

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal,
Circuit Bench Lucknow
Date of Filing 26/4/90
Date of Receipt 26/4/90

Deputy Secretary

Registration No. 146 of 1989

APPLICANT(S)

R. K. Shukla

RESPONDENT(S)

U O S

Particulars to be examined	Endorsement as to result of examination
1. Is the appeal competent ?	Ys
2. a) Is the application in the prescribed form ?	Yn
b) Is the application in paper book form ?	
c) Have six complete sets of the application been filed ?	
3. a) Is the appeal in time ?	Ys
b) If not, by how many days it is beyond time?	
c) Has sufficient case for not making the application in time, been filed?	
4. Has the document of authorisation/ Vakalatnama been filed ?	Ys
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Ys
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	Yn
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Ys
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Ys
c) Are the documents referred to in (a) above neatly typed in double space ?	Ys
8. Has the index of documents been filed and paging done properly ?	Yn
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?	Ys
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	Yh

C. H. 1216 / 90 (L)

R. K. Shukla

vi.

V.O. + (N. Py.)

A-18 H2 ✓

- A-3 to A-4, A-5 ✓

- A-5 to A-7 ✓

- A-9 to A-27 ✓

- A-29 to A-41, A-61 to A-64 ✓

- A-42 to A-47 ✓

Power - A-48 to A-53 ✓

M.P. - A-54 to A-60, A-65 to A-68 ✓

B-1 to B-55 ✓

File B/C needed out / destroyed

C-1 to C-10

1 - Note, under copy, lower

by

S.O. (5)

28/1/13

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 ?

dinesh/

(A2)

Ys

Ys

No

Ys

Ys

NA

Ys

Ys

Ys

5

8.1.91 Hon Mr D. P. Agrawal, J.M.
Hon Mr K. G. Ganga, J.M.

(A2)

Shri Om Prakash & Mani
Tiwari, brief holder of the
L.P. Shukla for applicant
and requests for adjournment.
Shri Anil Srivastava for the
state that shoot counter already
on road bearing caption "Shoot
Counter" be decided in Council.
Adj to 16.4.91 for hearing

6

PM

Dep
J.M.

6

16.4.91

No sitting adj to 2.8.91
2.8.91

7

2.8.91

No sitting adj to 23.10.91
2

OR

Case ready
for hearing
S.F. H.

24/10/91

23.10.91

None for the applicant.
Mr P. Srivastava counsel for respondents.

may be listed on 9.1.92 for
hearing.

(S. M. Prasad)

Member Jui.

(Kausal Kumar)

(Kausal Kumar)

Vice Chairman

9.1.92

NO sitting adj to 20.3.92

2

GA 146/80-

23.3.92

No Siling of D.B. adjn 13.5.92

(A.M.)

13 CS

No Siling of D.B. adjn

17.7.92

or
submitted for
10/11

17.7.92

Hon. Mr. Justice C. Srivastava, re
Hon. Mr. K. Chayya, Am.

In this case the applicant has
pleaded for quashing the notice
dt 2-2-90 and further the
respondents are directed to
appoint the applicant on the
post of Khalas on the basis
of their selection and
embarkment dt 22-5-84
as per the order of the
Hon. S.C. dt 8-9-83. Sri
Anil Srivastava Counsel for
the respondents states that
in view of the Supreme Court
order it has become
infraction - Sri Am. Tripathi
states that the abolition
has not become infraction
and the application
deserved to be allowed.
We have looked into
the case and given
one opportunity for
case on 5-8-1992 for
hearing.

(M)

AD

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re.

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW

Original Application No. 146/90

R.K.Shukla and others

Applicant

versus

Union of India & others

Respondents.

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

Hon. Mr. K. Odayya, Adm. Member.

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

The instant application is directed against the formation of panel of 149 temporary Khalasis in the grade of Rs 750-940(RPS) on 2.2.1990 and the ~~xxxx~~ exclusion of the applicant from the said panel in contravention of the order passed by the Hon'ble Supreme Court dated 8.9.1988 and the interim order of this Tribunal dated 27.9.1989. As the application for panel was invited and the applicant applied for the same, and thereafter, panel was prepared on 22.5.84 and the same was cancelled on 3.1.85 without any notice. Another notice was issued inviting the applications. Some of the applicants filed writ petition before High Court Allahabad and some of them filed applications before the Tribunal and they (writ petitions) were transferred to this Tribunal. On 5.5.86, yet another notification was issued for panel of 250 Khalasis. In O.A. 84/89 which was also filed challenging the selection a direction was given by the Tribunal that 81 posts

AG

of Khalasis shall remain unfilled. The interim order was vacated on 2.2.90 and on that date a panel of 149 persons selected as Temporary Khalasis in the grade of Rs 750-940(RPS) was announced in which the applicants were not called. The applicants have challenged the same praying that the panel dated 2.2.90 be quashed and the respondents be directed to appoint them on the post of Khalasis on the basis of their selection and empanelment dated 22.5.1984 as per orders of the Hon'ble Supreme Court dated 8.9.1988.

2. The respondents have opposed the application and have admitted that in the case of Dharmendra Nigam matter went upto Supreme Court and the Supreme Court issued the following directions:

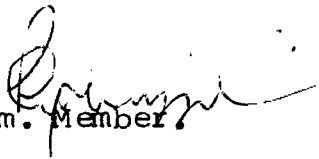
"We direct the Railway Authorities to treat the appellants as claimed by them and then consider them along with the other applicants, if any, belonging to the same category as the appellants and having similar preferential claim, and pass appropriate orders of appointment in the existing vacancies expeditiously preferably within two months from today."


Even after the above directions of the Supreme Court also in that case observed that bar of age will not be against any of the applicants. It was thereafter

according to the respondents applications were invited for fresh panel and in another case, C.A. No. 116/90 Akhilesh Singh vs. Union of India and others decided on 14.7.92, after taking into consideration the above case of Supreme Court we made the following observations:

"We make it clear that the applicant shall also be given appointment as and when vacancy arises in accordance with the seniority and the fact that the applicant has become over age and that the applicant has not been a party to any application earlier, will not stand in his way. With these observations, the application stands disposed of finally. In case any vacancy exists, the applicant will be given appointment against the existing vacancy. No order as to costs."

The above observation made in that case will apply in the present case also. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated 7.1.93

A-8

A.P. No. 417 of 1993

IN

O.A. No. 146 of 1990

23.4.1993

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

Hon. Mr. K. Jajya, Member (A)

After the decision of this case, this application has been moved by the applicant on 23.4.1993 which has been signed and verified by the applicant @no.1 stating therein that the name of Zafar Ahmad son of ~~20002~~ Zubar Hussain may be incorporated as applicant no. 7 and it has been stated that this application has been filed by K.K. Shukla and others and due to the mistake the name of Zafar Ahmad could not be incorporated. As a matter of fact, in the application, the names of six applicants have been described. The said Zafar Ahmad has also not filed his own affidavit along with this application. It has been stated that the main application was moved on 27.12.1992 and the judgment of the case was delivered on 7.1.1993. As such, in case the applicant's case is covered with this judgment, he should file a fresh application. Accordingly, this application is rejected.


V.C.


K.J.

(n.c.)

Adm. Bench
Circuit Bench
Date of Filing 26/4/90
Date of Receipt
V W

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Rajendra Kumar Shukla & others Applicants
Versus
Union of India & others Respondents

FORM - I

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

For use in Tribunal's Office :

Date of filing _____

or

Date of receipt by post _____

Registration No. _____

Noted for
13/5/90
HL
26/4/90

(A-10)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW

O. A. No. 146 of 1990 (L)

Rajendra Kumar Shukla & others Applicants

Versus

Union of India & others Respondents

I N D E X

<u>Sl. No.</u>	<u>Description of papers</u>	<u>Page Nos.</u>
1.	Application.	.. 1 - 17
2.	Annexure No.1-Circular dated 16/19.10.1987 P.S. No. 9408.	.. 18 -
3.	Annexure No.2- Order dated 8.9.88 of Hon'ble Supreme Court.	.. 19 - 20
4.	Annexure No.-3 Notice dated 8.9.89 issued by the Dy. Chief Mechanical Engineer, C & W Workshop.	.. 21 - 25
5.	Annexure No.-4 Notice dated 2.2.90 of panel of 149 temporary khaleasis.	.. 26 - 30
6.	Power.	.. 31

f.T.
JyP
26/4/90

Place : Lucknow

Date : April , 1990.

Signature of the applicant.

राजेंद्र कुमार शुक्ला

26/4/90
V h

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. 146 of 1990 (L)

BETWEEN

Rajendra Kumar Shukla & others Applicants

Versus

Union of India & others Respondents

DETAILS OF APPLICATION :

1. Particulars of the applicants :

(i) Name of applicants :

(ii) Name of the father :

1. Rajendra Kumar Shukla
s/o Sri Shyam Sunder

2. Bal Krishna Pal
s/o Sri Suraj Bali

3. Anil Kumar Pal
s/o Sri Chaube Lal

4. Narottam Lal
s/o Sri Sangam Lal

5. Naresh Kumar Sharma
s/o Sri Radhey Shyam
Sharma

6. Mahesh Kumar Sharma
s/o Sri Shiv Ratan

(iii) Designation and office
in which employed .. Nil.

राजेंद्र कुमार शुकला

AN

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(iv) Address of office ... Nil

(v) Address for service of.. C/o Rajendra Kumar
all notices
Shukla, resident
of 31/3 Purani
Labour Colony,
Aishbagh, Lucknow.

2. Particulars of the respondents :

- (i) Name and/or designation of the respondents.
1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
 2. Dy. Chief Mechanical Engineer (W), Carriage & Wagon Workshop, N. Rly., Alambagh, Lucknow.
 3. The Assistant Personnel Officer (W) Carriage & Wagon Workshop, N.Rly., Alambagh, Lucknow.

(ii) Office address of the respondents.

- do -

(iii) Address for service of all notices.

- do -

राजेंद्र कुमार शुक्ला

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6. Facts of the case :

The facts of the case are given below :-

- 6(1). That the present application is directed against the formation of panel of 149 temporary khalasis in grade of Rs.750-940(RPS) on 2.2.1990 and the illegal and arbitrary exclusion of the applicants from the said panel in contravention of the order of the Hon'ble Supreme Court dated 8.9.1988 and the interim order of this Hon'ble Tribunal dated 27.9.1989.
- 6(2) That the applications were earlier invited for formation of a panel of casual labour/ khalasis by letter dated 19.8.1983 by respondent No.3.
- 6(3) That the applicants submitted their applications on the basis of the aforesaid letter dated 19.8.1983 and after the due process of selection they were successful and were brought on the panel of 187 successful candidates by notification dated 22.5.1984.
- 6(4) That instead of making appointments of the candidates on the aforesaid panel dated 22.5.1984 the said panel was arbitrarily cancelled by order dated 3.1.1985 by respondent No.2 without disclosing any reason or prior notice or affording any opportunity to show cause against the proposed cancellation.

