

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, .....BENCH

OA/TA/RA/CP/MA/PT 131 of 20 96

Zuber Ahmed.....Applicant(S)

## Versus

U.g.9.....Respondent(S)

## INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
①	Check list	1 to 2
2	Order Sheet	3 to 4
3	Judgment	5 to 8
4.	Petition copy	9 to 19
5	Power	20
6	Annexures	21 to 34
7	Counter	35 to 39
8	Rejoinder	40 to 45
9	Vakalatnama	46 to 48

Certified that the file is complete in all respects.

Signature of S.O.

pects. and destroy  
Signature 12/6/12  
Signature of Deal. Hand

Signature of Deal. Hand

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,  
LUCKNOW

.....

Original Application No. 131 of 1990

Juber Ahmed

.....

Applicant

Versus

union of India  
& others

.....

Respondents

Hon'ble Mr. S.N. Prasad, Member(J)

1. The applicant has approached this Tribunal under section 19 of the Administrative Tribunals Act 1985 and with the prayer for directing the respondents to correct his date of birth as 12.4.1934 instead of his date of birth as recorded in his service records as 12.4.1930, and for quashing the order dated 17.4.1989 passed by the DRM, NE Railway, Lucknow as contained in Annexure No. 8 and for further directing the respondents to reinstate the applicant with full back wages and allowances admissible to him.

2. Briefly stated the facts of this case inter alia are that the applicant was initially appointed as Engine Cleaner on 25.4.1952 and the date of birth of the applicant as recorded by the Department in his service records at the time of his entrance into service is 12.4.1934 and the same date of birth has been recorded at page 3 & 4 of the Health Card for Loco Driver supplied to the applicant on 29.4.1982 (vide Annexure No. 1 & 2 respectively which are true copies of the entries made in the aforesaid Health Card for Loco Driver). It has been stated that prior to the age of his actual superannuation i.e. 30.4.92, the applicant has been invalidly and illegally retired w.e.f. 30.4.1988 according to his wrong date of birth as 12.4.1930 instead of his correct date of birth as 12.4.1934 and thereafter the applicant represented the matter to the authorities concerned and ultimately the applicant was informed by the DRM, NE Railway

Lucknow Division, Lucknow vide his letter dated 17.4.1999 (Vide Annexure-8) that there was no provision permitting reinstatement on duty and as the applicant has been retired on 30.4.1988 and thereafter the applicant submitted the representation dated 10.12.1989 to the Chairman, Pension Adalat, N.E. Rly, Lucknow but nothing materialised. Hence the applicant has approached this Tribunal.

3. The respondents have filed Counter Affidavit contending that at the time of the appointment of the applicant, he was sent for Medical examination and as per fit certificate No. 131 dated 16.4.1952 issued by the Assistant Surgeon grade I O.T. Railway Gonda, his age was recorded as on 16.4.1952 and accordingly the date of birth of the applicant was recorded as 18.4.1930 and as such the applicant was retired accordingly on 30.4.1988 and thus this being so, the applicant was retired properly and legally on 30.4.1988. It has further been stated that at the time of initial appointment of the applicant, applicant did not submit any school certificate in regard to his age and date of birth and as such on the basis of the Doctor's certificate and information given by the applicant, the date of birth of the applicant was recorded ~~on~~ 18.4.1930 under Rule 145 R-II, and as much as the date of birth recorded by the Medical authority is always treated as final in such type of cases. Thus, in view of above circumstances the application of the applicant is liable to be dismissed.

4. The applicant has filed Rejoinder (replication) wherein almost all those view points have been

reiterated as mentioned in the application.

5. I have heard the learned counsels for the parties and have thoroughly gone through the records of the case.

6. This is significant to point out that from the perusal of the contention of the application and the papers annexed thereto it is apparent that the applicant was initially appointed on 25.4.1952 and was retired w.e.f. 30.4.1980 on the basis of the date of birth as recorded in his service records. This is also important to point out that during this long period of about 36 years of his service no ~~representation was made by the applicant for correction of his date of birth and only after the impugned order whereby he was retired w.e.f. 30.4.1988, he submitted his representation dated 12.5.1988, Annexure-3.~~ Thus, this being so it would prima facie appear that the applicant had no grievance about his date of birth prior to his retirement; but, on receipt of the notice of retirement he submitted representation as referred to above and this circumstance in itself goes a long way in hitting hard the substratum of the case of the applicant.

7. This is also important to point out that from the scrutinizing of the entire material on record the basis of the contention of the applicant is based on Annexure-1 and 2 which are copies of ~~Page extracts 3~~ and 4 of the "Health Card for Loco Driver" and original of the aforesaid Annexure-1 and Annexure-2 has been produced by the applicant which was in his own custody and first page thereof makes mention as follows:-

/

8  
X

Zubair Ahmad Driver A,  
N.E.Railway/Loco Shro Gonda,  
Date 29.4.1982.

From the perusal of which it is evident that this Health Card for Loco Driver is lying with him since 29.4.1982 and when he was posted at Gonda, but the entries appearing at page 324 do not bear the signature of Controlling Officer as the place meant for signature of the Controlling Officer ~at page 4~ shown against S.No. 7 is left blank. In this connection, this is worth while making mention of this fact that from the perusal of records it is obvious that at the time of the appointment of the applicant the applicant was not for Medical examination and as per his service No. 131 dated 16.4.92 issued by the Assistant Surgeon Grade-I Gonda his age was recorded as 22 years as on 18.4.1992 and accordingly the date of birth of the applicant was recorded as 18.4.1930 as the applicant at the time of his initial appointment did not submit any school certificate in regard to his age.

8. Thus, from the foregoing discussions and after considering all the facts and circumstances of the case, I <sup>find</sup> that the application is devoid of merit.

9. In the result, the application of the applicant is dismissed. No order as to cost.

Lucknow Dated: 14.5.93  
/jw/

*Hand*  
Member-J

14.5.93

CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

Date: 26.11.19  
Place: Lucknow  
By Part.

Registration No. 131 of 1999 A.D. (L)

APPLICANT(S) Shari Zubair Ahmad

RESPONDENT(S) V.O. G.

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

R2

Particulars to be ExaminedEndorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *yes*

12. Are extra copies of the application and Annexures filed ? *yes*

a) Identical with the Original ? *x*

b) Defective ? *x*

c) Wanting in Annexures

Nos. \_\_\_\_\_ pages Nos. \_\_\_\_\_ ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ? *N.A.*

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 ? *yes*

17. Are the facts of the case mentioned in item no. 6 of the application ? *yes*

a) Concise ? *yes*

b) Under distinct heads ? *yes*

c) Numbered consecutively ? *yes*

d) Typed in double space on one side of the paper ? *yes*

18. Have the particulars for interim order prayed for indicated with reasons ? *yes*

19. Whether all the remedies have been exhausted. *yes*

dinesh/

R  
25/1

28.5.1990

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

Hon'ble Mr. K. Chayya, J.L.

Heard Shri C.D. Singh, counsel  
for the applicant.

