

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, *Level 1008* BENCH

OA/TA/RA/CP/MA/PT *66/90* of 20.....

Rezwana Ahmad Applicant(S)

Versus

U.O.F. 2nd Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B/C weeded out / destroyed

Signature of S.O.

Signature of Deal. Hand

23/8/12

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

20/2/90

Registration No. 66 of 1989 901

APPLICANT(S) R. Ahmed

RESPONDENT(S) Govt

Particulars to be examined

Endorsement 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 back form?
c) Have six 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 time for not making the application in time, been taken?
4. Has the document of authorization/ Vakalatnama been filed?
5. Is the application accompanied by B.D./Postal Order for Rs. 5/-
6. Has the application copy/copies of the order(s) against which the application is made been filed?
a) Have the copies of the document/refer upon by 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 copies?
8. Has the index of documents been filed and paginas done properly?
9. Have the chronological details of representation made and the outcome of each representation been indicated in the application?
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	y
12. Are extra copies of the application with Annexures filed ?	y
a) Identical with the Original ?	
b) Defective ?	
c) Wanting in Annexures	
Nos. _____ pages Nos _____ ?	
13. Have the file size envelopes bearing full addresses of the respondents been filed ?	No
14. Are the given address the registered address ?	y
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	y
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	NA
17. Are the facts of the case mentioned in item no. 6 of the application ?	y
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 ?	y
19. Whether all the remedies have been exhausted.	y

ginech/

66/90 (U)

18-5-90

Hon. Mr. Justice K. N. G. V. O.
Hon. Mr. K. J. Ramana. B.M.

Shri Laxmi Singh is present on behalf
of respondents and points out that
today's date was mentioned in the
last order ~~which~~ ^{because} in the connected
case of O.A. 113/90. The date fixed
is 18.7.90. Let this case be
also come up on 18.7.90

by mistake

18

KOR
H.M.

V.C.

18-7-90

No sitting. Adj. to 27/8/90

on
RA filed in
CA 113/90

18/7/90

OR
MP 189/90 (U) for
implemment is pending
CA filed the
implemment application
MP No 510/90 (U)
is also pending for
summoning of Record.

Submitted for file

27-8-90 - Division Bench not available
Adj. to 26/9/90

26-9-90 - Due to sad demise of
Hon'ble Chief Justice of
India Mr. S. S. Mukherjee
the case is adjourned
to 31.10.90

L
4/3/91
L
28/9
L
23/11

31.10.90 - Due to Holiday case is adjourned
to 17.12.90.

17.12.90 - No sitting Adj. to 14.1.91

to

66/90 (C)

1-3-90

Hon Justice K. Nath, V.C.
Hon Mr. K. S. Raman, A.M.

Admit.

Issue notice.

In the matter of union relief union notice &
list for order on 15.3.90.

A.M.

V.C.

See
original order
in
the main
Petition

15/3/90

Hon. K. O. G. A. H.

Sr. A. K. Shukla, L/c for the applicant
& Sr. Lalji Sinha L/c for the reports.
One present. Sr. Lalji Sinha files counter
affidavit. Keep it on record. Interim order
issued on 1-3-90 shall continue till next
date. List for orders on 6.4.90

6.4.90

Hon. K. Nath, V.C.

Hon. K. J. Raman, A.M.

A.M.

e m 1029/50 R.
died.

Notices issued to Union of
India have been returned unserved.
But Shri Lal ji Sinha is present.
No fresh notices need be sent. On
the adjournment application of
learned counsel for the applicant,
list for orders on 12.4.90.

KOR

A.M.

J.

V.C.

OR
L/c for the applicant
has filed CM 1029/50 R.
for impleadment.
Notice of CP No 1 has
been return back with postal
remark. "Not addressed
to N.R.L., Ltd. L. Sender
Sr. Lalji files power of
attorney of O.P. but no
reply filed.
S-80

12/4/90

Hon. Mr. P. S. Habib Mohammad, A.A.
Hon. Mr. T. P. Sharma, J.A.

There is an application
for adjournment by the counsel
for the applicant on the ground
that he is not able to attend
the Tribunal today. In view of
this effect, the matter is
adjourned for final hearing
on 18/5/90. There is no request
for extension of interim order
nor there was stay for earlier date.
within 06/4/90.

S.F.O.

L
10/4

L
2/4/90

CM No. 105/90 L
filed by Sr. L. P. Shukla for
reports for impleadment.

No RA filed

S.F.O.

P-70

O.A. No. 66/90

^{L W}
C.A. 113/90

23.4.91

D.R.

Applicant's side is present O.P. is absent today. This case is listed on 5/7/91 before me on compliance of order dt 5.3.91.

5.7.91

D.R.

Sri A.K. Shukla is present for the applicant. Case is listed on 30/7/91 before me on compliance of order dt. 5.3.91.

Case is listed on 30/7/91. 

30.7.91

D.R.

Both the parties are present today. Counsel for the applicant desires to file resignation by 20.8.91.


7/11

66/90
connected
with OA 113/90

27.3.92

D.R.

Both the parties

are absent. Applicant
to file Rejoinder by
22/5/92.

22.5.92

D.R.

Comment for the

applicant is present.

He is ordered to file
Rejoinder by 3/8/92.

K.R. Srinivas
22/5/92
S.C.

3.8.92

D.R.

Both the parties are present.
already

Rejoinders have been filed.

List for final hearing before
the Honble Bench on 11-9-92.

14.9.92

No sitting of D.M. adj to
2.11.92

L

2.11.92

No sitting of D.M. adj
to 23-12-92

L

23.12.92

No sitting adj to 9.2.93

L

(2)

14/7/93

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

Hon.Mr. B.K. Singh, A.M.

Shri A.K. Shukla, learned Counsel for the applicant and Shri Omprakash Tripathi, brhefholder of Shri L.P. Shukla, learned Counsel for the respondents are present. Heard ^{in regard to} M.P. No.189/90. A perusal of records, particularly order sheet dated 5-3-1991, reveals that M.P. No.189/90 was allowed for impleadment of Shri Sahirul Hasan, Kazmi & Shri Parvaz Alam as respondents and this amendment was allowed to be incorporated; but that has not been done so far despite the expiry of more than 2 years' time. This be done within 2 days. R.A., if any, may be filed within 2 weeks. List this case on 24-8-93.

A.M.

J.M.

No. 189/90
1-12-93

10/10/93

No. 189/90
2-12-93

10/10/93

2/12/93

Hon Mr. Justice R.K. Varma, V.C.
Hon. Mr. V.K. Singh, A.M.

Learned Counsel for the respondents (Union of India Workers) is present and states that he is not well and as such he prays for adjournment. List this case on 10-1-94.

H.M.

V.C.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

CA 66/90

I.O. 10

OF 19

Vs.

CA 113/90

Sl.No.	Date	Office Report	Orders
		<u>1/7/94</u> Hon. Mr. V.K. Seth, A.M. Hon. Mr. D.C. Kerna, J.M. Shri A.K. Shukla learned counsel for the applicant is present. Shri Lalji Sinha learned counsel for the respondents who is absent day has also not been printed in the Cause list. Shri L.P. Shukla learned counsel for private respondent is also not present. List for order on 5/7/94. J.M. A.M. After the above order has been recorded Shri Lalji Sinha counsel for the respondents Department of Railways appears & prayed for some other date for hearing of the case. List on 22/7/94. Shri Sinha undertakes to inform the counsel for the applicant about the date fixed. J.M. A.M. <u>22-9-94</u> Cargos appear for follow up colly 12-9-94	

Submitted
for Hrgy
(1)
21/7/94

5/10/94 Hon.Mr. Justice B.C. Saxena, V.C.
Hon.Mr. V.K. Seth, A.M.

Shri A.K. Shukla, learned counsel for the applicant requests for adjournment of the case on the ground that the paper-book is not available. Shri Lalji Sinha, learned counsel for the ~~appix~~ respondents is present. On the request of the learned counsel for the applicant list on 10-11-1994 for hearing.

(nair)

W V
A.M.

bor
V.C.

10/11/94

Hon. Mr. V.K. Seth, A.M.
Hon. Mr. D.C. Verma, J.M.

None for the Parties.
List on 22/11/94 for
hearing.

A
J.M.

L.S.
A.M.

LB

22.12.94

No sitting of D.B. case adjourned
to 7.2.95.

A
D.O.C.

7/2/95

Hon. Mr. S. Das Gupta, A.M.
Hon. Mr. D.C. Verma, J.M.

None for the Parties
List on 16/3/95 for hearing.

A
J.M.

A
A.M.

LB

62
reaches are
subject
SDN
6/2/95

Est. No. 66 / 90 (L)

(A/10)

20-5-95
D.R.

None for the parties.
list on 09-8-95 for
filing C.A. before me.

gc

DR

09-8-95
D.R.

Both the parties are
present. list on 15-9-95
for filing C.A. before
me.

DR

gc

15-9-95
D.R.

Learned Counsel for the
applicant is present. None
for the respondents. No. C.A.
filed by of No. 384. C.A.
already exchanged by others.
Notice be issued again to the
respondent No 384 to file C.A.
within 4 weeks other wise case
will be listed before Honble
bench for ex-parte hearing
after seeing the position on 30-10-95
for when the case next listed
before me.

Noted for
30-10-95
for L.P. Subb
Adm.
10/10/95

TC

DR

04A-66/98

(1A)

21-3-86

Hon. Mr. Justice B.C. Saxena, V.C.
Hon. Mr. V.K. Seth, A.M.

Today's cause list the case is wrongly filed for orders. Sri. Lalji Sinha, learned counsel for respondents is present. Learned counsel for applicant seeks adjournment.

list on 08-4-86 for hearing.

to

L.S.
A.M.

B.C.
V.C.

04A6

Dir to Secy Criminal & S.C. Deptt
C/1/1/01.5.86

B.C.

01.5.46

Hon. Mr. Justice B.C. Saxena v.
Hon. Mr. V.K. Seth, A.M.

Sr. Lalji Sinha learned Counsel for respondent is present. A request has been received on behalf of Sri A.10. Shri Lalji Sinha learned Counsel for applicant. In case on 22-3-86 no further adjournment will be granted.

V.L.
A.M.

B.C.
V.C.

22-3-86

Mr. Jitendra N. Singh
04.9.86

nd

15.11.96

Dir to Secy to Govt of S. S. S. Sharma Adv.
advised 16.12.96

A
12

Doc

16.12.96

Dir to Secy to Govt of S. S. S. Sharma Adv.
advised 04.2.97

Doc

4.2.97

Mo. to Secy to Govt of S. S. S. Sharma Adv.
advised 26.3.97

Doc

26-3-97

Hon. Mr. V. K. Seth, A.P.

Hon. Mr. D. C. Verma, J.P.

None for applicant, L.
Lalji Bimba, learned Counsel
for respondents. Record shows
that on the last several
occasion since 01-5-96 no body
had appeared for the applicant.
Today also absent from the
applicant or his Counsel there is
also no application for adjourn-
ment on their behalf.

In the circumstances the
C.A. is dismissed for default
of the applicant.

J.P.

J.P.

A.P.

