

THE GENERAL AND DISTRICT COURT
OF THE DISTRICT OF COLUMBIA

CAUSE TITLED O A 80/90 (L)

NAME OF PARTIES Yapp Pressed Battery

VERSUS U. S. of Battery

SL. NO. PARTICULARS OF DISSENT NO. OF PAGES

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Went out / destroyed

W/S
50(5)

DATED

(RS)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

14.3.90

(A1)

Registration No. 80 of 1990(1)

APPLICANT(S) Gang Raj

RESPONDENT(S) Uo

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

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ?
12. Are extra copies of the application with Annexures filed ?
 - a) Identical with the Original ?
 - b) Defective ?
 - c) Wanting in AnnexuresNos. _____ pages Nos _____ ?
13. Have the file size envelopes bearing full addresses of the respondents been filed ?
14. Are the given address the registered address ?
15. Do the names of the parties stated in the copies tally with those indicated in the application ?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?
17. Are the facts of the case mentioned in item no. 6 of the application ?
 - a) Concise ?
 - b) Under distinct heads ?
 - c) Numbered consecutively
 - d) Typed in double space on one side of the paper ?
18. Have the particulars for interim order prayed for indicated with reasons ?
19. Whether all the remedies have been exhausted.

dinesh✓

A3

Serial
number
of
order
and dateBrief Order, Mentioning Reference
if necessaryHow complied
with and
date of
compliance

15.3.90

Hon'ble K. Obayya, A.M.

Mr. M. Sinha for Applicant.

Admit, subject to limitation.

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.

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.

List for hearing on interim matter on 2.4.90. Copy of the order be given to the counsel for the applicant.

A.M.

rrm/

2/4/90

Hon. Justice K. Nath, V.C.Hon. Justice K. J. Raman, J.M.

Shri A. Srivastav, appears on behalf of all the opposite parties. He request for time to file ^{their} reply. 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 in force till the date fixed.

OK
Notice issued
17/4/90

OK
Notices were
issued on 17-3-90
Neither reply
nor any answer
recd - could have been
relies back

S.F.O

OK
No CA filed
S.F.O

16/5/90

V.C.

CA. 20/90 (L)

14/12/90

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

Sri Anil Srivastava 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.

Am.

VC.

12.91

D.R.

Both the parties are absent today. counter reply has been filed by Sri Anil Srivastava on 14/12/90. case is listed before me on 13/1/91 for filing rejoinder by the applicant.

DR

AS

21.8.91
D.R.

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

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. ✓

DA 80/90

7-7-92
D.R.

(Ab)

Both the parties are
present. Counsel for
the applicant is ordered
to file. Rejoinder by
4/9/92.

✓

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. ~~Re~~
Rejoinder has not been filed.
Applicant to file rejoinder
by 30-12-92.

✓

OR
R.A. filed
22/12/92

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 Honble Bench.

✓

A-2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO - 80/50 199 (L)

O.A. NO 199 (TL)

Date of Deceasion _____

Gaya Prasad & Co. -- -- Petitioner.

Mr. Manik Singh -- -- Advocate for the
Petitioner(s)

V E R S U S

Union of India -- -- Respondent.

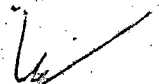
Mr. P. K. Sharma -- -- Advocate for the
Respondents

C O R A

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

Hon'ble Mr. K. C. Chatterjee, AM

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

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

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 Tribunal
Circuit Bench, Lucknow
Date of receipt by Registrar (J)
14-3-90
A10

Before the Hon'ble Central Administrative

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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(Manik Sinha)
Advocate

Dated: Lucknow.

the 14th, day of March, 1990.

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

Noted for
bonam
15th March 1990
under Harkle
Dour's
provision
W.S.
14/3/90

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 ~~the~~ to file single application by both of us on payment of Rs. Fifty only.

Place: Lucknow

Dated: 14th March, 1990.

Applicants,

1. Gaya Prasad

2. Badal Khan

L.J. Badal Khan

Date of Filing 14.3.90
Date of Receipt

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 (U)

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.



21/4/90

.....2/-

LTI Badal Khan

15

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 want redressal is within the jurisdiction of the Tribunal.

3. LIMITATION



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The applicants further declare that the application is within the limitation prescribed in Sec. 21 of the Administrative Tribunal Act, 1985.

5/11/94

.....3/-

4. FACTS OF THE CASE

The petitioners most humbly and respectfully
beg to showeth 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 ~~persons~~ posts of Carriage & Wagon Safaiwalas, ^(Annexure I) 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	Deptt.
Gaya Prasad S/o Late Mangal Prasad. (Workman No.1)	31.10.71-3.11.73	128	Carriage & Wagon.
	3.10.72 -1.11.72	30	Construction
	1976 - 1977	40	,,
	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	

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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	Deptt.
Sri Badal Khan	15.1.75 - 31.5.76	136	(A E N (C)
S/o Late Majid Khan (Workman no.2)	25.1.79 - 2.2.79	09	First Aid Post
Hospital Attendent.	31.7.79 - 10.8.79	11	Ayodhya.
	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	,,

Total No. of days. -- 347

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 pertitioner/workmen no.2 had completed 347 days as Casual labour under the Railway rules for being empannelled for regular appointment.

