

(See rule 114)

OA/~~TA/RA/CP/MA/PT~~...183.....of 2090(u)

.....Applicant(S)

Versus

U.O.I. & Others..... Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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Certified that the file is complete in all respects.

Signature of S.O. *B.C. Peddewani*

Signature of Deal. Hand

25/5/93
V (A)
CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No. 183 of 1980

APPLICANT(S) Chinnu

RESPONDENT(S) Govt

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 ?	Yb
b) Is the application in paper book form ?	Ys
c) Have six complete sets of the application been filed ?	Yp
3. a) Is the appeal in time ?	Yb
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 ?	Yb
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	Yb
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	Yh
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yb
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yp
c) Are the documents referred to in (a) above neatly typed in double paper ?	Yb
8. Has the index of documents been filed and pagewise done properly ?	Yb
9. Have the chronological details of representation made and the contents of such representation been indicated in the application?	Yh
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	N

(A2)

Particulars to be Examined

Endorsement as to result of examination

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

Y

12. Are extra copies of the application with Annexures filed ?

a) Identical with the Original ?

Y

b) Defective ?

c) Wanting an Annexure

Nos. _____ pages Nos _____ ?

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

NO

(only 10 O.P.s)

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 ?

NO

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

Signature

28/5/90

Hon. Mr. P.C. Jain, A.M.
Hon. Mr. T.P. Sharma, T.M.

(A3)

No one is present for the applicant.
List it on 3/7/90.

Sd/ J.M.

Clerk
A.M.

3-7 90. No sitting Adj. to 30/7/90

30-7 90. No sitting. Adj. to 28/9
Kyp

28.9.90

Hon'ble Mr. Justice K. Nath, V.C.
Hon'ble Mr. K. Obayya, A.M.

Admit.

See original order on main petition

Issue notice to respondents to file counter within four weeks to which the applicant may file rejoinder within two weeks thereafter. List for further order on 19.11.90

Sd/

Sd/

A.M.

V.C.

Sd/

Expt. no. 1 to 5
Notice served
16-10-90

S.P.S. received today from Applicant

26-10-90
Expt. no. 6 to 15
Notice served
5-11-90

19.11.90

Hon. Mr. Justice K. Nath vs.
Hon. Mr. M.H. Singh A.M.

On the request of both
counsel case is adjourned
to 21.12.90.

h. h. L
A.M.

OR
Notices were issued on 26.11.90 & 7
Notice of op. No 11 has been return back with postal remain at the of Mr. Singh
No reply on behalf of other respondents.
S. P. O.

21.12.90

No sitting Adj. to 4.3.91

OP 13, 14 have been return back
26/11

14/11/90

(3)

(AW)

3.10.91

D.R.

~~11/11~~

R.H. has not been
filed today. Applicant
is ordered to file RA
Till 20.11.91.

20.11.91

D.R.

Response to be

filed by applicant
file on or before
4/2/92. C.P. is
absent. ✓

4/2/92

D.R.

Both the parties
are present.
Applicant to file
Response by

29/4/92

✓

Sum R. H. has been
filed by the Applicant
✓
25/11/91

(3) (A5)

ORR D E 3 4 5 7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD (UNDER)

BENCH

OR No 183/90

OF 19

Shunabhat vs. State of U.P.

No. Date	Office report	Remarks
----------	---------------	---------

OR
N. K. Singh
S. H.
10/3/91

17.3.93 No finding of D. M.
to 8.4.93

04.53 No finding of D. M. only
to 11.5.93

OR
R. Anand
S. H.
12/4/93

11.5.93 No finding of D. M. only
to 9.7.93

OR
R. Anand
S. H.
12/5/93

OR
R. Anand
S. H.
12/5/93

(86)

9/7/93

Hon.Mr.B.K.Singh, A.M.

Learned Counsel for the respondents
is present. None for the applicant.
C.A. has been filed in this case.
R.A., if any, may be filed within
2 weeks. Put up this on 30/8/93
for hearing/disposal.

01/ 30.08.93

K.A. 1/10/93

15.10.93

21/11/93

No sitting of D.B. adj.
to 15.10.93

No sitting of D.B. adj.
to 21.11.93

01/ 14/10/93

23.12.93

Please refer to the report. Please
for the attention of the Bench on
04.1.94 for hearing.

As per direction of
Hon. Member C.A. case 2/93
for sitting adj. to 23.12.93

04-1-94

No sitting of D.B. adj.
to 23-2-94.

23/12/93

23.2.94

No sitting of D.B. adj.
to 06.5.94 for hearing.

23/12/93

As per direction of
Hon. Member C.A. case 2/93
for sitting adj. to 23.12.93

23/12/93

Or A. 183/90

(S)

(A7)

24.11.99

Case not marked, until
20.12.99 for hearing.

Vky
B-C

CP
Rt to objection/
Reply of CP No 124
& CA of CP No 5 to 15
has not been filed
till date.
2
16/12/99

20/12/99.

NO DB is available after
lunch session. Adsn to 20/01/2000

4
B02

20.01.2000

NO sitting of A.B. case is
adsn to 15.02.2000 for hearing.

4
13.0.c.

15/2/2000.

Avit/ve & JLN (am)

Mr. Atk. Dract (rep.)

At the request on behalf of the learned
Counsel for applicant due to the reason that
counsel for appct. is seriously ill, adjourned
to 23.3.2000.

SL

JLN/am

15/2

3
Avit/ve.

S.

AD

O.A. 183/90

29.6.2000

HON. MR. D.C. VERMA, MEMBER(J)

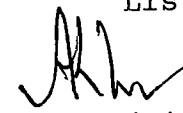
HON. MR. A.K. MISRA, MEMBER(A)

None for applicant.

Shri Dharmendra Dixit B.H. for Shri A.K. Chaturvedi for respondents.

M.P. 1429/2000 has been filed to the effect that applicant No. 1 Chinna and the applicant No. 2 Ram Bharosey have died. Time of 15 days has been sought for moving the Amendment Application. The M.P. is allowed. 15 days time is granted.

List for orders on 3.8.2000


MEMBER(A)

Shakeel/


MEMBER(J)

3/8/2000

Hon. Mr. D.C. Verma, J.M.
Hon. Mr. A.K. Misra, AM

None for the applicant Sh. A. Trivedi
for Sh. A.K. Chaturvedi for respondents.
Heard. orders reserved.


J.M.


J.M.

§

14/08/2000

Hon'ble Mr. D.C. Verma - J.M.
Hon'ble Mr. A.K. Misra - AM

order pronounced in open court today -

4/8

OR
Copy of order/judgment
prepared, OA along with
original judgment returned
to dealing hand
16/10/2000


J.M.

AA

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

O.A. No. 183/90

Lucknow this the 14th day of August, 2000.