2/10/97
XIV

2/10/97
XIV

2/10/97
XIV

2/10/97

DA 66/90

14/13

7.10.98 - HC sitting of QB 221
to 20.01.99

Doc

12/11/99
12/11/99

20.1.99 - HC sitting of QA 221
to 11.3.99

Bec

11.3.99

Hon. Mr. D.C. Verma, J.M.
Hon. Mr. A.K. Sharma, A.M.

Here for applicant.
Here for respondents.
An application for adjournment has been received from Mr. H.K. Shukla, learned Counsel but his power is not on record. The case is very old. It may be heard and decided on the next date.

List on 26.4.99 for hearing.

Rh
A.G.

JH.

Az

26.4.99

No sitting of D 3.

Case adj to 13.9.99.

Bec

not on
record
3.2.11

11/12/99

22/11/88

Hon Mr. D. Verma, J.M.
Hon Mr. A.C. Misra, A.M.

Sh A.K. Shukla for applicants. Sh
Lalit Shukla for respondents.
The learned counsel for the
applicants stated at the Bar that he
does not wish to press the claim of
applicant No 1 ³⁸⁴ namely Shri
Rizwan Ahmed. He
is Rakesh Kumar Sharma & Raghav
Sharma respectively & requests that
the same be dismissed in respect of
their claims. We order accordingly.

The learned counsel for
the applicants further states that he is
willing to make a representation
in respect of the applicant No 2 & it
will be ~~open~~ for respondents to consider
his claim in accordance with law.
The learned counsel for respondents Sh.
Lalit Shukla has no objection to this
proposer. We, therefore, direct the
applicant No 2 to make a representation
in the department within 15 days from the
date of ~~communication~~ ^{communication} of this order &
the respondents ~~shall~~ ^{shall} consider his
case within 2 months from the date
of receipt of such representation.
The OA is decided accordingly.
No costs.

on
ground
of
being
incompetent
to
hold
office

[Signature]
A.M.

[Signature]
J.M.

20/2/90

8/15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (CIRCUIT BENCH),
LUCKNOW.

Application No. 112 of 1990 (6)

Rizwan Ahmad & others

.. Applicants

Versus

Union of India & another

.. Respondents

APPLICATION FOR PERMISSION TO FILE SINGLE PETITION
ON BEHALF OF THE APPLICANTS 1 to 4.

The humble applicants, abovenamed respectfully
beg to submit as under :-

1. That since the cause of action is one, the
applicants are preferring this application by combining
each other, and as such the applicants may be permitted
to file the instant application jointly.

PRAYER

WHEREFORE, it is most respectfully prayed that
this Hon'ble Tribunal may be pleased to permit the appli-
cants to file the instant application jointly, in the
interest of justice.

Lucknow:

Date: February 8, 1990.

Applicants

- 1 - Rizwan Ahmad
- 2 - Singh
- 3 - राजेश कुमार शर्मा
- 4 - ...

FT
20/2/90

20/2- (16)

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

Title of the Case: 66/90(c)

I N D E X

Sl.No. -----	Description of documents relied upon -----	Page Nos. -----
1.	Application	1 to 10
2.	Advertisement for the post of Khallasi	
2A.	Copy of the Select list . 14.2.90	
3.	Circular dated 16/19/10/1987.	
4.	Circular dated 28.3.1973	

Lucknow:

Date: February 1990

Signature of
the Applicants.

- 1. Rajendra Sharma
- 2. Singh
- 3. राजेश कुमार शर्मा
- 4. राजेश कुमार

For use in Tribunal's office.

Date of filing

or

Date of Receipt by post.

Registration No.

Signature

for Registrar.

- 2

1

- Rezaul Karim

- Verifying

राजे शिव मा २ राजा

2015 10

14793

DETAILS OF APPLICATION -

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

The application is being filed against illegal selection made by the opposite party no.2 by ignoring the claim of the applicants to be considered for the post of Khallasi, being the sons/dependents of the employees.

in accordance with the rules of A

2. Jurisdiction of the Tribunal ;

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

3. Limitation ;

The applicants further declare that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case ;

(1) That the opposite party no.2, by virtue of advertisement dated 30th September 1989, invited applications for the post of Khallasi in the Loco Workshop in the pay scale of Rs.750-940 for filling up 99 posts in the said Loco Workshop, Charbagh, from persons only those ~~employees~~ whose father/dependents have been working. For this purpose the last date for applying was fixed as 28.10.1989.

Rajesh Kumar Sharma

2) *Rajesh Kumar Sharma*

राजेश कुमार शर्मा

1. 28.10.89

(2) That in the said advertisement it was also provided that 19% of the post was for Scheduled Caste, 4% for Scheduled Tribes and 20% for ex-Army men.

(3) That the age was also prescribed that as on 1.9.1989 the applicant must be between 18 to 28 and relaxation of 5 years was also provided for Scheduled Caste and Scheduled Tribe candidates.

(4) That there are also certain conditions which would appear from a photostat copy of the advertisement, which is being filed as Annexure No.1 to this application.

(5) That in terms of the advertisement, the applicants submitted their application well in time to the authority concerned as they possessed the requisite qualification and other conditions.

(6) That the educational qualification of the Applicant No.1 is Intermediate with Science, the Applicant No.2 is Intermediate with Science; the Applicant No.3 is High School with Science and the educational qualification of ~~app~~ Applicant no.4 is graduate and also possesses apprenticeship from Loco Workshop, Northern Railway, Lucknow.

- *Prakash Kumar*

- *Prakash Kumar*

- राजेश कुमार शर्मा

(7) That it may be mentioned here that the

- राजेश कुमार

Respondent no.2 issued a circular dated 16/19th October 1987, to all the Divisional Railway Managers and Extra Divisional Officers, Northern Railway, wherein it was provided that whenever there is a recruitment to Class IV category, sons/dependents of the Railway employees who are nearing retirement as well as those going to become overage very shortly may be given preference if for all other qualifications and criterion they are equally placed either employees children or outsiders. A photostat copy of the said circular is being filed as Annexure No.2 to this application.

(8) That the applications of the applicants were considered but they have not been selected and the aforesaid rule has altogether been ignored as the father of the applicant no.1 is retiring in December 1990, the father of applicant no.2 is retiring in January 1990, applicant no.3's father is retiring in January 1991 and the father of applicant no.4 is going to be retired on 31.1.1995.

(9) That the Respondent no.2 selected at least 16 persons whose father or on whom they are depending, who are to be retired by ²⁰⁰⁶ ~~2010~~ to 2015. A few names of such persons are as under :

- i) Sri Nirankar Tiwari, son of Shri J. Prasad, DSL Ticket No.215.
- ii) Rajesh Kumar Shukla, son of Shri D.P.Shukla Ticket No. OG 228.

- Rajendra Prasad

- Singh

- रावेश कुमार शर्मा

2006

- iii) Sri M.T. Siddiqui, brother of Sri Mohammad Tafeel, ticket no.MT 442 (Shri Mohammad Tafeel is to be retired only after 7 years of service).
- iv) Manjeet Singh, sister of X Tarajit Kaur, Head Clerk, Loco Workshop (only 10 years of of service legnth).
- v) Devendra Pal Singh, son of Shri Har Charan Singh, Deputy S.S. Loco. A photocopy of the Select list is being filed as Annexure 2 A.

(10) That the fathers of the applicants are retiring within a year or so, but they have not been considered in spite of the specific provisions made in Annexure no.2.

(11) That it is pertinent to mention here that in the advertisement, contained in Annexure No.1, the opposite party no.2, for the first time, has made the provision of reservation for ex-Army men, whereas in recent recruitment in Carriage Workshop, no reservation for ex-military men was observed.

(12) That the Respondent no.2 also issued a circular dated 28.3.1973 in which the method of recruitment for Class IV employees had been laid down which also does not suggest any reservation for ex-Army men. A photostat copy of this document is being filed as Annexure No.3 to this application.

- Rajendra Anand

- Singh

- राजेश कुमार शर्मा

प्रति

(13) That the advertisement, providing reservation for ex-Army men is illegal and against the spirit of the recruitment procedure of selection of Class IV employees.

(14) That no preference, as provided in Annexure No.2, has been given to the applicants.

5. Grounds ~~XXXXXX~~ for relief with legal provisions :

- (a) Because the denial of appointment to the applicants is against the spirit and principles of Annexure No.2
- (b) Because the action of the opposite party/ Respondent no.2 is illegal and arbitrary and also malafide.
- (c) Because the procedure adopted by the Respondent no.2 is against the principles of Articles 14 and 51-A(h) of the Constitution of India.
- (d) Because non-consideration and not appointing of the applicants and appointing those persons who do not come within the procedure laid down in Annexure no.2 shows that hostile discrimination has been done with the applicants.
- (e) Because the non-selection of the applicants

- *Rizwan Ahmad*

- *Binay*

- राजेश कुमार शर्मा

- राजेश कुमार शर्मा

question of representation also does not arise as on the basis of the illegal appointments, the applicants apprehend that after medical examination the selected persons (although illegally) will be given appointment.

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

The Applicants further declare that they had not filed previously any application, writ petition or suit regarding the matter in respect of with this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

(In case the applicants had previously filed any such application, writ petition or suit, the stage at which it is pending, and if decided, the list of the decisions should be given with reference to the number of Annexure to be given in support thereof)

8. Reliefs sought :

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

- (1) That this Hon'ble Tribunal may be pleased to quash the select list of Khallasi, prepared in pursuance of Annexure No.1, after summoning the original from the Respondent No.2, which is contained in Annex 2A.

- Ramesh Chandra
- Singh
- राजेश कुमार शर्मा
- 20/10/13

- (ii) to direct the Respondents to follow the procedure in selection/appointments, as contained in Annexure No.2.
- (iii) to direct the Respondents to give appointments to the applicants and also all benefits.

9. Interim orders, if any, prayed for :

Pending final decision on the application, the applicants seek the following interim relief :

That on the basis of wrong selection held for the post of Khallasi, the opposite party/Respondent no.2 may be restrained from issuing any appointment letter, to the persons selected in pursuance of Annexure No.1, and not to appointment them on the post in question.

10. (not applicable in the instant application)

11. Particulars of ~~Bank Draft~~/Postal Order, filed in respect of the application fee :

802 429573

12. List of enclosures :

1. Advertisement for the post of Khallasi.
2. Circular dated 16/19.10.1987
- 2A *Self let date 18.1.90*
3. Circular dated 28.3.1973

VERIFICATION

We, Rizwan Ahmad, son of Shri Zamir Ahmad,

- *Rizwan Ahmad*
- *Rizwan*
- *राजेश कुमार शर्मा*
- *राजेश कुमार शर्मा*

aged about 22 years; Bishun Narain Singh, son of Sri Shiv Jatan Singh, aged about 22 years; Rajesh Kumar Sharma, son of Sri Shankar Dayal, aged about 19 years and Ranjit Singh, son of Shri Ram Singh, aged about 28 years, residents of 337/87, Mansoor Nagar, Lucknow; 551 Kha/38, Sujampur, Alambagh, Lucknow; E-4169, Rajajipuram, Lucknow and II-7C, Barha Railway Colony, Alambagh, Lucknow, respectively, do hereby verify that the contents of paras (1) to (12) and (14) are true to our personal knowledge and the para (13) is believed to be true on legal advice and that we have not suppressed any material fact.

