

ANNEXURE

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

R.A. 190/90 INDEX SHEET

CAUSE TITLE A. 1140 OF 87NAME OF THE PARTIES U. O. I.

Applicant

Versus

Sadhu Ram

Respondent

Part A, B & C

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12	B. file. O. A. 1140/87 CA. R. A.	B-1 to 70
13	C file Notice	C-1 to C-11 ✓

CERTIFICATE

Certified that no further action is required to taken and that the case is fit for consignment to the record room (decided).
Decided out.

Dated... 1.9.91...

B/C Destroyed on 09-5-12.

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

Appointment

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

1160 of 1987

(A1)

APPLICANT (s)

Sadhu Ram & 7 others

RESPONDENT(s)

G.M., N.R.Ly, New Delhi & 3 others

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation/Vakalat-nama been filed ?
5. Is the application accompanied by B. D /Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application. been filed ?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

Yes

Yes

Yes

Yes, 6 sets filed

No

Yes

Yes

Yes

The application is not against any particular order

Yes


Yes

CA 1140/87

28-5-90. Hon. Mr. P.C. Jain, AM.
Hon. Mr. J.P. Sharma, JM.

(A3)

It may be listed before the Bench which has to consider the Review application. Parties will be notified the date in advance.


JM.

CA
AM.

10.8.90. Hon'ble K. Nath, VC / Hon'ble K. Obeyya, AM

On the request of Counsel for both the parties case is adjn to 06.9.90 for hearing.



AM.


VC.

06.9.90 Hon'ble K. Nath, VC / Hon'ble K. Obeyya, AM.

~~On the request of Counsel~~
On the request of Counsel for both the parties case is adjn to 21.9.90 peremptorily.

AM,
JA


VC

24.9.90 Hon'ble K. Agrawal, JM / Hon'ble K. Obeyya, AM

Due to lawyers strike case is adjn and list it for hearing on 6.11.90 for hearing peremptorily.


Bor

C.M. Review App No 190/199 (L)

:: 2 ::

1m

C. + No - 1140 of 1987

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

(AL)

COM Review) 11

No. has been fil

ed in C.A. 1140/87

on 26.3.90

The case hear-

ing C.A. was dec

ided by the

Panel of Hon'ble

Justice K. N. V. C.

Hon'ble Mr. K. Chagga

on dated 19.2.90.

The author of

judgment is

Hon'ble Justice K. N. V. C.

submitted for

order.

L/C for the applic

has been made

on 28.3.90

13.3

applicant

within 1.

30/3

Noted for 28/4/90

ALY

(S. A. K. D. S. L.)

OR

Both the parties

have noted dates

submitted to

hearing on Review

on 25/3

Dinesh

AS

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

.....O.A.....No.: 1140of 198 7

.....SADHU RAM AND SEVEN OTHERS VS. G.M. NORTHERN RAILWAY.

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned.
1	2	3

2.12.1987 HON.D.S.MISRA, AM
HON. G.S.SHARMA, JM

In this case 8 persons have jointly filed this petition stating that the facts and law applicable to them are the same. We however find that applicant nos. 1 to 6 had ~~also~~ ^{even} worked as casual labour prior to 1.8.1978 while applicant nos. 7 and 8 did not work before that date. The cases of all the 8 applicants are thus not based on common facts and different provisions will apply to the casual labour engaged after 1.8.1978.

The applicants are allowed 15 days time to seek necessary amendment to delete the names of those applicants whose cases are different from the others. The registry shall thereafter list the ~~matter~~ ^{case} for orders.

AM

JM

DATED 2.12.1987
KKB

OR.

Application of Sr A.K. Dixit Advocate
Oct 16 1988 in CA No 1140 is placed
before court for consideration of S.O. No. 1
of 21.10.88 on the Separate Paper.

21/11/88

order sheet

OA - 1140/87

29/2/88

Hon. D.S. Mishra - Am
Hon. G.S. Sharma - JM

(A6)

The learned counsel
for the applicant states
that amendment application
had been sent by post
on 8/2/88. Registry may
report and put up ^{with} this
case file on 12/4/88 for
admission.

Am.

Am.

6/4/88

The amendment appn dt. 8/2/88
received in the office on 1/3/88.

In compliance with Honble bench's
order the case is submitted for orders
alongwith the appn. no. 30A/88.

12/4/88

Hon. Ajoy Johar - Am.
Hon. G.S. Sharma - JM

Heard Shri A.K. Dixit for
the applicant. The amendment
as prayed is allowed and incorporated.

Am.

JM.

Am.

O.A. 1140/07

-53,504

D.R.

As prayed by counsel for applicant,
reply can be filed by 27.12.07.

(177)

D.R.

Kindly fix 22/11/89 in the
Subject noted Case for final
hearing or share to come from
Allahabad. & other Cases are
listed on the doli.

Prashant Maitra
Advocate
Counsel for Respondent



No.

The Bench Secretary
CAT / Lucknow Bench.

Reg. Registration No 11140 of 1988.
Sd/- Ram & others vs 2002 edition

(178)

Kindly inform the Hon'ble
Tribunal on my behalf that I have to
go to meet for the urgent personal
work. hence will not be in a position
to attend the Court.

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

C.A./T.A. No. 1140 1987

Sadhu Ram

Applicant(s)

Versus

Union of India

Respondent(s)

Cr. No.	Date	Orders
27.X.88		Applicant's Counsel Sri AK Dixit Special. Rejoinder not filed today. Respondent's Counsel Sri Basant Mathur Special. On 25.11.88 for rejoinder. <u>Lee</u> 27/X/88
25.11.88		DR (B) Rejoinder filed today. AS the cases of Sri Basant Mathur Adjoined list this case on 24-1-89 for hearing.
24-1-89		Hon. J.S. Misra, Jm. Hon. J.S. Sharma, Jm. Sri A.K. Dixit for the applicant and Sri Basant Mathur for respondents are present. On the request of the parties the cases are adjourned to 27.2.89. <u>Lee</u> DR

Lee

Jm.

Am.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

(A10)

REGISTRATION No. 1140 of 1987

APPELLANT
APPLICANT

S. Ram

VERSUS

U.O.

DEFENDANT
RESPONDENT

Sl. No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
2/8/89	<p>No. Sd/-y Ady. to 2.0. of for order.</p> <p>h Hon. Justice K. Neth, VC. B.O.C</p> <p>Sri. Prashant Mathur makes appearance on behalf of newly impleaded Union of India and says that the Committee on behalf of other opposite parties is also adopted by the Union of India in this case. The case be listed for final hearing on 28-9-89.</p> <p>VC.</p>	<p>OR</p> <p>No reply has so far been received from newly added party submitted for a</p> <p>27/9</p>
16/28/9/89	<p>VC.</p> <p>Hon. Justice K. Neth, VC. Hon. K. Chatterjee, Jm.</p> <p>The learned counsel for the opposite parties filed supplementary Committee. The learned counsel for the opposite parties requests for an adjournment. List for final hearing on 22-11-89 by which date the appellant may file rejoinders.</p> <p>VC.</p>	<p>OR</p> <p>Case is submitted for hearing</p> <p>27/8</p>

112

Jm

VC

CA call (No: Dist Am C-1) Ram Palan news worker under Gov Balamau

(A11)

A: Off let employed in Nov 87 was notice the deft must with contractors to that no period of working after 1984 & 1985 has been entered in their CL card

Held: OA file on 26.11.87 is barred by time in the light of A; and the claim for re-engagement subsists in view of the Govt policy, & all the discharged eligible CL has been invited by Circular Am C-1 for app for employment for re-engagement.

: list of 107 CL who worked under Gov Balamau on the basis of seniority as on 14.12.86, & includes the names of all the app. Sardar Ram

with 415 working days has been re-employed, while all others who are senior to him have not been, hence discriminatory. There is no reason why this be not re-employed when the criteria of re-engagement is seniority. This not shown that they were considered or that Sardar Ram had some special qualifications which him to be given precedence over others.

: Order = R directed to re-employ the applicants within one month.

Reasons for 2 reasons: (i) App did not fulfill the requirements of Circular C-1

(ii) Did not possess VIII th pass advertisement qualification.

= Period as limited file: Bohari, Sundel, Ramdhan, Ramdhan possess requisite qualification for re-employment as required by Circular Am C-1.

Order of re-employment is in conflict with District case

Principles:
P.766 = Discharge according to seniority in respect of unit & provided seniority list is to be maintained.

P.769 = "On discharge principle of '1st come 1st go' is not applicable; re-engagement will be done on '1st go first come' is basis on an will be both to go & 1st to come. On complaint of non-re-engagement, Govt record may be checked.

P.772 = Discharge is not necessary unless the nature of the job requires. Professor should be given to those who have worked for more number of days.

(A12)

interviews worth up to 7-7-85 = 120 days.

② Re engagement - 2-11-87 to 7-11-87 - a Male out of 800 - thereafter

on Promise of Medal examination.

③ Working since 1969 - n.c.l.

Resp. (A) Appl's names - not in the list - hence could not be sent for medal.

Rel. to Regularisation

of inclusion of names in the list (Ann Report)

Ann: class IV - under - App IV.

Continuous working

Time

1. Sathur Ram -

15/8/84 153

to 14/1/85

412 - up to 7/11/87

2. Babari

15/7/82

to 14/1/82 - 121

16/8/84 } 120

15/1/84 } →

779 7/11

3. Sunder Lal

15/7/79

to 15/1/83

150

424 7/11

4. Ram Prasad

15/1/84

to 14/6/84

15/7/84

to 7/7/85

167

891 7/11

5. Ramabalan

15/9/84

to 7/7/85

232

1118 7/11

6. Ram Araker

15/7/80

to 14/6/84

150

832

7/11

7. Aggar Ali

15/10/84

to 14/10/85

to 14/4/86

1278

35 335

At that time he was engaged in that casual work.

all other his work was in casual work

11/87 1 work under instruction

to

4/11/87; Mr. Ali.

Para 8 2 names of App. sent for medal

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I THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW

(A13)

O.A. NO. 1140/87 (E)

C.M. (Review) Appl. No. 190/90(L)

Sadhu Ram & others	Applicants.
	Versus	
General Manager, N. RLY. & Others	Respondents.

Hon. Justice Mr. K. Nath, V.C.
Hon. Mr. K. Obayya, A.M.

(By Hon. Justice Mr. K. Nath, v.c.)

We have gone through the review application, as well as the application for interim relief. It is pointed out in Para-4(i) of the review application that except Sadhu Ram, none of the applicants fulfill the requisite requirements of the circular notice Annexure-C1 to the counter affidavit and do not possess the requisite eligibility qualification of having passed Class VIII. The circular Annexure-C1 required the candidates to have passed Class VIII. In Para-16A, as well as, in Para-20 of the counter affidavit, it was stated that the applicants (except Sadhu Ram) do not possess requisite qualifications. This point had not come for consideration at the time of arguments and therefore, doesnot find place in the judgement. Even so, the point had been raised in the counter affidavit and goes to the root of the applicants eligibility for re-engagement and regularisation as casual labour. We think that this point is fit to be considered by way of review of the judgement in O.A.

Another point raised in the review application is that Ram Ratan had never worked under IOW, Balamau for any time; but Annexure-1 to the supplementary counter dated 28.9.1989 mentions Ram Ratan at serial No. 74 to have worked as casual labour under I.O.W., Balamau. This point therefore

g

AW

cannot be raised.

We admit this review petition for reconsideration of the judgement delivered in O.A. NO. 1140/89 only on the question whether the applicants, Bihari, Sunder Lal, Ram Bilas, Ram Ratan and Ram Autar possess the requisite qualification for re-engagement as casual labour as required in circular Annexure-C1 to the counter affidavit. Issue notice to the 5 applicants and fix on 28.5.1990 for hearing on the review application, as well as, on the merits of the O.A. on the above limited point which may be disposed of finally. In the mean time, the direction of re-engagement of the aforesaid 5 persons contained in the judgement dated 19.2.1990, in O.A. NO. 1140/89 (Sadhu Ram And Others Versus General Manager, N. RLY. shall remain stayed. Inform the above parties.


A.M.


V.C.

Dated: 30.4.1990

sd.

(A15)

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

REVIEW APPLICATION NO. 190/90(L)

IN

O.A.No. 1140/1987

Union of India & OthersApplicants

Versus

Sadhu RamRespondent

Hon'ble Mr. Justice K. Nath, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. K. Obayya, A.M.)

This application has been filed by Union of India under section 22(3)(F) of the Administrative Tribunals Act 1985 for reviewing of the judgment dated 19.2.1990 in O.A.No. 1140/87 Sadhu Ram and others Vs. General Manager Northern Railway and others. The applicants in the said O.A. who are 7 in number were engaged as Casual Labour in the Northern Railway and their prayer was that they have attained temporary status of class IV employee and that their names should be included in the live register for re-engagement on regular basis in accordance with their relative seniority. During the pendency of the case one Sri Sadhu Ram applicant no. 1 was regularised. Having considered the matter the application was allowed in part in the following terms in para 8 of the judgment:

"On a consideration of all the matters, the petition is partly allowed and the opposite parties are directed to re-engage applicants Bohari, Sunder Lal, Ram Bilas, Ram Retan, Ram Autar and

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Ayub Ali as Casual Labourers within a period of one month from the date of receipt of the copy of this order."

2. The respondents who are applicants in the Review petition have now come up with this petition stating that the judgment would effect the implementation of decision of the Supreme Court in Indra Pal Yadav Vs. Union of India & Others (1985 SCC Vol.2 page 648) as there are many seniors of the applicants and these seniors cannot be by-passed in the matter of re-engagement. It is also further stated that re-engagement of Sadhu Ram was on the basis of a special recruitment for which applications were invited from all the eligible Casual Labour in the live register possessing the proscribed age limit and other qualifications, and that Sadhu Ram applied for the post, he was found suitable and accordingly he was selected and posted, while the other applicants did not apply, hence their ^{cases} could not be considered. The Review Petition was admitted on the limited point whether the applicants possessed the requisite qualification for re-engagement as Casual Labour as required in circular (Annexure C-1 of the counter affidavit).

3. We have heard Sri Prashant Mathur for the applicant/respondents and Sri A.K.Dixit for the respondents/applicants. Learned counsel for the applicant/respondents Sri Prashant Mathur stated that the judgment in this case requires revision since the case of Sadhu Ram is entirely on a different footing, that was a special recruitment for the Loco

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Shod from among eligible casual labour and Sadhu Ram who applied for the post was found to be suitable and he was accordingly selected and posted. The other applicants did not apply and they also do not possess the required educational qualification. None of the applicants except Sadhu Ram fulfilled the requirement of circular notice as Annexure-7 and that the re-engagement of others after screening will be considered. The learned counsel for the respondents/ applicants stated that the applicants are working on the work side and they have no experience of work in Loco Shed and that the work side incumbent cannot be employed in the Loco Shed where the nature of work is entirely different. It was also contended by the learned counsel that since the applicants are working prior to 1987, they were entitled for age relaxation, and also the qualification prescribed will not apply to their cases, as they are already in service. The educational and other qualifications prescribed will apply to direct recruitment.

4. We have given our serious consideration for rival contentions. Both the counsel agree that Annexure C-1 has nothing to do with the applicants. The applicants are working on the work side, while the advertisement is for regularisation of casual labour in the post of Loco Cleaner. This being a specialised post, higher qualifications and age limit has been prescribed, therein and this is indicated in the notification. This is not for a regular absorption

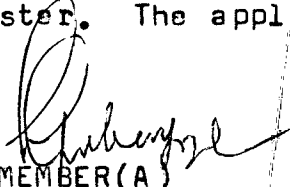
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of casual labour in their turn but for special recruitment.

5. In this background we consider that the applicants cannot be considered on the Loco side as they do not fulfil the proscribed qualification. They cannot lay their claim for preferential consideration over the selected candidates, merely on the basis of their seniority since the notification for the Loco Cleaner is a Special notification for post available in the Loco Shed. The applicants are undoubtedly entitled for regularisation under normal rules, in their turn according to the seniority list. Their names are already in the live register and in these circumstances we recall our order dated 19.2.1990 and pass the following order:

6. "Having considered all aspects of matter relating to re-engagement of the applicants, we are of the view that the applicants are entitled for regularisation in their turn according to their seniority in the live register and accordingly we direct the respondents to reengage the applicants on regular basis after screening as per their seniority indicated in the live register. The application is disposed of as above.


MEMBER (A)


VICE CHAIRMAN

Dated: 31st May, 1991

(Allahabad)

(ss)

... ..

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.1140 of 1987

(A19)

Sadhu Ram and Others Applicants

Versus

General Manager, N.Rly.
and Others. Opposite Parties.

HON. JUSTICE KAMLESHWAR NATH, V.C.

HON. K. OBAYYA, MEMBER (A)

(By Hon. Justice K. Nath, V.C.)

This judgment has been
modified by our judgment
of date in Review Application
No 190 of 1990
31/5/91 VC
H.N. 31/5/91

This application under Section 19 of the Administrative Tribunals Act, 1985 is for a direction to the opposite parties to treat the applicants to have attained temporary status of class IV employees or in the alternative to include the name of the applicants in the list of Casual Labour to be engaged and further to engage them in accordance with the relative seniority

2. The petition was originally filed on behalf of 8 persons; the name of one Shiv Ram was deleted by the Court's order dated 11.4.88. The case now concerns seven persons - Sadhu Ram, Behari, Sunder Lal, Ram Bilas, Ram Ratan, Ram Autar and Ayub Ali. At page of the application the applicants have furnished detail of the engagement as Casual Labour during various broken periods between 1969 and 1987; in Column 2 such period out of broken period is set out which is the continuous period of their working. Such continuous period of working has been worked out to be 120 days or more in case of each of the applicants. It is therefore urged that the applicants have acquired temporary status.

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However, it is admitted that before this petition was filed all the applicants were ceased to work.

3. The case of the opposite parties is that applicant No.1 Sadhu Ram has been re-engaged and regularised but the rest could not be re-engaged after their cessation because they did not respond to a circular issued for empanelment of Casual Labour Substitutes. Annexure-C1 to the Counter Affidavit is the circular in which the ceased Casual Labours were invited to apply for re-engagement on a specified proforma. In para 14 of the Counter Affidavit, it is stated that applications for empanelment of those Casual Labour Substitutes who had worked for more than 120 days had been invited and the applicant No.1 Sadhu Ram had applied and therefore he was ^{kept} in panel. The rest of the applicants, admittedly, did not apply and according to the opposite parties could not be empanelled. According to the applicants they could not apply because they were not aware of it.

