

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

17/5/90

Registration No. 168 of 1990(1)

APPLICANT(S) Shameel Ahmad Kidwai

RESPONDENT(S) U.O.2

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 (2+3)
3. a) Is the appeal in time? Yes
b) If not, by how many days it is beyond time? Yes
c) Has sufficient case for not making the application in time, been filed?
4. Has the document of authorisation/ Vakalatnama been filed? Yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/- Yes
6. Has the verified 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 copies? 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

✓ (PT/2)

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
11. Are the application/duplicate copy/spare copies signed ?	NA
12. Are extra copies of the application with Annexures filed ?	Y
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 ?	NA
14. Are the given address the registered address ?	Y
15. Do the names of the parties stated in the copies tally with those indicated in the application ?	Y
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ?	NA
17. Are the facts of the case mentioned in item no. 6 of the application ?	Y
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 ?	Y
19. Whether all the remedies have been exhausted.	Y

dinesh/

48-590

Hon. Mr. Justice K. M. K., VC
Hon. Mr. K. T. Raman, J.M.

Admit. It is pointed out by the petitioner that in the merit list of the persons, ~~case~~ placed upon the Panel for appointment as Skilled Artisan-III, the petitioner has not been given appointment, whereas Ajay Kumar Dandin & Manasa Devi, who are placed at lower places than him in the list, have been given appointment. It is also stated that representation dated 31.3.80 (Ann. A-6) was made to respondent No. 3 against the failure to appoint the petitioner and that the orders thereon have not yet been received.

It may be counter within 4 weeks, to which the petitioner may file rejoinder within 2 weeks. List the case for further orders on 29/6/90. In the meantime, the OP No. 3 is directed to dispose of the representation contained in Annexure-6. The petitioner is allowed to serve respondent No. 3 out of the court. The office will deliver copy of the notice along with the paper book containing the representation as well as copy of this order to the petitioner for service upon respondent No. 3. Service report may be submitted on the date fixed.

VC
Ann.

Post. of usual
notices
OP-113

VC on
22/5/10

4
4

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A. No. 168/90

S.A. Kidwai

Applicant.

versus

Union of India & ors.

Respondents.

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

Hon. Mr. S.N. Prasad, Judl. Member.

(Hon. Mr. A.B. Gorthi, A.M.)

Heard the learned counsel for the parties.
The learned counsel for the applicant states that
the relief sought by him has already been granted,
hence the Original Application has become infructuous.

The application is therefore, dismissed as
infructuous. Parties to bear their own costs.


J.M.


A.M.

Shakeel/

Lucknow Dated: April 1, 1991.

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

In the Central Administrative Tribunal,
Circuit Bench, Lucknow.

O.A.No. 168 of 1990.(1,

Shakeel Ahmad Kidwai.

-----Applicant

Versus

Union of India and others.

-----Respondents.

I N D E X.

<u>S.No.</u>	<u>Description of papers.</u>	<u>Page Nos.</u>
<u>I.Compilation-I:</u>		
1.	Application	1 - 12
2.	<i>Vakalatnama</i>	13 —
<u>II.Compilation</u>		
1.	Annexure No.1: Photo copy of letter/ admit card dt.8.11.88.	14 —
2.	" No.2: Photo copy of letter dt.10.1.89.	15 —
3.	" No.3: Photo copy of letter dt.9.11.89.	16 —
4.	" No.4: Photo copy of letter dt.10.11.89.	17 —
5.	" No.5: Photo copy of merit list dt.26.10.89.	18 —
6.	" No.6: True copy of representation dt.31.3.90.	19 - 21

A P P L I C A N T.

For use in Tribunal's Office:

Date of filing:

or

Date of Receipt by Post

Registration No.

[Signature]
Signature
for Registrar.

*f.T.
sup
17/5/90*

*Noted for
18/5/90
[Signature]
17/5*

In the Central Administrative Tribunal,
Circuit Bench, Lucknow.

Deputy Regd

O.A.No. 148 of 1990. (2)

--

Shakeel Ahmad Kidwai, aged about 24 years,
son of Mr. Ishaq Ahmad, resident of Hata
Karim Baksh, 10, Latouch Road, Lucknow.

-----Applicant

Versus

1. Union of India through the Secretary,
Railway Board, New Delhi.
2. General Manager, Northern Railway,
Baroda House, New Delhi.
3. Deputy Chief Electrical Engineer,
Workshop Northern Railway, Charbagh,
Lucknow.

-----Respondents.

--

DETAILS OF APPLICATION.

- I. Particulars of the order against
which application is made :

The instant application is against the
arbitrary and illegal action of the respondents
for not appointing the applicant on the post
of Skilled Artisans Trainee Grade-III against
25% direct recruitment quota after becoming
successful for appointment on the basis of
written test and interview organised by the

Baksh

respondents and also on the basis of merit list dated 26.10.1989 prepared out of marks obtained by the candidates, who appeared in the said written test and interview organised by the Railway Administration.

II. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order or action against which he wants redressal is within the jurisdiction of the Tribunal.

III. Limitation :

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

IV. Facts of the case :

1. That the applicant is a Graduate youth having passed the I.T.I. Technical Course with Air-Conditioning Trade and also has completed one year apprenticeship from Hindustan Aeronautics Limited, Lucknow. The applicant is also the son of a Railway employee.
2. That vide Employment notice No.220-E/W/Lucknow/D.R./III dated 28.9.1988, following vacancies were fallen vacant under the Deputy

Agreed

1/1

8

Chief Electrical Engineer Workshop, Northern Railway, Charbagh, Lucknow, against 25% direct recruitment quota from the open market :-

<u>S.No.</u>	<u>Posts</u>	<u>Vacancies.</u>
1.	Crane Driver	01
2.	T.L.Fitter	04
3.	A.C.Fitter/Electrical Fitter.	04
4.	Armature winder/ Power-wireman.	03
5.	Row Wireman T.L.	02
6.	Electronic Machanic	01

Total: 15 Posts.