HON. MR. D.C.VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

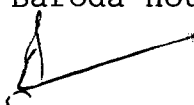
1. Chinna aged about 31 years son of Shri Hansa, village Tirwa, Post Kachhona, District Hardoi. (Since dead)
2. Ram Bharosey, aged about 40 years son of Sri Salik Ram, village Purwa, Post Barwa District Hardoi. (Since dead)
3. Ram Prasad aged about 36 years, son of Shri Tikai, Village Tirwa, Post Baghauli, District Hardoi.
4. Ram Bhajan aged about 33 years son of Sri Gayadin, Village Khuddi, Post Pachkhora, Distt. Hardoi.
5. Rais Ahmad aged about 31 years son of Sri Nanhey, village & Post Khajurahara, District Hardoi.
6. Subedar aged about 32 years son of Sri Gokul Village Tirwa, Post Bhagauli, District Hardoi.
7. Munna aged about 27 years son of Sri Bacchu, Village Gadanpur, Post Baghauli, District Hardoi.
8. Mahadeo aged about 32 years son of Sri Behari, village Paharpur, Post Baghauli, Distt. Hardoi.
9. Ram Chandra aged about 37 years son of Sri Champa, village Paharpur, Post Baghauli, Distt. Hardoi.
10. Bodh Lal aged about 36 years son of Sri Lachhaman, village Tirwa Post Baghauli, District Hardoi.
11. Laltoo aged about 38 years son of Sri Har Sahaya, village Paharpur, Post baghauli, Distt. Hardoi.
12. Chhotey Lal aged about 33 years son of Sri Mohkam, village Khatore, Post Tondali, Distt. Hardoi.

Applicants.

None for applicant.

versus

1. Union of India through General Manager, Northern Railway Hqrs., Baroda House, New Delhi.



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2. Divisional Rail Manager, Northern Railway, Moradabad.
3. Assistant Engineer, Northern Railway, Hardoi.
4. Inspector of Works, Northern Railway, Hardoi.
5. Assistant Engineer, Northern Railway, Sitapur.
6. Gajraj son of Rambha Village Dheer Maholia, Post and District Hardoi.
7. Ram Lal son of Bholai, Village Hindukhera, Post Kachhona, District Hardoi.
8. Sia Ram son of Fattey, village Benipurwa Post and Distt. Hardoi.
9. Kashi Ram son of Jhunni, village Tirwa, Post Baghauli, District Hardoi.
10. Chinna son of Bhikhha, Posted as Khalasi under Inspector of Works Balamau, Distt. Hardoi.
11. Sripal son of Balwant Villae Gauripur, Post Lonar Distt. Hardoi.
12. Prahlad son of Gajodhar, Posted as Khalasi under Inspector of works, N. Rly. Shahjahanpur.
13. Chandrika, son of Ram Prasad Posted as Khalasi under Permanent Way Inspector, N. Rly. Shahjahanpur.
14. Shamsher son of Bachha, posted as Khallasi, Under Inspector of Works, N. Rly. Hardoi.
15. Narain son of Badlu, resident of Banipurwa, post and District Hardoi.

Respondents.

By Advocate Shri A. Trivedi, B.H. for Shri A.K. Chaturvedi.

O R D E R

BY D.C. VERMA, MEMBER(J)

12 applicants of this O.A. have prayed for engagement/regularisation as Khalasi/Mason etc. and have also prayed for being placed at proper place in the seniority list.

2. The brief facts of the case are that the applicants claim to have^{been} engaged as casual labour by




Inspector of Works (in short I.O.W.) Hardoi for various periods mentioned in para 4.1 of the O.A. All the applicants claim to have worked in different periods between the year 1971 and 1986 in broken periods. Earlier the applicants filed O.A. No. 1109/87 for inclusion of their names in the live register. The said O.A. was decided vide order dated 25.11.88. Now, the present O.A. has been filed for the relief mentioned/ⁱⁿ the earlier paragraph.

3. The respondents' case is that the applicant's names were included in the Live Casual Labour register maintained in the office of Assistant Engineer Hardoi as they were to be engaged subject to availability of vacancy. The working period of different applicants have been given by the respondents in their reply which differs from the working period mentioned by the applicant in the O.A. Considering the working period available in the records of the respondents, the applicants' names have been kept at the proper place in the seniority list. The respondents' case further is that the seniority of casual labourers working under one A.E.N. zone cannot be compared with the seniority of the casual labourers maintained by the A.E.N. of the other Division.

4. Vide M.P. No. 1429/2000 it was submitted on behalf of applicants that applicant Nos. 1 and 2 have died. This M.P. was moved on 28.6.2000 for time to move substitution application. No substitution application was moved. Case in respect of applicant No. 1 and 2 therefore abates.

5. In the absence of learned counsel for the applicant, we have gone through the pleadings on record and have heard the learned counsel for the respondents at great length. From the records we find that the applicants have not filed any document in support of their claim of working period. The



A/2

respondents have, however, admitted the working but not the working period. Para 4 of the objection filed by respondents is as below:

"It is stated that the names of the applicants have been entered in the Live Register of casual labours maintained in the office of Assistant Engineer, Hardoi and engagements on regular basis will be provided to the applicants strictly in accordance with their seniority as maintained in the Live Register indicated above subject to availability of the regular vacancies."

5. As the applicants have failed to produce any document to establish that they have worked for the period claimed by them, the applicant's claim cannot be accepted. The period of working of applicants given by the respondents is as per the records of the Department and the same is to be accepted. The placings of the applicants in the seniority list is as per the working period maintained by the respondents and so it cannot be changed.

6. As per applicants' claim, some persons junior to the applicants have been regularised and engaged. Their names have been given in the O.A but it shows that the alleged juniors have been working under different IOWs or PWIs, consequently, the seniority of casual labourers of different IOWs cannot be compared.

7. The respondents have emphatically denied that the private respondents from serial Nos. 6 to 15 were given any engagement on regular basis under IOW Hardoi or Assistant Engineer Hardoi.

8. I.O.W. Shahjahanpur is under the Assistant Engineer Shahjahanpur where a different Live Casual labour register is maintained. As per availability of the vacancy and as per list maintained by A.E.N. Shahjahanpur, casual labourers are engaged and



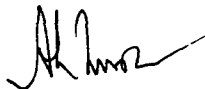
A-13

regularised. The P.W.I. Balamau and IOW Balamau, according to the respondents, fall under the Assistant Engineer Sitapur.

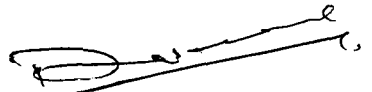
9. In respect of Girraj and Ramlal respondents No. 6 and 7 respectively, they are Mason and none of the applicants are trained as Mason. Consequently, none of the applicants can claim for engagement as Mason. Further, the working period of Shamsher the respondent No. 14, according to the respondents, is 1076 and not 115 and consequently, Shamsher is not junior to the applicants.

10. In view of the discussions made above, the claim of the applicants for seniority is not made out. It is also not established that the respondents have not followed seniority list. Consequently, the O.A. is liable to be dismissed and is dismissed.

Costs easy.



MEMBER(A)



MEMBER(J)

Lucknow; Dated: 14.8.2000 .

Shakeel/

(A-14) 23/5/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ✓

LUCKNOW BENCH:: LUCKNOW.

Misc. App/ No. 360/90 (L)
37

O. A. No. 183 OF 1990 (L)

FORM I

(See Rule - 4)

APPLICATION UNDER SECTION 19 OF THE CENTRAL ADMINISTRATIVE
TRIBUNAL'S ACT, 1985

Chinna & 11 others..

..Applicants.

Versus.

Union of India & others..

..Respondents.