राजेश कुमार शुक्ला

- 6(5) That simultaneously on the same date of cancellation of the said panel i.e. 3.1.1985 another notice was issued inviting applications to empanel 127 persons as khalasis.
- 6(6) That the applicants being aggrieved by the cancellation of the panel dated 22.5.1984 and on 3.1.1985 inviting applications on the same date to empanel 127 khalasis, some of the applicants filed writ petition No. 590 of 1985 in the Hon'ble High Court at Lucknow. The majority of the applicants also filed an application before this Hon'ble Tribunal as O.A. No. 500 of 1986. The respondents postponed the interview to be held from 22.7.1985 to 3.8.1985 by letter dated 27.7.1985.
- 6(7) That after coming into force the Central Administrative Tribunal Act, 1985, writ petition No.590 of 1985 - Mohd. Ashfaq and others Vs. Union of India and others, stood transferred to this Hon'ble Tribunal u/s 29 of the said Act.
- 6(8) That respondent No.2 issued another Notification dated 5.5.1986 inviting applications to form a panel of 250 khalasis in Carriage & Wagon Workshop. Against the aforesaid notification dated 5.5.1986 an application was moved by the applicants in the above writ petition No.590 of 1985 for staying the selection of khalasis on the basis of the aforesaid notifi-

रजिस्ट्रार जनरल मुंबई

cation . No order on the said application could be passed as the writ petition stood transferred to this Hon'ble Tribunal and the stay application is still pending for disposal. The applicants also made a representation to the opposite party No.2 endorsing a copy thereof to the General Manager, Northern Rly., that since they have been selected and empanelled they are to be given appointment first.

6(9)

That the respondents in their counter affidavit to the above writ petition No. 590 of 1985 have taken the plea that the panel of casual khalasis on daily wages during 31.1.1984 to 31.12.1990 was formed on 22.5.1984. However, in view of the ban on filling up of the vacancies as notified by the Railway Board vide their letter No.E(G)84/HC-2-1 dated 15.3.1984, the entire panel, including the applicants, could not be engaged as casual labour. It was further stated that in the meantime direction was also received from the Railway Board vide their letter No. E(NG)/11-84/CL/43 dated 7.6.1984 as circulated vide G.M.P's letter dated 6.7.1984 (PS) 8547 that the strength of casual labours as existing on 1.1.1984 should be frozen and this strength of casual labours be absorbed in regular service against vacancies arising from time to time. On this basis the stand taken in the counter affidavit was that the panel of casual khalasis dated 22.5.1984 became irregular and was cancelled.

रजनीश कुमार शुक्ला

- 6(10) That the aforesaid factual position does not disentitle the applicants duly selected and brought on the panel of casual khalasis from being absorbed as regular khalasis after due screening on completion of 120 days continuous service as casual labour in accordance with the rules. The action of the respondents dated 22.5.1984 after more than 9 months by notice dated 3.1.1985 was wholly illegal, arbitrary and malafida and amounts to discriminating the applicants in matter of appointment. It is also in contravention of the policy as laid down in the Directive Principles under Part -IV of the Constitution of India.
- 6(11) That the interviews of candidates were held in a clandestine ~~manner~~ and underhand manner and accordingly a panel dated 12.9.1986 was formed of 120 persons to the exclusion of the applicants. The applicants were thus deprived of their chances of appointment as khalasis. Many of them in the meantime became overage and therefore ineligible in accordance with the rules.
- 6(12) That the action of the respondents in successively drawing up a panel for appointment of khalasis during the pendency of the writ petition No.590 of 1985 in the Hon'ble High Court and application No.500 of 1986 was arbitrary, malafida and discriminatory with a view to jeopardise the applicants' chances for appointment as khalasis.

रजनीश कुमार शुक्ला

- 6(13) That this Hon'ble Tribunal by its judgment and order dated 24.11.1987 dismissed the Registration O.A. No. 500/86 alongwith O.A. No.206/87.
- 6(14) That in the aforesaid judgment and order dated 24.11.1987, rejecting the applicants' claim, this Hon'ble Tribunal accepted an altogether different stand taken by the respondents.
- 6(15) That the selection of the applicants on the post of casual labour was said to be irregular inasmuch as outsiders through the Employment Exchange were not considered for the same. This stand of the Railway Administration was wholly untenable in the facts and circumstances of the case and was taken up as an after thought and which was not taken up in the counter affidavit to writ petition No. 590 of 1985, which has been transferred to this Hon'ble Tribunal and registered as T.A. No.1705/87 (Mohd. Ashfaq and another vs. Union of India and others) and is still pending before this Hon'ble Tribunal.
- 6(16) That by circular No.220-E/O-21(E-IV) dated 16/19.10.1987 printed sl. no. 9408 regarding employment of sons and wards of Railway Employees in class IV category it has been clearly laid down while endorsing an earlier circular dated 28.9.1984, p.s. No. 8601-A on the same subject that such sons/immediate

राजेश कुमार शुक्ला

dependents of railway employees be given preference. The earlier circular dated 28.9.1984 provided that their applications may be received direct without going through the agency of Employment Exchange. It was clearly laid down that such sons/immediate dependents for recruitment to Class IV category who are nearing retirement be given preference. A photostat copy of the circular dated 16/19.10.1987 P.S. No.9408 is being filed as Annexure No.1 to this application.

Annexure-1

- 6(17) That the respondents clearly suppressed the aforesaid circular dated 16/19.10.1987 P.S. No. 9408 from this Hon'ble Tribunal in order to mislead it in passing the judgment and order dated 24.11.1987 regarding employment of sons and wards of railway employees in class IV category.
- 6(18) That the stand taken by the Railway Administration in not drawing up the panel of casual khalasis but only of regular khalasis on account of the ban is inconsistent and legally untenable, although the bar imposed by the Railway Board is not applicable in the facts and circumstances of the present case of applicants. This technical plea was raised in order to exclude the applicants from being considered for regularisation as khalasis from the subsequent panel of khalasis drawn up by the respondents illegally and mala fide during

21.5.88 अ.म.ल. गुजरात

the pendency of the writ petition No.590/85 and application O.A. No.500/86 before this Hon'ble Tribunal.

6(19) That in any case the applicants in accordance with the rules on screening after 120 days continuous service are entitled for regularisation. Thus the applicants, by illegal and arbitrary cancellation of the panel by order dated 3.1.1985, were deprived of their chance of appointment as khalasis and subsequent recruitments of khalasis are wholly illegal, arbitrary, malafide and discriminatory from which the applicants were excluded and in the meantime most of them also became overage.

6(20) That an S.L.P. was filed in the Hon'ble Supreme Court against the judgment and order dated 24.11.1987 passed by this Hon'ble Tribunal. By its order dated 8.9.1988, the Hon'ble Supreme Court, on the basis of statement made by the learned Addl. Solicitor General, ordered that the bar of age would not be made against any of the applicants when a fresh panel is prepared. This concession as made by the Addl. Solicitor General shall operate in respect of the consecutive advertisements for employment. This is so in view of the fact that the applicants have already been in panel and that panel has been cancelled without giving notice to them. A photostat copy of the order dated 8.9.1988 of Hon'ble Supreme Court is being filed herewith as Annexure No.2.

- 6(21) That on the basis of the aforesaid order, the applicants preferred a representation dated 5.1.1989 to the respondents.
- 6(22) That in spite of the aforesaid order on the basis of the statement made by the Addl. Solicitor General on behalf of the respondents, the respondents are determined to deprive the applicants from consideration and appointment as khalasis.
- 6(23) That by notice dated 8.9.1989 applications have been invited for drawing up a panel of 150 persons for filling up the post of khalasis in Carriage & Wagon Workshop, the same for which the applicants were selected and empanelled. In this notice the applicants have also been allowed to submit their applications on the basis of the order dated 8.9.1988 passed by the Hon'ble Supreme Court. The applicants accordingly submitted their applications and were called for interview.
- 6(24) That the selection test for which the applicants were subjected on the basis of the notice dated 8.9.1989 inviting applications for drawing up a panel of 150 khalasis was the same to which they had already been subjected earlier. They were required to lift a gunny bag weighing 37½ kg. and were also asked a few questions orally by way of an interview. This process of selection was adopted when the applicants were

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brought of the panel of 187 successful candidates by notification dated 22.5.1984 and which was subsequently cancelled on 3.1.1985 as already stated above. The process of selection in the present case was, therefore, the same and this process of selection has been adopted for drawing up successive panels of khalasis by the respondents.

- 6(25) That this Hon'ble Tribunal by its order dated 27.9.1989 in O.A. No. 84/89 has directed that till further orders of this Hon'ble Tribunal in this case, 81 posts of khalasis shall remain unfilled. The respondents without considering the applicants' claim and drawing up a panel in accordance with law as directed by this Hon'ble Tribunal have moved an application for vacating the aforesaid interim order dated 27.9.1989.
- 6(26) That the aforesaid action of the respondents to get the interim order vacated without considering the applicants' claim in accordance with the directions of the Hon'ble Supreme Court and without drawing up the panel of khalasis after due consideration of their claim is wholly malafide and motivated with the intention to exclude them from appointment as khalasis. In the circumstances inviting applications from them as per notice dated 8.9.1989 in terms of the directions of the Hon'ble Supreme Court is a mere eye wash.

रमेश कुमार शुक्ला

- 6(27) That the respondents were determined to exclude the applicants from the panel of khalasis; hence the application to get the interim order vacated. The process of selection, therefore, was a mere eye wash and only an excuse to screen out the applicants by violating the letter and spirit of the order of the Hon'ble Supreme Court.
- 6(28) That this Hon'ble Tribunal by its order dated 2.2.1990 vacated the interim order and directed that the respondents may proceed to form the panel in furtherance of the advertisement dated 8.9.1989 bearing in mind the observations of the Hon'ble Supreme Court as also the applicable provisions in respect of sons and dependents of the working railway employees.
- 6(29) That by notice dated 2.2.1990, the same date on which this Hon'ble Tribunal vacated the interim order, a panel of 149 persons selected as temporary khalasis in grade Rs.750-940 (RPS) was announced. A photostat copy of the notice dated 2.2.1990 of panel of 149 temporary khalasis is filed as Annexure No.4 to this application.
- 6(30) That some of the applicants were not even called for selection and interview for the panel declared on 2.2.1990 which was admittedly conducted from 1.1.1990 to 29.1.1990 in spite of the fact that they had submitted their

Annexure-4

रजिस्ट्रार कृपा २३/११

applications in terms of the notice dated 2.9.1989 while in case of some applicants call letters issued for appearing in the selection on 25.1.1990 were also cancelled. Thus they were deliberately excluded from the selection. They have accordingly filed O.A. No. 69/90(L) - Dharmendra Kumar Nigam & others Vs. Union of India & others. An interim order dated 2.3.1990 has been passed directing that the respondents will keep 25 posts unfilled.

6(31)

That the aforesaid panel dated 2.2.1990 is wholly illegal, arbitrary and malafide. The respondents were pre determined not to select the respondents and bring them on the panel of khalasis declared on 2.2.1990 in total disregard and disobedience of the order of the Hon'ble Supreme Court dated 8.9.1988 and the order dated 27.9.1989 in O.A. No.84/89.

6(32)

That the applicants have been discriminated in matters of selection and appointment in service by respondents in an arbitrary and malafide manner. The process of selection was a mere eye wash as the respondents were determined to exclude the applicants from the panel of selected candidates declared on 2.2.1990. The aforesaid action of the respondents is discriminatory in violation of Articles 14 & 16 of the Constitution of India and also in violation of the Directive Principles of State Policy. The applicants have thus been deprived

21.12.90 अमर शुक्ला

of appointment by the respondents for the post of khalasia for which they had already been selected without following the letter and spirit of the direction of the Hon'ble Supreme Court. As already stated above, the applicants have become overage. Moreover the applicants have a right to be appointed on the basis of the Railway Board's circular dated 16/19-10-87 Printed Serial No.9408 regarding employment of sons and wards of the railway employees in class IV category.