3. That a copy of the said employment notice dated 28.9.88 was also send by the opposite party No.3 to the Employment Officer, Employment Exchange, Lucknow, requiring him to refer 45 applications in the sealed packets of those candidates who were registered under the Employment Exchange (Compulsory Notification Vacancies) Act,1959. The last date for receipt of the names of 45 registered candidates was 25.10.1988.

4. That as the applicant was duly registered with the District Employment Exchange Office, Lucknow, bearing registration No.T/3835/85 and he was also fulfilling all the requisite qualifications as required by the Railway Department vide its employment notice

Bq Keel

dated 28.9.1989, so the Employment Exchange, Lucknow refer the name of the applicant for appointment after training of Skilled Artisans alongwith the names of other 44 candidates on the post of Air-Conditioning Fitter.

5. That after receipt of the intimation from the Employment Exchange, Lucknow the applicant contacted the opposite party No.3 and submitted his application on the prescribed proforma for his appointment as Skilled Artisans Trainee Grade-III within the stipulated period.

6. That vide letter dated 8.11.1988 of the opposite party no.3, the applicant was directed to appear in the written test on 27.11.1988 organised by the Railway Administration for the said purpose at System Technical School, Northern Railway, Charbagh, Lucknow. In compliance of the said letter the applicant appeared in the written test held on 27.11.1988 at the above mentioned centre under Roll No.84. A photo copy of the letter/admit card dated 8.11.1988 issued by the opposite party No.3 to the applicant is being annexed as Annexure No.1 to this application.

7. That vide letter dated 19.1.1989, the applicant had been informed by the opposite

Grated

10 (10/10)

party No.3 that he has been declared successful in the written test against 25% direct recruitment quota and by the said letter the applicant was also directed to face the Interview on 7.1.1989. A photo copy of the letter dated 19.1.1989 issued by the opposite party No.3 is being annexed to this application as Annexure No.2.

8. That on account of the typographical mistake the date of Interview was changed from 7.1.89 to 7.2.89. The date of Interview was again changed from 7.2.89 to 14.2.89, from 14.2.89 to 27.2.89 and 28.2.89 and from 27.2.89 to 14.3.89 and ultimately the Interview took place on 14.3.1989.

9. That the applicant had been informed by the opposite party No.3 vide its letter dated 9.11.1989 and 10.11.1989 that he has been found suitable for appointment to the post of Skilled Artisans Trainee Grade-III against 25% direct recruitment quota with Air-conditioning Trade after successful completion of six months training at Railway Training Institute. ~~Approx~~ Photo copies of letters dated 9.11.1989 and 10.11.1989 issued by the opposite party No.3 are being annexed as Annexures No.3 and 4 respectively to this application.

Bokeel

10. That vide letters dated 9.11.1989 and 10.11.1989 of opposite party No.3, the applicant was also directed to fulfil certain formalities before appointment including to pass the prescribed medical test, submission of Character Certificate, execution of bond with the Railway Administration etc. In pursuance of the direction of opposite party No.3, the applicant submitted himself before the Regional Medical Officer, Northern Railway, Lucknow on 30.11.1989. The applicant also qualified the medical test and was found medically fit for appointment by the Regional Medical Officer, Northern Railway, Lucknow. The applicant submitted the Medical Fitness Certificate issued by the Regional Medical Officer, Northern Railway, Lucknow, in the office of opposite party No.3 on 2.12.1989.

11. That on the basis of marks obtained by each candidate in the written test as well as in the Interview, a merit list was prepared by the opposite party No.3 of the successful 13 candidates against 25% direct recruitment quota for the post of Skilled Artisans Trainee Grade-III. The merit list dated 26.10.1989 clearly indicates that the name of the applicant is at Serial No.3 in order of merit. A photo copy of the merit list dated 26.10.1989 is annexed to this application as Annexure No.5.

Done

12/10/89

-7-

12. That despite this fact that the applicant qualified the written test and Interview and was placed at Sl.No.3 in the merit list of successful candidates dated 26.10.1989 and he was also found medically fit for appointment on the post of Skilled Artisans Trainee Grade-III against 25% direct recruitment quota but opposite parties in a most arbitrary and illegal manner have not issued appointment order in favour of the applicant so far.
13. That the applicant is representing his case before the Railway authorities since November, 1989 but he gets nothing except the oral assurance of the Railway authorities particularly opposite party No.3 that shortly he will be given appointment on the basis of departmental examination in order of merit.
14. That it is also relevant to point out here that in a most arbitrary and discriminatory manner 3 candidates of merit list dated 26.10.1989 whose names are at Sl.No.1, 5 and 6 have been given appointment whereas rightful claim of the applicant has not been considered and he was not given appointment although he ought to have been appointed first before appointing the candidates of Sl.No.5 and 6 in order of merit as he was at Sl.No.3 of the

Bakkeel

said merit list. This act of the opposite parties is violative of Articles 14 and 16 of the Constitution of India.

V. Details of the remedies exhausted :

That the applicant submitted several representations dated 15.1.1990, 31.3.1990 and lastly on 30.4.1990 to the opposite parties but all the representations are still pending and the opposite parties have not communicated any decision on the said representations to the applicant so far. A true copy of the representation dated 31.3.1990 is being annexed to this application as Annexure No.6.

VI. Matters previously filed and pending :

That the applicant submits that for the present dispute the applicant has not filed any suit or proceeding in any Court of Law.

VII. Grounds of Relief :

(a) Because the attitude of the opposite parties not appointing the applicant is manifestly illegal, arbitrary, unjust and malafide.

(b) Because the opposite parties are admitting in writing that the applicant has been found suitable for appointment to the post of

Sealed

Skilled Artisans with Air-conditioning Trade against 25% direct recruitment quota but in a most arbitrary and discriminatory manner they are not issuing appointment letter in favour of the applicant.