CLAIM FOR GIVING APPOINTMENT/ENGAGEMENT
UNDER IOW N. RLY. HARDOI.

COMPILATION NO. I.

I N D E X

Sl. No.	Description of Document	Page No.	Remarks
1.	Memo of Claim Petition.	16 to 16	
2.	<u>Annexure-A-1</u> Order Dt. 25.11.88 by the Hon'ble Tribunal in C.A. No. 1109-87 (L)	17 to 19	
3.	Vakalatnama.	19A	

Lucknow:

Signature of Applicant,

23 May, 1990

(Chinna & oths)

For Use in Tribunal's Office

THROUGH COUNSEL:-

Date of Filing

or

Date of Receipt by Post

Registration No.

A.K. DIXIT,

Advocate,

509/28 Ka, Old Hyderabad,
Lucknow.

Signature of Registrar.

(A-15)
23/1/92
✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

on 103/90(1)

1. Chinna, aged about 31 years, son of Sri Hansa,
Village Tirua, Post Kachhona, Distt. HARDOI.
2. Ram Charosey, aged about 40 years son of Sri Salik Ram,
Village Purwa, Post Barwa Sursand Distt. HARDOI.
3. Ram Prasad aged about 36 years, son of Sri Tikai,
Village, Tirua, Post Baghauli, Distt. HARDOI.
4. Ram Eshjan aged about 33 years son of Sri Gayadin,
Village Khuddi, Post Pachkohra, Distt. HARDOI.
5. Rais Ahmad aged about 31 years, son of Sri Nanhey,
Village & Post Khajurahara, Distt. HARDOI.
6. Subedar, aged about 32 years, son of Sri Gokul,
Village Tirua, Post Baghauli, Distt. HARDOI.
7. Munna aged about 27 years son of Sri Bacchu,
Village Gedanpur, Post Baghauli, Distt. HARDOI.
8. Mahadeo aged about 32 years son of Sri Behari,
Village Paharpur, Post Baghauli, Distt. HARDOI.
9. Ram Chandra aged about 37 years, son of Sri Champa,
Village Paharpur, Post Baghauli, Distt. HARDOI.
10. Bodh Lal aged about 36 years, son of Sri Lachhman,
Village Tirua, Post Baghauli, Distt. HARDOI.

for n°

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-2-

11. Laltno aged about 38 years son of Sri Har Sahaya,
Village Paharpur, Post Baghauli, Distt. HARDOI.
12. Chhotay Lal aged about 33 years son of Sri Mohkam,
Village Khatora, Post Tondali, Distt. HARDOI.
-Applicants..

VERSUS.

1. Union of India, through General Manager,
Northern Railway Hqs., Baroda House, NEW DELHI.
2. Divisional Rail Manager, Northern Railway,
MOORADABAD.
3. Assistant Engineer, Northern Railway, HARDOI.
4. Inspector of Works, Northern Railway, HARDOI.
5. Assistant Engineer, Northern Railway, SITAPUR.
6. Gajraj son of Rambha Village Dheer Maholia, Post
and District Hardoi.
7. Ram Lal son of Bholai, Village Hindukhera, Post
Kachhona, Distt. HARDOI.
8. Sia Ram son of Fattey, Village Benipur wa Post
& Distt. HARDOI.
9. Kashi Ram son of Jhunni, Village Tirwa, Post
Baghauli, Distt. Hardoi.
10. Chinnna son of Shikhha, Posted as Khallasi,
Under Inspector of Works, Salamau, Distt. HARDOI.
11. Sripal son of Balwant Village Gauripur, Post
Lonar, Distt. HARDOI.

Signature

../3.

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12. Prahlad son of Gajodhar, Posted as Khallasi,
Under Inspector of Works, N.Rly. Shahjehanpur.
13. Chandrika, son of Ram Prasad Posted as Khallasi,
under Permanent Way Inspector, N. Rly. SHAHJEHANPUR.
14. Shamserson of Dechha, Posted as Khallasi, Under
Inspector of Works N.Rly. Hardoi.
15. Narain son of Badlu, resident of Benipurua, Post
and District HARDUI.

.. .. Respondents.

DETAILS OF APPLICATION

1. Particulars of Order against which application is made.

The application is made against following order:

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

Since no specific order has been passed
it is not possible to give details of any order.

On 25.11.88 this Hon'ble Tribunal in
a claim petition S.A. No. 1109-87 (L) filed by
applicants passed an order that matter be first
raised before Railway Administration and when it
fails to satisfy applicants seprate claim may be
filed.

Since Railway Administration has failed
to grant any relief, not even reply of representation,

15-11-88

present claim petition is filed on the basis of order dt. 25.11.88 passed by this Hon'ble Tribunal in O.A. No. 1109-87 (L) attached as Annexure A-1 in compilation No. 1.

2. Jurisdiction of The Tribunal:

The applicants declare that the subject matter against which he wishes redressal is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicants further declare that the application is within limitation prescribed in Sec. 21 of the Administrative Tribunal's Act, 1985.

Cause of action for present claim arose on 25.11.88, the date of passing of order by this Hon'ble Tribunal in O.A.1109-87 (L) and when representations moved by applicants have not been decided then after exhausting period as mentioned in Sec. 21 (b) of The Administrative Tribunal's Act, 1985, this claim petition is preferred.

4. FACTS OF THE CASE.

4.1. That applicants were engaged as Casual Labours by Insoector of Urks, (hereinafter referred as (IOU) N. Rly. Hardoi and part in long period

Punni

819

-5-

faithful employment in broken periods under respondents No. 3 and 4 from time to time as indicated below.

	<u>Name of Petitioner</u>	<u>Period of work</u>	<u>Total Days</u>
1.	Chinna	23.12.71 to 31.9.86	261
2.	Ram Bharosey	23.1.73 to 31.1.83	588
3.	Ram Prasad	14.4.78 to 31.1.84	415
4.	Ram Bhajan	3.1.72 to 14.12.85	483
5.	Rais Ahmad	15.8.78 to 14.12.84	714
6.	Subedar	16.12.76 to 14.1.83	399
7.	Munna	13.12.72 to 14.3.83	677
8.	Mahadeo	6.12.72 to 14.12.84	570
9.	Ram Chandra	6.9.72 to 30.4.79	377
10.	Bodh Lal	4.12.73 to 14.2.84	863
11.	Laltoo	6.12.72 to 14.12.84	570
12.	Chhotey Lal	25.9.76 to 14.2.84	467

4.3. That in view of mandatory provisions contained in para 2512 (i) of Railway Establishment Manual applicants are entitled to be considered and engaged for regular employment in accordance with order of their names as entered in register commonly know as "Life Register."

4.4. That since applicants were under impression

for

that their names have not been included in Life Register, they on 2.12.87 filed a claim petition No. 1109 of 87 before this Hon'ble Tribunal praying for following reliefs:-

(i) a declaration, direction or order in favour of applicants in nature of Mandamus/ Command that applicant are entitled for inclusion of their names in the list which should be prepared by respondents within a time to be fixed by Hon'ble Tribunal, and are further entitled to be engaged as Casual Labours in accordance with their seniority, for which respondents be ordered to comply.

(ii) Costs of the claim petition and such other reliefs as may be deemed fit and proper in the circumstances of the case, be also granted to applicants.