7. Reliefs sought :

In view of the facts mentioned in para 6 above, the applicants pray for the following reliefs :-

- (i) To quash the notice No.DCME/704/Khalasis dated 2.2.1990 (Annexure No.4) forming a panel of 149 temporary khalasis in grade Rs.750-940(RPS) after summoning the record from the respondents.
- (ii) To direct the respondents to appoint the applicants on the posts of khalasis on the basis of their selection and empanelment dated 22.5.1984 as per the orders of the Hon'ble Supreme Court dated 8.9.1988.
- (iii) To grant all consequential reliefs to which the applicants are entitled in the facts and circumstances of the case.

21.5.92 21/12 21/12

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(iv) To allow the application with costs.

8. Interim order, if prayed for :

Pending final decision on the application, the applicants seek issue of the following interim order :-

To direct the respondents not to make appointments on the posts of temporary khalsis from the panel dated 2.2.1990.

9. Details of the remedies exhausted :

The applicants declare that they have availed of all the remedies available to them under the relevant service rules, etc.

10. Matter not previously filed or pending with any other court :

The applicants further declare that they had not previously filed 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 postal order in respect of the application fee :

1. Number of Indian Postal Order 02 41453
2. Name of the issuing post office Huzar Baramulla
3. Date of issue of postal order 28/4/90
4. Post office at which payable Alblebad

12. Details of Index :-

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

21/05/90

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13. List of enclosures : As per index.

In Verification :

I, Rajendra Kumar Shukla, son of Sri Shyam Sunder, resident of 31/3 Purani Labour Colony, Aishbagh, Lucknow, 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.

Place : Lucknow.

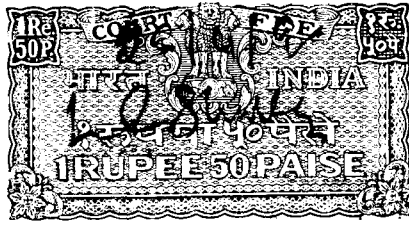
Date: April , 1990.

राजेंद्र कुमार शुक्ला
Signature of the applicant.

Rajendra Kumar Shukla

In the Central administrative Tribunal (A-28)
वकालत श्रीमान Lucknow Bench Lucknow महोदय

वादी
मुद्दे



वकालतनामा

CA. No 147 of 1990

Legendra Kumar Shukla Applicant

Union of India

प्रतिवादी (रिस्पॉन्डेंट)
Respondent

० मुकद्दमा

सन

पेशी की ता०

१९

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पर लिखे मुकद्दमा में अपनी ओर से श्री L. P. Shukla, Advocate

वकील

2700 Mahomagar Lucknow

एडवोकेट महोदय

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

हस्ताक्षर लेजेंद्र कुमार शुक्ला ✓

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९

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मल्लिकार्जुन ✓

अनिल कुमार पाल ✓

नरेश कुमार ✓

महेश कुमार शर्मा ✓

2. Ahmed

A-29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH , LUCKNOW

O.A. No. 146 of 1990 (L)

Rajendra Kumar Shukla & others Applicants

Versus

Union of India & others Respondents

List of Enclosures

<u>Sl. No.</u>	<u>Description of documents relied upon.</u>	<u>Page Nos.</u>
1.	Circular dated 16/19.10.1987 Printed Serial No. 9408.	.. 18 -
2.	Order dated 8.9.1988 of the Hon'ble Supreme Court. 19 - 20
3.	Notice dated 8.9.1989 issued by the Dy. Chief Mechanical Engineer, C & W Workshop. 21 - 25
4.	Notice dated 2.2.1990 of panel of 149 temporary khalasis.	.. 26 - 30

Place : Lucknow

Date : April , 1990.

राजेंद्र कुमार शुक्ला

Signature of the applicant.

Attested True Copy

L. P. Shukla

L. P. SHUKLA
Advocate

ANNEXURE No 1

NORTHERN RAILWAY

No.220-E/O-21 (EIV)
Dated: 16-19 Oct.1987

Headquarters Office,
Baroda House, New Delhi.

All Divl. Railway Managers and
Extra Divisional Officers,
Northern Railway.

F.A. & C.A.O.

Director-Audit

S.P.O./HQ

A.S. to G.M.

Baroda House, New Delhi.

P.S.No. 9408

Sub:- Employment of Sons and Wards of Railway
Employees in Class IV categories.

In para 2(iii) of this office letter of even number dated 28-9-1984 (P.S.No.8601-A) instructions were issued with regard to recruitment of sons and immediate dependants of Railway employees that their applications may be received direct without going through the agency of the Employment Exchange and these should be got registered in the Employment Exchange by deputing a Welfare Inspector, if necessary, for this purpose.

The issue of the recruitment of Class IV staff in the Workshops was further examined after discussion with Union and it was agreed that whenever there is a recruitment in Class IV categories, sons/immediate dependants of Railway Employees, who are nearing retirement as well as those of the sons/immediate dependants, who are going to become overage very shortly may be given preference, if in all other qualifications and criterion they are equally placed with other Railway employees' children or outsiders.

It is desired that the above procedure should be kept in view for filling up the vacancies of Class IV staff in the Workshops in future.

This procedure of P.S.-8601-A and above instructions are also applicable to other units where direct recruitment from open market is permissible under various instructions of Railway Board e.g. in Diesel Shops etc.

This has the approval of C.P.O.

Hindi version will follow.

For General Manager (P)

Copy to:

1. S.P.O.(U) for information in reference to his letter No. 961E/110/27/87/NRMU/E. Union dated 5-10-87.
2. Genl. Secy./URMU, 166/2, Panchsain Road, New Delhi.
3. Genl. Secy./NRMU, 12, Chelmsford Road, New Delhi.

21/10/87

In the Central administrative Tribunal
O.A. No. 4199 (2)
Rajendra Kumar Shukla & others
Applicants
Union of India & others
Respondents

ANNEXURE No 2

Item No. 12

Case No. 5

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

A/N

143966

Petition(s) For Special leave to Appeal (Civil/Criminal) No. (s) 1213-14/88 of 19

(From the judgment and order dated 26.11.87 of the High Court of Central Administrative
in O.A.No.500 of 1986 and 206 of 87 Tribunal, Additional Bench, Allahabad

Mohd. Ashfaq & Ors. PETITIONER (S)

VERSUS

Union of India & Ors. RESPONDENT (S)
(with appln. for stay & CMP. No. 20951/88)

Date : 8.9.88. : This/These petition (s) was/were called on for hearing today

CORAM :

Hon'ble Mr. Justice RANGANATH MISRA
Hon'ble Mr. Justice M.N.VENKATACHALIAH
Hon'ble Mr. Justice

For the Petitioners :

Mr. Tapas Ray, Sr. Adv.,
Mr. Shakil Ahmed Syed, Mr. DM. Nargolkar, Advts.

For applicant : Mr. MK. Ramamurthy, Sr. Adv., Mr. Shakil Ahmed
Syed, Advts.

For the Respondents :

Mr. Kuldip Singh, ASG.,
Mr. BP. Sarthi,
Mr. CVS. Rao, Advts.

Certified to be a true copy
18.9.88
Assistant Registrar (Judl)
1988
Supreme Court of India,

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties. Special leave
petitions are dismissed. We make it however clear on the
statement made to the Court by learned Additional Solicitor
General that the bar of age would not be raised against
any of the petitioners when a fresh panel is prepared.
This is so as explained by Additional Solicitor General,
in view of the fact that the petitioners have already been
in panel and that panel has been cancelled without giving
notice to them. The concession made by ASG shall operate
in respect of two constitutive advertisements for
employment.

No. 20951/88
Civil Miscellaneous petition is allowed.

Attester/A

Copy
(RAJ. GENERAL)
COURT MASTER.
Attorney

ANNEXURE NO 3

उत्तर रेलवे

कार्यालय उप मुख्यालय/ईजीनियरिंग सवारी और माल डिब्बा कारखाना आलमबाग-लखनऊ

संख्या : 510डी0एस0ई0/704/वाट-

दिनांक : 08/09/89

सम्मत धाप अधीक्षक,
सम्मत कार्यालय अधीक्षक एवं अधीक्षक
सवारी और माल डिब्बा कारखाना
उत्तर रेलवे, आलमबाग - लखनऊ।

विषय :- खतासी के 150 रिक्त पदों हेतु वेतनमान रू 750-940 आर.पी।
के लिए पैल का गठन।

.....
सवारी और माल डिब्बा कारखाना आलमबाग लखनऊ में वेतन मान रुपये
750-940 आर.पी. के अन्तर्गत खतासी के रिक्त 150 पदों हेतु पैल गठित करने का
निर्णय लिया गया है। सेवा योजना कार्यालय लखनऊ से भी इस कार्यालय के समन्वयक
नोटिस संख्या दिनांक 8.9.89 के द्वारा 450 आवेदन पत्र अनुबन्ध "अ"
पर अधिसारित करने का अनुरोध किया गया है।

इस नोटिस के अन्तर्गत इस कर्मशाखा में कार्यरत कर्मचारियों से भी उनके पुत्रों
एवं आश्रितों से आवेदन-पत्र आमंत्रित किये जाते हैं। आश्रितों से सम्बंध वही होना
चाहिए जैसा कि पास नियमों में दिया हुआ है, परन्तु उनकी आयु 21 वर्ष से अधिक भी
हो सकती है। वह कार्यरत रेलवे कर्मचारी जो कि मेडिकल, आर०पी०एफ०, सेवा अनुभाग
तथा विजली विभाग में कार्यरत हैं और उनकी पोस्टिंग इस समय आलमबाग में है, वह
भी अपने पुत्रों तथा आश्रितों के आवेदन-पत्र दे सकते हैं। सभी कार्यरत कर्मचारी अनुबन्ध

"स" को पूर्ण रूप से भर कर अपने धाप अधीक्षक/इन्चार्ज से सत्यापित करायेंगे एवं
प्रभारी अधिकारी से प्रति हस्ताक्षर करवायेंगे। सभी कार्यरत कर्मचारी अपने-अपने पुत्रों/
आश्रितों के आवेदन पत्र जो कि अनुबन्ध "अ" पर हों अपने-अपने धाप अधीक्षकों के पास
जमा करेंगे और सभी धाप अधीक्षक/इन्चार्ज 7.10.89 तक सभी आवेदन-पत्र सहायक
कार्मिक अधिकारी आलमबाग लखनऊ को दो सूचियों के साथ भेजेंगे। निश्चित तिथि के
बाद भेजा गया कोई भी आवेदन पत्र स्वीकार नहीं किया जायेगा एवं कोई भी आवेदन
पत्र उप मुख्य यांत्रिक ईजीनियर कार्यालय को सीधे नहीं भेजा जायेगा।

→ (इस नोटिस के पूर्व जमा किये गये किसी भी आवेदन-पत्र पर कोई विचार
नहीं किया जायेगा। प्रत्येक कर्मचारी को अपने पुत्रों/आश्रितों के लिए नये सिरे से
आवेदन करना होगा।)

सम्मत अधीक्षक/इन्चार्ज यह सुनिश्चित करेंगे कि आवेदन-पत्र पूर्णरूपेण सही
ढंग से भरे गये हैं। इस सम्बंध में किसी प्रकार की अनुशासनात्मकता बर्दाश्त नहीं की
जायेगी।

