

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT ...131... of 20-90

Zuber AhmadApplicant(S)

Versus

U.O. 2Respondent(S)

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Certified that the file is complete in all respects.

Signature of S.O.

Signature of Deal. Hand

(2)

(X5)

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 DFM, 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 further 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 DFM, NE Railway

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Lucknow Division, Lucknow vide his letter dated 17.4.1989 (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 ^{inter alia,} 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} ~~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 ^{as} 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

(A9)

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 content^{tion} 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. 30.4.1988 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 ^{~ appears to have been ~} 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 scrutiny^{ing} of the entire material on record the basis of the contention of the applicant ^{~ appears to be ~} is based on Annexure-1 and 2 which are copies of ^{photostat} ~~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:-



- 6 -

Zubair Ahmad Driver A,
N.E. Railway/Loco Shed 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 shown against S.No. 7 ^{at page 4} 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 sent 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 find that the application is devoid of merit.

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

Member-J

Lucknow Dated: 4.5.93
/jw/

14.5.93

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 131 of 198940 (C)

APPLICANT(S) Shri Zubair Ahmad

RESPONDENT(S) U. O. 9.

Particulars to be examined	Endorsement as to result of examination
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 case 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

Received by
16/4/9
by Part
25/7
syul
for

(A-2)

Particulars to be Examined

Endorsement as to result of examination

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

yes

yes

x

N.A.

yes

yes

yes

yes

yes

yes

yes

dinosh/

25/7

28.3.1990

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

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

A3

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

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/-

A.M.

rrm/

Sd/-

J.M.

ਮੁੜੀਤ ਕਾਪੀ -
(੨੦੫) ਏਨੇ ਏ
ਕਾਨੂੰ ਜੋੜਿਓ ਏ
ਸ਼ਹੀਦੀ ਲੇਖੋ ਏ
ਮੰਗੀ ਗਈ

10.10.90

22.10.90

No sitting Aoi to 22.11.90

22/11/90

Per. Mr. Justice K. Prath, Jr.
Per. Mr. M.M. Singh, J.M.

The applicant has neither removed the defects nor taken complete steps for taking issue of notice to respondents. Steps be completed within two weeks where upon the notices will be issued and the case be re-listed for orders on 10/1/91.

H. H. L
Am.

V.C.

Applicant did not bring up to remove the defect. Put up by the Hon'ble Bench on 22.10.90. + new 21/10/90

Q2

Notice
ਪ੍ਰਿਤਵਰ ਕਾਨੂੰ ਅਸ ਏਕ ਏ
ਕਾਨੂੰ ਮਹਿਤ ਏਕਾਵਾਏ ਏ 2 ਕਾ
ਸਿਮੰ ਮਹਿਤ ਮਹਿ।
ਏ ਏਕਾਵਾਏ ਏ 10 ਏ ਕਾ
ਮਹਿਤ ਕਾਨੂੰ ਮਹਿਤ

21/11/90

10.1.91

No sitting Aoi to 27.2.91.

27.2.91

No sitting Aoi to 25.4.91.

No CA filed.

B.F.O.

24/4

C.A. 131/90

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

Ad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Zubeir AhmadApplicant.
Versus
Union of IndiaRespondent.

Refund amount
28/5

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Lucknow

Dated:

Ganga Singh
(Ganga Singh)
Advocate
Counsel for the applicant.

File No. 10
Lucknow
16/11/90
for 548/2517

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL .

CIRCUIT BENCH, LUCKNOW.

C.A. No. 131 of 1990 (1)

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 Ahmad*

AM

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:

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

Zubair Ahmad

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on 30.4.88. Hence not allowed to office/LJN.
~~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 within 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 :-

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

Alimad

(13)

- (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 some 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

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

(v) That the applicant having heard 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, (Technical) North Eastern Railway Lucknow and the Hon'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

M. M. M. S.

A-15

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

M. M. M.

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7. RELIEFS SOUGHT:

In view of the facts 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 date 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 allow ~~him~~ him to serve as driver grade 'A' in the North Eastern 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.

Sharma

A-11

8. INTERIM ORDER, PRAYED FOR:

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

- 1) The ~~app~~ respondents be directed to reinstate the applicant back on duty and permit him 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, subjecting the same to the final decision of 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 ^{Rules} vide his representations mentioned above and contained in Annexure No. 7, 9 and 10.

