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CLA-Question Paper

18

**QUESTION PAPER FOR THE WRITTEN EXAMINATION TO THE POST OF LAW
ASSISTANT IN SCALE RS. 6500-10500**

Date of Examination: 16.12.2006

Max. Marks: 100
Max. Time : 3 Hrs.

Instructions to the candidates:

1. Candidates should not write his / her roll number anywhere, except in the space provided on the top sheet of the answer book.
2. Answers for the objective type questions (Part-C) should be mentioned in the answer book itself duly indicating the question number. Answers indicated in the question paper will not be valid and will not be taken into consideration for evaluation.
3. There will be no negative marks for the wrong answers given in respect of objective type questions.

**PART-A
(DESCRIPTIVE)**

Answer any four questions from the following.
All questions carry equal marks (10 marks)

4x10=40

1. a) What is the general responsibility of Railway Administration as carrier of goods?
b) What is the responsibility of Rly. Admn for any damage/loss of the goods to be loaded or delivered at a siding not belonging to Rlys?
2. Write short notes on the following:
a) Workmens Compensation Act
b) Public interest litigation
3. What are the salient features of Right to information Act?
4. a) What are the essentials of a contract ?
b) All contracts are agreements, but all agreements are not contracts – explain?
5. Define Consumer, Defect, Deficiency and Service as provided under Section 2 of CP Act, 1986.
6. Distinguish between
a) Res judicata and Estoppel?
b) Set off and Counter claim?
7. What do you understand by Official Language Implementation Act and steps taken by the Railway for implementation of the same?

PART-B

1X15=15

8. 'X' selected for the post of traffic apprentice. He has to undergo two years training at ZRTI. At the time of his appointment, he had made an agreement with Railways that he would serve Railways for five years after the training and on his failure to serve, he would refund the amount of training @ with 12% interest. However, after serving Railways for 6 months on completion of training, he left the job and joined a firm. Railways decided to invoke the agreement. Draft a plaint to recover the amount from him.

(OR)

DRAFT AN AGREEMENT WITH THE FOLLOWING DETAILS.

Cloak Room contract was awarded to M/s Deepak Enterprises, to run Secunderabad Railway Station Cloak Room.

1. The contract is for three years. Commencing from 1-7-2006, Licence fee fixed was

1 st year	--	10.5 lakhs }	
2 nd year	--	13.5 lakhs }	Mode of payment.
3 rd year	--	16.0 lakhs }	
- 2] Security Deposit of Rs. 1.5 lakh to be paid in cash or Bank Guarantee.
- 3] Cloak Room premises, Power supply will be provided by Railways.
- 4] Contract has to employ his own men to run the contract.
- 5] Cloak Room charges are also fixed at Rs. 10/- per package for first 24 Hrs,

For next 24 Hrs or part there of	--	Rs. 12/-.
For each subsequent 24 Hrs or part there of	--	Rs. 15/-
- 6] Contractor has to indemnify Rlys from any loss, damage to the luggage due to fire or other accident, or theft etc.
- 7] Railway shall have the right to determine the contract in the event of default/failure in running the contract.
- 8] Termination of contract from either side.
- 9] Penalties for not adhering to agreement conditions.
- 10] Mechanism to resolve disputes arising out of the contract.

**PART-C
(OBJECTIVE)**

Answers should be indicated in the answer book.

15x1=15

Multiple choice questions:

1. 'Caveat emptor' means:
 - a) Let the seller beware
 - b) Let the buyer beware
 - c) Agreement with Emperor
 - d) None of the above

2. 'An indispensable condition' is the meaning of which of the following maxim:
 - a) *sine qua non*
 - b) *condi indispensable*
 - c) *quid pro quo*
 - d) *obiter dicta*

3. Penalty for illegal strike and lockouts is provided under which of the following sections:
 - a) Sec 25
 - b) Sec 26
 - c) Sec 33
 - d) None

4. An Award passed by the authority under W.C. Act can be appealed before:
 - [a] Regional Labour Commissioner
 - [b] Chief Labour Commissioner
 - [c] High Court
 - [d] Dist Court.

5. Which Article of Constitution deals with 'Free legal Aid to poor, illiterate and indigent persons':
 - a) Article 37
 - b) Article 38
 - c) Article 39
 - d) Article 39 A

6. Endangering safety of persons traveling by willful act or omission is an offence according to:
 - [a] Sec. 152
 - [b] Sec. 153
 - [c] Sec. 154
 - [d] Sec. 155

7. Which of the following are liable for attachment under Sec 60:
 - a) Pension
 - b) Gratuity
 - c) Moiety calculated under the Act
 - d) None of the above