Date: 1990

Place: Lucknow.

Signature of
the applicants 1. *Rajesh Kumar Sharma*

2. *Ranjit Singh*

3. *शिवजटन सिंह*

4. *बिष्णु नरैन सिंह*

*अपनी क हस्ताक्षर
थ्रुफ़ कानूनी*

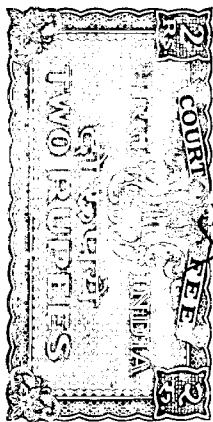
~~The Hon'ble High Court of Sindh at Hyderabad~~

~~In the Central Administrative Tribunal Bench at~~

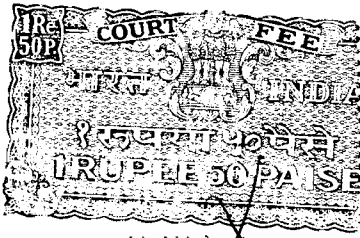
बअदालत श्रीमान

~~Lawyer~~

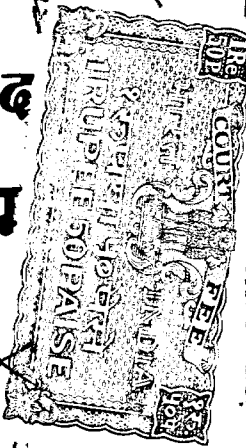
महोद



मुद्दई)
(मुद्दालेह)



वकालतनामा



Rizwan Ahmad and other - Applicants

Union of India and other - प्रतिवादी (रेस्पान्डेन्ट)
नं० मुकद्दमा सन पेशी की ता० १९ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Arif Qureshi Shukla Advocate

वकील

एडवोकेट महोदय

को अपना वकील नियुक्त करके (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा। अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Rizwan Ahmad

(VESHUN NARYARN Singh)

हस्ताक्षर

राजेश कुमार शर्मा

साक्षी (गवाह)

साक्षी (गवाह)

राजेश कुमार सिंह

दिनांक

महीना

सन् १९ ई०

Accepted

(A. K. Shukla)
Advocate

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

NORTHERN RAILWAY

No. 220-E/O-21 (ETV)
Dated: 16-Oct. 1987

Headquarters Office,
Baroda House, New Delhi.

All Divl. Railway Managers and
Extra Divisional Officers,
Northern Railway.

F.A. & C.A.O.

Director Audit

S.P.O.

A.S. to G.M.

Baroda House, New Delhi.

P.S. No. 9408

Subj: Employment of Sons and Wards of Railway
Employees in Class IV categories.

In para 3(iii) of this office letter of even number dated 28-8-1984 (P.S.No. 8601-A) instructions were issued with regard to recruitment of sons and immediate dependants of Railway employees that their applications may be received direct without going through the agency of the Employment Exchange and these should be got registered in the Employment Exchange by deputing a Welfare Inspector, if necessary, for this purpose.

The issue of the recruitment of Class IV staff in the Workshops was further examined after discussion with Union and it was agreed that whenever there is a recruitment in Class IV categories, sons/immediate dependants of Railway Employees, who are nearing retirement as well as those of the sons/immediate dependants, who are going to become overage very shortly may be given preference, if for all other qualifications and criterion they are equally placed with other Railway employees' children or outsiders.

It is desired that the above procedure should be kept in view for filling up the vacancies of Class IV staff in the Workshops in future.

This procedure of P.S.-8601-A and above instructions are also applicable to other units where direct recruitment from open market is permissible under various instructions of Railway Board e.g. in Diesel Sheds etc.

This has the approval of C.P.O.

Hindi version will follow.

Copy to:

for General Manager (P)

S.P.O. (U) for information in reference to his letter No. 961E/110/27/87/NRMU/E. Union dated 5-10-87.

Genl. Secy./URMU, 166/2, Panchsain Road, New Delhi.

Genly. Secy./NRMU, 12, Chelmsford Road, New Delhi.

Ameer 2-A

A/29

NORTHERN RAILWAY-LOCOMOTIVE WORKS, CHARBAGH:LUCKNOW.

No.105E-Khallas1/ Bharti

.Dated 19/2/1990.

All concerned
Locomotive Workshop Charbagh,
Lucknow.

Sub: Recruitment of Khallasies in Grade Rs.750-940 (RPS) in
Locomotive Workshop Charbagh, Lucknow.

.....

Ref: This office Notice No.105-E/Khallas1/Bharti dated 30.9.89.

.....

As a result of selection for the formation of panel of temporary Khallasies in Gr. Rs.750-940 (RPS) held from 01-2-1990, to 14-2-1990, the following 97 candidates have been found suitable for the post of temporary Khallasies and are placed on the provisional panel subject to the verification of Original Certificates with regard to Educational qualification, age and dependency. Their absorption will depend on their being found suitable in the Medical Test in C-I Category and occurrence of vacancies.

This has the approval of Chief Works Manager CB/Lucknow

(Signature)
Asstt: Personnel Officer
Loco Charbagh, Lucknow.

.....

Srl. No.	Roll No.	Name S/Srl	Father's name S/Srl.	
1.	852	Sailesh Chand Rajput	D.C. Rajput.	OS/PB
2.	191	Naseem Ahmed	Kudratullah	MS-769
3.	163	G. Narain Pal	Ram Singh	MS-808
4.	171	Jagdish Pd. Tewari.	R.B. Tewari.	MS-594
5.	498	Arvind Kumar Mishra	Harihar Prasad	WS-127
6.	78	Shao Narain Yadav	Kishan Yadav	DSL-153
7.	165	Rakesh Kumar	Ganga Pd.	MS-863
8.	67	Kishan Lal	Br. Ganga Lal	DSL-646
9.	27	Parvez Alam	Inamul Haq	E-227 ORBU/KP
10.	389	Bhagwati Pd.	Paragi Lal	ES-202
11.	333	Mohd Rafiq.	Lal Mohd.	BS-523
12.	265	Rakesh Nigam	Kailash Chand	EL-17
13.	408	Jahirul H. Kazmi	Azhar Hussain.	ES-488
14.	92	Brahma Dut Tewari	K.G. Tiwari	DSL-807
15.	511	Deven der Pal Singh	Harcharan Singh	DY.S.S.
16.	675	Virender Pal Singh	Dori Lal	MT-192
17.	256	Rajesh Singh	Ram Suphal	TT-171
18.	1096	Jawahar Lal Mourya	Banarsi Mourya	Ex. S.M
19.	1081	Rahuna Ch Chaturvedi	M.P. Chaturvedi	Ex S.M
20.	561	Ashwan1 Kumar	Sushil Kumar	M-45
21.	693	D.S. Choudhury	R.P. Singh	MT-165
22.	230	Amarjit Singh	Surajbhan Singh	Hd. Clerk M-36

A.P.O. P.T.O...

Rizwan Ahmad
Singh
Rajesh Kumar Singh
Rajesh Singh

Sl. No.	Roll No.	Name	Father's Name	Post
23.	801	Brajendra S. Pal	Y.S. Pal	Sr. Typist
24.	873	Anil Kumar Shukla	Janardan Lal	ES-72
25.	839	Ashish Kr. Srivastava	K.R. Srivastava	SS
26.	870	Rakesh Kumar	Mangala Charan	E. Ex.
27.	639	Narendra Kr. Yadav	Ram Achal	FDY-176
28.	831	Rakesh Kr. Verma	V.D. Verma	Ex. Ex.
29.	86	Rajendra Kr. Pandey	G.S.S. Pandey	DSL-819
30.	772	Shailendra Kumar	K.B. Das	D. S.S.
31.	141	K.J. Vishwakarma	M.G. Vishwakarma	MS-61
32.	251	Santosh Kumar Gupta	Hari Ram Gupta	TT-01
33.	524	Manzoor Ali	Meboob Ali	IS-142
34.	733	R.K. Gurnani	S.S. Gurnani	Tr. Instructor
35.	800	Shankar Kumar	Shankar Kumar	
36.	832	Sheo Prasad	Tulsi Ram	BS-516
36.	925	Shashi Bhusan Singh	Virendra Singh	E. Ex.
37.	831	Ramash Kumar Yadav	Ram Lal	BS-559
38.	4	Sheo Kumar	Janki Prasad	DSL-112
39.	195	Srikant Shukla	Y.N. Shukla	MS-858
40.	1073	Krishna Pd. Dass	S.R. Das	Ex. SM
41.	1030	Shcikh Zamiuddin	Badaruddin	Ex. SM
42.	1032	Ram Narash Tripathi	Chavinata Pd.	Ex. SM
43.	935	Jagdish Prasad	Guru Prasad	E. Ex.
44.	339	Amrit Lal	Laxman	BS-134
42.	155	Deepak Kr. Nigam	S.S. Nigam	MS-587
46.	837	Jiwan Chandra Pandey	V.P. Pandey	E. Ex.
47.	931	Devendra Vikram Singh	K.P. Singh	E. Ex.
48.	834	Rakesh Kumar Shukla	D.P. Shukla	OG-228
49.	6	Brajesh Kumar Shukla	Babu Lal	DSL-164
50.	243	Suresh Chandra Shukla	Bro. M.C. Shukla	TT-198
51.	168	Mohd. Nafis	Bismillah	MS-1089
52.	442	Sheo Shanker	R.G. Prajapati	M-58
53.	741	M.T. Siddiqui	Bro. Md. Kafel	MT-442
54.	432	K.K. Tewari.	G.P. Tewari.	BSS-123
55.	40	Nirankar Tewari.	J. Prasad.	DSL-215
56.	639	Manoj Kr. Sahu	Kandhai Lal	ME-106
57.	52	Anil Kumar Lodhi	Br. Nathu Ram	DSL-119
58.	819	Muinuddin.	M. Saced	M-19
59.	824	Manjeet Singh	Sis. Taranjit Kaur	H/ Clerk
60.	209	K.D. Srivastava	Dheeraj Lal	A.S.
61.	443	Prasoon Mishra	R.K. Mishra	M-31
62.	244	Radha Raman Pandey	R.J. Pandey	TT-185
63.	255	Sheo Nand Tewari	Brahmanad Tewari	TT-159
64.	550	Ajit Kumar	Raja Ram.	LMS-82
65.	1046	Sudhakar Mishra	O.P. Mishra	E. Ex.
66.	208	Anand Kumar	R.S. Sahu	Sr Clerk
67.	1100	Dal Bahadur Thapa	Rudra Singh	Ex. SM
68.	1090	Abdul Rahman	Saleman Khan	Ex. SM
69.	513	Braj Kishore (SC)	Nand Kishore	M-34
70.	1113	Sarvan Kumar Thapa	T.B. Thapa	Ex. SM
71.	1117	Babu Samuel	P.A. Samuel	Ex. S.M.
72.	1097	P.K. Balakrishnan	Kunju Pillai	Ex SM

