

CAUSE TITLE: O A 80/90 (L)

NAME OF PARTIES:

Yash Bhardwaj & others

VERSUS N.M. & others

SL. NO. PARTICULARS OF DOCUMENT NO. OF PAGES

PART (A)

Check List

A1 & A2 ✓

Order Sheet

A 3 to A 6 ✓

Final Judgement Dated

A 7 to A 9 ✓ (4-2-93)

Petition Copy High Court

A 10 to A 28 ✓

Annexure

1. M.P. 14/956/92 Affidavit for Compliance A 50 ✓

Counter with Power 2- Power 452 to A 55 ✓

3- Counter A 57 to A 67 ✓

Rejoined Affidavit 4- Rejoined Affidavit A 68 to A 73 ✓

Power A 51 ✓

PART (B)

B (to B 62) ✓

PART (C)

C1 to C 5 ✓

Deleted out / destroyed ✓

m

Wb ✓
SO (5)

DATED:

(RS)

143-90
AI

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 80 of 1969(5)

APPLICANT(S) Gyan Lal

RESPONDENT(S) Uo

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	Ys
2. a) Is the application in the prescribed form ?	Ys
b) Is the application in paper book form ?	
c) Have six complete sets of the application been filed ?	
3. a) Is the appeal in time ?	No
b) If not, by how many days it is beyond time ?	
c) Has sufficient cause for not making the application in time, been filed ?	
4. Has the document of authorisation/ Vakalatnama been filed ?	Ys
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Ys
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	Ys
7. a) Have the copies of the documents relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Ys
c) Are the documents referred to in (a) above neatly typed in double space ?	Ys
8. Has the index of documents been filed and paginating done properly ?	Ys
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	Ys
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	No

A2

Particulars to be ExaminedEndorsement as to result of examination

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 ? *Y/A*

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*

dinesh/

A2

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
15.3.90	<p><u>Hon'ble K. Obayya, A.M.</u></p> <p>Mr. M. Sinha for Applicant.</p> <p>Admit, subject to limitation.</p> <p>Issue notice to the respondents. Counter may be filed within 4 weeks, rejoinder if any within 2 weeks, thereafter. The question of limitation will also be considered when the matter comes for final hearing. List for hearing on 16.8.90.</p> <p>In the matter of interim relief the respondents are directed to take work from the applicants, as per rules as safaiwala, till 2.4.90.</p> <p>List for hearing on interim matter on 2.4.90. Copy of the order be given to the counsel for the applicant.</p> <p style="text-align: right;">A.M.</p> <p style="text-align: right;">(rm)</p>	<p>See original copy on new file</p> <p>Or Notice issued</p> <p>171</p> <p>OK Notices were issued on 17.3.90 Neither reply nor any interim order has been served</p> <p>S.F.O 17/3/90</p>
21/4/90	<p><u>Hon. Justice K. Nath, V.C.</u> <u>Hon. Justice K. J. Ranjan, J.N.</u></p> <p>Shri A. Srivastav, appears on behalf of all the opposite parties. He request for time to file their reply.</p> <p>Put up on 18/4/90 in the matter of interim relief on which date the opp.p. may file their reply. Interim relief enforce shall remain enforce till the date fixed.</p> <p style="text-align: right;">A.M.</p> <p style="text-align: right;">V.C.</p>	<p>OK No notice filed S.F.O 17/3/90</p> <p>L 16/4/90</p>

Jsh/

W.D.

J. M.

OR. 80/90 (L) X

14/12/90

Hon. Mr. Justice K. Prath, re.
Hon. Mr. K. Obayya, Adv.

Sri Anil Srivastav appearing on behalf of respondents files a counter affidavit. He says that the copy of the counter affidavit has been delivered to the learned counsel for the applicant. The case be put up before the DR (J) on 1/2/91 for fixing a date for final hearing if possible after completing the record; the applicant may file a rejoinder within three weeks.

In the matter of interim relief, it is clarified that by orders dated 16/8/90, the interim order was made to continue till further orders; that situation will continue.

Am.

DR
VC
1.2.91
D.R.

Both the parties are absent today. counter reply has been filed by Sri Anil Srivastav

on 14/12/90. case is listed before me on 13/1/91 for filing rejoinder by the applicant.

Stre

21.8.91
D.R.

Respondent's side
is present. Applicant
to file Rejoinder
by 31/10/91. ✓
2/12

31.10.91
D.R.

Both the parties
are absent today.
Applicant to file
Rejoinder by 9/1/92. ✓

9.1.92
D.R.

Respondent's side is
present. Rejoinder
has not been filed.
Applicant to file it,
by 26/3/92. ✓

26.3.92
D.R.

Both the parties are
present. Applicant
to file Rejoinder
by 7/7/92. ✓
2/12

OA 8-190

7-7-92
D.R.

(A6)

Both the parties are present. Counsel for the applicant is ordered to file. Rejoinder by 9/9/92.

9-9-92
D.R.

Both the parties are absent. Applicant to file rejoinder by 6-11-92.

6-11-92

D.R.

Applicant is present. Rejoinder has not been filed. Applicant to file rejoinder by 30-12-92.

OR filed
R.A.
22/11/92

1-1-93

Due to winter vacation file has not been placed on 30-12-92. Place this file on 2-2-93. ~~to file Rejoinder~~ before me for final hearing before Honorable Bench.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

D.A. NO - 80/50

199 (L)

D.A. NO

199 (TL)

Date of Decession

Gyan Bhawan & Ors

Petitioner.

Shri Monk Singh

Advocate for the
Petitioner(s)

VERSUS

Union of India

Respondent.

Shri P. K. Kapoor

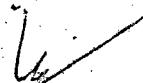
Advocate for the
Respondents

C O R A

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

Hon'ble Mr. K. G. George, A.M.

1. Whether Reporter of local papers may be allowed to see the Judgment ?
2. To be referred to the reporter or not ?
3. Whether their Lord Ships wish to see the fair copy of the Judgement ?
4. Whether to be circulated to other benches ?


Vice-Chairman / Member

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

(AS)

Original Application No. 80 of 1990

Gaya Prasad and others

Applicants

versus

Union of India & others

Respondents.

Shri Manik Sinha Counsel for Applicant.

Shri P. Kumar Brief Holder of Shri A. Srivastava,
for Respondents.

Coram:

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The grievance of the applicants is that the applicants who have been working as Safaiwalas, were excluded from the selection which took place on 11/12. Oct 1988.

2. The applicants have worked as Casual labours, the applicant No. 1 from the year 1971 to 1989 and the applicant No. 2 from the year 1975 to 1989. The applicant No. 1 has worked for 277 days while the applicant No. 2 has worked for 347 days. The letter of interview for preparation of panel of the casual labours who have completed 120 days was sent by the D.R.M. through Carriage and Wagon Superintendent Faizabad and was not delivered to the applicant No. 1, though earlier in the year 1983 the applicant was called in the year 1983 for the said purpose. The applicant has been making representations but he has been excluded and the juniors have

U✓

AG

been regularised. The applicant No. 2 appeared in the screening test but he was not informed about his

selection, and again he attended the interview on

11.5.87 but no result was ever communicated to him

3. According to the respondents, the applicant No. 1

worked for 128 days and applicant No. 2 for 162 days

but even then they have worked for more than 120 days

and the figure given by the applicants does not tally

with the figure. The applicant has been excluded, though

he has been working since long. Accordingly, the respondents

are directed to scrutinise the papers of the applicants

of his working and the applicants may also be associated

with the same and in case the applicants have worked

for requisite period, their case may be considered for

within 3 months of the communication of this order.

Even otherwise the applicants have served the department

and there is no reason in not giving appointment to the

applicants as juniors have been retained in service.

4. Application stands disposed of as above. No order
as to costs.

Adm. Member.

Vice Chairman

Shakeel/-

Lucknow: Dated 4.2.93.

Administrative T.
Circuit Bench, Lucknow
Date 14-3-90
Date of Receipt by Post

A10

Before the Hon'ble Central Administrative

✓ Dep. Registrar

Circuit Bench, Lucknow.

Application u/s 19 of the Administrative Tribunal Act 1985

DISTRICT FAIZABAD

Gaya Prasad & Others Applicants

Versus

Union of India & Others Respondents.

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Dated: Lucknow.

the 14 th, day of March, 1990.

(Manik Sinha)
Advocate

Chamber No. 3
High Court, Lucknow
Counsel for the a

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of filing 14/3/90

Date of Receipt by Post

Deputy Registrar(J)

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE

CIRCUIT BENCH, LUCKNOW

(Application u/r 7 of the CAT(Procedure)Rules 1987)

DISTRICT FAIZABAD.

Gaya Prasad & another Applicants

Versus

Union of India, Ministry of Railway,

& others Respondents.

It is most HUMBLY and RESPECTFULLY submitted that the applicants had been working as daily wage casual labours in Northern Railway at Faizabad and they have been thrown out of employment. The applicant No.1 is a scheduled caste and the applicant no.2 belongs to minority community (Muslim). The applicants came from very poor and indigent family and being thrown out of employment, they are not in a position to pay the representing ,as such they have filed a joint application

Under the circumstances it is most humbly and respectfully prayed that this Hon'ble Tribunal may graciously be pleased to allow them to file single application by both of us on payment of Rs. Fifty only.

Applicants,

STH/4214

1. Gaya Prasad

2. Badal Khan

Place: Lucknow

Dated: 16th March, 1990.

L.T.I. Badal Khan

Deputy Registrar (J)

Before the Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow

(Application Under Section 19 of the Central
Administrative Tribunal Act, 1985)

Application No. 80 /1990 (L)

DISTRICT FAIZABAD

1. Gaya Prasad

aged about 38 Yrs.

S/o Late Mangal Prasad,

Mohalla Modaha,

Distt. Faizabad.

2. Badal Khan

aged about 37 years

S/o Late Majid Khan,

Vill. Koela Ka Purwa,

Distt. Faizabad

..... Petitioners

Versus

1. Union of India through the
Secretary to the Govt.

Ministry of Railway Govt. of India,

Rail Bhavan,

New Delhi.

2. Divisional Railway Manager,

Northern Railway,

Lucknow.

.....2/-



LTI Badal Khan

STH/4414

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-2-

3. Asstt. Personal Officer (G)

Northern Railway,

Lucknow.

4. Asstt. Mechanical Engineer,

Northern Railway,

Lucknow.

..... Respondents

1. DETAILS OF APPLICATION

That this petition is directed against the oral order of the respondent no.2 on Jan. 29, 1990 rejecting the claim of the petitioner for the appointment as Safai Wala and the action of respondent nos. 3 & 4 in ignoring the claims of the petitioner/workmen in finalizing the selection list (Annexure-I) dated 11/12 Oct., 1988 making appointments for 80 Safai Walas in the pay scale of Rs. 750/- - 940/-

ANNEXURE-I

(A true copy of the aforesaid selection list is being filed herewith as Annexure-I).

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

The applicants further declare that the application is within the limitation prescribed in Sec. 21 of the

L.T.I Badalpur

Administrative Tribunal Act, 1985.

STY14214

.....3/-

4. FACTS OF THE CASE

The petitioners most humbly and respectfully
beg to sheweth as under :-

(i) That the petitioners who are "workmen" within the meaning of Sec. 2(5) of the Industrial Disputes Act, 1947 have worked in the Northern Railway at Faizabad as casual labours and have completed more than 120 days of service, as such they are entitled for absorption in the regular vacancies of Carriage & Wagon Safai walas.

