

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT O.A. 464 of 20.9.90Chandrakant Jayti Prasad Shukla Applicant(S)

Versus

U.O. 9. Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B.C. file needed and destroyed
Keja
 Signature of S.O. 11.11.2012

12/6/12
 Signature of Deal. Hand

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

12/12/90

Registration No. 407 of 1990 (C)

APPLICANT(S) Shri Chandra Kant Jyoti Prasad 12/12/90
RESPONDENT(S) Union of India & others Shukla

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent? <u>application</u>	<u>yes</u>
2. a) Is the application in the prescribed form?	<u>yes</u>
b) Is the application in paper book form?	<u>yes</u>
c) Have six complete sets of the application been filed?	<u>yes</u>
3. a) Is the appeal in time? <u>application</u>	<u>yes</u>
b) If not, by how many days it is beyond time?	<u>Copy of legal notice dated 25.5.90</u>
c) Has sufficient case for not making the application in time, been filed?	<u>yes</u>
4. Has the document of authorisation/ Vakalatnama been filed?	<u>yes</u>
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	<u>yes</u>
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	<u>yes</u>
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed?	<u>yes</u>
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly?	<u>yes</u>
c) Are the documents referred to in (a) above neatly typed in double sapce?	<u>yes</u>
8. Has the index of documents been filed and paging done properly?	<u>yes</u>
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?	<u>yes</u>
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	<u>yes</u>

✓

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Particulars to be Examined

Endorsement as to result of examination

- | | |
|--|----------------------|
| 11. Are the application/ replicate copy/ spare copies signed? | 4 sets |
| 12. Are extra copies of the application with annexures filed? | Yes |
| a) Identical with the Original? | Yes |
| b) Defective? | |
| c) Missing in Annexures | One page Annexure is |
| d) No. _____ question _____? | on both sides of |
| 13. Have the full size envelopes bearing full addresses of the respondents been filed? | the papers. |
| 14. Are the given address the registered address? | N.A. |
| 15. Do the names of the parties shown in the copies tally with those indicated in the application? | Yes |
| 16. Are the translations certified to be true or supported by an affidavit affirming that they are true? | Yes |
| 17. Are the facts of the case mentioned in item no. 6 of the application? | N.A. |
| a) Concise? | Yes |
| b) Clear distinct heads? | Yes |
| c) Numbered consecutively? | Yes |
| d) Typed in double space on one side of the paper? | Yes |
| 18. Are the particulars for interim order prayed for indicated with accuracy? | No |
| 19. Whether all the remedies have been exhausted. | Yes |
| | Yes |

finger/

12.12.90
D. R.

Put up before the Hon.
Bench, on 9.1.91 for

orders
14.12.90

R
cyu
12.12.90

①

(AM)


①

31.1.91

Hon. Mr. D K. Agrawal J.M.
 Hon. Mr. K. Chagga AM.

On the request of counsel for
 applicant, case is adjourned to
 31.1.91.


 J.M.


 AM.

②

31.1.91 -

NO sitting Adj to 4.2.91

③

4/2/91

Hon Mr Justice K. Iyer, J.C.
 Hon. Mr. K. Chagga AM.

Shri ~~B.S.P.~~ Request for the applicant.
 The date of commencement of employment

indicated in para 40 is 1960 but in
 Para 3 of Annexure-4 it is ^{21.5.1958} year 1958.

The applicant must explain the ~~discrepancy~~ discrepancy
 in filing this application by a preps-
 application. Resist for admission on
 25/2/91 also file an application for
 amendment and an application for
 condonation of delay


 AM.



J.C.

④

25.2.91 -

NO sitting Adj to 19.3.91.

⑤
19.3.91 -

NO sitting adj to 8.4.91.

✓

(M) 404-903

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

Hon'ble Mr. A.B. Gorthi, A.M.

Dated: 20.5.1991.

Admit.

Issue notice to the respondents to file counter affidavit within 4 weeks hereof, rejoinder affidavit may be filed within two weeks thereof, and thereafter list this case before D.R. (J) on 11.7.1991 for completion of pleadings and then to keep it in sine die list for listing it for hearing according to its serial number.

Sd/-

A.M.

Sd/-

V.C.

on
notice
5/6/91

11.7.91
D.R.

Applicant is absent.

O.P.'s side is present.

counter has not been

filed. Respondent
to file counter by
12/9/91. ✓

12.9.91
D.R.

Applicant's side is
present. Respondent
to file counter by
24/10/91. ✓

AA

13.4.92Hon. Mr. S.N. Prasad, J.M.

Case called on
 Shri A. Sivarama Chari & the respondents present
 the Court and the

applicant has sought adjournment.

At present. List this case &

hearing on 20.4.92.

20.4.92Hon. Mr. S.N. Prasad, J.M.

Learned Counsel of a
 applicant - sought adjournment.
 List this case for hearing on
 21.4.92

2

J.M.

21.4.92Hon. Mr. S.N. Prasad, J.M.

Shri B.S. Rawal, L/c father
 applicant & Shri Anil Sivarama
 L/c father respondents present.
 Arguments heard. Jdgp.
 reserved

4

J.M.

24.4.92Hon. Mr. S.N. Prasad, J.M.

Judgment pronounced
 today in the open Court.

2

J.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT

BENCH LUCKNOW

Original Application No. 404 of 1990(L)

Chandra Kant Joyti Prasad Shukla Applicant

Versus

1. Union of India, through Chairman, Railway Board, Baroda House, New Delhi.
2. The Divisional Railway Manager, Central Railway, Solapur (Maharashtra.).
3. The General Manager, Central Railway, Bombay V.T.

. Respondents.

Hon'ble Mr. S.N. Prasad, Member (J)

The applicant has approached this tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer ~~mainly~~ to quash the retirement order dated 31.1.1988 and to re-instate the applicant with all consequential benefits. It has also been prayed by the applicant that the respondents be directed to decide the representation of the applicant as mentioned in para 6 of the application.

2. Briefly, stated the facts of this case, inter-alia, are that the applicant had been working in the Central Railway on the post of Shunter Grade B in the year 1987 and the applicant was appointed in the year 1960 on the post of Yard Khalasi and his date of birth was wrongly recorded in his service record by the respondents as 21.1.1930, whereas the correct date of birth of the applicant is 21.1.1938. True copy of Junior High School Certificate, High School Certificate and the ~~T~~ Transfer certificate to this effect issued by the institutions where the

applicant pursued his studies, have been annexed to this application as Annexure[~] 1, 2 and 3 respectively. It has further been stated that the applicant had been making representations since 1975 against the incorrect date of birth of the applicant, but no heed was paid to the representations of the applicant (vide annexure No. 4, 5, 6, 7, & 8 respectively) and thereafter the applicant sent a legal notice dated 25.5.1990 which was served on the respondents[~], but the applicant was arbitrarily retired by the respondents on 31.1.1988 in accordance with his wrong date of birth as 21.1.1930 as recorded in the service record, though in fact the correct date of birth of the applicant is 21.1.1938.

3. In the counter filed by the respondents it has been, inter-alia, contended that the correct date of birth of the applicant is 21.1.1930 and the same was recorded correctly in his service record on the basis of School Leaving Certificate submitted by the applicant and as per his own statement at the time of his appointment[~] (vide annexure No. R-1[~] to the counter)[~]. It has further been contended that the original School Leaving Certificate was returned to the applicant vide letter dated 5.12.58 after keeping a attested copy of the same (vide annexure No. R-3 and R-4[~] to the counter)[~]. It has further been contended that the no representation was submitted by the applicant in the year 1975, and the first representation regarding his date of birth was submitted by the applicant vide his letter dated 3.3.1982 and his representation was duly considered by the competent authority and the applicant was asked to produce the original School Leaving Certificate of Kanya Kumbh Inter college, Kanpur issued in the

year 1958 but the applicant did not submit the same till the date of his retirement or thereafter. It has further been contended that in the seniority lists published from time to time, the date of birth of the applicant was shown as 21.1.1930 but except the representation dated 3.3.1982, the applicant never agitated the matter till his retirement. It has further been contended that the application of the applicant has no merit and applicant is not entitle to the relief sought for.

4. Rejoinder-affidavit^{has been} filed by the applicant wherein the applicant has re-iterated almost all those allegations as mentioned in the application.

5. I have heard the learned counsel for the parties and have thoroughly gone through the records of the case.

6. Besides other points the learned counsel for the applicant has drawn my attention to the para 6 & 7 of the application and to the rejoinder-affidavit of the applicant (vide annexure A-4 to A-8) and has also drawn my attention to Rule 145 of Indian Railway Establishment Code Vol.-I and has argued that since the very inception, the applicant has been agitating the matter regarding correction of his date of birth according to his scholastic certificate, but arbitrarily and illegally without deciding the representations of the applicant, the applicant was retired, and has further argued that it was bounden duty of the respondents to probe into the matter if they had doubt regarding the authenticity of the certificate

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submitted by the applicant and as such the respondents be directed to decide the representations of the applicant from proper perspective in consultation with the authorities of the School concerned if necessary and in support of his argument has placed reliance on the following rulings :-

(i) U.P. Local Bodies and Educational Cases 1992, Vishwa Nath (applicant) Vs. Union of India and others (respondents) at page 23 (CAT, Allahabad) wherein it has been enunciated :-

" Applicant claiming that date of birth recorded on basis of medical examination is wrong and that recorded in school leaving certificate is correct- respondents directed to examine school leaving certificate and do the needful."

(ii) 1990 Labour and Industrial cases, C.A.T. (Hyderabad Bench), FULL BENCH, M.S. Murthy and another (applicant) Vs. Union of India and others (opposite parties) at page 547 wherein it has been enunciated :-

" Constitution of India, Arts. 309, 73, 14- Railway Establishment Code (1959), Rs. 145(3), 157-Date of birth-Alteration of Prescription of time-limit for employees joining after 3.12.1971-Right of employees joining earlier to that date not lost-Subsequent circular dt. 4.8.72 by authorities imposing limitation on such right of employee joining prior to 3.12.71 is an executive order in conflict with sub-rule (3) of R. 145-Illegal-Also held violative of Art. 14." 1.92

7. The learned counsel for the respondents while drawing my attention to the contents of the application, counter-affidavit, rejoinder-affidavit and other papers, has argued that no other representations excepting the representation of the applicant

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Contd....5/-

scholastic certificates submitted by the applicant and the accuracy of the date of birth of the applicant as 21.1.1938 as contended by the applicant and decide the representation of the applicant dated 3.3.1982 (annexure-4 to the application) from proper perspective in accordance with the extant rules by a reasoned and speaking order, within a period of three months from the date of the receipt of copy of this judgement, and in case the version of the applicant about his date of birth as 21.1.1938 is found to be correct then in that case the respondents shall re-instate the applicant in service with all consequential benefits and shall give him the benefit of the continuity in service till the date of his superannuation accordingly; and I order accordingly. It is made clear that the applicant shall co-operate with the respondents No.2 and 3 and furnish the requisite papers during the period of enquiry to enable the respondents to complete the enquiry and to decide the representation dated 3.3.1982 (annexure 4 to the application) within the aforesaid stipulated period of three months.