1. Rajwan Ahmad
2. Singh
3. Singh
4. Singh

Signature
A.P.O

Contd...3

Srl No.	Poll No.	Name	Father's name.	
73.	1089	Jamuna Singh	Gajraj Singh	Ex SM
74.	1112	Baikunth Nath Mishra	V.N. Mishra	Ex. S.M
75.	1116	Om Prakash	Chandra Shekhar Misra	Ex. S.M
76.	1118	Paras Ram (SC)	Shyam Behari	Ex. S.M
77.	315	Ravi Kant (SC)	Kanta Prasad	BS-325
78.	63	Sant Ram (SC)	Baij Nath	DSL-429
79.	1108	Ram Shanker	Vasudeo.	Ex. SM
80.	1120	Ram Nath (SC)	Jagashwar	Ex. SM - 2
81.	1110	M.S. Sarangi.	R.K. Sarangi	Ex. SM
82.	351	Ram Shankar (SC)	Rameshwar Deen.	BS-570
83.	366	Raju Prakash (SC)	Budh Prakash	E-135
84.	394	Rajendra Prasad (SC)	Sunder Lal	ES-260
85.	1124	Sukh Ram (SC)	Girdhari	Ex SM - 3
86.	1121	Nanhay Lal (SC)	Angnoo Ram	Ex. SM
87.	1043	Sawa Lal (SC)	Budhi Ram	E. Ex. VIII
88.	749	Satish Kumar (SC)	Raja Ram	MTS-75
89.	345	Ram Sajivan (SC)	Babu Ram	BS-396
90.	697	Jagdish Prasad (SC)	Banwari Lal	MT-202
91.	734	Shatrughna Prasad (SC)	Dwarka Pd.	MT-115
92.	478	Ramesh Kumar (SC)	P.D. Sagar	E-07
93.	700	Pal Kishore (SC)	Sunder Lal	MT-239
94.	573	Rajendra Kr. Rawat (SC)	Radhey Shyam	LMS-510
95.	333	Ram Anur (ST)	Bro. Puran Singh	BS-593
96.	342	Darshan Singh (SC)	Jagat Singh	Prsn
97.	1054.	Vasant Lal (ST)	Vidya	E Ex. IX

have been

Only 2 ST candidates were found suitable against the quota of 4 in the panel. The remaining two vacancies will be treated as a back log vacancy and will be filled up in future recruitment.

N.B. There is no guarantee that the above candidates will be appointed in Railways as Khallasics.

कार्यालय दि० २३

Asstt. Personnel Officer (W)
Loco Shops CB/Lucknow.

Rizwan Ahmad

2 Singh

3 राजेश कुमार सिंह

4 राजनीत सिंह

Annex 3

32

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA).
(RAILWAY BOARD)

No.E(NG)II-73CL/41

New Delhi, dated : 23-8-1973.

The General Managers,
All Indian Railways including
C.L.W., D.L.W. & I.C.F.

[N.R.P.S.]
[5993]

Subject: Recruitment in workshops against
Class IV posts.

In partial modification of the orders contained in para 2 of their letter No.E(NG)II-72CL/41 dated 14.6.1972, the Board have decided that Class IV vacancies in workshops in the Mechanical Department should be filled up in the manner indicated below :

- i) 50% of the vacancies may be filled up by selection from outsiders including the Apprentices trained under the Apprentices Act;
- ii) 10% of the vacancies should be filled up from amongst Gangmen and Stores Khalasis giving them weightage for purpose of seniority as already permissible in terms of Railway Board's letter No.E52CFF/13 dated 19.2.59;
- iii) the remaining vacancies should be filled up from amongst volunteers from other Departments who may like to come to the workshop cadre on bottom seniority;
- iv) if adequate number of volunteers are not available from other Departments in terms of item (iii) above, the short-fall, to that extent, may be met by selection from outsiders (including Act Apprentices) over and above the quota of 50% prescribed under item (i) above; and
- v) the resultant vacancies in other Departments should be filled up from amongst casual labourers and substitutes after screening.

2. The revised percentage indicated above will apply in respect of all existing and future vacancies.

sd/-

(R.D. Iakhanpal)
Assistant Director Establishment
Railway Board.

Alloster
Time time
C.M.
at 10/10/73
PR.

1 Rizwan Ahmed
2 ~~Kindy~~
3 राजेश कुमार शर्मा
4 20/8/73

IN SENATE
January 14, 1933

REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

IN

RESPONSE TO A RESOLUTION OF THE SENATE PASSED MAY 10, 1930
RELATIVE TO THE LANDS OF THE UNITED STATES PETITIONERS

VERSUS

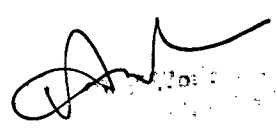
UNITED STATES OF AMERICA AND OTHERS RESPONDENTS

1. That in reply to paragraph 1 of the petition, it is submitted that the selection held for the post of Khatkhatia vide G.O. No. 100 dated 20.12.1928, announced in the petition, and the select list dated 19.12.1928, submitted to the petition, are perfectly legal and valid and admissible in law.

2. That the contents of paragraphs 2 and 3 of the petition are incorrect.

3. That the facts stated in paragraph 4 (a) of the petition are incorrect and are denied. It is submitted that very many applications dated 19.12.1928 applications were received by the post of Khatkhatia vide G.O. No. 100 dated 20.12.1928, through the post office and were duly received by the post office and were duly received by the post office and were duly received by the post office.

for
L
15/7



immediate dependents of serving railway employees,
as well as ex-servicemen & applicants through
Regional/ local Employment Exchange. Accordingly
the applications and names of 136 General, 46 Schedule
Caste and 9 Schedule Tribe Candidates were invited
from Employment Exchange vide letter dated 30.9.29,
Annexure-1 to the petition, applications were
invited from 57 ex-servicemen through the Director,
Bhimik Kalyan, Directorate, J.P. Lucknow.

4. That the facts stated in paragraph 4 (2) of
the petition are not admitted. In fact the reservation
for Schedule Caste is 19% and not 3% as alleged.
5. That the facts stated in paragraph 4 (3) of
the petition are admitted.
6. That all facts stated in paragraph 4 (4)
of the petition are not disputed.
7. That the facts stated in Paragraph 4 (5) and 4 (6)
of the petition are not disputed.
8. That the facts stated in Paragraph 4 (7) of
the petition are incorrect and are denied. The circular
dated 16/19.10.27, Annexure-2 to the petition, has been
issued by the General Manager (P) Northern Railway,
Baroda House, New Delhi and not by the Assistant
No.2
9. That the allegations in paragraph 4 (8) of the
petition are absolutely false, baseless and are denied.
The letter dated 16/19.10.27, Annexure-2 to the petition
does not confer General or Special right to the ex-
servicemen dependents of railway employees and on 10.10.29

..3:-

retirement or who may become overage. It only confers a preferential benefit to those sons/dependants of Railway employees who are nearing retirement or are going to become overage very shortly, i.e., after fulfilling all other qualifications and criterion prescribed for recruitment, are equally placed in merit with the sons/dependants of other Railway employees and outsiders. In the present case the empanelled candidates were listed in the order of merit by the duly constituted Selection Board and only those candidates who were very high in merit could find a place in the panel. Only 78 candidates (excluding Ex-Servicemen) were placed in the panel out of 1034 candidates (excluding ex-servicemen) who had appeared in the interview. The present petitioners being much lower in merit than the empanelled candidates, they could not find a place in the panel. As such under the circumstances the question of considering the case of the petitioners for empanelment with reference to the date of retirement of their fathers or the age of the candidates does not arise, as the petitioner are not equal in merit with the sons/dependants of other Railway employees or outsiders i.e. the candidates empanelled of their respective category viz. General/Schedule Caste/Schedule Tribes excluding ex-servicemen.

D. That in reply to paragraph 4 (3) and 4 (10) of the petition, it is submitted that the allegations in Para 4 (9) of the petition are incorrect and are denied. In fact the select list enclosed as Annexure-2 specifically explains the exact position of the candidate selected whose father was on whom they are depending for retiring between 2006 to 2015. The persons mentioned in the para under reply have been placed on the panel of selected candidates on the basis of their merit in the

selection and the date of retirement of their fathers.

- 44 -

no relevancy to their appointment. The petitioners were not disqualified because they were ~~under~~ much lower in merit to those persons who have been empanelled and as such the petitioners are not entitled to the benefit of preference in terms of General Order letter dated 16/19.10.87, Annexure-2 to the petition.

11. That the allegations in para 4 (11) 4 (12) and 4 (13) of the petition are misconceived and are denied. Reservation for ex-servicemen has not been provided for the first time as alleged. Earlier recruitments for the post of Khalsis conducted by the workshop, Chirbagh in 1985 reservation for ex-servicemen was provided and a panel of 69 ex-servicemen was formed out of which 63 ex-servicemen were appointed. It is stated that reservation for ex-servicemen has been prescribed and conducted by the Railway Board vide letter No. L (7) 111/72/111-II dated 1985.

[Signature]
 Chief Clerk, Railway Board
 New Delhi

..54-

12.12.80 for the purpose of Government's policy of rehabilitation of ex-servicemen. The aforesaid circular dated 12.12.80 provides for reservation for ex-servicemen 20% on 1.7.1979 for suppression of all other candidates on the subject. As regards the carriage and wagon, workshop, etc. this is a separate matter and it is not possible here to comment on the reservation for ex-servicemen was not provided while making reservation. In terms of the Railway Board's circular dated 12.12.80 a quota of 20% has been reserved for ex-servicemen and the same is perfectly legal and valid and sustainable in law. A copy of the Railway Board's Circular dated 12.12.80 is attached to this reply as Annexure-1.

12. In reply to paragraph 4 (14) of the petition, it is stated that as already mentioned above, the petitioners being much lower in merit, they were not placed in the panel of selected candidates and as such the question of giving them the measure of preference in terms of letter dated 13/10.10.87, Annexure-1

to the petition does not arise.

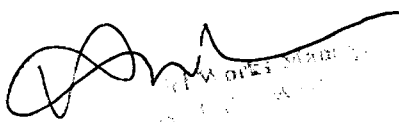
[Handwritten signature]
 For the Director
 Railway Board
 New Delhi

13. That in terms of the order dated 1.2.1990 passed by the Hon'ble Tribunal, the Respondents are herewith filing a copy of the select list dated 19.2.90 showing the date of birth of each of the approved candidates and the date of superannuation of the persons prescribed as father in the said Select list dated 19.2.90 (Annexure-2 A to the petition). A copy of the select list dated 19.2.1990 is attached to this reply as Annexure-2.

14. That in reply to paragraph 6 of the petition it is stated that since on their own admission the petitioners have not preferred any representation against the alleged impugned select list dated 19.2.1990, the present petition is premature and is not maintainable.

15. That in reply to paragraph 8 of the petition it is submitted that the present petition is wholly devoid of merits and is liable to be dismissed and the petitioners are not entitled to any of the reliefs sought.