(ii) That a selection list for 80 ~~person~~ posts of Carriage ^(Annexure I) & Wagon Safaiwalas was made on 11/12.10.88 in which persons juniors to the petitioners have been empanelled but the petitioners have been ~~ing~~ ignored. There are still hundreds of vacancies against which the petitioners may be absorbed.

(iii) That the details of the aforesaid workmen who worked as Casual Labours at Northern Railway, Faizabad, are given below :-

Petitioner no.1

Name	Period	Total No. of days worked	Dept.
Gaya Prasad S/o Late Mangal	31.10.71-3.11.73	128	Carriage & Wagon.
Prasad. (Workman No.1)	3.10.72 -1.11.72 1976 - 1977	30 40	Construction ,
	24.6.75 - 8.7.75	15	Khalasi
	17.9.75 -15.10.75	28	,
	20.1.89 - 26.2.89	36	Kumbh Mela
	Total No. of days	277	

LJI Badal (Kher)

11/12/88

ANNEXURES
II, III, IV

(True copies of the service certificate are
being filed herewith as Annexure-II, III, IV).

PETITIONER NO. 2

Name	Period	Total No. of days worked	Dept.
Sri Badal Khan	15.1.75 - 31.5.76	136	(A E N (C)
S/o Late Majid			First Aid Post
Khan (Workman no.2)	25.1.79 - 2.2.79	09	Ayodhya.
Hospital Attendant	31.7.79 - 10.8.79	11	,
	13.1.80 - 25.1.80	13	,
	22.8.80 - 27.8.80	06	,
	3.2.81 - 10.2.81	08	,
	1.1.82 - 1.2.82	32	,
	13.1.84 - 25.1.84	13	,
	20.1.86 - 13.2.86	25	,
	14.1.87 - 5.2.87	23	,
	11.2.87 - 17.2.87	7	,
	14.1.88 - 28.1.88	15	,
	2.1.89 - 19.2.89	49	,
<hr/>			
Total No. of days. --			347
<hr/>			

ANNEXURE
V, VI, VII

(True copies of the service certificate are being

being filed herewith as Annexure- V,VI,VII).

(iv) That the petitioners/workmens were entitled to be absorbed on merit in Panel of Carriage & Wagon Safaiwalas but was denied the post for no fault of them.

(v) That the petitioners/workmen no. 1 has completed 234 days and petitioner/workmen no.2 had completed 347 days as Casual labour under the Railway rules for being empanelled for regular appointment.

L.T. Badal Khan

STUTI MURTHY

..... 5/-

16

-5-

(vi) That the Railway Rule provides that if any Casual labour has completed 120 days of service then he shall be entitled for screening and shall be placed in the Panel of Permanent employee as such he is entitled for being placed as the Panel of C & W Safaiwalas in the scale of Rs. 750-940.

ANNEXURE-VIII

(A copy of the circular to this effect is being filed herewith as Annexure-VIII).

(vii) That being one of the senior most casual labourers at Faizabad, the petitioner/workman no. 1 was called for screening by the Divisional Railway Manager, N. Rly. Lucknow the respondent no.2 but unfortunately the letter of interview which was sent by the Divisional Railway Manager (APO-G) Lucknow through the Carriage and Wagon Supdt. Faizabad was never delivered to the Petitioner/workman no.1 as such he could not appear before the Screening Committee which held its screening on 8.9.88 at 10.00 a.m. It appears that the interview letter was sent on 22.8.88 to the Carriage & Wagon Supdt., Faizabad for onward transmission to the Petitioner/workman no.1, but according to version of the Carriage & Wagon Supdt. Faizabad he received it too late on 22.9.88 i.e. after the expiry of the date of interview. However, the carriage & Wagon Supdt. in his letter dt. 23.9.88 addressed to the Bivisional Railway Manager

LJI Badal Khan

JMI/4214

.....6/-

(APO-G) while admitting the fact that he could not intimate the petitioner/workman no.1 intime for appearing before the Screening Committee, had at the same time recommended to provide another opportunity to the petitioner/workman no.1 to appear for screening, but the request was turned down.

ANNEXURE-IX

(A copy of the aforesaid letter is annexed herewith as Annexure-IX).

(viii) That the petitioner/workman no. 1 was called earlier also for interview at Lucknow for Screening on 15.7.83. The petitioner/workman no.1 complied with the instruction and he was interviewed on 18.7.83 but no result was ever communicated to him.

ANNEXURE-X

(A True copy of the aforesaid interview order is being filed herewith as Annexure-X).

(ix) That on the basis of strength that the petitioner/workman no.1 had completed more than 120 days he was called for interview and he was directed by the Carriage & Wagon Supdt. Faizabad vide his letter dated 27.5.87 to appear before the Screening Committee at Lucknow on 28.5.87 which he complied but the list of selection Safaiwalas (Annexure-I) does not contain the name of respondent no.1.

ANNEXURE-XI

J. Badal Khan

(A true copy of the aforesaid letter is being filed herewith as Annexure-XI).

STAN KRISHNA

..... 7/-

18

-7-

(x) That the persons Junior to the petitioners/workman no. 1 have been appointed on the provisional panel of Carriage & Wagon Safaiwalas vide Annexure-I, whereas the petitioner/workman no.1 has not be absorbed as such.

(xi) That the petitioner/workman no. 1 is a Scheduled Caste candidate as such he was also entitled to be absorbed under Scheduled Caste quota.

(xii) That all the 80 candidates who have been absorbed in the panel of Safaiwalas vide Annexure-I are junior to the petitioner/workman no.1.

(xiii) That the petitioner/workman no.1 had been sending representation the Hon'ble Railway Minister, New Delhi, Divisional Railway Manager, N.Rly. Lucknow and Labour & Conciliation Officer, Lucknow from time to time since 1973 but of no avail.

XII-B

ANNEXURE XIIA/

(A photo State copy of the Postal receipts is annexed herewith as Annexure-XIIA/

representing and

XII-B

XIII).

(xiv) That the petitioners/workman no. 2 was initially appointed on 15.1.1975 under Assistant Engineer (Construction), Faizabad as a Casual Labour (Chainman) and worked upto 31.5.71 i.e. 136 days continuously.



ANNEXURE IV

U.T. Basaf Khan

(A true copy of the service record is being filed herewith as Annexure-IV).

गोपा प्रसाद

.....8/-

19

-8-

(Xv) That the petitioner/workman no. 2 was entitled to be absorbed on merit in panel of Carriage & Wagon Safaiwalas but was denied the post for no fault of his.

(xvi) That the petitioner/workman no. 2 had worked for 347 days as Casual labour in Northern Railway, at Faizabad thus had completed over 120 days of service between 15.1.75 to 19.2.89.

ANNEXURE VI-VII

(A true copy of the certificate to the effected are being filed herewith as Annexure VI-VII).

(xvii) That being one of the senior most casual labour at Faizabad, the petitioner/workman no. 2 was called for screening by the Bivisional Railway Manager, N.Rly. Lucknow, vide his letter no. 220E/2-3 Rectt. SW/83 dated 15.7.83 for the post of C & W Safaiwalas and he appeared before the Screening committee at Lucknow on 16.7.83 but he was not informed about his selection.

ANNEXURE XIV

(A true copy of the aforesaid letter is annexed herewith as Annexure XIV).

(xviii) That the petitioner/workman no. 2 was again called for interview at Lucknow for Screening on 11.5.87. The petitioner/workman no. 2 complied with the instruction and he was interviewed on 11.5.87 but no result was ever communicated to his.

L.T.I. Badal
Khan

574142414

(2)

-9-

(xix) That on the basis of strength that the petitioner/workman no. 2 had completed more than 120 days he was called for interview twice, which is complied but the list of selected safaiwalas (Annexure-I) does not contain the name of the petitioner/workman.

(xx) That the person ^{junior} to the petitioner/workman no. 2 have been appointed on the provisional panel of Carriage & Wagon Safaiwalas, vide annexure-I, whereas the petitioner/workman no.2 has not been absorbed as such.

(xxi) That the petitioner/workman no. 2 is a minority community Caste (Muslim) candidate as such he was also entitled to be absorbed.

(xxii) That all the 80 candidates who have been absorbed in the panel of Safaiwalas vide Annexure-I are junior to the petitioner/workman no.2.

(xxiii) That the petitioner/workman no.2 had been sending representation the Hon'ble Railway Minister, New Delhi General Manager's N.Rly. New Delhi, Divisional Railway Managers N.Rly. Lucknow and Labour and Conciliation Officer Lucknow from time to time since 1975 but of no avail.

^{XIV B}
ANNEXURE XV&XVI ^{XIV B}
(A photo copy of the Postal receipts is annexed

herewith as Annexure-XV&XVI).

(xxiv) That having failed to get any remedy ,the petitioners ultimately met the respondent no.2 on Jan.29, 1990



ग्राम पत्रिका

.....10/-

QJ

-10-

at Lucknow, but the respondent no.2 orally expressed his availability to do any thing in this respect rejected the claim of the petitioners.

(xxv) That the cause of action arose on Jan.29, 1990 when the O.P. No.2 finally rejected the claim of the petitioners/workmen by his verbal order.

(xxvi) That under the facts and circumstances of the case it is expedient in the interest of justice that the opposite parties be directed to place the name of petitioners/workmen on panel of carriage and wagon Safaiwalas in the scale of Rs. 750/- - 940/- w.e.f. 12.10.88 i.e, from the date of notification vide Annexure-I.

(xxvii) That the Railway Board circular No. E(NG)/II-75 CL/77 dt. 12.11.1975 (N.Rly. S.N.6422) provide that Casual labours and substitutes whether employed on project or otherwise who has completed 4 months complete service should be considered for empanelment by the Screening Committee for absorption against regular class IV posts, but inspite of the above clear cut provision the petitioners/workmen have been denied empanelment by the respondents.

(xxviii) That Railway Board's another circular No. E9NG) II-76/ CL/067 dated 11.2.77 (N.Rly. S.N.-7046) envisages the casual labours who have put in four month's

L.T. (Bonalikar)

ग्रन्ति विवरण

continuous service ~~but~~ but who have over 120 days of service the broken periods may also be screened if in the seniority list of the casual labourers maintained in the unit, their juniors because eligible and come for screening. In the instant case all the persons listed in Annexure-I are junior to the petitioners and the ~~any~~ claims of the petitioners/workmen have been ignored.

(xxix) That yet another circular of the Railway Board vide No. E/NG/II/76/CL/67 dt. 5.1.80 (N.Rly. SN 7483) directs that the discharged casual labour having four months continuous service before discharge should be considered for screening if such discharged casual labour approach the administration at the time of screening. The petitioners/workmen crave the leave of this Hon'ble Tribunal that inspite of repeated prayers made and the representations made to all the authorities concerned including the Hon'ble Railway Minister, none of the respondents gave any careful consideration to the just and genuine claims of the petitioners/workmen.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS:

The impugned oral order of the respondent no.2 on Jan. 29, 1990 rejecting the claim of the petitioners/workmen and the impugned action of the respondent no. 3 & 4 by ignoring the claim of the petitioners/workmen.

workmen in finalizing of the selection list (Annexure-I) dt. 11/12 Oct. 1988 are unconstitutional, illegal arbitrary & malice in law hence null & void, inter alia on the following grounds :-

G R O U N D S

- (i) BECAUSE the impugned order at 29.1.1990 and the impugned action are violative of the rights guaranteed under Articles 14, 19 (i) (g) and 21 of the constitution.
- (ii) BECAUSE the impugned order and the action have been passed arbitrarily and without applying mind.
- (iii) BECAUSE non-selection of the petitioners/workmen is violative of Asstt. Divisional Personnel Officer circular dt. 14.9.88 (Annexure-VIII).
- (iv) BECAUSE non-selection of the petitioners/workmen is violative of Railway Boards circulars nos. E(NG)/II-75/CL/77 dt. 12.11.1975, No. E(NG)/II-76/CL/76 dt. 11.2.1977 and No. E(NG)/II/76/CL/67 dated 5.1.1980.
- (v) BECAUSE non-selection and the impugned order are violative of principle of natural justice fairness good conscience and all canons of law.
- (vi) BECAUSE the non-selection of the petitioners/workmen and the impugned order dt. 29.1.90 violates Sec. 25 N of the Industrial Disputes Act ,1947.

