

(See rule 114)

OA/TA/RA/CP/MA/PT 605/90...of 20.....

Versus

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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4	Petition.	A8 - A11
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6	power	A16
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8	R.A.	A34 - A45

Certified that the file is complete in all respects.

B-6 bedded out & destroyed

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

23-ATHORNHILL ROAD ****

ALLAHABAD U.P. ***

REGISTRATION No. 605 of

1990

APPLICANT (S) Suresh SinghRESPONDENT (S) Union of Inds. Pk. G.M. N.R. Baroda
House, New DelhiPARTICULARS TO BE EXAMINEDENDORSEMENT AS TO
RESULT OF EXAMINATION.

- 1 * Is the appeal competent? :
- 2* (A) Is the application in the prescribed form?
- (B) Is the application in paper book form?
- (C) Have complete sets of the Application been filed?
- 3* (A) Is the appeal in time?
- (B) If not, by how many days it is beyond time?
- (C) Has sufficient case for not making the application in time, been filed?
- 4* Has the document of authentication: Vakalatnama been filed?
- 5* Is the application accompanied by:
B.D./Postal Order for Rs.50- (Fifty).
- 6* Has the certified copy/copies of the order(s) against which the application is made been filed?
- 7* (A) Have the copies of the Documents/referred upon the applicant and mentioned in the application, been filed?
- (B) Have the documents referred to: in (a) above duly attested by a Gazetted officer and numbered accordingly?
- (C) Are the documents referred to in (a) above neatly typed in double space?

Y3

Y3

Y NO

Y3 (S.S.S.)

Y3

—

Y3

Y3

0 02 4147 35 d R. 50/-
27-32/7/50

Y3

Y3

Y3

Y3

PARTICULARS TO BE EXAMINED
Index

- of documents been
ing done properly?
Chronological details
resentation made and the
e of such representations
indicated in the application?
the matter raised in the
application pending before any court
of law of any other Bench of Tribunal?
- 11* Are the application/documpicate copy/
spare copies signed?
- 12* Are extra copies of the application
with annexures filed?
- (A) Indetical with the Original:
(B) Defactive?
(C) Wanting in Annexures?
- NOS/PAGES NOS?
- 13* Have file size envelopes bearing full
adressed of the respondents been filed?
- 14* Are the given addresses, the registered
addresses?
- 15* Do the names of the Parties in the
copies tally with those indidated 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. 5 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:
- 20* Classification of case: *Benevolent*
- 21* Cause of Action : *Retirement*

73 (A2)

73

ND

I M - 2008 8/10/08

73

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(X)

ND

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NA.

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73

~~no. 2008 8/10/08~~ 73

ANIL

15.6.08

C. A. No. 605792
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a. 1/2 h. 1/2

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in the cloud No I in
the division as mentioned
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the same.

21/9/00

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

O.A.No. 605/90

Surat Singh.....Applicant.

Vrs.

Union Of India & Others.....Respondents.

31.7.90.

Hon' Justice K. Math, V.C.

Hon' K.J.Ratan, A.P.

Issue notice to respondents to show cause why the petition may not be admitted and list for orders on 16.8.90 when the respondents will also produce service record.

In the matter of interim relief issue notice on the same date. If the applicant's date of birth in the Service Book is recorded as 5.7.38 and the age of superannuation is 58 years, the applicant shall not be retired from service on 31.7.90 in compliance of the notice dated 30.7.90.

A copy of this order may be delivered to the learned counsel for the applicant today. The record shall be transmitted forthwith to Lucknow circuit bench.

Sd.
A.P.

Sd.
V.C.

11
This file has been
recd from C.A. Allot
on 15.8.90

Notice has
been sent from C.A. Allot
etc. attached.

Neither reply
nor any unrecorded
copy has been
received.

S.D.C.

6/8/90

See
general order
on
the main
petition

(2)

(14)

ANC Ec

16/8/90

Hon. Mr. P. Srinivasan, A.M.
Hon. Mr. J.P. Sharma, J.M.

Shri. G.H. Naqvi, for the applicant, prays that this matter may be taken ^{up} out of turn. As according to his information, the other side has not received notice and ~~he~~ is not likely to come today. He prays for a short adjournment as he has to go to hospital. In view of the statement of the (counsel) at the bar, the application is adjourned to 28/8/90. The order passed on 31/7/90 will remain in operation, till that date.

le
J.M.

PS 16/8
A.M.

(3)

28.8.90

Hon. Mr. D.K. Agrawal, J.M.
Hon. Mr. K. Obayya, A.M.

Shri G.H. Naqvi appears for the applicant. None for the opposite parties. Since stay order has already been granted to the applicant, Shri Anil Srivastava is directed to take notice on behalf of Railway Administration to file counter, if any within 4 weeks hereof. Rejoinder may be filed within 2 weeks thereafter. List it for disposal ~~for~~ of interim matter on 10.10.90, on which date the case may be finally disposed of. Copy of this order may be given to counsel for both the parties. The stay order already granted will continue till 10.10.90.

CR
No answer
repl. cover has been
received back.
S.F.O. 24/10/90

A.M.

J.M.

OR
Shri Anil Srivastava
have recd. notices on
behalf of O.Ps. but
no reply have been
filed.
S.F.O.
17/10/90

No sitting Ael to 28.10.90

Recd. Contd. order
dated 31/8/90
K.K. 2/10/90
cont. by Shri Anil Srivastava

Prudhvi
le
31/8

4) 10.10.90

(9)

3.5.91

(3)

(A.S.)

GA 605/90, L

No sitting 26.6.91

OK
C/A & RA have
been exchanged
S.P.H. L
14/6

(10)

26.6.91

Hon. Mr Justice K. Nath. VC.
Hon. Mr K. obayya Am.

On the request of Sri
A.K. Gaur, Counsel for Respondent
Case is adjourned to 12.9.91
for hearing.

Am.

VC

(11)

12.9.91

(12)

15.10.91

No sitting Adj to 15.10.91

No sitting Adj to 16.10.91

16.10.91 Hon. Mr Justice VC. Gaur, VC.

By the learned counsel
for Respondents is not present
list on 30.10.91. The learned
counsel for respondents
shall produce record on
their date as directed earlier.
The learned counsel for the applicant
may inform in writing
that the case will be taken up on
30.10.91 and the counsel will
produce record on that date.

OR
Case is ready
for hearing
Case is regarding
Date of Birth
Case is filed on
31-7-90 while in
service.

S.P.H.

h
15/10/91

VC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW

Registration C.A.NC. 605 of 1990

Surat Singh		Applicant
	Vs.	
Union of India & Others		Respondents.

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

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. A.B. Gorthi, Member (A))

By means of this application under Section 19 of The Administrative Tribunals Act, 1985, Shri Surat Singh has challenged the validity of the order retiring him from service w.e.f. 31.7.1990, on the ground that ^{his} the date of birth as entered in his service book was 5.7.1938 and accordingly he was due for superannuation on 31.7.1996.

2. The applicant states that he joined Railway Service on 24.10.1956 as a Khalasi and in ~~due~~ course became a ~~Distri~~stri. On hearing some rumour that he was due to retire soon, he submitted an application to the Divisional Railway Manager on 23.4.1990, stating the correct facts, but without any reply thereto/^{or prior} ~~any office~~ notice, he was ordered to be retired w.e.f. 31.7.90 vide the impugned order dated 30.7.90. In support of his claim the applicant relied on a communication dated 17.11.89 from Northern Railway Primary Cooperative Bank Ltd. ^{to} grants ~~his~~ ^{the} ~~applicant a~~ application of loan of Rs.10,000/- repayable in 36 instalments. In the said communication his date of birth was shown as 5.7.1938 and his date of appointment as 24.10.1956.

3. In their written reply, the respondents have clarified that the correct date of birth of the applicant was 5.7.1932 and that he entered the Railway Service on 24.10.1954, the said dates were reflected in the "Seniority

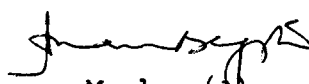
(A7)

List as on 31.12.70" against the name of the applicant. The applicant himself had recorded these dates in his earlier loan applications dated 3.3.82 (Annexure-III) & 26.4.80 (Annexure V). The dates of birth as also the date of first appointment recorded in Service Book, apparently were tampered with and altered to read as 5.7.38 and 24.10.56 respectively. In a subsequent loan application made by him in the year 1989, the applicant showed his date of birth as 5.7.38 and date of appointment as 24.10.56. The respondents contended that the complicity of the applicant in the alteration of the dates in the service book would thus be evident.

