

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW .INDEX SHEETCAUSE TITLE O.A. 129 of 1990 (4)

Name of the parties _____

Ram Prasad

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

Sl No.	Description of documents	Page
1.	check list- A1 - A2 ✓	
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3.	Judgment- 18.9.91 A4 - A5 ✓	
4.	Petition A6 - A16 ✓	
5.	order A17	
6.	Annexures A18 - A24 ✓	
7.	written statement A25 - A30 ✓	
	1 - Notice / order copy dt 24/90 / power	
	Bench copy - P1 - P23	
	C copy - C1 - C3	

File/ci were de-auct / destroyed

50 (5)

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal
Lucknow
Date of Filing 12-4-80
Date of Receipt by Tribunal

Deputy Registrar(J)

Registration No. 129 of 1980 (S)

APPLICANT(S) Ram Pd

RESPONDENT(S) U.O.S

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/ Vakalatnama 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 ?
c) Are the documents referred to in (a) above neatly typed in double sapce ?
8. Has the index of documents been filed and paging done properly ?
9. Have the chronological details of representation made and the out come of such representation been indicated in the application?
10. Is the matter raised in the application pending before any court of law or any other Bench of Tribunal?

Yes

Yes

Yes

Yes

Yes

Yes

Yes

Yes

No

(42)

Particulars to be Examined

Endorsement as to result of examination

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

dinesh

123

24.4.1990

Hon'ble Mr. D.K. Agrawal, J.M.

Hon'ble Mr. K. Obayya, A.M.

Heard, the learned counsel.

Admit.

Issue notice to the respondents, to file counter affidavit within 8 weeks hereof and rejoinder affidavit, within 2 weeks, thereafter.

List it for hearing on 3.12.1990.

HEARD
d
10-5-90
R

Sd/-

Sd/-

A.M.

J.M.

rrm/

3.12.90

Sri A.K. Shukla ^{Counsel} for the Applicant Power filed. The case is adj to 28.2.91

28.2.91

No sitting case is adjourned to 18.4.91 for hearing. Sri A.K. Shukla, appears and he files counter reply today without serving copy for the applicant. One copy for applicant is attached with file.

STP

18.4.91

No sitting adj to 24.7.91

24.7.91

No sitting adj to 18-9-91

J

CA RA may not hear

Bel Gpy of cert.
4.10.91
M. Pelwar.

Received copy
Shukla
14/10/91

17/9

(A4)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A.No. 129/1990

Ram Prasad

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. A.B.Gorthi, Adm.Member.

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

The applicant who was a casual labour engaged in the year 1990 and continued to work for more than 120 days was taken into the category of decasualised casual labour. According to the applicant, while on duty on 12.12.89 when he was working between Tilhar and Banghara Railway Stations, he was hurt as a piece of stone struck his right eye. As the medical facilities were not available on the spot he proceeded to District Hospital Hardoi where he continued under treatment upto 15.11.88. As a result of this injury he lost the vision of right eye. The department allowed leave on full pay with effect from 12.10.88 to 7.11.88 and after release from the hospital he resumed the duty on 17.11.88 but he was not allowed to join. He made representations after representations but of no avail. According to the applicant he was entitled to compensation for injury but the same was not given to him. Similarly placed and even juniors to the applicant are continuing in the service but the applicant has been retrenched and that too without any reason.

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2. The respondents ^{not} have not denied the factum of injury. It was during the course of duty ~~xxx~~ that he suffered the injury and in view of the pleadings it can safely be ~~accepted~~ that the injury was caused during the course of duty and being a casual labour he not being entitled for medical facilities got himself admitted in the District Hospital. There ~~is~~ was no reason in ^{not} giving him the suitable job. Not taking him on duty ~~while allowing others~~ cannot be justified and this application is allowed and ~~the~~ respondents are directed to take back the applicant on duty forthwith treating him on continuous duty from ~~the~~ date his leave expired. The applicant will not be paid ~~salary~~ upto 1.10.91 ^{by which date} ~~by the applicant~~ and the applicant will be allowed to resume duty. No observation regarding compensation can be made and the applicant has to approach to proper forum regarding the compensation.


A.M.


V.C.

Lucknow Dated: 18.9.91

(A6)

Central Administrative Tribunal
 Circuit Bench, Lucknow
 Date of Filing ... 12/4/90
 Date of Receipt by Post ...
 Deputy Registrar (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW

FORM I
 (See Rule 4)

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE
 TRIBUNALS ACT 1985

Ram Prasad..

..Applicant.

Vs.

Union of India & others..

..Respondents.

CLAIM AGAINST CEASATION OF EMPLOYMENT
 FROM POST OF GANGMAN, N. RAILWAY.

COMPI LATION No. I

I N D E X

Sl. No.	Description of Document	Page No.	Remarks
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- | | | | |
|----|------------------------|--|--|
| 1. | Memo of Claim Petition | | |
| 2. | Vakalatnama | | |

Other Documents filed in Compilation No. II

LUCKNOW

Dt. April, 1990

For Use in Tribunal's Office

Date of Filing

Date of Receipt by Post

Registration No.

Signature of Applicant

10-76

(Ram Prasad)

THROUGH COUNSEL:-

Abhaya Kumar Dixit

A.K. DIXIT,

ADVOCATE,

509/28-Ka Old Hyderabad,
 LUCKNOW.

Signature of Registrar

*Noted for
 28/4/90
 Ganes
 MDD
 23/4/90*

*F.T.
 5/5/90
 12/4/90*

In The Central Administrative Tribunal, Circuit Bench,
LUCKNOW

P2

Ram Prasad aged about 34 years son of Sri Bishram ,
resident of Village Hasnapur Grant, Post Chandeli,
Tahsil Shahabad, District HARDOI.

.. ..Applicant.

Versus.

1. Union of India, through General Manager,
Northern Railway, Railway Head Quarters,
Baroda House NEW DELHI.

2. Divisional Rail Manager, N. Railway,
MOORADABAD.

3. ~~Officer~~ Assistant Engineer, N. Railway,
SHAHJEHANPUR.

4. Permanent Way Inspector (Special),
N. Railway, SHAHJEHANPUR.

.. ..Respondents.

DETAILS OF APPLICATION

1. Particulars of Order against which application is made:

The application is made against following
order:-

- | | |
|------------------|---------|
| (i) Order No. | -- NIL. |
| (ii) Date. | -- NIL. |
| (iii) Passed by. | -- NIL. |

AD

Since no specific order in writing has been ~~written~~ passed it is not possible to give details of any such order. Without issuing any sort of orders applicant is not being permitted to resume duties with effect from 17.11.1988.

2. Jurisdiction of the Tribunal:-

The applicant declares that the subject matter against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:-

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

4. F A C T S O F T H E C A S E :-

4.1. That applicant/petitioner was engaged as Casual Labour in the year 1980 with Permanent Way Inspector, N.Rly. Hardoi and on the basis of his more than 120 days continuous working period and performance he was taken into category of "Decasualised Casual Labour" from 1985 under same PWI.

AA

- 4.2. That on 12.10.88 while petitioner was working under PWI (Special) Shahjehanpur he was hurt on duty on Railway Line between Tilhar and Banthara Railway Stations at Km. 1251 where piece of Stone struck his Right Eye.
- 4.3. That since no medical facilities were available at the spot and the authorities also expressed their inability to provide him any Medical Aid, applicant proceeded on Leave and started his treatment at District Hospital Hardoi, where his treatment prolonged from 13.10.88 to 15.11.88.
- 4.4. That on account of injuries sustained while performing duties applicant lost vision of Right Eye for which appropriate certificates were issued to him by The Ophthalmic Surgeon of District Hospital Hardoi.
- True Photocopies of the Medical Certificate Dt. 15.11.88 from District Hospital Hardoi are attached as Annexures A1 and A2.
- 4.5. That from 12.10.88 to 7.11.88 applicant was allowed leave on full pay and has been paid upto 7.11.88.

(A10)

4.6. That on being Medically Fit to resume duties applicant on 17.11.88 reported for duties and submitted an application accompanied with Medical Certificates Annexures A1 and A2.