A3

Admit. Issue notice to the  
respondents to file counter within  
8 weeks, rejoinder within 2 weeks  
thereafter. List before D.R. for  
completion of pleadings on 10.10.90.

No case is made out for  
interim order at this stage.

Let Annexures which have not  
been authenticated in accordance with  
rules, be authenticated as required under  
the rules.

Sd/-  
R.M.  
rrm/

Sd/-  
J.M.

मुख्यमंत्री का दस्तावेज़  
(राज्य) विधायिका  
मंत्री विधायिका  
संसदीय विधायिका  
महाराष्ट्र विधायिका

10.10.90.

Case

22.10.90

No setting Adi to 22.11.90

④

22.11.90

Hon. Mr. Justice K. Prath, M.  
Hon. Mr. M.M. Singh, M.

The applicant has neither remedied  
the defects nor taken complete  
steps for taking issue of notice  
to respondents. Steps be  
completed within two weeks  
whereupon the notices will  
be issued and the case  
be registered for orders on  
10.11.91.

M. H. L

A.M.

R.

V.C.

C2

Notice  
सुनाया और उत्तर दिया गया  
अद्यता अपनी विधायिका  
फॉर्म भरवा दिया गया  
जो अपनी विधायिका  
में दर्शाया गया तब तक  
पर्याप्त नहीं दिया गया

22.11.90

16.1.91

No setting Adi to 27.2.91.

No C.R. filed.

S.F.O.

L  
24/4

27.2.91. No setting Adi to 25.4.91. +

13-3-92  
D.R.

(A8)

Applicant is present  
in person. Respondent  
did not file counter  
till today. Respondent  
to file counter by

20/5/92

20-5-92  
D.R.

Both the parties are  
present counter has  
been filed by C.P. today.

New applicant is ordered  
to file Rejoinder by  
6/8/92.

6-8-92

D.R.

Both the parties are present.  
Applicant to file rejoinder  
by 14-10-92

14-10-92  
D.R.

Both the parties are  
absent. rejoinder has  
not been filed. Applicant  
to file rejoinder by 4-12-92

(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

Zubair Ahmad ... .. ... Applicant.

Versus

Union of India ... .. . Respondent.

*With regard to*  
*Ch. 10*  
*Not for*  
*Q.B.*

Sl. No.	Particulars	<u>INDEX</u>	
		Page No.	
1.	Writ Petition	1	to 10
2.	Annexure No. 1 :- Photocopies of entries made in health..	11	
3.	Annexure No. 2:- Photocopy of appointment letter ...	12	
4.	Annexure No. 3 :- Copy of representation dt. 10.5.88	13	- 14
5.	Annexure No. 4 :- Representation dt. 10.5.88	15	
6.	Annexure No. 5:- Copy of notice u/s 80 C.P.C. dt. 2.8.88	16	- 18
7.	Annexure No. 6:- Copy of representation dt. 22.9.89	19	
8.	Annexure No. 7 :- Copy of representation dt. 29.12.89	20	
9.	Annexure No. 8 :- Copy of letter dt. 17.4.89	21	
10.	Annexure No. 9:- Copy of representation dt. 15.12.89	22	-- 23
11.	Annexure No. 10:- copy of recommendation dt. 1.1.87	24	

6/6

Lucknow

Dated:

*G.S.*  
(Ganga Singh)  
Advocate  
Counsel for the applicant.

(10)  
14/10/1990  
S.Y.S 25/7

for c.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL .

CERCUIT BENCH, LUCKNOW.

C. A. No. 31 of 1990 (i)

BETWEEN

Zubeir Ahmad, aged about years 56\$

son of Late Mohammad Yar, resident

of Village-Baheri, Post Office-

Ballia, District-Ballia. .... Applicant.

AND

Union of India through the Secretary

to the Government of India, Ministry

of Railways, Central Secretariat, New

Delhi and others. .... Respondents.

DETAILS OF APPLICATION :

1. Particulars of the applicant:

(i) Name of the applicant: Zubair Ahmad

(ii) Name of father : Late Mohammad Yar.

(iii) Designation and office: Driver 'A' Grade

in which employed : Eastern  
Northern/Railway

Lucknow Division.

(iv) Office Address : Driver 'A' Grade,  
N.E.R. Lucknow Division.

(v) Address for service : Zubair Ahmad C/o Sri  
of all notices.

Ahsan Ahmad, Driver,  
Bargaon Railway Colony  
Quarter No. 34, Post  
Bargaon, Gonda.

Zubair



2. PARTICULARS OF THE RESPONDENTS:

(i) Name and/or designation: (1)Union of India through  
of the respondent Secretary to the Government  
of India, Ministry of  
Railways Central Secreta-  
riate, New Delhi.

(2) The Divisional Railway  
Manager, North Eastern  
Railways, Lucknow Division  
Lucknow.

(3) The Divisional Personnel  
Officer, North Eastern  
Railways, Lucknow Division  
Lucknow.

(ii) Office Address of : As above.  
the respondents.

(iii) Address for service : as indicated above.  
of all notices.

3. PARTICULARS OF THE ORDERS AGAINST WHICH APPLICATION IS MADE: 3

Memo No. 23 of Sri Superintendent  
B.N.Y dt. 10-5-88 read as under:-

"Driver Sri Zubair Ahmad/G.D.A. as  
Tel/L.JnN. order that you are retired

AN

on 30.4.88. Hence not allowed to office/LIN.

~~introduced~~ He worked upon Dn. on 10.5.88."

served upon the applicant on 10.5.88 at Barhry

Railway Station while taking 190 Dn. from Gonda

to Gorakhpur, retiring the applicant four years

before the date of his actual superannuation

falling on 30.4.92 according to his date of birth

12.4.34 as recorded in his Health Card for Loco

Driver issued by the Respondents alongwith order

dated 17.4.89 contained and maintained in Annexure

No.8.

**4. JURISDICTION OF THE TRIBUNAL:**

The applicant declares that the subject

matter of the order against which he wants

redressal is written the jurisdiction of the

Tribunal.

**5. LIMITATION:**

The applicant further declares that the

application is ~~written~~ within the limitation

prescribed in Section 21 of the Administrative

Tribunals Act, 1985.

**6. Facts of the Case:**

The facts of the case are given below :-

- i) That the applicant was initially appointed as an Engine Cleaner on 25.4.52.

*A. Ahmad*

(A12)

(ii) That the applicants date of birth as recorded by the Department in his service records at the time of his entrance into service as recorded was 12.4.34. And the same date of birth has been recorded at pages 3 & 4 of the Health Card for Loco Driver supplied to the applicant on 29.4.82. A true copy of the entries made in the Health at pages 3 & 4 are being annexed herewith as Annexure No. 1 & 2 respectively.

(iii) That it appears that the above said memo for retiring the applicant ~~was~~ four years prior to his date of actual superannuation on 30.4.92 was on account of same mischief played by some one to alter the applicant's date of birth in his service records.