16. That in reply to paragraph 9 of the petition, it is submitted that the present petition is wholly misconceived and devoid of merits and is liable to


Sd/-
19.02.1990

be dismissed and the petitioners are not entitled to any interim relief as prayed and the interim relief granted by the Hon'ble Tribunal dated 1.3.80 is liable to be vacated.

VERIFICATION



Chief Works Manager
Loco Motive Work Shop,
Charbagh, Lucknow

I, A.K. Rao, aged about 43 years,
son of Shri H.S. Rao, working as Chief works
Manager Northern Railway, Charbagh, Lucknow, do hereby
verify that the contents of paragraphs
16 — of this reply are true to my
personal knowledge; those of paragraphs —
2 to 14 — of this reply are based on
perusal of the records; those of paragraphs
15 — of this reply are based on legal
advice, which all I believe to be true; and that I
have not suppressed any material facts.

Place :- Lucknow



Dated : 14 March, 1980

Amexum

सं. ३३५५/७ भा. ८ (३५)

दिनांक 7-1-1981

क्र. सं 0 7715

विषय : रेलों पर सुप सी और डी के रिक्त पदों में भूतपूर्व सैनिकों के लिए

अवस्थापना ।

रेल मंत्रालय के पत्र सं. ई (एन डी) 111-79/आर आर/11 दिनांक 12-12-80 की प्रति-1।
 पत्र सं. डी/७७१९/आर आर/११ दिनांक १२-१२-८० की प्रति-१।
 पत्र सं. डी/७७१९/आर आर/११ दिनांक १२-१२-८० की प्रति-१।
 पत्र सं. डी/७७१९/आर आर/११ दिनांक १२-१२-८० की प्रति-१।

पत्र का हिन्दी अनुवाद डा. में भेजा जायेगा ।

Copy of letter No. F (NG) III/79/RRI-II dated 12. 12. 80 from H.R. Bhargava, Dy. Director, Fstt. (N) Railway Board, to the General Managers, All Indian Railways, CLW, DLW & ICF, and others.

Subject : Reservation of vacancies for Ex-servicemen in Group 'C' and 'D' posts on the Railways.

The Ministry of Railways have issued instructions from time to time extending certain concessions including reservation of vacancies to Ex-servicemen. In supersession of all earlier orders on the subject, it has now been decided to extend w.e.f. 1. 7. 79 the following concessions to Ex-servicemen on a permanent basis:—

(1) Reservation in group 'C' and 'D' posts on the Railways

(a) 20% vacancies in group 'D' and 10% of the vacancies in group 'C' other than short term vacancies, filled by direct recruitment in any year will be reserved for Ex-servicemen.

(b) The percentage of reservation specified above may be increased or decreased in any recruitment year to the extent to which the total number of vacancies reserved for Ex-servicemen, Scheduled Caste, and Scheduled Tribes (including the carry forward reservation of SC/ST) falls short or is in excess, as the case may be, of 50% of the vacancies in that category of posts filled in one Recruitment year.

In case of an increase in the reservation for the Ex-servicemen, the additional vacancies should be utilised first for the appointment of disabled Ex-servicemen.

(c) Out of the vacancies reserved for being filled by Ex-servicemen, vacancies shall be reserved for Candidates belonging to SC/STs in accordance with extant orders issued from time to time.

(24)

(d) No vacancy reserved for Ex-servicemen in a post will be filled by a general candidate until and unless.

(i) a 'Non-availability Certificate' from the Employment Exchange obtained (where a requisition is placed on an Employment Exchange).

(ii) it has been verified the non availability by reference to the Director General Resettlement and recorded a Certificate to that effect, and

(iii) approval of the Ministry of Railways has been obtained.

2. Age Concessions.

The Ex-servicemen who has put in not less than six months continuous service will be given relaxation in age limit to the extent of the period of service plus three years. In the Apprentices Categories, however, this will be subject to the over riding Condition that the age limit of the individual will not exceed 35 years.

3. Educational qualifications.

For appointment to any group 'D' post every Ex-servicemen who has put is not less than 3 years in the Armed Forces of the Union will be exempted from the minimum educational qualifications if any prescribed.

For appointment to any group 'C' post where the minimum educational qualifications or technical qualification prescribed is higher than that prescribed for promotees an Ex-servicemen shall deemed to satisfy the prescribed educational & technical qualification if he

(i) satisfies the educational or technical qualifications prescribed for direct recruitment to the post from which promotion is allowed and

(ii) has identical experience of work in a similar discipline and for the same number of years as prescribed for promotees.

4. The quarterly statement showing the total number of vacancies in each category of group 'C' & 'D' posts and number filled by Ex-servicemen should be sent to the Liaison officer, DGET, and DG, Resettlement, Ministry of Defence in proporma enclosed by the 10th of the month following the quarter.

(25)

Chief Officer, General Manager
 for Rly. Charbagh

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19/2/1990.

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Sub: Recruitment of Khallasies in Grade Rs.750-940 (RPS) in
Locomotive Workshop Charbagh, Lucknow.

Ref: This office Notice No.105-E/Khallas/Bharti dated 30.9.89.

As a result of selection for the formation of panel of temporary Khallasies in Gr. Rs.750-940 (RPS) held from 01-2-1990, to 24-2-1990, the following 97 candidates have been found suitable for the post of temporary Khallasies and are placed on the provisional panel subject to the verification of Original Certificates with regard to Educational Qualification, Age and dependency. Their absorption will depend on their being found suitable in the Medical Test in C-I Category and occurrence of vacancies.

This has the approval of Chief works Manager CB/Lucknow

(Signature)
Asstt: Personnel Officer
Loco Charbagh, Lucknow.

Srl. No.	Roll No.	Name S/Str	Father's name D.O.B S/Str	dt of Birth cert
1.	B Co-852	Sailesh Chand Rajput	D.C. Rajput.	OS/PB 71-03-84
2.	191	Naseem Ahmed	(1) 6 Kudratullah	MS-709 30-6-1990
3.	VII 183	G. Narain Pal	(S) 62 Ram Singh	MS-808-31-01-1990
4.	XII 171	Jagdish Pd. Tewari	(S) 66 R.B. Tewari.	MS-594 21-01-1990
5.	X 428	Arvind Kumar Mishra	(S) 66 Harihar Prasad	WS-127 31-08-90
6.	VII 78	Saro Narain Yadav	(S) 66 Kishan Yadav	DSL-153 30-6-1990
7.	VII 165	Rakesh Kumar	(S) 60 Ganga Pd.	MS-863 11-10-1989
8.	67	Kishan Lal	(S) 62 Br. Ganga Lal	DSL-846 30-6-2012
9.	B Co-27	Paryoz Alam	(S) 61 Inamul Haq	E-227 31-12-93
10.	VII 389	Bhagwati Pd.	(S) 62 Paragi Lal	ES-202 28-02-90
11.	VII 333	Mohd Rafiq.	(S) 64 Lal Mohd.	BS-523 30-9-90
12.	M-265	Rakesh Nigam	(S) 64 Kailash Chand	EL-17 30-11-99
13.	XII 408	Jahirul H. Kazmi	(S) 65 Azhar Hussain.	ES-488 71-03-92
14.	XII 92	Brahma Dutt Tewari	(S) 68 K.G. Tiwari	DEL-807 31-12-93
15.	XI 511	Devender Pal Singh	(S) 68 Harcharan Singh	DY.S.S. 30-06-90
16.	VII 675	Virender Pal Singh	(S) 68 Dori Lal	MT-192 30-04-92
17.	XI 256	Rajesh Singh	(S) 69 Ram Suphal	TT-171 30-4-90
18.	1036	Jawahar Lal Mourya	(S) 69 Banarsi Mourya	Ex. S.M.
19.	1031	Ratanath Chaturvedi	(S) 69 R. Chaturvedi	Ex. S.M.
20.	TA-561	Ashwani Kumar	(S) 69 Ashwani Kumar	MS-165 31-10-90
21.	B Co-693	D.S. Choudhury	(S) 69 R.P. Singh	MT-165 31-10-90
22.	VII 230	Amarjit Singh	(S) 69 Siraj Khan Singh	Hd. Clerk 31-12-89

(Signature)
... ..
... ..

11/12

Sl. No.		Name		Remarks	
21.	1072	Prajaendra S. Pal	10.10.62 Y.S. Pal	Sr. Typist	BS-72 300090
22.	1073	Jai Kumar Shukla	20.10.62 Janardan Lal	SS	300095
23.	1074	Ashish Kr. Srivastava	20.10.62 K.R. Srivastava	E. Ex.	FDY-176 30451
24.	1075	Rakesh Kumar	20.10.62 Gangala Charan	Ex. Ex.	DSL-819 300095
25.	1076	Narendra Kr. Yadav	20.10.62 Ram Achal	D. S.S.	MS-61 300095
26.	1077	Rakesh Kr. Verma	20.10.62 V.D. Verma	TT-24 01 300090	IS-142 300095
27.	1078	Rajendra Kr. Pandey	20.10.62 G.S.S. Pandey	Sr. Instructor	BS-516 300095
28.	1079	Shailendra Kumar	20.10.62 K.B. Das	E. Ex.	BS-559 300095
29.	1080	K.S. Vishwakarma	20.10.62 G. Vishwakarma	DSL-112 300095	MS-853 300095
30.	1081	Santosh Kumar Gupta	20.10.62 Hari-Ram Gupta	Ex. SM	Ex. SM
31.	1082	Manzoor Ali	20.10.62 - Manzoor Ali	Ex. SM	E. Ex.
32.	1083	R.K. Gurnani	20.10.62 S.S. Gurnani	BS-134 300095	MS-537 300095
33.	1084	Shree Prasad	20.10.62 Tulsi Ram	E. Ex.	MS-537 300095
34.	1085	Shashi Bhushan Singh	20.10.62 Virendra Singh	BS-559 300095	DSL-112 300095
35.	1086	Ramesh Kumar Yadav	20.10.62 Ram Lal	MS-853 300095	Ex. SM
36.	1087	Shree Kumar	20.10.62 Janki Prasad	Ex. SM	E. Ex.
37.	1088	Srikant Shukla	20.10.62 N. Shukla	BS-134 300095	MS-537 300095
38.	1089	Krishna Pd. Dass	20.10.62 S.R. Das	E. Ex.	MS-537 300095
39.	1090	Saikh Zameuddin	20.10.62 Badaruddin	BS-134 300095	MS-537 300095
40.	1091	Ham Narsingh Tripathi	20.10.62 Chavinata Pd.	E. Ex.	MS-537 300095
41.	1092	Jagdish Prasad	20.10.62 Gura Prasad	BS-134 300095	MS-537 300095
42.	1093	Arjit Lal	20.10.62 Laxman	E. Ex.	MS-537 300095
43.	1094	Deepak Kr. Nigam	20.10.62 S.S. Nigam	BS-134 300095	MS-537 300095
44.	1095	Jiwan Chandra Pandey	20.10.62 V.P. Pandey	E. Ex.	MS-537 300095
45.	1096	Devendra Vikram Singh	20.10.62 K.P. Singh	BS-134 300095	MS-537 300095
46.	1097	Rajesh Kumar Shukla	20.10.62 D.P. Shukla	E. Ex.	MS-537 300095
47.	1098	Brajesh Kumar Shukla	20.10.62 Babu Lal	BS-134 300095	MS-537 300095
48.	1099	Suresh Chandra Shukla	20.10.62 Br. M.C. Shukla	E. Ex.	MS-537 300095
49.	1100	Mohd. Rafis	20.10.62 Risaillah	BS-134 300095	MS-537 300095
50.	1101	Shree Shankar	20.10.62 R.S. Prajapati	E. Ex.	MS-537 300095
51.	1102	M.T. Qiddiqui	20.10.62 Br. Md. Kafeel	BS-134 300095	MS-537 300095
52.	1103	K.K. Tewari	20.10.62 G.P. Tewari	E. Ex.	MS-537 300095
53.	1104	Niranjan Tewari	20.10.62 J. Prasad	BS-134 300095	MS-537 300095
54.	1105	Kanoj Kr. Sahu	20.10.62 Kandhai Lal	E. Ex.	MS-537 300095
55.	1106	Anil Kumar Lodhi	20.10.62 Br. Nathu Ram	BS-134 300095	MS-537 300095
56.	1107	Abduruddin	20.10.62 Md. Saeed	E. Ex.	MS-537 300095
57.	1108	Langot Singh	20.10.62 Sis. Taranjit Kaur	BS-134 300095	MS-537 300095
58.	1109	K.D. Srivastava	20.10.62 Dheeraj Lal	E. Ex.	MS-537 300095
59.	1110	Prasoon Mishra	20.10.62 R.K. Mishra	BS-134 300095	MS-537 300095
60.	1111	Radha Raman Pandey	20.10.62 R.W. Pandey	E. Ex.	MS-537 300095
61.	1112	Shree Hand Tewari	20.10.62 Brahmanad Tewari	BS-134 300095	MS-537 300095
62.	1113	Arjit Kumar	20.10.62 Raja Ram	E. Ex.	MS-537 300095
63.	1114	Sidhakar Mishra	20.10.62 O.P. Mishra	BS-134 300095	MS-537 300095
64.	1115	Arund Kumar	20.10.62 R.S. Sahu	E. Ex.	MS-537 300095
65.	1116	Bil Bahadar Thapa	20.10.62 Rudra Singh	BS-134 300095	MS-537 300095
66.	1117	Abdul Rahman	20.10.62 Saloman Khan	E. Ex.	MS-537 300095
67.	1118	Braj Kishore	20.10.62 Hand Kishore	BS-134 300095	MS-537 300095
68.	1119	Sarvan Kumar	20.10.62 T.B. Thapa	E. Ex.	MS-537 300095
69.	1120	Babu Samuel	20.10.62 P.A. Samuel	BS-134 300095	MS-537 300095
70.	1121	P.K. Balakrishnan	20.10.62 Manja Salini	E. Ex.	MS-537 300095