4.5. That in para 6.1 of aforesaid claim petition, applicants gave details of their working days (as given in para 4.1 of this claim petition) to which Rly. Administration in para 3 of its counter affidavit replied as under:-

"3. That in regard to the allegations made in paragraph 5.1 of the application it is stated that the applicants were engaged to discharge their duties

For

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of Khalasi merely as casual labourers
on daily wage basis.

In this way the working days as indicated
in para 6.1 of claim petition No. 1109-87 (L)
(also indicated in para 4.1 of this claim) were
not denied by Rly. Administration.

4.6. That with regard to allegation of applicants
in C.A. No. 1109-87 (L) that their names
have not been entered in "Life Register"
the Rly. Administration submitted following
reply in para 6,7 and 8 of its Counter
Affidavit which are reproduced below.

5. That in regard to the allegations
made in paragraphs 6.3, 6.4., 6.5 and 6.6
of the application it is stated that the
names of all the twelve applicants have
been entered in the live register and in
the seniority list for future engagements.

7. That the allegations made in paragraph
6.8 of the application are absolutely incorrect
and are emphatically denied. It is further
stated that the names of all these applicants
are continuing in the above documents right
from the year 1985.

12/85

.. / 8.

A12

-8-

8. That the allegations made in paragraph 6.9 of the application are absolutely incorrect and are emphatically denied.

It is further stated that the applicants were work-side casual labourers and they will be considered for employment on the work-side, if any requirement arises.

4.7. That during the course of final hearing of claim petition O.A. No. 1109 of 1987 (L) the Railway Administration produced the "Seniority List of Casual Labours of IOJ Hardoi as in August 1986" "Life Register" which was permitted by the Hon'ble Tribunal to be perused by applicants through their counsel.

4.8. That on perusal of aforesaid "List/Life Register" in Hon'ble court on 24.11.88 for the first time came to know about their position/Serial number in the list and it was only on this date 24.11.88) applicants realised that several persons junior than applicants Respondent Nos. 6 to 15) have already been engaged to the execution, discrimination of applicants and without giving any chance to applicants for engagement for which they were entitled.

4.9. That the Hon'ble Tribunal in its judgement

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dt. 25.11.88 ordered that since names of applicants find place in Live Register/List, the petition has become infructuous. So far on the question of seniority/discrimination in engagement etc. was concerned Hon'ble Tribunal observed that such question has first to be raised before Railway Administration and when Rly. Administration facts are to satisfy the applicants, they may approach to the Tribunal for proper relief by filing separate claim petition.

A True copy of Hon'ble Tribunal's Judgement Dt. 25.11.88 in C.A. No.1109-87 (L) is attached as Annexure A-1 Compilation No. 1.

4.10. That after pronouncement of judgement Dt. 25.11.88 the applicants in pursuance of the orders of Hon'ble Tribunal moved a detailed representation Dt. 20.1.89 to Respondents No. 2,3 and 4 under Regd. Postal Receipt Nos. 825, 826 and 824.

A True Photo copy of Said representation Dt.20. 1.89 along with concerned Regd. Postal Receipt is attached herewith as Annexure A-2 compilation No.2.

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4.11. That when nothing was done, the applicants tendered a notice on 20/22.5.89 to concerned Respondents through their counsel under Registered Postal Receipt Nos. 714, 715 and 716.

True photocopy of above referred notice Dt. 20/22.5.89 is attached as Annexure A-3.

4.12. That apart from the representation and notice mentioned above (Anx. A2 and A3) applicants have been making constant approaches and efforts but so far Respondents have tendered no reply to the applicants representation and have taken no action to their knowledge.

4.13. That from perusal of facts stated in representation Dt. 20.1.89 which are based on relevant entries in live Register/
perused
List as was got/ (but not applied to applicants) in Hon'ble Tribunal on 24.11.88 from the documents produced by Rly.
Administration it is clear that applicants who are senior in all respects as compared to respective respondents have been totally ignored in engagement.

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Name of Petitioner not engaged so far	Sl.No. in List and page No. of live register	Name of Junior who have been engaged with	Sl.No.of List and Page No. in Leave Register
1. Chinna	113	Narain Posted under IOJ Shahjehanpur	130/79A
2. Ram Bharsey	72/113	Keshi Ram Posted Under PWI Balamau	73/53
3. Ram Prasad	81/104	Prahlad Posted Under IOJ Shahjehanpur	98
4. Ram Bhajan	80/94	Sripal Posted under IOJ Shahjehanpur	88
5. Rais Ahmad	63/110A	Gajraj Posted Under IOJ Hardoi	66/36
6. Subedar	99/125	Siyaram Chinta Posted Under IOJ Shahjehanpur . Shahjehanpur	70/23
7. Munna	76/63	Chinta Bsted under IOJ Balamau	79/23
8. Mahadeo	74/66		
9. Bodh Lal	65/16A	Ram Lal Posted Under IOJ Hardoi.	67/112A
10. Ram Chandra	97A	Chandrika Posted under PWI Shahjehanpur	102/22
11. Laltu	103/55A		
12. Chhotey Lal	93/22 A	Shamsheer Posted Under IOJ Hardoi	115/18

4.14. That before engaging juniors than applicants,
no notice of offer of engagement was given
to the applicants.

4.15. That inspite of directions of this Hon'ble
Tribunal, the respondents have taken no
care to resolve the griviences of

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applicants, and that is why applicants have now been left with no option but to prefer the present claim.

4.15. That since under new administrative arrangements the Balamau-Sitapur-Balamau-Unnao Branch line has been brought under administrative Control of Respondent No. 5, he is impleaded in the present claim. Respondents No. 6 to 15 are persons junior than applicants, hence they have also been impleaded as party as per directions of Hon'ble Tribunal's order dated 25.11.88 contained in Annexure A-1.

4.17. That in view of the facts stated above the action of opposite parties is challenged on and amongst other the following:-

5. GROUND FOR RELIEF WITH LEGAL PROVISION:

- A) Because Railway being Industry and applicant being "Workmen", it was mandatory for Railway Administration to give intimation to applicants under Registered Post as per provisions of Rule 78 of Industrial Dispute (Central, Rules 1957.
- B) Because without giving an opportunity of considering applicants for re-employment

[Signature]

regularisation juniors than them could not have been engaged.

- c) Because re-employment by way of Engagement could and ought to have been done strictly in accordance with seniority and not otherwise.
- d) Because by engaging juniors and ignoring applicants violates Art. 14 and Constitution of India.
- e) Because action of opp. parties is highly arbitrary, unfair and unjust.

6. Details of Remedies exhausted.

The applicants declare that they have availed all the remedies available to them under Rules/ as ordered by this Hon'ble Tribunal on 25.11.88.

True copies of representations have been attached as Annexures A-2 and A-3.

No reply of any representation/ notice has been given by Respondents.

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

The applicants further declare that they have not filed previously any application, writ petition or suit regarding the matter in

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respect of which this application has been made (except O.A. No.1109-87 (L) order of which attached as Anx. A1), before any court of law or any other authority or any other Bench of the Tribunal and nor any such application writ petition or suit is pending before any court of law.