L.T. Badal Khan

21/11/2012

..... 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_V III

(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 Divisional Railway Manager

LTI! Badal
Khan

27/11/88

.....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 truned 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

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

L.T. Badal
Khan

गुण प्रमाण

..... 7/-

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-7-

- (x) That the persons Junior to the petitioners/
workman no. 1 have been appointed on the provisional
panal 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 panal 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/XIII

(A photo State copy of ^{representations and} the Postal receipts is
annexed herewith as Annexure-XIIA/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 contineously.



ANNEXURE-IV

LT. Badar
Khan

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

गया प्रमाण

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-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 Divisional 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 him.



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Kham

5/11/87

(9)

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

^{XV B}
ANNEXURE-XV & XVI

(A photo copy of ^{the representing and} the Postal receipts is annexed
herewith as Annexure-^{XV B} XV & XVI).

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-10-

at Lucknow, but the respondent no.2 orally expressed his availity 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 panal 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 empanellment 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 empanellment 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. Badakha 5TH 42414

contineous service ~~xxx~~ 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^{me} eligible and come for screeneing . In the instant case all the persons listed in Annexure-I are junior to the petitioners and the ~~xxx~~ claims of the petitioners/workmen have been ignored.

(xxix) That yet another circular of the Railway Board vide No. E/NGYII/76/CL/67 dt. 5.1.80 (N.Rly. SN 7483) directs that the discharged casual labour having four months contineous 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 ordeer 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/

L.I. Baidya जय प्रसाद

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-12-

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 (1) (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 Officers circular dt. 14.9.88 (Annexure-VIII).
- (iv) BECAUSE non-selection of the petitioners/workmen is violative of Railway Boards circulars nos. E & 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 cannons of law.
- (vi) BECUASE 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.



1-11-1988

गया प्रसाध

- (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.

(viii)

6.

Because there are still hundreds of vacancies.
DETAILS OF REMEDIES EXHAUSTED:

- (a) That the petitioner no. 1 sent the following representations under registered cover (Annexure ~~XVI~~ ^{XVII 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 ~~XVII~~ ^{VII B & VIII} ~~XVIII~~ ^{XVII B & VIII}

(A photo state copy of the postal receipts are being filed herewith as Annexure ~~XVIII~~ ^{XVII B & VIII}).

- (b) That the petitioner no. 2 sent the following representations under registered cover (Annexure ~~X~~ ^{XVII B & VIII}).
- (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 ~~XIX~~ ^{XV} BY ^{XVI} (A photostate copy of the postal receipts is being filed herewith as Annexure ~~XIX~~ ^{XV} BY ^{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 ~~XX~~ ^{XVII} (A true copy of the joint representation is being filed herewith as Annexure ~~XX~~ ^{XVII}).

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

That the matter raised in the present petition has not been filed not 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).



L. J. Bandyopadhyay
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21/11/88

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-15-

- (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 *specially 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 W.Rly. Lucknow dated 14.9.88 (Annexure-VIII).



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11. PARTICULARS OF POSTAL ORDERS FILED IN RESPECT OF THE

APPLICATION FEE Rs. 50/2

1. No. of Indian Postal Order ~~(57)~~ Q-02-409876
2. Name of the issuing post office: Faizabad High Court, Lko
3. Date of issue of Postal Order(s) : 14 March, 1990.
4. Post Office at which payable: Lucknow.

12.

LIST OF ENCLOSURES

Competition no. I- Annexure-I Impugnder order dated
11/12 Oct. 1988.

Competition 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 labourers 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- XIIIB & XIII- Postal receipts.

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.NRMU 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 Order	Roll No.	Name & Father's Name	Design/ Stn.	Wet-her SS/ST	Ed.qu- alifi- cation.	D.O.B.	Dat eof init- ial apptt.	Total No.of days
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	1.	Anjaloc S/O Jasaf.	C&Kh./PWI/ TD/SLN.	+	-	3.1.57	22.1.75	2673
2.	5.	Banarsi Lal S/O Bhulal.	S/W,CWS/ LKO.	SC	VI Passed	25.7.61	2.6.78	2292
3.	6.	Sita Ram S/O Sukhee.	-do-	-	VIII	1.7.58	2.78	2048
4. (X)	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 Passed.	1.7.55	1.1.77	1916
7.	10.	Paras n 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 Pas -d.	28.3.54	15.5.74	1883

(X) Subject

Production of age certificate.