True Photocopy of Petitioners

Application Dt. 17.11.88 is attached as Annexures A-3.

4.7. That petitioner continued to submit application for permitting him to join duties but neither he was allowed to join duties nor any reply was given to him. Ultimately on 25.2.89 applicant submitted his application to Divisional Rail Manager Mooradabad, and Hon'ble Minister for Railways under Regd. Postal Receipts No. 393 and 394 as well as to various other authorities including Asstt. Engineer N. Rly. Shahjehanpur and concerned PWI.

True Photocopy of aforesaid

application Dt.25.2.89 along with Regd. Postal Receipts No. 393 and 394 is attached as Annexure A4 and A5.

4.8. That when nothing was heard from the side of Respondents applicant again moved an

AM

application of same effect on 27.12.89 under Regd. Post No. 371 and 372 to the Astt. Personal Officer (APO) and to Sri Krishna Gopal by name in the office of Divisional Rail Manager Mooradabad . Duplicate of the applications sent under above Regd. Postal Receipts are not available with petitioner as such same is not being attached .

However True Photocopies of Regd. Postal Receipts No. 371 and 372 Dt. 27.12.89 are attached as Annexure A-6, under which the said application were sent.

4.9. That so far respondents have in no way given any reply to the applicant, nor they have allowed him to join duties, nor ~~they have~~ paid any compensation towards injury (loss of Right Eye) sustained by applicant on 12.10.88 while on duty, nor any Termination, Suspension or otherwise adverse order has been passed and communicated to applicant.

A12

.410. That attitude of respondents in not permitting the applicant from joining duties and keeping him out of job, in the manner indicated above is highly arbitrary, malafide and high handed.

4.11. That applicant is entitled to receive compensation for the injury sustained by him during the course of duty.

4.12. That all the colleagues and other similarly placed employees even juniors than applicant e.g. Sarvasri Ram Asrey, Sundar Lal, Munni Lal, Chhotey Lal, Sarjoo, Ratan, Rajpal, Surendra, Babu Ram, Badloo and Mangoo etc. are still continuing as usual and there has been neither any retrenchment nor abolition of post on which, applicant has been continuously working from 1985 to 7.11.88, without break.

4.13. That in view of the facts stated above the action of opp. parties is challenged on and amongst other the following.

5. GROUND FOR RELIEF WITH LEGAL PROVISION

A) Because petitioner having completed more than 120 days continuous working days has acquired status of a Temporary Railway Servant.

AW

- B) Because petitioners services can not be put to an end without taking re-course to mandatory provisions of Railway Establishment Manual read with respective provisions of Industrial Disputes Act.
- C) Because the manner in which petitioner has been cased to work in absolutely illegal, arbitrary malafide and contrary to Principles of Natural Justice.
- D) Because petitioner having sustained injury during the course of duties is entitled to compensation and other benefits of service.

6. Details of Remedies Exhausted.

The applicant declares that he has availed all the remedies available to him under rules (It is stated that since no specific order in writing has been passed, legally no appeal can be filed, even then) applicant has preferred applications contained in Annexures A-3, A-4, and under Annexure A-6, out of which none have been replied.

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

The applicant further declares that he had not filed previously any application, writ petition or suit regarding the matter in respect of which

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application has been made, before any court of law or any other authority or any other Bench of the Tribunal and nor any such application, writ petition or suit is pending before any court of law.

8. RELIEFS SOUGHT

In view of the facts mentioned in para 4 above the applicant prays for following reliefs:-

- (i) a declaration, direction or order in the nature of Mandamus be issued in favour of applicant to the effect that he continues of post of DCL Gangman and entitled to all benefits of salary seniority, regularisation etc.
- (ii) Respondents be ordered to pay up compensation to the applicant on account of injury/loss of Right Eye sustained by applicant on 12.10.88 during the course of duties along with other ancillary service welfare benefits.
- (iii) Costs of the claim petition and such other reliefs as may be deemed fit and proper in the circumstances of the case be also allowed to the applicant as against the Respondents.

9. INTERIM ORDER, IF ANY, PRAYED FOR

Pending final decision on the application, the applicant seeks following reliefs:-

A15

(i) Respondents be directed to let the applicant continue on post of Gangman and to pay him regular month to month salary.

(ii) Such other interim reliefs as may be deemed fit and proper in the circumstances of the case, may also be allowed to the applicant.

10. Application is presented through counsel

SRI ABHAYA KUMAR DIXIT, ADVOCATE,
509/28-Ka, Old Hyderabad, LUCKNOW.

11. Particulars of Bank Draft/Postal Order in Respect of Application Fee.

1. Name of Bank on which drawn.

2. Demand Draft No.

OR

3. No. of Indian Postal Order. 02 414129

4. Name of Issuing Post Office. High Court Bench No

5. Date of Issue of Postal Order. 11/4/90

6. Post Office at which payable. Allahabad

12. List of Documents

1. Demand Draft/Postal Order

2. Index of Compilation No. 1
and Vakalatnama.

3. Compilation No. 2.

AK6

Signature of Applicant,

Elbhaya Kumar Dixit
Advocate

(Ram Prasad)

son of Sri Bishram
r/o Village Hasnapur Grant
Post Chandeli, HARDOI.

VERIFICATION.

मि. म. रामप्रसाद

I, Ram Prasad, son of Sri Bishram, resident of Village Hasnapur Grant, Post Chandeli, District Hardoi do hereby verify that the contents of para 1 to 4 , 6 and 7 are true to my personal knowledge and contents of paras 5,8 to 12 are believed to be true on legal advise and that I have not suppressed any material fact.

Lucknow

Signature of applicant.

Dt. April, 1990

To,

The Registrar,
Central Administrative Tribunal, Allahabad,
Circuit Bench
Lucknow.

मि. म. रामप्रसाद

In the Central Administrative Tribunal
Circuit Bench Meerut

11/11/17

ब अदासब श्रीमान

महोदय

[वादी] अपीलान्ट

Ram Prasad

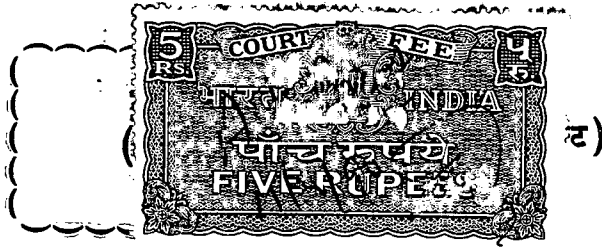
प्रतिवादी [रेस्पान्डेन्ट]

का बकालतनामा

Ram Prasad

Union of India

vs



बनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

A. K. Dixit Advocate

509/2016 old Hyderabad

महोदय
एडवोकेट

Meerut

नाम अवालत
मुकदमा नं० नाम
फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज 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 मुकदमा 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 पंरोकार को भेजवा रहूंगा छपर मुकदमा अदम पंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह पजालतनामा लिख दिया प्रमाण रहे और समय पर फाम आवे ।

Abhaya Kumar Dixit
Advocate

हस्ताक्षर



साक्षी (गवाह)

साक्षी (गवाह)

11/11/17

दिनांक

महीना

सन् १६ ई०

(A18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH
LUCKNOW.

Ram Prasad,,

..Applicant.

Vs.

Union of India & oths..

..Respondents.

Compilation No. II

Sl. No.	Description of Document	Page No.	Remarks
1.	<u>Annexure A1</u> Medical Certificate Dt. 15.11.88	12	
2.	<u>Annexure A2</u> Medical Certificate Dt. 15.11.88 (Fitness)	13	
3.	<u>Annexure A3</u> Application Dt. 17.11.88	14	
4.	<u>Annexure A4</u> Application Dt. 25.2.89	15	
5.	<u>Annexure A5</u> Regd. Receipts Dt. 25.2.89	16	
6.	<u>Annexure A6</u> Regd. Receipt Dt. 27.12.89	17	

Filed by: *[Signature]*
Abhaya Kumar Dixit

Lucknow

Dt. April, 1990

A.K. Dixit,
Advocate.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW
RAM PRASAD VS. Union of India & others
ANNEXURE NO. A- /

Duplicate

Dr. Surendra Singh
M. B., B. S., D. O. M. S.