8. Reliefs sought.

In view of the facts mentioned in para 4 above the applicants pray for the following reliefs:-

- (i) a declaration, direction or order in the nature of mandamus be issued in favour of applicants commanding the respondents to engage/regularise the applicants on appropriate post of Khallas, Masan etc. and place them at proper place in seniority list by summoning the same from Respondents 1 to 4 and to allow them all back wages and other usual monetary and other service benefits from an appropriate date as may be deemed fit and proper by Hon'ble court.

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- (ii) Costs of claim petition and such other reliefs as may be deemed fit and proper in the Circumstances of the case be also allowed to the applicants as against the respondents.

9. Interim Order if any prayed for.

NIL.

10. Application is presented through Counsel.

Sri Abhaya Kumar Dixit,
Advocate,
509/28-Ka, Old Hyderabad,
Lucknow.

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

1. Name of Bank on which drawn

2. Demand Draft No.

or

3. No. of Indian Postal order 802 414192

4. Name of Issuing Post Office. High Court Bench Lucknow
dt 14/5/90

5. Post Office at which payable. Allahabad

12. List of Documents

1. Demand Draft/
Postal Order

2. Index of Compilation No.1
and Vakalatnama.

3. Compilation No.2.

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Signature of Applicants,

Lucknow:

Dated. 23 May, 1990

(Chinna & 11 others)

LTi Chhotay Lal

LTi Ramchandra

रईस अहमद
LTi Ram Brijan

LTi Ram Bhawaney

LTi Bodh Lal

LTi Mahadeo

LTi Ram Prasad

LTi Subedar

LTi Laltoo

LTi Munna

Verification

We, Chinna, Ram Bhawaney, Ram Prasad, Ram Bhajan, Rais Ahmad, Subedar, Munna, Mahadeo, Bodh Lal, Ram Chandra, Laltoo and Chhotay Lal whose addresses have been given in this claim petition do hereby verify that the contents of paras 1 to 4, 6 and 7 are true to our personal knowledge and contents of paras 5, 8 to 12 are believed to be true on legal advice and that we have not suppressed any material facts.

LTi Ram Bhawaney

Lucknow:

Signature of Applicants,

Dt. 23 May, 1990

LTi Ram Bhawaney

LTi Chhotay Lal

LTi Ram Chandra

रईस अहमद

LTi Mahadeo LTi Munna

LTi Bodh Lal

LTi Ram Prasad

To,

The Registrar,
Central Administrative Tribunal,
Lucknow Bench LUCKNOW.

LTi Laltoo

LTi Subedar

(RM) A

In The Central Administrative Tribunal, Lucknow Bench,
Lucknow.

MISC. APP. No. 360 / 90 (L)

In
O.A. No. 183 / 90 (L)

Chinna & oths..

.. Applicants.

versus.

Union of India & others..

.. Respondents.

APPLICATION UNDER RULE 4 (5) OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL (PROCEDURE) RULES 1987
FOR PERMISSION TO JOIN APPLICANTS ^{IN} ~~IN~~ ONE CLAIM
PETITION.

May it Please Your Honour,

It is submitted that all the applicants who are 12 in number had earlier filed a joint claim O.A. No. 1109-87 decided on 25.11.88. In that claim applicants were order to prefer representation which they jointly preferred. All the applicants have thus got a common cause of action, on identical facts and identical nature of relief is prayed on common grounds.

It is therefore most respectfully prayed that all the 12 applicants be permitted to join in one set of claim petition as done earlier in O.A. No. 1109-87.

COUNSEL FOR APPLICANT,

LUCKNOW:

23 May, 1990

A.K. DIKIT,
ADVOCATE.

F.T.R
84/5/90

Administrative Tribunal

P32

Received

Central Administrative Tribunal, Allahabad,
Registration O.A.No. 1109 of 1987 (L)

Chinna and 11 others Applicants
Vs.

Divisional Railway Manager
and others Respondents.

Hon. D.S. Misra, AM
Hon. G.S. Sharma, JM

(By Hon. G.S. Sharma, JM)

This is a petition u/s.19 of the Administrative Tribunal's Act XIII of 1985. It is alleged that the applicants had worked as casual labourers for different periods from 1971 to 1985 in the Northern Railway under the Inspector of Works Hardoi in para 6(1) of the petition and the details were noted in the casual labour cards issued to them. It is further alleged that the casual labourers who have not completed the requisite period of continuous working for absorption in the regular railway service are entitled to get their names included in the live list/register prepared for the purpose to have a prior claim of job over outsiders. Some of the applicants were not given any work after 1979 while others were not given any work for over 2-3 years. The representations made by the applicants for their engagement did not bear any fruit. They accordingly filed this petition for the only relief that the applicants are entitled for the inclusion of their names in the list to be prepared by the respondents within specified time and they are further entitled to be engaged as casual labourers in accordance with their seniority.

2. In the reply filed on behalf of the respondents, the allegations made in para 6(1) of the petition were not denied and it was stated that the applicants were engaged to discharge their duties of Khaleasis merely as casual labourers on daily wage basis. It was further very clearly stated in para

Page 11

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5 of the reply that the names of all the 12 applicants have been entered in the live register and in the seniority list, for future engagement.

3. In their rejoinder, it was stated by the applicants that it is not sufficient to say that names of the applicants have been included in the list. The necessary details, such as, number, date of issue, gradation number of applicants etc., should have been disclosed by the respondents and without the necessary details the applicants are not in a position to know their exact position. It was also stated that 8 persons mentioned in para 6 of the rejoinder are junior to the applicants who have not only been engaged but have also been regularised and the full justice has not been done to the applicants.

4. The applicants had also summoned record from the respondents to show their position in the live list/register and at the time of hearing, much emphasis was laid on behalf of the applicants that they should be given an opportunity to set up the case regarding their seniority as the relief claimed in this petition is comprehensive enough for entering into the question of seniority. The record brought by the respondents on the request of the applicants was permitted to be seen by the applicants for their information. After a very careful consideration of the whole matter, we are, however, of the view that the purpose of the applicants has been served and after their names were included in the live register/list, the petition became infructuous. The question of seniority cannot be gone into in this petition. For raising such question, the applicants have to give the necessary details of the persons against whom they claim seniority and they are also to be impleaded as parties to the petition. The relief regard-

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ing the future engagement of the applicants according to their seniority does not include the relief, the applicants have tried to urge before us, as such questions are to be first raised before the railway administration and when the railway administration fails to satisfy the applicants, they may approach the Tribunal for the proper relief by filing a separate petition (s). The live register is maintained only for the purpose of giving employment to the persons entered in the register in future according to the seniority shown in the said register and this having been done now, nothing remains to be adjudicated upon so far as the present case is concerned. The applicants cannot be allowed to raise the question of seniority in this petition and after getting their names included in the register, they are not entitled to any other relief.

5. The petition is disposed of accordingly without any order as to costs.

MEMBER (J)

M. MBAR (A)

Dated: 25th Nov. 1988
kkb

Page 3

11/11/88

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

LUCKNOW.

Misc APP/No. 360 of 1990 (L)

In

O.A. No. 183 of 1990 (L)

Chinna & 11 others..

..Applicants.

Versus.

Union of India & others..

..Respondents.

Compilation No. II

I N D E X.