- (c) Because the applicant's name is at Sl.No.3 of the merit list and he has also been found medically fit for appointment but the opposite parties have issued appointment letter in favour of candidates who were at Sl.No.5 and 6 of the said merit list without first appointing the applicant.
- (d) Because the action of the opposite parties is discriminatory and violative of Articles 14 and 16 of the Constitution of India.
- (e) Because the applicant is fully entitled for being appointed under the policy of Railway Board and against 25% direct recruitment quota.
- (f) Because the opposite parties are Welfare State and they have no power or authority to ignore the rights of the applicant for his employment after computing the written test as well as Interview organised by the Railway Administration.

Shakeel

VIII. Relief sought for :

In view of the facts stated above, the applicant prays for the following reliefs and respectfully prays that this Hon'ble Tribunal may graciously be pleased :-

- (1) To issue an order or direction to the opposite parties to consider and appoint the applicant on the post of Skilled Artisans and after training of 6 months on the post of Air-conditioning Fitter in pursuance of the merit list dated 26.10.1989 prepared on the basis of marks obtained by each candidate in the written test and Interview organised by the Railway Administration for the said purpose.
- (2) To issue an order or direction with immediate effect to the opposite parties to allow the applicant to join the 6 months training at Railway Training Institute.
- (3) To issue an order or direction to the opposite parties directing them to decide the representations of the applicant during the pendency of this applicant.
- (4) Any other order or direction which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case may also be passed.

Backed

- (5) To award the cost of this application in favour of the applicant.

IX. Interim Relief :

It is most humbly and respectfully prayed that for the facts and reasons stated above this Hon'ble Tribunal may kindly be pleased to direct the opposite parties to allow the applicant to join 6 months training with immediate effect at Railway Training Institute during pendency and final decision of the instant application. It is further prayed that this Hon'ble Tribunal may also be pleased to direct the opposite parties to take decision on the pending representations of the applicant till pending decision of this application within a specified period.

X. Particulars of the Bank Draft/
Postal Order in respect of the
Application fee :

1. No. of Indian Postal Order: 02 414184
2. Name of issuing Post Office: High Court, Lucknow
3. Date of issue of Postal Order: 10.5.90
4. Post Office at which payable: Allahabad

XI. List of Enclosures:

1. Photo copy of letter/admit card dated 8.11.88.
2. Photo copy of letter dated 10.1.1989.

Bekeed

3. Photo copy of letter dated 9.11.1989.
4. Photo copy of letter dated 10.11.1989.
5. Photo copy of merit list dated 26.10.1989.
6. True copy of representation dated 31.3.1990.

Verification.

I, Shakeel Ahmad Kidwai, aged about years,
son of Sri Ishaq Ahmad, resident of Hata Karim
Baksh, 10, Latouch Road, Lucknow, do hereby verify
that the contents of paras IV-1 to 13, V VI
are true to my personal knowledge and those of
para I, II III, IV-14, VII — are believed
to be true on legal advice and that I have not
suppressed any material fact.

Shakeel

Date:

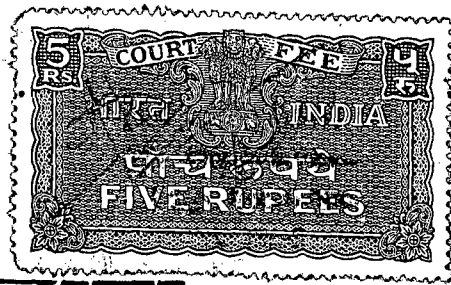
A P P L I C A N T.

Place: Lucknow.

To,

The Registrar.

Central Administrative Tribunal
Circuit-Bench, Lucknow.

18/13
(8/1)

वकालतनामा

न्यायालय का नाम In the Central Administrative Tribunal Circuit -
Bench, Lucknow
 नं० मु० A. No. सन् 1990
 नाम फरीकैन Shakeel Ahmad Kidwai Versus Union of India
 किस्म दावा Application of others of the Administrative Tribunal Act 1985
 उक्त मुकदमे में पैरवी करने के लिए मैं/हम Shakeel Ahmad Kidwai
 आत्मज Mohd. Ishaq Ahmad Mushim जाति 12, Lathuch Road, 4th
 श्रीयुत M. Ahsan Faridi Advocate

को अपना वकील नियुक्त करता हूँ / करते हैं। आपको अधिकार है कि आप इस मुकदमे में हमारी ओर से पैरवी व सवाल जवाब बहस करें व दस्तावेज व अन्य कामज उपस्थित करें व वापस लेवें। पंच नियुक्त करें व पंचनामा व पंच निर्णय के विरोध में कारण उपस्थित करें सुलहनामा व स्वीकृतपत्र उपस्थितकर दावा स्वीकार करें या उठा लेवें। डिग्री हो जाने पर उसे कार्य रूप में परिणित करावें, डिग्री का रुपया तत्सम्बन्धी व्यय या अन्य कोई धन जो हमें प्राप्त होने को हो प्राप्त करें कोर्ट फीस स्टाम्पस व अन्य खर्च दाखिल करें व वापसी लेवें व नकल लेवें। मिसिल निरीक्षण करें व मुकदमा स्थगित करावे व अर्जी दावा व लिखित बयान उपस्थित करें व अपील या अन्य कोई प्रार्थना पत्र उपस्थित करें या शपथ पत्र उपस्थित करें या हमारी ओर से मौखिक बयान दे। मुकदमे में गवाह तलब करावे या अपनी ओर से अन्य वकील नियुक्त करके मुकदमे की सब कार्यवाही करावे या अन्य उक्त मुकदमा सम्बन्धी जो आवश्यक कार्य हो करे।