District Hospital
.....
Date... 15.11.88

Certified that Ram Prasad S/o Bissam P W / Special Railway whose signature is given below was undergone accidental injury Rt. eye. He was running under my treatment from 13.10.88 to 15.11.88 - He lost his vision of Rt. eye.

Signature

Signature of Ram Prasad attested

Signature

Dr. Surendra Singh
15.11.88
Ophthalmic Surgeon
Distt. Hospital, Hardoi.

Dr. Surendra Singh
Ophthalmic Surgeon
Distt. Hospital, Hardoi

ATTESTED TRUE COPY

Signature
Advocate
HIGH COURT
LUCKNOW.

10-26-218 5753



APP 13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW
RAM PRASAD VS. Union of India & others
ANNEXURE NO. A- 2


MEDICAL CERTIFICATE

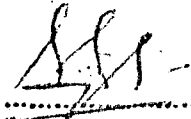
OF

Fitness to Return on duty

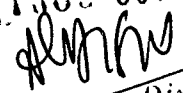
I civil surgeon/Physician/Medical officer of DR. Sitendra Singh Eye Surgeon
Registered Practitioner at District Hosp. Hardwar
do hereby certify that I have carefully Examined Ram Prasad G. Bisram and find that he has recovered from his illness and is now fit to resume his duties in Government Service. - He lost his vision of Rt Eye.

Date 15.11.00


Ram Prasad
Dist. Surgeon
Ophthalmic Surgeon
Dist. Hospital, Hardwar


Govt. Medical Attendant
or
Registered Practitioner
with No. 107
Ophthalmic Surgeon
Dist. Hospital, Hardwar

ATTESTED COPY


Abhaya Kumar Dixit
depute

HIGH COURT
LUCKNOW.

17-11-2000

19
(A2)

श्रीमान् जे. पी. डब्लू. औरि 111 ह्यूमन रिसोर्स
(P.O.R.S.)
उत्तर रेलवे शिफ्ट हाइल

सोधा में -

महोदय निवेदन है कि प्राचीन समय में
राम प्रसाद 64. पि. रा. ता. 1-10-88 के
उत्तर से सलापर के जैलिंग में लजाया
गया परन्तु उद्घल कर प्राचीन के जॉइंट
में लजा प्राचीन ने अपनी सरकारी डाक
हस्ताक्षर से हस्ताक्षर करके लडाईया में
लिखा कि प्राचीन के रज और व से लिखाई पर
और एक और जाली रज लिखता है
अपनी डिडटी कर सकता।
लिखा जा आपसे उम्मीद है कि प्राचीन
के डिडटी पर लिखाने का कष्ट कर
आपकी उचित मद्दत कपा होगी।

ATTESTED TRUE COPY

Signature

Abhaya Dixit

HIGH COURT
LUCKNOW.

प्राचीन राम प्रसाद

D.O.L. जैन रज

(P.O.R.S) S.P.N.

17-11-88

Signature

RAM PRASAD

VS. Union of India & others

ANNEXURE NO. A-4

15

7722

सेवा में, श्रीमान सहायक अभियंता उमेशचंद्र शहाहजपुर

श्रीमान रेल पथ निरीक्षक महोदय,

30 रेंड शहाहजपुर,

महोदय,

सविनय निवेदन यह है कि प्रार्थी दिनांक 12/10/88 को तिलहर बन्धरा के बीच कि० नं० 1251/17-18 में जो वैकिंग करते समय प्रार्थी को ऑड में पथरी लग जाने के कारण प्रार्थी को दाहिनी ओर जाती रही है। प्रार्थी गैंग मैट श्री रामाकर पुत्र विश्राम के आदेशानुसार घर चला गया जहां पर प्रार्थी ने जिला चिकित्सालय हरदोई में ऑड का उचित इलाज कराया परन्तु ठीक न हो सकी, प्रार्थी का न तो तिक मैमो न तो चोट का मैमो लिया गया है। प्रार्थी को 12/10/88 से 7/11/88 तक अवकाश पर रखा गया और 8/11/88 से अनुपस्थित दिखाया गया है। प्रार्थी को 15/11/88 को जिला चिकित्सालय हरदोई द्वारा फिट प्रीमो दिया गया है।

प्रार्थी को चोट लगते समय जो गैंग मैट उपस्थित थे उनके दरताधरन बांधे अंगूठे के निशान पीछे दिये गये हैं।

अतः आपसे प्रार्थना है कि उचित कार्यवाही करके प्रार्थी को इश्टी प्रदान करनेकी कृपा करें।

महान कृपा होगी।

प्रार्थी

प्रतिनिधि

रामप्रसादपुत्र विश्राम

1- सहायक अभियंता उ. रे. शहाहजपुर

डी. सी. एल. गैंग मैट

2- नार्दन रेलवे मजदूर युनियन शहाहजपुर

शहाहजपुर

शहाहजपुर

3- अध्यक्ष उ. नार्दन रेलवे, मैन्स युनियन

ATTESTED TRUE COPY

Abhaya Kumar Dixit

Secretary

HIGH COURT
LUCKNOW.

दिनांक:- 24.2.89.

मि. 2007/89

A23

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW
RAM PRASAD vs. Union of India & others
ANNEXURE NO. A- 5

No 393

Stamps affixed except in case of insured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgement is due. R. P-5 (a)

Received a V. P. registered (D. 11) addressed to D L M

Signature of Receiving officer

Insured for Rs. (in figures) (In words)

Insurance fee Rs. P Weight (in words) Rate Grams

Date-stamp

No 394

Stamps affixed except in case of uninsured letters of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgement is due. R. P-5 (a)

Received a V. P. registered (D. 11) addressed to (D. 11) D L M

Signature of Receiving officer

Insured for Rs. (in figures) (In words)

Insurance fee Rs. P Weight (in words) Rate Grams

Date-stamp

ATTESTED TRUE COPY
Abhaya Kumar Dixit
Associate
HIGH COURT
LUCKNOW.

10 20 2159079



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

Case No.

CIRCUIT BENCH

AT DELHI

I N D E X

IN

Registration No. 129 of 1990 (L)

Ran Prasad petitioner.

Versus

Union of India and others Respondents.

SL. NO.	PARTICULAR OF PAPERS	PAGE NO.
1.	Written statement	

Filed today
R
28/2/91

(A.K. SHUKLA)
Railway Advocate,
Counsel for the respondents

Dated 28/2/1991.

(126)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

* * * * *

CIRCUIT BENCH

AT LUCKNOW

XXXX WRITTEN STATEMENT

IN

REGISTRATION NO. 129 of 1990 (L)

Ram Prasad Petitioner,

Versus

Union of India and others Respondents.

The humble reply to the aforesaid petition on behalf of the aforesaid respondents Most Respectfully Showeth as under:-

1. That the averments made in paragraphs 1, 2 and 3 of the application of the ~~petitioner~~ do not call for any reply.
2. That the averment made in paragraph 4(i) of the application are not disputed.
3. That the averments made in paragraph 4(2) of the application are not admitted in the form stated. It is submitted here that no proof is available regarding applicant hurt on duty on 12.10.88 in working hours, as neither G/92 was issued in favour of applicant nor witnessing fact finding reports are available. So it can not be said that there is any hurt on duty case in favour of applicant. He was continuous on duty except under mentioned period of sanctioned leave,

Counsel for Applicant is not available therefore one extra copy of C.A. is attached here with for him.
Shubla
28/2/91

x. G. S.
28/2/91

127

- 1. 13.10.88 to 14.10.88 2 days, casual leave.
- 2. 18.10.88 to 19.10.88 2 days, casual leaves.
- 3. 23.10.88 to 7.11.88 16 days IAP

4. That the averments made in paragraph 4(3) of the application are not admitted in the form stated. It is submitted ~~here~~ that the question of ~~un~~^{non}availability does not arise because Medical facilities, ^{all} available on railway at ^{station} Rosa for line staff and Headquarter staff at Shahjahanpur not only this but medical facilities are also available in Civil Hospital Shahjahanpur. It is further submitted that applicant has not contacted railway administration personally as well as through ~~postal~~ dak etc. from 13.10.88 to 15.11.88. He had taken leave from time to time as mention in para 3 of this reply.