Sl. No.	Description of Document	Page No.	Remarks
1.	<u>Annexure-A-2</u> Representation Dt. 20.1.89 along with Regd. Postal Receipts.	20 to 22	
2.	<u>Annexure-A-3</u> Notice Dt. 20.5.89 alongwith Regd. Postal Receipts Dated 22.5.89	23-24.	

LUCKNOW:

May, 1990

C.K. DIXIT,

ADVOCATE.

237

सेवा में,

1- श्रीमान् डिवाजनल रेल प्रबन्धक महोदय,
 उत्तर रेलवे, मुरादाबाद ।

2- असिस्टेंट इंजीनियर,
 उत्तर रेलवे, हरदोई ।

3- इंस्पेक्टर बाप. व. स.,
 उत्तर रेलवे,
 हरदोई ।

61e

बादरणीय महोदय,

विषय:- माननीय केन्द्र सेवा अधिकरण लखनऊ
 द्वारा याचिका संख्या 1109-87 में
 पारित आदेश दि. 25/11/88 के
अनुपालन में कार्यवाही ।

विनम्र निवेदन है कि हम प्रार्थीगण ने, जिन्हा विवरण नोट
 दिया है, श्रीमान् बाई ओडब्लू हरदोई के अग्रीन केजुअल लेबर के हम में
 काफी दिन कार्य किया था । हम लोगों को इस बात की जानकारी
 नहीं थी कि हमारा नाम लाष्क रजिस्टर में अंकित किया गया है या
 नहीं जिसके लिये हम लोगों ने माननीय केन्द्र सेवा अधिकरण के सम्म
 याचिका संख्या 1109-87 दायर किया जिसे मुन्गाई के समय रेलवे
 द्वारा यह बताया गया कि हम लोगों के नाम लाष्क रजिस्टर में अंकित
 है जिसकी क्रम संख्या का भी विवरण निम्न है :-

क्र.सं०	प्रार्थी का नाम व पता	न्यायालय में बताई/दिखाई गयी लाष्क रजिस्टर की क्रम संख्या पर अंकित नाम
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1-	चिन्ता पुत्र हंसा ग्राम तेरवा पोस्ट कौना जिला हरदोई ।	113
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2-	राम भरोसे पुत्र तालिकराम ग्राम पुरवा पोस्ट बरवा जिला हरदोई ।	72
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3-	राम प्रसाद पुत्र टिकई ग्राम तेरवा	81
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4-	रामभजन पुत्र गयादीन ग्राम सुहो	80
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5-	रईस अहमद पुत्र नन्हें ग्राम व	63
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पोस्ट छपूरहरा जिला हरदोई

6-	सूखेदार पुत्र गोकुल ग्राम तिरवा	99
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दिनांक

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- 7- मुन्ना पुत्र धनू ग्राम गेनापुर 76
- 8- महादेव पुत्र बिहारो ग्राम पहाडापुर 74
- 9- बोलाल पुत्र लठिमन ग्राम तिरवा 69
- 10- रामबन्ध पुत्र चम्पा ग्राम पहाडापुर 97ए
- 11- लक्ष्म पुत्र हरतहाय ग्राम पहाडापुर 103
- 12- ओलाल पुत्र मोहम्मद ग्राम खटारा 97

2- उपरोक्त माहक रजिस्टर को न्यायालय में केम पर दिनांक 24-11-88 को जब यह पता चला कि इस लिस्ट में अंकित निम्न व्यक्ति जिनके प्राथीगता से कार्य दिवस काफी कम है और लिस्ट पर प्राथीगता से नीचे अंकित है, रेगुलर/ठीठोसोपल कर दिया गया है, तो प्राथीगता ने न्यायालय का ध्यान इस बात को और दिलाया जिस पर सम्मानित न्यायालय ने अभिमत व्यक्त किया कि वरिष्ठता का प्रश्न न्यायालय में अभी नहीं लय करेगा क्योंकि इसके लिए प्राथीगता को पूर्ण विवरण देना होगा और संबंधित जुनियर लोगों को वाद में फल बनाना होगा। न्यायालय ने यह भी मत व्यक्त किया कि प्राथीगता को पहले यह प्रश्न रेलवे प्रशासन के समक्ष उठाना होगा और यदि रेलवे प्रशासन प्राथीगता को सर्टिफिकेट नहीं प्रदान कर सके तो वह प्राथीगता पुनः न्यायालय में आ सके है। माननीय न्यायालय के आदेश की फोटोकॉपी भीमान जी के अतिरिक्त व्यलोपनार्थ सलम की जा रही है जिसमें उपरोक्त बातों का उल्लेख धारा 4 में स्पष्ट रूप से है।

3- यह कि प्राथी से जुनियर उन लोगों का नाम व माहक रजिस्टर को कम सहा तथा इस समय जहाँ पर यह लोग रेगुलर/ठीठोसोपल में काम कर रहे है निम्नलिखित है :-

क्र.सं. जुनियर का नाम	माहक रजिस्टर की क्रम संख्या	वर्तमान कार्यस्थल
1- गजराज पुत्र रम्भा	66	बार्ड बोर्डरु हरदोई
2- रामलाल पुत्र भीलई	67	"
3- सियाराम पुत्र फत्ते	70	बार्ड बोर्डरु राहजहानपुर
4- काशीराम	73	पीठरु बार्ड बालामऊ
5- चिन्ता पुत्र भिम्मा	74	बार्ड बोर्डरु बालामऊ
6- श्रीपाल पुत्र बलवत	88	बार्ड बोर्डरु राहजहानपुर
7- प्रहलाद पुत्र गजोहर	98	"

11/11/88

11/11/88

वि.स.

11/11/88

8- चाँदिका पुत्र राम प्रसाद	102	प्रीतबन्धु बाईशाजहापुर
9- शामशेर पुत्र बेधा	115	बाईबोडबू सरदोई
10- नरायण पुत्र बदलू	130	बाईबोडबू शाहजहापुर

4- उपरोक्त धारा 1 व 3 में अंकित विवरण से यह भलीभाँति स्पष्ट हो जाता है कि प्रार्थीगण से जूनियर सभी लोगों को डी०सी०एन० कर दिया गया है यह बात प्रार्थीगण को पहले पहल दि० 24/11/88 को न्यायालय में लिस्ट देखने पर ज्ञात हुआ ।

5- ऐसी दशा में प्रार्थीगण न्यायालय के आदेशानुसार चापके सम्पादक प्रत्यावेदन प्रस्तुत कर रहे हैं कि प्रार्थीगण से जूनियर लोगों को डी०सी०एन० करके प्रार्थीगण को उनके अधिकारों से वंचित कर दिया गया है ।

तदनुसार प्रार्थीगण यह प्रत्यावेदन न्यायालय के आदेशानुसार, न्यायालय के आदेश को फोटो प्रति सहित प्रस्तुत कर रहे हैं जोर प्रार्थी करते हैं कि प्रार्थीगण को भी रेगुलर/ डी०सी०एन० बनाकर उन्हें समस्त क्वेश्चन सेवा लाभदि देने को कृपा की जाय ।

इस प्रार्थी-पत्र का उत्तर प्रार्थी संख्या 1, 2 व 5 को देने को कृपा की जाय जिन्का पूर्ण पता उपर धारा 1 में वर्णित है ।

दिनांक: 20 जनवरी, 1989

प्रार्थीगण

चिन्ता बादि उपरोक्त सभी 12 प्रार्थी

चिन्ता

20/1/89

3- Since you have failed to dispose off the said representation dated 20.1.89, now my clients propose and intend to bring fresh claims against Railway Administration before Hon'ble CAJ as observed in its judgment dated 25.11.88.