मैं / हम उक्त वकील साहब को उनकी फीस निश्चित करने के बाद उपरोक्त अधिकार देते हुए अपना वकील नियुक्त करता हूँ / करते हैं, और इकरार करता हूँ कि जो कुछ कार्य वकील साहब इस मुकदमे के सम्बन्ध में करेंगे वह हमारा किया हुआ समझा जायगा और हमें स्वीकार होगा।

हस्ताक्षर प्रार्थी

Shakeel

साक्षी

साक्षी

स्वीकृत वकील

तारीख

सन् १६

नाम न्यायालय

वाद सं०

नाम

Accepted
[Signature]

the Central Administrative Tribunal (Central Bench Lucknow)
O.A. No. 11470
Shakeel Ahmad Kidwai Applicant
Union of India & ors. Opp. Parties
Annexure No. 14

कार्यालय उप मुख्य विद्युत अभियन्ता [कर्म] उत्तर रेलवे चारबाग लखनऊ
पत्रांक नं० 220-ई/डब्ल्यू/लखनऊ/सी०भा०/111 दिनांक 08/11/1988

श्री श्रीकांत अहमद फिदावश
पुत्री
पता हाता करीम नरेश 10 लाइस रोड लखनऊ

परीक्षा स्थल :- सिस्टम टेक्नीकल स्कूल उत्तर रेलवे चारबाग लखनऊ ।
विषय :- 25 प्रतिशत कोटे के अधीन कुशल कारीगर श्रेणी तृतीय की सीधी भर्ती ।

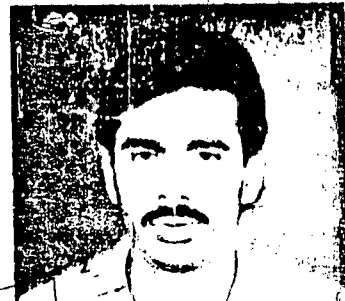
इस कार्यालय के नियोजन सूचना संख्या 220-ई/डब्ल्यू/लखनऊ/सी०भा०/111 दिनांक 28.9.88 के अनुसार कुशल कारीगर श्रेणी तृतीय में प्रशिक्षण के उपरान्त वेतन मान स्पया 950=1500 [स०वे०] की भर्ती हेतु लिखित परीक्षा दिनांक 27.11.1988 समय 14-00 बजे अपरान्ह [रविवार] को उपरोक्त परीक्षा स्थल पर होगी । आप इस परीक्षा में सम्मिलित होने के लिए परीक्षा केन्द्र पर प्रातः 9-00 बजे तक अवश्य पहुंच जाए ।

नोटिफिकेशन :-

1. परीक्षा में सम्मिलित होने के लिए किसी प्रकार का भत्ता देय नहीं होगा ।
2. आप अपने साधवाल पैन/इंक एवं दस्तवी अवश्य लायें ।
3. नीचे अंकित स्थान पर आप अपना नवीनतम फोटो किसी राजपत्रित अधिकारी द्वारा फोटो पर अपने हस्ताक्षर करने के बाद सत्यापित करा कर अवश्य लायें ।
4. इस परीक्षा में सम्मिलित न होने पर अन्य उत्तर प्रदान नहीं दिये जायेंगे ।
5. सेवायोजन कार्यालय के अभ्याथियों के लिए निर्देश संलग्न है ।

बुते उप मुख्य विद्युत अभियन्ता [कर्म]
उत्तर रेलवे चारबाग लखनऊ ।

अनुक्रमिक :- 84
अभ्यर्थी का नाम :- SHAKEEL AHMAD KIDWAI
पिता का नाम :- SHRI ISHAR AHMAD
परीक्षा की तिथि 27/11/88
अभ्यर्थी के हस्ताक्षर :- Shakeel



Senior Accounts Officer (P)
N. O. Alambagh, Luck

Handwritten signatures and initials at the bottom left of the page.

Shakeel Ahmad Kidwai
Versus
Union of India & Ors

Applicant
op. parties

Annexure No. 2

15

20

लोकपाल एवं मुख्य विद्युत अभियन्ता इ.एम. उत्तर रेलवे पारवहन विभाग लखनऊ।

पत्र सं० 220-3/डब्ल्यू/लखनऊ/सीओओ/111.

दिनांक 18.1.89.

श्री. शकील अहमद किदवाई 80. अनुमानिक - 84

पुत्र पिता हस्ता करीम वृम्श

पता 10, 11/2 श. राड लखनऊ

साक्षात्कार का स्थान :- कार्यालय पारवहन विद्युत अभियन्ता इ.एम. उत्तर रेलवे
सेन्ट्रल पावर हाउस के समीप लखनऊ।

विषय:-

25 x 100 के अधीन आकर कारोबार प्रेमी वृत्तीय में प्रमाणित
तात्पर्य।

आ. कार्यालय के सूचना संख्या 1 कान/रकडेंट/डायरेक्ट/111 दिनांक 17.1.89
के द्वारा आप को उक्त पद की लिखित परीक्षा में योग्य घोषित किया जा चुका है।
आप दिनांक 7.1.89 को 10.00 बजे साक्षात्कार के लिए उपरोक्त स्थान पर, अपने
साथ शैक्षणिक योग्यता प्रमाण पत्र, तकनीकी योग्यता प्रमाण पत्र तथा एक छद्म योग्यता
प्रमाण पत्र आदि की मूल प्रतियाँ साथ लेकर उपस्थित हों।

अनुसूचित जाति/अनुसूचित जन जाति के अभ्यर्थियों को जाति प्रमाण पत्र की मूल
प्रति भी लाना आवश्यक है। प्रमाण पत्रों के मूल प्रति न होने पर साक्षात्कार में
सम्मिलित नहीं किया जायेगा।

उपरोक्त निर्धारित समय पर उपस्थित ना होने पर द्वारा अंतर प्रदान नहीं
किया जायेगा।

उपरोक्त साक्षात्कार हेतु किसी प्रकार का भत्ता देय नहीं है।

मुख्य विद्युत अभियन्ता (W)
Dr. Shafiq Ahmad
उत्तर रेलवे पारवहन विभाग लखनऊ।

अनुमानिक - 84

अभ्यर्थी के हस्ताक्षर Shakeel

अभ्यर्थी का नाम SHAKEEL AHMAD KIDWAI

पिता का नाम SHRI PSHAR AHMAD



19/1/89

T.C.

