

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow BENCHOA/TA/RA/CP/MA/PT 313 of 2090Ganga P. & Ors. Applicant(S)

Versus

V. O. I. & Ors. Respondent(S)

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Certified that the file is complete in all respects.

B & C file Weeded out & destroyed. Am 27.6.12

Signature of S.O.

Signature of Deal. Hand

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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)

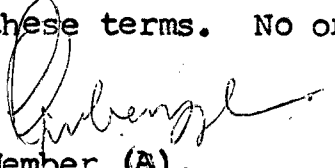
The applicants entered in the services of the Railway Administration as Khallasies and after serving about 5 to 6 years they were given status of decasualised Khallasi in 1984. Their Casual Labour Cards were deposited, their service & antecedents ~~were~~ were checked and verified and was medically examined. 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 medically 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.

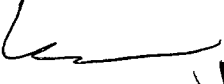
2. Similar matter came up for consideration in O.A. No. 29/92 & 31/92 and after taking into consideration the respective pleas, we have passed the following orders in the said case. After taking into consideration to the effect that the applicants

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

Cause Title QA 313/90 (L) of 1993

Name of the Parties Chaya Prasad & Others Applicant
Versus
Union of India (N.R.I.) Respondents.

Part A.E.C.

S1. No. Description of documents. Page

File A

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File C

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A1

13/9/90
21/10
13.7.9.
SHF
13/9

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 313 of 1989 (L)

APPLICANT(S) Shri Ganga Prasad and 3 others

RESPONDENT(S) U.C.I. & others

	Particulars to be examined	Endorsement as to result of examination
1.	Is the appeal ^{application} 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 ^{application} in time?	yes
	b) If not, by how many days it is beyond time?	N.A.
	c) Has sufficient case for not making the application in time, been filed?	yes
4.	Has the document of authorisation/ Vakalatnama been filed?	yes
5.	Is the application accompanied by B.D./Postal Order for Rs.50/-	yes 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 sapce?	yes
8.	Has the index of documents been filed and pageing 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

Only Main and Bench copy

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
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

yes

x

N.A.

yes

yes

N.A.

yes then very

yes original and bench

yes

yes

dinesh/

sd/-
13/4/90

*For update
for bench copy
in D. 10.70 for
orders 21/10*

13/7/90

AB

313/90 (2)

ew

271/90 (1)

8.10.90

No sitting Adj to 6.11.90

Q

6.11.90

Hon'ble Mr. M. V. Prickar. AM.

Mr. D. K. Agrawal - J. 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.

Q

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 Connect with O.A. NO.
271/90. List for final hearing on 15.1.91
promptorily.

OR

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

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.

e

2-11-90

19/11

Need 31-11-90
copies of
of respondents
D.C. Saxena
Court for
Union of India
19/11/90
23/11/90
C.A. 11/90
15/11

15.1.91 - No sitting Adj to ~~25.4.91~~ 19.3.91

19.3.91 - No sitting adj to 29.5.91.

29.5.91 No sitting Adj to 9.9.91

J

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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	
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2-	B akalatnama	13	
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13

*Filed today
13/9*

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

Lucknow:
dt: 13 Sept. 90,

Signatures of applicants;

For use in Tribunal's office.

Date of filing
or
Date of receipt by post
Registration No.

Signature of Registrar;

Alms

Vij mte



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

L U C K N O W

Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 13/9/90

Date of Receipt by Post.....

Deputy Registrar (I)

ozul
13/9

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

.....2/

V. K. Murli



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-: 2 :-

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 De-casualised 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 "Faker" (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. Jand is reproduced below:-

While directing the candidates for medical Examination a duly filled form 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 scars, moles etc. and it will not be possible for the medical Officer to identify him (En.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 No E(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(MG.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 ~~writing~~ 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 releved 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.

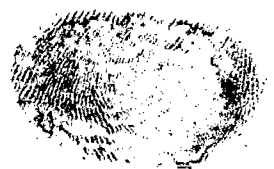
E) Because action of opposite parties is arbitrary, unjust and unfair.

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 on 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) Cessation 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, Lucknow

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. 23/0/80

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- 3) Post Office/Bank by which issued. *H. C. Bank Melan*
 4) Payable at post office/Bank at. *Lucknow/Allahabad*

12- List of Enclosures:

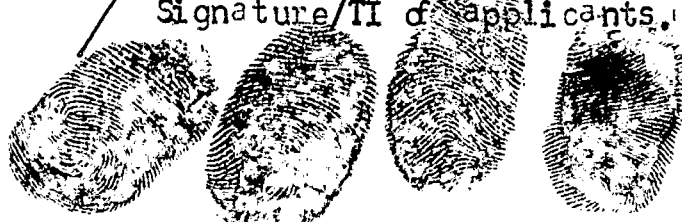
- 1) Demand Draft/Postal order.
- 2) Index of Compilation no.1.
- 3) Paper Book of Compilation No.1.
- 4) Paper Book of Compilation no.1.
- 5) Paper book of Compilation No.2.
- 6) Vakalatnama.