AMER
STU/IR/14

AMEU

Advocate

U.P. 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 S/O Behari Lal.	-do-	-	8th	1.12.59	20.2.77	1005
30.	64	Tribhuvan S/O Ram Surat.	-do-	-	-do-	10.2.60	25.2.78	1004
31.	68	Daddan S/O R.K. Upadhaya.	-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. Ghanshyam.	Sub./SM/LKO.	-	8th	20.4.60	20.4.78	964
35.	69	S/O R.A. Chaturvedi.	-do-	-	8th	15.12.62	16.12.80	900
36.	72	Ram Nargain 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/O R.B. Singh.	S/porter SM/BTKD	-	H.S.	25.7.60	15.4.78	833
41.	77	Vishwa Nath S/O Ram Harekh.	CL/PWI/JNU	-	-	21.8.57	12.3.76	824
42.	78	Vi Jay Pratap Singh S/O 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 Ashraf S/O S.R. Ashraf.	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 K.N. Srivastava.	PWI/LKO.	-	H.S.	13.4.61	10.4.79	710

12/11/80
AME II LKO

Attest

STAFF

L.I. Badalke M. Ad.

Annexure-XIV Interview letter.

Annexure- XVA Representation regarding absorption.

Annexure- XV B & XV1- Postal Receipts.

Annexure- XVII- Joint representation dated 29.1.90.

Lucknow.

Dated: March 14, 1990.

petitioner/workmen no.2

VERIFICATION

We Gaya Prasad aged about 38 years S/o Late Mandal Prasad , r/o Mohalla 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 (xxvii), 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.

Dated: March 14, 1990

Place : Lucknow.

Applicants.

Counsel for the petitioners.

MANIK SINHA
Advocate

(109)

ANNEXURE-I

NORTHERN RAILWAY

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

Divisional Office,
Lucknow.

Dated: 11.10.88

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

CFO/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.NRMU 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 Order	Roll No.	Name & Father's Name.	Design/ Stn.	Wmet- her SE/ST	Ed.qu- alifi- cati- on.	D.O.B.	Dat eof init- ial apptt.	Total No.of days
1.	2.	3.	4.	5.	6.	7.	8.	9.
		S/Sh						
1.	1.	Anjaloc S/O Jasaf.	C&Kh./PWI/ TD/SLN.	+	-	3.1.57	22.1.75	2873
2.	5.	Banarsi Lal S/O Bhulai.	S/W,CWS/ LKO.	SC	VI Passed	25.7.61	2.6.78	2292
3.	6.	Sita Ram S/O Sukhee.	-do-	-	VIII	1.7.58	2.78	2048
4. (X)	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 Passed.	1.7.55	1.1.77	1916
7.	10.	Paras n 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 Passed.	28.3.54	15.5.74	1883

(A) Subject

Inclusion of age certificate.

Allotted

उत्प्रेषित

13/10/88
AMEU

13/10/88

Approved

L.I. Badalou

(20)

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-3-

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 S/O Behari Lal.	-do-	-	8th	1.12.59	20.2.77	1005
30.	64	Tribhuvan S/O Ram Surat.	-do-	-	-do-	10.2.60	25.2.78	1004
31.	65	Daddan S/O R.K. Upadhaya.	-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. Ghanshyam.	Sub./SM/LKO.	-	8th	20.4.60	20.4.78	964
35.	69	L. Chaturvedi S/O R.A. Chaturvedi.	-do-	-	8th	15.12.62	16.12.80	900
36.	72	Ram Narain 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/O R.B. Singh.	S/porter SM/BTKD	-	H.S.	25.7.60	15.4.78	833
41.	77	Vishwa Nath S/O Ram Harekh.	CL/PWI/JNU	-	-	21.8.57	12.3.76	824
42.	78	Vijay Pratap Singh S/O E.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 Ashraf S/O S.R. Ashraf.	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 K.N. Srivastava.	PWI/LKO.	-	H.S.	13.4.61	10.4.79	710

10/10/80
AME II LKO

Attest
STRIKED

L.I. Badalca M. S. Ad.

(22)

A31

-5-

1.	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 Kalloo.	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/ANTEN 22	-	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 SC CB	H.S.	27.11.59	3.7.80	230	
76.	121	Ram Kumar S/O Shiv Bolek.	CL/Kh	SC -	20.4.57	27.12.75	214	
77.	124	Shesh Narain S/OCL/KH/SM/ Ram Dularey.	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 Prabhoo Dayal.	SW/CWS/FD -	8th	1.1.53	5.11.75	162	
80.	127	Abdul Mazeed S/O ^{GLX} 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.

गंगा प्रसाद

J. L. Badalke

**RECORD OF SERVICE AS
CASUAL LABOUR**

[illegible]

S. No.	Period of employment		Nature of assignment	Signature and designation of the Supervisor with date
	From	To		
1	2	3	4	5
1	20/11/2012	20/11/2012	Challan	W. S.
	20/11/2012	20/11/2012	= 20 days	

Verified.