5. That the averments made in paragraph 4(4) of the application are not admitted in the form stated. It is submitted ~~here~~ that there is no hurt on duty case of applicant, so loosing vision of right eye on duty does not arise. It is further submitted that Railway medical authorities are only entitled to issue fitness certificate on which Railway Administration is bound~~ed~~ to allow him ~~d~~uty but not on the certificate issued by civil medical authority.

6. That the averment made in paragraph 4(5) of the application are not admitted in the form stated. It is submitted ~~here~~ that the applicant was regular on duty except ^{on} 13.10.88 to 14.10.88 and 18.10.88 to 19.10.88

x 626
 उदायक आभयव
 उत्तर रेलवे
 शाहजहाँपुर

122

- 3 -

and 23.10.88 to 7.11.88 on sanction leave and pay charge upto 7.11.88.


7. That the averment made in paragraph 4(6) of the application are not admitted in the form stated. It is submitted ~~here~~ that applicant has not approached with appropriate documents alongwith application for duty ^{on} 17.11.88 to the Railway authority. It is further submitted that ~~there~~ is no such type of application for duty available in the office.

8. That the averments made in paragraph 4(7) of the application are not admitted in the form stated. It is submitted ~~here~~ that neither applicant has approached to Railway competent authority for allowing him duty nor instructions received from higher Railway authorities to allow him duty. There is no such record available in the office.

9. That the averment made in paragraph 4 (8) of the application are not admitted in the form stated. It is submitted ~~here~~ that there are no orders available up till now at this end from the divisional authority.

10. That in reply to the averment made in paragraph 4(9) of the application, it is stated that compensation is only permissible in hurt on duty cases. There is no

x


उद्देश्यक अभियंता
उत्तर रेलवे
राजमहेश्वर

A-29

such ~~hurt~~ on duty case in favour of applicant. Applicant case can only be considered when he ~~attends~~ ^{competent} ~~competent~~ authority that is RAI/SPN as well as AEN/SPN with his application for duty and other relevant records.

11. That in reply to the ~~statement~~ ^{avertment} made in paragraph 4 (10) of the application, it is stated that applicant failed to produce himself for duty as well ^{as} application for duty and other proper records.

12. That the averments made in paragraph 4(11) of the application are not admitted in the form stated. It is submitted ~~here~~ that applicant was not on HOD hence he is not entitled to get compensation etc.

13. That in reply to the averments made in paragraph 4(12) of the ~~xxxx~~ application, it is stated that there is no ^{comparison} ~~comparision~~ between off duty and on duty workers, whenever applicant absconded from his duty.

14. That in reply to the averments made in paragraph 4(13) of the application, it is stated that if the applicant presented himself alongwith his ~~proper~~ and relevant records then the Railway administration can take suitable action on his application.

15. That in view of the facts having been stated in the the foregoing paras of this reply the applicant is made out on ground to sustain the application as such it ~~deserves~~ to be dismissed with cost.

I, S. C. Saxena Asstt. Engineer N. Rly, Shalimar/Am.

do hereby verify that the contents of paragraphs 1. to 15. of this reply are based on perusal of official records and legal advice received which

(Signature)
S. C. Saxena
Asstt. Engineer
(N. Rly)

A30

- 5 -

I believe to be true and nothing has been suppressed.

Verified on this 3rd day of ^{Dec} ~~Nov~~, 1990 at

Allahabad.

ॐ x
जतिष्ठ अभियंता
उत्तर प्रदेश
आहवादी

.....

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH

Gandhi Bhawan, Opp. Residency, Lucknow

No. CAT/111d/Jud/ 4420-23 dated the 25/4/90

Registration No. 129/90 of 1990 (L)

Ram Prasad APPLICANT

VERSUS

Union of India RESPONDENT

To: Union of India through general manager
N. R., Railway Head Quarter,
Baroda House New Delhi

Divisional Rail manager, N. Railway
Moradabad

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed 3 day of 12 1990 for the hearing of the said application.

If no appearance is made on your behalf by yourself or by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this 25 day of 4 1990.

DEPUTY REGISTRAR

Asst. Engineer, N. Railway Shahjehanpur

Permanent way Inspector (Special) N.R.

Shahjehanpur

Encl - Copy of Pt with courts order dated on 24.4.90
Passed thereon.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

132
C2

O.A. NO. 129 of 1990 (L)

Ran Prasad

.....

Applicant.

Versus

Union of India & Others.....

Respondents.

24.4.1990

Hon'ble Mr. D.K. Agrawal, J.M.

Hon'ble Mr. K. Chayya, A.M.

Heard, the learned counsel.

Admit.

Issue notice to the respondents, to file counter affidavit within 8 weeks hereof and rejoinder affidavit, within 2 weeks, thereafter.

List it for hearing on 3.12.1990.

Sd/-

Sd/-

A.M.

J.M.

checked
Sd/-
26/4/90

// True Copy //

REM/

[Signature]
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow
26.4.90

CB

SI. N. 30
3/12/90

8/97

SPECIAL POWER OF ATTORNEY.

In the Central Administrative Tribunal Circuit bench Gandhi Bhawan
COURT OF
Region - No. - 122/90 Lucknow

----- Plaintiff
----- Appellant
----- Petitioner

Ram Prasad

Versus

Union of India

----- Defendant
----- Respondent
----- Opposite Party

Yashpal Gupta, Adl. Divl. Rly. Manager

KNOW all men by these present that I, Northern Railway, Moradabad do hereby appoint and authorise s/Shri A.K. Shukla, Advocate to appear, plead, and act for me jointly or severally in the above noted case and to take such steps and proceedings as may be necessary for the prosecution and defence of the said matter, as the case may be and for the purpose to make sign, verify and present all necessary plaint petitions, written statements and other documents to compromise the suit admit the claims and to lodge and deposit money in court and to receive payment from the court of money deposited and to file and withdraw documents from court and Generally to set in the premises and in all proceedings arising thereout whether by way of execution appeal or otherwise or in any manner connected therewith as effectually to all intents and purposes as I could act if personally present I hereby agree to ratify and confirm whatever shall be lawfully done by virtue of these presents.

In witness whereof I hereinto set my hand this _____ day of _____ 19____.

Yashpal Gupta
31/5
Additional Divl. Rly. Manager
Northern Railway
Moradabad

3/12/90

Contempt 46/92

177-92

for Mr Justice U.C.S.V.C
for Mr. K. Obayya, AM

Issue notice to respondents 1 & 2
to show cause as to why proceedings
of contempt of court should not
be initiated against them for
not implementing the judgment
of this Tribunal dated 18.5.91 passed
in O.A No. 129/90. But for orders
on 15.9.92 on which date
the respondents will appear
personally.

Dated: 15.9.92

AM

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

OR
NOTICE ISSUED
on 10/10/92
H

Shri Anil Srivastava putⁱⁿ appearance
on behalf of the respondents and prays
3 weeks time to file counter-reply. The
time prayed for is granted to him for the
same and list this case ~~xxx~~ on 18.11.1992.

OR
C.A has been
filed.

18/10/92
No RA filed

S.F.O.

16/11/92

AM

V.C.

A/c

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Contempt Application No. 46 of 1992

Ram Prasad Applicant

Versus

Sri D.K. Singh, As Asstt. Engineer,
Northern Railway, Shahjahanpur and others.
. Respondent.

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

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, VC)

This contempt application is directed against our order and judgement dated 18.9.1991. We allowed the application and directed the respondents to take the applicant on duty forthwith treating him on continuous duty from the date his leave expired. With the further observations that he will not be paid salary upto 1.10.91 by which date he will be allowed to resume duty.