(iv) That immediately after the above said forced retirement of the applicant, he addressed to the General Manager North Eastern Railway, Gorakhpur and the Additional General Manager, North Eastern Railway Gorakhpur vide his immediate representation submitted through his immediate official superiors from his Head Quarters at Gonda. The true copies of the representations submitted on 12.5.88 and the subsequent representation made

*Thomas*

R.M.

after waiting for 3 months, after the above  
are being annexed herewith as Annexure No. 3 & 4.

(v) That the applicant having heared nothing the respondents got a notice dated 2.8.88 Under Section 80 C.P.C. served through registered Post upon the Divisional Railway Manager, North Eastern Railway Lucknow Division Lucknow and the Additional Divisional Personnel Officer, North Eastern Railway Lucknow Division, Lucknow through an Advocate of Gonda. A true copy of the said notice dated 2.8.88 is being annexed herewith as Annexure No. 5.

(vi) That subsequently vide applications dated 22.9.89 and 29.12.89 addressed to the Divisional Railway Manager, (Technioal) North Eastern Railway Lucknow and the Non'ble Railway Minister, Ministry of Railway, Government of India, New Delhi the petitioner prayed for grant of his pensionary benefits pending disposal of his case for correction of his date of birth and the date of superannuation and he also prayed for being retained in service until he actually attained the date of his superannuation retirement after completing the age of 58 years. The



AS

true copies of the above representations are being annexed herewith as Annexure No. 6 & 7 respectively.

(vii) That the Divisional Railway Manager, North Eastern Railway, Lucknow Division, Lucknow vide his letter dated 17.4.89 informed the applicant that there was no provision permitting his reinstatement back on duty and that the applicant should file up the for grant of his pensionary benefits. A true copy of the same order dated 17.4.89 is being annexed herewith as Annexure 8.

(viii) That vide a representation dated 15.12.89 the applicant has also requested the Chairman, Pension Adalat, North Eastern Railway, Lucknow for redress but no has heard nothing from him as well and he has neither been reinstated back in service after correction of the incorrect records of his service nor has he been paid his pensionary benefits and other dues till date. A true copy of the representation dated 15.12.89 is being annexed herewith as Annexure No.9.

(ix) That it would not be out of way to mention here that the work and conduct of the applicant has all through been excellent and above board

*Signature*

AB

7. RELIEFS SOUGHT:

In view of the ~~xfacts~~ mentioned in para 6 above, the applicant prays for the following reliefs :-

(i) That the order of retirement of the applicant with effect from 30.4.88 on the basis of the deemed dated of birth of the applicant as 12.4.30 instead of his correct ~~date~~ date of his birth recorded at the time of his entrance into service as 12.4.34 may be quashed and set aside together with the order dated 17.4.89 of the Divisional Railway Manager North Eastern Railway, Lucknow Division, Lucknow as contained in Annexure No.8 and the respondents concerned may be directed to reinstate the applicant with full back wages and allowances him to serve as driver grade 'A' in the North Easter Railway, Lucknow Division, Lucknow until 30.4.92 when the applicant shall actually attain the age of his superannuation in accordance with the date of his birth as recorded in his service records at the time of his entrance into service and pay him his full per month pay and allowances together with all benefits of service admissible to him under the extant rules.

J. Khan

15/1

8. INTERIM ORDER, PRAYED FOR:

Pending final dicision on the application  
the applicant seeks issue of the following  
interim order :-

i) The ~~app~~ respondents be directed to reinstate  
the applicant back on duty and permit himt  
to work and be paid his full per month pay  
and allowances during the pendency of his  
humble application or until 30.4.92 which  
ever occurs earlier and in the alternative  
direct the respondents to clear off the  
payment of all pensionary benefits admissible  
to the applicant within a short and fix p  
period of time as may be deemed just and  
proper in the circumstances of case, sub-  
jecting the same to the final decision ofh  
the Hon'ble Tribunal on the above application.

9. DETAILS OF REMEDY EXHAUSTED:

The applicant declares that he has availed  
of all the remedies available to him under the  
relevant services <sup>Rules</sup> vide his representations  
mentioned above and contained in Annexure No. 7, 9  
and 10.

10.

MATTER NOT PENDING WITH ANY OTHER COURT, ETC.



10.

MATTER NOT PENDING WITH ANY OTHER COURT, ETC. AJS

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11.

Particulars of Bank Draft/Postal Order in respect of the Application Fee.

1- Name of the Bank on :-----

which drawn -----

2- Demand Draft No. :-----

OR

(i) Number of Indian : 802 414134

Postal Order(s) -----

(ii) Name of the issuing Post office, High Court  
Post Office Kolkow Branch

(iii) Date of Issue of 16.4.90

Postal Order(s) -----

(iv) Post Office at which G.P.O. Allahabad  
payable.

12.

Details of Index:

An index in duplicate containing the details of the documents to be relied upon is enclosed.



Ma

:: 10 ::

13. List of Enclosures:-

- (1) True photo copy of entries made in health at page 3
- (2) True photo copy of entries made in health at page 4
- (3) True photo copy of representation
- (4) True type copy of representation.
- (5) True type copy of Notice dated 2-8-88.
- (6) True type copy of representation.
- (7) True type copy of representation
- (8) true typed copy of order dated 17-4-88
- (9) True typed copy of ~~letter~~ dated representation  
15/12/89
- (10) True typed copy of letter dated 1-1-87

Lucknow:

Dated : 16-4-90

  
Counsel for the Applicant.

IN VERIFICATION

I, Zubair Ahmad (Name of the applicant) Son of  
Late Mohammad Yar, aged about 56 years, working as.....  
.....resident of Village Baheri, Post office-  
Baheri, District-Ballia. do hereby verify that  
the contents from 1 to 13 are true to my personal knowledge  
and belief and that I have not suppressed any material  
facts.

Lucknow :

Date : 16-4-90

  
Signature of applicant.

In the Central Admnistrative  
Tribunal Circuit

ब अदालत श्रीमान

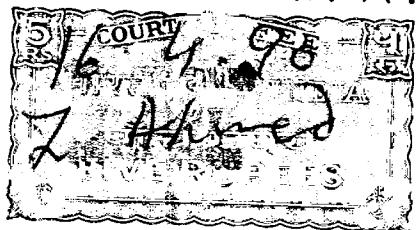
[वादी] अपीलान्ड

प्रतिवादी [रेस्पान्डेन्ट]

श्री

Zulcier Ahmed

का वकालतनामा



(टिकट)

Zulcier Ahmed

Union of India वकाल प्रतिवादी (रेखान्डन)

मुकदमा नं०

सन्

पेशी की ता०

१६ ई०

Saliga Deusing

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Ganga Singh

वकील

महोदय

एडवोकेट

नाम अदालत  
मुकदमा नं० नाम  
फरीदन

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 पैरवी व जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया 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 रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमें सर्वशा स्वीकार है और होगी मैं यह भी स्वीकार छेत्ता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा और मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Zulcier Ahmed  
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

16

महीना

4

सन् १६ १९९०

## Exercise Sheet 1

(1) नाम.....	24315-200
(2) पर	330-028 (429-028)
जन्म-तिथि	12.4.34
(4) विषयक-तिथि	25.4.52
(5) असंगत वेतन-मान से नियुक्ति-तिथि	29.4.52
(6) विषयक	1815
(7) विषयक असंगत	14010

10.1.1  
10.1.1  
10.1.1

1970

Annexure No. 2

(1) Name .. S.H.R.I. ZUBAIR AHMAD

(2) Designation DRIVER C (330 - 500)

(3) Date of birth .. 12.4.1934

(4) Date of appointment .. 25.4.1952

(5) Date of posting in present grade .. 29.4.1982

(6) Station of posting .. CEN. DTH

(7) Controlling Officer ..