4. The case of the opposite parties further is that Ram Ratan applicant No.5 had never worked at any time under the I.O.W. Balamau. The rest of the applicants according to the opposite parties, had ceased to work from different dates in the years 1984 and 1985 so that the filing of this case as late as 26.11.87 is barred by time. It was pointed out that the applicants' alleged last employment in November, 1987 was not in the opposite parties' Department but only with contractors so that no period of their working after the years 1984 or 1985 has been entered in their Casual Labour Card whose copies have been filed by the applicants.

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5. This part of the opposite parties' case seems to be correct because according to the copies of their Casual Labour Cards, they were ceased to work in those years. In that sense the claim could be said to be barred by time so far as it concerns conferment of temporary status.

6. But the claims of Casual Labour for their re-engagement in the light of the policies of the Railway Administration still survive, so much so that on the own showing of the opposite parties, all the discharged eligible Casual Labour had been invited by the circular Annexure-C1 to apply for empanelment for the purposes of re-engagement. The opposite parties filed an application dated 28.9.1989 alongwith a list Annexure-C1 of those Casual Labours who had worked under the I.O.W. of Balamau (District Hardoi) containing names of 107 Casual Labourers. Incidentally, this contains the name of applicant No.5 Ram Ratan despite OP's denial. This list purports to have been prepared on the basis of seniority as on 14.8.86. Column 7 of this list sets out the number of days on which the various Casual Labourers had worked according to the records of the Railway Department. Shri Prashant Mathur for the opposite parties says that in this list the names of all the applicants are included and therefore they have no further grievance. Shri A.K.Dixit appearing on behalf of the applicants says that the appointment of applicant No.1, Sadhu Ram who is placed at Sl.No.91 with 415 working days at his credit, is evidence of discrimination against the remaining applicants who are placed at higher positions in the seniority list and have larger number of working days to their credit. He contends that since admittedly Sadhu Ram was re-engaged and is still

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in employment there is no justification for the opposite parties to refuse employment to the remaining applicants. The contention of Shri Dixit is not without force. The list itself shows that all the applicants other than Sadhu Ram were considered by the Department to be senior to Sadhu Ram and if Sadhu Ram could be re-engaged, there is no reason why the rest should not have been re-engaged when the criterion of re-engagement is seniority. Shri Prashant Mathur says that Shri Sadhu Ram was appointed because he was deputed to ^aparticular Shed and was suitable. It is not shown that the others were unsuitable or Sadhu Ram had some special qualification entitling him to be given precedence over others.

7. It is not necessary to go into other questions raised in this case because of applicants alternative prayer of being placed on the list and of being re-engaged.

8. On a consideration of all the matters, the petition is partly allowed and the opposite parties are directed to re-engage applicants Behari, Sunder Lal, Ram Bilas, Ram Ratan, Ram Autar and Ayub Ali as Casual Labourers within a period of one month from the date of receipt of the copy of this order.


Member (A)


Vice Chairman

Dated the 19th Feb., 1990.

RKM

Reg. No. 1140 of 1907

FORM I

(See Rule 4)

26/11/87

By *[Signature]*
for *[Signature]*

[Signature]
Dy. Registrar.

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

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Sadhu Ram and 7 others..

..Applicants.

V e r s u s .

General Manager, Northern Railway and
others..

..Respondents.

I N D E X .

Sl. No.	Description of documents relied upon.	Page No.
1.	Application.	1-19
2.	ANNEXURE No. A-1 Working days certificate of applicant no. 1	20
3.	ANNEXURE No. 2 Working days certificate of applicant no. 3 .	21
4.	Annexure A-3 Working days certificate of applicant no. 4	22
5.	Annexure A-4 Working days certificate of applicants No. 5	23
6.	Annexure A-5 Working days certificate of applicant No. 6 .	24
7.	Annexure A-6 Working days certificate of applicant No. 8	25

*Noted
for 21/12/87*
*Steps filed
for COI app no 5-
27/3/89*

16/12/87 cont. 2

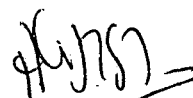
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Sl. No.	Description of documents relied upon.	Page No.
8.	Annexure A-7 Circular dt. 11/12.5.81	26
9.	Annexure A-8 application dt. 18.10.87	27
10.	Annexure A-109 application dt. 26.10.87	28
11.	Vakalatnama.	29

Alachhabad

Dated: Nov. 26 1987.

Signatures of the applicant


(Sachu Ram and 7 others).

FOR USE IN TRIBUNAL'S OFFICE

Date of filing

or

Date of Receipt by Post

Registration No.

Signature

For Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL
BENCH AT ALLAHABAD.

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BETWEEN

Sachu Ram and 7 others..

..Applicants.

AND

General Manager, Northern Railway
and others..

..Respondents.

DETAILS OF APPLICATION:

1. Particulars of the applicants:

- | | | |
|-----------------------------|---|----------------|
| (i) Name of the applicant: |) | |
| (ii) Name of father/husband |) | As per details |
| (iii) Age of the applicant |) | given below. |

1. Sachu Ram aged about 30 years s/o Sri Hemma,
village Kukhi, Post Kachhona Distt. Hardoi.
2. Behari aged about 36 years s/o Sri Jokhey village
Kukhi Post Kachhona Distt. Hardoi.
3. Sunder Lal aged about 26 years son of Sri Prasad
village Deonpur Post Kachhona Distt. Hardoi.
4. Ram Tilas aged about 27 years s/o Sri Heera Lal
village Deonpur Post Kachhona Distt. Hardoi.
5. Ram Ratan aged about 30 years s/o Sri Bhagwandas
village Deonpur, Post Kachhona Distt. Hardoi.

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6. Ram Antar aged about 28 years s/o Sri Rebi village
Sarsand Post Barwa Sarsand Distt. Hardoi.

~~7. Shiva Ram aged about 27 years s/o Sri Ratan village
Pakeria Har Post Lohara Distt. Hardoi.~~

* Amended and
Deleted under
Court order dt.
11.4.88 1472

* 8. Ayub Ali aged about 29 years s/o Sri Hassain Ali
Chand Nagar Colony, Balamau Post Kachhna Distt.
Hardoi.

(iv) resignation and particulars
of office in which employed.

Under
Inspector of works
Northern Railway
Balamau Jn.
Distt. Hardoi.

(v) Office address-

-do-

(vi) Address for service of
notices

(i) Sadhu Ram s/o Sri
Hemma village Kukhi
Post Kuchhona
Distt. Hardoi.

(ii) Ram Bilas s/o Sri
Heera Lal village X
Reonpur Post Kachhna
Distt. Hardoi.

2. Particulars of the
Respondents.

- (i) Name of respondent)
- (ii) Name of father/husband)
- (iii) Age of the respondent)
- (iv) Resignation and particulars)
of office (name and station))
in which employed.)

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(v) Office Address

(vi) Address for service of notices.

As per details given below:

1. General Manager, Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Moradabad.
3. Assistant Divisional Engineer, Northern Railway Moradabad.
4. Inspector of works, Northern Railway, Balambh. Jn., Distt. Haridwar.

5. Union of India through Secretary to Deptt of Railways Ministry of Railways NEW DELHI.

3. Particulars of order against

which application is made.

The application is against

the following order:-

- | | | | | |
|-----------------|----|----|----|---|
| (i) Order No. | .. | .. | .. | Nil. |
| (ii) Date | .. | .. | .. | Nil. |
| (iii) Passed by | .. | .. | .. | Applicants were working as casual labourers under Inspector of Works, Balambh. Jn. N. Railway Distt. Haridwar from a very long period of more than about 10 years, during their working they have completed the requisite continuous working of more than 120 days upto 7.7.85 or even prior to it. When applicants were thrown out of Job without any sort of specific order in writing and without observing necessary compliance of rules regarding retrenchment they approached the authorities, who re-engaged them from 2.1.87 to 7.1.87, |

implimented by
Court order
forming
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and assured for medical examination.

All the applicants have again been made out of job. Under these circumstances it is not possible to specify the details of order passed.

(iv) subject in
brief : -

Applicants have been working as casual labourers under Inspector of works, N. H. Y. Balamau Jn. Distt. HarDOI from year 1969 and onwards. As evident from the details given in facts of case para 6 to this application) They have completed the requisite period of continuous working entitling them to have Temporary status in the class IV services of Railways. When applications were not provided with job without any sort of order in writing, and in violation of provisions of Railway Establishment Manual all of them with lot of efforts and approaches were again engaged from 2.11.87 to 7.11.87 by respondent No. 4 on the ground that they will be sent for Medical Examination on 10 and 11.11.87 applicants were called upon to be issued with Medical Memo. But subsequently on 12.11.87 Respondent No. 3 refused to deposit the applicants to deposit Medical Examination fee and told that since names

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of applicant are not available in any of the list they can not be permitted to under go for medical examination and no question of ~~their~~ their engagement even casual side arises. In these circumstances the present claim is preferred claiming regularisation or in the alternate relief of inclusion of their names in register/list for providing employment is also prayed.

Claim petition arises out of identical grounds and common questions of fact and law are involved claimants belonging to poor and unemployed group of class IV staff, are unable to file searate claims, due to reason of peverty, they beg to seek leave of Hon'ble Tribunal to present this claim on single set of fee.

4. Jurisdiction of the Tribunal.

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

5. Limitation.

The applicants further declare that the application is within limitation prescribed in section 21 of the Administrative Tribunal

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Act, 1985. In any case if the Hon'ble Tribunal feels that application has not been made in time, then keeping in view the circumstances stated in paras 613 to 618 of this petition, the Hon'ble Tribunal may be pleased to condone the delay U/S 21(3) of the Administrative Tribunal act, the condonation is claimed only when Hon'ble Tribunal feels that claim is not within the time.

6. Facts of the

case:-

6.1. That applicants having performed their duties as casual labours from time to time (as specified hereunder) under direct subordination of opposite party no. 4 in the Railway Administration belong to class IV category of servants to the administration of the Northern Railway.

6.2. That service conditions of applicants are governed under Rules and regulations framed by the Railway Administration from time to time including Railway establishment manual, hereinafter referred to as Manual.

6.3. That though petitioners whose details are given below have worked even prior and even after to the days mentioned below as will be evident from a perusal of their records but

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shown below are only those continuous days of more than 120 days working under opposite party no. 4.

Name of applicants and total period of employment.	Continuous days or period of working.	Total no. of continuous days of working.
1. Sechu Ram 31.7.76 to 7.11.87 417 days	15.8.84 to 14.1.85	153
2. Bohari xxxxxx 8.2.69 to 7.11.87 777 days	15.7.82 to 14.11.82 16.8.84 to 15.12.84	121 120
3. Sundar Lal 15.6.79 to 7.11.87 424 days.	15.7.79 to 15.11.79	150
4. Ram Bilas 3.9.76 to 7.11.87 891 days	15.1.84 to 14.6.84 15.7.84 to 7.7.85	151 167
5. Ram Ratan 23.10.77 to 7.11.87 1118 days	15.9.84 to 7.7.85	292
6. Ram Atar 1.2.77 to 7.11.87 832 days	15.7.84 to 14.12.84	150
7. Shiva Ram 12.4.81 to 7.11.87 518 days.	15.7.84 to 14.1.85	180
8. Ayub Ali 15.10.84 to 7.11.87 1278 782 days	15.10.84 to 14.6.85 15.6.85 to 14.4.86	242 335

Notified and
Sundar Lal
Cousin of H.
11.4.88, A31
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6.4. That though entire working days of the applicants have not been entered on their cards, yet they have worked for the period indicated above and have been paid with their wages. In case this fact is denied by Respondent, applicants reserve their right to furnish / call upon the proof subsequently

True photostat copies of casual labour cards or other proofs are attached herewith as ANNEXURE No. A-1 to A-6 of his petition, except for applicant No. 8 whose card has been taken by Respondent No. 4 and same has not been returned to him.

6.5. That all the applicants worked in permanent type of work with opposite party no. 4 and they were not engaged for any specific work or on a particular project.

6.6. That applicants were engaged from time to time as casual labour (Fitter/ Khallassi/Mason etc.) having due regard to their previous timely engagements with the Railway Administration.

6.7. That all the applicants have been performing some type of permanent maintenance mason work continuously for more than 120 days.

Dr. M. K. Singh

Dr. M. K. Singh

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6.8: That respective provisions of Railway Establishment Manual provide that a casual labour who has completed six months (now this period has been changed to 120 days) continuous service shall be treated to be regular/temporary employees,. The relevant provisions of para 250L(b) (i) and (iii) to the Manual are reproduced below:-

250L Definition:

(a)

(b) The casual labour on railway should be employed only in the following types of cases, namely :-

(i) STAFF PAID FROM CONTINGENCIES
EXCEPT THOSE ATTAINED FOR MORE THAN
SIX MONTHS.

CONTINUOUSLY:- Such of those persons who continue to do the same work for which they were engaged or other work of the same type for more than six months without a break will be treated as temporary after the expiry of the six months of continuous employment.

(ii)

(iii) Seasonal labour who are sanctioned for specific works of less than six months duration. If such labour is shifted from one work to

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another of the same type, e.g. railway relaying and the total continuous period of such work at any one time is more than six months' duration, they should be treated as temporary after the expiry of six months of continuous employment.

For the purpose of determining the eligibility of labour to be treated as temporary, the criterion should be the period of continuous work put in by each individual labourer on the same type of work and not the period put in collectively by any particular gang or group of labourers."

6.9: That para 2511 to the Manual is also reproduced below in this context:-

2511. RIGHTS AND PRIVILEGES ADMISSIBLE TO CASUAL LABOUR WHO ARE TREATED AS TEMPORARY AFTER COMPLETION OF SIX MONTHS CONTINUOUS SERVICE :-

(a) Casual labour treated as temporary are entitled to all the rights and privileges admissible to temporary railway servants as laid down in chapter XVIII of the Indian Railways Establishment Manual. The rights and privileges admissible to the discipline and appeal rules. Their services, prior to the date of completion of six months' continuous service will not, however,

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court for any purposes like looking of retirement benefits, seniority etc. such casual labourers will, also be allowed to carry forward the leave at their credit to the new post on absorption in regular service."

(b)

(c)

6.10. That as per directions contained in the Railway Establishment Manual and Administrative directions issued by the Railway Administration from time to time on the topic, petitioners while working with the opposite party no. 4 were entitled for regularisation as soon as they completed 120 days of continuous working.

6.11. That apart from the provisions of paras 2501 of the Manual para 2512 confers a right, even for the casual labours who have not completed requisite period of continuous working, for inclusion of their names in the Registry/List in accordance with their seniority of working days and they are entitled for engagement from time to time in preference to outsiders.

6.12 That Railway Board has also several times issued circular for

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preparation of such list in respect of those casual labourers who have worked even for a single day prior to 1.8.78 with intent to absorb them in future.

A true copy of one of such circular No. 1144 - WNR MU/911/11/80 Pt. 11/12.5.81 is attached herewith as ANNEXURE No. A-7 to this petition.

6.13. That all the applicants though had completed requisite days of continuous working they were disengaged on 14.1.85, 7.6.85, 29.8.85, 7.7.85, 7.7.85, 7.7.85 and on 14.4.86 (dates are shown in respect of each claimant No. 1 to 8 respectively).

6.14. That applicants were made to understand and assure that they will be called upon for screening and medical examination in the course of time.

6.15. That applicants continued to make approaches to the opposite parties but neither they were called upon for medical examination, nor they were given casual engagement.

6.16. That claimant no. 7's card was also taken by the opposite party no. 4 who inspite of repeated demands have not returned it. In this regard applicant no. 7 has also sent a registered letter to the authorities.

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True photostat copy of applicant No. 7's application alongwith Regd. Postal Receipts is attached herewith as ANNEXURE No. 4-8 to this claim petition.

6.17 That applicants under bonafide belief kept waiting for issue of Medical slip, call for screening or engagement and continued to make personal approaches but with no result.

6.18. That on 26/27.10.87 all the applicants handed over a joint representation with the respondent No. 2, a who sent it to respondent No. 3 with some directions.

A True copy of aforesaid representation is attached herewith as ANNEXURE No. 4-9 to this application.

6.19. That all the applicants were re-engaged on 2.11.87 by Respondent No. 4 and they worked upto 7.11.87, Thereafter applicants were called upon on 10 and 11.11.87 for issue of Medical Memo but same was not issued to them even after continuous attending the office on 10 to 13 Nov. 87.

6.20. That on 13.11.87 all the applicants were orally refused for issue of Medical examination Memo by the Respondent No. 4 on the pretext that since their names do not find place in the list or else where, they can neither be engaged nor issued with the Medical Memo. Period of

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applicant's working from 2.11.87 to 7.11.87 has also not been entered on their cards nor they have been paid with their wages for this period.

6.21. That several juniors than applicants are working and even regularised which amounts to discrimination in the matters of employment.

6.22. That thus applicants relying upon assurances of the opposite-parties could not approach to this Hon'ble Tribunal earlier.

6.23. That applicants belong to class IV category of Railway servants and they are out of employment for the last about two years. Applicants are financially not in a position to move separate applications and since the present petition arise out of one and the same cause of action and involved common question of fact and law, hence all the petitioners beg to file this single and joint petition.

6.24. That keeping in view the entirety of circumstances, now applicants have no hope of redressal ~~xxxxxxxxxxxxxxxxxxxx~~ of their grievances, they have been left with no option but to prefer this claim on and amongst other the following.

दि. २०. ११. २०२४

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(a) Because petitioners having completed much more than required period of continuous working as casual labour on non project work having acquired status of temporary employees under provisions of paras 2501 (b) and 2302 to the Railway Establishment Manual are entitled to be regularised as such. .

(b) Because permitting juniors to the petitioners for medical examination and taking them in regular employment while depriving of the applicants without reasonable cause or excuse amounts to discriminatory treatment in the matter of employment in violation of articles 14 and 16 of the constitution of India.

(c) Because applicants were employed as casual labour for a continuous period of much more than 120 days otherwise than on a railway project have acquired the status of temporary employee in view of provisions contained in paras 2501 (b) (i) (iii) 2302 and 2511.

(d) Because opposite parties have no right to exclude or ignore the period of applicants continuous working.

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(e) Because the action of opposite parties in not regularising the applicants is highly arbitrary, illegal and mala fide.

(f) Because in any view of the matter applicants have a legal right and respondents have a statutory obligation to include name of applicants in the Register/List and to offer them employment strictly having regard to their ~~rank~~ seniority of working days.

7. Details of Remedies

exhausted.

The applicants declare that they have availed of all the remedies available to them under the relevant rules. None of those representations have been decided by an order in writing. True copies of such representations have been attached as Annexures A-8 to A-9 of this petition.

8. Matters not previously
filed or pending with
any other court.

The applicants further declare that they had not filed previously any application, writ petition or suit regarding the matter in respect of which this application has been made before any court of law of any other

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authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any of them.