8. When a prosecution witness is declared as hostile witness, the IO:
a) Can drop him
b) Can cross examine him
c) Can ask him not to attend the enquiry
d) None of the above
9. Government of India may sue or be sued by the name of the Union of India under which Article:
a) Article 299
b) Article 300
c) Article 302
d) None of the above
10. Right to information flows from which of the following Articles:
a) Articles 19 & 20
b) Articles 21 & 22
c) Articles 19 & 21
d) Articles 14 & 19
11. Judgement debtor means:
a) Any person in whose favour a decree has been passed
b) Any person against whom a decree has been passed
c) a & b
d) None of the above
12. Under the Arbitration and conciliation Act, an Arbitral award will be enforceable like a decree:
a) After expiry of 3 months
b) Immediately
c) After expiry of six months
d) It cannot be enforced.
13. Privity of contract means:
a) In contract between private parties, Govt can sue
b) A stranger to a contract cannot sue
c) A contract between the private parties
d) None of the above
14. 'Let the purchaser beware'. Denotes the meaning of which of the following maxims:
a) *Vendor emptor*
b) *Caveat vendor*
c) *Caveat emptor*
d) None of the above
15. A takes Rs.25,000/- from a Bank as loan. B gives an undertaking that he will pay the debt, if A fails to pay. It is a :
a) Contract of guarantee
b) Contract of indemnity
c) Under taking contract
d) All of the above

Fill in the blanks:

15x2=30

16. Intra vires means _____
17. Article _____ of constitution provides safeguard to a Govt. servant before he was removed/dismissed or compulsory retired from service.
18. An appeal from the order of CAT lies to _____
19. 'Obiter Dictum' means _____
20. The liability of Railway Administration for any loss, destruction, deterioration, non-delivery of goods carried at owners risk rate is prescribed under Sec _____ of Railways Act.
21. According to _____ section of Rly. Act, the property in the consignment covered by a railway receipt shall pass to the consignee or the endorsee.
22. A money suit by Govt. arising out of a contract can be filed with in _____ years from the date of cause of action arose.
23. Caveat can be filed before the court in a suit or proceeding instituted or about to be instituted. Such caveat shall remain in force for a period of _____.
24. 'Malfeasance' means _____
25. 'Between living persons' is the meaning of _____ maxims.
26. 'Something for something' is the meaning of _____ maxim.
27. Penalty for making a false statement in an application for compensation is prescribed under Sec _____
28. The President of India makes rules in exercise of the powers conferred by the proviso of _____ Article of the Constitution.
29. An aggrieved employee, after submitting representation to Rly. Admn. Has to normally wait for _____ before filing case before CAT.
30. Section _____ of the Consumer Protection Act provides for penalties for failure or omission to comply with any order made by the District Forum, State Commission & National Commission.

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CLA-Question paper

SOUTH CENTRAL RAILWAY

Question paper for the written examination held as part of selection to the post of Law Assistant in Pay Band ₹ 9300-34800 with Grade Pay of ₹4,600/- against 60% promotional quota
Date of written examination: 9.7.2011

Maximum Marks: 100
Maximum Time: 3 hours

Instructions:

- 1) All answers are to be written in the answer book-let only.
- 2) Writing of name or making any identification in the answer book-let is totally prohibited and the candidate doing so would be disqualified.
- 3) The answers should be brief, clear and specific.

PART 'A'

Descriptive Type of Questions

1) Answer any 05 (five) questions from the following. All questions carry equal marks. (5x 10 = 50 Marks)

- 1) A) What is the general responsibility of a Railway Administration as carrier of goods? (6 marks)
- B) Under what circumstances, a Railway Administration shall not be responsible for the loss, destruction, damage and deterioration or non-delivery of any consignment? (4 marks)
- 2) A) What do you mean by 'Principles of Natural Justice'? Explain duly quoting a couple of Supreme Court's Judgments. (6 marks)
- B) What are the rules of Natural Justice? Explain. (4 marks)
- 3) A) What is meant by Estoppel? (6 marks)
- B) What is the difference between Estoppel and Admission? (4 marks)
- 4) Distinguish between- (4x2.5=10 marks)
 - a. Revision and Review under the RS (D&A) Rules, 1968;
 - b. Strikes and Lock-outs;
 - c. Partial Disablement and Total Disablement under the Employees Compensation Act;
 - d. Premature retirement and Compulsory retirement.