10. MATTER NOT PENDING WITH ANY OTHER COURT, ETC. :

Almad

10. MATTER NOT PENDING WITH ANY OTHER COURT, ETC.

A-18

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 : 002 414134
Postal Order(s) -----

(ii) Name of the issuing Post Office, High Court
Post Office Loknaw 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.

Mmad

:: 10 ::

13. List of Enclosures:-

- (1) True photo copy of entire made in health at page 3
- (2) True photo copy of entire 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 15/12/87
- (10) True typed copy of letter dated 1-1-87

Lucknow:

Dated : 16-4-90

[Signature]
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]
Signature of applicant.

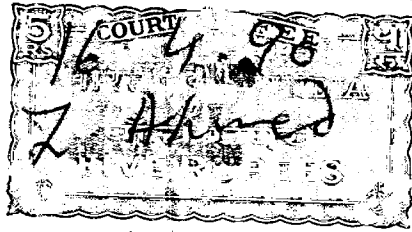
In the Central Administration
Tribunal Circuit

ब अदालत श्रीमान

[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेंट]

Bench, District Court
Zubeir Ahmed
का वकालतनामा



(टिकट)

Zubeir Ahmed
Union of India (रेस्पान्डेंट)

मुकदमा नं०

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Ganga Singh

वकील
महोदय
एडवोकेट

नाम अदालत
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 पैरवी 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 पैरोकार को भेजता रहूंगा ऊपर मुकदमा अवम 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।

Zubeir Ahmed
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९७० ई०

Answer No. 1

(3)

- (1) नाम श्री अवेर अहमद
- (2) पद (002- चालक (330-580)
- (3) जन्म-तिथि 12.4.34
- (4) नियुक्ति-तिथि 25.4.52
- (5) वर्तमान वेतन-मान में नियुक्ति-तिथि 29.4.52
- (6) नियुक्ति स्थान गीडा
- (7) नियुक्त अधिकारी प्रवर पं० रजनी निधि

12/4/52

(127)

Annexure No. 2

(1) Name SHRI. ZUBAIR AHMAD
(2) Designation DRIVER C. (330-500)
(3) Date of birth 12. 4. 34
(4) Date of appointment 25-4-52
(5) Date of posting in present grade 29-4-82
(6) Station of posting C. C. N. D. A.
(7) Controlling Officer.....

✓
C. C. N. D. A.

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ANNEXURE No. 3.

The General Manager,
M.L.Railway,
Gorakhpur (THROUGH PROPER CHANNELS)
Respected Sir,

Sub: Request for promotion to the post of Junior Engineer

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 25-4-52 on sport 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 a prominent Athlete of M.L.Rly as well as C.R. and also established a new meet record in 200 Metres and 400 Metres low hurdle in M.L. Rly. Athlete meet and until nowbody 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-Railway Athlete meet in 1953 held at New Delhi.
- 3- The main issue is that I have been retired from Rly. service on 11-5-80 at Dry Rly. Station while I was working 190 D.M.L. Gond to Delhi through telephonic message served to me by S.O. at/DRP. The language of the memo is as under:-

CT. e-j
✓
✓
✓

1980 11-5-80
57/-

M. K. Singh

Driver Sri Subbarao 4/10-1980 for 1 1/2 years from 1-10-1978 to 30-9-1980. He is a very good worker.

(147)

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-2-

that you are retired on 30-4-1933. Hence not allowed
proceed
duty and ~~proceed~~ to office / LJM. I worked 190 Dn. on
10-5-33".

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/LJM and also met DLM(1)
but all in vain no fruitful results come out. It has
already been shown in memo LJM/203-LJM 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 fault 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.

Thanking yours,

Yours faithfully,

(ZUBER AHMED)
Dr. 'A' / Stern Loco Shed/GI

1- Copy to Sri Gauri Shankar, Sec./Muz. Gorakhpur in
advance for his kind information and early necessary action
please.

2- Copy to Sri M. K. Tewari, Sec./Muz/GI for his kind
information and early necessary action.

3- Copy to DLM/(1)/Muz/LJM for kind information and
necessary action please.