9. Reliefs Sought:

(i) a declaration direction or order in favour of applicants be passed commending the Respondent to treat all the applicants of Temporary class IV staff immediately on the day they have completed 120 days of continuous working or with effect from such a date as Hon'ble Tribunal may deem fit and proper in the circumstances of the case and as a necessary consequence thereof to allow all usual service benefits of salary, seniority, promotion etc..

(ii) In the alternative if relief (i) is not possible to be granted respondents be commanded to include names of applicant in the list which should be prepared by them within a time to be fixed by Hon'ble Tribunal and also to engage them as casual labour in accordance with their relative seniority of working days.

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(iii) Costs of the claim petition and such other relief as may be deemed fit and proper in the circumstances of the case, be also granted to the applicants.

10. Interim order if any prayed for:-

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11. Application is presented through counsel
Shri A.K. Dixit, Advocate, 509/28 Ka, Old
Hyderabad, Lucknow.

12. Particulars of Bank
draft/postal order in
respect of the appli-
cation fee.

1. Name of the Bank on which drawn
2. Remand draft No.

Or

1. No. of Indian Postal order PP/3 224948
2. Name of Issuing Post Office Meer Post Office
Sitaour.
3. Date of issue of postal order: 25.11.1987.
4. Post Office at which payable Allahabad.

13. List of enclosures.

1. Remand draft/Postal order
2. Index of documents.
3. Paper book having details of annexures
as mentioned in the Index.
4. Pakaatnama.

in m. H. 21/12/87

742

A43

VERIFICATION.

We, Sadhu Ram, Behari, Sunder Lal, Ram Elias
Ram Patan, Ram Antar, Shiva Ram, Ayub Ali whose names and
addresses are given in the array of the parties
do hereby verify that the contents of para 6.1 to 6.18
are true to our personal knowledge and those of paras
6.19 to 6.21 are believed to be true on legal advice
and that we have not suppressed any material facts.

Alahabad.

26.11.87.

Sadhu Ram & others.

To,

The Registrar,

Central Administration Tribunal,

Additional bench,

Alahabad.

सि.अ. अग्रवाल

सि.अ. रामलाल

सि.अ. मुन्शी

सि.अ. लाल

सि.अ. रामलाल

सि.अ. रामलाल

20
GHW

इसदि रजिस्ट्रार एडमिनिस्ट्रेटिव ट्रिब्यूनल अधीनस्थ केच २० इ. नं. २०००
आधुनिक आदि — प्राचीन
आकरने के अन्तर्गत आने वाले रजिस्ट्रार के अन्तर्गत
एजेंडार नं. — A1

प्रतिपक्ष पक्ष के रूप में काम करने का रिकार्ड
RECORD OF SERVICE AS CASUAL LABOUR
प्रारम्भिक नियुक्ति की तारीख
Date of initial employment

नौकरी की अवधि Period of employment		कार्य का स्वरूप Nature of assignment	पर्यवेक्षक की तारीख सहित हस्ताक्षर और पदनाम Sig. & Design. of Supr. with date
कब से From	कब तक To		
31.7.76	29.8.76	Kh. 30	
4.1.77	2.2.77	Kh. 30	
14.6.77	26.6.77	Kh. 15	
15.9.77	14.10.77	Kh. 20	
2.7.83	14.8.83	Kh. 31 days	
12.8.83	14.9.83	" 31 "	
15.1.84	14.2.84	" 31 "	
15.1.84	14.7.84	" 30	
15.7.84	14.8.84	" 31	
			257

प्रतिपक्ष पक्ष के रूप में काम करने का रिकार्ड
RECORD OF SERVICE AS CASUAL LABOUR
प्रारम्भिक नियुक्ति की तारीख
Date of initial employment

नौकरी की अवधि Period of employment		कार्य का स्वरूप Nature of assignment	पर्यवेक्षक की तारीख सहित हस्ताक्षर और पदनाम Sig. & Design. of Supr. with date
कब से From	कब तक To		
15.8.84	14.9.84		82-259
15.4.84	14.5.84	=	31
15.10.84	14.11.84	=	30
15.11.84	14.12.84	=	31
15.12.84	14.1.85	=	30
			412
			नि. नि. बालाम

NOT TESTED COPY

Amn

Advocate

HIGH COURT
LUCKNOW.

21

A 45

2019-10-12-12

(4)

समिलित सचुर के रूप में काम करने का रिकॉर्ड
RECORD OF SERVICE AS CASUAL LABOUR

प्रारम्भिक नियुक्ति की तारीख 2.7.76
Date of initial employment

(5)

समिलित सचुर के रूप में काम करने का रिकॉर्ड
RECORD OF SERVICE AS CASUAL LABOUR

प्रारम्भिक नियुक्ति की तारीख
Date of initial employment

नौकरी की अवधि Period of employment		काम का स्वरूप Nature of assignment.	प्रवेशक के हस्ताक्षर और पदनाम Sig. & Design. Supr. with data	नौकरी की अवधि Period of employment		काम का स्वरूप Nature of assignment.	प्रवेशक के हस्ताक्षर और पदनाम Sig. & Design. of Supr. with data
कब से From	कब तक To			कब से From	कब तक To		
3.9.76	10.9.76	PA-08		11.80	14.12.80	30	<p>नि.वि.0 बालाजीक</p> <p>231</p> <p>408</p>
2.2.77	21.2.77	" 20		4.81	13.5.81	30	
1.12.78	19.12.78	" 19		3.82	31.3.82	31	
7.11.78	28.11.78	" 22		12.82	14.1.83	37.5	
1.8.79	31.8.79	" 6.9					
1.9.79	14.9.79	" 31					
15.9.79	14.10.79	" 14					
1.11.79	31.11.79	" 30					
15.11.79	28.11.79	" 08					
18.12.79	11.1.80	" 14					
15.1.80	14.2.80	" 32					
15.2.80	14.3.80	" 30					
15.3.80	13.6.80	" 30					

NO. W. B. 11203

NO. W. B. 11203

15-12-82	14-1-83	31	2412	4.
5-7-83	2-2-83	31	132	
15-1-84	29-2-84	25	320	395
1-3-84	31-3-84	31	370	380
1-4-84	14-5-84	44	444	7
15-5-84	14-6-84	31	31	
15-7-84	14-9-84	2	94	122
15-9-84	13-11-84	60		
15-11-84	14-12-84	30	4	137
23-6-85	7-7-85	45		

Alvin S2

15-5-80-14-6-80-30
 16-8-80-126-8-80-11
 15-12-80-13-11-80-30
 15-11-80-14-12-80-30
 15-2-89-14-3-81-29
 15-5-85-14-6-85-30
 15-6-85-14-7-85-30
 16-8-85-24-8-85-13

44782

93
(147)

इन्दि रेक्टर रउभिलिस्टिनि दि ल्प कि रउयि कन गी रउ रउकाका
साधरान भादि --- भादि
लालरल मोनं ६२.३० किगि रेसल्लिस्ट

रेसल्लिस्ट १५

अन्तराला प्रसिद

15-6-78-25-6-78-	11.1
1-12-78-8-1-79-	31
15-1-79-8-3-79-	25
15-7-79-13-8-79-	30
16-8-79-14-9-79-	30
15-9-79-14-10-79-	30
15-10-79-15-11-79-	30
15-11-79-14-12-79-	30

CHS

to

निर्देश

मार्ग

मार्ग

N

U.S. AIR MAIL

25

इमादि सेक्टर रडगेजिस्ट्रिड प्रिन्सिपल रडिशनल वेच रड इन्फोर्मिड
साधु राम भादि
जानरल मैनेजर उ० रेलावे

रमान्डेन्ट

सुनेकडारन

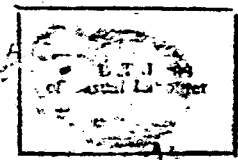
AM9

RECORD OF SERVICE AS CASUAL LABOUR.

1. Name in full (in Block Letters) **SH. AYDUB ALI**
2. Father's Name. **SH. HUSAIN ALI**
3. Date of Birth. **15-2-58**
4. Age at initial casual employment. **19 Years & Months.**
5. Personal marks of identification. (i) **Small scar mark 2" on right thigh**
(ii) **One dot on left fore finger**
6. Nature of job on initial employment. **Fitter.**

Verified.

Signature & designation of authority to certify.



B.I. W. - 11/1245-64-1,50,000 F.

RECORD OF SERVICE AS CASUAL LABOUR.

S. No.	Period of employment		Nature assigned
	From	To	
1	7/2/58	26/7/58	20
2	15/2/58	14/3/58	20
3	15/3/58	14/4/58	30
4	15/4/58	14/5/58	30
5	15/5/58	14/6/58	30
6	15/6/58	14/7/58	30
7	15/7/58	14/8/58	30
8	15/8/58	14/9/58	30
9	15/9/58	14/10/58	30
10	15/10/58	14/11/58	30
11	15/11/58	14/12/58	30
			711



RECORD OF SERVICE AS CASUAL LABOUR.

S. No.	Period of employment		Nature assigned	Signature and designation of supervisor
	From	To		
11	15/12/58	14/1/59	30	
			Total = 1045	

Amst

26

(450)

अन वि लेटर एडि क्लेरेटिव दिवुनल
रिवाज में है शाहाबाद।

साधु राम आदि-

--वावीगण

बनाम

जनरल मैजर आदि-

--अपो0 पर्टीज

अपेक्षित 7

उत्तर रेलवे

मुल रेल प्रॉपर्टी
मुलाहाजाद

पत्र संख्या 1144 - 20/सन0आर0एम0डू0/911/11/80 दिनांक 11/12-5-81

लेवा है,

लोको फोरम मुलाहाजाद लक्सर बरेली, रोवा, रोडमैन देखादून व
वालाका

विषय:- आद रिफ्र शक्ति/सबर्टीयूट की लिस्ट।

नीचे रिजो ग्रास (प्रोपर्टी) पर एक सप्ताह के अन्दर 1-8-78 से पूर्व
कार्य वि लेटर आद रिफ्र शक्ति/सबर्टीयूटों जो नियुक्ति की प्रतीक्षा में है, की
लिस्ट इस पार्सल को प्रधान लिफ्ट ई पी-2 के साथ विशेष दूत वदारा
भेजे। इसमें 10 दिन वाप करने का भी आ सकता है।

उक्त निर्देशों की उपेक्षा अनुशासक नियम के अंतर्गत कठोरता
के साथ देखा जायेगा।

- 1- दूर सं०
- 2- नाम
- 3- पता या नाम
- 4- स्टेशन
- 5- नियुक्ति काते या अनुसूचित जन जाति
- 6- नियुक्ति का इस दिनांक व कुल दिन
- 7- विशेषांक

इसे अतिरिक्त श्रेणी के अनुसार 196-232 वेतनमान में रिक्त
स्थानों की विधा तभी उक्त सूची के साथ अलग पार्सल काहिले

द०:- 10-2-81

पूरे/मुल रेल प्रॉपर्टी
मुलाहाजाद।

Handwritten signature

28

AS2

इन दि लेन्डल सुपेन्डिटिव दिग्गुनल
रुडिशनल डेव टै इलाहाबाद

साधू राम आदि--

--पार्थीगण

बनाम

जनरल मैनेजर आदि--

--अपोज पार्टीज

अनेकर ९९

सेवा में,

श्रीमान डी.वी.जनरल रेलवे मैनेजर साहब
उत्तर रेलवे, जुराहाबाद।

श्रीमान जी,

सेवा में निवेदन यह है कि हम लोग आई० ओ० उब्बू० बालाम्पू
साहब के अन्तर में पिछले लगभग 10-12 सालों से काम कर रहे हैं। हम लोगों के
पूरे दिन भाग आउं पर नहीं कटायें गये लेकिन तनछाड़ मिलती रही है। हम
सभी लोग कार्य सभ्य पद्धति से रेगुलर होने के लक्ष्य को गये हैं कारण कि
लगभग 120 दिन से ज्यादा काम कर चुके हैं। जब भी हमने कहा कि रेगुलर
कर तो तो कहा जाता रहा कि समय आने पर तो जायेगा। मेडिकल मिमो भी
नहीं दी। जाये दिन बैठा भी दिया जाता है। हमारे कामकाज दिखवा कर हमें
रेगुलर करने की वृथा करें और काम दिलाये। हम लोगों की कभी कोई शिकायत
भी नहीं रही है। आपकी शिवराम दा काई भी आई० ओ० उब्बू० जदला साहब
ने ले लिया था उसी दरज्जात भी तो भी वापस नहीं मिला।

हैं काम तो हर बात में मिलना ही चाहिये हम लोग गरीब
आदमी हैं सालों रेलवे की सेवा करने के बाद काम से बैठाते देना चाहिये नहीं है।

अतः हम लोग हाथ जोड़कर निवेदन करते हैं कि काम पर लिया
जाये।

पार्थीगण

दिनांक:- 26-10-87

रामराम,

साधूराम,

जयलाल,

रामऔतार,

शिवराम,

रामबिलास,

सुन्दर लाल,

दुरेश चन्द्र मिश्रा,

वीरेंद्र सिंह,

बिलारी

Rambh

In the Central Administration Tribunal
Additional Bench of
ALLAHABAD (2)

अदालत श्रीमान्

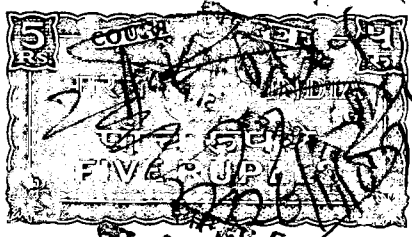
महोदय

[वादी] अपीलान्त

प्रतिवादी [रिस्पाडेन्ट]

Sachin Ram S. S. S. S.

वकालतनामा



चिह्न

वादी (अपीलान्त)

धनाम

प्रतिवादी (रिस्पाडेन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

१२ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Sachin Ram S. S. S. S.

वकील

महोदय

एडवोकेट

509/20 Ka. ad. M. y. ad. Lucknow

नाम अदालत
मुकद्दमा नं०
नाम फरीकन
धनाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से 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 भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर हमें आवे।

मि. अ. साधु

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

मि. अ. सुन्दरलाल

महीना

सन् १२

मि. अ. शिवराज

स्वीकृत

मि. अ. राम किलाह

मि. अ. विहारी

मि. अ. शम्भरलाल

Abhaya Kumar Dixit

Advocate

HIGH COURT

Ph. 72629

509/28 Ka Old Hyderabad.

LUCKNOW.

Dated

Misc appn no 304 '88

The Deputy Registrar,
Central Administrative Tribunal,
23-A Thorn Hill Road,
Allahabad.

Sir,

Subject:- Amendment application in claim
No. 1140 of 87 Sashu Ram & oths.
Vs. General Manager & oths. fixed
on 15.2.88

In compliance of Hon'ble court's order
dt. 2.12.87 and your honour's orders dt. 29.1.88
amendment applicant in aforesaid claim is attached
herewith.

Since no counsel has put in his appearance,
duplicate is not being sent.

It is therefore prayed that claim may kindly
be ordered to be placed before Hon'ble court on
15.2.88 for admission purposes.

Counsel for claimant,

(A. K. Dixit)

Shri Mazumdar 8/2/88

Sd/-
For M. K. Dixit
10-2-88

Before Central Administrative Tribunal, Additional
Bench at

ALLAHABAD

Misc Appn no. 30A/88

Claim No. 1140 of 87

Fixed on 15.2.88

(JSS)

Sadhu Ram and oths..

..Claimants.

Vs.

General Manager N.Hy. & oths..

..Opp. Parties.

Application for amendment of claim
petition.

=====

Sir,

In compliance of orders dt. 2.12.88 passed
by the Hon'ble Tribunal claimants beg to propose for
following amendment in the claim.

1. That name of claimant no. 7 Shira Ram
wheresoever occures in claim petition be deleted
particularly in array of parties which be renumbered
that present sl. no. 8 be read as sl. no. 7 similarly
in para 6.3 at page 7 of paper Book. name of Shiva Ram
at sl. no. 7 be deleted and existing sl. no. 8 be
read as sl. no. 7 .

2. That at page 7 of paper book the working
days of Ayub Ali (Present sl. no.8) which are written
as "10.10.84 to 7.11.87" be amended as "7.2.77 to
7.11.87" and total number of days from "782 days" be

contd..2

21/10/88

amended as "1278 days".

3. Since working days of claimant No. 8 Ayub Ali were wrongly typed as evident from perusal of annexure 46, as such the mistake could not be noticed earlier.

(ASB)

In view of submissions made above the amendment sought few may kindly be allowed.

राम बिलस

applicant

Sadhu Ram & others.

Verification.

We Sadhu Ram, Behari, Sundar Lal, Ram Bilas, Ram Ratan, Ram Autar and Ayub Ali claimants do hereby verify the contents of paras 1 and 2 of this application to be true from our personal knowledge.

Verified on 8th day of Feb. 1988 at Lucknow.

राम बिलस (Sadhu Ram and others)
as named above.

नि. मं. साधु राम

नि. मं. बिलस

नि. मं. सुंदर लाल

अधुन अली

नि. मं. राम रतन

Bench Copy

Before Central Administrative Tribunal, Additional
Bench at
ALLAHABAD

Claim No. 1140 of 87

Fixed on 15.2.88

AS2

Sadhu Ram and oths..

..Claimants.

Vs.

General Manager N.Fly. & oths..

..Opp. Parties.

Application for amendment of claim
petition.

=====

Sir,

In compliance of orders dt. 2.12.88 passed
by the Hon'ble Tribunal claimants beg to propose for
following amendment in the claim.

1. That name of claimant no. 7 Shira Ram
wheresoever occurs in claim petition be deleted
particularly in array of parties which be renumbered
that present sl. no. 8 be read as sl. no. 7 similarly
in para 6.3 at page 7 of paper Book name of Shiva Ram
at sl. no. 7 be deleted and existing sl. no. 8 be
read as sl. no. 7 .

2. That at page 7 of paper book the working
days of Ayub Ali (Present sl. No.8) which are written
as "15.10.84 to 7.11.87" be amended as "7.2.77 to
7.11.87" and total number of days from "782 days" be

contd..2

21/11/88

A38

amended as "1278 days".

3. Since working days of claimant No. 8 Ayub Ali were wrongly typed as evident from perusal of Annexure A 6, as such the mistake could not be noticed earlier.

In view of submissions made above the amendment sought few may kindly be allowed.

Applicant

रामनिलास

Sadhu Ram & others.

Verification.

We Sadhu Ram, Behari, Sundar Lal, Ram Bilas, Ram Ratan, Ram Autar and Ayub Ali claimants do hereby verify the contents of par-s 1 and 2 of this application to be true from our personal knowledge.

Verified on 8th day of Feb. 1988 at

Lucknow.

रामनिलास

(Sadhu Ram and others)
as named above.