- 5) A) When shall an employee be deemed to possess proficiency in Hindi? (3 marks)
- B) When shall an employee be deemed to have acquired working knowledge of Hindi? (3 marks)
- C) How many members are in Parliamentary Committee of Official Language and how are they elected? (3 marks)
- D) Who is responsible to implement Hindi in Government Offices? (1 mark)
- 6) A) What is 'retrenchment' as defined under Section 2 (oo) of the Industrial Disputes Act, 1947? (4 marks)
- B) What are the conditions precedent to retrenchment of workmen? (6 marks)
- 7) A) What are the Fundamental Rights enshrined in Part -III of the Constitution? (8 marks)
- B) What is the fundamental difference between the Fundamental Rights and Directive Principles of State Policy? (2 marks)

PART 'B'

Fill in the blanks

- l) **Answer any 20 (twenty) questions:** (20x2= 40 marks)
- 1) The Railway Servants (Discipline and Appeal) Rules, 1968 are made by the President in exercise of the powers conferred by the Proviso to _____ of the Constitution of India.
 - 2) 'Demonstrations' are dealt with in Rule No. _____ of the Railway Servants (Conduct) Rules, 1966.
 - 3) As per the latest amendment, the ceiling of wages of a workman is _____ under Section 2 (s) of the Industrial Disputers Act, 1947.
 - 4) In terms of Rule 19 of Administrative Tribunals Act, 1985, a petition to review an order in O.A. is to be filed within _____ days.
 - 5) The Railway Claims Tribunal Act, 1987 came into force on _____.
 - 6) Under the Administrative Tribunals Act, 1985 a person shall be qualified for appointment as Chairman unless he is or has been a _____.
 - 7) An appeal shall lie from every order of the Claims Tribunal to the _____.
 - 8) The Claims Tribunal shall not admit an application for any claim under sub-clause (i) of Clause (a) of sub-section (1) of Section 13 of the Act unless the application is made within _____ from the date on which the goods were entrusted to the Railway Administration for carriage by Railway.

- 9) Maximum running capacity of wagons and trucks shall be fixed under Section 72 (1) of the Railways Act by _____.
- 10) 'Equality before law' is laid down in Article _____ of the Constitution of India.
- 11) Article 311 of the Constitution of India deals with _____.
- 12) The latin term 'quid pro quo' means _____.
- 13) The term 'Obiter Dictum' means _____.
- 14) The term 'sine qua non' means _____.
- 15) The Land Acquisition Act, 1894 was enacted with the object of empowering Government to _____.
- 16) Every year Hindi Day is celebrated on _____.
- 17) Under the Factories Act, 1948, no adult worker shall be required or allowed to work in a factory for more than _____ hours a week.
- 18) The principle of 'Res Judicata' is incorporated in Section _____ of the Civil Procedure Code.
- 19) 'Suspension' is dealt with in Rule nos _____ and _____ of the Railway Servants (Discipline and Appeal) Rules, 1968.
- 20) Under the Right to Information Act, 2005, if the information sought is concerning the life or liberty of a person, the same shall be provided within _____ of receipt of the request.
- 21) The latin term 'infructuous' means _____.
- 22) Sexual harassment of women at work-place included as Rule no. 3-C of the Railway Services (Conduct) Rules, 1966 is based on the judgment of the Apex Court in the case of _____.

II) Indicate whether the following statements are 'Right' or 'Wrong'
(5x1=5 marks)

- 1) The writ of Quo Warranto is an order of a superior court to an inferior court or tribunal requiring that the record of the proceedings pending before it be transferred to be dealt by the superior court where the inferior court is acting wholly without jurisdiction or in excess of jurisdiction or in violation of the principles of natural justice or there is error of law apparent on the face of record which has resulted in the manifest injustice.
- 2) Guarding the children against exploitation and moral de-gradation is a fundamental duty cast upon each citizen under Part IV-A of the Constitution of India.
- 3) The Headquarters of South East Central Railway is Bilaspur.
- 4) The number of dependant relatives who may be included in the privilege pass or PTO shall not be more than two.
- 5) The Revising Authority in exercise of the powers conferred under Rule no. 25 of the RS (D&A) Rules, 1968 may modify the penalty of 'removal from service' to that of 're-appointment in railway service as a fresh entrant for all purposes'.

PART 'C'

Practical questions:

(5x1=5 marks)

Attempt either of the two questions:

- 1) A Pointsman 'A' was removed from service during November, 1990 for 640 days of unauthorised absence, after following the procedure laid down under the R.S (D&A) Rules, 1968. He made an application during January, 2009 to the Disciplinary Authority stating that he has a family comprising his widowed mother, illiterate wife, three daughters and one physically handicapped son and requesting for grant of compassionate allowance. The same was considered by the Disciplinary Authority and was rejected by him during April, 2009. He filed an O.A. in the Hon'ble CAT/HYB during June, 2011 praying the Hon'ble Tribunal to direct the respondent Railway Administration to sanction compassionate allowance.

State the grounds on which an effective reply statement resisting the claim may be prepared.

- 2) Two widows of a deceased railway employee have submitted an award passed by the Lok Adalat for sharing in equal proportions of the settlement dues arising on account of the death of their husband in which the Railway Administration was not impleaded as a party. The award was not acted upon by the Railway Administration due to which, the widows have filed an O.A. in the Hon'ble CAT/HYB. On what grounds, an effective reply statement resisting the claim can be made. An important Supreme Court Judgment in the matter of jurisdiction of Lok Adalats may be quoted in the grounds.