(vii) BECAUSE the impugned order of the respondent no.2 dated 29.1.1990 and the non-selection of the petitioner/workmens are against the principles of

Social justice. Because there are still hundreds of vacancies.

(viii)

6.

DETAILS OF REMEDIES EXHAUSTED:

(a) That the petitioner no. 1 sent the following

representations under registered cover (Annexure ~~XVI~~ ^{VII B}).

(i) The Divisional Superintendent, R.Rly. Lucknow on

17.5.75 under registered cover.

(ii) The Hon'ble Railway Minister & Divisional Superintendent N.Rly. Lucknow on 17.11.76.

(iii) The Divisional Railway Manager, N.Rly. Lucknow duly forwarded by carriage and Wagon Superintendent on 17.2.1976.

(iv) The Chief Minister and Asstt. Labour Commissioner (Central) Govt. of India, Lucknow on 13.12.85.

(v) The Hon'ble Railway Minister on 9.8.86.

(vi) The Divisional Railway Manager, N.Rly. Lucknow on 11.8.86.

ANNEXURE XVIII

(A photo state copy of the postal receipts are being filed herewith as Annexure XVIII).

(b) That the petitioner no. 2 sent the following representations under registered cover (Annexure ~~X~~ ^{XV B}).

(i) The Divisional Railway Manager, N.Rly. Lucknow on 24.8.79.

(ii) The Hon'ble Railway Minister, New Delhi on 11.3.80.

(iii) The A.P.O.(G) D.R.M. Office, Lucknow on 13.5.85.

(iv) The General Manager N.Rly., New Delhi, the Divisional Railway Manager, N.Rly., Lucknow and D.P.O., N.Rly. Lucknow on 9.9.87.

(v) The C.M.O., N.Rly. Lucknow on 14.9.88.

~~ANNEXURE-IX~~ ~~XV B~~ ~~XVI~~ (A photostate copy of the postal receipts is being filed herewith as Annexure-~~XIX~~ ~~XV B~~ ~~XVI~~).

(c) That the petitioners met and handed over a joint representation to the Divisional Railway Manager, N.Rly. Lucknow, the respondent no.2 on 29.1.1990 which was also rejected.

~~ANNEXURE-IX~~ ~~XVII~~ (A true copy of the joint representation is being filed herewith as Annexure-~~XIX~~ ~~XVII~~).

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT.

That the matter raised in the present petition has not been filed nor is pending before any court of law.

8. RELIEFS SOUGHT

That under the facts and circumstances mentioned above it is MOST HUMBLY & RESPECTFULLY prayed that this Hon'ble Tribunal may graciously be pleased :-

(1) to pass any order, direction commanding upon the respondents to include the names of the petitioners/ workmen on the panel of C & W Safailwala notified on 11/12 Oct. 1988. (Annexure-I).

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(ii) to pass any order, direction commanding upon the respondents to absorb the petitioners/workmen in class IV posts as per the Railway Board's circulars mentioned in sub Para xxvii, xxviii and xxix of para 4 of this petition, especially when there are still hundreds of vacancies.

(iii) to pass any other order or direction as this Hon'ble Tribunal may deem it fit in the interest of justice.

(iv) to award cost.

9. INTERIM ORDER IF ANY PRAYED FOR:

That for the reasons and circumstances mentioned in this petition, this Hon'ble Tribunal may graciously be pleased to direct the respondents to take work of casual Carriage and Wagon Safaiwalas from the petitioners/workmen on usual wages till the disposal of this petition.

GROUND FOR INTERIM RELIEF

BECAUSE the impugned order of the respondent no.2 dated 29.1.1990 and the non-selection of the petitioners/workmen on the post of Carriage and Wagon Safaiwalas violates the Railway Boards circulars dt. 12.12. 1975, 11.2.1977 and 5.1.1980 mentioned in sub paras xxvii, xxviii, and xxix of para 4 and the circular of Divisional personnel Officer N.Rly. Lucknow dated 14.9.88 (Annexure-VIII).

11. PARTICULARS OF POSTAL ORDERS FILED IN RESPECT OF THE

APPLICATION FEE Rs. 50/-

1. No. of Indian Postal Order (5). Q-02-409876
2. Name of the issuing post office: Faizabad High Court, 26
3. Date of issue of Postal Order(s) : 14 March, 1990.
4. Post Office at which payable: Lucknow.

12. LIST OF ENCLOSURES

Complaint no. I- Annexure-I Impugned order dated

11/12 Oct. 1988.

Complaint No. II

Annexure-II, III, IV,- Service Certificates of the
petitioner No.1.

Annexure-V, VI, VII- Service Certificates of the
petitioner No.2.

Annexure-VIII. Circular issued by the Divisional
personnel Officer for absorbing the
casual labours who had put in 120 days.

Annexure-IX. Letter regarding interview sent by the
Carriage and Wagon Superintendent to the
Divisional Railway Manager.

Annexure-X. Interview letter.

Annexure-XI. Second interview letter.

Annexure-XII A- Representation regarding
absorption.

Annexure-XIIB & XIII- Postal receipts.

L.S.L.

Bisaldeh Singh

-----16/-

(19)

ANNEXURE-I

NORTHERN RAILWAY

No. 220-E/2-2/Screening/86.

Divisional Office,
Lucknow,
Dated: 11.10.86

The Carriage & Wagon Supdt.
LKO, BSB, FD.

CPO/PBH, SLN & RBL.
LF/LKO.

SS/LKO, FD, PBH.

SM/AJ, BTKD, ULN, ACND, MFL.

PWI/LKO, JNU, SLN, PWI (Spl/LKO & SLN).

PWI/TD/SLN,

I LKO, BSB, SLN, CHI/BSB.

DME(C&W)/AME(C&W) LKO.

Sr. DME/LKO.

C/- Divl. Secy. NRNU near Guard's running room CB, LKO.
Divl. Secy. URMU near Parcel Office, CB/Lucknow.

Sub:- Panel of C&W Safaiwala in Scale Rs. 196-
232(RS)/750-940(RPS), in C & W Department.

As a result of screening held on 27.5.87, 28.5.87 and 24.6.87, the following casual labours/substitutes of all the departments on Lucknow Division who opted for their absorption as C&W Safaiwala have been found suitable and are placed on the provisional panel of C&W Safaiwala in Scale Rs. 196-232(RS)/750-940(RPS). Their names are given in order of seniority/metit based on total number working days as casual labour/substitute.

Merit Roll No. & Father's Design/	Wht- Ed. qu-	D.O.B.	Dat	Total
Order No.	Stn.	her alifi-	eof	No. of
		56/ST cati-	init-	days
		on.	ial	
			apptt.	
1. 1. Anjaloc S/O	C4Kh./PWI/	+	-	3.1.57 22.1.75 2673
	Jasaf.	TD/SLN.		
2. 5. Banarsi Lal S/O	S/W, CWS/	SC	VI	25.7.61 2.6.78 2292
	Bhulai.	LKO.	Passed	
3. 6. Sita Ram S/O	-do-	-	VIII	1.7.58 2.78 2048
	Sukhee.			
4. 7. Ram Kipal S/O				
	Ram Pyare.	-do-	-	Feb. 78 1970
5. 8. Baboo Lal S/O	-do-/BSB	-	-	16.11.56 8.6.78 1917
	Bholloo Ram.			
6. 9. Onkar Nath S/O	-do-/LKO	-	HS	1.7.55 1.1.77 1916
	Sheo Narain Yadav.		Passed.	
7. 10. Paras S/O	-do-/BSB	SC	+	25.6.59 20.8.78 1897
	Sheo Murat.			
8. 11. Ram Nath S/O	Sub. Porter	SC	VIth	28.3.54 15.5.74 1883
	Lalloo.	AJ/LKO.	Pass	

(2) Subject

Issue of age certificate.

Allover

STH. T. K. T. H.

N. H. I. I.

Advocates

V. J. Badalpur

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1. 2.	3.	4.	5. 6.	7.	8.	9.	
S/Shri							
28. 62	Lal Bahadur S/O Mahabir.	S/Porter SM/LKO.	- 5th	25.3.60	20.3.78	1025	
29. 63	Om Prakash Behari Lal.	-do-	- 8th	1.12.59	20.2.77	1005	
30. 64	Tribhuwan Ram Surat.	-do-	- -do-	10.2.60	25.2.78	1004	
31. 65	Daddan S/O R.K. Upadhyaya.	-do-	- H.S.	17.1.59	20.12.77	1000	
32. 66	Rajesh Misra S/O Rameshwar Pd.	-do-	- 8th	3.7.60	5.5.78	1000	
33. 67	Ram Bali S/O Mahraj Deen.	CL/IOW/ SLN	SC -	22.4.56	22.5.74	973	
34. 68	Abdul Jabir S/O Ab. Wahid Ghansiyam.	Sub./SM/ LKO.	- 8th	20.4.60	20.4.78	964	
35. 69	Chaturvedi S/O R.A. Chaturvedi.	-do-	- 8th	15.12.62	16.12.80	900	
36. 72	Ram Nargin S/O Dadloo Ram.	S/Porter SM/LKO.	- 8th	5.5.59	30.12.77	880	
37. 73	Sita Ram S/O Marahoo.	CL/PWI/ JNU.	SC -	11.5.58	13.3.76	876	
38. 74	Phool Ch. S/O Salig Ram.	S/Porter SM/LKO.	- Inter	14.6.59	10.10.77	858	
39. 75	Arjun Kumar S/o Sri Kishan.	SW/SM/LKO	-	21.6.60	5.3.78	856	
40. 76	Lallan Pd. Singh S/porter S/O R.B. Singh.	S/Porter SM/BTKD	- H.S.	25.7.60	15.4.78	833	
41. 77	Vishwa Nath S/O CL/PWI/JNU	-	-	21.8.57	12.3.76	824	
42. 78	Vijay Pratap Singh S/o S.B. Singh.	SW/SWS/BSB	- 8th	25.6.56	23.10.77	813	
43. 80	Ram Adhar Chaubey CL/PWI/ S/O R.D. Chaubey.	SP1/LKO.	- 8th	14.7.59	4.10.77	800	
44. 81	Srikant Pandey S/O S/Porter SS Pandey.	-	H.S.	15.12.62	16.12.80	800	
45. 82	Syed Ouras Ashraf S/O	SW/CWS/ BSB.	-	H.S.	10.1.59	20.4.77	795
46. 83	Lalji Tewari S/O CL/Kh/PWI- Ram Saran Tewari	SP1/LKO.	-	Inter	5.1.60	10.2.78	720
47. 85	Deepak Kumar Srivastava	PWI/LKO.	-	H.S.	13.4.61	10.4.79	710
		S/O K.N. Srivastava.					

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Annexure-XIV

Interview letter.

Annexure-XVA

Representation regarding absorption.

Annexure-XV B & XVI Postal Receipts.

Annexure-XVII

Joint representation dated 29.1.90.

गया प्रसाद

(Gaya Prasad)

Petitioner/workmen no.1

Lucknow.

