्वस्थता प्रमाण-पट

FITNESS/UNFITNESS CERTIFICATE FOR APPOINTMENT
AS A NON-GAZETTED RAILWAY EMPLOYEE

बस्पताल/Hospital

व०/No.

स्वास्थ्य केन्द्र/Health Unit

मैं एतद्वारा प्रमाणित करता हूँ कि मैंने नामः

आयः गांधी/विभाग में दर्जीः में

पट पर नियमित के लिए उम्मीदवार जिसने मेरी उपस्थिति में नीचे अपने
हस्ताक्षर किये हैं/वायें अंगूठे का निशान लगाया है, का परीक्षण किया है।

I do hereby certify that I have examined (Name). M. S. A. Lockhart ^{36yrs. Inc. 25days} (Age), a Candidate for appointment as (designation). K.H. Class. B1.

I see one in the E. & C. Branch/Department whose signature/left thumb impression has been appended below in my presence.

मैं उसे ऐसी नियमित के *योग्य/*अयोग्य समझता हूँ।

I consider him *Fit/*Unfit for such appointment, in Be one B1

उम्मीदवार के हस्ताक्षर/
वायें अंगूठे का निशान

Signature/LT of the
Candidate

तारीख/Date. 16.8.90

Signature of Rlv. Medical Officer

पदनाम/Designation. Medical Officer
पदनाम/Designation. Rlv. Medical Officer

True Copy 1 2 3 4 5 6 7 8 9 10

प्रमाण/Proof. B.E.

* यो प्रमाण न हो उसे काढें/Delete whichever is inapplicable.

Att. Engineer
N. Rlv. Harde

Date

Date

60

ges to school when the exceeds the respective minimum)

Amber Consolidate of Hostling.

प्राचीन भारतीय संस्कृत

मेरा रेते; इसके
कानून इंजीनियर
मेरा K.V. Hardol

لـ ۱۳۷۱ - ۱۳۷۰
مـ ۱۳۷۱ - ۱۳۷۰
جـ ۱۳۷۱ - ۱۳۷۰
سـ ۱۳۷۱ - ۱۳۷۰
دـ ۱۳۷۱ - ۱۳۷۰
هـ ۱۳۷۱ - ۱۳۷۰
وـ ۱۳۷۱ - ۱۳۷۰
زـ ۱۳۷۱ - ۱۳۷۰
مـ ۱۳۷۱ - ۱۳۷۰
لـ ۱۳۷۱ - ۱۳۷۰

प्राप्ति यत्कर्ता
प्राप्ति यत्कर्ता

اسٹریجیک
اسیسٹنٹ
نیشنل
ریلی



STAMP ACCOUNT BOOK

कार्यालय/Office

जी०००-४१/GP-४१
(सौ०८०-८/CA-८)

तारीख Date	नाम और पता Name & Address	प्राप्त हुई टिकटों का मूल्य Value of Stamps received	जारी की गई टिकटों का मूल्य Value of stamps issued	पत्रों प्रथम पैकेटों की संख्या No. of letters or packets	विशेष विवरण (पत्रों प्रथम पैकेटों का वजन इस कालम में लिखा जाता चाहिए, जब साधारण से प्राधिक मूल्य की टिकटे लाई गई हों)	
					रु. Rs.	पै. P.
1	2	3	4	5	6	7
10.8.90	E/16 निर्दिशी विवरण	1	1	37.40	37.40	प्राप्त हुई टिकटों का वजन
11	— do —	8.8.90	7.8	32.40	32.40	प्राप्त हुई टिकटों का वजन
11	— do —	8.8.90	7.00	25.40	25.40	प्राप्त हुई टिकटों का वजन
30.8.90	E/16 निर्दिशी विवरण	37.8.90	1.00	24.40	24.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	23.40	23.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	22.40	22.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	21.40	21.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	20.40	20.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	19.40	19.40	प्राप्त हुई टिकटों का वजन
30.8.90	Issued to U.P.C	—	4.00	15.40	15.40	प्राप्त हुई टिकटों का वजन
3.9.90	Received from P.M. 10113 office Rs 100.00	—	—	115.40	115.40	प्राप्त हुई टिकटों का वजन
3.9.90	E/16 निर्दिशी विवरण	100.00	1.00	114.40	114.40	प्राप्त हुई टिकटों का वजन
11	E/16 निर्दिशी विवरण	8.8.90	1.00	113.40	113.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	112.40	112.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	111.40	111.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	110.40	110.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	109.40	109.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	108.40	108.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	107.40	107.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	106.40	106.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	105.40	105.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	104.40	104.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	103.40	103.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	102.40	102.40	प्राप्त हुई टिकटों का वजन
11	— do —	do	1.00	101.40	101.40	प्राप्त हुई टिकटों का वजन