Shakeel Ahmad Kidwai

Union of India & Ors

Applicant
op. parties

Annexure: 3

16

21

कार्यालय उपमुख्य विद्युत अभियन्ता [कर्म] उत्तर रेलवे, चारबाग, लखनऊ ।

पत्र संख्या- 220-ई/डब्ल्यू/लखनऊ/डी0आर0/111.

दिनांक: 07.11.89.

श्री ~~शकील अहमद क़िद्वई~~
पुत्र श्री ~~इशक अहमद क़िद्वई~~ - हाता करीम बक्श, 10. लाटूरोड
लखनऊ 35-226001

विषय :- 25% कोटे के अधीन कुशल कारीगर श्रेणी-111 में सीधी भर्ती ।

आपको इस कार्यालय के ध्यान सूचना संख्या 220-ई/डब्ल्यू/लखनऊ/डी0आर0/111, दिनांक 07.11.1989 के द्वारा कुशल कारीगर श्रेणी-111 में प्रशिक्षण के उपरान्त अस्थायी नियुक्ति हेतु इस शर्त पर चुन लिया गया है कि आप स्वास्थ्य परीक्षा में सफल घोषित किये जायें तथा आपके द्वारा प्रस्तुत शिक्षा प्रमाण-पत्र, तकनीकी प्रमाण-पत्र तथा जाति प्रमाण-पत्र आदि जांच करने पर सही पाये जायें व चौरत्र उत्तम पाया जाय तथा नियुक्ति के समय स्थान रिक्त हो ।

आप अपने सभी मूल प्रमाण-पत्रों सहित स्वास्थ्य परीक्षा के लिए पत्र प्राप्त होने के 14 दिन के भीतर [आठ] 8 पासपोर्ट साइज के फोटो तथा 12 रुपये स्वास्थ्य परीक्षण शुल्क के साथ इस कार्यालय में उपस्थित हों । इस पत्र के साथ नियुक्ति प्रस्ताव पत्र भी भेजा जा रहा है इसे पूरा करके साथ में संलग्न प्रोफार्मा के अनुसार दो चौरत्र प्रमाण-पत्र भी साथ में लेकर उपस्थित हों ।

बिना धार
17.11.89

उप मुख्य विद्युत अभियन्ता [कर्म],
उत्तर रेलवे, चारबाग, लखनऊ ।

संलग्न - नियुक्ति
प्रस्ताव

निगम

9/11/89

T.C.
[Signature]

Shakeel Ahmad Kidwai
Versus
Union of India & Ors

Applicant
op. parties
17

Annexure: 4

Office of the Dy.C.E.E.(W)/Northern Railway, Charbagh, Lucknow.

No.220-E/W/LKO/DR/III.

Dated:10.11.1989.

Name : Shri Shakeel Ahmad Kidwai
Address : Hata Karam Bazar, 10, Lalouche Road
Lucknow 226001

Sub:- Requisite training in Skilled artisans against 25% quota.

It is to inform you that you have been found suitable for the post of Skilled artisan trainee (Trade A/c) in grade 950-1500 subject to 3 year/06 month training with stipend during training period in grade Rs.900-20-940 (RPS) again 25% direct recruitment quota subject to the following terms and condition:-

1. Before appointment you will have to pass a prescribed medical test for which you will have to deposit required medical fee.
2. You will have to submit a character certificate from stipendary first class executive magistrate or a District Magistrate or Sub-divisional Magistrate on enclosed proforma.
3. Before appointment as Skilled artisan in grade 950-1500(RPS) you will have to undergo a prescribed training which is three years for matriculates and 6 months for ITI passed candidates on prescribed monthly stipend of Rs.900/- plus D.A. as admissible as per extant Rules in grade 900-20-940(RPS) 950-1500(RPS) in work shop under Chief instructor BTC/CB, Lucknow including an intensive training for a period of six months at Human resources Development Centre, Bhagat Ki Kothi, Jodhpur, only on Completion of successful training so prescribed, you will be given appointment as Skilled artisan.
4. In addition you will have to execute a bond with the Railway administration to the effect that in case you discontinue the training or do not serve the Railways for prescribed period after training, you will have to refund the cost of training together with the stipend and interest thereon as per extant rules.
5. On appointment of Skilled artisan you will have to be enrolled in territorial army in Rly.Engineer unit if so required for specified period.
6. You will be required to take an oath of allegiance to the Indian dominion in the form prescribed below:-

I Shakeel Ahmad Kidwai do swear/solmnly affirm that I will be faithful and bears true allegiance to the Indian and to the constitution of India as by law established and that I will loyalty carryout the duties of my offices, so help me God.

NOTE:- Conscientious objectors to oath taking may strike out the words swear from the above declaration.

17/11/89
Dy.Chief Electrical Engineer. (W),
N.Rly., Charbagh, Lucknow.