4. The entries in his service book, ^{relating to the date of birth and} ~~relates to~~ the date of appointment show that there were alterations. The respondents contention that the correct date of birth of the applicant was 5.7.32 seems ^{genuine} because the applicant himself had shown the said dates in his loan applications dated 3.3.82 and 26.4.80.

5. Lastly, the applicant contended that the retirement order was not valid as there was no prior notice as required by the Railway Board's instructions. These instructions are directory and not mandatory and the applicant cannot claim prior notice as a matter of right.

6. The application is therefore without any merit and is hereby dismissed. There shall be no order as to costs.


Member (A)


Vice-Chairman.

8-November, 1991. Lucknow.

(sph)

Central Administrative Tribunal
Additional Bench At Allahabad
Date of Filing... 31-7-90

OR

~~Date of Receipt~~

~~by Post~~

31/7/90
By Registrar.

Before the Central Administrative Tribunal At Allahabad,
Registration No. 605 of 1990.

Surat Singh

..... Applicant.

Versus

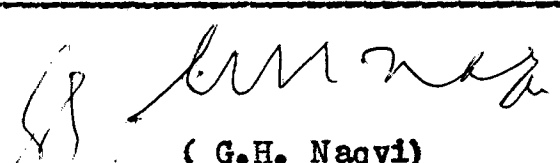
Union of India and others

.... Opp-parties.

I N D E X

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4.	Annexure No. III	7-8
5.	Power	9

Dated 31.7.90


(G.H. Naqvi)
Advocate,
Counsel for the applicant.



(14)

Before the Central Administrative Tribunal At Allahabad,

Registration No. 605 of 1990.

Surat Singh

.... Applicant.

Versus

Union of India and others

.... Opposite parties.

No.3 Parties name

No.1 Surat Singh aged about 52 years son of Jagat Singh,
r/o E -3518 Rajaji Puram, P.S. Talkatora, Lucknow.
...Applicant.

Versus

No.2. The Union of India through General Manager,

N.R. Baroda House, New Delhi

Div. *Handwritten signature*

No.3. The/Regional Manager, N.Rly. Hazratganj,

Lucknow.

..... Opp-parties.

No.4. Details of the order, against which the application
is being made.

(i) Retirement Order dated 20.7.90. effective from
21.7.90 after noon .(Annexure II).

(ii) Application dated 28.4.90 (annexure No.1)

(iii) Passed by Chief Electrical Foreman Fateh Ali
Siding, Lucknow. as per D.R.M. Lucknow Order.

(iv) Subject in brief.

Without any previous notice and without reply to
the representation on 28.4.90 retirement order was
passed (Annexure II) and served on the same day in
the after noon , although according to service record
the applicant should retire on 4.7.1996.

(iv(ii) ~~The applicant~~ Jurisdiction of the Tribunal
The applicant declares that the subject matter of the
order against which he wants redressal is within the
jurisdiction of Tribunal .

Surat Singh2
Handwritten signature

(H10)

2.

(v) Limitation.

The application further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

(vi) Facts of the case.

^{applicant}
The ~~application~~ was born on 5.7.38. The applicant joined the service as Khalasi on 24.10.56 in Lucknow. On 30.7.90 the applicant received an intimation that he is to retire from service on 31.7.90 after noon. The applicant was given training in 1965 and in 1970 he was Wireman. In 1977 Grade II Ind Wire man. In 1978 he was Grade I Wireman. In 1982 he was Mistri and there-
after he was Supervisor. According to the Service/^{record}he is due to retire on 4.7.1996 and yet he was being asked to retire on the after noon of 31.7.90. The order of retirement is prejudicial and is not sustainable. The grounds are that the applicant may be in service upto 4.7.96 and the service of the applicant can last upto 58 years. It is a legal right and the order retiring him is arbitrary. The applicant has filed application before the Divisional Regional Manager on 28.4.1990. The applicant has availed the opportunity even on 30.7.90 but with no relief.

VII Pending has been entered
~~(vii) Matter is not pending in any other court and the application is genuine.~~ *eg*

(viii) Relief sought.

The applicant prays that after hearing the parties the applicant may be allowed to continue in service upto 4.7.96 and the original Service Book be summoned for the proper adjudication of the matter.

Surinder Singh
ls

(ix) Interim Relief.

The applicant got promotion on account of his own ability and it is arbitrarily to ask him to retire on 31.7.90 while according to Service Record his retirement is due on 4.7.96. The applicant was served with an order Annexure II on 30.7.90 and hence Interim Relief in the circumstances to the effect that the applicant may continue in service under D.R.M. (N.Rly,) Hazratganj, Lucknow , upto 4.7.1996.

(x) Matter not pending in any other court or Tribunal.

(xi) Particulars of the Postal order.

No. 02 414739 dated 30.7.90 issued from the Post Office High Court, Lucknow.

(xii) An Index giving the details of the documents to be relied upon is enclosed.

(xiii) List of enclosure 1.

1. Application Representation 28.4.90.

2. Copy of the order dated 30.7.90 passed as directed by D.R.M. N. Railway, Lucknow.

3. Copy of the order of loan granted to the applicant.

I, Surat Singh, son of Jagat Singh, aged about 52 years, working as Mistri N.Rly, Alambagh, Lucknow, r/o E-3518 Raja Ji puram, P.S. Talkatora, Lucknow, do hereby verify that the contents of paras (i) to (xiii) are true to my personal knowledge and belief and that I have not suppressed any material facts.

Dated 31.7.90.

Signature of applicant.

Surat Singh
31.7.90

(47) A12

Before the Central Administrative Tribunal At Allahabad.

Registration No. of 1990.

Surat Singh

... Applicant.

Versus

Union of India and others

.... Opp-parties.

Representation sent on 28.4.90 (Annexure No.I.)

Annexure No.^AI.

Respected Sir,

My date of birth is 5.7.1938 . My date of Retirement is 4.7.1996 . It is so mentioned in the Service Book. I joined as a Khalasi on 24.10.56 and by dint of my ability I promoted as Mistri. I have been hearing that steps are being taken to retire me from service on 21.7.90. It is not so mentioned in the Gazette or the Seniority list. I am very much disturbed because they say that since I filed O.A. Claim No. 620 of 1986 and hence the Office is trying that I may be retired soon. You are aware that no body can get any money from the office unless he has more than 3 years for his stay in the office. I have taken a loan which was allowed on 19.11.89 and I will require to pay back the money in 36 equal instalments i.e. the loan of Rs.10,000/- .

It is hoped that the order of retirement if any may be taken back as withdrawn in the circumstances. In case you do not agree with my request you may good enough to direct the office to issue the relevant copy of the Service book so as to enable me to get the grievances redressed from the Hon'ble Tribunal. Please send a reply within two weeks. I shall ever remain grateful.

Yours faithfully,

Dated 28.4.1990.

(Surat Singh) Mistry, N.R.
Alambagh, Lucknow.

Identified Surat Singh
21.7.90

(57) (A131)
Before the Central Administrative Tribunal, Allahabad,
Registration No. of 1990.

Surat Singh

.... Applicant.

Versus

Union of India and others

..... Opp-partiss.

^A
Annexure II.

Surat Singh
Sd/-
3/1/94



उत्तर रेलवे
NORTHERN RAILWAY

114

No 2/44/EL/LA/A.

Dated 30-7-70

Notice

* Shri Surend Singh working as D.I. by at Alam Nagar under this installation will retire from Rly. service under age limit on 21-7-90 AD.

* This is in purs. of TRM/LK/LN/21E/2-6/DI/L
dated 26-7-70

Sd —

Chief Electrical Foreman Lko. A
Fateh Ali Siding
LUCKNOW.

Copy to:—

1. DRM/LK in reference to his notice as quoted above.
2. SE/LK in office for information and necessary action to relieve Shri Surend Singh at Alam Nagar in time and arrange to take charge from him before his retirement.
3. EL/LK in office for information and necessary action.
4. ✓ Shri Surend Singh, D.I. by at Alam Nagar for information and he is advised to handover complete charge of the station and he should deposit it to the Station Master on 14-7-70 which is available up to 21-7-70 to Shri Surend Singh as a retired vice post.
5. 'E' and 'S' section in office for information.