By way of abundant caution this notice (though not legally required) is given to you in order to offer you one more chance to you to decide the said representation dated 20.1.89 and regularise my clients alongwith full back wages.

In case you fail to comply the terms of this notice appropriate legal action will be initiated against you on or any day after 23.6.1989 in which my clients will also claims costs of their litigation from you apart from reliefs of regularisations and full back wages.

Hence this notice.

Yours Faithfully,

(A . K . Dixit)
Advocate,
for Chinai & all others as
named above.

20 May, 1989.
Lucknow

20/5/89

A 32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW
BENCH LUCKNOW.

OBJECTION/REPLY

On behalf of Respondents
Nos. 1, 2, 3 & 4

In

C.A. No. 183 of 1990 (L)

Chinna & 11 Others ..

.. Applicants

Versus

Union of India & 14 Others ..

.. Respondents.

Objection/reply on behalf of the respondents
Nos. 1, 2, 3 & 4 are as under :-

1. That in regard to the allegations made in paragraph 1 of the application, it is stated that the application as framed is clearly not maintainable. Moreover it is further stated that a single petition by 12 persons, who in the circumstances and facts of the present case have separate causes of action, cannot be permitted to join the single petition. The petition is liable to be dismissed on this ground alone. It is further stated that the judgment and order passed in Registration C.A. No. 1109 of 1987 (L) does not, by any stretch of imagination, furnish any cause of action for maintaining the present petition.

Filed today
23/4/91

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2. That in regard to the allegations made in paragraph 3 of the application, it is stated that the service engagements are being provided to the casual labours strictly in accordance with their seniority as maintained in the Live Casual Labour Register maintained in the Office of the Assistant Engineer, Wardoi. These engagements are subject to the availability of the vacancies. The applicants had been told that their names will be considered for providing engagements in accordance with the above.

3. That in regard to the allegations made in paragraph 4(i) of the application, it is stated that the applicants were engaged to discharge the duties of Khalesi merely as casual labours on daily wage basis and ceased to work long ago. It is further stated that the total number of working days of the applicants as indicated in the para under reply is incorrect. In this connection, it may be pointed out that the total number of working days of Chinna, Subedar, Munna, Ram Chander, Bodh Lal, Laltu and Chote Lal have been wrongly mentioned in the para under reply. The actual number of working days as daily wage casual labours of these persons upto 14.8.1986 is as below :-

Chinna	216
Subedar	367
Munna	603
Ram Chander	369
Bodh Lal	834

Dr. Singh
Chief Engineer
Wardoi
14.8.1986

Sum

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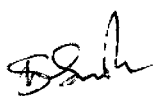
Laltu	324
Chote Lal	390.

The allegation to the contrary made in the para under reply is absolutely incorrect and is emphatically denied.

4. That in regard to the allegations made in paragraph 4(iii) of the application, it is stated that the names of the applicants have been entered in the Live Register of casual labours maintained in the office of Assistant Engineer, Hardoi and engagements on regular basis will be provided to the applicants strictly in accordance with their seniority as maintained in the Live Register indicated above subject to availability of the regular vacancies. The register is not known as Life Register but is known as Live Register of casual labours.

5. That in regard to the allegations made in paragraph 4(iv) of the application, it is stated that the claim petition, referred to in the para under reply, was disposed off by this Hon'ble Tribunal vide the judgment and order dated 25th November, 1988 and was dismissed as having ~~been~~ become infructuous. After taking into consideration the reliefs claimed in the writ petition, this Hon'ble Tribunal had decided to dismiss the petition as having become infructuous.

6. That in regard to the allegations made in paragraph 4 (v) of the application, it is stated that taking into consideration the relief claimed in the


उहायक अभियन्ता
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Asst. Engineer
M. Rly. Hardoi

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writ petition, referred to in the para under reply, it was not considered necessary to give a detail reply to the assertions made in paragraph 6(i) of the earlier petition. However, since in the present application a claim is being made on the strength of the number of days disclosed by the applicants, it has become absolutely necessary to bring to the notice of this Hon'ble Court the incorrectness of the details furnished by the applicants. Since the question of seniority has been raised now in the present case, it has become necessary to indicate that the actual number of working days as indicated in paragraph 4(i) of the present application is not correct. The assertion made in the paragraph under reply to the effect that the working days as indicated in paragraph 6(i) of claim petition No.1109 of 1987(L) were not denied by Railway Administration, is not correct. In this connection it is further stated that since the only claim in the earlier petition filed by the applicants was to get their names included in the Live Register of casual labours, and no question of seniority etc. was involved, it was not necessary to go into the details of number of working days to the credit of the applicants. In any case the inference drawn by the applicants to the effect that the assertion about the actual number of working days as made by them in the earlier petition was not disputed, is absolutely incorrect and is emphatically denied. Correct number of working days to the credit of the applicants on account of their



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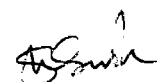
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having worked as casual labour under Assistant Engineer Hardoi has been indicated above and all the allegations to the contrary made in the para under reply are incorrect and are denied.

7. That in regard to the allegations made in paragraph 4(iv) of the application, it is stated that the objection/reply filed in the earlier claim petition No. 1109 of 1987(L) had been prepared taking into consideration the ultimate relief claimed by the applicants and the aforesaid objection/reply was confined to the claim of the applicants about the inclusion of labour their names in the Live casual register and nothing else.

8. That in regard to the allegations made in paragraph 4(vii) of the application, it is stated that during the course of final hearing of the claim petition C.A. No.1109 of 1987(L), the Railway Administration had produced the Live Register of casual labours maintained by the Assistant Engineer Hardoi for the perusal of the Hon'ble Tribunal and to satisfy the Hon'ble Tribunal that the names of the applicants in that petition had been recorded in the Live casual labour register. It was not shown to the applicants or their counsel. The allegation to the contrary made in the para under reply is incorrect and is emphatically denied.


हार्दोई इंजीनियर
ए. एच. हार्दोई
Assistant Engineer
A. E. Hardoi

9. That the allegations made in paragraph

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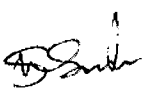
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the representation, referred to in the para under reply, was totally misconceived. It had been made clear to the applicants that the seniority position as maintained in the Live Register of casual labours by the Assistant Engineer Wardoi was strictly being followed for granting engagements on regular vacancies available under Assistant Engineer, Wardoi and Inspector of Works Wardoi for which the aforesaid register was meant. The applicants had to await their turn, which had not reached as yet.

12. That the allegations made in paragraph 4(xi) of the application are incorrect and are denied. The applicants were apprised of the situation that their turn had not reached and there was no vacancy available either under the Assistant Engineer, Wardoi or Inspector of Works Wardoi against which the applicants could be adjusted taking into consideration their seniority maintained in the Live Register of casual labours by the Assistant Engineer, Wardoi.