८* ईवाय से...अनुबन्ध - द* पर ...सत्यापित।

१ ५०५०३० १

राजेंद्र कुमार शुक्ला

Attorney at Law

L. P. ...
Advocate

(22)
A-35

वह अभ्यर्थी जिसका नाम इस कार्यालय के नोटिस संख्या डी०सी०एम०ई०/ 716 दिनांक 22.5.84 द्वारा जारी 187 केबुल नमाली के पैल में है तथा उक्त नाम भारतीय सर्वोच्च न्यायालय में 1988 में उक्त विषय पर दायर मुकदमा की पिटीशनर सूची में भी है, यदि वह इस नोटिस की शर्तों को पूर्ण कर अभ्यर्थिता के पात्र हैं तो भारतीय सर्वोच्च न्यायालय के आदेशानुसार उस पर इस शर्तों में आयु की अधिकतम सीमा का कोई प्रतिबन्ध नहीं होगा। इसके लिए वह अनुबन्ध 'अ' के अर्थ शीर्ष पर । मुख्य पृष्ठ के सबसे ऊपरी भाग पर । इस आशय का उल्लेख अवश्य कर दें ।

आवेदन पत्रों के फार्म [प्राप्त] की आपूर्ति इस कार्यालय द्वारा वहीं की जाएगी ।

सिलबक :- अनुबन्ध "अ"-"ब"-"स" एवं "द"
नोटिस सं० डी.सी.एम.ई/704/पार्ट-
दिनांक 8.9.89

8-9-89
कुते उप मुख्य यांत्रिक इंजीनियर [कम०]
सवारी और माल डिब्बा कारखाना
आलमबाग-लखनऊ

प्रतिलिपि :-

1. डी०एम०ओ०/आलमबाग हेल्थ यूनिट, वरिष्ठ लेखाधिकारी [कर्म]/आलमबाग, कम्पली कमाण्डर आर०पी०एफ०/आलमबाग, शाय अधीक्षक/मावर, एयर कण्डीशनिंग, ट्रेल लाईटिंग, वायरिंग सेक्शन/आलमबाग को सूचनाई तथा उचित कार्यवाही हेतु प्रेषित ।
2. कार्यालय अधीक्षक/सामान्य को आवश्यक कार्रवाई हेतु प्रेषित। वे कृपया यह सुनिश्चित करें कि कोई भी आवेदन-पत्र प्राप्त एवं प्रेषण अनुभाग द्वारा प्राप्त न किया जाये ।
3. शाय मन्त्री/एन०आर०एम०यू० आलमबाग-लखनऊ को केवल सूचनाई ।
4. शाय मन्त्री/यू०आर०एम०यू० आलमबाग-लखनऊ को केवल सूचनाई ।

11030/080989/

रजिस्ट्रार का 11/2 25/89

सूचना संख्या : डी०डी०एस०ई०/७०४/आई- दिनांक : ०८/०९/१९८९

संवारी एवं माल डिब्बा कारखाना, उत्तर रेलवे, आत्मबाग लखनऊ में सलासी वेतवर्मा २० ७५०-१२-८७०-ई.डी.-१४-९४०/आर०पी० एवं मंहवाई तथा अन्य मन्त्रों जो सरकारी नियमानुसार होंगे, के रिक्त १५० पदों के लिए आवेदन-पत्र आमंत्रित किये जाते हैं।

१- रिक्त पदों की कुल संख्या -

आरक्षण

क। १९ प्रतिशत पद अनुसूचित जाति के अभ्यर्थियों के लिए सुरक्षित हैं।

ख। ४ प्रतिशत पद अनुसूचित जन जाति के अभ्यर्थियों के लिए सुरक्षित हैं।

अतः अनुसूचित जाति के अभ्यर्थियों के लिए कुल पदों की संख्या = २८

अनुसूचित जनजाति के अभ्यर्थियों के लिए कुल पदों की संख्या = ६

शार्ट फाल = दल

कुल संख्या = ३४

सामान्य अभ्यर्थियों के लिए पदों की कुल संख्या

= ११६

२- आय सीमा :-

अभ्यर्थियों की उम्र १.९.८९ को १८ से २८ वर्ष के मध्य होनी चाहिए। अधिकतम आयु में छूट निम्न प्रकार से होगी।

क। अनुसूचित जाति एवं अनुसूचित जन जाति के लिए ५ वर्ष।

ख। रक्षा सेवाओं में की गई सेवा एवं ३ वर्ष भूतपूर्व सैनिकों के लिए।

ग। आकस्मिक श्रमिक/एवजी के रूप में की गयी रेल सेवा।

घ। उन भारतीय नागरिकों को जो अनुसूचित जाति एवं जनजाति के हैं एवं बर्मा और श्रीलंका से १.६.१९६३ से १.१.१९६४ के बीच में भारत आये हैं, के लिए अधिकतम आयु सीमा क्रमशः ४५ एवं ५० वर्ष होगी, किन्तु इसके लिए उन्हें समुचित प्रमाण-पत्र देना होगा।

३- योग्यता :-

क। अभ्यर्थी को स्वस्थ, हृष्टपुष्ट एवं कठोर परिश्रम करने में पूर्णरूप से सक्षम होना चाहिए।

ख। किसी मान्यता प्राप्त संगठन से अभ्यर्थी को कक्षा ८ की परीक्षा उत्तीर्ण होना चाहिए।

ग। उन अभ्यर्थियों को जिन्होंने आई.बी.आई. कोर्स कर रखा है या अपरेंटिस एक्ट १९६१ के अन्तर्गत अपरेंटिस कोर्स पूरा किया है, को वरीयता प्रदान की जा सकती है।

१.१.८२-१

Attested/True Copy

21/08/89

Advocate

Advocate

(24)
A35

- 4- उन्हीं आवेदन-पत्रों पर विचार किया जायेगा जो कि सेवायोजन कार्यालय, लखनऊ के माध्यम से अग्रसारित किए जाएंगे। कृपया इस सम्बंध में इस कर्मशाला से कोई सम्पर्क न करें।
- 5- सेवा योजन अधिकारी, सेवायोजन कार्यालय लखनऊ 450 अभ्यर्थियों के आवेदन-पत्र जो कि संलग्न अनुबन्ध "अ" के अनुसार पूर्णरूप से भरे हुए हों, को दिनांक 7.10.89 तक सहायक कार्मिक अधिकारी (कर्म) सवारी और माल डिब्बा कारो आत्मदाग लखनऊ को भेजें।
आवेदन-पत्र के साथ उम्र का प्रमाण-पत्र, वैधिक प्रमाण-पत्र, खेलों से सम्बंधित प्रमाण-पत्र, अनुसूचित जाति/अनुजन्मजाति जो कि संलग्न अनुबन्ध "ब" पर हो तथा जिलाधिकारी द्वारा हस्ताक्षरित हो केवल अनुजन्मजाति एवं अनुजन्मजाति के अभ्यर्थियों के लिए। जो आवेदन-पत्र के साथ सत्य प्रमाणित प्रतिलिपियाँ संलग्न करें। यदि फोटो स्टेट प्रतियाँ हों तो उन्हें भी किसी राजपत्रित अधिकारी से प्रमाणित करवाना आवश्यक है। मूल प्रतियाँ संलग्न न की जाएँ।
- 6- प्रत्येक अभ्यर्थी को अपना एक जीवन्तम पासपोर्ट आकार का फोटोग्राफ हस्ताक्षर करके आवेदन-पत्र पर चिपकाया होगा, इसके अतिरिक्त समस्त संलग्न प्रमाणपत्रों पर अभ्यर्थी को अपने हस्ताक्षर करने होंगे एवं सभी हस्ताक्षर आवेदन-पत्र पर किए गये हस्ताक्षर से मिलने चाहिए।
- 7- वे आवेदन-पत्र जो कि अनुबन्ध "अ" पर नहीं होंगे या निम्नलिखित तिथि 7.10.89 के बाद प्राप्त होंगे अथवा आवश्यक प्रमाणपत्र या प्रमाण-पत्रों पर हस्ताक्षर नहीं होंगे, फोटो पर हस्ताक्षर नहीं होंगे या सही रूप से भरे नहीं गए होंगे तो बिना किसी सूचना के रद्द कर दिये जायेंगे।
- 8- अभ्यर्थियों को साक्षात्कार हेतु चयन समिति के समक्ष अपने खर्च पर उपस्थित होना होगा। किसी प्रकार का कोई भत्ता या रेल किराया अभ्यर्थियों को नहीं दिया जाएगा। सिर्फ अनुसूचित जाति एवं अनुजन्मजाति के अभ्यर्थियों को नियमानुसार द्वितीय श्रेणी का निःशुल्क/पास दिया जायेगा।
- 9- चयन समिति द्वारा चयन किये गये अभ्यर्थियों को नियुक्ति के पूर्व रेलवे अस्पताल में स्वास्थ्य सम्बंधी परीक्षण कराया होगा। इसके अतिरिक्त चयन किये हुए अभ्यर्थियों को नियुक्ति के बाद रेलवे इसी नियंत्रित यूनिट की टिटोरियल आर्मी सेवा में या सैनिक सेवा में भेजा जा सकता है।

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रंजित कुमार शुक्ला

Advocate

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- 10- इस विज्ञापन के समर्पण में यह कार्यालय किसी व्यक्ति विशेष या संस्थान के किसी प्रकार का कोई भी पत्र व्यवहार नहीं करेगा। अनुचित दबाव डालने वाले अभ्यर्थियों को अयोग्य घोषित कर दिया जायेगा।
- 11- यदि अभ्यर्थी द्वारा संलग्न किया गया कोई भी प्रमाण-पत्र जति के दौरान गलत पाया गया तो अभ्यर्थी को रेल सेवा के अयोग्य घोषित कर दिया जायेगा एवं उसके विरुद्ध वैधानिक/अनुशासनात्मक कार्यवाही ली जायेगी।
- 12- चयन समिति द्वारा चयन किए गये अभ्यर्थियों का नाम केवल पैमल में आ जायेगा मात्र से ही यह प्रवासन अभ्यर्थी को रेल सेवा में लेने के लिए बाध्य नहीं होगा एवं ना ही चयनित अभ्यर्थी इस समर्पण में नियुक्ति के लिए कोई दावा कर सकेगा।

संलग्न : अनुसूचक 'अ' एवं 'ब'

8.9.89
कृते उप मुख्य यांत्रिक इंजीनियर [कर्म]
सवारी और माल डिब्बा कारखाना
आलमबाग-लखनऊ।

प्रतिलिपि :-

- 1- सेवा योजना अधिकारी, सेवायोजना कार्यालय लखनऊ, को आवश्यक कार्यवाही हेतु प्रेषित। उससे अनुरोध है कि वे दिनांक तक आवेदन-पत्र अग्रसारित करें। आवेदन-पत्र कक्षा 8 पास अभ्यर्थियों एवं आई.टी.आई. कोर्स पास किये दोनों के हों जो से अधिक न हों।
- 2- सचिव, अशोक आश्रम, कालखरी जिला देहरादून, उत्तर प्रदेश को केवल सूचनार्थ।
- 3- भारतीय सेवक संघ, पी०डी० टण्डन मार्ग, सरसा, इलाहाबाद-211001 उ०प्र० को केवल सूचनार्थ।
- 4- उत्तर प्रदेश राज्य दलित वर्ग, जीवन कुटी, चलियान, तालबाग-लखनऊ को केवल सूचनार्थ।
- 5- सचिव बलवासी सेवा आश्रम, गोविन्द पुर, बाया दुररा, जिला मिर्जापुर उ०प्र० को केवल सूचनार्थ।
- 6- सचिव आदिम जाति सेवक संघ, ए०पी० ग्राम, हमरा तं० 111, रायल होटल लखनऊ 226001। उ०प्र० को केवल सूचनार्थ।

8.9.89
कृते उप मुख्य यांत्रिक इंजीनियर [कर्म]
सवारी और माल डिब्बा कारखाना
आलमबाग-लखनऊ।

सो०अ०/०३०९८९/

रोजिंद्र कुमार 29/8/89

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Shri...
P. S. ...
Adv...