**Signature & designation du
subordonné chargé**

1 R P W — 17/445/66 — 1,00,000.

27/11/2019

W. B. Baker

Annexure IV

15

(4)

प्रतिवत मजदूर के रूप में काम करने का रि
RECORD OF SERVICE AS CASUAL LABOUR

शराफक नियुक्ति की तारीख 24.6.75
Date of initial employment

नौकरी की अवधि Period of employment	काम का स्वरूप Nature of assignment	प्रत्येक नौकरी में प्रवेश की तारीख Date of initial employment
24-6-75 से 08-7-75	15 रातों	
17-9-75 से 14-10-75	27 रातों	
15-10-75 से 14-11-75	01 रात	
15-10-75 से 14-11-75	43 दिन	

कुल नौकरी का दिन

प्रत्येक नौकरी में प्रवेश की तारीख

15-10-75

(5)

प्रतिवत मजदूर के रूप में काम करने का रि
RECORD OF SERVICE AS CASUAL LABOUR

शराफक नियुक्ति की तारीख
Date of initial employment

नौकरी की अवधि Period of employment	काम का स्वरूप Nature of assignment	प्रत्येक नौकरी में प्रवेश की तारीख Date of initial employment

14235

12/11/2014

ND 2



(26)

A320

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

Sorking 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. 71	15 days
Sep. 73	28 days
Oct. 73	31 days
May 73	25 days.

128 days.	

(One hundred twenty eight days).

Sd/- Illegible.

CSW, Faizabad.

L.T.I. Gaya Prasad

27.5.87.

Alloster

5171/42114

MS

Ad

J.I. Badelka

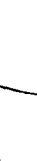
RECORD OF SERVICE AS
CASUAL LABOUR

1. Name in full (in Block Letters)	2. Father's Name	3. Date of Birth	4. Age at initial casual employment	5. Personal marks of identification	6. Nature of job on initial employment
SHANU K. B. A. C. L.	SHRI MAZID KHAN	20. 9. 1955	21 Years	(i) Above the left shoulder (ii) And back side of left ear	Chairman

RECORD OF SERVICE AS
CASUAL LABOUR[illegible]

**structure & designation of
resorbable Incharge.**

17/415/66-1,60,000


 T. I. Badelger
 21/11/2014
 Als ~~1/2~~ 1/2
 AF

28

A36

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.	Sawan 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	23 days
		11.2.87 - 17.2.87	7 days
10.	Magh Mela	1988/Ay. 14.1.88 - 26.1.88	15 days.
			----- 162 days. -----

Total working date 162 days.

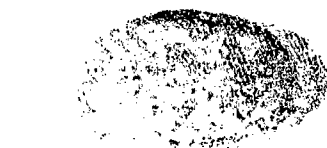
Sd/- Illegible
9.5.78.

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

Sd/. Illigible

L.T.I.

Badal. Khan.



L.T.R. 1.0 km

Signature of Badal Khan

(29)

A-37

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/Kri/Dy.



Attest
[Signature]
[Signature]

LT. Badal

जिम्मेदार

Amelane VII

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A-38

पत्र सं० नं. 807/सं. सी. टी. / प्रोग्राम/86

3020 (वर्कन 3)
दि० 14.9.88

तखानऊ मण्डल से समस्त सम्बन्धित
अधिकारी 80 सीनियर सुपरवाइजर

विषय:- चतुर्थ श्रेणी ग्रुप डी कैटागरी अनुसूचित जाति एवं अनुसूचित जन जाति का जगह नियुक्ति प्रदान करने हेतु।

प्रधान कार्यालय के पत्र संख्या: 11/दि० 06.11.87 है।
संक्रम में अनुसूचित जाति एवं अनुसूचित जन जाति के एवं जी कर्मचारी सहायक प्रोफार्मा एवं केजुवल लेबर के रूप में कार्य कर चुके हैं या कर रहे हैं उनका लिस्ट दि० 17.5.88 तक इस कार्यालय के पत्र संख्या 807/सं. सी. टी. / प्रोग्राम/86 दि० 29.4.88 द्वारा मांगी गयी थी। इस तिथि को 30.2.88 तक और बढ़ाई जा रही है। जो अनुसूचित जाति एवं अनुसूचित जन जाति के केजुवल लेबर एवं सहायक प्रोफार्मा काम कर चुके हैं कर रहे हैं या लार्ज केजुवल लेबर रजिस्टर पर नाम है उनकी सेवाये स्कीनिंग द्वारा नियमित की जा सकती है बशर्ते कि वे निम्न तल्लिखित शर्तों को पूरा करते हों।

1. केजुवल लेबरों की प्रथम नियुक्ति 1.6.88 से पहले की हो।
2. ऐसे लेबर जो 120 दिनों लगातार या 120 दिनों से ज्यादा दिनों 1.1.87 का कार्य कर चुके हों।
3. आयु सीमा 18 वर्ष से 33 वर्ष के मध्य में हो दूसरे शब्दों में केजुवल लेबर 18 वर्ष की आयु पूर्ण होने पर जुड़े हों समी सीनियर सुपरवाइजरों से अनुरोध है कि अनुसूचित जाति एवं अनुसूचित जन जाति एवं जी तथा केजुवल लेबर के मामलों की सूची संलग्न प्रोफार्मा 2 और बी पर सहायक कार्मिक अधिकारी (जी) के पास दिनांक 30.9.88 तक इस कार्यालय में अवश्य भेजे प्रमाणित करें कि कोई अनुसूचित जाति एवं अनुसूचित जन जाति के उपलब्ध नहीं है।