Heard
3/1/7

Sd —

Chief Electrical Foreman Lko. A
Fateh Ali Siding
LUCKNOW.

17,

ALS

Before the Central Administrative Tribunal, Allahabad,
Registration No. of 1990.

Surat Singh

..... Applicant.

Versus

Union of India and others

..... Opposite parties.

^A
Annexure No. III.

Sundar Singh
11.11.2012

36

(8)

C.C.S. 15

Northern Railway Primary Co-operative Bank Ltd., Lucknow.

Branches : ALLAHABAD & MORADABAD

LOAN ACCOUNT NO. 4513143 198

To

The

Dear Sir.

I have to advise you that the under-mentioned employee has been granted a loan of Rs. **10000** repayable in **36** instalment by deduction from his monthly payments as shown in the table given below and to request that recoveries be kindly made accordingly in the pay sheets the first deduction to be made in the pay-sheets for.....198

In case it is not possible to make the deduction in any month the reason for not effecting the recovery should be shown against the party's name in the recovery sheet and the amount of the Instalments (including interest) should be recovered along with the deduction in the following month subject to the condition that the total recovery in a month should not exceed one-fourth of the salary. The interest for the following month should be the same as for the previous month. In the event of the termination of borrower's service before he has fully paid up the loan, please arrange for recovery through his Settlement paper of any balance which may be due to the Bank.

The outstanding balance Rs..... of his previous loan No..... having been recovered from this loan, the list in connection, with that loan may be treated as cancelled after the instalment due for.....198, has been recovered.

Name..... Member No..... P.F. No.....

Father's Name..... Bill Unit No.....

Designation and T. No..... Pay-sheet Preparing unit.....

Station.....

Date of appointment.....

Date of Birth.....

Date of retirement.....

Your's faithfully,

Interest @ 13 1/2%

PARTICULARS OF DEDUCTION TO BE MADE IN PAYSHEETS

Instalments	Deduction on account of		Total amount to be deducted Rs.	Amount of principal outstanding after the monthly payment has been made Rs.	Instalments	Deduction on account of		Total amount to be deducted Rs.	Amount of principal outstanding after the monthly payment has been made Rs.	Remarks
	Principal Rs.	Interest Rs.				Principal Rs.	Interest Rs.			
1st	226	113	339	9774	19th	277	62	339	5231	Extract of Byelaw 50 The borrower shall be responsible to see that the recoveries are properly effected from his pay bill and in event of any mistake or omission he shall forth with deposit the due at the Bank's office.
2nd	229	110	339	9545	20th	280	59	339	4951	
3rd	232	107	339	9313	21th	283	56	339	4668	
4th	234	105	339	9079	22th	286	53	339	4382	
5th	237	102	339	8842	23th	290	49	339	4092	
6th	240	99	339	8602	24th	293	46	339	3793	
7th	242	97	339	8360	25th	296	43	339	3503	
8th	245	94	339	8115	26th	300	39	339	3202	
9th	248	91	339	7867	27th	303	36	339	2900	
10th	251	88	339	7616	28th	306	33	339	2594	
11th	253	86	339	7363	29th	310	29	339	2284	
12th	256	83	339	7107	30th	313	26	339	1971	
13th	259	80	339	6848	31th	317	22	339	1654	
14th	262	77	339	6586	32th	320	19	339	1334	
15th	265	74	339	6321	33th	324	15	339	1010	
16th	268	71	339	6053	34th	328	11	339	682	
17th	271	68	339	5782	35th	331	8	339	351	
18th	274	65	339	5508	36th	351	4	339	Nil	

N.B.—Loan account number quoted above should be invariably shown in all the recovery-sheets.

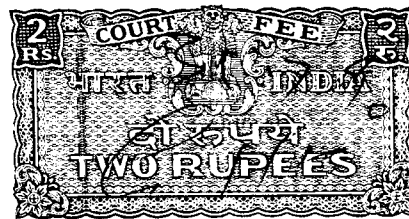
Attested
Singh
31/7

प्रतिवादी [रेस्पाडेन्ट]

महोदय

वकालतनामा

C. A. T. Allen



Swat Creek

बनाम

प्रतिवादी (रेस्पाडेंट)

N-2 नं० मुकद्दमा

सूचन

प्रेम की ताव

22 450

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

व

वकील

• महोदय

एडवोकेट

नाम अदालत

मकदमा नं०...

नाम फरीकैन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेंरबी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया लसूब करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करे मुकद्दमा उठावे या कोई रुपया जमा करे या हारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करे—वकील महोदय द्वारा की गई वह सब कार्यबाही हमको सर्वथा स्वीकार है और होमा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पेंरबी 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...

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १८ ई०

स्वीकृत

A17

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
COIT. CHL. BANG. AT ALAHABAD.

I N D E X

I N

REGISTRATION NO.605 OF 1990.

Surat Singh -----Petitioner.

Versus

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

S.No. Particulars of papers Page Nos.

1. Written statement. 1 to 7
2. Annexure No.I: Photostat copy of Seniority List, dated 31.12.70. 8 to 11
3. Annexure No.II: Photostat copy of objection memo. no.484 alongwith loan application form for Rs.1000/-. 12 to 13
4. Annexure No.III: Photostat copy of loan application form dated 3.3.82. 14 -
5. Annexure No.IV: Photostat copy of loan sanction order dated 4.6.80. 15 -
6. Annexure No.V: Photostat copy of loan application form dated 26.4.80. 16 -

July 1990
(Sd/-) Advocate
CC MSAL FOR THE RESPONDENTS.

Dated:

29.10.90

(112)

3 JUDGE, 1 JUDGE ADMINISTRATIVE TRIBUNAL
COMPTON ROAD, NEW DELHI.

W R I T T E N S T A T E M E N T

IN

REGISTRATION NO. 605 OF 1990.

Guraj Singh -----Petitioner.

Versus

Union of India and others -----Respondents.

----- The humble reply to the aforesaid petition

On behalf of the respondents Most Respectfully Sheweth
as under:-

1. That the contents of paragraph 4(i) to 3 of the petition call for no comments.
2. That the contents of paragraph no.4(i), to 4(iii), of the petitioner are not discussed being matters of record and shall be suitably dealt with at the time of hearing of the case.

10/11/2010
10/11/2010
10/11/2010

(A7)

-2-

3. That the contents of paragraph no.4(iv) of the petition as stated are not admitted and are denied and same shall be suitably dealt with at the time of hearing of the case.

4. That the contents of paragraph no.4(iv(ii) of the petition call for no comments.

5. That the contents of paragraph no.4(v) of the petition are not disputed hence call for no comments.

6. That the contents of paragraph no.4(vi) of the petition are wholly & misconceived, false and are emphatically denied. The contention of the petitioner that he was born on 5.7.1938 is incorrect in fact he was born on 5.7.1932 and appointed as Khalsi on 24.10.1954 and not on 24.10.1956 as alleged in para. under reply. It may be stated here that the petitioner was informed regarding his retirement on 23.7.90 about

his date of superannuation i.e.31.70 as per his service

25/11/70
20/11/70
14/11/70

conf. It is also pertinent to mention here that

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- 2 -

it was detected from the service record of the petitioner
that by means of interpolation the date of birth
of the petitioner had been changed from 5.7.72 to
5.7.86. This fact of interpolation in date of birth
of the petitioner was brought to the notice of
recon. After scrutiny of the service record viz.
Seniority list etc. wherein his correct date of birth
have been entered as 5.7.72. A photostat copy of the
seniority list of electrician dated 31.12.70 is
being filed herewith and marked as Appendix No. I to this
reply.

It will not be out of place to mention
here that the petitioner was promoted as BT Wireman
in grade No. 75-110 on 26.5.66 and again promoted as
Wireman Grade III in grade No. 110-160 (B) with effect
from 15.8.1971. The petitioner was upgraded in the
wireman as grade Max II No. 770-480 and Grade I with
No. 500-360 with effect from 1.8.1978. He was further
promoted as Wireman on 28.5.1982.