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 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1136. 1137. 1138. 1139. 1139. 1140. 1141. 1142. 1143. 1144. 1145. 1146. 1147. 1148. 1149. 1149. 1150. 1151. 1152. 1153. 1154. 1155. 1156. 1157. 1158. 1159. 1159. 1160. 1161. 1162. 1163. 1164. 1165. 1166. 1167. 1168. 1169. 1169. 1170. 1171. 1172. 1173. 1174. 1175. 1176. 1177. 1178. 1179. 1179. 1180. 1181. 1182. 1183. 1184. 1185. 1186. 1187. 1188. 1189. 1189. 1190. 1191. 1192. 1193. 1194. 1195. 1196. 1197. 1198. 1199. 1199. 1200. 1201. 1202. 1203. 1204. 1205. 1206. 1207. 1208. 1209. 1209. 1210. 1211. 1212. 1213. 1214. 1215. 1216. 1217. 1218. 1219. 1219. 1220. 1221. 1222. 1223. 1224. 1225. 1226. 1227. 1228. 1229. 1229. 1230. 1231. 1232. 1233. 1234. 1235. 1236. 1237. 1238. 1239. 1239. 1240. 1241. 1242. 1243. 1244. 1245. 1246. 1247. 1248. 1249. 1249. 1250. 1251. 1252. 1253. 1254. 1255. 1256. 1257. 1258. 1259. 1259. 1260. 1261. 1262. 1263. 1264. 1265. 1266. 1267. 1268. 1269. 1269. 1270. 1271. 1272. 1273. 1274. 1275. 1276. 1277. 1278. 1279. 1279. 1280. 1281. 1282. 1283. 1284. 1285. 1286. 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1589. 1589. 1590. 1591. 1592. 1593. 1594. 1595. 1596. 1597. 1598. 1599. 1599. 1600. 1601. 1602. 1603. 1604. 1605. 1606. 1607. 1608. 1609. 1609. 1610. 1611. 1612. 1613. 1614. 1615. 1616. 1617. 1618. 1619. 1619. 1620. 1621. 1622. 1623. 1624. 1625. 1626. 1627. 1628. 1629. 1629. 1630. 1631. 1632. 1633. 1634. 1635. 1636. 1637. 1638. 1639. 1639. 1640. 1641. 1642. 1643. 1644. 1645. 1646. 1647. 1648. 1649. 1649. 1650. 1651. 1652. 1653. 1654. 1655. 1656. 1657. 1658. 1659. 1659. 1660. 1661. 1662. 1663. 1664. 1665. 1666. 1667. 1668. 1669. 1669. 1670. 1671. 1672. 1673. 1674. 1675. 1676. 1677. 1678. 1679. 1679. 1680. 1681. 1682. 1683. 1684. 1685. 1686. 1687. 1688. 1689. 1689. 1690. 1691. 1692. 1693. 1694. 1695. 1696. 1697. 1698. 1699. 1699. 1700. 1701. 1702. 1703. 1704. 1705. 1706. 1707. 1708. 1709. 1709. 1710. 1711. 1712. 1713. 1714. 1715. 1716. 1717. 1718. 1719. 1719. 1720. 1721. 1722. 1723. 1724. 1725. 172

ANNEXURE 3.

The General Manager,  
M.L.Railway,  
Gorakhpur (THROUGH LETTER JURIDICO)  
Respected Sir,

Sub: RE-OPENING OF MY RESPONSIBILITY ON THE ROAD, MOST

With due respects I beg to lay the following few lines for your kind consideration and favourable orders keeping in view the unnecessary harassment to me:-

1- I was appointed as an engine cleaner on 26-4-52 on short account. My date of birth was recorded as 12-4-34 and since then I am performing my duties to the entire satisfaction of my superiors.

2- From 1952 to 1960 I had been prominent Athlete of M.L.Rly as well as U.K. and also established a new meet record in 200 Metres and 400 Metres low hurdles in M.L.Rly. Athlete meet and until now nobody has broken this record. It is also to point out that I always stood First/Second in 100, 200 and 400 metres low hurdles. Moreover I stood second in 200 metres in Inter-India Athlete meet in 1953 held at New Delhi.

3- The main issue is that I have been retired from M.L.Rly. service on 11-5-80 at Darjeeling station while I was working on 190 Darjeeling to Darjeeling through telegraphic message served to me by S.C.U. at M.L.Rly. The language of the message is as under:-

2.0.12  
1.5/-

1.12

1.0.2.00

Alman

1. Driven Sri Subrata 1/10-5-80 - M.L.Rly. Darjeeling

2. Driven Sri Subrata 30-4-1980 - M.L.Rly. Darjeeling

-2-

that you are retired on 30-4-1932 hence not allowed to proceed duty and proceed to office / IJM.... worked 190 days on 10-5-1932.

4- On this I become very much disturbed and astonished because I was to retire on 30-4-1932 as my date of birth is 12-4-1934. This sudden information puzzled me and I immediately proceeded to office/IJM and also met DR.(1) but in vain no fruitful results come out. It has already been shown in memo DR/203-IJM dt. 10-5 as my date of birth is recorded in my service records is 12-4-1934. It seems that somebody had played mischief to me in mentioning the correct date of birth in my service records. This may kindly be looked into.

5- In these hard days I am facing quite difficulty along with my children and they are all in higher education I am unnecessarily being harassed without any fruit of mine. If there is something against me I should have been intimated about my any fault is any, otherwise the administrative action is quite baseless. I require justice only.

Ranking yours,

Yours faithfully,

( ZUBER AHMED )  
Dr. 'A' / Steam Loco Shd/SM

*Copy to S.R. Gauri Shuker, E.M./Int. Gorakhpur in advance for his kind information and early necessary action please.*

1- Copy to S.R. Gauri Shuker, E.M./Int. Gorakhpur in advance for his kind information and early necessary action please.

2- Copy to S.R. Gauri Shuker, E.M./Int. Gorakhpur in advance for his kind information and early necessary action please.

3- Copy to DR.(1)/Int. Gorakhpur for kind information and necessary action please.

4- Copy to DR./Int. Gorakhpur for kind information and early necessary action please. Date - 1-12-03 (ZUBER AHMED) DR.'A' etc

A-28

ANNEXURE NO. 4.

10

De Molibde M. Gen. S. L. M. G.