4-Copy to DM/LJM for kind information and early necessary
action please. Loco-20-12-31 (ZUBER AHMED) Dr. 'A' etc.

C.T. e. J. M.
V. K.

Zuber Ahmed

(157)

A-28

AMMUR 10. 4.

10

The Hon'ble Md. General Manager,

North Eastern Railway,

GORAKHPUR.

Respected Sir,

With the respect I beg to inform your honour that on 10-5-68 I was working 190 Dr. Passenger Ex. Gond to Gorakhpur (Via 100). At day I was informed by SIK/DM that I was not to work the train further as I had been retired from 30-4-68 as informed by control. So I came back to the quarter (Gond) by 103 hrs on 11-5-68. I waited for 3 months but nothing was heard further. I then made an appeal to G.M. GOR/GM and DM SIK/DM in this connection but no reply was given. My children who were getting education in Intermediate, B.A. and M.A. 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 12-4-1924. My son is now a student and who is reading in Intermediate and he is 16 years old.

Yours faithfully,
(Zaman Khan) Driver Passenger
Gond.

C.T. eijaw
C.T. eijaw

Zaman Khan

अनेकजर नं०- ५.

नोटिस अन्तरगत धारा 80सी0पी0सी0 श्री जुबेर अहमद झाइवर
ग्रेड ० लोको सेड पू०रे० गोण्डा के द्वारा श्री के०पी० पान्डेय
साहबगंज रेलवे कालोनी बडगाँव गाँवडा । ब्रनाम

1. मंडल रेल प्रबन्धक पू०रे० लखनऊ, मंडल लखनऊ ।
2. अवर मंडल कार्मिक अधिकारी पू०रे० लखनऊ ।

मैं आपने सायल श्री जुबेर अहमद झाइवर पुत्र श्री
स्व० मो० यार मि०क०एल/32 ए बडगाँव छ गोण्डा पोस्ट बडगाँव
जिला गोण्डा हाल पता झाइवर ग्रेड ए लागो ग्रेड पू०रे० गोण्डा के
द्वारा प्रदत्त अधिकारों के माध्यम से निम्न बातों की नोटिस दे
रहा हूँ।

धारा-1

यह कि मेरे सायल को आप के लोगों के द्वारा एक मेमो
जारी किया गया है जिसका आर नम्बर 203 दिनांकित 10. 5. 88 का
है जिसमें मेरे सायल को आपके पत्र द्वारा रिटायर्ड कर दिया गया है।
जबकि उस समय मेरा सायल दि० 10. 3. 88 को गाड़ी नं० 190 गोण्डा
से बढनी को लेकर गया तथा तो बढनी के सहायक स्टेज मास्टर इस
बात से की सूचना कन्ट्रोल से आपके कार्यालय द्वारा दी गयी कि
श्री जुबेर अहमद को रिटायर्ड कर दिया गया है तब- और उन्हें
आप इस बात की सूचना से अवगत कराकर स्पेयर करके वापस कर
दिया जाय। तो सहायक स्टेज मास्टर बढनी ने मेरे सायल को
उक्त कन्ट्रोल के सूचना के आधार पर मेरे सायल को स्पेयर मेमो
देकर वापस गोण्डा भेज दिया।