Dated: March 14, 1990.

L.T.I.

(Badal Khan) Badal Khan

petitioner/workmen no.2

VERIFICATION

We Gaya Prasad aged about 38 years S/o Late
Mandal Prasad, r/o Mohalia Modaha, Distt. Faizabad and
Badal Khan aged about 37 years S/o Late Majid Khan, r/o
Koela Ka Purwa Distt. Faizabad do hereby verify that the
contents of paras 1, 4 (part), 6, 7, 9, 11, are true to our personal
knowledge and paras 2, 3, 4 (xviii), 4 (xxix), 4 (xxvii), 5, 8, 12
are believed to be true
on legal advice and that we have not suppressed suppressed
any material fact.

गया प्रसाद

(Gaya Prasad)

Dated: March 14, 1990

L.T.I.

Place : Lucknow.

(Badal Khan)

Badal Khan
Applicants.

Through

Manik

(Manik Sinha)
Advocate

MANIK SINHA
Advocate

Counsel for the petitioners.

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ANNEXURE-I

NORTHERN RAILWAY

No. 220-E/2-2/Screening/86.

Divisional Office,
Lucknow.
Dated: 11.10.86

The Carriage & Wagon Supdt.
LKO, BSB, FD.

CFO/PBH, SLN & RBL.
LF/LKO.

SS/LKO, FD, PBH.

SM/AJ, BTKD, ULN, ACND, MFL.
PWI/IKO, JNU, SLN, PWI (Spl/LKO & SLN,
PWI/TD/SLN,
I LKO, BSB, SLN, CHI/BSB.
DME(C&W)/AME(C&W) LKO.
Sr. DME/LKO.

C/- Divl. Secy. NRNU near Guard's running room CB, LKO.
Divl. Secy. URMU near Parcel Office, CB/Lucknow.

Sub:- Panel of C&W Safaiwala in Scale Rs. 196-
232(RS)/750-940(RPS), in C & W Department.

As a result of screening held on 27.5.87, 28.5.87
and 24.6.87, the following casual labours/substitutes of
all the departments on Lucknow Division who opted for
their absorption as C&W Safaiwala have been found
suitable and are placed on the provisional panel of
C&W Safaiwala in Scale Rs. 196-232(RS)/750-940(RPS).
Their names are given in order of seniority/metit based
on total number working days as casual labour/substitute.

Merit Roll No.	Name & Father's Design.	Wht- Ed. qu-	D.O.B.	Dat	Total No. of days	Stn.	her alifi-	eof	Order No.
							SG/ST cati-	init-	
					on.			ial	
					appt.				
1.	1. Anjaloc S/O Jasaf.	C4Kh./PWI/ TD/SLN.	+	-	3.1.57	22.1.75	2673		
2.	5. Banarsi Lal S/O Bhulai.	S/W, CWS/ LKO.	SC	VI	25.7.61	2.6.78	2292	Passed	
3.	6. Sita Ram S/O Sukhee.	-do-	-	VIII	1.7.58	2.78	2048		
4. (1)	7. Ram Kripal S/O Ram Pyare.	-do-	-	-	-	Feb. 78	1970		
5.	8. Baboo Lal S/O Bholloo Ram.	-do-/BSB	-	-	16.11.56	8.6.78	1917		
6.	9. Onkar Nath S/O Sheo Narain Yadav.	-do-/LKO	-	HS	1.7.55	1.1.77	1916	Passed.	
7.	10. Paras S/O Sheo Murat.	-do-/BSB	SC	-	25.6.59	20.8.78	1897		
8.	11. Ram Nath S/O Lalloo.	Sub. Porter AJ/LKO.	SC	VIth	28.3.54	15.5.74	1883	Passed.	

(1) Subject

Issue of age certificate.

Allahabad

STU/GRTH

Neel

Approved

VJ. Badalpur

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1. 2.	3.	4.	5. 6.	7.	8.	9.	
28. 62	Lal Bahadur S/O Mahabir.	S/Porter SM/LKO.	-	5th	25.3.60 20.3.78	1025	
29. 63	Om Prakash Behari Lal.	-do-	-	8th	1.12.59 20.2.77	1005	
30. 64	Tribhuwan Ram Surat.	-do-	-	-do-	10.2.60 25.2.78	1004	
31. 65	Daddan S/O R.K. Upadhyaya.	-do-	-	H.S.	17.1.59 20.12.77	1000	
32. 66	Rajesh Misra S/O Rameshwar Pd.	-do-	-	8th	3.7.60 5.5.78	1000	
33. 67	Ram Bali S/O Mahraj Deen.	CL/IOW/ SLN	SC	-	22.4.56 22.5.74	973	
34. 68	Abdul Jabir S/O Ab. Wahid. Ghanchiyam.	Sub./SM/ LKO.	-	8th	20.4.60 20.4.78	964	
35. 69	Chaturvedi S/O R.A. Chaturvedi.	-do-	-	8th	15.12.62 16.12.80	900	
36. 72	Ram Nargin S/O Dadloo Ram.	S/Porter SM/LKO.	-	8th	5.5.59 30.12.77	880	
37. 73	Sita Ram S/O Marahoo.	CL/PWI/ JNU.	SC	-	11.5.58 13.3.76	876	
38. 74	Phool Ch. S/O Salig Ram.	S/Porter SM/LKO.	-	Inter	14.6.59 10.10.77	858	
39. 75	Arjun Kumar S/O Sri Kishan.	SW/SM/LKO	-	-	21.6.60 5.3.78	856	
40. 76	Lallan Pd. Singh S/Porter S/O R.B. Singh.	S/Porter SM/BTKD	-	H.S.	25.7.60 15.4.78	833	
41. 77	Vishwa Nath S/O Ram Harakh.	CL/PWI/JNU	-	-	21.8.57 12.3.76	824	
42. 78	Vijay Pratap Singh S/3	S.B. Singh.	SW/SWS/BSB	8th	25.6.56 23.10.77	813	
43. 80	Ram Adhar Chaubey S/O R.D. Chaubey.	CL/PWI/ Spl/LKO.	-	8th	14.7.59 4.10.77	800	
44. 81	Srikant Pandey S/O SS. Pandey.	S/Porter SM/LKO.	-	H.S.	15.12.62 16.12.80	800	
45. 82	Syed Ouras S. Ashraf S/O	SW/CWS/ BSB.	-	H.S.	10.1.59 20.4.77	795	
46. 83	Lalji Tewari S/O Ram Saran Tewari	CL/Kh/PWI- Spl/LKO.	-	Inter	5.1.60 10.2.78	720	
47. 85	Deepak Kumar Srivastava S/O	PWI/LKO.	-	H.S.	13.4.61 10.4.79	710	
		K.N. Srivastava.					

12/12/77
AME II/LKO
11/10/78

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2.	2.	3.	4.	5.	6.	7.	8.	9.
S/Shri								
67.	111	Heera Lal S/O Ram Fx Pd.	HWS/ SS/PBH	SC	8th passed	10.1.56	15.4.74	316
68.	112	Khojan Lal S/O Late Chotey Lal	CL/Kh/ IOW/SLN	SC	5th	1.7.62	12.12.75	311
69.	114	Md. Ajeem S/O Kalloop.	CL/KH CWS/LKO	-	8th	3.3.57	17.11.79	283
70.	115	Dhukhi S/O Ram Piarey.	S/Porter SS/ULN	-	7th	1.3.54	19.5.74	272
71.	116	Chhotey Lal S/O Nankoo Ram.	CL/KH/ PWI/SLN.	SC	5th	8.6.58	2.9.77	270
72.	118	Ram Kumar S/O 'O Ram Bhajan.	SS/AMVIV 'O	-	-	12.1.58	28.1.76	245
73.	117	Ram Shanker, S/O Changu Ram.	CL/KH/PWI/SC SLN.	H.S.	15.8.52	2.9.77	240	
74.	119	V.K. Srivastava S/O S.D. Srivastava.	SW/CFO/PBH-	INTER	28.1.60	28.3.80	240	
75.	120	Prem Singh Kureel S/O Kanhiya.	CL/IOW CB	SC	27.11.59	3.7.80	230	
76.	121	Ram Kumar S/O Shiv Bak.	CL/Kh	SC	-	20.4.57	27.12.75	214
77.	124	Shesh Narain S/O CL/KH/SM/ Ram Dularey.	CL/KH/SM/ Misrauli.	-	Inter	16.6.55	8.12.77	178
78.	125	Aziz Raseed S/O Fazal Raseed	SW/CWS LKO	-	H.S.	1.1.58	1.1.77	171
79.	126	S.P. Tewari S/O Prabhu Dayal.	SW/CWS/FD	-	8th	1.1.53	5.11.75	162
80.	127	Abdul Mazeed S/O Barsati.	CL/CHI/- BSB	H.S.	31.1.51	15.11.76	159	

The post facto approval has been accorded by the competent authority for 15 candidates (merit No. 2, 5, 7, 14, 22, 35, 44, 47, 47, 58, 60, 61, 62, 69, 74 & 75) who were appointed after 1.6.78 and prior to 31.1.81 and also the approval of under age/upper age relaxation of 16 candidates (merit No. 2, 9, 14, 17, 28, 29, 32, 37, 39, 40, 47, 48, 53, 56, 62 & 73) has been given for their regular absorption. All the candidates may be appointed as C&W Safaiwala in Scale Rs. 750-940 (RPS) after observing all the formalities before issue of appointment letters as ~~xxx~~ required for appointment in Railway Services.

100% 81/112
12 x 66 ...6. 1/1/1988

214142114

J. I. Badal

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RECORD OF SERVICE AS
CASUAL LABOUR

Verified.

Signature & designation
of subordinate in charge

L. L. Labourte

J.B.P.W.—17/445/66—1,00,000.

Mr. B. S. Hall
1715 17th St. N.W.
Washington, D.C.

Annexure D

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(4)

चनियत भजद्वार के द्वारा में शर्म वारने का दिन

RECORD OF SERVICE AS CASUAL LABOUR

प्रारम्भिक नियुक्ति की तारीख..... 27-7-67

Date of initial employment

नियुक्ति की शब्दांशि		कार्य का विवरण		प्रयोग के लिए नामांकन	
कार्य से	कार्य से	कार्य का विवरण	प्रयोग के लिए नामांकन	प्रयोग के लिए नामांकन	प्रयोग के लिए नामांकन
From : 26-7-67	To : 08-7-67	Nature of assignment : शोर पटनाम	Sig. & Dsgn. of Supr. with Jar.	From : 27-7-67	Nature of assignment : शोर हस्ताक्षर
From : 17-7-67	To : 14-10-67			From : 01-8-67	शोर पटनाम
From : 15-10-67	To : 15-10-67				Supr. with Jar.

(5)

चनियत भजद्वार के द्वारा में शर्म वारने का दिन

RECORD OF SERVICE AS CASUAL LABOUR

प्रारम्भिक नियुक्ति की तारीख.....

Date of initial employment

नियुक्ति की शब्दांशि		कार्य का विवरण		प्रयोग के लिए नामांकन	
कार्य से	कार्य से	कार्य का विवरण	प्रयोग के लिए नामांकन	प्रयोग के लिए नामांकन	प्रयोग के लिए नामांकन
From : 26-7-67	To : 08-7-67	Nature of assignment : शोर हस्ताक्षर	Sig. & Dsgn. of Supr. with Jar.	From : 27-7-67	Nature of assignment : शोर पटनाम
From : 17-7-67	To : 14-10-67			From : 01-8-67	Supr. with Jar.
From : 15-10-67	To : 15-10-67				

A.P.S.