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It is wholly incorrect to say that he is
a BT Wireman as 7.96 according to the service

(A21)

-4-

record of international have been made in his date of birth but his actual date of birth has already been entered as 5.7.32 in various records.

It is also pertinent to mention here that the petitioner by means of playing fraud got changed his date of birth ~~as~~ 5.7.32, and made it as on 5.7.30, and on the basis of the same the petitioner has claimed that he is due to retire on 31.7.96, which is ^{is} _L incorrect and without any basis. The petitioner has filed to produce any document in support of his contention that his date of birth is 5.7.30 except a photocopy of form of loan application of Northern Railway Primary Co-operative Bank Ltd. Lucknow wherein his date of appointment is 24.10.56, date of birth 5.7.30 and date of retirement 31.7.96 is mentioned. Assuming that cannot be admitted the entries of this form is correct then why the entries of the ~~xxxxxx~~ other various loan application forms

of the said bank is not correct wherein his date of birth 5.7.32, date of appointment 24.10.54 and his

A22

-6-

date of retirement 31.7.80 has been mentioned. The photostat copies of objection Memo. No.484, Loan application form dated 2.3.1982, Loan sanction order dated 4.6.80, Loan application form dated 26.4.80 for Rs.3900/- are being filed herewith and marked as Annexure No.II, III, IV & V respectively to this reply.

7. That in view of the facts and circumstances enumerated in the preceding paragraph it is, crystal clear that the petitioner's date of birth is 5.7.32 and not 5.7.33, as alleged by the petitioner. It is also proved beyond any reasonable doubt that interpolation in date of birth of the petitioner has been made in the year 1933, as shown in the Loan Application Form for Rs.1000/- and that is why the aforesaid bank has sent an objection letter to the petitioner to correct the entries of the Loan application form vide Memo. No.484 which is already annexed as Annexure No.II to this reply.

Res
10/11/82

That it is significant to mention here

(A23)

-6-

from a bare perusal of the service record of the petitioner it would be clear that crossing in last flight ~~XXXXXXXXXX~~ from 2 to 3 in the year 1932 has been made and the petitioner's claim on that very basis is wholly false and misconceived. The contrary allegations have been made simply with a view to lend colour to the instant case. The order of retirement passed by the respondents are wholly just and proper. The petitioner's representation dated 28.4.90 have not at all received by the respondents alleged in para under reply. The petitioner is not to strict proof allegations contained in para under reply. All the other allegations made in para under reply shall be suitably dealt with at the time of hearing of the case.

9. That the contents of paragraph no.4(vii), of the petition are not admitted and are denied. The petitioner has failed to exhaust the departmental remedy and as such the petitioner's petition is liable

to be dismissed on this ground alone.

Recd.
to be dismissed on this ground alone.

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10. That the petitioner is not entitled to any of the reliefs as claimed by the petitioner in his petition.

11. That the petitioner's petition is frivolous, vexatious and liable to be dismissed with cost.

[Signature]

(For contents)

Verification

I, *P. N. Tiwari* designation *Assistant General Officer* Office of the Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow do hereby verify that the contents of paragraph no. 1 to 11 of this ~~xxxxxxx~~ reply are based on perusal of official record and legal ~~xxxx~~ advice received which all I believe to be true that no part of it is false and nothing material has been suppressed in it.

[Signature]
[Stamp]
1920

Verified on this _____ day of August, 1920

[Signature]

(For contents)

ANNEXURE-I

SENIORITY LIST OF ELECTRIC KHALASIS ON THE DIVISION AS ON 31-12-70

S.No.	Name	Desig.	Station	Date of Birth.	Date of Appt.	Date of Confir.	Offg. es.	Sanctioned Strength		
								Permanent	Temporary	Total
1.	Shri Baboo Ram	Mn.	TL/LKO	3.7.19	3.7.47	1.3.52				
2.	Hiraman	"	"	22.10.22	22.10.45	22.10.48	Callmen.			
3.	Kenney	"	CB	1.7.32	12.8.47	18.9.50	Office			
4.	Ram Jawan	"	BSB	15.1.22	15.1.52	15.1.53				
5.	Hussaini	"	GNG	17.11.22	27.1.43	1.4.50	Asst. FD			
6.	Sureet Singh	"	AVV	5.7.32	24.10.54	1.1.68	B.T.W.			
7.	S.C.Bhattacharyya	"	CB	28.3.34	26.3.55	1.1.68	Store Issuer			
8.	B.R.Asthane	"	"	15.6.21	15.6.53	1.1.68	-do-			
9.	S.C.Bhattacharyya	"	"	17-12-30	11.7.53	1.1.68	-do-			
10.	Bhagwati P.B. Rai	"	FD	14.7.35	8.11.55	5.10.56	BTOED.			
11.	Arif Ahmed	"	BSB	21.12.34	23.1.56	1.1.68	SPA			
12.	K.P.Gopalan	"	ZBD	2.7.34	14.7.56	1.1.68	BTOED			
13.	Ram Dayal	"	LKO	1.7.32	10.7.56	1.1.68	-do-			
14.	Ram Dass	"	SIN	23.1.37	16.7.56	1.1.68	-do-			

(A2B)

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12.

48 R.P. Sharma V.D. Sharma 5.1.38 23.1.58 SPA 210- 8.4.68 MR Wireman 260- 400 Offtg.as W/M(I)

49 Prabhu Dayal Bachhumal 5.3.33 16.10.57 Elect 196- 1.1.68 Kh. 232 Offtg.as W/M(I)

50 Surat Singh Jagat Singh 5.7.32 24.10.54 -do- 1.1.68 -do- -do- Offtg.as W/M(I)

51. Bal Kishan, Aayodhya Pd. 5.11.34 17.7.56 -do- 1.1.68 -do- -do- Offtg.as W/M(I)

52 R R. Kharey Visheshwar Nath 1.7.35 17.10.57 -do- 1.1.68 -do- -do- Offtg.as W/M(I)

53 T. J. Kharey Pd. Satya Nar- 26.4.33 18.10.57 -do- 1.1.68 -do- -do- Offtg.as W/M(I)

54. Ram Shanker Baljath Singh. 1.7.39 18.10.57 -do- 1.1.68 -do- -do- Offtg.as W/M(I)

55. Rama Kant Ram Govind 12.2.37 18.11.57 -do- 1.1.68 -do- -do- Offtg.as W/M(I)

56. Mond. Yasin Subraati 3.7.37 9.6.58 -do- 1.1.58 -do- -do- Offtg.as W/M(I)

57. Ram Raj Ram Pd. 15.1.37 24.2.59 -do- 1.1.68 -do- -do- Offtg.as W/M(I)

58. Jagdamba Pd. 1.1.68 -do- -do- -do- Offtg.as W/M(I)

| No. | Name | Post | Age | Height | Weight | Complexion | Religion | Marital Status | Education | Remarks |
|-----|------------------|-------------------|---------------|----------|---------|------------|----------|----------------|-----------|----------------------|
| 21. | R.C. Dutta | R.K. Dutta | 6.7.37 | 17.7.56 | 400 | 1.1.63 | " | 28.12.79 | " | |
| 22. | Mahendra Singh | Dhanvel | 9.5.41 | 6.7.63 | 210-290 | 8.4.68 | " | 29.12.79 | " | |
| 23. | Huseen Ali | Ayub Siddique | 20.6.42 | 8.12.63 | " | " | " | 28.12.79 | " | Working in Ministry. |
| 24. | Surek Singh | Jaget Singh | 5.7.32 | 24.10.54 | 196-232 | 1.1.63 | " | 28.12.79 | " | |
| 25. | R.B. Khare | Visheshwar Nath | 1.7.38 | 17.10.57 | " | 1.1.68 | " | 28.12.79 | " | |
| 26. | Mohd. Zai Khan | Mohd. Mansur Khan | 1.7.44 | 12.9.62 | 260-400 | 1.4.70 | " | 28.12.79 | " | |
| 27. | Joreshwar Patil | Setya Narain | 26.4.33 | 18.10.57 | " | 1.1.68 | " | 28.12.79 | " | |
| 28. | Kunur Ram | Shyam Lal | 23.6.36 | 4.7.59 | 196-232 | 1.1.63 | " | 28.1.80 | " | |
| 29. | Kailoo Lal | M. Churni Lal | 1.2.40 | 13.8.59 | " | 1.1.68 | " | 28.1.80 | " | |
| 30. | Lachhman Singh | Chhetri | 12.5.35 | 19.12.59 | " | 1.1.68 | " | 28.1.80 | " | |
| 31. | Am Shender Singh | Bajji Nath Singh | 1.7.39 | 18.10.57 | " | 1.1.68 | " | 28.12.79 | " | |
| 32. | Chheda (S/C) | Dohari | W/Man 17.1.27 | 20.1.47 | 260-400 | 2.1.62 | " | " | " | |
| 33. | R.P. Sharma | V.D. Sharma | 5.1.30 | 23.1.58 | 210-290 | 8.4.68 | " | " | " | |
| 34. | Jagdamba Pd. | Bajji Nath Pd. | 15.7.39 | 5.8.59 | 156-232 | 1.1.68 | " | " | " | |
| 35. | Ram Himachal | Ram Awadh Pandey | 20.7.39 | 3.9.59 | " | 1.1.68 | " | " | " | |
| 36. | Falak Dhari | Bochu Lal | 25.3.34 | 23.8.60 | " | 1.1.68 | " | " | " | |
| 37. | Ushori Lal | Sant Deyal | 9.10.44 | 25.3.64 | " | 8.4.62 | " | " | " | |