10. The application of the applicant is disposed of as above with no order as to the costs.


Member (J)

24.4.92

Lucknow dated 24th April, 1992.

(RKA)

AR

In the Central Administrative Tribunal,
Allahabad Bench, at Lucknow.

O.A. No. 484 of 1990 (4,

Chandra Kant Jyoti Prasad Shukla

... Applicant

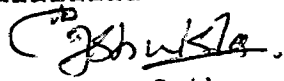
Versus

Union of India and others .

Respondents
.... ~~Opposite~~

: INDEX :

Sl. no.	Description of documents relief upon	Page no.
1.	Application	1 .. 7
2.	Copy of Junior High School Certificate	Annex.-1 8
3.	Copy of High School Certificate	Annex. -2 9
4.	Copy of the transfer certi- ficate issued by the Institution.	Annex. -3 10
5.	Copy of representation dated 3.2.1982 2	Annex. -4 11
6.	Copy of representation dated 30.9.1986	Annex. -5 12
7.	Copy of representation dt. 23.11.1987	Annex. -6 13
8.	Copy of representation dated 12.1.1988	Annex. -7 14
9.	Copy of representation dated 30.11.1988	Annex. -8 15
10.	Copy of legal notice dated 25.5.1990	Annex.-9 16-17
11.	Copy of Regd. notice dt. 20.9.1990	Annex.-10 18


Signature of the Applicant

For use in Tribunal's office

Date of filing

Signature of Registrar

1.

In the Central Administrative Tribunal,
Allahabad Bench, at Lucknow.

Chandra Kant Joyti Prasad Shukla
S/o Sri Jyoti Prasad Shukla,
r/o Village Pathakpur,
P.O. Asoha,
Distt. Unnao

... Applicant

Versus

1. Union of India,
Through Chairman, Railway
Board, Baroda House,
NEW DELHI.
2. The Divisional Railway Manager,
Central Railway,
Solapur (Maharashtra).
3. The General Manager,
Central Railway,
Bombay V.T.

... Respondents.

: DETAILS OF APPLICATION :

1. Particulars of the order against which the application is made : Retirement vide notification no. SURI/P/Mech/ of date 31.1.88. Retirement order is not available, as it was not served personally to the applicant, but it was a General Gazette notification pasted

(28/1/89)

Central Administrative Tribunal
 Circuit Bench at Lucknow
 Date of Filing 12/12/90
 Date of Receipt 12/12/90
 Deputy Registrar 2 (AM)

2.

on the Notice Board containing the names of number of employees.

2.

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Tribunal, as the applicant has been residing in Unnao district permanently after his retirement.

3.

LIMITATIONS

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act 1985 in view of the recurring course of action, as the opposite parties have not decided the representation of the applicant and the applicant has to retire on 31.1.1996, as per his date of birth recorded in his High School Certificate.

4.

FACTS OF THE CASE.

(1) That the applicant had been employed in the Central Railway on the post of Shunter Grade at the time of retirement. By order 21.5.1960. The applicant was appointed in the post of Yard Khalasi.

(2) That the date of birth of the applicant was wrongly recorded in his service records by the respondents as 21.1.1930, whereas the correct date of birth of the applicant is 21.1.1938. True copy of Junior High School Certificate, High School Certificate and the transfer certificate issued by the institution where the applicant pursued his studies, are

2
 Filed today
 12/12

Cy Shukla

3.

MS

being annexed to this application as annexure 1, 2 and 3 respectively.

- (3) That in case the date of birth of the applicant would have been 21.1.1930, then the applicant was not eligible for recruitment in the Indian Railway being overage at that time, namely in the year 1960.
- (4) That in view of the facts and circumstances mentioned above it is clear that the incorrect date of birth was recorded in the service records of the applicant due to slip of pen or typographical mistake of the official concerned.
- (5) That the time of his appointment in the Indian Railway the qualification of the applicant was Intermediate failed which must have been recorded in the service record of the applicant.
- (6) That the applicant had been making representations since 1975 against the incorrect date of birth of the applicant to the respondents, but no heed was paid to the representations of the applicant.
- (7) That the true copies of the representations made by the applicant dated 3.3.1982, 30.9.1986, 28.11.1987, 12.1.1988, 30.11.1988, are being annexed to this applicant as Annexure No. 4,5,6, 7,8 respectively.

(25/11/89)

(3)

That thereafter the applicant sent a legal notice dated 25.5.1990 through his counsel and ultimately

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4.

sent a registered notice dated 20.9.1990 to the respondents, which are being annexed as Annexure No. 9 and 10 respectively.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS

- (a) That as per retirement rules the applicant is to retire at the age of 58 years according to the age recorded in the railway record on the basis of the educational certificate of the applicant.
- (b) That there is no proof or basis of the date of birth of the applicant as 21.1.1930. Thus the retirement of the applicant from 31.1.1983 on the basis of his date of birth as 21.1.1930 is arbitrary and illegal.
- (c) That the retirement of the applicant from 31.1.1983 is discriminatory and in violation of Article 14 and 16 of the Constitution of India.
- (d) That the applicant has got a legal right to remain in the employment of the Central Railway till 31.1.1996, when he attains the age of 58 years as per his High School Certificate.
- (e) That premature retirement of the applicant effects his livelihood without proper procedure of law, which is in violation of the fundamental right of the applicant under Article 21 of the Constitution of India.
- (f) That the respondents are bound to direct the representation of the applicant.

Copy to be

5.

7/17

6.

DETAILS OF REMEDIES EXHAUSTED.

The applicant declares that he has availed of all the remedies available to him under the relevant service rules.

- (1) That the applicant had been representing since 1975.
- (2) That the representation dated 3.3.1982, 30.9.1986, 23.11.1987, 12.1.1988, 30.11.1983 have already been annexed as Annexure No. 4,5,6,7, and 8 respectively.
- (3) That the applicant also got the legal notice sent by his counsel on 25.5.1990, which has been annexed as Annexure no. 9, and ultimately sent notice dated 20.9.1990, which has been annexed as Annexure No. 10.
- (4) That all the representations are still pending and have not been decided by the respondents.

7.

MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

The applicant further declared that he had not previously filed any application, writ petition or suit, regarding the matter in respect of which this application has been made, before any Court of any other authority or any other Bench of the Tribunal nor any such application, writ or suit is pending before any of them.

28thuk19

8. RELIEFS SOUGHT

In view of the facts mentioned in para 6 above the applicant prays for the following reliefs :

- (i) This Hon'ble Tribunal may be pleased to direct the respondents to decide the representations of the applicant, as all the representations as mentioned in para 6 above are still pending .
- (ii) The respondents may be directed to produce the retirement order SUR/P/Mech/ of date 31.1.83 before this Tribunal on the next date or on the date fixed by this Tribunal for this purpose.
- (iii) This Hon'ble Tribunal may be pleased to quash the retirement order dated 31.1.1938 and to reinstate the applicant with all consequential benefits.
- (iv) Cost of the case may be awarded in favour of the applicant.
- (v) Any other and further relief may be granted which may be deemed fit and proper by this Hon'ble ~~Court~~ Tribunal.

9. Interim order, if any, prayed for pending final decision on the applications, the applicant seeks the following interim relief :

- (1) This Hon'ble Tribunal may be pleased to stay the retirement order dated 31.1.1938 during the pendency of the application for final decision

(28/1/83)

A19

7.

10. Application is being presented personally.
11. Particulars of postal order filed in respect of the application fee. *Doc 415957 at 12 12 90 for Rs 50/- High Court Bench, Patna*
12. List of Enclosures
1. Copy of Junior High School Certificate.
 2. Copy of High School Certificate.
 3. Copy of the transfer certificate issued by the Institution.
 4. Copy of representation dated 3.3.1982.
 5. Copy of representation dated 30.9.1986.
 6. Copy of representation dated 28.11.1987.
 7. Copy of representation dated 12.1.1988.
 8. Copy of representation dated 30.11.1988.
 9. Copy of legal notice dated 25.5.1990
 10. Copy of Registered notice dated 20.9.1990

: VERIFICATION:

I, Chandra Kant Jyoti Prakash Shukla s/o Sri Jyoti Prasad Shukla, aged about 52 years, resident of village Pathakpur, P.O. Ashoha, district Unnao hereby verify that the contents of paras 1, 2, 3, 4, 6, 7, 10, 11, 12 are true to my personal knowledge and para 5, 8, 9 - are believed to be true on legal advice and that I have suppressed any material fact.

Dated Lucknow.

Prakash
November 10, 1990

Chandra Kant Jyoti Prakash Shukla

Signature of the Applicant

ब अदालत श्रीमान

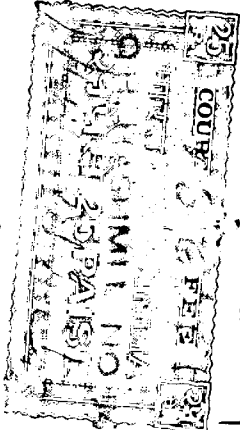
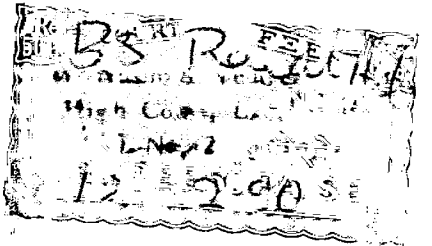
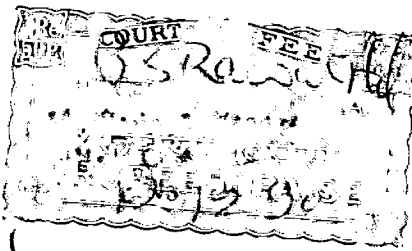
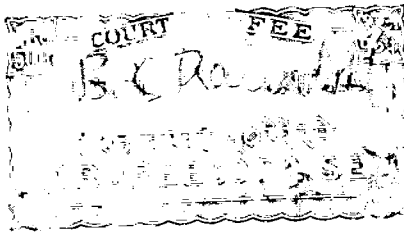
Ch. Chandra

महोदय

[बादी] अपीलान्त

श्री C J Simble का

वकालतनामा



C J Simble
Union of India & Co. vs

बनाम

प्रतिवादी (रिस्पान्डेंट)

सन्

पेशी की ता०

१६

ई०

मुकद्दमा में अपनी ओर से श्री

Bhurat Singh Rawat

Advocate

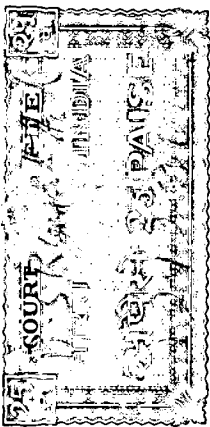
62, Ganga Gated Singh Marg,

वकील

Lat Khurda, Lucknow,

महोदय

एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी 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 (वस्तुखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वशः स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी 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 आवे।

हस्ताक्षर

C J Simble

(Chandra Singh Rawat) Advocate

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

ई०

Accepted
Bhurat Singh Rawat
62, Ganga Gated Singh Marg,
Lat Khurda, Lucknow.