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(26)

ABD

Before the Hon'ble Central Administrative
Circuit Bench, Lucknow.

Application U/s 19 of the Administrative Tribunal
Act 1985.

Gaya Prasad & Others Applicants

Versus

Union of India, & Others Respondents.

ANNEXURE IV

O/OCWS/Fd.

8-89

Serving days of Sri Gaya Prasad S/o Sri Mangal.

B.O.A. (1st) 31.10.71.

D.O.B. 03.11.1982.

October 1971	03 days
March 71	26 days
Dec.	15 days
Sep.	28 days
Oct.	31 days
May	25 days.

	128 days.

(One hundred twenty eight days).

Sd/- Illegible.

CSW, Faizabad.

L.T.I. Gaya Prasad

27.5.87.

Allied

STAFF

M. S. A. J.

J. I. Badellor

Annexure V

27

RECORD OF SERVICE AS
CASUAL LABOUR

RECORD OF SERVICE AS
CASUAL LABOUR

1. Name in full (in Block Letters) **SHAHID KHAN**
2. Father's Name. **SHAHID KHAN**
3. Date of Birth. **20. 9. 1955**
4. Age at initial casual employment. **21 Years**
5. Personal marks of identification. **(i) Above the right shoulder of the C. on black. (ii) And back side of left ear: The mark is black chain.**
6. Nature of job on initial employment. **Chainsaw**

S. No.	Nature of assignment	Period of employment		Signature and designation of the Supervisor with date
		From	To	
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Before the Hon'ble Central Administrative
Circuit Bench, Lucknow.

Application No. of 1990.

DISTRICT FAIZABAD

Gaya Prasad & Others Applicants

Versus

Union of India & Others Respondents.

ANNEXURE VI

Service Certificate of Sri Badal Khan

Certified that Shri Badal Khan S/o Majid Khan worked at first Aid, Post Ayodhya as casual labour during Mela period as under :-

As a Hospital attendant his work during the MELA period was good and satisfactory.

S.No.	Mela	Period	Days.
1.	Magh Mela	1979 AY. 25.1.79 - 2.2.79	0.9 days
2.	Savan Jhoola Mela.	1979 Ay. 31.7.79 - 10.8.79	11 days
3.	Magh Mela	1980/Ay. 13.1.80 - 25.1.80	13 days
4.	Sawan Jhoola	1980/Ay. 22.8.80 - 27.8.80	04 days
5.	Magh Mela	1981 3.2.81 - 10.2.81	06 days
6.	Ardh Kumbh Mela	1982/Ay. 1.1.82 - 1.2.82	32 days
7.	Magh Mela	1984/Ay. 13.1.84 - 25.1.84	13 days
8.	Magh Mela	1986/Ay. 20.1.86 - 13.2.86	25 days
9.	Magh Mela	1987/Ay. 14.1.87 - 5.2.87 11.2.87 - 17.2.87	23 days 7 days
10.	Magh Mela	1988/Ay. 14.1.88 - 26.1.88	15 days.
			162 days.

Total working date 162 days.

Sd/- Illegible
9.5.78.

Forwarded to Sr. Medical Supdt. LKO. for
favour of engagement if any.

Sd/. Illegible

L.T.I.

Badal. Khan.

19/4/81 (Ms. A)

LTR. D.O.Ben

(29)

ABJ

Before the Hon'ble Central Administrative
Circuit Bench, Lucknow.

Application No. of 1990

DISTRICT FAIZABAD.

Gaya Prasad and others Petitioners

versus

Union of India & Others Respondents.

ANNEXURE VII

Service Certificate of Sri Badal Khan

Certified that Sh. Badal Khan S/o Sri Majid Khan
(R.F.) worked at First Aid Post Ayodhya as
Casual Labour during the Kumbh Mela period from
2.1.89 to 19.2.89 (total 49 days).

Sd/- Illigible

19.2.89

Pharmacist/Krl/Dy.

Abst
Msl
Ar

T. Basdeka

1111/214

पत्र संख्या 807/एस.सी.टी./क्रेंड्रा प्रोग्राम/86
तारानऊ मण्डल के समस्त सम्बन्धित
अधिकारी ४० सी नियर सुपरवाइजर

30२० अक्टूबर २०१०
दिन १५.९.१०

दिलेय:- युर्किंचेपी गूप्त डी कैटाग्रो अनुसूचित जाति एवं अनुसूचित काम जाति
ला जाहानुसुक्तप्राकरने हुए होती।

प्रधान कायालिय के पत्र संख्या ११ दिन ११.११.८७
तारानऊ मण्डल में अनुसूचित जाति एवं अनुसूचित जन जातियों के एवं जीवनी कर्मचारी। तारानऊ मण्डल एवं केजुआल लेवर के स्थान में कार्य कर रहे हैं या वह रहे हैं उनकी लिस्ट दिन १५.९.८८
तक इस कायालिय के पत्र संख्या ८०७/एस.सी.टी./क्रेंड्रा प्रोग्राम/८६ दिन २९.४.८८
द्वारा मांगी गयी थी। इस लिस्ट को ३०.९.८८ तक अंतर बढ़ाव जा रही है।
जो अनुसूचित जाति एवं अनुसूचित जन जाति के केजुवल लेवर एवं तारानऊ मण्डल काम कर रहे हैं वह रहे हैं या लार्ड्स केजुआल लेवर रजिस्टर पर नाम है उनकी सेवाये
स्क्री निंग द्वारा नियमित ही जा सकती है बातें कि वे निम्न लिखित रातों को
पूरा करते हों।

१. केजुवल लेवरों की प्रधान नियुक्ति १०.६.८८ से पहले की हो।
२. ऐसे लेवर जो १२० दिन से लूगातार या १२० दिन से औदादा दिनांक १.१.८१ कर रहा कर रहे हैं।
३. आयु सीमा १८ कर्षा से ३३ कर्षा के मध्य में हो द्वारे राष्ट्रदो यै केजुवल लेवर १८ वर्षीय आयु पूरी होने पहले हो तभी सी नियर सुपरवाइजर के अनुरोध है कि अनुसूचित जाति एवं अनुसूचित जन जाति एवं जीवनी तथा केजुवल लेवर के भासी की दूरी संलग्न प्रोफार्म १ अंतरबीच पर सहायक कार्मिक अधिकारी जी हो के पास दिनांक ३०.९.८८ तक इस कायालिय में अवाय रहे होमाणित करे कि कोई अनुसूचित जाति एवं अनुसूचित जन जाति के उपलब्ध नहीं है।

नियमित तारीख के बाद स्थानीय आने पर उत पर लोड पियार जही लिया जायेगा प्रैकार्मि ए अंतर दी पर सम्बन्धित सी नियर सुपरवाइजर एवं अधिकारी के हस्ताक्षर अवाय होना चाहिए।

पूरे प्रमाण सहायता की मिल अधिकारी

प्रतिलिपि

१. मण्डल भवी एन.आर.एम.ए.
राजिंग स्थ के समिति चारबांग (लखनऊ)
२. मण्डल भवी एन.आर.एम.ए. के लोड पियार लखनऊ

गया पुराये All
U.C. A.J.

L.J.I. Bandel Ice

(31)

(A39)

Before the Hon'ble Central Administrative

Circuit Bench, Lucknow.

Application No. of 1990

Gaya Prasad & Others Petitioners

Versus

Union of India & Others Respondents.

Annexure IX

E-21-88
23.9.88

C & W Supdt.
Faizabad.

To, Divisional Railway Manager,
N.Rly. Lucknow (A.P.O.)

Sub.: Screening of Casual labour/Substitute belonging
to Scheduled Caste/Tribes to make good short fall.

Reg. Letter No. 807 F/961 Crash/Prag/88 dt. 25.8.88

Reference above it is to inform that the letter in
question was received in this office on 22.9.88 through
free service which was brought to this office by one of
the Inspector Sri Hari Carain working in Train passing duty
in open condition along with other envelop which were too
were given in open condition to this office. It was
stated by him that the envelops containing the letters
were given to him by T.K.R. on duty Train passing. The
letter was received too late i.e. on 22.9.88 at here as one
of the candidates only of this Depo, named Sri Gaya
Prasad S/o Sri Mangal at Sr. No. 44 of the letter, was to
appear in the committee room, Hazaratganj, Lucknow on
8.9.88 at 10 hours, this office could not inform him due
to late receipt of the letter. Moreover he is not working
now a days hence it would have been more beneficial for
compliance of the letter if it was made over to the
Messenger of Depo, goes to Divisional Office for this

L.S.I.

Badal

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STANZITY

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N.S.

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purpose of delivery of dok etc.

The letter indicates that the call letters have been issued to home addresses on 22.8.88. It is not known if the candidate named Sri Gaya Prasad has received the letter and attended the office on 8.9.1988 as nothing has been received by him from this office regarding working days certificates etc.

It is further to add that if the candidate is deprived of with the opportunity in absence of the information given to him due to late receipt of the letter either from postal service or free service m he may kindly be vstowed with an other opportunity for the screening please.

Sd/- Illegible

C.W.'s ,Faizabad.

23.9.88

Sd/.

7.12.88

Carriage Wagon Adhikshak

Uttar Railway, Faizabad. Ex.

ST 214214

All set of
MS
ADS

L.J.I. Badalpur

Before the Hon'ble Central Administrative
Circuit Bench, Lucknow.

Application No. of 1990

Gaya Prasad & Others Applicants

Versus

Union of India & Others Respondents

ANNEXURE X

Northern Railway

Divisional Office

No. 220/E/2/3/Rec'tt-SW/83 Lucknow Dt. /8-83

Sri Gaya Prasad S/o Mangal Prasad

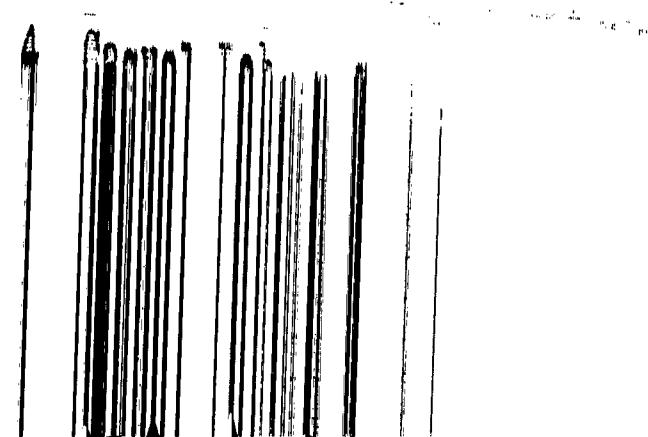
Modaha Khojanpur,

Rekabganj, Faizabad.

Sub.: Engagement of Casual Labour
Safaiwala in C.W.
and other Department.

In reference to your application for the above mentioned post you are required to present yourself at 19 hrs. on 15.7.83 at D.R.K's Office Northern Railway Lucknow with the following documents in original.

1. School Certificate/Affidavit in proof of age in respect of illiterate).
2. Two recent pass port sized photographs attested by Sri Subordinates.
3. Two Good character certificates from two different Gazetted Officers.



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Before the Hon'ble Central Administrative
Circuit Bench, Lucknow.

Application No. of 1990

Gaya Prasad & Others Applicants

Versus

Union of India & Others Respondents

ANNEXURE X

Northern Railway

Divisional Office

Lucknow Dt. /8-83

No. 220/E/2/3/Rectt-SW/83

Sri Gaya Prasad S/o Mangal Prasad

Modaha Khojanpur,

Rekabganj, Faizabad.

Sub.: Engagement of Casual Labour
Safaiwala in C.W.
and other Department.