Lucknow;

dt: 13 Sept. 90;

271 Gaya Pd - Mr. Apple
271 Mangoo
271 Murli
271 Ramna

Signature/TI of applicants.




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.

Lucknow;

dt: 13 Sept. 90;

Signature/TI of applicants:



Gaya Pd *Mangoo* *Murli* *Ramna*

In the Central Administration Tribunal
Lucknow

ब अदालत श्रीमान

महोदय

[वादी] अपीलान्ट

Gaya Basant Sath.

का वकालतनामा

Gaya P. Sath.

वादी (अपीलान्ट)

Union of India Sath.

प्रतिवादी (रेस्पान्डेंट)

सन्

पेशी की ता०

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

A. K. Dixit Advocate

509/20 K. old Hyderabad

वकील

महोदय

एडवोकेट

Lucknow

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेशी 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 मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेशी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आये।

271 Gaya

Accepted.

साक्षी (गवाह)

हस्ताक्षर

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

CTI of Murli

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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-	<u>Annexure No. A-1 to A-4</u> Leave Books of applicants.	1-4	
2-	<u>Annexure No. A-5 to A-7</u> Medical Memos of applicants no. 1, 2, and 4.	5-7	

Lucknow;

dated: 13 Sept. 1990.

Applicants:

U. Prasad
(Gaya Prasad & Others)

through their counsel

A.K. Dixit
(A.K. Dixit)

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow

Gaya Prasad and 30ths

Vs.

Union of India 20ths

Applicant

Respondent.

Annexure No. A-1

कि. प्रि. उत्तर रेलवे	
मुरादाबाद मंडल	
अवकाश पंजिका	
नाम	श्री. गंगा प्रसाद
पिता का नाम	श्री. गंगा प्रसाद
पद नाम	P.P. K.H.
विभाग	...
स्टेशन	...
जन्म तिथि	...
नियुक्ति की तिथि	1.7.1944
सेवा निवृत्ति तिथि	...
भविष्य निधि खाता संख्या	...

Attested true copy
20th of March

2
827

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Gaya Prasad and 30ths

Applicants

vs.

Union of India 30ths

Respondents.

Annexure No. A-2

कि प्रिन्स उत्तर रेलवे

मुरादाबाद मंडल

अवकाश पंजिका

नाम... श्री प्रभू

पिता का नाम... श्री प्रभू

पद नाम... प्रभू

विभाग... प्रभू

स्टेशन... प्रभू

जन्म तिथि...

नियुक्ति की तिथि... 17/11/84

सेवा निवृत्ति तिथि...

भविष्य निधि खाता संख्या...

Attested true copy

27/11/84

1793 3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

Gaya Prasad and 3 others

Vs.

Union of India & others

Annexure No. A-3

उत्तर रेलवे
मुरादाबाद मंडल

अवकाश पंजिका

नाम.....
पिता का नाम.....
पद नाम.....
विभाग.....
स्टेशन.....
जन्म तिथि.....
नियुक्ति की तिथि.....
सेवा निवृत्ति तिथि.....
भविष्य निधि खाता संख्या.....

Heard true
Copy
12/11/84

21/11/84

ARM 4

IN THE CENTRAL ADMINISTRATIVE TRIBONAL, LUCKNOW

Gaj Prasad and 3 others

Applicants

Vs.

Union of India & others

Respondents.

Annexure No. A-4

उत्तर रेलवे	
मुरादाबाद मंडल	
अवकाश पंजिका	
नाम	श्री. सुरजी
पिता का नाम	श्री. कै. चन
पद नाम	डेली
विभाग	कार्गो
स्टेशन	श्री. मी. हवेली
जन्म तिथि	
नियुक्ति की तिथि	10.4
सेवा निवृत्ति तिथि	
भविष्य निधि खाता संख्या	

Attested True Copy

Signature

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Lucknow

Gaya Hospital and District

No.

Subject: Medical Memo

Immunisation No. A-5

87550

80/11/12

बो.एम.-2/एच.आर.सी./आर.-142/GM-2 SRC/R-142

चिकित्सा/Med-GA

डाक्टर की मोनो/MEDICAL MEMO

इस फॉर्म में उस समय भरा जाना चाहिये जब किसी उम्मीदवार को नियुक्ति के लिये योग्य ठहराने के लिये इस प्रावधान का अधिकार-पत्र दिया जाता है कि वह अपने आपको डाक्टर की परीक्षा के लिए प्रस्तुत करें।
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: AEM/HR1

सेवा में/To: नं०/No: E/6

.....