R.K.
NIGAM

Shakeel Ahmad Kidwai
Versus
Union of India & Ors

Applicant
op. parties

Annexure No: 5

18
23

उत्तर रेलवे:

कार्यालय उप मुख्य विद्युत अभियन्ता ॥ कर्म० ॥
चारबाग: लखनऊ

प्यन सूचना

आकांक्षार
सफल घोषित
किया जाता
है एवं

25 प्रतिशत कोटे के अन्तर्गत कुशल कारीगर श्रेणी तृतीय के कर्मी हेतु
लिखित परीक्षा दिनांक 27-11-88 तथा स्कूल दिनांक 14-3-89 के परिणाम
स्वरूप निम्नलिखित अभ्यर्थियों को प्राविजनल पैनल पर इस शर्त के साथ
रखा जाता है कि वे स्वास्थ्य परीक्षा में सफल, तथा शिक्षा, आयु तकनीकी,
जाति प्रमाण पत्र आदि सही पड़े जायेंगे।

क्रम सं०	रॉल नम्बर	नाम	पिता का नाम	परिणाम
1.	45	सुर्व श्री:- बलजीत सिंह	सुर्व श्री:- गुर मेल सिंह	सफल
2.	34	अश्वनी शर्मा	फकीर चन्द शर्मा	"
3.	84	शकील अहमद किदवाई	झाक अहमद	"
4.	77	हेमन्त कुमार सेनी	लक्ष्मी नारायण सेनी	"
5.	23	अजय कुमार अग्निहोत्री	योगेन्द्र मोहन	"
6.	46	मन्सा राम	माता बदल	"
7.	37	अरविन्द कुमार	दान पाल सिंह	"
8.	15	अशोक चन्द्र वर्मा	जी. सी. वर्मा	"
9.	53	राहुल शुक्ल	जी. सन. शुक्ल	"
10.	22	अवध कुमार रावत अनु. जाति	मोहन लाल रावत	"
11.	47	पी. मुरलीधर राव	पी. आर. स्म. राव	"
12.	79	ओम प्रकाश पाल	सत्य नारायण पाल	"
13.	31	शाहिद अन्वर	अन्वारुल हक	"

उपरोक्त अभ्यर्थियों को यह सूचित किया जाता है कि मात्र उनका प्यन
किया जान इस बात कि गारन्टी नहीं है कि वे कुशल कारीगर के पद पर
नियुक्त ही कर लिये जायेंगे, आवश्यकता अनुसार उनको प्रशिक्षण के लिये
भेजा जायगा और उनके सफल प्रशिक्षण के उपरान्त ही उनको कारीगर
कुशल के पद पर लगाया जायगा।

उपरोक्त को मुख्य विद्युत अभियन्ता को अनुमोदन प्राप्त है

अभ्यर्थियों को यह भी सूचित किया जाता है कि प्रशिक्षण के काल में उनको
प्रशिक्षार्थी भत्ता देय होगा

सात राम तिकरी 1/11/89

को उप मुख्य विद्युत अभियन्ता ॥ कर्म० ॥

कुशल संख्या 220-ई/हल्द्वी/लखनऊ/डी.आर./111 दिनांक-28-10-1989

कर्मशाला प्रतिलिपि सूचार्थ : कर्मशाला विद्युत अभियन्ता/आलमबाग

क्षेत्रीय सेवा योजन कार्यालय

सर्व समस्त सम्बन्धियों को

10/11/89

T.C. 10/11/89

In the Central Administrative Tribunal, Circuit Bench Lucknow
O.A. No. _____ of 1990
Shakeel Ahmad Kidwai
VERSUS
Union of India & Ors
Applicant
op. parties
Annexure: 5
DA

To:

The Dy. Chief Electrical Engineer(W),
(Workshop), Northern Railway,
Charbagh,
Lucknow.

Sir,

The applicant most humbly begs to state as
under :-

1. That the applicant is a graduate youth having passed the I.T.I. Technical Course and also has completed one year apprenticeship from Hindustan Aeronautics Limited, Lucknow.
2. That the applicant is duly registered with the Distt. Employment Exchange Office, Lucknow bearing registration No. T/3835/85 under the Employment Exchange (Compulsory Notification of vacancies) Act 1959.
3. That vide letter No. 220 E/W/Lucknow/C.R./III dated 28.9.88 of the Dy. Chief Electrical Engineer (Workshop), N.R., Charbagh, Lucknow applications were invited for the 15 posts of Skilled Artisans Grade III against the 25 % quota Scheme of direct recruitment from the open market.
4. That a copy of the said letter dated 28.9.88 was also sent to the Employment Officer, Lucknow requiring him to refer 45 applications in the Sealed packets alongwith the names of those 45 candidates who were registered under the Employment Exchange (Compulsory Notification Vacandies) Act 1959. The last date for receipt of the names of 45 registered candidates was 25.10.1988.
5. That as stated above the applicant was duly registered with the Employment Exchange office, Lucknow and he was also fulfilling all the requisite qualifications as required by the Railway Department vide its letter dated 28.9.88, so Employment Exchange, Lucknow refer the name of the applicant for appointment after training on the post of Skilled artisan Grade III Trainee Grade III alongwith the names of other 44 candidates.
6. That after receipt of the intimation from the office of the Employment Office, Lucknow that the name of the name of the applicant has been referred to the Railway Department (Office of the Dy.C.E.E. (W), N.R., Charbagh, Lucknow), the applicant contacted the office of Dy. C.E.E. (W) N.R., Charbagh, Lucknow as per the intimation of the Employment Exchange Office, Lucknow.
7. That the applicant submitted his application on the prescribed proforma for his appointment as Skilled artisans Trainee Grade III within the stipulated period.