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Contd...3

Chief Work Shop
Leco Motive Work Shop
P.O. Charbagh, Lucknow.

AB

		Indian Name	English Name	
		Name		
72.	11189	Jamuna Singh	Govind Singh	Ex SM
71.	11192	Balkunth Nath Mishra	Gov. M. Mishra	Ex. S.M
76.	1118	Om Prakash	Chandra Shekhar Misra	Ex. S.M
86.	1118	Paras Ram (SC)	Shyam Bohari	Ex. S.M
77.	315	Ravi Kant (SC)	Kanta Prasad	BS-325 20.2.50
78.	63	Sant Ram (SC)	Baij Nath	BSL-429 24.2.50
79.	1103	Ram Shanker	Vasudeo	Ex. SM
80.	1120	Ram Nath (SC)	Jagdishwar	Ex. SM
81.	1110	M.S. Sarangi.	R.K. Sarangi	Ex. SM
82.	351	Ram Shanker (SC)	Jagdishwar Deen.	BS-570 21.2.51
83.	360	Raju Prakash (SC)	Budhi Prakash	E-135 21.2.50
84.	394	Rajendra Prasad (SC)	Sunder Lal	ES-260 21.2.50
85.	1124	Saini Ram (SC)	Gardhari	Ex SM
86.	1121	Ramkay Lal (SC)	Angad Ram	Ex. SM
87.	1143	Sewa Lal (SC)	Budhi Ram	E. Ex.
88.	742	Satish Kumar (SC)	Raja Ram	MTS-75 21.2.50
89.	345	Ram Sajivan (SC)	Babu Ram	BS-396 20.2.51
90.	667	Jagdish Prasad (SC)	Manwari Lal	MT-202 31.10.50
91.	734	Shatrughna Prasad (SC)	Durga Pd.	MT-115 31.10.54
92.	478	Ramesh Kumar (SC)	P. Sagar	E-07 30.9.51
93.	700	Pal Kishore (SC)	Sunder Lal	MT-239 31.10.52
94.	573	Rajendra Kr. Bhat (SC)	Radhey Shyam	LMS-510 31.12.50
95.	333	Ram Aitar (ST)	Bro. Purn Singh	BS-593 30.11.54
96.	512	Darshan Singh (SC)	Jagat Singh	PCOR 31.10.56
97.	1001	Vasant Lal (ST)		E Ex.

Only 2 ST candidates were found suitable against the quota of 4 in the panel. The remaining two vacancies will be treated as a back log vacancy and will be filled up in future recruitment.

N.B. There is no guarantee that the above candidates will be appointed in Railways as Maltasias.

Asstt. Personnel Officer (M)
Loco Shops CB/Lucknow.

Chief Work
Loco Motive Work Shop
Ch. Charbagh, Lucknow

A/44

In the Central Administrative Tribunal,
Lucknow Bench.

.....

Registration Case No.66 of 1990 (L)

Rizwan Ahmad & others ... Applicants.

Versus

Union of India and others ... Respondents.

Counter Reply to the Impleadment
Application

.....

The applicants in the above noted case
respectfully states:-

1. That the application moved by the 2
selected persons is not legally tenable in the
eye of law, and the Hon'ble Tribunal while
passing the order has very clearly stated that

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pressure of selection may go on but the respondents would keep 4 seats vacant and in case the persons who want to be impleaded in the instant petition, come in the merit, will automatically be selected by the respondents. Moreover the applicants are not in a position to ~~give~~ give full details of the persons who were selected by the Selection Committee, so they could not be made as parties. Moreover if a wrong has been committed by the respondents from the very inception, then it was not at all necessary for the applicants to have impleaded those persons who were selected by the Selection Committee. Thus, the application moved ^{by} the said 2 persons is misconceived and should be rejected outright.

Ak Sharma

Counsel for the Applicants

Dated: Lucknow:

April 11, 1990.

Copy to be-

I beg to inform the applicant that the other applicants do hereby verify that the content of para 1 of the application is true to my own knowledge; verified on 11th day of April 1990 at the Chamber of Advocate and
Rizwan Ahmed
Advocate
11.04.90

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• • • • •

Rec'd City
12/10
12.4.90

Registration Case No. 66 of 1990

.... applicants.

Versus

..... Respondents.

Rizwan Ahmad

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was openly exercised. Neither any fixed principle, nor any pattern was followed by the Selection Committee. Even the Selection Committee did not care to see that a large number of persons were given call letters whose name appeared in the Employment Exchange on the date ~~of~~ just prior to interview and names of those persons whose names were in the Employment Exchange ~~were~~ lying for more than 4-6 years were not sent in order to give room to them who possessed money and power".

2. That the contents of para 2 of the reply call for no reply.

3. That in reply to the contents of para 3 of the reply the respondents have not filed any document in order to substantiate their allegation and as such in order to prove it the respondents be asked to furnish the names sent by Employment Exchange which will prove that the names of these persons were sent by Employment Exchange who got their names recently enrolled and the names of old lot were not sent.

4. That in reply to the contents of

Rizwan Ahmad

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para 4 of the reply it is submitted that owing to typing mistake instead of 19 % 9% was mentioned for which the applicants apologise.

5. That the contents of parass 5, 6 and 7 of the reply call for no reply.

6. That the contents of para 8 of the reply call for no reply. In place of respondent No.2, it may be read as respondent No.1.

7. That the contents of para 9 of the reply are vehemently denied and the contents of para 4(8) of the application are reiterated to be true. It may be submitted that by reading Annexure-2, the intention to absorb the wards/ dependants of retiring employees who were going to retire were to be given preference, and since a settlement took place between Union and the employer, then it was a must and binding on the employer to strictly adhere to it. The second paragraph of Annexure also reveals that it is mandatory in nature as it says that " it is desired that the above procedure should be kept in view for ~~following~~ filling up the vacancies of Class IV staff in the Workshop in future". The list which has been

Rizwan Ahmad

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annexed by the respondents itself reveals that persons at Sl.No.3, 6, 7, 8, 22, 24, 31, 33 do only possess qualification of VIII Pass while the applicants 1 and 2 are Intermediate with Science, No.3 High School with Science and No.4 is Graduate and possess apprenticeship from the office of respondent No.2 and atleast the persons mentioned as Sl. No. 6, 7, 8, 22, 24, 31 and 33 could not be superior than the applicants. The respondents have^{not} furnished the qualification ^{Self} for 34 to 97 and in case they do so will further prove that the list prepared by them was unjust, unfair and was made only on the basis of pick and choose policy and in a very arbitrary fashion and it is very strange that only 2 S.T. candidates were selected which itself speaks that the procedure adopted by them to give room to them who had their say before the Select authority. It may be very specifically stated that power and money played a very vital role in the selection. The respondents be asked to submit further detail about the qualification of Sl.No. 34 to 97 and ^{they} have not complied the order of this Tribunal by not furnishing the age of retirement of the employees, for instance

Rizwan Ahmad

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S1.Nos. 18, 19 and the age of S1.No.18 has been shown ~~xx4~~ 1.7.46 at the time of ^{interview} above 43 years while S1.No.19 has been shown as date of birth as 10.7.55 and are ex service man and at s1.No. 40, 41, 42, 68, 70 to 76 , 85 to 87 some discrepancy also exists. From the above it will be clear that persons near reaching at the age of 43, 44 and above 40 were considered and even one High School fail candidate mentioned at S1. No. 24 was also selected.

Thus all this goes on to show that the selection was done in a most undemocratic manner. Moreover the name appearing at S1.No.76, namely, a scheduled caste candidate whose date of birth has been shown as 30.9.42 whereas the limit has been relaxed for five years only and he is ~~an~~ man of S.C. meaning thereby his father had already retired thus he did not come within the category of Annexure-2. There are many more instances but that can be proved only when the respondents place all materials, like applications received through Employment Exchange, the proforma filled by the applicants. The applicants have come to know that even a person who cannot lift a filled bag has been selected for the post of khalasi.

Rizwan Ahmad

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8. That the contents of para 10 of the reply are not admitted as stated and the contents of para 4(9) and 4 (10) are reiterated to be true. If the contents of the opposite parties taken to be correct that Annexure-2 was not followed then what was the criterion to select the person whose name appear at Sl. No. 18, 19, 40, 41, 42, 68, 70, 71, 72, 73, 74, 75, 76, 79, 80, 81, 85, 86, 87, 90.