721

25 | 4 | 4 |

14.

...Applicant

... Respondents

... Respondents

1372/52

- [illegible]

Cyberpunk

for bonafide reasons.

3. That the applicant was advised by his counsel Sri Baboo Bal Krishna Shukla, Advocate, Unnao, that the cause of action runs till the representations of the applicant are not decided by the respondents, as such, the applicant had been making representations to the respondents ever since his retirement. None of the representations of the applicant has been decided by the respondents as yet.
4. That the advice of the Counsel of the applicant Sri Baboo Balkrishna Shukla was based on the decision of the Hon'ble High Court of Allahabad in M.P. Rai Versus State of U.P. (1986 (4) LCD 209). Thus the applicant, believing on the advice of the Counsel bonafidely, have been waiting the decision of the opposite parties on his representations. He has also tried to solicit the decision regarding sending repeated representations.
5. That the delay, if any, was not deliberate on the part of the applicant, but it was due to legal advice of his Counsel on which the applicant bonafidely believed.
6. That the Hon'ble Supreme Court has held :

"It must be grasped that the judiciary is respected not on account of its

G. Shukla

3.

power to legalise injustice on technical grounds, but because it is capable of removing injustice and is expected to do so."

1988 (1)SCD 54 (S.C)

7. That in view of the facts and circumstances mentioned above and in the interest of substantial justice the delay is not deliberate on the part of the applicant and delay was caused due to bonafide belief on the advice of the Counsel for of the applicant.

:PRAYER:

It is, therefore, respectfully prayed that this Hon'ble Tribunal may be pleased to condone the delay, if any, in filing the application and the applicant may be allowed to seek substantial justice.

Lucknow :

Dated : February 25, 1991

Cyshukla
APPLICANT

:VERIFICATION:

I, the above named applicant verify that the contents of paragraphs 1, 2, 3, 7 are true to my personal knowledge and paragraphs 4, 5, and 6 are based on legal advice. I have not suppressed any

Cyshukla

A24

4.

material fact.

huc
Dr 25-2-91

C. J. Shukla
APPLICANT.

Solemnly affirmed before me
on this day of
1991 at A.M/P.M. by Chandra
Kant Jyoti Prasad Shukla, the
deponent, who is identified by
Sri Bharat Singh Rawat, Advocate,
High Court, Allahabad.

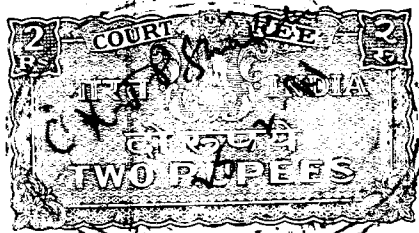
I have satisfied myself by examining
the deponent that he understands the
contents of this affidavit which have
been read over and explained to him.

25/2/91
C

Ans

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

1991
AFFIDAVIT
IN THE
CENTRAL COURT
U. P.



Sw. 111

C.A. No. 64 of 1990

Chandra Kant Jyoti Prasad ShuklaApplicant

Versus

Union of India and others Respondents

A F F I D A V I T

(In support of condonation of delay)

I, CHANDRA KANT JYOTI PRASAD SHUKLA, aged about 53 years, son of Sri Jyoti Prasad Shukla, resident of Village- Pathakpur, Post-Office- Ascha, District, Unnao, hereinafter described the 'DEPONENT', do hereby solemnly affirm and state on oath as under:-

25/2/91

(1) That the deponent is himself the sole 'Petitioner' in the above noted case and, as such, he is fully familiar with the facts deposed to hereunder.

(2) That the contents of paragraphs 1, 2 and 3 of the accompanying application for delay are true to my personal knowledge and the contents of paragraphs 4, 5, 6 and 7 of the said application are believed by me to be true on the basis of legal advice.

Shukla
DEPONENT.

LUCKNOW DATED,
Feb. 25, 1991.

(Contd.....2)

VERIFICATION

I, CHANDRA KANT JOYTI PRASAD SHUKLA, the deponent named above, do hereby verify that the contents as alleged in paragraphs 1 and 2 of this affidavit are true to my personal knowledge, that no part of it is false and that no part of it is false and nothing material has been concealed, so help me GOD.

Lucknow, dated,
Feb. 25, 1991.

C. Shukla
DEPONENT.

IDENTIFICATION

I, identify the above named deponent who has signed before me.

B. S. Rawat
ADVOCATE.

Solemnly affirmed before me on
at AM/PM by Sri Chandra Kant Joyti Prasad Shukla,
the deponent who is identified by Sri Bharat Singh
Rawat, Advocate, High Court, Allahabad/sitting at
Lucknow.

I have satisfied myself by examining the
deponent that he understands the contents of this
affidavit which have been read out and explained by
me.

Solemnly affirmed at

13-10-91
at Lucknow

Chandra Kant Joyti Prasad Shukla
B. S. Rawat
Advocate

OATH COMMISSIONER.

Chavens -

25/2/91

A27

BEFORE HON'BLE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

C.M. Petition No. _____ of 1991

In re :

O.A.No.404 of 1990 (L)

Chandrakant Jyoti Prasad Shukla.....Applicant

Versus

Union of India and Others..... Respondents

APPLICATION FOR CONDONATION OF DELAY

IN FILING THE COUNTER REPLY

That delay in filing counter reply is not intentional or deliberate but due to the administrative and bonafide reasons which deserves to be condoned.

P R A Y E R

WHEREFORE, it is most respectfully prayed that in the interest of justice the delay in filing counter reply may kindly be condoned and counter reply may be taken on record.

Lucknow.

Dated : 24, 10, 1991

Anil Srivastava
(ANIL SHRIVASTAVA)

Advocate

Counsel for the Respondents.

Filed today

24/10/91

*Recd. C.P. Mah
24/10/91*

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BEFORE HON'BLE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

.....

U.A. No.404 of 1970 (L)

Chandrakant Jyoti Prasad Shukla.....Applicant

Versus

Union of India and Others Respondents

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, Surjit Singh Edhen, working as Additional Divisional Railway Manager, in the office of Divisional Railway Manager, Central Railway, Solapur (Maharashtra), do hereby solemnly affirm and state as under :

1. That the official above named is working under the respondent and has gone through the averments made in the original application and having fully conversant with the facts and circumstances of the applicant's case, is competent to file this reply on behalf of all the respondents.
2. That the contents of para 1 of the original application do not call for comments.
3. That the contents of para 2 of the original application also do not call for comments.
4. That the contents of para 3 of the original application are categorically denied. The final order in respect of applicant's retirement on superannuation as per applicant's own statement vide para 1 of the original application was passed on 31.1.1988, while the present application has been

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preferred in the third week of December 1990 i.e. after about two years of the final order of retirement. After retirement the applicant preferred his first alleged representation on 30.11.1988 i.e. after ten months of the final order of retirement. Thereafter he allegedly sent a legal notice through an advocate on 25.5.1990 (though any such notice is not required as per provisions of the Administrative Tribunal Act, 1985). In the circumstances of the present case the present original application is highly time barred and the same has not been filed within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985. It is also relevant to mention here that applicant has also not preferred any application for condonation of delay nor explained the delay anywhere in his application. As such the present original application deserves to be dismissed on the ground of limitation alone.

Reply to the contents of para 4 of the original application are as below :

5. That in reply to the contents of para 4(1) of the original application, it is submitted that the applicant was initially appointed as Assistant Pointsman on casual labour basis on 5.7.1958. The monthly scale of Assistant Pointsman was given to the applicant w.e.f. 1.9.1958. The applicant was promoted as Relieving Pointsman on 12.10.1958 and was reverted as Gateman on 14.10.1959. The applicant was removed from service on 1.4.1960 on the ground of his careless working in that on 15.1.1960 he was found sleeping on duty which resulted in 30" detention to 320Up passenger at Daund

outer signal and 15" extra detention to 9Dn. Mail at Daund, but again he was appointed as Cleaner Boy on 21.5.1960. The applicant was again promoted as 11nd Fireman on 26.10.1963 and as 1st Fireman as 1st Fireman on 6.9.1974. The applicant was even further promoted as Diesel Assistant on 4.9.1979 and finally as Shunter on 15.11.1985. The applicant was finally retired from the post of Shunter w.e.f. 31.1.1988.

6. That the contents of para 4(2) of the original application are categorically denied. A perusal of Annexure 2 and 3 to the application indicate that the same have been issued on 28.1.1988 and 1.12.1988 respectively, while the date of issue of Annexure no.1 is not legible. It is further stated that the alleged certificates as contained in Annexures No.1,2 and 3 of the original application have never been submitted by the applicant either at the time of his initial appointment or at the time of recording of his date of birth in his Service Record or thereafter when his respective seniority lists were published on 1.4.1974, 1.4.1979, 1.12.1984 and 16.1.1986 respectively. The applicant never agitated the matter with respect of his alleged incorrect date of birth prior to 3.3.1982. It is relevant to state here that at the time of his appointment as casual labour Assistant Pointsman on 5.7.1958, the applicant submitted his School Leaving Certificate and according to the said certificate, the applicant's date of birth was recorded in his Service Record as 21.1.1930. The said date of birth was recorded in the service record of the applicant on the basis of his own statement at the time of his appointment and in the physical presence and knowledge of the applicant and

inproof thereof the applicant put his left thumb impression as well as his signature on the said Service Record. A copy of School Leaving Certificate submitted by the applicant at the time of his initial appointment and a copy of service record signed by the applicant on 27.8.1958 are being filed herewith as Annexure No.R-1 and R-2 to the present counter reply.

7. That the contents of para 4(3) of the original application are categorically denied. The applicant was initially appointed as a casual labour Assistant Pointsman on 5.7.1958 and not in the year 1960 as alleged by the applicant. In 1958 the respondents were not very particular about the maximum age limit and accordingly they appointed the applicant at the age of approximately 28 years 5 months and the said fact is clear from the service record of the applicant which has already been filed as Annexure No.R-2 to this counter reply.

8. That the contents of the para 4(4) of the original application are categorically denied. The date of birth of the applicant was correctly recorded in his service records as 21.1.1930 on the basis of School leaving certificate (Annexure No.R-1) submitted by the applicant and as per his own statement at time of his appointment. After recording the date of birth in the service record of the applicant, the original school leaving certificate was returned to the applicant vide letter dated 5.12.1958 after keeping a attested copy of the same. A photocopy of the said letter dated 5.12.1958 and acknowledgement of the same by applicant

are being filed herewith as Annexure No. R-3 and R-4 to the present counter-reply. Therefore it is quite clear that applicant had knowledge that his date of birth has been recorded as 21.1.1930 on the basis of school leaving certificate submitted by him and which was subsequently returned to him original after keeping a true attested copy of the same. It is thus clear that the date of birth of the applicant was not recorded in his service record as result of slip of pen or typographical mistake.