Nort Western Railw.,

GURU NANAK P.D.R.

Respected Sir,

With the respect I beg to inform your honour that on 10-5-88 I was working 190 D.L. passenger L.K. Gold to Gurduar (Vid. Loo). It was informed by SII/SII that I was not to work the train further as I had been returned from 30-4-88 as informed by control. So I came back to the quarter (Gold) by 103 u. on 11-5-88. I waited for 3 months but nothing was heard further. I then made an appeal to G.M.C.R/GM and DII Sr.DR/II in this connection but no reply was given. My children who were getting education in Interne distt, B.I. and A.I. had to discontinue their studies. Moreover my family (seven members) have been facing starvation in these hard days as I have got no other source of income in such hard time.

In view to the facts mentioned, I, therefore request your honour to kindly look into the matter and retain me in service as my date of birth is 1-4-1954 and custom job to my son Sri. Nitin Lal who is residing in Intermediate and he is 10 years old. For the post of L.I.C. he is fit for driving, (Zilla Parishad) Driver class of Gold class.



अनेकजर नं०- ५.

नोटिस अन्तरगत धारा 80ती०पी०ती० श्री ज्ञानेर अहमदैद्रावराई

प्रेष्ठ० लोको तेड पू०रे० गोण्डा के द्वारा श्री के०पी० पान्डेय

साहबगंज रेलवे कालोनी बडगाँव गोण्डा । बनाम

१. मंडल रेल प्रबन्ध पू०रे० लखनऊ मन्डल लखनऊ ।

२. अवर मंडल कार्मिक अधिकारी पू०रे० लखनऊ ।

मैं आपने सायल श्री ज्ञानेर अहमदैद्रावराई पुत्र श्री स्व० मो० यार मिक०स्ल/३२ ए बडगाँव गोण्डा पोस्ट बडगाँव जिला गोण्डा हाल पता द्रावर ग्रेड ए लागो ईड पू०रे० गोण्डा के द्वारा प्रदत्त अधिकारों के माध्यम से निम्न बातों की नोटिस दे रहा हैं।

प्रार्थना

यह कि मेरे सायल को आप के लोगों के द्वारा एक मेमो

जारी किया गया है जिसका आर नम्बर 203 दिनांकित १०.५.८८ का है जिसमें मेरे सायल को आपके पत्र द्वारा रिटायर्ड कर दिया गया है।

जबकि उस समय मेरा सायल दिन १०.३.८८ को गाड़ी नं० १९० गोण्डा

से बढ़नी को लेकर गया था तो बढ़नी के सहायक स्टेस मास्टर इस

बात से की सूचना कन्ट्रोल से आपके द्वारा दी गयी कि श्री ज्ञानेर अहमद को रिटायर्ड कर दिया गया है जैसे- और उन्हें

आप इस बात की सूचना से अद्वगत कराकर स्पेयर करके वापत कर दिया जाय। तो सहायक स्टेस मास्टर बढ़नी ने मेरे सायल को

उद्दत कन्ट्रोल के सूचना के आधार पर मेरे सायल को स्पेयर मेमो

द्वारा वापत गोण्डा भेज दिया।



-2-

धारा-2 यह कि मेरे साथ को रिटार्ड छ होने की पूर्व कोई नोटिस नहीं दी गयी है जो कि नियमतः वो कानून गलत हैं।

धारा-3 यह कि मेरे साथ का जन्म तिथि आपके द्वारा 12. 4. 1930 बताया गया है जबकि उसका कागज के गुताबिक जन्म तिथि 12. 4. 1934 है।

धारा-4 यह कि मेरे साथ से आपके बताए गये जन्म तिथि के अनुसार भी लगभग ग्यारह दिन ज्यादा काम लिया गया है। जो कि कानून व वाकियासन गलत है

धारा-5 यह कि इस प्रकार से मेरे साथ के साथ आप ने कार्यालय से धोखा एवं फरेब करके समय से पहले ही रिटार्ड कर दिया गया।

धारा-6 यह कि इस प्रकार से एकाएक जबरदस्ती रिटार्ड कर दे ने से मेरे साथ को मानसिक आत्याधिक कल्प है और उसका आर्थिक एवं मानसिक नुकसान हो रहा है।

धारा-7 यह कि मेरा साथ आपके कार्यालय में इस पूर्व रिटार्ड होने के बाद जानकारी हासिल करने के लिए बराबर पहल घरता छछछ चला गया रहा है लेकिन मेरे साथ को आप के विभाग के दर्द तारा कोई न्यायोधित एवं सन्तोषजनक उत्तर आज तक नहीं मिल पाया है।

धारा-४  
===== यह कि मेरे सायल के साथ उचित न्यायनहोने के कारण एवं

उसके साथ जबरन छादेश होने के कारण मेरे सायल को आप लोगो  
उमर नोटिस देने के लिए मजबूर कर दिया हैं।

अतः आपको इस बात की सूचना नोटिस के माध्यम से दी  
जा रही हैं कि आप मेरे सायल के नोटिस प्राप्त होने के पन्द्रह दिन  
के अन्दर अगर पूर्ण एवं स्पष्ट विवरण के साथ जबाब नहीं मिलता है  
तो मेरा सायल न्याय पाने के लिए स्वाम न्यायालय की छाप्पम रुक्क्म  
लेगा नोटिस आप संभाल कर स्वयं रखे यह आप की जिम्मेदारी होगी।

दिन- २/८/८८

भूदीय  
४००पी०पा०न्डेय एडवोकेट साहबगंज  
रेलवे कालोनी, पो०-बड़गाँव  
गोण्ड-

८५१८५

Shah

अनेकजर नं०- ६

## तेवा में,

श्री मान मण्डल रेल पुब्लिक शांतिकृ  
पूर्वोत्तर रेलवे, लखनऊ

४८

## उचित माध्यम

विधि स्थानान्तरण भत्ता त्वीकृति ।

महोदय,

तेवा में निवेदन है कि प्रार्थी 58 वर्ष की आयु में दिओ 30. 4. 88 से निवृत्त हुआ है। प्रार्थी की जन्मतिथि का विवाद होने से प्रार्थी का युकौता भ्रातान समय से नहीं हो पाया। अब प्रार्थी का युकौता भ्रातान स्वीकृत हो गया है।

प्रार्थी को जात हुआ है कि उसका सेवा निवृत्त ग्रान्ट स्वीकृत नहीं हुआ है क्योंकि प्रार्थी ने अपना अस्थाई पता गोण्डा का ही दिया था, परन्तु अब प्रार्थी का सेलमेन्ट के कागजात तैयार होने के बाद प्रार्थी ने यह फैसला किया कि वह अपने पैतृक निवास स्थान ग्राम-बहेरी, पो०-बलिया, जिला-बलिया ३०४० में स्थाई तौर पर निवास करेगा।

अतः आपसे प्रार्था है कि प्रार्थी को स्थानान्तरण भत्ता  
एवं धैरिंग भत्ता की स्वीकृति की जाए।  
महान् कृपा होगी।

FDI-22. 9. 1989

मं0रंठप० इां० लंकुल  
उचित दार्यवाही देह  
अग्रसारिता  
ह०/अपटनीय  
लांडो फोरमैन  
पूर्वतिर रेलदे, गोडा

प्रार्थी  
ह०/अप०नीय  
जुबैर अहमद  
कृपुर्व चालक

(20)

(20)  
P.M.