पद-वाहक, (नाम) जयप्रकाश

पिता का नाम श्री सुन्दर लाल

उम्र 15-2-52 (37 वर्ष) (पद सत्रा) के रूप में

नियुक्ति के लिये उम्मीदवार है, को वर्ग में डाक्टर की परीक्षा के लिये

प्रपत्र प्राप्त करने के लिये प्रस्तुत 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 स्थायी शारीरिक पहचान चिह्नों की सूची नीचे दी गई है:—

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

(i) One cut mark on forehead.

(ii) One cut mark on little finger of right hand.

हस्ताक्षर/Signature.....

पदवाही, Designation.....

.....

A Handwritten Inter Copy 17/11/12

A20 6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, Luck Now

Ganga Prasad and others

Applicants

Vs.

Union of Ganga Prasad and others

Respondents

Annexure No. A-6

87548

Form No.

जी.एन.-2/एल.आर.सी./आर.-142/GM-1 SRCR-142

विशेषता/Spec.

डाक्टर की नोंद/MEDICAL MEMO

जब कभी उस समय जरा जाया चाहिये जब किसी उम्मीदवार को नियुक्ति के लिये योग्य ठहराने के लिये उसे जायज का अधिकार-पत्र दिया जाता है कि वह अपने आपकी डाक्टर की परीक्षा के लिए प्रस्तुत करें।
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.....

दिनांक/Date.....

उम्मीदवार का नाम (Name).....

उम्मीदवार का पता.....

जन्म तिथि/Date of Birth.....

नियुक्ति के लिये उम्मीदवार है, को वह.....

पत्रे आपकी प्रस्तुत करने के लिए अधिकृत किया गया है।

He bearer (Name).....

Author's name.....

.....a candidate for appointment as

(designation).....in class.....

authorised to present himself for medical examination.

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

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

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Attested by [Signature]

21 April

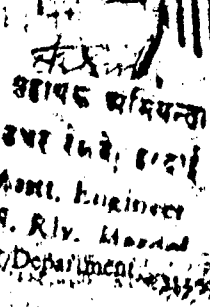
Asst. Engineer
M. R. V. Hardel

A27

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1/5.

Inventory No. A-7



श्री १५८८ अभियन्ता
उपरी १५८८, १५८८
Asst. Engineer
M. R. V. Medical
Department

१. नाम (Name)
 २. पिता का नाम (Father's name)
 ३. उम्र (Age)
 ४. पद (Designation)
 ५. वर्ग (Class)
 ६. वर्ग (Class)
 ७. वर्ग (Class)
 ८. वर्ग (Class)
 ९. वर्ग (Class)
 १०. वर्ग (Class)
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 १००. वर्ग (Class)

Attest

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH AT
LUCKNOW

M. P. No. 24/91(L)
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 sheweth 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
costs.

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 costs.

(A.V. Srivastava)
Advocate,

Counsel for the Respondents.

Dt. 15-1-1991.

R
Filed today
15.1.91

29

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

1. 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.

Surya Bakesh
उपस्थित अभियन्ता
उत्तर रेलवे, हार्दोई
Asstt. Engineer
N. Rly. Hardoi

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2.

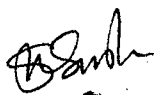
2. That I have gone and understood the contents of the application alongwith annexures under reply.

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 prescribed 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 the case 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:-

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


Advocate General
Court of Sessions
Dist. Court
B. Rly. Station

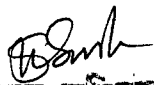
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3.

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,

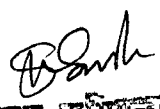

उपस्थित अभियन्ता
उत्तर रेलवे, मुरादाबाद
Asstt. Engineer
N. Rly. Hander

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.4.

due to deliberations and manipulations of late Shri U.L.Verma who was then working as Assistant Superintendent in the Office 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 and 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 ~~Exxx2xxn2xxExxx2xx~~ ANNEXURES C.A.-2 & C.A.-3 respectively.


उपायुक्त अधिवक्ता
: १३, मे, हरदोई
Asstt. Engineer
N. Rly. Haridwar

A33

.5.