S.No.	Roll No.	Name	Father's name	T.No.
61	1324	Shiv Kumar	Sheo Pal Singh	166PH
62	1395	Amar Singh	Mahadeo Singh	
63	57	Arun Kumar Verma	Sri ...	

Rajendra Kumar Shukla & others
Union of India & others

Applicants
Respondents

ANNEXURE 4

NORTHERN RAILWAY

OFFICE OF THE
DY.CHIEF MECH.ENGINEER
CARRIAGE & WAGON SHOPS
ALAMBAGH, LUCKNOW.

No. DOME/704/Khallasis

Dated: 02.2.1990.

Selection for the formation of panel of temporary khallasis in Gr. Rs.757-940(RPS) was conducted from 1.1.90 to 29.1.90. Names of the candidates who were found suitable are given below in accordance with their merit. The panel is provisional and subject to the following conditions:-

1. The candidates will have to pass the Medical Examination in C-I category before appointment.
2. The mention of the names of the candidates on the panel will depend upon the genuineness of their educational, technical and other certificates.
3. The appointment of those candidates who are overaged but have been permitted to appear as per orders of the Supreme Court, will depend on relaxation of age bar by the competent authority.
4. There is no guarantee that the candidates will be appointed in Railways as Khallasis.

S.No.	Roll No.	Name	Father's name	Father's T.No.
1.	357	Sunil Singh Bajaj	Dharamvir Bajaj	A.S.
2.	513	Md.Shub Kidwai	Mohd.Idris	104C ✓
3.	642	Rajinderpal Singh	Harbhajan singh	390E
4.	651	Sunil Kumar Nigam	Kalka Pd.Nigam	106K ✓
5.	370	Yunus Jafri	Liakat Hussain	230G
6.	697	Ashok Kumar	Baij Nath	471E
7.	1380	Sajay Kr.Srivastava	Keshav Prasad	
8.	267	Salim Parvej	Abdul Rauf	227B
9.	1340	Chander Prakash Gupta	D.S.Gupta	
10.	994	Ravindra Pd.Pandey	Y.P.Pandey	Sr.Clark.
11.	250	Sachidanand	Sunder Sharma	78B
12.	861	Gauri Shanker Verma	Shree Ram	164K ✓
13.	923	Sachchidanand Tewari	R.N.Tewari	A.73
14.	677	* Anil Kumar	Pyare Lal	345E
15.	1646	Shashi Kant Tewari	U.K.Tewari	
16.	146	Ranjit Singh	Gurcharan Singh	31KA
17.	100	Ahsan Mahmood Haqvi	Adaz Hussain	31E
18.	102	Plush Asthana	S.S.K.Asthana	1.1.1.

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[Signature]
L. P. SHUKLA
Advocate

772A
447A
79M
107L
Dy. SS
C/man
A.S.
861A
70K
ASI/DP
459E
/man
1. SS
5A
M

ANNEXURE 4

NORTHERN RAILWAY

OFFICE OF THE
DY. CHIEF MECH. ENGINEER
CARRIAGE & WAGON SHOPS
ALAMBAGH, LUCKNOW.

No. DCME/704/Khallasis

Dated: 02.2.1990.

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4. There is no guarantee that the candidates will be appointed in Railways as Khallasis.

S.No.	Roll No.	Name	Father's name	Father's T.No.
1.	957	Sunil Singh Bajaj	Dharamvir Bajaj	A.S.
2.	513	Md. Shuh Kidwai	Mohd. Idris	1040 ✓
3.	642	Rajinderpal Singh	Harbhajan Singh	330E
4.	851	Sunil Kumar Nigam	Kalka Pd. Nigam	106K ✓
5.	320	Yunus Jafri	Liakat Hussain	230G
6.	697	Ashok Kumar	Baij Nath	471E
7.	1350	Sajay Kr. Srivastava	Keshav Prasad	
8.	267	Salim Parvej	Abdul Rauf	227B
9.	1340	Chander Prakash Gupta	D.S. Gupta	
10.	994	Ravindra Pd. Pandey	Y.P. Pandey	Sr. Clerk.
11.	250	Sachidanand	Sunder Sharma	78B
12.	861	Gauri Shanker Verma	Shree Ram	164K ✓
13.	923	Sachchidanand Tewari	R.M. Tewari	47.75
14.	677	** Anil Kumar	Pyare Lal	345E
15.	1546	Shashi Kant Tewari	R.K. Tewari	
16.	146	Ranjit Singh	Gurcharan Singh	316A
17.	133	Ahsan Mahmood Naqvi	Riaz Hussain	31E
18.	133	Push Asthana	S.S.R. Asthana	1.1.1.1

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21.5.90 2/2/21

[Signature]

L. P. SINGH
Advocate

S. No.	Roll No.	Name	Father's name	T. No.
19.	141	Ajai Kumar	Bhairo Pd. Sharma	772A
20.	75	Balbinder Singh	Harbans Singh	447A
21.	1117	Ram Krishna	Brij Kishore	79M
22.	1050	Gurbax Singh	Pritam Singh	107L
23.	484	Mahesh Kr. Srivastava	Anant Rai Srivastava	Dy. SS
24.	1515	Prem Kumar Singh	Ram Bux Singh	
25.	1298	Jafari Minni	Late RS Minni	
26.	633	Rajinder Kumar	Bal Kishan	C/man E
27.	917	Manoj Kumar Phul	K.L. Phul	A.S.
28.	1057	Parmanand	Ram Singh	861A
29.	841	Rajesh Mohan	Janki Prasad	70K
30.	1262	Suresh Shukla	Mahadeo Shukla	ASI/RPI
31.	696	Bhagwat Chaubey	Sarju Prasad	459E
32.	1556	Chnanga Singh	Hansraj Singh	
33.	1089	Narendra Kumar Misra	Har Prasad Misra	C/man
34.	631	Padm Kant Rai	Prabhakar Rai	Dy. SS
35.	119	Pramed Kumar	Krishna Swaroop	635A
36.	720	Amir Hussain	Mohd. Hussain	626M
37.	834	Ravi Kant Tyagi	Ramesh Chand	31K
38.	1180	Mukesh Kr. Tyagi	Daya Ram Tyagi	188J
39.	1541	Surender Singh	Ram Sewak Yadav	
40.	1619	Gyan Prakash Singh	Markandey Singh	
41.	78	Devinder singh	Valia Prithipal singh	465A
42.	1113	Kamlesh Kr. Maurya	Bhagwati Pd.	64M
43.	152	Mohd. Sharif	Nazim Ali	833A
44.	974	Fakerey Alam	Abu Bakr. Abbasi	O.S.
45.	462	Madan Lal Yadav	Hanuman Parshad	469B
46.	179	Vasudev	Kamal Kumar	911A
47.	833	Uma Shanker Gupta	Laxmi Narain	17K
48.	330	Sheo Charan	Jwala Parshad	491B
49.	203	Copal Sharma	Vasjit Sharma	1041A
50.	1553	Sandeep Kr. Chakra	N.C. Chakarvarti	
51.	829	Virender Singh	Ram Swaroop	229G
52.	981	Amar Ajai Chauhan	B/O V.B. Chauhan	H.C.
53.	1033	Hanuman Pd. Tewari	S.P. Tewari	291FL
54.	928	Shailesh Kr. Srivastava	P.C. Srivastava	A.S.
55.	209	Anand Kumar	Ram Sewak	1051A
56.	840	Heri Narain Tewari	Vishwanath Tewari	64M
57.	843	Subhas Ch. Yadav	Sant Kumar	71K
58.	1634	Shailender Kumar	Ram Adhin Singh	
59.	1576	Dinesh Kr. Verma	V.D. Verma	
60.	1576			

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2/10/2021

L. P. SINGH
Advocate

S.No.	Roll No.	Name	Father's name	THS
61	1324	Shiv Kumar	Sheo Pal Singh	166PH
62	1395	Amar Singh	Mahadeo Singh	
63	57	Arun Kumar Verma	Sri Kishen	377A
64	435	Mohd. Sajid	Mohd. Rafi	368B
65	1486	Nirmal Kishore	Ram Dass	
66.	1386	Ram Kumar Yadav	Chheda Lal	
67.	312	Badshah Hussain	Ansar Hussain	360B
68.	1615	Rajesh Kr.Verma	Nanhey Lal	
69.	1237	Chotey Lal	Ram Dularey	248J
70.	781	Kishan Ram	Sheo Pujan	180F
71.	1314	Sheo Pujan	Laloo Pd.	
72.	172	Kamal Kumar.	Bengali Sao	890A
73.	980	Sabir Haider	B/O SA Haider	HC
74.	878	Jasbir Singh	Dayal Singh	87K
75	1073	Rizwan	B/O S.U Shah	Clerk A/C
76	1084	Anil Kumar	Sidh Nath	116M
77	776	Sandeep Kr.Gupta	B/O Shamal Gupta	Dy.SS
78.	308	Jatinder Roy	ChandraKant Pd	319B
79.	408	Riaz Ahmed	Abdul Shakur	341B
80.	1514	Alam Akhtar Khan	Mohd.Wahid Khan	
81.	72	Rang Nath singh	S.K.Singh	440A
82	1139	Virender Kr.Gupta	Bansi Lal	39M
83	1446	Ram Suresh Shukla	BrahmDeo Shukla	
84	545	Virpal Yadav	Tulsiram Yadav	454C
85	1311	Manoj Kr.Yadav	Vijay Kumar	160PH
86.	1614	Sanjay Kr. Verma	Ram Shanker Verma	
87.	237	Sayad Khushid Ahmed	B/O S.J.S.Hijaji	Dy.SS
88	1477	Mohd.Salim	Karim Bux	822A
89.	4437	Vir Pratap Singh	D.P.Singh	794B
90.	49	Mohd.Ayub	Mohd.Qayoom	300A
91	165	Santosh Kr.Yadav	Prabhu Dayal	865A
92	583	Dinesh Kr.Awasthi	L.N.Awasthi	652C
93.	345	Vimlesh Kr.Yadav	B.R.Yadav	538B
94.	4	Afzal Mehmood Khan	Mehmood Khan	43.
95	991	Amar Pal Singh	R.D.Singh	12/118
96.	10	Sayeed Ahmed	Faqir Ahmed	76A
97.	1613	Dinesh Kumar	Shiv Balak	
98	224	Raj Kr.Awasthi	Ramakant Awasthi	1119A
99.	195	Ram Bilas	Guru Parshod	996A
100	591	Shahjode	Mohd.Hafiz	D.S.