निश्चित तारीखा के बाद सूची आने पर उस पर कोई विचार नहीं किया जायेगा प्रोफार्मा 2 और बी पर सम्बन्धित सीनियर सुपरवाइजर एवं अधिकारियों का हस्ताक्षर अवश्य होना चाहिए।

सहायक कार्मिक अधिकारी

प्रतिलिपि

1. मण्डल सी. टी. एन. आर. एम. सु. रनिंग रूप के समीप चारबीज (वर्कन 3)
2. मण्डल सी. टी. एन. आर. एम. सु. के तल्लिखित चारबीज

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A-39

Before the Hon'ble Central Administrative

Circuit Bench, Lucknow.

Application No. _____ of 1990

Gaya Prasad & Others

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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 Crasn/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.X.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 Massengor of Depo, goes to Divisional Office for this

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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 vested with an other opportunity for the screening please.

Sd/- Illegible

23.9.88

C.W.'s ,Faizabad.

Sd/.

7.12.88

Carriage Wagon Adhikshak
Uttar Railway, Faizabad. Ex.

गुप्त प्रमाण

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AD

L.J.I. Badella

A-41

-33-

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/Rectt-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 illegitimate).
2. Two recent pass port sized photographs attested by Sri Subordinates.
3. Two Good character certificates from two different Gazetted Officers.

-33-

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/Rectt-SW/83

Lucknow Dt. /8-83

Sri Gaya Prasad S/o Mangal Prasad

Modaha Khojanpur,

Rekaganj, 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 illegitimate).
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.

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.

Asstt. Personnel Officer.

-34-

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

NORTHER RAILWAY

E 21-87

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 Prasad 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 supprt of his age and qualification please.

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

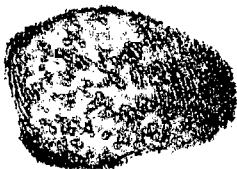
L.T.I.

Gaya Prasad S/o Mangal

27.5.87.

C & W. Supdt.

sd/-



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विफोर दि आनरेबुल सेन्ट्रल इंडमिनिस्ट्रेटिव

सरकिट बेन्च, लखानऊ

अपलीकेशन नं०

/1990

गया प्रसाद एण्ड अदर्स

अपलीकेन्ट

वरसेज

युनियन आफ इण्डिया एण्ड अदर्स

रेस्पान्डेन्ट

अनेकजर- 12-ए

सेवा मे,

मण्डल रेल प्रबन्धक

उत्तर रेलवे लखानऊ

द्वारा कैरेज एण्ड बेगन अधीक्षक,

30 रेल लखानऊ ।

महोदय,

निवेदन है कि प्रार्थी एक हरिजन है और वह उत्तर रेलवे, फैजाबाद में कैजुअल लेबर के रूप में वर्ष 1971 से कार्य करता 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 बुलाया भी गया और उसने अपना साक्षात्कार दिया तथा उसका मेडिकल भी हुआ परन्तु प्रार्थी का चयन नहीं किया गया जबकि प्रार्थी से जूनियर 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,

मो० मोदहा,

फैजाबाद

दिनांक 11-8-86

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A-43

विफोर दि आनरेबुल सेन्ट्रल इंडमिनिस्ट्रेटिव
सरकिट बेन्च, लखानऊ

अपलीकेशन नं० /1990

गया प्रसाद एण्ड अदर्स

अपलीकेन्ट

वरसेज

युनियन आफ इण्डिया एण्ड अदर्स

रेस्वान्डेन्टस

अनेक्जर- 12-ए

सेवा मे,

मण्डल रेल प्रबन्धक

उत्तर रेलवे लखानऊ

द्वारा कैरेज एण्ड बेगन अधीक्षक,

उ० रे० लखानऊ ।

महोदय,

निवेदन है कि प्रार्थी एक हरिजन है और वह उत्तर रेलवे, फैजाबाद में कैजुअल लेबर के रूप में वर्ष 1971 से कार्य करता 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 बुलाया भी गया और उसने अपना साक्षात्कार दिया तथा उसका मेडिकल भी हुआ परन्तु प्रार्थी का चयन नहीं किया गया जबकि प्रार्थी से जूनियर लोगों 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,

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फैजाबाद

दिनांक 11-8-86



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Annexure ~~XXXX~~ XII B
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869 For Insurance Notices see reverse
Stamps affixed except in case of uninsured Rs. P.
Letters of not more than the initial weight (Data stamp)
prescribed in the Post and Telegraph Guide
only which no acknowledgement is due.

Received a registered*
addressed to DR. M. O. L. K.