2. The respondents in their counter-affidavit has stated that the judgement passed by this tribunal has been complied with and in support of the same they have also filed the copy of the letter dated 23.9.1992 sent to the ~~applicant~~ applicant in which it has been stated that he is being taken back in service with immediate effect by treating him ⁱⁿ continuous duty from expiry of leave. He will not be paid salary upto 1.10.91 by which date the applicant will be allowed to resume duty as ordered by the High Court. Thus, the respondents have not denied in his payment of his salary to the applicant after 1.10.1991. The applicant has been

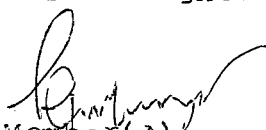
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A/24

:: 2 ::

Having been taken back in service and that being no denial by the respondents to pay the salary within 1.10.1991, which we accept that the same must have ^{been} paid / will be paid within a reasonable period. No case under the contempt of court has been made out. Accordingly, the application is consigned and notices are discharged.


Member (A)


Vice-Chairman

Lucknow Dated 18.11.1992.

(RKA)

A
/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH: LUCKNOW.

Contempt Case No. 46 of 1992

In re:

O.A. No. 129-90

Dec. on 18.9.1991.

Ram Prasad..

..Applicant.

Versus.

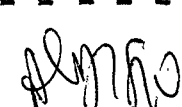
Sri D.K. Singh and others..

..Opp. Parties.

I N D E X

Sl. No.	Description of Documents	Page No.	Remarks
1.	Contempt Application with affidavit	1-5	
2.	<u>Annexure</u> -1 Judgement Dt. 18.9.91	6-7	
3.	<u>Annexure</u> -2 Application Dt. 22.10.91	8	
4.	<u>Annexure</u> -3 XXXX Notice Dt. 19.12.91	9-11	
5.	<u>Annexure</u> -4 Medical Reference Dt. 20.2.92	12-13	
6.	Vakalatnama.	14	

15 July, 1992.

CJI Ram Prasad

A.K. Dixit,
Advocate,

Counsel for applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Lucknow Bench: Lucknow.

Contempt Case No. 46 of 1992

Inre:

O.A. 129-90 (L)

Dec. on 18.9.91

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 15/7/92

Date of Receipt by Party 15/7/92

Deputy Registrar (J)

Ham Prasad aged about 36 years son of Sri Bishram,
resident of village Hasanpur Grant, Post Chandeli
Distt. HARDOI.

..

.. Applicants

Versus

1. Sri D.K. Singh, posted as Astt. Engineer, Northern
Railway, SHAHJAHANPUR.

2. Sri A.K. Kanojia, posted as Permanent Way Inspector,
Northern Railway, SHAHJAHANPUR.

..

.. Opp. Parties

Application for initiating contempt
Proceedings.

may it Please your Lordships,

On account of facts and circumstances stated
in the attached affidavit, it is established beyond doubt
that opposite parties have knowingly, intentionally and
silfully flouted the order of this Hon'ble court Dt.18.9.91

Filed today

15/7/92

15/7/92

U. Prasad

for which they deserve to be punished.

It is therefore most respectfully
Prayed that opp. parties be called upon and
suitably dealt with for having committed contempt
of this Hon'ble court's order Dt. 18.9.91.

Applicant,

(Ram Prasad)

(7) Ram Prasad

Through his counsel:

15 July 1992.

(Signature)
(A.K. Dixit)

advocate.

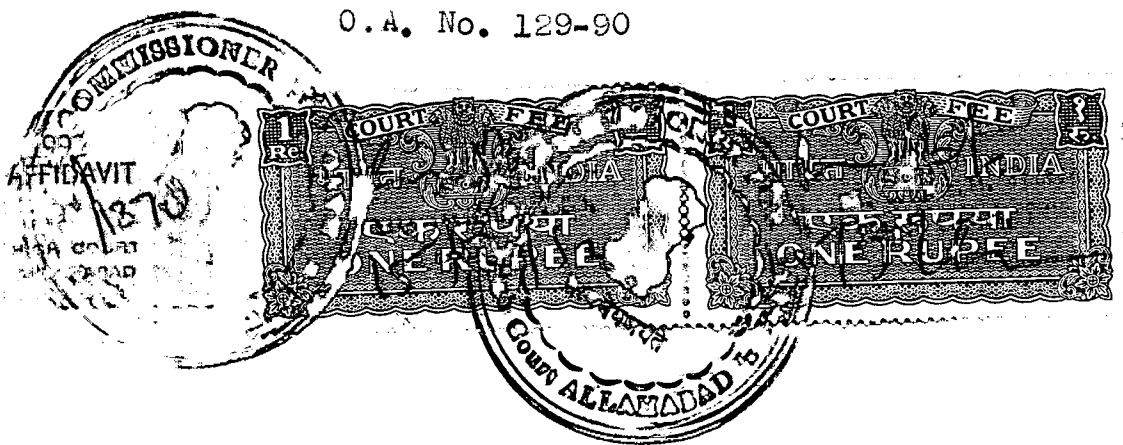
1/4

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow Bench: Lucknow.

Affidavit of applicant in support of
application for initiating contempt
proceedings.

In re:

O.A. No. 129-90



nam Prasad ..

.. Applicant

Ver sus

Sri D. K. Singh and an other ..

.. Opp. Parties

I, nam Prasad aged about 36 years, son of Sri Bishram, resident of Village Hasanpur grant, Post Chandeli Distt. Hardoi, do hereby solemnly affirm and state on oath as under in the name of Almighty God:-

Para 1. That deponent being petitioner of O.A. No. 129-90 is fully conversant with the facts of case.

Para 2. That deponent was engaged as casual labour in the year 1980 who on the basis of completion of more than 120 days satisfactory continuous working and performance was given status of "Accasualised Casual Labour" in the year 1985.



(7) nam Prasad

contd.. 2. page.

Para 3. That while on duty on 12.10.88 between Tilhar and Banthara railway station deponent was hurt as a piece of stone struck his right eye, ultimately resulting in loss of vision of right eye.

Para 4. That deponent, on account of his injury and its treatment, was allowed leave on full pay from 12.10.88 to 7.11.88 and after release from the Hospital he went to resume his duties but was not allowed to join.

Para 5. That ultimately when deponent was not allowed to resume duties in spite of repeated representation, he preferred O.A. No. 129-90 before this Hon'ble Court which was allowed on 18.9.91 and respondents were directed to take him back on duties forth with treating him on continuous duties from the date his leave expired deponent was not held entitled for any salary upto 1.10.91 by which date he was ordered to resume the duties.

A true photocopy of this Hon'ble court's judgement is attached as Annexure-1.

Para 6. That deponent in compliance of Hon'ble court's order Dt. 18.9.91 presented himself for joining duties on 1.10.91 in office of P.W.1 Shahjahanpur; the post held by Sri A.K. Kanojia who asked him to come back along with copy of judgement.

Para 7. That thereafter deponent again reported to

Om Ram Prasad
contd...3. page.



P.W.1 Shahjahanpur on 23.10.91 alongwith copy of judgement but he was directed by opp. parties No. 2 to report to Astd. Engineer N. Railway Shahjahanpur.

Para 8.

That deponent submitted himself to Astd. Engineer N. Railway Shahjahanpur where no body cared to take cognizence or even to receive courts order and there fore deponent had to despatch his application alongwith court's order under Regd. Post No. 205 and 206 Dt. 24.10.91.

True copy of such application Dt. 22.10.91 alongwith Regd. postal receipts are attached as Annexure-2.

Para 9.

That thereafter deponent submitted on reminder Dt. 11.11.91 under Regd. Post No. 735 and 736 but when nothing was done he sent a notice Dt. 19.12.91 through his counsel.

True copy of notice Dt. 19.12.91 alongwith Regd. postal receipts is attached as Annexure-3.

Para 10.

That thereafter on 20.2.92 deponent was sent for Medical examination with clear cut remarks of P.W.1 that as per Medical examination Dt. 20.3.85 conducted by Divisional Medical Officer Bareilly he is fit in



ET; Ramprasad contd..4 page.

category A 3 to B one vide Memo No. 99223/122
Dt. 20.3.85.