185

SPECIAL POWER OF ATTORNEY

in the Central Administrative Tribunal-Addle Circuit bench
Regd No 271/90 (L) Bucknow

Manni Lal

Plaintiff
Appellant
Petitioner

Versus
Union of India & Others

Defendant
Respondent
Opposite Party

S.N. Pandey, DRM/MB

KNOW all men by these present that I, S.N. Pandey, DRM/MB
Northern Railway, Moradabad do hereby appoint and authorise
S/Shri B.K. Shukla to appear, plead,
and act for me jointly or severally in the above noted case
and to take such steps and proceedings as may be necessary
for the prosecution and defence of the said matter, as the
case may be, and for the purpose to make sign, verify and
present all necessary plaint petitions, written statements and
other documents to compromise the suit admit the claims and
to lodge and deposit money in court and to receive payment from
the court of money deposited and to file and withdraw comments
from court and Generally to set in the promises and in all
proceedings arising thereout whether by way of execution appeal
or otherwise or in any manner connected therewith as effectually
to all intents and purposes as I could act if personally present
I hereby agree to notify and confirm whatever shall be lawfully
done by virtue of these presents.

In witness whereof I herein to set my hand this
day of 19

(S.N. Pandey)

Northern Railway

DIVL. Rly. Manager
Northern Rly.
Moradabad

Accepted
B. K. Shukla
Advocate

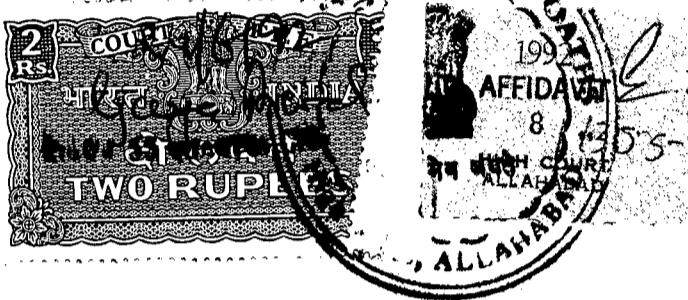
AS3
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT ALLAHABAD
Circuit Bench : Lucknow

Rejoinder affidavit by Applicants

Inre

O A No. 313 of 1990

Fixed on 9.9.91



Gaya Prasad and oths.

... Applicants

Versus

Union of India and oths.

... Respondents

1/6
I, Gaya Prasad aged about 37 years, son of Sri Sunder Lal resident of village Bahar Post Kantha Thok, Distt. Hardoi, do here by solemnly affirm and state on oath as under in the name of Almighty God:-

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 (here in after referred as W S) filed by Asstt. Engineer N Rly. Hardoi on behalf of all respondents .

2- That deponent has been instructed and authorised on behalf of remaining applicants to file the Rejoinder affidavit.

3- That contents of paras 1 to 3 of W S need no reply.

4- That contents of para 4 of reply are denied claim petition having been filed against action/ order Dt. 28.7.90 (which is admitted to be matter of record and is replied as ~~RE~~ "need no comment" in para3 of written statement) the claim petition is definitely within limitation.