9. That in reply to the contents of para 4(5) of the original application, it is stated that in the School Leaving Certificate submitted by the applicant at the time of his appointment, it was mentioned therein that he was inter failed. This further indicates that at the time of the recording of the date of birth of the applicant in his service record, the applicant fully literate and in pursuance of the same he duly signed the said service record after put his thumb impression. All the facts mentioned in the said service record as contained in Annexure No. R-2 to this reply were in full knowledge of the applicant only after verifying the same in the presence of witnesses he signed the said service record.

10. That the contents of para 4(6) of the original application are categorically denied. No representation was submitted by the applicant in the year 1975. The first representation regarding his date of birth was submitted by the applicant vide his letter dated 3.3.1982. his said representation was duly considered by the competent authority

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and the application was asked to produce the original School Leaving Certificate of Kanya Kuber Inter College, Kanpur issued in the year 1958 vide Solapur Divisional Railway manager's letter No.SUR/P/Mech-II/B-2 dated 21.5.1982 but the application did not submit the same till the date of his retirement or thereafter. Even the applicant has not filed the same alongwith the present original application. A copy of the said letter dated 21.5.1982 is being filed herewith as Annexure No.R-5 to this counter reply.

11. That the contents of para 4(7) of the original application are categorically denied except the submission of representation dated 3.3.82 which was duly considered by the competent authority but the applicant himself failed to fulfill his part of obligation as stated in the preceding paragraph. After 3.3.82 no representation, whatsoever was received by the answering respondents. It is also relevant to mention here that seniority list of running staff are being published from time to time. In the seniority lists published on 1.4.1974, 1.4.1979, 1.12.1984 and 16.1.1986 the applicants date of birth was shown as 21.1.1930 but except the representation dated 3.3.82, the applicant never agitated the matter till his retirement, though by way of aforesaid seniority lists the applicant was fully aware that his date of birth recorded in the relevant record is 21.1.1930. The alleged representation dated 30.9.86, 28.11.87, 12.1.88 and 30.11.88 as contained in Annexure 5 to 8 were never received by the answering respondents and the applicant be put to strict proof that he had submitted the said representations to the department. Copies of seniority lists dated

AKA

1.4.1974, 1.4.1979, 1.9.1982 and 16.1.1986 are being filed herewith as Annexure No.R-6 to R-9 of the present counter reply. It is also not out of place to mention here that Railway Board vide its letter No.E(NG)11-70 BR/1 dated 4.8.72 granted one time exemption to all railway employees to represent against their recorded date of birth (if they are aggrieved by the same.) upto 31.7.73. It is also made clear in the said letter that no second opportunity will be given after 31.7.73. A copy of said Railway Board's letter dated 4.8.72 will be produced before this Hon'ble Tribunal at the time of final hearing of this case.

12. That in reply to the contents of para 4(8) of the original application it is stated that by merely and allegedly sending notices dated 25.5.1990 and 20.9.1990 would extend the period of limitation in this case.

13. That the contents of the para 5 of the original application and ground mentioned therein are misconceived, irrelevant, illegal, misleading and are not applicable to the present case.

14. That in reply to the contents of para 6 of original application, it is stated that except the representation dated 3.3.82 no other representation was ever submitted by the applicant.

15. That the contents of para 7 of the original application do not call for reply.

16. That in reply to the contents of para 8 & 9 of the

MS

original application, it is stated that in view of the facts and results stated in reply to para 4 of the original application the present application has no merits as such is liable to be dismissed with costs in favour of the answering respondents and against the applicant.

Solapur

Date 24, 10, 1991

(Surjit Singh Edhen)

VERIFICATION:

I, the official named above do hereby verify that the contents of para 1 of the present counter reply is true to my personal knowledge, and those of paras 2 to 16 are believed by me to be true and on the basis of records and legal advice. No material facts have suppressed or concealed.

Solapur

Date 24, 10., 1991

(Surjit Singh Edhen)

Through

Surjit Singh Edhen
(ANIL SRIVASTAVA)
ADV

Scholar's Register and Transfer Certificate Form

Kanya Kubja Inter College, Kanpur

Name of Institution

Annexure R. 1.24

Register No. 968

Name of the Scholar with
cast if Hindu, otherwise
religion.

Name occupation & address
of Parents or guardian.

Date of
Birth of the
Scholar.

The Last
tuition if any
which the
attended before
joining this
Institution

Chandra Kanti

(Parents)
Joti Prasad Shukla

Pathak Pur

(Guardian) P. Asoka

Dist. Unnao

21st Jan.
1930
Twenty first Jan
nineteen hundred
and thirty.

K. Inter
College,
Kanpur

Class	Date of Admission	Date of Promotion	Date of removal	Cause of removal e.g. non payment of dues, removal of family, ex- clusion etc.	years.	Conduct & work mention concern if any.
I						
II						
III						
IV						
V						
VI						
VII						
VIII						
IX						
X						
XI	19-7-55	14-5-56				Promoted good Satisfactory
XII	12-7-56	14-5-57	30-6-57	Failed Inter	Exam. of 1957	Good poor

TRUE COPY

(Signature)

Certified that the above scholar's register has been posted up to date of the scholar's leaving as required by the Departmental Rules.

Note: 1) If the scholar has been among the first five in the class, this fact should be mentioned in the column of "Conduct and work".

2) In the case of scholars leaving any of the classes from the attendance. Total number of meetings held and the number of meetings as well present should be entered on the back of this form.

(True copy)

G. N. Nandani
HPO

24/12

ET

11-1-58

sd/-

Head of Institution
Principal,

Kanya Kubja Inter College
Kanpur.

PARTICULARS OF SERVICE

No. 694-78,900-7-55.

Left thumb impression.....

of C.J. Shukla

Signature of Witness.....

Designation.....

Date.....

Signature of Accepting Officer.....

Designation.....

Date.....

Health Examinations.

Date.

Initials.

Termination of Service.

Reason.....

Date.....

Initials of Attesting Officer.....

Designation.....

Ordinary Gratuity Compassionate passed.

Date.....

Amount.....
(in words).

Abstract No.....

Accounts Officer.

Particulars of previous service.....

Signature of Officer closing Register.....

Designation.....

Date.....

Signature or L. T. I. of Employee.....

Date.....

Name (in full).....
(BLOCK Capitals).

Nationality/Caste/Religion.....

Domicile as established.....

Father's Name.....

Permanent address (in full).....

Village..... Post..... Dist.....

Date of first appointment.....

Place of first appointment.....

Capacity on appointment.....

Pay and Grade on appointment.....

Date of birth.....

Place of birth.....

Height.....ft.....in.

Date of joining Provident Fund.....

Provident Fund Account No.....

Date of execution of Service Agreement.....

Personal marks of identification.....
left eye (2) wound mark on left Ankle.

Special qualifications.....

Health certificate.....class.

Signature of Attesting Officer.....

Designation.....

Date.....

Departmental Examinations (show failures in red).

Description.	Date.	Initials.

1302/10.14

30/11/58

Annexure - R-3

(25)

Central Railway.

DIVISIONAL OFFICE;
SHOLAPUR.

Date: 5-12-58

A22

No. ET/II/CS-/APM/25

Your No. APM/CS

Dated 30-1-58

SM DD.

Re:- Smt. Chandrakant Shukla

APM DD

.....

The School Leaving Certificate produced by the abovenamed under your above quoted letter, is returned herewith

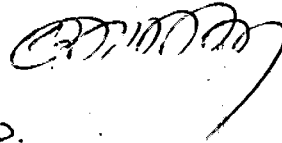
Please obtain acknowledgement from him for having received the same, and advise him that his date of birth has been recorded in his S.R. as 21-1-1930 ✓

1. RUL 1325

6/11

D.A. :- 1

VPL/-



for Divl. Supdt.
Sholapur.

A.P.O.

Noted in SR ^{Bay}
for initial please

A39

No.RPM/CS/dt.9.12.1958

SM's Office,Dhond

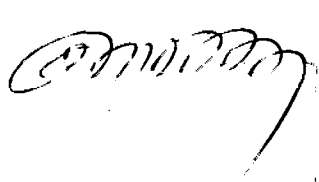
DS,

Ref:- Date of birth of DD/RPM/Chandrakant Shukla
.....

Send herewith the acknowledgment receipt of the above named
for having received the school leaving certificate in
original.

DA : One

7202 COPY



Sd/-
STATION MASTER

No.RPM/CS/dt.9.12.1958

SM's Office,Dhond

TO,

DS

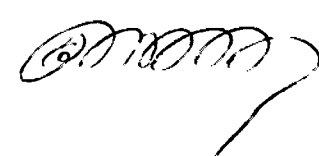
DHOND
9-12-58

I hereby acknowledge for having received by school leaving
certificate in original.

YOURS FAITHFULLY

SD/-
(CHANDRAKANT SHUKLA)
RPM/DD

7202 COPY



Central Rly.
No. SUR/P/mech-I/B-2

LF/DD

Annexure R.5

Divl. office (315)
Personnel Br.
Solapur.
Dated 21/5/82

Subj. - Shri C. J. Shukla, Dst. Asstt
DD.

Refg. Your No B/Dst. Asstt/50 dt-19-5-82
—xxx— P 314

The employee has seen Sr. DPO/
SUR in connection with his recorded date
of birth. He is re-directed to report
to H. D. on 21-5-82 (A.N.).

The employee has been asked
to produce original school leaving
certificate of Kanya Kuber Inter College,
Kampur. issued in the year 1958.

This is as per
Sr. DPO's orders.

21/5/82
% Divl. Rly. manager,
Solapur.

TRUE COPY

16/428

SOUTH CENTRAL RAILWAY

SEOLAPUR DIVISION

Seniority list of Fireman 'C' Grade Rs 60-95(AS) showing the position as on 1.4.1974.

Revised on the basis of Date of App't as sanctioned per the decision of High Court of Bombay in Special Civil application No. 2680/69.