A true photocopy of such reference
Dt. 20.2.92 is attached as Annexure-4.

Para 11. That since then deponent is made to rush here and there, some times for expert Medical opinion and some times for other purposes but neither he has been permitted to resume duties nor he is being paid with his salary.

Para 12. That since deponent was found Medically Fit in A 3 to B 1 category on 20.3.85, there is no justification for referring him again and again for medical Examination which opp. parties are doing by way of device with a view to wilful defiance of Hon'ble court's order Dt. 18.9.91.

Para 13. That opp. parties who are responsible for compliance of court's order are not complying the same with deliberate wilful intention.



15 July 1992

C. J. Ram Prasad
Deponent,

(Ram Prasad)

12

5

VERIFICATION

I, Deponent named above do hereby verify contents of paras 1 to 10 of this affidavit to be true from personal knowledge and contents of para 13 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 15 day of July 1992 at court compound, Lucknow.

Deponent *LR*
Ram Prasad

(Ram Prasad)

put up L.T. I know and identify the deponent who has signed on this affidavit before me.

A.K. Dixit
(A.K. Dixit)
advocate.

Solemnly affirmed before me on 15 day of July 1992 at 12.05 a.m./p.m. by the deponent Sri Ram Prasad who is identified by Sri A.K. Dixit Advocate, High court Lucknow bench. 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.



A.K. Khan
A.K. KHANAM
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow
No. 11370
Date. 15/7/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

Ram Prasad..

Vs. Sri D.K. Singh and others
(Annexure No. ~~1~~) (1)

6
1/3

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH
LUCKNOW

O.A.No. 129/1990

Ram Prasad Applicant

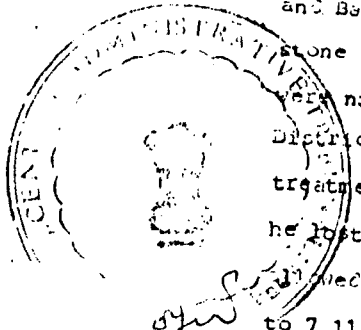
versus

Union of India & others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Adm. Member.

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

The applicant who was a casual labour engaged in the year 1990 and continued to work for more than 120 days was taken into the category of de-casualised casual labour. According to the applicant, while on duty on 12.10.89 when he was working between Tiller and Benghara Railway Stations, he was hurt as a piece of stone struck his right eye. As the medical facilities were not available on the spot he proceeded to District Hospital Hardoi where he continued under treatment upto 15.11.88. As a result of this injury he lost the vision of right eye. The department allowed leave on full pay with effect from 12.10.88 to 7.11.88 and after release from the hospital he resumed the duty on 17.11.88 but he was not allowed to join. He made representations after representations but of no avail. According to the applicant he was entitled to compensation for injury but the same was not given to him. Similarly placed and even juniors to the applicant are continuing in the service but the applicant has been retrenched and that too without any reason.



Attested True Copy
[Signature]
for

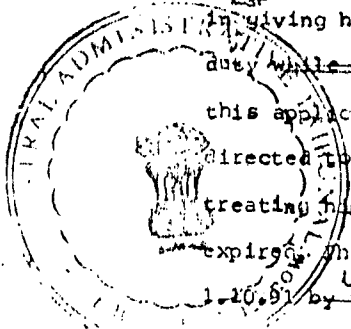
[Signature] Ram Prasad



27

14

2. The respondents have ^{not} denied the factum of injury. It was during the course of duty that he suffered the injury and in view of the pleadings it can safely be accepted that the injury was caused during the course of duty and being a casual labour he not being entitled for medical facilities got himself admitted in the District Hospital. There was no reason ^{not} giving him the suitable job. Not taking him on duty ~~while allowing others~~ cannot be justified and this application is allowed and the respondents are directed to take back the applicant on duty forthwith treating him on continuous duty from the date his leave expires. The applicant will not be paid salary upto 1.10.91 ^{by which date} by the applicant and the applicant will be allowed to resume duty. No observation regarding compensation can be made and the applicant has to approach to proper forum regarding the compensation.



A.M.

Sd/-

V.C.

Sd/-

Lucknow Dated: 18.9.91

Attested

True copy

C.T.C. /

Section Officer
 Central Administrative Tribunal
 Circuit Bench
 LUCKNOW

cyw

30/9/91

Attested True Copy
Alm
 (2)

C.T. Pan Prasad



Ram Prasad..

Vs.
(Annexure No. 2)

Sri D.K. Singh and others.

9C

Handwritten signature and date: 23/10/91

सेवा में,

1. श्रीमान असिस्टेंट इंजीनियर, उत्तर रेलवे
साहजहानपुर ।

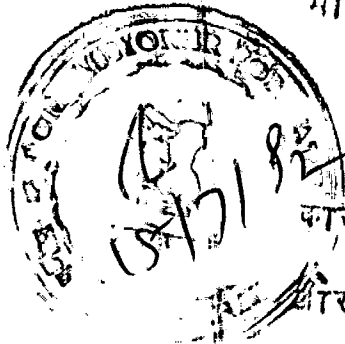
2. श्रीमान पी.ओ.आई. महोदय उत्तर रेलवे
साहजहानपुर ।

विषय:- माननीय न्यायालय के आदेश दिनांक 18.9.91 के अनुसृत में
सेवा योगदान बुकना ।

महोदय,

चिन्म निवेदन है कि प्रार्थी वर्ष 1980 से रेल विभाग की सेवा में
रहे तथा उसे 1985 में डी.सी.एस. किया गया । जब प्रार्थी 12.10.88
साहजहानपुर 4 टिकट स्टेशनों के बीच कार्यरत था तो उसके अंत में रेलवे विभाग
की पत्थर की गिरटी उतार कर लग-मई को जिसके कारण प्रार्थी को दिनांक
12.10.88 से 7.11.88 को छुट्टी प्रदान की गई । रेलवे अस्पताल को
पिश्किलता उत्पन्न होने के कारण प्रार्थी ने अपनी अंत का प्राइवेट इलाज
कराया प. 17.11.88 को छुट्टी पर हाजिर हुआ परन्तु प्रार्थी को छुट्टी पर
नहीं लिया गया । और न उसे छुट्टी पर आई हुई नोट्स जिसे उसने दाखिली
आता नहीं गई । का मुआवजा ही दिया गया तब सज्जद होकर प्रार्थी ने
माननीय केन्द्र सेवा अधिकरण, लखनऊ के समक्ष आद संख्या 129/90 प्रस्तुत किया

माननीय न्यायालय ने प्रार्थी का उक्त वाद दिनांक 18.9.91 को निपटारा
कर करके यह आदेश दिया है कि प्रार्थी को तत्काल छुट्टी पर लिया जाय
और उसे छुट्टी समाप्त होने की तिथि 7.11.88 से विवरण अनुसार
माना जाये ।



Handwritten signature: Sri Ram Prasad

Attested true copy
Handwritten signature and initials

सज्जद प्रार्थी आज आपके समक्ष न्यायालय के आदेश की
अनुसृत में सेवा योगदान बुकना के उक्त छुट्टी पर लेकर कार्य प्रदान करने की

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

Ram Prasad..

Vs.
(Annexure No. 2)

Sri D.K.Singh and others

9
16

From:-

Abhaya Kumar Dixit
Advocate
508/28 K₂, Old Hyderabad
LUCKNOW.