In reference to your application for the above mentioned post you are required to present yourself at 19 hrs. on 15.7.83 at D.R.K's Office Northern Railway Lucknow with the following documents in original.

1. School Certificate/Affidavit in proof of age in respect of illiterate).
2. Two recent pass port sized photographs attested by Sri Subordinates.
3. Two Good character certificates from two different Gazetted Officers.
4. Casual Labour Card/Certificate in proof of working before 1.6.78 and thereafter.

It may be noted that travelling and other expenses will have to be borne by you.

L.T.I. Balke

If you fail to report to this office on.....
Certified copies..... in the Job of Safaiwalas
It should also be born..... no second chance will be
given.

STANLEY

Asstt. Personnel Officer.

Absd
Asstt
Personnel Officer.

A-42

Before the Hon'ble Central Administrative
Circuit Bench, Lucknow.

Application No. of 1990

Gaya Prasad & Others Applicants

Versus

Union of India & Others Respondents.

ANNEXURE-XI

NORTHERN RAILWAY

E 21487
27.5.87 C & W Supdt.
Faizabad.

To, The Asstt. Personnel Officer
N.Rly. Lucknow.

Reg. Filling up vacancy of Safaiwala in Ct. Dept.

Ref.: Letter No. 220E/2-3/Rech/SW/85 dt. 11.5.87.

Reference above Sri Gaya Praasad S/o Mangal Was informed above the Screening and he is being directed to attend the said screening in Divisional Committee Room on 28.5.87 at 10/- a.m. please. He has also been instructed to bring his original school certificate with him in support of his age and qualification please.

His working days already submitted as per instruction. The working days is also given separately. please.

L.T.I.

Gaya Prasad S/o Mangal

27.5.87.

C & W. Supdt.

Sd/-

Abu S
MS
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STATIONERY

L.T.I. Boarder

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विफोर दि आनरेवुल सेन्ट्रल ईडमिनिस्ट्रेटिव

सरकिट बैन्ध, लहानऊ

अपलीकेश्वान नं०

/1990

गया प्रसाद एण्ड अर्दस

अपलीकेन्ट

वर्सेज

मुनिधन आफ इण्डिया एण्ड अर्दस

रेस्पान्डेन्ट्स

अनेकजर- 12-स

सेवा मै,

मण्डल रेल प्रवन्धक

उत्तर रेलवे लहानऊ

दारा

कैरेज एण्ड बैगन अधीक्षाक,

30 रो 10 लहानऊ ।

महोदय,

निवेदन है कि प्रार्थी एक हरिजन है और वह उत्तर रेलवे, फैजाबाद मै कैजुअल लैवर के रूप मै कर्ढः 1971 से कार्य करतो चला आ रहा है और उसने न्यूनतम निर्धारित 180 दिन से अधिक तक कार्य कर लिया है। प्रार्थी का कार्य सन्तोषजनक भी रहा है। प्रार्थी को कई बार स्क्रीनिंग के लिये बंलाया भी गया और उसने अपना साझा आत्कार दिया तथा उसका मैडिकल भी हुआ परन्तु प्रार्थी का चयन नहीं किया गया जबकि प्रार्थी से जूनिया लोग का चयन हो गया है।

अतः श्री मान जी से प्रार्थना है कि कृपया प्रार्थी को सेवा का अवसर प्रदान करके और उसे नियमित नियुक्ति देने की कृपा करें।

भवदीय,

गया प्रसाद,

मौ० मोदहा,

फैजाबाद

दिनांक 11-8-86

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विफोर दि आनरेक्युल सेन्ट्रल ईडमिनिस्ट्रेटिव
सरकिट बैन्य, लखानऊ

अपलीकेश्वान नं०

/1990

गया प्रसाद शंड अर्दस

अपलीकेन्ट

वर्सेज

युनियन आफ इण्डिया शंड अर्दस

रेस्पान्डेन्ट

अनेकजर- 12-र

तेवा मे,

मण्डल रेल प्रवन्धक

उत्तर रेलवे लखानऊ

द्वारा कैरेज शंड बैगन अधीक्षा क,

उ० र० लखानऊ ।

महोदय,

निवेदन है कि प्रार्थी एक हरिजन है और वह उत्तर रेलवे, फैजाबाद
मे कैजुअल लेवर के रूप मे क्षा 1971 से कार्य करतो चला आ रहा है और उसने
न्यूनतम निर्धारित 180 दिन से अधिक तक कार्य कर लिया है। प्रार्थी का
कार्य सन्तोषजनक भी रहा है। प्रार्थी को कई बार स्क्रीनिंग के लिये
बंलाया भी गया और उसने अपना साक्षात्कार दिया तथा उसका मेडिकल
भी हुआ परन्तु प्रार्थी का चयन नहीं किया गया जबकि प्रार्थी से जूनिया लोगों
का चयन ही गया है।

अतः श्री मान जी से प्रार्थना है कि कृपया प्रार्थी को तेवा का
अवसर प्रदान करके और उसे नियमित नियुक्ति देने की कृपा करें।

भवदीय,

गया प्रसाद,

मो० मोदहा,

फैजाबाद

दिनांक 11-8-86



गया प्रसाद

Allst

W

Ad

L.T.I. B-666

36

200
A/C

869

For Insurance Notices see reverse
Stamps affixed except in case of uninsured. Ra.
Letters of not more than the initial weight 100gms.
prescribed in the Post and Telegraph Guide
on which no acknowledgement is due.

Received a registered* 1.50
addressed to D.S. Mowlana

Nature of Receiving Officer with the word insured (or not insured) (In figures)		Weight (In words)	Rate (In words)
Insurance fee	Rs.	Grams	
Name and address of sender			

Write here 'letter', 'postcard', 'packet' etc.

Amount of Stamps affixed (In figures)

Amount of Stamps affixed (In words)

Date Stamp

दोस्ता नहीं NOT INSURED		क्रमांक/No.
लगाये गये डाक टिकटों का मूल्य ६० २		5194
Amount of Stamps affixed Rs. P.		
एक रजिस्ट्रीड लेटर प्राप्त किया		
Received a Registered		Date Stamp
पाते वाले का नाम श्रीराम		
Addressed to		
पाते वाले अधिकारी के हस्ताक्षर		
Signature of Receiving Officer		

दोस्ता नहीं NOT INSURED		क्रमांक/No.
लगाये गये डाक टिकटों का मूल्य ६० २		5195
Amount of Stamps affixed Rs. P.		
एक रजिस्ट्रीड लेटर प्राप्त किया		
Received a Registered		Date Stamp
पाते वाले का नाम श्रीराम		
Addressed to		
पाते वाले अधिकारी के हस्ताक्षर		
Signature of Receiving Officer		

गये डाक टिकटों का मूल्य ३०		क्रमांक/No.
Amount of Stamps affixed Rs. 3.00		8132
एक रजिस्ट्रीड लेटर प्राप्त किया		Date Stamp
Received a Registered		
H. R. Railway - 100000		
Addressed to		
पाते वाले अधिकारी के हस्ताक्षर		
Signature of Receiving Officer		

ग्राम पुस्तक

All set
N. S.

C. J. B. B. B. B.

Annexure ~~Part~~ III

(37)

26
27

R. P.-51 (a)

3.55 P.

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgement is due.

No. 1568

Received a V.P. registered

Addressed to D. R. M.
Mozoraw
C. I. C.

Signature of receiving officer

Insured for Rs. (in figures)

Insurance for Rs. P.

Weight (in words) 1.86

Rates Grams

Date-stamp 17.8.86

739 Stamps affixed except in case of uninsured red letters of not more than the initial Date-Stamp weight prescribed in the Post and Telegraph Guide on which no acknowledgement is due.

Received a V.P. Registered

Addressed to D. R. M.
Mozoraw
C. I. C.

Signature of Receiving Officer

Insured for Rs. (in figures)

Insurance fee Rs. P.

Weight (in words) 3.55

R. P.-51 (a)

740 Stamps affixed except in case of uninsured red letters of not more than the initial Date-Stamp weight prescribed in the Post and Telegraph Guide on which no acknowledgement is due.

Received a V.P. Registered

Addressed to D. R. M.
Mozoraw
C. I. C.

Signature of Receiving Officer

Insured for Rs. (in figures)

Insurance fee Rs. P.

Weight (in words) 1.86

R. P.-51 (a)

Date-stamp 3.12.85

Allett of
Neh

C. J. I. Bandal

(30)

446

Before the Hon'ble Central Administrative
Circuit Bench, Lucknow.

Application No. of 1990

Gaya Prasad & Others Applicants

Versus

Union of India & Others Respondents.

ANNEXURE XIV

NORTHERN RAILWAY

Division: 181

No. 220 E/2-3/Rectt-SW/83 Lucknow dated/- 6-83

141/4 Shri Badal Khan S/o Majid Khan

Vill. Khojanpur, Rakabganj,

Regd. Faizabad.

Sub: Engagement of Casual Labour Safaiwala
in C & W Medical Sanstation and
other department.

In reference to your application for the above mentioned post, you are required to present yourself at 10 hrs. on 16.7.83 as D.R.K's Officer Northern R.Railway Lucknow with the following documents in original.

1. School Certificate/affidavit in proof of age (in respect of illiterate).
2. Two recent pass port sized photographs attested by Sr. Subordinates.
3. Two good character Certificates from two different Gazetted Officers.
4. Casual Labour Card/Certificate in proof of working before 1.6.78 and thereafter.

It may be noted that travelling and other expenses will have to be borne by you.

If you fail to report to this office on the specified date it will be presumed that you are not in the job of safaiwala, it should also be borne that no second chance will be given.

Assistant personnel Officer

STAN/UR/2417

Allied Lucknow,

T. I. Badal

M. S. S.

(39)

PMK

विष्णुर दि आनरेवुल टेन्टल सेडमिनिस्ट्रेटिव,
सरकिट बैन्च लखानऊ

अपलीकेशान नं० 1990

गया प्रसाद शंड अदर्स

अपलीकेन्ट्स

वरसेज

यूनियन आफ इण्डिया शंड अदर्स

रेस्पान्डेन्ट्स

अनेक्षर नं० 15-ए

सेवा मे,

मण्डल रेल प्रवन्धक

उत्तर रेलवे लखानऊ

द्वारा कैरेज शंड वैगन अधीक्षक,
30 रो 1 लखानऊ ।

महोदय,

निवेदन है कि प्रार्थी एक मुस्लिम जाति का गरीब व्यक्ति है और वह उत्तर रेलवे फैजाबाद मे केजुबल लेवर के रूप मे कर्फा 1975 से कोर्य कर रहा है । और उसने न्यूनतम निधि रित 240 दिन से अधिक तक कार्य कर लिया है । प्रार्थी का कार्य सन्तोषजनक भी रहा है । प्रार्थी को कई बार स्क्रीनिंग के लिये बुलाया भी गया और उसने अपना साझा आत्कार भी दिया तथा उसका मेडिकल भी हुआ परन्तु प्रार्थी का चयन नहीं किया गया । जबकि प्रार्थी से जूनियर लोगो का चयन हो गया है ।

अतः श्री मान जी से प्रार्थना है कि कृपया प्रार्थी को सेवा का अवसर प्रदान करके और उसे नियमित नियुक्ति देने की कृपा करें ।

भवदीय,

बादल छां

ग्राम कोखले का पुरवा

छोजनपुर, फैजाबाद

दिनांक 16-9-88 ई०

गपापसाम

Alstof
W.L.S

L.T.I. Badal (Se)

40

Annexure B

A/S

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

प्राप्ति स्वीकृति (रसीद) /पोस्टकार्ड/पैकेट/पार्सल ग्राहक द्वारा
 Received a Registered Letter/Postcard/Parcel/Parcels
 • Received a Insured Letter/Postcard/Parcel/Parcels
 दाने वाले का नाम Addressed to (name) } N. Rabbeley
 दाने का मूल्य (रुपयों में) Insured for Rupees } & Hajrat Gajj
 दिनांक की तारीख Date of delivery } 197.....
 • दाना इसका कोट दिया जाए Score out the matter not required.
 केवल दीपा वस्त्रों के लिए
W.E.C.M.C.