(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 itself. Thereafter the applicants were again sent for medical examination in B-1 category on 25.7.90 where they were again Medically examined on different 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.-2, C.A.-3, C.A.-4, C.A.-5, C.A.-6, C.A.-7, C.A.-8, C.A.-9, C.A.-10, C.A.-11 and C.A.-12 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 fomed up for

to send
उत्पादक अभियन्ता
उत्पादक विभाग
Asstt. Engineer
N. Rly. Bareilly

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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 itself. 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


उपायक समितिका
उपायक, कानपुर
ASST. Insp. In-charge
N. Ry. Board

1735
7.

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 circulars 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 respondent 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 t

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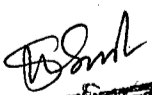
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circular referred to is not at all applicable in the instant case as it refers to about relaxed standard of Medical Examination at the time of absorption of casual labours in ~~regular~~ regular service and any allegations to the contrary are denied.

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.


हार्गोद नरसिंह
असि. इंजीनियर
N. R. Hargod

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 cost.

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

RS
 सहायक अभियन्ता
 उत्तर प्रदेश, इलाहाबाद
 Asstt. Engineer
 N. Rly. Hardoi

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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 eyesight 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. Vision tests required in the interests of the administration only.

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 must be worn for A/1 &

4.3. A1, A2, A3 perception of light. Failure to employ

4.3.1. attractive to the test of more attention. It must be retained in such conditions colour blindness conditions of amputation malingering concerned unattractive taken very fit to remain

4.3.2. be examined suffer from A-1, A-2, examiner, order like duties, he

5. Time

5.1. against p immediate

5.2. no initial the time of

Wh form con be menti be exami sentative (a) has etc. and

True Copy Attached

[Signature]

उत्तर रेलवे

Asstt. Engineer

N. R. Hardeo

10/10/89/दुधगुप्त-

Annexure - C-2

Date 27/9/89

440

सं. का आम्रपस्ता
उत्तर रेलवे हरदोई

प्रप:- निर्माणा निरीक्षक हरदोई के अन्तर्गत कार्यकारी का मेडिकल
स्टाफी करवा

वर्ग :- आपके आफिस पत्र संख्या नं. E/6 C2 dated 15-9-89-
निम्नलिखित कार्यकारी के मेडिकल परीक्षा रिकार्ड दे खाने
के उपरान्त निम्नलिखित संकेत दिए जाते हैं:- ये सभी
Bee one में फिट हैं।

Names & Father's Name	Medical Examinations Memo's No & Date	Class: Unfit
श्री रमभाई नत्पा R.H. ✓	75058 यू 27-8-84 in	Bee I
" रामदुलार शो नरापन " ✓	75079 यू 28-8-84 in	Bee I
" नत्पा शो चिरंजु " ✓	75108 यू 29-8-84	Bee I
" गायप्रेसद शो सुन्दरलाल " ✓	75849 यू 22-10-84	Bee I
" कल्लू शो जोधा " ✓	75767 यू 24-9-84	Bee I
" बन्ने शो लक्ष्मीन " ✓	75060 यू 27-8-84	Bee I
" मंगू शो डू " ✓	75089 यू 28-8-84	Bee I
" मुरली शो लक्ष्म " ✓	75076 यू 28-8-84	Bee I

True Copy Attached

चक्र आययन्ता
वे, हरदोई
Asstt. Engineer
N. Ry. Zone

Medical Superintendent
N. Ry. Hospital
MADABAD
29/9

E/6 20/HR1

9/1/90

मे- निर्माण निरीक्षण
हरदोई

विषय:- निर्माण-निरीक्षण हरदोई के अन्तर्गत कार्यकारी का
मैडिकल इन्फिरमरी

कृपया निम्न लिखित कार्यकारियों को दुबारा मैडिकल परीक्षा
की जाने हेतु दिनांक 25/7/90 को आता 10 बजे, गणक भूमि गन्ता
कोमल के मैडिकल इन्फिरमरी में निर्माण कार्यकारी मैडिकल परीक्षा
में भाग लेने का निर्देश है।

1- "का रक्ता कुल गणक" Dec KH

2- "का रक्ता कुल गणक" Dec KH

3- "का रक्ता कुल गणक" Dec KH

4- "का रक्ता कुल गणक" Dec KH

5- "का रक्ता कुल गणक" Dec KH

6- "का रक्ता कुल गणक" Dec KH

7- "का रक्ता कुल गणक" Dec KH

8- "का रक्ता कुल गणक" Dec KH

True Copy Attested

अधिकारी अभियन्ता

का रेडोई, हरदोई

Asstt. Engineer

M. R. B. Boro

9/1/90

मण्डल अभियन्ता

Divisional Engineer

का रेडोई, हरदोई

M. R. B. Boro

14

कालिका सिंह राय

हरप्रीति

[Handwritten signature]