To,

1. Sri D K Singh
Asst. Engineer, N Railway
SHANJAHANPUR.
2. Sri A K Kanojia
Permanent Way Inspector, N Railway
SHANJAHANPUR

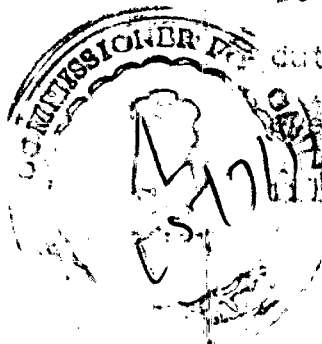
NOTICE

19 Dec. 1991

Dear Sir,

Under instructions of my client Sri Ram Prasad son of Sri Bisran, resident of village Masnapur grant, post Chandel, Distt. Hardoi, I tender you notice of following events:-

1. That my client while working as gangman (D C L) under P. 1 (Spl.) Shanjahanpur was hurt on duty resulting in loss of one eye on 12.10.88 on account of which he was allowed to avail leave from 12.10.88 to 7.11.88 and paid salary for the said leave period.
2. That on being Medically fit to resume duties my client on 17.11.88 reported for duty but was not allowed to resume his duties by concerned authorities in an arbitrary and arbitrary manner.
3. That when my client was not permitted to resume duties nor he was paid compensation for loss of his one eye in spite of repeated representations, he ultimately filed a claim petition O. A. No. 129 of 1990 before Hon'ble



Attested True Copy
ALMA
DE

19.12.91
C. Ram Prasad

A/17

Central Administrative Tribunal Lucknow Bench .

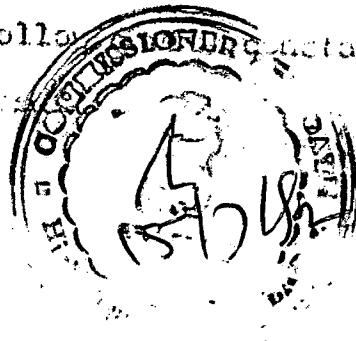
4. That Railway Administration in its reply filed before C.A.T. Lucknow, (such reply was signed and verified by Sri B. C. Dasgupta, Asst. Engineer Shahjahanpur), took the cognizance that an applicant (my client Ram Prasad) failed to produce himself for duty as such he could not be permitted to join duties.

5. That Hon'ble C.A.T. , Lucknow Bench by its judgement dt. 18.9.91 allowed the claim and ordered the Railway Administration to take back the applicant on duty forthwith treating him on continuous duty from the date his leave expired and payment of salary was curtailed only upto 1.10.91 .

6. That accordingly my client reported for duty on 1.10.91 whereupon he was directed by the office to come along with certified copy of court's judgement . Accordingly my client again reported for duty on 23.10.91 before P & I Shahjahanpur who asked him to approach the Asst. Engineer . My client contacted the office of A. E. N. Shahjahanpur where no body cared to take cognizance or to receive court's order and under these circumstances my client submitted his application along with court's order to A. E. N. Shahjahanpur and to the O.A.N. under Regd. Post No. 235 and 236.

7. That my client continued to report for duty for July 1992 but as people failed to pay any attention one more application was filed to you vide Regd. Post No. 755 on 7.5.92 on 11.12.91 following constant personal approaches but with no result.

Attested true copy
[Signature]
R



[Signature] Ram Prasad

1/8

In this way it is very much clear that both of you who are responsible to comply with the orders of Hon'ble C.A. are wilfully, knowingly and intentionally flouting the same for the reasons best known to you.

By means of this notice you are required to re-instate/take back my client on duty and to pay his usual salary w.e.f. 1.10.91 within TWO WEEKS from the date of receipt of this notice, failing which my client will be left with no option but to initiate proceedings for contempt of court against you in your personal capacity.

Hence this notice.

Yours faithfully

(Signature)
A. K. Dixit
Advocate

For Ram Prasad - L. C. L. Sanghvi

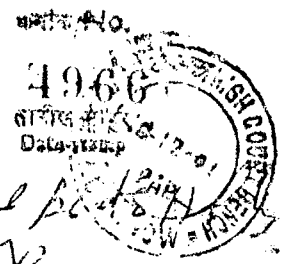
Copy for information as necessary

CC/1/91

Divisional Rail Manager
Northern Railway,
Gurgaon.



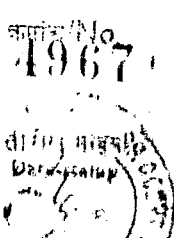
शुल्क नहीं/NOT INSURED
 शुल्क का मूल्य रु. 7/-
 Amount of stamps affixed Rs. 7/-
 प्राप्त किया
 Received by *(Signature)* Kanwar
 पत्र वाले को
 Addressed to *(Signature)* Shri. J. S. Chandra



प्राप्त करने वाले अधिकारी के हस्ताक्षर
 Signature of Receiving Officer

CC/1 Ram Prasad

शुल्क नहीं/NOT INSURED
 शुल्क का मूल्य रु. 6/-
 Amount of stamps affixed Rs. 6/-
 प्राप्त किया
 Received by *(Signature)* A. K. Dixit



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

12

Ram Prasad..

Vs.
(Annexure No. 4)

Sri D.K. Singh and others

A/19

No. 148/med/SS/RAC. उत्तर रेलवे
NORTHERN RAILWAY

Rosa
20.2.92

FROM, Sr. D.MO/RAC ✓ TO, C.M.S./N.R./MB

SUB. DUTY TO SHRI RAM PRASAD S/O Shri
VISHRAM. UOI/Comp
Under P.W. - SPN.

He has been directed by AEN/SPN
for his medical checkup and transfer for
duty, with following history -

Diagnosed to (R) Eye 12.10.88 for
which he took treatment at Dr. Hardeo

(Detailed report photocopy) attached

O/E. G.C. good. B.P. 122/80 mmHg

(R) Eye Phlysis bulbi
N.Vision

(L) Eye Vision — 6/9.

L.T. Sh. Ram Prasad
(Attested)
20/2/92

He is being def. for
Kind Exam & report
advise please.

L.T. Ram Prasad



Attested true copy
[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW.

Ram Prasad..

Vs. Sri D.K. Singh and others
(Annexure No. 4) Confd.

श्री राम प्रसाद सिंह
विरुद्ध श्री डी.के. सिंह और अन्य

DOB: A. A. del Gama Nam
in Grade ... 257 - in 1 S 3 5 S
DOB: 01-3-1957

Examined on 20/3/85 by Dony/B.R. ...
A 3 ... vide memo no 99223
1220-1120/85

[Faint handwritten notes and scribbles]

[Handwritten signature]

71 Ram Prasad



Attested True Copy
[Signature]
MR

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

Cr. Misc. application No. 897 of 1992(C)

In re;

Contempt application No. 46 of 1992.

10/11/92

Ram Prasad

Applicant.

v/s

D.K. Singh and another

Opp. parties.

Application for dismissal of the Contempt
Application and Discharge of Contempt Notices

That on the facts and circumstances stated in the accompanying short counter reply and in view of the facts that since the judgement passed by this Hon'ble Tribunal has fully been complied with and this Hon'ble Tribunal may graciously be pleased to dismiss the contempt application and discharge the contempt notices;

Lucknow;

Dated; /1992.

(Anil Srivastava)
Advocate

Counsel for the respondents.

F.T.
13-10-92
②
②50

1/2

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

Contempt Application No. 46 of 1992.
(in O.A.No. 129/90)

Ram Prasad

Applicant.

V/s

D.K. Singh and others

Opp. parties.

COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, D.K. Singh the then working as Assistant Engineer, Northern Railway, Shahjahanpur, do hereby solemnly affirm and state as under:

1. That the official above named has been impleaded as respondent No. 1 in the contempt application as such he is fully conversant with the facts of the case and he is competent to file the present reply on behalf of respondent No. 2 also.
2. That first of all it may be stated that after various letters and reminders, when the applicant attended the office of the opposite parties, in compliance of the Hon'ble Tribunal's judgement he was given duly duty with effect from




✓

: 3 :

~~impkating~~ implementing the judgement.

Lucknow;

Dated; /1992.


(~~सहायक उपायुक्त~~)
उपायुक्त


VERIFICATION

I, the above named, official do hereby verify that the contents of paras 1 to 6 are true to my personal knowledge and based on records.

No part of it is false and nothing material has been concealed. So help me god.

Lucknow;

Dated; /1992.


(~~सहायक उपायुक्त~~)
उपायुक्त

I, identify the above named official who has signed before me.

(Anil Srivastava)
Advocate

: 2 :

23/9/92 and since he is continuously working on the said post and a copy of the order passed in compliance of this Hon'ble Tribunal's order dt. 18/9/92 is being filed herewith as Annexure No. C-1 to this counter reply.