Write here 'letter' postcard, 'packet' or 'parcel' (Data stamp)
Signature of Receiving Officer with the word insured before it (In words)
Insured for Rs. (In figures) (In words)
Weight Rates Grams
Insurance fee Rs. P.
Name and address of sender

बोमा नहीं NOT INSURED कमांक/No. 5194

लगाये गये डाक टिकटों का मूल्य Rs. 2 P.
Amount of Stamps affixed Rs. P.
एक रजिस्ट्री प्राप्त किया
Received a Registered Date Stamp
पाने वाले का नाम उ. र. म. त. क.
Addressed to
पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बोमा नहीं NOT INSURED कमांक/No. 5195

लगाये गये डाक टिकटों का मूल्य Rs. 2 P.
Amount of Stamps affixed Rs. P.
एक रजिस्ट्री प्राप्त किया
Received a Registered Date Stamp
पाने वाले का नाम उ. र. म. त. क.
Addressed to
पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

गये डाक टिकटों का मूल्य Rs. 3.05 कमांक/No. 91321

Amount of Stamps affixed Rs. 3.05
रजिस्ट्री प्राप्त किया
Received a Registered Date Stamp
पाने वाले का नाम Harishankar
Addressed to Bharat Sahasr
पाने वाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer



गजा प्रसाद

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Ans

No **1568**

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

R. P.-51 (a) 3.55

Received a V.P. registered addressed to **D. R. M. Mozorati**

Signature of receiving officer *[Signature]*

Insured for Rs. (in figures) **4.886**

Insurance for Rs. P. **4.886**

Weight (in words) **4.886** Rates Grams

Date stamp **4.8.86**

No **739**

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 acknowledgment is due.

R. P.-51 (a) 3.55

Received a V.P. Registered addressed to **D. R. M. Mozorati**

Signature of Receiving Office *[Signature]*

Insured for Rs. (in figures) **4.886**

Insurance for Rs. P. **4.886**

Weight (in words) **4.886** Rates Grams

Date stamp **4.8.86**



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A-46

Before the HonBle 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 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 the job of safaiwala, it should also be borne that no second chance will be given.

Assistant personnel Officer

Lucknow.

5124152414

T. I. Badal

Handwritten signature

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A-457

विष्णोर दि आनरेबल सेन्ट्रल रेडमिनिस्ट्रेटिव,
सरकिट बेन्च लखानऊ

अपलीकेशन नं० /1990

गया प्रसाद एण्ड अदर्स _____ अपलीकेन्टस
वरसेज

युनियन आफ इण्डिया एण्ड अदर्स _____ रैस्पान्डेन्टस

अनेक्जर नं० 15-ए

सेवा मे,

मण्डल रेल प्रबन्धक
उत्तर रेलवे लखानऊ

द्वारा कैरेज एण्ड वैगन अधीक्षक,
30 रे० लखानऊ ।

महोदय,

निवेदन है कि प्रार्थी एक मुस्लिम जाति का गरीब व्यक्ति है और वह उत्तर रेलवे फैजाबाद में कैजुवल लेबर के रूप में वर्ष 1975 से कार्य कर रहा है । और उसने न्यूनतम निर्धारित 240 दिन से अधिक तक कार्य कर लिया है । प्रार्थी का कार्य सन्तोषाजनक भी रहा है । प्रार्थी को कई बार स्क्रीनिंग के लिये बुलाया भी गया और उसने अपना साक्षात्कार भी दिया तथा उसका मेडिकल भी हुआ परन्तु प्रार्थी का चयन नहीं किया गया । जबकि प्रार्थी में जूनियर लोगों का चयन हो गया है ।

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

भवदीय,

बादल छात्र

ग्राम कोयले का पुरवा
छाोजनपुर, फैजाबाद

दिनांक 16-9-88 ई०

गया प्रसाद

Allest
W.S.R.

L.T.I. Badalke

40

Annexure B

A-8

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

प्रकृति: पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
*Received a Registered Insured Letter/Postcard/Packet/Parcel
क्रमिक संख्या: 197
प्राप्त करने वाले का नाम: N. Balleway
Addressed to (name): Hajratganj
बीमा का मूल्य (रुपयों में): 10000
Insured for Rupees: Lucknow
विवरण की तारीख: 197
Date of delivery: 197
प्राप्त करने वाले के हस्ताक्षर/Signature of addressee: [Signature]
*Score out the matter not required.
*For insured articles only.

प्रकृति: पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
*Received a Registered Insured Postcard/Packet/Parcel
क्रमिक संख्या: 197
प्राप्त करने वाले का नाम: Dr. Chit Medical Officer
Addressed to (name): Narden Raley Indoor
बीमा का मूल्य (रुपयों में): 10000
Insured for Rupees: Hosptel
विवरण की तारीख: 197
Date of delivery: Lucknow
प्राप्त करने वाले के हस्ताक्षर/Signature of addressee: [Signature]
*Score out the matter not required.
*For insured articles only.

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

प्रकृति: पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
*Received a Registered Insured Letter/Postcard/Packet/Parcel
क्रमिक संख्या: 197
प्राप्त करने वाले का नाम: श्री कमला पति त्रिपाठी
Addressed to (name): माननीय रेल मंत्री
बीमा का मूल्य (रुपयों में): 10000
Insured for Rupees: जयपुर
विवरण की तारीख: 197
Date of delivery: जयपुर
प्राप्त करने वाले के हस्ताक्षर/Signature of addressee: [Signature]
*Score out the matter not required.
*For insured articles only.