ANSWER NO. 7.

20,

The Hon'ble Railway Minister

New Delhi.

Respected Sir,

With due respect I beg to inform your honour that on 10-5-00 I was working 193 D. Passenger Ltr. Gonda to Gorakhpur (Via Loco). At Day I was informed by SM/DRM that I was not to work the train further as I had been retired from 30-4-00 as informed by control so I came back to Head-quarter (Gonda) by 193 U.P. i.e. 11-5-00. I waited for 3 months but nothing was heard further. I then made an appeal to G.M., C.R.O./GM and DRM Sr.DRC/DRM. In this connection but no reply was given. My children who were getting education in Intermediate, B.A. wanted to discontinue their studies. Moreover my family (Seven Members) have been facing starvation in these hard days as I have got no other source of income in such hard time.

In view to the facts mentioned I, therefore request your honour to kindly look into the matter and retain me in service as my date of birth is 12-4-1934 or bestow job to my son sri Aftab Ahmed who is reading in Intermediate and he is 19 years old.

For this act of kindness I shall ever remain grateful to you.

Yours faithfully,

Zubair Ahmed

Driver Passenger 'A'

Loco Shed Gonda

Dated - 20-12-00

Zubair Ahmed

अनेक्षर नं०- ८.

तेवा निवृत्त

पूर्वोत्तर रेलवे  
स्नै०६० रेलवे

स्न०६०-जी०४०८०  
आर०बी०-जी०८०१९

दोनो तरफ लिखे

संख्या०५०६०/पी०ती०/चुबेर अहमद/चालक दि०- १७. ४. ८९

मंडल रेल प्रबन्धकार्यालय

तेवा में श्री चुबेर अहमदयू-२चालक/गोण्डा  
ग्राम-बहाली

पोस्ट-बलिया, जिला बलिया  
५३० प्र०५

चिक्षा- तेवा निवृत्ति ।

संदर्भ आपका आवेदन पत्र दि० ७. ४. ८९ अपर महाप्रबन्धक को  
सम्बोधित

आपका देस मंडल रेल प्रबन्ध महोदय के अवलोकन एवं  
आदेशार्थ प्रेषित किया गया, किन्तु आपको पुनः डियूटी पर  
लेने का ५८८८ की उम्र पूर्ण करने के पश्चात् कोई प्रावधान न  
होने के कारण आपको डियूटी से बहाल करना सम्भव नहीं है।

कृपया सम्बन्धित हित निरीक्षा से समर्क स्थापित कर  
तेवा भ निवृत्ति संबंधी लोगों के अन्तरगत भरे जाने वाले कार्य  
तुरन्त भरकर इस कार्यालय में जमा करे ताकि आपको यथा शीत्र  
तेवा निवृत्ति संबंधी देय धम के भ्रातान का प्रबन्ध किया जा सके।

दृते मंडल रेल प्रबन्धक का।  
लखाऊ

प्रतिलिपि- लोको फोरमैन/गोण्डा को सूचनार्थ एवं आवश्यक

कार्यवाही हेतु प्रेषित ।

४०/अप०नीा  
दृते मंडल रेल प्रबन्धक का।  
लखाऊ

*Alman*

(22)

(23)

Annexure No - 9.

85-

40,

The Chairman,

Pension Adalit

N.L.Railway,

HUCMC/ J.S.

Respected Sir,

Sub:- Praygress. I am writing to you to send, honest and

With due respects, I beg to lay the following few  
lines for your kind consideration and favourable orders  
keeping in view the un-necessity of arrangement to me:-

1- I was appointed as an Engine cleaner on 25-4-52 on  
short account. My date of birth was recorded as 12-4-34  
and since then I am performing my duties to the entire  
satisfaction of my superiors.

2- From 1952 to 1956 I had been a prominent athlete of  
N.L.Railway. I as well as up and also established a new meet  
record in 200 Metres and 400 Metres Low Hurdle in N.L.Railway  
Athlete meet and up till now nobody has broken this record.  
It is also to point out that I always stood first/Second in  
100, 200 and 400 metres Low Hurdle. Moreover, I stood second  
in 200 Metres in Inter- Railways Athlete Meet in 1953

*C K J S*

*Alam* held New - Delhi.

cc-----/-



-2-

3- The main issue is that I have been retired from my service on 11.5.80 & I AM retired while I was working on 190 D.M.L-Grade 10 & I am through a telephonic message served to me by STH.SU, a/c/11. The language of the memo is as under-

Memo

D.M.

10-5-80

"Driver sri Juber Ahmed/GD-as per LHM/LHM order that you are retired on 30-4-1980 hence not allowed duty and proceed to office/LM. He worked 190 D.M.L as on 10-5-80".

4- On this I become very much disturbed and astonished because I was to retire on 30-4-1982 as my date of birth is 12-4-34. This sudden information surprised me and I immediately but all in vain, no fruitful results come out. It has already been shown in Memo LHM/203-LHM dtd. 10-5-80 as my date of birth is recorded in my service records is 12-4-1934. It seems that somebody had played mischief to me in mentioning the correct date of birth in my service records. This may kindly be looked into.

5- In these hard day I am facing grave difficulty along with my children and they are all in higher education. I am unnecessarily being harassed without any fault of mine. It there is something against me it could have been intimated about my any fault if any, otherwise the administrative action is quite baseless. I reuire justice only. I am in you.

Yours faithfully,

(ZUBER AHMED)

Driver 'A' / Steam Loco Engg.

6)

(247)



अनेक्षर नं०- 10.

पूर्वोत्तर रेलवे

यां/275/1/पुरस्कार/भाग-3/84

कार्यालय मार्डित रेल  
प्रबंध दूर्घात  
लखनऊ दिनां १/१/८७

श्री मो० तुलेमान,

चालक/ए त्प० एवं

श्री जुबेर अहमद चालक/बी/गोडा

=====

विष्यः-नामांकित द्वंजन 2536 वार्ड पी का रखरखाव एवं  
कोयला खात गें ब्यत ।

द्वंजन सं० 2536 वार्ड पी जो गोडा शेह का उपरोक्त चालकों

को नामांकित हैं। दोनों चालक अपने द्वंजन को सही एवं अच्छी तरह

ते मैनेटेन किये हैं एवं साथ ही साथ कोयले की एवं इन अन्य सामानों

की खात में बहुत ब्यत करते हैं। तथा जिस भी गाड़ी में इनको छुक ने

जाता है उसे गम्य से पहुँचने की अत्यधिक प्रयास करते हैं।

इस सराहनीय कार्य के लिए उपरोक्त चालकों की पुश्पा की

जाती हैं।

बृते मंडल रेल प्रबंध दूर्घात लखनऊ।

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench Lucknow

O.A. No. 131 of 1990

ZUBAIR AHMAD

.....