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L. P. SHUKLA
Advocate

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101.	1015	Mahesh Gurnani	Parma Nand	241-F ✓
102.	173	Rajesh Singh Pal	Ram Bharosey	895-A
103.	1549	Danesh Kumar Tripathi	Uma Dutt Tripathi	
104.	193	Kaloo Ram	Pyarey Lal	982-A
105.	61	Ram Sagar Yadav	Kashi Ram Yadav	381-A
106.	266	Vijay Kumar Misra	Brij Mohan	165-B
107.	167	Dalip Kumar	Kedar Singh	870-A ✓
108.	486	Tariq Aziz	Abdul Aziz	C/Man
109.	856	Umesh Kumar	Chunna Lal	151-K
110.	689	Arvind Singh	Ram Naresh Singh	418-E
111.	1401	Daleep Kumar	Satya Pal Singh	
112.	120	** Mohd. Zabar Khan	Gul Mohd. Khan	644-A
113.	485	Yoginder Kumar (SC)	Ram Charan	Dy S.S.
114.	986	Arun Kumar Sharma	K.L. Sharma	H.C.
115.	687	Amrit Lal Yadav	Ram Das	408-F
116.	246	Sarwan Kumar Tewari	T.N. Tewari	49-B
117.	842	Rahimudin	Karimuddin	63-K
118.	1146	Ranjish Kumar Tewari	S.B. Tewari	150-J
119.	629	Maheshwar Singh (SC)	Bhullan Singh	S.S.
120.	247	Ashok Kumar (SC)	Chedi Lal	50-B
121.	368	Gobind Parshad (SC)	Bhagwati Prasad	700-B
122.	181	Dhani Ram (SC)	Maikoo Lal	922-A
123.	895	Ramu Jatav (SC)	Late Amir Prasad B/O Om Parkash	152-K
124.	1544	Ram Kumar (SC)	Late Dwarka	
125.	263	** Rudhir Kumar (SC)	Raboo Lal	144-B
126.	1133	Rajinder Kumar (SC)	Rhaushal Ram	Chargeman
127.	1474	Kunwar Chand (SC)	Maikoo Lal	
128.	238	Awdesb Kumar (SC)	Barkoo Ram	O.S.
129.	1479	Kaniya Lal (SC)	Kathiley Ram	
130.	1611	Parshotam Dass (SC)	Late Manohar Dass.	
131.	278	Ranjit Kumar Anuragi (SC)	Mauji Lal	203-B
132.	323	Raj Kumar (SC)	Chotey Lal	342-B
133.	1329	Jagdish Kumar (SC)	Pital	104-PH
134.	1079	Naresh Kumar (SC)	Vasdev Mariya	Asstt.A/C.
135.	487	Jaswant Barla (ST)	Suleman Barla B/O Pal Barla	

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Advocate

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136.	946	Rajinder Kumar (SC)	Harish Chander	604
137.	944	Gopal Baboo (SC)	Mohan Lal	106-L
138.	1181	Jagdish Prasad (SC)	Ausery	191-J
139.	1396	Ran. Kumar (SC)	Tulak Prasad	
140.	47	Rajinder Kumar (SC)	Mahabir Prasad	242-A
141.	1292	Hanuf Lakora (ST)	Late Sh Lokash B/O I.D. Samuel.	APF
142.	1351	Lachman Oraon (ST)	Nainey Oraon	
143.	1493	Radhey Shyam (SC)	Mansukh Lal	
144.	1194	Scam Kumar (SC)	Ram Swaroop	107-J
145.	649	Raju (SC)	Rajjan Lal	186-E
146.	554	Ghanshyam (SC)	Late Harcharan B/O Om Perakash	501-C
147.	412	Ram Naresh (SC)	Baboo Lal	979-J L
148.	825	Vasudev Hansda (ST)	B/O Jagan Nath Hansda	222-G
149.	824	Bilas Bara (ST)	S.P. Bara B/O P.D. Bara	243-G.

Only 5 ST candidates were found suitable against provision of 6 in the panel. The remaining one vacancy will be treated as a backlog vacancy and will be filled up in future recruitment.

Their candidature is provisional.

R.C. Srivastava
(R.C. Srivastava) 19/9/90
Assistant Personnel Officer
M.Rty., C&W shops, Alambagh
Lucknow.

Copy to:-

- 1) All SLPs, Addl SLPs and Branches C&W SLPs, Amr. for information.
- 2) Personnel Secretaries R.M.U. / U.R.M.U. Amr. for C&W SLPs, Amr. for information.

Attested/True Copy

20/9/90 3/10/90

[Signature]
L.P. D. S. A.
Advocate

10.3.97.

File Nos.

1. O.A.404/92.
2. O.A.559/93.
3. O.A. 92/95.
4. O.A.145/95.
5. O.A.522/94.
6. O.A.791/94.
7. O.A.264/94.
8. O.A.450/92.
9. O.A.706/93.
- 10.O.A.864/93.
- 11.O.A.419/96.
- 12.C.A.361/96.
- 13.O.A.548/92.
- 14.O.A.146/90.
- 15.C.A.224/94.
- 16.O.A.223/94.
- 17.O.A.303/93.
- 18.C.C.F.111/93
alongwith
Review 101/93.

Hon'ble Mr. V.K. Seth, A.M.

Hon'ble Mr. D.C. Verma, J.M.

Sri. Som Kartik, brief holder for Sri. L.P. Shukla, learned counsel for applicant prays for adjournment on account of absence of learned counsel. Sri. Anil Srivastava, learned counsel for respondents in large no. of connected cases is on leave today.

List among the first 5 after part-heard. O.A. 222/94 which also deals with same matter should also connected with & listed alongwith. Sri. R. Srivastava, learned counsel states that O.A.468/93 is also identical and prays that the same should also be linked alongwith above. We order accordingly.

List on 31.3.97 for hearing.

Copies of these orders be placed in all the connected files.

A.K.

J.M.

A.M.

7/14/91

27.11.96

Hon Mr. V. K. SELL. A.M.
Hon Mr DC. Vatsya, J.M.

For L.P. Shukla for applicants
in all the connected cases
except in OAS 468/93, 559/93
and 303/93 in which Sh. R.
Swastika appeals. For respondents
Sh. A. Chatterjee. Sh. Anil
Swastika and Sh. S. Vatsya for
respondents have submitted illness
slip and had sought adjournment.
Connect also OAS 361/96 and
CA 419/96. Since all the cases are
connected, they are adjourned. but on 6-1-97.
Copy of the C.A. in OAS 468/93, 559/93 and 303/
shall be supplied to learned counsel for app. at
end of court with 2 weeks with the A.M.
filed within one week thereafter. Copy of order
be placed in all the connected files.

sm

✓
am

A-42

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Registration (O.A.) NO. 146 of 1990 (L),

Rajendra Kumar Shukla and 5 Others.....Applicants.

Versus.

Union of India and OthersRespondents.

Fixed for 5.7.1990

SHORT COUNTER REPLY :

I, Rajiv Chandra, working as Deputy Chief Mechanical Engineer (I), Carriage and Wagon Shops, Northern Railway, Alambagh, Lucknow, do hereby solemnly affirm and state as under:-

1. That the official above-named is respondent No. 2, himself, as such he is fully conversant with the facts and circumstances of the Applicant's case and has been authorised by the other respondents to file this short counter reply on their behalf also.

2. That the Hon'ble Supreme Court's directive in S.L.P. No. 1213 and 1214 of 1988 was only to the effect that upto two consecutive advertisement for employment, the bar of age would not be raised against any of the petitioners (of S.L.P. No. 1213

[Signature]
राजिव चन्द्रा (उपनिर्देशक)
कारriage एवं वागन विभाग, प्रमुख,
नं. २, आलम्बाग, लखनऊ

Contd...2..

A-4B

and 1214 of 1988) when a fresh panel is prepared (Annexure No. 2) .

3) That pursuant to the aforesaid directive of the Hon'ble Supreme Court as contained in Annexure No. 2, vide Notice No. DCME/704/Part, dated 8-9-89 (Annexure No. 3), applications were invited to form a fresh panel of Khalasies.

4) That a careful perusal of page 2 para 1 of the said Annexure No. 3, dated 8-9-89 would itself indicate that the applicants, who were also the petitioners in S.L.P. 1213 and 1214 of 1988 have also been allowed to apply for the post of Khalasies having no bar in respect of their age in compliance with the Hon'ble Supreme Court's directive dated 8-9-88. (Annexure No. 2) .

5) That the other facts and circumstances of the case of the applicants have already been discussed in detail and finally adjudicated upon by this Hon'ble Tribunal at Allahabad in

1. Mr. J. K. Singh (Advocate)
2. Mr. J. K. Singh (Advocate)
3. Mr. J. K. Singh (Advocate)

Contd...3..

AM

O.A. No. 500 of 1986 and 206 of 1987 respectively and by the Hon'ble Supreme Court in S.L.P. No. 1213 and 1214 of 1988 respectively.

6) That the answering respondents are advised to state that in view of aforesaid facts, the directive of the Hon'ble Supreme Court stood fully complied with and there remains no other material in this case which is yet to be adjudicated upon.

7) That it may further be clarified here that pursuant to notice dated 8-9-89 as contained in Annexure No. 3 to the original application, all the candidates including those candidates who are sons or dependents of working railway employees under the respondents and who fulfilled all the conditions as laid down in the said notice were called for interview. However, only the age bar was not made applicable in respect of the candidates who were petitioners in the S.L.P. No. 1213 and 1214 of 1988.

8) That only those candidates who did not fulfil all the conditions laid down in the

सूचना प्रसारित (को)
जिसमें कि प्रमाणित,
के से, 1988, 14, 1988

Contd....4..

48

notice dated 8-9-89 (Annexure No. 3) were not called for interview but those candidates who fulfilled the said conditions and who had applied for the selection were duly considered and called for interview.

9) That pursuant to the said notice dated 8-9-89, all the eligible candidates who have applied were called for interview and after said screening those who were found suitable were placed on the provisional panel dated 2-2-1990 as contained in the Annexure No. 4 to the original application.

10) That all the process regarding selection for formation of panel of temporary khalasies in grade Rs. 750 - 960 (RPS), pursuant to the notice dated 8-9-89 were completed and the results were prepared soon after the interview/screening was over but due to stay order granted by this Hon'ble Tribunal on 27-9-89 in O.A. No. 84 of 1989, the same could not be declared. When the said interim order was vacated on 2-2-1990, the results, which were otherwise complete were declared on the same day. Infact, the said original application No. 84

(A 46)

of 1989 was itself disposed of finally on the same date i.e. on 2.2.1990.

11) That pursuant to the said notice dated 8.9.89 (Annexure No. 3), the applicants also applied and their applications were duly considered and after having found them eligible (except the age bar) to appear for the said selection, they were duly called for interview. Accordingly applicants were interviewed on 29.1.1990 and marks were given to them strictly as per their performances but the applicants could not obtain the sufficient marks to be borne on the provisional panel dated 2.2.1990 hence they were not borne on the said provisional panel (Annexure No. 4).

12) That now it is specifically stated that neither any bias or arbitrariness or illegality was committed nor the directions of the Hon'ble Supreme Court or this Hon'ble Tribunal were violated in any way in forming the said provisional panel dated 2.2.1990, as contained in Annexure No. 4 to the original application.

13) That in view of the aforesaid facts and reasons, there appears to be no merit in the applicants case hence the application is liable to be dismissed with costs against the applicant

एव मुख्य याचिका अधिवक्ता (कलौ)
द्वारा एवं जल डिब्बा कर्मशाखा,
दो रो, वासपानाग, हलवकु


Contd..6..

Amr

and in favour of the answering respondents.

Lucknow:

Dated: 3-8-90



श्री मुख्य न्यायिक अधिकारी (पर्यटन)
राज्यी एवं राज्य विद्या कर्मचारी,
उ० र०, आवास, लखनऊ

VERIFICATION

I the official above named do hereby
verify that the contents of para 1 of this
reply is true to my personal knowledge and those
of paras 2 to 13 of this reply are believed by
me to be true on the basis of records and legal
advise.

Lucknow.