contd .. 2

31-3
31-3

31-3

T.C. *[Signature]*

20
25

8. That vide letter dated 8.11.1988 of the Dy.C.E.E. (W) N.R. Charbagh, Lucknow the applicant was required to appear in the written test on 27.11.88 at System Technical School, N.R., Charbagh, Lucknow. In compliance of the said letter the applicant appeared in the written test held on 27.11.88 on the above mentioned Centre under the Roll No. 84 and he was declared successful in the written test against 25 % direct recruitment quota.
9. That vide letter dated 19.1.89 applicant has been informed by the Dy. C.E.E. (W) N.R., Charbagh, Lucknow that he has been declared successful in the written test and now he is required to face the interview on 7.2.89. The date of interview was changed from 7.2.89 to 14.2.89 and again from 14.2.89 to 27.2.89 and 28.2.89 and again the date of interview was changed from 27-28/2/89 to 14.3.89 ultimately the interview took place on 14.3.89.
10. That on the basis of the marks obtained in the written test and also in the interview, a merit list was prepared by the Dy. C.E.E. (W) N.R., Charbagh Lucknow of the successful 13 candidates against the 25 % direct recruitment quota for the post of Skilled Artisans Trainee grade III. The merit list dated 26.10.89 clearly indicates that the name of the applicant is at Serial No. 3 in order of merit.
11. That as the applicant qualified the written test and the interview and he was placed at Serial No.3 in the merit list of successful candidates, so the Dy. C.E.E. (W) N.R. Charbagh, Lucknow vide his letter dated 9.11.89 and 10.11.89 informed the applicant that you have been selected and found suitable for appointment to the post of Skilled Artisans Trainee Grade III against 25 % direct recruitment quota.
12. That vide letters dated 9.11.89 and 10.11.89 the applicant was also directed to fulfill certain formalities before appointment including to pass the prescribed medical test, submission of character certificate, execution of bond with the Railway administration etc. In pursuance of the direction of the Dy. C.E.E. (W) N.R., Charbagh, Lucknow the applicant submitted himself before the Regional Medical Officer, Northern Railway, Lucknow on 30.11.89. The applicant also qualified the medical test and was found medically fit for appointment by the Regional Medical Officer, N.R., Lucknow and Medical Fitness certificate submitted to the dealing clerk, on 2.12.89.
13. That despite the fact that the applicant qualified the written test and interview and was placed at Sl. No. 3 in the merit list of successful candidates and he was also found medically fit for appointment on the post of Skilled artisans Trainee Grade III against the 25 % direct recruitment quota, but for reasons best known to the competent authority he has not been given appointment so far.

contd .. 3

Bokeed

T.e.
J.P. Adh

26/10/90

14. That the applicant is representing his case before the Railway authorities since November 1989 but he got nothing except the oral assurance of the Railway authorities that shortly he will be given appointment on the basis of the departmental examination in order of merit.
15. It is also relevant to point out here that in a most arbitrary and discriminatory manner 3 candidates of merit list dated 26.10.89 whose names are at Sl. No. 1, 5 and 6 have been given appointment whereas rightful claim of the applicant has not been considered and he was not given appointment although he ought to have been appointed first before appointing the candidates of Serial No. 5 and 6 in order of merit as he was at Sl. No. 3 of the said merit list.
16. That earlier on 15-1-1990 a representation was submitted by the applicant before Dy. C.E.E. (W), N.R., Charbagh, Lucknow for redressal of his grievance and for his rightful claim of appointment on the post of skilled artisans Trainee grade III. But no decision has been communicated to the applicant on his representation dated 15-1-90 so far.

In view of the above it is respectfully prayed that your honour may kindly be pleased to take a favourable decision on the representation of the applicant and applicant may be allowed to join his duties as Skilled Artisans Trainee Grade III against 25 % direct recruitment quota. In case the applicant will not be given appointment, he will have no option except to invoke the jurisdiction of the Competent Court of Law at your cost and risk.

Hoping for favourable consideration.

Thanking you,

Yours faithfully,

Shakeel

(Shakeel Ahmad Bidwai)
S/o Mr. Ishaq Ahmad ~~Mr.~~
Hata Karim Buxsh
10, Latouche Road,
LUCKNOW - 226001.

Dated : 31/3/1990

Copy forwarded to Union Railway Minister,
Ministry of Railways, Government of India, New Delhi,
for information and necessary action.

Shakeel

T.C.
[Signature]

(27)
27

In the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

Civil Misc. Application No. of 1990

In Re:

O.A. No. 168 of 1990 (L)

Shakeel Ahmad Kidwai Applicant

Versus

Union of India and others Respondents

APPLICATION FOR DISMISSAL OF ORIGINAL APPLICATION

That for the facts and reasons stated in the Short Counter Reply, it is most respectfully prayed that in the interest of justice the present original application may be dismissed in favour of the answering respondents and against the applicants.

Filed today
11/12

Lucknow.

Dated: 11/12/90

Anil Srivastava

(ANIL SRIVASTAVA)

Advocate

Counsel for the Respondents

28

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

O.A. No 168 of 1990 (L)

Shakeel Ahmad Kidwai

.... Applicant

Versus

Union of India and others

..... Respondents

SHORT COUNTER REPLY ON BEHALF OF ALL THE RESPONDENTS

I, Om Pal Singh at present working as

Deputy Chief Electrical Engineer (W) Northern

Railway, Charbagh, Lucknow do hereby solemnly

affirm and state as under:-

Contd.....2

Lu
6/12

1. That the official abovenamed is working as Deputy Chief Electrical ^{Engineer} Engineer (W) Northern Railway, Charbagh, Lucknow and has also been impleaded as the respondent No. 3 in the present original application, as such he is fully conversant with the facts and circumstances of the ^{and} case is competent to file this short counter reply on behalf of ~~all~~ the respondent Nos. 1 and 2 also.

2. That it may be stated at the very outset that the applicant namely Shri Shakil Ahmad Kidwai had submitted an application dated 8.10.90 before the respondent No.3 stating that if he gets an appointment in the office of the respondent No. 3 then he will voluntarily withdraw the present original application from this Hon'ble Tribunal. The said application dated 8.10.90 is being filed herewith as Annexure No. C-1 to this short counter reply.

3. That accordingly the office of respondent No. 3 appointed ~~xx~~ the applicant as Skilled Artisian vide office order No. 84 dated 12.10.90 and in pursuance of the said order the applicant is already undergoing training. A copy of the said order dated 12.10.90 is being filed herewith as Annexure No. C-2 to this short counter reply.