13. That the allegations made in paragraph 4(ii) of the application are incorrect and are denied.

14. That in regard to the allegations made in paragraph 4(xiii) of the application, it is stated that the facts asserted in the representation dated 20.1.1989 are incorrect. No irregularity in


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granting engagements on regular basis has been committed and the principle of seniority has been strictly adhered to. The persons whose names are entered in the Live register of casual labours maintained by the Assistant Engineer, Wardoi are to be provided engagements on regular basis as against the vacancies, which become available under the Assistant Engineer Wardoi or Inspector of Works Wardoi working under him. The I.O.W. Shahjahanpur is under the Assistant Engineer Shahjahanpur, where a different Live Register of casual labours is maintained for the vacancies available either under Assistant Engineer Shahjahanpur or the Inspector of Works Shahjahanpur or I.P.W.I. working under Assistant Engineer, Shahjahanpur. So far as I.P.W.I. Balamau and I.O.W. Balamau fall under Assistant Engineer Sitapur. The vacancies which become available under them are wholly irrelevant for the purpose of Live Register maintained by the Assistant Engineer, Wardoi. It is further stated that the chart as given in the para under reply is quite misleading. Narayan, Kashiram, Prahlad, Sripal, Siyaram, Chinta and Chandrika mentioned in the aforesaid chart have been granted engagements under I.O.W. Shahjahanpur, I.P.W.I. Balamau on the basis of entries maintained in the Live Register of casual labours by Assistant Engineer Shahjahanpur and the Live Register of casual labours maintained by Assistant Engineer, Sitapur. It appears that Narayan, Kashiram, Prahlad, Sripal, Chinta, Siyaram and Chandrika had got their names entered in the Live Register of casual labours maintained


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10/1/1954
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by Assistant Engineer Shahjahanpur and Assistant Engineer Sitapur and on the strength of their seniority as maintained in the aforesaid Live Register, they were granted engagements in the aforesaid Departments. These engagements have not been granted on the basis of the seniority of the casual labours as given in the Live Register maintained by the Assistant Engineer Hardoi. So far as Ram Lal and Gajraj, referred to in the chart under reply, are concerned, they are of the cadre of Mason and not Khalasi. They had to be adjusted as a Mason for which they are qualified. Since none of the applicants are qualified to be absorbed as Mason, they could not be adjusted against the vacancies in the post of Mason, which became available and in these circumstances, the aforesaid persons viz. Ram Lal and Gajraj were granted engagements on the aforesaid post of Mason. So far as Shamsher, referred to in the para under reply, is concerned, the total numbers of working days as casual labour to his credit are 1076. His seniority position in the relevant Live Register is not at 115 as suggested.

15. That the allegations made in paragraph 4(xiv) of the application are incorrect and are denied. The engagements were provided taking into consideration the correct seniority position determined on the basis of number of working days to the credit of the casual labours under Assistant Engineer Hardoi or I.C.W. Hardoi or F.W.I. Hardoi and judging the suitability. The correct facts have already been stated in the preceding paragraphs.



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16. That in regard to the allegations made in paragraph 4(xv) of the application, it is stated that the applicants have to await their turn for the offer of engagements on regular basis. The offer will be given taking into consideration the seniority and suitability of the applicant and availability of the vacancies.

17. That in regard to the allegations made in paragraph 4(xvi) of the application, it is stated that the casual labours whose names are entered in the Live Register of casual labours maintained by the Assistant Engineer Sitapur will be offered engagements taking into consideration the seniority and suitability against the vacancies, which become available under Assistant Engineer Sitapur or the P.W.I. or I.C.W. working under him. The applicants whose names have been entered in the Live Register maintained by the Assistant Engineer HarDOI cannot be given any offer of engagement for the vacancies arising under Assistant Engineer Sitapur or I.C.W. Sitapur or P.W.I. Sitapur. All the allegations to the contrary made in the para under reply are incorrect and are denied.

18. That the allegations made in paragraph 4(xvii) of the application are absolutely incorrect and are emphatically denied. No ground has been made out for any interference by this Hon'ble Tribunal and the application is totally misconceived and deserves to be rejected.


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19. That in regard to the allegations made in paragraph 5 of the application, it is stated that the grounds are totally misconceived and baseless. No case has been made out for any interference by this Hon'ble Tribunal and the application deserves to be rejected.

20. That the allegations made in paragraph 6 of the application are incorrect and are denied.

21. That in regard to the allegations made in paragraph 7 of the application, it is stated that the application is totally misconceived.

22. That the allegations made in paragraph 8 of the application are absolutely incorrect and are emphatically denied. The application is not maintainable and the applicants are not entitled to any of the relief as claimed and the application deserves to be rejected.

I *Surya Prakash*
aged about 29 years of *Hari Singh*
working as *ASSH Engineer HARDOI* presently
employed at *HARDOI*

do hereby verify that the contents of paragraph

20.11.16 to 22.
Nos ~~1000-22~~ of this reply/objection are true to

Surya
सहायक अभियन्ता
उत्तर रेलवे, हरदोई
Asstt. Engineer
N. Rly. HarDOI

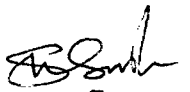
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of para 1, 3, 4, 7, 9, 10, 12, 13, 14, 18 on
my personal knowledge and based on perusal of
records, which all I believe to be true that no
part of it is false and nothing has been suppressed
in it.

PLACE:

DATE:


सहायक अभियन्ता
उत्तर रेलवे, हरदोई

(Signature, Ensignment)
H. Riv. Hardoi


(Signature of Counsel)

28/6/2000
Date of Filing
Date of Receipt

In the Central Administrative Tribunal Lucknow Bench
Lucknow.

Application on behalf of petitioners
Counsel regarding intimation of Death of
Applicants.

M.P.No. 1429/2000 of 1/5/00

Inre

O.A.No. 183 of 90 (L)

Chinna & others

---Applicants.

Versus

Union of India & others

---Respondents.

May it please your Honour,

It is submitted for the informations of
the Hon'ble Tribunal that in the present O.A.
applicant's No.1 & 2 have died. In order to submit
a detailed application for substitution of their heirs
if any as might be choosed by their heirs has to
be filed.

It is therefore most respectfully prayed
that I may be permitted a fortnights time to seek
instructions in this behalf and to move necessary
application if any.

lucknow.

dated: 28-6-2000

Counsel for Applicants

(A.K. Dixit)

Advocate.

(AJS)
28/6/2010

In the Central Administrative Tribunal Lucknow Bench
Lucknow.

Application on behalf of petitioners
Counsel regarding intimation of Death of
Applicants.

N.P.No.

1428/2010

of 1999

In re

C.A.No. 183 of 99 (L)

Chandra & others

---Applicants.

Versus

Union of India & others

---Respondents.

May it please your Honour,

It is submitted for the informations of
the Hon'ble Tribunal that in the present O.A.
applicant's No. 1 & 2 have died. In order to submit
a detailed application for substitution of their heirs
if any as might be chosen by their heirs has to
be filed.

It is therefore most respectfully prayed
that I may be permitted a fortnights time to seek
instructions in this behalf and to move necessary
application if any.

Lucknow.

Dated: 28-6-2010

Counsel for Applicants

(A. C. Dixit)

Advocate.