Abhaya Kumar Dixit

Advocate

HIGH COURT

To,

Ph. 72629

509/28 Ka Old Hyderabad.

LUCKNOW.

Dated 21/1/88

The Deputy Registrar(Judicial)
Central Administrative Tribunal,
Additional Bench, Allahabad,

(A61)

Dear Sir,

I beg to seek your kind permission for
attaching a fresh claim and two applications for
fixing dates in claim No.1138 of 87 and 1140 of 87.

Same may kindly be entertained and fixed
on 29.1.88 - the date on which I am due to appear
before Hon'ble Tribunal.

With regards.

Yours Faithfully,

(Signature)
(A.K.Dixit)

S O I T

In O.A. No. 1140.87
It is reported that the
particulars given in application
for and for the relief.

A
In O.A. No. 1138.87

In the Central Administrative Tribunal, Additional Bench,
at
Allahabad

Claim No. 1140 of 1987

(A62)

Sudhakar Nath and others.

• Applicants.

Versus.

G.M. Northern Railway & others.

• Respondents.

Application for fixing date.

Sir,

It is submitted that in the above noted claim applicants were directed to furnish relevant service regulations within 15 days from 2.12.87.

On 12.12.87 I applied through post that matter may be listed on 24.12.87 - the date on which I was to appear before Hon'ble Tribunal in other cases.

Unfortunately on 24.12.87 courts were closed on account of sad demise of Sri Ram Chandran Hon'ble Chief Minister of Andhra Pradesh, as such on that date whereabouts of the case could not be traced.

from 1.1.88 to onwards till now I could not attend courts due to fracture of my shoulder with which now I feel bit cured and likely to resume working from 26/27.1.88.

It is, therefore prayed that matter may kindly be fixed on 29.1.88, the date on which I am appearing before Hon'ble Tribunal in connection with other cases.

Counsel for applicant

18.1.88.

(A.K. Dixit) Advocate.
Lucknow.

463

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH AT LUCKNOW.

MISC. APPLICATION NO. OF 1989

IN

Registration No. 1140 of 1987

On behalf of Respondent No. 1 to 5

Sadhu Ram & seven others Applicants

Versus

Union of India & others Respondents.

District - Hardoi.

Before,

The Hon'ble Vice Chairman and other companion
members of the Tribunal, Allahabad bench at Lucknow.

Humble application on behalf of respondent
Union of India and others most Respectfully submit as under:

1. That some new developments have taken place in the
above noted case which definitely requires to furnish
relevant information on behalf of the respondents to the
Hon'ble Court.

It is prayed that the Hon'ble Court be graciously
pleased to admit the supplementary counter on record and
dismiss the petition.

Dated: 28/9/89

Prashant Mathur
(Prashant Mathur) Adv.
Advocate
Counsel for Respondents.

Abh

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

BENCH AT LUCKNOW.

SUPPLEMENTARY COUNTER

On behalf of Respondent No. 1 to 5.

IN

Registration No. 1140 of 1987.

Sadhu Ram & seven others Applicants.

Versus

Union of India & others Respondents.

District - Hardoi

I, ...*Vijay Sharma*..... aged about 26

years is presently posted as Assistant Engineer in the Office of Assistant Engineer, Northern Railway, Hardoi and is also respondent No. 3 is duly authorised on behalf of respondents to file the supplementary counter.

1. That the applicants have filed the present application seeking alternative relief to enlist the names of the applicants in the live causal labour register.

2. That ~~having the tendency of the instant application~~ the applicants ^{name} ~~have~~ applied for the aforesaid relief, ^{were} ~~and~~

~~accordingly their names were~~ included in the live causal labour register on the basis of their respective relative seniority. The photo copy of the live causal labour register is enclosed herewith the supplementary counter and is marked as Annexure I to the supplementary counter.

3. That on the facts and circumstances stated above

Sharma


AGS

the respondents have already granted the relief to the applicants as such the present application is liable to be dismissed.

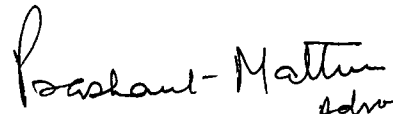
Verification

I the deponent above named do hereby verify that the contents of para 1 to X... of this counter are true to my personal knowledge. The contents of para 1... to 3... are true on the basis of record. Nothing material has been concealed.

Verified at Lucknow / 28/9/09...


Deponent. AR M/Handwritten

Through :


(Prashant Mathur) ^{Advocate}
Advocate,
Counsel for Respondents.

Dated: 28/9/09

(3)

Sl. No.	Applicant Name	Age	Height	Weight	Education	Marital Status	Religion	Address	Applicant No.
84.	सुरेश	20	7.11.77	500	14.6.86	Married	Hindu	सुरेश	Applicant No. 3
85.	राज शीत	20	10.11.76	488	7.7.85	Single	Hindu	राज शीत	Applicant No. 3
86.	राज ए. राव	20	4.7.76	485	7.7.85	Single	Hindu	राज ए. राव	Applicant No. 3
87.	सुरेश	20	15.8.75	489	14.6.85	Single	Hindu	सुरेश	Applicant No. 3
87.	सुरेश शर्मा	20	15.5.78	465	13.2.80	Single	Hindu	सुरेश शर्मा	Applicant No. 3
88.	सुरेश शर्मा	20	12.6.78	464	14.6.86	Single	Hindu	सुरेश शर्मा	Applicant No. 3
89.	राज शर्मा	20	18.8.76	427	14.6.81	Single	Hindu	राज शर्मा	Applicant No. 3
90.	सुरेश शर्मा	20	7.7.78	425	14.2.85	Single	Hindu	सुरेश शर्मा	Applicant No. 3
90.	सुरेश शर्मा	20	5.8.78	421	13.2.80	Single	Hindu	सुरेश शर्मा	Applicant No. 3
91.	सुरेश शर्मा	20	31.7.76	415	14.10.84	Single	Hindu	सुरेश शर्मा	Applicant No. 3
92.	सुरेश शर्मा	20	9.7.77	361	14.7.81	Single	Hindu	सुरेश शर्मा	Applicant No. 3
93.	राज शर्मा	20	6.4.78	379	14.8.84	Single	Hindu	राज शर्मा	Applicant No. 3
93.	राज शर्मा	20	3.6.77	372	14.12.79	Single	Hindu	राज शर्मा	Applicant No. 3
94.	राज शर्मा	20	14.7.75	369	14.8.82	Single	Hindu	राज शर्मा	Applicant No. 3
94.	राज शर्मा	20	5.6.78	366	13.2.80	Single	Hindu	राज शर्मा	Applicant No. 3
95.	राज शर्मा	20	6.5.78	363	14.8.86	Single	Hindu	राज शर्मा	Applicant No. 3
96.	राज शर्मा	20	15.7.78	363	7.7.84	Single	Hindu	राज शर्मा	Applicant No. 3
97.	राज शर्मा	20	15.5.78	358	14.2.85	Single	Hindu	राज शर्मा	Applicant No. 3
98.	राज शर्मा	20	21.1.75	292	14.2.85	Single	Hindu	राज शर्मा	Applicant No. 3
99.	राज शर्मा	20	7.2.76	272	14.2.85	Single	Hindu	राज शर्मा	Applicant No. 3
100.	राज शर्मा	20	17.8.86	255	7.7.85	Single	Hindu	राज शर्मा	Applicant No. 3
101.	राज शर्मा	20	7.2.78	251	14.11.81	Single	Hindu	राज शर्मा	Applicant No. 3
102.	राज शर्मा	20	7.3.78	212	7.7.85	Single	Hindu	राज शर्मा	Applicant No. 3
103.	राज शर्मा	20	25.6.78	206	7.7.85	Single	Hindu	राज शर्मा	Applicant No. 3
104.	राज शर्मा	20	15.3.76	196	14.7.85	Single	Hindu	राज शर्मा	Applicant No. 3
105.	राज शर्मा	20	24.12.76	194	14.6.86	Single	Hindu	राज शर्मा	Applicant No. 3
106.	राज शर्मा	20	5.1.70	157	7.7.85	Single	Hindu	राज शर्मा	Applicant No. 3
107.	राज शर्मा	20	12.9.76	144	14.2.84	Single	Hindu	राज शर्मा	Applicant No. 3

पत्र सं. २५-६ दिनांक २७.११.८६
पत्र सं. २५-६ दिनांक २७.११.८६
पत्र सं. २५-६ दिनांक २७.११.८६

पत्र सं. २५-६ दिनांक २७.११.८६

3

ANNEXURE I

देवपुर	उज्ज्वला	हरदोई
देवपुरा	उज्ज्वला	"
दुधडी	"	"
देवपुर	"	"
बहाविन	ठिकारी	"
देवपुर	उज्ज्वला	"
दियलपुर	"	"
दुधडी	"	"
फतेपुर	बाबू	"
सोतापुर	सोतापुर	सोतापुर
देवपुर	उज्ज्वला	हरदोई
दुधडी	उज्ज्वला	"
कुवेडा	"	"
उज्ज्वला	"	"
मुजपुर	"	"
द्विरीपुर	देव नोहर	"
मुस्तापुर	मिपुरा बाबू	"
बीजापुर	ठिकारी	"
मुठेवा	उज्ज्वला	"
ठिकारी	मिठिया	सी ठेपुर
भिरवा	हरोडा	हरदोई
दोडाई	उज्ज्वला	"
दुधडी	"	"
पतिजाल	उज्ज्वला	उज्ज्वला
उदरावे	हरदोई	हरदोई
दुधडी	बधोली	"
दुधडी	उज्ज्वला	"
दोपुर	बाबू	"
दुधडी	उज्ज्वला	"
सो बहरी सराय	बमीबा	दियबीर
हदिव	ठिकारी	हरदोई
मुठेवा	उज्ज्वला	"
दुधडी	"	"
मुठेवा	"	"
देवपुरवा	"	"
दुधडी	"	"
सोपुर	"	"
"	"	"
"	"	"
"	"	"

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41.	राम राम	श्रीधर	दीवार	12.71	15.11.53	1756	2010	कर्मचारी	राम	राम	राम
42.	दीदी राम	दीदी	दीदी	8.12.78	3.5.57	1752	15.4.53	दीदी	दीदी	दीदी	दीदी
43.	दीदी राम	दीदी	दीदी	15.2.68	1.6.49	1535	-	दीदी	दीदी	दीदी	दीदी
44.	दीदी राम	दीदी	दीदी	14.11.73	15.10.51	1381	-	दीदी	दीदी	दीदी	दीदी
45.	दीदी राम	दीदी	दीदी	21.10.77	20.6.53	1286	-	दीदी	दीदी	दीदी	दीदी
46.	दीदी राम	दीदी	दीदी	18.9.77	15.6.54	1145	-	दीदी	दीदी	दीदी	दीदी
47.	दीदी राम	दीदी	दीदी	8.11.72	15.10.50	1145	-	दीदी	दीदी	दीदी	दीदी
48.	दीदी राम	दीदी	दीदी	19.12.78	15.6.64	1064	-	दीदी	दीदी	दीदी	दीदी
49.	दीदी राम	दीदी	दीदी	16.1.78	20.6.59	11044	-	दीदी	दीदी	दीदी	दीदी
50.	दीदी राम	दीदी	दीदी	7.4.77	15.2.56	1018	-	दीदी	दीदी	दीदी	दीदी
51.	दीदी राम	दीदी	दीदी	3.4.88	9.53	953	-	दीदी	दीदी	दीदी	दीदी
52.	दीदी राम	दीदी	दीदी	4.9.89	1.1.88	950	-	दीदी	दीदी	दीदी	दीदी
53.	दीदी राम	दीदी	दीदी	15.1.88	924	924	-	दीदी	दीदी	दीदी	दीदी
54.	दीदी राम	दीदी	दीदी	23.8.70	11.12.52	899	-	दीदी	दीदी	दीदी	दीदी
55.	दीदी राम	दीदी	दीदी	2.10.77	15.12.59	836	-	दीदी	दीदी	दीदी	दीदी
56.	दीदी राम	दीदी	दीदी	20.12.76	2.11.53	838	7	दीदी	दीदी	दीदी	दीदी
57.	दीदी राम	दीदी	दीदी	27.10.76	15.10.46	824	-	दीदी	दीदी	दीदी	दीदी
58.	दीदी राम	दीदी	दीदी	12.77	19.10.59	819	-	दीदी	दीदी	दीदी	दीदी
59.	दीदी राम	दीदी	दीदी	11.8.78	31.7.56	783	-	दीदी	दीदी	दीदी	दीदी
60.	दीदी राम	दीदी	दीदी	12.8.77	15.8.59	760	-	दीदी	दीदी	दीदी	दीदी
61.	दीदी राम	दीदी	दीदी	25.9.73	20.8.85	745	-	दीदी	दीदी	दीदी	दीदी
62.	दीदी राम	दीदी	दीदी	18.7.78	737	737	-	दीदी	दीदी	दीदी	दीदी
63.	दीदी राम	दीदी	दीदी	15.1.88	732	732	-	दीदी	दीदी	दीदी	दीदी
64.	दीदी राम	दीदी	दीदी	20.5.71	707	707	-	दीदी	दीदी	दीदी	दीदी
65.	दीदी राम	दीदी	दीदी	15.8.84	689	689	-	दीदी	दीदी	दीदी	दीदी
66.	दीदी राम	दीदी	दीदी	27.12.76	25.7.58	677	-	दीदी	दीदी	दीदी	दीदी
67.	दीदी राम	दीदी	दीदी	2.7.77	674	674	-	दीदी	दीदी	दीदी	दीदी
68.	दीदी राम	दीदी	दीदी	4.7.78	650	650	-	दीदी	दीदी	दीदी	दीदी
69.	दीदी राम	दीदी	दीदी	11.5.77	10.12.59	624	-	दीदी	दीदी	दीदी	दीदी
70.	दीदी राम	दीदी	दीदी	23.8.70	15.8.52	621	-	दीदी	दीदी	दीदी	दीदी
71.	दीदी राम	दीदी	दीदी	27.10.71	1.10.59	619	-	दीदी	दीदी	दीदी	दीदी
72.	दीदी राम	दीदी	दीदी	18.12.72	611	611	-	दीदी	दीदी	दीदी	दीदी
73.	दीदी राम	दीदी	दीदी	23.10.77	12.10.57	596	-	दीदी	दीदी	दीदी	दीदी
74.	दीदी राम	दीदी	दीदी	8.1.88	569	569	-	दीदी	दीदी	दीदी	दीदी
75.	दीदी राम	दीदी	दीदी	14.11.89	14.12.54	568	-	दीदी	दीदी	दीदी	दीदी
76.	दीदी राम	दीदी	दीदी	4.6.75	20.6.53	563	-	दीदी	दीदी	दीदी	दीदी
77.	दीदी राम	दीदी	दीदी	18.11.89	3.5.51	537	-	दीदी	दीदी	दीदी	दीदी
78.	दीदी राम	दीदी	दीदी	8.4.88	524	524	-	दीदी	दीदी	दीदी	दीदी
79.	दीदी राम	दीदी	दीदी	3.9.76	14.12.84	519	-	दीदी	दीदी	दीदी	दीदी
80.	दीदी राम	दीदी	दीदी	14.7.75	11.4.53	515	-	दीदी	दीदी	दीदी	दीदी
81.	दीदी राम	दीदी	दीदी	11.8.89	14.8.83	513	-	दीदी	दीदी	दीदी	दीदी
82.	दीदी राम	दीदी	दीदी	14.11.78	504	504	-	दीदी	दीदी	दीदी	दीदी

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Applicant No 5

Applicant No 4

Applicant No 6

Applicant No 8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Bench at Allahabad/Lucknow

Misc Application No 190 of 1990 (L)

In

Original Application No 1140 Of 1990 1987

Sadhu Ram Solhens

.. Applicant

Versus

Union of India Solhens .. Respondents

Take notice that the Court will be moved by the

under signed on 26/3/90 the day of March 1990 at.....

in the forenoon or after as the parties as their counsels can
be heard.

The object of the motion is briefly indicated below.

Stay application along with review application

a copy of the application enclosed

Take further notice that meanwhile this court has been
pleased to pass the following orders

Date This day of 26/3 1990

Signature of the Party/Counsel

PRASHANT MATHUR

Advocate

Advocate

C. A. T. Allahabad Bench

Allahabad.

Prashant Mathur
Advocate
26/3/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.

^{stay}
isc Application No 191/1990 (C)

(A68)

In

Review application No 1990

In

O.A.No 1140 of 1987

Sadhu Ram and others Applicants

versus

Union of India and others .. Respondents

To

The Hon'ble Vice Chairman, and other Companion Members
of the Hon'ble Tribunal

Humble stay application on behalf of respondents, most
respectfully submits as under;

1. That the ~~xxx~~ applicant respondents have preferred review petition against the order and judgement dated 19-2-90 passed by Hon'ble Justice K.Nath and Hon'ble Mr K Obayya, which was received by the respondent's counsel on 13-3-90.
2. That in the aforesaid judgement a time bound directions have been given by the Hon'ble Tribunal to comply the orders
3. That the respondents have all hopes that the review petition will succeed.
4. That in view of the fact that the time bound directions have been given by the Hon'ble Tribunal, it is expedient in the interest of justice that the operation of the judgement and order dated 19-2-90 should remain stayed during the

[Signature]

*Recd. Delhi
25/3
1990
A. K. Singh
Advocate*


[Signature]

pendency of the review petition. ~~xx~~

ABS

Prayer.

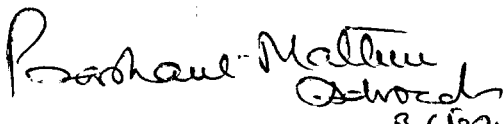
It is, therefore most respectfully prayed to the Hon'ble Tribunal to be graciously pleased to stay the operation of the order and judgement dated 19-2-90 passed Hon'ble Justice K Math V.C. and Hon'ble K. Obbappa directing the respondents to re-engage Behari, Sunderlal, Ram Bilas, Ram Ratan, Ram Avatar and Ayub Ali so as to avoid legal complications or pass such further orders as deemed fit and proper in the circumstances of the case, otherwise the respondents will suffer grave and irreparable loss.


(Vijai Sharma)
मुख्य अभियन्ता
D.E.N. Northern Railway
District Engineer
Hardoi.
N. Ry., Hardoi

Through

Prashant Mathur
Advocate, 2B Muir Road, Allahabad

March 26, 1990


PRASHANT MATHUR
Advocate
G. A. T. Road, Allahabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

CIRCUIT BENCH AT LUCKNOW.