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धारा-2

===== यह कि मेरे साथल को रिटायर्ड होने की पूर्व कोई नोटिस

बताने का नहीं है

धारा-2

===== यह कि मेरे साथल को रिटायर्ड होने की पूर्व कोई नोटिस

नहीं दी गयी है जो कि नियमतः वो कानूनन गलत हैं।

धारा-3

===== यह कि मेरे साथल का जन्म तिथि आपके द्वारा 12. 4. 1930

बताया गया है जबकि उसका कागज के मुताबिक जन्म तिथि

12. 4. 1934 हैं।

धारा-4

===== यह कि मेरे साथल से आपके बताये गये जन्म तिथि के

अनुसार भी लगभग ग्यारह दिन ज्यादा काम लिया गया है। जो

कि कानूनन व वाकियातन गलत है

धारा-5

===== यह कि इस प्रकार से एक एक जबरदस्ती रिटायर्ड कर

देने से मेरे साथल को मानसिक आत्यधिक कष्ट है और उसका आर्थिक

धारा-5 यह कि इस प्रकार से मेरे साथल के साथ आप के कार्यालय

से धोखा एवं फरेब करके समय से पहले ही रिटायर्ड कर दिया गया।

धारा-6

===== यह कि इस प्रकार से एक एक जबरदस्ती रिटायर्ड कर दे ने

से मेरे साथल को मानसिक आत्यधिक कष्ट है और उसका आर्थिक

एवं मानसिक नुकसान हो रहा है।

धारा-7

===== यह कि मेरा साथल आपके कार्यालय में इस पूर्व रिटायर्ड

होने के बाद जानकारी हासिल करने के लिए बराबर पहल करता

हूँ चला आ रहा है लेकिन मेरे साथल को आप के विभाग के द्वारा

कोई न्यायोचित एवं सन्तोषजनक उत्तर आज तक नहीं मिल

पाया है।

धारा-8

===== यह कि मेरे सायल के साथ उचित न्यायनहोने के कारण एवं उसके साथ जबरन आदेश होने के कारण मेरे सायल को आप लोगो उपर नोटिस देने के लिए मजबूर कर दिया है।

अतः आपको इस बात की सूचना नोटिस के माध्यम से दी जा रही है 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 तक्ष न्यायालय को ~~कसम शरक~~ लेगा नोटिस आप संभाल कर स्वयं रखे यह आप की जिम्मेदारी होगी।

दि०- 2/8/88

भमदीय

दे०पी०पान्डेय एडवोकेट, साहबगंज
रेलवे कालोनी, पो०-बड़गाँव
गोण्ड-

C.T.E.
V. K.

Amad

अनेबजर नं०- 6.

सेवा में,

श्री मान मण्डल रेल प्रबन्धक, यांत्रिक

पूर्वोत्तर रेलवे, लखनऊ

द्वारा

उचित माध्यम

विषय स्थानान्तरण भत्ता स्वीकृति ।

महोदय,

सेवा में निवेदन है कि प्रार्थी 58 वर्ष की आयु में दि० 30. 4. 88 से निवृत्त हुआ है। प्रार्थी की जन्मतिथि का विवाद होने से प्रार्थी का चुकौता भुगतान समय से नहीं हो पाया। अब प्रार्थी का चुकौता भुगतान स्वीकृत हो गया है।

प्रार्थी को ज्ञात हुआ है कि उसका सेवा निवृत्त ग्रांट स्वीकृत नहीं हुआ है क्योंकि प्रार्थी ने अपना अस्थाई पता गोण्डा का ही दिया था, परन्तु अब प्रार्थी का सेटलमेन्ट के कागजात तैयार होने के बाद प्रार्थी ने यह फैसला किया कि वह अपने पेरिडिक निवास स्थान ग्राम-बहेरी, पो०-बलिया, जिला-बलिया ३०९० में स्थाई तौर पर निवास करेगा।

अतः आपसे प्रार्थना है कि प्रार्थी को स्थानान्तरण भत्ता

एवं पेरिडिक भत्ता की स्वीकृति की जाए।

महान कृपा होगी।

दि०-22. 9. 1989

मं० रं० प्र० यांत्रिक लखनऊ

उचित कार्यवाही हेतु

अग्रसारित

ह०/अपठनीय

लौको फोरमैन

पूर्वोत्तर रेलवे, गोंडा

प्रार्थी

ह०/अपठनीय

जुबैर अहमद

भूतपूर्व चालक

Almas

(207)

A20

MEMORANDUM NO. 7.

TO,

The Hon'ble Railway Minister

New Delhi.

Respected Sir,

With due respect I beg to inform your Honour that on 10-5-33 I was working 190 D Passenger Train Gondal to Gorakhpur (Via Moco). At Day I was informed by S.M./D.M. that I was not to work the train further as I had been retired from 30-4-33 as informed by control. So I came back to Headquarter (Gondal) by 193 UP in 11-5-33. I waited for 3 months but nothing was heard further. I then made an appeal to G.M., S.M./G.M. and S.M. Sr.D.M./S.M. in this connection but no reply was given. My children who were getting education in Intermediate, B.A., B.L., 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 12-4-1934 or bestow job to my son Sri Aftab Ahmad who is residing in intermediate and he is 19 years old.