APD

(2)

2 3 4 5 6 7 8 9 10

| | | | | | | | | | |
|-------------------|---|------------------|-----|---------|-----------|----------|------|----------|------------|
| Prakash | ✓ | Idoo | W/M | 1.6.37 | 12.7.56 | 10.10.63 | Also | 20.11.72 | |
| M.N. Gaurang | ✓ | Baboo Lal | " | 5.5.40 | 26.6.57 | 9.2.62 | " | 26.6.72 | |
| A.P. ... | | Sneo Kumar | " | 9.6.37 | ✓ 20.9.57 | 25.3.68 | " | 24.11.76 | |
| Surinder Lal (SC) | ✓ | Sumar | " | 7.7.39 | 22.5.59 | - | " | 2.1.77 | |
| Devesh Singh | ✓ | " | " | 1.1.32 | 23.5.53 | - | " | 28.8.78 | |
| Shankar Singh | ✓ | Baij Nath | " | 1.7.39 | 10.10.57 | 1.1.68 | " | 25.10.80 | |
| Harj Ram (SC) | ✓ | Narain Singh | " | 10.2.37 | 26.7.56 | 27.11.64 | " | 25.10.80 | |
| ✓ Suk Kumar | ✓ | Rajendra Bahadur | " | 20.3.38 | 23.9.57 | 1.1.71 | " | 30.10.80 | 360 78 |
| ✓ L.S. Misra | ✓ | Baboo Ram Misra | " | 9.7.35 | 10.10.57 | 1.1.71 | " | 17.12.80 | 292 79 |
| ✓ Eugen Alani | ✓ | Ayub Siddique | " | 20.6.42 | 8.12.63 | 8.4.68 | " | 6.5.81 | 414 80 580 |
| ✓ Jagat Singh | ✓ | " | " | 5.7.32 | 24.10.54 | - | " | 6.5.81 | 416 81 392 |
| ✓ Heeralal | ✓ | " | " | 5.7.32 | 24.10.54 | - | " | 6.5.81 | 428 82 404 |
| ✓ Sateendal | ✓ | " | " | 5.7.32 | 24.10.54 | - | " | 6.5.81 | 445 83 416 |
| ✓ Kallu Lal | ✓ | " | " | 5.7.32 | 24.10.54 | - | " | 6.5.81 | 457 84 428 |
| ✓ Jai Chandra | ✓ | " | " | 5.7.32 | 24.10.54 | - | " | 6.5.81 | 457 84 428 |

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क्र. लि० लावनकु

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Surat Singh

Mistry, Elphinstone

आपति पत्र (आन्तरिक मन्त्र)

श्री का ऋण प्राप्ति पर कम सख्या नं. में लिखित अशुद्धि

कारण से वापस किया गया रहा है।

6 नं. का अंश प्राप्ति पत्र (सी० सी० एस०?) तथा अंशधन नहीं प्राप्त हुआ अशुद्धियों के ठीक दिया गया।

- (2) ध्यान की दर वापस कर सही की जाय/लिखी जाय। प्रार्थी के हस्ताक्षर/प्रमाणित निशानी अंगुठा आवश्यक है।
- (3) गण खाता संख्या/संख्या नं० रसीद नं० और तारीख त्रिकोण अंशधन व दाखिल की फास रु० ११ प्रार्थी जमानतदार की जमा की गई है नहीं दी है/गलत है उसे भरा जाय सही किया प्रार्थी के हस्ताक्षर/प्रमाणित निशानी अंगुठा आवश्यक है।
- (4) पी० एफ० नं० नियुक्त की दर तारीख जन्म तिथि 57-32 प्रार्थी की जमानतदार की इस कार्यालय के खातों के अनुसार पी० एफ० नं० नियुक्ति की तारीख जन्म तिथि है। इन्हें कार्यालय अधिकारी (Departmental Officer) के हस्ताक्षर सहित सही किया जाय।
- (5) प्रार्थी की माह की किराये नहीं प्राप्त हुई अतः ऋण माह के बाद मिल सकेगी।

- (6) प्रार्थी के वालू की आधी जमानती तथा आधा सम्पत्ति नहीं हुआ है जो कि होना। प्रार्थी को रु० ११ नकद जमा करना है। प्रार्थी पत्र दि० के बाद जमा करें।
- (7) प्रार्थी जमानतदार नं० का दायित्व २४ माह के बतन में अधिक होता है कृपया कम सख्या नं० १० देखें।
- (8) इस ऋण की माहवारी कटौती प्रार्थी के १/२ से आधी हो जाती है कृपया कम सख्या नं० देखें।
- (9) महों के बतन में अधिक का ऋण नियमों के अन्तर्गत सम्भव नहीं।

True copy
M. B. ...

Cooperative Bank Ltd.
K. N. ...

O. & R. Railway Employees Primary Co-operative Bank Ltd., Lucknow

(OF THE NORTHERN RAILWAY)

Branches : ALLAHABAD and MORADABAD

LOAN-APPLICATION

The Secretary,

O. & R. Railway Employee's Primary Co-operative Bank Ltd.,
LUCKNOW.

Dear Sir,

Dated 3.3.1982

I request that you will grant me a loan of Rs. 4900/- (in words) Rupees Four Thousand Nine Hundred only at the Bank current rate of interest repayable in 36 instalments through monthly pay sheets. I offer (1) Shri. N. R. T. R. P. A. T. H. as Surety/Sureties (2) Shri. as Surety/Sureties I authorise you to deduct from the sanctioned loan any liability of the Bank and value of shares which may be allotted to me in addition to the shares already held by me. The loan is required for house repair and may be sent through crossed cheque by M. O. less commission to the address - House no 252, Dehradun.

I hereby affirm that my total indebtedness to other Bank/Society is Rs. Nil to other parties is Rs. Nil and in respect of court attachment is Rs. Nil vide case No. Nil. I declare that I am not seeking and have never sought insolvency either myself or on petition of my creditors and I am neither a declared insolvent nor a discharged insolvent.

I authorise the Railway administration to deduct monthly instalment from my salary Bills (including all allowances) or any other money due to me until the loan and charge there of is fully paid up and pay the same to the O. & R. Railway Employee's Primary Co-operative Bank Ltd., Lucknow.

I authorise you to deduct from the sanctioned loan such sum as may be due to the Bank on account of Compulsory Thrift Deposit Scheme and also agree to abide by the rules thereof.

I hereby nominate Shri/Smt. Chandradev Rana who is my wife (relationship) to receive the balance of my Compulsory Thrift Deposit account together with interest due to me by the Bank on my death.