श्रीगणेशाय नमः
॥

आपका रिपोर्ट देवते से जागरण हुआ है आप को 1904 में
मैत्रीयक परीक्षा में गेने से उत्तरे (बल्लार) से पद पान्नोय-
चौकित पाने गेने किन्तु आप स्वयं व लिपिक की साक्षि-
से कार्य करते रहते। मन्त्रीलोक एवं अन्य के आदेशों का
आपको भी फेल मैत्रीयक परीक्षा में भेला गाना। इसमें
आपको एवं ० वर है उ आनोय चौकित किन्तु गाना / डा.
आपको पिनांक १९१० से तत्काल रूप से सेवा करना
निश्च हो रहा है। इसके अतिरिक्त आप पदाधिकारी के रूप में
महत्त्व के कार्य में किन्तु उदाहरण के रूप में है।

सहायिक श्रमियन्ता

७ उत्तर रेलवे; हरदोई

Asstt. Engineer

Rly. Harbo

प्रतिपक्ष:- देव/हरि ज्ञान-चमक ज्ञान-मार्ग

नाम लिखें हैं - अविनाश

Amner - 45

चिकित्सा प्रो-8/चिकित्सा-68
Med. C-8/Med. 63

134188

MEDICAL DEPARTMENT

अराजक रेल 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 No/No
स्वास्थ्य केन्द्र/Health Unit

मैं एतद्वारा प्रमाणित करता हूँ कि मैंने नाम
आय शाखा/विभाग में दर्जा
उप पर नियुक्ति के लिए उम्मीदवार जिसने मेरी उपस्थिति में तीन वर्षों
हस्ताक्षर किये हैं/वायें अंगूठे का निशान लगाया है, का परीक्षण किया है।

I do hereby certify that I have examined (Name) Gayard S.
Sunder Lal (Age) 37 yrs a Candidate for appoint-
ment in the Challan Class B.T. Beem
in the Eng. Branch/Department
Left thumb impression has been appended
in presence.

मैं निम्नलिखित को *योग्य/*अयोग्य समझता हूँ।
I consider him *Ft/*Unfit for such appointment. in Beem
Unfit in Beem

उम्मीदवार/अराजक कर्मचारी
हाथ अंगूठे का निशान
Signature/LTI of the
Candidate

चिकित्सा अधिकारी
हस्ताक्षर
Signature of Medical
Examiner

तारीख/Date 14.8.90

पदनाम/Designation Railway

BAREILLY

स्थान/Place B.P.

*को प्रासंगिक न हो उसे काट दें/ Delete whichever is inapplicable.

True Copy At-8/8/90
R. S. S. S.
आय अफिसर
रेलवे, इ. दार्ज
Scatt. Engineer
I. R. J. P. and

AM

निकटस्थ शी-8/ जिकरिसा-68

चिकित्सा विभाग

Med. C-8; Med. 43

MEDICAL DEPARTMENT

श्रराजपति रेल कर्मचारी के हथियारों के निपटारे के सम्बन्ध में

स्वस्थता/अस्वस्थता प्रमाण-फल

FITNESS/UNFITNESS CERTIFICATE FOR APPOINTMENT

AS A NON-GAZETTED RAILWAY EMPLOYEE

अस्पताल/Hospital

सं./No

स्वास्थ्य केन्द्र/Health Unit

मैं एतद्वारा प्रमाणित करता हूँ कि 'येने' नाम

नाम : शाखा/विभाग : में दर्जा :

पद पर नियुक्ति के लिए उम्मीदवार जिनमें से भी एक व्यक्ति को नियुक्ति के लिए चुना जायेगा

हस्ताक्षर दिये हैं/बायें अंगूठे का निशान लगाया है, का परीक्षण किया।

I do hereby certify that I have examined Name: Steven J. ...

s/o ddwro (Age) 38 yrs 1 mth 5 day, a Candidate for appoint-

ment as (designation). Challase Class. B

Be one in the Eng Branch Department.

whose signature/left thumb impression has been appended

below in my presence.

में उसे ऐसी नियुक्ति के *योग्य/*अयोग्य समझता है।

I consider him ~~Fit~~ Unfit for such appointment. *W. Bacon*

Unfit in Becane

उम्मा विष्णु (विष्णु उम्मा)

बायें अंगठें

Signature/LT of the

Candidate

तारीख/Date 4.8.90

W.B. Coopers

२. जलव निष्कृता अधिकारी।

Signature of _____
 _____ Medical Officer.