Sr. No.	Name	Stn.	Date of Birth	App't	Promotion	Distribution							
						Sur.	MD.	KW(BG)	KW(NG)	PVR.	LUR.	MRJB.	PJR.
1.	Amir Abdul Saliikh	---	11.11.16	12.12.41	15.8.51	1.1.54	F/M'B	6.3.70					
2.	Lalchand Krishna	---	24.4.23	4.5.44	17.8.57	1.1.53	"	6.3.70					
3.	Bhagwansing Hanumanasing	---	3.7.28	6.7.44	11.3.53	26.10.63	"	6.3.70					
4.	Bali Laxman	---	28.10.21	1.11.44	28.9.53	1.10.55	"	6.3.70					
5.	Harmanta Timmayya	---	20.2.22	1.11.44	8.12.59	26.10.63	"	17.9.63					
6.	Mr. Abdul A. Babanbhai	---	1.11.27	1.11.44	6.4.56	9.8.56	"	16.10.63					
7.	Chinnayya Timappa	---	15.1.28	15.1.45	14.10.53	1.10.55	"	6.3.70					
8.	Ramchandra Yeshwant	---	15.5.26	15.5.45	5.2.53	1.1.54	"	6.3.70					
9.	Namdeo Dhandib	KW	6.5.20	6.8.45	19.5.61	26.10.63	---						Refused promotion on 14.8.73.
10.	Kashimth Udaaji	---	15.7.24	15.7.46	7.7.53	26.10.63	F/M'B	6.3.70					
11.	Maruti Nan	---	15.7.26	15.7.46	15.3.53	26.10.63	"	6.3.70					
12.	Pandurang Rangarao	---	5.8.23	5.8.46	17.1.53	26.10.63	"	16.10.63					
13.	Tukaram Bhu	---	1.10.26	1.10.46	17.8.57	4.1.53	"	26.12.62					
14.	Bhimayya Marappa	---	20.4.29	1.10.46	15.3.53	26.10.63	"	6.3.70					
15.	Jafar Bhismilla	---	10.12.28	10.12.46	17.1.53	26.10.63	"	16.10.63					
16.	Rama Prabhu Gupta	---	19.11.16	19.11.46	6.4.55	6.4.55	"	6.3.70					
17.	Baboo Sambhu	---	28.8.22	19.11.46	6.4.56	1.11.56	"	4.6.73					
18.	Sukhadeo Ramchandra	---	30.6.29	3.6.47	17.1.53	26.10.63	"	30.3.65					

P. 254
T. 23

	1	2	3	4	5	6	7	8	9
409. K. S. Satho	DD	23. 2.36	1. 9.58	16. 10.63/27. 10.63					
410. Neda Anthony	SUR	29. 6.40	1. 5.59	18. 10.63/ 1. 11.63					
411. Jahirbeg Hussainbeg	DD	20. 12.38	13. 3.56/ 6. 7.50	16. 10.63/26. 10.63					
412. K. G. Kulkarni	DD	6. 4.32	1. 9.59	16. 10.63/26. 10.63					
413. Vitthal Gurappa	KW	15. 5.36	1. 9.59	16. 10.63/ 1. 10.64					
414. Bhaskar Harishchandra	DD	1. 6.38	1. 9.59	2. 8.73					
415. Arjun Bhagwan	KW	7. 8.39	1. 9.59	30. 3.56/26. 6.66					
416. Laxman Shripat	SUR	4. 6.30	1. 9.59	16. 10.63/ 6. 11.63					
417. Vasant Jyoti	KW	16. 7.40	1. 9.59	16. 10.63/25. 11.63					
418. Harishchandra Mallab	DD	16. 12.36	1. 12.50	16. 10.63					
419. Nazimuddin Basha	PVR	1. 6.40	1. 12.50	16. 10.63/24. 11.63					
420. Basha Ismail	DD	21. 8.25	12. 12.50	18. 5.71					
421. S. K. Srinuko	KW		6. 2.50	16. 10.63/26. 11.63					
422. Shoukatali Mohamed	PVR	12. 1.38	4. 3.50	2. 8.73					
423. Anant Vitthal	KW	5. 8.32	1. 4.50	16. 10.63/25. 11.63					
424. Jagdeo Vishnu	KW	22. 10.33	1. 4.50	16. 10.63/ 10. 11.63					
425. Dattoo Soma	KW	21. 6.40	1. 4.50	16. 10.63/21. 11.63					
426. P. S. Bandgar	SUR	13. 2.41	1. 4.50	16. 10.63/25. 10.63					
427. Harmantha Ramaswamy	DD	1. 6.35	21. 4.50	18. 5.71					
428. C. J. Shukla	DD	21. 1.30	21. 5.30	15. 10.63/25. 10.63					
429. Vinayak Ramtha	SUR	31. 7.33	1. 12.57 10. 3.30	16. 10.63/20. 10.63					
430. Baboo Nayappa	KW	10. 12.20	3. 10.50	16. 10.63/ 14. 11.63					
431. A. Latif Yakubsaheb		5. 1.38	1. 11.50	15. 10.63/ 4. 12.63					
432. Bapoo Kondiram	DD	5. 5.35	2. 11.50	16. 10.63/ 10. 10.63					
433. Bhimrao Ramchandra Patil	SUR	16. 1.38	2. 11.50	16. 10.63					
434. Dadasaheb Kondekha	DD	9. 6.33	2. 11.50	16. 3.71					
435. ...	DD	4. 6.30	3. 11.50	16. 10.63/ 11. 10.63					

Reduced to YK from 12.12.73 to 11.6.74

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361.	Jafar Yasinsab	WIV	4.10.36	1.8.58	16.10.63	P.M.181	26.8.74/18.10.74
362.	Mahadoo Harishchandra	WD	1.1.37	1.8.58	16.10.63/2.11.63	"	7.2.75
363.	Pandurang Sonu Shinde	DD	21.7.37	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
364.	Rachpalsing Mchansing	"	7.3.38	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
365.	Errol Steele	SUR	30.6.40	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
366.	Vishwanath Dagdoo	DD	12.1.34	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
367.	Joseph Bidari	"	20.7.34	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
368.	K.S.Sathe	"	23.2.36	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
369.	Nada Anthony	SUR	20.6.40	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
370.	Jahirbeg Hussainbeg	DD	20.12.38	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
371.	K.G.Kulkarni	DD	6.1.39	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
372.	Vithal Guranna	WIV	15.5.36	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
373.	Rashkar Haribhu	DD	1.6.39	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
374.	Arjun Bhagwan	WIV	7.2.30	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
375.	Laxman Shrinat	SUR	4.6.30	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
376.	Vasant Tatva	WIV	12.7.40	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
377.	Harishchandra Malloo	DD	7.1.35	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
378.	Mohd.Fahaj Sheralli	PR	14.2.40	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
379.	Naziruddin Rasha	PVR	1.6.40	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
380.	Rasha Ismail	WIV	21.8.35	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
381.	S.K.Salunke	WIV	24.2.35	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
382.	Shoukatali Mohmed	PVR	12.1.38	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
383.	Anant Vithal	WIV	5.9.32	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
384.	Dagdoo Vishnu	"	2.10.40	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
385.	Dattoo Soma	"	13.2.41	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
386.	P.S.Pandgar	"	16.6.36	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
387.	Manwantak Ramnawar	"	1.6.35	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
388.	C.T.Shukla	"	21.1.30	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
389.	Sambhu Kinnath Lankeshwar	SUR	31.7.30	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74
390.	Bahoo Ravanna	WIV	10.12.30	1.8.58	16.10.63/26.10.63	"	26.8.74/18.10.74

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[Signature]

Provisional Seniority List of Fireman 'C' Grade Rs.210-270(RS) showing the position as on 1.3.1982.

Revised on the basis of Date of Appointment as per the decision of High Court of Bombay in Special Civil Application No.2680/69.

- 1) First Seniority issued as on 1.4.1974.
- 2) Second Seniority issued as on 1.4.1974.

Sr. No.	Name	Stn.	Sanctioned Strength	Distribution				Trainee Reserve
				DD	RD	KW	FB	
			Perm. 177	73	20	10	40	25
			Temp. 1	1				5
Total:			178	74	20	19	40	25
								5
								183

Sr. No.	Name	Stn.	Birth	Date of Appointment	Promotion	Confirmation	Forward Category				Remarks
							DD	RD	KW	FB	
1.	Bhagwansing Hanmamsing	-	3.7.28	6.7.44	11.3.58	26.10.68	F.	B.	6.3.70		
2.	Baboo Ramchandra	-	29.5.26	1.11.44	5.12.63	-	-	-	25.9.78		
3.	Md. Abdul A. Babanbahi	-	1.11.27	1.11.44	6.4.56/31.7.59	5.56	7.13	16.10.63			Dr. C.
4.	Chinnayya Timappa	-	15.1.28	15.7.55	14.10.53	1.10.55	"	"	6.3.70		
5.	Ramchandra Yeshwant	-	15.5.26	15.5.55	5.2.53	1.1.54	"	"	6.7.70		
6.	Maruti Mana	-	15.7.26	15.7.42	15.3.53/11.3.53	26.10.63	"	"	"		
7.	Chimayya Mariappa	-	20.4.29	1.10.46	15.3.58/11.3.58	26.10.63	"	"	"		
8.	Jafar Bhismilla	-	10.12.28	10.1.46	17.1.58/15.5.53	"	"	16.10.53			
9.	Sukhadoo Ramchandra	-	30.6.29	30.7.7	17.1.58/15.5.53	26.10.62	"	30.3.66			
10.	Jafar Babukhan	-	3.3.26	23.8.7	17.1.58	26.10.63	"	16.10.63			
11.	Rajaram Dagdoo	-	20.10.31	25.1.47	14.11.57/3.12.57	1.1.53	"	10.6.63			
12.	Dattoo Dagdoo	-	3.11.27	8.11.7	17.3.57	1.1.53	"	17.5.63			
13.	Armonian Baboo	-	1.1.32	1.1.48	1.10.54	1.1.56	"	6.3.70			
14.	Yeshwant Daniel	-	14.1.32	14.1.43	18.8.57	1.1.53	"	4.6.73			
15.	Gokul Amrutha	-	6.5.26	6.5.42	9.5.81	12.11.52	7.13	4.6.73			
16.	Baboo Laxman Gondhali	-	13.4.29	15.7.48	17.1.58/1.2.58	26.10.63	"	6.3.70			
17.	Tippanna Hanmanta	-	1.10.30	6.10.43	14.11.57/31.12.57	1.1.53	"	10.6.63			
18.	Tippanna Abdul Nahi A. Adarsab-	-	16.11.29	16.11.43	17.8.57	1.1.53	"	"			
19.	Gafoor Chand	LUR	20.3.26	20.3.40	11.3.55	26.4.56	-	-			Reverted as Y from 17.10.78 to 15.10.81.
20.	Dasharath Khandoo	-	19.4.26	23.4.49	9.5.51	12.11.52	7.13	6.3.70			