प्राप्ति स्वीकृति (रसीद) /पोस्टकार्ड/पैकेट/पार्सल
 Received a Registered Letter/Postcard/Parcel/Parcels
 दाने वाले का नाम Addressed to (name) } Dr. Chiru Medical Officer
 दाने का मूल्य (रुपयों में) Insured for Rupees } Norden Raley Indoors
 दिनांक की तारीख Date of delivery } 197.....
 • दाना इसका कोट दिया जाए Score out the matter not required.
 केवल दीपा वस्त्रों के लिए
W.E.C.M.C.

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

प्राप्ति स्वीकृति (रसीद) /पोस्टकार्ड/पैकेट/पार्सल ग्राहक द्वारा
 Received a Registered Letter/Postcard/Parcel/Parcels
 • Received a Insured Letter/Postcard/Parcel/Parcels
 दाने वाले का नाम Addressed to (name) } Lt. Col. P. K. Tripathi
 दाने का मूल्य (रुपयों में) Insured for Rupees } Major P. K. Tripathi
 दिनांक की तारीख Date of delivery } 197.....
 • दाना इसका कोट दिया जाए Score out the matter not required.
 केवल दीपा वस्त्रों के लिए
W.E.C.M.C.

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

प्राप्ति स्वीकृति (रसीद) /पोस्टकार्ड/पैकेट/पार्सल ग्राहक द्वारा
 Received a Registered Letter/Postcard/Parcel/Parcels
 • Received a Insured Letter/Postcard/Parcel/Parcels
 दाने वाले का नाम Addressed to (name) } Lt. Col. P. K. Tripathi
 दाने का मूल्य (रुपयों में) Insured for Rupees } Major P. K. Tripathi
 दिनांक की तारीख Date of delivery } 197.....
 • दाना इसका कोट दिया जाए Score out the matter not required.
 केवल दीपा वस्त्रों के लिए
W.E.C.M.C.

27/7/1974
 At S.P.C.
 N.D.S.

विफोर दि आनरेवुल मेन्ट्रल ऐडमिनिस्ट्रेटिव
सरकिट बैन्च लखानऊ

अपलीकैशन नं०

/1990

गया प्रसाद शंड अर्दत्त

अपलीकैन्ट्स

वरसेज

युनियन आफ इण्डिया शंड अर्दत्त

रेस्पान्डेन्ट्स

अनेकजर नं० -17

सेवा मे,

डिवीजनल रेलवे बैनेजर,
उ० रेलवे, हजरतगंज,
लखानऊ ।

महोदय,

सचिनय निवेदन है कि प्रार्थी उत्तर रेलवे फैजाबाद मे प्रार्थी गण क्रमशः वर्ष 1971 तथा 1975 से कैजुवल लेवर के रूप मे कार्य कर रहा है प्रार्थी नं० । अनुसूचित जाति का तथा प्रार्थी नं० 2 अल्प संख्यक समुदाय मुस्लिम है । प्रार्थी नं० । ने 277 दिन तथा प्रार्थी नं० 2 ने 347 दिन पूरे कर लिये है । प्रार्थी से जूनियर लोगो का सी.एस.डब्लू. सफाईवाला बनल के पद पर दिनांक 11/12 अक्टूबर 1988 को जारी अधिसूचना द्वारा कर दिये गये है प्रार्थी इस सम्बन्ध मे पूर्व मे दर्जनो प्रार्थना पत्र दिये परन्तु उसपर कोई कार्यवाही नहीं हुई ।

अतः श्री मान जी से प्रार्थना है कि कृपया प्रार्थी गण को सफाईवाला के पद पर नियुक्ति करने की कृपा करे ।

प्रार्थी :-

गया प्रसाद
प्रार्थी नं० ।

वाल छाँ
प्रार्थी नं० 2

मौहल्ला मोदहा, फैजाबाद ।



गया प्रसाद

L.J. Batalon

Allied

Ms. L.

A

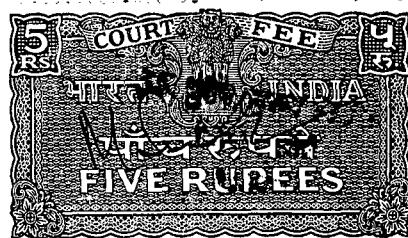
MS

बदालत श्रीमान् In the Hon'ble C.A.T., Lucknow

(बादी) अपीलान्ट

Gaya Prasad & Badal Khan

प्रतिवादी रेस्पाडेन्ट



नकालतनामा

Gaya Prasad & Badal Khan vs. Union of India & Others

बनाम

प्रतिवादी रेस्पाडेन्ट

नं० मुकदमा

सन्

पेशी की ता०

१९

₹०

अपर लिखे मुकदमा में अक्षो ओर से

Sw. Manik Singh, Advocate
Chamber No. 3, High Court, Lucknow

महोदय

एडवोकेट

बनाम	बनाम
अदालत	मुकदमा नं०
नाम	फैरीकार

को अपना वकील नियुक्ति करके प्रतिज्ञा इकार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवो व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर ता लौटावे या हमारी ओर से डिगरी जारी करावे और रूपया वसूल कर या सुलहनामा व इकबाल दावा तथा अपील बिगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रूपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवे या पंच नियुक्त करें-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 सवयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा अदालत पैरवो में एक तरफ मेरे खिलाफ फैसला हो जाता है तसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर गापा प्रस्तोता

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

March 14, 1990

वहीना

L.T.I
Badal Khan

सन् १९

₹०

MANIK SINGH
Advocate
Chamber No. 3
HIGH COURT
LUCKNOW

14.3.8

AS

AS

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

R.P. No. 376 of 1992

O.A. No. 80 of 1990

Gaya Prasad & others VERSUS Union Of India & others

Application for the compliance of the
order dated 15.3.90 of this Hon'ble
Tribunal.

1. It is HONST HUMBLY & RESPECTFULLY submitted
that this Hon'ble Tribunal had passed an interim
order on dated 15.3.90 directing the respondents
to reinstate the petition on the post held by
them and to pay them salaries.

*Recd duplicate
first
AN
30/4/92*

2. That inspite of having passed the order by this
Hon'ble Tribunal the respondents have not ~~has~~
~~the petitioners~~
yet reinstated the petitioner nor ~~are~~ are being paid
their salary as directed.

*Filed today
csh
30/4/92
IS 92*

Contd..2/-

852

AB3

3. That the petitioner No.1 is a Schedule Caste and petitioner No.2 is comes from minority community, both belonging to indegent class and having been thrown out of employment and unable to bear bread for them and children. As the result the petitioner are facing great financial and mental strains and having reached at the ~~stage~~ time of starvation.

4. That inspite of repeated reminders to the respondents it boareno result and the representation field on duf years.

5. That the conduct ^{on} and the part of the respondents are contemptuous, indifferent and malice in law.

P R A Y E R.

WHEREFORE, it is expedient in the interest of justice that the respondents be directed for the strict compliance of this Hon'ble Tribunal within a stipulated period of two months.

ASU
83

ASU

WHEREFORE, it is, MOST HUMBLY & RESPECTFULLY
prayed that this Hon'ble Tribunal may graciously
be pleased to direct the respondents to
reinstate the petitioners within a period of
two months or any other relief as this Hon'ble
Tribunal may deem it fit in the interest of
justice.

D. (Hand)

(DR. DINESH CHANDRA)

Rakesh Pathak

(RAKESH PATHAK)

PD

Counsel for the petitioner

Lucknow, Dated:
January , 1992.

A.M.

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

6

O.A. No. 80/90 (L)

Gaya Prasad & Others	APPLICANTS
	Versus	
Union of India		
Min. of Rly. & Others	RESPONDENTS

15.03.1990.

Hon' K. Obayya A.M.

Mr. M. Sinha for applicant.

Admit, subject to limitation.

Issue notice to the respondents. Counter may be filed within four weeks, rejoinder if any within two weeks, thereafter. The question of limitation will also be considered when the matter comes for final hearing. List for hearing on 16.8.90.

In the matter of interim relief the respondents are directed to take work from the applicants, as per rules as safaiwala, till 2.1.90.

List for hearing on interim matter on 2.4.90. Copy of the order be given to the council for the applicants.

Sd/-
A.M.

// True Copy //

16.3.90



Check
6/

बजादालत श्रीमान

Before C.A.T. Lucknow Circuit Bench Lko

महोदय

वादी (मुद्दई)

मुद्दई (मुद्दालेह)

का

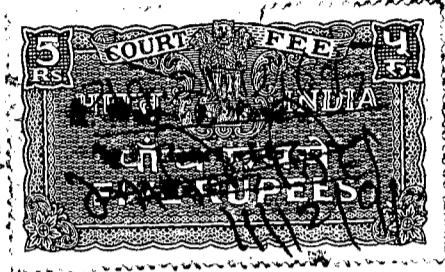
वकालतनामा

Gaya Bala and others
versus.

Union of India and others
Registration (O.A) No - ४०/१९९०

बनाम

प्रतिवादी रेस्पान्डेन्ट



न० मुकद्दमा (O.A) No ४०/सन् १९९० पेशी की ता० DR. DINESH H. HADKAR
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री
Rakesh Pathak

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरबी 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 नगरानी 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 हूँ कि मैं हर पेशी स्वयं या किसी अपने परोकार को भेजता रहूँगा। अगर मुकद्दमा अदम पैरबी में एक तरफा मेरे स्थिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

बजादालत
मुकद्दमा फैसला
न० नाम नाम

True
I am

Accepted
Rakesh Pathak
Date 1-7-1990
Signature

साक्षी (गवाह)

साक्षी (गवाह)



दिनांक

महीना

सन् १९ ई०

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH

LUCKNOW

Civil Misc. Petition No.

of 1990(L)

In Re:

Registration (O.A.) No. 80 of 1990.

Gaya Prasad & others

Applicants

versus

Union of India & others

Respondents.

APPLICATION FOR CONDONATION OF
DELAY IN FILING COUNTER REPLY.

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

P R A Y E R

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

Anil Srivastava
(ANIL SRIVASTAVA)

Lucknow Dt. 14/12/90

COUNSEL FOR THE RESPONDENTS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH

LUCKNOW

Registration O.A. No. 80 of 90

Gaya Prasad & others

Applicants.

versus

Union of India & others

Respondents.

Counter reply on behalf of
respondents.

I, Shri Pujau Prasad
as Ass't Personnel Officer
working
in the
office Divisional Railway Manager, Northern
Railway, Hazratganj, Lucknow do hereby solemnly
affirm and state as under:

1. That the official above named is working
under the respondents and is fully conversant
with the facts and circumstances of the
applicants' case and has been authorised to
file this counter reply on their behalf.

Shri Pujau Prasad
Assistant Personnel Officer
Northern Railway
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2. That the contents of para 1 & 2 of the original application need no comments.

3. That the contents of para 3 of the original application need no comments.

4. That before giving parewise reply to the present application it is necessary to mention here that the applicant no. 1 has been called for the screening test on 10.7.90 and 11.7.90, in which he ~~has~~ appeared. Also he has appeared in the test without prejudice.