APPLICANT

VS.

UNION OF INDIA & OTHERS

....

OPPOSITE PARTIES

COUNTER REPLY ON BEHALF OF THE OPPOSITE PARTIES.

I, S. M. N. Islam aged about 35 years s/o Sri S. M. Owaisch working as Sr. Div. Personal Officer in the North Eastern Railway Lucknow, do hereby solemnly affirm and state as under:-

1. That I have been duly authorised by the opposite parties to file this instant reply. I have gone through the application and have understood the same well. As such I am conversant with the facts and circumstances deposed to hereinafter.
2. That the contents of para-1 and 2 of the application need no comments.
3. That the contents of para-3 of the application need no comments
4. That the contents of para-4 of the application need no comments.
5. That the contents of para-5 of the application need no comments
6. That the contents of para-6 of the application are being replied as under:-  
6(i) That the contents of para-6(i) of the application are wrong, hence denied. It is stated that the applicant was initially appointed as temporary rake attendant on

Sulaiman

(A-26)

25.4.52 in scale of Rs 30-35 vide<sup>Ex</sup> District Machanical Engineers Gonda's office order no. E/27/4053 dated 25.4.52. It is clear that the applicant was not appointed initially as Engine cleaner.

6(ii) That the contents of para-6(ii) of the application are wrong hence denied. In reply thereto it is stated that ~~the~~ at the time of appointment the applicant was sent for final medical examination and as per fit certificate no. 131 dated 16.4.52 issued by the Assistant Surgeon grade I O.T. Railway Gonda his age was recorded 22 years as on 13.4.52 and accordingly the date of birth of the employee was recorded as 18.4.30, so the applicant was retired accordingly on 30.4.88. It is also pointed out that the applicant did not submit a ~~school~~ certificate to assess the date of birth at the time of initial appointment as such on the basis of doctor's certificate and information given by the applicant the date of birth was recorded as 18.4.30 under rule-145 R II. The date of birth was recorded by the medical authority is always treated as final in such type of cases.

It is further submitted that as per the record available the applicant represented for correction of his date of birth vide representation dated 29.12.60 mentioning therein that his actual date of birth is 12.4.33. Whereas at present the applicant is stating his date of birth as 12.4.33, after laps of 6 years and at the time of representation the applicant did not submit any authentic document in support of his

contention in respect of his date of birth. Accordingly the applicant was replied<sup>by</sup> Ex. District Machanical Engineer Gonda vide his letter no. E/PC/N/1 dated 31.5.61 in

Sudhir

Ex. District Machanical Engineer

that

mentioning therein their alteration in the applicant's date of birth can not be accepted. This fact itself reveals that the claim/the applicant is baseless.

6(iii) That the contents of para-6(iii) of the application are wrong hence denied. In reply thereto it is stated that the applicant was to be retired on 30.4.88 in the afternoon on attaining the age of 58 years i.e. <sup>of</sup> much superannuation but due to tempering in the original records the applicant could not be retired on 30.4.88. As soon as the tempering with the record was detected the applicant was retired on 10.5.88 after completing all the official formalities.

6(iv) That the contents of para-6(iv) of the application are wrong hence denied. In reply thereto it is stated that the applicant represented his matter to General Manager(P) Gorakhpur regarding alteration in his date of birth vide his representation dated 26.10.88, but no alteration in his date of birth was accepted. So in this connection the reply has already been given to the applicant vide this office letter no. E/PC/J.A/Division dated 17.4.89.

6(v) That the contents of para-6(v) of the application need no comments.

6(vi) That the contents of para-6(vi) of the application are wrong hence denied. In reply thereto it is stated that the representations dated 22.9.89 and 29.9.89 have not been received in this office. In this connection it is also pointed out that the applicant himself delayed in submission of required settlement papers till 6.5.89 for <sup>payment</sup> appointment of his settlement dues.

6(vii) That the contents of para-6(vii) of the application need no comments.

6(viii) That the contents of para-6(viii) of the application are wrong hence denied. In reply thereto it is stated that the applicant's settlement dues has already been paid through Divisional Accounts Officer Lucknow vide P.P.O. no. NER/LX Pension/7/89-R-59 dated 15.11.89.

6(ix) That the contents of para-6(ix) of the application need no comments. As those are not relevant instant for the case.

7. That in reply to para-7 of the application it is stated that the applicant does not deserve for any relief as prayed, in view of the facts and circumstances stated above in the instant reply. The application of the applicant deserves to be dismissed, throughout.

8. That in reply to para-8 of the application it is stated that the applicant does not deserve any interim relief as prayed. However it is submitted that his settlement dues have been cleared off on 15.11.89

9. That the contents of para-9 of the application need no comments, in view of the preceding paras of this instant reply.

10. That the contents of para-10 of the application need no comments.

11. That the contents of para-11 of the application need no comments.

12. That the contents of para-12 of the application need no comments.

13. That the contents of para-13 of the application need no comments.

PPGd

VERIFICATION

I S. M. N. Islam the above named do hereby verify that the contents of paras 1 - of this counter reply are true to my personal knowledge and those of paras 2 to 13 of this counter reply are true on the basis of the knowledge derived from the perusal of records relating to the instant case kept in the official custody of the answering respondents except legal averments which are believed by me to be true on the basis of legal advice, No part of this counter reply is false and nothing material has been concealed.

Dated:- 17.7.91

Shukla  
S. M. N. Islam  
Advocate

THROUGH  
*E. K. Shukla*  
( E. K. SHUKLA )  
Advocate  
Counsel for the respondents.

A.M.O

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

O.A. No. 131 of 1991.

Zubair Ahmad ..... applicant.

Versus.

Union of India and others ...., Opposite Parties.

REPLICATION OF THE PETITIONER AGAINST THE  
COUNTER REPLY ON BEHALF OF THE OPPOSITE PARTIES.

I, Zubair Ahmad, aged about 58 years, son of late Mohormad Yaar, resident of village Baheri, post office and district Balia, the deponent make oath and state as under:-

1. That the deponent is the applicant in the abovenoted case and as such he states that he is fully conversant with the facts of the case deposed to hereunder.

2. That the deponent has carefully studied the contents of the counter reply on behalf of Shri S.H.N. Islam, filed on behalf of the opposite

*Zubair Ahmad*

SUIT

parties in the abovenoted case and he states that he is competent to reply the contents thereof parawise therein.

3. That the contents of paras 1, 2, 3, 4, 5, 6(V), 6(VII), 6(IX), 9, 10, 11, 12 and 13 of the above said counter reply do not call for any comments and the deponent, however, reiterates the averments of the corresponding paragraphs of his claim petition to be true and correct statements of facts.

4. That with regard to the contents of para 6 (i) of the counter reply concerned, it is submitted that the deponent was made to work of Engine Cleaner w.e.f. the date of his initial appointment on 25.4.1952, however, in case, his appointment was shown to be that of as Rack Attendant in the official records of the opposite parties, the same is not very material for the purposes of the determination of the dispute before the Hon'ble Tribunal.