A 710

REVIEW APPLICATION NO OF 1990

(Under section 22 (3)(F) of the C.A.T Act)

IN

Registration No 1140 of 1989

Sadhu Ram and others .. , Applicants

versus

Union of India and others .. Respondents

District HARDOI

Before,

The Hon'ble Vice Chairman and other Companion Members
~~of the~~
of the aforesaid Tribunal

Humble Review application on behalf of Respondents Union
of India and others, most respectfully submits as under;

1. That the aforesaid case was registered in this Hon'ble Tribunal Addl. Bench at Allahabad was registered as O.A.NO 1140 of 1989.
2. That subsequently on an application the case was transferred to this Hon'ble Circuit Bench of C.A.T. Bench at Lucknow.
3. That the Hon'ble Tribunal consisting of Hon'ble Justice K Nath (V.C.) and Hon'ble Mr. Obayya (A.M.) had partly allowed the aforesaid application, with a direction to the respondents to re-engage the applicant Behari, Sunderlal, Ram Bilas, Ram Ratan, Ram Avtar, and Ayub Ali as Casual labour

For all

(A71)

with in a period of one month from the date of the receipt of the copy of this order, which was received only on 13-3-90 through Sri Amit Stchalker, Railway Advocate at Lucknow itself on behalf of Sri Prashant Mathur, Advocate.

4. That the impugned judgement and order dated 19-2-90 requires reconsideration by the Hon'ble Bench on the following amongst the other grounds;

(a) Because straight way direction for reengagement of the applicants is without jurisdiction as it is the settled principle of law that a Court can give a ~~st~~ direction only for keeping the names of the employees in the casual labour register and consider their case.

(b) Because while giving the aforesaid direction for re-engagement the Hon'ble Tribunal has totally lost sight of the important fact that the appointment in form of re-engagement have to be given on the basis of seniority and it is being so the claims of many employees senior to the applicants will have to be ignored.

(c) Because the aforesaid direction in the judgement come in conflict with the various decisions given by this Hon'ble Tribunal wherein the directions have been given on the basis of Inder Pal Yadav vs Union of India and others reported in S.C.C 1985 Vol II page 648.

(d) Because the Hon'ble Tribunal having come to the conclusion that the claim of the applicants is prima facie time barred should not have granted the direction ~~in~~

Prashant Mathur

A22

in question.

(e) Because the case of Sadhu Ram is entirely on different footings and the same had wrongly been considered as the basis ~~of~~ for giving the claims to the other applicants, and therefore, the error is apparent on the face of the records.

(f) Because the Hon'ble Tribunal has failed to consider the important aspect that the direction will adversely effect the interest of others who had not impleaded by the petitioners.

(g) Because in any view of the matter the time bound direction for a period of one month is totally unwarranted

(h) Because as per Railway rules re-engagement in such circumstances can only be given after the screening of the employees which admittedly has not been done, therefore, the direction of this Hon'ble Tribunal is ⁱⁿ utter disregard to the Railway rules regarding screening.

(i) Because except Sadhu Ram none of the applicants fulfill the requisite requirement of the Circular notice enclosed and marked as C-I to the counter and thus being so the Hon'ble Tribunal has erred in considering the case of other petitioners as none of the applicants is VIII class passed

On the facts and circumstances stated above the Review appli-

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For all

PRAYER.

M. K. Mehta
 (Vice President)
 IN THE Engineer
 D. ENNOTT BERN RAILWAY HARDOI
 N. K. Mehta

Prashant Mallik
PRASHANT MALLIK

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No.1140 of 1987

Sadhu Ram and Others

Applicants

Versus

General Manager, N.Rly.
and Others.

Opposite Parties.

HON. JUSTICE KAMLESHWAR NATH, V.C.

HON. K. CHAVYA, MEMBER (A)

(By Hon. Justice K. Nath, V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 is for a direction to the opposite parties to treat the applicants to have attained temporary status of class IV employees or in the alternative to include the name of the applicants in the list of Casual Labour to be engaged and further to engage them in accordance with the relative seniority.

2. The petition was originally filed on behalf of 8 persons; the name of one Shiv Ram was deleted by the Court's order dated 11.4.88. The case now concerns seven persons - Sadhu Ram, Behari, Sunder Lal, Ram Bilas, Ram Ratan, Ram Autar and Ayub Ali. At page 7 of the application the applicants have furnished details of the engagement as Casual Labour during various broken periods between 1969 and 1987; in Column 2 such period out of broken period is set out which is the continuous period of their working. Such continuous period of working has been worked out to be 120 days or more in the case of each of the applicants. It is therefore urged that the applicants have acquired temporary status.

TRUE COPY ATTESTED

Sharma
Attn: Officer
13.3.90
(Lucknow)

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However, it is admitted that before this petition was filed all the applicants were ceased to work.

3. The case of the opposite parties is that applicant No.1 Sadhu Ram has been re-engaged and regularised but the rest could not be re-engaged after their cessation because they did not respond to a circular issued for empanelment of Casual Labour Substitutes. Annexure-C1 to the Counter Affidavit is the circular in which the ceased Casual Labours were invited to apply for re-engagement on a specified proforma. In para 14 of the Counter Affidavit, it is stated that applications for empanelment of those Casual Labour Substitutes who had worked for more than 120 days had been invited and the applicant No.1 Sadhu Ram had applied and therefore he was ^{kept} in panel. The rest of the applicants, admittedly, did not apply and according to the opposite parties could not be empanelled. According to the applicants they could not apply because they were not aware of it.

4. The case of the opposite parties further is that Ram Ratan applicant No.5 had never worked at any time under the I.O.W. Balamau. The rest of the applicants according to the opposite parties, had ceased to work from different dates in the years 1984 and 1985 so that the filing of this case as late as 26.11.87 is barred by time. It was pointed out that the applicants' alleged last employment in November, 1987 was not in the opposite parties' Department but only with contractors so that no period of their working after the years 1984 or 1985 has been entered in their Casual Labour Card whose copies have been filed by the applicants.

TRUE COPY ATTESTED

[Signature]
20/11/87
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5. This part of the opposite parties' case seems to be correct because according to the copies of their Casual Labour Cards, they were ceased to work in those years. In that sense the claim could be said to be barred by time so far as it concerns conferment of temporary status.

6. But the claims of Casual Labour for their re-engagement in the light of the policies of the Railway Administration still survive, so much so that on the own showing of the opposite parties, all the discharged eligible Casual Labour had been invited by the circular Annexure-C1 to apply for empanelment for the purposes of re-engagement. The opposite parties filed an application dated 28.9.1989 alongwith a list Annexure-C1 of those Casual Labours who had worked under the I.O.W. of Balamau (District Hardoi) containing names of 107 Casual Labourers. Incidentally, this contains the name of applicant No.5 Ram Ratan despite of denial. This list purports to have been prepared on the basis of seniority as on 14.8.86. Column 7 of this list sets out the number of days on which the various Casual Labourers had worked according to the records of the Railway Department. Shri Prashant Mathur for the opposite parties says that in this list the names of all the applicants are included and therefore they have no further grievance. Shri A.K.Dixit appearing on behalf of the applicants says that the appointment of applicant No.1, Sadhu Ram who is placed at Sl.No.91 with 415 working days at his credit is evidence of discrimination against the remaining applicants who are placed at higher positions in the seniority list and have larger number of working days to their credit. He contends that since admittedly Sadhu Ram was re-engaged and is still

Sharma

(8)
(A77)

In employment there is no justification for the opposite parties to refuse employment to the remaining applicants. The contention of Shri Dixit is not without force. The list itself shows that all the applicants other than Sadhu Ram were considered by the Department to be senior to Sadhu Ram and if Sadhu Ram could be re-engaged, there is no reason why the rest should not have been re-engaged when the criterion of re-engagement is seniority. Shri Prashant Mathur says that Shri Sadhu Ram was appointed because he was deputed to a particular Shed and was suitable. It is not shown that the others were unsuitable or Sadhu Ram had some special qualification entitling him to be given precedence over others.

7. It is not necessary to go into other questions raised in this case because of applicants alternative prayer of being placed on the list and of being re-engaged.

8. On a consideration of all the matters, the petition is partly allowed and the opposite parties are directed to re-engage applicants Behari, Sunder Lal, Ram Bilas, Ram Ratan, Ram Autar and Ayub Ali as Casual Labourers within a period of one month from the date of receipt of the copy of this order.

Member (A) Vice Chairman

Dated the 19th Feb., 1960.

MM

Secretary

Joint Secretary

Joint Secretary

Sharma

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

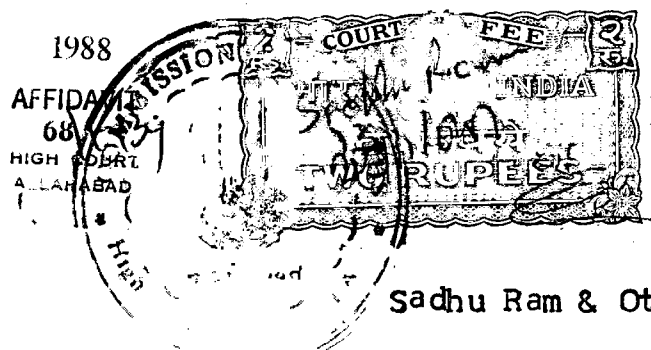
LUCKNOW

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Rejoinder Affidavit on behalf of Claimants.

Inre;

R.S.No: 1140 of 1987:



Sadhu Ram & Others Claimants;

Ver sus,

G.M. Northern Rly. & Others.Opp. Parties;

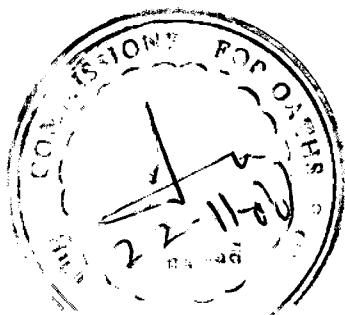
A F F I D A V I T

I, RAM AUTAR, aged about 28 years, Son of Sri Devi, R/o Village Sarsand Post Barwa, District Hardoi, do hereby solemnly affirm & state on oath as under in the name of Almighty God:-

1- That the deponent being claimant No:6 in the afore-said petition is fully conversant with the facts of the case. He has been instructed on behalf of other claimants to swear this affidavit.

2- That contents of para 1 to the reply need no comments. As regards para 2 of Written Statement, it is submitted that advertisement annexed with by the respondents is not in accordance with their plea, in as much as the concerned advertisement contained in Annexure C-1 no where has got mention of dates

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L71 Ram Autar

(A79)

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1-8-78 to afterwards. Secondly the advertisement is applicable only in respect of those persons whose names are already available on 'Live Register'. Thirdly different provisions of Industrial Dispute Act and Rules (to which Casual labourers are subjected) make it mandatory for the employer to issue separate letters to retrenched employees on their addresses whenever proposal for their re-engagement is under consideration. Apart from this provisions of para 2512 Railway Establishment Manual cast a mandatory duty upon respondents to engage such Casual labour strictly in accordance with their seniority as maintained in the Live Register. When names of applicants have not been kept on Live Register, how could have they applied in compliance of advertisement which imposed a preliminary condition that only those casual labourers can apply whose names are available in Live Register. If applicants representation are not available on record of respondents, applicants can not be blamed for the same. In view of these facts contention of Respondent contained in para 2 of their Written Statement does not stand to any reason.

3- That contents of para 3 to written statement are denied and those stated in claim application are re-iterated to be correct. It is note worthy to point out at this stage that continuous working days/dates in respect of all the applicants for more than 120 days are not disputed by respondents. Plea of respondents regarding non moving of application for absorption has already been replied in para 2 above.

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4- That contents of para 4 to the Written Statement are denied and those stated in Claim petition are re-iterated to be correct. Reasons for filing of joint claim petition have been given in para 5 and 6.23 of claim petition which after being considered by Hon'ble Tribunal, Claim petition has been admitted and decided to be disposal off on merits.

5- That contents of para 5 of Written statement are not relevant in as much as respondents have nowhere specifically asserted that applicants have been "Project Workers", as such plea of applicants that they were "Now Project Workers" stands unrelucted. Cause of action for the present claim arose on 13-11-87 only and not earlier to it, as such plea of limitation raised by respondents is mening less.

6- That contents of para 6 to Written statement are denied. True photo copy of Causal labour card in respect of applicant No: 5 Ram Ratan is attached herewith as Annexure R-1 to this Rejoinder Affidavit.



contd-----

CTI Ram Ratan

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which falsifies the plea of respondents.

7- That contents of para 7 of Written statement need no reply except that the position in respect of applicant No: 5 stands replied in para 6 above.

8- That contents of para 8 to Written statement are denied. Original Cards will be produced for perusal of Hon'ble Tribunal at the time of final hearing of the Claim.

9 - That contents of para 9 to the Written statement are denied and facts stated in para 6.5 of claim petition as well as in para 5 above are reiterated in this connection.

10- That contents of para 10 of Written statement need no reply except that the continuous working days of applicants are not in dispute and when applicant were engaged on basis of their previous working days without moving any sort of application they should also have been considered for regularisation without moving of applicant in accordance with provisions of Industrial Dispute Act & Rules and para 2511 & 2512 Railway Establishment Manual.

11- That contents of para 11 to Written statement are denied and those stated in claim petition are reiterated to be correct.

12- That contents of para 12 of Written statement need no reply.

22-11-80
LTi Ram Anwar

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13- That contents of para 13 of Written statement are denied and those stated in claim petition are reitrated to be correct.

14- That contents of para 14 of Written statement are denied and those stated in relative paras of claim petition are- reitrated to be correct.

Regarding moving of application in response of so called general advertisement/circular annexed with Written statement reply has already been submitted in paras 2 and to above and 16 and 19 below which are re-itrated.

15- That in reply to contents of para 15 of W.S is is submitted that only name of applicant No:7 has been deleted and applicant No: 8 Ayub Ali has been converted as No:7 who is party to the claim, as per orders of the Hon'ble Tribunal.

16- That contents of para 16 to Written statement are denied. When atleast it is admitted that Annexure No:9 was send on 28-10-87 only then it was incumbent upon respondents to decide the same and to consider their cases on 1-12-87 and 2-12-87 as proposed in their advertisement.

17- That contents of para 17 of W.S. are denied and those stated in claim petition as well as in this rejoinder affidavit are re-itrated to be correct.

18- That contents of para 18 of W.S. are denied



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and those stated in claim petition are re-iterated to be correct.

19- That contents of para 19 of W.S. are denied. In any view of the matter when respondents admit that application contained as Annexure A-9 was sent only on 28-10-87 then it was incumbent upon them to consider the claims of applicants on merit or at least to decide the same as it was moved well in time i.e. before 1-12-87 and 2-12-87 the dates given in advertisement, Annexure C-1.

20- That contents of para 20 to W.S. are denied, and those stated in claim petition are re-iterated to be correct.

21- That contents of para 21 of W.S. are denied. The cause of action arose on 12-11-87 when applicants were refused for consideration of their cases for issue of Medical Examination Slip and thereafter when their cases were not considered for regularisation. In any view of the matter, even according to own case of respondents, claims of such persons were to be considered after 1-12-87 & 2-12-87, as such there arises no question of different cause of action for different applicant arises.

22- That contents of para 22 to W.S. are denied in view of the facts stated in paras 2, 10, 16 and 19 above which are reiterated.

23- That contents of para 23 to the W.S. are denied. Since respondents have failed to perform the statutory obligation imposed upon them under different provisions of Industrial Disputes Act & Rules

contd-----7/

LTi Ram Kumar

22-11-87
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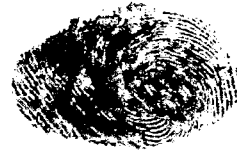
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and Railway Establishment Manual there arises no question of Limitation. In any view of the matter cause of action arose on 13-11-87 and after 1-12-87 and 2-12-87 and not earlier to it.

LUCKNOW:

DATED: 22-11-88:

DEPONENT:



LTI Ram Autar

VERIFICATION:

I, the abovenamed deponent do hereby verify that the contents of para 1 to 23 of this affidavit to be true from my personal knowledge. No part of it is false and nothing material has been concealed. So help me God.

Signed and verified today at court compound,
Lucknow.

dated: 22-11-88:

DEPONENT:

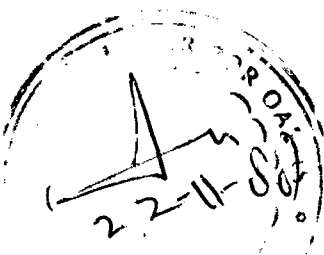


LTI Ram Autar

I, know the deponent
who has L.T.I. before me.

Advocate: *A.K. Dixit*

Solemnly affirmed before me on 22-11-88 at 9-05 a.m./p.m.
by the deponent Sri Ram Autar, who is identified by Sri
A.K. Dixit, Advocate, High Court, Lucknow. I have satisfied
myself by examining the deponent that he has understood
the contents of this affidavit which have been read over
and explained by me.



A. N. Khanam
A. N. KHANAM

OATH COMMISSIONER
H... ..
Lucknow

No. 60/1739-

Date 22-11-88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW
 Claim No. 1140-87

Sadhu Ram and others Vs General Manager N.Rly Peths
 Annexure R1

(4)

अनियत मजदूर के रूप में काम करने का रिकार्ड
 RECORD OF SERVICE AS CASUAL LABOUR

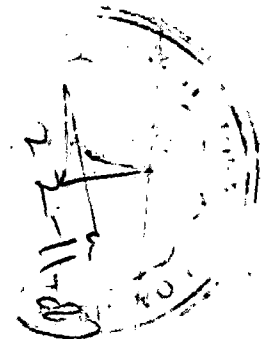
प्रारम्भिक नियुक्ति की तारीख 8-6-78
 Date of initial employment

नौकरी की अवधि Period of employment		काय का स्वरूप Nature of assignment.	पयवेक्षक के तारीख सहित हस्ताक्षर और पदनाम Sig. & Design. of Supr. with date
कब से From	कब तक To		
30-10-77	10-12-77	12 50	
1-1-78	4-4-78	" 30	
6-5-78	4-5-78	" 30	
23-7-78	23-8-78	" 26	
29-8-78	3-9-78	" 20	
1-12-78	1-1-79	" 48	
1-7-79	30-7-79	" 30	
1-8-79	12-8-79	" 12	
15-4-79	14-5-79	12 2	
15-5-79	13-6-79	30	
15-9-79	14-10-79	30	
1-11-79	14-12-79	44	

अनियत मजदूर के रूप में काम करने का रिकार्ड
 RECORD OF SERVICE AS CASUAL LABOUR

प्रारम्भिक नियुक्ति की तारीख
 Date of initial employment

नौकरी की अवधि Period of employment		काय का स्वरूप Nature of assignment.	पयवेक्षक के तारीख सहित हस्ताक्षर और पदनाम Sig. & Design. of Supr. with date
कब से From	कब तक To		
1-1-80	13-2-80	12 44	
15-2-80	13-3-80	" 30	
15-5-80	13-6-80	" 30	
		470	
3-6-76	7-7-76	20 days	27-AEN-30
7-7-76	30-7-76	23 4	30-5-76
1-8-76	12-9-76	33 4	30-1-76
5-12-76	13-12-76	44 1	30-1-76
			15-10-76



ATTESTED

Abhay Kumar Singh

HIGH COURT
 LUCKNOW



LT Ram Prasad



Part of Mrs. R.