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

प्रकृति: पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ
*Received a Registered Insured Letter/Postcard/Packet/Parcel
क्रमिक संख्या: 197
प्राप्त करने वाले का नाम: श्री. रम. कपिल
Addressed to (name): इन्दिरा इन्दरत गंज
बीमा का मूल्य (रुपयों में): 10000
Insured for Rupees: बालागंज
विवरण की तारीख: 197
Date of delivery: 197
प्राप्त करने वाले के हस्ताक्षर/Signature of addressee: [Signature]
*Score out the matter not required.
*For insured articles only.

21 JULY 2017

Alb... [Signature]

1-11 R. l. 1102

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Annexure ~~1001~~ XVI

Aug

No. P-15 (a)
No. 1443 affixed except in case of uninsured. Rs. & P
letters of not more than the initial Date-stamp
described in the Post and Telegraph
which no acknowledgement is due.
Received a V. P. registered
addressed to

*Write here "letter", "parcel" or "way receipt"
Signature of Receiving Officer with the word "Received" or "For" as the case may require

To be filled in only when the article is to be insured; otherwise to be crossed out by means of two diagonal lines.
Insured for Rs. figures) (in words)

weight rate
Insurance for Rs. P. A. word

बोसा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु. 7-90
Amount of Stamps affixed P. 7-90

एक रजिस्ट्री* 2-1-4-4 प्राप्त किया

Received a Registered*

पानेवाले का नाम A.P.C.

Addressed to D.R.M. 13-8-40

पानेवाले का नाम D.R.M. 13-8-40
Signature of Receiving Officer

क्रमांक/No. 0650

तारीख मोहर
Date Stamp

बोसा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु. 6-05
Stamps affixed Rs. 6-05

एक रजिस्ट्री* प्राप्त किया

Registered*

का नाम D.R.M. 13-8-40

पानेवाले का नाम D.R.M. 13-8-40

Addressed to D.R.M. 13-8-40

पानेवाले का नाम D.R.M. 13-8-40
Signature of Receiving Officer

क्रमांक/No. 3206

तारीख मोहर
Date Stamp

लगाये गये डाक टिकटों का मूल्य रु. 6-05
Stamps affixed Rs. 6-05

एक रजिस्ट्री* प्राप्त किया

Registered*

का नाम D.R.M. 13-8-40

पानेवाले का नाम D.R.M. 13-8-40

Addressed to D.R.M. 13-8-40

पानेवाले का नाम D.R.M. 13-8-40
Signature of Receiving Officer

क्रमांक/No. 3207

तारीख मोहर
Date Stamp

लगाये गये डाक टिकटों का मूल्य रु. 6-05
Stamps affixed Rs. 6-05

एक रजिस्ट्री* प्राप्त किया

Registered*

का नाम D.R.M. 13-8-40

पानेवाले का नाम D.R.M. 13-8-40

Addressed to D.R.M. 13-8-40

पानेवाले का नाम D.R.M. 13-8-40
Signature of Receiving Officer

क्रमांक/No. 3208

तारीख मोहर
Date Stamp

General Manager
Northern Railway
Baroda; House
New Delhi

गयाप्रसाद

Alister
M.S.

L.J. Badelt

विफोर दि आनरेबल सेन्ट्रल रेडमिनिस्ट्रेटिव
सरकिट बेन्च लखानऊ

अपलीकेशन नं०

/1990

गया प्रसाद एण्ड अदर्स

अपलीकैन्टस

वरसेज

युनियन आफ इण्डिया एण्ड अदर्स

रेस्पान्डेन्टस

अनेक्जर नं० -17

सेवा में,

डिवीजनल रेलवे मैनेजर,
30 रेलवे, हजरतगंज,
लखानऊ ।

महोदय,

सचिनय निवेदन है कि प्रार्थी उत्तर रेलवे फैजाबाद में प्रार्थी गण क्रमशः वर्ष 1971 तथा 1975 से कैजुवल लेबर के रूप में कार्य कर रहा है प्रार्थी नं० 1 अनुसूचित जाति का तथा प्रार्थी नं० 2 अल्प संख्यक समुदाय में मुस्लिम है । प्रार्थी नं० 1 ने 277 दिन तथा प्रार्थी नं० 2 ने 347 दिन पूरे कर लिये हैं । प्रार्थी से जूनियर लोगों का सी.एस. डब्लू. सफाईवाला पैनल के पद पर दिनांक 11/12 अक्टूबर 1988 को जारी अधिसूचना द्वारा कर दिये गये हैं प्रार्थी इस सम्बन्ध में पूर्व में 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 करें ।

प्रार्थी :-

फैजाबाद

दिनांक 29-1-1990

गया प्रसाद

॥ प्रार्थी नं० 1 ॥

वादल छां

॥ प्रार्थी नं० 2 ॥

मोहल्ला मोदहा, फैजाबाद ।



गया प्रसाद

L.J. Baidel

All Staff

M.S. B.