The respondents be asked to furnish details of the ex servicemen, their length of service etc. in Army, and their appointment etc. as indicated in Annexure-1, and their approval.

9. That the contents of para 11 of the reply are denied and those of contents of para 4(11) 4(12) and 4(13) of the main application are reiterated to be true. It may be submitted that since respondents are not recognizing Annexure-2 to the petition, so Annexure-1 filed by them cannot be regarded as binding. Moreover the Annexure-1 refers that this will apply to all ~~xxxx~~ Units and saying that it is a different Unit itself reveals

Rizwan Ahmed.

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that something 'fishy' which may be proved if the respondents also tender their applications forms sent through Employment Exchange and ~~and the~~ ^{forms} they filled up. It has not been shown by the respondents if they did come within the age concession and fulfilled other conditions of eligibility.

10. That the contents of para 12 of the reply are absolutely false and hence denied. A perusal of list produced would itself reveal that the respondents instead of selecting the applicants purely on merits, selected, rather ~~adopt~~ adopted the policy "might is right". The answering respondents be put to prove strictly that the selection was perfectly valid. The respondents have not revealed any fact regarding what was the criteria exercised by them. The answering respondents be put to place before the Hon'ble Tribunal all documents right from sending of applications by Employment Exchange, qualifications, applications filled by the applicants and certificates attached by the applicants.

Rizwan Ahmad

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11. That in reply to the contents of para 13, it is submitted that persons shown in the list at Sl. No. 1, 7, 9, 14, 15, 24, 27, 29, 38, 48, 49, 50, 51, 53, 55, 57, 59, 60, 62, 63, 64, 66 would show that their father would retire much after the applicants and as such the selection committee without caring the ~~qualifications~~ guidelines as provided in Annexure-2, exceeded in its jurisdiction. Moreover the respondents have not given the qualification of Sl.No. 34 to 97 which they should have furnished. The respondents have approached the Hon'ble Tribunal with unclean hands and as such they are not entitled to be heard.

12. That the contents of para 14 of the reply is misconceived and in every case the representation is not required. The matter of selection in the office of opposite party No.2 has become a daily talk to the effect that every unfair practice was adopted by respondent No.2 and the only criteria for selection was "power and money". According to the respondents that once ~~the~~ joining of the applicants who were selected by the respondent No.2 should have

Rizwan Ahmad

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waited for six months. In such type of cases the ~~respondents~~ representation is not at all necessary and likewise also in cases which require immediate attention are not expected to wait for representation for atleast six months.

13. That in reply to the contents of para 15 of the reply, it is submitted that the present reply given by the respondents ^{is} wholly devoid of merits and is liable to be ignored and ^{not} the respondents are entitled to be heard unless they come with clean hands.

14. That the contents of para 16 of the reply are totally misconceived and untenable and none of the facts taken in the reply by the respondents which require dismissal of the petition. In fact the applicants are entitled to special costs and the application is liable to be allowed.

15. That it may be stated that another set of aggrieved person have filed a petition which itself proves that ^a large scale bunrling

Rajwan Ahmad

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has been done and ~~where~~^{how} power and money has played a vital role .

16. That at the time of selection, the respondents did not follow the letter issued by the Ministry of Railways, Railway Board, New Delhi dated 31st January, 1984 which ~~xxx~~ categorically says that no Class IV Panel should be published until and unless it is got adequate number of scheduled caste and scheduled tribe candidates to wipe out the p-revious shortfalls as well as the normal reservation points. A photostat copy of the same is filed to this rejoinder as Annexure No.6.

17. That Annexure-2 to the petition is perfectly valid as it has been framed by the General Manager, Northern Railways in exercise of powers vested in him vide Rule 158 of Indian Railway Establishment Code Vol. I which reads as under:-

" The General Managers of Indian Railways have full powers to make rules with regard to non-gazetted Railway Servants under their control

Rizwan Ahmad

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provided they are not inconsistent with any ~~such~~ rules made by the President or the Railway Board."

18. That reservations for Ex-servicemen were not provided by the respondent No.2 in the year 1987 as per notification dt.24.5.1987 ~~(Annexure-1 to the reply was in existence in 1987 but no reservation was made in favour of the ex-servicemen, which goes to establish that it is not obligatory in nature. A photo copy of the same is being filed herewith as Annexure-1)~~ which shows undefined intention behind the present selection.

Verification

I, Rizwan Ahmad, the applicant No.1 doing pairvi on behalf of applicants No. 2 to 4, do hereby verify that the contents of paragraphs

1, 6, 12, 13

of this

rejoinder are true to my own knowledge, that the contents of paragraphs 16, 17, & 18

of this

rejoinder are based on record which I believe to be true, and that the contents of paragraphs 7, 8 & 9

Rizwan Ahmad

12.

10, 11, 13, 14

of this
rejoinder are based on legal advice which are
also believed by me to be true.

Signed and verified on this the 12th day
of April 1990 in the premises of Central
Administrative Tribunal, Lucknow Bench.

Dated: Lucknow:

April 12, 1990.

Rizwan Ahmad
Applicant

I identify the above named applicant
who has signed before me.

Faruk K. S. S. S.

ANNEX-6

Government of India
Ministry of Railways
(Railway Board)

B.R. PAHWA,
Director, Establishment.

D.O.No.83-F(SCT)30/8.

New Delhi, Dated 31.1.84.

My dear Berry,

Sub:- Recruitment of casual labour/substitutes-
their empanelment for regular employment
and reservation of vacancies in favour of
Scheduled Castes and Scheduled Tribes.

Ref:- Board's letter No.F(SCT)74CM15/7 dated
27th April, 1974 (Pages 206-207 of the
Brochure refers).

Instructions were issued in Board's letter mentioned
above that if the screening committee is not able to
empanel adequate number of SC/ST casual labour/substitutes
to fill up the vacancies reserved in their favour, the
shortfalls should be made good by resorting to direct
recruitment of SC/ST candidates from open market in each
class IV category before the panel is published. However, it
has come to the notice of the Board that these instructions
are not being followed by most of the Railways. I, therefore,
request you to kindly reiterate these instructions to all
the Divisions, extra-divisions and workshops and ensure
that these are followed and no class IV panel should be
published until and unless it has got adequate number of
SC/ST candidates to wipe out the previous shortfalls as
well as the normal reservation points.

Please acknowledge receipt of this letter.

With regards,

-Yours sincerely,

Shri Y.K.Berry,
Chief Personnel Officer,
Northern Railway,
New Delhi.

Sd/-
(B.R. PAHWA)

Rizwan Ahmad

*Alfred Inc copy
airma*

रत सेवा कार्यालय, उत्तर रत सेवा वारधाम लखनऊ में छाती वेतनमान 750-940 एन.एस.1 के 150 रिक्त पदों को भरने के लिए इस कार्यालय के कार्य-रत कर्मचारियों के पुत्रों/निकट आश्रितों से जो रत सेवा पास उपनियम के अधीन आते हों, निर्धारित प्रारूप अनुबन्धन पर आवेदन पत्र दिनांक- 25 फरवरी, 1987 तक आमन्त्रित किये जाते हैं।

1. रिक्त पद- 150 जिसमें से

1- 20% पद अनुसूचित जाति के अभ्यर्थियों के लिए आरक्षित।

11- 5% पद अनुसूचित जाति के अभ्यर्थियों के लिए आरक्षित। इसके अतिरिक्त पहले से चली आ रही 5 पदों की कमी शीघ्रता से की जायेगी।

12। आयु सीमा:-

अभ्यर्थियों की आयु- दिनांक- 1.2.1987 को वर्ष-18 से 28 वर्ष के बीच होनी चाहिए। ऊपरी आयु सीमा छू नियमानुसार निम्न दशाओं में दी जायेगी।

1- 5 वर्ष अनुसूचित जाति/अनुसूचित जनजाति के अभ्यर्थियों के लिए

11- आकस्मिक श्रमिक/एवजी के रूप में रत सेवा की छू लेगी।

13। योग्यता:-

1- अभ्यर्थी को स्वस्थ एवं हफ्ट-पुष्ट तथा कठिन परिश्रम करने में समर्थ होना चाहिए।

2- अभ्यर्थियों को सरकारी मान्यता प्राप्त शैक्षिक संस्था द्वारा न्यूनतम कक्षा-आठ या समकक्ष जूनियर हाई स्कूल परीक्षा उत्तीर्ण होना आवश्यक है।

14। आवेदन के साथ जन्मतिथि, शैक्षिक, तकनीकी, कुल/अनु.जा./अनु.जनजाति संबंधित प्रमाण पत्रों की सत्यापित प्रतियाँ, प्रतियों पर अभ्यर्थियों का हस्ताक्षर तथा दिनांक होना आवश्यक है। प्रमाण पत्रों के बिना सत्यापित फोटोस्टेट प्रतियाँ मान्य नहीं होंगी। आवेदन पत्रों की प्राप्त होने की अन्तिम तिथि 25 फरवरी, 1987 होगी। आवेदन पत्रों के फार्म प्रारूप की प्राप्ति इस कार्यालय द्वारा की जायेगी।

15। आवेदन पत्र निर्धारित प्रारूप (अनुबन्धन) में ही स्वीकार किया जायेगा।

Rajwan Ahmed

2

16। इस कार्यशाला के कार्यरत कर्मचारी अपने पुत्र/बिग्ट आश्रितों के आवेदनों को शाप अधीक्षक/अनुभाग प्रभारी के कार्यालय में दिनांक-25.2.87 तक दे दें। शाप अधीक्षक/अनुभाग प्रभारी आवेदन पत्रों की प्रतियों की प्रमाणांकता की जांच करके इस कार्यालय को तीन प्रतियों की सूची के साथ दिनांक- 25 फरवरी, 1987 को अविलम्ब भेजें।

17। आवेदन पत्र विधायित प्रारूप में न होने पर, बिना सत्यापित प्रतियों के रद्द माने जायेंगे।

18। अभ्यर्थियों को वयस समिति के समक्ष उपस्थित होने के लिए प्रशासन द्वारा किसी भी प्रकार का भत्ता एवं व्यय नहीं दिया जायेगा। साक्षात्कार के समय ठहरने एवं सभी प्रकार के व्यय स्वयं को वहन करने होंगे।

चुने हुए अभ्यर्थियों को नियुक्ति के पूर्व विधायित स्वास्थ्य परीक्षा उत्तीर्ण करनी होगी। वयस/भर्ती संबंधी मामले में किसी व्यवस्थित या संगठन के साथ पत्रव्यवहार नहीं किया जायेगा। किसी भी प्रकार के दबाव का प्रयोग करने पर आवेदक को आयोग्य घोषित कर दिया जायेगा।

यदि किसी आवेदक द्वारा दिया गया रिश्ता प्रमाणपत्र जांच करने पर भ्रमपूर्ण पाया गया तो उसको इस पद के लिए अयोग्य घोषित कर दिया जायेगा। और उसके विरुद्ध कानूनी कार्यवाही की जायेगी।

आवरण तिकरी
हो अवर मुख्य यात्रिक अभियन्ता 1-01
उ.रे. लोको वारदा म लखनऊ.