अभिलेख मजदूर के रूप में काम करने का रिकार्ड
RECORD OF SERVICE AS CASUAL LABOUR

प्रारम्भिक नियुक्ति की तारीख
Date of initial employment

नौहरी जी अवधि Period of employment	कब से From	कब तक To	वर्ग का स्वरूप Nature of assignment	पय देखक के तारीख सहित हस्ताक्षर मोर पदनाम Sig. & Design. of Supt. with date
	12-12-76	22-12-76	BF → 560 days	15-10-76
	23-12-76	16-1-77		25-1-AEW-SW 4
	19-3-77	22-3-77		24-4-76
	22-4-77	28-5-77		18-3-79
	22-8-77	31-8-77		393-AEW-SW 4
Total		104 days	63 days	27-4-77
				25-3-77

Total \rightarrow 124 days 635 days

271 Ram Anwar

ATTESTED : 4. COPY

Abhay K. Dixit
HIGH COURT
LUCKNOW,

22-11-87

NORTHERN RAILWAY

AB6

15-11-80	15-12-80 ✓	65-16	300000
15-4-81	14-5-81	300000	600000
15-3-81	14-6-81	100000	295000
15-6-83	14-7-83	30	100000
15-7-83	14-8-83	27	100000
15-8-83	14-9-83	17	100000
15-7-84	14-8-84	25	100000
		31	100000
		23	100000

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW

R E P L Y

(A87)

On behalf of Respondent No. 1, to 4.

in

(Registration No. 11 40 of 1987)

Sadhu Ram and others

... Applicants

Versus

General Manager, Northern Railway & others.

....

Respondents

Disetrick-Hardoi

I Sri O.P. Singh aged about 27 years is presently posted as Assistant Engineer in the office of Assistant Engineer, Northern Railway, Hardoi and is also respondent No. 3 is duly authorised on behalf of respondents to file the instant reply. ~~the~~

Applicants Counsel
not available
hence the copy is
attached.

Perkellu

Rly Advocate
21/7/88

Later on the
Counsel received
the copy of the
same

Prattin

Rly Advocate
21/7/88

1. That I have gone through the application filed by the applicant alongwith 6 applicants under section 19 of the Central Administrative Tribunal Act, 13 of 1985 and its Annexures and as such in a position to reply the same.
2. That before para-wise reply brief facts of the case and its preliminary objections to the application are submitted herewith:-

That the department at his own accord had issued a general advertisement for the absorption of all casual

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20.2.89

(A88)

(Substitute) incorporated vide 23/2/89

X deleted vide order dated 23/2/89

Labourers to empanel them who had worked (prior to 1-8-78 and afterwords completing 120 days as their working in the department and accordingly all the applicants ~~were~~ were supposed to move an application before the Divisional Railway Manager Moradabad furnishing their full particulars certifying their previous working from the concerned authorities.

Accordingly the applicant no 1 Sadu Ram had applied for his enpalement before the Divisional Railway Manager Moradabad but rest of the applicants failed to move any application for their enpalment, hence the question of their empalement does not arise, whereas on the contrary the applicant no 1 Sri Sadhu Ram has been provided with a job as Khalasi in the department.

Further, the applicant have not preferred any sort of representation, as the representation filed with the application as Annexure IX to the application is not on the record of the answering respondents. Moreover, the applicants have failed to adduce any evidence of the same to be sent to the answering respondents and hence the application is against the norms prescribed under the Central Adminstraive Act. and as such the present application tentamounts to be misuse of process and is liable to be dismissed with cost to the respondents.

It is further submitted that the claim of the applicant no 2 to 6 are time barred as their services were re-trenched in the year 1984-85.

3. That in reply to the contents of para 3 of the application it is submitted that although most of the applicants were working

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at different point of time in the department since long and were engaged from time to time as and when required. It is further clarified that except applicant no 1 none of the applicant had applied for the absorption and enpalment in the department and ~~they~~ ^{they} were retrenched after completion of the work in the year 1984-85. The allegation of their re-engagement from 2.11.87 to 7.11.87 and assurance from the department for medical examination is falls hence denied as the applicants had worked under the contractore for the aforesaid period and has mention the facts only just to gain their ~~aulteriormotive~~ and to cover the ~~para~~ ^{para} of limitation. This action of the applicant involves moral torpitude by conceading the facts from the Hon'ble Court and as such the present application is not maintainable and liable to be dismissed with cost.

4. That the contents of para 4 of the application are not admitted in forms they stand as the applicants where never engaged by the administration from 2.11.87 to 7.11.87 but they were engaged by the contractore hence the assertion of refusal to deposit the medical fees by the respondents does not arises at all. The statement of the applicants shows. Magnonimity in the statement of the applicant and reflects the character of the applicant that they had not come with ^{clean} ~~the exdaxing~~ hand before this Hon'ble court.

Further the ground of filing the single petition is not at all relevant and maintaiable in the present case as the working period and place of every applicants is differe

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5. That the content of para 5 of the application are not admitted and denied, as the applicants were re-trenched in year 1984-85 and the present applications have been filed after inordinate delay as prescribed under the Central Administrative Tribunal Act 13 of 1985. Hence the petition is excessively time barred and liable to be rejected. The contents find further support with the statement submitted by the applicant in the instant para to condone the delay for which a separate application and orders are required.

6. That the contents of para 6.1 are not admitted in the form they stand, In reply there to it is submitted that the applicant No. 5 Shri Ram Ratan has not worked under IOW/BLM for any time and as such the assertion of all the applicants working under IOW/BLM is not correct.

7. That contents of para 6.2 & 6.3 are admitted except applicant No. 5 Shri Ram Ratan. Further the contents of para 2 of counter are reiterated.

8. That the contents of 6(4) of the application are vague and misconceived and are emphatically denied in the form they stand. The annexure-5 filed with the application as Annexure A-1 to A -6 alleged to be the service card of the applicants do not bear any name of the applicants to which they belong and the period written on the card is not verified. Further the applicants in the instant petition has himself mentioned that their past services were not verified. Further the casual labour card remains with the applicants at the time of their working and the period of working is entered by the authority concerned and the card are returned to the employees, as such

(JG1)

the assertion of taking the card of applicant No. 8 is not correct and is denied.

9. That the contents of para 6.5 of the application it is submitted that the casual labourers are engaged for specific work and are retrenched on completion of the same, hence the question against the permanent vacancy does not arises at all.

10. That the contents of para 6.6. of the application it is submitted that the applicants were abosorbed as casual labour from different time to time on the basis of their previous working in the department as and when required.

11. That the contents of para 6.7 of the application are not admitted and are denied. It is clarified that non of the applicantshad worked as maison in the department hence the permanent abosorbtion on maintenance side does not arises at all.

12. That the contents of the para 6(8)(9), (10),(11) and (12) are ^{related} ~~not related~~ to different circulaats and provisions of establishment mannual hence requires no comments.

13. That the contents of the para 6 (13) of the applications are not admitted and are denied as the applicants No. 4,5,6 and 7 were retrenched on 14.12.84 but not on 7.7.85 as mentioned in the instant para as per record of the answering respondents

14. That the contents of para 6(14),(15) are not admitted and are denied as no assurance was ever given by the respondents

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to the applicants for there regular appointment and sending them for the medical. It will not be out of place to mentioned that the department had issued the general circular for the em-panelment of the casual labour ^{(Substitute) (20 days or more)} ~~who had worked prior to 1.8.78 and after wards completing 120 days as continous service~~ and accordingly the candidates where supposed to apply on the proforma to which only applicant No. 1 had applied and the rest of the applicants from no. 2 to 6 have failed to avail the opportunity.

15. That the contents of para 6(16) f the application are not admitted and are denied. The Hon'ble Court had ordered to delect the name of the applicants no.7 & 8 from the application on 2.12.37.

16. That the contents of para 6(17) (18) of the application it is submitted that except applicant no. 1 Shri Sadhu Ram non of the applicamt had appeared and given any application to the Divisional Railway Manager, Moradabad against their clear advertisement for abosorbtion of the applicants furnishing full details of their passed working and ful filling the requis condition for their screning and empanel against regular vacanc hence the assertion made under para are emphatically denied. It will not be out of place to mention that the list of joint representation dated 26/27 - 10-87 is not on the record and moreover the Annexure-9 reveales that the same had been ser on 28.10.37 only. Further the applicants failed to send any evidence of their being send to the department.

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17. That the contents of para 6(19) of the application are not admitted and are emphatically denied. The averment made in para 3 of the counter reiterated. Further as the applicants failed to give any application for their absorption hence the question of screening are sending them for any medical examination ^{or} ~~are~~ giving any assurance for the same does not arise at all.

18. That in reply to the contents of para 6(20) of the application it is submitted that the applicants were ~~only~~ refused for issuing memo~~s~~ for medical examination is not admitted are denied. The applicants in the instant petition had mentioned under para 3 of the ~~application~~ that no order has been passed on their representation whereas on the contrary they have mentioned specific date of 13.11.87 refusing them to send for medical examination by the respondents. This fact amounts to concealment of facts to gain their ~~ulterior~~ motive and as such the present application should be rejected with special cost to the respondents.

Further allegation made in the para are emphatically denied as the applicants where paid their dues as and when they have worked for the administration and as such nothing is due on the part of the administration

2294

19. That the contents of para 6(21) of the application are not admitted and are denied. In reply their to the contents of para 2 of the counter are reitreated with a submission that the applicant no. 1 alongwith 2 others had applied to the administration against the said advertisement and have been empanal as Khalasi. Whereas on the contrary the applicant No. 2 to 6 have not applied for their empanalement hence the question of their empanalment does not arises at all.

20. That the contents of para 6(22) of the application are emphatically denied as no assurance where ever given by the answering respondents, but the applicants at their own accord have failed to avail the opportunity of their being abosorbed despite the clear advertisement by the Divisional Railway Manager, Moradabad. The same letter is ^{filed} here with the counter and mark as Annexure C-1 to the counter.

Annexure-I

21. That in reply to the contents of para 6(23) of the application the contents of para 2 of the counter are reiterated with a submission that cause of action accrued to all the applicants individually and every applicants had worked at different point of time hence the joint applications of the applicants is not at all maintainable and is liable to be dismissed with cost to the respondents.

✓

AGS

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22. That in reply to contents of para 6(24) of the application it is submitted that the applicants had failed to apply to the Divisional Railway Manager, Moradabad despite the clear advertisement for their regularisation against the existing vacancy. Hence the question for their appointment does not arise at all. Only applicant no. 1 Shri Sadhu Ram had acted upon the advertisement and accordingly he was provided with a job in the department.

23. None of the grounds taken by the applicants in the instant petition are tenable under the present circumstances of the case as the application under the section 19 of the Central Administrative Tribunal Act 13 of 1985 is highly time barred and it is clear misuse of Judicial process and amounts to a moral turpitude by mentioning wrong facts to the Hon'ble Court. Further the applicants had failed to apply against the advertisement of the General Manager and even had not filed any representation before the concerned authority to seek the indulgence of the Hon'ble Court. Jurisdiction in ~~the matter~~ and as ~~the matter~~ such the applicants had failed to establish any cogent ground for interference of the Hon'ble Court in the matter as the claim of the applicants is time barred and deserved

447

✓

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: : 10 : :

to be rejected with special cost to the respondents.

VERIFICATION

I the deponent above named do hereby verify that the contents of para 1 to 2 of this counter are true to my personal knowledge. The contents of para 2 to 21 are true on the basis of record and the contents of para 22 to 23 are based on legal advice. Nothing material has been concealed.

Verified at Haridwar on

.....14/12/78.....

(O.P.SINGH)

Assistant Engineer, Northern Rly

Haridwar, रेलवे, हरदो:

Asstt. Engineer

N. Rly. Haridwar

Date :

[illegible][illegible]

- (1) विद्यार्थी को प्रश्न-पत्र में उल्लेखित सभी प्रश्नों के उत्तर देना होंगे।
(2) उत्तरों में लिखित भाषा को स्पष्ट और सही होना चाहिए।
(3) उत्तरों में लिखित भाषा को स्पष्ट और सही होना चाहिए।

२. रीज बर्ग की लंबाई ५ मीटर है। इस रीज के एक कोने पर एक लंबाई ५ मीटर की रीज लगी है। दूसरी रीज के एक कोने पर एक लंबाई ५ मीटर की रीज लगी है। इस रीज के एक कोने पर एक लंबाई ५ मीटर की रीज लगी है।

टीका- एक मरिदाँ से लाख लाखों लठ्ठे एक ही लूरी पर/परि पीछे की जा लठ्ठे ।

प्राचीन-काल में ही यह कार्य

447

सुखी लो नमो

॥ श्री गुरुभ्यो नमः ॥

[illegible]

(ନିର୍ଦ୍ଦେଶକ ଓ କଳାକାର)

सं. क्र.: ४२ एवं मं. क्र.: ०/१

३५५ श्री १०५ श्री ३५५

157-10422

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Call for a free copy of *How to Write a Business Plan*

○ ○ ○ ○ ○

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666

" Certified that this is the true copy of the original document. The original document is contained with the records maintained by the Railway administration.

ਸ੍ਰੀ ਗੁਰੂ ਗ੍ਰੰਥ ਸਾਹਿਬ ਜੀ

सहायक प्र मयन्त.

उत्तर रेखे, हगदोई

Asst. Engrs

N. Rly. Hardot

(190)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW.

REVIEW PETITION NO. 190-90 (L)

INRE

O.A. No. 1140 - 87

Fixed on 10.8.90 at Allahabad

Sadhu Ram & Others..

.. Applicants

Versus

Union of India & Others

.. Opp. Parties

REPLY/OBJECTION on behalf of

applicants in Review petition filed

by Railway Administration

=====

May it please your Lordships,

We, Behari and 5 others, who are applicants No. 2 to 7 in O.A. No. 1140-87 (and opposite parties in Review petition No. 190-90 (L)) submit as under by way of objection/reply to review petition filed by Railway Administration.

1. That contents of para 1 of Review petition need no reply.
2. That contents of para 2 of Review petition need no reply.
3. That in reply to para 3 of Review application it is submitted that copy of Hon'ble Tribunal's

21/12/94

Duplicate sent to
A.E.N. Hossain & Mr. Prabhakar
Maitra on 30.7.90
by Registered Post
Receipt No. 181 and 182.

16/7/82
Dr.
M. G. S.

judgment dated 19.2.90 was despatched to DRM Moradabad, A.E.N. Harobi and I.O.W. Balamau by applicants/objectors on 26.2.90 under Registered Postal Receipt No.3811,3812, and 3813 along with an application.

4. That since Review petition has been admitted for hearing on 30.4.90 over only one point regarding eligibility or fulfilment of requisite requirements as prescribed in Annexure G-1 (of C.A. in O.A. No. 1140-87) , it is not necessary for objectors to furnish reply of sub paras (a) to (h) of para 4 of Review application. However, it is submitted that pleas raised in sub paras (a) to (h) are outside the scope of Review, nor the Hon'ble High Court has taken cognizance of these facts. As such reply of sub para (i) is submitted as under :-

4.(i) As applicants/objectors have already stated in para 2 of their rejoinder affidavit (filed in O.A. No.1140-87), it is submitted that

As a matter of fact Annexure G-1 is not applicable and is at all not relevant for the determination of controversy involved before Hon'ble Court. Objectors were working in the works side with Inspector of Works and their names are available in the list of that Wing (as filed in the Hon'ble Court by Railway Administration) they had no knowledge, practise or experience of working in the Loco side, while by means of Annexure C - 1 the applicants are said to be called for Loco side, It is thus beyond imagination that a works side Incumbent is to be employed in Loco side where job is entirely different.

A100

So far as other eligibilities are concerned (though norms prescribed by Annexure C-1 are not applicable over objectors) on account of reasons given above & it is submitted that although Annexure C-1 no where ^{prescribes} ~~preserves~~ that ^{one} ~~are~~ must have worked prior to 1.8.78 yet all the objectors have worked prior to this period as evident from perusal of their working period certificate/ casual labour cards already attached with claim petition, which have no where been denied or genuineness not challenged.

As far as age factor is concerned objectors being serving Railway employees and members of SC/ST class are entitled to a relaxation upto the age of 40 years. Sadhu Ram (claimant No.1 whose age was 30 years) had admittedly been engaged, this fact itself goes to show that age factor is not involved.

So far as educational qualification is concerned bar is applicable only in respect of 'Fresh hands' as clarified by Railway Board's Circular No.220-E/790-12-A(Eiv.) dated 2.4.86, relevant para 5 of which is reproduced below :-

“ 5. Minimum qualifications laid for fresh recruitment of Group D Cl. IV posts. ”

“ In view of the increasing so-phistication in Railway technology and modernisation and recommendations thereof from the Railway Accident Enquiry committee 1978, it has been decided that :-

21/2/80

A101

.4.

i) In future, C/Labour and substitute will be eligible for absorption in vacancies (Other than those of S/Walas) in all the wings of the Elect. & Mech. Departments and in the workshops of S&T Department. Only if they have the minimum qualification of I.T.I. or they are course completed Act apprentices.

ii) For recruitment of Khallasis in the Dal/Elect. Loco/BMU sheds, the instructions contained in this Ministry's Letter No. E (NG) II/80RGI/7 dated 28.1.83 E(NG)II/83 RCII/39 dated 31.12.83 and E(NG) II/83 / RCII/75 dated 31.5.85 will continue to apply, which stipulate the procedure for direct recruitment of Khalasis and absorption of surplus stem staff.

iii) (a) for recruitment to vacancies (other than those of S/Walas) in all other wings (including workshops) of the Elect. Mech. Deptts. and in workshops of S&T Deptt. the minimum educational qualification will be ITI or completion of course under the Apprentices~~ki~~ Act.

(b) The minimum qualification for the post of Khallasis in S&T Deptt. (i.e. for other than S&T Workshops) will be a pass in the 10th standard.

iv) For S/Walas in Mech./Medical and other deptts. the minimum qualification will be a pass in the Vth Standard.

v) The minimum educational qualification for recruitment in Group 'D' post in allother departments including medical and civil engineering department will be pass in the 8th Standard.

राजस्थान

A102

.5.

The aforesaid minimum qualifications will however, apply to engagement of fresh faces, as Casual labours or as substitutes as also for direct recruitment group 'D' vacancies, wherever engagement of fresh faces or direct recruitment is permitted under the instructions enforced from time to time."