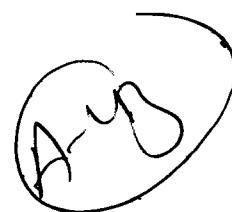
5. That the contents of para 6 (ii) of the counter reply are not admitted as stated and the

*Zubair Ahmad*

averments of para 6 (ii) of the application are reiterated to be true and correct statements of facts. It is respectfully submitted here that in view of the decision of the Hon'ble Supreme Court of India In Re: Bhoop Ram Vs. the State of U.P. AIR 1989, SC Page 1, the date of birth recorded in a student's school certificate is liable to be accepted for all purposes in preference to medical reports as, according to the Hon'ble Supreme Court, the medical report is an opinion evidence and as such the weakest type of evidence whereas it is not believable that parents of a child would have any specific purpose behind recording of a particular date of birth in regard to their child at the time of his admission in the school. It is emphatically denied that any communication was ever served upon the petitioner in 1961.

6. That the contents of para 6 (iii) of the counter reply are wrong and baseless, hence denied and those of para 6(iii) of the application are reiterated as true and correct statements of facts. It would not be out of place to mention

*Lubair Ahmad*



here that in the impugned contents of the paragraph of the counter reply in question also, the opposite parties have admitted the factum of tempering and alteration in the date of birth of the petitioner in his service records and they have also not attributed the said tempering to the petitioner or to be at his instance. However, in the service records maintained in the office of the opposite parties secretly, the deponent having no access, the question of any such attribution does not arise and as such, the said tempering is to be treated to be with intention to harm, harass and humiliate the deponent.

7. That the contents of para 6(vi) of the counter reply are wrong and baseless hence denied and those of para 6(vi) of the original application are reiterated to be true and correct statements of facts.

8. That the contents of para 7 of the counter reply are wrong and baseless hence emphatically denied and those of para 7 of the application are



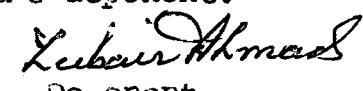


: 5 :

are reiterated as true and correct statements of facts.

9. That with regard to the contents of para 8 of the counter reply, it may be submitted that on 15-11-1989, the deponent has been paid a part of his dues on the ~~now~~ calculations made by the officials of the opposite parties, with an intention to be made as little payment possibly to the deponent otherwise his huge amounts of dues The rest of the contents of para 3 of the counter reply are wrong and baseless hence emphatic ally denied.

10. That in view of the above, the counter reply filed on behalf of the opposite parties deserves being rejected out rightly by the Hon'ble Tribunal and the deponent's original application is liable to be allowed with costs and special costs leviable upon the opposite parties for unnecessary harassment of the deponent.

  
Lubair Ahmad  
Deponent.  
Lucknow:

Dated: August , 1992.

VERIFICATION

I, the abovenamed deponent, do hereby





verify that the paras 1 to 10 of this replication  
against the counter reply of the opposite parties  
are true to the best of own knowledge. No part  
of it is false and nothing material has been  
concealed. So help me C.C.D.

Lucknow:

Dated: August , 1992.

*Zubair Ahmad*  
Deponent.

I identify the abovenamed  
deponent who has signed before me.

( Satya Dev Singh )  
Advocate,

High Court Allahabad, Lucknow  
Bench, Lucknow.

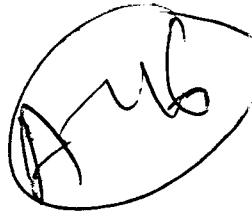
Solemnly affirmed before me on  
August , 1992 at A.M./P.M. by  
Shri Zubair Ahmad, the deponent, who has  
been identified by Shri Satya Dev Singh,  
Advocate, High Court, Allahabad, Lucknow  
Bench, Lucknow.

I have satisfied myself by examining  
the deponent that he understands the conte-  
nts of this affidavit which have been read  
over and explained to him by me.

Oath Commissioner.



## वकालतनामा



Central Administrative Tribunal Bench Lucknow के समक्ष  
C.A. No. 131/90 (L) के न्यायालय में

|   |                                 |                         |
|---|---------------------------------|-------------------------|
| वादी<br>प्रतिवादी   | Zulair Ahmed                    | दावेदार<br>अधीलार्थी    |
| वादी<br>प्रतिवादी   | बनाम<br>Union of India & others | अर्जीदार<br>प्रत्यार्थी |
| भारत के राष्ट्रपति इसके द्वारा श्री B.K. Shukla Rly. Advocate Lucknow |                                 |                         |

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ को और से उसंजात होते, कार्य करने, आवेदन करने, अभिववन करने और शहरी कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निशेष करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण तिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिववन करने और आगे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/प्रधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/प्रधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यासी/अधीलार्थी/वादी/विरोधी पक्षकार के विशद्व उस वाद/अपील/दाव/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्पञ्चन करेगा, न एसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय की मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/प्रधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और, ऐसे प्रत्येक मामले में काउन्सेल/प्रधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बलाते हुए उक्त अधिकारी को तकाल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुकम में श्री B.K. Shukla Rly. Advocate Lucknow

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख ..... को सम्पूर्ण रूप से निप्पादित किया जाता है।

तारीख ..... 19

NER-84850400-8000- 4784

Accepted  
R.K. Shukla Advocate  
S.M.N. Deolali (90)  
रिपादन करने वाले अधिकारी का पदनाम  
प्रधार

S.M. 23

NS/CCS  
64

**VAKALATNAMA**

Before  
In the Court of

Central Administrative Tribunal Bench Lucknow

44

OS No. 131 of 1980 (L)

Zubair Ahmed

*Versus*

Union of India and others

I/We K. P. Singh Dirl. Railway Manager

N.F. Rly. Lucknow

do hereby appoint and authorise Shri B.K. Shukla

Railway Advocate Lucknow to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Applicaion/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri B.K. Shukla Railway Advocate, Lucknow in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this

..... day of ..... 198..

..... Sent Rec'd  
24/1/80

Accepted  
B. K. Shukla  
Advocate  
(K. P. Singh)

Sl. No 27

NS/CCS  
64

**VAKALATNAMA**

27/10/1980

Before Central Administrative Tribunal Bench Lucknow  
In the Court of

OA No. 131 of 1980 (C)

Zubair Ahmed

*Versus*

Union of India and others

I/We ..... S. M. N. Delam ..... Sr. Divl. Personnel  
Officer N.E. Railway Lucknow

do hereby appoint and authorise Shri ..... B. K. Shukla

*Lucknow*

Railway Advocate ..... to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Applicaion/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri ..... B. K. Shukla

..... Railway Advocate, *Lucknow* .....

..... in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this .....

..... day of ..... 1980 ..

Shri B. K. Shukla

(S. M. N. Delam)

महानगर विधायक बोर्ड  
प्रधान सचिव, लखनऊ

Accepted  
B. K. Shukla  
Advocate