प्रतिलिपि:- सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1- समस्त शाप अधीक्षक/प्रभारी अनुभाग. वरिष्ठ हित विरीक्षक, कार्यशाला उ.रे. लोकोशाप वारदा म लखनऊ।

2- सेवा-योजना इम्प्लाइमेंट एक्सेज। अधिकारी, लखनऊ।

3- सचिव यू.आर.एन.यू./एच.आर.एन.यू. उ.रे. लोकोशाप वारदा म लखनऊ.

4. उत्तर प्रदेश राज्य दलित वर्ग उ.प्र.स्टेट डिप्रेस क्लासेड कमिटी लखनऊ.

5. सचिव- अशोक आश्रम कालसी देहरादून 130901.

6. सैन्ट्स आफ इण्डिया सोसाइटी। भारतीय सेवा संघ। डी. टंक रोड. इलाहाबाद। 130901.

आवरण तिकरी
हो अवर मुख्य यात्रिक अभियन्ता 10
उ.रे. लोको वारदा म लखनऊ

3-21-1-87
Rajwan Ahmed

In the Central Administrative Tribunal,
Lucknow Bench, Lucknow.

Misc. Appln. No. 189 of 1990. (L) ✓

1. Zahirul Hasan Kazmi, aged about 25 years,
son of Sayed Azhar Husain, resident of
390/143, Rustam Nagar, Wazirbagh Road,
Lucknow.
2. Parvez Alam, aged about 27 years, son of
Inamul Haq, resident of Type II-119-B,
Sleeper Hut, Alambagh, Lucknow.

-----Applicants

In re:

O.A.No.66 of 1990 (I).

Rizwan Ahmad and others. -----Applicants

Versus

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

Application for Impleadment.

The applicants most respectfully beg to submit
as under :-

1. That the above application is directed
against the panel dated 19.2.1990 (Annexure No.2-A)
for appointment on the posts of Khalasis in the Loco
Workshop, Northern Railway, Lucknow.
2. That the applicants seeking impleadment in
the above application have been selected and brought
on the panel (Annexure No.2-A) for appointment on
the posts of Khalasis.

3. That this Hon'ble Tribunal by its order dated 1.3.1990 has directed the respondents to keep available 4 posts of khalasis and further, if they make remaining appointments from the impugned list Annexure 2-A dated 15.2.1990, they shall specifically record in the appointment orders that the appointment shall be subject to further orders of this Hon'ble Tribunal in this case. The respondents have also been directed to submit a list indicating the date of birth of each of the approved candidates and of the date of superannuation of the person prescribed as father in the list, Annexure 2-A.

4. That the applicants on the basis of their selection in the panel dated 19.2.1990 (Annexure 2-A) are entitled for appointment on the posts of khalasis and as such are necessary parties in the above application as they are bound to be affected by any order passed by this Hon'ble Tribunal in the above application.

5. That the panel dated 19.2.1990 for appointment as khalasis was drawn up after due selection in accordance with the procedure prescribed under the rules in which the applicants participated.

6. That the selection for the posts of khalasis in the instant case was made in terms of the notification for recruitment filed as Annexure No.1 to the application. The said notification or advertisement for recruitment provides no special preference for the sons and wards of railway servants. Thus the applicants

appeared in the selection fully aware of the fact that it is an open selection. Having failed to be selected they have turned around to challenge the same.

7. That the above application has been filed by misrepresentation of the fact that the applicants being sons and wards of railway servants have a legal right to be appointed on the posts of khalasis. There is, however, no rule which entitled them over and above the applicants in the matter of open selection. In accordance with the procedure prescribed applicants are invited in the ratio of 1:4, that is, four times the number of posts. There is, however, no such restriction for the sons of railway employees. The Railway Board's circular (Annexure No.2) merely entitles sons and wards of railway servants to be given preference if they are equally placed with others. The said Railway Board's circular however gives no legal right to them to be appointed to the exclusion of others. The rules are in the nature of mere guidelines and are, therefore, directory and not mandatory.

8. That Annexure No.3 does not apply in the case of selection for the posts of khalasis and the same is wholly misconceived and no reliance can be placed upon it.

9. That the only reservation provided for the posts of khalasis in the instant case is 15% for the Scheduled Castes candidates, 7½% for Scheduled Tribes candidates and 20% for ex-military personnel. There is no reservation provided for the sons and wards of

the Railway employees. In the aforesaid circumstances the applicants are necessary parties in the above application and they are entitled for impleadment as respondents to contest the claim of the applicants.

Wherefore, it is most respectfully prayed that the applicants be impleaded as respondents in the above application.

Verification.

I, Zahirul Hasan Kazmi, aged about 25 years, son of Sri Sayed Azhar Husain, resident of 390/143, Rustam Nagar, Wazirbagh Road, Lucknow, do hereby verify that the contents from paras 1 to 9 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place: Lucknow.

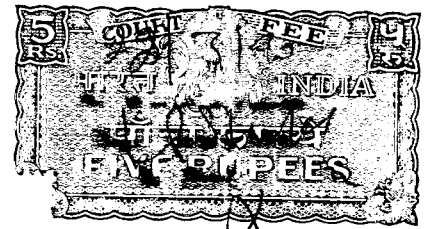
Date: March , 1990.

(1) *VERIFICATION*
(2) *[Signature]*

Signature of the applicant.

Vahid Hussain
Advocate
Counsel for applicants

ब अदालत श्रीमान् In the Central Administrative Tribunal महोदय
[वादी अपीलान्त] Circuit Bench Lucknow
श्री का वकालतनामा
प्रतिवादी [रेस्पाडेन्ट] D.A.No. 66 of 1990



Rizwan Ahmad & others — Applicant

बनाम प्रतिवादी (रेस्पाडेन्ट)
Union of Andhra Pradesh

न० मुकद्दमा सन् पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री L. P. Shukla Advocate

P. V. Mahalingam Mahalingam Law Firm वकील
महोदय
एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकत

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 पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक 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 कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकर को भेजता रहूंगा 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।

Accepted
Vakuln...

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन् १६ ई०

स्वीकृत

46

In the Central Administrative Tribunal,
Lucknow Bench.

.....

M. P. No. 510/90 (L)

Registration Case No.66 of 1990 (L)

Rizwan Ahmad and others ... Applicants.

Versus

Union of India and others ... Respondents.

Application for summoning the record

.....

The applicants in the above noted case
respectfully state:-

1. That in order to cut down or to shorten
the litigation, it is necessary in the interest
of justice that the respondents be asked to
furnish the printed proforma filled by the
counter affidavit, their ~~qualifications~~ ^{credibility} etc.

Recd by
B. N. S.
12.4.90

2.

and the names sent by the Employment Exchange Lucknow for considering their candidature. In case the above documents are produced by the respondents, it may prove the falsity of the case of the respondents.

Wherefore, it is respectfully prayed that the Hon'ble Tribunal may be pleased to ~~bring~~ ^{direct} the respondents to produce the record as indicated above in the interest of justice.

Ak. Sharma

Counsel for the Applicants.

Dated: Lucknow:

April 12, 1990.

Central Administrative Tribunal

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

M.P. No. 4395 of 1997.

In re:

O.A. No. 66 of 1990.

State before the
Hon'ble...
for order on...
1-12-97
Dr. Registrar

Rizwan Ahmad & Others. Applicants.

Versus

Union of India and others. Respondents.

del 26-3-97
APPLICATION FOR RECALL OF THE ORDER DISMISSING
THE CASE FOR NON-PROSECUTION AND CONDONATION OF
DELAY.

The applicant No. 2 in the above noted case
respectfully begs to state as under :-

1. That neither the applicants nor their counsel had information regarding the listing of case on ~~26.3.97~~ 26.3.97. Kindly see the paras below :
2. That the order dated 26.3.97 runs as none for the applicant Sri Lalji learned counsel for respondents. Records shows as the last several occasion since 1.5.96 no body had appeared for the applicant. Today also for the applicant on his counsel there is also no application for adjournment on their behalf.

In the circumstances the O.A. is dismissed for default of the applicant.

3. The order sheet prior to 1.5.96 would itself reveal

that the case most of the time had been adjourned on account of the respondents.

4. That on 1.5.96 the counsel for the applicants had sought adjournment and adjournment was granted and the counsel informed the Hon'ble Tribunal that since application for recall has been moved in O.A. No.113/90 the Hon'ble Court was pleased to list the cases along-with O.A. No. 113 of 1990, but this order could not be incorporated by mistake.

5. That it appears that the Steno did not incorporate the order as stated above and the counsel noted down in the paper book that it would be listed alongwith O.A. No. 113 of 1990 and since O.A. No. 113 of 1990 was already dismissed as not pressed so there was no question for fixing a date in O.A. No. 66 of 1990 and on this impression the counsel nor the applicants had any knowledge regarding listing of case on 26.3.97.

6. That the circumstances which have been narrated herein above are bonafide and genuine.

7. That the delay has occurred only on account of the fact that on 1.5.96 the order was by some mistake not incorporated and the delay is liable to be condoned.

8. That the applicant would suffer irreparable injury in case the original application is not restored on its original number.

Wherefore, it is respectfully prayed that the Hon'ble Tribunal be pleased to set aside its ex-parte order dated 26.3.97 in the interest of justice and in doing so may also be pleased to condone the delay if any,

17/70

Central Administrative Tribunal,
Lucknow Bench
Date of Filing
Date of Receipt by DCS.....

: 3 :

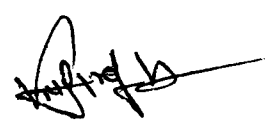
By, Registrar (P)

has taken place in the ends of justice.

Lucknow:

Dated: 19. 11. 1997.

Applicant.



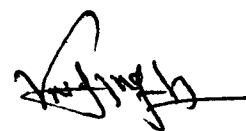
Verification

I, Bishun Narain Singh aged about 28 years, son of Sri Shiva Patan Singh, R/O 551 Kha/38, Sujanpura, Alambagh, Lucknow do hereby verify that the contents of paras 1 to 8 are belived by me to be true on my personal knowledge and information derived from records.

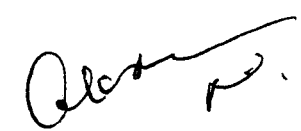
Signed on..... 1997 at Lawyer's chamber, Lucknow.

Dated: 19 11 1997.

Applicant.



I am the applicant
who has signed before
me.



Central African Republic

O A Case no. 1670 (1)

Rizman Alimov other Applicant

is

owner of rights in the work - Respondent

Announcing claim petition

28 2 70

Filed by

A. K. S. K. K.
A. K. S. K. K.

Central Administrative Tribunal

(A)
71

VAKALATNAMA

G.V. 3

Registration No. 66 of 1990

Before
In the Court of

High Court of India
at Delhi

Plaintiff
Defendant

Claimant
Appellant
Petitioner

Versus

Union of India
& others

Defendant
Plaintiff

Respondent

The President of India do hereby appoint and authorise Shri. LALJI SINHA RAILWAY

ADVOCATE GEORGE TOWN ALLAHABAD.

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. Shri Lalji Sinha

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the.....19

Dated.....198

Designation of the Executive Officer