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

Yours faithfully,

Zubair Ahmad

Driver Passenger 'A'

Moco Shed Gondal

Dated- 23-12-33

C.T. J. J.

Almas

(217)

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अनेकजर नं०-८.

सेवा निवृत्त

पूर्वोत्तर रेलवे
एन०ई० रेलवे

एन०ई०-जी०४०ए०

आर०बी०-जी०एल०।९

दोनो तरफ लिखे

संख्या नं० ई०/पी०सी०/जुबेर अहमद/चालक दि०- 17. 4. 89

मंडल रेल प्रबन्धक कार्मिक
लखनऊ

सेवा में श्री जुबेर अहमद यू-२ चालक/गोण्डा
ग्राम-बहोली

पोस्ट-बलिया, जिला बलिया

उ० प्र०

विषय- सेवा निवृत्ति ।

संदर्भ आपका आवेदन पत्र दि० 7. 4. 89 अपर महाप्रबन्धक को
सम्बोधित

आपका देस मंडल रेल प्रबन्धक महोदय के अवलोकन एवं
आदेशार्थ प्रेषित किया गया, किन्तु आपको पुनः डियूटी पर
लेने का 58 वर्ष की उम्र पूर्ण करने के पश्चात् कोई प्रावधान न
होने के कारण आपको डियूटी से बहाल करना सम्भव नहीं है।

कृपया सम्बन्धित हित निरीक्षक से सम्पर्क स्थापित कर
सेवा में निवृत्ति संबंधी लोगों के अन्तरगत भरे जाने वाले फार्म
तुरन्त भरकर इस कार्यालय में जमा करे ताकि आपको यथा शीघ्र
सेवा निवृत्ति संबंधी देय धन के भुगतान का प्रबन्ध किया जा सके।

कृते मंडल रेल प्रबन्धक का.
लखनऊ

प्रतिलिपि- लोको फोरमैन/गोण्डा को सूचनार्थ एवं आवश्यक

कार्यवाही हेतु प्रेषित ।

ह०/अप०नीय
कृते मंडल रेल प्रबन्धक का.
लखनऊ

C.T. V. J. S.

M. M. S.

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-2-

3- The main issue is that I have been retired from Rly. Service on 11.5.88 at BIRLY station while I was working on 190 Dn. Ex-Good to send through a telephonic message served to me by sub. Supdt/BR. The language of the Memo is as under-

Memo BR 10-5-88

"Driver Sri Juber Ahmed/GD-18 per LML/LJM order that you are retired on 30-4-1988. Hence not allowed duty and proceed to office/LJM. He worked 190 Dn. Ex-Good on 10-5-88".

4- On this I become very much disturbed and astonished because I was to retire on 30-4-1992 as my date of birth is 12-4-34. This sudden information puzzled me and I immediately but all in vain, no fruitful results came out. It has already been shown in Memo LML/203-LJM dtd. 10-5-88 as my date of birth is recorded in my service records in 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 great difficulty along with my children and they are all in higher education. I am unnecessarily being harassed without any fault of mine.

If there is something against me it could have been intimated about my any fault if any, or else the administrative action is quite baseless. I require justice only. Thanking you.

Yours Faithfully

(JUBER AHMED)
Driver 'A' / Steam Loco Sd/-
GD

Dated: 15-12-88

C.T. Juber

Juber

(247)

ASU

अनेक्जर नं०- 10.

पूर्वोत्तर रेलवे

यां/275/1/पुरस्कार/भाग-3/84

कार्यालय मॉडल रेल
प्रबंधक यां
लखनऊ दिनांक 1/1/87

श्री मो० सुलेमान,

चालक/ए स्पे० एवं

श्री जुबेर अहमद चालक/बी/गोंडा

=====

विषय:-नामांकित इंजन 2536 वाई पी का रखरखाव एवं
कोयला खत में व्यत ।

इंजन नं० 2536 वाई पी जो गोंडा शेड का उपरोक्त चालकों
को नामांकित हैं। दोनों चालक अपने इंजन को सही एवं अच्छी तरह
से मैनटेन किये हैं एवं साथ ही साथ कोयले की एवं अन्य सामानों
की खत में बहुत व्यत करते हैं। तथा जिस भी गाड़ी में इनको बुक
जाता है उसे समय से पहुँचाने की अत्यधिक प्रयास करते हैं।