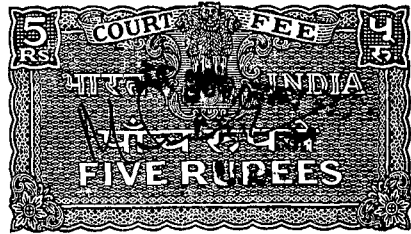
A-5

बदालत भीमान् In the Hon'ble C.A.T. Lucknow महोदय

(वादी) अपीलान्त

Gaya Prasad & Badal Khan

प्रतिवादी रेषाडेन्ट



वादी (अपीलान्त)

बकालतनामा

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

बनाम

प्रतिवादी रेषाडेन्ट

नं० मुकदमा

सन्

पेशी की ता०

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ऊपर लिखे मुकदमा में अपनी ओर से

Sr. Manik Sinha, Advocate
Chamber No. 3, High Court, Lucknow महोदय
एडवोकेट

नाम बदालत
मुकदमा नं०
नाम फरीकन

को अपना वकील नियुक्ति करके प्रतिज्ञा इकरार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देनी व प्रश्नोत्तर करें या कोई कागज दाखिल कर सा 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 स्वयं या किसी अपने पैरोकार को भेजना रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह बकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर गीया प्रसाद

साक्षी (गवाह)

साक्षी (गवाह)

March 14, 1990

LT

Badal Khan

Accepted
Manik Sinha

दिनांक

महीना

सन् १९

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MANIK SINHA
Advocate
Chamber No. 3
HIGH COURT
LUCKNOW

14.3.90

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

W.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 HOMST HUMBLY & RESPECTFULLY submitted

that this Hon'ble Tribunal had passed an interim
order on dated 15.3.90 directing the respondents
to reinstate the petitioner on the post held by
them and to pay them salaries.

2. That inspite of having passed the order by this

Hon'ble Tribunal the respondents have not has
yet reinstated the petitioner nor ^{the petitioner} are being paid
their salary as directed.

Contd..2/-

✓
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3. That the petitioner No.1 is a Schedule Caste and petitioner No.2 ~~is~~ comes from minority community, both belonging to indigent 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~~ ^{stage} ~~time~~ of starvation.
4. That inspite of repeated reminders to the respondents it bore no result and the representation filed on du^r 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.

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.

Lucknow, Dated:
January , 1992.

D. Chandra
(DR. DINESH CHANDRA)
Rakesh Pathak
(RAKESH PATHAK)
Counsel for the petitioner

A/S
A.S.

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

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

Gaya Prasad & Others

....
Versus

APPLICANTS

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 2.4.90.

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 //



Checked
Sd/-
16/3

16.3.90

बअदालत श्रीमान

Before C.A.T. Lucknow Circuit Bench Lko
महोदय

वादी (मुद्दई)

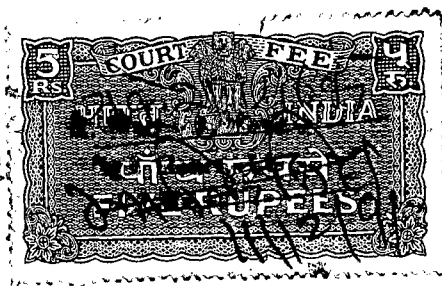
मुद्दई (मुद्दालेह)

का

वकालतनामा

Gaya Prasad and others
versus

Union of India and others
Registration (O.A) No - 80/1990



बनाम

प्रतिवादी रेस्पान्डेन्ट

नं० मुकद्दमा (O.A) No 80/सन् 1990 पेशी की ता० DR. DINESH K. HANUPRA
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री In Ra Kosh 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 (दस्खती) 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 रहूंगा। अगर मुकद्दमा अदम पैरबी 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।

नाम अदालत
नं० मुकद्दमा
नाम फरीकन

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९ ई०

AS

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

APP

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 Pujari Prasad working
as ASST Personnel officer 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.

Elbrasad

Assistant Personnel Officer
Northern Railway
LUCKNOW

ASL

-2-

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 ^{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 screening 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 applicant 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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Joint Personnel Officer

Northern Railway

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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 ^{Subject 15} after passing of screening test ^{in addition to the fact that} ~~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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Assistant Personnel Officer
Northern Railway
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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 ~~xxx~~ 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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General Manager
Northern Railway
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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} being 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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General Manager, U.P.
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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 5th Dec 1990

X. *J. L. Brar*

Deponent, U.P. Railway

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

J. L. Brar

X. Deponent, U.P. Railway

Northern Railway

LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

RE JOINDER 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 unskilled 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

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 workman 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 empaneling 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 /as 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 rely 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 (xx) 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 AI 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 Original Application are ^{reiterated} ~~reinstated~~ 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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J. Chandra
(Dr. Dinesh Chandra)
Advocate