पदनाम/Design Northern Railway

BARRELY

स्थान/Place

True Copy Attached

— ११३ —

Asstt. Engineer

N. Riv. Hard

Aug

25/0/90

हरपौर

Dee KH

Dec 2011
शाह: लेखा वर्षों हवाई

1942

आपका रिपोर्ट देखने से ज्ञात होता है कि आप 27
1984 के मेमिनल ग्रिड से अपने खंड के वरक पर अभिलेख
द्वारा धित पाये गये। फिर भी आप अपने खंड की पिक की
साक्षिणी से कार्य चला रहे हैं। मन्त्रीमंडल व राज्य के मन्त्रालय
के आदेशानुसार आपका भी कुछ मेमिनल प्रतीक देना
मेमिनल ग्रिड की पिक आप खंड के वरक देना अभिलेख
से ज्ञात होगा। आपकी तत्काल दिनांक 27/9/80
से सेवा शुरू किया जाता है। इसके अभिलेख आप
45 दिनों के अन्दर DEH-1/11/80 के अन्तर्गत है।

True copy AH-8

27/8
साहायक अभियन्ता

Asst. Engineer
H. Rly. Hardo

[illegible]

Answer-CA9

134467

उ०२०
N.R.

चिकित्सा सी-8/चिकित्सा-68
Med.C-8/Med.63

चिकित्सा विभाग

MEDICAL DEPARTMENT

प्रराजपत्रित रेल कर्मचारी के रूप में नियुक्ति के सम्बन्ध में

स्वस्थता/अस्वस्थता प्रमाण-पत्र

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

बुस्पताल/Hospital

पं./No.

स्वास्थ्य केन्द्र/Health Unit

मैं एतद्वारा प्रमाणित करता हूँ कि मैंने नाम

आय शाखा/विभाग में दर्जा में

पद पर नियुक्ति 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) Ramkha

✓ S/o. Nalha (Age) 35 a Candidate for appoint-
ment as (designation) Khalla Class Bee one

BI in the Eng Branch/Department
whose signature/left thumb impression has been appended
below in my presence.

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

I consider him *Fit/*Unfit for such appointment. in Bee one
Unfit in Bee one

उम्मीदवार के हस्ताक्षर/
वायें अंगूठे का निशान
Signature/LTI of the
Candidate

रेलवे चिकित्सा अधिकारी

Signature of Rly. Medical Officer
North Eastern Railway

तारीख/Date 0 AUG 1990 पदनाम/Designation BE EX

स्थान/Place

*को काटना न हो उसे काट दें/Delete whichever

2/6 2/10/90

कार्यक्रम के लिए कार्यकर्ता
हरदोई

90

ज. का लुका हुआ लपका
के लिए लेना

अन:- लेखा, वर्यो, हरदोई

आपेरा

आपका रिपोर्ट देवेंद्र से आकाश हुआ कि आपकी 1504 में
में शक्ति परीक्षा में गैर वे आने के बजाय के पद पर आगे
चोखा पड़े गये कि मैं जाना बिना व हीने की साक्षि
हि कार्य मले रहे। मजबूत एवं अन्य के आपेरा हुआ
आपके भी प्रेस मैगजिन परीक्षा में भेजा गया जिसे
आपको खूब पद हेतु आगे चोखा कि जाना। आप
आपको दिनांक 25/10/90 से तत्काल रूप से सेवा
हुना किता जाता है। इसके अर्थ में आप 45 दिन के
आन्दोलन में मजबूत करिषता है कि आपका जो 1/10/90 है

True copy Attached

[Signature]

Asstt. N. Rly.

Asstt. N. Rly.

[Signature]

आयक अधिकारी

हरदोई

Asstt. Engineer N. Rly. Hardol

आपकी 2/6 2/10/90 के अनुसार एवं आपका
4/10/90 है उक्त

738

4

Y

[Signature]

Signature CK-11

021

149

3040
N.R.

134474

चिकित्सा द-8/चिकित्सा-68

चिकित्सा विभाग

- Med. C-8/Med. A3

MEDICAL DEPARTMENT

पराजपणित रेल 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

पं०/No. 156

स्वास्थ्य केन्द्र/Health Unit

मैं एतद्वारा प्रमाणित करता हूँ कि मैंने नाम.....

वाय..... गाँवा/विभाग..... में दर्जा..... में.....

पद पर नियुक्ति 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. Y. L. S. /

Lochan (Age) 36 yrs 1 mch 22 day, a Candidate for appoint-

ment as (designation) KH..... Class B1.....

Bee one..... in the E. & C. Branch/Department

whose signature/left thumb impression has been appended

below in my presence.

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

I consider him *Fit/*Unfit for such appointment. in Bee one

Unfit in Bee one

B1

उम्मीदवार के हस्ताक्षर/

वायें अंगूठे का निशान

Signature/LTI of the
Candidate

तारीख/Date 10.8.90

स्थान/Place

B.E.