5- That contents of para 5(A) and (B) need no rply. Contents of para 5(C) are not admitted as written, all the applicants were told to have passed the Medical Test and were never told ~~to~~ apprised that they are "unfit". All the applicants continued to work without any impediment or complaint.

STAN GUPTA

(ii) Contents of para 5(D) and (E) are specific denied. Copy of Letter Dt. 15.9.89 (CA-2) has not been supplied to the deponent.

(iii) Contents of para 5(F) are not admitted as written. It is incorrect to say that vide letter Dt. 27.9.89 (Annexure CA 3) claimants were declared totally "Unfit," instead perusal of letter Dt. 27.9.89 goes to show that all the claimants are shown to have passed in category "C". It is submitted that petitioners were not examined under "Relaxed Medical Norms". It is incorrect to say that services of petitioners were terminated on one month's notice, none of them have been paid wages after 28.7.90 what to say about one month notices. Receipt of so called "Termination Notices Dt. 25/27.8.90" contained in Annexures C5, C7, C9 and C11 is specifically denied. These notices are apparently interpolated and bear cutting and overwriting which appear to have been cooked up as a devise of defence just for the purposes of this case. So far as Question of appeal is concerned it is not necessary to file any appeal in present circumstances of the case, as the order is not by way of punishment instead it is in violation of statutory rule as contained in para 304 of Indian Railways Establishment code and against other mandatory Provisions of Railway Establishment Manual and Circulars/guide lines.

(iv) That contents of para 5(G) are denied. None of the applicant has received any notice/Termination order. Genuineness of notices are specifically challenged mainly on three counts. Firstly such sort of notice Terminating employment must have been sent through Registered Post. Secondly if Termination has been given effect from 27.9.90, payment of wages must have been made and if petitioners did not turn up for duty (as stated by Respondents) then this fact must have been mentioned in the notice. Thirdly each and every notice, has got cutting and overwriting. Petitioners could have preferred an appeal only when they felt aggrieved by the Medical Examination whereas here the petitioners challenge the mode of Termination without providing alternate job in lower Medical Category (which they are admittedly passed) which is mandatory provision.

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Moreover when claim petition has been admitted it is to be decided on merits as held in 1989 UPLBEC27 and 1989 LIC 1620.

So far as filing of joint claim petition is concerned it is submitted that petitioners have never received any Termination Notice except by means of Counter Reply before this Hon'ble Court. Moreover this Hon'ble court in exercise of its powers under Rule 4(5) (a) CAT Procedure Rules 1987 has ~~not~~ allowed all the applicants to join in one claim after satisfying itself about cause of action and the nature of relief prayed for. In view of principle of law laid down in 1984 LLoF 18 F B the underlying principle for entertaining a joint petition is that if separate claims are filed and ground of challenge in the same, a joint claim is maintainable. Even if different authorities have taken action independent of each other but if same are challenged on identical grounds-a joint petition is maintainable. This Hon'ble Tribunal has also held in O A NO. 17 of 1988 that having regard to the cause of action and the nature of the relief prayed for in the joint petition, the applicants have a common interest in the matter.

6- That contents of para 6 of counter reply are denied. Allegations of so called deliberations and ~~manupulations~~ are specifically denied. It is specifically denied that services of petitioners have been terminated on one months notice, receipt of any such notice as well as receipt of wages after 28.7.90 is specifically denied.

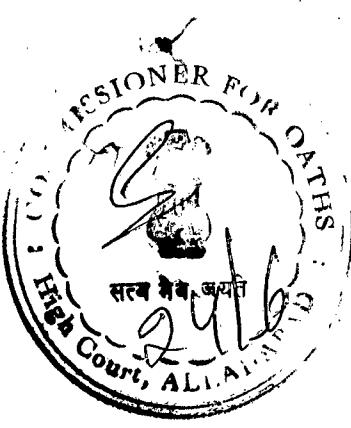
7- That contents of para 7 counter Reply are denied. Word "Railway Employee" includes casual labour and in every case it includes "casual Labour" who having worked for more than 120 continuous days acquires status of Temporary Railway Servant (all the applicants have admittedly acquired this status).