I agree to abide by the Byelaws of the Bank which I have read, been explained and specially the arbitration clause about the settlement of dispute i.e., Byelaw No. 68 of the O. & R. Railway Employee's primary Co-operative Bank Ltd., Lucknow which runs as under:-

- Any dispute touching the business of a registered Bank:-
- between members or Pastmembers of the Bank or persons so claiming through a member or pastmember.
 - or between a member or pastmember or persons so claiming and the Bank or its Committee or any officer of the Bank.
 - between the Bank or its Committee and any officer of the Bank, and
 - between two or more registered Bank shall be decided either by the Registrar or by arbitration and shall for that purpose be referred in writing to the Registrar. The details of service particulars along with member No. etc., are as under:

- Name in full (in Block letters) SURAT SINGH S/o Shri. Jagat Singh
- Designation Substantive Mesby T. No. nil Member No. 3614
- E. P. C. B. receipt/M. O. receipt No. nil Date nil Previous Loan A/c No. nil 94-150
- Office to which attached E.P.O. P.O. Chandan Nagar Dist. Lko
- Permanent home address House no 252 Dehradun
- Present home address As above
- Station Lko P.O. Chandan Nagar Dist. Lko
- Date of birth 3-7-32 Date of Appointment 24-10-54
- Date of retirement 1-9-80 Opted pension or Fund
- Permanent or Temporary Permanent T. D. A C No.
- P. F. No. 56583 Bill and NO
- Salary Sub. 416 (in words) Rupees Four Hundred and Sixteen only (Records) Average Milage nil
- Salary bill is prepared by

True Copy
M. A. G. M.By Secretary
O. & R. Railway Employees
Co-operative Bank Ltd.
LUCKNOW

36

C.C.S. 15

O & R Rly. Employees' Primary Co-operative Bank Ltd.,
Lucknow.

(OF THE NORTHERN RAILWAY)

Branches at ALLAHABAD and MORADABAD

3582

LOAN ACCOUNT No. 150

11.5.197

To

The...

Dear Sir,

I have to advise you that the under-mentioned employee has been granted a loan of Rs. 3900 repayable in 36 Instalments by deduction from his monthly payments as shown in the table given below and to request that recoveries be kindly made accordingly in the pay sheets the first deduction to be made in the sheets for 197.

In case it is not possible to make the deduction in any month the reason for not effecting the recovery shown against the party's name in the recovery sheet and the amount of the Instalments (including interest) should be recovered along with the deduction in the following month subject to the condition that the total recovery in a month should not exceed one-fourth of the salary. The interest for the following month should be the same as for the previous month. In the event of the termination of borrower's service before he has fully paid up the loan. Please arrange for recovery through his Settlement paper of any balance which may be due to the Bank.

The outstanding balance Rs. 125 of his previous loan No. 150, having been recovered from this loan, the list in connection with that loan may be treated as cancelled after the instalment due for 197 has been recovered.

Name ... Member No. 3611 ... P. P. No. 126.

Fathers Name ... Dist. Unit No. ...

Designation and T. No. ... Pay sheet preparing unit ...

Station ...

Date of appointment ...

Date of Birth ...

Yours faithfully

Secretary

Interest @ of 1% PARTICULARS OF DEDUCTION TO BE MADE IN PAYSHEETS

| Instalment | Principal | Interest | Total | Amount of principal outstanding after the monthly payment has been made | Instalment | Principal | Interest | Total | Amount of principal outstanding after the monthly payment has been made | Remarks |
|------------|-----------|----------|-------|---|------------|-----------|----------|-------|---|---------|
| Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | Rs. | |
| 1st | 92 | 38 | 128 | 3808 | 19th | 110 | 18 | 128 | 3294 | |
| 2nd | 92 | 38 | 128 | 3715 | 20th | 110 | 18 | 128 | 3284 | |
| 3rd | 94 | 24 | 128 | 3621 | 21st | 111 | 17 | 128 | 3273 | |
| 4th | 95 | 33 | 128 | 3520 | 22nd | 112 | 16 | 128 | 3261 | |
| 5th | 96 | 32 | 128 | 3430 | 23rd | 113 | 15 | 128 | 3248 | |
| 6th | 97 | 31 | 128 | 3333 | 24th | 114 | 14 | 128 | 3234 | |
| 7th | 97 | 31 | 128 | 3236 | 25th | 115 | 13 | 128 | 3219 | |
| 8th | 98 | 20 | 128 | 3138 | 26th | 116 | 12 | 128 | 3203 | |
| 9th | 99 | 29 | 128 | 3039 | 27th | 117 | 11 | 128 | 3186 | |
| 10th | 100 | 28 | 128 | 2939 | 28th | 118 | 10 | 128 | 3168 | |
| 11th | 101 | 27 | 128 | 2838 | 29th | 119 | 9 | 128 | 3149 | |
| 12th | 102 | 26 | 128 | 2736 | 30th | 120 | 8 | 128 | 3129 | |
| 13th | 103 | 25 | 128 | 2633 | 31st | 121 | 7 | 128 | 3108 | |
| 14th | 104 | 24 | 128 | 2529 | 32nd | 122 | 6 | 128 | 3086 | |
| 15th | 105 | 23 | 128 | 2424 | 33rd | 124 | 4 | 128 | 3062 | |
| 16th | 106 | 22 | 128 | 2318 | 34th | 125 | 3 | 128 | 3037 | |
| 17th | 107 | 21 | 128 | 2211 | 35th | 126 | 2 | 128 | 3011 | |
| 18th | 108 | 20 | 128 | 2103 | 36th | 111 | 1 | 112 | Nil | |

Extract of Byelaw 50

The borrower shall be responsible to see that the recoveries are properly effected from his pay bill and in event of any mis- take or omission he shall forthwith deposit the amount due at the Bank's office.

Note: The number noted above should be invariably shown in all the recovery sheets.

No.

9180

8/5/80

8/5/80

c.c.s.

30/5/80

O. & R. Railway Employees' Primary Co-operative Bank Ltd., Lucknow

ANNEXURE-V

(OF THE NORTHERN RAILWAY)

Branches: ALLAHABAD and MORADABAD

LOAN-APPLICATION

The Secretary,

O. & R. Railway Employees' Primary Co-operative Bank Ltd.
LUCKNOW.

Dear Sir,

I request that you will grant me a loan of Rs. 4000/- Rupees 26.4.1980
 at the Bank current rate of interest repayable in 36 installments through monthly
 pay sheets. I offer (1) Shri. R. G. ANGA as Surety/Sureties
 (2) Shri. RATENDRA PRASAD
 I authorise you to deduct from the sanctioned loan any liability of the Bank and the value of
 shares which may be allotted to me in addition to the shares already held by me. The loan is
 required for Sister's marriage and may be sent through crossed cheque/by M.O. less
 commission at the address - Rly. Cr. No. VG-41-B, Allahabad, U.P.

I hereby affirm that my total indebtedness to other Bank/Society is Rs. nil to other
 parties is Rs. nil and in respect of court attachment is Rs. nil vide case No. nil

I declare that I am not seeking and have never sought insolvency either myself or on
 petition of my creditors and I am neither a declared insolvent nor a discharged insolvent

I authorise the Railway administration to deduct monthly instalment from my salary Bills
 (including all allowances) or any other money due to me until the loan and charge there of is
 full paid up and pay the same to the O. & R. Railway Employee's Primary Co-operative Bank
 Ltd., Lucknow.

I authorise you to deduct from the sanctioned loan such sum as may be due to the Bank
 on account of Compulsory Thrift Deposit Scheme and also agree to abide by the rules thereof.

I hereby nominate Shri/Smt. Chandradevi who is my wife
 (relationship) to receive the balance of my Compulsory Thrift Deposit account together with
 interest due to me by the Bank on my death.

I agree to abide by the Byelaws of the Bank which I have read/been explained specially
 the arbitration clause about the settlement of dispute i.e. Byelaw No. 68 of the O. & R.
 Railway Employee's Primary Co-operative Bank Ltd., Lucknow which runs as under :

Any dispute touching the business of the Bank shall be decided as under :

- between members or past members of the Bank or persons so claiming through a member or
 past member.
- or between a member or a past member or person so claiming through a member or
 past member and the Bank or its Committee or any officer of the Bank.
- between the Bank or its Committee and any officer of the Bank, and
- between to or more members of the Bank shall be decided either by the Registrar or by arbitration
 and shall for that purpose to be referred writing to the Registrar. The details of service
 particulars along with member No. etc., are as under :-

1. Name in full SURAT SINGH S/o Shri JAGATSINGH
 (in Block letters)

2. Designation Substantive H.S. w/ Manager T. No. nil Member No. 8614

3. E. P. C. B receipt/M. O. receipt No. nil Date nil Previous Loan A/c No. MISA 85/114

4. Office to which attached B.S. P. O. Chandernagpur Lko

5. Permanent home address Rly. Cr. No. VG-41-B, Allahabad, U.P.

6. Present home address Above

Station Lko P/O Chandernagpur Lko

7. Date of birth 5-7-32 Date of Appointment 24-10-54

8. Date of retirement 31-7-90 Opted pension or Fund Pension

9. Permanent or Temporary Permanent C.T.D. A/C No.

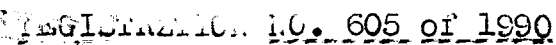
10. P.F. No. 5655 Bill unit No.