It is also submitted that all the Juniors engaged to the discrimination of objectors also do not strictly fullfil the so called eligibility norms as prescribed by Annex. C - 1 which as a matter of facts is not applicable to objectors and ^{applicant} ~~applicant~~ to Loco cleaners only.

All the applicants/objectors have admittedly put in more than 120 days continuous working.

In view of facts and circumstances stated above, as well as in rejoinder affidavit para 3 in particular, Ann. C- 1 is not applicable to objectors and Review petition has been filed just with a view to cause delay in compliance of the Hon'ble Tribunal's order and to cause harassment to applicants, ~~As xxxxx xx xx~~

As such it is most respectfully prayed that Review petition may kindly be rejected with costs and stay order granted on 30.4.89 also be pleased

..6

21/12/07

(A103)

to be vacated.

Objectors/applicants

JULY 1990.

Behari & Others

रामजी लाल
रामरतन

नि.अ. विहार

ALYUB

ALYUB

नि.अ. रामऔतार

m. July 1990

VERIFICATION:

We, Behari, Sunder Lal, Ram Bilas, Ram Ratan, Ram Aitar and Ayub Ali claimants/objectors do hereby verify contents of this reply to be true from personal knowledge.

Verified on 10 day of August 1990
at Allahabad.

Signature of Objectors

रामजी लाल
रामरतन

Behari & Others.

नि.अ. विहार

नि.अ. रामऔतार

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

C.A.P. 30/92 INDEX SHEET

CAUSE TITLE B.A. 1140 OF 87NAME OF THE PARTIES Sunder LalKS Applicant

Versus

S.N. Pandey Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	Order Sheet	A-1 to A-3
2	Petition, Annexure, Power	A-4 to A-23
3	C.A. and Power	A-24 to 34
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated 11-4-12B/c destroyed on 09-5-12

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

21.5.92. Hon'ble Mr. Justice U.C. Srivastava- V.C.
Hon'ble Mr. K. Obayya -A.M.

Issue notice to the respondent to show cause as to why the proceedings of Contempt of Court Act, be not initiated against them, as they have not complied with the order passed by this Tribunal. The respondents are directed to appear in before this Tribunal through an Advocate. Regarding personal appearance, this question will be considered later. List this case on 14.7.92 for filing the reply. The respondent shall file the reply in the contempt application on or before the date fixed.

(DPS)

V.C.

OR
Notices issued
on 10/6/92

OR

No order made
in presence
of 1/4/92

Dated: 14.7.1992

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

Counter-affidavit has been filed today. The learned counsel for the applicant prays for 3 weeks time to file rejoinder-affidavit. The time prayed for is granted, for filing the same. List this case for order on contempt application, on 16.9.1992.

A.M.

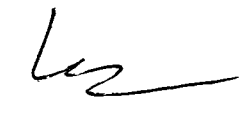
V.C.

U.K.
No RA has
been filed.
S. J. O.
15/9/92

Complied with. With the above
observation, the contempt application
is consigned and the notices are
discharged.

(ug)


A.M.


V.C.

Main Copy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
LUCKNOW.

Contemp Petition No: 30 of 1992.

Inre:

O.A.No: 1140-87

Dec.on 19-2-90/31-5-91

18/5/92

Dep. Registrar (II)

1. Sunder Lal son of Sri Parsad, resident of village Deonpur, Post Kachhona, District Hardoi.
2. Behari Son of Sri Jokhey resident of village Karkhi, Post Kachhona, District Hardoi.
3. Ram Bilas son of Sri Heera Lal, resident of village Deopur, Post Kachhona, District Hardoi.
4. Ram Ratan son of Sri Bhagwandas, resident of village Deopur, Post Kachhona, District Hardoi.
5. Ram Autar Son of Sri Devi, resident of village Sarsand, Post Barwa Sarsand, District Hardoi.

...Applicants.

Versus.

1. Sri Som Nath Pandey, Posted as Divisional Rail Manager Northern Railway Moradabad.
2. Sri D.S. Chauhan, Divisional Engineer-II, Office of Divisional Rail Manager, Northern Railway, Moradabad.

...Opp. Parties.

APPLICATION FOR INITIATING PROCEEDINGS

UNDER CONTEMPT OF COURTS ACT.

18/5/92

May it Please your Lordships,

On account of facts and circumstances mentioned in the affidavit accompanied with this application, it is clear that opposite parties are knowingly and intentionally flouting the order Dt. 19.2.90/31.5.91 passed by this Hon'ble court.

P R A Y E R

It is therefore, most respectfully prayed that opposite parties be called upon and suitably dealt with for having committed contempt of this Hon'ble courts' orders Dt. 19.2.90/31.5.1991.

Applicants,

सुन्दर लाल

Sunder Lal and others

Through their counsel:-

A.K. DIXIT,

Advocate.

18 May, 1992.

राम प्रकाश लाल

सुन्दर लाल

LTI Bhai

LTI Ram Bhai

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW.

A6

Affidavit in support of application for
initiating proceedings contempt of court order?.



Sunder Lal and others..

..Applicants.

Versus.

Sri Som Nath Pandey and another..

..Opp.Parties.

AFFIDAVIT

I, Ram Retan aged about 35 years, son of Sri Shaguandas, resident of Village Deonpur, Post Kachhona, District Hardoi, do hereby solemnly affirm and state on oath as under in the name of Almighty God:-

Para 1. That deponent ~~along~~ being one of the applicant (at Sl. No.5) in the O.A. No. 1140-87 is fully conversant with the facts of case. He, on being instructed and authorised by all the remaining applicants No. 2,3,4 & 6 is filing this affidavit.

Para 2. That deponent along with others filed O.A. No.1140-87 before this Hon'ble court for regularisation of their services and to engage all the applicants in accordance with their relative seniority.

../2.

Para 3. That during the course of hearing of case it was revealed that at Sl. No. 31 in the Live Register was ~~xxxxxxx~~ engaged to the Discrimination of other applicants who had much more working days at their credit. This Hon'ble court in Para 6 of its Judgement Dt. 19.2.90 recorded a finding to the effect that if Sadhu Ram could be re-engaged there is no reason why the rest should not have been re-engaged when the criterion for re-engagement is seniority.

✓
~~xxxxxx~~

A True Photo copy of the judgement

Dt. 19.2.90 is attached as Annexure-1.

Para 4. That applicants vide Regd. Post No. 3811, 3812 and 3813 Dt. 26.2.90 submitted an application for their re-engagement along with the copy of judgement Dt. 19.2.90.

Para 5. That thereafter Railway Administration filed a Review Peti. No. 190-90 (L) on the ground that since applicants failed to apply in pursuance of advertisement (Annexure ~~6~~-1 of Counter Affidavit) and because they do not fulfill the requisite educational qualifications, they are not entitled for regularisation or absorption even.

Para 6. That this Hon'ble court after considering all the aspects of the case while disposing the review petition observed that advertisement

(Annexure C-1 of Counter Affidavit) is not applicable for applicants and by recalling its earlier order Dt. 19.2.90 ordered that applicants are entitled for their regularisation in their turn according to their seniority in the live Register and directed the respondents to re-engage applicants on regular basis after screening as per their seniority indicated in live register.

A True Photo copy of Review order Dt. 31.5.1991 is attached as Annexure-2.

Para 7. That applicants on 13.7.91 again submitted an application to concerned authorities including to the opp. party No. 1 along with copies of Judgment Dt. 19.2.90 and 31.5.91 along with Regd. Post No. 3172, 3773 and 3774.

Para 8. That when no action was taken by the concerned officials applicants sent a notice Dt. 4.9.91 through their counsel under Regd. Post No. 3569, 3570 and 3571.

Para 9. That Assistant Engineer N. Railway Sitapur and Inspector of Works N. Railway Balaramau vide their letters Dt. 12.9.91 and 26.10.91 requested their superior officials for conducting screening and issue of Medical Memos to

89

applicants.

True photo copies of letter Dt. 12.9.91
and 2.12.91 are attached as Annexures 3 and 4.

Para 13. That opp. parties No. 1 and 2 who are controlling
authorities of Assistant Engineer N. Railway
Sitapur and I.C.W. N. Railway Balmain have so
far taken no cognizance of matter inspite of
various approaches of applicants inspite of
notice Dt. 19.12.91 despatched under Regd. Post
No. 4968 and 4969.

True photo copy of aforesaid notice
Dt. 19.12.91 along with Registered Postal
receipts are attached as Annexure- 5.

Para 11. That so far opposite parties No. 1 and 2
who are directly responsible for ensuring
compliance of this Hon'ble Tribunal order
dated 19.2.90 / 31.5.91 have knowingly
and intertionally done nothing to comply
the orders.

Para 12. That it is thus clear that opposite parties

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-5-

have committed wilful and intentional

defiance of this Hon'ble Tribunal's

orders Dt.19.2.90 / 31.5.91.

m. 14/5/92

Deponent,

रामरतन
(Ram Ratan)

Verification:

I, deponent do hereby verify contents of paras 1 to 11 of this affidavit to be true from my personal knowlege and contents of paras 12 are believed to be true by me. No part of it is false and nothing material has been concealed. So help me God.

Verified on 14 day of May, 1992 within court Premises at Lucknow.

Deponent,

रामरतन
(Ram Ratan)

I know and identify the deponent who has sign d on this affidavit before me.

A.K.Dixit
Advocate.

Solemnly affirmed before me by the deponent Sri Ram Ratan, on 14 day of May 1992 at 11-50 a.m./p.m., who is

identified by Sri A.K.Dixit Advocate, High court Lucknow Bench Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me to him.

OATH COMMISSIONER.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow Bench, Lucknow

8

Sundar Lal and othrs

Vs Som Nath Pandey & othrs.

ANNEXURE No. 1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Registration O.A. No. 1140 of 1987

Sodhu Ram and Others Applicants

Versus

General Manager, N.Rly.
and Others. Opposite Parties.

HON. JUSTICE KAILASHWAR NATH, V.C.

HON. K. CHAWLA, MEMBER (A)

(By Hon. Justice K. Nath, V.C.)

This application under Section 15 of the Administrative Tribunals Act, 1985 is for a direction to the opposite parties to treat the applicants to have attained temporary status of class IV employees or in the alternative to include the name of the applicants in the list of Casual Labour to be engaged and further to engage them in accordance with the relative seniority.

2. The petition was originally filed on behalf of 8 persons; the name of one Shiv Ram was deleted by the Court's order dated 11.4.88. The case now concerns seven persons - Sodhu Ram, Behari, Sunder Lal, Ram Bilas, Ram Ratan, Ram Autar and Ayub Ali. At page 7 of the application the applicants have furnished details of the engagement as Casual Labour during various broken periods between 1969 and 1987; in Column 2 each period out of broken period is set out which is the continuous period of their working. Such continuous period of working has been worked out to be 120 days or more in the case of each of the applicants. It is therefore urged that the applicants have acquired temporary status.

mls

21464

21/7/88
HON. JUDGE
LUCKNOW

A12

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- 2 -

However, it is admitted that before this petition was filed all the applicants were ceased to work.

3. The case of the opposite parties is that applicant No.1 Sadhu Ram has been re-engaged and regularised but the rest could not be re-engaged after their cessation because they did not respond to a circular issued for empanelment of Casual Labour Substitutes. Annexure-C1 to the Counter Affidavit is the circular in which the ceased Casual Labourers were invited to apply for re-engagement on a specified proforma. In para 14 of the Counter Affidavit, it is stated that applications for empanelment of those Casual Labour Substitutes who had worked for more than 120 days had been invited and the applicant No.1 Sadhu Ram had applied and therefore he was ^{not} in panel. The rest of the applicants, admittedly, did not apply and according to the opposite parties could not be empanelled. According to the applicants they could not apply because they were not aware of it.

4. The case of the opposite parties further is that Ram Ratan applicant No.5 had never worked at any time under the I.O.W. Balamu. The rest of the applicants according to the opposite parties, had ceased to work from different dates in the years 1984 and 1985 so that the filing of this case as late as 26.11.87 is barred by time. It was pointed out that the applicants' alleged last employment in November, 1987 was not in the opposite parties' Department but only with contractors so that no period of their working after the years 1984 or 1985 has been entered in their Casual Labour Card whose copies have been filed by the applicants.

21/12/87

[Signature]

A13

- 3 -

5. This part of the opposite parties' case seems to be correct because according to the copies of their Casual Labour Cards, they were ceased to work in those years. In that sense the claim could be said to be barred by time so far as it concerns conferment of temporary status.

6. But the claims of Casual labour for their re-engagement in the light of the policies of the Railway Administration still survive, so much so that on the own showing of the opposite parties, all the discharged eligible Casual Labour had been invited by the circular Annexure-C1 to apply for empanelment for the purposes of re-engagement. The opposite parties filed an application dated 28.9.1989 alongwith a list Annexure-C1 of those Casual Labours who had worked under the I.O.W. of Balamau (District Hardoi) containing names of 107 Casual Labourers. Incidentally, this contains the name of applicant No.5 Ram Ratan despite of denial. This list purports to have been prepared on the basis of seniority as on 14.8.86. Column 7 of this list sets out the number of days on which the various Casual Labourers had worked according to the records of the Railway Department. Shri Prashant Mathur for the opposite parties says that in this list the names of all the applicants are included and therefore they have no further grievance. Shri A.K.Dixit appearing on behalf of the applicants says that the appointment of applicant No.1, Sadhu Ram who is placed at Sl.No.91 with 115 working days at his credit is evidence of discrimination against the remaining applicants who are placed at higher positions in the seniority list and have larger number of working days to their credit. He contends that since admittedly Sadhu Ram was re-engaged and is still

21/11/89

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11/11/89

AM

- 4 -

in employment there is no justification for the opposite parties to refuse employment to the remaining applicants. The contention of Shri Dixit is not without force. The list itself shows that all the applicants other than Sadhu Ram were considered by the Department to be senior to Sadhu Ram and if Sadhu Ram could be re-engaged there is no reason why the rest should not have been re-engaged when the criterion of re-engagement is seniority. Shri Prashant Mathur says that Shri Sadhu Ram was appointed because he was reputed to be particular and well suitable. It is not shown that the others were unsuitable or Sadhu Ram had some special qualification entitling him to be given precedence over others.

7. It is not necessary to go into other questions raised in this case because of applicants alternative prayer of being placed on the list and of being re-engaged.

8. On a consideration of all the matters, the petition is partly allowed and the opposite parties are directed to re-engage applicants Behari, Sunder Lal, Ram Bilas, Ram Batin, Ram Autar and Ayub Ali as Casual Labourers within a period of one month from the date of receipt of the copy of this order.

Member (A)

Vice Chairman

Dated the 19th Feb., 1990.

RKM

Attested

22/2/90

21422-1

14/5

AT-2

AMC

LUCKNOW

Sundar Lal and others

VS

Som Nath Pandey & others.

AIS

(12)

ANNEXURE No. 2

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

REVIEW APPLICATION NO. 190/90(L)

IN

O.A.No. 1140/1987

Union of India & OthersApplicants

Versus

Sadhu RamRespondent

Hon'ble Mr. Justice K. Nath, V.C.
Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. K. Obayya, A.M.)

This application has been filed by Union of India under section 22(1)(F) of the Administrative Tribunals Act 1985 for reviewing of the judgment dated 19.2.1990 in O.A.No. 1140/87 Sadhu Ram and others Vs. General Manager Northern Railway and others. The applicants in the said O.A. who are 7 in number were engaged as Casual Labour in the Northern Railway and their prayer was that they have attained temporary status as Class IV employees and that their names should be included in the live register for re-engagement on regular basis in accordance with their relative seniority. During the pendency of the case one Sri Sadhu Ram applicant no. 1 was regularised. Having considered the matter the application was allowed in part in the following terms in para 8 of the judgment:

"On a consideration of all the matters, the petition is partly allowed and the opposite parties are directed to re-engage applicants Behari, Sunder Lal, Ram Bileas, Ram Ratan, Ram Autar and

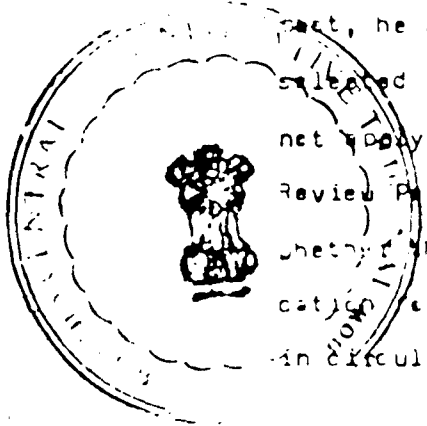
A16

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-2-

Ayub Ali as Casual Labourers
within a period of one month
from the date of receipt of
the copy of this order."

2. The respondents who are applicants in the Review petition have now come up with this petition stating that the judgment would affect the implementation of decision of the Supreme Court in Indra Pal Yadav Vs. Union of India & Others (1985 SCC Vol.2 page 548) as there are many seniors of the applicants and these seniors cannot be by-passed in the matter of re-employment. It is also further stated that re-employment of Lathu Ram was on the basis of a recruitment notice for 1000 vacancies were invited from all the eligible Casual Labour in the live register possessing the prescribed age limit and other qualifications, and that Lathu Ram applied for the post, he was found suitable and accordingly he was selected and posted, while the other applicants did not apply, hence their ^{cases} could not be considered. The Review Petition was admitted on the limited point whether the applicants possessed the requisite qualification for re-employment as Casual Labour as required in circular (Annexure C-1 of the counter affidavit).



3. We have heard Sri Prashant Mathur for the applicant/respondents and Sri A.K.Dixit for the respondents/applicants. Learned counsel for the applicant/respondents Sri Prashant Mathur stated that the judgment in this case requires revision since the case of Lathu Ram is entirely on a different footing, that was a special recruitment for the Local

21/12/2011

- 3 -

[Handwritten signature]

We have given our serious consideration for rival contentions. Both the counsel agree that Annexure C-1 has nothing to do with the applicants. The applicants are working on the work side, while the advertisement is for regularisation of casual labour in the post of Loco Cleaner. This being a specialised post, higher qualifications and age limit has been prescribed, therein and this is indicated in the notification. This is not for a regular absorption

~~सहयोगी~~

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of casual labour in their turn but for special recruitment.

5. In this background we consider that the applicants cannot be considered on the Loco side as they do not fulfil the prescribed qualification. They cannot lay their claim for preferential consideration over the selected candidates, merely on the basis of their seniority since the notification for the Loco Cleaner is a Special notification for post available in the Loco shed. The applicants are undoubtedly entitled for regularisation under normal rules, in their turn according to the seniority list. Their names are already in the live register and in these circumstances we recall our order dated 19.2.1990 and pass the following order:

6. "Having considered all aspects of matter relating to re-engagement of the applicants, we are of the view that the applicants are entitled for regularisation in their turn according to their seniority in the live register and accordingly we direct the respondents to reengage the applicants on regular basis after screening as per their seniority indicated in the live register. The application is disposed of as above.