3. That now the judgement of the Hon'ble Tribunal stood fully complied with.
4. That applicant could not be given duty due to own fault of the applicant. Despite letters and reminders the applicant could not attend the office of the respondents as such he could not be given duty. A copy of the regd. letter dt. 10/9/92 and reminder dt. 11/9/92 are being filed herewith as Annexures C-2 and C-3 to this counter reply.
5. That some delay took place in implementing the judgement of this Hon'ble Tribunal but the same was not intentional nor wilful but only due to administrative reasons.
6. That no contempt has been committed by the answering respondents but they have highest regards for the orders of this Hon'ble Tribunal as such they are tendering their unconditional apology for the delay in



25

No: B/4 (Ram Prasad)
Dated: 23.9.92.

Office of the
Assistant Engineer,
N. Rly. Shahjahanpur.

To, Shri R. B. Saxena.
P.W.I./SPN

Sub: Compliance of Court orders dated 18.9.91.

Ref: CHS/MB's No. 54 Med/DC dated 22.9.92.

^{temp}
After declared un-fit in A/3 to D/1 and fit in C/1 & C/2 without glass. Shri Ram Prasad s/o Vishram DC Gangnan is hereby decategorised and posted as Chowkidar under PWI/SPN on BSA basis with immediate effect by treating him continuous duty from ~~expiry~~ expiry of leave. He will not be paid salary upto 1.10.91 by which date the applicant will be allowed to resumed duty as ordered by the Hon'ble court. Copy of judgment dated 18.9.91 is enclosed. Please act accordingly.

DA/ Copy of Judgment.

[Signature]
Assistant Engineer
N. Rly. Shahjahanpur

C/- DRA/MB ^{dit} (2) for kind information please.

C/- DSN/II/MD for information please. He is requested to please sanction BSA No. 26/PWI/SPN dated 16.9.92 which is enclosed to comply the court orders.

True copy attached

सहायक आयुक्ता
उत्तर रेलवे फतेहपुर

12

पु. सं. ई. चार (रामप्रसाद)

कार्यालय सहायक अभियंता
शा. हा. हा. हा. 11. 8. 72

सेवा में

श्री रामप्रसाद पु. सं. श्री विद्याम
जो. हसप्रापुर (पु.) चन्नेली
जिला हरदोई

विषय:- डिप्टी डेन के सम्बन्ध में

आपको सूचित किया जाता है कि आप
पुरत सहायक अभियंता शा. हा. हा. हा. कार्यालय
में उपस्थित हैं बिना आपके उपस्थित हुए शरी
डेन सम्भव नहीं है।

आपका डिप्टी डेन 8. 8. 72 को श्री सुखदेव
पु. सं. श्री ज्वालाप्रसाद जो. में के शा. सन्धना में
कि आप कार्यालय में उपस्थित हैं पु. सं. 8. 8. 72
का श्री मन्मूलाल जीप डेन के शा. आपके
यात्रा की सं. धाई. हरदोई के पहा. कार्यालय है
का जे. डी. जी. कि आप पुरत उपस्थित हैं।

आपको एक पंजीकृत एक शा. में पत्र
भेजा गया है परन्तु आप उपस्थित नहीं हुए हैं
जिस कारण आपका शरी डेन सम्भव नहीं है।
आप कि अनुरोध है कि पुरत कार्यालय
में उपस्थित हैं।

12-8-72
12/8/72
सहायक अभियंता
शा. हा. हा. हा. 11. 8. 72

True copy attached
पहायक अभियंता
उत्तर में वे फतेहपुर

उत्तर रेलवे
NORTHERN RAILWAY

पंजीकृत

पत्र सं० डी-चार (रमिप्रसाद)

कार्यालय सहायक अभियंता

शाहजहापुर 10/9/92

सेवा में

श्री रामप्रसाद पुत्र श्री विशाम

ग. हसनापुर

ज. चन्देरी

जि. हरदोई

विषय: - आननीय न्यायालय के अफेरा दिनांक 18/9/92
के अनुपालन के सम्बन्ध में

आपको सूचित किया जाता है कि

आप तुरन्त अधोहस्ताक्षर कर्ता के कार्यालय
में उपस्थित हो ताकि आपको ड्यूटी देने
सम्बन्धी कार्य वही की जा सके। बिना आपके
उपस्थित हुए अग्रिम कार्य वही सम्भव नहीं है
अतः आप पत्र प्राप्त होते ही कार्यालय पर
सम्पर्क करें।

True copy
attached
सहायक अभियंता
उत्तर रेलवे फतेहपुर

सहायक अभियंता
उ०रे० शाहजहापुर

वकालत श्रीमान

In the Central Administration

District

महोदय

14

वादी (मुद्दई)

मुद्दई (मुद्दालेह)

का

वकालतनामा



Rambasach

45

Sr. D.K. Jaisath

बनाम

प्रतिवादी रेस्पान्डेन्ट

न० मुकद्दमा

सन्

पेशी की ता०

१९

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

A. K. Dixit Acharya

509/201ca old Hyderabad

वकील

Ductan

महोदय

एडवोकेट

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

L1
Rambasach

Accepted
[Signature]

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

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ole

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

No. CAT/CB/LKO/JULL 2066-2067

Date 10-8-92

CONTEMPT NO. _____ OF * 199 (L)
46 2

NOTICE OF CONTEMPT

To In OR O.A. No. 129/90

1. Sri D.K. Singh, Posted as Asstt. Engineer, Northern Railway, Shahjahanpur,
2. Sri A.K. Kanojia, Posted as Permanent way Inspector, Northern Railway, Shahjahanpur.

Whereas information is laid/a petition is filed/ mention made by Ran Prasad that you have not complied the order dt. 18.9.91 passed in ORA. No. 129/90.

And whereas a petition has been registered against you for action being taken under the contempt of Courts Act, 1971.

You are hereby required to appear in person ~~or through a duly authorized advocate~~ on 15 day of _____ at _____ and on subsequent dates to which 9.92 proceedings may be adjourned unless otherwise ordered by the Tribunal and show cause why such action as is deemed fit under the Contempt of Courts Act, 1971 should not be taken against you.

Given under my hand and the seal of this Tribunal, this 10th day of August 92.

[Signature]
Deputy Registrar.
Central Administrative Tribunal .

M. Panda

Encl: Copy of Petition and Court's order dt. 17.7.92 passed thereon.

शुद्धिकृत कोपी मही रफ्तक के कारण
क्याबिलियन कारपी में मही भुजा है।

SPECIAL POWER OF ATTORNEY

Xo

Contempt 46 NO. 1992 (5)

Ram Prasad

Plaintiff
Applicant
Petitioner

Versus

Union of India & Ors

- 1- Sri D.K. Singh, Post-Box 1001 Engineer Northern Railway Shahjahanpur
Defendant
- 2- Sri A.K. Kanungo, Post-Box 1001 Manager Northern Railway Shahjahanpur
Respondent
Opposite Party

Know all men by these presents that I, _____
 Northern Railway, Moradabad do hereby appoint and authorize
 s/Shri _____ to appear, plead, and act for
 me jointly or severally in the above noted case and to take
 such steps and proceedings as may be necessary for the prosecu-
 tion and defence of the said matter, as the case may be and
 for the purpose to make sign, verify and present all necessary
 plaint petitions, written statements and other documents to
 compromise the suit admit the claims and to lodge and deposit
 money in court and to receive payment from the court of money
 deposited and to file and withdraw comments from court and
 Generally to set in the promises and in all proceedings
 arising thereout whether by way of execution appeal or other-
 wise or in any manner connected therewith as effectually to
 all intents and purposes as I could act if personally present
 I hereby agree to notify and confirm whatever shall be law-
 fully one by virtue of these presents.

In witness whereof I herein to set my hand this _____
 _____ day of _____ 19 _____.

Accepted
 Anil Srivastava
 Adv

(Singh)
 Northern Railway
 Moradabad.
 (D.K. SINGH)
 Respondent No. 1