इस सराहनीय कार्य के लिये उपरोक्त चालकों की प्रशंसा की
जाती है।

वृत्ते मंडल रेल प्रबंधक यां लखनऊ।

C. T. J. K.

Sh. K. Maad

A-35

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. Owaish working as Sr. Div. Personnel 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 applica-
tion 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(1) That the contents of para-6(1) of the application
are wrong, hence denied. It is stated that the applicant
was initially appointed as temporary rake attendant on

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25.4.52 in scale of Rs 30-35 vide^{2x} District Machanical Engineers Gonda's office order no. E/27/4053 dated 25.4.52. It is clear that the applicant was not appointed intially as Engine cleaner.

6(ii) That the contents of para-6(ii) of the appli-
cation are wrong hence denied. In reply thereto it
is stated that ~~the~~ at the time of oppointment the
applicant was sent for final medical examination and
as per fit certificate no. 131 dated 16.4.52 issued
by the Assitant Surgeon grade I O.T. Railway Gonda his
age was recorded 22 years as on 18.4.52 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} ~~state~~ certificate to assess the date
of birth at the time of intial oppointment 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 represent^{ed} for correction of
his date of birth vide representation dated 29.12.60
mentioning therein that his actual~~ly~~ 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 ^{by} Ex. District Machanical Engineer
Gonda vide his letter no. E/PC/N/1 dated 31.5.61

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mentioning therein ^{that} ~~their~~ alteration in the applicant's date of birth can not be accepted. This fact itself reveals that the claim ^{of} 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. ⁱⁿ ~~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 ^{payment} ~~appointment~~ of his settlement dues.

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

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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/L~~1~~ 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, through out.

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.

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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

For Smt. N. Islam

THROUGH

B. K. Shukla
(B. K. SHUKLA)
Advocate

Counsel for the respondents.

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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.M.N. Islam, filed on behalf of the opposite

Zubair Ahmad

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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 Attendent 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

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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

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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

Zubair Ahmad

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 ~~non~~ 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.

Lucknow:

Dated: August , 1992.

Lubair Ahmad
Deponent.

VERIFICATION

I, the abovenamed deponent, do hereby

Lubair Ahmad

(Signature)

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 GOD.

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 contents of this affidavit which have been read over and explained to him by me.

Oath Commissioner.

Zubair Ahmad

वकालतनामा

..... Central Administrative Tribunal Bench Lucknow के समक्ष
..... O.A. 131/90 (L) के न्यायालय में

वादी
प्रतिवादी

Zulair Ahmed

दावेदार
अपीलाधी

प्रतिवादी
वादी

बनाम

Union of India & others

अर्जीदार
प्रत्यापी

भारत के राष्ट्रपति इसके द्वारा श्री

B.K. Shukla Rly. Advocate

Lucknow

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवदन करने और अन्य 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 निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवदन 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/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यापी/अपीलाधी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिपत्रण करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को 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/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाए और ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम 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 सम्यक् रूप से निष्पादित किया जाता है।

तारीख 19

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Accepted
B.K. Shukla
Advocate

S.M.N. Islahi
प्रिण्ट करने वाले अधिकारी का पदनाम
प्रवा

S.M. 23

417

NS/CCS
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VAKALATNAMA

Before
In the Court of

Central Administrative Tribunal Bench Lucknow

OA No. 131 of 1990 (L)

Zulair Ahmed

Versus

Union of India and others

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

N.E. 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..

Accepted
B.K. Shukla
Advocate (K. P. Singh)
24/10

Sl. No 27

18

NS/CCS
64

VAKALATNAMA

Before
In the Court of

Central Administrative Tribunal Bench Lucknow

OA No. 131 of 1980 (C)

Zubair Ahmed

Versus

Union of India and others

I/We. S.M.N. Islam Sr. Divl. Personnel

Officer N.E. Railway 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/Application/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

Accepted
B.K. Shukla
Advocate

Sd/-
(S.M.N. Islam)