If applicant No. 1 had any objection he should have not appeared in the screening test conducted on 10.7.90 and 11.7.90. The conduct of the applicant no. 1 gives indication that he has been ^{given} chance to appear in the test and he appeared before the authorities concerned and his case is under consideration.

5. That reply of the para 4 of the O.A. is as under:

5(i) That the contents of para 4(i) of the original application are admitted to the extent that the applicant number '1' has completed 128 days of ~~service~~ ^{continuous} service but rest of the contents are denied. It is further submitted that the petitioner number '2'

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has not completed 120 days continuous service.

After completion of 120 days of continuous service candidates are being called for screening test and service verification and thereafter if placed in panel, are given regular post.

It is pertinent to mention here that petitioner No. 1 had attended the screen/test and service verification which were held on 10.7.90 and 11.7.90 respectively.

5(ii) That in reply to contents of para 4(ii) of the original application it is stated that a plicant no. 2 had not completed the working days as prescribed under rules and and it is wrong to say that juniors to the applicant have been empanelled.

5(iii) That the contents of para 4(iii) of the original application are denied. It is further stated that the applicants No. 1 and 2 have not worked for 277 days and 347 days respectively But applicant No. 1 has worked for only 128 days.

5(iv) That the contents of para 4(iv) of the original application are denied. It is further submitted that the applicant did not meet the requisites of the selection/ permanent absorption.

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5(v) That the contents of para 4(vi) of the original application are wrong and as such denied. It is further stated that in para 4(iii) of the application, the applicant has alleged that he worked for 277 days while contrary to it in the present para the applicant alleges ~~that~~ days of working are 234 days, contrary to earlier statement.

5(vi) That the contents of para 4(vi) of the original application are mis-intrepretation of Railway rules and as such denied. It is further submitted that applicant shall only be entitled for empanelment ~~after~~ passing ^{Subject to} ~~in addition to the fact that~~ of screening test ~~provided~~ he has completed 120 days of continuous service. Empanelment is also not automatic.

5(vii) That in reply to the contents of para 4(vii) of the original application it is submitted that the letter for screening which was to be held on 8.9.88 was sent by the office on 22.8.89 but the applicant did not appear in that screening test therefore his services could not be regularised. It is however, necessary to mention here that the applicant no. 1 has appeared in the screening test which was held on 10.7.90 and 11.7.90 and his case

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is under consideration before the competent authority.

5(viii) That the contents of para 4(viii) of the O.A. are denied.

5(ix) That in reply to the contents of para 4(ix) of the original application it is submitted that applicant no 1 , on 27.5.87 had completed only 128 days while those who have been selected as a result of screening test on 27.5.87 had completed more than 158 days besides he could not qualify in the selection/screening.

5.(x) That the contents of para 4(x) of the original application are false and as such denied. It is stated here that no junior persons have been absorbed as alleged.

5(xi) That the contents of the para 4(xi) of the original application are misleading and as such denied. It is submitted that without passing the screening test, one can't be absorbed in the panel of Safaiwalas ~~on regular basis~~.

5(xii) That the contents of para 4(xii) of the O.A. are absolutely wrong and as such denied.

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5.(xiii) That the contents of para 4(xiii) of the original application need no comments.

5.(xiv) That the contents of para 4(xiv) of the original application are not admitted as stated. The relevant records of applicant no. 2 is not available.

5.(xv) That in reply to the contents of para 4(xv) of the original application it is submitted that the applicant no. 2 was not entitled for screening test as per rules, as such he was not called for empanelment of Safaiwalas as alleged.

5.(xvi) That the contents of para 4(xvi) of the original application are baseless and as such denied. It is submitted that casual labours are being issued cards and if applicant no. 2 had worked as alleged then he would have produced his original casual labour Card.

5.(xvii) That in reply to the contents of para 4(xvii) of the original application it is submitted that applicant no. 2 did not complete the requisite working days.

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5.(xviii) That in reply to the contents of para 4(xviii) of the original application it is stated that the working days of the applicant no. 2 were less than those of the candidates who were selected after the declaration of the results.

5.(xix) That in reply to the contents of para 4(xix) of the original application it is stated that the applicant no. 2 could not be placed in the panel because he had lesser number of working days than those candidates who have been selected and also he has not completed for the requisite days of continuous service.

5. (xx) That the contents of para 4(xx) of the original application i.e.

"That the person to the petitioner/ workmen no. 2 have"

does not make any sense and as such denied.

5.(xxi) That the contents of para 4(XXI) of the original application are baseless and irrelevant and as such denied.

5.(xxii) That the contents of para 4(XXII) of the original application are baseless and wrong and as such denied.


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5.(xxviii) That in reply to para 4(xxviii) of the original application it is submitted that screening committee selected those candidates only who were senior to the applicant.

5.(xxix) That the contents of para 4(xxix) of the O.A. need no comments.

6. That in reply to para 5 of the original application it is submitted that grounds taken by the applicants are baseless without a reasonable stand, devoid of merit and misconceived. Also applicant has been given proper consideration, even on 10.7.90 and 11.7.90 applicant was called and appeared for the screen test and his case has been under consideration. As a matter of fact, the present application deserves to be dismissed ^{as} devoid of merit.

7. That the contents of para 6 and 7 of the original application need no comments.

8. That in reply to para 8 & 9 of the original application, it is stated that in view of the facts and reasons already

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stated in the paragraphs there is no merit in this case and thus it deserves to be dismissed with costs in favour of the answering respondents.

Lucknow 5/12/1990

X. *Albarad*
Deponent of the above
Northern Railway
Verification LUCKNOW

I, the deponent named above do hereby verify that the contents of the paras to of the above count r reply are true to my personal knowledge and those of paras to are believed to be true by me based on legal advice and record. No part of it is false and nothing material has been suppressed. So help me God.

Lucknow Dt. 5-12-90

X. Deponent of the above
Northern Railway
LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

REJOINDER AFFIDAVIT

In Re:

Original Application No 80 of 1990

Gaya Prasad and Others Petitioners

Versus

Union of India and Others Respondents

I, Gaya Prasad, aged about 30 years, S/O late Mangal Prasad, Moh Modha, District Faizabad do hereby solemnly affirm and state as under :-

1. That the deponent himself is applicant in the above case and such is well conversant with the facts of the case. He has read over and understood the counter reply filed by the respondents and is filing this Rejoinder Affidavit on behalf of these applicants and on his own behalf.
2. That in reply to para 4 of counter reply it is stated that applicants had completed more than 120 days of continuous satisfactory service and during this period they had never been issued any warning or any communication to indicate that they lacked devotion to duty in any way. The Screening List for empaneling casual workers for regularisation of services for un-skilled casual workmen who have performed un-blemished satisfactory service for a period of 120 days is a tool in the hands of the Railway Establishment to dispense with their services in an arbitrary

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manner with malafide intention. However, in the screening list, the workmen with bad service records may be eliminated and not otherwise.

3. That the contents of paras 5 (i) to para 5 (iii) are denied and those of paras 4 (i) to 4 (iii) of the applicant are re-affirmed. The applicant Number 1 had worked for a total No of 277 days and applicant No 2 for 347 days in various departments of the respondents as stated in para 4 (iii) in the claim petition.

4. That in reply to para 5 (iv) of the counter reply it is stated that a workmen who has completed more than 120 days of continuous satisfactory service on unskilled job is not required to be re-tested for performing the same job for empanelling him for regularisation. The respondents had not indicated the requirements for selection/permanent absorption through the screening test. The plea taken by them is a cover for their arbitrary action in not including the applicant in the panel for absorption.

5. That the contents of para 5 (v) and 5 (vi) of counter reply are denied and that of paras 4 (v) and 4 (vi) of claim petition are reaffirmed.

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6. That in reply to para 5 (vii) of the Counter Affidavit, it is stated that till to-day the applicant has not been intimated the result of screening test held on 10-7-1990 and 11-7-1990 and it is apprehended that filing the present claim petition for relief before the Hon'ble Tribunal is likely to jeopardise its chances for a fair deal at the hands of respondents.
7. That the contents of para 5 (viii) are denied and those of para 4 (viii) of Original Application is re-affirmed. The applicant appeared in the Screening Test on 15-7-1983 in compliance to letter dated 8/83 filed as Annexure 'X' but result of the test was not communicated to him.
8. That the contents of paras 5 (ix) to 5 (xii) are mis-conceived. The Screening Test was held to prepare a panel of Casual Workers for regularisation and when the vacancies occurred. It was not a selection Test to fill the vacancies. The screening Test is meant to eliminate the unfit. So the plea of the respondents that the applicant Number 1 had completed only 158 days while those brought on the panel had completed more than 158 days is erroneous when a number of casual workers, who were junior to him were brought on the panel. The arbitrary action of the

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respondents has resulted in absorption of 80 casual workers who were junior to the applicant. The applicant No 1 was to be considered against scheduled caste quota. The reply of the respondent is silent on the aspect of the matter. The contents of paras 4 (ix) to 4 (xii) of the Original Application, are therefore re-affirmed.

9. In reply to the contents of para 5 (xiv) of the reply, it is submitted that there has been certain typographical mistake in para 4 (xiv) of the Original Application. In place of Petitioner No 2, it may be read as Petitioner No 1. He worked for 277 days, the details of which are given in para 4 (iii) of the Original Application. He worked under Carriage and Wagon Superintendent, Northern Railway, Lucknow. It is re-iterated that the petitioner No 1 worked for 136 days, as is evident for Annexures 'II', 'III', 'IV' and 'X' of the Original Application.
10. That the contents of para 5 (xv) of the Counter reply is unfounded, hence denied. Annexure Nos V, VI and VII to the Original Application establishes the claim.
11. That the contents of para 5 (xvi) of the counter reply are baseless, hence denied. In support of the number of days worked, the petitioner No 2 has annexed Annexure Nos V, VI, VII of the Original Application.

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12.

That the contents of para 5(xvii) to 5(xix) are denied. The fact that the applicant No 2 was called for screening test vide letter dated 15-7-1983 testifies to his eligibility for his absorption, the previous requisite for which was completion of required number of working days. Under such circumstances the plea of the respondent that he had not completed required number of working days is false and misleading. A number of persons junior to the applicant have been absorbed and the claim of the applicant has been ignored most arbitrarily and with malafide intention. However the contents of para 4(xvii) to para 4(xix) are re-affirmed.

13.

That the contents of para 5(XX) to para 5(XXIV) are denied as the same are false and baseless. However the contents of para 4(XXI) to para 4(XXIV) are re-affirmed as correct.

14.

That the contents of para 5(XXV) are denied and that those of para 4(XXV) of the claim petition is re-affirmed.

15.

That in reply to para 5(XXVII) of the counter affidavit it is stated that the applicants had completed more than 120 days (4 months) of service and were eligible for the screening test and accordingly the applicants were called for the screening test.

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16. That the contents of para 5 (xxviii) are denied. The casual workers are junior to the applicants as listed in Annexure A1 have been brought on the panel whereas the claim of the applicant has been ignored. The contents of para 4 (xxviii) are re-affirmed.

17. That the contents of para 6 of the counter reply are denied and the contents of para 5 of the ^{reiterated} Original Application are ~~reiterated~~ stated to be true.

18. That the contents of para 7 of counter reply need no comment.

19. That in reply to the averments made in para 8 of the counter reply, it is again reiterated that the petitioners deserve merit and the objections raised by the respondents be over-ruled.

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(Gaya Prasad)
Deponent

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Thmt.

J. (Handy)
(Dr. Dinesh Gounder)

Advocate