11. Salary Sub. 392 (In words) Rs. Three hundred ninety two Average Milage X.

12. Salary bill is prepared by E. G. T. S. / Am. / Lko

True copy
 M. A. W. S. M.
 Northern Railway Form
 Cooperative Bank Ltd.
 LUCKNOW

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AFFIDAVIT

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HIGH COURT
ALLAHABAD

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Gifted today
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Board. The applicant has been retired from service in the afternoon of 31.7.1990 by a notice (Annexure No.II to the application) abruptly issued on 30.7.1990 and without giving him an opportunity to show cause which was warranted in the circumstances of the case. All these circumstances, therefore , go to establish that the applicant has been retired in an arbitrary manner and on the basis of fictitious date of birth. A copy of the letter dated 20-1-1962 is being annexed herewith as Annexure No-R1 to this affidavit. ✓

6. That the contents of para 4 of the written statement call for no reply.

7. That the contents of para 5 of the written statement call for no reply.

8. That the contents of para 6 of the written statement, which are contrary to the averments made in para 4(vi) of the application, are denied and the averments made in the said para of the application are reiterated.

It is further submitted that no such seniority list, as alleged in the para under reply that is Annexure No. I to the Written Statement, was ever issued on 31.12.70 by the respondents. Under the extant rules, provisional seniority list is always issued under the signature of the competent authority of gazetted rank and the staff are given an opportunity to make representation thereon in respect of any discrepancy found therein within a period of one month. In case, no representation is filed by the staff within the said period, the provisional seniority list then becomes final. The provisional seniority list is given wide publicity amongst the concerning staff by sending the same to the offices/branches under which the

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staff are working and also to the recognised Unions so as to enable the staff to make representations thereon. Since the alleged seniority list (Annexure No. I to the written statement) does not full-fill the necessary requirements of rule, it is neither a seniority list nor can be said to have been issued on 31.12.1970. It is self fictitious. Therefore, it is not at all worthy of reliance. The genuineness of it is challenged and the respondents are required to a strict proof of the same.

Apart from what have been mentioned above, it is also important to mention here that the respondents have not filed any other seniority list initially issued after the appointment of the applicant and prior to the year 1970, which is deliberate and mala fide on their part.

It is also pertinent to mention here that in terms of instructions contained in Letter No. 831E/25-W(EW) dated 15.10.1973 (Printed Serial No. 6000) issued by the General Manager, Northern Railway, New Delhi, the seniority list of all categories of staff is issued once in every three years. In view of these instructions, the respondents might have issued various seniority lists during the period of 1973 to 1990, but they have not filed any one of them, which is indicative of the fact that they have not come before this Hon'ble Tribunal with clean hands. A copy of the circular dated 15-10-73 is being annexed herewith as Annexure No. R-2 to this affidavit.

With regard to interpolation alleged to have been made in the service record of the applicant, it is submitted that the applicant, on entering the railway in class IV service, had declared his date of birth being 5.7.1938, the knowledge of which he had derived from his

S. Singh

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parents. Since the applicant had not studied in any institution (except in his home), he had no school certificate to file in support of his declared date of birth. Therefore, the applicant was required to file an affidavit in support of his date of birth being 5.7.1938. Accordingly, the applicant filed an affidavit indicating therein his date of birth viz 5.7.1938, Before giving appointment, the applicant, alongwith a Medical Memo, was also sent for medical examination by the Railway Doctor and in the said medical memo issued to the applicant, the very same date of birth viz 5.7.1938 was entered by the office of the respondents. The said medical memo, which is the part of the Service Record of the applicant and which has not been filed by the respondents, is the documentary proof to establish the contention of the applicant. The respondents are required to produce the said medical memo before this Hon'ble Tribunal.

It is also very important to mention here that at the time of appointment of the applicant, it was mandatory for the candidates seeking appointment, as would also be seen from the offer of appointment of the applicant available with the respondents, to file some confirmatory document such as municipal certificate or school certificate etc in respect of their date of birth. In case no such certificate being available, the candidates were required to file affidavit in support of their declared date of birth otherwise, they were disqualified for appointment. Since the applicant had filed an affidavit in support of his date of birth, he was given appointment. The respondents, in their written statement, have neither disclosed the material on the basis of which

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the date of birth of the applicant was recorded nor they have filed the relevant records, which is malafide on their part.

It is also worth mentioning that the respondents have not filed any record to show that the matter regarding alleged interpolation in the Service Record of the applicant was enquired into and the staff found responsible for such interpolation were taken up under the Railway Servants (Discipline & Appeal) Rules, 1963. A copy of the circular No. 851-E/O-II (EIV) dated 16-4-1974 is being annexed herewith as Annexure No. C-3.

It is also pertinent to mention here that no opportunity to show cause against the alleged interpolation in the Service Record of the applicant was given to him. Thus the action of the respondents is arbitrary and against the Principles of Natural Justice.

In view of the facts and circumstances mentioned above, the question of alleged interpolation in the Service Record of the applicant does not arise. In case, any interpolation changing the actual date of birth of the applicant viz 5.7.1938 has been done in the Service Record, the same might have been done by some interested person in the office of the respondents with an ulterior motive and by way of mischief to put the applicant in trouble.

The allegations that the applicant played fraud and got changed his date of birth from 5.7.1932 to 5.7.38 is absolutely false, baseless and they are vehemently denied. The actual date of birth of the applicant is 5.7.1938. The contention of the respondents is neither based on any inquiry made into the case nor on the expert's report. The respondents, therefore, set as a judge of their own case and in that no opportunity to show cause was afforded to

the applicant. A copy of the Circular No. 93E/0-11 (E-14) dated 23-8-1972 is annexed herewith as Annexure No. C-4 with this affidavit which provides that an opportunity may be given to the concerned employee.

With regard to allegation in respect of other loans sanctioned to the applicant by Northern Railway Primary Cooperative Bank Ltd., Lucknow indicating different date of birth etc as available in Annexure No. III, IV and V to the Written Statement, it is submitted that the applicant being an illiterate person was unable to go through the entries made in the loan forms. The entries made in the loan forms were made by the office of the respondents and the applicant, who can only sign, signed the same in good faith. Similarly, the loan form in pursuance of which loan of Rs. 10,000/- was sanctioned to the applicant as available in Annexure No. III to the application which contains the actual and correct date of birth and appointment etc of the applicant was also filled up by the office of the respondents and the applicant had simply signed the same.

It is pertinent to mention here that no loan is sanctioned by the said Bank to any employee unless the entries in loan form are verified and sanctioned by the respondents. Since the entries available in Annexure No. III to the application were also verified as correct by the respondents and the loan form was forwarded by them to the Bank whereupon the Bank gave loan of Rs. 10,000/- to the applicant, the contrary entries available in Annexures III, IV and V of the written statement are not correct and worth reliance. The respondents themselves are responsible for such mistake. The respondents are required to produce the original forms of all the loans sanctioned to the applicant. The respondents have not clarified as to how and under what circumstances, they verified the entries of the loan contained in Annexure No. III to the application and how far the applicant received the loan

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of Rs. 10,000/- with his date of birth being 5.7.1938, date of appointment being 24.10.1956 and date of retirement being 31.7.1996.

The applicant denies to have received the objection memo No. 484 contained in Annexure No. II to the written statement. It is, however, important to mention here that the respondents have not clarified as to how the applicant, despite objections, received the loan on the basis of his claimed date of appointment, date of birth and date of retirement.