356.	V.S.Sathe	DN	23.2.73	1.5.53	16.10.63/27.10.63	-	26.8.74/6.9.74
357.	Hari Tukaram Vankudre	PTR	3.10.30	1.0.57	2.2.63	-	26.8.74/27.9.74 (Sent out by revised vide Lr.No.SUR/P/mech-I/FWB of 11.6.82)
358.	Nafa Anthony	STR	20.6.63	1.5.59	16.10.63/1.11.73	-	26.8.74/11.9.74
359.	Jahirbeg Hussainbeg	DD	20.12.37	$\frac{13.6.56}{6.7.59}$	16.10.63/26.10.63	-	26.9.74/6.9.74
360.	K.G.Nulkarni	"	6.4.32	1.2.59	16.10.63/26.10.63	-	6.9.74
361.	Vithal Gurappa	KW	15.5.36	1.9.59	16.10.63/1.11.64	-	11.10.74
362.	Bhaskar Haribhu	DD	1.6.37	1.9.59	2.9.73	-	23.9.74
363.	Arjun Bhagwan	KV	7.8.30	1.0.59	30.3.66/26.5.66	-	16.10.74
364.	Laxman Shripat	STR	4.6.3	1.0.59	16.10.63/6.11.63	-	11.9.74
365.	Vasant	KW	16.7.	1.2.59	16.10.63/26.11.63	-	12.10.74
366.	Kaliappa Hul	FB	14.4.	1.12.59	19.9.66	-	26.8.74/6.9.74
367.	Harischandra	UD	16.12.37	1.12.59	16.10.63	-	3.8.79
368.	Moid.Khaja Sher	FB	14.2.40	1.12.6	16.10.63	-	27.8.74
369.	Naziruddin Bas	PVR	1.6.49	1.12.59	16.10.63/24.11.63	-	3.8.79
370.	Ekanath Vithoba	UD	1.12.36	1.12.59	16.10.63/24.11.63	-	26.8.74
371.	Basha Ismail	"	21.8.25	12.12.59	1	-	26.8.74
372.	S.K.Salunke	KW	24.2.25	6.2.60	8/26.11.63	-	26.8.79
373.	Shoukatali11 Mohamed	PT	12.1.37	2.3.	26.8.74/30.9.74	-	26.8.74/29.9.74
374.	Anant Vithal	"	22.10	1.4.60	11.63	-	26.9.74/11.9.74
375.	Dagdoo Vishnu	"	13.2.	1.4.60	16.10.63	-	26.8.74/6.9.74
376.	P.S.Bandgar	SDB	1.6.3	24.4.59	19.5.71	-	26.8.74/6.9.74
377.	Hanmanta Ramaswamy	DD	21.1.	21.5.60	16.10.63/26.10.63	-	26.8.74/11.9.74
378.	C.I.Shukla	"	31.7.33	$\frac{1.12.6}{10.8.6}$	16.10.63/26.10.63	-	26.8.74/6.9.74
379.	Sambhu Elakath Lanreshwar	UD	10.12.30	3.10.60	16.10.63/14.11.63	-	6.9.74
380.	Baboo Ravappa	KV	5.1.33	1.11.60	16.10.63/4.12.63	-	26.8.74/6.9.74
381.	A.Latif Yakub ab	DD	5.5.35	2.11.63	16.10.63/27.10.63	-	26.8.74/6.9.74
382.	Bapoo Kondiram	"	2.11.37	2.10.60	16.10.63/	-	26.8.74/6.9.74
383.	Basant Malkappa	FB				-	

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[Signature]

No. SUR/P/Mech-I/SE/PMU

L. M. S. Office,
P. Branch Solapur
Date: 16/1/1986

LE/1A/DD.IF(B)KVV.IF(G)SUR:WD, PB, CC/PJR

Sub: Seniority list of Fireman 'A' grade
Rs. 290-350(Rs).

Enclosed is a provisional seniority for Fireman 'A' grade Rs. 290-350(Rs) showing the position as on 1.1.86. The following aspect may be noted.

1) Sr. No. 1 to 51 are directly recruited Fireman Apprentices promoted as FM 'A' and incorporated in seniority list as on 1.4.79 circulated vide letter No. SUR/P/Mech/I/PMU of 2.8.79 as corrected vide letter No. SUR/P/Mech/I/3 of 12.3.80.

2) As on 1.6.81 there were no Fireman 'A' on cadre besides upgradation had effect from 1.6.81, Fireman from Sr. No. 52 to Sr. No. 382 are promoted in the restructuring of 17 posts vide office order No. RMG/UPUN/55/83 dated 18.8.83. They have been the senior most Fireman 'B' on the cadre.

3) The next below are Fireman 'B' promoted as Fireman 'A' vide order No. Rg./15/85 of 26.4.85 supposed to be in the post available on 1.6.81 as per CPO's letter No. HIB/229/T/D/LoCo/VII dt. 21.3.85. As Fireman 'B' they are junior to those mentioned in para 2 above.

4) The next below mentioned in para 3 above are placed those Fireman 'B' promoted Fireman 'A' in subsequent vacancies vide order No. RMG/RMG/790/8/4 of 28.11.84 as a result of selection/departamental test. Both selection and departamental test were had separately according to procedure applicable to each. They were promoted as FM 'A' vide a single order on the very same date, hence their seniority has been based as per order of seniority as Fireman 'B'.

5) Owing to Court case relating to seniorities on 1.1.86, seniorities on all the cadre such as Fireman 'A' etc. are provisional and no confirmation have been ordered. Therefore this seniority will also be provisional subject to revision as per decision of Supreme Court and so confirmations will not be ordered.

16/1/86
Div. Manager,
Solapur.

O/A Divl. Secretary, N. MU/SU

O/A Divl. Secretary, GMS/PU

O/A Seniority NRMU PB Br. DR. LoCo S. L. Br. WD Br. Rly. Staff Br. SUR.

O/A Secretary CRMS/WD Br. (LoCo) Br. PB Br. SUR (OL)/SUR.

sk. 1.8./
11.1.86

P/15

B. M. S.

1.	2.	3.	4.	5.	6.	7.	8.	9.
366.	R.S. Sathie	DN	23.2.25	1.5.58	16.10.63/27.10.63	-	PM	25.1.74/6.5.74
367.	Earl Tukaram Khandare	PR	3.10.32	1.5.57	2.2.63	-	-	25.1.74/6.5.74
368.	Nada Anthony	SUR	25.6.60	1.5.59	15.10.63/1.11.63	-	-	25.1.74/6.5.74
369.	Jahrbeg. Rosenmeier	DD	20.12.37	13.6.56	16.10.63/25.10.63	-	-	25.1.74/6.5.74
360.	K.G. Kulkarni	"	6.4.32	1.2.57	16.10.63/25.10.63	-	-	6.5.74
361.	Vithal Gurapur	KW	15.5.36	1.9.59	15.10.63/1.11.64	-	-	11.10.74
362.	Chitkar Pathan	DD	1.6.30	1.9.59	2.9.73	-	-	23.9.74
363.	Arjun Bhagwan	KV	7.11.39	1.9.59	30.3.66/26.5.66	-	-	11.10.74
364.	Laxman Shrinani	SCB	4.6.3	1.9.59	15.10.63/1.11.63	-	-	11.9.74
365.	Vasant T. G.	KW	16.7	1.9.59	16.10.63/25.11.63	-	-	12.10.74
366.	Kallappa Bhat	BR	14.4	1.12.59	1.9.9.66	-	-	-
367.	Harischandani	BD	16.12.3	1.12.59	16.10.63	-	-	25.1.74/6.5.74
368.	Mohd. Raza Shari	BR	17.2.10	1.12.5	16.10.63	-	-	3.10.79
369.	Naziruddin Bhai	PVR	1.6.40	1.12.59	16.10.63/24.11.63	-	-	26.1.74
370.	Ramath Vithal	ND	1.12.36	1.12.59	1.7.71	-	-	3.1.79
371.	Baldev Ismer	"	21.6.25	12.12.59	1.7.71	-	-	25.1.74
372.	S.K. Sathian	KW	1.24.2.25	6.2.60	1.2.63	-	-	-
373.	Shokatale M. Shinde	PVR	12.1.33	-	-	-	-	26.8.79
374.	Anant Vithal	"	-	-	-	-	-	26.1.74/30.5.74
375.	Dagdog Vishnu	"	22.11.3	1.4.60	1.11.63	-	-	25.8.74/29.9.74
376.	P.S. Jandekar	SUR	13.2.7	1.4.60	16.10.63	-	-	25.9.74/1.9.74
377.	Hemant Khandare	DD	1.6.3	24.4.60	1.9.5.71	-	-	25.8.74/6.9.74
378.	G.T. Shukla	"	21.1.30	21.5.60	1.6.63/26.1.63	-	-	-
379.	Sandhu Kishan	SUR	31.7.33	1.12.5	1.63/23.10.63	-	-	26.1.74/1.9.74
380.	Baboo Havas	KW	10.12.36	3.10.60	1.6.10.63/14.11.63	-	-	25.1.74
381.	A. Latic Vithal	DD	5.1.36	1.11.60	1.6.10.63/12.63	-	-	5.5.74
382.	Bapoo Khandare	"	5.5.36	1.11.60	1.6.10.63/27.10.63	-	-	26.1.74/6.9.74
383.	Hasant Vithal	BR	2.11.37	2.10.60	1.6.10.63/	-	-	-
384.	Ramchandani	SUR	16.1.31	2.11.60	1.6.10.63	-	-	-

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Before the Central Administrative Tribunal Allahabad
Circuit Bench, Lucknow.

O.A. No. 404 of 1990 (L)

Chandra Kant Jyoti Prasad Shukla Applicant

Versus

Union of India and Others Respondents

REJOINDER TO THE COUNCIL OF THE RESPONDENTS
ON BEHALF OF THE APPLICANT.

I, Chandra Kant Jyoti Prasad Shukla aged about 54 Years, S/o Sri Jyoti Prasad Shukla A/o Village-Pathakpur, P.O. Ashoha, Distt. Unnao solemnly affirm and state as under:-

1. That the content of para 1, 2 and 3 of the Counter reply need no comments.
2. That in reply to the contents of para 4 of the counter reply the contents 3 of the application are reaffirmed. Further keeping in view all the facts and circumstances of the case the Hon'ble Tribunal has admitted the case for final hearing and now the question of termination is irrelevant.
3. That the most of the allegations contained in para 5 of the counter reply are irrelevant for the decision of the present case hence same are denied. It is admitted that the applicant was appointed on 21.5.1960 and retired as Shunter w.e.f. 31.1.1988.
4. That in reply to the contents of para 6 of the counter reply it may be stated that the applicant submitted his original certificate in the year 1971 to the

.... 2/-

Recd today

yes?