MEMBER(A)

VICE CHAIRMAN

Dated: 31st May, 1991

(Allahabad)

(ss)

Attested

True copy

Section Officer
Administrative Tribunal
Circuit Bench
LUCKNOW

214241

11/7/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow Bench, Lucknow

Sundar Lal and others VS Som Nath Pandey & others.

ANNEXURE No. 1

उत्तर रेलवे
NORTHERN RAILWAY

110. E. S. - 110/87
लोकप्रिय निगम निरीक्षण, अंतर्गत,
उत्तर रेलवे का काम

दिनांक 28.10.91
श्री. सुभाष आचार्य
- निगम प्र. नि. 2

विषय - श्री. सुभाष आचार्य एवं अन्य उपाय निगम प्र. नि. 2, 1100/87

सं. दर्श - 190/90 / CAT / ल. नि. 2
इ. म. काम निगम का प्रशासनिक प्र. नि. दि. 11.10.91

म. नि. 2 - सुभाष आचार्य का प्र. नि. W. 7 - CAT / LKO - (4)
दिनांक 30.9.91 / 1.10.91

उपरोक्त सं. दर्श में संलग्न कार्य निगम से C. L. A. का
सुनिश्चित किया गया है कि निगम का देश दिनांक 28.10.91 के
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1. श्री. सुभाष आचार्य पु. नि. 2
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| 2. श्री. सुभाष आचार्य पु. नि. 2 | 3. श्री. सुभाष आचार्य पु. नि. 2 |
| 4. श्री. सुभाष आचार्य पु. नि. 2 | 5. श्री. सुभाष आचार्य पु. नि. 2 |
| 6. श्री. सुभाष आचार्य पु. नि. 2 | 7. श्री. सुभाष आचार्य पु. नि. 2 |
| 8. श्री. सुभाष आचार्य पु. नि. 2 | 9. श्री. सुभाष आचार्य पु. नि. 2 |
| 10. श्री. सुभाष आचार्य पु. नि. 2 | 11. श्री. सुभाष आचार्य पु. नि. 2 |

Inspector of Works
बालम (Balam)

R. 110/87

सुभाष आचार्य

Sunder Lal and others Vs. Son Nath Pandey & others.

ANNEXURE No. 5
ADVOCATE KUMAR MITAL
Advocate
509/28 Ka, Old Hyderabad
LUCKNOW.

To,

1. Sri D S Chauhan
Divisional Engineer II
Divisional Rail Manager's Office, N Rly.
MUMBAI.
2. Sri K K Srivastva
Asth. Engineer, N RLY.
SITAPUR.

NOTICE

19 Dec. 1991

Dear Sir,

Under instruction of my client Sarva Sri Behari son of Jokhey, Sunder Lal son of Sri Prasad, Ram Bilas son of Sri Heera Lal, Ram Ratan son of Sri Bhagwan Das, Ram Avtar son of Devi and Ayub Ali son of Hussain Ali, I tender you notice of following events :-

1. That your attention is invited to judgment Dt. 19.2.90 passed by Hon'ble Central Administrative Tribunal in O A No. 1140 of 1987 and Review order Dt. 31.5.90 by means of which Railway administration was ordered to re-engage my clients on regular basis as per their seniority. Copies of judgement have already been submitted to concerned officials.

2. That subsequently- when order of Hon'ble Court was not complied with my clients sent a notice to A E N Hardoi Sitapur and to 10 W Balanau.

3. That A E N Sitapur vide his letter No. E/A Court Case Dt. 12.9.91 (Copies endorsed to D E N II and A P O III M B) requested the Divisional Personal Officer M B to

122

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-2-

take appropriate steps for re-engagement of my clients.

4. That as evident from perusal of 10 W Balamau's letter No. E-5 Court Case Dt. 28.10.91 A E N Sitapur was requested to issue Medical Memos to my clients in order to engage them in E S A No. 35 10W/ B L R Dt. 15.10.91.

5. That A E N Sitapur, on being contacted, declined to issue Medical Memo on the pretext that untill sanction/ clearance from D E N II is not received, he is not in a position to issue any Medical Memo.

6. That when my clients approached the office of D E N II they were refused to be attended and no attention is being paid to their rightful cause.

It is thus clear that You people are wilfully knowingly and intentionally flouting the orders of Court and are thus making yourself liable for contempt of Court's orders

Accordingly by means of this notice you are finally required to reengage my clients latest within three weeks from the date of receipt of this notice at your end failing which contempt proceedings will have to be initiated against all the concerned officials in their personal capacity.

सुंदर लाल

Yours Faithfully

A K Dixit

Advocate

14/5

रामराम

In the Honble High Court of Judicature at Allahabad
Lucknow Bench Lucknow

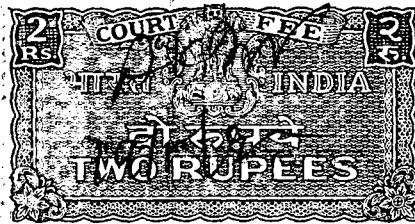
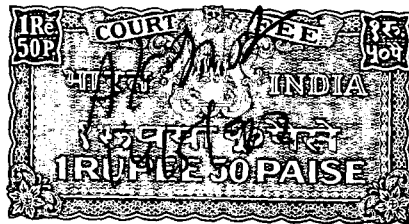
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वकालत नामा

Sundar Lal vs. Son Nath Pandey

टिकट के लिए



वादी
प्रतिवादी

साहब

वकाल

A.K. Dutt Advocate
509/20 Koolah Hyderabad
Lucknow

नाम बदालत
नं० मुकदम
फरीकन

का व जिन वकील साहब को श्रीमान वकील साहब अपनो ओर भेजे उनको अपना वकील नियत करके बचन देता हूँ और प्रतिज्ञा करता हूँ कि उल्लिखित वकील साहब उपरोक्त मुकदमें व अपील व निगरानी में जो कुछ पैरवी या उत्तर प्रत्युत्तर करें या दावा व अपील निगरानी व बयान तहरीरो दाखिल करें या कोई कागजात या सनद इत्यादि पेश करें या हमारी ओर से इजराय डिग्री करके वह रुपया जो हमें मिलने को है वसूल करें या राजीनामा इकबाल दावा हमारी ओर करें या प्रतिवादी द्वारा दाखिल किया हुआ रुपया स्वयं अपन हस्ताक्षरी से या हमारी दस्तखत की हुई रसीद द्वारा लेवें या जिम्मेदारी मुआवजा बाँह या पुनर्वास भत्ता ग्रेच्युटी आर्दवासी या ब्रहत जोतकर एकट आदि के बाँह लेवें तथा किसी मुकदमे में पक्ष आदि नियत करें या सब मय हानि लाभ के जो मिसिल में कार्यवाही करेंगे हमें स्वीकार होगा नियत मेहन-ताना न मिलने पर वकील साहब को अधिकार होगा कि वह उपरोक्त मुकदमे में अपील या निगरानी में पैरवी न करें इस लिए यह वकालत नामा लिख दिया कि सनद रहे और आवश्यक समय पर काम आवे ।

स्वीकार है

Accepted.
Signature

अधिवक्ता

रजि० नं०

हस्ताक्षर २१/४/२०

तारीख २१/४/२०

21/4/20

गवाह हस्ताक्षर

गवाह हस्ताक्षर

L71 Ram Anbur

L71 Behari

1024

U.P. Provincial Administrative Tribunal

Lucknow Bench, Lucknow.

Civil Misc. Petition No. of 1992

In Re:

Contempt No. 30 of 1992

Under Dal & Others Applicant,

Versus

Dev Nath Pandey & Others Respondents,

Application for Dismissal of Contempt Application

That for the facts and reasons stated in the accompanying counter reply it is most respectfully submitted that since the judgment of the Hon'ble Tribunal stood fully complied with even prior to filing of the contempt application, therefore this Hon'ble Tribunal may very graciously be pleased to dismiss the contempt application and discharge the contempt petitioners.

Respectfully

Dated: 14-7-92

Anteived

(Anteived)
Advocate

Counsel for Respondent

A25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH, LUCKNOW

Contempt. No. 30 of 1992

Sunder Lal & Others.

..

Applicants.

Versus.

Som Nath Pandey & Others.

..


Respondents.

Counter reply on behalf of Respondents.

I, D.S. Chauhan, at present working as
Divisional Engineer-II, Northern Railway, Moradabad
do hereby solemnly affirm and state as under :-

1. That the official above named has been impleaded
as Respondent No. 2, as such, he is fully conversant
with the facts stated herein below. He is competent
to reply on behalf of Respondent No. 1 also.
2. That the contents of paras 1 and 2 of the
affidavit do not call for reply.
3. That the contents of para 3 of the
affidavit is not admitted as stated. A perusal of
of

... 2


D.S. Chauhan
D.S. Chauhan
X

para 3, 4 and 5 of Annexure No 2 i.e. judgement of the review petition filed by ~~respondents~~ ^{applicants} would clarify the entire controversy.

4. That in reply to paras 1, 5, 6 and 7 of the affidavit so far in reply to paras they are matter of record are admitted but rest of the contents are denied.

5. That the contents of para 8 of the affidavit are denied. Applicants name already find place in the live register. Official communications issued to them indicating their seniority/serial no. at live register are being filed herewith as Annexure Nos C-1 to C-6 to this reply.

6. That the contents of paras 9 to 12 of the affidavit are denied. The contents of the said letters contained in Annexure No.3 and 4 to affidavit are self explanatory. As per judgement dated 21-3-02 passed in review application, the applicants are to be regraded on regular basis after screening as per their seniority in list in the live register. As per live register they are at the serial number, as per their seniority at S.N. 57, 75,

[Signature]
CIVIL ENGINEER II
CH. S. S. S. S. S.

A27

80, 74, 50 and 58. It is further clarified that unless the seniors to applicants as per live register are re engaged and absorbed, the number of applicant will come only thereafter.

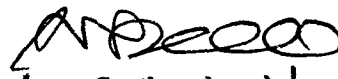
7. That the answering respondents again reiterate that whenever the vacancy will arise, the applicants would be regularised after screening as per their seniority indicated in the live register.

8. That it is also categorically stated that no persons junior to applicants have been reengaged or regularised.

9. That answering respondents have not disobeyed the orders of this Hon^{ble} Tribunal in any way and there is no question of wilful disobedience.

Lucknow:

Dated 14-7-92


(D. S. Chauhan)
CIVIL Engineer
Q. R. Moradabad

VERIFICATION.

I, the official above named do hereby verify that the contents of para 1 of this reply is true to my personal knowledge and those of paras 2 to 9 are believed by me to be true on the basis of records and legal advice.

Lucknow:

Dated 14-7-1992


(D. S. Chauhan)
CIVIL Engineer
Q. R. Moradabad

A28

Annexure No C-3
उत्तर रेलवे

पंजीकृत

NORTHERN RAILWAY

NO E-5

दिनांक २०.६.९२


श्री राम बिलास, पुत्र श्री हीरागाल

जगन् पुरानपुर कोटा-११

विश्व हरदोई

विषय: कोटा कोस नं. ११५०/८७

उपरोक्त विषयगत आय का सूचित किया जाता है कि आय का नाम कोटा कोस नं. ८०५८ अं. के तहत है। जब कि इस कार्यलय में जगह हीरो तब आय का नंबर यथा-नुमा नं. के तहत ही जायेगी।


कार्य निरोधक

उत्तर रेलवे, बाबानगर

ल/ - १०३० कोटा पुरानपुर (हिरो), गुरुगंगा (गुरुगंगा) हिरो
गुरुगंगा-गुरुगंगा, श्री र. के. कोटा कोस नं. ८०५८ अं. के तहत
का सूचनाएं उपरोक्त।

५- नवल रेल उपकरण विभाग
मुद्रांकन


कार्य निरोधक

उत्तर रेलवे, बाबानगर

ल/

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Appendix No. C-1 Ex. 1

उत्तर रेलवे

NORTHERN RAILWAY

N C E S

2015-09-27

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Die ...

ॐ नमो भगवते वासुदेवाय ॥

दि(अ)२५ अग्रे २ अग्रे २१ नं. ॥ ५०/४७

उपरोक्त विषयगत आपकी सूचियाँ को
जाता है कि आपका नाम को पुत्रादौ केवल जाइए
शेजा-२२ को कमल / पैदा हुए ७७ पर आकाश है।
जब कभी इस लाया गया है जो है ही भी तब आपकी
परीयता हुआ जो भी है दो आकाश /

कार्य निरोध

कार्य निरोक्षण

॥ उत्तर देलवे, बाबा मठ

८/- सं० अ० सो० का.पुर (सि०) २०५१ आ० २०५२ के लिये
पुरा का का०, जो ए० का० पालिका आ० का का० सो० का.पुर
का० ए० का० के लिये

C मंडल रेल प्रवांन लि।

Signature

निरीक्षण

महेश्वर, रेखवे, बालासठ

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Annexure C 6 पंजीकृत

उत्तर रेलवे

NORTHERN RAILWAY

HD E. S

दिनांक 28 6-92

श्री अश्वमेध अर्चन पुंजी हसन अर्चन

पुंजी अर्चन अर्चन अर्चन
पुंजी अर्चन अर्चन अर्चन

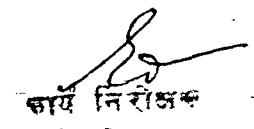
विषय:- जॉर्ज मैस नं. 1146/87

उपरोक्त विषयगत आधारी श्रुति विचार
जाता है, कि आप का नाम के पुंजी अर्चन अर्चन
रजिस्टर के क्रम सं. 50 पर अंकित है। जब
कभी इस कायलियम में अर्चन होगी तब आपको
वरीयतानुसार नौकरी दी जायेगी।


कार्य निरीक्षक

उत्तर रेलवे, बाधाम

ए- एच. अर्चन अर्चन अर्चन अर्चन अर्चन अर्चन
ए. के. दीर्घत अर्चन अर्चन अर्चन अर्चन अर्चन
अर्चन


कार्य निरीक्षक

उत्तर रेलवे, बाधाम

मंडल रेल प्रमुख अर्चन
अर्चन

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Annexure No C-2 पंजीकृत
उत्तर रेलवे

NO E-5

दि. २२-६-९२

श्री विहारी प्र श्री गुरुदे
 गुरुदेवी श्री गुरुदेवी
 श्री गुरुदेवी

विषय:- वै.टी. के.स. नं. 1140/87

उपरी लिखे विषयगत आयकों से रिफा लिखा जा रहा है कि आयका नाम वै. पु. अ. के वर लाइव रजिस्टर के लाभ सं/ 4500 75 पर अंकित है - जब तक इस कायलिय में जगह होना/ तब आयकों वरीयता अनुसार नौकरी दे दी जायेगी/

८/८ उत्तर रेखवे, बाबामल

[illegible]

4- नर रं गायन गाय
नर गाय

४८४ रेखवे, दा.दा.४८

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A32

Annexure No C-4
उत्तर रेलवे

प्रमाणित

NORTHERN RAILWAY


No E-5

दि. 28-6-92

श्री रामरतन पुत्र श्री अगवान पाल
श्री देवनपुर जौनपुर
जौनपुर


विषय: कोर्ट केस नं. 1140/87

उपरोक्त विषयगत आपकी सूचित किया
जाता है कि आपका नाम केपुआ लाल काइव
रजिस्टर केस नं. 74 पर आंकित है/जिस
में/ इस कारणावली में जगह है/ तब आप को
वरीयतानुसार नौ कार्य दे दी जायेगी/


कार्य निरोधक

व/- सौ. श्री लालपुरा/मरी, गठन अखिल भारतीय मुद्रा कार,
श्री स. के. चौधरी, अखिल भारतीय मुद्रा कार
जौनपुर

व/- मंडल रेल प्रबंधक निधि
मुद्रा कार


कार्य निरोधक
उत्तर रेलवे, बाबामठ

TRUE COPY

A33

Annexure No C-5 पंजीकृत
उत्तर रेलवे

NORTHERN RAILWAY

No E-5

दि. 28.6.92

श्री राम औरंगपुर श्री देवी

आब पौ. बरकासरसो

जि. हरदोई

विषय: कोट नौसं. 1140/87

उपरोक्त विषयगत कार्यको सूचित किया जाता है कि आपका नाम को पुष्पक लीवर लाईव - राजस्तर के क्रम सं. / पेज नं. 58 पर उांकित है। जहां कागज इस कार्यालय में जमा ह होगी तब आपको वरीयतापुस्तक नौकरों से दे पायेगी।

कार्य निरीक्षक

C/- संच. अ. सांतापुर (रि.) प्रो. का अ. अ. मित्तर्ष भु. रा. पावाड़
श्री ए. के. पंडित अ. अ. प. व. ल. सांतापुर को सू. रा. रा. रा.
उा. वि. रा.

कार्य निरीक्षक

C/ मंडल रेल प्र. व. व. व.
मि. मि. - पुरावा मा. व.

बुद्ध रेववे, बा. बा. म. व.

ल. व.

TRUE COPY

5/16

For Applicants

ABY

In the Court of District Judge

ब अवालत श्रीमान

[बादी] अपीलान्ट

प्रतिवादी [रेस्पान्डेन्ट]

व

Sunder Lal Son of Shri

बारी (अप)

Shri. Nalra Durgay

बनाम

पेशी की ता०

C.P. 30/1992
मुकदमा नं० सन्

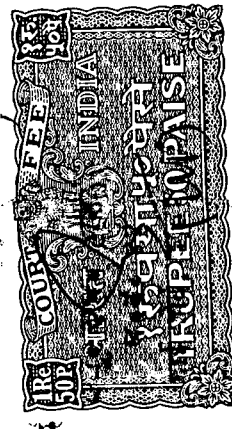
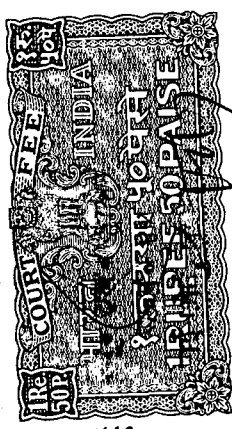
ऊपर लिखे मुकदमा में अपनी ओर से श्री

Shri J. C. Srivastava

एडवाकेट

महोदय

श्री



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरबी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज़ दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा छपर मुकद्दमा अदम पंरबी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर मुजुब्बल्लह रसरत

साक्षी (गवाह)

साक्षी (गवाह) रामजीलाल

दिनांक

सन १६ ई०

१५/१/१९

मुकद्दमा नं० नम
फरीकासनी
नम