रेलवे चिकित्सा अधिकारी

के हस्ताक्षर

Signature of Rly. Medical Officer

पदनाम/Designation Frederick Medical Officer

True Copy

उत्तर रेलवे इंजीनियर

Asst. Engineer.

N. Rlv. Hardo

72

Date

5

6

1

ges to
"col" when the
exceeds the respective
minimum)

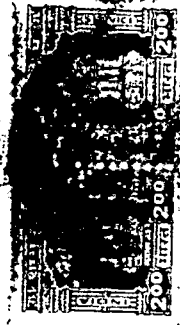
Under Certificate of posting

सहायक अभियन्ता
उत्तर रेलवे, हरदोई
Asstt. Engineer
N. Rly. Hardoi

- 1) वानेई प्रकाश लाल शर्मा आगम-तेरवा जो० बंसीपुरा निवा-हरदोई
- 2) रमेश प्रकाश लाल शर्मा आगम-तेरवा जो० बंसीपुरा निवा-हरदोई
- 3) अरुण प्रकाश शर्मा आगम-तेरवा जो० बंसीपुरा निवा-हरदोई
- 4) गोदावरी प्रकाश शर्मा आगम-तेरवा जो० बंसीपुरा निवा-हरदोई
- 5) अरुण प्रकाश शर्मा आगम-तेरवा जो० बंसीपुरा निवा-हरदोई
- 6) आगम प्रकाश शर्मा आगम-तेरवा जो० बंसीपुरा निवा-हरदोई

True copy Attached

सहायक अभियन्ता
उत्तर रेलवे, हरदोई
Asstt. Engineer
N. Rly. Hardoi



✓✓

ASL

(सी०ए०-8/CA-8)

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 प्रपत्रा पैकेटों की संख्या No. of letters or packets	विशेष विवरण (पत्रों प्रपत्रा पैकेटों का वजन इस कालम में लिखा जाना चाहिए, जब साधारण से अधिक मूल्य की टिकटें लगाई गई हों) Remarks (Weight of letters or packages to be recorded in this col. when the postage exceeds the respective minimum)
		रु० Rs.	पै० P.	रु० Rs.	पै० P.		
1	2	3	4	5	6	7	8
10-8-90	E/16 100/1000 अमृतसर 100 4 8 90	7	00	37	40	46	40
11	E/16 — do — — — 8 8 90	7	00	32	40		
11	E/16 — do — — — 8 8 90	7	00	25	40		
30-8-90	E/16 जे. ए. निरीं हरियाणा 27 8 90	1	00	24	40		
24	— do — — — do — — —	1	00	23	40		
11	— do — — — do — — —	1	00	22	40		
11	— do — — — do — — —	1	00	21	40		
11	— do — — — do — — —	1	00	20	40		
11	— do — — — do — — —	1	00	19	40		
30-8-90	Issued to U.P.C. — — —	4	00	15	40		
3-9-90	Received from J.A.M./M.R. } office No 100 or 3	—	—	115	40		
3-9-90	E/16 100/1000 अमृतसर 20 8 90	1	00	114	40		
11	E/16 100/1000 अमृतसर 20 8 90	1	00	113	40		
11	— do — — — do — — —	1	00	112	40		
11	— do — — — do — — —	1	00	111	40		
11	— do — — — do — — —	1	00	110	40		
11	— do — — — do — — —	1	00	109	40		
11	— do — — — do — — —	1	00	108	40		
11	— do — — — do — — —	1	00	107	40		
11	— do — — — do — — —	1	00	106	40		
11	— do — — — do — — —	1	00	105	40		
11	— do — — — do — — —	1	00	104	40		
11	— do — — — do — — —	1	00	103	40		
11	— do — — — do — — —	1	00	102	40		
11	— do — — — do — — —	1	00	101	40		

75

SPECIAL POWER OF ATTORNEY

In the central Administrative Tribunal - Addle Circuit bench Lucknow

Regd No. 271/90 (4)

Manni Lal

Plaintiff
Appellant
Petitioner

Versus

Union of India & Others

Defendant
Respondent
Opposite Party

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 require 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

one by virtue of these presents.