4/3/92

Shukla

~~NC~~

Divisional Railway Manager when he came to know that his date of birth is wrongly recorded in his service record. This fact is clear from letter No. SUN/P/Mech-I/B-2 dated 16-2-1982 by the Divisional Railway Manager Solapur. True copy of the letter dated 16-2-82 is being annexed as Annexure No. A-1. Thus it is incorrect to say that the applicant did not submit his original certificates prior to 1982 or prior to preparation of Seniority lists. It may be stated that the original certificate submitted on 5-2-71 was not returned to the applicant and these were very much on record, of the Divisional Manager Railway Solapur upto 1982. Later on which the applicant approached the Railway Authority he was told that certificates submitted by him were missing. Annexure No. A-1 was not submitted to the respondents earlier as that was left in the native village of the applicant in Distt. Unnao. It may be stated that the applicant has been pursuing the matter consistently and it is incorrect to say that the applicant did not pursue the matter prior to 1982. As regards his ^{initial} ~~united~~ appointment is concerned the applicant submitted the same ~~same~~ certificate which was submitted on 5-2-71 which showed his date of birth as 21.1.1938. So far putting of signatures on Service records are concerned those were put in a routine manner by the applicant as pointed out by the official concerned. It is denied that the date of birth was recorded on the basis of statement of the applicant. ^{initial} ~~that~~ the applicant

(2) 28/10/84

AS1

~~would have~~ made this statement he would not have been appointed as he would have been beyond 25 years of age i.e. overage for appointment in accordance with the provisions of Indian Railway Establishment Manual. It is wrong to say that ~~states~~ the said date of birth 21.1.1930 was recorded on the basis of the statement of the ^{applicant} and in the presence of the applicant and the same is denied emphatically. It may be stated that ^{there is} ~~there is~~ impression and signatures made by the applicant in a routine manner at the direction of the official concerned without going through the entire records. Further the contents of para 4(2) of the application are reaffirmed. The respondents cannot hold the applicant responsible for the lapse on their part.

5. That in reply to the contents of para 7 of the counter reply it may be stated that the respondents were duty bound to check all the particulars and bio-datas of the applicant at the time of his appointment on 21.5.1960. Thus the respondents cannot hold the applicant responsible for the lapse on their part. The respondents had no power to relax the age of applicant thus the natural legal presumption is favour of the applicant that the authorities were fully aware that the applicant was not overage at the time of his appointment in the year 1960. Further the contents of para 4(3) of the application are reaffirmed.

6. That in reply to the contents of para 8 of the counter reply it may be stated that the Annexure A-1 is a hand writ ^{-Ten} copy by the railway official which cannot be

....4/-

(1) Chukla

believed as such. It is denied that the date of birth of the applicant was recorded as per his own statement. It may be stated that the applicant made no statement regarding his date of birth at the time of his appointment. As regards correspondence in 1958 is concerned it is hardly relevant as according to their own statement of the respondents that the applicant was removed from service on 1.4.1960. It may be stated that had the applicant been overage in the year 1960 he would not have been appointed even after his removal from service. It is unfortunate that the respondents have pleaded another illegality to conceal the lapses on their part. Further the contents of para 4(4) of the original application are reaffirmed.

7. That the contents of para 9 of the counter reply are not admitted as alleged. It may be stated that putting of thumb impression and signatures by the applicant was a routine matter which was done at the pointing of the official concerned, without going through the records. It may be stated that no overage person could be appointed by the authorities as there is no such rule in the Indian Railway Manual.

8. That the contents of the para 10 of the counter reply are not admitted as alleged. It is incorrect to say that the applicant did not make any representation prior to 1975 for this purpose. Annexure A-1 may kindly be perused. Further the letter dated 16.2.82 (A-1) and letter dated A-5 are contradictory to the extent that the letter dated 16.2.82 admits the sub-

G. Shukla

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mission of original certificate. Further the contents of para 4(6) of the original application are reaffirmed.

9. That the contents of para 11 of the counter reply are not admitted as alleged. It may be stated that the alleged seniority lists were not served on the applicant personally therefore the applicant could not see his date of birth in these seniority lists. When the applicant came to know about discrepancy in his date of birth here^{made} presentations which is evident from A-4, A-5, A-6, A-7 & A-8. It is incorrect to say that the applicant did not make any representation except 3.3.82. All the representations were duly received by the official concerned and put his signatures on the office copies of the representations. That the certificate attached as A-1 showing the date of birth of applicant as 21.1.1930 can not be believed as it is entirely different from the certificate issued by the Institution where the applicant pursued his studies. It may be stated that the applicant represented even according to the Railway Board Circular but the respondent did not make any proper enquiry according to the observation of the Hon'ble Supreme Court.
10. That in reply to the contents of para 12 of the counter reply it may be stated all notices were sent under the legal advice but same is not relevant now as the case has been admitted for final hearing.
11. That the contents of para 13 of the counter reply are denied. Further the contents of para 5 of the

(Shuckla)

AS4

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original application are restated.

12. That the contents of the para 14 of the counter reply are denied as alleged. Further the contents of para 6 of the original application are restated.
13. That the contents of para 16 of the counter reply are wrong and misconceived hence denied emphatically. Further the contents of para 8 & 9 of the original application are restated.

Dated
Lucknow 3.5.82

(C.J. Shukla)
(C.J. Shukla),
Applicant.

VERIFICATION

I, Chandra Kant Jyoti Prasad Shukla do hereby verify that the contents of para 1 to 13 above are true to my personal knowledge. No material fact has been concealed or suppressed.

Dated
Lucknow 3.5.82

(C.J. Shukla)
(C.J. Shukla),
Applicant.

Central Railway.

No. STR/P/Med.I/B.2.

Divisional Office,
P/Branch, Solapur.
Date : 16.2.1962.

Shri C.J. Shukla,
Dsl. Asstt., Daud.

(Through : LF DD)

Sir ; Your application dated 2.2.58 in connection
with your correct date of birth.

...

Your above representation has been considered and you are advised
that your date of birth as recorded in your R is 21.1.1930 as per
School Leaving Certificate submitted by you in the year 1958.
The same was intimated to you vide this office No. ST/II/CS/AFM/25
of 5.12.1958. You did not then make any representation about date
of birth so recorded.

2. As per certificate submitted by you on 5.2.71, your date of
birth is 21.1.1930, ~~your date of birth is 21.1.1930~~. You have
passed matriculation and being a literate employee, you should
have ensured that date of birth as recorded in S.R. was correct.
Besides you have signed service register in English, on 22.8.58,
in which your date of birth was recorded as 21.1.30.

3. You are, therefore, advised to explain how the date of birth
was wrongly furnished by you as 21.1.1930, as to how the copy of
certificate submitted by you showed your date of birth as 21.1.1930
and as to how you have signed the S.R. showing your date of birth
as 21.1.1930 and as to why you did not bring the actual date of
birth to the notice of administration, though the recorded date of
birth (21.1.1930) was communicated to you vide letter dated 5.12.58
aforesaid.

for *Myself*
Divl. Railway Manager,
Solapur.

True Copy attested
S. S. S.
29/3/62

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Annexure

पुस्तक संख्या ६.

पृष्ठ संख्या ५

जूनियर हाई स्कूल परीक्षा, १९५३ ई०

क्रम-संख्या ८०८

प्रमाणित किया जाता है कि चन्द्र कान्त

मात्मज श्री ज्योति प्रसाद जिनकी जन्म-तिथि

दसम जनवरी सन् उन्नीस सौ अड़तीस, २२-१-३६, अप्रैल सन् १९५३ ई० की जूनियर हाई स्कूल

परीक्षा में उन्नाव जिले से द्वितीय श्रेणी में उत्तीर्ण हुए/हुई

और उन्होंने में विशेष योग्यता प्राप्त की है।

अनिवार्य विषय :—

भारत हिन्दी

विशेष गणित/अंकगणित

सामाजिक विषय

बेसिक कला (आर्ट)

ऐच्छिक कौशल (बेसिक क्राफ्ट)

उत्तककला

ऐच्छिक विषय

१. रासिक विज्ञान

२. ज्योति

३. संस्कृत



उप जिला विद्यालय निरीक्षक

Chish

जिला विद्यालय निरीक्षक

१ जुलाई, १९५३ ई०

Pharal Singh Rawat

62, Ganga Gharat Street, Mayapuri, Lucknow

Chish

752

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XI	19/11/55	8.7 56	Promoted	1955-56	Good Student
XII	8.1.56	3.2 57	Left School	Exam 1957	6 - Good Poor

(प्रमाणित किया जाता है कि उपर्युक्त छात्र परापूर्व विभाग के नियमानुसार छात्र द्वारा संस्था स्वीकृत अथवा तब की संस्था में प्रवेश किया है।)
(यदि छात्र अतीति में प्रवेश रहा है। तो यह बात "प्रवेश तथा कार्य" शीर्षक में लिखी जानी चाहिए।)

दिनांक 12/1/56

Head of Institution

हस्ताक्षर संस्थाध्यक्ष

उपस्थिति का विवरण

Class कक्षा	No of meeting held कालेज स्कूल की मंजूर की संस्था	No of meeting at which present कालेज स्कूल की उन मंजूर की संस्था जिसमें छात्र, छात्रा उपस्थित था, थी

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ASG
ANNEXURE 4

To, Daund, 3-3-1982.
The Divisional Railway Manager,
Central Railway Shalapur. Through Loco Foreman, Daund.

Sub:- recording incorrect date of my birth.
Your:- SUR/P/Mech.1/D.2. of 16-2-1982.

Respected Sir,

At the time of my appointment in railway service I had submitted original certificate and also copy of same. The copy is a typed one and in this copy of the original certificate the mistake has occurred that though the date of my birth in the original certificate is shown as 21-1-1938, the same has been typed out as 21-1-1930 in the copy certificate. This I have only brought to your kind notice.

I have passed my matriculation examination and this fact has to be admitted without any hesitation. When a person is appointed in any service he is full of joyous mood and is not worried to go after some petty matters. It is alleged that I should have noted the date of my birth recorded in the service register. But this service register is not shown to the employee but only signature is obtained at the place where it is required and no information is given to the person as regards the matters recorded in the register nor the person himself is much interested to be so particular as to see what has been recorded in the register or any other concerned papers as he is fully overjoyed that he is engaged in service which has been his rather final goal to achieve. As such I should not be held responsible for not having gone through the service register and noted the date of my birth. I have not given my date of birth as 21-1-1930 with any bad intention, but this was recorded in the railway register by the office clerk that in the L.P.'s Office at the time of my appointment.

After my appointment in railway service in the year 1958 I had no occasion to go for my date of birth and it was only then when I applied for the post of 'A' fireman that I was required to fill in my date of birth in the application form, when only I noticed that my date of birth was recorded wrongly as 21-1-1930 instead of 21-1-1938 and then only I started submitting my appeals for correction of the same. Had I noticed this earlier I could have definitely brought the case to your kind notice as I could not have preferred to have my wrong date of birth to be continued on record.

I have therefore to request you to please be kind to look into the matter on the strength of the original school certificate submitted by me and correct my date of birth in the railway records also I may be required to suffer permanently at the cost of a sheer mistake of the Clerk concerned who then recorded wrong date of my birth.

Hope you will be kind to be needful and oblige.

Yours obediently,

C. J. Shukla

(C. J. Shukla)
Tal. Asst. No. 50, Loco Daund.