Dated: 3-8-90


श्री मुख्य न्यायिक अधिकारी (पर्यटन)
राज्यी एवं राज्य विद्या कर्मचारी,
उ० र०, आवास, लखनऊ

(A-18)

In the Central Administrative Tribunal,
Circuit Bench, Lucknow.

Registration (C.A.) No. 146 of 1990 (L).

--

Rajendra Kumar Shukla & 6 others. -----Applicant

Versus

Union of India and others. -----Respondents

--

Rejoinder to the short counter reply.

I, Rajendra Kumar Shukla, aged about 29 years, son of Sri Shyam Sunder, resident of 31/3, Purani Labour Colony, Aishbagh, Lucknow, do hereby solemnly affirm and depose as under :-

1. That the deponent is applicant No.1 in the above noted application and as such he is fully conversant with the facts and circumstances of the case. He is duly authorised to file this Rejoinder on ~~the~~ behalf of other applicants also.
2. That para 1 of the short counter reply needs no comment.
3. That para 2 of the counter reply is admitted and the contents of para 6(1) to 6(4) and 6(3) to 6(32) of the application are reiterated. It is

राजेंद्र कुमार शुक्ला

A-49

specifically submitted that despite the order of the Hon'ble Supreme Court in S.L.P.No.1213 and 1214 of 1988 as well as the directions of this Hon'ble Tribunal, the respondents excluded the applicants from the Panel arbitrarily, deliberately and with a malafide intention. The Panel dated 2.2.90 is absolutely illegal, arbitrary and framed with malafide intention as the respondents were pre-determined to exclude the applicants from Panel dated 2.2.1990.

4. That para 3 of the counter reply is admitted. However, the applicants applied in pursuance of Notice No.DCME/704/Part, dated 8.9.1989 but some of them were not called for the examination, some of them were called for but their call letters were subsequently cancelled and some others were called and appeared in the examination but were failed by the respondents illegally and arbitrarily as the respondents were pre-determined not to select them.

5. That para 4 of the counter reply is admitted and para 4 of this rejoinder is reiterated. However, it may be pointed out that the respondents had allowed the applicants only to apply for the post of Khalasi to show that they are complying with the Hon'ble Supreme Court's direction dated 8.9.1989, but in fact the respondents excluded the applicants in different ways as is evident from para 4 of this

राजेश कुमार शर्मा

(A 80)

rejoinder. Thus the directions of the Hon'ble Supreme Court dated 8.9.1988 and those of this Hon'ble Tribunal have been flouted by opposite parties.

6. That para 5 of the counter reply is not disputed. It is further submitted that despite the directions of the Hon'ble Supreme Court as well as of this Hon'ble Tribunal, the respondents did not pay any heed to it and ^{as such} the applicants are suffering irreparable loss and injury.

7. That para 6 of the counter reply is denied. In fact the respondents are patently disobeying and defying the Hon'ble Supreme Court's directions dated 8.9.1988 by way of non-compliance as is evident from para 4 of this rejoinder. That is why the matter is yet to be adjudicated upon so that the applicants may be spared from harassment by the respondents and may get justice.

8. That the contents of para 7 of the counter reply as stated are not admitted. The applicants fulfilled all the terms and conditions mentioned in the notice dated 8.9.1989 and they had applied in pursuance of the said notice, but were excluded from the Panel in different ways as is evident from para 4 of this rejoinder. Since the respondents were pre-determined not to select the applicants who were petitioners in S.L.P.No.1213 and 1214

श्रीजिन्द कुमार शुक्ला of 1988.

(A21)

-4-

9. That para 8 of the counter reply as stated is denied. It is vehemently denied that the candidates who fulfilled all the terms and conditions laid down in the notice dated 8.9.1989, were duly considered and called for Interview. In fact the applicants, despite fulfilling all the terms and conditions as laid down in the said notice and applying in pursuance of it, were not considered at the time of making the Panel dated 2.2.90. The respondents in contravention of the Hon'ble Supreme Court's order dated 8.9.1988, illegally, arbitrarily and with malafide intention formed the Panel after denying the opportunity to the applicants.

10. That para 9 of the counter reply as stated is denied. In fact the applicants were eligible and had applied in pursuance of the notice dated 8.9.1989 but some of them were called for Interview but subsequently their call letters were cancelled without stating any reason. Others were not called even for interview and some of them were called but were failed deliberately, illegally with malafide intention. In this way the respondents made the Panel dated 2.2.90 without paying any heed to the orders of ^{the} Hon'ble Supreme Court and Central Tribunal.

11. That the contents of para 10 of the counter reply, as stated, are denied. It is wrong

राजेश कुमार शर्मा

AS

to say that O.A.No.84 of 1989 has been disposed off finally. In fact this application is connected with O.A.No.69/90. However it may also be submitted that the formation of the Panel dated 2.2.1990 is wholly illegal, arbitrary and malafide.

12. That para 11 of the counter reply as stated is denied. It is submitted that the applicants though applied in pursuance of the notice dated 8.9.1989, but were not considered. The respondents adopted different ways to throw them out of the Panel dated 2.2.90 as is evident from Para 4, 9 and 10 of this Rejoinder. In this way the respondents made the Panel dated 2.2.90 illegally, arbitrarily and with a malafide intention at their own free will and the applicants were put to a heavy loss and injury.

13. That para 12 of the counter reply is vehemently denied. In fact the Panel dated 2.2.90 was made in contravention of the Circular N.P.S. No.8601-A of the Railway Board and the respondents committed many illegalities as the applicants fulfilled all the terms and conditions but still were not considered and rejected in different ways as is patent from the preceding paras of this Rejoinder. It is specifically mentioned that the respondents did not pay any heed to the directions of the Hon'ble Supreme Court as well as those of this Hon'ble Tribunal, when they made the Panel dated 2.2.90.

21/10/92 3/11/92 3/11/92

AS

14. That para 13 of the counter reply is denied. In the light of the facts and circumstances stated in this rejoinder and those of the original application, the applicants may be allowed the relief claimed in the application against the respondents and in favour of the applicants.

रजिस्ट्रार, 12/9/90

Lucknow, dated,
12.9.90

Deponent.

Verification.

I, the deponent above named do hereby verify that the contents of paras
of this ~~affidavit~~ Rejoinder are true to my own knowledge and those of paras
are believed by me to be true on legal advice.

Signed and verified this 12th day of September, 1990 at Lucknow.

रजिस्ट्रार, 12/9/90

Deponent.

To

(ASU)

The Registrar

C A T Lucknow

Sub - P.K. Shukla vs UOI
146 of 1990
decided on 7.1.93.

Dear Sir,

In the above noted application
the applicant moved an ^{mis} application
for impleading ~~a~~ applicant which
name was left to be added though
he ^{had} signed the vakalatnama.
Since in the decision his name is
not added, the inspection of the
file/record is necessary so that
for correction a fresh mis application
be moved.

wherefore It is prayed that the
permission for inspection the record
be given.

Applicant

(Signature)

Cause for Applicant

29-4-93

File
inspected
on 20-4-93
DmV

File
17.4.93

In the Central Administrative Tribunal, Lucknow.

M.P. No. 417/93
O.A. No. 146 of 1990.

--

R.K. Shukla and others. ----- Applicants
Versus
Union of India & others. ----- Respondents.

--

The applicant most respectfully submits
as under :-

1. That the above application was decided on 7.1.1993 and the said application was filed by R.K. Shukla and 6 others. Due to mistake, the name of one applicant, Zafar Ahmad, son of Zaubar Husain could not be incorporated though he had signed Vakalatnama.

2. That for incorporating the name of Zafar Ahmad, the applicant moved an application dated 21.12.1992, which was taken up on 7.1.1993.

3. That the Hon'ble Court directed the office to give its report and heard the matter finally.

21.12.92 सुमा 2 सुमा

D.O. 7.1.93

F-7
22/4/93

hukla
E. K. Shukla
22/4/93

For up.
21.12.92
23-4-93

4. That the office recorded its report as reproduced below :-

"In petition there are six applicants but the Power filed by Mr.L.P.Shukla, learned counsel for the applicants, signed by seven persons."

5. That since in the application, only 6 applicants are mentioned, the respondents are not implementing the judgment against Sri Zafar Husain, son of Sri Zaubar Husain.

Wherefore, it is prayed that Zafar Ahmed, aged about 28 years, son of Sri Zaubar Husain resident of 255/9, Kundari Rakabganj, Lucknow, may be incorporated as applicant No.7 in the above original application No.146 of 1990.

राजेंद्र कुमार शुक्ला

Lucknow, dated,
23.4.1993

Applicant.

Verification.

I, R.K.Shukla, aged about 33 years, son of Sri Shyam Sunder, resident of 31/3, Purani Labour Colony, Aishbagh, Lucknow, do hereby ~~xxxxxxx~~ verify that the contents of paras 1 to 5 are true to my own knowledge and no part of it is false.

Signed and verified this 23 day of April, 1993 at Lucknow.

राजेंद्र कुमार शुक्ला

Applicant.

ASG

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, LUCKNOW

O.A. No. 146 of 1990

Rajendra Kumar Shukla & others Applicants

Versus

Union of India & others..... Respondents

SUPPLEMENTARY AFFIDAVIT

I, Rajendra Kumar Shukla, aged about years,
son of Sri Shyam Sunder , resident of 31/3 Purani
Labour Colony, Aishbagh, Lucknow, do hereby solemnly
affirm and state on oath as under :-

1. That the deponent is applicant No.1 in the
above O.A. No. 146 of 1990 and as such he is
fully conversant with the facts deposed to
herein. He has been duly authorised by other
applicants to file this affidavit.
2. That the applicants on the basis of selection
were successful and were placed on the panel
of 187 candidates for appointment as casual
labour/khalasi. The said panel was, however,
arbitrarily cancelled by order dated 3.1.1985
passed by respondent No.2 without notice to
the applicants and without disclosing any
reason and on the same date, that is, 3.1.1985
applications were invited to empanel 127 khalasis

1/2 copy of Shukla
K.K. id

in front of Shyam Sunder
7/1/93 A.K.L.

R.T.
8/7/

27.03.85 11/2 2/04/85

(A.S.P.)

Against the order of cancellation and inviting applications for fresh panel writ petition No.590 of 1985 was filed. An application O.A. No.500 of 1986 was also filed in this Hon'ble Tribunal.

3. That during the pendency of the aforesaid cases, a panel of 120 persons was drawn up to the exclusion of the applicants.
4. That this Hon'ble Tribunal by its judgment and order dated 24.11.1987 dismissed O.A. No.500 of 1986 along with O.A. No.206 of 1987.
5. That an S.L.F. was filed in the Hon'ble Supreme Court against the judgment and order dated 24.11.1987 passed by this Hon'ble Tribunal. By its order dated 8.9.1988 the Hon'ble Supreme Court on the basis of the statement made by the learned Addl. Solicitor General ordered that the bar of age would not be made against any of the applicants when a fresh panel is prepared. This concession as made by the Addl. Solicitor General shall operate in respect of the consecutive advertisements for employment. This is so in view of the fact that the applicants have already been in panel and that panel has been cancelled without giving notice to them.

2/12/88 11/12 2/4/89

(A-58)

-3-

6. That the applicants by notice dated 8.9.1989 were called for selection test for drawing up a panel of 150 persons for the post of khalasis although they had already passed the selection test and were included in the panel of successful candidates as far back as in 1984. They were subjected to the same selection test requiring them to lift a gunny bag weighing $37\frac{1}{2}$ kg. and were asked a few oral questions.