In witness whereof I herein to set my hand this

day of

19

Accepted
B.K. Shukla
Advocate

(S.N. Pandey)

Northern Railway

Divl. Rly. Manager
Northern Rly.
Moradabad

AS3

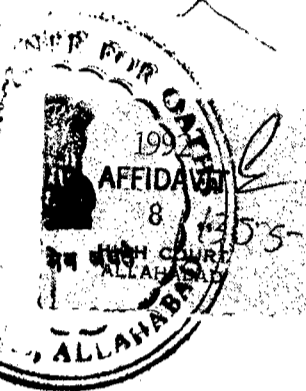
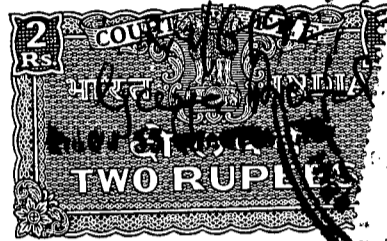
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT ALLAHABAD
Circuit Bench : Lucknow

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

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 Astt. Engineer N Rly. Hardoi on behalf of all respondents .

2- That deponet has been instructed and authorised on behalf of remaining applicants to file this 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 ~~need~~ "need no comment" in para 3 of written statement) the claim petition is definetly 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 ~~ta~~pprised that they are "unfit" All the applicants continued to workwithout any impediment or complaint.

महाराष्ट्र

(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 device 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 petitioner's challenge the mode of Termination without providing alternate job in lower Medical Category (which they are admittedly passed) which is mandatory provision.

गुलाम अली



Moreover when claim petition has been admitted it is to be decided on merits as hold 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 mean^s of Counter Reply before this Hon'ble Court. Moreover this Hon'ble courtin exercise of its powers under Rule 4(5) (a) CAT Procedeure 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 far. In view of principle of law laid down in 1984 Llof 18 F B the underlaying principle for entertaining a joing petition is that if seperate claims are filed and ground of challage in the same, a joing claim is maintainable . Even if different authorities have taken action idependent of each other but if same are challaged 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 far in the joint petition, the applicants have a common interest in the matter.

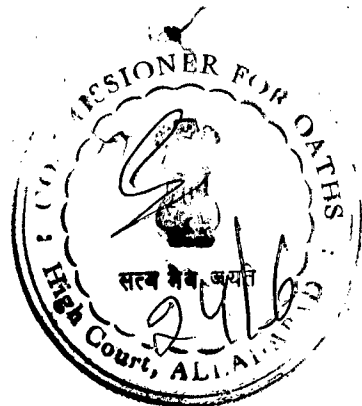
6- That contents of para 6 of counter reply are denied. Allegations of so called deliberations and ~~manipulations~~ manipulations are specifically denied. It is specifically denied that services of petitioners have been terminated on one months notice, receipt of any such notice as well as receipt of 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 continious 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 relevent paras of claim petition as well as in para 5 of this affidavit are re-itrated to be correct.

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

10- That contents of para 10 of counter reply



गुपतपुत्राद

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 Niranjana posted under P W I Sandila (under administrative control of same Asstt. 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, Similarly 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 benefit 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 Reply are denied and facts stated in Para 7 of Claim petition are re-iterated to be correct.

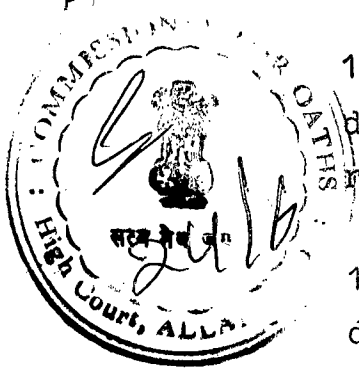
14- That contents of para 14 of Counter Reply are denied, All the applicants are entitled to the reliefs prayed for in claim.

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.

Lucknow 24
June 1992

Deponent
गया प्रसाद
Gaya Prasad



AS7

-5-

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 nothin material has been canceled. So help me God.

Lucknow ✓
June 24/1992

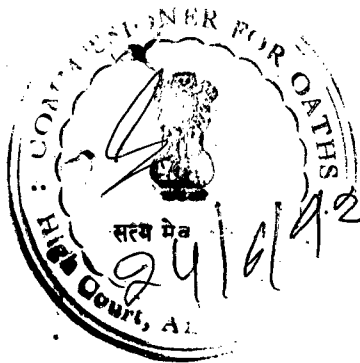
Deponent
Gaya Prasad
Gaya Prasad

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

Lucknow ✓
June 24/1992

A K Dixit
Advocate

Solemnly affirmed before me on day of June. 1992 at 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 my self by examing the deponent that he understands contents of this affidavit which have been read o ut and explained by me to him



OATH COMMISSIONER

S. Singh
(Sri) SAVITRI SINGH
OATH COMMISSIONER
High Court Allahabad.
Lucknow Bench Lucknow.
No. 81/35-S.
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) ✓

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 on 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.

R
filed today
5/9/90
13/9

17/1 of Gayal.

Lucknow;

Applicants:

dt: 13 Sept. 90,

(Gaya Prasad & Others)

Through counsel,

(A.K. Dixit) Advocate.