Bhagat Singh Rawal
Advocate
42, G. ...
... Mark ...
... Law ...

C. J. Shukla



एल० पी० इण्टर कॉलेज कानपुर

[पूर्वनाम : - काश्यप इण्टर कॉलेज कानपुर]

Admission File No Withdrawal File No Transfer Certificate File No

प्रवेश पत्रावली संख्या

परिवर्तन पत्रावली संख्या

स्थानांतरण पत्रावली संख्या

Register No. 9687

Scholar's Register & Transfer Certificate Form

Name of the scholar with name of the school or college	Name of the scholar with name of the school or college	Date of birth of the scholar	The school or college to which the scholar is transferred
छात्र का नाम आदि नया घर	संरक्षक व्यवसाय या पिता का नाम, वृत्ति तथा पता	छात्र की जन्म तिथि	अन्तिम संस्था जिसमें पढ़ा हो
Chandra Kant Shukla	Sri Joti Prasad Shukla, Pathekpur, P.O. A806, Dist. Unnao	21st Jan 1938	D.V. Janki College, Kanpur

अवधि (शब्दों में) Twenty first January Nineteen thirty eight.

Class	Date of Admission	Date of Promotion	Date of renewal	Cause of renewal or the payment of dues, removal of family exclusion etc.	Year	Conduct and work
कक्षा	प्रवेश तिथि	कसोबति	निरुपमन की तिथि	निरुपमन का कारण जैसे शुल्क न देना, कुटुम्ब का स्थानांतरण, निवासन इत्यादि	वर्ष	आचरण तथा कार्य
VI						
VII						
VIII				(Duplicate copy)		
IX						
X						
XI	19/1/55	8/5/56		Promoted	1955-56	Good Scholar
XII	8/1/56			Admitted to Janki	1956-57	Good Poor

(प्रमाणित किया जाता है कि उपर्युक्त छात्र पत्रावली विभाग के नियमानुसार छात्र द्वारा सरकारी गैर-प्राप्त किये गए हैं।)

(यदि छात्र अपनी कक्षा में अग्रगण्य है। तो यह छात्र का आचरण तथा कार्य शीर्षक में दर्ज किया जाना चाहिए।)

Head of Institution

हस्ताक्षर संस्थाध्यक्ष

दिनांक

उपस्थिति का विवरण

Class	No of meeting heard	No of meeting at which present
कक्षा	कानून स्कूल की मीटिंग की संख्या	कानून स्कूल की उन मीटिंगों की संख्या जिसमें छात्र, छात्रा उपस्थित था, थी

Chandra Kant Shukla

Acc 12

ANNEXURE 5

To, Dand, 30-9-1986.
The Divisional Railway Manager,
C. Rly. Sholapur.
(Through I. F. Dand)

Correct recording of date of my Birth.

R/Sir, Reference your office letter number
SUA/P/Mech/1/82 of 29-10-1984 in reply to my
appeal dated 20-10-1984, having not received
any further information as regards the recording
of the date of my birth as per the substantial
certificate submitted by me, I am humbly sub-
mitting this reminder, with a request that my
case be looked into with priority as this is
a matter of paramount importance to me in my
service.

I have placed my requests number of
times but regret the matter is not being looked
into with mind and as such I am compelled to
leave the matter to your office for any question
that may rise in future.
Hoping to be excused.

Yours faithfully,

(Signature)
(C. J. Shukla)
Shunter 'B', loco. Dand.

(Signature)
21-9-86

(Signature)
B. J. Shukla
Dand.

62, 6

(Signature)

Daund, 28th Nov. 1987.

The Chief Personnel Officer,
Central Railway, V. H. Bombay.
(Through the proper channel) (Advance copy by post)

Sub:- Recording of date of my birth in Rly Records.

Respected Sir,

I am but compelled to approach your kind honour in the above connection as my appeals and efforts to the D.M. Sholapur, in regards correction of date of my birth since the year 1975 have not served the purpose.

Having observed that the date of my birth has not been correctly recorded in Railway Records, I started appealing to the D.M. Sholapur since the year 1975. My appeal dated 2-2-1982 reads as under:

"DR/SUR

Sub:-Correcting date of my birth.

R/Sir, I have been appealing in the above connection since the year 1975 that the date of my birth in the Rly Records has been incorrect. As an authentic proof support for my statement I have submitted an original copy of my school certificate where in my date of birth clearly shown as 21-1-1938. In my appeal dated 14-10-1975, I have pointed out the discrepancy in the recording of the date both in the D.F's Office and as 1940 and in your office records as 1930. This may have taken place for some or other reason and hence now it is opportune that the same should be duly corrected as has been shown in the school certificate submitted by me to your office. The delay in the correction will cause unnecessary confusion and that can be avoided by correcting the records both at your office level and D.F's office level. I hope you will be kind to look into the matter and oblige pl."

The above appeal was in apropos to letter number DR/P/tech-1/B-2 of 21-5-1982 from DR/SUR which reads as:-

"Ref: Your No. B/slavett/50 of 19-5-1982.

The employee has seen Sr D.P.O./SUR in connection with his recorded date of birth. He is redirected to report his A.D. on 21-5-1982 (AM)."

The above references are self explanatory, that my stand as regards incorrect recording of date of my birth in the Rly Records, and that I have been appealing for necessary correction since the year 1975. Regret, yet the matter has not been considered and finally decided keeping me in an uncertain situation. This is more so that I am now asked to fill in and submit settlement papers since I am to retire early next year. This is ofcourse on the strength of the wrong date of my birth as in the year 1930, continued to be maintained to be correct and giving no heed to my appeals from time to time and submission of original school certificate.

I am therefore compelled to approach your honour for due consideration and early decision in the matter.

Yours Faithfully,

(C. J. Shukla)

Driver 'C', loco, Daund.

Bhorol Singh Rawat

Advocate
62, Guru Gurmukh Singh Marg
Lal

(C. J. Shukla)

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Annexure 7

Naund, 12-1-1988.

The J. A. A. (C), C. My
Sholapur.
The M. S. Sholapur

(Through proper channel)

In correct recording of my date of birth, and my
superannuation retirement thrust on me accordingly.

- - -

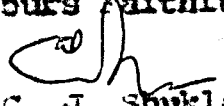
R/Mr.

I have been submitting my appeals in connection with
the wrong date of my birth recorded in the office Records.
It is recorded in the year 1940, by A.P.'s office, while in your
office it is recorded as in the year 1930.

I had submitted original school certificate to you
in which my date of birth is shown as 21-1-1938. If this is
to be considered then I joined service at the age of 20 years.
If the date of my birth recorded by your office is to be taken
correct, then I was 28 years of age when engaged in service.

Under the circumstances, I request that I may please
be directed to the M. S. Sholapur to assess my current age and
oblige please.

Yours Faithfully,



(C. J. Shukla)

Shunter, 1000, Naund.

12/1/88

Bhawal Singh Naund
62, C. J. Shukla

C. J. Shukla

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ANNEXURES

Recd.

30-11-88

The Divl. Railway Manager,
Solapur,
Maharashtra

subject:- Reinstatement in Service.

Sir,

Due to my wrong date of birth recorded inadvertently in my service records, you retired me on 31-1-1988 from the post of Shunter 'B' from Laund. Prior to my retirement I approached you with the documentary evidence i.e. High School Certificate, of Loshar Vaishya Inter College (Presently known as Gangadin Gaurishanker Inter College), Kanpur with the request to amend my date of birth in my service records to read as 21-1-1936 instead of 21-1-1930. Not despite the evidence I produced, you did not correct my date of birth with the result that I was forced to retire illegally on 31-1-1988 by you.

Now I am herewith again submitting the photostatic copy of my High School Certificate of Gangadin Gaurishanker Inter College (Former Loshar Vaishya Inter College), Kanpur with the request to issue necessary order immediately reinstating me in service for which I shall be obliged to you.

Dated: 30-11-1988

Your faithfully

Inst. to DRD
SUR on 30.11.88
C.S. Shukla

(C. J. Shukla)
Retd. Shunter 'B'
Village- Pathakpur,
Post- Ascha,
Distt- Unnao

C. Shukla

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ANNEXURE 9

From: Baboo Bal Krishna Shukla,
Advocate,
Court Compound, Unao.

The Divisional Rly. Manager,
Central Railway,
SOLAPUR.

Dated: 25th May, 1990

Dear Sir,

Sub: Notice regarding the correction
of the date of Birth of my client
Sri C.J. Shukla, Retd. ~~Bank~~ Shun-
-ter 'B' in your official records.

In connection with the above, this is to inform you that the date of birth of my above client Sri C.J. Shukla is 21st Jan., 1938 as per the School Certificate at the time of his appointment in the Rly. service. This was also informed by my client to the respective authorities at the time when his Personal File was opened by the Div. authorities.

Later in the year 1970, it was learnt by my client that his date of birth has been incorrectly recorded in the official records as 21st Jan, 1930 i.e. 8 years more than the actual age. Therefore, the school certificate's copy was submitted to the Rly. authorities at Solapur by my client for the correction of his date of birth in the official record and an appeal to this effect was also filed by my client with the Div. Rly. Authorities apprising them the facts and actual date of birth.

On the basis and strength of the above incorrect-

P.T.O.

Bh.

82, Court
Lal

in Mails
1990

C. Shukla

McS
Annexure 10

From:- Shri C. J. Shukla,
Village Rha Pathak Pur Post ASOHA
Distt UNMAO. (UP).

To, The General Railway Manager (P) Date 20-9-1990.
The Divisional Railway Manager,
Central Railway, Solapur.

Recording of incorrect date of my birth and
therefore thrust superannuation retirement
from service with effect from

R/Sir,

The date of my birth was incorrectly recorded
in railway records 21-1-1930.

While when ever I was sent for the P.M.E. the
date of my birth was recorded as 21-1-1940 which was also
incorrect.

Therefore I started appealing against this
submitting the true certificate issued by the School
Authorities of Luknow. Thereafter I submitted a certificate
issued by the College Authorities where I studied. These
certificates showed my date of birth as 21-1-1938 (Ainteen
thirty eight) Even after submitting the certificates from
authentic authorities and even after my appeals followed
by several reminder the D.R.M. Solapur did not take in
action in correcting my date of Birth. The correspondence
was being done since the year and finally I was retired
on super annutaon on 31-1-1988, depriving me of my yet
10 years service according to the correct date of my birth.

Thus at the pleasure of the Divisional Authorities
I have been compelled to suffer a very very heavy financial
loss. I therefore claim compensation for that and request
you to be kind to invent in the case and give me justice,
if not I will be compelled to knock the doors of the Court
for justice.

Yours faithfully,

C. J. Shukla

(C. J. Shukla)
Retired 'B' Shunter, Central Ry
Loco, Daund, Division Solapur.

Bhawal Singh Rawat
Advocate
62, Ganga Road, Lal Kuan, Luknow.

C. J. Shukla