7. That by notice dated 2.2.1990 a panel of 149 persons selected as temporary khalasis was announced. This panel was drawn up in an arbitrary manner without complying with the letter and spirit of the order of the Hon'ble Supreme Court dated 8.9.1988.

8. That aggrieved by notice dated 2.2.1990 drawing up a panel of 149 persons applications were filed before this Hon'ble Tribunal. These applications were connected and dismissed by the common judgment and order dated 20.5.1991. Against the aforesaid judgment and order dated 20.5.1991 civil appeal Nos. 865-66 of 1992 arising out of SLP (C) Nos. 12979-80/91 were filed and the same were allowed by judgment and order dated 14.2.1992. A photostat copy of the judgment and order dated 14.2.1992 passed by the Hon'ble Supreme Court is filed as Annexure No. .

21.01.92 3/11/2 3/11/2

Annexure-

A-89

-4-

9. That the case of the applicants in the above application is the same as that of the appellants in the aforesaid appeals which have been allowed by the Hon'ble Supreme Court. The applicants are, therefore, entitled to be placed at par with the appellants and entitled to the same benefit in accordance with the judgment and order dated 14.2.1992 by which the Hon'ble Supreme Court directed the railway authorities to treat the appellants as claimed by them and then consider them along with other applicants if any belonging to the same category as the appellants and having similar preferential claim and pass an appropriate orders of appointment to the existing vacancies expeditiously preferably within two months from today, that is, 14.2.1992. Accordingly all the appellants have been given appointment by the railway administration. The applicants are also entitled to the same preferential treatment as they are also the sons of railway employees.

राजेश कुमार शुक्ला

Lucknow Dated:

Deponent.

August 4, 1992.

Verification

I, the above-named deponent do verify that the contents of paragraphs of this affidavit are true to my own knowledge and those

O.A. No. 146 of 1990

61

Rajendra Kumar Shukla & others Applicants

Versus

Union of India & others..... Respondents

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 1992

(Arising out of S.L.P.(C) Nos.12979-80/91)

387312

Dharmender Kumar Nigam and Ors.

...Appellants

Versus

Union of India and Ors.

...Respondents

ORDER

Special leave petition on behalf of the petitioner No.7-
Uma Singh Pal is not pressed and is dismissed as such.

2. Heard the learned counsel for the parties. Special leave
is granted.

3. The appellants who are 29 in number, claim priority in
matter of employment in the Railways on the ground of being sons
of Railway employees on the basis of a policy decision which is
being followed in the Department. For that purpose a panel was
prepared in 1984 including the appellants and the same was
cancelled subsequently without notice to them. Another panel
was later prepared in 1985 in which the appellants are not
included. They, after challenging the same before the Central
Administrative Tribunal unsuccessfully, approached this Court
with special leave petitions being S.L.P. (C) Nos.1213-14 of
1988. The matter was disposed of by the order of this Court

2/12/92 12/12/92

A-62

21-2-1988

dated 08.09.88, as contained in Annexure P.1 directing reconsideration of their cases after ignoring the age bar. Consequently another panel was prepared, but again the appellants could not find place therein. The appellants once more moved fresh petitions before the Tribunal which were dismissed by the order under challenge.

4. In reply to a query by the Bench, the learned counsel for the respondents stated that the appellants were entitled to their claim of priority in 1984, when the first panel was prepared. He has, however, contended that since the appellants had not filed their applications through the employment exchange, the claim could not be considered. We have examined the relevant facts and circumstances of the case and are of the view that having regard to the earlier order passed by this Court and the nature of the claim of priority based on compassionate grounds, the refusal to consider the appellants' claim for the sole reason that the applications had not been sent through the employment exchange was not justified. Accordingly we direct the respondents to include the names of the appellants in the fresh panel.

5. Mr. R.K. Jain, the learned counsel for the appellants, has drawn our attention to the earlier order of this Court requiring the respondents to state whether sufficient number of

रजिस्ट्रार के पास भेजा गया

AG-5

- 3 -

vacant posts are available against which the appellants, in case of their success, can be accommodated. The learned counsel for the respondents concedes that vacancies do exist. An additional affidavit has also been filed stating that there are in existence ⁴³² 14 vacant posts at present. After taking into account all the relevant circumstances in the case including the considerable delay disposing of the claim of the appellants, we direct the Railway authorities to treat the appellants as claimed by them, and then consider them along with the other applicants, if any, belonging to the same category as the appellants and having similar preferential claim, and pass appropriate orders of appointment to the existing vacancies expeditiously preferably within two months from today. The appeals are accordingly allowed but in the circumstances without costs.

.....J.
(Lalit Mohar Sharma)

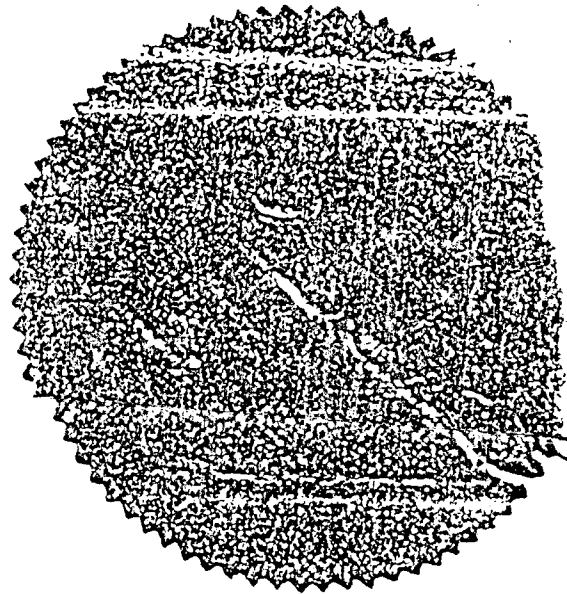
.....J.
(J. S. Verma)

New Delhi,
February 14, 1992

.....J.
(A. S. Verma)

21/02/92 3/4/2 3/4/2

A-67



10/11/37 21 50
No. of children 3
No. of children 3
No. of children 3
No. of children 3

Date of birth 10/11/37
Place of birth
Date of birth
Date of birth
Date of delivery of the child

Section Officer
District Court of Dabhoi

रमिन्द्र कुमार शुक्ला

A-65

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

M.P. No. of 1992

In Re:

O.A. No. 146 of 1990

Rajendra Kumar Shukla & others Applicants

Versus

Union of India & others Respondents

The applicants most respectfully submit as
under :-

1. That the above original application was filed by Rajendra Kumar Shukla and 6 others. Due to inadvertant mistake the name of one applicant Zafer Ahmad, son of Sri Zaubar Husain, could not be incorporated in the array of applicants though he had signed the vakalatnama.
2. That the mistake is inadvertant and as such the name of Zafer Ahmad, may be incorporated as applicant No.7.

WHEREFORE it is most respectfully prayed that the name of Safer Ahmad, aged about 28 years, son of Sri Zaubar Husain, resident of 255/9 Kundari Rakabganj, Lucknow, may be incorporated as applicant

the case
K. K. Shukla
vs
Union of India
21/1/93

21/1/93 3/11/93

(A66)

-2-

No.7 in the above original application No.146 of 1990.

Verification

I, Rajendra Kumar Shukla, aged years, son of Sri Shyam Sunder, resident of 31/3 Purani Labour Colony, Aishbag, Lucknow, do hereby verify that the contents of paras 1 & 2 above are true to my personal knowledge and that I have not suppressed any material fact.

राजेंद्र कुमार शुक्ला

Date : 21/12/1992

Applicant.

Place: Lucknow.

C.A.No.116 of 1990

Akhilesh SinghApplicant.

Versus

Union of India & anotherRespondents.

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

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

(BY Hon'ble Mr.Justice U.C.Srivastava,V.C)

The learned counsel for the respondents

Shri Anil Srivastava states that after the judgment in 'Dharmender Kumar Nigam & others Vs. Union of India & OTHERS' (Civil Appeal No.865 of 1992 arising out of S.L.P. Nos.12979-80/91) dated 14.2.92, the position has changed and the applicant also became entitled for a pointment. The Hon'ble Supreme Court has made the following observations that;

"After taking into account all the relevant circumstances in the case including the considerable delay disposing of the claim of the appellants, we direct the Railway authorities to treat the appellants as claimed by them, and then consider them along with the other applicants, if any, belonging to the same category as the appellants and have similar preferential claim, and pass appropriate orders of appointment to the existing vacancies expeditiously preferably within two months from today. The appeals are accordingly allowed but in the circumstances without costs."

2. The learned counsel for the respondents

further states that certain persons have been appointed and the applicant will also get an appointment as and when vacancy arises. In order to remove any

A-68

doubt, we make it clear that the applicant shall also be given a pointment as and when vacancy arises in accordance with the seniority and the fact that the applicant has become over age and that the applicant has not been a party to any application earlier, will not stand in his way. With these observations, the application stands disposed of finally. In case any vacancy exists, the applicant will be given appointment against the existing vacancy. No order as to costs.

SA

SD-

MEMBER(A)

VICE CHAIRMAN.

DATED: JULY 14, 1992

(ug)

Recd
27/9/92

13.000

KNOW.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

Registered A/D

Ghandi Bhawan
Opp. Residency
Lucknow.

4464-66

Registration No. 146/10 (L) 199.

Dated:

No. CAT/Alis/Jud/

Dated:

D. Chandra Kumar & Co. (APPLICANT(S))

VERSUS

Union of India (RESPONDENT(S))

- (1) Union of India through the General Manager N. R. Boro da House New Delhi
- (2) Dy Chief Mechanical Engineer (W) Carriage and Wagon Workshop N. R. Alam bagh LKO

Please take notice that the applicant above named has represented an application a copy of whereof is enclosed herewith has been fixed registered in this Tribunal and the Tribunal has fixed 5-7-90 day of 1990. FOR further order

If, no appearance is made on your behalf, your pleader or by some one duly authorised to Act and Plead on your behalf in the said application, It will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this

8 day of 5 1990.

18/8/90
FOR DEPUTY REGISTRAR
(JUDICIAL)

on the personal officer (W)
Carriage and Wagon Workshop N. R.
Alam bagh Lucknow

copy of petition with Sans order
14-8-90 Passed there on.

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

O.A. NO.146 of 1990 (1)

Rajendra Kumar Shukla Applicant.
Versus
Union of India & Others Respondents.
3.5.1990

Hon'ble Mr. Justice K. Math, V.C.

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

Admit. Issue notice.

Counter be filed within 4 weeks, rejoinder
within 2 weeks thereafter.

List for further orders on 5.7.1990.

Checked
Sd/-
8/5/90

Sd/-


Sd/-

A.M.

V.C.

// True Copy //

rm/


Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

N.R.

VAKALATNAMA

G.V. 3

In the Hon'ble Central Administrative Tribunal, Lucknow

Before
the Court of

C.A. No 146 of 1990 (4)
Fixed for 5-7-1990

Plaintiff
Defendant

Rajendra Kumar Shukla
and others.

Claimant
Appellant
Petitioner

Versus

Defendant
Plaintiff

The Union of India
and others.

Respondent

The President of India do hereby appoint and authorise Shri. Anil Srivastava, Presenting
Officer, A.K.O.

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw, the withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri Anil Srivastava, Presenting Officer, A.K.O. in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of Indian this the.....19

Dated.....198

N.R.P./R.Rd. (Pb. Bg.) 135-174/17-02-1989-4,000 F.

Designation of the Executive Officer
(RAJIV CHANDRA)

राजिव चन्द्रा
अधीक्षक निदेशक (प्रशासन)
केंद्र, लखनऊ, उत्तर प्रदेश