4. That now it is to be seen that the grievances of the applicant have already met and he has no further grievances which is clear from the letter dated 8.10.90 contained in Annexure No. C-1 to this reply, written by the applicant that if he is given appointment then he would withdraw the case from this Hon'ble Tribunal.

5. That since the applicant has already been given appointment vide order dated 12.10.90 contained in Annexure No. C-2 to this reply and he is already undergoing

31

- 4 -

training, hence the present original application has also become infructuous and is liable to be dismissed as infructuous.

6. That for the facts and reasons stated hereinabove this case has no merits and deserves to be dismissed in favour of the answering respondents and against the applicant.

Lucknow.

Dated: 06/12/80


(OM PAL SINGH)

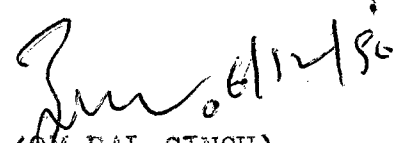
Dy. Chief Electrical Engineer (W)
N. B. Chandra Lucknow

VERIFICATION

I, the official above named do hereby verify that the contents of para 1 of this counter reply is true to my personal knowledge and those of paras 2 to 6 of this short counter reply are believe by me to be true on the basis of records and legal advice.

Lucknow.

Dated: 06/12/80


(OM PAL SINGH)

Dy. Chief Electrical Engineer (W)
N. B. Chandra Lucknow



संक्षेप

उप मुख्य विद्युत अभियन्ता (आय)
रेल इंजन कारखाना
चारबाग, लखनऊ

महोदय

मेरी विद्युत उप मुख्य विद्युत अभियन्ता के
आदेश से 220/ई/500/मज/सी, आर/ए विभाजन
10-11-89 द्वारा रिकवर्ड आर्किव में डाले गए पत्र
पर इसी पत्र में पोषण में देखा गया था
जबकि मुझे कार्मिक के अभियन्ता के विभाजन
6-12-1989 को भोग दान कारखाना गमाइस
परिपेक्षा में विभागीय आर्किव से कार-
नाम उत्तर मिलने के उपरान्त मेरे द्वारा
आनवीन से-ट्रान्समिशन इंजिन-मामलूम
के एक प्रार्थना से 08/6/1990 (एल)
विभाजन 18-5-1990 को कार के गमाइस

अब मुझे मुझे (एल) कारखाने द्वारा
भोग दान कारखाने हेतु निर्देशित किया गया था
मौखिक रूप से प्रार्थना कर लेने को कहा था
इसी स्थिति में मैं उपरान्त कार प्रार्थना
पादक ले सकता हूं यदि मुझे भोग दान
कारखाने जाई।

Attested

6/12

उप मुख्य विद्युत अभियन्ता (कर्म)
उ० रे० चारबाग लखनऊ

दिनांक 8/10/90

श्री प्रदीप कुमार
श्री अरुण कुमार
श्री अरुण कुमार
श्री अरुण कुमार
श्री अरुण कुमार
श्री अरुण कुमार
श्री अरुण कुमार
श्री अरुण कुमार
श्री अरुण कुमार
श्री अरुण कुमार

प्रमाणित
श्री अरुण कुमार
श्री अरुण कुमार
10, लाइन्स रोड लखनऊ

Office of the Dy.C.R.S.(W)/Northern Railway, Charbagh, Lucknow

Office Order No. 84.

Dated: 12.10.1990.

The following orders are issued to be given immediate effect :-

The following candidates who have been declared successful by the Selection Committee and result declared vide this office letter No.220-W/N/LKO/DR/III/1 dated 6.11.89, are appointed as Skilled Trainee Artisan against 25% Direct Recruitment quota on the following terms and conditions.

1. Before appointment as Skilled Artisan in grade Rs.950-1500 (UPB) they have to undergo and complete training as per programme, on stipend Rs. 900/- plus D.A. as admissible under the rules in grade Rs. 900-920-940 (UPB) in case of articulates and Rs. 950/- plus D.A. in case of ITI/Act Apprentices from Non-railway establishment with particular trade, from the date of joining under the Chief Instructor BTC/Lucknow.
2. They have to execute a bond with Railway Administration to the effect that in case he discontinues on his own accord or does not serve the Railway administration for a prescribed period after successful completion of training, they will have to refund the cost of training and stipend together with the interest thereon as per extant rules.
3. On appointment as Skilled Artisan they will have to be enrolled in territorial Army in Railway Engineering Unit, if so required for specified period as per extant rules.

Sl. No.	Name & Father's name	Medical No.	Trade.	Period of Training
1.	Ashwani Sharma S/o Fagis Chand Sharma	060951 dated 9.10.90.		
2.	Khushal Ahmad Khowal S/o Ishag Ahmad	060956 dated 11.10.90.		
3.	Hemant Kumar Saini S/o Laxmi Narain Saini	060957 dated 11.10.90.		
4.	Arvind Kumar Singh S/o Dera Pal Singh	061175 dated 6.9.90.		
5.	P. Parli Dhar Srinewas Rao S/o P.R.H. Rao.	060954 dated 9.10.90.		
6.	Shahid Anwar S/o Anwarul Haq.	060953 dated 9.10.90.		

Trade, Period of Training and Rate of Stipend will be advised later on.

NOTE:- The appointment of above candidates as Trainee Artisan is purely temporary and provisional subject to following terms and conditions:-

- (1) The candidate should be aware that if any of their certificate is found incorrect/forged and their services as Trainee artisan is likely to be terminated without any notice.
- (2) The candidature is subject to verification by the Police Authorities with regard to character and antecedents. In case the same are not found in order the services of such candidates will liable to be terminated without any notice.

Contd..../2.

Attended
S
C/L

मुख्य विद्युत अभियन्ता (कम)
उ०रे० चारबाग लखनऊ