In the facts mentioned above, it is evidently clear that the actual date of birth of the applicant is 5.7.1938.

9. ✓ That in view of the facts and circumstances mentioned above, the averments made in para 7 of the written statement are vehemently denied.

10. 113 310. That the contents of para 8 of the written statement are vague, misleading and incorrect, hence they are denied. It is, however, submitted that the applicant had declared his date of birth being 5.7.1938 which was recorded in his Service Record.

11. 2 That the contents of para 9 of the written statement are vague, misleading and incorrect, hence they are denied and the averments made in para 4(vii) of the application are reiterated.

12. ✓ That the contents of para 10 of the written statement are denied. The applicant is entitled to the relief claimed.

13.2 — That the contents of para 11 of the written statement are vehemently denied.

Lucknow
Dt 11-8-1991.

Sut-8
Applicant.

Verification.

I, the above-named applicant, do hereby verify that the contents of paras 1 to 13 of this rejoinder are correct to my knowledge and belief and legal advice. No part of it is false and nothing material has been concealed.

Lucknow: L
Dated: 11-8-91.

Sut-8
Applicant.

I identify the deponent who put his signature before me.

Sut-8
ADVOCATE

Solemnly affirmed before me on 11-8-91
9-35 am/PM by the deponent named
above who is identified by Sri
Suresh Chandra P. Advocate, High Court
Lucknow.

I have satisfied in examining
the deponent who understand its
contents which has been read out
and explained by me.

49/1162
11-8-91

In the Central Administrative Tribunal
Allahabad Bench
Registration No. 605/90

Ram Surat Singh

Applicant

Union of India & Ors

Respondent

Annexure R-1

Serial No. 1466.—Circular No. 851-E/O(Fiv) dated 12-2-1962

Sub.—Notice prior to termination of Service due to superannuation.

A copy of Railway Board's letter No. E(G)61RT1-10, dated 20-1-1962 together with a copy of its enclosure is forwarded for information and guidance.

It may please be ensured that these orders are implemented and the list (in triplicate) of class III staff due to retire within 9 months of the date of superannuation is sent to the Asstt. Secretary, Headquarters Office for publication in the Railway Gazette, in time. The correctness of lists must be ensured to avoid any confusion later.

Copy of Railway Board's letter No. E(G)61RT1-10, dated 20-1-1962 to the General Managers all Indian Railways, etc.

Sub.—Notice prior to termination of Service due to superannuation.

Prior to 1952, a practice was in vogue on some Railways in regard to the issue of warning notices to the employees of their impending retirement. The question was reviewed in 1952 when it was decided that this practice may be discontinued. In this connection, attention is invited to Board's letter No. E52 RT2/1/2, dated 23-6-1952, (copy enclosed for ready reference).

Recently this question became a subject matter for discussion between the Railway Board and the N.F.I.R. and on re-consideration, the Board have decided that every month names of all class III staff who are due to attain the age of superannuation 9 months thereafter should be published in the Railway Gazettes so that they may if necessary, apply for leave standing to their credit well in advance. Where no Railway Gazette is printed, suitable measures may be devised to give intimation to the employees concerned in due time.

In the case of class IV staff advice of date of superannuation should be given to each individual employee 9 months in advance.

It may, however, be made clear that lack of such notice or intimation would not confer any prescriptive right on the staff for claiming leave after superannuation. Arrangements may, however, be made to supply the information of leave at credit quickly, if an employee, on receipt of the notice either through the Railway Gazette (Class III) or individually (Class IV), wishes to ascertain the leave at his credit.

(1263)

Copy of letter No. E52RT2/1/2, dated 23-6-1952 from Joint Director, (Establishment) Railway Board, to the General Manager, Southern Railway, copy to others.

Sub.—Warning of impending retirement.

Reference your letter No. E3820/A, dated 24-4-1952. The Board agree that the practice of issuing warning notices to the employees of their impending retirement on attaining the age of superannuation may be discontinued.

2nd Central Administrative Tribunal (Mumbai)

Memorandum

Registration No. 603730

(A-43)

Ram Suresh Singh ——— Applicant

Union of India ——— Respondent

Annexure R-3

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Serje No. 6000.—Circular No. 831-E/25-IV (EIV), dated 15-10-73.

Sub.—Issue of Seniority Lists.

Reference this office letter No. 831-E/25-IV (EIV), dated 23-4-71. It has been represented by one of the Unions that seniority lists of staff should be issued every year instead of every five years. This question has been examined in detail and it has been decided that the seniority lists of all categories of staff should be issued once in every three years. It has also been decided that in the said lists total permanent and temporary strength of the cadre, alongwith total number of staff confirmed and staff yet to be confirmed should be given therein.

S. S. K.

9-3-71

1/4 Central Administrative Tribunal Allahabad
LCCORR

Registration No 605 of 1980

Surat Singh

Applicant

Union of India and

Respondent

Annexure R-3

Serial No. 6118. —Circular No. 851-E/O-II (Eiv), dated 16-4-1974.

Sub.—Irregular retention in Service of the Railway employees beyond the age of superannuation —Serving of notice prior to termination of service due to superannuation.

Attention is invited to the instructions contained in this office letter No. 1 E/O (Eiv), dated 12-2-62 (P. No. 1466) wherein you were requested to ensure that a list in triplicate of Class III staff due to retire within 9 months of the age of superannuation is sent to Asst. Secretary, Headquarters Office for publication in the Railway Gazette in time for the information of staff concerned. Railway Board have pointed out that instances have come to their notice where railway employees have been retained in service irregularly beyond the age of superannuation in utter disregard of the rules on the subject. The Board are therefore laid stress for stream lining the procedure in this regard with a view to see that cases of superannuation are dealt quite in time so as to avoid recurrence of such cases on the railways.

In view of the above it may please be ensured that instructions contained in this office letter of 12-2-62 (Printed Serial No. 1466) are strictly complied with and that each railway employee due to attain the age of superannuation is individually advised 9 months in advance so that no railway employee is retained irregularly in service.

Staff dealing with this job should be warned that if they fail to comply with these provisions, they will be liable to be taken up under D & A rules. For this purpose appropriate arrangements for the safety of S. Records should be made so that the record does not go in the hands of unauthorised persons. //

(12)

11-3-81

Mr. Central Administration Tribunal at Allahabad
Lucknow
Registration no 605/96
Suresh Singh
Opposite Court

Union of India and Respondent

Annexure No. R-4

Serial No. 5719.—Circular No. 93E/O-II(ElV), dated 23-8-1972.

Sub.—Procedure for recording date of birth on entering Railway service and its alteration.

A copy of Railway Board's letter number E(NG)II-70BR/1, dated 4-8-72 is forwarded for information and guidance. Railway Board's letter number E(NG)II-70BR/1, dated 3-12-71 referred to therein was circulated vide this office letter of number dated 5-1-72 (P S 5511). It may please be ensured that wide publicity is given to these orders amongst the staff through various publicity media to enable aggrieved staff to ask for rectification of any mistake in their recorded date of birth up to 31-7-73 as no second opportunity for this purpose will be given to them after 31-7-73.

Copy of letter No. E(NG)II-70BR/1, dated 4-8-1972 from Dwarka Dass, Assistant Director, Estt., Railway Board to the General Managers, All Indian Railways and etc etc.

Sub.—Procedure for recording date of birth on entering Railway service and its alteration

1. Attention is invited to advance correction slip No. 303 to the Indian Railway Establishment Code Volume I forwarded with Railway Board's letter of number dated 3-12-1971 which requires that requests for alteration of date of birth should not be entertained after completion of the probation period or three years service whichever is earlier.

2. It has been represented that the above amendment would cause hardship to the railway servants who were already in employment on 3-12-1971 and who did not take advantage of the provision of the rule regarding alteration of date of birth as it stood before the above amendment.

3. The Board have considered the matter and have decided that such employees may be given an opportunity to represent against their recorded date of birth up to 31-7-1973. Such requests should be examined in terms of the rule as they stood before the amendment.

4. The Board desire that wide publicity should be given to these orders through railway gazettes to enable aggrieved staff to ask for rectification of any mistake in their recorded date of birth. No second opportunity will be given after 31-7-1973 and all requests for alteration of date of birth thereafter should be disposed off strictly in accordance with the amendment referred to above.

9-3-31