8- That contents of para 8 of counter reply are denied and facts and pleas raised in relevant paras of claim petition as well as in para 5 of this affidavit are re-iterated to be correct.

9- That contents of para 9 of counter reply are denied and those stated in relevant paras of claim petition are re-iterated to be correct.

10- That contents of para 10 of counter reply

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are denied. Although all the applicants are admittedly declared fit in Medical Category "C" it was not necessary for them to make a request for reexamination in lower Medical Category particularly when there is mandatory statutory provision for such re-examination in lower Medical Category. It is worth to point out one DCL (Decasualised) gangman Sri Chhotey Lal son of Niranjan posted under P W I Sandila (under administrative Control of same Astt. Engineer N.Rly. Hardoi) was declared Medically unfit in category B 1 on 20-3-91, his services were ordered to be terminated on 19.4.91 but has been given alternate engagement/ Job on 16.4.91 and was posted on post of Chaukidar at Kakori Railway Station, Similary all the applicants were also D C L Gangman they were fit in Category C, then they also must have been engaged on alternate job like Sri Chhotey Lal afore said who has been engaged by extending benifit of para 304 of Railway Establishment Code and as such petitioner could not have been given discriminatory treatment in matters of employment.

11- That contents of para 11 of Counter Reply are denied and those stated in claim petition are re-iterated to be correct.

12- That contents of para 12 of Counter Reply are denied . Bar of alternate remedy is not applicable in the present case.

13- That contents of para 13 of Counter R^{ply} are denied and facts stated in Para 7 of Claim petition are re-iterated to be correct.

14- That contents of para 14 of Counter Reply are denied ,. All the applicants are entitled to the reliefs prayed for in claim.

15- That contents of para 15 of Counter Reply are denied and facts stated in relevant para of claim petition are re-iterated to be correct.

16. That contents of para 16 of Counter Reply need no comments.

Deponent
JITENDRA
Gaya Prasad

Lucknow 24
Sept 1992

VERIFICATION

I, deponent named above do hereby verify contents of para 1 to 13 of this affidavit to be true from my personal knowledge and contents of para 14 to 16 are believed to be true by me. No part of it is false and nothing material has been concealed. So help me God.

Deponent

गया प्रसाद
Gaya Prasad

Lucknow
Sept 24/1992

I know and identify the deponent
who has signed/ affixed CTI in my presence.

Lucknow
Sept 24/1992

A K Dixit
Advocate

Solemnly affirmed before me on 24 day of Sept.
1992 at 10 a.m. / p.m. by Deponent Sri Gaya Prasad
who is identified by Sri A K Dixit Advocate High court,
Lucknow Bench. I have satisfied myself by examining the
deponent that he understands contents of this affidavit
which have been read out and explained by me to him

OATH COMMISSIONER

S. Singh
(SRI NAVITRI SINGH)
OATH COMMISSIONER
High Court Allahabad.
Lucknow Bench Lucknow.
No. 04/3355
Date 24/6/92

A/58

In the Central Administrative Tribunal, LUCKNOW:

Misc. Appl. No: of 1990(L)

Inre: M. P. No. 590/90(L), 5
O.A. No: 313 of 1990: (L,

Gaya Prasad & 3 others. Applicants:

Versus.

Union of India & Others. Respondents:

Application under Rule 4 (5)(a) for permission to present Joint Petition.

May it please your Honour,

It is submitted that present application is filed on behalf of 4 persons who have a common interest in the matter, with common cause of action and involvement of identical question of fact and law.

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

*Filed today
5th Sept
1990*

U/1 of Gaya Ad.

Lucknow;

Applicants:

dt: 13 Sept. 90,

(Gaya Prasad & Others)

Through counsel,

AKD
(A.K. Dixit) Advocate